

SHRI KANWAR LAL GUPTA: Sir, I introduce the Bill

1518 hrs

EMERGENCY COURTS BILL*

SHRI RAM JETHMALANI (Bombay—North-West) Sir, I beg to move for leave to introduce a Bill to provide for establishment of Emergency Courts for the trial of a certain class of offences

MR DEPUTY-SPEAKER The question is

"That leave be granted to introduce a Bill to provide for establishment of Emergency Courts for the trial of a certain class of offences"

The motion was adopted.

SHRI RAM JETHMALANI Sir I introduce the Bill

MR DEPUTY-SPEAKER Now, we take up the motion for extension of time for eliciting opinion on Bill to be moved by Mr Kamath

1514 hrs

CONSTITUTION (AMENDMENT) BILL—contd

(Amendment of article 51) by Shri Hari Vishnu Kamath

SHRI HARI VISHNU KAMATH (Hoshangabad) Mr Deputy-Speaker, Sir, I beg to move the following —

"That this House do extend upto the 23rd February, 1979, the time appointed for eliciting opinion on the Bill further to amend the Constitution of India"

Sir, the Constitution (Amendment) Bill (Amendment of Article 51) was moved by me on the 7th of April and it was discussed on that day and also on the 20th of April 1978 and the motion for circulation of the Bill for

eliciting opinion thereon was moved by my hon friend, Mr P. K. Deo and was adopted unanimously by the House. The Bill (Amendment of Article 51) calls upon the Government to collaborate with like-minded nations for the early convening of a World Constituent Assembly to formulate a Constitution for a world federal government. On the 5th of May 1978, my hon friend, Shri P. K. Deo's motion for circulation was adopted by this House and in pursuance of that motion adopted by this Sabha, the Bill was circulated subsequently by the Secretariat as usual, as is the practice and the Bill together with copies of extracts from Lok Sabha corrected Debates dated 15th July 1977 (the date on which it was first introduced), 7th April 1978, 20th April 1978 and 5th May 1978, was sent, along with a forwarding letter and the State Governments and Union Territory Administrations were requested to send to this Secretariat, Lok Sabha Secretariat their opinions on the provisions of the Bill and the opinions of such public bodies persons and selected officers as they deem fit

Secondly, the State Governments and Administrations of the Union Territories were requested to consult the Judges of the High Courts the Courts of the Judicial Commissioners, the Bar Councils of the Territory and send their opinions on the provisions of the Bill

They were requested also to see that the Bill, together with the Statement of Objects and Reasons, may be published in the State Gazette and a copy of the Gazette be sent to this Secretariat, the Lok Sabha Secretariat. While publishing the Bill in the Gazette, it was made clear in the Gazette that any person or public body desiring to submit opinion on the Bill should do so to the State Government, or to the Administrator of the Union Territory only, and not direct

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to the Lok Sabha Secretariat, or to any Ministry of the Government of India.

They were requested also to afford an opportunity to the Members of the State Legislatures to express their opinion on the Bill, if they so desire. A few copies of the Bill were requested to be placed in the Library of the State Legislature to enable the Members to study the Bill and submit their opinion to the State Government.

There was a further request made by the Lok Sabha Secretariat to the effect that opinions received by the State Governments, or Administrations of Union Territories, in any language other than English or Hindi might be translated into English or Hindi, and the translated version only forwarded to this Secretariat.

The last date for tendering of opinion, according to the motion moved by Shri P K Deo and adopted by the House, was 10th August 1978, a few days hence, next week, today being the 4th But, before that, there will be no date for Private Members' Bill So, I am moving this motion today.

The upto-date position is this. The Maharashtra Government has been the first in the field. The Maharashtra Government has forwarded the opinions of three individuals—I will not tire the House with the names of the persons and all that. The first list has come from the State of Maharashtra, giving the opinions of the three individuals. Apart from that, various bodies, associations, have sent copies of resolutions adopted by them to the hon Speaker, and some of them to you also. Sir I believe, to the Prime Minister, to me, to some Members or many Members of this House. Among them there are organisations called the World Constitution and Parliament Association, with its Headquarters, with Branches and Chapters in the United States, in the United Kingdom and in Sri Lanka, from whom I have received letters welcoming the measure. Then there

is the World Union, based in India and functioning in India mostly, with about 30 or 40 Chapters, Branches, in the various cities and towns of our country. They have also adopted resolutions, welcoming the measure, and they have sent their resolutions, stereotyped resolutions. As they are identical resolutions, I would only read one of the resolutions. It says:

"This meeting of the members of the World Union (branch, held, on (date) at the Centre under the Presidentship of after an elaborate discussion on the Constitution Amendment Bill (No 55 of 1977), moved in the Lok Sabha on the 7th April 1978, by Shri Hari Vishnu Kamath, seeking the insertion of a new clause (e) to article 51 of the Constitution of India, endorses fully the Statement of Objects and Reasons to the Bill."

They have quoted in extenso the statement of objects and reasons. I will not read that in the House because the House is already aware and cognisant of that. It finally says: "Hereby this meeting resolves to lend its full support to the said Bill and urges the Government of India to accept the Bill and take all necessary steps to convene the World Constituent Assembly taking as a basis the Constitution of the Federation of the Earth is of which you are aware the Federation of Earth, adopted in Innsbruck near Vienna in June 1977 is and" this meeting resolves to send a copy of this resolution to the Prime Minister of India, to the Speaker of the Lok Sabha and Shri H V Kamath. And some of them sent to you also; Mr Mavalankar also got a copy of this. "This meeting also urges the Members of the Lok Sabha to consider the Bill." The last sentence in every resolution is identical "This meeting also urges the Members of the Lok Sabha to consider the Bill in a wide and all pervasive perspective and to do all needful to adopt the Bill." Then there are other organisations like the Indian World Federalist

[Shri Hari Vishnu Kamath]
Youth, who have got their branches or chapters in Bombay, Mysore and Calcutta.

Lastly, I would also like to mention that the External Affairs Minister, Shri Atal Behari Vajpayee has been kind enough to respond to my request that the Bill together with the Lok Sabha debated thereon might be circulated to, might be sent to our Embassies and Missions abroad for necessary action in those areas. He has said in his letter of 19th July 1978: "Kindly refer your letter. We are taking action to circulate the text of your Bill to our Missions abroad." I have requested him to circulate not only the text of the Bill but also the Lok Sabha debates that took place on the 7th April, the 20th April and 5th May, 1978.

SHRI VASANT SATHE (Akola): Why don't you send it to the various Governments?

SHRI HARI VISHNU KAMATH: Yes, I have said that the Lok Sabha Secretariat has done that. Perhaps, you were not quite attentive.

SHRI VASANT SATHE: You just now said that it has not yet been sent to the Governments.

SHRI HARI VISHNU KAMATH: It has been sent to the State Governments.

SHRI VASANT SATHE: Not the State Governments. It should be sent to the Governments of the World because it is the Constitution of the World which you are going to frame.

SHRI HARI VISHNU KAMATH: If the House agrees to that, I will make a request to...

SHRI VASANT SATHE: There should be an amendment that it should be circulated to all Governments of the World so that we get their opinions also. After all, the Constituent Assembly will be for the World Gov-

ernment. How can you frame a Constitution of the World without involving the world Government? It should be. I am seriously suggesting this.

PROF P. G. MAVALANKAR (Gandhinagar): What is wanted is a change in your Constitution and it is not for the other countries to give their opinion.

SHRI VASANT SATHE: Am I to understand that we are going to have one World Constitution?

SHRI SAUGATA ROY (Barrackpore): Do you mean to say that it should be sent to the other world also?

SHRI HARI VISHNU KAMATH: Let us work in this world first. I am happy and so are you, Sir, I believe, I am sure, at the brainwave of my hon. friend, Mr. Sathe and if the House is agreeable, I am certainly ready to accept that suggestion.

(Interruptions)

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): We cannot permit... (Interruptions).

SHRI VASANT SATHE: Others can talk about the other world. I do not mind. (Interruptions).

SHRI HARI VISHNU KAMATH: We need not bother about the next world just now.

If the Minister on behalf of the Government agrees, I will write to the External Affairs Minister, pursue my correspondence with him and request him to send the debate and the Bill to our Missions abroad. He has agreed to send the Bill. But if it is to be sent to the Foreign Ministers of the Governments, the Prime Ministers of the other Governments, all Governments of the World, that is a very happy suggestion, a very welcome suggestion and I would certainly welcome it with all my heart, with all my mind, with all my soul and with all my might. (Interruptions) United Nations also.

PROF. P. G. MAVALANKAR: Yesterday you—coined a couplet on Shri Sathe, and you see, today, his response is sweet.

SHRI HARI VISHNU KAMATH: One couplet is enough for the present. I will think of more in future.

So, Sir, because the issue is such an important one, of global importance I have moved that the time be extended till early next year. That would give ample time for the other Governments also in the world to think over this measure and send their opinion. I am sure that the House will agree with my suggestion and also with Mr. Sathe's suggestion, a very welcome suggestion.

There is a precedent to this also for extending the time. My former colleague in the First Lok Sabha, the late Shri Amar Singh Saigal of Madhya Pradesh had a Bill captioned "The Sikh Gurdawars Bill". The circulation motion was adopted on the 12th December, 1953, that the Bill be circulated for eliciting opinion thereon by the 30th March, 1959 and the motion for extension of time was moved on the 10th March, 1959, before the due date, and extension was granted till 30th July, 1959.

AN HON. MEMBER: That is the Second Lok Sabha.

SHRI HARI VISHNU KAMATH: He was my colleague in the First Lok Sabha. I was not in the Second Lok Sabha.

This is the precedent. So, I commend this motion for the consideration of the House—I hope, it will be unanimously adopted—that the House do extend the time upto 23rd February, 1979 for eliciting opinion on the Bill further to amend the Constitution of India, namely, article 51.

With these words, I move and commend the motion to the House.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Mr. Deputy-Speaker, Sir, I have no objection to the motion. I support the motion.

There are just two things that I would like to say, before the motion is taken into consideration. One is the point raised by Mr. Sathe that the Bill may also be circulated among the world Governments. Perhaps, if I may say so, with great respect to Mr. Sathe, the suggestion is premature. Maybe, he is under the impression that Mr. Kamath has already moved a Bill for the framing of a World Constitution. But so far as he has only moved a Bill for amending the Indian Constitution, the Constitution of India, namely, a directing principle. Why should the other world Governments be involved in the framing of our Constitution? After all, India is a sovereign country

SHRI MADHU LIMAYE (Banka): He is an internationalist

SHRI VASANT SATHE: Don't take it lightly.

SHRI SHANTI BHUSHAN: I am taking it very heavily.

SHRI VASANT SATHE: After all, if the idea in the Bill that is circulated for eliciting opinion—as you know, the debate has been very serious one in this House—is about the World Constitution, if at this stage you get the views and say that most of the world Governments agree, will it not become easier for us, if we amend our Constitution, to pursue the matter further?

PROF. P. G. MAVALANKAR: A better course will be to send it to the various parliamentary groups of countries rather than to the Governments

SHRI VASANT SATHE: That they can do through the Governments.

SHRI SHANTI BHUSHAN: The circulation of a Bill for eliciting opinion is for the purpose of getting the opinion of those who would participate and on whose behalf the Bill would really be adopted. So far, it purports to be merely an amendment of the Indian Constitution which might urge upon the Indian Government to take steps for the establishment of a World Government and a World Constitution....

SHRI VASANT SATHE: Some world bodies have already sent their opinion. Are you not going to call for that?

SHRI SHANTI BHUSHAN: If you invite somebody's opinion, obviously, it is for being taken into consideration. But in framing our Constitution, we should not take into consideration what other Governments, what other people, feel. That I would submit will not be right. At the next change, when the Government is moving a motion for establishment of a World Government and it is contemplating on what terms, etc., at that stage, certainly, the other world Governments would have to be approached. But not at this stage when we are only trying to introduce a directive principle in the Indian Constitution.

On the other point, I just wanted a clarification from Mr. Kamath: it must be a very valid one. He has mentioned the date 23rd February, 1979. I am just wondering whether it is based on astrological considerations or some other considerations, or he has this date in mind—namely that on 23rd February the World Government comes to be established and, just as we have the Republic Day on 26th January, he would like to have the World Republic Day on the 23rd February, and so he has chosen this date 23rd February.

SHRI HARI VISHNU KAMATH: That is the beginning of the Budget Session.

SHRI SHANTI BHUSHAN: So you also want to frame the budget. (Interruptions). I see. Very good; that is all I wanted.

SHRI HARI VISHNU KAMATH: Sir, I would only like to make one point. I believe my friend Shri Sathe's suggestion was made for the purpose of eliciting world opinion—not merely Indian opinion but world opinion....

PROF. P. G. MAVALANKAR: World parliaments and not World Governments.

SHRI HARI VISHNU KAMATH: At a later stage my Bill asks the Governments to collaborate with other nations. So, now by eliciting world opinion—either Parliaments' opinions or Governments' opinions—we will be in a position to know who are the like-minded nations with whom we can collaborate. That will facilitate the convening of the World Constituent Assembly later on—may be five or ten years hence: we are not at present bothered about the time. It may be a long-term measure or it may be a short-term measure. So, I for one, do not rule out Shri Sathe's suggestion as summarily as the Law Minister has done.

SHRI SAUGATA ROY: I think he has done it only with a view to saving postage.

SHRI HARI VISHNU KAMATH: Then you and I can offer him the postage. I am prepared to offer him the postage: will you contribute?

MR. DEPUTY-SPEAKER: Now, the question is:

"That this House do extend up to the 23rd February, 1979, the

time appointed for eliciting opinion on the Bill further to amend the Constitution of India".

The motion was adopted

15.30 hrs.

CONSTITUTION (AMENDMENT)
BILL—contd

(Insertion of new articles 23A, 23B and 23C) by Shri Y.P. Shastri.

MR DEPUTY-SPEAKER: Now further consideration of the following motion moved by Shri Y P Shastri on the 5th May, 1978, namely

"That the Bill further to amend the Constitution of India be taken into consideration" together with amendments moved thereon

Shri Kamath was on his legs Would he like to continue?

SHRI HARI VISHNU KAMATH (Hoshangabad) All right Sir, I am at the service of the House

When I spoke on the last day, i.e. a fortnight ago, in this House on my Hon colleague Shri Y P Shastri's Bill, I was making a point—I spoke hardly for three or four minutes—that a Sanskrit Sloka says:

भुङ्क्षितं किं न करोति पापम्

which means, 'what sin or crime will not a hungry man commit for his livelihood or for his selfsurvival'? Then

अस्मान् सततं रक्षेत् ।

This also means that everybody wants to save himself by every means possible

I have also said that in our country today, according to the Government statistics published in the papers earlier this year, last January there was an increase of 12 per cent in the unemployed population of this country

—the unemployed as registered with the Exchanges: outside the Exchanges, we do not know how many more there are There was an increase of 12 per cent during the period January 1977 to January 1978, and the figure with the Exchanges on that date in January 1978 was 111 million for the whole country—i.e. registered with the various Exchanges in the country If, behind every unemployed man or unemployed person, we compute also at least three or four persons who are dependent on him in some way or another, it will work out to about 40 to 50 million people who are hungry or without adequate food and means of livelihood and without shelter perhaps, without clothes and below the poverty line That is to say, about one-tenth of the population as registered Unregistered, below poverty-line, it is about—I do not know how many, is it 40 per cent or 30 per cent?

15.34 hrs.

[SHRI N K SHEJWALKAR in the Chair]

SHRI SAMAR MUKHERJEE (Howrah) More than 70 per cent in the villages

SHRI HARI VISHNU KAMATH How many are absolutely without work, we do not exactly know, but it will run into millions

SHRI SAMAR MUKHERJEE More than 50 millions

SHRI HARI VISHNU KAMATH Landless, workless, people in the rural areas are, perhaps, many more And we see the trek from the village to the town in search of employment, in search of work This searching very often turns out to be an ordeal for them and very often it reminds us of the old adage

"Searching in the dark night in a dark room for a black cat which is not there."