

[Shri Vasudevan Nair] *

[Need to expedite the construction of the Idikki Project. (25)].

"That the demand for grant on account under the head Public Works be reduced by Rs. 100."

[Need to expedite the anti-sea erosion works (26)].

Mr. Deputy-Speaker: The cut motions are also before the House. Now we will take up non-official business. This debate will continue afterwards.

14.30 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTY-NINTH REPORT

Shri Muthiah (Tirunelveli): I beg to move:

"That this House agrees with the Fifty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th March, 1965."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Fifty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th March, 1965."

The motion was adopted.

Mr. Deputy-Speaker: Bills to be introduced.

Shri Sivamurthi Swamy—not here.

14.30½ hrs.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of articles 15 and 16)

Shri Sezhiyan (Perambalur): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India".

The motion was adopted.

Shri Sezhiyan: I introduce the Bill

14.31 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of article 120)

Shri S. M. Banerjee (Kanpur): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

Shri S. M. Banerjee: I introduce the Bill.

14.31½ hrs.

CONSTITUTION (AMENDMENT) BILL—contd.

(Amendment of article 75 by Shri Yashpal Singh)

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Yashpal Singh on the 5th March, 1965:

"That the Bill further to amend the Constitution of India be taken into consideration."

*Published in Gazette of India Extraordinary, Part II, Section 2 dated 19-3-65.

The time already taken is twenty minutes, and forty minutes are left.

Shri Yashpal Singh (Kairana): The time may be extended by half an hour.

Mr. Deputy-Speaker: There are other Bills also.

Shri D. C. Sharma may continue his speech.

Shri D. C. Sharma (Gurdaspur): Sir, I was submitting that it is the law of nature, and I think this continuity of life is an article of faith with the followers of certain religions. But even those who have a scientific attitude to life believe in it. Just as there is continuity of human rights, so there should be continuity of life, of political life, of administrative life, of legislative life.

The Minister of State in the Ministry of Home Affairs (Shri Hathi): After five years?

Shri D. C. Sharma: And I believe that the Prime Minister in every democratic country of the world is a symbol of that continuity; and if the Prime Minister is removed by any accident, natural or otherwise, I believe that that continuity should not be given a rough jolt in any sense of the word. What happened in India just now was this that when our great Prime Minister, Pandit Jawahar Lal Nehru, passed away, the President called Shri Gulzarilal Nanda to act as the Prime Minister; then the Congress Legislative Party had its deliberations and the new Prime Minister was appointed by consensus. But there was a time lag between the sad and untimely demise of our Prime Minister, Pandit Jawaharlal Nehru, and the taking up of office on the part of the new Prime Minister, Shri Lal Bahadur Shastri. There was a caretaker Prime Minister for a few days. (*An Hon. Member:* For fifteen days). It only means this that in practice we think that the caretaker Prime Minister is essential in order to give the people the impression that the old council of ministers conti-

nues, that the old policies are going to be intact, and that the old set-up is going to remain.

What Mr. Yashpal Singh wants is this that you should give it a constitutional status; it should not depend upon the sweet will of any person. Mr. Yashpal Singh says that the seniormost member of the Council should officiate as the Prime Minister. I think nobody should have any objection to that. In our country we do not have the office of Deputy Prime Minister. Otherwise we generally find that the Deputy Prime Minister is the seniormost member of the Council and he continues and he acts in the place of the Prime Minister.

Then he says that this arrangement should last only till a new Prime Minister has been appointed by democratic procedure which is adopted by the ruling party, the dominant party. The Congress Party is the dominant party in India and they have to select or elect the new Prime Minister. So I feel that instead of making these *ad hoc* arrangements, instead of making such arrangements which are not in conformity with democratic practices in any country of the world, this constitutional provision should be made. And I believe that if this is done it will set at rest the large number of speculations that go on after the sad demise of any Prime Minister.

So I support this Bill, and I hope the hon. the Home Minister will not have any objection to it, because it is only constitutionalising or legalising what we are already doing, and I think to give it constitutional status will not do harm to anybody.

श्री रघुनाथ सिंह (वाराणसी) : उपाध्यक्ष महोदय मुझे दुःख है कि मैं अपने भाई श्री यशपाल सिंह के इस बिल का घोर विरोध करना चाहता हूँ। मेरे विरोध का कारण यह है कि संविधान को इतना लाइटली ट्रीट नहीं करना चाहिए। कांन्स्टीट्यूशन एक पवित्र

[श्री रघुनाथ सिंह]

चीज है और उसमें बहुत जल्दी जल्दी संशोधन लाना यह उचित नहीं मानलूम होता है।

अमरीका के कांस्टीट्यूशन में आप देखिये कि करीब 150-200 वर्ष के अन्दर मुश्किल से 5-7 बार उस में अमेंडमेंट हुआ है लेकिन हमारे भारतवर्ष में एक परम्परा चल गई है कि प्राइवेट मैम्बर बिल के द्वारा उसे अमेंड किया जाय और हमेशा दो दो और तीन तीन बिल इस प्रकार के आते रहते हैं कि कांस्टीट्यूशन को अमेंड किया जाय।

मैं इसका एक दूसरी दृष्टि से और विरोध करता हूँ। मान लीजिये कि कोई प्राइम मिनिस्टर अपने मन्त्रिमण्डल का संगठन एलफ़ैबेटिकल लिस्ट की बेसिस पर करता है और वह सीनियारिटी जूनियारिटी नहीं रखता है तो ऐसी अवस्था में क्या होगा? हाउस ऑफ़ कामन्स में या और किसी जगह ऐसा नहीं है कि जो मिनिस्टर नम्बर 2 हो वह प्राइम मिनिस्टर हो जाये। कोई खास बात नहीं होती है। हमारे हिन्दुस्तान में भी ऐसी परम्परा डालनी चाहिए कांस्टीट्यूशन के द्वारा नहीं बल्कि एक परम्परा हमको डालनी चाहिए। इसके विषय में कोई स्वस्थ परम्परा हम जारी करें। इसलिए मैं यह निवेदन करना चाहता हूँ कि इस प्रकार का संशोधन संविधान में कम से कम अनावश्यक है अलबत्ता एक ऐसी स्वस्थ परम्परा डाली जाये। इन शब्दों के साथ मैं श्री यशपाल सिंह के विधेयक का विरोध करता हूँ।

Shri Narendra Singh Mahida (Anand): Mr. Deputy-Speaker, Sir, I rise in support of this Constitution (Amendment) Bill sponsored by Shri Yashpal Singh. It is quite in conformity with our ideas; by this Bill, he wants to remove this doubt as to the succession on the Prime Minister's demise. My hon. friend Shri Raghunath Singh has just now stated that he does not agree with this Bill. I would request his party or the Min-

ister of State in the Ministry of Home Affairs to set an example by appointing a Deputy Prime Minister. Our late-lamented, beloved Sardar Vallabhbhai Patel was named as Deputy Prime Minister. We have a similar system with respect to the Vice President also. When the President is no more with us, we always have a Vice-President. Such an honourable post as Deputy Prime Minister cannot be left vacant. Or, in the alternative, we may have a system or a precedent of having the Home Minister succeeding the Prime Minister on the later's demise. On that principle, our present Home Minister had for the time being succeeded our late beloved Prime Minister. So, there must be some precedent or formula whereby this succession is not left in doubt as to who should succeed whom.

There were also rumours during Pandit Jawaharlal Nehru's lifetime also as to who would succeed Nehru, and that doubt persisted till the last day, till his death, and even after that, the people were left guessing, and for sometime, this question of appointment of the Prime Minister was hanging in the balance. Ultimately, the Home Minister succeeded the Prime Minister for sometime till other arrangements were made. So, we should amend the Constitution, or, if an amendment is not required or is not thought of, a precedent should be set whereby the Home Minister holding charge of that Ministry should succeed the Prime Minister.

With this suggestion, I welcome this Bill and commend it for the consideration of the Home Minister. In the alternative, as I suggested, they should appoint a Deputy Prime Minister.

श्री किशन पटनायक (सम्बलपुर) :
 उपाध्यक्ष महोदय, मैं माननीय सदस्य, श्री यशपाल सिंह के संशोधक-विधेयक का समर्थन करता हूँ। शायद उन्होंने इस संशोधक-विधेयक को इसलिए जरूरी समझा कि इस देश के प्रधान मंत्री की उम्र हमेशा साठ

बरस के उस पार ही हुआ करती है और इसलिए ऐसी स्थिति पैदा हो सकती है कि यह विवाद खड़ा हो जाये कि कौन उसके बाद उत्तराधिकारी बनेगा। स्थायी उत्तराधिकारी कौन बनेगा, यह तो सरकारी पार्टी के लोग तय करेंगे, लेकिन तात्कालिक प्रयोजनों के लिए कौन उत्तराधिकारी बनेगा, उसके बारे में कोई नियम बन जाना चाहिए। पता नहीं, यह बात कहां तक सत्य है, लेकिन स्वर्गवासी प्रधान मंत्री, श्री नेहरू, की मौत के बाद एक अफवाह सी फैल गई थी कि मौत के कई घंटे बाद मौत का ऐलान हुआ और इस देरी का एक कारण यह था कि उन के बाद कौन उत्तराधिकारी बनेंगे, उस का फ़ैसला जल्दी नहीं हो सका। अगर उसके बारे में ज्यादा विवाद होता—या भविष्य में हो—ता हो सकता है कि एक दो दिन के बाद ऐसी बातों का ऐलान सुनना पड़े और तब तक मौत की ख़बर को छिपाया जाये। इसलिए इस गुंजाइश को ख़त्म करने के लिए माननीय सदस्य, श्री यशपाल सिंह, का संशोधन मंजूर किया जाना चाहिए।

Shri Sham Lal Saraf (Jammu and Kashmir): Sir, while I appreciate the feelings with which my hon. friend Shri Yashpal Singh has moved this Bill, I really see some practical difficulties in supporting this Bill. No doubt, my venerable friend Shri D. C. Sharma had placed another viewpoint before the House. But I feel it is not easy that this Constitution could be amended everytime. Shri Raghunath Singh has correctly stated that for a country like India which is much bigger than America in the matter of population, it is not advisable to keep the Constitution amended so frequently, and particularly when a private Member recommends such an amendment infrequently, it becomes a mockery. There is not much force in asking for this amendment. Maybe, from merely looking at it, one might feel that some such thing has happened and so something should be done. But then,

many other important things escape our notice. I feel there is some point in the suggestion made by my hon. friend Shri Narendra Singh Mahida, namely, with a view to remove misunderstandings in the future, and to allow things to go on smoothly, the Congress Party of which I happen to be a member, might consider the suggestion of appointing a Deputy Prime Minister. That will certainly solve the difficulty.

I shall take this opportunity of refuting the point made by Shri Kishen Pattnayak. He said that the demise of our beloved leader, the late Prime Minister, Shri Jawaharlal Nehru, was not announced immediately after his death and that was delayed because of the arrangements needed for appointing a successor. He said that the demise was announced two or three hours later. That is absolutely wrong. Immediately the demise occurred, it was announced. There were a number of people, and hundreds of his followers were there; everybody was there. There was no question of hiding or delaying anything. So, what he said in this respect is absolutely incorrect.

But to avoid some practical difficulties, some way should be found out, but not the amendment of the Constitution in the manner proposed. The Government might devote its attention to it and see what things should be done; important things might arise and how and by what time they could be done and so on, have to be considered. Maybe many things might happen equally quickly. If any such arrangement is arrived at by which the entire work could go on smoothly without demur this way or that way, that would be good. In this light, I feel that this Bill, as is sought to be passed, could not be supported.

श्री शिव नारायण (बांसी) : उपाध्यक्ष महोदय, हम लोग इस देश में एक प्रजातन्त्र राज्य चला रहे हैं। यहां पर कोई राजशाही राज्य नहीं है और राजाओं की परम्पराओं वाला राज्य नहीं है। हमारा एक डेमोक्रेटिक

[श्री शिव नारायण]

सेटअप है। हमारे लेट प्राइम मिनिस्टर के मरने के बाद हिमालय पहाड़ वहीं है, जहां कि पहले था, कहीं कोई फर्क नहीं आया है। श्री पटनायक ने कहा है कि उनकी मौत की खबर छिपाई गई। हम सब जानते हैं कि जब इस बारे में एलान हुआ, तब हाउस के मेम्बर वहां गए और पंडित जी का अन्तिम दर्शन किया। उसके बाद नन्दा जी को प्रेजिडेंट साहब ने बुलाया। हमारे संविधान में यह व्यवस्था मौजूद है कि हमारे प्रेजिडेंट को, जो कि हेड ऑफ दि स्टेट है, यह हक है कि वह किसी को प्राइम मिनिस्टर एपॉइंट कर सकता है। मैं समझता हूँ कि मामूली बातों के लिए कांस्टीट्यूशन में एमेंडमेंट करने का बिल ला कर कांस्टीट्यूशन के साथ मजाक या मखौल नहीं करना चाहिए।

ऐसा कोई नियम या परम्परा नहीं है कि सीनियर आदमी को एपॉइंट किया जाये। मैं एक मिसाल देता हूँ कि जब श्रीलंका के एक मिनिस्टर को हटाया गया, तो उसके फॉलियामेंटरी सेक्रेटरी ने चार्ज लिया। इस लिए यह जरूरी नहीं है कि सिर्फ सीनियर आदमी को ही नियुक्त किया जाये। यह तो आदमी की एबिलिटी पर निर्भर करता है। पार्टी जिसको चाहे चुन सकती है। इसके अलावा प्राइम मिनिस्टर की मौत रोज़ तो होती नहीं है। "शरद शतं जीवेत," प्राइम मिनिस्टर के बारे में यह देश की तमन्ना है। माननीय सदस्य ऐसा बिल लाकर मखौल कर रहे हैं और इस लिए मैं उसका सख्त विरोध करता हूँ। वह जो एमेंडमेंट लाए हैं, उसकी कोई वैल्यू या जरूरत नहीं है। संविधान में इस के सम्बन्ध में व्यवस्था मौजूद है। आज भी अगर प्राइम मिनिस्टर अपना पद छोड़ दें, तो कल दूसरा प्राइम मिनिस्टर चुना जा सकता है। इस में मौत और जिन्दगी का क्या सवाल है? यह एक डेमोक्रेटिक सेट-अप है और इस लिए प्राइम मिनिस्टर का चुनाव मैजोरिटी पार्टी पर निर्भर करता है। जो बड़िया काम करेगा,

वह रहेगा और जो काम नहीं करेगा, वह अलग कर दिया जायेगा। हमारे यहां कोई एक्स, वाई, जेड प्राइम मिनिस्टर हो सकता है। "विश्वास फलदायक।" जिस पर जनता को विश्वास होगा कि अमुक आदमी हमारा सही संचालन करेगा, सही कार्य कर सकता है, उसको चार्ज मिल सकता है। इस सम्बन्ध में हमारे सामने कोई बाधा नहीं है।

हमारा शासन, प्रजातन्त्रात्मक है और हम मैजोरिटी से तय करते हैं। प्राइम मिनिस्टर का चुनाव कोई सीनियरिटी लिस्ट के आधार पर नहीं हो सकता है। यह कोई आई० सी० एस० या पी० सी० एस० का सिलेक्शन नहीं है। कोई एमाल-नामा नहीं रखा जा सकता है कि यह प्राइम मिनिस्टर होगा या वह होगा। यह गलत है और मैं इसका विरोध करता हूँ। मैं अपने मित्र से कहूंगा कि वह इस बिल को वापस ले लें।

Shri Hathi: Mr. Deputy-Speaker, Sir, the hon. Mover of the Bill has proposed this amendment wherein he wants article 75A of the Constitution to be added. Before I come to the merits of this amendment, I should like to reply to the introductory part of the speech that he made.

He complained:

"यहां हम लोग रात दिन बिल देते हैं, बिल्कुल इन्फोसैंट बिल देते हैं जो कि सरकार के हक में हैं और सरकार उन बातों को मानती है लेकिन चूकि गैर-सरकारी तौर से वे बिल आते हैं इसलिए सरकार उनकी अवहेलना करती है।"

I would make it very clear that from whatever side the Bill might have been introduced, it is given the fullest consideration by Government. It is not that because it comes from an

opposition member, the Bill is rejected. When a Bill is introduced, the Ministry concerned scrutinises it and passes it on to the Law Ministry. The Law Ministry very carefully examines the amendment. There is a parliamentary and legal affairs sub-committee of the Cabinet which also scrutinises the Bill. It may be that the Government may not accept the Bill as such for some reason which is also explained before the House. But very often the suggestions given by members are not only accepted, but action is taken on them.

For example, on the last occasion when private members' Bills were discussed, there was a Bill for amending section 109 of the Cr. P. C. Although it was not accepted—I had given my arguments for that—I said that it would be referred to the Law Commission. By reference, we do not simply ask whether it should be amended or not. We send to the Law Commission copies of the proceedings of this House, so that they may know the views of hon. members who participated in that discussion. If there are any suggestions from the utility or importance or requirement point of view, they are considered even subsequently. So, I assure the hon. member that simply because the Bill comes from an opposition Member, it is not rejected forthwith. I have given all the steps before we come to the decision that it need not be accepted.

The mover has said that this is an innocent Bill and so it should be accepted. There is a distinction between a Bill being innocent and its being necessary and important. Merely because an amendment is innocent, it does not mean that it is always to be accepted. The criterion for acceptance is not its innocence or harmfulness, but its necessity. As Mr. Raghunath Singh said, the necessity should be established much more strongly in the case of a Bill to amend the Constitution. No amendment to the Constitution, as the hon. member knows, can be passed so

lightly by a simple majority. It has to be passed by a majority of the total membership and two-thirds of the members present and voting. That is the importance given to such a Bill. Has he himself attached that much importance to this Bill that at least two-thirds of members even on that side are here throughout? It is not a question of two-thirds; even supposing it is not possible to carry the Bill through, if really it is an important Bill, its mere coming from the opposition will not be the criterion for rejection.

Dr. M. S. Aney (Nagpur): It cannot be passed without two-thirds majority. But can we discuss it when there is no quorum at all in this House?

Mr. Deputy-Speaker: The bell is being rung... Now there is quorum. He may continue.

Shri Hathi: Coming to the merits of the Bill, Shri Yashpal Singh is a religious person and he quoted even from the Bhagavad Gita and taught us the philosophy of life and death during his speech. But I am only concerned with the constitutional and legal aspect, because I do not know as much as he does about philosophy.

Article 75(1) says that the Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister. There are two prerogatives for the Head of the State: one is appointment of Prime Minister and the second is dissolution of Parliament.

15 hrs.

He says in his Bill:

"In the event of the occurrence of a vacancy in the office of the Prime Minister by reason of his death, the old Council of Ministers shall continue in office and the senior-most Minister shall act as Prime Minister until the

[Shri Hathi]

appointment of a new Prime Minister by the President."

Therefore, one prerogative out of the two which are given to the President under the Constitution is being curtailed. I would now ask the hon. Member, could we call this an innocent Bill, one which takes away the prerogative of the President? If out of the two one is taken away even temporarily, I would not be prepared to accept it as an innocent Bill.

Then, let us take the theme of the Constitution. The theme of the Constitution is that while article 75 relates to the Central Government, article 164 relates to the Government of a State. There it is said:

"The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister."

So the Ministers shall hold office during the pleasure of the Governor. These provisions go side by side. When we think of amending the Constitution, we have to think of the theme as a whole. The Constitution is such a document that you cannot apply one set of arrangement for one and another set of arrangement for another, provided you are making arrangement for one case with a view to avoid certain difficulties and hardships as have been envisaged by the hon. Member. If we amend article 75 and thereby obviate the difficulties and hardships which the hon. Member has in view, does he mean to say that those difficulties would not arise in the case of the State? Supposing there is the death of the Chief Minister of a State, what do we do? There he wants the existing provisions to continue, because when he thought of this, naturally, as a learned man as he is, he must have thought of the whole theme of the Constitution and he must have come to the conclusion that so far as the States are

concerned the death of a Chief Minister will not at all matter, there the people will be able to take care of themselves or that the Governor will be able to take care of the situation. But he thought that at the Centre it is not desirable to give power to the President to appoint anybody he likes. Is that the logic, is that the reasoning behind it? I have not quite understood the reasoning behind this argument. I am trying to find out what it could have been. The simple answer which I can give to myself is that he only thought of the Centre and he did not give thought to the State Government. I think that can be the only simple answer. But it may be quite all right to give a simple answer like that elsewhere. But so far as we here are concerned with the amendment of the Constitution, that answer cannot be a valid answer, because then the theme both in the State as well as at the Centre must be the same. There it is the Chief Minister and Council of Ministers and here it is the Prime Minister and the Council of Ministers. If you retain the provision so far as the States are concerned and give power to the Governor to appoint the Chief Minister as he likes and if in respect of the Centre you say that the President will not have that power to appoint the Prime Minister and the senior-most member for the time being should come up as the Prime Minister automatically, then there is a distinction or divergence in the arrangement of both.

Shri D. C. Sharma: May I ask the hon. Minister whether he will be bringing a Bill providing for that contingency also?

Shri Hathi: No, no. I am only trying to find out what his argument is. My argument is that even if you adopt the same theme for the States also, it is not workable because, as I first said, to an extent it curtails the prerogative of the President.

Let us come to the second point. It is the right of the Prime Minister to choose his Council of Ministers. If you appoint the senior-most member as the Prime Minister, according to the provision that he wants to bring in, the Council of Ministers will continue to be the old Council of Ministers. That is not what the Constitution provides. The Constitution does not provide for any acting Prime Minister. The new Prime Minister, whosoever he may be, even if it is for a day or two or three days, should submit the names of his colleagues to the President and the President appoints all the Ministers afresh and all of them together become the Council of Ministers.

Let us take the practical difficulties which, he said, would come in the way. The first practical difficulty which Shri Yashpal Singh mentioned was this. This is what he said:

“हमारा एक मिनिस्टर इंग्लैंड में बाते कर रहा है या और कहीं विदेश में है और जहां प्राइम मिनिस्टर नहीं रहता है, उसका देहान्त होता है तो वह भी उस वक्त मिनिस्टर नहीं रहता तो वहां से वह कैसे आयेगा।”

I put it to the hon. Member, is this a difficulty which should induce us to make an amendment in the Constitution? What he argued was this. He said—it might have so happened and therefore perhaps he has drawn out this conclusion—that a Minister may be abroad and if in the meantime the death of the Prime Minister occurs it may be difficult for him to come back. Whenever anybody goes out the provision for his return is already made. There are a number of people, officials and non-officials, whom the Government of India send out. Their coming back should not create any difficulty. He said that

they are all poor men and we cannot expect them to spend money from their pockets for their return. How will they come back if they cease to be ministers, he asked. As I said, once a man goes out the sanction for his going and coming is given. Therefore, even if he is not a Minister he can come back without spending any money from his pocket. Therefore, there is no difficulty in that.

The other difficulty he mentioned is this. He drew upon the philosophy of Gita. He said that on the death of a Prime Minister, the people will all be in mourning. He said we should not do that. These were his words:

“वासंसि जीर्णानि यथा विहाय
 नवानि गृह्णाति नरोपरणि ।
 तथा शरीराणि विहाय जीर्णा-
 न्यन्यानि संयाति नवानि देही ॥”

He said that after all we should not mourn over this body. Just as we discard old clothes and put on new clothes, we discard this body and take another one. Why should there be mourning, he asked. He said people start mourning forgetting the administration. Therefore, he said, if a provision is there that the second man would immediately come up all these difficulties would not arise. We should know one thing. Whatever may be the difficulty, whatever may be the emergency, whatever may be the adversity, we have to continue the governance of the State, the administration of the country in whatever adverse situation we may be. Therefore, though we may mourn the death of the Prime Minister, the duty towards the country and the nation continues. Therefore, as is seen, no difficulty was envisaged. Immediately, within a few hours, the Home Minister was sworn as the Prime Minister. As such, this is also not in any way a practical difficulty or such a big

[Shri Hathi]

difficulty as would necessitate the amendment of the Constitution.

Shri Narendra Singh Mahida: Is that a precedent, that the Home Minister will succeed?

Shri Hathi: No, no. It is the power of the President to appoint. We cannot create any precedent like that.

Shri Mahida suggested that if there is a Deputy Prime Minister, naturally, he will succeed. That is a long-term arrangement and not a temporary one. You must have seen that the late Prime Minister, because he was a great democrat, whenever this question came up he said that he would prefer to leave it to the people rather than imposing somebody on them by appointing a Deputy Prime Minister. He had full confidence in the people that they would decide whom to choose. Though some people had expected that there would be some struggle or quarrel, nothing happened and the change-over was smooth. The change-over was so smooth that people outside India wondered and were surprised how the change-over could be so smooth. We are confident of the party and its discipline and its assessment of people. There will be no difficulty whatsoever and the right person will be elected as Prime Minister by the party.

Shri Patnayak said that some provision is necessary for the temporary period. The Constitution should not be amended just to provide for a temporary period. If it is to be a long-term arrangement about which there is some difficulty, the Constitution can and should be amended. But if it is to cover only a temporary period, in my opinion, no amendment of the Constitution is necessary.

Suppose we accept the amendment suggested by Shri Yashpal Singh

that the senior-most member of the Cabinet shall become the Prime Minister. Of course, his idea is that he should be the acting Prime Minister. But our Constitution does not provide for an Acting Prime Minister. Secondly, there is no such seniority among the Council of Ministers. As Shri Raghunath Singh has said, it may be according to the date of joining or according to the alphabetical order. Therefore, if we merely say that the senior-most Minister should be appointed Prime Minister and seniority is decided according to the date of joining, it is quite possible that he will not be able to carry all his colleagues with him. It is very likely.

Shri Narendra Singh Mahida: Seniority among the Ministers is already there.

Shri Hathi: It might or might not be there. Any way, it is not like the ICS cadre. A person may become Minister late and yet he may be given seniority of No. 5, 3 or 2.

Then, why should we restrict the discretion of the President? Why should we make his power mechanical? When we have given the power to the President, surely he will appoint a person whom he thinks fit. There is no reason why he should appoint necessarily only No. 2. He can appoint even somebody from outside the Council of Ministers. That is also possible. It is not necessary for a person to be a member of the Council of Ministers to be appointed Prime Minister. It is enough if he gets elected within a period of six months. So, let us not tie down the President to any particular course. Let him exercise his discretion. If we want to make his discretion mechanical, then of course it is a different matter. I do not think there is any reason for us not to have confidence in the discretion of the President and curtail the prerogative which the Constitution has given him.

Therefore, looking at the practical difficulties which my hon. friend had pointed out and looking at the actual working in the past when there was a smooth change-over with no difficulty or complications, I feel that this is not an amendment to the Constitution which should be accepted. Therefore, although I have great regard for the hon. Members, his philosophy and his ideas, so far as this amendment is concerned, I am not in favour of it.

Shri Narendra Singh Mahida: May I ask for a clarification? How was the late Sardar Vallabhbhai Patel appointed as Deputy Prime Minister?

Shri Hathi: That is a different matter altogether. This Bill seeks to appoint an Acting Prime Minister, not a Deputy Prime Minister.

Shri Narendra Singh Mahida: All the same, may I say....

Mr. Deputy-Speaker: We are not concerned with the Deputy Prime Minister at this stage.

श्री यशपाल सिंह : उपाध्यक्ष महोदय, मैं बहुत आभारी हूँ उन सब सदस्यों का जिन्होंने इस बहस में हिस्सा लिया। मैं सब लोगों का इस लिए अहसानमन्द हूँ क्योंकि जो विपरीत बोलता है उसको भी उतनी ही इज्जत देनी चाहिए जितनी कि उसको जो कि अनुकूल बोलता है। भगवान् महावीर का यह कहना है कि जो विपरीत बोलता है वह भी उतना ही अच्छा है जितना वह कि जो अनुकूल बोलता है क्योंकि "मच्च कैन बी सैड फार एण्ड अगैस्ट"। इसलिए मैं सब का आभारी हूँ और खास तौर से अपनी डिप्टी होम मिनिस्टर साहब का क्योंकि उन्होंने इसको समझने की कोशिश की।

लेकिन जो स्पिरिट है मेरे रिजोल्यूशन की उसको उन्होंने समझने की कोशिश नहीं की। हमारे यहाँ सबसे मामूली घटना मृत्यु की घटना है। यह सबसे साधारण घटना है।

इसके लिए वे लोग रोते धोते हैं जो कि भ्रवैदिक हैं। बेद इस बीच को नहीं मानता।

अब आप देखें कि जिस प्रकार हमारे राष्ट्रपति विदेश गए हैं, उनकी जगह हमारे उपराष्ट्रपति काम करेंगे। इसी प्रकार मृत्यु होने पर भी आत्मा परलोक में चली जाती है, जो कि एक दूसरा देश है। इसलिए नैचुरली अगर प्रधान मन्त्री का देहान्त हो जाता है, तो उसकी जगह जो सीनियर-मोस्ट मेम्बर मन्त्रि परिषद् का है उसको काम करना चाहिए।

यहां बड़े बड़े लोग बैठे हैं। मेरा निवेदन है कि सबसे बड़ा पाप मरने वाले के लिए रंज करने का है, खेद करने का है। केवल एक जगह खेद करने का स्थान होता है और उसको हमारे नीति शास्त्र ने इस प्रकार कहा है :

"शर्ता तेन परांमुखो युधिहतः कि क्षत्रिये रोदिषि"

जो मरता है अगर उसकी पीठ में घाव है तब तो रोने का कारण है, अफसोस करने का कारण है, लेकिन जो मरता है देश के लिए लड़ते लड़ते, जो युद्धोन्मुख मरता है, जो दुश्मन का मुकाबला करते हुए मरता है, जो देश का विकास करते करते मरता है, उसके लिए तो एक मिनट का अफसोस करना भी महापाप है। मेरे रिजोल्यूशन की स्पिरिट यह है कि जिस वक्त प्राइम मिनिस्टर न रहे उस वक्त हम अंशुत में न पड़ जाएं और एक नया काम शुरू न कर दें। हमारा राष्ट्र एक युद्धोन्मुख राष्ट्र है, विकासोन्मुख राष्ट्र है। हमने प्रतिज्ञा ली है उसकी रक्षा करने की, हिमालय के बचाव की हमने प्रतिज्ञा ली है, हमने प्रतिज्ञा ली है 45 करोड़ लोगों के लिए श्रद्धा, सिद्ध और समृद्धि प्राप्त करने की। इसलिए हमारे यहां यह न होना चाहिए कि किसी के मरने पर अंशु झुका दिए जाएं, किसी के मरने पर मातम मनाया जाए, किसी के मरने पर आफिस बन्द कर दिए जाए, मारकेट

[श्री यशपाल सिंह]

बन्द कर दिए जाएं। ऐसा करना महापाप है।
 हमारा धर्म इस बात को कहता है :

देहिनोस्मिन्याथा देहे कोमायं यौवनं जरा,
 तथा देहान्तरप्राप्तिर्धीरस्तत्र न मुह्यति।

मरना शरीर की गति है और शरीर की गति के लिए रोना घोना, शोक करना और एक झंझट मोल लेना उचित नहीं है। प्रधान मन्त्री के न रहने पर जो विष्ट सदस्य मन्त्रिमण्डल का है वह 6 महीने तक काम करे। उसके बाद राष्ट्रपति जिसे चाहें चुनें। मरने वाले के लिए रोना घोना एक युद्धोन्मुख और विकासोन्मुख देश के लिए अनुचित है। मरना तो इस शरीर की एक गति है। उसके लिए रोना घोना क्या।

मैंने हाउस में कई दफा कहा है कि जो लोग अपनी गाड़ी तेज गति से चलाते हैं उनका चालान नहीं करना चाहिए, क्योंकि उससे ज्यादा से ज्यादा देश के दस पांच आदमी मर सकते हैं, हमें चालान उसका करना चाहिए जो कि मन्द गति से चलाता है क्योंकि मन्द चलने से तो राष्ट्र की गति रुक जाती है।

तो मैं यह कह रहा था कि हमारे यहां भीत सबसे मामूली घटना है। इसके लिए हमें अफसोस नहीं करना चाहिए। इसके बारे में गुरु ग्रन्थ साहब में लिखा है :

“जिस मरने से जग डरे मेरे मन आनन्द
 मरने ही ते पाइये पूरन परमानन्द”

यानी मरने के बाद ही ईश्वर के दर्शन प्राप्त होते हैं, भगवान् के दर्शन मिलते हैं। तो जो इस घटना को इतनी महत्व की घटना बना रखा गया है यह महापाप है। जिस तरह आदमी आते जाते रहते हैं एक स्थान से दूसरे स्थान को उसी तरह मरना है। यह कोई बड़ी घटना नहीं है। इसको अधिक महत्व देने से देश की तरक्की रुक जाती है।

मैंने अपने दौर में देहातों में देखा है कि किसी लीडर के मरने के कारण स्कूल बन्द कर दिए जाते हैं। आप देखें कि देश में लीडर तो हजारों हैं और अगर इस तरह एक एक लीडर के मरने पर स्कूल बन्द किए जाएंगे तो एक दिन भी काम नहीं चल सकता। महात्मा गांधी तो कांग्रेस में अगर कोई मर जाता था तो उसके घरवालों को बधाई भेजते थे और लिखते थे कि उसकी आत्मा तो स्वर्ग में गयी है और भगवान से मिल गयी है। तो मेरा निवेदन है कि किसी नेता के मरने पर देश के काम को उसके खेद में रोक देना महापाप है। इसलिए मैं चाहूंगा कि उप गृह मन्त्री मेरी बात को मान लें कि किसी प्रधान मन्त्री के मरने पर देश का काम न रुके। अगर ऐसा होगा तो वह देश के लिए अहितकर होगा।

श्रीमती सहोदराबाई राय (दमोह) :
 मुझे एक प्रश्न करना है।

उपाध्यक्ष महोदय : नहीं, बैठिए।

श्रीमती सहोदराबाई राय : उपाध्यक्ष महोदय, मेरा एक प्रश्न है...

उपाध्यक्ष महोदय : नहीं, आप बैठिये।

I have to put it to the vote of the House.

श्री हुकम चन्द कछवाय (देवास) :
 उपाध्यक्ष महोदय मेरा एक व्यवस्था का सवाल है। हाउस में इस समय कोरम नहीं है।

Mr. Deputy-Speaker: The bell is being rung. I have to put the motion to the House. Let the lobbies be cleared.

श्री हुकम चन्द कछवाय : उपाध्यक्ष महोदय, पांच मिनट हो गये हैं लेकिन अभी तक कोरम नहीं हो पा रहा है।

Mr. Deputy-Speaker: This is the Division bell.

श्री यशपाल सिंह : अगरे मिनिस्टर साहब यह विश्वास दिला दें कि वाकई इस बात पर गौर किया जायेगा तो मैं इसको विदड़ा करता हूँ ।

Mr. Deputy-Speaker: Has he the leave of the House to withdraw his Bill?

Some Hon. Members: Yes.

Shri Raghunath Singh: No, Sir. It should be rejected by the House.

श्री यशपाल सिंह : जब मैं डिवाइड करने के लिए मूव ही नहीं कर रहा हूँ और विदड़ा कर रहा हूँ तो इस पर डिवाइड कैसे किया जा सकता है ।

Mr. Deputy-Speaker: When the motion is objected to, I have to put it to the House. The question is. . .

Shri Raghunath Singh: Sir, I withdraw my observation.

Mr. Deputy-Speaker: You should have taken a definite stand earlier.

Shri Hathi: He thought I had given an assurance. I had not given any assurance.

Mr. Deputy-Speaker: Has he the leave of the House to withdraw his Bill?

The Bill was, by leave, withdrawn.

Mr. Deputy-Speaker: Shri C. K. Bhattacharyya.

Shri Sivamurthi Swami (Koppal): Mr. Deputy-Speaker, Sir, I seek your permission to introduce my Bill.

Mr. Deputy-Speaker: Not at this stage.

Shri Sivamurthi Swami: Sir, I make a request. With your permission, I wish to introduce my Bill.

Mr. Deputy-Speaker: You should be present when the Bill is taken up. All right, let him introduce the Bill.

15.22 hrs.

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of articles 105 and 194)

Shri Sivamurthi Swami (Koppal): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

"That the leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

Shri Sivamurthi Swami: I introduce the Bill.

15.25 hrs.

YOUNG PERSONS (HARMFUL
PUBLICATIONS) AMENDMENT
BILL

(Amendment of section 2) by Shri C. K. Bhattacharyya.

Shri C. K. Bhattacharyya (Raiganj): Mr. Deputy-Speaker, Sir, I beg to move:

"That the Bill to amend the Young Persons (Harmful Publications) Act, 1956 be taken into consideration."

Section 2 of the Act contains the definition clause which runs as follows:

"2. In this Act,—

(a) "harmful publication" means any book, magazine, pamphlet leaflet, newspaper or other like publication which consists of stories told with the aid of pictures or without the aid of pictures or wholly in pictures, being stories portraying wholly or mainly—

(i) the commission of offences; or

*Published in the Gazette of India Extraordinary, Part II, Section 2, dated 19-3-55.