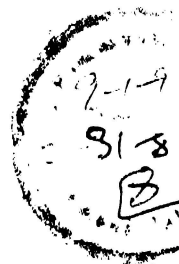
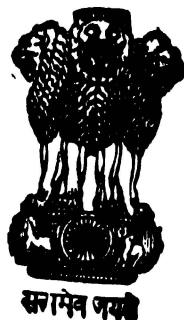


Monday, 16th May, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VII, 1951

(2nd April to 16th May, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
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4294

PARLIAMENT OF INDIA

Wednesday, 16th May, 1951

*The House met at Half-past Eight of
the Clock.*

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

WAR SERVICE CANDIDATES

*4175. **Shri Sarwate:** (a) Will the Minister of Home Affairs be pleased to state whether the Government of India have issued any directions to State Governments that the services of those who served during World War II in the Military Department of the Government of India, if and when they are taken in civil employment of the States, should be reckoned as Government service for purposes of confirmation, grade promotion, gratuity, pension, etc.?

(b) If the answer to part (a) above be in the affirmative, will the hon. Minister lay on the Table of the House copies of the relevant orders issued by the respective State Governments in this respect?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The power to determine conditions of service of persons taken in the civil employment of a State Government is vested in that Government. The Government of India have not issued any directions.

(b) Does not arise, but I lay on the Table a statement explaining what consideration is given to ex-Military service men appointed to civil posts under the Government of India. [See Appendix XXV, annexure No. 23.]

Shri Sarwate: Is it a fact that the services of ex-military men, when recruited by the Central Government, are taken into consideration in matters of pension, leave and seniority?

95 P. S. Deb.

Shri Rajagopalachari: In regard to recruitment of ex-military service people in the Government of India, we have a definite rule which I am placing, as I said, on the Table of the House. That will explain how far the services are taken into account and for what purpose.

Shri Kumbhar: May I know whether these directions are applicable to those officers and men from the former Indian State Forces who have been absorbed in the civil services in the States and the Centre after the integration of those States?

Shri Rajagopalachari: The ex-service personnel that were referred to by me were war-service personnel and if they come under that category, they would also be considered in the same way.

Mr. Speaker: Does it apply to the State Forces?

Shri Rajagopalachari: I presume so, if they served in the War.

Shri Sarwate: May I know when the war concerned the provinces and the rest of India, why was not equal consideration shown to all?

Mr. Speaker: I think it is a question for the provinces to say.

Shri R. C. Upadhyaya: May I know whether the State Governments are free to follow these directions or not to follow them?

Shri Rajagopalachari: I have already said that the Central Government does not issue and did not issue any directions to the State Governments in a matter in which they were the supreme authority. So there is no question of following the instructions or not.

Shri R. C. Upadhyaya: Have they been advised to follow the rules?

Mr. Speaker: Order, order.

Shri A. B. Gurung: May I know whether any room is kept vacant for

the service candidates in the Administrative Services?

Shri Rajagopalachari: There is no question of any reservation for them. The only question was of some comparative consideration being given to them under certain conditions.

CIVIL SERVICES CANDIDATES

*4176. **Shri Sidhva:** (a) Will the Minister of Home Affairs be pleased to state whether the Chairman of the Union Public Service Commission has expressed an opinion that there is a fall in the standard of knowledge and mental and intellectual development amongst the candidates for Civil Services?

(b) If so, have Government considered these remarks and with what result?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). Such an opinion was expressed by **Shri R. N. Banerji** in a Convocation Address delivered at Ludhiana in February last. It is difficult to appraise such things and generalise. It is not considered that any significant and sudden difference has been noticed. Any fall in the standard must be due to deterioration in teaching methods adopted in the educational institutions or a lowering of standards of examination in the Universities or to a larger number of candidates of lower calibre being attracted to the competitive examinations. The matter is for educationists to examine and advise. The point was made in the address at the Convocation probably with this object.

Shri Sidhva: May I know whether the selections made by the Union Public Service Commission of the various candidates come within the category about which the Chairman expressed this view?

Mr. Speaker: Order, order. I do think this question need be pursued any further because it is a question of opinion.

Shri Sidhva: Is the Chairman of the F.P.S.C.....

Mr. Speaker: The hon. Member will see that he expressed an opinion that there is a lowering of standard among the candidates and if the hon. Member reads the address, he will find that he further said that this is not peculiar to India alone but it applies to other countries also.

Shri Sidhva: That is not the opinion of the Home Minister.

Shri Rajagopalachari: The only opinion that I had of my own was that I think we should take into account the large number of candidates of lower calibre now being attracted to examinations and the average therefore being calculated on a different basis.

Mr. Speaker: We need not go into the merits of the question expressed by the Vice-Chancellor in an address with which we have nothing to do here.

ANCIENT MONUMENTS

*4178. **Shri Kamath:** Will the Minister of Education be pleased to state:

(a) whether Government have decided to protect and preserve medieval as well as ancient monuments; and

(b) if so, whether any classified list on that basis has been prepared?

The Minister of Communications (Shri Kidwai): (a) Ancient as well as medieval monuments which are important from architectural, archaeological or historical point of view, are protected and preserved.

(b) A combined list of all such monuments is being maintained.

Shri Kamath: Have Government considered the question of determining the date when the ancient period ends and the medieval period begins?

Shri Kidwai: That is a matter of history and of opinion.

Shri Kamath: Have Government got a classified list or a combined list?

Shri Kidwai: Yes.

Shri Kamath: Yes! How? The answer is not clear.

Mr. Speaker: It has been answered in the affirmative. Hon. Members will see that they have to take information by the questions about the action of Government and the administration. If they were to enter into any discussion of questions which are historical or academical in nature, there will be no end. We are not here as a Congress of experts just to examine the historical facts and know them. That is not the scope. The hon. Member should not again repeat the same thing over.

Shri Kamath: It is a question of list, Sir, whether classified or combined.

Mr. Speaker: It has been answered and I am satisfied with the answer.

Shri Kamath: I am not satisfied.

Mr. Speaker: He must respect the ruling of the Chair.

Shri Katham: For the present, yes.

Dr. Deshmukh: I rise on a point of order.

Mr. Speaker: After the Question-hour is over.

TRAINING OF OFFICERS ABROAD

***4180. Shri Amolakh Chand:** (a) Will the Minister of Home Affairs be pleased to state the nature of the special training for which officers from India have been deputed for training abroad?

(b) What is the period of training?

(c) What will be the amount of expenditure on this training?

(d) How many of the officers sent belong to the Government of India and how many to the State Governments?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (d). Information is being collected and will be laid on the Table of the House in due course.

TRAINING OF TEACHERS TO REMOVE ILLITERACY

***4181. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Education be pleased to state whether there is any scheme of the U.N.O. for training teachers to remove illiteracy in the backward countries of the world?

(b) How many teachers are to be trained and what are the Centres for such training?

(c) Will the candidates be selected by the backward countries where the teachers are to work or by the U.N. Organisation?

(d) How is the Scheme proposed to be financed?

The Minister of Communications (Shri Kidwai): (a) to (d). A detailed statement is laid on the Table of the House. [See Appendix XXV, annexure No. 24.]

Pandit Munishwar Datt Upadhyay: Is it meant for special training to teachers?

Shri Kidwai: Yes, special training to teachers.

Pandit Munishwar Datt Upadhyay: What are the countries from which the teachers have been invited?

Shri Kidwai: The teachers will be trained here in India.

Pandit Munishwar Datt Upadhyay: Is the scheme meant only for India or for other countries also?

Shri Kidwai: All these have been given in the statement. There will be six centres one of which will be in India.

D. D. T.

***4182. Shri Jnani Ram:** Will the Minister of Health be pleased to state:

(a) the quantity of D.D.T. required in the country;

(b) whether it is manufactured in India; and

(c) if not, whether any help is expected to come from the F.A.O., U.N.I.C.E.F. and W.H.O. for the Scheme?

The Minister of Communications (Shri Kidwai): (a) The annual requirements is about 1,000 tons.

(b) Yes, by one firm only on a very small scale.

(c) No offer of assistance has so far been received from any of these bodies but a request for assistance has been made to the UNICEF in connection with a Bombay Government's Scheme for an annual production of 750 tons of D.D.T.

Shri Jnani Ram: What are the quantities imported and from what countries are they imported?

Shri Kidwai: I have not got that information but the requirement is 1,000 tons and most of it is being imported.

Dr. Deshmukh: May I know whether the Ministry of Health made enquiries of the Disposals Department as to what quantity of D.D.T. they had with them?

Shri Kidwai: I require notice.

Dr. Deshmukh: Is it a fact that tons of D.D.T. had gone bad and had been sold for absolutely insignificant prices?

Mr. Speaker: It is a question for the Defence Minister.

Shri Chattopadhyay: May I know whether the quantity available this year is more than what was available last year?

Shri Kidwai: I have no such information.

PREFAB. FACTORY, DELHI

***4183. Shri Sidhva:** (a) Will the Minister of Health be pleased to state whether an engineer to inspect the Prefab. Factory Delhi, has been appointed and whether there is any

possibility of the Factory producing houses as originally intended?

(b) What is the present position?

(c) Do Government propose to continue working this Factory, or close it down or give it on lease to someone else?

(d) What kind of articles are produced in the Factory at present?

(e) What is the production cost and selling prices of the house produced?

The Minister of Communications (Shri Kidwai): (a) to (c). The hon. Member is referred to the reply given to question No. 4092 on the 12th May, 1951.

(d) Regular production of prefabricated houses in the Factory has been suspended for some time. The Factory is at present engaged on (i) Test castings of wall and roof panels (ii) production of T-beams for the C.P.W.D. and (iii) manufacture of furniture and erection of sheds for the Central Waterpower, Irrigation and Navigation Commission.

(e) This does not arise as the Factory is not working on a production basis and no houses are being sold.

Shri Sidhva: What is the realisation from the articles manufactured now in this factory and what is the production cost since the time the factory was closed so far as manufacturing of prefab. houses is concerned?

Shri Kidwai: I do not know what is meant by the realisation of the articles of the factory.

Mr. Speaker: What he means is that the factory is not on a production basis, which means that it is not regularly producing prefab. materials for purposes of selling but is producing something else and those are sold. If so, he wants to know what is the income from that source.

Shri Kidwai: I have no information before me. If a definite question is put I will be able to give the answer.

Mr. Speaker: What is the amount of the standing overhead charges of the factory?

Shri Kidwai: As I have explained most of the staff has been diverted to other work such as producing furniture and other things. Therefore on the factory itself there is hardly any expenditure now. (Interruptions).

Mr. Speaker: Order. order: hon. Members need not all stand together and put questions. Shri Sidhva.

Shri Sidhva: If the staff has been reduced, to what extent has it been reduced and what is the actual production cost?

Shri Kidwai: The hon. Member will see that his question did not refer to the retrenchment or reduction in cost. He only wanted certain information which I have been able to supply.

Shri Sidhva: My question was as to what kind of articles are at present produced in the factory to which the hon. Minister replied that certain articles were manufactured. I want to know what is the production cost of those articles.

Mr. Speaker: He wants to know the overhead charges or the cost of employing the present staff as it is, irrespective of any retrenchment?

Shri Kidwai: I have not got the information.

Shri Sidhva: In reply to parts (a), (b) and (c) of my question, the hon. Minister has drawn my attention to the answer given previously. Does that refer to the Committee that has been appointed to inquire into the matter? If so, may I know whether the Committee has proceeded with its work of investigation?

Shri Kidwai: The appointment of the Committee was announced only a few days ago. I do not get a day to day report of the working of the Committee.

Shri Sondhi: Is it not a fact that 50 to 60 per cent. of the employees or workmen on the staff are still being retained and the Government is losing Rs. 80,000 a month?

Shri Kidwai: I have no such information. I can accept the hon. Member's statement as he takes very much interest in it.

Shri Kamath: Am I to understand that the C.P.W.D. has placed orders for T-beams and other stuff even before the Committee appointed recently has reported as to the best way of utilising the factory?

Shri Kidwai: That is correct.

Shri Kamath: How is that possible before the Committee reports on the utilisation of the factory? How can Government place orders before their report?

Shri Kidwai: It was found that these materials could be produced as required by the C.P.W.D. and they are being supplied.

Shri Kamath: Has the factory produced T-beams at all so far? It is amazing.

Shri Sarangdhar Das: How many of the engineers who were employed in the factory are now employed in the manufacture of furniture etc.?

Shri Kidwai: I will require notice.

Shri T. N. Singh: May I know whether it is a fact that negotiations are being carried on with certain private firms for the management of the prefab. factory?

Shri Kidwai: The hon. Member apparently knows more than I do.

Dr. Deshmukh: The hon. Minister has stated that T-beams are being manufactured. Is it a fact that these T-beams are being utilised for building houses for Members of Parliament?

Shri Kidwai: The C.P.W.D. have placed orders and are receiving the material. I do not know how they use them.

Shri Deshbandhu Gupta: Are the Government satisfied that whatever is being manufactured today is technically sound?

Shri Kidwai: I think the C.P.W.D. has satisfied itself before placing their order.

Shri Sidhva: The hon. Minister admitted that a loss of Rs. 80,000 is incurred.....

Shri Kidwai: I did not admit it.

Shri Sidhva: When Mr. Sondhi stated it, the hon. Minister said "He knows better: I accept that.".....

Shri Kidwai: I did not say that: I said he knows better.....

Shri Sidhva: With regard to the loss sustained are Government doing anything to minimise the loss? What steps are being taken?

Shri Kidwai: Government is satisfied that if there is any loss it is the minimum possible.

TECHNICAL INSTITUTIONS

*4184. **Shri Kesava Rao:** (a) Will the Minister of Education be pleased to state what is the basis on which admissions are made in the various Technical Institutions run by the Centre?

(b) What is the number of students, State-wise, admitted during 1950-51 in the first year of the All-India Diploma courses in Engineering?

The Minister of Communications (Shri Kidwai): (a) A statement showing the basis of admission to the various technical institutions run by the Central Government is placed on the Table of the House. [See Appendix XXV, annexure No. 25.]

(b) The number of students State-wise admitted to the Delhi Polytechnic in 1950-51, in the first year of the All India Diploma course in Engineering is given in the statement laid on the Table of the House.

Shri Kesava Rao: It is stated in the statement that eight seats are reserved for Pakistani nationals and two for Commonwealth countries. May I know whether they are taken on an exchange basis or whether the country sending the students bear the expenses?

Shri Kidwai: So far as the admission of Pakistani nationals is concerned it is not on an exchange basis. This was the one institution of its kind in the country at the time of the Partition and it was a part of the Partition agreement that for sometime to come eight students from Pakistan will be admitted in this institution.

Shri Kesava Rao: May I know why reservation has not been made in other institutions (except the Delhi Polytechnic and the Indian School of Mines) for the scheduled castes and other backward classes?

Shri Kidwai: I think in most of the institutions if scheduled caste students are available they are admitted.

Shri Kesava Rao: What was the number of applications received for admission into the Delhi Polytechnic last year and what was the number of students from the scheduled castes?

Shri Kidwai: The original question did not refer to the number of applicants and so I have not got the information.

Shri A. C. Guha: What are the names of the technical institutions maintained and run by the Central Government?

Shri Kidwai: That is in the statement which has been laid on the Table of the House.

Shri V. B. Valdyia: What is the minimum qualification required for admission?

Shri Kidwai: That is also in the statement.

Shri Kesava Rao: In the statement it is stated that Delhi gets 32 seats in the Polytechnic. What are the reasons

for giving a larger number of seats to Delhi, whereas major provinces like Madras and Madhya Pradesh get only one?

Shri Kidwai: Because other States have similar institutions in their jurisdiction and for Delhi this is the only institute of its kind.

DEPARTMENTAL PROMOTION COMMITTEES

*4185. **Shri Kesava Rao:** (a) Will the Minister of Home Affairs be pleased to state whether it is a fact that Departmental Promotion Committees have been set up in various Ministries?

(b) If so, what are the functions of these Committees?

(c) Are permanent appointments made on the recommendation of these Committees?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes.

(b) and (c). The main function of a Departmental Promotion Committee is to deal with all promotions that involve selection of the best person available. The services of Departmental Promotion Committees are sometimes also utilised in categorising officers for reversion in cases of retrenchment etc. and for confirmation of officiating officers.

Shri Kesava Rao: May I know whether there is any committee to look after inter-departmental promotions and transfers?

Shri Rajagopalachari: If any inter-departmental changes are made they go to a different committee because when an officer goes from one department to another the procedure prescribed is different.

Shri Kesava Rao: May I know whether it has been brought to the notice of Government that the Departmental Promotion Committees are showing favouritism to candidates who are related to them, at the time of promotion to higher jobs?

Mr. Speaker: Order, order. I won't allow that kind of an insinuation to be made.

Dr. Deshmukh: May I know if these Departmental Promotion Committees are at liberty to change the grades of employees from the original grades assigned to them?

Shri Rajagopalachari: If the promotion involves a change of grade they would also deal with such matters. A Departmental Promotion Committee—the hon. Member perhaps knows it, but if he does not I would like to tell

him—always includes a Member of the U.P.S.C. plus certain high, responsible officers. Incidentally, no question of relationship arises with a large body of members like that.

Shri R. Velayudhan: May I know whether there were such Committees in existence before 1947?

Shri Rajagopalachari: I shall investigate, but I think it is good as it is.

Shri Hussain Imam: Is it a fact that these promotions are not permanent and that they are subject to confirmation by the U.P.S.C.?

Shri Rajagopalachari: Yes, Sir.

FILM ON 1942 REVOLUTION

*4186. **Shri A. C. Guha:** Will the Minister of Information and Broadcasting be pleased to state whether the Bengali film on the 1942 August revolution has been certified and whether it is being shown in any of the States other than Bengal?

The Minister of State for Information and Broadcasting (Shri Diwakar): A film entitled "42" was certified by the former Bombay Board of Film Censors in 1949 after certain portions had been deleted. It is understood that it has been exhibited at various places outside West Bengal.

Shri A. C. Guha: Have the Government any idea of placing this film before the Central Board of Censors?

Shri Diwakar: The present position, I am told, is that the new Board of Censors has been approached in the matter and the matter is under consideration as to whether it can be re-certified.

Shri A. C. Guha: Is it true that this film simply gives the story of the August revolution of 1942?

Mr. Speaker: He wants to know the contents of the film—I think they better be ascertained outside. Let the Minister not be asked about the contents of the film.

Shri Kamath: Which, Sir, are the parts of the film that were excised or deleted, and for what reason?

Shri Diwakar: Naturally, parts which were thought to be objectionable.

Shri Kamath: Objectionable politically or otherwise?

Mr. Speaker: Order, order.

Shri R. Velayudhan: May I know...

Mr. Speaker: Hon. Members will see that that action was taken by a State Board and the matter is now before the Central Board who are considering the matter. So, any question of that type is going into history.

Shri A. C. Guha: That was my contention, Sir. Now that the Central Board has been formed that Board should take up the matter. But it is sometimes that the Board has been formed.

Mr. Speaker: He said that, but any questions which have the effect of bringing some indirect pressure on the opinion of the members of the Central Board should not be permitted here.

SALWAN HIGH SCHOOL, DELHI

***4187. Shri Deshbandhu Gupta:** (a) Will the Minister of Education be pleased to state the number of students reading in the Salwan High School, Rajendra Nagar, Delhi on 30th April, 1951 in primary and Secondary classes respectively?

(b) What is the amount of fixed and current grant respectively given to the said school so far?

(c) Has any grant been given to the school for furniture and library etc. which is permissible under the rules and if not, why not?

The Minister of Communications (Shri Kidwai): (a) The total number of students in the Salwan Boys Higher Secondary School and Salwan Girls High School, Rajendra Nagar, is 1662 in the Primary Classes and 1168 in the Secondary Classes.

(b) A statement is placed on the Table of the House. [See Appendix XXV, annexure No. 26.]

(c) Rs. 10,666 and Rs. 3,333 were paid to Salwan Boys Higher Secondary School and Salwan Girls School respectively during 1950-51 as grants for furniture and library etc.

Shri Deshbandhu Gupta: May I know whether the grant given to the School is in accordance with the rules or it falls short of the rules?

Shri Kidwai: I hope it is in accordance with the rules.

Shri Deshbandhu Gupta: May I know whether it is a fact that this is the biggest school in Delhi?

Shri Kidwai: That is a fact.

Shri Deshbandhu Gupta: In view of that fact, will the hon. Minister be pleased to inquire and if the grant is not in accordance with the rules bring it in accordance with them?

Shri Kidwai: As the hon. questioner is one of the trustees, if he writes to me as to where it falls short of the rules I will look into it.

Shri Kamath: Is it a fact that on the site where the Salwan High School now stands, or in its close vicinity, there was a school called Amar Vidyalaya, and that the Government refused to give a grant to that School, and it had therefore to close down?

Shri Kidwai: I will require notice for that.

ARMED BANK DACOITIES

***4188. Dr. M. M. Das:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Scheduled Banks of cities like Bombay and Calcutta have requested the Reserve Bank of India to provide them with a "strong room" van, whenever necessary as a precaution against armed Bank dacoities; and

(b) if so, whether the matter has been considered and any decision taken?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). A meeting was convened by the Reserve Bank of India in Bombay on the 24th April, 1951, which was attended by the Chairman of the Indian Banks Association, the Chairman of the Exchange Banks Association and representatives of several banks to consider measures to be introduced for affording protection to cash in transit between the Banks' offices and the Reserve Bank. In this meeting a suggestion for the Reserve Bank running a service for the transportation of notes and coins from and to the Reserve Bank met with unanimous approval. Details of the scheme are being worked out and negotiations are in progress for the purchase of Cash Vans suited for the purpose.

Dr. M. M. Das: May I know whether any other suggestion has been received by Government from any other quarters for putting a stop to these armed hold-ups?

Shri C. D. Deshmukh: I am not aware of any other suggestions.

Dr. M. M. Das: May I know whether the hon. Minister is in a position to inform the House as to how many vans will be necessary for implementation of this scheme and what will be the cost involved?

Shri C. D. Deshmukh: One or two vans. I don't know what the cost will be, but whatever the cost it will

be transferred to the subscribing banks on a no-profit basis.

Dr. M. M. Das: May I know whether Government think that the measure contemplated will be effective?

Mr. Speaker: Order, order. It is asking for opinion.

RESETTLEMENT OF RELEASED ARMY PERSONNEL

*4189. **Dr. M. M. Das:** (a) Will the Minister of Defence be pleased to state whether it is a fact that a decision has been taken by Government about a scheme regarding the resettlement on land of released army personnel?

(b) If so, what is the scheme?

(c) What are the financial implications of the scheme?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Yes.

(b) It is proposed to settle 1434 ex-servicemen on 22,600 acres of land in Rampur, Madhya Bharat, Bhopal and Azalgarh (U.P.).

(c) A statement is placed on the Table of the House. [See Appendix XXV, annexure No. 27.]

Dr. M. M. Das: May I know what will be the number of ex-service personnel who will be benefited and the expenditure per head?

Major-General Himatsinhji: The number is 1434. The expenditure per head will be Rs. 4,700 which has been divided as follows:

Central Government will grant...
Rs. 750 per soldier.

State Government will grant...
Rs. 500 per soldier.

Grant from Soldiers' Post-War
Reconstruction Fund
Rs. 500 per soldier.

Settlers' contribution, that is by
the soldiers themselves
Rs. 500 per soldier.

Loans from the Central Govern-
ment to State Governments,
up to a maximum of
Rs. 2,450 per soldier.

Total ...Rs. 4,700 per soldier.

Dr. M. M. Das: In the statement the names of certain States have been given. May I know whether lands have been acquired in those States for the resettlement of ex-servicemen?

Major-General Himatsinhji: Yes, Sir. It has already been acquired.

Dr. M. M. Das: May I know, Sir, whether there will be individual allotments of land to these ex-servicemen, or the scheme will be worked out on co-operative basis?

Major-General Himatsinhji: The scheme in the beginning will be in compact blocks of above one thousand acres each. It will be managed by the Central Government or the State Government for the first two years and once they are put into running order, later on they will be allotted to individual soldiers. But they will work as co-operative farms.

Dr. M. M. Das: May I know how the loans given by the Central Government is proposed to be realised?

Major-General Himatsinhji: It is proposed to be realised possibly from the income of these colonies.

Shri Kamath: Are the released I.N.A. personnel entitled to or eligible for the benefits of this scheme, and if so how many have been resettled so far on land?

Major-General Himatsinhji: This scheme was started for the soldiers from the States and provinces who have been released just recently. The hon. Member's suggestion about the I.N.A. personnel would be taken into consideration.

Shri A. B. Gurung: May I know whether it has been brought to the knowledge of the hon. Minister of instances where serving army officers and other ranks have been allotted land to the detriment of ex-army personnel?

Major-General Himatsinhji: Sir, it is possible that in the Uttar Pradesh serving officers may have been allotted land. But most of them are displaced persons from the West Punjab.

MAJOR PROJECTS IN MADRAS

*4190. **Shri Rathnaswamy:** (a) Will the Minister of Finance be pleased to state whether it is a fact that the Madras Ministers during their recent visit to Delhi pressed on the Government of India the need to help them to complete one of its major projects and if so, with what result?

(b) What is the total estimate of the major projects which the Madras Government want to execute?

The Minister of Finance (Shri C. D. Deshmukh): (a) The question of the Development Projects of the Madras State was one of the various matters

discussed informally with the Madras Ministers during their recent visit to Delhi. No results have followed so far.

(b) The estimate of expenditure on capital projects as given in the Budget Speech of the State Finance Minister for 1951-52 is Rs. 22.58 crores. The total estimated cost of the projects referred to is not available.

Shri Rathnaswamy: Is it a fact, Sir, that the schemes originally estimated at Rs. 300 crores have now been reduced to Rs. 135 crores?

Shri C. D. Deshmukh: The statement which the State Government had furnished to the Planning Commission shows the total cost of irrigation and power schemes of the State in progress as Rs. 92 crores 94 lakhs. I do not know whether that is the answer which the hon. Member wants, or whether he is referring to any other schemes.

Mr. Speaker: He wants to know whether the original estimate of Rs. 300 crores has now been reduced to Rs. 135 crores?

Shri C. D. Deshmukh: I am sorry I have no information as to the revision in a downward direction in the cost of the works.

Shri Shiva Rao: May I know, Sir, whether there is any machinery either in his own Ministry or in that of his colleague the Minister of Natural Resources which considers the relative merits of various schemes or projects before the Finance Minister include them in his budget?

Shri C. D. Deshmukh: We have a Planning Commission now for advising us on priorities.

Shri Rathnaswamy: Is it a fact, Sir, that the Ministers during their visit to Delhi had impressed on the Government that the irrigation and electricity schemes should not be slowed down or retarded at this stage as they had been taken up long ago?

Shri C. D. Deshmukh: Yes, most Ministers of most States have done the same.

Shri Ramaswamy Naidu: Have all the schemes that have been sanctioned by the Madras Government been approved by the Centre?

Shri C. D. Deshmukh: There is no question of approval by the Centre of the State Government schemes.

Dr. Deshmukh: Is it a fact that the Planning Commission personnel is already in the process of being wound up?

Mr. Speaker: Order, order.

Shri Rathnaswamy: Have the Government any information as to the ways by which the Madras Government would be able to find out the sum and what is the contribution the Centre would be prepared to give towards these projects?

Shri C. D. Deshmukh: There are no resources in sight, Sir, and there never was a time when so much was expected out of so little.

FODDER GRASS

***4191. Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether experiments are being carried on in the D.V.C. area for growing various kinds of fodder grass;

(b) if so, the varieties of grass and countries from which they were imported; and

(c) the result of the experiments?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (c). The information is being collected and will be laid on the Table of the House as soon as available.

POWDER MILK

***4192. Shri Jnani Ram:** Will the Minister of Health be pleased to state:

(a) the quantity of Powder Milk obtained from W.H.O. in the years 1950 and 1951 upto April, 1951; and

(b) the places where it has been distributed;

The Minister of Communications (Shri Kidwal): (a) and (b). The W.H.O. has not supplied any milk powder to India.

DEMOLISHING TEMPORARY STRUCTURES, A.I.R. OFFICE, DELHI

***4193. Shri Sidhva:** (a) Will the Minister of Information and Broadcasting be pleased to state whether there is a proposal to demolish the temporary structures housing the office of the All-India Radio, Delhi and which are near the main building?

(b) If so, what is the place where new buildings are proposed to be erected and what will be the cost of the new extensions?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) A proposal to the effect was received and is under examination.

(b) Does not arise.

Shri Sidhva: What is the idea underlying this proposal—is it wanted for

the expansion of the All-India Radio building?

Mr. Speaker: The question refers to temporary structures.

Shri Sidhva: But I want to know the idea underlying the proposal?

Shri Diwakar: During the process of negotiations for more land with the Development Committee it was proposed that the present hutments should be demolished and then only the question of more accommodation could be considered. That is the suggestion under consideration.

INDUSTRIAL FINANCE CORPORATION

*4194. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) whether the Industrial Finance Corporation has followed any order of priorities of industries while making investment or otherwise lending help to industrial concerns; and

(b) whether the Corporation has rendered any financial help or has advanced loans to concerns with which any one or more of its Directors are intimately connected?

The Minister of Finance (Shri C. D. Deshmukh): (a) I would invite the attention of the hon. Member to my reply to part (b) of Starred Question No. 258 of Dr. M. M. Das given on the 22nd November, 1950.

(b) Yes, in two cases.

Shri A. C. Guha: May I know if within the last two years large amount of funds was given to some rayon and ceramic industries?

Shri C. D. Deshmukh: I have not got the list here of individual loans given by the Corporation.

Shri A. C. Guha: May I know whether there is any rule that banks should not advance any money to any concerns with which any of its directors is connected and if so, why is the Industrial Finance Corporation exempted from that rule?

Shri C. D. Deshmukh: I think the legislators can answer that question best, because the Industrial Finance Corporation Act does not make companies ineligible for assistance from the Corporation only because one of the directors of the Corporation happens to be also a director of the company applying for a loan. Section 17(4) of the Act prohibits a Director of the Corporation from exercising his vote on any matter concerning an industrial concern in which he is directly or indirectly interested. This is a sufficient safeguard when the

Executive Committee which sanctions the loans is composed of five members, one managing director, two directors elected by five nominated directors and two directors elected by the six elected directors.

Shri A. C. Guha: May I know in the two cases referred to by the hon. Minister what is the interest of the Director concerned? Is he merely a director in those two concerns, or he has got some other direct interest?

Mr. Speaker: Order, order. The hon. member is going into individual cases.

Shri A. C. Guha: This is not an individual question.

Mr. Speaker: He does not think so; but it is clear to me.

Shri Hussain Imam: May I know, whether the number that he has stated is during recent times or from the inception of this Corporation?

Shri C. D. Deshmukh: From the very inception of this Corporation.

Shri R. Velayudhan: May I know the amount granted to these two concerns?

Shri C. D. Deshmukh: I have already said that I have not got the details of individual loans here.

Shri A. C. Guha: Was any loan advanced to a concern in which a Director of the Corporation is either a Managing Director or Chairman of the Board of Directors or has any direct control over that concern?

Shri C. D. Deshmukh: The hon. Member asked a question in regard to directors who are intimately connected and we have tried to interpret what he means by intimate connection. He knows best what he means by that sort of connection.

Shri A. C. Guha: If he is the Managing Director or the Chairman of the Board of Directors of the company?

Mr. Speaker: It is a question of interpretation of the Act.

Kaka Bhagwant Roy: May I know what is the total number of applications received for grant of loans in 1950 and 1951 and on what basis applications for loans are being considered by the Corporation? Is it a fact that a large number of applications are pending since.....

Mr. Speaker: Order, order. He may put the questions one by one.

Shri C. D. Deshmukh: I have no information just for this year, but if

the hon. Member and the House are interested I can give the figures for all the transactions of the Corporation up to 30th April 1951. I do not know whether he would be satisfied with that.

Shri A. C. Guha: As regards the principle of priority, can the hon. Minister give an idea as to how it is determined, and whether the ceramic and rayon industries come within that purview?

Shri C. D. Deshmukh: Is it the question whether ceramics and rayon industries come within the purview of the assistance? They are not excluded by the Act.

Shri A. C. Guha: I mean in the priorities of industries to be helped by the Corporation.

Shri C. D. Deshmukh: Well, Sir, I have said about priorities that the Corporation takes into account the importance of the industry in maintaining the economic life of the community. No definite order of priorities has been laid down either by the Government or by the Corporation. The Corporation, however, obtains the advice of the I. and S. Ministry or other appropriate Ministries of Government with a view to ascertaining whether the project in question has been approved by Government, whether there is any scope for the scheme of the particular company, or whether applications from such an industry should be encouraged.

ABORIGINAL TRIBES IN ANDAMANS

*195. **Shri Krishnanand Rai:** (a) Will the Minister of Home Affairs be pleased to state what is the numerical strength of Aboriginal Tribes in Andamans at present?

(b) Have Government taken any steps recently to extend education and other facilities to them?

(c) What is the chief occupation of these aboriginals?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The number of aborigines in the Islands is very small although exact figures are not known. No census has been possible owing to (i) the nomadic character of the tribes, (ii) the inaccessibility of their interior camps and (iii) the hostility of some of the tribes.

(b) Nothing has been done owing to the same reasons.

(c) Hunting and fishing. No cultivation.

Shri Krishnanand Rai: Is it a fact that the number of these aboriginals

in Andamans has decreased considerably in recent times and that the race is on the verge of extinction on account of economic isolation?

Shri Rajagopalachari: I have seen manuscript copies of the present Census Report. Reference is made there to the point made by the hon. Member, namely a fall from two or three hundred in each group to fifty or forty. Well, the nomadic character being continued and the hostility being continued nothing could be done to prevent disease that is spreading among them.

Shri Rathnaswamy: I understand that the Government is going to take up a five year development scheme of the Andamans. May I therefore know whether this scheme includes also the all-round improvement of these aboriginals?

Shri Rajagopalachari: The development of the Andaman Islands is quite different from the condition of the Aboriginal Tribes who are in the jungles and who are not available for any improvement. They are small in number, nomadic in character, and hostile. They use poisoned arrows and kill any stranger at sight.

CIVIL HOSPITAL AT KOHIMA

*4196. **Shri S. C. Samanta:** (a) Will the Minister of Health be pleased to state the amount spent for the construction and equipment of Civil Hospital at Kohima?

(b) What is the recurring expenditure of the Hospital and how much is met by the Government of India every year?

(c) How and by whom is the Hospital managed?

The Minister of Communications (Shri Kidwai): (a) The amount spent on the construction and equipment of the Civil Hospital at Kohima is as follows:

(i) on construction Rs. 19,41,859, (upto December, 1950).

(ii) on equipment Rs. 1,19,806.

(b) The recurring expenditure was Rs. 89,921 during 1949-50 and Rs. 76,987 during 1950-51. The Government of India meet 50 per cent. of the recurring expenditure subject to a maximum of Rs. 75,000 per annum for a period of five years for the present.

(c) By the Government of Assam in the usual manner.

Shri S. C. Samanta: May I know what led the Central Government to construct the Civil Hospital at Kohima?

Shri Kidwai: At the time of the Japanese invasion it was found that many houses and hospitals were destroyed there. It was found that the Medical aid in that area was not sufficient to meet the requirements, and Government decided on the recommendation of the military authorities there to build this hospital.

Shri S. C. Samanta: May I know the number of beds in that hospital, if there are any reservations of them and, if so, for whom?

Shri Kidwai: 176 beds are provided; the Assam Government manages it and they will see that the reservation is made if they think it necessary.

Shri Chaliha: May I know whether it is the intention of the Government to open more hospitals in the Naga Hills area?

Shri Kidwai: That is for the Assam Government to decide.

Dr. M. M. Das: May I know whether any contribution has been made by our Defence Department for the construction of this Hospital and whether any beds are reserved for the Assam Rifles?

Shri Kidwai: In the beginning there was some such suggestion of a contribution from the Defence Department. But whether there is any contribution from the Defence Department or from the Health Department, the Government of India has met this liability.

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): May I answer this question? The Hospital itself is a gift of the Defence Department to Assam.

Shri S. C. Samanta: The hon. Minister said that the hospital is under the management of the Assam Government. May I know whether in the Committee of Management there are any nominated persons of the Central Government?

Shri Kidwai: No.

FADING OUT OF A.I.R. STATIONS

***4197. Shri Amolakh Chand:** (a) Will the Minister of Information and Broadcasting be pleased to state whether the A.I.R. stations faded out between the 13th and 24th April, 1951 due to solar flares and hydrogen eruptions?

(b) If so, what steps do Government propose to take to counteract such disturbances?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) A radio fade-out in the short wave

bands was observed on 19th April 1951 between 10-30 and 12-30 hours.

(b) No effective method of counteracting such natural phenomena has yet been discovered. The Research Department of All India Radio is however making a careful study of the relation of solar phenomena with ionospheric and magnetic disturbances.

Shri Amolakh Chand: Is the Government aware that solar flares are likely to detach the A.I.R. off the air in the first week of June and the last week of May?

Shri Diwakar: I am not aware, but it is just possible.

DOLLAR SURPLUS

***4198. Shri Amolakh Chand:** Will the Minister of Finance be pleased to state:

(a) the quantum of our dollar surplus which has gone to swell the Sterling Area's reserves; and

(b) whether a part of this surplus can be used for paying back the dollars purchased from the Monetary Fund?

The Minister of Finance (Shri C. D. Deshmukh): (a) According to the revised estimates, which are still provisional, India's net contribution to the Central Reserves of Gold and Dollars of the Sterling Area during the year 1950 amounted to \$85 million.

(b) In view of our probable dollar deficit during 1951 and the present dollar position of the sterling area as a whole, Government consider that it is not desirable at the present stage to repay the dollars purchased from the International Monetary Fund.

Shri Amolakh Chand: In view of the statement made by the British Finance Minister that maximum dollars are contributed by Commonwealth countries, may I know how much has India contributed?

Shri C. D. Deshmukh: 85 million dollars in 1950. In 1951, the period for which has lapsed, we have only provisional figures. Our surplus is about 13 million dollars.

Shri Amolakh Chand: May I know the total figure paid up till now in the years 1948 to 1951?

Shri C. D. Deshmukh: In 1948 the net withdrawal was 96 million dollars. In 1949 the net withdrawal was 69 million dollars. As I said in 1950 there was a net surplus of 85 million dollars.

Shri A. C. Guha: May I know if there are any restrictions for us to draw from the Sterling Area reserve or we can draw as much as we require?

Shri C. D. Deshmukh: There are no restrictions except those which are self-imposed as a result of the Finance Ministers' Conference last September. I think I made a reference to the principles that were adopted then. I would add that I have every expectation that all our reasonable requirements will be satisfied.

Shri T. T. Krishnamachari: May I ask if the Finance Minister could give any information, in view of the statement made by the Finance Minister in the U.K. that the dollar surplus was mainly due to the contribution by Commonwealth countries, what is the percentage of our contribution compared to the total contribution by the Commonwealth countries?

Shri C. D. Deshmukh: I am sorry. I have not got the figures of that comprehensive coverage here.

Shri A. C. Guha: The hon. Minister refers to self-imposed restrictions. Does this mean any restriction in our import by a certain percentage?

Shri C. D. Deshmukh: No. There is no formula in existence now. Last year, it was agreed that the total dollar expenditure should be limited to 75 per cent. of the expenditure in 1948. But no such formula has been adopted for the current year.

Mr. Speaker: Next question.

BOARD OF DIRECTORS OF HINDUSTAN AIRCRAFT

***4199. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Defence be pleased to state how many members there are at present on the Board of Directors of the Hindustan Aircraft?

(b) Is it proposed to increase the number of Directors in the near future?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Three.

(b) A proposal to reconstitute the Board of Directors is under consideration, but no decision has been taken as to whether the number of Directors should be increased.

Pandit Munishwar Datt Upadhyay: Is there any proposal that one more director should be added?

Major-General Himatsinhji: The number of directors allowed is laid down in the Articles of Association, which I have not got with me at present. The proposal for having a non-official Civilian Chairman is under the consideration of the Government.

Shri Kumbhar: May I know the names of the present directors?

Major-General Himatsinhji: The Defence Minister is the Chairman. Shri H. C. Dasappa, Finance and Industries Minister, Mysore State is the Vice-Chairman and Shri J. R. D. Tata is a nominee of the Government of India.

Shri A. C. Guha: May I know if there is any remuneration attached to these posts, as Chairman or as directors?

Major-General Himatsinhji: The Chairman is the hon. Defence Minister.

The Minister of Defence (Sardar Baldev Singh): I may say for the information of the hon. Member that I do not know whether any remuneration is provided for. No remuneration has been drawn by me and I do not propose to draw even if there is any provision.

Pandit Munishwar Datt Upadhyay: May I know from what class is the Civil Chairman proposed to be selected.

Major-General Himatsinhji: There are certain names proposed and the matter is under the consideration of the Government of India. I am not able to say anything about the 'class', because I do not know what the hon. Member means by it.

Mr. Speaker: Next question.

PHYSICAL EDUCATION CENTRES

***4200. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Education be pleased to state how many Physical Education Centres have been started in Delhi?

(b) What is their course of study?

(c) Has the Municipal Committee Delhi approached Government for aid for this Scheme?

The Minister of Communications (Shri Kidwai): (a) Five.

(b) The Centres do not have any course of study. They only provide facilities for physical exercises and games.

(c) No.

Pandit Munishwar Datt Upadhyay: May I know if any teachers had been recruited for this purpose? If so, how many?

Shri Kidwai: Each school has got its separate staff.

Pandit Munishwar Datt Upadhyay: I wanted to know the number of teachers recruited.

Shri Kidwai: The staff consists of one Director and five Assistant Directors who are in charge of each Centre and the usual allowances are given.

Pandit Munishwar Datt Upadhyay: The hon. Minister has not given me the number of teachers. Probably he has not got the number.

Shri Kidwai: This is the number that I have given, namely one Director and five Assistant Directors.

Pandit Munishwar Datt Upadhyay: May I know whether there is any minimum qualification fixed for those persons who are to impart instruction in these centres?

Shri Kidwai: No.

Shri Kamath: Has the question of introducing *Hatha Yogic Asana* and *Pranayama* as a part of the curriculum of physical education been considered by Government at all?

Mr. Speaker: Order, order, next question.

TECHNICAL AID TO INDIA

*4201. **Dr. Ram Subhag Singh:** (a) Will the Minister of Finance be pleased to state whether an agreement has been signed between the Government of India and the International Labour Organisation for technical aid to India under the expanded programme of Technical Assistance of the U.N.O.?

(b) If so, what are the chief terms of that agreement?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) A copy of the Agreement is placed on the Table of the House. [See Appendix XXV, annexure No. 28.]

The purpose of the Agreement is for furnishing technical assistance by the International Labour Organisation through the provision of experts and fellowships.

Dr. Ram Subhag Singh: How many stipends and fellowships will be given to Indians for their study and training abroad under this Agreement?

Shri C. D. Deshmukh: I have not got the information as to the figure provided for India separately.

Dr. Ram Subhag Singh: May I know whether any co-ordinating agency is going to be established by the Government for the proper utilization of the technical aids received from the United Nations, the I.L.O. and President Truman's Point Four Programme?

Shri C. D. Deshmukh: Yes; by the Economic Affairs Department of the Ministry of Finance.

ADVISORY BOARD OF SOCIAL WELFARE

*4203. **Shri S. N. Das:** (a) Will the Minister of Education be pleased to state the work so far done by the Advisory Board of Social Welfare?

(b) What is the total amount that has so far been sanctioned by it as grants-in-aid to institutions?

(c) Has the Board been able to compile any list of non-official associations and institutions engaged in social welfare work?

(d) Has the Sub-Committee established by the Board to study the question of Social Service by youth, submitted its report?

The Minister of Communications (Shri Kidwai): (a) The Board has set up two Sub-Committees (i) to prepare standard courses in Social work to be adopted by all the institutions and (ii) to prepare a scheme of social work to be undertaken by students.

(b) Grants are sanctioned by Government.

(c) The Board has not so far undertaken the preparation of such a list.

(d) Not yet.

Shri S. N. Das: If the list is not long I would like to know the names of the different associations to which grants have been sanctioned.

Shri Kidwai: The Tata Institute of Social Sciences, Delhi School of Social Work, The Association of Social and Moral Hygiene and the Children's Aid Society, Delhi.

Shri S. N. Das: Have Government sent a directive to State Governments to compile a list of such institutions and associations?

Shri Kidwai: The States are being consulted about the courses that are to be drafted by this Committee.

WRITTEN ANSWERS TO QUESTIONS

GRANTS TO SCHEDULED CASTES

*4177. **Shri Kannamwar:** (a) Will the Minister of Education be pleased to state how much amount as an annual grant was given to the Scheduled Castes in the years 1947, 1948, 1949 and 1950 for their education?

(b) How many students from Scheduled Castes have been given overseas scholarships by the Government of India during the last three years?

The Minister of Communications (Shri Kidwai): (a) 1947-48, Rs. 4,00,000; 1948-49, Rs. 4,20,000; 1949-50, Rs. 6,00,000; 1950-51, Rs. 7,20,000.

(b) None.

ASSISTANT SUPERINTENDENTS

***4179. Shri Raj Kanwar:** Will the Minister of Home Affairs be pleased to state:

(a) for how many lower and upper division clerks working in the Central Secretariat, an Assistant Superintendent is normally appointed;

(b) for how many Assistant Superintendents there is a Superintendent;

(c) for how many Superintendents there is an Under Secretary;

(d) for how many Under Secretaries there is a Deputy Secretary; and

(e) for how many Deputy Secretaries there is a Secretary or Joint Secretary?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (e). There are no hard and fast rules regarding the relative strength of officers and assistants in the Central Secretariat.

The normal strength of a standard Secretariat division under the control of the Deputy Secretary may be taken to consist of one Deputy Secretary, 2 Under Secretaries, 3 Superintendents, 3 Assistant Superintendents and 16 Assistants.

Three or four Secretariat divisions, each under a Deputy Secretary, will normally be the charge of a Joint Secretary or a Secretary.

For further details, the hon. Member is referred to the Central Secretariat Service (Re-organisation and Reinforcement) Scheme, copies of which are available in the library of the House.

MOBILE DISPENSARIES FOR DELHI

***4202. Shri Kshudiram Mahata:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that two mobile dispensaries have been established for the State of Delhi;

(b) the staff and the number of vehicles of each unit of the mobile dispensaries;

(c) the date of their establishment;

(d) the area allotted to each unit and the area moved every day;

(e) the number of patients attended upon uptill now by each of them; and

(f) the cost of maintenance except medicine etc.?

The Minister of Communications (Shri Kidwai): (a) Yes.

(b) Staff:

Civil Assistant Surgeon,	1
grade I	
Compounder	1
Dresser	1
Driver	1
Cleaner	1

Number of vehicle:

(c) September, 1949.

(d) and (e). A statement giving the information required is placed on the Table of the House. [See Appendix XXV, annexure No. 29.]

(f) Rs. 30,387 upto the 30th April, 1951.

PUBLIC SCHOOLS

***4204. Dr. Deshmukh:** (a) Will the Minister of Education be pleased to state the number of Public Schools which are directly managed by the Government of India together with their names?

(b) What is the annual recurring and non-recurring expenditure on them?

(c) Is it the policy of Government to take over more Public Schools?

(d) Do Government intend to establish any Public School or assist the establishment of Public Schools in the various States?

The Minister of Communications (Shri Kidwai): (a) Lawrence School, Sanawar and Lawrence School, Love-dale.

(b) A statement is laid on the Table of the House. [See Appendix XXV, annexure No. 30.]

(c) The Government of India are not at present considering any proposal to take over more Public Schools.

(d) This is a matter for the Governments of the States concerned.

SPECIAL RECRUITMENT BOARD

***4205. Shri J. N. Hazarika:** Will the Minister of Home Affairs be pleased to state:

(a) the number of Scheduled Tribes candidates throughout the Union, Statewise, recommended by the State Governments for interview before the special Recruitment Board during the last four years; and

(b) how many of them have so far been recruited to I.A.S. and I.P.S.?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). One State Service officer belonging to a Scheduled Tribe was recommended.

by the State Government. He has been appointed to the Indian Administrative Service.

One other person belonging to a Scheduled Tribe applied directly as an open market candidate and not through the State Government. He has been appointed to the Indian Police Service.

HILL TRIBES OF BURMA

*4206. **Shri J. N. Hazarika:** Will the Minister of Home Affairs be pleased to state:

(a) whether exemption has been extended to the members of Hill Tribes of Burma border lands entering India without passport required by the Indian Pass Port Rules; and

(b) if so, whether similar exemption has been made to the members of the Hill Tribes of Pakistan border territory?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes, provided they do not proceed beyond 25 miles from the land border.

(b) Members of Hill Tribes on the Pakistan border, being nationals of Pakistan, have already been exempted by a reciprocal arrangement with Pakistan. Nationals of Pakistan entering from West Pakistan will have to obtain permits but there are no Hill Tribes in West Pakistan.

FOREIGN INVESTMENTS

*4207. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state the total amount of foreign investment in India with the following break-up—

(i) nationalities of the investors;

(ii) long term investment in industries showing their names and amounts separately; and

(iii) short term investment in commerce and as loans and advances to Indian concerns?

The Minister of Finance (Shri C. D. Deshmukh): I presume the hon. Member refers to the foreign business investments in India. According to the Reserve Bank of India's report on the Census of Foreign Liabilities and Assets, the book value of such investments as on the 30th June, 1948 was estimated at about Rs. 398 crores, consisting of long term investments of about Rs. 320 crores and the short term investments of about Rs. 78 crores. As regards the break-up of these figures, country-wise and by main categories of industries, I would invite the attention of the hon. Member to Table III-27, and statements Nos. 11 and 12 in the Reserve Bank of India's

Report on the 'Census of Foreign Liabilities and Assets' a copy of which is available in the Library of the House.

DOCUMENTARY FILMS

*4208. **Shri M. L. Gupta:** (a) Will Minister of Information and Broadcasting be pleased to refer to the answer given to part (b) of my starred question No. 3347 on the 21st April 1951 regarding documentary films and state whether the 800 touring cinemas are owned by private individuals or by Government?

(b) What is the number of mobile vans that various States have and the area that they cover?

(c) Has a record been kept of the number of the shows at which these films have been exhibited and the density of the crowd which was present at each show?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) By private individuals.

(b) In regard to the first part of the question, information is being collected and will be placed on the Table of the House. As regards the area covered, the mobile vans are expected to cover the whole area of the State concerned.

(c) The agreement with each cinema is that it should exhibit every documentary film contracted for at every show during the week. The audience varies according to the capacity of the cinema house and according to the popularity of the feature film exhibited.

TOBACCO GROWERS

*4209. **Shri B. K. Panl:** Will the Minister of Finance be pleased to state:

(a) how many tobacco growers were prosecuted or punished during the years 1949-50 and 1950-51 and the nature of offences committed;

(b) the maximum amount of fine imposed or realised from a single defaulter;

(c) how many growers were punished for technical offences;

(d) the total amount received towards realisation of fine; and

(e) in how many cases property of the growers was being confiscated?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (e). The particulars are being collected and will be laid on the Table of the House when available.

**REGIONAL COMMITTEES OF ALL-INDIA
COUNCIL OF TECHNICAL EDUCATION**

*4210. **Shri S. C. Samanta:** Will the Minister of Education be pleased to refer to the answer given to my starred question No. 954 asked on 20th March 1950 regarding regional committees of All-India Council of Technical Education and state:

(a) whether these regional Committees of the All-India Council of Technical Education have now been set up; and

(b) if so, what is their composition?

The Minister of Communications (Shri Kidwai): (a) Not yet. Steps are being taken to constitute these Committees.

(b) The attention of the hon. Member is invited to my reply to part (a) of Starred Question No. 1504 asked by Shri D. S. Seth on the 16th February 1951, which *inter alia* gives the composition of the Regional Committees.

STERLING BALANCES

*4211. **Shri M. Naik:** (a) Will the Minister of Finance be pleased to state the present position of India's Sterling Balances as compared with that immediately after post-partition division of assets?

(b) What were the main purposes for which these balances have been drawn upon so far?

(c) What is the policy of Government in regard to conservation of sterling *vis-a-vis* commercial imports?

The Minister of Finance (Shri C. L. Deshmukh): (a) and (b). India's sterling balances declined from Rs. 1516 crores on the 14th August, 1947, to Rs. 883 crores on the 4th May, 1951. The main details of this drop of Rs. 633 crores are:

- (1) a payment of Rs. 224 crores for the purchase of annuities for financing the payment of sterling pensions;
- (2) a payment of Rs. 133 crores for the acquisition of surplus stores and installations left behind by the U.K. at the end of the War, less a receipt of Rs. 61 crores on final settlement of our claim on the U.K. Government for Defence expenditure incurred on their behalf during the War;
- (3) a payment of about Rs. 201 crores to the State Bank of Pakistan towards its share of the balances following the

separation of Pakistan currency from that of India; and

- (4) the balance of Rs. 136 crores was utilised towards meeting current and capital balance of payments deficit over the period in question.

(c) The policy of Government is to allow, within the total available foreign exchange resources, including sterling releases, imports, both on Government and commercial accounts, of goods and services essential for the maintenance and development of the country's economy. In this connection, I would also invite the hon. Member's attention to para. 20 of my last budget speech.

SCHEDULED TRIBES

*4212. **Shri M. Naik:** (a) Will the Minister of Home Affairs be pleased to state what sums of money were provided in the budget of 1951-52 and how much of that provision was paid as grants-in-aid to the States of Orissa, Bihar and Madhya Pradesh respectively for the purpose of promoting the welfare of the scheduled Tribes in those States?

(b) What is the provision for the year 1951-52 for each of these States?

(c) When will these grants be actually available?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Nil.

(b) and (c). A lump sum provision of Rs. one crore has been made under both the provisos to clause (1) of Article 275 of the Constitution. The State Governments concerned have been asked to furnish details of the schemes that they propose to undertake. Funds will be allotted on receipt of these schemes.

EXCHANGE VALUE OF PAKISTAN CURRENCY

*4213. **Shri B. K. Pani:** (a) Will the Minister of Finance be pleased to state whether it is a fact that when the official exchange value of Pakistani 100 rupees is equivalent to 140 Indian Rupees in Pakistan, the exchange for Pakistan currency for Indian money is at Rs. 100 (Pakistani) to Rs. 110 (Indian) in non-official circle in Western Pakistan; and

(b) what is the non-official exchange value of Pakistani currency in Calcutta?

The Minister of Finance (Shri C. L. Deshmukh): (a) and (b). The official parity rate of exchange between the

Indian and Pakistan rupees in India and Pakistan is approximately Rs. 144 Indian equal to Rs. 100 Pakistan. Government are aware that limited transactions have been taking place outside the normal banking channels at rates varying between Rs. 110 to Rs. 115 Indian for Rs. 100 Pakistan, in certain places in Pakistan and in Calcutta.

COMMITTEE TO REVIEW ACTIVITIES OF CENTRAL UNIVERSITIES

*4214. **Shri Sanjivayya:** (a) Will the Minister of Education be pleased to state what are the recommendations of the Committee appointed by the Government of India to review the activities of the Central Universities?

(b) what steps have Government taken so far, to implement the recommendations?

The Minister of Communications (Shri Kidwai): (a) A copy of the Reviewing Committee's report is placed on the Table of the House. [Copies placed in the Library, see No. P-168/51.]

(b) The Vice-Chancellors of the Universities have been asked for their comments on the Committee's recommendations. On receipt of those comments the recommendations will be examined by Government.

GOVERNMENT SCHOLARSHIP HOLDERS

*4215. **Shri R. K. Chaudhuri:** (a) Will the Minister of Information and Broadcasting be pleased to state the number of persons employed in the AIR who have been Government Overseas Scholarship holders?

(b) How many of them have been employed in Gazetted and how many in non-Gazetted posts?

(c) What was basis of selection to these posts?

(d) Has the U.P.S.C. approved these appointments?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) Seventeen.

(b) Eight and nine respectively.

(c) The selections were made on the basis of technical qualifications, experience and progress reports received through the Ministry of Education.

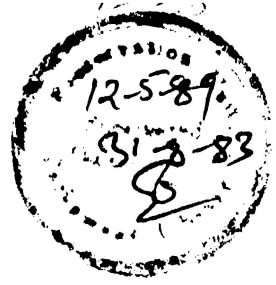
(d) The Commission has approved of ten appointments.

RETIRED HIGH COURT JUDGES

299. **Dr. Deshmukh:** Will the Minister of Home Affairs be pleased to lay on the Table of the House a statement giving the number of retired High Court Judges at present in the employment of the Government of India with their names, present pay, year of retirement, salary, office held, term of employment, amount of salary excluding pension, allowance received during each of the years 1948-49, 1949-50 and 1950-51 (the statement should include appointments of all kinds, including to the Supreme Court and all Government of India bodies, temporary or permanent like committees and Tribunals)?

The Minister of Home Affairs (Shri Rajagopalachari): Information is being collected and a statement will be laid on the Table of the House in due course.

Monday, 16th May, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Third Session

of the

PARLIAMENT OF INDIA

1950-51

**THE
PARLIAMENTARY DEBATES**

**(Part II—Proceedings other than Questions and Answers.)
OFFICIAL REPORT**

8810

8811

PARLIAMENT OF INDIA

Wednesday, 16th May, 1951.

*The House met at Half Past Eight
of the Clock.*

[**MR. SPEAKER** in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

PAPERS LAID ON THE TABLE

**DELIMITATION OF PARLIAMENTARY AND
ASSEMBLY CONSTITUENCIES ORDERS**

The Minister of Law (Dr. Ambedkar): I beg to lay on the Table the following Orders made by the President on the 15th May, 1951, under sub-section (3) of section 13 of the Representation of the People Act, 1950:

- (1) The Delimitation of Parliamentary and Assembly Constituencies (Assam) Order, 1951.
- (2) The Delimitation of Parliamentary and Assembly Constituencies (Bihar) Order, 1951.
- (3) The Delimitation of Parliamentary and Assembly Constituencies (Orissa) Order, 1951.
- (4) The Delimitation of Parliamentary and Assembly Constituencies (West Bengal) Order, 1951.
- (5) The Delimitation of Parliamentary and Assembly Constituencies (Hyderabad) Order, 1951.
- (6) The Delimitation of Parliamentary and Assembly Constituencies (Madhya Bharat) Order, 1951.

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(7) The Delimitation of Parliamentary and Assembly Constituencies (Patiala and East Punjab States Union) Order, 1951.

(8) The Delimitation of Parliamentary and Assembly Constituencies (Rajasthan) Order, 1951.

(9) The Delimitation of Parliamentary and Assembly Constituencies (Saurashtra) Order, 1951.

(10) The Delimitation of Parliamentary and Assembly Constituencies (Travancore-Cochin) Order, 1951.

(11) The Delimitation of Parliamentary Constituencies (Part C States) Order, 1951.

[Placed in Library. See No. P-169/51.]

Mr. Speaker: I have to inform hon. Members that copies of certain Orders made by the President regarding Delimitation of Constituencies, which have just now been laid on the Table, will be placed in the Parliamentary Notice Office as soon as they are received from the press today. Hon. Members may obtain a copy of each of these Orders on request.

Shri Sonavane (Bombay): Certain Orders relating to the other States have not yet been placed. May I know by what time these Orders will be placed on the Table by the Government?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): So far as I know, three-fourths of the Orders have already been placed. The four or five that remain will probably be placed by day after tomorrow.

Shri Kamath (Madhya Pradesh): May I know what procedure will be adopted by this House for the discussion or consideration of these Orders?

Mr. Speaker: The hon. Member will note the provision of the Act which does not say, so far as I remember now, that the Orders are open to discussion. The only point provided for is that they are subject to such modifications as Parliament would like to make on a motion made within 20 days. So, a motion has to come from those who want to have a modification in any of these Orders. It is not that these orders are open to discussion generally. It is only the modification desired that should be discussed in this House and if the House decides that we should modify the Order, the Order will stand modified.

Shri Kamath: Twenty days, inclusive or exclusive of..

Mr. Speaker: We shall decide that question if it arises.

Dr. Deshmukh (Madhya Pradesh): Sir, before you go to the next item, may I rise on a point of order, which I was going to raise during the Question Hour? The point of order is: When an hon. Minister replies to a question and when even you are pleased to remark that you do not follow the answer or understand the answer, whether that should be considered as a satisfactory state of affairs and you should pass on to another question. That is the point of order which I wish to raise and which arises out of the questions answered this morning.

Mr. Speaker: When I said that I could not follow, what I meant was that I did not hear, because, as I have very often said, there are always loud conversations going on on all sides of the Chamber and it becomes difficult for the Chair to catch each question and each answer. So, that disposes of the first part. When I said that we should go on to the next question and that it was no use putting further questions, it was not because the hon. Minister had no answer, but because the matter was not of importance certainly to justify taking more time of the House.

Dr. Deshmukh: With due respect...

Shri Kamath (Madhya Pradesh): That was my difficulty too. I did not hear and so I wanted to know whether.....

Mr. Speaker: Order, order; the point of order has been raised and the Chair has ruled; the matter ends there.

Shri R. K. Chaudhuri (Assam): Before you go to the next item, Sir, may I draw your attention to the fact that we have received copies of a letter addressed to the President of India by the Naga National Council stating that they are holding today, the 16th.....

Mr. Speaker: Order, order. He may raise the point in the House in a different manner. I believe reference to that point was made by the hon. Home Minister. He may have received any letter. Every Member of Parliament has received letters including myself. It is a question, really speaking, of discussing the matter privately first with the hon. Prime Minister because he is in charge of External Affairs. Then, there is the hon. Home Minister. The hon. Members may get information and then if they are dissatisfied and have to raise any further points, they have to request the Chair for admission of a question or in any other form which may be open to them. Hon. Members will realise that it should be the anxious concern of every one in this House not to speak or not to convey information which is likely to disturb the atmosphere of peace in any way, in any part of the country or the world. Therefore, merely because a letter has been received, just to rush with that letter in the House is not, I think, proper procedure. Let us proceed in this matter as responsible men who want to have peace everywhere in the world. That is the only thing which I can say. I believe sufficient information was given the other day when the hon. Home Minister made a statement in this House and said that it is desirable or better—I am not quoting his exact words—that this question is not discussed here. That is what he said.....

Shri R. K. Chaudhuri: Today is the 16th. May, I know.....

Mr. Speaker: Order, order. Whatever it is, let us trust those who are in charge of Government, that they are alive to this kind of thing. Let us not be guided by reports, circulars and letters that come to us.

CONSTITUTION (FIRST AMENDMENT) BILL

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I beg to move:

"That the Bill to amend the Constitution of India be referred to a Select Committee consisting of Prof. K. T. Shah, Sardar Hukam Singh, Pandit Hirday Nath Kunzru, Dr. Syama Prasad Mookerjee, Shri Naziruddin Ahmad, Shri C. Rajagopalachari, Shri L. Krishnaswami Bharati, Shri Awadheshwar Prasad Sinha, Shri T. R. Deogirikar, Dr. B. R. Ambedkar, Shri V. S. Sarwate, Shri Mohanlal Gautam, Shri R. K. Sidhva, Shri Khandubhai K. Desai, Shri K. Hanumanthaiya, Shri Raj Bahadur, Shrimati G. Durgabai, Shri Manilal Chaturbhai Shah, Shri Dev Kanta Borooah, Shri Satya Narayan Sinha and the Mover with instructions to report on Monday the 21st May, 1951."

This Bill is not a very complicated one; nor is it a big one. Nevertheless, I need hardly point out that it is of intrinsic and great importance. Anything dealing with the Constitution and change of it is of importance. Anything dealing with Fundamental Rights incorporated in the Constitution is of even greater importance. Therefore, in bringing this Bill forward, I do so and the Government does so in no spirit of light-heartedness, in no haste, but after the most careful thought and scrutiny given to this problem.

I might inform the House that we have been thinking about this matter for several months, consulting people, State Governments, Ministers of Provincial Governments, consulting, when occasion offered itself, a number of Members of this House, referring it to various Committees and the like and taking such advice from competent legal quarters as we could obtain, so that we have proceeded with as great care as we could possibly give to it. We have brought it forward now after that care, in the best form that we could give it, because we thought that the amendments mentioned in this Bill are not only necessary, but desirable, and because we thought that if these changes are not made, perhaps not only would great difficulties arise, as they have arisen in the past few months, but perhaps some of the main purposes of the very Constitution may be defeated or delayed. In a sense this matter, of course, has been mentioned rather vaguely and has been before the

public for some time. But in the precise form that it has been raised in this Bill, it came up only when I introduced this Bill in the House a few days ago.

There have been quite a number of criticisms of various kinds. There have been criticisms not only in our own country, as they should be but also in some foreign countries, where some of our friends or those who were our friends have got into the habit of criticising whatever we might do. If we seek peace it is criticised. If we do something else, they say that we are not peaceful. And so, as I said, there has been a good deal of criticism and we welcome this criticism, because in a matter of this kind, the greater the scrutiny the better. And may I say that it is with no desire to hurry this that I have mentioned an early date for the report of the Select Committee. I do not myself see how a prolongation of this date for a relatively simple Bill, however important, enable us to give greater thought to it. Such thought and experience that we have with regard to the three or four articles, surely, can be brought to bear on the question within a few days; and even if we make the few days into a few weeks, it is not going to increase the amount of concentrated attention or thought that we might give it.

Now, various types of criticisms have been raised. One of them is a rather curious one namely that this House having been elected on a narrow franchise, not being really representative of the country and of the organised will of the community, is not justified or it is not proper for it to deal with such amendments. I seem to remember those very people who raise this criticism criticising the right, not of this particular House, but nevertheless, very much the same House which preceded it, criticising the Constituent Assembly for daring to draft the Constitution for India, because they were elected on a certain franchise. Now, that Constituent Assembly which has gone into the history of India is no more; but we who sit here, or nearly all of us, still continue that tradition, that link. In fact, it is we after all, who were the Constituent Assembly and who drafted this Constitution. Then we were not supposed to be competent enough to draft the Constitution. But now, the work we did was so perfect that we are not now competent enough to touch it! That is rather an odd argument. We have come up here, naturally because after the experience

[Shri Jawaharlal Nehru]

of a year and a half or so, we have learned much. We have found out some, if I may say so, errors in drafting or in possible interpretations to be put on what we had drafted. That is but natural. And the House will also remember that when this matter of the Constitution was being considered in the Constituent Assembly, a clause or an article was proposed, that within a space of five years any changes in the Constitution should be relatively easy, that the normal procedure laid down need not be followed, but an easy procedure should be followed. Why? Because it was thought—and if I may say so, rightly thought—that after a little while many little things may come to our notice which did not come up in the course of the debate, and we could rectify them after that experience, with relative ease, so that after this preliminary experience, the final shape may be more final and there would be no necessity for extensive amendments. However, that particular clause unfortunately—if I may say so with due respect—was dropped out. Nevertheless, so far as this House is concerned, it can proceed in the manner provided by the Constitution to amend it, if this House so chooses.

Now there is no doubt that this House has that authority. There is no doubt about that, and here, I am talking not of the legal or constitutional authority, but of moral authority, because it is, roughly speaking, this House that made the Constitution. We are not merely technically, the inheritors of the fathers of the Constitution. We really shaped it and hammered it after years of close debate. Now we come to this House for amendments because we have noticed some lacunae. We have noticed that difficulties arise because of various interpretations. It has been pointed out to us by judicial interpretations that some of these lacunae exist. Now, let me say right at the outset that so far as the interpretation of the Constitution is concerned, it is the right and privilege of the highest courts of the land to do it, and it is not for us as individuals or even as a Government to challenge that right. The judiciary must necessarily stand above, shall I say, political conflicts and the like, or political interpretations. They have to interpret it in the light of the law and with such light as they can give to it. We respect that and we must obey that. But having followed that interpretation, it becomes our business as Parliament to see whether the purpose we aimed at is fulfilled.

because if it is not fulfilled, then the will of the community does not take effect. And if the will of the community ultimately does not take effect, then serious difficulties might arise at any time. And more so at a time like this when powerful and dynamic forces are at work, not merely in India, not merely in Asia, but all over the world, when changes take place and when we cannot think in terms of anything being static and unchanging. Therefore, while fully respecting what the courts of the land have laid down and obeying their decisions, nevertheless it becomes our duty to see whether the Constitution so interpreted was rightly framed and whether it is desirable to change it here and there so as to give effect to what really in our opinion, was intended or should be intended. Therefore I come up before this House, not with a view to challenge any judicial interpretation, but rather to find out and to take the assistance of this House, in clearing up doubts and in removing certain approaches to this question which have prevented us sometimes from going ahead with measures of social reform and the like.

This House knows very well that there are many kinds of Constitutions in the world. There is the Constitution which is not written down, for instance, the Constitution of the United Kingdom where Parliament is absolutely supreme and can do and say what it likes and that is the law of the land, and no court can challenge it, however, they may interpret the law. Then there is the written Constitution like the Constitution of that great country—the United States of America—where the Constitution to some extent, limits the authority of the legislature in so far as certain Fundamental Rights or other provisions are given in it. Now, in the United States of America, by a long course of judicial decisions, healthy conventions have been laid down and the power of the legislature has been widened somewhat. Because of the interpretations by high judicial authority and because of those conventions, the extreme rigidity that perhaps the written word might have given it has been made more flexible in the course of generations. I have no doubt that if we live through a static period, gradually those conventions would arise here too, relaxing that extreme rigidity of the written word and that our courts would help relaxing that rigidity. But unfortunately we have no time. It is barely a little more than a year since we started functioning under this Constitution. And to begin with,

therefore, it is only the written word in all its rigid aspects that apparently counts and not the many inner meanings that we sought to give to it. So we are deprived of that slow process of judicial interpretation and development of conventions which the other countries with the written Constitutions have gone through like the United States of America. Therefore because we live in these rapidly changing times, we cannot wait for that slow process. We have to give a slightly different shape to the written word. In effect we do what in the normal course judicial interpretation might have done and probably would have done and we come up before this House for that purpose.

A great deal has been said about the desire of this Government to put any kind of curb or restraint on the freedom of the citizen or Press or of groups. First of all, may I remind the House that this Bill only perhaps clears up what the authority of Parliament is. We are not putting down any kind of curb or restraint. We are removing certain doubts so as to enable Parliament to function if it so chooses and when it chooses. Nothing else happens when this Bill is passed except to clarify the authority of Parliament. May I also point out to this House that we in this Government and we in this House, have not got a very long life. This session is coming to a close and after this session there is likely to be a brief session again before the General Elections take place in this country. This present Parliament will give place to another—a larger one, perhaps a different one. The Government may give place to another, and whatever changes we may make in the Constitution to-day, it is highly unlikely that this Government or this Parliament will take advantage of them by passing laws to that effect, unless some very severe crisis, national or international, arises. In effect, therefore, it is not this Government that is trying to seek power or consolidate itself and certainly I do repudiate the suggestion which has been made here and there that any of these amendments are meant to be utilized for political or party purposes. Because nothing could be farther from our thought and indeed, from the practical point of view, the House will observe that that can hardly be done. We do wish, when we walk away from this present scene before the election or after, to leave something for the succeeding Parliament and for the younger generation that will come

up—something that they can wield and handle with ease for the advancement of India and not something which will come always in their way and deflect them from the set purpose we have in view. Therefore, it is from this point of view that we have put forward this Bill.

The House is seized of this Bill and no doubt hon. Members have noticed the various proposals made therein. A number of amendments might be called rather secondary in importance—not concerning any vital matters of principle. I shall point them out to the House a little later. They are not of great importance but they have come up before us because of certain difficulties which we have experienced. For instance if I may mention one particular difficulty, one of the articles—for the moment—I forget the number—lays down that this House should meet twice a year and the President should address it. Now a possible interpretation of that is that this House has not met at all this year. It is an extraordinary position considering that this time this House has laboured more than probably at any time in the previous history of this or the preceding Parliament in this country. We have been practically sitting with an interval round about Xmas since November and we are likely to carry on and yet it may be held by some acute interpreters that we have not met at all this year strictly in terms of the Constitution because we started meeting in November and we have not met again—it has not been prorogued—the President has not addressed Parliament this year. Put it in the extreme way, suppose this House met for the full year without break except short breaks, it worked for 12 months, then it may be said under the strict letter of the law that it has not met at all this year. Of course that article was meant not to come in the way of our work but to come in the way of our leisure. It was indeed meant and it must meet at least twice a year and there should not be more than six months' interval between the meetings. It did not want any Government of the day simply to sit tight without the House meeting. Therefore it wanted to compel it by the force of the Constitution and meet at least twice a year but without a big gap. That again by interpretation leaves the curious situation that if you continue meeting, you do not meet at all!

Shri Kamath (Madhya Pradesh):
Calendar year or financial year?

Shri Jawaharlal Nehru: Totally immaterial. It does not much matter which you consider. (**Shri Kamath:** It does matter sometimes). The point is presumably we deal with the calendar year in such matters. So, you will see three or four amendments really deal with this. That is to say, two of them deal with Parliament and two deal with the State Assemblies because the same rule affects them also. There are one or two other matters which are rather minor. I might as well refer to them before I go to the more important one.

Article 85 is the article to which I have referred about the sessions of Parliament, prorogation and dissolution. Article 87 is the consequential one to change. So also articles 174 and 176 apply to State Assemblies in the same way in regard to a Governor summoning them twice a year. Then articles 341 and 342 relate to notification of scheduled tribes and castes by the President. Here it is really a verbal change to make it clear because some States have not got Rajpramukhs etc. Article 372 relates to the adaptation of laws where it is sought to increase the period from two to three years. Article 376—the last one—enables Government to appoint a Chief Justice even though he might not be a citizen of India.

These are relatively minor points. The real important provisions which I am putting before the House relate to articles 19 and 31. There is also article 15 with which I will deal first. In article 15 it is sought to add certain words. Perhaps it might appear that these words might almost be considered redundant. Nevertheless it has been considered desirable to add them and I am not quite sure if a slight further addition would not even be better to make it quite clear.

The real difficulty which has come up before us is this. The Constitution lays down certain Directive Principles of State Policy and after long discussion we agreed to them and they point out the way we have got to travel. The Constitution also lays down certain Fundamental Rights. Both are important. The Directive Principles of State Policy represent a dynamic move towards a certain objective. The Fundamental Rights represent something static, to preserve certain rights which exist. Both again are right. But somehow and sometime it might so happen that that dynamic movement and that static standstill do not quite fit into each other.

A dynamic movement towards a certain objective necessarily means certain changes taking place: that is the essence of movement. Now it may be that in the process of dynamic movement certain existing relationships are altered, varied or affected. In fact they are meant to affect those settled relationships and yet if you come back to the Fundamental Rights they are meant to preserve, not indirectly, certain settled relationships. There is a certain conflict in the two approaches, not inherently, because that was not meant, I am quite sure. But there is that slight difficulty and naturally when the courts of the land have to consider these matters they have to lay stress more on the Fundamental Rights than on the Directive Principles of State Policy. The result is that the whole purpose behind the Constitution, which was meant to be a dynamic Constitution leading to a certain goal step by step, is somewhat hampered and hindered by the static element being emphasised a little more than the dynamic element and we have to find out some way of solving it.

The amendment, which I seek to move is, to be quite frank with the House, not a solution of the basic problem which will come up before the House in various shapes and forms from time to time. But it does lay stress on one small aspect of it.

May I also point out and try to remove a possible misconception that might be in the minds of some hon. Members. They might think that this is perhaps a devious method to bring in some kind of a communal element in the consideration of this problem. I want to make it perfectly clear that so far as Government are concerned they do not wish to have any truck with communalism in any form. But you have to distinguish between backward classes which are specially mentioned in the Constitution that have to be helped to be made to grow and not think of them in terms of this community or that. Only if you think of them in terms of the community you bring in communalism. But if you deal with backward classes as such, whatever religion or anything else they may happen to belong to, then it becomes our duty to help them towards educational, social and economic advance. Naturally that advance is not meant to be, if I may say so, at the expense of the others. We want to pull people up and not pull them down. But sometimes in this intervening period difficulties arose, because we have not got

enough provision, let us say, for giving a certain type of education, technical or other. The question arose whether we should give some reasonable encouragement and opportunity for that education to be given to members of the backward classes, which otherwise, without that encouragement and opportunity, they may not get at all, so that they remain where they are and we cannot pull them up. Therefore the object of this amendment is to lay stress on this.

The House may remember article 29(2) which says that no one by reason of his religion, etc., etc., should be kept out of an educational institution. That is a fundamental thing by which this Constitution stands and we must stand by it. There is no question of going behind that. What I submit is, respecting that, we have also to respect that fundamental directive of this Constitution and the fundamental aims of our policy, that we must encourage and help those who are backward to come up and give them proper training and proper opportunities of social and economic advance.

The essential difficulty is this. The whole conception of the Fundamental Rights is the protection of individual liberty and freedom. That is a basic conception and to know wherefrom it was derived you have to go back to European history from the latter days of the 18th century; roughly speaking, you may say from the days of the French Revolution which spread on to the 19th century. That might be said to be the dominating idea of the 19th century and it has continued and it is a matter of fundamental importance. Nevertheless, as the 19th century marched into the 20th century and as the 20th century went ahead, other additional ideas came into the field which are represented by our Directive Principles of State Policy. If in the protection of individual liberty you protect also individual or group inequality, then you come into conflict with that Directive Principle which wants, according to your own Constitution, a gradual advance, or let us put it another way, not so gradual but more rapid advance, wherever possible to a State where there is less and less inequality and more and more equality. If any kind of an appeal to individual liberty and freedom is construed to mean as an appeal to the continuation of the existing inequality, then you get into difficulties. Then you become static, unprogressive and cannot change and you cannot realise that ideal of an

egalitarian society which I hope most of us aim at.

[These problems arise and I have mentioned them to the House, not because they arise out of the little amendment that I propose but at the back of these problems they are there and we have to come to grips with them. If this particular amendment can be somewhat varied I should welcome it. I do not stick to that particular wording. In the Select Committee or elsewhere some few words may perhaps make the meaning clearer which I have sought to put before the House, and I would personally welcome it.

[Then we come to the two main articles which have to be dealt with in this Bill. Article 19 deals with the Fundamental Rights regarding freedom of speech etc. It has been said that this Government seeks to curb and restrict the freedom of the Press. Hon. Members are fully aware of the state of affairs today. I do not think there is any country in the world at the present moment where there is so much freedom—if I may use that word for the moment—in regard to Press publications as in India. I have frequently given expression to my appreciation of the way responsible journals in this country are conducted. I should like to say so again. But I have also drawn attention to the way the less responsible news-sheets are conducted, and it has become a matter of the deepest distress to me to see from day to day some of these news-sheets which are full of vulgarity and indecency and falsehood, day after day, not injuring me or this House much, but poisoning the mind of the younger generation, degrading their mental integrity and moral standards. (Hon. Members: Shame, shame.) It is not for me a political problem but a moral problem. How are we to save our younger generation from this progressive degradation and poisoning of the mind and spirit? From the way untruth is bandied about and falsehood thrown about it has become quite impossible to distinguish what is true and what is false. Imagine our younger generation in the schools and colleges reading this, imagine, I ask this House, our soldiers and our sailors and our airmen reading this from day to day. What kind of impression do they carry?

[Yes, we can satisfy ourselves that we have got the completest freedom of the Press. That is true. But freedom like everything else, and more than everything else, carries certain

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responsibilities and obligations and certain disciplines, and if these responsibilities and obligations and disciplines are lacking then it is no freedom, it is the absence of freedom, whether an individual indulges in it or a group or a newspaper indulges or anyone else.

For my part, as I grow in years I become more and more convinced that one cannot deal with any major problem, whether it is international or national, by simply relying on coercive processes. More and more I have come to realise that. I know of course that essentially, or at any rate a part of the duty of a Government is a duty to coerce the evildoer according to the laws of the land. That is true. And till we rise to higher levels a Government will always have that duty. I know that it is the duty of a Government to protect the freedom of the country from external invasion, by keeping armies and navies and the like. And so, in spite of my deep and almost instinctive belief that this kind of violence does not solve the problem, yet, having responsibility, I have to rely on those coercive processes, on the army and the navy etc., and keep them in the most effective and efficient way that we can. Therefore, it is not with any idea of trying to improve, if I may say so, the morals of the country by coercive processes that I approach this question. I do not believe that morality is improved by coercive processes whether in the individual or in the group. Nevertheless, when there is a total lack or a great lack of those restraints which make up civilisation, which go behind any culture, whether it is of the East or the West, when there is no sense of responsibilities and obligations, what are we to do? How are we to stop that corroding influence, that disintegrating process that goes on?

Now, I am in a difficulty. This particular amendment is not, let me remind the House, a law curbing or restraining anybody. All these amendments are enabling measures merely clarifying the power of Parliament which might be challenged or has been challenged in regard to some matters. Things remain, so far as the law is concerned, exactly as they were, so long as this Parliament or a future Parliament does not take some action after due thought. I have never heard of anyone saying that in the United Kingdom there is no freedom of the Press

or freedom of anything because Parliament is all-powerful—I have never heard that said. It is only here we seem not to rely on ourselves, not to have faith in ourselves, in our Parliament or our Assemblies, and rely, just as some of us may have relied on external authority like the British power of old days; we rely on some external authority—maybe geographically internal—and not perhaps have faith in this Parliament. After all, the responsibility for the governance of India, for the advancement of India lies on this and future Parliaments, and if this Parliament or future Parliaments of India do not come up to expectations, fail in their great enterprise, then it would not be good for India, and nobody else would preserve India from going towards misfortune. So that you rely on this Parliament for the biggest things, and yet you come and tell us, "Do not trust this Parliament because it may do something wrong, it may do something against the Constitution." So, I would beg the House to remember that this Bill does not bring in any offence, any curb, any restraint. It is an enabling measure clarifying the power of Parliament to deal with the matter. To what extent, is another matter and I shall go into it.

As I have said, I have a difficulty in dealing with, let us say, the Press. The Press is one of the vital organs of modern life, more especially in a democracy. The Press has tremendous powers and tremendous responsibilities. The Press has to be respected, the Press has to be co-operated with. In a somewhat varied career I have sometimes considered myself also a bit of a journalist and a Pressman. So I approach this question not as an outsider but to some extent as an insider also, with full sympathy for the difficulties that journalists and newspaper men and editors have to face. But then, what is the Press; those great organs of national opinion, or some two-page news-sheet that comes out overnight from time to time without regularity, full of abuse, sometimes used even for blackmailing persons? What is the Press? Is that news-sheet the Press or the great national organs or the hundreds and thousands of periodicals and newspapers in between? What standard have I to devise? Everything is the Press. Nobody thinks of restraining the freedom of the responsible organs unless some very extraordinary thing occurs. But what are we to do with these little sheets that come out from day to day and poison and vitiate the atmo-

phere? As I said, it is a difficult thing and a dangerous thing. And power and responsibility do not go together. A Prime Minister of the United Kingdom once, referring to certain types of the Press, said that they had the harlot's privilege of power without responsibility. Well, there it is. One has to face the modern world with its good and bad, and it is better, on the whole, I think, that we give even licence than suppress the normal flow of opinion. That is the democratic method. But having laid that down, still I would beg to say that there is a limit to the licence that one can allow at any time, more so at times of great peril and danger to the State. At the present moment it is our good fortune that in spite of difficult problems in the country, we function normally; we function in this Parliament normally; we function in State Assemblies more or less normally; the machinery of Government goes on; the administration goes on and we try as best we can to face the problems. Yet we live at a time of grave danger in the world, in Asia, in India. No man can say what the next few months may bring, the next few months, or if you like, the next year—I am not thinking of the election, but rather of other happenings that are bigger than elections. Now at this moment when great countries—not to mention smaller ones—even great countries think almost of a struggle for survival when they think that in spite of their greatness and power they are in danger, all of us have to think in terms of survival. And when a country is face to face with grave problems and questions, from the national point of view, of life and death and survival, then there is a certain priority and a certain preference in the way of doing things.

As the House knows, when there is a great war on and your country is involved in it, one has to deal with the situation somewhat differently than otherwise. Today, although there is no great war of that type, although we hope that no great war will come, and even if it comes we hope we shall be out of it, even so, war or no war, we live in a kind of pre-war state of deep crisis and we have to suffer the consequences of it. So, in this critical stage where always there is the question of survival, we cannot function loosely, inefficiently, without discipline, without responsibility, without thinking of our obligations. Therefore, it becomes necessary to give power to this Parliament,

or to the future Parliament, which will represent the organised will of the community in India to take in a time of crisis such steps as it chooses. To prevent us from doing so is to deceive yourself and not to have faith in yourself and to be unable to meet a crisis when it arises and thereby perhaps do great injury to the cause we represent.

Now, what are these wonderful amendments which are said to be curbs and restraints on the Press? In the main, the amendment to article 19, clause (2) that we suggest, contains three new phrases. The three phrases are; friendly relations with foreign States, public order and incitement to an offence. All the rest practically, apart from minor changes in the words, are in the old clause (2). The new clause reads thus:

“(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, restrictions on the exercise of the right conferred by the said sub-clause, and in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, contempt of court, defamation or incitement to an offence.”

The three novel words, or sets of words, compared to the old phraseology are: friendly relations with foreign States, public order and incitement to an offence. Let us now examine them. For the moment, as I said, it is only an enabling measure giving power to Parliament. But let us go beyond that. Does it involve any radical attack on the basic conception of the Fundamental Rights? Take the first thing—foreign relations. Now if anyone thinks that this is meant to stifle criticism of foreign countries, certainly it is not my intention and I am quite sure not of my Government. Ultimately, of course, if such a matter arises, it will be the subject of legislation that Parliament will frame. We are not framing legislation here. We can only indicate that such a thing can be legislated about. Nobody wants it. At the same time, this House will realise that at this particular moment of a very delicate international situation and tension, we cannot easily take the

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risk when something said and done, not an odd thing said and done, but something said and done repeatedly and continuously, may lead in regard to foreign countries to the gravest consequences, may lead to our relations with that foreign country deteriorating rapidly. It is a power which every Government possesses and deals with. It is certainly a power which can be used or misused—it is true. But that question has to be examined when that particular power is granted. All that is said here is that the authority to deal with this matter should vest with Parliament and should not be taken away. Surely, no Member in this House is prepared to say, I hope, that this House should not have the authority to deal with this matter when grave international issues are involved, when something written or said continuously may endanger the peace of the world or our country. It is a very serious matter, that we cannot stop it. What steps to take and how to take them are matters for careful determination when the question arises. Unless this House has the authority to deal with it, the situation cannot be faced and we would be simply helpless to prevent a steady deterioration and disintegration of the situation.

Then the other things are public order and incitement to an offence. Again these are words which may mean more or less—it is perfectly true. If such words were used in an actual piece of legislation, they have to be examined strictly as to how far they go and what powers they confer on the executive. But when you use them here in the sense of enabling Parliament to take steps, then you should use some general phrase not limiting the power of Parliament to face a situation. But when it brings any legislation to that effect, then examine it thoroughly and carefully. It is clear that the original clause, as interpreted by superior courts in this country, has put this Government, or would put any Government, into a very difficult position. The House knows—and it is mentioned in the Statement of Object and Reasons—that one of the High Courts held that even murder or like offences can be preached. Now it is an extraordinary state of affairs if that can be done. It may be and I am quite sure it would be in the long run, as in other countries, that judicial interpretation would gradually bring things more in line with which I would beg to say is the spirit of the Constitution.

Prof. Ranga (Madras): Was it an Indian Judge who said that even murder could be preached?

Shri Jawaharlal Nehru: I do not remember his nationality; I cannot say.

An. Hon. Member: It was a Punjab Judge.

Shri Jawaharlal Nehru: But I do not think we should go into that question.

Pandit Krishna Chandra Sharma (Uttar Pradesh): That position has been rejected by the Supreme Court.

✓ **Shri Jawaharlal Nehru:** I have no doubt that in course of time with the help of the highest courts in the land we would develop conventions eventually which would widen the authority of the Legislature to deal with them as the United States of America has done. The unfortunate part is that we just cannot wait for a generation or two for these conventions etc. to develop. We have to deal with the situation today and tomorrow, this year and the next year. ✓ Therefore the safest way is not to pass a legislation in a hurry but to enable Parliament to have authority to deal with such matters. Personally I confess my own belief is that it is better in any event and always for Parliament to have a large measure of authority, even the authority to make mistakes and go to pieces. Certainly I realise that in conditions as they exist in India today the exact form, let us say, of the Constitution of the United Kingdom is not applicable. We are too big a country, too varied a country. We have to have a kind of federation, autonomous States and the like. Therefore it is inevitable that we should have a written Constitution. We have got it, and it is a fine Constitution. Gradually as we work it, difficulties appear. As wise men we deal with them and change it. ✓

Here may I say, in connection with the use of the coercive apparatus of the State to deal with these problems, it has been our misfortune in the past two or three years to have had to use it in a variety of ways? We have had to use it because, practically speaking, we have had sometimes to face a challenge which can only be comparable to the challenge of war. The challenge may have come internally, but it was a challenge to the State as a war challenge is, that is by violence and by violent effort. We had to face it—as every State has to

face it—by the organised strength of the State, whether it is the police or the military strength, whether it was in Telengana or wherever it may be. Yet I should like to remind the House in this connection of Telengana which I mentioned that we have recently seen—and the thing is happening today—another way of meeting this type of situation, a peaceful way, a non-violent way. We have been seeing the frail figure of Vinobha Bhave marching singly into Telengana and by his words and by his action producing a tremendous effect on the people there and possibly even in the immediate present producing much more effect than any armed force could have done and certainly, if that is so in the immediate present, taking a longer view, must certainly be doing more because the effect of the armed force is good for the time being but in the long run it may not be so good; it may leave a bad trail of memories.

Now I shall proceed with the other article, the important one, namely article 31. When I think of this article the whole gamut of pictures comes up before my mind, because this article deals with the abolition of the zamindari system, with land laws and agrarian reform. I am not a zamindar, nor am I a tenant. I am an outsider. But the whole length of my public life has been intimately connected, or was intimately connected, with agrarian agitation in my Province. And so these matters came up before me repeatedly and I became intimately associated with them. Therefore I have a certain emotional reaction to them and awareness of them which is much more than merely an intellectual appreciation. If there is one thing to which we as a party have been committed in the past generation or so it is the agrarian reform and the abolition of the zamindari system.

Shri Hussain Imam (Bihar): With compensation.

Shri Jawaharlal Nehru: With adequate and proper compensation, not too much.

Shri Hussain Imam: 'Adequate' is quite enough.

Shri Jawaharlal Nehru: Now, apart from our commitment, a survey of the world today, a survey of Asia today will lead any intelligent person to see that the basic and the primary problem is the land problem today in Asia, as in India. And every day of delay adds to the difficulties and dangers, apart from being an injustice in itself. There are many ways of

dealing with this problem. We have seen in many countries this problem being dealt with quickly and rapidly and without any check, either by expropriation absolute or by some middle way of part expropriation and part nominal compensation, whatever it may be. Anyhow they have dealt with it rapidly. And where they have done so they have produced a new stability. I am not going into the justice or injustice of it but am looking at it purely from the point of view of stability. Of course if you go into the justice or injustice, you have to take a longer view, not the justice of today, but the justice of yesterday also. But we adopted another method, and I think we rightly adopted that method, of trying to deal with it not in such a hurry but as adequately—after full thought and consideration of all interests—as we could, and the giving of compensation. Now, I am not going into those questions, but it is patent that when you are out basically to produce a certain equality, when you are out to remedy inequalities, you do not remedy inequalities by producing further inequalities. We do not want anyone to suffer. But, inevitably, in big social changes some people have to suffer. We have to think in terms of large schemes of social engineering, not petty reforms but of big schemes like that. Now, if all our schemes like that are stopped—maybe rightly stopped, maybe due to a correct interpretation of the law and therein too the lawyers differ and even Judges have differed—again, I have no doubt that we have a generation to wait for things to stabilize. Then, we will have the help of the High Courts of the land, but we cannot wait. That is the difficulty. Even in the last three years or so some very important measures passed by State Assemblies and the rest have been held up. No doubt, as I said, the interpretation of the courts must be accepted as right but you, I and the country has to wait with social and economic conditions—social and economic upheavals—and we are responsible for them. How are we to meet them? How are we to meet this challenge of the times? How are we to answer the question: For the last ten or 20 years you have said, we will do it. Why have you not done it? It is not good for us to say: We are helpless before fate and the situation which we are to face at present. Therefore, we have to think in terms of these big changes, land changes and the like and therefore we thought of amending article 31. Ultimately we thought it best to propose additional articles 31A and 31B and in addition to that there is

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a Schedule attached of a number of Acts passed by State Legislatures, some of which have been challenged or might be challenged and we thought it best to save them from long delays and these difficulties, so that this process of change which has been initiated by the States should go ahead. Many of us present here are lawyers and have had some training in law which is a good training and many of us respect lawyers. But nevertheless a lawyer represents precedent and tradition and not change, not a dynamic process. Above all, the lawyer represents litigation.....

Shri Kamath: You have also been a lawyer.

Shri Jawaharlal Nehru:...just as, if I may say so with all respect, that in the modern system of treating disease the doctor is rightly interested in disease.....

Shri Hanumanthaiya (Mysore): May I say that a judge presides over litigation?

Mr. Speaker: Order, order. Let him proceed.

Shri Jawaharlal Nehru: Somehow we have found that this magnificent Constitution that we have framed was later kidnaped and purloined by the lawyers.

Shri Gautam (Uttar Pradesh): It is a paradise for them.

Shri Jawaharlal Nehru: Yes. I do not grudge anyone entering paradise but what I do object to is the shutting of the door and of barring and bolting it and preventing others from coming in. The other day I was reading an article about India by a very eminent American and in that article which contained many correct statements and some incorrect statements, the author finished up by saying that India has very difficult problems to face but the most acute of them he said, can be put in five words and those five words were: land, water, babies, cows and capital. I think that there is a great deal of truth in this concise analysis of the Indian situation.

Shri Kamath: No lawyers there?

Shri Jawaharlal Nehru: I am not for the moment going to say anything about babies or cows, important as they are, nor do I wish to say anything about capital which is a most

important question. Our capital resources are matters with which my colleague the Finance Minister and the Planning Commission are dealing but we come back to land and water. Water is connected with the land that we want to improve and we have big river valley schemes, wells and all that. Finally we come back to the land which is the most important of all and if we do not make proper arrangements for the land, all our other schemes whether they are about grow-more-food or anything else may fail. Therefore, something in the shape of this amendment that I have suggested becomes necessary. Again, if I may say so, what is intended is to give power to this House or to a future Parliament to deal with this so that it may not feel helpless when a situation arises which calls for its intervention.

Mr. Speaker: Motion moved:

"That the Bill to amend the Constitution of India be referred to a Select Committee consisting of Prof. K. T. Shah, Sardar Hukam Singh, Pandit Hirday Nath Kunzru, Dr. Syama Prasad Mookerjee, Shri Naziruddin Ahmad, Shri Rajagopalachari, Shri L. Krishnaswami Bharati, Shri Awadheshwar Prasad Sinha, Shri T. R. Deogirikar, Dr. B. R. Ambedkar, Shri V. S. Sarwate, Shri Mohanlal Gautam, Shri R. K. Sidhva, Shri Khandubhai K. Desai, Shri K. Hanumanthaiya, Shri Raj Bahadur, Shrimati G. Durgabai, Shri Manilal Chaturbhai Shah, Shri Dev Kanta Borooah, Shri Shri Satya Narayan Sinha and the Mover with instructions to report on Monday the 21st May, 1951."

Under the rules whenever the Deputy-Speaker is a member of any Select Committee, he presides but as he is not a Member of this Committee, I have to nominate one.

Shri T. T. Krishnamachari (Madras): It can be nominated after the motion has been accepted by the House.

Mr. Speaker: I am mentioning the Chairman. The whole thing will fall through in case the House throws this motion out. I should clarify the point because the name of the Chairman is usually mentioned. I will in this case suggest the hon. Leader of the House to be the Chairman of the Committee.

Shri Naziruddin Ahmad (West Bengal): I have been selected as a member of this Select Committee and I am grateful for it. In view, however, of the fact that I have an amendment standing in my name coming up later, wherein I am opposing the present motion, I want to know whether I would really be a proper member of the Select Committee.

Mr. Speaker: Essentially it is a point of propriety which the hon. Member has to decide for himself. If he refers to the amendment about circulation in his name, he need not move his own. There are others whose amendments are there.

Sardar Hukam Singh (Punjab): Similar would be the case with me.

Shri Naziruddin Ahmad: I wish to move the amendment.

Mr. Speaker: I do not see any contradiction, looking to the nature of this measure. As regards the formation of the Select Committee, I should not express any opinion on it as it should be representative of all the different views in the House.

There are different amendments. Which of them are going to be moved? There are different amendments giving different dates.

Shri Naziruddin Ahmad: I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st day of May, 1951."

Sardar Hukam Singh: I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st day of July, 1951."

Shri Sarangdhar Das (Orissa): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th day of June, 1951."

Shri Syamnandan Sahaya (Bihar): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th June, 1951."

Dr. S. P. Mookerjee (West Bengal): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1951."

Shri Kamath: I beg to move:

In the motion, for "Monday, the 21st May, 1951" substitute "Monday, the 4th June, 1951."

Mr. Speaker: We can take it that these amendments are before the House. There is the main motion for reference to the Select Committee and the amendments for circulation for different dates.

Shri Kamath: May I ask, Sir, if you will adhere to the healthy convention, you have established in this House that members of the Select Committee should not participate in the debate at this stage?

Pandit Kunzra (Uttar Pradesh): Members of the Select Committee should be allowed to take part in the discussion. My hon. friend has not...

Mr. Speaker: Order, order; let the hon. Member hear my reactions first. I am not going to finally decide. I have given thought to this matter. Though the convention is sound and healthy, looking to the exceptional legislation that is coming before the House, I do not propose to place any ban on any of the Members including members of the Select Committee. It is only an exception to the general rule. It does not mean that the convention is slackened. On a Bill of this importance, I do not think it is possible or proper to restrict the discussion only to the other hon. Members.

Dr. Deshmukh (Madhya Pradesh): Let the Members at least make short speeches.

Mr. Speaker: It all depends on the Members.

Dr. S. P. Mookerjee: I believe never before in the history of Parliament were we called upon to consider a matter which is so momentous and grave as we have been today on the motion of the hon. Prime Minister.

The Prime Minister, in his speech, tried to clarify the position and he referred to his own opinion that the measure is not a complicated one, nor a big one. It is he said, a simple one; but even through a simple process very serious consequences may often ensue when it affects the rights and liberties of individuals or of a nation.

I do not want to say anything on the technical aspects of the change proposed, namely, whether this House is competent to consider this:

[Dr. S. P. Mookerjee]

matter or not. The Prime Minister pointed out, that if the Constituent Assembly was competent to pass a Constitution which has been found more or less satisfactory by all sections of public opinion in this country, obviously, if there is a need for changing the provisions of such a Constitution, Parliament, according to the Constitution itself, must be competent to deal with this matter. There may be an opinion expressed that such changes should wait until the new Parliament has been constituted, because, then, the people who would come in a more representative character representing the adults of the Indian population, would be able to judge whether the changes proposed in the Constitution are really necessary or desirable.

I shall not say much on those formal amendments which have been proposed, although I have some suggestions to make in respect of them which I may place before the Select Committee when it meets. I shall deal with the three main changes which have been proposed in the Constitution. The Constitution has been working for about 15 months. It was incumbent upon the Prime Minister to point out in his speech what exactly have been the difficulties which have compelled the Government to come forward with the proposed changes. To my mind, the explanation which he gave was weak and halting and not acceptable, nor was it satisfactory.

[SHRIMATI DURGABAI *in the Chair*]

He has assured the House and the country, to quote his own words, that he has not brought forward this measure in a spirit of light-heartedness, not in haste, that he has bestowed careful thought and scrutiny not he, but the Government also; and that they have consulted various people throughout the country. I accept these assertions. But, surely, any changes in the Constitution which may be considered by Parliament, have to be considered not in secrecy by the Government along with certain chosen people; but opinion has to be called for on the provisions of the Bill from the people at large, by all sections of public opinion outside the House. I ask the Prime Minister what steps he proposed to take to secure public opinion on the changes that he proposes to make. We have suggested, some of us, that the Bill should be circulated for eliciting public opinion. It has not been suggested as a dilatory motion, because the

date within which opinion has to be received varies from 31st May to 15th of July. It is not a formal proposal also. The Prime Minister said that there is no particular hurry about the matter. He made the strange declaration that this Government has no desire to pass any laws on the lines of the changes which he proposes to make and that these are only enabling powers which he wishes to hand over to Parliament or the State Legislatures; that he is making these changes not for the purpose of securing better administration so long as he is the Prime Minister of this country, but that he is thinking more in terms of future Parliaments and the welfare of generations yet to be born. If that is his magnanimity, if that is his great foresight and statesmanship when he tries to peep into the future and read the minds of the people that are yet to come in the sphere of Parliamentary politics, why should he not accept the proposal for circulating the Bill for eliciting public opinion? The changes proposed are not simple. The changes are fundamental and they go to the very root of some of the vital provisions of the Constitution, not only the Constitution of this country, but the Constitution of any country in which people are anxious to retain freedom and liberty of thought and action. I therefore ask the Prime Minister that he should be true to his word. If he really does not want to hurry, then, he should accept our proposal. Let the time be two weeks or three weeks; it does not matter. But, let the public of India have this impression that when this first great step is being taken by the Government to amend the Constitution, there is no indecent or undue haste followed by the Government of the day.

How was the Constitution framed? We spent nearly four years to frame this Constitution. It was not hurriedly done. Take this Chapter on Fundamental Rights. A special committee was appointed of which the Prime Minister himself was the Chairman. How many months, how many years did we not take to weigh every single paragraph, every single sentence and every single word of that chapter? How many changes did we make at various stages of the proceedings of the Constituent Assembly? We were criticised by the people outside the Constituent Assembly that we were taking too long a time. But many of us justified this delay because we were anxious that nothing should be done hastily or on the spur of the moment. We were doing something which was unique in the annals of

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this country, something indeed, to which there are not many parallels in the entire civilised world. The country had attained political freedom and within a few months of attaining it, it set itself to the task of writing a Constitution and putting down everything clearly and precisely so that the people of the country belonging to all shades of opinion might have a clear idea of what exactly the country stood for. If that is so, why this indecent haste to change such a Constitution?

Changes in the Constitution have been made in other countries. I was looking at the first change or amendment made to the American Constitution, and that was within three years of its first enactment. But what were the changes for? The first amendments which were made in the American Constitution were not for curtailing freedom, not for taking away rights that had been deliberately given two and a half years ago. But every single one of those changes was made for extending the individual and the social rights of the people of the United States of America. It was a change for the advancement of the sacred policy and the principle for which the United States of America stood. And what is the sad picture that we present to the country to-day? Within a year and a half of enacting the Constitution, we come forward and however much the Prime Minister might attempt to say that the changes are simple, that there is no controversy about it, he knows it and knows it in his heart of hearts, champion of liberty that he has been throughout his life, that what he is going to do is nothing short of cutting at the very root of the fundamental principles of the Constitution which he helped, more than anybody else, to pass only about a year and a half ago. This is the challenge which he has deliberately thrown up to the people of India. I do not know why he has thrown up this challenge. Is it due to fear? Does he feel that he is incapable to-day to carry on the administration of the country unless he is clothed with more and more powers to be arbitrarily utilised so that his will may be the last word on the subject? Or is it his doubt in the wisdom of the people whose champion he has been all his life? Does he feel that the people of India have run amuck and cannot be trusted with the freedom that has been given to them? What is it that he has in his mind? I was hearing the explanation that he was giving—explanation which, if I may say so, cannot stand the test

of a moment's scrutiny. He has spoken a number of times and said that, after all, what he is doing is simply to clothe Parliament with permissive power, that he is trusting Parliament. But is he really trusting Parliament? Is he giving the Members of Parliament full liberty to decide questions? As we understand it, it is something different. He is treating this matter as a purely party question. He ought to treat this question as something different, something which affects the lives and liberties of individuals and the people as a whole and not as a party question, however big and however well organised that party might be. He issued a circular to all the members of his party that their physical presence for the Constitution (First Amendment) Bill was necessary, even though the temperature in Delhi might go up to 110 or 112 degrees, that their presence was an imperative necessity.

An Hon. Member: That was so even when the Constitution was being made.

Dr. S. P. Mookerjee: There is nothing wrong in their physical presence when Parliament is considering a matter of such vital importance. (Interruptions). If hon. Members will hold themselves in patience when I come to the second part, they will immediately realise what has been the second step which the hon. the Prime Minister, the Leader of the House took in this matter. The circular has gone out that the motion of the hon. Jawaharlal Nehru is to be accepted. No amendment is to be moved by the members of the Party, and if moved by non-party Members, is to be opposed. (Interruptions). That is perfectly all right from the party point of view. That is quite proper. But.....

Shri Naziruddin Ahmad: On a point of order. Instructions to the members of a party to the shape of a whip are private instructions and relate only to the internal working of a party, and as such they are outside the scope of the discussion here.

Mr. Chairman: I was about to say that the Whip's instructions to Members are private instructions and are not meant to be alluded to and the hon. Member's point of order is accepted.

Dr. S. P. Mookerjee: Then I do not know how it came to my hands inside the Chamber. In any case, my point is not about the wording of the Whip. Let me not refer to it at all. But

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my point is with reference to what the Prime Minister himself said, that after all what is being done is to clothe Parliament with permissive powers so that Parliament may decide what should be done and what should not be done. That is all right so far as it goes, provided vital matters like this are not looked upon as party questions. The free will of every Member of the House must be exercised without fear or expectation of favour.

Shri Sidhya (Madhya Pradesh): In that case, no Government can exist.

Dr. S. P. Mookerjee: Whether any Government can exist or not is a matter completely irrelevant now.

Mr. Chairman: The Whip does not bind anybody who does not belong to any party. They can take any course they like.

Dr. S. P. Mookerjee: Good, and that they are doing.

The hon. Prime Minister stated in his speech that the three particular articles which are proposed to be changed by the amendments deal with vital matters concerning the welfare of the State as a whole. Let me take article 19 in the first instance. The Prime Minister referred in detail to the freedom of the Press. Now I would like him to look at the article as it stands at present. He referred specially to two-pages or sheets-newspapers in this country which are responsible for the progressive deterioration of the moral standards of our younger folk, and he pointed out that what they are writing are immoral, untrue, vulgar, indecent, corroding. Now, what are the provisions that exist at present which authorise either Parliament or a State Legislature to pass laws for the purpose of curbing such a state of affairs? The exceptions which have been embodied in article 19 state very clearly in clause (2):

"Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, libel, slander, defamation, contempt of court or any matter which offends against decency or morality or which undermines the security of, or tends to overthrow, the State."

Now, if there are newspapers which are guilty of these very serious acts

of omissions and commissions which the Prime Minister so graphically described, obviously the present Constitution arms Parliament and the State Legislatures with sufficient powers to deal with them.

Pandit Balkrishna Sharma (Uttar Pradesh): Ask the High Courts.

Dr. S. P. Mookerjee: I shall ask the High Courts.

✓ Pandit Balkrishna Sharma: A person can preach murder and still go scot-free.

Dr. S. P. Mookerjee: There is a proverb that the heat of the sand is sometimes greater than the heat of the Sun. Well, so far as this reference to the preaching of murder is concerned, when the Prime Minister referred to it, it was pointed out by an hon. Member that the judgment had already been reversed by the Supreme Court.

Shri Sidhya: No, no.

Shri Bharati (Madras): No.

Dr. S. P. Mookerjee: So far as that decision is concerned it has been reversed by the Supreme Court. I have got with me the judgements of the Supreme Court which is the final court of the land, in two cases, one of Ramesh Thapar vs. The State of Madras and the other of Brij Bhushan vs. the State of Delhi. When the question of interpretation of article 19 came up, the Supreme Court held that if the maintenance of public order or securing the public safety was something which did not affect the security of the State or the overthrowing of the State, then there could be no restriction on freedom of speech. At the same time in another case considered by the Supreme Court recently where the question of the validity of the Preventive Detention Act came up for discussion, the Court held that it was open to a State Legislature or to Parliament to pass laws in respect of matters which affected even public order and thereby detain persons. Now, let us look at the present provisions of the law. Parliament has passed the Preventive Detention Act. Its powers are sufficiently wide in character. Any person, according to that law, read with the provisions in the Constitution, can be detained for an unlimited period provided conditions are fulfilled which would make Government satisfy itself and the public that no one is being unreasonably detained. Now, supposing there are persons who are preaching

murder and who are doing something of that character, supposing there is some newspaper which is doing something of that character and the writer is there, the individual can be secured under the Preventive Detention Act. So, if you want to prevent a person or group of persons from committing acts which you consider to be against the interests of public order, you are already clothed with sufficient authority to do so.

Mr. Chairman: I think that the Preventive Detention Act has laid down certain conditions under which alone persons could be detained, and these persons cannot be covered.

Dr. S. P. Mookerjee: It is not the Prime Minister's intention nor Government's intention that men who are innocent should be detained. If there is some case against any one you need not even present it in the court. The only thing you are to do is to satisfy an Advisory Council that you have sufficient material which would justify you to take the person in custody and detain him as long as you like. There is no limit imposed under the provisions of the Constitution. That is the present law.

An Hon. Member: Do you advise that?

Dr. S. P. Mookerjee: I am not advising it. The power is there. The Prime Minister takes upon himself the responsibility.....

Pandit Thakur Das Bhargava (Punjab): Can that man be punished by the Court?

Dr. S. P. Mookerjee: If you detain a man as long as he lives, obviously it is a very severe punishment you can give. Now that is one part of the problem.

The next is that supposing a man commits an act, makes a speech and some overt act is done, then what happens? The provisions of the ordinary Penal Code or the criminal law of the land are applied. The man may be bound down under the criminal law. He makes a speech, he is arrested and put in jail. That is being done. If your intention is only to take action against a small group which is spreading venom and vulgarity throughout the country, obviously you do not have to change the provisions of the Constitution. As the Prime Minister also hinted in his speech, there is the possibility of extending the operation of such wide powers to *bona fide* cases and thereby abuse the power given. Now what is the guarantee that these provisions

will not be so abused? If you say public order. Parliament does not administer. Parliament passes laws. If you say anything that offends public order then I may state that public order is an expression which is capable of the widest possible definition. You can utilise it in penalising your political opponents. The Prime Minister said something about the legal profession not being dynamic and remaining static and preventing all sorts of things. Now it is rather strange that a member of the legal profession who happens to be a Judge of the Supreme Court in the case of Ramesh Thapar, while dealing with the provisions for maintenance of the civil life of the citizen under the Constitution of India said these memorable words:

"Thus, very narrow and stringent limits have been set to permissible legislative abridgement of the right of free speech and expression, and this was doubtless due to the realisation that freedom of speech and of the press lay at the foundation of all democratic organisations, for without free political discussion no public education, so essential for the proper functioning of the processes of popular government, is possible. A freedom of such amplitude might involve risks of abuse. But the framers of the Constitution may well have reflected, with Madison who was 'the leading spirit in the preparation of the First Amendment of the Federal Constitution', that 'it is better to leave a few of its noxious branches to their luxuriant growth, than, by pruning them away, to injure the vigour of those yielding the proper fruits'."

Here was a Judge—an Indian Judge—appointed by the same Government which is in power today. Mr. Justice Patanjali Sastri, who has interpreted the Constitution not to prove himself a man who did not know what dynamic growth was but one who gave a noble interpretation to our own Constitution for the protection of the liberty of the Indian subjects. Whether the Legislature, Parliament or Government would agree with the Supreme Court or not is a different matter. But at any rate we should feel proud that our judiciary has proved so independent. It has given expression to its opinion in interpreting the provisions of the Constitution not in a manner which goes against the interest of the country but for securing the expanding rights and liberties of the people.

Shri Sidhva: What about the independence of the country?

Dr. S. P. Mookerjee: The independence of the country will remain intact if you do not try to pass coercive measures. As the hon. Prime Minister said, no country can ever be governed by force or by coercion. If the country has run amuck, if there are people who could not be kept under control without exercising very strict executive rights and powers, then you must enquire why it is that the country has come to that state of affairs. Why should these people who were swearing by you only a year ago, should condemn you to-day and why should it be necessary to find bullets and bayonets for keeping your freedom intact?

Shri Sidhva: For political purposes.

Dr. S. P. Mookerjee: Mr. Sidhva says for political purposes. I have said that I do not want more heat from the sand and I would like the heat from the Sun. So far as political power is concerned I would say with all earnestness that very often it is our inability to probe into particular situations that create difficulties. We fail miserably to solve national problems and we want to gag and coerce people. I would specially remind the Prime Minister of the happenings at Cooch-Bihar a few days ago. I was myself there. I saw how India celebrated her first Jalianwala Bagh after her attaining freedom. I saw how there was complete collapse of the administration there. The price of rice was shooting up from Rs. 30 to Rs. 70. About 56,000 maunds of rice were lying under the control of the local administration and not one maund of rice was released in time. The order for modified rationing came two hours before the bullets were used. Even that order was not communicated to the people and young women and children were shot dead, the answer given was political exploitation by certain groups. I saw the people. There might have been some political groups here and there but the vast majority of the people were peace-loving, were anxious to co-operate with the Government. They did not know what politics was. I saw ladies, illiterate who had never seen politics and they asked: "After attainment of freedom, is this the state of affairs that is to come to our country? We cannot get our rice even when it is there and when we ask for it, we get bullets in place of rice." If you say that you want more and more powers for

curbing such situations, you will fail and hopelessly fail.

Shri Sidhva: If there was so much food, why was there any riot?

Dr. S. P. Mookerjee: You come to me and I will explain it.

I therefore say that the Prime Minister has not succeeded in pointing out any reason why the amendment to article 19 should be made as proposed.

Let me deal with foreign relations. The Prime Minister said that it was not his intention that criticism of foreign powers should be curbed. I have been trying to read the Constitution of other countries and I have also been trying to find out from case law—and in this Dr. Ambedkar might be able to help us—and I have not been able to find any precedent in any part of the civilised world where by law under the provisions of the Constitution criticism of foreign powers is taboo. Who will be the person who will be first affected if you pass this law? It will be our Prime Minister, Pandit Jawaharlal Nehru. Will he then be able to say that if Pakistan encroaches one inch more into the territory of Kashmir he will consider it as a war on India? That will offend Pakistan and he cannot make that statement.

Shri Jawaharlal Nehru: May I point out that I said nothing about criticism of foreign powers being prohibited.

Dr. S. P. Mookerjee: I am glad about it. We can discuss this question later on. But the way in which the wording has been suggested here—affecting friendly relations with foreign powers—is hardly reassuring. Who is to decide this question? Will our High Court decide it? Or will our Supreme Court decide whether criticism which has been made would disturb the friendly relations between India and any foreign country? Will this be a matter which will be decided by the foreign country? We may say anything about a foreign country with the utmost friendship in our hearts but if that country misunderstands and says that it offends it or it affects our friendly relations with them, you are at once bound by the provisions of the Constitution. Why should you pass such a law? I do not know whether it relates to the demand which is made in certain quarters about a possible reunion of India and Pakistan. I know the Prime Minister holds very strong

views about it and he has said a number of times that any such movement or agitation is harmful to the interests of the country and that he does not like it. I do not mind it: it is his view. But if I hold a contrary view, as indeed I do most seriously and earnestly, that this partition has been a mistake and has to be annulled some day or other (*An Hon. Member*: By force?) why should I not have a right to say that?

Pandit Malaviya (Uttar Pradesh): And give 40 per cent. or 50 per cent. representation to the Muslims everywhere all over this country.

Dr. S. P. Mookerjee: Why should I not have the right to agitate for it? Pandit Jawaharlal Nehru as the leader of a big political party may oppose this view. He can appeal to his countrymen not to listen to those who today are advocating an annulment of the partition of India. I can understand that: it will be an appeal to the logic and the good sense of the people. He wins or I win or somebody else wins. We will see what is the verdict of the people. That is a perfectly constitutional approach to the problem. I can even understand the Prime Minister of India, not as leader of the Congress party, to say that if by carrying on such agitation you create conditions in the country which lead to riots and bloodshed, he must step in and prevent it. The ordinary law of the land will then operate.

I have heard the Prime Minister speak on many occasions and I have been trying to analyse his viewpoint. But unfortunately his statements are so contradictory to one another that I found it difficult to get at the core of them. But I would like him to explain some time or other as to what should be the attitude of Government on matters so vital to the interests of the people of India. If he says as the head of the Government that he is prepared to allow any viewpoint to be circulated within the country—and that is what we understand by democratic freedom—so long as it does not advocate chaos, I would be at one with him. If he says that because he does not like that anybody should speak about the annulment of the partition he means to prevent us and therefore wants to put these words in the Constitution and later pass some law consistent with them, then I say it is most arbitrary and if done, will lead to very serious consequences.

I do not know what will happen in future. I am not necessarily thinking in terms of war. I am hoping—it may be a hope which may not be achieved in my lifetime—that this terrible mistake, which we made in partitioning the country trying to get something which we thought we were getting but which we actually did not, has to be remedied, not in communal interests but in the interests of both the Hindus and Muslims and every one else. We have got to realise that apart from the communal aspect of it, economically, strategically, nationally and internationally we have been rendered weak and severely hit by British diplomacy. I hope that some day people will realise that this mistake will have to be rectified by the good sense of the people of both the countries.

Pandit Krishna Chandra Sharma: Were you sleeping when the country was partitioned? Why did you not revolt then?

Dr. S. P. Mookerjee: I am at least revolting today and will you also have the good sense to revolt with me?

Mr. Chairman: May I appeal to hon. Members to be very calm. Every one will have his chance to say what he likes.

Dr. S. P. Mookerjee: The point that I would like to urge before the Prime Minister is that this provision is totally unnecessary. People are saying that this is being done to placate or appease Pakistan. But how long can this go on? Supposing Pakistan wants that India should be tagged on to Pakistan and we protest against it and carry on agitation, which would disturb the friendly relations between India and Pakistan, we will be guilty. It is a most dangerous clause, a clause which we do not find in any constitution in the world and there is no justification at all why such a clause should be provided. It is not a question of Pakistan only: it may be the case of other foreign countries about whose policy we may not be in agreement.

I have got here a book written in Chinese issued by the present Chinese Government. I have not been able to get it fully translated: otherwise I would have read it out to the House. I have a partial translation of the book with me today. The book is issued by the present Chinese Government and it is nothing but a scurrilous abuse of India, her cul-

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ture, her leaders starting from Mahatma Gandhi and ending by saying that England is the running dog of America and India to-day under Pandit Jawaharlal Nehru's leadership is the running dog of Britain. That is how that book concludes. Supposing we want to give a constructive and reasoned reply. It may affect the friendly relations between India and China and we will be committing an offence under the law. What is the necessity? What has happened here? Why are you anxious to make such a drastic provision in the Constitution itself? (An Hon. Member: Is it a Chinese Government publication?) It is published by the present Chinese Government in Chinese (An Hon. Member: When?) In 1949. It is being translated and I shall be able to bring the full translation tomorrow.

Let me now come to the important article 31. What is the change that is being proposed? The Prime Minister talked very feelingly and quite rightly too about his great desire and ambition to introduce land reforms. There is no quarrel about this standpoint. Naturally the present land system in India is an outdated one and we cannot allow it to continue without great detriment to the interests of the people at large. When we passed the Constitution the Prime Minister would remember how he passed days and weeks in finding out a formula which would not compromise on any great question of principle but at the same time present a workable agreement. His anxiety was, as it was the anxiety of many of us, that in matters like this we should proceed with the greatest measure of agreement. He referred to the pledge which the Congress party gave for the abolition of zamindari. As he rightly pointed out the declaration was that zamindari would be abolished, for which fair compensation would be paid. Whether right or wrong, there are many parties which say that no compensation should be given and others who insist that the fullest compensation should be given. In any case the Congress stood for abolition of zamindari on payment of fair compensation.

An Hon. Member: Equitable compensation.

Dr. S. P. Mookerjee: Equitable compensation. That was the pledge which was given by the Congress. Now, when you passed the Constitution after a good deal of discussion,

what is the frame-work that you produced? We were anxious that the quantum of compensation should not at every stage be subject to judicial decisions. At the same time we were anxious that a certain framework should be placed before the country and the persons concerned so that the fullest measure of assurance could be given to all concerned. Now, article 31 provides that either the actual compensation or the principles on which compensation is to be paid, or the principles on which payment is to be made, will all be determined by law. We also protected certain specific legislative measures which were passed eighteen months prior to the commencement of the Constitution.

That is how matters stand now. What has happened since then? That there has been delay is not the fault of the Constitution. There is only one party which is ruling India today. All the Governments are under the control of a centrally organised party. It is not that one particular party in one particular State proceeds in one manner and another party in another State proceeds in another manner. Why has not the Centre set down and given some sort of a formula—saying: "This is the formula which every State should adopt in effecting land reforms, making such minor changes as local conditions may necessitate"? Now, pursuant to the provisions of the Constitution several State Legislatures have passed laws. The Bihar law has been declared to be *ultra vires* by the Patna High Court—mind you, not on the ground of compensation but on an entirely different ground: the question of discrimination between one class and another. Well, whether that judgment is right or not is not my point. Then the U.P. Legislature has passed a law which the Allahabad High Court has held to be *intra vires*. The Nagpur High Court also has held the Madhya Pradesh Act to be *intra vires*. If the Patna High Court has passed a judgment which according to Government is not correct—in fact, some aspects of the matter are already before the Supreme Court—the only way in which any Government can or should proceed is to have a quick decision made by the Supreme Court.

Shri Bharati: How can that be done?

Dr. S. P. Mookerjee: That can easily be done. You consult the Law Minister or the Attorney General, they will

advise you. You get a quick decision by the Supreme Court. Supposing it takes a month, or two months even, if the Supreme Court comes to a certain conclusion which you consider to be fundamentally opposed to the basic principles on which the Constitution was framed then and only then would there be the right for you to ask for an amendment of the Constitution. That is the only logical, fair and equitable procedure which any Government which believes in the sanctity and sacredness of any Constitution, or any Parliament, which believes in such sacredness and sanctity would follow. But what is it you are doing? Will hon. Members read and re-read the clause as it has been proposed? What you say is that particular laws which are to be mentioned in a Schedule to the Constitution, no matter whether they intringe any provision of the Constitution or not, are deemed to be valid. Is that the way in which the Constitution should be amended? Supposing a particular Legislature passes a piece of legislation which is absolutely nonsensical. By this amendment to the Constitution you are saying that whatever legislation is passed it is deemed to be the law. Then why have your Constitution? Why have your Fundamental Rights? Who asked you to have these Fundamental Rights at all? You might have said: "Parliament is Supreme and Parliament may from time to time pass any law in any matter it liked and that will be the law binding on the people. You passed the Fundamental Rights deliberately and you clothed the judiciary with certain powers not for the purpose of abusing the provisions of the Constitution but for giving interpretations and generally acting in a manner which will be consistent with the welfare of the people. If the Supreme Court has gone wrong, come forward and say that the Supreme Court has come to such-and-such conclusions which are repugnant to the basic principles on which the Constitution was based. But the Supreme Court has not had a chance to consider this matter and you are coming forward with this hasty proposal that any law mentioned in the Schedule—there are a dozen of them there—would be deemed to be valid. Not only that. I can even understand your considering the laws which are already passed and which are before you, but you are saying that in future if any law is passed with regard to these subjects, it would be deemed to be valid notwithstanding the provisions of the Constitution. Can anything be more absurd and more ridiculous? Is Par-

liament being considered as a serious body? You are treating this Constitution as a scrap of paper. This is not a Constitution—it is just a piece of legislative enactment passed by Parliament. You come forward and say: "We want to change the Constitution." You cannot do like that. And what is the dangerous precedent that you are creating? Maybe you will continue for eternity, in the next generation, for generations unborn; that is quite possible. But supposing some other party comes into authority? What is the precedent which you are laying down?—that if any particular Bill is passed by any Legislature all that you have to do is to get hold of your subservient Parliament and make it change the Constitution and provide that whatever is passed by the Legislature is valid. Let us treat the subject more seriously, more rationally.

Therefore, I would very earnestly suggest that a situation has not yet come when any change in article 31 is called for. Let us not confuse the issue by raising the question as to whether zamindari is good or abolition of zamindari is good.

Shri D. D. Pant (Uttar Pradesh): What is your own view?

Dr. S. P. Mookerjee: My own view is that zamindari must be abolished with compensation. Now will you follow me in what I am saying? You have heard my view.

The question is not today whether the zamindari system is good or bad, because merely by abolition of zamindari you cannot improve the land system. Much more has to be done in order to improve the conditions of the peasants and also make them produce more so that the wealth of the country may be increased. But that is neither there nor here. Today the point is not whether the zamindari system is good or bad, but the point is what is the procedure you are following for attaining a certain objective for which you had made a specific provision in the Constitution and which, let me emphasise, you have not tried yet? If you tried it and then failed I can understand your anxiety to change the Constitution, but merely in haste you come and say: "I cannot achieve something quickly. I cannot wait for the fulfilment of the provisions of the Constitution. Let us get hold of all the legislative enactments and deem them as legally passed." Then do not work the Constitution. For a period of so-called emergency, you can pass a law and say that the entire task of framing, interpreting

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and working the Constitution will be left in the hands of Pandit Jawaharlal Nehru assisted by such people whom he may desire to consult—pass a simple amending Bill! And thus declare that for the next two years nothing more need be done in India. That we may understand. It may be dictatorship, it may be anything else, but you have then a clear-cut, straight-forward way of looking at things. But do not have a camouflaged Constitution; you have declared Preamble of your Constitution that you have done something unheard of in history, that within so short a period of attainment of freedom you have trusted the people of this country to draft a Constitution, you have given a charter of rights to them. Now you come forward and stab them in the back. You are not working for the benefit of the present generation but for party ends.

Mr. Chairman: May I know whether it is not the will of Parliament that is Supreme over everybody? Is it not the present Parliament that is inviting the amendment? It is not Mr. Jawaharlal Nehru or anybody that is doing it.

Dr. S. P. Mookerjee: Since the will of Parliament is Supreme I am appealing to the sober will of Parliament not to do something which will be dangerous. Otherwise I would not have spoken here—I might have addressed a meeting elsewhere. *(Interruption)* The hon. Member interrupts. I know in her heart of hearts she does not like this amendment. She told me yesterday definitely what she thought of it.

Shrimati Renuka Ray (West Bengal): I said that.....

Shri Jawaharlal Nehru: Some of us doubt whether the hon. Member really means what he says.

Dr. S. P. Mookerjee: The hon. Prime Minister apparently speaks standing before a mirror and thinks everybody is like himself.

Shri Raj Bahadur (Rajasthan): Madam, I must take objection to the hon. Member describing Parliament to be subservient.

Dr. S. P. Mookerjee: The hon. Member should have known that I did not refer to the present Parliament at all. I said, supposing in future something like this happens and there is a subservient Parliament then what happens? How can I dare call this Parliament subservient when I am a Member of it?

I like these interruptions, because I can feel from these interruptions that there is a real searching of the heart amongst Members of this House. What we are doing today is not the right thing. It is not necessary, it is retrograde, and I would appeal to the Prime Minister.....

Mr. Chairman: I was only trying to tell the hon. Member that he is saying that it is the Prime Minister and his colleagues who are trying to bring this amendment. That is not correct. It is Parliament that is now considering the amendment.

Dr. S. P. Mookerjee: The reason why I was appealing to the Prime Minister especially was that I thought, my capacity being limited, if I could convince one individual, my objective could be attained. By appealing to the emotions of the Prime Minister I was appealing to all the Members of this House warning them that we are today being asked for the first time to amend our sacred Constitution. It is a great document. It is not a matter which you can take in a light-hearted way. We are anxious—no matter what our individual views may be on various matters—to retain the foundation of a good and solid Government which can work in the interest of all sections of the people of this country. That I certainly believe is the objective of all of us. Now, if we proceed in a light-hearted way to amend the Constitution, naturally we create a precedent which may lead to very serious consequences. These things, taken each one of them separately, may not mean much. But after all if you take them as a whole and the manner in which you are proceeding, you are doing a great disservice. If there is anything standing in your way you just come and amend the Constitution, utterly ignoring public opinion.

I would just like to refer the Prime Minister to the Constitutions of England and of America. Here we have deliberately made our choice. We decided to have a written Constitution. We decided to have a Part on Fundamental Rights. Naturally when you have a Part on Fundamental Rights it obviously means that not the executive Government, not even Parliament, but the judiciary and the judiciary alone will be able to interpret and advise and decide whether the Constitution is working properly or not. That is how it is worked in different countries.

As I was reading one of the judgments yesterday I came across significant remarks made by one of the

Judges of America that the greatest constitutional issue in all American history was not settled by the court, not even in the halls of the Congress, but on the battlefield of America. Freedom developed in that country not by passing laws, or by the decrees of the President, because the ultimate sanction rested with the people. We have also to reckon with the people in this country. We have drawn up the Constitution with a declared desire to protect the mighty rights and interests of the people, millions of them who are down-trodden and have not the courage to speak out. But as the Prime Minister knows, even in their hearts a new awakening has come. As we move about from place to place, we can see the signs of that reawakening, which we could not have dreamt could happen so quickly. Now let us take the fullest advantage of that reawakening in the larger interests of this country. Let us not try to arm the executive with wider and larger powers being afraid of a Frankenstein that is supposed to have raised its head in India. There may be elements in this country with mischievous intentions. But the larger section of the population of the country is well-mannered and they are anxious that this country should go ahead peacefully. Therefore, their hearts being sound, we have to approach them in the proper way. We have to tackle the great problems of administration in social and economic spheres specially so as to earn their spontaneous confidence.

Talking about the Supreme Court, the Prime Minister said that while conventions may arise even in this country—I hope they will—that will take a generation, and how can you wait for a generation? Therefore, what is the remedy? Do not create healthy conventions. Let the executive decide what is to be done; let it be armed with new and arbitrary powers; and even that slow attempt at making new conventions you want to crush. Is that the way you want to preserve the sanctity and sacredness of the Constitution which is your own handiwork. Now look at this—I am reading from Beck's *The Constitution of the United States*. This is how it reads:

“This great power to curb legislatures and executives, and therefore majorities, by resort to the paramount will of a written Constitution, has been exerted for over 130 years, and while not infrequently the party whose power is thus curbed has vented its wrath and disappointment upon the Supreme Court, yet after the

thunder of political debate has passed and the earthquake of party passion has spent its force, the ‘still small voice’ of the Supreme Court has always prevailed.”

And further on:

“The most effective restraint which freemen have ever imposed upon themselves is this extraordinary power of the Supreme Court. The value of such a restraint upon precipitate action is so great that it is improbable that the American people will, atleast in the near future, thus destroy the efficacy of the great balance wheel.”

That is the spirit in which the Constitution has to be respected and worked. Here are a set of men who are selected by the Government. They are not foreigners coming from outside. They are our own chosen selected men holding office during their life, entrusted with the duty of seeing whether the country is being administered in the spirit of the Constitution. At the same time I do not say that the Supreme Court Judges are infallible. They are after all human beings. Supposing the Supreme Court does something which goes entirely against the basic principles on which the Constitution of free India should stand. I am not suggesting that we should tie our hands and watch helplessly. Then come forward on that specific issue and amend the Constitution on that particular point. Do so after giving fullest opportunity to the public to express their viewpoints. The Prime Minister referred to three points. Has the Supreme Court given any decision with regard to foreign powers? Has anything happened in this country which necessitates that the Constitution should be disfigured with such a deplorable provision? What has happened about public order? Is not your present law sufficient? Has the Press run amuck? Even according to the Prime Minister, there may be a few news-sheets who may be shouting. Let them shout. If they shout, use the other Press, use the platform, the radio or whatever machinery you have. You make the people feel that what the gutter Press is saying is absolutely unacceptable. That is the only way in which you can nullify the activities of a small section of people who want to destroy your freedom. But do not give them the tragic importance and make them feel that if a few papers shout, you are compelled to change the Constitution. Why give them the honour which they do not deserve?

[Dr. S. P. Mookerjee]

The Prime Minister himself said that a major section of the Press is all right—their heart is sound. Then sit down with the Press representatives and discuss as to how the freedom which is being abused by a small section of the Press can be combated. I do not know which section the Prime Minister has in view; but supposing there is such a section, surely it cannot imperil the freedom of the general masses of the people.

Lastly, I shall read out only one quotation, and that is also a judgment from the Supreme Court, in answer to what the Prime Minister said towards the end of his speech that after all you are making only small changes and it does not vitally affect the position at all. But this warning was sounded in the last paragraph of a judgment delivered by the Supreme Court in America—the danger signal has come and let no one ignore it if he wishes well of the country.

“Do the people of this land—in the providence of God, favoured, as they sometimes boast, above many others in the plentitude of their liberties—desire to preserve those so carefully protected by the First Amendment: liberty of religious worship, freedom of speech and of the press, and the right as free men to peaceably assemble and petition their Government for a redress of grievances? If so, let them withstand all beginnings of encroachment.” —And here is a beginning of the encroachment of the liberty of the people in Free India.—“For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.”

Mr. Chairman: Prof. Ranga.

Shri Kamath: There are other amendments for circulation of the Bill. There are several from Mr. Naziruddin Ahmad, Sardar Hukam Singh, Mr. Sarangdhar Das, Mr. Arun Chandra Guha and an amendment in my name.

Mr. Chairman: They are before me. But it does not mean that every mover needs to speak on it.

Shri Kamath: But these other amendments must take precedence under the rules.

Mr. Chairman: That is not necessary.

Prof. Ranga: I rise to speak after the close of one of the most powerful and eloquent speeches made by the Indian Burke of our present generation. As my hon. friend Dr. Syama Prasad Mookerjee was holding forth so eloquently in support of his innate conservatism I began to think how the British Parliament must have reacted to that other great man, Edmund Burke, as he was reeling out his great eloquence in support of British conservative social order. It is not so very easy for me to try to speak in the same eloquent and passionate manner in reply to my hon. friend Dr. Syama Prasad Mookerjee—who is just now leaving the House—because I do not wish to hurt the feelings of those who have had to be necessarily hurt by the process of the social revolution that India is obliged to go through and this House is obliged to put its stamp of approval upon.

My hon. friend was asking why this House should not be a little more patient with itself as well as with our own social forces in this country until these various conventions could be established by a series of judgment that are to be given by our High Courts as well as by the Supreme Court. But I want to ask him one question. Has he come across any country which has waited for so long as this country has waited in order to put an end to this anachronism, to this octopus, that is the order of the zamindari system in this country? We have waited long enough and we have fought also long enough against this system. In the end the Congress Party in this country had taken upon itself the responsibility of putting an end to this social order. It went to the country with its manifesto, came back again to the various Legislatures as well as to this Parliament with the mandate of the people to put an end to this social order, and has then proceeded to put an end to it. But in the course of this we have found so many difficulties, one of them being the innate conservatism—of which my hon. friend is so very proud—of the courts. I do not wish to attribute any motives, but certainly I think I am in my rights when I refer to the general approach that the courts make to some of the social forces and social revolutions.

Shri Kamath: What about the Nagpur and Allahabad High Courts?

Prof. Ranga: Yes, some Courts have given a progressive interpretation of the laws passed by our Legislatures, but some Courts were not able to do

so. But my hon. friend wants us to wait till the Supreme Court's help itself is invoked, and till then all these millions of people who have been expecting some relief from this legislation are to go on suffering from this system of exploitation. I wish to say that I am entirely in favour of this particular provision proposed in this Bill and I hope the House will certainly set its seal of approval thereon.

Secondly, my hon. friend is opposed to the partition of this country. I am sure quite a large number of people have not been happy over this partition. I myself was very much opposed to the decision when it was made. Nevertheless, once it was made and it has come to be accepted by our people, there can be two opinions about this matter, some holding the view that we should accept the *fait accompli* and then make the best of what we possibly can out of this, and some of course like my hon. friend Dr. Syama Prasad Mookerjee who would like some day to change this order. I have no quarrel at all with him, nor would the hon. Prime Minister, I think, like to quarrel with him. But at the same time should we or should we not give to ourselves, to this House and the future House also, power to deal with such social forces in our country and individuals who would like to upset this order not by mere persuasion, not by propaganda, not by publicity but through violent means and that too by destroying the State which has got to carry on the social order of this country?

Then I take up the question of the Press. My hon. friend was saying that the present law is enough. It might be enough, it might not be enough. Suppose it comes to be found later on either by this Parliament or by its successors not to be enough, then what is it that we have to do? Are we to invoke the cumbersome provisions that are provided for changing our own Constitution and then proceed to give powers to our Parliament, or are we to take advantage of the present opportunity and give that power to Parliament trusting to the judgment and wisdom of this Parliament as well as its successors to go only thus far and no further in dealing with such sections of the Press which might indulge in harmful activity? As I have pointed out, one experience of mine has come to my mind that there were certain papers which did not mind castigating public men as bastards. What are we to do with such papers?

Shri Sidhva: Blackmailing.

Prof. Ranga: It is worse than blackmailing. To call a public man a bastard and then to run away with it with impunity is something which is an insult to the Press itself. And there are papers in this country which indulge in such language. There are also papers which circulate obviously false statements, and if legal notices were given to them either to substantiate those charges or to offer an unconditional apology, some of them do offer the apology but the papers that claim to copy this slanderous attack from the papers which offer the apology go about the country scot-free. How are we to deal with them?

12 Noon.

It might be said by my hon. friend that the present legislation is enough to deal with them. It might not be enough. When he says: Deal with it as and when the problem arises, we say: The problems are there before you. There are certain papers coming from one of our biggest cities whose names are very well known to quite a large number of hon. Members here. They have no other business but to indulge, not in any political discussion but in personal abuse, vilification and reckless charges, charges which they ought to know are unfounded and which cannot be sustained at all and yet they go on day after day and week after week decaying not our public policies but our own public men, not attributing mere motives but attributing false activities for which these public men are not at all responsible and in which public men had not indulged in at all. How are we to deal with such a Press? I wish to associate myself with all these eloquent things and very noble words indeed that the hon. the Prime Minister has said in praise of a large section of our own Press. I am second to none indeed in my admiration of some of our most important daily papers, as well as weekly papers and they compare very favourably with some of the best papers produced anywhere in the world. At the same time there are certain papers, they may be weeklies, they may be monthlies, they may be even occasional publications but they do indulge in such heinous propaganda—I cannot think of any softer words than heinous propaganda—against individuals and their personal lives. Sufficient power has got to be vested in this Parliament so that it might be possible for this Parliament or its successors to take advantage of it if and when the occasion arises.

[Prof. Ranga]

Then there is the other difficulty with regard to 'foreign relations'. In this I feel that there is some strength in what my hon. friend Dr. Syama Prasad Mookerjee said today.

Mr. Chairman: May I suggest that group discussions may be carried on outside the House. The hon. Member is not being properly heard.

Prof. Ranga: In regard to this matter, I do think that Government as well as the hon. Prime Minister should take an early occasion and especially through the discussions in the Select Committee to try and bring about such amendments as would help us to some of the risks that my hon. friend Dr. Mookerjee has suggested to us.

Then there is the other question of 'public order'. How are we to deal with it? Who is to define it? Is the present legislation adequate for this purpose? Now in regard to this matter, I do not feel quite competent to offer any sort of suggestion to this House. But I would like this matter also to be carefully discussed in the Select Committee and sufficient safeguards provided in order to prevent even the future Parliament from exercising it.

Then my hon. friend talked about the 'mighty interests of the people'. It is in the mighty interests of the people that I want this amending Bill to be accepted by this House but with suitable amendments. It is in the mighty interests of the people that I want Parliament also to be clothed with these powers, but suitably amended. At the same time I also wish to sound a note of warning in regard to the confidence that my hon. friend, the Prime Minister expressed with regard to this Parliament as well as its successors. It is always possible for Parliaments to make mistakes. The British Parliament has made grievous mistakes but at the same time it had the wisdom also to rectify those mistakes and go forward. It is much better to rely upon your Parliament than to rely upon a Supreme Court. What was the experience of U.S.A.? U.S.A. has not been noted for speed. On the other hand it has always been a sort of hurdle which the American people had had to get over in order to speed on with their own progress. What was their own experience with that great chapter of social legislation that President Roosevelt had initiated, known as 'the New Deal Legislation'? Almost all that legislation was negated by the

Supreme Court. Why so? Because there were men in it who were old and they could not very well understand the significance of the economic depression with which America was then faced between 1930 and 1935 and they were so old that they could not understand the dynamic forces which were propelling their own people to make their choice between Communist party's leadership on the one side and the democratic leadership on the other and President Roosevelt had had to wait for two or three years before it was possible for him to replace some of those old Judges by younger Judges who could understand the dynamics of the social forces which were confronting them. Are we to be condemned to a similar plight? Are we even in regard to these very essential matters to depend entirely upon the natural forces of the age of the Supreme Court Judges so that some of those people might either die or might be obliged to retire before it would be possible for our own Government to replace them by more progressive minded Supreme Court Judges? Anyhow, we have agreed upon a written Constitution. Therefore, it is absolutely essential for us to have a Supreme Court and therefore we have to be patient with the Supreme Court also.

An Hon. Member: They only interpret the law.

Prof. Ranga: We make the law and they can go on interpreting it but our law is to be interpreted in the light of this law, the law of laws and it is over this law that they are the masters because they are the only interpreters and not this Parliament and the law which Parliament might be making will be at the mercy of their interpretation. Therefore we have to safeguard ourselves from the conservatism or from the fancies or from the social matrices of these Supreme Court Judges, day to day and from time to time to the extent that it is possible.

Shri Kamath: That is true of all countries which have a written Constitution.

Prof. Ranga: That is why we should try and see that as much power as possible is vested in this Parliament in its own right, so that we can minimise the scope for the free play of the conservative forces that will be installed in power through the Supreme Court and it is in this light that I wish to support this Bill.

Several of my colleagues in this Parliament have had informal talks

with me and they were anxious to suggest that I should also join hands with them in opposing this Bill. I very much wanted to oppose this Bill also for this reason because I am on my way towards the formation of an Opposition in this House. I have bidden goodbye to my old comrades and their party and I am slowly moving towards the Opposition which unfortunately for us has not yet come into existence. While we are still in this embryonic stage of an Opposition, some of my friends who would like to be my friends in the Opposition that is to come into existence have suggested that I might possibly oppose this and as it is generally the duty of the Opposition to look into every proposal that is made by the Government in power, to see whether they can offer any tangible and reasonable criticism, I began to examine it in a very critical manner. Then I said to myself: What is the duty of an Opposition? Is it the duty of the Opposition merely to oppose everything that is suggested or is it to be a responsible Opposition. Then I came to the conclusion.....

Mr. Chairman: Does that part of the speech relate to the motion under discussion? Any individual matter cannot have any relevance.

Prof. Ranga: I owe a duty to this House as well as to myself to explain why I have come to the conclusion that I should support this Bill in spite of the duty I have cast upon myself to examine everything from the view point of the Opposition. I said I came to the conclusion that I should support it if we are to oppose it from a responsible point of view. Why so? That is where I come to the point repeatedly made by the hon. Prime Minister. It is this. The hon. Prime Minister has not come and said: "These are the powers that I want this Parliament to exercise straightway; the moment you pass this Bill, I will take these powers in my hands, and run with the bit in my mouth and begin to implement all these things and execute all these orders; put these people in the jail; hold up such and such papers, and ban such and such Press." He has made it clear that he is only asking these powers to be given to this Parliament and future Parliaments so that if and when the necessity arises, either on the motion of a private Member or on the motion of the responsible Government of the day, proposals would be put forward in a responsible manner before this Parliament and it would be open to this Parliament or its

successors to accept those proposals or not, either with or without amendments. When such is the position, I think it is only the duty of all those who belong to the Government party as well as those who would like to belong to the Opposition party to support this Bill.

Shri Kameshwara Singh (Bihar): I rise to support the amendment that the Bill be circulated for eliciting public opinion thereon.

Although the Bill seeks to amend ten articles of the Constitution, the two important articles that are sought to be amended are articles 19 and 31. The position is this. Some of the Acts passed by Parliament or by some of the States in derogation to the Fundamental Rights conferred upon a citizen by the provisions of the Constitution have not met with the approval of some of the Courts. The decision of the Supreme Court, the highest judicial authority of the land, has not yet been given in respect of most of such Acts. Before we know what the decision of that authority is, the Constitution, which we gave to ourselves after deliberating for full three years, is going to be altered. The written Constitution of a country, being the Supreme Law of the land, is expected to lay down principles generally applicable to cases of a particular kind. But, by attempting to introduce provisions like those contained in this Bill, the Prime Minister is bringing down the Supreme Law of the land to the level of an ordinary statute which can be, and is, modified, altered and amended by the proper legislature as and when required by the exigency of the hour. The written Constitution has certainly been amended in other countries also; but I know of no country in which it has been altered so soon after its solemn acceptance, and in such a manner as is sought to be altered here. The Constitution, if it is allowed to be amended in such a light-hearted manner, will lose all its permanent character and forfeit the respect....

Shri Hanumanthaiya: On a point of order.

Shri Kameshwara Singh: ...and sanctity which should be attached to it.

Mr. Chairman: Order, order; the hon. Member is rising on a point of order.

Shri Hanumanthaiya: I suggest that the words that we are doing

[Shri Hanumanthaiya]

things in a light-hearted manner may not be used, because it is not in keeping with the dignity of the House.

Hon. Members: There is no point of order in this.

Mr. Chairman: It is not a point of order. It is only just a suggestion. I think that expression is parliamentary, not unparliamentary, at any rate.

Shri Satish Chandra (Uttar Pradesh): On another point of order. The hon. Speaker has ruled several times that speeches shall not be read in this House. The hon. Member is reading from a manuscript speech. He is not referring to notes, but is reading his speech from the beginning to the end. I submit that in view of the Speaker's ruling this practice is out of order.

Hon. Members: Various speeches have been read.

Mr. Chairman: May be speeches need not always be read. But, there are certain exceptional circumstances where it is allowed. I would allow him to read.

Shri Kameshwara Singh: This is, after all, a care-taker Government.

Shri J. R. Kapoor (Uttar Pradesh): If the hon. Member reads slowly, we would be able to follow it.

Mr. Chairman: I would say that it need not be a very long reading.

Shri Kameshwara Singh: This Parliament, again is a provisional one and it cannot be said to be reflecting the will of the people in the way the Constitution wants Parliament to reflect it. For a Government or a Parliament of this kind it is highly improper to make such fundamental changes in the Constitution without making any reference to public opinion, and that too at the fag end of a strenuous parliamentary session and almost on the eve of a General Election. Such an attempt betrays a mentality unworthy of those who swear by the name of democracy.

Both Parliament and the State Legislatures were elected on the basis of representation which gives them no right to regard themselves as representatives of the people as a whole. Again, the last General Election, though with a restricted franchise, was fought on a different issue. It was on the issue of the

Independence of the country. The result was that the party that is in power today got an overwhelming majority of seats in the State Legislatures. Election of Parliament from those Legislatures practically meant representation by the nominees of the majority party. That was specially so in the bye-election. Thus, by no stretch of imagination can it be said that the will of the people in general was expressed with respect to the far-reaching changes made by the laws enacted by the different State Legislatures. This Parliament may have the legal right to alter the Constitution, but certainly it has no moral right to do so.

If the opinion of the Press is a guide for assessing public opinion, the Prime Minister must have seen that the public opinion is against making any change in the Constitution before the General Elections. If the opinion of the members of the bar associations and eminent jurists represent the opinion of the thoughtful section of the society, the Prime Minister must have noted by now that they dislike the manner in which the Constitution is sought to be amended.

Let us now examine the implications of this attempt to amend the Constitution. The Union Ministers have sworn allegiance to the Constitution of India and have agreed to do right to all manner of people in accordance with the Constitution and the law. Do they not show utter disregard for the Constitution when they attempt to amend it, simply because some of the laws have been criticised and found invalid by the judiciary? Instead of enacting such laws as may conform to the Constitution, they are amending the Constitution itself to make it conform to certain laws enacted by the State Legislatures. Is this not a very absurd thing to do?

We should remember that under the present Constitution of India, the supremacy of Parliament is not absolute: Judicial review of the legislation is taken to be the constitutional doctrine of India. But, now that certain enactments are going to be taken away from the purview of the judiciary, it appears that the purpose of the amendment is to upset the very scheme of the Indian Constitution. The Prime Minister, I am constrained to say, is creating a very bad precedent by sowing the seed of executive despotism and playing with the supremacy of the Constitution for party advantages.

We find to our great dismay that article 13(2) of the Constitution, which provides that the State shall not make any law which takes away or abridges the right conferred by the part dealing with Fundamental Rights and any law made in contravention of this clause shall, to the extent of the contravention, be void, is sought to be made meaningless. The Prime Minister wants to cut down materially the Fundamental Rights of personal freedom, and what is worse, to validate retrospectively the Acts passed by the State Legislatures. He has thought of an extreme case of the abuse of the right of free expression on the part of the governed; but he has completely ignored the possibility of the abuse of power on the part of the party in power.

Coming to article 31, I beg to submit that in this amending Bill, the enactments of the various State Legislatures, although varying in material respects, are being validated without bestowing any thought on their provision. For example, in respect of acquisition of the same kind of property, the principles of compensation laid down in the Act passed by the Uttar Pradesh Legislature are materially at variance with the principles laid down for fixing the compensation in respect of similar property by the Legislature of Bihar. Item 42 of the concurrent list gives power to Parliament to lay down the principles and the manner of determining the compensation. But Parliament has so far refrained from exercising that power. If it had done so, it would have at least maintained uniformity in laying down principles of determining the compensation. To give constitutional sanction to the most discrepant provisions in the Acts of different States relating to the acquisition of the same kind of property is, to say the least, a glaring example of thoughtlessness. I wonder if the sponsor of this Bill has critically examined the provisions of the various Acts which are sought to be validated by the proposed amendment of the Constitution. I refer particularly to the various provisions in the Acts relating to the acquisition of estates which seek to lay down principles on which and the manner in which compensation is to be determined. Has he realised that whereas in one State if a zamindari having an income of say, Rs. 50 lakhs is acquired, the owner will get Rs. 80 lakhs as compensation, in another State an owner of a zamindari having the same income will get only

Rs. nine lakhs by way of compensation? Has he realised that in the case of a particular estate in Bihar which yields a gross income of about ten lakhs the amount of compensation calculated according to the provisions of the Bihar Land Reforms Act, is much below zero?

Mr. Chairman: I do not think the hon. Member need go into the details of the compensations or their quantum.

Shri Kameshwara Singh: No, Madam. I am only making a passing reference to them. So I do not want to discuss at present in any great detail the provisions of either this Bill or of the enactments of the State Legislatures mentioned in it. The Bill, I feel, should not be proceeded with, unless it is approved by the people in general and until suggestions are received from the thoughtful sections of society. Personally, I am of the opinion that the Constitution should not be amended till it has been given a fair trial and the country is in a position to judge whether, in the light of the ultimate decision of the highest judiciary in the land, any amendment of the Constitution, so solemnly adopted is at all called for. It will be in complete disregard not only of the sanctity of the Constitution, but also of the sanctity of the Courts if, on the mere strength of the majority in the House, a measure of this kind is rushed through. Let it not be said that the champion of democracy is following dictatorial methods.

Pandit Thakur Das Bhargava: This Bill is proposing the first amendments to the Constitution and it deals mainly with three articles of the Constitution, that is, article 15, article 19 and article 31. The rest are more or less of a formal nature. Now, various arguments have been advanced against this Bill. I heard with rapt attention the opposition speech of Dr. Mookerjee. (An Hon. Member: No Opposition here.) Some friend here says that there is no Opposition here. But I regard that speech as such, though the hon. Member Shri Velayudhan may think that it does not savour of Opposition. (Interruption) Mr. Kamath here goes to the rescue of Mr. Velayudhan and says that there is no official Opposition. But anyhow, the speech that was made does savour of an Opposition speech. Many arguments there were not advanced for the purpose of making out a case against this Bill, but were only advanced in such a manner that one feels that the speech was being made for other purposes

[Pandit Thakur Das Bhargava]

than for contributing anything so far as this Bill is concerned.

Ch. Ranbir Singh (Punjab):
Political purposes?

Pandit Thakur Das Bhargava: If my hon. friend will have some patience, I will come to that presently.

Well, I maintain that there is good reason and there is need for the amendment of the Constitution. I maintain that the present Constitution of the Country is such that there is clear need for its amendment. But this, however, does not commit me to every word in this Bill. On the contrary, I maintain that some of the provisions of this Bill go much further than what the needs of the situation require. *(Interruptions)* If my hon. friend wants to interrupt, he may do so in a voice which is audible to me. Otherwise . . .

Mr. Chairman: Order, order. I am noticing that there is a continuous prompting from behind. I do not think hon. Members who are speaking need such promptings. This does not speak well of the House.

Pandit Thakur Das Bhargava: The interruptions should at least be audible to me.

Shri R. K. Chaudhuri (Assam):
Why do you listen to them?

Pandit Thakur Das Bhargava: Unfortunately I have to listen to them. I lack the powers of my hon. friend Mr. Chaudhuri who can say the most humorous things without a smile on his face.

Well, the Constitution that we passed was proved to be faulty in certain respects. I maintain that even in a democracy there is a clear need for provisions which relate, generally speaking, to sedition and to spread of disaffection and enmity among the various communities living in the country. In the very first case, that of Master Tara Singh, the Punjab High Court held that sections 153A and 124A were no longer good. I am not here to criticise the judgment of the High Court. I believe the judgment was correct according to the legal situation created by the Constitution. According to the Constitution that we made, these sections no longer remained on the Statute Book. About the Punjab Safety Act also there was a similar judgment of the Supreme Court and the High Court. That was not all.

When other cases were taken to the Supreme Court, the Supreme Court also held that the laws that existed could not stand scrutiny. If hon. Members will kindly look at article 19 (2) they will see that this clause lays down:

“Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, libel, slander, defamation, contempt of court or any matter which offends against decency or morality or which undermines the security of, or tends to overthrow, the State.”

Now, in the original draft, the word “sedition” was there, but it was removed by an amendment of the hon. Mr. Munshi. I too had given notice of an amendment to the same effect. So the present position is that every person in the land is at liberty to preach disaffection against the Government. Every person in this land is at liberty to sow seeds of disaffection and enmity between different classes living in this country. This attempt can go on as long as the last words in this clause are not satisfied, *viz.*, “which undermines the security of, or tends to overthrow, the State.” I maintain that there is no civilized country in the world with a written or unwritten Constitution which is not armed with provisions relating to sedition or to meet situations as lead to public disorder which are presently outside the purview of these last words. These last words go much beyond the present law in England, in America, in Australia and other countries. The Judges of the Supreme Court held in the case of Ramesh Chandra Dutt the following. I am reading from the same judgment from which my friend Dr. S. P. Mookerjee read out some portions in this House. They said:

“Deletion of the word ‘sedition’ from the draft article 13(2), therefore, shows that criticism of Government exciting disaffection or bad feelings towards it is not to be regarded as a justifying ground for restricting the freedom of expression and of the press, unless it is such as to undermine the security of or tend to overthrow the State. It is also significant that the corresponding Irish formula of ‘undermining the public order or the authority of the State’ (article 40(6) (i) of the Constitution of Eire, 1937) did not apparently find favour

with the framers of the Indian Constitution. Thus, very narrow and stringent limits have been set to permissible legislative abridgement of the right of free speech and expression...."

I am submitting therefore that so far as our Press law is concerned, in this country there are no provisions in the law which can deal with a situation like this. In England as well as in America the provisions of law are there which can certainly meet the situations for which we have no such law. If the law in America is to be seen, you will find that the same words "due process of law" contained in 14th Amendment of the Constitution constitute the law in America. While we imbibed that section, we did not put those very words in the statute with the result that we were left without any law so far as sedition and disaffection between the various communities are concerned. In many of the judgments of the High Courts and Supreme Court it has been said if a situation like the one described by me arises in other countries for which we have no remedy in India the law of those lands is sufficient to deal with the situation so that person who spreads disaffection between communities is liable and has been sentenced by the courts of law there. Similarly so far as England is concerned, the law of England—while they have no written Constitution in England—is that if any person published such literature or did anything of that kind whereby there might be any apprehension of disturbance of public order, then that person is liable. The law of that land is sufficient for which our law is quite insufficient. This is not what I am submitting. This is the view of the Supreme Court also. As I have read out from the case of Ramesh Chandra Dutt the law is impotent to deal with a situation like this. Is it not perfectly true as said by the hon. Mover of this Bill that the Press in India has taken more liberties than they enjoy in any part of the world? We find everyday that malicious attacks upon the Government are to be found in almost all the papers and many of these papers are absolutely irresponsible. But the Government is helpless. I do not think that any person who wishes well by this country can possibly tolerate a situation in which Government finds itself helpless to suppress public disorder or such kind of literature as will bring out a situation in which nothing but anarchy shall result.

So far as the question of Government policy is concerned I do not say it cannot be attacked. If my friend would consult the explanation to section 124A he will find that any attack on the policy of Government is perfectly consistent with the rights of free speech of the people. I do not for a moment say that the rights of the people and the freedom of the Press should be curbed. In a democracy no activity constitutes graver crime than suppression of liberty and freedom of expression. But at the same time there are limits to it. The limits that are there in other countries should also be set to our laws. So far as the present position is concerned, after we passed the Constitution and after the Supreme Court has delivered its judgment, the situation in the country is that there is no law worth the name which can in any way set any limit to those activities, or to those people who want to subvert the Government or issue literature without any responsibility and poison the minds of the people.

My friend asks me what those limits are. I will give that. Before we passed the present law, there were sections 124A, 153A and other sections in the Indian Penal Code and the Criminal Procedure Code which dealt with these matters and other safety Acts in the Provinces. It is no doubt true that those laws were very obnoxious. Many of our patriots were put behind the bars in consequence and every Indian disliked those laws, namely sections 124A and 153A. According to the exigencies of the situation the British Government employed them. They thought that such laws were quite necessary and sufficient to meet the situations that confronted them. When we succeeded the British we had this legacy and we were very much averse to the retention of those laws. Perhaps because of this the word sedition which existed in the original draft of the Constitution was taken away at the time the Constitution was passed. (Interruption). There was not much discussion: I have seen the debates. The reason was quite clear. The word sedition was very obnoxious and none of us liked it. I am one of those who moved for the deletion of the word. That law went much further than the needs of the situation. My complaint is that this Bill again wants to bring in those obnoxious provisions. It wants to see that those very laws which were obnoxious and were never liked by us are revived. As

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the House knows, in the very famous case of Bal Gangadhar Tilak it was held that if a person merely excited disaffection towards the Government, without any results whatsoever or reference to mutiny or insurrection or public disorder, merely spreading disaffection was regarded as an offence. That interpretation has held the field in regard to section 124A till a few years ago when in the Niharendru Dutt Mazumdar's case the law was laid down by the Chief Justice, Sir Maurice Gwyer in the Federal Court. With the permission of the House I would read out a portion, which would show how that law was construed at that time. This is a very important judgment so far as the law on sedition is concerned.

This is what he said:

"The words as well as the acts, which tend to endanger society, it has been observed, differ from time to time in proportion as society is stable or insecure in fact, or is believed by its reasonable members to be open to assault. In the present day meetings and processions are held lawful which 150 years ago would have been deemed seditious, and this is not because the law is weaker or has changed, but because the times have changed, society is stronger than before.] Lord Sumner in *Bowman v. Secular Society, Ltd.* (2)]. The right of every organised society to protect itself against attempts to overthrow it cannot be denied; but the attempts which have seemed grave to one age may be the subject of ridicule in another. Lord Holt was a wise man and a great Judge; but he saw nothing absurd in saying that no Government could subsist, if men could not be called to account for possessing an ill opinion of the Government, since it was necessary for every Government that the people should have a good opinion of it. [*The Queen v. John Tutchin* (3).] Hence many judicial decisions, in particular cases which were no doubt correct at the time when they were given may well be inapplicable to the circumstances of today. The time is long past when the mere criticism of Governments was sufficient to constitute sedition, for it is recognised that the right to utter honest and reasonable criticism is a source of strength to a commu-

nity rather than a weakness. Criticism of an existing system of government is not excluded, nor even the expression of a desire for a different system altogether. The language of s. 124A of the Penal Code, if read literally, even with the explanations attached to it, would suffice to make a surprising number of persons in this country guilty of sedition; but no one supposes that it is to be read in this literal sense. The language itself has been adopted from English law, but it is to be remembered that in England the good sense of jurymen can always correct extravagant interpretations sought to be given by the executive government or even by Judges themselves; and if in this country that check is absent, or practically absent, it becomes all the more necessary for the Courts, when a case of this kind comes before them, to put themselves so far as possible in the place of a jury, and to take a broad view, without refining very much, in applying the general principles which underlie the law of sedition to the particular facts and circumstances brought to their notice."

This is a long judgment and I do not want to read further excerpts from it, but then this view of the law was not confirmed by the Privy Council. And the last word, on the subject that is, the law in vogue, I should say again, was just in consonance with the judgment reported as in I.L.R. 22 Bombay, Bal Gangadhar Tilak's case. That was the state of the law. In that state of the law the framers of the Constitution put in this article 19 which, as a matter of fact, took away the word "sedition" and enabled the High Court of Punjab to hold that sections 124A and 153A etc. and others, in fact all laws regarding "sedition" were non-existent and void. The Supreme Court went so far as to hold that only when there was a law dealing with speeches and writings calculated to undermine the security of the State or when they tended to overthrow the State, only in that contingency a person could be held guilty under such law if he used his right of speech or freedom of expression in that way. Today, if this Bill is not passed, the position is that in cases where a person wants to spread sedition or wants to disseminate disaffection in the country or does anything in an irresponsible manner, the law is unable to catch hold of him. It is easy for Dr. Syama Prasad Mookerjee to say that

the detention law is there and that a person could be detained. I am sorry he is not in his seat, but may I humbly ask if it is possible to run a Government by the law of detentions? Then he will be the first man to say that this Government is not worthy to hold the reins of Government when it used detention in all cases. Does any Member of the House like that detention should be resorted to in that manner? When the Preventive Detention Bill was placed before the House everyone of us said that we did not like detention. To plead before the House to-day that detention should be resorted to is to use an argument which is untenable. I maintain that no man can be punished unless there is a law which is able to catch hold of him if he chooses to act in such a manner as even to come within the definition of "undermining the security of the State or trying to overthrow the State". That is the present state of the law. At the same time, if that person were in any other country, say, in England or America, he would have been punished, but in our country that man cannot be punished. I humbly want to ask those hon. speakers who have preceded me, and especially Dr. Mookerjee, if this is a satisfactory state of law, that in this country any person can go about with impunity saying anything and doing anything which may be dangerous to the security of the State, without his being hauled up before a court of law.

Then this theory of detention means that thousands of people should be under detention. Then Dr. Mookerjee would come forward and say that this Government is incapable of working because it has recourse to a very doubtful method of enforcing the law. The law of the country is deficient. It is deficient because of us, because in the Constitution we did not take full care to see that the words are, as a matter of fact there which could enable the courts to decide cases rightly or enable the Government to make laws whereby public order could be maintained. So far as public order is concerned, I do maintain that the gist of the offence of sedition is that it leads to public disorder. This is the view of the best judges in England. I do not want to quote from many authorities because I believe hon. Members are aware of the principles of law. It is quite clear that so far as the gist of it is concerned, if any activity leads to public disorder, or to insurrection, or to mutiny or other forms of disorder then such action should be punishable. But in India

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we cannot have recourse to that because unless and until the act is such which directly endangers the security of the State no action can be taken. In bringing forward this amendment, Government has only done its duty.

While maintaining that Government have done well in bringing forward this Bill I do not and I cannot believe, so far as the provisions of the law are concerned, that it should be passed by the House as it is. I would like the Select Committee to go deeply into this question, because a question of this nature relating to the liberties of the people of this land is such that the deepest consideration should be given to it. When I see the provisions of sub-clause (2) of clause 3, I am stunned that it goes to the very foundations of the liberty of the people of this land. Sub-clause (2) of clause 3 reads:

"(2) No law in force in the territory of India immediately before the commencement of the Constitution which is consistent with the provisions of article 19 of the Constitution as amended by sub-section (1) of this section shall be deemed to be void, or ever to have become void, on the ground only that, being a law which takes away or abridges the right conferred by sub-clause (a) of clause (1) of the said article, its operation was not saved by sub-clause (2) of that article as originally enacted, and notwithstanding any judgment, decree or order of any court or tribunal to the contrary, every such law shall continue in force until altered or repealed by a competent Legislature or other competent authority."

Shri Kamath: Contempt of court.

Fandit Thakur Das Bhargava: There is no question of contempt of court. It means that the Punjab Safety Act and similar Acts which everybody in this country dislikes should be revived in its original pristine glory as in the days of the British Government. It abridges the power given to the courts under article 13 of the Constitution. Now clause (2) of article 13 reads:

"The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

It means that if there is any law which is inconsistent with the provisions of article 19, to the extent

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of that inconsistency the law is void. This is exactly what the Punjab High Court and the Supreme Court have held in regard to all these Acts. But this provision revives all those Acts, and says that notwithstanding any judgement, decree or order of any court or tribunal to the contrary, every such law shall continue in force until altered or repealed by a competent Legislature or other competent authority.

Now, no court is capable of altering or repealing any law. It can only declare a law to be void.

Pandit Krishna Chandra Sharma: My hon. friend is ignoring the limitation—"which is consistent with the provisions of article 19 of the Constitution as amended by sub-section (1) of this Section."

Shri Kamath: Pandit Bhargava is right; you are wrong.

Mr. Chairman: The hon. Member is not right in saying "You are wrong". He may address the Chair.

Shri Kamath: I shall address the Chair. Madam, Pandit Krishna Chandra Sharma is wrong.

Pandit Thakur Das Bhargava: I was submitting that according to this all those laws which have been held to be void by the High Courts and the Supreme Court will be revived. I do not know how my hon. friend says that they will not be revived. If my hon. friend just peeps into clause 3 he will find that the provisions contained in the proposed clause (2) in clause 3 are much more serious than what he thinks. In the previous Constitution we had one formula in article 19(2) and another formula in 19(3), (4), (5), and (6). As regards 19(2), as I have already read out, the formula was that the State shall not be prevented from making any law in respect of certain subjects, whereas in 19(3), (4), (5) and (6) the rule was that restrictions were placed on the various Fundamental Rights given in article 19(1), but these restrictions were sought to be limited by the word "reasonable". In regard to 19(2) the word "reasonable" was not placed because the law-making power in regard to certain matters was of such unexceptional character that no restrictions need have been placed at that time. Now, in the present proposed clause (2), in clause 3 the words are a mixture of both. It runs thus:

"Nothing in sub-clause (a) of clause (1) shall affect the opera-

tion of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, restrictions on the exercise of the right....."

My hon. friend will kindly see that so far as the provisions of this part are concerned, the restrictions are only to be placed by law. If he reads further on he will find the words.

"...and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, contempt of court, defamation or incitement to an offence."

which means that so far as the latter portion of the clause is concerned there is no question of restriction, much less of reasonable restriction.

There are two parts. The first one is of the same kind as existed in article 19(3), (4), (5) and (6). The second one is the same as in article 19(2). Now this is a mixture of both. It means that in the matter of the latter portion there will be no restrictions on the right of the Legislature to make any law. It is very easy to say, as we heard the Prime Minister saying "What is this? It is not very important because no restrictions are presently being placed." I submit he is not treating us with the courtesy that is due to Members of the House when he makes an argument of this nature. This amending Bill is a very important measure. This terms the powers of the Legislature. But the Prime Minister says "You need not look into it very seriously, it only gives powers". As a matter of fact under article 19 these powers were circumscribed and the need has arisen for the Prime Minister to come with this Bill. If it is such a simple matter and the Members need not consider it seriously, the House will be entirely mistaken. This is a Bill of a very fundamental character and I would respectfully ask all the members of the Select Committee kindly to look through it rather carefully. In my humble opinion it goes far beyond the need of the occasion. It wants to enact certain provisions of the law which the Constituent Assembly rejected and which no Member of the House would like to see repeated now. May I humbly ask, does this House like that the original interpretation as in Tilak's case should be restored now, that sedition should be so

defined and the liberty of the people should be so curtailed that no person should be able to say anything against the Government which the authorities may choose to term disaffection?

Ch. Ranbir Singh: Why are you afraid of them? Those Acts which you are mentioning can be repealed at any time.

Pandit Thakur Das Bhargava: I have not been able to understand the interruption but if the meaning of the interruption is that every person is able to do what he pleases, then what I am submitting to the House is that it should not be allowed. We want that a certain limit should be placed on the liberty of the people. If they want to act in such a manner as to affect the safety of the State, then it is sedition as it is understood in America and England. I do not want that the law of my country should be changed in the matter of the liberties of the people, that they should be curtailed in such a fashion and if there are more restrictions than those which exist in other civilized countries, then I am afraid, there will be frustration and misunderstandings shall crop up. The people in this country will certainly feel that they are not being dealt with in a satisfactory manner. Similarly if amendment to article 19(2) is passed, that would mean the beneficent effect of the activities of Supreme Court and High Courts will be taken away and retrospective effect will be given to obnoxious laws. I am afraid we cannot possibly agree to a change of this drastic nature.

In regard to article 19(1), as the House is fully aware the whole thing was fought out in the Constituent Assembly and the point at issue was whether the words "due process" should be put in or not. In the original draft article 15 which is now article 21 there was a controversy but we failed in our attempt. At the same time, I must say in the amendment brought by me and kindly accepted by our Law Minister the word "reasonable" was put in and I ask this House whether that word 'reasonable' has not served us in good stead? Does any person want any Government, be it the Congress Government or any other Government, to be armed with arbitrary powers? After all we have accepted this proposition and accepted it for all time that the courts should be the final arbiters of the fortunes of the people in this country. (*An Hon. Member:* The courts are not the final arbiters.) In one sense, so far as the interpretation is concerned. I am not submit-

ting that the Legislatures have no power. If they do not have such a power, why is the Bill before us? I am supporting this Bill because the Legislature is supreme and its will must be enforced. The will of the people is supreme and unless it is supreme and made effective by this Parliament, Parliament will lose its function. A well ordered society has to see that the courts are there and they exercise the powers which are their own and the Legislatures also exercise such powers as the law gives them. This Constitution gives Parliament power. Under the Constitution these powers are exercised. This Constitution of this country is a sacred thing to me. I do not want the Constitution of a country should necessarily be changed for certain purposes or should be so changed that the Legislatures may be given such powers which we do not like to give them. I do not mean to say that Parliament is not supreme. It is supreme for all purposes but the Constitution, under the Fundamental Rights, has set a limit for certain purposes to those powers.

In 1947 we passed a law by virtue of which bombs could be hurled on an innocent crowd from above without any warning. We passed certain laws in this House under panic to which we were all a party and one of our friends who is now adorning the Treasury Benches stood up and said that it was a black law. We passed those laws because they were necessary; the emergency was there and the Legislature had to pass the law. I do not mean that if we pass a law today, we cannot pass another law tomorrow. I do not doubt for a moment that our Legislatures are supreme. This is our own Government. Some other Government may come tomorrow and adorn the Treasury Benches. Then what would happen? I do not want to give any more powers to my own Government than what I would give to any other Government which occupies those Benches. I, therefore, beg of the House kindly to look at the question from the standpoint not because the Congress Government is there but to look at it from a strict point of view: What is good for our country? What is good for the Constitution of the country, for the eventual welfare of this country? And from that standpoint, we do not want to give up the principles which actuated us in framing the Constitution. I want that the liberties of the citizen of this country should be protected and unless and until the word 'reasonable' is placed before the word 'restrict'

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it would not ensure that liberty. Otherwise, the courts will not be able to protect you and to say that the Legislature has gone further than the limits prescribed for them by virtue of this Constitution.

Mr. Chairman: May I know whether the hon. Member is likely to take some time?

Pandit Thakur Das Bhargava: I will take an hour more.

Mr. Chairman: Before I adjourn the House, may I suggest that the Bill is in the hands of about 20 Members in the Select Committee and in order to enable more Members to speak, hon. Members should try to make short speeches. This would help. If every hon. Member wants to

speak for hours, I do not think it will be helping other hon. Members.

Several Hon. Members: No limit of time.

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Pandit Thakur Das Bhargava: May I humbly submit one point? Time is not extravagantly taken up in this House. After all, our country has to spend so much for every minute that we take and I consider it a sin to take more time than is necessary. But, on an occasion like this, when we are dealing with the Constitution and the basic liberties of the people, I would respectfully ask you to be a little more indulgent.

The House then adjourned till Half Past Eight of the Clock on Thursday the 17th May, 1951.