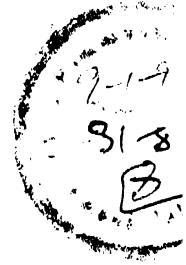
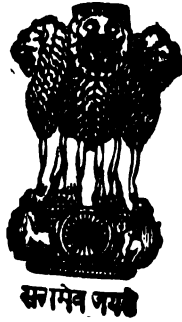


Wednesday, 30th May, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VII, 1951

(2nd April to 16th May, 1951)

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of the

PARLIAMENT OF INDIA

1951

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

4749

4750

PARLIAMENT OF INDIA

Wednesday, 30th May, 1951

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: Question No. 4669.

The Deputy Minister of Defence (Major General Himatsinhji): Sir, there are three similar questions on this subject of former I.N.A. personnel. May I, with your permission and if the hon. Members agree, take them together?

Mr. Speaker: May I know the numbers of the questions?

Major General Himatsinhji: They are Nos. 4669, 4671 and 4673.

Mr. Speaker: Yes.

I. N. A.

***4669. Dr. Ram Subhag Singh:** (a) Will the Minister of Defence be pleased to state the total number of I.N.A. men in the country whose whereabouts are known to Government?

(b) How many of these have so far been absorbed in Government service?

The Deputy Minister of Defence (Major General Himatsinhji): (a) The whereabouts of 14,100 and odd I.N.A. men, who formerly served in the Indian Army proper have been made known to Government in connection with the settlement of their claims.

(b) Officers 7; J.C.Os and Other Ranks 1,038.

I. N. A.

***4671. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Defence be pleased to state what are the financial concessions allowed to the I.N.A. personnel and how far have they been adjusted or paid?

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(b) Have they been allowed the ranks which they held at the time of surrender or when they joined the I.N.A.?

The Deputy Minister of Defence (Major General Himatsinhji): (a) A statement is laid on the Table of the House. [See Appendix XXVI, annexure No. 36.]

(b) They are eligible for re-employment in the ranks held by them prior to joining the I.N.A.

I. N. A.

***4673. Shri Krishnanand Rai:** (a) Will the Minister of Defence be pleased to state how many I.N.A. men have been absorbed in the Indian Army, by this time?

(b) How many applications of I.N.A. men for being absorbed in the Indian Army are still pending?

The Deputy Minister of Defence (Major General Himatsinhji): (a) Officers—7.

J.C.Os and Other Ranks—1,038.

(b) Nil.

Dr. Ram Subhag Singh: May I know how many of those I.N.A. personnel whose whereabouts are known have gone into professions or businesses of their own, and what assistance had Government given them in the form of loans etc.?

Major General Himatsinhji: Government have dealt with roughly about 15,000 I.N.A. personnel who formerly belonged to the Indian Army. Of these 1,038 have gone back to the Indian Army, and about 8,000 others have, up to now, found employment on their own and especially through the help of the I.N.A. Committee. So far something like Rs. 31 lakhs has been distributed to them by the Government of India in various forms such as pensions, gratuities and deferred pay etc.

Dr. Ram Subhag Singh: May I know whether any of the I.N.A. men is still in jail?

Major General Himatsinhji: No, Sir, not to my knowledge.

Pandit Munishwar Datt Upadhyay: As I could not hear the answer to part (b) of my question, I would like to know how many of those have already been employed and how many have got their ranks.

Major General Himatsinhji: According to the rules laid down, the officers are supposed to get whatever substantive rank they held at the time of joining the I.N.A. and the J.C.Os. are also, on re-entry into the Indian Army, to get the same ranks they held when they became prisoners of war. As far as the other ranks are concerned, that is havildars, naiks and sepoye, I am afraid they do not get the same rank. If, for instance, a havildar is taken back he has to rejoin as a sepoy. There is some dissatisfaction in the I.N.A. about this question of rank. This question can only be settled if, in my opinion, there is a joint conference of the Defence Ministry, the Finance Ministry and representatives of the I.N.A., as there are one or two points which do not satisfy the I.N.A. personnel.

Mr. Speaker: He wanted to know the number.

Major General Himatsinhji: Seven officers and 1,038 JCOs and other ranks.

Pandit Munishwar Datt Upadhyay: May I know whether there has been any exhaustive list of dependents of persons who died or of those who were disabled?

Major General Himatsinhji: This is also one of the questions, not settled to the satisfaction of the I.N.A. personnel. If they belonged to I.N.A. and had died either through sickness or on the battlefield, pensions for the families of those persons have not been recognised. We have not the list of those who have died after they joined the I.N.A.

Pandit Munishwar Datt Upadhyay: The number is given in the statement as 220 and 370, but it is said that applications are still coming in. So, I want to know whether an exhaustive list is there or not as yet?

Major General Himatsinhji: We have the list of applicants whose claims have not been settled, and is being considered, but the Government of India do not recognise claims on behalf of those who died after joining the I.N.A., either in battle or otherwise.

Pandit Munishwar Datt Upadhyay: May I know on what principle this amount of gratuity was assessed?

Major General Himatsinhji: Actually, if the I.N.A. personnel were recognised as prisoners of war (which the present Government did not do until 1948), the dues to them would have been something like Rs. 141 lakhs initial plus Rs. 6 lakhs recurring. The Government of India have so far paid Rs. 31 lakhs towards that. The money spent so far was spent on equitable distribution of financial assistance to ex-I.N.A. personnel and the dependents of those who served with the I.N.A. This amount of Rs. 31 lakhs includes three months' release pay, gratuity, war gratuity, and pension, but it does not include the pay of the personnel for 4 to 4½ years after they joined the I.N.A. That is the main bone of contention of the I.N.A. personnel, that if they are going to be treated by this Government like prisoners of war their dues of 4 to 4½ years of pay should be given to them.

Pandit Munishwar Datt Upadhyay: I wanted to know what was the principle on which the amount of compensation was calculated for the persons who were disabled and also for the dependents of those who were killed in the battlefield?

Major General Himatsinhji: It was not on the same principle as the Indian Army—a lump sum was given for distribution.

Shri Krishnanand Rai: May I know whether the war service concessions and allowances that Government gave to those Government servants who took active part in the war, are given to the I.N.A. personnel or not?

Major General Himatsinhji: Yes, Sir, three months' pay on release was given.

Shri Krishnanand Rai: May I know whether their past service in the Army is counted in giving them permanency or pensions when they are re-employed by Government?

Major General Himatsinhji: Yes, Sir, on re-employment the past services of three months' pay on release was or gratuity.

Shri Krishnanand Rai: May I know whether this granting of concessions is done only by the Defence Ministry or by other Ministries also who have employed ex-I.N.A. personnel?

Major General Himatsinhji: The I.N.A. personnel are composed of various categories: one, those who belonged formerly to the Indian Army; secondly, those who belonged to the

State Forces; thirdly, those who were in Malaya and other Far Eastern countries at the time as civilians and joined the I.N.A.; and fourthly, those who belonged to the Hong Kong and Singapore Royal Artillery which was part of the British Army. For the first category, that is former men of the Indian Army, full concessions were given. As regards the second category, that is former men of the State Forces, the Government have asked the various States to accept the same principle as the Indian Army. In the third category, that is those who joined the I.N.A. from the civilian community in Malaya, etc., their case has not been considered. Fourthly, to those who belonged to the Hong Kong Battery, a part of the concessions has been given.

Shri Kamath: Is the question of holding a joint conference, such as was suggested by the Deputy Minister, of the Defence Department, the Finance Department and others, at present under Government's active consideration?

Major General Himatsinhji: The suggestion was not made by me as Deputy Minister; it was my personal suggestion. Because there is some dissatisfaction and perhaps some misunderstanding between the Government and the released personnel of the INA, I made that personal suggestion.

Shri Kamath: Is the question of payment of emoluments to the INA officers and men from the date of the fall of Singapore till the date of their discharge from the Army under consideration of Government, or has it been finally decided as forfeited?

Major General Himatsinhji: As far as I know that has been finally decided.

Shri Kamath: As forfeited?

Major General Himatsinhji: I think the hon. Member will realise that after they joined the INA the Japanese Government were paying them though not as much as we were. Perhaps that was the reason why our Government has not agreed to pay them.

Shri Kamath: Not the Japanese Government, but the Azad Hind Government.

Sardar Hukam Singh: When an INA personnel is re-employed, in his rank, his service in the substantive post taken into consideration for determination of his seniority?

Major General Himatsinhji: That is one of the questions that has not been

finalised. On paper it says that the officer if reinstated will receive the same rank which he held when he was taken prisoner of war in 1942 or early 1943. But as regards his seniority, that question has yet to be considered and finally decided.

Dr. Parmar: May I know whether the continuity of service of an INA officer is maintained on re-employment?

Mr. Speaker: That is what he said

Dr. Parmar: What I mean to ask is whether the previous service is taken into consideration for purposes of pension?

Major General Himatsinhji: It is counted for pension.

Dr. Deshmukh: Has Government decided to pursue a more liberal policy in taking the INA personnel in the regular army?

Major General Himatsinhji: It is not a question of liberal policy. The hon. Member will understand that recently we have released a large number of state forces who are fit. In regard to recruitment to the Indian army we have to safeguard the age-structure—we cannot take over-aged or unfit. The possible solution is that personnel of the INA might be considered on the same lines as those released soldiers from the state forces. The State Governments and the Central Government might consider them for re-settlement and rehabilitation on the same lines.

INDUSTRIAL FINANCE CORPORATION

*4672. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) whether the Industrial Finance Corporation has raised any money by issuing debentures;

(b) if so, how much and at what rate of interest;

(c) whether the Corporation has guaranteed any loans raised by any industrial concerns;

(d) if so, for what concerns, for what amount and at what terms;

(e) whether the Corporation has under-written the issue of stocks shares, bonds and debentures of any industrial concerns; and

(f) if so, for what concerns, for what amount and at what terms?

The Minister of Finance (Shri C. D. Deshmukh): (a) Debentures have not

been issued but bonds have been issued.

- (b) Rs. 530 lakhs at 3½ per cent. P.A.
- (c) No, Sir.
- (d) Does not arise.
- (e) No, Sir.
- (f) Does not arise.

Shri A. C. Guha: May I know if there is any time-lag between the collection of debenture money and the disbursement and if so, how is the money utilised in that period?

Shri C. D. Deshmukh: There is no time-lag in the collection of money. The aggregate of the share capital and bonds is Rs. 10 crores 30 lakhs; the total amount of loans sanctioned by the Corporation up to 30th April 1951 is Rs. 8.60 crores and the actual disbursements up to the 30th April 1951 is Rs. 5.41 crores. The lag between the amount of loan sanctioned and the amount disbursed has been explained in the Corporation's second annual report.

Shri A. C. Guha: When are these debentures to be repaid—within how many years?

Mr. Speaker: He means the bonds?

Shri A. C. Guha: Yes, Sir.

Shri C. D. Deshmukh: The bonds are repayable in 1964.

Shri Sondhi: What is the total amount available with the Corporation for disbursement for giving loans at the present time?

Shri C. D. Deshmukh: The difference between 10.30 and 8.60 crores.

CLOTH

*4674. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Defence be pleased to state what is the quantity of cloth lying in the Stores for over five years?

(b) How is it proposed to be dealt with so as to make the best use of it?

(c) Is this amount of cloth to be disposed of or is it to be converted to some use?

The Deputy Minister of Defence (Major General Himatsinghji): (a) About 200 lakh yards.

(b) About 125 lakh yards is in current use and is being retained to meet the normal defence requirements.

(c) About 75 lakh yards, which is surplus to the requirements has been or is being declared for disposal to D. G. S. and D.

Pandit Munishwar Datt Upadhyay: May I know whether any quantity of cloth was to be converted into any other use for military purposes?

Major General Himatsinghji: Not by the Defence Department.

Pandit Munishwar Datt Upadhyay: May I know the quantity of cloth in the Cawnpore C.O.D.?

Major General Himatsinghji: I have not got the details of the quantity of cloth depot-wise, but the surplus which we are going to surrender is as follows:

Khaki drill—48,18,000 yards.

Khaki shirting—12,22,000 yards.

Mosquito nets—7,00,000.

Pandit Munishwar Datt Upadhyay: What is the estimated disposal proceeds of the cloth that is in the disposal?

Major General Himatsinghji: That is the concern of the Director-General Disposals.

Shri Shiv Charan Lal: May I know by what time this surplus cloth will be disposed of?

Major General Himatsinghji: It is expected to be disposed of within one year.

Shri Amolakh Chand: May I know the reason why this huge stock was kept for so many years?

Major General Himatsinghji: It is obvious that during the war there was an army of nearly three million and the stock had to be piled for our requirements. The disposal of the stock was suspended soon after the war on account of partition in order to review our requirements in the changed circumstances. We disposed of only those stocks which were definitely surplus to our requirements.

CASUALTIES IN KASHMIR

*4675. **Prof. S. L. Saksena:** (a) Will the Minister of Defence be pleased to state the total number of casualties of the Indian Army in Kashmir, dead, wounded and missing in the years 1947-48, 1948-49, 1949-50 and 1950-51?

(b) How many casualties occurred amongst officers of the Indian Army in the various ranks?

The Deputy Minister of Defence (Major General Himatsinghji): (a) and (b). It will not be in the public interest to disclose this information.

TAX PAYERS

*4676. **Shri Jhunjhunwala:** Will the Minister of Finance be pleased to state:

(a) the total number of non-resident (British and non-British separately) tax payers;

(b) the total amount of tax and super-tax realised from them in the years 1948-49, 1949-50 and 1950-51 giving the figures separately of the total tax realised from British non-residents and non-British non-residents tax payers; and

(c) whether Government propose to place on the Table of the House the list of industrial and commercial concerns in which they have invested their capital?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). The information asked for is not readily available and its compilation would require such time and labour as will not be commensurate with the results likely to be gained thereby.

(c) Yes. The information is being collected and will be laid on the Table of the House.

PRIVATE SECRETARIES TO MINISTERS

*4677. **Shri Raj Kanwar:** (a) Will the Minister of Home Affairs be pleased to state the qualifications which candidates are required to possess for appointment as Private Secretaries to hon. Ministers, Ministers of State and Deputy Ministers, Secretaries and Joint Secretaries to Government?

(b) What is their scale of pay and allowances?

(c) If there is no uniform scale of pay and allowances, what is the pay drawn by the present incumbents of these posts?

(d) Is their selection made by the Union Public Service Commission or by the Ministries concerned without reference to that body?

The Minister of Home Affairs (Shri Rajagopalachari): (a) No qualifications have been prescribed for posts of Private Secretaries to hon. Ministers and Deputy Ministers. As regards Private Secretaries to Secretaries and Joint Secretaries, they are required to possess qualifications for their work to the satisfaction of the Union Public Service Commission.

(b) and (c). A statement is placed on the Table of the House. [See Appendix XXVI, annexure No. 37.]

(d) Private Secretaries to Ministers and Deputy Ministers are appointed

without reference to the Union Public Service Commission. Private Secretaries to Secretaries and Joint Secretaries are appointed on the recommendation of the Union Public Service Commission.

Lala Raj Kanwar: May I know what is the total number of Private Secretaries attached to the different Ministries, that is to say, to the Ministers, Ministers of State, Deputy Ministers and Secretaries and Joint Secretaries to the Government of India? The statement which has been placed on the Table of the House does not give this information.

Shri Rajagopalachari: I have added up, and the total number of Private Secretaries to hon. Ministers—Cabinet Ministers, Ministers of State and Deputy Ministers—is twenty-six. As for the total number of Private Secretaries attached to the permanent Secretaries and Joint Secretaries in the Departments I am not able to give that number now. Out of the twenty-six in the list, five belong to the services, that is to say they have been drawn from the permanent service, and their position is maintained.

Lala Raj Kanwar: May I know whether Personal Assistants to the hon. Ministers, Deputy Ministers and Secretaries and Joint Secretaries are eligible for the posts of Private Secretaries?

Shri Rajagopalachari: I have already said that in respect of Private Secretaries to hon. Ministers and Deputy Ministers there are no qualifications fixed, so that probably a Personal Assistant would be quite qualified.

Shri A. C. Guha: May I know if the Private Secretaries to the Ministers are appointed permanently or for the tenure of the Ministers' term of office?

Shri Rajagopalachari: They go and fall with the Ministers.

Shri Sondhi: What is the total number that an hon. Minister has got as his Private Secretaries?

Shri Rajagopalachari: It varies between one and two, Sir. There is no question of any large 'total'.

Lala Raj Kanwar: In view of the fact that the number of Private Secretaries is fairly large, do Government intend to have a separate cadre or Service for them on more or less a uniform scale of pay and a uniform set of rules.

Mr. Speaker: Order, order. It is a suggestion for action.

VALUE OF GOVERNMENT IMMOVABLE PROPERTY

*4678. **Shri Sidhva:** Will the Minister of Finance be pleased to state the total book-value of all immovable properties viz., buildings of the Government of India in the whole country including Delhi but excluding the Railway buildings under the control of the Railway Ministry?

The Minister of State for Finance (Shri Tyagi): Information required is being collected and will be laid on the Table of the House in due course.

Shri Sidhva: May I know whether a stock book is kept of all the buildings of the Government in Delhi and other parts of India? If so, may I know whether the information for Delhi also is not available?

Shri Tyagi: Sir, I had asked for information Ministry-wise and not State-wise. I have got some approximate values of buildings...

Mr. Speaker: I do not think he need go into that information.

Shri Tyagi: ...but I could not get complete information.

Shri Sidhva: My question was whether any book or record is kept of these buildings and of their book value.

Mr. Speaker: He says that the information called for is Ministry-wise and not State-wise.

Shri Sidhva: May I know whether each Ministry separately keeps it or whether the Finance Ministry keeps it?

Shri Tyagi: There is no regular record of values kept in any Ministry. As the question came I circularised all the Ministries to send me approximate figures of the values of the buildings within their jurisdiction. They have sent me some list, but it is not yet complete.

Mr. Speaker: The hon. Member's question is: Is there any register maintained of the book values of the property? There must be a property register.

Shri Tyagi: I have no information about it.

श्री द्विवेदी: क्या रियासतों के एकीकरण के सिलसिले में अचल सम्पत्ति के सम्बन्ध में भी कोई उल्झेस इसमें होगा।

[**Shri Dwivedi:** In connection with the merger of the States will there be

any mention of the immovable property in it also?]

श्री स्वामी: अचल सम्पत्ति तो एक बहुत बड़ा शब्द है, हर वह चीज जो पृथ्वी से चिपकी हुई है या उस से बनी हुई है अचल सम्पत्ति कहलाती है। पर मकान आदि के सम्बन्ध में जो आंकड़े प्राप्त हुए हैं वह इसमें शामिल हैं।

[**Shri Tyagi:** 'Immovable property' is a very wide term, everything which is attached to the earth or is made out of it, is known as immovable property. But the figures, which are available regarding the buildings etc. have been included in it.]

नेत्रहीनों के लिए योजनायें

*४६७९. **श्री खापर्डे:** क्या शिक्षा मंत्री यह बतलाने की कृपा करेंगे कि:

(ए) क्या सरकार ने नेत्रहीन तथा गूंगे व्यक्तियों के लाभ के लिए कोई योजना बनाई है जिससे उनमें बुद्धि का एवं दस्तकारी तथा अन्य विषयों के ज्ञान का विकास हो सके;

(बी) नेत्रहीनों के लाभ के लिए कोई सरल एवं संशोधित लिपि निकाली जा रही है;

(सी) उन स्थानों के नाम जहाँ नेत्रहीन व्यक्तियों के लिए सरकार द्वारा केन्द्र चलाये जा रहे हैं; तथा

(डी) देश में नेत्रहीन व्यक्तियों की संख्या?

SCHEMES FOR THE BLIND

[*4679. **Shri Khaparde:** Will the Minister of Education be pleased to state:

(a) whether Government have formulated any scheme for the benefit of the blind and the dumb whereby their intelligence, handicrafts and knowledge of other things could be developed;

(b) whether any simple and modified script is being evolved for the benefit of the blind;

(c) the names of places where centres for the blind are being run at present by Government; and

(d) the number of blind persons in the country?]

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes Sir. There are several schemes.

(b) Yes Sir. A revised Braille Code for all Indian languages, known as Braille Bharati, has been evolved.

(c) Dehra Dun and Ajmer.

(d) The number of blind persons in the country was estimated in 1944 at roughly 20,00,000 (twenty lakhs). There are no statistical data available.

श्री खापडे : क्या इस प्रकार की सरकारी संस्थाओं से जो विद्यार्थी शिक्षा पा कर बाहर निकले हैं उन को काम पर लगाने का कोई इन्तजाम हुआ है? यदि हाँ तो अब तक कितने विद्यार्थियों को काम पर लगाया गया है?

[**Shri Khaparde:** Have any arrangements been made to provide work to those students who have finished their course of study in such Government institutions? If so, what is the number of such students who have been provided with work?]

श्री ए० पी० जैन : मुझे उन की सही संख्या नहीं मालूम कि कितने निकले थे और उनमें से कितनों को काम मिला।

[**Shri A. P. Jain:** The exact number of those students, who have been provided with work after finishing their courses, is not known to me.]

Shri Kamath: In addition to the blind and the dumb, is there any scheme for the deaf?

Shri A. P. Jain: Well, these schemes relate to blind and dumb and also to dumb and deaf.

Dr. Ram Subhag Singh: May I know the number of schools in which the Braille system of training has been introduced?

Shri A. P. Jain: In Dehra Dun, the Braille printing press has been introduced and the Braille Bharati code is

being evolved. It has partially been evolved. Particularly it has achieved complete uniformity with Ceylon and a substantial measure of uniformity with other East Asian countries.

Saikh Mohiuddin: What is the amount spent annually for this purpose?

Shri A. P. Jain: A sum of Rs. 2,50,000 has been sanctioned in the current financial year for the Dehra Dun school; Rs. 75,000 for the Ajmer school; and Rs. 49,600 for the Lady Noyce school.

Dr. M. M. Das: May I know whether the Blind schools that exist in different parts of the country obtain any financial help from the Central Government?

Shri A. P. Jain: Yes, these three schools which I have mentioned—that is, the one at Dehra Dun, the second at Ajmer and the third, namely the Lady Noyce school—are getting financial aid from the Central Government, the figures of which I have already given.

Dr. M. M. Das: I want to know whether there are other such schools and whether they get any pecuniary help from the Government.

Shri A. P. Jain: Our information regarding this question relates only to schools maintained by the Centre. There may be certain schools maintained by the States, but we have not got full information about them.

OBSTRUCTION BY OFFICERS OF DEPUTY HIGH COMMISSIONER OF PAKISTAN

*4680. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that three officers of the Deputy High Commissioner of Pakistan in Jullundur recently obstructed the Punjab police in the discharge of their duty, while the latter were investigating a case of smuggling;

(b) whether it is a fact that a Special Officer of the Government of India has been deputed to Jullundur to assist in the investigation; and

(c) if so, what stage the investigation has reached?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Some members of the office of the Deputy High Commissioner for Pakistan in Jullundur were reported to have resisted an officer of the Customs who,

accompanied by a police officer, wanted to examine the contents of certain boxes suspected to contain smuggled goods.

(b) and (c). No officer of the Government of India was sent, but the matter has been taken up with the High Commissioner of Pakistan.

Shri Kamath: What exactly was the date of this incident and when was it taken up with the High Commissioner of Pakistan?

Shri Rajagopalachari: The date of the incident was the night of the 23rd of April, 1951. As soon as information was received we got into touch with the High Commissioner. I am unable to state the exact date, but it was shortly after.

Shri Kamath: What was the nature of the obstruction offered by these Pakistani officers?

Shri Rajagopalachari: Sir, the story is that while certain goods were transferred from a tonga into a jeep, on account of previous suspicion, some men were on the spot to watch. And when an attempt was made by the officers to get information about the contents of the boxes from the person in the jeep obstruction started—as usual, probably, verbal first and later a little bit of scuffle.

Shri Hussain Imam: Is it not a fact that goods are first of all checked by the Customs and then brought outside and whether these boxes were opened in the Customs checking or not?

Shri Rajagopalachari: This has nothing to do with the customs Frontier. This was at Jullundur and the suspicion arose of taking out of goods from India to Pakistan. They did not reach the customs border.

Shri A. C. Guha: The hon. Minister stated that the officials of the office of the Deputy High Commissioner obstructed. Did they obstruct successfully, or the Government of India officials were able to open those boxes?

Shri Rajagopalachari: If 'successfully' means carrying away all the boxes, not quite. One box was taken and opened. It was found to contain something that should not be there.

Shri Sondhi: Has the attention of the Government been drawn to two photographs published in the Punjab Press regarding the injuries inflicted by the Pakistan personnel stationed at Jullundur on account of this

Shri Rajagopalachari: I am sorry, I am not aware of that, if I can speak on behalf of Government in reply to this supplementary question. The matter was taken up with the High Commissioner and going into further details is not quite desirable in the public interest.

Shri Sondhi: Is it not a fact that a preliminary report has already been received by the Government regarding this incident by the Jullundur officials?

Shri Rajagopalachari: The Jullundur officials complained of this conduct and the matter was taken up, if that is called the preliminary report.

Shri Sondhi: A preliminary report regarding the details of the whole incident and not only a complaint.

Shri Rajagopalachari: We have a full report of all that happened and upon that the question arose as to what is to be done. In the circumstances the Government took the matter up with the High Commissioner of Pakistan and the matter is under consideration there. Probably some of the officers who misbehaved may be withdrawn but that is only probable.

Shri Kamath: Has any reply been received from Pakistan High Commissioner or even an acknowledgment of their communication to him, on the subject?

Shri Rajagopalachari: The suggestion seems to be that the Pakistan High Commissioner behaved insolently to us, but I have already stated that we have taken it up and conversations have been held. There is no question of any want of acknowledgment.

SECRETARIAT OF SPECIAL OFFICER FOR SCHEDULED CASTES

*4681. **Shri S. N. Das:** (a) Will the Minister of Home Affairs be pleased to state whether the Secretariat and Office of the Special Officer for the Scheduled Castes and Scheduled Tribes have been organised?

(b) If so, what is the number of various categories of Officers, Assistants, Clerks, etc.?

(c) What is the total non-recurring and recurring expenditure of this Secretariat?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The Special Officer has organised his office at Delhi.

(b) I lay a statement on the Table of the House. [See Appendix XXVI, annexure No. 38.]

(c) The expenditure is recurring. A provision of Rs. 86,000 has been made for the financial year 1951-52.

Shri S. N. Das: May I know whether any plan of work has been prepared by this Department and put into action?

Shri Rajagopalachari: The officer has planned his work on the basis of the Constitutional provision under which he has been appointed and he has his plan of tours and going round, if that is what is meant. The plan of work is stated in the Constitution and is perfectly clear.

Shri S. N. Das: May I know whether the time and period have been fixed by the President for the submission of reports by this Department?

Shri Rajagopalachari: The Commissioner or the Special Officer as he should be called has permanent work and he is a permanent officer and the periodical reports are sent by him to the President through the Ministry concerned and the periods will vary according to the amount of work. He is not yet subjected to any regulation as to the actual period of report.

Shri Kesava Rao: May I know whether there is any proposal to appoint an Advisory Committee to help the Special Officer?

Shri Rajagopalachari: The Special Officer is one who is very experienced in that kind of work. He has the necessary number of staff just now. He is a very frugal person and does not make too much of demands. We have given all that he has asked for and as for advice, there is plenty all throughout the country, there are many non-official organizations and he can very easily get in touch with them. A formal Advisory Committee will not help very much.

Shri R. Velayudhan: May I know whether there is any officer belonging to the Scheduled Castes Community working in that office?

Shri Rajagopalachari: A Regional Commissioner was recently proposed, and if I am not mistaken, I think he belongs to the Scheduled Class.

Shri R. Velayudhan: May I know whether any demand was put before the Home Minister either through a Cabinet Minister or from anybody for the appointment of a Scheduled Caste as an Assistant Commissioner, whose place is vacant in that office now?

Shri Rajagopalachari: Sir, I do not know. I wish the hon. Member gave me more information himself. Then,

I would be able to find out, but as I said there was a proposal to appoint Regional Commissioners and sanction was given for one Regional Commissioner and that one is a Scheduled Caste Member.

Mr. Speaker: Next question.

NATIONAL ANTHEM

*4682. **Shri Krishnanand Rai:** Will the Minister of Home Affairs be pleased to state whether any restrictions exist on playing of National Anthem by public and if so, what are they?

The Minister of Home Affairs (Shri Rajagopalachari): Government have expressed the desire that the National Anthem should be played only on certain special ceremonial occasions and that it should not be played at private functions e.g. at cinemas and theatres.

Shri Krishnanand Rai: May I know whether any difference exists between the official standard and tune of National Anthem and the one that exists at present? Is it generally prevalent in the public and if not, what steps have Government taken to popularize the official standard?

Shri Rajagopalachari: The instructions regarding the playing are contained in public documents. The orchestral version of the National Anthem has been standardized now. The vocal version is about to be standardized. The approved version of the text and music with the Indian notations score and the score of the orchestral rendering and the staff notations in three forms, symphony orchestra, military band and piano are now available with the Director General of All India Radio. The position was explained in a Press Communique issued on 2nd January 1951. Further questions on musical points cannot be answered by me.

Mr. Speaker: Next question.

TEMPORARY AND PERMANENT GOVERNMENT EMPLOYEES

*4683. **Shri B. K. Das:** Will the Minister of Home Affairs be pleased to state:

(a) the number of persons in permanent and temporary employment under the Government of India;

(b) the number of such persons residing in Delhi, in other parts of the Union and in foreign countries; and

(c) the number of persons whose services have been taken on loan from the State Governments?

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

information asked for will take several months to collect, analyse and present in a useful form. If the question is limited in one way or another it may be possible to collect information without unreasonable expenditure of official time.

Shri B. K. Das: Can I have an answer to part (c) of the question, i.e., the number of persons whose services have been taken on loan from the State Governments?

Shri Rajagopalachari: Part (c) refers to part (a). Part (a) refers to the number of persons in permanent and temporary employment under the Government of India and part (c) refers to the number of persons whose services have been taken on loan. So unless we go through (a), we cannot get at (c). I am not evading the question but I shall just indicate to the hon. Member that we would have to get reports from all Ministries, and their attached and subordinate offices down to sub-post offices, railway stations and excise offices all over India.

Mr. Speaker: Next question.

BAR LICENCES

*4686. **Dr. M. M. Das:** Will the Minister of Home Affairs be pleased to state:

(a) whether new Bar licences (for retail sale of intoxicating liquor) have been issued for the year 1951-52 for the State of Delhi; and

(b) if so, (i) the total number of applicants, (ii) the total number of licences issued, and (iii) methods of selection for granting licences?

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

(b) (i) 20.

(ii) 6.

(iii) The licences are granted in accordance with the rules of the Delhi Excise Manual. The main points kept in view are that the restaurant should not attract the poorer section of the people but be restricted to people who can afford to spend much and should not be situated, as far as possible, in very busy centres. Care is also taken to see that the licences do not lead to any close monopoly.

Dr. M. M. Das: May I know whether these points mentioned by the hon. Minister are the only points that were considered necessary for issuing licences to these bars?

Shri Rajagopalachari: Yes, Sir, we may say, only, although it is very difficult to be precise in these matters. These are the main points, as I said.

The main points kept in view are that the restaurant should not attract the poorer sections of the people, but be restricted to people who can afford to spend money easily and should not be situated in busy centres. Care is also taken to see that the licences do not lead to any close monopoly. These are the main points; but I could not swear they are the only points.

Dr. M. M. Das: What is the annual licence fees for these bars and what is the present number of licence holders in Delhi?

Shri Rajagopalachari: I shall not be able to give the amount because I did not think I would be asked about that. As to numbers, there are for 1951-52 44 foreign liquor retail shops, that is to say, where liquor can be consumed; not merely bought and carried away; consuming places, 44; military canteen shops 24; country liquor retail shops 7.

Dr. M. M. Das: May I know whether the number of bars in the State of Delhi have increased or decreased after Independence and whether drinking of intoxicating liquors has increased or decreased after Independence?

Shri Rajagopalachari: I am sorry. I do not agree that it has anything to do with Independence. But even prior to that there was a regular decrease in the number of shops. Then, Sir, the population increased suddenly after the Partition and the population came to 21 lakhs from having been, I think, 7 lakhs before. The total consumption would naturally go up with the total population of the place. In 1948, there were 44 shops; today also, there are 44 foreign liquor shops. There were 16 military canteen shops in 1948; they have been increased to 24. But, as hon. Members know, in the military canteen shops, there are strict regulations as to quantity. As to country liquor shops, there were 9 in 1948; today, there are seven.

Shri Kesava Rao: May I know whether the Government propose to reduce the number of liquor shops or bars in the Connaught Place?

Shri Rajagopalachari: The policy was to reduce, Sir, but reduction not as a mere ceremonial duty, but looking to the results also. Sometimes, a reduction may go to the extent of giving simply a monopoly to certain people. Therefore, many points have to be kept in mind. The total quantity consumed, let me tell hon. Members as an old prohibitionist does not depend upon the number of shops. We may decrease the number of shops, but the quantity consumed can go up, and the number of people attracted

may also be quite large. The number of shops has nothing to do with the temperance programme.

Dr. M. M. Das: Is it a fact that when the issuing of new licences was discussed in the Advisory Council of the Chief Commissioner, some of the Members, in protest, left the meeting, and if so what were the reasons on the part of those Members to leave the meeting?

Shri Rajagopalachari: These matters are discussed in the Advisory Council. I believe hon. Members know the composition of that Council. Some Members believed that the reduction of the number of bars was an achievement by itself; some others thought that reduction by itself would only give a monopoly to a few people without having any effect on the temperance question. Therefore, those who differed exhibited their difference by leaving the room. For further motives and reasons, I am afraid, they should be asked.

INDIAN RARE EARTH LTD.

*4687. **Dr. M. M. Das:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) when the limited concern "Indian Rare Earth Ltd." first came into existence;

(b) the total share capital of the company;

(c) the percentage of shares purchased by Government; and

(d) the exact nature of business carried out by the company?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) 18th August, 1950.

(b) Rupees Fifty lakhs.

(c) The capital has been subscribed jointly by the Government of India and the Travancore-Cochin Government in the proportion of 55 to 45.

(d) To process Monazite Sands.

Dr. M. M. Das: May I know what has been the total production during the last few months and whether any foreign exchange has been earned by this?

Shri Sri Prakasa: As the hon. Member would appreciate, it would not be right for me to answer questions on this subject. But, I may state for his information that the factory is still being constructed.

Dr. M. M. Das: May I know the estimated time when the factory will be completed and work will begin?

Shri Sri Prakasa: I could not say exactly when the factory would be in working order; but the main buildings are expected to be completed in about six months' time.

Shri Sondhi: Has the attention of the Government been drawn to a Press report that some smuggling has already been started in the country boats?

Shri Sri Prakasa: Yes, Sir. The attention of the Government has been drawn to this and many other things which are not necessarily true.

Shri Kamath: Has, Sir, any foreign advice or assistance been invited in the work of erection of this factory?

Shri Sri Prakasa: Yes, Sir. We have arrangements with two French firms who are helping us in the erection of the factory.

Shri Sidhva: Out of the 45 per cent. of capital invested, is it from Indians or from foreigners?

Shri Sri Prakasa: The capital is entirely from the Government of India and the Government of Travancore-Cochin.

ESTIMATES COMMITTEE (RECOMMENDATIONS)

*4688. **Shri Sidhva:** (a) Will the Minister of Finance be pleased to state whether any of the recommendations of the Estimates Committee on various Ministries has been finalised?

(b) In how many cases Ministries concerned were contacted and what are their reactions?

(c) How many recommendations are in the process of finalisation and with what period are they likely to be decided?

The Minister of State for Finance (Shri Tyagi): (a) to (c). In replying to the various points raised in this question by the hon. Member, I would like to take this opportunity of saying that it is my intention to lay on the Table of the House, before the conclusion of the present session, a statement showing the progress made in regard to each recommendation. The valuable suggestions embodied in most of the recommendations of the Estimates Committee are greatly appreciated and they are receiving the most serious consideration in the Finance Ministry with the fullest measure of co-operation from all other Ministries. The progress made so far is satisfactory.

It may be mentioned that the important work in connection with the

examination of the general recommendations relating to the organisation and method of work at the Secretariat, etc. contained mainly in the Second Report of the Committee, was entrusted to one of the Joint Secretaries of the Finance Ministry, and I am glad to say that considerable progress towards the finalization of these recommendations has been made. For example with a view to—

(i) eliminating unnecessary examination and noting by Assistants.

(ii) simplifying the method of disposal of cases, and

(iii) speeding up the disposal of cases. A change in the office procedure has been made as an experimental measure in the Finance Ministry. Further, it may be added that the grants for 'Travelling Allowance' and 'Contingent and Miscellaneous' expenditure for the year 1951-52 have been considerably reduced and are anticipated to yield a saving of Rs. 50 lakhs and Rs. 125 lakhs respectively with reference to the Budget provisions for 1950-51.

Shri Sidhva: Am I clear in understanding that the report will be placed on the Table before the conclusion of this session?

Mr. Speaker: Which report?

Shri Sidhva: The hon. Minister said that the report was being finalised. I did not quite hear the first part.

Shri Tyagi: What I said was that I will lay on the Table of the House a detailed statement with regard to each recommendation made by the Estimates Committee and the action taken, and the recommendations which are still under consideration. I will put up an up-to-date report before the House adjourns.

Shri Brajeshwar Prasad: Is it permissible for the Estimates Committee to review the Government's policy and suggest modifications?

Mr. Speaker: Order, order.

Shri Sondhi: Especially foreign policy.

Pandit Munishwar Datt Upadhyay: Sir, I have to put my question No. 4689.

Mr. Speaker: That has been disallowed.

A. I. R. News

*4690. **Shri Krishnanand Rai:** (a) Will the Minister of Information and Broadcasting be pleased to state

whether Government are contemplating to strengthen All India Radio's news sources by subscribing to U.P.A. and U.P.I.-A.F.P.?

(b) If so, what will be the estimated cost of the above scheme?

(c) What are the existing news sources of the All India Radio?

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

(a) Yes, Sir.

(b) The terms are yet to be negotiated.

(c) The existing news sources are:

(i) Press Trust of India;

(ii) United Press of India;

(iii) Arab News Agency and

(iv) Seven All India Radio correspondents.

Shri Krishnanand Rai: May I know whether All India Radio has got any news agencies in the East and South-East Asian countries, and if not, what steps Government propose to take to have news agencies in those countries?

Shri Diwakar: They have none at present, and the proposal to have one has been held up for want of funds.

Shri Krishnanand Rai: From which countries will the agencies now proposed by Government be bringing in news?

Shri Diwakar: Sir, I could not quite catch the question.

Mr. Speaker: He wants to know from which countries will these agencies bring news.

Shri Diwakar: From all over the world.

Shri T. N. Singh: Have Government made any estimate of the comparative expenses that may be incurred if they subscribed to the U.P.A. and U.P.I.—A.F.P. and alternatively to the local agencies in the East and South-East Asian countries like Java and other countries?

Shri Diwakar: Estimates depend upon the negotiations and I do not think it is wise to make estimates before negotiations are carried out.

Shri Amolak Chand: Is there a copyright on the news broadcasts from the All India Radio and if so, do Government consider the lifting of this right?

Shri Diwakar: The copyright rests with the agencies.

PLANTING OF TREES BY ARMY

*4691. **Dr. Ram Subhag Singh:** Will the Minister of Defence be pleased to state the number of trees so far planted by the Army units and formations throughout the country as a part of the *Vana-Mahotsava* programme?

The Deputy Minister of Defence (Major General Himatsinhji): 4,15,285.

Dr. Ram Subhag Singh: May I know the cost involved in the planting of these trees by the Army Units and how many of the trees planted during the *Vana-Mahotsava* programme are still alive?

Major General Himatsinhji: There is no cost to Government as the planting of the trees is done voluntarily by the Armed Forces in their spare time.

Dr. Ram Subhag Singh: May I know whether the trees planted by the Army are properly looked after?

Major General Himatsinhji: Yes Sir. Armed Forces take this very seriously. It is not as if for publicity they plant the trees and let them die. They look after the trees and every year the 15th of July is the tree planting day of the Armed Forces.

Dr. Ram Subhag Singh: Is there a planned programme for looking after these trees?

Major General Himatsinhji: Yes. Each unit has its own programme worked by the men and officers themselves and they look after the trees at all times.

Shri Kamath: Is the percentage of casualties among the trees planted by the Army as high i.e. 80 to 90 per cent., as among the trees planted by the non-Army or the civil population?

Major General Himatsinhji: The casualty in the Defence Forces, as far as the trees are concerned is very small.

Shri Rathnaswamy: Is it a fact that smuggling has been going on for some time now?

Mr. Speaker: Smuggling of what?

Shri Rathnaswamy: Smuggling of gold.

Shri Kamath: That is the next question, Sir.

SEIZURE OF GOLD

*4692. **Dr. Ram Subhag Singh:** Will the Minister of Finance be pleased to state the total quantity of gold so far

seized during this year from passengers from Goa?

The Minister of State for Finance (Shri Tyagi): The total quantity of gold seized since the 1st January 1951 from the passengers from Goa is 6861 tolas.

Dr. Ram Subhag Singh: May I know the number of persons apprehended for the smuggling of gold from Goa to India?

Shri Tyagi: One hundred and nineteen persons were involved of which twenty-three were apprehended by the Bombay Customs and the remaining by the Bombay Central Excise.

Dr. Ram Subhag Singh: What action was taken by the Government against those smugglers?

Shri Tyagi: All gold they had was seized and it is liable to confiscation under section 167A of the Sea Customs Act. They are given notice because the man concerned is given the chance to get the gold released by paying the penalty. If the penalty is paid the gold is released, if not, after three months the gold is confiscated. Some of this gold has been confiscated and the rest is in the process of confiscation.

EXHIBITION OF FILMS

*4693. **Shri Amolakh Chand:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the names of films which have been refused exhibition since 15th January, 1951; and

(b) the reasons for their banning?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) and (b). As far as the period from 15th January to 31st March, 1951 is concerned I would invite the attention of the hon. Member to my reply to part (c) of Starred Question No. 3482 on 25th April, 1951. Information in respect of April and May is being collected and will be laid on the Table of the House.

Shri Amolakh Chand: What is the number of films, portions of which were first deleted on account of objectionable scenes or due to restriction on length and then released for exhibition?

Shri Diwakar: Some cuts were recommended and when the cuts were agreed to by the producers, the films were allowed to be exhibited.

Pandit Munishwar Datt Upadhyay: May I know whether the reasons for

banning these films are permanent or will the ban be lifted later on?

Shri Diwakar: The reasons for banning are always contingent on the recommendations of the Board being accepted.

RESEARCH WORKERS FROM INDIA IN FOREIGN LABORATORIES

*4694. **Shri S. C. Samanta:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state how many research workers from India have been sent to British and other European laboratories for training and research in the years from 1947 to 1951 (year-wise and country-wise)?

(b) How many of them were taken from Indian Universities?

(c) How many of the trainees have come back after finishing their course of studies and where have they been posted?

(d) How many are expected to come back in 1951-52?

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

Shri S. C. Samanta: May I know what special qualifications are taken into consideration in selecting such research scholars to be sent abroad for training work in laboratories?

Shri Sri Prakasa: The Ministry of Education has an Overseas Scholarships Scheme and it is through that Ministry that these scholarships are awarded.

Shri S. C. Samanta: May I know whether any conditions are imposed upon these candidates before they are sent?

Shri Sri Prakasa: I have not myself seen the full scheme of the Ministry of Education. The hon. Member can usefully address a question to that Ministry.

सेठ गोविन्द दास : क्या इस बात का ध्यान रखा जाता है कि ऐसे ही विषयों पर अनुसंधान के लिए विद्यार्थी बाहर भेजे जायें कि जिन विषयों का अनुसंधान भारत में नहीं हो सकता ?

[**Seth Govind Das:** Whether this fact is taken into consideration that students should be sent abroad for

research work in those subjects only on which research cannot be conducted in India?]

श्री श्री प्रकाश : मुझे यह समझने का कोई कारण नहीं मालूम पड़ता कि हमारे शिक्षा मंत्री इस बात का ध्यान नहीं रखते होंगे कि ऐसे ही लोग बाहर भेजे जाएं जिन के भेजे जाने से लाभ हो सकता है, और जो काम अपने देश में हो सकता है उस के लिए व्यर्थ कोई बाहर न जाय ।

[**Shri Sri Prakasa:** I see no reason why the hon. Minister of Education may not be taking this fact into consideration that only such students should be sent abroad who could be beneficial and no one should be sent abroad for research work as can be conducted in India also.]

Shri S. C. Samanta: May I know whether the hon. Minister can give the number of persons from his own Department that have been sent abroad?

Shri Sri Prakasa: I have already said in answer to the original question that I am collecting the required information. I shall place it at the disposal of the hon. Member as soon as I get it.

IRRIGATION PROJECTS

*4697. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that Government have decided to give top priority to the completion of the irrigation part of the Hirakud, Damodar Valley and Bakhra-Nangal projects?

(b) Is it a fact that strict time limits have been fixed by which the irrigation part of the projects must be completed and if so, what are they?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Though actually not given the top priority, the River Valley Development projects generally are ranked by Government next only in importance to the defence of the country. Within the multi-purpose scheme itself, the irrigation part is given the highest priority consistent with the development and economic construction of the project as a whole.

(b) No, Sir. Though the work is being done with the maximum speed practicable, it is not possible to fix any time limit, as the completion of the

projects depends on several factors, the most important of which is the availability of the requisite finance and essential equipment.

Shri Kishorimohan Tripathi: Sir, may I know...

Mr. Speaker: The Question-hour, unfortunately, is over.

WRITTEN ANSWERS TO QUESTIONS

MIDWIVES AND NURSES

*4670. **Shri Kshudiram Mahata:** Will the Minister of Health be pleased to state whether Government contemplate any plan to replace the untrained illiterate midwifery system in rural areas by trained midwives and nurses in Part 'C' States and if not, why not?

The Minister of State for Rehabilitation (Shri A. P. Jain): No; but the illiterate midwives are being replaced gradually as the number of trained Health Visitors, midwives and *dais* increases from year to year.

BASIC SCHOOLS IN DELHI

*4684. **Shri Kshudiram Mahata:** Will the Minister of Education be pleased to refer to the answer given to my starred question No. 3868 asked on the 5th May, 1951 regarding Basic Schools in Delhi and state the reasons for not having any basic schools at New Delhi?

The Minister of State for Rehabilitation (Shri A. P. Jain): Primary Education in New Delhi is the responsibility of the New Delhi Municipal Committee.

U. N. I. C. E. F.

*4695. **Shri Jnani Ram:** Will the Minister of Health be pleased to state:

(a) the total contribution of India to the U.N.I.C.E.F. in the year 1950-51;

(b) the amount proposed to be given in the year 1951-52; and

(c) the amount already paid in the year 1951-52?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Rupees one lakh.

(b) Rs. 5 lakhs.

(c) Steps have already been taken for the payment of this amount in Sterling through the High Commissioner for India in London.

GOVERNMENT HOUSING FACTORY

*4696. **Shri Jnani Ram:** Will the Minister of Health be pleased to state:

(a) whether the Government Housing Factory has been kept on care and maintenance basis pending the report of the Technical Committee; and

(b) If so, the monthly cost for the same?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) No: The hon. Member's attention is invited to the reply to part (d) of the Starred Question No. 4183 dated the 16th May, 1951.

(b) The average monthly cost of running the factory on its present restricted activities is expected to be about Rs. 1,50,000 for the period April-June, 1951.

प्लेग, हैजा, मलेरिया तथा क्षय से मृत्यु

*४६९८. श्री खारुडे : क्या स्वास्थ्य मंत्री वर्ष १९४८, १९४९ तथा १९५० में भारत में प्लेग, हैजा, मलेरिया तथा क्षय से होने वाली मृत्यु संख्या को बतलाने की कृपा करेंगी ?

DEATHS DUE TO PLAGUE, CHOLERA, MALARIA AND T. B.

[*4698. **Shri Khaparde:** Will the Minister of Health be pleased to state the number of deaths in India during the years 1948, 1949 and 1950 due to plague, cholera, malaria and T.B. ?]

The Minister of State for Rehabilitation (Shri A. P. Jain): A statement is laid on the Table of the House. Figures for the year 1950 are not yet available.

STATEMENT

The number of deaths in India during the years 1948 and 1949 due to plague cholera, malaria and T. B.

	1948	1949
Plague	21,174	17,092
Cholera	162,870	74,326
Malaria	902,733*	872,333*
T. B.	45,428*	47,863*

(*Assam, Bihar, Madras, Orissa and Ajmer do not report these figures for their rural areas.)

(Corresponding figures for the year 1950 are not yet available.)

EDUCATION OF TRIBAL PEOPLE

*4699. **Shri Kannamwar:** Will the Minister of Education be pleased to state what amount has been spent by the Government of India for the education of Tribal people in Seroncha Tahsil in Madhya Pradesh during the last three years?

The Minister of State for Rehabilitation (Shri A. P. Jain): Nil, Sir.

TOUR OF DEFENCE SECRETARY ABROAD

*4700. **Shri Sidhya:** (a) Will the Minister of Defence be pleased to state whether the Defence Secretary has been asked to proceed abroad and if so, for what purpose?

(b) Has he been empowered to place orders and make purchases?

The Deputy Minister of Defence (Major General Himatsinghji): (a) Yes. The general purpose of the Defence Secretary's visit abroad is to tie up certain matters regarding manufacturing establishments in India.

(b) No. The D.G.I.S.D. or the India Supply Mission is responsible for purchase and placing of orders.

CUSTOMS BARRIERS ON IMPORT OF BOOKS

*4702. **Shri M. Namk:** (a) Will the Minister of Education be pleased to state what different countries have participated in the agreement sponsored by U.N.E.S.C.O. in its effort to wipe out customs barriers on the import of books, newspapers and other educational and scientific materials?

(b) When and how is the agreement going to be given effect to?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) So far as the Government of India are aware, the UNESCO Agreement on the Importation of Educational, Scientific and Cultural Materials has been signed by 21 countries as mentioned in the statement placed on the Table of the House. [See Appendix XXVI, annexure No. 39.]

(b) Attention is invited to Articles IX to XII of the Agreement the text of which is given in the statement.

PAYMENTS BY PAKISTAN

*4703. **Dr. Deshmukh:** Will the Minister of Finance be pleased to state whether there are any payments outstanding against Pakistan, if so, what is the amount and by what date payments are expected?

The Minister of Finance (Shri C. D. Deshmukh): The attention of the hon. Member is invited to my reply to starred question No. 1702 answered on the 26th February 1951.

CENSUS

*4704. **Shri Sanjivayya:** Will the Minister of Home Affairs be pleased to state:

(a) the total expenditure incurred on the census operations so far; and

(b) the estimated cost of the preparation of the National Register?

The Minister of Home Affairs (Shri Rajagopalachari): (a) It is not possible at this stage to give the expenditure incurred. The overall requirements of the 1951-Census are likely to cost about Rs. 150 lakhs.

(b) The estimated cost of the preparation of the National Register is Rs. 30 lakhs which will be borne equally by the Central and State Governments.

REPRESENTATION OF THE PEOPLE (No. 2) BILL.

*4705. **Shri Kishorimohan Tripathi:** Will the Minister of Law be pleased to state whether it is a fact that Government propose to print and publish the Representation of the People (No. 2) Bill, 1950 when it has been passed in all the official languages of the States?

The Minister of Law (Dr. Ambedkar): The Government of India have no standing arrangements for preparing and publishing translations of Central Acts in any of the State official languages except Hindi. In view, however, of the importance of the Representation of the People (No. 2) Bill, 1950, I intend asking State Governments, as soon as the Bill is passed by Parliament, to arrange for its translation in the regional languages and make copies of the translation available to the public.

SALARY OF HIGHER AND SECONDARY GRADE TEACHERS

*4706. **Shri A. Joseph:** Will the Minister of Education be pleased to state:

(a) the basic salary fixed in respect of the Higher and Secondary grade teachers in Part 'C' States; and

(b) whether there is any difference between the salaries of Government aided school teachers and others?

The Minister of State for Rehabilitation: (a) A statement is laid on the Table of the House. [See Appendix XXVI, annexure No. 40.]

(b) Yes, Sir, except in Delhi and Ajmer.

EXPENDITURE ON STATE DELIMITATION COMMITTEE

*4767. **Shri Bhatkar:** Will the Minister of Law be pleased to state:

(a) the amount of expenditure incurred on each State Delimitation Committee on account of travelling and dearness allowances of its members up-to-date; and

(b) the amount of expenditure incurred on travelling and dearness allowances of the Election Commissioner up-to-date?

The Minister of Law (Dr. Ambedkar): I presume that the reference to "dearness allowances" in both parts of the question is a clerical mistake for "daily allowances". On this presumption a statement is laid on the Table with regard to part (a). As to part (b), the amount is Rs. 9,046/14/-.

STATEMENT

The expenditure incurred on each State Delimitation Committee on account of Travelling and Daily Allowances upto and inclusive of 21st May, 1951.

Sl. No.	Name of State	Amount
Part A States.		Rs. A. P.
(1)	Assam	6,441 0 0
(2)	Bihar	10,534 7 0
(3)	Bombay	3,788 10 0
(4)	Madhya Pradesh	7,049 1 0
(5)	Madras	5,701 6 0
(6)	Orissa	4,523 13 0
(7)	Punjab	1,943 12 0
(8)	Uttar Pradesh	7,805 4 0
(9)	West Bengal	6,474 13 0
Part B States.		
(1)	Hyderabad	4,560 0 0
(2)	Madhya Bharat	4,077 11 0
(3)	My-ore	4,803 6 0
(4)	P. E. P. S. U.	2,295 14 0
(5)	Rajasthan	3,778 5 0
(6)	Saurashtra	1,820 6 0
(7)	Travancore-Cochin	6,583 0 0
Part C States		
(1)	Delhi	40 0 0
(2)	Vindhya Pradesh	2,364 14 0
GRAND TOTAL :		82,295 12 0

CRACK IN JAMA MASJID, DELHI

*4768. **Shri Balmiki:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that there is a crack in the minaret of the Jama Masjid, Delhi; and

(b) if so, the steps taken by Government to repair it?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Some minor cracks in the marble arch of the North-East Chhatri of the minaret were noticed in 1940; but they have not yet shown the slightest enlargement.

(b) Jama Masjid is not a protected monument and hence the Government of India are not responsible either for its maintenance or repairs.

AMAR VIDYALAYA

*4769. **Shri Kamath:** Will the Minister of Education be pleased to refer to the answer given to my supplementary question raised on starred question No. 4187 asked on 16th May 1951 and state:

(a) whether it is a fact that Amar Vidyalaya, an educational institution run by a displaced person for the benefit of displaced persons, applied to Government for a grant or loan but was refused; and

(b) if so, why?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes Sir.

(b) The school was an unrecognised institution and grants are not admissible to unrecognised institutions.

I. A. S. EXAMINATIONS

351. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Home Affairs be pleased to state whether there have been any modifications in the rules for the I.A.S. Examinations?

(b) What are the important changes in the rules and with what object the changes have been made?

(c) When is the next batch sitting for examination to which these rules will apply?

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

(b) A statement of the important changes and the objects thereof and also a copy of the Rules as published in the Gazette of India are laid on the Table of House. [Copy placed in the Library. See No. P-174/51.]

(c) September 1951.

SMUGGLING OF CEMENT

352. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Home Affairs be pleased to state whether Government are aware that a regular smuggling of cement is going on from Delhi to the towns in Uttar Pradesh by a gang of smugglers?

(b) Has the police been able to detect such cases of smuggling?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). Cement is exported from Delhi to Uttar Pradesh on the authority of permits issued by the Director of Civil Supplies Delhi. Five cases of unauthorised export of cement came to notice during 1949, but none in 1950. Recently two trucks each containing 120 bags of cement proceeding to Uttar Pradesh were detected on the night between 8th and 9th May, 1951. The persons concerned are being prosecuted.

BROADCASTS IN FOREIGN LANGUAGES

353. **Shri Krishnanand Rai:** (a) Will the Minister of Information and Broadcasting be pleased to state what are the foreign languages in which broadcasts are made by the All India Radio at present?

(b) Is there any proposal to start broadcasts from A.I.R. in languages understood in Eastern Asia and Africa?

(c) If so, what is the proposal and the estimated expenditure in this account?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) All India Radio broadcasts in the following foreign languages at present:

Arabic,
Persian,
Afghan-Persian.
Pushto,
Burmese,
Indonesian,
Kuoyu,
Cantonese, and
Gorkhali.

(b) and (c). All India Radio already broadcasts in four languages understood in "Eastern Asia"—these are: Burmese, Indonesian, Kuoyu and Cantonese. There is no proposal to broadcast in any other East Asian language for the present. As regards broadcasts in languages understood in Africa a proposal to start a service in Swahili is under consideration.

Necessary information is being collected for working out estimated expenditure on this account.

CONTRACTS FOR CONSTRUCTIONS

354. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Defence be pleased to refer to the reply given to my starred question No. 3971 asked on the 9th May, 1951 and state the extra amount that Government had to pay over and above the original contractual amounts to the contractors for construction and supply of goods owing to alternation of rates based on increase in prices of articles and services since 1947?

(b) What is the increase in the schedule rates of articles and services for such contracts since 1939 and 1947 upto date?

The Deputy Minister of Defence Major-General Himatsinghji: (a) and (b). The information required is not readily available and its collection will entail so much labour and time as would appear out of proportion to its public interest.

COST OF MEDICINES

355. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Health be pleased to state what proportion of the Budget allotment under the control of the Ministry of Health is utilised towards the cost of medicines and other health services and on what purposes the remaining amount is spent?

(b) What is the proportion of expenditure on Allopathic, *Ayurvedic* and *Unani* systems of medicines to the entire expenditure on medicine and health services?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Information is being collected and will be placed on the Table of the House in due course.

(b) No separate figures for Allopathic *Ayurvedic* and *Unani* systems of medicines are maintained and it is not possible to furnish the information required.

INCOME-TAX ASSESSMENT ARREARS

356. **Shri Sidhva:** Will the Minister of Finance be pleased to state:

(a) whether any conference of Income Tax Commissioners was called recently in Delhi to take steps for the clearance of arrears of assessment;

(b) if so, what were the decisions arrived at; and

(c) what is the total amount due from assesses and for what period?

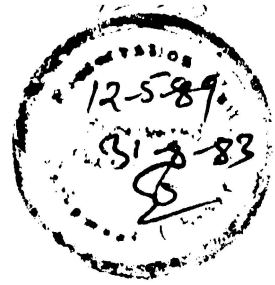
The Minister of Finance (Shri C. D. Deshmukh): (a) Yes. A conference of all the Commissioners of Income-tax was held in New Delhi on the 12th, 13th and 14th May 1951.

(b) The conference considered possible plans for a drive throughout the country for clearing arrears of assessment work, recovery of outstanding tax, improvement of public relations and various other technical and administrative matters relating to the Income-tax Department. The decisions of Government on some of the important points discussed were embodied in the Press Note issued on 20th May 1951, a copy of which is placed on the Table of the House. [See Appendix XXVI, annexure No. 41.]

(c) The tax arrears on 1st April 1951 stood at Rs. 152.32 crores of which, (i) Rs. 35.43 crores represented amount set apart for adjustment against anticipated relief from double taxation, the claims in respect of which have not yet been settled, (ii) Rs. 5.85 crores are due from persons who have left India; (iii) Rs. 2.31 crores are due from companies under liquidation; (iv) Rs. 41.73 crores are covered by certificate proceedings; and

(v) Rs. 11.72 crores represent taxes kept outstanding pending disposal of appeals. The taxes relate to the assessment years 1941-42 to 1950-51 and also include excess profits tax for several chargeable accounting periods upto 31st March 1946.

Wednesday, 30th May, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Third Session

of the

PARLIAMENT OF INDIA

1950-51

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**THE
PARLIAMENTARY DEBATES**

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PARLIAMENT OF INDIA

Wednesday, 30th 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

STATEMENT SHOWING ACTION TAKEN BY
GOVERNMENT ON VARIOUS ASSURANCES
ETC. GIVEN DURING THE THIRD SESSION
(Nov.-Dec.), 1950.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a statement showing the action taken by Government on various assurances, promises and undertakings given during the Third Session (November-December) of Parliament 1950. [See Appendix XXVII.]

**INDO-PAKISTAN CONFERENCE ON
FINANCIAL ISSUES**

The Minister of Finance (Shri C. D. Deshmukh): Sir, with your permission I propose to make a brief statement for the information of the House on the discussions which I have been having during the last four days with the Finance Minister of Pakistan on the outstanding financial issues between the two countries.

The objective of this conference in which we had the assistance of the Governors of the Central Banks of the two countries, was to attempt a comprehensive settlement of the outstanding financial issues between the two Governments and also to assist in the

finalisation of the partition settlement between the two Punjabs and the two Bengals and the clearance of third party claims in these areas.

The various items included in the agenda of the conference—a copy of which has already been laid by me on the table of the House—cover a wide field. The points of view of the two Governments on the various matters were discussed in an atmosphere of the utmost cordiality, and considerable progress was made in the clarification of the issues in the major items. But the discussions revealed that there were some matters on which one side or the other desired further factual information to determine more precisely the dimensions of the outstanding claims. There was also difference of opinion regarding the interpretation of some of the existing agreements. It was not therefore possible to reach an over-all agreement. For this reason it was agreed that the discussions should be adjourned so as to allow time for further examination of some of the more important items which involve questions both of fact and of interpretation. It has also been agreed that instructions should be given by each Government to its officers to begin or continue the detailed examination of the issues in consultation with nominated officers of the other Government and report the result by the end of July or the first week of August. It is hoped to resume the conference between the Ministers at Karachi towards the end of August or the beginning of September next.

The House will appreciate that it is not desirable at this stage to go into the details of the claims on either side or their merits. As I mentioned earlier, we have set before ourselves the task of reaching a broad overall settlement which, when concluded, would leave behind a genuine feeling in both countries that the problems have been dealt with in the best interests of both the countries and in a manner equitable to both. This

[Shri C. D. Deshmukh]

broad approach to the problems is in my view a valuable outcome of this conference, and when it resumes again in three month's time, having before it the results of the detailed examination which it is proposed to conduct between now and then, the reconciliation of the outstanding differences should prove less difficult. I am sure it will be the feeling of everyone that an equitable solution of these very intricate and important matters is likely to make a major contribution towards better understanding between the two countries, and thus help in the economic advancement of both.

CONSTITUTION (FIRST AMENDMENT) BILL—*contd.*

Mr. Speaker: The House will now proceed with the further consideration of the motion moved yesterday by the hon. Leader of the House that the Bill to amend the Constitution of India, as reported by the Select Committee, be taken into consideration. To that the hon. Member Mr. Naziruddin Ahmed has moved his amendments. They are also to be taken into consideration.

Now, before the House begins further consideration of this motion, I would again like to invite the attention of Members to the fact that, at the present stage, it is no use again covering the whole ground which has already been covered at the first stage. Such a procedure will only lead to repetition and unjustifiable waste of time of the House. I am expressing myself a little more strongly to-day, because I find that in spite of the suggestions which I made, it is sad to note that only two Members occupied the whole time of the House yesterday. That is a very unfair distribution of time to the majority and to all the parties in the House. I had suggested yesterday that the better course would be to discuss the various clauses when the clause by clause stage comes. The principal points of differences and agreement are now practically crystalized. There was enough consideration by the Select Committee, and there was a discussion in this House and if we go on at the rate at which it appears some Members desire to go on from the fact that only two Members occupied the whole time of the House, it appears we shall have to sit for a number of days beyond the 7th June only for this Bill. It will be agreed to, I believe, by the House that this is not a proper procedure. I shall therefore urge again to-day that Members will keep this in mind that they will only take a short

time on the principal points of difference or agreement and not again try to cover the whole question from A to Z as it appears to have been the case yesterday, and I want to leave more time for the clause to clause discussion and therefore I would suggest that we bring this discussion to an end to-day. That means by one o'clock, of course, subject to what Government have to say or what the House has to say. I feel constrained to make these remarks as I felt—maybe my feeling may be wrong—but I feel that I must try to be just to all sections of the House.

Hon. Members: Yes.

Mr. Speaker: The Government, the Opposition, though not very much organised, and numbers of silent Members have to sit here from day to day in view of the peculiar provision or procedure in regard to this Bill. The hon. Members will see that under article 363, a particular procedure has to be followed and that means Members wishing to oppose or wishing to support the Bill have to be careful to be present in or about the Parliament Chamber all the time so that none of the contesting parties may have a snap division. So that also may be kindly taken into consideration and the remarks may be short.

I do not want to place any restrictions, looking to the importance of the Bill; but I think I shall be failing in my duty if I do not again and again urge upon hon. Members the particular points to which I have invited their attention.

Pandit Kunzru (Uttar Pradesh): Sir, I venture to think that there should be a general debate on the Report of the Select Committee. I think it is possible for hon. Members, notwithstanding the discussion that took place at an earlier stage, to examine the various provisions of the Bill as it has emerged from the Select Committee without repeating what was said before. The amendments will no doubt be moved and will cover all the objections that we have to the Bill as reported by the Select Committee. Nevertheless, in view of the speech made by the Prime Minister yesterday and the observations made earlier by Dr. Ambedkar, I think a general discussion is needed in order that those who do not agree with the Government's point of view may be able to state briefly what they think of the Bill as a whole.

There remains the question of dealing with the amendments. I understand that your appeal to us not to prolong the debate unnecessarily is certainly worthy of the consideration

of the House. But if we have a general discussion till tomorrow and devote two more days to the amendments, I think that the purpose you have in view will be gained. I hope, therefore, that my suggestion will commend itself both to you, Sir, and the Government.

Several Hon. Members rose—

Mr. Speaker: Let us not take any more time of the House but devote it to the discussion proper.

Personally, it was my intention to allow five days for the discussion of this Bill and I believe the Government were also agreeable to that. Now the only question is as to how we should devote the five days. I was suggesting to hon. Members that instead of having a desultory general discussion for three days, it would be better to have a general discussion on all aspects for two days and on the subsequent three days concentrate upon the various clauses of the Bill. But if it is the desire of hon. Members that they should finish the entire Bill in five days and devote only two days for the consideration of the amendments, I should have no serious objection to it, provided of course the Government are agreeable. But it must be distinctly understood that at one o'clock on Saturday, we put all the remaining clauses to the vote of the House. (*An Hon. Member:* Could we not have two sittings on Saturday?) I have already expressed myself on that. Hon. Members should have some pity, if not on themselves, at least on those who have to work under severe stress. (*An Hon. Member:* What about the strain on the Members?) They can go out even during the discussions and enjoy themselves; not so with the reporting staff and the other staff of the Parliament Secretariat, who have to be in attendance all the 24 hours practically. Only the other day, when it was decided to have a second sitting in the afternoon and I requested the Deputy Speaker, he asked to be relieved and some other Chairman put in. He said that he was thoroughly exhausted. That is the position. There is no charm in merely repeating the arguments and having a desultory discussion. That is my point of view, whether hon. Members agree or not. So, as I have said, if that is the understanding I should have no objection and I leave it entirely to the hon. Members of the House. Does the House agree that it should finish the Bill on Saturday at one o'clock?

Shri Naziruddin Ahmad (West Bengal): It is easy for the members of the Government to say that they

agree but the difficulty is that there are viewpoints of the Opposition and that is more important.

Mr. Speaker: Order, order. The difficulty in this House is that the Opposition is not at all organised, with the result that every Member, who differs even by a little, thinks that he must be given a chance to speak. If that is to be accepted, logically it means that there will be an unbalanced distribution of the time. Hon. Members will agree that if they get one hour the other side must at least get one hour, if not more. They can have time only in proportion to their numbers. The convention has been.....

Pandit Thakur Das Bhargava (Punjab): Those who say that they are in Opposition get an undue proportion of time.

Mr. Speaker: I might invite the attention of hon. Members to a convention which we used to follow previously. I quite agree that all view points must be represented but what time should be allowed to them out of the total time for the discussion? Shall there be no proportion at all? If half a dozen Members are opposing a measure, does it mean therefore that they must have a monopoly of the time of the House? That would be unfair to the large majority who belong to another party. In older days we used to ration time according to the strength of the party by agreement, so that no particular Member of any party could claim a weightage for himself. If he did, the time he took was debited to his party's account and the other parties in the House were not affected adversely. What has happened yesterday was that two hours and ten minutes were taken by two Members of this House and if I were to satisfy the desire of every Member to represent his viewpoint, I cannot visualise the near end of the session. In view of the fact that the Bill has been debated on all points for days.....

Shri Sidhva (Madhya Pradesh): Yesterday Mr. Naziruddin Ahmad said that he wanted to collect his thoughts and make a further speech.

Mr. Speaker: So there will have to be some balance somewhere. It is not that everyone can be satisfied in respect of his desire to speak. Therefore, if it is agreed that we finish on Saturday, it is only a question of small adjustment as to whether the House should debate the amendments for two days and carry on the general debate for three days. But there too, I shall leave the matter entirely to the wishes of the House, which means the substantial wish of the majority.

Shri Shiv Charan Lal (Uttar Pradesh): Today there may be an afternoon session.

Mr. Speaker: Order, order. I have now come to believe that it was a mistake to have agreed to any afternoon session at all. Every time when an exception is asked to be made it is urged that it is for that day only. We are now getting into that habit. The real point is that we must try to cultivate the habit of putting forth the real relevant points. If a point has already been covered, Members must restrain their desire to repeat it. The House will now proceed with the general discussion. How do we adjust the business?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am entirely in your hands, Sir, and of the House in regard to this matter. I take it that on your suggestion the House is agreeable to finishing the Bill in five days, that is on Saturday. So far as Government are concerned, anxious as we are to finish the work of this session as early as possible to meet the convenience of Members, we do not wish to cut short the discussion at all, specially in regard to important measures. But you were pleased to remark that the House should see that, may I say, a little justice is done to large numbers of people who never have a chance, because of certain marathon speeches that always take place in the House.

Shrimati Renuka Ray (West Bengal): Can we not fix a time-limit to speeches in the House?

Several Hon. Members: Yes, Sir.

Mr. Speaker: Whatever may be the reactions of the Chair to any suggestion, his best efforts should always be to take the House with him and the House will be with him only if he allows a little longer rope in some matters. I have no doubt that the length of speeches should be curtailed very much, because on that will depend the number of speeches. The point is, do we continue the general discussion tomorrow also? If that is so, we also agree to close the whole thing by one o'clock on Saturday. And by one o'clock tomorrow this motion would be put to vote. (*Hon. Members:* Yes). (*Interruption.*) I should be glad if it is curtailed now because so much has been said. Even the proposed amendments have been discussed piecemeal here in the general discussion.

So, then do hon. Members agree to this proposal?

Hon. Members: Yes.

Mr. Speaker: Has the Leader of the House to say anything on it?

Shri Jawaharlal Nehru: We entirely agree with whatever you may suggest.

Prof. S. L. Saksena (Uttar Pradesh): I personally feel, Sir, that to put a limit on speeches in order to finish consideration of this Bill is not proper. It is a very important Bill. We are all anxious to finish the session as early as possible; the season of the year and the length of the session contribute towards this anxiety. Therefore, I think you can take it from us that we shall do everything to proceed quickly. While on the one hand it would be desirable if Members made short speeches, on the other, I think, it is not proper to cut out discussion which is relevant. I therefore request you not to put a time-limit.

Mr. Speaker: Yes. Let there be no further discussion—we have taken so much time in discussion only. Well, I do accept, and I would like and love to accept the decision of Members to finish as early as they can, yet I do feel that the principle of the amendment of the Constitution must be applied here too, that freedom must be restrained just for the purpose of allowing all people freedom. So, from that point of view I am averse to putting any time-limit, but if necessity arises I will put a time-limit over the speeches. And I may say I shall accept closure, if the hon. Minister of State for Parliamentary Affairs moves it, and we shall proceed with the clause by clause consideration day after tomorrow and on Saturday.

Shri Sondhi (Punjab): Will it not be possible to do away with the Question Hour tomorrow morning?

Mr. Speaker: Yes, if the hon. Members are agreeable.

Several Hon. Members: No, no.

Rev. D'Souza (Madras): After this discussion and in view of the length of time to be given to the general discussion of this motion, I shall not unduly tire the patience of the House by a lengthy speech. I come to this task with a sense of the gravity and the importance of the measure that is before us, and I should like to speak about it both in general and in regard to one or two specific points with all the restraint and the moderation, but at the same time with all the earnestness that I can command.

I have read very carefully the important statement with which the hon. Prime Minister opened the debate on this measure, the very eloquent intervention of my most respected friend, Dr. Syama Prasad Mookerjee, and the interventions of those that have opposed in no uncertain terms these amendments to the Constitution. May I be permitted to say that trying to judge this matter with some degree of detachment and without reference to party alignments and any other such *a priori* considerations, I feel bound to say that the very grave fears expressed from many quarters of this House regarding the purport, the content and the implications of these amendments do not seem to me to be justified to the extent that has been put forward. I believe that notwithstanding minor reservations, warnings and such other remarks and qualifications that may have to be made, Government have made in all substantial respects a case for these amendments, and that they are entitled from almost all sections of this House to support in passing these amendments.

There is one point on which I think except for some remarks of the hon. Prime Minister on the opening day no great reference has been made, and which I may now in general be permitted to indicate. One of the arguments against these amendments is that we are pressing with these at too early a stage, that too little time has elapsed between the passing of the Constitution and this first amending Bill. In itself, as the Prime Minister has pointed out, there is no great substance in this argument. If something is necessary, it has to be done as soon as possible, and if it is not necessary any lapse of time does not justify its being brought in. But here I should like to bring in another consideration. If an amendment is not, in the very strict sense of the term, a substantial modification or change in the primary document, in the primary Constitution, if we are sure that these so-called amendments are only a clearer and a more definite indication of what was in the minds of the Members of the Constituent Assembly when the Constitution was drawn up, if it is an attempt to enucleate and to amplify what was undoubtedly at the back of their minds when these clauses of the Fundamental Rights were discussed three, four or five years ago, then I would respectfully say that the sooner this is done the better it is. The Members who took part in those discussions, who knew the minds of the primary legislators, the first legislators, are still present here in large numbers, and the sooner their evi-

dence, their testimony, their declaration of what was in their minds is brought and placed on record by the different sections of the House the better it is for all of us.

Taking two points—and let me say, speaking not as a politician but having heard them things as it were from the background—I have no doubt whatever in my mind that on two points the Constituent Assembly was absolutely decided and unanimous: In this country there should be a juster redistribution of land to be brought about by the abolition of zamindaries, and, secondly, that none of the egalitarianism or the equality before law which the Constitution promises us would stand in the way of maternal treatment by the National Government of this country of those backward elements who have not yet received social justice from our people. I have no doubt whatever on these two points that the mind of the Constituent Assembly was that no prescription or no expression in the clause on the Fundamental Rights should stand in the way of redistribution of land in the possession of zamindars with the payment, indeed, of equitable compensation. I remember the long and tortuous days of discussion which we had on this point and the agreement, practically unanimous agreement, in regard to compensation that we arrived at. When, therefore, we found later that certain High Courts did not find it easy to approve, in terms of other provisions in the Constitution, of the measures that had been introduced into State Legislatures for the suppression of zamindari, we were surprised and felt sure that matters had to be put right and that this great and outstanding reform which will be one of the elements for social peace in our country, which will be one of the means by which more dangerous revolutionary movements could be avoided in our country, should be carried out peacefully and legally. Therefore, I wish to welcome with all my heart this measure of agrarian reform and this step which has been taken here in order to make possible a juster and a more equitable distribution of land in our country.

Yesterday, I heard with great interest and great attention the remarkable speech of my respected friend, Prof. K. T. Shah. I must say that it struck me as being extraordinarily curious that he should have put forward opposition to this zamindari abolition not because it was not just in itself but because we must not touch

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the Constitution now but must treat it as sacred in order that when we do touch it we may touch it completely and destroy it root and branch. I am afraid I am putting it a little too rigorously, but this is what I understood him to say: "You are now abolishing zamindaries and distributing this land into the hands of a larger number of owners. But that is not what we want. What we want is a complete agrarian revolution. We do not want smaller vested interests", whereas the intention of those who have brought forward this amendment is that the broad outlines of the spirit of our Constitution should be maintained, that the principle in clause 19 which guarantees the right to property should substantially remain, and that any amendment should not be brought in such a way as to cancel and nullify altogether the primary condition or the fundamental clause. I think that this is altogether within the spirit of the Constitution, altogether in the spirit of what I may call the distributist view of property which the Father of the Nation always emphasised. Therefore I say that instead of waiting for that fundamental root and branch agrarian revolution which my hon. friend Prof. Shah postulates and for which he would willingly keep this House waiting, it is now and here that we must decide and remedy and come to that middle way for which India has made a name for herself, a middle way in all respects by which we have gained the respect and reputation of being wise and at the same time progressive.

10 A.M.

I should like to say as a matter of general importance that in regard to this distribution of property, I was struck by a remark which Dr. Ambedkar had made in his opening speech and that was that he or, at any rate, as he thought, the makers of the Irish Constitution did not believe that the right to landed property was a Fundamental Right. I am not entering into a discussion about that. What I am clear about here is this, that this amendment, as well as the later amendments regarding the right of the State to nationalise industries which may be in the interests of the country, and to nationalise them in such a way as even to prevent competition by private enterprise in order that the beneficent experiment, if judged to be beneficent, may succeed, are consistent with the right to property guaranteed by article 19 as a whole.

But I should like here and now to answer a misgiving of another kind which has cropped up and which has been expressed to me not merely in this House by one or two, and to a considerable extent, outside this House, whether this right of acquiring estates, whether this right of acquiring industries, and the right of acquiring these industries, in such a way as to prevent or keep out altogether the competition of private individuals is not too revolutionary a thing and whether it did not commit our Government to a policy which would not be acceptable to a very large number. I do not really think so. If I thought that it was an expropriatory or a purely socialistic measure in the sense in which it has been described to be, I must say in all conscience, speaking for myself, I could not conscientiously accept it. But I do not see it as such a measure. I see that the right to property is guaranteed; that compensation is given. It is only to do away with inequalities and the uneconomic way, from the point of view of national interest, in which certain properties are held and in which certain industries are carried on that this measure has been introduced and I see no reason why either from the left or from the right this enabling measure should be opposed, or should be considered to be unduly revolutionary.

While, therefore, broadly approving of this principle, let me however, recall here that Government have not always succeeded very happily in their nationalising experiments. And in a new country that is being sent to the school and discipline of democracy the encouragement of individual initiative, and private enterprise, is a necessary part of political and economic education and that we should not launch on those enterprises either partially or in the sense of a monopoly to a degree that would deprive individuals of the opportunities for the development of their own business, for the use of their own talents and, above all, to the securing in a wider and wider measure of that larger or smaller competence—I do not say a large fortune. I will not say a millionaire fortune—but those middle fortunes which are a true protection of individual liberty. Because we who support the principle of private property do not do so in the interest of any selfishness or any sense of rebellion against the authority of Government, but precisely because a man who depends entirely for the maintenance of body and soul upon some other agency, which has full control of his means of living, is not

truly independent; because liberty in a democratic Constitution receives its guarantee, and confirmation, its basis and its certainties—its insurance if I may say so—by a certain degree of property. But this is only in passing. I am happy that this principle is not violated here and is kept, as it were, implied, throughout, both in the main clauses as well as in the amendments which have been introduced.

I now come to a point of very great importance to those of us who know conditions in the Madras province—I refer to the amendments to article 15 making provision for a certain degree of assistance to backward groups, or as they are called, classes or communities. I have again absolutely no doubt that when the Constitution was framed and discussed and passed, it was the intention of all without any exception that some provision should be made for the uplifting of backward classes so that they might come to a degree of contentment and live in happy cooperation with those whom they consider to be the more fortunate citizens of this country.

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

There was no doubt whatever about what was to be done for what are called scheduled castes and scheduled tribes. Having been in touch with this question—to put it very plainly with the well-known frequently referred to Government Order of the Madras Government—and having had considerable experience of admission in colleges during the last eighteen or twenty years, I was aware of the gravity of that problem and the difficulty of solving it by a very simple formula. Sympathising as I do profoundly with those who maintain that talent should not be penalised, that the best brains in the province and in the country should be made available for professional, for technical or for Government service, nevertheless, I realise that owing to a play of historic circumstances, to the evolution of social history of our country, there were groups, there were classes, there were, maybe, individuals—in whatever manner you may describe them—you may describe them as communities or as castes without bringing in the notion of religion, but only of race—who could not get the chance which they deserved and who in the long run might be deprived of all social and economic equality without which legal equality would be useless.

I realised the difficulty of this and in practice even when the Government Order did not rigidly apply to

private institutions, such as those with which I was associated, we tried to enforce the spirit of it, meeting nevertheless the legitimate demands of the other school of opinion also. I believe from the example of private institutions a workable solution and a formula could be arrived at in which the difficulties would be overcome and the unacceptable features of the earlier order might be modified.

Therefore, when this discussion took place, some of my Madras friends asked me: "Do you think that this article 29(2) is going to prevent us from applying that Government Order?" My impression was as I told them, that I did not believe that was possible, because the spirit of the Constitution, taken as a whole, whatever may be the wording of this clause, the implication of the Constitution, the general bearing of it, the Directive Principles as well as the specific provisions made for the scheduled castes and the scheduled tribes, included in its scope the spirit of the Madras Government Order also as it had come to be accepted in its broad outline. I knew there was some difference of opinion in my province in regard to the application of it in this or that particular aspect in which really deserving people were not helped and perhaps less deserving people by a mere mechanical enumeration got the help which was intended to be given to really deserving people. These things can be adjusted. But I believe this amendment which has been introduced does give the hope of what I may call an agreed solution by which the controverted portion of the earlier order which were not acceptable to a very large section in the province might be modified, and the just desires and claims, and the need for their satisfaction which the backward elements really do deserve, might be recognised. Before we harden and crystalise and fossilise into a legalistic interpretation of the Constitution, the larger objective of a more homogeneous political community based on social and economic equality, must be achieved. That I understand is the purpose of this amendment and therefore I think that we should subscribe to it, vote for it with full conviction, as I shall certainly do.

One point more I may be permitted to bring out on this important occasion, when by a happy chance I have the good fortune of presenting to a fuller House than I ever remember to have secured on any earlier occasions. Some objection seems to have been raised to the wording of this clause, Objection has been made to

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the wording of this because the word 'communities' comes back. I understand the difficulty. The word 'communities' implies something communal, and in our country the word 'communal' has meant religious differences and animosities. It has been the source of great suffering and tragedy in the country, and is likely to be a possible source of future tragedies. Therefore it is perfectly right that those who wanted to introduce the amendment should take away all notion of religious differences from it and confine it to the economically backward groups and families. I understand this. I would therefore make an appeal to the House to consider this, although you may use the word 'caste' or 'community' for practical purposes, do not, I pray, use it as implying specific religious beliefs. On this subject, I have received repeated representations and I have had the honour and privilege of transmitting these representations to the hon. the Prime Minister and to the President. And we have received the assurance that even among the scheduled castes the mere fact of religion, which does not make any difference in their social and economic condition, should not stand in the way of their receiving the ameliorations which have been promised by the Constitution. And I was proud and happy that the spirit of the Constitution should have been so interpreted by our most honoured leader and by our President. I appeal to this House to see to it that the spirit of those declarations may be applied integrally and sincerely by the Provinces so that this great step forward in the political homogeneity of our country may be carried out, that if there are backward classes or minorities, they may be recognised on a linguistic or racial or cultural basis. It is impossible to overlook the fact of "backwardness", it will persist for a long time; but in this matter religious differences and cleavages must be ignored; race or culture may certainly be recognised to determine the groups which need assistance but no distinction should be made in regard to religious conviction which is a matter of personal conscience. I therefore request my respected friends, the representatives of the scheduled castes who are present here not to oppose these concessions and help being given to their kinsmen who till yesterday were with them and who today share the same conditions in regard to social and personal relationships, the same economic and educational conditions as they themselves, not to refuse

these concessions and help to those who, by a personal decision have chosen Christianity for their faith. Christianity is one of the religions of our land. It has flourished here for two thousand years, from the very dawn of its history; it has contributed its own share to the culture of our land, an element genuinely Indian and destined to be part of Indian culture till the end of time.

I have said these things with a certain amount of feeling. I wished to have an opportunity of expressing this, and at the same time of expressing my deep satisfaction that it is along the spirit that I have indicated that these amendments have also been framed; and it is my earnest hope that along these same lines this amendment will be interpreted and applied more and more widely as days go on.

Sir, before I conclude, I request you to give me a minute or two to make a few remarks on a third point, namely the question of restriction of liberty of speech. I am not enamoured of any increasing restriction on this liberty of speech. I do not believe that Government themselves are very happy that it has been found necessary to bring in this restriction in the manner that is now contemplated. But, again, as the hon. the Prime Minister himself and other Members and speakers on behalf of Government have pointed out, all Governments impose some measures of restriction on freedom of speech. And this measure of restriction of speech increases and becomes more stringent in times of emergency. Just as there are limits to other rights, especially political rights, so there must be limits to the right of freedom of speech. I may say that in regard to Fundamental Rights which pertain to the individual conscience, that they are supreme and I cannot imagine a State weakening itself by challenging the rights of individual conscience. It was on the rights of individual conscience that Mahatma Gandhi set up the standard of revolt in this country and won the independence of the country. I cannot think that a time will come when it may be found necessary for the State to control or repress that which, by its very nature, is irrepressible, namely freedom of mind and freedom of conscience. Those rights are indeed inalienable. But as the Prime Minister has pointed out, in times of emergency there is no political right or economic right of a relative importance, though it may be embodied in the Chapter on Fundamental Rights, which may not have to be curbed and

controlled in the interests of general order and the security of nation. Discipline requires it.

What are the conditions which should make this larger degree of restriction necessary here and now? Is it something new that has cropped up? Members of the House know that it is not something essentially new. It is in a way the enforcement of measures that were already on the statute book and the enforcement of which was considered necessary by all Provincial Governments and by public opinion in general. It is the fact that those measures come into clash with the wording of the Constitution that has necessitated the introduction of this amendment in order to validate those measures. It is not, as it were, a new emergency that has suddenly arisen today. It is rather the continuation of an emergency which was recognised to have been in existence for the last two or three years.

There is however another element in this matter and in his opening speech the Prime Minister made a reference to it. Again and again I have heard in this House references in the manner in which complete liberty is given to the Press in England and that we who have based our Constitution and our traditions upon English political ideas and history should follow the same way and give as complete a liberty as possible to the Press. I was amused to hear this for this reason if we must follow the English political precedent here, permit me to say and do not get angry when I say it, that we must not also forget the phlegmatic English character which is not easily ruffled and does not respond to incitement. I have seen in Hyde Park Red revolutionaries inciting people and I have seen the stolid population smiling and ignoring the incitement. We are here dealing with a young democracy. We see expressions of contempt for high personalities of Government, going beyond the limits of democratic criticism, sometimes ridiculing the very nature of governmental authority itself. It is because we have failed to impose some degree of restraint on ourselves that it has become necessary for Government to impose it. One solution is that we could have waited and allowed it to be corrected by legal judgments and by slow process of time. That is one solution. It may have been desirable to seek this solution. But the fact remains that in order to get the complex tasks of democratic Government understood by the people, in view of the need

for the spirit of give and take, the need for making a distinction between individuals and the Government which they represent, the need for maintaining in the minds of our vast uneducated masses a sense of confidence in authority without which the Government's food policy, its foreign policy and its internal policy will not succeed—in view of all these, undoubtedly it is necessary that organs of public opinion should be restrained in their criticism. I am not speaking of the great organs of public opinion such as are represented by hon. and respected Members of this House, but I am speaking of those sheets and pamphlets that are multiplied here, there and everywhere and which have made it a rule to blacken, to pass unfair judgments and interpret unfairly, the motives of high and low alike. Hence some degree of control is necessary. It might not have been necessary if conditions in the international sphere and the internal state of our country were perfectly normal. I say that there is a certain emergency, as the Prime Minister pointed out, we are living in difficult and dangerous times. There is inflammable material in the national as well as in the international sphere and at this time, I sincerely believe that a certain degree of restraint for the sake of discipline is necessary so that the democratic Constitution of this country may be saved by these emergency measures. We hope a time may come when we shall not need any one of these emergency measures. This is only a means by which a really liberal democratic Government can sit firmly in the saddle while passing through a difficult period. The nature of the difficulty of the times is known to us. We have our difficulties in regard to foreign relations, in our relations with our near neighbours; difficulties arising out of the Kashmir situation, the difficulties of the Communist riots in Telengana and elsewhere. We have to deal with all the inflammatory material involved in our communal strife which filled this country with rivers of blood yesterday. Are not these difficult times and times of emergency? I therefore plead with this House that there may be patience with Government in this matter in spite of their deficiencies in so many ways. I believe that the spirit in which these amendments have been brought in, is not intended to break up or cancel the general outline or framework of liberty which is ensured to us by our Constitution. Rather let us look upon them as rigorous, may be painful measures, intended to confirm that liberty, so that after passing through these times with

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greater discipline, we may walk into the uplands of peace and liberty, when no emergency law, no Press Act, no preventive detention Bills may become necessary in this land which has won its liberty, and which it must maintain at whatever cost now and in the future.

Dr. S. P. Mookerjee (West Bengal): During the last few days, we have discussed the provisions of the Bill both inside the House and outside, in the Select Committee and elsewhere with the greatest amount of frankness. I must say, when going into the details, while we were working on the Select Committee, every Member got the amplest possible latitude in giving expression to his viewpoint. That is what may be expected in the consideration of a matter of such grave importance to the people of this country. We are in a minority in this House... (*An Hon. Member:* We means?) Those who are opposing the Bill and not the interrupter. Those who are opposing the Bill are in a minority in this House. Yet, we may not be in a minority so far as this matter is concerned in the country (*Hear, hear*) (*An Hon. Member:* Question). That question, of course, cannot be answered inside this House. We must wait for other opportunities.

In any case, what I would like to say with great emphasis is that on this matter we must recognize that there is room for difference of opinion. When the Prime Minister spoke yesterday I could fully appreciate the depth of his feeling. So also I hope, he and others who are supporting him will also realize that those like us who are opposing the Bill not in its entirety—because we have given our support to some of the provisions—we also feel that, sufficient justification has not been made out for the inclusion of the major provisions, at any rate.

There is no difference of opinion on one point, that the Constitution framed by us two years ago is not the last word on the subject. The Prime Minister tried to develop this point as if somebody had suggested that under no circumstance the Constitution can or should be amended. As has been said by a great American leader "a Constitution worth its name is not written in ink but in letters of living light". It must respond to the spirit of the people. Otherwise, that Constitution is rigid and is dead. Here is the question of amending a Constitution which we solemnly passed. If you look at the preamble, you will

see that it was not a particular political party that passed the Constitution. We took upon ourselves the enormous privilege of describing ourselves as the people of India who met, sat and discussed for months and years and then gave a Constitution to the country. That was just as it should have been. A Constitution which was passed with so much care, if it is proposed to be altered in vital respects, a proper case has to be made out to explain why such changes are really called for. The Prime Minister spoke yesterday of ghosts, of phantoms and of so many other things. If the ghosts worry him, the remedy is not to amend the Constitution. You cannot pass or amend a Constitution for the purpose of fighting with ghosts. In fact, his words reminded us of the tragic role which was played by the Prince of Denmark but there must be other solutions for fighting with imaginary troubles. (*An Hon. Member:* It is an old story). Old story—yes, but history often repeats itself. We are dealing with the Constitution and you want to amend the Constitution and there must be real problems which have to be tackled in dealing with such amendments. May I ask in all humility: "Why is it so many people are opposing this move in this country"? The Prime Minister brushed aside the Press of India with one expression, namely that it does not possess any balanced judgment. I know that he could not have meant to make such a sweeping remark against the entire Press of India. In any case, why is it that the vast section of the Press is opposing this Bill? Why is it that so many people who have nothing to do with politics are opposing this move? Is it a vested interest or is it something more? If we go on throwing motives on each other, we can also say that the Bill has been introduced for the purpose of perpetuating the present Government. (*Interruption*) I have not necessarily suggested that. It is not desirable that we should throw base motives at each other. (*Interruption*). The stones came to me and I threw them back at the interrupter. The point is: Has a case been made out for the change of the Constitution? It is on this that I am going to speak mainly today. To my mind there is some misunderstanding, some confusion with regard to one matter. I have talked to many Members in private and they have told me: Why are you opposing the move to give Parliament more powers? After all it is only an enabling power that you are handing over to your Parliament and why should there be any opposition to such a move? I recognize the sincerity of such a

question but let me ask you in all seriousness: Have you not dealt with this question finally at least when you decided otherwise, when you framed your own written Constitution? The Prime Minister spoke yesterday of the greatness of the flexible Constitution of Great Britain. Undoubtedly Great Britain has no written Constitution but we deliberately decided that we will have a written Constitution. That was not forced upon us. It was your own decision, I would submit, wisely taken and rightly taken because in a country such as ours and especially in the formative period after the attainment of freedom we cannot possibly leave anything to doubt. We have to decide vital matters concerning the rights and liberties of the people and embody them in a sacred Constitution. That is what we did. When we decided to have a written Constitution, we also decided to have a Chapter dealing with Fundamental Rights. Many Members will recall that at that time this question was discussed: Was it necessary to have a Chapter dealing with Fundamental Rights? You might not have got such a Chapter; but you decided to have that Chapter. As soon as you made that decision, along with it came the decision that you were deliberately curbing the powers of your Parliament. There is no escaping from this position. If you want to say today that a written Constitution is not good for India and that there should be no Chapter on Fundamental Rights, be logical and proceed accordingly. But, once you have a Chapter on Fundamental Rights, then, along with it proceed certain conclusions, namely, that you are deliberately curbing the powers of your Parliament.

Here, I shall read out only two quotations because I cannot speak in the same clear and precise language as Mr. William Taft observed in America while speaking on this very question:

"No honest, clear-headed man, however great a lover of popular Government, can deny that the unbridled expression of the majority of a community, converted into law or action would sometimes make a Government tyrannical or cruel. Constitutions are checks upon the hasty action of the majority. They are the self-imposed restraints of a whole people upon a majority of them to secure sober action and a respect for the rights of the minority and others. In order to maintain the rights of the minority and the individual, and

to preserve our constitutional balance we must have Judges with courage to decide against the majority when justice and law require."

And this point was very clearly set out by another person, who was not a politician, but who was a Justice of the Supreme Court of America, in very telling words:

"The very purpose of a Bill of Rights (such as is embodied in the Fundamental Rights) was to withdraw certain subjects from the arena of political controversy, to place them beyond the reach of majorities and officials, to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech and a free press, freedom of worship and assembly and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

This point was again stressed very succinctly:

"There is a limit to your power.

Thus far and no further.

And here shall thy proud waves be stayed."

These observations, I do not wish to multiply them, were made by persons who were also responsible for the administration of their country.

Dr. Deshmukh (Madhya Pradesh): America and not India.

Dr. S. P. Mookerjee: They were not persons who were just political demagogues. They were not persons who just wanted to play with emotions. We also have made a similar decision. Our complaint is that having provided for Fundamental Rights. Yourself, you are changing them today in an arbitrary and high-handed fashion.

I come now to the next point: Are these really changes or mere amplifications and explanations? That was the Prime Minister's point, that he was not making any substantial change, that he was just amplifying certain things which were in our minds and which perhaps were not clearly put in the Constitution as we had drafted. Here, I would join issue with him. This is a question of fact: the changes that you are making, are they really amplifications or do they make substantial changes and curb

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the freedom which you have deliberately given when the Constitution was framed? It is a matter which can be decided and judged in a very cool atmosphere. There need be no hot expressions; there need be no animated scenes. If we go into the details of the changes proposed, it does appear in respect of some of them, especially in article 19(2), that it is a deliberate curtailment of the freedom which was given to the people of this country under the Constitution that we had ourselves passed. (Some Hon. Members: No, no.) Why are these changes necessary? In the Statement of Objects and Reasons, signed by the Prime Minister, he said that difficulties have arisen because of certain judicial decisions. I was one of those persons who wanted to have from Government a list of such difficulties. We wanted to have a statement showing the laws or clauses of laws which according to the Government had become void and according to the judicial decisions had created difficulties for the Government. One or two clauses we know and for that we need not ask for information. But, we could not be supplied with such information. The Prime Minister tried yesterday to give an explanation as to why such information could not be supplied. To say the least, the explanation was unsatisfactory.

Now, let me come to the question of judicial decisions. The other day, Dr. Ambedkar made out two points. He said that the High Courts or the Supreme Court in India did not invoke the police power. The Prime Minister also said that in his reply last week. Now, what is the position? In America, the First Amendment which was made about two years after the Constitution was passed gave unrestricted and absolute freedom to the people of the country. There was no restriction whatsoever on the freedom of expression, freedom of speech and freedom of the Press and so on. Now, when the Congress started passing laws, restricting the freedom in some respect or other, necessitated by circumstances, the question arose whether such a curtailment could be lawfully made and the matter came before the Supreme Court. The Supreme Court had before it on the one hand the absolute freedom granted to the people of America under the Constitution, and on the other the laws passed by the Congress, which were considered by those who were responsible for the country's administration as essential for the welfare of the country. In

fact, as was said in one of the celebrated speeches they were necessary for the sake of keeping in tact the very freedom which had been provided for under the Constitution. What was the Supreme Court to do? There, the Supreme Court invoked the doctrine of police power: that every State has this police power, and that the Congress also reflecting such inherent authority could draw from that police power when necessary. Dr. Ambedkar in his speech the other day, said that he was amazed, surprised, that such police powers were not invoked by our Supreme Court. Here, the best course that I can adopt is to give a reply to Dr. Ambedkar's point in Dr. Ambedkar's own language. The same Dr. Ambedkar who was responsible for placing the Draft Constitution before the Constituent Assembly deals with this very important point. He said:

"In America, the Fundamental Rights as enacted by the Constitution were no doubt absolute. Congress, however, soon found that it was absolutely essential to qualify these Fundamental Rights by limitations. When the question arose as to the constitutionality of these limitations before the Supreme Court, it was contended that the Constitution gave no power to the United States Congress to impose such limitation. The Supreme Court invented the doctrine of police power and refuted the advocates of absolute Fundamental Rights by the argument that every State has inherent in it police power which is not required to be conferred on it expressly by the Constitution.

What the Draft Constitution has done is that instead of formulating Fundamental Rights in absolute terms and depending upon our Supreme Court—(mark these words—and depending upon our Supreme Court)—to come to the rescue of Parliament by inventing the doctrine of police power, it permits the State directly to impose limitations upon the Fundamental Rights. There is really no difference in the result. What one does directly the other does indirectly. In both cases, the Fundamental Rights are not absolute."

It was really amazing that the Law Minister, the same Dr. Ambedkar, while justifying a different pattern in relation to our Constitution, could have forgotten the things so quietly and conveniently and blamed the Supreme Court for not having invoked

the police powers and thereby creating difficulties for the Government and necessitating the amendments to the Constitution.

This really brings me back to the argument with which I started. You deliberately laid down restrictions to the Fundamental Rights in your Constitution. There is no question of invoking any police power at all.

Next I come to the point dealing with the Directive Principles. Now, here the Prime Minister pointed out that we have embodied a Chapter on Directive Policy and we want to give effect to it—is the Constitution going to stand in the way? What exactly is the force of these Directive Principles? Now, there also Dr. Ambedkar the other day said that he wanted that the court should invoke its implied powers and support legislation undertaken by Parliament or by State Legislatures which intend to give effect to the Directive Principles embodied in the Constitution. That point also he dealt with very clearly and succinctly in his own speech while moving the adoption of the Constitution. These are his words:

“If it is said that the Directive Principles have no legal force behind them, I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all. Nor am I prepared to concede that they are useless because they have no binding force in law.”

In fact the point which he developed was that the Directive Principles will become like the Instrument of Instructions which were issued to the Governor-General and to the Governors of the Colonies and to those of India by the British Government. But so far as its legal force is concerned, he admitted that there could be no question of clothing Parliament with authority to give effect to such Directive Principles inconsistent with the provisions of the Constitution. I am not suggesting for a moment that the Directive Principles are not desirable. They are desirable and they are extremely desirable, and it should be the endeavour of any Government to try to give effect to them. Obviously, if it is to be done by legislation, the legislation must fall within the four corners of the Constitution. If in any respect it is thought that the Constitution stands in the way of Government giving effect to certain Directive Principles which are vital in character, then on those matters I am quite prepared to concede the case for

changing the Constitution also may come. But to suggest that the courts do not draw upon their implied powers and make certain laws which are otherwise *ultra vires*, good laws, is an amazing statement. In fact Dr. Ambedkar has written a very able foreword to a commentary on the Constitution of India by a certain lawyer. I do not want to mention his name and give it advertisement. But here this commentator somehow, argued in the same way in which Dr. Ambedkar argued, that if any law is passed by a legislature which is in conformity with the Directive Principles then that law should be good. Dr. Ambedkar commends this book to the public and says it is one of the best commentaries that he has seen, except on one point. He says, “Mr. Basu...” Fortunately there are many Basus in India and perhaps this Basu will not be identified. He says that “If any Bill is passed by the Legislature which is in direct contravention of any of the Directives, the President or the Governor may refuse to give his assent.” This is what the commentator says and Dr. Ambedkar comments

“Many like me will be alarmed by this view.”— as we were alarmed by Dr. Ambedkar's interpretation here—“It is a dangerous doctrine and I am sure our Constitution does not warrant it. I hope that this is the only doctrine which can be so described and that the rest of his views are safe and sound.”

And this preface was signed by Dr. Ambedkar on October, 23, 1950—not an ancient document. I do not wish to develop this point. What I have said has made it sufficiently clear that whatever we wish to do, we cannot blame the court for having respected the provisions of the Constitution.

On this question of Fundamental Rights, I came across a very interesting quotation from the proceedings of the Joint Select Committee in Parliament when the Government of India Bill of 1935 was under consideration. One mistake which we have done is this. My friend Rev. D'Souza spoke just now and he tried to justify the laws which restrict freedom on the ground that they are nothing new, that they have been in existence in this country for such a long time and all that the Government is doing is to continue such laws. It is nothing new—apart from any emergency consideration, for which certain specific provisions exist in the Constitution. Our foreign rulers had put on the statute book a number of

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repressive laws. I do not want to deal with the point as to why such laws were necessary. Obviously they were necessary to stifle Indian freedom. But the laws were there. They were on the statute book. We have not disturbed them. We have not modified them. We have not amended them. But over and above them we have super-imposed the Fundamental Rights. And then, when the matter comes before a court of law, what is the court going to do? On the one hand the court has the Chapter on Fundamental Rights. On the other there are these repressive or rigorous laws which were put on the statute book by the foreign rulers who were then in charge. Naturally the court says that some of the provisions of these laws are inconsistent with our Constitution which enshrines freedom in its pages and therefore, they are void. What we are doing to-day is this. There is no attempt to modify those laws. The laws are there. But we are restricting freedom. We are giving more powers to Parliament to enact more laws restricting freedom, and thereby trying to cover as much of these nauseating laws as possible. I submit that this is a completely wrong approach to the problem. I was glad the Prime Minister said yesterday as he did also at the Select Committee that it was his intention to have a review of all these repressive laws, and perhaps it may be possible to bring back only such laws as are really consistent with the needs of the country. I hope that will be done. But in any case the power which you are now taking is not power which is necessary for any emergency that has arisen in the country, but for perpetuating certain lawless laws which our British masters had forged for the purpose of curbing freedom in India. That is what we are doing. This point was really dealt with by Sir Samuel Hoare at the Joint Select Committee in London. There some Indian representatives pressed that there should be a Chapter dealing with Fundamental Rights, in connection with the Government of India Act of 1935, and Sir Samuel Hoare expressing both the views of his Government and that embodied in the Simon Commission's Report said.....

An Hon. Member: That is all old history.

Dr. S. P. Mookerjee: Yes, but sometimes old history has to be repeated because you are perpetuating old lawless laws.

Well, this is what he said:

"Indian delegates were anxious to have some declaration on Fundamental Rights. We are aware that such provisions have been inserted in many Constitutions. Experience, however, has not shown them to be of any great practical value. Abstract declarations are useless unless there exists a will and the means to make them effective". (*Hear, hear*).

A will to recognise India's birth-right which the British rulers did not have: I hope the hon. Member will repeat "hear hear."

"But there are also strong practical arguments against the proposal which will be put in the form of a dilemma; for either the declaration of rights is of so abstract a nature that it has no legal effect of any kind or its legal effect will be to impose restrictions on the powers of the legislatures to create a grave risk that a large number of Indian laws may be declared invalid by the courts because of being inconsistent with one or the other of rights so declared."

The hesitation of Sir Samuel Hoare to give Fundamental Rights to the people of India was thus due to the fact that he feared that such Fundamental Rights would render impossible the continuance of these lawless laws under the authority of the Court. He also referred to another point:

"An examination of the lists to which we have referred shows very clearly indeed that this risk would be far from negligible. There is the further objection that Indian States have made it abundantly clear that no declaration of Fundamental Rights is to apply in State territories".

Of course the last point is eliminated so far as our Constitution is concerned.

These are the reasons which I am advancing in order to appeal to Government that they should examine this matter in a more realistic manner. If there is any real need for change, justify it—and I shall presently state where such changes may be necessary—but only to ask for absolute powers to legislate in any manner you like to restrict the liberty of the people will be something which will be completely arbitrary and reactionary.

I have been trying to follow the speeches of the Prime Minister, the documents which have been circulated to us and going through some of the judgments which our Courts have delivered and there are two points which come out very prominently. The one is that we are hastily proceeding with the task of amending the Constitution without waiting for the Supreme Court to give its verdict. Some High Court here or some High Court there has expressed some opinion and immediately you rush on and go to amend the Constitution. Here the obvious course for any prudent Government having any respect for the Constitution would have been to wait till a decision from the Supreme Court was obtained. If the decision of the Supreme Court went contrary to what were matters of grave public policy, matters on which Parliament alone will be the supreme judge, then Government could have come forward and after giving full facts and reasons proceeded to amend the Constitution. That has not been done. Secondly, even if we take the judgments which have been given, what is the main decision which has disturbed the Government or disturbed others. In every speech supporting Government it was mentioned that incitement to violence does not fall within the scope of 19(2). Somebody goes on to say 'go and commit murder or go and loot or plunder'; if no overt act takes place, you cannot deal with such expressions of opinion. Here as I had previously suggested and I would do even at this late stage, you may amend the Constitution so as to provide clearly that incitement to violent crimes falls within the restriction of 19(2). There will be complete unanimity not only here but also outside and if there be any section of people who oppose such inclusion on the ground that they would like to incite people to commit violent crimes against persons or property, there will be solid public opinion against such sections of people. That is the only lacuna which may be pointed out in view of the judgment of the Supreme Court in Ramesh Thapar's case but beyond that so far as 19 (?) is concerned, not one single judgment has been delivered which may be construed as having done something which necessitates the change in the Constitution as proposed. Now, what are the changes that you are proposing? Here, if I take 19(2) first, you have dealt with the security of the State. The language given previously was that anything which tends to undermine the security of the State or to overthrow of the State will come within the purview of 19(2). Now there the restric-

tion is limited and as in some judgments it has been pointed out that unless a particular speech really tends to undermine the security of the State, such speech will be permissible. Now, there you have widened it to include just simple interest of the security of the State. There you have taken wide powers. Suppose you take that power which means.....

Pandit Thakur Das Bhargava: May I correct the hon. Member?

Dr. S. P. Mookerjee: Let him do so when he speaks.

Pandit Thakur Das Bhargava: It is only 'undermines' and not 'tends to undermine'.

Dr. S. P. Mookerjee: Very well, the word is 'undermines'. Let us underline it. So far as the change is concerned, you have broadened it completely. Anything that tends to affect the security of the State is now within your purview and what may not come within this category? The Prime Minister said yesterday and quite rightly that he hates section 124A but he automatically revives section 124A; the thing which he hates becomes law as soon as you amend the Constitution in this way.

Pandit Thakur Das Bhargava: It can never be revived by the present Bill.

Dr. S. P. Mookerjee: If he may go to the Supreme Court, he will get the answer.

Now public order also is another such wide term. I do not want to read the judgments etc. because when you discuss this Bill clause by clause, we will have an opportunity to discuss it, but it has been interpreted that public order includes everything—public safety, health laws and whatever that you can imagine. It all comes under public order.

Then you have said about friendly relations with foreign States. Now that also is sufficiently wide in description. The Prime Minister said the other day that he and Dr. Ambedkar were thinking of defamatory statements or similar acts affecting heads of States or other representatives. This is no secret and the Prime Minister himself admitted it that the Government agreed to amend these words and to be satisfied only with defamatory statements affecting heads of foreign States and other similar acts concerning such friendly relations. Now, if that had been done, the objection would have been much less because then people would have known exactly your meaning. It is no use the Prime

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Minister saying here that he has no intention to curb freedom in any other respect, at the same time asking for the widest possible powers under this category. Here again I must say—Dr. Ambedkar is not in this House—so far as friendly relations with foreign States are concerned, you may remember that I made a statement on the first day of the consideration of the Bill that there is no Constitution in the world where such a provision exists. Dr. Ambedkar contradicted me and when I asked him to specify whether he could point out any Constitution in any part of the world, he said 'No, but there were many countries that have passed laws of various kinds' and he said Canada has done it, U.K. and America have done it. So far as Canada is concerned, I have not been able to trace any law. I tried to contact the Canadian Embassy and no such enactment is available. I asked for a copy from Dr. Ambedkar but he has not supplied me one and he made the statement that he has seen it. So far as American law is concerned, what he read out in the House was something entirely different from what is actually to be found in the body of the law. This is what he said. This is the authenticated speech of Dr. Ambedkar which has been circulated to the House. He said:

"The first clause says that 'anybody wilfully and knowingly making any untrue statement, either orally or in writing, about any person shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than five thousand dollars'".

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Then he said: "I want him to compare the punishing clause of our law with the punishing clause of the American law."

Section 1 of the American law is extremely restrictive in character. I am sorry I have to trouble the House with reading it but it is necessary that I should put it on record that the law as it was represented to be by the Law Minister on that day is different from the law which is actually existing. This is a quotation from the book *United States Statutes at Large*, which was available in the Library of our Parliament.

Pandit Krishna Chandra Sharma (Uttar Pradesh): What is the year of its publication? It might have been amended subsequently.

Dr. S. P. Mookerjee: This is the only copy available in Delhi. The year of publication is 1919. I am open to correction, if it is proved that the law has since been changed. This is the only book available in the Parliament Library and no such change has presumably been made. If anyone can say that a change has been made I shall stand corrected. It is rather interesting to know what the American law has provided quite apart from what Dr. Ambedkar has said. The American law is certainly relevant and we should have a look into it for the purpose of extending our own bounds of knowledge.

This is what it says:

Section 1. Whoever, in relation to any dispute or controversy between a foreign Government and the United States, shall wilfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of the United States, or any branch thereof, to the injury of the United States, shall be fined not more than \$ 5,000, or imprisoned not more than five years, or both."

It will thus appear how restrictive the law is. Another section does not really relate to anything said with regard to foreign relations but if anyone poses as an ambassador, if there is a mad man who moves about Delhi posing as the ambassador of Kamchatka obviously you can arrest him and put him in jail. The definition of a government given is not necessarily a *de jure* government; it may be a *de facto* government also like the Nationalist Government of China, which the U.S.A. recognised. Anything affecting either government will come within the purview of this law. In any case I do not like to pursue this matter. So far as this provision is concerned it is clear that we have not been able to find any country at all where such wide powers have been given to restrict the freedom of speech as has been proposed in the amendment to the Constitution before us.

Shri Bharati (Madras): You are referring to the law but this is an enabling measure.

Dr. S. P. Mookerjee: There was no enabling measure in the Constitution. The law was passed by the Congress and the Supreme Court held that the law passed by the Congress was valid.

The Minister of States, Transport and Railways (Shri Gopaldaswami): The Bill we are considering is merely an enabling measure.

Dr. S. P. Mookerjee: Is it necessary to put it in the Constitution?

Shri Bharati: Otherwise you do not have the powers.

Dr. S. P. Mookerjee: You are extending the scope in such a way that it will make it possible for you to restrain freedom of speech in respect of any matter which may concern the relations with any foreign State; it is not a friendly foreign State but any foreign State.

There is one very great point which arises in connection with article 19(2). The laws may be passed by any State Legislature. I was glad to hear the Prime Minister say that he has every sympathy for the proposal that such powers curbing the Fundamental Rights should be exercised only by Parliament and not by the State Legislatures. If this is done, I believe it will be a very important change. You are giving these wide powers to any and every State Legislature and there may not be any uniformity. There is no guarantee that all State Legislatures will be controlled by one and the same political party. It may create such serious difficulty in relation to the exercise of the Fundamental Rights by the citizens that there will be no power under the Constitution for anybody to control it. Even at this late stage I would suggest to the Prime Minister, either give the power to Parliament or at least, as he agreed to an amendment in respect of proposed article 31A, no such law so far as it affects the exercise of Fundamental Rights shall be put into operation unless it has been placed before the President and the President has assented to it and certified it. That will be at least some guarantee that some uniformity will be observed and some check will be provided.

So far as the other clauses are concerned I shall not dilate on them. I shall speak on them when the Bill is taken up clause by clause. The only point to which I shall refer is the one mentioned by the previous speaker Rev. D'Souza. While referring to proposed articles 31A and 31B he rightly referred to the need for effecting land reforms so that the great agrarian problem may be properly and effectively tackled before things become too

serious for the country. There is no objection to that. But what is it you are doing? I do not know whether Rev. D'Souza has very carefully applied his mind to articles 31, 31A and 31B. He said that he stood for the sacredness of private property and he wanted that its sacredness should be preserved. He also said that compensation may be given. But what is it that you are doing under article 31A? You have said in article 31 that compensation shall be given in accordance with the law. The Legislature will have to decide what will be the compensation and the manner in which payment will be made. In article 31A you say that in future any law passed by any Legislature in respect of acquisition of estates will become good law notwithstanding the fact that it contravenes any provisions of the Constitution, so far as the Chapter dealing with the Fundamental Rights is concerned. If you want to say that with regard to the acquisition of estates you do not wish to give compensation or deliberately take away the powers of the court, I can understand the logic of the argument. There may be differences of opinion but I can understand the straightforwardness of the logic. But you pass your Constitution, provide for certain safeguards and then say that you can pass a law and even though that law is inconsistent with the provisions of the Constitution, still it will become good law. That is something which is entirely unprecedented. If you desire that in order to effect land laws no compensation should be paid and there should be no respect for private property, take the opinion of the people and decide accordingly and face the people in a straightforward manner. I can understand the logic of it. But for Heaven's sake do not have in your Constitution a compensation provision under one article and at the same time validate a law which is against the Constitution and call it also good law.

Shri Bharati: That is only with respect to zamindari.

Dr. S. P. Mookerjee: Whether it is with respect to zamindari or anything else, the Constitution whether good or bad, must be respected so long as it stands. On that point we can agree to differ.

With regard to article 29(2) I do not wish to speak in detail. The Prime Minister said yesterday and we all agreed with him that there is complete unanimity of opinion inside this House and in fact in the country as a whole that everything possible should be done to give the fullest possible facilities to the backward classes. That is a principle on which we stand. There

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can be no question or dispute about it. If we allow the backward classes or those who are educationally, socially or economically far behind other classes or people to continue as they are, it will be disastrous, not for them but for the entire country. But that has to be done and in a manner which will obtain the utmost support of the entire people of this country. The fear is that if you amend article 15 in a way which will make it possible to make discrimination or discriminate in a way which may not really help those who are backward but may do something else or prevent people who belong to some castes, who are more intelligent or advanced, from getting what is due to them, then difficulties and controversies are bound to arise. Here is a question of arriving at some such formula which will make it possible for us to help the backward people as also to see that it is not abused. The Select Committee in its report has mentioned this point, but I would like if the clause can itself be amended in an agreed manner so that this point of view can be specifically mentioned there. Unfortunately, it has been left in the hands of any State. If the power could have been given to the President to see to it that this is not abused, well, that would have been some guarantee; or, if you say that reasonable provision should be made—not a question of special provision—then also no State will venture to go out of its way and do something which will be against the interest of the general public as a whole.

Yesterday, the Prime Minister said that Constitutions do not matter, that you can frame a Constitution as perfectly as you like but even such a Constitution may be exploded completely. And most unfortunately he cited the instances of Germany and of Spain. I was reading his own book last night where—I do not wish to read those quotations, but would just refresh his memory by referring him to his own book—he has pointed out why these Constitutions failed: the Constitutions do not fail because there was anything wrong in them but the freedom that was given, the liberties which were ensured and the powers which were given, were abused, by whom? by tyrants, by despots, by dictators, by the ruling power who did not wish to respect the Constitution; they came forward and said, "We will take the power in our own hands and we will do whatever we like." (An Hon. Member: That was not the case with Spain.) Spain was worse; foreign powers helped to crush the Constitution. In any case we do not want such

tyranny or dictatorship to raise its ugly head in India. Therefore, it is much better that while we constantly watch the provisions of our Constitution and see to it that nothing is done which may stand in the way of the fulfilment of the right aspirations of the people of this country—we will do that by all means—we will not at the same time disrespect or repudiate our Constitution. We will not treat it, I repeat what I said on the first day, as a scrap of paper. If we ourselves show this disrespect to the Constitution, or proceed to amend it because there is some small attack from this quarter or some suspicion thereon from that quarter, because of embarrassment caused to the powers that be, then we shall be sounding the death-knell of democracy in this country.

I wish to conclude by quoting, not from books relating to the French revolution or the American revolution, but I shall conclude by reference to what a great English constitutional lawyer said with regard to the respect which should be given to the Constitution of every country. This is what Allen said quoting from Junius's *Dedication to the English Nation*:

"Let me exhort and conjure you never to suffer an invasion of your political constitution, however minute the instance may appear, to pass by, without a determined, persevering resistance. One precedent creates another. They soon accumulate, and constitute law. What yesterday was fact, today is doctrine. Examples are supposed to justify the most dangerous measures, and where they do not suit exactly, the defect is supplied by analogy. Be assured that the laws, which protect us in all our civil rights, grow out of the constitution, and that they must fall or flourish with it. This is not the cause of faction, or of party, or of any individual, but the common interest of every man in this country."

Pandit Thakur Das Bhargava: I have heard with great interest the eloquent speech of Dr. Syama Prasad Mookerjee. 80 per cent of his speech was devoted to expounding the doctrine of a written Constitution and I must say that all of us agree, if not with more at least with 80 per cent. of what he has said about the utility and sacredness of the Constitution. And perhaps Government agree with him to the extent of 90 per cent. of what he has said. We framed this Constitution in no light spirit, and Dr. Mookerjee, I am very glad, wants to stand by this Constitution. There are

parties outside in the country who say that the Constitution is not right and that as soon as they come into power they will scrap it, but I am very glad that Dr. Mookerjee stands by the Constitution and is zealous to maintain it.

The only point of difference between his point of view and that of others who also stand by the Constitution is this, that he is agreeable, so far as this Bill is concerned, to more than 50 per cent. of what this Bill says. He has just stated that so far as incitement to an offence is concerned, he is agreeable that the Constitution may be changed. He is also agreeable, so far as the question of maintenance of friendly relations with foreign states is concerned, to a certain extent. But may I ask him humbly, what is the use of reading out these Constitutions to us and reading out the opinions of those Americans or Englishmen who stand by their own Constitutions? This House and the whole country is committed to this Constitution and I for one can say that the charge against the Government that it is not committed to the Constitution is absolutely unjust. On the contrary, what do we find? We find that in the Chapter on Fundamental Right when we enacted the Constitution we accepted certain propositions. It is quite true that we took our clue from the American Constitution, but the American Constitution also is not a written one in the sense ours is. That by itself imposed a certain kind of restriction upon us and I agree with Dr. Mookerjee when he says that our Supreme Court and our High Courts are perfectly right that we are not in a position to invoke "police powers" or "implied powers". I do not agree with Dr. Ambedkar that our Supreme Court should have or could have invoked "police powers" or "implied powers". As a matter of fact, it is human nature that it wants to lay the blame on others and not confess its own shortcomings or guilt. As a matter of fact, we must confess that we made a great mistake when we were enacting article 19(2). The mistake was this, that we wanted to see that the word "sedition" was taken away from our Constitution. And are never substituted anything to take its place. We ought to have put the words 'endangering public order' instead. Yesterday Mr. Naziruddin Ahmed read out from the debates in the Constituent Assembly when Mr. Munshi moved an amendment to that effect. I also had the honour of moving an amendment for the deletion of the word "sedition". Because under the old Government sedition though technically a crime, was really a duty and consequently many Congress men had com-

mitted it. Under the new conditions, every Member of the Constituent Assembly wanted that the word "sedition" should not be there. It is not surprising therefore that we omitted the word "sedition". And I make bold to say that even now the position is the same. Dr. Mookerjee will kindly forgive me if I differ from him in the opinion which he expressed before the House. According to the change which we are making my claim is that sections 153A and 124A of I.P.C. cannot be revived.

Shri Goenka (Madras): But the Law Minister differs from you.

Pandit Thakur Das Bhargava: The Law Minister has a right to his own opinion. I am only submitting my own opinion. I submit that not only sections 153A and 124A of I.P.C. cannot be revived, but also that many of the provisions from the Safety Acts and other Acts which are not consistent with the provisions which we are now making will be bad law and they will not be revived. Because under the provisions of the Constitution only such laws will remain alive as are consistent with the amended provisions. (*An Hon. Member: Question.*) Some of my friends question this. Let me put it straight to Dr. Mookerjee and those of his view: do they want that in this country the law of sedition, the law about dissemination of hatred and enmity between different classes may be the same as in Britain and America, or do they want it to be different? My humble submission is that unless the words "public order" are there, our law can in no case be on the same level as the law at present in force in England and America. If the words "public order" are not there it is likely to create difficulties for us. Dr. Mookerjee and Mr. Naziruddin Ahmed themselves know and maintain that it has been held by the Supreme Court that incitement to commit offences, as well as making speeches or publishing anything which may even lead to disorder will not be covered under any law made under present article 19(2). After the judgment of the Punjab High Court, the position is that any person is at liberty to make any speech, to publish anything which he chooses and even if disorder results as a result of that, he cannot be held liable under any law. My humble submission is that with the present law it is impossible to go on with the administration of the country. I can understand some politicians may not realise it; but I am rather surprised that some lawyers also do not realise the present position.

In my district a notable politician went and delivered a lecture the pur-

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port of his lecture being that the Central Government was weak. He exhorted the people to take *lathis* with them, proceed to Delhi and capture the Red Fort and kill such of the Congressmen as are to be found here. That man could not be proceeded with. It may perhaps be said that a person like him could be detained. But no Government could be carried on with detentions without trial. It is true that the law of detention is there. This also brings into relief the fact that whereas Parliament has given power to the executive to detain people without trial in respect of certain matters, and in respect of those very matters Parliament thinks twice before arming the executive with power to punish the persons committing the same offences. In the present state of the law, he must be a bold man who claims that the law is sufficient and no change is necessary. In fact, whatever others might say Dr. Mookerjee has today admitted that the change in the law is necessary. The only question is to what extent it is necessary and how far the present provisions are able to answer our needs.

In regard to this Bill there has been a great agitation in the Press. The Press people have taken an attitude which to start with could be regarded as just as they were not consulted. But since this Bill has emerged from the Select Committee my humble submission is that the Press people have not realised that a great change has been made. After all the liberty of the Press is based on the liberty of the individual and it is not that the Press people alone should be anxious about the liberty of the Press. All right minded people should be equally anxious, if not more anxious about the question of the liberty of crores of people, and he must be a dishonest man who does not care for the abuse of liberty if he is to discharge his duty as a representative of those millions. Therefore, I submit that the question is not only about the liberty of the Press; it is equally about the liberty of the people. I would submit with all the emphasis at my command that the amendments now made in the Bill go sufficiently far to protect those liberties.

It is not realised that the change now made has not only protected us, but has even enlarged our liberties. It was said that two years after the American Constitution was drawn up an amendment was brought not only to protect that freedom, but also to enlarge it. I can similarly say that this Bill to a great measure not only protects but

also enlarges our liberties. Previously, as you are aware, Sir, in article 19 the word "reasonable" appeared in all the exceptions relating to the article except clause (2). The provision was this:

"(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."

The word "reasonable" was not there, which means that so far as those laws went, they were not justiciable as they have become today. Now every item of 19(2) has become justiciable and amenable to the jurisdiction of the Supreme Court. Even in regard to contempt of court or defamation, the executive cannot make a law which cannot be scrutinised by the Supreme Court. So to the extent of adding this word "reasonable" we have enlarged the liberty of the people. As the liberty of the Press is based on the principle of the liberty of the individual, the liberty of the Press has also been enlarged. It is true that three words have been added to this clause and they are important words. May I submit that the words "public order and incitement to violence" should have been added even previously. We made a mistake in not doing it then. In this connection I must congratulate the Law Minister and the representatives of the Press also, because they exercised their influence in getting this word "reasonable" inserted in the clause. I do not know how far their pressure has brought about the change. At the same time I cannot conceal the great service they have done in getting this word into the Constitution. I must also congratulate the Government for their spirit of accommodation and responsiveness to public opinion.

Dr. Mookerjee and others of his way of thinking complain that the present Government want to perpetuate themselves and it is for that these changes have been made in the Constitution. I must humbly submit that when Government have accepted the insertion of the word "reasonable" they have shown that they are open to conviction and do not want to curb the liberties of the people or the authority of Courts of Law. Government could have carried the Bill through without inserting the word "reasonable" if they so chose.

In regard to article 19(2), previously we only indicated the limits up to

which the Legislature could go to enact the relevant Law. By the insertion of the word "reasonable" we have now enlarged the liberties of the people. Therefore, if you look at the question from the lawyer's point of view, you will be satisfied that the change is for the better. I have no quarrel with the politicians. But the difficulty is that politicians look at the matter from a point of view of sentiment, while lawyers see it from the point of view of reasonableness.

Sbri Kamath (Madhya Pradesh): What about lawyer-politicians like yourself?

Pandit Thakur Das Bhargava: Every Member of the House is presumed to be something of both, though in everyone there is some preponderance of one element or the other. My submission is that I want to look at it from the point of view of reasonableness. On the previous occasions we failed to put the word "reasonable" and the other necessary words. At that time it was not realised that the words "security of the State" would be interpreted in a rather limited way and would not include "public order". An amendment was moved to include "public order" but was negatived.

I do not agree that the Supreme Court has not interpreted these words rightly. I must pay a tribute to the independence of our Supreme Court which has given right decisions, and I must say that in the light of those decisions we have no other alternative but to make the necessary amendments. This is admitted by my hon. friend Dr. Mookerjee and others. The only point of difference is that they do not want the words "public order". But if the words "public order" are not there we will not be able to control the situation. Because, in the American Constitution, the danger to public order is the basis on which they have proceeded and held sedition law to be valid which otherwise could not have been so held. According to the law in England and America, in both the places, the term "public order" is the only basis on which their laws are founded in regard to sedition. Without these words we will not be able to control the situation. These words are absolutely necessary. I would rather like that these words are circumscribed by the words 'maintenance of', or by the word "endangering" or "undermining". But even if they are not circumscribed in that manner I will certainly submit that as a matter of fact in the absence of these words no liberty can be secured, no peace could be maintained and no order could be established. Without order and peace I

need not say there will be no liberty left.

Considering the present situation in the country I was of the view that we should have added some more words to article 19(2). I wanted the addition of the words "dissemination of hatred and enmity between different classes inhabiting the Republic of India". But the Select Committee did not agree because the Select Committee people were more democratic and they did not want the revival of section 153A of I.P.C. And I congratulate them for not agreeing to include these words, because the inclusion of these words would have circumscribed our liberty to an extent. But I wanted those words. Our country has been under autocracy for thousands of years and communal tension has been rife in the country. The restraints and discipline which are acquired by free countries by long exercise of freedom have yet to be fully enshrined in our people. The population is ignorant and illiterate and it is very easy to mislead our people as they are apt to believe readily whatever appears in print. It is difficult for any Government to controvert and contradict all that is down in the papers. I submit that in a country like ours the Government should have more ample powers than there are in other countries. But my humble submission is that the powers which are taken by the Government are certainly not more than what are enjoyed by free countries; they may be less. And I am still apprehensive that the Government may find that they have not got sufficient powers to grapple with the situation. This is all that I have to submit so far as article 19(2) is concerned.

With your permission I would only refer to the word "reasonable" once more so as to emphasise its true worth before the House. It is true that every person cannot go to the courts. But do we not know that it is not necessary to go to the High Court so far as Fundamental Rights are concerned before going to the Supreme Court? The word "reasonable" is an insurance and a guarantee against the vagaries of any executive or the tyrannical law of any majority. With your permission I would submit how this word "reasonable" was introduced in regard to those five other clauses. The House will pardon a reference to a personal matter as I happen to be the author of the word "reasonable" in article 19. I was very much anxious when we were framing the Constitution to find a solution. On the other hand in article 19(1)(a) we

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these liberties full expatiated. But in the other clauses (2) to (6) of the article we had all the restrictions and restraints which took away that liberty and reduced it to a mere skeleton. When I was so anxious I was trying to find out a solution and at about one in the night after I had retired to bed it struck me almost instinctively that it could be solved by the inclusion of an adjective here. In the morning I went to Dr. Ambedkar and submitted to him that the word "necessary" or "proper" or "reasonable" may be put in here, and he was pleased to accept it. When Sardar Hukam Singh went to the rostrum and said "Here is a skeleton, there is no life in the Constitution and the Fundamental Rights" I had then the courage to point out to him that the word "reasonable" was the soul of these Fundamental Rights as it made them really justiciable. Unfortunately we did not then succeed in putting this magical word "reasonable" in clause (2) of article 19. Now we have succeeded, and to the extent of our success we feel that the liberties in this country of the common man as well as the press have been enlarged. With this word "reasonable" as our armour we can go anywhere with all these items and file our petitions, and the Supreme Court is there to protect the liberties of the people. And Government which accepted it at the last minute is certainly to be congratulated on their right decision. If the Government persisted in only enumerating the subjects in respect of which it could enact any Law, no liberty would have been left. Therefore I maintain that the inclusion of the word "reasonable" in this context shows as a matter of fact that we stand by the Constitution and that the Government regards it as sacred as any Member of the Opposition thinks it to be so.

It is said that it is only for sixteen months that the Constitution has been there. May I humbly ask, as Prof. Shah put it yesterday, if it had been for sixteen years what difference could it make? Is it not true that as a matter of fact the law in regard to these matters is lacking? I have not heard even a single Member saying that there is no need for a change of the law, unless he is totally unmindful of the real situation in the country. The situation demands that the law should be changed and without this change it will be most difficult to grapple with the situation in the country. From whatever standpoint you may look at it, this law was overdue.

Government, apart from article 19, has chosen to amend certain other articles. In regard to article 15 I would submit that that change which Government has made is also a salutary one. We in this House made provisions in regard to scheduled castes and scheduled tribes and backward classes, and we want that all these people may come up to the standard of the rest of the country. How can that be done unless they get educational facilities and seats in the Universities? That is the only ladder by which they can get up to the coveted place. If a special provision is made for securing seats to these people, article 29(2) will not be offended. Suppose 25 per cent. of the seats are secured to the scheduled castes and scheduled tribes and backward classes. Out of the rest 75 per cent no distinction will be made between the other classes. That is the right view, I think. I am rather afraid that this provision may be misused by non-backward people to get into reserved seats. But I should trust to the sense of the Central Government and the Local Governments in this respect. I was anxious and I proposed while I was in the Constituent Assembly that 'backward classes' should be defined in a manner that scheduled castes and scheduled tribes and some of those who were just above the level of the scheduled castes and tribes were included in it. But at that time I did not succeed. I hope that the definition now given in this clause will be taken as a good one, because it indicates that only socially and educationally backward classes coming under article 340 of the Constitution are to be included and no others.

I am rather doubtful whether you will be able to do much, and I am rather critical of the action of the Government in this respect. My own feeling is that Government has done very little for the scheduled castes and backward classes during the last four years. I wish something more were done. I wish that all that they can possibly do was done. The period provided for achieving the object is ten years and if during four years we have not done anything how will we succeed in seeing that they rise up in the social and educational standard of this country? My submission is rather than fighting for words let us all try and let the whole country declare that all the jobs in this country for the coming five years will be given to such deserving people belonging to the scheduled castes, scheduled tribes and backward classes as can be found. That seems to me to be the

way to do it. I wish that the Commissioner was at once appointed and that he began to function. I am glad to find that something has been done in the States, but whatever we wanted has not been done so far.

In regard to article 31, I am very sorry I have to strike a somewhat discordant note. When we accepted that the zamindari should be abolished, we wanted that compensation should be paid and we passed article 31. But article 31A is going to change the law to this extent that whatever little justiciability there was in article 31 is sought to be taken away. I have no quarrel with that. My opinion is the same that when a country has to deal with large problems it cannot be too critical whether A gets full compensation or B gets a bit lesser compensation. I support article 31A but while we are all agreed on the abolition of zamindari, we should not go further. In regard to Punjab which is a land of peasant proprietors with no intermediaries between the state and the peasant proprietors, I am afraid, the lands belonging to them will also come under the mischief of article 31A if it is not changed to a certain extent. I do not want that Punjab or some other province should be discriminated against and not be treated on the same level as the other provinces of India. In 1887, the word "Estate" was defined to include areas of land for which separate record of right was framed. There is no justification for punishing the people of the Punjab on account of this definition of 1887 and enacting a law for them which will be different from the law for the rest of the country. We know where we stand in the whole of India. The Government is committed to the abolition of zamindari and we are all committed to it but we wish nothing more was done to prejudice the position of the peasant proprietors in Punjab.

I have only one word more to say and that is in regard to the Judges of the High Court—four English Judges. In regard to that, I recognize that Government want to be just to them. I have no quarrel with that. At the same time my national honour is touched when I find that some day some non-Indian could become the Chief Justice of the Supreme Court. If there had been a higher court, I would not mind. Hence I would respectfully submit that Government should take care to see that so far as the post of the Chief Justice of the Supreme Court is concerned, it must always be filled by an Indian. I submit that so far as this Bill is concerned, it is certainly a piece of legislation

which is called for, proper and just; the Select Committee have affected such changes in it that it has become fully acceptable.

One word more about the question of 'reviving' those old laws and 'retrospective effect'. When the Bill was referred to the Select Committee, I complained in this House that as a matter of fact, all these laws will be revived. But since the word "reasonable" has been put in there, my fears have been set at rest. All the same, my view is that the Government under article 372 should adapt these laws. I quite see that the adaptation of laws involves much expense and much industry. All the same the adaptation must be undertaken under article 372. So far as the period is concerned from two years now, it is going to be extended to three years. Some of the old laws have been declared *ultra vires*. There are others which though not so declared are *ultra vires* and will not be able to live under the amended law and unless the adaptations are made, the country will not know what the actual state of the law is. We can have recourse to article 143 also in this connection and if any opinion is to be taken from the Supreme Court under article 143, the President is capable of taking that opinion. We should see that these laws are adapted and the public fears are laid at rest and sections 153A, 124A and other obnoxious provisions of the Press Emergency Law and Safety Acts are buried fathoms deep. The people do not know that they cannot be revived unless the adaptation is made. It is necessary that it should be made as soon as possible and their extinction notified. Article 13 and the liberty securing and levelling axe of "reasonable" could still be used in regard to the adapted laws even. But I hope the use of this weapon will hardly be necessary as the Government will rightly adapt these laws. I, therefore, have great pleasure in supporting the motion for consideration.

Acharya Kripalani (Uttar Pradesh): It appears that it is superfluous to speak at this stage. Government seem to have made up their mind and they have a solid majority behind them, and whatever is proposed will be carried out. Sometimes it becomes one's duty to raise a voice of protest when things that we never imagined before are done. I can understand that there be constitutional changes. Nothing in the world is stationary; nothing can be stationary; but where a law is changed, much more so when the basis of a law is changed in a democracy people must be consulted. There was one

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thing about which we have been educating the public for years and to which we were pledged. Everybody knew our minds about the abolition of zamindari. In this enough propaganda has been carried on and public opinion was in our favour. So if only an amendment had been brought to the effect that nothing in the Constitution should debar the Legislature from abolishing the zamindari system, I would have understood it. We were pledged to that but along with it has been brought something against which we were pledged. We were pledged to freedom of speech and freedom of expression (*Hear, hear*). We were pledged against their abrogation. The deprivation of the freedom of speech and expression had been our greatest handicap in our struggle for freedom. We struggled against it and we have suffered in order to assert the right of freedom of speech and freedom of expression. Putting those two things together is really a sort of strange jugglery which only the present Government is capable of.

Now, what is sought to be done? It is said that it is possible to legislate against incitement to offence. Why? Because some High Court or the other has said that even if you preach and propagate violence, but if you do not commit an overt act, that is allowable and is covered by freedom of speech guaranteed in the Constitution. This was recognised in the 19th Century and late 18th Century; it is not recognised now. If the amendment had affected only incitement to violence and incitement to murder, I could have understood. I think those who incite to individual murder must be mad people and may be sent to the lunatic asylums than to jails. But, this Bill says 'offence'. What is not an offence? As a matter of fact, during all our struggle we were preaching against what was considered by the State laws as offences. The whole of our *satyagraha* movement was to break the law, to break such provisions of the law that created offences. Today, if you pass this amendment, even *satyagraha* can come to be legislated against. Our Home Minister has told us that *satyagraha* nowadays is pseudo-*satyagraha*. I do not know a time when any *satyagraha* was very real except in the case of Mahatma Gandhi and some of his few non-political disciples. But, you must recognise the fact that, whether it was real *satyagraha* in the spirit of Gandhiji or it was pseudo-*satyagraha* it saved the country from great bloodshed. Sometimes, even pseudo things have their value. Therefore, I say that this word 'offence' is too wide

to be included in this Bill. The better way would have been to lay down that against incitement to violence and murder, the State can make laws.

Then, the phrase public order. This is another vague thing. We know how public order is disturbed in this country under the present regime. If a procession is taken out public order is disturbed. If some students want some facilities in their schools and colleges, public order is disturbed. If there is a hunger-march and people want food, public order is disturbed. When public order is thus disturbed, what do the Government do? They have ample powers. They use the police. Our police are very good at shooting. They shoot to kill. It does not matter whether it is women or children that they shoot. There is therefore ample power with the Government to shoot even peaceful hunger strikers. What more is needed, I do not understand.

Then, it is said that laws in consonance with the amendment may be made by Parliament or by any provincial Legislature. You must remember that elections are coming. It is not unlikely that in some provinces a Government might be put in power which may not be quite in tune with the Centre. In that case a State will have one set of laws and the Centre another. This is a sure way of creating confusion. If such extraordinary powers are to be given, then, I submit they must be given to the Central Parliament alone.

[SHRIMATI DURGABAI in the Chair]

We have not been told why these amendments specially about public speech and expression, are introduced. The Prime Minister says that it is said that these amendments have something to do with the coming elections. It is very natural that he is surprised when people talk that he is thinking in terms of the elections. I am afraid the Prime Minister does not think of everything. There are many around him who think of many things he never thinks of. Our trouble is that he does not think about everything and he allows others to think about what he does not think. Yet, it is admitted that it is quite possible that there may be confusion in the coming elections. I also think that there is a possibility of confusion in the elections. But, I think if confusion comes, it will come from the dominant party and it will also come because the dominant party has control over the administration. The bye-elections that have been conducted in some provinces clearly show that the Government machinery has been used to influence votes.

Pandit Krishna Chandra Sharma: Have any election petitions been filed against those elections?

Acharya Kripalani: Yes.

We have heard much about Fundamental Rights. The Prime Minister talked of the French revolution and the American revolution when this idea of Fundamental Rights arose. I was the Chairman of the Fundamental Rights Committee. As we sat, I told my colleagues that there was no such things as Fundamental Rights nowadays and that every right is so hedged in that it disappears. Yet, the Government wanted to make itself respectable. It is considered respectable to have these Fundamental Rights in your Constitution. England has no Fundamental Rights. It goes on quite well enough. But if you have Fundamental Rights you must make them respectable and constitutionally scientific. The report that we gave was not accepted. Other Committees were appointed to water down these Fundamental Rights till we came to the minimum that could be allowed as Fundamental Rights. Having done that, you want again to tamper with them. I can understand and I would be one with the Government and I will vote with the Government if they say, that there is no need for Fundamental Rights. It is an old and antiquated 19th century idea which took its rise from what are called natural rights. We have no more any need for natural rights and we should attach no value to the idea of Fundamental Rights. If you want to keep an antiquated thing to make yourselves respectable, keep it in a proper way; do not tamper with it as you are trying to do now.

Then, the Prime Minister waxed eloquent—I am sorry he is not present. He has a way of doing things which is peculiarly his own. He uses eloquence, passion, sentiment, reason, threats, and bullying (*interruption*).

Several Hon. Members: Question.

Several Hon. Members: No.

Acharya Kripalani: All these things were combined together in his speech yesterday. He told us that there was no sanctity attaching to the Constitution. Let us analyse who gave this sanctity to the Constitution. It is the Government itself. They made it into a special document.

Shri Joachim Alva (Bombay): Madam, may I interrupt the hon. speaker and ask whether the phrase 'bullying' is correct and parliamentary, and that in relation to the Leader of the House?

Several Hon. Members: No, no.

Mr. Chairman: I do not think it is unparliamentary.

An Hon. Member: Perhaps the hon. Member is not happy.

Acharya Kripalani: I was not at all happy; we are all not very happy. If 'bullying' offends anybody, I withdraw it. Will it satisfy? Will it make it less the bullying?

We were told that we should consider the Constitution as sacrosanct and we thought that it must not be tampered. But, how did this Constitution come to occupy such a sacred place? It is the Government that wanted to give it this sacredness. What did they do? They put it in a volume. The volume was illuminated. Everyone of us had to sign it. Then, the President of the Republic swears that he will keep the Constitution. Every Minister swears that he will keep the Constitution. But if they change the Constitution so easily and so quickly I do not know what they have sworn to. It is absurd to swear by something which you can change the next day.

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And then we are accused of being idol worshippers. By whom are we accused? By the beneficiary of this sentiment. I am sure the greatest beneficiary of this idol worship is our Prime Minister and also, may I add, his Government. But for this idol worship this Government would have fallen at least twenty times during the course of the last few years. It does not lie in our mouth to take advantage of the idol worship of the people and complain of idol worship when it happens to contradict what we for the time being consider to be very necessary and essential. Maybe that this Government has a very high opinion of itself, and also, maybe that those from outside who are invited have a high opinion about it. Those who come as our guests do not come to criticise. But I say the common man has not the same idea of this Government. And if it remains in power, it is because our people are idol worshippers. And were they not idol worshippers it would not have been necessary for the Prime Minister to bring this measure. There was the Law Minister. Of course, I know he is very hard worked, but yet he could have brought this measure before the House. And there is the Home Minister who is much more affected by this and in whose department it falls, than the Prime Minister. What has the Prime Minister to do with this? In history there are cases of certain sacred totems placed before an army so as to avoid being attacked. I will not name them. Anyway, if it were not for idol worship either the Law Minister or

[Acharya Kripalani] the Home Minister would have introduced this measure.

Then the Prime Minister gave us examples in history of Constitutions that have been destroyed. He talked of the Weimar Constitution and of the Spanish Constitution. By whom were they destroyed? I do not think they were destroyed by the authors of the Constitutions. They were destroyed by those who were their enemies. But here it is supposed to be the right of the mother to destroy the child, though generally it is considered a heinous crime.

The Prime Minister said we are confused in this war-and-violence-haunted world. Yes, we are confused, and it is because we are confused that we must take more time. It is not good to do things when you are haunted. First of all take away the ghost that is haunting you. When the ghost is taken away, you can think quietly and cogently and you can measure things properly.

And because the Prime Minister spoke of a haunted world, Dr. S. P. Mookerjee thought of the ghost in that drama of the Prince of Denmark. But I feel he was doing injustice to the Prince of Denmark. The Prince was only thinking aloud and therefore he seemed to be undetermined; but before a year or so he had gone and killed a few persons. I think the world has done a great deal of injustice to this poor Prince of Denmark when it said that he was not determined. He was a very determined person and I wish there were more determined people like him. He was determined, though not in his speech, but in his action. But here we have determined speeches, but the action is unlike Hamlet. The speeches here are like the end of Hamlet and actions are like the speech of Hamlet. We should no more do injustice to poor Hamlet. After all, he was determined to do something and he did not take much time to do it either.

The Prime Minister says he cannot allow the country to go to pieces. Constitution or no Constitution. If that is so, if he has power enough, if Government has power enough, to see that Constitution or no Constitution, Government will not go to pieces, then why tamper with the Constitution at all? The Prime Minister himself gave us an example. During the communal riots, he was not thinking of the law and the Constitution. He took action. So Government has ample power to take action in emergencies. That is already provided for in the Constitution. Then why bring in a measure like this? It

is vague to talk of law and order. The Prime Minister says that it is not the freedom of speech or of the Press that he is thinking of, but the freedom of the country. We are all thinking of the freedom of the country. The difference arises as to what constitutes this freedom of the country. Does it consist in abrogating the Constitution so carefully made? Or does it consist in tackling the anti-social forces about which nothing is done—the antisocial forces in commerce, in industry, in the administration and in other high places? These are a great danger to the unity and safety of the State, and not freedom of speech or the freedom of expression. And then, so far as the Press is concerned, I do not think the Press has in any way misbehaved. I know that there are certain irresponsible papers and they do write things which they should not. But you have the laws of libel and defamation. I know of a paper that day in and day out makes defamatory statements. But why do you not haul it up? You never do that. I read of some mystery or something in a pamphlet where a big merchant was maligned along with the Provincial Government and the Central Government. The name of the person is given and yet nothing has been done. You do not tackle these things as they ought to be tackled, and then you want general powers. These general powers, I say, will not do you any good.

An. Hon. Member: What paper is that? Is he afraid of giving out the name?

Acharya Kripalani: About some mystery or other it is. It is not necessary for me to give the name here. If the hon. Member is so interested in the mystery of that house, he will get its name.

And we are told that these amendments are only permissive. But what do they permit? They permit section 124A of I.P.C. to come back. They permit the Press laws to come back. They permit all the nefarious things that were covered by the Constitution to come back. It was said that the laws abrogating these will be made afterwards. If these nefarious Acts had not been abrogated by the Constitution you would certainly have repealed them. You could not have kept section 124A; you could not have allowed taking from Presses and so many other things. But you did not repeal any of these laws because they were covered by the Constitution. Now you are going to change the Constitution and you say it is only permissive—permissive of everything that is nasty that was covered by the Constitution. That I say, is not just. It

is not proper. Even then I would be very willing to give extraordinary powers to this Government if it were a fact that because they have no power, they cannot act. But I know from experience that when people who are weak are given power, they use their power to their own injury. A Government that cannot dismiss a peon in office wants to clothe itself with extraordinary powers! I submit, these extraordinary powers will be used to your injury; and who will use them? It will be they that will come after you. You are not going to be eternal—no Government is going to be eternal. The Prime Minister says the primary and greatest question is that of bread. It is written in the Bible 'He is a foolish father who, when his children ask him for bread, gives them stones'. But now we are living in modern times and when children ask us for bread, we give them bullets. Because in those days bullets were not there, poor Christ thought of stones only. In modern scientific age, we do not talk of stones but of bullets. I remember in Bengal there was a demonstration and instead of bread the demonstrators got bullets. I say if you want to make this Government stable, the remedy is with you. For food the remedy is with you, for cloth, the remedy is with you, for housing the remedy is with you. Talking of food, some seed merchants came to one of our Food Minister and they were talking of vegetable seeds. The cabbage grown in other countries is four times the size of that grown here and so they thought cabbage seeds may be brought from outside. The Food Minister very pertinently asked: 'Are cabbage seeds needed every year?' He thought cabbages are grown on trees. Another instance of a Commerce Minister. He went to a meeting of commercial people and asked: "Does India really export cloth"? Well, if you want to bring about the stability of this Government, first of all you have to see within. The kingdom of Heaven is within you. If you want to go further, you have to seek it in your administration which is inefficient and corrupt. Then you have to seek in blackmarket, in the hoarders' camp. These conditions create agitators. We used to tell the British repeatedly that we are not the agitators but the conditions that you have produced in this country create the agitators. After all the agitator plays with his life and he is not going to play with his life for nothing. He has a certain kind of idealism. Take away the cause of discontent and the agitator will disappear. The Prime Minister very pertinently said, the question in Asia is one of bread. In the Christian prayer, what do they want first? Bread—Lord, give us our daily bread—because without

bread, spirituality will not prevail. Gandhiji preached spirituality. He said. 'I can carry spirituality to the poor only in a bowl of rice'. Want of food is the cause of your troubles. Solve the food and the cloth problems. We produce much more cloth than we can consume and yet with the system of controls and permits and all that, we find that we cannot get cloth at all. We cannot get cotton. I am a producer of khadi but if I go to the market, I cannot get cotton even for production of khadi. We want to encourage khadi industry. But what has happened. A flourishing industry like the handloom weaving industry has been destroyed. Who has destroyed it? Not nature but men. Improve those industries, improve your administration, make it efficient and all the power that you want from us, we will give you. For tackling antisocial forces, we will willingly give you the power you need. Whom do you want to tackle?—the agitator. The agitator is not the trouble but the trouble is the conditions in this country. Improve those conditions and all the power you want we will give you. I say we will give you dictatorial powers, though I say you have dictatorial powers already. What are dictatorial power? What is dictatorship to-day? The Jays of military dictatorship are gone. Today there is only one dictatorship in the world. This is a dictatorship of a single party. Wherever there is a single party there is dictatorship. You have the dictatorship that Hitler had, that Mussolini had, that Stalin has, that Lenin had, the dictatorship of a single party. A single party is behind you and you have dictatorial powers. You may bring in any measure in this Parliament and it will be assented to; but, unfortunately, you are not dictators. It is just putting sharp instruments in the hands of people who cannot use them—they will only cut themselves. We have given you power enough but you have not the ability because you are not made in the mould of powerful people. What can we do? More power will only injure you. So please be satisfied with the limited power because your capacity is very very limited indeed.

Prof. S. N. Mishra (Bihar): I rise to support this measure but I shall do so with certain qualifications to which I propose to refer appropriately at a later stage of my observations. It is remarkable that although India and Pakistan both commenced the work of Constitution-making almost simultaneously, Pakistan still finds herself a Dominion, and she has not yet been able to give herself a Constitution whereas India, having declared herself a Republic, having given herself a

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Constitution, is now in the stage of amending the Constitution for satisfying the dynamic urges of the people. It is indeed a very pleasant spectacle now in this House to find a constant tug-of-war between the forces of conservatism and the forces of dynamism. It is not very surprising, because, whenever new ideas come up before the people, there are some, who from behind the cloak of a philosophy masquerading for certain conservative idealism, come to attack the very growth of them. These conflicts notwithstanding, I would like you to consider what is there that distinguishes the working in Pakistan and the working in our country that we are now a Sovereign Democratic Republic with a Constitution and they are still a Dominion without any Constitution. There are certainly some ideals and objectives which have always inspired and guided us to keep pace with events and the spirit of the times. I would particularly like to remind the House of those ideals and objectives which guided us in our freedom struggle on the revolutionary crest of which came the Constituent Assembly. Unless we keep these ideals in mind, I do not think we can properly appreciate the spirit of our Constitution or the amendments that have been placed before the House. It is necessary to be conscious of the ideological heritage of our freedom struggle, otherwise we get confused and lose perspective.

This amending Bill raises two points of considerable significance in regard to our domestic and foreign policy and sets a new tone to them. From these two aspects if we consider the amending Bill we shall certainly feel that the epoch of the common man is going to be inaugurated in this country by introducing these amendments to the Constitution. It is from this point of view that I would urge consideration, firstly, in regard to our domestic policy or social approach. By introducing amendments to article 31 we are going to bring about the liquidation of the intermediaries between the tillers of the soil and the state and the parasitic system of feudal land tenure that prevails in our country and, I think, this is a step which leads us towards the equalitarian society to which we have been pledged all these years. By introducing an amendment to article 15 we are in a way giving formal recognition to the sublime ideal of *Sarvodaya*, according to which those who are on the lowest rung of the social ladder must be helped towards progress and advancement in

different spheres of life. Lastly, by amendment to article 19(6) we pave the way for nationalisation, if and when that policy becomes desirable and feasible.

From these points of view, I find a definite design or pattern behind the amendments. As you see, they relate to a programme of economic and social life and it is, therefore, not strange that those who cannot appreciate the spirit behind it come and criticise it. I would also like to submit that altogether they make a complete organic whole, not that certain loose amendments have been put in in juxtaposition to each other. While saying so I leave aside the minor amendments that are also there. There is a certain pattern of life and society at the back of the amendments and therefore those who believe in this pattern must give their support to this measure.

Coming as I do from a State which has been bled white under a feudal system of landlordism, I speak with a certain amount of relief as also warmth of feeling, when I find that the liquidation of this system is now in sight. There is, therefore, a special emotion that attaches to what I say in this connection. It is difficult to calculate exactly the loss in terms of agricultural productivity and efficiency and consequently in terms of human misery and starvation which this parasitic land tenure has brought about in this country.

I think the amendment to article 31 will be in a sense unique in history, analogous to the amendment of the American Constitution in 1865, which abolished slavery in that country. It opens out a new epoch for the common man. Like the amendment of 1865 in U.S.A. abolishing slavery, this amendment of article 31 in the year 1951 is going to rank in history as an important landmark.

After the liquidation of the feudal rule in 500 and odd pockets of India it was but natural that the relic of feudalism should be wiped out from other sectors also. It inaugurates, in the same way as the liquidation of the feudal rule in 500 and odd pockets of India did, a bloodless revolution in the economy of the country. It is indeed a bloodless revolution, the significance of which may be lost upon those who suffer from certain amount of wilful blindness because of their vested interests. But I feel that it will augur well both for the tenants and the vested interests. It gives me a little surprise that these vested

interests, who have their champions both inside and outside the House, are unable to develop the requisite perspective or adaptability, as was evident from the speeches of hon. Members like the Maharajadhiraj of Darbhanga, Shri Sahaya, Shri Srivastava and others. I think it is high time that they develop the requisite adaptability to catch up with the times: otherwise they will find it difficult to get on and square with the situation that is fast developing.

Speaking in a rather positive way I feel that the amendment to article 31 clears the ground for progress and we all hope that it will extend its frontiers and make for greater agricultural productivity, efficiency, co-operative farming, and for the better distribution of land which we all stand for.

There are those who feel that the land reforms as at present conceived, do not go far enough and I want to say a few words to them. There are some people who want to keep their heads high in the stratosphere but do not keep their feet firmly planted in reality. What we have done is that we have been keeping pace with the spirit of the times and at the same time not ignoring the practical implications of any proposal that we have been placing before the country.

I am, however, sorry that although Government is in a unique position to do so, it has not evolved a uniform post-abolition agrarian pattern for the whole country. It is in a unique position in the sense that a Congress Government is functioning at the Centre and in all the States and it would have been very easy for the Government to evolve a uniform agrarian economy for the whole country.

A complaint has been made that the jurisdiction of the courts is being completely ousted in this matter. One cannot feel very happy when circumstances forge compulsions for such a step. But it is not a matter of ousting the jurisdiction of the courts for nothing—it involves a Social Objective which has given meaning and vitality to our Programmes all these years. We all have great respect for the courts and although it is very difficult for them to get rid of the class consciousness altogether, I feel that our Judges have acquitted themselves very well and we have reasons to be proud of them. We have always to remember their limitations. They have to interpret the law within the four corners of the Constitution and they must feel

helpless if they cannot move forward. It cannot, however, be gainsaid that in the extremely formal and technical adjudications it is impossible to realise the urgency of progressive measures that we would like to launch. Judges in the United States have admitted in so many words that it is difficult for them to have a complete picture of the social reality through isolated peeps in different litigations. In our country when the Judges, in a way, confess helplessness in certain respects, those who are advocates of this feudal system, or any other system in which they have vested interests, feel like advocating the cause of the Judges themselves! In this connection it would not be out of place to say a few words as to how the courts within their own framework cannot keep pace with the spirit of the times.

The House may remember how most of the New Deal measures of Roosevelt could not be given effect to because of an adverse Supreme Court striking down one measure after another. I do not want to go into the details of those New Deal regulative measures. They were mostly propounded in a progressive spirit. I want to remind the House of what President Roosevelt was constrained to remark at one time that the Judges were living in a sort of "horse and buggy days". In our own country no one has said anything like that. On the contrary, our Prime Minister, though he has a fear of lawyers, has a great respect for the Judges. And we who belong to the party which is in Government have always been deferential to them and I say we are also proud of them.

Now, I want to draw your attention to the judgment of the Patna High Court holding the Bihar Land Reforms Act *ultra vires* on the ground of equality in the eyes of Law. This caused a certain amount of surprise and feeling among the people. Zamindars on their part think that since the Patna High Court has already decided in their favour and the case has not been taken to the Supreme Court, it is not proper for the Government to proceed with this amendment. It is difficult for us to appreciate, with all respect to the Judges, their conception of equality. What do they mean by equality? Do they mean arithmetical equality? Even in mathematics, all zeros are not identical or equal. If the Judges had in their mind the arithmetical equality, it is difficult for us to see their point of view and adapt our-

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selves to it. What I want to emphasise is that when courts fail to perform a historical function and respond to an urgently felt social need, those who have their hands on the pulse of the nation must come forward and perform the function that is demanded of them. They cannot just hold their soul in peace, until they have done the task assigned to them and redeemed the pledges they have made to the people.

I must also refer in this connection to certain misconceptions that might have been created by the incorrect statements made by some hon. Members in regard to compensation under the Land Reforms Act in Bihar. It was said that the Dharbanga estate which is certainly one of the biggest Zamindari estates in the country would get only rupees three lakhs. I would like to submit to you that it would in fact be getting not less than Rs. 48 lakhs. I do not want to go into the details of payment of compensation, but I have it on good authority that the Dharbanga estate would not be getting anything less than Rs. 48 lakhs. Similarly the Nazarganj estate, of which so much was said and it was said that it would be left with encumbrances, would be getting rupees four lakhs by way of compensation. It is no use creating misconceptions about certain progressive land reform Acts that have been passed by the States. If anything these States have erred on the side of practicability and liberalness.

Then I come to article 15. Let us not forget that there are millions of people submerged in poverty, filth and squalor, and something special and urgent has to be done for them if they are not to remain like that for ever. But when we proceed and want to do something, the doctrine of 'non-discrimination' or the doctrine of equality begins to operate. That is what we are faced with at the present moment and what the Government of Madras was faced with in many cases. But I would like to ask the House as to what exactly is the meaning of equality? What exactly is the meaning of non-discrimination? Does it mean that there should be absolutely no distinction between the sick and the healthy and that we should not accord special treatment and special diet for the return of the sick to normalcy of health? A certain amount of suspicion has been aroused in this connection, however. And probably not without reason. That

suspicion is that the remedy may degenerate into the disease itself and those who are real claimants may be elbowed out of the queue and ulterior considerations may prevail. As the Prime Minister referred yesterday there is just a possibility, if we are not very careful, just and cautious, that the accentuation of class distinction or caste distinction might take place. But if we have our standard as vigilant as the Prime Minister who always thinks about a just and equalitarian Social order, there need be no apprehension on that score.

About article 19 there has been a certain amount of controversy and a good deal of comment. There has been a great deal of anxiety also. It is perfectly natural that there should be anxiety when people feel that the most cherished things of their life, namely the freedom of speech and the freedom of expression, are in jeopardy in any way. It is a very natural anxiety and I think all those who even support this article 19(2) have the greatest amount of sympathy with that point of view.

But firstly I would like to ask: What do they exactly mean by the freedom of speech and expression? When people speak of freedom of speech and expression I would request them to be clear in their mind as to what their conception exactly is about it. I have always a feeling that people begin talking about it without understanding its exact implication. Do they feel that by freedom of speech and expression what is meant is speaking or writing a thing without any sense of responsibility to the society? Those who believe in progressive ideology will bear with me that it is only through society that freedom of speech and expression can be achieved. What is the distinction between the animal world and the human world? It is that we act through society; the animals, the bovine species, have no society to act through. It is through society, through the co-operation of society, that freedom of speech and expression can be achieved and can have any meaning. Here, what happens is that people do not know their own minds but they go on talking vaguely about certain indefinite things being sacred to them.

I would like to ask in this connection whether it is not a fact that in different social situations men have different conceptions of the freedom of speech and expression? Whether it is not a fact that the freedom of one

is the cause of un-freedom of many? So what we have at the present moment is a vocal section coming forward with a particular conception of freedom of speech and expression. And when a particular section speaks loudly about freedom of speech and expression let us entertain a certain amount of apprehension. It may be a sort of class freedom, a certain sectorian concept which they have in their mind. I am not one of those who want curbs on freedom of speech and expression. But I am one of those who say, let us always be aware of what may be at the back of the mind of those who have been loudly advocating it. Let us not speak in the general fashion as we have been accustomed to. Liberty or freedom in my opinion is one of the most generalised goods like beauty, truth and justice. People have been talking of all these things in a peculiar fashion, everyone meaning different things with the same set of words. They must be very definite and precise in the connotation that attaches to these words. When Government have brought forward these amendments, I think they have not only the freedom of speech and expression of a particular section or class in mind, but they have in mind the big and all embracing freedom of the entire community that inhabits this country. It is in that larger perspective. I think, that we have to appreciate the spirit of the amendment which apparently seeks to put some curbs on the freedom of speech and expression but really does not.

Here I shall be going into certain details about some of those expressions which have evoked a certain amount of controversy. The first is in regard to 'friendly relations with foreign States'. Apparently it is a fact that this expression does not find mention in the Constitutions of other countries of the world. But one thing must be taken into account. India has taken a certain stand in this respect in some of the international bodies. If we go into the details of the proceedings of those international bodies we will come to the conclusion that India has always taken this stand, not in a solitary fashion, but in combination with other countries which are generally known to be progressive. Russia, Yugoslavia and some other countries have always supported India in this respect. I would also remind the House that recently Russia passed a law prohibiting all sorts of war propaganda within its territory. What was the object behind? In the present history of Russia, what distinguishes the approach of Stalin

from that of Trotsky? The difference of approach of Stalin from that of Trotsky consists in the fact that the former wants that the world revolution and convulsions should be utilized for stabilizing the Soviet State instead of Soviet State directly acting for international communism. Obviously it would have been to their advantage if they carried and utilized war propaganda but Russia recently put a law on its statute book prohibiting all war propaganda within its territory. I do not deny that there may be more in it than meets the eye. I want to invite the attention of the House to the fact that India has always taken up a certain stand in international bodies on this issue. Recently India took a stand in the U. N. Committee on the Draft Convention on Freedom of Information and on that issue was supported by progressive countries like Russia, Yugoslavia and others. With this amendment India is beginning the charity at home; she is acting in consonance with the stand she has taken up in international bodies. Nevertheless, I would like to ask whether it is proper for us to incorporate that in the Constitution. Now it may be urged that it is a very critical time in the history of the world. India believes in a policy of peace and not only a policy of peace by words, but a policy of peace by deeds. There was also a resolution in one of the bodies of the United Nations called "peace through deeds". So if India comes out with an amendment in pursuance of that stand and if it purports in a way to put a curb on all those propaganda which may strain relationship with a friendly State inevitably having its repercussions elsewhere also, it will be in keeping with that way of thinking. I would therefore like to know whether Minister that that could have been done in another way and probably better on the basis of reciprocity. I would submit to the hon. Prime Minister this could not have been left out or whether certain qualifying clauses could not have been advisedly attached to it. I have certain things in my mind and if I get an opportunity at a later stage, I shall explain them to the House. At the present moment, I simply want to refer to the discussions that took place in the Committee on the Draft Convention on Freedom of Information. Ultimately, as you know, Resolution A was passed and that resolution recommended the constitution of a committee of legal experts who were asked to give their opinion whether a particular section could have been

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added to the draft that was prepared; it runs as follows:

"False or distorted reports which undermine friendly relations between peoples and States and matters likely to injure the feelings of the nationals of a state".

I think, if an amendment to that effect could have been adopted, it would have been very proper. But it was not right to put this amendment in a hurry, particularly when a body of legal experts is considering this matter at the present moment this Resolution A which has a direct bearing on the subject. In a way, it may be said to have a certain significance also and that is that India by so equipping herself is exerting moral pressure on the issue she had been always raising in international conferences in the interest of "good neighbourly policy" and the promotion of international understanding. Although agreeing in substance with the sentiments behind it, I leave it to the Prime Minister to judge whether it was proper, when the resolution known as Resolution A was being discussed by a body of legal experts, for us to hasten this amendment to the basic Constitution. Nevertheless, it is true that we must back up all our professions with solid actions. It is time that we go forward resolutely and firmly in that direction. We stand for peace and within our borders we would not like anything to happen in a direction which is contrary to peace. But here a distinction must be made between information and propaganda. That was also a distinction made by some countries in the United Nations bodies. There were many countries which agreed that there should be absolutely no embargo on information but there should be a certain amount of curb on propaganda. A poor country like India does not like that there should be done anything by way of propaganda to strain the relations between the nationals of one country and another, and between one State and another State. In no sense it was conceded, however, that there should be an embargo on free and honest communication of news and views; but it was to some extent felt that there should not be any nefarious propaganda which may strain the relations between two States. Here, we had a certain amount of suspicion also that many rich and prosperous countries who are always out to inundate other

countries with their propaganda, may embark upon it and try to overwhelm us. We should completely guard ourselves against such things.

Mr. Chairman: May I suggest to the hon. Member that he may go into all these details when the relevant clause is taken up, because a number of Members want to speak. All these details can be taken up when the appropriate clause is under consideration.

Prof. S. N. Mishra: Our misfortune is that those of us who want to support this measure have had no opportunity and time at the initial stage. If an opportunity is not given to us now, I think it would be very unfair to us.

Mr. Chairman: The hon. Member has already spoken for 30 minutes.

Prof. S. N. Mishra: I have.

Mr. Chairman: I think that the effect of a speech will not be judged by its length, but by its quality.

Prof. S. N. Mishra: I would have liked to refer to some of the criticisms. I have just now finished a detailed discussion of some of the clauses. I would also like very much to take up some other expressions to which exception has been taken. First, there are the words 'public order' and then, there are the words 'incitement to offence'. So far as the words 'public order' are concerned, I think that they are, as has been suggested by some hon. Members, really vague to some extent. This subject had also been discussed in some of the bodies of the United Nations. There, America came out with the suggestion that the idea should be negatively phrased and the same object would be better achieved. The amendment that they suggested was: 'in the interests of the prevention of disorder'. They said that that would be more precise and more definite in its connotation than 'in the interests of public order'. When the critics say that these two words are very wide in their connotation and therefore too wide by way of restrictions, I think there is a certain ground for their misapprehension. The better thing would have been to put it negatively as America had suggested in one of the United Nations bodies.

Then, I come to 'incitement to an offence'. This phrase is also wide in the same sense and it should be

subject to 'clear and present danger' test. So in this connection also, certain qualifications are needed. But, having said that, I would like to say that I am really very glad that the whole clause has been made justiciable and some of the lacunae that have been disclosed by some of the judicial pronouncements and interpretations, have disappeared with the amendment. What I have in my mind is what an Executive officer recently said to us in one of the discourses. He said:

"Look at the anomaly that prevails at the present moment; when I find that a particular man has not been behaving in the interests of society, when I find that his utterances are creating bad blood and disaffection between communities, what course is left to us? We cannot say to him 'shut up' in the interests of society; we can only put him behind the prison bars; that is, whereas total deprivation of liberty is possible, partial deprivation of liberty is not".

That is what we find at the present moment. A man may be locked up behind the bars under the Preventive Detention Act for a very minor utterance that he might have made because a particular executive officer thought that that man has not behaved well in the interest of society. But he cannot be asked to 'shut up', not served with a notice or warning. He can only be detained. This is an anomaly with which Government was faced and this has been removed by the present amendment. And this is quite necessary and desirable not only from the point of view of the administration but also from the point of view of the society as a whole.

In conclusion I would like to say that this amendment of the Constitution gives economic content to our democracy and provides for freedom which in my analysis is really economic in nature. By this amendment we give larger freedom which is really economic and which affects productive relations of society. Our Constitution and our democracy are at the present moment being invested with rich economic content and let us be happy about it.

We can also now say to the whole world that India has done everything in her power to promote peace and understanding, amity and good relationship between herself and other nations and now it is for others to come forward and reciprocate.

Lastly, about some misgivings, our Prime Minister has given repeated assurances to remove all possible misapprehensions and I think they remind us of a few words of Madison uttered on the occasion of the first amendment of the American Constitution:

"It will be desirable to extinguish from the bosom of the community that there are those among their countrymen who wish to deprive them of the liberty for which they valiantly fought and freely bled."

I do not think with the repeated assurances of the Prime Minister in the same strain, we can have any reason to believe that these amendments are conceived in any but the best interests of society and the country.

Shri Deshbandhu Gupta (Delhi): I have listened to the speech of the hon. Prime Minister yesterday with all the respect and attention that it deserves. I have also listened to the speeches that have since been delivered. I fully agree with the Prime Minister that the amendment made by the Select Committee so far as article 19(2) is concerned—which is to be replaced by clause 3 of the Bill,—is a major change. In fact, I go to the extent of saying that it has considerably removed the sting which the original draft had and inasmuch as all laws which will be revived and which will be made hereafter in respect of the exceptions which are contained in this amending Bill, have been made justiciable, this is a very substantial gain and we cannot under-rate or minimize the importance of this change. It will also set at rest the doubts which have been raised in the public mind that the Government had an intention of by-passing the judiciary. This is a very important change and I congratulate the Select Committee on this no small achievement. I wish this change had been introduced at the very outset. If it had been done, much of the criticism which has been evoked in the country would have been avoided. But unfortunately we are generally not very careful at the drafting stage. We bring forward measures without due and careful consideration which unnecessarily creates misgivings in the minds of the public and in this particular respect did in the minds of the Press. The hon. Prime Minister also deserves the appreciation of the Members of this House and particularly of the Press who do not see eye to eye with

[Shri Deshbandhu Gupta]

him in respect of this Bill for the spirit of accommodation which has been shown by him in agreeing to this 'major change', as he has rightly described it. More so, perhaps the hon. Home Minister deserves congratulation because it is common belief that it was he who was persuaded after a great deal of argument, to agree to the introduction of the word 'reasonable'. The Prime Minister has justified the claim which he made that his approach in the Select Committee while considering this important measure was a non-partisan one. The tribute that has been paid by the hon. Dr. S. P. Mookerjee in that respect also deserves notice. I feel the Press of India and particularly those Members of this House—I refer specially to Congress Members of this House who had openly supported the stand taken by the Press in this respect—deserve some credit for this improvement in the Bill and I take this opportunity on behalf of the Press to congratulate and to express my thanks to those Members who had the courage to assert themselves and openly advocate a change in this respect. But the point is, the amendment, so far as it goes, is good and we are all grateful to

the Government and to the Select Committee for that. But the fact remains that it does not go far enough. The changes that have been made no doubt will improve the Bill considerably but the objections that were taken were of a fundamental nature.

Mr. Chairman: May I enquire how long the hon. Member is likely to take?

Shri Deshbandhu Gupta: I will take at least three quarters of an hour.

Mr. Chairman: The hon. Member took a long time in the Select Committee and now it is only to congratulate the Select Committee that the speech is necessary and so if the hon. Member can finish in ten minutes, we may continue sitting today.

Shri Deshbandhu Gupta: 'Congratulation' is only the prelude. I cannot finish in 10 minutes.

Mr. Chairman: Then the House will adjourn now till 8-30 A.M. tomorrow.

The House then adjourned till Half Past Eight of the Clock on Thursday, the 31st May 1951.