

Fifth Series, Vol. VII, No. 53

Tuesday, August 3, 1971
Sravana 12, 1893 (Saka)

LOK SABHA DEBATES

Second Session
(Fifth Lok Sabha)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

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LOK SABHA

*Tuesday, August 3, 1971/Sravana 12,
1893 (Saka)*

*The Lok Sabha met at Eleven
of the Clock*

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Taking over of Foreign Controlled Cigarette Units

*1532. SHRI KRISHNA HALDER : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government are having any proposal to take over the foreign controlled cigarette units in India ; and

(b) if not, the reasons therefor ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) and (b). No such proposal is under consideration as it would not be in accordance with Government's policy.

SHRI KRISHNA HALDER : Mr. Speaker Sir, in view of the fact that foreign-controlled companies are controlling more than 75 per cent of the production of cigarettes in India and taking huge profits to their countries, will Government prohibit the foreign-controlled companies from taking their profits to their countries ?

SHRI MOINUL HAQUE CHOUDHURY : In order to break the monopoly we have, of late, licensed a large number of Indian companies, rather we have issued letters of intent to a large number of Indian-owned companies.

SHRI KRISHNA HALDER : I want to know from the hon. Minister the names and the number of the foreign controlled cigarette companies and the average profits taken by

them for the last three years, and whether it is a fact that in spite of lot of protest, the Vizir Sultan Company of Hyderabad which is a subsidiary of the British monopoly cigarette company, namely the India Tobacco Co., Ltd, is going to be given a letter of intent or licence for increasing its production capacity and if so, the reasons thereof ?

SHRI MOINUL HAQUE CHOUDHURY : The Imperial Tobacco Co. which is now known as India Tobacco Co. is one of the foreign companies with shareholding by foreigners to the extent of 74 per cent. The Vizir Sultan Co., Hyderabad, is having foreign shareholding to the extent of 67 per cent. Messrs. Godfrey Philips, Bombay, is having 92.65 per cent foreign holding. Over and above this, there are two other companies ; the National Tobacco Co., Bombay is having 20 per cent participation by non-residents, and D. Macropolo, Bombay, is having 33 per cent participation by non-residents and foreigners resident in India. Beyond these companies, there are five Indian companies which are producing cigarettes. Over and above this, we have of late issued letters of intent to 13 Indian companies to produce cigarettes. It is true that we have been advised by the Company Affairs Department that the Imperial Tobacco Co. and the Vizir Sultan Co. are interconnected companies, having connection with the British American company. The Imperial Tobacco Co. or the India Tobacco Co. made a remittance of Rs. 106.52 lakhs, Rs. 117.60 lakhs and Rs. 138.30 lakhs in 1967, 1968 and 1969 respectively. The Vizir Sultan Tobacco Co. made a remittance of Rs. 16.29 lakhs, Rs. 25.76 lakhs and Rs. 9.85 lakhs in 1967, 1968 and 1969 respectively. It is also correct that this company had made a petition to Government for allowing an expansion on the stipulation that they would reduce their capital base to make it an Indian company. The matter is under Government's examination.

SHRI KRISHNA HALDER : Is it a fact that the Indian Tobacco Company was allowed to produce much more than the original licensed capacity, and if so, the reasons thereof ?

SHRI MOINUL HAQUE CHOU-DHURY : It is true these companies are producing more than their installed capacity which is calculated on two shifts basis. But these companies were in existence before the Industries (Development and Regulation) Act came into existence. We have already instructed the DGTD to ask them to explain why they increased their production.

SHRI K. GOPAL : The hon. Minister has stated that letters of intent have been given to some companies. I also understand that some State Governments have also been given letters of intent. In view of the fact that we are committed to curbing monopolies, will Government see to it that foreign companies do not enter into collaboration with any of the parties who have been given letters of intent ?

SHRI MOINUL HAQUE CHOUDHURY : It is our intention to break monopoly. That is why we have given letters of intent to so many concerns including some of the industrial development corporations owned by Governments. I would agree that we should not allow foreign collaboration.

SHRI JAGANATH RAO : While it is the policy of Government, as stated by the Minister, not to take over these foreign-controlled cigarette units, as a matter of fact these companies are repatriating large sums of profits. Will Government have a second look into the collaboration agreements and see that the rate of profits that could be repatriated is reduced ?

SHRI MOINUL HAQUE CHOUDHURY : It is a very welcome suggestion. I will certainly look into it and have it examined from the legal aspect.

Scarcity of Cement in Delhi

*1533. **SHRI M. KATHAMUTHU :** Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether there is a serious scarcity of cement in Delhi ; and

(b) if so, the reasons therefor and the steps taken to meet it ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) and (b) A statement is laid on the table of the House.

Statement

Seasonal shortages, particularly during the months of May and June have been an annual feature in Delhi due to heavy grain movements when adequate covered wagons do not become available for the movement of cement. These shortages became a little more pronounced this year due to an unusually large hold up of wagons in the Calcutta area and consequent dislocation of traffic and slow release of wagons, together with an increase in the demand for cement also. While some occasional shortages have been reported, it cannot be said that there has been any serious scarcity of cement in Delhi. All necessary steps to rush supplies and to ensure ready supplies, consistent with the availability of the requisite wagons, for movement to Delhi, have been taken. In fact, there has been increased supplies of cement to Delhi during the period January—May 1971, as compared to the corresponding period of 1970. The increase has been 79,704 tonnes *i.e.*, 48% over the corresponding period of last year.

SHRI M. KATHAMUTHU : It is stated in the statement that the shortage is seasonal, while the fact is otherwise. Whenever we discuss about scarcity of either cement or foodgrains here, the reply mostly is that it is due to non-availability of wagons. Ministers also say that wagons are held up at Calcutta. Is the non-availability of wagons the only reason for the scarcity of cement in Delhi or is there any other reason ? If it is the former, what was the demand made and what was the supply received from the railways ?

SHRI GHANSHYAM OZA : This is the usual feature in this part of the year. Every year, during this period, when the foodgrain movements are very heavy we experience difficulties not only here but in other sectors also. So, this year, we have been able to ease the situation to a certain extent by putting in orders for a large number of wagons and the performance is fairly satisfactory. On the broad gauge, 30 per cent more wagons are available and so far as the metre gauge is concerned, we have got 10 per cent more.

Setting up of New Large Scale Projects in Punjab

*1534 SHRI PRABHUDAS PATEL
SHRI P. GANGADEB

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state

(a) whether Government have issued 14 Letters of Intent for setting up new large scale projects in Punjab, and

(b) if so, the names of the projects to be set up in the State ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) (a) and (b) During the period from 1-1-1970 to 30-6-1971, 19 letters of intent were issued for the setting up of new industrial undertakings in Punjab. The relevant details are given in the attached statement.

Statement

Sl No	Name of the Party	Item of manufacture	Date of Issue
1	2	3	4
1	Punjab State Industrial Development Corporation Ltd, Chandigarh.	Plain Plug Gauges, Thread Plug Gauges, Plain Ring Gauges, etc.	23-5-70
2.	—do—	Glass Bottles	29-5-70
3.	- do -	Semiconductor Devices, Electrolytic Capacitors, Plastic Film Polyester and Styroflex Capacitors, etc.	6-6-70
4.	Ch Devinder Singh, C/o Industrial Cables (I) Ltd, New Delhi	Domestic Refrigerators	10-6-70
5.	Shri S. K. Chakravarty Bombay	Single Cylinder Pumps, Multi-cylinder Pumps, Elements, etc.	28-7-70
6.	Punjab State Industrial Dev Corp, Ltd, Chandigarh	Polyester Staple Fibre	12-8-70
7	—do—	Agricultural Tractors	12-11-70
8	—do -	Maize starch, Liquid Glucose Dextrose, etc.	7-12-70
9.	—do—	Automobile Tyres and Tubes	12-12-70
10	—do -	Furfural with By Product	6-1-71
11.	Shri R. S. Goel, Ambala Cantt.	GLS Lamps, Train Lighting Lamps, etc.	7-1-71

1	2	3	4
12.	Punjab State Ind. Dev. Corp., Chandigarh.	Scooters.	27-2-71
13.	—do—	Dry Battery Cells.	11-2-71
14.	Shri Harbans Lal, C/o M/s International Machine Tools, Ludhiana.	Multi Speed Hubs.	1-3-71
15.	M/s Perfect Tractors (P) Ltd., Punjab.	Agricultural Tractors.	16-3-71
16.	M/s Jay Gases (P) Ltd., Mandi Gobindgarh.	Oxygen Gas.	7-4-71
17.	Punjab State Industrial Development Corporation Ltd., Chandigarh.	Toilet Soaps, Glycerine.	26-4-71
18.	Shri Jai Narain Arora, Hathras.	Oxygen Gas.	18-5-71
19.	M/s Hindustan Ashoka Gases, Mandi Gobindgarh.	Oxygen Gas.	19-6-71

SHRI PRABHUDAS PATEL : May I know from the hon. Minister whether in the letters of intent which have been issued, any big houses have been included or any new entrepreneurs have been given licence ? The other question is whether States other than Punjab have been given any letter of intent for polyester plant,

SHRI GHANSHYAM OZA : In the statement, all the names of the entrepreneurs are disclosed. Some of them are given to Punjab State Industrial Development Corporation, and some to individual parties. So far as polyester is concerned, we have decided that where the Industrial Development Corporation can perform, they will be treated on the same lines as the Punjab Development Corporation is treated.

SHRI PRABHUDAS PATEL : May I know from the hon. Minister what would be the production in the plants for which letters of intent have been given ?

SHRI GHANSHYAM OZA : That is too early to say—what will be the production—till the plants go into commission.

SHRI P. GANGADEB : I would like to know from the hon. Minister as to how many of these projects will be in the public sector and how many in the private sector.

SHRI GHANSHYAM OZA : All the details have been given in the statement.

SHRI P. GANGADEB : I would like to refer to serial number 6 of the statement and enquire what will be the total cost involved in the project for agricultural tractors established by the State Industrial Development Corporation of Punjab.

SHRI GHANSHYAM OZA : The scheme has to be worked out. We have not got the capital structure. We can say that the capacity is about 6,000 tonnes.

श्री भान सिंह भौरा : मैं मंत्री जी से जानना चाहता हूँ कि आप ने 19 लैटर आफ इंटेंट इश्यू किये हैं और 11 इस में से स्टेट को दिये हैं। क्या आप की नालेज में है कि इन में से कोई स्टेट वालों ने कारखाना बनाया है, जैसे ट्रैक्टर बनाने के लिए आप ने लैटर आफ इंटेंट दिया,

तो क्या उन्होंने कोई कारखाना लगाया है कि नहीं ?

SHRI GHANSHYAM OZA : It is too early to say. Still licences are yet to be issued and subsequent to that they would go into commission.

SHRI B. K. DASCHOWDHURY : I would like to know from the hon. Minister how many applications were submitted to the hon. Minister out of which, during the period from 1-1-1970 to 30-6-1971, 19 letters of intent were issued

SHRI GHANSHYAM OZA : If he wants the figures, I will give them yearwise. In 1970, nine applications were received. In 1971, 10 applications. As for the licences issued, for Punjab, in 1971, for new undertakings, one. Total—11 and 10.

SHRI B. K. DASCHOWDHURY : So, 19 applications were received and 19 letters of intent were issued !

Production in Tannery and Footwear Corporation of India Ltd., Kanpur

*1535. **SHRI S. M BANERJEE :** Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the further steps taken to improve production in Tannery and Footwear Corporation of India Ltd., Kanpur ;

(b) whether any investigation has been made to assess the causes of losses ; and

(c) what changes are likely to be brought in the method of production ?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI GHANSHYAM OZA) : (a) to (c). A study has revealed that the Tannery and Footwear Corporation of India Ltd., Kanpur, has been generally incurring losses due to under utilisation of its installed capacity. Steps are, therefore, being taken to step up production by modernising plant and machinery and by manufacturing saleable products. Some of the other significant steps taken to improve the working of the Corporation are detailed in the attached statement.

Statement

1. Sales Organisation is being strengthened to effectively market the products of the Organisation.
2. Quality control has been introduced to eliminate rejections and losses arising therefrom. In fact, the standard of quality has already gone up considerably.
3. Better methods of production, planning and control have been evolved to eliminate wastage of materials.
4. A new system of raw hide purchase has been introduced which links payment with the yield and quality of the product purchased, thus eliminating the chance of excess payment on account of wrong estimation which frequently takes place when hide are purchased in the raw condition. In the case of other materials also, economy in purchases has been brought about by making purchases from the manufacturers themselves or from accredited agents and by reducing dependence on the local Traders/Retailors.
5. Productivity has already improved as a result of various steps taken in the recent months. Further efforts to raise productivity continue. Bulk orders have been negotiated with Government departments which will ensure maintenance of production at a reasonable rate.
6. Arrangements are being made for modernisation of the plant and equipment which will improve the profitability of the plant.

SHRI S. M. BANERJEE : At present the Managing Director of this particular public undertaking is a very efficient IAS officer, but he is not a technocrat. Because it is essentially a leather factory, one who knows something about leather should be at the head of this factory. Are the Government going to change the present Managing Director and replace him by a technocrat as in other public undertakings ?

SHRI GHANSHYAM OZA : The hon. Member very well knows that recently at his own request we have sent a senior officer to go into the affairs of this Corporation. We are examining the recommendations made by him.

SHRI S. M. BANERJEE : Since the policy pursued by the Government now is to have workers' representatives in the Board of Management, and this being a public undertaking I would like to know whether they have considered the feasibility of having workers' representative on the Board, and if not, the reasons for the same.

SHRI GHANSHYAM OZA : It is a good suggestion for action. We will take it into consideration when we consider the report of the officer concerned.

SHRI B. V. NAIK : We find that this Corporation has been purchased or nationalised by the Government at a capital cost of Re. 1, and that it was making a loss of Rs. 25 lakhs. Will it be a part of a consistent industrial policy that any consumer goods industry consistently losing will be taken over by the Government at the Centre or in the States ?

MR. SPEAKER : The question was about steps taken to improve production, and you are going into general policy.

SHRI B. V. NAIK : I think the hon. Minister is anxious to reply.

MR. SPLAKER : Ministers are very anxious, but I am anxious to go ahead and let the other Members have their chance.

श्री राम सहाय पांडे : अध्यक्ष जी, प्रश्न के इधर उधर यदि प्रश्नकर्ता चला भी जाय और अगर मंत्री जी उस का उत्तर देना चाहते हों तो कृपा कर के आप इन का चेहरा देख लीजिए और उत्तर देना चाहते हों तो दिला दीजिए ।

अध्यक्ष महोदय : आज तक इतनी अच्छी राय किसी ने मुझे दी नहीं ।

SHRI P. VENKATASUBBAIAH : May I know whether this undertaking has received any orders from foreign countries, and if so,

to what extent has it been able to fulfil them ?

SHRI GHANSHYAM OZA : Some orders were received and we have tried to fulfil them, but they are not to our expectations.

Setting up of Graphite Electrode Project in Public Sector

*1536. **SHRI N. K. SINHA :** Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether a graphite electrode project in public sector is proposed to be set up in Bihar ; and

(b) if so, the progress thereof ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) and (b). Government are exploring the possibilities of setting up a unit in the public sector for the manufacture of graphite electrodes, and have invited offers for collaboration from well known manufacturers in industrially developed countries.

SHRI N. K. SINHA : Is it a fact that the country is producing not even half of our annual requirements ? In view of the fact that the principal raw material required, namely calcined coke, is produced at Barauni Oil Refinery and can be obtained cheaply at Samastipur, that Samastipur is a backward district where special concessions will be available even to the public sector and that there is a thermal power station close by, about 45 miles away at Barauni, do Government propose to consider the case of Samastipur for setting up this graphite electrodes factory ?

SHRI MOINUL HAQUE CHOUDHURY : It is true that our production at the moment is far less than our requirements, and that is why Government is trying to go into this field. Out of our projected requirement of 20,000 tonnes, we have reserved 10,000 tonnes for the public sector, and the balance 10,000 tonnes will be given to the private sector. Certain applications are before the Government. I do not know whether any of them relates to Samastipur. If I remember a right, the only application we have got from Bihar relates to Modi Industries, which is a large industrial house.

SHRI N. K. SINHA : In view of the fact that the Government of Bihar are prepared to collaborate in this project and they are prepared to create the necessary infrastructure, will the government be prepared to consider the proposal of setting it up in the public sector in Samastipur in Bihar ?

SHRI MOINUL HAQUE CHOUDHURY : The Chief Minister and the Industries Minister of Bihar came up for a discussion with me yesterday about a graphite electrode plant and I pointed out the difficulty in agreeing to certain private parties who want to go to Bihar. We are in the process of discussions. Certainly, we will keep the suggestion of the hon. Member in mind when we finally decide about this matter.

पश्चिम रेलवे के फलना और रानी स्टेशनों पर ऊपरी पुल

*1537. श्री मूलचन्द्र झागा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार का विचार पश्चिम रेलवे के फलना और रानी स्टेशनों पर ऊपरी पुल बनाने का है जिसके लिए उन क्षेत्रों के निवासियों द्वारा समय समय पर मांग की जाती रही है ; और

(ख) यदि हां, तो उक्त ऊपरी पुलों का निर्माण सम्भवतः कब तक किया जायेगा ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) No, Sir.

(b) Does not arise.

श्री मूलचन्द्र झागा : पश्चिम रेलवे के फलना और रानी स्टेशनों के पास जो दो गांव है वहां पर ऊपरी पुल के अभाव के कारण उन क्षेत्रों के निवासियों को बड़ी असुविधा का सामना करना पड़ता है और वहां पर सैकड़ों बैलगाड़ियां वजन लादे घंटों खड़ी रहती है जिसके कारण लोग पाम से गुजर नहीं सकते हैं तो क्या उनके द्वारा की गई शिकायतों पर भी आप का ध्यान नहीं गया है ?

SHRI HANUMANTHAIYA : Though I have said "no, Sir" officially, I have already written a letter to the Chief Ministers of States that they may send proposals for over-bridges and under-bridges according to the proposals laid down in the budget. If my hon friend persuades the State Chief Minister to send that proposal I would be very happy to accept that.

श्री मूलचन्द्र झागा : आप के जो रेलवेज के अधिकारी है वह हम ओर क्यों नहीं आप का ध्यान दिलाते है और क्या यह जरूरी है कि जब मुख्य मंत्री ही वहां के हम ओर आपका ध्यान दिलायें और हमके लिए प्रपोजल भेजे तभी आप उमे स्वीकार करेंगे ?

MR. SPEAKER : You have got "yes" out of "no". What else do you want ?

देहरादून में सीमेंट का कारखाना

*1539. श्री रामचन्द्र विकल : क्या औद्योगिक विकास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार देहरादून में सीमेंट का एक कारखाना स्थापित करने के किमी प्रस्ताव पर विचार कर रही है, और

(ख) यदि हां, तो वह कारखाना सम्भवतः कब तक स्थापित किया जायेगा ?

औद्योगिक विकास मंत्रालय में राज्य मंत्री (श्री धनश्याम ओझा) : (क) और (ख). भारत सीमेंट निगम द्वारा देहरादून जिले के वाग्वाला में प्रतिवर्ष 2 लाख मी० टन की क्षमता वाला एक एकड स्थापित करने का प्रस्ताव सरकार के पास सक्रिय रूप में विचाराधीन है। सामान्यतया एक नए कारखाने को उत्पादन प्रारम्भ करने में लगभग 5 वर्ष लग जाते हैं।

श्री रामचन्द्र विकल : जैसा कि मंत्री महोदय ने मूल प्रश्न के उत्तर में स्वीकार किया है कि देहरादून में सीमेंट का एक कारखाना स्थापित करने की योजना सक्रिय रूप से सरकार के

विचाराधीन है तो क्या उस कारखाने के लिए भूमि, अनुमानतः लागत और उस के नक्शे आदि को अन्तिम रूप दिया जा चुका है या अभी तक नहीं दिया जा सका है ?

SHRI GHANSHYAM OZA : No final shape has been given to it but we have been exploring limestone deposits and other things. We have gone far ahead and we hope to give final shape to the project very soon.

श्री रामचन्द्र बिकल : जैसा कि मंत्री जी ने बताया है कि एक सीमेंट के कारखाने को लगभग पांच वर्ष के अन्दर पूरा किया जा सकता है तो क्या वह इस कारखाने के भवन के प्रारम्भ करने की तारीख या जिस रोज उस में से सीमेंट पैदा किया जा सकेगा उसकी कोई अन्तिम तारीख बतलाने की कृपा करेंगे ?

SHRI GHANSHYAM OZA : It will be very difficult to give a firm date.

श्री नाथूराम अहिरवार : मैं मंत्री महोदय से जानना चाहता हूँ कि चतुर्थ पंचवर्षीय योजना में उत्तर प्रदेश के अलावा मध्य प्रदेश में भी कोई सीमेंट का कारखाना खोलने जा रहे है, यदि हाँ, तो उस का स्थान क्या है ?

SHRI GHANSHYAM OZA : The Cement Corporation has already put up a cement factory in Madhya Pradesh.

SHRI D. N. TIWARY : In view of the fact that there is great dearth of cement in the whole country, not only in Delhi or Dehra Dun, may I know whether the cement factories are being worked to their full capacity? If not, may I know whether you are going to create additional capacity at an early date, so that the shortage of cement may be met ?

SHRI GHANSHYAM OZA : Almost full capacity is being utilised. It is not completely fully utilised, but we are trying to see that the capacity is fully utilised. We are issuing licences for new units also. The Cement Corporation is examining the feasibility reports of about 8 units to be located in various parts of the country.

SHRI S. M. BANERJEE : May I know whether the minister is aware that a cement factory, which was one of the best in Bihar in Japla, has been closed due to mismanagement and whether the Chief Minister of Bihar has written to the Central Government.....

MR. SPEAKER : From Dehra Dun you are travelling to Bihar.

SHRI S. M. BANERJEE : Mr. Tiwary travelled throughout the country. 8,000 workers have been affected. The workers have sent a representation to me

MR. SPEAKER : I am sorry : I will allow you in some other question. Where the name 'Bihar' appears in any question, you can get up.

श्री एन० एन० पांडे : उस के वास्ते जमीन को प्राप्त करने के बारे में कोई दिक्कत पेश है या नहीं, यदि हाँ, तो जमीन के ऐक्वायर होने में क्या-क्या दिक्कतें पड़ रही हैं जिनसे कि सीमेंट का कारखाना लगाने में देर हो रही है ?

SHRI GHANSHYAM OZA : The plant would be located at the junction of Western UP, Haryana and Himachal Pradesh and will be about 50 KM from the railhead of Dehra Dun. We are examining all these details, so that we can take advantage of the vicinity of raw materials. We will expedite it.

श्री एन० एन० पांडे : श्रीमन्, मैंने जो मवाल किया था वह केवल इतना ही किया था कि क्या आप के सामने कोई दिक्कत जमीन को प्राप्त करने की है या नहीं लेकिन उन्होंने उस चीज को इवेड किया ।

MR. SPEAKER : He says they are looking for the site and you are worried about acquisition. Let them fix the site first.

SHRIMATI SAVITRI SHYAM : May I know whether it is a fact that the shortage of cement is not on account of less production of cement but on account of the non-availability of wagons.

MR. SPEAKER : Railway wagons will go when the site is selected.

SHRIMATI SAVITRI SHYAM : He is in search of a site for the Dehra Dun factory. I am saying that the shortage is not due to less production but it is on account of non-availability of wagons.

MR. SPEAKER : Your views are welcome, but this is not relevant.

SHRI PARIPOORNANAND PAINULI : In view of the fact that Government have decided to construct the Tehri dam within the financial year and there are proposals for the construction of the Kissa dam in Dehra Dun and Pancheswar Dam in Almora, Tehri dam being the biggest in South-East Asia, may I know whether it will be possible for the Government to start construction of this cement factory within the fourth plan and if so, whether it will be in the private sector or in the public sector?

SHRI GHANSHYAM OZA : We will try to expedite it. It is going to be in the public sector.

Issue of Licence for Setting up of a Glucose Factory in Tamil Nadu

*1540. **SHRI BHUVARAHAN :** Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether any licence has been issued to start a Glucose Factory in Tamil Nadu ;

(b) if so, when this licence was given ;

(c) whether the factory has started functioning ; and

(d) if not, the reasons thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) and (b). No licence has yet been issued. A letter of intent for setting up a unit in Tamil Nadu for the manufacture of starch/glucose/dextrose had been issued on 28th August, 1969 to M/s. Jeypore Sugar Co., Madras.

(c) and (d). The unit has not yet started functioning. The letter of intent, which is valid up to 27th August, 1971 is still under implementation.

SHRI BHUVARAHAN : What is the reason for the delay and who is responsible — the Government or the party ? Also, what is the total cost of the plant ?

SHRI SIDDHESHWAR PRASAD : There is no question of delay. A letter of intent has been issued which is valid up to 27th August, 1971. The party has, as yet, not applied for the issuing of the licence.

SHRI K. LAKKAPPA : May I know whether it is a fact that a big business house, like that of Jaipurias, has taken a letter of intent to start this industry and is now making frantic efforts to sell it away in the black market so that it gets the money ? Would Government make an inquiry in this behalf ?

SHRI SIDDHESHWAR PRASAD : I do not have any information on this point.

MR. SPEAKER : You better contact him later on, please. Next question Shri Chandrappan.

SHRI C. K. CHANDRAPPAN : 1541.

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : Sir, instead of Kayamkulam it is printed as Kanyakumari. Therefore, on that basis I am replying.

MR. SPEAKER : A correction slip has been issued already.

SHRI HANUMANTHAIYA : The copy with me probably is the earlier one.

MR. SPEAKER : I think so. We circulated the correction slip.

Railway Line from Kayamkulam to Punaloor

*1541. **SHRI C. K. CHANDRAPPAN :** Will the Minister of RAILWAYS be pleased to state :

(a) whether there is any proposal to construct a new Railway line from Kayamkulam to Punaloor ; and

(b) if so, when the work will be started and what will be the expenditure involved ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) No, Sir.

(b) Does not arise.

SHRI C. K. CHANDRAPPAN : The answer is quite characteristic of the Railway Minister. But I would like to know whether this official 'No' will be changed to 'Yes' if a proposal is made to this effect by the Kerala Government,

SHRI HANUMANTHAIYA : This time I am very serious in saying 'No', because there is an alternative route, as the hon. Member knows, *via* Qui'on. Therefore, this will be a superfluous connection and the Railway Ministry is not in favour of this double line within a distance of a few miles.

SHRI C. K. CHANDRAPPAN : On this question the Railway Minister is very determined to say often that in Kerala any line will be parallel or superficial. This is not a fact.

MR. SPEAKER : You should say that parallels do not meet.

SHRI C. K. CHANDRAPPAN : The fact is that Kerala is such a narrow land strip that there everything will be bound to be parallel. Nobody can help that, not even the Railway Minister. But since it is a densely populated area and the demand is so genuine and long-standing, will the Railway Minister be kind enough to consider it favourably if a proposal is made ?

SHRI HANUMANTHAIYA : The views of the State Government are almost conclusive in the matter of building over and under-bridges but not in the matter of building new railways. For that purpose the Plan provision must be there and the money must be made available. There are so many difficulties. We have not neglected Kerala. In fact, I have announced in my Budget speech that the metre gauge from Cochin to Trivandrum will be made broad gauge. Therefore, it is not that we are neglecting Kerala...*(Interruption)*. But it may not be possible to do all things desirable at once because of financial difficulties.

SHRI N. SREEKANTAN NAIR : In view of the fact that Kerala has only three route miles per lac of population whereas the all India average is more than 9.5, will the Government consider giving an equi-

table treatment to Kerala by constructing new lines to make it at least come very near the all-India average ?

SHRI HANUMANTHAIYA : I do not know whether it is possible to work out railway lines on the basis of population figures but I agree to the proposition that every State in India must be treated more or less equitably when new lines are constructed.

SHRI VAYALAR RAVI : May I know from the Minister whether any survey has been made in connection with Kayamkulam and Cochin *via* Allepy ?

SHRI HANUMANTHAIYA : A Traffic survey is being made and the line will cost about Rs. 10 crores. The distance is about 115 kms.

SHRI M. KALYANASUNDARAM : May I know from the Minister whether any traffic survey was conducted with regard to the line referred to in his answers ?

SHRI HANUMANTHAIYA : No separate traffic survey is necessary. As the hon. Member knows there is already connection between these two stations. It will not be possible to construct another parallel line.

Rural Electrification in West Bengal

*1542. **SHRI SAMAR GUHA :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether there is any scheme to undertake large-scale projects for rural electrification of West Bengal in areas where underground water can be utilised for irrigation purposes with the help of power-pumps ; and

(b) if so, the nature of the Scheme ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). A statement is laid on the Table of the House.

Statement

The emphasis on Rural Electrification Schemes continues to be on the energisation

of pumpsets for increasing agricultural production in the country. In West Bengal, the progress of both village electrification and energisation of pumpsets has been poor. Special efforts are being made to accelerate rural electrification programmes. The Rural Electrification Corporation which has been set up in the Central Sector for providing additional funds for implementation of rural electrification schemes with a bias towards energisation of pumpsets has so far sanctioned eight rural electrification schemes in West Bengal at an estimated cost of Rs. 581.71 lakhs for electrification of 1688 villages and energisation of 9047 pumpsets. More schemes are being prepared by the West Bengal Electricity Board for financing by the Rural Electrification Corporation. The State Electricity Board are proposing to implement schemes which will result in energisation of 35,000 pumpsets during the Fourth Five Year Plan period as compared to 1,199 pumpsets energised at the beginning of Fourth Plan.

SHRI SAMAR GUHA : Sir, it is admitted by the Irrigation and Power Minister that West Bengal is one of the States which has the least facility of rural electrification. Previously, it was the inability of the State Government to avail of the facilities sanctioned but now, as the State of West Bengal is governed from the Centre, would the Minister take an initiative to see that the rural electrification in West Bengal becomes at par with the other advanced States in this matter ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : It is true that in West Bengal rural electrification is very poor. Recently I had a discussion with the Chief Engineer there who promised to step up the tempo. The Rural Electrification Corporation has sanctioned eight schemes and we are prepared to sanction many more because Bihar, Orissa and West Bengal are given preference in regard to rural electrification.

SHRI SAMAR GUHA : May I know whether it is a fact that during the previous President's rule in West Bengal a scheme called Midnapore second phase scheme was approved by the Government which comprised the sub-division of Contai. If so, may I know whether that scheme has been finalised and the work started ?

DR. K. L. RAO : I would not be able to say whether any particular scheme has been received. A number of schemes have been received from various States and even schemes from West Bengal are pending with the Rural Electrification Corporation. I hope this is one of them. If so, it will be processed.

SHRI DINFISH JOARDER : May I know whether there is any immediate proposal or scheme for improvement in the rural electrification in North Bengal particularly in the district of Malda ?

DR. K. L. RAO : As I have submitted already we are giving preference to whole of Bengal. In North Bengal there is further difficulty because there is no adequate electricity. We have got to put some lines from Purnea and we are trying to start power generation for North Bengal. Unless we improve power generation, it will not be possible to push on electrification rapidly as we would like to.

SHRI B. K. DASCHOWDHURY : In view of the hon. Ministers' statement that certain schemes are still pending or awaiting consideration, may I know from him the details of these seven schemes and whether West Bengal Government has sent some schemes for North Bengal also ?

DR. K. L. RAO : I will not be able to say about schemes which have not been sanctioned. I know about schemes which have been sanctioned, that is, Sunderbans, 24-Praganas, Haldia and so on. North Bengal project is not there. It may be one of the schemes under consideration. I will not be able to say about that.

SHRI KARTIK ORAON : I would like to know from the Government the rate of rural electrification in various States, whether it is uniform, and, if not, what steps are being taken to bring about uniformity of development of rural electrification all over the country.

MR. SPEAKER : You have not seen the Question. It is only about West Bengal. I am sorry that is not relevant.

Water for Hooghly River on completion of Feeding Canal taking off from Farakka Barrage

*1543. SHRI S. P. BHATTACHARYYA : Will the Minister of IRRIGATION AND POWER be pleased to state the amount of water (in cusecs) the Hooghly River will be getting daily after the completion of the Feeding Canal taking off from the Farakka Barrage ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREL) : The Hooghly river will be getting up to 40,000 cusecs of water through the Feeder Canal taking off from the Farakka Barrage.

SHRI S. P. BHATTACHARYYA : Is it the amount which was estimated at the time of constructing the project or is it less than that or more ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : The project is being constructed according to the sanction. This is the amount that has been provided for in the estimate. That is what we are doing now.

SHRI S. P. BHATTACHARYYA : Is there any diversion of water from the Ganges because it is here that the requirement of water will not be flowing through the channel. That is the idea.

DR. K. L. RAO : At the time of sanction of the project, there is a certain flow that we are allowing from month to month. The same pattern will be followed after the project is completed.

SHRI S. P. BHATTACHARYYA : Will this amount be sufficient to clear up the silting to the Hooghly river ? Is it the maximum ?

DR. K. L. RAO : The discharge will be 40,000 of cusecs water. The canal is being constructed accordingly. It is not a question of maximum or minimum or anything of that type.

SHRI DINESH JOARDER : May I know whether the reservoir in the upstream that will be created after the Farakka Barrage is complete will be able to store so much of water that a regular and uniform flow of

water will be there along with the feeder canal to revitalise the Hooghly river and keep it navigable throughout the year and also whether such a reservoir of water at a high level will flood and inundate the western part of the district of Malda almost for the whole of the year unless a bund is constructed there immediately to check that ?

DR. K. L. RAO : There is not really much storage. It is only a part of the amount of water that will be flowing in the canal and the rest will flow in the river. In regard to the other question about Malda, a bund has been sanctioned. But during one of my inspections I found that it will submerge a lot of land in the Malda district. I suggested that we should put another bank parallel to the river to save as much land as possible. That will be done.

SHRI DINESH JOARDER : I wanted to know whether there will be a regular flow of water through the feeder canal.

DR. K. L. RAO : There is a certain flow. That pattern will be followed.

SHRI INDRAJIT GUPTA : The Hon. Minister said that this whole scheme was sanctioned for providing 40,000 cusecs of water. I would like to know from him what has happened to the reports which we heard in between and they were discussed in this House too - that some project is being taken up by the Bihar Government for diverting some of the water further upstream which might affect the flow from the feeder canal on which the future of Calcutta port and the navigability of the river depends. Is that scheme going through or not ?

DR. K. L. RAO : That is a very large area and various factors are taken into account. We have sanctioned Farakka on the basis of certain pattern of flow, certain amount of water flowing in certain months of the year. There is no question of saying that because Farakka Barrage is constructed we should not take up a project higher up. That is never intended.

SHRI INDRAJIT GUPTA : I wanted to know whether any other project was taken up.

DR. K. L. RAO : Ganga being a vast area, number of projects will be taken up from

time to time, to serve irrigation and other purposes there, and we have visualise all these projects and we have followed a certain pattern of flow in canal. We looked into all these aspects at the time of sanction and decision taken are being followed. That is not affected by other projects.

Meeting of the Delegation of Federation of Indian Chambers of Commerce and Industry with Prime Minister

*1545. **SHRI MUHAMMED SHERIFF :**
SHRI G. VENKATSWAMY :

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether any measures to step up industrial production were discussed between the Delegation of the Federation of Indian Chambers of Commerce and Industry and the Prime Minister on the 5th July, 1971 in New Delhi ; and

(b) if so, the main points discussed ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) and (b). A delegation of the Federation of Indian Chambers of Commerce and Industry called on the Prime Minister on July 5, 1971. There was an informal exchange of views and the delegation made representations on certain issues of common interest to the industry, such as the impact of the withdrawal of the development rebate, the need for speeding up of licensing procedures and relieving stringency of credit. Government is, however, fully aware of these problems and is constantly taking steps to ensure rapid industrial development and overall growth of economy.

SHRI MUHAMMED SHERIFF : The Minister said that Government is constantly taking steps to ensure rapid industrial development and overall growth of economy. This is very good. I would like to know whether Government has taken specific steps for the rapid industrial development and overall growth of the economy and if so, the details thereof.

SHRI MOINUL HAQUE CHOUDHURY : While replying to the debate on my Demands in the House I had elaborated all

the steps in this connection and what were the new steps taken in this regard.

SHRI MUHAMMED SHERIFF : Has Government taken up steps so far to speed up licensing procedures. If so, I want to know details thereof.

SHRI MOINUL HAQUE CHOUDHURY : We have speeded up things, and the performance so far is more than the whole of last year.

SHRI TRIDIB CHAUDHURY : The Minister has been very general in his answers. We have carefully followed his reply to Industrial Development Ministry's Demands. With regard to the three issues which the Federation of Indian Chambers of Commerce and Industry discussed with the Prime Minister, I want to know whether any specific decision has been taken.

SHRI MOINUL HAQUE CHOUDHURY : It was a general discussion and no specific point was raised. They generally mentioned about the development rebate which was the burning issue then, about which there has been lot of discussion in the House. The Finance Minister had already replied. About speeding up of the licensing procedure, the House had been told as to what had been done and they have been already announced in the House. I understand from the note in my pad that they also discussed with the Prime Minister about the Bangla Desh issue, and the various impacts that it is likely to have, and the Prime Minister explained to them the position.

SHRI S. M. BANERJEE : May I know whether in the course of discussions it was made abundantly clear by the Prime Minister to this delegation from the Chamber of Commerce that they should not close down industrial units in the larger interests of the country, and if so, the reaction of those industrialists ?

SHRI MOINUL HAQUE CHOUDHURY : I do not know what exchange of views really took place between them and the Prime Minister, except the note that the Prime Minister's secretariat has passed on to me, and there is no such reference about such a talk.

MR. SPEAKER : The question has been put in an abstract form just to know the Hon. Minister's views about it.

SHRI B. R. SHUKLA : May I know whether the question of starting industries and the stepping up of production in the industrially backward areas was also considered at this meeting ?

SHRI MOINUL HAQUE CHOUDHURY : I do not find any such thing in the note passed on to me.

Mr. SPLAKLR : There were no political people there

Circuit Bench of Calcutta High Court in North Bengal

*1546. **SHRI B. K. DASCHOWDHURY :** Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether various representations were made to the Government of West Bengal and also to the Chief Justice, Calcutta High Court to open a Circuit Bench of the Calcutta High Court in North Bengal ; and

(b) if so, the reaction of the Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) : (a) A representation has been received by the Government of West Bengal from the Jalpaiguri Bar Association for opening a Circuit Bench of the High Court in North Bengal. The Bar Associations of Jalpaiguri, Darjeeling, Siliguri and Cooch-Bihar are also reported to have made similar representations to the Chief Justice of the Calcutta High Court during his inspection of North Bengal Districts.

(b) The representation received by the Government of West Bengal is being referred to the High Court for their views and further action will be taken on receipt of the High Court's views.

SHRI B. K. DASCHOWDHURY : This seems to have been a very long-pending issue because it is being considered for several years. I am happy that the Hon. Minister has said

now that further action would be taken. I would like to know whether he will expedite the matter in order to satisfy the demand of the North Bengal people to have a Circuit Bench of the High Court there.

SHRI NITIRAJ SINGH CHAUDHARY : According to the procedure, the matter will go to the Chief Justice, and after the Chief Justice's report is received by Government, a decision would be taken. We hope that the present Chief Justice of West Bengal will send his report early.

Delay in Establishing Short Circuit Testing Facilities in Electrical Equipments at Bangalore and Bhopal Research Centres

*1547. **SHRI D. D. DESAI :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government are aware of the delay in establishing the short circuit testing facilities for Electrical equipments at Bangalore and Bhopal Research Centres ; and

(b) if so, the steps which Government propose to take in the matter ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). There has been some delay in the commissioning of these facilities. Short Circuit Testing Station at Bangalore is expected to be commissioned in December 1971 and the Switchgear Testing and Development Station at Bhopal in September 1971.

SHRI D. D. DESAI : Has the Ministry taken care to see that system feeding of short-circuit stations, particularly Bhopal, is interlinked with power system which would provide for adequate rupturing capacity when short-circuit devices are operated ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : Yes, it is with that object that we have set up the station at Bhopal, and in course of time, we propose even to double up the capacity at Bhopal.

SHRI D. D. DESAI : Is the hon. Minister aware that the western or the regional areas have reached more than 500

MVA rupturing capacity and the new equipment that will have to be developed will exceed this MVA rupturing capacity ?

DR. K. L. RAO : That is what exactly we have in view. Unfortunately, this testing has not been developed all these years because of some other reasons, and there has been a delay of nearly quite a long period. It has taken nearly ten years. We hope that from next year we shall be able to do more research and have testing facilities so that we shall be able to cope up with the future demands.

Criteria for Entitlement of Saloons provided to Railway Officers

*1548. SHRI RAJDEO SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) what are the criteria for the Officers of different categories to be entitled to be provided with saloons ;

(b) whether the families of the officers are also entitled to travel with them ; and

(c) if so, whether any deduction is made or proposed to be made from the quantum of T. A. for such journeys ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) to (c). Sir a statement is laid on the table of the House.

Statement

(a) Class I and Class II and a few Class III Railway officers are allowed the use of Inspection Carriages, when available while travelling on duty.

The Class III, Class II and Junior Scale Class I officers use 4-Wheeler Carriages which are permitted to be moved by goods trains and slow passenger trains only.

Senior Scale Class I and Class II officers are entitled to use 4-Wheeler Inspection Carriages on the Broad Gauge and 4-Wheeler and 6-Wheeler Carriages on the Metre Gauge, which, again are permitted to be moved by goods and slower passenger trains.

The Junior and Inter Administrative Grade officers are allowed to use 8-Wheeler Inspection Carriages of smaller length than a standard passenger coach. These are permitted to be moved by goods, passenger and comparatively unimportant Mail and Express trains.

The Senior Administrative Officers, General Managers and Chairman and Members of the Railway Board are allowed the use of bigger 8-Wheeler Inspection Carriages, some of which are equal to the length of standard passenger coaches. These carriages are allowed to be moved by all trains except some important Mail and Express trains which are prohibited for attaching of Inspection Carriages, except on emergencies, when General Managers, Members of the Board and Chairman only may attach their Inspection Carriage to these trains.

No Inspection Carriage is permitted to be attached to Janata Expresses, A. C. Deluxe trains and some nominated trains like the Taj Express, the Deccan Queen, etc.

(b) Wife and Children *only* of an officer are allowed to travel in these Inspection Carriages on the Duty Passes issued to the officers. No dependent relatives like dependent widow mother, sister, brother, etc., are permitted to travel without purchasing a I class ticket or on the authority of a privilege pass issued to the officer for the purpose.

(c) The Railway officers are not entitled to any Travelling Allowance during the train journey on duty. They are entitled only to Daily allowance.

The Chairman and the Members of the Board, undertaking train journey in Inspection Carriages are not entitled to even the Daily allowance

SHRI RAJDEO SINGH : In the statement, instead of the word saloon, the word 'inspection carriage' has been mentioned. Hence I want to know what is the difference between a 'saloon' and an inspection carriage in regard to amenities ?

SHRI HANUMANTHAIYA : The word 'saloon' is used in general terms. There are

various types of inspection carriages. Those meant for chairman and members of the Railway Board are air-conditioned. There are some meant for general managers and other administrative officers. Therefore, they are called inspection carriages. Saloon is a general nomenclature. (*Interruptions*).

SHRI RAJDEO SINGH : May I know whether these practices of the travelling in saloons introduced since the British days as superman will be discontinued bearing in mind the changed conditions ?

SHRI HANUMANTHAIYA : This facility or whatever it is called is being enjoyed by these officers for a very long time ...(*In'erruptions*.)

SOME HON. MEMBERS : Why ?

SHRI HANUMANTHAIYA : I understand the feelings of the hon Members.

AN HON. MEMBER : Strong feelings.

SHRI HANUMANTHAIYA : I am not controverting their views ..

MR. SPEAKER : He is giving you the information.

SHRI S. M. BANERJEE : How do we travel ? Why don't they travel in the First class ?

SHRI HANUMANTHAIYA : As you know, Sir, in Government undertakings or organisations, there are several things that have come over decades and decades. In fact, I personally think that even the free passes given to the railway employees is an anachronism because one crore ..

SHRI SHASHI BHUSHAN : No, no.

SHRI HANUMANTHAIYA : ...one crore of people...

MR. SPEAKER : While defending yourself, don't land yourself in other difficulties.

SHRI HANUMANTHAIYA : There is no difficulty. If my hon. friends think logically over the whole thing, they will understand. I am in no difficulty whatsoever.

These are the facilities that are being enjoyed for decades and decades ...(*Interruptions*)

SHRI S. M. BANERJEE : Why ? Are they princes ?...(*Interruptions*.)

MR. SPEAKER : Order, please. May I request you to be patient. After all, the Minister is giving the information. He is not expressing his personal views just stating the case.

SHRI HANUMANTHAIYA : I have seen them. They are not pleasure carriages. Most of these officers who work there, are officers on wheels as it were. Therefore, whether we should deprive ..

SHRI S. M. BANERJEE : Have you seen what work they do ? They are involved in various types of work.

SHRI HANUMANTHAIYA : Therefore, whether these facilities should be straightaway withdrawn without reference to the official work they are doing is a matter that requires deep thought. I am not prepared to withdraw all these facilities straightaway.

SHRI R S PANDFY : What has the work got to do with the saloon ?

SHRI S N. MISRA : Probably the hon. Minister is not aware that a statement was made in this House that facilities like saloons and special carriages will be withdrawn and wherever there is the headquarter, the saloons will not be used. May I know if the hon. Minister is aware of the fact that an assurance to this effect was extended to the House earlier ?

SHRI HANUMANTHAIYA : Whatever assurance my predecessor has extended will be implemented. I have no difference with that of course. The real point is that the hon. Member and many of them, I know, do not want these facilities to continue. But I cannot straightaway say that they can be discontinued because of the hang-over of the past and because how it will affect the administration and all these things will have to be considered very seriously.

श्री एन० एन० पांडे : क्या मंत्री महोदय इस बात पर विचार करने के लिए तैयार हैं कि जो आम धर्मचारी हैं, एक तरफ तो उनके पास की

सुविधा छीनी जा रही है और दूसरी तरफ रेलवे अधिकारियों को एअर-कन्डीशण्ड कोचेज दी जा रही हैं, सैलून दिये जा रहे हैं, इस पर विचार कर के इसको विद्वृत्त करने की कृपा करेंगे ?

SHRI HANUMANTHAIYA : I am afraid at this stage I do not want to withdraw any facilities that are being enjoyed (*Interruptions.*)

SOME HON. MEMBERS : Why ?

SHRI VIKRAM CHAND MAHAJAN : We strongly object to what the Minister says. This is very unfair (*Interruptions.*)

MR. SPEAKER : Order, order.

SHRI PRIYA RANJAN DAS MUNSHI : This is atrocious. We cannot allow it. There shall be no bureaucrats, no officers, no I C S. (*Interruptions.*)

SHRI VIKRAM CHAND MAHAJAN : He should withdraw the statement.

MR. SPEAKER : I am very sorry. Time is not helping us. The question hour is over.

SHRI K. LAKKAPPA : There should be a half an hour discussion on this.

WRITTEN ANSWERS TO QUESTIONS

Racketeering in Reservation at Howrah Station

*1531. SHRI SAMAR MUKHERJEE : Will the Minister of RAILWAYS be pleased to state :

(a) whether the attention of Government has been drawn to the racketeering in berth and seat reservations at Howrah Railway Station ;

(b) if so, the nature of complaints brought to the notice of Government ; and

(c) the steps taken by Government to eliminate malpractices ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes, Sir.

(b) Complaints received in this behalf generally relate to the activities of private agencies and individuals engaging themselves in securing reserved accommodation for intending passengers on collection of extra amount and in the process indulging in malpractices in some cases in collusion with railway servants.

(c) A statement is laid on the Table of the Sabha.

Statement

- (i) Berths are booked against individual names of passengers and no alteration in the names is permitted.
- (ii) To prevent blocking of reserved accommodation, not more than 4 berths to a party and 6 berths to a family are permitted on one requisition.
- (iii) Accommodation falling vacant is allotted to the waitlisted passengers in the strict order of priority.
- (iv) Special Squad of Travelling Ticket Examiners in plain clothes and other Commercial Inspectors are posted near the booking windows frequently to maintain vigil on anti-social elements indulging in racketeering in the reserved accommodation.
- (v) Watch is kept and checks are made in the Reservation Offices frequently during peak season.
- (vi) Checks are carried out through postal/telephonic references direct to the persons in whose names reservations are made to ascertain the genuineness.
- (vii) Public co-operation is sought through Notice Board at Stations warning the public not to buy journey and reservation tickets from unauthorised sources. Leaflets are also distributed warning passengers from being victimised by anti-social elements.

- (viii) Train services are strengthened and Special Trains are arranged to the extent possible during peak periods of rush.
- (ix) Wherever persons are found to indulge in malpractices, thorough enquiries are made and proper action including prosecution wherever possible, is taken.

Irrigation Development in Mysore

*1538. SHRI K. MALLANNA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Mysore Government have chalked out any programme for irrigation development in the State of Mysore during the year 1971-72 ;

(b) if so, the main features thereof ; and

(c) the funds allocated for the purpose ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. I. RAO) : (a) to (c). The Annual Plan for 1971-72 for Mysore envisages development of irrigation under major and medium irrigation projects as well as under minor irrigation schemes. The outlay of funds for approved major and medium irrigation projects is Rs. 13.18 crores and for irrigation projects not approved is Rs. 7.43 crores. For minor irrigation schemes, the outlay is Rs. 5.63 crores.

Crisis in Cement Industry due to non-availability of Railway Wagons

*1544. SHRI P. K. DEO : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether there is a crisis in cement industry due to nonavailability of Railway wagons ;

(b) whether closure of some of the cement factories is threatened ; and

(c) the action taken by Government in this regard ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE

CHOUDHURY) : (a) to (c) There was shortage of wagon supply for movement of cement during May and June, 1971, due to massive food grains movement from Punjab and Haryana to various parts of the country and large scale hold-up of wagons at different terminals in West Bengal areas, on account of various anti-social activities and slow release of loaded wagons. Usually, the period between May and September is a busy season when the demand for cement increases, resulting in temporary local shortages.

The Railway Ministry has instituted special drives to step up cement loading from July, 1971 and consequently the loadings are now showing appreciable improvement. The average daily loading on the Broad Gauge has gone up during the first 18 days of July, 1971 by 30%, and on the meter gauge by 10% as compared to corresponding period of June, 1971. Movement of cement for the South to the North has been liberalised and the Railways are moving cement by the all meter gauge route. Suitable steps have also been taken to authorise road movements by longer routes to ensure speedy supplies.

No reports have been received of closure of Cement factories on account of lesser supply of wagons.

Agitation by Railway Employees of Luming Division (Northeast Frontier Railway)

*1549. SHRI MANORANJAN HAZRA : SHRI MOHAMMAD ISMAIL :

Will the Minister of RAILWAYS be pleased to state :

(a) whether the attention of Government has been drawn to the agitation launched by the Railway employees of Luming Division, Assam during the month of June in support of their demands ;

(b) if so, the main demands of the workers ; and

(c) the steps taken by Government to meet their demands ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) There was no agitation during the month of June, 1971 but

in the month of July, 1971 there was some demonstration at Lumding by a group of employees led by the unrecognised Coordination Committee.

- (b) The demands of the workers are—
- (i) regular supply of water in Railway colonies at Lumding; and
 - (ii) electrification of all railway quarters at Lumding.
- (c) Efforts are being made to improve the position by better maintenance.

Closing Down of Vell Station in Kerala

*1550, SHRI A K GOPALAN :
SHRI VAYALAR RAVI .

Will the Minister of RAILWAYS be pleased to state :

(a) whether Government have decided to close down the Vell Railway Station in Trivandrum District, Kerala; and

- (b) if so, the reasons therefor ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAJIYA) : (a) No, Sir. It has been decided to shift the train halt from its existing site at Km. 818/77 to a new site at Km. 821/1.

(b) The train halt has been working at loss at its present site. The shifting will serve the area better and minimise the loss.

Irrigation Development in Tumkur District of Mysore State

*1551. SHRI K. LAKKAPPA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government of Mysore have formulated any plan for irrigation development in Tumkur District of Mysore State ;

- (b) if so, the main features thereof ; and
- (c) the funds allocated for the purpose ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : (a) to (c). The Government of Mysore have proposed the construction of the Utara Pinakini dam to irrigate 5600 acres. The project is pending with the State Government for replies to comments sent in November, 1968. Possibilities of extension of irrigation from the existing Mangala and Marconahalli projects are under investigation, as also new minor irrigation works.

Rural Industries Projects Programme in West Bengal

*1552, SHRI SUBODH HANSDA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether any work has started in West Bengal under the Rural Industries Projects Programme during the Fourth Five-Year Plan and in which areas ; and

(b) whether any special allotment of funds, and raw materials for developing the existing and new industries in project areas has been sanctioned or is proposed to be sanctioned on the recommendations of the project officers ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) Yes, Sir. Four areas viz., Baraset (in 24--Parganas) ; Durgapur (in Burdwan District) ; Siliguri (in Darjeeling District) ; and Tamulak (in Midnapur District) have been taken up under the Rural Industries Projects Programme.

(b) Rural Industries Projects programme is a Centrally Sponsored Scheme under which States are given cent per cent Central assistance. During the period 1962-63 to 1970-71 Central assistance amounting to Rs. 88.72 lakhs comprising of Rs. 59.75 lakhs as grants and Rs. 28.97 lakhs as loans has been released to the Government of West Bengal for implementing the Programme. During 1970-71 a special allocation of scarce indigenous and imported raw material was earmarked for the Rural Industries Projects areas.

Shortage of Low Watt Electric Lamps

*1553. SHRI ESWARA REDDY : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether there is an acute shortage of low watt electric lamps in the country ;

(b) if so, the reasons for the shortage ; and

(c) the steps taken to meet the shortage ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) No complaint of acute shortage of low watt electric lamps in the country have been received.

(b) and (c). Do not arise.

Increase in Price of Cement

*1554. SHRI S. A. MURUGANANTHAM : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government have decided to raise the price of cement by Rs. 2.50 per tonne with immediate effect ; and

(b) if so, the reasons therefor ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) The F.O.R. price of cement was increased by Rs. 2.50 per tonne with effect from 7th July, 1971.

(b) The increase became necessary pursuant to the revised freight rates announced by Government in the Railway Budget for 1971-72.

Setting up of a Factory in Public Sector to Manufacture Scooters

*1555. SHRI NARENDRA SINGH :
SHRI VIJAY PAL SINGH :

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether three leading scooter manufacturing firms—Piaggio of Italy, NSU of Yugoslavia and Honda of Japan have offered to collaborate with the Government of India in setting up a factory in public sector for manufacturing of scooters ;

(b) if so, the expected foreign exchange requirement ; and

(c) Government's reaction thereto ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) and (c). Offers of collaboration have been received from M/s. Piaggio of Italy and Honda of Japan. No concrete offer of collaboration has been received from NSU of Yugoslavia. As the offer of Honda of Japan was for the manufacture of a motor cycle and not for a scooter, it could not be accepted. The offer of M/s. Piaggio is under examination.

(c) The foreign exchange requirements of the project have not yet been worked out.

Electrification by D.D.A. in Delhi

*1556. SHRI BHOGENDR JHA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Delhi Development Authority proposes to undertake the responsibility of electrifying its colonies in Delhi ;

(b) whether any request to this effect has been made to the Central Government ; and

(c) if so, the decision taken by Government thereon ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : (a) No, Sir. The work of electrification of Delhi Development Authority colonies will continue to be executed through the Delhi Electric Supply Undertaking as at present.

(b) and (c). Do not arise.

Rise in the Water Level of Jamuna River Near Delhi

*1557. SHRI M. M. JOSEPH : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether rise in the water level of Jamuna River had posed a threat to the villages of Delhi in the month of July, 1971 ; and

(b) whether any damage was caused and if so, the steps taken by Government in this regard ✓

THE MINISTER OF IRRIGATION AND POWER. (DR K. L. RAO) : (a) and (b). The maximum level attained at the Jamuna Railway bridge was 671.35 ft. against the warning stage of 672.0 ft. There was a rise in the water level at the bridge by about 0.8 meters during the month of July but this did not pose any threat to the villages outside the flood banks. There was, however, some bank erosion on the right bank near Jagatpur village which is within the embankments and which was one of the villages required to be shifted. Immediate measures of providing brush-wood cover in the affected reach were taken by the Delhi Administration and erosion was checked.

बाढ़ों के कारण बिहार में क्षति

*1558. श्री रामावतार शास्त्री : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बिहार में इस वर्ष बाढ़ के कारण लाखों रुपये की सम्पत्ति नष्ट हो गई है ;

(ख) क्या बिहार सरकार ने केन्द्रीय सरकार से कोई सहायता मांगी है ; और

(ग) यदि हां, तो कितनी और इस बारे में सरकार की क्या प्रतिक्रिया है ?

सिंचाई और विद्युत मंत्री (डा० के० एल० राव (क) जी, हां ।

(ख) और (ग). 1 अगस्त, 1971 को बिहार सरकार से बाढ़ सहायता कार्यों के संबंध में 10 करोड़ रुपये की तदर्थ सहायता के लिए एक अनुरोध प्राप्त हुआ है, जिसकी जांच की जा रही है ।

Export Earnings of Coy, Manufacturing Beverage Bases for Gold Spot

*1559. SHRI RAMSHEKHAR PRASAD SINGH : Will the Minister of INDUSTRIAL

DEVELOPMENT be pleased to state :

(a) the export earnings of the Company manufacturing Beverage Bases for Gold Spot and other products during the last three years ;

(b) whether Beverage Bases manufactured by the above Company have imported content ; and

(c) if so, to what extent and the foreign exchange involved on this account during the last three years ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT (SHRI MOINUL HAQUE CHOUDHURY) : (a) Export earnings as reported by M/s. Parle Bottling Co. Private Ltd., who are the manufacturer of beverage bases for Gold Spot etc., during the last three years, were as follows :

Year	Amount in Rs.
1968	2,77,000
1969	2,900
1970	1,04,967

(b) Yes, Sir.

(c) Actual user licences granted to this firm for the last three years were as under :

Year	Amount in Rs.
1968	84,125
1969	84,125
1970	1,68,250

Scheme to Survey Water Resources in Punjab

*1560. SHRI DEVINDER SINGH GARCHA :
SHRI B. S. BHAURA :

Will the Minister of IRRIGATION AND

POWER be pleased to state :

(a) whether there is a scheme under consideration of Government to survey and evaluate the water resources in Punjab and to prepare a Plan for their optimum and economical utilization ; and

(b) if so, the main features thereof ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : (a) and (b). A water resources Directorate has been opened by the Punjab Government to carry out the survey of surface and underground water resources and to prepare a Master Plan for its integrated utilisation. This survey comprises of detailed geophysical, geological, meteorological, hydrological studies and exploration.

Pending Applications from Assam for Licences

6693. SHRI ROBIN KAKOTI : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the number of applications for industrial licences forwarded by the Government of Assam which are pending with the Government of India ; and

(b) the names of industries for which licences have been applied for ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) :

(a) The applications for industrial licences are normally received from the parties direct. Out of the applications received upto 30th June, 1971, for grant of industrial licences for Assam, 20 are pending.

(b) The names of industries to which the pending applications relate are given in the attached statement.

Statement

Name of the Industry

Chemicals (other than Fertilizers)	5
Food Processing Industries	2
Agricultural Machinery	1

Textiles (including those Dyed, Printed or other-wise processed)	2
Cement and Gypsum Products	1
Vegetable Oils and Vanaspathi	2
Industrial Machinery	1
Electrical Equipment	2
Cigarettes	1
Paper	1
Telecommunications	1
Laminates	1
Total :	20

Industrial Projects with Foreign Collaboration in Assam

6694. SHRI ROBIN KAKOTI : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether any foreign collaborated industrial projects have been approved by Government for the State of Assam during last three years ; and

(b) if so, the names of the industries ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) and (b). The information is being collected and will be laid on the Table of the House.

Assistance demanded by Brahmaputra Flood Control Commission

6695. SHRI ROBIN KAKOTI : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) the amount of money requested by the Brahmaputra flood Control Commission to implement its schemes for the years 1971-72 and 1972-73 ; and

(b) the amount provided by Government for the above mentioned years ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b) The estimated requirements for works to be carried out by Brahmaputra Flood Control Commission during 1971-72 is Rs. 10 45 crores. Against this, the amount provided by the State Government is Rs. 4 6 crores. The State Government have requested the Centre to provide additional assistance to implement the programme of works contemplated during 1971-72. This request is under examination

The proposals for 1972-73 are yet to be formulated by the Brahmaputra Flood Control Commission.

नवागढ़ स्टेशन (पश्चिम रेलवे) से भेजी गई कपड़े की गांठों के खोने पर व्यापारियों को दिया गया मुआवजा

6696. ओंकार लाल बेरबा क्या रेल मंत्री यह बनाने की कृपा करेंगे कि :

(क) 1969 और 1970 के दौरान पश्चिम रेलवे के नवागढ़ स्टेशन से बरास्ता मेहमाना कितनी कपड़े की गांठें पासल में भेजी गई तथा रेलवे भाड़े के रूप में उनसे कितनी आय हुई ,

(ख) उक्त समय में कितनी गांठें गुम हुईं ?

(ग) उनमें से कितनी गांठों को बरामद किया तथा कितनी गांठों का पता नहीं चला ,

(घ) गांठों के खोने के फलस्वरूप रेलवे ने व्यापारियों को कितना मुआवजा दिया ; और

(ङ) माल के सुरक्षित पहुंचाए जाने के लिए क्या कदम उठाये गए हैं ?

रत्न मंत्री (श्री हनुमंतैया) : (क) नवागढ़ (नवागर नहीं) से मेहमाना के रास्ते बुक की गयी कपड़े की गांठों की संख्या और उनसे अर्जित

भाड़े की रकम इस प्रकार है :—

बर्ष	गांठों की संख्या	आमदनी
1969	14,740	1,04,485
1970	13,675	96,734

(ख) प्राप्त दावों के आधार पर 1969 में 17 गांठें और 1970 में 8 गांठें गुम हुईं ।

(ग) इन गांठों में से अभी तक किसी का भी पता नहीं चला है ।

(घ) 20,837.60 रुपये ।

(ङ) पैकेजों पर मार्क लगाने, यानों को रिबट करने या ताले लगाने, रेलवे सुरक्षा दल के कर्मचारियों द्वारा यादों में पहरा देने आदि जमी मामान्य एहनियातों के अलावा नवागढ़ में जिस मवारी गाड़ी में गांठें भेजी जाती हैं उसके साथ रात के समय रेलवे सुरक्षा दल के मार्ग-रक्षी चलने हैं । मेहमाना स्टेशन पर आगे भेजे जाने की प्रतीक्षा में पड़ी हुई गांठों की हिराजत के लिए प्रबन्ध मौजूद है । रेलों को अनुदेश दिए गये हैं कि हानि को रोकने के लिए और एहनियात बरती जाये ।

मंडल वाणिज्यिक अधीक्षक, विजयवाड़ा (दक्षिण मध्य रेलवे) के विरुद्ध शिकायत

6697. श्री ओंकार लाल बेरबा : क्या रेल मंत्री यह बनाने की कृपा करेंगे कि :

(क) क्या आल इंडिया रेलवे कर्मशियल क्लक्स, एसोसिएशन ने मार्च, 1971 में विजयवाड़ा (दक्षिण-मध्य रेलवे) के मंडल वाणिज्यिक अधीक्षक के विरुद्ध मुख्य मतर्कता अधिकारी, सिकन्दराबाद और निदेशक, सतर्कता, रेलवे बोर्ड को शिकायत की थी ; और

(ख) यदि हां, तो उस शिकायत पर क्या कार्यवाही की गई है ?

रेल मंत्री (श्री हनुमंतैया) : (क) जी, हा ।
महानिदेशक (सनकंता), रेलवे बोर्ड को एक
शिकायत प्राप्त हुई थी ।

(ख) शिकायत में विजयवाड़ा के मण्डल
वाणिज्य अधीक्षक के काम में किसी तरह के
भ्रष्ट तरीके अपनाये जाने का कोई आरंभ नहीं
है । शिकायत के सम्बन्ध में जा कार्यवाही की
जायेगी उसकी सूचना मन्त्रालय पर रख दी
जायेगी ।

**Underbridge at Level crossing on Trunk
Road No 5 in Andhra Pradesh**

6698 SHRI K SURYANARAYANA Will the Minister of RAILWAYS be pleased to state

(a) whether Government or the Divisional Engineer, Euru (Double Railway Line) South Central Railway have received any representation from the West Godavari Cooperative Sugar Limited, Bhimadote, Andhra Pradesh proposing construction of a Railway under-bridge at M319-320 (Madras to Howrah) Railway line level crossing, Trunk Road No 5, and

(b) if so, the action taken by the Railway authorities thereon ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) (a) Yes

(b) Suitable reply was sent by the South Central Railway Administration to the party indicating that the proposal for replacement of the level crossing by an overbridge (as underbridge is not feasible at site) is required to be sponsored by the State Government who are also required to bear their share of the cost as per extant rules. No such proposal has been received from the State Government so far.

Opposition to present system of voting

6699. SHRI MALLIKARJUN Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether some political parties in the country have voiced protest against the pre-

sent system of voting and demanded a change and adoption of the system of proportional representation, and

(b) if so, Government's reaction thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) (a) No communication in this behalf has been received from any political party in this Ministry

(b) Does not arise.

**Memorandum given by Flood Affected
People of Bihar**

6700 SHRI M M HASHIM Will the Minister of IRRIGATION AND POWER be pleased to state

(a) whether a memorandum on the difficulties of the flood affected people of 600 villages in Champaran, Darbhanga and Monghyr Districts of Bihar has been handed over to the Prime Minister by a deputation of the villagers,

(b) if so, the main demands made in the memorandum, and

(c) the reaction of Government thereto ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B N KUREFI) (a) No Memorandum has been received by the Prime Minister from the residents of flood affected villages in Champaran, Darbhanga and Monghyr Districts of Bihar

(b) and (c) Do not arise

**Compensation to persons rendered
Homeless due to Construction of Beas
Dam (Pong Dam)**

6701 SHRI MULKI RAJ SAINI Will the Minister of IRRIGATION AND POWER be pleased to state

(a) whether compensation or some other assistance is being given to persons who have been rendered homeless and jobless due to the construction of Beas Dam (Pong Dam) ;

(b) whether the persons earning their livelihood from the river such as licensed fishermen and those engaged in collecting wood from the river and who have been rendered jobless are not being given compensation or assistance and if so, the reasons therefor ;

(c) whether the owners of the water Flour Mill (Panchakki) are being paid compensation, but the other employees of the Mills are not being paid same ; and

(d) if so, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) Due compensation for lands and other properties acquired for the Project is being paid to the owners. In addition, rehabilitation grants to each oustee family and transportation charges for transporting each of their family members and live-stock to Rajasthan Canal area are being paid. Artisans, labourers and landless tenants will also be given house sites within the Abadi area in Rajasthan Canal Project. Ousteers are also given preference for the purpose of employment on the Beas Project.

(b) Claims of compensation for loss of earning, if any, put up by the licenced fishermen or persons collecting wood from the river and earning their livelihood entirely in such profession are considered according to the provisions of prevailing Law.

(c) and (d). Due compensation for Flour Mills (Panchakki) is already being assessed and paid to the owners.

राजस्थान में नई रेलवे लाइनों का बिछाया जाना

6702. श्री एस० एन० सिंह : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में प्रति हजार वर्ग मील में कितने मील लम्बी रेलवे लाइन है ;

(ख) राजस्थान में प्रति हजार वर्गमील में कितने मील रेलवे लाइन है ;

(ग) राजस्थान के विकास और वहां विद्यमान खनिज संसाधनों को देखते हुए क्या सरकार का विचार वहां रेलवे लाइनों की लम्बाई को बढ़ाने का है ; और

(घ) यदि हां, तो इस सम्बन्ध में सरकार ने क्या योजना बनाई है ?

रेल मंत्री (श्री हनुमंतैया) : (क) देश में प्रति हजार वर्ग किलोमीटर क्षेत्र में रेलवे लाइनों की रेल मार्ग लम्बाई 31 मार्च, 1971 को 18.3 किलोमीटर थी ।

(ख) रेलवे लाइनों की लम्बाई से सम्बन्धित सूचना राज्यवार नहीं बल्कि क्षेत्रीय रेलों के अनुसार संकलित की जाती है ।

31 मार्च, 1970 को यातायात के लिए चालू लाइनों के रेल मार्ग किलोमीटर और निर्माणाधीन लाइनों आदि का व्यौरा, भारतीय रेल व्यवस्था पर रेलवे बोर्ड की रिपोर्ट, (सांख्यिकीय विवरण) 1969-70 के पूरक के विवरण संख्या 8 में दिया गया है, जिसकी प्रतियां संसद के पुस्तकालय में उपलब्ध है ।

(ग) और (घ). यद्यपि ऐसी कोई विशिष्ट योजना नहीं बनायी गयी है फिर भी छेतड़ी और तांबा परियोजना के लिए डाबला से सिधौना तक 32 किलोमीटर लम्बी रेलवे लाइन के निर्माण का काम शुरू किया जा रहा है ।

Loan demanded by Assam for protection from Floods

6703. SHRI ROBIN KAKOTI : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) the amount of loan requested by Assam Government for flood protection schemes for the period from 1968 to 1971 ;

(b) the amount so far sanctioned ; and

(c) the amount spent by Assam Government in flood protection works in 1968-69, 1969-70 and 1970-71 ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KURFEL) : (a) to (c). Upto the beginning of Fourth Plan, Central Government gave specific loan assistance to the State Governments to meet the expenditure on flood control works. Beginning from Fourth Plan Central assistance to the State Governments is being provided in the shape of block loans and grants and is not tied to any particular project or head of the development. The State Governments are at liberty to allocate funds for the different sectors of development from the block assistance given by the Centre and their own resources. However, the Assam State Government requested a special loan assistance of Rs. 3 crores during 1970-71 for meeting expenditure on urgent flood control works in the Brahmaputra valley.

The amount of assistance sanctioned by Government of India and the expenditure on flood control works in Assam are as follows :

Year	Expenditure in Rs. lakhs.	Amount of loan assistance given by Government of India in Rs. lakhs.
1968-69	301	300
1969-70	543	Nil
1970-71	720	300

Power for Rural Industries Project Programme in Gujarat State

6704. SHRI SOMCHAND SOLANKI : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether sufficient electricity power is available in Gujarat to start rural industries project programme ; and

(b) if not, the steps taken by his Ministry to arrange for electric power in rural areas of

Gujarat for implementation of the said programme ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) and (b). In the two existing Rural Industries Projects located in Panchmahals and Kutch Districts the power position is not very satisfactory. During the Fourth Plan one more project is to be located in Junagadh Distt. where a Co-operative Rural Electric Project has also been located. This is expected to provide sufficient power for use by Small Scale Industries units. The Ministry of Industrial Development has requested the Government of Gujarat to provide necessary infrastructure including electric power, for growth of Industries in Rural Project areas.

Policy regarding laying of New Railway Links

6705. MAHARAJA MARTAND SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government have any policy regarding laying of new Railway lines with the particular object of upliftment of backward regions ; and

(b) if so, the names of the regions for which such policy has been adopted ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). The construction of new lines is undertaken on the recommendation of, or with the concurrence of, the Planning Commission. Priority is accorded to lines which are required for meeting strategic needs as also operational necessities of the Railways. Lines required for development of heavy industries, transport of mineral traffic, port development etc. are given special consideration in view of the overall benefits likely to accrue from such projects. Lines required for development of backward areas which have a large potential for industrial development, opening up agricultural or forest resources and to serve general economic and social needs are examined on merits taking into account the limited financial resources. For this purpose, studies are undertaken of the likely benefits from these lines to the areas concerned along with the likely financial return to the railways before decisions are taken.

Irrigation Facility in Assam

6706. SHRI ROBIN KAKOTI : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government are aware that due to want of irrigation facilities, a major part of cultivable land in Assam remains barren in the winter season ;

(b) if so, the steps taken by Government to remove this difficulty of the cultivators of Assam ; and

(c) the amount allotted to Assam State during the Fourth Five Year Plan for minor irrigation and major irrigation separately ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (c). The importance of irrigation for multiple cropping in Assam, as elsewhere in the country has been recognised. During the Fourth Plan, provision of Rs. 6 crores and 4.9 crores has been made for expanding the facilities under minor irrigation and major and medium irrigation sectors respectively, for completing the on-going schemes and taking up new schemes.

Over-Staffing on Railways

6707. SHRI CHANDRIKA PRASAD : Will the Minister of RAILWAYS be pleased to state :

(a) whether Administrative Reforms Commission has observed that there is a high degree of over-staffing on the Railways ;

(b) if so, the exact observations made by the Commission ;

(c) the percentage of over-staffing in different Departments of the Railways ; and

(d) the action taken by Government on the observations of the Commission in this regard ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). The Study Team on Railways of the Administrative Reforms Commission in their Report has observed as follows :

"There has been a disproportionate increase in the staff in certain departments on certain Railways as indicated in para 17.03."

Para 17.03 referred to above is reproduced below :

"17.03. There has been a disproportionate increase in the staff in certain departments on certain railways as indicated below :

- | | |
|---|--|
| (i) Administration ... | Central, North Eastern and Western Railways. |
| (ii) Accounts ... | North Eastern and Southern Railways. |
| (iii) Engineering (Ministerial staff) ... | Central, North Eastern, Southern and South Eastern Railways. |
| (iv) Transportation ... | Northern, North Eastern, Northeast Frontier and Southern Railways. |
| (v) Commercial ... | North Eastern and Southern Railways. |
| (vi) Mechanical ... | Central, Eastern and Northeast Frontier Railways. |
| (vii) Stores ... | Central and Southern Railways." |

(c) The percentage of over-staffing has not been indicated in the above Report. For an exact determination of the percentage of over-staffing in different departments of the Railways, if any, a job analysis is required to be carried out.

(d) No job analysis to determine over-staffing, if any, has yet been undertaken by the Railways. The work involved is colossal. Several steps have been taken to mop off excess staff, if any, on the Railways. In addition, a rigid control has been introduced in the matter of the sanction of any extra staff for the operation of the Railways.

Change in Marking System of Parcels Containing Perishable Articles

6708 SHRI CHANDRIKA PRASAD : Will the Minister of RAILWAYS be pleased to state :

(a) whether the consignments booked from Railway stations are to be marked with the Railway Marks ; and

(b) whether recently Railway Board has issued instructions making certain amendments in the Marking system ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes.

(b) Consignments are required to be marked by senders as well as by Railways. The Rule for marking by senders has been amended, but there has been no change in Rule for marking by Railways.

Consignments of Perishable Articles received at Delhi Junction

6709. SHRI CHANDRIKA PRASAD : Will the Minister of RAILWAYS be pleased to state :

(a) the total number of Markers on the roll of each Railway zone as on and after the recent change of the system of Marking ;

(b) whether Government are aware that 90 per cent parcels containing perishable articles are either not marked at all or marked by the merchants or their Dalals themselves ; and

(c) if not, the total number of consignments of perishable articles received at Delhi junction during January to June, 1971 (i) with full Railway marks ; and (ii) without Railway marks ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) There has

been no change in rules of Railway marking. Total number of markers on each Railway at present is—

Railway	Total Number of markers
Central	245
Eastern	250
Northern	348
North Eastern	57
Northeast Frontier	31
Southern	129
South Central	92
South Eastern	67
Western	290

(b) Parcels are required to be marked by senders as well as Railways. Some perishable packages are not fully marked according to Rules. In some cases, senders or their representatives willingly assist the railway staff in writing railway marks. Figures are not available to work out the percentage of such cases.

(c) During the period from January, 1971 to June 1971, 2,03,706 consignments of perishable goods were received at Delhi Main Station. These consignments comprised of 9,88,698 packages. Out of these, 9,86,338 packages were received with railway marks and the rest 2,360 packages were received without railway marks.

Study Report on the Work Load of Inspectors of Works on Railways

6710. SHRI RAM SWAROOP : Will the Minister of RAILWAYS be pleased to state :

(a) whether implementation of Efficiency Bureau study report on the work

load of Inspectors of Works on Indian Railways has been kept pending for want of funds ;

(b) if so, whether implementation of such study report of any other category has also been kept pending for similar reasons ; and

(c) if not, the reasons for discrimination against this particular category ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Some of the recommendations made in the Efficiency Bureau's Study on 'Workload on Inspectors of Works' have been kept pending for unfavourable resources position of the Railways.

(b) There has been no subsequent studies of this nature by the Efficiency Bureau.

(c) Does not arise.

Projects sanctioned by Rural Electrification Corporation in certain Districts of Andhra Pradesh

6711. SHRI ESWARA REDDY : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) the salient features of the projects sanctioned by Rural Electrification Corporation in the Districts of Cuddapah, Chittoor, Anantapur and Kurnool in Andhra Pradesh ;

(b) the dates on which they were sanctioned and the estimated expenditure of each project ; and

(c) the progress of work on each of these projects ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). The required information is given in the statement attached.

(c) The scheme for Chittoor district has been recently sanctioned ; funds sanctioned for the Cuddapah district were not drawn in the last financial year because formalities were not completed. The sanction in respect of this scheme has been recently revalidated, Formalities for receiving the first advance from the Rural Electrification Corporation for these two schemes will soon be completed and works taken up shortly. In respect of the remaining two schemes, the works are in progress and one village each in Kadri and Pathikonda Taluks have so far been electrified.

Statement

Salient Features of Rural Electrification Schemes of the Andhra Pradesh State Electricity Board in the Districts of Rayalaseema sanctioned by the Rural Electrification Corporation

Sl. No.	Name of Scheme	No. of villages	No. of pumps	Cost of the Scheme (Rs. lakhs)	Amount sanctioned by REC. (Rs. lakhs)	Date of sanction by REC.
1	2	3	4	5	6	7
1.	Anantpur District (Kadri Taluk).	45	1350	45.00	45.00	10.4.70
2.	Kurnool District (Pathikonda Taluk).	43	1220	51.16	51.16	26.8.70
3.	Cuddapah District (Pulivendla Taluk).	42	1302	39.78	39.78	5.1.71 (revalidated on 10.6.71)
4.	Chittoor District (Madanapalle Taluk).	31	2082	79.82	79.82	22.5.71
TOTAL :		161	5954	215.76	215.76	

Payment to Teachers in Delhi engaged for the correction of Voters Lists

6712. SHRI AMBESH : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) Whether the teachers of Government Higher Secondary Schools, Delhi were engaged for three days to correct the voters lists in Delhi ;

(b) whether they have not been paid for their services for the above work ; and

(c) if so, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) : (a) The teachers were engaged for a week.

(b) and (c). Honorarium was paid to some teachers. However, it was subsequently found that the work was done by the teachers in a most unsatisfactory manner and special revision of the electoral rolls had to be undertaken in several areas by employing additional staff for the purpose. This involved additional expenditure, which could have been avoided. In the circumstances, payment of honorarium has been withheld in the case of the remaining teachers.

Scheduled Castes and Scheduled Tribes Teachers in Railway Schools and Colleges

6713. SHRI AMBESH : Will the Minister of RAILWAYS be pleased to state :

(a) the number of Intermediate Colleges/Higher Secondary Schools/High Schools/Primary Schools run by his Ministry ;

(b) The number of Principals/Headmasters, Post Graduate Teachers, Trained Graduate Teachers and Primary Teachers working in the above schools ; and

(c) the percentage of Scheduled Castes and Scheduled Tribes in the above categories ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) to (c). A few colleges and schools are being run by the Railway Administrations at places where requisite educational facilities are not available. A statement showing the available information is placed on the Table of the Sabha. [*Placed in Library. See No. LT-792/71*] The remaining information is being collected and this will also be placed on the Table.

Grades of Railway School/College Teachers and Principals

6714. SHRI AMBESH : Will the Minister of RAILWAYS be pleased to state :

(a) whether his Ministry runs Intermediate colleges, Higher Secondary Schools/High Schools and Primary Schools ; and

(b) if so, the grades given to the Principals, Post-graduate Teachers, Trained Graduate Teachers and Primary School Teachers ?

THE MINISTER FOR RAILWAYS (SHRI HANUMANTHAIYA) (a) Yes.

(b) A statement is attached.

Statement

S.No.	Category	Scale of pay
1	2	3
1.	Principals of Higher Secondary Schools/Higher Secondary Multipurpose Schools/Intermediate Colleges.	Rs. 700-40-980-EB-40-1100.
2.	Principals/Head Masters/Head Mistresses of High Schools.	Rs.400-30-640-EB-40-800.

1	2	3
3.	Post-graduate Teachers.	Rs 300-25-450-FB-25-600.
4.	Trained Graduate Teachers	Rs.220-10-280-15-400-EB-20-500
5.	Primary School Teachers.	(i) Rs 125-5-160-8-200-FB-10-290-EB-15-320. (For Matic Trained)
		(ii) Rs 135-5-160-8-200-EB-10-290-EB-15-320. (For Higher Secondary Trained).

Balance Sheets of Divisions of Southern Railway

6715. SHRI ESWARA REDDY : Will the Minister of RAILWAYS be pleased to state the broad features of Balance Sheet for the year 1970-71 of each Division on Southern Railway "

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : The Balance Sheet of the Indian Government Railways is prepared Zonal Railway-wise and not for individual Divisions of each Railway. Hence, the question of stating the broad features of Balance Sheet of each Division on Southern Railway, does not arise.

Higher Scale of Pay for Train Examiners and Neutral Train Examiners, Guntakal Division (Southern Railway)

6716. SHRI ESWARA REDDY : Will the Minister of RAILWAYS be pleased to state :

(a) whether Train Examiners who were working in the scale of Rs. 180-240 on 1st April, 1966 have been upgraded to scale of Rs. 205-280 with effect from 1st April 1966 ;

(b) if so, when this has been implemented in the case of Train Examiners and Neutral Train Examiner working in Guntakal Division ; and

(c) if not, the reasons for the delay in its implementation ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) ; (a) Yes.

(b) The upgradation orders are being implemented.

(c) The matter remained under correspondence with the Railway Board regarding the manner in which fixation of pay is to be made. Necessary instructions were issued to Railways on 7.7.1971

Action taken on the demands of Southern Railway Mazdoor Union, Guntakal Division

6717. SHRI ESWARA REDDY : Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No 5327 on 20th July, 1971 regarding notice of hunger strike by Southern Railway Mazdoor Union, Guntakal Division and state :

(a) when the grievances mentioned in reply to part (b) of the reply were examined ;

(b) the action taken in respect of each item and when the Union was advised in the matter ; and

(c) the reasons why the hunger strike was launched by the Union ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). The grievances listed in reply to part (b) of Lok Sabha Unstarred Question No. 5327 replied on 20.7.71, were raised by the Southern Railway Mazdoor Union, Guntakal Branch, in their letter dated 29.7.71. These grievances were immediately examined and the Union was also advised of the action taken on various items on 9.6.71.

A statement giving the action taken on each item is laid on the Table of the House. [Placed in Library See No. I.T.—793/71].

(c) The Union, being not satisfied with the action taken, resorted to hunger strike on 26.6.71, which was withdrawn unconditionally on 27.6.71.

Running of Faster Train from Howrah to Puri or Waltair on South-Eastern Railway

6718. SHRI ARJUN SETHI : Will the Minister of RAILWAYS be pleased to state :

(a) whether there is any proposal to run a faster train from Howrah to Puri or Waltair on the South-Eastern Railway ; and

(b) if so, when the proposal will be implemented ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes, on the Howrah—Waltair Section.

(b) The first increase in speed is proposed to be brought in from April, 1972.

Growth of Industrial Houses

6719. SHRI B. K. DASCHOWDHURY : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether his Ministry has made any study about abnormal growth of private indus-

tries of some big industrial houses like Birla, Tata and few others since independence of the country in relation to their properties of the past and the present ;

(b) the total capital of 14 big industrialists in 1947 and 1970 individually ; and

(c) the reason for their increase or decrease of capital ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDEHSHWAR PRASAD) : (a) to (c). While the Government has not made any study of the growth of big business houses for the entire period of 1947-70, Inquiry Commissions set up by the Government from time to time have studied this problem. The Monopolies Inquiry Commission listed in its Report 75 Groups whose total assets were found to be not less than Rs. 75 crores in 1964. The Industrial Licensing Policy Inquiry Committee, which was appointed in 1967 to inquire into the working of the Industrial licensing system during the past ten years, has indicated in Appendix II A(I) of its report the assets position of these houses in 1966. The copies of these two Reports have already been laid on the Table of the House. A statement indicating assets of the top 14 Industrial Houses for the year 1963-64 (as per M.I.C. Report), as on 31st December 1966 (as per ILPIC Report) and as in 1967-68 according to a study made by an official of the Department of Company Affairs, in terms of individual Houses is also attached.

Statement

S. No.	Industrial Houses	Assets as per MIC Report 1963-64	Assets as per ILPIC Report (as on 31.12.66)	Assets in 1967-68
1	2	3	4	5
1.	Tata	417.72	505.36	584.63
2.	Birlas	292.72	457.84	575.60
3.	Martin Burn	149.61	153.06	174.29
4.	Bangur	77.91	104.31	124.88
5.	A. C. C.	77.36	89.10	105.84

1	2	3	4	5
6.	Thapar	71.90	98.80	103.30
7.	Sahu Jain	67.69	58.75	79.68
8.	Bird Chambers	60.10	68.62	78.62
9.	J. K. Singhania	59.20	66.84	78.75
10.	Surajmull Nagarmaull	57.37	95.62	107.34
11.	Dalchand	55.17	81.11	86.24
12.	Shri Ram	54.68	74.13	107.41
13.	Scindia	46.96	55.98	65.44
14.	Goenka	46.95	65.34	64.55

Memorandum given by National Federation of Railways Porters and Vendors

6720. DR. RANEN SEN : Will the Minister of RAILWAYS be pleased to state :

(a) whether a delegation of the National Federation of Railways Porters and Vendors met the Prime Minister during the last week of June and submitted a memorandum ;

(b) if so, what were their demands ; and

(c) the decision of Government thereon ?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI) : (a) No.

(b) and (c). Do not arise.

Effect of non-availability of Railway Wagons on the movement of Cement C. I. Sheets and other Building Materials towards Eastern Zone

6721. SHRI N. TOMBI SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) whether the attention of the Government of India has been drawn to the extremely meagre movement of cement, C. I. sheets and other building materials towards the eastern zone comprising Assam, Nagaland,

Manipur, NEFA and Tripura owing to non-availability of adequate number of railway wagons ; and

(b) if so, the steps being taken to provide more wagons to these areas ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). Some complaints were received regarding inadequate movement of cement and other building materials to the States in Eastern zone referred to. The movement to the States of Assam, Nagaland, Manipur, NEFA and Tripura from Broad Gauge takes place mostly *via* Farakka and the movement had been considerably hampered during the course of this year not due to non-availability of wagons but due to restrictions that had to be imposed on movement *via* this route on account of strikes, bundhs and other anti-social activities affecting the operation in the Eastern part of the country and extremely unfavourable riverine conditions affecting ferry crossing at Farakka due to narrowing down of the channels with the progress in the construction of Farakka barrage and frequent necessity to shift the shore girders during the monsoon period.

Movement of cement and other building materials by the route *via* Farakka and also by the metre gauge route over North Eastern Railway was further affected as the bulk c

the movement capacity had to be utilised for essential commodities like foodgrains, salt, pulses, kerosene oil, coal, relief materials etc. to these States for the local population and the refugees.

In spite of the difficulties mentioned above, all possible efforts are being made to maximise movement of traffic referred to after accommodating other essential traffic.

Progress made in the implementation of Navtha Irrigation Project on Tapti River

6722. SHRI G. C. DIXIT : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Government of Maharashtra are implementing or propose to implement Navtha irrigation Project on Tapti River near Andha-khari and Navtha villages in Burhanpur Tehsil, Madhya Pradesh ;

(b) if so, the progress made in this regard and the time by which this project is likely to be completed ;

(c) Whether it is a fact that the height of the small bridge constructed over Tapti River near Jainabad in Burhanpur would also be raised by six feet under this scheme ; and

(d) if so, by what time ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KURFEL) : (a) and (b). Proposals for Upper Tapti Project, Stage II, envisaging the construction of a storage at Navatha and another storage upstream of Navatha at Khairagutighat on the River Tapti are under investigation by the Government of Maharashtra, in consultation with the Government of Madhya Pradesh. These proposals do not envisage any storage at Andha Khari.

(c) and (d). The Upper Tapti project, Stage I, in Maharashtra, construction work on which has been taken in hand, involves some submergence, mostly within the banks and also of two causeways, one of which is at Jainabad in Madhya Pradesh territory. The Government of Maharashtra have agreed to bearing the cost of raising/reconstruction of

these works in order to keep the communications across the river as before. Necessary details of raising/reconstruction of the causeway are being worked out by the Government of Madhya Pradesh, and these works are expected to be completed by them well before the completion of the Project in the Fifth Plan.

Staff in Assam Saw Mill and Timber Company Limited at Namsai (NEFA)

6723. SHRI C. C. GOHAIN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state the number of local tribals as well as non tribals employed in the Assam Saw Mill and Timber Company Ltd., Namsai in Lohit District in NEFA Area, separately ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : The information is being collected and will be laid on the Table of the House.

Supply of Potassium Chlorate for WIMCO Match Factory in Calcutta

6724. SHRI JYOTIRMOY BOSU : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether WIMCO a match factory in Northern suburb of Calcutta, has received double the quantity of potassium chlorate during the last two years as compared to its usual requirements ; and

(b) if so, the reasons thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) No Sir. No allocation of Potassium Chlorate has been made by the Government to any factory.

(b) Does not arise.

Grant of Concessions to Industries in Backward Areas

6726. SHRI CHANDRIKA PRASAD : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to refer to the reply given to Starred Question No. 975 on the 7th July, 1971 regarding schemes for the development of backward States and state :

(a) whether provision has been made to grant special concessions to the industries with a capital of less than Rs. 50 lakhs in backward areas and, if so, the number and names of industries benefited and provided encouragement as a result of this policy ; and

(b) the names of the industries and the benefits and incentives provided for the backward Districts in Uttar Pradesh particularly in Ballia District under the said policy ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) and (b). A scheme has been prepared by the Planning Commission in consultation with the State Governments and the Central Ministries concerned, according to which certain districts/

areas have been selected *vide* statement 'A' for a Central grant/subsidy amounting to one-tenth of the fixed capital investment of new units (with a fixed capital investment not exceeding Rs. 50 lakhs in each case) to be located thereto. The scheme is yet to be formally announced and put into operation. Ballia and Jhansi Districts in U. P. are eligible for this grant/subsidy. Apart from this certain districts have been selected, *vide* statement 'B', for the purpose of concessional finance by financial institutions for industries started there. Ballia and Jhansi are included in this list also. The concessions and facilities to be allowed by the financial institutions and under the Central grant/subsidy scheme will help to accelerate the pace of industrial development in these districts/areas and it is hoped that entrepreneurs would take full benefit of the various concessions.

Statement--A

PLANNING COMMISSION

(Village and Small Industries Division)

List of industrially Backward Districts Areas selected from Central Subsidy amounting to one-tenth of the fixed capital investment of new industrial Units.

S. No.	State	Districts/Arcas
1	2	3
1.	Andhra Pradesh	*
2.	Assam	Goalpara and Mikir Mills
3.	Gujarat	Panchmahals
4.	Bihar	Darbhangha & Bhagalpur
5.	Haryana	Mohindergarh
6.	Himachal Pradesh	Kangra
7.	Jammu & Kashmir	Srinagar and Jammu
8.	Kerala	Alleppey
9.	Madhya Pradesh	(1) A unit once comprising 12 contiguous blocks, 6 each from Bilaspur and Raipur Districts. (2) A unit area comprising 10 contiguous blocks from the districts of Dewas (2 blocks), Shajapur (3 blocks), Rajgarh (2 blocks) and Guna (3 blocks).

* Proposals under consideration.

1	2	3
10	Maharashtra	Ratnagiri
11	Mysore	Raichur
12	Meghalaya	United Khasi & Jaintia Hills and Garo Hills
13	Nagaland	Kohima and Mokokchung
14	Orissa	Khalahandi and Mayurbhaja
15	Punjab	Hoshiarpur
16	Rajasthan	Alwar (a)
17	Tamil Nadu	A unit area of 10 Talukas from the Distt of Ramanathapuram (6 Talukas) Madurai (1) and Thiruchivapalli (3)
18	Uttar Pradesh	Ballia and Jhansi
19	West Bengal	Purulia

UNION TERRITORIES

1	Andaman & Nicobar Islands	5	NEIA
2	Dadra and Nagar Haveli	6	**Pondicherry
3	**Goa, Daman and Diu	7	Tripura
4	Laccadive, Minicoy and Amindive Islands	8	Manipur

Statement

List of Industrially Backward Districts selected for concessional finance from the Financial Institutions

S No	State	Districts
1	2	3
1	Andhra Pradesh	Nalgonda, Modak, Mahbubnagar, Karimnagar, Warangal, Khammam Chittoor, Anantapur, Kurnool, Nizamabad, Srikakula Cudappah, Nellore and Ongole
2	Assam	Goalpara, Cachar, Nowgong, Kamrup, Mikir Hills and Mizo Hills district

(a) Proposals for another district under consideration

** Entire District excluding the area within the municipal limits of their capitals.

1	2	3
3.	Bihar	Santhal Parganas, Bhagalpur, Palamau, Champaran, Saran, Darbhanga, Purnea, Muzaffarpur and Saharsa.
4.	Gujarat	Panchamahals, Kutch, Amreli, Broach, Sabarkantha, Banaskantha, Bhavanagar, Mehsana, Surendernagar and Junagadh.
5.	Haryana	Mohindergarh, Hissar and Jind.
6.	Himachal Pradesh	Champa, Kinnaur, Kangra, Kulu and Lahul and Spitti.
7.	Jammu & Kashmir	Srinagar, Anantnag, Baranula, Jammu, Kathua, Udhampur, Doda, Ladakh, Poonch and Rajouri.
8.	Kerala	Alleppy, Trivandrum, Cannanore, Trichur and Malapuram.
9.	Madhya Pradesh	Bastar, Mandla, Surguja, Seoni, Jabua, Balaghat, Bilaspur, Sindhia, Betul, Raigarh, Raipur, Dhar, Tikamgarh, Rajgarh, Kargone, Shajapur, Shivpuri, Chhatarpur, Rewa, Panna, Dewas, Mandasaur, Guna, Datia, Morena, Vidisha, Narasimhapur, Raisen, Hoshangabad, Damoh, Bhind, Sagar and Chindwara.
10.	Maharashtra	Bhir, Osmanabad, Bhandara, Ratnagiri, Aurangabad, Yeotmal, Chanda, Dhulia, Buldhana, Nanded, Parbhani, Jalgaon and Colaba.
11.	Meghalaya	Both the districts of United Khasi and Jaintia Hills and Garo Hills.
12.	Mysore	Gulbarga, Hassan, Mysore, North Konara, Raichur, South Kanara and Tumkur.
13.	Nagaland	Kohima, Mokakchung and Tuensang.
14.	Orissa	Bolangir, Mayurbhanj, Dhenkanal, Kalahandi, Balasore, Keonjhar, Koraput and Phulbani,
15.	Rajasthan	Jalore, Banswara, Dungapur, Nagaur, Churu, Alwar, Tonk, Udaipur, Jodhpur, Jhunjhunu, Sikar, Sirohi, Bhilwara, Jhalawar, Jaisalmer and Barmer.
16.	Punjab	Hoshiarpur, Bhatinda, Gurdaspur and Sangrur.
17.	Tamil Nadu	South Arcot, Tiruchirappalli, Madurai, Ramanathapuram, Kanyakumari, North Arcot, Thanjavur and Dharmapuri.

1	2	3
18.	Uttar Pradesh	Almora, Aramgarh, Baharainch, Banda, Ballia, Badaun, Chamoli, Fatehpur, Garhwal Ghazipur, Hamirpur, Hardoi, Pilibhit, Jalaun, Jaunpur, Jhansi, Mainpuri Pithorgarh, Pratapgarh, Rae Bareilly, Sultanpur, Tehri Garhwal, Unnao, Uttar Khashi, Barabanki, Basti Bulandshar, Etah Etawah, I azabad, Gonda, Mathura Farrukhabad, Shahjahanpur and Deoria
19	West Bengal	Purulia, Bankura, Midnapur, Darjeeling, Malda, Cooch Bihar, West Dinajpur and Murshidabad

UNION TERRITORIES

1	Andaman & Nicobar Island	Entire area
2	Chandigarh	Nil
3	Dadra & Nagar Haveli	Entire area
4	Delhi	Nil
5	Goa, Daman & Diu	Entire area
6	Laccadive, Amindive & Minicoy Islands	The inhabited islands
7	Manipur	Entire area
8	NEFA	Entire area
9	Pondicherry	Entire area
10	Tripura	Entire area

Construction of a Dam on the River Mahanadi in Raipur District.

6727 SHRI SHASHI BHUSHAN
SHRI DEVINDER SINGH GARCHA

Will the Minister of IRRIGATION AND POWER be pleased to state

(a) whether it is proposed to construct a dam on the river Mahanadi at Dhantiari in Raipur District to meet the water requirements of the Bhilai Steel Plant,

(b) if so, the cost involved in the construction of this project, and

(c) the time by which the said project is likely to be completed?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) (a) The Government of Madhya Pradesh have proposed the construction of the Mahanadi project for irrigation as well as for augmenting water supply to Bhilai Steel Plant

(b) Stage I of the project is estimated to cost about Rs 15 crores and Stage II about Rs 10 crores

(c) The project is planned for completion in six years after commencement

Remittances to M/s Gherril Textile Organisation

6728 SHRI INDRAJIT GUPTA Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to refer to the reply given

to Unstarred Question No. 4586 on the 31st August, 1970 and state :

(a) whether the technical consultancy agreement between M/s. Gherzi Textile Organisation, Zurich and M/s. Nowrosjee Wadia and Sons (Private) Ltd., involving large remittances in foreign exchange has been approved for extension beyond the 30th June, 1970 ; and

(b) if so, the grounds and conditions for such approval ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) :

(a) No, Sir.

(b) Does not arise.

Representations by Railway Employees of Luming Division

6729. SHRI SAMAR MUKHERJEE : Will the Minister of RAILWAYS be pleased to state :

(a) whether a large number of Railway employees of Luming Division, Assam, who went for representation to the Railway authorities had been arrested and cases have been registered against them during the month of June ; and

(b) if so, the reasons for their arrests ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). A group of railway employees led by the unrecognised Coordination Committee, who demonstrated in front of the office of the Divisional Superintendent, Luming, to represent certain grievances, forcibly entered the office of the Divisional Superintendent and manhandled him. The Local Police registered a case under sections 147, 448, 353 of Indian Penal Code and arrested six employees in this connection.

Dislocation of Train service at Gangapur Station on Western Railway

6730 SHRI KRISHNA HALDER : Will the Minister of RAILWAYS be pleased to state :

(a) whether the train services were dislocated at the Gangapur Railway Station on the Western Railway on the morning of 4th July, 1971 for about 8 hours ;

(b) whether this was due to the squatting of the Railway gangmen who were protesting against the attack by the Government Railway Police Sub-Inspector on the Railway gangmen ; and

(c) If so, the action taken in the matter ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes.

(b) Yes. This was due to squatting by gangmen, Railway employees of other departments and outsiders who were protesting because one gangman, of Pilauda Station was alleged to have been beaten and manhandled by a Sub-Inspector, Government Railway Police, Gangapur.

(c) Station Officer, Government Railway Police Gangapur City along with other Government Railway Police staff have been shifted from Gangapur City, Railway Police Station and enquiry against them is in progress.

पूर्वोत्तर रेलवे के मऊ स्टेशन के कर्मचारियों के विरुद्ध चोरी के आरोप

6731. श्री नागेश्वर द्विवेदी. क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पुलिस और खुफिया पुलिस विभाग ने चोरी और भ्रष्टाचार के आरोपों में पूर्वोत्तर रेलवे के मऊ जंक्शन के कुछ कर्मचारियों को कई बार गिरफ्तार किया है ; और

(ख) यदि हां, तो उन कर्मचारियों के विरुद्ध रेलवे प्रशासन के क्या कार्यवाही की है ,

रेल मंत्री (श्री हनुमन्तैया) : (क) जी हां, 1967 में मऊ जंक्शन के दो रेल कर्मचारी चोरी के मामले में सलेमपुर की सिविल पुलिस द्वारा पकड़े गये थे ।

(ख) सम्बन्धित दोनों रेल कर्मचारियों (एक गाई और दूसरा प्लाइवुडमैन) का बालान किया

गया था लेकिन न्यायालय द्वारा उन्हें छोड़ दिया गया। इस मामले में जिम गार्ड का चालान किया गया था उसका स्थानान्तरण कर दिया गया है।

**वाराणसी डिवीजन (पूर्वोत्तर रेलवे) के कर्म-
चारियों द्वारा 'रेल की हलचल' नामक
खुला पत्र**

6732 श्री नागेश्वर द्विवेदी क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या पूर्वोत्तर रेलवे के वाराणसी डिवीजन के कर्मचारियों ने रेल की हलचल नामक खुला पत्र प्रकाशित किया है और भूतपूर्व रेल मंत्री, श्री नदा जब गत वर्ष वागणसी गये थे, तब उनसे दिया था और उक्त पत्र में अन्याय और भ्रष्टाचार का उल्लेख था, और

(ख) यदि हां, तो उस पत्र के आधार पर क्या कार्यवाही की गई है ?

रेल मंत्री (श्री हनुमंतैया) (क) रेल मंत्रालय की सर्वोच्च जांचकारी के अनुसार ऐसा कोई खुला पत्र नहीं मिला है जिसका प्रश्न में उल्लेख किया गया है।

(ख) प्रश्न नहीं उठता।

**पूर्वोत्तर रेलवे के मुख्य सतर्कता अधिकारी के
विचित्र शिकायत**

6733 श्री नागेश्वर द्विवेदी क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या पूर्वोत्तर रेलवे के वर्तमान मुख्य सतर्कता अधिकारी के विचित्र भ्रष्टाचार की शिकायतें मिली हैं, और

(ख) यदि हां, तो सरकार ने उन पर क्या कार्यवाही की है ?

रेल मंत्री (श्री हनुमंतैया) (क) जी नहीं।

(ख) प्रश्न नहीं उठता।

**Abolition of the Post of Additional Mem-
bers in the Railway Board**

6734 SHRI PRABHUDAS PATIL
SHRI K MALLANNA
SHRI M M JOSEPH

Will the Minister of RAILWAYS be pleased to state

(a) whether his Ministry has decided to abolish the post of Additional Members in the Railway Board, and

(b) if so, whether this was one of the recommendations made by Administrative Reforms Commission in January last ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA): (a) and (b) The Administrative Reforms Commission's recommendation regarding the abolition of the posts of Additional Members in the Railway Board is at present under consideration

Nationalisation of British India Corporation

6735 SHRI S M BANERJEE Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state

(a) whether a final decision has been taken to nationalise the British India Corporation and

(b) if not, the reason for not taking the decision so far ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD)
(a) Government has no such proposal before it

(b) Question does not arise

Chairman of British India Corporation

6736 SHRI S M BANERJEE Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state

(a) whether the new Chairman of British India Corporation has been appointed, and

(b) if so, the name of the Chairman ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) :

(a) No, Sir.

(b) Does not arise.

Cooperative Housing Societies in Railways

6737. SHRI S. M. BANERJEE : Will the Minister of RAILWAYS be pleased to state :

(a) how many Co-operative Housing Societies are running in various Railways at present ; and

(b) what is the general policy for making over surplus land to these Societies at concessional rates ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) 39.

(b) Surplus Railway land cannot be relinquished to any party including Co-operative Housing Societies of Railway employees except on payment of market value as on the date of its transfer.

Surplus land for North Eastern Railway Staff Co-operative Housing Society, Kanpur

6738. SHRI S. M. BANERJEE : Will the Minister of RAILWAYS be pleased to state :

(a) the reasons for the delay in transferring the surplus land at Gwaltoli (Kanpur) to North Eastern Railway Staff Co-operative Housing Society, Kanpur ; and

(b) whether the Railway authorities have accepted in principle the genuineness of this demand ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). It has already been agreed to relinquish a portion of surplus Railway land of ex-Gwaltoli Siding at Kanpur to the N.E. Railway Staff Co-operative Housing Society, Kanpur on payment of present market value and after settling the terms with the Society. The land will be handed over after the purchase value of the terms are

finalised and also the amount of valuation paid to the Railway.

उत्तर रेलवे पर जोधपुर और मारवाड़ा जंक्शन के बीच रेलगाड़ी चलाना

6739. श्री मूलचन्द डागा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि .

(क) क्या सरकार का विचार उत्तर रेलवे में जोधपुर से मारवाड़ा जंक्शन तक एक नई रेल गाड़ी चलाने का है ; और

(ख) यदि हाँ, तो नई रेल गाड़ी कब तक चलाई जायेगी ?

रेल मंत्री (श्री हनुमंतैया) : (क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

New Industries in Mysore

6740. SHRI K. MALLANNA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government of Mysore have formulated any programme to set up new industries in that State ;

(b) if so, the names of places where new industries are likely to be set up in that State during the year 1971-72 ;

(c) the names of such industries ; and

(d) the number of persons likely to be employed in each industry ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) to (d). The proposals for the Annual State Plan for 1971-72 submitted by the Government of Mysore did not envisage plans to set up new industries in the State public sector. A total provision of Rs. 176 lakhs was however recommended during 71-72 for participation in Mysore State Investment and Industrial Development Corporation and for development of industrial areas. Projects under consideration for assistance by the Mysore

State Investment and Industrial Development Corporation arc ferro-silicon, refractories, caustic soda, salt, iron-ore, tractors, television receivers, midget electrodes, razor blades, food industries, gear-hubs, low cost car and scooters. No. estimates of the employment potential in these industries have been made.

Indo-Danish Agreement to set up a Tool Room in Bangalore

6741. SHRI K. MALLANNA :
SHRI S. M. KRISHNA :
SHRI ESWARA REDDY :

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether any agreement has been signed between India and Denmark for setting up a Tool Room in Bangalore for the manufacture of tools, dyes and moulds for small scale industries ;

(b) if so, what are the terms of the agreement ; and

(c) what will be the production capacity of the Tool Room ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) to (c). An agreement was signed in New Delhi on the 8th July, 1971 between India and Denmark for establishing a Technical Training Centre for Tool Makers and a Service Centre at the Industrial Estate, Bangalore. The Government of Denmark will provide equipment for the two Centres and the services of five Danish experts ; they will also offer facilities for training 10 Indian technicians in Denmark. The Government of India will provide suitable land and buildings and working expenses of the Project including salary of Indian staff. The agreement will be in force for a period of five years.

The plan of operation for the Tool Room envisages that about 40 tool makers will be employed in the manufacture of small and medium sized tools and moulds.

Microwave Communication Connecting Teleprinters to Computers

6742. SHRI K. MALLANNA : Will the Minister of RAILWAYS be pleased to state :

(a) whether there is any proposal for microwave communication connecting Teleprinters to Computers to be undertaken by his Ministry ; and

(b) if so, when the proposal is going to be implemented ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) There is a proposal to transfer certain data feeding teleprinter circuits to microwave links.

(b) The Proposal, if approved, would be implemented by 1973-74.

Application for Licence for starting of Pulp and Paper Project by Century Spinning and Manufacturing Company

6743. SHRI C. K. CHANDRAPAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the application submitted by the Century Spinning and Manufacturing Company for a licence to start a pulp and paper project was referred to the Monopolies Commission for its opinion ;

(b) if so, the opinion tendered by the Commission ; and

(c) whether Government have taken any final decision in the matter ?

THE DEPUTY-MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) An application under section 21 of Monopolies and Restrictive Trade Practices Act, 1969, from Century Spinning and Mfg. Co. Ltd., for substantial expansion by establishment of a new unit for manufacture of paper and chemical pulp in U.P. was referred to the M.R.T.P. Commission for further enquiry and report.

(b) The M.R.T.P. Commission has since submitted its report with a dissenting note.

(c) Government has yet to take a final decision in the matter.

Irrigation Projects in West Bengal

6744. SHRI S. P. BHATTACHARYYA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) the names of the big and small irrigation projects which are going to be implemented in West Bengal with a view to turning one crop areas into two or three crop areas ; and

(b) the acreage of cultivable lands going to be benefited in different districts by these projects ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). The Government of West Bengal have reported that the following works are in progress :

1. Kangsabati Project.
2. Extension and improvement works in Mayurakshi and Damodar Valley Corporation.
3. Medium irrigation schemes like Sahrajore, Kumari, Bandhu Sali and Hinglow.
4. 35 minor irrigation schemes.

The Kangsabati, Damodar Valley Corporation and Mayurakshi are meant for Kharif, Rabi and some Boro irrigation. Others are primarily meant for Kharif irrigation.

The irrigation from the above projects, district-wise, on their completion in all respects, would be :

Midnapore	581839	acres
Bankura	515577	acres
Hooghly	315000	acres
Burdwan	626000	acres
Howrah	12000	acres
Murshidabad	138000	acres
Birbhum	454600	acres

Purulia	37560	acres
Malda	320	acres
West Dinajpore	3000	acres
Darjeeling	6500	acres
Jalpaiguri	33880	acres
Cooch Bihar	330	acres

Addition of Compartment to Ahmedabad Mail from Delhi to Jamnagar on Western Railway

6745. SHRI JADEJA : Will the Minister of RAILWAYS be pleased to state :

(a) whether only one compartment including 1st, Class, 11nd Class and 111rd Class is being attached to the Ahmedabad Mail from Delhi to Jamnagar on Western Railway ;

(b) whether Government propose to attach a two tier or three tier sleeper to that train for the convenience of passengers, particularly defence personnel stationed at Jamnagar ; and

(c) if so, the time by which this demand will be fulfilled ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes, only one composite I and III Class coach is provided between Delhi and Jamnagar by Ahmedabad Mail and connected trains.

(b) No, there is no room on Ahmedabad Mail on the Kirti Express for attaching an extra coach.

(c) Does not arise.

U A.R. Delegation's visit to India to study Industrial Development

6746. SHRI S. M. KRISHNA :
SHRI P. GANGADEB :

Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether U A.R. delegation led by Mr. H. A. Fattah visited India to study the industrial development in the country ;

(b) if so, the names of the industrial units visited by the delegation ; and

(c) whether any agreement has been reached and if so, the main features thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) :
(a) There was no official visit by a delegation from U.A.R. led by Mr. H.A. Fattah, to study the industrial development of the country. However, a team from U.A.R. led by Mr. Fattah visited India, at the invitation of a private consultancy firm, M/s Development Consultants Private Limited, Calcutta.

(b) The consultancy firm has reported that the team visited the following industrial units in India :-

Heavy Engineering Corporation ; Ranchi.
Mining and Allied Engineering, Durgapur. A.V.B, Durgapur.
McNally Bird, Kumardubi.
Braithwaite and Company, Calcutta.
Walchandnagar Industries, Walchandnagar.

(c) The consultancy firm has reported that an agreement was signed between the U.A.R. team and M/s Development Consultants Private Limited for technical advisory services for setting up capital equipment industry in U.A.R.

Pakistan Nationals Working on Indian Railways

6747. SHRI G. Y. KRISHNAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether a number of Pakistani nationals are working on the Indian Railways since October, 1968 ; and

(b) if so, the reasons therefor ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). In October 1968, there were six Pakistani Nationals on Railways serving for a number of years. Since then there has been no increase in this number. One of them has, in fact, acquired Indian Citizenship.

Development of Industries in backward districts in West Bengal

6748. SHRI B. K. DASCHOWDHURY : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government propose that in order to remove backwardness in some districts of West Bengal for which certain special assistance has already been declared by the Government of India ; the issuance of any further industrial licence can only be considered for those backward districts and not for any other area ;

(b) whether Government propose to ask the applicants for industries to start industries in backward districts ; and

(c) if not how industrialists would open any industries whatsoever in those backward Districts ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) to (c). It is an accepted policy of the Government to accord preferential and priority treatment to applications for setting up new units or expansion of existing units in the industrially backward areas, subject to economic viability and technical feasibility of the proposals. This, however, does not mean that applications for areas other than the backward districts would not be considered. In so far as the State of West Bengal is concerned, the districts of Purulia, Bankura, Midnapur, Darjeeling, Malda, Cooch Bihar, West Dinajpur and Murshidabad have been selected for the purpose of grant of concessional finance from the financial institutions. Also the Purulia district has been selected to qualify for 10% outright grant or subsidy on the fixed capital investment of the industries to be started there. Government expects that the above concessions would attract industries in the backward districts of the State.

Introduction of Air-conditioned train between Sealdah and New Bongaigaon on North East Frontier Railway

6749. SHRI B. K. DASCHOWDHURY : Will the Minister of RAILWAYS be pleased to state :

(a) whether in view of the opening of Farakka Bridge for Railways soon, his

Ministry proposes to introduce "Air-conditioned Vestibule, Chair Car" type train at least thrice weekly on the broad gauge Railway line between Sealdah-New Bongaigaon on the North East Frontier Railway and *vice versa*; and

(b) if so, when such a train is likely to be introduced?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA): (a) No.

(b) Does not arise.

Rural Electrification in Cooch-Bihar, West Bengal

6750 SHRI B K DASCHOWDHRY: Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether Government have decided to electrify 54 villages of the Cooch-Bihar district, West Bengal, during the fourth five year plan;

(b) if so, the names of those villages and how soon the work will be completed; and

(c) whether any work as such has started and, if not, the reasons for the delay?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KURFEL): (a) to (c). The West Bengal Electricity Board has programmed to electrify 97 villages in Cooch Behar District during the Fourth Plan. The names of these villages are under finalisation. So far a specific scheme for the issue of work order has been finalised for 10 villages, the names of which are as follows:

1. Gariahati
2. Choto Gariahati
3. Harinchora
4. Bhanukumari
5. Chatakutee
6. Banesarwar

7. Chilakhana

8. Kharimala Khagrabari

9. Chakchaka

10. Choogomaroo.

Work has already begun for the electrification of the above villages and is expected to be completed by March, 1972.

Capacities of steam and hydro power generating units in Bharat Heavy Electricals Limited

6751. SHRI D. D. DESAI: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) the number and capacities of Steam and Hydropower generating units of 50 MW and above manufactured and supplied by Bharat Heavy Electricals Limited; and

(b) which and how many of the above sets are in actual commercial operation and for how long?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD):

(a) Bharat Heavy Electricals Limited have completed the manufacture, supply and supervision of erection of four Steam generating sets of 60 MW.

(b) Two sets at Ennore and one at Harduaganj are in commercial operation as required in the Grid after commissioning on the following dates:

Ennore— I	31.3.1970
Ennore— II	21.2.1971
Harduaganj	24.4.1971

The 60 MW set at Delhi has been commissioned on 21.7.1971 but is not yet in commercial operation.

Taking over of A Jim Jati Technical Institute in Imphal

6752. SHRI N. TOMBI SINGH: Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state:

(a) the progress made in the matter of taking over by the *Adim Jati* Technical Institute in Imphal by the Government of Manipur ;

(b) whether Government have made adequate provisions for running of this institute from the current financial year ;

(c) whether a new site has been selected for this institution ; and

(d) if so, its location and the time by which the new premises will be built up ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) The Government of Manipur has already purchased the additional equipment and the proposal for the creation of posts is under consideration.

(b) Yes, Sir. Provision for running the Institute has been made in the current year's budget.

(c) and (d). Yes, Sir. Twenty acres of land at Takyel have been allotted for the Institute and construction work will start in the current year. The new buildings are expected to be ready by the end of 1974-75. Till then the Institute will continue at the present site.

Irrigation Facilities near Loktak Multi-Purpose Project, Manipur

6753. SHRI N. TOMBI SINGH : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether measures have been taken to ensure that normal agricultural activities be continued on the lands at Ninthoukhong near the Loktak Multi purpose project site in Manipur by providing temporary irrigation said to be necessitated by the new channel and the high bunds on both sides of the channel and if so, the broad outlines thereof ;

(b) whether Government are aware that the emergence of the project channel has blocked the long existing waterways and the cultivators in the close neighbourhood of the project are suffering owing to scarcity of water in the rainy season itself ; and

(c) if so, whether Government propose to take immediate action in view of the fast ending rainy season ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). The water courses for feeding the agricultural land near Ninthoukhong were the two irregular drains which existed on either side of the approach road for power house. The rain water from the hills used to flow down these drains and was then diverted into the cultivated fields. This approach road has been repaired and regular side drains have been cut so that there is no interference for cultivation in the lands adjacent to the power channel near Ninthoukhong. The power channel has been excavated on both sides of the road leaving the approach road from Ninthoukhong to the project site intact.

In addition, regular gangs are at work throughout the length to ensure that the drains are cleared and water supply to the fields is maintained without any break.

The emergence of the project channel has not blocked the long existing waterways and the cultivators in the close neighbourhood of the project site are not suffering owing to scarcity of water.

(c) Does not arise.

Overbridge at Parakkunnam Railway Gate, Palghat (Kerala)

6754. SHRI A. K. GOPALAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether there is any proposal to construct an overbridge at Parakkunnam Railway Gate, Near Victoria College, Palghat (Kerala) ; and

(b) if so, when the construction works is likely to be started ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) No.

(b) Does not arise.

Survey Report of Kollemkode-Trichur Railway Line

6755. SHRI A. K. GOPALAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether the survey report of Kollemkode-Trichur Railway line had been submitted to Government and if so, whether Government have approved the same ; and

(b) when the construction work of the line will be started ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHALYA) : (a) and (b). Surveys carried out in 1946-49 had revealed that the line would be unremunerative. There is, therefore, no proposal for construction of this Railway Line.

Development of Small Scale Industries in NEFA

6756. SHRI C. C. GOHAIN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the steps taken by Government to improve the lot of small scale industries in NEFA ; and

(b) the amount allocated for the same during the year 1971-72 ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) At the request of the NEFA Administration, a survey of the potential for development of small scale industries in NEFA was conducted by the Small Scale Industries Development Organisation in 1970. One of the main recommendations of the survey report was that an Industrial Training Institute should be set up in NEFA to improve the skills of the local people. This recommendation has been accepted by the NEFA Administration and the Institute is expected to start functioning in August, 1971.

(b) A sum of Rs. 8.95 lakhs has been allocated for 1971-72 for village and small scale industries in NEFA.

Training Centre for developing Small Scale Industries in NEFA

6757. SHRI C. C. GOHAIN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government propose to set up some Training Centre for developing small-scale industries in NEFA ; and

(b) if so, when and what would be the expenditure involved ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) No, Sir.

(b) Does not arise.

Drawing of Water from Bhadra Canal to Tumkur District for Irrigation

6758. SHRI K. LAKKAPPA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government propose to draw water from Bhadra Canal to Tumkur District for irrigation purposes for the drought affected areas of that District ; and

(b) if so, when the proposal is likely to be implemented ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). Certain proposals to use the waters of the Bhadra river for irrigation of Tumkur District are reported to be under investigation/study by the Government of Mysore. No project report has however been so far received at the Centre.

Educational Qualifications for candidates contesting elections to Parliament and State Legislatures

6759. SHRI BIRENDER SINGH RAO : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether an observation was made by the Chief Justice of India, as published in the *Statesman* dated the 30th November, 1970, wherein it has been stated that it might have

been wiser if some educational qualifications were prescribed for candidates contesting elections to the Parliament and the State legislatures ; and

(b) if so, Government's reaction thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHURY) :

(a) Yes, Sir. The report appeared in the *Statesman*, New Delhi dated the 1st October, 1970.

(b) This is a matter of opinion. Neither the Constitution of India nor the Representation of the People Act, 1951, requires any minimum educational qualification for any person to be chosen as a Member of Parliament or of a State Legislature.

Aid to Industrial Co-operative Societies formed by unemployed Engineers

6760. SHRI SUBODH HANSDA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Government have any scheme to help the Industrial Co-operative Society formed by the unemployed Engineers ;

(b) whether such societies have come into existence and whether any of them have sought Government help ; and

(c) the kind of help to be provided to them ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) :

(a) to (c). There are schemes for assisting Industrial Cooperative Societies by way of share participation, loans to members for purchase of shares, fixed capital and working capital loans to Societies and managerial assistance. These are applicable to Cooperatives of Engineers also. A few such Societies have come into existence and have also been given assistance by the State Governments.

Retrenchment of Casual Workers of Railway Electrification at Bandel, Burdwan Division

6761. SHRI R. P. DAS : Will the Minister of RAILWAYS be pleased to state :

(a) whether 260 casual labourers working in the Railway Electrification at Bandel (Burdwan Division), West Bengal, were retrenched after 11 years of service ; and

(b) if so, the steps taken by Government to absorb them in Railway Electrification work in other Divisions ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) :

(a) Yes. These casual labourers had put in 5 to 11 years service at the time of retrenchment on 5.10.1970.

(b) Metropolitan Transport Project Calcutta and Eastern Railway Administration have been asked to Absorb these casual labourers to the extent possible.

Dining Car not provided in Assam Mail

6762. SHRI HARI SINGH : Will the Minister of RAILWAYS be pleased to state whether Assam Mail has no Dining Car and if so, the reasons thereof ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : Dining car has not been provided on the Assam Mail between New Delhi and Barauni on the broad gauge portion as adequate catering arrangements exist at stations *en route* to meet the food requirements of passengers. On the metre gauge portion between Barauni and Tinsukia, dining car is provided.

Production of Cement

6764. SHRI S. A. MURUGANANTHAM : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state whether any steps are being taken to increase the production of cement ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : Yes, Sir. Government have recently issued a Press Note inviting applications from entrepreneurs for setting up of new units for manufacture of cement, on an urgent basis in the country, by 31st August 1971.

Central Clearance to Malleswar Sagar Project, Kerala

6765. SHRI M. K. KRISHNAN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the attention of Government has been drawn to the necessity and urgency of giving clearance to the Malleswar Sagar Project on Bhavani River, Palghat District (Kerala) ; and

(b) if so, the reasons for the delay in giving clearance ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KURELLI) : (a) and (b). The Malleswar Sagar Project has not yet been received by the Central Water and Power Commission from the Government of Kerala.

Maintenance of Shoranur-Nilambur Railway Line

6766. SHRI M. K. KRISHNAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether no maintenance work programme has been drawn on the Shoranur-Nilambur railway line, (Kerala) during the last two years ;

(b) if so, the reasons for the same ; and

(c) the steps taken by Government in this regard ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Maintenance work is regularly carried out on this line.

(b) and (c). Do not arise.

Railway Line Between Mirzapur and Harpalpur

6767. SHRI NARENDER SINGH : Will the Minister of RAILWAYS pleased to state :

(a) whether there is any proposal in the Fourth Plan to start a new Railway line connecting Mirzapur and Harpalpur in Madhya Pradesh ; and

(b) if so, the expected time of completion of this line ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) No.

(b) Does not arise.

Action taken on Demands of Railway Employees of Samastipur Division (North-Eastern Railway)

6768. SHRI BHOGENDRA JHA : Will the Minister of RAILWAYS be pleased to the statement laid on the Table of the House on the 2nd July, 1971 by the Minister of Parliamentary Affairs in fulfilment of the assurance given in reply to unstarred question No. 2390 on the 11th August 1970 regarding the memorandum by a Member of Parliament to Divisional Superintendent, Samastipur (N.F.R.) and state the action taken on each specific demand of the employees enumerated in the statement and the Memorandum ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : A statement furnishing the information is laid on the Table of the House. [Placed in Library. See No. LT-794/71]

Decision Regarding Grant of Project Allowance to Employees of Barauni Garahara Area

6769. SHRI BHOGENDRA JHA : Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 4070 on the 6th July, 1971 regarding the withdrawal of orders of suspension, prosecution, break in service of Railway employees of Barauni-Garahara area and state :

(a) whether consideration of the representation demanding withdrawal of all cases of suspension, break in service etc. and restoration of pre-strike situation in the Barauni-Garahara area has since been completed and if so, the outcome thereof ; and

(b) whether any decision regarding granting of Project Allowance has been taken ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes, the representation regarding withdrawal of orders of suspension, prosecution and break in service,

has been considered and it has been decided that there is no justification to concede the demands

(b) The matter was to be decided on the lines of the Award of the Board of Arbitration under the Joint Consultative Machinery in respect of Project Allowance to Railway employees in the Farrakka Barrage Project area and the Dandakaranya Project area. The Award has been received and accepted by the Government and is to the effect that only such Railway employees as fulfil the criteria prescribed in the Ministry of Finance Memorandum of 1960 would be eligible. Accordingly, the details of eligible staff who fulfil the criteria in the Barauni-Garahasa area are being ascertained

रेलवे बैंगन वर्कशाप, रायपुर के कर्मचारियों की पदोन्नति के लिए चयन की कसौटी

6770. श्री हुकम चन्द कछवाय क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या रेलवे बैंगन वर्कशाप रायपुर के कर्मचारियों की पदोन्नति के समय चयन की क्या कमीटी अपनाई जाती है, और

(ख) उक्त प्रक्रिया का दुरुपयोग रोकने के लिए सरकार का विचार क्या उपचारात्मक कार्यवाही करने का है ?

रेल मंत्री (श्री हनुमंतैया) (क) रायपुर माल डिब्बा कारखाने में कारीगर कर्मचारियों की पदोन्नति के लिए मुख्य कमीटी वर्गिष्ठता एवं उपयुक्तता है, जिनमें उसकी उपयुक्तता का निर्णय निर्धारित व्यवसाय परीक्षा पाठ्यक्रम के अनुसार ली गयी व्यवसाय परीक्षा के परिणामों के आधार पर किया जाता है।

(ख) प्रश्न नहीं उठता क्योंकि व्यवसाय परीक्षा के परिणामों का अनुमोदन व्यवसाय परीक्षण वेनल के अध्यक्ष द्वारा किया जाता है।

रायपुर रेलवे बस्ती के लिए प्राइमरी स्कूल

6771. श्री हुकम चन्द कछवाय क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या रायपुर में रेलवे कर्मचारियों के लिए एक अलग बस्ती है जो शहर से बहुत दूर स्थित है,

(ख) क्या उक्त बस्ती में कोई प्राइमरी स्कूल नहीं है, और

(ग) उक्त बस्ती में प्राइमरी स्कूल खोलने के लिए सरकार का क्या कार्यवाही करने का विचार है ?

रेल मंत्री (श्री हनुमंतैया) (क) माल डिब्बा मरम्मत कारखाने और जस्ता चढ़ाने के कारखाने की बस्तिया रायपुर मिटी से लगभग तीन मील दूर स्थित है।

(ख) इन दोनों बस्तियों में कोई स्कूल नहीं है।

(ग) इन बस्तियों में किफायती किस्म के स्कूल खोलने का प्रश्न रेल प्रशासन के विचाराधीन है।

रायपुर में रेलवे कालोनी और रायपुर सिटी के बीच परिवहन सम्बन्धी सुविधायें

6772. श्री हुकम चन्द कछवाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या रेलवे कर्मचारियों और उनके परिवारों की सुविधा के लिए रायपुर में रेलवे कालोनी और रायपुर मिटी के बीच परिवहन सुविधाओं की व्यवस्था करने का सरकार का विचार है; और

(ख) इन सुविधाओं के कब तक दिये जाने की सम्भावना है ?

रेल मंत्री (श्री हनुमंतैया) (क) राज्य परिवहन प्राधिकारियों ने इस प्रस्ताव पर सहमति नहीं दी है।

(ख) प्रश्न नहीं उठता।

रेलवे वर्क शाप, रायपुर की पजीकृत श्रमिक सघ द्वारा सबस्यता शुल्क एकत्र करने पर रोक

6773. श्री हुकम चन्द कछवाय क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या रेलवे वॉगन शाप, रायपुर के वर्कर्स मैनजर ने पजीकृत लेविन अमान्यता प्राप्त रेलवे वॉगन शाप के श्रमिक सघ द्वारा अपने मदम्यो से मदम्यता शुल्क वसूल करने पर रोक लगा दी थी।

(ख) क्या वर्क्स मैनजर के उक्त आदेश से मविधान के अनुच्छेद 19(1) (सी) के उपबन्धों का तथा श्रमिक सघ नियमों का भी उल्लंघन हुआ है, और

(ग) यदि हा, तो इस सम्बन्ध में सरकार का क्या कार्यवाही करने का विचार है ?

रेल मंत्री (श्री हनुमताया) (क) से (ग) सूचना इकट्ठी की जा रही है और सभा-पटल पर रख दी जायेगी।

उत्तर प्रदेश में केन्द्रीय औद्योगिक प्रतिष्ठान

6774. श्री हुकम चन्द कछवाय : क्या औद्योगिक विकास मंत्री यह बताने की कृपा करेंगे कि

(क) उत्तर प्रदेश में इस समय कितने केन्द्रीय औद्योगिक प्रतिष्ठान काम कर रहे हैं और उनके नाम क्या हैं,

(ख) वित्तीय वर्ष 1971-72 में स्थापित किए जाने वाले केन्द्रीय औद्योगिक प्रतिष्ठानों के नाम क्या हैं और वे किन स्थानों में स्थापित किए जायेंगे ;

(ग) उन पर कुल कितनी लागत आयेगी और इस पर सरकार द्वारा कितना खर्च करने की सम्भावना है ; और

(घ) इस सम्बन्ध में निर्माण कार्य कब आरम्भ किए जाने की सम्भावना है और उसके कब तक पूरा होने की सम्भावना है ?

औद्योगिक विकास मंत्रालय में उपमन्त्री (श्री सिद्धेश्वर प्रसाद) (क) उत्तर प्रदेश में इस समय निम्नलिखित 10 केन्द्रीय औद्योगिक प्रतिष्ठान काम कर रहे हैं : -

- (1) भारत हैवी इलैक्ट्रीकल्स लिमिटेड, हरिद्वार।
- (2) फर्टीलाइजर कारपोरेशन आफ इंडिया लिमिटेड, गोरखपुर यूनिट।
- (3) इंडियन ड्रग एण्ड फार्मोस्यूटीकल्स लि०, ऋषीकेश।
- (4) आयल एण्ड नेचरल गैस कमीशन, देहरादून।
- (5) विवेणी स्ट्रक्चरल्स लि०, नैनी।
- (6) हिन्दुस्तान एरोनोटिक्स लि०, कानपुर।
- (7) टेनरी एण्ड फुटवीयर कारपोरेशन आफ इंडिया लि०, कानपुर।
- (8) मोडर्न बैंकरीज (इंडिया) लि०, कानपुर।
- (9) मुसौरी रोक फास्केट।
- (10) डीजल लोको फैक्टरी, वाराणसी।

(ख) 1971-72 में उत्तर प्रदेश में नैनी में निम्नलिखित प्रायोजनाओं को स्थापित करने का प्रावधान है --

- (1) पम्पस एण्ड कम्प्रीमर्स प्रोजेक्ट।
- (2) गैस सिलिन्डर प्रोजेक्ट।
- (3) लॉग डिस्टैंस ट्रान्मिमीशन इन्विपमेंट फैक्टरी।
- (4) सीकेन्ड टेलीफोन इन्स्ट्रूमेंट्स फैक्टरी।

(ग) और (घ). सूचना इकट्ठी की जा रही है और सभापटल पर रख दी जाएगी।

Combined seniority of Tickets Collectors and Travelling Ticket Examiners (North Eastern Railway)

6175. SHRI RAMAVATAR SHASIRI : Will the Minister of RAILWAYS be pleased to state :

(a) whether the seniority of Ticket Collectors and Travelling Ticket Examiners of North Eastern Railway has not been merged in spite of the Railway Board's order ;

(b) whether the vacancies of Travelling Ticket Inspectors in scale of Rs 335 to 425 and Rs. 350 to 450 are not filled up in North Eastern Railway and Junior Travelling Ticket Examiners in the scale of Rs 250 to 380 are utilised as Travelling Ticket Inspectors without any officiating allowance ; and

(c) if so, the action Government propose to take to remedy it ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) to (c). Information is being collected and will be laid on the Table of the Sabha.

Manufacture of Beverage Limca

6776 SHRI RAM SHEKHAR PRASAD SINGH : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether it is a fact that the beverage Limca is made from a special formula of Bisleri, Italy ;

(b) whether Bisleri, Italy are paid any royalty on the sale of the product ;

(c) whether Limca has an import content and if so, the value of such import content ; and

(d) the name of the local manufacturers of Limca and the terms of collaboration of business agreement between them and Bisleri, Italy ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOP-

MENT (SHRI SIDDHESHWAR PRASAD) : (a) Yes, Sir.

(b) No, Sir.

(c) It is understood that there is some import content in Limca. However, the value of this import content is not known as the unit is not borne on the list of the Directorate General of Technical Development and no import licences have been issued by them.

(d) Messrs. Bisleri India Pvt Ltd, are the local manufacturers of Limca. Messrs. Bisleri, Italy hold 49% shares in Bisleri India Private Limited.

Railway Line between Sitamarhi and Muzaffarpur (North Eastern Railway)

6777 SHRI HARI KISHORE SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) whether from time to time public men including Legislators and Members of Parliament have demanded establishment of a direct Railway line between Sitamarhi and Muzaffarpur (North Eastern Railway) , and

(b) if so, the reaction of Government thereto ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes.

(b) Due to paucity of funds and lack of adequate traffic justification, the proposal for a direct rail link between Muzaffarpur, Sitamarhi is not likely to merit priority for consideration during the Fourth Five Year Plan.

Representation from Eastern and South Eastern Railway Electrification Casual Workers' Action Committee

6778. SHRIMATI BIBHA GHOSH : Will the Minister of RAILWAYS be pleased to state :

(a) whether nearly 600 casual workers in the I.O.W.—Dankuni and BRI-Dankuni of ACCL Project of Eastern Railway have been retrenched from service contrary to the assurance given by Government to absorb them in other lines ;

(b) whether Government have received any memorandum from the Eastern and South Eastern Railway Electrification Casual Workers' Action Committee and the Eastern Railwaymen's Co-ordination Committee, with regard to this ; and

(c) if so, the action taken thereon ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) 433 casual labourers working under IOW, Dankuni and 52 casual labourers working under BRI, Dankuni were discharged on completion of the work for which they were engaged. No assurance was given that they would be engaged elsewhere after their discharge.

(b) Yes.

(c) As the Memorandum was from an un-recognised Union, no reply was considered necessary. However, these casual labourers will be considered alongwith others for regular posts in due course.

Strike in Small Scale Engineering Factories in Gujarat

679. **SHRI DINLISH JOARDLR :** Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the attention of Government has been drawn to the one-day token strike of the 3,500 small scale engineering factories in Gujarat on the 8th July, 1971 ; and

(b) if so, the reaction of Government thereon ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) and (b). Yes, Sir. Government have seen a press report to this effect. Details have been sought from the Government of Gujarat State.

Keeping Monopolies and Restrictive Trade Practices Act and Industries (Development and Regulation) Act in abeyance in respect of West Bengal

6780. **SHRI P. NARASIMHA REDDY :** Will the Minister of INDUSTRIAL DEVELOPMENT

be pleased to state :

(a) whether the Government of West Bengal has recommended to the Union Government that certain provisions of the Monopolies and Restrictive Trade Practices Act and Industries (Development and Regulation) Act should be kept in abeyance in relation to West Bengal ; and

(b) if so, the reaction of Government thereto ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) No, Sir.

(b) Does not arise

Tenure of the Chairman, Railway Board

6781. **SHRI DEVINDIR SINGH GARCHA :** Will the Minister of RAILWAYS be pleased to state :

(a) whether the Administrative Reforms Commission has recommended that tenure of the Chairman of Railway Board be at least three years and that of the Members five years, and

(b) if so, whether the recommendation has been accepted by Government ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes.

(b) No decision has yet been taken.

Deputationists in Executive Posts in D.V.C.

6782. **DR. RANEN SEN :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether a large number of deputationists are employed in senior executive posts in the Damodar Valley Corporation even after 22 years of existence of that organisation ; and

(b) if so, the reasons for continuing to employ them ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND

POWER (SHRI B. N. KUREEL) : (a) and (b). The Damodar Valley Corporation has been set up under the Damodar Valley Corporation Act, 1948 for the unified development of the Damodar Valley Region in the States of West Bengal and Bihar. In the implementation of its main functions relating to irrigation, flood control and power development, the Corporation has to work in close liaison with the two State Governments of Bihar and West Bengal. Because of this special character of the Damodar Valley Corporation which distinguishes it from public sector enterprises of the Government of India, the recommendations of the Administrative Reforms Commission regarding permanent absorption of personnel on deputation are not applicable. Apart from the Chairman, the General Manager and the Financial Adviser who are appointed by the Government of India under the Damodar Valley Corporation Act, there are only 16 officers on deputation who perform functions generally involving close collaboration with the appropriate Departments of the Governments of West Bengal and Bihar and provide the required expertise not otherwise available from the Corporation's own cadre.

Vacant Senior Executive Posts in Damodar Valley Corporation

6783. DR. RANEN SEN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether there are any senior executive posts in Damodar Valley Corporation which have not been filled up for more than a year ; and

(b) if so, whether it is due to non-availability of deputationists ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). One post of Deputy General Manager in the Damodar Valley Corporation is vacant from February 1970. The Corporation propose to fill up this post by obtaining the services of a suitable Officer of either of the two participating State Governments on deputation basis. For administrative reasons the officers selected for the post could not be finally appointed. However, action is being taken to fill this post without delay.

Annual Power Survey Report of Central Electricity Authority

6784. DR. RANEN SEN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Annual Power Survey Report of the Central Electricity Authority did not mention power supply position in respect of Bihar and West Bengal ; and

(b) if so, the reasons why power supply position of other States was mentioned in the survey barring these two States ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) The Annual Power Survey Report of the Central Electricity Authority indicates state-wise power position of all States/Union Territories in the country except for the States of Bihar and West Bengal. In the case of these two states, the power supply position is indicated separately for North Bihar, North Bengal and for South Bihar—Lower Bengal areas.

(b) The above presentation for these two States has been resorted to on account of South Bihar-Lower Bengal areas being served by an interconnected grid net-work which is fed, amongst others, by the Damodar Valley Corporation with its jurisdiction spread in both the States and the capacities of its generating stations not apportioned on State-wise basis. This situation does not occur in any other State in the country.

मध्य प्रदेश के पिछड़े जिलों में औद्योगिक विकास के लिए सर्वेक्षण

6785. श्री गंगा चरण दीक्षित : क्या औद्योगिक विकास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या कच्चे माल की उपलब्धता राज्य में तथा राज्य के बाहर विभिन्न उत्पादों की मांग और सहायक उद्योगों के आरम्भ करने की व्यवहार्यता को ध्यान में रखते हुए सरकार का विचार मध्य प्रदेश के पिछड़े जिलों में औद्योगिक विकास के लिए सर्वेक्षण करने का है ; और

(ख) यदि हां, तो उक्त सर्वेक्षण कब आरम्भ किया जायेगा ?

औद्योगिक विकास मन्त्रालय में उप-मंत्री (श्री सिद्धेश्वर प्रसाद) : (क) और (ख). भारतीय औद्योगिक विकास ङ्क ने अन्य विन्तीय संस्थाओं अर्थात् औद्योगिक वित्त निगम, औद्योगिक ऋण तथा विनियोजन निगम और रिजर्व बैंक के सहयोग से पिछड़े क्षेत्रों में उपलब्ध औद्योगिक विभवों का अवस्थापना मुविधाओं, कच्चे सामान के संभरण की स्थिति और विपणन की संभावनाओं को ध्यान में रखते हुए सर्वेक्षण करना प्रारम्भ किया है। इन क्षेत्रों में जिन उद्योगों को लाभप्रदता की दृष्टि में स्थापित किया जा सकता है उनको षन रिपोर्टों में दिखाया जाता है। मध्य प्रदेश का सर्वेक्षण पूरा हो चुका है और रिपोर्ट तैयार की जा रही है।

रेलवे लाइनों के सर्वेक्षण कराने के लिए मध्य प्रदेश सरकार द्वारा भुगतान करना

6786. श्री गंगा चरण दीक्षित : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश में ऐसे मामले हुए हैं जिनमें राज्य सरकार ने रेलवे लाइनों के निर्माण हेतु सर्वेक्षण कराने के लिए अपने भाग की अपेक्षित धनराशि का भुगतान कर दिया है परन्तु यहां अभी तक कोई सर्वेक्षण नहीं किया गया है ; और

(ख) यदि हां, तो उसके क्या कारण हैं और क्या सरकार का विचार शीघ्र ही सर्वेक्षण कार्य कराने का है ?

रेल मंत्री (श्री हनुमंतैया) : (क) जी नहीं।

(ख) प्रश्न नहीं उठता।

Increase in Price of Fans

6787. SHRI INDRAJIT GUPTA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to refer to the reply given to Unstarred Question No. 3156 on the 18th August, 1970 regarding the increase in the price of fans and state :

(a) whether the manufacturing costs of the major fan manufacturers have been inquired into ;

(b) if so, whether the study justifies the sharp rise in retail prices of different types of fans ;

(c) the profit margins according to the manufacturers as a result of the enhanced prices ; and

(d) the action taken by Government in the matter ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) to (d). The prices of various types of fans showed an upward trend during 1970 as compared to 1969. Government therefore got the costs of the following manufacturing units examined in April/May, 1971 :

1. Orient General Industries Ltd., Calcutta Unit.
2. Crompton Greaves Ltd., Bombay.
3. Jay Engineering Works Ltd., Hyderabad Unit

According to the fair prices assessed by Government, the extra earnings by individual companies ranged as follows for the different types of fans :

	Rs per fan	% on selling prices (exclusive of excise duty)
(i) Orient General Industries Ltd., Calcutta unit.	4 and 74	3 and 26
(ii) Crompton Greaves Ltd.	41 and 93	18 and 28
(iii) Jay Engineering Works Ltd., Hyderabad Unit.,	38 and 62	13 and 26

The Government impressed on the manufacturers that they should reduce their selling prices to the fair price assessed by Government. The fan manufacturers have reduced the price of the fans by Rs. 20 to Rs. 25 per fan in the retail prices. Government are, however, pressing the manufacturers for further reduction.

Qualifications of Managing Director, National Industrial Development Corporation Ltd., New Delhi

6788. SHRI INDRAJIT GUPTA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the technical qualifications of the present Managing Director of the National Industrial Development Corporation Ltd., New Delhi ; and

(b) whether his qualifications are those which are recognised for all-India Engineering Services, excluding Railways ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) :

(a) The present Managing Director of the National Industrial Development Corporation Ltd., New Delhi, has passed the graduatising examination of the Institution of Mechanical Engineers, London, and is a permanent Class I Officer of the Indian Railway Service of Mechanical Engineers.

(b) Yes, Sir.

Project Allowance to Railway Staff

6789. SHRI INDRAJIT GUPTA : Will the Minister of RAILWAYS be pleased to state :

(a) whether project allowance has been sanctioned for staff of the South Eastern Railway working at Bastar and Koraput with effect from the 1st April, 1969 ; and

(b) if so, the reasons for not taking similar decision in respect of staff at Ranchi/Hatia, Bokaro and at Barauni (North-eastern Railway) and Nangal (Northern Railway) ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) In terms of

the Award given by the Board of Arbitration under the Joint Consultative Machinery Scheme, Project Allowance is admissible with effect from 1-4-1969 to staff of the South Eastern Railway working in Bastar and Koraput Districts only on the basis of the orders contained in the Memorandum issued by the Ministry of Finance in 1960. These orders, *inter-alia*, provide that the allowance would be admissible only to such staff as have their offices located in the project area for the work of the Dandakaranya Project. Details of staff fulfilling the criteria laid down in the Award are being ascertained in order to determine which Railway staff should be notified as being eligible for the Project Allowance.

(b) The grant of Project Allowance to Railway staff in other current project areas, namely, Bokaro and Barauni, is also being considered on the basis of the criterion prescribed by the Board of Arbitration in their Award in respect of the Bastar and Koraput Districts referred to in the answer to part (a). The cases of the areas, where projects are not current, are not being considered.

Kalinadi Hydro-Electric Project, Mysore

6790. SHRI DHARMARAO AFZALPURKAR : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Kalinadi Hydro-electric project in the Dandeli area will enable Mysore State to obtain all the power it needs for boosting up industries ; and

(b) if so, the total expenditure likely to be incurred on this project and the time by which it will be completed ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) The Kalinadi Hydro Electric Project phase I will provide an additional load carrying capacity of about 260 MW to the Mysore State Grid for meeting the requirements of industries and other loads.

(b) The total expenditure to be incurred on the First Phase Project is Rs. 37.94 crores. The project is expected to be completed by 1977-78.

**Maner Project in Karimnagar District,
Andhra Pradesh**

6791. SHRI M. SATYANARAYAN RAO : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the scheme for Maner Project in Karimnagar District in Andhra Pradesh has been sanctioned by Government and if so, the progress made so far in this connection ;

(b) whether the Andhra Pradesh Government have approached the Central Government for financial assistance in this regard ; and

(c) if so, the reaction of Government thereto ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) No. A dam across the Maner river in the lower reaches near Karimnagar town has been proposed for the crossing of Pochampad Project South Canal in the revised estimates of the Pochampad Project. The revised Pochampad Project is under examination in Central Water and Power Commission.

(b) and (c). Do not arise.

**Taking over of Industrial Undertakings in
Delhi**

6792. SHRI M. SATYANARAYAN RAO : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the Delhi Metropolitan Council has recently passed a Bill authorising the Delhi Administration to take over the industrial undertakings closed due to strike or mis-management ; and

(b) if so, the reaction of Government thereto ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) No, Sir.

(b) Does not arise.

Small Scale units in Andhra Pradesh

6793. SHRI M. SATYANARAYAN RAO : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the total number of small scale units in Andhra Pradesh ;

(b) the total capital employed by small scale industry in the State ;

(c) the total number of persons engaged in small scale industry in the State ; and

(d) the number of them which are Proprietary concerns, Cooperatives, Private Limited and Public Limited Firms respectively ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) :

(a) The number of small scale units registered with the Director of Industries, Andhra Pradesh, was 20,660 as on 31-3-1971.

(b) to (d). Information is being collected from the State Government and will be laid on the table of the House.

**Explosion on a Goods Train at Mithapur
Station Rajkot Division (Western
Railway)**

6794. SHRI G. VENKATASWAMY : Will the Minister of RAILWAYS be pleased to state :

(a) whether there was an explosion on a goods train at Mithapur Station in Rajkot Division of Western Railway on the 5th July, 1971 ;

(b) if so, the number of persons injured as a result thereof ;

(c) whether any inquiry has been conducted into the cause of the explosion ; and

(d) if so, the result thereof ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). No. However on 5.7.1971 a Carriage Khalasi is reported to have noticed a round pipe of brass, half buried in the ground, near road No. 2 at Mithapur station. Out of curiosity

he picked it up and to find out its metal he placed it on the rail between the engine and a wagon of 585 Up goods which was standing on that line, and gave it a blow of hammer. It burst with a loud noise causing simple injuries to the Carriage Khalasi and the Wheel Tapper.

(c) and (d). According to the inquiry conducted by the railway the Carriage Khalasi is responsible for hammering the live cart-ridge innocently and causing the explosion. He was arrested by the police and released on bail subsequently.

Transmission and Distribution Scheme in Orissa

6795 SHRI BOKSI NAYAK : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Orissa Government have submitted the Transmission and Distribution Scheme to accelerate agricultural and industrial development to the Central Government for financial sanction outside the State Plan ;

(b) whether the scheme is necessary because of several isolated cases requiring long transmission lines ; and

(c) whether the Central Government have scrutinised the scheme and if so, the reaction of Government in this regard ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (c). Both rural electrification schemes as well as transmission and distribution schemes are financed from outlays provided in the State Plans. The Rural Electrification Corporation has been set up in the Central Sector to provide additive finances for rural electrification schemes. In backward States like Orissa, additional finances over and above the State Plan outlay would also be required for extension of high tension transmission and distribution network in order to accelerate the progress of rural electrification schemes. The Rural Electrification Corporation is, therefore, considering special pattern of financing such schemes in backward States. In this connection the Orissa State Electricity Board

have submitted to the Corporation a scheme for construction of about 200 kilometres of 33 KV/66 KV transmission lines and associated sub-stations in Bolangir area at an estimated cost of about Rs 84 lakhs for meeting about 15 MVA of rural loads. This scheme is under the consideration of the Corporation.

Import of raw materials for manufacture of Tractor wheels by M/s. Sankey Wheels, Durgapur

6796 SHRI INDRAJIT GUPTA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether M/s. Sankey Wheels, Durgapur, had been granted licences for import of raw materials which go into the manufacture of tractor wheels ;

(b) whether the firm has become one of the major producers of this item in the country , and

(c) if so, whether Government are aware that by allowing import of complete tractors including wheels from this year, the leading customers for Sankey tractor wheels have cancelled their orders, thus creating conditions of recession and unemployment ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) Yes, Sir.

(b) Yes, Sir.

(c) During 1970-71 the indigenous production of tractor wheels was not adequate even to meet the demand of the indigenous tractor manufacturers. In order to avoid any set-back in the production of indigenous tractors, the tractor manufacturers were permitted to import tractor wheels in limited quantities after taking into account the indigenous availability. In this situation, it was not considered expedient to insist on deletion of wheels from imported tractors. In June, 1971 M/s. Sankey Wheels Ltd. represented that due to the recession in the tractor industry, the demand for tractor wheels had fallen. The position in regard to import of wheels is, therefore, being reviewed in the light of their representation.

Licences issued for expansion of Industrial Units

6797. SHRI TRIDIB CHAUDHURY : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the total number of industrial licences, letters of intent and carry-on-business licences and licences for the expansion of the Capacity of industrial units, in West Bengal issued during the year 1970 and the first six months of 1971 (January to June) both in the private and public sector ; and

(b) the total number of cases in which the parties to which such licences have been issued have applied for permission to locate their industries outside West Bengal and the number of cases in which such permission has been granted during the same period ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) 95 industrial and 48 letters of intent were issued for West Bengal during the period from 1-1-1970 to 30-6-1971, Type-wise and year-wise break-up of these figures is as follows :

TYPE	1970		1971 (upto 30-6-71)	
	Licences	Letters of Intent	Licences	Letters of Intent
New Undertakings	5	4	2	4
Substantial Expansion	19	6	9	11
New Articles	5	7	9	16
Carrying on Business	12	—	33	—
Shifting	—	—	1	—
Total	41	17	54	31

(b) None Sir.

Reorganisation of North Bengal Flood Control Board

6798. SHRI TRIDIB CHAUDHURY : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government have decided to ask the State Government of West Bengal to reorganise the North Bengal Flood Control Board and, if so, the reasons for the same ; and

(b) the present position with regard to the proposal for the formation of a permanent

Flood Control Commission for tackling the annual flood havoc in North Bengal area ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) The reorganisation of the North Bengal Flood Control Board has been necessitated in view of the dissolution of the Ministry in West Bengal. A proposal in this regard has been received from the State Government and is under consideration.

(b) The North Bengal Flood Control Commission is to be set up by the Government of West Bengal, who have recently intimated that it would be constituted shortly.

Compensation paid to Betel Traders of Macherla Station (South Central Railway)

6799. SHRI ONKAR LAL BERWA :
SHRI CHANDRIKA PRASAD :
SHRI P. L. BARUPAL :

Will the Minister of RAILWAYS be pleased to state :

(a) the number of betel baskets booked from Macheria Station, South Central Railway to Kota, Ratlam, Ajmer, Jaipur, Abu Road, Udaipur, Neemuch and Bhilwara Stations of Western Railway from 1st January, 1971 to 30th June, 1971 and revenue earned thereby in the form of rail freight ;

(b) the number of betel baskets booked from Macheria Station to the stations mentioned above from 1st January, 1971 to 30th June, 1971 which were found short ;

(c) the amount of compensation paid to the traders by the Railway Administration for loss of betel baskets at the stations mentioned in part (a) above from 1st January, 1971, to 30th June, 1971 ; and

(d) the steps taken by Government to prevent such loss ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) There is no station by name Macheria on the South Central Railway. If the reference be to MACHERLA station, no betel baskets were booked from this station during this period.

(b) to (d). Do not arise.

Expenditure on Seul Project in Himachal Pradesh

6800. SHRI VIKRAM CHAND MAHAJAN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) the amount spent on the Seul Project in Himachal Pradesh by the end of June, 1971 ; and

(b) how much amount of it has been spent on the administration ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER

(SHRI B. N. KUREEL) : (a) The total amount of about Rs. 277.79 lakhs was spent on the Seul Project in Himachal Pradesh by the end of June 1971.

(b) Out of above, the amount spent on administration was about Rs. 3.69 lakhs.

Rehabilitation of Oustees of Pong Dam

6801. SHRI VIKRAM CHAND MAHAJAN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) how many oustees from Pong dam have been rehabilitated till the end of June, 1971 in Rajasthan ; and

(b) when the next batch will leave for Rajasthan and what are the reasons for the delay ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) 568 Pong Dam oustees have been allotted land in Rajasthan, of whom 425 have taken possession by the end of June, 1971.

(b) The next batch of oustees will move after certain outstanding issues, regarding eligibility of co-sharers land owners for allotment of separate unit of land in Rajasthan, are discussed and resolved at the next meeting of the Committee of the Chief Ministers scheduled to be held on the 5th August, 1971.

Floods in Pong Dam Area

6802. SHRI VIKRAM CHAND MAHAJAN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether many villages in Pong Dam area were flooded resulting in heavy losses to the poor peasants ;

(b) if so, the quantum of loss, the number of families affected and the amount of aid given by Government per family ; and

(c) whether responsibility for the damage caused has been fixed ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). Although lands of 9 Tikkas came under

submergence for a short duration due to floods on 1.7.71 only 35 families were partially affected in 3 tikkas. The flood waters subsided the next day. The land and other properties in these 3 tikkas had already been acquired and paid for.

Despite advance warnings of the likely rise of water in the reservoir area, the villagers continued to stay on. All possible help was however extended to affected families to shift to safer places. No loss of life has been reported.

(c) Does not arise.

दामोदर घाटी निगम के तिलैया और कोनार बांधों से हजारी बाग और गया जिलों में नहरों का निर्माण

6803. श्री शंकर दयाल सिंह क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या दामोदर घाटी निगम की सिंचाई परियोजनाओं द्वारा पश्चिम बंगाल तथा बिहार में पृथक्-पृथक् कितने एकड़ भूमि पर सिंचाई की जाती है ,

(ख) दामोदर घाटी निगम के तिलैया और कोनार बांधों से हजारी बाग तथा गया जिलों में नहरों के निर्माण संबंधी प्राथमिक योजना में कितनी प्रगति हुई है , और

(ग) दोनों योजनाओं की क्रियान्विति के बाद उक्त नहरों से कितने एकड़ भूमि की सिंचाई हो सकने की संभावना है ?

सिंचाई और विद्युत ब्यूरो में उपमंत्री (श्री बंजारापुर कुरील) (क) से (ग). दामोदर घाटी निगम परियोजनाएं पश्चिम बंगाल में खरीफ में लगभग 7.4 लाख एकड़ तथा रबी में 1 लाख एकड़ भूमि को सिंचित कर रही है। आजकल वे बिहार के क्षेत्रों के लिए कोई सिंचाई सुविधा प्रदान नहीं कर रही है।

बिहार सरकार ने तिलैया और कोनार बांधों के पानी का व्यपवर्तन करके गया जिले में 110,000

एकड़ तथा हजारी बाग जिले में 120,000 एकड़ की सिंचाई के लिए प्रस्ताव तैयार किए हैं। इन प्रस्तावों की दामोदर घाटी निगम द्वारा गठित एक विशेषज्ञ समिति द्वारा जांच की जा रही है। इस समिति में पश्चिम बंगाल और बिहार सरकारों के प्रतिनिधि शामिल हैं।

जिला हजारीबाग (बिहार) में कागज की मिल के लिए लाइसेंस

6804. श्री शंकर दयाल सिंह क्या औद्योगिक विकास मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार जिला हजारी बाग के छतरा उपखंड में कागज की मिल की स्थापना के लिए औद्योगिक लाइसेंस देने के प्रस्ताव पर विचार कर रही है , और

(ख) यदि हा, तो उक्त मिल कब तक स्थापित की जायेगी ?

औद्योगिक विकास मंत्रालय में उपमंत्री (श्री सिद्धेश्वर प्रसाद) (क) जी नहीं।

(ख) प्रश्न ही नहीं उठता।

पूर्वी रेलवे में पटना तथा धनबाद के बीच एक्सप्रेस रेलगाड़ी का चलाया जाना

6805. श्री शंकर दयाल सिंह : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) पूर्वी रेलवे में पटना तथा धनबाद के बीच प्रस्तावित एक्सप्रेस रेलगाड़ी कब तक चालू कर दी जायेगी ,

(ख) क्या सरकार धनबाद से दिल्ली तक एक मीधी रेलगाड़ी चलाने की किमी योजना पर विचार रही है . और

(ग) यदि हा, तो उक्त गाड़ी कब तक चालू कर दिए जाने की संभावना है ?

रेल मंत्री (श्री हनुमंतया) (क) अप्रैल, 1972 तक।

(ख) जी नहीं ।

(ग) प्रश्न नहीं उठता ।

Absorption of W.I.P. Railway Employees

7806. SHRI ERASMO DE SEQUEIRA : Will the Minister of RAILWAYS be pleased to state :

(a) the number of employees absorbed by the Railways from the Western Indian Portuguese Railway ;

(b) the conditions under which they were absorbed ; and

(c) the conditions under which other employees have been absorbed from other Railways in the past ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA). (a) The number of absorbed railway employees of the Union Territory of Goa is 512.

(b) The conditions were prescribed in the Ministry of Railways (Railway Board) notification No. GSR 1381 published in the Gazette of India on 7.9. 1966, a copy of which is laid on the Table of the House. [*Placed in Library. See No. LT- 795/17*].

(c) There has been no other case of this type of absorption.

Modification of "Brown System of Discipline" for Adoption by Railways

6807. SHRI FRASMO DE SEQUEIRA : Will the Minister of RAILWAYS be pleased to state :

(a) whether the Brown System of Discipline has been suitably modified for adoption by the Railways ; and

(b) if so, the main features of the modified system proposed to be adopted ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) (a) and (b). The question of adoption of the Brown system of Discipline is still under consideration in the Ministry of Railways.

Vacant Posts of Commercial Clerks in Dhanbad Division (Eastern Railway)

6808. SHRI CHANDRIKA PRASAD : Will the Minister of RAILWAYS be pleased to state :

(a) whether some posts of Commercial Clerks have been lying vacant in Dhanbad Division, Eastern Railway since 1968 and if so, what is their sanctioned strength and the number of vacancies existing year-wise from 1968 to 1971 ; and

(b) whether the Commercial Clerks in Dhanbad Division, Eastern Railway are not getting leave due to shortages of leave reserves and if so, the percentage of Leave Reserves in this category and the actual strength of Leave Reserves Commercial Clerks provided in this Division ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) A few posts are lying vacant from 1970 only. The sanctioned strength and vacancies in the cadre of Commercial Clerks in Dhanbad Division were as under :

Year	Sanctioned Strength	Vacancies
1968	240	4 } Since filled up
1969	240	4 }
1970	244	13
1971 (upto June)	253	20

(b) As adequate number of Leave Reserve posts in the category of Commercial Clerks have been provided in Dhanbad Division, the question of their not getting leave due to shortage of leave reserves does not arise. Present percentage of Leave Reserve in this category is 15 (minimum) and 25 (maximum). 41 Leave Reserve posts of Commercial Clerks have been provided in this Division, which works out to about 19% of the total working strength of 212.

पश्चिम रेलवे में सीकर तथा लोहारू स्टेशनो के बीच अतिरिक्त रेल सेवा

6809. श्री एस० एन० सिंह क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या पश्चिम रेलवे में जयपुर से चण्कर रात को लोहारू पहुंचने वाली तथा अगले दिन शाम को 7 बजे लोहारू पहुंचने वाली गाड़िया के अलावा सीकर तथा लोहारू के बीच व म्टेगनो के लिए कोई अन्य गाड़ी उपलब्ध नहीं है जिम्मे कारण लोहारू तथा दिल्ली जाने वाले यात्रियों को बड़ी कठिनाइया होती है ; और

(ख) यदि हा तो क्या सरकार का विचार यात्रियों की सुविधाओं को ध्यान में रखते हुए सीकर से लोहारू तक एक गाड़ी दोपहर से पहले जाने तथा दोपहर के बाद वापस आने की व्यवस्था करने का है ?

रेल मंत्री (श्री हनुमंतैया) (क) जी हा ।

(ख) जी नहीं । लोहारू के रास्ते सीकर और दिल्ली के बीच पहले से चल रहे मीधे सवारी डिब्बों का पूरा-पूरा उपयोग बर्ही हो रहा है । इसी प्रकार सीकर लोहारू खण्ड पर चलने वाली दो जोड़ी गाड़ियों में उपलब्ध स्थान का भी पूरा उपयोग नहीं हो रहा है ।

Allocation of Employees Working on Beas Bhakra and Beas-Sutlej Link Projects

6810 SHRI B S BHAURA
SHRI TEJA SINGH
SWATANTRA

Will the Minister of IRRIGATION AND POWER be pleased to state

(a) whether some of the employees working on Beas-Bhakra and Beas-Sutlej Link Projects have not been allocated to any of the States as required under the Punjab Reorganisation Act ;

(b) whether any assurance in this regard to allocate such employees was given in 1970

in Lok Sabha ,

(c) if so, the reasons for not completing the work of allocation , and

(d) whether Government have received any representation from some Members of Lok Sabha in this regard and if so, the action taken thereon ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B N KURFI) (a) The allocation of regular employees working on the Projects prior to 1-11-1966 has already been decided except for Circle Cadre staff, which is under the consideration of the Chief Secretaries of Punjab and Haryana. Since the State Governments could not meet all the requirements of the Projects some direct recruitment has been made by the Project authorities after 1-11-1966 but it is purely on a temporary basis.

(b) No Sir

(c) Does not arise

(d) Yes Sir One letter dated 13-7-71, has been received, in this regard, from Shri B S. Bhaura and the Honourable Member has since been apprised of the position

Expenditure incurred by Railways in Dhanbad Region strike

6811. SHRI RAJDEO SINGH Will the Minister of RAILWAYS be pleased to state

(a) whether lakhs of rupees were spent by the Divisional Superintendent in the recent Railwaymen's strike in Dhanbad region ,

(b) if so, the amount of expenditure incurred towards meals, tiffins, conveyance, overtime and rewards to the employees who worked during the period, category-wise ,

(c) whether tram communications and office work were completely suspended from 3rd February, 1971 to 10th February 1971 ,

(d) the extent of the train movements in grand chord section and number of employees in each category who worked during the period ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). Expenditure incurred by the Eastern Railway Administration in connection with the strike in Dhanbad Division from 3rd to 10th February, 1971 is as follows :—

(i) Meals and Tiffins to loyal staff who performed duties during the strike.	...Rs. 33,933.46
(ii) Conveyance—4465 Liters of Diesel oil	.. Rs. 5,358 00
(iii) Rewards.	.. Rs. 49,470.00
(iv) Overtime	.. Rs. 15,952.80
Total	Rs. 1,04,714 26

(c) No, Sir.

(d) A majority of the staff who were absent, returned to duty on the 8th February 71. Between 3rd and 8th February, about 40 Goods trains were passed on the Grand-Chord Section. Black Diamond and Coal field Express trains were also run from 5th to 8th February. To avoid inconvenience to passengers, other Mail and Express trains via Grand-Chord Section were diverted. Trains services over the rest of the Division i.e. on the Section Gomoh-Barkakana-Bardwadih-Chopan were normal.

Out of 22,633 staff of the Division, 22,069 attended their duties during the period of strike, category-wise break-up of which is being collected and will be laid on the Table of the Sabha.

देश में निमित्त ट्रेक्टरों के मूल्य में वृद्धि

6812. डा० लक्ष्मीनारायण पांडे : क्या औद्योगिक विकास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या वित्त मंत्री ने लोक सभा में इस आशय का एक आश्वासन दिया था कि देश में निमित्त ट्रेक्टरों के मूल्यों में वृद्धि होने की कोई संभावना नहीं है ;

(ख) क्या सरकार का ध्यान 13 जुलाई, 1971 के 'नव भारत टाइम्स' में प्रकाशित इस आशय के समाचार की ओर दिलाया गया है कि सरकार के देश में निमित्त ट्रेक्टरों का मूल्य बढ़ाने को राजी हो जाने की सम्भावना है ; और

(ग) यदि हाँ, तो उस संबंध में सरकार की क्या प्रतिक्रिया है ?

औद्योगिक विकास मंत्रालय में उप-मंत्री (श्री सिद्धेश्वर प्रसाद) : (क) जी, नहीं ।

(ख) जी, हाँ ।

(ग) ट्रेक्टर उत्पादकों से ट्रेक्टरों के विक्रय मूल्य में वृद्धि करने सम्बन्धी आवेदनों के मिलने पर औद्योगिक मूल्य और लागत संगठन को मितम्बर, 1970 में देश के पांच कृषि ट्रेक्टर उत्पादक एककों के लागत ढाँचे की जांच करने के लिए तथा सरकार को मालाह देने का कहा गया था ताकि किसानों को बेचे जाने वाले ट्रेक्टरों का उचित मूल्य निर्धारित किया जा सके । वित्त विधेयक 1971 ज़िगमे ट्रेक्टरों पर 10 प्रतिशत उत्पादन शुल्क लगाने की व्यवस्था है ब्यूरो द्वारा रिपोर्ट तैयार कर लेने के पहले ही मदन में लाया गया था । अतः ब्यूरो ने ट्रेक्टरों का मूल्य निर्धारित करने समय इस लेवी को भी ध्यान में रखा था । ब्यूरो की रिपोर्ट मिल चुकी है और उगकी जाच की जा रही है ।

जम्मू और काश्मीर के कारगिल और लेह रथानों पर बिजली की सप्लाई

6813. श्री कुशोक बाकुला : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) जम्मू और काश्मीर के कारगिल और लेह में बिजली की सप्लाई की व्यवस्था करने में कितनी प्रगति हुई है ,

(ख) कारगिल और लेह में इस कार्य पर अब तक कितना व्यय हुआ है ; और

(ग) इन योजनाओं पर अलग-अलग कितना धन व्यय किया जाएगा और इनके कब तक पूरा हो जाने की संभावना है ?

सिंचाई और विद्युत संभालय में उपमंत्री (श्री बैजनाथ कुरील) : (क) लेह में 20 के० वी० ए० क्षमता का एक डीजल सेट 1964 में स्थापित किया गया था। 1967 में प्रतिष्ठापित क्षमता बढ़ाकर 100 के० वी० ए० कर दी गई है और 1968 में 200 के० वी० ए०।

कारगिल में 20 के० वी० ए० का डीजल सेट 1966 में प्रतिष्ठापित किया गया था और इसकी क्षमता बढ़ाकर 1967 में 100 के० वी० ए० कर दी गई।

लेह और सहवर्ती क्षेत्रों की दीर्घकालीन आवश्यकताओं को पूरा करने के लिए, सिंधु नदी के पानी का उपयोग करने वाली स्तब्धता जल-विद्युत परियोजना, जिसकी प्रतिष्ठापित क्षमता 32 (0) किलोवाट है, हाथ में ली गई है। स्कीम पर 23 करोड़ रुपये व्यय होने की संभावना है। इस परियोजना पर कार्य आरम्भ कर दिया गया है।

(ख) जून, 1971 के अन्त तक, कारगिल और लेह के विद्युतीकरण पर 16.07 लाख रुपये और स्तब्धता जल विद्युत परियोजना पर 22.65 लाख रुपये व्यय हुए।

(ग) चतुर्थ योजना के शेष वर्षों में लेह और कारगिल में विद्युतीकरण कार्यों पर लगभग 5 लाख रुपये व्यय होने की संभावना है। 1971-72 के दौरान, स्तब्धता जल विद्युत परियोजना पर कुल लगभग 33 लाख रुपये व्यय होने की संभावना है। परियोजना का दिसम्बर, 1976 में पूर्ण होना अनुसूचित है।

Index of wholesale prices of Industrial Raw Materials and finished products

6814. SHRI C. CHITTIBABU : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the index of wholesale prices of industrial raw materials and of finished products in the light and heavy engineering industries consequent on the levy of new duties in the Budget for 1971-72 ;

(b) the corresponding figures for the last year ; and

(c) the steps Government propose to take to curb the spurt in prices of these goods ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHISHWAR PRASAD) :

(a) and (b) A statement showing index, numbers of wholesale prices of industrial raw materials and of light and heavy engineering products included in the price index for the months of May and June, 1971 and June, 1970 is laid on the Table of the House. [Placed in Library. See No. LT-796/71]

(c) There is informal price restraint on a number of engineering items of consumer interest, and Government keeps a continuing watch on the price situation with a view to taking suitable action, including fiscal and monetary restraints, where necessary.

Removal of over-head Copper Traction Wire between Kanpur and Tundla on Northern Railway

6815. SHRI N. E. HORO : Will the Minister of RAILWAYS be pleased to state :

(a) whether the detectives of Railway Board Central Crime Bureau have unearthed a racket in the removal of overhead copper traction wire between Kanpur and Tundla on the Northern Railway ; and

(b) if so, the further action taken in the matter ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes. At Kanpur.

(b) The case has been handed over to the Central Bureau of Investigation and they are conducting investigations.

Discontent among Cottage Industrialists in Kerala

6816. SHRIMATI BHARGAVI THAN-KAPPAN : Will the Minister of INDUS-

TRIAL DEVELOPMENT be pleased to state :

(a) whether the attention of the Government of Kerala has been drawn to the discontent of cottage industrialists consequent upon Government's policy of not giving substantial, financial and technical assistance adequately; and

(b) if so, the measures proposed to remove such discontent ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) and (b). Information is being collected and will be laid on the Table of the House.

Demand for Financial Assistance by Khadi Gramodyog Board, Kerala from Khadi and Village Industries Commission

6817. SHRIMATI BHARGAVI THAN-KAPPAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the Khadi Gramodyog Board of Kerala have sought any financial assistance from the Khadi and Village Industries Commission for setting up units in the State for the manufacture of household utensils ; and

(b) if so, the decision taken thereon ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) Yes, Sir.

(b) During 1970-71, Khadi and Village Industries Commission has allocated Rs. 1.20 lakhs to Kerala Khadi and Village Industries Board for setting up units to make household utensils of aluminium.

Development of Cottage Industries in Kerala

6818. SHRIMATI BHARGAVI THAN-KAPPAN : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether the Government of Kerala have selected some cottage industries in Kerala

for further development in preference to other industries ;

(b) if so, the main features of the scheme ;

(c) if not, whether Government have dropped the idea of developing cottage industries altogether ; and

(d) if so, the justification therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) to (d). Information is being collected and will be laid on the Table of the House.

Promotion of Data Transmitting Inspectors on Southern Railway

6819. SHRI T. S. LAKSHMANAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether the Data Transmitting Inspectors on South Central Railway are promoted from Signallers' Cadre ; and

(b) if so, the reasons for not having uniform procedure on the Southern Railway ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) and (b). On the South-Central Railway, the post of Data Transmitting Inspector in scale Rs. 370-475 is filled from Chief Telegraph Inspectors/Telegraph Inspectors in scale Rs. 335-425. On the Southern Railway, this post is manned by Transportation Inspector. Each Railway has prescribed the avenue of promotion taking into account the local conditions.

Upgraded Post of Head Signallers on Southern Railway

6820. SHRI T. S. LAKSHMANAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether the Head Signallers on the South-Central Railway (UBL and BZA Divisions) have been upgraded to Rs 250-380;

(b) if so, the reasons for not extending the same benefit to Southern Railway employees ; and

(c) whether representations have been received from the Signallers and if so, the action taken thereon ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) No.

(b) Does not arise.

(c) No representation in this connection has been received in recent past.

National Holiday Pay to Pay Clerks of Southern Railway'

6821. SHRI T. S. LAKSHMANAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether the Pay Clerks of the Southern Railway work on National Holidays also ;

(b) whether the claim for working on those days has been made by those Pay Clerks ; and

(c) the reasons for not granting the pay so far ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Pay Clerks are allowed to avail themselves of all public holidays, including the three National Holidays. However, in the exigencies of service some of them may be required to work on a holiday (including a National Holiday) and they are allowed compensatory off in lieu of such attendance.

(b) Yes, Sir.

(c) Monetary compensation for attendance on National Holidays is admissible to such of the staff who, as a category, are not entitled to any public holiday. In view of the reply to part (a), no compensation payment for attendance on National Holidays is admissible to Pay Clerks, because they are eligible for public holidays including national holidays.

Amendment of Constitution

6823. SHRI C. CHITTIBABU : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Government have decided to amend the Constitution of India to restore to Parliament the powers to change the Fundamental Rights ; and

(b) if so, when the amendment Bills will be brought before Parliament ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) : (a) and (b) The Constitution (Twenty-Fourth Amendment) Bill, 1971 seeking to restore to Parliament the power to amend any provision of the Constitution including the Fundamental Rights has been introduced in the Lok Sabha on July 28, 1971.

Uniform rate of Electricity for Agricultural Purposes

6824. SHRI BIBHUTI MISHRA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government propose to have a uniform rate of consumption of electricity for agricultural purposes in all the States ; and

(b) if not, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREFL) : (a) and (b). The rates for power supply for agricultural use vary from State to State due to variation in the capital cost of generating plant, in the cost and the extent of transmission lines, in cost of labour, in cost of transport facilities, in local tax and variation in the extent of power development, and integrated operation of the grid. It is the aim of Government to ensure initially that there are uniform tariff rates in each State for each category of consumers and ultimately, uniform rates for the country as a whole. Uniform rates for power supply for agricultural use have been progressively adopted so far within the area of supply of all the States with the exception of Orissa where there are separate rates for hydro and diesel supply areas.

ISI Marks on Liquor

6825. SHRI JYOTIRMOY BOSU : Will the Minister of INDUSTRIAL DEVELOP-

MENT be pleased to state :

(a) whether I.S.I. marks are given to all liquors ; and

(b) if not, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) and (b). Forty-three licences have been issued under the ISI Certification Marks Scheme to 15 manufacturers of liquor ; thirty-five applications are under consideration. This being a voluntary scheme, it is not compulsory for all liquor manufacturers to obtain the ISI Mark.

Investment in Public Sector Enterprises in Rajasthan

6826. SHRI S. N. SINHA : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) the total amount of money invested in the public sector enterprises in Rajasthan upto 31st March, 1971 by the Central Government ; and

(b) what schemes the Central Government have formulated to bring this investment percentage upto the National average i.e. *per capita* investment ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) The total amount of money invested in public sector enterprises in Rajasthan during 1951 to 1969 was Rs 40.82 crores. Figures of investment from April, 1969 to March, 1971 are not readily available.

(b) Apart from the completion of Khetri Copper Project and Machine Tools Plant, Ajmer, which are under implementation, provision has been made in the Fourth Plan for doubling the capacity of Zinc Smelter, Udaipur, and expansion of Instrumentation Ltd., Kotah. In addition to this possibility of setting up a fertilizer plant in Rajasthan based on local pyrites and rock phosphate is under consideration.

Violation of Industries (Development and Regulation) Act by Mohan Meakins Breweries at Ghaziabad (Uttar Pradesh)

6827. SHRI JYOTIRMOY BOSU : Will the Minister of INDUSTRIAL DEVELOPMENT be pleased to state :

(a) whether Mohan Meakins Breweries, Ghaziabad (Uttar Pradesh) has violated any of the provisions of the Industries (Development and Regulation) Act during the last three years ;

(b) if so, in what respects ; and

(c) whether any Minister recommended for increasing the licensed capacity of the firm and if so, the particulars thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI SIDDHESHWAR PRASAD) : (a) and (b). Production of beer at the Mohan Meakins Breweries, Ghaziabad, has been in excess of the capacity licensed under the Industries (Development and Regulation) Act.

(c) No, Sir.

Implementation of Wage Board Award Recommendations for D.E.S.U. Employees

6828. SHRI D. N. CHAWLA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the employees of the Delhi Electric Supply Undertaking staged a demonstration on the 22nd July, 1971 to demand implementation of the Wage Board award recommendations ;

(b) whether earlier the authorities had accepted the recommendations of the Wage Board but the same have not so far been implemented ; and

(c) if so, the reasons for the delay in implementing the recommendations of the Wage Board ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) There was no

demonstration by workers demanding implementation of the Wage Board Award. However, a section of Delhi Electric Supply Undertaking workers demonstrated on the 22nd July, 1971 demanding, *inter-alia*, speedy implementation of the Industrial Tribunal Awards and other demands including early constitution of a State Electricity Board for Delhi.

(b) and (c). The employees/workmen covered by the recommendations of the Wage Board and also falling within the purview of the Third Pay Commission or a like body set up by the Central/State Government are not entitled to claim benefits accruing from the recommendations of both. Since the recognised unions of the employees/workmen of Delhi Electric Supply Undertaking gave their option for the benefit of interim relief announced by the Third Pay Commission and the payment of the interim relief has been made in September 1970, the question of making the Wage Board Awards applicable to these employees does not arise.

Regularisation of Daily Wage Workers of D.E.S.U.

682). SHRI A. N. CHAWLA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) the number of employees working as daily wage workers for more than 2 years in Delhi Electric Supply Undertaking and whether there is any proposal to regularise them ; and

(b) when it is proposed to implement the recommendations of the Wage Board for the employees of the D.E.S.U. ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) There are at present 2358 persons working on work-charged/daily rated basis in Delhi Electric Supply Undertaking who have put in more than two years of service. Employees engaged on work-charged/daily rated basis are regularised according to the number of sanctioned posts of m17doors/Khalasis etc. available from time to time.

(b) As regard to the implementation of the Wage Board recommendations, the position is that the employees covered by the recommendations of the Wage Board and also falling within the purview of the Third Pay Commission or like body set up by the Central or State Government, can be governed either by the recommendations of the Wage Board or their present pay structures, subject, in the latter case, to revision, if any, by the other appropriate pay body.

The recognised Unions of the employees of Delhi Electric Supply Undertaking, on being asked, intimated acceptance of the interim relief as proposed by the Third Pay Commission. The same has been granted to the employees of the Delhi Electric Supply Undertaking. As such the question of implementing the Wage Board award for the Delhi Electric Supply Undertaking employees does not arise.

विद्युत-जनन क्षमता

6830. श्री मूलचन्द डागा : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) तीसरी पंच वर्षीय योजना के अन्त में विद्युत-जनन की अधिस्थापित क्षमता कितनी थी ; और

(ख) पिछले तीन वर्षों में देश में चालू हुए नए बड़े पन बिजली संयंत्रों के नाम क्या हैं ?

सिंचाई और विद्युत मंत्रालय में उपमन्त्री (श्री बंजनाय कुरील) : (क) देश में तीसरी पंच वर्षीय योजना के अन्त तक प्रतिष्ठापित विद्युत उत्पादन क्षमता 101.7 लाख किलोवाट थी ।

(ख) 1968-69 से 1970-71 के वर्षों के दौरान देश में चालू हुए नये वृहत् जल-विद्युत संयंत्रों के नामों का एक विवरण संलग्न है ।

विवरण

19(8-19) में 1970-71 के वर्षों के दौरान देश में चालू हुए नये
वृहत् जल विद्युत् सयंत्रों के नाम

क्रम संख्या	राज्य/स्कीम का नाम	यूनिटों की संख्या और आकार (मेंगावाट)	1968-69 से 1970-71 के दौरान चालू कुल क्षमता (मेंगावाट)
1.	असम उमिगम जल-विद्युत्— दो	2 × 9	18
2.	बिहार बोमी	2 × 5	10
3.	हिमाचल प्रदेश वस्मी	3 × 15	45
4.	केरल शोलायार	1 × 18	18
5.	महाराष्ट्र पूर्ण	2 × 7.5	15
6.	मंसूर शरावती	3 × 89	267
7.	पंजाब भाखड़ा दाया किनारा	1 × 120	120
8.	राजस्थान राणा प्रताप भागर	3 × 43	129
9.	तमिलनाडु		
(i)	परन्विक्कुलम अलियार जल विद्युत्	1 × 60 जमा 2 × 35 जमा	155
(ii)	कोटयार जल विद्युत्	1 × 25 जमा 1 × 69 जमा	60
10.	उत्तर प्रदेश		
(i)	धमुना चरण—एव	1 × 17 जमा 1 × 11 जमा	28
(ii)	ओवरग जल-विद्युत्	3 × 33	99

कतिपय परियोजनाओं से संबंधित समस्याओं को हल करने के लिए भारत तथा पाकिस्तान के प्रतिनिधियों की बैठक

6831. श्री मूलचन्द्र डागा : क्या सिन्धुई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत तथा पाकिस्तान के बीच कतिपय परियोजनाओं संबंधी समस्याओं को हल करने के लिए दोनों देशों के बीच विशेषज्ञ-स्तर पर तथा 'सचिव' स्तर पर कितनी बैठकें आयोजित हुई हैं तथा इनके फलस्वरूप क्या-क्या हल निकले हैं ; और

(ख) "पद्मा नहर के मिले-जुले संबंध" के लिए दोनों देशों के सर्वेक्षण दलों ने किम प्रकार का सर्वेक्षण किया है तथा उसके क्या परिणाम निकले हैं ?

सिन्धुई और विद्युत मंत्रालय में उपमन्त्री (श्री बंजनाथ कुरील) : (क) भारत और पूर्वी पाकिस्तान की पूर्वी नदियों की कुछ परियोजनाओं के संबंध में जानकारी देने और प्राप्त करने के प्रयोजन से अब तक विशेषज्ञ-स्तर पर पांच और सचिव स्तर पर पांच बैठकें हुई हैं। सचिव-स्तर की एक और बैठक, जिसकी सहमति हो गई थी, अब तक नहीं हुई है।

(ख) पद्मा नहर के किसी सामान्य सम्पर्क का कोई प्रस्ताव नहीं है। इस संबंध में किसी तरह के सर्वेक्षण का भी कोई प्रस्ताव नहीं है।

**Redress of Grievances of Clerks Grade II
Appendix II-A qualified**

6832. DR. KARNI SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) the total number of Clerks Grade II (Appendix II-A qualified and unqualified separately) promoted against shadow posts as Clerks Grade I from 1st April, 1968 in the Accounts Department of the Western Railway for each seniority unit ;

(b) how many of the promoted qualified Clerks were subsequently reverted to make room for the unqualified Clerks promoted against leave vacancies after 1st April, 1968 ;

(c) whether any representation had been received regarding the erroneous procedure of promotions and reversions against leave vacancies from qualified Clerks ; and

(d) if so, whether any orders have been issued for the redressal of their grievances with retrospective effect ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) to (d). Information is being collected and will be laid on the Table of the Sabha.

**Promotion of Clerks Grade II on the basis of
service-cum-suitability in Accounts
Department**

6833. DR. KARNI SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) whether only 25 per cent of the vacancies were earmarked for promotion of Clerks Grade II on the basis of service-cum-suitability in the Accounts Department of Indian Railways with effect from the 1st October, 1962 ;

(b) whether while ordering the short term officiating promotions against staff proceeding on leave from 1st October, 1962 or later on Western Railway, 25 per cent promotions were made on the basis of seniority-cum-suitability and on cessation of such arrangement staff so promoted were allowed to continue to officiate by reverting the staff in the balance 75 per cent quota (qualified) ;

(c) whether the practice cited in part (b) above was stopped later ; and

(d) if so, the reasons for not giving relief to the staff thus reverted before the 25th September, 1969 ?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes.

(b) Yes.

(c) Yes.

(d) Prior to 25.9.1969 no uniform procedure had been laid down by the Railway

Board for regulating promotions against leave vacancies, other than on Leave Preparatory to retirement. Cases dealt with in accordance with the extant procedure of the Western Railway earlier cannot be reopened.

12.06 hrs.

PAPERS LAID ON THE TABLE

MR. SPEAKER : Papers to be laid.

DR. HENRY AUSTIN (Ernakulam) : I wish to raise an important matter.

MR. SPEAKER : Unless I get advance notice, I am not going to allow any matter to be raised.

BOMBAY PUBLIC TRUSTS (GUJARAT)
(AMDT.) RULES AND A STATEMENT

THE MINISTER OF STATE IN THE
MINISTRY OF LAW AND JUSTICE (SHRI
NITIRAJ SINGH CHAUDHARY) : I beg
to lay on the Table—

- (1) A copy of the Bombay Public Trusts (Gujarat) (Amendment) Rules, 1971, published in Notification No. GH/K/176/BPT/Rules/1503/E in Gujarat Government Gazette dated the 8th July, 1971, under sub-section (4) of section 84 of the Bombay Public Trusts Act, 1950, read with clause (c) (iv) of the Proclamation dated the 13th May, 1971, issued by the President in relation to the State of Gujarat. [*Placed in Library. See No. LT-789/71*]
- (2) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Notification. [*Placed in Library. See No. LT-790/71*]

STATEMENT ON FLOOD SITUATION

THE MINISTER OF IRRIGATION
AND POWER (DR. K. L. RAO) : I beg
to lay on the Table a statement (Hindi
and English versions) on the flood situation in
the country. [*Placed in Library. See No.
LT-791/71*]

12.01 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY : Sir, I have to report the following messages received from the Secretary of Rajya Sabha :—

- (i) 'I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Tuesday, the 27th July, 1971, adopted the following motion in regard to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes :—

MOTION

"That this House concurs in the recommendation of the Lok Sabha that a Committee of both the Houses to be called the 'Committee on the Welfare of Scheduled Castes and Scheduled Tribes' be constituted for the purposes set out in the motion adopted by the Lok Sabha at its sitting held on the 16th June, 1971, and communicated to this House, and resolves that this House do join in the said Committee and proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote and by secret ballot, ten members from among the members of the House to serve on the said Committee."

2. I am further to inform the Lok Sabha that in pursuance of the above motion, the following Members of the Rajya Sabha have been duly elected to the said Committee :—

1. Shri Brahmananda Panda
2. Shri Sukhdev Prasad
3. Shri B. T. Kemparaj
4. Shri Ganeshi Lal Chaudhary
5. Shri Balram Das
6. Shri Roshan Lal

7. Shri K. P. Subramania Menon
8. Shri Melhupra Vcro
9. Shri Golap Barbora
10. Shri G. A. Appan.*

of Procedure and Conduct of Business in Lok Sabha, one member from among themselves to serve as a member of the Committee on Public Undertakings for the unexpired portion of the term of the Committee. *vice* Dr. V. K. R. Varadaraja Rao resigned from the Committee."

- (ii) 'I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Tuesday, the 27th July, 1971, adopted the following motion in regard to the Committee on Public Accounts :—

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do agree to nominate one member from the Rajya Sabha to associate with the Committee on Public Accounts of the Lok Sabha for the unexpired portion of the term of the Committee ending on the 30th April, 1972, in the vacancy caused by the resignation of Shri Niranjan Verma from the membership of the Committee and do proceed to elect, in such manner as the Chairman may direct, one member from among the members of the House to the said Committee to fill the vacancy"

2. I am further to inform the Lok Sabha that in pursuance of the above motion, Shri Jagdish Prasad Mathur, Member, Rajya Sabha, has been duly elected to the said Committee.'

MR SPEAKER : The question is :

"That the members of this House do proceed to elect in the manner required by sub-rule (3) of Rule 254 read with sub-rule (1) of rule 312B of the Rules of Procedure and conduct of Business in Lok Sabha, one member from among themselves to serve as a member of the Committee on Public Undertakings for the unexpired portion of the term of the Committee, *vice* Dr V. K. R. Varadaraja Rao resigned from the Committee "

The motion was adopted.

12.03 hrs.

CONSTITUTION (TWENTY-FOURTH AMENDMENT) BILL

THE MINISTER OF LAW AND JUSTICE (SHRI H R. GOKHALF) : Mr. Speaker, I rise to move :

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

In a democracy as ours, the people are sovereign and Parliament, which is fully representative of the people, is supreme. The Bill once again seeks to reassert that Parliament is supreme and that no person or authority, howsoever high or respected, can come in the way of the fulfilment of the will of the people at large.

So far as we the members on this side of the House are concerned, we are under a clear mandate, a massive mandate, from the people that we will bring about the necessary amendments to the Constitution so as to remove the impediments that have been created in the way of the implementation of the fulfilment of our socio-economic programmes.

12 02 hrs.

ELECTION TO COMMITTEE

COMMITTEE ON PUBLIC UNDERTAKINGS

SHRI M. B. RANA (Breach) : I beg to move :

"That the member of this House do proceed to elect in the manner required by sub-rule (3) of Rule 254 read with sub-rule (1) of Rule 312B of the Rules

The Bill seeks to amend two articles, 13 and 368. Till recently many constitutional jurists believed, and many of them believe even now, that art. 368, as it is, provides for amendment of any part of the Constitution and does not contain only the procedure for amendment of the Constitution.

Sir, even the two previous judgments of the Supreme Court in fact had given the verdict that Parliament had the power to amend any provision of the Constitution irrespective of whether that provision pertains to fundamental rights or not. But, for the first time, in the latest case, the *Golaknath* case, the Supreme Court reversed the earlier view and held that there are limitations on the rights of Parliament to amend the Constitution and that view was taken principally on two grounds. What was said was that article 368 contains only the procedure to amend the Constitution and does not confer a substantive power to amend the Constitution. They said that even if the entire procedure in article 368 is gone through, it will not culminate in an amendment of the Constitution taking place. The other reason which the Supreme Court gave in this case was that article 13 when it refers to law takes within its ambit not only law which is passed in the ordinary legislative process but also includes the law passed by Parliament in the exercise of its sovereign constituent power which Parliament does when it amends the Constitution, the organic instrument itself. This view of the Supreme Court has necessitated a reconsideration of the steps which are required to be taken to see that the power of Parliament which is the supreme body so far as this country is concerned is restored, or may I say, is reasserted so that parliament has power to take in hand the amendment of any provision of the Constitution.

A Constitution after all is an instrument which the people give to themselves for the organisation of the governance of their country. It is at the most a means and not an end in itself. A Constitution cannot be immutable and if it is so held that it is immutable, it means that we subscribe to the theory of stagnation. All progressive countries in their Constitutions have provided for an amending process, because it has been regarded by jurists all over the world that the amending process is the only safety valve in any proper Con-

stitution as a result of which the Constitution itself can be saved from decay.

Time and tide wait for nobody, and the mere fact that the written instrument is immutable will not stop the people from making strides towards their own progress to which and for which they for ever strive. That is why, to get over this difficulty, I would explain the import of the amendments to the two articles which have been brought before this House.

The amendment of article 368 which is now proposed seeks to make it clear beyond doubt that that article would now contain not only the procedure to amend the Constitution but would contain a substantive power to exercise the sovereign constituent right of Parliament to amend any provision of the Constitution including the fundamental rights. Incidentally, the marginal note which said that it was a procedure has been amended, although some of us lawyers never understood how on the interpretation of the marginal note alone, a view can be taken that it is not power but procedure of the article itself in substance and in its content clearly indicated that there was a power to amend substantively any provision of the Constitution. To get over the difficulty, even this small change of altering the marginal note which really was not a creature of Parliament has also been one so far as the proposed amendment is concerned.

The other thing which has been done is to obviate the second difficulty which was raised in *Golaknath's* case. That difficulty was that the distinction which has been recognised in jurisprudence all over between constituent law which is passed in exercise of sovereign power and law which is passed by any parliament in exercise of its ordinary legislative power was blurred by that decision. Now, for the first time, in view of the provision proposed that nothing contained in article 13 will apply to an amendment under article 368, the so-called distinction between exercise of the constituent power and exercise of ordinary legislative power will be taken away, and it is now made clear and, again without any shadow of doubt, that the exercise of power under article 368 is not just ordinary legislative exercise of power but it is a power which in jurisprudence is regarded everywhere as sovereign exercise of constituent power.

A consequential amendment has also been proposed to article 13 which was really the block which came in the way substantially in Golaknath's case which says that nothing contained in article 13 will apply to a law passed in exercise of the sovereign constituent power contained in article 368 of the Constitution.

These, in substance, are the proposed amendments, and if these amendments are made, it will again be clear that Parliament alone in this country will be supreme in the matter of amendment of any provision of the Constitution, and that is the sole purpose of amending the two articles at this juncture. When this Bill becomes law, I dare say that it will be a landmark in the legislative and constitutional history of this country.

SHRI PILOO MODY (Godhra) : Slavery.

SHRI H. R. GOKHALE : We have Chapter IV in the Constitution which provides for the Directive Principles. Every one knows that the Directive Principles are not enforceable in a court of law, but every one ought to know that the Directive Principles are fundamental to the governance of the country, and the Constitution itself provides that the State shall have due regard to the Directive Principles in making laws. If the Directive Principles are not merely to be regarded as ornaments or merely as items of beautification,...

SHRI PILOO MODY : That is what you have done for 25 years.

SHRI H. R. GOKHALE : .. but if they are intended to be given effect to so that laws give effect more and more to the Directive Principles as days go by, it is necessary that steps should be taken to see that if there is any conflict between the fundamental rights and the Directive Principles, ..

SHRI PILOO MODY : There is no conflict.

SHRI H. R. GOKHALE : ...that conflict is resolved.

I cannot resist the temptation of recalling to the attention of the House the very prophetic speech which the late revered Pandit Jawaharlal Nehru made when he spoke on the very first amendment of the Constitution in

1951. Even at that time he envisaged the possible difficulties which would come in interpreting the Constitution when the Directive Principles and fundamental rights are considered side by side. With your permission, I will read out a very small passage which I have extracted, and which is relevant for the purpose of the present discussion.

SHRI FRANK ANTHONY (Nominated—Anglo-Indians) : On a point of order. So far as the Twentyfourth Amendment is concerned, there is no reference at all to the Directive Principles. I want to hear my hon. friend on the Twentyfifth Amendment when the time comes. Today he is arguing in favour of the suppression of the fundamental rights by the Directive Principles. He can do that on the Twentyfifth Amendment. It has no relevance at all to the Twentyfourth Amendment.

MR SPEAKER : This is not a point of order. He is just arguing his case. He may reinforce his arguments, it does not matter.

SHRI H. R. GOKHALL : I am surprised that the hon. Member, who is a very senior lawyer, is not in a position to see the simple proposition that any amendment of the Constitution, whether it is the Twentyfifth Amendment Bill or any other Bill which may be brought subsequently, cannot be tackled. The root of the matter is that Parliament has to seize the power to amend any provision of the Constitution. If that is done, I wonder how my friend, Mr. Anthony can say that this is not relevant.

Sir, I was on the point of inviting the attention of the House to the prophetic words of the late Pandit Jawaharlal Nehru :

"The real difficulty which has come up before us is this. The Constitution lays down certain Directive Principles of State Policy and after long discussion, we agreed to them and they point out the way we have got to travel. The Constitution also lays down certain fundamental rights. Both are important. The Directive Principles of State Policy represent dynamic move towards a certain objective. The fundamental rights represent something static, to preserve certain rights which exist. Both again are right. But somehow and sometime it might so happen that dynamic

[Shri H. R. Gokhle]

movement and that static standstill do not quite fit into each other.

A dynamic movement towards a certain objective necessarily means certain changes taking place ; that is the essence of movement. Now it may be that in the process of dynamic movement, certain existing relationships are altered, varied of effect. The result is that the whole purpose behind the Constitution, which was meant to be a dynamic Constitution leading to a certain goal step by step, is somewhat hampered and hindered by the static element being emphasised a little more than the dynamic element and we have to find out some way of solving it."

I said these words were very prophetic, because particularly after the last judgment of the Supreme Court in Golaknath's case, it has been exhibited beyond doubt that it is really the static element which is trying to gain predominance over the dynamic element. If it was contemplated by the founding fathers that our Constitution is intended to work in consonance with the Directive Principles, if there was an injunction on the State that they are fundamental to the governance of the country and if, further, the directive was that the State will make laws in consonance with the Directive Principles, how can anyone who has a sense of the general idea of the structure underlying the Constitution ever contend that the Constitution should not be amended, if need be, to make the Directive Principles more effective, so that the state can legislate to make the Directive Principles more effective as time goes on and when necessity arises. The whole idea underlying the amendment now is that the predominance of the static element which has now really blocked all the ways to progress has to be given a subsidiary position and, if occasion arises, Parliament should have the power to amend the fundamental rights, if the necessity of implementing the Directive Principles arises.

This is not to say that we wish to under-rate some of the other basic rights such as the freedom of speech and expression, the right to assemble peaceably and without arms, right to form associations, right to move freely throughout the territory of India, etc, and they will be interfered with. I anticipate that it may be said by some of the critics that if power is

given to amend any provision of the Constitution, some of these rights also may be amended. I describe this argument as the argument of fear and nervousness.

If we look at the history of the last few years, after the Constitution came into force, we are on the twenty-fourth amendment Bill of the Constitution ; 23 amendments have gone by, but not one amendment has touched some of the other rights like the right guaranteeing the protection to minorities or freedom of speech, except on two occasions.

SHRI FRANK ANTHONY : Question.

SHRI H. R. GOKHALE : On one occasion, the right to amend the rights of minorities was used only for the purpose of expanding the protection given to the minorities, not for reducing it. In the other case, the right to freedom of speech was amended only when a very grave threat to the very existence of the country was involved, for the protection of the security of the State and a minor amendment was carried out to enable the State to take steps to see that the country was secure.

But there is nothing to indicate in the short history after the coming into force of the Constitution that any of these fundamental rights were touched. I think it was always regarded, and the Supreme Court has also accepted the position, that we had all the time the power to amend the fundamental rights. It is not as if for the first time this right is taken. But for the Golak Nath case it would not have been necessary at all. We always had the right and it was so assumed and it was so held by the judiciary also. Even then, no such right was ever touched. That is why I said it was more an argument of fear and nervousness than of substance.

Ultimately it is a question of how much faith we put on ourselves. The present Bill only seeks to amend the Constitution so as to give power to Parliament to amend the Constitution. The actual amendment of the Constitution is again a matter left to this Parliament. Therefore I say that it is a question of how much faith, how much reliance we put on ourselves and how much faith and how much reliance we put on our democratic institutions. If we have not that faith no written word can ever protect anything. If we have our faith

in the support of the people, if we know that what we are doing is really because of the mandate from the people, if we have that assurance, then we are not afraid of saying that in spite of the wide powers that we have given to Parliament to amend any of the provisions of the Constitution, that power would never be misused, because we have faith in this Parliament and we have faith in the Parliamentary institutions of this country.

I would like to close by mentioning that India is standing at the cross-roads after several years of independence. Yet, wide areas of our country and millions and millions of our people are steeped in poverty and backwardness. They are becoming increasingly impatient and loudly and determinedly demand swift action to effect rapid socio-economic changes and social transformation so as to ensure improvement in their lives. We have to be true to the mandate that the people have given us, and to be true to this mandate we must have the power to remove the dogs and impediments which stand in the way of implementing the socio-economic reform which we have before us. It is precisely to remove such an obstacle in the way of the implementation of our programme that this Bill has been brought before you for consideration and I commend it to the House for acceptance.

MR. SPEAKER : Motion moved :

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

The Business Advisory Committee has allotted ten hours for the consideration of this Bill and that report of the BAC has been approved by this House. I suggest seven hours for general discussion, two hours for clauses and one hour for third reading.

Some hon. Members have given notice of certain amendments for reference of the Bill to the Supreme Court, or circulation for eliciting public opinion or for reference to the Select Committee. The debate on the general discussion will cover all these motions also and they will all be put to the vote at the end of general discussion.

PROF. MADHU DANDAVATE (Rajapur) : Sir, I want to raise certain procedural points.

MR. SPEAKER : I gave my ruling the other day.

PROF. MADHU DANDAVATE : On the contrary, the record indicates that you said that I can raise this point later on.

MR. SPEAKER : When you are called you can raise this. But my ruling was there.

PROF. MADHU DANDAVATE : I have already written to you in the matter. Even today morning I have written to you that I want to raise it. So, please listen to me.

MR. SPEAKER : I have already listened to you.

PROF. MADHU DANDAVATE : At the very outset let me make it clear that I am raising a point of order regarding the procedure so as to facilitate the passing of this Bill.

MR. SPEAKER : He may speak on this when his turn comes.

PROF. MADHU DANDAVATE : That is all right. But this is a point of order.

MR. SPEAKER : I gave my ruling that there is no bar against this Bill being taken up. You may speak when your turn comes.

PROF. MADHU DANDAVATE : I am raising a point of order. If you say "you are not permitted to raise a point of order," then I will resume my seat.

MR. SPEAKER : I have given my ruling.

PROF. MADHU DANDAVATE : A member has every right to raise a point of order at any stage.

MR. SPEAKER : I said I gave my ruling.

SHRI PILOO MODY : How can you give the ruling before hearing the point of order ? This is the only place in the world where this can happen. •

PROF. MADHU DANDAVATE : You cannot give a ruling before hearing my point of order. Let me make it very clear that I am raising this point of procedure to see that

[Prof. Madhu Dandavate]

the adoption of this radical Bill is facilitated. Now I come to my point of order. In the House if two similar Bills are already introduced, in that case what would be the general procedure that would be followed. I would like to point out that in order to force the pace of adoption of this radical Constitution Amendment Bill, in the very first short Session of the Parliament I introduced a Bill with the same title as of the present Bill. The area covered by the Amending Bill was the same. It was Article 368. The objective of both the Bills is the same. It is to restore to the Parliament the sovereign right to amend any part of the Constitution. Here I have a book which is written by the Secretary of Lok Sabha. In that it is stated: "A Bill which is dependent wholly or partly on another Bill pending before the House may be introduced in anticipation of passing of the Bill on which it is dependent, but the second Bill can be taken up for consideration and passing only after the first Bill has been passed by Parliament and assented to by the President."

MR. SPEAKER : This goes against yourself.

PROF. MADHU DANDAVATE : I am not objecting to consideration. I want a clarification. Here it is specifically said that unless the previous Bill is passed the other one cannot be passed. Therefore, I would like to facilitate the adoption of this Bill by withdrawing my earlier Bill, if necessary. I may be permitted even to seek the leave of the House to withdraw the Bill so that there is speedy adoption of the present Bill. In the House of Commons also a similar situation had arisen when a Bill was taken up, a like of which was already pending before the House. Therefore, the Speaker had given the ruling that the new Bill had to be dropped in view of the previous Bill under consideration. Therefore, my assurance to the mover of the Bill is, if by dint of any technicalities my Bill pending before the House comes in the way of passage of the present Bill, I am prepared even to withdraw it. However, these procedural matters must be clarified. That is my contention.

श्री अटल बिहारी वाजपेयी (खालियर) :
अध्यक्ष महोदय, मुझे इस के खिलाफ कुछ कहना है। कनेट गैर-सरकारी बिल पेश कर दिया जाय,

इस का अर्थ यह नहीं हो सकता कि सरकार उसी विषय पर उसी तरह का और कोई बिल नहीं ला सकती। वरना ऐसा होगा कि एक मेम्बर एक बिल ला कर हाउस की सारी कार्यवाही को रोक देगा।

अध्यक्ष महोदय : आपने रूलिंग दे दिया है।

I had given the ruling on the first day. There is no limit to Bills being introduced in this House. Any number of Bills can be introduced, but there is no bar against the consideration of the Bill unless the House has considered and given its verdict.

श्री अटल बिहारी वाजपेयी : यह समय वापस लेने का नहीं है।

अध्यक्ष महोदय : आप उन को वापस नहीं लेने देंगे। वह वापस लें, न लें, इस में कोई फर्क नहीं पड़ता है। वापस लेना है तो ले लीजिये।

Those who want to move their Motions for reference to Supreme Court or to the Select Committee or for circulation may move them now.

SHRI ATAL BIHARI VAJPAYEE : I beg to move :

"That the Bill be referred to the Supreme Court for the purpose of eliciting its opinion thereon under article 143(1) of the Constitution." (1)

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November, 1971." (3)

SHRI P. K. DEO (Kalahandi) : I beg to move :

"That the President be requested to refer the Bill to the Supreme Court for opinion under article 143 of the Constitution." (2)

SHRI FRANK ANTHONY : I beg to move :

"That the Bill be referred to the Supreme Court, through the President, for an opinion under article 143 of the Constitution." (19)

SHRI R. R. SHARMA (Banda) : I beg to move my amendment No. 18.

MR. SPEAKER : It is the same as number one.

SHRI SHIVNATH SINGH (Jhunjhunu) : I beg to move :

"That the Bill further to amend the Constitution of India, be referred to a Select Committee consisting of 7 members, namely :—

- (1) Shri Chhuttan Lal
- (2) Shri H. R. Gokhale
- (3) Shri Nathuram Mirdha
- (4) Shri Shrikishan Modi
- (5) Shri Amrit Nahata
- (6) Shri Nawal Kishore Sharma ; and
- (7) Dr. H. P. Sharma

with instructions to report by the 7th August, 1971." (5)

SHRI M. C. DAGA (Pali) : I beg to move :

"That the Bill further to amend the Constitution of India, be referred to a Select Committee consisting of 7 members, namely :—

- (1) Shri Bashweshwar Nath Bhargava
- (2) Shri Chhuttan Lal
- (3) Shri Hiralal Doda
- (4) Shri H. R. Gokhale
- (5) Shri Shrikishan Modi
- (6) Shri Nawal Kishore Sharma ; and
- (7) Shri S. N. Singh

with instructions to report by the last day of the first week of the next session." (4)

SHRI A. K. GOPALAN (Palghat) : Mr. Speaker, Sir, we support this Amendment Bill that is there before the House now. While supporting the Bill we have to say that this Bill should have been introduced earlier, not only after the Golaknath case judgment but even before that, because several cases in 1961 as well as in 1969 were there in the Supreme Court where they had struck down some of the provisions relating to social and economic progress. So, this Bill should have come even before the Golaknath case judgment.

This Bill has come now because of the urge of the people for the last so many years after independence. The people wanted radical changes. They waited for some time. Then they understood that there were so many hurdles as far as changes were concerned ; so, they agitated. There were so many struggles in the country. The unemployed people in the country wanted employment. The underemployed wanted better living conditions. So, the urge of the people was there and the people were determined not to live as before as slaves and in the conditions that were there. It was that urge of the people that prompted the Government to bring forward even at this late hour such a Bill taking the power of amending the Constitution wherever it stands in the way of social and economic progress.

Also, there was a change as far as the Government was concerned. The Government also through its experience of the last so many years understood that they would not be able to carry on the Government, as they had carried it on for the last so many years and were carrying on even today, by repressing the people whenever they came out for agitating for their demands. So, the Government also understood that with repression and military and police alone they would not be able to continue. They also wanted to create some hope or illusion in the minds of the people that something was going to come and there would be some changes in the country.

These are the two reasons why this Bill has been brought forward. Anyhow, we support this Bill because the hindrances that are there and were there for the last so many years from the High Courts and the Supreme Court, would be removed by adopting this Bill.

[Shri A. K. Gopalan]

I want to point out that two years ago when myself and E.M.S. Nambudiripad gave a statement in the papers, in the course of the statement we said that the Constitution must be changed lock, stock and barrel. There was a hue and cry in the country. The monopoly press wrote editorials about it. Also, in this House there were some remarks about it that the Constitution was sacrosanct and sacred; so, nothing should be said about the Constitution and there was no question of any change in the Constitution. I am glad, now the Government and some of those, who criticized even a statement that the Constitution must be changed, have found out that unless some radical changes were made in the Constitution, even the reform which the Government proposed to bring about could not be brought about and implemented. Twentythree times the Constitution had been amended in 20 years. This also shows that this Constitution is a bundle of contradictions. It is a bundle of contradictions because, as far as the Preamble is concerned, it says, Justice, social economic, political; Liberty of thought and expression; Equality of status and opportunity, but as far as other clauses in the Constitution are concerned, they stand in the way of any justice as far as economic and political is concerned and also equality as well as fraternity. That was the reason why twentythree changes were made in Constitution so that at least something of what is said in the Preamble, as far as those objectives of the Preamble are concerned, can be implemented.

I want to go to the history of the Constitution to show that we cannot expect anything more than this, as far as the present Constitution is concerned, which was the result of the Constituent Assembly. There was no adult franchise, the Constituent Assembly was elected by the State Legislature and also on the basis of property rights. There were 90 representatives of the princely States and there were also representatives of big business and landlords. So, the Constituent Assembly consisting of vested interests in this country could not produce a better Constitution than this one.

Now, I would like to go to some of the judgments of the Supreme Court and High Courts to show that as far as the Judges are concerned, they were keen on two things.

Firstly, the Judges said in one case that fundamental rights as far as the personal liberty is concerned can be curbed. But when it came to Golak Nath case, they said that property rights cannot be touched.

I want to point out that in 1950 when I was detained, I filed a habeas petition in the Supreme Court and that petition was first constitutional case and it was a test case. In that, the majority judgement held that a person detained may not claim that the freedom guaranteed under Article 19(1) (d) was infringed by his detention, and that the validity of law providing for making orders of detention will not be tested in the light of the reasonableness of the restrictions imposed, thereby on the freedom of movement, nor on the ground that his right to personal liberty is infringed.

So, this judgement served as the guiding principle and a test case for so many years. As far as the freedom of speech and personal liberty is concerned, they said that it cannot be touched.

As far as the second case that has been referred to here by the hon. Minister is concerned, it was in that case that the majority judges said that they have carefully considered the weighty pronouncements of the eminent Judges in Gopalan's case saying that "the assumption that certain articles in the Constitution exclusively deal with specific matters and in determining whether there is infringement of the individual's guaranteed rights, the object and form of the State action alone needs to be considered, and effects of the law on fundamental rights of the individuals in general will be ignored cannot be accepted as correct."

This was the judgment as far as the Bank Nationalisation case was concerned. It was the judgment of the Bank Nationalisation case where the class character of the judges came out specially, one sentence in the judgement, which showed as to what the attitude of the Judges is, how they view the problems and whether they are concerned with the interests of the community or they are concerned with the rights of individual property. In that case, they quoted so many capitalists countries like Australia, America and Britain. That one sentence in the judgement is:

"So great moreover is the regard of the law for private property that it will not authorise the least violation of it ; no, not even for the general good of the community."

So, here, the Judges did not consider the good of the community even. They said that they ignore the good of the community and that, as far as the right to individual property is concerned, it is more important than the general good of the community. So, Sir, after this judgment, if for the general good of the community it is necessary that property rights are curbed, that the profits of the monopoly capitalists are curbed for the general good of the country and for the development of the country and for solving the question of unemployment, if the Judges are of opinion and strictly say that as far as the general good of the community is concerned, if even for that certain curbs are there as far as profits are concerned and as far as the property rights are concerned, 'we will not allow', there is no question of any doubt that if any good is to be done, and also to fulfil the Preamble of the Constitution that there will be social and economic justice in the country, unless these changes are made and unless this Bill is adopted, nothing can be done as far as the good of the country is concerned.

I want also to point out how the Judges feel as far as certain cases are concerned. In 1961 there was the Agrarian Relations Bill of Kerala. That was struck down by the Supreme Court. What were the clauses that were struck down? The Bill said that as far as the ryotwari is concerned, the right of ownership of the landlord can be taken by the Government giving them compensation and the right must be vested in the Government and the land must be vested. That clause was struck down.

There was another case where several clauses of the University Act were struck down. It afforded protection to the teachers and the college professors, it also dealt with non-payment of wages to the professors for some months, and also some rights were given to the teachers and professors in that Education Bill and the University Act. There were some clauses in that Bill which gave some protection to the teachers and the professors, and those clauses were struck down by the Supreme Court.

There was a Bill, called the Bidi and Cigar Act and that Act gave some benefit as far as lakhs of bidi workers are concerned. Now, a month ago the Supreme Court has struck down the clauses in that Act which gave some relief to the bidi workers.

So, from all these judgments, it is very clear that the attitude of the present Judges is that as far as any relief to the toiling masses is concerned, those Bills passed by Parliament or by the Assembly will be struck down and no Assembly or Parliament will be able to do anything

This Parliament and the State Assemblies are elected on adult franchise. They know the aspirations of the people. They know the urges of the people and it is on that basis that legislations are passed. Legislations are passed unanimously in the State Assemblies and in the Parliament. So, Sir, if unanimous legislations of Parliament or the Assemblies are to be struck down by the Judiciary and if they were to say, 'We do not accept it', then, as far as the progress of the country is concerned, it is sure, Sir, that it is not in the interests of the country and the people.

I want also to point out that I am moving an amendment and I hope that Government will certainly accept it because this amendment is that Parliament shall not make any provision abridging the right of freedom of speech and expression, right to assemble, right to form associations of unions and right to personal liberty. The Minister.....

MR. SPEAKER : You may speak on your amendment when that stage comes.

SHRI A. K. GOPALAN : So, Sir, while supporting this Bill, I want to show the other side of the picture. I want to ask the Government one question. There are so many Acts passed by the Parliament and the Assemblies. Even to this day they have not been implemented. It is not because there is hindrance of the Supreme Court or the High Court as far as the land reforms are concerned. I will cite one instance. The report of the Study Group of the Home Ministry said in its report that there are several aspects to which no attention has been given by the administration and large scale evictions of tenants are going on. So, when Parliament or the state Assembly passes a legislation

[Shri A. K. Gopalan]

that there should be no eviction and if large-scale ejections are there and nothing is done by the Government to see that these ejections are prevented, what is the use of passing any legislation ?

As far as the Minimum Wages Act of Agricultural Labour is concerned, it is said that the condition of agricultural labour has not changed in that report. It is said also that 'The Minimum Wages Act is a dead-letter'. Sir, this is the Report of the Ministry which says 'The Minimum Wages Act is a dead-letter'. It is not because of judges not agreeing to it, it is not because of the High Court or the Supreme Court not agreeing to it, but it is because they have not taken action that it remains a dead-letter. The Minimum Wages Act even today remains a dead-letter and there are so many reasons. Wherever the Agricultural Labourers asserted their rights and their struggles, they have won their struggles and they have got not only the minimum wage but they have got the wages that have been demanded by their unions, even when they wanted a particular wage which is above the minimum wage. Wherever there is no struggle, they do not get the minimum wage and they are getting wages below the minimum wage. In this connection, I want to ask : What has happened to the Statutory Wage Board for newspapers ?

MR. SPEAKER : Are you not going somewhat off the point ? This is only consideration of the Constitution (Twenty-fourth) Amendment Bill.

SHRI A. K. GOPALAN : Sir, I am supporting the Bill. This Bill must be passed. All hindrances should be removed. At the same time, I have got to ask what happened to the earlier Acts which have been passed by this Parliament and why they have not been implemented. Sir, even today they are not implemented. Therefore, that aspect of the matter must be looked into. By merely passing this Bill, I have no illusion that everything will be O.K. I don't think everything will be O.K. by merely giving power to the Government. What happened to the Coalmines Minimum Wages Act ? What happened to the Factories Act ? What happened to the Plantation Act ? All these various Acts have been passed by this very Parliament, but till today, nothing has been

implemented. This is the state of affairs. Sir. The Beedi Wages Act was passed, but many States in India have not implemented that. Even Congress States still ruled by Congress, have not implemented that.

So, as far as this Bill is concerned, I wish to submit that we support this Bill, but we have no illusion that if this Bill is passed everything will be O.K. We have had experience for the last so many years. Whenever an Act is passed, it is not only the High Courts and the Supreme Court which are the hindrances in our way. It is not so. There are the bureaucrats. There are the monopolists. There are the employers. If they do not implement them, there is no power for the Government till now to see that they are implemented, to see that whatever benefits are there under these Acts are given to those to whom they are intended.

The Minister said that there is fear and nervousness and that is why certain amendments are brought. Mr. Speaker, Sir, I am not now speaking on my amendment, because, you said, I will get sometime afterwards.

I support the Bill I support this because the first hindrance that is there, that has been openly found out, has been removed. The Court stood in the way even in respect of a small change—social and economic change necessary in the interest of the nation. That is now being removed. That is the reason why I support the Bill.

SHRI R. K. SINHA (Faizabad) : I rise to support the Bill seeking to amend the Constitutional provision. This amendment is coming after 3 or 4 years after the Golaknath case. In that case, Supreme Court reversed its earlier decision. The earlier judgment of the Supreme Court was reversed by their own Judgment in the Golaknath case. So, we see, the Courts can also reverse themselves. Why don't they agree that Parliament, representing the people of India, can also change their decision ? There have been certain implications of the decision in the Golaknath case to the effect that Parliament is not sovereign. To that extent, this is an attempt to take away the sovereignty of the Indian people. The Indian people have expressed their sovereignty in the Constitution itself. If we look at the Constitution we find that the ultimate source of power in India is the

people of India. The people of India cannot as in the days of Aristotle gather together on the streets in order to convince my hon. friend Shri Frank Anthony and others.

SHRI R. S. PANDEY : (Rainandgaon) : What has Shri Frank Anthony to do with the people ?

SHRI R. K. SINHA : The people of India have delegated their power, and the instrument of their power is the Indian Parliament. This Parliament represents the people of India and to the extent that this sovereignty is taken away, we are taking away the sovereignty of the people of India.

This question has been before the people of India for the last four years. There has been a referendum recently on this issue, because when we went to the polls, the people of India in every nook and corner of the country knew what the issue was. The Opposition parties came out and said, "Look here, these people are taking away the right to property, look here, these are the people who are going to take away the hamlets of the poor people and they will take away the rights of the so-called middle class people". Of course, such things were not intended, and yet such attempts were made in every corner of the country, and in spite of that, the people of India have given a massive mandate and a mandate which shows the impatience of the people, an impatience which says 'Do it now ; we have given you the mandate'.

Therefore, today when the Law Minister has moved this amendment to the Constitution, is a great day, and it is a day of victory for the forces that our leader Shrimati Indira Gandhi has been leading in this country.

When we talk of the sovereignty of the people of this country, we know that there would be right reactionaries and left reactionaries also. We know the history of revolutions. Always, the issue of property is posed, and the sacred rights of the minorities are posed before us. These issues are posed before us in order to divert our attention from the basic issue which is there before us. We must understand that when the people of India have given a massive mandate for a change, that change has to be implemented. Which power is there on the

surface of this earth which can take away the sovereignty of the people and which power is there which can take away that sovereignty from the instrument of the people of India namely the Indian Parliament ?

It has been said that the Constituent Assembly was something more sacred. It is said that the Constituent Assembly created the Constitution and that Constitution is sacrosanct like the sacred cow. I want to examine the structure of the Constituent Assembly and that of the present Parliament.

The Constituent Assembly was a compromise arrangement with British imperialism. Our leaders were forced to agree to the setting up of a Constituent Assembly to be indirectly elected from the State Assemblies which were themselves elected on communal franchise and on limited property franchise and through indirect elections, and then there were the dictations from the British Parliament that the privileges of the ICS must be guaranteed. There was the Act of the British Parliament that we had to take note of in our Constitution. So, that was a compromise with imperialism. We had to agree with it because we thought that after the transfer of power, the Dominion of India would become the Republic of India. Therefore, let not those gentlemen talk of the sacrosanct cow, the Indian Constitution, which was a compromise document from a compromise Constituent Assembly, and challenge this Parliament which is much more representative and which has come into existence after a referendum to the people of India.

So far as the character of the Constitution is concerned, they say that the previous Constituent Assembly created certain institutions and wrote certain laws and we could not amend them. Look at their perversity. There have been 23 amendments to the Constitution, and those 23 amendments are all right and must be accepted. Afterwards the law must be re-written by the Supreme Court by a majority of one ; the law should be so written that even if Parliament is unanimous and there is no vote of dissent, then according to the Golak Nath Case, it cannot enact any changes in the fundamental rights chapter of the Constitution. This is a challenge to the people of India and their sovereignty. These bourgeois judges ..

SHRI FRANK ANTHONY : On a point of order. He has referred to the Supreme Court Judges as 'bourgeois' Judges. It is an insult to the Supreme Court (*Interruptions*). Who is he to refer to them as 'bourgeois' Judges ? (*Interruptions*).

SHRI R. K. SINHA : I did not mention 'Supreme Court' Judges.

SHRI H. N. MUKERJEE : (Calcutta — North East) : It is a sociological term. There is no opprobrium attached to it.

MR. SPEAKER : He may discuss the merits of the case. But let him kindly avoid use of such words.

SHRI R. K. SINHA : I am not mentioning them like that.

SHRI H. N. MUKERJEE rose—

SHRI R. S. PANDEY : On a point of order.

MR. SPEAKER : I have given my ruling. Let him continue. I am not going to allow any point of order.

SHRI BALATHANDAYUTHIAM (Coimbatore) : What is wrong in the word 'bourgeois' ? Workers are described in a certain way ; others are described in some other way. What is wrong with this word ?

MR. SPEAKER : He can discuss the merits of the judgment. He can pass any remarks on the merits. But let him not describe the Judges in this manner. Let him avoid such words (*Interruptions*).

SHRI BHAGWAT JHA AZAD (Bhagalpur) : On a point of order.

MR. SPEAKER : Our rules do not permit it.

SHRI INDRAJIT GUPTA (Alipore) : According to Shri Anthony 'bourgeois' is a term of abuse. How is it so ?

SHRI S. A. SHAMIM (Srinagar) : It is a complimentary term.

SHRI R. S. PANDEY : On a point of order. I do not want to define the terminology

'bourgeois'. श्री सिन्हा ने सुप्रीम कोर्ट जजों के सम्बन्ध में जो बुर्जुआ कहा मैं उसके सम्बन्ध में कुछ नहीं कहना चाहता। बुर्जुआ शब्द की व्याख्या के बारे में मुझे कुछ नहीं कहना है। लेकिन श्री गन्धनी सुप्रीम कोर्ट में प्रेक्टिस करते हैं। इस लिये उन को प्रोफेशनल मोटिवेशन है। इस लिये वह आपत्ति कर रहे हैं।

He is motivated. He has taken objection in order to seek the favour of the Supreme Court Judges (*Interruptions*).

SHRI S. A. SHAMIM : This is another reflection on the Supreme Court. This is not fair.

अध्यक्ष महोदय : माननीय सदस्य जरा जोश में हैं। हमारा जो प्रोसीजर है हमें उस को तो फालो करना ही चाहिये। वह जोश में आकर हद्द से बाहर न चले जायें।

श्री राम सहाय पांडे : श्री गन्धनी काला कोर्ट पहने हुए बैठे हैं और सुप्रीम कोर्ट से सीधे आये हैं।

He never respects the sentiments of the people. (*In erruption*)

13.00 hrs.

अध्यक्ष महोदय : आपके जोश से कोई खारा फर्क नहीं पड़ेगा। हमें कुछ प्रोसीजर पर भी चलना है। जोश की बात हो तो आप आज ही सब जजों को निकाल बाहर करें। जोश से बात नहीं चलेगी। हाउस में प्रोसीजर है जिस का पालन करना होता है।

SHRI R. K. SINHA : Sir, I have the highest respect for the judges or a judge. I was only saying that the bourgeois lawyer may become a bourgeois member of the judiciary, and when we, of the era of commitment, talk of socialism and social changes, then these gentlemen of reaction and counter-revolution are revelling in reaction and they pounce upon us and they do not want changes in the Constitution.

Words of abuse were whirled on us by those defenders of the so-called rich among

the minority, and yet we kept quiet. Today, I want to say that when we speak with the voice of the people of India, with the people of India behind us. And so we have also a case to put before you.

I want to put before you something which Jefferson said and which was quoted by Dr. Ambedkar in the Constituent Assembly about the changes in the Constitution. (*Interruption*)

MR. SPLAKER : Order please.

SHRI R. K. SINHA : He said :

"We may consider each generation as a distinct nation with a right, by the will of the majority, to bind themselves, but not to bind the succeeding generation more than the inhabitants of another country."

How could the conditions of 1947, the bourgeois, compromising generation, which was seeking a compromise-document with the British, bind us, the children of the socialist era, the socialist republic and when a change in the Constitution is wanted, when the Indian Republic will be styled as the socialist democratic republic of India ?

Further, Quoting from the same paper :

"The idea that institutions established for the use of the nation cannot be touched or modified, even to make them answer their end, because of rights gratuitously supposed in those employed to manage them in the trust for the public, may perhaps be a salutary provision against the abuses of a monarch, but is most absurd against the nation itself."

How can we say, when we are fighting for a cause, that it is different : and when we are entrusting power to the people of India, how can we say, "thus far and no further" and that the people of India in future shall not be given the right to amend the Constitution, their own Constitution ? This is just preposterous and is not possible.

Further, it may be pointed out that 'yet, our lawyers and priests generally inculcate this doctrine' of monarchy the unavoidable, unchangeable-the sacred cow of the Constitution "and suppose that preceding generations held

the earth more fically than we do : had a right to impose laws on us, unalterable by ourselves, and that we, in the like manner, can make laws and impose burdens on future generation, which they will have no right to alter ; in fine, that the earth belongs to the dead and not the living." It may belong to the dead, but I say it belongs to us, to the living and the children of the future of India.

That is why I say that the sovereignty of the Indian Parliament has to be re-asserted. In the previous Parliament the right reactionaries were more strong, and the Bill of Shri Nath Pai, that sacred soul who wanted to assert the sovereignty of the Indian Parliament, was postponed again and again. But today we are within our rights to discuss this and we want to tell the courts and the world that when we went to the polls not only were the right reactionaries on trial, but also ourselves, the Government and the court decisions in the Golaknath case, the Bank Nationalisation case and the Privy Purses case. The people of India rejected those judgments and authorised us to write a change into the Constitution, to restore and re-assert our sovereignty, so that once again that right may not be taken away from us.

Further, I want to ask the friends of the opposition what the Constitution is. Is it a dead document, is it a static document, or is it a living, dynamic document ? There is no worse tyranny in the world, worse than even a military dictatorship, than a Constitution which is frigid, which is frozen, which will not permit change. That would only promote Naxalite activity and violent revolution. If you have faith in the people of India, if you have faith in Parliamentary democracy, then the Constitution must change. We must have the right and the power to change the Constitution and assert our sovereignty.

The friends of right reaction have always helped the ultra-lunatic friends of left reaction. They always want more power for the bureaucracy, they want property rights to exist, they want property to be sacrosanct. It is these gentlemen who fired the first shot in counter-revolution which forced the people of India to react. The destiny of this country is wedded to Parliamentary democracy. We have so many communities, we have so many languages. We are a nation united by his-

[Shri R. K. Sinha]

tory, and it is only through Parliamentary democracy that even voices of secession could be integrated. It is because of Parliamentary democracy that we find Members sitting in this House who previously might have talked about secession. So, are you for change, or are you against it? That is the question. Are you for the implementation of the Directive Principles of the Constitution or not? I want to ask these gentlemen who consider the Constitution sacred, whether the Directive Principles are sacred or not. It is because the Directive Principles are more sacred, there is no way out except to amend the Indian Constitution and take away those irksome, poisonous sections of the fundamental rights which make some more equal than others.

Today what is the right of a poor man? The right of a poor man is to go to the top of a mountain and commit suicide. He has no right of a livelihood. He has not got the right to live properly, he has no right to educate his children, he has no right to determine his future. Do you want to deny this right to the people of India? Do you want to deny this right given to the people of India in the Constitution? That is why Pandit Nehru had said that if a conflict arose between the Directive Principles and the fundamental rights, we would have to find out a solution in terms of the Directive Principles. Amendments to the Constitution became necessary because the peasantry was to be given the feudal estates. I want to tell those who would like to quote Pandit Pant, Dr. Rajendra Prasad and Shri C. Rajagopalachari that there are proceedings of the Constituent Assembly where Shri Rajagopalachari, Pandit Pant, Dr. Rajendra Prasad and Sardar Patel have said that the compensation quantum would be decided by the legislature. They were people who knew that there was a marching peasantry who would take over the lands. So, there was a peaceful transfer and the people got the land. The Constitution was amended.

Were those amendments wrong? If a social change is proper for the feudal estates in the country why cannot there be a social change for the urban rich, for those who want today to enjoy their right to urban property? I want to ask, how many bungalows, how many aeroplanes, these bourgeois gentlemen want to have when people starving in this country.

SHRI ATAL BIHARI VAJPAYEE :
How many helicopters for the Prime Minister?

SHRI R. K. SINHA : You were shuttled to Gwalior from U.P.

SHRI ATAL BIHARI VAJPAYEE :
Gwalior is my home town.

SHRI R. K. SINHA : If this Constitution stands in the way of the people of India and their future, it shall be amended. We have the future of India before us. As Pandit Jawaharlal Nehru said, we have many a promise to keep and this Parliament shall keep those promises.

SHRI INDRAJIT GUPTA : Sir, I rise on behalf of my party to support this amending Bill.

Having got that applause from the other side, let me also say, credit should be given where credit is due. The Golaknath judgment was delivered in February, 1967, I think just about the time when the Fourth Lok Sabha was elected. Mr. Nath Pai introduced his Bill, I am not quite sure of the exact date, perhaps sometime in 1968 or may be 1967 itself. So, the Golaknath judgment and Mr. Nath Pai's Bill were both before the country and Parliament from 1967. It was only towards the end of 1970 -December, 1970—that the Lok Sabha was dissolved and we went to the polls. So, while we definitely welcome this amendment, there can be no doubt that it is long, long, overdue and there never was a sense of urgency displayed by the ruling party throughout that long period.

श्री अटल बिहारी वाजपेयी : अब बजाओ तालियां ।

SHRI INDRAJIT GUPTA : A most leisurely attitude was taken towards Mr. Nath Pai's Bill. I say this because today, I am glad this amendment has come and I want to give credit where credit is due not to this Government primarily, but to the masses of this country, to the democratic and leftist forces, who were determined to go ahead, who were determined that they will not allow any obstacle to radical and far-reaching economic and social reforms.

The first road block was not the Supreme Court. After the Golaknath judgment, the road block was here in this very House. That road block had to be removed first before you could come with this amendment and pass it. That road block was removed by the people of this country. It was they who cut to size those *status quo* forces, the reactionary forces, which were here in this House in considerable strength before the last elections, which had hoped and were confident of coming back after the elections in much greater strength. If that road block had not been removed, it was no use bringing this amendment. You could never get it passed. Therefore, I want to give the credit to the people first. Now, of course, some legal and constitutional obstacles in the path to progress can be removed. Mr. Masani, in this morning's papers, has referred to it as "the beginning of the end". Other people also are trying to spread panic and scare throughout the country that this will lead to the expropriation of all property, particularly the property of the small owners. I want to make it clear as far as my party is concerned, though we have been campaigning for a very long time for this and other radical amendments to the Constitution, we want to remind everybody that this power is only an enabling power. This is nothing so very revolutionary. It is Shri Masani and his friends who, by creating a big hullabaloo in the country, are trying to pass this off as something very terribly revolutionary which is going to expropriate everything. It is not so. Let us be very sober at this moment. This is only an enabling power. By itself this amendment, and the enabling power it gives to the Parliament, are not going to bring about any solution to these economic and social problems. Everything will depend on how far the ruling party and the ruling class now use these powers in the actual practice. So, the real test is going to begin now, how far you are prepared to take concrete steps to fulfil the commitments which were made to the people during the elections about curbing the powers of the exploiting class and vested interests, about breaking up the monopolistic concentration of economic wealth and translating the directive principles into practice.

The Law Minister very correctly pointed out that the Constitution enjoins upon us to frame laws which are in consonance with the directive principles. But may I know during all these years who was preventing you from

framing laws in consonance with the directive principles? There was no bar then. And now as regards this Monopolies and Restrictive Trade Practices Act, which was passed a short while ago, already everybody is speaking and writing about it and it is openly said that this Act is as dead as dodo and even the monopolists are not the least worried about it. So, it is good that we have an enabling power, it is good that the supremacy and sovereignty of Parliament are asserted through this amendment and so we supported it wholeheartedly. But we must warn the government that this is not enough. Your record in the past does not justify any confidence that simply by getting this enabling power you are actually going to go ahead in the direction in which the people want the country to go.

Now I have to say a few things about the Supreme Court. They may annoy Shri Frank Anthony, but I cannot help it. The basic issue, to my mind, towards which the Supreme Court has exhibited supreme indifference, is this very question which the Law Minister raised a little while ago, whether any sanctity is attached to the directive principles or not. The Supreme Court is supremely oblivious of this question. Now when an inherent contradiction arises—I think the contradiction is inherent—between the directive principles and a part at least of the fundamental rights, how is this practical problem to be solved?

SHRI PILOO MODY : What is the contradiction?

SHRI INDRAJIT GUPTA : The contradiction is this. When an individual or individuals are permitted to enjoy one of the fundamental rights to such an extent that that enjoyment deprives 90 per cent of the other people from having anything to do with what is given in another part of those rights, that is a contradiction in itself and it is a negation of the fundamental right. A fundamental right cannot be something which is enjoyed by ten per cent of the people and denied to 90 per cent of the people. That is the contradiction. The Law Minister is correct when he said that the Constitution, which the people gave to themselves, is after all the instrument, the only instrument or means for translating the directive principles into reality.

The question is what happens when that instrument refuses to serve the primary needs.

[Shri Indrajit Gupta]

Where a deadlock has arisen, the social contradictions have been brought to a point where unless these contradictions are solved and this deadlock is broken we cannot go ahead, and that is precisely what we are doing by giving the sovereign right to Parliament to do that.

May I, with your permission, quote a few sentences from what Pandit Jawaharlal Nehru spoke on the 8th November 1948, in the Constituent Assembly ?

"While we, who are assembled in the House undoubtedly represent the people of India, nevertheless, I think it can be said and truthfully that when a new House by whatever name it goes, is elected in terms of this Constitution and every adult in India has the right to vote—men and women—the House that emerges then will certainly be fully representative of every section of the Indian people. It is right that that House elected so should also have an easy opportunity to make such changes as it wants to."

So, it was visualised even at that very time and Mr. B. N. Rao also speaking in the Constituent Assembly said : "If a Constituent Assembly based on a restricted franchise can by a simple majority frame the original Constitution it is illogical to lay down that the Constitution so framed shall not be amended by a Parliament based on adult franchise except by a special difficult process involving special majorities and in some cases special requirements." He has even hinted here that special majorities and special requirements should also not be necessary but we have provided for those.

Sir, in the old days we used to hear about the divine right of kings.

SHRI PILOO MODY : Now, we here about the divine right of queens.

SHRI INDRAJIT GUPTA : Now, this is sought to be supplanted by the divine right not of the queens but of the Supreme Court. I do not wish to undermine the highest court in the land but what is the divine sanctity which can be attached to a Supreme Court whose benches go on from period to period interpreting the same provisions of the Constitution in diametrically different ways ?

Everybody knows that in 1951, Sir, a bench of the Supreme Court unanimously upheld Parliament's right to amend the Constitution. This was Sankri Prasad's case. Soon after that there was Sajan Singh's case. Again the Supreme Court upheld the right of the Parliament. Then came the Golak Nath case in which a bench of eleven judges by a majority of one—six to five—set-aside the previous judgements and ruled that Parliament has no right to amend the Constitution. What does it mean ? Sir, why I spoke of the divine right of the Supreme Court was because this history shows according to the individual subjective attitude, the social ideas which a particular judge or set of judges may have at a particular period of time their interpretation will be done according to that and it will go on changing from period to period.

May I say something about the social outlook of judges without meaning any disrespect to them. One former Chief Justice has gone on record to say, when he delivered a lecture somewhere, he made a distinction between what he called the "popular view" and "democratic view." According to him a popular view of the Constitution is the view which is held by politicians, that is, the elected representatives, Members of Parliament and so on. He says that this popular view must always be having inferior status to what he calls the Democratic view. Democratic view is the view that the courts take. In other words this is a sort of contemptuous attitude. If I may say so it is an attitude full of contempt towards the people who are electing their representatives to the House or Parliament or legislatures.

Then, Sir, another Chief Justice has said the meaning of the Constitution cannot change with the change in Government. But this particular Chief Justice does not explain that if this is true, how can the meaning of the Constitution change with every change in the Judges who adorn the Bench of the Supreme Court. That he does not explain.

Certain ex-Chief Justices, Shri Hidayatullah and Subba Rao for example, have openly expressed, what I would say, their suspicion or distrust of Parliament. They have a sort of a fear that if you give this Parliament this power, it will do something which will be disastrous or which will be something which will upset altogether the scale of values by which they want society to progress.

Another ex-Chief Justice—I am only talking about what kind of social outlook he must have—immediately after his retirement was not averse to accepting the chairmanship of a group of companies which are openly being prosecuted for several years for breach of tax laws.

SOME HON. MEMBERS : Shame, shame !

SHRI INDRAJIT GUPTA : What sort of attachment to property is that ?

AN HON. MEMBER : This is bourgeois attitude.

SHRI INDRAJIT GUPTA : This is not bourgeois ; I do not know what it is.

Finally, about their social outlook I would just remind hon. Members of what the first Attorney General, Shri M. C. Setalvad, has said in his book, *My Life, Law and Other things*. Analysing this Golaknath case judgment he has said :—

“The majority decision”—remember, it was a decision by the majority of one—

“clearly appears to be a political decision, not based on true interpretation of the Constitution, but on the apprehension that Parliament, left free to exercise its powers, would, in course of time, do away with the citizen's fundamental rights, including his freedom.”

No less a person than Shri Sitalvad says that this was a political decision that they had taken.

Then, he refers to a very interesting anecdote which, to my knowledge, has not been contradicted till this day. After a dinner or something he had a private conversation with Chief Justice Subba Rao and Justices Hidayatullah and Wanchoo and he told them :—

“A decision involving such far-reaching consequences should not have been arrived at by so slender a majority, but the Chief Justice's answer was that they tried to have a larger majority but could not succeed.”

It has never been contradicted.

I think, this is enough to illustrate that a second look was very necessary at the implications of the Golaknath case judgment.

SHRI SHYAMNANDAN MISHRA : (Begusarai) One bourgeois is right ; the other is not.

SHRI INDRAJIT GUPTA : The prestige and authority of the highest Court and the importance of a judicial review should not be undermined. But we shall firmly resist any attempt to invest this judiciary with any kind of a divine right to act as the ultimate arbitrator and to place roadblocks in the way of economic and social progress of the people of this country. If the Judges act in tune with the changing times, if they adjust themselves to the changing times, the changes will be all the easier and smoother. If they do not, certainly they would not be able to prevent the onward march of the millions of people of this country.

With regard to the Supreme Court I have only one other observation or suggestion to make. Please also consider another amendment. Why should there be anything sacrosanct about this number of 13 Judges ? I am not able to follow it.

SHRI FRANK ANTHONY : Pack it up.

SHRI INDRAJIT GUPTA : Make it bigger. Increase the number. Why not ? We want a review of all these judgments. There was a time, I shall remind Shri Anthony, when in our Constitution the number was limited to six or seven. Later on it was amended and changed to thirteen. There is nothing sacred about it. Plenty of work is lying in arrears in the Supreme Court. Cases have piled up for years. We know that when our workers of factories have to go and appeal to the Supreme Court, they have to wait for five or six years. From every point of view I would suggest that it is necessary that an amendment be brought forward increasing the number and providing for a larger number of Judges.

There is nothing much more that I would like to say in support of this Constitution Amendment Bill. Therefore, I want to end by reminding my friends opposite again that there is no doubt, and I do not share that fear at the moment, that in our country there is a fear, there is an apprehension, amongst

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minorities—I do not consider Mr. Frank Anthony to be their only spokesman—and people outside, I know, a genuine apprehension, about the rights of minorities, the rights of Scheduled Castes and Scheduled Tribes people, the rights of woman to equality and so on, and who feel that perhaps, if not the Present Government, some other Government in future might misuse these powers against them.

SHRI FRANK ANTHONY : Have misued them.

SHRI INDRAJIT GUPTA : Then, there is also the question of other freedoms. Therefore, I would suggest to the Government that it is not enough simply to give oral assurances and to repeat the assurance. I would say that it should come forward, if necessary, to strengthen further by legislation the rights which are enshrined and which are assured to the minorities, to the Scheduled Castes and Scheduled Tribes and so on.

SHRI FRANK ANTHONY : Hear, hear ; that they will not do.

SHRI INDRAJIT GUPTA : There are amendments which have been tabled to this effect. They may kindly be examined and the Government should seriously consider the question of accepting the spirit of the amendments in a suitable way so that these apprehensions can be removed.

The main thing is whether the Government will now utilise this enabling power to really launch an offensive against the vested interests and exploiting classes and groups.

SHRI R. S. PANDEY : Yes.

SHRI INDRAJIT GUPTA : I am not at all assured. As far as I can see, the licences are still being given galore to the big business houses. There is no sign of any serious attempt to curb their power.

After 1971 mid-term elections, the only concrete step taken in this direction has been the taking over of the management, not the ownership yet, of the general insurance companies. For the taking over of the management, we have agreed to pay Rs. 33 lakhs per

month as compensation to 106 companies whose original paid up capital was Rs. 12 crores and who have accumulated assets amounting to Rs. 240 crores and whose premium income amounts to Rs. 125 crores. All this was done with the original paid-up capital of Rs. 12 crores. And yet not in taking over their ownership but simply their management, we have agreed to pay Rs 33 lakhs per month as compensation. To me, this is an ill omen. When the Bill comes to take over the ownership of these general insurance companies, we may be called upon to vote for an extravagant sum of money to be given to them, not in the name of compensation but as an amount.

SHRI R. S. PANDEY : No ; don't worry about that.

SHRI INDRAJIT GUPTA : I would say, first of all, after these two Constitution Amendment Bills are passed, nothing stands in the way of reducing the compensation which was taken at that time from us, by the bank magnates, Rs. 88 crores, which was the result of the Supreme Court decision. Now, once these two amending Bills are passed, there is nothing to prevent us from reducing the quantum of compensation.

Of course, as regards the privy purses and other privileges are concerned, let the Government come forward, sooner or later, I do not know and, when these confabulations behind the scene are over, we shall know what is the amount in that case also going to be.

I would appeal to the Members of the ruling party, on that side, to see that this enabling power which is now being taken is really utilised in the interest of the people and not to be appease and satisfy the vested interests. A vigorous policy of nationalisation can now be undertaken. The road block has been removed. At least, to begin with, the foreign oil companies whose role has been exposed in the last few weeks, the sharks who are looting our country and exploiting our country, should be nationalised. All these will prove ultimately whether your commitments or assurances to the people were sincere and genuine or not. Your *bona fides* are on test. Therefore, I would...

SHRI R. S. PANDEY : Oil companies must be nationalised—I agree with you.

SHRI INDRAJIT GUPTA : While supporting this amendment, we know that only the same movement of the masses, only the same pressure of the masses which brought about this long overdue amendment, only that pressure and struggle of the masses, will force you also to go ahead in the direction of these concrete measures to curb the power of the exploiters and the vested interests. Therefore, I would ask you also, like the Judges of the Supreme Court, to move in tune with the times and not exhibit the leisurely pace you have shown ever since the Golaknath judgment came out because if you do not go in that direction, let there be no doubt that the people to whom you have given these promises, will be disillusioned and certainly they will look to other leadership and other ways to go forward and revolutionary ways will be taken, if necessary, so that the social and economic fabric of this country can be changed.

श्री हरबारा सिंह (होशियारपुर): स्पीकर साहब हमारे दोस्त गुप्ता साहब ने बहुत माफ नरीके से हमारे सामने मारी बातें रखी है। मैं अज्र करना चाहता हूँ कि समाज में एक निहायत तब्दीली आ रही है और वह तब्दीली इस लिहाज से है कि हमारे समाज में ऐसी परम्परायें आ जायें जिससे कि हम वह तब्दीली ला सकें जो आज लोग चाहते हैं। इसी लिहाज से हिन्दुस्तान के लोगों ने मैनडेट दिया है और प्राइम मिनिस्टर के हाथ मजबूत किए हैं इसी बात के लिए कि लोग जो चाहते हैं वह तब्दीली फीरी तौर पर हो। फंडामेंटल राइट्स में तब्दीली इसलिए न की जाये कि किसी की फ्रीडम को खींचना है बल्कि इसलिए कि जो लोग मफादपरस्त हैं, बड़े-बड़े लोग जो दौलत जमा करके बैठे हैं और दूसरी तरफ जो लोग भूखों मर रहे हैं उनको हम किसी तरह से राहत और आराम पहुँचा सकें इसीलिए कांस्टीट्यूशन में यह तब्दीली लाई गई है। यह तारीख तब्दीली है और यह तारीखी तब्दीली उस दिन तक चैन से नहीं बैठेगी जबतक इस तब्दीली को पूरे तौर पर पूरा नहीं कर लिया जाता। हम पार्टी ने लोगों से मैनडेट लिया है, लोगों से कहा है कि हम तुम्हारी तकलीफ दूर करने के लिए और तुम को रोटी, कपडा, मकान और दूसरी चीजें मोहैया करने के लिए कोशिश करेंगे।

जनता से जो हम ने मैनडेट लिया है और इतनी बड़ी अक्मरियत में यहाँ जो आये हैं हमारे हर एक के दिल में एक जज्बा है और उसी जज्बे से काम करने के लिए नेकनीयती से यहाँ पर यह तब्दीली लाये हैं। गोलकनाथ केस में एक स्काचट हमारे काम करने के रास्ते में आई। 1951 में एक केस हमारे सामने संकरी प्रसाद का आया जिसमें यह कहा गया कि फंडामेंटल राइट्स में तब्दीली की जा सकती है। एक केस सज्जन सिंह का आया उसमें भी कहा गया कि तब्दीली लाई जा सकती है। लेकिन एक गोलकनाथ का केस हमारे सामने ऐसा आया। लेकिन अगर हालात बदलते हैं तो उनके माथ-माथ जजेज की जेहनियत भी तब्दील होनी निहायत जरूरी है। मुझे याद है जब चंडीगढ़ में गजेन्द्रगढ़कर साहब गए थे जुडीशियरी और एग्जीक्यूटिव को अलाहिदा-अलाहिदा करने के लिए तो उस वकन उन्होंने कहा था कि वह जजेज जो टाइम के साथ, समाज के साथ और तब्दील के साथ तब्दील नहीं होते और अपने दिमाग में रिजिडिटी और पुरानी चीजों को रखते हैं वह तरीका आज एक मुल्क में नहीं चाहिए। यह उनका कहना है जोकि एक निहायत अहम सक्सियत है और लीगली वह बात अपनी जगह रखती है।

13.40 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

तो मैं कहना चाहता हूँ कि इसलिये तब्दीली लाये है कि यह चीज बहुत जरूरी है इस समाज में तब्दीली लाने के लिये। हमारे जजेज सुप्रीम कोर्ट को इसलिये सुप्रीम समझते हैं कि वे वक्त के तकाजे के माथ अपने को बदलने के लिये तैयार नहीं हैं। जब कि होना यह चाहिये कि ला का इन्टरप्रीटेशन लोगों की भावनाओं को समझते हुए उनके हक में होना चाहिये, न कि मुट्ठीभर लोगों के हक में। हम ने गोलकनाथ केस में देखा कि सुप्रीम कोर्ट ने कहा कि फंडामेंटल राइट्स में तब्दीली न की जाय। क्यों न की जाय? हम यह तो नहीं कर रहे हैं कि जिस के जी में जो आये वह करे। हम फ्रीडम खींचने वाले नहीं हैं। हम तो एक बात करना चाहते हैं कि ऐसी चीजें जिनसे समाज में विषमता पैदा होती है उस चीज

[श्री दरबारा सिंह]

को न रहते दे। ईक्वैलिटी को पूरे तौर पर अपने सामने ला सके। इसलिये 13(2) में कहा है कि यह आर्डिनरी ला है। जब कि जजेज का कहना है कि कास्टीट्यूशन में कोई तब्दीली नहीं ला सकती।

मे जजेज के बारे में कुछ नहीं कहना चाहता क्योंकि मुझे बहुत मालूम है इन के बारे में। लेकिन सुप्रीम कोर्ट के जजेज की जर्नियन के बारे में कुछ कहना चाहता हूँ। हमें कुछ पता नहीं था कि यह क्या फैसला देने वाले है बैंक नेशनलाइजेशन के बारे में। लेकिन 15, 20 रोज पहले मैंने बत दिया था कि जजेज हमारे खिलाफ फैसला करने वाले है क्योंकि उन्होंने कही न बारी यह बात कही थी ये कुछ लोग है जो नेशनलाइजेशन कर रहे है। उनकी जान पहचान वाले लोग उन बैंकों के, जिनको नेशनलाइज किया जा रहा था, हिम्सदार थे, इसलिये जजेज का वेस्टेड इन्टरेस्ट था। उनके अपने मफाद होने है इसलिये वे भूल जाते है कि अमली जस्टिस क्या है। माननीय ऐन्थोनी साहब ने कहा कि यह बान क्यों कही जाती है। लेकिन मैं उनको बनाना चाहता हू कि यह हम नहीं कह रहे है, बल्कि लोग कहते है जिन में अल्टीमेट गावरेन्टी ग्रेन्ट करती है। माननीय ऐन्थोनी साहब को क्या पता है। यह तो किसी नेम को लेकर सुप्रीम कोर्ट में चले जायेंगे और जजेज को अपने पक्ष की बात समझायेंगे। मैं माननीय सदस्य के खिलाफ नहीं हू। इनको नीमिनेट किया है माइनिस्ट्री कम्युनिटी की हिफाजत के लिये। यह अपने आप को रिप्रेजेंट करे तो ठीक है। लेकिन उमतिपाज पैदा करने की कोशिश करे वह ठीक नहीं है।

अगर आप तीनों केस में, शहर प्रसाद, सज्जन सिंह और गोलकुनाथ केस बैठने वाले जजेज की जजमेंट का जायजा ले तो आप पायेंगे कि 13 जजेज ने इस हक में फैसला दिया है कि आर्टिकल 36 का अमेन्डमेंट हो सकता है और केवल सात ने उस के खिलाफ जजमेंट दिया है। उन जजेज को वीन नीमिनेट करता है? मफादेआम्ला

के लोग ही उनको नीमिनेट करते है? इसलिये उनको कोई अधिकार नहीं है कि वह यह कहे कि इस हाउस द्वारा फंडामेंटल राइट्स में कोई तब्दीली नहीं हो सकती। आखिर को हम 525 के हाउस में जनता ने हमको दो-तिहाई मंजूरिटी दे कर भेजा है और यह हुक्म दिया है कि हम फंडामेंटल राइट में तब्दीली करे जिससे प्रीपर्टी एक आदमी के हाथ में न रह सके और समाज में अच्छे ढंग से तब्दीली लायी जा सके। अब अगर हम उनके ऐम्प्रीगेशनस को पूरा नहीं करते तो फिर डेमोक्रेसी किम बात की?

एक आर्गुमेंट दिया गया, एक डर पैदा किया गया है, एक सहम पैदा किया गया है कि ऐसा करने की अगर पार्लियामेंट को इजाजत मिल गयी तो हम इस हद तक पहुच जायेंगे कि जितने फंडामेंटल राइट्स में इनको एंग्रोगट कर देगे। डेमोक्रेसी आज मही पर्सपेक्टिव में काम कर रही है, 525 आदमी यहा चुन कर आये है, उन पर यह बगनबागी करना ठीक नहीं है। लेकिन कुछ लोग कहते है कि ऐसा हो सकता है कि हम लोग ऐसा कर दें। तो प्रीमपोज करना कि पार्लियामेंट तमाम फंडामेंटल राइट्स को खत्म कर देगी, यह गलत है। डेमोक्रेसी सुप्रीम है और जो लोग चुन कर आये है, वे सुप्रीम है। सुप्रीम कोर्ट सुप्रीम नहीं है। ला स्टेटिक नहीं रह सकता। अगर ऐसा हो जाय तो जिन्दगी मौन बन जायेगी। चलने का नाम जिन्दगी है और खडे होने का नाम मौन है। इसलिये हम मौन खोल करने के लिये तैयार नहीं है। हम आगे बढ़ना चाहते है। हम नहीं चाहते कि एक जगह पर खडे होकर खत्म हो जाये। कास्टीट्यूशन में तब्दीली होनी रही है, होती रहेगी जब तक कि लोगों की जो बेसिक नेमिन्टीज आफ लाइफ है वह पूरी तौर पर न मिल जाये। इतनी देर तक हम बैठने वाले नहीं है।

कमपेसेशन की जब भी कभी बात आयी तो मार्केट रेट पर देने की बात की जाती है। आज किसी की जायदाद की कीमत एक लाख १०००००, जो ब्लोक करने वाले है, जो बूर्जआ है, जो वेस्टेड इन्टरेस्ट वाले है, वे इससे संतुष्ट नहीं होंगे।

वह तो चाहेंगे कि उन को कम्पेन्सेशन मिलता रहे और इतना मिलता रहे जिस से उनकी तिजोरी जो कि पहले ही भरी हुई है, और भरती जाये। जो फ्यूडल्स और इन्डस्ट्रियलिस्ट्स हैं वह ब्लैक का रुपया अपनी जेब में भर रहे हैं और चाहते हैं कि कांस्टीट्यूशन में कोई संशोधन न किया जाय।...

MR. DEPUTY-SPEAKER : Are we discussing about that just now ? We are not discussing about compensation or anything of that sort at the moment.

श्री दरबारा सिंह : ठीक है, मैं उस को छोड़े देता हूँ। आज जो मसला हमारे सामने है वह यह है कि इस समाज में जितनी तबदीली होनी चाहिये उस के मुताबिक लोगों की मदद की जा सके, और इस का एक ही तरीका है हम संशोधन यहां लायें जिस से 90 फीसदी जो हमारे देश के लोग हैं उन को रोटी, कपड़ा, मकान, तालीम, बुढ़ापे की पेशन, जो कि जरूरी है, मिल सके। ऐसा समाजवाद हम कायम कर सकें, और ऐसा करने के लिये कुछ ही लोगों के हाथ में रुपया इकट्ठा न होने दें ताकि लोग गरीब ही बने रहें। और हम 500 आदमी यहां बैठे सोचते रहें कि गरीबी कैसे हटेगी, इस का वक्त अब नहीं है।

आज भी बहुत कुछ कहा गया, कल भी कहा गया कि गरीबी हटाओ का नारा हमने दिया है। यह कदम हमारा गरीबी हटाने की तरफ ही जा रहा है, और यह एक हिस्टारिकल स्टेप है, इस लिये आप को इस को सपोर्ट करना चाहिये। जो चीजें मफादेआम्मा के हक में हैं उन को आप सपोर्ट करें, यही मेरी गुंजारिश है।

इसलिये मैं इस बिल का समर्थन करता हूँ।

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष महोदय, आज जब हम इस विधेयक पर विचार कर रहे हैं, तो हमें स्वर्गीय नाथपाई जी का स्मरण आना स्वाभाविक है। पुरानी लोक सभा में इस आशय का विधेयक उन्होंने पेश किया था लेकिन सत्तारूढ़ दल उस समय बहुमत में नहीं था। (व्यवधान) अतः उसने इस विषय पर आगे चर्चा

टालने का प्रयत्न किया और विधेयक पारित नहीं हो सका। उस समय के विधि मंत्री श्री अशोक सेन का भाषण उस दिन इस सदन में उद्धृत किया गया था। इतिहास के विद्यार्थी आज के विधि मंत्री श्री गोखले और उस समय के विधि मंत्री श्री सेन के भाषणों का तुलनात्मक अध्ययन जरूर करेंगे और देखेंगे कि सिद्धान्तों का आवरण ओढ़ कर किस तरह से सत्तारूढ़ दल अपनी भाषा बदलती रही है, संविधान की परिभाषा में परिवर्तन करता रहा है।

उपाध्यक्ष जी, इस बात से कोई इन्कार नहीं कर सकता कि गोलकनाथ के मामले में सर्वोच्च न्यायालय ने जो निर्णय दिया है, उस से अनेक महत्वपूर्ण प्रश्न खड़े होते हैं। मैं गोलकनाथ के मामले में सर्वोच्च न्यायालय के निर्णय को अन्तिम शब्द मानने के लिए तैयार नहीं हूँ। सर्वोच्च न्यायालय पहले भी अपने निर्णय बदल चुकी है और अगर सरकार प्रयत्न करती तो पिछले तीन सालों में गोलक नाथ के मामले में भी सम्भव है कि सर्वोच्च न्यायालय अपना निर्णय बदल देता।

अनेक वक्ताओं ने इस बात का उल्लेख किया कि संविधान में पहला संशोधन जो 1951 में किया गया था, सर्वोच्च न्यायालय ने उस पर कोई आपत्ति नहीं की। संविधान का चतुर्थ संशोधन जो 1955 में किया गया, सर्वोच्च न्यायालय द्वारा अवैध घोषित नहीं हुआ, और संविधान का 17 वां संशोधन जो 1964 में पारित किया गया, सर्वोच्च न्यायालय द्वारा मान्य किया गया था। अगर सरकार गोलकनाथ के निर्णय के बाद सारा मामला अनुच्छेद 143 के अन्तर्गत सर्वोच्च न्यायालय की राय के लिए भेज देती तो हो सकता है कि स्वयं सर्वोच्च न्यायालय अपने निर्णय में परिवर्तन कर देता। जस्टिस हिदायतुल्ला जो गोलक नाथ के निर्णय में सर्वोच्च न्यायालय के बहुमत के निर्णय से सहमत थे, उन के पृथक निर्णय के एक अंश को मैं उद्धृत करना चाहता हूँ :

“The judgments of the Supreme Court in the cases of Sankari Prasad and Sajjan Singh conceding the power of amendment in relation to the fundamental rights were based on an erraneous view.”

[श्री अटल बिहारी वाजपेयी]

जस्टिस हिदायतुल्ला के अनुसार मकरी प्रमाद और मज्जन सिंह के मामले में जो सर्वोच्च न्यायालय ने निर्णय किया वह गलत था और उनका दावा है कि उन्होंने जो निर्णय किया वह सही था। हो सकता है कि बाद में अमर सर्वोच्च न्यायालय में यह मामला जाता तो गोलक नाथ के मामले में जो सर्वोच्च न्यायालय ने निर्णय किया था, उस को सर्वोच्च न्यायालय ठुकरा देता और नई व्यवस्था देता। अभी भी समय है कि हम सर्वोच्च न्यायालय की राय के लिए मामला भेज सकते हैं। इससे टकराइट टाली जा सकती है। इस बात की आशंका को भी रद्द किया जा सकता है कि यह विधेयक पारित होने के बाद जब कानून का रूप ले तो उसे सर्वोच्च न्यायालय में चुनौती न दी जाए।

श्री अमृत नाहाटा (बाइमेर) अगर मामला सुप्रीम कोर्ट को रेफर करे और वह गोलकनाथ का निर्णय सही माने, तो फिर क्या करे ?

श्री हुकम चन्द कछबाय (मुरेना) आप बैठ जाइए। अगर आप ऐसा करेंगे तो जब प्रधान मंत्री बोलेंगे तो हम भी बोलने नहीं देंगे।

श्री अमृत नाहाटा मैं यह जानना चाह रहा था कि अगर सुप्रीम कोर्ट यह कह दे कि गोलक नाथ के मामले में निर्णय ठीक हुआ है, तो फिर क्या करने ?

श्री अटल बिहारी वाजपेयी तब हमारे लिए संविधान में संशोधन करने का मार्ग खुल जाता। अभी तो आप ने सर्वोच्च न्यायालय का दरवाजा नहीं खटखटाया। इस बात की पूरी सभावना की है कि सर्वोच्च न्यायालय अपना निर्णय बदल देता। आपने इस अवसर का लाभ नहीं उठाया। और तीन वर्ष बिता दिये और प्रचार के लिए देश में यह धारणा पैदा करने का प्रयत्न किया कि मानो सर्वोच्च न्यायालय प्रगति रोकना चाहता है और, अल्प प्रगति के राजपथ पर बड़ी तीव्रता के साथ आगे बढ़ना चाहते हैं।

उपाध्यक्ष महोदय, यह प्रश्न भी महत्वपूर्ण है कि क्या समद सार्वभौम है, सर्वोच्च है ? हमारा संविधान लिखित है और ब्रिटेन की तरह अलिखित नहीं है। ब्रिटेन में पार्लियामेंट सर्वोच्च है। यह कहा जाता है कि ब्रिटेन की पार्लियामेंट सब कुछ कर सकती है केवल पुरुष को औरत और औरत को पुरुष नहीं बना सकती।

एक माननीय सदस्य यह बात पुरानी हो गई है।

श्री अटल बिहारी वाजपेयी हा, अब डाक्टर इस को करने लगे हैं, यौन परिवर्तन होने लगा है।

श्री पीसू मोदी ये सब पुरुष औरत बन गये हैं और एक औरत पुरुष बन गयी है।

श्री अटल बिहारी वाजपेयी ब्रिटेन का इतिहास भी भिन्न है। वहां समद की सर्वोच्चता प्रस्थापित की गई है राजा के विरुद्ध, मंत्राट के विरुद्ध। वहां संघर्ष था राजा में और समद में और स्वाभाविक है कि उस स्थिति में समद अपनी सर्वोच्चता प्रस्थापित करती। हमारे यहां इस तरह के संघर्ष का कोई इतिहास नहीं है। हमारा संविधान लिखा हुआ है और उस में शक्तियों का विभाजन है। समद अपने क्षेत्र में सर्वोच्च है। कानून बनाने में समद के अधिकार को कोई चुनौती नहीं दे सकता। उस कानून की व्याख्या करने में उसे संविधान की कसौटी पर कसने में सर्वोच्च न्यायालय सर्वोच्च है। उस के नाम के साथ लिखा ही हुआ है 'सर्वोच्च'। जहां तक कार्यपालिका का अधिकार है उस की भी संविधान ने स्पष्ट रूप से व्याख्या की है। मेरा निवेदन है कि यह विवाद व्यर्थ है कि समद सर्वोच्च है अथवा सर्वोच्च न्यायालय। मैं नहीं मानता कि हरेक मामले में पार्लियामेंट सुप्रीम है। क्या यह समद भारतीय गणतंत्र को राजतंत्र में बदल सकती है, नहीं बदल सकती। क्या समद दो-तिहाई बहुमत से प्रधान मंत्री श्रीमती इन्दिरा गांधी को महारानी घोषित कर सकती है, नहीं कर सकती। (व्यवधान) क्या यह समद ऐसे राज्य की रचना कर सकती है जिसमें सभी भारतीयों को समान

अधिकार नहीं होंगे ? क्या यह संसद् मजहबी, ध्योरोक्रेटिक स्टेट बना सकती है ।

श्री चन्द्रजीत यादव (आजमगढ़) : आप का राज्य हो जाएगा, तो ऐसा भी हो सकता है ।

श्री अटल बिहारी वाजपेयी : तो यह अधिकार भी क्या आप हमें दे रहे हैं ?

14.00 hrs.

उपाध्यक्ष महोदय, हम ने अस्पृश्यता को गैर कानूनी करार दिया है । कोई संसद् छुआ-छूत को कानूनी रूप नहीं दे सकती । जिस दिन कोई संसद् ऐसा करने का प्रयत्न करेगी वह जनता का प्रतिनिधि स्वरूप खो देगी, और इस लिए यह कहना कोई अर्थ नहीं रखता कि संसद् सारे अधिकार रखती है । मेरा निवेदन है कि संसद् और सर्वोच्च न्यायालय से बड़ा संविधान है, और संविधान से बड़ी भारत की 55 करोड़ जनता है । हम अपनी सारी शक्ति जनता से प्राप्त करते हैं । जनता सार्वभौम है । जनता सारी शक्तियों का स्रोत है । जनता सारे बल का भंडार है ।

मेरा निवेदन है कि अगर इस संसद के सदस्य और सत्तारूढ़ दल के सम्मानित व्यक्ति सचमुच में जनता की सर्वोच्चता में विश्वास रखते हैं तो वह मेरा संशोधन स्वीकार कर लें कि अगर बुनियादी अधिकारों में कोई कमी की जायेगी तो उस के लिए रिफरेंडम किया जायेगा, जनमत-संग्रह किया जायेगा ।

श्री अमृत नाहाटा : किया गया है ।

श्री अटल बिहारी वाजपेयी : हमारे काँग्रेस के मित्र कह रहे हैं कि अभी एक रिफरेंडम हुआ था । मेरा निवेदन है कि चुनाव में किसी एक मुद्दे पर जनता का ध्यान केन्द्रित नहीं किया जाता । अनेक विषय उठते हैं, अनेक तरह के दबाव और प्रभाव काम करते हैं । इस सदन की याद होगा कि चुनाव में गोआ की महाराष्ट्र गोमात्तक पार्टी की विजय हुई, वह गोआ को महाराष्ट्र में मिलाने के पक्ष में थी, चुनाव में

जनता ने उसे बहुमत दिया । लेकिन जब ओपी-नियन पोल हुआ इस सवाल पर कि गोआ महाराष्ट्र में मिले या नहीं तो गोआ की जनता ने अलग निर्णय दे दिया, चुनाव में दिये गये निर्णय को बदल दिया । हो सकता है कि रिफरेंडम में जनता कोई और निर्णय दे । जो प्रगतिवादी है, जो क्रान्तिकारिता का दम भरते हैं, जो यह दावा करते हैं कि जनता उनके साथ है, उन्हें मौलिक अधिकारों में कमी करने के सवाल पर दुबारा जनता का दरवाजा खटखटाने में संकोच क्यों होना चाहिए ?

श्री अमृत नाहाटा : कोई संकोच नहीं है ।
(उपबंधन)

THE MINISTER OF EDUCATION AND SOCIAL WELFARE AND MINISTER OF DEPARTMENT OF CULTURE (SHRI SIDDHARTHA SHANKAR RAY) : We did so, we have done so.

श्री अटल बिहारी वाजपेयी : अगर सत्तारूढ़ दल मेरे उम संशोधन को, जिस में मांग की गई है कि बुनियादी अधिकारों में कमी करने के ऊपर जनता की राय ली जाय, स्वीकार करने के लिए प्रस्तुत है तो मैं इस विधेयक का समर्थन करने के लिए तैयार हूँ । लेकिन अगर आप जनता के पास जाना नहीं चाहते...

श्री अमृत नाहाटा : अभी किस के पास गये थे ? क्या वह जनता नहीं थी ?

श्री अटल बिहारी वाजपेयी : अगर आप में यह विश्वास नहीं है कि आप इस सवाल पर जनता का समर्थन प्राप्त कर सकेंगे तो मुझे डर है कि आप जो शक्ति ग्रहण करना चाहते हैं उस का दुरुपयोग हो सकता है । 1943 में अगर जर्मनी में तानाशाही आई तो वह संसद के जरिये आई ।

श्री आर० के० सिंह : वह तो सिड्किट वालों ने संजीव रेड्डी द्वारा लाने की कोशिश की थी ।

श्री अटल बिहारी वाजपेयी : जर्मनी के कॉन्स्टिट्यूशन ने जनता को सारे अधिकार दिये

[श्री अटल बिहारी वाजपेयी]

थे। लेकिन एक बार उन अधिकारों पर कुठाराघात करने की प्रक्रिया प्रारम्भ हो गयी तो उस में से हिटलर का उदय हुआ। लोकतन्त्र समाप्त हो गया।

विधि मंत्री मूहोदय ने कहा कि आज हम तिराहे पर खड़े हैं, आज हम क्रास रोड्स पर खड़े हैं। मैं उन से सहमत हूँ कि आज हम लोकतन्त्र के तिराहे पर खड़े हैं। हमें देखना है कि हम किधर जाना चाहते हैं। इस बात से कोई मतभेद नहीं हो सकता कि सामाजिक और आर्थिक परिवर्तन की प्रक्रिया को बल मिलना चाहिए। मुट्ठी भर हाथों में धन संचय रकना चाहिए। अगर आप काम करने के अधिकार को मूलभूत अधिकारों में सम्मिलित करने के लिए संविधान का संशोधन करते तो हम सब से पहले आप का समर्थन करते।

श्री राम सहाय पांडे : कहिये कि राजे महाराजाओं के महल धराशायी होने चाहियें। कहिये, हम तन मन धन से उस का स्वागत करेंगे। कहिये कि प्रीवी पर्स समाप्त होने चाहिएँ। (व्यवधान)

श्री अटल बिहारी वाजपेयी : अगर बहुमत अभी इतना असहिष्णु है तो मूलभूत अधिकारों पर कुठाराघात करने के बाद वह कितना असहिष्णु हो जायेगा इस की कल्पना की जा सकती है। आप अपने से भिन्न विचार को सुनने तक के लिए तैयार नहीं हैं। क्या टोका-टोकी करना ही आप का मूलभूत अधिकार है? जरा सुनने का भी धैर्य चाहिए।

इस संविधान संशोधन विधेयक के बारे में इस लिए हमारी आशंकाएँ बढ़ गई हैं कि सत्तारूढ़ दल की भाषा बदल गई है, सत्तारूढ़ दल का तरीका बदल गया है। आज दक्षिणपन्थी कम्यूनिस्ट पार्टी की भाषा से और कांग्रेस की भाषा में कोई फर्क नहीं है। यह लोकतन्त्र के लिए खतरे की घंटियाँ हैं। इन घंटियों के विरुद्ध मैं जानता को सावधान करना चाहता हूँ। शांतिपूर्ण तरीके से,

लोकतन्त्रात्मक ढंग से एक शोषणहीन समाज की रचना हो, एक समता पर आधारित समाज बने, इस से हमारा मतभेद नहीं है। लेकिन आर्थिक प्रगति को जल्दी लाने की उतावली में यह कहना कि व्यक्तिगत स्वाधीनताओं की बलि चढ़ा दी जाये उचित नहीं है। इस से हम आर्थिक समता तो प्राप्त नहीं कर सकेंगे, लेकिन राजनीतिक स्वाधीनता से हाथ जरूर धो बैठेंगे।

इसलिए मेरा निवेदन है कि जब इस विधेयक पर विचार हो रहा है मैंने दो संशोधन उपस्थित किये हैं। एक तो इस मामले को सुप्रीम कोर्ट की राय के लिए भेजा जाय और अगर किसी तरह की टकराहट की भविष्य में आशंका हो तो उस को टाला जाय। दूसरा यह कि अगर आप मूलभूत अधिकारों में कुछ कमी करना चाहते हैं और मैं याद दिला दूँ कि गोलकनाथ के मामले में सर्वोच्च न्यायालय ने मूलभूत अधिकारों को बढ़ाने से नहीं रोका है, अगर आप चाहें तो मूलभूत अधिकारों का विस्तार कर सकते हैं। अगर आप चाहें तो जनता की स्वाधीनता में वृद्धि कर सकते हैं, लेकिन अगर आप कमी करना चाहते हैं तो कम करने के लिए केवल सम्पत्ति का अधिकार नहीं है। मूलभूत स्वाधीनताओं में बोलने, लिखने, अपने धर्म अथवा मजहब का पालन करने, संगठन बनाने, चुनाव लड़ने की स्वाधीनता भी शामिल है, और यह स्वाधीनताएँ लोकतन्त्र का आधार हैं। अगर इन स्वाधीनताओं पर कुठाराघात होता है तो देश तानाशाही की तरफ बढ़ेगा। इसी आशय का संशोधन श्री गोपालन ने रक्खा है, श्री इन्द्रजीत गुप्त ने रक्खा है। अगर आप मेरे संशोधन को स्वीकार करने से परहेज करते हैं तो उन्हीं के संशोधन मान लीजिए। अगर श्री गोपालन का न माने तो कम से कम श्री इन्द्रजीत गुप्त का तो मान ही लीजिये। वह तो हिज मैजेस्टीज लॉयल अपोजीशन में से हैं और वह वाकी की स्वाधीनताओं को बचाना चाहते हैं। अगर आप वाकी स्वाधीनताओं को बचाने के लिए तैयार हैं तो सम्पत्ति संबंधी अधिकार को सीमित करने की आवश्यकता के हम भी खिलाफ नहीं हैं। मैं

गोलकनाथ के मामले में सर्वोच्च न्यायालय के निर्णय के उस अंश से महमत नहीं हूँ कि अगर सम्पत्ति ली जायेगी तो बाजार भाव से 100 फी सदी मुआवजा दिया जायेगा। तब तो राष्ट्रीयकरण करने का सारा उद्देश्य विफल हो जायेगा। छोटे लोगों को हम 100 फी सदी मुआवजा दे सकते हैं, लेकिन बाकी लोगों को मुआवजा देने की धारा में परिवर्तन करना होगा। लेकिन प्रश्न केवल सम्पत्ति के अधिकार का नहीं है। यह सविधान संशोधन केवल सम्पत्ति के अधिकार को सीमित नहीं करता। इस का उपयोग करके हर एक स्वाधीनता को सीमित किया जा सकता है, हर एक लोकतांत्रिक मान्यता को कुठिन किया जा सकता है। इस लिए मेरा निवेदन है कि अगर आप इस विधेयक को पास करना चाहते हैं तो उस में रिफरेन्डम का संशोधन स्वीकार कर लें। तब हम इस का समर्थन करेंगे।

श्री चन्द्रजीत यादव उपाध्यक्ष महोदय, भारत के संविधान में यह पहला संशोधन नहीं है। इसके पहले भी 23 बार भारत के संविधान में संशोधन किए जा चुके हैं। लेकिन आज जिन संशोधन पर हम यहाँ विचार कर रहे हैं यह पहले के संशोधनों से भिन्न है। पहले जितने संशोधन हुए हैं किमी विशेष प्रश्न को लेकर और किमी एक विशेष असुविधा को दूर करने के खयाल में हुए हैं। लेकिन आज जिन संशोधन पर हम विचार कर रहे हैं और जो हमारे सामने प्रस्तुत किया गया है वह पूरे एक दृष्टिकोण को हमारे सामने रखता है। आज हमारे देश में एक ऐसी परिस्थिति पैदा हो गई है जिस में एक मौलिक प्रश्न आज विचाराधीन है और वह मौलिक प्रश्न यह है कि क्या भारत की जनता द्वारा चुनी हुई समद बी इस बात का अधिकार है या नहीं है कि वह अपने देश की आवश्यकताओं को ध्यान में रखते हुए, अपनी जनता की हलत में सुधार करने के लिए, उसकी आशाओं और आकांक्षाओं की पूर्ति करने के लिए भारत के संविधान में संशोधन कर सकती है, मौलिक अधिकारों की व्याख्या फिर से कर सकती है अथवा नहीं ?

उपाध्यक्ष महोदय, सुप्रीम कोर्ट ने गोलक नाथ

केस में जो निर्णय दिया था उस निर्णय से हमारे देश की आर्थिक और सामाजिक प्रगति में एक बहुत बड़ा अवरोध पैदा हो गया था। अगर आज हम कोई कानून संसद के द्वारा बनाना चाहें जिस में हम देश में बढ़ती हुई इजारेदारी को रोकना चाहें, देश के मार्वाजनिक हितों को ध्यान में रखते हुए हम किमी की सम्पत्ति को देश की जनता के हित में लेना चाहें उसका मुआवजा भी हम दें, तो क्या हम ले सकते हैं या नहीं ले सकते हैं, क्या हम उस तरह का कानून बना सकते हैं या नहीं बना सकते हैं। हम अगर यह समझते हैं पच्छिम माल की आजादी के बाद कि हमारे देश में राजाओं के प्रिवी पर्स और मुविधायें जो विशेष प्रकार की उनको मिल रही हैं और जिन का आज की सामाजिक व्यवस्था में कोई मूल्य नहीं है समाप्त होनी चाहिए और हम उस सामाजिक भेदभाव को दूर करना चाहते हैं, भारत की जनता उसको दूर करना चाहती है, भारत को संसद उगवने दूर करना चाहती है तो वह वैसा नहीं कर सकती है क्योंकि सुप्रीम कोर्ट के निर्णय ने सारी बातों के ऊपर प्रतिबन्ध लगा दिया है और फैसला दे दिया है कि हम इस प्रकार का कानून नहीं बना सकते हैं। आज इसी बाधा को दूर करने के लिए हम इस संशोधन को प्रस्तुत कर रहे हैं।

श्री अटल बिहारी वाजपेयी ने कुछ मौलिक प्रश्न यहाँ प्रस्तुत किये हैं। उन्होंने कहा है कि वह बुनियादी तौर में किमी संशोधन के विरोधी नहीं हैं। लेकिन इस संशोधन को करने के लिए या तो सुप्रीम कोर्ट से हम दरख्वास्त करते और प्रार्थना करते कि वह फिर से अपने निर्णय के ऊपर विचार करे अथवा हम भारत की जनता के पास जाते और कहते कि इस प्रकार का संशोधन हम करना चाहते हैं। मैं श्री अटल बिहारी वाजपेयी को पिछले मध्यावधि चुनाव की तमाम परिस्थितियों में अवगत कराना चाहता हूँ। पिछले दो वर्षों का इतिहास विवादाओं का इतिहास रहा है। ये दो वर्षों विवादों के वर्ष रहे हैं। इन वर्षों में देश के मौलिक प्रश्नों के ऊपर विचार हुआ है, किस प्रकार का सामाजिक और आर्थिक कार्यक्रम हम चाहते हैं, समाज में किस

[श्री चन्द्रजीत यादव]

प्रकार का परिवर्तन हम करना चाहते हैं, देश की जनता के हितों का ध्यान में रखते हुए अपने कानूनों और संविधान में किस प्रकार के परिवर्तन हम करना चाहते हैं, ये सब प्रश्न इन दो वर्गों में उठे हैं। हमके लिए इस देश में आवाज उठी है, जनता में आवाज उठी है कि बंकों का राष्ट्रीयकरण करो और इसलिए करो कि देश के भूट्टी भर लोगों द्वारा हम देश की जनता द्वारा उत्पादित सम्पत्ति पर अधिकार समाप्त किया जा सके। उनके इस अधिकार को रोका जाय। जब हमने बंकों का राष्ट्रीयकरण किया और उसके लिए कानून बनाया तो भारत की सुप्रीम कोर्ट ने कहा कि तब तक तब राष्ट्रीयकरण नहीं कर सकते हो जब तक कि नब्बे करोड़ रुपया मुआवजे के रूप में नहीं दे दें। जब तक आप ऐसा नहीं करते हैं हम आपको राष्ट्रीयकरण का अधिकार नहीं देने हैं। जब हमने कहा कि राजाओ के प्रिवी पर्स और विशेष सूविधाये हम समाप्त करना चाहते हैं तो वह भी हम नहीं कर सके इसलिए कि सुप्रीम कोर्ट का गोलक नाथ केस का निर्णय हमारे सामने था। हम और भी बहुत गारे कदम उठाना चाहते थे। हम महसूस करते थे कि भारत आज जहा खड़ा है, हमारी जनता आज जहाँ खड़ी है और आज जो परिस्थितिया हैं उनका यह तकाजा है कि हम अपने देश के आर्थिक और सामाजिक कानूनों में इस प्रकार के परिवर्तन करे कि देश की नब्बे प्रतिशत जनता की आशा और आकांक्षा की हम पूर्ति कर सके। हमके लिए कानून में परिवर्तन आवश्यक हो गया था। यह हम नहीं कह सकते थे। इन सब बातों को ध्यान में रखते हुए जब हमने देखा कि भारत की संसद के अन्दर ऐसी स्थिति थी कि हम संविधान में परिवर्तन नहीं कर सकते थे और हमारे पास उतना समर्थन नहीं था संसद में तो हम ने इन प्रश्नों को बड़ी सफाई के साथ देश की जनता के सामने रखा। हमने कहा कि देश की जनता सर्वोपरि है, देश की जनता ने भारतीय संविधान को अपने लिए समर्पित किया है और देश की जनता अगर महसूस करेगी कि भारत के संविधान में परिवर्तन हो तो वह करना पड़ेगा और भारत

की सुप्रीम कोर्ट को कोई अधिकार नहीं है कि वह उस परिवर्तन को रोक सके, इस बात को हम को मान कर चलना पड़ेगा। इन सब परिस्थितियों को हमने पिछले मध्यावधि चुनाव में बड़ी सफाई के साथ देश की जनता के सामने रखा। चुनावों में हमारी पार्टी बहुमत में आई है। शायद वाजपेयी जी समझते होंगे कि शायद दबाव के कारण, त्रिगी गणतन्त्रवादी के कारण या और किसी कारण से हम को जनता ने इतना बड़ा बहुमत प्रदान किया है और शायद उन नीतियों पर स्पष्ट रूप से अपने समर्थन की मुहर नहीं लगाई है। अगर वाजपेयी जी की पार्टी को थोड़ा बहुमत मिलना तो शायद जनता की निष्पक्षता उनके विभाग को बहुत साफ दिखाई पड़ती। चूंकि हमारी पार्टी को इतना भारी बहुमत मिला है इस कारण उनको हो सकता है कि मन्द्रे होने लगा हो कि हमारा उतना प्रभाव नहीं है।

जिन प्रश्नों के ऊपर आज भारत की जनता ने उतना बड़ा बहुमत हम को दिया है, उनको मैं अपनी पार्टी के कार्यक्रमों में थोड़ा सा उद्धृत करना चाहता हूँ। क्या बीज थी जिसे हमने इस देश की जनता के सामने, इस देश के मतदाताओं के सामने रखा और हम चुनाव मैदान में उतरे। जिन शक्तियों द्वारा हम को चुनौतिया दी जा रही थी, वे कौन सी शक्तिया थी? वे इस देश की प्रतिक्रियावादी देश की साम्प्रदायिकतावादी शक्तियां थी, देश की पूंजीवादी ताकतें थी, देश की अपरिवर्तनशील ताकतें थी और उन सब ने मिल कर महागठबन्धन कर लिया था हम को उस रास्ते पर जाने से रोकने के लिए जिस रास्ते पर चल कर हम समझते थे कि देश का और जनता का कल्याण होगा और प्रगति होगी। हमने बहुत सफाई के साथ जनता के सामने इस सारी चीज को रखा। हमने कहा :

“प्रतिक्रियावादी शक्तियों के इस गठजोड़ के कारण हमें स्वतंत्रता के बाद के इतिहास में अब सब से बड़ी निर्णायक लड़ाई लड़नी है। लेकिन हमारा दृढ़ संकल्प है कि हम सामाजिक परिवर्तन के कार्यक्रम को आगे

बढ़ाते रहेंगे। इस में विघ्न डालने के लिए उन प्रतिगामी शक्तियों की ओर से चुनौती मिली है जो सामाजिक परिवर्तन की राह में रुकावटें पैदा करने वाले विचारों और तौर तरीकों से अभी तक चिपकी हुई है।”

इस बात को सफाई के साथ हमने जनता के सामने रखा। फिर हमने कहा :

“कांग्रेस को पूरा यकीन है कि सामाजिक और आर्थिक कार्यक्रमों को लोकतंत्रीय ढंग में कारगर तौर पर लागू करके ही वर्तमान सवटमय स्थिति से पैदा हुई चुनौतियों का मुकाबला किया जा सकता है। कांग्रेस इस बात पर जोर देना चाहती है कि वह जिन नीतियों और कार्यक्रमों के लिए वचनबद्ध है वे भारत के संविधान में दिए गए सिद्धान्तों के अनुरूप ही हैं।”

हमने उस देश की जमता को ट्रायरेक्टिव प्रिंसिपलज की याद दिलाना भी आवश्यक समझा। हमने कहा कि निदेशक सिद्धान्त जो हमारे संविधान में हैं उन में कहा गया है कि “राज्य ऐसी सामाजिक व्यवस्था कि जिग में सामाजिक, आर्थिक और राजनीतिक न्याय राष्ट्रीय जीवन की सभी संस्थाओं को अनुप्राणित करे, भ्रमक कार्यक्रमों के रूप में स्थापना और सरक्षण करके लोक कल्याण की उन्नति का प्रयास करेगा।”

निदेशक सिद्धान्तों में यह भी घोषणा की गई है कि राज्य अपनी नीति का विशेषतः ऐसी मंचालन करेगा कि सुनिश्चित रूप से -

- (1) समुदाय की भौतिक सम्पत्ति का स्वामित्व और वितरण इस प्रकार बटा हो कि जिसमें सामूहिक हित का सर्वोत्तम रूप से साधन हो,
- (2) आर्थिक व्यवस्था इस प्रकार चले कि जिसमें धन और उत्पादन साधनों का सर्वसाधारण के लिए अहितकारी केन्द्रण न हो और संविधान ने विशेष रूप से यह भी आदेश दिया

है कि राज्य कानून बनाने में इन सिद्धान्तों को काम में लाएगा।

आगे हमने अपने घोषणा पत्र में कहा

“जो भी हो, ताल की कुछ अदालती घोषणाओं के फलस्वरूप हमारे संविधान के कुछ निदेश सिद्धान्तों और कांग्रेस के बुनियादी आर्थिक कार्यक्रमों को कारगर तौर पर अमल में लाना नामुमकिन हो गया है।”

फिर हमने जनता से कहा .

‘राष्ट्र की प्रगति को रोकना नहीं जा सकता। लोकतंत्र का तकाजा है कि संविधान जनता की आवश्यकताओं और आकांक्षाओं की पूर्ति में मददगार हो। हमारा संविधान आर्थिक विकास के उद्देश्य से पहले भी संशोधित किया जा चुका है। हमारी कोशिश होगी कि सामाजिक न्याय के रास्ते में आने वाली रुकावटों को दूर करने के लिए अभी और संवैधानिक उपचार और संशोधन किये जायें।’

उन सब बातों को हमने स्पष्ट रूप से जनता के सामने रखा और उसका मैडेट मांगा, उसका निर्णय मांगा। हमने किसी बात को छिपाया नहीं। जिस प्रकार का रेफ्रेडम आप चाहते हैं वह तो हो गया है। चुनाव में सफाई के साथ हमने कहा कि आज इन फैमलो से ये कठिनाइयाँ पैदा हो गई हैं। जनता के लिए हम जो काम करना चाहते हैं, उनको हम कर नहीं सकते हैं, ये ताकते आज हम को चुनौती देना चाहती हैं। हमने यह भी कहा कि हम जनता की प्रगति के लिए कानून बदलना चाहते हैं, संविधान में संशोधन करना चाहते हैं। हमने यह भी कहा कि अगर जरूरत पड़ेगी तो सारे संशोधन जो आवश्यक होंगे वे भी किये जायेंगे। जो बिल विधि मंत्री महोदय लाए हैं, उसके लिए मैं उनको बधाई देना चाहता हूँ। देश की ओवरऑलिंग मैजोरिटी ने, नब्बे प्रतिशत जनता ने चुनाव में इसके पक्ष में निर्णय दिया है, हमारी पार्टी को भारी बहुमत प्रदान किया है। संविधान में

[श्री चन्द्रजीत यादव]

सशोधन करने का बिल ला कर विधि मंत्री ने भारत की जनता की आशा और आकांक्षा को ध्यान में रखा है और भारत की प्रगति में आने वाली गंजावटें दूर करने के लिए और सब से बड़ा हम समद की प्रभुमत्ता को पुनः स्थापित करने के लिए इस विधेयक को पेश किया है। इस के लिए मंत्री महोदय बधाई के पात्र हैं।

प्रश्न यह है कि आज हम संविधान में यह सशोधन क्यों करना चाहते हैं। सुप्रीम कोर्ट से हमारा कोई झगड़ा नहीं है। सुप्रीम कोर्ट हमारे देश की न्यायपालिका की उच्चतम संस्था है और हम उसकी इज्जत करना चाहते हैं। लेकिन आज हम दिल पर हाथ रख कर सोचें कि स्वतंत्र भारत में पहली बार भारत की सुप्रीम कोर्ट की इतनी आलोचना क्यों हुई—इस लिए कि हम ने यह महसूस किया कि सुप्रीम कोर्ट के इस निर्णय से हमारे देश की प्रगति के सब रास्ते बन्द हो जाते हैं। सुप्रीम कोर्ट का यह निर्णय एक राजनैतिक निर्णय के रूप में हमारे सामने आया। सुप्रीम कोर्ट का यह निर्णय हमारी प्रगति के तमाम रास्तों को अवरुद्ध करने वाला निर्णय बन गया।

अगर सुप्रीम कोर्ट का यह निर्णय 1951 में हो गया होता, तो इस देश में जमींदारी प्रथा का उन्मूलन नहीं हो सकता था। अगर सुप्रीम कोर्ट का यह निर्णय लागू रहता है, तो फिर राजा-महाराजाओं के प्रिवी पर्स हमेशा के लिए अक्षुण्ण रह जायेंगे और उन पर कोई भी हाथ नहीं लगा सकेगा। अगर सुप्रीम कोर्ट का यह निर्णय अपनी जगह पर बना रह जायेगा, तो इस देश में इजारे-दारी निरन्तर बढ़ती चली जायेगी, पूँजीवादी शक्तियाँ मजबूत होनी चली जायेंगी और देश की जनता का शोषण निरन्तर बढ़ता हुआ चला जायेगा। मैं कहना चाहता हूँ कि भारत की जनता अब इस देश में न इजारेदारी को बढ़ने देगी, न पूँजीवादी शक्तियों को पुष्ट होने देगी और न शोषण करने वालों को एक कदम भी आगे बढ़ने देगी। इसी लिए आज इस सशोधन की आवश्यकता पड़ी है।

इस सशोधन के सम्बन्ध में श्री अटल बिहारी वाजपेयी या श्री पी० के० देव के विरोध का कोई प्रश्न नहीं है। यह विरोध तो नक्काखाने में तूती की आवाज की तरह है। इन विरोधों में कोई ताकत या शक्ति नहीं रह गई है। इस विरोध की रचना इस देश में मध्यावधि चुनावों से पहले हुई थी, जबकि सब कांग्रेस-विरोधी दलों का एक महा-गठबंधन बनाया गया था। श्री अटल बिहारी वाजपेयी एक साम्प्रदायिक दल के नेता हैं। भारत की जनता के हित में संविधान में यह जो सशोधन किया जा रहा है, उसका विरोध करते हुए श्री वाजपेयी ने सहाय किस का लिया? अल्पसंख्यकों का। जिन अल्पसंख्यकों को सब से बड़ा खतरा श्री वाजपेयी की पार्टी और उस पार्टी की नीतियों से बना हुआ है, अपने स्वार्थ की पूर्ति के लिए उन्हीं की दुहाई दे कर श्री वाजपेयी ने इस विधेयक का विरोध किया है। इस देश के अल्पसंख्यकों को श्री वाजपेयी के मुख से आने वाले हितों की बकालत सुनकर कितना आश्चर्य होगा। (व्यवधान)

एक माननीय सदस्य मुस्लिम लीग के साथ रुमझौता कांग्रेस ने किया है।

श्री अटल बिहारी वाजपेयी : मुस्लिम लीग साम्प्रदायिक नहीं है।

श्री चन्द्रजीत यादव : जैसा कि मैं ने अभी कहा है, मध्यावधि चुनावों से पहले इस देश में सभी कांग्रेस-विरोधी दलों का एक महा-गठबंधन बना था, जिस में वैसे की ताकत, पुरानी विचार-धारा की ताकत, अपरिवर्तनशील शक्तियों की ताकत, प्रतिक्रियावादी और साम्प्रदायिक शक्तियों की ताकत सम्मिलित थी। उस समय इस संविधान के सशोधन को चुनौती दी गई थी, उस दृष्टिकोण को चुनौती दी गई थी, जिस को लेकर आज हम इस देश में चलना चाहते हैं। उस समय उन दलों का महा-गठबंधन और मारी शक्ति एक तरह की थी और हमारी पार्टी तथा उसका घोषणा-पत्र दूसरी तरह का।

मध्यावधि चुनावों में भारत की जनता ने यह निर्णय दे दिया था कि हम चाहते हैं कि

भारत के संविधान में ऐसे परिवर्तन किये जायें, जिन के द्वारा हमारी प्रगति के मार्ग के रोड़े हटाये जा सकें जिन से जनता के हित में देश की आर्थिक, सामाजिक और राजनैतिक प्रगति की जा सके। जो कार्य आज हम कर रहे हैं, अगर हम इस को न करते, तो हम अपने कर्तव्य में च्युत होते, जनता ने हमें जो मन्डेट दिया है, उस को पूरा न करने और अपने राजनैतिक उत्तरदायित्व को न निभा सकने के दोषी होते। इस लिए जनता की इच्छाओं, आशाओं और आकांक्षाओं के अनुरूप अपने कर्तव्य को पूरा करने के लिए हम न इस विधेयक को प्रस्तुत किया है।

हम इस सशोधन को ला कर न केवल भारत की समद की प्रतिष्ठा को प्रस्थापित कर रहे हैं, बल्कि भारत के संविधान की प्रतिष्ठा और गरिमा को भी बढ़ा रहे हैं और न्यायपालिका - सुप्रीम कोर्ट की गरिमा को भी प्रस्थापित कर रहे हैं। जिस दिन भारत का संविधान भारत की जनता की आशाओं और आकांक्षाओं का प्रतिबिम्ब नहीं रह जायेगा, जिस दिन जनता को मालूम हो जायेगा कि संविधान की कुछ धाराएँ हमारी आर्थिक और सामाजिक प्रगति में रोड़ा बन रही हैं, जिस दिन उस को यह विश्वास हो जायेगा कि भारत का संविधान ऐसा बन गया है, जिस में गतिशीलता नहीं है, जो समय के साथ परिवर्तित नहीं हो सकता है, जो जनता की आवश्यकताओं की पूर्ति नहीं कर सकता है, उस दिन इस संविधान से देश की जनता की निष्ठा उठ जायेगी और वह कोई और रास्ता तलाश करने लग जायेगी।

जैसा कि मैंने कहा है, इस सशोधन से हम न केवल समद की प्रतिष्ठा को प्रस्थापित कर रहे हैं, बल्कि भारत के संविधान को भी ऐसा स्वरूप दे रहे हैं कि वह जनता की आशाओं और आकांक्षाओं का सही प्रतिबिम्ब बन सके और एक गतिशील संविधान बन सके। यह संविधान जनता ने अपने आप को अर्पित किया है। जैसे-जैसे परिस्थितियाँ बदलेंगी, आर्थिक और सामाजिक

रिश्ते बदलेंगे और समाज की जरूरतें बदलेंगी, जैसे-जैसे संविधान को भी बदलना पड़ेगा। तभी यह संविधान सही मानो में जनता का संविधान बन सकेगा।

जिस दिन इस देश के लोगों को यह विश्वास हो जायेगा कि सुप्रीम कोर्ट हमारी हर प्रगति के रास्ते में रोड़ा बन कर बैठ गई है, न्यायपालिका का ऐसा स्वरूप बन गया है कि वह इस देश में प्रगति को नहीं बढ़ने देगी, उस दिन देश की न्यायपालिका पर मैं उन का विश्वास उठ जायेगा। मैं नहीं चाहता कि भारत की समद और भारत की सुप्रीम कोर्ट या न्यायपालिका में किसी प्रकार का कानफ्रंटेशन या टकराव हो। लेकिन भारत की जनता की इच्छा को ध्यान में रखते हुए इस संविधान में ये जो सशोधन करना चाहते हैं, अगर उसके बाद भी सुप्रीम कोर्ट इन सशोधनों को स्वीकार नहीं करती है, इनको तिरस्चुन करती है, अगर वह फिर यह निर्णय देती है कि भारत की समद को ये सशोधन करने का अधिकार नहीं है, अगर सुप्रीम कोर्ट के जज यह महसूस करते हैं कि भारत की जनता के भाग्य-निर्माता वे हैं, तो फिर इस देश में कानफ्रंटेशन होना लाजिमी है, क्योंकि समद अपने अधिकारों और प्रतिष्ठा को पुनर्स्थापित करेगी। यह मैं राफ कट देना चाहता हूँ कि उस स्थिति में सुप्रीम कोर्ट के निर्णय नहीं माने जायेंगे।

श्री बाजपेयी ने कहा है कि कांग्रेस पार्टी की, जो सत्ताह्व पार्टी है, भाषा बदलनी है, उस के विचार बदलते हैं। यह बात सही है। जब परिस्थितियाँ बदलती हैं, सामाजिक रिश्ते बदलते हैं, नये मूल्य स्थापित होते हैं और बहुत सी पुरानी धारणाएँ समय की रद्दी की टोकरी में फँक दी जाती हैं तो जनता के हित में काम करने वाले किसी भी राजनैतिक दल को भी बदलना पड़ता है। इसी के अनुसार हमारी पार्टी भी बदली है। माननीय सदस्यों ने पार्टी शुरू से ही एक रूढ़िवादी और अपरिवर्तनीय पार्टी के रूप में सामने आई है। वह शुरू से ही व्यक्तिगत स्वतंत्रता, भगवान और धर्म के नाम पर इस देश की निरीह

[श्री चन्द्रजीत यादव]

और गरीब जनता को बहकाने की रीति है। आज वह युग बदल चुका है। हम लिए इस देश की जनता, और उस जनता का प्रतिनिधित्व करने वाली पार्टी, को परिस्थितियों के अनुसार बदलना पड़ेगा और उस के कार्यक्रम भी बदलने पड़ेंगे। हम में और माननीय गदम्य की पार्टी में यहां फर्क है।

श्री वाजपेयी ने यह भी कहा कि इस सशोधन से व्यक्तिगत स्वतंत्रता को खतरा है। मैं उनको कहना चाहता हूँ कि वह उस बात का विश्वास रखें—मैं श्री फ्रैंक एण्थनी को भी इस बात का यकीन दिलाना चाहता हूँ कि इस देश में जो भी अल्पसंख्यक है, चाहे भाषा के लहजा से अल्पसंख्यक हो और चाहे मध्यता, संस्कृति या धर्म के लहजा से, उनकी भाषा, संस्कृति और धर्म उनकी तहजीब और तमदून, और उनकी स्वतंत्रता की रक्षा करने की जिम्मेदारी हमने अपने ऊपर ली है और इस जिम्मेदारी को हम भविष्य में भी निभायेंगे। इस बारे में उनको किसी प्रकार का शर्को शुबहा नहीं होना चाहिए।

मैं निवेदन करना चाहता हूँ कि यह सशोधन एक ऐतिहासिक सशोधन है। मैं श्री इन्द्रजीत गुप्त की इस बात में सहमत हूँ कि यह सशोधन खुद में पूर्ण नहीं है, लेकिन अगर हम यह सशोधन नहीं करेंगे, तो जनता के हित में कोई भी कदम उठाना, कोई भी कानून पास करना, किसी भी विचार को आगे बढ़ाना असम्भव हो जायेगा। इस लिए यह आवश्यक था कि हम इस सशोधन को लाते।

हमने इस सशोधन को प्रस्तुत किया है और हम यकीन दिला कर कहना चाहते हैं कि भारत की आज की यह ससद पिछली ससदों में भिन्न है। पिछले चुनाव में इस देश की गरीब जनता ने, इस देश के सब में निर्बल वर्ग के लोगों ने, इस देश के नौजवानों ने, इस देश के अल्प संख्यकों ने, इस देश के श्रम करने वालों ने अपने अधिकार के प्रति जागरूकता दिखाई है। उन्होंने हर शोषण के खिलाफ आवाज उठाई है, हर प्रकार के दबाव

को टुकरा दिया है, हर गठ-बन्धन को जमाने की रद्दी की टोकरी में फेंक दिया है, उसको अस्वीकार किया है। इस लिये यह संसद इस देश की गरीब जनता का प्रतिनिधित्व करती है, समाज के निर्बल वर्ग का प्रतिनिधित्व करती है, इस देश के बहुमत की आशाओं और आकांक्षाओं का प्रतिनिधित्व करती है इस लिये यह संसद भविष्य में ऐसे तमाम कानूनों को बनायेगी जिससे देश में इस सामाजिक और आर्थिक प्रगति हो सके, इस देश में जनतन्त्र की जड़ें मजबूत हो सकें, अपने देश की गरीब जनता को हमने जो विश्वास दिलाया है—न्याय और सन्नता के आधार पर हम भारत में समाज का निर्माण करेंगे उस लक्ष्य को प्राप्त कर सकेंगे।

इन्हीं शब्दों के साथ मैं इस सशोधन का समर्थन करता हूँ और आशा करता हूँ कि हम सब इसको पास करेंगे।

SHRI FRANK ANTHONY. Mr Deputy Speaker, Sir, I hope my friends in the ruling party are not going to be disappointed because I am not going to make a pungent speech at all.

When I opposed the Bill at the introduction stage, I made it clear that I am not opposing this 24th Amendment Bill because I said provided the Government was prepared to accept certain very modest amendments from me to the effect 'excepting minority rights' in the case of Powers that are now being sought to be assumed, I would support this Bill.

I must make it clear straightway that I am not speaking for the members of the Independent Group as such. I am aware that other members of the Group are opposed completely to this 24th Amending Bill. So, I am speaking only on behalf of myself.

I had given notice of a motion that this matter should be referred through the President to the Supreme Court and I did that advisedly and I thought my friend, Mr. Gokhale—I don't know whether his translation has been an ascent or descent—but he should have supported it because I think he will agree with me that what we are seeking to-day

in the 24th Amending Bill is something precisely that the Supreme Court says this House cannot do. It is not as if Mr. Gokhle, a very respected erstwhile colleague of mine at the Bar often on opposite sides, does not know the difference between these purported amendments and ordinary amendments seeking to rehabilitate some legislation that has been struck down. Every day legislation is either being upheld or struck down and the legislatures, the competent legislatures, rehabilitate the legislation because the Supreme Court has pointed out some vice, some lacuna, but that does not arise in this particular case. The Supreme Court has said in terms, the Chief Justice, handing down the judgment on behalf of the majority, said in terms that this Parliament has no power, it cannot in any circumstance arrogate to itself power, that you cannot do indirectly what you cannot do directly, that is, you cannot, by purporting to amend Art 368, arrogate to yourself powers which, in view of the majority Judges, you do not have. What the House is now doing is to precipitate a direct conflict with the Supreme Court and I think Mr. Gokhale will admit that.

If the Supreme Court, in pursuance of the well-known doctrine of *stare decisis*, that is, upholding its previous decision, should uphold the Golak Nath judgment, is it not clear beyond a peradventure...*(Interruptions)* May not be different. I am saying if they do, is it not clear that beyond the peradventure that they will say that what the Parliament has sought to do, it cannot do...*(Interruptions)*.

SHRI H. R. GOKHALE : It is not there.

SHRI FRANK ANTHONY : I do not know what has happened to his translation—up or down. But it is very clear. I should imagine, it is elementary. I do not want to start a personal controversy. But did not Mr. Justice Hidayatullah say, you cannot do indirectly what you cannot do directly? I thought Mr. Kumaramangalam would have seen the exact word. He was arguing that by amending Art. 368 you could. But, you cannot do that.

SHRI H. R. GOKHALE : You don't need Golaknath case for that.

SHRI FRANK ANTHONY : My two lawyer friends whose legal acumen has now been superseded by their political affiliation seem to forget what is elementary to any lawyer.

SHRI SIDDHARTHA SHANKAR RAY : Many of the majority judges did not agree with the reasonings of Mr. Justice Hidayatullah. Why don't you say that? Were the majority judges unanimous?

SHRI FRANK ANTHONY : We seem to be at cross purposes. I am proceeding on a very simple proposition. If they review or reverse the Golaknath case judgment, well and good. But, if the Golaknath case judgment is affirmed, it means, what we have sought to do is *ultra vires*. That is the simple ratio in the Golaknath case.

SHRI SIDDHARTHA SHANKAR RAY : The Golaknath case is bad enough; let us not make it worse by an incorrect interpretation of that judgment here.

SHRI FRANK ANTHONY : This is a facile way of so-called political humour. I ask my friend, get the judgment. I am open to correction. Let him read the paragraph of Mr. Justice Hidayatullah, the paragraph where he has said that. There is another fallacy. I hope my erstwhile colleagues at the Bar will not now supersede that. And that is, the fallacy that Parliament is sovereign. It may not titillate our political ego, but let us try to understand this. It does not titillate the ego of the politician, and especially of new found MPs, to be told—look here, the Constitution is supreme, Parliament is only a creature of the Constitution. I hope my erstwhile colleagues at the bar will educate their political colleagues that unlike the British Parliament our Parliament is not sovereign. It is the Constitution which is sovereign. That is why we take the oath to the Constitution, not to Parliament, because the Constitution is supreme. It has demarcated the functions and the duties of the different limbs of the polity. One of the different limbs and creatures is Parliament and the duties, functions and limitations of Parliament* and of State legislatures have been prescribed.

My Hon. friend, Mr. Mohan Kumaramangalam is a revolutionary in more senses

[Shri Frank Anthony]

than one, I am told, but he is shaking his his head and he seems to think that Parliament is supreme in the British sense. Let us now agree to disagree. The Supreme Court handed down certain precedents that have become axiomatic. With regard to Art. 32, I think, it was Mr. Justice Patanjali Sastri, well-known former Chief Justice, who said, the Supreme Court performs the sacred duty of enforcing the Fundamental Rights. That was a sacred duty cast on the Supreme Court. Then, there was that famous ex Chief Justice, Mr. S. R. Das who said this. I remember that because I was one of the lawyers in the Kerala Education Bill Reference. We heard the ringing words of his judgment Mr. Mohan Kumaramangalam was opposing me in the Kerala University Act case when I referred to those ringing words. Justice S. R. Das said : As long as Constitution subsists, it is our sacred duty to enforce the Fundamental Rights on behalf of the minorities, who must be sacred to us. Or, he said words to that effect. That was what he said. Repeatedly, the Supreme Court has held that it is their sacred duty to enforce Fundamental Rights, and, therefore, every day, because of that it is striking down legislation or it is upholding legislation, but some politicians consumed with their political ego say, 'striking down our legislation? Impertinence, arrogance! We are the sovereign entities'. I submit that they are not. Every day it is being done. It is, indeed, as I have said, not only their function but their duty to enforce Fundamental Rights. Every day they are dealing with political decisions. Therefore, I would submit with great respect that to say that the Supreme Court decisions are political decisions, and to impute motives to the judges is, to say the least, reprehensible.

I can understand parties committed either overtly or even covertly to undermining and denigrating the Constitution vilifying the judges of the Supreme Court. There is this tendency among them. Let us hope that the erstwhile members of the bar would at least deprecate this tendency in their own party. Every day, we see this; there are wanton, malicious attacks on the members of the highest court in the country. This is, as I said, understandable in parties that are covertly or overtly committed to destroying the Constitution and to undermining the rule of law because the first postulate of the rule

of law is respect for the Supreme Court. When one of the members on the other side said this, I was not only just distressed, but I was disgusted in their party meetings he said this. He did not call the members of the Supreme Court bourgeoisie, but he said that if the judges of the Supreme Court were to affirm the judgment in the Golak Nath case, they would impeach them *en bloc*.

SHRI SIDDHARATHA SHANKAR RAY: What did Roosevelt say about his Supreme Court?

SHRI FRANK ANTHONY: After all, there should be some respect for certain minimum values. Shri Siddhartha Shankar Ray has got in his lap now the politics of lawlessness and violence in West Bengal, and he is being supported by the Prime Minister who condemns this politics of lawlessness; we all do it, but Government loses its credibility and it loses its authority to condemn lawlessness when members of the ruling party themselves are supremely lawless, when they vilify and abuse the Supreme Court who are the custodians of the rule of law in this country; Government loses its credibility and has no right to say to other people that they should not preach the politics of lawlessness when members of the party are themselves the supreme protagonists of lawlessness when seeking to abuse and vilify the Supreme Court.

Some people have said—I may not agree with them—that the average Indian, especially intellectual, lacks moral courage. People have said that. I do not agree, because I am an intellectual; I do not know whether I am an intellectual, but people have said this, and I do not lack a moral courage. And there is a certain modicum of truth in this that the average intellectual, be he a judge, be he a Minister, is an insecure person. He goes along with the tide; if an average Indian becomes a member of a party, and particularly a juggernaut ruling party, he becomes an object yes-man. If he was an erstwhile independent judge, an erstwhile independent member of the bar, after he is downgraded to a Ministership, he abdicates his conscience and he abdicates his principle...

SHRI B. P. MAURYA (Hapur): How is he nominated?

SHRI FRANK ANTHONY : I am nominated not because of grace but because I am the undisputed accredited spokesman of my community. It is not out of grace.

SHRI S. A. SHAMIM : I would like to be nominated.

SHRI FRANK ANTHONY : My hon. friend will have to do 30 years of work building trusts, building up schools, building up crores for poor people. I do not think he will ever have the capacity to do it in several incarnations

There is this latest threat held out. I do not know why my friend, Indrajit Gupta, did not carry his thesis to its logical conclusion. He said: 'We have thirteen. Make it 26'. What was it but an invitation to pack the Supreme Court? We are a very hypocritical people. We will not call a spade a bloody spade; we will not even call a spade a spade. Why don't we honestly say: 'Look here. We do not like the Supreme Court. It does not fit in with the totalitarian philosophy that the Supreme Court should be the arbiter of fundamental rights. Let us kick them out lock, stock and barrel'. There is this threat of packing.

SHRI K. MANOHARAN (Madras North) : Suggestion for improvement is not elimination.

SHRI FRANK ANTHONY : This is a suggestion for packing.

I see in this calculated attempt to intimidate the Supreme Court, this constant daily tiring and vilification the hope that they will be like these very obedient, accommodating Ministers who were once independent members of the Bar or a judge. You think by frightening them they will toe your political line and will bend their interpretations to suit the transient philosophy of a transient ruling party. This is a monstrous proposition. What do you think the functions of the Judges are? Everyday to give judgments to suit your interpretation?

SHRI INDRAJIT GUPTA : They will have to change their interpretation.

SHRI FRANK ANTHONY : Change, but not to suit it to your requirements.

I still do have considerable faith in the independence and the courage of our judiciary, at least in the higher reaches. God forbid that this calculated campaign to intimidate them, to demoralise the judiciary, will succeed. If it succeeds, I do not know what you will do. But I will certainly wrap up the Constitution; I will certainly say: let us be honest, let us say that all our attempts to make this a viable democracy have been an abject failure. This is what will happen once you intimidate the Supreme Court.

I am very disappointed with my friend, Shri Gokhale. He had a great reputation, a man of unchallengeable convictions. He struck a heavy blow for the judiciary when he resigned and symbolised in his resignation the fact that the Government, because of its political gimmickry, keeps judges on starvation wages. Now I do not know whether he feels that politics is a stratosphere or some kind of sub-sphere, whether it is an ascent or a descent. I was shocked that he should have propounded a thesis which was in advance of the most advanced ultra-communists. He stigmatised the fundamental rights as 'static'. My friends over there, the communists, call the fundamental rights a 'bourgeois concept'. Now this is a new thesis propounded. What he has proposed is that the static fundamental rights should give way to the dynamic directive principles. That is exactly where the 25th Amendment comes—I am not dealing with it now although he referred to it. He said that this is an enabling provision.

I have only said—and I hope he will accept it—that you have in the 25th amendment wrecked the basis of the Constitution, overruled the fundamental rights of the citizen and the minorities and effaced the rule of law. So far as property is concerned, you destroy every Indian; I do no mind—I will go along with every Indian but protect the fundamental rights of the minorities: art. 26, freedom to manage religious affairs, to establish and maintain institutions for religious and charitable purposes and so on; art. 29, that protects language, script and culture, and art. 30, protects the right of minorities to establish and administer educational institutions of their choice.

SHRI SIDDHARTHA SHANKAR RAY : Have these ever been touched?

SHRI FRANK ANTHONY : I am not arguing it out here. I will send him all the newspapers from which he can see. My interpretation is as good as his; perhaps better. Your next move is that. The 25th Amendment is a monstrous, lawless provision.

The clear, inescapable conclusion is this. It subverts the whole basis of the Constitution. It supersedes the corpus of fundamental rights 14, 19—the seven freedoms—and 31; it overruns not only the rights of citizens.

MR. DEPUTY-SPEAKER : That is not under discussion now.

SHRI FRANK ANTHONY : Mr Gokhale brought it in and that is why I am mentioning it to him. It supersedes not only the fundamental rights of the citizen, but I say the clear meaning, and the only intentment of the 25th amendment is this: it proclaims to every Indian that he has no right to one rupee; he has no right to one inch of land as property; he has no right to his pay; he has no right to his pension; he has no right to his savings. That is the clear meaning of the 25th amendment.

SHRI PILOO MODY : Unless he does puja to Mataji; then he gets everything. *(Interruption).*

SHRI FRANK ANTHONY : I say you do all that to every Indian; wipe them out; I am one with you. But so far as the minority rights are concerned, I am a fanatic. I say you wipe out every Indian; wipe out Mr. Siddhartha Shankar Ray, myself and Mr. Gokhale. But everyday you are giving assurances to the minorities. Why don't you allow your performance to square with your professions? All I am asking you today is, except 26, 29 and 30, and I would support you on this. I will support you even on the 25th amendment.

***SHRI M. SATYANARAYAN RAO (Karimnagar) :** Sir, I will speak in Telugu. First of all, I will speak two sentences in English. I will first make it clear; I am supporting this Bill wholeheartedly. I feel sad after listening to the speeches of many of our hon. Members, because, instead of discussing the core of the problem, we have been going outside the purview of

the Bill. It is not proper to criticise the Judges of the Supreme Court, in this House. You have an absolute majority here. But I feel unhappy that you are not as generous as your majority in hearing the view points of opponents here. We are a small opposition in this House. As Members of this House we do have the rights to say what we feel and you must be patient enough to listen to us. Of course, with your majority you can get the Bill passed as you want it. Barring to sections of this House, the Bill has received the support of all others in the House. Under the circumstances, I submit that it is not in keeping with your majority to get excited unnecessarily.

Sir, we cannot afford to have a static view of life for all times. Socio-economic situations have undergone a sea-change in the last few years. We cannot harp on the conditions that prevailed in the pre-Independence days. We shall be failing our people if, with the mandate given to us, we do not work here for the amelioration of their sufferings and betterment of their lives. We have, therefore, to start from this premise and view the Constitutional provision in that angle and as and when necessity arises, change according to the demands of the social order and times. Instead of criticising this measure, we should give it our whole-hearted support. 90 per cent of our people are wallowing in utter penury. They have not so far had the opportunities for improving their lot. It is for their sake that we have to bring such radical measures.

The question has been raised about the competence of Parliament to amend the provisions of the Constitution. In my opinion, as elected representatives of the people who are sovereign, we are empowered with all authority to engage ourselves in this task. Just because the Supreme Court with a majority of one Judge had handed down a judgement that Parliament had no power to amend these provisions of the Constitution, we as the chosen representatives of the sovereign people, are not prevented from exercising our rightful power. Therefore, I am convinced in my mind that this Parliament is clothed with the powers of amending the Constitution to suit the imperative requirements of our society.

*The Original speech was delivered in Telugu.

The prime question now before us is whether Parliament has or has not the power to amend Article 368 of the Constitution. Instead of debating on the pros and cons of this cardinal issue, it is extremely irrelevant for us to go into extraneous issues, unconnected with the purport of the legislation before us. I emphasise once again that Parliament does have that power and authority. If we elected representatives of the sovereign people do not have that power, then who else has the right for that?

We here are responsible men and not men devoid of the sense of purpose. Mr. Frank Anthony has proclaimed himself an intellectual. If I may say so, it does not behove him to attribute to himself omniscience. It must be left to his colleagues and others to judge him. I have no hesitation in conceding to him the claim of being an intellectual. At the same time, I should tell him that he is not the sole claimant to intellectuality, there are others also nearer to him. As intellectuals, it is for us to act according to the changed circumstances. Otherwise we will not be dynamic. I therefore reiterate that Parliament does have the right to amend the Constitution and we the Members of Parliament are within our competence to amend Article 368 of the Constitution.

SHRI AMRIT NAHATA : Sir, Shri Vajpayee remembered Mr. Nath Pai. I would also like to pay my tribute to that noble soul who, with his passionate eloquence, was the first to draw the attention of the Parliament and the nation towards the dangerous implications of the Golaknath case judgment. There are some very paradoxical aspects of that judgment. According to that judgment Parliament will not have any power to amend fundamental rights in future. It had that power in the past. That means, here is a judgment which is prospectively applicable and not retrospectively. This is something strange in the entire history of jurisprudence. Similarly, Mr. Vajpayee just now said that under Golaknath case judgment, Parliament has a right to expand and add further to the chapter on fundamental rights, but it has no power to abridge any existing fundamental rights. Suppose this Parliament today decides to add one more fundamental right to this chapter. Having added that, this very Parliament will have no power to abridge that right tomorrow. This Parliament can shoot an arrow but cannot collect it back. This is very strange. If this Parliament has

a right to add to the fundamental rights, by implication, it has the right to abridge them. If it had the right in the past to amend fundamental rights, it has the right to do so in future also. I cannot understand this hue and cry that now that Parliament will have the power to amend fundamental rights, therefore, all the fundamental rights are in danger, the minorities' rights are in danger and so on. Before the Goloknath case judgment, this Parliament had the right to amend fundamental rights. On two occasions, the Supreme Court agreed that Parliament had that right. This hue and cry was never raised then. If by passing this Bill Parliament will restore it itself the right to amend fundamental rights and if now fundamental rights are in danger, they were in danger previous to the Golaknath case judgment also. But no fears were expressed then. This sudden concern and solicitude for the rights of minorities and for the freedoms of the citizens is a smoke-screen, a camouflage, to hide their real concern about the vested interests, about the right to amass huge properties, the right of monopolists and the right to privy purses and privileges of princes. Now the opposition parties have recognised that this party is determined to do away with the right to amass unlimited property, the right to privy purses and privileges of princes. That is why they are concerned about it now. This whole concern for minorities' rights or freedoms is a smokescreen. This party and the nation are not going to be confused or misled by their crocodile tears.

15.00 hrs.

Article 13 of the Constitution lays down that no law can be passed which is contrary to the fundamental rights. The Supreme Court refused to make a distinction between ordinary law that is passed by Parliament by simple majority and constitutional law which is passed by following a certain procedure. The Constitution itself makes a distinction between two kinds of law. The Constitution empowers Parliament to pass ordinary laws in the ordinary course of business by simple majority. The Constitution also provides for passing laws which amend the Constitution. Now article 368 was very strangely interpreted by the Supreme Court. The Supreme Court said that this article provides for the procedure of amending the Constitution but does not provide for the power to amend the Constitution. I was told that law is common-

[Shri Amrit Nahata]

sense but after reading the Golak Nath case judgment I think law is something very uncommon, because if commonsense were to interpret article 368 then it is clearly implied that this Parliament had the right to amend the Constitution. Because, at the end of article 368 it is clearly mentioned that having followed the prescribed procedure the Constitution, which includes all parts of the Constitution, shall stand amended. Therefore, I am convinced that the Golak Nath case judgment was a misinterpretation of the Constitution and it was a political judgment because it was based on the argument of fear.

The hon. Member, Shri Anthony, has expressed some fear and many other hon. Members have expressed some fears. We are being accused of vilifying the Supreme Court. But is it not a fact that the very basis, the very foundation, of the Golak Nath judgment was based on contempt for politicians, for elected representatives of the people? Even the hon. Member, Shri Anthony, has expressed his contempt for politicians, his contempt for Members of Parliament in very unmistakable terms.

What is the fear? The fear is that if Parliament exercises its power to amend the fundamental rights, some irresponsible Members of Parliament, some irresponsible Parliament, some irresponsible government, some irresponsible State legislature and some irresponsible people might do away with all the fundamental rights, will do away with all parliamentary institutions, will destroy the Constitution and will establish dictatorship. The is the fear which was entertained by the Supreme Court judges and this is the fear which has echoed by some of the members of the opposition.

Now no party needs a constitution to establish dictatorship. If dictatorship is to be established, if the fundamental rights are to be taken away the Constitution never comes in the way, fundamental right or nor fundamental right. We are a party who are committed to bring about change through processes of law, to bring about change through democratic peaceful parliamentary means. That is why we want to amend this Constitution, that is why we want to pass this Bill. It is to strengthen the democratic processes and

procedures that we want this Constitution to be amended. My colleague, Shri Chandrajeet Yadav, had stated very emphatically that by passing this Bill we are strengthening the democratic parliamentary institutions in the country and we are raising even the stature of democracy to a higher level.

Much has been said about sovereignty, whether Supreme Court is sovereign, or Parliament is sovereign, or the Constitution is sovereign or the people are sovereign. Shri Vajpayee said that the Indian people are sovereign and, therefore, he has pleaded for a referendum. Suppose tomorrow we decide for a referendum, I am sure that Shri Vajpayee will rise and say that the Constitution does not provide for a referendum and unless you change the Constitution, he will oppose a referendum.

Sir, whether it was nationalisation of banks or whether it is this Bill the Jan Sangh party has found out a very comfortable way of getting out of commitments. They have no courage to come out openly and defend the vested interests. They find out some procedural wrangle to defend the vested interests. All political students of the country will agree that the recent mid-term poll was a referendum on some of the basic issues facing the country and one of the most important issues which was posed before the people was the right to property. The entire election campaign of the grand alliance was based on this very argument that if Indira Gandhi comes back to power right to property is in danger, the Constitution is in danger, the judiciary is in danger, etc. We want to the people saying that we want to achieve certain economic advance. For that it is very essential to amend the Constitution, to limit the right to property. These were the focal issues in the election and people gave their clear and unmistakable mandate on these issues. In essence politically speaking the mid-term poll was a referendum on this issue and this House has a mandate from the people to amend the Constitution in the light we are amending it today.

This is not a substantive amendment. I agree with Shri Indrajit Gupta that it is an empowering Bill. It is an enabling Bill, But Sir, it is essential and this party cannot be blamed for the delay because Shri Indrajit Gupta answered his own question when he said that the previous Parliament lacked the

requisite majority to amend the Constitution. Now, the Government has taken the earliest opportunity to come forward with this amending Bill and I congratulate the Government and the Law Minister for that. The essence of the problem is right to property. Let us be very frank. Once this Parliament re-gets the powers to amend the fundamental right chapter we would like to amend the right to property. This right to property is a right which is not enjoyed by millions and millions of our people. It is an illusion. It does not exist for them and so long as a handful of people have the unlimited right to amass unlimited amount of property the millions of our people will be deprived of this right unless the right of limited few is curbed.

Therefore, when it is said that right to property is a natural right the people at large just cannot believe it because they have been deprived of it. In order to ensure this right to property or in order to give property to millions of propertyless people it is essential this right must be limited and curbed. The fundamental question is whether this Constitution of ours including fundamental rights chapter is something which is unchangeable, rigid and which is true for all times to come. Even the Constitution framers made it clear that the Constituent Assembly, composed as it was, was not within its powers to make a Constitution for all times to come. They realised the need for amendments of the Constitution. They knew that time would change very fast. They knew having attained independence India would march ahead and as India marches ahead new conditions would arise which would necessitate the amendment of the Constitution and that is why they incorporated Article 368 which makes our Constitution flexible; which makes our Constitution not sovereign; which makes this Parliament the instrument of exercising peoples' sovereignty I would not like to go into the niceties of the argument whether our Parliament is as sovereign as the Parliament of United Kingdom or our Constitution as rigid as the American Constitution but the fact remains that our Constitution makers chose a balance between anarchy and stability. They chose a balance between the need for change as also the need for stability. That is why they made a Constitution which had in itself the provision for its own amendment.

It is recognised by all jurists that our Constitution is a flexible constitution. If

fundamental rights, or for that matter any part of the Constitution, were to be made immutable, unchangeable and eternal, the only course open to the Indian people would be lawlessness and Naxalism. Since we want an orderly change and we want to change the law, we want that this Constitution, including the Fundamental Rights Chapter, should be amenable to change and should respond to changing conditions. It should be a flexible and a dynamic embodiment of the people's urges and aspirations.

Lastly, I want to assure my hon. friends who have genuine apprehensions. After all, politics and policies would be the determining factor, not the letter of the Constitution. The ruling party, the Parliament and the people of India will never allow certain basic rights of the people to be destroyed, whether they are the rights of minorities or the right of assembly or the right of association, because they are embodied and incorporated not only in the Fundamental Rights Chapter but also in the Preamble itself and the Directive Principles of State Policy.

We believe, one of the mistakes that the Supreme Court has been committing is that it has completely ignored the Preamble and the Directive Principles of State Policy as enshrined in our Constitution. The whole Constitution is the fundamental law of the land. The Fundamental Rights Chapter is no more fundamental than the rest of the Constitution. It is a constitution; it is not an Act. It is not just an ordinary law, a part of the statute book. The whole Constitution is fundamental law of the land.

There are two things which are distinctly separate from the rest of the Constitution and they are the Preamble and the Directive Principles of State Policy. They are more fundamental than the rest of the Constitution, including the Fundamental Rights Chapter. They are politically and morally more binding on the State, the Government and the Parliament than the rest of the Constitution.

The hon. Member, Shri Pilo Mody, was asking for an example of conflict between the Directive Principles of State Policy and the Fundamental Rights. There is, for example, the Directive Principle of State Policy that the State shall provide employment to all.

SHRI K. S. CHAVDA (Patan) : What about Prohibition, which is also in the Directive Principles.

SHRI R. S. PANDEY : Ask Morarjibhai.

SHRI K. S. CHAVDA : you have betrayed what has been promised.

SHRI AMRIT NAHATA : Now, if monopolies are allowed to grow unfettered, if this right to property, which is now a fundamental right, including compensation at market value, continues to be a part of the Fundamental Rights Charter the State cannot fulfil the moral task enjoined upon it by the Directive Principles of State Policy.

SHRI SURENDRA MOHANTY (Kendrapara) : Why have you acquired the Birlas' property for Rs. 56 lakhs whereas its book value is less ?

SHRI R. S. PANDEY : Because the Fundamental Rights Chapter was not amended.

SHRI SURENDRA MOHANTY : Why could you not wait till the passage of this Amendment Bill ?

SHRI AMRIT NAHATA : I wholeheartedly support the sentiment expressed by my hon. friend and I would join with him in asking the Government why this money was paid. I would also ask the Government why the Defence Ministry was acquiring the Birlas' buildings in Calcutta in such a great hurry. Wait. Do not pay this compensation. I am with him.

I would also urge upon the Government to reconsider any such dealings if they are under consideration of the Government. Postpone them. Let this Bill be passed. Let the Twenty-fifth Amendment Bill also be passed. Then the compensation question should be decided.

I conclude by saying that the Directive Principles of State Policy and the Preamble are far more fundamental for us, far more morally and politically binding for us, whenever there is a conflict. Any law, any action done pursuant of the Directive Principles and the Preamble of the Constitution should be beyond the jurisdiction of any judiciary.

Lastly, it has been said that confrontation should be avoided. We do not stand for confrontation. I do not know what was the source of information of Shri Atal Bihari Vajpayee when he said that the Supreme Court was in a mood to reconsider its earlier decision. The Supreme Court has not communicated with anybody intimating their intention. The only constitutional way, the only legal way, open to this Government and this Parliament is to amend the Constitution to restore to this Parliament its fundamental right and authority to amend any part of the Constitution. Then, again, if the Supreme Court persists in interpreting Golak Nath case in the older light and rejects this amendment, it should be considered as a wilful, deliberate, misinterpretation of the Constitution, as a mischief under the Constitution, which calls for an impeachment. That is the constitutional provision.

SHRI H. M. PATEL (Dhandhuka) : Mr. Deputy-Speaker, Sir, I would like to say that I have listened to the speeches that have been made so far with great attention and dismay. Here is an important subject, a matter of very great importance and significance, and we find great impatience, intolerance, to listen to points of view which differ from those of the ruling party.

AN HON. MEMBER : Indian people are impatient.

SHRI H. M. PATEL : That may be...
(*Interruption*)

SHRI PILOO MODY : How do you know ?

SHRI H. M. PATEL : When we are discussing such an important subject, I suggest, we should proceed to deal with it in all the seriousness that it deserves.

It is not a matter merely of emotion or of eloquence, it is a matter of law. It is a fact that today what stands is the Golak Nath case judgment and the consequences that flow from it. It is the Supreme Court's function under the Constitution to interpret the Constitution. It may be wrong ; it may be right. But so long as the last judgment stands, it is the law of the land and, under that law, therefore, an amending Bill of the kind that has been brought cannot be brought. Because,

it amounts to challenging the Supreme Court's judgment. In effect, anybody can go, after this Bill is passed, to the Supreme Court and there will be a confrontation if it happens to disagree. It may of course, conceivably alter its attitude; it may take a different view. But if it does not, then there is a confrontation. And that is something which ought to have been avoided. We should have taken steps to avoid it.

15.20 hrs.

[SHRI K. N. TIWARY *in the Chair*]

When it is said that our apprehensions are groundless, we ought to ask ourselves: Are they as groundless as really they say? Look at the Twenty-fifth Amendment Bill and consider how it goes to support all our apprehensions. It has put a certain provision, a new clause 31C, which in effect says that if any law says that it is to give effect to a directive policy, then even if it contravenes article 14 or 19 or 31, such law for that reason will not be void. What are these Art. 14, 19 and 31? They are of the greatest importance and yet to ignore them, what is to be done is for the law merely to say that this is in pursuance of a Directive Policy.

SHRI R. S. PANDEY : May I know whether Mr. Piloo Mody is uncomfortable. I have got every sympathy for him, I request that the doctor be called for.

SHRI SHYAMNANDAN MISHRA : You know he has recently undergone an operation.

SHRI PILOO MODY : They don't know—it is my fundamental right.

SHRI D. N. TIWARY (Gopalganj) : It may be amended.

SHRI H. M. PATEL : We should really have greater regard to facts. It was said that in the bank nationalisation case the Supreme Court struck a great blow for the right of property. But, there is nothing of the kind. In the bank nationalisation case, all that the Supreme Court said is that compensation should not be illusory. That is all, there was no question of its saying that it is adequate: merely that it should not be illusory. It says something which an ordinary citizen wants. I

am not a lawyer but I am speaking as an ordinary citizen who wants to at least see that in considering a subject of this kind, we do not distort facts, we proceed from facts.

What was the position with regard to the privy purses case? It was not a question of the Supreme Court pronouncing anything on what compensation should be paid. What they struck down was the fact about the de-recognition of the princes and the consequences that flowed from it. It had nothing to do with the right to property. Same is the case in Golaknath case. It may be said that they reversed the earlier thinking. Were they, however, completely unmindful of the direct consequences? Not at all. They did not give retrospective effect to their interpretation. They did not say that the First, Fourth and the Seventeenth amendments should all be declared void. Not at all. They allowed things to stand.

It seems to me that the proper course that the Government should have adopted was to have brought forward legislation for achieving what they are so anxious to achieve under the Directive Principles of Policy. What is it that they want to do which the Supreme Court's judgment on the present set of laws as it stands and the present interpretation of the constitution as it stands, prevents them from doing? Then, it would be time to consider that an amendment is necessary. Here we are shouting at our loudest to say that because of the Golaknath case judgment, we cannot amend the Constitution, it makes it impossible for us to fulfil all the different things that we have undertaken to do, that we have promised the people to do. What piece of legislation did you come forward with and which when passed by this House the Supreme Court has challenged? None at all. Which piece of legislation have you brought forward for the last so many years which seeks social justice and which you have been prevented from bringing forward and get it passed? None. Why not do the thing in a proper way, in a way which will not bring about confrontation with the Supreme Court?

The ruling Party is so impatient that they use expressions regarding the Supreme Court which are most unfortunate. It is not a matter which should be taken lightly when members of this House say that we should impeach the Supreme Court Judges. What for? Why are

[Shri H. M. Patel]

you thirsting for vengeance from now, and say that if this Bill is passed, and if it is not accepted by the Supreme Court, if they declare it *ultra vires*, then 'We shall see what we shall do to the Supreme Court'? This is not the way to uphold the Constitution. The Constitution is supreme. Under the Constitution the Supreme Court has a very important role to perform. Its role is to interpret the Constitution and the provisions of the Constitution. It has been asked to do that and it has been in terms asked to see that the fundamental rights are respected.

The Fundamental Rights Chapter comes before the Directive Principles of Policy, and the Directive Principles of Policy are not said to be something which have the force of law. They merely indicate to the Government and those who formulate the policy that they should bear in mind that these are the objectives towards which they have to work consistent with the Fundamental Rights and not by demolishing the Fundamental Rights. We seem to think that just because it is an older generation, which had this approach, it was stupid. Forty years ago, the Nehru report said :

"The first care we took, the first care we thought necessary to take was to see that the Fundamental Rights should be so guaranteed that there would be no withdrawal from them."

This is what they said. And how shocking, it was, Mr. Chairman, to find some Hon. Members saying that those who framed our Constitution were men who were wedded to compromise. There were men like Dr. Ambedkar. He did so much for the scheduled castes and backward classes. He was a giant intellectually. They were all men of vision who formulated our Constitution. They looked at it from a long term point of view, not from the point of view of the next 5 years or 10 years. They looked at it as something of permanent value. That does not mean that they sought rigidity and considered no change was possible.

The American Constitution was formulated a couple of hundred years ago, but they regard that their Constitution has a certain definite value. It gave stability to the Government, stability to the country. In all these

years, how many amendments have they passed and how many have we? Their supreme court also has to interpret the provisions of their Constitution ; it seeks through its interpretation to broaden the provisions in that Constitution, so as not to prevent further onward march of that great democracy. Why should you assume that our Supreme Court would not interpret the Constitution so that it does not become an obstruction to your going forward ?

SHRI M. RAM GOPAL REDDY (Nizamabad) : Are there any conflicts between judiciary and executive at any time in America ?

SHRI H. M. PATEL : Certainly, there may be and there have been conflicts, differences of opinion, but these never led to such statements as the Supreme Court is of no value, the judges should be impeached, since they do not agree with you and all that.

PROF. MADHU DANDAVATE : When the New Deal programme was struck three times President Roosevelt said he would not permit the Supreme Court to become a third chamber in their country.

SHRI H. M. PATEL : He may have said, but it did not happen. Here, what are we trying to do ? Let us approach this question in a sensible way. Posterity was not going to be particularly grateful to us for being radical instead of being reasonable. Let us be reasonable about it. What is our objective ? Our objective is to see that we achieve the goals set by the Directive Principles, and whatever obstacles there may be in the way, we should consider how best to overcome those obstacles.

The Supreme Court has not so far even once come in the way of any piece of legislation that we have formulated in order to achieve those objectives ..

SHRI SIDDHARTHA SHANKAR RAY : They have come in the way so many times.

THE MINISTER OF STEEL AND MINES (SHRI MOHAN KUMARAMANGALAM) : For instance, in the case of the Metal Corporation Act.

SHRI SIDDHARTHA SHANKAR RAY : And again in the bank nationalisation case.

SHRI H. M. PATEL : I can enter into arguments with my hon. friends on this matter, but the time that I have at my disposal is short. Otherwise, I would certainly go into each one of those cases and point out how it is that the Supreme Court has certainly not come in the way of any piece of legislation, any social legislation or any piece of legislation designed to achieve social justice. This is my main point.

In conclusion, I would point out only this that this amending Bill has caused a great deal of apprehension in the minds of many people; it is not merely a question of the 'haves' objecting, but it is the ordinary people who are also the citizens of this country, exactly as my hon. friends are, who are objecting. There can be different points of view. When we approach this question or when people like myself look at this question, we are looking at it quite objectively, and we do feel apprehensive that if unrestricted power is given, even to a Parliament in which the representatives of the people sit, even they, when there is unrestricted power given to them, may abuse that power, and if the court of law cannot give any relief to an individual citizen, then there would undoubtedly be what one is apprehending, namely a march towards totalitarianism. Here in this legislation, let us note that we are making things of great importance non-justiciable. That is all that I have to say.

SHRI JAGANATH RAO (Chattrapur) : My hon. friend Shri Frank Anthony relied on the Golak Nath case as if it is a Bible...

SHRI FRANK ANTHONY : I may not agree with it.

SHRI JAGANATH RAO : With due respect to the learned judges, who held the majority view in this case, may I submit that the Supreme Court in the Golak Nath case has set a very bad law. There were other judges earlier who had in the Shankari Prasad case and the Sajjan Singh case rightly decided that the power to amend the Constitution was a constituent power and that it vested in Parliament. And what did the judges who held the majority view in the Golak Nath case say? They could not get over that difficulty. They said that the first amendment, fourth amendment and the seventeenth amendments were valid for all time to come and for this

they relied on an American doctrine of prospective invalidation or prospective overruling. It is curious to say that our Constitution does not contain the power to amend. For that they go to the residuary power under entry 97 in the Union List and say that under that entry read with articles 245 and 246, Parliament could convene a Constituent Assembly and pass a law. According to the majority view, even that amending law is under the legislative power vested in Parliament and not under the constituent power. If that is so, even then, is it not hit by article 13(2)? If any law is made which has the effect of taking away or abridging fundamental rights, it would be hit by article 13(2).

Secondly, I may point out that article 368 itself contains the amending power. Kindly look at the title of Part XX which reads 'Amendment of the Constitution'. Lower down it says that after the Bill is passed with the requisite majority, and after both Houses pass it, it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill. Is that not the amending power given to Parliament? Again, lower down, the proviso which is an entrenched provision, the legislatures of at least half the number of States should ratify those amendments.

Therefore, it is rather curious that the Supreme Court should rely on the marginal note of an article and say that article 368 is only a procedural article and it does not contain a substantive power.

Be that as it may, the learned judges who decided earlier cases, who are more learned than the learned judges who decided the Golak Nath case, rightly said that the subject to the special majority laid down in article 368, our Constitution vests constituent power in the ordinary legislature of the Union, that is to say, the constituent power is vested in the Parliament, and there is no separate body for amending the Constitution as exists in the United States or Australian Constitution. Subject to the provisions of article 368, Constitution amendment Bills are to be passed in the same way as ordinary Bills. No provision of the Constitution is immune from constitutional amendment, and provided the procedure laid down under article 368 is complied with,

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Parliament may, by a Constitution Amendment Act, amend even article 368 itself.

This being a constituent power and the Constitution amendment not being an amendment which is done in exercise of the legislative power of Parliament, it is not hit by article 13(2). Therefore, what is the effect of the majority view in the Golak Nath Case? The majority view denies to Parliament which is the Parliament of the sovereign country and which is sovereign within its own sphere, all power to amend any part of the Constitution. This power is denied to Parliament. Should we agree to this? Should we not give a cause of action to the Supreme Court to reconsider their judgment in the Golak Nath case? The majority judgment in substance amends the Constitution. The power to amend the Constitution does not lie with the judges. They have taken this naked power to amend the Constitution, because under article 13(2) they say though these earlier amendments are valid from 1951 to 1967, yet they will be invalid in future. If a thing is void, it is void from its inception; it is void *ab initio*. Therefore, these amendments must be declared to be *non est*.

SHRI P. K. DEO : They did not want to give it retrospective effect.

SHRI SIDDHARTHA SHANKAR RAY : That was the fallacy.

SHRI JAGANATH RAO : It is really fallacious that the learned judges of the Supreme Court should say that these amendments are valid up to 1967, that is, the first fourth and seventeenth amendments, are valid up to 1967, and that this power does not vest in Parliament to make any amendment or to pass any legislation which may in a way take away or abridge the fundamental rights. All those three amendments which were earlier made by Parliament affected the fundamental rights one way or the other. In exercise of the authority of Parliament to implement the Directive Principles, legislation can be made or action can be taken only if the fundamental rights are touched. Fundamental rights are not that fundamental. How can we implement the Directive Principles of State Policy without touching the fundamental rights? All the earlier Constitution amendment Bills have touched the fundamental rights, and they

have been held to be valid. Therefore, the consequence of the majority judgment is that it places a judicial veto on a legal amendment of Part III and denies to the sovereign people acting through its freely elected representatives in Parliament the power to implement policies in the interests of the people should they require amendment of Part III.

Therefore, with due respect to Shri Anthony and the learned Judges who held the majority view in *Golak Nath*, I would say that it was wrongly decided. Therefore, the power of Parliament cannot be taken away by the Supreme Court. Parliament is sovereign. With the transfer of power from the British, sovereignty was transferred to the people. The people through their elected representatives, through their Constituent Assembly, framed a Constitution which they have given unto themselves. In that the power to amend the Constitution is also there. If the Constitution is static, it would be a worse tyranny than anything anybody can conceive of. A written Constitution must be flexible. Our is a flexible Constitution. The power to amend is contained in Art. 368. Therefore, the sooner we ignore the verdict in the Golak Nath case the better for the country.

Then comes the question of the alleged transcendental character of fundamental rights. Are these fundamental rights transcendental, immutable or sacrosanct? Is it a sacrilege to abridge them? How are they transcendental? When I hear this word, I am reminded of Maharishi Mahesh Yogi who used to practise transcendental meditation at Dehra Dun and perhaps still does. These rights have been created by the Constitution. The Constitution was made by Parliament. It is up to Parliament, whenever necessary in the larger interests of the general public to abridge them. It has been done earlier, it will be done in future too.

Fundamental rights in Part III and Directive Principles in Part IV are complementary to each other. They are the basic foundations on which the structure of the Constitution is built to promote and foster a truly socialistic and welfare state. As Dr. Ambedkar said, the directive principles are like the instrument of instructions to the State, to implement the policies assigned in the Constitution. These principles are not

enforceable in a court of law ; nevertheless, they are fundamental in the governance of the country. This is what art. 37 says.

In the Ramgarh case, Justice Mahajan had to rely on Art. 39 and held that the Bihar Land Reforms Act was valid. The Act itself could not spell out the public good that was intended to be achieved by that measure.

Put differently, the rights in Part III are the settled concept of past centuries ; the directive principles are the aspirations for the future to achieve a new world order. The former are static in nature ; they should not become more static. Here I am reminded of Shakespeare's lines : 'Lest a good custom corrupt the world, the old order should change giving place to new'. The directive principles, if pursued on a planned basis, will bring about an era of economic and social justice. If the rights in part III are flouted by Government, the people can go to court for protection ; but if the directive principles are forgotten and disregarded, the people will not go to court but take up cudgels against Government themselves. We know what happened in the 1967 elections. The Congress lost heavily because the people felt the directive principles had not been implemented. It should be the policy of Government to implement the directive principles to achieve the welfare state, the goal we have set ourselves.

The chapter on freedom in part III has alongside it restrictions also on those rights. If the directive principles are sought to be promoted by any statute or action, it is the solemn duty of the court to interpret them as a reasonable restriction on the fundamental rights in the interest of the general public.

All over the world, this race is always there between what is called the well-fed drawing-room dog and the neglected and despised underdog. This fight is there all over the world. Therefore, unless we look after the underdog, the under-privileged and the unprotected sections of society, there will be no meaning of Independence, which we achieved in 1947. That has no meaning to the poor man ; while we may be feeling proud of it, the men in the villages have no food to eat ; no clothes to hide their nakedness and no shelter ; what is the meaning of Independence to them ? Therefore, it behoves upon

the Government to implement the directive principles.

One more word and I have done. Our Constitution is founded on the assumption that there is no irreconcilable antithesis between the philosophies of the first three revolutions and the fourth, and that a planned economy and social control of the material resources of the society are compatible with the freedom of the individual. Our Constitution thus strives to achieve a synthesis of the two systems—democracy and communism.

Our Constitution is a synthesis of the various revolutions which took place in our history ; the English revolution of the 17th century ; the French and the American revolutions of the 18th century and the Russian revolution of the 20th century. We have taken out the best from all these philosophies of these revolutions and we have embodied them in our Constitution, and we have given unto ourselves this Constitution. Therefore, the power to amend the Constitution vests with Parliament, because the Constitution is a creature of Parliament. It is only the Constituent Assembly which framed the Constitution, not that it came from above. Therefore, when we make the Constitution, we have the right also to amend the provisions. The Constitution is flexible and has to be flexible. If it is static, it is the worst tyranny anyone can conceive of. This Bill is only an enabling piece of legislation.

Now, let me say a word about the fears entertained by Shri Frank Anthony. He wants that articles 26, 29 and 30 should be excluded from the ambit of this Bill. This Bill does not deal with any of the articles under Part III. This Bill only wants to restore the sovereignty of Parliament to amend the Constitution. The moment the Bill is adopted, it becomes an Act and it forms an integral part of the Constitution. If any law is brought forward which effects or abridges the fundamental law then it is open to objection.

Therefore, Sir, my humble submission is that this Bill is highly necessary to word off the mischief created by the Golaknath case. Let the Supreme Court reconsider that the power of Parliament to amend the fundamental rights cannot be taken away by the judiciary. They arrogated to themselves the power which does not exist, the power which the judges had taken to themselves. The

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effect of the Golaknath case is that the right of Parliament to amend the Constitution is taken over by the judiciary. It cannot be. The power to amend always lies with Parliament which is sovereign.

Thank you.

SHRI TRIDIB CHAUDHURI (Berhampore) : Mr. Chairman, Sir, in order to avoid possible misunderstanding, I might make it clear at the very outset that I am against the right to private property being included in the chapter on fundamental rights. As one distinguished Chief Justice has said—(Interruption) he uttered one great truth and let us not forget it—it was a mistake on the part of the Constitution-makers—and I agree with him—to have included private property as a fundamental right, because private property is the weakest of the rights that should inhere in a Constitution.

SHRI SEZHIAN (Kumbakonam) : He said it was an error.

SHRI TRIDIB CHAUDHURI : It was an error ; whatever you call it, it should not have found a place in the chapter on fundamental rights.

Now, having said that, I also feel it my duty to say that the leftist opposition in this Parliament—their number may be very small—are against any attempt at whittling down the other fundamental rights in the Constitution. I tried to number them and I find as many as 14 or 15 fundamental rights, which are fundamental to see democratic way of life, for which we have opted. Let me enumerate them : Equality before law, right to non-discrimination on the grounds of religion, race, caste sex or place of birth, equality of opportunity in matters of public employment, right against untouchability, right to freedoms of speech and expression, freedom to assemble and form associations or unions, right to freedom of movement and residence, right to practise any profession, occupation or trade, right to protection in respect of conviction for offences, right to protection of life and personal liberty, right against arrest and detention under certain circumstances, rights against exploitation by way of forced labour and exploitation of children in factories, right to freedom of conscience and religion, cultural and educa-

tional freedom and right to constitutional remedies for the enforcement of fundamental rights. These rights are most fundamental, so far as the functioning of our democracy is concerned and I for one am not prepared to support any whittling down of these rights by way of asserting the right of Parliament to amend the Constitution.

I do agree that Parliament must have the right to amend the Constitution. As a matter of fact, this Bill only seeks to restore the *status quo ante* before the Golaknath case. The right of Parliament to amend any part of the Constitution was never questioned before either in this House or outside in the courts of law. That position is being sought to be restored, but an apprehension has just arisen in the minds of many people, not only those who are anxious to uphold the rights of private property, not only religious and communal minorities, but political minorities, ideological minorities, party minorities and even individuals whose rights must be protected.

SHRI K. MANOHARAN : Industrial minorities.

SHRI TRIDIB CHAUDHURI : Yes, industrial minorities, industrial workers who are not in a majority. Organised trade union organisations are in a minority. Whatever it may be, even the rights and liberties of an individual should be sacrosanct in a democracy. To that extent I stand for the fundamental rights enumerated in the Constitution and would oppose any attempt at changing them.

Coming to the objects of the Bill, these two Bills, the 24th Amendment and 28th Amendment should be taken together. It should also be remembered it should be borne in mind, that neither of these Bills seeks to abrogate the right to private property as such. Although government have been advised to change the right to private property by substituting the word "amount" for "compensation", so long as the right to private property continues in the Constitution as a fundamental right, I say at some time or the other the very notion of property, the theoretical and juridical notion of private property and the provision for payment of amount, all those things together should not be interpreted in a way which would frustrate the objectives that the government have in view. Therefore, I would request the legal advisers of the government, particularly the Law Minister for whom I have great respect, to look into this aspect

of the matter. Of course, the 25th Amendment is not before us just now. These two Bills should be taken together and serious thought should be given to that aspect.

श्री जियाउर्रहमान असारी (उन्नाव) . मिस्टर चैयरमैन, मैं इस कास्टीट्यूशन अमेडमेन्ट बिल को सपोर्ट करने के लिए खड़ा हुआ हूँ। जहाँ तक इस बिल के कानूनी पहलुओं का सवाल है उसके मिलमिले में बहुत कुछ इस हाउस में दोनों तरफ से कहा जा चुका है। मैं सिर्फ उन चीजों के मुताल्लिक कहना चाहता हूँ जो सवाल उभर तरफ से हमारे कुछ मोहनतरिम मेम्बरान में माइनारिटीज के मिलसिले में उठायें। बिल शुबहा हम इस कास्टीट्यूशन अमेडमेन्ट बिल के जरिए से वह अस्तित्थार लेना चाहते हैं, इस पार्लमेन्ट को वह अस्तित्थार देना चाहते हैं कि वह फडामेन्टल राइट्स में जो तब्दीली करना चाहे करे और बिल्वा शुबहा हम ऐसा समझते हैं कि वह अस्तित्थार हमको कास्टीट्यूशन में पहले से मिला हुआ है, इस पार्लमेन्ट को मिला हुआ है लेकिन गोलकनाथ केम ने कुछ शुबहात पैदा कर दिये और उन शुबहात को दूर करने के लिए हम इस बिल को लाये हैं। इस मुल्क की कार्टीट्यूशनल हिस्ट्री में आज का दिन एक तारीखी दिन होगा जब हम यह तय करने जा रहे हैं, इस बात को सेंटिल करने जा रहे हैं कि कास्टीट्यूशन में फडामेन्टल राइट्स के अमेडमेन्ट के मिलसिले में गोलकनाथ केम में जो सवालान उठायें गए ये वह बेबुनियाद सवालान में और इस पार्लमेन्ट को जोकि इस मुल्क के अवाग की नुमाडन्दा जमात में यकीनन इस बात का हक है कि कास्टीट्यूशन में कोई भी तब्दीलिया, कोई भी अमेडमेन्टम ला सके।

एक सवाल उधर से माइनारिटीज के मिलसिले में उठायी गया। उसके बहुत बड़े एडवोकेट हमारे आनरेबिल मेम्बर, फ्रेड एन्थानी माहय है। मैं कहना चाहता हूँ कि माइनारिटीज के एडवोकेट वे बनने की कोशिश न करें, यही माइनारिटीज के हक में ब्रह्तर है। अभी इस लोक सभा का जो पिछला एग्जेशन हुआ उसमें वे देखें कि माइनारिटीज ने इन

इस्युज पर किस तौर पर किस पार्टी को सपोर्ट किया।... (शुबधान) ... मैं कहना चाहता हूँ कि अगर इस मुल्क की सारी जमातों में किसी जमात की होलहार्टेड सपोर्ट कास्टीट्यूशन अमेड करने के हक में रही है तो वह इस मुल्क की माइनारिटीज है, रेलिजम माइनारिटीज, कम्युनल माइनारिटीज और वह माइनारिटीज जिनको सोमायटी में एक पिछड़ा हुआ दर्जा मिला हुआ है। मैं कहना चाहता हूँ कि इस कास्टीट्यूशन अमेडमेन्ट बिल के मिलसिले में माइनारिटीज के दिमाग में इस किस्म की गलतफहमिया पैदा करने से काम बनने वाला नहीं है। इस मुल्क की यह एक अजीबोगरीब त्थुसूमियत है। ये माइनारिटीज जिनके हकूक के लिए आज इस कदर परेशान हैं फडामेन्टल राइट्स के सवाल पर, अगर वो मिल जायेगी किसी इश्यु पर, अगर इन माइनारिटीज के फडामेन्टल राइट्स को किसी तरह से डफिन्ज करने या लेने की कोशिश की गई तो ये सारी की सारी माइनारिटीज मिन् करके इस मुल्क की मेजागिटी है। तब ये माइनारिटी नही रहती है अगर इनके हकूक को लेने की कोशिश की गई। इसलिए माइनारिटीज के दिमाग में यह खौफ नहीं आना चाहिए कि उनके हकूक लिए जा रहे हैं। मैं कहना चाहता हूँ कि इनमें पहले जो 23 अमेडमेन्ट्स कास्टीट्यूशन में किए गए हैं उनमें में कौन सा ऐसा अमेडमेन्ट आया जिसमें माइनारिटीज के हकूक को कम करने की कोशिश की गई हो या माइनारिटीज को हकूक और फडामेन्टल राइट्स को लेने की कोशिश की गई हो। लेकिन मैं पूछना चाहता हूँ इस मुल्क की सुप्रीम कोर्ट जो कि अदालते आगिया है उसने किम जगह पर माइनारिटीज के हकूक का तहफफुज किया है। मैं याद दिलाना चाहता हूँ अलीगढ मुस्लिम यूनिवर्सिटी के मिलसिले में कि माइनारिटीज का यह फडामेन्टल राइट है कि वे अपने कल्चरल, लिग्विगिटि और एजुकेशनल इस्टीट्यूशनस कायम कर सकती हैं और अलीगढ यूनिवर्सिटी इनमें एक है। कुछ गिरफिरो ने सुप्रीम कोर्ट में, उस गलतफहमी की बुनियाद पर कि अदालते उनके हकूक की ज्यादा मुहाफिज है, एक रिट दायर कर

[श्री जियाउर्रहमान अंमारी]

दी। अदालत में इनको क्या मिला ? इसलिए मैं यह अर्ज करना चाहता हूँ कि यह शुबहा पैदा करके माइनारिटीज के दिमाग में जो खौफ भरा जा रहा है वह त्रिकुल बे बुनियाद है, और उसकी कोई अस्मियत नहीं है।

एक मवाल यह उठा कि आज की गवर्नमेंट की माइनारिटीज के मिलमिले में जो एप्रोच है वह सेकुलर है, वह माइनारिटीज के हुकूक का तहफपुज करना चाहती है लेकिन आज के बाद कोई दूसरी गवर्नमेंट भी यहाँ पर आ सकती है जोकि माइनारिटीज के हुकूक को तलख करना चाहे। तो मैं आपसे अर्ज करना चाहता हूँ कि इस मुल्क के अन्दर कभी भी ऐसी हुकूमत आने वाली नहीं है, यहाँ की जनता अभी भी उसको ताकत देने वाली नहीं है जोकि माइनारिटीज के हुकूक को तलख करना चाहे। और अगर कभी ऐसा काला दिन आयेगा तो उस दिन इस मुल्क की सारी माइनारिटीज मिल करके एक हो जायेगी। सारे ब्रैकवर्ड क्लासेज, सारे हरिजन, सारे मुसलमान, सारे क्रिश्चियन, सारी लिग्निस्टिक माइनारिटीज और सोशल माइनारिटीज, सभी माइनारिटीज मिल करके मेजरिटी हो जायेगी। और उस मुल्क की कोई जमात उन माइनारिटीज के बैग पावर में नहीं आ सकती है।

16.00 hrs

इसके बाद मैं यह कहना चाहता हूँ कि माइनारिटीज को खतरा है। लेकिन किन माइनारिटीज को खतरा है ? वह माइनारिटीज जो इस मुल्क की इकानामिक माइनारिटीज है जिन के मुठ्ठी भर इन्सानो ने सारे मुल्क की दौलत को समेट करके अपने हाथ में रखा लिया। वह इकानामिक माइनारिटीज जो माइनारिटीज के नाम पर इस मुल्क के 90 फीसदी इन्सानो को ऐक्स्प्लायट करना चाहती है। वह माइनारिटीज जो माइनारिटीज का नाम ले कर सारी दौलत को समेट कर इस मुल्क के अवाम का खून चूमना चाहती है। और जब उन की निजोगियो को खतरा होता है तो इस मुल्क के गरीब अवाम को तकसीम करने के लिये रिजीजम माइनारिटीज का सवाल उठा करके आपस में लडा देना चाहती है।

मैं इस वक्त एक शेर पढना चाहता हूँ जनाब अल्लामा इकबाल सुहेल की जो 19-0 से अपनी जिन्दगी के आखिरी लम्हे तक इस मुल्क के नेशनल पोर्ट रहे। वह आजमगढ के रहने वाले थे। उन्होंने अंग्रेजो के मामले में यह कहा था कि वह डिवाइड ऐंड रूल की पौलिसी को अस्तियार करके इस मुल्क की रिजीजम माइनारिटीज को एक दूसरे में लडवा देना चाहता है। उस वक्त जो बान अंग्रेजो के बारे में उन्होंने लखनऊ असेम्बली में कही थी, आज भी वह बात इन इकानामिक माइनारिटीज और उन के एजेन्ट्स के लिये सही है।

वह चश्मे फितनागर है साकिये मेखाना बरसो से, कि बाहम लड रहे है मागरो पैमाना बरगो से।

जिस तरह से उस मुल्क के अवाम को सिर्फ नेशनल मूवमेंट को डिफोट करने के लिये अंग्रेजो ने लडवाना चाहा था, उसी तरह से आज इस मुल्क के इकानामिक रिबोल्यूशन के रास्ते में रोडा अटकाने के लिये गरीब अवाम को रिजीजन के नाम पर लडवा देना चाहते हैं। और यह है सारी बुनियाद, सारी थिंकिंग उन लोगो की जो आज माइनारिटीज का नाम ले कर इकानामिक माइनारिटीज के इटरेस्ट को सेव करना चाहते हैं।

इसलिये मैं मुबारकबाद देना चाहता हूँ अपने ला मिनिस्टर को, इस मुल्क की प्राइम मिनिस्टर और हाउस की लीडर को कि आज इस हाउस में हम एक तारीखी फैसला लेने जा रहे हैं। हम उस मंडेट को जो अवाम से लिया था, उस मनीफेस्टो को जिस की बुनियाद के ऊपर हम ने अवाम का कानफीडेंस हासिल किया था, आज हम उस मनीफेस्टो को पूरा करने के लिये पहला कदम उठा रहे हैं। इसलिये सारा का सारा हाउस, इस हाउस की लीडर, और ला मिनिस्टर काबिले मुबारकबाद है। मैं उन को मुबारकबाद देता हूँ इस कास्टीट्यूशन अमेन्डमेंट बिल के लिये और इस कास्टीट्यूशन अमेन्डमेंट बिल को पूरे तौर पर सपोर्ट करता हूँ।

[Prof. Madhu Dandavate]

I am happy that this Bill is before the House today. I feel there can be no better lasting monument to the memory, the shining memory, of late Barrister Nath Pai than the Bill that has been brought here

There is so much talk of confrontation between the Parliament and the judiciary. I will not try to heckle Mr. Frank Anthony. But I would like to join issues with him. He has said a lot about confrontation between the Parliament and the judiciary. Who are responsible for this confrontation? We have three well-defined spheres. There are the people; there is the Parliament and there is the judiciary. The Constitution itself lays down definite functions for these three. The people are sovereign as far as election of the Government of the sovereign country is concerned. So far as the Parliament is concerned, it is supreme and sovereign as far as enactment of laws and amendments of the Constitution of this country are concerned. And permit me to say that so far as the Supreme Court is concerned, it is supreme and sovereign only in interpreting the amendments to the Constitution and the laws enacted by the Parliament. Unfortunately, when one entity out of these three entities tries to have an encroachment on the other, then only the confrontation between the two begins. And if there is a virtual confrontation between Parliament and judiciary, it is those who gave the perverse judgment in the Golak Nath Case who are responsible for this type of confrontation between Parliament and judiciary. That is my view.

In the Golak Nath case judgment, the judiciary did not merely interpret the Constitution. But they went a step further and they tried, in reality, to modify the Constitution. They became the makers of the Constitution and they, actually, became the third chamber of the Parliament of our country. Therefore our Prime Minister should be able to tell them what President Roosevelt told the judiciary in America. When the 'New Deal' was struck down three times, President Roosevelt came forward with a categorical statement that he will never allow the Supreme Court of America to be the third chamber in that country and that it must know its own limitations

There should be full respect for judiciary provided they do not encroach upon the

powers and functions of others. So much talk is there about the sacrosanct character of the Constitution. Our friend Shri H. M. Patel quoted Dr. Ambedkar. Now, let me also quote Dr. Ambedkar which will be inconvenient to Shri H. M. Patel. Dr. Ambedkar in his speech in the Constituent Assembly said :

"The Constituent Assembly has not only refrained from putting a seal of finality and infallibility upon the Constitution by denying to the people the right to amend the Constitution as in Canada or by making the amendment of the Constitution subject to the fulfilment of extraordinary terms and conditions as in America or Australia, but has provided a most facile procedure for amending the Constitution."

He refers to the procedure provided by article 368 of the Constitution. Sir, there is a lot of controversy. One legal aspect about the controversy is that some feel that Art 368 cannot amend the part of the Constitution which contains Fundamental Rights. The real controversy is: what is the relation between Art. 13(2) and Art. 368? Those who are opposed to accept the supremacy of the Parliament, feel that Art. 13(2) is a controlling clause for Art. 368 whereas we believe that Art. 368 refers to certain powers which are derived from the constituent law and they are not to be construed as ordinary law. I do not want to go into details. The prominent legal luminaries the world over have accepted this point which is the basis of the modification, the amendment over here.

Dicey said :

"There is clear separation between Constituent Law and the rest of the law and that must never be forgotten. An amendment of the Constitution is a constitutional law and is in exercise of constitution making powers. It is not an ordinary law in the exercise of ordinary legislative powers."

Ivor Jennings in his '*Law on the Constitution*' says :

"Whatever the nature of the written Constitution, it is clear that there is a fundamental distinction between the constituent law and the ordinary law."

Again, so many Judges have been quoted Justice Kania says :

"There is a distinction between the law of the land and the constitutional law of the country "

One of our friends, Mr Frank Anthony quoted Chief Justice Patanjali. I will now quote him which will be a matter of great inconvenience to Mr. Anthony. In Sankari Prasad case, Chief Justice Patanjali says :

"The terms of Art. 368 are perfectly general and empower Parliament to amend the Constitution without any exception whatsoever. We are of the opinion that in the context of Art. 13, law must be taken to mean rules and regulations made in exercise of ordinary legislative powers and not amendment to the Constitution made in exercise of the Constituent powers with the result that Art. 13 does not affect amendments made under Art. 368."

Had this judgment remained there, there would have been no necessity for hon. Mr. Gokhale to come forward with this amending Bill but because of the Golaknath case the supremacy of the Parliament has been challenged. That is the only reason why this Bill has been brought forward.

Again, there is a lot of talk about the sacrosanct character of the judiciary. But, can our friends who are opposing this Bill deny the fact that out of 19 Judges of the Supreme Court who have expressed their views regarding the supremacy of the Parliament to amend even the Fundamental Rights, 12 Judges have expressed their view that Parliament is supreme and it has the power to amend even the Fundamental Rights guaranteed by the Constitution. That is a fact that has to be noted.

There is so much talk about threat to democracy if this Bill is adopted. I would like to give a simple illustration. As far as Britain is concerned, in the entire history of Britain, the great character of liberty, the Magna Carta, the Bill of Rights and the Act of Settlement have become the corner stones not only of the liberty of Britain but of entire Europe. But remember, the British Parliament can repeal all these three laws. They can repeal them in the same manner in

which they could repeal the Dog Act or the Traffic Act. But the British people are conscious, the Parliament is conscious. Not only that, the Member of the Parliament have faith in themselves. Therefore, they have come to the conclusion that possessing power is one thing and exercising it is another. We are not at all frightened because we have faith in ourselves that the Parliament will not misuse the powers in order to destroy the liberty of the people.

Some have given the illustration of Germany. We are told that if Mr. Gokhale's Bill is accepted, probably there will be a growth of militarism and there will be military dictatorship in the country. If any group of parties or individuals try to organise a military coup in the country, they will neither respect the Supreme Court nor will they respect the Parliament.....

SIIRI S. A. SHAMIM : They will first arrest all of us.

PROF. MADHU DANDAVATE : They will not debate whether the Supreme Court is supreme or whether the Parliament is supreme. They will send the tanks and machine guns first to the Supreme Court and then to the Parliament and the dictators will say that 'we accept only the supremacy of ourselves.' Therefore, remember that those who want to install the military dictatorship in the country, will never file a writ petition to the Supreme Court and ask whether they are permitted to bring military dictatorship in the country. If there is a situation in which we have to fight a military dictatorship in our country, we shall fight the dictatorship in the streets of this country, in the same manner in which the people of Bangla Desh have fought the dictatorship of Yahya Khan. That will be the manner in which the dictatorship will be fought. It cannot be fought on the basis of the provisions of the Constitution.

The doctrine of prospective overruling in Golaknath case was strange enough ; it was modelled on the American pattern. Till 27th February 1967, this Parliament was supreme and within one day, it ceased to be supreme ! Quoting the theory of prospective over-ruling they said, it will not be applicable to past, it will apply only to the future. It is a strange paradox. Till 27th February, 1967 this House continued to be supreme. After that it loses its supremacy.

[Prof. Madhu Dandavate]

That is the most perverse aspect of the Golaknath case judgement.

Some of my hon. friends said that if this Bill is passed freedom will be at stake. In all three cases, in 1951, in 1965 and in 1967 who were the people who had gone to the supreme court? In 1951 Shankari Prasad, a landlord went to the supreme court. In 1965, Sajjan Singh, another landlord, went to the supreme court. In 1967, again it was the landlord Golaknath who went to the supreme court. They were all opposed to land reforms. Those who represent landlords in this House and are championing their cause are opposing this Constitution Amendment Bill.

Certain references were made to religious freedom and minorities. Excepting Swatantra, Cong (O) and Jan Sangh, all other political parties had made radical announcements regarding constitutional amendments and this has been the core of their ideologies which they put into their election manifestos. All of us are committed to the basis of our manifestos. Some hon friend mentioned about referendum. We have recently gone to the polls and the electorate has given its verdict. That is why this verdict is as good as referendum and we should respect the people's wishes. I fully support the Bill moved by Mr. Gokhale. Let this Bill be passed; but at the same time, let it be made clear that there are certain entities, which are fundamental entities in life, namely, the freedom of expression, the freedom of speech, the freedom of association, the freedom to form unions, which have been denied in some capitalist countries, fascist countries and other totalitarian countries. These rights must for ever remain inviolate.

In this respect, Mr. Gopalan and Mr. Indrajit Gupta have moved certain amendments. I too have done it. Those amendments must be accepted.

In conclusion I would say, Mr. Gokhale has been for years a close associate of Mr. Nath Pai in the socialist and working class movements. He will have the sense of satisfaction that after coming to this Parliament, for the first time, he has been able to pay meaningful tribute to the memory of Mr.

Nath Pai who was the real author of this Bill.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE AND MINISTER OF DEPARTMENT OF CULTURE (SHRI SIDDHARTHA SHANKAR RAY): I must confess to a feeling of bewilderment listening to the speeches from the Jan Sangh, the Swatantra party and Mr. Frank Anthony. They seem to think, and fact they even accused us of this that we are committing a grievous wrong by bringing this Bill. What is the wrong that we are committing? Is honouring one's pledge to the people a wrong? Did we not categorically say to the people of India at the time of the last general election that we are going to do precisely what we are doing today? If this is a wrong, let us commit a hundred such wrongs, - the wrong of honouring our promises, the wrong of acting in accordance with our beliefs, the wrong of wishing to do what millions of our countrymen want. But, Sir, this is not a wrong. How can it be wrong for a political party to act in accordance with its election manifesto? If the Jan Sangh or the Swatantra Party feel that this is a wrong, then I must say that their loud proclamations about their loyalty to the democratic way of life have not only to be viewed with suspicion but totally rejected as being insincere and hollow.

Let us take the Jan Sangh first. Listening to their arguments, I was reminded of a word used by Humpty Dumpty in *Alice in Wonderland*, namely "outgribing". He used this expression suddenly and when he was asked "What on earth was "outgribing" he said, "outgribing is something in between a bellow and a whistle with a peculiar kind of a sneeze in the middle". The Jan Sangh has sneezed today and sneezed so loudly that it has failed to breathe the free and pure air of public opinion. And that is why, although their first amendment to this motion was that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November, 1971, they had second thoughts about it. The public they can never trust; so, they thought, 'Let us change this amendment and bring in a new amendment; instead of going to the public, let us go to the Supreme Court'. Therefore, their present amendment is that the Bill be referred to the Supreme Court for the purpose of eliciting its opinion thereon. The public has been

swept aside. They think that the Supreme Court would be their only saviour.

I am not against the Supreme Court. I am not against the majesty of the Supreme Court ; the Government is not against the majesty of the Supreme Court. The Supreme Court shall certainly be honoured, and by moving this Bill, as I shall show presently, we are not in the slightest manner dishonouring the Supreme Court. But the Jan Sangh's point of view is this that it would be better not to go to the public. They walked out of this House yesterday or the day before ; I was not here but I read in the newspapers that the Jan Sangh had walked out of this House to register some kind of a protest. Protest against what ? Protest against whom ? The only thing that I can say is this that they had walked out of this House because they wanted to protest against the people of India for having walked away from them during the last general elections. (*Interruptions.*) My hon. friend forgets the walk-out and it is no wonder, because they must have been criticised by the vast majority of our countrymen for having walked out in that unceremonious manner from this sacred House.

The Jan Sangh and the Swatantra Party and also, I am sorry to say, Mr. Frank Anthony, my learned and honourable friend, seemed to think...

SHRI AMRIT NAIHATA : They are all honourable.

SHRI SIDDHARTHA SHANKAR RAY : .. that fundamental rights are something sacrosanct. I do not dispute that. Fundamental rights are certainly sacrosanct as long as they are fundamental rights. But if it is said that fundamental rights are permanent, fundamental rights are perpetual, fundamental rights are unalterable, I join issue with all these hon. gentlemen. What is a fundamental right ? After all, it has to be right. Before any right can become fundamental, it has to be a right. I am not going into the niceties of jurisprudence and placing before this House the various juridical divisions and sub-divisions of rights. But I do not think that any student of jurisprudence will dispute the elementary proposition that rights are broadly classified under two heads, natural rights and civil rights.

Natural rights are those which are necessarily inherent rights, which are innate and which come from the elementary laws of nature, such as the right to life or liberty. Civil rights are those which are the outgrowth of civilisation. They are defined and circumscribed by such positive laws as are necessary to the maintenance of organised government. They include the right to acquire, hold and dispose of property, to enjoy freedom of contract and so on.

Our Constituent Assembly in their supreme wisdom—and in my respectful submission, quite rightly—did not make a distinction between natural rights and civil rights when formulating our fundamental rights, as a result of which we have the right to liberty as well as the right to property in our fundamental rights. They are natural rights, they are civil rights, all bundled together in our fundamental rights. But can any right be ever permanent in a changing society, in a changing world when the concept of economic growth and social growth are taken into account ?

I understand Shri Vajpayee—he is not here—is a bachelor. But prior to 1955, he had a right to marry, as a Hindu, as many wives as he wanted to, 365 wives if he wanted to, and if he was particular and wanted to provide for the odd leap year, 366 wives. But today that right is not open to him. He cannot marry more than one wife. That right is gone. That has changed. It was a civil right, now gone.

SHRI R. S. PANDEY : That is why he has decided not to marry.

SHRI SIDDHARTHA SHANKAR RAY : On the contrary, our Hindu women, in India, after the passing of the Hindu Marriage Act acquired a new right to send their husbands to jail if they tried to marry more than one wife. This has happened.

AN HON MEMBER : Jan Sangh was against that Act.

SHRI SIDDHARTHA SHANKAR RAY : I have no doubt that the Jan Sangh had protested against that right being given to our women. After all, the Jana Sangh is living in an age which can only be found in the pages of history. As such, it is only natural that they would say : “do not take away this right ;

[Shri Siddhartha Shankar Ray]

we want to marry a thousand wives." I am not surprised that the Jan Sangh had objected.

16.28 hrs.

[MR. SPEAKER *in the Chair*]

Take the case of the Hindu widow. Prior to 1937, she was helpless. She had no right whatsoever apart from getting some measly maintenance from the family. In 1937, she was given a right, a limited right, a share equal to that of a son, in certain kinds of property. But she could not sell that property, nor transfer it, nor gift it away. Nonetheless that right was bestowed upon her. But in 1956, when this House passed the Hindu Succession Act, that limited right became an absolute right. Today the Hindu widow is entitled without any hindrance whatsoever to deal with the property inherited as a widow.

AN HON. MEMBER : Maharani of Gwalior.

SHRI SIDDHARTHA SHANKAR RAY : That law takes within its sweep the Maharani of Gwalior, the Rajmata of Jaipur and every body else, every woman who is a widow.

SHRI HUKAM CHAND KACHWAI (Morena) : Indira Maharani.

SHRI SIDDHARTHA SHANKAR RAY : Rights will go on changing. Take the law of primogeniture. The hon. leader of the Swatantra Party had inherited pursuant to this law all his father's property to the exclusion of the junior members of the family. Today does he have that right ? The law of primogeniture has gone. Civil rights change ; they must, they can never be constant

Take, for example, the Hindu mitakshara coparcenary. It was a sacred body once upon a time. Tenancy in common in the coparcenary has however gone today and in a few yearstime joint tenancy will become the order of the day. This is how it happened. No right can be constant. It changes from state to state government to government, from decade to decade. When we have fundamental rights in the Constitution which include civil rights, should we not grant to ourselves the power to change those rights as well ?

Take natural rights. A man has a right to live, but subject to various restrictions in various states. A man has a right to live, but the state has also, under certain circumstances, the right to take away his right to live. If he commits murder, he is sentenced to death. If he commits in certain countries rape with violence he is sentenced to death. But this again is a variable right—changes from State to State, from Government to Government and from generation to generation. In England today, for example, all murders are not visited with capital punishment. Murders with violence of police men for instance are still liable to a death penalty but there are various kinds of murders for which there is only life imprisonment. There are countries where thieves and blackmarketers are subjected to a death sentence. Perhaps in India one day we shall have that law. I am sure we shall have that law that a blackmarketer will be sentenced to death. I am sure that law will come.

Sir, all that I was trying to say is that rights change from time to time. Take the Constitution. Under article 22 which is in the chapter on fundamental rights, a man is under an obligation to be detained under a preventive law ; this is necessary today, I concede. Coming from West Bengal I think it is absolutely necessary now. But shall we for ever allow this article to remain in the Constitution, giving the Government the right to pass a Preventive Detention Act ? Surely a day will come—five, 10 or 20 years hence, I do not know when—surely a time will come when the elected representatives of the people meeting in this house will demand the deletion of article 22 from the Constitution.

Sir, today, we have certain fundamental rights. But in the sort of society which we want to build, which our party under the leadership of our Prime Minister wants to build, a day is bound to come when we shall have to grant a fundamental right to employment ; a fundamental right to paid holidays ; a fundamental right to rest and leisure ; a fundamental right to education ; a fundamental right to medical aid. When the government of the day comes forward to Parliament proposing that these new fundamental rights should be added, would the government tarry if the Members of the Opposition said, "You cannot do that because by introducing new rights you are indirectly

taking away certain rights of the employers, certain rights of various institutions, and therefore, because Chief Justice Subba Rao had in the year of our Lord 1967, had said that Parliament has no right to take away fundamental rights from the Constitution, you are debarred from giving a fundamental right to employment to the people of India'?

The opposition's arguments, in my humble submission, are arguments of desperation. No right can be constant and as such when that right becomes a fundamental right, obviously that right also cannot be constant. It has to change with the change of society, change of ideas, change of concepts; these changes have to take place, must take place.

I come to the Cong (O). They did not speak today. I do not know what they really want to do. I understand that they are neither here nor there. They do not want to say yes or no. I am reminded of the lady about whom we sung as school children :

'She didn't say yes,

'She didn't say no

'She didn't say stay,

'She didn't say go.

She wanted to climb ;

But was afraid to fall ;

So she bided her time ;

And clung to the wall.

That is my lady Cong (O). And with these words, Sir, may I leave my lady Cong (O) still clinging to the wall and go to the glamorous Swatantra Party.

Sir, to really understand the present position a great deal of thought is necessary.

But unfortunately, the Swatantra Party, being a glamorous party, suffers from that drawback which practically all glamorous persons suffers from, namely, lack of thinking. Thinking to them Sir, is an extremely difficult process, an extremely arduous process, an extremely tortuous process. It is just as well that they do not indulge in this sort of thing ; it is just as well that they do not indulge in thinking, for, had they done so, the fragments of their party that peep from here and there

from some odd parts of India, I am afraid, will disappear into nothingness. So, the Swatantra Party is correct in avoiding thinking altogether. Thinking is tabooed in the party and I think it is just as well that it is so. Their existence depends on not thinking about anything at all. May they go on doing so !

Then I come to.....

AN HON. MEMBER : Frank Anthony.

SHRI SIDDHARTHA SHANKAR RAY : I will deal with Mr. Frank Anthony's arguments while dealing with the Golaknath case. What is this Golaknath case ? Golaknath, unfortunately, is becoming a very famous man, but he lost his case. He went from the Supreme Court a very sad man. He must have spent lakhs on lawyers, because he had various interests supporting him. I was approached by one of the parties—I am talking about my career as a Barrister—to appear in the case as an intervener, but I thought I should not do so and I did not do so. However, the position is that Golaknath must have been told, "You have won a brilliant battle". But when he went back to his wife that night, it must have been a very sorry tale that he had to relate : "I have lost my case and also my lakhs".

However, what is the past history of this particular kind of decision ? In 1951, in Shankari Prasad's case, the Supreme Court, by an unanimous judgment of five judges, held that Parliament was certainly supreme and had the right to amend fundamental rights. Mr. Frank Anthony has run away—I would not say run away—he has perhaps gone where it is more profitable to be present—but he had been praising Mr. Justice S. R. Das and Mr. Justice Patanjali Shastri for the two very famous judgments to which he referred. In this Bench of five judges, which decided that fundamental rights could be amended by Parliament were Chief Justice Kania, Mr. Justice Patanjali Shastri, Mr. Justice B. K. Mukherjee, Mr. Justice S. R. Das and Mr. Justice Chandrasekhara Iyer. I do not make any distinction between one Supreme Court Judge and another Supreme Court Judge, but I would like to know if there is any lawyer who would say that a stronger Bench than this had ever presided over the Supreme Court—Chief Justice Kania, Mr. Justice Patanjali Shastri, who

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later became Chief Justice, Mr. Justice B. K. Mukerjee, who later became Chief Justice, Mr. Justice S. R. Das, who later became Chief Justice and Mr. Justice Chandrasekhara Iyer. Those of us who are lawyers here and who had appeared before these great judges know with what caution and thought, they approached every problem before them. So, we have this unanimous judgment. Then, in 1965, in Sajjan Singh's case, this question was sought to be re-agitated. There we had Chief Justice Gajendragadkar, Mr. Justice Wanchoo, and Mr. Justice Raghbir Dayal, who said that Parliament had the fullest right to amend fundamental rights.

There were two judges who differed—Mr. Justice Hidayatulla, I am afraid, and Mr. Justice Mudholkar. So, up to that time the total calculation was 8 in favour and 2 against—5 unanimous in the first judgment and 3 in the second judgment; and I hope the Jan Sangh would not dispute my arithmetic when I say that 5 and 3 make 8; there were 2 against this view, zero in the first case and 2 in the second case. Then we had the Golak Nath judgment of 6 to 5. Sir, if you go through the judgments of the majority judges—I have nothing against them—but I should be very surprised if you would be able to find out what in fact they had decided except that Parliament had no power. There were many points discussed, many theories brought in but, ultimately, of course, they decided that Parliament had no power to amend fundamental rights. The reasonings are all different, but nonetheless I shall take all the six against and five in favour of the proposition which we are seeking to make today. So, what is the tally? My hon. friend was a little mistaken about the tally, and I do not blame him. There were 21 judges in all, in all the three cases and 14 had decided in favour of Parliament's right to amend the fundamental rights and only 7 against. ... (Interruptions) Sorry Sir I beg your pardon. I stand corrected. Two judges are common; but let us take a judge twice; let us count a judge twice. Even if we sort that out, it comes to 13 and 8. So, if we go by pure arithmetic the Supreme Court was really in favour, the majority of the judges of the Supreme Court who had to deal with this problem from time to time were in favour of the proposition that we are trying to make.

Some hon. Members who spoke against this Bill had talked about the supremacy of the Supreme Court, about which there is no doubt; I am not doubting that, as I shall presently contend. But may I ask these hon. members, the members of the Jan Sangh, the members of the Swatantra Party and Mr. Frank Anthony *in absentia*, one question? Do they realise what are disastrous consequences of the Golak Nath case are? Supposing this Golak Nath decision, instead of having been decided in 1967, had come out in the year 1951, what would have been the position? We would not have been able to have any land reforms, the zamindari abolition would have been still a dream, the more progressive provisions of the Industries (Development and Regulation) Act would not have seen the light of day and the insurance laws could not at all have been changed. These are the disastrous consequences of the Golak Nath judgment.

Then it has been said that we are having a confrontation with the judiciary. We are not. President Roosevelt wanted to have a confrontation. We have not tried to pack the Supreme Court. We have followed another method. We have accepted the Golak Nath judgment and we are trying to act in accordance with it and fill up all the loopholes and lacuna which, according to the Supreme Court, were supposed to be there. I heard Shri H. M. Patel saying that you cannot do it. I would rather say he had stuck to his bureaucratic experience and not tried to trespass into that of a lawyer's.

The Supreme Court had made five points in the Golak Nath case. The first point was that article 368 does not give you the substantive right to amend and that it merely lays down the procedure for amendment of the Constitution. Of course, the indirect supposition of the Supreme Court obviously must have been that the Constituent Assembly consisting of many of our great men, great intellectuals had really gone to sleep. They had provided for an elaborate procedure but had forgotten about the substantive right, because in their sleep they perhaps had dreamed that one day a certain chief Justice by the name of Subba Rao will appear on the scene and will try to find out from the various corners of the Constitution some power somewhere enabling Parliament to amend the Constitution.

Sir, I am mentioning Chief Justice Subba Rao by name. I would not have done it had he rested content with delivering that judgment. But today he has come out in the public, he is making speeches and he is writing articles. Therefore, it is absolutely, and definitely legitimate to criticise his views and to say that he was taking a political stand.

After having failed to be elected as a Swatantra candidate in the 1967 Presidential election he has come forward to propagate the views of the Swatantra party. This is what I think I am entitled to say. However, on the assumption that the Constituent Assembly had gone to sleep the Supreme Court said that Article 368 lays down only the procedure for amendment. The substantive right to amend is not there. Where is the right to amend? The right to amend will be found from Seventh Schedule list I item 97. What is that: the residuary power of Parliament to make laws. So, Chief Justice Subba Rao thought that power to amend the Constitution came within the residuary power and as soon as you exercise the residuary power any amending Bill when passed into law became a law within the meaning of law under Article 13 of the Constitution and as such it could not infringe any fundamental right, abridge any fundamental right, take away any fundamental right. This really is the decision of the Supreme court. The substance of these five points is: (1) Parliament does not have the express power to amend fundamental rights under Article 368. (2) Parliament has the power to amend the Constitution but that amendment is law within the meaning of Article 13 and, therefore, it has to pass the test of the fundamental rights. Now, we have accepted that. Having accepted that let us give specific power to Parliament under Article 368 to amend fundamental rights, let us also say that both in Article 368 and Article 13 no amendment passed shall be deemed to be law within the meaning of Article 13 of the Constitution. Perhaps, many hon. Members are not aware that we are really following the suggestion of Justice Hidayatullah himself which he had made in the year 1965 in Sajan Singh's case. I am reading from 1965 All India Reporter—Supreme Court reports—page 860:

"It is true that there is no complete definition of the word "law" in the Article but it is significant that the definition does not seek to include Constitutional amendments

which it would have been easy to indicate in the definition by adding 'but shall not include an amendment of the Constitution'."

That is exactly what we are doing. We are not having confrontation with judges. Certainly not. We honour them. We respect them and we know in a democracy the courts of law must be given a very high position. We respect them. We honour them. But whenever they go wrong we will have to correct them in this House through constitutional methods; through democratic means not by parading on the streets or attacking people with pipe-guns but by cool logic within the four corners of this sacred House. So, that is what we are trying to do.

Now, Sir, we have just grounds to be critical of Chief Justice Subba Rao if you look at Article 368 itself. Chief Justice Rao seemed to think that this did not give us the power. What is the language—"an amendment of this Constitution." *etc.* According to him "this" does not mean "this". "This" means part of "this". "This" means "this" Constitution minus Part III which is part of the Constitution. So, Sir, I am again tempted to go back to Humpty Dumpty and Alice in Wonderland. "When I use a word" said Humpty Dumpty in rather a scornful tone "it means just what I choose it to mean neither more nor less". "The question is" said Alice, whether you can make words mean so many things. The question is said Humpty Dumpty which is the master—that's all. Chief Justice Subba Rao thought, "This is the principle which I must follow; I have to decide which is the master; that is all. Therefore being the master I can say that 'this' means part of this and not the whole." That is the logic behind this decision which we had.

Are we the only people who are criticizing this judgment? Sir, I am sure, you have heard the name of Shri Seervai, Advocate General of Maharashtra, one of the most famous lawyers in this country—sedate, sober and respected. In this recent Chimanlal Setalvad Lectures this is what he had to say about the Golaknath case and Chief Justice Subba Rao:—

"But the majority judgments in Golaknath's case show that the lessons of the American experience have neither been fully realised

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nor finally learnt. It may be said that excessive importance ought not to be given to a single judgment of a narrowly divided court but there are portents which we cannot ignore. Chief Justice Subba Rao, who wrote the leading majority judgment in Golakanath's case, resigned the office of the Chief Justice of India at two days' notice in the hope that if elected the President of India he would be able to put his constitutional philosophy into practice in the governance of India."

SHRI S. A. SHAMIM : Thank God, he was defeated.

SHRI SIDDHARTHA SHANKAR RAY : Do not thank God ; thank the people of India for having known what Chief Justice Subba Rao really was.

May I continue with what Shri Seervai said ?

"Since he was not elected, he apparently considers it to be his duty to justify his judgment in Golakanath's case in public lectures. In this very hall, in delivering the Setalvad Memorial Lectures he called his first lecture "The Judicial Salvage of Fundamental Rights", a strange title, which like the lecture, suggests that the lessons of the American experience are unknown to him."

What was this American experience ? It is important because some Members have talked of confrontation. Let us see how valid is such a confrontation in a democracy. Let us go back to the middle of the 19th century, to Dred Scott's case.

You know, Sir, of the historic Missouri compromise. What was the compromise about ? The compromise categorically stated that slavery was abolished. Promptly people went to court. Chief Justice Taney was there to oblige and the Supreme Court of America came to the conclusion, "How can you abolish slavery ? Slaves are property. How can you take away a man's property without violating the Fifth Amendment, namely, the due process of law. Therefore, the Missouri compromise is unconstitutional, illegal. These slaves, these Negroes, that you have are not human beings ; they are chattel and, therefore, they

cannot be taken away." That was the judgment.

What happened thereafter ? A civil war. It took a civil war, a Lincoln and an amendment of the American Constitution to bring back to sanity. The Thirteenth Amendment which abolished slavery and the Fourteenth Amendment which guaranteed equal rights and equal protection of the laws were passed after the civil war.

Mr. Justice Jackson in his *Struggle for Judicial Supremacy*—he does not belong to the Congress, our party—has said that "Chief Justice Taney had attempted to forestall the anticipated verdict of the coming elections." Chief Justice Taney had thought that the elections would end differently. "He had failed forestall the anticipated verdict of the coming elections, the verdict that came with the election of 1860. "Now the weary and weather-beaten old Chief Justice"—not Chief Justice Subba Rao ; I am not referring to him ; this is about Chief Justice Taney "was overmastered by the violence of forces that he had himself turned away from compromise in legislative halls and had hurried towards war." This lesson from the American experience, I hope, is known to Mr. Atal Bihari Vajpayee. He is not here. I am sure he knows everything.

SHRI R. S. PANDEY : He has gone for *satyagrah*.

SHRI SIDDHARTHA SHANKAR RAY : Then come the Legal Tender Acts which were declared unconstitutional as a result of which the economic structure of the United States was in danger of complete collapse. What happened ? President Grant acted swiftly and he appointed two new Judges to the Supreme Court....

AN HON. MEMBER : It can be done here also.

SHRI SIDDHARTHA SHANKAR RAY : What I was trying to say is that these things have happened in a democracy. When Mr. Indrajit Gupta talked about it, Mr. Frank Anthony was up in arms against him as if Mr. Indrajit Gupta had said something which had not happened anywhere else. I am citing a case from one of the great democracies of the world. Two new Judges were appointed and,

thereafter, the old decision was reversed by the Supreme Court in America.

At the time of President Roosevelt, in 1933, industrial production was off by 45 per cent; the employment was off by 41 per cent; factory pay-rolls were off by 63 per cent and 17 million people were unemployed in March, 1933. So, he brought what is now known as the New Deal legislation. During the years 1934-36, in fact, it was thought that President Roosevelt would never come back to power particularly after the New Deal legislation. He was described as a communist and, as such, Americans would not accept him. So the Supreme Court in America struck down the New York Minimum Wage Law as *ultra vires*, the Wagner Labour Relations Act as *ultra vires* and the Social Security Act as *ultra vires*.

In November, 1936, President Roosevelt went to the country with this thing to tell the people, that this is what he had done but the Supreme Court had declared all these Acts as unconstitutional and *ultra vires*. What happened in the elections? President Roosevelt was elected by a majority which till then no President had received. Out of the 48 States, he carried 46 States with him.

Then, on 9th March, 1937, after assuming office this is what he said in a State of the Union message. And this is very important. I am really meeting the points made by Mr. Frank Anthony. Of course, he is not here. He said:

"The Court in addition to the proper use of its judicial functions has improperly set itself up as third House of the Congress—a super legislature, as one of the Justices had called it—reading into the Constitution words and implications which are not there and which were never intended to be there. We have, therefore, reached the point as a Nation where we must take action to save the Constitution from the Court and the Court from itself. We must find a way to take an appeal from the Supreme Court to the Constitution itself. We want a Supreme Court which will do justice under the Constitution, not over it. In our courts we want a Supreme government of laws and not of men. I want, as all Americans want, an independent judiciary as proposed by the

framers of the Constitution. That means a Supreme Court that will enforce the Constitution as written, that will refuse to amend the Constitution by an arbitrary exercise of judicial power—amendment by judicial say-so,—

What do they mean by the words Packing the Court? Let me answer this question with a bluntness that will end all honest misunderstanding that I wish to place on the Bench spineless puppets who would disregard the law and would decide specific cases as I wish them to decide, I make this answer: that no President fit for his office would appoint, and no Senate of honourable men fit for their office would confirm, that kind of appointees to the Supreme Court. But if by that phrase the charge is made that I would appoint and the Senate would confirm Justices worthy to sit beside present members of the Court who understand those modern conditions, that I will appoint Justices who will not undertake to override the judgment of the Congress on legislative policy—

Jana Sangh please note.

"...that I will appoint Justices who will act as Justices and not as legislators. If the appointment of such Justices can be called 'packing the court,' then I say that I and with me, the vast majority of the American people favour doing just that thing now."

17.00 hrs.

SHRI S. M. BANERJEE (Kanpur): We want the same thing.

SHRI SIDDHARTHA SHANKAR RAY: What happened thereafter? After the message was delivered, what did the Supreme Court do? The Supreme Court in March 1937 reversed its earlier decision on the minimum wages Act. In April 1937 they reversed their decision on the Wagner Labour Relations Act. In May 1937 they reversed their earlier decision on the Social Security Act. President Roosevelt's purpose was achieved. Therefore, the court-packing plan which he had put before the Congress was not seriously considered and it was allowed to be defeated.

Chief Justice Subba Rao in a public lecture has made a point on this. He said that

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President Roosevelt had failed to carry out his court-packing plan. He had not failed. It was not necessary for him to do so just as it is not necessary for us to do so here. We cannot think of it. We are amending the Constitution by following what the Golak Nath judgment has said and by removing the *lacunae* pointed out by the Supreme Court in the Golak Nath judgment.

This, Sir, is the American experience. The same experience had been shared by some European countries. In France and in other countries the same thing had happened. Judicial review on legislation in France is no longer permitted and according to a very well-known professor, there were four broad reasons for that. I am not going into the details of the reasons but the main reason was that the people trusted Parliament more than the Courts. We do not want the people here to lose confidence in the courts. By people we do not mean only those who patronise the Jana Sangh or those who patronise the Swatantra Party. By people we mean the hundreds and thousands of men and women in India. After all, we must remember that 90% of Indians have no property whatsoever. So, when you talk of the right to property, it is illusory. They cannot understand that. It is said that we are against the right to property. We have made it quite clear that we are not against that right. When it was said by some members that the Congress is going to take away the right to property altogether, that small farmers, small land-owners and middle land-owners will be deprived of their property, that is a false propaganda.....

SHRI S. A. SHAMIM : They have a right to poverty.

SHRI SIDDHARTHA SHANKAR RAY : ...put forward only with a political motivation.

AN HON. MEMBER : That cuts no ice.

SHRI SIDDHARTHA SHANKAR RAY : But, there are a few who still think that by their arguments much ice has been cut and they can use it for the purpose of drinking cold water, while, all that will happen is that cold water will be poured on them.

On the 10th September, 1949, Pandit Jawaharlal Nehru, while advocating the well-known stand of the Indian National Congress to abolish zamindaris said :

"Within limits, no judge and no supreme court can make itself a third chamber. No Supreme court and no judiciary can stand in judgment of the sovereign will of Parliament, representing the will of the entire community."

That is exactly what we say.

Sir, before I conclude, may I say that we are proud that we have brought this Bill today? We would have been failing in our duty if we had not acted in accordance with our promises. We are proud that we are wanting Parliament to have the right to amend fundamental rights, because many amendments will be necessary and the hon. Law Minister has given indication of the nature of the amendments that we want to bring. These amendments are necessary to build the sort of society, the sort of country to which we, as a party and to which our leader, the Prime Minister, are all committed. We are proud of that. I have no doubt whatsoever that the people will acclaim us for having passed this Bill.

Sir, long after the present controversy is hushed into silence, long after the dust of this din and bustle has settled, long after the Socialist Society of our dream is established in this country, and long after the millions of our people commence enjoying the fruits of Socialism, it will still be said that this was the moment of triumph for the people of India, for, it was at this moment that the elected representatives of the people gave back to Parliament what was justly its own, but wrongly taken away from it,—its Supremacy. Our Parliament is Supreme and long may it remain so.

SHRI M. MUHAMMAD ISMAIL (Manjeri) : At the outset I want to say that we know and agree that the maintenance of any right for the minorities is dependent upon the goodwill of the majority and on the sympathetic willingness of the majority to uphold in practice the law postulating any such right.

I also want to say that the minorities do not want any special privilege, any privilege that is not enjoyed by the majority community, as citizens of the motherland.

Therefore, what I want to urge before the House now is by way of an appeal to the other Hon. Members of the House through you, Sir, to consider sympathetically the points which I place before them.

Sir, ever since the talk of amending the Fundamental Rights adumbrated in the Constitution began, the minorities have been feeling anxious about the fate of those Articles in the Constitution, which spoke of minorities.

The Prime Minister was kind enough to make a clear statement that the rights of the minorities would not be affected by any amendment made in the Constitution. We are indeed grateful to her for this assurance and are fully confident that she and her Government would keep their word and that their service to the people in the position of Government will be of very long duration.

But, in the nature of things, there may be changes and vicissitudes in the country and the Government in the future and our anxiety is that such changes should not affect the position of minorities. Minorities, because they are minorities, cannot be in a majority either in Parliament or Legislatures. It is for this reason that the framers of the Constitution inserted certain Rights in Part III of the Constitution for the Minorities, which would be beyond the scope of amendments.

Sir, the trouble arose when the Supreme Court in the Golak Nath case reversed by a slender majority the court's previous approval of certain amendments of the Constitution. This created difficulties for the Government in carrying out their programme of bringing about a better and happier life for the masses of the people in the country. We appreciate the Government's anxiety to remove this hurdle unfortunately created by the Supreme Court and their endeavouring to amend the Constitution for the purpose.

Here, we are of the opinion that their purpose can be achieved without taking a blanket power for the Parliament to amend any article or portion of the Constitution.

Certain articles can surely be omitted from the scope of the present Twenty-fourth Amendment Bill without detriment to the economic and socialist programme of the Government. We have given notice of certain amendments to the Bill seeking the omission of certain articles like articles 17, 19, 25, 26, 49 and 30. They refer to such matters as belief in religion and culture avoiding untouchability and so on.

These matters will not come in the way of executing the Government's economic programme. On the other hand, they will help in the Government's much-needed drive towards the prosperity of the people.

I would, therefore, request Government to accept the amendments which I have referred to.

SHRI SANI BUX SINGH (Fatehpur) ;
It is a pity that this Parliament has to spend so much time discussing a measure which was discussed fully twenty years ago when the first amendment to the Constitution was brought forward. At that time, Pandit Jawahar Lal Nehru said that the first amendment meant no more than restoring to Parliament what rights Parliament had through the Constitution. Objections were raised and Panditji said something at that time which people who oppose this Bill, inside this House and outside, might like to recall. He said that the opinions of the Constituent Assembly are being talked about ; the sanctity of the Constitution is being mentioned. He added, only a little while ago, we were the Constituent Assembly ; at that time, it was said that the powers of the Constituent Assembly were limited ; and now Panditji pointed out that after the Constitution was passed, it was deemed to be so perfect that the very people who had made the Constitution were not considered fit to amend it.

What has happened through the judgment in the Golak Nath case is that there has been a judicial outrage in this country. I am quite conscious of the word that I use. The Constitution has given different functions to the different organs of State, and the judgement attempts to interfere with the balance provided.

I would like to quote a single sentence from Mr. K. Subba Rao, then only can we realise the danger that we would be in if this kind of a clarifying and enabling

[Shri Sant Bux Singh]

amendment is not brought forward. This is what Mr. Subba Rao has said :

“The social order visualised by the Constitution was expected to be brought about smoothly by a process of gradual social adjustment.”

According to Mr. Subba Rao, it is the Supreme Court which has to bring about social changes, and in the famous judgement on the the Golak Nath case, Mr. Subba Rao also clearly says that the Supreme Court not only interprets but makes the law. Is this country going to take up a position where the judges of the Supreme Court will not only interpret but make the law and make laws in such a way that property becomes a sacrosanct institution ?

There has been a lot of whispering campaign from the other side. Everyday we are cautioned against using intemperate language. We are supposed to maintain the dignity of the judiciary. But if you read the Golak Nath judgment and the subsequent speeches and writings of Mr. Justice Subba Rao, not only do they cast a reflection on the Parliament but also a reflection on the Indian people themselves, because even in the judgment it is mentioned that Indian public opinion is not enlightened. What Mr. Subba Rao and people of his ilk like would mean that they decide what the future of the people should be, they decide what the rights of the minorities are, they determine how the conditions are to be bettered.

May I ask my friends who are great exponents of the constitution and the judiciary : Has the constitution of Pakistan, has the judiciary of Pakistan been able to guarantee the minority in Pakistan its fundamental rights ? Has the judiciary there been able to guarantee the majority of the people of Pakistan their natural human rights ?

One of the most beautiful constitutions framed was the constitution of the Third Reich, I mean the Weimar Republic. That constitution was misused and Hitler technically came into power through that misuse. Where were the judges, where was the great judiciary then ? Why did they not intervene and protect the rights of the people ?

The rights of the people can only be guaranteed through the will of the people and the people cannot manifest themselves except through Parliament. In the ultimate analysis, it is on the good sense of the people of this country as manifested through this Parliament that our rights and liberties rest.

There have been 23 amendments to the Constitution ; of these three have been serious amendments. All these three concerned fundamental rights. Can anybody in this country say that on any occasion this Parliament had misused its power ? On one occasion, as the Law Minister pointed out this morning, when the amendment referred to the minorities or a section of the community, it merely increased the rights of the minorities.

Shri Siddhartha Shankar Ray talked about the concept of fundamental rights. Natural rights are no longer accepted as something sacrosanct, some things that are manifested and exist all the time. There is only one kind of right : that which society gives. You cannot have rights outside society. You can be independent outside society if you have the means to survive, but then the stronger persons can kill you, do anything to you. Freedom comes to you through society guaranteeing it. Can anybody imagine a person possessing property outside society ? Can any person think that it is possible for some one to have and to exercise rights which are against the will of the majority of the people of any country ?

So to talk about natural rights being sacrosanct or fundamental rights obtaining all the time, is to give a theological interpretation. If the laws of Manual had to change, if the laws of Vedic times had to change, how can we say that what was passed in 1949 is eternal, for all time, no matter what happens meanwhile.

I would like to read a statement by Acharya Kripalani ; may be it will be of help to the leader of the Swatantra Party when he speaks tomorrow, because he talked about the Acharya being a member of the Fundamental Rights Committee. The Acharya said in this House on 30 May 1951 :

“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 historical natural rights. We have no more any need for natural rights and we should attach no value to the idea of fundamental rights".

Not only Acharya Kripalani. There was another politician, a statesman, who warned us a long time ago of the danger that we would face later. The name of that person is Prof. N. G. Ranga who till recently was the leader of the Swatantra party. I will not criticise the Supreme Court but I would only read what Prof. Ranga had to say. Here are Prof. Ranga's words :

"Therefore, we have to safeguard ourselves from the conservatism or from the fancies or from the social matrices of these Supreme Court judges, day to day, and from time to time to the extent that it is possible. That is why we should try and see that such power as possible is vested in the Parliament in its own right, so that we can minimise the scope for free play of the conservative forces that will be installed in power through the Supreme Court and it is in this light I wish to support this Bill."

I hope Mr. P. K. Deo and Mr. Piloo Mody will have the answer to what the leader of their party said.

It is not unknown that quite often courts have transgressed their authority.

MR. SPEAKER : The hon. Member's time is up.

SHRI SANT BUX SINGH : I shall conclude in two minutes. I merely want to place two further statements before this house, from the judges of the Supreme Court of America, because I think they are extremely relevant. I do not think that Shri Frank Anthony will think that the judges of the Supreme Court of America are committing any contempt on the judges of our courts. This is what Mr. Justice Douglas of the Supreme Court of America said :

"But when one look down the long vista of Anglo-American history, he learns that as many, if not more, victories for freedom were won in legislatures and con-

ventions as in courts. When it comes to human rights, we owe more than we commonly acknowledge to legislative law. Legislators have also been good guardians liberty. They have curbed judges who at times have proved to be tyrants as the history of the law of contempt particularly shows."

Sir, I would beseech the people who are opposed to this Bill to think rightly and to think in their own hearts ; were the power given to them, would they not trust themselves, this Parliament ? If people do not trust themselves, how can in their opinion of matter about the other people ? Who is here who would say that the Indian Parliament is not worthy of the trust that the people have given to it ? These criticisms are methods of circumventing things, trying to protect vested rights, and the finest way of making our Constitution a static document which it is not.

As Pandit Jawaharlal Nehru pointed out much earlier, we have a habit in this country of deifying things, of making them sacrosanct and once we make them sacrosanct we ignore them and we pass them to the dustbin of history. So, if the Constitution is to be alive, it has to be alive to the aspirations of the people. If liberties have to be guaranteed in this country, they are not going to be guaranteed by the Supreme Court but by the will of the the people as manifested through this Parliament.

MR. SPEAKER : Shri Shamim.

SHRI K. MANOHARAN : I was told that six hours have been allotted for consideration and so far five and a half hours have been taken, and an hour or so will be left after 60' clock. So, we propose to speak tomorrow. Therefore, the time which is allowed to our party must be given to Mr. Maran.

MR. SPEAKER : The DMK's time will be given to him.

SHRI SHYAMNANDAN MISHRA : Since we have got three hours for the second reading and the third reading taken together, would it be your pleasure to see that some redistribution is made between the consideration just now and the time that would be allowed later, so that many of us are able to take part ?

MR. SPEAKER : There is a lot of time yet for the Congress Members though other parties have almost exhausted except the Cong (O) and the DMK. I do not want to be very strict by not allowing any additional speakers. There are a number of speakers from your side. We can sit for an extra half an hour and try to finish the list so that there may be no difficulty tomorrow. But I miss most of the faces of those who are mentioned in the list except two or three.

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : Not only half-an-hour, but we may sit for one hour more today, because I am really hard-pressed to accommodate my party members.

MR. SPEAKER : I do not see your members here. Out of the list, only three gentlemen are sitting. We will mark them absent so that they may not take their turn tomorrow.

We will see as the debate proceeds. Shri Shamim.

SHRI S. A. SHAMIM : Sir, the disadvantage of being called at the fag end of the day is, most of what I had to say has been said by others and I might only be repeating what they have said. In any case, I will try to put the issue from the point of view of the common man. Several members have quoted Justices and Chief Justices and all those who have committed injustices. Some of the members tried to work out the arithmetic as to how many were for it and how many against. I do not think that is the correct approach. That is not the issue before us. My contention is, even if all the Justices and Chief Justices together had debarred this Parliament from amending fundamental rights or any article of the Constitution, this House should have risen in protest and resolved that this right belongs to the people and to Parliament and it should be restored. Without worrying as to how many voted for it and how many against, I say that this right of amending the Constitution lock, stock and barrels, belongs to the people and it should be restored to them.

The issue involved is, can this present generation bind the future generation? The answer should be a very clear and positive

no. The same applies to the older generation. Howsoever patriotic, wise and foresighted they were, they could not have bound the present generation which has come after the Constitution was promulgated. This position that Parliament is supreme and fundamental rights can be amended has been there since 1951. It is very intriguing and peculiar and it needs investigation as to where were these self-appointed, nay, nominated champions or *chumchas* of minority, nay, microscopic minority, defending the rights of minorities all these years? Doubts have been cast that this power may be misused or abused. You cannot bind the whole nation out of a complex of fear, born out of nothingness, fear born out of lack of faith in you and in the people. The whole question which was debated in 1951 is very much relevant today. I salute Golaknath, son of Bolanath, resident of Punjab, for having taken the issue to the Supreme Court and got the verdict. Whether this injustice was perpetrated by the Chief Justice or the other Justices is not relevant, but a very relevant issue was raised. As was pointed out by my predecessors here who have spoken before me, immediately after this judgment was pronounced, Justice Subba Rao has been taking this issue to the streets and he has been speaking in public. If he had pronounced his judgment and kept quiet, that would have been a right course which a judge could have taken. But it seems that he is committed to such an extent that he is advocating something which the people have already rejected.

It is being said that the Constitution has been amended a number of times. I ask, what is wrong in amending the Constitution a number of times? Is this the only Constitution which is being amended in the whole world? If the Constitution is amended so rapidly, that only indicates that social changes are taking place at a greater speed. How is it that the Swiss Constitution was amended only 11 times during the first 50 years whereas it has been amended as many as 37 times during the last fifty years? The difference in number clearly shows the changes which have to be reflected in the Constitution by amending it properly.

The word 'sacrosanct' has often been used. What is sacrosanct here? I do not think any thing other than divine books is sacrosanct. And, mind you, there are people who challenge even the divine books. And this is a

Constitution which has been made by human beings. Our Constitution was made by a Constituent Assembly which was not as much representative as this House. That Constituent Assembly gave us this Constitution. How is it that at a particular time we say that this was given to us by our forefathers, we cannot change it; whether it is inconvenient to us or harmful to us, whether it troubles us or not, we have to put up with it because it is something which has been given to us? This status is given only to divine books and nobody has claimed that right for this piece of Constitution, howsoever sacrosanct it may be relatively.

Shri Atal Bihari Vajpayee, Shri Frank Anthony and many others are also not opposed to change in fundamental rights. Even their mentors, Justice Subba Rao and Justice Hidayatulla are not opposed to the change; they are only opposed to the mode of change. How should we change it? It is not a question of five judges on one side and six judges on the other; it is five judges plus Parliament on one side and six judges on the other. Parliament and five judges decided that it will be changed by changing, if need be, article 368.

Now, as a student of law I have gone through all the articles of the Constitution. Of course, I am not as great a Barrister as Shri Frank Anthony. I have not that much time to practise because I have to contest the election, go to the voters and try to persuade them. So, I do not get enough time to go to the court. While I am not as good an advocate as Shri Frank Anthony, as a student of law I do not see any conflict in articles 13 and 368. The conflict arose because of an erroneous interpretation by one judge.

When this House makes a mistake it has a right to correct itself. But when the Supreme Court makes an error, do you think that error should be accepted as a reality, as truth? There must be some opportunity provided somewhere to correct even the Supreme Court, because the Supreme Court judges are not infallible as Supreme Court judges, as the advocates of the Supreme Court seem to think. Therefore, this right which has been denied to us for the last two years, the sooner it is restored to the Parliament the better it would be in the interests of the people and the democratic institutions.

Dr Ambedkar has been quoted as also Pandit Jawaharlal Nehru. I have a hunch that in 1951 when in Sankariprasad case the Supreme Court by a unanimous decision held that the fundamental rights can be changed, this issue was not brought before Parliament for one reason. Because, at that time all those who framed the Constitution were present in the House and they would have clarified what they had in mind. So, this was not done then. This issue was raised in 1967. And remember the circumstances in which it was raised. Justice Subba Rao imported a political theory of "this far and no further". He said he will not allow Parliament to go beyond that. Even Justice Subba Rao says that the people are supreme. At least he says so. Then, is the Parliament which is the representative of the people not supreme? Now, as the judgment stands, Parliament is not permitted to do anything. There is nothing which Parliament can do.

This is true of that Parliament. This is true of this Parliament also. There are only certain self-devised checks which we have opted for. Otherwise there is nothing. We can scrap the whole Constitution and frame a new Constitution. This Parliament has an inherent right to change the fundamental rights. What are these fundamental rights and who is supporting them. It is very important. A particular lobby is supporting them. A rikshawalla or a person who has been sleeping on the footpath for the last 20 years does not know that he has a fundamental right to speech, that he has a fundamental right of property because his only property is footpath and he thinks that it is safeguarded in any way. My learned friend, Mr. Frank Anthony, represents only a microscopic minority. I can claim that I speak on behalf of minority. There is no Constitution which can guarantee minorities safety, right and protection. There is only one Constitution and that is the Constitution of the people's will. After partition it was within the power of the Constituent Assembly to declare Bharat as a Hindu Raj or a theocratic State as Pakistan has done. What prevented them. There was no Constitution at that time. No Supreme Court gave a right to the character of the Constitution should be secular. It is inherent strength in the people that will protect our rights. I want to say as a spokesman of the minority that they should not be led away by this talk. Our only guarantee and protection is the goodwill of the majority because these rights

[Shri S. A. Shamim]

will not benefit Hindus, Muslims, Sikhs or Anglo-Indians. These are going to benefit Indians as such, the labourers and the down-trodden. Therefore, it is important that minorities do not become a party in this issue as minority. There is only one minority and one majority. Minority which has assumed the character of majority—the exploiters—who are very small in number but who subjugate a majority and that majority is exactly the minority which must be protected from that minority. I want protection. I do not want minority rights because as I said they are inherent in the basic policy of the country. I want protection from that minority which by dint of force, by hereditary characteristics and character—good character and bad character—both have assumed full strength of power and have nullified the democratic institutions. This majority of teaming millions of people should be protected from this minority. I will conclude by quoting the famous architect of the Indian Constitution no less a person than Shri Jawaharlal Nehru.

“No Supreme Court and no judiciary can stand in judgement over the sovereign will of Parliament representing the will of the entire community. If we go wrong here and there it can point it out—but in the ultimate analysis, where the future of the community is concerned no judiciary can come in the way—And if it comes in the way—ultimately the whole Constitution is a creature of Parliament—Therefore if such a thing occurs—they should draw attention to that fact—but it is obvious that no court no system of judiciary can function in the nature of a third House—as a kind of third House of correction.”

The country was not freed because a few Supreme Court judges will convert themselves into third Chamber. We owe it to our martyrs that this country will be free and not free at a particular point of time. This country will be free to shape its own future and let us not bind future generations. That is why I am supporting this Bill.

Thank you, Sir.

SHRI VAYALAR RAVI (Chirayinkil) :
Mr. Speaker, Sir, it is surprising that some

friends on the other side have felt agony and panic while this amendment was moved. It is only an amendment to restore the situation before 27 February, 1967. Till that time the decision in the Sankari Prasad case prevailed. When the Golak Nath case was decided, a new phenomenon arose in this country, which created hurdles on the way of progress.

While moving this Bill the Law Minister, Shri Gokhale, is trying only to strengthen the established democratic institutions in the country. He is obeying the directive of the Supreme Court to avoid a revolution. Let me quote from the same judgment in the Golaknath case where Justice Bachawat said :—

“A static system of laws is the worst tyranny that any constitution can impose upon a country. An unamendable constitution means that all reform and progress are at a standstill. If Parliament cannot amend Part III of the Constitution, even by recourse to article 368, no other power can do so. There is no provision in the Constitution for calling a convention for its revision or for submission of any proposal for amendment to the referendum. Even if power to call a convention or to submit a proposal to the referendum be taken by amendment of article 368, Part III would still remain unamendable on the assumption that a Constitutional Amendment is a law. Not even the unanimous vote of the 500 million citizens or their representatives at a special convocation could amend Part III. The deadlock could be resolved by revolution only.”

By moving this amendment our Law Minister is avoiding this revolution that was foreseen by the learned Justice in this country and is re establishing the democratic institutions as I said.

I do not want to criticize Mr. Justice Subba Rao. I myself am a lawyer and I know that there is a talk still in the Kerala High Court that frequent telephonic calls came from Delhi to Cochin asking Justice Vajdyalingam to reach Delhi for enabling Mr. J. Subba Rao to constitute the Constitution Bench. Mr. Justice Subba Rao himself confessed this as Shri Indrajit Gupta has quoted in the morning. Shri Subba Rao

consistently held the view in the Supreme Court that the Fundamental Rights are sacrosanct and could not be amended. He agreed that he did his level best and used influence to get a greater majority for the judgment but he could get only a bare majority. So, there is a suspicion about this judgment. I do not want to go in detail into all that. But that is why this amendment is made necessary.

I will quote Mr. Justice Wanchoo who in the same judgment in the Golak Nath's case says :—

"If this power to amend is made too rigid, it loses its value as a safety-valve. The more rigid a constitution, the more likely it is that people will outgrow it and throw it overboard violently."

By this judgment of this Justice Wanchoo and the Supreme Court itself has given a directive to Parliament and to the people to amend this Constitution to avoid the hurdles put by the judgment; otherwise we will be changed. Before the people change us, every democratic institutions of the country, we are making this amendment on the basis of the Constitution itself.

Then, there are the Directive Principles of State Policy, dealt in articles 36 to 51 of the Constitution. What does it mean? They impose a duty upon the State to change the *status quo*. Fundamental right of the individual is a concept of a capitalist society. They cannot be above the interests of society. The interests of society should be protected by the State. It is the duty of the State that the interests of society should be protected. In article 37 it is clearly stated :—

"it shall be the duty of the State to apply these principles in making laws."

What does it mean? It is clear that it is a duty imposed upon the State to implement the Directive Principles of State Policy in our legislation.

What is a State? Article 36 gives the definition of State. I do not want to go into it in detail.

Article 38 gives a mandate to the State. That mandate is given to our party in Parliament in the last general election in 1971.

This mandate of Article 38 says that we shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. This mandate may not be enforceable by courts. But it does not mean that it should not be implemented by the State. So, these Directive Principles, as our Law Minister also pointed out, will bring about a social change and this needs a Constitution amendment to see that State Legislatures and the Parliament adopt and implement the Directive Principles which are enshrined in the Constitution.

Then, article 39 is the basis of our social conception. We are moving towards a socialist society. That is clearly written in article 39 of the Constitution. Further, article 41 gives right to work and to education. I do not want to go into details. Here, some people have the fear about the encroachment of the right of minorities to education. I do not think that the right of minorities rests on education alone. Education is not a question of majority or minority. It is a question of the State. It is the State which gives education to every child, whether it is majority or minority.

I come from a State where two Acts were struck down by the Supreme Court, that is the Kerala University Act and the Kerala Education Act. Of course, Mr. Frank Anthony can run a school in his own name or some individuals can run schools in their name. But no community as a whole is running any school. It is the State that runs the school. The individuals who are running schools are misusing the provisions of the Constitution by getting a clearance to adopt corrupt practices. In educational institutions, we cannot allow such corrupt practices in the name of the Constitution or in the name of protection of rights to minorities.

In the opinion of the Supreme Court the Directive Principles are below the fundamental rights. In my opinion, it is a reserve thinking. The Directive Principles should be above the fundamental rights. The fundamental right is a concept of the capitalist society. In a socialist society, the individual's right should not be above the interest of the society.

MR. SPEAKER : You should conclude now.

SHRI VAYALAR RAVI : I am concluding.

I say this Constitution Amendment is necessary to assert the authority of the People through the Parliament. I welcome and support it.

I would like to conclude by quoting Jawaharlal Nehru :

"No Supreme Court and no judiciary can stand in judgment over the sovereign will of Parliament representing the will of the entire community. If we go wrong here and there, it can point it out, but in the ultimate analysis, where the future of the community is concerned, no judiciary can come in the way. And if it comes in the way, ultimately, the whole Constitution is a creature of Parliament...It is obvious that no court, no system of judiciary can function in the nature of a third house, as a kind of Third House of correction. So, it is important that with this imitation the judiciary should function...Ultimately, the fact remains that the legislature must be supreme and must not be interfered with by the courts of law in such measure of social reforms "

SHRI R. D. BHANDARE (Bombay Central) : Mr. Speaker, Sir, speaking at the fog end of the debate and confining myself within the time at my disposal, I think, it is very difficult to express myself completely and fully on the Bill which seeks to amend the Constitution of India.

Let me at the outset say that I support the Bill moved by the learned Law Minister which seeks to restore the power to Parliament to amend the Constitution. I need not mention as to why the need arose to amend the Constitution and to move this Bill.

Golaknath case has been repeated so often *ad nauseum* that I need not take the time of the House in dealing with certain propositions raised by it. Gledhill has suggested that Golak Nath's case gives an amazing decision. Why is it that Gledhill says that it is an amazing decision? Because in the Golaknath case the Chief Justice Subba Rao has laid down two strange propositions. One proposition is that the Indian Parliament can amend the Constitution except the Funda-

mental Rights. That is the first proposition which has been laid down. The second proposition is that the Parliament can convene the Constituent Assembly under Art. 248 Residuary Powers, Entry 97 in the First List of the Seventh Schedule and such a Constituent Assembly can amend any part or the whole of the Constitution. That is the second proposition laid down.

These two propositions are fantastic and strange. Why is it that I said that these propositions are fantastic? Because I want to raise three questions :

- (1) Can such a law to convene the Constituent Assembly to amend the whole Constitution be passed when according to the Chief Justice Subba Rao, the Parliament cannot do it? Can the Parliament make the law to make the Constitution?
- (2) Can anybody answer the question whether the Constituent Assembly can amend the Constitution with a simple majority or two-thirds majority? What will be the procedure? Can the powers of the Constituent Assembly be limited under a law passed by Parliament?
- (3) Can such a Constituent Assembly allow the ratification of the constitution framed by the Constituent Assembly?

These are the three questions. Sir, the Constitution is, I need not mention, an organic fundamental law of the country and it, must therefore, change and grow according to the changing times. It cannot be static however rigid it may be.

In this connection, I would like to add one thing and it has been quoted by Chief Justice Gajendragadkar. He quotes Pandit Jawaharlal Nehru who said :

"A constitution which is unchanging and static—it does not matter how good it is, how perfect it is—is a constitution that has outlived its use. It is in its old age already and gradually approaching its death. A constitution to be living must be growing, must be adaptable, must be flexible, must be changeable."

Sir, therefore, the Constitution must be changeable and, therefore, the Parliament has the power to change the Constitution.

Is it that only the Indian Constitution lays down that the Constitution can be amended? All written Constitutions have necessary provisions in them to amend the Constitutions.

There are three ways of amending the Constitution. One is formal. The second is judicial/interpretation and the third is conventions. The Constitution of India is not the only constitution which lays down a special procedure to amend the Constitution. There are other constitutions also. The American Constitution lays down the procedure for amending the constitution. The Swiss constitution lays down a procedure to amend the constitution. In the Constitution of Ireland, Art. 46, there is the provision that any provision of the Constitution may be amended. The Japanese Constitution has laid down in Art. 96 that any portion of the Constitution and any part can be amended. In the Ceylon Constitution, under Art 29(4), Parliament can amend, or repeal any provision of the Constitution. If there is a conflict between the judicial pronouncements and the legislation passed by Parliament, the power to over-ride or amend or change the judgment of the Supreme Court is laid down in Art 368 of our Constitution. This has in fact raised the hornet's nest in the Golaknath case. The hon. Minister Shri Siddharatha Shankar Ray, has dealt with two aspects. One was the point regarding amendment of the Fundamental Rights under Art. 13(2). According to Mr. Justice Subba Rao there is no substantive power laid down under Art. 368.

The question is, does the Word 'law' used in Art. 13(2) to include law made by Parliament under Art 368? What will be your answer? The answer would be, no. Two types of powers must be taken into consideration. Parliament has both legislative power and the constituent power. That is found in the Constitution of the United Kingdom. That U. K. has got legislative power and constituent power. In other words, British Parliament is both a legislative body and a Constituent Assembly. The same position is obtainable so far as our Constitution is concerned.

Sir, I need not mention that we have framed the Rules of Procedure under Art 118 of the Constitution. These make provision for making an ordinary law, an ordinary piece of legislation and special provision, for amending the Constitution etc. For the special provision, under our Rules of procedure, we have certain types of procedures. We have two types, one for ordinary piece of legislation and another for amendment to the Constitution. Rules 155 and 159 deal with amendment of the Constitution dealing with special provisions of amending the Constitution.

Is the portion of our Fundamental Rights absolute, immutable and unchangeable? What will be the answer? The answers is provided in the Constitution itself. Under Art 19 Fundamental Rights could be amended, curtailed at any time. Art. 19 itself speaks of the Fundamental Rights laid down in Chapter III. They are not absolute, immutable and unchangeable. They could be amended. We have to take into consideration also the position of the Directive Principles of the Constitution of India. I need not mention that the Chapter IV on Directive Principles of State Policy is a unique, a singular feature of the Indian Constitution, nowhere found in any other Constitutions.

18.00 hrs.

I need not mention that it has been the fashion to put in a separate chapter on Fundamental Rights in the written Constitutions, ever since after the framing of the Constitution of the U.S.A. But so far as directive principles are concerned, they are a unique feature found only in the Irish Constitution. Therefore, what is the position and what is the explanation as to the nature of the fundamental rights in the Constitution and the nature of the directive principles in the Constitution?

So far as the fundamental rights are concerned, as I have said, it is a fashion to enshrine and incorporate fundamental rights in the written Constitutions, which provisions could be found in almost all the Constitutions. These fundamental rights are as a matter of fact negative obligations, putting restrictions on the power of the State or the executive from touching these rights. So, they deal with negative obligations. So far as the directive principles are concerned, they deal with the positive

[Shri R. D. Bhandare]

obligations of the State which enjoined upon it to so govern itself as to implement the principles enunciated in the Preamble of the Constitution. They enjoin upon the State to establish socio-economic justice and establish a new society based on the principles enunciated in the Preamble of the Constitution

SHRI S. M. BANERJEE : Are we sitting beyond 6 p. m. today ?

MR. SPEAKER : Yes, we are.

SHRI S. M. BANERJEE : What about the fundamental right to go home after six O' clock ?

SHRI SIDDHARTHA SHANKAR RAY : He does not have that right because he has on home.

MR. SPEAKER : There is no restriction on the fundamental right to go home. The hon. Member has the option. He can keep on sitting or he can go home.

SHRI S. M. BANERJEE : You are placing reasonable restriction on it.

SHRI R. D. BHANDARE : In fact, this Bill seeks to salvage Parliament's power to amend the Constitution, from the clutches or the fetters put on the power of Parliament to amend the Constitution from the side of the Supreme Court. It seeks to restore Parliament's sovereign power to amend the Constitution.

In this connection, I would like to quote a few lines from Mr Seervai who had given some lectures on the position of the judiciary under the Constitution of India as part of the Sir Chimanlal Setalved Memorial Lectures at the Bombay University. He says :

"Art. 368, which prescribes a special procedure for the amendment of our Constitution, is not a mere matter of procedure, but in the language of the Privy Council, confers on the people of India a right not to have the Constitution amended except by the special procedure. Since *R. V. Burah* it has been settled by countless decisions that the powers of an Indian legislature are as supreme

and sovereign as those of the British Parliament itself, notwithstanding that they are 'confined to certain subjects or within certain reservations'. The sovereign power of Parliament to amend the Constitution is not affected by the procedural limitations of Art. 368 against amending it by a bare majority."

The last point that I would like to mention, as far as the Supreme Court is concerned, is that the Supreme Court has specifically laid down the following at page 815 of the *Supreme Court Report, 1967 (Second Volume)*

Subba Rao C. J. said :

"We have not said that the provisions of the constitution (concerning fundamental rights) cannot be amended. What we have said is that they cannot be amended so as to take away or abridge fundamental rights".

Again he says :

"But even if such a contingency arises, the residuary power of Parliament may be relied upon to call for a constituent assembly for making a new constitution or radically change it".

Again I emphasise the fact that in the directive principles we see a clear statement about the social evolution. They aim at making the Indian masses free in the positive sense, free from passivity created by centuries of coercion by society, by nature, from the abject physical conditions that had prevented them from fulfilling their 'best selves'. That is the purpose behind the amendment now sought. I support the Bill.

SHRI P. R. SHENOY (Udipi) : It is a matter of regret that the sovereign power of Parliament has become a plaything in the hands of the Supreme Court. After holding twice in the course of 17 years that Parliament has power to amend any part of the Constitution including Part III in any way it likes, in the Golak Nath case the Supreme Court has held that Parliament has no power to amend fundamental rights so as to abridge them. The effect of this decision is that Parliament loses the power to make certain legislation and practically every important

legislation made by Parliament has to pass the test of reasonableness in an appropriate court of law. If this trend of the Supreme Court is allowed to be encouraged, it will not be a surprise if the Supreme Court holds some day in the future that no part of the Constitution is amendable.

Sir Ivor Jennings, himself a great constitutional lawyer, commenting on fundamental rights in the Indian Constitution said this :

"It is a useful principle that one should not trust politicians, but it is a equally true in the context of the future that one should not trust constitutional lawyers. On the whole, the politician of tomorrow is more likely to be right than the constitutional lawyer of today."

In other words, he is of the view that the provisions of the Constitution should be flexible so that it should be possible for us to change them whenever considered necessary. They should not be rigid and not beyond the reach of politicians permanently.

Constitutionalists in India like the members of the Swatantra Party want the fundamental rights to be rigid, so rigid that they should not be amendable even by the procedure prescribed under art. 368. They want us and the future generations to believe that all that is said in fundamental rights is good for ever and is good not only in the environment in which it is drafted but in all environments and under all conditions. The logical conclusion of this argument is that if you want to include a new right in the scheme of fundamental rights, say, the right to work, you should include it but that right is subject to the condition that it should not infringe other existing fundamental rights. You can have a right to a rupee or a rupee worth of meal or a rupee worth of property but you can have that right provided you pay not less than 100 paise for that. And you can delete provisions relating to princely privileges in the Constitution, but please remember that the right to privy purse is a right to property which is protected by article 19(1)(f) and article 31. This is the difficulty created by the constitutionalists and the Supreme Court, and we have to solve this difficulty by passing the present amendment.

Sir, doubts have been expressed by some Members that this amendment may be

declared void by the Supreme Court as unconstitutional as it seeks to amend article 13(2) which itself is a fundamental right and as it also seeks to amend article 368 which indirectly hits article 13(2). The likelihood of striking down any amendment made by us, whether by following this procedure or by resorting to a referendum or by creating a new Constituent Assembly, is always there. The Supreme Court has failed to give guidelines as to the manner of amending the Constitution in Golaknath case. In the absence of such guide-lines, I am of the opinion that the best way to amend the Constitution is by passing the present Bill.

It was said that Golaknath's case could have been referred to the Supreme Court for a review. But this review is possible even now. When this Bill becomes an Act, this amendment is sure to be challenged in the Supreme Court. At that time, the Golaknath case can certainly be reconsidered. The Supreme Court will have an opportunity at that time to consider the views of the elected representatives of Parliament who were elected at the time when the great debate on the validity of Golaknath case was going on in the country.

Sovereignty is not a question of argument. It is a question of assertion. A country becomes sovereign not by any agreement or by any legislation or by any judicial interpretation but by assertion. India is a sovereign country and the sovereign power of India is vested in Parliament. It is no use saying that the Constitution is supreme. The Constitution is only a book. The Constitution cannot act like a person. The Constitution vests sovereignty or the sovereign power in some sovereign individual or sovereign body. It is our assertion that the sovereign body in this country is the Parliament, and we have asserted our sovereign power by passing this amendment. And we may have occasion again to assert our sovereign power but I hope that the Supreme Court will never create such an occasion in the near future.

Sir, I support the Bill.

SHRI DINESH CHANDRA GOSWAMI (Gauhati) : Sir, we are discussing today the most important Constitution Amendment Bill brought for many years, which has been introduced to negative the effect of Golaknath

[Shri Dinesh Chandra Goswami]

case and to fulfil the pledge the ruling party made to the people in the last elections. In the Golaknath case, the Supreme Court threw a veritable bombshell by declaring that Parliament has no right or competency to abridge or amend fundamental rights. Why is it that the Supreme Court suddenly in Golaknath case over-ruled its two earlier decisions in Shankari Prasad case and Sajjan Singh case, ignoring the time-honoured doctrine of *stare decisis*? The reason was more political than legal. They were influenced by an argument known as the argument of fear, namely, that if Parliament's power is not curtailed, there may be encroachments on the fundamental rights by the Parliament and may lead to their complete erosion. I cannot refrain from quoting a portion from Mr. Justice Hidayatullah's judgment in this context :

"I am apprehensive that the erosion of the right to property may be practised against other fundamental rights. If a halt is to be called, we must void the right of the Parliament to abridge or take away fundamental rights. Small inroads lead to larger inroads and become as habitual as before our freedom was won. The history of freedom is not only how freedom is achieved but how it is preserved. I am of the opinion that an attempt to abridge or take away fundamental rights even through an amendment of the Constitution can be declared void."

Mr. Justice Hidayatullah, when he made this observation, was talking like a politician and not as a judge.

The power of the Supreme Court is to interpret the laws. If the Constitution has provided Parliament the power to amend fundamental rights, it is there and the Supreme Court cannot stand in the way of exercise of that power on the hypothetical premises that it may be abused.

The opinion of Pandit Jawaharlal Nehru has been quoted and I will not go through it. What was the intention of the members of the Constituent Assembly? Did they want to make any part of the Constitution static? I will quote Mr. Kamath and Mr. Mahavir

Tyagi in this context, when they were discussing article 304 of the draft Constitution, corresponding to the present article 368. Mr. Kamath said :

"If the Constitution holds up, blocks, the further progress of our country, I dare say that the progress which has been retarded will be achieved by a violent revolution. Revolution will take the place of evolution. When a storm breaks out, it is the flexible little plants and blades of grass that withstand the storm. They do not break because they bend; they are flexible. But the mighty trees that stand rigid break and they are uprooted in a storm. Therefore, I fear that when a social storm is brewing, if we want to resist that storm, this is not the way to proceed about it. If the Constitution is not made flexible, the people will break it."

It is to see that the Constitution may not be broken by the people through violent revolution that we have brought this amendment. After all, it has been the established principle, which has stood the test of time, that a static Constitution is the worst tyranny. I will quote what Monroe said :

"A static Constitution is a contradiction in terms. It is a Government by the graveyards."

We do not want to have a Government of the graveyards. That is why we have brought this amendment.

The majority judgment of the Supreme Court, confronted with this situation says, that the fundamental rights can be amended by convening a Constituent Assembly. What is the effect of it? The effect is that the Constitution, according to majority judgment, can be amended by a bare majority, because supposing in this election, Mrs Gandhi's party had not come to power with a two-thirds majority, there would have been nothing which would prevent our Government from passing a law saying, "We declare this Parliament to be a Constituent Assembly", thereby making a farce of the Constitution. In trying to protect the Constitution from encroachment by Parliament, in effect, the majority judgment of the Supreme Court was paving the way for the encroachment.

Therefore, I whole-heartedly support this Bill. I feel that this Bill, which has the blessing of the entire people of this country, will pave the way for the fulfilment of the pledges that we have made to the people in the last elections.

MR. SPEAKER : Shrimati Savitri Shyam, Shri Bhagwat Jha Azad, Shri Daschowdhury, Shri Mahapatra, Shri K. D. Malaviya all are absent. Now Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE (Burdwan) : Mr. Speaker, we are no doubt discussing a very important piece of legislation. I yield to none in my respect for the judiciary but as a citizen I am entitled to say that a judgment is wrong, even if it happens to be that of the Supreme Court, if I feel that it is wrong. We must have the right to say that it is wrong. criticise the judgment and take remedial action to assert the parliamentary supremacy.

We support this Bill in so far it seeks to remove the most unwarranted and unjustified encroachment by the Supreme Court on the sovereign right of the people to change even the organic law of the country to keep pace with the march of time for fulfilment of the urges and aspirations of the people. We must strike down and negative the unconstitutional and arbitrary assumption of jurisdiction by some of the hon. Judges of the Supreme Court to sit in judgment over the exercise of the constituent power of the sovereign people of India by finding out some alleged implied limitations on the power to amend the Constitution.

We agree with the hon. Law Minister that there cannot be any immutability of any provision of the Constitution which stands in the way of achieving orderly progress by constitutional means. Nothing can occupy a transcendental position in the organic law of the country than the right of a sovereign people to fashion and re-fashion that law to suit the needs of the changing times, to achieve what it thinks is necessary for the purpose of ordered development of the society. In my submission, no constitutional law can or does recognise a supra authority above the sovereignty of the people.

18.23 hrs.

[SHRI K. N TIWARY in the Chair]

If I may quote some very well-known jurists in England and America, it will be found that even in those countries the right of Parliament to amend the constitution, at least so far as America is concerned, has been well-accepted. Dicey in his *Law of the Constitution* has stated :

"The endeavour to create laws which could not be changed is an attempt to hamper the exercise of sovereign power ; it tends to bring the law into conflict with the will of the really supreme power in the state."

Willis in his book on *Constitutional Law of United States* says :

"There is no power above the people and the amending power of the constitution does not recognise any power in Constitution. Sovereignty certainly does not."

The exercise of constituent functions by the elected representatives of the people can never be subject of judicial scrutiny. Where there are written constitutions the courts can certainly decide the constitutionality of a legislation but cannot unmake the constitution, nor can stifle the elected representatives in making or remaking the constitution itself. If I may quote another well-known American author, Strong, in his book on *American Constitutional law* he says :

"For a court to pass judgment upon the propriety of placing the matter in the Constitution would deny the people of their sovereign rights and would introduce a highly undesirable type of judicial control."

Sir, to quote Willis again :

"To give power to court to imply any limitation on the amending power would be dangerous, since it would violate the doctrine of the sovereignty of the people and would be an unwarranted usurpation of power by the court when such a power had not been delegated to it. This would not only discredit the court but would tend to discredit the Constitutional system."

[Shri Somnath Chatterjee]

Sir, if I may quote Willis again, he has said in his book :

"The wonder is not that the amending power is so broad but that any member of the legal profession or pseudo-constitutional lawyers should have ever thought otherwise."

Therefore, it is also our view and my submission that by merely implying certain limitations in the exercise of power to amend our Constitution the majority judgment in Golak Nath's case has robbed the Constitution of its flexibility and has made it a rigid Constitution.

Sir, the evolution of human progress and endeavour is for greater and greater self-realisation and fulfilment. As a result of Golak Nath's case this process has become a static one. That is why we must undo this stagnating affect of the majority judgment of the Supreme Court in the Golak Nath's case which has robbed Article 368 of the Constitution of its constituent content. I shall not refer to the decisions of the Supreme Court in Sankri Prasad's case and in Sajan Singh's case because many hon. Members have already referred to it but I want only to draw the attention of the hon. Member to this that it was tragic that the Supreme Court with a view to uphold the right of private property could go back upon its earlier decisions of Sankri Prasad's case and Sajan Singh's case. The last decision—that is, the decision in Golak Nath's case—was not for the purpose of finding out the content of any other fundamental right than the so-called fundamental right to property. Therefore, to uphold the right of property the Supreme Court went back upon its two well-considered previous decisions where similar questions were involved and had come to the decision that Article 362 postulated and conferred power on the Parliament itself to change the Constitution and it was not 'law' within the meaning of article 13 of the Constitution. There are three most unacceptable and, if I may say so, erroneous assumptions in the Golak Nath's case to which I wish to draw the attention of the hon. Members; (1) the so-called fundamental rights were inviolable natural rights (2) that the people of India could not trust their elected representatives and that is why they put restrictions in Part III and that Part III of the Constitution cannot be altered; and (3) that any change in

the so-called fundamental rights should necessarily mean a drift towards totalitarianism. According to us these assumptions are not only dangerous but also they cut at the very root of the concept and system of Parliamentary democracy. No democratic people aspiring for a socialistic State can put the so-called rights under 19(1)(b) and (g)—those dealing with property and carrying on business—on the same pedestal as the other fundamental rights contained in Article 19(1) (a) to (e). The democratic decisions of the people must prevail over what a Constituent Assembly not elected by adult franchise might have thought to be fundamental. To give the right of property a sacrosanct position would be negation of the very objects and directive principles of State Policy and when such alleged right is found to create obstacle than helping to achieve a socialistic State then it is the duty of the Parliament to step in and assert its own constituent function and bring back the position which was found to be already there before the Golak Nath's case.

The Bill wants to make clear what was otherwise clear. We must remove the cloud or the doubts that have been raised about the competence of Parliament. We want to re-assert ourselves for the purpose of ushering in proper legislation which would be in consonance with the objects of a socialistic state and also the Directive Principles of State Policy, because we feel that the Constitution is meant for the people and not the other way round.

There is only one word of caution. Merely getting the power to amend the Constitution will not be the end in itself. The Government must bring forward proper legislation and there must not be any attempt—although the hon. Law Minister has given that assurance but we want that to be incorporated in the Constitution itself—to take away or abridge any of the other basic human rights, like the right of personal liberty, the right of movement, the right of association. Already it has been held that even the right of demonstration is a fundamental right which is enshrined in the Constitution. We do not want that this Parliament should be hamstrung for the purpose of achieving the proper desired social progress. We are ready to give that power to Parliament to amend the Constitution but certain basic rights should not be taken away. For that purpose we have given an amendment. I shall request the hon. Law Minister to consider it favourably, because we are

supporting the right of Parliament to assert its supremacy but not at the expense of the people.

18.32 hrs.

ARREST OF MEMBER

MR. CHAIRMAN: I have to inform the House that the Speaker has received the following communication of date from the Sub-Divisional Magistrate, New Delhi :—

“Dear Mr. Speaker,

I have the honour to inform you that Shri Ishwar Chaudhry M. P. was arrested today between 1.30 p.m. and 2.15 p.m. on Parliament Street near Patel Chowk, New Delhi, by the police of Parliament Street under section 188 IPC vide FIR No. 1259 dated 3.8.1971 for violation of prohibitory orders promulgated by the Additional District Magistrate (South), New Delhi. He is being produced before Judicial Magistrate, New Delhi forthwith for trial.”

18.33 hrs.

CONSTITUTION (TWENTYFOURTH AMENDMENT) BILL—*Contd.*

SHRI B. V. NAIK (Kanara) : Mr. Chairman, I will try not to repeat the points that have already been made.

The issues before Parliament, whether we like it or not, will have to be classified into two. One is, whether we admit it or not, that this is the phase of confrontation between Parliament and the judiciary.

In this behalf I would like to draw the attention of the House to a very informative discussion and seminar that took place on the 17th and 18th of last month where all these issues were discussed threadbare and certain conclusions were arrived at.

I have hastened to take this opportunity to present this case before it is too late, because once it is not presented it might be too late thereafter to amend. In the course of this discussion almost it was the consensus of the seminar, as well as those which represented the ruling party that there was not at all any indecent haste for the abolition of private

property but it was in order to make this private property meaningful to the vast majority of the people in this country. When we are saying that we are abridging this right against which only the Supreme Court has given its verdict, we are actually let me repeat, trying to expand the meaning of private property for the vast millions in the country.

This idea of the amendment, to state the facts of the case, amendment to article 368 of the Constitution, has not come from any politicians or any lawyers or anyone of those who have participated in the discussion. But it has come from one of the very eminent Chief Justices of India and that Chief Justice, to name him in a good context, is S. R. Das who had presided over the Seminar and he plainly said—I am sure, he is going to own it—that these Judges can make mistakes. By implication, he has clearly said that the much debated topic, namely, the Golak Nath case, was a mistake.

Under these circumstances, what is happening here now, in this Parliament, on the 3rd of August, 1971, is that this Parliament is offering an apology for the mistakes that have been made by the Supreme Court of India. I think, we have already paid the homage that is due to the supreme judicial body in the country, namely, that we are trying to save their face, that we are trying to see that they do not lose their face, their prestige, their position in the country, and that the independence of judiciary is preserved in tact. But still there is one more hurdle. Our Government, our party, has brought this hurdle voluntarily and, that is, after this Constitution Amendment is passed, once again, we have to go before their Lordships to argue our case, to present our case and to humbly wait for the verdict of the Supreme Court of India. I do not know why this risk has been taken by our Government. In other words what is being stated now is that we have a limited time given by the fresh mandate of the people. We should have calculated time upto five years and worked backwards. Already, there has been a delay. We are not talking in a totalitarian concept of the abolition of property. We are saying that we are going to make it more meaningful. But within four years, with all these niceties as well as fitnesses of the constitution and delays involved in our parliamentary procedures, if we are able to show something by way of tangible results within the time at our disposal, it would really be a miracle. Therefore, I

[Shri B. V. Naik]

one again urge upon the Government as well as the Law Minister to hasten this process and see that these amendments are put into effect as quickly as possible because the time which is of essence in dispensing this relative justice, not absolute justice, is very short. With these words, I urge upon the Government to go post haste in this matter

श्री मूलचन्द्र डागा (पाली) मभापनि महोदय, लक्ष्य तक पहुंचने का उत्तरदायित्व जनता पर है, जब जनता के इस बदलते हुए जमाने के साथ संविधान में कोई परिवर्तन नहीं होता है, तो वह संविधान काम का नहीं रहता है। इस बात को समझ कर आप संविधान में परिवर्तन करना चाहें या न करना चाहें, जनता स्वयं आप से परिवर्तन करा लेगी। आपने घोषणा की है कि हम देश में समाजवाद लाना चाहते हैं लेकिन समाजवाद लाने के लिये जो आपत्तियाँ हैं, जो बाधाएँ हैं, जैसे मूल-अधिकारों में परिवर्तन करना है, वह आप को करना होगा। आपने धारा-शास्त्रियों की, कानूनी बकीलों की बाने गुनी, लेकिन मवाल तो जनता का है। जनता के सामने, जब हम चुनाव लड़ कर आये, हमने आवाज उठाई थी कि संविधान कोई पत्थर की लकीर नहीं है, वेद-वाक्य नहीं है, इसे बदलना होगा और जमाने के साथ बदलने के लिये हमने लोगों के सामने आश्वासन दिया था। आज उस बात को पूरा करने के लिये हम इस बिल को लाये हैं। हम चाहते हैं हमारा समाज ऐसा समाज हो जो शोषणहीन हो। कुछ लोगों ने हमारा शोषण करके हमारे खून और पसीने की कमाई को इकट्ठा कर लिया है, उसको अगर हम लेना चाहते हैं तो मूल अधिकारों में परिवर्तन करना होगा - लेकिन इस बात से कुछ लोगों के अन्दर बीखलाहट पैदा हो रही है। लेकिन मवाल यह नहीं था, आप जानते हैं कि संविधान तो एक प्रक्रिया है, एक मार्ग है, एक रास्ता है, जिससे आप और हम अपने उद्देश्यों को प्राप्त कर सकते हैं।

उस रास्ते से अगर कोई अड़चन है तो उस को दूर करना होगा। हम चाहे गोलखनाथ के केम की बात कहे, चाहे किसी की बात कहें,

लेकिन सब से बड़ी बात यह है कि सर्वोच्च सत्ता जनता के पास है और जनता उम्मी आधार पर अपने नुमाइन्दों को यहाँ भेजती है। अगर आज पार्लियामेंट के सदस्य गांव में जा कर यह कहें कि हम तुम्हारी गरीबी नहीं मिटा सकते हैं, हम राजाओं को प्रीवीनर्स देगे, शोषण-रुत्ताओं को रखेंगे तो वे हम पर हमी उड़ायेगे और कहेंगे कि आप ने तो वायदा किया था, लेकिन अब यह क्या वह रहे है। उस गिन्ने संविधान में परिवर्तन करने का अधिकार होना चाहिये। इस में कोई नई बात नहीं है। गवने बड़ा मवाल यह है कि मूल अधिकार क्या है? मूल अधिकार वही हो सकते हैं जिन्हें शोषण न हो। जब हम शोषणहीन समाज चाहते हैं तो फिर उसके लिये हमारी पार्लियामेंट को संविधान में परिवर्तन करने का पूर्ण अधिकार होना चाहिये।

श्री शिवनाथ सिंह (झरनु) : माननीय सभापति जी, कास्टीचूशन को बदलने के बिल के सम्बन्ध में कई प्रकार के विचार यहाँ प्रकट किये गये हैं। इस मदन के किमी भी माननीय सदस्य ने नहीं कहा है कि हम कास्टीचूशन में परिवर्तन नहीं चाहते हैं, यिफ़ तरीके पर आति की है। किमी ने कहा रेफ़ेण्डम होना चाहिये और किमी ने कहा सुप्रीम कोर्ट की राय लेनी चाहिये। लेकिन सभी ने इस बात को माना है कि परिवर्तन होना चाहिये। जनमघ के सदस्य ने कहा कि अमेण्डमेन्ट हो सकता है, होना चाहिये, लेकिन सुप्रीम कोर्ट की राय हो और जनता की राय हो। मैं निवेदन करता हूँ कि जो कास्टीचूशन है, वह जनता के लिये है, जनता कास्टीचूशन के लिये नहीं है। यहाँ पर सुप्रीम कोर्ट की बहुत दुहाई दी गई। हम एक ऐसे समाज की व्यवस्था कर सकते हैं, ऐसा समाज हो सकता है जो कि बिना सुप्रीम कोर्ट और हाई कोर्ट के चले लेकिन इस प्रकार की कोई व्यवस्था नहीं हो सकती कि समाज के बिना सुप्रीम कोर्ट और हाई कोर्ट चले। इसलिए इस को मानकर चलना चाहिये कि संसार में और इस देश में जनता सबसे बड़ी है और जनता की सुविधा के लिये हम हाई कोर्ट और सुप्रीम कोर्ट बनाते हैं, विधान बनाते हैं, पार्लियामेंट बनाते हैं। यह सब जनता की सुविधा के लिये ही बनाते हैं। आज हम

कास्टीचूशन की दुहाई देते हैं कि कास्टीचूशन हमारी पवित्र पुरतक है। हम उसकी पवित्रता को और उसकी इज्जत को बढ़ाना चाहते हैं। हम चाहते हैं कि एक गरीब आदमी जो मडको पर सोता है, जो भूखा है, और जिम का शरीर नगा है उसको भी कास्टीचूशन कोई न कोई प्रोटेक्शन दे। इस बात को लेकर उसमें थोड़ी सी गलत-फहमी आ गई थी। हालांकि हम उस बात को मानते हैं कि पार्लियामेंट को कास्टीचूशन में अमेण्डमेंट करने का पूर्ण अधिकार है लेकिन गोलवनाथ केम को लेकर जो टाउट पैदा हो गया था उसको हम क्लिअर करना चाहते हैं। जो मिम-अण्डरस्टैंडिंग थी, चाहे जूडीशियरी के मामले में हो या किसी मामले में हो उन्होंने इसको गलत इन्टरप्रेट किया इस लिये हम उसमें क्लैरिटी लाना चाहते हैं और पार्लियामेंट को उस का पूर्ण अधिकार है।

अभी जनसभ के माननीय सदस्य ने रेफ्रेंडम की बात कही। मैं कहना चाहता हूँ अभी इन्क्विशन में जब हम जनता के पास गये थे तो हमने उस का क्लिअर वडिक्ट मांगा था। हमारी प्रधान मंत्री श्रीमती इन्दिरा गांधी ने स्पष्ट नीर से जनता के सामने यही बात रखी थी... (व्यवधान)...

अभी दो ही मिनट हुए हैं, मैं पांच मिनट में समाप्त कर लूंगा। इस लिये मैं निवेदन करना चाहता हूँ कि जनता का क्लिअर वडिक्ट हम को मिल गया है। इस लिये इसके बाद अब कोई आशंका नहीं रहनी चाहिये।

अभी हमारे माननीय सदस्य श्री फ्रैंक एन्टनी सुप्रीम कोर्ट की बहुत जोर से वकालत कर रहे थे। मैं उनकी भावना को समझता हूँ क्योंकि उनको सुप्रीम कोर्ट में पेश होना पडता है और वहा पर वकालत करनी पडती है। लेकिन हम लोग जो जनता से वोट लेकर आते हैं उनकी भावनाओं को भी उन्हें समझना चाहिये। जिस प्रकार वे सुप्रीम कोर्ट की वकालत करते हैं उसी प्रकार हम यहा पर जनता की वकालत करने

आये हैं। हम यहा पर सुप्रीम कोर्ट की वकालत करने नहीं आये हैं। उनको इस बात में दुख है कि सुप्रीम कोर्ट का क्रिटिजिज्म क्यों होता है? सुप्रीम कोर्ट यदि अपने रवैये को नहीं बदलता, जनता की भावनाओं के अनुरूप अपने को नहीं बनाता तो इस से भी अधिक सुप्रीम कोर्ट का क्रिटिजिज्म यहा भी और मदन के बाहर भी होगा। इसलिये जजेज को मोचना चाहिये। हम उनकी ज्यादा आलोचना नहीं करना चाहते। लेकिन इस अमेण्डमेंट के बाद में हमारी जुडिशियरी का यहा रवैया होना है वह हमें मोचना चाहिये।

फडामेंटल राउट्स किंग के लिये हैं? वह देश के बगोडो आदिमियों के लिये हैं, न कि मुट्ठी भर लोगों के लिये। आज 54 करोड़ जनता को जिम बात की आवश्यकता है वह चीज उनको मिलनी चाहिये। समाज की ऐसी गलत व्यवस्था थी जिम के कारण कुछ लोगों के हाथ में ताकत आ गयी, चाहे धन की हो या राज्य की। और आज हमारे राजा महाराजा इस बात से डरते हैं कि जो अभी तक एक राजनीतिक व्यवस्था थी, जो उन के खिलाफ थे वे चले गये, लेकिन साथ ही उन को यह भी खतरा है कि जो उनकी प्रिविलेजेज हैं और प्रिवी पर्स हैं, वह भी चले जायेंगे, इस बात का उनको खतरा है। हम चाहते हैं कि ये प्रिविलेजेज और प्रिवी पर्स खत्म हो और जो धन जनता का लूट रहे है वह धन जनता के सामने आये। इन राजा महाराजाओं के बड़े-बड़े महल आज भी उस अत्याचार की कहानी कतते हैं जो उन्होंने जनता के ऊपर ढाये हैं। हम चाहते हैं कि अब उन स्थानों को पवित्र किया जाय। वहा स्कूल, औषधालय और दूसरे कार्यालय खोले जिमसे जनता को लाभ हो। इन बातों में परिवर्तन लाने के लिये मन्दिघान में संशोधन करने की आवश्यकता थी, जो हम करने जा रहे हैं। यह बात ठीक है कि यह अधिकारी पहले भी था। लेकिन अब उसको हम क्लीयर टर्म्स में लिख रहे हैं ताकि किसी प्रकार की गम्बीगुड्टी न रहे।

इन शब्दों के साथ मैं इस का समर्थन करता हूँ।

SHRI SHYAMNANDAN MISHRA : Mr. Chairman, Sir, what we are considering today...

MR. CHAIRMAN : You may please continue tomorrow. The House stands adjour-

ned to meet at 11 A.M. tomorrow.

18.49 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 4, 1971/Sravana 13, 1893 (Saka)
