

shortest possible time. Still much remains to be done. Why cannot the double line come out? I would say that we asked the late Shri L. N. Mishra, for that railway line. He mentioned about Mandar-Kosi hill line to be extended to Baidyanath and Deoghar on the eastern part of the country. Similarly we asked for a line from Pirpanti to Hansdiha. What happened to that? I was told in the last meeting of the Informal Consultative Committee for the Railways that survey was complete. Please let us know when you propose to do that. When we ask for a big thing we are told 'No, no, it would cost Rs 60 crores for this project'. Now I will give you a typical example for a small station Ghogha—my constituency. Nobody cares to go there and have a vending contract. The passenger would like to have a cup of tea at that station. I wrote to them. Let the hon Member note this. I wrote to Shri Qureshi on 2-8-73. I want to draw your kind attention to that. I wrote to him again on 18-9-73 and then on 16-11-73. He replied to me by saying that because of the unsatisfactory working of the existing vending contract at Ghogha that contract had been terminated. Instructions had been issued in March 1974—about this I am sure.

But, when you wrote the letter it was in March 1976. Imagine, the instructions were issued in March 1974; for what? For a small vending contract at Ghogha—not a big one. And, after two years, the Minister's letter under his signature came about this vending contract in the small Ghogha station. Where are the orders of the Minister regarding this? I want to understand that. I cannot say beyond that. I have never seen such a person who has not implemented the Minister's order for a small vending contract for two years. If this is not implemented God save the officer and the Minister. I can give many other examples like that. I keep a file, an uptodate file, about the Railway Board about their efficiency. I have also another case about the casual labour. Your policy is that those who have worked in the

railways for the longest period will be given the chances, whereas the persons who have worked for three years in the railways and many others have been given a chance. You have not given a chance for those who have worked for four years in the railways. Many others have been given the chance but not this. I would like a committee to be set up to enquire into your policy for loyal workers' wards to find out as to who are the wards of the loyal workers who have been given the jobs. I think most of them are the relatives of the big officers who were not loyal. Let there be a committee of the House and I will prove this. I have got dozens and dozens of examples with me which I followed with the Minister and they have not been given the job.

Therefore, I would say your efforts to keep the total personality can succeed only when you have proper administrative reforms. Your 1 lakh track kilometrage, your thousands and thousands of locomotives and your 68 lakhs passengers in the country can all succeed only when there is proper administration in this big Rail Bhavan. The officers in the Rail Bhavan should not imprison in the big files the aspirations of the people. Panditji, you have heard us in the consultative committee. We appreciate that and upto now we feel it has been one way traffic only for the officers to say 'no' and for us to write.

Before I conclude I thank Panditji for the budget and the hope that it has inspired and assure you of our cooperation in future and for what you have done in the past.

15 50 hrs.

CONSTITUTION AMENDMENT BILL
 (Amendment of Part III)

by Shri Bhogendra Jha

MR. DEPUTY-SPEAKER: Now, we take up Private Members' business. Bill to be introduced, Shri Yamuna Prasad Mandal—absent.

[Mr. Deputy-Speaker]

Now, we take up Shri Bhogendra Jha's Bill further to amend the Constitution of India.

SHRI BHOGENDRA JHA (Jainagar):
Sir I beg to move:

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

This is a Bill the contents of which have been expressed in the country extensively for the last six years. During the discussions in the Constituent Assembly itself the contents were thoroughly discussed, pros and cons considered while framing, enacting and amending the draft concerning Part III of the Constitution of India which deals with the Fundamental Rights which constitute the main democratic contents of our Republic.

We all know during our freedom struggle the nation took a pledge for complete independence from British rule. Since our childhood we used the pledge demanding equality—social, economic and political—and in order to ensure that there was the demand to overthrow the British colonial rule. While the Constitution was enacted the very life-blood of the Constitution was put in its Preamble and this has always to be remembered by all of us while we discuss any part, chapter, Article or clause of this Constitution. The Preamble reads:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship.

EQUALITY of status and of opportunity; and to promote among them all;

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION".

So while we gave ourselves this Constitution, nowhere was it even by implication mentioned that man, his dignity and his rights will be put down and property, particularly owned by those who do not earn it, who do not produce wealth, will dominate every aspect of our life. So I mean to say that whichever article or clause of this Constitution goes against this Preamble, against the basic aspect of the Constitution, ought to have been declared *ultra vires*. But unfortunately, our learned judges of the High Courts and the Supreme Court on most occasions thought otherwise and in consequence, we got interpretations in several judgments with regard to art 19, which has been very aptly described as the fundamental right article. Items (f) 'to acquire, hold and dispose of property' and (g) 'to practise any profession, or to carry on any occupation, trade or business', have been enlarged to never-ending limits meaning anything and everything which an exploitative system and the class of exploiters like to mean, to an extent whereby, for instance, when the price-page schedule was introduced and the advertisement space was slightly limited, the Supreme Court gave the verdict that it is an attack on fundamental rights. What is the result? In view of the interpretations and rulings given by the Supreme Court on these aspects of fundamental rights, the result today is that in our country money dominates, wealth dominates, everything else has been made subordinate to it. We have got every right of free expression, but one important media or the most important media, newspapers, are owned by a few who have seldom written an editorial who have seldom even gone through news-editing on a

single occasion. So newspaper empires have emerged which the late Pandit Jawaharlal Nehru used to describe as 'chain newspapers'. Freedom of expression is almost gone and despite the exercise of a slight restraint during this emergency, we find that the right of these newspapers to indulge in *suppressio veri, suggestio falsi*, though limited during the emergency, has not yet been eliminated. So this fundamental right of all of us, the right of free expression, which has been enshrined in the Constitution, has been curbed and curtailed which we have experienced throughout life. In that whenever the opinions of anyone of us here in this House have clashed with the interests of the newspaper owners, they have not found any place in those newspapers in our country.

Similarly, it has been our aim that everyone in the country should be educated and there is no discrimination in education. But the biggest discrimination has been committed and is still prevalent in that sphere also, I mean economic discrimination. What is the condition here? Everyone can go to school or college but there is a big 'but'. One day in the year, what is called Saraswati Day or Basant Panchami Day, Saraswati is free. On that day, every child can, if he so likes, worship her or enjoy her. On other days, if his parents are not in a position to pay the requisite fees which are steadily increasing as years go by, he will be expelled from the institution to which he or she belongs. In practice our schools and colleges, the temples of learning, have become prisoners where Saraswati Mata is imprisoned behind the four walls of wealth that one might have acquired through illegal means such as smuggling or bribery or blackmarket or usury. If a person has money, earned through whatever means, his child, though it may not have been average intellect, can get admission and education and then come to High Courts or administrative apparatus and dominate our judiciary and administration. An honest toiler in our country cannot ensure good education for his children

at all. A few may benefit from charity or grants but is it enough? Thus educational opportunities are curtailed and limited. It is to our shame that after so many years of independence we are unable to ensure this right to all our citizens.

Similarly, with regard to judiciary. Just now I am not talking of corruption. Suppose for a moment that there is absolutely no corruption in the country. It is impossible under the capitalist system. Yet, suppose that every single judicial officer from the Supreme Court downwards is honest and that all the other staff working in the courts are honest, even then justice in our country is on sale, openly. If my house is burgled or if I am assaulted and if I have to go to a court, I have first to pay stamp fee and then the lawyers' fee. Then every day certified copies have to be obtained, from the lower court to the district court and then to the High Court and then finally to the Supreme Court. I am not now talking of winning or losing the case. Even if a client is on starvation diet, if he has to approach the Courts, he will have to spend money. To our shame, under our Constitution justice is on open sale: *Har mal milega chhe ana*. It is to our shame that it is like this in our democratic set-up. But if I have property, through whatever criminal methods I might have acquired it, I can get big jurists who can tell the biggest lies and the presiding officers of lower courts would be over-awed and terrified and they will give me any judgement. In some places, there are some individuals who say: I have committed 12 murders and secured acquittals in all those cases. They mean to convey that they have to be respected because a person has committed murders and got acquittal on the basis of wealth and money. That is a tragic situation in which we live.

Similarly we guarantee freedom of conscience and religion. The biggest smugglers and blackmarketeer should the biggest temples. He can put some

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pandit to do puja on his behalf. Because he is a smuggler or blackmarketeer, he has not himself got the time for worship and so some pandits must worship on his behalf for which they will be paid. Big smugglers have become Hajis, multiplied by dozens and hundreds. We know Haji Mastan. I was talking to some persons, some doctors and they told me: whatever may be the case, he has helped hundreds of people to become Hajis. Even faith is on sale, on the basis of money acquired through dubious and immoral and illegal means. These are aspects due to which what we preach and what we practise have become almost contradictory. There is a ocean of gap between our profession and practice, not because they do not mean it but we may mean it. But this contradiction is hindering our efforts towards achieving whatever limited objectives of the democratic socialist structure we have set before ourselves. So in such a situation even with regard to the elections we find when we hear that a particular candidate spent some crores of rupees, then we fear that democracy is not safe. Everyone cannot afford to spend unless he earns money through illegal or immoral means. No farmer, no worker, no person belonging to the intelligentsia group, if he earns throughout his life, can dream of becoming millionaire unless he or she resorts to usury, black-marketing or bribery or something else. And when he earns money with dubious methods he becomes respectable in the society. A person known for his charity and other things can own news-paper organisation, can manage temples, trusts and can purchase some elected representatives, can get them elected or get those in opposition defeated, and some of them do claim that they have got in their pockets some elected representatives also. This is the society in which we are living and because the interpretations, the rulings given in favour of wealth against an individual, in favour of money against human dignity, are in their favour. On our Constitution,

a discussion was raised by several persons like the learned person Mr. B. N. Rao and Shri Jawaharlal Nehru himself and others. But when this lone Communist Member, Mr. Somnath Lahiri had put this question, the reply was that when the rights of the individual and the rights of the society clash what should be our stand. Some people took the stand that individuals should dominate over the society for social good. The social rights should be subordinated to the right of the individuals. Some others said: No, the society should have supremacy, society should have domination over individuals. I think that was the discussion on a wrong basis, on a wrong footing and that was a futile discussion. If all the individuals are right, where is the society and if the society is right where does the question of individuals rights arise. So there is no question of clash between the individual and the society. Here the problem is that every individual of the society and the society as a whole together have been subordinated to wealth and money. So, here is a clash between the individuals and society on one side and wealth and property, mostly earned in undeserved manner, on the other. This basic contradiction of our Constitution, this basic contradiction of our social order, this basic contradiction of our State system, administrative system, academic system, judicial system, has to be resolved one way or the other.

Sir, now, a stage has come when we cannot dare avoid or neglect it any longer. Now, those who have got wealth and money have started realising that this democracy, that this right of all to vote according to the choice must be done away with. And that is why during the last few years, we have been making furious attack, furious assault on the rights to get elected and after getting elected demand comes for the dissolution of the Assemblies, demand comes for the dissolution of Sansads, etc. A demand came for the partyless system. Such demands were raised in our own country. That was not the demand of a few individuals or

persons turned into *lok nayaks* by the monopoly press. That is because the monopoly class, the ex-princes, the landlords, have come to realise that if everyone has got the right to vote, any party or person seeking their votes will have to promise something, will have to say 'Garibi Hatao' and once something is promised, it will have to be implemented at least partly if not fully. For the part which remains unimplemented, people will march and say "Fulfil your promise". The people's march will begin and a day will come when, as the learned Golwalkarji said, they will be massacred with a *kanta churi*. They are apprehensive of this. That is why they have begun assaulting the democratic framework of our structure. The masses, the real talent working in the fields, factories and offices, have begun to realise that unless the power of wealth is curbed, democracy cannot stand. So, this contradiction has to be resolved by us in favour of the people, in favour of democracy, in favour of rule by the people, against domination by a few people against domination by wealth over-conscience and education.

15.54 hrs.

[SHRI ISHAQUE SAMBALI in the Chair]

The treasury benches are saying that they are yet discussing this aspect and they are not in a position to introduce such a Bill during this session. That is what is reported in the papers. But here is a Bill which I do not think they would like to oppose. Even if a few of them do not like it, I do not think they will dare to oppose it in today's climate. In such a situation this Bill should be accepted. I request the hon. members to discuss this Bill along with the amendments I have tabled, because this Bill has had a chequered history. I first introduced it in 1967. In 1971 I revised it. At that time when the Bill was introduced, there was a certain situation. Now we have a different situation. So, I have given some amendments. I request the members to discuss the Bill and the amendments. We have found that there have been demands for the forcible

resignation of legislators, for dissolution of democratically elected legislatures ...

AN HON. MEMBER: What about defections in Gujarat today?

SHRI BHOGENDRA JHA: That will continue as long as the power of money is there.

श्री शशि भूषण : (दक्षिण दिल्ली) ।
गुजरात की रिपब्लिकनरी सरकार आज हार गई है। मैं चाहता हूँ कि होम मिनिस्टर उस पर ब्यान दें। यह बहुत ग़हम मसला है। वह बनाए वहा क्या हुमा है।

SHRI P M MEHTA (Bhavnagar): The process of defections was started long ago. Today it has resulted in defections in Gujarat and the government there has fallen.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN). As you all know, the Government of Gujarat was defeated by two votes when the budget was being discussed, and the Speaker had adjourned the Assembly *sine die*. I do not know the later developments—whether the Government has resigned and whether the Chief Minister has resigned. I am not aware of it. This is the information I have. I am told by others that he has also resigned. But that should be the logical consequence.

(Interruptions)

MR CHAIRMAN No discussion.

SHRI BHOGENDRA JHA: My friends said that the issues were irrelevant now. Though for this debate it is not very relevant, I wish to say that simply because some Independents have crossed over, they have not become angles. But I think that the Government which has fallen was not a government in the interests of the people. That was an anti-people government, but the defectors must not be rewarded. (Interruptions). Any-

[Shri Bhogendra Jha]

way, I am not going to garland those defectors; and I wish the ruling party will take a lesson and not garland the defectors. (*Interruption*). There is an apprehension. You are a member of the Committee on anti-defection; and I am also there; and I do not know when it will be allowed to deliver the goods (*Interruptions*) Anyway, what I had meant here was that even the democratically-given verdicts of the people are altered and changed in different directions. Here the power of money had an important role to play. Things were changed not only through discussions and argument. It may sometimes help some people, and on other occasions, some others. The ruling party always hopes that it will help it. When they thought that the tide was against them, they took interests in bringing in this; otherwise they slept over it. That is the tragedy (*Interruptions*).

SHRI F. H. MOHSIN: That is not relevant. If you say this, I may have to give a reply.

SHRI BHOGENDRA JHA: It is not very relevant, but it is not irrelevant either. (*Interruptions*) In such a situation, the time has now come when the confrontation between the power of the money and the power of the ballot, between the power of the people and the power of the purse—which is there for the last few years—has to be tackled. Many of our friends on that side, did not realize it very early. Now, on 16th March, 1974, some people had a meeting with Frabhat Ranjan Sarkar, alias Ananda Murti; and on 18th March, 1974, the carnage in Patna began. The loot, arson and other things began; and it developed into a thing for which the U.S. imperialists and the West German imperialists are now found responsible. They were gloating over it then; and they are now groaning and complaining that our democracy has been saved. In such a situation i.e. when this confrontation is there, it is

high time that we amend our Constitution and delete that part which is a curb on the fundamental rights of our people and on a country like India with a population of 608 million. In this aspect, this draft Bill provides that even the political and economic rights should be inserted, along with other rights. They are not mentioned in articles 14 and 16. I will come to this when the various clauses are discussed. But there is one clause which should be excluded. They should not be jumbled together. As my amendment No. 3 narrates, when we talk of civil liberties there is one class which is against all the liberties we value, against all the rights we value, against all the freedoms we value. That class must be out in a different category, and that category is:

“any person who is arrested or detained under any law providing for detention in connection with smuggling, foreign exchange racketeering, usury and other economic offences, or for attempting violent overthrow of the democratically elected government.”

I am suggesting that the Constitution should provide for it. We, the people of India, who have given the Constitution unto ourselves, we have to put these people in a different category. That class of people, the blood-suckers, should not be allowed to mingle with the national stream of political opinion in our country.

16 hrs.

I think sub-clause (f), as interpreted by the different courts, including the Supreme Court and High Courts, is a great hindrance to our democratic system. At the time when we gave ourselves this Constitution, we put these lofty ideals. At that time the country was partitioned by the British and the feudal rulers wanted to take the country backwards. Some elements

like the RSS, who became the stooges in their hands, perpetrated massacres. In that background, hundreds of natives princes, who were British puppets, who were declared free by the British, many of whom were dreaming of becoming sovereign rulers, in that background we gave ourselves this Constitution. Now the time has come when we should do away with these rights.

In this situation in sub-clause (f) "to acquire, hold and dispose of property" must be deleted. The words "to practise any profession or to carry on any occupation" should remain. But the words "trade or business" should go.

I am fully conscious of the fact that as long as the present social order, which is a capitalist order, we cannot bring about any change. I have no illusions. Many of us want to bring in socialism. But the present stark reality is that we are living in a full-fledged capitalist order, with a capitalist judicial system. We are under no illusions about that, that their business or personal property will go away. That is not what I am demanding. I am saying this should not be the fundamental right. These things can be governed and regulated through other enactments. My submission is only this, that they should not be included in the fundamental rights. It should not be misunderstood that I am demanding the end of individual property for the present because I know that our country has not progressed enough to go to that extent, but the fundamental rights must be the fundamental rights of our people, not of those with purses who dominate the people, not of the purses of those who have not earned them, who have not produced them but only cornered them through illegal, immoral and dubious means and methods.

With these words, I commend the Bill to the House.

MR. CHAIRMAN: Motion moved:

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

SHRI M. C. DAGA (Pali): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the last day of the last week of May, 1976."

SHRI DASARATHA DEB (Tripura East): I support this Bill, but with some reservations.

This Bill seeks, among other things, to amend article 15(4) of the Constitution. That clause reads:

"Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."

And if we see article 29(2), it says:

"No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them."

The amendment wants to add the word "economically" in article 15(4), i.e., it wants the article to cover economically backward classes also. I do not know how it would fit in, when the clause is specifically meant for the protection of the scheduled castes and scheduled tribes and religious minorities.

We have been fighting against untouchability and provided against it in the Constitution also. Certain rights are denied to the minorities by the high caste or majority communities. We want to protect those minorities. But, if you put in the words "economically

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backward classes", it will cover all sections of people belonging to all castes, creeds and communities. Unless the social order or set-up is changed, merely changing the Constitution will not, I think, bring justice to the economically backward sections. Because this requires something else, not the particular provision of the Constitution. However, if you want to put it in the Constitution, I have no objection at all. You may put it. But I have no illusion about this that by putting this word, the basic conditions of the economically backward people can be changed. And what the Mover of this Bill spoke—quite a lot on certain philosophy—is correct, but it is not reflected in this amendment.

He referred to certain people who made this—Anand Murthy. But by making this, how can he be prevented, because we want more freedom, more rights to be given to the people.

AN HON. MEMBER: And curb the right to the wealth, property.

SHRI DASARATHA DEB: Yes, curbing the right to wealth. That is why. I am not sure about it. However, I am not against it also. Let it be very clear.

Then coming to Article 16, clause 2, after the word "religion", the words "political views" may be inserted. I am fully in agreement with the Mover of this Bill, because we know that this Article 16 only provides safeguards against the discrimination on the ground of religion, race, caste, decent place of birth, resident, etc. etc., but it does not give protection to the person who holds different political views, so far as employment is concerned. Equality of opportunity in the matter of public employment must be there, irrespective of caste, creed and political opinions.

SHRI M. C. DAGA: He may even belong to RSS. (*Interruptions*).

SHRI DASARATHA DEB: Whatever it may be. For holding political opinions, nobody should be debarred, so far as employment in this country is concerned.

AN HON. MEMBER: RSS does not claim to be a political party. (*Interruptions*).

SHRI DASARATHA DEB: By merely holding political views or expression, nobody should be debarred getting employment in any department. If he has committed an act which has created problems for our country or destroyed our sovereign entity, then it is a different point. But now what is happening? I know in my part of Tripura, after the first interview is over, there is police verification. They secretly take all the informations. They first ask whether the parents of a particular boy belongs to any political party or the Communist Party or whether his generation subscribes to the views of the Ruling Party. If they found something, then they.... . (*Interruptions*).

SHRI M. C. DAGA: It is not in the form.

SHRI DASARATHA DEB: It is not in the form. This is the practice which is taking place. In fact, it is not correct that a person who is holding political views should not be appointed. Yes, he is appointed, he is also promoted. If a particular individual or an employee subscribes to the political views of the Ruling Party, then he will be welcome. So, here also, I support this amendment.

But Mr. Bhagwat Jha Azad should also know that constitutionally or legally there is no bar on holding political opinions. But the actual practice is like this. Suppose, you say that there

is some practice in the institutions, particularly in the Primary Schools and the Senior Basic Schools. These children, generally, are not permitted by the heads of institutions to participate in any public meeting held by any other Opposition party. But if some Minister visits the place and a public meeting is organised by the ruling party, these children are brought by trucks, lorries and by so many cars with garlands. They do not have any objection to these children participating in the public meetings held by their party leaders.

I know, when I was a Member representing a particular constituency, in 1956 I held a public meeting there. One of my tribal relatives came and attended my meeting. He actually came with me. He was discharged from the school; he had to leave the school. He was told, "You attended the Communist party meeting. So, you are unwanted here."

That is why in a democratic system, if we want to develop democracy, along with this, free expression of political views should also be protected. Here, it says, no citizen shall on the ground only of religion, race, caste, sex, place of birth or any of them be discriminated against in respect of any employment or office under the State. My hon. friend, Shri Bhogendra Jha, has correctly proposed to insert after the word "religion", the words "political view". I support it.

Coming to article 19, in clause 2, he proposes the deletion of clauses (2), (3) and (4) and I support it. The freedom of speech, the freedom of association, the freedom of forming unions or associations, all these rights, are guaranteed under article 19 of the Constitution. But by these clauses, these rights can be taken away at any time at the sweet will of the executive. Many times, the powers which have been given to the executive are abused or misused.

A very recent incident is that eight political parties in West Bengal want-

ed to hold a meeting in a hall just to express condolence on the death of Premier Chou En-Lai. Suddenly, a notice was served by the Governor of West Bengal because there were apprehensions that that may create some disturbances, etc., and it said that public meeting should not be held. It was prevented by the Governor's order. Is it not an abuse or misuse of the powers given to the executive? On the other hand, the Congress Ministers are roaming about throughout the country and holding meetings and addressing the people. But other political parties are not even allowed to just stand in silence for a minute to express condolence. That is also not permitted. That is why this amendment has been brought up very rightly, so that the executive cannot misuse that power.

I want to give you another example. I was one of the founders of the Janasiksha movement in Tripura State. It was formed as early as 1955 and our aim was to improve the literacy of the tribal people. We organised it and, in one year, we established 484 primary schools, flouting the decision of the Maharaja at that time—we were not in his good books. This is the 31st year of that tribal literacy movement and I applied to the Tripura Government for leave to hold a meeting because it was being held every year on that particular day, but that meeting was not allowed. Then, where is the right to hold a peaceful meeting without arms that is guaranteed under Art 19 of the Constitution? That right was taken away. Is that not misuse of power by the Executive? Mr. Jha rightly said that in Art. 22 a provision should be there that no person should be detained without any tribal and that is why I supported his amendment.

Another thing is that the Executive, in many cases, is given protection. Even if a case is filed in respect of any person who has been detained, they

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don't disclose the merits of the case and don't submit reasons. That should not be there. They must submit all the charge-sheets and it should be open to the courts to go into the merits of the case. When I was detained in 1968 under the Preventive Detention Act, I went to the Supreme Court. What was the charge against me? The charge was that I had incited people to burn houses; that was one of the charges. But the fact was that I had been ailing in the Agartala G. B. Hospital, having been admitted some 20 days before the occurrence and I was released from the hospital some 30 days after the occurrence. I had been in the G. B. Hospital undergoing an operation; so where was the opportunity for me to go to a place one hundred miles away and in the people to burn houses? I wanted to produce my case before the Supreme Court but the Hon. Judge said 'Mr. Deb, we are not entitled to go into the merits of the case and so it is irrelevant'. Then, I had to suffer; I had to be inside the jail for twelve months because the Executive had assumed extraordinary powers. They did not disclose the merits of the case and the Courts are prevented from going into the merits of case. That is why I supported this amendment.

SHRI B. R. SHUKLA (Bahraich): In this country, there is a widespread feeling that the Constitution should be amended in many respects. The Congress Party itself has constituted a Committee consisting of a number of persons who are Members of this House. A discussion is going on in the Supreme Court as to which of the provisions of the Maintenance of Internal Security Act are constitutionally valid. A number of times, hon. Members of this House belonging to different Parties have brought Bills seeking amendment to the Constitution. Mr. Bhogendra Jha has also introduced such a Bill, which is really thought-provoking. The ideas contained in this Bill

are quite clear, but they have been confused by him when he was expounding the ideas behind this Bill.

Article 14 of the Constitution provides for equality before law, and any law which is inconsistent with the Fundamental Rights guaranteed under the Constitution or any law which denies equality before law or, in other words, which discriminates between one citizen and another, shall be void. To that there is an exception, and that is, if any law is discriminatory in nature but seeks to make provisions for the advancement of socially and educationally backward classes, that law shall not fall within the clutches of article 14 or 15 and such a law shall be valid. Mr. Bhogendra Jha, by his amendment to article 15, seeks insertion of the words 'economically backward'. I think, this is a very salutary and welcome provision, because, if the Constitution provides for a discriminatory law in the interest of socially and educationally backward people, why should there not be a provision for making a similar type of law in favour of those who are economically backward? There are persons in the Muslim community who belong to the lowest strata of economic group; their position is sometimes worse than that of backward classes or even that of the members of Scheduled Castes and Tribes, but they have not been given any benefit. Therefore my submission is that so far as this Amendment is concerned, it is very welcome and Government should give proper consideration to this part of the Bill.

The second is that he wants that no person should be held ineligible for any employment on grounds of race, religion, caste, creed and also on grounds of 'political views' I am afraid, he will land himself and the persons of his thinking more in trouble by this. Perhaps, he has not pondered over the wide implications of this amendment. What is the meaning of 'political views'? You have the Com-

munist ideology, a person has the fascist ideology, another person has the philosophy of guarded democracy. All these are political views. My submission is that, in this country, Mr. Bhogendra Jha and his Party, by and large, is committed to the philosophy to which we are committed, namely, that we want to establish an order based on democratic socialism. Therefore, the reactionary parties will take advantage of the situation. We do not want that persons having outmoded ideology, having reactionary thinking, should be entrenched in government offices. We know how many persons sharing this outmoded ideology are polluting and corrupting the Government and are putting hurdles in the way of our march towards socialism. Therefore, this part of the Amendment should be withdrawn by him. Although he will, ultimately, withdraw the whole Bill, I appeal to him that this part of the Amendment is not proper.

So far as the question of the seven freedoms enshrined in article 19 is concerned, I have my own views on them. Certainly, it was not proper to include the right to property in the chapter of Fundamental Rights. That has been the view of the Supreme Court also in Keshvananda Bharati case and they said that the right to property is not a Fundamental Right, though it has been included in that chapter and it is not the basic feature of the Constitution. Nevertheless, in the capitalist society or in the society which is governed by mixed economy, I would say that it is not only the big sharks that are going to acquire benefit of Article 19, but even the smaller persons having limited income are also hit. If two bighas of land of a person is taken away by an executive action, he also needs protection. Property is not something which should be looked upon with contempt. Property acquired honestly is not only the fruit of labour which an honest individual has put forth. Therefore protection to hold property, to acquire property

and to dispose of property should be a sacred right and it is the duty of the Government to protect such right. The property acquired illegally or by smuggling or by resorting to criminal activities can be confiscated and the right to hold, acquire and dispose of property itself is subject to the reasonable restrictions which the Parliament can place by enacting suitable law, and the Parliament has already passed a law to forfeit smugglers' property. Therefore, he should not be afraid on that account.

There is a political and economic overtone in the speech of Shri Bhogendra Jha. He thinks that all root causes of evil in the society are in the property only.

SHRI BHOGENDRA JHA: Mainly.

SHRI B. R. SHUKLA: But those who do not have any property are greater menace in the country, because if they do not have anything to fall back upon, they will go from door to door like political beggars. Only those people can have independent views in politics who have something of their own. I, therefore, radically differ from Shri Bhogendra Jha that all evils in the society are to be traced only to property. Property must be earned, property must be defended, property must be properly utilised, though there should be suitable restriction on the use of property. Therefore, my submission is that this Bill though in a scattered and isolated manner is thought-provoking it is mis-conceived and it should be withdrawn by him.

SHRI H. N. MUKERJEE (Calcutta-North-East): Mr. Chairman, Sir, my only intention in intervening in this debate is to request Government at least to accept in principle the Bill which has been put forward by my friend, Shri Bhogendra Jha. Personally, I would not even object, though that would be unnecessarily time-consuming, if Government prefers to accept my friend, Shri Daga's amendment

[Shri H. N. Mukerjee]

and send this for circulation to elicit public opinion. I say so because, on the highest authority in the country, we are assured that there ought to be a national debate on how the Constitution is going to be restructured, and from that angle, the principles which Shri Jha has adumbrated should be extremely helpful.

Sir, I would not take much time, but I would merely like to counter some of the arguments made by my friend, Shri Shukla who just spoke.

I feel that Shri Jha is entirely justified in introducing into Article 15, the word 'economically'. And I recall that my friend, Mr. Dasaratha Deb did not oppose the introduction of this expression. Only he was doubtful about the result of it. Actually, whatever the Constitution we have, merely the formulation of the most unimpeachable principles by itself never produces the results that we aim at. The results have to be achieved by a collective, national endeavour and not merely by the formulation of certain ideas. So, if on Mr. Deb's argument, we hesitate to make a formulation because the results would not immediately follow, then our job would be gone and the legislature would have nothing to do. On the contrary, I think the introduction of the word 'economically' stresses the idea that sections of our population like the Scheduled Castes and Scheduled Tribes or the religious minorities or whoever who is under a handicapped, are handicapped basically on account of economic reasons and therefore, we want to redress the economic disadvantage of the overwhelming majority of our people. From that angle, the introduction even there of the word 'economically' should give a certain colourisation to our entire Constitution.

Mr. Shukla objected to the introduction of the expression 'political views' into Article 16 on the ground that Gov-

make sure that nobody enters the administration who harbours what he considered to be subversive political ideas. The task, however, cannot be accomplished in that kind of routine technical manner. You cannot deal with the political views of your people by punitive, exclusive measures. After a person enters Government administration, there are ways and means of disciplining him and his conduct. There are rules and regulations in regard to how a government servant should behave and they could be laid down and implemented properly. But you cannot put a blanket ban on people with political views which happen for the time being to be disagreeable to those who are in authority. If Government is at all efficient, then, after selecting the right kind of people, irrespective of their doctrinaire, political views, discipline their conduct in conformity with what should be done when a person is a member of the government administration itself. Therefore, this is very wrong and Mr. Deb gave some instances to show how under the name of political views people are being discriminated against. Constitutionally we should not have these discriminatory provisions. If it becomes necessary in times of emergency to have an emergency legislation, go ahead with it and do whatever you like but do not put in the Constitution something which you want to preserve as a matter of ideal.

Then, take the question of right to property, Mr. Shukla again confused the whole matter. There is no need to go into any detail with it. A very well-known French political philosopher related a slogan in the 19th century which was very popular that property is theft and we know how money is so tainted and the power of money is so terribly disastrous to the advancement of the economic interests of the overwhelming majority of our population because money talks and prevents other people talk. Only recently, in the newspapers we see from day to day

how the Lockheed corporation buys up political support in all countries, even in your so-called democratic countries particularly and the power of big money, the multi-national corporations, their adjuncts in different countries their native allies—this sort of concentration of power in the hands of people of property is the basic question, which is why there cannot be a fundamental right to property. You can have your laws in regard to regulation of property. Mr. Jha never said that he wants elimination of private property.

Nobody wants it. No Communist, no Marxist ever wants it. Marx himself said that the knell of capitalist private property is sounded. He said 'capitalist private property'. Private property which is really and truly private is not a thing to which Communist or Socialist of any serious description would object. It is only that power to exploit the labour power of other people which comes because of the possession of the property that has to be attacked and, therefore, our old friend who is now unfortunately no more—late Mohan Kumaramanglam—had argued cogently not only in court but also through certain publications how the right to property should have no place and Mr. Shukla himself has admitted that the Supreme Court had opined that the right to property should not be there in the Fundamental Rights and, therefore, Mr. Jha is completely right in saying that it should get out of the picture.

In Article 22 Mr. Jha has tried to go so far as to satisfy some feelings on the part of the Government at this present point of time. He is against the idea of detention without trial. But he had made certain exceptions in the case of economic crimes and in the case of subversive efforts to overthrow by violent means democratically established structure of Government and, therefore, he has gone so far to admit the possibility of detention without trial even though just in the beginning he wanted to eliminate it altogether. Therefore, I feel Mr. Jha has made a moderate job of it. He has

presented the whole matter in a cogent manner.

There may be other things where differences may arise. But there is no difficulty on the part of the Government to accept in principle the basic idea behind this Bill and I am sure Mr. Jha would act according to his own conscience and I think if Government accepts the principle, we can go back with the assurance that this matter would contribute to the nationwide debate on the re-structuring of our Constitution which I am sure is in the interest of Government also. That is why I say, I support this Resolution and I wish Government can accept it.

श्री मूल बन्ध बाणा (पाली) : सभापति महोदय, संविधान संशोधन विधेयक सदन में पेश करते समय माननीय सदस्य का सारा भाषण मैंने सुना। उससे मुझे मालूम हुआ कि यह बिल पेश करने का उनका क्या इरादा था, और उन्होंने क्या बातें कहीं और वह चाहते क्या थे।

हिन्दुस्तान में आज एक बड़ी लहर चल रही है कि किसी न किसी तरह संविधान में संशोधन किया जाये। लेकिन संविधान में संशोधन के लिए वह किस बात की मांग कर रहे हैं? उन्होंने आर्टिकल 16 की बात कही है। आर्टिकल 16 में पोलिटिकल व्यूज की बात का कहीं सवाल पैदा नहीं होता है। इसमें लिखा है :—

"No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State"

मुझे आज तक यह बात मालूम नहीं हुई कि हिन्दुस्तान में किस प्रकार से पोलिटिकल व्यूज को सर्विसेज में कंसीडर किया जाता है। हिन्दुस्तान में जो आजकल कालेज की, एजुकेशन चल रही है वा जिस शिक्षा के अभाव

पर लोगों को सेवाओं में लिया जाता है, तो उन सेवाओं में पोलिटिकल व्यूज के आधार पर लिया जाएगा, यह कहां लिखा हुआ है ?

पोलिटिकल व्यूज बदलते रहते हैं । हम कह रहे हैं कि जो सेवा करने वाले लोग हैं, वह राजनीतिक पार्टियों से भ्रमण रहें, फिर इस प्रकार के असेसमेंट रखने की कैसे जरूरत पैदा हुई ? आर्टिकल 16 में इस प्रकार का कोई विचार नहीं है । इसमें बिल्कुल साफ है, कि किसी प्रकार का भेदभाव न कार्य के आधार पर और न सेक्स या रिजिजन के आधार पर किया जायेगा । सब को नौकरी में लिया जायेगा । इसमें पोलिटिकल व्यूज की कोई डिक्रीमिनेशन नहीं है । उन्होंने यह कहा है कि पोलिटिकल व्यूज को इस्टेब्लिश कर दिया जाये । यह बात बिल्कुल गलत और बेबुनियाद है कि सरकारी नौकरियों में पोलिटिकल व्यूज का हवाल किया बिना विवक्ति की जाये ।

आर्टिकल 19 के बारे में माननीय सदस्य ने यह प्रश्न रखा है कि क्लॉज (2), (3) और (4) को प्रोमित कर दिया जाये । आर्टिकल 19 इस प्रकार है :

"All citizens shall have the right to freedom of speech and expression, to assemble peaceably and without arms, to form associations or unions, to move freely throughout the territory of India, to reside and settle in any part of the territory of India, to acquire, hold and dispose of property; and to practice any profession, or to carry on any occupation, trade or business."

क्लॉज (2) इस प्रकार है

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

मेरी समझ में नहीं आया है कि माननीय सदस्य लिबर्टी का क्या अर्थ लगाते हैं । स्वतन्त्रता का मतलब है अनुशासन और नियमों का पालन । कोई आदमी स्वतन्त्र तो हो सकता है, लेकिन उसको ऐसी स्वतन्त्रता नहीं दी जा सकती है, जिससे सारे समाज को नुकसान हो जाये । कोई व्यक्ति अपनी इच्छा के अनुसार जो चाहे करे, यह स्वतन्त्रता नहीं कहलाती है । अमरीका की सुप्रीम कोर्ट ने कहा है

"The liberty of the individual to do as he pleases, even in innocent matters, is not absolute. It must frequently yield to the common good."

Putting restraint on the freedom of wrong-doing of one person is really securing the liberty of the intended victims. Therefore, restraints on liberty should be judged not only subjectively as applied to a few individuals who come within their operations but also objectively as securing the liberty of a far greater number of individuals."

कोई आदमी कुछ भी करे और उस पर कोई रोक न हो, क्या वह स्वतन्त्रता है ? मेरी समझ में नहीं आया कि माननीय सदस्य क्या कहना चाहते थे । आज हमारे देश में साम्प्रदायिक पार्टियां हैं, अन्य उच्छ्रंखल और तोड़ फोड़ करने वाले लोग हैं । सरकार जब जरूरत समझती है, तो वह उन दलों को बंद कर देती है । माननीय सदस्य कहते हैं

कि वह जरूरी नहीं है। इसका अर्थ तो यह है कि कोई भी आदमी सड़क पर नंगा घूम सकता है। वह कह सकता है कि मैं स्वतन्त्र हूँ। यह कैसे हो सकता है? क्लॉब (2), (3) और (4) में कुछ उचित रेस्ट्रिक्शन्स इम्पोज़ की गई हैं, और इसलिए वे अच्छी हैं। देश की सुरक्षा के मामले में कैसे स्वतन्त्रता की जा सकती है? देश की स्वतन्त्रता को कैसे खतरे में डाला जा सकता है ?

"Our Constitution, similarly, acknowledges that there cannot be any such thing as absolute or uncontrolled liberty, for that would lead to anarchy and disorder"

"Liberty has to be limited in order to be effectively possessed. The question, therefore, arises in each case of adjusting the conflicting interests of the individual and of the society".

तो मैं यह समझ नहीं पाया। जो सबिधान का इम्पेडमेंट पेश करने वाले थे वह भी चले गए, हाफ हाटेंडली। अद्वैत पत्र से उन्होंने पेश कर दिया और कहने लगे कि प्रापर्टी राइट्स को खत्म कर दो। मैं आज तक नहीं समझ पाया कि क्या जो सम्पन्न होते हैं वह आध्यात्मिकता से गए बिन होते हैं और जो गरीब होते हैं उनमें सब गुण होते हैं। जो चीज बाहर है वह बोलत है और जो अन्दर है वह धर्म है। तो जो सम्पन्न होता है वह गुजरा होता है और जो गरीब होता है वही ईमानदार और सेवा-शुभी और सब कुछ होता है, यह कोई काइटीरिया नहीं है। प्रापर्टी का मतलब है कि जो अपनी मेहनत से कमा करके इकट्ठा

करते हैं। वह इस तरह का कमाना न हो जिससे समाज को नुकसान हो जाय इसके लिए रेस्ट्रिक्शन्स प्रालरेडी हैं। सरकार ने प्रालरेडी रेस्ट्रिक्शन लगा रखे हैं कि किसी आदमी के पास ज्यादा सम्पत्ति न हो। उसके लिए इनकम टैक्स लेते हैं, बँच्य टैक्स लेते हैं, स्टेट ड्यूटी लेते हैं। उसके अलावा अर्बन लैंड सीलिंग का कानून लागू हो गया है, लैंड सीलिंग एक्ट लागू है। ये सारी बात हैं। इसके बाद भी इस तरह की चीज लाते हैं तो उसको लाने के पहले सोचना चाहिए कि क्या आदमी को किसी तरह का अधिकार नहीं होगा? मैं समझता हूँ कि अगर आदमी के पास कोई अधिकार नहीं रहेगा तो उसको कोई इन्सिन्टिव नहीं रहेगा और जब तक इन्सिन्टिव नहीं होगा, काम करने की इच्छा नहीं होगी, बय अपनापन नहीं समझेगा तो वह मेहनत से काम नहीं करेगा और आगे नहीं बढ़ेगा। प्रापर्टी राइट्स को खत्म करने की बात कही जाती है तो फिर किसको राइट्स होना चाहिए? क्या स्टेट्स के राइट्स होंगे? क्या रशिया की तरह बनाना चाहते हैं? मैं पूछता हूँ क्या रशिया में क्लॉसेज नहीं है? वहाँ भी कुछ आदमी बहुत ऊँचे हैं, कुछ बहुत नीचे हैं। वहाँ भी आर्थिक अन्तर है। कुछ लोगों को बहुत सुविधाएँ हैं, और हजारों लोग गरीब हैं (अध्यक्ष) लाखों और करोड़ों गरीब हैं। वहाँ आज मैं सुन रहा था कि सब्जी नहीं मिलती है। कोई आदमी बहा चला जाय और बेजिटेबल खरीदना चाहे सारा सब्जी खाना चाहे तो वह वहाँ उपलब्ध नहीं है . .

सभापति महोदय : मिस्टर डागा, इन चीजों का जिल से कोई वास्ता नहीं है ।

श्री मूल खन्ड डागा : मैं ठीक कह रहा हूँ ।

सभापति महोदय, यह बात आप भी सोचिए ये करना क्या चाहते हैं ? सारे प्रापटी राइट्स खत्म कर दिये जायें। अमेरिका में भी कुछ लोग ऊंचे हैं, कुतुबमीनार पर बैठे हैं, कुछ नीचे जमीन पर रेंग रहे हैं। प्रापटी राइट्स खत्म करने से आदमी का इलेक्टिव खत्म हो जायगा। मैं कहता हूँ व्यक्ति को आप हिम्मत और मेहनत के साथ आगे बढ़ने दीजिए। उसके प्रापटी राइट्स खत्म कर देंगे तो यह ठीक नहीं होगा। मैं यह नहीं कहता कि उसके पास इतनी सम्पत्ति इकट्ठी हो जाए कि वह ऐश और आराम में पड़ जाय लेकिन अगर उसकी खुद की कुछ भी प्रापटी नहीं होगी तो क्या स्टेट की मर्सी पर वह रहेगा ? सरकार की मेहरबानी पर जीएगा ? यह सरकार कानून बनाती है, क्लस की बात उसमें करते हैं ...

एक अनिनीय सचस्य : आप राजस्थान की बात कर रहे हैं ।

श्री मूल खन्ड डागा : हम तो प्रापटी को दान देने की बात समझते हैं। दोनों हाथ उलीचिए वहीं सयानो काम। हमारे यहां किसी की प्रापटी बढ़ जाय तो कहते हैं दान कीजिए —

पानी बाढ़े नाव में घर में बाढ़े दाम ।

दोनों हाथ उलीचिए यही सयानो काम ।

श्री

साई इतना दीजिए जामें कुटुम्ब समाय ।

मैं भी भूखा न रहूँ साधु न भूखा जाय ॥,

हमारे यहां फिलासफी यह है कि हम ज्यादा नहीं चाहते हैं। हिन्दुस्तान में तो अपरिग्रहवाद की फिलासफी है। हम तो यह मानते हैं कि हमें तो इतनी वीलत चाहिए कि हम अपनी गुजर कर सकें और कोई मेहमान आ जाय तो काम चला ले जायें। गांधी जी ने ट्रस्टीशिप की बात कही थी ... (व्यवधान) ... यह प्रापटी राइट खत्म करना गलत चीज है। हां, इस पर रेस्ट्रिक्शन लगाइए। सोवियत रूस में भी कुछ सुविधाएं कुछ लोगों को मिलती हैं वह दूसरों को नहीं मिलती हैं। इसका मतलब तो फिर यह सोणा कि इन्सान को सरकार की दया पर छोड़ दिया जाये। एक तरफ आप यह भी कहते हैं कि व्यक्ति की गरिमा बढ़नी चाहिए, उमका व्यक्तित्व बढ़ना चाहिए लेकिन यह होगा कैसे ? बेगर्स चूजर्स नहीं हो सकते। स्टेट ही रोटी दे, कपड़ा दे—यह नहीं होना चाहिए। मनुष्य को अपने पुरुषार्थ और बुद्धि के बल पर कमाने की स्वतन्त्रता होनी चाहिए। जो बुद्धिजीवी लोग हैं, वे बात करेंगे क्रान्ति की, क्रान्ति की बुम पकड़ कर बैठेंगे लेकिन मुंह करेगे सत्ता की तरफ। हमारे मित्र ने भी बड़ी क्रान्ति की बात की है। बुद्धिजीवियों को यह बीमारी होती है कि बात करेंगे क्रान्ति की और काम वह करेंगे जिससे उनका फायदा हो। यह तो भ्रान्ति फैलाने की बात हुई। कहा जाता है सारी प्राइवेट ट्रेड समाप्त कर दी जाये। ऐसी हालत में जो संशोधन यहां पर पेश किया गया है मैं उसको उचित नहीं

समझता हूँ। व्यक्ति पर रेस्ट्रिक्शन्स इम्पोज होने चाहिए, इसको मैं स्वीकार करता हूँ, व्यक्ति के लिए स्वच्छंदता होनी चाहिए। वह समाज का एक अच्छा नागरिक बन सके इसके लिए उस पर समाज के नियम लागू होंगे। आप भी कहते हैं व्यक्ति की गरिमा बढ़नी चाहिए। इसलिए मैं समझता हूँ माननीय सदस्य ने यहां पर जो संशोधन पेश किया है उसको खूबसूरती से वापस ले लेंगे। उन्होंने जो रखा है वह समझ में नहीं आया। उन्होंने खुद भी नहीं कहा कि आर्टिकल 19 में कौन सा विज्ञान खत्म करना चाहते हैं। अगर सारा खत्म कर देगे तो फिर रहेगा क्या? वह खुद भी कहते हैं कि आर०एस०एस० को स्वतन्त्रता दे दी जाये।

SHRI BHOGENDRA JHA: They do not claim to be political parties. They are simply violent gangs.

श्री भूलचन्द शर्मा: हम उन पार्टियों को भी नहीं चाहते हैं जो इस देश में रह कर दूसरे देशों की स्वामिभक्ति करती हैं, जो रहती इस देश में हैं लेकिन उनकी लायस्टी दूसरी तरफ है—ऐसी पार्टियों को भी हम नहीं चाहते हैं। हम ऐसी पार्टियों को चाहते हैं जो इस देश के प्रति लायल हों। लेकिन इस देश में ऐसी पार्टियां भी है जो रहेंगी यहां और बरसात होने पर छाता दूसरे देश का तानेगी। इस देश में वही पार्टियां रहनी चाहिए जो इस देश के प्रति बफादार हों। इसलिए मैं कहना चाहता हू कि यहां पर जो संशोधन पेश किया गया है वह हाफ-हार्टेडली, झगुरे मन से पेश किया गया है, बिना सोचे समझे पेश किया गया है और स

हाउस का कोई भी मेम्बर इसको सपोर्ट नहीं करेगा। खास तौर से हमारे पांडे जी पूरी हिम्मत के साथ इस संशोधन का विरोध करेंगे।

सभापति महोदय: मैं समझता हूँ अभी इन बिल पर और भी कई माननीय सदस्य बोलना चाहते हैं।

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, the position is that Mr. Daga will require more time. He is making very valuable contributions. Then there is Mr. Biren Dutta. He will also make some valuable contributions.

17 hrs.

He will take some time. Then the Minister will take some time. Then Shri Bhogendra Jha has to reply, taking some more time. Calculating all this according to human estimates, it would look as if we need another 1½ hours. I suggest we extend the time by 1½ hours.

SHRI P. M. MEHTA: At what O'clock will it be over?

SHRI K. RAGHU RAMAIAH: One and a half hours means upto 6 P.M. today and another half an hour on the succeeding corresponding non-official day.

MR. CHAIRMAN: Is the House agreeable to extension of time by 1½ hours.

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: The time is extended by 1½ hours. Shri Daga.

SHRI M. C. DAGA: It says here:

"What the Constitution of India attempts to do in declaring the rights of the people is to strike a balance between individual liberty

[Shri K. Raghuramaiah]

and social control. Article 19 of the Constitution gives a list of individual liberties and prescribes in the various clauses restraints that may be placed upon them by law so that they may not conflict with public welfare and general morality".

सभापति जी, मैं कहना चाहता था— जहाँ देश की सुरक्षा का सवाल है, देश के आचरण का सवाल है, समाज के आचरण का सवाल है सोसाइटी को चलाने का तरीका है, उसमें जो रेस्ट्रिक्शंस जरूरी हों, वे जरूर लगाई जानी चाहिये। अभी हमारे श्री दशरथ देव कह रहे थे कि प्रेस की लिबरटी को कर्टल किया गया है—यह ठीक बात है, हम आपातकालीन समय से गुजर रहे थे, हमारे कुछ सख्तवार वाले लोग ऐसी भाषा का इस्तेमाल कर रहे थे, जिस पर रेस्ट्रिक्शन लगाना जरूरी था . . .

श्री जोगेन्द्र झा : देश की लिबरटी कर्टल नहीं की गई है। प्रेस की लिबरटी कर्टल की गई है।

SHRI DASARATHA DEB I will tell him how the right has been curtailed. I am running one social organ for the tribal people in my mother tongue, the Tripuri language. Because there is no person in the Tripura Government who can censor the Tripuri language, my paper has been stopped. I want to develop my tribal language. But I cannot do it because the Government could not provide a censor to scrutinise my writings. So it has been stopped since the declaration of emergency. Is it not curtailment of freedom of expression?

श्री मूल चन्द्र डागा : सभापति जी, हिन्दुस्तान में ये विरोधी दल वाले कुछ ऐसे म्युन देख रहे थे कि देश में क्रांति हो जाए, बण्डर मच जाए, सारा देश बरबाद हो जाए, उस समय ये रेस्ट्रिक्शन इम्पोज की गई

श्री पी० एम० मेहता: ऐसा कुछ भी नहीं था।

They are imprisoned for quite different reasons.

श्री मूल चन्द्र डागा : आप ऐसा चाहते थे, लेकिन समय से पूर्व ऐसे तत्वों को शिकन्जे में बन्द कर दिया गया, वरना देश में तोड़फोड़ हो जाती, अनुशासनहीनता फल जाती। यह एक बड़ा साहसिक कदम हिन्दुस्तान की सरकार ने उठाया . .

SHRI P. M. MEHTA: I am correcting him.

सभापति महोदय : इस वक्त डागा जी बोल रहे हैं, आप उन को बोलने दीजिये। आप को भी राइट है कि अपनी पार्टी की तरफ से बोले, मैं आप को भी टाइम दूंगा।

SHRI P. M. MEHTA: He is provoking me.

श्री मूल चन्द्र डागा : सभापति जी, इसमें पार्टी का सवाल नहीं है। आज ये अपने आप को दूध का धुला हुआ कहना चाहते हैं, लेकिन इन्होंने सम्पूर्ण क्रांति का नाग दिया था, देश में कांग्रेस को हटाओ, इस शासन को हटाओ ये वही लोग हैं जिन्होंने गुजरात की चुनी हुई विधान सभा को भंग करा दिया, बिहार में जो गड़बड़ फैली, उसके पीछे भी यही लोग थे, आज गुजरात का पता नहीं है— ये देश के कुछ ऐसे तत्व हैं . . .

सभापति महोदय : गलत बात न कहें, गुजरात अपनी जगह मौजूद है, गुजरात की सरकार का पता नहीं है - यह कहना चाहिए।

SHRI P. M. MEHTA: They have done it by unfair and corrupt practices.

SHRI DASARATHA DEB: Every citizen of India has got the right to say, 'Rout the Congress Government'.

Every citizen of India has got the right to ask for a change of Government; every citizen has got the right to say: we want a change of government.

श्री मूल चन्द्र डागा : सभापति जी, यह संवैधानिक अधिकार हैं कि आप अपने तरीकों से, विचारों से जनता के विचारों को बदलें। जो आप कर नहीं सके। आप चाहते थे कि देश के अन्दर अव्यवस्था फँसे यह तो अच्छा हुआ कि आपातकालीन स्थिति घोषित हुई जिस की वजह से देश में शांति व्यवस्था कायम हुई जिस की तारीफ दुनिया कर रही हैं। न अशु गैस छोडनी पडी, न लाठी चार्ज करना पडा अपने आप हर क्षेत्र में अनुशासन आ गया। स्कूलों कालेजों में बिना किसी रोक टोक के शिक्षा क्रम चल रहा है, औद्योगिक विकास हो रहा है। पड़ोसी देश की घटनाओं को आप ने देखा कि वहाँ कैसी अराजकता फैली। फिर भी आप चाहते है कि लिबर्टी पर कोई रेस्ट्रिक्शन्स न हों। जब आवादी का गैर तरीके से इस्तेमाल किया जाए उस समय ऐसा कदम जरूरी हैं। माननीय भोयेन्द्र झा जी संशोधन लाना चाहते है, मेरे खयाल से वह अपने खुद के विचारों का खंडन कर रहे हैं।

श्री भोयेन्द्र झा : माननीय डागा जी ने मेरा अमेंडमेंट नहीं देखा है, जिसको मैंने पढ़ कर सुनाया :

"...any person who is arrested or detained under any law providing for preventive detention in connection with smuggling, foreign exchange racketeering, usury and other economic offences or attempting violent overthrow of the democratically elected government."

इन को छोड़ कर। आप जरा सोच लीजिए।

श्री मूल चन्द्र डागा : मैं इस बात को मानता हूँ। लेकिन इसका निर्णय लेने के लिए कौन सी मशीनरी है सिवाय सरकार के? स्टेट का अधिकार है। उन अधिकारों का उपयोग वही कर सकते हैं जो सरकार में बैठे हैं। आप ने अपने एक वाक्य में स्मगलर्स के बारे में कहा है। वह तो आज एम. आई. एम. ए. मे बन्द है। इसलिए मैं चाहता हूँ कि आप ने जो संशोधन रखा है वह उपयुक्त नहीं है, और आप को विदड़ा करना चाहिए।

SHRI BIREN DUTTA (Tripura West): Mr. Chairman, I was expecting from the Congress side good support for this Bill. They so loudly proclaim that they are for the down-trodden and that is why they formulated the 20-point programme for the uplift of poor people who had been denied all these years after independence fair opportunities. They have a right to exist to have education, etc. When the question of property owners had been brought in by the Mover of this Bill, all of a sudden some persons have become so much worried as if heavens were going to fall. I do not know whether they are all Birlas and Tatas, I do not think so, but unfortunately in our country there are such forces which do not understand the meaning. There are big capitalists, monopolists, property holders, etc. who are different from the real masses. It is not a matter of private discussion between you and me. There is a world of socialism.

[Shri Biren Dutta]

and there is a world of capitalism. You have yourself declared that you are in favour of socialism. What do you mean by socialism? In your party there were people who declared that they were for capitalism and you have thrown them out of your party and cleared the way towards socialism. But in all your speeches you are opposing this Bill.

I am completely in agreement with the Bill moved by the hon. Member, Shri Bhogendra Jha and I hope and trust that there will be some people atleast in the Congress benches who will come forward and try to do the right thing which has not been done so long even after declaring socialism in Avadi. But I do not know whether the Speakers will be coming forward to speak and support this Bill. You are speaking so much in the public meeting, but when a question of a Bill like this comes before this House, you become wary and you are thundering outside that you really like to bring socialism, I remind those who are now defending the rights of the monopolists and the property owners that history will not forgive them for this sort of dual character declaring socialism and opposing capitalism but remaining in the party which supports monopolists and the property owners. So, I hope that there will be some voice raised on the other side of this House in favour of this Bill.

SHRI NIMBALKAR (Kolhapur): Mr. Chairman, Sir, everyone has referred to the Objects and Reasons of this Bill. I think too much stress is placed on the fact that in India, internally we are doing things which have no consequence externally. If what is going on in the country today has become necessary or it has been felt that it has become necessary, then you cannot take it out of the context of the fact that we have certain countries surrounding us and that the stability of the Government of this country depends on helping those countries around us and if you do not let them as they were,— things get out of hand when the count-

ries near them perhaps in turmoil. What I would like to say is that the Indian sub-continent, particularly the Indian people and the stability which they should as a country and as a democratic country portray and stand for and work for indeed, should work as a buffer for preventing any kind of turmoil. As I have been expressing very often, in South America, in the Middle East small things flare-up in small countries and they catch on in adjoining countries with the result that those very economically backward people suffer most. Sir, you cannot at any moment look into the things that are happening in this country isolated from all the countries around us. If you do that, then what will happen is that you will be living in a paradise of your own and you will have no necessity of External Affairs Minister. You can then think that India is the world. But I would say that we have a place in this world and particularly in Asia, whether some of our neighbours like it or not. We might say that we will not interfere in the internal affairs of other countries, but when other countries interfere in our internal affairs, it is our duty willy nilly to protect ourselves against such interference. Each country has the right to live its own way of life as it likes, but when we find that our way of life is in danger, there is nothing wrong if we go a little bit into our shell to protect ourselves.

The present situation in the country and this Bill have definitely very close connection. But we always think of things as if we are the only people who are concerned. We do certain things as if no other country is allowed to interfere in our affairs. That cannot happen. We have to take into consideration what is happening around us. Even Vinobha Bhave can live as he lives because we allow him to live like that. So, we can live only as well or as badly as our neighbours allow us to live. I do not think even the members of the opposition will

deny that there are certain countries who want to interfere in our internal affairs. I am not so much afraid of the opposition parties doing something wrong as about the influences from some foreign countries being allowed to permeate into our life. I was listening to the debate and everybody was talking as if we were isolated from the rest of the world. We are not isolated. What we do is definitely going to have its effect on other countries and what the other countries, particularly our neighbours, do is going to have an effect on us, whether we like it or not. I do not think anybody realises more than our Prime Minister that it is the first duty of the government to protect the country from external influences if they are bad and from external aggression. This Bill might be very well meant and democratically it might have some sense, but in the world we are living in, I find it is impracticable. This is what I want to impress on the opposition members. They know that I do not shirk from criticising the government. But the criticism should be objective. As a Congressman, I criticise my party sometimes. My party is strong enough to take criticisms from anybody. In fact, there are more men within the Congress who criticise it objectively than outside. There was another Bill seeking to bring down the voting age to 18. Why do we get unnecessarily involved? Why do we not think as to what is our environment, where we are living and what is our future? Unless we take all that into account, we will not be doing the right thing. We should consider what is the situation suited for protecting this country from external aggression and external influences. The Prime Minister rightly said, when some journalist asked her when we will be going back to normal times, "If the times from which we came are normal, we are never going back to those times." This was quite correct. It is like putting a person, as I mentioned earlier, in a hospital; and that patient asks you: "when are you going

to free me, so that I can be normal again?" The question is: was he normal when he got into the hospital? How can we let him out before he is cured? There is no point in indicating 3 months or 6 months. I think the Opposition as well as the Congress Party must put the country and its interests above everything else, particularly above one's personal aims. I find that too often we place our personal aims too high over the aims of this country and over what is good for it. If you are going to think what is good for you, don't forget your neighbours. Just as an individual can live as well or as badly as his neighbour will allow him to, so is the case with the country. I don't have to describe the kind of neighbourhood that we have. With our neighbourhood being what it is, we cannot afford to have the luxury. I definitely believe in democracy, but I don't believe in destroying this country.

SHRI BHOGENDRA JHA: Do you want to delink property from fundamental rights?

SHRI NIMBALKAR. I wanted to avoid that question; but since you want it, I will speak on it. When you take away something from somebody, you must be prepared to give something in return. You cannot behave like Marie Antionette who said, "If people don't have bread, let them eat the cake," as if cake will be available when bread is not there. Why do people want property? Is it because, as Vinoba Bhave has said, even half-an-acre is enough since it gives them respectability? This idea was there in mediaeval ages in England. Only a person having property was called a gentleman. Do you want to be called a gentleman? I don't want property; but if you are going to take away property rights, what are you going to give in its place as security to the people? I think there is no necessity to have property. Create a situation where there is no necessity to have it. What

[Shri Nimbalkar]

Is that situation? That situation will be there when any person who is an Indian citizen, born in India, will be given certain things. Firstly, he should get as good an education as anyone else in the country. Just because one family is rich, if children of that family will get a rich education and the children of another, but poor family would get only a poor education, I don't agree. Commensurate with the education of a person and his acumen, he must be given a job. That should be his birthright. In that job, he should get a remuneration. And taking it for granted that the prices are also kept stable by the government, 10 per cent of his income should be enough for him to find a living place; 30 per cent to feed himself and his family, a further 10 per cent for clothing; and from the 50 per cent that is left over, he should contribute towards the social amenities. What are those social amenities? Social amenity means that he should have an unemployment benefit. Secondly, he must have free medical treatment. Thirdly he must have old age pension. Fourth he must be given provident fund. If you give all this—not a promise I don't want promises—to the people and if you give them really a right kind of education nobody would want property. I have lived in such a society. That is why I say this. For 14 years I have lived in West Germany. I don't want any property (*Interruptions*). Before you say that, you have to cure yourself. What is the point in saying, "I am sick; therefore, kill the doctor or the nurse?" I have enjoyed all these benefits. If I can enjoy all of them, I don't care to create a property. Despite the fact that I was earning much—I did not want to say how much I was earning—I did not think of acquiring property, even though I could have acquired enough of property.

SHRI BHOGENDRA JHA: Did you pay your income-tax?

SHRI NIMBALKAR: If a person is earning money from a job in a Western country, in a European country, automatically the income-tax is deducted from his pay. So, there is no question of one being a dodger. In those countries, if you provide the citizens all their requirements, they say that having property is an onus on them. They do not want to own property. So, you have to create a situation where people do not feel like owning property, rather than bringing a ceiling on property. After all, why should a person want to own property if his requirements are satisfied.

What is the ceiling? There are two ways of looking at it. What is the extent of land which can be tilled by one tractor? If it can till 150 acres of land, then that should be the ceiling. Otherwise, what is the idea of producing tractors? If you do not want to go from the tractor point of view, then the ceiling on land should be zero. Then you may say "what are you talking? There will be no production." I say that if we share everything including the land at our disposal, it will not come to even half an acre. Therefore, we must create a situation where a person does not care for property, does not need property. If you create that situation, then zero can be the ceiling.

The real way of looking at it is this. Suppose you say that 20 acres of land is enough and that is the ceiling. Let that be the ceiling. But if somebody wants to own 40 acres of land, let him own it but let him buy the other 20 acres from the Government every 20 years. Let him pay 5 per cent *ad valorem* tax on whatever is the cost of the land. In this way if a person wants to produce, he will have to produce much more than 5 per cent because 5 per cent will go by way of tax.

Therefore, ultimately, you will have to create a situation in this country where the production will go up and money will accrue to the exchequer.

With that money you can industrialise the country. You are talking of giving more jobs. Jobs can be created only by industrialisation. Now the situation in our country is that 70 per cent of our people are living in land and producing 100 million tonnes, whereas in America 4½ per cent of the people are living in land and producing 250 million tonnes. This imbalance of 70 per cent on land and 30 per cent in cities must change. There must be a situation where an overwhelming number will live in cities and thus industrialise the country, rather than 70 per cent of the people live in land. In our country an industrial worker produces 3½ times more than an agricultural worker. This is not realised, because even if we are to produce 250 million tonnes, by the time we reach it, the population of the agricultural community will be twice or thrice what it is today, and the production per head will remain the same.

Today is the three-hundredth anniversary of Adam Smith who wrote a book on the management of wealth. I do not remember its name. He said that from agriculture surplus must accrue and that must be used for industrialisation, so that the people who cannot get jobs in agriculture can get jobs in industry. Right up to 1900, the countries of the West developed on this theory.

SHRI BHOGENDRA JHA. By exploiting three-fourth of the world.

SHRI NIMBALKAR. That started after the industrial revolution.

But today we are living in a different age.

SHRI BHOGENDRA JHA. But economic domination is still there.

SHRI NIMBALKAR: I am trying to explain what is exactly going on in our economy. As long as we keep more people in agriculture, we are going to remain poor.

SHRI BHOGENDRA JHA: With a full-fledged capitalist system in Japan, they have got a very low land ceiling. Does he mean to say that in Japan agriculture is poor?

SHRI NIMBALKAR: I am considering India and certain economic theories. I have not got the statistics as to how much percentage is on agriculture and how much on industry in Japan, but an overwhelming majority of the people in Japan must be working in industry whatever the ceiling. But our situation cannot be compared with that of Japan.

For instance, the population of our country per hectare is less than that of Sweden. There is no doubt need for controlling population, but the case for it is placed before us by others in a very distorted fashion. For instance, I tell you that every State of ours is not more populated, I mean per hectares, than Europe. The question is that we have to organise our labour. We are planning not for individual; we are planning too much for the so-called society (*Interruptions*)! Actually, we have to make an individual strong. The more you make an individual strong, the more stronger your country becomes. If you see the strength of a chain, it is in its weakest link. It is a chain affair. The strength of our society is in its weakest member. Therefore you must plan for an individual. That is what I said, what an individual expects from you? What should be your goal for an individual? Is it wrong that I have asked for an individual? Unless you are prepared to work your economy in such a way that the needs of the individuals are satisfied, it is no good. To talk about the right to property to be abolished is not talking in a situation where we can promise the people something better. But, at present, you are talking, as far as I am concerned, something very unrealistic. If you are in a situation where you can give something better to the people, then please come

[Shri Nambalkar]

eat with this Bill and I will support it. It is just like Mary Antoinette who said, "If you do not have a bread eat cake." I am sorry that cake is not there. When you make that cake available, I will say yes to this Bill.

श्री सतपाल कपूर (पटियाला) :

शेखरसैन साहब, एक बेसिक बात यह है कि कांस्टीट्यूशन के बारे में कांग्रेस पार्टी में कोई कंफ्यूजन नहीं है। (व्यवधान) आप इस बात की कोशिश न करें कि हर एक आपकी डिप्टेशन के मुताबिक बोले। हमारी पार्टी डिमोक्रेटिक पार्टी है जिसमें हर किस्म के विचार के लोग हैं। उनके विचारों को सुना जाता है लेकिन कांग्रेस हाई कमान्ड जो भी फैसला करती है वह पूरा शीव विचार करने के बाद करती है और हमारी पार्टी ने सोशलिज्म का रास्ता नहीं छोड़ा है। कण्डीमड में जो कांग्रेस का इजलास हुआ, मेरा ब्याल है उसके रेजोल्यूशन आपने पढ़े होंगे। वहा पर जो प्राइम मिनिस्टर श्रीमती इन्दिरा गांधी की तकरीर हुई उसकी भी आपने अखबार में पढ़ा होगा। उन्होंने बहुत माफ और सीधे अल्फाज में इसको रखा है। वहा पर जो कांग्रेस प्रेसीडेन्ट का एड्रेस था, जो एकोनामिक रेजोल्यूशन और पोलिटिकल रेजोल्यूशन ये वह भी आपने पढ़े होंगे।

श्री भोगन्द्र झा : आपके सभी एम० पी० ने भी उनको पढ़ा है या नहीं ?

श्री सतपाल कपूर : हम सभी ने पढ़ा है लेकिन कुछ ने समझा है और कुछ ने नहीं समझा है। शायद आप भी उसी कैटेगरी में आते होंगे।

मैं यहाँ पर सी पी एम के मेम्बर की स्पीच सुन रहा था। के बात तो सोशलिज्म की करते हैं लेकिन बढावा कैप्टेलिज्म को देते हैं। मैं पूछना चाहता हू कि सोशलिज्म की लड़ाई

में सी पी एम का क्या रोल रहा है ? वह जो समाज को बदलने की बात करते हैं उसमें सी पी एम पार्टी कहां खड़ी है अभी भी वह लाइन खेज कर रहे हैं या नहीं इसका पता नहीं। वे इस देश में फासिस्टों के साथ खड़े हैं, राईटिस्टस के साथ खड़े हैं। अभी भी इस देश में समाजवाद के खिलाफ जो ताकतें हैं उनसे सी पी एम ने अपना नाता नहीं तोड़ा है लेकिन हमें लेक्चर दे रहे हैं कि सोशलिज्म की लड़ाई तेज करो। अभी भी आपका कन्फ्यूजन दूर नहीं हुआ है। इस देश में टोटल रेवोल्यूशन करने वाली ताकतों का साथ दिया जाए या नहीं इसका फैसला आप नहीं कर सकते हैं। आपके ज्योति बसु कहते हैं देना चाहिए नम्ब्रीपाद और बोषालन कहते हैं नहीं देना चाहिए। इसलिए आप पहले अपनी पार्टी में फैसला करने कि इस देश में सोशलिज्म को लाने वाली कौन कौन पाटिया है कौन कौन सी ताकत है और उनके लिए आपको कौन सा एटीट्यूड एडाप्ट करना है। आप तो देखते हैं यि चीन की क्या लाइन है अमरीका से क्या रिजिणस है। तो अभी आपकी पार्टी में ही कंफ्यूजन दूर नहीं हुआ है। अच्छा होगा पहले अपनी पार्टी में कंफ्यूजन दूर कीजिए।

सी पी आई के लिए मैं कुछ कहना नहीं चाहता हू। जो कुछ भी इस देश में होगा वह उनकी अफेन हो गया और जो नहीं हुआ उसके लिए हमारा क्रिटिसिज्म होगा। उनकी और हमारी मुहब्बत यह है कि जो श्रीमती इन्दिरा गांधी कर दे वह उनके प्रेसर में हो गया। उन्होंने मास मूवमेंट बिल्ड किया है, सी पी आई मास मूवमेंट बिल्ड करने की जिम्मेदारी अपने सिर समझती है।

श्री भोगन्त्र झा : समापति महोदय, बम्बई में इन के प्रस्तावों में, प्रधान मंत्री के भाषणों में श्री ए० आई० सी० सी० के डाइरेक्टिव में यहां कहा गया है कि मास-भूवमेन्ट की जरूरत है, मास-सपोर्ट की जरूरत है... इसके बारे में बतलाना ही तो ही राय है ?

श्री सतपाल कपूर : मैं मास-भूवमेन्ट की बात कम्प्यूज करने के लिए नहीं कह रहा हूँ । मास-भूवमेन्ट तो डेवलप होना ही चाहिए, लेकिन जो हो जाय वह तो आपके प्रेशर से हुआ, जो नहीं हुआ उस के लिए हम जिम्मेदार हैं । मैं आप को बतलाना चाहता हूँ — कांग्रेस पार्टी एक सीरियस पोलिटिकल पार्टी है, जो इस देश की जनता और इस देश के गरीबों के साथ कमिटेड है । उस कमिटेन्ट को न मैं तोड़ सकता हूँ और न आप तोड़ सकते हैं । हमारी पार्टी में पहले कुछ ऐसे लोग जरूर थे जो सरमायदारी तरीके में यकीन रखते थे.....

श्री भोगन्त्र झा : लेकिन अब तो नहीं है ।

श्री सतपाल कपूर : अब है या नहीं मुझे नहीं मालूम, लेकिन एस. के. पाटिल कहां हैं, मोरारजी भाई कहां हैं.....

श्री भोगन्त्र झा : क्या आप बारन्टो लेते हैं कि अब उनके पास नहीं जायेंगे ।

श्री सतपाल कपूर : मैं पूछता हूँ— कहां है— मोरारजी भाई, कहां है— एस. के. पाटिल, अतुल्य घोष कहां हैं ? ये वे लोग थे जो कांग्रेस पार्टी को उस विधोरी को तरफ ले जाया करते थे, लेकिन अब वे कांग्रेस पार्टी में नहीं हैं, कांग्रेस पार्टी का रास्ता बिगड़ है, उसकी स्ट्रुक्चर क्लिष्ट है ।

जहां तक सोशलिज्म का तात्विक है— उसके बारे में बहुत ज्यादा कम्प्यूज करने पंदा नहीं करना चाहिए । कुछ लोगों के इस बारे में बने बनावे उसूल हैं, हमारे भा संसद ने जिस सोशलिज्म को पढ़ा है और जो कुछ इन्होंने प्रैक्टिस किया है— अगर वही प्रमल में लाया जाय तो इस देश के लिए उस पर चलना बहुत मुश्किल होगा । इस देश में समाजवाद, अंधधर्म साहब, मैं आप की मारफत भा साहब को और इस हाउस को बतलाना चाहता हूँ — इस ढंग से नहीं आयागा

श्री भोगन्त्र झा : किन्ती भी देश में सोशलिज्म हमारे देश के ढंग से नहीं आता है ।

श्री सतपाल कपूर : आप ठीक कहते हैं, फिर आप हमें कोअपरेशन दीजिए, जो एटमासफियर क्रिएट किया जा रहा है उस को बदलने में मदद दीजिये । . . .

श्री दसरथ देव : आप सिर्फ भाषण देते हैं ।

श्री सतपाल कपूर : यह तो कोई ऐसी चीज है नहीं— जो बाजार से लाकर खिला दूंगा । सोशलिज्म तो एक सिस्टम है और कांग्रेस उस की तरफ चल रही है । हमारे यहां पब्लिक सेक्टर बढ़ रहा है—क्या यह सोशलिज्म की तरफ एक बड़ा कदम नहीं है । फूड-गेन्स का टेक-ओवर किया गया, पब्लिक डिस्ट्रीब्यूशन सिस्टम इन्ट्रोड्यूस किया गया—क्या ये सोशलिज्म की तरफ कदम नहीं है ?

SHRI DASARATHA DEV: This is not socialism. This is bureaucratism, socialism means equal opportunity to all the people.

श्री सतपाल कपूर : तो क्या वह आप वाला सोशलिज्म—आर० ए० ए० से

[श्री सतपाल कपूर]

होस्ती है? जनसंघ से होस्ती है—भापबाला सोशलिज्म है, जब सरकार की जब में पड़ता—क्या यह भापबाला सोशलिज्म है? मैं इस के खिलाफ खिलाफ हूँ।

SHRI DASARATHA DEB: We are not friends of RSS.

श्री सतपाल कपूर : अगर भाप यह चाहें कि जो भाप को स्ट्रेटिजी है, जो भाप का सोशलिज्म है, उस को यहां लाया जाय, तो उस के खिलाफ सब से पहले हम लोग लड़ेंगे। भाप का कोई तरीका नहीं है....

SHRI DASARATHA DEB: This is not true. We are against RSS. Please do not misquote, do not try to distort the things. Socialism means equal opportunity to all. This is not there in India. You have to bring that.

श्री सतपाल कपूर : उस को लाने के लिये क्या करना चाहिये? क्या आर० एस० एस० से दोस्ती करनी चाहिये?

SHRI DASARATHA DEB: No. Who says?

श्री सतपाल कपूर : क्या जनसंघ से दोस्ती?

श्री बखारच देव : नहीं।

श्री सतपाल कपूर : हम लोगों ने जो काम किया है—जैसे लैज्ड रिफार्मर्स, पब्लिक सेक्टर को बढ़ावा फूड ग्रैन्स का टेक-ओवर—ऐसे कामों को समर्थन कीजिये..

SHRI DASARATHA DEB: You must remember that our party first demanded in 1952 itself the banning of RSS and other divisive parties. Perhaps, you were not in the political field at that time.

श्री सतपाल कपूर : करने और कहने में बहुत फर्क है। इन के रेजोल्यूशनज को

अगर रिकार्ड में देखा जाय तो बिल्कुल ठीक है, लेकिन जो इन का रोज है, उस को सीधे में इन को दिखाया जाये तो इनको शर्म आनी चाहिए।

जहां तक इन को पार्टी का रोल है इन देश में, इनको कबनी और करनी में बहुत फर्क है। कहते हैं सोशलिज्म की बात और साथ देते हैं राइटिस्ट्रक का, फासिस्टस का। कहते हैं सोशलिज्म की बात और साथ देते हैं उन ताकतों का जिन का सी. आई. ए. से सम्बन्ध है। यह डबल स्टेंडर्ड डबल फ्रेम वर्क फ्रीस भापकी पार्टी का है।

SHRI DASARATHA DEB: Do not say that. Your Party has that. (Interruptions).

MR. CHAIRMAN. Please do not interrupt.

SHRI DASARATHA DEB: If he says non-sense, should I keep quite?

SHRI NIMBALKAR: He cannot say that he is talking non-sense. That is not Parliamentary.

SHRI DASARATHA DEB: He should not put in the mouth of my Party something which my Party has never said. And when he says that, naturally I will protest.

MR. CHAIRMAN: Mr. Dasaratha Deb, are you withdrawing the word 'non-sense'?

SHRI BHOGENDRA JHA: On behalf of his Party, he has made it clear that his Party has stood for the banning of RSS and even now it stands for that. If that is so, it should be welcomed by all of us.

SHRI SAT PAL KAPUR: On record, they have passed a Resolution. But what has been their practical role?

सवाति कहोच्यः यह आप का काम नहीं है कि आप किसी मेम्बर को कहे कि वह किस तरह बोले और किस तरह न बोले। हर आदमी को अपने ख्याल जाहिर करने का हक है। मेरी दरखास्त है कि बहुत ज्यादा इंटरप्राइज जो हुआ इस को आप न कीजिए और, उन को अपनी बात कहने दीजिए। मैं कहूंगा कि माननीय दशरथ देव मेहरबानी कर के 'नारेंस' बर्ड को विद्वुा कर लें।

SHRI DASARATHA DEB: Oh, yes.

श्री सतपाल कपूर : चेयरमैन साहब जबरत यह है कि एक फिजा तैयार को जाय, चडोगड़ कांग्रेस रिजोल्यूशन में यही कहा गया था कि एक ऐसीफिजा तैयार को जाए जिस में कांस्टीट्यूशन में जो तब-दीलियां लानी हैं वह लायो जाय, और समाज में भी जो तबदीलियां लानी हैं वह भी लायो जाय और उसके लिए अगर मास मूवमेन्ट तैयार होती है उसके लिए लोगों को तैयार करते हैं लोगों से जाते हैं और एक अच्छी फिजा पैदा करते हैं तो सोशलिज्म को दिशा में एक बहुत बड़ा योगदान और कदम होगा।

मैं मानता हूँ कि हमारे विधान में काफी दिक्कतें हैं, जैसे यह कि फंडामेंटल राइट्स प्रापर्टी रहना चाहिए कि नहीं। मैं इस के खिलाफ हूँ। जब देश के लोगों को ऊपर उठना है, और 20 सूत्री प्रोग्राम भी अगर आप इम्प्ली करें इसमें भी फंडामेंटल राइट्स प्रापर्टी एक अडवन्स पेश करता है। आप देखें कि आर्टिकल 226 के मातहत कितने मुकदमे चल रहे हैं। कोई भी अच्छा काम करो उसी के खिलाफ रिट आ जाती है। अर्बंस लैंड बिल हमने पास किया है या नहीं कितनी रिटें

दाखिल होंगी। फंडामेंटल राइट्स प्रापर्टी के हम पक्ष में नहीं हैं। इस राइट के कर्टेन होने से बड़े बड़े लोगों को ही दुख होगा, हम को नहीं। लैंड नीलिंग बिल हम लागू कर रहे हैं। पहले 20 सूत्री प्रोग्राम के बारे में लोगों का यह खयाल था कि इसके इम्प्लीमेंटेशन की तरफ उतना जोर नहीं दिया जायगा। लेकिन आप ने हमारी सीरियसनेस देखी और उसके बाद फीलो अग्रेगेशन के लिए 30 जून तक की गई है। यानी इस तारीख से पहले पड़ल सारे मुकों में लैंड रिफॉर्म का काम पूरा हो जाना चाहिए। बहुत सा काम इस दिशा में पूरा हो चुका है, और चीफ मिनिमटर्स की कानफरेंस में प्रधान मंत्री ने आखिरी तारीख 30 जून 1976 मुकर्रर कर दी है। आप मेरी प्रापर्टी ले लीजिए, क्योंकि मेरे पास प्रापर्टी ही नहीं है। प्रापर्टी वाले एक आघ परसेंट ही हैं। तो देश को बनाना है, देश की अनता को बनाना है, समाजवाद लाना है, तो प्रापर्टीनेस सोमाइटी आप को बनानी पड़ेगी और विधान में आर्टिकल 311 में जो हम ने सेक्यूरिटी दे रखी है, इसको भी थोड़ा चैक करना पड़ेगा। वह ठीक है कि आप इसमें थोड़ा प्रोटेक्शन बकिंग क्लासेज को, लांपेड क्लासेज को दे सकते हैं लेकिन आई. ए. एस.; आई. पी. एस, और दूसरे व्योरोकेटस जो इस देश को भागे नहीं बहने देते हैं, उनको इस के अन्तर्गत सेक्यूरिटी नही मिलनी चाहिए। आप को टास्क बैन्ड व्योरोकेसी हीनी चाहिए और आज जो विधान बना हुआ है मेरे खयाल है कि इसको आपको चेन्ज करना पड़ेगा और इसको चेन्ज करने के लिए तैयार रहना पड़ेगा।

आप एक बात यह देखिये कि कानून बनाने का राइट पार्लियामेंट का है, कानून पार्लियामेंट बनाती है, पार्लियामेंट के मेम्बर

[श्री सतपाल कपूर]

बनाते हैं लेकिन उस कानून की बजाय, इन्टरप्रिटेशन सुप्रीम कोर्ट करती है और जो सुप्रीम कोर्ट कहती है वही कानून माना जाता है। इस तरह से आप देखें कि यह एक बेसिक कान्ट्राडिक्शन है इस बात में कि जो लोग कानून बनाते हैं, जो पार्लियामेंट कानून बनाती है, वह पार्लियामेंट विधान या एक्ट की तमाम हालत को बेसे नजर रखते हुए पास करती है और अगर सुप्रीम कोर्ट यह कह दे कि पार्लियामेंट ने यह कानून गलत बनाया है, तो सुप्रीम कोर्ट का जो इन्टरप्रिटे-शन होगा, वही कानून माना जाएगा। यह एक बेसिक कान्ट्राडिक्शन है और इससे पार्लियामेंट के राइट्स का एन्कोबमेंट होता है। अब वक्त आ गया है कि इस चीज में परिवर्तन हो।

जिस वक्त कांस्टीट्यूशन बना था, मैं किसी के बारे में कमेंट नहीं करना चाहता हूँ, उस वक्त कांस्टीट्यूट एसेम्बली में ऐसे लोग थे जोकि ज्यादातर वकील थे और ब्रिटेन बेंच एजुकेशन पाए हुये थे। वे बहा पर प्रॉक्सफोर्ड और कैम्ब्रिज यूनि-वर्सिटियों से पढ़ कर आये हुये थे और उनकी यह कोशिश थी कि सुप्रीमसी आफ पार्लियामेंट तो रहे लेकिन जूडिशियरी और एक्जीक्यूटिव को भी इतना पावरफुल बना दिया जाए कि कभी कोई ज़रूरत आए तो सुप्रीम कोर्ट करेक्ट कर सके। उस वक्त पं० जवाहर लाल जी ने यह कहा था कि सुप्रीम कोर्ट को करेक्शन का राइट नहीं होना चाहिए। पार्लियामेंट इज सुप्रीम, यह पं० जवाहर लाल नेहरू जी ने कहा था। इसलिये मैं यह समझता हूँ कि अब वक्त आ गया है कि सारे सिस्टम को हम रिब्यू करें और आज जो सारे कन्वेंशन्स हैं वे दूर हों और 25, 30 साल के एक्सपीरियंस के बाद हम जो इकोनामिक रिफॉर्म्स लाना चाहते हैं उनकी जाने में कोई बकाबट न हो।

कुछ लोग समाजवाद, सोशलिज्म के काम से चिढ़ते हैं। आज, हम देखते हैं कि बीस-सुन्नी कार्यक्रम की इम्प्लीमेंट करने में यह कांस्टीट्यूशन बहुत बड़ी बकाबट पैदा करता है। अगर पार्लियामेंट की सुप्रीमसी को इन्स्टा-ब्लिश करना चाहते हैं तो उसके रास्ते में यह कांस्टीट्यूशन एक बहुत बड़ी बकाबट है। अर्टीकल 311, 226, 141 और दूसरी ऐसी कई क्लॉजस हैं जो देश को जिस ढंग से प्रधान मंत्री श्रीमती इन्दिरा गांधी बनाना चाहती है, उस ढंग से बनने में बहुत बड़ी बकाबट है। इस हकीकत को मान कर चलना पड़ेगा और अगर हम हकीकत को हम मानते हैं तो हमारे मिर पर यह रेस्पेन्सी-बिलिटी आ जाती है कि जो बकाबटें हम फील करते हैं कि वे जनता की तरक्की के रास्ते में आती हैं या गरीबों को ऊपर ले जाने के रास्ते में आती हैं, उनको हम दूर करें। प्रेमा करना हमारा फर्ज है। आप कांग्रेस पार्टी के बारे में क्रिटीसिज्म करें, यह आपका राइट है लेकिन मेरा ऐसा खयाल है कि कांग्रेस पार्टी के सोरियसली इस काम को करना शुरू किया है और सरदार स्व० मिह जो कि हमारे पहले एक्सटरनल एफेयर्स मिनिस्टर थे, उनकी रहनुमाई में उनकी चेंबरमैनशिप में हमारे कांग्रेस प्रेजीडेंट ने एक कमेटी बनाई है जो इन तमाम बातों पर गौर करेगी। उस कमेटी में गोबले साहब, मि० गाडगिल, डा० सैयद मोहम्मद, श्री गोस्वामी जो कि हमारी पार्टी में अच्छे वकील हैं, उन सबको लिया गया है, और कमेटी से कहा गया है कि वह कांस्टीट्यूशन में चेंजेज करने के बारे में विचार करे। इस खेजब से पहले और इमर्जेंसी के बाद सारे देश में, गोहाटी में, बपडोगड में, दिल्ली में और बम्बई में वकील और जज जो लोग कानून जानते हैं, वे इकट्ठे हुये और उन्होंने अपनी अपनी कन्वेंशन्स में इस बात पर जोर दिया कि कांस्टीट्यूशन को तब्दील करने की ज़रूरत है। आ साहब जो रिजोल्यूशन बहा

लाये हैं उसका मकसद यही है कि जो फिजा, जो एटमासफियर इस देश में पार्लियामेंट के जरिये बनाया जा रहा है, उसको हम और तेजी के साथ बढ़ावा दें। इस डिस्कशन का परपज यही है कि हम ऐसी फिजा पैदा करें जिसमें इन तब्दीलियों के लिए—जब पार्लियामेंट में कमेटी की कोई रिपोर्ट आये तो मेम्बरान, देश के लोग, फीकटरियों में काम करने वाले, खेतों में काम करने वाले, दुकानों में काम करने वाले लोग यह महसूस करें कि यह दुस्त कदम उठाया जा रहा है और अगर हम यह कदम नहीं उठाते हैं तो जो जिम्मेदारी हमने आपको दी है, पार्लियामेंट ने आपको दी है, वह जिम्मेदारी निभाने में हम कामयाब नहीं होंगे। बस इतना ही मैं कहना चाहता हूँ।

श्री भोगन्द्र झा : अभी हमारे मित्र ने कहा—क्या इनके दल ने यह तय किया है कि इस सत्र में अमेंडमेंट्स नहीं लाये जायेंगे ?

श्री सतपाल कपूर : चेयरमैन साहब, एक प्रॉब्लम है जो मैं कहना चाहता हूँ। जो कुछ हो रहा है उसको तेजी से होने दो। जो नहीं हो रहा है उस तरफ प्वाइंट आउट करें। कुछ नहीं हुआ, इसकी इन्फर्मेशन इनको ज्यादा होती है, हमको कम।

SHRI P. M. MEHTA (Bhavnagar): I listened to the speeches made by the hon. Members on this Bill. I have also observed that the extension of

time for this Bill has also enlarged and widened the scope for discussion.

I heard by hon. friend relating Adam Smith and the laws of economy.....

SHRI BHOGENDRA JHA: He is living in the past.

SHRI P. M. MEHTA: I also heard Mr. Bhogendra Jha reviewing that theory of Adam Smith. I have also heard Mr. Satpal Kapoor covering all the subjects under the sky in the course of his speech. It is a very good speech no doubt, a general speech, but has very little relating to the Bill before us. But it was a good speech. Now, the question is: Who should own property? The individual, the society or the State? That is the basic question. What system we should develop to promote the interests of the last person in the society, the down-trodden, the oppressed, that means the economically very backward ones. That is the problem before us.....

MR. CHAIRMAN: Now, it is 6 p.m. You may continue on the next private members' day. We now adjourn and reassemble on Monday, the 15th at 11 a.m.

18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 15, 1976/Phalguna 25, 1897 (Saka).