

[Shri Shantilal Shab]

567 which has been brought in by about 50 Members of the House. The amendment briefly says that if the total tax payable as income-tax and wealth-tax exceeds 100 per cent of the income then the amount in excess of the 100 per cent should not be recovered and there will be a limit of 100 per cent between the two. In a socialist pattern of life, there is nothing objectionable in it. In that case, if it is more than 100 per cent, he would have paid something from his own assets or capital. Even as it is, when you take 100 per cent, he and his family will have to be maintained out of his capital. But what is very interesting and intriguing is that I find that 14 members of the ruling party are in support of this amendment. Among them is the Secretary of the Party.

MR. DEPUTY-SPEAKER : He may continue his speech on Monday. Now, private members' business.

16.01 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-SECOND REPORT

* SHRI TRIDIB KUMAR CHAUDHURY (Berhampore) : The question is :

"That this House do agree with the Sixty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 29th April 1970."

MR. DEPUTY-SPEAKER : The question is :

"That this House do agree with the Sixty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 29th April, 1970."

The motion was adopted.

RESOLUTION RE: RIGHT TO PROPERTY-Contd.

MR. DEPUTY-SPEAKER : The House will now resume consideration of the resolution moved by Shri Ramamurti on Right to Property. Shri Madhu Limaye is to continue his speech, but he is absent. Mr. Randhir Singh.

श्री रणधीर सिंह (रोहतक) : डिप्टी स्पीकर महोदय, राममूर्ति जी का जो प्रस्ताव है, इस बात पर तो मुझे उनसे कोई मुखालिफत नहीं कि इस पार्लमेंट को फंडामेंटल राइट चेंज करने का हक है लेकिन हमारे फंडामेंटल राइट्स के होते हुए, राइट आफ प्रापर्टी को हम वापिस ले लें, इसकी मैं सख्त मुखालिफत करता हूँ और मैं इसकी बजह भी बताता हूँ। हम इस बात के तो हक में हैं कि जो फर्क है छोटे और बड़े का, जो जायदाद में नाबराबरी है और जो इतना फर्क है आमदनी में उसको जाना चाहिये। एक सीलिंग मुकर्रर कर दी जाये कि किसान के पास 30 स्टैंडर्ड एकड़ से ज्यादा जमीन नहीं होगी या 25 एकड़, वीस एकड़ से ज्यादा जमीन नहीं होगी। सारे देश के लिए एक सीलिंग मुकर्रर कर दी जाये। इस बात की भी सीलिंग मुकर्रर कर दी जाये कि अन्न प्राप्रटी में दो लाख या तीब लाख से ज्यादा प्राप्रटी किसी की नहीं होगी और जो उससे ज्यादा हो उसको हुकूमत अगर लेना चाहे तो ले ले। फंडामेंटल राइट्स के जरिये भी अगर आप इस चीज को लागू करें तो भी मुझे कोई एतराज नहीं है। आप इन्कम्स पर एक हद मुकर्रर करें एक सीलिंग लगायें कि ढाई या तीन हजार से ज्यादा महीने में कोई नहीं कमा सकेगा तो उस पर भी मुझे कोई एतराज नहीं है। इसी तरह से एक्सपेंडीचर पर सीलिंग हो उस पर भी मुझे कोई एतराज नहीं है उसको भी आप लगा लीजिये। लेकिन मुझे इस बात पर जरूर एतराज है कि सीलिंग के बीच में जो किसी की जायदाद हो उसको आप छीन लें चाहे वह किसान की जमीन है बोनो वाली या शहर में किसी की कोठी है या किसी दूकानदार की दूकान है,

या किसी गरीब हरिजन भाई की छोटी सी झोपड़ी है या किसी बाबू की साइकिल है क्योंकि यह सभी कुछ प्रापर्टी है ... (व्यवधान)..... तो मैं यह अर्ज कर रहा था कि इस देश में ओवर-नेशनलाइजेशन से भी खतरा है। दिखावटी आदमी जो कि ओवर-प्रोग्रेसिव बनते हैं उनसे भी खतरा है। यह महज नारे हैं। लेकिन मैं उन लोगों में से हूँ जो यह समझते हैं कि अगर किसी के पास कोई फालतू चीज है तो उसे सरकार ले ले। देश में जो गरीबी है वह नहीं रहनी चाहिए। आज देहातों और शहरों में जो फर्क है वह नहीं रखना चाहिए इसी मुल्क में एक तरफ रजवाड़े हैं और दूसरी तरफ हमारे हरिजन भाई हैं तो यह फर्क भी नहीं रहना चाहिए। इस देश में एक तरफ चार-पाँच हजार तनख्वाह वाले हैं और दूसरी तरफ सौ रु. की तनख्वाह वाले भी हैं जिनका कि काम नहीं चलता है तो यह फर्क भी नहीं रहना चाहिए। यहाँ पर एक तरफ कुछ लोग करोड़ों और अरबों रुपया एक साल में कमाते हैं और दूसरी तरफ ऐसे लोग भी हैं जिनको एक दिन में 15 पैसे की आमदनी भी नहीं होती है तो यह फर्क भी नहीं रहना चाहिए। इसी तरह से यहाँ पर कुछ खानदान ऐसे हैं जिनका खर्च का बिल महीने में लाखों रुपए का बनता है जबकि दूसरी तरफ ऐसे भी परिवार हैं जो कि एक दिन में दो रुपया भी खर्च नहीं कर सकते हैं तो यह फर्क भी नहीं रहना चाहिए। तो इस तरह से आप इन चीजों पर सीरियस, एक हद मुकर्रर कर दें उस पर हमें कोई भी एतराज नहीं होगा।

लेकिन जहाँ तक हक की बात है मैं आज की बात नहीं करता बल्कि हजारों साल पहले की बात करता हूँ वेदों के जमाने की हमारे उपनिषदों और वेदों में इस बात का जिक्र है कि किसी आदमी ने कब्जा कर लिया तो वह जमीन उसकी हो गई अगर किसी ने कोई मकान खरीद लिया तो वह उसका मालिक बन गया और जब वह मर गया तो उसके

बेटे का हक उस पर हो गया। और अब हमारे यहाँ तो बेटी को भी उस में शामिल कर लिया गया है। तो हमारे यहाँ राइट आफ प्रापर्टी शुरू से ही है। अगर किसी की प्रापर्टी लेनी है तो वह तभी ले सकते हैं जबकि देश के लिए उसकी जरूरत हो। अगर डिफेंस के लिए पब्लिक पर्पज के लिए कोई प्रापर्टी चाहिए तो उसको ले लिया जाये। हमारे यहाँ उसको लेने के लिए लेंड एक्वीजिशन लाज बने हुए हैं। अगर रेलवे लाईन बिछाने के लिए किसी आदमी के सारे खेत चले जायें तो कोई बात नहीं है। एरोड्रॉम बनाने के लिए अगर किसी के सारे खेत जाते हैं तो कोई बात नहीं है। पब्लिक पर्पज के लिए कोई शहर बसाना है गरीबों हरिजनों के लिए तो सारे खेत उसमें जरूर लिए जायें। गरीबों के लिए कोई बस्ती या स्कूल कालेज बनाने हैं तो सारे खेत लिये जायें उसपर हमें कोई एतराज नहीं है। लेकिन मेरे दोस्त ने कहा कि जमीन मीन्स आफ प्रोडक्शन है—मैं इस बात को नहीं मानता एक किसान की जो जमीन है वह तो उसकी रोटी है। अगर उसे आप वह जमीन नहीं देंगे तो वह भूखों मर जायेगा। उसके पास पाँच-दस बीघे जो जमीन है वह अगर आप छीन लेंगे तो वह भूखों मर जायेगा। इसी तरह से अगर किसी बनिया की छोटी सी दुकान है जिसमें कि वह अपना रोजगार चलाकर अपने कुनबे को खिलाता है, अगर उसको आप उससे छीन लेंगे तो वह भूखों मर जायेगा। इसी तरह से किसी ने कोई छोटी सी फँकट्री लगा रखी है जोकि किसी को एक्सप्लायट नहीं करता—मैं उन लोगों की बात नहीं करता जोकि हजारों की तादाद में मजदूर रखते हैं और उनको एक्सप्लायट करते हैं

16.08 hrs.

(श्री श्रीचन्द्र गोयल : पीठासीन हुए)

उनका खून चूसते हैं और अपने पास दौलत जमा करते हैं, उनके साथ मेरी कोई हमदर्दी नहीं है मैं चाहता हूँ कि उन पर आप एक हद मुकर्रर कर दीजिये जो कि दूसरों को एक्सप्लायड करते हैं दूसरे बेहनुत करते हैं लेकिन वे खुद खाते हैं, मैं उनके हक में बिल्कुल नहीं हूँ—लेकिन जो खुद अपने हाथ से खेती करते हैं या कोई दुकान चलाते हैं और अपने छोटे से मकान में रहते हैं

[श्री रणधीर सिंह]

लेकिन अगर यह राइट आफ प्रापर्टी न रहे तो जिस मकान में वह रहते हैं उसके लिए आप कह देंगे कि इसका खाली कर दो, यह तो स्टेट का हो गया है। इसी तरह से किसी दुकान में कोई दुकानदार बैठा है तो वह उसका भी प्रापर्टी है या किसी के पास एक घी का डिब्बा है तो वह भी प्रापर्टी है तो उसके लिए भी आप कह दें कि यह तो स्टेट का हो गया तो इस बात के मैं हक में नहीं हूँ। अगर स्टेट लेना चाहे तो जैसा कि मधु लिमये का बिल है, उसका मैंने पढ़ा है उस बात की मैं तार्ईद कर सकता हूँ लेकिन वह बात इस रेजोल्यूशन में नहीं आई है। आप एक सीलिंग मुकर्रर कर दीजिये शहर और देहात के लिए लेकिन फिर उसके बाद टच न करें। आप कम से कम कीजिये, ज्यादा न कीजिये। आप कर दीजिए कि किसान के पास दस या बीस एकड़ से ज्यादा जमीन नहीं होगी या एक गरीब हरिजन के पास रहने के लिए झोपड़ी होगी लेकिन आप उसको कुछ देते तो हैं नहीं, पहनने के लिए उसका कपड़ा नहीं देते, पेट के लिए अनाज नहीं देते और उलट छीनने के लिए चलते हैं। आपने उसको दिया तो कुछ नहीं लेकिन छीन रहे हैं कि यह भी सरकार का है। तो मैं इसको नहीं समझ सका। जहाँ तक बैंक ग्राउन्ड है मैं समझता हूँ माननीय राम मूर्ति जी बैंक नेशनलाइजेशन के बारे में कुछ बात करना चाहते थे। उस बात के मैं हक में हूँ। अगर बड़े बड़े कारखाने जनरल इन्डयोरस एक्सपोर्ट इम्पोर्ट को नेशनलाइज करना है, अबन प्रापर्टी पर सीलिंग लगानी है, तो मैं उसके हक में हूँ। लेकिन अगर आप एक हद के नीचे जायेंगे तो मैं उसके खिलाफ हूँ।

फंडामेंटल राइट की वह शक्ल जो मैं चाहता हूँ, रखी जा सकती है कि नहीं उसके लिये तो मुझे लीगल बात नजर नहीं आती कि कैसे होगा। चेयरमेन महादय, रूस में भी जहाँ सारी चीज स्टेट की है वहाँ भी एक मकान के साथ एक एकड़ जमीन सरकार देती है। क्यों देती है? इसलिये कि उसकी जरूरत है। इसलिये जो आदमी ने मेहनत

से कमाई की है उसको क्यों छीन रहे हैं।

मैं कहना चाहता हूँ कि किसान को अपनी जमीन से प्यार है। हमारे यहाँ जर, जमीन और जोरू के झगड़े होते हैं। एक तो इंसान अपनी वेइज्जती नहीं होने देता लड जायगा उसके लिये। . . .

सभापति महादय : चौधरी साहब अब आप अपना भाषण खत्म करें।

श्री रणधीर सिंह : बस मैं खत्म कर रहा हूँ। मैंने एक ग्रांटिकल स्टानिन का पढ़ा था जिम्का हेडिंग था 'मि.जी विद मक्सेम'। वहाँ रूस में जिस वक्त कलेक्टिवाइज कर रहे थे फार्म को, किसानों से जमीन ले कर कलेक्टिवाइज करना चाहते थे तो 40 लाख किसान मारे गये थे। तो स्टानिन ने ही लिखा है कि इससे किस किस का कम्युनिज्म आयेगा? अपने ही आदमियों को मारकर जमीन ले रहे हो। यहाँ भारत में तो 40 करोड़ किसान हैं उनको मार कर आप कलेक्टिवाइज करोगे? ऐसी कोई पार्टी नहीं है जो 40 करोड़ आदमियों को खत्म करे; उनकी जमीन ले। वह दिन रात मेहनत करता है।

जहाँ तक सीलिंग की बात है, सीलिंग के बीच की अगर कोई चीज है वह ले लीजिये सीलिंग के ऊपर फंडामेंटल राइट्स में आप प्रापर्टी लेना चाहें ले लें। लेकिन किसी का भूका मारकर बिना जायदाद का कोई आलटरनेट अर्रजमेंट किये आप कैसे किसी की मेहनत की कमाई ले सकते हैं। ऐसी हालत में सरकार को कोई हक नहीं है कि किसी आदमी ने अपनी कमाई से जो चीज जमा की है उसको आप ले लें।

SHRI RANGA (Srikakulam): Mr. Chairman, I am sorry, I am unable to agree with my hon. friend, Shri Ramamurti, and his Resolution.

SHRI P. RAMAMURTI (Madurai) : You agreed with me some 40 years back.

SHRI RANGA : We had the privilege of working with each other in the kisan movement years ago and he was good enough to translate my speeches to the kisans of Tamilnadu but even at that time he should remember, if his memory does not betray him or has not clouded his judgment because since then he has become a favourite leader of the Communist party, that I had stood for the peasants' landholding. I have stood for peasant proprietorship. That has been the article of my faith. Peasant proprietorship means property over land. As to how much he is to have, you have got the ceilings legislation. Up to that he is allowed to have at present. The present Government is asking the State Governments to reduce it. The Madras Government has already tried to halve it.

SHRI ANBAZHAGAN (Tiruchengode) : We have already halved it.

SHRI RANGA : They have halved it. There is no limit where they will stop, either the Madras Government or any other government. It depends upon the tender mercies of the Communist friends if and when they come into power as to where they will stop. They may possibly abolish the whole thing as they have done in China and Russia. But, at the same time have they not learnt their lessons in China and Russia? They nationalised cows, chicken, pigs sheep, goats, buffaloes—even the huts, hutments and jhonpries, if there are any, jhonpries at all in the Soviet Union because it is not possible in cold weather to live in jhonpries. They all these things in pursuance of their theories.

What has been their experience? They found that production would not go up, in spite of all that, in spite of their programmes, their exiles, their camps and what you call, State-authorised murders on a large-scale and genocide. Therefore, they were obliged to make concessions again. They allowed the peasants to own a buffalo, a cow a sheep, and then pigs and fowls—is it a property or not?—and

then have half an acre, an acre, $1\frac{1}{2}$ acres and then $2\frac{1}{2}$ acres and now they are going to have a family holding, than is supposing there are four working members in a family, it is $4 \times 2\frac{1}{2}$, upto 10 acres. They are allowing that have done it because, according to the human nature as it is, human-beings constituted as they are even in Russia. after 50 years of their indoctrination, the people do not the incentive. the inducement, the sense of security to strength and stamina that arise out of the ownership of some property and especially the agricultural property.

As my hon. friend, Shri Randhir Singh, has already told us, today, in our country, a majority of our people in some land holding. My hon. friend, Shri Ramamurti, was saying the wrong thing other day—his facts have misled him or its information has misled him. More than 50 per cent of our total population have some property. They are land-holders; they are the kisans and there are self-employed kisans also. Another 15 per cent are tenants. These tenants also have some property rights in the holdings that they hold, that they cannot be evicted for a particular period, that the rent cannot be enhanced over a particular limit and during a particular period and if that land were to be sold, the first priority is given to them. All these are property rights.

Apart from them, there are handloom weavers and all these people. About 5 crores of them are all over India. They have property rights over their implements. It is very essential for their means of livelihood and their employment.

Why go far? Only sometime ago, there was so much agitation by jhugi-jhonpri people in Delhi. In Hyderabad, we have got an all-India hutment dwellers, association. They come and occupy Government land by the road-side and private land also which is not occupied, which is not built, and then they cannot be evicted. The owners are obliged to pay Rs. 200 to Rs. 500 in order to persuade them to leave. The Government is not able to send them away from their own lands. As between these agricultural workers and pro-

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erty less workers and the hutment dwellers, let one man try to encroach upon their small house-sites, may be 100 sq. yards or so, let one try to incroach upon him even by an inch, there will be bloodshed, They will fight among themselves. Do they have the sense of property or not? They have got it from that moment onwards. From that moment onwards, the sense of property springs into existence not only in the minds of the people but also in the daily life of the people.

What is the fun of my hon. friend saying that it is only a minority of people who have got property and that a great majority of people are propertyless? Yes, there are smaller people, bigger people and so on. Just now, my hon. friend, Shri Shantilal Shah was telling us that there are very rich people who are so rich that they are obliged to pay more than hundred per cent of their total annual income and, therefore, he was pleading for some concessions for them so that they need not have to pay something from out of their accumulated property also towards taxes in any particular year.

There are limitations set by your progressive taxation. There is the super-tax, then there is the death duty, the estate duty, the expenditure tax, and all sorts of taxes imposed on them, You have got so many of taxes, In this way, you remove as much of their property as you possible can consistent with public good and take away as much of their annual income as you possibly can consistent with national good.

Apart from this, such measures to try to apply this terrible axe on the idea of property is self and then say that it should not be a fundamental right at all are not just, are not fair and are not progressive even from the Soviet point of view and are not consistent with the Soviet practice and Soviet experience.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON):
What about China ?

SHRI RANGA : My hon. friend may think of China, I am not yet able to go to China.

SHRI P. RAMAMURTI : I am not bothered about Soviet Union and China. I have brought a resolution for this country.

SHRI RANGA : In all the democratic countries, the fundamental right to property has not been abolished. Only in the Soviet Union it has been abolished. There also it is coming back again.

So far as China is concerned, I do not know what is happening there. I do not want my country to go the way of China in the manner in which the China-oriented Communists in this country are behaving towards Gandhism and Gandhian literature and Gandhian institutions. I need not say anything more.

There is also another point. Possibly my hon. friend would argue that he is not opposed to property as such, but he does not want it to be a fundamental right. He says it should be a fundamental right for this reason. All the other fundamental rights or most of them cannot be exercised at all by these people who do not have any property whatsoever. What is more? What is the general stand that the friends of Communist Party and other trade-unionists in this country have taken? They get bonus. They get provident fund and various other privileges. They are asking so many privileges for our industrial labour and whenever the employers are obliged to retrench, they want lay-off allowances. They do not want any retrenchment at all. Do not all these partake an aspect of property right? Uelry are they asking for these things? Because they want stability. They want security. They do not want any worker to be dismissed at any time at the whims of the employer. There must be some security. They do not want employers' houses made available to the workers lest the worker should be at the mercy of the employer. There should be independent housing facilities for the industrial workers. Why? Because there must be security. I am only giving you instance. I need not go into all details.

In regard to agricultural labour also, my friend who comes from Tanjore knows better. There he has been asking and I have been asking that house sites should be placed entirely at the disposal of the worker at the cost of the State whereas, on the other hand, till recently these house sites were the property of Mirasdars and landlords. (*Interruptions*) Even supposing it is there, we want agricultural workers should have their own houses. What is the use of my hon. friend saying that Rajaji is against it? There is no use to go on talking in the face of facts and truth. It was Rajaji who got tenancy legislation passed for the protection of Tanjore tenants. My hon. friend may not have any respect for truth outside because it is a kind of trait with them. (*Interruptions*). Let us not be incorrect towards truth so far as this House is concerned. (*Interruptions*). I am not attacking anybody. We want house sites for our industrial as well as agricultural labour. I want, in fact, the State itself to undertake house construction and make them available to our agricultural workers. For how long? For the past 50 years I have been declaiming the phenomenon of homeless people in our towns lying down by the side of pavements. Even they consider it a property. On these things he wants another person to go and try there. As a matter of fact house sites should be provided not only for all industrial workers but also for workers, artisans and agricultural workers. I do not know the reason why this property should not be guaranteed to them as a matter of fundamental right. What happens in the United States? What happens in all democratic countries? There is no one democratic country where an effort has been made by the majority of the people and their Parliament to deny this fundamental right for these people. In those countries where fundamental rights have come to be enshrined in their Constitution, fundamental right to property has been accepted and has also been enshrined in the constitution. Now, here even in our own country there is a history, for this concept. Only yesterday Mr. Palkhivala who is quite an expert in regard to some of these things reminded us of what happened.

SHRI INDRAJIT GUPTA (Alipore) : Which countries have got fundamental right to property?

SHRI RANGA : America, France.

SHRI INDRAJIT GUPTA : Is it enough?

SHRI RANGA : America, France, Japan. Is it not enough? In our own country, Sir in the last decade or last century. Lokamanya Tilak wanted this thing to be a fundamental right. Later on, Sir, the All-India All Party Conference headed by Sir Tej Bahadur Sapru wanted it. Afterwards Motilal Nehru's draft constitution wanted it. At the Round Table Conference it was suggested and then later on the Karachi conference accepted it. The Karachi Congress in 1930 accepted it apart from the Round Table Conference. Who was the person who proposed it here? He was no other than Dr. Ambedkar who proposed it in this House. Does Ambedkar come from a millionaire. He came from a section of people who are poorer than the section of people from which I hail, Sir, both of us worked for the people; he worked more for workers; I work more for peasants; and both of us supported this Fundamental Rights to be enshrined in our Constitution in that Chapter.

Therefore, Sir, if we really want our workers, our peasants, our artisans and other people to enjoy all the other Fundamental Rights, without being at the tender mercies of the employers, of the big landholders, of the capitalists, of the other various kinds of exploiters, anywhere in the country and of the Government and their authorities and the bureaucracy and so on like that, then, it must be our genuine, our sacred duty to try to help more people to get into the ownership or at least part ownership, some claim over ownership of some property. Now it does not matter what kind of property it is. Take a sanyasi. In this country we have hippies, not yet naked hippies. But we have sanyasis. They have a *kaupenam* and *kamandalam*. Even that *kaupenam* or *kamandalam* is a property. Are you going to deny them all these and then say:

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in my large heartedness because I have to be the dictator of this country, I am going to allow you that, taking upon yourself the right to deny it? I charge any democrat to come and say that he can continue to be a democrat while reserving to himself the right to deny the right to one's property to any section of people, to any individual, to any toiler anywhere. I am all in favour of the fundamental right for property and I am very much opposed to the Resolution suggested by my hon. friend. And I am glad about one small mercy, Sir. At long last, after having created such a lot of confusion about her wonderful conception of radicalism and progressive attitude and march towards plenty for everybody our Prime Minister has some wisdom to come to reassure her people first of all in her party, that her party people are not opposed to property and she wanted to reassure the whole country also, least the country might get a wrong impression about her ultimate aims as Prime Minister. What her own personal ultimate aims are God and she alone may know. But, Mrs. Indira Gandhi as Prime Minister, wanted to reassure her country, her party that the Government are not in favour of abolishing or tampering with the Fundamental Right to property and I welcome this declaration from her. But I sincerely hope she will not get some dream or some awakening or inspiration to say, "I said that under some mis-apprehension, but now I have changed my view because my conscience is going in another way". I hope her conscience will remain with her and that conscience will be that of the conscience of the many crores and crores of people in this country, who are non-exploiters, who are self-employed people, who are genuine producers of wealth in our country and who are small tillers who would love and would like to have property as of fundamental right in our country.

SHRI R.D. BHANDARE (Bombay Central): Mr. Chairman, Sir, it is not necessary for me to give the assurance to Professor Ranga that our party will not go in for the abolition of private property. This has been made quite clear by the

Prime Minister to the party. If you are ignorant, the world is not ignorant.

The Resolution, if analysed, has these four propositions. This is a very clear and very ingenious resolution. The first proposition is the right to private property as the means of production, has become oppressive. Those who have nothing may also side with that proposition. I am not imputing any motive but I am merely dealing with the results of the proposition as laid down in the Resolution. The second proposition, is right to property because it is a justiciable fundamental right—it speaks of Supreme Court; the third proposition, is that because of these two propositions, the right to property has become an obstacle to real democracy; the fourth proposition is that it has become a serious obstacle in the country's social, economic and political advancement. These are the four propositions which have been incorporated in the Constitution.

What is the advice given by the Mover of the Resolution? His advice is to amend the Constitution. I need not mention that all the propositions which have been on the tips of the hand of many of the so-called radicals in this country are for amending the Constitution and abolishing the right to property. I am simply trying to draw the attention of this House—Shri Ramamurthi thinks of persuasion of the Directive Principles enshrined in the Constitution, more especially Art. 39, sub-clause (b) and (c)—that Shri Ramamurthi speaks of curtailment of the means of production so that the means of production is not utilised either for amassing money or exploiting others. These Directive Principles are already enshrined in the Constitution.

SHRI YOGENDRA SHARMA : Will you make it justiciable ?

SHRI R.D. BHANDARE : I will be happy if you come forward with that proposition that the Directive Principles of the State Policy should be made justiciable. Those who suffer from economic ills and those who are down-trodden and

under privileged, shall have a remedy under Article 32 to go to the Supreme Court so that we can establish the right. But, you have no guts and you will never go to the villages to make the Directive Principles as justiciable. You move it and I am prepared to support it.

We have the Fundamental Rights enshrined in the Constitution. I know that the fundamental rights are at times misused by the richer classes for becoming richer and making the poor class poorer. I am quite aware of the fact. I am here dealing with the concept of the fundamental right as contained in the Constitution.

Mr. Chairman, it has become a fashion with the modern countries to incorporate the Chapter on Fundamental Rights in the Constitution. Ever since Thomas Payne wrote or ever since 1791 Constitution was framed by the French National Assembly, it has become a fashion to put in the fundamental rights in the Constitution. But it is not enough. So far as the founding fathers of our Constitution were concerned, this did not weigh with them. I shall deal with this question later.

After the philosophy of Thomas Payne and the French Revolution, what happened? In western countries, they could establish a society based on the principle of liberty, but at the cost of equality. The result was that a few individuals, a few families, became richer, got all the means of production in their hands and the vast masses became poor.

After this Revolution, there was the Russian Revolution in 1917. What was the result of it? The great leader, Lenin, gave the slogan: let there be equality. They made this the basis of their Government. Result: when Stalin came to power, they established a social system based on the principle of equality but at the cost of liberty.

These are the historical aspects we have got to take into account. What was the result of the freedom movement, mention of which was made by Prof. Ranga? Because of the freedom movement and

because of the framing of our Constitution, we have sought to bring about a reconciliation between liberty and equality. In fact, the directive principles of state policy area unique feature, a contribution made to constitutionalism or the constitutional history of the world, just as the federal principle is the contribution made by the American constitution and parliamentary democracy is the contribution made by the British people.

We accepted both the directive principles and fundamental rights. To those members of the Opposition who are time and again, day in and day out, crying hoarse against private property and would like to abolish it and would like to amend the Constitution for the purpose. I would like to say that I am for curbing private property so that it may not be utilised to exploit the poor and the down-trodden. We are for a ceiling on property. Of course, what the concept of property should be and to what extent there should be a ceiling are matters of detail to be worked out. Let us not raise very radical slogans like 'abolish private property' or 'abolish all means of private property' because they have been using the means of private property to exploit others. Therefore, put a curb a ceiling. It is no use of talking always about abolishing private property and changing the Constitution because we the Indian people have given unto ourselves a Constitution in which both fundamental rights and directive principles are enshrined.

SHRI YOGENDRA SHARMA (Begu-sarai) : The latter are not justiciable.

SHRI R. D. BHANDARE : Again he is begging the question.

We are for it, the party to which I belong is for it. Both as an individual and as the member of a party, with whatever capacity and strength I have, I will use it for the purpose of sanctifying those Fundamental Rights and Directive Principles in the Constitution. so that the Directive Principles could be utilised for the benefit for the down-trodden and the under-privileged.

[Shri R. D. Bhandare]

I hope the Mover of the Resolution will not press it because it is infructuous, because curtailment of private property and the means of production is provided for in the Constitution itself. Therefore, passing the Resolution will not serve any useful purpose.

श्री कंबरलाल गुप्त (दिल्ली सदर) : सभापति महोदय, जो प्रस्ताव माननीय सदस्य ने रखा है मैं उसका पूर्णतया विरोध करना चाहता हूँ और बीमारी का जो कारण उन्होंने बतलाया है और जिसका इलाज उन्होंने यह बतलाया है कि प्रापर्टी का राइट समाप्त कर दिया जाये उसको भी मैं स्वीकार नहीं करता ।

राइट आफ प्रापर्टी का कंसेप्शन कोई आज का नया नहीं है। यह हमारे ही देश में नहीं है, जैसा प्रो० रंगा ने बतलाया यह प्रायः सभी देशों में है। जो हमारी आजादी की स्ट्रगल रही है अगर उसके इतिहास को भी हम देखें तो चाहे तिलक स्वराज्य बिल 1885 की हो, या मोतीलाल नेहरू रिपोर्ट 1928 की हो या राउंड टेबल कांफरेंस 1931 की हो या तेज बहादुर सप्रू जिस कमेटी के सदस्य थे जो कि 1944 में बनी थी, उसने कहा हो, सब लोगों ने यह बात माना है कि यह सैक्रड राइट है और इसकी सैक्रिटरी रहनी चाहिये। जब संविधान बनाते समय फंडामेंटल राइट का सवाल आया और उस कमेटी की रिपोर्ट रक्खी गई तो पंडित जवाहरलाल नेहरू ने भी कहा कि यह फंडामेंटल राइट है और आज की परिस्थितियों को देख कर इसको खत्म करना चाहिये। यह परमानेंट राइट है और परिस्थितियों को देख कर इसको बदलने की कोशिश नहीं करनी चाहिये। यहां तक कि यूनाइटेड नेशन्स चार्टर ने भी इसको माना है। इस लिये जब इसकी ऐसी हिस्टोरिकल बैकग्राउण्ड है तब मैं नहीं समझता कि आज इसमें कोई विशेष तब्दीली करने की जरूरत है।

कई हमारे मित्र कहते हैं कि राइट आफ प्रापर्टी बदल देना चाहिये, बाकी फंडामेंटल राइट रहने देने चाहियें। मैं इसको नहीं मानता। अगर एक बार आपने राइट आफ प्रापर्टी को बदल दिया तो यह इस तरह से फ्रीडम आफ प्रेस, फ्रीडम आफ इंडिविजुअल, फ्रीडम आफ एसोसिएशन वगैरह का जो स्ट्रक्चर है वह भी गिर जायेगा। इस लिये इस चीज को बदलना नहीं चाहिये। हमारे भाई कहते हैं कि यह गलत बात है, यहां फ्रीडम आफ प्रेस है। लेकिन मैं कहना चाहता हूँ कि अगर आप किसी प्रेस की बिल्डिंग, उसकी मशीनरी या प्रापर्टी ले लेंगे तो फ्रीडम आफ प्रेस नहीं रह सकती। इस लिये मेरा कहना यह है की इसको टच न किया जाये। दुनिया के जितने विधान हैं उनमें से 82 राष्ट्रों के विधानों ने इस राइट को माना है। केवल जो कम्युनिस्ट देश हैं उनको आप छोड़ दीजिये।

हमारे संविधान को अगर आप देखें तो उसमें रीजनैबल और बलेंसड प्रावधान है। हमने कहा है कि आप रीजनेबल रेस्ट्रिक्शन लगा सकते हैं और यह बहुत जरूरी है। कुछ लोगों का कहना है कि रीजनेबल रेस्ट्रिक्शन लगा कर जो हमारा उद्देश्य की मोनो-पोली खत्म हो, जो हमारा उद्देश्य है कि कुछ लोग शोषण न करें, वह पूरा नहीं होता। लेकिन मैं कहना चाहता हूँ कि इससे हमारा उद्देश्य पूरा हो जाता है। और जो कुछ कमी रही है वो उसका कारण यह नहीं है कि यह फंडामेंटल राइट है, बल्कि उसका कारण यह है कि सरकार की नीतियां गलत रही हैं। इस सरकार ने हमेशा मोनोपोली को अपना कर वेस्टेंड इंटररेस्ट को बनाया है। 22 साल लगातार गलत नीतियों के कारण जो मोनो-पोली बनी है वह केवल इस लिये नहीं कि यहां पर फंडामेंटल राइट है। मैं कहना चाहता हूँ कि चूकि उसने समस्याओं को ठीक तरह से हल नहीं किया इस लिये ऐसा हुआ।

आप रीजनेबल रेस्ट्रिक्शन्स लगा सकते हैं। प्रो. रंगा ने कहा कि सरकार के पास राइट आफ टैक्सेशन है, वह प्रापर्टी टैक्स लगा सकती है। कई और चीजें की जा सकती हैं, किसी पब्लिक परपज के लिये आप किसी बिल्डिंग को ले सकते हैं, किसी की जायदाद ले सकते हैं, लेकिन सारे देश की प्रापर्टी को आप ले लें यह राइट आप को हमारे संविधान ने नहीं दिया है और देना भी नहीं चाहिये। पब्लिक गुड के लिये, लोगों के हित के लिये अगर आप कोई रेस्ट्रिक्शन लगाना चाहें तो वह लगा सकते हैं।

श्री योगेंद्र शर्मा : कम्पेन्सेशन को जस्टिशिएबल बनाना चाहिये।

श्री कंवर लाल गुप्त : यह बहुत गम्भीर मामला है, लेकिन मैं मानता हूँ कि इसमें डिफरेंस आफ ओपीनियन हो सकती है। मेरे मित्र श्री राममूर्ति और श्री शर्मा ने यहां अपनी बात कही। वे मेरे बड़े अच्छे मित्र हैं, लेकिन उनकी जो नियत है प्रस्ताव मूव करने में वह साफ है। कोई फंडामेंटल राइट के बारे में नहीं है। वह सुप्रीमकोर्ट को भी गिराना चाहते हैं, वह संविधान को भी तोड़ना चाहते हैं, वह फंडामेंटल राइट को भी खत्म करना चाहते हैं। उनकी निती साफ है कि देश में रूल आफ ला नहीं होना चाहिये। इस लिये उनके बारे में किसी को एतराज नहीं है। वह रोजाना सुप्रीम कोर्ट की डिविन्टी को चैलेंज कर रहे हैं वह इम्पीचमेंट की बात कर रहे हैं, देश में अराजकता फैले इसका गुणगान वह करते हैं। इस लिये हमें उन पर एतराज नहीं। लेकिन जो हमारे सामने बैठने वाले लोग हैं उनमें से भी एक स्वर बीच बीच में निकलता है, कमी यंग स्टर्क्स के नाम से कभी किसी दूसरे नाम से। अभी श्री भंडारे ने कहा कि क्या आप को मालूम नहीं कि प्रधान मंत्री ने क्या कहा। श्री भंडारे को मालूम नहीं कि प्रधान मंत्री ने क्या कहा। मैंने ध्यान से पढ़ा है। उन्होंने कहा है कि हम सब की प्रापर्टी नहीं लेना चाहते। हो सकता है कि अभी नहीं लेना

चाहते, उन्होंने यह भी कहा कि हम फंडामेंटल राइट को रखना चाहते हैं, लेकिन उन्होंने यह कभी नहीं कहा कि हम राइट को मानते हैं। कल वह कुछ लोगों की प्रापर्टी को ले सकते हैं। अभी हो सकता है कि वह कह दें कि हम बड़े लोगों की प्रापर्टी को ले लेंगे। लेकिन आज बड़े लोगों की प्रापर्टी ले लेंगे तो कल छोटों की भी ले सकते हैं।

इस लिये मैं कटेगोरिकल एश्योरेंस इस सरकार से मांगता हूँ। आज यह घोषणा वह करें कि वह फंडामेंटल राइट को बदलना नहीं चाहते, जैसा यह है वैसा ही रखना चाहते हैं। यह घोषणा मैं सरकार से पूरी तरह से चाहता हूँ।

दूसरी बात यह है कि सरकार केवल हल्ला गुल्ला करती है क्यों कि वह एकानामिक लेवेल पर फेल हो चुकी है उस ने गरीब लोगों का कोई काम नहीं किया। यह राष्ट्रीयकरण कर दो, यह राइट ले लो, यह कर दो वह कर दो, यह आई सी एस बिल ले आओ, प्रीवीपस खत्म कर दो, यह सब जो कहानियां हैं उन से गरीब आदमी नाराज हो कर बग़ावत न कर दें इस लिये उन का अटेंशन डाइवर्ट करने का तरीका उसने निकाला है। यह जो नारा है वह अपनी कुर्सी पर बैठे रहने के लिये है।

भेरा कहना है कि कम्प्यूनिस्टों का इरादा साफ है, लेकिन इन का इरादा भी साफ है। उन्होंने 22 सालों में जो मिसडीड्स की हैं उन पर पर्दा डालने के लिये यह कह कर कि हम बड़े लोगों से लेना चाहते हैं सारे काम वह करना चाहते हैं। यह इस तरह का इम्प्रेसन देना चाहते हैं, कि यह कोई इन्चरेंट राइट नहीं है, सरकार को दिया हुआ है। लेकिन मैं समझता हूँ कि सुप्रीम कोर्ट या दुसरे कोर्टस का जो रोल रहा है वह तारीफ के लायक है, कमेंडेबल है। जो लेजिस्लेचर्स की कोशिश है कि इस में ग्रनड्यू इंटरफिअरेंस करें, वह नहीं होना चाहिये। मैं समझता हूँ कि गोलकनाथ केस में सुप्रीम कोर्ट ने बहुत अच्छी चीज की है। वह एक ऐसी चीज है जा हिस्टारिकल रहेगी। लेकिन एक चीज मैं मानता हूँ कि यह ऐन्सोल्यूट

[श्री कंवर लाल गुप्त]

राइट नहीं है। इस लिये मैं इस को ऐम्सोल्यूट राइट मानने के लिये तैयार नहीं हूँ। हमारे संविधान को बदलने के कई तरीके हैं। कुछ आर्टिकल ऐसे हैं जिन को मंजूरिटी से या पार्लियामेंट बदल सकती है। कुछ आर्टिकल ऐसे हैं जो दो तिहाई मंजूरिटी से बदले जा सकते हैं, लेकिन फंडामेंटल राइट्स को बदला नहीं जा सकता। कब इनको बदलना चाहिये और कैसे इसको बदलना चाहिये, अगर यह बात हो तो इस में और भी सख्ती बरती जानी चाहिये। इस पार्लियामेंट को यह अधिकार नहीं होना चाहिये। जनता को अधिकार होना चाहिये। हम जनता के प्रतिनिधि हैं, जनता नहीं हैं। इसलिए मेरा सुझाव है कि अगर फंडामेंटल राइट्स में कुछ संशोधन करना हो तो उसके लिए रेफ्रेंडम करवाया जाना चाहिये। जनता के सामने जा कर ही हम को ऐसा करना चाहिये।

आप कहते हैं कि पार्लियामेंट सब कुछ कर सकती है। इंदिरा जी यहाँ की मौनक हैं, यहाँ की बादशाह हैं। मैं जानना चाहता हूँ कि क्या पार्लियामेंट इस तरह का बिल पास कर सकती है या विधान में परिवर्तन कर सकती है कि उसका लड़का संजीव गांधी उनके बाद बादशाह बनेगा? यह नहीं कर सकती और न ही ऐसा करने का इसको अधिकार होना चाहिये।

इसका इफैक्ट क्या होगा? लोगों को डर है कि जो छोटे छोटे किसान हैं जिन के पास दो चार या पांच बीघे तक भी जमीन है या जिनके पास झोपड़ियाँ हैं, कलम दवात भी हैं, वे सब उनसे ले ली जाएंगी। आज सब जगह बेचनी है। मैं वार्न करता हूँ देशवासियों को कि अगर वे जागरूक नहीं रहे तो हो सकता है कि यह सरकार अपनी कुर्सी को बचाये रखने के लिए कुर्सी पर बैठे रहने के लिए कम्युनिस्टों के दबाव में आकर इस प्रकार का कोई कार्य करे। इसका नतीजा यह होगा कि देश में टोटैलिटेरियन राज हो जाएगा और डेमोक्रेसी खत्म हो जाएगी।

अन्त में मैं यह कहना चाहता हूँ कि जो प्रीएम्बल है और जो हमारे डायरेक्टिव प्रिंसिपलज हैं, उनके साथ हमारे फंडमेंटल राइट्स का मेल होना चाहिये वह मेल किस तरह से हो? मैंने आपको कहा है कि अगर फंडमेंटल राइट्स में कोई बदल करना है तो उसके लिए रेफ्रेंडम के अलावा कोई रास्ता नहीं है। इन शब्दों के साथ मैं इस प्रस्ताव का पूर्णतया विरोध करता हूँ।

श्री अब्दुल गनी डार (गुड़गांव): जिन को सोने और चांदी की थालियों में लगा सात्विक भोजन रस और चीन और इंदिरा सरकार से मिलें उनको जायदाद की क्या जरूरत है? मैंने न यहाँ और न राज्य सभा में श्री राम मूर्ति को इतने गुस्से में देखा जितना गुस्से में उनको मैंने पंद्रह दिन पहले देखा था जब उन्होंने इस प्रस्ताव को पेश किया था। पता नहीं क्यों तब वह श्री गजेंद्र-गड़कर वगैरह कई सुप्रीम कोर्ट के जजों की गालियाँ दे रहे थे। हमारे यहाँ पंजाबी में एक कहावत है 'ओछा जट कटोरी लब्बी, पानी पी पी आफरया' एक भोले भालें जाट को कटोरी मिल गई, वह उसमें पानी पीता गया। हमारे कम्युनिस्ट भाइयों का कहना इंदिरा गांधी पर हो गया है और अब ये समझने लग गए हैं कि दुनिया में हम जो चाहें करे, अपने मुल्क को बरबाद करना चाहें तो करें। इनको किसी चीज की चिन्ता नहीं है। ये समझते हैं कि चूँकि यह गवर्नमेंट इनके हाथ में है, इस लिए फंडामेंटल राइट्स को जिस तरह से वे चाहें बदल सकते हैं। इनको भूलना नहीं चाहिये कि ऐसे जो लोग हैं ये मुल्क में केयोस पैदा नहीं कर सकते हैं। इतनी आसानी के साथ हाउस को अपने मकसदों के लिए ये लोग इस्तेमाल नहीं कर सकते हैं। सुप्रीम कोर्ट हमारी मददगार है, मुहाफिज है। वह एक ऐसी बाड़ी है जो अगर हम गलती करें तो हमें सुझाव दे, हमें ठीक रास्ते पर लाये। उसका काम सुझाव देना है। मैं जानता हूँ कि पार्लियामेंट सुप्रीम है। लेकिन सुप्रीम कोर्ट आपकी मददगार हो सकती है आपको सुझाव दे सक-

आप उनको मानें या न मानें यह आपका काम है। प्रापर्टी एक जाती चीज है, फिर चाहे वह भ्रमीर की हो या गरीब की हो। विधान ने उसका राइट शहरी को दे रखा है। अगर बिड़ला टाटा मारे जायें, उनकी प्रापर्टी ले ली जाय तो हमें कोई रंज नहीं होगा, क्यों कि हमें तो उनसे पैसा मिलता नहीं है, इंदिरा सरकार को पैसा नहीं मिलेगा। तब रूस और चीन से जो पैसा मिलता है, वहीं रह जायगा। ये गरीबों के बड़े हमदर्द बनते हैं, ठेकेदार उनमें बनते हैं और कहते हैं कि हम जायदाद लोगों की इसलिए छीनना चाहते हैं क्योंकि इन्होंने बेईमानी से इसको बनाया है। जहां तक मेरा सम्बन्ध है, मुझे कोई तकलीफ नहीं है न मेरी जमीन है और न हॉम मेरा कोई मकान है। लेकिन यह बात आप याद रखें कि हमारे विधान पर दुनिया गर्व करती है। हमारा विधान जम्हूरियत के लिहाज से शराफत के लिहाज से, इंसानी हक के लिहाज से, शहरी हक के लिहाज से किसी भी दुनिया के दूसरे आईन से कमतर नहीं है, सब से बेहतर है। आप इसको और खूबसूरत बनाना चाहते हैं लेकिन इसको खूबसूरत ऐसे ढंग से आप बनाएंगे जिस तरह से श्री राम मूर्ति यहां बैठ कर सुप्रीम कोर्ट को मालियां देते हैं ? मैं अपने साथ ज्यादाती करूंगा अगर एक बात मैं भी कहूं। जब मैं सुप्रीम कोर्ट में गया तो मुझे कहा गया कि तुम जाते तो हो लेकिन वहां एक अज तुम्हारे खिलाफ है। मैंने कहा कि जब कोई जज बन जाता है तो वह कभी अपने को बीच में नहीं लाता। वह मुल्क के भले के लिए मुझाव देता है। सुप्रीम कोर्ट भी पार्लियामेंट की इज्जत करती है। ऐसी बात नहीं की इसको वे सुप्रीम नहीं मानते। धरती बलों के दो सौगों पर जिस तरह से खड़ी है उसी तरह से हमारा देश पार्लियामेंट और लैजिस्लेचर तथा ज्यूडिशरी के सहारे खड़ा है। ज्यूडिशरी को गाली देना इंदिरा जी भी नहीं चाहेंगी। कोई भी कांग्रेसी नहीं चाहेगा, कोई शरीफ दोस्त नहीं चाहेगा। हमारे राम मूर्ति जी गुस्से में आ कर दे गए हैं। और भी कोई गाली देते हों तो हमें कोई तकलीफ नहीं।

मैं तो इन दोस्तों से कटूंगा

माला के दानों गिर गिर यों ही
बिखरते जाओगे।

पछताओगे, पछताओगे, फिर
ढूंडे हाथ न आओगे ॥

मूठों भर लोगों के हाथ में यह गवर्नमेंट आ गई है। इनके सहारे इनकी गवर्नमेंट चलती है। गवर्नमेंट के ये हम खयाल नहीं हैं। यह गवर्नमेंट गांधी जी को मानने वाली है। कम से कम मुंह से गांधी का नाम लेने वाली तो है ही। कहुती है कि हम गांधी के पुजारी हैं क्या यह राम मूर्ति जी के काबू में आ जाएगी? अगर आती है तो इनको याद रखना चाहिये कि मुल्क बड़ा है और मुल्क ने बड़े धक्के खाये हैं। बड़े बड़े यहां गायब आए, हमलावर आये, बड़े बड़े लोगों ने इस मुल्क पर मुजालिम ढाये लेकिन देश ने हमेशा उनका मुकाबला किया अगर इस वक्त भी कोई दुनिया में इस मुल्क में केओस ला कर इस देश की बहुवृदी को, खुशहाली को, शानदार आईन को बदनाम करना चाहेगा तो उसको कुचल दिया जाएगा। हम लोग इसको बरदाश्त नहीं करेंगे। लड़ाइयां हांती हैं तो हों। हम इनके हथियारों को देख लेंगे। रूस और चीन के हथियारों के बल पर ये हमें डराते हैं। लेकिन हम डरने वाले नहीं हैं। हम समझते हैं कि हमारा आईन हमें प्यारा है। हम चाहते हैं कि गरीब तो आप और हक दो जितनी जायदाद दे सकते हों दो लेकिन गरीबों को दो। बिड़ला टाटा से जा छीनना है खूबसूरती से छीनो। आईन बदल कर, कानून बना कर उन से ले लो। लेकिन जिस तरह से पहले लोग देश को लूटने आते थे और लूट कर चले जाते थे, अगर उस तरह से करना चाहोगे, तो आपकी बदनामी होगी। तब यह देश अशोक, चन्द्रगुप्त, राम और कृष्ण, गुरुनानक और गांधी का देश नहीं कहलाएगा। तब यह देश ऐसे लोगों का देश कहलाएगा जो मूठों भर होते हुए भी इस हकूमत पर छाए हुए हैं और मुल्क को बरबाद करना चाहते हैं।

[شری عبدالغنی قار (گوانو) - چنکو سونے اور چاندی کی تھالیوں میں لگا ساتوں بھوجن روس اور چین اور اندرا سرکار سے ملے انکو جائداد کی کیا ضرورت ہے؟ میں نے نہ یہاں اور نہ راجیہ سبھا میں شری رام مورتی کو اتنے غصے میں دیکھا جتنا غصے میں انکو میں نے پندرہ دن پہلے دیکھا تھا جب انہوں نے اس پرستار کو پیش کیا تھا - پتہ نہیں کیوں تب وہ شری گجیندر گڈکر وغیرہ کئی سہریم کورٹ کے ججوں کو گالیاں دے رہے تھے - ہمارے یہاں پنجابی میں ایک کہاوت ہے اچھا جت کٹوری لہی پانی پی پی اچھریا - ایک بھولے بھالے جات کو کٹوری مل گئی وہ اس میں پانی پیتا گیا - ہمارے کمیونسٹ بھائیوں کا قبضہ اندرا گاندھی پر ہو گیا ہے اور اب یہ سمجھتے لگ گئے ہیں کہ دنیا میں ہم جو چاہے کریں - اپنے ملک کو برباد کرنا چاہیں تو کریں - انکو کسی چیز کی چلتا نہیں ہے - یہ سمجھتے ہیں کہ چونکہ یہ گورنمنٹ انکے ہاتھ میں ہے اس لئے فلڈ امیلٹل رائٹس کو جس طرح سے یہ چاہیں بدل سکتے ہیں - انکو بھولنا نہیں چاہے کہ ایسے جو لوگ ہیں یہ ملک میں کیبوس پیدا نہیں کرسکتے ہیں - اتنی آسانی کے ساتھ ہاؤس کو اپنے مقصدوں کے لئے یہ لوگ استعمال نہیں کرسکتے ہیں - سہریم کورٹ ہماری مددگار ہے - متحافظ ہے - وہ ایک ایسی باتی ہے جو اگر ہم غلطی کریں تو ہمیں سچھاو دے ہمیں تھیک راستے پر لائے - اسکا کام سمجھاو دینا ہے - میں ماننا ہوں کہ پارلیمنٹ سہریم ہے - لیکن سہریم کورٹ آپکی مددگار ہوسکتی ہے آپکو سچھاو دے سکتی ہے آپ انکو مانیں یا

نہ مانیں یہ آپکا کام ہے - پراپرٹی ایک ذاتی چیز ہے پھر چاہے وہ امیر کی ہو یا فریب کی ہو - ودھان نے اسکا رائٹ شہری کو دے رکھا ہے - اگر بولا تاتا مارے جائیں انکی پراپرٹی لے لی جائے تو ہمیں کوئی دنج نہیں ہوگا کیونکہ ہمیں تو ان سے پیسہ ملتا نہیں ہے اندرا سرکار کو پیسہ نہیں ملے گا تب روسی اور چین سے جو پیسہ ملتا ہے وہ ہی رہ جائیگا - وہ غیرہوں کے برے ہمدرد بنتے ہیں تھیکیدار انکے ہتھے ہیں اور کہتے ہیں کہ ہم جائداد لوگوں کی اسلئے چھیننا چاہتے ہیں کیونکہ انہوں نے بے ایمانی سے اسکو بلایا ہے - جہانتک میرا سہمدہ ہے مجھے کوئی تکلیف نہیں ہے نہ میری زمین ہے اور نہ ہی میرا کوئی مکان ہے - لیکن یہ بات آپ یاد رکھیں کہ ہمارے ودھان پر دنیا گرو کرتی ہے - ہمارا ودھان جمہوریت کے لحاظ سے شرافت کے لحاظ سے انسانی حقوق کے لحاظ سے شہری حقوق کے لحاظ سے کسی بھی دنیا کے دوسرے انہیں سے کمتر نہیں ہے سب سے بہتر ہے - آپ اسکو اور خوبصورت بلانا چاہتے ہیں - لیکن اسکو خوبصورت ایسے قنگ سے بنائیں گے جس طرح سے شری رام مورتی یہاں بیٹھ کر سہریم کورٹ کو گالیاں دیتے ہیں؟ میں اپنے ساتھ بھی زیادتی کرونکا اگر ایک بات میں نہ کہوں - جب میں سہریم کورٹ میں گیا تو مجھے کہا گیا کہ تم جاتے تو ہو لیکن وہاں ایک جج تمہارے خلاف ہے - میں نے کہا جب کوئی جج بن جاتا ہے تو وہ کبھی اپنے کو بیچ میں نہیں لاتا - وہ ملک کے بھلے کے لئے سچھاو دیتا ہے - سہریم کورٹ بھی پارلیمنٹ کی عزت کرتی ہے - ایسی بات نہیں کہ اسکو وہ سہریم نہیں مانتے -

دھرتی بیلوں کے دو سیلنگوں پر جس طرح سے گھڑی ہے اسی طرح سے ہمارا دیش پیارلیمنٹ اور لیجسلیچر تتھا جیو - دیشری کے سہارے کھڑا ہے - جیو دیشری کو گالی دینا اندراجی بھی نہیں چاہیں گی - کوئی بھی کانگریسی نہیں چاہے گا کوئی شریف دوست نہیں چاہے گا - ہمارے رام مورتی جی غصے میں آکر دے گئے ہیں - اور بھی کوئی گالی دیتے ہوں تو ہمیں کوئی تکلیف نہیں - میں تو ان دوستوں سے کہونتا -

ملا کے دانوں کو گر یوں ہی بکھرتے جاؤ گے

پچھتاو گے پچھتاو گے پھر تھوڑے ہاتھ نہ اوکے

متھی بھر لوگوں کے ہاتھ میں یہ گورنمنٹ آگئی ہے - ان کے سہارے انکی گورنمنٹ چلتی ہے - گورنمنٹ کے یہ ہم خیال نہیں ہیں - یہ گورنمنٹ گاندھی جی کو ماننے والی ہے - کم سے کم مہندہ سے گاندھی کا نام لینے والی تو ہے ہی - کہتی ہے کہ ہم گاندھی کے پجاری ہیں - کیا یہ رام مورتی جی کے قابو میں آجائے گی؟ اگر آتی ہے تو انکو یان رکھنا چائے کہ ملک بڑا ہے اور ملک نے بڑے دھکے کھائے ہیں - بڑے بڑے یہاں غاصب آئے حملہ آور آئے بڑے بڑے لوگوں نے اس ملک پر مظالم تھائے لیکن دیش نے ہمیشہ اُنکا مقابلہ کیا - اگر اس وقت بھی اس دنیا میں اس ملک میں کیپوس لاکر اس دیش کی بہبودی کو خوشحالی کو شاندار آئین کو بدنام کرنا چاہے گا تو اُسکو کچل دیا جائیگا - ہم لوگ اسکو برداشت نہیں کریں گے - لڑائیاں ہوتی ہوں تو ہوں - ہم انکے ہتھیاروں کو دیکھ لیں گے - روس اور چین کے ہتھیاروں کے بل پر یہ ہمیں دراتے ہیں

لیکن ہم تو نے والے نہیں ہیں - ہم سمجھتے ہیں کہ ہمارا آئین ہمیں پیارا ہے - ہم چاہتے ہیں کہ غریب کو آپ اور حق دو جتلی جائداد دے سکتے ہو دو لیکن غریبوں کو دو - بولا تاتا سے جو چھیلنا ہے خوبصورتی سے چھیلو - آئین بدل کر قانون بنا کر ان سے لے لو - لیکن جس طرح سے پہلے لوگ دیش کو لوتتے آئے تھے اور لوت کر چلے جاتے تھے اگر اس طرح سے کرنا چاہو گے تو آپکی بدناسی ہوگی - تب یہ دیش اشوک چندر گپتہ رام اور کرشن گورو نازک اور گاندھی کا دیش نہیں کہلائے گا - تب یہ دیش ایسے لوگوں کا دیش کہلائے گا جو متھی بھر ہوتے ہوئے بھی اس حکومت پر چھائے ہوئے ہیں اور ملک کو برباد کرنا چاہتے ہیں -

श्री द्वा. ना तिवारी (गोपालगंज) : पूर्व वक्ता डार साहाब ने सुप्रीम कोर्ट की हिमायत करते हुए कहा कि सुप्रीम कोर्ट को गाली नहीं देनी चाहिये। मैं भी मानता हूँ कि उसकी प्रतिष्ठा को हमें कम नहीं करना चाहिये। लेकिन मैं यह भी मानता हूँ कि इस देश में कोई इतना सैक्रोसेंट नहीं है कि गलतियाँ करता रहे और उसका इम्पीचमेंट हम न कर सकें। हम प्रेजीडेंट को हटा सकते हैं, स्पीकर को हटा सकते हैं, मिनिस्टर को निकाल सकते हैं तो गलती करने पर सुप्रीम कोर्ट के किसी जज का इम्पीचमेंट भी हो सकता है। मैं यह मानता हूँ कि नाहक उनको गाली नहीं देनी चाहिये, उनकी प्रतिष्ठा कम नहीं करनी चाहिये। यह हमारा एक अंग है जो हमारा सहायक होता है दूसरी बात मैं यह कहना चाहता हूँ कि पार्लियामेंट सर्वोपरि है। पार्लियामेंट जो भी कानून पास करे, अगर वह कांस्टीट्यूशन के खिलाफ न हो, तो सब को उसका पालन करना होगा। पार्लियामेंट को कोई भी चेंज करने का

[श्री द्वा०ना० तिवारी]

हक होना चाहिये । आखिर पार्लियामेंट क्या है ? अगर यह पार्लियामेंट समय के मुताबिक मूब नहीं करेगी, तो लोग उसको उठा कर फेंक देंगे, उसको रहने नहीं देंगे । इसलिए मैं समझता हूँ कि पार्लियामेंट को यह राइट होना चाहिए कि वह समय के अनुसार चेंज करे ।

17 hrs.

अब मैं श्री राम मूर्ति के रेजोल्यूशन पर आता हूँ । प्रापर्टी क्या है ? वह लोगों को कैसे मिली ? मैं यह मानता हूँ कि दुनिया में कोई भी बहुत धनवान या बहुत जमीन वाला नहीं हो सकता है, जब तक कि वह बेईमानी न करे । अगर कोई काम या मजदूरी करके रोजी कमाता है, तो दस बीस रुपये जमा कर सकता है, लेकिन लखपति करोड़पति नहीं हो सकता है । (व्यवधान) ये बड़े बड़े जमींदार कैसे हुए ? किसी राजा ने जागीर दे दी । यह उनकी कमाई का धन नहीं था । अंग्रेजों ने हैदराबाद के निजाम को बरार दे दिया मुगल वादशाहों ने किसी को कोई इलाका दे दिया । वे समझते हैं कि वह उनका हक है, हालांकि वह उनकी कमाई का धन नहीं है ।

वैसे ही पहले जमीन खाली थी जिन लोगों के हाथ में ताकत थी, उन्होंने ले ली । पीछे वह उनका राइट हो गया । अगर कोई कहे कि उसमें परिवर्तन न किया जाये, तो मैं उसको मानने के लिए तैयार नहीं हूँ । कांस्टीट्यूशन में पार्लियामेंट को यह राइट होना चाहिए कि हम जो चाहें, बदल सकते हैं । प्राइवेट प्रापर्टी को कोई कांस्टीट्यूशनल गारण्टी नहीं होनी चाहिए । सरकार उसको ले या न ले, लेने की जरूरत भी नहीं है, लेकिन प्रापर्टी का फ्रंडामेंटल राइट हो और उसके लिए कांस्टीट्यूशनल गारण्टी हो, यह बात मेरी समझ में नहीं आती है ।

संसार में तीन तरह की इकानोमी चलती है : कैपिटलिज्म, कम्यूनिस्ट लोगों की इकानोमी और गांधीवाद । गांधीजी ने कहा था कि प्रापर्टी वालों, धनवानों को अपने आप को ट्रस्टी समझना चाहिए । लेकिन कितने धन वाले अपने को ट्रस्टी समझते हैं ? अमी श्री डार ने गांधीजी का नाम लिया और कहा कि यह गांधीजी का देश है । अगर यह गांधीजी का देश है, तो उसे गांधीजी के रास्ते पर चलना होगा । (व्यवधान) यह गांधीजी का रास्ता नहीं है कि कोई लाखों की सम्पत्ति अपने पास रखे, उसका उपयोग करे और अपने आपको ट्रस्टी न समझे । अगर गांधीजी के अनुसार चलना है तो पब्लिक के सामने उस धन के एक एक पैसे का हिसाब देना होगा और अपने आप को ट्रस्टी समझ कर ही काम करना होगा । जितने धनी जमीन वाले और प्रापर्टी वाले हैं, अगर वे गांधीवाद के अनुसार अपने को ट्रस्टी समझ कर काम करें, तो शायद हिन्दुस्तान में कोई झगड़ा नहीं उठेगा । लेकिन चूँकि ऐसा नहीं होता है, इस लिए झगड़ा होता है । झगड़ा क्यों नहीं होगा ? जब एक तरफ शादी विवाह में करोड़ों रुपये खर्च हों और दूसरी तरफ आदमी के पास अपनी लड़की को देने के लिए वस्त्र भी न हों, तो फिर झगड़ा क्यों नहीं होगा ?

हिन्दुस्तान के पचास फी सदी से अधिक लोगों को ठीक से खाना नहीं मिलता है । अगर वोट से राज होना है, तो वे हमको निकाल देंगे और वे यहां आ कर बैठेंगे । उस सूरत में प्रापर्टी का राइट कैसे रहेगा ? वे अपने मुताबिक कानून बनायेंगे । अब तक हमने अपने मुताबिक कांस्टीट्यूशन और कानून बनाया है । लेकिन यहां पर अगर गरीबों का सचमुच प्रतिनिधित्व हो और वे यहां आ कर बैठें, तो वे अपने मुताबिक कानून बनायेंगे और तब न आपका, न इनका और न हमारा धन रह जायेगा ।

इसलिए हमको समय के अनुसार परिवर्तन करना चाहिए, वर्ना देश में एक क्रांति होगी। और वह केवल अहिंसक क्रांति नहीं होगी, बल्कि एक सशस्त्र क्रांति होगी। यह नहीं हो पायेगा कि मैं गांव में बैठा हुआ करोड़ों के धन का उपभोग करूं और गांव के बाकी सब लोग मूखों मरें। वे लोग मुझको—ऐसे सब लोगों को—खा जायेंगे और धन तो जायेगा ही। इसलिए हमको सोच-समझ कर और लोगों की हालत को देख कर चलना चाहिए, वर्ना हम नहीं रह पायेंगे। लोग प्रापटी रखें, मुझे उससे इन्कार नहीं है। जब तक स्टेट को उसकी जरूरत न हो, जब तक पब्लिक के काम के लिए उसकी जरूरत न हो, उसको न लिया जाये लेकिन यह नहीं होना चाहिए कि फंडामेंटल राइट के नाम पर कोई उसको छू न सके। सिर्फ इसी विचार को बदलने की जरूरत है, और किसी बात को नहीं।

SHRI SURENDRANATH DWIVEDY (Kendrapara) : Mr. Chairman, Sir, it is not surprising that on a simple Resolution like this, where actually an idea has been thrown after experience that if we really want an egalitarian society in this country through the process of law the right to property has to be defined properly, the bogey of expropriation has been raised. This bogey has been raised, I think, every time in every age in any acquisitive society whenever you talk of abolition or control of property right. People went to the ridiculous length of arguing that even personal belongings like a pencil, books, hutments—all these—will be expropriated once the right to property is removed from the Fundamental Rights Chapter of the Constitution. I do not want to go into those questions because I do not think that this is the desire of the Mover himself that he seeks to abolish private property altogether. What the Resolution says is that property as a means of production, where there is opportunity for exploitation, should be the property of the community and should be utilised for the purpose of betterment of society. The right to individual property must also be com-

patible with the rights of the seat of the society.

There is controversy going on all over the country today. Why has it arisen? It is not because of radicalism or progressivism but because people are afraid, I know, of any change; people want to maintain the *status quo*; they are afraid immediately of any suggestion for any change in the present Constitution. I want to know whether even in the present Constitution it is accepted that property is sacrosanct and can never be touched. It is not so. The present Constitution provides that we can acquire or take away private property, the only condition being that it must be for a public purpose and through the process of law. We believe in the rule of law. We want that a change in society must be brought about within the framework of the rule of law in a democratic manner. Therefore property is not sacrosanct; it is not something which is a natural right.

I think, when the Constitution-makers provided this as a fundamental right, they were guided more by the Constitutions of other countries and the situation prevailing in our country at that time.

SHRI P. RAMAMURTI : It is a replica of section 386 of the Government of India Act, 1935, word for word.

SHRI SURENDRANATH DWIVEDY : Naturally, the socioeconomic aspect was completely forgotten. When it has been stated in the Directive Principles of State Policy that there should not be any concentration of wealth, when it has been said enough means of livelihood should be provided to every citizen, how is that compatible with the provision in the Fundamental Rights that property right is such that it cannot be touched?

We came across the situation when the land ceiling abolition Bills were passed in different States. There, because the High Courts and the Supreme Court came into the picture, by their judgments they were an obstacle in the way of land reforms. Therefore, this Parliament itself

[Shri Surendranath Darivedy]

amended the Constitution providing that adequacy of compensation so far as agricultural land property is concerned, cannot be questioned in a court of law. That was the immediate problem before us and, therefore, that was done. That does not necessarily mean that so far as bank nationalisation and other things are concerned where much more money will be required to pay compensation, it will be given at the market rate. That is incompatible.

Now, whether the property right should be removed from the Constitution or not, the fact remains that by taking this plea of fundamental rights, the Supreme Court has led itself to a position which I would say is ridiculous. The Golaknath case has been cited here. What has been stated there? Even the majority judgment of one takes away the right of the Parliament to amend the fundamental rights. We can amend the fundamental rights according to our own constitutional provisions. To amend the Constitution, to pass a Constitution Amendment—it is not an ordinary law—the procedure that we adopt is that at least two-thirds of majority of the House must vote in favour of it and then only a Constitution amendment can be brought into being. But this can be nullified by the Supreme Court by a majority of even one.

Then, take this bank nationalisation case. They do not question the competence of the Parliament to enact such laws. But again they go into the question of compensation in such a manner as to nullify the whole thing. The people talk of Gandhiji. Let me quote Gandhiji. According to Gandhiji, "Property which is built on exploitation is nothing but stealing." He said that a man who does not earn his own livelihood, who exploits others, and if he acquires property, that property is nothing but stealing. He characterised them as thieves. About compensation, this is what Gandhiji has said:

"If compensation has to be given, we have to rob Peter to pay Paul."

Then, you are talking about the Supreme Court and judiciary. May I quote what the present Chief Justice of the Supreme Court, Shri Hidayatullah, has said about it? He says:

"Our Constitution accepted the theory that the right of property is a fundamental right. In my opinion, it was an error to place it in that category of Fundamental Rights. It is the weakest."

This is the opinion of the present Chief Justice of the Supreme Court. I do not know how people are arguing that if we take any steps to remove this property right from the Fundamental Rights, then democracy will be finished and that totalitarianism will come into being. These are all bogeys of have's who in course of ages, because of the supremacy, because of the power, because of the influence in society, as a whole, have taken powers for themselves and the Constitution has also something to do with it. Therefore what I propose to say is this. Some people who have argued against it also said that there is a change in the situation and we must go with the change in the situation. About the concept of property they do not accept. But they are changed and in the change in the society that we contemplate we differ. We differ from that point of view. So, the question is: whether you want to build up a society in which persons holding property would have an absolute right. We have no absolute right of freedom of speech. It is restricted. There is absolute right so far as property is concerned and the Parliament would never touch it and have no right to change it. This is something which can never be accepted.

Lastly, I want to say one thing. People say that we must have a referendum before we decide this and also a constituent assembly. I want to ask them one thing. We say the constitution is sovereign. I do not know how the constituent assembly can be different from the present Parliament. Parliament represents the

people. We are elected on adult franchise. What more would the constituent assembly be able to do? This is only to sidetrack the whole issue. This is only to confuse the people as if people do not want it and as if people want that those who hold property, the richer sections of the country, must continue to exploit the larger sections of the community. I do not think people accept this. This is a wrong slogan. Therefore, I would suggest: let the Government at this stage make their position very clear. If they are true to their faith of socialism, will they bring forward a Bill here and now? Will they accept the proposal as it has been moved by Mr. Ramamurti about this matter? They have to make their position clear as to how they view the property and the relationship it will have in the society and whether the Constitution should not be amended so as to make it easier for the country to go ahead towards its goal of socialism.

SHRI VASUDEVAN NAIR (Peermade): I also feel that an effort is made by many people including some of our colleagues to raise a bogey as it was put by my hon. friend, Shri Surendranath Dwivedy, and they want to frighten the people by saying that everything will be taken away and in that process they also would like to raise the bogey of communism and thus they would like to cloud the issues and in this debate they would like to throw mud in the eyes of the people so that issues cannot be discussed in their proper perspective. I should like to make it clear that it is not at all a question of expropriation of the little that the millions in this country have. Of course, it is a question of definitely curbing and controlling the wealth of the few. There is absolutely no doubt about it and we can understand the perturbed feelings of the representatives of reaction in this country when this issue is being debated over and over again. As days pass by, in spite of the efforts of the representatives of reaction, of big money, of landed interests and landlords and all that, I am sure that the debate will go on and a decision will be taken. I have no doubt in my mind that if there is a referendum in this country,

the overwhelming majority of the people in India to-day will say that this fundamental right to property will have to go. I have no doubt in my mind about that. But that does not mean that we should right now go for a referendum. I am not suggesting that. Now, in this House, I don't know what is going to be the reply of the Minister. I have my doubts about it because the ruling party has been pressurised. The ruling party is under very heavy pressure and according to me, they have already succumbed to this pressure. That is why time and again they have taken pains right from the Prime Minister to explain that they are not going to do any such thing. Now, once upon a time, we were told that they would be supporting Mr. Nath Pai's Bill. So, we want to know what has happened to that. Is it already buried? Is it already given a go-by? What are they going to do about it? Sir, even in spite of that, in spite of the wobbings of the Government, I should like to tell them, the representatives of the ruling party, that if they are going to be pressurised and if they get succumbed to the pressure, then, they are going to sit across the current against the wishes of the people. Sir, in the name of preserving the property of the people,—they speak also in the name of the people,—they really want to preserve the riches of a few monopoly houses, a few landlords, who have amassed all this wealth by exploiting the people. They speak too much about the Constitution. But, Sir, I am afraid, those who speak too much about the Constitution do not have that much of respect about the Constitution. If they had that much of respect about the constitution, then, they ought to have taken a little more care to read Chapter IV also. According to me, there is a built-in contradiction between Chapter III and Chapter IV. Unfortunately may be, it is an error, as it is put by the Chief Justice of the Supreme Court. The fathers of the Constitution also can commit an error. There is nothing wrong in pointing out that error. It may be only possible for us to point out that error, to correct that error, after 20 years, that there is this apparent built-in contradiction when they put this right to pro-

[Shri Vasudevan Nair]

erty as a fundamental right in Chapter III, then they put in a serious obstacle in the way of implementing the Directive Principles of State Policy. Now, Sir, in the Directive Principles of State Policy, you have got for example, Article 39 (b) which says:

“That the ownership and control of the material resources of the community are so distributed as best to subserve the common good.”

You have got Article 39 (c) also which says :

“That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.”

These are all very clear statements. There cannot be any ambiguity about it.

And, Sir, if these are the Directive Principles of State Policy for this nation, how can we compromise with the right to property, being a Fundamental Right?

Almost day in and day out, we are going against the judgments of the court. For example, the land reform measures are being challenged in the Court of Law. Kerala's Land Reform Act which is one of the most radical pieces of legislation is being challenged both in the High Court and in the Supreme Court. And it is hanging in the balance. I do not know what is going to happen to that. All the landlords are now looking forward to the judges of the Supreme Court. It is a fact which cannot be denied that 99.9%, perhaps 99.99 per cent of the sitting judges of the high courts and the Supreme Court to-day come from the upper-classes of society. They are recruited from the upper-classes of society. It cannot be denied. It is a fact that the Civil Services are composed of such people most of whom have their own interest in lands. They are the best landlords. And most of them have shares in big companies. Judges should be elected. According to us, in our country having a real

democracy, judges should be elected. Perhaps we have yet to progress for some more years in reach that kind of stage when judges are to be elected by the people. We stand for that kind of system. But, what is the use of talking about that? Our Ministers are wasting their time. Rather their headache is how to pay more for these judges and they are not worried about anything else. Again and again we are called for consultations by Shri Chavan to discuss about added amenities facilities-pensions-family pensions, salaries and all that for these judges. They say that we are not getting the talent. The people who get Rs. 20,000. 30,000, 50,000 or even a lakh of rupees per month at the bar are not coming to serve on the Benches.

Now this is the talk of the day. Has this Government or Parliament or our country got a real policy for overhauling the entire judicial system to suit the changing times? The question is whether we are really grasping the change in the minds of the people. Unless we are able to appreciate that change or move with that change and in accordance with the changing times, changing the Constitution cannot be a hindrance to that change. Fundamental Right to property cannot stand in the way of that change. If it stands, the Constitution will go; the people will come forward. The fundamental right to property will go whether you try to preserve it or not and however much Professor Ranga shouts from here or others may try to defend it even by raising a bogey of expropriation. This is a bogus bogey and there is nothing like that. Nobody is saying that. This is pure and simple distortion and nothing else. By such propaganda, people cannot be misled. Here the question is that the vast millions of the people of this country to-day want a fundamental right to live. What is the fundamental right that they want to assert today. As against that fundamental right to live if a few want the fundamental right to property, they cannot stand with them. This is the real question that every one of us will have to face. The Government and the ruling party which to-day happens to be here, if they like to shirk the responsibility and if they are going to be pres-

urised and if they succumb to pressure, then they should realise that they also in this current will be thrown aside. The movement will go forward.

SHRI BEDABRATA BARUA (Kaliabor): Mr. Chairman, not only has the fundamental right to property been the issue but taking shelter under it, a whole range of legislation and legislative conventions have grown up which are strictly against the common man's right to own even a livelihood. Our entire system of legislation today is such as would deprive the common man of the minimum property rights, the right to employment, the right to a reasonable standard of living and the right to education.

When that revolutionary movement took place in France, they said liberty, equality, and fraternity were the three pillars of which that revolution was staged. At that time also it was always realised that when the masses were brought into a revolutionary situation, it was equality that was the foremost consideration for them. They wanted liberty to create equality. The base of inequality was the allowance given to the creation of property.

In the twenty and odd years of our freedom, we have allowed one freedom to grow, to proliferate the right to property. When this right is made justiciable, we see that we have in effect made it a big joke. Because justiciability, as a Supreme Court Judge participating in a discussion a month ago said, is, after all a very formal concept so far as property is concerned. He said there is considerable force in the argument that in India justice is sold, not dispensed nor distributed. No man whose two-bigha *zamin* is taken away by Government can engage a lawyer on Rs. 10,000 per day and fight it out in the court. It is not possible for him. In spite of the fundamental right to property granted to the people, it is not that the common man has benefited from it. The common man will not be affected. So long as we have got a democratic system, no government would be foolish enough to take away a

poor man's property. This has always been used to confuse the issue.

What has happened in the post-independence era is that, taking advantage of this fundamental right, our social set-up has gone wild, gone haywire, straight in the direction of property, in helping property to grow. Any big business house can be taken as an example of how they have proliferated or grown not only under the shelter of this fundamental right, but also under the corrupt social system. With the help of thousands of top-class people who can be purchased, who jump from government offices to their private business offices, there has been created a set-up which is generally a terrible movement against all the properties and rights of the common people.

It is in this situation that we need to find out how much our Constitution has become a supporter of the capitalist system as such, because it is very relevant to us in this context, because those people who believe in socialism would like to change that set-up. In the twentieth century, there is no longer the concept of capitalist democracy; it is only social, economic and political democracy that prevail. Political democracy has no meaning if a man has a right but has no obligation. To a person who honestly represents the people, economic democracy is a must. If he cannot under the Constitution, realise economic democracy, if the road-blocks are so strong, so terrible that he cannot under any circumstances remove them his way, if he cannot carry through social changes, such a Constitution will have no meaning for him,

We have autonomous States. We have various parties coming to power in various States. Should we keep these roadblocks and allow Indian democracy to explode? We have a democratic system under which we say we want democracy, not despotism. I can understand the contradiction of allowing a few people to have big private property and become millionaires. But that cannot be the base of liberty. That was a long exploded idea. Whether it is Marxism or socialism or democracy,

[Shri Bedabrata Barua]

rights must be based on various concepts including the small man's property.

But our legislation is fantastic. We have made property so much of a religion and as a lawyer I know that for having stolen a small article, a man was kept six months in jail without trial. If a trader or businessman raises prices and makes crores of rupees, we cannot even arrest him. If he is convicted, his property still remains. The whole concept is absolutely anti-social. We will have to introduce a series of amendments to the Constitution to make it very clear that all people in India can participate in this system because democracy is fundamental to us, not the exploitation or the privileges of a few, that we will not allow the system to be exploited under the weight of injustice. If dictatorship comes, let it come, but let it not come because of our shortcomings. No system has been able to maintain itself by only maintaining the very crude interests of a few people who get all the advantages. In Formosa today there is wealth tax, but there is the system of self-assessment and the Government reserves the right to purchase the property at the value declared by the assessee. For instance, if a person having property worth Rs. 30 lakhs declares that his property is worth only Rs. 2 lakhs, the Government will have the right to purchase that property at Rs. 2 lakhs.

Arthur Koestler, who at one time was against Stalin says that despotism is just the functioning of the total absence of discipline in society. If you can discipline your society and everybody obeys the law, then property will not go. If those who have big property do not obey the law, force will have to be applied. We may not like it, we may oppose it, but it will come on us like an avalanche. Nobody can check it.

SHRI BADRUDDUJA (Murshidabad): I had no mind to take part in the debate this after-noon, I have however grown wiser for the observations from hon. Memberson both sides of the House.

But the subject is so complex, it has got such a long history behind it, that it is not possible to do justice to it in all its bearings and implications within a brief span of time.

It pains me very much to oppose this Resolution moved by my hon. friend Shri Ramamurti. I do not understand why there should be a demand to erode the fundamental rights incorporated in the Constitution. Shri Ramamurti has, I am afraid, gone a little beyond the mark. He has questioned the wisdom and sagacity of the Judges of the Supreme Court. I do not hold any brief for them. The Supreme Court Judges also may have shortcomings and limitations. They may not be absolutely above reproach and I don't say that they will never commit mistakes. But it is neither necessary nor wise to denigrate the Judges of the Supreme Court, and to emphasise that by making some observations in the Golaknath case or any other case, they have violated the spirit and the letter of the Constitution. The framers of the Constitution provided that there should be some sort of a federal structure for the Country in which the executive, the judiciary and the legislature shall function side by side without in any way encroaching upon the privileges and rights of one another. There must be a harmonious functioning of the administration. Democracy contemplates that.

The framers of the Constitution had in their wisdom, in their sagacity, in their clear vision of the future laid down these provisions in the Constitution. They were people with experience of decades they laid down certain provisions in the Constitution contemplating that the Judiciary, the Executive and the Legislature must function in conformity with the provisions of the Constitution laid down therein. But my friend in his excessive enthusiasm has shot beyond in work. Why should there be any property right, he says, when millions of people in the country have no property? Is it an argument? Then again he emphasised that the framers of the Constitution, the Constituent Assembly particularly was not a representative body in the sense that

we are a representative of Parliament to day. Both the arguments are so fallacious, unfounded and baseless that they carry their own refutation. First of all simply because millions of people have no property, it does not necessarily and logically follow that those who have property should be deprived of the same. Simply because we 500 million people and odd Members in Parliament represent 550 million people outside, can we say that millions of people in the country who have become more conscious, more responsible, more resourceful and more intelligent and can understand their need and requirements much better, and demand that they should be represented by 5000 members? Can we in that case say that the Parliament should be dissolved and we should all be thrown out? Is this any argument? If you take away the Fundamental Rights what will be the position? Sir, I have no illusions about the democratic functioning of the Government. I have had very bitter experiences. After the riots in 1950 properties belonging to the citizens of a State were want only grabbed by people coming from outside but the Government came to the rescue of those people; they legalised illegal possessions and authorised unauthorised occupations. This is how the minorities have no quarter, no shelter, no recognition, no appreciation, no encouragement and no facilities in any sphere of life during these years. Yet, Democracy with all its limitations and shortcomings, nepotism and favourism, with all the dirt and filth, corruption and bribery that obtain in administration, has a saving grace; it never wanted to erode the fundamental rights which are nothing but a means for the development of human personality. Why should it be snatched away? He went further and said that those who framed the Constitution were not representatives of people-men like Rajendra Prasad, Rajaji, men like Jawaharlal Nehru, that prince among men. Political babes and suckling of yesterday, men like Ramamurti—did they brave the storms, face the dangers, create conditions which made it impossible for the British to function? They are not representative of the people, but we who are petty-foggers and pigmies want to have the pretensions to question their wisdom and sagacity and the services and sacrifices of those who made positive contributions

to the political life of this country. We want to over ride the decision of those people simply because we have a Parliament at our disposal. I know the majority of people in the countryside, 80 million *Mussalmans* and 150 million Scheduled Caste brethren, and by far the largest majority of the majority community in India will throw out this attempt to scuttle the fundamental rights provided in the Constitution. Let them have a referendum. They dare not face the public. They will be thrown out if there is any attempt to do so. I do not believe, as I said the other day, in your philosophy of life. We have had enough of bitter experience. When I criticised the democratic functioning of the Administration, I wanted to emphasise that I got very bitter experience about your implementation of the fundamental rights in West Bengal. The United Front was also a democratic Government, composed of constituent units representing various shades of opinion, various schools of thought in the State. But what was the lot of people even when fundamental rights were not snatched away or eroded? What was the lot of poor agriculturists owing lands ranging from 5 to 6 *bighas*. What did they do when unscrupulous mobs, unruly mobs, corrupt and corruptible mobs under the protecting wings of some constituent units in the administration, robbed, looted and plundered their standing crops. By organised dacoities and robberies in broad daylight; they snatched the lands on the false plea of unearthing *benami* properties and surplus lands. That was the state of things when fundamental rights are enshrined in our Constitution.

MR. CHAIRMAN: Please conclude.

SHRI BADRUDDUJA: If fundamental rights would be taken away, what will be the position? Sir, a ferocious lion warns two weary travellers across the way against the danger ahead by its roar, a poisonous cobra reminds him of the danger by its hisses, but more ferocious than the lion, more ravenous than the wolf, more poisonous than the cobra, these unruly mobs stole unawares on unsuspecting people, looted their properties, robbed them, terrorised them and threw them overboard. Naturally, therefore, we are

[Shri Badrudduja]

afraid; we have already had enough of bitter experiences. We have had it not only in West Bengal, but in Kerala and in other parts of the country. We refuse to subscribe to their philosophy; we do not believe in the philosophy which does away with all the classes and conditions of people.

MR. CHAIRMAN: Please conclude.

SHRI BADRUDDUJA: Two minutes.

MR. CHAIRMAN: No question of two minutes. Please finish.

SHRI BADRUDDUJA: I am only concluding. I know it is a subject which calls for sufficient time. So I conclude, in one minute. As I said earlier, instead of trying to snatch away the fundamental right to property, would it not be better, would it not be wiser, would it not be more expedient to reconcile the divergent claims, the conflicting interests of the various classes and communities, various conditions of the people, and bring about a sort of a rational, just, fair and equitable adjustment of the different kind of rights to property? Our Constitution has laid down definitely that there shall be no concentration of wealth in a few hands.

I would, therefore, appeal to my friend Shri Ramamurti, to withdraw his resolution. They have already gone a little too fast. Let them not move still faster. They have a theory, but by far the largest majority of the people in this country do not subscribe to their policy of regimentation, that philosophy that denies political, social, cultural and moral freedom, freedom from all lends of domination. We are against dictatorship in any shape or form, dictatorship of an individual, dictatorship of a group, dictatorship of an unsympathetic majority and dictatorship of the proletariat in the world. We want to live our own lives, to grow, to develop, expand spiritually, morally, socially, politically, nationally and internationally in all spheres of life, all domains of thought in the world.

श्री शिव चन्द्र झा (मधुबनी) : श्री राम मूर्ति का जो प्रस्ताव है इसका मैं समर्थन करता

हूँ। मैंने एक संशोधन दिया है इस प्रस्ताव में। जहाँ पर इस में प्राइवेट प्रापर्टी का जिक्र है उससे साथ मैं यह भी चाहता हूँ कि मीस आफ प्रोडक्शन एंड डिस्ट्रीब्यूशन और एक्सचेंज भी जोड़ दिये जायें। प्रस्ताव का मकसद तभी पूरा हो सकेगा जबकि जोर दिया जाएगा मीज़ आफ प्रोडक्शन एंड डिस्ट्रीब्यूशन एक्सचेंज पर। श्री रंगा भी बोले और उनका समर्थन श्री कंवरलाल गुप्त ने किया। और हरियाणा के बाबू भी बोले।

सभापति महोदय : चौधरी रणधीर सिंह।

श्री शिव चन्द्र झा : श्री रंगा बहुत दिनों तक किस्तान आन्दोलन में रहे हैं। इस समय वह रुदन में नहीं है। अगर वह होते, तो मैं उन से पूछता कि अंग्रेजों के आने से पहले हिन्दुस्तान में जो जमीन की बनावट थी, क्या उसमें प्राइवेट प्रापर्टी थी। मैं उनको बताना चाहता हूँ कि उस में प्राइवेट प्रापर्टी की गुंजायश नहीं थी। बेडन पावेल, माउंट स्टुअर्ट, एल्फिस्टन और ईस्ट इंडिया कम्पनी के अफसरान ने कहा है कि अंग्रेजों के आने से पहले हिन्दुस्तान की जमीन की बनावट, लैंड सिस्टम, या गांवों की बनावट विल्लेज ओनरशिप, कम्प्युनल ओनरशिप और कम्प्युनल प्रापर्टी पर आधारित थी। शायद श्री रंगा को, और मंत्री महोदय को भी, यह बात सुनकर आश्चर्य होगा। लेकिन आजादी के बाद 1948 में इंडियन नेशनल कांग्रेस की एगरेरियन रिफार्म्स कमेटी ने भी यह कानक्लूज़न ड्रा किया कि जहाँ तक हिन्दुस्तान की जमीन की बनावट, उसकी मिलाकियत या ओनरशिप का सवाल है, वह शुरू से लेकर अंग्रेजों के समय तक बेवक्तिक नहीं थी, बल्कि विल्लेज, कम्प्युनल ओनरशिप थी। यह बात निर्विवाद हो गई है। इसी आधार पर हिन्दुस्तान के इतिहास और संस्कृति में 'सबू भूमि गोपाल की' के आदर्श को मान्यता मिली है, जिस का प्रचार अब विनोबा जी कर रहे हैं।

यह भूमि किसी व्यक्ति की नहीं है, यह प्राईवेट प्रापर्टी नहीं है, बल्कि समाज और कम्यूनटी की है। मैं खास तौर पर श्री रणवीर सिंह को यह बात कहना चाहता हूँ, जो, जब कभी किसान और जमीन की बात आती है, तो बगैर सोचे-समझे किसी बात की हिमायत करने लग जाते हैं। हमारे देश में जमीन की मिलकियत शुरू से ही कम्यूनल रही है, प्राईवेट इंडिविडुअलिस्टिक नहीं रही है।

प्राईवेट प्रापर्टी की शुरूआत कैसे हुई?— एप्रोप्रिएशन के जरिये। श्री तिवारी ने एक तरह से सही कहा है कि बेईमानी से। उसको बेईमानी कह सकते हैं, लेकिन वास्तव में प्रापर्टी की शुरूआत एप्रोप्रिएशन से, हड़पने से, हुई। मीन्स आफ प्राइवैजेशन, उत्पादन के साधन, हड़प लिये गये। समाज में इनइक्वेलिटी आई और वर्ग बन गये। यह सिलसिला 1917 तक चलता रहा, जब कि रूस में क्रान्ति हुई और मानव इतिहास में एक नई सभ्यता की शुरुआत हुई। मिडनी और बेट्टिस वेब कितने आबजेटिव और विद्वान थे, यह हम सब जानते हैं। उन्होंने कहा कि सोवियत कम्युनिज्म इज़ ए न्यू सिविलाइजेशन, रूस में प्राईवेट प्रापर्टी के खात्मे के बाद मानव समाज में एक नई सभ्यता की शुरुआत हुई।

यदि यहां कोई सिडनी और बेट्टिस वेब पर विश्वास नहीं करता है, तो पंडित जवाहरलाल नेहरू ने “ग्लिम्सस आफ वर्ल्ड हिस्ट्री” और “डिसकवरी आफ इंडिया” में कहा है कि आज तक सभ्यता प्राईवेट प्रापर्टी पर आधारित रही है लेकिन प्राईवेट प्रापर्टी का राईट उस की प्रगति में रुकावट रहा है और इस लिए उसका खात्मा करना होगा।

जब हमारा संविधान बनाया गया, तो उस समय की परिस्थितियों को देखते हुए प्राईवेट प्रापर्टी के अधिकार को रखना कुछ हद तक जरूरी था। लेकिन अब परिस्थिति बदल गई है। किस रूप में, यह हम सब जानते हैं। हालांकि कांस्टीट्यूशन के आर्टिकल 31(2) के मुताबिक कम्पेन्सेशन के एडीक्वेट, पर्याप्त, न होने के

आधार पर किसी ला को क्वेस्चन नहीं किया जा सकता है, लेकिन इसके बावजूद सुप्रीम कोर्ट ने बैंकों के राष्ट्रीयकरण के विधेयक को स्ट्राइक डाउन कर दिया और एक ऐसा रास्ता अख्तियार किया, जिस की वजह से हम संविधान के मुताबिक जो भी प्रगति का कदम उठाना चाहते हैं, उसमें रुकावट पड़ गई है।

यदि हम चाहते हैं कि देश में प्रगति हो, समाजवाद आये, एक नया समाज बने, समाज का पुनर्निर्माण हो, तो हम संविधान में दिये गये प्रापर्टी सम्बन्धी फंडामेंटल राइट में परिवर्तन करें, संशोधन करें। ऐसा करने पर ही हमारे विकास और प्रगति की गाड़ी आगे बढ़ेगी।

प्रोफेसर रंगा ने यह बात कही, जब इंड्रजीत गुप्ता ने पूछा कि दूसरे जम्हूरी मुल्क में कहां पर प्रापर्टी का राईट है तो उन्होंने कहा कि अमेरिका में। यदि अमेरिका का उदाहरण देते हैं तो यह बात सही है लेकिन अमेरिका में यह भी उदाहरण है कि प्राईवेट प्रापर्टी को विदाउट कम्पेन्सेशन उन्होंने खत्म किया। विदाउट कम्पेन्सेशन सिविल वार के बाद स्लेवरी का जो राईट था उसे संविधान में लिंकन ने चूर चूर कर दिया क्रान्ति की बदौलत। तो अमेरिका में कम्पेन्सेशन के बिना प्राईवेट प्रापर्टी का खात्मा हुआ। अब अमेरिकी जनता सोच रही है कि तीसरी क्रान्ति के बाद आगे भी हम नये रास्ते पर चलें। तो मानव इतिहास हमें बताता है कि अब के जमाने में राईट टू प्रापर्टी जो है यह विकास की गाड़ी के लिए एक रुकावट है और खास कर के यह सरकार जो सोशलिस्ट पैटर्न का दावा करती है उसके लिए तो और भी लाजिमी है कि जल्दी संविधान में संशोधन लाए ताकि राईट आफ प्रापर्टी खत्म हो। इन्हीं बातों को रखते हुए मैं इस प्रस्ताव का समर्थन करता हूँ।

श्री रघुवीर सिंह शास्त्री (बागपत) : श्रीमन्, मैं श्री राममूर्ति जी के इस संकल्प का विरोध करने के लिये खड़ा हुआ हूँ और मुझे यह लगता है कि यह केवल एक राजनैतिक उद्देश्य से यह प्रस्ताव किया गया है। संविधान में परिवर्तन करने की मांग की जाय, इस पर मुझे कोई आपत्ति

[श्री रघुवीर सिंह शास्त्री]

नहीं लेकिन जब संविधान निर्माताओं की नीयत पर सन्देह किया जाय और सुप्रीम कोर्ट की नीयत पर सन्देह किया जाय तो यह उचित नहीं है। यह कहा गया कि जो संविधान बनाने वाले थे वह जन-प्रतिनिधी नहीं थे। यहां कहा गया कि जो संविधान बनाने वाले लोग थे वह सम्पत्तिशाली थे। मैं कहना चाहता हूँ श्री राममूर्ति जी से बड़े आदरपूर्वक कि आज के जो राजनैतिक कार्यकर्ता हैं उन की अपेक्षा जो संविधान निर्माता लोग थे उन में एक एक महापुरुष ऐसा था जो सारी जाति का प्रतिनिधित्व करता था। उनका चरित्र उनका व्यक्तित्व और देश में उन का विश्वास इतना ज्यादा था कि आज हम उनके सामने कहीं पासंग बराबर भी नहीं हैं। इसलिए चाहे आप टेकनिकली कुछ भी कहें लेकिन वास्तविक पोजिशन यह थी कि देश में उनका बड़ा भारी विश्वास था और वह जनता का प्रतिनिधित्व करते थे। दूसरी बात वह यह कहते हैं कि वह सम्पत्तिशाली थे। मैं कहता हूँ कि सारा संविधान बनाते समय क्या कहीं आप बता सकेंगे कि क्यों कि उनके पास सम्पत्ति थी उन्होंने अपनी सम्पत्ति को सुरक्षित करने के लिए कोई प्रावधान किया हा। जरा एक नमूना तो बताइए।

इसके साथ साथ यहां यह भी बात कही जाती है कि नया संविधान बनना चाहिए। मेरे पास समय नहीं है, लेकिन मैं केवल यह बताना चाहता हूँ कि नया संविधान निर्माण करने की बात वह लोग करते हैं जो यह समझते हैं कि आज देश की परिस्थिति ऐसी है कि अगर यह संविधान रद्द हो गया और देश में नया संविधान बनाने की बात आई तो कोई संविधान ही नहीं बन सकता है। इसलिए यह मांग की जाती है कि नया संविधान बनना चाहिए ताकि यह संविधान रद्द हो और नया संविधान न बन सके।

इसी के साथ साथ सुप्रीम कोर्ट के लिए भी मैं कहना चाहता हूँ कि सुप्रीम कोर्ट के फैसले

की आप शौक से चर्चा करें लेकिन सुप्रीम कोर्ट की नीयत पर आप शक करें, सुप्रीम कोर्ट के जजेज को यह कहें कि उन्होंने यह फैसला इसलिए किया है तो जिस तरह आज राजनैतिक पार्टियां राजनैतिक मंचों पर खड़ी हो कर एक दूसरे राजनैतिक व्यक्तियों की आलोचना करती हैं, अगर इसी तरह सुप्रीम कोर्ट के जजेज की आलोचना करने लें जो संस्था विधान की व्याख्या करने वाला एकमात्र संस्था है तो बताइए तो सही कि कौन फिर विधान की व्याख्या किया करेगा और किसके ऊपर देश का विश्वास रहेगा? मैं मानता हूँ कि देश के नागरिकों के पास सम्पत्ति इतनी नहीं रहनी चाहिए जो किसी का शोषण कर सके। शोषण का अन्त करना चाहिए और जितनी कम से कम सम्पत्ति रह सके जिस में शोषण न हो वह सम्पत्ति हमें रहने देनी चाहिए। और हमें सीलिंग लगानी चाहिए। मैं उदहारण प्रस्तुत करता हूँ। कृषि भूमि है। 70 प्रतिशत आदमी कृषि में लगे हुए हैं। लेकिन हमारे देश में आज एवरेज हॉल्टिडज जो है वह 2.6 हेक्टेयर है। आज एक एग्रीकल्चरिस्ट की आमदनी 340 रुपये है और 39 प्रतिशत हॉल्टिडज जो एक हेक्टेर से कम के हैं। 35 प्रतिशत ऐसे हैं जो एक से तीन हेक्टेयर तक के हैं। मैं यह कहना चाहता हूँ कि इतनी थोड़ी जमीन रहते हुए आप क्या यह कह सकेंगे कि दो चार बीघे जमीन रखने वाला किसी का शोषण करता है? वह बेचारा अपने बच्चों के लिए खून पसीना लगा कर उस में पैदा करता है और अपने देश की खाद्य समस्या का समाधान करता है। आप उसे इस तरह से चित्रित करने लगे हैं कि वह एकस्प्लायट कर रहा है। सारे देश में आप कृषि सम्पत्ति को लें तो उसमें दो चार प्रतिशत लोग ऐसे होंगे जो कि शोषण करने वाले कहलाएंगे तो आप उनको समाप्त कर दीजिए, जमीन की सीलिंग कर दीजिए जमीन थोड़ी कर दीजिए लेकिन बिल्कुल ही जमीन न रहे, यह बात चलने वाली नहीं है।

यहां पर वासुदेवन नायर जी ने जनमत की बात कही। मैं पूछता हूँ कि आप जनमत से क्यों डरते हैं? जब आप इतनी बड़ी तब्दीली करने जा रहे हैं तो इसमें देश का जनमत लेकर चलिए। एक डेढ़ साल के बाद इस पार्लियामेंट के एलेक्शंस होंगे तो उस अवसर पर जो इस तरह की पार्टियाँ हैं वह खुलकर कहें कि हम प्राइवेट प्रापर्टी नहीं रहने देंगे और तब आप देखें कि जनता क्या फैसला करती है? आप यहाँ पर जनप्रतिनिधित्व करते हैं इसलिए इसको जनमत जानने के लिए भेजिए और फिर उसका जो फैसला होगा वह आप भी स्वीकार करें और हम भी स्वीकार करेंगे। आप बात तो जनमत की करते हैं लेकिन फिर कहते हैं कि जनमत जानना नहीं चाहते। इस बात का प्रभाव केवल एक बात पर पड़ने वाला है और वह है इस देश का उत्पादन। जब आप देश को इस प्रकार से अनिश्चित स्थिति में रखेंगे और सनसनी की बातें करते रहेंगे तो लोग कमाना छोड़ देंगे क्योंकि वे तो समझेंगे कि पता नहीं इस देश में क्या होने वाला है। इसलिए मैं कहना चाहता हूँ कि आप इस देश में हैवक मत क्रिएट कीजिए, बनावटी सनसनी मत पैदा कीजिए।

जैसा कि मैं शुरू में कहा कि यह प्रस्ताव राजनीतिक उद्देश्य से प्रेरित है। इस देश में जो ट्रेड यूनियन की राजनीति चलती है वह नेताओं के लिए बड़ी सस्ती और लाभप्रद है इसलिए वे उस ट्रेड यूनियन की राजनीति का कृषि के क्षेत्र में भी लाना चाहते हैं। जब फसल खड़ी होगी तब हड़ताल कराई जाएगी, जब नहर में पानी आयेगा तब हड़ताल कराई जायेगी जिससे खेती करने और अनाज पैदा करने में बाधा आती है। इसलिए मैं आपसे कहूँगा कि इस देश में किसानों के पास जो थोड़ी थोड़ी जमीनें हैं उनपर उनका आराम से खेती करने दीजिए और इस कार्य में उनको पूरा सहयोग दीजिए और उनको हर तरह से निश्चिन्त करिये और साथ ही उनकी पीठ थपथपाइये तभी यह देश आगे बढ़ सकेगा अन्यथा अगर इस देश का खराब करना है तो जो चाहें करें।

17.00 hrs.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) :
Mr. Chirman, Sir, Government's the attitude of the Governmet towards property is contained in Part IV of the Constitution in which the Directive Principles are given, more particularly in article 39 (b). I Will read that out:—

“The State shall, particularly direct its policy towards securing—

that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;”.

This has been there in the Directive Principles of state policy in the constitution and that is the policy of Government; that to say, the constitution had provided that property should be regulated so that there would be no concentration in the hand's a of few.

Regarding Part IV containing Directive Principles, many lawyers, jurists and, with due respect to the Judges of the country, Judges also have had a wrong impression because in Article 37 it is stated:—

“The provision contained in this Part shall not be enforceable by any court”.

Because of that, usually it is said that it is not justiciable. The meaning of this is not that the principles given in Part IV of the Constitution have to be neglected or forgotten; the meaning is that because certain Directive Principles are given here, it will not be open to a citizen to approach the courts for writ against the Government. That is all it means. For example, it is stated in one of the articles regarding elementary education that education shall be given to all people below 14. The meaning of the statement that the provisions contained herein are not enforceable is that it is not open to me, you or a third man to go to the Supreme Court or the High Court and ask for a writ of *mandamus* against a State Government to enforce this provision. These articles in Part IV of the Constitution are often forgotten. They are ignored almost as if they are there for no purpose. So, it is the desire, the goal and the policy of the

[Shri Govinda Menon]

Government that there should be no concentration of property and that there should be no monopolies.

Even since 1950 when the Constitution was promulgated, there have been attempts by the Government of India and other State Governments in the country to have land reforms legislations. What is the meaning of these land reforms legislations? What is the meaning of the idea that landlordism shall be abolished? It means that the peasants, the tenants and the cultivators shall be given property and that property should be taken from those who have excess of it. All the State Governments have been request to have land reforms legislations. The meaning of land reforms is that the cultivator should have property and not that the cultivator should not have property. Mr. Ranga spoke about peasants' rights. The idea which the Government will place before society and before Parliament is that there should be people with property but not with too much of property. That is the idea. The Government sticks to that principle.

Then, coming to part III of the Constitution, the Fundamental Rights Chapter, that article 31 gives right to property, the right to property in the Constitution is given not by article 31 but by article 19 (1) (f). If you have to give a name to article 31, that is an article which provides for the right to compensation, not for the right to property. Article 31 was amended several times by Parliament in order to secure the conditions in which the poorer people will have property and that will be taken away from the richer people. When the courts declared some of those legislations to be *ultra vires*, then we had come for an amendment of that article. Article 31 has been amended, I think, four times. I may read out a few lines from article 31 which is one of the longest articles where it is said that for the property which is below the ceiling fixed by legislation, when that is acquired, the market value should be given.

That is a very significant provision in article 31 which has often been noted. So,

the Government's policy is that there should be a legislation by Parliament and State Legislature according to occasion by which ceilings will be fixed regarding the holdings by individual citizens and families. It has become a current phrase for discussion in the country that there should be a ceiling on urban property, that there should be a ceiling on incomes and that there should be a ceiling on agricultural property. All these ideas show that there should be regulation rather than abolition. If it is abolition that was wanted, then articles 31 and 19 (1) (f) should go. The Government therefore, stands for these position that there should be regulation of property in the hands of the people, whether it be industrial property or agricultural property. All kinds of property. But not that property should be abolished altogether. Even in industry please recollect what the policy of the Government is. The Government has reserved by its Industrial Policy Resolution that certain important industries should be in the public sector and the right to industry fields are given to the private sector. So this is what is known as mixed economy often repeated by Prime Minister Jawaharlal Nehru.

In Art. 31 we have stated that when property is acquired, definitely property which is in excess of the ceiling relating to land and other property, it is for the Parliament or for the legislature concerned to fix the compensation payable. And that shall not be justiciable. But there are certain decisions of the Supreme Court where they have ignored, according to me, this provision that compensation provided by law shall not be justiciable. There has been a good deal of misunderstanding about the Bill which was introduced in Parliament by Mr. Nath Pai and which, on behalf of the Government, I support. Government still stick to that view. But then Mr. Nath Pai's Bill is caricatured by some people by saying that it is an erosion of fundamental rights. Mr. Nath Pai's Bill seeks to amend Art. 368 so that Parliament will have the power to amend the Constitution and not to erode fundamental rights. That is not the idea. There are 2 Supreme Court's decisions. They are also Supreme Court Judges who said that under Art. 368 Part

III of the Constitution can be amended. It is in 1967 that the Supreme Court reversed those decisions. I think we must have a system of society in India under which there would not be any concentration of wealth or monopolies, but there should be a right to property for which a ceiling has to be fixed. That being the policy of the Government, I welcome Mr. Ramamurti's Bill because I get an opportunity to restate that policy.

There is some loose talk, not on Mr. Ramamurti's resolution but in the country and also in Parliament that a new Constituent Assembly should be called in order to lay down certain things. I wonder whether those who advocate this have understood by what is meant by a Constituent Assembly. Constituent Assembly is an organization of a revolution in order to lay down a new Constitution and new sets of laws for the country. Between the period 1947 and 1950 there was a revolutionary situation in India and the Indian Constituent Assembly which was constituted by the Cabinet Mission's statement, functioned in a certain manner. As soon as it assembled, it shook away the shackles under which it was called and said that it was a sovereign constituent assembly. You cannot have constituent assemblies everyday. We say, Parliament Members say, Parliament says that Parliament has got the constituent power and so long as Parliament has got this constituent power, Parliament is able to amend the various provisions of the Constitution including the provisions contained in Art. 3. That is all we stand for. I am extremely thankful to my hon. friend, Shri P. Ramamurti in that by his Resolution he gave me an opportunity to put forward what the policy of the Government in this matter is. We cannot accept the Resolution as brought in by Shri P. Ramamurti and I hope he will withdraw it. Thankyou.

SHRI P. RAMAMURTI (Madurai): Mr. Chairman, Sir, I find that in the opposition that came to my resolution, those who opposed that, could not argue on the basis of the wording of the resolution. Therefore, they had to twist. I wonder whether my hon. friend Mr. Ranga had read my resolution at all before he spoke. Probably that is his sense of responsibi-

lity as a senior member of this Parliament. He said, I am asking that the jhoddies and others' dwellings must be taken away. I cannot understand it. My resolution specifically speaks of the fundamental right with regard to not the ordinary property, but with regard to the property 'in the means of production' I wonder whether he understands what is meant by the means of production and what is other than means of production. My dwelling is not means of production. It is my private property for use. Therefore, Sir, they want to conjure up among the ordinary people in our country that what we today are demanding is that the ordinary people should be deprived of even their ordinary livelihood forgetting the fact that they are today being deprived of their ordinary right to live in this world by these very people whose cause these people like Ranga have been advocating all these years.

Therefore, Sir, my resolution was a very simple resolution. Somebody here, I think Mr. Bhandare, had praised the Constitution as a very wonderful constitution, a unique constitution which has incorporated Chapter IV as directive principles of State policy. I say, it is a unique constitution, in that it is a fraud on the common people of this country. Because, a constitution, if it has got any validity, must be one in which the people must have the right to get it enforced. The Law Minister said as for as IV Chapter is concerned the man cannot go to the court for a writ application, that is what it means, it means that the State can do something the State can go against the Directive Principles of State Policy, of that Chapter, Chapter IV and the people in the country have got no remedy whatsoever. As far as they are concerned, the Constitution is a dead letter as far as Chapter IV is concerned.

Therefore, I say, Sir, why did you not revise it? I say, the people who made the Constitution were not fools; they were people who were intelligent extremely intelligent,—men like Sir Alladi Krishnaswami Ayer, Rajagopalan — they made that Chapter IV and Directive Principles deliberately, in order to play a fraud on

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the people that what they are doing this country is something good. Otherwise Sir. I can not understand how we can put those directive principles and than say you cannot go to the court, on these things Government can do anything.

This question of Fundamental Right is again and again being raised. I want to ask What is the fundamental right ? Is it the fundamental right of every child being born in this country to live ? If it is his fundamental right, to live how can he live if he does not get work ? Have you made that right to work, a fundamental right in the constitution ?

You have not made that right to work a fundamental right. On the other hand, by making this right to private property a means of production as a fundamental right, you have make it possible for the owners of these means of production, deny the right to work for the ordinary citizen in the State. Therefore, what has been made a fundamental right is not a right to live, but has right to die. The right to die is a fundamental right. To die is the fundamental right of the constitution.

This is the fundamental thing. And this is what is happening. We find the people are being thrown out of employment. If Birla does not want to run the factory, I cannot go there. If I go and fight, you will say that there is law and order situation. That is how the whole question has come up before us. When people talk in terms of democracy and all that, what is the democracy they talk about ? All that I ask is that this question of property right must be decided by the society form time to time by the appropriate organs of that society--be it by Parliament or whatever may be the appropriate organ of society that it may choose to take. Let it decide as to what should be the form of property and what should be the extent of property ? That is all I have asked in that Resolution would those people who oppose that talk in the name of democracy ? They talk of democracy, but they do not believe in democracy. I say it is for the society to decide through

their elected organs as to what property will be good to that society at a particular period. It may be that in a particular period, there may be a terrific social advance. Take for example agriculture. Big technological advance may make it necessary to have agriculture on a vast scale-mechanised agriculture. Science is advancing to such an extent that it may be necessary. Then you can have only collective property so that it may be enjoyed by the people together.

Therefore, all that I have stated there is this. And this question has got to be decided by the the people of the country and not that the fundamental right has to be put in the Constitution for all times to come. It is not something which is there eternally. Shri Golak Nath's case has made it an eternal thing. We cannot change that. That is the position now. I would only say that I can understand the opposition of my friend Shri Ranga or for that matter the opposition of my friends from the Jan Sangh. Also I can understand the opposition of Shri Shasirji. But, my hon. friend, the Law Minister, just comes here and gives a paraphrase of the Fourth Chapter of the Constitution and says that this is the policy of the Government. And the whole world knows what that policy is. The proof of the pudding is in the eating. What is the policy that has been pursued for the last twenty years ? In spite of the fact that in the Directive Principles Chapter, we have been told that we should prevent concentration of wealth. the wealth has been concentrated in this country during the last twenty-two years of the rule of this particular party. Is it or it not a fact ? And yet, say that this is our policy. What is the fun of going on talking of this policy which does not and cannot convince anyone ? This kind of declaration of policy again and again will not fool anybody. My friends, Shri Vasudevan Nair, for example, said that this ruling party is under terrific pressure and they are succumbing to such pressure. He said something like that. It is not a question of pressure. It is their fundamental tenet. In spite of all these years exper-

ience, if the CPI does not learn the truth, it is their funeral. The people will more and more awaken to this truth. The people of this country will learn that this Constitution was certainly not made for bringing in socialism in the country. To-day you profess socialism. When you talk of socialism may I know what is your conception of socialism? There is one Member of the Working Committee of the Ruling Congress—a Chief Minister of a State Shri Brahmananda Reddy—who came to Madras last year and addressed a meeting of the workers of the Congress Party. He said “we have set socialism as our goal. I do not know what this socialism is. What the Congress men talk of socialism is just like those five blind men who were asked to say what an elephant is. We are just in the same way. That is the kind of socialism we have.” Even to-day you are talking of this kind of socialism but you are not able to take a direct stand on this question to remove this fundamental right to property in the means of production in spite of what the Supreme Court has held. You are not able to take that stand because you are wedded to that philosophy.

Lastly, I would only say this. The Law Minister stated that the Supreme Court has gone beyond the Constitution—if I understood him aright; he said ‘This is the constitutional position and, to my mind, the Supreme Court has not acted correctly according to the Constitution in those judgments’. I say if the Supreme Court violates the constitution, why do you not have the guts to come before Parliament arraign them and tell them that they are the subvertors of the Constitution of this country? Why do you not do that? You do not do that because Government itself is wedded to this fundamental philosophy. That is why despite all declarations of these years, things go merrily as before.

All that I would say finally is this. I have initiated this discussion. Maybe, it may be voted down. But this is the live question before the people of this country. It is ultimately the people of this country will decide this question, and no Supreme Court, no party, will be able to stand before the avalanche of a people because these ideas are ever conquering. We

are living today in the year of not only of the Gandhi Centenary but also of the Lenin Centenary, and we know that it is Leninism that is conquering the world. One-third of the world has been conquered and whatever may be the opposition, whatever may be the opposition of friends like Shri Ranga and others—they might talk of chaos; we do not create chaos; chaos has been created by the policies pursued by this Government—this philosophy is going to win. We know life will prevail; death will not prevail. I am fighting for the life of the common people. Life is going to prevail over death because other people are inflicting death on the common people.

I therefore press my Resolution and do not propose to withdraw it.

MR. CHAIRMAN: There are two amendments standing in the name of Shri S. C. Jha and Shri Deorao Patil. I shall now put them to vote.

Amendments Nos. 1 and 2 were put and negatived.

MR. CHAIRMAN: The question is:

“This House is of opinion that the right to private property in the means of production is inconsistent with the evolution of a real democratic society and having regard to the fact that the existence of the Right to Property among the justiciable Fundamental Rights in our Constitution has become a serious obstacle to the country’s social, economic and political advance, recommends that the Government should take steps to amend the Constitution accordingly”.

The resolution was negatived.

18.28 hrs.

RESOLUTION RE: ECONOMIC AND SOCIAL PROBLEMS OF WEST BENGAL

SHRI INDRAJIT GUPTA (Alipore): I beg to move:

“This House is of opinion that, in the administration of West Bengal under President’s rule, Government should give top priority to solution of urgent economic and