

CONSTITUTION (AMENDMENT)
BILL*

(AMENDMENT OF ARTICLE 348)

श्री ओम प्रकाश त्यागी (मुरादाबाद) :
सभापति महोदया, मैं प्रस्ताव करता हूँ कि
भारत के संविधान का और संशोधन करने
वाले विधेयक को पेश करने की अनुमति दी
जाय।

MR. CHAIRMAN : The question is :

"That leave be granted to introduce
a Bill further to amend the Constitu-
tion of India."

The motion was adopted.

श्री ओम प्रकाश त्यागी : मैं विधेयक पेश
करता हूँ।

SHRIS, M. BANERJEE : Madam,
Mr. Nath Pai has come.

MR. CHAIRMAN : You would like
to move your Bill ?

WORKMEN'S COMPENSATION
(AMENDMENT) BILL*

(AMENDMENT OF SECTIONS 2 AND 15)

SHRI NATH PAI (Rajapur) : I beg
to move for leave to introduce a Bill
further to amend the Workmen's Compensa-
tion Act, 1923.

MR. CHAIRMAN : The question is :

"That leave be granted to intro-
duce a Bill further to amend the Work-
men's Compensation Act, 1923."

The motion was adopted.

SHRI NATH PAI : I introduce† the
Bill.

15.10 hrs.

CONFERRMENT OF DECORATIONS
ON PERSONS (ABOLITION)—BILL
Contd.

MR. CHAIRMAN : Now we come to
the consideration of the Bill moved by Mr.
Kripalani.

Shri Yamuna Prasad Mandal to
continue his speech. If the hon. Member
comes to the front bench, it will be
better.

श्री यमुना प्रसाद मंडल (समस्तीपुर) :
सभापति महोदया, मैं उस दिन कह रहा था
कि यह उपाधियाँ और अलंकरण यह दो
विभिन्न चीजें हैं। मगर लोक सभा में हिन्दी
रूपांतर करने वाले लोगों ने कन्फरिंग ऑफ
डेकोरेशन्स एंड टाइटिल्स को हिन्दी में इस
तरह से रूपांतरित किया कि व्यक्तियों को
उपाधियों से विभूषित करना, विभूषित करने
की बात हो तो वहाँ उपाधियाँ नहीं हो सकतीं,
यह अलंकार की बात है। मैं कहना चाहता हूँ
कि उपाधियाँ और अलंकरण यह दो चीजें हैं—
टाइटिल्स एंड डेकोरेशन और टू डिफरेंट
थिंग्स। और जो बिल पेश किया है कृपालानी
जी ने उसमें उनका मतलब उपाधियों की ओर
है या अलंकरण की ओर है यह साफ उस बिल
से जाहिर नहीं होता। जब वह फ्राबजैक्ट एंड
रीजन्स वगैरह पढ़ रहे थे तो उसमें कहते हैं
टाइटिल और शुरु में कहते हैं डेकोरेशन्स। तो
मैं बराबर कहता आया हूँ कि यह दो चीजें
हैं—अलंकरण और उपाधियाँ और इसके
सम्बन्ध में मैंने एक सुझाव भी दिया, नाथ पाई
साहब और इनके साथी लोग एन्साइक्लो-
पीडिया ले लें और देख लें कि टाइटिल्स और
डेकोरेशन्स और और चीजों में कितना फर्क
है। सारे पश्चिम के भूभागों में, बड़े-बड़े क्रांति-
कारी देशों में, कोरिया में और और जगहों में
उपाधियाँ दी जाती हैं। सचमुच में टाइटिल्स

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†Introduced with the recommendation of the President.

की हम लोगों ने संविधान में खत्म कर दिया है मगर अलंकरण नहीं। इसलिए मैं कहूंगा अपने आदरणीय प्रोफेसर से कि आप के बिल से यह साफ जाहिर नहीं होता कि हम लोगों ने कोई भी काम आज तक कांस्टीट्यूशन के खिलाफ किया है। उपाधियाँ तो हम लोग दिए नहीं, अलंकार देते हैं और एवाइड्स देते हैं। अच्छा होता अगर हमारे वयोवृद्ध नेता, पच्चीसों वर्ष वह बिहार में रहे हैं हम लोग नजदीक से उनको जानते थे, बड़े विद्वान थे, हमारी संविधान सभा में आकर उन्होंने बहुत महत्वपूर्ण भाग लिया, वह इस बिल को वापस ले लेते तो हाउस को भी बड़ी सुविधा होती और अगर उन को लाना है बिल तो उपाधि देने के संबंध में संशोधन लाएं। इसलिए मैं इस बिल का तो पूरे तौर से विरोध करता हूँ क्योंकि विश्व के और सब देशों में बराबर उपाधियाँ और अलंकरण दिए जाते हैं। टाइटिल्स के हम लोग खिलाफ हैं। हम लोगों ने जिस समय इसे पास किया उस समय अंग्रेजों से खिताब पाए हुए बहुत से लोग भी टाइटिल्स के खिलाफ थे, देश भी उस पद्धति के खिलाफ था। इसलिए मैं फिर एक बार कृपालानी जी से निवेदन करूंगा, अनुरोध करूंगा, करबद्ध प्रार्थना करूंगा कि वह इस बिल को वापस ले लें।

श्री शिवचंद्र झा (मधुबनी) : सभापति महोदया, मैं इस विधेयक का समर्थन करता हूँ। यह जो पद्मभूषण, पद्मश्री और भारत रत्न इत्यादि देने का सिलसिला आजादी के बाद चला वह कुछ उतना ठीक इसलिए नहीं मालूम होता है कि जिस रूप में यह उपाधियाँ या डेकोरेशन्स दिए जाते हैं इसमें कुछ गड़बड़ मालूम हो रही है। अंग्रेजी जमाने में राय-बहादुर, सर यह सब दिया करते थे। हम लोगों को मालूम है कि किन लोगों को यह उपाधियाँ दी जाती थीं। उन लोगों को यह टाइटिल्स मिलते थे जो कि अंग्रेजों के मॉटे तौर पर हम कह सकते हैं कि दलाल होते थे। उन का एक ही पेशा रहता था अंग्रेजी साम्राज्य-

वाद को हिन्दुस्तान में मजबूत करना। इसीलिए हमारे समाज से कुछ ऐसे लोगों को वह फोड़ा करते थे जिससे उनकी इमारत यहाँ पर बरकरार रहे। आजादी के बाद हमारा दृष्टिकोण दूसरा होना चाहिए था और बहुत बातों में दृष्टिकोण थोड़ा बहुत हुआ भी। लेकिन यह सिलसिला जो भारत रत्न, पद्मभूषण और पद्मश्री का चला और जिस तादाद में सरकार दे रही है इससे शक पैदा होता है। मैं मानता हूँ कि इन्स्टिट्यूटिव की जरूरत है हमारे समाज में। हमारा मकसद समाजवाद है, बराबरी का है जिसमें तफक्क कम होंगे, ऊँच-नीच का ख्याल कम होगा, बराबरी की भावना बनेगी। लेकिन समाज को प्रगति के रास्ते पर चलना है, इसका भी समाजको ख्याल करना होगा और उसमें कुछ इंसिटिव या प्रेरणा की बात आती है। तो वह प्रेरणा हम टाइटिल से न दे कर दूसरे रूप में दे सकते हैं। जैसा कि थोड़ी देर के लिए मेरिट के रूप में या मानेटी भी रख सकते हैं। जो कोई ज्यादा मेहनत करता है, कारखाने में, कोऑपरेटिव में या खेती में, या विद्यार्थी है, तो उसे प्रेरणा के रूप में कुछ धन भी रख सकते हैं, और तरह से प्रोत्साहन दे सकते हैं। जब तक मानव मानव है, जब मानव मानवता से ऊपर उठ जायेगा और एक उससे हाई लेवेल पर पहुँच जायेगा तब बात दूसरी हो सकती है, लेकिन जिस अवस्था में अभी मानव है उसमें थोड़ी प्रेरणा की बात आ जाती है। आपको मालूम है जब लंका में भेजने की बात आई राम के समय में तो सोचा जाने लगा कि लंका जायेगा कौन? हनमानजी चुपचाप बैठे हुए थे तो उनको कहा गया तुम घबराने क्यों हो, तुम तो इतने बलशाली हो, तुम यह काम कर सकते हो, और उस समय लाल देह लाली लसे, यह सारी बातें हुई। तां उम समय में भी प्रेरणा की बात थी। इस तरह की चीज होती है। तो भारत में हम उसको इज्जत दे सकते हैं, और तरह में प्रोत्साहन कर सकते हैं। जो कोई कांस्टीट्यूशन करता है लिखने के क्षेत्र में,

[श्री शिव चन्द्र झा]

कारखाने का उत्पादन बढ़ाने के क्षेत्र में या और इस तरह के कामों में उमकी हम इज्जत कर सकते हैं, दूसरे रूप में उसे प्रोत्साहन दे सकते हैं। लेकिन जो चीज हम दे रहे हैं पद्म-भूषण, पद्म श्री, भारत-रत्न इससे कुछ ऐसा मालूम होता है कि सरकार उन्हीं लोगों को देना चाहती है जो कि उनके वफादार हैं या उनके विचार से मिलते हैं। मैं कहना चाहता हूँ कि क्या भारत रत्न का टाइटल कृपालानी जी को नहीं मिल सकता है? कृपालानी जी की कुर्नियों को देश भुला नहीं सकता, उन दिनों जब गांधी जी चम्पारन गये थे, गांधीजी को स्टेशन पर रिसीव करने वाला कोई नहीं था, उन दिनों कृपालानी जी जी० बी० बी० कालिज से निकल कर स्टेशन के प्लेटफार्म पर गये, गांधी जी कोन हैं, उनको वहाँ ढूँढ़ कर अपने साथ ले गये, उन दिनों से कृपालानी जी इस क्षेत्र में हैं, लेकिन उनका दृष्टिकोण अपना रहा है, वे शुरू से स्वच्छन्द रहे हैं, क्रिटिकल रहे हैं, इसी का नतीजा है कि इन्हें उपाधि नहीं मिल रही है। ऐसे लोगों को उपाधि दी जा रही है, जो सरकार के दृष्टिकोण के अनुरूप हैं और कुछ ऐसा मालूम हाता है कि चापलूसों को दुनिया बसाई जा रही है। इसलिए यह सिलसिला खत्म होना चाहिये। हमारा लक्ष्य समाजवाद का लक्ष्य है। पूँजीवादी समाज में हम कह सकते हैं कि इन चीजों की जरूरत होती है, लेकिन हम बराबरी का समाज चाहते हैं। मैं यह नहीं कहता कि इससे एक्साल्यूट इक्वेलिटी हो जायगी, ऐसी बात नहीं है, लेकिन जैसा इन्होंने अपने विधेयक में कहा है, वह ठीक है कि किसी को महारत्ना कह सकते हैं, सन्त कह सकते हैं, सत विनोबा भाबे हैं, देशबन्धु चितरंजन दास थे, नेताजी कह सकते हैं, इस तरह से जो समाज देता है, वह ठीक है।

आप इसी बात को एक दूसरे रूप में देखिये - रूस में जब समाजवाद की शुरुआत हुई, तो प्रोडक्शन बढ़ाने की बात आई, उस समय वहाँ "स्टेकनोवाइट" मूवमेंट की शुरुआत हुई। जो ज्यादा काम करे, प्रोडक्शन बढ़ाये, प्रोडक्टीविटी बढ़ाये, उसको प्रोत्साहित करने का आन्दोलन चला, उन लोगों को प्रेरणा के रूप में कुछ ज्यादा मिलने लगा। इसी तरह से प्रेरणा के रूप में काम करने वाले कुछ दूसरे लोग थे, जिनको "सैबोनाइट" कहा जाता था, उन लोगों ने फ्री-सेटर्ड समाज को देने की शुरुआत की, इस तरह से उनका स्वागत हुआ, क्योंकि वे मीनिटरों के रूप में समाज को फ्री लेबर देते थे, समाज को बनाने के काम में सहयोग देते थे।

इसी तरह का बैरोमीटर हमको बनाना होगा, जो समाज को प्रगति की राह पर ले जाता है, उसकी इज्जत होनी चाहिये। पूँजीवादी समाजों में भी ऐसा होता है। पूँजीवादी समाज किसी विशेष काम का विशेषज्ञ होने की वजह से उसको इज्जत देते हैं, लेकिन जिस तरह से यहाँ पर बांटा जा रहा है, उसको देखते हुए तो लाटरी शुरू कर दें, वह ज्यादा अच्छा होगा। जिनका नाम लाटरी में आयेगा उनको दिया जायेगा। क्या देश की पचास करोड़ जनता भारत रत्न नहीं है, क्या उनका कोई कंट्रीब्यूशन नहीं है, इस देश का प्रत्येक व्यक्ति भारत के समाज को सहयोग देता है या नहीं? फिर इसमें डिस्क्रिमिनेशन क्यों किया जाता है। लेकिन इस सरकार की आंखें नहीं खुलती हैं, जब हम लोग हैमर करते हैं, तब आंखें खुलती हैं। इसलिए मेरा कहना है कि इस तरह के टाइटल्ज को रोकना चाहिये, जिनको मिल चुका, मिल चुका, आगे से इस को रोका जाना चाहिये। अगर सरकार खुद नहीं कर सकती है तो सब लोग बैठकर नीति तय करें कि प्रेरणा के रूप में मीनिटरों या नॉन-मीनिटरों के रूप में क्या होना चाहिये, इस का निराकरण करने के बाद उपाधियाँ या टाइटल दें।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री शम्भू नाथ (सैदपुर) : सभापति महोदय, जैसा अभी मंडल जी ने कहा कि टाइटल और अलंकरण दो भिन्न चीजें हैं — मैं भी समझता हूँ कि यह बात सही है। जब हमारा देश आजाद नहीं हुआ था, उस समय राजाओं और नवाबों को टाइटलों से अलंकृत किया जाता था, लेकिन आजादी के बाद हमारे नेताओं ने सोचा कि ये टाइटलज्ज मनुष्य मनुष्य के बीच में खाई हैं, उनमें भेद डालते हैं, इसी लिये उन्होंने इनको खत्म कर दिया और हमारे संविधान में इनका समावेश नहीं किया गया। इसमें त्रिन अलंकरणों की व्यवस्था है, वे केवल उन लोगों के लिये हैं, उसके वर्दी है, जिन्होंने नाना क्षेत्रों में ससाज की सेवाएँ की हैं, उनको अलंकृत किया जाता है और आइन्दा भी किया जायगा। तो मेरा ख्याल है कि इसमें ऐसी कोई बात नहीं है कि जिस पर कोई आपत्ति हो या मनुष्य मनुष्य में भेद डालता हो।

सभापति महोदय, यह हो सकता है कि कहीं किसी को अलंकृत करने में कोई ऐसी बात हो गई हो या ऐसे आदमी को मिल गया हो, जिसको हम पसन्द नहीं करते या वह उसके योग्य न हो। लेकिन इसके मायने यह नहीं है कि इसको मूलभूत ही खत्म कर दिया जाय।

मैं आचार्य जी से निवेदन करूँगा कि यह बहुत मौजूं बिल नहीं है, इसलिये इसको वापस ले लें तो ज्यादा अच्छा होगा। इन शब्दों के साथ मैं इसका विरोध करता हूँ।

SHRI SARDAR AMJAD ALI (Basirhat) : I support the Bill brought by Shri Kripalani. I believe all sections of the House will realise the necessity for such a Bill at a time when the consensus of our people is remarkably articulated against the conferment of titles. Conferment of titles and decorations on individuals is not only opposed to but militates against our constitutional dictum. It runs counter to the principles of socialism, democracy and the

theory of republicanism. In other words, in a country which has a written Constitution under which it professes to usher in socialism, conferment of such decorations on individuals tends to create an idea that the ruling party or those at the helm of affairs of the entire country want to create a privileged class so as to make a distinction between individual and individual. This is completely repugnant to the dictum of our Constitution.

Madam, this practice is not only very rarely seen in foreign countries but in its essence, it creates a suspicion that it is resorted to create a class of loyal citizens who will owe their loyalty and obligations to the ruling party or the government in power for ever, even at any odd hour to come.

We all remember that in the days of our servitude under British imperialism, they had invoked such a practice in our national life. They used to confer some sort of titles and decorations on individuals, those who in the greatest hour of their need used to oblige the rulers by doing so many nefarious activities to the detriment of our national interest. We know that the Rai Bahadurs and Rai Sahibs, the Khan Bahadurs and Khan Sahibs were no less obedient and faithful servants of the rulers than any ordinary members of the British bureaucracy. In that way, the British imperialist power created a class owing allegiance to them even in the Jallianwala Bagh days. It is high time that the Government, which is propounding the theory of socialism and proclaiming its ardent love of democracy, should not agree to the further retention of this system. It is high time that the Government should give thought to the problem conscientiously.

This system is unconstitutional in itself. If we look at the wording of article 18 of the Constitution and the discussions in the Constituent Assembly, it is clear that the conferment of such titles and decorations on individuals was not liked by the framers of our Constitution. We must appreciate not only the letter of the Constitution but also the spirit of the article, wherein it is clear that, excepting military and academic distinctions, no other title or decoration should be given

[Shri Sardar Amjad Ali]

I hope that at least the Law Minister will try to appreciate the spirit of wording of article 18.

Lastly, by sheer force of numericle strength, you can retain this institution, and by retaining this sort of practice, it is possible to create a particular privileged class who will extend their support to the Government at all times, but I must warn them that the people of our country are also watching the activities of the Government as to how far goes its adherence to the spirit of the Constitution, the spirit of Republicanism, democracy and socialism are concerned.

I submit that it will be completely unconstitutional to retain this institution any further, and I believe all sections of the House will support this Bill.

श्री राजदेव सिंह (जौनपुर) : समापति महोदय, इस सदन में इस विषय पर चर्चा चल रही है कि साल में एक दफा जो टाईटिल्स दी जाती है उनको इस आरोप के साथ एवान्निश कर दिया जाये कि वह गलत ढंग से दी जाती हैं। आजादी आने के पहले भा कुछ टाईटिल्स होती थी और आज भी टाईटिल्स है कुछ दूसरे ढंग की। पहले एक दूसरे ढंग से लोगों को उपाधियां दी जाती थी लेकिन आज के लोगों को भी अगर देखा जाये तो कुछ एक को छोड़ कर कोई बहुत ज्यादा फर्क नहीं पड़ता है। हमारी समझ से उपाधियां आज भी रहनी चाहिये लेकिन सही आदमी को दी जानी चाहिये। आज भारत रत्न की जो उपाधि है, मैं समझता हूँ वह एक किसान को मिलनी चाहिये जो कि देश में सबसे ज्यादा उत्पादन करके दिखाये। भारत रत्न की उपाधि उस मजदूर को मिलनी चाहिये जो कल कारखाने में सबसे ज्यादा उत्पादन करके देश का फायदा करे। यह उपाधि उन वैज्ञानिक को

दी जानी चाहिए जो कि नयी नयी खोज करके देश के गौरव को बढ़ावे जो कि मेडिसिन के क्षेत्र में नयी नयी खोज करें। हम देखते हैं कि आज भी ये उपाधियां ज्यादातर पैसे वालों को दी जा रही हैं। उपाधि होनी चाहिये क्योंकि वे प्रोत्साहन के लिए होती हैं लेकिन उनका सही प्रयोग होना चाहिये। जहाँ तक मैं समझता हूँ ये उपाधियां राज्य सरकारों की रिकमेंडेशन पर दी जाती हैं। इसलिए राज्य सरकारों को इस सम्बन्ध में निर्देश दिये जाने चाहिए। आज एक किसान जो सबसे ज्यादा पैदा करता है उसको कृषि पण्डित की उपाधि दी जाती है लेकिन मैं आपको बताऊँ कि यह उपाधि किसी को भी आकर्षित नहीं करती है। यदि भारत रत्न की उपाधि उसको दी जाये तो उससे किसानों का हौसला बढ़ेगा, ज्यादा उत्पादन करने के लिए मजदूरों का हौसला बढ़ेगा। मैं इन उपाधियों के खिलाफ नहीं हूँ लेकिन मैं चाहता हूँ कि इनको सही ढंग से वितरित किया जाय। ये उपाधियां ऐसे लोगों को दी जायें जो कि देश के धन को, देश की इज्जत को और देश की प्रतिष्ठा को आगे बढ़ाये।

*SHRI E. K. NAYANAR (Palghat) : Madam Chairman, I would like to speak in my own language. I generally welcome this Bill. When our country was under the British Rule they were conferring titles and decorations like Rai Bahadur, Khan Bahadur etc., on those people who did not side with Gandhiji in the freedom movement. After attaining Independence this Government is also continuing the same principle of conferring titles on those people who are on the side of Congress Government. It is not therefore incorrect to say that this Parliament is built on the model of the British Parliament. After Independence this Government confers titles like Padma Bhushan, Padma Shri and so on, on those people whom they like.

Ours is a Government which functions with the aim of attaining socialism through democratic methods. Socialism has no connection with the titles that this Government confers on some people whom they want to win over.

Madam, I do agree that there is some force in conferring titles and giving encouragement to those people who work hard for the betterment of the country. Industrialists who put in their best to increase production and also artistes of national fame should also be rewarded. But that is not the basis on which titles are conferred by the Government now. The late Dr. C. V. Raman had to leave Calcutta and come to Bangalore to start his own research institute because he sided with some people who were then against the Govt.

I can cite another instance to show how titles are conferred by this Government after the Congress Party came into power. In the 1957 elections the Congress did not come into power in Kerala. In 1959 a liberation movement was started under the leadership of Mannath Padmanabhan. The Government elected by the people was toppled and another Government which sided with the Congress Government was formed. As a reward for that Mannath Padmanabhan was given Padma Bhushan and Bharat Ratna. That shows this Government confers titles on those who help to topple non-Congress Governments.

As I said earlier, during the British days titles like Rai Bahadur, Khan Bahadur etc., were conferred on some people with a view to win them over against the freedom movement. In other words, those people who did not agree with Gandhiji were given titles. Today those people who side with the Government are given Titles. We know the story of Bhagat Singh who was put in jail and hanged during the British days. But today the whole country honours him as a great freedom fighter. Subhash Chandra Bose is respected by the people of this country as a great leader and they call him Netaji. Today's Congress Government is not conferring titles taking into consideration the meritorious service rendered by the

people. Mannath Padmanabhan was given Padma Bhushan and Bharat Ratna because he was the leader of a movement which toppled a non-Congress Government in Kerala.

In 1962 and 1965 we were all put in jail. 29 members who belonged to our party and who were then in jail were elected by the people, But this Government was not prepared to release them or to allow our party to form a Government.

Therefore Madam, this system of conferring titles on people who side with the Government, which I must say is only a continuance of the practice followed by the British when they were in power, should be abolished. Titles definitely have some value. They should be conferred only on those people who are meritorious in their service to the country. There are agriculturists and industrialists who are ready to sacrifice their everything for the progress of the country. It is they who deserve to be encouraged with award of titles and cash benefits. This is what is being done in other socialist countries.

In the end Madam, once again I welcome this Bill and this Government should not be allowed to confer titles like Padma Bhushan with a view to win over people to their side.

SHRI H. N. MUKERJEE (Calcutta-North-East) : Mr. Chairman, I am grateful for the opportunity you have given me to participate in this discussion. I support Acharya Kripalani's Bill which I imagine should not be very difficult for Government to accept. In case there are some technical difficulties involved, they could easily be smoothed over by a little effort jointly undertaken. After all, Acharya Kripalani does not happen to have an array of legal talent at his elbow and it may be in his formulations there are certain insufficiencies which require to be corrected. But the crux of the matter is something which I do not hesitate to support.

I say this because we find in this country unfortunately, for historic reasons into which I need not go, a certain predilection

[Shri H. N. Mukerjee]

for supporting the Establishments on the part of people who should not have that predilection. The British were here for nearly 200 years; they distorted our culture and they did a lot of damage to our souls, spiritually speaking, and they made us accept as Gospel truth whatever values they imposed upon us, and they helped to develop what Gandhiji used to call a slave mentality. And just because the British had gone and the British used to have a hierarchy of titles and decorations to be distributed to their proteges in this country, this Government decided after some cogitation that they should also have a certain series of titles and decorations to confer upon people whom they choose.

I can understand that as far as the military is concerned, there are certain criteria of judging merit and on that basis military decorations are certainly commendable because they are based on very reasonable criteria of judgement. We all know how Academics have very strict standards—whether they are actually applied or not is a different proposition—but they have a strict standard of adjudication in regard to conferment of academic degrees. But this kind of thing—conferment of decorations and titles by the Government of the day is something which is on principle bad and has been in the process of operation somewhat mischievous from time to time.

I have referred already to the predilections on the part of most of our people to side with the establishment and it so happens that many people of high calibre—writers, artistes, scientists and others—who could occasionally speak up on behalf of the people, find their mouths are shut because of the many rewards forthcoming not only in the shape of tangible benefits but also certain intangible things like decorations which are conferred from time to time. Speaking for myself—I am not speaking for any group of people at the moment—I feel utterly nauseated to see photographs in papers of some decoration being foisted on the chest of a particular person by the President or whoever it may be, in Rashtrapati Bhavan. It somehow seems to go against the grain. I

find also in point of actual conferment of decorations, certain invidious differences have occasionally appeared. I am not going to reflected upon those who have been awarded decorations. Most of them are extremely deserving, unexceptional, meritorious people no doubt. But there is one occasion which has struck in my mind. That was nearly 11 years ago, when I was stopped by the Chair from referring to decorations conferred by the President, because by implication whatever I was going to say appeared to come under the ban which relates to discussion of the conduct of the President. Now we are not discussing the conduct of the President, but we have been astounded from time to time by certain things which have happened. But on one occasion—I remember it distinctly because I mentioned it in the House in 1959—Padma Bhushan was conferred on a very good friend of mine who is no longer in the land of the living, Vizzy, whom many of us are fond of personally speaking. He got a Padma Bhushan and in the same list there was C. K. Nayudu who got a Padma Shri. It was a most peculiar thing. As far as eminence in cricket was concerned, Vizzy was not a patch on C. K. Nayudu, who brought lustre to our country in a fashion which this country will never forget. Personally I was very fond of Vizzy, but that is not the matter under discussion. Vizzy got a Padma Bhushan and C. K. Nayudu got a Padma Shri because we live in a class society and if we confer a decoration on Vizzy it has got to be higher up in the list. That is why every time the list is prepared by Secretaries to Government, the Secretaries or Additional Secretaries to Government will never accept anything less than a particular kind of thing. A Secretary to Government who has retired gets a Padma Vibhushan while a scientist who is known all over the world gets Padma Bhushan or a Padma Shri. What is this kind of non-sense and paraphernalia? Is this the kind of use to which patronage will be put by the Government of the day? Why should Government get into trouble for no reason at all? Government spends a lot of money preparing the awards and on ceremonials, absolutely useless, rotten ceremonials, which we should have dispensed with a long time back in this country.

I am very glad that Acharya Kripalani has brought a matter which goes to the root of the matter. What kind of society do we want? Do we want the kind of people who sit in Parliament, who dominate the discussion, to go on dominating the country for ever? Are we going to decorate the like of us because they have got the gift of the gab or some sort of ability to cultivate the people in high authority and they would get all kinds of symbols of appreciation from the Government of the day? Why make Government be in possession of powers which are used in order to abuse its authority? Why put temptation in the path of very meritorious people? And, why this kind of hierarchic distribution of decorations and titles which have no sense whatever in the modern world? If we are going to reward people and recognise worth for services rendered to the country, there are ways and means. As Acharya Kripalani has said in the Statement of Objects and Reasons, our people give titles spontaneously to our national leaders: a Mahatma, a Deshabandu or Netaji, those are titles given by the people automatically. It does not depend upon the seal and the sanction of the government of the day. It is something evolved by the force of history itself. Why waste our time and our energy in thinking about who is the person whom we are going to reward? Has not the Government so many other kinds of fish to fry? Has it not got so much of other work to do? Why bother about decoration and title which keep up this class of hierarchical atmosphere in the country, which merely means the agglomeration of the possibility of the distribution of patronage to the people whom you want to take over to your side?

I therefore, feel that this is the kind of legislation which government should have no hesitation in accepting. Some difficulty there might be. Some constitutional provision may or may not be violated by the present situation; that is a different matter. Some changes in phraseology might be necessary. But accept the principle of the proposition, sit down together, get a Bill presented before the House and everybody unanimously would support that Bill.

श्री बेणी शंकर शर्मा (बाँका) : आचार्य कृपलानी जी ने अपने जीवन में देश की बहुत सेवा की है, उन्होंने बड़े बड़े काम भी किए हैं। अपने सेवा काल के अंतिम चरण में जो बिल इन्होंने सदन के सामने पेश किया है, इसको मैं उनकी सेवा की पराकाष्ठा के रूप में मानता हूँ। मैं समझता हूँ कि आचार्य कृपलानी जी की सेवाओं को अगर पुरस्कृत किया जा सकता है तो केवल इसी रूप में किया जा सकता है कि जो बिल उन्होंने सदन में आज प्रस्तुत किया है, उसका समर्थन किया जाए और उसको एकमत से पास किया जाए।

हमारी सरकार समाजवाद की बहुत बात करती है लेकिन बढ़ावा वह पूंजीवाद को देती है। बात तो वह करती है श्रैणी-विहिन समाज की लेकिन बढ़ावा देती है जातिवाद एव श्रेणीवाद को। इन उपाधियों से एक नई श्रेणी की सृष्टि होती है इसलिये इन उपाधियों को बन्द करने की बात क्यों नहीं मानी जाती है यह मैं नहीं समझ पा रहा हूँ। हमारे संविधान में उपाधियाँ देना वर्जित किया गया है लेकिन किसी को अलंकृत करने की मनाही नहीं की गई है ऐसा इस बिल के विरोधियों का मत है। अब उपाधि कहिये या अलंकार कहिये, उसका सिलसिला सरकार ने शुरू किया है। इसका परिणाम यह है कि आज हम देश में ऐसे लोगों को उपाधियाँ दी जाती देखते हैं जो कि उन उपाधियों के योग्य नहीं हैं किन्तु किसी तरह से उपाधियाँ या अलंकार पाने में वे सफल हो जाते हैं। मुझे आश्चर्य नहीं होगा अगर किसी दिन हम किसी पदम विभूषण या पदम श्री प्राप्त व्यक्ति को इम हाउस की बार के सामने खड़ा हुआ देखें जैसे गत कई दिनों में कुछ अफसरों को हमने यहाँ खड़ा हुआ देखा है।

मैं किसी का नाम नाना नहीं चाहता। लेकिन ऐसा भी हुआ है कि जिन को ये उपाधियाँ मिली हैं, उन्हीं के ऊपर इनकायरी

[श्री वेणीशंकर शर्मा]

कमीशन भी सरकार को विठाने पड़े हैं। यह कौंसी विडम्बना है कि जिसको आप किसी उपाधि या अलंकार से विभूषित करते हैं, उसीके खिलाफ आप स्वयं ही इनक्वायरी कमीशन भी विठाते हैं। अगर उनका आचरण अच्छा नहीं था तो फिर उन्हें अलंकृत क्यों किया गया? तब उनको पद्म विभूषण या पद्म श्री से अलंकृत नहीं किया जाना चाहिये था। ऐसा बराबर किया जा रहा है। यह बात कुछ समझ में नहीं आती।

मैं मानता हूँ कि लोगों को प्रोत्साहन देने के लिए उनको बढ़ावा देने के लिए पुरस्कृत किया जाना चाहिये। लेकिन जैसा माननीय श्री हिरेन मुखर्जी ने कहा है, मैं उनका समर्थन करता हूँ। ऐसे भ्रवसर बहुत ही कम होते हैं जब हमारी पार्टी और उनकी पार्टी एक ही ढंग से सोचती है। पर यह एक ऐसा अवसर है जब हम दोनों इस मामले में इस बिल के बारे में एक मत हैं।

फौज में लोगों को जब हम उपाधियाँ देते हैं तो बहुत कड़ाई से जाँच पड़ताल करके देते और उनको ही देते हैं। जिन के बारे में कमांडर्स ने अच्छी तरह से जाँच कर ली होती है। ऐसा कोई फौजी आपको शायद ही मिलेगा जिसने कभी यह शिकायत की है कि जो उपाधि किसी दूसरे सिपाही को दी गई वह ठीक नहीं दी गई। लेकिन यहाँ जो उपाधियाँ दी गई हैं, उनके बारे में आपको बहुत सा शिकायतें मिल जाएगी। कुछ नाम हैं जिनका मैं यहाँ जिक्र नहीं करना चाहता किन्तु अभी अभी श्री हिरेन मुखर्जी ने श्री नायडू और श्री विज्जो का नाम लिया है। इसी तरह से और भी कई उदाहरण आपको मिल जाएंगे।

यदि सरकार को उपाधियाँ देनी ही हैं तो कृषि के क्षेत्र में, कला के क्षेत्र में, व्यापार के क्षेत्र में, प्रोफेशन के क्षेत्र में वह सीधी दे।

मैं इस द्रविड प्राणायाम पद्धति के पक्ष में नहीं हूँ कि आप नाम तो कहेँ अलंकार का और दें उपाधि। सीधा आप कहिये कि हमें उपाधि देनी है और हर एक क्लास के लिए। फिर आप क्लासलेस सोसायटी की बात न करें। मजदूरों में भी बहुत अच्छे लोग हैं जो अच्छा काम करते हैं, दिल से करते हैं, लगन के साथ करते हैं। क्या कारण है कि उन्हें अलंकृत नहीं किया जाता। ऐसा नहीं लगता है कि आपने किसी मजदूर को, किसी फेक्ट्री में काम करने वाले को, किसी उपाधि से, किसी पद्म श्री आदि से कभी अलंकृत किया हो।

अब मैं फिर इतना ही और कहना चाहता हूँ कि इस वक्त यदि भारतवर्ष में कोई किसी बड़ी उपाधि के लायक है, तो वे हैं आचार्य श्री कृपलानी जो भारत रत्न की उपाधि के लायक हैं और उनको वह उपाधि मिलनी चाहिए। लेकिन मैं यह भी जानता हूँ कि उनको अपने जीवन काल में यह उपाधि मिलने वाली नहीं है क्योंकि वे किसी की ललछो चप्पो करने वालों में नहीं हैं, हाँ में हाँ मिलाने वालों में नहीं हैं, चापलूसी करने वालों में नहीं हैं। आप तो जानते ही हैं कि जहाँ तक उपाधि का सवाल आता है, जब तक कोई चापलूसी न करे, उसको उपाधि नहीं मिलती। किन्तु हमारा और सरकार का यह कर्तव्य है कि उनको अपने जीवन काल में ही हम किसी तरह से बड़ी से बड़ी किसी उपाधि से अलंकृत करें तथा उनको हम पुरस्कृत करें।

मेरी दृष्टि में उनके वास्ते सब से बड़ा पुरस्कार यही होगा कि उनके द्वारा जो बिल पेश किया गया है, उसको हम सब एकमत से मान लें।

इन शब्दों के साथ मैं सरकारी बेंचों से प्रार्थना करूँगा कि वे इसका विरोध न करें और इस बिल को तो कम से कम एक राय से सदन में पास करें।

SHRI K. NARAYANA RAO (Bobbili) :
Mr. Chairman, it is true that articles 18 of the Constitution has prohibited the State from conferring any titles. So far as the principle is concerned there is no dispute. But this Bill talks about decorations. That makes all the difference, in degree and in depth. When article 18 was incorporated in the Constitution, the framers of the Constitution were very much influenced by the titles that had been given by the British Government. This is the most vital part which we should not ignore. To dissuade foreign governments from conferring titles which would have a certain semblance of superiority in our society, we persuaded ourselves to incorporate article 18 in our Constitution, I have no quarrel with Acharyaji, for whom I have great respect and who has gone through all the political evolution of this country, but these decorations are basically Indian in character and that one should not forget.

Of all things, Professor Hiren Mukerjee, whom I like as a scholar, said that no other democratic country or socialist country had this institution of conferring these decorations. May I bring to his notice that even in Russia even today they are giving these honours to persons who have rendered meritorious services? Gagarin, the space hero, was conferred State honours by Soviet Russia.

These decorations are absolutely Indian in character, in the sense that in every walk of Indian society a small poet or a musician will be given the title Kavi Samrat or Gaan Kokila by the local people. These are only to encourage people in their respective fields. Decorations are nothing but recognition by the society of the meritorious services rendered by the people in different walks of life. Such being the case, I find no particular objection to conferring decorations like these.

I am prepared to go with Acharyaji if these decorations have been misused by people in any walk of life; for instance, if they make use of these decorations for any material benefit or if there is something mischievous which we have to discourage, I seek the opinion of the great

elder whether these are having any maladjustment in our social structure or are showing favours and all these things.

Again, it has been said that it brings about discrimination. Equality is not absolute equality. All people are equal in the eye of law but there are degrees and degrees of discrimination depending upon the quality and contribution of the person to society. On the basis of those contributions if there is discrimination, it is not discrimination in the eye of law. Therefore, I don't think there is any particular reason why we should make a legislation like this to prohibit an innocuous, almost innocuous conferment of titles like Padma Bhushan, Padma Sri, etc.

With these remarks, I oppose the passing of this Bill.

SHRI SAMAR GUHA (Contai) :
Maham, Chairman. I am feeling rather surprised and astonished how could man like Pandit Jawaharlal Nehru who was living at that time and who was one of the framers of our Constitution and who was calling himself a social democrat agree to such an imperial, monarchical legacy to confer titles, awards and decorations. Perhaps, it was the blue blood in him which ultimately blurred the vision of the future generation.

This idea is not only an insult, it is an insult to our new generations. It is an insult, to our new concept of life. It is an insult, I should say, to the new concept of sense of honour and dignity and the whole basic idea of socialism. I am coming to the point. Perhaps, it did not strike Pandit Jawaharlal Nehru that the framers of these awards themselves insulted Pandit Jawaharlal Nehru by giving Bharat Ratna. How? I am just quoting to you. In awarding Bharat Ratna, what is the criteria laid down? Bharat Ratna is awarded for exceptional work for advancement of art, literature and science and in recognition of public service

SHBI J. B. KRIPALANI (Guna) : of the highest order.

SHRI SAMAR GUHA : of the highest order. Yes, Sir, in 1955 when this award

[Shri Samar Guha]

was conferred on Pandit Jawaharlal Nehru, what did the President write to him? You know—'as an exception to the rule'. These are not my words. 'As an exception to the rule', however, the President, decorated Prime Minister Jawaharlal Nehru with the award of Bharat Ratna on July 15, 1955 for his life-long service to the nation and his heroic endeavour in the cause of peace of mankind. Is it not an insult? Was not Pandit Jawaharlal Nehru the author 'Discovery of India'? Was not Pandit Jawaharlal Nehru the author of his autobiography? Did he not make any real contribution to art and literature by these works of his? Does not the whole world recognize in his 'Discovery of India' and his autobiography, a real contribution to art and literature? But, Sir, I should say that even Pandit Jawaharlal Nehru has been insulted by making an exception to the rules and also the real framers of the rules.

I should say that in this book they have circulated they have tried to narrate the history of the ancient world, Rajarishi and what more, Brahmarishi. They have forgotten the Rajarishi and the Brahmarishi had ashrams of their own in those days. In those days where was the glory? The heroes, the kings and the monarchs, whenever they conquer territories, those days the only criteria was heroism. That was the only criteria of kings for a Kshatriya. This monarchical, imperial criteria of heroworship of kings and then then the Nawabs, Rajas of the Moghuls and it is shameless, what is there—Rao Sahebs, Rao Bahadurs, Khan Bahadurs, Khan Sahebs; through that this government have brought down the legacy of the imperial and monarchical days to the days of democracy and socialism and they do not feel ashamed of it. What is it? I don't want to dilate on the matter because certainly those who spoke for it spoke in violation, I should say, the spirit of the Constitution. I do not want dilate on that point. By adopting this trickery, I should say, of awarding decorations and some other kinds of Titles, what is it that the Government wants to do? May be, today you are in

power. Tomorrow the Cong (O) may be in power; day after tomorrow, the Jan Sangh may be in power. By this awarding of decorations and titles you want to create stooges and pupets and quistlings and Sycophants of the party in power. By that process you want to currupt the whole administration and demoralise it. Why? Even those who are serving the Government are also entitled to have these Awards and Titles and Decorations. They are : The Secretary, the Rajyapal, the Governor, and Government officials also. What will they do? They will look to whom; To the party in power or will be in power. What will be result? They will sell out their own conscience. They will try to worship the party in power.

16-00 Hrs

I went to the library and hurriedly scanned through the Bharat Ratna, Padma Bhushan and Padma Vibhushan list. I found, among those who have got the Bharat Ratna, Padma Bhushan and Padma Vibhushan, from 1954 to 1966, out of 14, Bharat Ratna awards only 4 are men of exceptional literacy genius and philosophers. 10 are only either politicians or political leaders. They have got Bharat Ratnas. This is against our concept of democracy and socialism.

SHRI N. K. P. SALVE (Betul) : If he does not want to read out the name of the 10 persons, let him read out the names of the 4 persons.

SHRI SAMAR GUHA : I will lay it on the Table of the House. (*Interruptions*), Those who care may go and see. About 80 per cent of them are Government servants, who have got Padma Bhushan and Padma Shree awards. (*Interruptions*), Actually I was not prepared to speak. Just a few minutes back I thought that I should speak, and rushed to the Library for some reference. I found this, that a majority of them are Government servants. The purpose of giving of such awards and decorations will be to make them stooges of the Government and the party in power. It is a very dangerous thing, I should say.

In the Constitution, in Article 18 it has been stated as follows:

"No citizen of India shall accept any title from any foreign State."

Sir, in reply to my question—an Unstarred Question No. 3522 on the 7th December, the External Affairs Minister either knowingly or unknowingly, wittingly or unwittingly, ignored or violated the spirit of the Constitution. I ask on what Constitutional authority this Sovietland paper was giving Nehru Award? There are 22 recipients in our country this year who will be getting prizes between Rs. 8,000 to 5,000 and two weeks' free tour of Russia. Who are these people? They are pro-Soviet people. This is the way of political indoctrination and creating quistlings of Soviet Russia in this country. This is the way of corrupting the patriotism of the people of India and inducting foreign influence in this country.

Sovietland Nehru awards were given only to those who subscribed to particular political ideology and Russian views on communism. It was given to one who has composed 'Lenin Yatra'. Another was given this award, a writer of a Book on Bolshevism. Another was given to the author of a book on 'Lal Surya' (Red Sun) all pro-Russian and pro-communist books.

I drew the attention of the Government on four or five times in the Consultative Committee about the influence of foreign money on the Indian press. I have succeeded in convincing Mr Gujral to draw out a 7-points reference which was sent to the Home Ministry for CBI enquiry and on the basis of an enquiry by CBI, a Bill is coming up before the House.

Be it Russia or America or Czechoslovakia or UK or any other country, they should not take the name of leaders like Mahatma Gandhi, Netaji or Nehru to give awards—Washingtonland or Sovietland awards. This is being done in India to create stooges, quistlings and puppets for political indoctrination of certain political ideology and creating a set of blind supporters of these countries.

I shall conclude now with this observation, namely....

SHRI S. M. BANERJEE (Kanpur) : I would like to ask my hon. friend one question. Why should we give Nehru award to foreigners? If Nehru award could be given to foreigners, why not Lenin award also? If we could give Nehru award to foreigners, then they have also got every right to do it. Let him not criticise a country which is friendly to us.

SHRI SAMAR GUHA : I am just coming to his point.

SHRI PILOO MODY (Godhra) : I think Shri S. M. Banerjee is so obsessed with trying to protect his country that he has forgotten that one important thing, namely that it depends upon that the rules of the other countries are. Our Constitution says that our people should not accept them.

SHRI S. M. BANERJEE : I am not Indian; it was his forefathers who had come from another country to India.

SHRI K. NARAYANA RAO : May I make one submission. The Constitution is very clear.....

MR. CHAIRMAN : The hon. Member Shri Samar Guha is not yielding. So, I do not give him permission to interrupt now.

SHRI SAMAR GUHA : And who are the persons who will judge the genius of an artiste or a literateur or a scientist or a musician? It will be the secretaries to the Central Government, brilliant ICS men; they will select the names and send them to the Minister. Now, let me put it more clearly.....

SHRI K. NARAYAN RAO : On a point of order.....

SHRI N. K. P. SALVE : The hon. Member is on a point of order. At least he should be allowed to raise it.

SHRI K. NARAYAN RAO : On a point of order.....

MR. CHAIRMAN : Shri Samar Guha is so much carried away by his own eloquence that with great difficulty he has to realise that he has to sit down. I would

[Mr. Chairman]

only beseech other Members to co-operate so that he may sit down soon. That is all that I would like to say.

SHRI NATH PAI (Rajapur) : May I correct you, Madam Chairman ? You had very charmingly tried to run down the hon. Member by saying that he was carried by his own eloquence. May I correct you and say that the entire House is carried away by his eloquence and the sincerity of his speech, and not only he ?

SHRI RANDHIR SINGH (Rohtak) : He carried himself to Shri Piloo Mody and asked him to sit down.

SHRI N. K. P. SALVE : Where are we carried away ?

MR. CHAIRMAN : We are all carried away by his eloquence. He speaks very eloquently.

SHRI K. NARAYANA RAO : On a point of order. The hon. Member Shri Samar Guha has criticised the attitude of Government on the basis of article 18, allowing people to receive awards from foreign countries like Russia.

So far as conferment of titles is concerned, under article 18 (2) no citizen can accept any title from any foreign country. That applies to all citizens. But I would invite your attention to article 18 (4) which says:

“No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.”

So, this prohibition is confined only to those who are working under the Government. The prohibition for citizens is only in respect of titles. I am confining myself only to the titles. But Shri Samar Guha is saying the awards should not have been given by the Soviet Government.....

SHRI N. K. P. SALVE : It does not deal with decorations.

SHRI K. NARAYANA RAO : Article 18 (4) envisages a prohibition only so far as civil servants are concerned. Even that prohibition is not a total prohibition. It is only a conditional prohibition; with the consent of the President, even the civil servants can accept such things. So far as the ordinary citizens are concerned, that prohibition contemplated in article 18 (4) does not apply. Therefore, his criticism is not warranted.

MR. CHAIRMAN : The hon. Member should be thanked for having lightened the work of the hon. Minister.

SHRI SAMAR GUHA : I really admire the enthusiasm of my friend, but he has missed the spirit of the Constitution, of the patriotic spirit of mine in saying that I do not want any foreign indoctrination by any foreign power in this country which tends to corrupt our patriotism by conferring awards, titles or decorations.

As I said, it is nothing but a government machinery which selects the geniuses which will be forwarded to the Home Minister, brilliant Home Minister, who will forward it to another brilliant Minister, the Prime Minister, who will decide who will be the awardee, who will be the titleholder, by looking to the aspect of political patronage which will bring its own reward (*Interruptions*).

I am in favour of giving awards to artists, to the scientists, to the litterateurs, to the musicians, to the philosophers, to the architects, to the sportsmen, men of extraordinary genius, by either this country or any country in the world. But not through the government machinery. It should be as they do in the case of the Nobel Prize or even the Kalinga Prize. Those who constitute the excellent genius of our country, it is they, the real genius of our country, who are fitted to decide who shall be the awardee. Prof. Satyen Bose is still alive. Dr. C. V. Raman was alive till a few days ago. It is such of our country men who shall form a committee which shall confer award based on the exceptional merit of a scientist. Dr. Suniti Chatterjee is there. There are many other eminent litterateurs. A committee

can be formed who can confer titles on literary geniuses.

SHRI S. M. BANERJEE : He is the only man who understands;

SHRI SAMAR GUHA : He has not done through this pamphlet. They do not do even their home work.

The geniuses of our country should neither be pupets nor stooges of any government or government machinery. Here I use the words of Swami Vivekananda

“Freedom is the song of the soul”.

If you want to maintain real freedom, this song of the soul, the freedom of the national genius has to be main ained. As to who is a genius should be decided only by other geniuses. Thank you,

MR. CHAIRMAN : Shri Samar Guha had handed over a paper at the Table. It shall be placed here and Mr. Speaker will go through it.

SHRI RANGA (Srikakulam) : I am all in favour of this Bill. I am glad to associate my colleagues in our party also with this Bill. I hope it is recognised and accepted by the representatives of Government that all sides of this House are in favour of this Bill. I trust the Government would be wise enough not to make it a matter of party but would give freedom to its members to vote according to their feeling and their convictions, because after all, political and party affiliations need not be invoked on this occasion. At the same time, it is not right to accuse the British along in making our people accustomed to these titles and using these titles as means of political corruption.

From time immemorial our people have been used to this very bad habit of running after titles, prizing them and even buying them. When the Hindus were ruling, unfortunately we had these titles. When there was Muslim Rule in our country, they exploited this instrument in order to gain more and more friends. The British followed their example. They themselves had this evil in their own country. They superimposed this evil on

our own bad habit, and now we are suffering from it. Although we made it clear in the Constitution that we should not have these titles, we have found a way, our rules as well as Parliament through its acquiescence, of getting round this difficulty and have perpetrated this evil once again.

It is easy for Mr. Salve or other legal experts to say that these are not titles, that these are only distinctions, but actually the people who have received them have been using them as titles and Government has had to make exhortations repeatedly that they should not append these distinctions to their name. Unfortunately, the people are doing, not only those who have received them but those who are fond of these receipts and would like to honour them, have been addressing them with their titles. Therefore, evil has come back to us inspite of the unction that we have placed upon ourselves through our Constitution.

I think it is high time that we dropped this. It is no good allowing our people and our institutions to perpetrate this kind of hypocrisy. What is it that we gain after all ? So far as the military and other people who ought to be honoured are concerned, the Constitution has already made an exception in their case. In regard to all others, it is better that we drop this institution. It was abused for a very long time by the British. It has come to be abused by us also, by our successive Governments and Prime Ministers, and it is likely to be abused even much more in future. Therefore, it would be best that this House gives its assent to this Bill introduced by our friend Acharya Kripalani.

As some friends have said, Acharya Kripalani is as good as any of those people to whom Bharat Ratna was given, but why is it that it has not been conferred upon him till now ? That only shows how Governments behave. Today it is the Congress Government, but tomorrow it would be some other Government, but every Government is likely to commit these blunders, and it is better that we help these Governments to avoid committing such blunders, and it is also better to deny the Government this kind

[Shri Ranga]

of an instrument which they are likely to misuse on most occasions. Therefore, we support this Bill.

श्री रघुवीर सिंह शास्त्री (वागपत) : सभापति महोदया, मैं श्री कृपलानी जी के इस सुन्दर बिल का समर्थन करने के लिये खड़ा हुआ हूँ। हमारे लिये कभी कभी खेदपूर्वक यह अनुभव करने की बात रहती है कि बहुत सी बातों में हमारे मन पर हमारे दिल और दिमाग पर और हमारे विचारों पर ब्रिटिश साम्राज्यवाद की छाया रही है। ब्रिटेन के शासक जिस तरह से सोचते थे, जिस तरह काम करते थे, जिस तरह से हुकूमत चलाते थे, जिस तरह से यहां के सब वर्गों के लोगों के साथ व्यवहार करते थे अपने विशेष उद्देश्य को लेकर, ऐसा मालूम पड़ता है कि अभी तक भी उस मनोवृत्ति से हमारा छुटकारा नहीं हुआ है और हम बहुत बार उसी तरह से सोचने लगते हैं।

जहां तक इन उपाधियों का प्रश्न है, आज के वातावरण में, जब कि हम यह देखते हैं कि हम किन किन बातों में फसे हुए हैं, आज हम जिस प्रकार के पक्षपात में, जिस प्रकार के स्वार्थ में, जिस प्रकार की संकीर्णता में और जिस प्रकार दलीय दल-दल में फसे हुए हैं तो देश के नागरिकों को, जो निष्पक्ष रूप से विचार करने वाले लोग हैं, उन्हें बहुत दफा यह महसूस होने लगता है कि हमारे बड़े बड़े लोग, जिन की जिम्मेदारी राष्ट्र और जनता के प्रति है, इन बातों से ऊपर नहीं उठ पाते हैं और आज जब देश में चर्चियाँ चलती हैं—लोगों को परमिट देने की, लोगों को लाइसेंस देने की, लोगों को तरह तरह के लाभ पहुँचाने की, पेट्रोलाइज करने की, तब ये उपाधियाँ भी इस बात में सहायता पहुँचाती हैं कि कुछ लोगों को कृतज्ञ बनाया जाय, कुछ लोगों को जीता जाय, उनको अपने अनुकूल बनाया जाय—इस तरह से इन उपाधियों का सदुपयोग

होता है। आज जिस तरह से लोग सरकारी अधिकारियों, मिनिस्ट्रों के दरवाजे खटखटाते, उनके घरों के चक्कर लगाते दिखाई देते हैं, इनको प्राप्त करने के लिये कैसे कैसे रास्ते वे अख्तियार करते हैं—वह भी हमें देखने को मिलता है। इन परिस्थितियों में जहां इन उपाधियों के वितरण या सरकारी पेट्रोलाइज करने का तरीका हमें ब्रिटिश शासकों ने दिया, वहां मुझे यह भी लगता है कि हम उसी तरीके से इन्हें देने में लगे हुए हैं, जिस तरह से ब्रिटेन के शासक लोग हमें दिया करते थे। यहां तक भी चल रहा है कि यदि किसी दल को किन्हीं लोगों से चन्दा लेना हो, पैसा लेना हो, तो ऐसे पूंजीपतियों को बड़ी आसानी से इस तरह की पदवियाँ और उपाधियाँ दे दी जाती हैं, चाहें वे उसके योग्य हों या न हों।

मेरा इन पदवियों के विरोध का एक दूसरा कारण यह है कि यह देश के नैतिक पतन का एक और तरीका निकल आया है, देश के मानसिक पतन का एक और तरीका निकल आया है। ब्रिटेन का शासक यह सोचता था कि लोगों को नैतिक रूप से पतित करके अपने साथ रखा जाय, यह भी अपने समर्थन का एक तरीका है—उनकी यह बात समझ में आती थी, लेकिन जब हमारे देश के राष्ट्रीय नेता कहे जाने वाले लोग, समाजवादी कहे जानेवाले लोग, इस तरह के तरीके अख्तियार कर रहे हैं, लोगों को उपाधियाँ दे कर अपने पक्ष में खरीदा जा रहा है, अपनी सरकार, अपनी पार्टी, अपने दल के लिए फायदा उठाया जा रहा है, यह देश के लिये लज्जा की बात है। इस दृष्टि से भी मैं इस का विरोध करता हूँ।

तीसरी बात—आज हमारे देश में जिस तरह का वातावरण है, जिस तरह की राजनीति चल रही है, उसको देखते हुए यह एक राजनीतिक भ्रष्टाचार का तरीका है और हमारे राजनीतिक क्षेत्र में भ्रष्टाचार

इसी तरह से पनपता रहा, इसी तरह से बढ़ता रहा, अपना मुंह फैलाता रहा तो एक दिन यह देश इस राजनीतिक व्यक्ति के मुंह में चला जायगा, यह राजनीतिक राक्षस देश की सारी अच्छी चीजों को निगल जायगा। राजनीतिक क्षेत्र में जहां भ्रष्टाचार के अनेकों तरीके हैं, मुझे डर है कि यह तरीका भी कहीं राजनीतिक भ्रष्टाचार का तरीका न बन जाय। आज लोगों के दिमाग उस तरफ जा रहे हैं और यह बनना शुरू हो गया है। इस दृष्टि से भी मैं यह समझता हूँ कि पदवी दान का जो तरीका है, वह बन्द होना चाहिये।

इन दृष्टियों से मैं इसे हाउस के प्रत्येक सदस्य से अपील करना चाहता हूँ कि वे अपने हृदय पर हाथ रख कर देखें कि इसका क्या लाभ है, इससे कितनी हानि हो रही है और कितना प्रतिकूल प्रभाव पड़ रहा है। मैं समझता हूँ कि जब इन दोनों चीजों को एक तराजू पर तोला जायगा तो इस देश का कोई भी निष्पक्ष व्यक्ति यह स्वीकार करेगा कि दूसरी बात का पलड़ा भारी है। तो जिस चीज को कोई उपयोगिता और उपादेयता न हो बल्कि उल्टे भ्रष्टाचार बढ़ रहा हो, अनैतिकता बढ़ रही हो, पक्षपात का बोल-बाला हो—ऐसी स्थिति में उन चीजों को रखना मैं समझता हूँ देश के प्रति कोई ईमानदारी की बात नहीं होगी और जनता के लिए कोई सेवा की बात भी नहीं होगी। इन शब्दों के साथ मैं प्रबल रूप से आचार्य कृपालानी जी के प्रस्ताव का समर्थन करता हूँ और आशा करता हूँ कि देश के जितने प्रतिनिधि यहां पर इकट्ठा है वे अपने हृदय पर हाथ रखकर देश की दृष्टि से, जनता की दृष्टि से, राजनीतिक सदाचार की दृष्टि से, इसी निश्चय पर पहुँचेंगे कि इन उपाधियों और पदवियों के दान की परम्परा बन्द होनी चाहिये ताकि इस देश में एक राजनीतिक सदाचार की भावना उत्पन्न हो सके, राष्ट्र में स्वस्थ परम्परायें पनप सकें और किसी को

कोई बात कहने का मौका न मिले कि ब्रिटिश सरकार के रास्ते पर चलकर यह सरकार भी देश को अनैतिकता और दासता के गढ़े में गिरा रही है।

श्री सीताराम केसरी (कटिहार) : समापति महोदया, कृपालानी जी के मूल प्रस्ताव का विरोध करते हुए मैं भी कुछ सुझाव यहां पर देना चाहता हूँ। शास्त्री जी ने अभी कहा कि ये जो पदवियां दी जाती हैं उनके पीछे भ्रष्ट भावनाएं काम करती हैं। मेरा खयाल है कि दुनिया में कोई भी देश ऐसा नहीं है जहां पर कि योग्य और प्रतिभाशाली व्यक्तियों को जो कि देश के उत्थान में, समाज और राष्ट्र के उत्थान में अपना महान योगदान करते हैं उनको राष्ट्र की ओर से पदवी न दी जाती हो। इस प्रकार राष्ट्र की ओर से पदवी देने से सारे देश में एक भावना उत्पन्न होती है कि उस व्यक्ति को योग्यता और प्रतिभा को राष्ट्र ने सम्मान दिया है।... (व्यवधान) ... मैं कहना चाहता हूँ कि ऐसे लोगों को क्यों न सम्मान दिया जाये जो कि जीनियस हैं, प्रतिभा-सम्पन्न हैं और जिन्होंने सामाजिक जीवन में या साहित्यिक जीवन में राष्ट्र को गौरव प्रदान किया है जैसे कि ऊँचे कवि हैं, गेन्ट हैं या जिनका राष्ट्रीय जीवन में महान योगदान है। यदि आप उनको प्रतिष्ठित नहीं करेंगे, उनको सम्मानित नहीं करेंगे तो वह उचित नहीं होगा। मैं नहीं समझता कि इसके पीछे सरकार की कोई दुर्भावना निहित हो सकती है। हमारे कृपालानी जी देश के महान राष्ट्रीय नेताओं में से एक रहे हैं और अब भी हैं। आजादी की लड़ाई में उनका महान योगदान रहा है। मैं समझता हूँ इनको भी उपाधि देकर सम्मानित किया जाना चाहिए क्योंकि ये उसके अधिकारी हैं। तो आज जो लोग इसके विरोध में हैं मैं उनसे कहना चाहता हूँ कि यू०एस०एम० नंबर० में, यू०के० में, अमराका में और जापान में सभी जगह इस प्रकार की पदवी दी जाती हैं।

श्री सुकुं तापड़िया (पाली): अमरीका में कौन सी दो जाती है; जरा बताइये ?

श्री सीताराम केसरी : वहां भी सम्मानित किया जाता है और पुरस्कार मिलता है । .. (व्यवधान) ... जैसे कि नोबेल पुरस्कार है ... (व्यवधान) ... पुरस्कार से सम्मान दिया जाता है, चाहे वह राष्ट्र का पुरस्कार हो या किसी व्यक्ति का पुरस्कार हो या किसी तरह का हो, जिस व्यक्ति को पुरस्कार मिलता है वह उससे सम्मानित होता है, उसको उससे इज्जत मिलती है। इस लिये मैं कहना चाहता हूँ कि राष्ट्र की तरफ से या सरकार की तरफ से जो उपाधियां दी जाती हैं वह योग्यता के आधार पर दी जाती हैं, जो जिस लायक होता है उसी दृष्टि से उसको सम्मानित किया जाता है। इससे राष्ट्र में समाज के लोगों में एक उत्साह की भावना उत्पन्न होती है।

इन शब्दों के साथ मैं अपना स्थान ग्रहण करता हूँ ।

श्री भीचरद गोयल (चण्डीगढ़) : सभापति महोदय, आपने मुझे जो अवसर दिया है उसके लिए मैं आपको धन्यवाद देता हूँ । इस सदन के लगभग सभी माननीय सदस्यों ने, सिवाय उन लोगों के जो कि इस बात की आशा रखते हैं कि शायद उनको भी किसी दिन उपाधि मिलने में नम्बर आ जाये— ऐसे खुशामदी लोगों को छोड़कर, बल्कि सभी माननीय सदस्यों ने इस दृष्टिकोण से इस पर विचार किया है कि क्या इस प्रकार को उपाधियों से लोगों का सम्मानित करना देश के चरित्र को तां नहीं गिरा रहा है और देश में पक्षपात को तो नहीं उभाड़ रहा है । आज यहां पर सभी दल के माननीय सदस्यों ने राजनीति से ऊपर उठकर पूज्य कृपालानी जी के इस विधेयक का खुले दिल से समर्थन किया है और एक बहुत बड़ी बुराई इस देश से निकले उसकी व्यवस्था की है ।

मैं बहुत दूर न जाकर हरियाणा में ही इन उपाधियों से जिन लोगों को विभूषित किया है, इन नाम पर कि वे बड़े उद्योगपति हैं, उसका उल्लेख करना चाहता हूँ कि बड़े उद्योगपति की श्रेणी तो दूर रही, चार मजदूर भी जहां काम कर सकें, इस प्रकार का कारखाना भी उन्होंने आज तक हरियाणा की भूमि पर नहीं लगाया है लेकिन ऐसे व्यक्तियों को भी ये उपाधियां दी जा रही हैं, उसका कारण यह है कि वे हरियाणा के मुख्यमंत्री के फाइनेंसियर हैं, अपने धन से उनकी सहायता करते हैं । वे ब्लॉक में खूब पैसा कमाते हैं, इंडस्ट्री के नाम पर कोटा परमिट लेते हैं । उन्होंने उद्योग की घेला भर कभी सेवा की नहीं, कोई कारखाना लगाया नहीं, उनके बाप दादों ने कभी कोई कारखाना नहीं लगाया और आगे भी इस बात की कोई गारा नहीं है लेकिन चूंकि वे मुख्यमंत्री और शासक दल की सहायता अपने धन से करते हैं इसलिये उनको इन उपाधियों से विभूषित किया जाता है । अभी केसरी जी उदाहरण दे रहे थे कि ऐसा अमरीका में भी होता है, रूस में भी होता है—हो सकता है लेकिन वहां पर ऐसा तंग नजरिया रखने वाले व्यक्तियों के हाथ में शासन नहीं है । ... (व्यवधान) ...

तो मैं सिद्धान्त रूप में पूज्य कृपालानी जी के इस विधेयक का समर्थन करता हूँ । यह उपाधियां देने का कार्य यदि इस प्रकार से भी किया जाये कि जो योग्य व्यक्ति हों उन्हीं को वह मिले, तब भी मैं समझता हूँ उनकी कोई आवश्यकता नहीं है क्योंकि जिसको भगवान ने गुरा दिया है, जिसने समाज की कोई सेवा की है उसको तो समाज अपने आप ही मान्यता देता है, उनको समाज अपने हृदय के अन्दर मान्यता देता है । दूसरी ओर सरकार आज जिनको उपाधियां देकर सम्मानित करना चाहती है उनको समाज घृणा की दृष्टि से देखता है । समाज अच्छी तरह से जानता है कि ये खुशामदी

ट्टू हैं, इन्होंने सरकारी पार्टी की मदद करके, उसको धन देकर ये उपाधियां कमाई हैं। आज उपाधियां पाने वालों के सम्बन्ध में लोगों के मन में इस प्रकार की धारणा उत्पन्न नहीं होती है कि इन्होंने योग्यता के आधार पर ये उपाधियां प्राप्त की हैं बल्कि वे यही समझते हैं कि किसी बड़े व्यक्ति के कृपापात्र होने के कारण, किसी मन्त्री की कृपा से इन्होंने ये उपाधियां प्राप्त की हैं। इसलिये आज इन उपाधियों की कोई कद्र होने के बजाये उनको घृणा की दृष्टि से देखा जाता है सारे समाज के अन्दर.....(व्यवधान)..... ऐसी स्थिति में मैं जानना चाहता हूँ कि इसका उपयोग क्या है? इसका क्या लाभ है वह मेरी समझ में नहीं आता? उनको हम क्या इन्सेंटिव और प्रोत्साहन देना चाहते हैं? जैसा कि मैंने पहले ही कहा, समाज स्वयं ऐसे लोगों को हृदय से मान्यता देता है जिनमें कि वास्तव में प्रतिभा है, जिन्होंने वास्तव में समाज की सेवा की है। उन व्यक्तियों को इन सब बातों की आवश्यकता नहीं है। इसलिए मैं हृदय से इस विधेयक का समर्थन करता हूँ और आशा करता हूँ कि हमारे भाई, आगे जो और इससे बुराई बढ़ने वाली है उसको दृष्टि में रखकर इस पर विचार करेंगे और केवल इस लिए कि वे राज्य करने वाले दल के सदस्य हैं इसलिये आचार्यजी के बिल का विरोध करना ही है, ऐसा न करके अपने हृदय की भावाज को पहचानेंगे और इस विधेयक की उपयोगिता को ध्यान में रखते हुए इसका समर्थन करेंगे। अगर उनका हृदय इस बात की गवाही नहीं देता तो वह भी इस का विरोध करेंगे, इस प्रकार की अपेक्षा मैं उन से रखता हूँ क्योंकि इस तरह हम एक बहुत बड़ी बुराई से बच जायेंगे आगे के लिए। मैं कहना चाहता हूँ कि इस दृष्टि से आचार्य कृपा-ज्ञानी का नाम सचमुच इतिहास में स्वर्णाक्षरों में लिखा जायेगा कि उन्होंने बहुत बड़ी बुराई को अपने यहां से हटाने का प्रयत्न किया।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM NIWAS MIRDHA) : Acharya Kripalani has moved for consideration a Bill which seeks to provide for the abolition of the practice of conferring titles and decorations such as Bharat Ratna, Padma Vibushan, Padma Bhushan and Padma Shri. Acharyaji has made a very moving speech in support of his Bill.

SHRI S. K. TAPURIAH : But you are still unmoved ?

SHRI RAM NIWAS MIRDHA : It shows how deeply he feels about the whole matter. In his inimitable style he gave reasons why he thought that the practice of conferring decorations should be stopped. Whatever Acharyaji says deserves our utmost consideration. I for one have heard him with great respect and attention. But it is my unhappy duty to differ with him on this question.....

SHRI S. K. TAPURIAH : Because of whip ?

SHRI RAM NIWAS MIRDHA : and also to point out certain inaccuracies that have crept in his statement.

In the Statement of Objects and Reasons appended to the Bill, Shri Kripalani has stated that although titles have been abolished under article 18 of the Constitution, they are sought to be brought in by the backdoor in the form of decorations. He also considers that these decorations are not awarded according to merit and that the government of the day is not the best judge of the merits or eminence of the recipients. His suggestion, therefore, is that these decorations should be abolished in order to strengthen democracy and socialism.

16.38 hrs.

[SHRI VASUDEVAN NAIR in the Chair]

There are two types of objections. One is constitutional and the other is that they are not given according to merit. The question of instituting a system of honours and awards after independence was first considered in 1948 by a committee headed by Shri B. N. Rao, who was then the con-

[Shri Ram Niwas Mirdha]

stitutional adviser. The draft constitution which was then under consideration already contained a provision that no title shall be conferred by the State. The committee took note of this provision and went into the question whether awards of any kind would be consistent with the provisions of the Constitution. It came to the conclusion that "the expression title does not necessarily include all honours and decorations". It was noticed that in the constitutions of other countries a clear distinction was drawn between titles and honours or decorations. Certain instances of these were also contained in the report of that committee. Article 49 of the Constitution of USSR contains separate provision regarding the institution of decorations, honours, medals and titles of honour. There is thus a distinction between titles and decoration, as has been made out by a number of hon. Members.

Bharat Ratna and the Padma awards and decorations are not titles. Therefore, the basic assumption made by Acharyaji that the award of these decorations violates the provisions of the Constitution is not correct.

It was also asked whether awards are given in the United States of America and other democratic countries. I have given the instance of the Soviet Union. Now I will further elaborate the point. The system of awards in recognition of distinguished service in different spheres of public activity is not peculiar to India. In USA, where the Constitution forbids the grant of titles of nobility, decorations such as the Congressional Medal of Honour or Distinguished Service Cross are given. In USSR, where titles like Hero of the Socialist Labour or Hero of the Soviet Union are conferred, a large number of orders and medals have also been instituted. In France, which is another democratic country, the Legion of Honour is granted in recognition of meritorious public service in different fields. It is, therefore, not correct to say that the institution of Bharat Ratna and Padma awards is repugnant to democracy and socialism as has been made out.

SHRI SAMAR GUHA : It may not be repugnant but it is a monarchical, imperial and feudal legacy.

SHRI RAM NIWAS MIRDHA : It is perfectly in consonance with democratic and even socialist traditions that every person who has distinguished himself in some type of national endeavour should be recognised.

SHRI SAMAR GUHA : Yes, provided the selector is not the Secretary or the Home Minister or the Prime Minister.

SHRI RAM NIWAS MIRDHA : I will come to that also.

As regards the claim made by Acharya Kripalani that the awards are not given according to merit and the Government is not the best judge of the merit of the recipient (*Shri J. B. Kripalani* : Not a good judge.), it may be stated that the recommendation for the awards is invited by Government and is processed through a very elaborate process of screening. To say that Government is not the best judge to make these awards is not correct because all possible precautions are taken and only such names are suggested and accepted which are really found fit for these high awards that are given to them.

There can always be a difference of opinion whether one person deserves an award or not. But the Government has a responsibility and a duty that it must make a decision in a particular way and the Government takes all possible precautions that only names worthy of the awards are included in the final list. Whether in the grant of licences or making promotions or other things, Government has to take a decision which has both sides. But that does not mean that the Government should not accept its own responsibility or create some other machinery, as was suggested by Shri Samar Guha. He suggested, have a committee appointed like the one for Kalinga awards; let them do it and let some distinguished people make those awards. I do not think that that would be the proper way of doing it. It is the Government which, on behalf of the State, gives the awards and the Government should take full responsibility for

whatever it does and not leave it to some other committee which they will not be able to defend or accept in some cases.

SHRI J. B. KRIPALANI : Why should they defend ?

SHRI SAMAR GUHA : Satyendranath Bose will not be able to defend and know who is a real scientist ! The Home Minister or the Secretary will be able to defend ! Suniti Chatterjee will not be able to know who is the best litterateur or critic !

SHRI RAM NIWAS MIRDHA : The present awards do not carry any titles nor are their recipients entitled to place any words or letters before or after their names to show that they are recipients of the awards. The awards are in the form of medals which could be worn on special occasions.

As I said earlier, it is the duty of the Government to give some sort of recognition to persons who distinguish themselves in the sphere of art, literature, public service, sports and all the various allied fields.

SHRI SAMAR GUHA : Who will distinguish themselves by selling their conscience to the Government and becoming their puppet.

SHRI RAM NIWAS MIRDHA : If the hon. Member would go through the list of persons who have been given these awards, I am sure he will find a lot of persons upon whom he will look with respect and about whom he would not like to attribute the words that he is doing.

SHRI SAMAR GUHA : I have scanned it and I do not do it for all. There are great geniuses among them. I am objecting only to the process of selecting those geniuses.

SHRI RAM NIWAS MIRDHA : I am glad that the hon. Member has accepted that there are certain persons, probably a large number of persons, in the list of awardees, who deserve that honour and but for those awards such distinguished nationals of our country would have been

deprived of the due recognition which they have ultimately received.

SHRI PILOO MODY : What about the others ?

SHRI S. S. KOTHARI (Mandsaur) : Even as high an award as Padma Vibhushan has in certain cases gone to wrong people. It is regrettable.

SHRI RAM NIWAS MIRDHA : As I said, there can be difference of opinion. Questions appeared in this House also. On a list of that nature, there will always be two opinions whether certain persons deserve or not, but, that is only a marginal, a small number. People who have good record of public service and excellence in various spheres of activity get these awards and I don't think there is any necessity for totally abolishing them simply because hon. Members would not agree to some awards being given to certain people.

SHRI S. S. KOTHARI : The Government should rationalise the system of awarding titles. The scrutinising committee should include outsiders also, not Secretaries only who become influenced.

SHRI RAM NIWAS MIRDHA : As I said, certain inaccuracies have crept in the statement of Acharya Kirpalani and certain other hon. Members and I think it is my duty to point them out briefly. It was said by Acharya Kripalaniji that according to enquiries made from all the living Cabinet Members of those days, particularly, Sarvashri Jagjivan Ram, T. T. Krishnamachari and C. D. Deshmukh, the proposal for institution of awards was not brought before the Cabinet. This is not correct because these Ministers were present in a number of Cabinet meetings where this question was discussed.

SHRI J. B. KRIPALANI : Will that note be kept on the Table of the House—that such a decision was taken by the Cabinet ?

SHRI RAM NIWAS MIRDHA : I have the dates.

SHRI J. B. KRIPALANI : You may have the dates. But I want the note to be kept on the Table of the House because this is the information given to me by the three-gentlemen who were in the Government.

SHRI RAM NIWAS MIRDHA : I would not go into the various dates. I would say that Shri Jagjwan Ram was present at six out of the eight meetings of the Cabinet, Shri C. D. Deshmukh was present at five meetings and Shri T. T. Krishnamachari at four meetings, when this question was discussed. So, it is not correct to say.....

SHRI J. B. KRIPALANI : If I am not giving out a secret, I must tell the Speaker that Mr. Jagjwan Ram himself told me that this is a bad institution.

AN HON. MEMBER : Privately ?

SHRI J. B. KRIPALANI : Privately, of course. Do you expect him to come and say it here ?

SHRI RAM NIWAS MIRDHA : I was merely trying to put the record straight.

SHRI J. B. KRIPALANI : But the record must be kept on the Table of the House.

SHRI RAM NIWAS MIRDHA : I was trying to put the record straight that the Cabinet Ministers who were named by Acharya Kripalaniji attended the meetings on various occasions when this question was discussed.

SHRI N. DANDEKER (Jamnagar) : Were these gentlemen present when the Cabinet took the decision ?

SHRI J. B. KRIPALANI : That is the whole point. If you want to deny it, you can deny it by other means. But don't say that I have fabricated it.

SHRI RAM NIWAS MIRDHA : the Cabinet considered this at various times. Various proposals came. They were amended. Then they came to a decision. I have got all the information as to who were present and at what meetings.

SHRI J. B. KRIPALANI : Have you got a record when it was decided ?

SHRI RAM NIWAS MIRDHA : Yes, we have got a record of that also.

SHRI PILOO MODI : Then give out the names of those who were present.

SHRI J. B. KRIPALANI : Is it a secret now ? It is not an official secret neither is it a military secret.

SHRI NATH PAI : Like a sportsman put it there.

SHRI RAM NIWAS MIRDHA : Well sir. There is nothing to hide. As I told you, not on one occasion but on various occasions the gentlemen who were named were present.

SHRI J. B. KRIPALANI : Please don't contradict me on things of which I am quite certain and of which you are not quite certain because you have come quite recently.

SHRI RAM NIWAS MIRDHA : I am going by the record of the Government.

SHRI J. B. KRIPALANI : I want the record to be kept here.

SHRI RAM NIWAS MIRDHA : I have given all the facts.

SHRI J. B. KRIPALANI : You have given facts. But the record can be kept here. (*Interruptions*).

SHRI RANDHIR SINGH : Was this item considered in different meetings ?

SHRI RAM NIWAS MIRDHA : I can lay on the Table of the House the dates when the meetings took place and at those meetings which of the Ministers mentioned here were present.

SHRI J. B. KRIPALANI : I want to know whether it was a Cabinet decision.

SHRI RAM NIWAS MIRDHA : It was a cabinet decision.

SHRI J. B. KRIPALANI : I want that. You are going to contradict me. Then you

must have the decision in your hands. Otherwise, how do you contradict me ?

SHRI RAM NIWAS MIRDHA : Well, Sir. A certain distinction was sought to be made by Mr. Salve that the criteria for awarding decorations are not very clear and that there is a patent fallacy in the criteria. He said that Bharat Ratna is awarded for exceptional service towards the advancement of art, literature and science whether Padma Vibhushan is awarded for exceptional and distinguished service and the criteria should be rationalised. For that, I have to say this : Bharat Ratna decoration is awarded for exceptional service towards the advancement of Art, literature and science and in recognition of Public service of the highest order, whereas Padma Vibhushan is given for exceptional and distinguished service in any field including service rendered by Government servants. The distinction is clear.

SHRI NATH PAI : Has not Acharya Kripalaniji rendered outstanding service towards the nation, outstanding public service, to deserve at least three Bharat Ratna awards ?

MR. CHAIRMAN : We are not discussing individual cases, I hope.

SHRI RAM NIWAS MIRDHA : Prof. Sumar Guha said that Pandit Jawaharlal Nehru was insulated because an exception was made in his case when he was awarded Bharat Ratna. Well, Sir, I think, this is very unfair. There is no question of insult involved in this. If there was any person who deserved this high honour, it was certainly Pandit Jawaharlal Nehru. The exception made in this case was not in the criteria of awarding Bharat Ratna. The normal procedure is this. The Prime Minister has to recommend the name and then it goes to the President. As Pandit Jawaharlal Nehru was himself the Prime Minister at that time, the President differed from this normal prescribed course and on his own initiative he suggested the name of Shri Jawaharlal Nehru for the award of Bharat Ratna, and I do not think we should put any other meaning. I would like to give this clarification, which should settle the matter.

SHRI RANDHIR SINGH : It is the greatest honour to the Award itself when we give the award to Pandit Jawaharlal Nehru.

SHRI SAMAR GUHA : You have insulated Nehru by saying that he is an exception. The President did not say about his contribution to art, literature and science.

SHRI RAM NIWAS MIRDHA : Then, Sir, references were made to certain individuals and it was said that they got some particular awards which they do not deserve and all that. The name of Ritwik Ghatak was given.....

SHRI S. M. BANERJEE : Why not Hansraj Gupta as well, the Mayor of Delhi, who was given the award ?

MR. CHAIRMAN : Let us not discuss individual cases here. Let us not discuss Ghatak's case or Hansraj Gupta's case. Let us confine our remarks to general question.

SHRI RAM NIWAS MIRDHA : This matter came up in the House on a number of occasions earlier and I would not like to repeat what answer was given here. In respect of certain expressions attributed to him, he admitted he said, when he was in a state of mental tension and it was due to great mental pressure.....

SHRI PILOO MODY : Are awards given to mentally deficient people ?

SHRI N. K. P. SALVE : In that case, one may be given to Mr. Piloo Mody. Mr. Piloo Mody's case may also be sympathetically considered.

SHRI RAM NIWAS MIRDHA : In case of great artists, some times the margin between genius and what you can call the other thing is rather thin. award was given for undoubted artistic merit of the person. If he says that he has said something in a state of mental tension, we should take a charitable view of it and we should accept it and not make an issue out of it.

Shri Gujarmal Modi's name was mentioned, and a lot of things were said that he was given an award at a time when

[Shri Ram Niwas Mirdha]

there was labour trouble going on at Modinagar and all that. The initiative for giving the award to Mr. Modi came successively from two Chief Ministers of U. P. Shrimati Sucheta Kripalani and Shri Charan Singh.

SHRIMATI SUCHETA KRIPALANI (Gonda) : I hold all titles in contempt. Only such people deserve it.

AN HON. MEMBER : That is the reason why Bharat Ratna has not been conferred on Shri Kripalani.

SHRI RAM NIWAS MIRDHA : Before including Shri Gujarmal Modi's name in the list of awards on the Republic Day, 1968, the President's Secretary had discussed the matter with the Secretary to the Prime Minister and the Home Secretary. The Home Secretary had then suggested to the President's Secretary that it should be ascertained whether Chief Minister Charan Singh would still stand by his recommendations because of certain occurrences in Modinagar, which meant the labour trouble. The President's Secretary consulted the Chief Minister, and the letter had confirmed that he stood by the recommendation made by him earlier and that the award would be well deserve.

SHRI S. M. BANERJEE : Charan Singh was the *charan* of Mr. Modi at that time.

SHRI PILOO MODY : That Modi is 'M-O-D-I.'

SHRI RAM NIWAS MIRDHA : There is one small inaccuracy which I would like to point out. Shri H. N. Mukerjee made a point that C. K. Nayudu was given Padma Shri but Vizzy was given Padma Bhushan. This is not correct. Both were given Padma Bhushan. Nayudu was given in 1956 and Vizzy in 1958.

SHRI RANGA : Since the hon. Minister is going into all the details, I am just tempted to ask him whether it is not inappropriate for a Prime Minister to while continuing to be Prime Minister allow a title to be conferred upon himself.

SHRI K. NARAYANA RAO : That was why an exception was created, and that was misused by Shri Samar Guha.....

SHRI RAM NIWAS MIRDHA : I have already tried to explain the position. The President on his own initiative did it.

SHRI SAMAR GUHA : What did the hon. Member say ? He had referred to me. I would like to listen to what he said.

MR. CHAIRMAN : Let him not listen. The hon. Minister may continue.

SHRI RAM NIWAS MIRDHA : There were a lot of other points, but I would not like to take the time of the House in dealing with them. I would most respectfully request Shri Kripalani that he may not kindly press his motion. These awards may give rise to controversies and sometimes there may be more than one opinion about certain persons, but so far as the basic validity of the awards is concerned, there is no doubt because the State has the responsibility, and if I may say so, even the duty to award persons who distinguish themselves in the various spheres of national endeavour.

SHRI PILOO MODY : I have a recommendation to make, after listening to the hon. Minister. Bharat Ratna should be awarded to Prime Minister Shrimati Indira Gandhi and the Congress president, Shri Jagjivan Ram.

SHRI S. K. TAPURIAH : And also to Shri Sanjay Gandhi who has made a car on paper.

SHRI SITA RAM KESRI : Padma Shri should be conferred on Shri Pilo Mody.

SHRI RANDHIR SINGH : Pilo Mody should be given an award for being the fattest person.

MR. CHAIRMAN : Let us have serious discussion on this subject. Now, Shri J. B. Kripalani.

17.00 hrs.

SHRI J. B. KRIPALANI : I am saying what I am going to say today on the

conclusion of this debate not to win a point in an argument. I am saying it in sorrow.

An hon. member of this House—and I suppose we are all honourable—accepted the Bill. He gave notice of an amendment. He told me that he liked the Bill. I told him I accepted his amendment. After that I do not know what happened. That he should have obeyed the party whip and voted against the Bill, I can understand. That is done every day. We have got used to it. But to make a speech against it, I think, was not very honourable. But what is to be done about it ?

SHRI NATH PAI : Which is that amendment. He need not tell us who the the member is but only which is the amendment.

SHRI J. B. KRIPALANI : I want that to be listened to in as much silence as possible.

I have heard that there is honour even among thieves. But today I am sorry to say there is no honour left in us, politicians of India. The member who accepted my Bill and who tabled an amendment which I accepted, still made a speech against it : I ask Why ? He was so ashamed that he wanted to indulge in humour, at whose expense ? At the expense of Shrimati Kripalani, as if Shrimati Kripalani had brought forward this Bill. I have brought the Bill and I am responsible for it. Neither Shrimati Kripalani is responsible for my action, nor am I responsible for her action. She being in the Government followed a government policy of giving a title to some body who did not deserve it. But it is not for the Minister to remind me that 'your wife did it.' who ever did it was wrong.

May I tell this friend of mine that she herself was offered a title which she refused, whether with thanks or without, I do not know. This House must know that Rajendra Babu himself went to the Maulana's house to induce him to accept a title; but the Maulana thought that the Maulanaship as indication of his great scholarship was enough for him. He did not want a title.

There is another honourable man, a journalist. His name is Chelapati Rau. He was offered a title. He refused. What did he say ? He said : 'If I accept this title, call it what you will, award or anything else, my freedom as an editor will be lost. Even if my freedom is not lost, people will suspect that I am writing in favour of Government, because of the receipt of the award. It is not what he thinks of himself but what people think of him that counted with him. There are many other examples where these titles have been rejected.

The honourable man to whom I referred wanted to teach me English. He contended that award is not distinction. You will remember that I quoted Shri Sri Prakasa about it. He says distinctions, decoration and titles are the same thing; there is no difference between them. I challenge Government to show me any Minute of the Cabinet where this was sanctioned. I challenge it again today. I am responsible for what I say. This was done by executive action even if it was done by the Cabinet which I deny. They had no right to go behind the Constitution or at least behind the spirit of the Constitution and say that these awards are not prohibited, I say that these awards are being used by persons as prefixes and suffixes to their names. When we get invitations, they state that this man is so-and-so with such and such an award. When the Government itself uses these in protocol, how can you say that these are not titles. Are you going to teach me English ? I know enough of English and I know that you are wrong and I am right. Do you mean to say that these awards are not distinctions ? Has anybody the guts to say that they are not distinctions ? When they are hung in the drawing rooms, in offices, when they carry them with themselves, how can you say they are different, how can the Government say they are different ? That is nonsense.

I said and I repeat that Sardar Patel said that these titles, that these decorations, degraded our people. He said definitely that it was not a question of the then Government. This iron man who thought that the Congress Government would last till eternity and that he could do no wrong, wanted to prohibit any future Government,

[Shri J. B. Kripalani]

because Governments change in a democracy, from degrading our people. The Sardar said like this and these people say that these things have not degraded our people.

The Minister had the guts, had the cheek, to say that these awards have been given properly by the judgment of the Government. The unprejudiced judgment of the Government I doubt. Remember that artist who abused Gandhiji in the foulest language and who, after he got the award, said that his head was not in its proper place, when he wrote it; but I say that his head was never in its proper place, I hold that it is because that men wrote what he did and nothing was done, that Gandhiji's statues are being burnt and destroyed. When the young men saw that those who abused Gandhiji were given an award, they began demolishing Gandhiji's statues, destroying Gandhiji's books and literature. Then they thought that they had to be logical. They then dishonoured Rabindranath Tagore and C. R. Das and to that brave man who created an army outside India, Subash Bose. Whom have these young men not disrespected? I say that the origin of it all was when this man was given a title. Do you mean to say that a artist has no social duties to perform, that he could only show his art, even when he was mad, by abusing Gandhiji? Is this the way that artists should be have? Every man in society, whether he is an artist or scientist or school teacher or even a degraded politician, has some social duties to perform. Otherwise, they have no right to be in society. I hold that this Government is responsible for the destruction of the statues of our great men by awarding to an artist a title.

This Government is creating conventions that would stand in their way. When the great Vallabh Bhai thought that this Government might change, these people think that it will never change. They are creating harmful conventions. Why do they do that? Because they think that they are going to live for ever. They do not know that they are gasping for breath and they have to keep the cylinder of oxygen

by their side. And who supplies the oxygen? My friends of the Communist party and other communalist and casteist parties. These are supplying you, this Government with oxygen because, they are gasping for breath. You are suffering from a disease which cannot be cured even by operation; you are suffering from cancer. You do not know your days are numbered. You are already dead, as Sri Krishna told Arjuna: "all these people are dead; I have killed them; you be only *nimittha mathra*, because in my eternal form I have already killed them." Remember death is hanging on you. But how are you going to remember? Yudhistira was asked by Kal: what is the most curious thing in the world? If you do not give a proper reply to it, you will be destroyed. Yudhistira said: "the most curious thing in the world is that we see everybody is dying but we think we are going to be immortal." This Government thinks that all other Governments fall, they fall in Europe, they fall in Africa every day but these people are going to live for ever. Therefore, they plague us with conventions which are against what our Founding Fathers did. They think they are cleverer than our Founding Fathers. Sardar Vallabhai Patel thought that some other Governments might come and they might destroy the good work they had done and that they should make it impossible for them to do so.

I shall tell you one other thing; let the House hear it. I made a very sporting offer to the whip of the ruling Party: you tell me that your Government is going to issue a whip against this Bill; I shall withdraw it. He said: "I shall consult the Prime Minister." I said: Let then the Prime Minister write to me that she does not want this Bill and I would withdraw it." Because I know that they will have a majority and they will call in through the bell everybody; I cannot call anybody as I belong to no party. They may come or may not come. I made sporting offer. Why did I do that? Because I am not like the Don Quixote of this party, Cong(O). I do not want to fight with the favoured of the Gods, *Uper* and *Niche*, up and down, those who consider themselves to be saints, yogis and people of realisation: I did not want to do that. If I wanted I could rely

upon God but how can I rely upon God? I know that a foolish young man, if he has a glib tongue, and a silly woman who has a good face can undo the work of God and disunite those whom God has united in holy wedlock. Therefore, I appeal to this House. I know how God's work is being undone in a few hours, I do not want to go into that here. I appeal to this House. Fortunately, today there is no question of following the whip of the party. It has been declared that you have the right of conscience. I appeal to that right of conscience. Let me tell you your Prime Minister has said that when the right of conscience is exercised, not in favour of any material gain for yourselves, it is justified. She told some princes in her party, you are exercising your conscience in order to safeguard your feudal interests and your monetary gains. I say now: none of you can be charged of having exercised your conscience in favour of the Bill for material gain, except those who are expecting titles.

I hope the majority of you are not accepting titles because my knowledge, so far as it goes, is that Members of Parliament usually do not get these titles. There was one man who got a title in the upper House, but he was a money-bag, and he was supported by a Minister. I do not want to give his name. (Interruption) Don't interrupt me.

I gave them a sporting offer. They have not accepted that offer. I give a sporting offer to those who are in the ruling party that you exercise your conscience, and you will not be exercising it for your advantage but for a national cause, so that our people may not be degraded, so that there may be no possibility of degrading them.

Our Minister, who intervined, is a young man; what should I say to him? He said that the Government does it by its own intuition. I do not know where that intuition comes from, when titles are given to brewers in our country! I may admit that that artist had some brain-wave or whatever you call it, but why titles are given in a country which swears by prohibition which swears by Gandhiji, to brewers? I can understand titles being given to capitalist or this, that and the other man but how can you give titles to brewers? Can there be two judgments in this in a country which swears by prohibition? This is not a judgment that comes from the your head. This is not a judgment that comes from your heart. This is a judgment that comes from your bellies, and we know what comes out of the bellies.

I have no objection to your rejecting the Bill. I will not want even a vote on it. You vote as you like, but tell you in a good cause there is no defeat. The world will know that when you talk of socialism when you talk of democracy, you are the greatest humbugs going, the most sanctimonious humbugs living in the world. You do many things that are against socialism, against democracy. This will be one more thing, and it may be, for aught I know, the last nail in your coffin.

With these words, I commnd this Bill for the acceptance of the house.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the abolition of the practice of conferring by the State decorations, such as Bharat Ratna, Padma Vibhnsnan, Padma Bhushan and Padma Shri, and for matters connected therewith, be taken into consideration."

The Lok Sabha divided:

Division No. 18

AYES

[17.23 hrs.

Abraham, Shri K. M.

Amjad Ali, Shri Sardar

Amat, Shri D.

Arumugam, Shri R. S.

Amin, Shri R. K.

Basu, Shri Jyotirmoy

Basu, Dr. Maitreyee	Menon, Shri Vishwanatha
Bhagaban Das, Shri	Modak, Shri B. K.
Bhanu Prakash Singh, Shri	Mody, Shri Piloo
Chakrapani, Shri C. K.	Mukerjee, Shrimati Sharda
Dandeker, Shri N.	Naidu, Shri Chengalraya
Daschowdhury, Shri B. K.	Nath Pai, Shri
Dass, Shri C.	Nayanar, Shri E. K.
Deo, Shri K. P. Singh	Nayar, Shrimati Shakuntla
Devgun, Shri Hardayal	Parmar, Shri Bhaljibhai
Dhandapani, Shri	Patel, Shri J. H.
Digamber Singh, Shri	Patodia, Shri D. N.
Esthose, Shri P. P.	Pramanik, Shri J. N.
Ghosh, Shri Ganesh	Ram Dhani Das, Shri
Gopalan, Shri A. K.	Ram Subhag Singh, Dr.
Goyal, Shri Shri Chand	Ranga, Shri
Guha, Shri Samar	Sarma, Shri A. T.
Gupta, Shri Kanwar Lal	Sen, Shri P. G.
Himatsingka, Shri	Sharma, Shri Beni Shanker
Jha, Shri Shiva Chandra	*Shashi Bhushan, Shri
Joshi, Shri S. M.	Shastri, Shri Prakash Vir
Kandappan, Shri S.	Shastri, Shri Raghuvir Singh
Katham, Shri B. N.	Sheo Narain, Shri
Kedaria, Shri C. M.	Singh, Shri D. N.
Kothari, Shri S. S.	Solanki, Shri S. M.
Kripalanl, Shri J. B.	Sondhi, Shri M. L.
Kripalani, Shrimati Sucheta	Tapuriab, Shri S. K.
Kundu, Shri S.	Thakur, Shri Gunanand

NOES

Achal Singh, Shri	Ghosh, Shri Parimal
Ahmed, Shri F. A.	Gohain, Shri C. C.
Azad, Shri Bhagwat Jha	*Gudadinni, Shri B. K.
Babunath Singh, Shri	Hanumantbhaiya, Shri
Bajpai, Shri Vidya Dhar	Hem Raj, Shri
Barupal, Shri P. L.	Iqbal Singh, Shri
Basumatari, Shri	Jadhav, Shri Tulshidas
Baswant, Shri	Jadhav, Shri V. N.
Besra, Shri S. C.	Jagjiwan Ram, Shri
Bhandare, Shri R. D.	Jamir, Shri S. C.
Bohra, Shri Onkarlal	Jamna Lal, Shri
Brahmanandji, Shri Swami	Kamble, Shri
Buta Singh, Shri	Karan Slogh, Dr.
Chanda, Shri Anil K.	Kasture, Shri A. S.
Chandrakar, Shri Chandulal	Kesri, Shri Sitaram
Chavan, Shri D. R.	Kinder Lal, Shri
Chavan, Shri Y. B.	Kotoki, Shri Liladhar
Dalbir Singh, Shri	Krishna, Shri M. R.
Damani, Shri S. R.	Krishnan, Shri G. Y.
Dasappa, Shri Tulsidas	Kureel, Shri B. N.
Deshmukh, Shri B. D.	Lalit Sen, Shri
Dhuleshwar Meena, Shri	Laskar, Shri N. R.
Dixit, Shri G. C.	Laxmi Bai, Shrimati
Gandhi, Shrimati Indira	Mahadeva Prasad, Dr.
Ganesh, Shri K. R.	Mahajan, Shri Yadav Shivram
Ganga Devi, Shrimati	Mahishi, Dr. Sarojini
Gautam, Shri C. D.	Mandal, Dr. P.
Gavit, Shri Tukaram	Mandal, Shri Yamuna Prasad
Ghosh, Shri P. K.	

*Wrongly voted for NOES.

Mane, Shri Shankarrao	Rao, Dr. V. K. R. V.
Marandi, Shri	Reddy, Shri Ganga
Mishra, Shri G. S.	Rohatgi, Shrimati Sushila
Misra, Shri S. N.	Roy, Shri Bishwanath
Mohan Swarup, Shri	Sadhu Ram, Shri
Muhammad Ismail, Shri M.	Salve, Shri N. K. P.
Muhammad Sheriff, Shri	Sankata Prasad, Dr.
Oraon, Shri Kartik	Sayeed, Shri P. M.
Pahadla, Shri Jagannath	Sethi, Shri P. C.
Pant, Shri K. C.	Shankaranand, Shri B.
Paokai Haokip, Shri	Sharma, Shri Naval Kishore
Parmar, Shri D. R.	Shastri, Shri Ramanand
Partap Singh, Shri	Sher Singh, Shri
Parthasarathy, Shri	Shinde, Shri Annasahib
Patil, Shri Deorao	Shiv Chandika Prasad, Shri
Patil, Shri S. B.	Shukla, Shri S. N.
Patil, Shri S. D.	Siddayya, Shri
Raghu Ramaiah, Shri	Sinha, Shri Mudrika
Ram, Shri T.	Sonar, Dr. A. G.
Ram Dhan, Shri	Sonavane, Shri
Ram Sewak, Chowdhary	Sudarsanam, Shri M.
Ram Swarup, Shri	Surendra Pal Singh, Shri
Ramshekhar Prasad Singh, Shri	Suryanarayana, Shri K.
Rana, Shri M. B.	Swaran Singh, Shri
Randhir Singh, Shri	Thakur, Shri P. R.
Rao, Shri Jaganath	Tiwary, Shri K. N.
Rao, Dr. M. L.	Ulkey, Shri M. G.
Rao, Shri K. Narayana	Virbhadra Singh, Shri
Rao, Shri Muthyal	Yadav, Shri Chandra Jeet

MR. CHAIRMAN : The result* of the division is : Ayes : 61; Noes : 115.

The motion was negatived

17.22 Hours.

CONSTITUTION (AMENDMENT) BILL

(AMENDMENT OF ARTICLES 32 AND 226)

MR. CHAIRMAN : The House will now take up the Constitution (Amendment) Bill by Shri Tenneti Viswanatham.

SHRI TENNETI VISWANATHAM (Visakhapatnam) : Sir, I beg to move :

"That the Bill further to amend the Constitution of India, as reported by Select Committee, be taken into consideration."

In so doing, I would like to say a few words in support of the Bill. When this Bill was first introduced, there was a discussion upon the general principles. Then it was referred to a Select Committee. The Government also supported its reference to Select Committee

The Bill has got a very limited purpose. Article 32 has a very unique clause, clause (1), a provision generally not found in other Constitutions. It says :

"The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed."

I want to lay particular emphasis on this portion. The fundamental rights are generally enumerated in many constitutions but it is only in our Constitution that it has been specifically stated that the right to move the Supreme Court for the enforcement of the fundamental right is itself a fundamental right. As justice Raja-

gopala Ayyangar has stated in one of the cases decided in 1964 :

".....once it is proved to the satisfaction of this court that by State action the fundamental right of a petitioner has been infringed it is not only the right but the duty of this Court under Art. 32 to afford relief to him by passing appropriate orders in that behalf. The right given to the citizens to move this Court under Art. 32 is itself a fundamental right and the same cannot be circumscribed or curtailed except as provided by the Constitution. It is inappropriate to equate the duty imposed on this Court to the powers of the Chancery Court in England or the equitable jurisdiction of the American Courts."

In England there is a Court of Chancery where there are discretionary remedies given because it has no written Constitution. In India the position is different. There is no question of discretion here. The rights are stated in the Constitution. The courts do not get any rights beyond what is stated in the Constitution and no one has got the right to curtail any of the rights given to the courts under this Constitution. Therefore, the attempt by certain judges to equate the discretionary jurisdiction of equity courts with the constitutional obligation of the courts in India is wrong. This is what justice Rajagopala Ayyangar says :

"It is inappropriate to equate the duty imposed on this Court to the powers of the Chancery Court in England or the equitable jurisdiction of the American Courts. A duty imposed by the Constitution cannot be compared with discretionary powers. Under Art. 32 the mandate of the Constitution is clear and unambiguous and that mandate has to be obeyed. It must be remembered, as emphasized by several decisions of this Court that this Court is charged by the Constitution with the special responsibility of protecting and

*The following Members also recorded their votes:—

AYES : Shrimati Suseela Gopalan and Sarvashri S. M. Banerjee, Mohammad Ismail and B. K. Gudadinni;

NOES : Shri Shashi Bhushan.