

11.16 hrs.

CONSTITUTION (THIRTY-NINTH)
AMENDMENT BILL*

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. Gokhale): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: Many Members wanted to oppose this. We had a ballot and the name of Shri P. G. Mavalankar came out. Shri Mavalankar.

SHRI P. G. MAVALANKAR: Ahmedabad): Mr. Speaker, Sir, I rise to oppose the introduction of the Constitution (Amendment) Bill which is sought to be moved by the Law Minister, Shri Gokhale.

MR. SPEAKER: Mr. Mavalankar, this is for opposing leave and not introduction. So, you oppose the leave to introduce.

SHRI P. G. MAVALANKAR: I oppose the leaves to introduce the Bill. Sir, this is a very serious business which the Law Minister wants to bring before the august House and it contains a number of dangerous ideas and incidental provisions which are completely contrary to both the letter and the spirit of the Constitution.

The memorandum which is circulated among the papers this morning with the signature of Shri Gokhale contains the following in the last paragraph:

"In view of the short duration of the current session and the need to get the bill passed in the current session itself, it is not possible to comply with the requirements under Direction 19B of the Speaker regarding circulation of copies of the Bill to Members two days prior to the introduction."

Sir, I feel that this Bill particularly is of such a gigantic nature with such serious and dangerous implications, that the Direction 19B given by your goodself should under no circumstances have been waived and that every Member of the House should have got an opportunity of two full days to find out the various implications and then come prepared to this House either to support or to oppose it.

Therefore I feel that it was very wrong for the Minister to have asked for waiving it. The Minister and his colleagues time and again tell us that it is an emergent session to transact governments urgent business. If they knew that they were going to bring this Bill, they should have brought it before us in good time and let it be circulated amongst us all so that it would enable us to study it properly. This is my first point.

Now if you look at the second paragraph in the same memorandum you will find the following I quote from the Minister's own statement

"The objective of the Bill is to make it clear that the satisfaction of the President, Governor or Administrator is not justiciable"

I further quote:

"To avoid unnecessary litigation in this behalf, it seems necessary to expressly provide in the Constitution that the satisfaction of the President, Governor and Administrator is final and conclusive and it cannot be questioned in any court."

Now, Sir, if you look to the constitutional provisions with regard to the emergency powers, the Minister himself mentioned all those Articles 123, 213, 239B, 352, 356, 359 and 360. Several of these Articles taken together constitute what are called emergency powers under the Constitution and naturally, the founding fathers of the Constitution had to

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put in the body of the Constitution itself a provision which would enable the executive Government to deal with the situation effectively and immediately if an emergency arose or if an internal disturbance was about to take place for which the executive Government had, in its possession, full and adequate and satisfactory evidence.

Now, Sir, my point is that if you remove the emergency powers for the time being from the body of the Constitution, you will agree that the Indian Constitution, of which we are rightly and legitimately proud, is one of the finest democratic Constitutions of the world. The founding fathers of the Constitution wanted India to be a sovereign democratic republic. They did not say merely sovereign republic. They also said sovereign 'democratic' republic. Sir, in the debates of the Constituent Assembly you will see, at one time the word used was 'independent' and not 'democratic'. The word 'independent', however, was sought to be replaced by the word 'democratic' because the word 'sovereign' implied independent. Therefore, they said India is constituted into a sovereign democratic republic and not just sovereign republic.

There is in our Constitution another phrase in the Preamble itself where they said: "We the people of India" and ultimately "we do hereby enact adopt and give to ourselves this Constitution." So the power springs from the people. Power is for the welfare of the people and power is accountable to the people. Power is there but it has to be used in conformity with the democratic principles as laid down in the subsequent pages of the Constitution for which the Preamble strikes the right note in the very beginning. A constitutional Government means a limited Government. It means that a democratic constitution puts limits on the powers of the executive. Now, if the limits on the powers of the executive are sought to be removed one by one, by this amendment or

that amendment or by this ordinance or that Act, then you make a nonsense of the whole Constitution itself. This is my first point. The founding fathers of the Constitution never thought or meant that the emergency powers would or should be so used as to destroy the very foundation or the entire edifice or the very basic structure of fundamental rights of the citizens of this free democratic republic.

If you look into the debate in the Constituent Assembly of India when the provision for emergency powers was being discussed you will find that several Members opposed it. If you see the debate in the Constituent Assembly of India dated August, 1949—I will only quote two Members—when this was discussed Shri H. V. Kamath and Prof. K. T. Shah vehemently opposed several provisions which were at that time sought to be introduced in the Constitution. For example, it is said, with which Parliamentary ratification of emergency was to be sought, was six months, but it was changed from six months to two months. Why? Because in the very nature of things an emergency can not be that long. It is short lived. It is serious and something very disturbing. Therefore, it should be for the shortest possible time and then one should go back to normalcy. I shall just quote one paragraph from Shri H. V. Kamath's speech.

He says:

"Before proceeding with these amendments. Sir, you will kindly permit me to make a few general observations on this very important Article 275. I have ransacked most of the constitutions of democratic countries of the world—monarchic or republican—I find no parallel to this chapter of emergency provisions in any of the other constitutions of democratic countries in the world."

This is what Shri H. V. Kamath said. A little later, Mr. Speaker, Sir, Prof.

[Shri P. G. Mavalankar]

K. T. Shah, on the same day, 2nd August 1949, had this to say when he was participating in the same debate. I am now quoting Prof. K. T. Shah.

"In the first place, Sir, the substitution of the term 'internal disturbance' for the original expression 'violence' fills me with deep concern and mis-giving. . . ."

Sir, how prophetic these words were* Unfortunately, these have come true today. I quote against Prof. K. T. Shah.

"These are terms not only very difficult to define, but the contrast, whatever may be the implication seems to me to suggest unjustifiable invasion of democratic freedom. The slightest disturbance, slightest fear of disturbance in the internal management of the State, so to say, or any part of it, may entitle the President to declare a State of Emergency and issue a Proclamation on that account."

Then, he says further:

"This, I think, is more serious and is brought out more prominently when we see the third part of the amendment, where it is not even the actual occurrence "that is sought to be guarded against, but even a possible danger of it. The mere apprehension of it in the minds of the executive is made good ground for a Proclamation of this kind to be issued. Now, I feel that this is utterly indistinguishable from the series of Ordinances which were issued in 1942, wherein not only the occurrence of commission of an act was made punishable, but even the likelihood of such an act being committed was made liable to action under the Ordinance. If this Government that we are constituting now, if the State that we are setting up under this Constitution, is not to be distin-

guishable for liberalism, for tolerance, for freedom of thought, and expression to the citizen, in any way from the preceding Government, except that the complexion of the rulers would be different, then I am afraid, we are not being true to the pledges that have been given to the people of this country, namely, that Swaraj would be real Ram Raj on this earth."

Therefore, Sir, my point is this. My Congress friends need not be unnecessarily impatient with me. I am concluding. My point is this. If these Emergency powers are now being used by the executive Government in such a way that by issuing Ordinances and by bringing out Constitution Amendment Bills, if the executive were to circumvent and circumscribe the constitutional provisions and desecrate both the letter and the spirit of the institution, then, I dare say and I say this with the utmost sincerity and will at my command that the founding fathers never meant, never intended, never wanted it to happen that the Emergency powers included in it should be used in the manner in which they are now being used. Please remember, these were included at a time when India was under all kinds of external and internal dangers at the time and infancy of India's freedom. When there are no real dangers and no real Emergencies, to use this letter of the constitution and by using the letter to desecrate. . . .

MR. SPEAKER: Please conclude.

SHRI P. G. MAVALANKAR: I am concluding.

To use the letter of the constitution and hereby desecrate spirit and contents is a terrible onslaught on Democratic functioning. This is a serious business. The bell should not have been rung. I must be allowed to complete my submissions. After all, the ruling party majority is there, and they will ultimately pass it. But, let me at least put on record what I

feel, and I ought to put it. I would also like to read out one last quotation. I would quote only one paragraph. This is from a book called "Indian Constitution: Cornerstone of a Nation" by Granville Austin. On page 214, this is what he said:

"These two Articles, now commonly referred to as 'President's Rule' were not opposed on the floor of the Assembly by any of its ranking members. Other members, however, condemned the provisions as 'far too sweeping', thus 'reducing provincial autonomy to a farce'.

"Perhaps, the most colourful objections came from H. V. Kamath, who informed the Assembly that he foresaw the possible end of democracy in India in the form of a Hitler-like takeover by the Union Government."

"'therewise' . . . is a diabolical word in this context', he said, and I pray to God that it will be deleted from this article. P. S. Deshmukh believed that bestowing such powers on the President was both impractical and unfederal because it placed too great a burden upon Parliament and gave the President authority to override 'at his own sweet will' the provisions of the Constitution itself."

Therefore, I want to say this in conclusion about all these provisions which the Law Minister is now bringing forward in this Bill when he says that the President or the Governor or the Administrator, is satisfied, the satisfaction is definite, final and not justiciable, is that democracy? If an executive head says 'I am satisfied', who is to find out that he is satisfied genuinely, correctly and realistically? That satisfaction must be for somebody to look into and that somebody is the Supreme Court. Therefore, if by this amendment the Supreme Court is sought to be made powerless and ineffective

and if it cannot go into the question of the executives' satisfaction", I feel that this expression, 'the satisfaction . . . shall be final and conclusive, is the end of democracy not only in letter but in spirit as well.

One final word. Look at the tendency of the executive. I am sorry for my esteemed friend, Shri Gokhale. In his statement, he says:

"To avoid unnecessary litigation.."

Further, he says in the printed statement of objects and reasons attached to the Bill—I want to read that also:

"...there is no doubt that the satisfaction mentioned in these articles is subjective satisfaction..."

There is no doubt, he himself says, that the President's satisfaction is subjective satisfaction. A little later, he says again, that so much of public time and money and energy are wasted if the matters go to the court. If people, citizens, go to a court to challenge an executive order and test whether it is *bona fide* or *mala fide*, if going to court and asking for justice is waste of public money, public funds according to the Minister himself as he says in the statement of objects and reasons, then why not wind up this Parliament as well? The Minister can very well agree that this Parliament itself is a waste of public money and public funds! Why not wind it up also? Of course, Government are already on the way to winding it up?

But I request the Government: please respect the letter as well as the spirit of the Constitution. Respect it, if you have any respect left for the founding fathers of the Constitution of India.

It is on these grounds that I vehemently and totally oppose this monstrous and dangerous Bill which is sought to be placed before the House by the Minister.

SHRI H. R. GOKHALE: I will remain within the ambit of the rules and makes a very brief reply.

The hon. member has spoken as if he was participating in the debate on the consideration of the Bill. To my mind, with all respect to the hon. member, so many of the things which he said are absolutely irrelevant at this stage. But with only a few of them I will deal and make a reply as briefly as possible. If the statement of objects and reasons appended to the Bill is read carefully . . .

MR. SPEAKER: About the irrelevancy, these people are not here who were here 27 years back

SHRI H. R. GOKHALE: I am obliged to you. In fact, two years back, they wanted this to be non-justiciable. That is why these articles have been provided; in spite of what other members may have said in the Constituent Assembly, the Constituent Assembly still accepted that the satisfaction should be of the President and the declaration should be made by him, and although it appears that there are several articles which are referred to in the proposed amendment, all of them relate to the same subject matter where in their wisdom the founding fathers themselves thought that there are matters which cannot be subject to judicial scrutiny and must be left to political judgment.

SHRI ERASMO DE SEQUEIRA (Marmagoa): Why not leave the Constitution as it is?

SHRI H. R. GOKHALE I do not want to quote any judgement just now with regard to the power to promulgate Ordinances on civil or other matters. There have been verdicts of the courts where they have said that these are matters of a political nature and not justiciable. Still in innumerable cases in the High Courts

and in the Supreme Court, the same question is being raised over and over again. There might be some doubt in the minds of some people who go to court, although there is no doubt in my mind. To clarify that position, this Bill has been brought forward. This is the sole object of the Bill.

I do not see how at the introduction stage it can be opposed.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India".

The Lok Sabha divided:

Division No 2] [11 38 hrs

AYES

Agha, Shri Syed Ahmed
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri O V.
 Ankineedu, Shri Maganti
 Appalanaidu, Shri
 Awdhesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Balakrishnan, Shri K.
 Balakrishniah, Shri T.
 Banamali Babu, Shri
 Banerjee, Shri S. M.
 Banerjee, Shrimati Mukul
 Barman, Shri R. N.
 Basappa, Shri K.
 Basumatari, Shri D.
 Bhagat, Shri H. K. L.
 Bhargava, Shri Basheshwer Nath
 Bist, Shri Narendra Singh
 Brahmanandji, Shri Swarni
 Buta Singh, Shri

Chakleshwar Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrappan, Shri C. K.
 Chandrika Prasad, Shri
 Chaudhari, Shri Amarsinh
 Chavan, Shri Yeshwantrao
 Chhatten Lal, Shri
 Chikkalingaiah, Shri K.
 Daga, Shri M. C.
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Daschowdhury, Shri B. K.
 Deo, Shri S. N. Singh
 Deshmukh, Shri Shivaji Rao S.
 Deshpande, Shrimati Roza
 Dhamankar, Shri
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi Shri Nageshwar
 Engti, Shri Biren
 Gaekwad, Shri Fatesinghrao
 Ganesh, Shri K. R.
 Gangadeb, Shri. P.
 Gavit, Shri T. H.
 Ghosh, Shri P. K.
 Gill Shri Mohinder Singh
 Gogoi, Shri Tarun
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.

Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Annasaheb
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Ishaque, Shri A. K. M.
 Ismail Hossain Khan, Shri
 Jadeja, Shri D. P.
 Jaffer Sharief, Shri C. K.
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.
 Jayalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jharkhande Rai, Shri
 Jitendra Prasad, Shri
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kakoti, Shri Robin
 Kale, Shri
 Kamakshaiah, Shri D.
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Krishnan, Shri G. Y.
 Krishnan, Shrimati Parvathi
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja

Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Balfyar, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malhotra, Shri Inder J.
Mandal, Shri Jagdish Narain
Manhar, Shri Bhagatram
Manoharan, Shri K.
Marak, Shri K.
Maurya, Shri B. P.
Mehta, Dr. Jivraj
Mehta, Dr. Mahipatray
Mirdha, Shri Nathu Ram
Mishra, Shri G. S.
Modi, Shri Shrikishan
Mohsin, Shri F. H.
Munshi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Nanda, Shri G. L.
Negi Shri Partap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar

Pandey, Shri Tarkeshwar
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Prabhudas
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri T. A.
Peje, Shri S. L.
Prabodh Chandra, Shri
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Ram

Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Reddy, Shri Y. Eswara
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Sa'pathy, Shri Devendra
 Savant, Shri Shankerrao
 Sen. Dr. Ranen
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Sharma, Shri A. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Sashi Bhushan Shri
 Shastri, Shri Biswanarayan
 Shenoy, Shri P. R.
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivappa, Shri N.
 Shivnath Singh, Shri
 Shukla, Shri B. R.

Siddheshwar Prasad, Prof.
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Tarodekar, Shri V. B.
 Thakre, Shri S. B.
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Uikey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Verma, Shri Balgovind
 Vidyalankar, Shri Amarnath
 Vijay Pal Singh, Shri
 Vikal, Shri Ram Chandra
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri Karan Singh
 Yadav, Shri R. P.

NOES

Bade, Shri R. V.
 Berwa, Shri Onkar Lal
 Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri Jagdish
 Bhattacharyya, Shri S. P.
 Brahman, Shri Rattanlal
 Chatterjee, Shri Somnath
 Chaudhuri, Shri Tridib
 Chavda, Shri K. S.
 Chinnaraji, Shri C. K.
 Chowhan, Shri Bharat Singh

Das, Shri R. P.
Deb, Shri Dasaratha
Deiveekan, Shri
Deo, Shri P. K.
Deo, Shri R. R. Singh
Dhandapani, Shri C. T.
Dharia, Shri Mohan
Dhote, Shri Jambuwant
Durairasu, Shri A.

George, Shri Varkey
Goswami, Shrimati Bibha Gosh
Gowder, Shri J. Matha
Haldar, Shri Madhuryya
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Horo, Shri N. E.
Joarder, Shri Dinesh
Joseph, Shri M. M.
Joshi, Shri Jagannathrao
Kalingarayar, Shri Mohanraj
Kiruttinan, Shri Tha
Krishnan, Shri E. R.
Krishnan, Shri M. K.

Lakshmikanthamma, Shrimati T.
Mavalankar, Shri P. G.
Mayavan, Shri V.
Mehta, Shri P. M.
Modak, Shri Vijoy

Mukherjee, Shri Samar
Mukherjee, Shri Saroj
Nayak, Shri Baksi
Parmar, Shri Bhaljibhai
Patel, Shri H. M.
Patel, Kumari Maniben
Patel, Shri Nanubhai N.
Pillai, Shri R. Balakrishna
Ram Deo Singh, Shri
Ram Hedao, Shri
Ramkanwar, Shri
Reddy, Shri B. N.
Roy, Dr. Saradish
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Saksena, Prof. S. L.
Sen, Dr. Ranen
Sequeira, Shri Erasmo de
Shastri, Shri Shiv Kumar
Singh, Shri D. N.
Sivasamy, Shri M. S.
Subravelu, Shri
Wlaganambi, Shri R. P.
Veeriah, Shri K.

Mr. SPEAKER: The result of the
Division is:

Ayes : 244; Noes : 63.

The Ayes have it: The motion is
carried.

The motion was adopted.

*The following Members also recorded their votes:

AYES: Sarvashri Yamuna Prasad Mandal and Dhan Shah Pradhan;

NOES: Sarvashri Surendra Mohanty, S. A. Shamim and Mohammad
Ismail.

33 *Sty. Res. re Approval ASADHA 31, 1987 (SAKA) Sty. Res. re Approval of 34*
of Proclamation of *Proclamation of Emergency*
Emergency

SHRI H. R. GOKHALE: Sir, I introduce† the Bill.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I would like to make an announcement in this connection. As mentioned in the Business Advisory Committee, this Constitution Amendment Bill will be taken up tomorrow after the Resolution which is under discussion today is completed and we will have to finish it by 3.00 P.M. tomorrow.

MR SPEAKER: This Constitution Amendment Bill will be taken up tomorrow and we have to finish it by 3 00 PM tomorrow. That is the Business Advisory Committee's decision which has already been conveyed.

FINANCE (AMENDMENT) BILL*

THE MINISTER OF FINANCE (SHRI C. SUBRAMANIAM): I beg to move for leave to introduce a Bill to amend the Finance Act, 1975

MR SPEAKER: The question is:

That leave be granted to introduce a Bill to amend the Finance Act, 1975."

The motion was adopted.

SHRI C. SUBRAMANIAM: Sir, I introduce† the Bill.

11.38 hrs.

STATUTORY RESOLUTION RE. APPROVAL OF PROCLAMATION OF EMERGENCY—Contd.

MR. SPEAKER: Let us continue the discussion on the Resolution moved by Shri Jagjivan Ram yesterday.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta—South): Mr. Speaker,

Sir, I support the motion moved by the hon. Minister, Shri Jagjivan Ram, yesterday with regard to the Proclamation of Emergency. If we try to analyse the reason for which the application of Article 352 of Indian Constitution became necessary we will certainly find that the reason applied thereon, that is about the threat to our internal security including independence of the country, was evidently clear. Sir, this country after independence on the 15th August, 1947, when it started its first journey under the leadership of Pandit Jawaharlal Nehru, Shri Jawaharlal Nehru in his first speech on the 15th August, 1947, said that this country would have to carry many more burdens but it should not feel at any moment or it should not hesitate at any moment to keep the country united and to take the people for the country's progress, and if any changes might be needed, whether in the Constitution or outside, we should have to carry them out.

11.40 hrs.

[**SHRI VASANT SATHE** in the Chair].

I am not going to speak about the proposals which I would like to make, or which should come in this session, or about the amendment of the Constitution, but I shall certainly deal with matters connected with the emergency.

If I am not mistaken, the main instruments for the functioning of democracy are, firstly, the electorate or the people; secondly, Parliament or the Assembly; thirdly, the newspaper; fourthly the judiciary and, fifthly, administration or the executive.

I will begin with the people or the electorate. You will certainly find

†Introduced with the recommendation of the President.

*Published in Gazette of India Extraordinary Part II, section 2, dated 22-7-75.