

MR. SPEAKER : Now, Shri Piloo Mody.
The hon. Member is absent.

श्री अटल बिहारी वाजपेयी (ग्वालियर) :
अध्यक्ष महोदय, मैं आपसे दूसरी बात कह रहा
हूँ।

एक सम्मानित सदस्य ने यह आपत्ति की
है कि इस विधेयक पर विचार करना सदन की
कानूनी क्षमता के अन्तर्गत नहीं है। मेरा निवेदन
है कि आप इस पर पूरी चर्चा का मौका दें।

आप नियम देख लीजिए :

"Provided that where a motion is opposed
on the ground that the Bill initiates legisla-
tion outside the legislative competence of
the House, the Speaker may permit a full
discussion thereon."

क्या आप इस विधेयक पर चर्चा करने के
हमारे अधिकार को कुंठित करना चाहते हैं ?

MR. SPEAKER : 'May.'

श्री अटल बिहारी वाजपेयी : मेरा आपसे
निवेदन है कि आप चर्चा करने का मौका दें।
यह बड़ा महत्वपूर्ण विधेयक है। हर तरह का
पहलू इस विधेयक पर चर्चा में सामने आना
चाहिए। आप चर्चा का मौका देंगे तो मैं भी
अपनी बात कहूँगा।

MR. SPEAKER : I have been studying
this aspect of the question and I am satisfied
that there is competence.

श्री अटल बिहारी वाजपेयी : क्या आप
चर्चा का अधिकार नहीं देना चाहते हैं ?

MR. SPEAKER : No, No.

श्री अटल बिहारी वाजपेयी : आपके निर्णय
के खिलाफ हम को सदन से बाहर जाना पड़ेगा।
...(व्यवधान)... करने से कैसे रोक सकते हैं ?
क्या आप यह समझते हैं कि विषय महत्वपूर्ण
नहीं है।

MR. SPEAKER : I did not get any inti-
mation from him.

श्री अटल बिहारी वाजपेयी : मैंने पहले पक्षों
आप को लिख कर भेजी या नहीं, यह सवाल नहीं
है। अब जब एक मेम्बर ने आपत्ति कर दी है
तो आप सदन को चर्चा करने का मौका दे सकते
हैं। इस विधेयक में कई पहलू हैं। यह जरूरी
नहीं है कि माननीय पी० के० देव ने जो कहा है
मैं उससे सहमत हूँ। मुझे अपने विचार रखने का
अधिकार होना चाहिए। अध्यक्ष महोदय, यह
विधेयक पास किया जाय इस के लिए सत्तारूढ़
दल की मैं जल्दबाजी समझ सकता हूँ। मगर
आप चर्चा करने का मौका नहीं देना चाहते।

MR. SPEAKER : He did not oppose on
this ground.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय,
अगर आप चर्चा का मौका नहीं दे रहे हैं तो हम
सदन के बाहर जा रहे हैं।

SHRI S. A. SHAMIM : I have a sub-
mission to make.

MR. SPEAKER : The question is ..

[*Shri Atal Bihari Vajpayee and some
other hon. members then left
the House*]

MR. SPEAKER : The question is :

"That leave be granted to introduce a
Bill further to amend the Constitution of
India—that is, the Constitution (Twenty-
fourth Amendment) Bill."

The motion was adopted.

SHRI H. R. GOKHALE : I introduce
the Bill.

13.24 hrs.

CONSTITUTION (TWENTY-FIFTH
AMENDMENT) BILL*

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

MR. SPEAKER : Motion moved :

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

SHRI P. K. DEO (Kalahandi) : I oppose the Bill. My notice was earlier.

MR. SPEAKER : I am not allowing any member who has not sent his chit to me in time. Shri Frank Anthony.

SHRI K. NARAYANA RAO (Babbili) : We want to participate in opposition to the point of order raised. So there is no question of chit there.

PROF. MADHU DANDAVATE (Rajapur) : I fully support this radical measure. I had written to you already that I wish to raise a point of order.

MR. SPEAKER : His is a point of order.

PROF. MADHU DANDAVATE : Yes. First, let me make it very clear that I fully support this radical measure that has been brought forward. At the same time, I have a point of order regarding the procedure. In the very first session of this Lok Sabha, on 2 April, I had introduced a Constitution Amendment Bill seeking to amend Article 368 and restoring to Parliament its sovereign right to amend any part of the Constitution including that of fundamental rights.

MR. SPEAKER : That Bill has already been introduced.

PROF. MADHU DANDAVATE : I had sent a written note to you. I also got up. I could not catch your eye. In the humdrum of the Maharaja's speech, I could not catch your eye.

MR. SPEAKER : I rule out his point of order.

PROF. MADHU DANDAVATE : My point of order is regarding the further procedure.

MR. SPEAKER : I have seen every aspect of it. I do not accept his point of order.

PROF. MADHU DANDAVATE : Let me clarify my position.

MR. SPEAKER : Even before this, I have looked into every aspect.

PROF. MADHU DANDAVATE : It is for future guidance that I am raising it.

SHRI D. D. DESAI (Kaira) : Sir, I raise a point of order.

PROF. MADHU DANDAVATE : Sir, I am not one of those who violate any rules. I had written to you earlier, and sent it to you.

MR. SPEAKER : I do not accept that. Please sit down.

PROF. MADHU DANDAVATE : Before it had been introduced, I get up. I had sent to you a note for future consideration, I would like to raise this point. I am raising it for future guidance ; it is a general procedure, it is immaterial at what stage it is raised. It has yet to be considered.. I am raising this for future guidance, so that—

MR. SPEAKER : You can do it later on. I am not allowing this point of order, because I have studied it.

PROF. MADHU DANDAVATE : If you say I cannot raise the matter now, I will sit down, but I am not one of those Members who impose themselves on the House or on the Speaker. This is a very important issue. The matter is yet to be given consideration, and therefore, I am raising the point.

MR. SPEAKER : I said I do not allow it.

PROF. MADHU DANDAVATE : Then, with great regret, I will have to resume my seat, but I am not one of those who violate any rules. The Bill is yet to come up for consideration, and what I am now asking is—

MR. SPEAKER : I do not allow it.

PROF. MADHU DANDAVATE : Those who are opposing the Bill are also waiting to raise points of order.

SHRI SAMAR GUHA (Contai) : Sir, how is it that my hon friend is being stopped from making his point of order ? (*Interruption*) He is making an important point. Please listen to him.

PROF. MADHU DANDAVATE : I had already sent a note.

MR. SPEAKER : May I request you to please sit down ?

PROF. MADHU DANDAVATE : If you do not allow me, I have to resume my seat.

SHRI S. A. SHAMIM (Srinagar) : He says he had sent you a chit before the Bill was introduced. (*Interruption*)

MR. SPEAKER : Will you all kindly sit down ?

PROF. MADHU DANDAVATE : I will take my seat. But before the Bill was introduced, I sent to you a chit. You were not able to hear our voice at all when the Maharaja was shouting here...

MR. SPEAKER : Will you sit down or not ? Please sit down.

PROF. MADHU DANDAVATE : This is not regarding introduction. This is regarding consideration. Before it comes up for consideration, for the Speaker's guidance, I will make some points.

MR. SPEAKER : Please sit down.

SHRI SAMAR GUHA : He is making a very important point. The introduction would be illegal. My hon. friend has intimated to you about a very important point which he wished to raise on the floor of the House. The Bill is already before the House. The Bill cannot be introduced ; he has written to you earlier. You will show some justice to him.

MR. SPEAKER : I am not allowing it.

SHRI SAMAR GUHA : It is all strange. This is not fair ; it is very unfair.

MR. SPEAKER : Will you resume your seats please ?

PROF. MADHU DANDAVATE : I seek a clarification from you as to the stage at which I can raise this point. I only wish to have a clarification from you, at what stage of consideration, I can raise this point.

MR. SPEAKER : I will see to it. Now, Shri Frank Anthony.

SHRI D. D. DESAI : When it is conceded that this Parliament is born out of the Constitution, can the child change the mother ?

MR. SPEAKER : What a funny thing ? (*Interruption*) Please sit down. What is wrong with all of you ? Why can't you allow the hon. Member to speak ? Yes, Mr. Anthony.

SHRI FRANK ANTHONY (Nominated-Anglo-Indians) : Mr. Speaker, Sir, I had advisedly not given notice of my intention to oppose the motion for leave in regard to the Constitution (Twenty-fourth Amendment) Bill, because, quite frankly, under certain circumstances. . . (*Interruption*)

Some Hon. Members *rose*—

SHRI FRANK ANTHONY : Will you please listen to me and try to understand ?

MR. SPEAKER : May I request you all not to interrupt please ? Why don't you listen ? He is a most honourable Member and a very old Member of this House.

AN HON. MEMBER : Old and nominated. (*Interruption*)

SHRI FRANK ANTHONY : I have heard these cheap jibes.

**

As I said, advisedly I did not do it because, with certain limitations and with certain effective brakes, I would be prepared to support a move to give Parliament the power to amend the Constitution.

The only difficulty I envisage is this, that even if this is carried, you must remember

**Expunged as ordered by the Chair— vide Col. 304.

the Golaknath case judgment. I am not going to read it; I am only referring to headnote E where the then Chief Justice Hidayatullah, speaking on behalf of the majority said that Parliament could not arrogate to itself powers to amend the Constitution by amending article 368. What is going to happen is clear. I may not agree with the Golaknath judgment; I am positing *ex facie* that this judgment holding the field, what we are seeking to do is palpably against the majority judgment and according to the well-known doctrine of my friend is an eminent lawyer—*stare decisis*, it means that there is going to be a conflict between what the majority in this House may do and the majority decision of the Supreme Court. Be that as it may, my own view is that perhaps it would have been much better if we had sought a review of the judgment from the Supreme Court. My objection is to the 25th Amendment Bill.

Why? I say this with great respect. I do not know whether many members have studied the implications. They have taken the opportunity, assuming that you will get power, by amending articles 368 and 13, to amend the Fundamental Rights. You have taken the power not only to amend article 31; you have taken the power to extinguish property rights, to institutionalise expropriation. My greater grievance is this: you have also taken the power to efface articles 14 and 19, although they do not have much content already. But my greatest grievance is this—I do not know whether my hon. friend can assure us, though assurances these days do not amount to much—you have in effect effaced the most cherished Fundamental Rights of the minorities.

I am going to make my submission very briefly. You know that the framers of the Constitution advisedly posited a separate chapter, Chapter III, Fundamental Rights. They advisedly used the word 'fundamental.' It was done deliberately to demarcate that chapter from the rest of the Constitution, to underline their fundamental character. As the Supreme Court has said and as common sense would affirm, fundamental means fundamental. Those rights in Chapter III are transcendental... (Interruptions)

As a very famous former Chief Justice of India said, the Supreme Court had been enjoined under article 32 to be the sentinel *qui vive*—I am postulating certain fundamental

maxims—against the power hungry, lawless politicians. That was the duty remitted in the Constitution to the Supreme Court. We have certain fundamental freedoms; they are cherished freedoms; they are the seven freedoms posited in article 19.

The Law Minister knows that they are not absolute; they are qualified and are subject to reasonable restrictions. Because of that Government could introduce zamindari abolition. I may have argued on behalf of zamindari. You were able to abolish zamindari... (Interruptions)

SHRI AMRIT NAHATA (Barmer): Sir, I rise on a point of order. The introduction of the Bill is sought to be opposed on the ground that it is beyond the legislative competence of this House. I fail to understand any argument of the hon. Member here to show that this is beyond the legislative competence of the House. He is going into the merits of the case and opposing the Bill as such.

MR. SPEAKER: Let him complete it.

SHRI FRANK ANTHONY: I say with great respect to my hon. friend, I do not know what his credentials are. (Interruption)

SHRI BHAGWAT JHA AZAD (Bhagalpur): He is an elected Member of the House.

SHRI FRANK ANTHONY: If you had listened carefully, I started by saying that the Chief Justice in that judgment, speaking on behalf of the majority, said, you will find it, I do not know whether my friends know what I am talking about, in the headnote "E" of the Golaknath case judgment, that Parliament cannot purport to arrogate to itself the power which it is seeking to do in the Twenty-fourth Amendment. This is only a consequential amendment to amend article 38. So, I say *ex facie* you have not got the legislative and constitutional power.

SHRI AMRIT NAHATA: The Twenty-fourth Amendment has already been introduced.

SHRI FRANK ANTHONY: We have these fundamental freedoms. They were there. They were already qualified. The framers in their wisdom qualified all these seven fundamental freedoms. You could abolish zamindari. You could even impose restriction on

[Shri Frank Anthony]

rural holding. Nobody dared do it because they were afraid of losing the votes of the predominant rural population.

So far as the new article 31 (2) is concerned you may have a look at it, it is more or less a reproduction of the previous one, *i.e.*, that property may be acquired for a public purpose and by authority of law. I might not, as a lawyer, have too much objection to that because you have the brake, you have the fetter, of a public purpose. So, no authority will be able to acquire property unless it satisfies the competent court that it is doing it for a public purpose. And now we have plenty of precedents. The expression "public purpose" has now assumed the form of a legal term of art almost. So, we know that it can be struck down if you purport under colourable legislation to acquire for a public purpose, and the court says, "No, this is not a public purpose."

But now what have you gone and done? Of course, you also have this. Even that I do not mind. I think the Government might have been a little more forthright in this matter. You have said the amount may not be given in cash. If now you satisfy the court that it is for a public purpose, you take a Rs. 30 lakh property, you give the equivalent of Rs. 30; you need not give it in cash, you may give it in bonds encashable 30 years from now. Be that as it may, once you satisfy the court that it is a public property, it is expropriation *simpliciter*.

My greatest objection is to article 31C. In my respectful submission, if you hark back to your past as a lawyer and analyse it, you will find that 31C is a monstrous provision. It subverts the whole basic fundamental character of the Constitution. What are you saying?—that merely is a legislature declare that certain things are being done, property is being taken, in pursuance of Directive Principles in articles 39(b) and 39(c),—I am not concerned so much with 39(c) but with 39(b)—if you merely declare that you are taking all this property, the resources of anybody, to subserve the common good, the jurisdiction of the court is ousted.

What you are doing is this. At present you have the brake or the fetter of a public

purpose. Now you are giving complete licence to any legislature to expropriate. It is licence. I take it that it can be colourable. At present if the courts say when you use the term "public purpose" that it is colourable, they strike it down. Here you are giving a blanket power, a licence, merely by an *ipse dixit*, to my legislature deliberately, dishonestly, to bring a measure within article 39(c) to expropriate. What is article 39(c)? You, as a lawyer will understand it. Look at article 39(c). It is vague; it is amorphous; it is sweeping. Any expropriatory measure can be declared to be within the ambit of article 39 (b). Let me illustrate it from two cases I have argued in the Supreme Court.

MR. SPEAKER : He should conclude now.

SHRI FRANK ANTHONY : I am coming to my last point. Let me finish. The whole matter is open. I am now coming to the position how you are going to completely destroy minority rights. The Prime Minister is sitting there. I do not think she knows the legal implications of it. She has given an assurance to the minorities that their fundamental rights will not be touched.

I had argued a series of cow-slaughter cases. I have conceded the cow in concession to Hindu sentiment, but how did I get in the first case the Supreme Court to strike it down? Government argued that because of Directive Principles, we are there to preserve and protect animal husbandry. The Supreme Court said, Directive Principles will not supersede the fundamental rights of the Muslim butchers. Now what will you do? (*Interruptions*). The States which sought to drive the Muslims out of their profession will re-activate that legislation by merely invoking the dishonest incantation of article 39(b), that in order to preserve the cattle wealth of India, in order to protect it and redistribute it, you will overnight re-activate that legislation, with the result that all your tens of thousands of Muslim beef butchers will be thrown out on the streets. (*Interruptions*). I am giving you an example. Let me give you another example.

MR. SPEAKER : Will you conclude now?

SHRI FRANK ANTHONY : I am finishing, but they are shouting.

SHRI S. A. SHAMIM : On a point of order. Sir. If the hon. Member is discussing the legislative competence, there should be a full debate. (*Interruptions*).

SHRI AMRIT NAHATA : He is following the same old policy of divide and rule (*Interruptions*).

SHRI FRANK ANTHONY : I do not know what he says—some cheap jibe.

MR. SPEAKER : You need not too much details. Two or three minutes would have sufficed. Please conclude now.

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): We have been listening with great respect and great restraint to Mr. Frank Anthony. But he has misused his right of expression....**

Saying 'cheap jibe'. I request that both these words should be expunged. It is an insult to the electorate which sent each one of us here. It is an insult to the people of India.

SHRI FRANK ANTHONY : Mr. Speaker, I said 'cheap jibes'...(Interruptions)

MR. SPEAKER : I think you have taken a lot of time. Please conclude now.

DR. HENRY AUSTIN (Ernakulam) : He cannot champion the cause of the minorities.

SHRI S. A. SHAMIM : He has no right to speak about the Muslims... (*Interruptions*)

MR. SPEAKER : May I request him to finish in half a minute ?

SHRI R. S. PANDEY (Rajnandgaon) : Sir, I rise on a point of order. The question before the House is whether the House is competent enough to amend the fundamental rights, on which Shri Gokhale has moved a Bill. The hon. Member is a professional practising lawyer. As a lawyer he is creating a rift between Parliament and the Supreme Court. He is quoting cases about Muslims and cow slaughter.** (*Interruptions*). He is a nominated Member. Why was such a

Member nominated ? He is practising in the Supreme Court and he is siding the Supreme Court...(Interruptions)

MR. SPEAKER : I would request the hon. Member not to go too much into the details.

SHRI FRANK ANTHONY : I want to make one more point and that is most vital. I just indicated how you are going to efface certain minority rights. I am going to show you in two minutes...

MR. SPEAKER : In half a minute.

SHRI FRANK ANTHONY : No, in two minutes I will show it to you..... (*Interruptions*) Sir, I want your protection. What is going to be the effect on articles 26 and 30 ? (*Interruptions*) Here you have your answer.

SHRI R. S. PANDEY : The people are more fundamental, the poor people, than you**

SHRI K. S. CHAVDA (Patan) : Sir, we have got a right to hear the hon. Member but we are not able to do so because of interruptions.

SHRI FRANK ANTHONY : I am showing to you that article 31(c) will efface the most cherished fundamental rights of the minorities under articles 26 and 30. When I argued the Kerala Education Bill case on behalf of the minority schools—in that Bill by clauses 14 and 15 the Communist Government sought to expropriate minority institutions—they said that it was in pursuance of the Directive Principles. But the Supreme Court said "No, you cannot expropriate the Christian and Anglo-Indian schools in the name of Directive Principles". Now what are you going to do ? The communalists will reactivate..... (*Interruptions*)

MR. SPEAKER : He wanted only two minutes and by now he would have finished but for the interruptions. The interruptions make him prolong his speech. Mr. Frank Anthony may I request you that instead of making controversial remarks why don't you straightway say I oppose on this ground.

**Expunged as ordered by the Chair— vide Col 304.

SHRI C. M. STEPHEN (Muvattupuzha) : Mr. Speaker, Sir, I demand that I be heard on the point of order I am raising. My point of order is under Rule 72. I have been listening with utmost deference to the submissions Mr. Frank Anthony has been making. I tried to give maximum latitude to the digressions he indulged in but there must be a limit to the extent to which he could stray away from the limits of speech which are prescribed under the rules of procedure. There are only two short questions before the House—one is whether the Member opposes the Bill; second, whether his opposition is on the basis that the Bill is beyond the legislative competence of the House. If he is opposing the Bill he cannot raise his arguments on the basis of the merits of Bill. Arguments can be only on a technical ground which he has not raised. As for the legislative competence it is clearly considered that we are seeking to amend fundamental rights. No argument is necessary to show that. If the Member is attempting to say that this proposal runs contrary to the ruling of the Supreme Court that will be a permissible observation but to proceed to the merits and to say that the amendment of fundamental rights would be devastating in different respects is not permissible at this stage. So, my point of order is that the Member must be restrained and be ordered to stay within the limits permissible at this stage.

MR. SPEAKER : Mr. Stephens, will you please finish now? Your point of order is perfectly valid. Are you satisfied, Mr. Stephens?

SHRI R. D. BHANDARE (Bombay Central) : Sir, under Rule 380 I am raising a point of order. Sir, that reference that has been made by the hon. Member, Shri Frank Anthony, must be deleted from the record. Sentiments of minority under the name of minority raise communalism. Therefore, it should be deleted. I did not interrupt the hon. Member because I wanted to hear him and give him complete latitude. You can refer to the record and delete it so that it may not get published. (*Interruption*)

MR. SPEAKER : What he was quoting was the decision and the arguments put in the court which are there on record.

SHRI R. D. BHANDARE : If it deals with the communal aspect.

MR. SPEAKER : May I appeal to the very distinguished and illustrious lawyer to have some patience and let him finish. He will finish in one minute.

SHRI FRANK ANTHONY : In the Kerala Education Bill case I got the Supreme Court to say that no authority could expropriate minority educational institutions in the name of the Directive Principles. Under article 39(b), all that you say is that you are going to expropriate all the educational resources in order to redistribute them and you expropriate all the Anglo-Indian schools, Christian schools, Muslim schools, Sikh schools (*Interruptions*). Article 30 will be denuded of all content because of the new article 31C. Article 26 gives me the right to establish religious charitable institutions. All that they have to say is that because of articles 39(b) they want to redistribute the wealth to the poor people and, therefore, all the religious charitable institutions can be completely expropriated and no amount paid; they may give Rs. 30 in lieu of Rs. 30 lakhs in bonds encashable in 30 years.

SHRI RAJ BAHADUR : Sir, I would like to know whether you have expunged the objectionable words that were used by him.

SHRI FRANK ANTHONY : Which words did I use?

SHRI RAJ BAHADUR : You used ** You used 'cheap jibes'.

SHRI FRANK ANTHONY : You were joking about me as a nominated Member. I have much more representative capacity** (*Interruption*)

MR. SPEAKER : Even if he has quoted from his arguments or from decisions, which I am not very certain about, in deference to the wishes of the majority of the House that they feel hurt over it, that particular portion will be deleted.

SHRI G. VISHWANATHAN (Wandiwash) : Which portion?

**Expunged as ordered by the Chair.

MR. SPEAKER : About the Muslim butchers.

SHRI FRANK ANTHONY : What for? Why? I say that you would be destroying the Muslim butchers. You are going to destroy the Sikhs, the Anglo-Indians, the Christians and all our rights. That is what you are going to do.

MR. SPEAKER : I resent it the way you are doing it.

SHRI FRANK ANTHONY : You are going to destroy all the minorities, not only the Muslims.

MR. SPEAKER : I am going to delete that particular part.

SHRI SHYAMNANDAN MISHRA (Begusarai) : You cannot expunge anything just like that. You have to follow the Rules. What is objectionable in that?

SHRI FRANK ANTHONY : You do not like the truth. I tell you, your legislation will be used for destroying the minorities.

SHRI SHYAMNANDAN MISHRA : Do not surrender to the ruling party.

14 hrs.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI) : We have all listened with great attention to the speeches which have been made. I am sorry that some noise was made from this side. But the speeches also were highly provocative. I can understand Mr. Frank Anthony's anxiety and worry. I would only like to remind him that this Parliament did exist before the Golak Nath Case took place. This Parliament is only trying to restore the position.....(Interruptions) Our party has always stood for minority rights. We have fought for them.

SHRI SHYAMNANDAN MISHRA : He is referring to the theoretical possibility.

SHRIMATI INDIRA GANDHI : That theoretical possibility always remains, no matter what you say in the Constitution.

SHRI SHYAMNANDAN MISHRA : With you he might not be afraid, but he might be afraid of the future.

SHRIMATI INDIRA GANDHI : Thank you very much. What I am saying is that there is no need for him to get so excited. These matters can be discussed in a calm way. If there is calmness on the other side, there will be calmness on this side. I think, it is very wrong to bring in the minorities in the manner in which it has been done.....(Interruptions) If the minorities are suffering in our country, it is part of the larger economic problem. There are poor people amongst minorities and there are rich people amongst minorities. We can assure this honourable House that we shall always stand for the rights of those who have nobody to speak for them.

MR. SPEAKER : There are three names.....

SHRI P. K. DEO rose—(Interruptions)

MR. SPEAKER : May I request you to please have patience? We know what he is going to say. We will have to hear him. Be patient. Let him say what he wants to say.

SHRI P. K. DEO : Mr. Speaker, Sir, in all humility, I beg to submit that so long as the Twenty-fourth Constitution Amendment Bill is not passed by both the Houses of Parliament and assented to by the President and put on the statute book, this House is not competent to have a look at the Twenty-fifth Constitution Amendment Bill. I do not want to go into the merits of the Twenty-fifth Constitution Amendment Bill which wants to replace the word "compensation" with "amount" and not to make it justiciable. But there is no democracy anywhere in the world wherein the rule of law and constitutional practice, the right of property is not respected. In countries where the rule of law prevails, the right of property is enshrined in the Constitution, whether it is Magna Carta or American Declaration of Independence or French Declaration of the Right of Man or German Constitution. Even in communist countries like USSR, they have a right to private property as fruit of labour and a right to inherit is recognised. In our Constitution, the right to property has been very much watered down and subjected to reasonable restriction by the legislature and by the executive.

We have done away with intermediaries and given adequate powers to this House to take over industrial undertakings. A virtual ceiling has been put and adequate power has

[Shri P. K. Deo]

been given to scale down the property. It is a regular feature in the annual Finance Bill to further restrict property by fiscal measures. So, when there is adequate provision, I beg to submit as to why the Government ask for a blanket power for expropriation, and that too is not justiciable. When there is a wild talk of committed Judges in the Supreme Court, why not do away with the institution of private property? Then at least we will know where we stand. The Party in power is treating us to a sort of strip tease.....
(*Interruptions*) They are trying to strip us of everything. When I am mentioning strip-tease, I don't say about the Parisian clubs.

SHRI VIKRAM CHAND MAHAJAN (Kangra) : On a point of order, Sir. Rule 356 says :

"The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own argument or of the arguments used by other members in debate, may direct him to discontinue his speech."

MR. SPEAKER : Thank you very much. I am thinking of it.

SHRI P. K. DEO : When I said 'strip-tease', I never meant the night clubs in Paris. I said it in connection with the stripping us of the property.

MR. SPEAKER : It only shows that in strip-tease you are quite modern, but don't bring it in here.

SHRI P. K. DEO : In the Indian context I bring to your notice the episode about Draupadi ! When her clothes were forcibly taken away in Duryodhana's Sabha, Bhishma, Drona and other elders were witnesses to it. I only humbly request that Mother India be not stripped of her values and fundamental rights.

The Prime Minister has expressed her concern regarding the poor people, and Mr. Gokhale has introduced the Bill. Our *per capita* monthly income is hardly Rs. 49. But my friend, Mr. Gokhale, resigned his job of Rs. 3500 per month because he cannot maintain a life worth living with that amount and

he talks of doing away with the property right now. He wants to delete Article 14, that is equality before law, Article 19 and Article 31. I most respectfully submit that the matter be referred under Art 143 to the Supreme Court by the President. Otherwise, there may be confrontation. So, I say that unless that is done, it is beyond the competence of this House and I oppose this Bill.

MR. SPEAKER : Now, the question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India—that is, the Constitution (Twenty-fifth Amendment) Bill".

The motion was adopted.

SHRI H.R. GOKHALE : I introduce the Bill.

14.09 hrs.

FINANCE (NO. 2) BILL, 1971—*Contd.*

MR. SPEAKER : Now we take up the discussion on the Finance (No. 2) Bill. The time allotted is 9 hours. Already about an hour has been taken.

Mr. Salve was on his legs.

Mr. Salve.

14.9½ hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

SHRI N. K. P. SALVE (Betul) : The other day I tried to deal with some of the salient features connected with Direct Taxation contained in the Finance Bill, especially those which had come in for very severe criticism and which attracted a scathing indictment of the Finance Minister. I had been able to put forward before the august House certain facts and data in support of the points I was canvassing that the hue and cry raised by the corporate sector that the proposals affecting them in the Finance Bill had made a *detente* in the growth of the corporate sector was utterly untrue and the criticism on those grounds of the proposals of the Finance Minister was utterly one-sided. I had pointed this out with facts and figures that after taking into account the various exemptions, concessions and incentives, and statutory deductions,