

[Mr Deputy-Speaker]

There is an amendment by Shri M.C Daga to circulate the Bill for eliciting public opinion

The amendment was put and negatived

Now, the question is

"That Dr Karni Singh be given leave to withdraw his Bill"

The motion was adopted

DR KARNI SINGH I withdraw my Bill

16 24 hrs.

CONSTITUTION AMENDMENT BILL,
BILL (Amendment of Articles 19,22
etc) by SHRI A K GOPALAN

MR DEPUTY-SPEAKER We take up the next Bill. The next Bill is by Shri A K Gopalan, further to amend the Constitution of India

SHRI A K GOPALAN (Palghat)
I move that the Bill further to amend the Constitution of India be taken into consideration

Sir, there are three amendments in my Bill which I am proposing. In Article 19 of the Constitution, in sub-clause (f) of Clause (1), after the words "property", the following words shall be inserted namely, "within such limits as may be prescribed by law". Secondly, after Article 19 of the Constitution, the following new Article shall be inserted, namely, 19 A

"All citizens shall have the right—

(i) to work and to a living wage after attaining the age of 16 years;

(ii) to have free education upto the Higher Secondary Standard;

(iii) to have State assistance in cases of unemployment, old age, sickness and disablement;

(iv) to free medical treatment;

(v) to have equal pay for equal work,

(vi) to exercise franchise on attaining 18 years of age, and

(vii) to bear small arms".

Then, in clause 4 I have provided that

"In article 22 of the Constitution,—
(a) in clause (3),—

(i) in sub-clause (a), the word 'or' shall be omitted, and

(ii) sub-clause (b) shall be omitted, and

(b) clauses (4) to (7) shall be omitted"

These are my amendments to article 22 regarding preventive detention

Then in clause 5 I have provided that

"In article 31 of the Constitution—

(a) for clause (1), the following clause shall be substituted, namely —

"(1) The right of citizens to their landholdings, handicrafts and small scale industries, houses, trade, profession or vocation, implements and other accessories necessary to carry on their trade, profession or vocations within the limits prescribed by law, and the right of citizens in their incomes and savings from their work, and the income derived from the above-mentioned properties, articles of domestic economy and use and articles of personal use and convenience as well as the right of citizens to inherit personal property shall be protected by law",

(b) after clause (1), the following clause shall be inserted, namely —

"(1A) All other property besides that specified in clause (1) of this article may be acquired

by authority of law for public purposes or for securing justice, liberty and equality to all citizens, without paying any compensation or paying such amounts as may be fixed by such law or as may be determined according to the principles laid down in such law for paying such compensation. No such law shall be called in question by any Court including the Supreme Court."; and

(c) clause (3) shall be omitted."

Then, in clause 6 of my Bill I have provided that in article 31A of the Constitution, the first proviso to clause (1) shall be omitted.

As far as the Statement of Objects and Reasons is concerned, it reads thus:

"It is necessary to put reasonable restrictions on the right to hold property to prevent concentration of wealth and means of production to the common detriment.

Right to work is one of the Directive Principles, but does not serve the desired purpose. This Bill provides that every citizen who is more than sixteen years of age shall have the right to work and it shall be the duty of the State to provide subsistence allowance to all citizens who cannot work due to old age, sickness, disablement or failure on the part of the State to provide work. All citizens over the age of 18 years shall have the right to exercise franchise.

Article 45 of the Constitution provides for free and compulsory education for children up to the age of fourteen years. This is one of the Directive Principles of State Policy, just a pious wish. Provision has been made in the Bill for free education up to Higher Secondary Standard. Certain rights like the right to free medical treatment

and the right to bear small arms have been included in the list of fundamental rights. Provisions of article 22 which guarantee protection against arrest and detention in certain cases have been misused so far. Hence, certain safeguards for the liberty of citizens have been provided for."

These are the objects of this Constitution (Amendment) Bill.

I shall first deal with clauses 2 and 5 of the Bill. Amendment to article 19 is being proposed in clause 2 for the purpose of conferring upon the State the power to amend and prescribe the ceiling on the ownership of all classes of property and also for the purpose of protecting the right of the citizens to acquire and dispose of property within the prescribed ceiling. So, the object of this proposal would be clearly understood when it is read along with the amendment which has been proposed to article 31. Articles 31 and 19 must be read together, because they are interrelated. That has been stated in clause 5 of this amending Bill. Both these are interrelated. We do not favour concentration of wealth in the hands of a few individuals. We want all means of production to be owned by the State gradually. We want monopolies to be taken over by the State without delay, immediate nationalisation of key industries and giant enterprises. At the same time, we want to protect the rights of owners of small and medium size personal properties and also private enterprises against the encroachment by the high-handed and power-crazy bureaucracy.

We say this because under the existing system, more particularly under the present system, whatever power is assumed by the Government is bound to be used against the smaller people and in the interest of the bigger ones. The existing cl. 1 of art. 31 says that no person shall be depriv-

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ed of his property save by the authority of law Cl 2 says

"No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given, and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate"

Thus the intention of the existing clause 1 is to afford protection against executive encroachment such as confiscation or seizure and the like, but not against legislative expropriation. This right has been declared in a negative form Cl 2 of art 31 confers upon the State power to make laws for compulsory acquisition or requisition of property of citizens for a public purpose and upon payment of an amount which may not be adequate, that is which may be very much less than the market value. Theoretically all these may seem to be very fair and desirable but in practice what happens? That is what we have to see

We know that lands belonging to small cultivators of Haryana the aggregate market value of which exceeded a couple of crores of rupees, were compulsorily acquired for a few lakhs of rupees and were given to a firm called Maruti Ltd, a newly created monopoly concern for a small amount. As I have already said, and as everyone knows, laws made are used against the poor for the benefit of the rich. So it is necessary to provide in the Constitution that certain types of property belonging to the poor and middle classes within the ceiling prescribed by law, acquired by their savings made out of their income, should be protected by law, and

the State shall not acquire the same or requisition the same without paying adequate compensation

That is why art 31 is sought to be amended and amended in such a way that as far as the poor and middle class peasants are concerned, their property should not be taken without adequate compensation

The reasons for my proposing these amendments have already been stated. Now I want to point out the constitutional justification also. The second proviso to art 31A which was inserted by the 17th amendment in 1964 reads as follows

"Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by any person under his personal cultivation it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto unless the law relating to the acquisition of such land building or structure provides for payment of compensation at a rate which shall not be less than the market value thereof"

This is the change I want to make. The reasons are obvious. Although in practice it is ignored, the idea was to protect the land of small cultivators and to provide for paying compensation at the market value in case of compulsory acquisition. There is no reason why the same provision should not be made in the case of other small owners for protecting them from legislative as well as executive encroachment. The amendments proposed by me are in conformity with the principle embodied in the second proviso to art 31A and I expect that the same would be accepted by all. When there is one principle, some legislative amendment must also be there so that as far the

small owners are concerned their property also must not be acquired or requisitioned without adequate compensation. That is the purpose why I have brought these amendments.

Clause (3) of article 31 imposes a disability on the State legislatures. If a measure is otherwise within the legislature and if the subject is one which can otherwise be dealt with by the State legislatures, I do not see any reason why they should be subjected to the control of the Union Council of Ministers. The assent of the President really means the assent of the Union Cabinet.

Then I come to clause 6 of my Bill. It seeks to omit the first proviso to clause 1 of article 31A in which I have desired to remove a similar disability imposed on the State Legislatures. It is said that the President's assent must be there. So, in the State Legislature also, this disability must be removed.

Coming to clause 3 of the Bill, I say that socialism and social justice are not one-way traffic. There must be reciprocity. The State ownership of the means of production is good if the right of employment and unemployment benefits are given. But then if these basic necessities are not provided by the State, there will be State capitalism; that is, bureaucratic capitalism and a new privileged class and a more ruthless exploitation and capitalism will come into existence. This is why the amendments proposed in sub-clauses (i) to (vi) of clause 3 of my Bill are necessary. It can be done by adding a new article, number 19A, as proposed by me in clause 3 of my Bill. In clause 3 of my Bill I have said that the right is given; but it is only the right that is given. But as far as the benefits are concerned, there is nothing in the Constitution. Here, it is said: "to work and to a living wage after attaining the age of 15 years." The question is, as far as living wage is

concerned, if it is not there, what happens? We see everything strikes and troubles, because, as far as the agricultural labourer in some parts of the country is concerned, he gets only eight annas or 12 annas or at the most one rupee a day. So, not only work must be guaranteed but there must be a living wage.

Then, "to have free education up to Higher Secondary stage." Then, "to have State assistance in cases of unemployment, old age, sickness an disablement." Then, "to free medical treatment." Then, "to have equal pay for equal work." Even today, in some industries as well as in agriculture, as far as the males and females are concerned, though they are doing the same work for the same period of time, there is disparity, and the wages of the males and females are different; though they are doing the same work and are working for the same hours, there is no equal pay for equal work in some of the industries as well as in agriculture.

Then, "to exercise franchise on attaining 18 years of age." Then, "to bear small arms." Why I have said that "to bear small arms" is because, while the hooligans possess arms the peaceful, law-abiding citizens are at the mercy of the hooligans. The peaceful citizens have no arms. Kirpans are given to the Sikhs, and I think there is no harm, and there has been no harm till now because every Sikh has a kirpan. No harm has been caused by that. It is not difficult for an intending law-breaker to collect arms. If every citizen is armed he could be protected against the hooligans who possess arms. Only a Government which distress the people will object to this amendment. So, I say everyone must be allowed to have arms so that those who have no arms will not suffer. They are people who collect the arms and fight with them. But others who obey the Constitution do not have the arms because it is against the Constitution to possess arms. It is a crime. What

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happens, therefore, is that they are attacked by others, because they are law-abiding citizens and they obey the Constitution and the law. So, it is better that everybody is allowed to bear small arms.

Clause 4 in my Bill deals with article 24. Preventive detention and democracy cannot go together. Some provisions in article 22 were described as black acts by several freedom fighters during the British Raj. In my amendment I have said that article 22 should be so amended that the P.D. Act may be made applicable only to enemy aliens and not to Indian citizens. There are other provisions in the Criminal Procedure Code and other laws for taking preventive action when the need arises when the Government officers think that a crime is to be committed for instance there are sections 151 and 155 of the Criminal Procedure Code.

In a judgement by the Supreme Court Justice Mahajan said that in no civilised country in the world was there an Act called Preventive Detention Act which took away the right of the individual like this without giving him an opportunity. It was in my case, Gopalan *versus* the State of Madras, and it was a dissenting judgement in which he had made this specific observation.

If we take the history of the P.D. Act we can see that it was always used against political opponents, it was often misused. Innocent people were arrested. We were discussing the P.D. Act last time and we heard an incident that happened in Punjab which clearly showed how it was misused. The Police were given a list of people who were to be taken into custody under P.D. Act and there was one Bhachan Singh in that list. The Police rounded up one Bhachan Singh and he was detained. After three months the Police again came to the jail and said to the Jail Superintendent, we have found the

real Bhachan Singh, the man who had been detained is not the wanted person nor is he the person against whom the detention order was passed and so please release that Bhachan Singh and take this Bhachan Singh instead. He replied we have already taken a man and you can release that man, but we cannot take him instead of that man. It is not a question whether a person committed any crime or he is about to commit a crime. If the officer feels that there is a design to commit crime he can do that. Who decides the design? It is the Police officer. When I look at the moustache of the Police officer, he can very well say that I have a design to commit an offence and so he may say that I should be detained. This is against the spirit of democracy. The Constitution must be changed in such a way that the P.D. Act may not be misused. It should not be used to curtail the privilege of a man even for one hour. Curtailing the privilege of even a single person is certainly bad and that should not be done. So, this is the object. It is very simple. One thing is in summary the property of the small owners and middle people should not be taken away unless they are given ample compensation and as far as others are concerned it may be taken and a small compensation in some cases may be given.

The next thing is very important when we are talking of socialism and when we say about the fundamental right. But what is to-day in the country? Unemployed people are agitated. They say, give us work. If you cannot give work (we want to live), some subsistence allowance should be given. In other countries, there is unemployment dole. So, if you are not able to provide job, till you are able to provide some job, unemployment dole must be given. How to make money, how to get money, is another question. A man after 16 years of age—educated, uneducated—those people who are able physically to work, they must be given work. If they cannot be given work, then

they must be given some subsistence allowance. Or, what will they do? You do not allow them to die because committing suicide is a crime. So, you cannot die. And you cannot live too. The law says you cannot die and also you cannot live because there is nothing to live, there is no work. Fundamental Right under Article 19 is there but 19A also comes. It is guaranteed that the man who is unemployed, till he gets employment, he gets something and he also gets free medical treatment also. An unemployed man, how can he get some medical treatment? He will also have disease. If he has no free medical treatment, what will he do. Unemployed man has got sons. For the education of his children, what will he do? So in this country where unemployment is increasing, at least till we are able to change the present form of society, at least these things should be done.

Equal pay for equal work was there. That is the slogan. But as far as the slogan is concerned, it is not implemented. So, it must be implemented. That is why I have said 19A—all citizens have got the right to work and till they get work, they must have the right to get unemployment dole so that they may live, not that they may become happy, they may not starve, so this change—19A.

Exercise of franchise on attaining 18 years of age—agitation has begun in many States of India and also the Government has said that they will consider 18 years of age. They say that is a time when they can decide, when they can think so this franchise must be there for those who have attained 18 years of age.

These are the three amendments that I want to bring. These are very simple amendments and I think I will have the support of all Members including the Members of the Ruling Party. I request all Members to support these amendments. With these words, I move.

MR. DEPUTY-SPEAKER: Motion moved:

“That the Bill further to amend the Constitution of India, be taken into consideration.”

MR. DEPUTY SPEAKER: Shri B. R. Shukla.

SHRI B. R. SHUKLA (Bahraich): Mr. Deputy Speaker, Sir, while agreeing substantially with the objects and principles which have motivated the hon'ble mover to bring this Bill before this House, I am afraid to oppose it on other grounds

16.50 hrs.

[SHRI K. N. TEWARI; in the Chair].

So far the Bill deals—firstly with the right to property within certain limits, secondly, its protection from the arbitrary action of the Executive and thirdly its opposition by the State under certain circumstances. Our Indian Constitution is already a very complicated document and the interpretation of the various provisions dealing with the fundamental rights relating to holding of property has been differently made by several benches of the Supreme Court. Only recently this august House adopted the 24th, 25th and 26th Amendments to the Constitution. Amendments have also been made in articles 13, 31 and 368. These amendments are under a process of judicial determination before the Supreme Court. These simple amendments which were practically noncontroversial before this House have taken more than 2 months for the judges to decide.

My submission is that the proposed amendments to articles 19, 31 and 38 are already covered by the existing provisions of the Constitution. For example, it is provided in the Constitution itself that every citizen has a right to hold, acquire and dispose of property. There is another provision in the Constitution itself that no person shall be deprived of

[Shri B R Shukla]

his property except by authority of law which provides for payment of compensation or for the determination of compensation and also for a public purpose. Three conditions must exist for acquisition of property. Firstly, no man can be deprived of his property merely by an executive action. So, the fear expressed by the hon. mover that the small property holders should be protected from the arbitrary action of the executive is already covered. Then, it should be for a public purpose. It means the representatives of the country sitting in the legislature are convinced that such legislation should be passed for the acquisition of property. Thirdly, there should be compensation. The mover wants that there should be a provision for payment of compensation only with respect to holders of property which is petty and small. So far as big monopolists are concerned there should not be any provision for payment of compensation. I submit the law is quite elastic and comprehensive on this point also, because it is laid down in article 31 itself that the quantum of compensation shall not be justiciable. The courts are precluded from examining the quantum of compensation. This has been interpreted to mean that where the compensation is wholly illusory and only a colourable exercise of the legislative power it shall be struck down as wholly unconstitutional. On the other hand, if any party who is sought to be deprived of his property insists that there should be a full compensation, meaning money equivalent at the market rate that is also ruled out by this article.

So, we have got two things, that the compensation must be provided and that the adequacy of compensation according to the market rate can also not be insisted upon. Therefore, there is ample provision for meeting both the objectives which are sought to be achieved through the provisions of this Bill. If this Bill is accepted by the House, then pro-

bably it will meet the same fate as the settled law was upset in the Golak Nath's case where the Bench decided in the Golak Nath's case that no property can be acquired. Therefore, the Government was forced to bring a legislation by which the uncomfortable position which developed in the country could be set at rest.

The fact of the matter is that various zamindaris and jagirdaris were abolished and they were taken over by the State by passing the Abolition of Zamindari Acts in various States, in Uttar Pradesh in Bihar, etc. In that judgment Justice Subba Rao held that Shankari Prasad's case had held the field long enough and that all the acquisitions of all the zamindaris previously under various legislations passed by the State Legislatures were not in accordance with the constitutional provisions and therefore they ruled that on the ground of retrospective overruling no acquisition of property shall be valid. So this was a judgment which was at variance with the previous judgment. In order to set the controversy at rest, the legislation was passed that the Parliament was fully competent to enact a legislation for the acquisition of property, making a provision for compensation and that such a provision of law shall not be inconsistent with the fundamental rights and that it shall not be a law within the meaning of article 13.

So, my submission is that all these points are fully covered by the existing provisions of the Constitution as modified by the Twenty-Fourth, Twenty-Fifth and Twenty-Sixth Constitution amendments which the Parliament has passed.

17 hrs.

Now, so far as the amendment to article 19A is concerned, that all citizens shall have the right to work and to a living wage after attaining the age of 16 years, as I have already said, the objectives are very good.

But the question is: Should we pass a law which would be merely a dead-letter on the statute book and which would make the position ridiculous one? In the Directive Principles contained in the Constitution, it has been provided that there should be free and compulsory primary education. It is a matter beyond controversy that the objectives laid down in the Directive Principles have not been achieved even after a lapse of 25 years. If we have failed in providing education even at the primary stage, do you want that there should be a provision for education upto High School and that it should be contained not in the Directive Principles of the Constitution but in the Chapter on Fundamental Rights? What are Fundamental Rights? If any provision is contained as part of Fundamental Rights, it means that an appropriate writ can be issued and can be claimed in High Court and Supreme Court. Now what would be consequence if, supposing, a person has not been able to get education upto High School because the State has not made a provision for that? Should the parent of that child go to the High Court and Supreme Court and say that his Fundamental Right to free education upto High School has not been complied with and, therefore, the State should be directed to give him scholarship, hostel facilities and so on? How ridiculous it would be if this were to happen. Of course the objective is very good.

Then I come to "equal pay for equal work". See the absurdity and hollowness of this, 'equal pay for equal work'. Work and pay are regulated on the basis of contract or on the basis of legislation. So far as factory workers are concerned, so far as mill workers are concerned, so far as employees of the Government are concerned, they are regulated by rules made under certain legislation. and if any law makes any distinction in pay for equal work, it shall be struck down as unconstitutional. So far as contract labour is concerned,

your domestic servant does not get the same pay which my domestic servant gets. So, putting a provision in such a general and wide form would be simply ridiculous.

AN HON. MEMBER: Socialist society.

SHRI B. R. SHUKLA: Socialist society does not mean that it is something airy or vague or it is something nebulous. It must have a correlation with the existing realities prevailing in a particular country. My hon. friend may talk about it, but perchance—it will not, of course, come in the near future—if he is saddled with the responsibility of governing the country, probably he will be the first person to scrap many of the provisions relating to the Welfare State which are contained now in the Constitution.

As regards doing away with the Preventive Detention provision of the Constitution, my submission is that any law of the land relating to the punishment of an offender is not equal to the occasion if it does not provide for detention of persons who believe in subversive activities and disturbance of public tranquility and law and order and against whom witnesses are not coming forward—if, for instance, railway wagons are burnt in a mass frenzy and people are not coming forward as witnesses Government is naturally concerned that such persons should be kept under detention behind the prison bars. There are various safeguards laid down in the Preventive Detention law itself. For example, we have passed the Maintenance of Internal Security Act. There are ample safeguards against misuse of power, against the erratic action of the executive. You know that the cult of bomb and violence practised under the coalition Government in which the Marxists had a very large share..

SHRI MANORANJAN HAZRA (Arambagh): Sir, I rise on a point of order. My submission is this,

[Shri Manoranjan Hazra]

Ganesh Ghosh, a former Member of this House took part in Chittagong armoury raid case in 1930. But he was arrested under the P. D. Act in 1953, in which the ground of detention was that he had taken part in Chittagong armoury case. They thought they were ample reasons to believe that he should be arrested and detained—this was the order of the authorities..

SHRI B. R. SHUKLA: This is no point of order; only unwarranted interruption.

SHRI M. C. DAGA (Pali): It is no point of order.

MR. CHAIRMAN: It is not a point of order.

Mr. Shukla, please conclude.

SHRI B. R. SHUKLA: Sir, those who still have pinned their faith thinking that revolution would come out of the barrel of the gun can be dealt with effectively only by retaining in the statute-book a provision for preventive detention. Security was brought about in that State only because of the judicious use of the provisions of the Maintenance of Internal Security Act. My submission is that all these provisions are uncalled for, they are unnecessary, because some of them are already contained in the Constitution and their addition to the Constitution will make our Constitution cumbersome and would only lead to legal and constitutional difficulties. Thank you.

SHRI A. K. GOPALAN: I just want to quote a few sentences from the Judgment, because this is important.

MR. CHAIRMAN: You have got a right of reply. At that time you may kindly say that.

SHRI A. K. GOPALAN: I want to put it correctly, because words may

not be misused. So, I want to quote the judgment itself.

MR. CHAIRMAN: You have got right of reply. At that time you can quote that.

SHRI A. K. GOPALAN: Before that so many of our hon. Members would speak, would offer their points of view. This is what the Supreme Court Judge has said. I quote his very word....

MR. CHAIRMAN: Not now....

SHRI A. K. GOPALAN: Sir, this is just 10 sentences only.....

MR. CHAIRMAN: Not now. Please quote it at the time of your reply.

Now, Shri Sarjoo Pandey.

श्री सरजू पांडे (गाजीपुर) : यह जो बिल गोपालन जी ने रखा है इसका मैं समर्थन करता हूँ। अभी हमारे सूबे के बहुत प्रामिनेंट वकील श्री बी० आर० शुक्ल जी बोल रहे थे। उन्होंने कहा कि यह कानून फीजिबल नहीं है इस से बहुत सी कठिनाइयाँ और बाधाएँ पैदा होंगी। मैं समझता हूँ कि वकीलों का काम ही कनफ्यूशन क्रियेट करना है। सीधी सी बात को उलटी दिशा देना ही इनका काम है। इनका काम ही बहस करना होता है। इस बहस को सुप्रीम कोर्ट के वकीलों के पास करने के लिए वह छोड़ देते तो अच्छा था।

हमारे देश में चेतना घा रही है। इस में कहा गया है कि 19वीं ज्वारा को बदल दिया जाए और 19ए वह इस में रखना चाहते हैं ताकि सोलह बरस की आयु के हर व्यक्ति के लिए लिबिंग बेज की व्यवस्था हो सके। लिबिंग बेज की जगह में मीड वेस्ट बेज रखना चाहता हूँ। जैसी चेतना पैदा हो रही है और जैसी व्यवस्था है उस में मैं समझता हूँ कि इस तरह की व्यवस्था हमारे संविधान में जरूर हो जानी चाहिए।

उन्होंने यह भी चाहा कि ग्यारहवीं कक्षा तक हर किमी के वास्ते शिक्षा की मुफ्त व्यवस्था हो। लेकिन हम प्राइमरी एजुकेशन की पूरी व्यवस्था भी नहीं कर पाए हैं तो ग्यारहवीं कक्षा तक की शिक्षा की बात करना बेबकूफी की बात ही मालूम पड़ती है। इस में आप फेल हुए हैं। आप काम नहीं कर सके हैं। हम में दोष आप का है। दुनिया के देशों में तालीम के लिए पैसा नहीं लिया जाता है। हमने भी कहा है कि हम समाजवादी समाज व्यवस्था की रचना करना चाहते हैं। लेकिन हमारे देश में तालीम के लिए पैसा लिया जाता है। जैसे श्री हमारे देश में तालीम की व्यवस्था कम है। लोगों के पास पैसे का अभाव है। एक तरफ हम समाजवाद की बात करते हैं। और दूसरी तरफ हमारे देश में जैसे बालों के लिए अलग स्कूल हैं और गरीबों के लिए अलग। जैसे वाले लोग अपने लड़कों को अच्छी से अच्छी और उंची से उंची तालीम दिलाते हैं लेकिन दूसरी तरफ हजारों बच्चे लड़के हैं जो जैसे के अभाव के कारण शिक्षा प्राप्त नहीं कर पाते हैं। यह बड़ी दुखद स्थिति है। मैं समझता हूँ कि जो प्राविजन किया गया है कि हायर सैकण्डरी स्टेज तक लड़कों के लिए मुफ्त शिक्षा की व्यवस्था की जाए। मैं समझता हूँ कि इसको मंत्री महोदय को मान लेना चाहिये। करना तो उनका कुछ भी नहीं है चाहे मानें या न मानें। प्राइमरी स्कूल स्टेज तक तो ये फ्री नहीं कर सके हैं और इसको भी अगर मान लिया जाए तो इसको भी नहीं किया जाएगा। उमूली रूप से कम से कम आप इसको मान ही सकते हैं। कोई दूसरा जाएगा तो वह हमसे कर देगा।

समान काम के लिए समान वेतन की मांग बड़ी पुरानी मांग है। आज इस मांग को ले कर आन्दोलन भी हो रहा है। एक ही तरह के काम करने वाले को एक जगह एक मजदूरी मिलती है और दूसरी जगह दूसरी मिलती है। इस के कारण मैं भी

असन्तोष फैलता है। मैं समझता हूँ कि समान काम के लिए समान वेतन की बात को संविधान में स्थान देने में हमें कोई एतराज नहीं होना चाहिए।

एक मंत्री के प्रश्न के उत्तर में मंत्री महोदय ने कहा था कि अठारह बरस तक के लोग को वोट देने का अधिकार हो हम पर सरकार विचार कर रही है। मैं समझता हूँ कि इसको भी सरकार को मानने में कोई एतराज नहीं होना चाहिए। जिन 10 इन्केशन लड़कों का सजुर्बा है उनको पता है कि हम साल के बारह साल के लड़कों को वोट बनवा दिया जाता है उनका नाम वोट लिस्ट में आ जाता है और वे जब वोट देने जाते हैं तो प्रिजाइडिंग अफसर कहता है—कि मुझे वोट की उम्र डिजाइड करने का हक नहीं है, उनका नाम वोट लिस्ट में ही इसलिए वह वोट देगा। इस वास्ते आ का अठारह बरस तालीम का मान लेने में कोई अति नहीं होना चाहिये।

हथियारों के बारे में उन्होंने यह लिखा है कि हमारे देश में हथियार उनको मिलते हैं जो शक्तिशाली हैं, बंदूक तथा आज उन्हीं के पास हैं जो शक्तिशाली हैं लेकिन जो अनडिफेंडिड पब्लेशन है जो अपनी रक्षा आप नहीं कर सकती है उनके पास नहीं है। उसके लिए हथियारों की व्यवस्था कोई नहीं है। इसका मानने में भी मंत्री महोदय को कोई एतराज नहीं होना चाहिए।

प्रिवेटिव डिस्टेंशन एक्ट को आपको वापिस ले लेना चाहिये। यह हमारे संविधान के खिलाफ है और इसके वास्ते जरूरी हों तो संविधान में आप परिवर्तन भी कर सकते हैं। कारण यह है कि प्रादमी का न्याय अधूरा है। आप तो जानते ही हैं कि जैसी पुलिस है और जैसी व्यवस्था है उससे न्याय की आशा नहीं की जा सकती है। जिनका विश्वास इस में है कि बंदूक की नलियों से आजादी मिलती है उनका कानून

[भी सखू पाठे]

भी कुछ नहीं कर सकता है। वे कानून म डरते नहीं है। वे जानते है कि कानून से कैसे बचा जा सकता है। वे अपने बचाव की व्यवस्था कर लेते है सिवाय उन लोगो के जो राजनीतिक दुश्मनी का शिकार हात है। उनको ही जेलो म डाला जाता है। संविधान म यह कहा गया है कि हर आदमी को अपनी डिपेंस का पूरा मौका दिया जाएगा। क्रिमिनलज चार बदमाश डाक आदि जा हाने है उनका भी इसका मौका दिया जाता है लेकिन राजनीतिक विराधियो को यह मौका नहीं मिलना है कि वे अपनी मफाई दे सके। प्रिवेंटिव डिटेनन म कही कोई एसी व्यवस्था नहा है। अगर ही एम कन्विंस हा जाता है ता उसका डिटेन कर लिया जाता है और उसको जेल म डाल दिया जाता है। यह चीज संविधान की भावना क बिचुन विपरीत जारी है।

प्रापर्टी क राइट का भा सवाल है। इसका ले कर सुप्रीम कोर्ट मे बहस चल रही है। पूरा दगल छिटा हुआ है। दो महीन उमको छिड़ हा हा गाग है। और दो महीने हम म लग जागणे। प्रापर्टी क साथ माक्स और नैनिन के नाम का जाण जाता है और बनाया जाता है कि उनका क्या कहना था कि कि सम्पत्ति रूस आती है धन कहा म आता है। मे व्यास जी न जा कहा था उमका आप का मुनाना जानता है। हिन्दू धर्म को ता आप मानते हैं। व्यास जी न कहा था

न छिन्वा परमर्माण

न कृत्वा कर्म दुष्कर्म

न हत्वा भस्वध्वात्तव

प्राप्नोति महतीश्रीम् ।

बिना दूसरा का हृदय छेद, बिना मछुप पी भालि हिंसा किए बड़ी सम्पत्ति प्राप्त नहीं हा सकती। बड़ी सम्पत्ति रखन वाला क निरु अगर संविधान म कुछ संशोधन किया जाता है तो इस म कोई एनगज

नहीं होना चाहिए।

मे अनुरोध करता हू कि बिना विलम्ब किए हुए इन मारे संशोधना का अगर शर च देता इनका भाषा को बदल कर और स्वीकार कर लें। मुझे आशा है कि आप उन बातों पर शरर विचार करेंगे और इन संशोधना का स्वीकार करेंगे।

SHRI B V NAIK (Kamara) A very thoughtful Bill has been brought forward by SHRI A K Gopalan. What I feel in regard to his very thoughtful discourse on property is that we have to make a distinction between the right to property which has been assumed in article 31 and 31A of our Constitution and the right to livelihood. It is too late in the day to question—the wisdom of the Constitution framers. But in the Constitution while providing for certain protections we have tried to give protection to the right to property which as my hon friend Shri B R Shukla has said just now has now been substantially circumscribed but in our Constitution we have not given the right to livelihood.

I would make a distinction here by giving a specific instance. In article 31A it has been very clearly laid down that no property shall be compulsorily acquired or requisitioned save for a public purpose. Public purpose is a very substantial clause in this article. But sometimes we see instances where there is a travesty of this phrase public purpose.

For the purpose of diversion I shall quote a single instance here which cannot be compared with other instances. In the State of Mysore for a private firm belonging to one of the monopoly houses private property of small peasants to the extent of 2500 acres that is private property of small peasants most of whom are Harijans or other backward classes is being acquired not directly by the monopoly house but by a diabolical—if I may use that harsh word—organisation set up by the ex-Government of Mysore called the Mysore Industrial Areas

Development Corporation. This corporation is supposed to provide land for the purpose of industrial development. This land for the purpose of industrial development is not for the purpose of setting up of a factory or factory premises or quarters of the staff working there, but this corporation is today trying to acquire paddy land belonging to cultivators numbering about 12,500 people and this paddy land on which the livelihood of these small peasants and these poor people used to depend is to be converted into salt land for the production of raw material, for caustic soda or soda ash plant. Here, legally speaking, nobody is wrong I do not blame the present Government of Mysore for this, because this has been a legacy of the past and the former Government of Mysore is not existing. The Government of Mysore has been a party to acquiring the land, and they are doing what is called legally as a perfect crime, and it is a crime against the common people. These people are not in a position to go to the judiciary which is having its own costs involved in trying to dispense justice. In the circumstances I feel that while we may not do the hair-splitting on the question of property, which as my hon. friend Shri B. R. Shukla has just now said, has been adequately entailed, there is need for us to see that property means the livelihood of a person....

MR. CHAIRMAN. Now, the hon. Member should try to conclude.

SHRI B. V. NAIK: I have hardly started my speech...

MR. CHAIRMAN: Only 2 hours have been allotted for this Bill. If the hon. Member is going to take more time, I do not think that we shall be able to finish this Bill.

SHRI B. V. NAIK: It is my submission that some of the facts are unpleasant....

MR. CHAIRMAN: He may take one or two more minutes and then finish.

SHRI B. V. NAIK: Thank you, Sir, for this.

In regard to the other provisions that have been made, I would like to ask the Mover, a simple question. As already stated by Shri B. R. Shukla, the cost of free compulsory primary education, as was mentioned by the ex-Minister of Education, is of the order of Rs. 800—900 crores. I also made a proposal to the Ministry of Social Welfare at the Centre regarding the provision of old age pension. Such a pension provided at a minimal cost at the rate of Rs. 30 per month to all beyond the age of 60, numbering 32 million people, like in most of the democratic socialist countries where they spend in terms of hundreds of crores of dollars or equivalent sums, will cost us to the tune of Rs. 900 crores, if not Rs. 1,000 crores. As long as the costs involved in the provision of such disability pension or other allowance are of this magnitude in the system we are living in, I think it is impracticable, but still so long as there is a level of benevolence in a socialist society—it is not that a country will have to reach a particular level of affluence to be able to provide certain benevolent measures, for a poor country like ours we have got poor social reforms and a poor social security system in a country like ours where we are going to provide about Rs. 51,650 crores for the next Five Year Plan, an outlay of about Rs. 1,000 crores per annum for the poor, old and disabled, which comes to Rs. 5,000 crores in the course of five years, is a welcome measure and deserves support.

Leaving my options open regarding the rest of the suggestions made by Shri Gopalan, I conclude.

*SHRI J. MATHA GOWDER (Nilgiris) Mr. Chairman, Sir, I would like to express my views on The Constitution (Amendment) Bill which has been moved by my hon. friend, Shri A. K. Gopalan.

*The original speech was delivered in Tamil.

[Shri J. Matha Gowder]

At the very outset, I would like to point out that this Bill is not only to be welcomed by the entire House but also to be adopted by the House as it is an important progressive measure. Shri Gopalan through this Bill has sought to amend the Article 19 of the Constitution by stating that the people of the country should own property within such limits as may be prescribed by law. Within the legal limits prescribed by the State a citizen of the country is allowed to own property. In this connection, I would like to refer to a document circulated by the Planning Commission last year. It was mentioned in that document that from families owning more than 20 acres of land 440 lakh acres of surplus land could be acquired and distributed to 270 lakhs of landless families. It had also been pointed out in the same document that it was doubtful whether 44 lakh acres of surplus land would have been acquired from these people after implementing the Land Ceiling Acts by the State Governments throughout the country. I would like to know where remaining 400 lakh acres of surplus land have gone. Though zamindari has been abolished throughout the country, I am sure that the rich landlords, who are patronised by the ruling party because it seeks their support in more ways than one, have successfully circumvented the provisions of the ceiling laws and appropriated to themselves and their families all the available surplus land. Without the connivance of the ruling party it would not be so easy for them to evade the law. I would like to know how many such people are in the ruling party itself.

I would refer to another important point. During the past eight years the number of wealth-tax assesses has gone up from 30,800 to 1,20,000. But, during the same period, the wealth tax collected from them has gone up from Rs. 8.26 crores to 15.62 crores only. When the number of

assessee has gone up by four times, how could it happen that the tax collected from them has gone up by only two times? This shows that there is something basically wrong either with the law or with its implementation. The Government should examine what is wrong and how it has happened that the collection of wealth tax has not kept up with the increase in the number of assessee.

From what I have stated above, it is clear that the affluent sections of our society are able to exploit the loopholes in the law and enrich themselves at the cost of the common people. I make bold to say that this has prompted Shri Gopalan to propose the insertion of a new article to Article 19 which would give to all the citizens of our country the fundamental right to work and to a living wage after attaining the age of 16 years, to have free education upto the Higher Secondary standard, to have State assistance in cases of unemployment, old age, sickness and disablement, to free medical treatment, and to have equal pay for equal work. I want to know what is wrong in asking that the basic requirements of the people should become the fundamental rights enshrined in the Constitution.

It may be that the Congress Party continues to rule the country for some more decades. If the Congress Government cannot create sufficient job opportunities for the growing number of young men attaining the age of 16, I feel it will be better if the Government through legislation and other means prevent child-birth in the country. I doubt very much whether the Government will ever be able to ensure work to all the young men attaining the age of 16. In these circumstances, it is imperative that the right to work becomes a fundamental right in the Constitution.

Though it is specifically stipulated in the Directive Principles of State policy that education will be free and compulsory upto the age of 14, even

after two decades of independence it remains a long cherished dream. I wonder what is going to be the future of our country when young people without education take to roads. How can they think of becoming useful citizens of the nation, when they are denied the basic right of education? What is the use of such a Government? I do not know how many more years the Government will take to declare that within a set period the basic requirements of the common people will be met. The Government frequently talk about the completion of four Five Year Plans and they are also working on the details of the Fifth Five Year Plan. In the Fourth Five Year Plan period, a new slogan of GARIBI HATAO has become the main plank of the ruling party. By merely proclaiming GARIBI HATAO, the Government are not going eradicate poverty. While 'HATAO' remains an empty word, poverty in the country is merrily perpetuated. It seems to be difficult for the Government even to frame a time-bound programme for eradicating poverty in the country.

If I refer to the achievement of Tamil Nadu Government in the field of education, the Members opposite may fret and fume in jealousy. But the fact of achievement remains, that there is free education upto P.U.C. level in Tamil Nadu which is ruled by my party, the Dravida Munnetra Kazhagam. In the other States where the Congress Party is in power, education is not free upto the higher secondary stage. I think the Congress Governments in other States cannot and will not emulate the example of the only Opposition Party that is in power in Tamil Nadu. I do not understand why there should be an Education Ministry in the Centre which does not hesitate to squander crores of rupees on education when it cannot ensure free education upto higher secondary stage in all the States where the Congress Party is in power. It is inexplicable to me why the Education Minister in the Centre is not advising his own counterparts belonging to the

ruling party in the States for making education free upto higher secondary stage.

The ruling party in the Centre swears by the name of Socialism. If it could not establish an egalitarian society in the country, I think it should derive inspiration from its new found ally, the C.P.I. For 25 years the ruling party is talking about socialism and I do not know for how many years more it will continue to profess their love for socialism without taking any concrete steps to achieving the objective. I was a Congress Party member for 30 long years. I was for ten years a Congress M.L.A. in the Tamil Nadu Assembly. I had the opportunity of working as the District Congress Committee President and I was also a Member of the Working Committee of the Pradesh Congress. I know fully well how the Congress Party used to work. During the Elections, the Congress Party would not bat its eye-lids in making tall promises to be flouted after winning the Elections. The Congress Party had no compunction in practising deception on the gullible people of our country. I was also unfortunately a party to such frauds on the people when I was a Member of the Congress Party.

25 years after our independence and after celebrating the Silver Jubilee of our Independence, it is strange that a National Programme for Minimum Needs with an outlay of Rs. 3300 crores has been incorporated in the Approach to the Fifth Five Year Plan. What the ruling party could not achieve in two and half decades they want to achieve in five years! This itself is a clear indication that the ruling party had been deceiving the people of our country for more than 25 years. When one looks at the multitude of problems being faced by the people of country, this National Programme for Minimum Needs will also be a drop in the ocean. When the Government talk about implementing this programme in five years. it is just like a lame man

[Shri J Matha Gowder]

desiring the honey from the top of a tree I would like to warn that it is not wise to deceive the people too long. The Government should do something constructive to mitigate the miseries of the people.

The Government may not like to extend its support to the Constitution Amendment Bill of Shri A K Gopalan as he happens to belong to the Communist Party not liked by the ruling party. But, the Government can pay heed to the advice of the Member of the Communist Party with whom they have fraternal relations. The ruling party should not hesitate to accept the Amendment of Shri A K Gopalan and make the basic requirements of the people their fundamental rights.

Before I conclude, I would refer to the provision in this amending Bill regarding the right to bear small arms in the interest of the defence of the country, the people should have the right to own small arms. During last session of this House, when Shri Samanta brought forward a Private Member's Bill regarding training of people in the handling of small arms, I pointed out the essential necessity for the training of the entire population of the country in the use of small arms, so that in times of emergency the whole population can stand as one man to defend the freedom of the country. As at present, the people with resources, I mean the richer sections of our society manipulate to get licences and other facilities to possess arms and also get trained in Clubs and such other associations of affluent sections. But the poor villagers tremble at the very sight of an arm. There is no question of their getting training in the handling of arms in exclusive clubs. The Government need not be afraid that giving right to bear arms will lead to dangerous situations, as it has happened now in Andhra Pradesh. It is good to remove the inherent fear among the common people in the matter of handling arms. They are the

second-line defence of our country in emergencies and they must be trained in the handling of arms. That would be possible only when they have the right to possess arms. I request that the Government should not hesitate to make this also a fundamental right.

With these words, I wholeheartedly support on behalf of my Party, the D M K, the Constitution Amendment Bill of Shri A K Gopalan.

श्री रामसहाय पाण्डेय (राजनदगाव)

महापति जी गोपालन जी ने जो बिल मदन न सामने प्रस्तुत किया उस में मंत्रिधान में मशोधन करने का प्रावधान है। कुछ बात तो इस में बहान अच्छी हैं जिन के निये हम पहले से ही प्रयास कर रहे है और यह हमारा दायित्व है कि हम इस धार धारें बढ और इस दायित्व के पालन में सफल हो। लेकिन जहा तक किसी भी राष्ट्र के इतिहास का प्रश्न देश की ममीक्षा करते समय एक बात स्पष्ट है कि जैसे जैसे माधन उपलब्ध होंगे जैसे जैसे माधन एकत्रित होंगे—हम उन प्रयासों में अवश्य सफल होंगे। किसी भी स्वराज्य का, गणतन्त्र का अर्थ क्या है? स्वराज्य का अर्थ, गणतन्त्र का अर्थ, लोकतन्त्र का अर्थ गांधी जी की परिकल्पना के अन्तर्गत हम समाज के अन्तिम व्यक्ति तक आर्थिक दृष्टि से समधि को लेकर, रोजगारी को लेकर चिराग को लेकर पहुँचना चाहते हैं। वह चिराग जनसंघ का नहीं होगा, वह विकास का चिराग होगा—इस में कोई मतभेद नहीं हो सकता।

हम चाहते हैं कि हमारे बच्चे नि:शुल्क शिक्षा प्राप्त करें—यह एक ऐसी बात है जिस में किसी भी प्रकार का विरोध नहीं हो सकता। जहाँ तक शिक्षा का प्रश्न है, जहाँ तक धाप की इस धारणा की मान्यता का सम्बन्ध है, हम धाप के साथ हैं। धाप चाहते हैं कि हायर सैकण्डरी स्टेण्डर्ड तक मुफ्त

शिक्षा हो, हम भी इस बात से सहमत हैं और मैं समझता हूँ कि हमारी सरकार भी बहुत गम्भीरता से इस सवाल पर विचार कर रही है कि उच्चतर माध्यमिक विद्यालय की शिक्षा निःशुल्क होनी चाहिये। हमारा इस में कोई मतभेद नहीं है।

याप ने कहा है कि मैजिस्ट्रेट ट्रीटमेंट फ्री हों—हम भी यही चाहते हैं कि हमारी सोमायटी का ट्रीटमेंट ऐसा हो, हमारी सामर्थ्य भी ऐसे हो कि देश के किसी भी नागरिक को बीमारी की स्थिति में किसी भी प्रकार का पैसा न खर्च करना पड़े। हम यह भी चाहते हैं कि समाज में उच्चलिटी हा ममानता हो, वगैरे भेद न हों, एक दूसरे के बीच में किसी भी प्रकार का अन्तर न हो।

गोपालन जी ने अपने सशोधन में यह भी कहा है कि हर 18 वर्ष के नागरिक को बालिग मताधिकार का अधिकार होना चाहिये। इस बात पर भी हमारी सरकार बड़ी गम्भीरता से सोच रही है कि 18 वर्ष की अवस्था होवे ही बालिग मताधिकार दिया जाए और इस का निर्णय भी शीघ्र हो याप के मामले आयेंगा।

लेकिन इस सब के बाद याप कहते हैं कि यह भी मशोधन किया जाये कि नागरिकों को म्मान-आर्ज रखने का भी अधिकार हो। यह बात समझ में नहीं आई—किस नियम याप उन्हें बन्दूक, तमचा या रिवाल्वर देना चाहते हैं।

याप यह भी कहते हैं कि संविधान में यह मशोधन किया जाये—आर्टिकल 22, क्लॉज 1 तथा 2 में—डिटेंशन शब्द को डिलीट कर दिया जाय। जहाँ तक डिटेंशन शब्द का तात्पर्य है—हमारे विधान केलाओ ने अब विधान का निर्माण किया—उस समय उन्होंने एक बात सोची कि किसी भी

राष्ट्र के जीवन में ऐसा होना सम्भव है और उन्होंने अपनी परिकल्पना के अनुसार यह सोचा और कहा—नौ-परसन-गुड-वी-एग्स्टेंड-कोई जन्मी नहीं है कि हम उस को एरेस्ट करें—

“No person who is arrested shall be detained in custody without being informed as soon as may be of the grounds of such arrest nor shall he be denied the right to consult and be defended by a legal practitioner of his choice”

यह फाइनेटल राइट को डिनाई नहीं करता है लेकिन याप उस को डिलीट कराना चाहते हैं, सब ठो बड़ा खतरा यद्वा पर है। किन्तु कन्डीशन में उस को डिटेंड करेगे—हमारा विधान कहता है—

No person who for the time being is an enemy alien

अब याप ही बतलाइये—किसी भी राष्ट्र के जीवन में यह सम्भावना हो सकती है—हमारे राष्ट्र पर आक्रमण हो, जैसा कि कई बार आक्रमण हुआ है—याकिम्मान ने आक्रमण किया, चीन ने आक्रमण किया, जिस समय हमारे गणतंत्र पर आक्रमण हो, लोकतन्त्र पर आक्रमण हो, भावेंनाम मत्ता पर आक्रमण हो, तब क्या हम इस शब्द को डिलीट कर के उन को मौका दे कि वे दुश्मन के साथ मिल कर पत्रिका करे और हमारे गणतन्त्र को ध्वजा को नीचे लावे, दुश्मन को मदद करे। हम चाहते हैं कि ऐसी स्थिति क्यों आय। श्री गोपालन जी याप ही बतलाइये—प्रायः के विचारों में क्या किसी राष्ट्र के जीवन में ऐसी सम्भावना नहीं होती है? मैं समझता हूँ कि जब तक मानव समाज है, जब तक भागोलिक रेखायें हैं, जब तक मनुष्य राष्ट्रों में बँटा हुआ है, तब तक राष्ट्र के जीवन में इस प्रकार की सम्भावनायें आ सकती हैं और ऐसे तत्व हो सकते हैं जो दुश्मन से मिल जायें। दुश्मन ऐसे लोगों को खराबता है, कौन नहीं जानना जासूसी कार्य

[श्री रामसहाय पांडे]

क्या होता है, कौन नहीं जानता कि ऐसे लोगों को अपने साथ मिलाकर तमाम जातीयारी नेने का षडयन्त्र रचा जाता है और जब हम इस को विधान में डिलीट कर देंगे तो हम उन को मौका देने हैं, प्रत्यक्ष या अप्रत्यक्ष रूप से, परोक्ष रूप से उन को उत्साहित करने हैं कि ऐसे अमर्माजक तत्व दुश्मन से जाकर मिले और हमारे गणतन्त्र का ध्वंस करे, गणतन्त्र पर आघात आये।

गोपालन जी, मैं आप से हृदय से कहता हूँ—जहाँ तक आप के मशोधनों में ऐसा प्रश्न है जैसे स्वाभ्यन्त्र—निशुल्क चिकित्सा निशुल्क शिक्षा, 18 वर्ष के नागरिक को बालिग मताधिकार—हम आप के साथ हैं। विधि मंत्री जी 18 वर्ष के व्यस्क को बालिग-मताधिकार तो हमें कोई ऐतराज नहीं है—ऐसी बहन सारी चीजें हैं जिन में हम आप से सहमत हैं। लेकिन जहाँ तक अग्रिम मशोधन की बात है—मेरा लगना है कि इन के पीछे कोई न कोई मोटिवेशन है। इस बात है कि इस देश में हरित-क्रान्ति का लक्षण रिफार्म हो धरती का बटवारा है जिसके हाथ में हल हो उस के हाथ में धरती है जिसके हाथ में धरती हो उस के हाथ में हल हो—हमारा इन बातों में आप से सैद्धान्तिक मतभेद नहीं हो सकता। हम चाहते हैं कि श्रमजीवी समाज का नेता हो सर्वहारा समाज का नेता है सब को इकट्ठे लिटी वा दर्जा दिया जा। लेकिन उस को हथियार देने की बात समझ में नहीं आती हल देने की बात समझ में आ सकती है। हम हरित क्रान्ति चाहते हैं लाल-क्रान्ति नहीं चाहते हैं क्योंकि हम क्रान्ति के द्वारा क्रान्ति चाहते हैं—सामाजिक क्रान्ति, आर्थिक क्रान्ति, धरती की क्रान्ति—हम यह सब करना चाहते हैं। लेकिन छोटे बच्चों को रिबान्बर नहीं देना चाहते। गोपालन जी यह एक्सपेरिमेंट आप कर चुके हैं—आप

का शासन, जहाँ जहाँ रहा जहाँ जहाँ आप का प्रभाव था—आप ने बैस्ट बंगाल में देख लिया वहाँ भी आपने किया केरल में भी किया लेकिन उससे क्या सफलता मिली। अन्ततोगत्वा हमारा देश एक शांतिप्रिय देश है। बांग्लादेश है, गांधी जी का देश है, जवाहर लाल का देश है हमारा देश 56-57 करोड़ शांतिप्रिय लोगों का देश है। हथियार न दीजिये हल दीजिये श्रम की पूजा होनी चाहिए गोली और तमचा देकर हमारे बच्चों को विद्रोह और विफल के रास्ते पर न भेजिये।

अभी मरजू पाण्डेय जी ने कहा कि आप इस को मान लीजिये चाहे कीजिये या न कीजिये। यह काम हमारा नहीं है। हम जिन को कहते हैं उस को करने का प्रयास करते हैं। हम जानते हैं कि बहुत मारे काम जिन को हम कमिट करते हैं नहीं हो पाते हैं लेकिन जिन कामों को हम ने अपने हाथ में लिया हम उन की तरफ आगे बढ़ रहे हैं और बढ़ते जायेंगे हरित क्रान्ति की तरफ हम तेजी से आगे बढ़ना चाहते हैं। इस काम में हम आप का सहयोग चाहते हैं—इन शब्दों के साथ मैं उन मशोधनों का विरोध करता हूँ।

श्री हुकम चन्द कछवाय (मुरैना) : सभापति जी श्री गोपालन जी ने जो बिल गदन के सामने रखा है इस की बहुत सी बातों का मैं समर्थन करता हूँ। वास्तव में यह बिल जो समाजवाद की बात करने वाली सरकार है, जो देश से शीघ्र गरीबी हटाने की बात करती है—उस की तरफ से आना चाहिये था। परन्तु पता नहीं यह सरकार क्यों इस बिल को नहीं लाना चाहती और मुझे सन्देह है—सभापति जी—आज भी यह सरकार इस बिल को स्वीकार करने में राजी होगी।

आज यह बात कही जाती है—आज लोगों में इस बात की चर्चा है कि प्रत्येक

व्यक्ति को मजदूरी पाने का हक है रोटी हासिल करने का हक है—लेकिन आज तक सरकार ऐसी कोई व्यवस्था नहीं कर पाई और आने वाले वर्षों में ऐसा लगाना है कि यह सरकार ऐसी व्यवस्था कभी नहीं कर सकेगी ।

17.45 hrs.

[SHRI SEZHIYAN in the Chair].

इनके आपम का झगड़ा इतना है और आपम में यह इतना उलझे हुए हैं कि इस प्रकार की बातों पर विचार करने का समय ही इनके पास नहीं है । अभी पांडे जी यहाँ पर बोल रहे थे कि शस्त्र की शिक्षा मत दीजिए, लोग उनको खरीद लेंगे शत्रु देश लोग को खरीद लेंगे

श्री राम सहाय पांडे : मैंने यह नहीं कहा था । इनको जो बन्द कर दिया जाता है उनके सम्बन्ध में कहा था ।

श्री हुकम चन्द कछवाय : शस्त्र की शिक्षा के बारे में आपने कहा है । (व्यवधान)

में कहने जा रहा था कि पांडे जी ने यह बात कही कि अगर शस्त्र की बात कही जायेगी तो लोग उनको खरीदेंगे और हमारे देश के खिलाफ उनका उपयोग करेंगे । अगर गरीब देश की बात करने है तो जरा पांडे जी अपने को खुद देखें ।**

(व्यवधान)

इसमें कहा गया है कि 16 वर्ष के बालिक को नौजवान को काम-काज मिलना चाहिए उसको पेट भर भोजन मिलना चाहिए—यह बहुत अच्छी बात है और इसमें कोई दो रायें नहीं हो सकती हैं । माननीय विधि मंत्री यहाँ पर बैठे हुए हैं मैं समझता हूँ वे इस बात को स्वीकार करेंगे . .

SHRI K. N. TIWARY (Bettiah): On a point of order. Something very objectionable has gone on record. It is neither in good taste nor proper that in the House any hon. Member should use such words as** against another hon. Member. It should not go on record.

MR. CHAIRMAN: I will go through the record and if there are such objectionable remarks, they will be expunged.

श्री हुकम चन्द कछवाय : सभापति जी. आज भी देश में बहुत में ऐसे बच्चे हैं जो बिना शिक्षा के रह जाते हैं मा-बाप की इच्छा होती है कि उनको पढ़ायेँ लेकिन पढ़ाने के लिए उनके पास धन नहीं होता है । वे उनको स्कूल भेज नहीं सकते हैं । पांडे जी ने कहा कि काफी राज्यों में मुफ्त शिक्षा की व्यवस्था है लेकिन कितने कितने राज्यों में ऐसी व्यवस्था चल रही है मुफ्त शिक्षा की ? केवल तमिलनाडु में ऐसी प्रथा है जहाँ कि आपके दल का सरकार नहीं है । वहाँ पर डी०एम०के०की सरकार है । किमी भी राज्य में आपके दल की सरकार ने इस प्रथा को चालू नहीं किया है ।

जहाँ तक बूढ़े आर्दमियों की बात है जो बेरोजगार हैं आपको पता होगा इस देश में बहुत से ऐसे लोग हैं जिनके सन्ताने नहीं हैं और यदि मन्ताने हैं भी तो वह उनके साथ नहीं हैं बल्कि वे अपने परिवार लेकर भ्रमण करते हैं । . . (व्यवधान) . . देहातो में गरीब लोगों में इस तरह की बात है कि अपने मा-बाप के साथ लोग नहीं रहते हैं । ऐसी परिस्थितियों में मेरा आपके द्वारा निवेदन है कि सरकार को इस बात को मानने में हिचकिचाहट नहीं होनी चाहिए । बूढ़ों को बेरोजगारी का भत्ता दिया जाये इस सवाल को अनेकों बार इस सदन में उठाया गया है लेकिन सरकार की

**Expunged as ordered by the chair.

[श्री ह. कम. शंभू कच्छबाब]

श्रीर से सतोषजनक उत्तर कभी नहीं मिला श्रीर न भागे ही मिलने की कोई आशा है।

जहा तक बीमारी की बात है यह निश्चित बात है कि लोगो का इलाज श्रीर देख-रेख ठीक प्रकार से की जाये श्रीर सरकार इस बात की व्यवस्था कर सकती है। मैं उन लोगो की चर्चा नहीं करना चाहता जिनके लिए आपने कानून बनाया है कि 58 साल से रिटायर हो जायेगे वे अपने पास कुछ कमाकर भी रखते हैं लेकिन तेमे बहुत से लोग है देहातो मे हरिजन शेड्यूलड काम्ट श्रीर शेड्यूलड ट्राइब जिनके पास कोई पैसा नहीं है। जवानी मे उनके बच्चे उनको छोट कर चले जाने है श्रीर किमी प्रकार का कोई सहारा न होने की वजह मे जब कभी वे बीमार पडते है तो केवल भगवान के भरोसे ही रहते है। ऐसे लोगो के लिए शासन की श्रीर से मुफ्त इलाज की व्यवस्था होनी चाहिए—यह जो बात गोपालन जी की श्रीर से कही गई है उसका मैं समर्थन करता हू श्रीर मैं सरकार से आशा करता हू कि वह इस बात को स्वीकार करेगी।

जहा तक यह बात कही गई है कि छोटे बच्चो को अधिक मे अधिक पोष्टिक आहार मिले उनका मुफ्त इलाज हा वे अपनी पढाई करें श्रीर उनकी ठीक से देखरेख हो तो उसमे मैं पूर्ण रूप से सहमत हू।

इसके साथ ही साथ इसमे ममान कार्य के लिए समान वेतन की बात कही गई है। शायद हमारे शुक्ल जी इस बात के लिए आपत्ति कर रहे थे हो सकता है उनका अनुभव ही इस प्रकार का श्रीर मेरा भी अनुभव है। इसी महीने की 13 तारीख को महाराष्ट्र के एक जिले में दौरे पर मैं गया था। थाना जिले में राहूत कार्य चलाया जा रहा है। वह एक ब्लाक है, आदिवासी ब्लाक जिसका मैंने निरीक्षण किया। वहा

पर काम चल रहा था। जब मैंने रजिस्टर देखा तो आपको यह जानकारी आवश्यक होगी कि वहा जो काम करने वाले थे उनमे रजिस्टर पर लिखभाया जाता था कि मुझे मबा तीन रुपये रोज तनख्वाह दी जाती है लेकिन वास्तव मे उनको दो रुपय रोज ही केवल दिए जाने थे। पाडे जी जग मेरी बात को मुने कि काग्रेम शासन की श्रीर से महाराष्ट्र के थाना जिले में गहन कार्य चल रहा है एक ब्लाक मे जहा पर मैंने देखा कि काम करने वालो मे सवा तीन रुपय रोज पर माइन करबाग जाते हैं लेकिन केवल दो रुपय रोज ही तनख्वाह दी जाती है। जो बीस साल से छोटे है उनको यह कहकर कि तुम बालिग नहीं हो केवल मबा रुपया रोज दिया जाता है लेकिन उनमे काम उतना ही लिया जाता है जितना बाकी लोग करते है। (यबधान) तो राहन कार्यों के नाम पर समान फाय के लिए पैसा वेतन दिया जाता है इस बात का उदाहरण मैं रखना चाहता था।

इसमे एक बात श्रीर कही गई है कि मताधिकार 18 साल के बालिग को देना चाहिए मुझे इसमे कोई आपत्ति नहीं है श्रीर न किसी को भी हानी चाहिए। एक बात जरूर है कि सरकार को डर है इस बात का कि यदि उन को मताधिकार बे दिया तो शायद हो सकता है उन नीजबानो के मतो के माध्यम से हमारा पत्ता ही साफ हो जाये। इसीलिए उनको मताधिकार नहीं दिया जा रहा है। मेरी समझ मे नहीं आता कि जब 16 साल के बच्चो को वारिस माना जाता है पिता के मरने के बाद श्रीर 15 साल की उम्र में उसके बच्चे हो जाते है वह अपने परिवार को समझता है बच्चो को ठीक प्रकार से पालता है तो क्यों उसे मताधिकार नहीं देते है। मेरी समझ मे नहीं आता इस प्रकार की बात क्यों हो रही है इस बात को सरकार क्यों नहीं मानती? कौन सी दिक्कत है जिससे सरकार उनकी मताधिकार नहीं देना चाहती? आप देखें

कि दुनिया में कितने परिवर्तन आ रहे हैं देश में नहीं लहर आ रही है लेकिन उनको मताधिकार नहीं मिलता । सरकार उनको सामने अपना चुनाव प्रचार करती है लेकिन उनको मताधिकार नहीं देती है मेरी प्रार्थना है सरकार इस बात को मान ले ।

अन्न में कहा गया है कि छोटे शस्त्र धारण करने के लिए अनुमति दी जाये । छोटे शस्त्र कोई भी रख सकता है, इसमें कोई दिक्कत नहीं है । आज बहुत में ऐसे देश हैं जहाँ पर सैनिक और अर्द्ध-सैनिक शिक्षा जगता को दी जाती है । ऐसे देश बहुत बलशाली और अनुशासनबद्ध हो जाते हैं । कभी संकट के समय में वहाँ की जनता आक्रमणकारी देशों से हिम्मत के साथ लड़ सकती है, देश के लिए अपनी जानकी बाजी लगा सकती है । ऐसे भी कुछ तत्व हो सकते हैं देश में जो दूसरे देशों के साथ माट गांठ करके देश को बेचना चाहते हैं । ऐसी परिस्थिति में उनमें निपटने के लिए वह लोग तैयार रहते हैं । (व्यवधान)

श्री राम सहाय पांडे : लेकिन गांधी जी को भी मार सकते हैं गांधी जी को रिवांन्वर किस ने मारा ?

श्री हुकमचन्द कछवाय : वह तो आपको पता होगा किसने मारा । उनको कांग्रेसी लोगों ने मरवाया । (व्यवधान) . . .

तो इस प्रकार की सैनिक शिक्षा जिस देश में होगी वह देश बड़ा शक्तिशाली होगा । इस प्रकार के जो अपराध होते हैं गुंडागर्दी के वह भी काफी कम मात्रा से वहाँ पर होंगे । मेरी समझ में नहीं आता क्यों सरकार हिचकिचाती है । अगर माननीय पांडे जी ने स्कूल में शस्त्र चलाने की अच्छी शिक्षा नहीं होती तो वह अपने ऊपर होने वाले आक्रमण का मुकाबला नहीं कर सकते थे । लेकिन चूंकि सैनिक शिक्षा ली है इसलिए अगर इन की जान पर आ जायगी तो वह बराबर लड़ेंगे । लेकिन गुंडागारी में उस

का उपयोग नहीं होना चाहिये । देश के अन्दर काफी लोगों को सैनिक शिक्षा देनी चाहिये । चाहे एन०सी०मी० के माध्यम से या और किसी माध्यम से लोगों में देश की रक्षा करने की ताकत तभी आयेगी जब उन्हें शस्त्र चलाना सिखाया जायगा । पंजाब के कान्ही लौंग हथियार रखते हैं क्या आप ने कभी सुना कि किसी मित्र ने रास्ता चलने किसी को मारा हो (व्यवधान)

इन का तो घधा ही है और प्रधान मंत्री ने इसी लिये इन को पाल कर रखा है कि कहीं कोई रंग हो तो लोगों को लडाओ । शस्त्र वाली बान का मैं समर्थन करना हूँ और चाहता हूँ कि सरकार ऐसे नियम बनाये जिसे अधिक से अधिक लोगों को सैनिक शिक्षा दी जाय और शस्त्र रखने की भी अनुमति दी जाय इन शब्दों के साथ मैं इसका समर्थन करना हूँ ।

इस विषयक के उद्देश्य और कारण में भूमि रखने की बात कही गयी है । इस में मेरा थोड़ा मतभेद है । आज भूमि की कितनी आवश्यकता है यह परिवार पर निर्भर करता है । हर व्यक्ति के परिवार को देखिए, कि उस की वार्षिक आवश्यकता कितनी है, उनकी भूमि उस को रखने का अधिकार हो उस में अधिक न हो । लेकिन हम में यह नहीं कहा गया है । मेरा मुझाव है कि उस की स्थिति को देखते हुए, आज की परिस्थिति को देखते हुए, भूमि देनी चाहिये । आज ही सवेने चर्चा आयी थी कि बहुत बड़े पैमाने पर हमारे देश में भूमि पडी हुई है लोगों को बाटी नहीं है । कुछ लोगों ने संविधान का हवाला दिया है कि वह जबदेस्ती नहीं छिनी जा सकती है । हमें इस बात के लक्षण दिखाई देते हैं कि कई स्थानों पर मत्ताधारी लोगों ने अपने स्वायत्त मित्र करने के लिये लोगों को परेशान किया है और राजनीतिक उल्लू सीधा करने के लिये ऐसे हथकण्डे अपनाते हैं । इसलिए मैं इस बिल की अधिकांश बातों से सहमत होते हुए कुछ

[श्री हनुम चंद छयाय]
बातो का विरोध करता हूँ मेरा मुद्दाव है कि मंत्री जी गम्भीरता से विचार कर के एक अच्छा बिल लाय जा इम बिल म मिलताजुलता हो हम उस का समर्थन करेगे । हर आदमी को काम मिले वाई आदमी भूखा नहीं रहेगा, दबा के बगैर नहीं मरगा इन बातो को आश्वासन दीजिये हम उसका समर्थन करेगे ।

श्री एम० रामगोपाल रेड्डी (निजामाबाद): सभापति महोदय जो बिल माननीय गोपालन जी ने प्रस्तुत किया है वह एक मिक्सचर है सी०पी०एम० की पोलिसीज का और जनसच की पोलिसीज का लड़ का मिक्सचर बड़ा मीठा होता है लेकिन यह जो मिक्सचर है यह तो वैसा ही है जमा कि धान और दही को मिलाने में टम्स हाता है जो अच्छा नहीं लगता । जिन लाग का काम नहीं है उन का कुछ पेशन दी जाए यह इस में कहा गया है । हर आदमी का अगर यह यकीन हो गया कि बुद्धाप में उसे पेशन मिलेगी तो कोई भी आदमी एक पैसा नहीं बचायेगा और न कोई जीवन बीमा करायेगा ।

हमारे देश में देशभक्त बहुत हैं माननीय गोपालन भी हैं मगर साथ ही देशद्राही भी हैं इसलिए सब को हथियार देना खतरनाक बात होगी। आर्म्स का इन्तेमाल याटे ही लाग कर सकते हैं। कोई किसान आदमी पिस्तौल नहीं खरीद सकता क्योंकि काफी महगी चीज है । मैंने खुद 30 माल पहल पिस्तौल का लाइसंस लिया है लेकिन आज तक उस का नहीं खरीद सका । जब साचना हूँ तो मर सामने बेल खरीद सवाल आता है बावली खादन वा मवान आता है । जब मेरी यह हालत है ता छाटे माटे किमान भला कैम खरीद सकने है ।

MR CHAIRMAN Does he require more time?

SHRI M RAM GOPAL REDDY I have just started

MR CHAIRMAN Then he may continue the next day

18 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Monday February 26, 1973 Phalgun 7, 1894 (Saka)