

12.00 hrs.

RE : SUPREME COURT'S JUDGMENT
ON DERECOGNITION OF PRINCES
ORDER

MR. SPEAKER : We now take up the Call Attention Notice. .

श्री अटल बिहारी वाजपेयी (बलरामपुर) :
अभी अभी खबर मिली है (Interruptions)

SHRI SURENDRANATH DWIVEDY
(Kendrapara) : I have written to you. The
Supreme Court has delivered the judgment
striking down. . (Interruptions)

MR. SPEAKER : After the Call Attention
is over. (Interruptions) All of you sit down.
Nothing will go on record. (Interruptions)** I
have received a number of chits just informing
me that the Supreme Court has held the
derecognition of princes' Order as *ultra vires* .

SOME HON. MEMBERS : Shame, shame !
(Interruptions)

MR. SPEAKER : Order, order. Will you
gain anything by shouting like this.

SHRI RANDHIR SINGH : (Rohtak) : We
will pass it again. . (Interruptions)

MR. SPEAKER : I am not allowing any-
body. After all, I have to regulate the debate.
Are you going to gain anything by such shout-
ings? Some Members, starting with Shri
Surendranath Dwivedy, have sent chits to me
saying that they want to raise this matter in
the House. It could have been much better
if some regular motion under some rule had
been given.

श्री अटल बिहारी वाजपेयी : अध्यक्ष
महोदय, क्षमा करें, यह जो सुप्रीम कोर्ट का
फैसला है उस पर अपनी बात कहने का हमें
मौका दिया जाये, बस बात खत्म हो जायेगी।
इस पर मोशन कैसे आ जायेगा? ... (व्यवधान)

SHRI SURENDRANATH DWIVEDY :
Whether there will be a regular motion or
not, we shall discuss that later on. But the

whole question is this. We are all concerned,
specially the Parliament, because the Parli-
ament and the people of this country want the
abolition of the privy purses. . (Interruptions)

SHRI RANJEET SINGH (Khalilabad) :
Absolute nonsense.

SHRI SURENDRANATH DWIVEDY :
The Supreme Court in its wisdom has held
ultra vires the de-recognition order issued by
the President. This has created a new situa-
tion because only on technical grounds the
Supreme Court has come into the picture.
The Parliament has to discharge its duty to the
people whatever the Supreme Court may hold.
Therefore, Sir, I would urge upon the Govern-
ment that before Parliament adjourns. .

SHRI RANGA (Srikakulam) : Resign.

SHRI SURENDRANATH DWIVEDY : . .
let them bring the Privy Purses Abolition Bill
and the House would pass the Bill in one day
and I am sure that a large majority and the
requirements of the Constitution would be
fulfilled and the support of both Houses of
Parliament will be received for such a Bill.
This will be quite a legal, constitutional and
democratic procedure. I want that the
Government should make a statement that
they are going to introduce the Bill this after-
noon in this House.

MR. SPEAKER : Mr. Vajpayee.

SHRI RANDHIR SINGH : Congress
Benches also, Sir.

श्री अटल बिहारी वाजपेयी : अध्यक्ष
महोदय, सरकार ने राजाओं के जेब खर्च और
विशेषाधिकार समाप्त करने के लिये संसद् में
एक विधेयक पेश किया था। वह विधेयक
राज्य सभा में पारित नहीं हुआ। होना यह
चाहिये था कि सरकार 6 महीने तक रुकती
और उस विधेयक को फिर से संसद् के सामने
लाती। लेकिन संविधान की अवहेलना करके,
संसद् की मर्यादा को ठुकराकर सरकार ने
एग्जिक्यूटिव आर्डर के द्वारा राजाओं के जेब
खर्च और प्रिविलेज समाप्त करना चाहा। मुझे

खुशी है कि सुप्रीम कोर्ट ने सरकार के मुंह पर एक तमाचा मारा है :... (व्यवधान) **
अगर सरकार में कुछ भी शर्म है तो उसे इस्तीफा दे देना चाहिये । ... (व्यवधान) **

श्री स० मो० बनर्जी (कानपुर) : **

श्री कंबर लाल गुप्त (दिल्ली सदर) :
अध्यक्ष महोदय, मि० बनर्जी को ये शब्द वापिस लेने चाहिये ।... (व्यवधान).....

SHRI PILOO MODY (Godhra): Sir, I move that Shri S. M. Banerjee be expelled from this House.

श्री कंबर लाल गुप्त : **वापिस होना चाहिए ।

SHRI H. N. MUKERJEE (Calcutta North East) : This House should have freedom of spe ech. . (Interruptions)

MR. SPEAKER : If you go on interrupting like this, nothing will go on record.

श्री अटल बिहारी वाजपेयी : आप निर्णय दीजिए । **

MR. SPEAKER : No, no. This is very unfair. Please be careful about your observations. They are also an august body as this House and we must respect each other. I will not allow any remarks.

SHRI H. N. MUKERJEE : That is not the point.

MR. SPEAKER : Mr. Mukerjee, please sit down.

श्री अटल बिहारी वाजपेयी : आप मुझे पूरा करने दीजिए ।

सुप्रीम कोर्ट का फैसला ठीक है या गलत- इस विवाद में यह मदन नहीं जा सकता बल्कि जो फैसला है उसको मानना पड़ेगा । अगर फैसला हमारे खिलाफ गया है**

इससे इस देश में लोकतन्त्र नहीं चलाया जा सकता है ।

अध्यक्ष महोदय, मेरा निवेदन है (व्यवधान) ; मेरी मांग है (व्यवधान)

SHRI SURENDRANATH DWIVEDY :
Are we discussing the Supreme Court's judgments? (Interruption)

MR. SPEAKER : I don't allow such remarks.

श्री अटल बिहारी वाजपेयी : सरकार विफल रही है सरकार का विधि मंत्रालय सरकार को सलाह देने में गलत साबित हुआ है । अब इस सदन में तो इसी सत्र में विधेयक लाने का सवाल पैदा नहीं होता ... (व्यवधान)

एक माननीय सदस्य : जरूर लाया जाना चाहिए ।

SHRI SURENDRANATH DWIVEDY :
We can have night session if necessary.

श्री अटल बिहारी वाजपेयी : नया विधेयक लाने के बजाय सरकार को त्यागपत्र दे देना चाहिए ।

श्री इन्द्रजीत यादव (आजमगढ़) : अध्यक्ष महोदय, यह सारा देश जानता है कि पिछले कुछ महीनों में सरकार ने जो दो महत्वपूर्ण कदम उठाये थे, बैंकों का राष्ट्रीयकरण करने और प्रिंटा पर्सज का समाप्त करना, देश की करोड़ों जनता ने उमका दिल खोल कर स्वागत किया है (व्यवधान) देश में एक नई आशा, एक नई लहर और एक नया विश्वास पैदा हुआ था । देश की जनता ने समझा था कि वह जो एक स्टेट्स की स्थिति थी उससे उसको मुक्ति मिलेगी । देश में से पिछड़ापन और जो बीकर सैंक्शन है वह आगे बढ़ेगा ऐसी एक आशा उठी थी ... (व्यवधान)

[श्री इन्द्रजीत यादव]

श्रीमन्, श्री अटल बिहारी वाजपेयी ने अभी कहा था कि सुप्रीम कोर्ट के आज के इस निर्णय से सरकार के मुंह पर एक तमाचा पड़ा है। मैं कहना चाहता हूँ कि सुप्रीम कोर्ट का जो निर्णय है, मैं बहुत सम्मानपूर्वक कहना चाहता हूँ कि देश अपनी न्यायिक व्यवस्था का, सुप्रीम कोर्ट का आदर करना चाहता है हम उसके प्रति सम्मान व्यक्त करते हैं लेकिन यह कहे बगैर नहीं रह सकता कि सुप्रीम कोर्ट के आज के इस निर्णय से आघात लगा है, निराशा पैदा हुई है और हमको जो यह गम्भीर स्थिति पैदा हुई है उसके लिये सोचना पड़ेगा कि हम उसका प्रजातांत्रिक तरीके से निराकरण करने का कोई एक प्रजातांत्रिक तरीका निकालें। इसीलिये मैं आपके माध्यम से सदन के नेता से इस बात का अनुरोध करना चाहता हूँ कि हमारे सदन की नेता प्रधान मंत्री जी उन तमाम दलों के नेताओं की जिन्होंने इस बारे में सरकार का समर्थन किया था उनकी एक मीटिंग बुलायें और इस बात का निर्णय करें कि इसी सदन के अन्दर इस प्रिवी पर्सज को सुप्रीम कोर्ट के आज के जजमेंट की रोशनी में प्रजातांत्रिक तरीकों से कैसे समाप्त कर सकते हैं। हमको प्रजातांत्रिक कदम उठा कर प्रिवी-पर्सज को समाप्त करना चाहिए यह देश की जनता हमसे चाहती है।

SHRI RANGA : Mr. Speaker, Sir, we in this House are functioning under our democratic Constitution and we are expected to be true democrats and we have got to be loyal to our Constitution. It is improper for anybody under the Constitution to cavil at any decision or judgment that may be made by this House, more so, by the Supreme Court. Now, the question that is under dispute is not the Privy Purses Bill. My hon. friend from there said, this was passed by overwhelming majority of this House, and the other House is in favour of it. Overwhelming majority is only when this House acts as Parliament. But when the House takes upon itself the responsibility of a Constituent Assembly, of

discharging its functions in relation to the Constitution, it has got to be passed by the special procedure that is incorporated in our Constitution. According to that procedure no one who is a true democratic can dare say with any sense of impartiality or justice that Parliament has passed the Privy Purses Bill. It has not passed it. (*Interruption*) It was defeated; it was not passed but it was defeated. If the Government were really keen on democracy and on observing democratic conventions, then and there they should have resigned, but they did not, because they have no sense of propriety.

Then, what happened? They wanted to be contemptuous of this Parliament, and therefore, in an under-hand manner, in an undemocratic manner according to me, they got that order passed through the President; it was not a parliamentary order; it was not approved by Parliament. It had no sanction so far as this Parliament was concerned. Government by an executive fiat passed that order. It has now been struck down by the Supreme Court. If this Government has any respect at all for democracy..

SHRI SURENDRANATH DWIVEDY : They must bring the Bill.

SHRI RANGA : ..then they must resign, and in all propriety and decency, they ought to resign and then go to the people..

SHRI SURENDRANATH DWIVEDY : I agree, if they have any respect for Constitution and democracy, they must bring the Bill.

SHRI RANGA : My hon. friend is a socialist and at the same time he is a democrat also, but now he is behaving in an undemocratic manner; my hon. friend as well as others and their allies are behaving in an undemocratic manner. Let them go to the people, and get a fresh mandate on that basis as well as other basis..

SHRI SURENDRANATH DWIVEDY : This House is sovereign and it can pass the Bill now.

SHRI RANGA : ... and then come here and pass this Bill or any other Bill in which ever form they would like to have it, in the proper

democratic and constitutional manner as provided in the Constitution.

Here and now, since for the last few days there has been so much of furore and an atmosphere has been created in this country by the uncertain attitude of the Prime Minister and the ruling party whether there is going to be a mid-term poll or not, now the Prime Minister is being asked by us to say 'Yes' or 'No'. Now, a very good opportunity has come for the country, and here is an inescapable challenge facing the Prime Minister, and let her say that she would go to the people on this as well as other issues; and we will face the Government, and we shall see whether the people would like to keep this government which is behaving in this undemocratic and unparliamentary and dictatorial manner as it has done by the passing this order behind the back of Parliament, or whether they would like to dismiss this government and instal in its place an alternative government.

DR. RAM SUBHAG SINGH (Buxar) : Due to the incompetence, inefficiency and impatience of the Government, even good ideas become highly controversial.

SHRI VASUDEVAN NAIR (Peermade) : He is for the abolition of the privy purses. Is he not ?

DR. RAM SUBHAG SINGH : As you know, Government had lost that Bill. This House had passed that Bill but the Rajya Sabha had let it down. On that round, the Government should have waited and introduced a Bill after the expiry of six months and then taken the verdict of the Parliament, but they did not do that, and in hot haste and in impatience they got the rulers derecognised. But now, the Supreme Court has derecognised the action of the Government and has upheld the Constitution. I congratulate the Supreme Court, and the Government should now resign, if the Government has any sense of prestige. They should immediately quit, if the Government possesses even an iota of prestige. But it does not have any prestige at the moment, and, therefore, it should resign immediately and go to the people and take the verdict of the

people. I wish that the Prime Minister musters courage and resigns and goes to the people. As you know, we belonged to the United Congress before, and as I said earlier, even good ideas are made bad by the callousness, inefficiency, incompetence and impatience of this Government.

Therefore, I again congratulate the Supreme Court and I wish that this Government immediately resign.

SHRI H. N. MUKERJEE : It seems somewhat strange that as members of Parliament some of us are taking up an attitude which does not show that we have a lively sense of our responsibility towards the people and to the institution of Parliament. What has happened is that the Supreme Court has taken a certain decision which we are not, at the moment, discussing, but there is no getting away from the fact that the wish of this Parliament, as represented, above all, by the Lok Sabha, in regard to the princes and their privy purses has happened to have been flouted by what the Supreme Court has done (*Interruption*)

MR. SPEAKER : That is not under discussion now.

SHRI H. N. MUKERJEE : No doubt, the Supreme Court has a place of honour in the present set-up, but as far as Parliament is concerned, Parliament will never agree in this country to be overshadowed by a judicial body in so far as the wishes of the people are concerned. In every country with a Constitution, like the USA, occasions arise when the Supreme Court has to be filled up with Judges who would act in conformity with the wishes of the people (*Interruptions*).

SHRI BAL RAJ MADHOK (South Delhi) : The cat is out of the bag (*Interruptions*).

SHRI H. N. MUKERJEE : If the House of Lords stands in the way of a decision of the House of Commons, the House of Lords can be disciplined in a manner which is known to everybody (*Interruptions*). Let them see what they can do in the UK in this matter.

MR. SPEAKER : There should be no aspersion on the Supreme Court (*Interruptions*).

SHRI H. N. MUKERJEE: I am not making any aspersion on the Supreme Court. I am making a historical, constitutional statement that in the USA and in the UK, where we have constitutions comparable to ours, the wishes of the popular House corresponding to the Lok Sabha here are supreme. That is the law of the land in every country with a Parliament. Here what has happened? I am not contesting the Supreme Court decision because that is not in my jurisdiction. But what I say is that the Supreme Court having given this kind of decision, it is incumbent on Government to take certain steps....

SHRI ATAL BIHARI VAJPAJEE: To resign.

SHRI H. N. MUKERJEE: I shall be very happy if Shri Ranga's suggestion is accepted because if there is a poll, Shri Ranga and his ilk will not come back to this House (*Intrusions*). But it is for Government to say. I am not concerned with who comes back or who does not. But I make my anticipation, my prognostication, that those who stand by vested interests, those who stand by the princes and every other miserable vested interest in this country, will not come back to this House. As far as the people of this country are concerned, Government will take its decision either to appeal to the country or to come forward, as soon as ever it is possible, even by relaxing the rules....

SOME HON. MEMBERS: No, no.

SHRI H. N. MUKERJEE: ..With this measure before the House. Therefore, I support the proposition that Shri Dwivedy has put forward.

SHRI HEM BARUA (Mangaldai): Let us hear the Prime Minister, whether she is bringing a Bill or not to abolish the Privy Purses.

SHRI TENNETI VISWANATHAM (Visakhapatnam): As I see it, this is not a matter on which so much of emotion need be spent. Parliament passed a Bill and the Supreme Court set it aside.

SHRI PILOO MODY (Godhra): No. What are you talking?

SHRI TENNETI VISWANATHAM: I stand corrected. The President passed an order and the Supreme Court set it aside. It is not a strange or unusual thing. It often happens that Parliament passes a Bill or the President passes an order, and the Supreme Court sets it aside. What is there in this that we should all be upset? The Government, if it represents the wishes of the majority, will naturally bring a fresh Bill before the House.

SHRI PILOO MODY: As per rules.

SHRI TENNETI VISWANATHAM: As per rules, as per law, as per the wishes of Parliament, as per the wishes of the people, and in harmony with the changing times.

SHRI PILOO MODY: Who knows about that?

SHRI TENNETI VISWANATHAM: When a fresh Bill is brought before the Parliament Shri Piloo Mody will know something about it. So far as I can see, the majority of the people in this country want such a Bill, and I trust the Government will not make delay in bringing forward such a Bill.

SHRI A. K. GOPALAN (Kasergod): What has happened is what is expected. For the last one year, in the States as well as in the Centre, where legislations have been passed in the interests of the people and giving some relief to the people, they have been struck down by the Courts on the question of fundamental rights.

SHRI RANGA: Fundamental rights are for the people.

SHRI A. K. GOPALAN: Fundamental rights are for the people, but in the people Birlas, Tatas and others are also included. So, fundamental rights for the capitalists is different from the fundamental rights for the toiling masses of the country. I do not want to argue with him, that is my opinion. According to the courts, it is not the fundamental right of the toiling masses but the fundamental right of the vested interests. The University Act passed by the Kerala Government has been struck down. The Land Reforms Act has been struck down. The hutment dwellers were given

ten cents of land, and it has been struck down. There is something very wrong. The Constitution must be changed.

SHRI KANWAR LAL GUPTA: Shri Dange was also released by the Supreme Court.

SHRI A. K. GOPALAN: Better change the Constitution. I request that the Government should immediately bring forward the legislation, and it will have the support not only of the Lok Sabha but also of the Rajya Sabha this time. It must be passed immediately. I request the Government to see that the Bill is brought forward immediately.

SHRI AMRIT NAHATA (Barmer): The Supreme Court has done its duty, and we all have respect for the Supreme Court. The hon. Member, Shri Atal Bihari Vajpayee has expressed his jubilation over the judgement. May I point out to him that the people of India will see to it that his jubilation is converted into sorrow and gloom? The hon. Leader of Opposition says that this is the result of doing things in haste, hurry and impatience. But the people of India are in a hurry, they are impatient, they want things to be done in a hurry. They want to know whether the Government is prepared to bring back the Bill for abolition of Privy Purses before this House and the Rajya Sabha.

SOME HON. MEMBERS: Today, today.

SHRI AMRIT NAHATA: It is not this Parliament which is sovereign, nor even the Constitution, nor even the Supreme Court which is sovereign. The people of India are sovereign. If necessary, let us go back to the people; let us amend the Constitution..... *(Interruption)*.

SHRI J. B. KRIPALANI (Guna): I do not understand all this emotional talk. The fact is that none of us have read the judgment yet; the judgment is not out. We are already trying to pass a judgement upon the Supreme Court.

SHRI VASUDEVAN NAIR: Why not?

SHRI J. B. KRIPALANI: I did not inter-

rupt anybody when he spoke and I want to be listened to now. The judgment of the court is not yet out. We do not know on what grounds they have come to this judgment. The mere decision is not a judgment. The judgment must be studied by the Government, by the Opposition parties, by all concerned.

AN HON. MEMBER: You speak as if you are a lawyer.

SHRI J. B. KRIPALANI: I am not a lawyer. I say it is non-sense to judge a judgment because a decision, which some people do not like, has been given. Decision is not judgment; a judgment is well documented; it analyses evidence on both sides; it gives cogent reasons; you can study them when the judgment is out.

SHRI SURENDRANATH DWIVEDI: We shall have our own Bill.

SHRI J. B. KRIPALANI: He will have his chance to say what he wants. Why does he not allow me to speak. I say that we must remember that the Supreme Court and the High Courts are our guarantee of freedom.... *(Interruptions)*.

SOME HON. MEMBERS: No.

SHRI J. B. KRIPALANI: What is the good of shouting? The opposition legislators who have been imprisoned often by the executive have been released by the Supreme Court and the High Courts. Even the Communists have been released by the High Courts.

SHRI VASUDEVAN NAIR: Why should you say 'even the communists'?

SHRI J. B. KRIPALANI: Because they minimise the importance of the judiciary. I say even why should they get annoyed because they do not pay proper respect to the Supreme Court and the High Courts.... *(Interruptions)* I withdraw the word even; there should be no quarrel about it.... *(Interruptions)* Do you mean to say that I should withdraw all my speech? I did not interrupt his speech and he has not the courtesy to reciprocate.... *(Interruptions)*

MR. SPEAKER: Please do not get excited.

SHRI J. B. KRIPALANI : I am not getting excited. . . . (Interruptions). Sir, if you cannot keep order, I cannot speak. (Interruptions).

SHRI BAL RAJ MADHOK : Can't the Prime Minister appeal at least to her followers not to interrupt such an elder statesman? (Interruption)

SHRI J. B. KRIPALANI : If you cannot keep order in the House I cannot speak.

SHRI SURENDRANATH DWIVEDY : Let him sit and speak. (Interruption)

SHRI SAMAR GUHA (Contai) : Everyone has a right to speak. This sort of interruption cannot be allowed. Everyone has the right to speak. What is this?

SHRI NATH PAI (Rajapur) : We want to hear Acharya Kripalani.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF HOME AFFAIRS AND MINISTER OF PLANNING (SHRIMATI INDIRA GANDHI) : May I add that I would certainly appeal to the hon. Members to listen to Acharya Kripalani quietly. But I should like to remind Shri Madhok and others who got up just now that they themselves did not allow other Members to speak in the House. (Interruption) I just want them to remember that. Let Acharya Kripalani speak.

SHRI P. RAMAMURTI (Madurai) : Let them not go into that controversy. Let Acharya Kripalani speak now.

MR. SPEAKER : Yes.

SHRI J. B. KRIPALANI : May I humbly submit to the Prime Minister that other people are not myself. I do not stand guarantee for anybody who shouts down any speaker, whether he belongs to this part of the House or that part of the House. I have never joined in any shouting. I have never joined in any walk-out. I have never asked any questions. I make my speeches and go away. So I must be heard at least with patience. It is not right that I be judged by the standards which they

apply to others. (Interruption) Everyone has a right to speak, but I hope you will use your authority to keep some order in this House.

I was saying that we have not received the details of the judgement yet. And it is premature to give opinion upon only the verdict. The verdict has been announced. I also say that the judiciary is the guarantee of our liberties. Where else can we find that guarantee? Can we find it among the people, in the market-place? We cannot find it even among the representatives of the people. Otherwise, the representatives of the people would have been made judge and there might have been no separate judiciary. There might have been some committees of the House to go into complicated legal matters. This has not been done, and this is not possible even and this has not been done in any country. I have very great regard for my friend Shri H. N. Mukerjee, but I think he is perverting history when he talks of England and so on.

So, I would submit that I have no advice to give to the Government. I think it would be decent if the things were done in a more leisurely way than what is proposed by some of our friends here that is here and now, today I do not know if the Government would agree with me. I hope it will agree with me that this is not a thing that is going to be done in a hurry. I hope the Prime Minister will understand that such things ought to be done in a particular manner and not in this manner. After all, what are the privy purses? It is a question of (Interruption) All right. I leave the privy purses. Though it is only a question of a few rupees, I leave it. But I do feel that this requires more mature consideration than has been done by some people asking that at once, today or tomorrow, or by abrogating the rules, this should be done. That is all I have to say.

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय, सर्वोच्च न्यायालय की इज्जत और प्रतिष्ठा को ठेस लगे, ऐसी कोई बात मैं नहीं कहना चाहता हूँ। सुप्रीम कोर्ट के निर्णयों से अक्सर मेरा मतभेद होता है। लेकिन आज उस संस्था के अलावा नागरिकों के स्वतंत्रता के अधिकारों की रक्षा करने वाला और कोई पीठ इस देश में

[श्री मधु लिमये]

नहीं है। आप जानते हैं कि दो वर्षों में तीन दफा सुप्रीम कोर्ट ने मेरी आजादी को बचाया है।

अभी जो यहां पर कहा गया कि सुप्रीम कोर्ट ने पार्लियामेंट के किसी निर्णय को ठुकरा दिया है, यह बात सही नहीं है। बात यह है कि कार्यपालिका ने एक आदेश जारी किया— राष्ट्रपति ने आदेश जारी किया, उस की संवैधानिकता को चुनौती दी गई और जो समाचार प्राप्त हुआ है, उससे पता चलता है कि सुप्रीम कोर्ट ने उस को असंवैधानिक करार दिया है। राष्ट्रपति का आदेश जारी करने का यह काम जिन लोगों ने किया—प्रधान मंत्री और उन के सलाहकार, वे इस की जिम्मेदारी लें और कुछ प्रायश्चित भोग करें। संसद् इस विषय में जिम्मेदार नहीं है। (व्यवधान) मैं प्रधान मंत्री या सरकार को सलाह देने नहीं गया था। मैं ने उन को यह सलाह नहीं दी थी। मैं माननीय सदस्यों का चुनौती देता हूँ कि वे मेरे भाषण में दिखाएँ कि मैंने यह सलाह दी थी। इस संसद् का इस में कोई दायित्व नहीं है और इस वक्त सुप्रीम कोर्ट बनाम संसद्, यह विवाद उपस्थित नहीं होता है। वह उपस्थित हो सकता है, लेकिन इस वक्त नहीं हुआ है। कुछ लोगों की राय है कि सरकार के विधेयक के पारित होने के बाद भी सुप्रीम कोर्ट अपने गोलकनाथ केम सम्बन्धी निर्णय के आधार पर इस संवैधानिक सम्बोधन को भी खत्म कर देगी। तब सुप्रीम कोर्ट बनाम संसद् का मामला उपस्थित हो सकता है।

क्या प्रधान मंत्री इस बात से इन्कार कर सकती हैं कि इस विधेयक को पास करने में पहले मैंने उनसे प्रार्थना की थी कि पहले संसद् के नियमों में परिवर्तन किया जाये? लेकिन मेरी बात की ओर उन्होंने कोई ध्यान नहीं दिया।

श्री अटल बिहारी वाजपेयी : कभी नहीं देती हैं।

श्री मधु लिमये : वह न दें। जनता उसकी ओर ध्यान दे। प्रधान मंत्री के ध्यान पर मैं अपनी जिन्दगी नहीं बिता रहा हूँ।

राज्य सभा में एक से भी कम वोट से इस विधेयक पर विचार करने सम्बन्धी प्रस्ताव फेल हुआ है। मेरी राय में तो वह फेल हुआ ही नहीं है। हमारे कुछ दोस्तों ने चेयरमैन के रूलिंग के बाद एक प्रस्ताव देना चाहा। मैं चेयरमैन की आलोचना नहीं करूंगा, क्योंकि वह दूसरा सदन है। लेकिन उन्होंने उस प्रस्ताव पर बहस करने को इजाजत नहीं दी है, ऐसा मुझे अखबारों से पता लगा है।

अभी श्री वाजपेयी ने कहा कि छः महीने के बाद इस विधेयक को लाया जाये। यह छः महीने वाला नियम उन्होंने कहां से ढूँढ निकाला है, यह मुझे पता नहीं है, क्योंकि जब मेरा आई० सी० एस० अफसरों सम्बन्धी विधेयक फेल हुआ, तो दूसरे सत्र में मैंने एक नया विधेयक पेश किया और इस सदन ने उस को अपनी सम्मति भी दी। इस लिए जहां मैं कहूंगा कि प्रधान मंत्री का जो भी प्रायश्चित करना है, वह जरूर करें,

श्री अटल बिहारी वाजपेयी : उन से इस्तीफा मांगें।

श्री मधु लिमये : क्या माननीय सदस्य के कहने पर वह इस्तीफा देने वाली है?

श्री अटल बिहारी वाजपेयी : तो क्या माननीय सदस्य के कहने पर वह प्रायश्चित करने वाली है?

श्री मधु लिमये : यह मैं उन पर छोड़ रहा हूँ।

हमारा नियम 338 इस प्रकार है :

"A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session."

यह नया सत्र चल रहा है। क्या माननीय सदस्य इस बात को मानते हैं? हम तो पहले से ही शुक्रवार को इस बात को उठाते रहे हैं कि सुप्रीम कोर्ट के निर्णय का इन्तजार करने की जरूरत नहीं है, क्योंकि जब एक दिन मैं अपने केस के बारे में बर्बाद किया था, तो उसी दिन मुझे पता चल गया था कि सुप्रीम कोर्ट इस आदेश को खत्म करने वाली है। लेकिन मेरी समझ में नहीं आता है कि सरकार ने यह पूरा समय क्यों बर्बाद किया। अगर सरकार इससे पहले ही विधेयक को यहां लाती, उसको यहां पास करवाती, राज्य सभा में भी वह जरूर पास हो जाता, तो यह नौबत न आती।

अभी भी समय खत्म नहीं हुआ है। सरकार इस सत्र को कुछ दिन और बढ़ाये और प्रायश्चित्त करने के पश्चात् तत्काल इस विधेयक को ले आये। हम लोग फिर एक बार दलीय राजनीति वाली बात को छोड़ कर, सिद्धान्तों के आधार पर, जैसे हम ने पहले उस का समर्थन किया था, वैसे ही इस बार भी करेंगे। लेकिन मैं प्रधान मंत्री जी से एक विनती करूंगा। बहुत से लोगों की राय थी कि यह एक्सीक्यूटिव आर्डर केरल के चुनावों को मद्देनजर रखते हुए जारी किया गया था। (व्यवधान) मैं राजनीति को नहीं ला रहा हूँ। मैंने कह दिया है कि अगर सरकार ईमानदारी से सामन्तवाद को खत्म करने के लिए विधेयक को जल्दी ले आती है, तो हम उस का समर्थन करेंगे। मुआवजे के बारे में हमारी राय बिल्कुल साफ है। इस बारे में सरकार को उसी समय बयान देना चाहिए। जैसे गोल-मोल बयान पहली बार दिया गया था, वैसे नहीं किया जाना

चाहिए। जो गरीब राजा हैं, ... (व्यवधान) हैं बहुत से, जिन को पचास या सौ रुपये ही मिलते हैं। ऐसे लोगों को सरकार जरूर मुआवजा दे। हम इन्सानियत के खिलाफ नहीं हैं। लेकिन ग्वालियर, बड़ौदा और जयपुर जैसे जो बड़े-बड़े राजा हैं, उन को मुआवजा देने की आवश्यकता है, ऐसा मुझे नहीं लगता है—श्री बाजपेयी की जो भी राय हो। इस तरह का विधेयक आये और इसी सत्र में पास किया जाये, तो देश के लिए अच्छा होगा।

SHRI P. RAMAMURTI *rose.*

MR. SPEAKER: I find that your leader has already spoken. So, if I now permit you also to speak, it will put me in a difficult position.... (Interruptions)

SHRI J. M. BISWAS (Bankura): We have heard enough. Let us now hear the Prime Minister.... (Interruptions)

MR. SPEAKER: I tried to accommodate only the leaders of parties. If I now accede the request of Shri Ramamurti I will be in a tight spot. So, please do not put me in an awkward position. If I allow you, I will have to allow other members of the various parties....

SHRI P. RAMAMURTI: If you do not want to hear me....

MR. SPEAKER: Your leader has already spoken.

SHRI P. RAMAMURTI: I was not present here then. Unfortunately, I have got another point of view. That is all.

MR. SPEAKER: We will hear your views later on, when something comes.

SHRI P. RAMAMURTI: All right.

MR. SPEAKER: Besides the slips I got earlier, I am only allowing the leaders. Shri Anbazhagan, Leader of the DMK.

SHRI ANBAZHAGAN (Tiruchengode): Mr. Speaker, Sir, according to me, the heat

that is produced on this decision of the Supreme Court is not natural and is very unnecessary. Whatever may be the decision of the Supreme Court, the decision is to be taken as a decision on the basis of the law of the land. It is on the administration that it may have some reflection but it has no reflection whatsoever on Parliament or on the Lok Sabha. The Lok Sabha's decision was given in this House and the moral sanction of the Lok Sabha is already there for that Bill and for the abolition of privy purses as well as the privileges.

SHRI RANGA : No, Sir.

SHRI ANBAZHAGAN : Anyhow, because of any lacuna it was not passed in the Rajya Sabha to the full extent and, therefore, the final sanction of Parliament as a whole was not taken for it. It may be on that ground that the Supreme Court on the appeal to the Supreme Court might have come into the picture and might have struck down the President's order and the administrative order.

According to me, the sanction of the people to the Parliament and the direct sanction of the Parliament to the principle is there. The Supreme Court has nothing to intervene on the principle that is advocated by Parliament. If at all it is passed in this Parliament, the Supreme Court does not come in. If it is against the fundamental rights of the people, the Supreme Court may come in and give any decision. But then Parliament gets some more rights even to go to the extent of amending the fundamental rights in the Constitution. Therefore the ultimate right rests with the people represented by this Parliament. The Supreme Court's decision—I do not know the version—is not against this Parliament's attitude or this Parliament's decision, whatever it is.

In the meanwhile, let the parties, because we differ on our principles and approach, not fight on this issue, as Dada Kripalani has expressed here. The Supreme Court or the High Courts have come very often and struck down so many Acts of State Legislatures and even of Parliament. As such, I take it for granted that the Supreme Court has got every right to pass orders, but Parliament also has got more rights to express the people's wish.

Therefore, I hope, we will take up the issue again in this House and will be able to pass it in this House as well as in the Rajya Sabha.

SHRI ATAL BIHARI VAJPAYEE : Next session.

SHRI ANBAZHAGAN : Shri Vajpayee wants it to be passed in the next session but we people, who are more progressive, want it to be passed in this session itself. I hope, we have got every right to do so. But in order to facilitate Shri Vajpayee to support that Bill, I do not mind even if it is postponed to the next session. I hope that Shri Vajpayee and other leaders of the Opposition parties who had opposed the Bill would come round and support the Bill. I wish that it is taken up by this Parliament again.

SOME HON. MEMBERS *rose*.

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode) : My party's view has not been expressed.

MR. SPEAKER : The Prime Minister should speak now.

SHRI SRIRAJ MEGHRAJJI DHRANGA-DHRA (Surendranagar) *rose*

SHRIMATI INDIRA GANDHI : If the representative of the princes wishes to speak, I have no objection. . . . (*Interruption*)

SHRI SRIRAJ MEGHRAJJI DHRANGA-DHRA : Mr. Speaker, Sir, so far as I am aware, the judgment of the Supreme Court is still in the process of being pronounced. To that extent, the matter is still *sub judice*.

The House is aware that in the last three years, ever since this issue was raised and come before the House, the princes on their part have made certain public statements and commitments. I myself have made certain statements and commitments to this honourable House. I should like to say that regardless of what the judgement may be, we shall stand by those commitments that we have made, shall be true to our obligations and shall be quite amenable to discuss matters in any way that may conduce the common goal and the honour of this country.

SHRI S. KUNDU (Balasore) : I would like to seek two clarifications. Article 366, item (22) under which the Executive Order was issued says.

“...and includes any person who for the time being is recognised by the President as the successor of such Ruler.”

I would like to know whether under this provision, the Government have earlier also derecognised any successor of such Ruler.

Then, I would like to know from the Government whether the Supreme Court has held that the right to privy purse is also a right to property which is a fundamental right. If that is so, a Constitution Amendment Bill deleting the provision of right to property as a fundamental right is also necessary. Therefore, unless the two Bills are brought forward simultaneously, privy purses may not get abolished I would like the Government to clarify that.

श्री शिव चंद्र झा (मधुबनी) : अध्यक्ष महोदय, यहां पर बात उठाई गई है सुप्रीम कोर्ट के फंसले के बारे में कि जो यह फंसला सुप्रीम कोर्ट का हुआ है उसकी शायद हम इज्जत नहीं करते हैं जब कि ऐसी कोई बात है। हम सुप्रीम कोर्ट की पूरी इज्जत करते हैं। यहां जो विधेयक आया था वह संविधान की धाराओं के मुताबिक था। संविधान की जिन धाराओं से प्रिवी पर्स सुरक्षित होते हैं उन धाराओं को खत्म करने के लिए विधेयक आया था। इस सदन ने उसे पास किया लेकिन राज्य सभा से वह विधेयक पास न हो सका और आखिर में फिर संविधान की 22वीं धारा के मुताबिक राजाओं को डी-रेकग्नाइज किया गया। लेकिन राजाओं के नेताओं ने और राजाओं ने सुप्रीम कोर्ट में मुकदमा किया जिस के ऊपर यह फंसला हुआ कि जो डी-रेकग्नीशन किया गया वह गलत था। इस तरह की बात सुप्रीम कोर्ट के द्वारा पहली बार ही नहीं हुई है।

बैंकों के राष्ट्रीयकरण का विधेयक पास किया गया, सुप्रीम कोर्ट ने उस को रद्द किया, हम लोगों ने फिर उसको पास किया। इस लिये मैं सरकार से दरख्वास्त करूंगा कि वह विधेयक लाये और जिस तरह से सदन ने पहले पास किया, उसी तरह से यह सदन फिर पास करेगा।

अध्यक्ष महोदय, आप जानते हैं—The ten days that shook the world अभी तो तीन दिन हैं, तीन दिनों में हम इन राजाओं और उनकी परिपाटी को हिन्दुस्तान के इतिहास से हमेशा के लिये खत्म कर देंगे।

13.00 hrs.

SHRI EBRAHIM SULAIMAN SAIT ; Mr. Speaker, Sir, we all have all respect for the judiciary. But, it has to be said that the present decision of the Supreme Court has gone against the feelings of the common people of this country... (Interruptions)

Mr. Speaker, I would urge upon the Government under the circumstances to intrude the legislation once again in the present session of the House together with a comprehensive scheme of compensation. If they bring forward the Bill again with a complete scheme of compensation, it will have the support of my Group in this House, as we have done before.

I thank you, Sir.

श्री प्रकाशवीर शास्त्री (हापुड़) : अध्यक्ष जी, सर्वोच्च न्यायालय में लोक सभा के इस विधेयक की क्या स्थिति बनी या राज्य सभा के विधेयक की क्या स्थिति बनी—यह प्रश्न विचाराधीन नहीं था। सर्वोच्च न्यायालय के विचाराधीन केवल यह प्रश्न था कि जिस ढंग से राष्ट्रपति के अध्यादेश द्वारा राजाओं की मान्यता समाप्त की गई—वह कहां तक संगत है, उस पर सर्वोच्च न्यायालय ने अपना निर्णय दिया। लेकिन हम यहां कुछ भी कहते समय एक बात न भूल जायें कि संविधान की जिन धाराओं के अधीन हम यहां संसद् के रूप में

बैठे हैं, संविधान को उन्हीं धाराओं के अनुसार सुप्रीम कोर्ट या सर्वोच्च न्यायालय का निर्माण हुआ है। इस लिये सर्वोच्च न्यायालय के किसी निर्णय पर कुछ भी कहते समय हम इस बात को न भूल जायें कि सर्वोच्च न्यायालय का निर्माण करने में या उसी तरह के संगठन बनाने में इस संसद् या इस संसद् की पूर्ववर्ती जो संविधान सभा थी, उस का बहुत बड़ा हाथ था। मैं केवल इतना ही कहना चाहता हूँ कि सर्वोच्च न्यायालय के निर्णयों से सरकार कुछ शिक्षा ग्रहण करे कि किस प्रकार भागा-दौड़ी में सरकार कुछ निर्णय ले लेती है जो सर्वोच्च न्यायालय में जाकर वैध नहीं ठहरते, लेकिन सर्वोच्च न्यायालय की आलोचना इस प्रश्न पर करना लोकतन्त्र पर आघात करना है—ऐसी मेरी मान्यता है।

SHRIMATI INDIRA GANDHI: Mr. Speaker, Sir, as has been pointed out, the judgment is . . .

SHRI S. M. BANERJEE (Kanpur): You say one sentence that you are bringing the Bill immediately.

SHRIMATI INDIRA GANDHI: . . . The judgement is being delivered. Eight out of the eleven Judges, have spoken but the other three still remain. Even when the entire judgment is available, I am sure the House will appreciate that it may raise many important points and these will have to be studied very carefully.

I have listened to hon. Members. Even before I came to the House, I was listening to what the hon. Members were saying. I have noted their views.

SHRI PILOO MODY: All of them, I hope.

SHRIMATI INDIRA GANDHI: All of them, including the views of the hon. Members, Shri Ram Subhag Singh and Prof. Ranga, that elections should be held immediately. . . . (Interruptions) and also the views of other Members that we should bring the Constitution Amendment Bill immediately.

I can only assure the House that the Government remains committed to its policy of the abolition of privy purses and privileges by appropriate constitutional means.

MR. SPEAKER: Next—Call Attention.

Mr. Rajendranath Barua—not here.

Mr. Meetha Lal Meena.

Order, Please. We will try to make up the time. I am not going to allow the lunch hour to-day. Let us go through the business.

Mr. Meetha Lal Meena.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED SERIOUS POWER CRISIS DUE TO STEEP FALL IN THE GENERATION OF POWER AT BHAKRA

श्री भीठा लाल मोना (सवाई माधोपुर): अध्यक्ष महोदय, मैं अविलम्बनीय लोक महत्व के निम्नलिखित विषय की ओर सिचाई तथा विद्युत मंत्री का ध्यान दिलाता हूँ और प्रार्थना करता हूँ कि वे इस पर एक वक्तव्य दें—

“भाखड़ा में बिजली का उत्पादन तेजी से बहुत घट जाने के कारण उत्तर भारत के राज्यों में उत्पन्न हो रहे गम्भीर संकट के समाचार तथा बिजली की कमी के इस संकट को टालने के लिये की गई कार्रवाई।”

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESHWAR PRASAD): Due to poor in-flows into the Bhakra Reservoir, the reservoir has filled up only to 65% of the normal fully capacity. The level of the reservoir on 14th December, 1970 was 1588.36 feet as compared to 1633.91 feet on the same day last year. With the present low level of the reservoir, the water releases have to be adjusted during the depletion period beginning from 15th December, 1970 upto June, 1971 so as to provide for Rabi irrigation requirements and