

Select Committee and the Members of the legislature to shape the Bill. Nevertheless, the Minister of Transport and Shipping and the Deputy Minister of Finance have taken keen interest in the proceedings of the Select Committee and I think they have effectively represented the view-point of the Government.

16.33 hrs.

[MR. SPEAKER in the Chair]

This piece of legislation is coming into force as a result of the joint efforts and free exchange of opinion where the Government is not bound by their pre-determined opinions or resolutions.

Marine insurance is a very ticklish subject about which the country has not developed much of its law. Mostly, it has been relying on the previous British laws. As Indian shipping develops on a large scale, this will come more into play because millions of rupees worth of stake in ships or goods or in welfare of the personnel that run the services are involved in this. As we develop in the maritime direction this is a law that has to develop itself on an Indian basis.

With these words, I associate myself with the Bill and support it.

Mr. Speaker: Shri S. C. Samanta wanted to say a few words.

Shri S. C. Samanta (Tamluk): We the Members of both the Houses may rejoice that at least one non-official Bill is going to be passed by both the Houses of Parliament. In sub-clause (2) of clause 1 Government have been given the authority to notify in the Official Gazette, the date from which this Bill will come into force. We hope that no delay will be caused in bringing this Bill into operation.

In my speech I requested Government to favourably look to the non-official Bills, and if there be any defect in those Bills, they should be referred to the Members concerned before

those Bills are taken up in the House. I hope Government will look into it and encourage the non-official Members to help Government in their work.

Mr. Speaker: The question is:

"That the Bill be passed"

The motion was adopted.

Mr. Speaker: The next Bill is in the name of Shri Naval Prabhakar. The hon. Member is not in his seat. Then, there is a Bill standing in the name of Shri P. L. Barupal. He is also absent. We shall now take up the Bill that stands next in the Order Paper.

16.37 hrs.

CONSTITUTION (AMENDMENT)
 BILL

(Insertion of new Article 155A and amendment of Article 167) by Shri Paliwal

Shri Paliwal (Hindaun): Sir, I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration".

Prior to this, 14 amending Bills have been accepted by Parliament to amend our Constitution, and two official amending Bills are pending before the House. This was in the very nature of things inevitable, because the framers of the Constitution in all their wisdom and foresight could not have at that time visualised all the possible circumstances that might arise afterwards.

Among the 14 amending Bills, that have already been accepted by Parliament, a few of them are of a formal nature, and some of them have been rather important. The two official amending Bills pending before the House also contemplate some very important changes in the Constitution.

[Shri Paliwal]

This also shows that at the time of the passing of the original Constitution, the framers of the Constitution, in spite of their best efforts to forge an instrument for all time that will lead this nation through ages from progress to progress could not visualise, as I said before, all the exigencies that might arise, and that was natural because we had just then emerged into independence. Our leaders had great faith and confidence in our people. But as time passed on, we learnt from experience that certain aspects which it would have been better and it would have been wise and necessary to have taken into consideration at the very beginning were missed from consideration. For the past few years, a few trends in our public life have been greatly distressing all patriotic and thinking people in this country. One of such trends has been the manifestation of fissiparous tendencies among our people, tendencies which had remained submerged formerly in the upsurge of our national struggle but which after independence and more particularly from the time we have had our first elections, have manifested themselves in greater and greater volume. So much so that it was felt necessary to invite leaders of different parties and of different shades of opinion to a National Integration Council which appointed a National Integration Committee to think out proposals and measures to combat these tendencies.

Another trend, equally distressing, has been the gradual fall in administrative efficiency and administrative standards generally and increase in corruption. It cannot be pleasant either to talk or to hear of corruption or of falling standards in administration. It may be said that this talk of corruption is generally exaggerated. I quite agree it should not be exaggerated at all; at the same time, this is a malady in our body-politic which we cannot also afford to ignore or minimise. The right course is neither to exaggerate it nor to minimise it, but as practical men, face the

situation as it is. I am inclined to think that the situation need not be exaggerated because already it is serious enough, and it deserves our serious consideration. Time and again important leaders of the country including the Prime Minister have referred to it with concern and anxiety. It is therefore, necessary to think out practical means of curbing and checking these two tendencies to which I have referred.

As regards the fissiparous or separatist tendencies that go to disintegrate our national life, I am glad that Government are taking practical and serious steps. Let us remember that these tendencies, unwholesome and evil as they are, if not the direct result of our system of elections, are at least accentuated to a very high degree by our democratic process, rather because of the democratic process.

No less a person than Shrimati Indira Gandhi, in her introductory note to the Report of the National Integration Committee, has said:

"Starting from the first General Elections, these tendencies have been gaining strength in every election. The reorganisation of States, the boundary disputes and the concern over language have played up local pride to limits which verge on the dangerous from the point of view of national unity."

The situation continued to degenerate.

श्री कछवाय (देवास) : अध्यक्ष महोदय, मिनिस्टर साहब कोई नहीं हैं ।

अध्यक्ष महोदय : मिनिस्टर साहब खड़े तो हैं ।

गृह-कार्य मंत्रालय में सचिव (श्री हजरतबीस) : आप की सेवा में मैं हाजिर हूँ ।

अध्यक्ष महोदय : सर्राफ साहब से यह चीज शुरु हुई थी ।

श्री इयामलाल सर्राफ : (जम्मू तथा कश्मीर) : लेकिन आप तक वह पहुंची नहीं थी ।

अध्यक्ष महोदय : मेरे तक पहुंच जाती है ।

Shri Paliwal: Finally at the Bhavnagar Congress a resolution was passed, in pursuance of which the Congress President, Shri Sanjiva Reddy, was nominated to the National Integration Committee.

There were certain other factors also, to which Shrimati Indira Gandhi refers. Extreme poverty and attendant evils are not new to India, but in pre-independence days no hope of better conditions could be entertained and the people were resigned to their misery.

So, this particular aspect has been engaging for sometime past very serious consideration of our leaders and thanks to the Chinese friends to a very large extent this difficulty has been overcome automatically. I have got a statement of the Committee on National Integration and Regionalism before me. They say that the National Integration Council appointed a committee on national integration and regionalism in the context of seemingly overgrowing rifts among sections of the population owing to linguistic tensions, regional rivalries and even demands in the southern and north-eastern parts of the country for the creation of independent States. Proceeding further, they say that out of the evil of the Chinese aggression has come the unmistakable manifestation of the Indian people's deep-rooted attachment to unity and integrity of their motherland. The danger from across our borders has instinctively drawn the fervently patriotic citizens of this country close to one another and made their age-old attributes of courage and sacrifice assert themselves.

The members of the committee, are, therefore, unanimously of the opinion that the sign-post of this display of national unity should be set before posterity to serve as a permanent guide. The committee accordingly recommends that article 19 of the Constitution be so amended that adequate powers become available for the preservation and maintenance of the integrity and sovereignty of India.

In pursuance of this statement, the Government has already brought an amending Bill, No. 16, which is pending before the House. Regarding the other malady, to which I have referred, that is, the fall in standards of our administration, corruption, etc., one would have hoped that the Government itself should have brought suitable measures to amend the Constitution. However, for reasons best known to themselves, they have not thought it necessary to bring such a measure so far. In my humble way, I have tried to bring this measure before the House which will go to some extent, if not to a very large extent, and will certainly to a considerable extent meet that difficulty.

I seek your permission to commend to this House the acceptance of this amending Bill so that under the Constitution powers may be given to the President—I repeat, to the President—that under particular circumstances, whenever and wherever they arise, in any State, the President may clothe the Governor of that particular State with powers, for such a period as may be necessary to perform certain useful functions in the interests of national unity and a clean, impartial and efficient administration.

I am not sure what attitude the Government is going to take to this amending Bill. From what I have heard and known, they are not prepared to accept it. I will be failing in my duties to the Government itself and to the House and to the people if I conceal my sense of dismay and surprise at the attitude of the Government seems to have taken in this regard.

[Shri Paliwal]

I have not so far known what reasons have prompted the Government to come to such a decision. But this much I know that by seeking this amendment of the Constitution, I am not introducing anything which is repugnant to the spirit of the Constitution. It is said sometimes that to invest the Governor with these powers will militate against our democratic concepts. Let me make it clear in the very beginning that this amending Bill does not seek to give these powers to the Governor. The Bill seeks to give powers to the President or to the Union Government and it is they who will have the discretion to decide whether there exist circumstances in a State at a particular time which make it necessary to issue certain instructions to the Governor on particular subjects. The power and the discretion will entirely lie with the President or the Union Government. Only as their agent and under their instructions, wherever necessary, the Governor will exercise certain powers and perform certain functions, which to my mind sometimes becomes necessary and imperative.

I will refer to a concrete case. We all know what happened in Kerala. Had the Government such powers as are envisaged in this amending Bill, I do not think the people of Kerala would have had to put up with such misrule as almost bordering on tyranny for such a long time, for more than 2 years. It would not have been necessary for the people of Kerala to undergo all that suffering for such a long time if the President or the Union Government had such powers as are envisaged in this amending Bill.

Mr. Speaker: How long does he propose to take?

Shri Paliwal: It is a very important Bill, Sir.

Mr. Speaker: The House has allotted only one hour.

Some Hon. Members: The time may be increased.

Shri Paliwal: 1 hour is allotted to other Bills, but from the nature of this Bill, you will realise that 1 hour is not sufficient.

You can take the sense of the House also, Sir.

Mr. Speaker: When it was put to the House, did anybody object.

Shri Paliwal: Sometimes it is not realised.

Shri Harish Chandra Mathur (Jalore): We would like to participate in this debate.

Shri Raghunath Singh: Sir, I beg to move:

"That the time allotted for this Bill may be extended by one hour".

The Bill is very important and many hon. Members want to speak.

Mr. Speaker: There is only one fear in my mind. The Bill is very important and the discussion might be very useful, but I am only afraid that probably after hearing the Law Minister there might not be any need for speeches.

Shri Harish Chandra Mathur: No, Sir; I think there would be.

Mr. Speaker: Even after hearing any of the lawyers, be he Shri Mathur or Shri K. C. Sharma or anybody else, probably there would be no need for further speeches.

Shri Hajarnavis: Sir, the Bill raises certain fundamental questions. It is only proper that Members should express their views freely.

Shri Paliwal: At least 2 hours should be allotted.

Shri Hajarnavis: Sir, the two motions which were there before this have not been moved. I personally would take longer than what I usually take. I will take at least half-an-hour.

Shri Harish Chandra Mathur: Sir, we know what the legal position is. But there are certain problems which have been thrown up, and there are certain suggestions which we would like to make. If it was only the legal question, whether this could be done or whether this could not be done, then, of course, most of the discussion would be cut out.

Mr. Speaker: That was exactly what I meant.

Shri Harish Chandra Mathur: It is in response to that that I am expressing myself. Now the hon. Minister himself says that he will take more than half-an-hour. Just to state the legal position it would take him only ten minutes.

Mr. Speaker: I leave it to the House. I have no objection. But a regular motion must be accepted that the time may be extended. I shall put the motion moved by Shri Raghunath Singh to the vote of the House. The question is:

"That the time allotted for this Bill may be extended by one hour."

The motion was adopted.

Mr. Speaker: Out of these two hours the Mover shall have half-an-hour.

Shri Paliwal: Sir, it will not be possible for me to do justice to this Bill in half-an-hour.

Mr. Speaker: He began at 16:37. He has already taken 28 minutes. He may take ten more minutes.

Shri Paliwal: I want at least 20 minutes more.

Mr. Speaker: Now, with the pleasure of the House only an hour has been extended.

Shri Paliwal: I will have to skip over.

Let me refer to article 163. Article 163(1) says:

"There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions of any of them in his discretion."

So the principle of allowing the Governor certain powers to be exercised in his discretion is already there in the Constitution. Only I propose that in some more circumstances he may be allowed to exercise those powers or the President may be allowed to delegate some powers to him under some other circumstances also. Then, under the Constitution (Seventh Amendment) Act which this House passed in 1956, the powers that were originally given under the Constitution were extended. I am reading from the Seventh Amendment Act. It says:

"For article 371 of the Constitution, the following article shall be substituted, namely:—

"371. *Special provisions with respect to the States of Andhra Pradesh, Punjab and Bombay.*—(1) notwithstanding anything in this Constitution, the President may by order made with respect to the State of Andhra Pradesh or Punjab, provide for the constitution and functions of regional committees of the Legislative Assembly of the State, for the modification to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of the regional committees.

(2) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Bombay, provide for any special responsibility of the Governor for—

(a) the establishment of separate development boards for

[Shri Paliwal]

Vidarbha, Marathwada, the rest of Maharashtra, Saurashtra, Kutch and the rest of Gujarat with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly;

(b) the equitable allocation of funds for developmental expenditure over the said areas subject to the requirements of the State as a whole; and

(c) an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of all the said areas, subject to the requirements of the State as a whole."

17.07 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

So, I am not introducing anything new. The principle is already there.

Since I have very little time at my disposal, instead of arguing in this way, I will just point out to a specific case with which we are all very familiar, to which I referred just now, the case of Kerala. In Kerala, as we all know, even by acting according to the letter of the Constitution, it had been possible to thwart the spirit of the Constitution altogether. We are all familiar with that case. After about 28 long months, during which the people of Kerala had undergone so much trouble, miseries and agonies, the Governor had to report to the President, and this is what he says. In the concluding portion of his report the Governor says:

"According to my view, this movement . . ."

Referring to the popular movement which arose against the Communist rule, the Governor says:

"According to my view, this movement is not the result of one or two particular legislative or administrative actions of the Government. Many grievances, big and small, and many acts of omission and commission of the Government during the last 28 months have had their cumulative effect in creating this definite shift in public opinion. The totality of circumstances has to be taken into account in assessing the situation. There is no doubt that by and large government has used . . ."

It is significant to note these words.

" . . . the administrative machinery for consolidating its own party at the expense of others. It has given reasonable ground for the allegation that under cover of democratic garb and the technical majority that the government enjoys the content of democracy has been crushed . . ."

Proceeding further, he says:

"While it may be possible for the government to explain away each individual allegation on some plausible ground or other, the main complaint of the opposition parties that the governmental machinery has been used to subvert mainly the purpose of the Communist Party and that practically democracy has been set at naught cannot be honestly denied. Malice, latent party prejudices and the spirit of discrimination are not tangible things which can be demonstrated. They can only be inferred from general conduct and assessed from the strength of the feeling among the people."

Again, he says:—

"In this movement over a lakh of people participated. It is true

that out of this huge number only about 20 thousand and odd people were actually arrested, prosecuted and sentenced. A large number of women participated in picketing. Firing had to be resorted to at four places resulting in the death of 15 persons which have been characterised as brutal and unprovoked by the opposition as well as others. There were numerous lathi charges, cane charges, and widespread use of gas shells. Road transport service as well as water transport services had to be stopped on account of picketing and alleged violent activities of the agitators."

Then, he says:—

"The agitation has continued for more than seven weeks and has not petered away as expected by the government. It is wrong to argue that it continued so long because of the hopes of intervention given by the leaders at the centre."

The Governor, in his report, has given instances of misrule and of discrimination followed as a matter of calculated policy not only in trade and employment but also in dispensing justice and in extending protection and maintaining law and order. All these galling instances he has given in the earlier part of his report which it is neither possible nor necessary to refer here because hon. Members, all of us, are familiar with them.

The main question that arises is that, according to the Governor, even acting under the Constitution it was possible for a set of persons to undermine the spirit of the Constitution and to so conduct the affairs of a State that a very large majority of the people were denied justice of all sorts and a large number of people were living for all these 28 months under constant fear of personal injury and all sorts of dangers. If it could be possible at one time in one State under particular circumstances, does it not behove us

to take steps to forge an instrument which will prevent a repetition of such a thing in future in any other State?

The Communists alone cannot claim all the ingenuity. There may be others also who may come in future in one State or another and who may be inclined to use the administrative apparatus for purposes which are not in the national interest. So, to avoid any such future contingency, it is necessary that we have in the Constitution powers given to the President to supervise or to have an eye on the day-to-day administration of every State.

Mr. Deputy-Speaker: He should conclude now. He has already taken 40 minutes.

Shri Paliwal: Just one thing more. In principle, under article 355, the Centre is responsible to give protection to a State which amounts to giving protection to the State Government in case of external aggression as well as in case of internal commotion. When the Centre is under obligation to give protection against internal commotion, it is also necessary for the Centre to assume responsibility to guarantee good administration, good government to the people of that State. The two things go together. It used to happen in British days that they extended all protection to the princely chiefs but did not hold themselves responsible for good government in the States of those days. Such a thing cannot go under our democracy. The Central Government, because it assumes responsibility for giving protection, because it finds financial means for the development and all other necessary paraphernalia mostly for the States, must assume the responsibility for controlling and guiding the States in all these matters. We have seen on the floor of this House more than once Ministers saying, for example if there is the question about food production, that food is a State subject. The money has to be found here. Big amounts are to be

[Shri Paliwal]

provided in its budget, but it is a State subject. So, whenever any questions are asked, the Minister has to plead his helplessness by saying, "Well, it is a State subject and we are just advising the State Government and asking them this and that." Recently, there was a question of some strategic roads from the point of view of defence and the Minister had to say here that all the construction, most of it, had to be done through the States. All these things show that it is necessary to have such a thing and it will be in the interest of the country as a whole for the future also. Constitution is not meant for today only. It is meant for future also. I will concede that the situation like that in Kerala does not exist here in any other States, but there is no guarantee that such a situation may not arise in any State here after also. We have to provide in our Constitution for all such future contingencies.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Constitution of India be taken into consideration".

There are two amendments. One is in the name of Shri Sidheshwar Prasad and the other is in the name of Shri Kashi Ram Gupta. Hon. Members may move them, if they want to do so.

Shri Sidheshwar Prasad (Naianda): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1963." (1)

Shri Kashi Ram Gupta (Gonda): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 20th June, 1963." (2).

Mr. Deputy Speaker: The motion and the amendments are before the House.

Shri Kashi Ram Gupta: Mr. Deputy-Speaker, Sir, I congratulate the hon. Mover for bringing forward this Bill and also for his courage for doing it. But I fear that he may withdraw it. So, I request him that he should be firm and not withdraw it.

Sir, in my opinion, the framers of our Constitution at that time had not the picture of democracy which is prevailing here at present. Otherwise, I am sure they would have put this sort of thing in the Constitution itself at that time. I know a hue and cry can be raised in the name of protecting democratic set-up, but if we see to the realities of the situation, as exist at present in different States, I have no doubt that all of us will agree to it that it is a step in the right direction. What is going on in the States? The Secretaries, the Deputy Secretaries, the heads of departments, all of them, have become defunct. The Members of the legislature, instead of doing their duty properly in the legislatures for controlling the budget and for making laws, are using their energy for somebody else's promotion, for interfering with somebody else's transfer and for trying to hide somebody else's crimes and so on and so forth. We have been having examples of these all around in so many States. Is it not a thing that has to be deeply thought of? If democracy means this that the M.L.A.s are meant to do these things, then, democracy should be finished and the sooner it is done, the better it is. Just before the last elections, there were 2 or 3 M.L.A.s sitting. They were talking like this. They were pointing at me: what is the use of persons like you going into the State legislature or anywhere, because you cannot recommend anybody, you cannot get anybody appointed, you cannot get wrong things done. Right things can be done easily. Everybody can get it done. The M.L.A.'s duty is to get wrong things done. That is the state of affairs that is going on.

We have to see all these things in the context of the present situation. I know the hon. Minister can give very good arguments about the legality. He can question the legality of the thing. He can give arguments against it. But, it is not a question of only thinking about the legality of it or not. After all, legal things are to be done. We have to see the practical side of the whole situation. The situation as it exists is not only about matters which we can think of as small at present. They are not small. They are cutting at the very root of our democracy. That is the main thing. They are cutting at the very root. If they are allowed to go on like this, the day may not be very far when this can affect even the Centre and the Mover's intention may be neutralised. Because, if the Centre becomes affected by that, and everything becomes immune from top to bottom, then, democracy cannot survive anywhere. Still, there is hope. That is why a clause has been put in that the President and the Union Government should take steps whenever they think necessary.

I have moved an amendment for eliciting public opinion about this Bill, purposely, because I think it is a very important Bill. We should not be in a hurry. Merely because it is a non-official Bill, I think the Minister will not take it that way after hearing all the Members, who are most of them legal people. Of course, I am not a legal man. But, it involves common-sense. I think this Bill should be circulated for public opinion so that we can arrive at a conclusion after giving deep thought to it.

At present during this emergency even, things are going on in the same bad way. Nobody thinks that there is any emergency in this country. Nobody feels like that. What is happening behind the curtain, all of us know. Even three days back, a person came to me and tried to know if there was somebody who can recommend to the Chief Justice of a certain State about the appointment of some Sessions Judges from amongst the lawyers. Things have gone so far that they do

not want to spare even the judiciary. They want to influence even the judiciary. They want to make the political people agents. Political people are now going to become agents in every sphere of life. People have come to think like that that this is really the work of the politicians and nothing else. When the ailment has gone to that extent, it requires drastic steps and this Bill is one step towards this direction. I hope the Ministry will see to it and the Mover's Bill will be accepted.

Mr. Deputy-Speaker: Shri Harish Chandra Mathur,

Shri Sinhasan Singh (Gorakhpur): Is the Bill meant for Rajasthan? All Members from Rajasthan are speaking on it.

Mr. Deputy-Speaker: All of them are from Rajasthan: Is it?

Shri Harish Chandra Mathur: Mr. Deputy-Speaker, I wish to correct first the impression that the Move had in his mind the State of Rajasthan. . . .

Shri Paliwal: Not at all.

Shri Harish Chandra Mathur: . . . when he moved the Bill. Maybe, he draws his experience from a particular State.

Shri Paliwal: Not from a particular State. From all over India. Because, that would suggest the same thing.

Shri Harish Chandra Mathur: I would not like to go into a very lengthy argument on this matter. I have respect for my hon. friend who has moved this Bill for consideration, and I have the least doubt that he had moved it with the best of his intentions. I think that he has his own appraisal and assessment of the situation, and just to remedy certain maladies which he thinks are corroding and which are likely to corrode, and certain situations which are likely to arise, he has thought of bringing forward this Constitution Amendment Bill.

[Shri Harish Chandra Mathur]

But I may submit at the very outset that this Bill is just the negation of democracy; it is just the negation of our Constitution, as it stands. I think that it is not realised that when the President feels called upon to take any action in a far more graver situation, and he assumes powers, all that he does is that henceforward the legislature in that particular State shall cease to exist and all the actions done in that particular State become the responsibility of this Parliament, and all those actions have to be explained in this Parliament; no single individual can be entrusted with any power. Now, let us analyse the proposition as it stands.

Certain powers are proposed to be vested in the Governor. Now, to whom is the Governor responsible? That is the immediate question that arises? The Ministry which carries on the administration in the particular State is responsible to the State legislature. Do you want that the Governor be responsible to the State legislature? How will the functioning in that particular State proceed in this matter? Or will it be that for certain actions which the Governor does, there will be a separate procedure and the President would be responsible to Parliament for those actions taken by the Governor?

I think that it is the first principle of democracy that the executive which functions is responsible to the State Legislature, and for those functions, they have an accountability to the legislature.

It is true that even in graver emergencies, the first step taken is the suspension of the legislature or the dissolution of the legislature, and the President takes over all the powers, and he appoints a representative but the responsibility for everything done in that particular State is to this Parliament. So, this is the scheme of things.

Whatever may be the intentions, I am glad that my hon. friend had made it absolutely clear that he was not speaking in the context of anything that is there in my State of Rajasthan but he was speaking in a wider context; he thought that there were certain difficulties arising in each and every State, certain difficulties which may arise on certain occasions and to meet those difficulties, he thought that there should be certain provisions, and it is to meet that contingency that he has sought to make these provisions. I am afraid that we are also getting very impatient and are thinking of nothing but a guided democracy against which this Parliament has raised its voice the loudest.

My hon. friend who preceded me wanted to characterise how the legislatures were functioning in particular States. I do not know what his entire experience is, but does he mean to say that if the legislatures are functioning in this manner, he has ceased to have any faith in the democratic institutions and in democracy and in our Constitution as it stands? I can understand an amendment of the Constitution, but I cannot understand the dilution of the democracy as it stands today. As a matter of fact, the general complaint all over the world today, even in the best of the democracies is that there should not be too much of concentration of power in the hands of the executive.

I was very amused to read in the *Tribune* about the tendencies which are growing in U.K., in the House of Commons. This has started exercising the minds of people there, that even the Prime Minister is getting too much power concentrated in his own hands and that he is almost becoming dictatorial. A very interesting study has been made of this subject and illuminating articles have been written on it, and it is hoped that the next Government and Parliament will take effective and important steps to see

that the effectiveness of Parliament is in no manner diluted.

Even in a country like U.K. where such tendencies have been noticed, a study has been made and they are proceeding in a particular direction to see that the Parliament is very effective and nothing is done to dilute the democratic forces working in that country. Here, unfortunately, my hon. friend, in his anxiety to find a remedy for these ailments, has gone just in the wrong direction, as I said, with the best of intentions. I understand there may be maladies; there may be maladministration. I do not discountenance some of the complaints about which my hon. friend who preceded me spoke. But there are remedies which fit in very well with the democratic set up also.

Only day before yesterday when we were discussing the Demands of the Law Ministry, certain suggestions were made as to what we should do to guard against maladministration. The complaint is about maladministration. Nothing would have persuaded the Mover and nothing would have persuaded my hon. friend who preceded me to enter into a heated argument, except for the reason that they want to find a way out and have certain instruments and institutions which would guard against maladministration. This is a problem which has exercised thinking people all over the world. As was mentioned, even in England they had thought of devising certain ways and methods by which discretionary power lies with Government and when they are exercised, there are no appeals provided to independent bodies like our judiciary. They have been thinking of providing certain institutions which would be remedies against maladministration, which has prompted my hon. friend to come forward with this sort of measure.

As was pointed out, we have an institution called the Ombudsman in Sweden. Denmark has followed it

But I think our country is too big and the problems of administration here are of such complexity that possibly that institution as it stands in those countries might not very well fit in here. But so far as the States are concerned, I am sure we can devise certain ways and methods, certain institutions, which will be a real check on and deterrent to maladministration. This matter was discussed only last September/October in New Zealand, a small country which might be compared to our State administrations. After very careful thought, they have in their Parliament passed an Act and appointed a Commissioner for parliamentary investigation. This is just the counterpart of Ombudsman. They have gone a little bit cautiously in this matter in the beginning. In U.K. a team of capable persons headed by Sir Oliver Franks went into the same matter and submitted a report in which they have taken care of all the problems which have been raised by my hon. friend here. They have suggested two remedies for it. One is administrative tribunals. There are quite a number of matters which can be taken care of by administrative tribunals. The other is, as I submitted, a Commissioner of Parliamentary Affairs to whom, in the first instance, only Members of Parliament would be able to make certain complaints of maladministration. That gentleman is responsible to no one but Parliament. He is directly responsible as, for example, our Comptroller and Auditor-General, who looks after our finance and accounts. This gentleman is responsible for administrative affairs where the executive goes wrong, but he is responsible to Parliament because we have a democracy. In our democracy, even if we have not got equally matched opposition parties, I am sure that we have got Opposition Members who will never miss an opportunity to report such matters to such a high powered officer for parliamentary investigations to look into the matter. It would be such a great deterrent that the administration and the Ministers will think twice before they do anything, because the matter will be in-

[Shri Harish Chandra Mathur]

vestigated by such a high-powered person who is responsible directly to Parliament.

Shri Shree Narayan Das (Darbhanga): Who will appoint that officer?

Shri Harish Chandra Mathur: That is a matter of detail. He may be appointed by a special charter, by the President. Many devices can be found out. I have not made a thorough study.

While I appreciate that we must take certain effective steps to check maladministration, that we must do something to give confidence to the people regarding good government, we must not try to do anything to dilute those basic principles and basic values to which we have pledged ourselves, the values of democracy which are enshrined in our Constitution.

Therefore, irrespective of whether the Minister accepts this Bill or not, because of fundamental and basic reasons I think my hon. friend should withdraw the Bill. We must create in this context certain alternative institutions which will be more effective than this remedy, because this remedy is only putting dictatorial powers in the hands of the Home Minister here.

Shri Paliwal: The Home Minister is always responsible to Parliament.

Shri Harish Chandra Mathur: It will be the worst thing. He will not be able to do it, because he will say, "I do not know, you have given power to the Governor, and he is responsible to no one."

As I stated earlier, this is not at all feasible and possible. Therefore, I strongly oppose this Bill. It is opposed to the basic policies and principles which we have accepted, and I wish this Bill is withdrawn.

Mr. Deputy-Speaker: Shri Yash Pal Singh. Five minutes each. There is a large number of speakers.

श्री यशपाल सिंह (कैराना) मैं श्री टीका राम पालीवाल को मुबारकबाद देता हूँ कि उन्होंने जनता की दिक्कतों को समझा और ऐडमिनिस्ट्रेशन में जो इन-कन्वीनिअंस हैं उन का खयाल किया। श्री पालीवाल का सारा जीवन देश की सेवा के लिये गया है और यहां भी आ कर उन्होंने बड़ी सेवा की और इस बिल के लिये मैं उन को फिर मुबारकबाद देता हूँ।

हालांकि उन के दिल में देशभक्ति की भावना है और ऐडमिनिस्ट्रेशन को सुधारने की भावना है, लेकिन जो दिक्कत मेरी अपनी है वह मैं आप से अर्ज करूँ कि कांस्टिट्यूशन में बार बार अग्मेंट करना कांस्टिट्यूशन को हलका करता है। हमारे लिये कांस्टिट्यूशन मोस्ट सैन्ट्रेड है। मैं ने एक दिन पहले भी कहा था कि अगर जूता पैर में फिट न होता हो तो जूते को सही कराया जाय, पैर को ही न काट दिया जाय। हम को कांस्टिट्यूशन के मुताबिक अपने ऐडमिनिस्ट्रेशन को करना होगा, कांस्टिट्यूशन जिस तरीके से हमें गाइड करता है उस के मुताबिक हम को चलना पड़ेगा।

सब से बड़ी दिक्कत हमारी यह है कि राष्ट्रपति जो हमारा है वह एलेक्टेड है, उस को जनता ने चुना है, उसे लेजिस्लेटर्स ने चुना है, लेकिन गवर्नर जो हैं वे गवर्नमेंट आफिशल्स हैं। उन को किसी जनता ने नहीं चुना है। ऐसी हालत में यह बात मेरी समझ में नहीं आती कि जिस राष्ट्रपति को कोटि कोटि जनता का विश्वास प्राप्त है जब वह सुधार नहीं कर सकता तो पेड गवर्नर्स किस तरह से सुधार कर सकते हैं। कांस्टिट्यूशनली यह चीज है कि जब राष्ट्रपति का हमारे हृदय में सम्मान है, करोड़ों जनता का वह नुमाइन्दा है, तो हम को उस के हाथ मजबूत करने चाहियें न कि कमजोर करने चाहियें।

दूसरी बात यह है कि किसी ऐसे कमिश्नर को एप्वाइंट करना जो पार्लियामेंट के मेम्बरों की शिकायतें सुने, यह भी कोई अच्छा नहीं लगता। मुझे तो बड़ा ताज्जुब होता है कि जब हम कांस्टिट्यूटोनी में जाते हैं तो हमारी मीटिंगों पर एक एस० डी० ओ० प्रेजाइड करता है। मुझे अपने अन्दर किसी तरह का खयाल नहीं है, मेरे अन्दर कोई सेल्फ कंसीट नहीं होती है जब मैं जनता से हाथ जोड़ कर वोट मांगता हूँ, लेकिन मुझे हँसी आती है कि जहाँ पर एम० पी० बैठते हैं वहाँ एस० डी० ओ० प्रेजाइड करता है। मुझे पता नहीं है कि यह कहां तक कांस्टिट्यूशनल है, कहां तक युक्तिसंगत है, कहां तक लाजिकल है, लेकिन जहाँ पर लाखों लाखों लोगों के नुमाइन्दे चार चार एम० पी० बैठते हैं उस मीटिंग पर प्रेजाइड करने के लिये एस० डी० ओ०, एस० डी० एम० या इसी तरह का कोई और आदमी आ जाता है। एलेक्शन का हालत ऐसा है कि एलेक्शन को अभी तक जनता को ट्रेनिंग नहीं दी गई, जनता ने समझा नहीं है कि एलेक्शन किस चीज को कहते हैं। कोई भी जनता को खरीद लेता है। कोई स.मेंट के परामित दे कर, कोई रुपया बांट कर, कोई शराब पिला कर या कोई झूठे वादे कर के खरीद लेता है। ऐसी हालत में हमें राष्ट्रपति के हाथ मजबूत करने चाहिये न कि कम-जोर करने चाहिये।

यहाँ पर कमिश्नर के अप्वाइंट करने की बात कभी कभी कह गई है। मैं श्री माथुर का बड़ा ऋणी हूँ, उन का बड़ा आभारी हूँ, मैं उन्हें अपना गुरु भी मानता हूँ और उनकी लनिंग और एजुकेशन से मुझे बड़ा इन्स्पेरेशन मिलता है, लेकिन जिम काम को हमारे मिनिस्टर भी नहीं कर सकते उसे इस तरह के आफिशल्स कैसे कर सकते हैं? हमारे यहाँ एक मिनिस्टर है, मिनिस्टर फार पार्लियामेंटरी अफेयर्स, जिन के साथ लाखों जनता का विश्वास है सद्भाव है, सहयोग है, प्रेम है। जब वह उन

दिवक्तों को नहीं दूर कर सकते तो एक बाकायदा पेट आफिशल किस तरह से उन दिवक्तों को दूर कर सकता है, यह मेरी समझ में नहीं आता है। अगर एडमिनिस्ट्रेशन को चलना है तो हमें मारल एजुकेशन देना होगा, नैतिक शिक्षा देना होगा। एक आदमी को अधिकार सौंप देने से, अधिकार बदल देने से या किसको भेज देने से यह मसला हल नहीं हो सकता है। यह दिवक्तें तभी दूर होंगी जब हम जनतन्त्र को सही स्पिरिट को समझेंगे। दूसरे मुल्कों ने जनतन्त्र को सही स्पिरिट को समझा है। अगर वहाँ पर देश का प्राइम मिनिस्टर भी खड़ा हुआ हो और लाइन से टिकट खराद रहा हो तो जो उस का नम्बर है उसी नम्बर पर उसे टिकट मिलेगा। यह नहीं हो सकता कि कोई बाहर से खुशामद करे कि उन्हें आउट आफ वे या आउट आफ टन टिकट इश्यू हो जाय। इस जनतन्त्र को समझने के लिये हमें अपने कांस्टिट्यूशन के प्रति निष्ठा रखना पड़ेगी, अपने राष्ट्रपति के अधिकार को ज्यादा मजबूत करना पड़ेगा, उस के हाथों को मजबूत करना पड़ेगा।

गवर्नर के लिये समाजवाद। स्टेट में हजारों दफे कहा गया कि यह सफेद हाथी क्यों बांध रक्खे हैं, यह बेकार क्यों खड़े किये गये हैं, यह करोड़ों रुपयों का खर्च क्यों पैदा कर रक्खा है। गवर्नर्स के लिये इस हाउस में हजारों दफे समाजवाद सदस्यों ने और कांग्रेस में जो समाजवाद एलिमेंट है, उस ने कहा कि इस बेकार के ओल्ड को, सफेद हाथी को खत्म किया जाय। जिनको व्हाइट इलोफेंट कहा जाता है उन के हाथों में अधिकार देना अपने संविधान का और भी उपहास करना होगा।

मैं कहना चाहता हूँ कि जिस स्पिरिट में पार्लियामेंट ने यह बिल रखा है उस के सामने में सिरनिगू हूँ, नतमस्तक हूँ कि उन्होंने एडमिनिस्ट्रेशन के दिवक्तों को देखा और समझा और इम बिल को यहाँ पेश किया।

[श्री यशपाल सिंह]

लेकिन यह तरीका जो है वह मुझे पसन्द नहीं है कि राष्ट्रपति से ले कर अधिकारों को गवर्नरों के हाथ में सौंपा जाय या किस। पेड मनुष्य के हाथों में, जिस को हम बाकायदा नौकरी देते हैं, बाकायदा तन्खाह देते हैं, सौंपा जाय जब कि वह जनता का नुमाइन्दा नहीं है, उसको तो सिर्फ सरकार ऐप्वाइंट करती है।

इन शब्दों के साथ साथ हालांकि मैं श्री पालावाल की स्प्रीट का बड़ा भारी आदर करता हूँ और श्री हरिश्चन्द्र माथुर का भावना का भी बड़ा आदर करता हूँ क्योंकि मैं उनको गुरु मानता हूँ, लेकिन कहना चाहता हूँ कि यह तरीका गलत है। इस तरीके से राष्ट्रपति के अधिकारों को कम न किया जाय, उन के हाथों को कमजोर न किया जाय।

श्री विभूति मिश्र : (मोतिहारी) : उपाध्यक्ष महोदय, मैं इस बिल का विरोध करना चाहता हूँ। यह जो बिल है वह एक प्रतिक्रियावादी बिल है, इस से जनतातन्त्र का विनाश हो रहा है।

एक तो आप यह देखिये कि गवर्नर कैसे चुना जाता है। जिस स्टेट का गवर्नर चुना जाना है उस स्टेट के चोफ मिनिस्टर से पूछा जाता है और उस के बाद गवर्नर को बहाली होता है। गवर्नर को चुन लिया गया। अब मान लेते हैं कि साहब स्टेट में काम ठीक से नहीं चलता है। अगर स्टेट में काम ठीक से नहीं चल रहा है तो वह गवर्नर के ठाक करने से ठीक होने वाला नहीं है। स्टेट में लेजिस्लेचर होता है, लेजिस्लेचर में बहुमत पार्टी होती है, अपना लाडल चुनता है, वह लाडल अपनी कौंसिल आफ मिनिस्टर्स बनाता है और वह स्टेट का संचालन करता है। अगर उस स्टेट में कोई खराबी है तो उस को गवर्नर कैसे दुरुस्त कर सकता है? अगर सारा स्टेट्स के लेजिस्लेचर्स खराब हो जायें तो गवर्नर उन को कैसे दुरुस्त कर सकता है?

इसी तरह से मान लीजिये कि पार्लियामेंट है। उस में हम लोग ५०० मेम्बर चुन कर आते हैं, बाकायदा वोट ले कर आते हैं, हमारा जिम्मेदारी है। आप कहें कि राष्ट्रपति हमें दुरुस्त कर दें, तो यह सम्भव नहीं है। इन् के माने है कि एक आदमी के हाथ में आप चाहते हैं कि पूरे अधिकार दे दिये जायें। इस तरह से तो रोज झगड़ा हुआ करेगा। आप ने देखा होगा कि पहले जब हम लोगों को अंग्रेजों ने कुछ अधिकार दिये थे तो उस समय डायर्की सिस्टम था। गवर्नर को सारा अधिकार था। कौंसिल आफ मिनिस्टर्स होती थी। श्री सी० आई० चिन्तामणि उत्तर प्रदेश में थे तब रोज झगड़ा होता था। नतीजा यह हुआ कि डायर्की के बारे में लोगों ने कहा कि वह फेल हो गई। डायर्की वास्तव में फेल हो गई। आप ने इस देश की जनता को अधिकार दिया, बालिग मताधिकार दिया, उन से चुनी जा कर सरकार बनती है, लेकिन अब भी आप को सन्तोष नहीं है और चाहते हैं कि यहाँ पर प्रेजिडेंट साहब गवर्नर की बहाली करें और बहाली के बाद उन्हें एक इंस्ट्रूमेंट आफ इंस्ट्रक्शन्स दें कि इस तरह से काम कीजिये तब काम होगा। आप का याद होगा कि जिस जमाने में अंग्रेज यहाँ थे तो सरदार वल्लभ भाई पटेल ने उन से कहा था तुम अपने गवर्नर रक्खो, वह जा कर इत्मीनान से पाटियाँ खायें, लेक्चर दे दें, र गवर्नमेंट हमारे हाथ में दे दो। सरदार पटेल ने जब यह कहा था उसी जमाने में हमारा संविधान बना। जो हमारे बड़े बड़े मेधावी आदमी थे उन्होंने उस संविधान को बनाया और अब हमारे पालीवाल जी को यह सूझ गई कि संविधान प्रेजिडेंट को अधिकार दे दें और प्रेजिडेंट गवर्नर को अधिकार दे दें कि वे रोज नुक्ता चीनी किया करे। जिन आदमियों का चुनाव हुआ उन के ऊपर आप ने एक गवर्नर रख दिया। मालूम होता है कि गवर्नर की बुद्धि ब्रह्मा की बुद्धि से भी ज्यादा हो गई। इस लिये समझता हूँ कि यह बिल जो है वह

एकदम प्रतिक्रियावादी है और उस को सरकार को मंजूर नहीं करना चाहिये, इस को पूरी तरह से खारिज कर देना चाहिये।

Shri Brajeshwar Prasad (Gaya):
Sir, I rise to support the Bill, because I am opposed to provincial autonomy and federalism. It is utterly wrong to say that the Members of the Constituent Assembly could not and did not visualise the kind of situation that has impelled Mr. Paliwal to move this Bill. The students of Indian history know that corruption, propensity to indulge in tyranny, nepotism and fissiparous tendencies have been the bane of Indian history.

The cause of democracy will be strengthened and not weakened if the actions of the Governors are discussed on the floor of this House. In the Montford Constitution, there was a provision that after 10 years, a Commission will be appointed to assess the working of the Constitution. It is high time for the Government of India to appoint a similar Commission to assess the working of provincial autonomy in this country. The provincial autonomy, in my humble opinion, has miserably failed in this country. It has led to mobocracy and corruption. All separatist tendencies would be liquidated, lock, stock and barrel if a unitary form of Government is established. The Bill is a first step in that direction. The Governor must have the power to countermand any order passed by any Minister. He must have the powers of superintendence, direction and control over the entire field of administration.

श्री सिंहासन सिंह (गोरखपुर) :
उपाध्यक्ष महोदय, जब मैंने इस विधेयक को देखा तो मुझे अंग्रेजी राज्य के सन् १९१९ और १९३५ के विधान याद आ गए। उन्हीं दोनों में इंस्ट्रूमेंट आफ इंस्ट्रक्शन शब्द दिए गए हैं। हमारे पालीवाल जी का यह विधेयक कितना ही अच्छा हो लेकिन वे इन शब्दों को आज १९६३ में फिर अपने विधेयक में ला रहे हैं। उस समय यह इंस्ट्रूमेंट आफ इंस्ट्रक्शन

सिक्रेटरी आफ स्टेट फार इंडिया की तरफ से गवर्नर को आता था, अब इसको प्रेसीडेंट साहब देंगे। लेकिन अगर इस विधेयक को पालीवाल जी गौर से देखें तो उनको पता चलेगा कि जो दवा यह तजबीज कर रहे हैं वह अपनी जगह पर सफल नहीं होगी। हमारे संविधान के अनुसार हमारे राष्ट्रपति भी मंत्रियों की सलाह के बगैर काम नहीं कर सकते। इस विधेयक को देखने से मालूम हुआ कि हम आज तक त्रुटि कर रहे थे और उसको पालीवाल जी इस विधेयक द्वारा दूर करना चाहते हैं। लेकिन उनके केवल दो आर्टिकल्स में अमेंडमेंट करने से यह त्रुटि दूर होने वाली नहीं। गवर्नर एपाइंट होता है राष्ट्रपति द्वारा और राष्ट्रपति गवर्नर को नियुक्त करेंगे होम मिनिस्टर या प्राइम मिनिस्टर की राय से। तो इस प्रकार गवर्नर होम मिनिस्टर का या प्राइम मिनिस्टर का नामिनी होगा। अब इस विधेयक में उन के नामिनी को अलग से इंस्ट्रक्शन देने का अधिकार राष्ट्रपति को दिया जाने वाला है। पर इस इंस्ट्रक्शन को लिखेगा कौन। बहुत सम्भव है कि उसको होम मिनिस्टर लिखेगा। अगर प्रेसीडेंट को अपनी तरफ से अलग से गवर्नर को इंस्ट्रक्शन देने का अधिकार देना चाहते हैं तो आपको संविधान की धारा ७४ में संशोधन करना होगा, क्योंकि उस धारा के अनुसार राष्ट्रपति को प्राइम मिनिस्टर की राय से काम करना चाहिए।

पालीवाल वाल जी जो यह विधेयक लाए हैं उसमें उनका मंशा करप्शन को दूर करने का है। यह दुःख की बात है कि देश में करप्शन है। अभी कल परसों सदन में करप्शन की काफी चर्चा हुई थी और ऊंचे ऊंचे लोगों पर करप्शन के मामले में अंगुली उठायी गयी थी। यह बहुत बुरी अवस्था है देश के लिए। लेकिन क्या यह चीज इस विधेयक से दूर हो सकेगी। जो गवर्नर होगा वह भी हममें से ही होगा। उसे हम बाहर से लाएंगे नहीं। अभी तक तो हमारे कुछ हारे हुए भाई गवर्नर बनते थे। अब अगर दूसरे को बनाया जाएगा तो वह

[श्री सिंहासन सिंह]

भी तो हम में से ही होगा। और जब यह बात है तो अवस्था में कोई बड़ा अन्तर होने वाला नहीं है। हमको देखना चाहिए कि हमारे मूल में तो कोई खराबी नहीं है। और उसको दूर करने के लिए यह विधेयक दवा नहीं है। हमारा प्रजातंत्रिक प्रणाली में विश्वास है। हमको देखना चाहिए कि कहीं उस प्रणाली में तो कोई खराबी नहीं है। लेकिन इस विधेयक के द्वारा हम सन् १९३५ के समय में नहीं जाना चाहते। हमें तो अगे बढ़ना है। और अगे बढ़ने में हमारे पालीवाल जी को यह देखना चाहिए कि हमारा कदम क्या हो। वह भी एक राज्य के मुख्य मंत्री रह चुके हैं और उनको अपना अनुभव होगा। यदि उनके राज्यकाल में इस प्रकार का विधेयक आता तो क्या वह इसको पसन्द करते। इसको कोई मुख्य मंत्री पसन्द नहीं कर सकता। तो उनका जो अनुभव है उनको उसके आधार पर रास्ता बतलाना चाहिए।

अभी आपने केरल का जिक्र किया। इस संविधान को किसी राज्य की सरकार को ससपेंड करने का अधिकार है यदि वहाँ संविधान के अनुसार काम न होता हो। और केरल के मामले में राष्ट्रपति ने ऐसा किया भी, उड़ीसा में ऐसा किया। जहाँ कहीं संविधान का फेल्योर होता है राष्ट्रपति वहाँ की सरकार को ससपेंड कर सकते हैं।

लेकिन अगर हमारे यहाँ चारों तरफ ही गोलमाल है और खराबी है तो हमको उसके मूल को खोजना चाहिए। इन शब्दों के साथ मैं कहना चाहता हूँ कि पालीवाल जी की भावना बहुत अच्छी है। मैं भी चाहता हूँ कि देश से करप्शन दूर हो। हम उनके साथ हैं इस मामले में, और यदि वे कोई और इसको दूर करने का विधेयक लायेंगे तो हम उनके साथ रहेंगे। अभी तो अगर सरकार किसी सरकारी कर्मचारी के खिलाफ कोई कार्रवाई करना चाहे तो उसको संविधान की धारा ३११ के अन्तर्गत उसको पहले नोटिस देना होता है।

उस पर विचार होने वाला था। लेकिन जो ऊपर वालों की तरफ उंगली उठायी जाती है और उनके लिए निपोटिज्म की बात कही जाती है, तो उसको कौन रोकने वाला है। दुःख के साथ कहना पड़ता है कि नमक ही जब अपना नमकीनापन छोड़ दे तो न्याय के लिए किस के पास जाया जाए। इसलिए इस विधेयक के द्वारा इस रोग की दवा नहीं हो सकेगी। अगर हमको इसकी दवा करनी है तो हमको अपने आचरण में परिवर्तन करना होगा और उसके लिए पालीवाल जी कोई रास्ता सोचें और उसमें हम उनका साथ देंगे।

Shri K. C. Sharma (Sardhana): Mr. Deputy-Speaker, Sir, this Bill reveals a schism in the mind of the Mover. The two basic factors that have influenced the hon. Mover are, firstly, that the political parties in this country have been reduced to a gang of factions and, secondly, the general view against democracy is that in democracy money and cunning rules as against the wisdom and the responsibility of the man who is in authority for his actions. An individual has the responsibility for his actions, a mob has none. This is at the back of my hon. friend.

Sir, in his support there is much to be said. From Caesar, Cromwell, Napoleon, Bismarck, Frederick the Great and others, they have built their nations as no democracy in the world has done. As against this there is the dictum of Aristotle that the average man in the street is wise enough to know about the affairs of his life and collectively the people can rule themselves.

In this country, I beg to submit, there is no fear of the breakdown of the morale of the public or the democratic set-up, because in Asia two great leaders, Ataturk in Turkey and Nehru in India, have taken the responsibility and it is expected that they would build their people in a new and creative way and a new life is springing up.

Sir, this Constitution began with the objective resolution moved by Pandit Nehru, wherein these words occur:

"The power would be vested in the people."

This is the bedrock of the socialist structure as well as the Constitution. Now, certain difficulties arise and for those difficulties, there is Chapter XVIII of the Constitution. In article 352, the proclamation of emergency by the President is provided for. Article 353 says that the executive power of the Union shall extend to giving direction to any State or any power under it. Then, in article 356 there is a provision that in case of failure of the Constitutional machinery in any State the President can do certain things.

356(c) says:

"make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the State."

श्री यशपाल सिंह : उपाध्यक्ष महोदय,
कोरम का कहीं पता नहीं है ।

Mr. Deputy-Speaker: The bell is being rung. Let him continue his speech.

Shri K. C. Sharma: In view of these provisions, I think there is no need for such a provision as my hon. friend has proposed. Also, it is basically against the social and political thinking. It is also against the solemn declaration of the Prime Minister of India, not only the Prime Minister of India but the leader of Indian people, that 'the power would be vested in the people'. It shall so remain with the people.

Dr. M. S. Aney (Nagpur): Mr. Deputy-Speaker, I will take only three minutes to make my speech. After hearing the hon. and learned friend, Shri Paliwal and the other friends who

have spoken in support of it, I came to the conclusion that there was distrust in the minds of those friends about the principle of democracy itself. It is a well-known fact that we have accepted the federal set-up consisting of autonomous States because we feel that a huge country like India is more suited for that than a unitary set-up. Further, unitary set-up is incompatible with decentralisation and local self-government in the real sense of the term. If that is so, the present Bill, which seeks to make an amendment to the Constitution, is, in my opinion, a kind of surreptitious attack upon democracy itself. It is better to bring in another Bill to do away with the federal constitution altogether and make it a unitary State of a democratic nature. That will be the proper remedy for it. If my hon. friend brings a Bill like that, he would be taking a stand on real principles, intelligible and understandable to the people. The present attempt is of a surreptitious nature. I hope he will excuse me, but the way in which the Bill was supported by Shri Kashi Ram Gupta and others clearly indicates it. They want some kind of provision to be provided because they do not think that human nature in India as it is at present, is capable of being improved. It may be or may not be true, but if that is the justification, this Bill is not the proper remedy for it. If that is the object in view, I think a new Bill should be drafted, he should get the necessary sanction from the Government and introduce it, because a half-hearted measure like this will lead us nowhere. Since the hon. Member has expressed his own view and heard the views of such friends as have had the patience to sit up to this time, I am going to ask him to think for himself whether it is worthwhile to pursue this matter further or not.

Mr. Deputy-Speaker: As there is no quorum, I am adjourning the House.

18.04 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, April 6, 1963/Chaitra 18, 1885 (Saka).