

[Shrimati Renu Chakravartty]

plied to the Members. The point was, that the line of withdrawal which has been printed and supplied both to Mr. Dwivedy and Mr. Ranga . . . (Interruptions).

Mr. Speaker: Order, order. I do not allow that discussion. Mr. Sen may proceed.

12.28 hrs.

CONSTITUTION (SIXTEENTH AMENDMENT) BILL

The Minister of Law (Shri A. K. Sen): I beg to move:

"That the Constitution (Sixteenth Amendment) Bill, 1963 further to amend the Constitution of India be referred to the same Joint Committee of the Houses to which the Constitution (Fifteenth Amendment) Bill was referred;

that the Committee shall make a report to this House by the first day of the next session; and

that this House recommends to Rajya Sabha that Rajya Sabha do concur in the motion and communicate its concurrence to this House."

Mr. Speaker: Order, order. When private conversation goes on, which I do not hear, how can I take action?

Shri A. K. Sen: There is an alternative motion tabled by Mr. Kamath, which is substantially the same, except that he mentions the names of the Members of the Joint Committee specifically and he gives a different date. We have mentioned the same committee in order to save time, so that both the Constitution Amendment Bills may be brought together and considered by this House at the same time and voting may be done on the same occasion, instead of having to go through the procedure for Constitution amendment on two separate occasions. That was the

main reason why we wanted the Committee to finish its deliberations on both the Bills together. The names of the Members will be the same as the old Committee and the date has been fixed in order to fit in with the other date. I have no doubt that it will be possible because the amendments are only a few. The main amendments are to article 19 and it will not take much time. So it need not wait until the penultimate week of the next session. To wait till the penultimate week of the next session will mean our proceeding with two Constitution (Amendment) Bills on two different occasions and having to follow the special procedure laid down for such amendments. I would therefore suggest that it is enough if we accept the motion as I have moved so that the deliberations of the Joint Committee on both the Bills may proceed together without loss of time, the reports may be placed together and they may be considered together so that the special procedure need not be repeated twice over.

Now, Sir, the purpose of this Constitution (Amendment) Bill is mainly that we want to appropriate powers for the Government to impose restrictions against those individuals or organisations who want to make secession from India or disintegration of India as political issues for the purpose of fighting elections. This is not merely important from the point of view of the present emergency, but it has been important for quite some time ever since these disintegrating forces have tried to gather strength, and it was felt urgent, therefore, that a National Integration Committee should be set up consisting of representatives of all the parties and leaders of public opinion to report on the urgent steps necessary to combat these disintegrating forces.

The Committee which was set up to report on this was headed by Shri C. P. Ramaswami Ayyar. They reported on the 5th November. The

only report they made was that for the present moment they should adjourn because the emergency has brought the entire country together and therefore other matters may be considered later on. But they made one recommendation, and that is that article 19 should be amended. That report has been circulated to all the Members. They annexed also a draft of the amendment which they proposed. It really conforms with the ideas of the Government on this matter, and, I have no doubt, the ideas of all sections of this House, namely, that there should be appropriate powers given to Parliament to pass necessary laws for the purpose of outlawing all activities of a secessionist nature, so that we may not have a repetition of what happened from 1940 in this country when the Muslim League made partition of India as its main political platform and fought elections on that resulting in a disaster which will, possibly, always be thought as the destiny of this nation.

Shri Hari Vishnu Kamath: Under the British Government.

Shri A. K. Sen: They never tried to combat it. But the Parliament here is powerful enough to device ways and means to pass such measures as it thinks proper for the purpose of seeing that these dangerous and, at the same time, anti-national forces are not given a day longer to survive than we can help.

This is the main purpose. The scheme is that we insert in the clauses to article 19 the words: "the sovereignty and integrity of India", when it will read: "reasonable restrictions in the interests of the sovereignty and integrity of India", because the present words are not enough to attract restrictions of that nature. In fact, some of the decisions of the Supreme Court have made it quite clear that the words: "security of State" is a limited expression and it does not comprehend any power to ban organisations or political activities so as

to bring them within the exceptions under the article unless something more is there. It has therefore been thought necessary to insert in clauses (2), (3) and (4) of article 19, in addition to what appears there, after the words: "in the interests of", the words: "the sovereignty and integrity of India".

Then we take a further step of making it obligatory for any person who wants to stand as a candidate for a seat in the Assembly or in Lok Sabha, either in a by-election or in the general elections, to subscribe to a particular oath or affirmation pledging himself to uphold the sovereignty and integrity of India. The new form is given in the Bill itself. This follows as a consequence of our main amendment of article 19. It will be this:

"I...having been nominated as a candidate to fill a seat in the Council of States (or the House of the People) do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

What is being added is: "that I will uphold the sovereignty and integrity of India", so that when he stands as a candidate he cannot make secession an issue in the political fight. We make it absolutely impossible. Then, when he becomes a Member of Parliament either in the Lok Sabha or in the Rajya Sabha, he has to subscribe to a further oath which pledges him to the same thing, namely, that he will uphold the sovereignty and integrity of India. In Form VII of the Third Schedule also you find a similar thing for the Legislative Assemblies and Councils, that a candidate has to subscribe to the oath or affirmation pledging himself to uphold the sovereignty and integrity of India and when he becomes a member he has to subscribe to a similar oath or

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affirmation pledging himself in the discharge of his duties as a member of the Assembly or the Council.

Shri Priya Gupta (Katihar): Sir, I rise to a point of order.

Mr. Speaker: That the hon. Minister cannot speak?

Shri Priya Gupta: No, Sir. In the absence of anything being codified in the rules, the Constitution or the Code of Conduct, regarding his behaviour against integrity and other things, how can this be accepted?

Shri A. K. Sen: I am most surprised that hon. Member, who is a lawyer, I understand....

Shri Priya Gupta: I am not a lawyer.

An Hon. Member: That is the reason.

Shri Priya Gupta: Is there anything provided in the Constitution or anywhere else as to what will be deemed to be against sovereignty and integrity?

Shri A. K. Sen: We are providing for it. If it was there....

Shri Priya Gupta: When will the behaviour of anybody be deemed to be against sovereignty and integrity?

Mr. Speaker: Order, order. I have heard the point of order. My ruling is that the point goes and order remains.

Shri A. K. Sen: Because something was not there it has become necessary to put it. You have rightly said, Sir, that the point goes and order remains. We make it the supreme law of the land that it shall not be permissible to anyone to make a secession an issue in any political fight or in any election and that before he can hope to exercise the right of standing as a candidate either to Lok Sabha or to a State Assembly or to Rajya Sabha or to

any one of the State Councils, he must pledge himself unequivocally to uphold the integrity and sovereignty of India. What is the point of order in it?

Shri Priya Gupta: Has the behaviour of an individual been codified?

An Hon. Member: The point of order has already been disposed of.

Mr. Speaker: Why should the Law Minister again refer to it when I said that the point had already gone?

Shri A. K. Sen: What I said was, there is no question of any doubt being expressed on what we want. The behaviour of every citizen of the country....

Shri Priya Gupta: It should be codified.

Mr. Speaker: Even when it is codified it is not observed.

Shri A. K. Sen: These are, therefore, Sir, the proposed amendments, and, I take it, it not only echoes the universal desire of this House but of the whole country, not only to make ourselves capable of meeting the calls of the nation at this hour of crisis, but also to discharge our duties as a nation, as a unified nation, for all times to come and to overcome the evils which have manifested themselves in recent times in the shapes of various disintegrating forces of language, of race, of caste, of religion, or of territorial or other affiliations. I, therefore, with very great pleasure and pride, commend this motion to this House, and I have every hope that this amending Bill will be accepted without any opposition and the mandate of this House will go to the nation, not only for today or tomorrow, but for all times to come as the imperishable supreme law of the country.

Mr. Speaker: Motion moved:

"That the Constitution (Sixteenth Amendment) Bill, 1963

further to amend the Constitution of India be referred to the same Joint Committee of the Houses to which the Constitution (Fifteenth Amendment) Bill was referred;

that the Committee shall make a report to this House by the first day of the next session; and

that this House recommends to Rajya Sabha that Rajya Sabha do concur in the motion and communicate its concurrence to this House."

Shri Kamath has given notice of a substitute motion for this.

Shri Hari Vishnu Kamath (Hoshangabad): I beg to move:—

That for the original motion, the following be substituted, namely:—

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 45 members; 20 from this House, namely:—

Shri Brij Raj Singh-Kotah, Shri S. N. Chaturvedi, Shri Homi F. Daji, Shri Ram Dhani Das, Shri R. Dharmalingam, Shri Kashi Ram Gupta, Sardar Iqbal Singh, Shri Madhavrao Laxmanrao Jadhav, Shri Madeppa Bandappa Kadadi, Shri Hari Vishnu Kamath, Shri Paresh Nath Kayal, Shri Nihar Ranjan Laskar, Shri Harekrushna Mahatab, Shri M. Malaichami, Shri Mathew Maniyangadan, Shri Bibudhendra Misra, Shri F. H. Mohsin, Shri H. N. Mukerjee, Shri D. J. Naik, Shri V. C. Parashar, Shri Ram Swarup, Shri S. V. Krishnamoorthy Rao, Shri C. L. Narasimha Reddy, Shrimati Yashoda Reddy, Syed Nazir Hussain Samnani, Shri Ramshekhhar Prasad Singh, Dr. L. M. Singhvi, Shri U. M. Trivedi

Shri Balgovind Verma, Shri Asoke K. Sen and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the penultimate week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee." (1).

That in the original motion,—

for "the first day of the next session" substitute—

"the first day of the penultimate week of the next session" (2).

I would like to speak only very briefly on my amendments, and I do not wish to speak on the merits of the Bill because, in the first place, it is a very necessary and healthy piece of legislation and, secondly, because I am in the Joint Committee.

Mr. Speaker: Has the got any legal objection?

Shri Hari Vishnu Kamath: Yes, on the Rules of Procedure. Since I am a member of the Joint Committee constituted by the Government, I do not wish to speak on the merits of the Bill.

The motion moved by the hon. Minister is open to objection on more grounds than one. This Joint Com-

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mittee of both Houses that the Government proposes for reference of this Bill is I believe, certainly contrary to the spirit of the Rules of Procedure and, obviously, contrary to the form, as envisaged in the rules, namely that a Committee which is suggested for reference of a particular Bill should be made by the wording of a subsequent resolution identical with the earlier one. Here there is a basic objection, and that is this. A Joint Committee consists of members of both Houses, thirty from this House and fifteen from the Rajya Sabha. Now, what jurisdiction have we got here, sitting in this House, to suggest or to move that this Bill also should be referred to a Joint Committee of which certain members, fifteen members, belong to the other House? Had it been a Select Committee of this House alone, perhaps it might not have been so objectionable. But, as it is, I am afraid that the motion is not in order because we have no jurisdiction, this House has no jurisdiction, as regards selection of members of the other House for a Joint Committee on a Bill moved in this House.

Mr. Speaker: But they would not be bound unless they agreed to it. They are free to say so if they do not agree with it.

Shri Hari Vishnu Kamath: May I submit in all humility and in all earnestness that it would be wiser and safer....

Mr. Speaker: That is a different matter. I also consider that it would be more in conformity with the rules if the motion is made, giving a list of members who should be on the Select or Joint Committee. I had that impression myself. Even now I would advise the hon. Law Minister that in future at least he should be careful and that he should give those names separately when a different motion is being made, because we have only *ad hoc* committees as distinct from standing committees. So, when we refer a particular legislation

to a committee, we cannot send some other legislations also to the same committee, as is done in some other countries where there are standing committees or commissions. So, I also hold the same view. But I do not find any law or statute that would conflict with this and there is nothing legally objectionable to this proposal. Therefore, I think we need not stress on this. But I would advise Government that in future they might look into it. It would have been more in conformity with the rules if they had brought up a separate motion, giving the names and other terms of reference. If they so desire, that committee can also consist of the same members and it can submit the report on the same day as the other committee.

Shri Hari Vishnu Kamath: I am indebted to you and, I believe, this House is also indebted to you for the light thrown on this, for the guidance given to us. I am glad that you have agreed to a certain extent with the objection I have raised. Therefore, I submit even at this late hour it will not be improper, it will be correct, on the part of the hon. Minister to accept my substitute motion because I have not seen a precedent to this motion in this House. At least as long as I was here there was no such motion of this kind. This is the first time, so far as I am aware, that such a motion has been brought forward.

Mr. Speaker: We have to see whether there is some law or rule that is being transgressed, not only whether there has been any precedent or any previous instance of this kind. The hon. Member should point out to me whether there is some legal provision that bars the making of such a motion.

Shri Hari Vishnu Kamath: But there is no provision which allows it specifically either. I am not a stickler for forms or rules but in a parliamentary democracy the forms of things and forms of procedure, the Minister will

agree with me readily, are equally important as the spirit that pervades the parliamentary institutions and we should not brush them aside lightly. What was the difficulty for the Ministry, or the draftsman or the Secretary to provide a motion including the names of thirty members of this House and bring it in complete conformity with the motion which he had moved earlier? I have sought to make it in conformity with the Rules of Procedure.

Then, the other two paragraphs beginning with "that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply..." which find a place in the earlier motion do not find a place here. He has incorporated only the first three paragraphs in his motion. My substitute motion includes the other two paragraphs also which find a place in the earlier motion for reference of the other Bill to the Joint Committee. I would be happy and the House, every member of this House, whether sitting opposite to me or on this side of the House, will appreciate if the Minister agrees to the line you have suggested. But you have suggested it only for the future. Why not for the present? The present is the best time for everything.

Mr. Speaker: Unless I can find some law or some rule that is violated, how can I just at present overrule it even though I feel that the other form is more in conformity with the Rules of Procedure?

Shri Hari Vishnu Kamath: But you have yourself observed on an earlier occasion that when there is no specific rule providing or governing a particular matter, you are the supreme authority to regulate the proceedings in this House.

Mr. Speaker: Therefore, I have regulated it. In future, Government would bring motions on the lines I have suggested.

Shri Hari Vishnu Kamath: If you in your wisdom excuse and allow it it is all right.

I now come to the second part of my substitute motion. There in the place of "the first day of the next session" I have suggested "the first day of the penultimate week of the next session", because I want to submit any charge that might be levelled that I want to procrastinate or adopt dilatory tactics. I want this Bill to be passed in the next session, that is, the budget session, which will be a long session of about 2½ months to 3 months. If the report is submitted in the penultimate week we will have ten days or two weeks for consideration of this measure.

Now, what happened? I do not want to divulge the proceedings of the Joint Committee on the other Bill, but unfortunately the Joint Committee has made no progress. I am sorry to say that.

Mr. Speaker: They might be waiting for reference of this Bill.

Shri Hari Vishnu Kamath: As a matter of fact, at the first meeting itself I had made a suggestion or a request that witnesses might be examined. They are willing to give evidence. In that sitting it was decided that no witnesses need be examined and that only memoranda be invited from the various associations. Then, at the next meeting the hon. Minister himself said that certain persons and certain associations wanted to give evidence in regard to the amendment proposed in the Bill. Therefore at the last meeting just before this session, that is, only last week, we adjourned to the 13th February. According to the Press reports, the Budget Session is scheduled to commence on the 18th February and we are meeting on the 13th February for consideration of that amending Bill. There are witnesses to be examined, memoranda to be studied and, I am sure, that will take a lot of time. And the report of that Joint Committee is to be submitted to the House on the first day of the next session! I am not a pessimist, but I am a realist and, I am afraid, the hon. Minister may have to come on the opening day of the next session asking for more time for the sub-

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mission of that report also, because once the report is ready, Members also will have to be given time to prepare their minutes of dissent. That also would need time and it would be impossible to do that by the first day of the next session at the rate at which we are going. We are going in a haphazard fashion. I am sorry to say that and to use that word.

Mr. Speaker: He need not disclose all that.

Shri Hari Vishnu Kamath: I am not disclosing anything. But had the progress been more appreciable, more systematic and more methodical, we would have been able to present that report in time. Now, this Bill should be considered separately from the other. That is the main point with regard to the motion that I have moved. That Bill was called a jumble. You remember, Sir, that many hon. Members took the cue which I had given and they all said that that Bill was a jumble. We do not want a bigger jumble by incorporating this also along with that. We do not want that Committee to consider both the Bills at the same time.

Mr. Speaker: The jumble remains the same if something more is added to it; it does not make a difference.

Shri Hari Vishnu Kamath: Philosophically it does not. It does not become a worse jumble; but it becomes a bigger jumble. Therefore I would request the hon. Law Minister even now to persuade himself to this view namely, that it will be well nigh impossible to submit the report on the opening day of the next session and it will be more practicable in every way—I believe that all my colleagues will agree in this respect—to move that the report be submitted to the House on the first day of the penultimate week leaving two weeks for the disposal of the passing of the Bill. I am sure, the hon. Minister will be agreeable to this amendment and I commend this for the acceptance of the House.

Mr. Speaker: Both the substitute motion and the amendment to the original motion are also before the House. Shri Reddi.

Shri R. N. Reddi (Nalgonda): Mr. Speaker, Sir, I stand in support of the motion moved by the hon. Law Minister. On behalf of my Party I welcome it.

Shri A. K. Sen: Sir, may I indicate here that in view of what has come from you I shall be prepared to accept the motion as drafted by Shri Kamath with the names mentioned therein excepting that the period mentioned by him in the third paragraph of his motion should be as in the original.

Mr. Speaker: Let there be a compromise. Shri Kamath would also agree to it, I suppose. There are other difficulties which he has not realised. They were related by the hon. Law Minister. The previous Bill would affect many members of the High Courts. There are other provisions also in the previous Bill. Therefore that has to be taken up very early.

Shri Hari Vishnu Kamath: I accept that. But he will come with another motion on the opening day of the next session asking for more time.

Mr. Speaker: Now, the agreed substitute motion is before the House.

The hon. Member might resume his speech.

✓ **Shri R. N. Reddi:** I stand in support of the motion. This is a Bill that has been introduced on the basis of the recommendations made by the Committee on National Integration and Regionalism appointed by the National Integration Council.

12.56 hrs.

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

In recent years fissiparous tendencies of separatism have grown tremendous-

ly in the shape of caste, communalism, regionalism and all that. These have endangered the very heritage of our freedom movement, that is, the unity of India. This must be combated. They have manifested themselves in the shape of communal riots and in the shape of movements for the disintegration of the unity of India, like what has happened in Nagaland. They have manifested themselves into a slogan of a separate Dravidnadu in the South. They have manifested themselves into a fight for power in the name of caste in different provinces. These are very dangerous tendencies for the unity of our nation. It is a danger to the very inheritance of our freedom movement.

In the emergency created by the Chinese invasion an upsurge of unity has come in India. There is no doubt about that. But nobody can say that this is going to be a permanent feature and that these forces which are silent now may not come up again when an occasion arises or when the compulsions of the present situation cease. So, it is but necessary that the country should be prepared to meet such emergency and the motion moved by the hon. Law Minister is in the right direction. Every person who wants to contest the elections should be asked to take a pledge that he will not work against the unity or the integration of the country. That is all right and that is good. But, at the same time I would like to make a few observations in this connection. Our party supports this Bill, and we welcome it. That is a fact. But mere legislative action or changing of the Constitution or asking the Members to make an oath of allegiance or affirmation to this or that is not going to solve these problems that are coming up in India.

13 hrs.

Let us now take the question of secession. How is it that certain parties who stand for the principles of secession and who want separate States get the following of the people? How is it that they have not been isolated from the people? How is it that they have

a following among the people? For instance, I would refer to the DMK movement in Madras. How is it that the leaders of the DMK movement, although they have such a dangerous slogan as would divide the very unity of India, get a following among the people and they have become the chief Opposition in the Madras State? There must be some basic reasons which move the people towards that. Government must look into those basic features and see that they are removed, so that the people may not be attracted by those slogans.

The method of centralisation of the entire administration that is going on at the cost of the States is a thing which makes the people think in terms of secession. I would not like to go into the details in regard to the powers of the States or anything of that kind, but I would like to ask one question. In regard to the Central Services. How is it that Central Services are being proposed for all departments? That is creating a certain amount of misunderstanding in the States that the Centre wants to monopolise all the power in their hands and they want to make the States just like the municipalities or the zilla parishads. That sort of feeling is coming up.

Then, there are other problems too. Take the question of language and the question of regional disparities, for instance. Regional disparity is another thing which is moving the people towards these ideas of separatism. As far as Andhra Pradesh is concerned, I may say that we are practically being starved of industries. This kind of regional disparity moves the people towards the ideas of separation. Then the question of backward regions. The backward regions are being neglected, and special attention is not being given to these backward areas in regard to their development. These points and these grievances breed the ideas of separatism, and the leaders who are imbued with ideas of separatism get also the following of the people, and

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they get the ears of the people, and movements arise out of it.

Again, take the case of Nagaland. How is it that the Nagas are fighting today? What has made them fight? We do not support Mr. Phizo in that. But how is it that the Naga people are fighting for long, for two or three or four years now? The basic causes must be gone into and removed. Today, this demand has come up in Nagaland. A similar trouble may arise elsewhere tomorrow, if the basic causes are not removed. That danger is there, and, therefore, the basic causes must be removed. The life of the tribal people is being disintegrated by invasion from the plains. Elements go there, and exploit them, and remove them from their lands, occupy their lands in one shape or the other, and exploit them in one way or the other, and the result is that the discontent among the tribal people grows.

Then, there is also the Hindi problems, the question of Hindi versus English, or the question of language, as it is called. Why is it that there is a feeling of antagonism against Hindi in the south? I do not think that anybody is opposing Hindi; as far as I know, in my State, and even in the Madras State, I do not think that there are people who are opposed to Hindi, but the way in which the Hindi enthusiasts put the problem is what creates a lot of trouble. Let them not precipitate matters and wait for some time on this question of Hindi.

There is also the question of the regional languages and their rights. The Hindi enthusiasts talk of only Hindi in place of English, but keep silent about the Status of the regional languages and the rights of the regional languages. If they want English to be replaced by Hindi, that is all right, and that is a good idea. We all welcome it. But at the same time, if the proposal is put forward simultaneously that English must be replaced by regional languages also,

both in the administration and as the medium of instructions in the universities, then it will be very well received, but that is not being done by the Hindi enthusiasts. They only talk of Hindi, and the result is that doubts are created in the non-Hindi-speaking areas that it is Hindi which is going to replace the regional languages also. That doubt will play havoc and will lead the people towards ideas of separatism.

Similarly, I can speak in the same way about communalism. Communal riots take place. They are no doubt very harmful to our country. But I say that the administration do not treat all communalisms in the same way or on a par. To a certain extent, Hindu communalism is tolerated, and that creates doubts among the minority community and creates other complications as well. The rights of the minorities must be respected. Unless the rights of the minorities are respected on the question of language, the services etc., these ideas of separatism are bound to grow.

It is good that legislation is coming, but if Government feel that merely by legislation these things are going to be stopped, I think that they are very much mistaken. Along with the passing of this legislation, the causes that create separatist tendencies and ideas among the people should also be removed and removed speedily as well, because after our Independence, during the recent past, we have seen that these separatist tendencies have grown tremendously. It may be that temporarily they may not appear, but I do not know how things will shape themselves in the future.

So, I would suggest to Government that instead of merely remaining content with the passing of this legislation, they should look into the basic problems that go to the root of these tendencies and these ideas that are spreading among the people and see

that they are redressed, so that we may really emerge as a united India without any talk of separatism or secession.

Shri Surendranath Dwivedy (Kendrapara): I welcome this measure but I feel that it has a very limited appeal, and Government have approached this problem from a rather negative point of view. I have no objection so far as the motion before the House is concerned. The Bill is being referred to a Joint Committee, and it can be discussed threadbare there. But the question involved is a very big one so far as this country is concerned.

There is no immediate problem of disunity in this country, in view of the emergency. Particular mention has been made of a party which advocated secession from the Union, and which really caused a certain amount of consternation all over the country, but even that party today has come out with a declaration that so far as they are concerned, they stand for the integrity of the country and they will stand by all efforts to defend this country and to maintain the sovereignty of this country. So, if we take the immediate facts into consideration, there is no immediate need for a legislation like this, but what we are doing is that we are mainly providing for a future contingency. We do not want that any individual, any citizen of this land should have any right—whatever right or freedom the Constitution may have given us to do anything in any manner either in the political sphere or in any other sphere so as to subvert the Constitution of the land or to undermine the sovereignty of this country. That is the main question before us. But here what the Bill proposes to do is only to ban secession movements. The Constitution is giving authority to curb or to check or even to ban—whatever they may think proper at the moment—the movements like this.

Sir, I feel that this country is faced with various problems which affect the

integrity of the nation. The elections do provide an opportunity for all elements to express themselves in a particular manner and exploit the occasion. We have seen that in these elections feudal elements, whichever label they may have taken, have by and large been elected. They have come out successful during the general elections. Does it mean thereby that there is a very large volume of opinion which wants to return to the feudal rule? Nothing like that. The elections are just a cover. The real malady lies somewhere else.

Then, there are tendencies growing in this country—caste tendencies, regional tendencies, communal tendencies and some other tendencies and I do not characterise all these as mere reactionary. But I feel that there is some amount of justification in some of these movements for the reasons, the suppressed, the down-trodden people had not got an opportunity to ventilate their grievances in those years of slavery. Now in a democratic atmosphere, they get this opportunity to express themselves and we may take it as a desire of democratic people to urge their own problems. But there is a limit so far as that is concerned. If it goes beyond that, then it creates problems for us. When we fail to tackle them, then only that takes some other form—violent form. Generally speaking,—thanks to our country's traditions—it takes a constitutional method of expression. So, what I had thought was that, when we were approaching this problem, we should not have confined ourselves only to this aspect.

I want to put it to the Government. Of course, the Hon. Minister, when he moved the motion, referred to us the National Integration Committee's report. I am not very clear in my mind. This Committee also did not go into the entire matter thoroughly because of the emergency, because of the exhibition of unity all over the country. They only gave the report and they suggested like this that Article 19 of the Constitution should be amended. I

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find that in the report they have only mentioned about Nagas, DMK, All-Party Hill Leaders' Conference, Aglai Dal, etc. and they say that they are all rallying round in the national effort.

Sir, I want to know whether it is considered or whether it is proposed under this legislation to provide powers even to curb the linguistic division of provinces—there may be a linguistic demand and there may be linguistic border areas for which re-division may be necessary. I want to know whether it is proposed that that sort of movement is also undermining the sovereignty of this country and whether we want to ban that. If such inference is taken, it is not a good thing. Probably, you may be able to suppress it for some time to come, but it will take some other form because that is not actually going to undermine the sovereignty of the country. This is not the entire question. As I said, I want to put it to the Government. The Minister said that we have that experience of a party functioning in this country asking for the division as a result of which the country was divided: India and Pakistan were born. We have that past experience. He said, "Do you want to repeat that?". I want to say, no such movement is likely to take any roots in this country, not even any religious sentiments. No such movement is likely to get any support from the people. So far as the Indian people are concerned, they have given their opinion in the general elections, three successive general elections. But I want to put it that the danger is not only of secession movements. There is the danger, a very great danger in this country of parties functioning which do not owe loyalty to our Constitution, to the sovereignty of our land. It is not only secession movements. There are parties in this country which have openly said that they are not an Indian party. They have extra-territorial loyalty. Their decisions are taken not in this country, but in some other

country. I want to know whether that is not going to subvert or undermine the sovereignty of our country and whether it is not also a problem that we should deal with very strongly. If a party which is functioning in Pakistan, which has a branch in India, went on ventilating the grievances of Muslims—whatever is decided there, it is done here—are you going to tolerate such a thing in this country where crores of Muslims live and live very happily? We have no problem of Muslims today. I think the Muslim League of India is not even the ghost of Jinnah. The Muslim League today stands behind the Indian nation, even against Pakistan. Supposing some such organisation functions here, are you going to tolerate it and give it the legal approval? If we are thinking of the sovereignty and integrity of India, I again say, this is a negative approach. You are going to take powers to curb, to check something which is in imagination just at the present moment. It may come in future, at some time. That is different. I do not know what the future picture would be, after this emergency is over. They say, it is a turning point in our history. I do not know which way it will turn. But all that apart, even for this immediate emergency we should have amended the Constitution in such a manner that no party, no political group, no social group even, which has extra-territorial interests and loyalty to others other than our own country, would be permitted to function in this land and the Government under the Constitution would have the right to curb, to check and even to ban such growth.

Sir, when the Joint Committee goes into this matter, I do not know—I am not a lawyer—whether it would be possible for them even under this limited amendment to provide for any such contingency. Merely taking pledges does not help. Do we not know what happened in Kerala? The Communist Government functioned there for 28

months. They took pledges of loyalty to the Constitution. But the Centre intervened. This is borne out. Actually, under the name of the Constitution, they wanted to subvert the Constitution itself. It is provided here that only High Court Judges, Chief Justices, Members of Parliament and Legislatures, Auditor General, etc. will take pledges, to uphold the honour, integrity and sovereignty of India. But if you look into the problem again, where does the germ lie? Is it not a fact that in the services, in the administration, fissiparous and disintegrating tendencies grow. I may be excused for saying this, but my feeling is that it does not grow among the masses, it does not grow amongst the people at large; it is confined to certain interests working in certain spheres. And how does it start? In our administration, in our government machinery, we have millions and millions of employees coming from different parts of the country, belonging to different communities, castes, etc. Somewhere, at some place, it goes round that 'we are being neglected, we are not being given proper promotion, proper facilities, we are being suppressed because of the machinations and domination of some other group or caste'. So the germ is there which then spreads. Ultimately, it takes the shape of a movement which appears to be disintegrating. Is it not the proper thing to deal with that at that point? We are thinking of taking pledges. When we do that, should we not also provide something whereby whoever works in the government machinery in whatever capacity commits himself not to do anything in the discharge of his duties or as a normal citizen to sponsor or give room for any such disintegrating movement in the country?

So while this is a necessary measure, I do not think it is going to tackle the great problem before us. We can go on amending the Constitution so often as we are doing. But I would make this appeal. When we

are seized of this problem, let Government think twice whether we should not amend the Constitution in such a manner as to deal with the malady effectively. It may be argued that there is a Joint Committee already and we are referring this to it to report in the first week of the next session. Therefore, we have to finish this work hastily. But I do not think that the other problem is connected with this. So Government may give some thought to the problem and bring forward another Bill which can accommodate all these things.

Mr. Deputy-Speaker: Shri D. C. Sharma. Each hon. Member will have ten minutes.

Shri D. C. Sharma (Gurdaspur): I welcome this Bill though I think a very belated attempt is going to be made to eradicate some of the diseases, social, political and economic, which have become rampant in our country. It is a measure of very limited significance. I do not think that elections to Parliament and the State legislatures are the only panacea for all those ills. These elections take place almost once in five years and the propaganda goes on for about three months.

While we are legislating for these three months, we are not taking into account the period that goes before it. What is going to happen for four years and nine months? What are people going to do about it? You stop them from making this kind of propaganda for three months in five years. I do not see any reason why they should be allowed to go on doing this kind of propaganda for secession and all that kind of things for four years and nine months. Moreover, there is no reason why we should pinpoint the members of the Assemblies, Councils and Parliament. There are also others elected. In our country there are panchayats, municipal committees, municipal boards, town committees and so on. If you prevent Members of Parliament and the State

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legislatures from making this kind of propaganda what guarantee is there that those persons who take part in municipal elections and panchayat elections will not make that kind of propaganda.

Shri K. C. Sharma (Sardhana): It will be provided for in the local laws.

Shri D. C. Sharma: I think the hon. Member talks without knowing what he is talking about.

I was submitting that we should have a very comprehensive Bill. You cannot take hold of one section of society and think that that is going to provide a panacea for all our ills. We have elections running all along the line. So we have got to do something to suggest remedies for that thing. I therefore think that something should be done to make this kind of propaganda for all kinds of elections in the country punishable. Unless that is done, we will be trying to kill an elephant with a toy gun. We are not doing the proper thing.

My second point is that we have singled out the Judges of the High Courts and the Supreme Court, the Auditor-General, Members of Parliament and State legislatures, Union Ministers and State Ministers only, as if they represent the whole of India, as if they have the whole of India in the palm of their hands. I do not think so. I think there are so many other functionaries working in this country all along the line and to include these functionaries alone and to exclude the others is begging the question. I believe that every government official—it will be said that he will be covered by some rules of conduct—every government functionary should be taught to respect this. I remember meeting a Chief Minister. He was having officers drawn from two communities. I do not want to refer to the name of the Chief Minister. He said to me that the persons who belonged to one community be-

lieved in that type of communalism and the persons belonging to the other community believed in their type of communalism. They were doing all kinds of things to jeopardise not only the integrity but also the security of India.

What is there in this Bill to prevent government servants from doing all this kind of things by means of which they try to create a very unhealthy atmosphere in the country?

Then again, there are the newspapers. I tell you the newspapers have done more harm to the integrity of the country than anything else. So far as the press laws are concerned, I think they have proved to be utterly ineffective in dealing with the nuisance created by these newspapers. It is not that the DMK people get up once in five years and say they want to secede from India. The propaganda goes on day in and day out from the press, the public platform, in the films and in dramas. What are you going to do about it?

So while I think this is a good Bill, it is going to be a very weak solution of a very big problem. I know an hon. Member referred to the ills from which our body politic is suffering. Why is Nagaland there? Why is the DMK asking for secession? Why do we have all these things? I think our Government has laid it down that nobody is going to interfere with the way of life of the tribals.

That is one of the basic concepts of our policy not only for Nagaland, but also for those places where there are tribals living. So, I do not see any reason why it should be said that we are not doing like that.

Again, it was said that the DMK was making appeals for secession. India is a very big country and there are all kinds of levels of intelligence in this country, and all kinds of people live in this country, and I think all kinds of appeals are made in this

country. I do not think that it is only on the basis of secession that the DMK gets a hearing. They say they will distribute land, so many acres per man. All these things are there. It is not that they get a hearing because of the appeal to secession alone. The economic programme of the Government is there, and I think it is getting into stride as time goes on, but we give protection to caste, to regionalism and to communalism sometimes.

An hon. Member said that we tolerate one type of communalism but abhor another type. I say that all types of communalism are abhorrent, but as we are proceeding fast in establishing this democratic set up in our country, people who want to win the favour of the electorate, are making all kinds of appeals to the voters. Some people want to get in on the strength of caste, some on the strength of religion, some on the strength of language. All these things are being done. So, I think it is not enough to say that nobody shall threaten the integrity of the country. It is no use pinpointing certain parties. I think it should be made an offence, a criminal offence, for anybody to appeal to the electorate in the name of caste, creed or religion.

I know those things are there, but I would say that Government legislation is also there. We have a Commissioner for Minorities, we have a Commissioner for Scheduled Castes and Scheduled Tribes, but the difficulty is that the Government machinery moves so slowly and in such a way that these persons are not able to cope with the problems with which they are confronted.

Therefore, legislation is good, but legislation does not go the whole way. It goes only a small way. Legislation has to be supplemented by administrative measures, by propaganda, by education. I believe that unless this kind of thing becomes a part of the education of every child, boy and youth of India, we will not be serving this purpose.

This Bill is going to a Joint Committee for consideration, and the Joint Committee should see to it that it does not depend only upon the taking of a pledge for the implementation of this measure, but that it also devises some other way. If pledges could deliver the goods, I think in India there is no dearth of them. I believe pledgetaking is a national hobby of our country.

Shri Hari Vishnu Kamath: National pastime!

Shri D. C. Sharma: We are interested in taking pledges. I think every one of us has taken so many pledges, that it is no use placing so much emphasis on pledgetaking. If pledgetaking! is good, it is not enough.

The Bill is simple enough, and I think nobody will take exception to it and that everybody will welcome it. It will be supported universally, I know that. But while the Joint Committee goes into the Bill, they should also think of those measures. This Bill is a skeleton Bill. The Joint Committee should put flesh, bones and blood into it, and give us those administrative and educational measures and all those things affecting elections to other bodies, so that this Bill becomes a real force in our country and stops all those fissiparous tendencies to which so many persons have referred already.

There are certain parties in India which are openly communal, which are openly based on some kind of language imperialism as it is called; which are openly wedded to those causes which are injurious and pernicious to the interests of India. What are we going to do about them? I think everybody will take the pledge, nobody will be prevented from taking it, but I can assure you that while they will be taking the pledge, they will be also thinking of the ways and means by which they can break the pledge.

There was a gentleman who swore in the name of a sacred animal—I do

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not want to mention the name of the sacred animal—and said he would do a certain thing in the name of the sacred animal, but after four or five minutes, he did exactly the reverse of what he had promised to do. Somebody asked him how he could go back on his promise made only a few minutes back, and he replied that he was not thinking of the living sacred animal, but only of the picture of the sacred animal. Therefore, the picture and not the living animal was sacred for him. So, I believe that if this pledge is to be capable of implementation, it should be such as can put an end to all those evils to which hon. Members have referred.

I welcome the unity that is present in the country now, but I do not know how long it is going to last. I may also tell you that while this unity is on the surface, there are certain forces working underground even now to sabotage this unity, to destroy this unity. Whispering campaigns are being organised, door to door and house to house canvassing is going on to destroy the unity that we have built up on account of the national emergency. What are you going to do about it?

I welcome this Bill, but, as I said in the beginning, this is a small thing intended to achieve something gigantic, something colossal. I hope the Joint Committee will try to do something so that this Bill is implemented fully and in the real spirit in which the framers of the Bill have intended it to be.

Shri Shree Narayan Das (Darbhanga): While supporting the Bill, I would like to make certain observations.

Having attained independence after a long struggle, causing sacrifice and sufferings to a very large number of people in the country, India got the opportunity of framing its own constitution, and in 1949 the representatives

of the people assembled here, gave us a Constitution, and the preamble of the Constitution indicated their attitude towards certain fundamental provisions to be made by the country.

For the benefit of the record, I would like to read out the preamble:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the NATION;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."

The idea contained in the Preamble and the provisions contained in the Fundamental Rights provided in the Constitution give an idea to us that when our constitution was made, the people of India resolved that to form a nation, certain fundamental rights have to be given because of the exigencies of the situation. When the Constitution was framed, it was thought that there will be a Government which may not respect some fundamental rights in this country. Therefore, certain fundamental rights were provided for.

We have seen how, after making such provisions in the Constitution for reservation of Fundamental Rights, we have constituted in our country an independent judiciary and we have

seen instances when this independent judiciary has prevented the vagaries of the Government. When certain rights were to be tampered with by the Government, the judiciary intervened and set things right.

The Fundamental Rights which have been provided under the Constitution, especially Article 19, which provide for the freedom of speech and expression and the right of association etc. have also provided for certain restrictions to be imposed by the Government from time to time with regard to certain of these provisions. But, Sir, we have seen how in course of time fissiparous tendencies have arisen in this country with regard to communalism, linguism, casteism, and in the name of secession of some territory from the Union of India. This Article 19 gives freedom of speech and expression and gives freedom to assemble peaceably and without arms and to form associations or unions.

Now, Sir, this right of freedom of speech and freedom of expression have been violated in the name of freedom. We have seen what is contained in the Preamble. In the Constitution itself, in Article 1, it has been provided that "India, that is Bharat, shall be a Union of States." It also says that "The States and the territories thereof shall be as specified in the First Schedule". At the time of partition of the country into Pakistan and India, India constituted one part and Pakistan the other part. All the citizens living in India were thought to be citizens of the nation. Nation cannot be divided. Government may come and Government may go, but the people were declared to be one.

Therefore, if some of our citizens have taken recourse to the provision of the Fundamental Rights of freedom of speech and expression, to resort to preaching of secession of certain territories from the Union of India, it is due to certain lacuna which exists here. Because of Article 19, it had

been found that the Government was powerless to deal with the situation created by certain political parties and certain interested persons in preaching secession of certain territories from the Union of India. It is, therefore, that the Government has thought it proper to come with this measure. By this measure, such fissiparous tendencies will be checked. Those indulging in the preaching of secession of any territory of India from the Union of India, which is a sovereign democratic republic, will be dealt with suitably. I think such fissiparous tendencies will be stopped and put an end to. In order to prevent such persons from preaching these fissiparous tendencies, Government has come forward to make this amendment in Article 19 for restricting some of the fundamental rights.

In Clause (1) of Article 19, certain fundamental rights have been given. In the same Article, in Clause (2), some of these rights have been restricted by the laws to be made by the Government from time to time. Preaching of secessionist ideas against the integrity and sovereignty of India would not come within the purview of this Clause. Clause (2) says as follows:—

"Nothing in sub-clause (a) of Clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence".

Until this provision existed, we have not got the power to make such enactments as will put an end to the preaching of secessionist ideas and fissiparous tendencies in the country. In order to enable this Parliament and this Government to prevent such individuals and political parties from

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preaching against the sovereignty and integrity of India, this amendment to Clause (2) of Article 19 is called for, Just now, my hon. friend Professor Sharma said that this Bill has not got the flesh and the flesh has to be provided by the Select Committee. This Constitution Amendment Bill authorises the Parliament and also the Government, when it is thought necessary, to make certain enactments to prevent such fissiparous tendencies which are prevailing in certain parts of South India, who preach of secession from the union of India.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Shree Narayan Das: As you have rung the bell, I will say this much before I conclude. We are now going to make provisions of taking oath and making affirmations with regard to the members of the various legislatures, Members of Parliament, certain incumbents of the Government, Ministers and High Court and Supreme Court Judges. But, I would like to make one suggestion in this connection that the Joint Committee should also consider making provisions for the application of this amended form of oath and affirmation to the existing members of the legislatures, both at the Centre and in the several States. We are sitting Members. We have taken our oath under the existing provisions of the Constitution. But, after this particular amendment is made to the Constitution, all the members of the legislature, both at the Centre and the States should also be asked to make oath in the amended form, along with Ministers. This is the only suggestion that I would make and I support the Constitution (Amendment) Bill. After this Bill is passed, I would request the Government to come forward with the necessary legislation making the preaching of secession and other fissiparous tendencies, against the integrity and sovereignty of India, a criminal offence. Those political parties and individuals who indulge in

such tendencies should be dealt with strictly. No fissiparous tendencies should be allowed to be committed in this country. With these words, I support this Motion for referring this Bill to a Joint Committee. I hope that my suggestions with regard to existing Members of Parliament and the members of the State legislatures will also be taken into consideration and certain suitable provisions will be made so that it will be made applicable to them also.

श्री बड़े (खारगोन) : माननीय उपाध्यक्ष महोदय, शासन ने इस हाउस के सामने जो कांस्टीट्यूशन (सिक्स्टीन्थ अमेंडमेंट) बिल उपस्थित किया है, मैं अपनी पार्टी की तरफ से उस का समर्थन करना हूँ। मेरी समझ में नहीं आया कि यह कांस्टीट्यूशन (सिक्स्टीन्थ अमेंडमेंट) बिल इस से पहले कांस्टीट्यूशन (फिफटीन्थ अमेंडमेंट) बिल के रूप में क्यों नहीं यहां पर लाया गया, क्योंकि यह तो बड़े महत्व का बिल है और इसमें देश की साबिनेन्टी और इन्टिग्रीटी की सुरक्षा की व्यवस्था की जा रही है, जब कि इस से पहले जो कांस्टीट्यूशन (अमेंडमेंट) बिल आया था, उसका कोई विशेष महत्व नहीं था।

इस बिल के स्टेटमेंट आफ आब्जेक्ट्स एंड रोजन्ज में दिया गया है :

"The Committee on National Integration and Regionalism appointed by the National Integration Council recommended that article 19 of the Constitution be so amended...."

इसलिये यह बिल प्रस्तुत किया है। जब कभी आक्रमण होता है वास्तव में तभी हम को इस तरह की चीजों का महत्व मालूम पड़ता है। परकीय आक्रमण जब होता है तो जो परकीय शत्रु होता है वह यह देखता है कि अन्दर का शत्रु कौन है और उसको अपने साथ मिलाने की कोशिश करता है। परकीय

शत्रु का अन्दर के शत्रु से ज्यादा डर होना चाहिये। वह ज्यादा खतरनाक होता है। इतिहास इसका साक्षी है। पृथ्वीराज के वक्त यह हुआ है। उस वक्त मुसलमानों ने देखा कि यहां अन्दर का शत्रु कौन है और उसका पूरा पूरा फायदा उठाया और अपना साम्राज्य बढ़ाया। इसी तरह से अंग्रेजों ने किया : पहले उन्होंने शिन्दों को डिफीट दी और उसके बाद होल्करों को। जब यह हो गया तब उन्होंने अपना साम्राज्य प्रस्थापित किया। अन्दर के शत्रु पर भी प्रतिबन्ध होना चाहिये, अंकुश लगना चाहिये। यह जो बिल आप अब लाये है, इसको बहुत पहले आपको लाना चाहिये था।

यह जो इंग्लैण्ड एंड सावरेन्टी हिन्दुस्तान में आपको नहीं मिल रही है, इसका कारण अगर आप ढूंढना चाहते हैं तो आपको पहले का इतिहास देखना पड़ेगा। पहला इतिहास बताता है कि कांग्रेस ने लिबरलिस्टिक प्राक्सिज डिमांड करने का निश्चय किया और जब हमें आजादी मिल गई तो ये प्राक्सिज बन गए। इसका नतीजा यह हुआ कि जो छोटे छोटे समुदाय थे, जो छोटे छोटे भाषावादी थे, वे भी यह मांग करने लग गये कि उनको भी अपने प्राक्सिज मिलने चाहिये, जो छोटे छोटे पंथ थे उन्होंने भी मांग करनी शुरू कर दी कि उनको भी अपना प्रान्त मिलना चाहिये। जब उन्होंने देखा कि मुसलमानों को पाकिस्तान का राज्य मिल गया है, तो दूसरे जो छोटे छोटे पंथ थे उन्होंने भी कहा कि हमें अपना राज्य मिलना चाहिये। इसके बाद जब बेह बाड़ी देने का प्रश्न आया और उसको दिया गया तब भी अगर यह एकट होता, यह चीज यहां पर लागू होती तो मैं समझता हूं बेरूबाड़ी न दिया जाता। जो रूलिंग पार्टी है, उसकी जो पालिसी चली आ रही है, वह भी इस तरह के तत्वों को बढ़ावा देने में सहायक

हुई है और इसके लिये ज्यादातर वही दोषी है। लेकिन सुबह का भूला अगर शाम को भी घर वापिस आ जाता है, तो उसको भूला नहीं कन्त जा सकता है। इस दृष्टि से चाहे यह बिल देरी में ही आया है, मैं इसका समर्थन करता हूं।

परन्तु इसके साथ ही साथ मैं कहना चाहता हूं कि जो व्यक्ति भारत को एक देश समझता है और तब यह कहता है कि कि उसके भाषा भाषियों को ज्यादा नौकरियां नहीं मिलती हैं या उसकी उस भाषा को ज्यादा महत्व नहीं दिया जाता है, तो उसके अन्दर देशप्रेम का अभाव है, वह देश के साथ प्रेम नहीं करता है। मैंने देखा है कि जब चीनी आक्रमण हुआ तब हिन्दुस्तान में एकता की लहर दौड़ गई और सब एक हो गए। डी० एम० के० वालों ने भी कह दिया, चाहे प्रेशर में आकर ही सही, कम्युनिस्ट पार्टी ने भी कह दिया कि वे देश के साथ है और चीन आक्रमणकारी है, तो उन्होंने देश प्रेम का ही परिचय दिया। आज सभी यह कह रहे हैं कि हिन्दुस्तान एक है और यह मातृभूमि हमारी है, इसकी रक्षा करना हम सब का कर्तव्य है। यह जो महान संस्कृति है, इसकी रक्षा करना हम सब का प्राथमिक कर्तव्य है। जिस को हम भारतीय संस्कृति कहते हैं, उस महान संस्कृति का धीरे धीरे निर्माण हुआ है और उसकी रक्षा करना सभी का कर्तव्य है। मनुष्य सभी समाज प्रिय प्राणी है। समाज कैसे बनता है। समाज तब बनता है जब एक से ज्यादा व्यक्ति, मनुष्य हों, जितने भी आदर्श हैं, उनको साथ ले कर हम चलते हैं। समाज जिस भूमि पर होती है, भारत भूमि या मातृभूमि, उस मातृभूमि पर जब संकट आता है, तब जा कर संस्कृति का नाश होना शुरू होता है। जब परकीय संस्कृति का आक्रमण होता है, हजारों साल से भारतीय संस्कृति चलती

[भी बढ़े]

था रही ई। एक दम इसके दिग्दर्शन तब हुए जब प्रिय भारत में एक लहर दौड़ गई और सब एक हो गए और सब ने कहना शुरू कर दिया कि हम नेहरू जी के पीछे हैं, इनके हाथ मजबूत करने के लिये हम सब तयार हैं। सब ने अपनी पार्टियों के निहित स्वार्थों को लात मार दी, उनको भला कर कर दिया और कहना शुरू कर दिया कि हम सब एक हैं, तब एकता का दिग्दर्शन हुआ।

यह जो एकता है, उसका हमें लाभ उठाना चाहिये। हमें देखना चाहिये कि इंट्रेप्टी और साबरेन्टी का मतलब क्या है। यह बिल सिलेक्ट कमेटी के पास जा रहा है। सिलेक्ट कमेटी से मैं प्रार्थना करता हूँ इस हाउस की मार्फत कि वह बताये कि इंट्रेप्टी और साबरेन्टी का मतलब क्या है। पीनल कोड में आज यह तो है कि एक इंडिविजुअल अगर गुनाह करता है, तो उसको पनिश किया जा सकता है लेकिन अगर एक पोलिटिकल पार्टी या संस्था इस प्रकार की इंट्रेप्टी के विरुद्ध कार्य करती है या अलगाव की भावना पैदा करती है, या अलग रहने के लिये कोई प्रस्ताव पास करती है, या मूवमेंट करती है, तो उसको सजा नहीं हो सकती है। इसका भी डेफ्रीनीशन इसमें किया जाना चाहिये, इसकी भी व्याख्या इसमें की जानी चाहिये। यदि यह चीज अब नहीं हो सकती है तो आगे चल कर यह कर दी जानी चाहिये। देश के एकता के विरुद्ध अपराध को पीनल कोड में इसको देशद्रोह मानना चाहिये और इसे देशद्रोह की सजा मिलनी चाहिये। उसको यदि आप देशद्रोह नहीं मानते हैं तो शोध लेने से क्या लाभ हो सकता है। शोध तो कोर्ट में भी हर व्यक्ति लेता है। वह कहता है कि मैं जवार की सौगन्ध खा कर कहता हूँ कि सच बोलूंगा या कहता है कि गंगा माता की सौगन्ध खाकर कहता हूँ कि

सच बोलूंगा, लेकिन होता है यह कि जवार को तो वह खा जाता है और गंगा को वह पी जाता है और वह झूठ बोल देता है। पीनल कोड में इस तरह के मतलबी लोगों के लिये सजा रखी गई है। इसी तरह से इस प्लेज को लेने के बाद यदि कोई इसके खिलाफ जाए तो उसके लिये सजा रखी जानी चाहिये। पीनल कोड में इसको देशद्रोह का गुनाह माना जाना चाहिये। मैं आशा करता हूँ कि शासन इस ओर ध्यान देगा।

इस तरह की चीज करने की हमें आवश्यकता क्यों मालूम महसूस हुई है, इस पर भी हमें विचार करना होगा। क्या हिन्दुस्तान में ऐसी पार्टियां हैं जो कि एक्सट्रा टैरिटोरियल लायलटीज रखती हैं, क्या इस प्रकार की कोई पार्टियां हो गई हैं जो कि भारत में रह कर पाकिस्तान की तरफ देखती हैं, इस तरह की पार्टियां पैदा हो गई हैं, जो कि हिन्दुस्तान को मातृभूमि नहीं मानती हैं, या द्रविड़ और आर्य को अलग अलग समझती हैं और अगर ऐसी बात है तो मैं चाहता हूँ कि अच्छी तरह से कानून बना करके और स्ट्रॉंग हैंड से उनको कर्ब किया जाए। मैंने देखा है कि अपने पोलिटिकल एड्ज की खातिर जो नेता लोग होते हैं, या जो परकीय सत्ता होती है, वह अपने लोग भेज करके यहां की जनता जो कि अशिक्षित है, उसको गुमराह करती है, नाजायज फायदा उठाती है। इस तरह की प्रवृत्तियों पर भी रोक लगनी चाहिये।

मैं चाहता हूँ कि सिलेक्ट कमेटी को इस बिल के बारे में जल्दी निर्णय लेना चाहिये और जल्दी से वापिस इस बिल को इस हाउस के सामने जभेना चाहिये। पंद्रहवां बिल उसके सामने पड़ा हुआ है। वह बहुत लम्बा बिल है। उस पर विचार विनियम भी बहुत ज्यादा

होगा। विटनेसिस भी काफी एग्जिमन की जायेंगी। उसको तो यहां वापिस आने में देर लगगी। लेकिन यह जो बिल है, इसको उसे शीघ्रातिशीघ्र वापिस इस हाउस में भेजना चाहिये।

हमारे एक मित्र ने कहा कि हिन्दी भाषा के साम्राज्यवाद से या हिन्दी भाषा को दूसरों पर लादे जाने की वजह से इस तरह की बातें होती हैं। मैं कहता हूँ कि मातृभूमि के लिये हम अपना सर्वस्व न्यौछावर करने के लिये निकले हुए हैं और हमें इस प्रकार की बातें नहीं करनी चाहिये। अगर इस तरह की बातें कही जाती हैं तो इसका यह मतलब है कि इस तरह के बीज हैं, जो कि मातृभूमि के हितों के विरुद्ध जाते हैं। मातृभूमि पर जब संकट आता है, मातृभूमि की इंटेंप्रेटी का जब सवाल आता है; तो उसकी खातिर सर्वस्व न्यौछावर करने के लिये हमें तैयार होना चाहिये। हमारे शर्मा जी ने कहा कि शिक्षण संस्था संस्थाओं में इसका फैलाव करना चाहिये। यह बात तो होगी। लेकिन अभी यह तो बिल रखा गया है और इसमें जो प्राविजन रखा गया है सावरेन्टी एंड इंटेंप्रेटी का, इसका मैं सहर्ष समर्थन करता हूँ और चाहता हूँ कि इसकी व्याख्या की जाए कि ये क्या हैं, और इसका पीनल प्राविजन क्या होगा।

Shri Manoharan (Madras South): Mr. Deputy Speaker, I want to make a few observations on behalf of the DMK regarding the proposed measure which is before the House. Our country is in a state of crisis. The unabashed aggression of China has enabled us to sink our petty differences. The passionate plea of our Prime Minister through the radio is echoing and re-echoing in our country and the supreme task facing our country is how best to thwart the Chinese aggression. In this time of emergency it is really painful that Parliament has to make such a kind of

amendment to the Constitution of India. The moment the danger of Chinese aggression was scented and seen the DMK has come forward to join the national phalanx to thwart the Chinese aggression. Sir you know that we have suspended our agitational politics.

14 hrs.

We have started mobilising public opinion in favour of an uphill task and we are doing the same with zeal, fervour and enthusiasm. The present Constitution affords liberal opportunity for not only the ventilation of grievances but also for formulating new schemes affecting the political set-up as well.

While the Constitution affords such an opportunity, the arm of law is alert and strong enough to punish those who go beyond the proper limits of the Constitution. But as long as our propaganda is carried on in a peaceful manner, legal sanction is afforded automatically. To keep propaganda within limits and to avert violence or subversion, there are ample provisions in the legal code itself.

I may add here that from its very inception, the DMK has been carrying on its propaganda in such a manner that not even a single case has arisen where in we were charged with transgressing the legal provisions. Our propaganda has all along been carried on in a peaceful manner and we have declared more than once that our aim is to convince and get the support of the electorate and we have succeeded fairly well in that.

Before us I know there are ever so many democratic methods to meet things and get things done. One of the democratic methods to meet the demand of any party is to convince. I honestly doubt whether the ruling party has attempted that at all. To preserve the integration of India, the National Integration Conference was held. So many parties have been invited except the DMK. Democratic

[Shri Manoharan]

decency requires that the conference should have invited us and assessed our feelings and sentiments. What prevented the conveners of the conference from extending the invitation to the DMK, I do not know

And the conference has constituted the national integration committee to go into the question under the Chairmanship of Dr. C. P. Ramaswami Aiyar. That committee has toured all over India and came to Madras also, met certain organisations and individuals. Unfortunately, I want to submit to this House for its consideration, that this committee failed to meet the leaders of the DMK. The reason given for the failure to meet the DMK leaders, according to the Chairman of the committee, was that the majority of the leaders of the DMK were in jail. After their release, Dr. C. P. Ramaswami Aiyar, the chairman of the committee, assured that he will meet the leaders of the DMK and assess their sentiments and reactions, but unfortunately that did not take place.

We are wedded to democracy. We are proud of calling our Prime Minister an embodiment of democratic ideas and a man having Lincolnian spirit in his mind. We have pinned our faith in mutual talk, heart to heart talk, and round table discussions. Whatever might be the magnitude of the issue, or the controversial nature of it, we believe that though the language of the heart and not the language of legal weapons, we could solve the issues.

I want the House to ponder over this; because the opportunity is denied to us, to express our views and ideas. The integration committee did not take care of the feelings of the DMK. Hence, am I wrong in telling that the decision taken by the committee are in the nature of an *exparte* decision or that they were draconian measures?

Mr. Deputy-Speaker, Sir, another democratic method left open for the other parties as well as the ruling party is to meet the demand of the DMK is to counteract its propaganda. While we are engaged in propaganda, parties that are opposed to our aims have had enough or better opportunities for counter acting our propaganda through the press and the platform, and the people who are the final arbiters of all or any issue are alert and vigilant and it is to their judgment that we have been appealing to. Our propaganda in the past has been ought to be counteracted by the ruling party. Whether they have succeed in it or not is left to them to decide.

Shri Tyagi: Propaganda directed towards what? I could not understand it.

Shri Manoharan: Propaganda for separation.

Shri Tyagi: For what?

Shri Manoharan: For the formation of Dravidastan. (*Interruption*).

Shri Tyagi: Separation from India, from the Union of India?

Shri Manoharan: For secession. The quintessence of democracy is not the decision of the majority to be carried alone. On the contrary, the views of the minority are to be heard and understood and appreciated. The real spirit of democracy is to go into the root of the problem, not to root out the problem as a whole.

Now, I understand that the democratic process is to be given a go-by and a prohibition is to be declared against any such proganda and the Constitution will be suitably amended. I can understand the emergence of this proposed measure after having exhausted all democratic methods and constitutional methods. If the methods to convince, to counteract, to convert-all are proved to be a failure, I can understand the necessity of this

amendment. Amending the Constitution for anything and everything can never be conceived as a healthy, genuine, democratic tradition to be established!

I want to know the reactions of our Prime Minister to this particular issue: that this sort of curtailment of the fundamental right is contrary and repugnant to the noblest democratic traditions that have been built based on the liberality of thought and statesmanship of vision that has won the esteem and respect in all places where democratic ideals are practised and respected. My humble submission is that the proper and constitutional course should be to find a solution at the political level and not by getting armed with legal weapons forged on the anvil of the legislature where the ruling party has a sweeping majority.

Sir, let us not go on burdening the country with laws and statutes, amendments and provisions. It is not a good sign for any democratic country. The statesmanship should be exercised in such a manner as to allow the growth of sentiments into ideas—the sentiments that are generated by the shooting forth of an unexpected aggression. The unity of purpose that is manifest in such a magnificent scale and form should be allowed to take deep root and blossom forth. I submit that the proposed measure is in the nature of a damper to our common war efforts.

Even if the necessity of counteracting the issue of separation through this is strongly felt, I want to know whether the time chosen by the ruling party is genuine. Can't I say that this is ill-timed, premature and ill-advised? In the last session, I have sincerely declared that the DMK will strengthen the hands of the Prime Minister in the great task of driving out the Chinese aggression. With pleasure, once again, let me affirm the stand taken by the DMK here.

Whatever provocation you should give, whatever line of action you

should take, I assure you that that would not deter the DMK from giving an unqualified support to our Prime Minister in meeting and beating the Chinese aggression from our soil. In view of all these, I appeal to the Prime Minister and the Home Minister, as well as the Law Minister, in the name of all that is noble and good in democracy, to defer any such measure till the termination of the emergency. And there will be no practical difficulty at all, because all propaganda for separation stands completely suspended—a defacto situation.

We along with many others realise today, thanks to the Chinese aggression, that any scheme of future political set-up advocated by any party should be such as not to jeopardise India's safety. The realisation of this truth is genuine, and the proper course to be adopted by the ruling party should be to allow this truth to grow in dimension and intensity. With that end in view, one should probe into the problem rather than amend the Constitution to get new weapons.

A spirit of tolerance, concord through talks, are always a sure remedy for solving issues rather than forging legal weapons. I call upon the ruling party to utilise the present situation to register a victory on the political plane and not to adopt measures, undemocratic and premature. I hope the Prime Minister, the Home Minister, the Law Minister and hon. Members of Parliament will, without malice and rancour, consider the suggestions submitted on behalf of D.M.K.

Shri C. K. Bhattacharyya (Raiganj): Mr. Deputy-Speaker, Sir, the speech that I heard just now almost took my breath away. The hon. Member claims that it is his fundamental right that he should have partition of India and in the same breath he appeals to the Prime Minister, the Home Minister and the Law Minister. I do not know why other Ministers are left out. So,

[Shri C. K. Bhattacharyya]

the problem now is whether any party which calls itself Indian, may have the right to claim for partition of their motherland. That problem must have come up before the National Integration Council when this particular measure for amending the Constitution was suggested.

The Law Minister has moved an amendment to the Constitution which, I believe, is a very feeble amendment. The process which begins with this amendment will have to be completed and taken to its farther logical consequences. The lessons of Indian history teach us that whenever centrifugal tendencies have come up in public life, India has suffered, India has gone down and India has been victimised by outside powers. If we have to live an honourable life as Indian citizens, the centrifugal tendencies coming up in public life should be kept down by all possible means and methods. That is the position that the Law Minister and the entire Government should take up now. With that object in view, I suggest to the hon. Law Minister to go deeper into the question, to go deeper into the structure of the Constitution itself to see whether there is something in the Constitution itself which encourages and tolerates such things coming up. If there are seeds of this thing in the Constitution, those seeds themselves must be eradicated. That is the deeper question and certainly the Government can go into it later, when they get time for that.

When this Federation came into existence, when it was being discussed in the Round Table Conference, I remember Gandhiji saying, "I do not understand this Federation. With the help of Sir Tej Bahadur Sapru, I have somehow come to understand what Federation is." I do not know whether we have up till now understood all the consequences which this Federal Constitution brings into existence in India. Those things might

have to be examined now in view of the tendencies that are coming up. When this Federation was coming into existence, the late Mr. V. S. Srinivasa Sastri came out with an article in the Servants of India Society's organ. Those who are interested might read that article, which comes to my memory. The heading of the article was "Exit British India". In that article, the late Mr. Sastri almost wept that in the name of bringing up a greater structure, we had broken the unity that we had already achieved under the unitary government of British India. That opinion of the late Mr. Sastri may be examined now since the Constitution is being amended with a view to keep down the tendencies that are coming up. It may be that they are coming up as a consequence of the things that we have already adopted.

Some Members referred to the conduct of Government servants, because the amendment refers to certain categories of persons and Government servants are not there. I believe that is a very important suggestion. At least in one case, I know that the Governor of a State in a meeting of the citizens of India belonging to that State, pointed to the citizens of India belonging to another State and stated, "Here are he foreigners amongst you; be kind of them". That came from the Governor of a State, appointed by the Central Government. This is on record. If this can come from the Head of a State, I do not know whether these feelings may permeate to the lower categories. Government should take care and examine and even screen whether this thing has permeated into the lower structure of the Government employees.

Some friends have referred to casteism and other isms and brought out complaints based on them. Whatever the isms and whatever the complaints coming up from the isms, there will be no toleration of the idea that any part of India will be allowed to be taken out of India. Whatever the

complaints the D.M.K. and others may have, those complaints may have to be considered and rectified on the basis of negotiation as Indians, under the Government of India and as citizens of India. None can have any claim on the basis of whatever complaints they have to suggest, far less to claim, that because they have certain complaints, they will have a part of India assigned to themselves, so that they can live there merrily without those complaints. These things cannot be tolerated and cannot be allowed to be indulged in.

I suggest that after amending the Constitution, the Law Minister may go into the ordinary laws and try to find out suitable amendments to the ordinary laws to keep down such tendencies and such propaganda, such very unwholesome and unholy claims made against Mother India.

Shri K. C. Sharma (Sardhana): Sir, this question of secession of territory in a Federal Constitution has been decided as far back as the civil war in the United States of America. There it was decided that a Union of Federal States comes into being not through a contract that can be rescinded at the will of the party, but through compact; that is, once you come in, you cannot go out. So, in a Federal Constitution, no party, whatever its nature, whether it is communal, territorial or ideological, whatever be the basis of the claim, can claim secession from the Union. It is an impossible proposal.

The second point is, a Constitution presupposes its efficacy as an instrument to keep the sovereignty and integrity of a country intact. Therefore, the very existence of the Constitution presumes that the country's sovereignty and its integrity would be safeguarded. It requires no amendment of the law whatsoever. The law means it.

Taking the sociological and psychological aspect of the question, the

human animal has advanced much farther. The holy waters of the Ganges or the broken pieces of the Himalayas no longer constitute the State. The State is constituted by law, by the rights you give to the citizens, by the opportunities you provide to him and by the destiny you create for his children. Psychologically and sociologically the sense of coherence is there in our culture. A certain way of life creates a sense of coherence. Then comes the expectation of justice. Every citizen is provided with, what is called, the unalterable nature of justice. Wherever he stands, he is equal before the court of law. Before the letter and spirit of law he is as good a citizen, as good a human being as any other. Unless this is provided, the question of integrity and sovereignty will have no meaning whatsoever, because integrity or sovereignty is a legal order, a legal norm. It is not a lump of earth that counts today. That is a primitive stand. The human being is now a civilised and refined being. He thinks in a different way and acts in a different way. Then there is the administrative sanction and the question of having a pure sort of administrative structure. They guarantee the integrity of the country.

In all these elections, Sir, the slogans have been: "Undivided India", "United land", "A great country" and so on, and people were attracted thereby. But what is of deeper importance is the shape of things to come, the shape that things have to take. There should not only be a horizontal change but also a vertical change from what a human being in India today is. What is he going to be tomorrow? This is the fundamental question. The question is not what I am today, but the question is what I am going to be tomorrow and what my children are going to be tomorrow.

The integrity and sovereignty of the country does not vest in the letter of

[Shri K. C. Sharma]

the Constitution; it is vested in the development of nuclear energy, in producing enough comfort, enough food, enough necessities of life for the future generations to come. In that lies even the security of the country. The security of the country does not lie in having 20 lakhs of people to fight on the frontier in the Himalays. The security of the country lies in the very status of its citizens. If the citizens are civilised, dignified and they count in the society and in their own homes, if they have their own status, it is they who guarantee the sovereignty and integrity of the country and the generations to come. Then the people will fight. Where was a soldier who was a greater soldier than a Greek soldier? Why did a Greek soldier fight so bravely? He fought because he was a dignified human being, a respected human being. Herein lies the security of a country.

Therefore, my respectful submission is that the basis of a country, the basis of a State is a legal norm, a legal entity, a legal order. Even the basis of jurisprudence has changed. What were juristic statistics have changed to juristic dynamics. Today we think in terms of movement, in terms of energy, in terms of achievement. Therefore, I beg to submit that this Bill though it might be very good in words and phrases or even in legal norm, means very little in practical politics.

Shri Swell (Assam—Autonomous Districts): Mr. Deputy-Speaker, Sir, to obviate any kind of misunderstanding, I would like to say at the very beginning that I support the principle underlying this Bill and the objectives which it seeks to achieve. Nothing should be more sacred to a person than the integrity and sovereignty of his nation. But it is unfortunate and painful that the Law Minister, more properly his Government, should have been compelled to bring

forward this kind of a Bill now, years after we have become a sovereign nation and when that sovereignty is being threatened by an external aggression.

The Law Minister in his introductory speech referred to the emergency. May be, that is one of the reasons that has compelled him to bring in this kind of a Bill for the consideration of this House. But if it were just that, the Defence of India Act and the Defence of India Rules made thereunder should have been sufficient. But he has also hinted that what is proposed is to be a sort of a regular feature of the Constitution, and that indicates that he must have realised or his Government must have realised that something must have gone terribly wrong with the body politic of this country under their guardianship and that has necessitated this kind of an amendment.

Sir, I would like to remind you that in 1947 we inherited from the British a nation, that, naturally enough, was full of problems but yet that bore within it seeds of integrity that would go to ensure the sovereignty of the nation. That is why when the framers of the Constitution met they took this for granted and they did not think it necessary to incorporate these kinds of phrases and clauses in the Constitution as the proposed Bill proposes to do. Now, 15 years later, the Law Minister comes forward with a proposal which, he says in his Statement of Objects and Reasons, will give him adequate powers for the preservation and maintenance of the integrity and the sovereignty of the nation.

What does it mean? That is the question that arises now. What has happened in the last 15 years, when this Government has been in charge of the country, that has necessitated the bringing in of this kind of a proposal now? Does it not indicate that this Government instead of nurturing

the seeds of integrity into fruition has by its failures in many ways well-nigh destroyed those seeds? Sir, to me the bringing in of this kind of a Bill now appears to be an admission on the part of the Government of the failure of its policy, and the present amendment is only a weak attempt to plug the disastrous consequences of that policy. But, I submit that a damage which must have been on a colossal scale as would appear from the proposal, cannot be repaired by legal provisions here and there. As some of my friends have said, the root of the matter should be gone into. The disease in the body politic of the nation that has necessitated this kind of a measure today should be gone into. I have my own way of looking at this matter. But, I shall come to that a few minutes later.

On principle, there can be no objection to a Government owning its failure. As a matter of fact, it does credit to the moral courage of that Government to own its failure. I am only sorry about the time that we have chosen. We know that the sovereignty of this nation is being threatened today from outside and not from inside. We have a strong and wily enemy at our frontiers who had battered at our door and is even today poised just on the other side of the door. He is not only strong and powerful, he is wily. He is keen to exploit any kind of weakness in our nation. Is this the time to publicise before the wide world by bringing a motion of this kind on the floor of the House that the sovereignty and integrity of this nation is being threatened not only from outside, but also from inside, from its own people? That is the question which this Government should have considered before bringing this Bill. I think that the Law Minister and his Government have been completely ill-advised as far as the timing of the present Bill is concerned. We know the temper of the nation. Even the leader of the D.M.K. party now has

said that for the greater interests of the nation, they have given up any kind of agitational politics now. But, here, the Government wants to give out to the wide world, the Chinese including, that the people of this country are not united. However, nothing can be done. The motion is before the House, and I would like to submit what I think about it.

I think as I have said, that this amendment will not achieve the objective which it seeks to achieve. My view is based on one fundamental consideration and that consideration is that, at the stage of development in which India is today, nationalism and regionalism cannot go together. We have to choose one or the other. If we allow the two to go simultaneously, regionalism with its greater pull, with its greater local appeal, will be the winner. We should not forget certain basic fundamental facts in this country. We are an ancient country, true. But, we are a young and a new nation, only a few decades old. We became a nation not by our own will, not by our own choice, but under the impact of foreign rule. We ought not to forget that. It is fashionable today to talk of the running stream of unity that runs through the length and breadth of India. It is all right for the college room; it is all right for the academic table. May I say this that there is less affinity among the different peoples in India than among the different nations of Europe? This is a country with a bewildering, often conflicting varieties of people, of languages, or sects, of faiths, of colours, of nationalities, of races. The different nations of Europe at least can claim the same pigment of their skin. They can claim the same religion throughout the length and breadth of Europe which we cannot claim here. Out of this bewildering variety of people in this country we are trying to forge one nation. We had only 14 years in our hands to do it. That is a fundamental thing which we should never forget. If, at

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this stage of the nation, we encourage different regions or we adopt a policy that encourages the people to think in terms of their region rather than in terms of the country as a whole, we are going against the integrity and sovereignty of this country. I am sorry to say that my observation of the policy of this Government is that it is placing a premium on regionalism rather than on nationalism. Nationalism it appears then, is a sort of an amorphous subject placed on the academic table. But, we have so many kinds of committees for regionalism. We hear such a lot of this regional language or that regional language. We hear such a lot of education through the regional language. At the same time, we talk of strengthening the bonds of unity. (*The bell rings*) I am just half way through. If you can allow me just two or three minutes, I would conclude. Otherwise, my speech becomes worthless.

Mr. Deputy-Speaker: Two minutes more.

Shri Swell: More than enough. We hear a lot of regional languages and of education through the regional language and this and that. Now, what is the natural result of a policy like that? The natural result is that you make the people in the different regions think in terms of their own regions or languages, to attach themselves to their own region and to forget that they are one with the rest of the India. Today, we are not facing a very serious problem. Fortunately, you have a kind of leadership in the Central Government that is able to put a check on any kind of tendencies in the different regions to separate. But, tomorrow, if a weak leadership comes to the Centre and strong and powerful leadership comes to the regions, the question arises, what can prevent the different regions from going out from the nation? What can prevent this nation from going the way of the Balkans? Your provisions in the

Constitution are so many writings on paper. It is the will of the people. If you cannot enforce a certain thing, it is useless. That is the danger, that is the defect, that is the reason that has made this Government realise the need of this Bill. But, they are not realising it fully. They would come in a halting manner before this House.

There is another aspect of regionalism which I would like to mention from my personal experience and with that I would conclude. We ought not to forget again that each region of India is not monolithic as is a geographical entity. It is an area which consists of different peoples, different religions, different languages, different castes, different communities. Now, you have adopted a policy that each region must have a regional language. Take the cases of Assam from which I come. That unfortunate State among the different States of India has had the first taste, bitter taste of external aggression. It is a multi-lingual multi-racial area. You are committed to the policy that there must be a regional language for the State. That is what the Assamese say. They point out to the Constitution and the policy of the Central Government and say, we must have a regional language. You cannot pick up every kind of a language of that area and say this is the regional language. Therefore, you pick up the Assamese as the regional language. As against the wishes of the minorities in that area, as against the protests of the minorities, you make Assamese the regional language. What is the result? These people think that they are to rule and that the other people should learn the Assamese language. A sort of hegemony is being encouraged by you which one community wants to impose on another community. In situation like that, clashes are bound to occur. Frustration is bound to set in. Bitterness is to set in and a sort

of smug complacency is bound to seize the people who happen to be in power in that particular region. I am in a minority. I come from that State. What do you expect us to do in a situation like that? We have said, we cannot accept this because it is harmful to us, it is hard for us; we cannot do it. Therefore, we ask the Central Government, give us the chance to be closer to you. If you cannot change the Assamese language, give us the chance to have our own State so that we may be able to function as equal citizens, we may be able to place ourselves in line with the national current in this country and are not boxed up with the people of one region to be tyrannised over by a particular community. But, you say No to that. What do you expect us to do? Do you expect us to bend before the Assamese? I declare in this House that no nation, this or any other, can ever endure part slave and part tyrant. If you want to ensure the sovereignty and integrity of this country you must have a radical change of the policy of this Government. So, my advice to the Law Minister is that he better drop this Bill now and advise his Government to change the entire policy and if it is found necessary it would be better for him to adopt a unitary rather than federal structure of Government.

Shri Tyagi (Dehra Dun): I entirely agree with the sentiments expressed by the friend on my right. I think this Bill was not so necessary. Even without this Bill the security of the Union would not be affected because this Union cannot be compared with the union of the United States of America. In America they were independent States and they willingly united themselves into a federation. Ours was not a federation. We called it a union because it was a natural union. When we achieved our freedom our States were not independent States; they were still under the Centre. The States were formed because during our fight

with the British we ourselves insisted that they must be given some autonomy, some hand in the administration and so the States were formed and given more and more power. That was the history. So, India was one and this union was not of that pattern as the deferations in other parts of the world are. We are not a federation. We are natural union and, therefore, one country. Our States were formed only for the sake of administrative convenience, for the purpose of taking our idea of republicanism and democracy to each house. We did not want a union controlled only from the Centre. We wanted every citizen in every town and city to have a hand in the administration. It is for that purpose that the States were formed. Therefore, any talk about separation or secession from India would amount to treason.

I value the sentiments expressed by my friend from the DMK party. I want to know what his grievances are. He made some reference to propaganda. If he is propagating for the rights of his people, it is a legitimate propaganda. But if the propaganda is meant for secession from the union, or making an independent State out of India, he could not be allowed to do it even without this Bill. The DMK people are good people. It is not as if we do not like or respect them. We like them. If they have any grievances, let them put them forward. I have no doubt the rest of the people will be only too willing to remove their genuine grievances. But the country must know what their grievances are in the Union. It is the right of every minority of every region to put forward its grievances. Even the demand for a separate State is not banned by this measure. If any section of the people want a separate State of its own, it can agitate for it. That is not prohibited by the present amending Bill. Only the creation of an independent State outside the Indian Union is banned.

[Shri Tyagi]

I do not know, may be they have some reasons, political or otherwise, for their demand for a State. But the very fact that the DMK party has unanimously agreed to fight against our common enemy show that inherently they are Indians and they do not want to be away from India, away from the Union. Therefore, they are the least affected by this measure.

Coming to the question of oath. I do not know why the President was not included here. I consulted the Law Minister in this matter and his explanation is quite convincing. He says that because the President is the protector of the Constitution, therefore, he automatically comes in. But what about the Union Public Service Commission? I wonder why Government has not enforced it on the public servants, when it could be done even without amending the Constitution. Charity should begin at home. Why do they not start with Government servants so that in their administrative activities, in their regular work, they may not betray any type of communal or separatist tendency? I think it is only logical to change the oaths of Governors, Members of Union Public Service Commission etc. along with the oaths of Members of Parliament.

I do not want to go into the merits of the provisions because that will be done by the Joint Committee. But I would like to have a clarification. The Constitution (Sixteenth) Amendment Bill is referred to the same Joint Committee which is considering the earlier Constitution (Fifteenth) Amendment Bill, probably with a view, to see that the time of Parliament is not wasted and both Bills could be considered together. It is a good idea. But there is a provision in the Fifteenth Amendment Bill to raise the age of retirement of High Court Judges. Now, as the hon. Minister is well aware, 11 or 12 High Court Judges are going to retire soon, and they are the senior-most judges. If

we refer this Bill also to the same Joint Committee, the consideration and passing of the other Bill will be delayed. Also, the other Bill will have to be referred to the various State Assemblies for their approval. Because of this delay, those judges will lose the benefit of the increased retiring age. Would it be possible to say that this particular provision will come into force on the day on which it is passed by this House or from the 1st of March or some such date so that the delay in the passing of the earlier Bill on account of the additional task entrusted to them may not adversely affect those Judges who are on the eve of retirement? If he can manage it that way, it would be a good thing because we do not want to lose the valuable services of 11 or 12 experienced judges. With these words, I support the Bill.

श्री प्र० कु० सेन : इस तरह का संशोधन प्राप दे दीजिये सिलेक्ट कमेटी के सामने ।

Shri Tyagi: He suggests that some amendment may be moved to this effect in the Joint Committee.

Mr. Deputy-Speaker: We will see about it.

श्री भू० ना० मंडल (सहरसा) :
उपाध्यक्ष महोदय, यह जो संविधान में संशोधन करने के उद्देश्य से यह विधेयक यहां रखा गया है और इसको सिलेक्ट कमेटी के सामने भेजा जा रहा है। इसके जरिये से संविधान की १६वीं धारा में संशोधन करने की कोशिश की जा रही है, इसके अलावा पार्लियामेंट तथा असैम्बलियों के मंत्री जो शपथ लेते हैं, उस शपथ में भी कुछ संशोधन करने की कोशिश की गई है। इलैक्शन में खड़े होने वाले उमेदवारों के लिये भी शपथ लेने की बात इस के जरिये जोड़ी जा रही है। उनसे कहा जा रहा है कि वे साफ तौर से एलान करें शपथ लें कि हिन्दुस्तान की इटैप्रेटी और

सावरेन्टी की बात उनको मंजूर है। इस तरह के विधेयक को लाने की बिल्कुल आवश्यकता नहीं थी। वह हिन्दुस्तान का कोई एक भाग हिन्दुस्तान से अलग करने की इजाजत नहीं दे सकता है। हमारे संविधान में इसकी माना गया है कि जो स्टेट्स हैं हमारे देश में, उनकी सीमाओं में फिर से तबदीली हो सकती है लेकिन स्टेट्स का कोई भी भाग देश से निकाल दिया जाए, इस तरह की बात इस संविधान के चलते नहीं हो सकती है, इस तरह का प्रोविजन इस संविधान में मौजूद है। इस लिये मैं समझता हूँ कि यह जो विधेयक लाया गया है उस को लाने की कोई जरूरत ही नहीं थी।

इस विधेयक को लाने का एक कारण यह मालूम होता है कि आज हिन्दुस्तान में जो अनेक प्रकार के आन्दोलन चल रहे हैं उन को दबाया जाए। यह सही है कि हिन्दुस्तान के अन्दर सेपरेट राज्य बनाने का आन्दोलन भी रहा है। जैसा मैं ने अभी कहा कि वर्तमान जो हमारा संविधान है वह इस बात के लिये काफी है कि इस प्रकार के आन्दोलन का मकसद पूरा न हो सके। ऐसी हालत में देश के अन्दर जो असन्तोष होता है उस असन्तोष को जाहिर करने के लिये वैधानिक तरीके अपनाकर अगर कोई शांतिपूर्ण आन्दोलन किया जाता है, तो मैं समझता हूँ कि उस की मनाही नहीं होनी चाहिये। क्योंकि जब ग्रीवान्सेज को जायज तरीकों से व्यक्त नहीं करने दिया जाता है तो उस का नतीजा यह होता है कि वह आन्दोलन जनता के दिल में चला जाता है और कभी न कभी वायोलेंट तरीकों से फूटता है और देश में रिबोल्यूशन या उपद्रव का रूप धारण कर लेता है। इस खयाल से भी जो यह संशोधन विधेयक लाया गया है उसे नहीं लाया जाना चाहिये था।

मैं ने बिहार में देखा है कि वहां पर एक आन्दोलन चला जिस में झारखण्ड स्टेट कायम करने की बात थी। लेकिन उस

झारखंड स्टेट का जो आन्दोलन था उस में यह नहीं कहा जाता था कि हिन्दुस्तान से प्रथक कोई राज्य बनना चाहिये। उस में देश के अन्दर ही एक सेपरेट स्टेट बनाने की कोशिश थी। मैं ने देखा कि छोटा नागपुर का इलाका एक ऐसा इलाका है जिस की जमीन में बहुत काफी धन गड़ा हुआ है। वहां पर कोयला है, अबरख है और सारी चीजें जो धरती के नाचे धन के रूप में हो सकती हैं वह छोटा नागपुर में मौजूद हैं। छोटा नागपुर में रहने वाले आदिवासी वहां के बाशिन्दे हैं। लेकिन आज हिन्दुस्तान भर में अगर कहीं पर सब से खराब दशा और सब से गरीबी की दशा है तो वह छोटा नागपुर के निवासी के अन्दर हैं। अगर उन लोगों की तरफ से इस तरह का कोई आन्दोलन खड़ा होता है जिस के जरिये से वे अपना असन्तोष प्रकट करते हैं और कहते हैं कि वे बिहार सरकार के अन्दर न रह कर एक अलग सरकार बनायें तो मैं समझता हूँ कि इस तरह के आन्दोलन को दबाने की कोशिश करना अच्छा नहीं होगा। इसी तरह से अगर देश में किसी दूसरी जगह के बाशिन्दे इस तरह से अनुभव करते हैं कि आज हिन्दुस्तान में जो शासन चल रहा है वह उन लोगों के हक में नहीं चल रहा है, तो उन को यह अधिकार होना चाहिये कि वे अपनी इच्छा को प्रकट कर सकें इस तरह के आन्दोलन के रूप में। आज हिन्दुस्तान में जगह जगह जो इस तरह के आन्दोलन चल रहे हैं उन आन्दोलनों में जो उन का यह कहना है कि वे सेपरेट स्टेट बनायेंगे, वह जो आज के हमारे संविधान के अनुसार नहीं बन सकती है, लेकिन उस आन्दोलन के जरिये से इन लोगों के ग्रीवान्सेज (शिकायत) सामने आते हैं, उन को एक रास्ता मिलता है और इसी लिये वे अपने आन्दोलनों को चलाते हैं। उन को इस तरह के आन्दोलनों को चलाने का छूट रहनी चाहिये।

दूसरी बात यह है कि मैं इस बात को सिद्धान्ततः गलत समझता हूँ कि इस तरह

[श्री भ० ना० मंडल]

के विधेयक इस हाउस में आयें। आखिर जनतन्त्र का मतलब क्या है? उस का मतलब है एक ऐसे समाज का गठन करना, जिस समाज में व्यक्ति स्वातन्त्र हो। स्वतन्त्र लोगों का संगठन होना किसी राष्ट्र में ही जनतन्त्र है। जो संशोधन अभी आया है उस संशोधन के जरिये जो लोगों के मौलिक अधिकार हैं, चाहे स्वतन्त्र व्यक्तित्व का, चाहे सम्मेलन का, जो डिमाक्रैसी (गणतंत्र) का कंसेशन (विचार) है, उस को आघात पहुंचता है, उस के जरिये जो व्यक्ति स्वातन्त्र्य है उस के ऊपर एक अंकुश पड़ जाता है, जिसके पड़ जाने से व्यक्ति को स्वाधीनता खत्म हो जाती है। इस तरह से जनतन्त्र के लिये जो स्वतन्त्र व्यक्तित्व चाहिये, और जिस स्वतन्त्र व्यक्तित्व का मतलब है हर माने में स्वतन्त्र, उस की समाप्ति हो जाती है। बिना इस तरह के व्यक्तित्व के जो जनतन्त्र है देश में जनतान्त्रिक समाज नहीं बन सकेगा। इस सिद्धान्त को दृष्टि में रख कर भी जो संशोधन लाया गया है उससे नहीं लाना चाहिये था।

आज इस राज्य में अनेक तरह के ग्रीवान्सेज हैं। कुछ ग्रीवान्सेज के बारे में मैं कहना चाहता हूँ। इसी देश के संविधान के मातहत एक बैंकवर्ड क्लासेज कमिशन बना था। उस बैंकवर्ड क्लासेज कमिशन ने अपनी रिक्मेन्डेशन्स दीं लेकिन इतने वर्ष हो जाने के बाद भी आज तक वे रिक्मेन्डेशन्स पार्लियामेंट के सामने नहीं रखे गये। आज संविधान बना हुआ है लेकिन संविधान के मुताबिक जो कमिशन कायम होता है, जिस की रिपोर्ट पार्लियामेंट के सामने आनी चाहिये थी, वह नहीं आती है। संविधान बनने पर उस की इज्जत होनी चाहिये लेकिन आज इसी पार्लियामेंट के अन्दर जो देश की सरकार है, कांग्रेस की सरकार है, वह संविधान को रिस्पेक्ट नहीं करती है। मैं जानना

चाहता हूँ कि इस के लिये इस सरकार को कौन सजा देगा?

श्री हिम्मतरसिंहका (गोड्डा) : क्या आप इसो लिये अलग होना चाहते हैं?

श्री भू० ना० मंडल : इस लिये मैं कहना चाहता हूँ कि आज संविधान में जिस प्रकार की धारयाँ हैं वे काफी हैं और इस विधेयक को लाने की कोई जरूरत ही नहीं थी। होना तो यह चाहिये कि आज का जो एडमिनिस्ट्रेशन है उसके जरिये जो गलतियाँ होती हैं और जिन गलतियों की वजह से हम महभूष करते हैं कि यहां के नागरिक स्वतंत्र जीवन नहीं बिता पा रहे हैं, उनको दूर किया जाय यहां के लोगों के जो ग्रीवान्सेज हों उनका रिड्रेसल होना चाहिये न कि इस तरह के संशोधनों को लाकर संविधान की तरमीम की जाये।

श्री प्रकाशवीर शास्त्री (विजनाौर) : उपाध्यक्ष महोदय, जो विधेयक सदन के सम्मुख प्रवर सामिति में जाने के लिये उपस्थित है, मैं उसका स्वागत करता हूँ क्योंकि जिन भावनाओं की पृष्ठभूमि में यह विधेयक सदन में उपस्थित किया गया है वह समस्याएँ इस प्रकार की हैं जिनसे देश के हर समझदार भस्तिष्क को चिन्ता होनी स्वाभाविक है। अभी हमारे पड़ोस में बैठ हुये भिन्न श्री स्वैल ने एक बात का संकेत किया था कि देश का हर व्यक्ति आज यह अनुभव कर रहा है कि धीरे धीरे हमारे इस राष्ट्र में जो राष्ट्रियता की भावना है समाप्त होती जा रही है और प्रांतीयता की भावना धीरे धीरे बल पकड़ती जा रही है। उन्होंने एक बहुत दूर दक्षिणपूर्व संकेत यह भी किया कि आज तो केन्द्र की सरकार कुछ मजबूत है इसलिये प्रांतीयता की भावनाय भले ही उभर रही हों लेकिन जो केन्द्रीय प्रभुसत्ता है, उसे सब हृदय से स्वीकार करते हैं। परमात्मा न करे, कल कुछ इस प्रकार की स्थिति आ कर बने कि केन्द्र

में कोई दुबल सरकार आ जाय और प्रदेशों की सरकारें कुछ दृढ़ हो जाय, तो उस समय राष्ट्र के लिये एक संकट उपस्थित हो सकता है। इसलिये इन सारी बातों को ध्यान में रखते हुए यह अत्यन्त आवश्यक है कि हम राष्ट्र में राष्ट्रियता की भावना को और अधिक पुष्ट करने के लिये यत्नशील हों। मेरे अपने विचार तो इस संबंध में बिल्कुल भिन्न प्रकार के रहे हैं और इसके लिये मैंने कुछ दिन पहले सदन में एक विधेयक भी उपस्थित करना चाहा था कि सारे देश में एक ही केन्द्रीय सरकार हो और उस प्रकार की सरकार का निर्माण करके हम सारे देश का शासन अपने हाथ में लें और देश में इस तरह की रेखाय ही समाप्त हो जाय कि यह अमुक प्रांत की रेखा है और यह अमुक प्रांत की रेखा है। सारा राष्ट्र एक ही शासन से आबद्ध हो और उस शासन के द्वारा ही सारे राष्ट्र का शासन सूत्र संचालित हो।

मेरे मित्र ने यह सुझाव दिया कि यह मौका इस विधेयक को लाने के लिये उपयुक्त नहीं था, लेकिन जिन परिस्थितियों से हमारा यह राष्ट्र गुजर रहा है उनको देखते हुये मैं उनके इस विचार से सहमत नहीं हूँ। कारण कि भली बात किसी समय भी मस्तिष्क में आ जाय तो उस पर निर्णय ले लिया जाय। मेरा विचार तो इस प्रकार का है कि अब तक सरकार की भूल हुई कि क्यों नहीं अब तक इस प्रकार का निर्णय लिया गया। इस प्रकार की बात चर्चा का विषय ही क्यों हुई, लोगों के मस्तिष्क में इस प्रकार की भावनाओं को प्रोत्साहन देने का अवसर ही क्यों मिला। फिर भी सुबह का भूला धाम को धर आया। कर्ज जो और भयंकर दुष्परिणाम होता उससे बचने के लिये सरकार ने जो निर्णय आज लिया है वह इस लिये स्वागत का पात्र है। परन्तु इसके साथ साथ मैं एक और निवेदन भी करना चाहता हूँ कि मेरी अपनी इच्छा यह है कि हम यहीं पर ही पूर्ण विराम न लगाय, इससे भी थोड़ा और आगे बढ़ें।

देश की परिस्थितियों के लिये अत्यन्त आवश्यक है इसके कि जो देश से बिल्कुल प्रथक होकर अपना दूसरा देश बनाने की स्थिति में हैं, अपेक्षाकृत हम संविधान में उसे अपराध धोषित कर, हमको अपने मस्तिष्क में यह भी निर्णय ले लेना चाहिये कि धीरे धीरे प्रांतों की सीमाओं का छोटा करने का जो आघार है, चाहे वह मजहब का आघार हो चाहे भाषा का आघार हो, उस प्रवृत्ति पर भी हमारे देश में रोक लगनी चाहिये। कुछ समय पहले सदन में इस प्रकार की चर्चाएँ चली भी थीं। आपको पता होगा कि देश के एक व्यक्ति ने अपनी जान की बाजी इस बात के लिये लगादी थी कि भाषा के आघार पर एक प्रांत के दो टुकड़े किये जायें। सौभाग्य हुआ कि किसी प्रकार वह काले बादल हमारे सिर से हट गये। लेकिन कल को इस प्रकार की प्रवृत्तियाँ फिर भी तो उभर सकती हैं। सरकार को ऐसा पग उठाना चाहिये कि देश में ऐसे व्यक्तियों को आगे बढ़ावा ही न मिले।

जहां आप आज इस पर निर्णय लेने जा रहे हैं कि कोई भी क्षेत्र भारत से पृथक हो कर अपनी स्वतंत्र सत्ता बनाने का निर्णय न ले, वहां इस बात पर भी निर्णय लीजिये कि प्रांतों के अन्दर भी उनको और छोटा करने की प्रवृत्ति न उत्पन्न होने पावे। इस संबंध में मैं तो यह भी चाहूंगा कि हमारे शासक दल के साथी इस विषय में अस्म निरीक्षण भी करें। हम देखते हैं कि उनमें ही इस प्रकार की प्रवृत्ति उभरती है। महाराष्ट्र और गुजरात के इतिहास को छोड़िये, आंध्र प्रांत के इतिहास को भी छोड़िये, नागालैंड बनाने के इतिहास को भी छोड़िये। कल परसों आपने हिमाचल, मणिपुर और त्रिपुरा को राज विधान मंडल बनाने की अनुमति दी थी। उस समय आपके ही बगल में बठ भाइयों ने दिल्ली का एक अलग प्रांत बनाने की बात उठायी थी और उसके लिये एक आंदोलन चलाया था। दुःख इस बात का

[श्री प्रकाशवीर शास्त्री]

है जो शासन इस प्रकार का निर्णय ले ता है कि देश की राष्ट्रीयता को अखंड रखा जाय, उसी के अगल बगल में बैठे भाई अब भी ऐसे आंदोलन उठाते हैं जो देश की अखंडता को कमजोरी के रास्ते पर ले जाने वाले हैं।

मैं यह चाहता हूँ कि जहाँ आप देश के किसी भाग को पृथक करने की प्रवृत्ति को संविधान की दृष्टि से अपराध घोषित करने का निर्णय ले रहे हैं वहाँ इस बात के लिये भी कोई निर्णय लीजिये कि प्रान्तों को छोटा करने की प्रवृत्ति पर भी अंकुश लगे, चाहे इस की मांग घर्म के आघार पर हो, या भाषा के आघार पर हो या जाति के आघार पर हो। हम ने अभी तक जो इस प्रकार का निर्णय नहीं लिया यह हम से भूल हुई, लेकिन आज जबकि हम राष्ट्र को एक बड़े रूप में रखने के लिए निर्णय ले रहे हैं, यह अवसर है कि हम प्रान्तों को छोटा करने की प्रवृत्ति को रोकने के लिये भी निर्णय लें।

हम को इस विषय में अपने पड़ोसी पाकिस्तान से सीखना चाहिए जिस ने अपने जीवन के आरम्भ काल में यह निर्णय ले लिया कि छोटी छोटी दीवारों को खड़ा ही न रहने दिया जाय और सारे राष्ट्र को एक शासन के नीचे ला कर खड़ा किया। उस ने प्रान्तों का हागड़ा ही नहीं रखा। हम भी कुछ इस दिशा में सोचना आरम्भ करें।

मुझे प्रसन्नता है कि सरकार ने दृढ़ता के साथ यह निर्णय लिया है, और सब से अच्छी बात तो यह है कि देश के जितने भी प्रान्तों के मुख्य मंत्री हैं सब ने ही इस भावना का स्वागत किया है। यह सदन भी इस विधेयक का स्वागत कर रहा है। मैं चाहूँगा कि सरकार यहीं जा कर न रुक जाय, बल्कि प्रान्तों के अन्दर जो छोटे छोटे पृथक प्रान्त बनाने की प्रवृत्ति है उस के ऊपर भी रोक खगाने का निर्णय ले।

इन शब्दों के साथ मैं इस विधेयक की भावनाओं का स्वागत करता हूँ।

Shri Khadilkar (Khed): I rise to express my misgivings regarding the present measure because I do not feel that taking this short course or short route to amend the Constitution would be of any help to counteract the fissiparous or other tendencies leading to disintegration. Unfortunately, we have seen a tendency in this House that there is a certain amount of *ad hoc* approach and *ad hoc* thinking on the part of those who are destined to rule this country. Since freedom, no integrated approach has been made to the problems that came up after the Britishers left, and to the question of how to integrate this country and at what level integration is possible. After freedom, certain social urges which were formerly suppressed were bound to come up.

For instance, we have seen that there was a growing demand for linguistic States. At that time, from all quarters, the people who were agitating for the creation of linguistic States were dubbed as if they were traitors, but later on, those people who were agitating for linguistic States and who were voicing such feelings compelled the Government, and Government ultimately came round to the view that a new type of reorganisation of States on the language base would perhaps further integrate this country instead of disintegrating it as was feared earlier.

Then, there was an integration committee. Again, the problem was looked at from the most superficial and *ad hoc* point of view. They never applied their mind to the basic urges I have gone through their deliberations and their reports. Looking to the social and the political urges in this country, how are we to integrate the people? That aspect has been completely overlooked. They always

feel that there is a ready remedy in the Constitution, and they think that if the Constitution is amended this way or that way, they can meet all the evils on this earth, and everything will go on very smoothly.

A representative from the hill areas spoke just a little while ago, I entirely agree with his sentiment, though I many not agree with what he said regarding the possible effects. I would point out that after the reorganisation of the States on the language base, there was a higher integration. Language primarily is a force of integration. But Government had not taken that into consideration at the earlier stage. Now, we have integrated the country at a higher level, but still, there are the hill tribes people. For instance, my hon. friend talked about the hill tribes of Assam. Take, for instance, the case of the NEFA people. I learn, and on good authority, that the NEFA people over there in Assam would not like Assamese officials. Why is there this hostility to the entire people from the plains? That must be understood. Unless a concerted effort is made to integrate the hill tribes into the broader context of society, I do not think that you can meet the present situation, be it the symptoms of disintegration or certain fissiparous tendencies, by taking recourse to an amendment of the Constitution I do feel as some people have expressed that there are so many problems, and there must be a thinking centre somewhere which applies its mind to all these post-Independence problems which have been long waiting for a solution.

Under foreign domination we could not voice our feelings and could not get the things smoothened out unless some such approach is made to go to the root of the problem, instead of just meeting the symptoms and trying to search for palliatives it is no use. So many remedies are there. Sometimes, I feel that when there are so many diseases

at a time, which one is afflicted with, we try to give all types of medicines, and here seems to be one such patent medicine, namely amending the Constitution. Unless the body is prepared to assimilate them, these medicines will not have any healthy effect.

Therefore, I would humbly submit that the remedy that is suggested is not the proper remedy; it will not meet the situation adequately. Today, because of the national emergency, there is a certain basic unity and it has found expression now. But all the fissiparous tendencies which are submerged for the time being are likely to come up, unless a concerted effort is made to meet the social urges and social challenges that are there.

I would like to say one word about the DMK, because they are voicing separation. Just banning them or putting a blanket ban on their activities will not meet the situation. As I understand it, these DMK people or some other people in the Madras State and in the southern States look to Malaya and Ceylon, because many of their compatriots are there, and their economy is partly dependent on certain remuneration which their compatriots earn in Malaya or in Singapore or in Ceylon, and naturally, affinity of a different type has developed among them. We must try to understand this aspect of the problem. I do not think that if we approach them and try to discuss with them why they are demanding separation, they will refuse to come out with their minds; in fact, they will argue out their case. The main question today is not how to prevent or suppress their activities but how to get them at a higher level of integration. There should be a political approach. We must try to understand their problems. Simply because in the party that is destined to rule, we have got a majority, if we think that we can amend the Constitution as we like at the present juncture, that is not proper. We should not take recourse to this kind of remedy. This remedy is not of a durable nature and you will have to find out other solutions. Although it

[Shri Khadilkar]

requires a rather very detailed discussion, as the time is short, I conclude with these few observations.

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, जो हमारे सामने प्रस्ताव आया है इस की कोई जरूरत नहीं थी। हमारा कांस्टीट्यूशन पहले से ही इस मामले में सम्पूर्ण है और हम जो क्रम अपने विधान के लिये लेते हैं वह शपथ हम अपने देश की इंटिग्रेटी के लिए लेते हैं अलबत्ता कांग्रेस अपना माइंड मेक अप करे। हम तो हमेशा ही राष्ट्र की अखंडता के लिए लड़ते हैं। जब भी देश का पार्टीशन हुआ, जब भी कोई इलाका कटा, सिर्फ कांग्रेस के हाथों से कटा। तरीका यह है कि पहले बातचीत करते हैं, मेजें बिछती हैं, ऐटमोसफियर तैयार करते हैं और फिर आहिस्ता से बांट कर के दे देते हैं। हम लोग तो राष्ट्र की अखंडता के लिये हमेशा लड़ते हैं लेकिन देश के अंदर डिवाइड एंड रूल की पालिसी को अखित्यार कर के रूलिंग पार्टी यह चाहती है कि कोई और पार्टी बरसरे इक्तदार न आ सके। हमारे साथ यह वायदा किया गया था और बड़े बूढ़े इस चीज को अभी भूले न होंगे कि इस वक्त की रूलिंग पार्टी ने जुलाई १९४७ में हमारे साथ यह वायदा किया था :—

We would not accept the partition of India even if the whole of the country were to go into flames.

यह वायदा हमारे साथ इन्होंने किया था। लेकिन उस के एक ही महीने के बाद हम ने ड्रैमेटिक चेंज देखा और देश का विभाजन हो गया। देश को टुकड़ों में तकसीम कर लिया गया। पहले मेजें बिछती हैं, चाय पिलाई जाती है, मेहमान बनाये जाते हैं और उस के बाद पार्टीशन को मंजूर कर लेते हैं। चाहे आंध्र प्रान्त बना हो, चाहे गुजरात बना हो और चाहे महाराष्ट्र बना हो, यह सब रूलिंग पार्टी के हाथ से बने हैं। यह भी डिवाइड एंड रूल की पालिसी अखित्यार करते हैं और देश

के अंदर नहीं चाहते हैं कि कैरेक्टर पनप सके या नेशनलिज्म पनप सके।

उत्तर प्रदेश के इतिहास में, उत्तर प्रदेश की असेम्बली में एक ऐसा समय आया कि माननीय गिरधारी लाल जी वहां के मुख्य मंत्री होने वाले थे लेकिन पता नहीं क्यों कांग्रेस एम० एल० एज० ने यह कहा कि एक हरिजन कुर्सी पर बैठ जाय ? ५२ जिलों की कुर्सी पर एक चमार बैठे यह कैसे हो सकता है ? हमें यह कहा जाता है कि यह ऊंचे वर्णों की पार्टी है लेकिन हमारी पार्टी में आज भी यू० पी० के अंदर आप चल कर देखिये पांच हरिजन एम० एल० एज०, पांच चमार एम० एल० एज० ऐसे हैं जोकि रूलिंग पार्टी को हरा कर आये हैं। हमें यह कहा जाता है कि यह जमींदार लोग हैं लेकिन हमारे बड़े भाई डा० वसन्त नारायण सिंह यहां बैठे हुए हैं और हमारे महाराजा रामगढ़ साहब हैं, उन्होंने ने अपने हाथों से अपनी २०,००० एकड़ जमीन लंडलेस लेबरर्स हरिजनों को तकसीम कर दी है। कांग्रेस अपना माइंड मेक अप कर ले कि वह देश के और टुकड़े नहीं करेगी। हमें इस में कोई ऐतराज नहीं है मगर कांग्रेस खुद इस के खिलाफ जायगी। जब भी देश को बांटें, जब भी कोई प्रस्ताव लायें, चाहे वह दूसरे मुल्क से लाया जाय और चाहे किसी को आरबिटरेटर बना कर लाया जाय, यह विगत १५ साल का इतिहास देश की तकसीम का इतिहास है। आज भी कोलम्बो प्रस्ताव के नाम पर, आरबिटरेशन के नाम पर और श्रीमती भंडारनायके के नाम पर नये नये प्रस्ताव इसलिये लाये जाते हैं कि देश में उस के लिए एक अनुकूल वातावरण पैदा किया जाय ताकि देश किसी न किसी तरीके से अपने में से किसी टुकड़े को काट कर गैर को देने के लिए तैयार हो जाय। जब हम यहां इस हाउस में युनीनीमसली तय कर चुके हैं और यह पास कर चुके हैं कि हम अपनी एक एक इंच जमीन चीनियों से खाली करा

कर रहेंगे तो आप को क्या हक है कि आप कोई कोलम्बो कॉन्फ्रेंस का प्रस्ताव या कोई आरबिट्रेशन का प्रस्ताव लायें ? यह तो कंटेम्प्ट क्रौफ़ दी हाउस है । हाउस जिस चीज को एक मत से तय कर चुका है उसके ऊपर अटल रहना चाहिए । हिन्दुस्तान जब भी बंटेगा इनके हाथों से बंटगा । मेरी दरखवास्त आपकी मार्फत यह है कि आप अपना माइंड मेक अप कर लें । अगर आप तकसीम की पालिसी को मानेंगे तो जाहिर है कि कांग्रेस पार्टी जरूर आपका साथ देगी ।

“भूजसे ही पूछते हैं दिल में सुराख क्यों है,
तीरे नजर को मेरे सीने के पार करके ।”

आज आप मुस्लिम लीग को कम्युनल बौडी कहते हैं लेकिन जो मुस्लिम लीग ने किया उस के सामने आपने सिर झुकाया । मुस्लिम लीग ने अपने जो प्रपोज़ल्स रखे उसके सामने आपने सरंडर कर दिया । आप दोनों एक तराजू में हैं । आप दोनों एक ही थैली के चट्टे बट्टे हैं । मैं कहता हूँ कि राष्ट्र की इंटिग्रेटी के लिए नेशनलिज्म की जरूरत है । कांग्रेस अपना माइंड मेक अप कर ले फिर देश के अन्दर किसी की हिम्मत नहीं है कि वह नागालैंड का नारा लगा सके या द्रविड़ मुन्नेत्र कडगम का नारा लगा सके या किसी और पार्टीशन का नारा लगा सके लेकिन जो गवर्नमेंट में है उनको माइंड मेक अप करना होगा । इस संशोधन विधेयक की कोई जरूरत नहीं है । यह तो हमारे कांस्टीट्यूशन में है जिसकी कि हम शपथ उठाते हैं । देश की आजादी के लिए हमने लड़ाइयां लड़ी हैं । पूज्य बापू जी ने उसके लिए मुल्क को तैयार किया है और देश की जनता को तैयार किया है । हमारा कांस्टीट्यूशन काफी है । यह सिर्फ इसलिए लाया जा रहा है कि आप अपनी कमजोरी को कवर करना चाहते हैं । मेरी ला मिनिस्टर साहब से दरखवास्त है कि इसको वापिस लिया जाय और इसकी कोई जरूरत नहीं है ।

हमारा कांस्टीट्यूशन ही सम्पूर्ण है और वह बिल्कुल काफी है । वह मोर दैन सफिशिएंट है । इन्हीं शब्दों के साथ मैं राष्ट्र की अखंडता का व्रत लेते हुए देश की इंटिग्रेटी को कायम रखने के लिए प्राण प्रण से लड़ूंगा ।

✓ **The Law Minister (Shri A. K. Sen):**
Mr. Deputy Speaker, Sir, I am deeply obliged for almost a universal welcome which this Bill has received from all sections of the House though I must note with regret that there have been one or two dissenting voices which we have heard and if I may say so with respects to them it is hardly the occasion when one would, apart from anything else, like to hear, “We are quiet for the moment; we may raise our heads again. Therefore, at least for the moment do not bring in any such Bills”. That is an argument, in my submission, Sir, which makes no impression on the Government and I am equally certain that it will not make any impression on the country. Simply because some of the tendencies which have harassed us in the past and had sought to undermine our strength and sap the very vitality which sustains the nation as a unit are for the moment quite, that is no argument for saying that such a power should not be appropriated by a proper constitutional amendment before those forces are let loose again. In fact, we shall be failing in our duty if we did not make enough preparation to meet these forces in all their ugly form if they try to raise their heads again after we have conducted ourselves safely and successfully through the present crisis.

Sir, I would have been happy if we were told instead that those who had in the past accepted the principle of secession and had utilised other forms of disintegrating movements had given them up perpetually as a political platform. I think, not only ourselves but the country as a whole would have been very pleased. But unfortunately

[Shri A. K. Sen]

this has not happened and if anything has made us quite cognizant of the ultimate potentialities of these forces, it is this awareness even today that these forces do exist and threaten to disrupt the moment. There is a chance for them. I do not think it is any obligation which has been either incurred by the nation or by the Government or any favour which has been shown to the country or the nation at present by those who had been responsible for forces of disintegration in the past to say that they are quiet at the moment. It is rather distressing in tone and spirit to say as if it is a favour shown to the nation that those who had indulged in disrupting activities are quiet for the moment. It is no favour, if I may say so, with respect and with firm conviction, nor is it an obligation which the nation has incurred by their quietude. It is the duty which was expected from every citizen of the country, which they have done to the satisfaction of the country. It is good for the country and for themselves. They have only discharged their minimum obligation which they owe to the country and to the nation.

I think one may also be pardoned if one is frank enough to say that the Defence of India Rules might, to a certain extent, be responsible for this apparent calm which we see everywhere, and the lifting of the Defence of India Rules might not be followed by the same calm which we are perceiving today. If this calm came before the Defence of India Rules came into existence, we would have been very much assured of the fact that at least a rather distressing chapter in our national history has been turned completely and for good. Many other forces and many other groups, which had openly sided with Chinese objectives and aims and Chinese expansionist policies and had possibly even tacitly acquiesced in, if not welcomed, the Chinese moves across the Himalayas, are quiet for the moment. Many of them are quiet by compulsion because they have been put out of the

possibility of committing any mischief and safely kept under detention, and others are possibly conscious that the arms of vigilance are still quite alert.

One thing is quite certain and that is that we shall not allow the hard-won freedom which we have earned for ourselves at the cost of millions of patriots' lives and the flag of independence which we have earned for ourselves with the blood of many a martyr, to be destroyed by the irresponsible and anti-national activities of anyone, whether in the name of religion or of language or of tribal interests or, if I may say so, of ideological affiliation. This country and this Parliament are firmly determined to ruthlessly weed out all forces of disruption from our body politic and Parliament must speak on such a vital matter with no weak voice, for the nation expects the only answer from us, and that a unanimous answer, namely, that Parliament has set for good the tone for the nation not only to meet external threat, as it has done so ably, but also to meet all internal threats whenever they try to raise their heads.

While I say so, I may at the same time pay proper attention to certain, if I may say so, genuine grievances which have been expressed on the floor of the House, particularly by Members coming from tribal or hill areas. I think the Government not only at the Centre but also in the States can never be too conscious of their interests and their aspirations ever. Rightly or wrongly, many of them are possibly suffering from the evils of bygone days, when they possibly were not made capable enough to advance with the same pace as the rest of the country, and the evils of backwardness haunt them today as they haunt us as a nation in comparison with the rest of the advanced world. It is the evil of under-development which we see at the national level which we meet by our efforts to raise our people to the level enjoyed by other countries. In the same way, when we look internally, we see these areas where these

people are, relatively speaking, less advanced economically, though I do not agree that they are less advanced otherwise, because in many of the hill areas they have qualities and aptitudes which are well in advance of the rest of the country.

Take the Khasi people for whom the hon. Member opposite had spoken. The great standard of freedom which is enjoyed by their women and the dominant part which their women take in their political and social life are things for the rest of India to follow and they are well in advance of us so far as freedom of women and status of women are concerned.

Shri Tyagi: No, no. We should not follow them.

Shri A. K. Sen: Not in other ways, but in matters of discipline and other things.... The hon. Member is looking this side.

Shri Tyagi: They are already contesting elections. It becomes too bad. They can go inside the families and canvass for the votes of purdanashin women as also canvass outside, while we, men, can canvass only amongst men.

Shri A. K. Sen: I am sure no woman would ever contest Shri Tyagi.

Shri Kapur Singh (Ludhiana): He is speaking from personal experience.

Shri A. K. Sen: Anyway. Therefore, I do not agree that they are at all backward in other respects, but economically speaking, yes, they are. I do not think that they should at all be apprehensive about the prospects of their languages. I do not accept at all the charge the hon. Member has levelled against the Government—I do not know which Government—of devising a system by which their languages are bound to suffer. He used the expression 'regional language' and said that we have devised a law by which every region must have a language. If I may say

so with respect, he has not read the Constitution carefully. I would again refer him to article 344 which only sets out certain languages in the Eighth Schedule as distinct from Hindi.

Shri Swell: May I point out that the provision in the Constitution has been utilised by the majority community in each region to have their own language as the regional language? The law may not specifically provide for it, but it creates a situation where it can be done.

Shri A. K. Sen: If the hon. Member had said so, I would have been very glad, but he did not.

Shri Swell: I did not have the time to elaborate.

Shri A. K. Sen: Now that he has said so, I shall certainly meet that point. But as I said, I was a little astonished when he said that we had devised our law in such a way that every region must have a language. Far from it. These languages including Assamese are mentioned in the Eighth Schedule in the context of article 344 to show them as distinct from the Hindi language, so that the obligation to make Hindi progress as an all-India language is not discharged at the cost of these languages. In fact, the spirit of articles 344 and 351 runs counter to the suggestion made by the hon. Member, because the obligation is that while Hindi is made into an all-India language, the preservation and development of the other languages mentioned in the Eighth Schedule should not be imperilled. This is the spirit which has guided us in formulating even an all-India language for the whole country.

So far as Assam is concerned, there is no doubt that it is a multi-language State. The formula which the National Integration Committee had accepted, which the National Development Council had accepted, which later on had been accepted by all the States, and in accordance with

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which I think laws have been passed in many States, is based on what is called the three-language formula, which takes into account for States, not only Assam, but States like West Bengal where there are hill areas, these languages in areas within a State, and gives them the fullest of freedom not only at the primary stage but also at later stages for preservation and development. I invite him, though this is hardly the occasion, to go through the three language formula and the directions given by the Central Government and the charge given to the Minority Language Commission to see that these are observed. Not only that. An All-India body has been set up with no less a person than our Home Minister as Chairman to see that the implementation of the three language formula is done without any hindrance, and all complaints against the implementation of that are received by the Home Minister himself. Instead of, therefore, trying to find fault with our laws or the policies which Parliament has accepted, because these are policies which have later on been endorsed by Parliament itself, it will be fruitful if individual complaints are sent to the Home Minister, if there is any riding rough shod over any particular area's people or languages, but there is no reason to say that we have been ill-advised to bring this measure which, in my submission, not only is a desirable one, but has been brought not a day too soon. I have no regret about it that it has been my privilege personally to bring this measure before Parliament for endorsement. I personally think the whole House will consider it a privilege to rise to the occasion and fulfil this privilege in the only manner in which it can be done, namely by endorsing it without any doubt or demur.

An hon. Member has said this is not the appropriate time to bring such a Bill. I was rather astonished to hear it. If ever there was an

appropriate time, it is when the nation is in peril, when those who work against its integrity and sovereignty have to be dealt with.

Shri Manoharan: Is it external aggression or internal disturbance?

Shri A. K. Sen: The hon. Member will please give me a little opportunity to speak and meet him, as I had patiently heard him.

The reference to the present situation not being appropriate was certainly a reference to the external aggression, because internally the situation is very much better, if at all, compared to the days gone by. Therefore, when it is stated that this is hardly the time when such a thing should have been brought, I take it in its ordinary meaning that the reference is made to external aggression.

In my submission, if the external aggression is referred to, then this is the only time when the nation must address itself wholeheartedly to this danger which is inside the country, which either secretly or surreptitiously or potentially seeks to undermine the spirit to resist external aggression.

Shri Manoharan: The danger is inside the country now?

Shri A. K. Sen: Your admission shows that it exists for the moment. As I said, I would have been happy if I had been told that it has gone, it is a dead chapter. On the contrary, your speech has made me believe much more than ever that these forces exist as much as ever, and that you have been pleased to suspend it for the time being.

Whatever it is, I remember what was stated in the House of Commons when several people were put behind prison bars without trial, when England was in peril and was under attack both from the air and

sea by Germany under Hitler. It was stated that the freedom of the people was being destroyed, the Bill of Rights was being completely undermined, that for the first time in the history of Gt. Britain people were being put in detention without trial. I remember how that charge was met by the Government then, the only way in which it could have been met in my submission, the only way in which a country which sustains freedom and believes in government by consent and by freely elected legislatures can meet it. They said: it is necessary to sustain the very structure which grants that freedom, these people who are trying to establish a Fascist domination in Europe must be kept out of mischief. And they were kept under detention for over five years.

Shri Priya Gupta (Katihar): Were the restrictions temporary or permanent?

Shri A. K. Sen: They were detained during the currency of the Defence of the Realm Act.

Shri D. C. Sharma: He wants it to be made permanent.

Shri Priya Gupta: Then this amendment should not be brought in now.

Shri A. K. Sen: The hon. Member has not understood the purpose of the amendment. The amendment gives the power to the Government to bring into existence the necessary law. Whether they are of a temporary nature or perpetual nature will depend upon the situation in the country and outside.

Shri Priya Gupta: But then why refer to the conditions in England?

Shri A. K. Sen: In England no power was necessary because they have no written constitution and Parliament is supreme. We require power to meet these threats. Whether these powers are temporary or permanent or quasi-permanent are matters on

which Parliament will express its own opinion when such measures are placed before it.

Shri D. C. Sharma: This is going to be a permanent piece of legislation.

Shri A. K. Sen: Yes, to give power to Parliament and none else.

Shri Bade: It is an enabling provision.

Shri A. K. Sen: That is exactly what it is. This is a power which is not there in the Constitution, but is being appropriated to be utilised for such purposes as Parliament may consider necessary, and no doubt the hon. Member will then express his views when such measures are brought. But, as I said, it is our duty, a fundamental duty, if I may use that expression, to rid the country of threats which sap its unity and vitality.

Shri Himatsingka (Godda): Unfortunately, there is no mention of duties under the Constitution.

Shri A. K. Sen: I was astonished to hear the hon. Member representing the DMK talking about fundamental rights, saying that this Bill is going to destroy the fundamental rights. I have never heard that there was a fundamental right to destroy the unity or sovereignty of a country. Have we become so impotent, has our democracy become so powerless, that it cannot deal with people who challenge the very integrity of the country? I am sure the answer will be negative, in the firmest possible manner, by this Parliament. Our democracy and our system of government are by no means powerless to meet such challenges in the name of fundamental rights. Tomorrow we shall hear that others have a fundamental right of welcoming the Chinese, saying that this is their rightful due, as some undoubtedly have done or want to do.

Shri D. C. Sharma: That was done in the border areas.

Shri A. K. Sen: This, therefore, in my submission, completely meets the fundamental challenge to this measure, and not only to this measure but to our very Constitution, to our very integrity.

With regard to the apprehensions mentioned, I have, I think, successfully or tried to successfully dispel those suspicions which minority groups might have held genuinely, and I would request them not to mix up the two things. If India survives, they survive. I think the Constitution makes enough provision for the development and well-being of the minorities. But if India is destroyed, the minorities will be destroyed, along with others. Therefore, I would appeal to them that whatever grievances they may feel, genuine or not, have to be addressed in the proper way, and not by challenging the very basis which sustains them as others.

These are my submissions, and I would therefore commend this motion for acceptance.

I thought of speaking in Hindi today, but since most of the challenge came from areas whose representatives might not have understood Hindi, I have chosen to speak in English.

Shri Swell: Lest there be any misunderstanding, I would like to make it clear that I never said that I challenged the Bill. I had, as a matter of fact, at the very beginning, approved it. But I had said that the proposal was only tinkering with the problem, it had to go to the root of the matter, and I asked the Government to go to the root of the matter rather than tinker with it.

Mr. Deputy-Speaker: I shall now put the substitute Motion of Shri Kamath in the modified form agreed to by the Law Minister.

Shri Hari Vishnu Kamath: I have accepted his amendment.

Mr. Deputy-Speaker: He has accepted your amendment. The question is:

That for the original motion, the following be substituted, namely:—

“That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely, Shri Brij Raj Singh-Kotah, Shri S. N. Chaturvedi, Shri Homi F. Daji, Shri Ram Dhani Das, Shri R. Dharmalingam, Shri Kashi Ram Gupta, Sardar Iqbal Singh, Shri Madhavrao Laxmanrao Jadhav, Shri Madeppa Bandappa Kadadi, Shri Hari Vishnu Kamath, Shri Paresh Nath Kayal, Shri Nihar Ranjan Laskar, Shri Harekrushna Mahatab, Shri M. Malaichami, Shri Mathew Maniyangadan, Shri Bibudhendra Misra, Shri F. H. Mohsin, Shri H. N. Mukerjee, Shri D. J. Naik, Shri V. C. Parashar, Shri Ram Swarup, Shri S. V. Krishnamoorthy Rao, Shri C. L. Narasimha Reddy, Shrimati Yashoda Reddy, Syed Nazir Hussain Samnani, Shri Rameshkhari Prasad Singh, Dr. L. M. Singhvi, Shri U. M. Trivedi, Shri Balgovind Verma, Shri Asoke K. Sen

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of

15 members to be appointed by Rajya Sabha to the Joint Committee".(1)

The motion was adopted.

15:41 hrs.

AGRICULTURAL REFINANCE CORPORATION BILL—Contd.

Shri Himatsingka (Godda): Mr. Deputy-Speaker, Sir, I welcome the Agricultural Refinance Corporation Bill which has been introduced in the House. As regards the provisions of the Bill, Sir, I feel that the limited scope that has been given here will not be of much help. Clause 22 says about the business which the Corporation may transact. It says:

"The Corporation may provide such financial assistance to eligible institutions as it considers necessary for promoting the development of agriculture in India and shall not—

- (a) transact any business except for that purpose, and
- (b) grant, except as herein-after provided, loans and advances otherwise than by way of refinance.

While defining 'eligible institution' sub-clause (f) of Clause 2 says that eligible institution means a central land mortgage bank or a State co-operative bank or a scheduled bank, being in each case a share-holder of the Corporation. Now, unless a Central Land Mortgage Bank or a Co-operative Bank or a Scheduled Bank is a share-holder, they will not be entitled to the benefits that are intended to be given by this Bill.

The next sub-clause says as follows:

"A co-operative society (other than a central land mortgage bank or a State co-operative bank) approved by the Reserve Bank in this behalf".

A co-operative society need not be a member. A co-operative society need not be a share-holder and still, they will be entitled to get some benefit. But, all other institutions, unless they hold shares in this Refinance Corporation, they will not be entitled to refinance in case they grant loans to any institution. I made enquiries from the hon. Deputy Minister and I am told that this is also included in the purview of this Bill. As you know, Sir, tea requires a very large amount of finance annually and if any amount from this Corporation is going to be utilised for the purpose of financing tea industry or cultivation of tea, the amount that has been provided will fall too short for the purpose. Therefore, the suggestion that was put forward yesterday that the amount should be more, should be taken note of. Of course, the Corporation has been given powers to borrow. The Central Government has been given the right to make loans of Rs. 5 crores and the Corporation is also entitled to borrow. But, if the Bill is to be useful, it must have more funds and it should be entitled to lend money and help in refinancing rather than grant loans by way of refinance to institutions which might be needing help for the various purposes contemplated in this Bill. Therefore, I request that the scope of the term 'eligible institutions' should be expanded to include all the institutions which help any of the purposes contemplated in this Bill. Otherwise, I feel, eligible institutions being limited, the benefits that are intended to be conferred by this Bill will not be available to the various bodies which need such help.

Another limitation is this. Unless the Government guarantees repayment of principal and interest, no accommodation shall be granted under sub-clause (4) of Clause 22. That also will act as a very great deterrent in the matter of enabling this institution to grant finance when required. These two or three difficulties which have been put in the Bill in the way