

15.29½ hrs.

RE: HEALTH (PERIODICAL MEDICAL CHECK-UP OF PRESIDENT AND PRIME MINISTER OF INDIA) BILL

Mr. Deputy-Speaker: Now, we shall take up Bills for introduction. The first one is in the name of Dr. Chandrabhan Singh. The hon. Member is not here.

15.30 hrs.

CONSTITUTION (AMENDMENT) BILL\*

(Amendment of articles 75 and 164) by Shri Hari Vishnu Kamath.

Shri Hari Vishnu Kamath (Hoshangabad): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

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

*The motion was adopted.*

Shri Hari Vishnu Kamath: I introduce the Bill.

15.30 hrs.

CONSTITUTION (AMENDMENT) BILL—contd.

(Amendment of Articles 22, 32 and omission of Article 359 by Shri Madhu Limaye.

Mr. Deputy-Speaker: Further consideration of the following motion moved by Shri Madhu Limaye on the 4th March 1966:—

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

Shri Hathi to continue his speech.

Shri S. M. Banerjee (Kanpur): The Minister had hardly begun on the previous day. He may speak later, after half an hour.

Mr. Deputy-Speaker: No, no, he had started.

Shri S. M. Banerjee: That was just Mr. Deputy-Speaker, Sir'.

Mr. Deputy-Speaker: Let him go on.

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): Mr. Deputy-Speaker, the Bill proposes to amend the Constitution of India, mainly art. 22, namely:

"In article 22 of the Constitution, in clause (4) for the words 'No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—' the following shall be substituted, namely:—

"No law providing for preventive detention shall take effect except during the period of emergency proclaimed under art. 352 and no such law shall authorise the detention of a person for a longer period than three months—unless—".

The second amendment proposed is for the omission of clause (4) of article 32 and the third, in clause 4, is for the deletion of art. 359.

From the speeches of hon. Members, it was apparent that the present Bill was discussed in the background of the use of the Defence of India Act and Rules thereunder. Complaints were made by the Mover about the misuse of the Defence of India Act. Shri N. C. Chatterjee, for whom I have the greatest respect and regard,

[Shri Hathi.]

had said, that art. 359 which suspends the fundamental rights is a slur on the Constitution. So far as fundamental rights are concerned, I think there can be no difference of opinion whatsoever....

**Shri Hari Vishnu Kamath** (Hoshanabad): A blot on the Constitution, not merely a slur.

**Shri Hathi:** Whatever it may be.

There can be no difference of opinion that the fundamental rights granted to citizens under the Constitution should be guaranteed, safeguarded, and there should be a remedy in law if those rights are in any way violated. I do not, therefore, want to go into those cases where it was alleged that there has been misuse. I am viewing it from the point of view whether it is proper for any country to have a Constitution with a provision like this. Whether the powers can be used or misused is a different matter. If they are misused, there can be complaints and they can be looked into. But the point is that when the Constitution is framed and when we have a provision in the Constitution, we have to view it from the point of view of whether normally what should be the provision in the Constitution and whether this provision therein is valid or required or necessary or unnecessary.

15.34 hrs.

[SHRI SHAM LAL SARAF in the Chair]

I would not, therefore, go into the details of the instances cited by Shri Madhu Limaye or by my hon. friend, Shri N. C. Chatterjee, about family pensions not being granted. Whether the provision is there for suspension of rights or whether it is not there, the question of paying family pension is a matter independent of the Constitution. I am, therefore, not dealing with this question from that point of view at all; I am dealing with it from a normal point of view, whether normally such a Constitution with such a provision is or is not sound, or whether

the provisions as they exist today should or should not exist; because we are dealing with a Constitution which is a permanent Constitution. Whether in a permanent Constitution of a country, such provisions should exist or not—that is the question.

I fully appreciate the point that the fundamental rights of citizens should be guaranteed. Nobody can object to it. I am not objecting. The question is that there is a provision under which those rights may be suspended. Should such a provision exist or not? Therefore, I need not be misunderstood as opposing anything which guarantees fundamental rights to the citizens. I want to make that clear. Having done that, the question is whether under certain circumstances, the Constitution should provide for suspension or not. I am looking at it from this angle.

Let us examine the articles proposed to be deleted. Art. 359 reads:

"Where a Proclamation of Emergency is in operation, the President may by order declare that the right to move any court for the enforcement of such of the rights conferred by Part II as may be mentioned in the order and all proceedings pending in any court for the enforcement of the rights so mentioned shall remain suspended for the period during which the Proclamation is in force or for such shorter period as may be specified in the order...."

The main aim of the Mover is that there should not be such an article empowering the Government or the President to bar courts from enforcing such rights of the citizen.

Then article 32(4) is sought to be deleted. It says:

"The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution".

These two articles go together, hand in hand. If you have art. 359, it gives Government the right to suspend the fundamental rights. Therefore, according to the Mover, art. 32(4) should also be deleted. He is viewing it only from one background, detention in the emergency, that seems to be the paramount idea behind the mind of the Mover, and it is perhaps because of this that he felt impelled to bring this amendment.

Let us take an emergency. It is not an imaginary thing, it is a thing which has happened, which is likely to happen. Around an aerodrome you have to instal anti-aircraft guns round about four miles, and you want to acquire property for that purpose or shift the villegers. If article 14 is not suspended, you have to acquire only under due process of law. That means you give notice, then the people shift, then you do it. How long will it take? It may take ten months, one year or even a longer period. In the meantime, the man can go to the court of law, as Mr. Chatterjee knows, and get an injunction. So, it is not a mere question of detention. Apart from that, there are so many other rights which are being suspended under articles 14, 19, 21 and 22.

श्री मधु लिमये (मुगेर) : घारा 31 तो घापने सस्पेंड नहीं की है, इसी से साबित होता है कि घापकी मंशा क्या है।

Shri Hathi: I am coming to that. These are also suspended. What I mean to say is that it is not only detention.

श्री मधु लिमये : यह सब शहरी घाजादी के बारे में है।

सभापति महोदय : घापकी भी बोलने का हक है, अपने वक्त में बोलियेगा।

श्री शिव नारायण (बांसी) : इन को हर वक्त हक है।

Shri Hathi: Then I will show that even your intention will not be

achieved by the present Bill. I am only arguing that the present amendment is not only unnecessary, that even if it is accepted, the intention will not be achieved.

Then, I will draw his attention to article 358. Even if article 359 is deleted, article 358 will remain, and it says:

"While a Proclamation of Emergency is in operation, nothing in article 19 shall restrict the power of the State as defined in Part III to make any law or to take any executive action which the State would but for the provisions contained in that Part be competent to make or to take,...."

Article 19 gives very important fundamental rights. It reads:

"All citizens shall have the right—

- (a) freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to remove freely throughout the territories of India;
- (e) to reside and settle in any part of the territory of India;
- (f) to acquire, hold and dispose of property; and
- (g) to practise any profession, or to carry on any occupation, trade or business."

Under the Defence of India Act which we passed and the rules thereunder, you restrict the movement of people, you do not allow certain things to be sold, you can restrict trade, commerce and industry. Therefore, it is not that you are simply achieving the object which the hon. Member has in mind by amending article 359.

Then, as I said, in an emergency there are a thousand and one things

[Shri Hathi.]

which require to be done. You want movement of troops, movement of foodgrains, movement of equipment, you require communications, you require to acquire trucks and lorries and all that, and a man can refuse if you were to do it under ordinary powers, and that will take a long time. You want to camp your army, to acquire possession of a place and you want to use the place. All that if you were to do under due process of law in an emergency, it will not be possible, and so the powers are given to Government that during the period of an emergency to suspend the rights vested under articles 14, 21 and 22.

Now comes the question whether in any other part of the world these fundamental rights can be suspended. I have gone through various constitutions which are according to each country's circumstances, but find that in a number of countries—of course U.K. is a different question, because there is no written constitution, but there also, though there is no written constitution, and therefore no question of fundamental rights given under the constitution, so far as the liberty of a person is concerned, that legislation does exist.

**Shri N. C. Chatterjee (Burdwan):** The hon. Minister would realise that there is no automatic suspension of *habeas corpus*. Parliament will have to enact *habeas corpus* suspension Act and that is for a limited purpose, for each case and for a particular period.

**Shri Hathi:** The Defence of India Act is also enacted by Parliament, and you detain under rule 30 of the Act.

**Dr. L. M. Singhvi (Jodhpur):** The whole question arises only because of the undue prolongation of the emergency.

**Shri Hathi:** Then this Bill is not required. That is what I said, that the idea was to discuss detention in

emergency. Dr. Singhvi has put his finger on the right spot. He said very correctly that the constitution cannot be amended like this, and this is not the proper way, that it should be done in a different manner and method also. But he said here was an occasion for discussing the need or otherwise of the prolongation.

**Mr. Chairman:** How much more time does the hon. Minister want?

**Dr. L. M. Singhvi:** This is a very important matter. You may extend the time.

**Shri Hathi:** I will finish within two minutes.

**Mr. Chairman:** The stage for enhancing time has gone. At this time it cannot be done.

**Shri Hathi:** Dr. Singhvi has rightly put it, and I very much appreciate what he has said—and also perhaps Mr. Chatterjee—that it was really not the way in which the constitution should be amended, but because the emergency has been prolonged, this was an occasion for discussing and bringing it to the notice of the Government that the emergency should not be prolonged any further.

So far as that is concerned, only a few days before the Bill came before the House, the Prime Minister did mention that she was not going to extend the emergency or continue the emergency a day longer than necessary. Therefore, that is now out of question. But I agree that so far as the amendments are concerned, they are not at all necessary. In other countries there are provisions for suspending such fundamental rights. I therefore oppose this Bill.

श्री अशु सिन्घवे : मैंने जो संशोधन विधे-  
यक सदन के सामने रखा है उसका एक मात्र  
मकसद यह है कि राज्य को संकटकाल में  
अगर किसी को गिरफ्तार करना है  
और किसी अदालत के सामने उसको बाधित

करके उसके ऊपर जुर्म साबित करने की स्थिति में अगर सरकार नहीं है तो कम से कम धारा 22 के अन्दर जो संरक्षण नागरिक को मिलता है वह तो संकट कालीन स्थिति में भी कम से कम मिले। गृह मंत्री ने कहा है धारा 31 के सम्बन्ध में कि मुल्क की हिफाजत के लिए जमीन कहिये या कोई सम्पत्ति कहिये अगर उस पर हम कब्जा करना चाहते हैं तो इस तरफीम को स्वीकारने पर हम भ्रदालतों की और मुकदमेबाजी की उलझनों में फंस जायेंगे। लेकिन मुझे इस बात का ताज्ज्व होता है कि चीनी आक्रमण के बाद सरकार ने शहरी स्वतंत्रताओं के साथ, प्रजातंत्र के साथ जिन बुनियादी अधिकारों का सम्बन्ध है उन्हीं के भ्रमल को मुल्लती रखा है। इसलिए मैं गृहमंत्री से निवेदन करूंगा कि अगर सम्पत्ति का राष्ट्रीयकरण करने में या सम्पत्ति सरकार के कब्जे में लेने में कोई कठिनाई है तो सबसे अच्छा तरीका यह है कि वह उस धारा में परिवर्तन करें। कई बार आपने किया भी है। स्वयं मैंने उसको इस सदन के सामने पेश किया है। लेकिन पीछे के दरवाजे से इस तरह शहरी स्वतंत्रताओं पर और प्रजातंत्र पर आप आक्रमण करते जायेंगे तो उसके नतीजे बहुत खराब निकलेंगे। इसलिए मैं चाहता हूँ कि चाहे संकटकालीन स्थिति हो या साधारण स्थिति हो, जब कभी किसी व्यक्ति को गिरफ्तार किया जाता है भ्रदालत को उसके कारणों में जाने का पूरा अधिकार होना चाहिये।

मैं एक बात बड़े भ्रदब से कहना चाहता हूँ। उन्होंने कहा है कि 358 धारा तो रह जाती है और संचार स्वतंत्र और वाणी स्वातंत्र्य के ऊपर रोक लगा ही सकने हैं कानून बना सकते हैं। मैं निवेदन करता हूँ कि मैंने भी पूरी जिम्मेदारी के साथ तरफीम को रखा है। अगर संकटकालीन स्थिति में धारा 19 धारा के खिलाफ भी

कोई काम करना चाहते हैं या कानून बनाना चाहते हैं तो उसको आप करिये। आज जो 19 धारा है उसको आप पढ़िये। उसमें साफ कहा गया है कि जिसको संयुक्त-निर्बंधन रीजनेबल रेस्ट्रिक्शन कहा जाता है, वे तो आज भी आप लगा सकते हैं, संचार स्वतंत्रता पर और वाणी स्वतंत्रता पर। केवल हम एक ही अधिकार को सुरक्षित रखना चाहते हैं कि हर एक नागरिक भ्रदालत के सामने या एडवायजरी बोर्ड के सामने जासके ताकि कार्यकारिणी नाजायज ढंग से उसके अधिकारों की हत्या न कर सके। यह बहुत ही महत्वपूर्ण चीज है।

बड़ी गम्भीरता के साथ मैं एक उदाहरण आपके सामने पेश करना चाहता हूँ अगर इस सदन में कोई महिला सदस्या हों तो मैं उनसे अपील करूंगा कि वे इसमें दिलचस्पी लें। मैं एक महिला की कहानी आपके बताने जा रहा हूँ। वह बहुत ही दर्दनाक कहानी है। इससे आपको पता चलेगा कि जो अधिकार सरकार को मिले हुए हैं उनका किस तरह से बुरा उपयोग होता है। महाराष्ट्र के गृह मंत्री और मेरे खयाल में सभी सूबों के गृह मंत्री इस ब्रक्त इस बात पर जोर दे रहे हैं कि संकटकालीन स्थिति के रहते उनको जो अधिकार मिले हुए हैं, उनको समाप्त न किया जाए। वे उन अधिकारों को छोड़ना नहीं चाहते हैं। इसीलिए केन्द्रीय सरकार के ऊपर वे दबाव डाल रहे हैं कि संकटकालीन स्थिति को खत्म मत करो। अगर तीन साल से उनको ये जो विशेष और तानाशाही अधिकार मिले हुए हैं इनका वे सदा दुुरायोग करते आ रहे हैं और सदा दुुरायोग करना चाहते हैं। महाराष्ट्र के गृहमंत्री के पुत्र हैं एक। उनकी एक लड़की से दौस्ती थी। शायद उस लड़की के साथ वह शादी भी करना चाहते थे। उसमें मैं जाना नहीं चाहता हूँ। मैं निवेदन यह करना चाहता हूँ कि गृह-

[श्री मधु लिमये]

मंत्री जी को यह रिश्ता पसन्द नहीं था और कहीं और वह अपने पुत्र की शादी करना चाहते थे। जिस लड़की से उनके लड़के की दोस्ती थी उसका नाम पंसी दत्त है। उसको उन्होंने भारत सुरक्षा कानून के अन्दर बन्द करवा दिया और येरबड़ा जेल में दो तीन दिन रखा। उसके बाद उसकी माता को और बहन को एक पुलिस अधिकारी येरबड़ा जेल में ले गया जहाँ पर उस लड़की को रखा था। वहाँ उस पर दबाव डाल कर यह बयान उससे लिखाया गया कि मैं पाकिस्तान के लिए जासूसी का काम करती थी। (एक सदस्य यह घरेलू मामला है।) ये घरेलू नहीं हैं। यह नागरिक स्वतन्त्रता का सवाल है। उनके सारे पत्र और कागजात को भी जब्त किया गया और यह बयान लिखाया गया कि वह पाकिस्तान की जासूसी करती थी। उससे कहा गया कि गृह मन्त्री जी के पुत्र के साथ अब कोई रिश्ता मत रखो, तभी जाकर तुम्हें मुक्त किया जाएगा। फिर उसको छोड़ दिया गया, जब उसने ऐसा कह दिया। ये जो गृह मन्त्री हैं, पुलिस मन्त्री हैं, भारत सुरक्षा कानून के अन्दर जो अधिकार इनको मिले हुए हैं उनका ये दुरुपयोग करना चाहते हैं। इसी लड़के की शादी कहीं दूसरी जगह उन्होंने कर दी। और देखिये कि कितनी उनमें उहड़ता भा गई है। एक दस्तावेज \*में आपके सामने रखना चाहता हूँ। यह है न्यूता शादी का, उनके पुत्र की शादी का। इसमें लिखा हुआ है :

D. S. alias Bala Saheb Desai requests the pleasure of your company at a reception to celebrate the wedding of his son Shivaji Rao with Vijaya... RSVP—Private Secretary to Home Minister, Sachivalaya, Bombay. 32.

इसका क्या मतलब होता है ? पांच छः हजार लोगों को दावत के लिए बुलाया गया . . .

सभापति महोदय : इस वक्त जो कुछ आपने जवाब देना है, उन बातों का देना है जो मिनिस्टर साहब ने उठाई हैं।

श्री मधु लिमये : भारत सुरक्षा कानून के मातहत जो अधिकार मन्त्रियों को मिले हुए हैं उनका दुरुपयोग कैसे हो रहा है केवल इसी से सम्बन्धित मेरी यह बात है।

Shri H. N. Mukerjee (Calcutta Central): This matter has gone on record; the answer from the government must be forthcoming.

श्री मधु लिमये : मैं भ्रज यह करना चाहता हूँ कि सरकारी सचिवालय से इस तरह का न्यूता जब पांच छः हजार व्यक्तियों को जाता है तो उन व्यक्तियों में डर पैदा होता है कि अगर इस न्यूते को हमने स्वीकार नहीं किया और प्रेजेंट भेंट वगैरह जो होता है या उपहार वगैरह जो होते हैं उनको लेकर नहीं गए तो हमारा नाम गृह मन्त्रालय में दर्ज रहेगा। भारत सुरक्षा कानून के अन्दर अगर एक लड़की को इन नियमों का दुरुपयोग करके जेल में ठूसा जा सकता है तो हमारी क्या हिम्मत है कि हम शादी में न जायें और उनको पैसा वगैरह न दें। मैं निवेदन यह करना चाहता हूँ कि लाखों रुपया इस तरह इकट्ठा किया गया है।

मेरा मन्त्री महोदय से निवेदन है कि मेरी तरफ़ीम को वह स्वीकार करें ताकि भारत सुरक्षा कानून खरम हो जाए और अगर प्रिवेंटिव डिटेसन एक्ट का प्रयोग होगा तो संकटकालीन स्थिति में भी तो अदालत के सामने जाने का अधिकार होगा। नज़रबन्द रखने का तो अधिकार सरकार को रहेगा हम केवल यह मांग कर रहे हैं कि एडवाइजरी बोर्ड रहे और उसके सामने बयान देने का अधिकार रहे। इसका कारण यह है कि संकटकालीन स्थिति तो आप जल्दी खरम नहीं

\*The Speaker, not having subsequently accorded the necessary permission, the document was not treated as laid on the Table.

कर रहे हैं। मैं चाहता हूँ कि संकटकालीन स्थिति के रहते हुए भी अगर मेरी तरफ़ीय को स्वीकार कर लिया जाएगा तो अदालत के सामने अन्याय के खिलाफ़ जनता को अपील करने का अधिकार मिलेगा। इसलिए मेरा निवेदन है कि मेरे विधेयक को स्वीकार किया जाए।

**Mr. Chairman:** A serious allegation has been made. If the hon. Minister wants to say something, I will give him that time.

**Shri Hathl:** The hon. Member has mentioned something about the Maharashtra Home Minister.

**Shri Kapur Singh (Ludhiana):** We want to know something about Miss Percy Dutt.

**Shri Hathl:** Perhaps you think that I have come prepared with all these facts. In fact, I had given... (Inter-ruption).

16 hrs.

श्री मधु लिमये : अध्यक्ष महोदय, आप की इजाजत से इस न्यौत को मैं रख दूँ ?

**Mr. Chairman:** It may be examined. Order, order.

**Shri Hathl:** Generally, in a discussion like this, on a constitutional amendment, I did not expect that Shri Madhu Limaye would bring in

the name of a gentleman who is not in the House, one who occupies a position in the State, and certain allegations....

**Shri S. M. Banerjee:** It is the misuse of DIR. We have brought it in the light of the DIR.

**Shri Hathl:** But I never thought that he will bring personalities, about one of his sons and invitation card and all those things. I had never expected this, and it is not proper also that he should bring in personalities while we are debating an amendment of the Constitution.

**Dr. L. M. Singhi:** Before you put this to the vote, one clarification should be forthcoming, particularly in respect of the period of time which the Government propose to take to review and to rescind the present laws of emergency and also why the Government does not use the powers granted to it under article 359(2) in respect of restricting the emergency laws to certain areas only where the need exists rather than spreading it out throughout the country for an unduly long period.

**Shri Hathl:** But on that, the Prime Minister and the Home Minister have already made statements.

**Mr. Chairman:** The question is:

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

The Lok Sabha divided:

AYES

Division No.8]

[16.00 hrs.

Bade, Shri  
Banerjee, Shri S. M.  
Bhattacharya, Shri Dinan  
Daji, Shri  
Gupta, Shri Kashi Ram  
2864(Ai)LSD—10.

Kapur Singh, Shri  
Limaye, Shri Madhu  
Muhammad Ismail, Shri  
Pattneyak, Shri Kishen  
Ranga, Shri

Seahyan, Shri  
Shastri, Shri Prakash V  
Swamy, Shri Sivamurthy  
Trivedi, Shri U. M.  
Yadav, Shri Ram Sewak

## NOES

Alva, Shri A.S.	Mahadeo Prasad, Shri	Ram Swarup, Shri
Azad, Shri Bhagwat Jha	Mahishi, Dr. Sarojini	Rane, Shri
Bal Krishna Singh, Shri	Malaichami, Shri	Ranga Rao, Shri
Bhargava, Shri M. B.	Maihotra, Shri Indee J.	Rao, Shri Jaganatha
Chaudhuri, Shrimati Kamala	Mantri, Shri D. D.	Rao, Shri Rampathi
Choudhary, Shri	Maruthiah, Shri	Rao, Shri Thirumala
Daljit Singh, Shri	Mehdi, Shri S.A.	Roy, Shri Bishwanath
Das, Shri B. K.	Mehrotra, Shri Braj Bihari	Sahu, Shri Rameshwar
Dass, Shri C.	Mehta, Shri J. R.	Samanta, Shri S. C.
Dubey, Shri R. G.	Menon, Shri Govinda	Satyabhama Devi, Shrimati
Hansda, Shri Subodh	Mishra, Shri Eibhuti	Sheo Narain, Shri
Hanumanthaiya, Shri	Mohanty, Shri Gokulananda	Singh, Shri D. N.
Harvani, Shri Anwar	Narkar, Shri P. S.	Singh, Shri K. K.
Iqbal Singh, Shri	Paliwal, Shri	Sinhaan Singh, Shri
Jadhav, Shri M. L.	Pandey, Shri Vishwa Nath	Tiwary, Shri D. N.
Jha, Shri Yogendra	Patil, Shri J. S.	Tiwary, Shri K. N.
Kamble, Shri	Patil, Shri T. A.	Tiwary, Shri R. S.
Kindar Lal, Shri	Puri, Shri D. D.	Tripathi, Shri Krishna Deo
Lahtan Chaudhry, Shri	Rai, Shrimati Sahodra Bai	Tyagi, Shri
Lalit Sen, Shri	Raja, Shri C. R.	Yadav, Shri N. P.
Laskar, Shri N. R.	Rajdeo Singh, Shri	Yadava, Shri B. P.

**Shri Pottekatt** (Tellicherry): I am for Aye.

**Mr. Chairman:** The result of the Division is: Ayes 15; Noes 63. The motion is not carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. Therefore, the motion is lost.

*The motion was negatived.*

**Mr. Chairman:** Now, the Transport Minister is going to make a statement.

CALLING ATTENTION TO MATTER  
OF URGENT PUBLIC IMPORTANCE—  
contd.

REPORTED CANCELLATION OF ALL FLIGHTS  
OF AIR INDIA—contd.

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** With your permission, Sir, I rise to make a statement on the sudden stoppage of work by the Flight Navigators of Air India and the consequent decision of the management

to cancel all flights commencing from 0100 hours (I.S.T.) on Friday, March 18, 1966, until further notice.

On March 17, 1966, the Indian Flight Navigators Guild representing the Flight Navigators of Air India informed the management of their intention to stop work on and from 0 30 hours (I.S.T.) on March 18, 1966, because of their dissatisfaction over the award of the National Industrial Tribunal relating to the revision of their pay scales and allowances and other service conditions.

Despite earnest pleas of the management not to go on illegal strike without exhausting all constitutional means and their offer to arrange discussions in Delhi, the Navigators Guild stuck to their decision to go on strike. To enable Members to appreciate the situation that has been brought about by the sudden and illegal strike resorted to by the Guild, I may briefly explain the background of the case.

The pay and allowances of the employees of Air India were last revised in 1959-60 when the management of