

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of Articles 19 and 41)

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): 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 BAPUSAHEB PARULEKAR: I introduce the Bill.

16.39 hrs.

CONSTITUTION (AMENDMENT)
BILL

(Amendment of Article 311)

MR. DEPUTY-SPEAKER: Before I call upon Shri Chitta Basu to move the motion for the consideration of his Bill, we have to fix the time limit for discussion on this Bill. I think we can fix two hours.

SOME HON. MEMBERS: Yes.

SHRI CHITTA BASU (Barasat): Mr. Deputy-Speaker, Sir, I rise to move:

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

While moving the motion for the consideration of this Bill, I would like, at the outset, to explain the principal objects for which I have moved this Bill. The principal object of moving this Bill is to protect the democratic rights of the Central and State Governments employees, who number, today, about seventy lakhs. I am glad that you are in the Chair, when we are discussing about the protection of the democratic rights of the Central and State Government employees, because you have an intimate knowledge about their problems and their move-

ments. My second object of moving this Bill is to remove the blot in our Constitution which deny the right to natural justice to our citizens who happen to be the employees of the Government of India or the State Governments.

Now, my object is also to remove the obstacles which stand in the way of participation of all the Central and State Government employees in the legitimate, rightful, trade union movement because the particular provision of the constitution which I seek to remove deters them from taking effective part in the legitimate, lawful, democratic trade union movement by the Central and State Government employees.

As you know, my object is to remove a particular provision of the Constitution, namely, proviso (2)(c) of article 311. Why I have chosen this particular proviso of article 311 is to be made clear at the outset. I am quite aware of the fact that the entire article 311 seeks to deny the democratic right to the Central and State Government employees. It seeks to deny them the natural justice. The Damocles' sword always hangs over their head. They are always under the constant fear of being dismissed for participation in legitimate trade union movement. It is a blot on the Constitution of our country which has enshrined fundamental rights, the right of association, is the right to speak and other fundamental rights. Therefore, this is a blot on the Constitution of our country which has enshrined fundamental rights for the citizens of this country and which I feel should be removed at the earliest opportunity.

Now, the question is why, when the entire article 311 is sought to be used as a weapon against the Central and State Government employees, I have chosen a particular proviso, namely, (2) (c). The main reason is that this is the most mischievous one and it

[Shri Chitta Basu]

should be done away with to begin with. My effort shall not end by the deletion of proviso (2)(c). My object is to start the process to democratise the Constitution, to remove certain blot on our Constitution and, particularly, to ensure the democratic rights for the Central and State Government employees. In the entire article 311, the proviso (2) (c) is the most mischievous one. Therefore, my first attack is to be concentrated on that most mischievous proviso and that is why I have chosen that particular proviso.

I am also quite aware of the fact that article 310 and article 311 are to some extent inter-related. We cannot consider article 311 without knowing the background of article 310. I may submit that article 310 is nothing but replica of the Government of India Act of 1935. You will be surprised to know that this 1935 Act was designed and framed on the basis of the British convention which is generally understood as a doctrine of "Royal pleasure" I would like to bring to your notice that certain provisions from that British convention have been bodily lifted and have been inserted in the Constitution of our country, namely, in article 310.

When colonial legacies and colonial attitudes have crept into our Constitution, everybody in this House should feel ashamed of them.

My object is not to deal with Art 310 at the moment. But you should also know what is meant by the doctrine of 'royal pleasure'. It means that Government employees are the King's or Queen's most obedient servants. That is what is meant by 'royal pleasure'. Secondly, there cannot be any contract between the King or the Queen and Government employees. Thirdly, the employment of Government servants depends entirely upon the pleasure of the King or Queen. Therefore, the servant-master relationship as conceived by the British colonial regime has found

a place in our democratic Constitution. Whatever might be the situation in Great Britain, that situation does not prevail in our country. That concept of 'royal pleasure' is a detriment or is an antidote to democracy. After all, the Central Government and State Government employees are citizens of our country. Therefore their services cannot be at the pleasure of the Governor or the President, just in keeping with the tradition or convention of 'royal pleasure'. I cannot but condemn this approach towards State and Central Government employees of our country.

I would agree that Art. 311 provides a certain amount of check or limitation, if you permit me to say so, on the application or exercise of this doctrine of 'pleasure'. To that extent it is a healthy thing. You must know what it means. Let me quote the relevant Article:

"311. (1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges."

It is clear that there has been a check or some kind of a limitation put on the doctrine of 'royal pleasure' which has found place in our Constitution in Art. 310. The check or limitation is that nobody can be dismissed by an authority which is subordinate to the appointing authority. That is what it says. The second limitation or check is that he should be provided with a reasonable opportunity of being

heard, he should be given a charge-sheet, he should be given the chance of explaining his position, he should be given a reasonable chance or the opportunity of being heard.

But again there was another limitation also—on the quantum of penalty—if it is so decided that there was a provision of giving another chance of hearing on the quantum of punishment. Unfortunately, the second chance has been taken away under the 42nd Constitution Amendment.

But the most undemocratic aspect of this Art. 311 is that there is no scope or opportunity for inquiries and hearings under certain circumstances. That is mentioned in proviso (2) (a), (b) and (c) of which, to begin with, I want to delete the proviso (c). What does the proviso (a) to (2) say?

“Provided further that this clause shall not apply—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge.”

I am inclined to concede this position. Here, there is a chance of hearing. The Court would give him a chance of explaining his position. Here is an opportunity of judicial determination. But come to proviso (b):

“Where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry.”

That is, he can be barred from an inquiry if that authority is satisfied that a reasonably practicable inquiry is not possible. Who will determine as to whether there is a practicable scope or opportunity for hearing or an inquiry? It is no other agency that will determine it. Of course, it is there that it should be recorded in

writing—the reasons for not providing an opportunity of being heard or of an inquiry being held for certain practical reasons. The reasons ought to be stated or recorded. But, if there is any question as to whether that right has been properly exercised or arbitrarily exercised or exercised in a way prejudicial to the interested in the employee concerned, who is to give the final decision? It is a negation of the judicial principle. It is a negation of the principle of natural justice. The same authority will have the final say as to whether there is a possibility of providing him a reasonable opportunity of hearing for explaining his case. Then 311(3) says:

“If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.”

That is, the authority which has deprived him, which has denied him the right of hearing, which has denied him the opportunity of being heard, will have the final say as to the justice and as to the reasonableness of the denial of that opportunity. This is most undemocratic. This is high-handedness. This is nothing but clothing the bureaucrats with more power to deal with people whom they do not like, to deal with persons in service whom they do not like; they used frequently this very clause to get rid of those persons whom they do not like or whom they do not like to be in service.

In case of 2(c)—I will quote it later—the opportunity of enquiry is altogether negative. You look at it—

“(c) where the President or Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity.”

[Shri Chitta Basu]

That is, if the President is satisfied that in the interest of the security of the State, it is not expedient to hold such enquiry, he would not be provided with any scope of enquiry and he will be summarily dismissed and sent back home.

Sir, there has been a great deal of misuse of power under 2(c). I would, only for your information, mention some of them. I have got a long list. But, I don't want to take the time of the House to cite those examples. In 1969-70, after the dismissal of the United Front Government of West Bengal, they all had to face dismissal under Art. 311(2)(c). The reason was that there was an obliging Government in West Bengal for the Central Administration—the then ruling party. It is in this sense that the ruling party at the Centre wanted to crush the democratic movement of the State Government employees of West Bengal which was very powerful. Therefore, they dismissed from service 13 Members—if I am not mistaken—of the employee's unions under the proviso of 2(c), Art. 311.

In 1972 when Shri Siddhartha Shankar Ray became the Chief Minister, he later, let loose a reign of terror and wanted to get rid of those people who were found to be not liable and so there was a spate of dismissal of State Government employees in 1972

In 1975, you know, Sir, during the emergency, the leaders of different employees' unions, both at the Central and at the State levels—unions and associations—were summarily dismissed. In Calcutta, the leaders of the employees' unions were crushed, arrested or detained under MISA. They suspended them from their service and he got rid of them by application of 2 (c) as it involved the security of the State as said by them. Therefore this pernicious provision of 2 (c) of 311 has been made free use of in order to crush the legitimate, democratic and, just trade union movements of the Central and

State Government employees in our country.

Now, Sir, 2 (c), in its application only, is all pervasive and it can attract each every person in the Central or State Government Services, In many cases....

MR. DEPUTY SPEAKER: Mr. Basu, I do not want to apply 311 (2) (c) to you.

SHRI CHITTA BASU: I know that. You cannot. You are a democrat. So, you cannot apply 2 (c) to my speech. You are a democrat and you are here only to protect our rights. Therefore, you cannot apply that on me.

MR. DEPUTY SPEAKER: That is true.

17 hrs.

SHRI CHITTA BASU: There were several cases in the High Courts. In no case can the Government produce any shred of evidence against employees who have been dismissed under Art. 311 (2) (c). The Calcutta High Court in a particular case, in the case of Mrinal Kanti Dass Burman, held that the Government should define what is really or actually meant by 'security of State'. I want also to briefly refer to the judgement of Supreme Court in Chittapari case of 1974. The judgement is very significant. It is held by Supreme Court that when there is a recourse to proviso of sub-article 311 it is not of course necessary to establish the guilt of the person but he must be given an opportunity on the quantum of punishment imposed on him, that is to say, he should not be given extreme punishment namely dismissal. Now, that provision has been taken away by the Forty-Second Amendment and therefore that is not applicable in case of release. It cannot be available in the case of these categories of employees. There is no scope

for any hearing at any stage. Much has been said about the authority for exercise of this power. Power under Art. 311(2) (c) has been vested at the hands of highest functionaries of our State namely President of the country and Governor of the State. Therefore it is generally assumed that it cannot be exercised *mala fide* because the highest functionaries are to exercise that authority. But in this connection, I would say about the judgment in the Sardari Lal case of 1971 where the Supreme Court held the view that the highest functionaries must be personally satisfied with the merit of the case. Sir, at a subsequent judgment by a larger bench of the Supreme Court in Samsher Singh case it was overruled and it was said that decisions are to be taken by the Ministers who are the political masters of the President or the Governor. Ultimately neither the President nor the Governor can have personal knowledge of the merit of the case to take final decision.....

PROF. MADHU DANDAVATE (Rajapur): Even Ministers are dismissed that way, Sir!

SHRI CHITTA BASU: Ultimately it is the might. It is the police note and report and such things which ultimately determine the fate of the Central Government—and State Government—employees. How can you say that the integrity and security of the State cannot be protected unless this kind of draconian are vested in the hands of the Government? I would like to point out that there are ample provisions in the host of laws of the land to deal with espionage, to deal with those elements who work against the integrity of the country, against the security of the country and so on and so forth. If any Central Government or State Government employee is dismissed or suspended or arrested on specific charge, he can be produced before the court and necessary action can be taken under the due judicial process. But here, in the name of security of the State, anybody can be punished. The Government is not re-

quired to indicate how and in what manner the security of the State is involved.

Experience shows that it has been used in a blanket manner, it has been used in order to destroy the legitimate trade union movement of the Government employees. Therefore, the question of protection of the integrity of the State and security of the State does not hold good unless they are specifically charged, they are specifically tried in a court and given an opportunity of explaining their position.

Before concluding I would only quote the ILO declaration adopted in the last 64th session in 1978:

“Employees organizations enjoy complete freedom from public authorities. Employees organisations shall enjoy adequate protection against any act of interference by a public authority in their establishment functioning and administration.”

But the existence of (c) of clause (2) of Article 311 of the Constitution is violative of this declaration. Therefore, with all humility, I would plead with the House that this blot on democracy should be done away with at the earliest opportunity. It is not a question of party issue, it is a question of ensuring democratic rights to a large section of our citizens, it is a question of ensuring natural justice to a large section of our citizens and no partisan attitude should play any part in this. I hope and expect that support will be forthcoming from all sections of the House. With these words, I comment this Bill to the House.

MR. DEPUTY-SPEAKER: Motion moved:

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

SHRI MOOL CHAND DAGA (Palt): I beg to move:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1980.” (1)

SHRI MAGANBHAI BAROT (Ahmedabad): Mr. Deputy-Speaker, Sir, I have a very painful duty to oppose this Bill and before I do so, I would submit that as a practising lawyer, I have a little experience of having at least defended some of the Government employees, particularly claiming their right under Article 311 of the Constitution of India. Therefore, with a little experience of those cases and a little experience of the provisions of Article 311 and with a little knowledge of the decisions of the various High Courts and the Supreme Court, I would like to make my submissions to the Hon. House in opposition to what the hon. Member has said in support of his Bill.

Firstly, I would like to bring to the notice of this hon. House a fallacy in the Bill which the hon. Member has brought. I would like to draw the attention of this House to the provisions of Article 311 and the particular clause which he has chosen to be deleted. There are three provisos in clause (2) of Article 311. These are:

“(a) Where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge...

There is no requirement of holding a departmental enquiry and the hon. Member has not asked for its deletion. Then,

“(b) Where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry.”

In such a case also, it seems, he has no objection.. (Interruptions). I am only confining myself to the Bill that the hon. Member has brought. He has no objection to a provision which does not require holding a departmental enquiry.

To that provision, he has no objection. He does not want that to be deleted. (Interruptions). I am referring to the Bill that you have brought forward. Therefore, I think I am justified in commenting that you have no objection to the same provision in the same article in the same sub-section in the same sub-clause. Your objection is only to one clause and one sub-clause (Interruptions). My objection to the hon. Member's Bill is this. His generalisation that this provision of the

Bill affects 70 lakh employees of this country is unfounded. I would like to know how many cases fall within this sub-clause 2(c)? Perhaps the number will not cross three figure or even two figure. First of all, I would like to say why clause 3 was required to be provided and what is the legislative history. I must bring to the notice of this hon. House that in 1978 a similar Bill was brought which was a little wider than this one. It was debated in the era of those who were ruling this country then, who were claiming that the second freedom was born in this country. After 1977, under the spell of so-called second freedom in this country, a similar Bill was brought and this House in its wisdom then thought it desirable to reject it. Therefore, there are two things which I would like to mention before I deal with the merits of it. (1) This amendment itself was brought in our Constitution in 1963 in the background of particular circumstances. We had the experience of a war with China. We had the experience, for the first time, in this country that there were not enemies only outside the country, but inside the country also. We then, for the first time, realised that these espionage activities were going on in this country which required the safety of the nation and the safety of the States. Being wise from the experience of 1962, we thought it better to bring forward an amendment to the Constitution. That amendment was again challenged and was rejected in this very House in 1978. Let us first respect the wisdom of these predecessors. Why was it required to be done? In

1968, why were they then claiming all round that now that they had got freedom, this authoritarianism should be removed and that we had got a new light in this country. I think what the Government did at that time, the hon. Members were supporting that also. All the hon. Members who had brought the Bill failed to convince and persuade the government to accept it. So, the majority was against it, all those who are ruling the country today.

I entirely agree with my hon. friend that national interests are involved in certain matters and these are political; neither partisan nor sectional. I would like to say how the government acts, or when it does not act, the courts are free to look into it. It appears that the hon. Member thinks that somebody in his whim takes a decision, remove this man and the man is removed. I would like to say out of my legal experience in the government and also in the state that it is not so. (Interruptions) I think the West Bengal is having another experience. I am talking about my State of Gujarat. I am saying from my personal experience that the implementation position is not grim. What is done is this and I am sure that is also being done at the Centre and in the States, namely, a Secretary of the concerned department prepares a prima facie case. Then on preparation of a prima facie case, the matter is sent to what is called the Advisory Board. Then the Home Secretary of the Government presides. The Secretary (Personnel) is present there. The Law Secretary is also present there and the Secretary of the concerned department is also present there. With these four Secretaries, the highest of the secretariat applies their mind to the case. Thereafter the advice is tendered to the Governor or to the President in the respective cases. You can challenge this provision that it is not so. I can tell you that it is so. I do not know whether West Bengal has ever opposed this provision in the

Constitution. I think not. There it is all right for them to take action, it is a good measure; it is bad when it comes to other states... (Interruptions) My experience as a lawyer in a criminal case in which I appeared is this. On a day of election in Gujarat in 1975, four murders took place in a village called Chamari in Saurashtra, Bhavnagar district. Murders took place almost in equal proportion, two on this side and two on the other side. The dead bodies reached Bhavnagar hospital at about 20' clock, at the equivalent time it reached, the BBC, radio announced this incident. Learning which news a gentleman serving in England telephoned Bombay and enquired, because names were given that they were Rajputs. The gentleman was a Rajput serving there. He telephoned back Bombay to enquire. Much less Bombay, Bhavnagar town was not knowing that such a thing has happened. Let us know that during our elections... (Interruptions) I am only addressing those who have some national spirit. Those who are enemies of the country....

SHRIMATI GEETA MUKHERJEE
(Panskura): It is absolutely objectionable.

MR. DEPUTY-SPEAKER: He never meant anybody here. It is not unparliamentary. If I heard him right, think that he said that the enemies of the nation would only oppose; he never meant you; he said the enemies of the nation would oppose; you are not the enemies of the nation.

(Interruptions).

PROF. MADHU DANDAVATE (Rajapur): Let me make a submission. If you just check the record of what has been said by the hon. Member, with due respect to him, he did not refer to anyone outside this House. While speaking in this House, while addressing this House, he said that: I am only talking to those who have the national spirit and not the enemies of the country. He definitely referred to some Members of this House and it is highly objectionable. You should go through

[Prof. Madhu Dandvate]

the records. (*Interruptions*). I have the right to raise a point with the permission of the Chair and I am raising a point; I am second to none in yielding to the procedures that have been laid down. My humble request to you is this. My humble request to you is, you please go through the records and if you find that certain references and remarks are objectionable and unparliamentary, in that case I would request that they may be expunged.

SHRI MAGANBHAI BAROT: I would make a clarification. I have neither referred to any party nor to any hon. Member. But I was inviting the attention of the nationalist spirited friends and the Members of the House that what kind of espionage is going on... (*Interruptions*) 's,

MR. DEPUTY-SPEAKER: You can continue.

(*Interruptions*).

MR. DEPUTY-SPEAKER: In view of what he has said just now that he has not meant any offence to any Member of the House, he can continue. (*Interruptions*).

MR. DEPUTY-SPEAKER: Please sit down, please sit down.

SHRI CHITTA BASU: He has said "in the House", "inside the House". (*Interruptions*).

MR. DEPUTY-SPEAKER: Who?

SHRI CHITTA BASU: He mentioned that he was addressing the nationalist (*Interruptions*). inside the House.

MR. DEPUTY-SPEAKER: As suggested by Prof. Madhu Dandavate if he had said any people who have no nationalist view or approach in the House; if he has said 'in the House', I will go through the proceedings and edit it. (*Interruptions*).

SHRI MAGANBHAI BAROT: I will resume the narration of the incident. I was saying that in this country there

are forces. I am submitting that in this country when this incident happened, within one hour the news travelled beyond the shores of this country, none in the town was knowing this but it was known to the BBC and the BBC radio announced and proclaimed to the world at large. Now I will come and tell who said and from where.

Supposing in a case of this nature the Department or a particular section of the Government, authority or Secretary comes to know that this information has been passed from some officer or an employee of this Government, of his State and passed on to some espionage agencies working in this country, an action is required, but we see that that gentleman stands at the same footing as an honest or simple and a straightforward person. I would raise some other questions.

Let us take an illustration. The question involved (as a lawyer I can address to myself) is Principle of Natural Justice. I very well know that principle. Therefore, the question is, let it be argued. It is reasonable and logic, it is to be argued. Let it be said that whereas you give the principle of Natural Justice to everyone, why not to a given person? The answer that has to be given for continuing this statement, or the provision of law is this—why in a given case, one out of million, because I do not think they are more than that—hardly one in a million is likely to be prosecuted or debarred or to be removed or dismissed in this fashion.

Let us take the case of espionage of an Embassy. I am saying academically. A foreign country wants to get information either through a military official or from someone having an excess to the secret files of the Government and there is a counterpart there. Or let us say it is *vice versa*. Now, the principle of Natural Justice is to be insisted upon. The employee concerned will ask, produce the witness to give evidence against me that I have passed on the information to him. What jurisdiction we have? I am very

humoly asking this hon. House, what jurisdiction we have. If a foreign country wants the espionage on our country's activities and some one of us—an employee passing information to that country, to some counter-part of his, and he insists upon evidence to be examined in his presence, otherwise it is violation of principle of Natural Justice, how do we call him? I am trying to answer, how is it possible?

MR. DEPUTY-SPEAKER: Please conclude.

SHRI MAGANBHAI BAROT: Sometimes it is not desirable, not in the larger interest of the national security to give information. What happens? I would like to state with my experience as a lawyer, in a departmental enquiry certain witnesses are examined and cross-examined. To that extent it is all right. But the same person when he goes to the court of law produces that evidence in the court of law. It becomes part of the public record. Are we going to say that we open our doors and keep them so wide that any enemy acting against our country's interests should by putting one or two or purchasing one or two of our employees have the information? Then that man may claim fundamental right under article 311 and prove the records before a court of law; and, that can travel beyond the shores of the country as a record of a court of law. This is impossible. No nation can survive like that. Nation's security has to be safeguarded. The courts have hailed it and our Constitution is clear about it. Charges of *mala fide* can always be made in a court of law. There is no bar. I would like to quote for the benefit of my friend what the constitutional provision is in America, the country of great liberty: It says:

"Notwithstanding the provisions of any other law, the Secretary of State may in his absolute discretion and when deemed necessary in the interest of national security, suspend without pay any civilian employee. The agency head concerned may, following such investigation and review as he deems necessary, terminate the

employment of such suspended civilian employee, whenever he shall determine such termination necessary or advisable in the interest of the national security of the United States and such determination shall be conclusive and final."

(Interruptions).

AN HON. MEMBER: It is subject to judicial review.

SHRI MAGANBHAI BAROT: No; this is conclusive and final. I have read the provision from the American Constitution. He can quote me and say that I was wrong in my quotation.

Sir, Maneka Gandhi's case is cited, saying that Government has no power to take away the liberty, etc. This is what the Supreme Court has said in that case and this would very much apply in this case as well.

MR. DEPUTY-SPEAKER: With that, I hope you will conclude.

SHRI MANGANBHAI BAROT: Yes; Sir. If the Supreme Court's observation cannot convince my friend, I do not think I can do it, because the Supreme Court judgment is the last word on the subject and it is the law of the land. The Supreme Courts says:

"There may be questions of national safety and welfare which transcend the importance of the individual's inherent right to go where he or she please to go."

This is in the passport case. If national safety transcends the individual's inherent rights, are we going to say that people involved in espionage, in selling away the interests of this country, have a higher right than the citizens of this country? Are we going to throw open the doors for them? Are we going to quote those people as witnesses? For whose protection are we asking it? I say, the lessons have been learnt by the nation in the 1962 Chinese war, corroborated by the Pakistan war of 1965 onwards. Therefore, to the extent the country's safety re-

[Shri Magan Lal Barot]

quires, you will have to suffer, so that the nation survives.

DR. FAROOQ ABDULLAH (Srinagar): Sir, I am here to oppose this amendment not because of what our learned friends have put forward, but because of the way my State of Jammu and Kashmir and Ladakh is situated. As all of you know, we have Pakistan on the one side and a large chunk of territory is still in the hands of China. In this State of ours, we have constant problems of espionage. I am sure my learned friends here know of the recent army espionage case. Our problem is that these persons who work in the Government have access to information which none of us has. Some of the information is vital for our very existence and particularly for the State of Jammu and Kashmir and Ladakh. If my friend thinks that espionage is a fundamental right of the trade unions then obviously we should be prepared for the troubles that might come in our State of Jammu and Kashmir tomorrow. I want to make this completely clear that we have people in that State who still have leanings towards one side or the other and are in the Government offices. I do not know what is happening in West Bengal, I may be pardoned for that. But I know in Jammu and Kashmir and Ladakh because of this article, great watch is kept and these officers know for certain which we the Members forget that the fraternity of these people is very strong. The Home Secretary, the Personnel Secretary, the Law Secretary are friends of each other and have great interest in their brethren and will not harm them if the thing that has been brought to their notice is not correct. That is why, I plead, before you take such a major decision of amending this particular provision, please remember that in our State of Jammu and Kashmir you are playing with fire because these people have the information which can lead to greater destruction. They can tell the enemy the movement of the Army, where our tanks are situated, where our great fighters are situated so that they know

exact¹ where they should fire their guns. In the world of today, you do not need men to walk in, you merely push a button and guide these missiles to the areas where these things are. I say that before we amend this provision, please take into consideration the national security. This is the only thing that I wanted to bring to the notice of the House. I hope, all of us who are sitting here, will always consider the Nation greater than our Parties.

SHRI AJOY BISWAS (Tripura West): Hon. Deputy-Speaker, Sir, I rise to speak in support of the Bill introduced by hon. Chitta Basu. Sir, I am not only supporting this, but I am certain that 80 lakhs of Central and State Governments employees also will support this Bill. The Government employees know the real meaning of this draconian provision of the Constitution because they are directly affected by this provision. The State and Central Government employees have been agitating against this provision for the last two decades. The State Governments employees came to Delhi in 1968 and 1973 in thousands to tell the Government to delete this provision. The State Government employees had to go on a token strike in 1974 against this provision. So, I am sure that the entire State and Central Governments employees are against this provision. Why? Will you say that all the State Government, and Central Government employees are anti-national?

Sir, already the State and Central Government employees have demonstrated in different parts of the country, because time and again article 311 had been used against the leaders of both Central and State Government employees to curb their trade union activities. I know it better because I come from Tripura, where 27 leaders of State Government employees were dismissed or removed under article 311(2)(c). Almost all the dismissed employees were accepted leaders of the State

Government employees. Ten of them were arrested under MISA during the emergency and put behind the bars. It was inhuman that the dismissal orders were served inside the jail. When the leaders of the employees were outside the jail, they were served dismissal orders by the police officers. Three contingents of police personnel went to the houses of the leaders of the employees in the late hours of the night and served the dismissal orders. Can you say that all the leaders of the State Government employees acted against the security of the State? Certainly not.

In West Bengal the same method was applied in 1972 and 1975. 29 leaders of State Government employees were dismissed under article 311(2)(c). In Assam and Andhra Pradesh the employees were victimised under the same article. While a murderer has got the right of self-defence, the Government employees are denied even that right. Actually, the Government employees are now being treated as second class citizens, as slaves. The Government employees have been deprived of all political and trade union rights. This position has continued even 32 years after independence. Is this in conformity with democratic norms, I ask. This suits only an authoritarian regime, and you are trying to establish that. For that reason, hon. Members have opposed it. If any employee is guilty, he can be prosecuted and punished by existing laws of the land. Even in the capitalist countries the employees are enjoying political and trade union rights. Are you prepared to follow that? Are you prepared to follow even the path of the capitalist system? You are not following that. You are following the path of the British regime. The British came to our country only to exploit our people and so the British needed such type of black laws and provisions. If you want to serve the capitalists and

oppressors, you also need all these black laws and you are doing that. For the last 32 years, Article 311(2) (c) has been used against the leaders of the Central trade union organisations. I request the Government and all Members of this House to realise that there are draconian provisions in the Constitution and these should be deleted from the Constitution to protect the democratic values of the country.

श्री राज बिलास पासवान (हाजीपुर) : उपाध्यक्ष महोदय, प्रश्नी जो बिल हमारे सामने है उसके सम्बन्ध में मैं दो बातें मुख्यतः कहना चाहता हूँ। मैं समझता हूँ कि माननीय चित्ता बसु ने जो बिल यहां रखा है उसकी मंशा कुछ ग़ौर है। उनके दिमाग में शायद यह बात घूम रही है कि कहीं फिर कोई ऐसी नीबत न भ्रा जाए जिसके माध्यम से जो सरकारी कर्मचारी हैं, और खास कर के जो राजपत्रित अफसर हैं वह सरकार के हाथ की कठपुतली न बन जायें। मैं देख रहा था जिस समय कांस्टीट्यूट असेम्बली बँठी थी। और उस समय जो डिस्कशन हुआ था उसमें यह स्पष्ट मान्यता थी कि जो सिविल सर्वेन्ट्स हैं जो सरकारी कर्मचारी हों उनको इतना अधिकार दिया जाय, सेक्योरिटी दी जाय कि वह सरकार के गलत काम में भागीदार न बनें। इसके दो पक्ष हैं। मैं देहात की बात कहता हूँ कि एक सरकारी कर्मचारी है गजेटिड अफसर उसको यह पावर है कि यदि कोई हरिजन है, गरीब है और वह जिस जमीन पर बसा हुआ है, मकान है उसको प्रिविलेज्ड पर्सन्स होमटर्नेसी एक्ट के मुताबिक परचा दे दें। देहात में यह होता है कि रात तक वहां घर है और ज्यो ही परचा के लिए हरिजन एप्लाई करता है तो वह घर न रह कर जमीन हो जाती है। यदि कोई अफसर गरीब का हितैषी है तब तो वह जा कर कहेगा कि नहीं गरीब का घर था इसको परचा दे दो। और यदि कोई अफसर गरीब का विरोधी है तो वह कह देगा कि नहीं इस जगह घर था ही नहीं, खेत था। इस प्रकार उसको परचा से वंचित कर दिया जाता है।

जहां तक नेशनल सेक्योरिटी की बात है चाहे किसी पक्ष के माननीय सदस्य हों किसी भी पार्टी से सम्बन्धित हों कोई नहीं चाहता कि हम भारत की आजादी को खतरे में डाल दें। और जब कभी मौका प्राप्त है तो ट्रेजरी बजेट में जो लोग बँटे हुए हैं उन्होंने मुरझा को खतरे में डालने की कोशिश की है, कम से कम प्रपोजीशन वालों ने नहीं। 1962 के पहले प्राप देखिए कि हिन्दुस्तान कहां था। यही हिन्दुस्तान

[श्री राम विवास पामवान]

था जो मि० वाऊ-एन-साई को बल्ड में इन्ट्रो-ड्यूस कराना था कि भीट मि० वाऊ-एन-साई ग्राहम मिनिस्टर थाफ चाहता । 1962 के बाद स्थिति क्या हुई कि थाफको दूसरे के मार्फत बिदेशो में इन्ट्रोड्यूस होना पड़ता था । इसीलिए मैंने कल भी कहा था कि देश के लिए तीन चीजों की आवश्यकता है, देश में नेता भी हों, नीती भी हो और नियत भी हो । जब तक यह तीनों साथ नहीं होंगे तब तक देश आगे नहीं बढ़ेगा ।

जहाँ तक सरकारी कर्मचारियों का मामला है, मेरा जैसा आदमी शुरू से ही अफसर-शाही की खिलाफत में रहा है । हम जानते हैं कि अफसर को ज्यादा पावर देने का मतलब है कि वह कल हम ही लोगों को जेल में बन्द करेगा । जितनी उम्र नहीं है, उससे ज्यादा जेल में रहा हूँ । हम अफसर को कुछ कहेंगे तो वही अफसर कहेंगे कि जेल में बन्द करो ।

हरिजन एग्रेसिविटीज की बान कही गई कि डी० एम० और एम० पी० इसके रिस्पॉन्सिबल होंगे और उनको मस्पेंड और डिम्बार्ज किया जायेगा । पूरे हिन्दुस्तान में एक जगह भी ऐसा केस नहीं मिला है जिसमें किसी डी० एम० या एम० पी० को डिम्बार्ज किया गया हो । क्योंकि आई० ए० एस० अफसरों का एक गिरोह बना हुआ है पूरे हिन्दुस्तान में । फाइल हाइएस्ट अफसर के पास जायेंगे और हाइएस्ट अफसर आई० ए० एस० ही होता है । एक आई० ए० एस० अफसर के खिलाफ दूसरा आई० ए० एस० अफसर कभी कुछ नहीं लिखेगा । कोई भी अफसर किसी भी कन्स्ट, बेईमान और धूमखोरी करने वाले अफसर के खिलाफ कभी रिपोर्ट नहीं लिख सकता, क्योंकि उन सबका एक गिरोह बना हुआ है । इस लिए मैं इस मन का हूँ कि अफसरों के ऊपर लगाम लगनी चाहिए । अफसर तो भरबी घोंडा होता है । हम पालियामेंट के मँबर यहाँ लम्बे चौड़े भाषण देते हैं, मालूम होता है कि हम ही सबसे बड़े तीसमारखा बन गये हैं, लेकिन जब यहाँ से बाहर जाइये तो बस मैं भी थाफके लिए कोई जगह नहीं मिलती है । अपने-अपने प्लैटो में चलकर जाना पड़ता है । जब अफसर यहाँ से निकलते होंगे तो उनके लिए एम्पला कार खड़ी मिलती है और वह उममें फुर्र करके निकल जाते हैं । यहाँ बैठ कर हम लोग अफसरशाही के खिलाफ बोलें, उनको गालियाँ दें, कुछ करें, लेकिन जब हम व्यवहारिकता में जाते हैं तो हमको पता चलता है कि अफसर की हस्ती क्या है और हमारी हस्ती क्या है ।

यदि मँबर थाफ पालियामेंट या स्टेट ऐसेम्बली के मँबर की प्रतिष्ठा को बचाना है तो निश्चित रूप से चाहे जितने भी अधिका

अफसरों को हों, लेकिन उन्हें मँबर थाफ पालियामेंट और स्टेट ऐसेम्बली के मँबरों के नीचे रहना चाहिए । तभी मँबरों की प्रतिष्ठा बन सकेगी । सिर्फ अफसर को गाली देने से और उनको क्रिटीसाइज करने से काम नहीं चलेगा ।

मैंने आपसे कहा कि अफसरशाही के खिलाफ हम हैं, जमकर खिलाफत करते हैं लेकिन मैं यह भी जानता हूँ कि जो करप्ट होता है, बेईमान होता है, तो चाहे कोई मंत्री भी हो, किसी की हिम्मत नहीं होती है कि वह अफसर को कुछ कह सके । चाहे इस पक्ष के लोग हो या उधर के पक्ष के लोग हो । हम भी कल तक ट्रेजरी बँचैज पर बैठे थे, और फिर ट्रेजरी बँचैज पर चले जायेंगे, लेकिन हम देखते हैं कि वर्तमान कानून और विधान के तहत हम किसी अफसर को कभी भी सजा नहीं दे सकते हैं ।

इस लिए एक प्वाइन्ट जिम्का यूटिलाइजेशन किया जाना चाहिए और जैसा चित्त बसु जी ने कहा, नेशनल सिक्वोरिटी के नाम पर इस पर हमें इमानदारी में बहम चलानी चाहिए, जमकर बहस चलानी चाहिए । गजेटिड अफसर ही क्यों, नान-गजेटिड क्यों नहीं, आई० ए० एस० ही क्यों, पब्लिक सर्विस कमिशन का ही अफसर क्यों, चाहे कोई भी ए० बी० सी० डी० कर्मचारी हो, अगर वह राष्ट्रहीन है, सचमच में जामूसी का काम करे तो निश्चित रूप से उसे सजा मिलनी चाहिए । लेकिन यह भी नहीं होना चाहिए कि वह अफसर जनता पार्टी का राज्य हो तो वह जनता पार्टी का काम करे, जनता पार्टी का स्टैनो बन कर काम करे, लोकदल की सरकार हो तो लोक दल का स्टैनो बन कर काम करे और अगर कांग्रेस पार्टी की हुकूमत हो तो कांग्रेस पार्टी का स्टैनो बनकर उसके अनुसार ही काम करे । यदि उसी लाइन पर काम वह करे तो हम उसको करार कर दें कि यह राष्ट्र विरोध है, यह एटी-नेशनल एलीमेंट है । इस आधार पर यदि काम चलेगा तो फिर आपकी मांगी अफसरशाही से न तो उनका भला होगा और न देश का भला होगा ।

इस लिए मैं आपसे कहना चाहता हूँ कि इस पर गम्भीरता पूर्वक विचार करना चाहिए । एक तरफ हम अफसरशाही पर जो कि भरबी घोड़े की तरह है जो किसी खेत में जरिए जाये तो खेत को खा जाता है, तहसनहस कर देता है, उस पर लगाम लगावे और इस ही और हमारी राष्ट्रीयता और सुरक्षा भी प्रक्षुण रहे देश की सिक्वोरिटी बरकरार रहे । इन दोनों चीजों को साथ लेकर हम चलेंगे तभी इसका निदान होगा इन शब्दों के साथ मैं आपको धन्यवाद देता हूँ ।

SHRI SHIVRAJ V. PATIL
(Latur): Mr. Deputy-Speaker, Sir, the wording of the Article can be scrutinised by us. It reads:

“where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such inquiry.”

This power is made available not to any officer, but to the President, who is the first citizen in the country and to the Governor who is the first citizen in the State and that power has to be utilised after the President or the Governor is satisfied that not holding the inquiry is in the interest of the security of the State. Here, we have to protect the interest of the security of the State and for protecting that, if the inquiry with respect to a person who is removed is not held, I think, we would not say that injustice is done to him. It is done only after the satisfaction of the President or the Governor. The President or the Governor is not a small person, he is a responsible person. He has to see that the interest of the nation as a whole is protected. Therefore, there should not be any objection to not holding the inquiry, if he is satisfied that the security of the nation requires that there should not be any inquiry, when a person is removed, when this Article was framed, there was a big controversy. There were persons who wanted that this Article should not be in the Constitution because they thought that if this Article is in the Constitution, too much of protection will be given to the civil servants and if that is so, the policies that would be formulated by the elected representatives will not be implemented. But then there were certain other persons who wanted that this Article should be in the Constitution and that is why this Article is there in the Constitution. I am not quarrelling over the existence of this Article in the Constitution. But what I am trying to em-

phasise is that we are here not only to the protect the interests of persons who are in the civil service, of course, they are also citizens of this country and their interests should also be protected, but the interest of the nation as a whole is more important than the interest of an individual as such. That is why it is necessary that an Article of this nature should be in our Constitution and we can use this Article only when it is absolutely necessary, when the security of the nation is in question and that is why I would like to say that my hon. friend, Shri Chitta Basu, should not press this Bill and I think he would understand the *ratio decidendi* behind this Article and I hope he would withdraw his Bill.

SHRI NARAYAN CHOUBEY
(Midnapore): Mr. Deputy-Speaker, Sir, I support the Bill moved by my comrade Chitta Basu.

The entire game of the Treasury Benches is to divert the attention of the whole House from the main point to a particular point, whether the man is a traitor, whether the man is sending out some information from the country, as if this article has been used only for that purpose. Supposing that be so, if a man is not in public service, if a man is not in Government service and, if he sends information to Pakistan or Bangladesh or America or this or that country, this article is not meant for him. There is no question of his losing the job. The entire theme is being made in such a fashion as if this article is meant only to safeguard the national interest which is utterly wrong.

I am supporting this Bill because our country is a democratic country. It is in imperialist colonies that men had been and still are detained without any trial. It is there that a man is dismissed from service without assigning any reason. But ours is a democratic State. We have got our Parliament; we have got our courts

[Shri Narayan Choubey]

of law. And they are supposed to be sacred. Why such a draconian system here in our country? It is because the party in power wants to pressurise the Government employees to serve their motivated interest. If any Government servant wants to work independently according to law but not according to the dictate of the leaders of the ruling party, he is removed from service on the ground that the Governor or the President has been pleased to dismiss him from service. And he does not know the offence he has committed. Is it not a queer democracy in the biggest democratic country of the world? Our democracy is not a young democracy. It is now 33 years old. On whose report does the President or the Governor act; take action? It is either on the report of a Minister or a Government officer whose only fair record is to be the *chamcha* of the ruling party.

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SHRI MAGANBHAI BAROT: I object to this (*Interruptions*).

SHRI NARAYAN CHOUBEY: You may object. They can know their charges. They can go to court; they can defend themselves. But not a railwayman, not a defence employee, not a secretarial worker who organised trade union movement.

(*Interruptions*).

MR. DEEPTY-SPEAKER: Mr. Narayan Choubey, Mr. Sanjay Gandhi is a member of the House. When you mention his name.....

(*Interruptions*).

SHRI INDRAJIT GUPTA: (Basirhat): He has not levelled any charges against them. (*Interruptions*).

SHRI NARAYAN CHOUBEY: I have not made any allegations against them. I know these friends of the opposite.

SHRI MAGANBHAI BAROT: I am on a point of order. Mr. Sanjay

Gandhi and Mr. Bansi Lal are two hon. Members of this House. (*Interruptions*).

SHRI NIREN GHOSH (Dum Dum): Under what rules?

MR. DEPUTY-SPEAKER: It is for me to say whether it is a point of order or not.

18.00 hrs.

SHRI MAGANBHAI BAROT: They are not present but allegations are being made, as criminals, against them. I respectfully say that these must be expunged.

SHRI NARAYAN CHOUBEY: No allegation has been made.

MR. DEPUTY SPEAKER: He has not made any allegation? Then it is all right. Carry on. (*Interruptions*.)

He says he has not made any allegation. Please! I am on my legs.

Your point of order was that he was making some allegations against two Hon. Members of the House. He has said he has not made any allegation. Therefore, carry on. (*Interruptions*.)

He has said he has not. Please sit down.

SHRI INDRAJIT GUPTA: You can satisfy yourself from the record whether any allegation has been made. No allegation has been made.

SHRI NARAYAN CHOUBEY: In 1972 hoards of Government employees in West Bengal were removed by means of this Article, and again they have been taken back into service. No harm has been done to this country and they are serving this country as well honestly as many people have been doing. Not only that. I can cite an example. Comrade K. G. Basu was removed from service by this Article

**Expunged as ordered by the Chair.

but, thanks to the people of West Bengal, they sent him, elected as an MLA, to serve the country. So they are not traitors. No allegation is there. But Bansilal was not removed by means of Art. 311(2)(c). (Interruptions.)

MR. DEPUTY-SPEAKER: According to our friend, all those removed under Art. 311 have become MLAs in West Bengal. Therefore, he must have welcomed Art. 311.

SHRI NARAYAN CHOUBEY: The test of the pudding lies in the eating. And what is the practice? In practice, this has been used never against any real corrupt employee. He gets promotion. They have always been against T.U. leaders, against such Government employees who fight for justice, who form and lead Trade Unions.

Lots of such famous Trade Union leaders as K.M. Bhadra, K. M. Bhat-tacharya, P. B. Kotayya, R. L. Reddy, Mahadev Chaitanya and others have lost jobs on the South Eastern Railway by this draconian law. But never has a bad man been touched.

So, should our Government employees be treated more shabbily than the criminals? Is it justice? Is it democracy?

We want the repeal of the Section to make our Constitution really democratic. We hope for support from all sections, including the ruling Party which professes democracy and socialism, of course the Indira brand.

श्रीमती कृष्णा साहू (बेगुसराय) : उपाध्यक्ष महोदय, संविधान में संशोधन करने के लिए जो विधेयक हमारे माननीय सदस्य, श्री चित्त बसु, ने प्रस्तुत किया है, मैं उसके विरोध में खड़ी हुई हूँ। मैं इसका विरोध इस लिए नहीं कर रही हूँ कि वह विरोध पक्ष से संशोधन लाया गया है, बल्कि मैं इसका विरोध इस लिए करती हूँ कि वह जनहित में नहीं है, राष्ट्रहित में नहीं है।

मैं आप सभी जानते हूँ कि जब सरकारी पदाधिकारी या कर्मचारीगण राष्ट्र विरोधी कार्य में

संलग्न हो जाते हैं तो तत्क्षण और तत्काल कार्यवाही करनी होती है। यदि उसमें विलम्ब होता है तो उससे हमारे राष्ट्र में काफी गड़बड़ी पैदा होती है और राष्ट्र की सुरक्षा भी खतरे में पड़ जाती है।

समापति महोदय, आप सभी जानते हैं कि हमारा जो नामल प्रोसीजर है या जो संविधान में संशोधन की बात उन्होंने उठाई है, यदि यह सबन उसको मानता है तो यह एक लांग-ड्रान-प्रोसीजर हो जायेगा और इतना समय लग जायेगा कि उससे हमारा बहुत नुकसान हो जाएगा राष्ट्र सर्वोपरि है, राष्ट्र से व्यक्ति ऊंचा नहीं होता है, राष्ट्र की सुरक्षा के लिए ही हम सभी यहाँ उपस्थित हुए हैं। इस लिए मेरा भ्रात्रह है कि हमारी सरकार को इतनी शक्ति तो प्रदत्त रहनी ही चाहिए कि जब देश की भ्रान्तरिक सुरक्षा खतरे में हो तो तत्काल सरकार कार्यवाही कर सके, प्रशासनिक दृष्टिकोण से भी यह होना बहुत जरूरी है। राष्ट्रपति या राज्यपाल को संविधान में जो भी शक्ति प्रदत्त है, वह विलकुल उपयुक्त है।

आप सभी जानते हैं, पहले जब जनता पार्टी और लोकदल का शासनकाल था, तो इस सदन में विचार-विमर्श हुआ था और सभी माननीय सदस्यों ने इसको यहाँ सदन में रिजेक्ट कर दिया था, क्यों उसे रिजेक्ट कर दिया था? यह इस बात का प्रमाण है कि उस समय भी यह सब को मान्य नहीं हुआ। आज फिर ऐसा लगता है कि हमारे माननीय सदस्य, श्री चित्त बसु, की दिव्यचक्षु आज खुल गये हैं। मैं आप लोगों से निवेदन करना चाहती हूँ कि राष्ट्र के व्यापक हित में और इस लिए कि हमारा राष्ट्र सर्वोपरि है, इस संशोधन को इस सदन द्वारा मान्यता नहीं देनी चाहिए। आप सभी जानते हैं, प्रजातंत्र की दुहाई देकर फण्डामेंटल राइट्स की बात उठाकर उस के विरोध में बहुत सारी राष्ट्र विरोधी बातें होती हैं और यह हम सब लोगों के लिए खतरे का कारण बन जाती है।

इस लिए मैं इस सदन से आग्रह करती हूँ कि इस संशोधन को नहीं माना जाये।

श्री हरीश रावत (भलमोबा) : डिप्टी स्पीकर साहब, माननीय सदस्य श्री चित्त बसु, ने अभी बड़े चिंताकर्मक तरीके से एक अग्रव्यवहारिक बिल की यहाँ पर बकालत की।

श्रीमान् 1962 में जब देश के ऊपर चीन ने हमला किया, तो विशिष्ट परिस्थितियों के चलते हुए भी यहाँ पर संविधान में यह संशोधन किया गया और इसके द्वारा राष्ट्रपति महोदय और गवर्नर महोदय को कुछ विशेषाधिकार दिए गए ताकि वे विशेष तरीके से ऐसे शोर्षों के

[श्री हरीश रावल]

खिलाफ, जो राष्ट्र के विरोध में, जो राष्ट्र की स्वतंत्रता के विरोध में कार्य करते हैं, कार्यवाही कर सकें।

मान्यवर, इस देश में जहाँ देश भक्तों की सम्प्री कौज है, जहाँ पर राष्ट्र को सबकुछ समर्पित करने वाली सिविल सरबेज की कौज है, वहाँ पर इस से भी इकार नहीं किया जा सकता कि थोड़ी बहुत संख्या कालीभेड़ी की भी है जो पैसे के लोभ में या विचारधारा के लोभ में देश की स्वतंत्रता के साथ सौदा कर सकते हैं, देश की स्वतंत्रता के साथ खिलवाड़ कर सकते हैं। इसी बात को समझकर इस दृष्टिकोण से 1963 में इसी सदन के उस समय के मनीषी संसद सदस्यो ने इस संविधान संशोधन को स्वीकृत कराया और उसको राष्ट्र की सहमति प्राप्त हुई। मैं यह पूछना चाहता हूँ, माननीय चित्त बसु से, जिस समय उन्होंने इस संशोधन विधेयक को यहाँ पर प्रस्तुत किया, क्या भाज वे उन परिस्थितियों को भूल गए हैं जो सन् 1963 में थी? भाज भी देश की सीमाओं पर खतरा मंडरा रही है, जो 1963 में था। भाज भी पाकिस्तान को और से हमारे ऊपर हमला होने का खतरा है, चीन की ओर से हमारे ऊपर हमला होने का खतरा है। यही नहीं भाज देश के अन्दर कुछ ऐसे विचार पनप रहे हैं, जो इस देश को अन्दर में डाल सकते हैं। भाज आर० एस० एस० के तत्व, आनन्द मानी तत्व, जमायते इस्लाम के तत्व, कुछ जातियों पर आधारित साम्प्रदायिक तत्व, इस देश की स्वतंत्रता के साथ खिलवाड़ करने की कोशिश कर रहे हैं। विदेशियों के इशारों पर यहाँ के अधिकारियों को खरीदने की कोशिश की जा रही है। मैं ऐसा महसूस करता हूँ कि 1963 में जो यह संविधान संशोधन किया गया, वह वास्तव में, बहुत व्यवहारिक था और देश को इसकी बहुत ज्यादा आवश्यकता है।

मेरे लायक दोस्त ने यहाँ पर यह आशंका प्रकट की कि इस का राजनीति के लिए दुरुपयोग किया जाता है। मैं उन को बतलाना चाहता हूँ कि 1975 में कुछ अधिकारियों के खिलाफ जिनको बंगला देश की लड़ाई के बाव इस बात का दोषी पाया गया कि उन्होंने राष्ट्र झोड़ में कुछ काम किया है, ऐसे 71 लोगों के खिलाफ कार्यवाही करने की बात अली और एक प्रक्रिया के माध्यम से, जिसका मेरे योग्य साथी श्री मगन भाई बरोट ने जिक्त किया, केवल 8 लोगों के ऊपर एक्शन लिया गया। यह इस बात का प्रमाण है कि सरकार बड़ी सज्जता के साथ इस धारा का उपयोग करती है और यह अपने आप में इस बात को जाहिर करता है कि इस पर आशंका का भव कोई कारण नहीं रह जाता है।

मैं अपने साथी श्री चित्त बसु से निवेदन करना चाहता हूँ कि हमारी माननीया प्रधान मंत्री जी एक से अधिक बार संसद से बाहर भी इस बात को जाहिर कर चुकी हैं कि हम राजनीतिक दलों के विरोध में या ऐसे लोगों के विरोध में जिन्होंने उन के इन्टेरेस्ट को सब किया है, केवल राजनीतिक उद्देश्यों से कोई कार्यवाही नहीं करेंगे। हम बदले की भावना से काम नहीं करेंगे और मैं भी प्रधान मंत्री जी की इस बात की संसद के सामने ताईद करता हूँ कि भाज बदले की भावना से काम करने का भवसर नहीं है। भाज इस राष्ट्र की सीमाओं की सुरक्षा का सवाल है, इस राष्ट्र को धागे बढ़ाने का सवाल है। एक दूसरे के प्रति हम सब को आशंका का वातावरण नहीं रखना चाहिए सहयोग के वातावरण में जीने की कोशिश करनी चाहिए।

मैं अपने साथी श्री चित्त बसु साहब, जिनका चित्त शायद कुछ मलीन है, जो शायद अपने दोषों से परेशान हैं, जो यह समझते हैं कि जिस तरीके से उनकी मार्क्सिस्ट कम्युनिस्ट पार्टी जिसको उनकी अपनी पार्टी का समर्थन प्राप्त है, पश्चिमी बंगाल में बदले की भावना से काम कर रही है, शायद इन्दरा जी की सरकार भी केन्द्र में उसी भावना से काम करेगी, ऐसा नहीं होगा। हम राष्ट्र के हित में एक समन्वित भावना से, एक दोस्ती की भावना से, काम करेंगे। हमारी पार्टी की सरकार इसी भावना से काम करेगी।

इन शब्दों के साथ, यहाँ पर माननीय चित्त बसु साहब ने जो संशोधन विधेयक रखा है, मैं उस का विरोध करता हूँ, उस को व्यवहारिक और राष्ट्र के हित में नहीं समझता हूँ। मैं उनसे प्रार्थना करता हूँ कि वह इस सम्मानित सदन के सदस्य हैं, उन को इस अव्यवहारिक बिल को वापिस ले लेना चाहिए।

MR. DEPUTY-SPEAKER: Mr. Parulekar. You will please take 4 minutes only.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Sir, this being a very important Bill, I would like to have some more time.

MR. DEPUTY-SPEAKER: Please try to finish within that time.

SHRI BAPUSAHEB PARULEKAR: Mr. Deputy-Speaker, Sir, I rise to support the Bill brought forward by my esteemed colleague, Shri Chitt Basu. We sometimes wilfully do our

duty and sometimes we do the painful duty. Sometimes, when the persons have committed heinous offences and when, we have to defend them, we do the painful duty. Sometimes when we know that a person is innocent, we say that we are doing our wilful duty. My esteemed colleague and my hon. friend, Shri Maghbhai Barot openly started saying 'I am doing a very painful duty'. Maybe, he is not convinced that the Bill which is presented is in the proper form. I do not know whether he is holding any brief. But, he expressed himself at the commencement that in fact he wanted to support the Bill but, for certain reasons, he had to oppose it.

Coming to the objections raised by him, Sir, I would like to say that Art. 311(2) (a) & (b) stand on the same footing as (c). That is what I would respectfully bring to the notice of the hon. Members of this House. In case of (a) the culprit can be tried in a Criminal Court of Law. Under (b) satisfaction is not related to the guilt but it is not reasonably practicable to hold an enquiry if the witnesses are not available or if the witnesses are dead or if the witnesses turn hostile, it is not practicable to hold an enquiry. In that case, it is mentioned in the Constitution that, if the Officer is satisfied that no enquiry will be held, it is because there is no evidence which has to be led. The third objection of this Bill is that the public enquiry in a court of law might entitle them to file the documents in the courts. I invite the attention of the hon. Members to the fact that these inquiries are not held in the open court. There are official who hold the inquiry. And even if the matter goes ultimately to a court of law, my esteemed and learned friend knows very well, that under Section 123 of the Evidence Act, these officials can claim privilege, for not producing certain documents. So, these arguments. are of no use.

Coming to the Bill proper, I agree entirely with Mr. Chitta Basu, who said that the principles embodied in Article 310 and Article 311 (c) are the same. But, the effect is different.

It is no doubt 'doctrine of pleasure' because we have accepted the English doctrine that the employee is serving at the will of the master. But the effect is different. Under Article 310 he is asked to go out of service. But we don't call it dismissal or removal. We call it termination. He is entitled to a fresh job even in the Government service. We have before us the example of termination of service of Mr. Ganguli, who was the Chairman of the Railway Board. The President should say 'I am satisfied that you are not required in our service' and he walks out but he is not barred. That is not the case with reference to 311 (c), where he goes out with a stigma. He is not entitled to a fresh job. He has to go and sit at home. Therefore, we have to be very careful about it.

Then, my esteemed friend Mr. Shivraj V. Patil referred to the powers being given to the President and Governor. And also some of my colleagues referred to the assurances. Now with reference to 'assurances' I can say this. When MISA was first discussed here and the Bill was passed, an assurance was given by no less a person than the Prime Minister that this will not be used and utilised against the political workers. But we know what has happened afterwards. So, mere assurance is not sufficient. Therefore we have to consider the spirit of it.

Coming to (c), the word satisfied, I am sorry to mention, is very wide. If I may be permitted to say, it is very mischievous.

Powers are given to the President and the Governor. They are the high dignitaries in our country. Every one of us has respect for them. But the word 'satisfied' is very wide. I do not know how these persons are satisfied. What is the sort of independent machinery available to them for being satisfied? They entirely rely upon report submitted by the Government. That is all. We have the latest example. There is the word 'satisfied' in

[Shri Bapusaheb Parulekar]

Article 356(3) which says that if on the report of a Governor or otherwise the President is satisfied, he can dissolve the Assembly. We find that in half an hour's time the President was satisfied as to the need for the dissolution of nine State Assemblies. That is the kind of satisfaction we have. We don't know what information he collected from other sources other than the report which was presented by the honourable Home Minister.

I would like to quote one more thing. The word 'satisfied' was also included in MISA and authority was given to police officers and district magistrates to detain persons if they were satisfied. Sir, no tests are laid down for being satisfied. My esteemed friend Mr. Shankarrao ji Chavan, the hon. Member, is not here. During the MISA period he was at the helm of affairs in the Maharashtra State. I was in Nasik Jail. The district magistrate of Nasik issued a detention warrant against one very senior lawyer Mr. Krishna Rao Godavadar on the 23rd November 1975. And the warrant was, 'I, so and so District Magistrate, am satisfied that Mr. Krishna Rao Godavadar, your activities are detrimental to the interest of the nation and therefore I am detaining you.' This detention order was taken by the police to the house of Mr. Krishna Rao Godavadar. The door was locked. His son came out. He asked 'what is the matter?' The police officer said 'we have come to detain your father Mr Krishna Rao Gadavadar because the district magistrate is satisfied that his activities are detrimental to the interest of the State'. He said 'I am very sorry; you have to take a very long journey, because, my father is dead and gone two months before your order.'. So, this is what happened during the emergency. And, Sir, I was a witness to all that. Even in the Parliament Street Police station, after the emergency was lifted, thousands of signed detention warrants were found. So, that was the

'satisfaction' of the person concerned. It is the Government which ultimately makes the recommendation. If the Government feels that some 'X' officer is not supporting the policies and feels that he should be removed, that is the end of the matter. If there is cross-examination you say, disclosure of it would not be in the interest of the nation. It is with this intention that this particular clause is added. Then my hon. friend said about this. There are many instances and many people have been no removed. I entirely support this particular Bill and it is high time that we did away with (c) of clause (2) of Article 311, which we should have done long time back.

Some time back, such a Bill was brought before this House, but that was rejected by the House. If we have committed a mistake, I do not think, that we all should repeat it. We can rectify that mistake now.

Lastly, a reference was made by Shri Barot and he said that so long as clause (2)(b) is there in Article 311, the Bill for deletion of (2)(c) is inconsistent. If this is the only objection, I can bring forward such a bill and we can delete (2)(b) also.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): Mr. Deputy-speaker, Sir, I am thankful to all the Members who have participated in this discussion and have either supported or opposed the Bill moved by my hon. friend, Shri Chitta Basu. Many facts have been brought out during this discussion and it would not be irrelevant for me to say that such a Bill was moved in the previous Lok Sabha also by another Member opposite, Shri Bhagat Ram and there was a detailed discussion about the desirability of keeping this particular clause or deleting it. There has been a fresh discussion and my friend, Shri Chitta Basu has confined himself

only to one clause, namely deletion of 311(2)(c).

All of us, whether on this side or that side of the House, are second to none in so far as safeguarding the interests and integrity of the country is concerned. There can be no dispute about it. We are all equally interested in safeguarding the interests and security of the State.

Shri Chitta Basu made certain points, but throughout his speech, it appeared that he is more obsessed that this particular clause will be used, misused or abused against certain trade union activities, against such of those trade union organizations, who owe allegiance to his party or to those parties who are similar in thinking and ideological rapport with his party. I may humbly inform him that every political party has its own trade union movements and organisations. It is not the monopoly of any political party alone. In the Fundamental Rights in the Constitution, it has been clearly stated that every citizen of this country has a right to form association or union and again it is conditioned by clause (4) of Article 19:

"Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes or prevents the State from making any law imposing in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause."

This is the restriction that has been imposed. Nobody is prevented as long as he is a free citizen of the country. Nobody is prevented to form his own associations and also nobody is prevented from expressing his opinion freely and frankly.

Shri Chitta Basu mentioned about Article 310 and said that he could understand if there was a sort of restriction operating on the de-

fence services through that Article. Article 310 relates to the employees in the defence services. Article 311 relates to several categories of Government employees. And Article 311 says: "Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State." I do not want to repeat it. If you go through these (a) and (b) you will find that there are sufficient safeguards imposed through the Constitution to protect the rights of the Government employees. Here the point is only very limited. Clause (c) is intended only for such of those Government employees who are indulging in subversive activities, who act against the national interest of the country. This only pertains to that particular issue that has been introduced in the Constitution.

Several hon. Members have expressed their opinions on this matter and I do not feel that Shri Chitta Basu being a very seasoned parliamentarian and also a trade union leader should see the wisdom of retaining this particular clause in the constitution in the context of the security and integrity of the country. In all these cases, I may mention in this connection, that certain cases were launched; certain people were removed. When it had been proved that they were associated with certain organisations which had been banned by the Government; and the number of those people, for the information of this House, was only 71. When the ban was removed, 63 of them had been reinstated by the previous government. Even the previous government could not exonerate eight of them because the charges against them were fool-proof. It was established that they were acting against the interest of the State. Again I may add for the information of the hon. House that just the government is not prepared to remove any Government servant on fictitious charges or on false charges. There has been a process that has been established and modalities have been written. According to that process only the Government employee who is

[Shri P. Venkatasubbiah] suspected to have been indulging in subversive activities, this elaborate process is being conducted so as not to leave a grain of doubt that he has been unjustly punished. The information reaches a particular department in which this Government employees is working. They will go into those charges. If they feel that there is a *prima facie* case, they will refer it to a High Powered Committee, the Committee of responsibility consisting of the Home Secretary, the Secretary of Law Secretary of Personnel and the Secretary of the concerned department. After that, they will go into the whole matter. If they feel satisfied, again they will refer it to the Minister of Personnel and after the Minister of Personnel goes into this matter then it is referred to the concerned Minister when he dispenses with the services of this Government servant. This process has been applied in all the cases. I may mention for the information of Shri Chitta Basu that there were very few cases and only one case had been dealt with and we have been very careful in this respect. I can assure the hon. Members that this government is as zealous as anybody else in safeguarding the legitimate interest of the citizens of this country and also the government employees who are working in the Government Departments. I may also assure the hon. House that there will be no occasion to use this clause for political ends. We have been very careful in adopting this policy and have been looking carefully into all these matters. Some of the hon. Members are lawyers Unfortunately I am not a lawyer but I have to speak as Minister in charge of this Bill and only from the common sense point of view I am speaking. I may assure the House that this government under the leadership of Prime Minister Indira Gandhi is zealous of safeguarding the democratic and sovereign rights. I may say with all the sincerity at my command that the interests of the country are supreme; the interests of the individual are subsidiary to the interests of the

country. Only to safeguard the sovereignty integrity and the interests of this country this clause is essential I request Shri Chitta Basu to withdraw this Bill. Sufficient attention has been focussed by this discussion. He has done his duty; he will be able to satisfy his people in some places that he has discharged his responsibility as a representative in the Lok Sabha. I appeal to him to withdraw this Bill. I also appeal to Shri Daga not to press for his amendment for circulating this Bill. There is no purpose served by circulating this Bill. I appeal to both friends to withdraw their motions.

SHRI CHITTA BASU: I am thankful to the Members of this House who have taken part in this debate. I am also thankful for the kind intervention of our good friend Mr. Venkatasubbiah, the Minister of State for Home Affairs. I am particularly thankful to him that he has assured the House that no action will be taken, which is politically motivated, against the legitimate and just democratic trade union right of the central government and state government employees. I hope that in future his government will stand by that assurance. The record in the past has been contrary to this kind of assurance. MISA is a glaring instance... (Interruptions)

PROF. MADHU DANDAVATE: When Jayaprakashji could be a threat to the security of the country, we could also be; I understand that.

SHRI CHITTA BASU: I am sorry to note that a consistent effort has been made by some hon. Members who have taken part in this debate to distort the very spirit of the Bill. The question of espionage has been brought in; the question of political situation that was prevailing in 1962 and 1970 or during the Pakistani invasion of India or Chinese invasion of India was brought in. I can assure the hon. Members and the nation outside that we who are sitting in opposition are second to none in defending the integrity and security of the nation and are prepared to sacrifice to the extent necessary for the cause of the nation. But if some

person who is not in the service of the government indulges in acts of espionage or anti national activities in the states, there are enough local measures to take action against those persons engaged in espionage. Then why a particular clause is needed in the Constitution which is applicable only in relation to the Government employees? If you can cope with that situation, when the person concerned is not a Government employee, which works against the interest of the nation, then why it should be particularly mentioned in relation to the Government employees? Therefore, this argument is not tenable. Even to-day I want to mention and I would, therefore, request the hon. Minister to take a note of it. He may be knowing the system of police verification that is in vogue in almost all the States for recruitment in Government service. Is it not a denial of right? A person can be employed or cannot be employed on that basis of a report given by the police. There are instances when a young man during his student life did take part in students union activities and this is the reason for which he is not given employment under the Government. I am surprised that some hon. Member with the ruling party in West Bengal. You will be glad to know that West Bengal Government has given complete trade union rights to the employees of the State Government irrespective of their political affiliation. (*Interruptions*). It is only your people who create disturbances and chaos. It is your people who are enjoying the Government patronage, enjoying the trade union rights offered by the State Government of West Bengal. They create disturbance, continue with the subversive activities in the generation of power, etc. etc. 17,000 young men were employed by Shri A. B. A. Ghani Khan Chaudhuri for whom there was no job. They had not got elementary training. They are enjoying job facilities and all the rights even to-day even though they are engaged in anti-Government activities there. There is a flow of trade union rights there. I think this

is not also proper to say or proper to bring this in the course of the debate.

I would like to refer to our distinguished friend Shri Maganbhai Barot. It appeared to me when I listened to him that he was not satisfied with the length I am prepared to go to. He would have been satisfied if I brought forward a Bill eliminating Article 311 as a whole. He complained against me—why I have concentrated only on 311, why not on (b) or why not on (a) and why not the entire 311. If he agrees, if the House so agrees to delete this 311(c) which is the most mischievous one, I am prepared to join Bau Sahib and request him to bring about another motion or the Bill to delete the entire 311. Kindly read article 311(2) (c):

“Where the President or Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity.”

Sir, you will bear with me that here the satisfaction is in relation to the expediency of holding an enquiry; the satisfaction is not in relation to the dismissal. Here, the satisfaction is in relation to the expediency of holding an enquiry, but the effect is that he is dismissed. In the absence of any enquiry, he is automatically dismissed. Therefore, this is the most Draconian aspect of the clause. There is no scope of enquiry. He is dismissed forthwith. The satisfaction is there in relation to the enquiry, but taking advantage of that, he is outright dismissed. As you have heard, in the court these cases could not be argued. He himself agreed that in many of the cases, they have been acquitted. Therefore, if this provision cannot stand the test of the court, what is the necessity of retaining it in the Constitution? It is not possible for the Government to produce a shred of evidence regarding the involvement of the security of the State. But yet they maintain this thing only to terrorise

[Shri Chitta Basu]

the employees and only to indulge in anti-trade union activities. Therefore, I appeal to the House to see the effect of this clause. The effect of the clause is not merely to withhold the enquiry. I could have understord that. But the effect is summary dismissal Mr. Barot said, even after the exercise of the powers under this clause the doors of the court are open. Again, he says that he cannot hold an enquiry because in the public interest, it will not be expedient. But if that partiular employee can go to the court, as he says, which I very much doubt, those evidences will be again made a public document. Therefore, even from that point of view, the retention of this article is nt deemed necessary. It is only to satisfy certain bureaucratic tendencies and to retain the colonial legacy in our Constitution that this provision is there. This is of no practical use even frm the side of the Government. Therefore, I would request the House to take into account all these factors and accept my Bill.

MR. DEPUTY-SPEAKER: Mr. Daga, are you withdrawing your amendment?

SHRI MOOL CHAND DAGA: Yes, Sir.

MR. DEPUTY-SPEAKER: Has he the leave of the House to withdraw his amendment to the consideration motion?

SOME HON. MEMBERS: Yes.

Amendment No. 1 was, by leave withdrawn.

MR. DEPUTY-SPEAKER: Since the Minister has given an assurance, are you still pressing your Bill?

SHRI CHITTA BASU: Sir, do not stand on three legs. I am pressing for it.

MR. DEPUTY-SPEAKER: Before I put the Motion for consideration, this

being a Constitution amendment voting has to be done by division.

Let the lobbies be cleared.

The lobbies have been cleared.

The question is:

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

The Lok Sabha divided

Division No. 2

18.46 hrs.

AYES

Acharia, Shri Basudeb
 Basu, Shri Chitta
 Biswas, Shri Ajoy
 Chhangur Ram, Shri
 Choubey, Shri Narayan
 Choudhury, Shri Sifuddin
 Dandavate, Prof. Madhu
 Ghosh, Shri Niren
 Goswami, Shrimati Bibha Ghosh
 Kodyan, Shri P K.
 Lawrence, Shri M. M.
 Maitra, Shri Sunil
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Parulekar, Shri Bapusaheb
 Saha, Shri Gadadhar
 Shallani, Shri Chandra Pal
 Shejwalkar, Shri N K.
 Yadav, Shri Chandrait
 Yadav, Shri Vijay Kumar

NOES

Ahmed, Shri Kamaluddin
 Ansari, Shri Z. R.
 Bansi Lal, Shri
 Chaudhuri, Shri A. B. A. Ghani Khan
 Daga, Shri Mool Chand
 Das, Shri A. C.
 Dev, Shri Sontosh Mohan
 Gamit, Shri Chhitubhai
 Gandhi, Shrimati Indra

Jaffar Sharif, Shri C. K.
 Jai Narain, Shri
 Jamilur Rahman, Shri
 Jha, Shri Kamal Nath
 Mahala, Shri R. P.
 Murthy, Shri Kusuma Krishna
 Naidu, Shri P. Rajagopal
 Pahadia, Shri Jagannath
 Pandey, Shri Kedar
 Pardhi, Shri Keshao Rao
 Parmar, Shri Hiralal R.
 Patel, Shri C. D.
 Patel, Shri U. H.
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patnaik, Shri J. B.
 Phulwariya, Shri Virda Ram
 Pullaiah, Shri Darur
 Rao, Shri M. Satyanarayan
 Rawat, Shri Harish
 Sathe, Shri Vasant
 Shantaram, Shri
 Sharma, Shri Nawal Kishore
 Shiv Shankar, Shri P.
 Stephen, Shri C. M.
 Swami, Shri K. A.
 Thungon, Shri P. K.
 Tur, Shri L. S.
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.

MR. DEPUTY-SPEAKER: Subject to correction, the result* of the Division is: Ayes 20; Noes 39

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.

The Motion was negatived.

18.54 hrs.

CONSTITUTION (AMENDMENT)
 BILL

(Amendment of articles 102 and 103)

MR. DEPUTY-SPEAKER: Before I call upon Prof. Madhu Dandavate to move the motion, we have to fix the time limit for discussion of this Bill. Shall we fix a total of two hours for this?

SEVERAL HON. MEMBERS: Yes

PROF MADHU DANDAVATE (Rajapur): Sir, I beg to move:

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

I am very sorry that at the fag end of the day I have to move this Bill for the consideration of the House.

The subject matter of the Bill is of great importance because of the existing political situation, and I am sure that if the House applies its mind to it, this Bill will turn out to be a non-controversial one.

If the present political atmosphere which is polluted by defections continues the entire experiment of parliamentary democracy is likely to fail. Therefore though technically I am moving the Bill as a private Member, really speaking this Bill reflects the will of the people all over the country.

If you go the urban and rural areas in our country, you will find that the

*The following Members also recorded their votes:

AYES: Sarvshri Satyasadhan Chakraborty, Sushil Bhattacharya
 Hannan Mollah and Rubchand Pal;

NOES: Sarvshri Zail Singh, Ranjit Singh, Sunder Singh, D. L. Bhatia
 Chintamani Jena, Uttam Rathod, Krishan Datt, Hakam Singh,
 Maganbhai Barot, Prof K. K. Tiwary and Shrimati Channupati Vidya.