

**Mr. Deputy-Speaker:** The hon. Member may continue tomorrow.

**Shri Joachim Alva:** Thank you very much.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

THIRTY-FOURTH REPORT

**Shri Atekar (North Satara):** I beg to move:

"That this House agrees with Thirty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 17th August, 1955."

In this report, there is a classification of some four bills, two of which have been placed in category A, and two in category B. There is also re-classification of all the Bills that have been stated there. And about 25 Bills have been allotted time; this is given in appendix No. III. This is all what has been stated in this report. I hope the House will accept this report.

**Mr. Deputy-Speaker:** As there are no amendments tabled to this motion, I shall put the motion to vote now.

The question is:

"That this House agrees with the Thirty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 17th August, 1955."

*The motion was adopted.*

**Mr. Deputy-Speaker:** So, this report is adopted.

**Mr. Deputy-Speaker:** Now, there are some Bills to be introduced. The first Bill is in the name of Shri B. Das. The hon. Member is absent. The second is also in his name. The third is in the name of Dr. N. B. Khare; the hon. Member is absent. So, we shall take up Bills for consideration.

TITLES AND GIFTS FROM FOREIGN STATES (PENALTY FOR ACCEPTANCE) BILL

**Mr. Deputy-Speaker:** The House will now take up further consideration of the following motion moved by Shri C. R. Narasimhan on the 5th August, 1955:

"That the Bill to provide for penalties for acceptance of titles and gifts from foreign States, be taken into consideration".

Shri C. R. Narasimhan was in possession of the House on the last occasion. He spoke for a minute last time. The total time allotted for this Bill is two hours. So, one hour and 59 minutes remain, which is as good as two hours. So, this Bill will go on till about 5 P.M.

**Shri C. R. Narasimhan (Krishnagiri):** For the benefit of the House, I would like to read out the Statement of Objects and Reasons appended to my Bill.

**Shri T. B. Vittal Rao (Khammam):** It is not necessary. We have read it already.

**Shri C. R. Narasimhan:** Some might not have read. This House is somewhat as follows. Members come here and behave like a sort of floating population; some come and some others go. So, whenever we commence any business, it is necessary to have a mental resume of the whole thing before we set ourselves to the task before us.

The Statement of Objects and Reasons reads:

"Acceptance of titles conferred by foreign States is prohibited by clause (2) of article 18 of the Constitution...".

Article 18 (2) of the Constitution is relevant in this matter. But unfortunately, while the Constitution puts a ban on the acceptance of titles from foreign States, it does not contain any provision for punishment in case of breach of this provision. I therefore

[Shri C. R. Narasimhan]

thought that there should be some sanction behind this provision of the Constitution in case of any breach.

[SHRI BARMAN in the Chair]

Of late, owing to the emergence of the cold war, there is a certain amount of competition amongst the various power blocs, main, subsidiary as well as satellite power blocs, of this world to woo other nations and the citizens of other nations. Various methods are resorted to for this purpose. Gifts are offered, prizes are offered, and other such attractions are offered. We find that Indian citizens are also wooed in various ways by the foreign States to take up causes which are dear to those States. It may not always be desirable for Indian citizens to take their stand on world issues by getting cues from foreign countries.

When such gifts, prizes and other attractions are offered, it is quite possible that some weak-minded citizens may go astray and try to take up a particular stand in order to deserve some kind of foreign patronage. That is another danger that is caused by acceptance of gifts etc. from foreign countries. So, the Constitution provides for a ban on the acceptance of foreign titles. But it does not provide for the prevention of the getting of gifts by persons from foreign States over the head of the Indian Government. I think it is very desirable to extend the scope of the constitutional provision to cover the acceptance of gifts also. That is why in the Statement of Objects and Reasons I have stated:

"Acceptance of gifts and presents from a foreign State, may in certain cases be not merely derogatory to national honour, but also prejudicial to India's international relations as well as internal security and welfare. It may sometimes be far more injurious to public interest than the acceptance of a title from a

foreign State. It has therefore become necessary to prohibit such acceptance and provide penalties for it."

Thus, the twofold object of this Bill is firstly to provide for remedying a lacuna in the Constitution in the matter of ban on acceptance of foreign titles, and secondly to extend the scope of the ban to the acceptance of gifts also, such as cash gifts etc.

As a matter of fact, when this provision regarding the ban on acceptance of foreign titles was discussed in the Constituent Assembly, this issue also was raised as to whether a breach of that provision should not be punishable, and whether there should not be provision in the Constitution itself to prevent such a breach. I have read the relevant portion from the proceedings of the Constituent Assembly in this regard on an earlier occasion, but I think it is desirable to read the same again as it will help us in the proper consideration of this Bill.

When the present article 18 (2) was discussed in the Constituent Assembly, some prominent Members of the present House also took part in the debate. Shri T. T. Krishnamachari, our present Minister of Commerce and Industry and Iron and Steel, who was one of the framers of the Constitution was also one of the participants in the debate on this provision. Then, Shri Kamath and other Members also took part. I find that Shri Kamath is not here at the moment. But he had raised this very issue in the course of the debate on that occasion in the Constituent Assembly. He said, if you provide for a ban but you do not provide for a penalty in case of a breach, then was not quite a desirable thing; and therefore, he urged that there should be some provision in that regard. The reply that Dr. Ambedkar gave then will help us in properly understanding the object of this Bill.

I am quoting from Vol. 7 of the *Constituent Assembly Debates*. This is what Dr. Ambedkar said:

"It would be perfectly open under the Constitution, for Parliament under its residuary powers, to make a law prescribing what should be done with regard to an individual who does accept a title contrary to the provisions of this article. The non-acceptance of a title is a condition of continued citizenship; it is not a right, it is a duty imposed upon the individual that if he continues to be the citizen of the country, then he must abide by certain conditions. One of the conditions is that he must not accept a title, because it would be open for Parliament when it provides by law as to what should be done to persons who break the provisions of this article to say that if any person accept a title contrary to the provisions of this article, certain penalties may follow. One of the penalties may be that he may lose the right of citizenship.... Certainly, it is just commonsense that if the Constitution says that no person shall accept a title, it will be an obligation upon Parliament to see that no citizen shall commit a breach of that provision."

This is what the person chiefly responsible for the passing of the Constitution said in this connection.

I think no stronger recommendation is necessary in favour of my Bill than this.

As for titles and other things...

**Shri Rane (Bhusaval):** How many titles have been given after the Constitution came into force?

**Shri C. R. Narasimhan:** I will come to that. As for titles and other things, their history is well known. When the British were here, conferment of such titles on loyal persons was one of their major tricks to keep their

hold strong in this country. Therefore, there was a great reaction. The wonderful letter that Dr. Tagore wrote to the then Viceroy when he gave up his title is a memorable chapter in the history of our country's freedom battle. He described them as 'badages of slavery'. Also when we had to non-cooperate with the British Government, when we did not know how to bring about that non-co-operation on a mass scale, the question of titles came up readily for consideration, and one of the items in the non-co-operation programme was the giving up of titles. Several people, who had spent a lot of money and had done all kinds of things in order to get those titles, at the call of the nation discarded those titles. The giving up of titles gave a strong fillip to the non-co-operation programme, just as the acceptance of these titles helped the British Government to keep their hold stronger in the country. When the respected leaders of the country took up the non-co-operation programme and included in it the giving up of titles as one of the items, it was a great success. The non-co-operation programme did not immediately start with boycott of schools, colleges and courts. All these were preceded by boycott of titles. It was easy, without giving up one's life. It was quite easy to give up this kind of thing which had then some value. Naturally morale went up and the spirit of freedom was imbibed by the masses of the country. So with this background, it became necessary when the Constitution was framed to prevent citizens from aspiring for recognition from abroad. It is always a dangerous thing. If instead of doing good things for the country, in order to get some recognition from abroad, we do things, it ultimately leads to some kind of deterioration. Standards go down. A good thing is its own reward. It is not desirable to get somebody from abroad to appreciate it. That was why the Constitution-makers included this provision in the Constitution. A commentary on this particular clause is of interest. Commenting on article 18(2) of

[Shri C. R. Narasimhan]

the Constitution, the commentator says:

"This clause prohibits the acceptance of title by any citizen of India from a foreign State, the prohibition being conceived in the interests of the integrity of and to ensure equality amongst, the citizens. It is quite possible that a person who is allowed to accept a title from a foreign State, may, in addition to being puffed up with the honour so as to be disposed to look down upon other who have not had that good fortune, feel so disposed to the foreign power that conferred the title that the allegiance he owes to his own State may run the risk of deterioration. Evidently, the object of the framers of the Constitution is to see that no citizen of India feels beholden to any foreign power for any favour done or benefit conferred. He must be a citizen of India first, last and always with no affiliations or attachments for any reason whatsoever to a power outside the bounds of the Indian Union."

Therefore, this is the object. Of course, when the Constitution was being framed, the thought that in future such titles would not be conferred was certainly in the minds of those people. The question which Shri Rane put, namely, how many titles were conferred or are being conferred, after the Constitution, should have been foreseen by those people. They would have known that by and by titles were bound to be stopped and even the ones that were secured were bound to die their own natural death. But still, since we believe in a written Constitution,—we have put everything in writing—and we have put a ban. I think it will be very irregular if we do not provide for punishment of the infringement of the ban also.

Some may think that this will interfere with certain scientific awards which various bodies in the world may give, and that it may even affect learning. This kind of danger is pro-

vided against by the Constitution itself. There is an exemption there. The ban applies only to recognition from States or Governments which subjects. That only is prevented. There is an exception provided that scientific awards and such other things like University awards should be allowed. Therefore, there is not going to be any danger of proper merit not being commended in the proper manner.

As for gifts, I have a nice passage from Swami Vivekananda which I take the liberty of quoting. Though it may not be quite relevant, it is still good. Swami Vivekananda commenting on Patanjali Yogasutra says on gifts:

"The mind of the man who received gifts is acted on by the mind of the giver. So the receiver is likely to be degenerated. Receiving gifts is prone to destroy the independence of mind and makes one slavish. Therefore, receive no gifts."

**Shri M. P. Mishra** (Monghyr North West): Foreign or indigenous?

**Shri Rane**: Both.

**Shri C. R. Narasimhan**: May be. I am referring to cash gifts.

That is not what probably my friend has in mind.

**Shri N. B. Chowdhury** (Ghatal): What happens if it is mercy gift?

It blesses both the giver and the receiver.

**Shri Punnoose** (Alleppey): The gift, which Portia described.

**Shri C. R. Narasimhan**: 'If you receive gifts, your mind will become impure. You will not have the power to remember your past.' He was dealing with the Philosophy of Yogasutra. 'You have to deal with both *Ihaloka* and *Papaloka*'. So I think what Swami Vivekananda was saying about gifts in general is particularly applicable in the political atmosphere today. Therefore, I do not want Indian subjects to be a field for hunting by foreign States.

Moreover, today probably one particular group of nations or one particular nation happens by chance to give some gifts. Some are probably earned. It is not as if they simply pick and choose. They also have their own standards, no doubt. I do not mean any disrespect to countries and States which have this kind of institution and which have been good enough to think that our own countrymen deserve such gifts. I do not mean any disparagement to those who get such gifts or to those powers which give the gifts. But the institution itself is bad.

When we have a written constitution and when we have the background of our history when foreign governments bestowed honours and gifts and interfered with our freedom, we should make a permanent provision about this. Today one particular government may give such gifts; tomorrow some other government may start giving gifts for something else. Then another government may take another subject and begin offering gifts for that. Are we going to allow this kind of thing to go on in our country? Should we allow this kind of political proselytisation to flourish in our country? I do not think it is desirable; it should be guarded against. That is the object of my bringing forward this Bill. It may be said that there is really no instance, as Shri Rane felt, and so, why worry. I have an answer for that. There is the slave mentality still continuing.

In this connection, I will read from a letter from no less a person than the Editor of the *Harijan*. It was written in March 1954: it was nothing got on the spur of the moment. He says:

"A psychological change is very necessary; many of us are still hankering after foreign recognition."

He also wrote a note on titles in general and he agrees with me in respect of foreign titles also. (*Interruption*). He is an important public man; he is well known in this country. He himself felt that a psychological

change has not yet taken place and still there is a tendency to hanker after foreign recognition. I am glad that I am not alone in this view. It does not make one happy when he simply suggests a remedy but when another agrees with it he is very happy.

There are certain honours like the Vatican honours which are not technically honours but decorations. There are various ways of interpreting certain things. You may say that it is a decoration and that it is a medal and all that. Though these medals are not given directly under the name of titles, still the idea is there.

I shall give you an example to show how the mind works and that the psychological change has not yet taken place. I will now quote from the *Hindustan Times*, August 11, 1955. This matter has been published not only in the *Hindustan Times* but also in all the major important dailies of the country which are likely to be affected by the price-page schedule—because the price-page schedule is intended to affect papers with the widest circulation and popularity. There is an insurance company called the Oriental Government Security Life Assurance Company and it had its 80th Annual General Meeting where the speech was delivered by Sir Cowasji Jehangir. In every paper the photograph of Sir Cowasji Jehangir, Bart. is published. It says, 'Presiding over the Eightieth Annual General Meeting of the Oriental Government Security Life Assurance Co. held at 4 p.m. Sir, Cowasji Jehangir, Baronet, C. B. E., KCIE, so on and so forth. What I say is there is still hankering after these titles. This is paid for; and such speeches are not published freely. Every line of it is paid for.

**Pandit K. C. Sharma** (Meerut Distt. South): Sir Cowasji does not need it. He himself is a very attractive personality.

**Shri C. E. Narasimhan**: So, I say the mentality is still there.

[Shri C. R. Narasimhan]

There are administrators and able ones like our Deputy Home Minister. They have two modes of attack when suggestions are put forward, when those suggestions do not have the imprint of officialdom. Supposing some large-scale offences are taking place and undesirable practices are attempted, they do not declare these things as offences, they say that the provisions will be observed in the breach. Prohibition law is an oft quoted example in this connection. When there are sporadic offences and when you want to have a law, they say, it is only one or two cases here and there, why do you want to have a law; don't have that. These are the two methods of approach.

I think it is better to have legislation because legislation has its own effect. Not only will there be provisions which are enforceable but the provisions will be a sort of guidance to the public at large and it is a sort of guidance to the people as to what is expected of the citizen, what is proper and improper from the point of view of the State. Therefore, if we have this kind of law it will create the proper psychology in the people. The punitive aspect of the legislation need not be brought into operation but the educative aspect will be there. I have heard that when a particular official was given a title he had simply to take it for the sake of courtesy. He had to accept it because it was suddenly thrust on him and he had not even the time to think of refusing it. This kind of thing will not happen if we have a provision in our Constitution saying that it is not only objectionable to take a title but it is also punishable. It will not only be a sort of guidance to the citizens of our country but will also be a guide to the governments of foreign countries as to what kind of approach we have in this matter. From that point of view also it is necessary to have a measure like the one which I have brought forward. It has two aspects, one of providing punishment for the acceptance of titles from foreign States and

the other of reducing the scope for the offering of such titles. I think at least one of the two parts will get the sympathy of the Home Minister. I have nothing more to say and I strongly appeal to Government to consider this Bill sympathetically.

4 P.M.

Mr. Chairman: Motion moved:

"That the Bill to provide for penalties for acceptance of titles and gifts from foreign States, be taken into consideration."

Shri A. M. Thomas (Ernakulam): At first sight this Bill may appear to be an innocuous one, and viewed in a certain light, it is so. I am afraid my friend ought not to have introduced this Bill taking into account the various trifling things that take place in the shape of conferment of a title or giving of a gift by decoration or honour or something like that.

As far as the first part of the Bill is concerned, you will see that the Constitution itself, under article 18, has provided for it under the 'Fundamental Rights' chapter and it has been deliberately done. The two objects that the Constitution framers would have had in mind, when enacting this article, would be these. There must not be any extra-territorial allegiance as far as any citizen of India is concerned. Article 18 also prohibits conferment of titles even on citizens of India by the Indian authorities themselves, although conferment of honours is not specifically taken away. You remember that doubts were even expressed when honours were granted by the President whether those honours will come within the mischief of this article which prohibits conferment of titles. As you know, the expert opinion was that conferment of honours will not come within the ambit of article 18. The primary object with which article 18 has been enacted is that there should not be a class in India like the class of lords or peers as we see in the U. K. The very conception that we have in view

in framing our Constitution also will not be served by making any distinction between citizen and citizen, especially in view of the Preamble to the Constitution, namely, "and to secure to all its citizens: justice, social, economic and political; equality of status and of opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity of the nation." When you have adopted this Preamble, certainly it is in consonance with the spirit of the Preamble that article 18 has been enacted. That is all right. My friend further complains that there is no penalty provided for breach of article 18. We have to bear in mind that this article occurs in the 'Fundamental Rights' chapter and any right conferred by this chapter can be agitated or enforced through a court of law and there may not be any difficulty over that.

The second question that we have to consider is whether the scope of the article should be extended by enacting a Bill like this. You will find from clause 4 of the Bill:

"Any citizen of India who, without the consent of the President, accepts any gift or present from a foreign State, shall be punishable with imprisonment which may extend to two years, or with fine, or with both, and the court may on conviction pass an order of forfeiture of such gift or present or what it has been converted into."

If you enforce this provision, then our Prime Minister himself—of course, there is no statutory provision—would have been guilty because we have read in the papers that when he had been to Russia and other countries, gifts were showered on him and several presents and prizes were presented to him.....

**Shri C. R. Narasimhan:** Not by the State.

**Pandit K. C. Sharma:** I suppose those presents were meant for the people.

**Shri A. M. Thomas:** Those presents and gifts are displayed here and it

will be open to us to see them. Perhaps the Prime Minister may not appropriate those gifts to himself, but what I want to show by citing this instance is that if there is such a provision like this, even these things will come within the mischief of that provision. Regarding the institution of Nobel Prize and other things, my friend may say that under clause 5 of the Bill, they are specifically excluded. It is very difficult to make any distinction between the other clauses and the scope of clause 5, which says:

"Nothing contained in the foregoing sections shall be deemed to prohibit a citizen of India from accepting a scholarship, prize, degree or honour regulations or custom prevailing in a university conferred in accordance with any rules, regulations or custom prevailing in a university or other institution devoted to the advancement of knowledge and situate in a foreign State."

When working the clauses, innumerable difficulties are bound to arise. There are certain other things that we have to bear in mind when we consider this Bill. Extra-territorial loyalty should not, to any extent, be countenanced. I am one with my hon. friend in subscribing to that view, and if the receipt of any gift, honour or title comes in the way of our loyalty to our State, certainly that should be discouraged. But one thing we have to bear in mind and that is that when conferring such honours and other things, there will be a prior consultation at State level. When any foreign government or State intends to confer an honour, title, etc., on any citizen of our land, the Government of India is likely to be consulted beforehand. I believe conventions also have grown up in the matter of conferment of honours between the various governments concerned, and I do not think it would be proper on our part to restrict that by enacting a Bill of this kind. For example, if this Bill is enacted, it will result in this. Certain ecclesiastical and religious dignitaries are conferring honours and the only privilege that

[Shri A. M. Thomas]

they have out of these is that in religious processions they can just wear another dress or something like that and take a candle, etc. Such things, for example the Papal honours, will become objectionable if we enact a Bill of this kind. I think they are very harmless things and we should not take note of such trifles. There are several religious and charitable institutions for which we get help from foreign countries in the form of gifts and other things. If you enact a Bill like this, it will also stand in the way of free flow of such gifts from foreign countries. Of course, I am not questioning the motive with which this Bill has been brought forward. The motive is certainly laudable but I think, if you enact a Bill like that, it will lead to complications. These matters are to be regulated by conventions, by negotiations at Government level, etc. and I think it is not necessary to enact any such Bill. Therefore, I oppose this Bill.

**Shri D. C. Sharma (Hoshiarpur):** I was surprised to hear on the floor of this House this afternoon that the acceptance of titles and gifts from other countries was a very harmless thing and that it was a trivial matter and that it should not be taken notice of. I beg to submit that titles, gifts and decorations are the symbols of a capitalistic and competitive society and it was on account of this that our Constitution did not want any titles to be conferred on Indian citizens. The titles were abolished for the simple reason that we were trying to build up a classless society. If a title conferred by the Indian Government is not valid, I cannot understand how the title conferred upon an Indian citizen by a foreign Government can become acceptable. I cannot understand that logic. We do not confer any titles on our own citizens. But when titles are conferred upon us by any foreign Government, should they become very respectable? I fail to see the logic. I therefore think that Shri C. R. Narasimhan has done a wise thing in bringing forward this.

**An Hon. Member:** What about Nobel Prize?

**Shri D. C. Sharma:** I will come to all of them if you wait for sometime but the difficulty is that you cannot wait.

**Acharya Kripalani (Bhagalpur constituency):** Bharat Ratna—what is that?

**Shri D. C. Sharma:** It is not a title in the accepted sense of the word; it is not a decoration in the accepted sense of the word, and it cannot be a gift in the accepted sense of the word. Titles are of a different category and different classification.

If you look at the constitutions of different countries, you will find that in many countries acceptance of titles from foreign States is banned.

**An Hon. Member:** What States are they?

**Shri D. C. Sharma:** Perhaps you will not approve of them; but still I must give them. You will not like the name of the United States of Mexico where titles from foreign countries are not recognised. You would not like the name of the Philippines but there also titles given by any foreign Government are not accepted. In the United States also, you cannot accept any present, emolument, offers and title of any kind whatever from any Government, prince, or foreign State. Take the case of Ireland. Perhaps we have much more sympathy for it and there is much more in common between Ireland and India. In Ireland no citizen can accept any title from any foreign Government except with the prior approval of the Government. Let me take the case of Turkey. Any division of grade, class, or family is abolished and prohibited in that country. I have not got the constitutions of all these countries but I may tell you that in most of these countries all kinds of titles are abolished and in so many countries it is laid down that no citizen can accept any title from any other foreign State. I think that it is a very wholesome provision in the Constitutions of those countries.



**Mr. Chairman:** Our Constitution also has provided.

**Shri D. C. Sharma:** Yes. But what Shri C. R. Narasimhan says is this. Mere prohibition will not do because it has not worked so well. He wants that persons should be debarred under one condition or the other from accepting any title from any country. My friend, Shri A. M. Thomas just now said that extra-territorial loyalty should be discouraged at all costs and I agree with him. I do not say that everybody who accepts the title from any foreign State has any extra-territorial loyalty but the presumption is always going to be against him. I do not want that there should be any presumption of this kind against any citizen of India.

Take the case of gifts and presents. My friend has said that our Prime Minister has brought so many presents from other countries and therefore it would be very hard to have a provision like that. I may submit that our Prime Minister has been given those presents in his representative capacity as the Leader of India and as the Prime Minister of India. Here the reference is not to the representative capacity of a gentleman but to his individual capacity. I get some present not in my representative capacity but in my individual capacity. I should, therefore, like to say that these gifts and presents should be discouraged.

Sir, you are a lover of poetry and I want to quote a few lines from a poem by a well known English poet. The name of the poem is the 'Lost Leader.' This poem is written by Robert Browning. He says:

"Just for a handful of silver, he left us,

Just for a ribbon to stick in his coat....."

If people could leave us in bad old days because they got titles or gifts that were given to them, there is no reason why we should not discourage our citizens from becoming doubly lost leaders by accepting gifts and titles from other countries in their individual capacity.

Again it has been said that this is something which is going to promote the true psychological condition in this country. I agree with him. Why is it so? It is in this sense that the citizens of our country will not look to other countries for the recognition of their merits or their talents or for this recognition of some other extraordinary quality that they possess. Their eyes will be focussed on their own country and they will think that their country is the final arbiter of their virtues. Of course there is a distinction between gifts and titles. There are some gifts which have political strings attached to them; there are some titles which have some other kinds of strings. But there are some gifts and titles which show the recognition of scholarship. For that an exception has been provided by my friend in clause 5 of his Bill which says:

"Nothing contained in the foregoing sections shall be deemed to prohibit a citizen of India from accepting a scholarship, prize, degree or honour conferred in accordance with any rules, regulations or custom prevailing in a university or other institution devoted to the advancement of knowledge and situated in a foreign State."

If an Indian citizen gets an honorary degree from any other country because of his eminence in anything I think there is no harm, but anything that has any extra academic merits attached to it should be discouraged. My friend wants me to go into the merits and demerits of some particular prizes but I do not want to enter into that controversy. I would say that any kind of prize or gift which has an extra academic string attached to it should not be accepted by a citizen of India. I would, therefore, say that this Bill, which raises a very important question, which does away with all temptations to extra territorial loyalty of our citizens which is framed within the framework of a non-competitive and non-exploitative society and which gives us a foretaste of that

[Shri D. C. Sharma]

classless society which we are building up, should be accepted by the House.

However, I would say that the punishment that is proposed in this Bill is too harsh. It is said in clause 3 that a person will be punishable with imprisonment which may extend to one year, or with fine, or with both. In clause 4 it is said that the punishment will extend to two years, or with fine, or with both. I most respectfully submit that the punishment is very very harsh. It is out of all proportion to the intention of this Bill. I would, therefore, say that the drastic punishment which has been provided in this Bill should be curtailed. I think that if an Indian national is guilty of anything of this kind we should not punish him with imprisonment but we should impose upon him only some kind of fine and, I think, that fine also should be a token fine. But I do not want to be a stickler about this matter. All that I want to urge is that the principle underlying this Bill should be accepted and the punishment, which is proposed, should be reduced very much.

I think, Sir, that this Bill is in keeping with the spirit of our Constitution and also in keeping with the spirit of the kind of State we are building up. With these words I commend this Bill to the House.

**Shri Punnoose (Alleppey):** After listening to the two speeches made in favour of the Bill the best that I should say is that this subject could be dealt with a certain amount of indifference and that it does not require so much of opposition. I say so because there is no quarrel with regard to the principle underlying principle underlying the Bill. I think nobody in this House will quarrel with Shri C. R. Narasimhan on principle but I doubt seriously whether there is an urgency or necessity for this Bill in the present situation. That is why I said that it may be kept there without being vehemently opposed.

Sir, you will appreciate how foreign titles came to be opposed by the people in this country. During the British regime, as our friend Shri A. M. Thomas stated, these titles and other gifts were widely used to keep up the oppressive rule. Naturally our people revolted against them. They looked upon the holders of such titles with a certain amount of contempt and in our Constitution it finds a place; also, rightly. As the mover of this Bill said, even now there are people who display the old titles in advertisements. Of course, my respect for individual persons does not allow me to mention names. There are knights who think that they are knights even now. There are people who even now use Rai Bahadur, Diwan Bahadur, etc. etc. When I see these titles being used I feel a sort of revolt; but let them remain as relics of the past.

Shri C. R. Narasimhan seems to have forgotten one thing that a foreign State according to the Constitution does not include a State in the Commonwealth. Even now the holders of titles from those States can display them. Then again, the Constitution has said that the Rajas and Maharajas can keep their titles—His Highness, His Exalted Highness and so on. Certainly, they ought to have been taken away and they ought to have been prohibited from being displayed; but, they are still displayed. In this connection the present Bill can do very little good, but, on the other hand it can do a lot of harm.

This Bill intends to extend the scope not only to titles but to gifts and other things. With regard to the State, according to the Bill, it includes any institution or organisation in a foreign State. It is well-known that certain organisations abroad send powder milk as gifts. I am against it in the sense that our local dairy industry is being affected, but I do not want that the recipient of such powder milk should be sent to jail. That will be ridiculous. There are certain organisations which send gifts which one may not like; but, it

cannot by any stretch of imagination be included in the category of offences which the author of the Bill intends.

Then the inclusion of 'any organisation in a foreign State'—not even the Government of a foreign country—will take us to an extent which I am sure will not be in the interests of our country. The hon. Member was saying that the slavish mentality is still persisting and hanging over. This sort of extreme doubt and suspicion is also one of the features of that mentality. There is no question of our people having extra-territorial loyalties. Public opinion and public life in this country are sufficiently healthy to bring to book such men. Whenever we find some people, some individuals, tending that way, the public condemns them, and if the penalty clause was not prescribed by the Constitution, it was not an accident, I hope. It was not an urgent necessity before the framers of the Constitution, nor do I believe that there is any such necessity at the moment.

My friend Shri A. M. Thomas pointed out the existence of titles by ecclesiastical heads and ecclesiastical organisations. It is not a small matter. There is a small section of people in this country and according to them the Pope is the spiritual head. He is not only the spiritual head out but he is the chief of the Vatican State and he is conferring titles such as 'His Grace', 'His Eminence' etc.

**Shri A. M. Thomas:** Chevalier.

**Shri Punnoose:** Personally I do not like people parading these titles. I do not know whether the recipients of these titles themselves know what these titles are. But such titles are given. They do not normally imply any extra-territorial loyalties. I think our public life is strong enough to deal with people, whosoever they may be, who tend this way. My hon. friend Shri D. C. Sharma was quoting Constitution after Constitution saying that the titles are being banned the world over. The foreign titles and honours and recognition of

achievements have been in vogue in all the civilised countries of the world, and there is no need that we should, when so many pressing problems are before us and when those problems are to be tackled, be spending our time and energy on this question which is not of very great importance.

**Shri Kamath (Hoshangabad):** What about the Stalin Peace prize?

**Shri Punnoose:** It is a gift in the sense that it is given by a committee of well-known international leaders and it is given to those who, according to that committee, are the foremost in the work for peace.

**Shri Kamath:** Even that may be banned.

**Shri Punnoose:** That may be banned, but that is not the most important point. When the representatives of a movement representing 650 million people gather together and award a prize, it does not matter whether I or you or some of us do not recognise it. But what matters is that our nation will lose much of its respect among the other people if we take a narrow view of these things. I am sure it is far from the mind of the sponsor of this Bill to ban such prizes. I feel there is no necessity for this Bill to be passed.

**Kumari Annie Mascarene (Trivandrum):** I strongly oppose this Bill. I am extremely sorry that this House had allowed such a Bill to be discussed because to me it appears as an insinuation against the international amity and friendship which we are maintaining today. It is a Bill which shows clearly a record of ingratitude for all the gifts we have accepted from abroad for our progress, for our development and our well-being.

**Shri Kamath:** Delete gifts, retain titles.

**Kumari Annie Mascarene:** A title is a gift and a gift is a title according to convenience.

**Shri M. P. Mishra:** Writing fetches something in cash.

**Kumari Annie Mascarene:** We have accepted cash also. The hon. Member has not studied the foreign aids we have accepted both by way of gift and by way of cash. Therefore, I feel that article 18 (2) of the Constitution is an anomaly and should be thrown overboard.

**Shri Kamath:** Amend the Constitution.

**Kumari Annie Mascarene:** We have to amend the Constitution. The day has come when time and space have shrunk and a nation as an individual nation cannot exist any more without being connected, rightly or wrongly, with the fortunes of other countries.

**Shri M. P. Mishra:** And one Government is formed.

**Kumari Annie Mascarene:** Therefore, this Bill shows nothing but a short-sightedness or a want of foresight of international affairs. As a young republic, if we only look into the details of the Five Year Plan that was and that is to be, if we only look at the constructive fields we have accepted and the technical co-operation, etc., etc., why should this Bill stand in the way and create a bitter drop in the cup of friendship?

Then, with regard to the titles, why should you not accept a title from abroad, from foreign countries, if foreign countries feel that an Indian at least has got the merits.

**Mr. Chairman:** That is already banned.

**Kumari Annie Mascarene:** That ban should be thrown overboard, I say. Very recently I heard that our Ambassador in England had received the title of Doctor of Laws. It was published in the newspapers. I do not know whether it is correct. Such things show that there is appreciation of merit. Why should we not accept an appreciation of merit? It is not anything that will kill you. It is only an appreciation and as such, though titles are discouraged, they should not be banned. It is wrong for a Govern-

ment, whatever it be, to ban titles from abroad; when we are growing to our proper stature and when we are able to appreciate people from abroad we will bestow our appreciation by way of titles and when we are enriched we accept the gifts bestowed by others.

**Mr. Chairman:** Whether you make it punishable or not is another matter. The Constitution itself has banned any title from any foreign State.

**Kumari Annie Mascarene:** May be.

That is my protest against such a policy.

**Mr. Chairman:** You cannot protest against the Constitution.

**Kumari Annie Mascarene:** The Constitution is not an iron rod. It must be amended.

**Mr. Chairman:** That is by way of a separate Bill. That cannot be done by a speech on the Bill under consideration.

**Kumari Annie Mascarene:** Nothing should be done either by way of legislation or by way of an executive act to deter the friendship that is already existing. On the other hand we should make every effort to promote friendship at large.

My friend Shri Punnoose was referring to gifts of milk and to titles from His Holiness the Pope. Regarding gifts of milk and such other articles of food sent from abroad, the dignity of the nation demands that we should, as far as possible, stand on our own legs. But in a time of stringency, for example, during the war, during a famine, during the infancy of a nation, we do accept; not only this country but any country will accept a gift from abroad if those countries are so generous and if they are not going to exploit on those gifts.

With regard to titles from His Holiness the Pope, I wish to express my opinion on the subject. A catholic anywhere in the world is a spiritual subject of the Pope irrespective of the

nationality to which she or he belongs, and any title coming from that source is like a title coming from the father of the family to the child. Nothing more, nothing less: and that has got nothing to do with politics. It is only a spiritual title conferred by the Pope as spiritual appreciation. With these words I wish to say that this Bill ought not to be given this opportunity for discussion, especially clause 4. Then, the sponsor of the Bill says in clause 5 that these gifts, etc. are exempted. What relevancy is there between clause 5 and the other clauses? You are willing to exempt scholarships, etc. You are willing to go and study and get degrees in those places. That should be exempted. What is the meaning of this clause? Suppose any country wants to confer on our President any title, he may not accept it. Suppose any country wants to confer any title on a scientist like Shri C. V. Raman,—he is not an Indian, he is a universal being who has seen into the secrets of nature—why should he not accept it? This Bill is rather shortsighted, narrow minded and unfriendly. It should not be allowed even to be discussed.

**Shri Tek Chand:** (Ambala-Simla): I find myself in accord with the sentiments that have motivated the author of this Bill. But, I find myself in total disagreement so far as the letter of the law or the *verba legis* of this Bill is concerned.

There seems to be lately a deplorable tendency on the part of the law makers, whether they happen to be the authors of private Bills or Government Bills, who think that the panacea for all evils is a penal law. For every little thing which may have nothing to do with evil intention or corrupt motives, we think of imposing imprisonment or a fine. Mentally, we are becoming fond of penal laws. We think that every social evil, every social deviation from what is considered to be the correct course of conduct should merit punitive action and punitive measures. We have just stopped dis-

cussing the Indian Companies law with 169 penal clauses. Let us examine this Bill with its emphasis on penalties. It seems that if this progress goes on at this pace, every other citizen will run the risk of being branded a criminal, whether it happens to be a company law matter or it happens to be a case of adulteration of food or it happens to be the Motor Vehicles Act, and what not, regardless of the fact that there is no evil intention behind that artificial crime and penal act.

I find that there is a reference in our Constitution under article 18 clause 2 that no citizen of India shall accept any title from any foreign State. To my mind this is a very proper expression of what is the sentiment of all nations as it is clearly delineated in the Constitution. You will find similar references in the Constitutions of other countries and I am in a position to cite from the Constitutions of the U. S. A., Ireland and Japan, which have similar objectives. They deprecate the acceptance of titles from foreign States. Of course, the language in some Constitutions is mild and broad-based and in some others, the language is narrow. Be that as it may, I have no quarrel with that. But, not a single instance has so far been cited on the floor of the House, of a similar law which makes it a crime, either in America or in Ireland or Japan or in any other country, punishable with imprisonment or fine or with any other social disability or stigma. Here we have a punitive measure which not only goes far beyond the scope of our Constitution, but which almost does violence to the English language.

According to clause 2, a 'foreign State' includes any institution or organisation in a foreign State. If you turn to article 367 clause 3, of the Constitution, a foreign State means any state other than India. The definition of a foreign State as visualised in the Constitution comes into conflict with this highly artificial and incorrect definition in this Bill. If the expression 'foreign State' were to be

[Shri Tek Chand]

elevated so much so as to include, even any institution or organisation, let us analyse its full implications. If this Bill were to be the law of the land, let us see who are the persons who are going to be punished. One of the Scandinavian countries has instituted a Nobel Prize. It awards Nobel Prize not only for scientific research, not only for knowledge, but also for peace. If you juxtapose clause 5 which provides the exceptions, it merely says that certain gifts and honours are saved, which are in the nature of scholarships, prizes, degrees or honours conferred in accordance with any rules or regulations or custom prevailing in a University or other institution devoted to the advancement of knowledge and situated in a foreign State. If a person gets a Nobel Prize for literature he commits no offence according to this measure. But, if a person gets a Nobel Prize in sports, in some aeronautic display, as a result of some act of great courage and bravery, as a result of saving some life, he deserves according to this remarkable measure to go behind the bars for a period of 2 years, because receiving a prize for an act of courage or an act of bravery or for display in sports would become penal in India because a foreign State or any institution or organisation there honours him. The saving clause is confined to only a University or an institution which recognises merit so far as the imparting of knowledge is concerned. Let me say, a countryman of mine goes abroad, and displays some act of great bravery: may be rescues children when the house is on fire, may be rescues somebody from drowning when there is a ship wreck. He comes back home after accepting some little token as a gift. According to the learned author of this Bill, the jails are waiting for him here and will house him for 2 years because he endeavoured to save a life and got one anna worth of gift or recognition of merit. This is the type of legislative measure we are called upon to debate and after serious thought give our blessings.

I am afraid I must withhold my blessing to a measure so clumsily worded, so inept, so improper, though dominated by the purest of motives, by very good intentions.

**Mr. Chairman:** I wish that without casting any reflection on any Member in this House he would discuss the provisions of the Bill.

**Shri Tek Chand:** I am not casting aspersions. I am extolling him, I am elevating the motives underlying the Bill, but what I am criticising is that the language in which these motives are clothed happens to be inept and if it is analysed properly it will lead to consequences and results which even the author of the Bill on a closer scrutiny and closer examination is likely to regret. I am not finding fault with the author. The author is influenced by the noblest impulse, by the best considerations in consonance with the national dignity and national prestige. While emphasising that it is admirable, all that I say is that you must not permit yourself to be swept off your feet ignoring the real thing and leading to consequences which may turn out to be either laughable or impracticable.

Supposing somebody,—let us say, along with some world organisation, scales the Mount Everest again. He goes abroad and they confer some honour. According to this Bill the reward that he is going to get from this country will be two years in jail and some fine. This is how the Bill has been worded.

The Bill talks of acceptance of gifts or presents, but the distinction between a gift and a present is not clear to me, and it is not made clear in the Bill either. In the definition clause no doubt you have defined "foreign State" as meaning an "institution or organisation, but so far as the other thing is concerned, it has not been defined anywhere. Therefore, my contention

is that it is very proper that our Constitution should look with disfavour upon conferring of titles, but when it comes to other matters and you extend the scope of the definition of foreign state itself, the Bill, with the best of motives will become unworkable and we may be exposed to an improper criticism. I wish that this Bill were not pursued any further.

**Shri M. S. Gurupadaswamy** (Mysore)—*rose*,

**Mr. Chairman:** I think he will be brief.

**Shri M. S. Gurupadaswamy:** Only six or seven minutes I will take.

The Bill that has been brought by my hon. friend Shri C. R. Narasimhan seems to me unnecessary because the purpose for which he has brought it is met completely by the Constitution. Shri Narasimhan wants to provide for punishment and to impose penalty on people who go contrary to the provision in the Constitution, that is, those who contravene article 18 of the Constitution. Article 18 does not provide for penalty. It only states that no title, not being a military or academic distinction, shall be conferred by the State. It goes on to say that no citizen of India shall accept any title from any foreign State or in certain cases without the consent of the President. The natural consequence of this article would be that if there is an acceptance of a foreign title, then the person concerned will be automatically divested of that title, and there is no punishment. There is no question of sending that man to jail or imposing a fine.

Nowadays we have been imitating some of the bad practices and methods of Western countries. We have been conferring titles on our own citizens though in spirit they are contrary to the provision in the Constitution. Every year the President of India confers titles on men of distinction. But they are contrary to the spirit of article 18. Anyway, this Bill refers to titles conferred by foreign States. Nowadays, if we want to condemn a man who has achieved

some prominence or distinction, then the only thing you have to do is to confer a title and hang him. It is very easy to eliminate him from public life. The last act of distinction for him would be having a title by the State. Confer a title and for all practical purposes he will be eliminated from political life. I feel that if we are very much interested in conferring titles, if we are very much interested in honouring people who have served the nation with distinction, then we could have categorically said that there is no harm in conferring titles. But unfortunately or fortunately, the Constitution does not favour the idea of conferring titles on anybody. When that is so, I think it is wrong on the part of any Indian citizen to accept a title conferred by a foreign State. In the British regime it was a fashion for people to get titles. Today we are in a different set-up. The atmosphere has changed, the conditions have changed. We must discredit not only the conferring of titles, but also the taking of titles whether this is done inside India or outside India. But it is unnecessary to provide for imposition of fine or any other punishment for this purpose because there is already an article in the Constitution and if there is any person who takes a title conferred by a foreign State, then I think he will be automatically divested of it.

Some Members said that it may be necessary in practical life to have titles, to have gifts or presents. I was just now talking to Shri More and I asked him whether he would be very anxious to have a title for his interesting interruptions in Parliament. He is a very great interrupter and he makes sometimes very devastating interruptions, and for that he may be conferred a title and asked to keep quiet hereafter. And he told me that he is very much interested to have one.

**Shri S. S. More** (Sholapur): He is not reporting me correctly.

**Shri C. R. Narasimhan:** Title for bad reporting may be given to him

**Pandit Thakur Das Bhargava** (Gurgaon): Anyway he has interrupted rightly.

**Shri M. S. Gurupadaswamy**: That is why I said, title for interesting interruptions.

5 P.M.

The purpose of the Bill is fulfilled by article 18 of the Constitution itself. So, this Bill may be withdrawn. Moreover, there are flaws in the wording of the Bill. For instance, I may point out that the interpretation clause, namely clause 2 defines a foreign State as follows:

"...a 'foreign State' includes any institution or organisation in a foreign State."

Suppose there is an international organisation which confers the title of poet laureat  on one of our poets, or since poet laureat  would be considered to be an academic distinction some other title like that, then this interpretation clause does not cover that. That is why I say there are very many flaws in the drafting of the Bill.

**Shri S. S. More**: You have already persuaded him to withdraw the Bill.

**Shri M. S. Gurupadaswamy**: I say therefore that this Bill is not necessary. I hope it will not be pressed, and that the hon. Member would withdraw this Bill.

**The Deputy Minister of Home Affairs (Shri Datar)**: Though in the opinion of Government and also of a very large number of Members of this House the Bill is unnecessary, still we have had a very good and stimulating discussion on the whole question. The matter was considered from numerous points of view, including the question whether we should discourage extra-territorial loyalties by penal laws.

In all these cases, as **Shri Tek Chand** has very rightly pointed out, we have to consider whether the violation of any particular directive given in the Constitution has become so

general or is prevailing to such a great degree that it ought to be prevented by some penal measure or by punishment. That is a very important test or criterion so far as this question is concerned.

Therefore, the very short question that arises in this case is whether the violation of article 18 of the Constitution has become so great as to necessitate the passing of a penal measure. In all such cases, we ought to be careful, and generally, except where the matter becomes one of great concern in the interests of the public, we should leave all such question to the good sense of our people.

[SHRIMATI SUSHAMA SEN in the Chair]

So, in such cases, as I stated, the question arises as to whether the evil has become so great as to necessitate the passing of a measure of this nature.

So far as the Constitution is concerned, you will find that the Constitution deals with evils—great as small. In the chapter on Fundamental Rights, there are certain prohibitions laid down. For instance, there is article 17 where we have a prohibition regarding the exercise of untouchability. In the next article, i.e. article 18 we have a prohibition in regard to the giving of titles by Government or the receiving of titles from a foreign government by a citizen of India. These two prohibitions are in articles which are so close to each other.

So far as untouchability is concerned, the Constitution-makers believed that it was such a great evil that the exercise of that particular right ought to be visited with punishment. That is why you will find that the wording used here is:

"The enforcement of any disability arising out of 'Untouchability' shall be an offence punishable in accordance with law."

So, you will find that so far as untouchability is concerned, so far as



one of the prohibitions laid down in this chapter is concerned, the framers of the Constitution were of the view that there ought to be not merely a prohibition or ban but also a provision for punishment for doing anything inconsistent with that ban.

Immediately after that article, we have got article 18 which lays down a ban against Government conferring a title, and also against an Indian citizen accepting a title from a foreign government. But so far as this article is concerned, the Constitution-makers did not contemplate at that stage at least that a violation should be made penal. So, it is clear from this that rightly a discrimination was made between evils and evils, and in certain cases the framers of the Constitution believed that the question should be left to the good sense of the public, and therefore the Constitution merely laid down this prohibition in respect of Government as also in respect of the people.

The question that arises here is this. Has there been a very large number of the receipt of such titles during the last five years, ever since the Constitution came into force?

**Dr. Rama Rao (Kakinada):** On a point of order. May I point out that there is no quorum in the House?

**Mr. Chairman:** The bell is being rung.

**Shri M. S. Gurupadaswamy:** There must be a title for those who raise points of order regarding quorum. There must also be a title for those who are consistently absent from the House.

**Mr. Chairman:** Now, there is quorum. The hon. Minister may continue.

**Shri Datar:** I was pointing out to this House that the question to be considered here is whether there have been numerous instances of the receipt of various gifts, honours or decorations from foreign governments by Indian citizens.

Now, we have developed a convention in consultation with other governments that whenever certain Indians

are going to receive any decorations or other things, then there must be consultation between the two governments concerned. So, references are made, and only after we consent, these decorations or titles or presents are given to these people. Fortunately for us, the time has not arrived when the instances of the violation of article 18(2) have grown to such an extent as to necessitate a parliamentary law in this respect.

There is one other point in this connection. If any law is passed, then there would be a number of difficulties, and the question would arise whether there would be sufficient sanctions behind any action that the Government of India can take. Consider the case of a number of Indians who are residing in other countries, such as the British colonies or others, for instance. A number of Indians have been living there for years together. They have been carrying on very good or meritorious work as residents of these colonies and other places. And supposing the State Governments there give them some decorations or gifts or prizes in recognition of the good work that they have done or the meritorious work that they have done, then would it not be better for us not to make the law so penal as to prohibit them from receiving such gifts or other things? There would also often be cases where a difficulty would arise as to whether a particular Indian who was a citizen of India has or has not become a citizen of that particular country. Suppose under these circumstances a man receives a title, a gift, a decoration even a title.

Then he is continuing there. Technically, perhaps he might be a citizen of India. But is there any sanction so far as we are concerned under which we can take any action against this person because he violated this law? Therefore, we ought to be very careful in such matters. It is true, as it has been pointed out, that extraterritorial loyalty should be discouraged. But we should have only a measure that would deal with such a question and not with

[Shri Datar]

other questions which are more or less of a legitimate nature. Therefore, when a large number of Indians are living abroad—about five million, if I mistake not—and if in a legitimate manner, they receive gifts or awards or decorations, there ought to be no difficulty, there ought to be no ban by us except the general ban which we have introduced into the Indian Constitution. Therefore, my submission to this House is that conditions are not at present of such a nature as to make it compulsory for Parliament to make a law in this respect.

So far as Government policy in this respect is concerned, it is quite clear. So far as titles are concerned, they are completely banned. You will find that in the Constitution, a distinction has been made between clauses (2) and (3) of article 18. Clause (2) says:

“No citizen of India shall accept any title from any foreign State.”

Here there is no question of receiving any permission or consent from the Government of India. But clause (3) says:

“No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.”

Then there is clause (4) also:

“No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument or office of any kind from or under any foreign State.”

Now, this might be either an Indian citizen or any other person. In such cases, it is stated that he cannot accept without the consent of the President any emolument, present or office of any kind from or under any foreign State. Therefore, so far as these two clauses are concerned, in respect of titles, there has been an absolute prohibition and the receipt of

titles cannot be made recognisable even by the consent of the President. But so far as others are concerned, so far as other officers are concerned, they can receive it only with the consent of the President and not otherwise. Therefore, taking the first point first, namely, titles, it is very clear that titles have been banned by the Constitution and no Indian should accept it. Assuming he accepts it—such cases are very rare; you will find that within the last five years very few cases of this nature have come to our notice....

**Shri M. S. Gurupadaswamy:** What is the number?

**Shri Datar:** Very few cases. Indians residing outside in foreign countries might have accepted here and there, and we have no statistics about these persons. But so far as Indians residing in India and receiving such foreign titles are concerned, their number is almost nil—I speak only subject to correction. That would show that there are absolutely no Indians who have received titles. Assuming for the sake of argument, a man receives a title, what we can do is just to express our disapproval by not recognising the title at all. So far as that title is concerned, we shall not recognise it. Government will refuse to recognise such a title and I am quite confident that the people also will follow suit. Therefore, so far as this question is concerned, as titles are banned by the Constitution, no Indian should accept any title from any foreign country. There need be no penalty attached to such acceptance. If a private person gets such a title, Government do not recognise it, and Government disapprove of it.

So far as decorations, honours and awards are concerned, there is no constitutional bar to the acceptance of those decorations, honours and awards which do not amount to titles. Government would not normally grant permission to such awards except in rare cases. Then some other cases have been referred to. What we have done

is that we have also pointed out the difficulty. If such a law is passed, it would be difficult for Indians living in the Commonwealth and other countries to receive titles even in respect of legitimate or meritorious acts that they have done. Therefore, I would submit that so far as this Bill is concerned, no necessity has arisen at all.

Secondly, as pointed out by some hon. Members, there are a number of points on which this Bill is very wide of the mark, and the wideness itself leads to certain very grave objections. As pointed out, foreign State would include any institution or organisation in a foreign State—that would include even private organisations. There might be very good, unobjectionable institutions which are carrying on very eminent work and they might find that in a proper case, an Indian should be encouraged by giving some prize or award. In such a case, we will find that this definition is wider than even what the Constitution itself has provided.

Lastly, as it has been very rightly pointed out, so far as clause 5 is concerned, all that has been excepted from the penal measure is the honour conferred in accordance with certain rules in a University or other institutions, and these other institutions are analogous only to the Universities devoted to the advancement of knowledge and situate in a foreign State. Therefore, take, for instance, the Nobel Prize, which might be given to an Indian for trying his best for the establishment of conditions congenial to peace in the world. Now, if the efforts of that Indian in that direction are considered so meritorious that he ought to be encouraged on the work he has done by the conferment of that award, it would be absolutely difficult for him to receive the award because such receipt would itself be penal. Therefore, you will find that so far as the provisions of this Bill are concerned, they are entirely wide of the mark. On the other hand, no necessity has arisen for such a Bill. Secondly, if such a Bill is passed, as it has

been rightly pointed out by a number of Members, it will increase the difficulties and needlessly we shall be placing on the statute-book a penal measure, which at least so far as the present times are concerned.

**Shri S. C. Samanta (Tamluk):** May I ask a question? When article 18 was being framed by the Constituent Assembly, Dr. Ambedkar talked about the penalty. The hon. Minister is avoiding penalty. One of the penalties may be that he may lose his right of citizenship. That is what he said about acceptance of titles. Therefore, there is really no difficulty in understanding this provision, as it is a condition attached to citizenship. It may be that the Bill, in the form in which my friend has brought it forward, may not be acceptable to Government, but Government should come forward with a Bill so that what the framers of the Constitution intended in respect of penalty may be provided by a law enacted by Parliament.

**Shri Datar:** The answer is very brief. As I pointed out to this House, there were provisions and a distinction was made between some of them so far as the Constitution was concerned. It has been very clearly stated in article 17, as also in article 35 (2) which says 'for prescribing punishment for those acts which are declared to be offences under this Part.' Therefore, what I am pointing out is that just as the enforcement of disability was considered or laid down as an offence under the article, violation of article 18 was not considered as an offence under this article.

Therefore unless we pass a special law and make it penal, it will not be penal. I would, therefore, point out that in spite of what the author of the Constitution stated—after all it must have been more or less his personal opinion—the Constitution did not at the time contemplate the making of any violation of article 18 an offence.

So far as the second question is concerned, whether the Government would bring forward a Bill, at this

[Shri Datar]

stage, the Government's opinion is that there is no need for any such Bill, because there have been very few violations.

**Shri C. R. Narasimhan:** I thank the House and particularly the Home Minister for the sympathetic way in which he examined my Bill. Some hon. Members have spoken in support and quite a few in opposition. My one desire was that extra-territorial loyalty should not be allowed to grow or flourish. I am very happy that at least in that aspect of the matter my motive was not suspect here.

As for the legality or otherwise of the matter, I think,—whether Dr. Ambedkar gave his personal opinion or not—it is clear from the Constitution itself that while citizens have rights under the fundamental rights, they have also obligations. I thought that one of the obligations should be to stick to this important provision of the Constitution and I thought that a lacuna should be removed. That was why I thought of taking the time of the House in this manner.

As far as the defects in the Bill are concerned, this is only a minor one. Naturally, when a Bill is taken up for consideration in the House it is expected to be improved by the combined wisdom of the House. If there are difficulties in the matter there are rules to be framed which can obviate these. After all, some of the imaginary instances quoted will not arise because the main theme of the Bill is that whatever is done should be done with the previous permission of the President. Much was made as to how even the Prime Minister could not get an award. When we get a measure before the House we should not start with the idea of how it would affect such and such a dignitary as the President or the Prime Minister. It is not the proper approach. If we do so, then we cannot discuss it in an unprejudiced way. In any case nothing serious could happen under my Bill because it is provided every-

where that previous permission of the President should be sought. Therefore, all these difficulties cannot arise.

As for the penalties, my learned friend said two years imprisonment and so on and so forth. Two years is the maximum. It does not mean that in every case the punishment will be two years imprisonment. I am sorry that this kind of talk is not fair particularly from people who can discuss legal problems.

My purpose is served by focussing general attention on the undesirability of looking to the appreciation of foreigners for doing good things. Virtue should be its own reward and therefore the grant of a reward or recognition from abroad or any one is not at all called for. That was the basic motive with which the Constitution was framed and prizes and honours were banned. One or two hon. Members protested against the wisdom of the provisions of the Constitution itself. I do not think it will be proper for me to enter into a discussion on this question. The constitution-making body consisted of great people and spent a number of years and they thought it fit to have this provision. I do not think there is any relevancy in attacking it here. We are not discussing the Constitution but we are only thinking of strengthening it. All this is academical.

**Shri M. S. Gurupadaswamy:** May I ask one question? Will you approve of the conferring of titles on Indians in India?

**Shri C. R. Narasimhan:** I will come to that. Titles are recognitions. Take the case of a married lady. A smile from the husband is one thing and a smile from an outsider is a different thing. It is very unnecessary here on the present occasion to discuss Indian titles.

**An Hon. Member:** You get a smile from the husband.

**Shri C. R. Narasimhan:** It is the general desire of the House that extra-territorial loyalty should not be encouraged. I accept the judgment of the Government and the hon. Deputy Home Minister as to the necessity or otherwise of the Bill. Therefore, I wish to withdraw the Bill and I hope the House will kindly permit me to withdraw it.

**Mr. Chairman:** Has the hon. Member the permission of the House to withdraw the Bill?

**Hon. Members:** Yes.

*The Bill was by leave, withdrawn*

#### PREVENTION OF JUVENILE VAGRANCY AND BEGGING BILL

**Mr. Chairman:** The next Bill for consideration is the Prevention of Juvenile Vagrancy and Begging Bill. Shri M. L. Dwivedi.

**Shri T. B. Vittal Rao (Khammam):** After three long years he got the chance.

**श्री एम० एल० द्विवेदी (जिला हमीरपुर):**  
I beg to move:

"That the Bill to make provision for the prevention of Juvenile vagrancy and begging, be taken into consideration."

यह एक छोटा सा विधेयक है जो कि बच्चों के बारे में है। यह आप भली भाँति जानती हैं कि हमारे देश में बच्चों की स्थिति बहुत ही शोचनीय है। हम जब कभी दूसरे देशों में जाते हैं जो देखते हैं कि वहाँ बच्चों के सम्बन्ध में बहुत से कानून बन चुके हैं और बच्चों की शिक्षा और पालन पोषण की अच्छी व्यवस्था की जाती है। लेकिन हमारे देश में इस तरह कोई ध्यान नहीं दिया गया है। हम देखते हैं कि हमारे देश में तरक्की के और बड़े बड़े काम हो रहे हैं, जैसे आबपाशी के लिए बड़े बड़े बांध बन रहे हैं, देश में सड़कों का निर्माण हो रहा है, खेती की उपज

एढ़ाई जा रही है। लेकिन जो मानवी शक्ति के श्रोत का सबसे बड़ा आधार है, जिससे कि हमारा जीवन लहलहा उठता है, जिससे देश को नेतृत्व मिलता है, उन बच्चों की तरक्की के लिए, उनमें जो बुराइयाँ फैली हुई हैं उनके निवारण के लिए हम बिल्कुल सुस्त हैं, बहुत ढीले हैं।

अभी १९५४ में यू० एन० आ० की जो रिपोर्ट आयी है उसमें लिखा है :

"India has been rather slow in initiating social welfare measures with regard to juvenile delinquents, neglected, dependent, destitute or victimised children."

यह नहीं है कि ऐसा केवल अन्तर्राष्ट्रीय संस्था ही ने कहा हो। मर्र पास एक पुस्तक और है जिसका नाम है 'रिपोर्ट आन डिलिनक्वेंट चिल्ड्रन एंड जूविनाइल आफेंडर्स इन इंडिया'। यह पुस्तक भारत सरकार के शिक्षा मंत्रालय में प्रकाशित की है। इसमें कहा गया है :

"A civilized society should be anxious not only to provide reasonable conditions of life and social and cultural facilities for normal children and adults but also give particular attention to those who suffer from any special disabilities. In the past delinquent children and juvenile offenders have often been regarded as if they were hardened criminals, entirely responsible themselves for their anti-social acts and behaviour. However, advances in the field of psychology and a deeper insight into human behaviour have revealed that children often go wrong not because of innate defects in them but because the social and economic conditions under which they are brought up are unsatisfactory and calculated to warp their normal development. In educationally progressive countries, more humane treatment is being meted out to such children, because adults realize that they are themselves largely responsible for the unfortunate twist that is given to their minds."