

Resolution regarding Travancore-Cochin. As it is in the public interest that the provisions should have immediate effect under the Provisional Collection of Taxes Act, 1931, and considering the other business to the disposal of which this House stands committed, I request that you be pleased to waive the usual period of notice for the consideration of a Bill and allow this Bill to be taken up for consideration and passing tomorrow.

Mr. Speaker: I would like to state to the House that copies of the Bill, as introduced, are available at the publications counter. Hon. Members may obtain their copies from there. Those hon. Members who do not take their copies from the publications counter will be supplied copies at their residences this evening.

Shri Kamath (Hoshangabad): Then, we can give notice of amendments.

Shrimati Renu Chakravartty (Basirhat): I am not standing in the way of the Bill being passed as soon as possible; but, I do feel that the Members should have some time to study. At least 24 hours should be given to us. Would it not be possible to postpone considering this Bill till Monday? What is the harm if we postpone it for another 24 hours?

Mr. Speaker: Cannot this be taken up on Monday?

Shri Satya Narayan Sinha: Several times I have announced that the Constitution (Amendment) Bill will be taken up on the 3rd. You know the special majority that is required and Members have to be here. It will disturb the entire programme.

Shri Kamath: The hon. Members can stay one day longer. Instead of on Monday, it can be taken up on Tuesday.

Mr. Speaker: Tomorrow is Saturday. This Bill will take one hour or two hours—not more. It may not even take that much time.

Shri Kamath: Two to three hours.

Mr. Speaker: Whatever time it may take, if it takes two hours tomorrow, it will take the same time on Monday. So, let the hon. Members have time to go through it. I find that the declaration has already been made.

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): It comes into operation tonight.

Mr. Speaker: So, it will be in operation on Monday also. I think reasonable time may be given to hon. Members. Let them also study. It will not take more than two hours.

Shri Kamath: It will be taken up on Monday.

Mr. Speaker: Yes, on Monday. (Interruptions.) Order, order. Let it be one clause. Whenever it is possible to give time to hon. Members and wherever they are making some contribution, I would like to allow time to the hon. Members. I always allow discussions on the floor of the House. We can have it on Monday. Whatever time will be taken on Monday, will also be taken tomorrow if this Bill is to be taken up tomorrow. What is lost on Monday, will be gained tomorrow.

Shri Raghavachari (Penukonda): All his anxiety is about the special majority for the Constitution (Amendment) Bill.

Shri Kamath: I will request you not to make it two hours. They may require more time after studying the Bill.

Mr. Speaker: I am not sure whether the hon. Members will have sufficient preparation to go for two hours. Sometimes, it happens like that.

RESOLUTION RE. APPOINTMENT
OF COMMITTEE ON WORKING
OF DIRECTIVE PRINCIPLES OF
STATE POLICY

Shri Tek Chand: Those hon. friends who have struck a note of dismal pessimism have not ever examined

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the relevant provisions of the Constitution. They seem to be living in a world of abstract illusion or pure idealism.

Now, Sir, if you will turn to some of the relevant provisions you will find that notable achievements have been made in certain respects. Notable achievements could also be made in other respects provided the time-lag was not there. For instance, under article 39 it is said:

"The State shall, in particular direct its policy towards securing—

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;"

The important words are: "the State shall direct its policy towards securing the objectives".

If you go to the legislative side you will find that a large number of Acts have been passed which take practical steps in the achievement of those objectives. We have the nationalisation of Land Acts passed in several States. We have again the Employees' State Insurance Act passed in several States which provide benefits to workers in factories and other establishments in cases of sickness, maternity etc. We have also the Minimum Wages Act empowering the Government to fix minimum wages for workers in certain establishments. Regarding equality, regarding the desire that there be less disparity so far as wealth is concerned, the taxation statutes and the Act relating to the Estate Duty are indicative of the fact that the policy is being pursued.

Directive Principles are not a matter which can be achieved merely by passing a particular statute. You have got to take note of the changes and this has to be achieved

in a gradual manner. It must be remembered that under our Constitution our's is a Welfare State and not a police State. Those of the friends, like the author of the resolution, who draw their inspiration from a police State may find it easier to ram in a certain provision down their throat and achieve it. But in a Welfare State the approach is totally different and therefore, to that extent we have made a laudable progress. No doubt we might have tripped, may be for want of experience or otherwise, here and there, but that is no reason to feel dissatisfied with the achievement.

Sir, if there was the time available at my disposal, I could go through the various articles and say in every branch, in every aspect we have marched forward. It may be that we have not reached our goal in some way, but our advance, its progress, its speed is very creditable. Therefore, that being the position, I do not think that it is fair, it is just, it is in consonance with equity, to level all sorts of charges that have been levelled in a most reckless and wanton manner against Government's not having done what according to the notions of the author the Government should have done.

Mr. Speaker: We have got to finish this debate by 5-45 P.M. and give sufficient time for the other resolution to come in.

Dr. Suresh Chandra: I will take only five minutes, Sir.

Mr. Speaker: How much time will the Minister take?

Shri Datar: Half an hour, Sir.

Mr. Speaker: Then I call upon the Minister.

Shri Datar: Mr. Speaker, Sir, in the course of the very interesting debate that we had on this, I would say, all pervasive resolution, I found two trends. One, naturally, was from our friends opposite because they do not see anything that the Government have done in respect of the numerous problems, especially the problems of

welfare with which either the State Governments or the Central Government are concerned, and they are critical, if not hostile, towards what we have done. The other natural trend comes from the friends on this side, who naturally find a lot of things that we have done. But I also appreciate their desire to see that we move faster and we bring about a condition of welfare in India, which is in our minds and which is according to our ambitions, as early as possible.

I would like to point out, after I have dealt with certain preliminary points, as to how both the Central Government and the State Governments are trying in all ways that are possible to follow the directive principles that have been laid down or propounded in the Constitution. In the first place, before I deal with the merits of the resolution, or before I narrate as briefly as possible what our Governments have done, I should like to point out to this House that so far as this resolution is concerned, it suffers from a number of technical and constitutional defects. To begin with, the hon. Member will kindly see that in his resolution he desires that the enquiry should be fully made by a parliamentary committee into all the legislative and administrative actions of the Union Government and the State Governments. So far as the last part is concerned, under the Constitution that has been framed, there are divided powers, let it be understood very clearly, certain powers vest exclusively, in the States and certain powers in the Centre. There are also certain powers which vest concurrently in the States as also in the Centre. Under these circumstances, so far as this question is concerned, as I have stated, it is an all pervasive question; it embraces all the departments of Government's activities either here or in the States and, therefore, I would like to submit to my hon. friend, as also to the House, that this resolution suffers from a very great constitutional irregularity to the extent that it purports to deal with the legisla-

tive as also the administrative acts of the State Governments. Therefore, at least to that extent this resolution is beyond the purview of Parliament.

Secondly, we should also try to understand why, when the Constitution was framed for India, a distinction was made between the fundamental rights of the citizens and others on the one hand and the directive principles on the other. Now, I just looked into the commentary of Shri Basu and I find that therein he has pointed out the genesis, or what is known as the directive principles that was borrowed by our eminent Constitution-makers from the Constitution of Eire or Ireland, and why this distinction should be made at all.

As you are aware, Sir, so far as the fundamental rights are concerned, they are the fundamental rights of the various persons enumerated in the earlier chapter of the Constitution and these rights naturally can be enforced; in other words, they are justiciable. But so far as the directive principles are concerned, the name itself implies that it has a directive force in the sense that all the policies of the Governments at the Centre and in the States are to be guided in the direction of the objectives which we have to keep before ourselves, and therefore we have always to make a distinction between a goal or an immediate object that we keep before ourselves, as for example, in the First Five Year Plan or in the Second Five Year Plan, and a final achievement. Therein, we have laid down certain targets and it is our utmost desire to achieve those targets, and it is our ambition to achieve those targets within the specified period, but so far as the directive principles are concerned, they are not a matter of immediate achievement. They are directions in which or towards which we have to work. As has been pointed out, there are trends and tendencies that have to be taken into account in finally prescribing or laying down the policy for Government. Therefore, I would submit to this House

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in all humility that so far as the directive principles are concerned, they have to be taken into account for finding out what policies we have to carry on and what is to be the general trend of the policy. As one commentator has very clearly stated regarding the directive principles, "the directives are in the nature of a moral homily. We take it a bit higher than this. We do not treat it as a pious wish or a manifesto of aims and aspirations".

Shri Shree Narayan Das: May I invite the attention of the hon. Minister to article 37 of the Constitution wherein it is stated that they are "nevertheless fundamental in the governance of the country"?

Shri Datar: If the hon. Member would have waited, I would have made the whole position clear. It has been clearly stated that the directive principles have to be kept before us as the beacon-light towards which we have to go. They are principles which we have to approach continuously through a continuous process. As Shri Raghavachari rightly pointed out, they are the principles in which direction we have to go, but it might be difficult if not absolutely impracticable, to reach the final goal.

Naturally, in the directive principles, very high ethical and other principles have been laid down; especially the principle relating to economic self-sufficiency and a number of other doctrines have been laid down. We must consider why it is our constant or, I might say, eternal endeavour to approach the principles or objectives laid down in the Constitution and what are the ideas behind these principles. I would submit that at no time shall we completely accomplish what has been laid down in the directive principles because of our difficulties, natural human frailties and the rest. In the former days, there was the principle of consumption of the best in the human mind and also super-vision. That was known as the *Kritha* age, sometimes called the golden age. We are not

now living in the golden age. We are living in what is popularly called, or as the orthodox people would call it, a *Kali* age. In English, it is sometimes called the iron age. I would point out that iron is perhaps of greater value today than even gold. Therefore, all of us have to understand the objectives as also the principles or the limits thereof. It would be very difficult to scrutinise the extent to which we have gone in implementing the underlying doctrines of these directive principles.

I would now pass on to the extent of the directive principles. So far as these directive principles are concerned, naturally they embrace all the activities of the Governments, both at the Centre as also in the States. Therefore, when the Government's policy is to be understood—either the internal policy or the international policy—naturally, these are the guides or the touchstones by which we could understand whether a Government has been carrying on its duties properly, especially as a Welfare State, or not. I would tell my hon. friend, the mover of this resolution, that it is not necessary for Government or for him to move any resolution to find out what has been done.

I would like to point out that the Government's action or inaction is always open to scrutiny in a democratic country. We have got the budget session where the whole policy of Government and the activities of the Government are brought under constant and vigilant review and scrutiny by all the hon. Members of this House on this side as well as on the other side. Further, we are no longer a police State. We are a welfare State. We have also bound ourselves to the implementation of what can be called a socialist pattern of society. Therefore, every action that the Government takes or does, every legislative or executive or administrative measure that the Government takes, has to be decided by this particular touchstone. Assuming that a committee has been appointed to act in

the terms of this resolution, then the committee will have to go over the entire ground of the governance of this country by the State Governments as well as by the Central Government in the light of what I have stated so far as the various Government Acts and measures are concerned. Therefore, if the hon. Member desires to know what particular things have been done, then, all that he has to do is to read the reports that are placed on the Table of the House and are supplied to the hon. Members every year regarding the work that the Government has done. Then, the hon. Member can also have the advantage of hearing the replies from the Government benches as to the extent to which we have been progressing as also to the extent to which we are prevented by the circumstances to proceed in the direction of progress on account of reasons which are beyond our control. Therefore, so far as this particular question is concerned, this is not a matter which consists of only a few Acts of Government or a few specified policies of Government in respect of which ordinarily a Parliamentary Committee can be appointed.

I might point out that even before the Constitution was framed, immediately after the popular Government came into power, the first task for having a planned economy that the Government undertook was the appointment of a Planning Commission. I would invite the attention of the hon. Members to the reports of the Planning Commission so far as the first Five Year Plan is concerned, and also to the second Five Year Plan I would say, without any fear of contradiction, that every proposal or every decision of the Planning Commission has been rightly coloured or guided by one or other of the principles laid down in the chapter on directive principles. All along, it has been the endeavour of the Planning Commission to evolve a policy consisting of numerous welfare schemes either for the Centre or for the States. The hon. Members of this House are going to discuss the Second

Five Year Plan within a few days. I would request the hon. Members to scrutinise every proposal that has been laid or every decision that has been taken by in the Second Five Year Plan and if they do so, they will be satisfied—as some of my hon. friends are satisfied—with the Central Government's policy. The State Governments also are following a policy which is naturally in consonance with and, may I add, in furtherance of the various high principles that have been laid down in the chapter on directive principles. I would point out in this connection what we have done in a general way. If I were to point out the various measures that either the State Government or the Central Government have taken, days and days will have to elapse before I place before the House a full picture of what we have done, and what we have rightly sought to do, so far as the guidance of these principles is concerned. I would point out that except a few Acts here and there which deal with problems of pure administration, most of the Acts that have been passed have got this policy before them.

Reference has been made in the Directive Principles to various policies that the Government have to follow in this respect. Take, for example, "securing a social order for the promotion of welfare of the people". The welfare of the people is the first and last objective of Government. We have to deal with certain classes of people who are suffering for no fault of their own from certain social disabilities. Social welfare has to be understood in its various aspects. We have to develop economically, socially and educationally and as I said, there are castes and tribes whose special interests we have to take into account, because they have to come up the ladder and be placed on the same footing as the other communities, so far as education and enlightenment are concerned. A number of Acts have been passed in this respect.

Next comes "ensuring economic justice". In every piece of English

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tion that we have passed on the financial and economic side, economic justice has been kept before us. We are anxious that the people should carry on their work properly and get what they want. That is social justice also; these terms are naturally overlapping. Therefore, whenever any Acts are passed, it is the duty of the Government to see to it that behind these Acts, there is this great object of economic and social justice. As you are aware, the Central Government as well as the State Governments have been giving help for the purpose of bringing up those who are socially backward and are suffering from social disabilities. They are also citizens of India and all citizens have to rise to the same level of enlightenment. In the case of such communities, we have to take special steps.

So far as "organisation of village panchayats" is concerned, that is one of the greatest institutions in ancient India. The panchayat was a very great institution in former days. In fact, it was the foundation of a democratic society. Therefore, immediately after the Government took over, they went into this affair and I am very happy to tell this House that there are a number of States where such panchayats have been functioning very well. I know some hon. Members may not accept this position but, I would point out that on the whole the conditions in respect of the panchayats are improving. I would cite in this connection the instance of the neighbouring State, Uttar Pradesh, where in addition to the ordinary panchayats, we have also judicial panchayats—*adalat* panchayats, as they are called. They have judicial powers criminal and civil, and on the whole, the administration of justice even by these lay men who have commonsense, but who may not know the technicalities of the law, is fairly satisfactory. Out of one lakh cases that go before the panchayats, only a few thousands go for revision before the regular courts of law. This will show that Government are fully

mindful of establishing on a modern basis and on a very satisfactory basis this great institution of panchayats.

Next is "securing right to work, to education and to public assistance in certain cases". In this connection, we have been taking a number of steps: but, my friend, the mover of the resolution, made special reference only to unemployment. To a certain degree it is true that we have taken upon ourselves the task of providing employment assistance, but as my colleague has pointed out employment is not considered as a main objective, but a by-product. We have to understand that in other countries, it is not considered as the main or exclusive or over-riding objective; it is a by-product. In this connection, I would point out that under the First Five Year Plan, jobs have been directly provided to the tune of 4.5 millions or 45 lakhs. Let not the hon. Member go on completely under-valuing what the Governments have done under the First Five Year Plan. I think these 45 lakhs of jobs are the result of direct work. In addition to this, there are a number of other jobs which have been provided and if these also are taken into account, the figure might reach about 70 lakhs. This is so far as the First Five Year Plan is concerned.

Shri T. B. Vittaj Rao (Khammam): Can we have a break-up of these 45 lakhs of jobs—how many agricultural and how many industrial?

Shri Datar: I am giving a general figure; we are not here discussing unemployment at all. I would point out to my hon. friend that relief against unemployment is not one of the Directive Principles at all.

Dr. Rama Rao: What about securing right to work?

Shri Datar: This is neither the place nor the time for a detailed discussion of this problem. So far as the Second Five Year Plan is concerned, the objective that the Government have placed before themselves is to provide jobs for 10 million people. That may kindly be

taken into account and I would request my hon. friend not to belittle what has been done in spite of the great difficulties and handicaps. "Ensuring a living wage" also comes under this. Government are trying to do whatever is possible. The hon. Member was not right in pointing out that the standard of income has not risen. It has risen by about 15 to 20 per cent. I think; it has risen to a fairly satisfactory extent.

It was stated that steps should be taken to have a uniform civil code. We are moving gradually in that direction and we have already a civil code in regard to the other laws; but, so far as the law of succession is concerned, Government consider that there ought to be one law for all the Hindus. I am very happy to point out to this House that we are almost in the last lap of legislation. So far as the Hindu Code is concerned, the House will kindly note that though it is called a Hindu Code in the sense that it includes the Hindu Marriage Act and other Acts; but there are a number of provisions which are more of a civil character than of a Hindu character. Therefore, I would submit to this House that we have taken certain very important steps, so far as the uniform civil code is concerned.

Then there is free and compulsory education. In some States they have already started this. It has very great financial implications and, therefore, Government are trying their best, especially State Governments, to have this policy brought into effect as early as possible.

Then, so far as the educational interests and the economic interests of the scheduled castes and scheduled tribes are concerned, I have already pointed out that Government are taking special steps for improving the lot of the scheduled castes, that is, the *harijans*, who number about five crores and odd and scheduled tribes who number about two crores. It is absolutely essential that the seven crores of people are brought up

to the same level of educational enlightenment as the other communities in India. So far as scheduled tribes are concerned, special steps have been taken because most of them have been living in isolation. They ought to be given the rights of citizens because they are the citizens of India. Therefore, special steps have to be taken and Government have, during the First Five Year Plan spent, in addition to the other common measures, about Rs. 20 crores over the welfare of the scheduled tribes. We have also spent a considerable amount over the scheduled castes. We are aware that their condition is not good, that they are suffering from great social handicaps, they have no houses to live in and they require lands and the State Governments are trying their best to see that all these persons are properly provided for either with lands or with housing arrangements. This is so far as scheduled castes and scheduled tribes are concerned.

Then, the Health Ministry in the Centre as also the Health Departments in the States have been taking special steps to see that the extent of mortality comes down and that the level of nutrition and standard of living gradually come up.

Then the most important question to which Government have attached the greatest importance is the question of prohibition. So far as prohibition is concerned, the House is aware that this is considered as a matter of topmost urgency and we have already three States, Bombay, Andhra and Madras, where we have got complete prohibition. As the House is aware, if prohibition has to be introduced, it has to be, according to the recommendations of a committee appointed by the Planning Commission, on a phased programme so that prohibition would become absolutely effective in the course of the next few years. In Delhi also, the State Government have taken certain steps. Other Governments have also been taking steps and, as the committee has itself pointed out,

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this might be, to a certain extent, a slow process but a sure process and that is why they have recommended a phased programme. Therefore, I would point out to the House that all the Governments are absolutely keen on introducing prohibition where it has not been introduced or in enforcing it where it is not properly enforced, in the higher interests of the citizens.

So far as agriculture and animal husbandry are concerned, Government are taking all proper steps and in this connection, I would make a brief reference to what is being done so far as land reforms and giving to the occupants their proper rights are concerned. In all the States this question of land reform, which is a fairly complicated one, has already been undertaken and those who are the actual tillers of the soil are now gradually getting lands sufficient for their maintenance and they are getting very valuable rights. This, you will find, is one of the most urgent problems and I am happy to inform the House that all the State Governments are very keen and even in a number of Part B States the tenancy legislation and land reform legislation are undertaken and I am quite confident that the position of the agriculturists would be fairly satisfactory under the Second Five Year Plan.

Then, lastly there is the question of the separation of the judiciary from the executive. That was one of the most important points on which resolutions were being passed by the Parliament almost from 1892 when, if I remember aright, the first resolution was passed. Therefore, Government undertook the question of the separation of the judiciary from the executive immediately after the popular Governments came into power and I might point out to this House that in Bombay they have passed a special Act and they have now completely separated the judiciary from the executive. In Madras also, in a very large number of cases

it has been done and I know that in Andhra also they are trying it with marked success. In several other States also steps are being taken and a time will come when in all the States of India we shall have separation of the judiciary from the executive as a settled fact.

Now, I would make a reference to international peace. That is a point in respect of which we have the greatest credit because so far as the international situation is concerned, I request the House to find out what our condition was when we attained independence and when India was a subordinate country of the Government of the United Kingdom. During the last ten years, thanks to our great Prime Minister, India has risen very materially in the international field and I would only like to point out that there were occasions when, but for the very useful intervention of the Prime Minister of India, we might have again fallen into the grips of wars and, therefore, so far as the international position is concerned, a number of hon. friends have accepted the position that India's international status has risen very high. Therefore, so far as internal problems and international problems are concerned, I would point out to the House that we are progressing quite satisfactorily. It is quite likely that on account of certain difficulties or handicaps in our way, we might not have progressed to the extent that some hon. friends of mine on this side desire.

So far as this question is concerned, I might say in all humility that this is not the time for a review of the position of the conditions so far as the State Governments or the Central Government are concerned. Now, as the House is aware, we have passed the States Reorganisation Bill, which will become in the course of a week or so an Act. Numerous problems of organisation have already been taken up and are taking up the time and attention of the State Governments and on 1st November, 1956 we shall have interim governments and the

new reorganised States will have a number of problems of their own. So, I would submit that until after the general elections, until after the new Parliament comes into power, until the new Parliament in the centre and the Legislatures in the States come into power and begin to function, the time will not be proper and State Governments may not be inclined to take up this very big question, assuming that it is open to them to go into this question. Therefore, I would request the hon. mover of this Resolution not to press his Resolution and, in any case, I would request all my hon. friends who have brought in a number of amendments not to press them.

Mr. Speaker: I shall now put all the amendments to the vote of the House except those which hon. Members may want to withdraw. I will take up Mr. Sodhia's amendment. As the hon. Member is not here, I will put it to the vote of the House.

The question is:

That for the original Resolution, the following be substituted:

"This House is of opinion that government of India should inquire into and report within three months, how far the Directive Principles of State Policy laid down in the Constitution have been applied in the legislative actions of the Union and State Governments."

The motion was negatived.

Shri D. C. Sharma: I beg to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker: As Mr. Bhagwat Jha Azad is not here, I will put his amendment to the vote.

The question is:

That for the original Resolution, the following be substituted:

"This House is of opinion that Government should set up appropriate authorities to examine and

report to Parliament, how far the Directive Principles of State Policy laid down in the Constitution have been applied in the legislative and administrative actions of the Union Government and the State Governments."

The motion was negatived.

Shri Jhulan Sinha: I beg to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri S. V. Ramaswamy: I beg to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri Shree Narayan Das: I beg to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is:

"This House is of opinion that a Committee consisting of fifteen members of Parliament be appointed to enquire into and report within six months, how far the Directive Principles of State Policy laid down in the Constitution have been applied in the legislative and administrative actions of the Union Government and the State Governments."

The motion was negatived.

RESOLUTION RE. NUCLEAR AND THERMO-NUCLEAR TESTS

Shri Gidwani (Thana): Sir, on behalf of Shri C. R. Narasimhan, I beg to move the following Resolution:

"This House recommends to the Government that an International Scientists' Commission be set up with the co-operation and goodwill of all nations to investigate forthwith into the effects and extent of harm caused and