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“100 Best
Parliamentary
Speeches”
1947-1997

Compiled & Edited by
Subhash C Kashyap



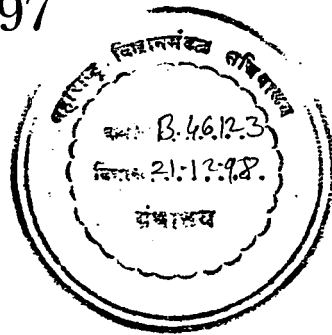
Amongst the men and women who strode the corridors of India's Parliament House, have been parliamentarians of outstanding ability, stature and exceptional oratorical skills. This book presents some of the most memorable parliamentary speeches delivered by them during the last fifty years (1947-1997). The book opens, quite appropriately, with Pandit Jawaharlal Nehru's historic speech on the Objectives of the Constitution and 'India's Tryst with Destiny' delivered on the floor of the Constituent Assembly in 1947. It concludes with some of the most brilliant speeches in the fiftieth year of Indian independence – with former Prime Minister I K Gujral's assessment of fifty years, former Speaker P A Sangma's call for a second freedom struggle and Dr Karan Singh's vision of a resurgent India.

The selection covers diverse issues and themes of continuing national and international interest.

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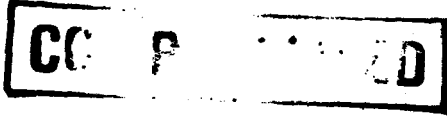
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DR. SUBHASH C. KASHYAP



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Dedicated to the parliamentarians
who strode the collonades of Parliament House
and with whom I had the pleasure to work.

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Preface



Some of the distinguished parliamentarians who strode the colonnades of India's Parliament house, have been men and women of such outstanding ability and stature that they would have done proud to any Parliament of the world. The effort here is to present some of the most memorable parliamentary speeches delivered by them during the last fifty years (1947-1997). The anthology very appropriately opens with Jawaharlal Nehru's historic speeches on the Objectives of the Constitution and India's Tryst with Destiny delivered on the floor of the Constituent Assembly in 1947. It concludes with some of the brilliant speeches at the special fiftieth Independence anniversary session of Parliament in 1997 – with former prime minister Gujral's assessment of the fifty years, Speaker Sangma's call for a second freedom struggle and Dr. Karan Singh's vision of a resurgent India.

The speeches included in the present volume have been selected with meticulous care and objectivity. The criteria employed have been those of the historical importance, quality and lasting value of the contents, eloquence and excellence of language and oratorical merits of the speeches and the personal eminence of the speakers. The party affiliation of members, their belonging to the ruling party or the Opposition, or their being ministers or private members, have been no consideration in determining the selection of their speeches. The

choice, however, was largely confined to speeches made in the English language even though increasingly over the years, about half of all the speeches in the Houses of Parliament happen to be in Hindi or Hindustani. In a few cases where it was considered absolutely necessary to include speeches originally made in Hindi or Hindustani, for example, in case of Dr. Ram Manohar Lohia's oft-cited speeches, care has been taken to use the official translations only.

Ordinarily, the endeavour has been to give the full text of every speech selected. Interruptions and short responses thereto have been excluded. Where minor editing out of some portions appeared unavoidable, it has been indicated by (...). As a rule, the original language of the speeches has been retained although some minor grammatical and the like changes may have been effected.

A brief introductory note has been added at the beginning of the text of each speech. The note seeks to explain the background, the occasion and the importance of the speech. The arrangement of speeches has been strictly in the chronological order. For facility of reference, besides the usual subject index, a biographical sketch about each speaker has been added.

It is widely believed – and not without justification – that there has been a general decline in the standards of parliamentary debate. It was natural, therefore, that the number of speeches selected from the earlier period was much larger.

A speech in Parliament is privileged; members have near-full freedom of speech subject only to the Constitution and the Rules of Procedure. While reproducing a parliamentary speech in any publication outside Parliament, one has to be very careful and assume full responsibility under the law of the land. Some of the controversial speeches containing allegations, accusations etc. have therefore been excluded.

In working on this project, I had a distinct advantage inasmuch as I had been closely associated with Parliament right from the early '50s and had been a witness to the delivery and impact of some of the most outstanding parliamentary speeches. This volume does not, however, claim to cover all the great or all the really memorable parliamentary speeches of the last fifty years. Within a modest volume,

it is hardly possible. This may therefore, be seen as a compilation of some representative samples only.

The credit for conceiving this project goes entirely to HarperCollins who took the initiative, approached me for undertaking this rather difficult and challenging task and persisted in their endeavour.

To scan over two thousand volumes of debates spread over some million pages, select only hundred speeches and edit an anthology of a modest size is not an easy task. It may seem that the present work is merely a duly edited compilation of the texts of the select speeches, but in fact preparation of such an edited work calls for much more painstaking work, rigorous discipline and deft ingenuity than an original work on a theme or problem of one's own choice.

Thankful acknowledgements are due to all the friends and research associates who have assisted me and enabled me to adhere to the deadline for completion of this work. These thanks extend specially to Shri Vinay Bhatnagar and Smt. Sadhana Gupta whose help proved invaluable. The publishers deserve all the appreciation for the high quality of publication and the promptness with which it has been brought out.

Since the selections herein cover a large variety of themes and diverse issues of continuing national and international concern, it is expected that the volume would attract very wide attention, invite reading and inspire the present and the future generations of men and women of all ages. It is hoped the volume would be welcomed in India and abroad and would be seen also as a respectful tribute to the parliamentarians whose speeches have been reproduced here.

New Delhi
15 August 1998

Subhash C. Kashyap



JAWAHARLAL NEHRU

Objectives of the Constitution

22 January 1947



The Constituent Assembly of India had its first meeting on 9 December 1946. The task before the Assembly was to frame a constitution for independent India. Before the assembly could proceed to do so, it was important and necessary for the leaders of the nonviolent Indian revolution to tell the people what they stood for and what they wanted the nation to be. This was sought to be achieved by the objectives resolution that Jawaharlal Nehru moved on 13 December 1946. Independence was some eight months away. Leaders of the nationalist struggle were still hopeful of being able to prevent the partition of the country.

The beautifully worded draft of the resolution envisaged an independent democratic Republic of India that would be a federal polity with residuary powers vesting in the autonomous units and sovereignty belonging to the people. 'Justice – social, economic and political; equality of status, of opportunity and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action' were to be guaranteed to all the people along with 'adequate safeguards' to 'minorities, backward and tribal areas and

2 • Jawharlal Nehru

depressed and other backward classes'. Thus, the draft resolution attempted to outline the guiding principles and the philosophy that was to permeate the task of constitution-making.

The Constituent Assembly debated the resolution at length from 13-19 December. Postponed on 21 December, the debate concluded on 22 January 1947 when Jawaharlal Nehru replied. After his speech, reproduced below, the resolution was adopted in a solemn manner, all members standing.

Mr. President, it was my proud privilege, sir, six weeks ago, to move this resolution before this hon'ble House. I felt the weight and solemnity of that occasion. It was not a mere form of words that I placed before the House, carefully chosen as those words were. But those words and the resolution represented something far more; they represented the depth of our being; they represented the agony and hopes of the nation coming at last to fruition. As I stood here on that occasion I felt the past crowding round me and I felt also the future taking shape. We stood on the razor's edge of the present, and as I was speaking, I was addressing not only this hon'ble House, but the millions of Indians who were vastly interested in our work. And because I felt that we were coming to the end of an age, I had a sense of our forebears watching this undertaking of ours and possibly blessing it, if we moved aright, and the future, of which we became trustees, became almost a living thing, taking shape and moving before our eyes. It was a great responsibility also to be inheritors of the great past of ours. And between that great past and the great future which we envisage, we stood on the edge of the present and the weight of that occasion, I have no doubt, impressed itself upon this hon'ble House.

So, I placed this resolution before the House, and I had hoped that it could be passed in a day or two and we could start our other work immediately. But after a long debate this House decided to postpone further consideration of this resolution. May I confess that I was a little disappointed because I was impatient that we should go forward. I felt that we were not true to the pledges that we had

taken, by lingering on the road. It was a bad beginning that we should postpone even such an important resolution about objectives. Would that imply that our further work would go along slowly and be postponed from time to time? Nevertheless, I have no doubt, that the decision this House took in its wisdom in postponing this resolution, was a right decision, because we have always balanced two factors, one, the urgent necessity in reaching our goal, and the other, that we should reach it in proper time and with as great a unanimity as possible. It was right, therefore, if I may say with all respect, that this House decided to adjourn consideration of this motion and thus not only demonstrated before the world our earnest desire to have all those people here who have not so far come in here, but also to assure the country and every one else, how anxious we were to have the cooperation of all. Since then, six weeks have passed and during these weeks there has been plenty of opportunity for those who wanted to come, to come. Unfortunately, they have not yet decided to come and they still hover in this state of indecision. I regret that, and all I can say is this, that we shall welcome them at any future time when they may wish to come. But it should be made clear without any possibility of misunderstanding that no work will be held up in future, whether anyone comes or not. There has been enough waiting. Not only waiting six weeks, but many in this country have waited for years and years, and the country has waited for some generations now. How long are we to wait? And if we, some of us, who are more prosperous can afford to wait, what about the waiting of the hungry and the starving? This resolution will not feed the hungry or the starving, but it brings a promise of many things – it brings the promise of freedom, it brings the promise of food and opportunity for all. Therefore, the sooner we set about it the better. So we waited for six weeks, and during these six weeks the country thought about it, pondered over it, and other countries also, and other people who are interested have thought about it. Now we have come back here to take up the further consideration of this resolution. We have had a long debate and we stand on the verge of passing it. I am grateful to Dr. Jayakar and Mr. Sahaya for having withdrawn their amendments.

Dr. Jayakar's purpose was served by the postponing of this resolution, and it appears now that there is no one in this House who does not accept fully this resolution as it is. It may be, some would like it to be slightly differently worded or the emphasis placed more on this part or on that part. But taking it as a whole, it is a resolution which has already received the full assent of this House, and there is little doubt that it has received the full assent of the country.

There have been some criticisms of it, notably, from some of the princes. Their first criticism has been that such a resolution should not be passed in the absence of the representatives of the states. In part I agree with that criticism, that is to say, I should have liked all the states being properly represented here, the whole of India – every part of India being properly represented here – when we pass this resolution. But if they are not here it is not our fault. It is largely the fault of the scheme under which we are functioning, and we have this choice before us. Are we to postpone our functioning because some people cannot be here? That would be a dreadful thing if we stopped not only this resolution, but possibly so much else, because representatives of the states are not here. So far as we are concerned, they can come in at the earliest possible moment, we will welcome them if they send proper representatives of the states. So far as we are concerned, even during the last six weeks or a month, we have made some effort to get in touch with the committee representing the states' rulers to find a way for their proper representation here. It is not our fault that there has been a delay. We are anxious to get every one in, whether it is representatives of the Muslim League or the states or anyone else. We shall continue to persevere in this endeavour so that this House may be as fully representative of the country as it is possible to be. So, we cannot postpone this resolution or anything else because some people are not here.

Another point has been raised: the idea of the sovereignty of the people, which is enshrined in this resolution does not commend itself to certain rulers of Indian states. That is a surprising objection and, if I may say so, if that objection is raised in all seriousness by anybody, be he a ruler or a minister, it is enough to condemn the Indian states

system of every ruler or minister that exists in India. It is a scandalous thing for any man to say, however highly placed he may be, that he is here by special divine dispensation to rule over human beings today. That is a thing which is an intolerable presumption on any man's part, and it is a thing which this House will never allow and will repudiate if it is put before it. We have heard a lot about this divine right of kings; we had read a lot about it in past histories and we had thought that we had heard the last of it and that it had been put an end to and buried deep down into the earth long ages ago. If any individual in India or elsewhere raises it today, he would be doing so without any relation to the present in India. So, I would suggest to such persons in all seriousness that if they want to be respected or considered with any measure of friendliness, no such idea should be even hinted at, much less said. On this there is going to be no compromise.

But, as I made plain on the previous occasion when I spoke, this resolution makes it clear that we are not interfering in the internal affairs of the states. I even said that we are not interfering with the system of monarchy in the states, if the people of the states so want it. I gave the example of the Irish republic in the British Commonwealth and it is conceivable to me that, within the Indian republic, there might be monarchies if the people so desire. That is entirely for them to determine. This resolution and, presumably, the constitution that we make, will not interfere with that matter. Inevitably it will be necessary to bring about uniformity in the freedom of the various parts of India, because it is inconceivable to me that certain parts of India should have democratic freedom and certain others should be denied it. That cannot be. That will give rise to trouble, just as in the wide world today there is trouble because some countries are free and some are not. Much more trouble will be there if there is freedom in parts of India and lack of freedom in other parts of India.

But we are not laying down in this resolution any strict system in regard to the governance of the Indian states. All that we say is this, that they, or such of them as are big enough to form unions or group themselves into small unions, will be autonomous units with a very large measure of freedom to do as they choose, subject no

doubt to certain central functions in which they will cooperate with the centre, in which they will be represented in the centre and in which the centre will have control. So, in a sense this resolution does not interfere with the inner working of those units. They will be autonomous and, as I have said, if those units choose to have some kind of constitutional monarchy at their head, they would be welcome to do so. For my part, I am for a republic in India-as anywhere else. But, whatever my views may be on that subject, it is not my desire to impose my will on others; whatever the views of this House may be on this subject, I imagine that it is not the desire of this House to impose its will in these matters.

So, the objection of the ruler of an Indian state to this resolution becomes an objection, in theory, to the theoretical implications and the practical implications of the doctrine of sovereignty of the people. To nothing else does any one object. That is an objection which cannot stand for an instant. We claim in this resolution to frame a constitution for a sovereign, independent, Indian republic—necessarily republic. What else can we have in India? Whatever the states may have or may not have, it is impossible and inconceivable and undesirable to think in any other terms but in terms of the republic in India.

Now, what relation will that republic bear to the other countries of the world, to England and to the British Commonwealth and the rest? For a long time past we have taken a pledge on Independence Day that India must sever her connection with Great Britain, because that connection had become an emblem of British domination. At no time have we thought in terms of isolating ourselves in this part of the world from other countries or of being hostile to countries which have dominated over us. On the eve of this great occasion, when we stand on the threshold of freedom, we do not wish to carry a trail of hostility with us against any other country. We want to be friendly to all. We want to be friendly with the British people and the British Commonwealth of nations.

But what I would like this House to consider is this: when these words and these labels are fast changing their meaning and in the world today there is no isolation, you cannot live apart from the others. You must cooperate or you must fight. There is no middle

way. We wish for peace. We do not want to fight any nation if we can help it. The only possible real objective that we, in common with other nations, can have is the objective of cooperating in building up some kind of world structure, call it 'One World', call it what you like. The beginnings of this world structure have been laid down in the United Nations Organisation. It is feeble, yet it has many defects; nevertheless, it is the beginning of the world structure. And India has pledged herself to cooperate in that work.

Now, if we think of that structure and our cooperation with other countries in achieving it, where does the question come of our being tied up with this group of nations or that group? Indeed, the more groups and blocs are formed, the weaker will that great structure become.

Therefore, in order to strengthen that big structure, it is desirable for all countries not to insist, not to lay stress on separate groups and separate blocs. I know that there are such separate groups and blocs today and because they exist today, there is hostility between them, and there is even talk of war among them. I do not know what the future will bring to us, whether peace or war. We stand on the edge of a precipice and there are various forces which pull us on one side in favour of cooperation and peace and on the other, push us towards the precipice of war and disintegration. I am not prophet enough (*sic*) to know what will happen, but I do know that those who desire peace must deprecate separate blocs which necessarily become hostile to other blocs. Therefore, India, insofar as it has a foreign policy, has declared that it wants to remain independent and free of all these blocs and that it wants to cooperate on equal terms with all countries. It is a difficult position because, when people are full of fear of each other, any person who tries to be neutral is suspected of sympathy with the other party. We can see that in India and we see that in the wider sphere of world politics. Recently an American statesman criticized India in words which show how lacking in knowledge and understanding even the statesmen of America are. Because we follow our own policy, this group of nations thinks that we are siding with the other and that group of nations thinks that we are siding with this. That is bound to happen. If we seek to be

a free, independent, democratic republic, it is not to dissociate ourselves from other countries, but rather as a free nation to cooperate in the fullest measure with other countries for peace and freedom, to cooperate with Britain, with the British Commonwealth of nations, with the United States of America, with the Soviet Union, and with all other countries, big and small. But real cooperation would only come between us and these other nations when we know that we are free to cooperate and are not imposed upon and forced to cooperate. So long as there is the slightest trace of compulsion, there can be no cooperation.

Therefore, I commend this resolution to the House and if I may say so, not only to this House but to the world at large so that it can be perfectly clear that it is a gesture of friendship to all and, that behind it, there lies no hostility. We have suffered enough in the past. We have struggled sufficiently, we may have to struggle again, but under the leadership of a very great personality we have sought always to think in terms of friendship and goodwill towards others, even those who opposed us. How far we have succeeded, we do not know, because we are weak human beings. Nevertheless, the impress of that message has found a place in the hearts of millions of people of this country, and even when we err and go astray, we cannot forget it. Some of us may be little men, some may be big, but whether we are small men or big, for the moment we represent a great cause and, therefore, something of the shadow of greatness falls upon us. Today in this assembly we represent a mighty cause and this resolution that I have placed before you gives some semblance of that cause. We shall pass this resolution, and I hope that this resolution will lead us to a constitution on the lines suggested by this resolution. I trust that the constitution itself will lead us to the real freedom that we have clamoured for and that real freedom in turn will bring food to our starving peoples, clothing for them, housing for them and all manner of opportunities of progress, that it will lead also to the freedom of the other countries of Asia, because in a sense, however unworthy, we have become – let us recognize it – the leaders of the freedom movement of Asia, and whatever we do, we should think of ourselves in these larger terms. When some petty matter divides us and we have

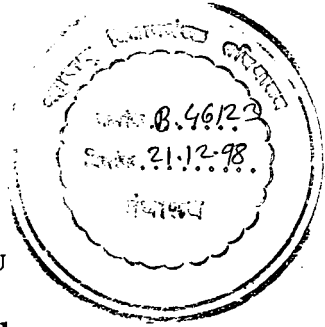
difficulties and conflicts amongst ourselves over these small matters, let us remember not only this resolution but this great responsibility that we shoulder, the responsibility of the freedom of four hundred million people of India, the responsibility of the leadership of a large part of Asia, the responsibility of being some kind of guide to vast numbers of people all over the world. It is a tremendous responsibility. If we remember it, perhaps we may not bicker so much over this seat or that post, over some small gain for this group or that. The one thing that should be obvious to all of us is that there is no group in India, no party, no religious community, which can prosper if India does not prosper. If India goes down, we go down, all of us whether we have a few seats more or less, whether we get a slight advantage or we do not. But if it is well with India, if India lives as a vital free country, then it is well with all of us to whatever community or religion we might belong.

We shall frame the constitution, and I hope it will be a good constitution, but does anyone in this House imagine that, when a free India emerges, it will be bound down by anything that even this House might lay down for it? A free India will see the bursting forth of the energy of a mighty nation. What it will do and what it will not, I do not know, but I do know that it will not consent to be bound down by anything. Some people imagine, that what we do now, may not be touched for ten years or twenty years; if we do not do it today, we will not be able to do it later. That seems to me a complete misapprehension. I am not placing before the House what I want done and what I do not want done, but I should like the House to consider that we are on the eve of revolutionary changes, revolutionary in every sense of the word, because when the spirit of a nation breaks its bounds, it functions in peculiar ways and it should function in strange ways. It may be that the constitution, this House may frame, may not satisfy that free India. This House cannot bind down the next generation, or the people who will duly succeed us in this task. Therefore, let us not trouble ourselves too much about the petty details of what we do. Those details will not survive for long, if they are achieved in conflict. What we achieve in unanimity, what we achieve by cooperation is likely to survive. What we gain here and

there by conflict and by overbearing manners and by threats will not survive long. It will only leave a trail of bad blood. And so now I commend this resolution to the House and may I read the last para of this resolution? But one word more, sir before I read it. India is a great country, great in her resources, great in her manpower, great in her potential, in every way. I have little doubt that a free India on every plane will play a big part on the world stage, even on the narrowest plane of material power, and I should like India to play that great part in that plane. Nevertheless, today there is a conflict in the world between forces in different planes. We hear a lot about the atom bomb and the various kinds of energy that it represents and in essence today there is a conflict in the world between two things, the atom bomb and what it represents and the spirit of humanity. I hope that while India will no doubt play a great part in all the material spheres, she will always lay stress on that spirit of humanity, and I have no doubt in my mind that ultimately in this conflict that is confronting the world, the human spirit will prevail over the atom bomb. May this resolution bear fruit and may the time come when in the words of this resolution, this ancient land attains its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind.

Reference

Constituent Assembly Debates, Vol. I, pp. 318-23.



JAWAHARLAL NEHRU

The National Flag

22 July 1947



The Indian Independence Bill for transfer of complete power to Indian hands was passed by the British parliament and became an Act on 18 July 1947. The Act provided for setting up two dominions of India and Pakistan with effect from 15 August 1947.

It was felt that a national flag should fly from all public buildings right from the moment of transfer of power. The president of the Constituent Assembly, therefore, appointed a committee to consider and recommend a suitable design of the flag.

The national flag recommended by the committee was adopted by the assembly on 22 July 1947 on a motion moved by Jawaharlal Nehru. While presenting the flag to the assembly, Nehru described it as a 'flag of freedom not only for ourselves but a symbol of freedom for all peoples who may see it'.

Mr. President, it is my proud privilege to move the following resolution:

Resolved that the national flag of India shall be horizontal tricolour of deep saffron (*kesari*), white and dark green in equal proportion. In the centre of the white band, there shall be a wheel in navy blue to represent the *charkha*. The design of the wheel shall be that of the wheel *chakra* which appears on the abacus of the Sarnath lion capital of Ashoka.

The diameter of the wheel shall be approximate to the width of the white band.

The ratio of the width to the length of the flag shall ordinarily be 2:3.

This resolution is in simple language, in a slightly technical language and there is no glow or warmth in the words that I have read. Yet I am sure that many in this House will feel that glow and warmth which I feel at the present moment, for, behind this resolution and the flag which I have the honour to present to this House for adoption lies history, the concentrated history of a short span in a nation's existence. Nevertheless, sometimes in a brief period we pass through the track of centuries. It is not so much the mere act of living that counts but what one does in this brief life that is ours; it is not so much the mere existence of a nation that counts but what that nation does during the various periods of its existence; and I do venture to claim that in the past quarter of a century or so India has lived and acted in a concentrated way and the emotions which have filled the people of India represent not merely a brief spell of years but something infinitely more. They have gone down into history and tradition which is our heritage in this country. So, when I move this resolution, I think of this concentrated history through which all of us have passed during the last quarter of a century. Memories crowd in upon me. I remember the ups and downs of the great struggle for freedom of this great nation. I remember and many in this House will remember how we looked up to this flag not only with pride and enthusiasm but with a tingling in our veins; also how, when we were sometimes down and out, then again the sight of this flag gave us courage to go on. Then, many who are not present here today, many of our comrades who have passed, held on to this flag, some amongst them even unto death, and handed it over as they sank, to others to hold it aloft. So, in this simple form of words, there is much more than will be clear

on the surface. There is the struggle of the people for freedom with all its ups and downs and trials and disasters and there is, finally today as I move this resolution, a certain triumph about it – a measure of triumph in the conclusion of that struggle.

Now I realize fully, as this House must realize, that this triumph of ours has been marred in many ways. There have been, especially in the past few months, many happenings which cause us sorrow which has gripped our hearts. We have seen parts of this dear motherland of ours cut off from the rest. We have seen large numbers of people suffering tremendously, large numbers wandering about like waifs and strays, without a home. We have seen many other things which I need not repeat to this House, but which we cannot forget. All this sorrow has dogged our footsteps. Even when we have achieved victory and triumph, it still dogs us and we have tremendous problems to face in the present and in the future. Nevertheless it is true I think – I hold it to be true – that this moment does represent a triumph and victorious conclusion of all our struggle, for the moment.

There has been a very great deal of bewailing and moaning about various things that have happened. I am sad, all of us are sad at heart because of those things. But let us distinguish that from the other fact of triumph, because there is triumph in victory, in what has happened. It is no small thing that, that great and mighty empire which has represented imperialist domination in this country has decided to end its days here. That was the objective we aimed at.

We have attained that objective or shall very soon. Of that there is no doubt. We have not attained the objective exactly in the form in which we wanted it. The troubles and other things that accompanied our achievement are not to our liking. But we must remember that it is very seldom that people realize the dreams that they have dreamt. It is very seldom that the aims and objectives with which we start are achieved in their entirety in life – in an individual's life or in a nation's life.

We have many examples before us. We need not go into the distant past. We have examples in the present or in the recent past. Some years back, a great war was waged, a world war bringing terrible

misery to mankind. That war was meant for freedom and democracy and the rest. That war ended in the triumph of those who said they stood for freedom and democracy. Yet, hardly had that war ended when there were rumours of fresh wars and fresh conflicts.

Three days ago, this House and this country and the world was shocked by the brutal murder in a neighbouring country of the leaders of the nation. Today one reads in the papers of an attack by an imperialist power on a friendly country in Southeast Asia. Freedom is still far off in this world and nations, all nations in greater or lesser degree, are struggling for their freedom. If we in the present have not exactly achieved what we aimed at, it is not surprising. There is nothing in it to be ashamed of. For, I do think our achievement is no small achievement. It is a very considerable achievement, a great achievement. Let no man run it down because other things have happened which are not to our liking. Let us keep these two things apart. Look at any country in the wide world. Where is the country today, including the great and big powers, which is not full of terrible problems, which is not in some way, politically and economically, striving for freedom which somehow or other eludes its grasp? The problems are not anything new to us. We have faced many disagreeable things in the past. We have not held back. We shall face all the other disagreeable things that face us in the present or may do so in the future and we shall not flinch and we shall not falter and we shall not quit.

So, in spite of everything that surrounds us, it is in no spirit of downheartedness that I stand up in praise of this nation for what it has achieved. It is right and proper that at this moment we should adopt the symbols of this achievement, the symbol of freedom. Now what is this freedom in its entirety and for all humanity? What is freedom and what is the struggle for freedom and when does it end? As soon as you take one step forward and achieve something, further steps come up before you. There will be no full freedom in this country or in the world as long as a single human being is un-free. There will be no complete freedom as long as there is starvation, hunger, lack of clothing, lack of necessities of life and lack of opportunity of growth for every single human being, man, woman

and child in the country. We aim at that. We may not accomplish that because it is a terrific task. But we shall do our utmost to accomplish that task and hope that our successors, when they come, have an easier path to pursue. But there is no ending to that road to freedom. As we go ahead, just as we sometimes in our vanity aim at perfection, perfection never comes. But if we try hard enough, we do approach the goal step by step. When we increase the happiness of the people, we increase their stature in many ways and we proceed to our goal. I do not know if there is an end to this or not, but we proceed towards some kind of consummation which, in effect, never ends.

So I present this flag to you. This resolution defines the flag which I trust you will adopt. In a sense this flag was adopted, not by a formal resolution, but by popular acclaim and usage, adopted much more by the sacrifice that surrounded it in the past few decades. We are in a sense only ratifying that popular adoption. It is a flag which has been variously described. Some people, having misunderstood its significance, have thought of it in communal terms and believe that some part of it represents this community or that. But I may say that when this flag was devised there was no communal significance attached to it. We thought of a design for a flag which was beautiful, because the symbol of a nation must be beautiful to look at. We thought of a flag which would, in its combination and its separate parts, somehow represent the spirit of the nation, the tradition of the nation, that mixed spirit and tradition which has grown up through thousands of years in India. So, we devised this flag. Perhaps I am partial but I do think that it is a very beautiful flag to look at purely from the point of view of artistry, and it has come to symbolize many other beautiful things, things of the spirit, things of the mind, that give value to the individual's life and to the nation's life, for a nation does not live merely by material things, although they are highly important. It is important that we should have the good things of the world, the material possessions of the world, that our people should have the necessities of life. That is of the utmost importance. Nevertheless, a nation and especially a nation like India with an immemorial past, lives by other things also, the things of the spirit.

If India had not been associated with these ideals and things of the spirit during these thousands of years, what would India have been? It has gone through a very great deal of misery and degradation in the past, but somehow even in the depths of degradation, the head of India has been high. So we have gone through these tremendous ages and we stand up today in proud thankfulness for our past and even more so for the future that is to come for which we are going to work and for which we are assembled here, to mark the transition in a particular way, in a way that will be remembered.

I began by saying that it is my proud privilege to be ordered to move this resolution. Now, sir, may I say a few words about this particular flag? It will be seen that there is a slight variation from the one many of us have used during these past years. The colours are the same, a deep saffron, a white and a dark green. In the white previously there was the *charkha* which symbolized the common man in India, which symbolized the masses of the people, which symbolized their industry and which came to us from the message which Mahatma Gandhi delivered. Now, this particular *charkha* symbol has been slightly varied in this flag, not taken away at all. Why then has this been varied? Normally speaking, the symbol on one side of the flag should be exactly the same as on the other side. Otherwise, there is a difficulty which goes against the rules. Now, the *charkha*, as it appeared previously on this flag, had the wheel on one side and the spindle on the other. If you see the other side of the flag, the spindle comes the other way and the wheel comes this way; if it does not do so, it is not proportionate, because the wheel must be towards the pole, not towards the end of the flag. There was this practical difficulty. Therefore, after considerable thought, we were of course convinced that this great symbol which had enthused people should continue but that it should continue in a slightly different form, that the wheel should be there, not the rest of the *charkha*, that is, the spindle and the string which created this confusion, that the essential part of the *charkha* should be there, that is the wheel. So, the old tradition continues in regard to the *charkha* and the wheel. But what type of wheel should we have? Our minds went back to many wheels but notably one famous wheel, which had

appeared in many places and which all of us have seen, the one at the top of the capital of the Ashoka column and in many other places. That wheel is a symbol of India's ancient culture, it is a symbol of the many things that India had stood for through the ages. So we thought that this *charkha* emblem should be there, and that wheel appears. For my part, I am exceedingly happy that in this sense, indirectly we have associated with this flag of ours not only this emblem but in a sense the name of Ashoka, one of the most magnificent names not only in India's history but in world history. It is well that at this moment of strife, conflict and intolerance, our minds should go back towards what India stood for in the ancient days and what it has stood for, I hope and believe, essentially throughout the ages in spite of mistakes and errors and degradations from time to time. For, if India had not stood for something very great, I do not think that India could have survived and carried on its cultural traditions in a more or less continuous manner through these vast ages. It carried on its cultural tradition, not unchanging, not rigid, but always keeping its essence, always adapting itself to new developments, to new influences. That has been the tradition of India, always to put out fresh blooms and flowers, always receptive to the good things that it receives, sometimes receptive to bad things also, but always true to her ancient culture. All manner of new influences through thousands of years have influenced us, while we influenced them tremendously also, for you will remember that India has not been in the past a tight little narrow country, disdaining other countries. India throughout the long ages of her history, has been not only connected with other countries but has been an international centre sending out her people abroad to far-off countries carrying her message and receiving the message of other countries in exchange. India was strong enough to remain embedded on the foundations on which she was built, although changes, many changes, have taken place. The strength of India, it has been said, consists in this strong foundation. It consists also in its amazing capacity to receive, to adapt what it wants to adapt, not to reject because something is outside its scope, but to accept and receive everything. It is folly for any nation or race to think that it can only give to,

and not receive from, the rest of the world. Once a nation or a race begins to think like that, it becomes rigid, it becomes ungrowing; it grows backwards and decays. In fact, if India's history can be traced, India's periods of decay are those when she closed herself into a shell and refused to receive or to look at the outside world. India's greatest periods are those when she stretched her hands to others in far-off countries, sent her emissaries, ambassadors, her trade agents and merchants to these countries and received ambassadors and emissaries from abroad.

Now, because I have mentioned the name of Ashoka I should like to think that the Ashokan period in Indian history was essentially an international period of Indian history. It was not a narrowly national period. It was a period when India's ambassadors went abroad to far-off countries and went abroad not in the way of an empire and imperialism but as ambassadors of peace and culture and goodwill.

Therefore, this flag that I have the honour to present to you is not, I hope and trust, a flag of empire, a flag of imperialism, a flag of domination over anybody, but a flag of freedom not only for ourselves, but a symbol of freedom to all people who may see it. And wherever it may go – and I hope it will go far, – not only where Indians dwell as our ambassadors and ministers but across the far seas where it may be carried by Indian ships, wherever it may go it will bring a message, I hope, of freedom to those people, a message of comradeship, a message that India wants to be friends with every country of the world and India wants to help any people who seek freedom. That I hope will be the message of this flag everywhere and I hope that in the freedom that is coming to us, we will not do what many other people or some other people have unfortunately done, that is, in a new-found strength suddenly to expand and become imperialistic in design. If that happened that would be a terrible ending to our struggle for freedom. But there is that danger and, therefore, I venture to remind this House of it – although this House needs no reminder – there is this danger in a country suddenly unshackled in stretching out its arms and legs and trying to hit out at other people. And if we do that we become just like other nations

who seem to live in a kind of succession of conflicts and preparation for conflict. That is the world today, unfortunately.

In some degree I have been responsible for the foreign policy during the past few months and always the question is asked here or elsewhere: 'What is your foreign policy? To what group do you adhere in this warring world?' Right at the beginning I venture to say that we propose to belong to no power group. We propose to function as far as we can, as peacemakers and peace-bringers because today we are not strong enough to be able to have our way. But at any rate we propose to avoid all entanglements with power politics in the world. It is not completely possible to do that in this complicated world of ours, but certainly we are going to do our utmost to that end.

It is stated in this resolution that the ratio of the width to the length of the flag shall ordinarily be 2:3. Now you will notice the word 'ordinarily'. There is no absolute standard about the ratio because the same flag on a particular occasion may have a certain ratio that might be more suitable or on any other occasion in another place the ratio might differ slightly. So there is no compulsion about this ratio. But generally speaking, the ratio of 2:3 is a proper ratio. Sometimes the ratio 2:1 may be suitable for a flag-flying on a building. Whatever the ratio may be, the point is not so much the relative length and breadth, but the essential design.

So, sir, now I would present to you not only the resolution but the flag itself.

Reference

Constituent Assembly Debates, Vol. IV, pp. 737-41.

DR. S. RADHAKRISHNAN

The Flag of Dharma

22 July 1947



Speaking in the Constituent Assembly in support of Jawaharlal Nehru's motion on the national flag, Dr. S. Radhakrishnan explained the significance of the flag and its colours. In particular, he dwelt eloquently on the dharma chakra in the middle of the flag.

Mr. President, I do not wish to say very much after the very eloquent way in which Pandit Jawaharlal Nehru presented this flag and the resolution to you. The flag links up the past and the present. It is the legacy bequeathed to us by the architects of our liberty. Those who fought under this flag are mainly responsible for the arrival of this great day of Independence for India. Pandit Jawaharlal has pointed out to you that it is not a day of joy unmixed with sorrow. The Congress fought for unity and liberty. The unity has been compromised; liberty too, I feel, has been compromised unless we are able to face the tasks which now confront us, with courage, strength and vision. What is essential today is to equip ourselves with new strength and with new character if these

difficulties are to be overcome and if the country is to achieve the great ideal of unity and liberty which it fought for. Times are hard. Everywhere we are consumed by phantasies. Our minds are haunted by myths. The world is full of misunderstandings, suspicions and distrusts. In these difficult days it depends on us under what banner we fight. Here we are putting in the very centre the white, the white of the sun's rays. The white means the path of light. There is darkness even at noon as some people have urged, but it is necessary for us to dissipate these clouds of darkness and control our conduct by the ideal light, the light of truth, of transparent simplicity which is illustrated by the colour of white.

We cannot attain purity, we cannot gain our goal of truth, unless we walk in the path of virtue. The Ashoka's wheel represents to us the wheel of the law, the wheel of the *dharma*. Truth can be gained only by the pursuit of the path of *dharma*, by the practice of virtue. Truth, – *satya*, *dharma* – virtue, these ought to be the controlling principles of all those who work under this flag. It also tells us that the *dharma* is something which is perpetually moving. If this country has suffered in the recent past, it is due to our resistance to change. There are ever so many challenges hurled at us and if we have not got the courage and the strength to move along with the times, we will be left behind. There are ever so many institutions which are worked into our social fabric, like caste and untouchability. Unless these things are scrapped, we cannot say that we either seek truth or practise virtue. This wheel which is a rotating thing, which is a perpetually revolving thing, indicates to us that there is death in stagnation. There is life in movement. Our *dharma* is *sanatana*, eternal, not in the sense that it is a fixed deposit but in the sense that it is perpetually changing. Its uninterrupted continuity is its *sanatana* character. So even with regard to our social conditions it is essential for us to move forward.

The red, the orange, the *bhagwa* colour represents the spirit of renunciation. It is said:

Sarve tyage rajadharmesu drata

All forms of renunciation are to be embodied in *Raja dharma*. Philosophers must be kings. Our leaders must be disinterested. They

must be dedicated spirits. They must be people who are imbued with the spirit of renunciation which that saffron colour has transmitted to us from the beginning of our history. That stands for the fact that the world belongs not to the wealthy, not to the prosperous but to the meek and the humble, the dedicated and the detached. That spirit of detachment, that spirit of renunciation is represented by the orange or the saffron colour and Mahatma Gandhi has embodied it for us in his life and the Congress has worked under his guidance and with his message. If we are not imbued with that spirit of renunciation in these difficult days, we will again go under.

The green is there – our relation to the soil, our relation to the plant life here on which all other life depends. We must build our paradise here on this green earth. If we are to succeed in this enterprise, we must be guided by truth (white), practise virtue (wheel), adopt the method of self-control and renunciation (saffron). This flag tells us ‘Be ever alert, be ever on the move, go forward, work for a free, flexible compassionate, decent, democratic society in which Christians, Sikhs, Muslims, Hindus, Buddhists will all find a safe shelter.’

Reference

Constituent Assembly Debates, Vol. IV, pp. 745-6.

SAROJINI NAIDU

Rise and Salute the Flag

22 July 1947



The president of the Constituent Assembly asked Sarojini Naidu to make the 'final speech' before the motion for the adoption of the tricolour flag as the national flag of India was put to vote.

Sarojini Naidu made a moving speech on behalf of the 'ancient reborn Mother with her undivided heart and indivisible spirit'. She called the 'men and women of reborn India' to 'rise and salute the flag'.

After Sarojini Naidu's call, the national flag was adopted by all the members rising and standing in their places for half a minute.

Mr. President, the House knows that I had refused over and over again this morning to speak. I thought that the speech of Jawaharlal Nehru – so epic in its quality of beauty, dignity and appropriateness – was sufficient to express the aspirations, emotions and the ideals of this House. But I was happy when I saw the representatives of the various communities that constitute this House rise up and pledge their allegiance to this flag. I was especially reminded by the people that sit behind me from the province of Bihar

that it was at the risk of my life and seat in their province, should I forget to mention that this flag, so willingly and proudly accepted today by the House, has for its symbol the *dharma chakra* of Ashoka, whom they claim (I do not know with what historical veracity) to be a Bihari! But if I am speaking here today, it is not on behalf of any community, or any creed or any sex, though women members of this House are very insistent that a woman should speak. I think that the time has come in the onward march of the world civilization when there should no longer be any sex consciousness or sex separation in the service of the country. I, therefore, speak on behalf of that ancient reborn Mother with her undivided heart and indivisible spirit, whose love is equal for all her children, no matter what corner they come from, in what temples or mosques they worship, what language they speak or what culture they profess.

Many many times in the course of my long life, in my travels abroad – for I am a vagabond by nature and by destiny – I have suffered the most terrible moments of anguish in free countries, because India possessed no flag. A few of those moments I would like to recall.

On the day when peace was signed at Versailles after the last war, I happened to be in Paris. There was great rejoicing everywhere and flags of all nations decorated the Opera House. There came on the platform a famous actress with a beautiful voice, for whom the proceedings were interrupted while she wrapped around herself the flag of France. The entire audience rose as one man and sang with her the national anthem of France – the Marseillaise. An Indian near me with tears in his eyes turned to me and said ‘When shall we have our own flag?’ ‘The time will soon come,’ I answered, ‘when we shall have our own flag and our own anthem.’

I was asked to speak at a peace celebration in New York soon after the peace treaty had been signed. Forty-four nations had their flags fluttering in the great hall in which the assembly met. I looked at the flags of all the nations and when I spoke I cried that though I did not see in that great assembly of free nations the flag of free India, it would become the most historic flag of the world in the not distant future.

It was also a moment of anguish for me when a few months later forty-two nations sent their women to an international conference

in Berlin. There they were planning to have, one morning, a flag parade of the nations. India had no official flag. But at my suggestion some of the women Indian delegates tore strips from their saris, sitting up till the small hours of the morning to make the tricolour flag, so that our country should not be humiliated for the lack of a national banner.

But the worst anguish of all was only a few months ago, when on the inspiration of Jawaharlal Nehru the nations of Asia met in Delhi and affirmed the unity of Asia. On the wall behind the platform there was the flag of every nation of-Asia. Iran was there, China was there, Afghanistan was there, as also Siam. Big countries and little countries were all represented but we had exercised a self-denying ordinance, so that we might scrupulously keep our pledge that no party politics would be permitted at the conference. Can you not understand and share with me the anguish of that decision which excluded the tricolour Congress flag from the Asian Conference? But here today we retrieve that sorrow and that shame: we strain our own flag, the flag of free India. Today we justify, we vindicate and we salute this flag under which so many hundreds and thousands of us have fought and suffered. Men and women, old and young, princes and peasants, Hindus and Muslims, Sikhs, Jains, Christians, Zoroastrians, all of them have fought under this flag. When my friend Khaliquzzaman was speaking, I saw before me the great patriots, my friends and comrades of the Muslim community who had suffered under this flag. I thought of Mohamed Ali, of Shaukat Ali, of Ansari and of Ajmal Khan. I could mention the smallest community in India, the Parsi community, the community of that grand old man Dadabhai Naoroji, whose granddaughters too fought side by side with the others, suffered imprisonment and made sacrifices for the freedom of India. I was asked by a man who was blind with prejudice: 'How can you speak of this flag as the flag of India? India is divided.' I told him that this is merely a temporary geographical separation. There is no spirit of separation in the heart of India. Today I ask one and all to honour this flag.

That wheel, what does it represent? It represents the *dharma chakra* of Ashoka the Magnificent who sent his message of peace and

brotherhood all over the world. Did he not anticipate the modern ideal of fellowship and brotherhood and cooperation? Does not that wheel stand as a symbol for every national interest and national activity? Does it not represent the *charkha* of my illustrious and beloved leader, Mahatma Gandhi and the wheel of time that marches and marches without hesitation and without halt? Does it not represent the human mind? Who shall live under that flag without thinking of the common India? Who shall limit its functions? Who shall limit its inheritance? To whom does it belong? It belongs to India. It belongs to all India. Pandit Jawaharlal Nehru told us that India has never been exclusive. I wish he had added: 'India welcomes all knowledge from friend and foe alike'. Did she not? Have not all the cultures of the world contributed to the ocean of her culture? Has Islam not brought to India the ideals of democratic brotherhood, the Zoroastrian his steadfast courage, who fled from Iran with a blazing log from their fire temple, whose flame has not perished these thousand years? Have not the Christians brought to us the lesson of service to the humblest of the land? Has not the immemorial Hindu creed taught us universal love of mankind and has it not taught us that we shall not judge merely by our own narrow standard but that we should judge by the universal standard of humanity?

Many of my friends have spoken of this flag with the poetry of their own hearts. I, as a poet and as a woman, am speaking prose to you today when I say that we women stand for the unity of India. Remember under this flag there is no prince and there is no peasant, there is no rich and there is no poor. There is no privilege, there is only duty and responsibility and sacrifice. Whether we be Hindus or Muslims, Christians, Jains, Sikhs or Zoroastrians and others, our Mother India has one undivided heart and one indivisible spirit. Men and women of reborn India, rise and salute this flag! I bid you, rise and salute the flag.

Reference

Constituent Assembly Debates, Vol. IV, pp. 760-2.

JAWAHARLAL NEHRU

Tryst with Destiny

14-15 August 1947



With the clock striking the midnight hour on 14-15 August 1947 India was 'to awake to freedom'. The Constituent Assembly to whom power was to be transferred began its sitting at 11 p.m. with Smt. Sucheta Kripalani singing Vande Mataram. It was a historic and memorable occasion in the life of the Constituent Assembly.

After an address by the president, Jawaharlal Nehru made his now famous Tryst with Destiny speech. He called upon the members to take a solemn pledge to serve India and her people.

Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this

solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity.

At the dawn of history India started on her unending quest, and trackless centuries are filled with her striving and the grandeur of her successes, and her failures. Through good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune and India discovers herself again. The achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievements that await us. Are we brave enough and wise enough to grasp this opportunity and accept the challenge of the future?

Freedom and power bring responsibility. The responsibility rests upon this assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom, we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless, the past is over and it is the future that beckons to us now.

That future is not one of ease or resting but of incessant striving so that we might fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us but as long as there are tears and suffering, so long our work will not be over.

And so we have to labour and to work and work hard to give reality to our dreams. Those dreams are for India, but they are also for the world, for all the nations and peoples are too closely knit together today for any one of them to imagine that it can live apart. Peace has been said to be indivisible; so is freedom, so is prosperity now, and so also is disaster in this one world that can no longer be split into isolated fragments.

To the people of India, whose representatives we are, we appeal to join us with faith and confidence in this great adventure. This is no time for petty and destructive criticism, no time for illwill or

blaming others. We have to build the noble mansion of free India where all her children may dwell.

I beg to move, sir.

That it be resolved that:

- (1) After the last stroke of midnight, all members of the Constituent Assembly present on this occasion, do take the following pledge:

At this solemn moment when the people of India, through suffering and sacrifice, have secured freedom, I a member of the Constituent Assembly of India, do dedicate myself in all humility to the service of India and her people to the end that this ancient land attain her rightful place in the world and make her full and willing contribution to the promotion of world peace and the welfare of mankind.

- (2) Members who are not present on this occasion do take the pledge (with such verbal changes as the president may prescribe) at the time they next attend a session of the Assembly.

Reference

Constituent Assembly Debates, Vol. V, pp. 3-5.

DR. S. RADHAKRISHNAN

Dawn of Freedom

14-15 August 1947



After Jawaharlal Nehru moved a motion regarding a pledge by members, the only person who spoke in the Constituent Assembly on 14-15 August 1947 before the clock struck twelve was the philosopher-statesman, Dr. S. Radhakrishnan. He emphasized the unique nature of India's achievement and the importance of the occasion round which, he said, 'history and legend will grow'.

After Dr. S. Radhakrishnan's speech, as the clock struck twelve at the midnight hour, the president of the Constituent Assembly and all the members stood up and took the pledge of service to the nation.

Mr. President, sir, it is not necessary for me to speak at any great length on this resolution so impressively moved by Pandit Jawaharlal Nehru and seconded by Mr. Khaliqzaman. History and legend will grow around this day. It marks a milestone in the march of our democracy. A significant date it is in the drama of the Indian people who are trying to rebuild and transform themselves. Through a long night of waiting, a night full of fateful portents and silent

prayers for the dawn of freedom, of haunting spectres of hunger and death, our sentinels kept watch, the lights were burning bright till at last the dawn is breaking and we greet it with the utmost enthusiasm. When we are passing from a state of serfdom, a state of slavery and subjection to one of freedom and liberation, it is an occasion for rejoicing. That it is being effected in such an orderly and dignified way is a matter for gratification.

Mr. Clement Attlee spoke with visible pride in the House of Commons when he said that this is the first great instance of a strong imperialist power transferring its authority to a subject people whom it ruled with force and firmness for nearly two centuries. For a parallel he cited the British withdrawal from South Africa; but it is nothing comparable in scale and circumstances to the British withdrawal from this country. When we see what the Dutch are doing in Indonesia, when we see how the French are clinging to their possessions, we cannot but admire the political sagacity and courage of the British people.

We on our side, have also added a chapter to the history of the world. Look at the way in which subject peoples in history won their freedom. Let us also consider the methods by which power was acquired. How did men like Washington, Napoleon, Cromwell, Lenin, Hitler and Mussolini get into power? Look at the methods of blood and steel, of terrorism and assassination, of bloodshed and anarchy by which these so-called great men of the world came into the possession of power. Here in this land under the leadership of one who will go down in history as perhaps the greatest man of our age we have opposed patience to fury, quietness of spirit to bureaucratic tyranny and are acquiring power through peaceful and civilized methods. What is the result? The transition is being effected with the least bitterness, with utterly no kind of hatred at all. The very fact that we are appointing Lord Mountbatten as the governor general of India shows the spirit of understanding and friendliness in which this whole transition is being effected.

You, Mr. President, referred to the sadness in our hearts, to the sorrow which also clouds our rejoicings. May I say that we are in an essential sense responsible for it also though not entirely. From

1600, Englishmen have come to this country – priests and nuns, merchants and adventurers, diplomats and statesmen, missionaries and idealists. They bought and sold, marched and fought, plotted and profited, helped and healed. The greatest among them wished to modernise the country, to raise its intellectual and moral standards, its political status. They wished to regenerate the whole people. But the small among them worked with sinister objectives. They tried to increase the disunion in the country, made the country poorer, weaker and more disunited. They also have had their chance now. The freedom we are attaining is the fulfilment of this dual tendency among British administrators. While India is attaining freedom, she is attaining it in a manner which does not produce joy in the hearts of the people or a radiant smile on their faces. Some of those who were charged with the responsibility for the administration of this country tried to accentuate communal consciousness and bring about the present result which is a logical outcome of the policies adopted by the lesser minds of Britain. But I would never blame them. Were we not victims, ready victims, so to say, of the separatist tendencies foisted on us? Should we not now correct our national faults of character, our domestic despotism, our intolerance which has assumed the different forms of obscurantism, of narrow-mindedness, of superstitious bigotry? Others were able to play on our weaknesses because we had them. I would like, therefore, to take this opportunity to call for self-examination, for a searching of hearts. We have gained but we have not gained in the manner we wished to gain and if we have not done so, the responsibility is our own. And when this pledge says that we have to serve our country, we can best serve our country by removing these fundamental defects which have prevented us from gaining the objective of a free and united India. Now that India is divided, it is our duty not to indulge in words of anger. They lead us nowhere. We must avoid passion. Passion and wisdom never go together. The body politic may be divided but the body historic lives on. Political divisions, physical partitions, are external but the psychological divisions are deeper. The cultural cleavages are the more dangerous. We should not allow them to grow. What we should do is to preserve

the cultural ties, those spiritual bonds which knit our peoples together into one organic whole. Patient consideration, slow process of education, adjustment to one another's needs, the discovery of points of view which are common to both the dominions in the matter of communications, defence, foreign affairs, these are the things which should be allowed to grow in the daily business of life and administration. It is by developing such attitudes that we can once again draw near and gain the lost unity of this country. That is the only way to it.

Our opportunities are great but let me warn you that when power outstrips ability, we will fall on evil days. We should develop competence and ability which would help us to utilize the opportunities which are now open to us. From tomorrow morning – from midnight today – we cannot throw the blame on the British. We have to assume the responsibility ourselves for what we do. A free India will be judged by the way in which it will serve the interests of the common man in the matter of food, clothing, shelter and the social services. Unless we destroy corruption in high places, root out every trace of nepotism, love of power, profiteering and black-marketing which have spoiled the good name of this great country in recent times, we will not be able to raise the standards of efficiency in administration as well as in the production and distribution of the necessary goods of life.

Pandit Jawaharlal Nehru referred to the great contribution which this country will make to the promotion of world peace and the welfare of mankind. The *chakra*, the Ashokan wheel, which is there in the flag embodies for us a great idea. Ashoka, the greatest of our emperors, – look at the words of H.G. Wells regarding him 'Highnesses, Magnificences, Excellencies, Serenities, Majesties – among them all, he shines alone, a star – Ashoka the greatest of all monarchs'. He cut into rock his message for the healing of discords. If there are differences, the way in which you can solve them is by promoting concord. Concord is the only way by which we can get rid of differences. There is no other method which is open to us.

We are lucky in having for our leader one who is a world citizen, who is essentially a humanist, who possesses a buoyant optimism and

robust good sense in spite of the perversity of things and the hostility of human affairs. We see the way in which his department interfered actively and in a timely manner in the Indonesian dispute. It shows that if India gains freedom, that freedom will be used not merely for the wellbeing of India but for *vishva kalyana*, i.e. world peace, the welfare of mankind.

Our pledge tells us that this ancient land shall attain her rightful and honoured place. We take pride in the antiquity of this land for it is a land which has seen nearly four or five millenniums of history. It has passed through many vicissitudes and at the moment it stands, still responding to the thrill of the same great ideal. Civilization is a thing of the spirit, it is not something external, solid and mechanical. It is the dream in the people's hearts. It is the inward aspiration of the people's souls. It is the imaginative interpretation of the human life and the perception of the mystery of human existence. That is what civilization actually stands for. We should bear in mind these great ideals which have been transmitted to us across the ages. In this great time of our history we should bear ourselves humbly before God, brace ourselves to this supreme task which is confronting us and conduct ourselves in a manner that is worthy of the ageless spirit of India. If we do so I have no doubt that the future of this land will be as great as its once glorious past.

Sarvabhutdisahamatmanam

Sarvabhutani catmani

Sampasyam atmayajivai

Saarwajyam adhigachati

Swarajya is the development of that kind of tolerant attitude which sees in man the face Divine. Intolerance has been the greatest enemy of our progress. Tolerance of one another's views, thoughts and beliefs is the only remedy that we can possibly adopt. Therefore, I support with very great pleasure this resolution which asks us as the representatives of the people of India to conduct ourselves in all humility, in the service of our country and the word 'humility' here means that we are by ourselves very insignificant. Our efforts by themselves cannot carry us a long distance. We should make

ourselves dependent on that other than ourselves which makes for righteousness. The note of humility means the unimportance of the individual and the supreme importance of the unfolding purpose which we are called upon to serve. So in a mood of humility, in a spirit of dedication, let us take this pledge as soon as the clock strikes twelve.

Reference

Constituent Assembly Debates, Vol. V, pp. 6-10.

DR. RAJENDRA PRASAD -

India of our Dreams

15 August 1947



On the first day of independence – 15 August 1947 – the President of the Constituent Assembly, Dr. Rajendra Prasad addressed the members. He paid tributes to the martyrs of the freedom struggle and to the father of the nation, Mahatma Gandhi.

Flowing with idealism, hope and emotion, Dr. Rajendra Prasad exhorted the House on the historic day to rise to the occasion and fulfil the nation's destiny and resolve to create conditions to bring about 'India of our Dreams'. Before it was delivered, Dr. Rajendra Prasad wrote the entire address in his own hand.

Let us in this momentous hour of our history, when we are assuming power for the governance of our country, recall in grateful remembrance the services and sacrifices of all those who laboured and suffered for the achievement of the independence we are attaining today. Let us on this historic occasion pay our homage to the maker of our modern history, Mahatma Gandhi, who has inspired and guided us through all these years of trial and travail

and who in spite of the weight of years is still working in his own way to complete what is left yet unaccomplished.

Let us gratefully acknowledge that while our achievement is in no small measure due to our own sufferings and sacrifices, it is also the result of world forces and events and last though not the least, it is the consummation and fulfilment of the historic traditions and democratic ideals of the British race whose farsighted leaders and statesmen saw the vision and gave the pledges which are being redeemed today. We are happy to have in our midst as a representative of that race Viscount Mountbatten of Burma and his consort who have worked hard and played such an important part in bringing this about during the closing scenes of this drama. The period of domination by Britain over India ends today and our relationship with Britain is henceforward going to rest on a basis of equality, of mutual goodwill and mutual profit.

It is undoubtedly a day of rejoicing. But there is only one thought which mars and detracts from the fullness of this happy event. India, which was made by God and nature to be one, which culture and tradition and history of millenniums have made one, is divided today and many there are on the other side of the boundary who would much rather be on this side. To them we send a word of cheer and assurance and ask them not to give way to panic or despair but to live with faith and courage in peace with their neighbours and fulfil the duties of loyal citizenship and thus win their rightful place. We send our greetings to the new dominion which is being established there today and wish it the best luck in its great work of governing that region and making all its citizens happy and prosperous. We feel assured that they all will be treated fairly and justly without any distinction or discrimination. Let us hope and pray that the day will come when even those who have insisted upon and brought about this division will realize India's essential oneness and we shall be united once again. We must realize, however, that this can be brought about not by force but by large-heartedness and cooperation and by so managing our affairs on this side as to attract those who have parted. It may appear to be a dream but it is no more fantastic a dream than that

of those who wanted a division and may well be realized even sooner than we dare hope for today.

More than a day of rejoicing, it is a day of dedication for all of us to build the India of our dreams. Let us turn our eyes away from the past and fix our gaze on the future. We have no quarrel with other nations and countries and let us hope no one will pick a quarrel with us. By history and tradition we are a peaceful people and India wants to be at peace with the world. India's empire outside her own borders has been of a different kind from all other empires. India's conquests have been the conquests of spirit which did not impose heavy chains of slavery, whether of iron or of gold, on others but tied other lands and other peoples to her with the more enduring ties of golden silk – of culture and civilization, of religion and knowledge (*gyan*). We shall follow that same tradition and shall have no ambition save that of contributing our little mite to the building of peace and freedom in a war-distracted world by holding aloft the banner under which we have marched to victory and placing in a practical manner in the hands of the world the great weapon of nonviolence which has achieved this unique result. India has a great part to play. There is something in her life and culture which has enabled her to survive the onslaughts of time and today we witness a new birth full of promise, if only we prove ourselves true to our ideals.

Let us resolve to create conditions in this country,
when every individual will be free and provided with the
wherewithal to develop and rise to his fullest stature,
when poverty and squalor and ignorance and illhealth will have
vanished,
when the distinction between high and low, between rich and
poor, will have disappeared,
when religion will not only be professed and preached and
practised freely but will have become a cementing force for binding
man to man and not serve as a disturbing and disrupting force
dividing and separating,
when untouchability will have been forgotten like an unpleasant
night dream,

when exploitation of man by man will have ceased,
when facilities and special arrangements will have been provided
for the *adimjatis* of India and for all others who are backward, to
enable them to catch up to others,

when this land will have not only enough food to feed its teeming
millions but will once again have become a land flowing with rivers
of milk,

when men and women will be laughing and working for all they
are worth in fields and factories,

when every cottage and hamlet will be humming with the sweet
music of village handicrafts and maids will be busy with them and
singing to their tune,

when the sun and the moon will be shining on happy homes and
loving faces.

To bring all this about we need all the idealism and sacrifice, all
the intelligence and diligence, all the determination and the power
of organization that we can muster. We have many parties and groups
with differing ideals and ideologies. They are all trying to convert
the country to their own ideologies and to mould the constitution
and the administration to suit their own viewpoint. While they have
the right to do so, the country and the nation have the right to
demand loyalty from them. All must realize that what is needed most
today is a great constructive effort – not strife, hard solid work –
not argumentation, and let us hope that all will be prepared to make
their contribution. We want the peasants to grow more food, we want
the workers to produce more goods, we want our industrialists to
use their intelligence, tact and resourcefulness for the common good.
To all we must assure conditions of decent and healthy life and
opportunities for self-improvement and self-realization.

Not only have the people to dedicate themselves to this great task
that lies ahead but those who have so far been playing the role of
rulers and regulators of the lives of our men and women have to
assume the role of servants. Our army has won undying glory in
distant lands for its bravery and great fighting qualities. Our soldiers,
sailors and airmen have to realize that they now form a national army
on whom devolves the duty not only of defending the freedom which

we have won but also to help in a constructive way in building up a new life. There is no place in the armed forces of our country which is not open to our people, and what is more, they are required to take the highest places as soon as they can so that they may take full charge of our defences. Our public servants in various departments of government have to shed their role as rulers and have to become true servants of the people that their compeers are in all free countries. The people and the government on their side have to give them their trust and assure them conditions of service in keeping with the lives of the people in whose midst they have to live and serve.

We welcome the Indian states which have acceded to India and to their people we offer our hands of comradeship. To the princes and the rulers of the states we say that we have no designs against them. We trust they will follow the example of the king of England and become constitutional rulers. They would do well to take as their model the British monarchical system which has stood the shock of two successive world wars when so many other monarchies in Europe have toppled down.

To Indians settled abroad in British colonies and elsewhere we send our good wishes and assurance of our abiding interest in their welfare. To our minorities we give the assurance that they will receive fair and just treatment and their rights will be respected and protected.

One of the great tasks which we have in hand is to complete the constitution under which not only will freedom and liberty be assured to each and all but which will enable us to achieve and attain and enjoy its fulfillment and its fruits. We must accomplish this task as soon as possible so that we may begin to live and work under a constitution of our own making, of which we may all be proud, and which it may become our pride and privilege to defend and to preserve to the lasting good of our people and for the service of mankind. In framing that constitution we shall naturally draw upon the experience and knowledge of other countries and nations no less than on our own traditions and surroundings and may have at times to disregard the lines drawn by recent history and lay down new boundary lines not only of provinces but also of distribution of powers and functions. Our ideal is to have a constitution that will

enable the people's will to be expressed and enforced and that will not only secure liberty to the individual but also reconcile and make that liberty subservient to the common good.

We have, up to now, been taking a pledge to achieve freedom and to undergo all sufferings and sacrifices for it. Time has come when we have to take a pledge of another kind. Let no one imagine that the time for work and sacrifice is gone and the time for enjoying the fruits thereof has come. Let us realize that the demand on our enthusiasm and capacity for unselfish work in the future will be as great as, if not greater than, what it has ever been before. We have, therefore, to dedicate ourselves once again to the great cause that beckons us. The task is great, the times are propitious. Let us pray that we may have the strength, the wisdom and the courage to fulfil it.

Reference

Constituent Assembly Debates, Vol. V, pp. 20-3.

GOVIND BALLABH PANT

Joint Electorates

27 August 1947



During the debate on the report on minority rights, the leader of the Muslim League in the Constituent Assembly moved for the adoption of separate electorates for the Muslims. Govind Ballabh Pant made a forceful plea against the move and showed by convincing arguments how it would not be in the best interests of the Muslims themselves.

Mr. President, I regret that the mover of the resolution should have considered it necessary to introduce this subject at this stage and in the existing circumstances. I had thought that we had outgrown the stage when sentiment instead of reason used to overpower us. My friend the leader of the Muslim League party asked us to take note of the changed circumstances. That is exactly what I ask him to do. I regret very much that the magnitude of the great change that has come over this country has not been adequately appraised or appreciated. The mover does not seem to realize that since 15 August the administration of this country has been made over lock, stock and barrel to the people of this country. I may also

assure him and those associated with him that I am trying to look at the question exclusively from the point of view of the minorities. I am one of those who feel that the success of democracy is to be measured by the amount of confidence that it generates in different sections of the community. I believe that every citizen in a free state should be treated in such a manner that not only his material wants but also his spiritual sense of self-respect may be fully satisfied. I also believe that the majority community should, while considering these questions, not only try to do justice, but throughout it should be informed and inspired by genuine feelings of regard for the minorities and all its decisions should be actuated by a real sense of understanding and sympathy. So when I am opposing this motion, it is because I am convinced that it would be suicidal for the minorities themselves if the system of separate electorates were countenanced and upheld now. In fact, we seem to forget the great change as I said which has come over the political status of our country. In the olden days, whatever be the name under which our legislatures functioned, in reality they were no more than advisory bodies. The ultimate power vested in the British and the British parliament was the ultimate arbiter of our destiny. So long as the power was vested in foreigners, I could understand the utility of separate electorates. Then perhaps the representatives of different communities could pose as the full-fledged advocates of their respective communities, and as the decision did not rest with the people of the country they could satisfy themselves with that position. But it is not merely a question of advocacy now. It is a question of having an effective decisive voice in the affairs and in the deliberations of the legislatures and the Parliament of this free country. Even if in an advisory capacity one were a very good advocate, he cannot be absolutely of any use whether to his clients or to himself if the judge whom he has to address does not appreciate his arguments, sentiments or feelings, and there is no possibility of the advocate ever becoming a judge. I want the advocate to have also before him the prospect of becoming a judge. In the new status that we have now secured every citizen in this country should, in my opinion, be able to rise to the fullest stature and always have the opportunity of influencing the decisions effectively. So I believe

separate electorates will be suicidal to the minorities and will do them tremendous harm. If they are isolated for ever, they can never convert themselves into a majority and the feeling of frustration will cripple them even from the very beginning. What is it that you desire and what is our ultimate objective? Do the minorities always want to remain as minorities or do they ever expect to form an integral part of a great nation and as such to guide and control its destinies? If they do, can they ever achieve that aspiration and that ideal if they are isolated from the rest of the community? I think it would be extremely dangerous for them if they were segregated from the rest of the community and kept aloof in an airtight compartment where they would have to rely on others even for the air they breathed. I want them to have a position in which their voice may cease to be discordant and shrill but may become powerful. The minorities, if they are returned by separate electorates, can never have any effective voice and what have Mr. Jinnah, and other leaders of the Muslim League party repeatedly declared? They had separate electorates and separate electorates with weightage and it was their definite pronouncement, after all the experience they had for the last three decades of separate electorates, combined with weightage, that it was an illusory safeguard and that it did not secure their rights and their interests. In spite of separate electorates and weightage which the Muslims and the Hindus enjoyed in the provinces of Bengal, Bihar and the North-West Frontier what have we not been hearing all these days during the last many months? Has the system of separate electorates helped them? Have separate electorates even with weightage been of any real assistance to them in this pitiable predicament? It is really unfortunate that in spite of all this experience there should still be a demand for separate electorates today. Then again what do the minorities desire? Do they want to have any share in the government of the country and in its administration? I tell you, you cannot have a genuine seat in the cabinet if you segregate yourself from the rest of the community, for the cabinet can only act as a team in a harmonious manner and unless every member of the cabinet is answerable to a common electorate, the cabinet cannot function in a fruitful manner. Are you prepared to give up your right

of representation in the government? And will you be satisfied with the pitiable position of being no more than advocates – if advocates alone you wish to be – then your advocacy will be treated, if not with scorn and ridicule, but in any case with utter disregard and unconcern, which is bound to be the case when those who are judges are not in any way answerable to your electorate? Your safety lies in making yourselves an integral part of the organic whole which forms the real genuine state.

Further, what is your ultimate ideal? Do you want a real national secular state or a theocratic state? If the latter, then in this Union of India a theocratic state can be only a Hindu state. Will it be to your interest to isolate yourself in such a manner? Will this state care for those who have no share or voice in the election of the representatives who will have real control of the affairs of the state? What could be more dangerous than that? Then you also have to consider, if such a system is introduced, how it will react on you now and hereafter. If you have separate electorates for the minorities, the inevitable result is that the majority becomes isolated from the minorities, and being thus cut off from the minorities, it can ride roughshod upon them.

So I ask you whether you want the majority to be cut off in such a way that the majority will not be answerable to anybody belonging to your community and no one in the majority will have to care for your sentiments or for the reactions of his acts on you and your associates? Nothing will be more harmful than that. And do you not see the signs today? Do you not see the upsurge of communal passions even in quarters which had remained uncontaminated in the past? I have no doubt that from whichever point of view you may look at it, it will be extremely detrimental to your interests if you now clamour for separate electorates. Apart from other things it is an obsolete anachronism today. In a free country nobody has ever heard of separate electorates. After all, what is the essence of democracy? For the success of democracy one must train himself in the art of self-discipline. In democracies one should care less for himself and more for others. There cannot be any divided loyalty. All loyalties must exclusively be centred round the state. If in a democracy, you

create rival loyalties, or you create a system in which any individual or group, instead of suppressing his extravagance, cares nought for larger or other interests, then democracy is doomed. So, separate electorates are not only dangerous to the state and to society as a whole, but they are particularly harmful to the minorities. We all have had enough of this experience, and it is somewhat tragic to find that all that experience should be lost and still people should hug the exploded shibboleths and slogans. In the olden days one could have shouted like that; but now, especially these days when we are seeing all the orgies of violence before our very eyes, when we are every hour hearing the harrowing tales of massacres, of rapine, of plunder, of rape and what not, which make everyone of us hang his head in shame if not to hang himself by the neck, then I say, does it not occur to you that we have paid amply for this abominable cult of separation and we must grow wise?

We are now going to be free and we have paid a price for this freedom; we have Pakistan on the one side and the Union of India or *Hindustan* on the other side. There has been too much talk of treating the Muslims as aliens in *Hindustan* or the Hindus as aliens in Pakistan. Will this institution of separate electorates encourage the disruptive tendencies or will it bring about that cohesion without which neither state can exist? Do you want the citizens of one state to look to their coreligionists in the other state for their protection, or do you want them to be treated as equal citizens of their own free sovereign state? I want all minorities to have an honourable place in this Union of India. I want them to have full opportunities for self-realisation and self-fulfilment. I want this synthesis of cultures to go on so that we may have a state in which all will live as brothers and enjoy the fruits of the sacrifices of those who gave their all for the achievement of this freedom, fully maintaining and observing and following the principles of equality, liberty and fraternity.

Reference

Constituent Assembly Debates, Vol. V, pp. 222-24.

JAWAHARLAL NEHRU

Death of the Mahatma

2 February 1948



Mohandas Karamchand Gandhi, known as the Apostle of Nonviolence, revered as the Mahatma (great soul) and honoured by a grateful people as the Father of the Nation, was killed by an assassin's bullet on 30 January 1948 while he was walking down to his evening prayer meeting.

Tearful tributes to the memory of the Mahatma were paid in the Constituent Assembly (legislative) when it first met on 2 February 1948 after the tragic event. Prime Minister Jawaharlal Nehru felt a poignant sense of shame and guilt for the government's inability to protect the most precious treasure of the nation.

It is customary in this House to pay some tribute to the eminent departed, to say some words of praise and condolence. I am not quite sure in my own mind if it is exactly fitting for me or for any others of this House to say much on this occasion, for I have a sense of utter shame both as an individual and as the head of the Government of India that we should have failed to protect the

greatest treasure that we possessed. It is our failure, as it has been our failure in the past many months, to give protection to many an innocent man, woman and child; it may be that the burden and the task was too great for us or for any government, nevertheless it is a failure. And today the fact that this mighty person whom we honoured and loved beyond measure has gone because we could not give him adequate protection is a shame for all of us. It is a shame to me as an Indian that an Indian should have raised his hand against him, it is a shame to me as a Hindu that a Hindu should have done this deed and done it to the greatest Indian of the day and greatest Hindu of the age.

We praise people in well-chosen words and we have some kind of a measure for greatness. How shall we praise him and how shall we measure him, because he was not of the common clay that all of us are made of? He came, lived a fairly long span of life and has passed away. No words of praise of ours in this House are needed, for he has had greater praise in his life than any living man in history. And during these two or three days since his death he has had the homage of the world; what can we add to that? How can we praise him, how can we who have been children of his, and perhaps more intimately his children than the children of his body, for we have all been in some greater or smaller measure the children of his spirit, unworthy as we were?

A glory has departed and the sun that warmed and brightened our lives has set and we shiver in the cold and dark. Yet, he would not have us feel this way. After all, that glory that we saw for all these years, that man with the divine fire, changed us also – and such as we are, we have been moulded by him during these years; and out of that divine fire many of us also took a small spark which strengthened and made us work to some extent on the lines that he fashioned. And so if we praise him, our words seem rather small and if we praise him, to some extent we praise ourselves. Great men and eminent men have monuments in bronze and marble set up for them, but this man of divine fire managed in his lifetime to become enshrined in millions and millions of hearts so that all of us became somewhat of the stuff that he was made of, though to an infinitely

lesser degree. He spread out in this way all over India not in palaces only, or in select places or in assemblies, but in every hamlet and hut of the lowly and those who suffer. He lives in the hearts of millions and he will live for immemorial ages.

What then can we say about him except to feel humble on this occasion? To praise him, we are not worthy – to praise him whom we could not follow adequately and sufficiently. It is almost doing him an injustice just to pass him by with words when he demanded work and labour and sacrifice from us; in a large measure he made this country during the last thirty years or more attain to heights of sacrifice which in that particular domain have never been equalled elsewhere. He succeeded in that. Yet ultimately things happened which no doubt made him suffer tremendously though his tender face never lost the smile and he never spoke a harsh word to anyone. Yet, he must have suffered – suffered for the failing of this generation whom he had trained, suffered because we went away from the path that he had shown us. And ultimately the hand of a child of his – for he after all is as much a child of his as any other Indian – a hand of that child of his struck him down.

Long ages afterwards history will judge this period that we have passed through. It will judge the successes and the failures – we are too near it to be proper judges and to understand what has happened and what has not happened. All we know is that there was a glory and that it is no more; all we know is that for the moment there is darkness, not so dark certainly because when we look into our hearts we still find the living flame which he lighted there. And if those living flames exist, there will not be darkness in this land and we shall be able with our effort, remembering him and following his path, to illumine this land again, small as we are, but still with the fire that he instilled into us. He was perhaps the greatest symbol of the India of the past, and may I say, of the India of the future that we could have had. We stand on this perilous edge of the present between that past and the future-to-be and we face all manner of perils and the greatest peril is sometimes the lack of faith which comes to us, the sense of frustration that comes to us, the sinking of the heart and of the spirit that comes to us when we see ideals

go overboard, when we see the great things that we talked about somehow pass into empty words and life taking a different course. Yet, I do believe that perhaps this period will pass soon enough.

Great as this man of God was in his life, he has been great in his death and I have not a shadow of a doubt that by his death, he has served the great cause as he served it throughout his life. We mourn him; we shall always mourn him, because we are human and cannot forget our beloved master. But I know that he would not like us to mourn him. No tears came to his eyes when his dearest and closest passed away – only a firm resolve to persevere, to serve the great cause that he had chosen. So he would chide us if we merely mourn. That is a poor way of doing homage to him. The only way is to express our determination, to pledge ourselves anew, to conduct ourselves so and to dedicate ourselves to the great task which he undertook and which he accomplished to such a large extent. So we have to work, we have to labour, we have to sacrifice and thus prove, to some extent at least, worthy followers of his.

It is clear, as you said, sir, that this happening, this tragedy, is not merely the isolated act of a mad man. This comes out of a certain atmosphere of violence and hatred that has prevailed in this country for many months and years and more especially in the past few months. That atmosphere enveloped us and surrounds us and if we are to serve the cause he put before us we have to face this atmosphere, to combat it, to struggle against it and root out the evil of hatred and violence.

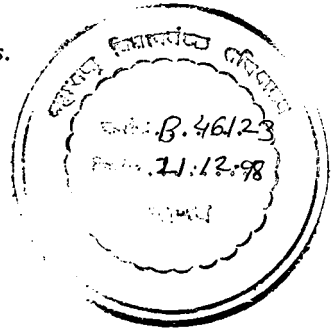
So far as this government is concerned, I trust they will spare no means, spare no effort to tackle it, because if we do not do that, if we, in our weakness or for any other reason that we may consider adequate, do not take effective means to stop this violence, to stop this spreading of hatred by word of mouth or writing or act, then indeed we are not worthy of being in this government; we are not certainly worthy of being his followers and we are not worthy of even saying words of praise for this great soul who has departed. So that on this occasion or any other when we think of this great master who has gone, let us always think of him in terms of work and labour and sacrifice, in terms of fighting evil wherever we see it, in terms

of holding to the truth as he put it before us, and if we do so, however unworthy we may be, we shall at least have done our duty and paid proper homage to his spirit.

He has gone, and all over India there is a feeling of having been left desolate and forlorn. All of us sense that feeling, and I do not know when we shall be able to get rid of it, and yet together with that feeling there is also a feeling of proud thankfulness that it has been given to us of this generation to be associated with this mighty person. In ages to come, centuries and may be millennia after us, people will think of this generation when this man of God trod the earth and will think of us who, however small, could also follow his path and tread the holy ground where his feet had been. Let us be worthy of him.

Reference

Constituent Assembly (Legislative) Debates.



REV. JEROME D'SOUZA

Figure of Jesus Christ

2 February 1948



Jawaharlal Nehru was followed by Sayyid Mohammad Saadulla speaking on behalf of the Muslims and Rev. Jerome D'Souza representing the sentiments of the Christian community. Rev. D'Souza said that Mahatma Gandhi turned the attention of the countrymen to the sweet figure of Jesus Christ.

Mr. Speaker and hon'ble members, Mahatma Gandhi's voice, the voice of the dumb millions of our land, has passed into the Great Silence. All of us are aware he was a great lover of silence and in that silence he heard 'the still small voice' in irresistible accents, and he translated those accents which he heard in the secrecy of his heart to the waiting multitudes, the waiting millions, of our land and the whole world. And for the last twenty, thirty or forty years, the whole world has been filled with the echo of that beautiful, that musical, that incomparable voice; and today that voice is still. A great bell was tolling in the night and all of a sudden that bell is silent, the most remarkable, the most consoling, the most

ennobling voice we have heard in our generation is silenced. But in the words of our prime minister, it is not merely grief that we shall allow to invade our heart, in the silence that is created in us; rather we shall think with proud thankfulness of what he was and what he gave to us.

The whole land will bless him, because the life that surges through this nation is the life given by him. And yet he has worked this strange miracle in this land, in this household, that every member of it thought that he loved him more than he loved others. The great Hindu community will call him the pride and glory of their community, the finest flower of their race and culture. The Muslims will say that he was their champion, that he understood their sentiments, that in this land it was he who raised his voice for them. The Harijans will say that he was their very father and that he loved none else as he loved them. The women will say that he was their friend, that he understood their timidity and that he alone brought them out of their obscurity and their humility into the public to work for our country. Perhaps, the children will finally say that he loved them most for he laughed and played with them like a child; this is what the father of a house does, to each child he gives the impression that he loves him more than others, when in truth, he loves all equally. This is what our Father, our Bapuji, did for the children of this land.

My friends, let me say one word for my own people, the Christian people. In the national movement of this land for many reasons into which it is not necessary to enter now, they were sometimes a little hesitant, they were doubting. By his personality, by the magic of his word, he brought all of us into this movement and today we stand with our brethren, we stand with all the rest of the country, in the dignity of our new-found freedom and in the determination to work for its prosperity. If I may say so, his words, his example, his doctrine of nonviolence, brought home to all, the teaching of the Sermon on the Mount. Its beautiful words kept on ringing in our ears as in his. He has turned the attention of our countrymen to the sweet figure of Jesus Christ, and by this means he has brought us nearer to the masses of our countrymen, and them nearer to us. And in his last

days when some of us were fearing that perhaps the violence which was spreading may spread further, his voice, raised in defence of every minority, filled our hearts with immense comfort. Such a one, the very embodiment of the power of the soul, one for whom the body was nothing and the soul everything, one for whom time was nothing and eternity was all, even he has fallen, fallen by the mistaken action of a foolish child of his. My friends, he had learnt more than anybody else in the world that more powerful than the sword was the weapon of love. In the midst of so many controversies, our beloved leader did not give back one angry word, one recrimination – for he was the very embodiment of sweetness and patience. And even he has been taken away from us by violence.

We do not know where to turn and what to say in this calamity. We know that cruel as the deed was which took him away, his work cannot suffer, but that it now receives an added strength from martyrdom; out of this martyrdom surely will come a new lustre for those ideals, a new power for those words which he has uttered and which will be repeated lovingly by millions and by generations. The grains of seed falling on the ground and dying will produce fruit a hundredfold. Friends, let us join together in offering the great men upon whose shoulders the burden of the government of this country has come, the pledge of our love and our sympathy and the assurance of our unswerving fidelity in carrying out their task. Let us make up our minds that neither by word nor by deed shall we weaken their effort. And so, when this great light has failed us, let us remember that those ideals have an inner light, their own inherent brilliance and that they have now an added lustre from the aureola of martyrdom, from the supreme sacrifice which has crowned his long and humble life. 'Greater love than this, hath no man, than that he lay down his life for his brother.' May God rest his gentle soul, and grant him eternal happiness!

Reference

Constituent Assembly (Legislative) Debates, pp. 106-7.

M. ANANTHASAYANAM AYYANGAR

Elimination of Communal - Organizations

3 April 1948



In the Constituent Assembly (legislative) a resolution was moved on 3 April 1948 by M. Ananthasayanam Ayyangar to ban communal parties. Ayyangar said that time had come to separate religion from politics, that for the proper functioning of democracy and for national unity and integrity, it was essential to root out communalism from the body politic of India. Any political party the membership of which was dependent on religion, caste, etc., could not be allowed to engage itself in any activities except those connected with the religious, cultural, social and educational needs of the community.

The resolution was generally supported by the members. Prime Minister Jawaharlal Nehru in his intervention in the debate welcomed the resolution and indicated the attitude of his government in the matter. He said that they wished to do everything in their power to achieve the objective behind the resolution. Nehru added that the combination of politics and religion in the narrowest sense of the word, resulting in communal politics, was 'a most dangerous

combination and must be put to an end'. However, so far as the actual implementation of the resolution was concerned, Nehru warned that the matter would have to be examined in depth and, in any case, the government would have to come before the House with appropriate legislation.

It was some forty-five years later that a serious attempt to delink religion and politics was made with the introduction of the Constitution (Eightieth) Amendment Bill, 1993 on 29 July 1993. However, it was largely motivated by political and partisan vote-bank considerations and faced with strong opposition, it failed.

Sir, I beg to move:

Whereas, it is essential for the proper functioning of democracy and the growth of national unity and solidarity that communalism should be eliminated from Indian life, this Assembly is of the opinion that no communal organization which, by its constitution or by the exercise of discretionary power vested in any of its officers or organs, admits to or excludes from its membership persons on grounds of religion, race and caste, or any of them, should not be permitted to engage in any activities other than those essential for the bona fide religious and cultural needs of the community, and that all steps, legislative and administrative, necessary to prevent such activities should be taken.

Sir, India is an old nation but is a young state. We are in a world torn by factions and camps and unless in a very short period of time India consolidates herself and progresses into a strong and homogeneous state, we will be nowhere and the freedom that has been won will be only transitory. Religion was a binding force in a primitive community. But religion today has egregiously failed in that purpose of binding man with man. The last two great World Wars have demonstrated unequivocally that religion is no longer a binding force in the world. Christian nations fought amongst themselves. Before this, as a result of the last war, the *khilafat* was not accepted by one of the premier Muslim nations. Today, there is war going on between one community and another in Palestine. Is there any hope that religion will bind us once again, and prevent the wars, and bring God nearer to man?

In our own history, sir, – permit me to take you through some of the milestones and epochs which took place in it – our history must start from the days of Indian independence, the battle of Indian independence, as early as 1857. After the Moghul emperors left, Hindus and Muslims joined together, and hand in hand fought to get rid of the foreign rule. They fought together. No communalism prevailed. In 1884 the Congress was started and both Hindus, Muslims and all other sections and communities in this country stood on the same platform for achieving the independence of this country. Our white masters then did not like this coming together and uniting against themselves. As everyone is aware, in 1903-05 Lord Curzon tried to split us again. He wanted to effect a partition of Bengal, divide the Hindus and Muslims, and he did so. But ultimately he had to get back, eat his own words and annul the partition which was settled. The settled partition was no longer settled. In 1906 a pact was entered into, which was concluded and finalised in 1916, giving separate electorates with some reservations. So the British played between the two communities successfully and started a game of divide and rule, which ultimately ended in the partition of mother India. Sir, after 1916, finding, that once again we had come together and agreed upon a common course of action – I am referring to the adoption of the Lucknow pact in 1916 – which was an eyesore to the British – they immediately ran from the north to the south and started trouble, – not interreligious, but subcommunal – setting one section of the Hindu community against another. This went on for a period of ten years and more till the 1931 Round Table Conference. Then they found another easy opportunity for dividing the country. They set the scheduled castes against the non-scheduled castes. Very well, but nothing was in our hands till then. The British could have easily introduced compulsory education for all classes and masses in this country and brought them to the same level. But they were the first persons who on the one hand suppressed the toiling millions of this country, and in the other breath went about saying that we stood in the path of progress, and divided our country. Later on, sir, everyone knows that Mahatma Gandhi was almost determined to sacrifice his life to bring about amity between the various sections

of the Hindus at least. We know of the various fasts that he undertook, the *Khilafat* movement, etc., which he undertook for bringing about communal harmony in our country between all communities. Then, sir, in 1940, Lord Linlithgow played another trick. Till then the Hindu Mahasabha was not recognized as a political party. He recognized the Hindu Mahasabha as a political entity and tried to pat the Mahasabha sometimes and the Muslim League sometimes and he wanted to throw them both overboard. In 1942, Cripps came and introduced the element that each province of this country would have to proceed on the principle of self-determination. In 1945-46, we know that in spite of attempts to group all parties together, they tried their best [to keep them apart] and ultimately separation is the result. Have we succeeded in bringing the people – the hearts of the people – together? Separation is there still. I am afraid it continues in our midst.

Now, sir, with this history before us, let us ask: 'Is it all right?' Is it all right that we should pursue the same course and not turn a new leaf and try every means of bringing about unity amongst the various sections? I say, sir, a stronger bond and greater cementing force than all the religions has to be found. It is not that a human brain or human ingenuity is wanting. I do say humanity must be our religion and service our worship. Nothing short of that. Before we attain that high pedestal, we are all members of the human race – not only of the human race, but the entire creation – we must be one limb of the entire universe, of the entire order of the universal soul, of which we are all parts. It is that *summum bonum* that I am trying to achieve and attain but before we attain that step, there is the earlier step – the attainment of a nation state, a secular one, which it is our object to build.

Every man in India must feel another man is his own brother. I wish if it were possible for me to persuade all my brothers in this country who say that he belongs to this sect or that sect, this creed or that creed that to only say: 'I am an Indian first and I am an Indian last'. I hope sooner than ever a day will come when I will say: I am merely a human being and nothing short of that and nothing more. That day will certainly come. Let us usher in that day and remove

the obstacles in the path of this kind of consolidation. That consolidation is necessary now. I will urge upon all persons who have read history that other countries in the world have attempted and succeeded in that. It is not necessary for me to relate the history of various other countries in the world. The two outstanding examples are the USA and the USSR. The USA today, sir, is composed of various persons who moved from various parts of the European continent; there are the Spaniards, the Italians – they could not have on account of their large growth of population lived in their own countries – the Swedes, the French and the Englishmen and a host of others who have lived together for three generations and one might still remember when they originally left their homes to settle there, but today they are proud of America and they are citizens of the USA. They would not barter away – to whatever community they belonged originally – their freedom on account of either racial or religious feelings. That is the kind of state, which I have in my view and it is for that purpose in my humble view I have set out some methods by which we can attain that purpose. We have to take both positive steps as well as steps to prevent abuses or of such tendencies as are likely to separate man from man and community from community in this great country. The USSR is another outstanding example. Now, sir, to those persons who would like to build a state here on purely religious grounds I would ask them if it is physically possible or it is at all possible? We will assume that the great Hindu community wants to create a Hindu community state in this country. We are alone; let all Hindus know that we are orphans in this world; we have no relations; there is no other Hindu nation in the world; we are all alone. And therefore, if we build up a Hindu state in this country, can we claim as neighbours or relations any other Hindu state of the world? Therefore, that kind of compartment will fail in its purpose. In times of dire necessity we may not be able to get another friend merely because he is a Hindu and we have to find other courses of friendship and other bonds of fellowship. Therefore, so far as the minorities in this country are concerned, if they press for a separate minority organization and want to set themselves as a minority, they will be defeated in their purpose. A minority based

on religion can never hope to convert a majority into that religion. I was born a Hindu but not out of my choice, nor am I going to keep it because I want to stick to it. There is a kind of prestige in it. Anybody who claims he is born in any particular community is not on account of his choice, let him be a Hindu, a Muslim or a Sikh. We do not know where we have come from and we do not know where we will go. This mortal existence has been given to us. Let us all make the best of it; let us all come together behind these apparent differences and find the eternal unity. There is divinity in man if we accept the tenets of Hinduism.

*Bahunam janmanamantey gyanavana mam prapadyate
Vasudeva svanamiti samhatma ka sudurlabha*

If we believe in the wisdom of our ancients and seers, after a cycle of births and deaths the wise men realized that whatever exists is God. There is divinity in man. There is only a spark that motivates the entire universe. Let us realize the divinity. Islam preaches brotherhood of man. Even according to the tenets of Islam, no difference can exist between man and man. The fatherhood of God and sonship of man is an old great teaching of the other great religions. Really, in those religions there is nothing which separates man and man. Man as an individual is the compatriot, is the fellow brother of another man. In spite of these religions we are warring merely for the purpose of protecting those religions. I say, sir, if the minorities insist upon continuing these religions, they would not be able to convert the majorities into their own religions merely on religious or racial grounds. But there is another chance; if on political grounds or economic issues they differ, then certainly it is open in a democracy to convert the majority into a minority. I will assume the Muslims or other communities in this country want to run a government of Muslims, is it at all possible that the Hindus will agree to become Muslims? Democracy stands or falls on a party system. Do my friends or whoever may stand for these communal organizations hope, early or late, to convert the majority Hindu community into their own Muslim fold? I do not believe it is so. If they do, they will be defeating their purpose.

Now, sir, even from a secular point of view there is the advantage in an assembly where there are three hundred who have come here as a minority of twenty or thirty and unless it mixes freely with the other communities and evokes their sympathy it may not be able to gain its point. If any of our friends who belong to any religious group want to have some decision taken for the betterment of their community, unless the majority community accedes to that request, nothing in this world can possibly help them. Therefore, in their own interest I would advise them not to insist upon these organizations. These organizations developed recently. I am bound to say that they did not stop with the major religions, but the canker has permeated into even subsections and subcastes and creeds of the entire continent. Villages have been burnt, and like water drawn from a high level finds its way to a low level, differences based on religion or community reach all sections. The logical conclusion is that we will find that the only condition is the possible difference between man and woman. Therefore, there is no purpose even if the majority community is converted into the minority community. They may further feel assured that it cannot be easily dislodged on the grounds of religion, because it belongs to a bigger religion. It is open to a minority community to make one of their members the premier of the federation of India, an independent state, but so long as a minority community bases its claim upon religion, I assure them and so long as they are also living here, unless the minority community wants to dominate the other communities in this country, they will never reach the top level in the administration of this country.

Therefore, judged from any point of view, it is unwise to continue religions on grounds of religion or community. Lastly even from the point of view of religion, I think the time has come when religion ought to be divorced from politics. It is not in the best interests of religion when it is linked with politics.

So far as the Muslim faith is concerned, Kabir was a Muslim and even today he is worshipped by large sections of Hindus. Kabir is not merely the saint of Muslims but honoured as a saint of the Hindus. In my part of the country there are temples built to Muslim

saints and our children are called *pirgar*. *Pir* is a Muslim name but we do not hesitate to give them this name. There is also in my part of the country a temple where the Prophet Muhammad is worshipped. Now various attempts were made to extend religion, but when once a political complexion is given to religion there is an end to all progress in that religion. Even if I take the tenets of Islam in my own heart of hearts, if it encroaches on my civic rights, at once I close the doors of my heart. Therefore, even from the point of view of expansion of religion, all great teachers are scientists. I have not quarrelled with Marconi merely because he has torn and revised so many things. But now there is a ray of hope and our people are veering round. I find from the deliberations of the Hindu Mahasabha that they have resolved to give up all activities other than bona fide religious and cultural activities. I find a similar attitude on the part of the Akali Dal which has merged itself in the nonreligious and secular body of the Congress. I find also that resolutions were passed by the Jamait-ul-Ulema, the Ahrars and others in the Muslim community that they want to give up their political activities and confine themselves to the limits of religious preaching. It may be asked then as to what the need for this resolution is if it is like that. I say that in the case of those institutions and communities who have themselves given up all political activities in the name of religion, this only endorses what they have done. With all thankfulness this resolution endorses that. But still there are some who want to bring religious differences in the field of politics; they have still the ambition to have these organizations based purely on religion or culture. To them there is an appeal; if they do not yield to the interest of the larger section they must be made to yield. Lastly I make an appeal in the name of all the prophets that have gone, the saviours of humanity who wanted to bring all sections of the world together and who preached love and peace. War is not an end in itself, it is the beginning or a step towards peace. In the name of all great saviours of the world, in the name of Mahatma Gandhi who shed his blood and sacrificed his life for the cause of humanity and for the cause of the teeming millions of this country, for the cause of the solidarity of the country, I beseech the House to pass this

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resolution with such modifications, if necessary, as the House may think necessary from the social and cultural point of view. It is not intended that social activities are to be banned; all bona fide social and religious activities should be allowed. Each religion has to put forth its best efforts; but when it enters politics there is a danger. The clouds of war are thickening in the sky and I do not know when they will burst. Let us stand firm and solid like a rock, separate the armies and preach peace to them. That is the mission of India and to that end and objective I appeal to the House to pass this resolution.

Reference

Constituent Assembly (Legislative) Debates, Vol. IV, pp. 3116-23.

DR. B.R. AMBEDKAR

Salient Features of the Constitution

4 November 1948



The draft constitution as settled by the Drafting Committee was introduced in the Constituent Assembly by Dr. B.R. Ambedkar, the chairman of the committee on 4 November 1948. While moving for its consideration, Dr. Ambedkar made a comprehensive speech which remains to this day very relevant and one of the best expositions of the provisions of the constitution. Dr. Ambedkar drew attention to the salient features of the constitution and answered criticisms levelled against its provisions.

Sir, I introduce the draft constitution as settled by the Drafting Committee and move that it be taken into consideration.

The Drafting Committee was appointed by a resolution passed by the Constituent Assembly on 29 August 1947.

The Drafting Committee was in effect, charged with the duty of preparing a constitution in accordance with the decisions of the Constituent Assembly on the reports made by the various committees appointed by it such as the union powers committee, the union

constitution committee, the provincial constitution committee and the advisory committee on fundamental rights, minorities, tribal areas, etc. The Constituent Assembly had also directed that in certain matters the provisions contained in the Government of India Act 1935 should be followed. Except on points which are referred to in my letter of 21 February 1948 in which I have referred to the departures made and alternatives suggested by the Drafting Committee, I hope the drafting committee will be found to have faithfully carried out the directions given to it.

The draft constitution as it has emerged from the drafting committee is a formidable document. It must be admitted that the constitution of no country could be found to be so bulky as the draft constitution. It would be difficult for those who have not been through it to realize its salient and special features.

The draft constitution has been before the public for eight months. During this long time friends, critics and adversaries have had more than sufficient time to express their reactions to the provisions contained in it. I dare say that some of them are based on misunderstanding and inadequate understanding of the Articles. But there the criticisms are, and they have to be answered.

For both these reasons it is necessary that on a motion for consideration, I should draw your attention to the special features of the constitution and also meet the criticism that has been levelled against it.

Before I proceed to do so, I would like to place on the table the House reports of three committees appointed by the Constituent Assembly (1) report of the committee on chief commissioners' provinces (2) report of the expert committee on financial relations between the union and the states, and (3) report of the advisory committee on tribal areas, which came too late to be considered by that Assembly though copies of them have been circulated to members of the Assembly. As these reports and the recommendations made therein have been considered by the drafting committee, it is only proper that the House should formally be placed in possession of them.

Turning to the main question. A student of constitutional law, if a copy of a constitution is placed in his hands, is sure to ask two

questions. Firstly, what is the form of government that is envisaged in the constitution and secondly what is the form of the constitution? For these are the two crucial matters which every constitution has to deal with. I will begin with the first of the two questions.

In the draft constitution there is placed at the head of the Indian Union a functionary who is called the president of the Union. The title of this functionary reminds one of the president of the United States. But beyond identity of names there is nothing in common between the forms of government prevalent in America and the form of government proposed under the draft constitution. The American form of government is called the presidential system of government. What the draft constitution proposes is the parliamentary system. The two are fundamentally different.

Under the presidential system of America, the president is the chief head of the executive. The administration is vested in him. Under the draft constitution, the president occupies the same position as the king under the English constitution. He is the head of the state but not of the executive. He represents the nation but does not rule the nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device or a seal by which the nation's decisions are made known. Under the American constitution, the president has under him secretaries in charge of different departments. In like manner, the president of the Indian Union will have under him ministers in charge of different departments of administration. Here again, there is a fundamental difference between the two. The president of the United States is not bound to accept any advice tendered to him by any of his secretaries. The president of the Indian Union will be generally bound by the advice of his ministers. He can do nothing contrary to their advice nor can he do anything without their advice. The president of the United States can dismiss any secretary at any time. The president of the Indian Union has no power to do so as long as his ministers command a majority in Parliament.

The presidential system of America is based upon the separation of the executive and the legislature. So, the president and his secretaries cannot be members of the Congress. The draft constitution does not

recognize this doctrine. The ministers under the Indian Union are members of Parliament. Only members of Parliament can become ministers. Ministers have the same rights as other members of Parliament, namely, that they can sit in Parliament, take part in debates and vote in its proceedings. Both systems of government are, of course, democratic and the choice between the two is not very easy. A democratic executive must satisfy two conditions – (1) it must be a stable executive and (2) it must be a responsible executive. Unfortunately it has not been possible so far to devise a system which can ensure both in equal degree. You can have a system which can give you more stability but less responsibility or you can have a system which gives you more responsibility but less stability. The American and the Swiss systems give more stability but less responsibility. The British system on the other hand gives you more responsibility but less stability. The reason for this is obvious. The American executive is a nonparliamentary executive which means that it is not dependent for its existence upon a majority in the Congress, while the British system is a parliamentary executive which means that it is dependent upon a majority in Parliament. Looking at it from the point of view of responsibility, a nonparliamentary executive being independent of parliament tends to be less responsible to the legislature while a parliamentary executive being more dependent upon a majority in parliament becomes more responsible. The parliamentary system differs from a nonparliamentary system inasmuch as the former is more responsible than the latter but they also differ as to the time and agency for assessment of their responsibility. Under the nonparliamentary system, such as the one that exists in the USA, the assessment of the responsibility of the executive is periodic. It takes place once in two years. It is done by the electorate. In England, where the parliamentary system prevails, the assessment of responsibility of the executive is both daily and periodic. The daily assessment is done by members of parliament through questions, resolutions, no-confidence motions, adjournment motions and debates and addresses. Periodic assessment is done by the electorate at the time of the election which may take place every five years or earlier. The daily assessment of responsibility which is not available under

the American system is, it is felt, far more effective than the periodic assessment and far more necessary in a country like India. The draft constitution in recommending the parliamentary system of executive has preferred more responsibility to more stability.

So far I have explained the form of government under the draft constitution. I will now turn to the other question, namely, the form of the constitution.

Two principal forms of the constitution are known to history – one is called unitary and the other federal. The two essential characteristics of a unitary constitution are: (1) the supremacy of the central polity and (2) the absence of subsidiary sovereign polities. On the contrary, a federal constitution is marked: (1) by the existence of a central polity and subsidiary polities side by side, and (2) by each being sovereign in the field assigned to it. In other words, federation means the establishment of a dual polity. The draft constitution is a federal constitution inasmuch as it establishes what may be a dual polity. This dual polity under the proposed constitution will consist of the union at the centre and the states at the periphery each endowed with sovereign powers to be exercised in the field assigned to them respectively by the constitution. This dual polity resembles the American constitution. The American polity is also a dual polity, one of it is known as the federal government and the other the governments of the states which correspond respectively to the union government and the state governments of the draft constitution. Under the American constitution, the federal government is not a mere league of the states nor are the states administrative units or agencies of the federal government. In the same way, the Indian constitution proposed in the draft constitution is not a league of states nor are the states administrative units or agencies of the Union government. Here, however, the similarities between the Indian and the American constitution come to an end. The differences that distinguish them are more fundamental and glaring than the similarities between the two.

The points of difference between the American federation and the Indian federation are mainly two. In the USA, this dual polity is followed by a dual citizenship. In the USA there is a citizenship

of the USA. But there is also a citizenship of the state. No doubt the rigours of this double citizenship are much assuaged by the fourteenth amendment to the constitution of the United States which prohibits the states from taking away the rights, privileges and immunities of the citizen of the United States. At the same time, as pointed out by Mr. William Anderson, in certain political matters, including the right to vote and to hold public office, the states may and do discriminate in favour of their own citizens. This favouritism goes even further in many cases. Thus to obtain employment in the service of a state or local government one is in most places required to be a local resident or citizen. Similarly in the licensing of persons for the practice of such public professions as law and medicine, residence or citizenship in the state is frequently required and in business where regulation must necessarily be strict, as in the sale of liquor, and of stocks and bonds, similar requirements have been upheld.

Each state has also certain rights in its own domain that it holds for the special advantage of its own citizens. Thus wild game and fish in a sense belong to the state. It is customary for the states to charge higher hunting and fishing license fees to nonresidents than to its own citizens. The states also charge nonresidents higher tuition in state colleges and universities, and permit only residents to be admitted to their hospitals and asylums except in emergencies.

In short, there are a number of rights that a state can grant to its own citizens or residents that it may and does legally deny to nonresidents, or grant to nonresidents only on more difficult terms than those imposed on residents. These advantages, given to the citizen in his own state, constitute the special rights of state citizenship. Taken all together, they amount to a considerable difference in rights between citizens and noncitizens of the state. The transient and the temporary sojourner is everywhere under some special handicaps.

The proposed Indian Constitution is a dual polity with a single citizenship. There is only one citizenship for the whole of India. It is Indian citizenship. There is no state citizenship. Every Indian has the same rights of citizenship, no matter in what state he resides.

The dual polity of the proposed Indian Constitution differs from the dual polity of the USA in another respect. In the USA the constitutions of the federal and the states' governments are loosely connected. In describing the relationship between the federal and state governments in the USA, Bryce has said: 'The central or national government and the state governments may be compared to a large building and a set of smaller buildings standing on the same ground, yet distinct from each other.'

Distinct they are, but how distinct are the state governments in the USA from the federal government? Some idea of this distinctness may be obtained from the following facts:

1. Subject to the maintenance of the republican form of government, each state in America is free to make its own constitution.
2. The people of a state retain for ever in their hands, altogether independent of the national government, the power of altering their constitution.

'A state (in America) exists as a commonwealth by virtue of its own constitution, and all state authorities, legislative, executive and judicial are the creatures of, and subject to the constitution.'

This is not true of the proposed Indian Constitution: no state (at any rate those in Group I) has a right to frame its own constitution. The constitution of the Union and of the states is a single frame from which neither can get out and within which they must work.

So far I have drawn attention to the differences between the American federation and the proposed Indian federation. But here are some other special features of the proposed Indian federation which mark it off not only from the American federation but from all other federations. All federal systems including the American are placed in a tight mould of federalism. No matter what the circumstances, it cannot change its form and shape. It can never be unitary. On the other hand, the draft constitution can be both unitary as well as federal according to the requirements of time and circumstances. In normal times, it is framed to work as a federal

system. But in times of war, it is so designed to make it work as though it was a unitary system. Once the president issues a proclamation which he is authorized to do under the provision of Article 275, the whole scene can become transformed and the state becomes a unitary state. The Union under the proclamation can claim if it wants (1) the power to legislate upon any subject even though it may be in the state list, (2) the power to give directions to the states as to how they should exercise their executive authority in matters which are within their charge, (3) the power to vest authority for any purpose in any officer, and (4) the power to suspend the financial provisions of the constitution. Such a power of converting itself into a unitary state no federation possesses. This is one point of difference between the federation proposed in the draft constitution, and all other federations we know of.

This is not the only difference between the proposed Indian federation and other federations. Federalism is described as a weak if not an effete form of government. There are two weaknesses from which federation is alleged to suffer. One is rigidity and the other is legalism. That these faults are inherent in federalism, there can be no dispute. A federal constitution cannot but be a written constitution and a written constitution must necessarily be a rigid constitution. A federal constitution means division of sovereignty by no less a sanction than that of the law of the constitution between the federal government and the states, with two necessary consequences (1) that any invasion by the federal government in the field assigned to the states and vice versa is a breach of the constitution and (2) such breach is a justiciable matter to be determined by the judiciary only. This being the nature of federalism, a federal constitution cannot escape the charge of legalism. These faults of a federal constitution have been found in a pronounced form in the constitution of the United States of America.

Countries which have adopted federalism at a later date have attempted to reduce the disadvantages flowing from the rigidity and legalism which are inherent therein. The example of Australia may be referred to in this matter. The Australian constitution has adopted the following means to make its federation less rigid:

- (1) By conferring upon the parliament of the Commonwealth large powers of concurrent legislation and few powers of exclusive legislation.
- (2) By making some of the articles of the constitution of a temporary duration to remain in force only 'until parliament otherwise provides.'

It is obvious that under the Australian constitution, the Australian parliament can do many things, which are not within the competence of the American Congress and for doing which the American government will have to resort to the Supreme Court and depend upon its ability, ingenuity and willingness to invent a doctrine to justify its exercise of authority.

In assuaging the rigour of rigidity and legalism, the draft constitution follows the Australian plan on a far more extensive scale than has been done in Australia. Like the Australian constitution, it has a long list of subjects for concurrent powers of legislation. Under the Australian constitution, concurrent subjects are thirty-nine. Under the draft constitution they are thirty-seven. Following the Australian constitution there are as many as six articles in the draft constitution where the provisions are of a temporary duration and which could be replaced by Parliament at any time by provisions suitable for the occasion. The biggest advance made by the draft constitution over the Australian constitution is in the matter of exclusive powers of legislation vested in Parliament. While the exclusive authority of the Australian parliament to legislate extends only to about three matters, the authority of the Indian Parliament as proposed in the draft constitution will extend to ninety-one matters. In this way, the draft constitution has secured the greatest possible elasticity in its federalism which is supposed to be rigid by nature.

It is not enough to say that the draft constitution follows the Australian constitution or follows it on a more extensive scale. What is to be noted is that it has added new ways of overcoming the rigidity and legalism inherent in federalism which are special to it and which are not to be found elsewhere.

First is the power given to Parliament to legislate on exclusively provincial subjects in normal times. I refer to Articles 226, 227 and

229. Under Article 226 Parliament can legislate when a subject becomes a matter of national concern as distinguished from purely provincial concern, though the subject is in the State List, provided a resolution is passed by the upper chamber by two-thirds majority in favour of such exercise of the power by the centre. Article 227 gives similar power to Parliament in a national emergency. Under Article 229 Parliament can exercise the same power if provinces consent to such exercise. Though the last provision also exists in the Australian constitution, the first two are a special feature of the draft constitution.

The second means adopted to avoid rigidity and legalism is the provision for facility with which the constitution could be amended. The provisions of the constitution relating to the amendment of the constitution divide the articles of the constitution into two groups. In one group are placed articles relating to (a) the distribution of legislative powers between the centre and the states, (b) the representation of the states in Parliament, and (c) the powers of the courts. All other articles are placed in another group. Articles placed in the second group cover a very large part of the constitution and can be amended by Parliament by a double majority, namely a majority of not less than two-thirds of the members of each House present and voting and by a majority of the total membership of each House. The amendment of these articles does not require ratification by the states. It is only in those articles which are placed in Group I that an additional safeguard of ratification by the states is introduced.

One can, therefore, safely say that the Indian federation will not suffer from the faults of rigidity or legalism. Its distinguishing feature is that it is a flexible federation.

There is another special feature of the proposed Indian federation which distinguishes it from other federations. A federation being a dual polity based on divided authority with separate legislative, executive and judicial powers for each of the two polities is bound to produce diversity in laws, in administration and in judicial protection. Up to a certain point this diversity does not matter. It may be welcomed as being an attempt to accommodate the powers of government to local needs and local circumstances. But this very

diversity when it goes beyond a certain point is capable of producing chaos and has produced chaos in many federal states. One has only to imagine twenty different laws – if we have twenty states in the Union – of marriage, of divorce, of inheritance, of property, family relations, contracts, torts, crimes, weights and measures, of bills and cheques, banking and commerce, of procedures for obtaining justice and in the standards and methods of administration. Such a state of affairs not only weakens the state but becomes intolerant to the citizens who move from state to state only to find that what is lawful in one state is not lawful in another. The draft constitution has sought to forge means and methods whereby India will have federation and at the same time will have uniformity in all basic matters which are essential to maintain the unity of the country. The means adopted by the draft constitution are three:

- (1) a single judiciary,
- (2) uniformity in fundamental laws, civil and criminal, and
- (3) a common all-India civil service to man important posts.

A dual judiciary, a duality of legal codes and a duality of civil services, as I said, are the logical consequences of a dual polity which is inherent in a federation. In USA the federal judiciary and the state judiciary are separate and independent of each other. The Indian federation though a dual polity has no dual judiciary at all. The high courts and the Supreme Court form one single integrated judiciary having jurisdiction and providing remedies in all cases arising under the constitutional law, the civil law or the criminal law. This is done to eliminate all diversity in all remedial procedure. Canada is the only country which furnishes a close parallel. The Australian system is only an approximation.

Care is taken to eliminate all diversity from laws which are at the basis of civic and corporate life. The great codes of civil and criminal laws, such as the Civil Procedure Code, the Criminal Procedure Code, the Evidence Act, Transfer of Property Act, the laws of marriage, divorce, and inheritance, are placed in the Concurrent List so that the necessary uniformity can always be preserved without impairing the federal system.

The dual polity which is inherent in a federal system, as I said, is followed in all federations by a dual service. In all federations there is a federal civil service and a state civil service. The Indian federation, though a dual polity will have a dual service but with one exception. It is recognized that in every country there are certain posts in the administrative set up which might be called strategic from the point of view of maintaining the standard of administration. It may not be easy to spot such posts in a large and complicated machinery of administration, but there can be no doubt that the standard of administration depends upon the calibre of the civil servants who are appointed to these strategic posts. Fortunately for us, we have inherited from the past, a system of administration, which is common to the whole of the country and we know what are these strategic posts. The constitution provides that without depriving the states of their right to form their own civil services, there shall be an all-India service recruited on an all-India basis with common qualifications, with uniform scales of pay and the members of which alone could be appointed to these strategic posts throughout the Union.

Such are the special features of the proposed federation. I will now turn to what the critics have had to say about it.

It is said that there is nothing new in the draft constitution, that about half of it has been copied from the Government of India Act of 1935 and that the rest of it has been borrowed from the constitutions of other countries. Very little of it can claim originality.

One likes to ask whether there can be anything new in a constitution framed at this hour in the history of the world. More than a hundred years have rolled over when the first written constitution was drafted. It has been followed by many countries reducing their constitutions to writing. What the scope of a constitution should be has long been settled. Similarly the fundamentals of a constitution are recognized all over the world. Given these facts, all constitutions in their main provisions must look similar. The only new things, if there can be any, in a constitution framed so late in the day are the variations made to remove the faults and to accommodate it to the needs of the country. The charge of

producing a blind copy of the constitutions of other countries is based, I am sure, on an inadequate study of the constitution. I have shown what is new in the draft constitution and I am sure that those who have studied other constitutions and who are prepared to consider the matter dispassionately will agree that the drafting committee, in performing its duty has not been guilty of such blind and slavish imitation as it is represented to be. --

As to the accusation that the draft constitution has produced a good part of the provisions of the Government of India Act, 1935 I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a constitution. What I am sorry about is that the provisions taken from the Government of India Act, 1935 relate mostly to the details of administration. I wish very much that the Drafting Committee could see its way to avoid their inclusion in the constitution. But this is to be said on the necessity which justifies their inclusion. Grote, the historian of Greece, has said that:

The diffusion of constitutional morality, not merely among the majority of any community but throughout the whole, is the indispensable condition of a government at once free and peaceable; since even any powerful and obstinate minority may render the working of a free institution impracticable, without being strong enough to conquer ascendancy for themselves.

By constitutional morality Grote meant a paramount reverence for the forms of the constitution, enforcing obedience to authority acting under and within these forms yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts combined too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of the constitution will not be less sacred in the eyes of his opponents than in his own.

While everybody recognizes the necessity of the diffusion of constitutional morality for the peaceful working of a democratic constitution, there are two things interconnected with it which are not, unfortunately, generally recognized. One is that the form of

administration has a close connection with the form of the constitution. The form of the administration must be appropriate to and in the same sense as the form of the constitution. The other is that it is perfectly possible to pervert the constitution, without changing its form by merely changing the form of the administration and to make it inconsistent and opposed to the spirit of the constitution. It follows that it is only where people are saturated with constitutional morality such as the one described by Grote the historian, that one can take the risk of omitting from the constitution details of administration and leaving it for the legislature to prescribe them. The question is, can we presume such a diffusion of constitutional morality? Constitutional morality is not a natural sentiment. It has to be cultivated. We must realize that our people have yet to learn it. Democracy in India is only a top-dressing on an Indian soil, which is essentially undemocratic.

In these circumstances, it is wiser not to trust the legislature to prescribe forms of administration. This is the justification for incorporating them in the constitution.

Another criticism against the draft constitution is that no part of it represents the ancient polity of India. It is said that the new constitution should have been drafted on the ancient Hindu model of a state and that instead of incorporating Western theories the new constitution should have been raised and built upon village panchayats and district panchayats. There are others who have taken a more extreme view. They do not want any central or provincial governments. They just want India to contain so many village governments. The love of the intellectual Indians for the village community is of course infinite if not pathetic. It is largely due to the fulsome praise bestowed upon it by Metcalfe who described them as little republics having nearly everything that they want within themselves, and almost independent of any foreign relations. The existence of these village communities, each one forming a separate little state in itself, has according to Metcalfe, contributed more than any other cause to the preservation of the people of India, through all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of the

freedom and independence. No doubt the village communities have lasted where nothing else lasts. But those who take pride in the village communities do not care to consider what little part they have played in the affairs and the destiny of the country and why? Their part in the destiny of the country has been well described by Metcalfe himself who says:

Dynasty after dynasty tumbles down. Revolution succeeds revolution. Hindoo, Pathan, Mogul, Maharatha, Sikh, English, are all masters in turn but the village communities remain the same. In times of trouble they arm and fortify themselves. A hostile army passes through the country. The village communities collect their little cattle within their walls, and let the enemy pass unprovoked.

Such is the part the village communities have played in the history of their country. Knowing this, what pride can one feel in them? That they have survived through all vicissitudes may be a fact, but mere survival has no value. The question is on what plane they have survived. Surely on a low, on a selfish level. I hold that these village republics have been the ruination of India. I am, therefore, surprised that those who condemn provincialism and communalism should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism? I am glad that the draft constitution has discarded the village and adopted the individual as its unit.

The draft constitution is also criticized because of the safeguards it provides for minorities. In this, the Drafting Committee has no responsibility. It follows the decisions of the Constituent Assembly. Speaking for myself, I have no doubt that the Constituent Assembly has done wisely in providing such safeguards for minorities as it has done. In this country, both the minorities and the majorities have followed a wrong path. It is wrong for the majority to deny the existence of minorities. It is equally wrong for the minorities to perpetuate themselves. A solution must be found which will serve a double purpose. It must recognize the existence of the minorities to start with. It must also be such that it will enable majorities and minorities to merge someday into one. The solution proposed by the Constituent Assembly is to be welcomed because it is a solution which

serves this twofold purpose. To diehards who have developed a kind of fanaticism against minority protection I would like to say two things. One is that minorities are an explosive force which, if it erupts, can blow up the whole fabric of the state. The history of Europe bears ample and appalling testimony to this fact. The other is that the minorities in India have agreed to place their existence in the hands of the majority. In the history of negotiations for preventing the partition of Ireland, Redmond said to Carson, 'Ask for any safeguard you like for the Protestant minority but let us have a united Ireland.' Carson's reply was 'Damn your safeguards, we don't want to be ruled by you.' No minority in India has taken this stand. They have loyally accepted the rule of the majority which is basically a communal majority and not a political majority. It is for the majority to realize its duty not to discriminate against minorities. Whether the minorities will continue or will vanish must depend upon this habit of the majority. The moment the majority loses the habit of discriminating against the minority, the minorities can have no ground to exist. They will vanish.

The most criticized part of the draft constitution is that which relates to fundamental rights. It is said that Article 13 which defines fundamental rights is riddled with so many exceptions that the exceptions have eaten up the rights altogether. It is condemned as a kind of deception. In the opinion of the critics, fundamental rights are not fundamental rights unless they are also absolute rights. The critics rely on the constitution of the United States and the bill of rights embodied in the first ten amendments to that constitution in support of their contention. It is said that the fundamental rights in the American bill of rights are real because they are not subjected to limitations or exceptions.

I am sorry to say that the whole of the criticism about fundamental rights is based upon a misconception. In the first place, the criticism insofar as it seeks to distinguish fundamental rights from non-fundamental rights is not sound. It is incorrect to say that fundamental rights are absolute while non-fundamental rights are not absolute. The real distinction between the two is that non-fundamental rights are created by agreement between parties while

fundamental rights are the gift of the law. Because fundamental rights are the gift of the State it does not follow that the State cannot qualify them.

In the second place, it is wrong to say that fundamental rights in America are absolute. The difference between the position under the American constitution and the draft constitution is one of form and not of substance. That the fundamental rights in America are not absolute rights is beyond dispute. In support of every exception to the fundamental rights set out in the draft constitution one can refer to at least one judgment of the United States Supreme Court. It would be sufficient to quote one such judgement of the Supreme Court in justification of the limitation on the right of free speech contained in Article 13 of the draft constitution. In *Gitlow Vs. New York* in which the issue was the constitutionality of a New York 'Criminal anarchy' law which purported to punish utterances calculated to bring about violent change, the Supreme Court said:

It is a fundamental principle, long established, that the freedom of speech and of the press, which is secured by the constitution, does not confer any absolute right to speak or publish, without responsibility, whatever one may choose, or an unrestricted and unbridled license that gives immunity for every possible use of language and prevents the punishment of those who abuse this freedom.

It is therefore wrong to say that the fundamental rights in America are absolute, while those in the draft constitution are not.

It is argued that if any fundamental rights require qualification, it is for the constitution itself to qualify them as is done in the constitution of the United States and where it does not do so it should be left to be determined by the judiciary upon a consideration of all the relevant considerations. All this, I am sorry to say, is a complete misrepresentation if not a misunderstanding of the American constitution. The American constitution does nothing of the kind. Except in one matter, namely, the right of assembly, the American constitution does not itself impose any limitations upon the fundamental rights guaranteed to American citizens. Nor is it correct to say that the American constitution leaves it to the judiciary to impose limitations on fundamental rights. The right to impose

limitations belongs to the Congress. The real position is different from what is assumed by the critics. In America, the fundamental rights as enacted by the constitution were no doubt absolute. The Congress, however, soon found that it was absolutely essential to qualify these fundamental rights by limitations. When the question arose as to the constitutionality of these limitations before the Supreme Court, it was contended that the constitution gave no power to the United States Congress to impose such limitations, the Supreme Court invented the doctrine of police power and refuted the advocates of absolute fundamental rights by the argument that every state has inherent in it police power which is not required to be conferred on it expressly by the constitution. To use the language of the Supreme Court in the case I have already referred to, it said:

That a state in the exercise of its police power may punish those who abuse this freedom by utterances inimical to the public welfare, tending to corrupt public morals, incite crime or disturb the public peace, is not open to question...

What the draft constitution has done is that instead of formulating fundamental rights in absolute terms and depending upon our Supreme Court to come to the rescue of Parliament by inventing the doctrine of police power, it permits the state directly to impose limitations upon the fundamental rights. There is really no difference in the result. What one does directly, the other does indirectly. In both cases, the fundamental rights are not absolute.

In the draft constitution the Fundamental Rights are followed by what are called Directive Principles. It is a novel feature in a constitution framed for parliamentary democracy. The only other constitution framed for parliamentary democracy which embodies such principles is that of the Irish Free State. These directive principles have also come up for criticism. It is said that they are only pious declarations. They have no binding force. This criticism is, of course, superfluous. The constitution itself says so in so many words.

If it is said that the directive principles have no legal force behind them, I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all. Nor am I prepared to concede that they are useless because they have no binding force in law.

The directive principles are like the instruments of instructions which were issued to the governor general and to the governors of the colonies and to those of India by the British government under the 1935 Act. Under the draft constitution it is proposed to issue such instruments to the president and to the governors. The texts of these instruments of instructions will be found in Schedule IV of the constitution. What are called Directive Principles is merely another name for instruments of instructions. The only difference is that they are instructions to the legislature and the executive. Such a thing is, to my mind, to be welcomed. Wherever there is a grant of power in general terms for peace, order and good government, it is necessary that it should be accompanied by instructions regulating its exercise.

The inclusion of such instructions in a constitution such as is proposed in the draft becomes justifiable for another reason. The draft constitution as framed only provides a machinery for the government of the country. It is not a contrivance to install any particular party in power as has been done in some countries. Who should be in power is left to be determined by the people, as it must be, if the system is to satisfy the tests of democracy. But whoever captures power will not be free to do what he likes with it. In the exercise of it, he will have to respect these instruments of instructions which are called directive principles. He cannot ignore them. He may not have to answer for their breach in a court of law, but he will certainly have to answer for them before the electorate at election time. What great value these directive principles possess will be realized better when the forces of right contrive to capture power.

That it has no binding force is no argument against their inclusion in the constitution. There may be a difference of opinion as to the exact place they should be given in the constitution. I agree that it is somewhat odd that provisions which do not carry positive obligations should be placed in the midst of provisions which do carry positive obligations. In my judgement their proper place is in Schedules III A and IV which contain instruments of instructions to the president and the governors. For, as I have said, they are really instruments of instructions to the executive and the legislatures as

to how they should exercise their powers. But that is only a matter of arrangement.

Some critics have said that the centre is too strong. Others have said that it must be made stronger. The draft constitution has struck a balance. However much you may deny powers to the centre, it is difficult to prevent the centre from becoming strong. Conditions in the modern world are such that centralization of powers is inevitable. One has only to consider the growth of the federal government in the USA which, notwithstanding the very limited powers given to it by the constitution, has outgrown its former self and has overshadowed and eclipsed the state governments. This is due to modern conditions. The same conditions are sure to operate on the Government of India and nothing that one can do will help to prevent it from being strong. On the other hand, we must resist the tendency to make it stronger. It cannot chew more than it can digest. Its strength must be commensurate with its weight. It would be a folly to make it so strong that it may fall due to its own weight.

The draft constitution is criticized for having one sort of constitutional relations between the centre and the provinces and another sort of constitutional relations between the centre and the Indian States. The Indian states are not bound to accept the whole list of subjects included in the Union List but only those which come under defence, foreign affairs and communications. They are not bound to accept subjects included in the Concurrent List. They are not bound to accept the State List contained in the draft constitution. They are free to create their own constituent assemblies and to frame their own constitutions. All this, of course, is very unfortunate and I submit, quite indefensible. This disparity may even prove dangerous to the efficiency of the state. So long as the disparity exists, the centre's authority over all-India matters may lose its efficacy. For, power is no power if it cannot be exercised in all cases and in all places. In a situation such as may be created by war, such limitation on the exercise of vital powers in some areas may bring the whole life of the state in complete jeopardy. What is worse is that the Indian states under the draft constitution are permitted to maintain their own armies. I regard this as a most retrograde and

harmful provision which may lead to the break up of the unity of India and the overthrow of the central government. The Drafting Committee, if I am not misrepresenting its mind, was not at all happy over this matter. They wished very much that there was uniformity between the provinces and the Indian states in their constitutional relationship with the centre. Unfortunately, they could do nothing to improve matters. They were bound by the decisions of the Constituent Assembly, and the Constituent Assembly in its turn was bound by the agreement arrived at between the two negotiating committees.

But we may take courage from what happened in Germany. The German empire as founded by Bismarck in 1870 was a composite state, consisting of twenty-five units. Of these twenty-five units, twenty-two were monarchical states and three were republican city states. This distinction, as we all know, disappeared in the course of time and Germany became one land with one people living under one constitution. The process of the amalgamation of the Indian states is going to be much quicker than it has been in Germany. On 15 August 1947 we had six hundred Indian states in existence. Today by the integration of the Indian states with Indian provinces or merger among themselves or by the centre having taken them as centrally administered areas, there have remained some twenty to thirty states as viable states. This is a very rapid process and progress. I appeal to those states that remain, to fall in line with the Indian provinces and to become full units of the Indian Union on the same terms as the Indian provinces. They will thereby give the Indian Union the strength it needs. They will save themselves the bother of starting their own constituent assemblies and drafting their own separate constitutions and they will lose nothing that is of value to them. I feel hopeful that my appeal will not go in vain and that before the constitution is passed, we will be able to wipe off the differences between the provinces and the Indian states.

Some critics have taken objection to the description of India in Article 1 of the draft constitution as a union of states. It is said that the correct phraseology should be a federation of states. It is true that South Africa which is a unitary state is described as a union. But

Canada which is a federation is also called a union. Thus the description of India as a union, though its constitution is federal, does no violence to usage. But what is important is that the use of the word union is deliberate. I do not know why the word 'union' was used in the Canadian constitution. But I can tell you why the Drafting Committee has used it. The Drafting Committee wanted to make it clear that though India was to be a federation, the federation was not the result of an agreement by the states to join in a federation and that the federation not being the result of an agreement, no state has the right to secede from it. The federation is a union because it is indestructible. Though the country and the people may be divided into different states for convenience of administration, the country is one integral whole, its people a single people living under a single *imperium* derived from a single source. The Americans had to wage a civil war to establish that the states have no right of secession and that their federation was indestructible. The Drafting Committee thought that it was better to make it clear at the outset rather than to leave it to speculation or to dispute.

The provisions relating to amendment of the constitution have come in for a virulent attack at the hands of the critics of the draft constitution. It is said that the provisions contained in the draft make amendment difficult. It is proposed that the constitution should be amendable by a simple majority at least for some years. The argument is subtle and ingenious. It is said that this Constituent Assembly is not elected on adult suffrage while the future Parliament will be elected on adult suffrage and yet the former has been given the right to pass the constitution by a simple majority while the latter has been denied the same right. It is paraded as one of the absurdities of the draft constitution. I must repudiate the charge because it is without foundation. To know how simple are the provisions of the draft constitution in respect of amending the constitution one has only to study the provisions for amendment contained in the American and Australian constitutions. Compared to them, those contained in the draft constitution will be found to be the simplest. The draft constitution has eliminated the elaborate and difficult procedures such as a decision by a convention or a referendum. The powers of amendment are left

with the legislatures – central and provincial. It is only for amendments of specific matters – and they are only few – that the ratification of the state legislatures is required. All other articles of the constitution are left to be amended by Parliament. The only limitation is that it shall be done by a majority of not less than two-thirds of the members of each House present and voting and a majority of the total membership of each House. It is difficult to conceive a simpler method of amending the constitution.

What is said to be the absurdity of the amending provisions is founded upon a misconception of the position of the Constituent Assembly and of the future Parliament elected under the constitution. The Constituent Assembly in making a constitution has no partisan motive. Beyond securing a good and workable constitution it has no axe to grind. In considering the articles of the constitution it has no eye on getting through a particular measure. The future Parliament, if it met as a Constituent Assembly, its members will be acting as partisans seeking to carry amendments to the constitution to facilitate the passing of party measures which they have failed to get through Parliament by reason of some article of the constitution which has acted as an obstacle in their way. Parliament will have an axe to grind while the Constituent Assembly has none. That is the difference between the Constituent Assembly and the future Parliament. That explains why the Constituent Assembly though elected on limited franchise can be trusted to pass the constitution by simple majority and why the Parliament though elected on adult suffrage cannot be trusted with the same power to amend it.

I believe I have dealt with all the adverse criticisms that have been levelled against the draft constitution as settled by the Drafting Committee. I don't think that I have left out any important comment or criticism that has been made during the last eight months during which the constitution has been before the public. It is for the Constituent Assembly to decide whether they will accept the constitution as settled by the Drafting Committee or whether they shall alter it before passing it.

But this I would like to say. The constitution has been discussed in some of the provincial assemblies of India. It was discussed in

Bombay, Central Provinces, West Bengal, Bihar, Madras and East Punjab. It is true that in some provincial assemblies serious objections were taken to the financial provisions of the constitution and in Madras, to Article 226. But excepting this, in no provincial assembly was any serious objection taken to the articles of the constitution. No constitution is perfect and the Drafting Committee itself is suggesting certain amendments to improve the draft constitution. But the debates in the provincial assemblies give me courage to say that the constitution as settled by the Drafting Committee is good enough to make a start with in this country. I feel that it is workable, it is flexible and it is strong enough to hold the country together both in peace time and in wartime. Indeed, if I may say so, if things go wrong under the new constitution, the reason will not be that we had a bad constitution. What we will have to say is, that Man was vile.

Reference

Constituent Assembly Debates, Vol. VII. pp. 31-44.

H.V. KAMATH

Indian Polity

5 November 1948



On 4 November 1948, the chairman of the Constitution Drafting Committee Dr. B.R. Ambedkar introduced the draft constitution as settled by the Drafting Committee and moved that it be taken into consideration. Participating in the debate that followed, H.V. Kamath referred to the draft constitution having ignored the political and spiritual genius of the people, the glorious past of Indian polity and the importance of villages, villagers and the panchayati system. He also joined issue with Dr. Ambedkar on the emergency provisions, ordinance-making powers and minority safeguards.

While I support the motion I do not accept all the observations that Dr. Ambedkar made in the course of his learned address yesterday. As regards those aspects of the question which deal with the strength of the state, which deal with the provision to convert a federal state into a unitary one in the event of emergency, as regards the undesirability of the various component units of the state to maintain armies to the prejudice of the security of the

Union as a whole, I endorse his observations wholeheartedly. He told us with some pride – I think – that the constitution is borrowed largely from the Government of India Act and considerably from the constitutions of the United Kingdom, United States and Australia and perhaps Canada also. I listened to his speech with considerable pleasure and not a little profit. But I expected him to tell us what, if any, had been borrowed from our political past, from the political and spiritual genius of the Indian people. Of that there was not a single word throughout the whole speech. This is perhaps in tune with the times. The other day, Shrimati Vijaya Lakshmi while addressing the United Nations General Assembly in Paris observed with pride that we in India have borrowed from France their slogan of liberty, equality and fraternity; we have taken this from England and that from America, but she did not say what we have borrowed from our own past, from our own political and historic past, from our long and chequered history of which we are so proud.

On one thing I join issue with Dr. Ambedkar. He was pleased to refer to the villages – I am quoting from a press report in the absence of the official copy – as ‘sinks of localism and dens of ignorance, narrow-mindedness and communalism’; and he also laid at the door of a certain Metcalfe our ‘pathetic faith’ in village communities. Sir, I may say that it is not owing to Metcalfe but owing to a far greater man who has liberated us in recent times, our Master and the Father of our Nation, that this love of ours for the villages has grown, our faith in the village republics and our rural communities has grown and we have cherished it with all our heart. It is due to Mahatma Gandhi. It is due to you, sir, and it is due to Sardar Patel and Pandit Nehru and Netaji Bose that we have come to love our village folk. With all deference to Dr. Ambedkar, I differ from him in this regard. His attitude yesterday was typical of the urban highbrow; and if that is going to be our attitude towards the village folk, I can only say, ‘God save us.’ If we do not cultivate sympathy and love and affection for our villages and rural folk I do not see how we can uplift our country. Mahatma Gandhi taught us in almost the last *mantra* that

he gave in the last days of his life to strive for panchayat raj. If Dr. Ambedkar cannot see his way to accept this, I do not see what remedy or panacea he has got for uplifting our villages. In my own province of Central Provinces and Berar, we have recently launched upon a scheme of *janpadas*, of local self-government and decentralization; and that is entirely in consonance with the teachings of our Master. I hope that scheme will come to fruition and be an example to the rest of the country. Sir, it was with considerable pain that I heard Dr. Ambedkar refer to our villages in that fashion with dislike, if not with contempt. Perhaps the fault lies with the composition of the drafting committee, among the members of which no one, with the sole exception of Shri Munshi, has taken any active part in the struggle for our country's freedom. None of them is, therefore, capable of entering into the spirit of our struggle, the spirit that animated us they cannot comprehend with their hearts – I am not talking of the head, it is comparatively easy to understand with the head – the turmoiled birth of our nation after years of travail and tribulation. That is why the tone of Dr. Ambedkar's speech yesterday with regard to our poorest, the lowliest and the lost was what it was. I am sorry he relied on Metcalfe only. Other historians and research scholars have also given us precious information in this regard. I do not know if he has read a book called *Indian Polity* by Dr. Jayaswal; I do not know if he has read another book by a greater man, *The Spirit and Forum of Indian Polity* by Sri Aurobindo. From these books we learn how our polity in ancient times was securely built on village communities which were autonomous and self-contained and that is why our civilization has survived through all these ages. If we lose sight of the strength of our polity we lose sight of everything. I will read to the House a brief description of what our polity was and what its strength was:

At the height of its evolution and in the great days of Indian civilization we find an admirable political system, efficient in the highest degree and very perfectly combining village and urban self-government with stability and order. The state carried on its work, administrative, judicial, financial and protective, without destroying or encroaching on

the rights and free activities of the people, and its constituent bodies in the same department. The royal courts in the capital and country were the supreme judicial authority coordinating the administration of justice throughout the kingdom.

That is so far as these village republics are concerned. I believe the day is not far distant when not merely India but the whole world, if it wants peace and security and prosperity and happiness, will have to decentralize and establish village republics and town-republics, and on the basis of this they will have to build their state; otherwise the world is in for hard times.

Then, sir, I find in Dr. Ambedkar's speech considerable amount of thunder and plenty of lightning. But I could not find the light that sustains, the light that warms, the light that gives life, the light eternal. I heard what he said about minorities in India. I do not know on what basis he made this remark that no minority in India had taken this stand. After referring to the Redmond-Carson episode in the history of the Irish struggle, he went on to say that no minority in India has taken this stand. 'Damn your safeguards', said Carson, 'we don't want to be ruled by you.'

Dr. Ambedkar said: 'They have loyally accepted the rule of the majority which is basically a communal majority and not a political majority.'

If, sir, our minorities had really taken this stand, India's history would have been different. After what has happened during the last two years, can we say that no minority took this stand? It is because a certain minority took this stand and said, 'We do not want to be ruled by the majority. Go to hell', we had the tragedy of the last eighteen months. If Dr. Ambedkar was referring to India before 15 August 1947, I fail to understand him. How can he say that no minority stood for safeguards and said, 'We do not want to be ruled by you?' It is because a certain organization took the stand, 'No safeguards. We do not want safeguards. We want a separate state', that ultimately Pakistan came into being and we had to witness the tragedy of the past eighteen months.

In 1927 as a student I attended the Madras session of the Congress. Maulana Mohamed Ali and Pandit Malaviya were both

present there. There was a question about safeguards and Pandit Malaviya made a moving speech that went straight to the heart. He said: 'What safeguards did you ask from the secretary of state for India or from the Government of India? We are here. What better safeguards do you want?' After that speech, Maulana Mohamed Ali came to the rostrum embraced Pandit Malaviya and said: 'I do not want any safeguards. We want to live as Indians, as part of the Indian body politic. We want no safeguards from the British government. Pandit Malaviya is our best safeguard.' If that spirit had continued to animate us, we would have remained as united India, a single country, a single state and a single nation. This being so, I fail to understand what Dr. Ambedkar means by saying that no minority in India has taken this stand. The majority has always been willing to grant them safeguards, adequate safeguards. But the minority would have nothing to do with it. The minority in India took the same stand as Carson took in Ireland. That is why, to the detriment of the Irish body politic, division was resorted to, as was done in India, resulting in disturbance of the peace and progress of the country.

Well, there are one or two other aspects of the constitution I would like to touch upon. One relates to Article 280 of the constitution, viz., the one about Fundamental Rights.

I only want one or two more minutes, sir. The Fundamental Rights could be suspended in the event of an emergency and that means that the power of the high court can be taken away. It is a dangerous provision to make in the constitution. If I remember alright, even during the last world war the British government did not suspend the rights of the citizen to move the appropriate courts to issue writs of habeas corpus and so on. I do not know whether we should do one better, rather one worse, than the British government.

Then we have the ordinance-making power given in Article 102. This should be done away with. When we were fighting the British government, we attacked this power, this ordinance-making power of the governor general and the viceroy. Here we are making this provision, not for an emergency. Article 102 merely says that the president may promulgate ordinances whenever he is so satisfied.

That power should be drastically curtailed, if not entirely done away with.

Now, I will conclude by saying that, with all its good points, with all its provisions for making India a united and strong federal-unitary state, there are certain matters which could have been more happily provided for.

Now, what is a state for? The utility of a state has to be judged from its effect on the common man's welfare. The ultimate conflict that has to be resolved is this: Whether the individual is for the state or the state for the individual. Mahatma Gandhi tried in his lifetime to strike a happy balance, to reconcile the *dwandwa* and arrived at the conception of panchayat raj. I hope that we in India will go forward and try to make the state exist for the individual rather than the individual for the state. This is what we must aim at and that is what we must bring about in our own country. Because we have a great spiritual and political heritage, we in India are best fitted to bring about this consummation in our own country; and let me say that unless in the whole world the spirit of empire gives place to the empire of the spirit, in the way that Mahatma Gandhi and all seers before him have conceived it, unless this consummation comes about in the world, there will be no peace on earth. At least let us try to bring about this empire of the spirit in our own political institutions. If we do not do this, our attempt today in this Assembly would not truly reflect the political genius of the Indian people. We have been so much taken in by Western glamour. This glamour has been too much with us. We have become the prisoners of our habit forms and thought forms. They have become almost like the old man in *Sindbad the Sailor* whom he could not shake off. We have become unable to shake off our old habits. But amidst all the confusion, there is still the certainty of a new twilight; not the twilight of the evening, but the twilight of the morning – the *yuga sandhi*. India of the ages is not dead nor has she spoken her last creative word; she lives and has still something to do for herself and for the human family. And that which is now awake in India is not, I hope, an anglicized or Europeanized Oriental people, docile pupil of the West and doomed to repeat the cycle of the Occident's

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success and failure, but still the ancient invincible *shakti* recovering Her deepest Self, lifting Her head higher towards the supreme source of light and strength, and turning to discover the complete meaning and a vaster form of Her *dharma*. In that faith and fortified by that conviction, let us march forward into the future, and by the grace of God victory will crown our efforts.

Reference

Constituent Assembly Debates, Vol. VIII. pp. 218-21.

N.G. RANGA

Critique of the Constitution

9 November 1948.



Participating in the debate on the draft constitution on 9 November 1948 Prof. N.G. Ranga made a forceful plea for greater attention to villages, the institution of village panchayats and the need for decentralization of power.

Mr. Vice-president, I am sorry to find that the members of the Drafting Committee have completely forgotten the very fundamental thing that was really responsible for bringing this Constituent Assembly into existence and for giving them this chance of drafting this Constitution for India. One would have thought that it would be their elementary duty to have suggested to us that this constitution is being framed by the Constituent Assembly which has been brought into existence by the labours of the countless martyrs and freedom fighters in this country guided and led by Mahatma Gandhi, but not a word has been said in regard to this matter. Therefore, I suggest that we should make it clear that this Constituent Assembly comes into existence after India has attained

freedom under the inspiring leadership of Mahatma Gandhi, the Father of our Nation, and that we are grateful for the unremitting struggle of the countless men and women to regain the right of independence for our nation. This is the least that we can possibly say in appreciation of the services rendered by these martyrs in our freedom struggle, and I hope that the House will make the necessary amendment later on in this draft.

Next, I am most unhappy that Dr. Ambedkar should have said what he has said about the village panchayats. All the democratic traditions of our country have been lost on him. If he had only known the achievements of the village panchayats in southern India over a period of a millennium, he would certainly not have said those things. If he had cared to study Indian history with as much care as he seems to have devoted to the history of other countries, he certainly would not have ventured those remarks. I wish to remind the House, sir, of the necessity for providing as many political institutions as possible in order to enable our villagers to gain as much experience in democratic institutions as possible and in order to be able to discharge their responsibilities through adult suffrage in the new democracy that we are going to establish. Without this foundation stone of village panchayats in our country, how would it be possible for our masses to play their rightful part in our democracy? Sir, do we want centralization of administration or decentralization? Mahatma Gandhi has pleaded over a period of thirty years for decentralization. We as Congressmen are committed to decentralization. Indeed all the world today is in favour of decentralization. If we want on the other hand, centralization, I wish to warn this House that that would only lead to sovietisation and totalitarianism and not democracy. Therefore, sir, I am not in favour of the so-called slogan of a strong centre. The centre is bound to be strong, is bound to grow more and more strong also on the lines of modern industrial development and economic conditions. Therefore, it is superfluous, indeed dangerous to proceed with this initial effort to make the centre specially strong. In the objectives resolution that we passed in the beginning we wanted provinces to have the residual powers, but within a short period of two years

public opinion rather has been interpreted by those drafters to have swung to the other extreme, to complete centralization at the centre and strengthening the centre overmuch.

I am certainly not in favour of having so many subjects as concurrent subjects. As Mr. Santhanam has rightly put it the other day, what you consider to be a concurrent subject today is likely to become an entirely federal subject in another five or ten years. Therefore, although I am quite ready to leave the residual powers to the central government, I certainly do not want the provinces to be weakened as this draft constitution seeks to do.

Sir, one of the most important consequences of over-centralization and the strengthening of the central government would be handing over power not to the central government, but to the central secretariat. From the *chaprassi* or the *duffadar* at the central secretariat to the secretary there, each one of them will consider himself to be a much more important person than the premier of a province and the prime ministers of the provinces would be obliged to go about from office to office at the centre in order to get any sort of attention at all from the centre. We know in parliamentary life how difficult it is for ministers to have complete control over all that is being done by these various secretaries to enslave these provincial governments and place them at the mercy of the central secretariat and the central bureaucracy.

Sir, I am certainly in favour of redistribution of our provinces, but in view of the fact that the president of the Constituent Assembly has appointed a linguistic commission to enquire into the possibility of establishing these provinces, I do think that any detailed discussion in this House is not in order, when that particular matter, before they make their report, is *sub judice*. Whether it is the topmost leaders of our country, the prime minister or the deputy prime minister or any humble member of this House – it is certainly *sub judice* for anyone today to express any opinion for or against the redistribution of provinces on a linguistic basis until this commission expresses its own opinion. Therefore, I do not wish to say anything more, although I have certainly very much to say in favour of these linguistic provinces.

What are to be our ideals? We have stated some of our ideals here in the Fundamental Rights chapter as well as in the directives. But is it not necessary that we should make it perfectly clear in one of these directives that it is the duty of the state to establish village panchayats in every village or for every group of villages in order to help our villagers to gain training in self-government and also to attain village autonomy in social, economic and political matters, so that they will become the foundation stone for the top structure of our constitution?

Next, I do not want this distinction to be made between the provinces and the so-called Indian states. Why should it be that the Indian provinces should be degraded into a kind of district board status while these Indian states would be given so much special power and favours? Why should these Indian states be allowed to have their own separate constituent assemblies and formulate their own separate constitutions? Either we should have very powerful states including the Indian states and the provinces or we should have weak provinces and weak states just as is being proposed in this constitution. I am certainly not in favour of weak provinces or weak states; I am in favour of strong states and therefore, I suggest that my hon'ble friends from the Indian states also should pool their resources with us and then agree that all the provinces as well as the Indian states should be placed on the same footing and they should be made as strong as possible.

Sir, in these objectives, nothing has been said about all those people who are living in our villages. There is something said here about the industrial workers. The industrial workers, unfortunate as they are, seem to be much less unfortunate than the rural people. It is high time, sir, that we pay some attention to this aspect also in our villages. Certainly the Bombay resolution of the Indian National Congress of August 1942 lays special stress upon the toilers in the fields, in factories and elsewhere, but no such mention is made here; special mention is made only of industrial workers. I suggest, therefore, that whatever we want to do must be for the benefit of all those people in the villages, in the towns, in the fields, in the factories and elsewhere.

Sir, in regard to the minorities, I am certainly not in favour of the reservations so far as the great Muslim community is concerned; they certainly cannot claim any longer to be such a helpless community as to be in need of these. One of those friends has come forward to say that they do not want to have these reservations.

I am not in favour of second chambers, in the provinces especially. These second chambers will only retard progress. Some people seem to think that some check like this should be put in there; it will only give a special premium to conservatism and, therefore, we should not have it.

Then there were some friends who said that this constitution should be turned into a sort of rigid pole. I am not in favour of rigid poles; I am in favour of a flexible constitution. If it had been found necessary within the last two years to swing from one side to the other, leaving the residuary powers to the provinces or keeping them with the centre, then how much more it would be necessary in the next ten years for us to try to make the necessary constitutional changes in our own constitution in the light of the experience that we would be gaining. So far we have not gained any experience. Our constitutional adviser has gone all over the world, he has consulted other statesmen and he has come back and suggested so many amendments. We do not know how many times we are going to amend our own constitution within the next ten years after this constitution is accepted and our new legislatures come into existence. Therefore, I welcome the suggestion made by the hon'ble prime minister yesterday that we should try to make our constitution as flexible as possible and also to make it easier within the first ten years at least to make the necessary constitutional amendments to our own constitution.

Reference

Constituent Assembly Debates, Vol. VII. pp. 349-52.

K.T. SHAH

Secular, Federal, Socialist

15 November 1948



The draft constitution placed before the Constituent Assembly by the Drafting Committee headed by Dr. B.R. Ambedkar described India (vide Article 1) 'as a Union of States'. The preamble to the constitution which came to be debated much later spoke of constituting India into a 'sovereign democratic republic'.

Although there were hardly any parties in the Constituent Assembly other than the Congress and no Opposition presence as such, there were some very knowledgeable independent members who performed the very useful role of criticism and caution. Prof. K.T. Shah, a distinguished and vocal member of the Constituent Assembly, suggested by an amendment that the Indian Union be described as 'secular, federal, socialist'.

Even though the amendment was not accepted by the Constituent Assembly, more than a quarter century later, the words 'socialist, secular' were added to the preamble by the Constitution (Forty-second Amendment) Act 1976.

Sir, I beg to move:

'That in clause (i) of Article 1, after the words 'shall be a' the words 'Secular, Federal, Socialist' be inserted,'

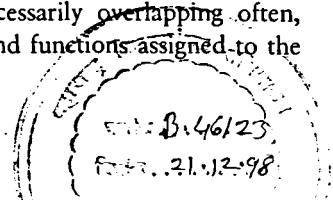
and the amended article or clause will read as follows:

'India shall be a secular, federal, socialist union of states.'

In submitting this motion to the House I want first of all to point out that owing to the arrangements by which the preamble is not considered at this moment, it is a little difficult for those who would like to embody their hopes and aspirations in the constitution to give expression to them by making amendments to specific clauses which necessarily are restricted in the legal technique as we all know. Had it been possible to consider the governing ideals, so to say, which are embodied in this preamble to the draft constitution, it might have been easier to consider these proposals not only on their own merits, but also as following from such ideals embodied in the preamble as may have been accepted.

As it is, in suggesting this amendment, I am anxious to point out that this is not only a statement of fact as it exists, but also embodies an aspiration which it is hoped will be soon realized. The amendment tries to add three words to the description of our state or union: that is to say, the new union shall be a federal, secular, socialist union of states. The draft constitution, may I add in passing, has rendered our task very difficult by omitting a section on definitions, so that terms like 'states' are used in a variety of meanings from article to article, and, therefore, it is not always easy to distinguish between the various senses in which, and sometimes conflicting senses one and the same term is used. I take it, however, that in the present context the word 'Union' stands for the composite aggregate of states, a new state by itself, which has to be, according to my amendment, a federal, secular, socialist state.

I take first the word 'federal'. This word implies that this is a union which, however, is not a unitary state, inasmuch as the component or constituent parts, also described as states in the draft constitution, are equally parts and members of the union, which have definite rights, definite powers and functions, not necessarily overlapping often, however, concurrent with the powers and functions assigned to the



union or to the federal government. Accordingly it is necessary in my opinion to guard against any misapprehension or misdescription hereafter of this new state, the union, which we shall describe as the Union of India.

Lest the term 'union' should lead anyone to imagine that it is a unitary government I should like to make it clear, in the very first article, the first clause of that article, that it is a 'federal union'. By its very nature the term 'federal' implies an agreed association on equal terms of the states forming parts of the federation. It would be no federation, I submit, there would be no real equality of status, if there is discrimination or differentiation between one member and another and the union will not be strengthened, I venture to submit, in proportion as there are members states which are weaker in comparison to other states. If some members are less powerful than others, the strength of the union, I venture to submit, will depend not upon the strongest member of it, but be limited by the weakest member. There will, therefore, have to be equality of status, powers and functions as between the several members, which I wish to ensure by this amendment by adding the word 'federal'.

So far as I remember, this word does not occur anywhere in the constitution to describe the new state of India as a federation and this seems to me the best place to add this word, so as to leave no room for mistake or misunderstanding hereafter.

Next, as regards the secular character of the state, we have been told time and again from every platform, that ours is a secular state. If that is true, if that holds good, I do not see why the term could not be added or inserted in the constitution itself, once again, to guard against any possibility of misunderstanding or misapprehension. The term 'secular', I agree, does not find place necessarily in constitutions on which ours seems to have been modelled. But every constitution is framed in the background of the people concerned. The mere fact, therefore, that such description is not formally or specifically adopted to distinguish one state from another, or to emphasize the character of our state is no reason, in my opinion, why we should not insert now at this hour, when we are making our constitution, this very clear and emphatic description of the state.

The secularity of the state must be stressed in view not only of the unhappy experiences we had last year and in the years before and the excesses to which, in the name of religion, communalism or sectarianism, we can go, but I intend also to emphasize by this description the character and nature of the state which we are constituting today, which would ensure to all its peoples, all its citizens that in all matters relating to the governance of the country and dealings between man and man and dealings between the citizens and the government, the considerations that will actuate will be the objective realities of the situation, the material factors that condition our being, our living and our acting. For that purpose and in that connection no extraneous considerations or authority will be allowed to interfere, so that the relations between man and man, the relation of the citizen to the state, the relations of the states *inter se* may not be influenced by those other considerations which will result in injustice or inequality as between the several citizens that constitute the people of India.

And last is the term 'socialist'. I am fully aware that it would not be quite a correct description of the state today in India to call it a socialist union. I am afraid it is anything but socialist so far. But I do not see any reason why we should not insert here an aspiration, which I trust many in this House share with me, that if not today, soon hereafter, the character and composition of the state will change, change so radically, so satisfactorily and effectively that the country would become a truly socialist union of states.

The term 'socialist' is, I know, frightening to a number of people, who do not examine its implications, or would not understand the meaning of the term and all that it stands for. They merely consider the term 'socialist' as synonymous with abuse, if one were using some such term and, therefore, by the very sound, by the very name of it they get frightened and are prepared to oppose it. I know that a person who advocates socialism, or who is a declared or professed socialist is to them taboo, and, therefore, not even worth a moment's consideration....

If the assurance given by some friends is correct, I hope the House would have no objection to accept this amendment. I trust that those friends here who are very loud in this assertion will induce others

in the House to set aside party barriers, and support me in this promising description, this encouraging epithet of the state.

By the term 'socialist' I may assure my friends here that what is implied or conveyed by this amendment is a state in which equal justice and equal opportunity for everybody is assured, in which everyone is expected to contribute by his labour, by his intelligence, and by his work all that he can to the maximum capacity, and everyone would be assured of getting all that he needs and all that he wants for maintaining a decent civilized standard of existence.

I am sure this can be achieved without any violation of peaceful and orderly progress. I am sure that there is no need to fear in the implications of this term the possibility of a violent revolution resulting in the disestablishment of vested interests. Those who recognize the essential justice in this term, those who think with me that socialism is not only the coming order of the day, but is the only order in which justice between man and man can be assured, is the only order in which privileges of class exclusiveness, property for exploiting elements can be dispensed with must support me in this amendment. It is the only order in which, man would be restored to his natural right and enjoy equal opportunities and his life no longer regulated by artificial barriers, customs, conventions, laws and decrees that man has imposed on himself and his fellows in defence of vested interests. If this ideal is accepted I do not see that there is anything objectionable in inserting this epithet or designation or description in this article, and calling our union a socialist union of states.

I have one more word to add. As I said at the very beginning, this is not merely an addition or amendment to correct a legal technicality, or make a factual change, but an aspiration and also a description of present facts. There are the words 'shall be' in the draft itself. I, therefore, take my stand on the term 'shall be', and read in them a promise and hope which I wish to amplify and definitise (*sic*). I trust the majority, if not all the members of this House, will share it with me.

Reference

Constituent Assembly Debates, Vol. VII. pp. 399-401.

KANAIYALAL M. MUNSHI

Uniform Civil Code

23 November 1948



The provision in the draft constitution of India requiring the state to endeavour to secure for the citizens a uniform civil code valid throughout India generated some criticism on the ground that it could amount to interference in the personal laws of the minorities. Although the provision was included only in the legally non-enforceable Directive Principles of State Policy, it has continued to be highly controversial. Instead of being considered as a secular issue of gender equality and rights of all citizens to equal protection of laws, it has been politicized and communalized.

Mr. Vice-president, I beg to submit a few considerations. This particular clause which is now before the House is not brought for discussion for the first time. It has been discussed in several committees and at several places before it came to the House. The ground that is now put forward against it is, firstly that it infringes on the fundamental right mentioned in Article 19 and secondly, it is tyrannous to the minority.

As regards Article 19, the House accepted it and made it quite clear that – ‘Nothing in this article shall affect the operation of any existing law or preclude the state from making any law (a) regulating or restricting’ – I am omitting the unnecessary words – ‘or other secular activity which may be associated with religious practices; (b) for social welfare and reforms’. Therefore, the House has already accepted the principle that if a religious practice followed so far covers a secular activity or falls within the field of social reform or social welfare, it would be open to Parliament to make laws about it without infringing on this fundamental right of a minority.

It must also be remembered that if this clause is not put in, it does not mean that the Parliament in future would have no right to enact a civil code. The only restriction to such a right would be Article 19 and I have already pointed out that Article 19, accepted by the House unanimously, permits legislation covering secular activities. The whole object of this article is that as and when the Parliament thinks proper, or rather when the majority in the Parliament thinks proper, an attempt may be made to unify the personal law of the country.

A further argument has been advanced that the enactment of a civil code would be tyrannical to minorities. Is it tyrannical? Nowhere in advanced Muslim countries has the personal law of each minority been recognized as so sacrosanct as to prevent the enactment of a civil code. Take for instance Turkey or Egypt. No minority in these countries is permitted to have such rights. But I go further. When the Shariat Act was passed or when certain laws were passed in the central legislature in the old regime, the Khojas and Cutchi Memons were highly dissatisfied.

They then followed certain Hindu customs for generations, since they became converts they had done so. They did not want to conform to the Shariat; and yet by a legislation of the central legislature certain Muslim members who felt that Shariat law should be enforced upon the whole community carried their point. The Khojas and Cutchi Memons most unwillingly had to submit to it. Where were the rights of the minority then? When you want to consolidate a community, you have to take into consideration the

benefit which may accrue to the whole community and not to the customs of a part of it. It is not, therefore, correct to say that such an act is tyranny of the majority. If you will look at the countries in Europe which have a civil code, everyone who goes there from any part of the world and every minority, has to submit to the civil code. It is not felt to be tyrannical to the minority. The point, however, is this, whether we are going to consolidate and unify our personal law in such a way that the way of life of the whole country may in course of time be unified and secular. We want to divorce religion from personal law, from what may be called social relations or from the rights of parties as regards inheritance or succession. What have these things got to do with religion, I really fail to understand. Take for instance the Hindu law draft which is before the legislative assembly. If one looks at Manu and Yagnavalkya and all the rest of them, I think most of the provisions of the new Bill will run counter to their injunctions. But after all, we are an advancing society. We are at a stage where we must unify and consolidate the nation by every means without interfering with religious practices. If, however, the religious practices in the past have been so construed as to cover the whole field of life, we have reached a point when we must put our foot down and say that these matters are not religion, they are purely matters for secular legislation. This is what is emphasized by this article.

Now look at the disadvantages that you will perpetuate if there is no civil code. Take for instance, the Hindus. We have the law of Mayukha applying in some parts of India; we have Mithakshara in others; and we have the law of Dayabagha in Bengal. In this way even the Hindus themselves have separate laws and most of our provinces and states have started making separate Hindu laws for themselves. Are we going to permit this piecemeal legislation on the ground that it affects the personal law of the country? It is, therefore, not merely a question for minorities but it also affects the majority.

I know there are many among Hindus who do not like a uniform civil code, because they take the same view as the hon'ble Muslim members who spoke last. They feel that the personal law of inheritance, succession, etc., is really a part of their religion. If that

were so, you can never give, for instance, equality to women. But you have already passed a fundamental right to that effect and you have an article here which lays down that there should be no discrimination against sex. Look at Hindu law; you get any amount of discrimination against women; and if that is part of Hindu religion or Hindu religious practice, you cannot pass a single law which would elevate the position of Hindu women to that of men. Therefore, there is no reason why there should not be a civil code throughout the territory of India.

There is one important consideration which we have to bear in mind – and I want my Muslim friends to realise this – that the sooner we forget this isolationist outlook on life, the better it will be for the country. Religion must be restricted to spheres which legitimately appertain to religion, and the rest of life must be regulated, unified and modified in such a manner that we may evolve, as early as possible, a strong and consolidated nation. Our first problem and the most important problem is to produce national unity in this country. We think we have got national unity. But there are many factors – and important factors – which still offer serious dangers to our national consolidation, and it is very necessary that the whole of our life, so far as it is restricted to secular spheres, must be unified in such a way that as early as possible, we may be able to say, ‘Well, we are not merely a nation because we say so, but also in effect, by the way we live, by our personal law, we are a strong and consolidated nation’. From that point of view alone, I submit, the opposition is not, if I may say so, very well advised. I hope our friends will not feel that this is an attempt to exercise tyranny over a minority; it is much more tyrannous to the majority.

This attitude of mind perpetuated under the British rule, that personal law is part of religion, has been fostered by the British and by British courts. We must, therefore, outgrow it. If I may just remind the hon’ble member who spoke last of a particular incident from *Fereshta* which comes to my mind. Allauddin Khilji made several changes which offended against the Shariat, though he was the first ruler to establish the Muslim sultanate here. The *qazi* of Delhi objected to some of his reforms, and his reply was – ‘I am an ignorant

man and I am ruling this country in its best interests. I am sure, looking at my ignorance and my good intentions, the Almighty will forgive me, when he finds that I have not acted according to the Shariat.' If Allauddin could not, much less can a modern government accept the proposition that religious rights cover personal law or several other matters which we have been unfortunately trained to consider as part of our religion. That is my submission.

Reference

Constituent Assembly Debates, Vol. VII. pp: 546-8

DR. B.R. AMBEDKAR

Reply to the Debate on Uniform Civil Code

23 November 1948



The non-enforceable Directive Principle in Article 44 of the Constitution of India enjoins the state to endeavour to secure for the citizens a uniform civil code throughout India. The article has generated a great deal of controversy. Minority communities – particularly the Muslims – have been opposed to any attempts at a uniform civil code as an interference with their religion.

The corresponding draft article was Article 35. When it came up for consideration before the Constituent Assembly, a member, Mohamad Ismail Sahib moved an amendment to the effect that no community shall 'be obliged to give up its own personal law'.

Dr. B.R. Ambedkar replied to the debate on the article.

Sir, I am afraid I cannot accept the amendments which have been moved to this article. In dealing with this matter, I do not propose to touch on the merits of the question as to whether this country

should have a civil code or it should not. That is a matter which I think has been dealt with sufficiently for the occasion by my friend, Mr. Munshi, as well as by Shri Alladi Krishnaswami Ayyar. When the amendments to certain fundamental rights are moved, it would be possible for me to make a full statement on this subject, and I, therefore, do not propose to deal with it here.

My friend, Mr. Hussain Imam, in rising to support the amendments, asked whether it was possible and desirable to have a uniform code of laws for a country so vast as this is. Now I must confess that I was very much surprised at that statement, for the simple reason that we have in this country a uniform code of laws covering almost every aspect of human relationship. We have a uniform and complete criminal code operating throughout the country, which is contained in the Penal Code and the Criminal Procedure Code. We have the law of transfer of property, which deals with property relations and which is operative throughout the country. Then there are the Negotiable Instruments Acts; and I can cite innumerable enactments which would prove that this country has practically a civil code, uniform in its content and applicable to the whole of the country. The only province the civil law has not been able to invade so far is marriage and succession. It is this little corner which we have not been able to invade so far and it is the intention of those who desire to have Article 35 as part of the constitution to bring about that change. Therefore, the argument that whether we should attempt such a thing seems to me somewhat misplaced for the simple reason that we have, as a matter of fact, covered the whole lot of the field which is covered by a uniform civil code in this country. It is, therefore, too late now to ask the question whether we could do it. As I say, we have already done it.

Coming to the amendments, there are only two observations which I would like to make. My first observation would be to state that members who put forth these amendments say that the Muslim personal law, so far as this country was concerned, was immutable and uniform through the whole of India. Now I wish to challenge that statement. I think most of my friends who have spoken on this amendment have quite forgotten that up to 1935 the North-West

Frontier Province was not subject to the Shariat law. It followed the Hindu law in the matter of succession and in other matters, so much so that it was in 1939 that the central legislature had to come into the field and to abrogate the application of the Hindu law to the Muslims of the North-West Frontier Province and to apply the Shariat law to them. That is not all.

My hon'ble friends have forgotten, that, apart from the North-West Frontier Province, up till 1937 in the rest of India, in various parts, such as the United Provinces, the Central Provinces and Bombay, the Muslims to a large extent were governed by the Hindu law in the matter of succession. In order to bring them on the plane of uniformity with regard to the other Muslims who observed the Shariat law, the legislature had to intervene in 1937 and to pass an enactment applying the Shariat law to the rest of India.

I am also informed by my friends, Shri Karunakara Menon, that in North Malabar the Marumakkathayam Law applied to all – not only to Hindus but also to Muslims. It is to be remembered that the Marumakkathayam law is a matriarchal and not a patriarchal form of law.

The Musalmans, therefore, in North Malabar were up to now following the Marumakkathayam law. It is, therefore, no use making a categorical statement that the Muslim law has been an immutable law which they have been following from ancient times. That law as such was not applicable in certain parts and it has been made applicable ten years ago. Therefore, if it was found necessary that for the purpose of evolving a single civil code applicable to all citizens irrespective of their religion, certain portions of the Hindu law, not because they were contained in Hindu law but because they were found to be the most suitable, were incorporated into the new civil code projected by Article 35, I am quite certain that it would not be open to any Muslim to say that the framers of the civil code had done great violence to the sentiments of the Muslim community.

My second observation is to give them an assurance. I quite realize their feelings in the matter, but I think they have read rather too much into Article 35, which merely proposes that the state shall endeavour to secure a civil code for the citizens of the country. It

does not say that after the code is framed the state shall enforce it upon all citizens merely because they are citizens. It is perfectly possible that the future Parliament may make a provision by way of making a beginning that the code shall apply only to those who make a declaration that they are prepared to be bound by it, so that in the initial stage the application of the code may be purely voluntary. The Parliament may feel the ground by some such method. This is not a novel method. It was adopted in the Shariat Act of 1937 when it was applied to territories other than the North-West Frontier Province. The law said that here is a Shariat law which should be applied to Musalmans provided a Musalman who wanted that he should be bound by the Shariat Act should go to an officer of the state, make a declaration that he is willing to be bound by it, and after he has made that declaration the law will bind him and his successors. It would be perfectly possible for Parliament to introduce a provision of that sort; so that the fear which my friends have expressed here will be altogether nullified. I, therefore, submit that there is no substance in these amendments and I oppose them.

Reference

Constituent Assembly Debates, Vol. VII, pp. 550-2.

K.T. SHAH

Amending the Rules

26 November 1948



With a view to expediting the task of constitution making, Mrs. Durgabai moved an amendment to the rules of procedure of the Constituent Assembly empowering the president of the Assembly to disallow amendments which sought to make only verbal, grammatical or formal changes and to have some amendments put to vote without debate. This was strongly opposed by some members, Prof. K.T. Shah among them.

Mr. Vice-president, I am much obliged to you for allowing me this opportunity to express my sense of deep regret and resentment against this amendment to the rules calculated to pounce upon what little liberty of speech we have in this House. We, sir may not be all able to cast pearls of wisdom before the hon'ble members; but I trust that you will not regard, and those responsible for drafting this constitution will not regard us all, as swine before which pearls of wisdom cannot be cast even by them.

The new amendment to the rules tries to shut out amendments which are supposed to be, or which are taken to be, merely verbal, grammatical, or formal. Verbal amendments, sir, have been made often, not only by the other members of this House, but also by the draftsmen themselves. If such a rule is to be in operation against only those who have not had the honour to belong to the drafting committee, but is not to be used against those who, after having drafted after very careful weighing of each phrase, after earnest consideration of the various articles and clauses of this constitution, discover that they are not what the draftsmen actually intended them to convey, and try to alter words or make verbal amendments, it would hardly be fair, especially if nonofficial members should not be at liberty to do so. This, in my opinion, would be so unjust and unparliamentary that I trust this House will not entertain such a proposition.

Sir, the other day I had the misfortune to suggest what looked like a merely verbal amendment, that is, to change the words, 'all citizens' to 'every citizen'. Much to my surprise, I was happy to find that even the learned Dr. Ambedkar was able to see the justice of that suggestion, and made a promise that he would consider, and consider favourably, what looked like only a mere verbal change. On the other hand, an amendment which Dr. Ambedkar himself made to Article 40 was also, unless one was able to see the arguments which he was pleased to advance in support of it, a verbal amendment. The idea remains substantially the same.

Verbal amendments of this kind, whatever the appearance, are suggested, not merely for the fun of producing a debate or for seeing one's name in the papers. Verbal amendments very often embody a difference in expression which is a difference of approach, if not also of the ideal behind. And though we may not all be authorities on English lexicography, we may nevertheless be able to indicate a difference in outlook and a difference in viewpoint, by a change of words, which is not necessarily to be discarded because we happen to be not gifted with the technical skill and the specialized knowledge and experience in legal draftsmanship.

In support of this view, I would further suggest, sir, that there is ample power in the rules as they stand for the chair to economize

the time of the House, if this is the only reason why an attempt is now made to curtail freedom of speech and the freedom of debate in this House. I suggest that after all we are making a constitution which, we hope, will last for some years; and the attitude which I find so often in many exalted quarters, that after all, there is now full power with us to revise or change it, should not affect our outlook on this matter. It may be that we are not able to maintain the constitution which we draft now for a long period of years. We may have occasion – circumstances may prove stronger than our desires – to make changes, and the constitution which we sit down to draft today may not last as long as we may desire. Nevertheless, I think it is not in the mind of any member that the constitution which we draft today so solemnly and so seriously should be changed tomorrow, because, by lack of foresight, by want of discussion, by the absence of light thrown upon all corners of it, so to say, we were unable to perceive at the right moment all that lurked in the wording of the constitution, and suddenly we discovered that we had provided for that which was not intended.

Sir, lawyers are a very clever class of people. They necessarily have to be clever, because they are eminently parasitical; they live upon the quarrels, the misfortunes, and tragedies of mankind; and, therefore, they would always find a way of rediscovering any interpretation, inventing a meaning, providing an outlook which perhaps the original authors of the constitution never intended. This cannot, of course, be avoided, so long as the legal profession endures in the manner it endures today. But it may at least be safeguarded if we have proper discussion, if all angles of approach, all expressions of opinion are before this House, for it is finally to judge in the matter, and take the best that appeals to its sense of fairness and propriety in the matter of the constitution.

Sir, I am unable to follow the reasoning which requires that we must expedite this constitution, and seeks the method of expediting in some such curtailment of the opportunities of debate of the members as we find in this amendment of the rules. Sir, if you really desire to curtail the time spent upon this matter, I put it to you: why should we not meet twice a day or meet for a longer time, or sit

during the summer? Or are we so soft, are we so intent upon comfort and enjoyment to ourselves, that we can only think of meeting in the most fashionable season, in a most comfortable room, most comfortable conditions, and eschew our duty, merely because in the heat of summer or in the midst of social engagements, we will not find it so convenient?

I put it to you, sir, that if you lengthen the sittings, for instance, if you sit in the afternoons from three to nine, you will have a very good evidence as to how many members ventilate their opinions. See to it, sir, that you tax our energies properly. See to it sir, that you make full demands on our enthusiasm, our desire to work for the country through this door; and you will find that only those who are willing to stand the strain will be present. The time will thus be effectively curtailed without any wastage, without any feeling that the minority, or those who may not have the favour of the majority, may be left out of their fair share in shaping this constitution.

I put it to you, sir, and to the whole House, that the one and only way to deal with this constitution, deal with it properly, deal with it satisfactorily, deal with it so that the generations which come behind us may bless us for making it, is to provide proper time and not to curtail the time. If you desire to hurry – and I personally see no reason why we should hurry – you should meet longer, more often, why, even during the time when the legislature is in session, which body can very well meet at night, and deal with those parts of the constitution which demand detailed knowledge, which require for full discussion not so many broad principles and occasions of declamation, but which necessitate earnest study and detailed knowledge of matters like finance, matters like judicial procedure, and so on.

I do not wish to take the time of the House by enumerating the many sections. Correct expression in each would require not merely a knowledge of English, not merely a mastery of punctuation, not merely appropriateness in form; it would require very much more detailed knowledge of the history and economics of this country, which I venture to think will not be served by your hurrying through the constitution in the manner which seems to be fashionable and

favoured by the majority today. In so doing, I do not think that the majority is serving the interests of the country, if they desire to curtail liberties of speech, if they desire to make rules or amend rules, which will diminish the opportunities we have of placing our views, our outlook, our angle of approach, before this House. Very often, sir, when we draft amendments in the seclusion of our study, we have only one brain to go by. We come here and see the light of our fellows. When we come here and find other expressions, other angles of approach, are properly backed by facts or reason, I, for my part, am quite prepared to say, I would have no hesitation, no shame in revising my own judgement, and accepting the wiser judgement of others. But that cannot be done if that judgement is placed before us without reason, and if it is not illustrated with some facts. If you shut out the means of approach, if you shut out, sir, the very door of discussion, if you put amendments which are tabled here 'without discussion' to vote, you will deny the most elementary right of freedom of speech to members. But that would mean that you are backed by the brute majority behind you, and not the reasoning intelligentsia of the country with you.

Sir, I would like to put it from another angle. After all, you have very learned technical draftsmen at your service. Ask them, enquire of them, enquire even of the chairman of the Drafting Committee itself whether other countries, who have had to make their constitution after larger experience than ourselves, have not also taken time over this matter of such vast importance for unborn generations as well as the present? Sir, the Government of India Act itself took several years to get through Parliament, a body which has much greater experience than we may have in making such enactments. The French had, after liberation devoted two years just to the making of the constitution alone. The Americans, when they became free and had only thirteen states few with a population not even a hundredth of ours, took two years to pass their constitution, without reckoning all the wrangles that went on before the final draft was settled from time to time, before they came to the United States, as it is now called.

Sir, I can give you innumerable examples where time has been taken and rightly taken. Why, the fundamental constitution of the country should be studied, should be considered, should be viewed from every angle before it is passed. And that will not be served, I repeat, sir, by your hurrying through in their manner. If, therefore, it is open to me to move, I would certainly suggest that this matter be referred back to the Drafting Committee itself, or the steering committee or this House or whatever the appropriate body may be, to see to this matter. I am not against expediting, getting the constitution passed as rapidly as possible. I am against this being very hurriedly gone through; I am against its being gone through in a slipshod manner, and that is why I suggest to you, let us discover other ways like more time being devoted to it, and more space being devoted. Let us also remember that we are often reproached with getting our allowances, unearned. I, therefore, suggest sir, that the House will do well indeed, if instead of passing a motion like this today, which they can very well pass with a majority pledged to it, you will reconsider the matter and bring it up again with such amendments in time and so on, if you find there is a desire for obstructiveness for its own sake. That would permit the fullest possible discussion, that would leave no room for anybody to feel that their expression was not fully placed before them and at the same time serve to make the constitution full, complete and accurate, and much better than attempts like this would let it be. Thank you, sir.

Reference

Constituent Assembly Debates, Vol. VII. pp. 626-9.

ALLADI KRISHNASWAMI AYYAR

In Defence of the Constitution

23 November 1949



Before the final reply by Dr. B.R. Ambedkar to the debate on the motion for the adoption of the constitution, Alladi Krishnaswami Ayyar spoke on 23 November 1949 and replied to all the main criticisms one by one.

Sir, in supporting the motion of the hon'ble Dr. Ambedkar for the adoption of the constitution, I crave the indulgence of the House for a short while. This constitution has been settled by the Constituent Assembly in the light of the recommendations of the various committees appointed by this House and the draft as originally submitted by the Drafting Committee and as revised later. In the course of my remarks, I should like to draw the attention of the House to what I consider to be the salient features of the constitution bearing in mind the criticisms directed against the constitution by some of the members. The constitution as it has finally emerged, I submit, truly reflects the spirit of the objectives resolution with which this assembly started its work and the preamble of the constitution which is mainly founded on the objectives resolution.

Firstly, in spite of the ignorance and illiteracy of the large mass of the Indian people, the assembly has adopted the principle of adult franchise with an abundant faith in the common man and the ultimate success of democratic rule and in the full belief that the introduction of democratic government on the basis of adult suffrage will bring enlightenment and promote the wellbeing, the standard of life, the comfort and the decent living of the common man. The principle of adult suffrage was adopted in no lighthearted mood but with the full realization of its implications. If democracy is to be broad based and the system of government that is to function is to have the ultimate sanction of the people as a whole, in a country where the large mass of the people are illiterate and the people owning property are so few, the introduction of any property or educational qualifications for the exercise of the franchise would be a negation of the principles of democracy. If any such qualifications were introduced, that would have disfranchised a large number of the labouring classes and a large number of womenfolk. It cannot after all be assumed that a person with a poor elementary education and with a knowledge of the three Rs is in a better position to exercise the franchise than a labourer, a cultivator or a tenant who may be expected to know what his interests are and to choose his representatives. Possibly a large-scale universal suffrage may also have the effect of rooting out corruption that may turn out incidental to democratic election. This assembly deserves to be congratulated on adopting the principle of adult suffrage and it may be stated that never before in the history of the world has such an experiment been so boldly undertaken. The only alternative to adult suffrage was some kind of indirect election based upon village community or local bodies and by constituting them into electoral colleges, the electoral colleges being elected on the basis of adult suffrage. That was not found feasible.

Realizing in full that the communal electorate and democracy cannot coexist and that communal electorate was a device adopted by the British imperialists to prevent the free growth of democracy on a healthy and sound basis, this assembly under the able leadership of our prime minister and Sardar Patel, has done away with

communal electorates while making some special provisions for scheduled castes and scheduled tribes on the basis of joint electorates for a temporary period. As Sardarji has rightly pointed out in his memorable speech on the occasion, we have to demonstrate to the world, to the class of people who have flourished and who have been nurtured on communal claims, our genuine faith in the fundamental principles of democracy and in the establishment of a secular state without distinction of caste, creed or class.

Closely allied with the principles underlying the articles of the constitution dispensing with communal electorates are the provisions in the chapter on Fundamental Rights that every citizen shall have equality of opportunity in matters relating to employment or appointment to any office under the state, that no citizen shall on grounds of religion, race, caste, sex, descent, place of birth, etc., be ineligible for, or discriminated against, in respect of any employment or office under the state. I am leaving out of account the special provision in favour of backward classes of citizens. In this connection, it may be interesting to note that there is no such declaration in similar terms even in the constitution of the USA. The Fourteenth amendment in the United States' constitution which was intended to remove the disability of the negroes, has not, as experience has shown, served the purpose in the United States and the Fifteenth amendment deals only with the right to vote. Therefore, we may well claim that our constitution is much more democratic, much more rooted in the principles of democracy than even the advanced constitution of America. The abolition of untouchability is another notable step taken by this Assembly.

The liquidation of a large number of Indian states scattered like islands over the length and breadth of this land, their merger with the neighbouring provinces, has been effected under the able leadership of Sardar Patel. In the result, the states have been considerably reduced in number and either as individual states or as comprising groups of states, they have been brought into the orbit of the Indian Union. Their constitutions have been brought into line with the constitutions of states in Part I and they have become units of the Indian Union on the same terms as the states in Part I so that

we are in a position to say that all the units of the Union occupy the same position in regard to it excepting for certain specific transitional provisions. The constitution does not permit the states which have acceded to the union to secede from it. Their association with the union is inseparable and they have become an integral part of the Indian Union. There is no going back. The magnitude of this achievement cannot be overestimated when we remember that the existence of a large number of such states has been put forward always as an excuse by the British imperialists for the withholding of freedom from India. The Act of 1935 far from abolishing this distinction served to perpetuate the distinction.

After weighing the pros and cons of the presidential system as obtaining in America and the cabinet system of government obtaining in England and the dominions, taking into account also the working of responsible governments in the Indian provinces for some years and the difficulty of providing for a purely presidential type of government in the states in Part II, (now Part I B) this assembly has deliberately adopted the principle of responsible government both in the states and in the centre. At the same time the assembly was quite alive to the fact that a good number of states in Part I B were unaccustomed to any democratic or responsible government and with a view to ensure its success and efficient working in the early stages the union government is entrusted with the power of intervention while there is a failure or deadlock in the working of democratic machinery.

My hon'ble friend, Prof. K.T. Shah in expatiating upon the merits of the constitutional system based upon the principle of separation, did not fully realize the inevitable conflict and deadlock which such a system might result in a country circumstanced as India is. The breakdown provisions in the constitution are not intended in any way to hamper the free working of democratic institutions or responsible government in the different units, but only to ensure the smooth working of the government when actual difficulties arise in the working of the constitution. There is no analogy between the authority exercised by the governor or the governor general under the authority of the British Parliament in the constitution of 1935

and the power vested in the central government under the new constitution. The Central Government in India in future will be responsible to the Indian Parliament in which are represented people of different units elected on adult franchise and are responsible to the Parliament for any act of theirs. In one sense, the breakdown provision is merely the assumption of responsibility by the Parliament at Delhi when there is an impasse or breakdown in the administration in the units.

In regard to citizenship, the constitution deliberately adopts the principle of single citizenship for the whole of India and departs from a dual citizenship, a common feature of many federations. In this respect the Indian Constitution is in advance of some of the federal constitutions. It is hoped that that will lead to the consolidation of the Indian Union. The constitution does not purport to enact a detailed law as to citizenship but leaves it for the future Parliament of India to frame such a law.

The constitution has accorded the proper place to the judiciary as it should in a written and especially in a federal constitution. In the language of the *Federalist*, in America the complete independence of the court of justice is particularly essential to the proper working of a federal constitution. The limitation on the different organs of state can be preserved in no other way than through the medium of courts and according to President Wilson, the courts are the balance wheel of the constitution. The Supreme Court in India under the Indian Constitution, as this House is aware, has wider powers than the highest court in any other known federation including that of the USA where the Supreme Court is not a general court of appeal. The Indian Supreme Court is a court of appeal in all civil cases from every high court including the high courts in the states in Part IB. It is the ultimate arbiter in all matters involving the interpretation of the constitution. It has a very wide revisory jurisdiction over all tribunals even if they be not courts in the strict sense of the term. Unlike the United States Supreme Court, it has an advisory jurisdiction similar to that exercised by the Supreme Court of Canada under the Canadian Supreme Court Act. It has original jurisdiction to issue prerogative writs throughout the length and breadth of India.

It is an interstate court competent to decide questions *inter se* as between states. Even in regard to criminal matters, the Supreme Court is in a position to grant special leave and can also exercise criminal appellate jurisdiction in certain specific classes of cases. The criticism, if at all, can only be, not that the powers of the Supreme Court are not wide enough, but that they are too wide.

The provisions relating to the high court are in the main modelled on the existing provisions except for the fact that certain inhibitions on the jurisdiction have been removed. They have henceforward jurisdiction to issue prerogative writs throughout the areas subject to their appellate jurisdiction. The anomaly of the high courts not having any jurisdiction in matters relating to revenue has also been removed, and the powers of superintendence over subordinate courts and tribunals have been restored. Care has been taken to see that in the matter of selection to the highest court, the president has the benefit of the advice of those most competent to advise him on the subject. With a view to keeping the high court outside the range of provincial politics, the high courts have in important respects been brought under the jurisdiction of the national government. While there can be no two opinions on the need for the maintenance of judicial independence, both for safeguarding of individual liberty and the proper working of the constitution, it is also necessary to keep in view one important principle. The doctrine of independence is not to be raised to the level of a dogma so as to enable the judiciary to function as a kind of super-legislature or super-executive. The judiciary is there to interpret the constitution or adjudicate upon the rights between the parties concerned. As has been pointed out recently in a leading decision of the US Supreme Court, the judiciary as much as the Congress and the executive, are depending for efficient and proper functioning, upon the cooperation of the other two.

The criticism in regard to fundamental rights has been that the exceptions strike at the very foundation of the rights. This criticism is entirely without foundation. The exceptions and qualifications introduced into the articles reproduce in statutory form the well-recognized exceptions and limitations on the fundamental rights

dealt with in the article. Similar restrictions have been read by the Supreme Court into the United States constitution which in general terms provides for these rights. Our constitution instead of leaving it to the courts to read the necessary limitations and exceptions, seeks to express in a compendious form the limitations and exceptions. It is common knowledge that freedom of speech and of the press have been interpreted by the Supreme Court of the United States as not to prevent legislation prohibiting intimidation by speech or writing, preventing the publication of indecent matter, or prevent the enactment of laws in the exercise of the police power of the state if the state can find a sufficient social interest for so doing. Similarly, religious liberty has been held not to protect the citizen against unsocial acts. The privilege of assembly and public meeting does not stand in the way of the United States or the individual states exercising social control of assemblage of people in the interests of the common good. In the final form in which the article has emerged, this Assembly kept in view the need for drawing a line between personal liberty and the need for social control. While not departing from the principle that a person is not to be deprived of his property without compensation, the constitution has invested the Parliament with the power to formulate the principles in regard to compensation with due regard to the nature, history and incidents of the property concerned. Being fully alive to the need for urgent agrarian reform affecting a large mass of tenantry, this assembly, after due deliberation, has inserted certain special provisions to prevent the legality of the measures undertaken being questioned from court to court while at the same time providing the necessary safeguards for protecting the interests of the parties affected.

In the chapter on Fundamental Rights, there is one other matter which requires more than a passing notice. Clause (4) of Article 22 has been animadverted upon as if it were a charter to the executive to detain a person for three months. There is no such thing. The whole of Article 22 is designed to secure against any abuse of the provisions of Article 21 which says in general terms that 'No person shall be deprived of his life or personal liberty except according to procedure established by law'. If Article 21 stood by itself, it may

authorize an indefinite detention if only it conforms to the procedure established by law. Article 22 has been put in to prevent any such indefinite detention. The Constituent Assembly which was quite alive to the dangers confronting the new state could not rule out detention altogether.

The Directive Principles of State Policy, I should think, are also an important feature of the constitution. Having regard to the wide nature of the subjects dealt with in these articles and the obvious difficulty in making the subjects dealt with by these articles justiciable, they have been classed as directive principles of state policy. The Principles of State Policy have their basis in the preamble to the Constitution and the Objectives Resolution. Article 37 in express terms lays down that the principles laid down therein are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws. No ministry responsible to the people can afford lightheartedly to ignore the provisions in Part IV of the Constitution.

In regard to the distribution and allocation of legislative power, this Assembly has taken into account the political and economic conditions obtaining in the country at present and has not proceeded on any a priori theories as to the principles of distribution in the constitution of a federal government. In regard to distribution, the centre is invested with residuary powers, specific subjects of national and all-India importance being expressly mentioned. A large list of subjects has been included in the Concurrent List to enable the centre to intervene wherever there is necessity to intervene and override state legislation, though normally when the coast is clear, it would be open to the state legislatures to legislate. The existence of a large list of concurrent subjects is calculated to promote harmony between the centre and the units, and avoid the necessity of the courts having to resolve the conflict if there is to be only a twofold division of subjects. In order to meet unforeseen national emergencies and economic situations, special provisions have been inserted providing for central intervention. In this connection, it has to be remembered that the whole concept of federalism in the modern world is undergoing a transformation. As a result of the

impact of social and economic forces, rapid means of communication and the necessarily close relation between the different units in matters of trade and industry, federal ideas themselves are undergoing a transformation in the modern world. The Rowell Score commission in Canada and the Royal commission appointed to report on the working of the Australian constitution suggested various remedies to get over the difficulties in the working of a federal government. The problem is one to be faced by each country according to the peculiar conditions obtaining there, according to the particular exigencies of the particular country, not according to a priori or theoretical considerations.

In dealing with a matter like this, we cannot proceed on the footing that federalism must necessarily be of a defined or a standard type. Even in regard to the constitution of Canada, two such authorities as Lord Haldane and Lord Watson were sharply divided, the former holding that the constitution is not federal and the latter expressly laying down the opposite view. The crucial question to consider, shorn of all theories is, 'Are the national and the state governments related to one another as principal and delegate?' So long as they can exercise full authority within the orbit of their established jurisdictions, there is no reason to deny the federal character of the Constitution.

I do not subscribe to the view that the centre has been made too strong at the expense of the units. In the legislative sphere there has been not much change in the list of subjects allotted to the units. The units have unrestricted executive power in the provincial field. Even in regard to the concurrent subjects, the executive power continues to be vested in the units though there is a power of central intervention when the exigencies of the state demand it. The emergency powers vested in the Union cannot by their very nature be of normal or ordinary occurrence.

In regard to the taxing power, while the final allocation is open to further examination as the result of the report of the statutory commission to be appointed under the terms of the constitution, the articles in the constitution relating to the taxing power take into account the general economic condition and financial position of the

different units and the tendency prevailing in most modern federations of the central government acting as the sole taxing agency in the interest of the country while provision is made for the division or the distribution of the proceeds to the different units, as also for the grant of subsidies.

The Constituent Assembly has spent considerable time and attention over the subject of interstate trade relations. The Assembly while adhering to the principle that freedom of trade between the different units is indispensable to the proper functioning of the union, has made the interstate relations much more elastic and flexible in our constitution than in some of the known federal constitutions, to suit the exigencies and economic conditions of a vast continent like India.

The Constituent Assembly being thoroughly alive to the importance of a state language for the whole of India with a view to consolidate and unify the nation and recognize the importance of regional languages in so vast a country, has evolved a plan for Hindi becoming the state language of India as early as possible. At the same time, the constitution has not lost sight of the need of English for legal purposes for some time and for scientific and international purposes in the world as constituted today.

The criticism that the constitution as it has emerged is far too detailed and elaborate and does not merit serious consideration. If, as in other constitutions, the constitution and powers of the high court and of the Supreme Court have been left for normal ordinary parliamentary legislation, if the provisions for electoral machinery are dropped out, if the guarantees provided in the matter of salaries to judges and civil services are omitted, if the existing administrative machinery which has been working is ignored, if no special provision is to be made for scheduled areas and scheduled tribes, there would be absolutely no difficulty in cutting down the provisions of the constitution and reducing the number of articles. But for the smooth and efficient working of a democratic machinery, it was felt that unless these provisions were contained in the constitution itself, an infant democracy might find itself in difficulties and the smooth and efficient working of the constitution might be jeopardized. There has

been insistence on the part of various interests that sufficient safeguards must be inserted in the constitution itself and even some of the members of this Assembly who, as a matter of abstract principle, are willing to subscribe to the principle of a few main provisions alone being inserted in the constitution, not a little contributed to the detailed provisions.

In the course of the discussion during the third-reading, there has been some reference to the subject of India's position as a member of the Commonwealth. On this subject I have already stated my views when the matter came up for discussion before this Assembly. It is unnecessary to remind the House that there is no article in the constitution referring to this matter. The membership of the Commonwealth depends on the willing cooperation and consent of the two countries, independent in every respect of each other.

Mr. President, I have omitted one point while I was on the subject of fundamental rights and I should like to refer to it. While religious freedom is guaranteed to every individual and every religious persuasion, the state does not identify or ally itself with any particular religion or religious belief. There is no such thing as a state religion in India.

Altogether it may be claimed that the constitution gives sufficient scope for the achievement by the Indian Republic of all those great objects which are contained in the preamble to the constitution. The constitution contains within itself the necessary elements of growth, flexibility and expansion. While it is not committed to any particular economic reorganization of society, the people are free to adjust and mould the economic conditions for their betterment in any manner they choose. To a large extent any constitution depends upon the people who work it. It is the human element that after all is the most important in the working of any institution. It is common knowledge that when the final constitution of America was adopted there was very little enthusiasm for it and several communications had to be addressed in the '*Federalist*' to commend the constitution to the American people. And yet at the present day the constitution is looked upon with the same spirit and reverence as the Ark of the Covenant in the Bible. Similar is the experience in Canada and in

Australia. The experience of other countries has shown that constitutions which have been hailed with universal acclamation have proved utter failures. Our constitution is much more flexible than many written and federal constitutions. An easy and flexible method of amendment has been provided for. But that does not mean that amendment must be undertaken lightheartedly. The people will then have no other work to do but mending and amending the constitution.

Before I conclude, I would be failing in my duty if I do not express my high appreciation of the skill and ability with which my friend the hon'ble Dr. Ambedkar has piloted this constitution and his untiring work as the chairman of the Drafting Committee. I know he was ably assisted by my friend Mr. T.T. Krishnamachari. I would also be failing in my duty if I do not give my tributes to the services of Sir B.N. Rau and to the untiring energy, patience, ability and industry of the joint secretary, Mr. Mukherjee and his lieutenants.

In the end, you will pardon me, sir, if I make some reference to your work to this Assembly as it may savour of flattery. You have given your whole life to the service of this country and this is the crowning act. There is none who is held in greater esteem and love than yourself and you have showed yourself to be the worthy president of this Assembly. I am particularly grateful to you because on account of my state of health you have been pleased to permit me to address from my seat and I am also thankful to the members of this House for the indulgence they have extended to me in that respect. It is some consolation to me that I might have been of some little use in the work of the various committees and in the work of this Assembly.

Reference

Constituent Assembly Debates, Vol. XI, pp. 834-41.

DR. B.R. AMBEDKAR

Third Reading of the Constitution

25 November 1949



The Constituent Assembly began the final reading of the constitution on 17 November 1949 on a motion moved by Dr. B.R. Ambedkar to the effect 'that the constitution as settled by the Assembly be passed'. Dr. Ambedkar speaking on 25 November 1949 gave some statistics about the work done by the Assembly and the contributions made by members and others. Also, he replied to some of the criticism of the constitution and its main features.

Sir, looking back on the work of the Constituent Assembly it will now be two years, eleven months and seventeen days since it first met on 9 December 1946. During this period the Constituent Assembly has altogether held eleven sessions. Out of these eleven sessions, the first six were spent in passing the objectives resolution and the consideration of the reports of committees on fundamental rights, on union constitution, on union powers, on provincial constitution, on minorities and on the scheduled areas and scheduled tribes. The seventh, eighth, ninth, tenth and the eleventh sessions

were devoted to the consideration of the draft constitution. These eleven sessions of the Constituent Assembly have consumed 165 days. Out of these, the Assembly spent 114 days for the consideration of the draft constitution.

Coming to the Drafting Committee, it was elected by the Constituent Assembly on 29 August 1947. It held its first meeting on 30 August. Since 30 August it sat for 141 days during which it was engaged in the preparation of the draft constitution. The draft constitution, as prepared by the constitutional adviser as a text for the Drafting Committee to work upon, consisted of 243 articles and 13 schedules. The first draft constitution as presented by the Drafting Committee to the Constituent Assembly contained 315 articles and 8 schedules. At the end of the consideration stage, the number of articles in the draft constitution increased to 386. In its final form, the draft constitution contains 395 articles and 8 schedules. The total number of amendments to the draft constitution tabled was approximately 7,635. Of them, the total number of amendments actually moved in the House was 2,473.

I mention these facts because at one stage it was being said that the Assembly had taken too long a time to finish its work, that it was going on leisurely and wasting public money. It was said to be a case of Nero fiddling while Rome was burning. Is there any justification for this complaint? Let us note the time consumed by constituent assemblies in other countries appointed for framing their constitutions. To take a few illustrations, the American Convention met on 25 May 1787 and completed its work on 17 September 1787, *i.e.* within four months. The Constitutional Convention of Canada met on 10 October 1864 and the constitution was passed into law in March 1867 involving a period of two years and five months. The Australian Constitutional Convention assembled in March 1891 and the constitution became law on 9 July 1900, consuming a period of nine years. The South African Convention met in October 1908 and the constitution became law on 20 September 1909 involving one year's labour. It is true that we have taken more time than the American or South African conventions did, but we have not taken more time than the Canadian convention and much less than the

Australian convention. In making comparisons on the basis of time consumed, two things must be remembered. One is that the constitutions of America, Canada, South Africa and Australia are much smaller than ours. Our constitution as I said contains 395 articles while the American has just 7 articles, the first 4 of which are divided into sections which total up to 21, the Canadian has 147, the Australian 128 and the South African 153 sections. The second thing to be remembered is that the makers of the constitutions of America, Canada, Australia and South Africa did not have to face the problem of amendments. They were passed as moved. On the other hand, this Constituent Assembly had to deal with as many as 2,473 amendments. Having regard to these facts the charge of dilatoriness seems to me quite unfounded and this Assembly may well congratulate itself for having accomplished so formidable a task in so short a time.

Turning to the quality of the work done by the Drafting Committee, Mr. Naziruddin Ahmed felt it his duty to condemn it outright. In his opinion, the work done by the Drafting Committee is not only not worthy of commendation, but is positively below par. Everybody has a right to have his opinion about the work done by the Drafting Committee and Mr. Naziruddin is welcome to have his own. Mr. Naziruddin Ahmed thinks he is a man of greater talents than any member of the Drafting Committee. The Drafting Committee does not wish to challenge his claim. On the other hand, the Drafting Committee would have welcomed him in their midst if the Assembly had thought him worthy of being appointed to it. If he had no place in the making of the constitution it is certainly not the fault of the Drafting Committee.

Mr. Naziruddin Ahmed has coined a new name for the Drafting Committee evidently to show his contempt for it. He calls it a Drifting Committee. Mr. Naziruddin must no doubt be pleased with his hit. But he evidently does not know that there is a difference between drift without mastery and drift with mastery. If the Drafting Committee was drifting, it was never without mastery over the situation. It was not merely angling with the off chance of catching a fish. It was searching in known waters to find the fish it was after.

To be in search of something better is not the same as drifting. Although Mr. Naziruddin Ahmed did not mean it as a compliment to the Drafting Committee, I take it as a compliment. The Drafting Committee would have been guilty of gross dereliction of duty and of a false sense of dignity if it had not shown the honesty and the courage to withdraw the amendments which it thought faulty and substitute what it thought was better. If it is a mistake, I am glad the drafting committee did not fight shy of admitting such mistakes and coming forward to correct them.

I am glad to find that with the exception of a solitary member, there is a general consensus of appreciation from the members of the Constituent Assembly of the work done by the Drafting Committee. I am sure the Drafting Committee feels happy to find this spontaneous recognition of its labours expressed in such generous terms. As to the compliments that have been showered upon me both by the members of the Assembly as well as by my colleagues of the Drafting Committee I feel so overwhelmed that I cannot find adequate words to express fully my gratitude to them. I came into the Constituent Assembly with no greater aspiration than to safeguard the interests of the scheduled castes. I had not the remotest idea that I would be called upon to undertake more responsible functions. I was, therefore, greatly surprised when the Assembly elected me to the Drafting Committee. I was more than surprised when the Drafting Committee elected me to be its chairman. There were in the Drafting Committee men bigger, better and more competent than myself such as my friend Sir Alladi Krishnaswami Ayyar. I am grateful to the Constituent Assembly and the Drafting Committee for reposing in me so much trust and confidence and to have chosen me as their instrument and given me this opportunity of serving the country.

The credit that is given to me does not really belong to me. It belongs partly to Sir B.N. Rau, the constitutional adviser to the Constituent Assembly who prepared a rough draft of the constitution for the consideration of the Drafting Committee. A part of the credit must go to the members of the Drafting Committee who, as I have said, have sat for 141 days and without whose ingenuity

to devise new formulae and capacity to tolerate and to accommodate different points of view, the task of framing the constitution could not have come to so successful a conclusion. Much greater share of the credit must go to Mr. S.N. Mukherjee, the chief draftsman of the constitution. His ability to put the most intricate proposals in the simplest and clearest legal form can rarely be equalled, nor his capacity for hard work. He has been an acquisition to the Assembly. Without his help, this Assembly would have taken many more years to finalize the constitution. I must not omit to mention the members of the staff working under Mr. Mukherjee. For, I know how hard they have worked and how long they have toiled sometimes even beyond midnight. I want to thank them all for their effort and their cooperation.

The task of the Drafting Committee would have been a very difficult one if this Constituent Assembly had been merely a motley crowd, a tassel-pavement without cement, a black stone here and a white stone there in which each member or each group was a law unto itself. There would have been nothing but chaos. This possibility of chaos was reduced to nil by the existence of the Congress inside the Assembly which brought into its proceedings a sense of order and discipline. It is because of the discipline of the Congress that the Drafting Committee was able to pilot the constitution in the Assembly with the sure knowledge as to the fate of each article and each amendment. The Congress party is, therefore, entitled to all the credit for the smooth sailing of the draft constitution in the Assembly.

The proceedings of this Constituent Assembly would have been very dull if all members had yielded to the rule of party discipline. Party discipline in all its rigidity, would have converted this Assembly into a gathering of yes-men. Fortunately, there were rebels. They were Mr. Kamath, Dr. P.S. Deshmukh, Mr. Sidhva, Prof. Saxena and Pandit Thakur Das Bhargava. Along with them I must mention Prof. K.T. Shah and Pandit Hriday Nath Kunzru. The points they raised were mostly ideological. That I was not prepared to accept their suggestions, does not diminish the value of their suggestions nor lessen the service they have rendered to the Assembly in enlivening its proceedings. I am grateful to them. But for them, I

would not have had the opportunity which I got for expounding the principles underlying the constitution which was more important than the mere mechanical work of passing the constitution.

Finally, I must thank you Mr. President for the way in which you have conducted the proceedings of this Assembly. The courtesy and the consideration which you have shown to the members of the Assembly can never be forgotten by those who have taken part in the proceedings of this Assembly. There were occasions when the amendments of the Drafting Committee were sought to be barred on grounds purely technical in their nature. Those were very anxious moments for me. I am, therefore, specially grateful to you for not permitting legalism to defeat the work of constitution-making.

As much defence as could be offered to the constitution has been offered by my friends Sir Alladi Krishnaswami Ayyar and Mr. T.T. Krishnamachari. I shall not, therefore, enter into the merits of the constitution. Because I feel, however good a constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. The working of a constitution does not depend wholly upon the nature of the constitution. The constitution can provide only the organs of state such as the legislature, the executive and the judiciary. The factors on which the working of those organs of the state depends are the people and the political parties they will set up as their instruments to carry out their wishes and their politics. Who can say how the people of India and their parties will behave? Will they uphold constitutional methods of achieving their purposes or will they prefer revolutionary methods of achieving them? If they adopt the revolutionary methods, however good the constitution may be, it requires no prophet to say that it will fail. It is, therefore, futile to pass any judgement upon the constitution without reference to the part which the people and their parties are likely to play.

The condemnation of the constitution largely comes from two quarters, the Communist party and the Socialist party. Why do they condemn the constitution? Is it because it is really a bad constitution? I venture to say 'no'. The Communist party wants a constitution

based upon the principle of the dictatorship of the proletariat. They condemn the constitution because it is based upon parliamentary democracy. The socialists want two things. The first thing they want is that if they come to power, the constitution must give them the freedom to nationalize or socialise all private property without payment of compensation. The second thing that the socialists want is that the fundamental rights mentioned in the constitution must be absolute and without any limitations so that if their party fails to come into power, they would have the unfettered freedom not merely to criticize, but also to overthrow the state.

These are the main grounds on which the constitution is being condemned. I do not say that the principle of parliamentary democracy is the only ideal form of political democracy. I do not say that the principle of no acquisition of private property without compensation is so sacrosanct that there can be no departure from it. I do not say that fundamental rights can never be absolute and the limitations set upon them can never be lifted. What I do say is that the principles embodied in the constitution are the views of the present generation or if you think this to be an over-statement, I say they are the views of the members of the Constituent Assembly. Why blame the Drafting Committee for embodying them in the Constitution? I say why blame even the members of the Constituent Assembly? Jefferson, the great American statesman who played so great a part in the making of the American constitution, has expressed some very weighty views which makers of a constitution, can never afford to ignore. In one place, he has said:

We may consider each generation as a distinct nation, with a right, by the will of the majority, to bind themselves, but none to bind the succeeding generation, more than the inhabitants of another country.

In another place, he has said:

The idea that institutions established for the use of the nation cannot be touched or modified, even to make them answer their end, because of rights gratuitously supposed in those employed to manage them in the trust for the public, may perhaps be a salutary provision against the abuses of a monarch, but is most absurd against the nation itself. Yet our lawyers and priests generally inculcate this doctrine, and suppose

that preceding generations held the earth more unalterable by ourselves, and that we, in the like manner, can make laws and impose burdens on future generations, which they will have no right to alter; in fine, that the earth belongs to the dead and not the living.

I admit that what Jefferson has said is not merely true, but is absolutely true. There can be no question about it. Had the Constituent Assembly departed from this principle laid down by Jefferson it would certainly be liable to blame, even to condemnation. But I ask, has it? Quite the contrary. One has only to examine the provision relating to the amendment of the constitution. The Assembly has not only refrained from putting a seal of finality and infallibility upon this constitution by denying to the people the right to amend the constitution as in Canada or by making the amendment of the constitution subject to the fulfillment of extraordinary terms and conditions as in America or Australia, but has provided a most facile procedure for amending the constitution. I challenge any of the critics of the constitution to prove that any Constituent Assembly anywhere in the world has, in the circumstances in which this country finds itself, provided such a facile procedure for the amendment of the constitution. If those who are dissatisfied with the constitution have only to obtain a two-thirds majority and if they cannot obtain even that in the parliament elected on adult franchise in their favour, their dissatisfaction with the constitution cannot be deemed to be shared by the general public.

There is only one point of constitutional import to which I propose to make a reference. A serious complaint is made on the ground that there is too much of centralization and the states have been reduced to municipalities. It is clear that this view is not only an exaggeration, but is also founded on a misunderstanding of what exactly the constitution contrives to do. As to the relation between the centre and the states, it is necessary to bear in mind the fundamental principle on which it rests. The basic principle of federalism is that the legislative and executive authority is partitioned between the centre and the states not by any law to be made by the centre but by the constitution itself. This is what the constitution does. The states under our constitution are in no way dependent upon the

centre for their legislative or executive authority. The centre and the states are coequal in this matter. It is difficult to see how such a constitution can be called centralism. It may be that the constitution assigns to the centre too large a field for the operation of its legislative and executive authority than is to be found in any other federal constitution. It may be that the residuary powers are given to the centre and not to the states. But these features do not form the essence of federalism. The chief mark of federalism, as I said, lies in the partition of the legislative and executive authority between the centre and the units by the constitution. This is the principle embodied in our constitution. There can be no mistake about it. It is, therefore, wrong to say that the states have been placed under the centre. The centre cannot, by its own will alter the boundary of that partition. Nor can the judiciary. For, as has been well said:

Courts may modify, they cannot replace. They can revise earlier interpretations as new arguments, new points of view are presented, they can shift the dividing line in marginal cases, but there are barriers they cannot pass, definite assignments of power they cannot reallocate. They can give a broadening construction of existing powers, but they cannot assign to one authority powers explicitly granted to another.

The first charge of centralization defeating federalism must therefore fall.

The second charge is that the centre has been given the power to override the states. This charge must be admitted. But before condemning the constitution for containing such overriding powers, certain considerations must be borne in mind. The first is that these overriding powers do not form the normal feature of the constitution. Their use and operation are expressly confined to emergencies only. The second consideration is: Could we avoid giving overriding powers to the centre when an emergency has arisen? Those who do not admit the justification for such overriding powers to the centre even in an emergency, do not seem to have a clear idea of the problem which lies at the root of the matter. The problem is so clearly set out by a writer in that well-known magazine *The Round Table* in its issue of December 1935 that I offer no apology for quoting the following extract from it. Says the writer:

Political systems are a complex of rights and duties resting ultimately on the question, to whom, or to what authority, does the citizen owe allegiance? In normal affairs the question is not present, for the law works smoothly, and a man goes about his business obeying one authority in this set of matters and another authority in that. But in a moment of crisis, a conflict of claims may arise, and it is then apparent that ultimate allegiance cannot be divided. The issue of allegiance cannot be determined in the last resort by a juristic interpretation of statutes. The law must conform to the facts or so much the worse for the law. When all formalism is stripped away, the bare question is, what authority commands the residual loyalty of the citizen. Is it the centre or the constituent state?

The solution of this problem depends upon one's answer to this question which is the crux of the problem. There can be no doubt that in the opinion of the vast majority of the people, the residual loyalty of the citizen in an emergency must be to the centre and not to the constituent states. For it is only the centre which can work for a common end and for the general interests of the country as a whole. Herein lies the justification for giving to the centre certain overriding powers to be used in an emergency. And after all what is the obligation imposed upon the constituent states by these emergency powers? No more than this – that in an emergency, they should take into consideration alongside their own local interests, the opinions and interests of the nation as a whole. Only those who have not understood the problem, can complain against it.

Here I could have ended. But my mind is so full of the future of our country that I feel I ought to take this occasion to give expression to some of my reflections thereon. On 26 January 1950 India will become a democratic republic. What would happen to her independence? Will she maintain her independence or will she lose it again? This is the first thought that comes to my mind. It is not that India was never an independent country. The point is that she once lost the independence she had. Will she lose it a second time? It is this thought which makes me most anxious for the future. What perturbs me greatly is the fact that not only has India once before lost her independence, but she lost it by the infidelity and treachery of some of her own people. In the invasion of Sind by

Mohammed-bin-Kasim, the military commander of King Dahar accepted bribes from the agents of Mohammed-bin-Kasim and refused to fight on the side of their king. It was Jai Chand who invited Mohammed Ghauri to invade India and fight against Prithviraj and promised him the help of himself and the Solanki kings. When Shivaji was fighting for the liberation of Hindus, the other Maratha noblemen and the Rajput kings were fighting the battle on the side of Moghul emperors. When the British were trying to destroy the Sikh Rulers, Gulab Singh, their principal commander sat silent and did not help to save the Sikh kingdom. In 1857 when a large part of India had declared a war of independence against the British, the Sikhs stood and watched the event as silent spectators.

Will history repeat itself? It is this thought which fills me with anxiety. This anxiety is deepened by the realization of the fact that in addition to our old enemies in the form of castes and creeds we are going to have many political creeds. Will Indians place the country above their creed or will they place creed above country? I do not know. But this much is certain that if the parties place creed above country, our independence will be put in jeopardy a second time and probably be lost for ever. This eventuality we must all resolutely guard against. We must be determined to defend our independence with the last drop of our blood.

On 26 January 1950 India would be a democratic country in the sense that India from that day would have a government of the people, by the people and for the people. The same thought comes to my mind. What would happen to her democratic constitution? Will she be able to maintain it or will she lose it again? This is the second thought that comes to my mind and makes me as anxious as the first.

It is not that India did not know what democracy is. There was a time when India was studded with republics, and even where there were monarchies, they were either elected or limited. They were never absolute. It is not that India did not know parliaments or parliamentary procedure. A study of the *Buddhist bhikshu sanghas* discloses that not only were there parliaments – for the *sanghas* were nothing but parliaments – but the *sanghas* knew and observed all the rules of parliamentary procedure known to modern times. They had

rules regarding seating arrangements, rules regarding motions, resolutions, quorum, whip, counting of votes, voting by ballot, censure motion, regularization, *res judicata*, etc. Although these rules of parliamentary procedure were applied by the Buddha to the meetings of the *sanghas*, he must have borrowed them from the rules of the political assemblies functioning in the country in his time.

This democratic system India lost. Will she lose it a second time? I do not know. But it is quite possible in a country like India – where democracy from its long disuse must be regarded as something quite new – there is danger of democracy giving place to dictatorship. It is quite possible for this newborn democracy to retain its form but give place to dictatorship in fact. If there is a landslide, the danger of the second possibility becoming actuality is much greater.

If we wish to maintain democracy not merely in form, but also in fact, what must we do? The first thing, in my judgement, we must do is to hold fast to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, noncooperation and satyagraha. When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the ‘grammar of anarchy’ and the sooner they are abandoned, the better for us.

The second thing we must do is to observe the caution which John Stuart Mill has given to all who are interested in the maintenance of democracy, namely, not ‘to lay their liberties at the feet of even a great man, or to trust him with powers which enable him to subvert their institutions’. There is nothing wrong in being grateful to great men who have rendered lifelong services to the country. But there are limits to gratefulness. As has been well said by the Irish patriot Daniel O’Connell, no man can be grateful at the cost of his honour, no woman can be grateful at the cost of her chastity and no nation can be grateful at the cost of its liberty. This caution is far more necessary in the case of India than in the case of any other country.

For in India, *bhakti* or what may be called the path of devotion or hero-worship, plays a part in its politics unequalled in magnitude by the part it plays in the politics of any other country in the world. *Bhakti* in religion may be a road to the salvation of the soul. But in politics, *bhakti* or hero-worship is a sure road to degradation and to eventual dictatorship.

The third thing we must do is not to be content with mere political democracy. We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies its base, social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life. These principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them. We must begin by acknowledging the fact that there is complete absence of two things in Indian society. One of these is equality. On the social plane we have in India a society based on the principle of graded inequality which means elevation for some and degradation for others. On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On 26 January 1950 we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our

political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.

The second thing we are wanting is recognition of the principle of fraternity. What does fraternity mean? Fraternity means a sense of common brotherhood of all Indians – of Indians being one people. It is this principle which gives unity and solidarity to social life. It is a difficult thing to achieve. How difficult it is, can be realized from the story related by James Bryce in his volume on American Commonwealth about the United States of America. The story is – I propose to recount it in the words of Bryce himself:

Some years ago the American Protestant Episcopal Church was occupied at its triennial convention in revising its liturgy. It was thought desirable to introduce among the short sentence prayers a prayer for the whole people, and an eminent New England divine proposed the words 'O Lord, bless our nation'. Accepted one afternoon on the spur of the moment, the sentence was brought up next day for reconsideration, when so many objections were raised by the laity to the word 'nation', as importing too definite a recognition of national unity, that it was dropped, and instead there were adopted the words 'O Lord, bless these United States'.

There was so little solidarity in the USA at the time when this incident occurred that the people of America did not think that they were a nation. If the people of the United States could not feel that they were a nation, how difficult it is for Indians to think that they are a nation. I remember the days when politically-minded Indians resented the expression 'the people of India'. They preferred the expression 'the Indian nation'. I am of the opinion that in believing that we are a nation, we are cherishing a great delusion. How can people divided into several thousands of castes be a nation? The sooner we realize that we are not as yet a nation in the social and psychological sense of the word, the better for us. For then only shall we realize the necessity of becoming a nation and seriously think of ways and means of realizing the goal. The realization of this goal is going to be very difficult, far more difficult than it has been in the

United States. The United States has no caste problem. In India there are castes. These castes are antinational. In the first place because they bring about separation in social life. They are antinational also because they generate jealousy and antipathy between caste and caste. But we must overcome all these difficulties if we wish to become a nation in reality. For fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint.

These are my reflections about the tasks that lie ahead of us. They may not be very pleasant to some. But there can be no gainsaying that political power in this country has too long been the monopoly of a few and the many are not only beasts of burden, but also beasts of prey. This monopoly has not merely deprived them of their chance of betterment, it has sapped them of what may be called the significance of life. These downtrodden classes are tired of being governed. They are impatient to govern themselves. This urge for self-realisation in the downtrodden classes must not be allowed to devolve into a class struggle or class war. It would lead to a division of the House. That would indeed be a day of disaster. For, as has been well said by Abraham Lincoln, a House divided against itself cannot stand very long. Therefore, the sooner room is made for the realization of their aspiration, the better for the few, the better for the country, the better for the maintenance of its independence and the better for the continuance of its democratic structure. This can only be done by the establishment of equality and fraternity in all spheres of life. That is why I have laid so much stress on them.

I do not wish to weary the House any further. Independence is no doubt a matter of joy. But let us not forget that this independence has thrown on us great responsibilities. By independence, we have lost the excuse of blaming the British for anything going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves. There is great danger of things going wrong. Times are fast changing. People including our own are being moved by new ideologies. They are getting tired of government by the people. They are prepared to have government for the people and are indifferent whether it is government of the people and by the people. If we wish

to preserve the constitution in which we have sought to enshrine the principle of government of the people, for the people and by the people, let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer government for the people to government by the people, nor to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better.

Reference

Constituent Assembly Debates, Vol. XI, pp. 972-81.

DR. RAJENDRA PRASAD

Adoption of the Constitution

26 November 1949



Before putting the motion for the adoption of the Constitution to the vote of the House, the president of the Assembly, Dr. Rajendra Prasad made a brilliant speech on 26 November 1949 about the remarkable work done by the Constituent Assembly and the main provisions of the Constitution. After his speech, the motion was adopted amidst loud cheers.

Before I formally put to vote the motion which was moved by Dr. Ambedkar, I desire to say a few words.

I desire to congratulate the Assembly on accomplishing a task of such tremendous magnitude. It is not my purpose to appraise the value of the work that the Assembly has done or the merits or demerits of the constitution which it has framed. I am content to leave that to others and to posterity. I shall attempt only to point out some of its salient features and the method which we have pursued in framing the constitution.

Before I do that, I would like to mention some facts which will show the tremendousness of the task which we undertook some three years ago. If you consider the population with which the Assembly has had to deal, you will find that it is more than the population of the whole of Europe minus Russia, being 319 millions as against 317 million. The countries of Europe have never been able to join together or coalesce even in a confederacy, much less under one unitary government. Here, in spite of the size of the population and the country, we have succeeded in framing a constitution which covers the whole of it. Apart from the size, there were other difficulties which were inherent in the problem itself. We have got many communities living in this country. We have got many languages prevalent in different parts of it. We have got other kinds of differences dividing the people in the different parts from one another. We had to make provision not only for areas which are advanced educationally and economically, but had also to make provision for backward people like the tribes and for backward areas like the tribal areas. The communal problem had been one of the knottiest problems which the country has had before it for a pretty long time. The second Round Table Conference which was attended by Mahatma Gandhi failed because the communal problem could not be solved. The subsequent history of the country is too recent to require narration here; but we know this that as a result, the country has had to be divided and we have lost two big portions in the northeast and northwest.

Another problem of great magnitude was the problem of the Indian states. When the British came to India, they did not conquer the country as a whole or at one stroke. They got bits of it from time to time. The bits which came into their direct possession and control came to be known as British India; but a considerable portion remained under the rule and control of the Indian princes. The British thought at the time that it was not necessary or profitable for them to take direct control of those territories, and they allowed the old rulers to continue subject to their suzerainty. But they entered into various kinds of treaties and engagements with them. We had

something near six hundred states covering more than one-third of the territory of India and one-fourth of the population of the country. They varied in size from small tiny principalities to big states like Mysore, Hyderabad, Kashmir, etc. When the British decided to leave this country, they transferred power to us; but at the same time, they also declared that all the treaties and engagements they had with the princes had lapsed. The paramountcy which they had so long exercised and by which they could keep the princess in order also lapsed. The Indian government was then faced with the problem of tackling these states which had different traditions of rule, some of them having some form of popular representation in assemblies and some having no semblance of anything like that, and governing completely autocratically.

As a result of the declaration that the treaties with the princes and paramountcy had lapsed, it became open to any prince or any combination of princes to assume independence and even to enter into negotiations with any foreign power and thus become islands of independent territory within the country. There were undoubtedly geographical and other compulsions which made it physically impossible for most of them to go against the Government of India but constitutionally it had become possible. The Constituent Assembly, therefore, had at the very beginning of its labours, to enter into negotiations with them to bring their representatives into the Assembly so that a constitution might be framed in consultation with them. The first efforts were successful and some of them did join this Assembly at an early stage but others hesitated. It is not necessary to pry into the secrets of what was happening behind the scenes in those days. It will be sufficient to state that by August 1947 when the Indian Independence Act came into force, almost all of them with two notable exceptions, Kashmir in the north and Hyderabad in the south, had acceded to India. Kashmir soon after followed the example of others and acceded. There were standstill agreements with all of them including Hyderabad which continued the status quo. As time passed, it became apparent that it was not possible at any rate for the smaller states to maintain their separate independent existence and then a process of integration with India started. In

course of time not only have all the smaller states coalesced and become integrated with some province or other of India but some of the larger ones have also joined. Many of the states have formed unions of their own and such unions have become part of the Indian Union. It must be said to the credit of the princes and the people of the states no less than to the credit of the states ministry under the wise and farsighted guidance of Sardar Vallabhbhai Patel that by the time we have been able to pass this constitution, the states are now more or less in the same position as the provinces and it has become possible to describe all of them including the Indian states and the provinces as states in the constitution. The announcement which has been made just now by Sardar Vallabhbhai Patel makes the position very clear, and now there is no difference between the states, as understood before, and the provinces in the new constitution.

It has undoubtedly taken us three years to complete this work, but when we consider the work that has been accomplished and the number of days that we have spent in framing this constitution, the details of which were given by the hon'ble Dr. B.R. Ambedkar, yesterday, we have no reason to be sorry for the time spent.

It has enabled the apparently intractable problem of the states and the communal problem to be solved. What had proved insoluble at the Round Table Conference and had resulted in the division of the country has been solved with the consent of all parties concerned, and again under the wise guidance of the hon'ble Sardar Vallabhbhai Patel.

At first we were able to get rid of separate electorates which had poisoned our political life for so many years, but reservation of seats for the communities which enjoyed separate electorates before had to be conceded, although on the basis of their population and as had been done in the Act of 1919 and the Act of 1935 of giving additional representation on account of the so-called historical and other superiority claimed by some of the communities. It has become possible only because the constitution was not passed earlier that even reservation of seats has been given up by the communities concerned and so our constitution does not provide for reservation of seats on

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communal basis, but for reservation only in favour of two classes of people in our population, namely, the depressed classes who are Hindus and the tribal people, on account of their backwardness in education and in other respects. I, therefore, see no reason to be apologetic about the delay.

The cost too which the Assembly has had to incur during its three years' existence is not too high when you take into consideration the factors going to constitute it. I understand that the expenses up to 22 November come to Rs. 63,96,729.

The method which the Constituent Assembly adopted in connection with the constitution was first to lay down its 'terms of reference' as it were in the form of an objectives resolution which was moved by Pandit Jawaharlal Nehru in an inspiring speech and which constitutes now the preamble to our constitution. It then proceeded to appoint a number of committees to deal with different aspects of the constitutional problem. Dr. Ambedkar mentioned the names of these committees. Several of these had as their chairman either Pandit Jawaharlal Nehru or Sardar Patel to whom thus goes the credit for the fundamentals of our constitution. I have only to add that they all worked in a businesslike manner and produced reports which were considered by the Assembly and their recommendations were adopted as the basis on which the draft of the constitution had to be prepared. This was done by Mr. B.N. Rau, who brought to bear on his task a detailed knowledge of the constitutions of other countries and an extensive knowledge of the conditions of this country as well as his own administrative experience. The Assembly then appointed the Drafting Committee which worked on the original draft prepared by Mr. B.N. Rau and produced the draft constitution which was considered by the Assembly at great length at the second reading stage. As Dr. Ambedkar pointed out, there were not less than 7,635 amendments of which 2,473 amendments were moved. I am mentioning this only to show that it was not only the members of the Drafting Committee who were giving their close attention to the constitution, but other members were vigilant and scrutinizing the draft in all its details. No wonder, that we had to consider not only

each article in the draft, but practically every sentence and sometimes, every word in every article. It may interest the hon'ble members to know that the public were taking great interest in its proceedings and I have discovered that no less than 53,000 visitors were admitted to the visitors' gallery during the period when the constitution has been under consideration. In the result, the draft constitution has increased in size, and by the time it has been passed, it has come to have 395 articles and 8 schedules, instead of the 243 articles and 13 schedules of the original draft of Mr. B.N. Rau. I do not attach much importance to the complaint which is sometimes made that it has become too bulky. If the provisions have been well thought out, the bulk need not disturb the equanimity of our mind.

We have now to consider the salient features of the constitution. The first question which arises and which has been mooted is as to the category to which this constitution belongs. Personally, I do not attach any importance to the label which may be attached to it – whether you call it a federal constitution or unitary constitution or by any other name. It makes no difference so long as the constitution completely and fully falls in line with known categories of constitutions in the world. We have to take certain facts of history in our own country and the constitution has, not to an inconsiderable extent, been influenced by such realities as facts of history.

You are all aware that until the Round Table Conference of 1930, India was completely a unitary government, and the provinces derived whatever power they possessed from the Government of India. It was there for the first time that the question of federation in a practical form arose which would include not only the provinces but also the many states that were in existence. The constitution of 1935 provided for a federation in which both the provinces of India and the states were asked to join. But the federal part of it could not be brought into operation, because terms on which the princes could agree to join it could not be settled in spite of prolonged negotiation, and when the war broke out, that part of the constitution had practically to be abrogated.

In the present constitution it has been possible not only to bring in practically all the states which fell within our geographical limits,

but to integrate the largest majority of them in India, and the constitution as it stands practically makes no difference so far as the administration and the distribution of powers among the various organs of the state are concerned between what were the provinces and what were the Indian states before. They are all now more or less on the same footing and, as time passes, whatever little distinction still exists is bound to disappear. Therefore, so far as labelling is concerned, we need not be troubled by it.

Well, the first and the most obvious fact which will attract any observer is the fact that we are going to have a republic. India knew republics in the past olden days, but that was two thousand years ago or more and those republics were small republics. We never had anything like the republic which we are going to have now, although there were empires in those days as well as during the Moghul period which covered very large parts of the country. The president of the republic will be an elected president. We never have had an elected head of the state which covered such a large area of India. And it is for the first time that it becomes open to the humblest and the lowliest citizens of the country to deserve and become the president or the head of this big state which counts among the biggest states of the world today. This is not a small matter. But because we have an elected president, some of the problems which are of a very difficult nature, have arisen. We have provided for the election of the president. We have provided for an elected legislature which is going to have supreme authority. In America, the legislature and the president are both elected and there, both have more or less equal powers – each in its or his own sphere, the president in the executive sphere and the legislature in the legislative sphere.

We considered whether we should adopt the American model or the British model where we have a hereditary king who is the fountain of all honour and power, but who does not actually enjoy any power. All the power rests in the legislature to which the ministers are responsible. We have had to reconcile the position of an elected president with an elected legislature and, in doing so, we have adopted more or less the position of the British monarch for the president. This may or may not be satisfactory. Some people think

too much power has been given to the president; others think that the president, being an elected president, should have even more powers than are given to him.

If you look at it from the point of view of the electorate which elects the Parliament and which elects the president, you will find that practically the entire adult population of the country joins in electing this Parliament and it is not only the members of the Parliament of India but also the members of the legislative assemblies of the states who join in electing the president. It thus comes about that, while the Parliament and legislative assemblies are elected by the adult population of the country as a whole, the president is elected by representatives who represent the entire population twice over, once as representatives of the states and again as their representatives in the central Parliament of the country. But although the president is elected by the same electorate as the central and state legislatures, it is as well that his position is that of a constitutional president.

Then we come to the ministers. They are of course responsible to the legislature and tender advice to the president who is bound to act according to that advice. Although there are no specific provisions, so far as I know, in the constitution itself making it binding on the president to accept the advice of his ministers, it is hoped that the convention under which in England the king acts always on the advice of his ministers will be established in this country also and, the president, not so much on account of the written word in the constitution, but as the result of this very healthy convention, will become a constitutional president in all matters.

The central legislature consists of two houses known as the House of the People and the Council of States which both together constitute the Parliament of India. In the provinces, or states as they are now called, we shall have a legislative assembly in all of them except those which are mentioned in Parts C and D of Schedule I, but every one of them will not have a second chamber. Some of the provinces, whose representatives felt that a second chamber is required for them, have been provided with a second chamber. But there is a provision in the constitution that if a province does not

want such a second chamber to continue or if a province which has not got one and wants to establish one, the wish has to be expressed through the legislature by a majority of two-thirds of the members voting and by a majority of the total number of members in the legislative assembly. So, even while providing some of the states with second chambers, we have provided also for their easy removal or for their easy establishment by making this kind of amendment of the constitution not a constitutional amendment, but a matter of ordinary parliamentary legislation.

We have provided for adult suffrage by which the legislative assemblies in the provinces and the House of the People in the Centre will be elected. It is a very big step that we have taken. It is big not only because our present electorate is a very much smaller electorate and based very largely on property qualification, but it is also big because it involves tremendous numbers. Our population now is something like 320 millions if not more and we have found from experience gained during the enrollment of voters that has been going on in the provinces that fifty per cent roughly represent the adult population. And on that basis we shall have not less than 160 million voters on our rolls. The work of organizing election by such vast numbers is of tremendous magnitude and there is no other country where election on such a large scale has ever yet been held.

I will just mention to you some facts in this connection. The legislative assemblies in the provinces, it is roughly calculated, will have more than 3,800 members who will have to be elected in as many constituencies or perhaps a few less. There will then be something like 500 members for the House of the People and about 220 members for the Council of States. We shall thus have to provide for the election of more than 4,500 members and the country will have to be divided into something like 4,000 constituencies or so. I was the other day, as a matter of amusement, calculating what our electoral roll will look like. If you print 40 names on a page of foolscap size, we shall require something like 20 lakh sheets of foolscap size to print all the names of the voters, and if you combine the whole thing in one volume, the thickness of the volume will be something like 200 yards. That alone gives us some idea of the

vastness of the task and the work involved in finalizing the rolls, delimiting constituencies, which will have to be done between now and the winter of 1950-51 when it is hoped the elections may be held.

Some people have doubted the wisdom of adult franchise. Personally, although I look upon it as an experiment the result of which no one will be able to forecast today, I am not dismayed by it. I am a man of the village and although I have had to live in cities for a pretty long time, on account of my work, my roots are still there. I, therefore, know the village people who will constitute the bulk of this vast electorate. In my opinion, our people possess intelligence and commonsense. They also have a culture which the sophisticated people of today may not appreciate, but which is solid. They are not literate and do not possess the mechanical skill of reading and writing. But, I have no doubt in my mind that they are able to take measure of their own interest and also of the interests of the country at large if things are explained to them. In fact, in some respects, I consider them to be even more intelligent than many a worker in a factory, who loses his individuality and becomes more or less a part of the machine which he has to work. I have, therefore no doubt in my mind that if things are explained to them, they will not only be able to pick up the technique of election, but will be able to cast their votes in an intelligent manner and I have, therefore, no misgivings about the future, on their account. I cannot say the same thing about the other people who may try to influence them by slogans and by placing before them beautiful pictures of impracticable programmes. Nevertheless, I think their sturdy commonsense will enable them to see things in the right perspective. We can, therefore, reasonably hope that we shall have legislatures composed of members who shall have their feet on the ground and who will take a realistic view of things.

Although provision has been made for a second chamber in the Parliament and for second chambers in some of the states, it is the popular House which is supreme. In all financial and money matters, the supremacy of the popular House is laid down in so many words. But even in regard to other matters where the upper chamber may be said to have equal powers for initiating and passing laws, the

supremacy of the popular House is assured. So far as Parliament is concerned, if a difference arises between the two chambers, a joint session may be held; but the constitution provides that the number of members of the Council of States shall not be more than fifty per cent of the members of the House of the People. Therefore, even in the case of a joint session, the supremacy of the House of the People is maintained unless the majority in that very House is a small one which will be just a case in which its supremacy should not prevail. In the case of provincial legislatures, the decision of the lower house prevails if it is taken a second time. The upper chamber, therefore, can only delay the passage of bills for a time, but cannot prevent it. The president or the governor, as the case may be, will have to give his assent to any legislation, but that will be only on the advice of his ministry which is responsible ultimately to the popular House. Thus, it is the will of the people as expressed by their representatives in the popular chamber that will finally determine all matters. The second chamber and the president or the governor can only direct reconsideration and can only cause some delay; but if the popular chamber is determined, it will have its way under the constitution. The government, therefore, of the country as a whole, both in the centre and in the provinces, will rest on the will of the people which will be expressed from day to day through their representatives in the legislatures and, occasionally, directly by them at the time of the general elections.

We have provided in the constitution for a judiciary which will be independent. It is difficult to suggest anything more to make the Supreme Court and the high courts independent of the influence of the executive. There is an attempt made in the constitution to make even the lower judiciary independent of any outside or extraneous influence. One of our articles makes it easy for the state governments to introduce separation of executive from judicial functions and placing the magistracy which deals with criminal cases on similar footing as civil courts. I can only express the hope that this long overdue reform will soon be introduced in the states.

Our constitution has devised certain independent agencies to deal with particular matters. Thus, it has provided for Public Service

Commissions both for the Union and for the states and placed such commissions on an independent footing so that they may discharge their duties without being influenced by the executive. One of the things against which we have to guard is that there should be no room as far as it is humanly possible for jobbery, nepotism and favouritism. I think the provisions which we have introduced into our constitution will be very helpful in this direction.

Another independent authority is the comptroller and auditor-general who will watch our finances and see to it that no part of the revenue of India or of any of the states is used for purposes and on items without due authority and whose duty it will be otherwise to keep our accounts in order. When we consider that our governments will have to deal with hundreds of crores, it becomes clear how important and vital this department will be. We have provided another important authority, *i.e.* the election commissioner whose function it will be to conduct and supervise the elections to the legislatures and to take all other necessary action in connection with them. One of the dangers which we have to face arises out of any corruption which parties, candidates or the government in power may practise. We have had no experience of democratic elections for a long time except during the last few years and now that we have got real power, the danger of corruption is not only imaginary. It is, therefore, as well that our constitution guards against this danger and makes provision for an honest and straightforward election by the voters. In the case of the legislature, the high courts, the Public Services Commission, the comptroller and auditor-general and the election commissioner, the staff which will assist them in their work has also been placed under their control and in most of these cases their appointment, promotion and discipline vest in the particular institution to which they belong thus giving additional safeguards about their independence.

The constitution has given in two schedules, namely Schedules V and VI, special provisions for the administration and control of scheduled areas and scheduled tribes. In the case of the tribes and tribal areas in states other than Assam, the tribes will be able to influence the administration through the Tribes Advisory Council. In the case of the tribes and tribal areas in Assam, they are given

larger powers through their district councils and autonomous regional councils. There is further provision for a minister in the state ministry to be in charge of the welfare of the tribes and the scheduled castes and a commission will also report about the way in which the areas are administered. It was necessary to make this provision on account of the backwardness of the tribes which require protection and also because their own way of solving their own problems and carrying on their tribal life. These provisions have given them considerable satisfaction as the provision for the welfare and protection of the scheduled castes has given satisfaction to them.

The constitution has gone into great details regarding the distribution of powers and functions between the union and the states in all aspects of their administrative and other activities. It has been said by some that the powers given to the centre are too many and too extensive and the states have been deprived of power which should really belong to them in their own fields. I do not wish to pass any judgement on this criticism and can only say that we cannot be too cautious about our future, particularly when we remember the history of this country extending over many centuries. But such powers as have been given to the centre to act within the sphere of the states relate only to emergencies, whether political or financial and economic, and I do not anticipate that there will be any tendency on the part of the centre to grab more power than is necessary for good administration of the country as a whole. In any case the central legislature consists of representatives from the states and unless they are convinced of their overriding necessity, they are not likely to consent to the use of any such powers by the central executive as against the states whose people they represent. I do not attach much importance to the complaint that residuary powers have been vested in the Union. Powers have been very meticulously and elaborately defined and demarcated in the three lists of Schedule VII, and the residue whatever it may be, is not likely to cover any large field, and, therefore, the vesting of such residuary powers does not mean any very serious derogation in fact from the powers which ought to belong to the states.

One of the problems which the Constituent Assembly took considerable time in solving relates to the language for official

purposes of the country. There is a natural desire that we should have our own language, and in spite of the difficulties on account of the multiplicity of languages prevalent in the country, we have been able to adopt Hindi, which is the language that is understood by the largest number of people in the country as our official language. I look upon this as a decision of very great importance when we consider that in a small country like Switzerland they have no less than three official languages and in South Africa, two official languages. It shows a spirit of accommodation and a determination to organize the country as one nation that those whose language is not Hindi have voluntarily accepted it as the official language. There is no question of imposition now. English, during the period of British rule, Persian, during the period of the Muslim empire were the court and official languages. Although people have studied them and have acquired proficiency in them, nobody can claim that they were voluntarily adopted by the people of the country at large. Now for the first time in our history we have accepted one language which will be the language to be used all over the country for all official purposes, and let me hope that it will develop into a national language in which all will feel equal pride while each area will be not only free, but also encouraged to develop its own peculiar language in which its culture and its traditions are enshrined. The use of English during the period of transition was considered inevitable for practical reasons and no one need be despondent over this decision, which has been dictated purely by practical considerations. It is the duty of the country as a whole now and especially of those whose language is Hindi to so shape and develop it as to make it the language in which the composite culture of India can find its expression adequately and nobly.

Another important feature of our constitution is that it enables amendments to be made without much difficulty. Even the constitutional amendments are not as difficult as in the case of some other countries, but many of the provisions in the constitution are capable of being amended by the Parliament by ordinary acts and do not require the procedure laid down for constitutional amendments to be followed. There was a provision at one time which proposed

that amendments should be made easy for the first five years after the constitution comes into force, but such a provision has become unnecessary on account of the numerous exceptions which have been made in the constitution itself for amendments without the procedure laid down for constitutional amendments. On the whole, therefore, we have been able to draft a constitution which I trust will serve the country well.

There is a special provision in our Directive Principles to which I attach great importance. We have not provided for the good of our people only but have laid down in our directive principles that our state shall endeavour to promote material peace and security, maintain just and honourable relations between nations, foster respect for international law and treaty obligations and encourage settlement of international disputes by arbitration. In a world torn with conflicts, in a world which, even after the devastation of two world wars is still depending on armaments to establish peace and goodwill, we are destined to play a great part, if we prove true to the teachings of the Father of the Nation and give effect to this directive principle in our constitution. May God give us the wisdom and the strength to pursue this path in spite of the difficulties which beset us and the atmosphere which may well choke us. Let us have faith in ourselves and in the teachings of the Master whose portrait hangs over my head and we shall fulfill the hopes and prove true to the best interests of not only our country but of the world at large.

I do not propose to deal with the criticism which relates mostly to the articles in the part dealing with fundamental rights by which absolute rights are curtailed and the articles dealing with emergency powers. Other members have dealt with these objections at great length. All that I need state at this stage is that the present conditions of the country and tendencies which are apparent have necessitated these provisions which are also based on the experience of other countries which have had to enforce them through judicial decisions, even when they were not provided for in the constitution.

There are only two regrets which I must share with the hon'ble members. I would have liked to have some qualifications laid down for members of the legislatures. It is anomalous that we should insist

upon high qualifications for those who administer or help in administering the law but none for those who make it except that they are elected. A law-giver requires intellectual equipment but even more than that the capacity to take a balanced view of things, to act independently and above all to be true to those fundamental things of life – in one word – to have character. It is not possible to devise any yardstick for measuring the moral qualities of a man and so long as that is not possible, our constitution will remain defective. The other regret is that we have not been able to draw up our first constitution of a free Bharat in an Indian language. The difficulties in both cases were practical and proved insurmountable. But that does not make the regret any the less poignant.

We have prepared a democratic constitution. But successful working of democratic institutions requires in those who have to work them willingness to respect the viewpoints of others, capacity for compromise and accommodation. Many things which cannot be written in a constitution are done by conventions. Let me hope that we shall show those capacities and develop those conventions. The way in which we have been able to draw this constitution without taking recourse to voting and to divisions in lobbies, strengthens that hope.

Whatever the constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. It is a trite saying that a country can have only the government it deserves. Our constitution has provisions in it which appear to some to be objectionable from one point or another. We must admit that the defects are inherent in the situation in the country and the people at large, if the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective constitution. If they are lacking in these, the constitution cannot help the country. After all, a constitution like a machine, is a lifeless thing. It acquires life because of the men who cast it and operate it and India needs today nothing more than a set of honest men who will have the interest of the country before them. There is a fissiparous tendency arising out of various elements in our life. We have communal differences, caste differences, language differences,

provincial differences and so forth. It requires men of strong character, men of vision, men who will not sacrifice the interests of the country at large for the sake of smaller groups and areas and who will rise over the prejudices which are born of these differences. We can only hope that the country will throw up such men in abundance. I can say that from the experience of the struggle that we have had during the period of the freedom movement that new occasions throw up new men; not once but almost on every occasion when all leading men in the Congress were clapped into prison suddenly without having the time to leave instructions to others and even to make plans for carrying on their campaigns, people arose from amongst the masses who were able to continue and conduct the campaigns with intelligence, with initiative, with capacity for organization which nobody suspected they possessed. I have no doubt that when the country needs men of character, they will be coming up and the masses will throw them up. Let not those who have served in the past, therefore, rest on their oars, saying that they have done their part and now has come the time for them to enjoy the fruits of their labours. No such time comes to anyone who is really earnest about his work. In India today, I feel that the work that confronts us is even more difficult than the work which we had when we were engaged in the struggle. We did not have then any conflicting claims to reconcile, no loaves and fishes to distribute, no powers to share. We have all these now, and the temptations are really great. Would to God that we shall have the wisdom and the strength to rise above them, and to serve the country which we have succeeded in liberating.

Mahatma Gandhi laid stress on the purity of the methods which had to be pursued for attaining our ends. Let us not forget that this teaching has eternal value and was not intended only for the period of stress and struggle but has as much authority today as it ever had before. We have a tendency to blame others for everything that goes wrong and not to introspect and try to see if we have any share in it or not. It is very much easier to scan one's own actions and motives if one is inclined to do so than to appraise correctly the actions and motives of others. I shall only hope that all those whose good fortune it may be to work this constitution in future will remember that it

was a unique method taught to us by the Father of the Nation, and it is up to us to preserve and protect the independence that we have won and to make it really bear fruit for the man in the street. Let us launch on this new enterprise of running our independent republic with confidence, with truth and non-violence and above all with our heart within and God overhead.

Before I close, I must express my thanks to all the members of this august assembly from whom I have received not only courtesy but, if I may say so, also their respect and affection. Sitting in the chair and watching the proceedings from day to day, I have realized as nobody else could have, with what zeal and devotion the members of the Drafting Committee and especially its chairman, Dr. Ambedkar in spite of his indifferent health, have worked. We could never make a decision which was or could be ever so right as when we put him on the Drafting Committee and made him its chairman. He has not only justified his selection but has added lustre to the work which he has done. In this connection, it would be invidious to make any distinction as among the other members of the committee. I know they have all worked with the same zeal and devotion as its chairman, and they deserve the thanks of the country.

I must convey, if you will permit me, my own thanks as well as the thanks of the House to our constitutional adviser, Shri B.N. Rau, who worked honorarily all the time that he was here, assisting the Assembly not only with his thoroughness and intelligence, [but also] by supplying them with the material on which they could work. In this he was assisted by his band of research workers and other members of the staff who worked with zeal and devotion. Tribute has been paid justly to Shri S.N. Mukherjee who has proved of such invaluable help to the Drafting Committee.

Coming to the staff of the secretariat of the Constituent Assembly I must first mention and thank the secretary, Mr. H.V.R. Iyengar, who organized the secretariat as an efficient working body. Although latterly when the work began to proceed with more or less clockwork regularity, it was possible for us to relieve him of part of his duties to take up other work, but he has never lost touch with our Secretariat or with the work of the Constituent Assembly.

The members of the staff have worked with efficiency and with devotion under our deputy secretary Shri Jugal Kishore Khanna. It is not always possible to see their work which is done removed from the gaze of the members of this Assembly but I am sure that tribute which member after member has paid to their efficiency and devotion to work is thoroughly deserved. Our reporters have done their work in a way which will give credit to them and which has helped in the preservation of a record of the proceedings of the Assembly which have been long and taxing. I must mention the translators as also the translation committee under the chairmanship of the hon'ble Shri G.S. Gupta who have had a hard job in finding Hindi equivalents for English terms used in the constitution. They are just now engaged in helping a committee of linguistic experts in evolving a vocabulary which will be acceptable to all other languages as equivalents to English words used in the constitution and in law. The watch and ward officers and the police and last, though not, the least, the marshal have all performed their duties to our satisfaction. I should not forget the peons and even the humbler people. They have all done their best. It is necessary for me to say all this because with the completion of the work of constitution-framing, most of them who have been working on a temporary basis, will be out of employment unless they could be absorbed in other departments and ministries. I do hope that it will be possible to absorb them as they have considerable experience and are a willing and efficient set of workers. All deserve my thanks as I have received courtesy, cooperation and loyal service from all.

It now remains to put the motion which was moved by Dr. Ambedkar, to the vote of the House. The question is:

'That the constitution as settled by the Assembly be passed.'

The motion was adopted.

Reference

Constituent Assembly Debates, Vol. XI, pp. 984-95.

DR. SHYAMA PRASAD MOOKERJEE

The International Situation

6 December 1950



Speaking on a motion for taking the international situation into consideration, Dr. Shyama Prasad Mookerjee supported Nehru's foreign policy of friendship and peace. However, he laid special emphasis on the sensitive areas of conflict like Korea, China, Tibet and Pakistan and the need for clarity in India's foreign policy towards them.

In rising to speak on the foreign policy of the Government of India one would naturally feel overwhelmed by the critical situation with which the whole world is faced today. I would like to deal with the problem not only from the point of view of the world situation but from the point of view of the security and safety of our own country, because I feel that the latter consideration is of as much importance as the former.

There will be none in this House or in this country who will not echo what the prime minister has said about the desirability of avoiding war. In fact, as he has pointed out, there is hardly any country in the world or people residing in any country who are not

saying the same thing. Yet we are drifting towards a war. The prime minister has also asked the House that we should be very careful in choosing our language, specially in dealing with the affairs of other countries and should not add to the explosive nature of the present situation. At the same time I think it is essential that we should speak frankly, specially in respect of the points where we feel that a change is called for in the policy of the Government of India.

We want peace. We want to avoid war. We would like to follow the policy of negotiation. We would like to be patient though, not as the prime minister said, too patient, always. At the same time, we must guard ourselves against following a policy of drift. We must be able to arrive at decisions – we hope correct decisions – at the right time. We must also guard against the possibility of trying to please everyone. That is a dangerous pastime and very often we are reminded of the fate that overtook the old traveller – who was no doubt guided by moral principles – who tried to cross over a rickety bridge with his son and his donkey, sometimes rode on the donkey himself, then persuaded by others put the son on the donkey, then placed both himself and the son on the donkey, and ultimately carried the donkey on his shoulders, with the result that he lost the donkey. In this case, if we try to follow the same policy, we may or may not lose any donkey, but we may lose our country. In any case, we must be able to make up our minds, especially at this critical juncture, as to what should be our outlook and our policy with regard to international matters.

I shall not deal in detail with Korea. But I must say that we have noticed certain inconsistencies with regard to our approach even to this problem, which it is very difficult to explain. The prime minister today emphasised that no settlement with regard to Korea was possible, ignoring China. That is certainly a point of view worthy of serious consideration. But when India decided to support the resolution before the Security Council, declaring North Korea as an aggressor, obviously it was known who was behind North Korea. North Korea had no independent status of her own. It was backed by China and, maybe, ultimately supported by Soviet Russia. But we did not hesitate in declaring North Korea as an aggressor

and we also took our plunge into the war. If today China has to be satisfied with regard to North Korea, then obviously China will dictate her own terms. When we discussed the Korean issue in Parliament some months ago, this was the point which I touched in my speech. Is the fighting between North Korea and South Korea just a localized affair or is it something bigger? I did appreciate the position which the United States took. The United States did not regard it as just a simple case of aggression on the part of North Korea against South Korea but it also kept in mind the ideological conflict which was in the background.

Today, naturally, attempts are being made to keep the Korean conflict confined to its limited circle. We all hope that that will be so but here again, somebody has to eat the humble pie. China today has shown that she does not exactly represent the despised orientals and whatever the reason may be, she has acquired enormous strength and she is able to meet on the battleground the finest forces that the United States and other allied powers could have sent. Naturally our deepest sympathy will go to the USA because one half of her peacetime army today is on the battlefields of Korea and the United States is claiming that she is not fighting her own battle, but she is fighting the battle on behalf of democracy. Here we have to make up our mind exactly as to what we stand for. The prime minister referred to China. We have no quarrel with China so long as China is anxious for the liberation of her own people. Everyone will have sympathy with the Chinese people; but if China takes upon herself the task of liberating other peoples also who may not be anxious to obtain liberation at her hands, naturally that creates complications which will affect not China alone, but the rest of the world, particularly Asia. The proceedings in the House of Commons in London make rather interesting reading. There, even a great fighter and patriot like Mr. Churchill has been thinking not in terms of saving Asia, not even thinking so much in terms of making Korea the real testing ground but has quite realistically been thinking of the possible repercussions on Europe and particularly England, if by any means Korea is allowed to develop into a theatre of world war. That is a realistic – a strategic approach. We have got to look at these problems undoubtedly from

the point of view of world peace but principally also from the manner in which our own position may be affected.

Along with China, we have to take up the question of Tibet because both are interlinked. Now the prime minister naturally reminded the House of the part which India had played progressively in the matter of recognition of the legitimate rights of the present Chinese government. How has China reciprocated? When it comes to the question of Tibet, there may or may not be some sort of loose suzerainty of China over Tibet, but historically this is not so easy a matter and yet, what is the reply that China sent to India, when India asked China not to proceed on the path of violence in the matter of Tibet? The reply that China has sent has shocked, surprised and has given sorrow to the Government of India. I do not know whether it has made any difference with regard to China's settled policy in respect of Tibet, but here again, what is the definite policy of the Government of India with regard to Tibet? The prime minister just glossed over it. He said: 'We have sent another request asking them to be peaceful,' but has that made any difference? Just as in the case of Korea, each country for which this so-called liberalization starts is the worst sufferer. It is like the old story of the operation being fully successful and the patient succumbing. The sufferings of the people themselves are indescribable.

Only in this morning's papers we had a graphic account of the last British correspondent who left the North Korean capital, stating how he found the whole place burning, reminding him of some performances of Sir Guy Fawkes. Similarly with regard to Tibet, we sent frantic appeals to China asking her not to be violent but did China listen? What is the policy behind China's action? It is no use our trying to gloss over things because these are matters which affect not only the people of Tibet but also the security of India. It is a fact that the boundary between India and Tibet is yet to be definitely defined. The prime minister said the other day that we stand by the MacMahon Line but the maps of China which are in circulation even now include portions of Assam, Ladakh and Leh and territories in which India is vitally interested. The reply which China has sent to India on the question of Tibet definitely indicates that China will do

everything necessary for the purpose of keeping intact what it considers to be China's border and when it refers to the Chinese border, it includes Tibet as well and the undefined boundary of Tibet so far as it touches the Indian border. Similarly with regard to Nepal. The prime minister spoke very calmly the whole time – he did not use strong words – a few strong sentences were, however, used by him, when he warmed up in connection with Nepal. We must follow a patient policy with regard to Pakistan; we must follow a friendly policy with regard to China; we must follow a surrendering policy with regard to Tibet but with regard to Nepal, we shall never allow anyone not only to enter into Nepal – any foreign power – but also not allow anyone to go over to the other side of the Himalayas. It is perfectly true; we are interested in Nepal. It affects our security to a very considerable measure. Some solution will have to be found with regard to Nepal. Even with regard to Nepal, we have been too long indecisive. We do not know exactly what it is we want. We must have a strong and stable government in Nepal and a government which has the backing of the people at large. If by any chance civil war continues in Nepal, it is not India that will benefit, it is China through Tibet which may come and play havoc in that part of Asia (*Shri Tyagi: Impossible*).

The gentleman who says 'impossible' represents that class who thought four years ago that establishment of Pakistan itself was impossible but many impossible things have become possible in this world, particularly in our country, due to our weakness and shortsightedness.

I do not wish to go into details but what I would beg of the prime minister to realize is that the time has come when we have got to take decisions with regard to major questions and be prepared to act before it is too late.

I personally feel that this world is big enough for all of us to live in. I do also feel that it is quite possible that there may be different ideologies in different parts of the world. It should be madness for anybody to think that the world must be built on one pattern and one alone. So long as people residing in one country or the government representing that country decide to confine their

activities within their own limits, and apply to their own people whatever doctrines they consider to be favourable or fashionable to them, it should not really concern the rest of the world. But, the trouble arises when ideologies and principles either peacefully or violently penetrate into other territories and disturb the setup in those countries and come as a challenge to the world.

What is happening in the world today? The world is in the grip of lust for power, possession, and prestige. These are the three things which are ruling the world. Naturally, we do not wish to take sides openly, and blatantly. We do not wish it to be known that we are simply the torchbearers of somebody else, because we have also our own philosophy and our own ideology. The doctrine for which India has stood has been the doctrine of live and let live. At the same time, if the danger signal comes, if the red signal comes, what is it that India will do? Suppose the Himalayas, which were considered to be impregnable, that huge border covering two thousand miles for which no separate precaution or defence was thought to be necessary, but which has suddenly become an important frontier, happen to be the line through which there is penetration or infiltration into India, how is India going to defend herself? That also is very much connected with the internal conditions prevailing in India. The growing deterioration in our economic conditions is a menace to our internal security and our ability to check infiltration or aggression. I have nothing to say against communist philosophy as such. The Indian people may decide to adopt whatever ism they like to adopt. But, we do certainly believe in democracy. We shall tolerate no external interference. I am not referring to the ideologies for which England or America may stand, or their sins of omission and commission. But, there are certain fundamental and basic ideologies for which India has stood, and even stands today. We stand for freedom of expression, for freedom of thought, for freedom of association and religion and our constitution has been based on the sound principles of democracy. India will not, therefore, and cannot accept any principles attached to totalitarianism or dictatorship. If there is an ultimate conflict between these two ideals, we cannot just sit on the fence. By all means let us try to negotiate; but if there

is ultimate conflict, then what will India do? If the possibility of danger comes to India, can India alone, by herself, defend her territory against a big aggression? These are big question marks. It is not my purpose to go into these detailed questions today. But, I would certainly tell the prime minister that the people of India expect that there should be a more realistic approach in respect to the foreign policy of India. No doubt, we stand for peace; but the inconsistencies and uncertainties of our foreign policy are making us slowly drift towards something which may bring disaster to India more quickly than many think.

The last remarks that I would make in the limited time at my disposal will be with regard to Pakistan. The prime minister said nothing about Pakistan. In one sentence he has brushed aside Pakistan.

So far as Pakistan is concerned, what exactly is our policy? As I have stated repeatedly there must be an overall policy between India and Pakistan. We are supposed to be at war with Pakistan in Kashmir. Pakistan is the aggressor there although what is true for Korea is not true for Kashmir. In all other matters, we are trying to carry on a conciliatory policy with them. Our policy must be based on reciprocity – complete reciprocity. If we get good treatment from Pakistan, Pakistan gets good treatment from us. If we do not receive good treatment, it is no use our merely saying that we carry on a policy of negotiation with them, and ultimately become weak and humiliated. I shall not refer in detail to Eastern Pakistan. The only ground on which the prime minister stands is that on an average about two thousand people more are going back to East Pakistan every day. But, why are they going there, how are they living there, to what conditions of humiliation are they being subjected, are questions which the prime minister has not been able to answer. He knows much better than even myself the life of misery, shame and humiliation in which these millions of Hindus in East Bengal are being forced to live. He said in the course of his speech that whatever happens, India will never agree to any discrimination being made, in reference to South Africa, whether it is based on race or religion. When people who had their loyalty fixed upon undivided India, who made Indian freedom possible, and today also naturally look to India

for protection and help in emergency, are forced to live in an atmosphere of insecurity and misery and humiliation, then, what is India's policy in respect of them? Are we so weak as merely to watch and appeal? Today, what is needed is that the people of India get a proper lead from their government. If, God forbid, the situation worsens, India will have to depend as much on her arms and ammunitions or military strength as on the united-moral strength of the people. I was rather perturbed the other day when the prime minister excitedly answered a question put by a member and said that he was reducing defence expenditure. The matter has not been discussed in detail. If reduction in defence expenditure means a weakening of the military position of India, I say, that the Government of India will be doing the greatest possible disservice to India as a whole. Today two things are vitally necessary. We have to strengthen our military position and if we cannot do it alone, we shall have to do it in collaboration with others with whom we can stand on a common platform in defence of a common ideology. Then, we shall have to strengthen internal strength and peace, and satisfactorily solve the economic problem, as much by our own efforts, as with the help of others so that we can create that solidarity and stability which would be impregnable both from the national and international standpoints.

Reference

Provisional Parliament Debates, Vol. VI, cc. 1279-86.

DR. HRIDAY NATH KUNZRU

Role in World Affairs

7 December 1950



Participating in the debate on the motion on international situation, Dr. H.N. Kunzru referred to the fast developing critical situation in Korea and made a plea for strengthening the United Nations. He felt that India had failed to do so in some ways. Also, Dr. Kunzru stood for defence preparedness and expressed his opposition to any reduction in the Indian armed forces.

We are discussing the international situation under the shadow of events that might soon lead to a crisis. The news that has been published in this morning's papers, about the assurance given by the leader of the Chinese delegation to the United Nations Organisation to Mr. B.N. Rau that China had no intention of proceeding beyond the 38th Parallel, may seem to have eased the tension but until the proposal is placed before the United Nations in a concrete form and we know whether there are any conditions attached to it we cannot feel certain that the crisis that threatens to overtake us has been relieved. India, sir, advised, in view of the

difficulty of the situation, that the UN forces should not cross the 38th Parallel, but that the powers concerned should enter into negotiations in order to see how the situation might be dealt with without giving rise to the fear of a world war. This was not, in my opinion, a policy of appeasement. It was a policy that took account of the concrete circumstances of the situation, of the hard facts that had to be faced. I do not say that the United Nations Organisation was wrong, was morally wrong, in trying to punish the North Korean aggressor, but it is not enough for us to know what is morally right or morally wrong; we have also to see whether what we consider right can be given effect to without endangering the very cause whose victory we have at heart. It was hardly possible that the countries that had prevented the union of North and South Korea would tamely look on while North Korea was being annihilated by the UN forces. The optimism that prevailed on this subject has proved to be short-lived and we are faced with a situation the end of which no one can see. If China today wishes to proceed beyond the 38th Parallel, then for the present there is no force that can check her advance. Indeed, the situation is so grave as to threaten the whole of what is known as the Far East.

Sir, the prime minister very rightly remarked yesterday that in a grave and changing situation like that with which we are faced now, it is not possible to put forward any suggestion that can bring about an understanding between the powers that are in conflict with one another. But we can, at any rate, lay down the general principles that should be followed even in a crisis, and perhaps in a crisis more than when times are normal. The prime minister yesterday laid stress on the necessity of utmost efforts being made to maintain world peace. Now, how are these efforts to be made? When can they have the best chance of success? The only way at present in which we can make an effort for the maintenance of world peace with the maximum support of other nations is that we should make the United Nations stronger than it is at present. I think events that have been happening for some time past have made it clear that we should do whatever we can to strengthen the United Nations Organisation. India is undoubtedly loyal at heart to this organisation, but the

decisions that it has come to, do not always seem to me to have been consistent with this object.

I shall give only one illustration to show how India has failed, in certain cases, to lend that support to the United Nations Organisation which it should have given. Sometime ago, a plan known as the Acheson plan was considered by the General Assembly of the United Nations. The plan contained four proposals, the most important of which were two. The first item related to the reference of a measure to the General Assembly when a deadlock had arisen in the Security Council. Now, it was evident that owing to the situation that the Security Council has been faced with during the last year or so, an effort was being made to devise some way of getting over what seemed to the supporters of the Acheson plan as the technicalities of the United Nations charter. India agreed to this suggestion. India agreed that situations might arise in which it might not be possible to give effect to the strict letter of the charter, but at the same time, she refused to accept the proposal that every nation should keep a unit or units within its armed forces ready to help the United Nations in an emergency.

Now, sir, there are two things that I should like to refer to in this connection. One is that it was made clear that no nation would be under an obligation to supply the United Nations with troops without the sanction of its legislature. Every nation was asked to accept this proposal, subject to its constitutional processes. Had India agreed to this proposal, it would not have lost the power to decide, when asked to place its troops at the disposal of the United Nations, to do so. Again, the proposal that was made was in consonance with the spirit of Article 43 of the United Nations charter. I do not, therefore, understand, sir, why India refused to accept this proposal. India felt that such a proposal would create an undesirable psychological atmosphere. Now, this argument places the United Nations in a very difficult position. In normal times, such a proposal is not likely to be made, and if made, would be rejected by others on the ground that it showed unnecessary want of confidence in the sincerity and sense of responsibility of the member nations of the United Nations. When it is made in a time of emergency, it is said that it might lead

to a scare – to a panic – and thus precipitate a conflict on the world scale. When, sir, is any proposal that is not in conflict with Article 43 of the United Nations charter going to be given effect to? That article says:

All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the security council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities including rights of passage, necessary for the purpose of maintaining international peace and security.

When India joined the United Nations, she obviously accepted this obligation. It is, therefore, as I have already said, hard for me to understand why, after having agreed that when the Security Council was unable because of obstructive tactics pursued by parties to pursue a matter, the matter might go to the United Nations, India refused to accept the other proposal.

I shall now refer to another matter which I think also deserves attention as a matter of general principle in view of our desire to maintain world peace. That part of the world in which we can make ourselves most effective is eastern Asia. Recent developments and geographical considerations show that in the course of a few years vast changes may take place that are not in consonance with our national interests and I believe not in consonance with the interest of the democratic countries and United Nations. We should, therefore, think whether we can take any special steps, apart from counselling the nations to follow the path of peace, to strengthen the hands of the democratic countries in dealing with a difficult situation, should it arise. Now all the countries in East Asia are in the same boat, but the countries that are more significant in this connection are India, Japan and Indonesia. They may be able immediately by concerted action to stave off conflicts in the East. But I think that this is a question that should be taken account of by the directors of our foreign policy. We should strive to work together with these nations, not with any aggressive intentions, but in order to maintain the stability and give the democratic countries a fair chance of maintaining their internal and external security.

Sir, I should like, before I sit down to say a word about the changes that have taken place in northern Asia. Central Asia was still lately only a name to us. But it has become a reality, and in some measure, a painful reality to us. China which claims to have interest in North Korea denied that India had any interest in Tibet and even accused India of listening to the counsels of those who were hostile to her. We need not be perturbed sir, by this accusation, but the conduct of China in regard to Tibet can hardly be regarded as friendly to India. Indeed, it is a warning to us and we should take steps immediately to strengthen our own position so that we may support all those whose security depends on us. The situation, sir, may not immediately be dangerous, but we cannot wait to take such steps as may be necessary to safeguard our own interests and those of our neighbours till we are overtaken by a crisis. I shall not go into the details of this matter, but we have to be ready to support Bhutan, Sikkim, Nepal and Ladakh.

Now the prime minister in a somewhat aggressive reply to a question that I put to him the other day in this House said that the Government of India had decided that the Indian army should be reduced. He said the intention of the government was to have a mobile army which though smaller would be more effective than the present larger army. Sir, this raises many questions that I cannot go into for want of time. Mobility is not easy to secure at the present time, but apart from this, since the prime minister spoke of matters that lie within the military sphere, I should like to ask him whether the military authorities are in agreement with the government on this question. Had the prime minister said that economic considerations drove the government to take this step, we should all have had to agree that the last word on this question should lie with the civil authorities. But since he referred to military considerations, I think we are justified in asking whether the government has in this matter taken the military authorities along with them. Sir, this is a matter of grave importance. Our army is not large, even though the expenditure on it may be heavy in relation to our resources. It is a matter, therefore, of anxiety to all those who think about our defence problems that the government

should at this stage have come to a conclusion that our army should be substantially reduced.

Sir, I shall say no more on this question, but if you will permit me, I shall finish by saying that the present situation requires that we should be on friendly relations with the countries that are on our western flank. These countries are Pakistan and Afghanistan. Happily, our relations with Afghanistan are excellent. For the first time during the last hundred years and more, we have a friendly Afghanistan to deal with. The prestige of the Government of India stands high there, and there is a general desire there to cultivate closer relations with India. Sir, it is clear to all those who look at the map of Asia that the territories lying between Iraq and the Bay of Bengal form a strategic whole. It is, therefore, desirable, indeed necessary, that we should take advantage of our present position to enter into closer relations with Afghanistan, for that is in the interest of our security.

The prime minister spoke yesterday about Afghanistan. No one can unfortunately add a word to what he said. But there is no doubt that an understanding between Pakistan and India and Pakistan and Afghanistan is as necessary at the present time as the development of cordial relations between India and Afghanistan. Perhaps, even now it is in our power to help in bringing about a better understanding between Pakistan and Afghanistan and I am sure that the prime minister who desires no strife in any part of the world and who, if I may say so, has followed a policy of great wisdom in relation to Pakistan, though it has wrongly been called a policy of appeasement sometimes, will lose no opportunity of helping in the removal of the friction that exists, in the interests not merely of these two countries, but also of India and the rest of the world.

Reference

Provisional Parliament Debates, Vol. VI, cc. 1323-9.

M. ANANTHASAYANAM AYYANGAR

Reforming the Hindu Law -

7 February 1951



The Hindu Code Bill sought to amend and codify the Hindu Personal Law in respect of marriage, succession, inheritance, etc. The bill generated considerable controversy and opposition cutting across party lines. Among others, M. Ananthasayanam Ayyangar presented an impassioned and well-argued case against the bill and against unwarranted interference with Hindu religious customs and practices.

At no stage of the bill hitherto have I had the good fortune to take part in the debate. You, sir, were absent in the earlier stages and I had to take the chair. I have always tried to keep my opinions to myself, but the time has come when I should express my opinion regarding this matter. Let me first of all declare to the House and to the hon'ble sponsor of this bill that I am not wedded to whatever is ancient nor opposed to whatever is new simply because it is new. Merely because something is old, let us not cling to it, nor decry something that is new because it is new. It is up to us, as wise men, to consider both the pros and cons and accept what is good and reject

what is bad. I shall try, therefore, quite dispassionately to go through some of the points that have been urged. I shall not go over the ground and make this a speech on the second reading of the bill, but whatever is relevant in general I shall address myself to.

I shall, first of all, try to dispose of some of the amendments that have been placed before the House and the objections that have been raised in regard to them by the sponsor of this bill. It is said in one of the amendments that because this bill has far-reaching consequences it must be only enabling measure. It is said that the option should be given to any individual to declare that he will be governed by the provisions of the bill from the date of registration or declaration to this effect. The hon'ble law minister said that down from the earliest times when legislation was embarked upon in this country by the British, there has been no precedent whatever for a measure being passed and option being given to any individual or class to accept or reject that measure by declaration. I am afraid his memory is too short. Now, let us take the Cutchi Memons Act of 1910. Indians who got converted to Islam were very often governed by the Hindu law, the law in which they were born. So the Cutchi Memons had the joint family law and they also made adoptions among themselves. But later on it was urged by some reformers that the Shariat, i.e. the law of Islam, should apply to all persons embracing Islam. Islam has its own code of laws regulating inheritance, marriage, succession, divorce, etc. The Hindu faith, has attached to it, its own law made by the *smritikars* relating to the same items which are also regulated by the Islamic law. For those persons who got converted to Islam, an enabling provision was made in this Act whereby any Cutchi Memon who wanted to adopt the Hindu law could, by declaration before a prescribed authority, do so. He could either ask to be governed by the Hindu law or by the customary law which prevailed before his conversion.

Under the Cutchi Memons Act, as amended in 1923, there are the following provisions:

“Any person who satisfies the prescribed authority —

- (a) that he is a Cutchi Memon and is the person whom he represents himself to be;

- (b) that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1772; and
- (c) that he is a resident of British India

may by declaration in the prescribed form, filed before the prescribed authority, declare that he desires to obtain the benefit of this Act, and thereafter the declarant and all his minor children and their descendants shall in matters of succession and inheritance, be governed by the Mohammedan law.”

Now, the argument of my hon'ble friend Shri Raj Bahadur cuts his own case, because this was not a law intended for the whole of India but was a law specially to safeguard the interests of a particular community. This section is an enabling provision. Cutchi Memons are not the only Mussalmans in this country. The majority of Mussalmans far outnumber the Cutchi Memons. When 99.9 recurring per cent of Muslims follow the Shariat, why should a special provision be made for the Cutchi Memons? Therefore, this interjection from my hon'ble friend, far from helping him, helps the other side. Even if there is one instance, it is enough. Now, is it possible for you to enforce Buddhism on me or for me to impose Hinduism on you? If a person who had converted wanted to be governed by the ancient law which prevailed before his conversion, he was given an option to change over to the other law. Though he got himself converted, he had to convert himself voluntarily to the new legal institutions, changing one from the other. There was no coercion whatsoever. But without the suggested amendment, this bill will be a piece of legislation which is of a coercive nature, bringing various other persons into its fold.

So far as Hindus are concerned, if you want to marry out of the ancient law, there is the Civil Marriage Act. It was originally intended to apply to persons who had to declare that they were neither Hindus nor Christians nor Jains nor Parsis. Later on, it was changed. No two Christians could marry unless they disavowed their religion. No two Muslims could marry unless they disavowed their religion under the Civil Marriage Act. But we are always progressive. We are self-denying. We are all embracing even to the

point of self-destruction. We have amended this Act by saying that Hindus need not disavow their religion. Hindus, however they are married, may adopt the Civil Marriage Act. That is what we have done. What more is necessary? Now you want to convert those people who follow the ancient law at the point of the bayonet to your way of thinking. Why do you want me to change my religion? I have already quoted an instance, where a special piece of legislation was made for the Cutchi Memons, a microscopic minority. It is because Dr. Ambedkar feels that a majority of us are archaic – to use the mildest word – that he has brought forward this piece of legislation. It won't be wrong for me to say that he is still finding it difficult at the age of sixty to know to what faith he has to belong. But he is asking me to decide overnight that I should change. If I may raise my voice – let me not be misunderstood – I am as fit to be in the society as other members can claim to be. I am not ashamed of my religion. I am speaking not only to the men and women in this country, but also to the outside world that we have everything to be proud of in the tenets by which we are governed and proud of the law that our ancients gave us. If only the other nations of the world followed our religion and the principles we have adumbrated there, there won't be these constant wars and all would be peace and peaceful. We are always accustomed to adopt things which are found wanting in the Western countries. A motor car which has been discarded in Europe becomes a model of a car here; an institution which has been discarded in the West becomes a model in our country.

In 1937 we passed a law in this House that in the case of converts to Islam, their customary law according to the Hindu system would prevail in regard to adoption, etc. Similarly, in the South, the Moplahs of Malabar had adopted certain of the Hindu customs, though they were Muslims. It is not even a question of adoption: they were born with such customs. Therefore, they followed one rule so far as their inheritance and succession were concerned and another so far as their faith was concerned. We passed in 1937 what was known as the Shariat Act. This is for all India and all Muslims. Section 3 of the Shariat Act says:

“any person who satisfies the prescribed authority (a) that he is a Muslim, (b) that he is competent to contract within the meaning of Section 11 of the Indian Contract Act (IX of 1872), (c) that he is a resident of British India, may by declaration in prescribed form and filed before prescribed authority declare that he desires to obtain benefit of this Act and, thereafter provisions of section 2 shall apply to the declarant, and all his minor children and their descendants as if, in addition to matters enumerated therein, adoption, wills and legacies were also specified.”

Therefore, there is absolutely nothing novel in my hon'ble friend Shri Jaspat Roy's amendment. This is a measure which ought to be accepted cautiously. A majority of the community do not want this, and not only do they not want it, but also they are able to take care of themselves. Is this House, particularly under the leadership of my hon'ble friend, entitled to tell and advise people outside that what they are following is wrong and that they should change their method? I am not basing my argument on the ground that this Parliament is not entitled to do that, and that this Parliament is not entitled to do that, though my personal view is that this Parliament cannot enact legislation in the way it was doing during the British days. We are now guided by a written constitution. My own personal impression is that the personal matters of an individual, and the practice by which he is governed so far as his marital relationship is concerned are governed by his fundamental rights and should not be touched by anybody. So long as the practice which I follow and the procedure which I adopt in regard to marriage are not opposed to public morality and are not obnoxious or indecent, it is my own business and nobody has any right to interfere with it. Therefore, we have to go slow in this matter.

So far as the progressive elements are concerned, we have made a number of enactments now. The Hindu Widow Remarriage Acts are there. My hon'ble friend referred to the Child Marriage Restraint Act. True, it has put down child marriages, but it has put down marriages also. Everywhere, a new problem has arisen: there are armies of unmarried girls today. There will be no dearth of girls if only you want to enlist them in the army as nurses or doctors. This is a new problem that you have created – have you heard of

it before? Our friends, including Pandit Thakur Das Bhargava, cried themselves hoarse that by early marriage girls became widows. But is there any guarantee that a man will continue to live, the moment he marries a girl of fifteen? I do not think God in his wisdom has arranged that a man marrying a girl of fifteen will live long, and that a man marrying a girl less than fifteen would die early. Therefore, nobody can stand guarantee on this matter. It is a question of balancing the convenience (*sic*).

We have not heard of any marriage except in the human kingdom. Animals don't marry; there is no law of divorce among them; they don't have a family life. It is only with respect to human beings that the institution of marriage is prescribed as one of the *purushatras* with a view to avoid inconvenience. As the Maharishi said, of the four *purushatras*, the three, that is *moksha* or release from the cycle of rebirth, dharma maintenance of society, and *artha*, politics or economics, depend upon a happy family life. This is one thing on which all our ancients laid emphasis, whereas in the Western society individualism has been all along *in excelsis*. Here family is the unit of our society. I do not mean to say that any human institution is so perfect as to obviate any inconvenience.

So far as our marriage laws are concerned, no woman remains unmarried unless she chooses to remain a *sanyasin*. A Sanskrit *sloka* says that no woman is entitled to freedom. But it has been misunderstood. A woman is not born twenty-five years old. She is born out of a mother's womb, has to become an adult, marry and become old also. Both of them, whether a man or a woman, when they are in their teens and are minors have to be under the guiding hand of some other person. So long as the girl remains a minor, the father has to maintain her. When she becomes old is there any better person to look after her than her son? Therefore, at the dawn of life as well as at the close of life both man and woman depend upon the father or the son respectively. The only question is during coverture. If God has created both man and woman, either the woman should go and live with the man or the man has to go and live with the woman. In a happy marriage, the woman must live with the husband or the man must live with the wife. Is there a middle course?...

Therefore, either the man's voice dominates in the house, or the woman's. Let us assume there is a difference. If the man's voice prevails there is no trouble. Or the man must get himself submerged in which case also there is no trouble. But if there is a difference between the man and the wife as to whom the girl should be given, when is the marriage to be celebrated? I am only thinking aloud of the inconveniences. It is not as if man produces sons and the woman produces daughters. In all seriousness I am addressing this House. What I am submitting to the House is this: Some people have misunderstood, merely because some of our sisters are going about with regard to their share and their sufferings – on account of the experiences that they possibly have had – and the corresponding chilliness on the part of our friends here, that it is a woman's code. It is something like a husband and wife quarrelling 'to whom does this child belong?' It is not either to the one or to the other. Therefore, if this code emerges, it will belong both to the men and the women of this country. Let us, therefore, look at it dispassionately.

We have been brought up for three thousand years in a particular institution of jurists who came from the West and who were attracted by the institutions that prevailed here. Some of them even became converts and Max Mueller created an ashram also. You have their opinions. They have their opinions. They have compared their own institution with that which was prevailing in this country. They wanted to be converted but for their social habits and customs which weighed strongly with them. As they got enamoured of our institutions we are also now getting enamoured of their ways.

Let us examine whether it is useful or not. Let us see what the authors, the members of the Hindu Law Committee said. Mr. Rau himself said that this is a concurrent subject and as regards such of the chapters, the provinces may be left some voice as to whether this portion should be applied to this community or not, the territory to which it should be applied, whether it should be enacted at the present time or should be postponed – all these are matters which any reformer, the sponsor of the bill included, ought to take into consideration, so that there may be no impression left in the mind of any person that his conscience or religious faith or scruples have

been trodden upon. We have to gradually take people along. It is not as if we are declaring a war on the Hindu religion. It is not an immediate question like deciding whether we should join America or not in declaring China as an aggressor. Here and there, an inconvenience might have been felt by some people. I am asking this House, through you, sir, to see the balance of convenience. It is not as if any human institution is perfect.

Without going into details, taking the question of marriage, it is a proved fact that till the Sarda Act came into being, the majority of our women – ninety-nine per cent of them – were married. Do you want to say, let women remain unmarried, let men remain unmarried, let there be children who have no parents – like forty thousand war babies to be taken care of by others? Is it right for you to do so in our country? You will be creating a new problem. Is it right? So far either the man had to obey the voice of the woman or the woman had to subordinate her voice. Otherwise, where is the house and the household? That is exactly why the woman is not under the law. The modern woman who is educated in a foreign system, who has lost her moorings in her own faith, wants that she should inherit the property of her father and not her husband. She is indifferent. She wants to have the money in her pocket and feel ‘Why should I be subordinate to a man?’ I know the difficulty in every household, but if I am saying these things I am saying so with experience. Girls refuse to marry now because they feel ‘Why should I subordinate myself to a man? Give me a portion of the property’. Does my daughter expect me to live perpetually? It is not money alone that makes for happiness. Suppose there is a rich man and his daughter inherits his property. When she is married does it prevent the other man to belabour her and to beat her? What prevents him from doing that? Many people speak supporting this code. I am not referring to members of Parliament – they know everything. I am only suggesting what many people outside are saying. Today under the Hindu law, the girl is not absolutely excluded. If a man dies leaving no children behind, the widow inherits the entire property. Apart from Deshmukh’s Act, under the ancient Hindu law, she is the heir of all the property of the husband in the cases where there are

no children. Secondly, if there is a daughter and the mother predeceases the father and there are no other children, she becomes the heir to the entire property. There is absolutely no difficulty. What is sought to be done here is that simultaneously with the son, the daughter also must have a share. The responsibility of maintaining the household is that of the boy. We are not rich millionaires. The *zamindars* have also been liquidated. The rajas have gone. Only the middle class people are there. I am addressing myself only to them. There are the poorest people where both the husband and wife eke out their living by working as coolies. And what happens to the majority of middle class people? The husband may be working as a clerk getting Rs. 100 or Rs. 200 a month. He educates his boy and expects that when he reaches the age of twenty-one or twenty-five he would take charge of the family at a time when he is himself fifty or fifty-five. When he retires there are a number of children to be taken care of. The property that he has accumulated is so small. I know in my part of the country persons who have any holdings over five acres are only ten or five per cent of the entire persons holding land. Land is the wealth in our country. There may be a few industrialists in Bombay and a few in Ahmedabad, but generally people have neither industry nor land. The only industry for a middle class man is to become a clerk and earn some money, and by the sweat of his labour he earns it. The responsibility of looking after the family is thrown upon that boy. He may get a small land or a thatched house as patrimony. Society expects him to take charge of his younger brothers and sisters and also to maintain the old parents.

When the British were ruling us the officials in the railway department, stationmasters and others, used to get passes sometime in the year to go round. The pass is for the family. I am sorry to note that the same practice is still continuing as regards the description of family, namely that family means himself, his wife and children. What about the old parents? This may be in consonance with the Western system where as soon as the boy comes of age he marries and goes away, the girl also marries and goes away. The old people have to be looking at each other's face! Do we want that kind of animal life in our country? I have no quarrel with the West. It

is a misfortune that their individualism is *in excelsis*. The husband and the wife are one unit and they ought to protect the old people. Our joint family system was brought about by our ancients many years ago and that is a natural unit and there the father, mother, the son and grandson all of them go together. I say that this is a happy unit where unemployment never existed. People who talk of socialism and communism pay lip sympathy and I say that this tendency is the germ of socialism. The husband in a particular family works for the maintenance of his own children on the one side and for the maintenance of the older people on the other side.

In Madras after this marriage-divorce law was passed, thirty-eight applications were filed. Boys alone can marry. Out of these thirty-eight applications for divorce, thirty applications were filed only by the husband.... Most of them were from the middle classes, most of them were educated men, unfortunately in Western style. As I said, the majority of the petitions were from husbands. I think there was only one case where a woman was said to be sterile. I would bring that under this code. One other case was the husband, an educated lawyer and he is employed in Bombay. He gets one hundred rupees as salary. The girl is employed somewhere as a doctor getting four hundred rupees. The wife wants the husband and the husband wants the wife. The only pull was that the wife wants the husband to come and live with her and the husband wants the wife to come and live with him. After marriage this trouble has been going on between the husband and wife for three years. The husband said: 'How long am I to be without her company' and the court found that it was a case of desertion by the girl and they dissolved this marriage.. The Widow Remarriage Act was passed long ago but still it requires a lot of persuasion.

There was an hon'ble member of the assembly – he was a member from Bengal – and he brought a single-clause bill which stated that no widower shall marry a spinster. His idea was that a widower may marry at least some widow and when some of our friends pooh-poohed (*sic*) the idea, he withdrew the bill and said that he committed a mistake. When once a man has learnt that a woman has been divorced, would that woman be touched as a wife

and married again as a wife? I do not want society to be disrupted in that manner to suit the few conveniences here and there of some individuals. There are difficulties but the other difficulty is far more appalling than this difficulty.

I was told this morning that some delegation is coming from Pakistan for the purpose of recovering abducted women. Have you ever heard of an 'abducted man'? Nature has so made us that without the husband and the wife there is no unity in this world. Even among the Patagonians, the wife is as tall as the husband. In any other community, the man is taller than the woman. Is it good if I talk like a woman with a squealing voice and a woman goes on talking like a man? Therefore, I must be a man and a woman must be a woman. I see I am evoking laughter of my friends but I feel that God has made the best arrangement by creating a happy family in which the parents will be protected, the minor children will be protected. The affection is not as a result of wealth. Love and affection must flow of their own and it does not depend upon money at all. Most of us are poor and we marry and get a son and in our old age he takes charge of the management of the household and we feel that since we have discharged the responsibility to the aged parents, similarly he will maintain us in our old age. Sanction has mighty force. That old law has much greater sanction than any other law which has prevailed so far for the last three thousand years.

When I become a member of Parliament you do not allow me to sit here unless I take the oath of allegiance, but so far as this marriage is concerned, I ask you all, are you to displace these old customs such as taking hold of a woman, taking her hand and placing her feet upon straw and saying that 'our hearts are placed together like the Ganges and the Jamuna'? This is not such a drab affair. Is it for the purpose of conjugal facility that a man is marrying and a woman is marrying? Our ancient scriptures enjoined it for the purpose of a happy married life and for the purpose of a good progeny. It is not open to me to leave a legacy of blind, lame and dumb children to the rest of the community and ask them to take charge of them. Even among racehorses we talk of pedigree and for humanity alone any man can marry any woman and still expect the

children to be perfect angels. The new marriage law that is proposed will be like tying a racehorse to a lame donkey.

Jayaswal, an able commentator of Hindu law, said that our ancients had big herds of cattle and they were also anxious to have first-class progeny so that they may take charge of the rest of the community. That is an honoured practice of our country. Hitler also wanted a good progeny for his country. Even Mussolini got a number of marriages celebrated in his country.

We say in our Shastras: '*Aputrasya gathirnashthi*'; '*Punnamno Narakadyasmath thrayathe pitharam suthah*' that is, the son saves the father from the *naraka* called *puth*. It is that sanction that has produced a lot of children in our country. Otherwise, we would have had to give a hundred pounds to every mother to bear children. Are we to pooh-pooh this culture? What makes me say all this is that it is unfortunate that the chairman of the Rau committee is a gentleman who did not marry according to the Hindu law. Many of the members of the Select Committee were not married according to the Hindu law; some were bachelors who did not marry at all.

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Let it not be said outside that that is quality opinion; it is only a question of personal opinion. I am as much aggrieved about this. Am I to bow down when it is said of the *Smritikartas* that they had absolutely no business to go on changing the *smritis*? What else are we doing? We are passing a law in the morning; we are amending it in the afternoon. The *smritikartas* wanted to change the *smritis* according to the changed circumstances. They are tabooed as archaic persons. If they have changed they are equally condemned for having changed. Why are there so many *smritis*? Each is addressed to a particular branch of the law. My point is this: The reverence that is due in a change of law of this magnitude is not there. We are looking at the question from a different point of view. I submit that by means of this legislation, Hindu society is cut vertically, horizontally, diagonally, into bits and bits. You say, let a man say, 'I do not belong to Hinduism'. Even the wording

'professing the Hindu religion' is obnoxious. Why do you call yourself a Hindu? What is there in Hinduism? There are certain things; there is the doctrine of *karma* which even the Buddha and the Jaina believed. The vedas are not peculiar to me. I believe in the hoary antiquity of the vedas as an inspired document. Do not the Muslims believe that there is a veda? Even the Sikhs who belong to a reformist religion worship a Book. Why should I be ashamed of my vedas and of calling myself a Hindu? Whether I am a Brahma Samaji or Arya Samaji or a Vaishnāv, if I do not believe in the vedas, I am not a Hindu.

Unfortunately, in this country, religion has entered into politics also. It is said that on account of these vicissitudes of castes and creeds, so many Muslims became converts. I ask, was there not one religion in China, Buddhism; was there not one religion in Indonesia, Buddhism? Where is Buddhism in Indonesia today; where is Buddhism in Malaya? Were not a number of people converted to Islam in China? Again and again, wherever there is any difficulty you attack Hinduism and say that it is this ancient system that is responsible for all this. I say, the remedy is elsewhere. Apart from its disadvantages, it is the Hindu system of marriage and not allowing a divorce, of property not being dissipated by division amongst daughters also, who have no responsibility to maintain the family, etc., that has been the source of strength to the people. I would ask a simple question: If the daughter gets married, do you ask me to live with my son or my son-in-law? It is said: '*Jamatha dasamo grabah*' the son-in-law is the tenth planet. I must be supported by somebody in my old age. Why not live with the son instead of the son-in-law? What happens if you give a share to the daughter? Of course, she will say, 'Come and live with me'. But, my fate will be that of King Lear. I am appealing to all mothers and sisters to anxiously and seriously consider the situation. Let them not be under the impression that I have not consulted my partner at home. We have deliberated for a long time.

In these circumstances, I say, let us go slowly. Whoever wants to have liberal views, let him have his own way of life. Incidentally, I may say that sati is opposed to morality; that was rightly put down.

You say this is an enabling provision. Why don't you say that a brother may marry a sister? That would also be an enabling provision. Up to certain limits we can go; beyond limits, we ought not to go. We should not allow incest. The question is whether the marriage should be beyond three degrees or seven degrees. I have also read some books on genetics. New things are being discovered. They say there are three kinds of blood and that one does not agree with another. I have also read astrology in the old school. They say that before marriage you must consult the *Rajju*, *Sarpa*, and *Gana* agreement. This *Gana* seems to have been discovered by the Westerners. The late Dr. Rabindranath Tagore was a great poet; but we recognized him as a great poet only after the Westerners recognized him. Similarly, we want somebody from the West to come and say that marriages should be only of a particular order and that the points in the old *smritis* are very good. I am a conservative in the sense that I do not want to leap before I know that the other ground is steady and strong. I would only urge upon this House to stick to whatever has endured for such a long time.

Before I finish, I would like to refer to one other aspect of the question, that is the *Marumakkattayam* law. They are all intellectuals; practically in the secretariat, every secretary is a Menon, coming from Malabar. I am proud of them. They have got a different way of life. Ask them if they are more happy. Why don't you impose this law on them also? Take the *Aliyasanthana* law. You may think that it is opposed to all nature, where a man visits his wife and the wife remains in her house, where the children are maintained by the mother and her brother, not by himself. To you it may appear strange. Natural affection is different. Would I embrace my sister's sons with more affection, than my own? Well, that is their law and we are allowing them to continue under this law. But, when my hon'ble friend Pandit Thakur Das Bhargava says that there are certain customs in Punjab, you say that they should be thrown overboard because my hon'ble friend is not so vociferous. After all, it is a wrong principle of jurisprudence. Law does not go in advance of custom. It is a human institution. It is something like saying that grammar does not go in advance of language. A child learns to speak

first and then comes in the grammar. It is a wrong principle of jurisprudence to say that custom is a wrong thing.

It is said that a custom, to have the validity of a custom, must be ancient, must be moral, must be definite, etc. These are principles under which customs will be recognized in courts of law. I say it is wrong to say that notwithstanding the validity of any established practice, we abrogate that because we have come to a different conclusion. What right have you to say so? It is not that I am questioning the competence of this Parliament to go into this matter. I am only saying to my hon'ble friend, let him not force this law on the community. It may become a dead letter. Let the people come forward and ask for these reforms. I would like to have statistics as to how many persons have married under the Civil Marriage Act. We may call the people ignorant; after all, time will judge whether they are ignorant. Therefore, I would appeal to hon'ble members not to jump before you are sure of the ground. Let us have piecemeal legislations. We had the Widow Remarriage Act. We had the Act to give women the power to inherit property. We had the Act to restrain child marriages and so on. Therefore, I say, let us wait and see. Let us go slow. Nothing will be lost thereby. Nothing will be lost because we do not allow divorce. Allow it to those who want a divorce. Let those who have solemnized their marriages under the civil authority, to jointly make a declaration that they will be governed by the Civil Marriage Act. If there is a volume of opinion against a measure, let us try to change that volume of opinion. Let the hon'ble members consider the question coolly and deliberately. Let us not displace the existing system merely because something is novel or strange so that we may go with the rest of the universe.

We understand what is meant by Christianity. Germany is a Christian country, but were there no fightings in Germany? Do not Christians fight with each other? How can we say that because of castes and creeds in our country the nation went to the Greeks? Why give a platform and a point to every other man to abuse us? We have progressed, and progressed considerably. In Switzerland they say no woman has a vote. Then why should not our women go there and ask them to demand votes? There is no use giving a lurid picture

of our society and of our women. Our women have produced Sitas and Savitris. They followed their husbands. Perhaps we have now to follow our wives. Let them write our *puranas* and say that men should follow their wives, if that would bring domestic peace. Today we are husband and wife. Tomorrow I go to a cinema and see a woman well made up with powdered face and all that. Am I to come home and beat my wife, just because she is not as pretty as the one I saw in the picture? And the next day, am I to apply for a divorce? No. Woman is the weaker sex. Perhaps they may quarrel with me for saying so. But you cannot get rid of these institutions unless you pray to God to have only women in the world or only men. These institutions are very necessary. They are necessary for the proper balancing of domestic life. They are necessary in the interest of economy, in the interest of solidarity and in the interest of avoiding unemployment and in so many other interests. If the husband dies, there is the brother-in-law to take care of the widow. We have also the maintenance laws to give at least a temporary strength to the widow, to stand by herself. I am only opposing those ladies who want to take away a chunk of their father's property and leave the husband alone. May God save us from them and from having an army of unmarried women.

Reference

Parliamentary Debates, Vol. III, cc. 2517-31.

CHINTAMAN D. DESHMUKH

General Budget 1951-52

14 March 1951



Replying to the four-day long general debate on the budget proposals for the year 1951-52, Finance Minister C.D. Deshmukh dealt with all the points of criticism with exemplary astuteness and ability. His arguments carried conviction.

After four days of prolonged castigation and catharsis I rise in defence of the budget. I feel somewhat encouraged by the information that has been given to me that in past years the attacks on the budget were far more critical and far more fierce. I have tried to conjure up a budget in the light of the criticisms that have been made and the suggestions that have been put forward and I feel greatly puzzled. The budget should provide for additional expenditure on projects and in securing full employment: it should also provide money for rural development and the development of cottage industries: it should have twice the amount that has been provided for in the way of subsidies: it should also make greater provision for the armed forces in the interest of the security of the

country: it should be free from any kind of direct taxation, in particular, it should spare the common man and yet it must be a budget that would take care of inflation and will bring down the price level. I think that is an impossible order to fulfil. It is made more impossible by the suggestion that in administering the government, all the high-paid officers should be discharged or should have their salaries greatly reduced and that in effect there should be no one who gets a salary of more than three figures....

After contrasting that budget with mine I am hopeful of convincing all but a few irreconcilables that the budget that I have put forward is calculated to set the country firmly on the path of economic progress. First in regard to mixed economy, I regard as impatient idealism the criticism that the budget subserves no clear social and economic ideal. I claim that it has been framed so as to lay a sound foundation for the country's economic development.

I claim that it consciously goes further than any previous budget since independence towards combating inflation and achieving a balance between the private and the public sectors, stirring up all sections of the community to a valiant and patriotic effort to help build the India of the future and maximize the chances of any capital assistance in acceptable terms that may be forthcoming from more favourably situated nations. Above all it seeks to lift the country from the class jealousies that paralyse the vitally needed common effort. I see nothing wrong in calling upon the common man to whom this country belongs to make sacrifices for his children and his children's children. I see no practicable advantage in trying to define precisely at what stage of mixed economy we are. What we are interested in is the maximum possible use of our productive resources. To the extent to which the private sector is able and ready to assist, we welcome that assistance and try to the best of our judgement to set up conditions in which private economy can operate fruitfully for the common good. But to the extent to which it proves a hindrance by reason of lack of good faith or absence of ethics we shall try and eliminate it within the framework of the constitution to the extent to which we can command men and money for the purpose. Any idea that we can abruptly extend the public sector of our economy – and I do not take

it as axiomatic that this should be the ideal – is to my mind a doctrinaire's chimera. Our newly found democracy sustained only by an overstrained bureaucracy, hastily improvised or imperfectly trained, I fear, will crumble under its self-imposed burdens, if we act prematurely. It follows that there is no essential change in the industrial policy which we announced sometime ago. I would not take up the time of the house by repeating it, because I think its main elements and features are within the memory of hon'ble members.

I take this opportunity of referring to the Industries Control and Development Bill. I think the title has undergone some change. I can assure the House that it has not been laid on the shelf but it was felt that with the setting up of the Planning Commission any measure of that kind should be such as would implement whatever plans the Planning Commission may have to indicate, so far as the private sector is concerned. In other words, a certain amount of coordination was called for remembering that the bill was originally framed merely in view of the constitutional provisions, without any factual basis or any basis of actual experience. Well, to my knowledge the Planning Commission have been deliberating over the provisions of this bill for some time, and their recommendations are in the hands of the commerce and industry ministry and I have no doubt that they will seek an early opportunity of bringing a well-considered bill forward, or at least well-considered amendments to the bill which has already been reported on by the Select Committee.

In regard to the behaviour of the private sector, many harsh things have been said. I myself deprecate any hasty generalization that capital is not cooperative. It should be our policy to distinguish between the good and the bad, and to encourage the good elements and to curb the bad and the antisocial ones. And in this respect I think there is a certain amount of misunderstanding in regard to the tax reliefs that have been given over the last two or three years. It is felt that all these reliefs must immediately be reflected in either conspicuously expanded industrial production or in the support of government loans. In the first place, I think that some of these reliefs were not to classes which we call capitalists at all; they were confined to the lower middle class or to the lower slabs of the income groups.

In certain cases deliberately generous relief was given to income group slabs between ten thousand and twenty-five thousand rupees to encourage not what is known as the capitalist or the entrepreneur but the investor who is again a common man, perhaps a superior type of common man.

He was the man who in the past used to support the money market and the investment market. Now in trying to judge the results we must not forget that we have lived through a kind of social revolution. The constitutional changes that have occurred and the other changes that are in train have, apart from shifting incomes, made a difference to the prospects of various classes among themselves and a certain amount of time will be required before we quite know what the pattern of the investment market is going to be. In any case, the criticism that because our borrowing programme is not supported, therefore, the tax reliefs given last year have been wasted is, I think, a somewhat misconceived one. I do not believe the monied classes as such were the supporters of our borrowing – their money principally went towards extending the industrial machine. The money market was supported to the extent of about fifty per cent by institutional investors like banks and insurance companies, and for the rest, to a large extent, by what I might call the upper middle classes in the old days. Now, these are the classes which, one way or the other, either by the inflation or by the constitutional changes, have found changes in their fortunes, and that is the reason why I think our borrowing programmes have not been a success in the last two or three years.

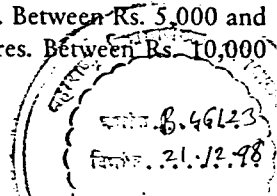
A reduction in the volume of private investment in a particular year cannot be said to diminish production of goods in that very year or in a very short period, and may not, therefore, add to inflationary pressure. The main industries in which production had lagged behind are cotton and jute textiles. Shortage of raw materials, and I repeat it although it was quoted with a certain amount of contempt, shortage of raw materials has been the main factor impeding greater production in these two industries. Taxation cannot be said to have anything to do with the lag in production in these cases, and now that we have in one case taken what we believe will be very successful

measures and in the other case, encouraging measures to increase the supply of raw materials, I do believe that we shall find an increase in production next year and these industries will make a very much better showing than they have done this year.

In several industries production has gone up of late. I quoted some figures in my speech. I would like to quote some more. For the first ten months of 1950 for which figures are at present available, production of pig iron was 113 per cent of the 1946 level, of direct castings 124 per cent, of semifinished steel 112 per cent and of finished steel 110 per cent of 1946. Electricity generation is now 120 per cent of the 1946 output. In several relatively small industries there have been large increases. For instance, the production of diesel engines is over nine times the 1946 level, of sewing machines about five times, power transformers four times, caustic soda and soda ash three-and-three quarter times, the 1946 level. No precise figures are available in respect of private investment from year to year, but it must be recognized that production trends in the short run need not vary with investment trends.

Suggestions have been made that this country can be run by increasing the level of direct taxation. Anyone who studies the figures of the total assesseees as well as the number of people who pay supertax will find that the total number of income-tax payers is .2 per cent – six lakhs, I think the calculation is right – and the people who pay the supertax are twenty-eight thousand. Now to imagine that the country can be run by taxing only this class is, I think to kid oneself. That, as my hon'ble colleague points out, includes a large number of government servants who pay their taxes like lambs before they even see their money.

The bulk of the tax is paid by people with incomes above Rs. 25,000. Below Rs. 3,000, the percentage of number to the total was 19 and they paid Rs. 0.49 crores. This is the figure for 1949-50 before the exemption limit. Now they have gone out. Between Rs. 3,000 and Rs. 3,500 the tax paid was Rs. 0.50 crores and the percentage of number to the total was 12.1. Between Rs. 3,500 and Rs. 5,000 the tax paid was Rs. 1.34 crores. Between Rs. 5,000 and Rs. 10,000 the tax paid was Rs. 1.34 crores. Between Rs. 10,000



and Rs. 15,000 the tax paid was Rs. 4.63 crores. Over Rs. 15,000 the tax paid was Rs. 67.33 crores and the percentage of number to the total was 42.3. The number of those above the supertax level, that is to say, above the Rs. 25,000 limit is 28,000.

That includes officials also. It is possible that there is some room for increasing the taxation, may be at some future date. But in a country where we are wrestling with the problem of tax evasion, every increase in tax bears very heavily on the righteous people and people who are prepared to pay their taxes. I think as some hon'ble members pointed out, it is our duty first to find out how to deal with this problem of tax evasion. A great deal has been said and perhaps something more would be said tomorrow about this, but I confess that at the moment we have not found the means of satisfactorily dealing with this problem of tax evasion.

If we had national income figures, I think our taxation structure would have been much more scientific. The trouble is we have not got them yet. Perhaps this time next year someone else in my place will be able to answer that question much better, because the National Income Committee is now about to submit a report and I think they will give the statistics of national income for the year 1948 and probably also indicate its distribution among various sectors of the community. Until we have those figures I am afraid I am not in a position to answer the hon'ble member's question. Now returning to the problem of the black marketeer, tax evader and so on. I still hope that they have some kind of a distorted sense of patriotism. While it is our duty to reinforce our powers to deal with them as with all antisocial elements, one can only hope that the hard work and the righteous conduct of the common man will influence them in moderating their greed.

Something was said about the issue of bearer bonds in this connection. We have had that suggestion very carefully examined in the Central Board of Revenue and have come to the conclusion that while it may bring some black market money to our coffers, it will rob us of some other money which is coming through the regular channel. I think the issue of bearer bonds will be a grossly self-defeating process.

There was also some reference to compulsory savings which I might deal with at this stage. The difficulty is that you cannot run these two horses of compulsory saving and borrowing, together. Either you resort to the one or the other. We did play with the idea last year and the first obstacle that we came across was that there was no practicable means of imposing any kind of compulsory savings on the agricultural community, the power to tax which vests in the state governments. That takes off a very big sector and in view of that leaders of labour claimed that compulsory savings could not very well be applied to workers. That left government servants in the upper ranges, who have already been subjected to a compulsory cut of Rs. 500 or thereabouts – I think it is about twelve-and-a-half per cent. Below that top rank up to Rs. 250 there is a scheme of compulsory savings in operation. Railway workers, I may hasten to add, are an exception in that they agreed to subject themselves to compulsory savings for the sake of the common good and I think that arrangement is happily still holding. It seems to me that any form of compulsory saving which would meet the situation would make borrowing in the traditional way almost impossible. We, therefore, came to the conclusion that there was no practicable means of raising resources in that particular fashion.

That brings us to the savings campaign and the borrowing rates. In regard to the savings campaign, in answer to questions, I have already stated that the new officer whom we have appointed has already infused a great deal of energy into this work. We have revived, as an experimental measure, the system which was in force, of commission agents in certain states. We are employing rural postmasters. We have every reason to hope that the new form of deposit certificate will be popular and it may be that having regard to the seasonal flow of income in the rural areas we may contrive some other forms of weaning away the savings from those who have money laid by in the rural areas. I can claim with justice that the estimate that I have made for savings will be realized, whatever indirect taxation there may be in the way proposed in the budget.

As regards the borrowing rate for the money market. I do not quite know what the criticism was – whether this was an excessive

estimate or whether this was an unduly low estimate. I gathered some speakers to say that this was excessive and would never be realized and if that happened what would happen to us. The other criticism was that it was low, because the rate of interest was not high enough. Now, here again, I would advert to the changes that have occurred in the money market. The figures for the last two or three years do show a distinct and encouraging improvement, considering that our estimate allows for the fulfilment of the needs of the state governments in this matter. Many of them hold large chunks of government securities and it is the practice of the Reserve Bank to make money available to them by placing them on the market, not buying them themselves, or if they do it is for their own portfolio. So on the whole, we have provided for noninflationary finance for the state governments. Then, we allow for their raising of loans in the open market. We have also recently permitted one or two state governments to raise money in the rural areas in special form. Taking all these things into consideration, I think our estimate of borrowing is a reasonable one, but at the same time a moderate one – moderate in the sense that we do not think that we are going to overstrain the market. From that it is open to anyone to draw the conclusion as to the future of the money market rate. I do not propose to make any further statements.

I explained that the mechanism in regard to control of money rate had a vital connection with inflation and that if the Reserve Bank carried out its money market operations mechanically, merely to stabilize the rate at a certain level, there was always the danger of its putting up inflationary finance. That is an operation which the Reserve Bank and the central government have agreed must not be resorted to. Therefore, it is within these limitations that the borrowing rate will be regulated. Sometimes it happens that conditions are favourable and there is no demand for money and the slightest sale depresses the market. At other times, there are people who are willing to buy and there are small fluctuations in the rate and, therefore, fluctuations in the prices of securities always occur. But I believe that nothing that you could do to the borrowing rate, even if it was wise to do it, would make very much difference.

I believe that the key to success in the money market is countering inflation, that is to say, raising the value of money and it is that which this budget sets out to do.

Now, sir, criticism has been levelled that this budget is going to be inflationary. I think that idea is entirely wrong. So far as direct taxation is concerned, I do not think that anyone will claim that that is likely to be inflationary. It must be deflationary in its potential. As regards indirect taxation, the biggest single item is tobacco. To the extent to which the consumers of tobacco maintain their present level of consumption, the effect of this increase would be to reduce consumption in some other lines. Therefore, taxation of commodities other than articles of necessity has the effect on the whole of keeping down the pressure on consumption goods and has thus a deflationary effect. The taxation on other items is very widely spread. Export duties are obviously deflationary. Indeed they are a device to encourage deflation and that is why an export duty was levied on jute when we devalued the rupee, because they divert a portion of the profits of exporters to government. The surcharge and import duty on wines and spirits and the rationalization of duties on mineral oils are small items intended to bring one crore rupees and in a way that would not be regarded as essential items, I hope. The five per cent surcharge on imports which is estimated to yield two crore rupees may be objected to on the ground that it will raise the cost of living and partly the cost of production.

As regards cost of living, some figures were quoted. I can give you the results of calculations made in the social service division of the Planning Commission which indicate that the maximum rise in the working class cost of living index in consequence of the various taxes, direct and indirect, proposed in the Budget, and the increase in railway fares will be 1.15 points, or .33 per cent, for Bombay. It will be less for other centres, the cost of living indexes for which do not include railway fares. In a sense, sir, the budget is inflationary, not because of what it seeks to do, but what it does not do. That is to say, it envisages an uncovered deficit of fifty-two crore rupees. To the extent to which the deficit is sought to be covered it is deflationary; to the extent to which it leaves the deficit uncovered,

it is likely to be inflationary, although in fairness I must say that to the extent to which that deficit will correspond to our purchases of foreign exchange from the Reserve Bank, the money would not necessarily go into internal circulation: therefore, its severity will to that extent be diminished.

As regards the quantum of taxation, many complaints have been made in the debate. I doubt whether this is the occasion to deal with them. I think there will be many more occasions, especially in the Select Committee, when one could take notice of some of the suggestions that have been thrown out, particularly in regard to kerosene and so on. But I make no promises.

Now, sir, the main fact that I wish to bring out here is that I have still left a deficit of fifty crore rupees uncovered and I have left a minimum closing balance of forty-three crore rupees, and not fifty crore rupees. Now I must remove a misapprehension in the minds of certain hon'ble members that fifty crore rupees is not a statutory limit which has been imposed on us. Neither is it the banker's limit. But it is the limit of prudence. But bearing in mind the relation of cash balances in the old days with the total volume of transactions, I think any prudent person would come to the conclusion that a budget of the dimensions we have, ought to have as a closing balance something round fifty crores. But the point I wish to make is that I have provided for only forty-three crores. It is not as if I have sought perfection in this budget. Therefore, criticisms that certain estimates are under-estimates, that I have failed to take into account the possible beneficent effects of the Indo-Pakistan trade agreement and so on, are somewhat misplaced. Apart from the fact that I have made the best estimate that I could, the fact that there was going to be some sort of agreement was not hidden from me. It was in the offing for some time while the budget estimates were being framed. But I do not think that that will make any substantial difference. If it does keep up our jute exports at the level at which they prevailed last year, I think we should be fortunate. I do not quite know what

effect international developments will have on a larger volume of jute goods becoming available and what other factors would arise, but, generally speaking, I think I have tried to make estimates as honest as I could.

I think most of the members seem to have some sort of fear – although they seem to agree that this year some heroic measures were necessary – they seem to fear the future. They wondered whether this rate of taxation is likely to continue or whether year after year we should have to impose fresh taxation. That brings me to what is the purpose of the budget. As I said, the purpose of the budget is to give us a good start-off for our next five or six years' development. In the Colombo plan we provided for a total annual expenditure of three hundred crore rupees, centre and states combined, of which we thought that we ought to be able to raise two hundred crore rupees ourselves, that is to say the state and the centre again. I have examined the figures for the last two years and I find that we have fallen far short of that. I think the total deficit will be of the order of about a hundred crore rupees. That is to say, we have been running our development on deficit finances to the extent of about one hundred crore rupees. This time I think we will probably find that our deficit may be of the order of fifty or sixty crore rupees. If conditions improve – and I hope to show they are likely to – then I think we shall have discharged our part of the burden, that is to say we shall have raised our two hundred crore rupees for our development plans.

I do not believe, at least I hope, that expenditure on relief and rehabilitation will be always with us. In a year or two I think that ought to abate. That is thirty-five crore rupees now. Then food subsidies. In spite of what some hon'ble members have said, I do not think it is a very good system and I hope to see the day when no food subsidy will figure in the budget. That will be about twenty crore rupees. Grow More Food schemes are related to our food self-sufficiency plan and they may go on for a year or another year. But after that I think there should be relief from that part of the expenditure. Then we are returning EPT deposits. That process also ought to come to an end in a year or two. If you add these figures

you will find that there will be a very considerable relief to our budgets in future. I am not, therefore, at all pessimistic that we shall have to carry on this process of taxation. I say that if conditions do turn out so, then we have to choose between taxation and development. And I would again urge that we must try and stint ourselves for the sake of posterity.

The prime minister has lightened my task very considerably in dealing with the general aspects in regard to efficiency and reliance on the services and so on. In any case it would have been very difficult for me as an ex-member of the service to have said anything because it might have been taken as a special pleading. But I would like to add that there is imperfect realization of the hard work that is put in by the services in support of governmental activities.

And there has been a tremendous proliferation of governmental activities in recent years, proliferation of which we have really no conception. Our relations with the public in various sectors have multiplied and it is within my personal knowledge that most of the high-placed officers are very heavily worked.

Then, sir, there was some criticism in regard to the nature of the projects that we have undertaken. I believe that even if the choice had been open to us anew we should have taken courage in our hands and started some of these river valley projects. I have had a great deal to do with them and I have had occasion to find fault in regard to their administration. All the same I think the conception is essentially a very sound one and that it is the cheapest and ultimately the most economical form of increasing the value of our land, that is to say maximising our land utilisation, especially after the difference that Partition made to us in that respect. Minor irrigation schemes are all very well in their place, but they are far more dependent on the vagaries of the monsoon as you, sir, find in your part of the country. Many of the wells and tanks and even the Krishnarajasagar reservoir suffer because of the lack of timely rains whereas these big river valley projects will, I am sure, be a very lasting and permanent investment. I think the criticism that the results are not yet visible is very captious. I cannot see how a river valley project which was started, say, two years ago can begin

to show results when even the dam has not gone up and the canals have not been dug. It is true that in Madras where they started earlier, there are some schemes which have already started yielding revenues, and that is all to the good. But there are schemes of this kind all over India, and I think that is one of the fascinating fields of endeavour that India has today, a field for which money must be found at all cost. In regard to the closing balances also I do not quite understand the criticism that the balances were allowed to run down, as made out as a matter for shame. When one has balances either one allows them to run down or one imposes taxation and keeps them up, because during the last two or three years, there was hardly any taxation. Reliefs were given with the result that the balances were run down and what saved us from the inflationary consequences of doing that was that our requirements of foreign exchange were far greater than the amount by which we ran down our balances. In other words, if we had to spend four hundred crore rupees with which we paid for machinery or food or anything else, then our balances should have been run down by four hundred crore rupees which you had to pay the Reserve Bank in sterling. Instead of Rs. 400 crores, you obviously paid Rs. 400 crores minus 172 crores. To that extent you certainly raise revenues towards meeting the cost of foreign exchange. So I cannot see that there is anything on which the government can be blamed. In the matter of this running down of the balances, we were hoping that we are coming to an end but it so happens that this year, at the end of the coming year, we will not find that we have approached the end and that is why I have shouldered this unpleasant duty of asking the House to replenish those balances by an act of self-sacrifice and self-restraint.

Then there are matters of economy and control of expenditure. In the matter of control of expenditure, I shall always be at one with the House. But as I have explained on previous occasions, it is a long term process. It is a matter of keeping the screw on all the time and no flash action can be exercised, so that results are immediately portrayable in a budget. I can only reiterate that we shall not slacken in our quest for economy.

In regard to the results of measures of economy, I went very carefully through the schemes that we had drawn up and I had to agree with my colleagues that in some of the directions in which I thought economy was possible, there was not much scope at the moment. It may be that there is some scope for retrenchment in getting rid of superfluous staff and so on but that is a process that would have to be spread over the year. The suggestion that one fine morning one should issue notice to nineteen thousand or twenty thousand people as was done in Bombay, I must confess, does not commend itself to me. There was a suggestion made, I think by Prof. K.T. Shah, that the Standing Finance Committee was not given a full opportunity for scrutinizing items of expenditure. I think his notions, as he confessed, are somewhat antiquated. I can challenge him to ask any member of the Standing Finance Committee and satisfy himself how much material is supplied and how much time they take in scrutinizing the schemes.

There was a point made in regard to projects, that we could induce state governments to impose betterment levies. That is precisely what we have done but that will not help to reduce present expenditure. It will certainly improve the chances of our getting back, so far as the centre is concerned, the loans that were advanced to them. I believe one state has already passed legislation and another has undertaken to do so and both, the government and the Planning Commission are using all their endeavours to persuade the states to see that those who profit by these new irrigation schemes will contribute towards the repayment of the public monies that are spent on them. That is all a very sound idea and it is already being followed. One small point about Part C states. It stirred my sympathy. I am sorry that we had not given enough in the way of details as to what happens to their budgets. I do not know whether they will be next time, but in case they are, I shall ensure that enough details are given about significant changes in the budgets as they affect Part C states.

Now I am approaching the end of my allotted span of time and I think that any message that I leave for the House, I fear, will have been lost if any attitude of defeatism or frustration persists. I think the present, which I call an emergency, is an emergency of economic

development. It is no other kind of emergency. I think the present emergency is a challenge to all of us, which has no place for tragic Cassandras or gloomy Jeremiahs and that India of the present is no place for the faint-hearted. Mr. Deshpande challenged me to mention my taxation proposals to villagers. That is what I have longed to do. I should love to visit again and again the villages where I have explained why taxation is necessary. I would love to see the unfolding of the benefits of the expenditure that we are financing out of this taxation and, therefore, the unfolding of an inspiring national endeavour.

Reference

Provisional Parliament Debates, Vol. IX, cc. 4573-87.

JAWAHARLAL NEHRU

The First Amendment

16 May 1951



Even before the first general elections under the Constitution of India were held and a duly elected bicameral Union Parliament was constituted, it was deemed necessary to amend the constitution. The Constitution (First Amendment) Bill was brought forward by the prime minister Jawaharlal Nehru himself. He moved that the bill be referred to a Select Committee of the House. Explaining the necessity and desirability of the amendment, Nehru replied to various criticisms and made a very forceful presentation.

‘That the bill to amend the constitution of India be referred to a Select Committee consisting of Prof. K.T. Shah, Sardar Hukam Singh, Pandit Hriday Nath Kunzru, Dr. Shyama Prasad Mookerjee, Shri Naziruddin Ahmad. Shri C. Rajagopalachari, Shri L. Krishnaswami Bharati, Shri Awadheshwar Prasad Sinha, Shri T.R. Deogirikar, Dr. B.R. Ambedkar, Shri V.S. Sarwate, Shri Mohanlal Gautam, Shri R.K. Sidhva, Shri Khandubhai K. Desai, Shri K. Hanumanthaiya, Shri Raj Bahadur, Shrimati G. Durgabai,

Shri Manilal Chaturbhai Shah, Shri Dev Kanta Borooah, Shri Satya Narayan Sinha and the mover with instructions to report on Monday 21 May 1951.'

This bill is not a very complicated one; nor is it a big one. Nevertheless, I need hardly point out that it is of intrinsic and great importance. Anything dealing with the constitution and change of it is of importance. Anything dealing with fundamental rights incorporated in the constitution is of even greater importance. Therefore, in bringing this bill forward, I do so and the government does so in no spirit of lightheartedness, in no haste, but after the most careful thought and scrutiny given to this problem.

I might inform the House that we have been thinking about this matter for several months, consulting people, state governments, ministers of provincial governments, consulting, when occasion offered itself, a number of members of this House, referring it to various committees and the like and taking such advice from competent legal quarters as we could obtain, so that we have proceeded with as great care as we could possibly give to it. We have brought it forward now after that care, in the best form that we could give it, because we thought that the amendments mentioned in this bill are not only necessary, but desirable, and because we thought that if these changes are not made, perhaps not only would great difficulties arise, as they have arisen in the past few months, but perhaps some of the main purposes of the very constitution may be defeated or delayed. In a sense this matter, of course, has been mentioned rather vaguely and has been before the public for some time. But in the precise form that it has been raised in this bill, it came up only when I introduced this bill in the House a few days ago.

There have been quite a number of criticisms of various kinds. There have been criticisms not only in our own country as they should be, but also in some foreign countries, where some of our friends or those who were our friends have got into the habit of criticizing whatever we might do. If we seek peace it is criticized. If we do something else, they say that we are not peaceful. And so, as I said, there has been a good deal of criticism and we welcome

this criticism, because in a matter of this kind, the greater the scrutiny the better. And may I say that it is with no desire to hurry this that I have mentioned an early date for the report of the Select Committee. I do not myself see how a prolongation of this date for a relatively simple bill, however important would enable us to give greater thought to it. Such thought and experience that we have with regard to the three or four articles, surely, can be brought to bear on the question within a few days; and even if we make the few days into a few weeks, it is not going to increase the amount of concentrated attention of thought that we might give it.

Now, various types of criticisms have been raised. One of them is a rather curious one namely that this House having been elected on a narrow franchise, not being really representative of the country and of the organized will of the community, is not justified or it is not proper for it to deal with such amendments. I seem to remember those very people who raise this criticism criticizing the right, not of this particular House, but nevertheless, very much the same House which preceded it, criticising the Constituent Assembly for daring to draft the constitution for India, because they were elected on a certain franchise. Now, that Constituent Assembly which has gone into the history of India is no more; but we who sit here, or nearly all of us, still continue that tradition, that link. In fact, it is we after all, who were the Constituent Assembly and who drafted this constitution. Then we were not supposed to be competent enough to draft the constitution. But now, the work we did was so perfect that we are not now competent enough to touch it! That is rather an odd argument. We have come up here, naturally because after the experience of a year and a half or so, we have learned much. We have found out some, if I may say so, errors in drafting or in possible interpretations to be put on what we had drafted. That is but natural. And the House will also remember that when this matter of the constitution was being considered in the Constituent Assembly, a clause or an article was proposed, that within a space of five years any changes in the constitution should be relatively easy, that the normal procedure laid down need not be followed, but an easy procedure should be followed. Why, because it was thought – and

if I may say so, rightly thought – that after a little while many little things may come to our notice which did not come up in the course of the debate, and we could rectify them after that experience, with relative ease, so that after this preliminary experience, the final shape may be more final and there would be no necessity for extensive amendments. However, that particular clause unfortunately – if I may say so with due respect – was dropped out. Nevertheless, so far as this House is concerned, it can proceed in the manner provided by the constitution to amend it, if this House so chooses.

Now, there is no doubt that this House has that authority. There is no doubt about that and here, I am talking not of the legal or constitutional authority, but of moral authority, because it is, roughly speaking, this House that made the constitution. We are not merely technically, the inheritors of the fathers of the constitution. We really shaped it and hammered it after years of close debate. Now we come to this House for amendments because we have noticed some lacunae. We have noticed that difficulties arise because of various interpretations. It has been pointed out to us by judicial interpretations that some of these lacunae exist. Now, let me say right at the outset that so far as the interpretation of the constitution is concerned, it is the right and privilege of the highest courts of the land to do it, and it is not for us as individuals or even as a government to challenge that right. The judiciary must necessarily stand above, shall I say, political conflicts and the like, or political interpretations. They have to interpret it in the light of the law and with such light as they can give to it. We respect that and we must obey that. But having followed that interpretation, it becomes our business as Parliament to see whether the purpose we aimed at is fulfilled, because if it is not fulfilled, then the will of the community does not take effect. And if the will of the community ultimately does not take effect, then serious difficulties might arise at any time. And more so at a time like this when powerful and dynamic forces are at work, not merely in India, not merely in Asia, but all over the world, when changes take place and when we cannot think in terms of anything being static and unchanging. Therefore, while fully respecting what the courts of the land have laid down and obeying

their decisions, nevertheless it becomes our duty to see whether the constitution so interpreted was rightly framed and whether it is desirable to change it here and there so as to give effect to what really in our opinion was intended or should be intended. Therefore, I come up before this House, not with a view to challenge any judicial interpretation, but rather to find out and to take the assistance of this House in clearing up doubts and in removing certain approaches to this question which have prevented us sometimes from going ahead with measures of social reform and the like.

This House knows very well that there are many kinds of constitutions in the world. There is the constitution which is not written down, for instance, the constitution of the United Kingdom where parliament is absolutely supreme and can do and say what it likes and that is the law of the land, and no court can challenge it, however they may interpret the law. Then there is the written constitution like the constitution of that great country – the United States of America – where the constitution to some extent, limits the authority of the legislature insofar as certain fundamental rights or other provisions are given in it. Now, in the United States of America, by a long course of judicial decisions, healthy conventions have been laid down and the power of the legislature has been widened somewhat. Because of the interpretations by high judicial authority and because of those conventions, the extreme rigidity that perhaps the written word might have given it has been made more flexible in the course of generations. I have no doubt that if we live through a static period, gradually those conventions would arise here too, relaxing that extreme rigidity of the written word and that our courts would help relaxing that rigidity. But unfortunately we have no time. It is barely a little more than a year since we started functioning under this constitution. And to begin with, therefore, it is only the written word in all its rigid aspects that apparently counts and not the many inner meanings that we sought to give to it. So we are deprived of that slow process of judicial interpretation and development of conventions which the other countries with written constitutions have gone through like the United States of America. Therefore, because we live in these

rapidly changing times, we cannot wait for that slow process. We have to give a slightly different shape to the written word. In effect we do what in the normal course judicial interpretation might have done and probably would have done and we come up before this House for that purpose.

A great deal has been said about the desire of this government to put any kind of curb or restraint on the freedom of the citizen or press or of groups. First of all, may I remind the House that this bill only perhaps clears up what the authority of Parliament is. We are not putting down any kind of curb or restraint. We are removing certain doubts so as to enable Parliament to function if it so chooses and when it chooses. Nothing else happens when this bill is passed except to clarify the authority of Parliament. May I also point out to this House that we in this government and we in this House, have not got a very long life. This session is coming to a close and after this session there is likely to be a brief session again before the general elections take place in this country. This present Parliament will give place to another – a larger one, perhaps a different one. The government may give place to another, and whatever changes we may make in the constitution today, it is highly unlikely that this government or this Parliament will take advantage of them by passing laws to that effect, unless some very severe crisis, national or international arises. In effect, therefore, it is not this government that is trying to seek power or consolidate itself and certainly I do repudiate the suggestion which has been made here and there that any of these amendments are meant to be utilized for political or party purposes. Because nothing could be farther from our thought and indeed, from the practical point of view, the House will observe that that can hardly be done. We do wish, when we walk away from this present scene before the election or after to leave something for the succeeding Parliament and for the younger generation that will come up – something that they can wield and handle with ease for the advancement of India and not something which will come always in their way and deflect them from the set purpose we have in view. Therefore, it is from this point of view that we have put forward this bill.

The House is seized of this bill and no doubt the hon'ble members have noticed the various proposals made therein. A number of amendments might be called rather secondary in importance – not concerning any vital matters of principle. I shall point them out to the House a little later. They are not of great importance but they have come up before us because of certain difficulties which we have experienced. For instance if I may mention one particular difficulty, one of the articles – for the moment – I forget the number – lays down that this House should meet twice a year and the president should address it. Now a possible interpretation of that is that this House has not met at all this year. It is an extraordinary position considering that this time this House has laboured more than probably at any time in the previous history of this or the preceding Parliament in this country. We have been practically sitting with an interval round about X'mas since November and we are likely to carry on and yet it may be held by some acute interpreters that we have not met at all this year strictly in terms of the constitution because we started meeting in November and we have not met again – it has not been prorogued – the president has not addressed Parliament this year. Put it in the extreme way, suppose this House met for the full year without break except short breaks, it worked for twelve months, then it may be said under the strict letter of the law that it has not met at all this year. Of course that article was meant not to come in the way of our work but to come in the way of our leisure. It was indeed meant that it must meet at least twice a year and there should not be more than six months interval between the meetings. It did not want any government of the day simply to sit tight without the House meeting. Therefore, it wanted to compel it by the force of the constitution to meet at least twice a year but without a big gap. That again by interpretation leaves the curious situation that if you continue meeting, you do not meet at all!...

So, you will see three or four amendments really deal with this. That is to say, two of them deal with Parliament and two deal with the state assemblies because the same rule affects them also. There are one or two other matters which are rather minor. I might as well refer to them before I go to the more important one.

Article 85 is the article to which I have referred about the sessions of Parliament, prorogation and dissolution. Article 87 is the consequential one to change. So also Articles 174 and 176 apply to state assemblies in the same way in regard to a governor summoning them twice a year. Then Articles 341 and 342 relate to notification of scheduled tribes and castes by the president. Here it is really a verbal change to make it clear because some states have not got *Rajpramukhs*, etc. Article 372 relates to the adaptation of laws where it is sought to increase the period from two to three years. Article 376 – the last one – enables the government to appoint a chief justice even though he might not be a citizen of India.

These are relatively minor points. The real important provisions which I am putting before the House relate to Articles 19 and 31. There is also Article 15 with which I will deal first. In Article 15 it is sought to add certain words. Perhaps it might appear that these words might almost be considered redundant. Nevertheless it has been considered desirable to add them and I am not quite sure if a slight further addition would not even be better to make it quite clear.

The real difficulty which has come up before us is this. The constitution lays down certain Directive Principles of State Policy and after a long discussion we agreed to them and they point out the way we have got to travel. The constitution also lays down certain Fundamental Rights. Both are important. The Directive Principles of State Policy represent a dynamic move towards a certain objective. The Fundamental Rights represent something static, to preserve certain rights which exist. Both again are right. But somehow and sometime it might so happen that that dynamic movement and that static standstill do not quite fit into each other.

A dynamic movement towards a certain objective necessarily means certain changes taking place, that is the essence of movement. Now it may be that in the process of dynamic movement certain existing relationships are altered, varied or affected. In fact they are meant to affect those settled relationships and yet if you come back to the Fundamental Rights they are meant to preserve not indirectly certain settled relationships. There is a certain conflict in the two approaches, not inherently, because that was not meant, I am quite

sure. But there is that slight difficulty and naturally when the courts of the land have to consider these matters they have to lay stress more on the Fundamental Rights than on the Directive Principles of State Policy. The result is that the whole purpose behind the constitution, which was meant to be a dynamic constitution leading to a certain goal step by step, is somewhat hampered and hindered by the static element being emphasized a little more than the dynamic element and we have to find out some way of solving it.

The amendment which I seek to move is, to be quite frank with the House, not a solution of the basic problem which will come up before the House in various shapes and forms from time to time. But it does lay stress on one small aspect of it.

May I also point out and try to remove a possible misconception that might be in the minds of some hon'ble members? They might think that this is perhaps a devious method to bring in some kind of a communal element in the consideration of this problem. I want to make it perfectly clear that so far as governments are concerned they do not wish to have any truck with communalism in any form. But you have to distinguish between backward classes which are specially mentioned in the constitution that have to be helped to be made to grow and not think of them in terms of this community or that. Only if you think of them in terms of the community you bring in communalism. But if you deal with backward classes as such, whatever religion or anything else they may happen to belong to, then it becomes our duty to help them towards educational, social and economic advance. Naturally that advance is not meant to be, if I may say so, at the expense of the others. We want to pull people up and not pull them down. But sometimes in this intervening period difficulties arise, because we have not got enough provision, let us say, for giving a certain type of education, technical or other. The question arose whether we should give some reasonable encouragement and opportunity for that education to be given to members of the backward classes, which otherwise, without that encouragement and opportunity, they may not get at all, so that they remain where they are and we cannot pull them up. Therefore, the object of this amendment is to lay stress on this.

The House may remember Article 29(2) which says that no one by reason of his religion, etc., etc., should be kept out of an educational institution. That is a fundamental thing by which this constitution stands and we must stand by it. There is no question of going behind that. What I submit is, respecting that we have also to respect that fundamental directive of this constitution and the fundamental aims of our policy, that we must encourage and help those who are backward to come up, and give them proper training and proper opportunities of social and economic advance.

The essential difficulty is this. The whole conception of the Fundamental Rights is the protection of individual liberty and freedom. That is a basic conception and to know wherefrom it was derived you have to go back to European history from the latter days of the eighteenth century; roughly speaking, you may say from the days of the French revolution which spread on to the nineteenth century. That might be said to be the dominating idea of the nineteenth century and it has continued and is a matter of fundamental importance. Nevertheless, as the nineteenth century marched into the twentieth century and as the twentieth century went ahead, other additional ideas came into the field which are represented by our Directive Principles of State Policy. If in the protection of individual liberty you protect also individual or group inequality, then you come into conflict with that directive principle which wants, according to your own constitution, a gradual advance, or let us put it another way, not so gradual but more rapid advance wherever possible, to a state where there is less and less inequality and more and more equality. If any kind of an appeal to individual liberty and freedom is construed to mean as an appeal to the continuation of the existing inequality, then you get into difficulties. Then you become static, unprogressive and cannot change and you cannot realize that ideal of an egalitarian society which I hope most of us aim at.

These problems arise and I have mentioned them to the House, not because they arise out of the little amendment that I propose but at the back of these problems they are there and we have to come to grips with them. If this particular amendment can be somewhat

varied I should welcome it. I do not stick to that particular wording. In the Select Committee or elsewhere, some few words may perhaps make the meaning clearer which I have sought to put before the House, and I would personally welcome it.

Then we come to the two main articles which have to be dealt with in this bill. Article 19 deals with the Fundamental Rights regarding freedom of speech, etc. It has been said that this government seeks to curb and restrict the freedom of the press. Hon'ble members are fully aware of the state of affairs today. I do not think there is any country in the world at the present moment where there is so much freedom – if I may use that word for the moment – in regard to press publications as in India. I have frequently given expression to my appreciation of the way responsible journals in this country are conducted. I should like to say so again, but I have also drawn attention to the way the less responsible news-sheets are conducted, and it has become a matter of the deepest distress to me to see from day to day some of these news-sheets which are full of vulgarity and indecency and falsehood, day after day, not injuring me or this House much, but poisoning the mind of the younger generation, degrading their mental integrity and moral standards. It is not for me a political problem but a moral problem. How are we to save our younger generation from this progressive degradation and poisoning of the mind and spirit? From the way untruth is bandied about and falsehood thrown about, it has become quite impossible to distinguish what is true and what is false. Imagine our younger generation in the schools and colleges reading this. Imagine, I ask this House, our soldiers and our sailors and our airmen reading this from day to day. What kind of impression do they carry?

Yes, we can satisfy ourselves that we have got the completest freedom of the press. That is true. But freedom like everything else, and more than everything else carries certain responsibilities and obligations and certain disciplines, and if these responsibilities and obligations and disciplines are lacking then it is no freedom, it is the absence of freedom, whether an individual indulges in it or a group or a newspaper indulges or anyone else.

For my part, as I grow in years I become more and more convinced that one cannot deal with any major problem, whether it is international or national, by simply relying on coercive processes. More and more I have come to realize that. I know, of course, that essentially, or at any rate a part of the duty of a Government is a duty to coerce the evildoer according to the laws of the land. That is true. And till we rise to higher levels a government will always have that duty. I know that it is the duty of a government to protect the freedom of the country from external invasion, by keeping armies and navies and the like. And so, in spite of my deep and almost instinctive belief that this kind of violence does not solve the problem, yet, having responsibility, I have to rely on those coercive processes, on the army and the navy, etc., and keep them in the most effective and efficient way that we can. Therefore, it is not with any idea of trying to improve, if I may say so, the morals of the country by coercive processes that I approach this question. I do not believe that morality is improved by coercive processes whether in the individual or in the group. Nevertheless, when there is a total lack or a great lack of those restraints which make up civilization, which go behind any culture, whether it is of the East or the West, when there is no sense of responsibilities and obligations, what are we to do? How are we to stop that corroding influence, that disintegrating process that goes on?

Now, I am in a difficulty. This particular amendment is not, let me remind the House, a law curbing or restraining anybody. All these amendments are enabling measures merely clarifying the power of Parliament which might be challenged or has been challenged in regard to some matters. Things remain, so far as the law is concerned exactly as they were, so long as this Parliament or a future Parliament does not take some action after due thought. I have never heard of anyone saying that in the United Kingdom there is no freedom of the press or freedom of anything because Parliament is all-powerful – I have never heard that said. It is only here we seem not to rely on ourselves, not to have faith in ourselves, in our Parliament or our assemblies, and rely, just as some of us may have relied on external authority like the British power of old days; we rely on some external

authority – maybe geographically internal – and not perhaps have faith in this Parliament. After all, the responsibility for the governance of India, for the advancement of India lies on this and future Parliaments, and if this Parliament or future Parliaments of India do not come up to expectations, fail in their great enterprise, then it would not be good for India, and nobody else would preserve India from going towards misfortune. So that you rely on this Parliament for the biggest things, and yet you come and tell us, ‘Do not trust this Parliament because it may do something wrong, it may do something against the constitution’. So, I would beg the House to remember that this bill does not bring in any offence, any curb, any restraint. It is an enabling measure clarifying the power of Parliament to deal with the matter. To what extent, is another matter and I shall go into it.

As I have said, I have a difficulty in dealing with, let us say, the press. The press is one of the vital organs of modern life, more especially in a democracy. The press has tremendous powers and tremendous responsibilities. The press has to be respected, the press has to be cooperated with. In a somewhat varied career I have sometimes considered myself also a bit of a journalist and a pressman. So I approach this question not as an outsider but to some extent as an insider also, with full sympathy for the difficulties that journalists and newspapermen and editors have to face. But then, what is the press; those great organs of national opinion, or some two-page news-sheet that comes out overnight from time to time without regularity, full of abuse, sometimes used even for blackmailing persons? What is the press? Is that news sheet the press or the great national organs or the hundreds and thousands of periodicals and newspapers in between? What standard have I to devise? Everything is the press. Nobody thinks of restraining the freedom of the responsible organs unless some very extraordinary thing occurs. But what are we to do with these little sheets that come out from day to day and poison and vitiate the atmosphere? As I said, it is a difficult thing and a dangerous thing. And power and responsibility do not go together. A prime minister of the United Kingdom once, referring to certain types of the press, said that they

had the harlot's privilege of power without responsibility. Well, there it is. One has to face the modern world with its good and bad, and it is better, on the whole, I think, that we give even licence than suppress the normal flow of opinion. That is the democratic method. But having laid that down, still I would beg to say that there is a limit to the licence that one can allow at any time, more so at times of great peril and danger to the state. At the present moment it is our good fortune that in spite of difficult problems in the country, we function normally; we function in this Parliament normally; we function in state assemblies more or less normally; the machinery of government goes on; the administration goes on and we try as best we can to face the problems. Yet we live at a time of grave danger in the world, in Asia, in India. No man can say what the next few months may bring, the next few months, or if you like, the next year – I am not thinking of the election, but rather of other happenings that are bigger than elections. Now at this moment when great countries – not to mention smaller ones – even great countries think almost of a struggle for survival when they think that in spite of their greatness and power they are in danger, all of us have to think in terms of survival. And when a country is face to face with grave problems and questions, from the national point of view, of life and death and survival, then there is a certain priority and a certain preference in the way of doing things.

As the House knows, when there is a great war on and your country is involved in it, one has to deal with the situation somewhat differently than otherwise. Today, although there is no great war of that type, although we hope that no great war will come, and even if it comes we hope we shall be out of it, even so, war or no war, we live in a kind of prewar state of deep crisis and we have to suffer the consequences of it. So, in this critical stage where always there is the question of survival, we cannot function loosely, inefficiently, without discipline, without responsibility, without thinking of our obligations. Therefore, it becomes necessary to give power to this Parliament, or to the future Parliament, which will represent the organized will of the community in India to take in a time of crisis such steps as it chooses. To prevent us from doing so is to deceive

yourself and not to have faith in yourself and to be unable to meet a crisis when it arises and thereby perhaps do great injury to the cause we represent.

Now, what are these wonderful amendments which are said to be curbs and restraints on the press? In the main, the amendment to Article 19, clause (2) that we suggest, contains three new phrases. The three phrases are; friendly relations with foreign states, public order and incitement to an offence. All the rest practically, apart from minor changes in the words, are in the old clause (2). The new clause reads thus:

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law insofar as it imposes, or prevents the state from making any law imposing, in the interests of the security of the state, friendly relations with foreign states, public order, decency or morality, restrictions on the exercise of the right conferred by the said subclause, and in particular, nothing in the said subclause shall affect the operation of any existing law insofar as it relates to, or prevents the state from making any law relating to, contempt of court, defamation or incitement to an offence.

The three novel words, or sets of words, compared to the old phraseology are: friendly relations with foreign states, public order and incitement to an offence. Let us now examine them. For the moment, as I said, it is only an enabling measure giving power to Parliament. But let us go beyond that. Does it involve any radical attack on the basic conception of the Fundamental Rights? Take the first thing – foreign relations. Now if anyone thinks that this is meant to stifle criticism of foreign countries, certainly it is not my intention and I am quite sure not of my government. Ultimately, of course, if such a matter arises, it will be the subject of legislation that Parliament will frame. We are not framing legislation here. We can only indicate that such a thing can be legislated about. Nobody wants it. At the same time, this House will realize that at this particular moment of a very delicate international situation and tension, we cannot easily take the risk when something said and done, not an odd thing said and done, but something said and done repeatedly and continuously, may lead in regard to foreign countries to the

gravest consequences, may lead to our relations with that foreign country deteriorating rapidly. It is a power which every government possesses and deals with. It is certainly a power which can be used or misused – it is true. But that question has to be examined when that particular power is granted. All that is said here is that the authority to deal with this matter should vest with Parliament and should not be taken away. Surely no member in this House is prepared to say, I hope, that this House should not have the authority to deal with this matter when grave international issues are involved, when something written or said continuously may endanger the peace of the world or our country. It is a very serious matter, that we cannot stop it. What steps to take and how to take them are matters for careful determination when the question arises. Unless this House has the authority to deal with it, the situation cannot be faced and we would be simply helpless to prevent a steady deterioration and disintegration of the situation.

Then the other things are public order and incitement to an offence. Again these are words which may mean more or less – it is perfectly true. If such words were used in an actual piece of legislation, they have to be examined strictly as to how far they go and what powers they confer on the executive. But when you use them here in the sense of enabling Parliament to take steps, then you should use some general phrase not limiting the power of Parliament to face a situation. But when it brings any legislation to that effect, then examine it thoroughly and carefully. It is clear that the original clause, as interpreted by superior courts in this country, has put this government, or would put any government, into a very difficult position. The House knows – and it is mentioned in the statement of object and reasons – that one of the high courts held that even murder or like offences can be preached. Now it is an extraordinary state of affairs if that can be done. It may be and I am quite sure it would be in the long run, as in other countries, that judicial interpretation would gradually bring things more in line with which I would beg to say is the spirit of the constitution....

I have no doubt that in course of time with the help of the highest courts in the land we would develop conventions eventually which

would widen the authority of the legislature to deal with them as the United States of America has done. The unfortunate part is that we just cannot wait for a generation or two for these conventions, etc., to develop. We have to deal with the situation today and tomorrow, this year and the next year. Therefore, the safest way is not to pass a legislation in a hurry but to enable Parliament to have authority to deal with such matters. Personally I confess my own belief is that it is better in any event and always for Parliament to have a large measure of authority, even the authority to make mistakes and go to pieces. Certainly I realize that in conditions as they exist in India today the exact form, let us say, of the constitution of the United Kingdom is not applicable. We are too big a country, too varied a country. We have to have a kind of federation, autonomous states and the like. Therefore, it is inevitable that we should have a written constitution. We have got it, and it is a fine constitution. Gradually as we work it, difficulties appear. As wise men we deal with them and change it.

Here may I say, in connection with the use of the coercive apparatus of the state to deal with these problems, it has been our misfortune in the past two or three years to have had to use it in a variety of ways? We have had to use it because, practically speaking, we have had sometimes to face a challenge which can only be comparable to the challenge of war. The challenge may have come internally, but it was a challenge to the state as a war challenge is, that is by violence and by violent effort. We had to face it – as every state has to face it – by the organized strength of the state, whether it is the police or the military strength, whether it was in Telengana or wherever it may be. Yet I should like to remind the House in this connection of Telengana which I mentioned that we have recently seen – and the thing is happening today – another way of meeting this type of situation, a peaceful way, a nonviolent way. We have been seeing the frail figure of Vinoba Bhave marching singly into Telengana and by his words and by his action producing a tremendous effect on the people there and possibly even in the immediate present producing much more effect than any armed force could have done and certainly, if that is so in the immediate present,

taking a longer view, must certainly be doing more because the effect of the armed force is good for the time being but in the long run it may not be so good; it may leave a bad trail of memories.

Now I shall proceed with the other article, the important one, namely Article 31. When I think of this article the whole gamut of pictures comes up before my mind, because this article deals with the abolition of the zamindari system, with land laws and agrarian reform. I am not a zamindar, nor am I a tenant. I am an outsider. But the whole length of my public life has been intimately connected, or was intimately connected, with agrarian agitation in my province. And so these matters came up before me repeatedly and I became intimately associated with them. Therefore, I have a certain emotional reaction to them and awareness of them which is much more than merely an intellectual appreciation. If there is one thing to which we as a party, have been committed in the past generation or so, it is the agrarian reform and the abolition of the zamindari system.

Now, apart from our commitment, a survey of the world today, a survey of Asia today will lead any intelligent person to see that the basic and the primary problem is the land problem today in Asia, as in India. And every day of delay adds to the difficulties and dangers, apart from being an injustice in itself. There are many ways of dealing with this problem. We have seen in many countries this problem being dealt with quickly and rapidly and without any check, either by expropriation absolute or by some middle way of part expropriation and part nominal compensation, whatever it may be. Anyhow, they have dealt with it rapidly. And where they have done so they have produced a new stability. I am not going into the justice or injustice of it but am looking at it purely from the point of view of stability. Of course, if you go into the justice or injustice, you have to take a longer view, not the justice of today but the justice of yesterday also. But we adopted another method, and I think we rightly adopted that method, of trying to deal with it not in such a hurry but as adequately – after full thought and consideration of all interests – as we could, and the giving of compensation. Now, I am not going into those questions, but it is

patent that when you are out basically to produce a certain equality, when you are out to remedy inequalities, you do not remedy inequalities by producing further inequalities. We do not want anyone to suffer. But, inevitably, in big social changes some people have to suffer. We have to think in terms of large schemes of social engineering, not petty reforms but of big schemes like that. Now, if all our schemes like that are stopped – maybe rightly stopped, maybe due to a correct interpretation of the law and therein too the lawyers differ and even judges have differed – again, I have no doubt that we have a generation to wait for things to stabilize. Then, we will have the help of the high courts of the land, but we cannot wait. That is the difficulty. Even in the last three years or so some very important measures passed by state assemblies and the rest have been held up. No doubt, as I said, the interpretation of the courts must be accepted as right but you, I and the country have to wait with social and economic conditions – social and economic upheavals – and we are responsible for them. How are we to meet them? How are we to meet this challenge of the times? How are we to answer the question: For the last ten or twenty years you have said, we will do it. Why have you not done it? It is not good for us to say: We are helpless before fate and the situation which we are to face at present. Therefore, we have to think in terms of these big changes, land changes and the like and, therefore, we thought of amending Article 31. Ultimately we thought it best to propose additional Articles 31A and 31B and in addition to that there is a schedule attached of a number of Acts passed by state legislatures, some of which have been challenged or might be challenged and we thought it best to save them from long delays and these difficulties, so that this process of change which has been initiated by the states should go ahead. Many of us present here are lawyers and have had some training in law which is a good training and many of us respect lawyers. But nevertheless a lawyer represents precedent and tradition and not change, not a dynamic process. Above all, the lawyer represents litigation....

...Just as, if I may say so with all respect, that in the modern system of treating disease the doctor is rightly interested in [the] disease...

Somehow we have found that this magnificent constitution that we have framed was later kidnapped and purloined by the lawyers.... I do not grudge anyone entering paradise but what I do object to is the shutting of the door and of barring and bolting it and preventing others from coming in. The other day I was reading an article about India by a very eminent American and in that article which contained many correct statements and some incorrect statements, the author ended by saying that India has very difficult problems to face but the most acute of them he said, can be put in five words and those five words were: land, water, babies, cows and capital. I think that there is a great deal of truth in this concise analysis of the Indian situation.... I am not for the moment going to say anything about babies or cows, important as they are, nor do I wish to say anything about capital which is a most important question. Our capital resources are matters with which my colleague the finance minister and the Planning Commission are dealing but we come back to land and water. Water is connected with the land that we want to improve and we have big river valley schemes, wells and all that. Finally, we come back to the land which is the most important of all and if we do not make proper arrangements for the land, all our other schemes whether they are about Grow-More-Food or anything else may fail. Therefore, something in the shape of this amendment that I have suggested becomes necessary. Again, if I may say so, what is intended is to give power to this House or to a future Parliament to deal with this so that it may not feel helpless when a situation arises which calls for its intervention.

Reference

Provisional Parliament Debates, Vol. XII-XIII, cc. 8814-32.

JAWAHARLAL NEHRU

The First Amendment

29 May 1951



The Constitution (First Amendment) Bill was referred to a Select Committee of the House for examination and report. When the Select Committee reported, Jawaharlal Nehru moved that the bill as reported by the committee be taken into consideration. The bill, he pointed out, was an improvement on the earlier draft as the committee had tried to satisfactorily meet all the criticisms.

The main objective of the first amendment was to protect some nationalization legislation and zamindari abolition and agrarian reform laws. It also sought to ensure that any special provisions made for educational, economic or social advancement of any backward class of citizens do not get challenged as being discriminatory.

I beg to move:
'That the bill to amend the Constitution of India, as reported by the Select Committee, be taken into consideration.'

The Select Committee considered this matter for six days, and yet perhaps to say that it considered it for six days does not exactly

convey the right impression, because the amount of time and thought that it gave to it probably represented much more than six days. The committee consisted of many honorable members of this House holding a variety of opinions and pressing them, quite rightly, with all the force at their command. And it was our wish and attempt in this committee to come, as far as we could, to a large measure of common understanding because it was a serious matter – and an amendment of the constitution is always a serious matter – and we tried to find common ground. And may I say, that in effect, we did find a great measure of common ground, and even though there are a number of minutes of dissent attached to this report, I think that the common ground we found in the course of our deliberations was far greater than might be expected by an unwary reader of these minutes of dissent. Nevertheless, there is no doubt that there was and is a measure of dissent, and I do not deny that. But I think perhaps the emphasis or stress laid on the dissent in those minutes of dissent is greater or appears to be greater than actually existed in the deliberations of the committee. I am merely trying to point out that we did approach this question, not in a partisan spirit, but in a spirit of trying to understand, of trying to weigh and balance the opinions of our critics and trying to find a way out which would, as far as possible, be satisfactory to them as well as to others. And I think, on the whole, we succeeded. Therefore, the report that I presented to the House is, I believe an improvement on the original bill that I placed before the House. I cannot say, of course, that what I put before the House is perfect in all respects, because there is no perfection in such matters. Opinions may differ and where there is an attempt to find a middle way, often there is a certain dissatisfaction on either side. But I think that the report does represent a very hard and very continuous attempt to find as good language as we could possibly do, to give expression to our intentions, without doing violence to any part or any intention of the constitution. Indeed, as I said at an earlier stage, the amendments we sought to put in, however worded, were really meant more to amplify and clarify than to make a change in any part of the constitution. But naturally any amplification and clarification involves some change in the

interpretation, some change in effect. That is true. But keeping before us all the time the spirit which animates the constitution and those who made it, we felt that we were not going beyond it, but rather attempting to clarify it.

In the minutes of dissent, stress is laid on the fact that this constitution has only been in existence for sixteen months, and it is too short a period for us to try to amend it or to improve upon it. Now, I would not venture to criticise that statement. And yet I think that to lay stress on sixteen months in this connection has little bearing on the subject, as if after sixteen years we will be in a better position to judge. No doubt we would be, if we are there. In the long run it may be so, but it has often been said to those who talk about longrun that we shall all be dead anyhow by then. Now, the question is not whether the constitution has been in existence for months or for years, but rather what is necessary to be done, because of the experience we have had. Because of the conditions that face us, if something is necessary, then it does not matter whether it is sixteen months or sixteen weeks, if you like, but if it is necessary then the time factor does not count at all. Therefore, the whole basis should be whether such a change is necessary or not.

Now, a fair number of amendments have been suggested and as the House knows, many of them are rather of a technical or formal nature, being attempts to get over some slight difficulty that had arisen, without any interference with any basic provisions of the constitution. There are in fact two or three, if you like, matters that are considered more important and more basic – those relating specially to Articles 19, 31 and 15. I do not want to take the time of the House at this stage in referring to the other articles in the report, because there is little dissent in regard to them, although one hon'ble member of the Select Committee has objected to the phraseology of one or two. But the meaning behind them is accepted and in order to bring out the meaning more clearly, surely we shall have no objection. We have tried to give it the best wording we could think of.

Now I come to deal with those three specific articles to which a great deal of argument has been attached. There is Article 15 (2)

or 15 (4) as it is proposed to make it, that is to say, the clause which says that nothing in Article 15 (2) or in Article 29(2) should come in the way of our making special provisions for certain groups or classes, etc., which are not defined exactly, but indicated there. I wonder if the House remembers that when I referred to this during the earlier stages of this bill I mentioned that by an oversight the bill as printed then had left out a small but rather important matter, that is, in the clause relating to Article 15 we had said at that time in the printed bill that nothing in Article 15(2) will come in the way, etc. What we had intended saying – in fact what we had decided to say was that ‘nothing in Article 15 or in Article 29(2)’ but unfortunately owing to a slight error, the words ‘Article 29(2)’ were left out. I mention this clearly merely to indicate that this was not an afterthought on our part. It was an error for which I take full share. It was not an afterthought to include Article 29(2) because we had decided about it previous to putting it in the bill. There were two views in regard to Article 29(2). It was the view of many eminent people that Article 29(2) in this particular context does not affect the matter at all. It does not come in the way at all and yet, in another context Article 29(2) had been referred and because of the certain doubt in people’s minds that although the best opinion was that it does not come in the way nevertheless there was a hesitation or doubt and we thought that that doubt should be removed.

Without going into the details of this article or of the amendment proposed, I wish to say a few words about – shall I say – our basic ideas on this subject. Why have we done this and why has it been thought that these articles come in the way of doing something that we wish to do? The House knows very well and there is no need for trying to hush it up that this particular matter in this particular shape arose because of certain happenings in Madras. Because the government of the state of Madras issued a GO – I do not know the details of it – by making certain reservations, etc., for certain classes or certain communities – rather for all communities – and the High Court of Madras said that it goes against the spirit or letter of the constitution, etc. I do not for an instant challenge the right of the High Court of Madras to pass that order. Indeed from a certain

point of view it seems to me, if I may say so with all respect, that their argument was quite sound and valid. That is to say, if communities as such are brought into the picture, it does go against certain explicit or implied provisions of the constitution. Nevertheless, while that is quite valid and we bow to the decision of the High Court of Madras in that matter, the fact remains that we have to deal with the situation where for a variety of causes for which the present generation is not to blame, the past has the responsibility, there are groups, classes, individuals, communities, if you like, who are backward. They are backward in many ways – economically, socially, educationally – sometimes they are not backward in one of these respects and yet backward in another. The fact is, therefore, that if we wish to encourage them in regard to these matters, we have to do something special for them. We come up against this difficulty – that we talk on the one hand in our Directive Principles of Policy of removing inequalities, in raising people up in every way – socially, educationally, economically, reducing the distances which separate groups or classes of individuals from each other, we cannot separate them entirely, we cannot make a fool a wise man or make a wise man a fool, individuals are clever or not clever, individuals are tall or short, thin or fat and nobody tries to have similar rotundity either in the mind or body but we do wish to give the same opportunities to everyone so that he can take full advantage of those opportunities and grow to the full stature as far as that stature allows it and if anything comes in the way of achieving this, we should remove that. It is not an easy matter, it is not a thing to be done quickly and suddenly when we have a vast population.

Yet again, there is one member who has pointed out in his minutes of dissent that when we talk of people or groups as backward, who are we thinking of. Because eighty per cent – I do not know what percentage it is – are backward in all these respects. That is perfectly true and yet we have to tackle the problem. It is no good saying that because eighty per cent are backward, so we must accept the position. We have to give them opportunities – economic opportunities, educational opportunities and the like. Now in doing that we have been told that we come up against some

provisions in the constitution which lay down some principles of equality or some principles of nondiscrimination, etc. So we arrive at a peculiar tangle. We cannot have equality because in trying to attain equality we come up against some principles of equality. That is a very peculiar position. We cannot have equality because we cannot have nondiscrimination, because if you think in terms of giving a lift up to those who are down, you are somehow affecting the present status quo undoubtedly. Therefore, you are said to be discriminating because you are affecting the present status quo. Therefore, if this argument is correct, then we cannot make any major change in that respect because every change means a change in the status quo, whether economic or in any sphere of public or private activity. Whatever law you may make, you have to make some change somewhere. Therefore, we have to come to grips with this subject in some other way.

Take another very important approach of ours, that is, in our attempt gradually or rapidly to realize an egalitarian society or some society where these differences are not great, apart from national or physical differences, etc. In our attempt to do that, we want to put an end to or try to put an end to all those infinite divisions that have grown up in our social life or in our social structure — we may call them by any name you like, the caste system or religious divisions, etc. There are, of course, economic divisions but we realize them and we try to deal with them not always very satisfactorily. But in the structure that has grown up — quite apart from the religious point of view or the philosophical aspect of it — this is the structure of society with its vast numbers of fissures or divisions, etc. Now, to get rid of that in order to build, not only to give opportunity to each individual in India to grow but also to build up a united nation where each individual does not think so much of his particular group or caste but thinks of the larger community — that is one of our objectives. On the other hand while that may be our objective, the fact remains that there are these large numbers of divisions and fissures in our social life, though I think they are growing less. We are gradually obliterating all those hard and fast laws that divide them but nevertheless the process is slow

and we cannot ignore the present. We cannot ignore existing facts. Therefore, one has to keep a balance between the existing fact as we find it and the objective and ideal that we aim at. If we stick to the existing fact alone, then we are static and unchanging and we give up all the objectives we have or the Directive Principles of Policy that are laid down in the constitution. That, of course, we cannot do and must not do. On the other hand, if we talk only about those directive principles, etc., ignoring existing facts, then we may talk logic and we may talk fine sense even in a way but it has no relation to facts and it becomes artificial, it becomes slightly adventurish and, therefore, not realistic enough.

So we have to find a middle way that is in keeping with the objective or the ideal in view, taking steps which gradually carry us in that direction and yet not ignoring the existing facts with which we have to deal. We have to deal with them anyhow, even if we have to deal with it in the sense of fighting against the existing situation.

These were the difficulties and the House will understand that in grappling with this problem one can lay emphasis on this aspect or that aspect of it, because both aspects are important and the real difficulty comes in finding a balance between the two. It is very easy to say to any member that it is a simple problem which requires an aye or nay. This is good or that is bad. But normally the problems we have to face cannot be answered easily by ayes and nays. We have to consider them in the total context of things. We have to consider them in their relation to a hundred other things and thereby bring the ideal into some relation to the actual. These were the matters at the back of our minds as we discussed this matter from hour to hour in the Select Committee.

I think I may say with perfect truth that every single member of the Select Committee recognized the desirability of giving these opportunities for growth to those who in any sense may be considered backward. There was no doubt in any member's mind but what some members were afraid of in doing so was, might not this be abused, might this be utilized for the accentuation of the very class or communal divisions which have done us so much injury and which we have been trying to get rid of? This fact troubled and

rightly troubled their minds as it must trouble the House and each one of us. So we tried to find a middle way and I submit that the wording we have adopted in this article is more or less a successful way of meeting this difficulty and finding the middle way.

You must have read an earlier paragraph in the report which says:

Some apprehensions have been expressed in respect to this amendment. The Select Committee is of the view that this provision is not likely to be, and cannot indeed be, misused by any government for perpetuating any class discrimination against the spirit of the constitution, or for treating nonbackward classes as backward for the purpose of conferring privileges on them.

We have said so and we earnestly hope that if and when this provision is passed it will not be misused. Nobody can guarantee against misuse or some kind of special or undesirable use by any authority of any provision you may make. We can only try our best to create the conditions where this would not be so. What I wish to assure this House is, that we are alive to the possibility of this kind of thing being used for a particular purpose to which we are opposed. And may I say also that when we talked with certain persons, including the chief minister of the Madras government, they also told us that they realized our difficulty, they appreciated it and they had no desire to function exactly in that way which people feared. So I would commend this particular amendment of Article 15 to the House.

Then I come to Article 19(2), which perhaps has given rise to more comment and controversy than any other suggested amendment. Here, may I deal with one matter, because I think two or more hon'ble members of the Select Committee have protested and raised objections to the fact that they were not supplied with the list of the laws that might be affected by these changes. There are those laws of course, most of them finding a place in the proposed ninth schedule. They are there and they are available to anybody, every one of them.

In regard to the other laws I have not quite understood the complaint or, if I may say so, having understood it partly, I have not been quite able to see what I can do about it. It is exceedingly

difficult to make a list of all kinds of laws which might be affected. Some I can say straight off. For instance, you can say straight off what effect it will have on a particular law or part of it. I can say that because of a particular judgement of the Supreme Court or the high court. That is a specific thing. Even there I do not know exactly what the position might be. It is not as if we are suddenly resuscitating or rejuvenating certain laws which had become obsolete, disabled or blocked. It is because of a certain interpretation put by some of our superior courts on a certain fact and we wish by this amendment to change that interpretation. What effect that interpretation will have on any particular law again is to be decided by the superior courts of the land and not by us. I might perhaps give you or perhaps the law department might give you an indication of their opinion as eminent lawyers. This might or might not be so. Ultimately it can only be decided by the courts of the land as to what effect this particular amendment when passed has on a particular law. My view will not be a precise and definite opinion but rather an opinion which with my limited knowledge of the law I might give. With regard to some matters I might be more precise and in regard to others I would be vague, because it is not making law out of nothing but making it valid by removing certain obstructions that have come, certain interpretations that had been given which might apply to a part or the whole of the law, as the case may be or might not apply at all to it.

I speak with great respect when I have to deal with the law, because I have not only great respect for the judges but great fear of the lawyers. Take for instance section 153A of the Indian Penal Code which deals with what might be called communal discord or the preaching of enmity between communities. I have no doubt that the amendment we are seeking to put in brings back into operation – the exact words might be different – how it should be worked. That is if there is going to be preaching of communal hatred, certainly if this is passed, that can be dealt with.

Take again section 124A of the Indian Penal Code. Now so far as I am concerned, that particular section is highly objectionable and obnoxious and it should have no place both for practical and

historical reasons, if you like, in any body of laws that we might pass. The sooner we get rid of it the better. We might deal with that matter in other ways, in more limited ways, as every other country does but that particular thing as it is should have no place, because all of us have had enough experience of it in a variety of ways and apart from the logic of the situation, our urges are against it. I do not think myself that these changes that we bring about validate the thing to any large extent. I do not think so, because the whole thing has to be interpreted by a court of law in the fuller context, not only of this thing but other things as well. Suppose you pass an amendment of the constitution to a particular article, surely that particular article does not put an end to the rest of the constitution, the spirit, the language, the objective and the rest? It only clarifies an issue in regard to that particular article.

Therefore, when you consider these amendments and when you pass them into law, all I can say is that the effect of certain judgements will, if this amendment is passed, be removed; the article will be interpreted in a slightly different way but always in terms of the whole constitution. And, therefore, it becomes difficult for me to place before the House a list of laws and say, 'This has happened to them', because it is a question of judgement of each individual. Some might say, 'Yes, this has been affected by this particular judgement and this is the effect which we wish to produce.' Now these laws – two, three or four – are well-known to the House and to every person who takes an interest in them. For the rest, I just do not know. That was my difficulty.

Insofar as this question of reviving laws, etc., is concerned, it is a question of removing a certain obstruction that had come so that, first of all, we can deal with the situation without that obstruction; secondly, that we can consider the whole matter afresh and put an end to those old laws which are objectionable, and bring something new. The situation became a little difficult for us even to have any new legislation in this matter. The House will remember that there was a committee known as the Press Laws Enquiry Committee. This committee made certain recommendations, and it was stated by some members here and many people outside that these recommendations

had been rejected in toto by the government or by the home minister. The fact of the matter was that these recommendations, many of them, were completely pointless if the interpretation of certain courts was correct, as we were bound to accept them to be. Either we could not accept those interpretations – then the question did not arise in that particular way – or we had to proceed in some different way. Supposing you pass this amendment, then their recommendations are something that can be considered as capable of being effective, if you approve of them. Personally, so far as their recommendations are concerned, in some matters they go rather far, or rather, if I may say so, they do not go far enough. But that is a matter of judgement. The point is the whole issue became a little difficult for us to deal with because of these certain interpretations.

Now as I stated previously, when we brought forward these amendments, any desire to curb or restrain the freedom of the press, generally speaking, was exceedingly far from our minds. That, of course, is no excuse, or no reason, if in effect the words do that – I realize that – and it is folly for any government to say, ‘We did not think of this’, when a certain consequence inevitably flowed from that action. That is perfectly true. Nevertheless, there is something in it when I repeat that any desire to curb the freedom of the press was not before us. We are dealing with a particular situation, I think a difficult situation, a situation which grows more difficult, for a variety of reasons, national and international. And it was not in terms of curbing the press but it was rather in wider terms that we thought of this problem. Because we were all the time considering the question of the press rather independently, we wanted to deal with it independently, to put an end to some old laws and bring something more in conformity with modern practice, in consultation with those people who are concerned with this matter. However, it is perfectly true that whether we thought of it or not, this affects the situation to some extent. It affects it in two ways: one, directly, that is to say a certain thing has been done which may put an obstruction in the way of the press in theory, and, secondly, it may give a chance to a government to impose some disabilities, that is, the Government may have the legal power to impose some disabilities unless some change

is made. Both are possibilities, I recognize that. So far as we are concerned we do not wish, and we do not wish any state government, to take unfair advantage or any advantage of this change to curb the freedom of the press, generally speaking, and we wish to review the whole scheme as soon as possible. But I would beg of you to consider this matter in theory as well as, of course, in practice.

Great exception has been taken to some additional phrases in the proposed Article 19(2). First of all, may I draw your attention to a major change; although the change is of one word only, it is a major change. That is the introduction of the word 'reasonable' which makes anything done patently justiciable, although, as a matter of fact, even if that word 'reasonable' was not there every part of the constitution, within some limitations, is always justiciable. It just did not matter if this word 'reasonable' was there or not – the matter could have gone to a court of law and could have been interpreted by our superior courts. There is no doubt about that. It is true that their interpretation would have been limited by the new thing that we have said. That is true, of course, because in interpreting the constitution they will have to consider the new part of the constitution that has come in. Nevertheless, the interpretation would have been given taking the constitution as a whole – the spirit of it, the wording of it, the precise language of it, and so on and so forth. Nothing can take away their power to consider any part of the constitution and to give their opinion. You can, by constitutional amendments, direct your attention one way, that the constitution means this more than the other, and naturally they would interpret it a little that way. But then, whether the word 'reasonable' is there or not, surely it is open to a court, if some fantastic thing was done, to say it is fantastic. Suppose the word 'reasonable' was absent from all those various clauses of Article 19 as it does occur in various clauses, it does not mean that the idea of 'reasonable' was absent. It is there although the word may be absent. However, I shall not go into that technical argument. My point is that whatever the power the court might have had if the word 'reasonable' had not been there, certainly the introduction of the word 'reasonable' gives it the direct authority to consider this matter.

Now why did we not put that word 'reasonable' at an early stage? Then we wished to avoid not so much the courts coming into the picture to give their interpretation; not that, but we wished to avoid an excess of litigation about every matter, everything being held up and hundreds, and may be thousands, of references constantly made by odd individuals or odd groups, thereby holding up not only the working of the state but producing a mental confusion in people's minds at a time when such confusion might do grave injury to the state.

I say nothing, not a single fundamental right can survive grave danger to the state. And I wish the House would be clear about this and realize the times we live in in this country and in other countries and not to quote so much some ancient script or ancient thing that was said at the time of the French Revolution or the American Revolution. Many things have happened since then. It is an odd thing that some of my hon'ble friends - not many - have taken umbrage at this amendment in the constitution and hold up to us that the constitution is something sacred. Some of them or their colleagues outside this House have openly stated that the first thing they would do if they come to power is to scrap this constitution and put an end to it. That is a curious position to adopt - that this constitution has to be scrapped just as this Parliament has to be scrapped and something new has to come in its place. Here what we want to do is not to change it but to amend it slightly. But that is the position only of very few members of this House.

Some hon'ble members who have written their minutes of dissent have referred to the sacred and sacrosanct character of this constitution. A constitution must be respected if there is to be any stability in the land. A constitution must not be made the plaything of some fickle thought or fickle fortune - that is true. At the same time we have in India a strange habit of making gods of various things adding them to our innumerable pantheon and having given them our theoretical worship doing exactly the reverse. If we want to kill a thing in this country we defy it. That is the habit of this country largely.

So, if you wish to kill this constitution, make it sacred and sacrosanct - certainly. But if you want it to be a dead thing, not a

growing thing, a static unwieldy unchanging thing, then by all means do so realizing that that is the best way of stabbing it in the front and in the back. Because, whatever the ideas of the eighteenth century philosophers, or the philosophies of those ideas may be very good, nevertheless the world has changed within a hundred years – changed mightily. The world has changed in the course of your generation and mine tremendously and we have seen great wars and great revolutions. We have seen the most perfect of constitutions upset not because they lacked perfection, but because they lacked reality, because they lacked dealing with the real problems of the day. Do you know of any better framed or better phrased constitution than the constitution of the Weimar Republic – the German Constitution? It was perfect in wording, phraseology, balance and adjustment. Yet that whole constitution went lock, stock and barrel. Away it vanished into the dustbin of history.

Do you know of a better constitution than the constitution of the Republic of Spain which unhappily was killed, assassinated about eleven or twelve years ago? It was a magnificent constitution. It went so far as to say that it would not go to war with any country or make treaty with any foreign country unless the League of Nations of the day permitted it to do so or agreed to its doing so. It was a constitution of fine idealists. Yet these fine idealists are spread over the various corners of the world and that constitution has no place in Spain.

I have given you two instances; I could give you any number of them from every country of Europe and many countries of Asia. So that we do not imagine that because we have passed a constitution and because we call it sacred and sacrosanct, we have necessarily given it that stability. Do not also imagine that anything that is considered stable by you is necessarily so. If it is true that a country and a community grow – they are not static – then surely conditions come which should be dealt with in a different way not in the old way.

Do you wish India to continue as it is? Surely not. You want industrial growth, you want social equality, you want all kinds of things to happen here. You have yourself laid them down in the Directive Principles of Policy. And as I said on the last occasion the real difficulty we have to face is a conflict between the dynamic ideas

contained in the Directive Principles of Policy and the static position of certain things that are called 'fundamental', whether they relate to property or whether they relate to something else. Both are important undoubtedly. How are you to say a constitution is unchanging and static, it does not matter how good it is, how perfect it is, [if it] is a constitution that is past its use, it is in its old age already and gradually approaching its death. A constitution to be living must be growing; must be adaptable; must be flexible, must be changeable. And if there is one thing which the history of political developments has pointed out, I say with great force, it is this that the great strength of the British nation and the British people has laid in their flexible constitution. They have known how to adapt themselves to changes, to the biggest changes, constitutionally. Sometimes they went through the process of fire and revolution. Even so, they tried to adapt their constitution and went on with it....

We in this country could not obviously adopt the British way of an unwritten constitution. We cannot have that especially in a big country with numerous autonomous provinces and states. Nevertheless, the other extreme of a rigid constitution is a dangerous one, which might lead to the breaking up of that constitution when it walks away – if you like – at a tangent from reality. Because life is a curve – it is not a straight line – and the life of a nation is even more of a curve and the life of a nation in the present day of changing humanity is very very curvy. Logical and straight lines are tangents which go off the curve and if the tangent goes too far away from that curve of life and curve of growth of a nation, then there is conflict, an upheaval and after that upheaval, well, something new emerges. You come back, as you are forced to come back, to the line of life because you cannot depart too far from it. So if you are flexible in your action and constitution, then you keep near that curving growth of the nation's life.

We live in a haunted age. I do not know how many hon'ble members have that sense and that feeling – we in this country or in the world – of ghosts and apparitions surrounding us, ideas, passions, hatred, violence, preparations for war, many things which you cannot grip, nevertheless which are more dangerous than other

things. We live in this haunted age where vast numbers of people in various countries become frustrated because they see no light, because they see danger, the danger of a future war and the danger of a future break-up, before them. Hon'ble members, tell me, this constitution has been in existence for sixteen months. Can any member tell me what the fate of the world will be in another sixteen months? I cannot....

Nobody can, except this that it will be very different from what it is today. And that is a big thing to say. In regard to this country too I venture to say that another sixteen months' time will see many changes, and big changes, in this country. Whether they are for the good or for the bad, I do not know. But it will see many changes. As Mr. Gokhale said, how can you enchain the growth of a country? Do you think by some form of words and phrases and calling them a fixed concept it must prevent the growth of a country? So you have to balance. You have to balance between that fickleness of approach which takes these matters lightheartedly – that is dangerous, of course; these are serious matters; we cannot treat them in that fashion – and on the other hand not to lose yourself in rigidity of thought, in unreceptiveness of happenings all around.

These amendments that we have placed before you are an attempt to balance between that stability of approach and at the same time that flexibility, an attempt to balance between the idealism and the realism, between the conditions in the country as we see them today and the possible dangers that may confront us, and at the same time to keep the whole, entire spirit of the constitution, the spirit which ensures us freedom, freedom of the press and various other freedoms.

Some people have thought that the whole object of these amendments somehow is connected with these elections that are coming. I confess that when I first heard that – it might have been a legitimate inference in those persons' minds – but it came as a great surprise to me, because the idea had not struck me at all. In fact, may I confess it that I do not get excited about these elections at all, either way, anyway. I have never been excited about elections, and these elections, which are going to be colossal and very big, are not likely to excite me. But if the House or the country disbelieves

our bona fides, then no word of mine, of course, is helpful. But I can assure the House that none of us, to my knowledge, has the least notion that this had anything to do with the elections as such.

I can tell you one thing, that the fact of elections coming may previously create a situation in the country, a situation dangerous from the point of view of security. Certainly. And if I or anybody who is in a responsible position in the country, responsible for the security of the country, does not think that he can deal with it in a particular way, then it is his duty to come to this House and tell it 'We want this particular power to deal with the situation'. I am in a responsible position. It is not merely a question of what words you put in the constitution or not: it is a question of dealing with the situation in the country, of saving the country from going to pieces, as some people want and try to make it. So far as I am concerned, and I am sure so far as the House is concerned, we shall fight to the uttermost all these elements.

Are we going to fight it with these words, to be told that this word comes in the way and that word prevents you from doing this? No word will be allowed to come in the way because the country demands it. How many of you remember, or have you forgotten, three-and-a-half years ago, in this city of Delhi in the month of September 1947 in Punjab, in that entire body of Western Pakistan, what had happened? This constitution was not there. But I am not thinking of the constitution. Where was freedom anywhere – not constitutional freedom but the freedom of normal human impulses – where were those freedoms? Do you think any constitution will prevent me from dealing with such a situation? No. Otherwise the whole constitution goes, and the country goes. And I want to be perfectly fair to this House and to the country in declaring that, if I am responsible and the government is responsible, anything that goes towards disrupting the community, anything that goes towards creating communal discord in this country will be met with the heavy hand of this government. There has been enough of loose talk about this. It is for this country and for this House to have or not to have this government. But these are the terms of the government, no other terms.

Now, the press has said a great deal about the liberty of the press. I know something of the press, and I have been connected with the press too somewhat, and I can understand their apprehensions. Yet I say that what they have said is entirely unfair to this government. 'And I say that the press, if it wants that freedom – which it ought to have – must also have some balance of mind which it seldom possesses. They cannot have it both ways – no balance and freedom.

Every freedom in this world is limited, limited not by law so much, limited by circumstances. We do not wish to come in their way. Personally I am convinced, as I have said previously, and as I believe a pamphlet has been circulated which contains the speech of mine delivered some time back – I am glad that it has been circulated, because I repeat I stand by every word of what I have said about the freedom of the press – and I hope that in so far as I can, I shall be able to help in maintaining that freedom. That is so. But I care a little more for the freedom of India, and I am not going to allow anything coming in the way of the freedom and unity of India, whatever it may be. I do not mean to say that the freedom of the press comes in the way of the freedom of India. Not that. But we have to look at things in the proper perspective and not lose ourselves as if we are in a court of law, arguing this case or that case. We are legislators sitting in Parliament with the fate of this nation in our hands, possibly also affecting to some extent the fate of other nations. It is a difficult and highly responsible position, and we cannot be moved away by passion or prejudice or by some logical chain of thought which has no relation to reality.

Therefore, we have to consider these matters in all seriousness, remembering always that certain freedoms have to be preserved. It is dangerous even in the flush of excitement to weaken them, I admit. We must not weaken them. At the same time, while we want freedom, freedom of the press or freedom of speech or freedom of anything – they may be good – we have to remember that the nation must be free, the individual must be free and the country must be free. If national freedom is imperilled or individual freedom is imperilled, what good do other freedoms do? Because the basis of freedom is gone. So all those have to be balanced.

Maybe the balance we suggest is not a correct balance. Let us look at it. But it is no good saying vaguely that this freedom has been attacked and weakened.

The House will remember – a fact that has been repeatedly stated – that this amendment is an enabling one, it is not a law. If there was a law before the House it should be considered very carefully, each word. Naturally when you give an enabling power, it is given in slightly wider terms. Suppose I say ‘friendly relations with foreign governments’, it is a friendly way of putting it; it is a nice way of putting it, both from the literary point of view and from the international or national point of view. Exactly what would amount to a danger to friendly relations is so difficult to state; you cannot specify. You may, of course, put down one thing or the other. You may say ‘defamatory attacks’ as we sought to say at one time ‘defamatory attacks on the head of foreign nations or others’ but in effect if once you have a check to see that it is not done unreasonably, it is best you use gentle language. During three years or so, and long before the courts gave this clause this interpretation. I am not aware it may be I am wrong – of any action being taken anywhere in regard to criticism of foreign countries or foreign policy. So far as I am concerned and so long as I have anything to do with it, I can assure you that you can criticize to your heart’s limit and extent the foreign policy that my government pursues or the policy of any country; to the utmost limit you can go. I cannot dislike your criticism; nobody will be allowed to come in their way. But suppose you do something which seems to us to incite war, do you think we ought to remain quiet and await the war to come? And if it is so, I am sure no country would do that. We cannot imperil the safety of the whole nation in the name of some fancied freedom which puts an end to all freedom. Therefore, it is not a question of stopping the freedom of criticism of any country and naturally we should like not to indulge in what might be called defamatory attacks against leading foreign personalities. That is never good, but in regard to any policy you can criticize it to the utmost limit that you like, either our policy or any country’s policy, but always thinking in terms of this, that we are living in a very delicate state of affairs in this world, when

words, whether oral or written count; they make a difference for the good or for the bad. A bad word said out of place may create a grave situation, as it often does. In fact, it would be a good thing, I think, if many statesmen, most of them are all dealing with foreign affairs, became quiet for a few months; it would be a still better thing if newspapers became quiet for a few months. It would be best of all if all were quiet for a few months. However, these are pious aspirations which I fear will not be accepted or acted up to but we live in dangerous times and I wish the House to consider them in dealing with this Article 19(2). In the Select Committee we examined it in a variety of ways. You will remember that the word 'reasonable' was not there at first. We tried to redraft it completely, more on the lines of the present shape of words in Article 19(2) of the constitution. In the present form of words, there is no mention of 'restrictions'. So we thought that we had better proceed on that line and then we tried naturally to limit the various subjects mentioned there, for instance, – I should be quite frank with you – in regard to friendly relations with foreign powers, we sought to put in the words 'defamatory attacks on heads of foreign states' plus such other attacks which might impair the friendly relations with foreign states. Now that is obviously limited and that is all that one wants and so on we went on limiting the other subjects. We produced a new draft at that time. Then we looked at it and we found that while some people liked this part of the draft better, the other people liked that, but nobody seemed to like the whole thing as it was and so we thought; let us go back to our old draft but with a very major change, that is, the addition of the word 'reasonable' which really, immediately and explicitly limits everything that you do and puts it for the courts to determine whether it is reasonable or not. It is a big addition. As I said, it is not the courts we are afraid of. There are courts of eminent judges, but what really frightens me a little is the tremendous volume and bulk of litigation that all this kind of thing encourages and thereby bringing in complete uncertainty in everything.

There is one thing else. My colleague Shrimati Durgabai has put in a note in which she has argued that these changes should be made by Parliament and not by the states. I am one hundred per cent in

sympathy with her desire. My sympathies are there but my mind is not quite clear about the legal aspects of this. I think it would be a very good thing if Parliament alone can go into these matters, but I am assured by some lawyers that there are difficulties in the way. Then again another member of the Select Committee has suggested that the president may certify any such bills connected with these matters passed by the state legislatures. That is a matter which we may consider. These are not matters of basic principles because, we do want two things: a certain power to deal with a certain critical situation if and when it arises and we do want checks to see that that power may not be misused. We want both these things. It is impossible to do these things perfectly; you have to find some middle way and trust on luck that the people who exercise that power will be sensible, reasonable and wise. As a matter of fact, governments, whether central or state governments today have naturally a great deal of power. If they misuse it they can do a lot of mischief in a hundred other ways. Ultimately the check consists in that government falling out. The only check is that we have to choose the right persons who are likely to behave in a reasonable and wise way.

I need not draw your attention to the fact that not only the word 'reasonable' has gone in in Article 19 but two or three lines of words have gone in which I think improve the Article greatly and make it more concise and bring the whole scope of the article under the word 'reasonable'.

Then I come to Article 31. Here some minor changes have been made. I need not go far into it but there is one thing which I should like to say particularly. Some hon'ble members, I believe, have given notice of amendments to add other laws to the Ninth Schedule. I would beg of them not to press this matter. It is not with any great satisfaction or pleasure that we have produced this long schedule. We do not wish to add to it for two reasons. One is that the schedule consists of a particular type of legislation, generally speaking, and another type should not come in. Secondly, every single measure included in this schedule was carefully considered by our president and certified by him, every one, except the last one, I think, and that last one was independently examined by us quite a great deal. So

that it has gone through a process of examination, analysis and scrutiny and we can take a certain responsibility about it. If you go on adding at the last moment, it is not fair, I think, or just to this Parliament or to the country.

This Article 31 refers chiefly and principally to the abolition of the zamindari system and the like, which has been a basic programme of the country for a long time. I am not speaking at the moment from any partisan or party point of view, although that is important enough in the sense that if we are pledged to something we should give effect to it, but rather from larger considerations. I would beg the House to consider that the basic problem today in Asia is the agrarian problem. If we delay in giving effect to it, as we have delayed, we will get entangled in all manner of difficulties out of which we might not be able to extricate ourselves, quite apart from its intimate relationship with the food problem.

I should like to say that in this matter there has been a fair amount of litigation. In fact, it is due to that litigation that some of these difficulties have arisen. I cannot blame the people for going to law courts to get such protection as they think they could get. I am not blaming the zamindars for doing so. They have every right to do so and profit by it. But, I would like to put it to them and to others that their security ultimately lies in a stable economic system and not in the law courts, not in anything else. If there is lack of peace between the vast agrarian population and them, then, they have no security. That system cannot continue, it just does not matter what your fundamental rights might say, what your constitution might say or what your courts might say. Then, you arrive at a revolutionary situation which ignores all these things. Therefore, that is not the right way. We have to consider the reality and readjust, put an end to the big zamindari system, reform our land system, make it progressive and modernize it, at the same time keeping the old ways also, not uprooting the ways of the community.

Now, that balance has to be created. In creating that balance, repeated attempts to go to the law courts and check the various things will not help. For my part, I would advise on the one side, if I may say so, the state governments concerned – if this amendment is

passed, they have a certain power to go ahead with the laws that they have already passed – that they should exercise that power with restraint and wisdom, and that they should examine any hard cases that come to them. We shall help them in examining them and dealing with them. They should, if necessary amend their law here and there so as to deal with these hard cases, because nobody wants injustice or hardships. But, the fact remains that when you change the social system, when you change the agrarian system, the burden must fall on somebody. You cannot distribute your resources equally to all; if they are distributed unequally, the same thing happens and you start the other operation. Therefore, I would like the state governments to look upon it from that point of view. I should like the representatives of the zamindars also to look upon it from the point of view of not trying to get something from a long litigation. They will not, I can assure them. They may gain a point here or there. The only parties who profit will be the lawyers....

I beg to place this report of the Select Committee before the House for their favourable consideration. I can assure them that anything that is said here, we should listen to with respect and attention. I need hardly say that during the last two or three weeks since we have been considering this matter, we have given an enormous amount of thought and energy to it in a concentrated way. Although it has been here only for three weeks or so, we have perhaps compressed the work of months into it. What we have put forward has been carefully thought out and discussed. Naturally, if any valid reason appears to us to change a word or a phrase here or there, we shall gladly consider that. What is put forward is not lightly put forward.

Reference

Provisional Parliamentary Debates, Vol. XII-XIII, cc. 9612-34.

JAWAHARLAL NEHRU

The Conduct of a Member The Mudgal Case

24 September 1951



A matter involving the conduct of a member of Parliament (H.G. Mudgal) belonging to the Congress party was brought before the House by Jawaharlal Nehru who was not only the prime minister but also the Leader of the Congress party. The matter was referred to an ad hoc parliamentary committee for enquiry on a motion moved by Nehru himself on 6 June 1951. Mudgal was reported to have had some dealings with the Bombay Bullion Association which included canvassing support for it in Parliament in return for some alleged financial and other business advantages. The committee held that the conduct of Mudgal was unbecoming of a member of Parliament and, therefore, he deserved to be expelled from the House. On 24 September 1951 again Nehru himself moved for the expulsion of Mudgal.

The Mudgal case is often cited as the noblest example of the early leadership's efforts at setting high standards of conduct in parliamentary life.

The House will remember that in the month of June this year, I brought forward a motion in regard to certain allegations about the conduct of a member. Such a matter is always rather distasteful. But, when certain information was brought before me as prime minister, I gave careful thought to it and I proceeded to draw the attention of the hon'ble Speaker to that information. On his advice, I moved the House in this matter so that a committee of enquiry may be appointed. It is obvious that the House could not possibly go into any details of enquiry, and it was necessary that no step should be taken without an enquiry, without the fullest opportunity being given to the hon'ble member to explain his viewpoint or his activities. So, the normal course was taken of appointing such a committee of enquiry if some kind of prima facie case was established. The House was good enough then to appoint this committee of enquiry. This committee has laboured during these months, and as the hon'ble members are aware, has produced a report which itself shows how much trouble they have taken over this matter, and how carefully they have gone into every allegation, the evidence they have taken and the opportunities given to the hon'ble member concerned, namely Mr. Mudgal.

That report with all the evidence and other papers connected therewith have been distributed to the members of the House. I do not, therefore, propose to go deeply into the evidence in this case. Indeed, I do not think it is normally possible for this House in a sense to convert itself into a court and consider in detail the evidence in the case and then come to a decision. Of course, the House is entitled to do so; but it is normally not done; nor is it considered the proper procedure. Therefore, the House appoints a committee of members with experience who could consider the matter and report to the House; and then it considers the report of that committee. We have now the report of this committee before us and the conclusion that committee has arrived at is entirely unfavourable to the member of the House whose conduct has been enquired into.

Now, while I do not propose to go deeply into the evidence or other factors, I would like to draw the attention of the House to some parts of the committee's report and some parts of the

evidence. The committee's report ends up, as I have said with the following finding:

'The finding of the committee is that Shri Mudgal's conduct is derogatory to the dignity of the House and inconsistent with the standards which Parliament is entitled to expect from its members.'

Previous to this, hon'ble members will observe that on page twenty-eight of this little book containing the report of the committee, there are the conclusions of the committee. In para fifty-eight, the committee says:

The committee is satisfied that Shri Mudgal in his communications with the prime minister, oral and written, and in his speech in Parliament had withheld material facts and had given out a story which has been proved to be at variance with the actual facts of his relationship with the Bombay Bullion Association. The committee also believe that the true relationship between Shri Mudgal and Shri Lalwaney was as indicated in Shri Mudgal's certificate to Shri Lalwaney dated 26th June 1951.

In para 59, the committee says:

Finally the committee takes the view that even if the explanation of Shri Mudgal in giving the certificate to Shri Lalwaney on the 26th June 1951, is to be accepted, Shri Mudgal's subsequent conduct in attempting to induce Shri Lalwaney to give evidence on the lines of the typewritten note given by him contrary to the true facts is highly objectionable.

In the next paragraph, the committee makes some brief reference to the activities of other people or organizations which were intimately connected with this enquiry, namely, the Bombay Bullion Association and its president. In regard to this the committee says:

There is no doubt that the president and some of the directors of the Bombay Bullion Association were under the belief that by their contact with 'H.G. Mudgal Publications' they would gain their objectives better, through the activities of Shri Mudgal, member of Parliament, and it is clear that the attempt to separate the two entities – Shri Mudgal, member of Parliament and 'H. G. Mudgal Publications' – was an afterthought. The committee, however, do not feel called upon to pronounce an opinion on the ethics of the action of the Bombay Bullion Association and it would suffice to say that distinction sought to be

imported between 'H. G. Mudgal Publications' and Shri H.G. Mudgal has no foundation in fact.

Now, I shall not say much about this latter point: that is to say, in regard to the ethics of the action of the Bombay Bullion Association or the president or members of that association. It is a separate matter which, if the House so desires or the hon'ble Speaker so desires, can be considered separately, as to how far any activity by others may be considered to be a contempt of this House. But, I think we should not mix up that with this matter when we are considering the conduct of a member and how to proceed in regard to that.

When this matter was first brought to my notice, I was disturbed by certain facts. I did not then know how far they were true or not true. The House would perhaps remember that I asked Mr. Mudgal to see me. I wrote to him and he replied to me in writing. I had talked to him; I had letters from him. He denied a number of charges that had been brought against him by others and in other documents. Nevertheless, there appeared to me and there appeared to the hon'ble Speaker when I consulted him, sufficient reason for an inquiry into this matter.

Since this inquiry has taken place, a large number of additional facts have been brought out. Among these facts are the Mudgal Publications or if you like, his organization. The House will notice what the committee has said, how they have found it difficult to distinguish between the two, and how they have received money from various sources.

On page fifteen of the report there is reference to this:

Besides a loan of Rs. 12,500 from Shri L.N. Birla and a sum of over Rs. 13,000 from the U.S. Information Service were also received. The return that these organizations get seems to be publicity in the *Indian Market*, a weekly said to be dealing with economic and business matters whose standing in the journalistic world is obscure. No documents were produced to show how the loan was taken, for what purpose it was taken and how it had been utilized by the organization.

This and many additional facts came to light during the course of the investigation. I would only draw the attention of the House to para twenty-seven:

Shri Mudgal, as soon as he was elected as a member of Parliament early in 1950, had sent out a circular to about two hundred business firms entitled *Your Spokesman in the Parliament — H. G. Mudgal* — in which Mr. Mudgal is claiming to be the spokesman of the business world in Parliament.

It was stated by the counsel for Shri Mudgal that there was nothing wrong in Shri Mudgal's approaching his constituents offering to place his services at their disposal, but Shri Mudgal was not elected as a representative of any business constituency. It seems to the committee that soon after Shri Mudgal was elected as a member of Parliament he had thought fit to place his services at the disposal of the business community — with what purpose the committee have not been told.

Then in the next paragraph towards the end there is reference to the evidence of Mr. Lalwaney and to the contacts which Shri Mudgal and Shri Lalwaney had with each other. They are rather complicated — these contacts — and I am not for the moment referring to Mr. Lalwaney; but they do not bring any credit to Mr. Mudgal. I may mention here that a few days ago I received a communication from Mr. Lalwaney — a long communication — which is in answer to the last letter that Mr. Mudgal wrote to me which is included in this present report at the end, and which really was received after the enquiry was over. Mr. Lalwaney challenges many things as given in the last letter of Mr. Mudgal. But I do not propose to deal with that letter because it is not before the House, nor is it necessary. But as I have received it I propose to hand it over to the Parliament secretariat to be kept with the other papers in this case.

As I said, in paragraph twenty-eight of the report there is reference to this document —

Evidence is conflicting as to the exact amount of this estimate or as to who suggested this estimate in the first instance. Shri Tiwari stated that the estimate was proposed by Shri Lalwaney and according to the evidence this amount was mentioned by Shri Tiwari at the meeting of the board of the Bombay Bullion Association on 9 March 1951.

That is to say:

An estimate of twenty thousand rupees seems to have been proposed for the publicity work which included expenses in connection with press

conferences, printing of pamphlets for distribution to members of Parliament, interviews with ministers, and other parliamentary contacts.

Well,

Shri Lalwaney deposed that this estimate was suggested by Shri Mudgal in one of his talks with Shri Tiwari and he consistently mentioned the figure of twenty-five thousand rupees. Shri Mudgal, on the other hand, stated that during his daily reports, Shri Lalwaney had given him to understand that the bullion association was prepared to spend any amount of money for the kind of publicity work which he was negotiating with them and he understood that the Association was willing to spend any amount between twenty-five and fifty thousand rupees. Meanwhile, the *Indian Market* in its issue of 3 March 1951 carried another article under the caption 'Remove Handicap to Bullion Trade — Shri Jwalaprasad Tiwari Warns'.

Another rather interesting and significant fact is that Mr. Mudgal gave a testimonial to Mr. Lalwaney. This testimonial which is printed on pages fifteen and sixteen of the report, was given after the inquiry had been instituted and before Mr. Lalwaney had given evidence. Obviously it had something to do with the evidence that was to come, and one has to draw the inference that this was an attempt to influence that evidence. I will not read out that testimonial, but it is a rather extraordinary document, given just before the person gives his evidence.

A still more extraordinary document is given at pages nineteen and twenty of the report. This is a letter dated 18 March 1951, from Mr. Mudgal to Mr. Lalwaney. It runs as follows:

My dear Lalwaney,

See if you can persuade the bullionities to pay seven thousand rupees for memorandum, arrangements for delegation, and other parliamentary contacts for the rest of this session. Tell them they should have vision and even if half of what they want is accomplished the directors alone will earn an extra twenty-five thousand rupees in one day. They should not haggle.

Any how get as much as you can from them. Printing and paper extra.

I'll try to get an appointment for them with Deshmukh also. But 31 March does not seem to be good. That day in the morning the

federation meeting will start and most ministers will be attending it. It is also Saturday. Whether they will be available in the afternoon is a problem. 30 might be more suitable. Or 2 or 3 April. However, I'll talk to the ministers concerned tomorrow and find out what will be most convenient for them.

It will be noticed that the first paragraph is rather remarkable. It makes a claim from the 'bullionities' as they are called, and they are assured that if they pay up the sum demanded, they stand to win twenty-five thousand rupees in one day – each of the directors. It is rather a difficult matter for Parliament or indeed for any public work to be carried on if there are chances of large sums of money like this being dangled before them or before any high government official. Therefore, whenever we have any dealings in any matter concerning such sums of money, any governmental agency, and very much more so of course, Parliament, has to be exceedingly careful. And in this case there could be no doubt whatever that, whatever the result of it may be, large sums were talked about, were claimed and were asked for and to some extent paid.

So, as a result of the facts fully stated in the report, the committee came to the conclusion which I have already placed before the House. And I do submit that, that was the only conclusion that the committee could arrive at, and that the House do accept and adopt that conclusion.

The report of the committee is unanimous and may I in this connection express my appreciation of the labours of the committee on this matter? In addition to the joint report of the committee there are separate notes by some members of the committee. These notes really refer not to this particular case so much but rather suggest the grounds for Parliament for making rules or conventions for future guidance. Their suggestion is that a committee might be appointed by Parliament, not by this Parliament but by the next Parliament, to go into this question. I entirely agree that we should have certain general rules for the guidance of members of Parliament. I am not quite clear as to how far it is possible or desirable to be exceedingly specific in regard to it. Anyhow that is a matter for the consideration of Parliament or the committee to be appointed by Parliament. But it is

most important and it should be clearly understood that Parliament is bent on maintaining the highest standards for its members.

In these separate notes of Shrimati Durgabai, Prof. Shah and Shri Vaidya some indication is given of the kind of things which are supposed to be improper for a member of Parliament and with much that is said there, personally I am in full agreement. Probably the matter has been put in one sentence by Syed Nausherali in his note, where he says: 'No representative of the people, far less a member of Parliament, should utilize his position as a representative for the furtherance of his personal ends.'

I think, generally speaking, that is a good rule but of course, in interpreting it there is much scope, maybe sometimes, for difference of opinion. Therefore, it is desirable not only to have this broad rule but other indications also. In the joint note of Prof. Shah and Shri Vaidya they have pointed out that the acceptance of any monetary consideration, even for professional services connected with Parliament, would be highly undesirable for a member of Parliament.

So personally I agree with the suggestion made by some of the members of the committee that this general matter might be inquired into in the future. For the present we are dealing with this particular inquiry in regard to one hon'ble member. As Syed Nausherali has pointed out:

Even conceding that the parties concerned initially had no clear idea of the full implications of the dealings, no question of any extenuating circumstance arises in view of their subsequent conduct which was neither straightforward nor clean.

I must confess that when this matter came up before me in the early stages, for some little time I was not clear in my mind as to what step we should take and I took the advice of the hon'ble Speaker. As it has proceeded fresh facts have come out and finally from the facts that this report contains I have been surprised at the extent, shall I say, of misrepresentation to me when I first inquired into the matter and the facts now disclose conduct which I consider highly derogatory and highly objectionable.

We are dealing with the conduct of a member of this House but of course, as I said, indirectly, it involves other people outside who

seek to profit by this kind of business and sometime or other this House will have to consider how they can check these other activities in so far as it is possible.

In our constitution no particular course is laid down in regard to such matters. If we refer to clause (3) of Article 105 it refers us back to the practice in the British House of Commons. It says:

In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this constitution.”

Apart from that, even if the constitution had made no reference to this, this House as a sovereign Parliament must have inherently the right to deal with its own problems as it chooses and I cannot imagine anybody doubting that fact. This particular article throws you back for guidance to the practice in the British House of Commons. There is no doubt as to what the practice in the House of Commons of the parliament in the UK has been and is. Cases have occurred from time to time there, when the House of Commons has appointed a committee and taken action. I might quote here from Erskine May's book:

The purpose of expulsion is not so much disciplinary as remedial, not so much to punish members as to rid the House of persons who are unfit for membership. It may just as well be regarded as an example of the House's power to regulate its own constitution.

Then the book gives a list of cases which have actually occurred when members were expelled. It is a longish list. They were expelled for some lack in the execution of their duties as members of Parliament or for conduct not becoming the character of a gentleman.

So there is no doubt that this House is entitled inherently and also if reference be made to the terms of Article 105 to take such steps according to the British practice and expel such a member from the House.

The question arises whether in the present case this should be done or something else. I do submit that it is perfectly clear that this

case is not even a case which might be called a marginal case, where people may have two opinions about it, where one may have doubts if a certain course suggested is much too severe. The case, if I may say so, is as bad as it could well be. If we consider even such a case as marginal case or as one where perhaps a certain amount of laxity might be shown, I think it will be unfortunate from a variety of points of view, more especially because, this being the first case of its kind coming up before the House, if the House does not express its will in such matters in clear, unambiguous and forceful terms, then doubts may very well arise in the public mind as to whether the House is very definite about such matters or not. Therefore, I do submit that it has become a duty for us and an obligation to be clear, precise and definite. The facts are clear and precise and the decision should also be clear and precise and unambiguous. And I submit the decision of the House should be, after accepting the finding of this report, to resolve that the member should be expelled from the House. Therefore, I beg to move:

That this House, having considered the report of the committee appointed on 8 June 1951 to investigate into the conduct of Shri H.G. Mudgal, member of Parliament, accepts the finding of the committee that the conduct of Shri Mudgal is derogatory to the dignity of the House and inconsistent with the standard which Parliament is entitled to expect from its members, and resolves that Shri Mudgal be expelled from the House.

Reference

Provisional Parliament Debates, Vol. XVI, cc. 3194-202.

GANESH V. MAVALANKAR

Office of the Speaker

15 May 1952



On a motion moved by Prime Minister Jawaharlal Nehru on 15 May 1952 Dada Saheb Ganesh Vasudeo Mavalankar (1888-1956) was elected Speaker of the Lok Sabha constituted after the first general election under the constitution. Earlier Mavalankar had been president of the central legislative assembly (1946-47), Speaker of the Constituent Assembly/Legislative/(1947-50) and the provisional Parliament (1950-52).

While replying to the congratulatory speeches on the floor of the House, Mavalankar made a memorable speech which is often quoted as having set healthy guidelines for the future growth of the office of the Speaker and parliamentary processes on the right lines.

I am deeply grateful to the hon'ble members of the House for the confidence they have expressed in me by electing me to this high office and for the honour conferred on me being the first speaker of the first republican Parliament under the constitution. When I think of the responsibilities, both because of the confidence, as also

of the nature of the office – not to add the changed character of the House and the number of parties – I confess, I feel a sense of nervousness and bewilderment. But, having faith in the generosity of the House and its spirit of cooperation, I am emboldened to shoulder the responsibilities.

Obviously, the character of this House is different from its predecessors. Up till now, whatever our ideologies and notions of public welfare and the functions of government, we were all engaged in dislodging the foreign rule in our land; we have been successful in achieving independence, and we are now masters of our own destinies. But the very fact of the end of the foreign rule has brought to the forefront, the vast differences in ideologies; and though our objective is common, as defined in the constitution, we differ widely and sharply as regards the ways and means. This is but natural, and in a sense necessary also, for any parliamentary government to function properly and for the real benefit of the people. At the same time, each one of us has to remember, that howsoever great the difference in viewpoints and methods, we are all meeting here as representatives of the nation, for one common cause, which is, in the language of the preamble to the constitution, ‘to secure to all its citizens, justice, liberty, equality and fraternity’. All that we speak or do here has to be looked at and judged in this background of our common ideal; and each one of us has to see for himself as to whether and how far he helps ‘to secure to all the citizens’ what the constitution aims at. Consciousness of this limitation will, I am sure, go a great way to ensure the requisite atmosphere for the efficient functioning of a parliamentary democracy.

A parliamentary government is described as government by discussion. Every member has the fullest liberty to express his own views, remembering that every other member has the same liberty. It becomes necessary, therefore, to exercise restraint on the contents and the extent, as also on the language of the discussion. An atmosphere of sportsmanship, mutual goodwill and respect is an essential condition for the debates being useful, helpful and effective. This, in turn will mean a disciplined mind, which will respect, not only rules and regulations, but also the innumerable conventions

of parliamentary debates, everyone of which cannot obviously be the subject of a rule or regulation. To the extent to which persons holding different points of view or ideologies exhibit the qualities of tolerance, 'give and take', and make an effort to understand the differing points of view, to that extent only, the parliamentary government stands the chance of being successful. It is not so much the laws or the regulations that will bring the desired results, as the spirit in which the persons charged with responsibility act towards each other.

Our constitution has mainly adopted the English model for our Parliament. Legislative institutions from the time of their introduction in India have been moulded on the same lines for obvious historical reasons. Many of the rules of procedure and standards of conduct current in the British House of Commons are the outcome of experience of long standing. To the extent they deal with general human nature, they serve us as good precedents by which we may profit. Such of the English conventions or forms, as are the result of the history of their struggle for freedom, will have to be viewed differently; and it will be upto us to evolve our conventions and forms in the background of our national character, genius, history and culture. Parliamentary life has only recently begun in our land and it is yet a tender plant that requires delicate and careful handling – and, if I may say so, careful nursing. It is, therefore, the special responsibility of this Parliament to set up sound and healthy traditions, as, whatever we do now, is more likely to be a precedent for all times to come. Unless, therefore, we keep continuity and respect traditions, it will be difficult to have stable governments in the land which may be able to serve our people in the manner we desire.

I consider it necessary to say a few words about the nonparty character of the Speaker in view of the practice in England. The position of the English Speaker is a matter of historical growth; and it has been established, at the end of centuries of struggle of the commons for independence. Its evolution to the present stage has taken place after the establishment of the full authority of the commons. The position is undoubtedly an ideal one, provided it is

accompanied by the other essential corollaries of democracy. While, therefore, I shall always strive for the establishment of that ideal, it is obviously not possible, in the present conditions of our political and parliamentary life, to remain as insular as the English Speaker so far as political life goes. But the Indian Speaker acting as such will be absolutely a non-party man, meaning thereby that he keeps aloof from party deliberations and controversies; he does not cease to be a politician merely by the fact of his being a speaker. We have yet to evolve political parties and healthy conventions about speakership, the principle of which is that, once a Speaker, he is not opposed by any party in the matter of his election, whether in the constituency or in the House, so long as he wishes to continue as Speaker. To expect the Speaker to be out of politics altogether without the corresponding convention is perhaps entertaining contradictory expectations. From this point of view, as also from my moorings in the past, I cannot be out of that great organization – the Indian National Congress – under whose banner I have had the privilege of serving in one capacity or another for the last forty years. I, therefore, continue to be a Congressman just as any Indian can continue to be a Hindu or a Muslim or Parsi, etc., and still he is no less an Indian so far as the national questions are concerned. Similarly, though a Congressman, it would be my duty and effort to deal with all members and sections of the House with justice and equity, and it would be my duty to be impartial and remain above all considerations of party or of political career.

In conclusion, I earnestly request all the hon'ble members to extend to me their willing and effective cooperation promised in so many speeches on the floor of the House, in conducting the proceedings of this House.

I thank the hon'ble members again.

Reference

Lok Sabha Debates, Vol. I, cc. 41-44.

DR. SHYAMA PRASAD MOOKERJEE

Problems of Migration between Pakistan and India

15 November 1952



Even two years after Partition, fairly large-scale migrations of minority Hindus from Pakistan continued. The authorities there were following a policy of squeezing out the minorities. Dr. Shyama Prasad Mookerjee referred to the 'tales of woe, of shame, of misery and of humiliation' suffered by the minorities in Pakistan and reminded the government of the promises made to them before partition to the effect that 'their case will not be forgotten, that if any real emergency came, free India would not sit idle and they would be protected'.

Dr. Mookerjee pleaded for an approach of peace with honour and also defended the demand for separate consideration for Jammu and Ladakh which were Hindu and Buddhist majority respectively.

We are to discuss today a matter of very vital importance not only to millions of individuals but to the entire country. It is not the first time that this matter is coming up before the House.

It has been given to me to place the viewpoint of a large number of citizens of this country on this grave issue during the last two-and-a-half years.

Today I feel overwhelmed by a sense of sorrow as also a sense of responsibility and duty as I start to speak on this motion. I feel, along with many, that the policy hitherto pursued by the Government of India has not been at all satisfactory and it has failed to achieve the objective in view. Many of us have expressed opinions which have not been found acceptable to the government. The issues before us are so momentous that none of us would like to proceed in an atmosphere of anger or passion but would like to place our respective viewpoints with the utmost frankness in the hope that before it is too late a solution of this gigantic problem can be found.

The question of the minorities in Pakistan has been settled during the last five years in different ways. So far as West Pakistan is concerned, today it stands virtually denuded of its minority population. During the last fortnight, two shiploads of Hindu migrants came from Sind to India and I do not know how many thousands are still there.

So far as East Pakistan is concerned, at the time of partition the population of the Hindu minority was about 1.4 crore. According to government figures, about thirty lakhs have come out during the last five years. We do not accept the accuracy of these figures, but I do not wish to go into the details. If we refer to the last census report of the Pakistan government itself, it appears that nearly forty-five lakhs of Hindus have come out, because according to that census the present Hindu population in East Bengal is about ninety-five lakhs.

Pacts and agreements were enacted between India and Pakistan on this issue, not once, not twice but thrice and all of us remember vividly the tragic circumstances under which the pact of 8 April 1950, was enacted between the prime ministers of India and Pakistan. It fell to my lot to oppose that pact — oppose not in the sense that there was nothing good in that pact, but oppose it on the ground that the very people who were responsible for carnage were being again entrusted with the responsibility of looking after the minorities. I felt that this scheme would not work. How grand were

the wordings of that pact? I have the language before me. I do not wish to re-read it, but all the high sentiments which were expressed and rightly expressed remain unfulfilled. After all, what was being asked from Pakistan? Nothing unnatural or unique was being asked from her. We merely asked her to function as a civilized state and look after her minorities, but in spite of the flowery language that was used on that occasion, the basic principles of the pact have been violated by Pakistan during the last two-and-a-half years and we have witnessed during the last few months another mass migration.

Here one point which I would like to emphasize and which is extremely important is that it is only when large-scale exodus takes place that public opinion in India is shaken. It is only when these unfortunate people come, not in hundreds but in thousands and even lakhs, carrying with them tales of woe, of shame, of misery and of humiliation, that public opinion is shocked and our government starts considering the matter *de novo*. But if migration is not on a large scale, but on a homeopathic scale, then obviously it does not attract sufficient notice and it is sought to be concluded that perhaps things are all right in East Pakistan.

Many of us have pointed out repeatedly during the last two-and-a-half years that the real way of looking at the question is not through the eye of statistics alone – I do not ignore the value of statistics – but also with a human approach to the problem, and specially to find out how these people are living in East Pakistan, what are the conditions which they are being forced to accept and whether the minority can really live there or not. Unfortunately, for whatever reason it may be – whether due to want of machinery or due to want of cooperation on the part of Pakistan – such information has not been always available.

I would like the House to bear one point in mind. These unfortunate people who are now coming out had decided in spite of everything to stay on in East Pakistan. They did so in spite of the tragic happenings of 1950 when about fifty thousand Hindus, on a modest scale, were killed in the course of a few months and when unparalleled barbarities took place, obviously with the connivance of the authorities of that state. In spite of all that, these people had

decided to stay on for after all, who wishes to leave his hearth and home, and with what expectation? Undoubtedly, we have opened our door to them but we know how difficult the task of rehabilitation is. When humanity is uprooted it is not easy that it would be able to resettle itself under different conditions altogether.

So, when during the last few months according to government, about three lakhs but according to us at least double that number has been forced to come out, we can easily realize what force of circumstances has been compelling them to do so.

What are the basic factors of this movement from one country to another? First of all, as we all realize, there is the very conception of the Pakistan state. Pakistan was born out of hatred of the Hindus and of India. Although it was thought that the makers of Pakistan would be able to settle down and think in terms of the development of their country keeping an atmosphere of goodwill with India, those expectations have been belied. The creation of a homogeneous Islamic state was the principal aim of the founder of Pakistan and those who have come into his shoes have carried that ideal into execution in every possible way. Hindus have been deprived of their rights in every sphere – social, cultural, economic, religious and political. They are treated as *zimmi*s.

Secondly, the policy of squeezing out the minorities – squeezing out, not flooding out. I shall have to refer to this because a point was raised by the minister of rehabilitation the other day that if the policy of the Pakistan authorities is squeezing out its minorities, then why are not more people coming out after the passport system was introduced. Why should Pakistan prevent the passing out of a larger number of people? But, it is squeezing out, not flooding out; because if very large numbers of people come out at one time, then, immediately it produces reaction in India and naturally it may create a situation which may not be very desirable from the point of view of Pakistan.

Thirdly, sir, it is not at the Hindu minority alone that the attack is aimed, and this is a symptom which we cannot forget in consideration of this major problem today. The authorities who are in power today have carried on their administration in such a way

that any attempt to give expression to democratic ideas or to owe allegiance to true freedom has been checked. How else can we explain the continued detention of that great leader, Abdul Ghaffar Khan or his compatriots who, though Muslims, are rotting in Pakistan jails and against whom only a week ago, the chief minister of the North-West Frontier Province declared his charge that they were after all the spies and friends of India and could not be trusted? How, else can we explain the recent trouble that arose in East Bengal over the language issue when as many as eighteen Muslim students received bullets on their chests and not on their back because they had the courage to face the bullets for the recognition and protection of what was after all their own mother tongue? Those symptoms are also there. All these factors have to be borne in mind if we are really anxious for a lasting solution of this problem.

About four months ago, when I pointed out the wrong approach of the prime minister in dealing with statistics, he grew angry. He challenged me to produce statistics. It is not a question of a challenge or a counter-challenge, but I would appeal to him to drop the faulty method of looking at the entire problem. What are the statistics? There are said to be statistics of movement of people from one country to another. How are they obtained? There is no *dhobi* mark on each individual who goes to Pakistan or who comes from Pakistan, indicating whether he is a Hindu or a Muslim, but some sort of rough and ready method is followed and a communal division of the migrants is made. Then again, the calculations are made only at two railway stations, omitting the seven hundred mile border between East Bengal and West Bengal, omitting the border between Tripura and Pakistan, omitting the border between Assam and Pakistan. So, when the government proceeds fundamentally on the basis of these statistics and tries to justify its wrong policy. I say sir, the government does something which is not only not fair to itself but unfair to the people at large. The only possible way of appreciating the problem will be to know what the conditions are in East Pakistan. I would ask the House, the representatives of 360 millions of free Indians to make up their minds once and for all whether under the existing circumstances it is possible for the minority to live in East Pakistan

– that is the fundamental issue – and if they say that it is not, then to make up their minds whether it is possible for the free Government of India to take any effective steps for their protection.

I need not go into the details of the history of partition of this country. They are well-known to all the members of this House. But there is one fundamental point which is to be remembered now. What was the basis of the partition of India? The basis was that minorities would continue to live in their respective territories. I was one of those who were against the division of India under any circumstances. I supported the partition of Bengal and the partition of Punjab only after it was decided that the partition of India was inevitable, because then Mr. Jinnah's claim was that the whole of Bengal and the whole of Punjab should go into Pakistan. What we did was not to agree to the partition of India but we supported a movement which led to the partition of Pakistan itself. At that time I remember I saw a number of Congress leaders and especially Gandhiji, and some of us begged of him to appreciate the real point of view, whether it will be possible for the minorities to live in Pakistan, in view of the circumstances under which that new country was taking its birth. And we suggested a planned exchange of population and property at governmental level as part of the partition scheme. He was not willing to accept it. The Congress leaders were not willing to accept it because their viewpoint was that what they were agreeing to was not a communal division of India but a territorial division of India. They emphasized with all the depth of their feelings that there was no question of the minorities being compelled to leave their hearth and homes, either in the new India or in the new country to be called Pakistan. When it fell to my lot to move about among these people in East Bengal, I carried with me the message from these Congress leaders, one of whom adorns the position of prime minister of India today. Assurance was given to them that their case will not be forgotten, that if any real emergency came, free India would not sit idle and they would be protected, hoping at that time that perhaps the need for such protection by India of the minorities in Pakistan would not be necessary. Here one fundamental point India cannot afford to forget.

There was no Hindu, no Sikh, no non-Muslim for the matter of that, who wanted the division of India. The demand for the division of India came from a large section of Muslims who followed the directions of the Muslim League and, therefore, the minorities who laboured hard for the freedom of undivided India, who shed their lifeblood, who sacrificed everything that they held dear to themselves, when they were asked to live in a country which was foreign to India, obviously, they were asked to surrender something which was extremely dear to their hearts. Appreciation of that sacrifice came from the leaders, came from Pandit Jawaharlal Nehru. I will read out only one sentence from the statement which Pandit Jawaharlal Nehru issued on 15 August referring to the Hindus in Pakistan, the minorities in Pakistan.

‘We think also of our brothers and sisters,’ he said, ‘who have been cut off from us by the political boundaries and who, unhappily, cannot share at present in the freedom that has come. They are of us and will remain of us, whatever may happen in future and we shall be sharers in good and ill fortune alike.’

And, now, I call upon Pandit Jawaharlal Nehru, who is the prime minister of India, to fulfil this pledge which he had given in such noble words to those who had suffered with him and others like him for the liberation of their motherland. A message like that came from Sardar Vallabhbhai Patel. Of course, he went a step further and said that he still awaited for the day when this artificial partition of the country will cease and the two countries will be united again.

A message came from Gandhiji. Then the drama began. Blow after blow came and when people started coming out and when reports of oppression and atrocities started coming, I was a part of the government. We considered the matter. We recognized the gravity of the situation. I went as a representative of the Government of India to Calcutta and attended the first Indo-Pakistan conference to consider the East Bengal situation. The leader of the delegation from Pakistan was Mr. Ghulam Mohammed, now the governor-general of Pakistan and Khwaja Nazimuddin also was there. We spent days and days together. When I ask for strong action today, I do so not in a spirit of huff, I do so not in a childish spirit. I do so not in a fantastic

mood, but I refer to our experiences, our bitter and tragic experiences of failures that have taken place during the last five years and we are asking government to adopt 'other methods' – the expression deliberately used by Pandit Jawaharlal Nehru in February 1950 – 'When peaceful methods fail, other methods will be adopted by the government'. And I would now ask the prime minister to tell us whether the time has not come to adopt other methods.

I have got the reports here. We signed agreements, pledges, promises – everything. It went on for a few months, and as usual, they were violated by Pakistan. Later, we met again here in Delhi and Mr. Ghulam Mohammed came again as the leader of the Pakistan delegation. Interpretation of the first Indo-Pakistan conference was solemnly recorded followed by another agreement. I was party to it. I was party to it because even at that stage I felt that we should not leave any stone unturned for securing a peaceful and honourable solution of this problem. Undoubtedly, normally the government will have to take charge of its people and it is for the Pakistan government to protect its minorities. We went on that basis. That agreement was signed. Things went on again for a few months. And then came the tragic blow of January-February 1950. I need not go into those details. But even then Mr. Liaquat Ali Khan came. He came, why? He came because he found that India's opinion was shaken to its very root. He came because he found that there were preparations of a different kind going on in India. There was pressure upon him from England and America. Millions of Muslims went out from India to Pakistan. He found that it had ceased to be a one-way traffic and that the same game he was playing, others also were capable of playing. He came: he came in a mood of outward friendliness, and there was the pact of 8 April 1950. That has gone on for the last two-and-a-half years.

So my fundamental question to the government is this: do you believe that you have any responsibility for the protection of the minorities? Panditji has said on that occasion that 'they are our concern; the protection of the minorities will be a matter which we will have to take in hand. They will be rehabilitated in their homes, if possible, or elsewhere, if necessary.' Now, if the Pakistan

government fails time after time, what is the answer that the Government of India is going to give? The passport system has been introduced. It is said that on account of the passport system, people are coming away. Our minorities minister, Mr. Biswas, the other day held a press conference in Calcutta and he pointed out that passport was only a symptom, using the same language as we are using, that was not the main cause for people coming away. Something deeper was happening behind the scenes, and it might have added to the panic, to the fear. But if everything else was all right, why should the mere adoption of passports create such terrible panic in the minds of people that they should be forced out of their country?

Now, here I come to the present dangerously complacent attitude of the government, and specially of the prime minister. I was amazed to hear his statement, which has been repeated many times, telling the public that the problem is practically solved, that people are not coming in large numbers, that there are no passport difficulties – they are virtually nil – and that except the matter of rehabilitation which, of course, is undoubtedly important, for the time being there is no other trouble. I join issue with him, sir. That is not the correct position. Undoubtedly the number of people has been reduced. An hon'ble member said the other day that it was an inconsistent attitude. 'You say on the one hand that these people are being squeezed out and on the other hand, they are being prevented from coming. So if Pakistan wants to drive them out, why are not people coming in larger numbers?'

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... The point is that Pakistan's policy is that the minorities either should go or those who remain will remain as converts or serfs. It is clear. It does not intend that all should go out. If people accept the kind of living which is open to them in East Pakistan, then perhaps they may continue to live there. And Pakistan does not desire that people should come out in very large numbers, because it knows that it will then immediately produce tremendous reactions in India.

So far as a passport is concerned what is the position? The prime minister has given some figures. I have got the official figures. Up till 15 October every day thousands were coming – seven, eight, ten thousand per day. Suddenly from 18 October the number dropped to zero at one stage. None came. From 18 October to 2 November at the station of Bongaon which was receiving five, six, eight thousand people every day from East Bengal, the number was actually nil – zero. Is it to be seriously suggested that just overnight conditions changed there so miraculously that people stopped coming for so many days together? Similarly, with regard to Banpur the number dropped to eight, six, some days ten, some days eleven and some days zero.

Now in the papers reports are appearing as to the reasons why the people are not being able to come and they are appearing daily. What is this passport system, sir, people have to go, submit their applications, present a form, fill it in, make a payment and have all sorts of enquiries to face. The matter goes to the police. Photographs have to be given and the latest reports published in yesterday's papers show that now the price of each photograph has gone up tremendously. You cannot get a photograph unless you pay ten rupees, fifteen rupees. And it affects whom? Not people in the urban areas alone. It affects thousands and thousands – and they live in villages. It affects people who are ignorant, who are illiterate. Those who have come have written to us, have seen us and they describe the state of affairs which is extremely delicate and dangerous. Thousands of people there who had come out of their homes for the purpose of coming over to India were detained suddenly on and after 15 October. When I met Panditji in Calcutta at that time, I specially requested him to take steps so that these people who might have numbered two lakhs or three lakhs might not be trapped. They had come out of their homes and they were somewhere on the way, and the bulk of them were illiterate, ignorant, poor agriculturists, land labourers etc. It is not rich people today who are coming in large numbers. They have come out already. And pathetic reports came to us about their condition. Some of them have gone back; many of them are untraced — I do not know where

they are today. And then when they have to start this process again, passing through the passport regulations and coming over to India, it is not an easy matter. So it is not that everything is all right and people need just come if they wished, or need not come if they did not wish. A report reached us day before yesterday that thousands have been waiting near the Dacca passport office. Many of them have come from distant parts and they do not know where to sleep at night. The steamer service has been cancelled. Does the Government of India know that the steamer service between Narayanganj and Goalando has been stopped? It is one of the most important routes in Eastern Bengal. Some other steamer routes have also been cancelled, so that even if people wished to come out it will not be easy for them to do so.

People are anxious to sell their properties at any price. There is a ban, which has been reported in the papers, given under the orders of the district magistrates: 'Don't purchase properties of Hindus.' So that, practically for a long time they are selling off their properties without registered documents and they are coming away as virtual paupers.

This is the report which was published five days ago in one of the papers in Calcutta, giving the statements of Muslims who have come from East Bengal to India. I think their statements should be accepted more readily by the prime minister, because there is no communal colour there. What is it that they have said? Janab Rahim, a sixth year student crossed over after securing the necessary passport. He said he could secure his documents after efforts extending over twenty-two days. Then Janab Akbar Khan, who entered India with a passport described that a large number of people were waiting at Dacca and with great difficulty he could secure his travel permits to come over to West Bengal. A Pakistani Christian gentleman described that after strenuous efforts and by speaking to some of the high officials at Dacca he could get his passport. Then, of course, there is a Hindu also who has supported this testimony and has stated how he and others were deprived of whatever money they had and they had come as virtual paupers. This is what is happening after the introduction of the passport system.

I do not want to go into details, but I should mention that a passport size photo now costs ten rupees in East Bengal. And a class of lawyers have suddenly come up, who pose as experts who could secure passports easily and they are charging forty rupees.

Then another report has come from Tejpur (Assam) side. There, the deputy commissioner of Durrang has been apprised of the situation. It is of a different type. About 250 Hindus who were coming out were prevented and only Muslims were allowed to come. The deputy commissioner has sent a 'strong' protest to the East Bengal government.

Similarly, there is a letter which I received this morning. It is very interesting and I do not know whether the prime minister knows about the position. This happened three days ago in Calcutta. A Hindu gentleman wants to go back to East Bengal for certain private purposes. He went to the deputy high commissioner's office in Calcutta and he writes to me that after repeated efforts, going from day to day, he failed to secure the passport and on the last date he was told that he is now required to prove his Pakistan citizenship by documents or other material which he must bring or secure from Pakistan so as to get back to East Pakistan. This certificate must come from a union board president or a gazetted officer in Pakistan and if he cannot manage to get it there is no chance of his getting his passport. He says that this rule was changed three days ago.

Another letter which I got today is a copy of a letter which has been sent to the prime minister by one Dinesh Chandra Sur. I do not know him. But he gives a pathetic tale as to how his mother has been detained in East Bengal, his father has come out. They sold their property – a sort of exchange between a Muslim who was in West Bengal and these Hindus who were in East Bengal. After having got the house, the demand came for cash money, which they did not have. His wife has been detained and these people have sent a pathetic appeal to the prime minister that some quick steps may be taken for the recovery of their money. This letter came only today: the original is with the prime minister.

A report has come of eight thousand Hindus who are stranded. I mentioned this to the prime minister in Calcutta. We have, as you

know, certain Indian enclaves, a sort of pockets within East Pakistan near Jalpaiguri. There are about eight thousand Hindus living there and it is impossible for them to come out, because they have to pass through Pakistan territory and they will not be allowed to do so without passports and nobody is being allowed to enter into those areas. Government has protested; the people have sent frantic wires with regard to their desperate position. I can give hundreds of such instances but it is not necessary. All that I want is to demolish the hollowness of the argument of the prime minister that everything is all right: that the passport system is there – people may come if they wish, and if they do not wish they need not. That is not so. What is happening there is the Pakistan government has adopted measures to make it difficult for these people to come. Forget not the moral depression of these people. What is their mental state now? Many of them are poor, illiterate. They are running from here to there and today they are face to face with this intricate problem of getting passports under difficult conditions.

We talk of harijans. We have a special provision in our constitution, for looking after them. Does the House know that out of the ninety-five lakhs of Hindus who are in East Bengal, more than fifty lakhs are harijans. I met some of their representatives. Some of them described to me their pathetic conditions. There were *Namasudras* who could stand and fight. But the oppression that has been pursued makes it impossible for them to live. They do not care for rules or regulations. They know how to get their birthright. But they stand today completely humiliated and weakened.

What will happen to them? They say: We came to India for rehabilitation; we have got it. Our children have died. We are going back. What is the crime we have committed? We did not want Pakistan. You asked us to live there and it is only because we are Hindus we are facing this crisis. We will embrace Islam – we will surrender ourselves. Will it bring credit to India? Will it be something of which India can be proud?

Gandhiji gave his life for the cause of harijans. Everyone talks in the name of Gandhiji – Gandhian ideology, Gandhian philosophy. I know the circumstances under which Gandhiji went to Noakhali,

because the majority of the people there belonged to the depressed classes. You have now handed over these fifty lakh people to a Raj which does not know how to perform its elementary duty and they are facing slow death.

I look at this problem from two points of view: one, rehabilitation and the other, the future of these people who are still in East Bengal. Rehabilitation must naturally be continued. I do not deny the importance of it. I am prepared to say at the very outset that so far as rehabilitation is concerned, it should not be made a matter of party politics. It is a national issue and it is the bounden duty of all irrespective of political differences, to offer their wholehearted cooperation for making rehabilitation plans a success, provided such cooperation is sought and provided also that rehabilitation and the administration of rehabilitation are really consistent with the requirements of these unfortunate people and also with national demands.

People have come from West Pakistan – sixty-five lakhs of them. You have spent Rs. 130 crores. Have you been able to rehabilitate them completely yet? What about their compensation? Their verified claims I am told, come to about five hundred crore rupees. Then there is the question of their agricultural land. There is so much yet to be done. I do not blame anybody. It is a stupendous task – sixty-five lakh people to be cared for, although the bulk of them have been rehabilitated on land and in occupation by a bloody process of exchange of population and property. The Hindus came and the Muslims went. I was in the government. It was not desired that this should be done. But events overtook the government and then the very government which would never look at exchanges of population under any circumstances yielded to this gigantic pressure. You know what terrible days they were for Hindus and Muslims – for both. But in spite of all this, we have not been able to do our duty towards these large number of migrants from West Pakistan. From East Pakistan thirty lakh have come. During the last few months another three lakhs have been added. Yesterday the papers said that the West Bengal government has asked for another thirty crore rupees. Where will be your planning schemes? What are you going to do if another

fifty or sixty lakh people are pushed out of Pakistan and they come over here? You will have to spend another three hundred crore rupees on their rehabilitation only. If you have to compensate them, there will be at least one thousand crore rupees worth of property belonging to Hindus which is lying in East Pakistan. Will you be able to rehabilitate or look after them? And why should India be placed in this position and allow her own economy to collapse?

We accepted partition under certain basic conditions. When that basic condition is not observed by Pakistan, then the very basis disappears. From that point of view the partition stands annulled and India is not bound by her commitments. It is not my wording alone. The prime minister himself has declared from that very place the basic condition is that the minorities must be protected by Pakistan. We have done our duty. India has protected its minorities. In spite of so many odds and difficulties, as anyone would have seen from our discussion of this problem, we have never allowed it to be looked at from a communal plane. It is a political problem. It is not a provincial problem, it is a national problem, and we must find a national solution for it. Killing of some innocent Muslims because Hindus are butchered in Pakistan will be a vicious circle and is most inhuman. The true interpretation of Hinduism is that if a man goes wrong you should punish him, but if a man is innocent and you go and cut his throat that simply poisons the atmosphere. It does not save people.

That is why we have been pressing over and over again: Wake up, prime minister, realize your responsibility, do not allow the situation to go from bad to worse, do not allow the elemental passions of man to take charge of the situation, function as a responsible government and fulfil the pledges you have given.

Rehabilitation must be done. But rehabilitation is not the only problem. The problem is with regard to finding out means for the safety of these people so that they may live in their hearth and home.

What is the position in Pakistan? Hindus have no place or status there. I shall read out only a few words from a speech which was delivered in the Pakistan constituent assembly by a member of the Pakistan constituent assembly in March last. The name of that

member is Mr. Bhupendra Kumar Dutt. He was a member of the All India Congress Committee. Twenty-three years of his life he spent in jail for the cause of Indian freedom. He has not come away from Pakistan. He decided to live there. He found what had happened in Pakistan during the last five years and he had the courage to stand up on the floor of the Pakistan Constituent Assembly and throw his charge against the Pakistan government. He did not do it by means of a statement after running away to India. I admire his courage. I wish there were more men with that courage who could have faced the facts as this gentleman did. What did he say? I shall just read a few words because this will give a correct impression to the House and to the country as to how things are happening in East Pakistan which make it impossible for anyone to live there unless he completely surrenders to the authorities. He says thus:

So far as this side of Pakistan is concerned, the minorities are practically liquidated. Those of us who are here to represent near about a crore of people still left in East Bengal live under a total sense of frustration. I stand here as the representative of a frustrated people.

Then he refers to what happened after February 1950. I am not going to ancient history. I am referring to the manner in which the Delhi pact was deliberately torn to pieces by the Pakistan authorities. My charge is not against the people of Pakistan. In all my speeches and utterances I have distinguished between the Pakistan government and the people of Pakistan. I cannot have the temerity to say that all people in Pakistan are bad just as I cannot say that all the people in India are good. There is a mixture of good and evil. But it is the government there which is functioning ruthlessly, tyrannically and in a manner which makes it impossible for other people, specially Hindus to exercise their fundamental rights. This is what he says with regard to what happened after 1950. After the 1950 Pact, secret circulars were issued by the government.

A circular went out to all thana officers to report on the extent, nature and source of influence wielded by particular individuals of the minorities (Hindu) community and the forces and parties that might work against them (a complete circular for getting information). Another circular went out asking heads of many commercial firms to

obtain the previous approval of the district magistrate before giving employment to any non-Muslim (in East Bengal). Few firms would undertake the trouble of obtaining the district magistrate's approval for favouring a non-Muslim with a job.

When this circular was mentioned on the floor of the House earlier, it was challenged and later on a copy of this circular had been sent to the Speaker by the European secretary of a commercial organization and the copy was with him.

That was the second portion of his observations. Now comes the last and most amazing one which has a direct bearing on the Delhi pact:

The latest came a few months back. It was addressed to all district magistrates – a fourteen page circular. It instructed them by no means to return the lands and properties to the returning migrants but to distribute them among the (Muslim) refugees. The returning migrants were to be put off on some excuse. A long list of statutes and orders and the relevant legal bars were to be put forward in each case one after another. The more significant line follows. In dealing with all other matters the district magistrate was to bear in mind the instruction in this behalf: 'Talk sweetly to minorities and their representatives, even with a smile on your lips. You have earned the compliments of persons like the hon'ble Mr. C.C. Biswas who has stated that it was only some subordinate officials who were responsible for the troubles (hoodwinking even the eagle eyes of my hon'ble friend Mr. C.C. Biswas); try by all means to maintain your reputation. Keep this instruction secret. Do not trust other officers. They sometime mismanage and mishandle things'.

Do you want any other commentary on the sincerity of the Pakistan government to put into operation the provisions of the Delhi Pact? It is not a statement manufactured by communalists and reactionaries in India. It is a statement which was read out on the floor of the Pakistan Constituent Assembly in the presence of Khwaja Nizamuddin and the rest of them. And he did it at the risk of his life. He had the courage to face the Pakistan Constituent Assembly: He could even be killed, but there he was to expose the Pakistan government and specially the manner in which they were running the administration of the country.

I do not wish to read the details of it, but he gives his comment:

The Delhi agreement has never worked in its proper spirit, not because of any inimical relations subsisting between the (two) communities (in Pakistan) but because of the official dodgings, manoeuvrings and manipulations that are the outcome of the circulars and resolutions.

Since I have read a portion of the statement, according to the directions which you have very often given, it is my duty to place the entire statement before the House. If you permit me, sir, I place it on the table of the House so that any member interested in reading the entire speech may do so.

I can give you other illustrations. But I do not wish to do so. I shall only say this: what has been the nature of the oppression? The other day my hon'ble friend Mr. Jain said 'We are not hearing many instances of oppression now'. How can he verify? Neither can he admit, nor can he deny. That sort of statement was made by my friend Mr. Jain – who is smiling at the ludicrous nature of his answer! So far as instances are concerned I have got nearly about five hundred of them. I cannot obviously go through them.

I do not wish to tire the patience of the House but the most painful and the most humiliating aspect of these atrocities has been the tragic dealings with Hindu women. One's voice is choked completely to make any public speech on an issue like this. If you read the names, addresses and the manner in which this violation has gone on during the last few months it staggers one, sir. It was the disrobing of one woman, Draupadi, that created the Mahabharat and today, even though large-scale outrages have occurred, we are sitting tight, helpless, impotent. If you bring this to the notice of the government, they will say 'Well, we need actual proof'. Who can prove this? Is it always possible for people to go and prove such incidents in a court of law? It is said reference has been made to the Pakistan government. The Pakistan government's reply is 'No. Nothing has happened'. I do not wish to refer to those details but the number is large and the list can be supplied. Of course, that will go to the record department of the Government of India which will not help the unfortunate people in any way. I can give you four or five examples of atrocities. One relates to [the] Chittagong hill tribes. The prime minister

remembers this. We discussed and discussed about the fate of ninety-five per cent of Buddhists and the hill tribes in the small territory which unfortunately went out of India although the Muslim population there was only two to five per cent. Do you know sir, that they have been pushed out? Many of them have been killed. The entire area has been cleared up. A new batch of five hundred tribesmen has been recently forced out of the Chittagong hill tract. How deliberately they have been turned out of that area! And they are moving about as beggars in Assam. I next refer the prime minister to a statement which was issued by the president of the West Dinajpur Northern District Congress Committee. I have taken special care to take statements issued by Muslims and Congress leaders so that they will carry conviction with the prime minister more quickly than otherwise. Here is published the result of inquiry which the president of the Dinajpur Congress Committee carried on accompanied by some Muslims indicating how the atrocities took place in the last few weeks when people were coming out from East Bengal to West Bengal. Then I refer the prime minister to the manner in which humiliation and insult was offered to some officers of the Government of India – Mr. Burman, collector of central excise, Shillong, – how he was harassed and insulted and he himself saw the instances of similar harassment as he was coming out from Pakistan. I feel greatly relieved to read the announcement that the government of Assam has sent a very strong protest to the East Bengal government. It is not a strong protest, it is a very strong protest. Perhaps everything will be all right now. Similarly with regard to conversions. A large number of conversions have taken place. Hundreds of them were reported. I am taking here a typical case from the Pakistan paper *Azad*, I have got cuttings from this paper. It is under Maulana Akram Khan who was once a great Congress leader. There he describes how Hindu young girls are embracing Islam and he has emphasized insistently they urged in favour of conversion and Muslim leaders had to agree. Their names are given and then it is added that the majority community there is kind and generous, immediately arrangements for marriages are made and a large number of youth come forward willing to marry such girls if only they embrace Islam.

Names and addresses are given. The finishing touch is equally interesting. Relations of the converted family who had gone away to West Bengal for rehabilitation have come back and are also voluntarily embracing Islam. Then I will give two other cases. Sir P.C. Ray was one of the great scientists of India, in fact many of the great men of Bengal, like J.C. Bose, C.R. Das, all came from East Bengal. In his (Sir P.C. Ray's) village a few weeks ago, after the introduction of the passport system, a horrible incident has taken place. A leading doctor, Behari Lal, was approached by some Muslims. They told him that he should invite them to a dinner. He agreed. They said they were fifty but actually eighty men came and naturally the good doctor was unable to find the necessary eatables for such a big party. They said 'You need not worry, we will look after ourselves'. They went to the *goshala*, got hold of a calf and then that was killed and food was prepared. The doctor was asked to partake of it. He had to. After the party had gone away the doctor went to his room and committed suicide. A few hours later his wife came and she saw the dead body of her husband and she also did the same. Their family has come to West Bengal and details have been published. Another incident occurred in Rangpur where a doctor was invited to the house of a certain Muslim who was anxious to get hold of the doctor's girl. After he had gone there that offer was made. The doctor refused. He was detained there and the members of his family were brought to his house. When the girl saw that they were confronted with a dangerous situation, she volunteered to save the life of her father. The father was released. The next day a so-called marriage took place and in the evening the girl committed suicide. The number of such cases is not known. I have only got the names and addresses of some that have reached us. An iron curtain is there. The administration of that country has morally collapsed and a larger number of people are coming from day to day. I myself feel how difficult it is for these people to resist this for such a long time. In a village in Rangpur, on 28 September a Hindu girl who had just been confined was forcibly taken out at night and her dead body with blood was found in a field the next day. These are horrible instances. We have got a number of such cases before us.

Border incidents are taking place. Why this insecurity today? Today's issue of *The Hindustan Times* gives details of a border incident in Assam where firing was continued by Pakistan for two days and the fun of it was that at that time a conference between the chief secretaries was being held in Shillong for discussion as to how peace could be established in that area. Of course, a very strong protest has been sent to the East Bengal government. On the Tripura border, the prime minister knows, – and a copy of the telegram has gone to him – a large number of people came a few days ago inside our border and hoisted the Pakistan flag on the Indian side of the border. It might be a small thing from that point of view but this is the way in which things are going and what is the impression that is produced in the minds of the people when the prime minister says, 'Everything is all right except some insecurity and so on'? He may declare his helplessness but for heaven's sake, do not say things which are not true. That will be like throwing salt into the gaping wound. You may not be able to protect them, you may not be able to help them, but do not minimize the gravity of the situation. Unfortunately, the statements which the prime minister made during the last few days will form part of Pakistan propaganda. They will retort and say 'Here, the prime minister himself says there is nothing except some stray incidents here and there', and humiliation and repression will continue.

What is the remedy? We have suggested some remedies and these are the phrases that have been hurled against us: childish, fantastic, quack: I have forgotten the other phrases. They come one after another. That is not the way the prime minister should respond. He has not sent for us. I could have understood his calling the leaders of all parties and sitting together to consider this question. I do not want this to be made a party issue. We do not wish to play with fire. We know the dangers inherent in the situation. This is not a matter which government alone can solve. We are here to offer a hand of cooperation. But, we want a solution. We do not want that people should be killed by inches. If they have to die, let them die once for all. But, this is a chain of terrible humiliation and misery which affects not individuals alone, but humiliates the status and stature

of the nation. We have given some remedies: other remedies may be suggested. Economic sanction is one. Naturally, demand for land is one. It was Sardar Patel's remedy. If one-third of the population who happen to be Hindus is pushed out, Pakistan must give one-third of the land. We cannot ruin the whole country for the misdeeds of Pakistan. There must be a repartition of the territory of Pakistan and these people must be settled there. Some say we must have an exchange of population. That is not an easy matter. There also the question of rehabilitation will come. The prime minister will retort, how am I going to get land? If Pakistan takes four crores of Muslims, they may demand more land. They may say, more Muslims are coming. But, some Muslims do not wish to live in Pakistan unless they belong to a particular type of mind. To this one may reply, one-third of Kashmir is with them. That may be quid pro quo. That area is as big as half of Bengal. That is a question of argument. Exchange of population and property on a governmental level, not through the hands of men: that was suggested some time ago. To that also he will naturally reply, how can I push out people if they do not wish to go out of the country; they live under a constitution: how can I do it? But, the main problem is not solved. I agree that in both these cases, the problem is not ultimately solved. This tremendous problem of rehabilitation comes. We have seen the horrors again. We have, therefore, said that government must take the responsibility for the safety and protection of the minorities in that area and give us a political solution.

It was once said, that I was a warmonger, how am I going to take charge of East Bengal? That was not indeed my remedy. I always quote bigger names in support of the remedies. That was a remedy which Gandhiji suggested. Rajkumari Amrit Kaur will remember that. She and I saw him a few weeks before his death. We were discussing this question. He came out with fire in his eyes. He said: 'we did not agree to the partition of India for this terrible problem of rehabilitation causing misery to millions of people: it was on a certain fundamental basis: the minorities must be protected; they must live in their own homeland; no question of their being turned out as beggars.' What was his remedy? He said: 'let India play her

part; you protect the minorities; let not one man be turned out from here: then turn towards Pakistan and say, we have fulfilled our part, but you have not; it becomes a world problem: it becomes a moral problem.' The words which he uttered are still ringing in my ears. He said 'if Pakistan fails to do so, if there is no other remedy, you must take charge of East Bengal; let the government take charge and protect the people. He added: I cannot join the war; I do not believe in it; but I will bless you that you have the moral courage for it.' Rajkumari Amrit Kaur will remember that. He dealt with this in one of his speeches also. I am not advocating war; but if there is no other means of protecting the minorities of East Pakistan except to take charge of that territory, the Government of India will some day have to consider it. I am not using this word lightly; I am not saying that immediately war should be declared. It would not be necessary also. There was no war in Hyderabad. They are not ready for war. Goondaism does not wish to face war. They want to gain something without sacrifice. Only if the prime minister says the government will act firmly and adopts a policy not of weakness and appeasement, you will see what happens. He is proud of appeasement. I am amazed at it. He may say, I cannot find a solution. I can sympathize with that. But, he glorifies appeasement and goes on appeasing. At whose cost? If he does it at his own cost, I do not mind, though I shall be sorry. But what right has he to appease at the cost of the nation? It is a question of the honour and self-respect of India. Something has to be done to prevent a major catastrophe.

It is not for us to suggest remedies nor can many remedies be openly discussed. There sits the government. They are doing whatever they like in respect of all matters. Does the opposition go on giving advice to the government and is there any moral obligation on the government to accept that? We may have the privilege of making some suggestions and let him have the pleasure of rejecting them. But, it would not do for him to say it is fantastic and all that. Let him find a solution which will, in the real sense of the term, solve the problem. We will all be with him. Let there be a solution. We want to settle the question by peaceful methods. Here our communist friends will speak. They have not agreed with us. We,

all the parties barring the communists, have stood on one platform in this respect. The Congress cannot come. But, I know there are lakhs of congressmen who feel in the same manner as we do. If any peaceful method can be found, do it. Who wants war? Who wants trouble? I know what the horrors of war are..No one is saying, declare war tomorrow. Find out an effective solution by which these people can be enabled to live exercising their elementary rights without being ruined as refugees or beggars or slaves.

The prime minister very often says he believes in a healing process. Undoubtedly. Healing by what means? Healing by curing the disease? If there is a cancerous growth, will you put sandal oil on the cancer and heal it? You will have to go to the root of it. You will have to appreciate what the disease is. Now, governments are running away from the real problem. That is what shocks me and pains me. They just say, there is no problem, people are not coming. But, coming or not coming, the disease is there. Can the people, who are sitting here, go and live there? I made a suggestion in 1950. Until you can go and settle there with your wives and daughters, you cannot realize the agony of millions. Sitting far away, it is easy to deal with abstract theories, but once you place yourselves in their shoes, you will realize where exactly the pain lies. They never wanted this partition and they demand fulfilment of past pledges. We also want the healing process. Let us not talk of Gandhian ideology. Whatever Gandhiji was, cowardice was not within his ideology. Inaction was not within his ideology. He would never have sat quiet and helpless. When I came to Delhi and reported about the happenings in Noakhali, everything else became secondary to him. He came to Calcutta and we gave all the details. He had his own way of doing things: We might or might not have agreed with him. At the time of the Dacca riots, I came and reported to him. He said publicly in *Harijan* next week, that his first remedy was that people should go to the assailants and die and sacrifice themselves. I said, that was not possible: if a *goonda* comes to attack me, the penal code gives me the authority to kill him; I may not kill an innocent man: but the right to attack a man who wants to injure me is a right that I get under the law. He said, you may do so. Then he added: resist

nonviolently if possible, violently if necessary; but never submit to a wrong. I ask the government to accept that as the policy. Resist this national wrong.

The prime minister said four days ago in this statement:

I am quite clear in my mind that the ultimate remedy for the ills of Indo-Pakistan relations is to apply the touch of healing to them and not the touch of loud shouting.

Let us do it with small shouting. That does not mean that one should submit to wrong things.

I have underlined it. That is what I am asking today. That is my charge against him that he is submitting to wrong things.

Not only are you submitting, but you are making the people submit to wrong things, and you are humiliating the entire nation. He adds one should resist evils all the time, and should be prepared for any emergency, whatever it is. When will that emergency come? I ask. Thousands have been killed. Hundreds of women have been kidnapped, raped. So many lakhs of rupees worth property have been looted and destroyed. The entire morale of the people has gone. Still the emergency is to arise. What more do you want? Say, 'I want so many more. When that report comes, I shall declare an emergency.' Let us know what is the limit. We will then patiently wait and see. But this emergency will never come under the prime minister's leadership.

Lastly, I would conclude by saying – peace, undoubtedly, is wanted but peace with honour. Let us follow the path of peace. If we can lay out a scheme whereby we can finally solve this problem peacefully, then let us do it. But if not, do not submit, and the greater the delay the government makes in solving the problem, the greater the possibility of repercussion coming within the country. That must be avoided at any cost. Now nothing has happened but Pakistan has carried on false propaganda that four hundred Muslims have been killed in Malda. I am glad today the Government of India's protest has been issued in the press. That is exactly what Pakistan has been doing always, to put India on the defensive. Among these false propaganda stories is that of four hundred Muslims being killed in Malda. The government has come out with a very strong protest that

has been published in today's papers. But propaganda will go on unless India's policy is substantially changed. It is important to realize this and decide upon our course of action so that government will be able to secure the willing support and cooperation of millions of countrymen in India for averting a national disaster.

If the prime minister feels that a case has been made out for re-examination of certain important provisions, for instance land, if you feel that land should be taken without payment of compensation, provide for it in the constitution. You consider all these items and make your provisions so elastic that you can apply them either to the whole of India or you can apply them to only such parts where this Parliament of India will feel that such special treatment is necessary. Proceed in accordance with a constitutional manner, not just play with the constitution. It is a sacred document, and it is a document on which much labour and much thought were bestowed. If you feel some changes are necessary in order to take into consideration the new setup that is slowly developing in India, whether in Kashmir or other parts of India, by all means let the people of the country have a chance to express their opinion.

Lastly, a charge was levelled that some of us have advocated separate consideration of Jammu and Ladakh. I would assure you and the House that I do not want that Jammu and Kashmir should be partitioned. I know the horrors of partition. I know the results which may ensue if partition comes. But the responsibility for preventing partition will rest on those who are today the masters of Jammu and Kashmir and are not prepared to adopt the Constitution of India. What is the crime if today the people of Jammu claim that they should be treated separately in the sense that they should be allowed to join fully with India – mark it, it is not a question of running away from India – if they say that they would like to accept *in toto* the Constitution of free India, is there any crime that they then commit? I am not suggesting that you send Kashmir or Kashmir Valley out of India. And it is not for me or for us sitting in this House to decide this matter. As the prime minister pointed out very rightly, it is the people of that territory who will have to decide. Now suppose the people of Jammu and Ladakh feel that either it should

be full accession in relation to the whole of Jammu and Kashmir, or if that is not acceptable to Sheikh Abdullah, then at least these two provinces, the two separate entities could be justified historically or otherwise, that they should be allowed to join with India. Let Kashmir continue in any way that it likes, even with more autonomy, with less possibility of interference by India; that is a possibility which we cannot rule out. I hope that this question will be considered in its full possible implications.

My friend from Kashmir, Maulana Masudi, for whom I have very great regard – I tried to follow his speech this morning – referred to Jammu, the last question which I would answer. Well, if this demand is made by Jammu, he said Jammu is a province which in 1941 had a Muslim majority. He said that, but did not complete the story. Undoubtedly it was a Muslim majority Province in 1941, but it became a Muslim majority including those districts which have now fallen into the Pakistani-occupied area. So, if you exclude those areas.....

Maulana Masudi: 'Are you going to surrender them?'

I am not going to surrender them. I am very glad he has put the question. The prime minister says that that area will not be reoccupied, but it is a different question. You are not going to reoccupy it, and it is not possible. In any case those people have worked against Jammu and Kashmir, they have become, as has been repeatedly said, more friendly to Pakistan than to India.

If you take the 1951 census – the figures have not been published, but it is on the basis of the territory that is under our occupation – seventy-five per cent of the population of Jammu will be Hindu. But I am not proceeding on the basis of Hindus and Muslims. Let me make it clear. I am proceeding on the basis of the will of the people to come to India either in whole or in part. If these two provinces Ladakh and Jammu say that they will come to India with all these subjects, make it possible for them to do so.

The same right which you are claiming for Kashmir may also be demanded by the people of Jammu and Ladakh. Let us proceed in a friendly spirit. Sheikh Abdullah himself said about a month ago that he will have no objection if the people of Jammu and Ladakh

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really felt that they would go to India – I am not saying that you proceed in that way, but let it be possible for the people residing in those areas to make up their minds which way it will be good to proceed and it will also be consistent with the same principles of self-determination which constitute the basic claims of Sheikh Abdullah, supported by the prime minister.

Reference

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DR. SHYAMA PRASAD MOOKERJEE

The Five Year Plan

18 December 1952



Participating in the debate on the report of the Planning Commission on the five year plan for the nation's economic development, Dr. Mookerjee tried to show the impracticability of some of the Planning Commission proposals. He did not approve of a blanket opposition to the private sector.

For the last three days we have discussed the report of the Planning Commission from different angles on view. We had the proposals examined, if I may say so, from two extreme points of view. There was one section of view which saw nothing good in it, and rejected it lock, stock and barrel. There was another section which, in its anxiety to out-Herod Herod, found that these proposals were going to revolutionize our future life and activity, and were going to solve all the basic problems that urgently await solution today.

As I was trying to go through the various chapters of the report – it is difficult to go through them in detail – it struck me that it is not a plan as such. It is really an outline of something that is to

be done so that real planning may come at a later stage. In fact, the prime minister himself indicated this, that it was more or less a plan for the preparation of the future. At the same time, sir, there is an inherent defect in the manner in which the proposals have been presented to the House and the country. It is supposed to cover a period of five years, of which two years are already over. Although we tried to find out from various portions of the report as to how much has actually been done during the last two years, and as to the amount of money which has already been spent during the last two years; it was difficult to get at the truth; for by only such means alone it is possible for us to know whether the government and the planners have been able to implement what they have themselves included in the report, and whether there can be a large expectation of their being able to implement them in the future.

So far as the basic conditions for the success of the plan are concerned, obviously, there is the question of rousing public enthusiasm. Every one has stressed that point. How will public enthusiasm be roused? Not by merely placing two big volumes before the country, but by making them feel that something real is being offered to them, and that if the proposals are implemented, they will have something to look forward to. I know that the problem before the country is not simple, it is extremely complex, complicated and gigantic. But at the same time if more than five years after freedom we say that the country has to wait for another five years to enable the government just to prepare for something that is to produce results later on, well, the patience of the people may well be exhausted. So, the plan has to be examined from the point of view of its fulfilling some of the urgent needs of the people so that if they have to make sacrifices, as indeed they have to, they may feel that they are doing it for a cause, for something that will be within their reach as soon as possible. I do not minimize the importance of the work that has been done. We should acknowledge it without any hesitation that for the first time we have got before us valuable information on matters which vitally concern not only the industrial or economic development of the country, but the entire social, cultural and intellectual life of the country. That is a great

achievement. It gives us abundant materials, so that, even if mistakes have been committed, even if some wrong directions have been indicated, the government and the people may see to it that necessary changes are effected in due course. I have no quarrel also with the main objectives. Who could have a quarrel with the main objectives which the planners have laid before themselves – the amelioration of the condition of the masses of the Indian people, the achievement of those objectives which have been laid down in our constitution – they are fine words, beautiful words, and they have been paraphrased or repeated in the body of the report? But the main test is whether the actual recommendations are going to satisfy the immediate needs of the people, and if so, to what extent. Another test will be whether what has been said here is capable of being implemented, what is the extent to which importance has been allotted to priorities, and whether we have really touched some of the fundamental problems.

One very ambitious thing which has been undertaken by the commission is to make an all-out attack on the problems that await solution today. I believe it has been somewhat too ambitious. That has not been attempted so far as I am aware in any other country. It can be done if we have ample resources, manpower, money, etc. But if we do not have them, there is the risk of our frittering away the resources which we have at our disposal. We may become jack of all trades, but master of none.

Now, I shall refer very briefly to one disturbing factor in the proposals, and that deals with finance. I do not wish to go into details, and time will not permit me to do so. The hon'ble finance minister is not here now. He tried to deal with the figures yesterday, but I for one, am not satisfied as to whether the financial resources which form the pivot of the plan will really be available during the period of five years. Now, what are the different items on which the income side has been calculated? There is the normal budgetary resources. Here, the average figure calculated is Rs. 147 crores per year. But what is the average of the budgetary surplus of the country during the last five years? From 1948-49 to 1952-53, it comes to fifty crores ; for the central government, and minus ten crores for

the state governments, which means it is really forty crores per year. Forty crore rupees is the average surplus, and the estimate is based on an average of Rs. 147 crore. Now that is a gap which has to be filled.

Next comes private savings to the public sector. The average calculation is Rs. 104 crores per year, and the average receipts during 1948-49 to 1952-53 have been twenty-five crore rupees only. So here is another gap of about seventy-nine crore rupees per year. Then, once allotment of external aid is exhausted, there remains deficit financing, remains external borrowing, remains internal taxation. There is a limit beyond which internal taxation cannot go. The taxation inquiry committee is yet to be appointed. We do not know what the tax structure of the country will be. But we know that there is not much expectation of our getting much more from taxation, although in a strange way the planners have calculated twelve crore rupees as a possible income from estates duty under a bill which is still pending before the House, and which has not been examined. But that twelve crore rupees has been added on to the pool as an expected income from estate duty. With regard to external borrowing there is a limitation to the amount of money that we can get from outside. I am not against it on principle. But obviously there are certain limits beyond which we should not go. If you go on leaning more and more on the external borrowings, you create a psychological atmosphere in the country, which is disastrous to the best interests of the people as such. You do not make them lean on their self-help, you make them look to some other countries rich or powerful in different parts of the globe who will just decide to send some money either through the international banks or through themselves for the purpose of the so-called elevation of the people of India. There is a limit beyond which in [our] national interest, we should not [go].

Then comes deficit financing. Here also deficit financing means obviously going to Nasik, and it has results which might destroy the very economic structure of the country. I do not wish to dilate on these figures, but from this it is clear that there is no possibility of our getting the financial resources which form the pivot of the

scheme as it stands. With all its defects, with all its weaknesses, if even the money which you think will be available does not come, then what are you going to do? You are launching upon big schemes; are you going to take aid from Nasik and thereby create disaster? This is a point of view which requires more careful dealing. As I said just a while ago, two years have elapsed already. I find during this period of two years, we have spent Rs. 667 crores already. That obviously includes Rs. 156 crores, which has come from external aid. If Rs. 667 crores out of Rs. 2069 crores, which will be the public sector, have already been spent, then Rs. 1400 crores roughly have to be found during the next three years, and I have given you the average which you can expect from these three important items. This is with regard to the public sector.

Now, what about the private sector? It is no use, our opposing the private sector. If there is anything wrong with it, rectify it, if you want to do away with the private sector and have only complete state economy, then do it. But in the plan which you have presented before the country, you have given private sector a definite and an important place in the entire structure. About Rs. 1350 crores has to be collected. If the private sector is dependent on resources which you yourselves are not able to pool together. How do you expect that the private resources will be such as to enable the private sector to function effectively? Now, sir, that is with regard to finance.

Now, I shall very briefly refer to some of the important items which you have taken in hand. I am keeping before my mind's eye the possibility of creating public enthusiasm. Supposing we succeed in doing it, supposing the government decides that it will have the cooperation of all concerned, and we will all go out and create the due atmosphere, what is the message that we will carry? We will carry these two volumes, each one of us will carry on our shoulders and say, 'Look at this, this is the future that we have got for you; this is a magnificent picture'. You raise high hopes which will remain unfulfilled. That has been the curse of this country. What paradise was not offered to the people during the past years? Because the expectations were raised to such a high level and they have not been fulfilled, frustration has come. Frustration is there; disbelief in the

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capacity and willingness of the government to deliver the goods is there. It is no use getting angry; it is no use getting annoyed. The problems are there. How are you going to tackle them? We can tackle them if we can take something concrete to them. Now, what are the concrete things that you are taking to the people? First, sir, standard of living. Take that first thing. What is it that you are telling the people. You are telling them that the standard of living at the end of the five years will be the same as in 1950. Even in the preliminary plan, you said it will be equal to the 1939 level. That also you have gone back upon now. You are telling that after all the sacrifices and labour you are going to come back to 1950 level....

Now, with regard to food, there is no self-sufficiency. All the declarations made by the prime minister three years ago that there will be no question of importing foodgrains into India from 1951 have gone to the winds. We have imported more than three million tons for 1952. Three million tons are to be imported at a cost of how much? Fifty crores per million tons which means 150 crores per year; which means, in five years it will be 750 crores of Indian rupees that will have to go out for the purpose....

Now, this Planning [Commission] report is like the *Mahabharata*; you can get anything you like in it. It is the continued import policy that I wanted to emphasize. Socialism is there; communism is there; capitalism is there; private sector is there; public sector is there; everything is there.

Now, so far as food is concerned, I suppose the hon'ble member will not contradict me there, the calculations on which the food requirements have been put in the report is fourteen ounces per head per day. If you read the Woodhead commission report, at the end of the Bengal Famine, after full examination they say that on less than sixteen ounces a human being cannot live. So, after five years we are going to tell the people that they are going to get fourteen ounces per head per day. That is the planning that we are going to make. Now, so far as the methods of obtaining increased production are concerned, agriculture, rightly speaking, has been given a very strong stress. What are the methods? Is it control or decontrol? I was going through the plan; 7.8 million is the increase you are

expecting. That is the object of your scheme. Now, sir, we have to increase the yield per acre. The yield has dropped, according to the report, from 619 to 565 per acre during the last five years. Since independence we have lost this and we have to recover it and increase it. So far as the main scheme for production is concerned, how are you going to integrate it with the production of other agricultural needs of the country? Now, here, is it going to be controlled policy or decontrolled policy? I find in one place in the report it is stated that so far as it is possible each farm or village should follow the very plan which will enable it to utilize the available physical resources with the greatest advantage. I quite understand it. That is one way of decontrolled economy that you are thinking of with advice and guidance from the state. Next comes: 'It is difficult to forecast the effect of the agricultural programme on the correct pattern with any degree of precision. This is due to the fact that the decision of the cultivator to raise a crop is based on factors like prices, weather conditions, availability of capital resources and supplies which may vary from season to season. Even rice and wheat acreage are diverted to crops like sugar cane and cotton and jute'. It is not controlled economy that you are thinking of. What is the control if this is the way in which the agricultural plans are to be executed? I do not know what sort of planned economy you are going to develop.

Now so far as the integration of the other agricultural products is concerned, you integrated the production of cotton; the prices have gone down; you integrated the production of jute; today the prices have collapsed. People are cursing you. They did not produce rice; at your request they took to these. I am not saying that it is an easy matter to tackle all such vast problems in a country like this. But do not then talk of a plan, talk of advice, of help, of guidance, all leading to increased production and distribution. If you talk of planning, it must be planning one hundred per cent. With regard to food we know there are certain difficulties. We have two wizards, one the wizard of the finance minister who moves on terra firma; we have another wizard, the food minister who moves underground and we do not really know between the two what is the food policy

of the government. The third wizard, the prime minister, is, of course, looking above at the sky. That is another way of doing it. Now amongst these three ministers you have to decide the food policy. Is it control or decontrol? If it is control there must be control at the time of production, control at the time of procurement, control at the time of distribution. Have you succeeded in doing it? What disastrous consequences ensued during the last few years due to the mistaken policy of control? Now, this is a vital problem, which unless properly tackled will practically make the entire recommendations regarding the agricultural production useless.

Take for instance, cloth. There also it is difficult to know what exactly the policy of the government is. There is the recent proposal of imposing a cess on mill cloth. I am entirely in favour of doing anything that is possible for the handloom industry. That is a different matter. Here you are playing with one of your biggest industries, the textile industry, which might seriously affect production. After so many years, poor people are getting coarse and medium cloth. Now, you have a sudden artificial stoppage of the medium and coarse cloth by mills by putting this cess on the textile mill industry. There is no suggestion in the report except in two or three lines as to how this very difficult problem is going to be integrated.

Then, take housing. What is it that you have done? You have taken statistics with regard to the living conditions of seventeen lakhs of industrial workers. You have found that four-and-a-half lakhs of industrial workers needed immediate housing accommodation. And, you have made a provision of 1.25 lakh thousand during the next five years.

What about the urban areas? In urban areas your own figure shows that you need about forty-seven lakhs of houses and the total additional urban population comes to nearly 1.25 crore. In the urban areas, what is it that you have given? About thirty thousand houses – by way of loans to cooperative societies. This is for the entire urban area; for the rural areas, nil. Only some wishful thinking and some deep sympathy.

Now, what about the slums? I could have understood, if you wanted to catch the imagination of the people, your taking the slum

area taking the *basti* areas, which every one has said has been a disgrace to India. That would not require enormous sums. If you could have secured that within these five years there would be no *basti* then you could have gone to the people of India and said that you wanted the complete eradication of these slums, which are depriving the people in so many areas of their basic human rights. Take education. What is the provision you have made? We talk about our desire to do away with illiteracy. We abused the British and said that for 150 years they kept us illiterate. Is illiteracy going to be removed within the next five years? There you have said that you haven't got the money. It needs four hundred crore rupees. So, all that you are going to do is in respect of sixty per cent of boys and forty per cent of girls. You have artificially reduced the age group; six to fourteen according to educational advisers is the accepted age group. You have reduced it and you have said that you will look after boys and girls of age group between six and eleven. This is your planning. Where will they go after eleven?

Take secondary education. It is nil. You have appointed a commission. The other day when we put a question to the education minister regarding grants for universities on the basis of the recommendations of the Radhakrishnan commission, he put his hands into his pocket and said, '*Jeb khali hai kuch nahi hai*' (my pocket is empty). He appoints another commission on secondary education and here in the Planning Commission report not one penny has been given from the central government for the reorganization of secondary education. There is no provision for improvement of salaries and conditions of service of teachers; they are paid wages which even domestic servants will not accept.

Take universities. You have said, 'Well, not expansion but consolidation. That is now the main problem before the country.' There is no real provision for reorientation of university education, which is a vital need if your plan is to proceed.

Now what have you done with regard to health? I have full sympathy with the health minister. I am glad she is here. But what inadequate provision you have made? Malaria – I am glad you have taken it. What about tuberculosis? I know the interest which the

health minister takes in it. There are reasons for me to know what interest she has always taken. This is one of the curses of India. Five lakh people are dying per year. You have got the BCG vaccination scheme and you have admitted that lakhs and lakhs of people are infected with tuberculosis germs. You are planning to give three thousand extra beds for the whole of India over a period of five years. This is no planning. Consider the number in the context of the total number of general hospitals in India and the number of beds in all of them. How little provision you have made for expansion. Look at the number of rural dispensaries that you are going to open. You say, 'Create public enthusiasm'. Public enthusiasm, yes. Will it be created by a magic wand? By threats of some sorts of domination? How will public enthusiasm be created? If you go to the people in concrete terms saying, 'These are the matters which we are going to give you', then you can hope for public enthusiasm.

My friend Dr. Punjabrao Deshmukh is fortunate. I find that there is one sentence in support of the idea of rural universities. One Deshmukh has conquered another Deshmukh and at least so far as the idea of rural universities is concerned, the idea is there and I believe some sort of result will also ensue some time later.

What about industrialization? There, you have done something. Some of the schemes with which I myself was very intimately connected are there. I am glad to find them included, but the point is that in regard to industrialization today two factors have to be remembered. Take cottage industries and small-scale industries. You have just played with them. I am glad you have increased the allotment from five to fifteen crore rupees. But there is no plan. If planning was required on a nationwide scale, laying down the principles on the basis of which there should be a full integration between small-scale industries and large-scale industries, this was the one sphere where all intelligence and resources of the Planning Commission should have come in, because this must be the pivot of our future reconstruction. We want to give employment to millions of our people. Obviously, this integrated development of small-scale industries is absent today from our economic reconstruction. There is nothing here. Development councils,

reports, etc. — all will come in the future. So far as the big industries are concerned, no doubt you have taken some, but what about the basic industries, the defence industries and so on? I do not wish to dilate on them. My hon'ble friend who spoke before me has mentioned them. But what I want, what India wants, is that there should be more of those industries which are going to manufacture machines. It is imperative that at sometime or other we must be free from our dependence on foreign economy. So, the basic thing is that we should collect and concentrate all our energies and put them into big industries for the purpose of manufacturing machinery and other essential requirements, so that whatever machinery we need for our essential requirements whatever we need for developing our country will come from our soil and we need not go outside.

Steel, you have taken. I am glad you have taken it as one of the basic things, but it is a drop in the ocean. It will give you only 3.5 lakh tons. It is nothing. You yourself say that you want at least two-and-a-half million tons. Here, sir, I would very specially urge the government to consider the possibility of using treated timber in place of steel. One of our own men, Dr. Kamesam, is a specialist in this matter. When I was a minister I tried my best to give him an opportunity, so that the theory which he has expounded and the work which he has actually demonstrated may be given proper recognition by our government, but I failed. I failed for reasons that I do not wish to go into. But I have got here full reports and the information which, I believe, were with the planning minister when this plan was drafted. The world today is accepting more and more the use of treated timber for various purposes, although in our country we still are confined to steel. This is a very serious matter and if we can deal with it properly, sympathetically, boldly, no matter what our so-called experts in this country say, no matter what our advisers say, then I am sure we will be able to solve many big problems including the housing problem. We should substitute treated timber for all the purposes for which steel is used in regard to housing and so many other things. This would enable you to proceed where you cannot at present proceed for want of money

for buying steel. Do you know that in America today this treated timber is being used by those manufacturing telephones? Does the House know that the American Telephone and Telegraph Co. which controls seventy per cent of the world's telephones and manufactures forty-five million telephones every year is today-making use of treated timber for poles and other requirements? But in our country, that is not allowed. This company has accepted Dr. Kamesam's formula and experiment, and they are going to apply it with regard to, not their entire activity, but a good portion of it. Here I have got a report saying that in America during the war one million tons of treated timber were used for constructional and structural purposes where steel was previously used. We still use steel for all our poles. You have made a provision – Mr. Nanda will give me his ear – for about thirty crore rupees in the Planning Commission report for transmission and distribution poles for all our river valley projects. And all this steel is going to come from foreign countries. I have got here a note which has been passed on to the Planning Commission and it shows the various countries in which treated timber is being used for all these purposes. If today you give effect to this new formula, you can save thirty crore rupees at one moment's notice. I do not wish to go into this in detail, but I would seriously ask the government, although the Planning Commission has referred to the setting up of some authority, to treat this as a matter of national urgency. Immediately appoint a committee, place certain experts there, bring out foreign experts. The FAO of the United Nations has accepted Dr. Kamesam's theory, and it has recommended that it be applied to Burma. If necessary, you get some experts from outside and you settle this matter. You decide that treated timber will be utilized throughout India, wherever possible, in place of steel....

I do not wish to go into that point, but I had to deal with this when I was a minister. The main difficulty is that you are confronted with specifications. Unless and until these specifications are fulfilled, you will not allow certain articles to be used. And who made these specifications? They were made in the 1880s under British rule. They might have been altered hither and thither, but still we are under the shadow of some sort of British high command so far as the

working of these departments is concerned. That slave mentality must go. I am not saying that it is being done deliberately, but this slave mentality is still there, that we must follow the same specifications which the British interests had laid down for their colonial purposes and that we must not make any alterations.

Now, so far as the river valley projects are concerned, I have myself visited some of them and some mistakes might have been done. Dr. Saha was with me. I do not see eye to eye with him with regard to the development of these institutions. Mistakes have been made undoubtedly, but these are magnificent performances, of which India can be proud, whether it is Sindri, whether it is Damodar valley, or whether it is the Chittaranjan factory. Wherever defects crop up, remove them, and they have to be removed. Unless you have some sort of machinery for checking the continued activities of all these state institutions, in future the situation will become disastrous. You, sir, as chairman of the estimates committee have brought out so many ugly things. We have got to see that we do not repeat those mistakes, but who can deny that our Indian youth are today receiving their proper training and they are today in their posts and they are doing things which India expects her more educated and technically-minded sons to do?

Now, with regard to the big schemes that have been taken up, two omissions I find here. One is the Krishna Valley Project, where the name has been mentioned and the amount is shown by giving dots. Fill up the gap with regard to that, because this matter has been hanging on for a considerable time and now we should be able to take a decision. I would also enquire what has happened in regard to the Ganga barrage scheme. It is a vital project for West Bengal. Not only for West Bengal but for the continuance of the Calcutta port itself. One important factor arises out of this. If you can have this Ganga barrage, then you can open up transport facilities right from West Bengal to northern India through Ganga and it will not be necessary for you to depend upon a 450 miles long route through Pakistan which you have to depend upon today. So, there also, for intercommunication from the part of India to another it will be a vital thing, apart from its effects on Calcutta and the problem of

water supply. Well, that scheme, I am told, has been before the Planning Commission and more or less an assurance was given that it will be given priority and taken in hand.

I do not wish to go into further details. I have spoken for quite a long time. I shall now conclude by saying one or two things about some general features. One is rehabilitation. There practically very little provision has been made. The Planning Commission thinks that after two years rehabilitation will not be necessary. I was told when I appeared before the Planning Commission that although the figure is being put down for two years, the provision will continue. The new situation which has arisen by the arrival of East Bengal refugees has not been given its proper place. One sentence has been added at the end that this matter will also have to be considered at some stage. That point should not be ignored as a part of complete reorganization of the economy of the country.

Then with regard to middle class unemployment, I would have liked some specific provision made. Of course, fifty lakh people will be employed, it is stated here. But it is very difficult to check it.

It has risen to seventy lakhs within two or three days! Now, so far as the present position of trade and industry is concerned, your jute industry is tottering; your tea industry is collapsing; I do not know in what way your textile industry will develop. You think of touching banks and insurance companies, although they are not mentioned in your scheme at all. Now, so far as the present trade position of the country is concerned, a depression has come. The unemployment problem facing you, is a political issue also. Who will carry your message to the people? They are your middle class. They are the people who have made India free. I know, sir, the finance minister one day said that the middle class will disappear from India. I do not share his view. Why should they disappear? We have built up the freedom of this country; we have contributed our share for the cultural and social development of the country. Is it not necessary that you should take up this problem through education, through suitable opportunities being given to them, through development of small industries, not on paper, but in reality, linked up with the establishment of organizations which will give them raw materials

which will take charge of the marketing conditions which will give them adequate training? You should prepare a structure whereby the youth of India will feel that this scheme is going to help them.

You have talked of public support. You have started the Bharat Sevak Samaj. I was invited by the prime minister to join the National Advisory Committee. I accepted the invitation. But I am not at all satisfied with the working of the Bharat Sevak Samaj. We have received complaints from all provinces that it is steadily developing into an organization which is really meant for Congress purposes. It may appear at the top to be all right. But something is happening and many people are not wanted because of their party affiliations. If you do not want us say so; we shall be very glad to remain out and leave the thing to you – you do it. But do not talk in two voices at the same time. Do not say you want public cooperation and you have got the Bharat Sevak Samaj for that purpose and at the same go on developing it as a *benami* Congress show. Do not allow that to be built up on party lines.

The other day the Rashtriya Swayamsevak Sangh organized a campaign for a ban on cow slaughter, a campaign for cow protection. There was nothing wrong in it. Now immediately no less a person than the prime minister himself scented in it a political move and called it a political stunt. A circular was issued by the Congress, 'don't associate with this movement'. Two-and-a-half crore citizens of India, including Babu Purushottam Das Tandon – supported this move. There was no politics in it. And so far as the cow protection, ban on cow slaughter is concerned, did not the Congress do it? What did Gandhiji himself say: just as swaraj is important, it is equally important that cow slaughter must be stopped and that the cow must be protected in India. What did your own committee appointed when Rajendra Babu was the food minister say? Did it not say that the preservation of the cow is a big social and economic problem that affects the soul of India and that problem has to be taken up? Now, supposing some organization takes it up. You should come out and cooperate with it. If there is anything political in it, by all means expose it. But if they make an honest attempt, why do you not help them?

So you do not care for public cooperation. Public cooperation will come provided certain essential conditions are fulfilled. If you come forward with a sincere call that you really want to build up an economy, not meant merely for the privileged or favoured few, but for the millions of downtrodden people, not on paper, but in reality, if you take such a message to them, there is bound to be public cooperation. Mr. Patil said the other day that in Germany so many people came out and without charging a single penny they gave their labour of love for the construction of roads, construction of buildings and reconstruction of factories. Can the people of India not do it, sir? They can do it without any doubt whatever, provided that the message comes, the call comes, and provided the prospect is placed before them that if they give their lifeblood, the dream will be realized not after seventy years, or fifty years, but something positive will be achieved in the course of the next four or five years. If today the prime minister, the Congress and the government in power are prepared to give this call and sit together, we are prepared to work out this plan which will really bring salvation to the people in concrete form. There will be no opposition from any hon'ble member and there will be no question of denying cooperation to such a movement. We are not enemies sitting face to face before each other. You feel for the country; we feel for the country as well. We want that this country should develop; we know that the political freedom will be meaningless and fruitless if it is not followed by economic freedom and by social equality. But let us proceed not on party lines. Let there be more tolerance; let there be more appreciation of the other man's point of view. If some of us do not agree with you, do not see eye to eye with you, do not immediately think that we are traitors or enemies of the country. We are here to serve the country and that is the spirit in which I have spoken. I have given you certain constructive suggestions; I have indicated certain lacunae. It is a beautiful cage that you have prepared. It may not be solid gold. It may be gold-painted; but the bird which is there is not a bird that has life. You have painted something, true, but give life to it – let it be a living one. In what you have created there is lack of real enthusiasm of life. It shows

tremendous intelligence; it shows tremendous driving power of the people who have been associated with it and I certainly, without any hesitation, pay my tribute not only to the persons at the top, but also to men below who worked in the Planning Commission for the last one year or so. I know some of them and how they were genuinely imbued with an idea of producing something which will carry the message to the people.

I am not blaming anybody, but let us judge it dispassionately on its merits. Are we in a position to take this message, face the country and seek their help? As the planners themselves have admitted, the plan will have to be modified in a realistic manner.

Lastly, I would suggest that we should have regular reports placed before the House. This is very important. We should have at the end of each year a fully documented report indicating what progress has been made in which direction and in what manner. If we know that and if the public is taken into confidence, that will act as a check on the government. I do not think the Planning Commission is necessary at all now. The commission has done its job. Now it is a question of implementation and let it be handed over to some planning minister. If the prime minister himself takes it up, nothing could be better than that. That was his life's dream and in the next three years he will be able to give that enthusiasm to the whole plan which it deserves and which he alone can give, so far as the government is concerned. But let it be taken up by the government, because implementation is a difficult thing. Your administrative machinery – as you know it much better than other people – is somehow cracking. You will have to tune it up. You may do something in your plan, your administration may do something else. So far as thousands and lakhs of poor people, pedlars, traders, the *dukandars* (shopkeepers) and the small manufacturers are concerned, with whom we come into contact, we see they are there, struggling hard. The machinery is there. They are dying to do something for the country. But they get no help, they do not get the resources, the supplies, and their entire economy is collapsing. Something glorious you are building at the top. But what about the bottom? It is cracking. Unless you can combine the two, your plan will disappear.

If I have spoken in this line I have done so because I have my experience of the government for two-and-a-half years. I know the difficulties of the government, its rigidity and the obstacles which stand in the way. And I know also the people's feelings today. I am in touch with both sides and, therefore, I have spoken in this manner. I have no desire to hurt anybody's feelings. But I have spoken with a genuine desire that we should take this opportunity of revising some of the basic features and presenting something before the country which will bring real light to them and not merely shadow and promises that will not materialize.

Reference

Lok Sabha Debates, Vol. VI, cc. 2657-74.

HIRENDRA NATH MUKERJEE

Motion of Thanks on President's Address

13 February 1953



Opening the debate on behalf of the Opposition on the motion of thanks to the president on his address to the two Houses assembled together. H.N. Mukerjee concentrated his attack on the government for its foreign policy.

It has devolved on me to open the debate as far as the Opposition is concerned. I am afraid I must say at the very outset that it is a pity that the president's advisers have chosen to put into his mouth words which paint a picture in this country which is unrelated to the facts, a smug, self-satisfied picture of the conditions at home. At the same time, the president's advisers have made him pronounce certain rather puerile, pathetic platitudes regarding the international situation which, we know, today, has taken a very explosive turn. There is also reference in the address to such almost fantastic statements as an all-round general progress at an increasing pace.

And, this statement is being made when the spectres of famine, of retrenchment, of mass starvation, are not merely haunting shadows, but have actually gripped our land all over its area. I find again what I am sorry I must characterize as profound pettifoggery of our government when there is reference to a steady improvement in the food situation, which was underlined by my friend who has just spoken. There was, of course, the inevitable expression of gratitude for the infamous wheat loan which we have got from the USA. I am sorry I cannot go into detail over all these matters, specially in view of your ruling regarding the motion which was sought to be discussed by means of an adjournment. I propose to confine my remarks to those aspects which relate to foreign policy in the president's address.

In regard to that, I also find how the president's advisers appear to have become completely detached from the life of our people. Because, otherwise, I cannot understand how, when everybody everywhere is talking about war, about the real and positive danger of war breaking out in our Asian countries, at a moment when in the stock exchanges of our land where big money tries to make itself even bigger, prices of shares go up because war is going to break out – in that wonderful organization, it seems that when peace threatens to break out, the prices of shares go down, but when war threatens to break out, everybody is buoyant and joyous, gladdening the heart of my friend the finance minister – when everybody everywhere is talking about the danger of war, our president, goaded perhaps by his advisers into the kind of statement which he has made, says that he has considerable apprehension about the way things are going and he expresses his grave concern. That is about all. I do not understand why when the people of our country are so deeply perturbed, – not only in our own country, but everywhere in the world – when people are deeply concerned about the turn that events are likely to take because of certain recent developments, we cannot give a more positive indication of that fight for peace which should be the mission of our country, if our freedom is to have any kind of concrete significance. But, we see nothing of that sort. We see not a single positive statement as far as the address is concerned in regard

to the steps which are going to be taken in order to stop the rot which has already set in, in order to prevent the warmongers having a kind of absolutely devilish satisfaction of their desires, which they are trying to do.

It is exactly in that context that I would say that the president's address also tries to make much of the fact – and my friend who has just spoken has also referred to it – that we made a very serious effort to put an end to the war in Korea, that we should congratulate ourselves upon that, and rest upon our oars, that we have done our job and for sometime to come we are entitled to be content and happy about it. I would like to say that what we have actually done, the kind of proposal which we formulated in regard to the settlement of Korea was a contribution not towards peace, but towards the prolongation of the crisis which has been highlighted today by what the president of the USA has chosen to say and to threaten in regard to the deneutralization of Formosa, in regard to the threat to blockade the territory of the People's Republic of China. I would like to say that we ought to remember the way in which these American imperialists have been functioning, particularly lately. We ought to remember that a few days before the Korean war actually broke out, on 21 June 1950 Mr. John Foster Dulles had said, 'Korea does not stand alone. My talks with Gen. MacArthur will be followed by positive action.'

The cold war in Korea became a hot war straightaway within a week of this statement which was made by Mr. John Foster Dulles who occupies a particularly upholstered seat in Washington today. We find, therefore, that the imperialism represented by the USA is acting not only as an aggressor but also as the policeman of a new kind of fascism all over the world, trying to strangle freedom wherever it can, and is endeavouring to implant fascism, and is using every possible step, remilitarization of Japan, active intervention in Indochina, using the Kuomintang troops to invade the Chinese mainland expanding the area of conflict in Asia: all these are being sought to be done today in the most unashamed fashion. We find American military experts and naval experts having audiences with the president in order to find out ways and means of doing this, in

order to find out ways and means of putting an end to all the hopes of the people of the world for freedom, for self-development and for the fulfilment of their desires. That is exactly what is happening.

In his great message on the state of the Union, the president of the USA said, – and we should try to understand the significance of what he said – he gave notice, that under his administration, the United States mutual security programme, on which hinges a large part of the fulfilment of our five year plan, would give help to other nations in the measure they strive earnestly to do their full share in the common task. The common task of the United States imperialists has got to be shared by us too, because, that is the price which they say openly and unashamedly they are going to exact for the little aid, assistance, gift, loan or God knows whatever else they call it, which they are giving to this country under the most irritating terms. The president of the United States has gone so far as to say that a free world cannot indefinitely remain in a posture of paralysed tension. Peace to these people, whom I refrain from characterizing in the language which really fits, is a state of paralyzed tension. They want the free world to get out of this state of paralyzed tension. They want us to have the war being carried all over Asia. They want Asians to fight Asians. They have been talking about it. They used to say we are ‘gooks’. Heaven knows what the term means. In the yankee phraseology possibly ‘gooks’ has a particular significance. They used to say that the Asians are gooks and that they are going to get the Asian gooks to fight one another.

I find in a summary of congressional proceedings of the United States which are distributed by the Commonwealth Parliamentary Association – very distinguished auspices – that as early as 2 July 1952 in the Senate of the United States there was some discussion, and there was a gentleman called the hon’ble John C. Stennis, who is a Democratic member of the War Services Committee, and the hon’ble H. Alexander Smith who said that:

From a dollar-and-cents standpoint, it would cost much less to equip the Chinese divisions than to equip US divisions. At the same time, it will provide the additional advantage of giving us Asiatic troops to fight the Communist movement in the Far East.

They are trying to get Asians to fight Asians and that is why they are now trying to help the Kuomintang regime in their projected attack on the territory of the People's Republic of China.

We said we have been trying our best to put an end to the war in Korea. The president of the USA has made it very clear that he wants the war to go on in Korea, to accentuate the position in Indochina. He has agreed to assist the British satellite as far as the Malayan business is concerned. He has also said that he is very much interested in what is happening in Africa and of course, as we know, as it came out in the question hour, he is very interested in the Middle East Defence Organization. He has got his ANZUS as far as the Pacific is concerned. He has got his NATO as far as Europe is concerned. He has got his MEDO as far as the Middle East is concerned; and heaven knows what other things he has got up his sleeve, but, at any rate, he is unleashing the dogs of war all over the place, and he wants Asians to fight Asians because he says otherwise Communists are going to overwhelm all the peoples of the world.

And we said we have tried to make peace in Korea and we hoped to get the plaudits of the world, and we imagined that we already have got the plaudits of the peoples of the world, but the people of the world knew exactly what we are doing. They would not even give you the kind of ignorant approval which they may sometimes appear to give you. You may imagine that you are gaining the approval of the world, but the people at any rate do know what exactly the Indian resolution on Korea amounted to.

Why is it that even in the British House of Commons on 6 November last year, on behalf of the Labour party, Mr. Noel Baker who is a very important personage there said in the debate on the Queen's address:

The first stage in Korea would be a cease-fire... – I have got this quotation from Parliamentary debates, from Hansard itself – 'The first stage would be a cease-fire on the basis of agreement already made. After all, the practical arrangements for supervising the troops have all been settled. The second stage would be agreement about the prisoners' return. I should have thought that once the fighting had stopped, the chances of getting agreement on the prisoners of war would be increased.'

That was what he said on 6 November 1952.

On 10 December 1952, Mr. Morgan Philips, who is possibly the secretary of the Labour party – I am not sure – called for support of the Indian resolution on Korea which required the Koreans and the Chinese to give way on the prisoners of war question before a cease-fire, thus permitting the war to continue. This happened because on the British Labour party, which for a time was trying to represent the desire of the peoples of peace for the cessation of hostilities in Korea, pressure was put by the American barons who were trying to dominate all over the world; and so, Mr. Morgan Philips had to send out his whip, and the result of it was that everybody went off to support the Indian resolution doctored by Eden and by Acheson; and the result is that as far as the Indian resolution is concerned, it does not take into account at all the viewpoint of the People's Republic of China.

I remember last session when this question came up, the hon'ble prime minister told us that his desire was to act in concurrence with the People's Republic of China. The People's Republic of China had handed to the Indian ambassador in Peking a negative note regarding this Indian peace proposal in Korea on 24 November but it was on 3 December 1952 that we went ahead, and the United Nations General Assembly adopted the resolution on Korea which we had tabled. What was there in our resolution? It contains seventeen proposals dealing with the prisoners-of-war question. Not one of these 17 proposals mentions a cease-fire. Only in the final paragraph of the preamble, it is only there that we find the words that the resolution will be sent to the Chinese government and [the] North Korean authorities as forming a just and reasonable basis for an agreement, so that an immediate cease-fire would result, – in other words, an offer of a cease-fire on terms which we knew beforehand to be completely unacceptable to the Chinese and to the Koreans. It is an effort to prolong the war and to put the blame on the Chinese and the Koreans. That is why when Mr. Chou En-lai, the prime minister of the People's Republic of China wrote to the president of the United Nations, he said, 'You adopted this illegal resolution which has as its basic content the US principle of voluntary repatriation under an Indian cloak.'

An Indian cloak was put upon this resolution, and I hate to have to say this, but you know, being an authority in matters relating to our epics, you know the story of Shikhandi in the Mahabharata, who went ahead, and behind him came the serried ranks, and because of his being there, Bhishma could not really defend himself because he did not like to throw his arrows point blank at Shikhandi.

Now, why do we play the role of Shikhandi in the new Mahabharata, the new epic of creation that is being composed today by the peoples desiring peace all over the world? Why do we try to allow the US and British imperialists to take shelter behind the Indian cloak? Why do we play something like a Shikhandi role – and that is exactly what we have done as far as our resolution on Korea is concerned.

In contrast to that, there was a resolution sponsored by another state which I need not name, which said in the first clause:

An immediate recommendation to the belligerent in Korea to have an immediate and complete cease-fire, and after that is done, refer the prisoners of war issue to a commission of eleven states including Britain, USA, France, Switzerland, India, Burma, South Korea, the Soviet Union, China, Czechoslovakia and North Korea.

And this body of eleven states was to reach its decisions by a two-third majority. We rejected it. This resolution was for an immediate cease-fire, and this resolution was for the appointment of a commission of eleven where a pro-American group had an indubitable majority, but we rejected it; we pushed our resolution, because we were told to do so, because that is how our government now tries to behave. And so the war in Korea continues, and no amount of sympathetic declamation regarding the desirability of the termination of war in Korea will produce results till you really make up your minds that you are going to line up behind those forces all over the world, forces of the common people hungering for peace.

It is only when you make up your mind about your real alignment with the forces of peace, liberation and progress, it is only then that we shall be able to put an end to all those fears and apprehensions to which a reference has been made by the president in his address.

We did so perhaps because we hoped that the Americans might assist us, give us some kind of largesse, as far as the Kashmir question

was concerned, but we discovered to our horror and dismay that far from rewarding us for the Shikhandi role which we took up in the United Nations, the Americans behaved as if we should go to the devil, and that is why today we are confronted with the MEDO proposition. We are confronted with a crisis and even the prime minister had to tell the Indian National Congress that things are taking a very different colouration. He had to say that the war is coming to India. Why is it coming? Who is bringing the cold war to India? Why don't we align ourselves against those forces which are bringing the cold war to India? Are we not sure about who is bringing the MEDO business to India? Are we not sure who is behind the Eisenhower intrigue for breaking the peace of Asia, for making Asians fight Asians, for abolishing all hopes of freedom as far as Asia and Africa are concerned? Don't we know that these things are absolutely incontestable propositions? If we do, why don't we join up with the forces of peace and progress? You say we are not aligned, but I think we are aligned, definitely tied up in a most subordinate and disgusting manner to the Anglo-American combination and we know how the British Empire and Commonwealth too have also been behaving. You know very well how Mr. Eden again goaded by the state of public opinion in Great Britain said, to begin with, that Eisenhower's speech was a danger to peace and was not very desirable, and that sort of thing he put in a very mild diplomatic language, of which, I am sorry I am not very capable. And then he went off the track altogether, and changed his style, and he came forward as an apologist, as a defender of American policy. They have got to do it, but why should we be tied up with them? We are aware of the fact that Britain, in her present posture, has to behave practically as a satellite of the United States of America. But why are we assisting the British government in so far as certain transit facilities for the Gurkha troops are concerned? I asked today a question, as you very well remember, regarding even the loan of certain of our Indian troops, Indian officers, for service in the British army, among the Gurkhas in order to give them a certain kind of special assistance. Why are we doing all these things? Why is it that we are sending our prime minister, who after all is a figure of international importance,

to attend the Queen's coronation? Not perhaps to perform a kind of ceremony of homage. But at any rate, why do we send him there? Why do we hear reports in the press, very disquieting reports, about the Commonwealth defence conference going to be held in New Delhi? Why do these things happen? Why is it that we read reports in the papers about British officers who have served in Korea, being given opportunities to address our officers in this country? Why was it that Brigadier W.G.H. Pike, for example, was allowed to come and address our officers at the I.A.F (Indian Air Force) cinema hall in Safdarjung, New Delhi, on 8 November 1952? Why is it that we read in the papers that an American superfortress No. 5492 captained by one Colonel Davis, landed at the IAF Station, Agra, in early December 1952, took a number of photographs of parachute training installations and other equipment and then took off? Why is it that we hear these things? Why is it that we get such information – I want to be corrected later by the prime minister, if I am wrong – as that in October 1952 there were as many as 3250 military landings at Dum Dum airport, and out of that number, the Indian Air Force's contribution was only 25, while the American Air Force came there to the tune of 1200 landings? Why is it that these things happen? Why is it that a British warship which took part in the operations in Korea visited Calcutta, Madras, Cochin and Bombay ports and they were feted and feasted like gods almighty, because we look upon them as people to whom we ought to register our admiration? Why is it that this sort of thing happens? Why is it that because of our tie-up in the Commonwealth machine, we are not really able to raise our voice against what is happening in South Africa, about which so much moaning was heard from that quarter in the House? Why is it that in East Africa and in Kenya, unspeakable atrocities are being perpetrated, and we really cannot do anything effective about it. I know the hon'ble prime minister will get up and say 'Well, what the hell do you expect me to do? I cannot do anything about it. You cannot expect one sovereign state to interfere in the affairs of another state.' I do not want the prime minister to go about and interfere in the affairs of other sovereign states. But at any rate, we can make our position clear. The prime minister has told us so many

times in his career, about the glory of India, the mission of India, the ideals of India and at least we should register our protest. But why are we seeing these things? Why is it that when the British imperialists, in the case of the Japanese invasion on Manchuria, could carry on, in the manner of Sir John Simon, defence of what the Japanese fascists were trying to do; we protested against it, with all our national strength, – but now we can do nothing about it? We are becoming ourselves parts of a machinery which is operating in this fashion, which is fraught with the most mischievous consequences, as far as the world and its future is concerned. Now, if that is so, there is every reason for us to be extremely perturbed about what is being sought to be done today in the sphere of foreign relations, and I am afraid that as far as the president's address is concerned, we do not get any indication as to the change of policy which is necessitated by the circumstances of today. In this connection, I would draw special attention to the speeches which were made by Chou En-lai, and I am quoting from a statement which he made in a communication to Mr. Lester B. Pearson, chairman of the United Nations, on 14 December 1952. Mr. Chou En-lai writes here:

You are doing everything possible to induce and coerce some of the United Nations' representative in the General Assembly, to endorse jointly the policy of the United States of no armistice, no negotiations and no peaceful settlement, but the prolongation and expansion of the Korean war.

Now, this is very important. We feel we are being blackmailed by offers of hypothetical assistance into playing the role of subservience to the United States. And this is a role which we have got to give up. It is a role which is mixed up with our subservience to the British Empire and Commonwealth at the same time. This is a role which we have got to give up, and if we really believe that we stand for freedom, particularly for the freedom of Asia, then surely, a situation has arisen today when we must raise our voice, must assert our independence, because if we do not do that, we shall merely be deluding ourselves, we shall merely be behaving in such a fashion as is unworthy of our country, unworthy of the traditions of the people of our country, the people who desire peace above all things. And

therefore I say – and I put this as a challenge to the prime minister – that as far as our peace effort on the Korean situation was concerned, it was an effort which misfired not because of the opposition of a minority in the United Nations, but because it did not put first things first, because it forgot that the Americans there have treated the prisoners of war in such a fashion that nobody who really goes into the question, can think of that kind of attitude towards the prisoners of war with equanimity. It was because we forgot to put the first demand of the people first, namely complete and immediate armistice. We feel that if we did that first, we could surely have a settlement of the prisoners of war issue. I ask, therefore, the prime minister to tell the House very frankly whether or not he is going to raise this question in a new spirit, in a new way, absolutely breaking away from the ugly moorings to which he got riveted on account of what happened in late 1952. If we get that assurance, then and then alone shall we be in a position to say that certain steps for peace are being sought to be taken by the government of our country. Today there is complete unanimity in all sections of our people that we do not want war, and we want Asian and African peoples to live in freedom. The danger to peace, and the danger to the freedom of the people of Malaya, of India-China, of Indonesia, of Tunisia, of East Africa and of South Africa and everywhere, comes today from the United States imperialists and their satellites, their lieutenants, the British imperialists, and if we go on being tied to them, naturally, the situation would become absolutely impossible. Let us, therefore, cast ourselves away from the kind of moorings which we have adopted so long, because they are most ugly moorings, and they must be shed, if we have a vestige of national self-respect left in us.

Reference

Lok Sabha Debates, Vol. I, cc. 56-65.

VIJAYA LAKSHMI PANDIT

On the President's Address

16 February 1953



As is customary, the president's address is prepared by the government and contains a description of its achievements and policies and outlines the proposed legislation and other measures. Vijaya Lakshmi's speech was directed at defending and supporting the foreign policy of the government as being 'positive' and one that strengthened the peace-loving nations.

In supporting the motion before the House, I shall confine myself to foreign policy.

I had an opportunity, a few months ago, of speaking on the same subject in a different context. Much of what I said at that time holds good today, and, in fact, the events of recent months have proved that those views were to a large extent justified. It has been my privilege recently to visit some countries of the Middle East. Everywhere I went, the cordiality with which I was received was not merely the courtesy extended to a representative of a foreign government but was largely inspired by the growing trust which

India's policies have worked in so many nations. I found a new and growing awareness all over the Arab world of the soundness of India's stand and an understanding of the fact that in that stand alone lay the path to security and peace for a harassed world.

It has been said that we have not achieved any material degree of success from the policies that we have followed. I would like to point to the fact that the inspiration that India has given to a large section of the world is no small credit to the policies which we are attempting to follow. I would like here to express my thanks to the governments and the peoples of Egypt, Syria, and Lebanon for the welcome and the friendship which they extended to me. In going to these countries from the United Nations where India had worked in close cooperation with the members of the Asian Arab world represented there, it was of special privilege and, if I may say so, significance to meet the statesmen and peoples of the Middle East as to find that the new levels we were trying to forge within the UN also existed outside and had the support of the people. I would like to point out to those who criticize India's foreign policy that there has not been one single instance up-to-date in which any step that India has taken that has not helped somewhat towards an easing of the existing conditions and strengthened the forces of peace. It is easy enough to pull down something that has been built up brick by brick. But, I would like to remind the House that as tensions increase and armaments are piled up in the two rival blocs all over the world, it is the voice of India that is gaining strength day by day, and that voice is being listened to today with greater respect than ever before in the five years of our independence. If we have not always succeeded in our attempts to secure peace and understanding, it is no shame to us. We shall try again and again whenever occasion occurs to create conditions by which peace may be built up and the present tensions lessened. By remaining independent in our thinking and actions we have contributed positively towards world peace.

In the last session of the UN, India played a significant role not only in the important political committee, but also in all the other committees where her voice was listened to and her contribution appreciated and in many instances, accepted as leading towards

solutions of the issues before the committee. I would specially like to refer to the role played by the Asian and Arab group in the matter of the apartheid in South Africa and on the questions of Tunisia and Morocco. These questions, as the hon'ble members are aware, were very difficult and delicate ones and they involved a great deal of tactful handling. It is to the credit of this group that in spite of the many difficulties and many harassments, they were able to negotiate the kind of resolutions that found acceptance with a very large number of member nations. A very real benefit accrued to us through the lining up with one group of a number of other nations including several Latin American countries for whose vote and friendship we are grateful. For the first time in the history of the UN, the lining up was not either of East or West, or black or white, but of all those who were able to look objectively at the questions before them. I would like to interpret this as indicative of a new role that this group may play through which the forces of peace may be strengthened inside the UN, and by which the people outside who are fighting for their liberty and for the suppression of unjust conditions may be heartened, strengthened and encouraged to go forward.

I would like now, sir, with your permission, to say a word about the resolution on Korea which was sponsored by the India delegation. The resolution, I am sure, has been read by all the hon'ble members. I have listened to some criticism of the resolution itself and of our stand on Korea in the debate which was held here on Friday and I would like to clear some basic misconceptions that seem to exist particularly in the mind of the hon'ble leader of the Communist party. The resolution which India moved was motivated by only one desire, the desire to end the killing in Korea. I think hon'ble members are aware of the fact that at the time this resolution was moved, the death roll on the allied side amounted to one thousand persons a week. A similar number of Chinese boys were no doubt dying on the other side. India was motivated, therefore, by humanitarian reasons and wished to stop this killing and then try to attend to everything else afterwards.

Certain charges have been laid at our door, about India not being able to do first things first. Now, this is one of the points in which

I find myself heartily in agreement with the hon'ble leader of the Communist party. I do believe that we should tackle first things first, and only in that way can we succeed in fulfilling our objective and in this particular case, that is what we did, we tackled first things first.

I would like to take the House back with me to December 1950. On 13 December 1950 India, together with thirteen nations which subsequently became the Arab-Asian bloc, sponsored a resolution asking the president of the General Assembly to constitute a group of three persons including himself to determine the basis on which a satisfactory cease-fire in Korea could be arranged and to make recommendations to the General Assembly as soon as possible. This resolution was passed by the General Assembly by fifty-one votes to five, and was rejected by the Chinese government. It was our desire at that time to urge for a cease-fire so that the killing might stop and we could proceed with the greater and more important questions which dealt with the unification of Korea and the problems of the Far East in general. After that failure several other attempts were made, and finally, the armistice talks began. These first took place in Kasoeng and later in Pan Mun Jon, and continued from July 1951 right up to autumn of last year. During these talks every attempt was made to find a formula to end the hostilities, but owing to the suspicions of one side or the other, no result accrued. The death toll kept mounting, and it became imperative that something should be done in the General Assembly to call a halt to this tragic state of affairs.

The manner in which our resolution was moved has already been explained in the prime minister's statement to the House in December 1952. It was difficult for us to move a resolution entirely acceptable to both sides since the powers basically concerned had been changing their position constantly. I have just told the House of the fate of the resolution in December 1950 and other attempts had also not allayed the suspicion on both sides. I would like to correct an error which was made by the hon'ble leader of the Communist party when he said the other day that the Indian resolution was introduced to please the Anglo-American bloc in spite

of the Chinese government's rejection of it on 24 November. This is a complete travesty of the facts of the case, and the mere reiteration of it in and out of season is not going to change the facts. The Indian resolution was introduced on 17 November. Immediate opposition to it came from the USA but the UK in the speech made by the foreign secretary Mr. Eden in the political committee accepted this resolution as a correct basis by which to end the deadlock in Korea. So, to say that our resolution was 'inspired' by the Anglo-American bloc is, to put it mildly, incorrect. It is well-known that for a period there was definite disagreement between the UK and the USA, on the resolution moved by India. The prime minister, in his speech of December last gave the dates on which various steps were taken by us and the time our resolution was formally moved by our delegation in the political committee, and supported by the United Kingdom and a number of other delegations. There was no reply from the Chinese government and the prime minister says in this statement that there was no indication of the Soviet attitude for a number of days, but I would like just to make a small clarification here, and tell the House that although there was no definite reply from the Soviets or clear indication of the line they intended to adopt, they followed their usual policy of allowing their satellite countries to put out feelers and give expression to the views which they were going to express themselves, and all of the Iron Curtain delegations said in the general committee, with the exception of the Polish delegation which had not spoken until then, that their governments were giving earnest consideration to the Indian resolution. We were thus under the impression that some serious thought was being given to the resolution. It was, therefore, something of a surprise when Mr. Vyshinsky took the place of the Polish delegate and denounced the Chinese rejection of it. But, although the delegation may have been denounced in language which was not parliamentary and which may well have been modified (*An hon'ble member*: The language of the gutter), nevertheless, it is a fact that India's prestige was not affected. The prestige of India remains because, in spite of the broadcasts and the newspaper articles about the resolution that were printed, there was a basic understanding that this was a bona fide

attempt made in all good faith to bring two conflicting points of view together. The very fact that we had tried to sponsor this resolution within the framework of the Geneva convention which had been accepted by the Chinese government, which the Soviet delegates themselves had told us was acceptable to them, shows that we began our work under the impression that it was receiving some consideration and thought from the other delegations. The greatest obstacle to an achievement, however, has been the fact that there has been fear which has mounted up sometimes to an almost unreasoning degree that if the cease-fire should take place, other and more important questions might perhaps not be solved and that something might happen which would sabotage the interests of one party or the other through the holding of the cease-fire as was done in some of the other resolutions, this was implied in the very nature of our resolution, because unless a cease-fire took place, nothing else could follow, and the fact that both sides were hesitating – first as I said, in 1950 China, and then the Chinese position being taken by the USA – left us in the exceedingly difficult situation of trying to bring forward a proposal which would be accepted by both parties. The House is aware that there were several resolutions before the political committee. It has been suggested that when the Indian delegation found that its resolution was not likely to win the support of the Chinese government, we could have withdrawn it; but the resolution had by that time reached a stage when it was the only possible resolution and one through which a ray of hope could be seen. The others that were before the committee could not serve any useful purpose. If the point of a resolution is not merely to get a show of hands, but to get some implementation, then ours was the only one that met that condition. One of the other resolutions could not have gained more than a few votes, while the other if passed, would have led to no solution at all. Our resolution bridged the gap, and whilst adhering to the international framework of the Geneva convention, it gave an opportunity to both sides to effect a compromise and to come together in the interest of ending the killing. A great deal is constantly being said about the loss of lives. But I regret to say that when the subject comes up in the United

Nations, or for that matter in this House or any other forum, theoretical arguments are advanced which do not show much desire to end anything but rather to score a victory in words. It becomes a question of who can say the longest words in the most forceful manner. Having been associated with the United Nations for seven years, I confess these gramophone records fail to impress me.

The point at which we tried to take up the matter at the United Nations was the point at which the Pan Mun Jon talks broke off, and even though the Indian resolution has not been accepted by one of the chief powers concerned, I still think that the discussion which took place, and the attempt which was made by fifty-four nations rallying round this resolution is indication enough of the desire of the assembled nations to find an honourable way out without the giving up of any basic principle by either side. What we shall do in the future, it is not for me to say. It is a matter which depends on the government, and the opposing parties in the United Nations. But I have no doubt that we shall explore every avenue, and try all ways and means to end a situation which is not only dangerous today, but which has in itself the potentialities of something even more serious tomorrow.

The situation regarding the Kashmir issue which came up in the United Nations is still under discussion, and it would be improper for me to discuss it here. But I would like to correct a statement made by this side of the House, to the effect that the Kashmir position had never been clearly stated by us and that attention had not been drawn to certain basic aspects of the case. I would only refer the hon'ble members to speeches made in the Security Council on the last occasion in which it will be seen that we clearly stated the basic aspect and explained in clear terms why the matter had been brought up before the Security Council and what our approach was to the whole problem, and what we demanded of the Security Council.

The point I would like to mention to the hon'ble members is that in these delicate times, it is not a question of how forcefully or loudly a speech is made, but it is a question of tactics, of adhering to principles rather than abandoning them for expediency, which will

yield better immediate results. By sticking to principles and gradually persuading people by the strength of one's own conviction is the only way in which in this troubled age that we can finally convince others and help to avert the catastrophe of the world moving towards greater and greater dangers.

If our foreign policy is judged from this viewpoint of gradual persuasion and measured by this yardstick, I claim that it is a positive policy, and has done a great deal to strengthen the hands of those nations, which though not militarily strong, are yet strong in the moral sense, and desire peace just as much as the two great giants now opposing each other and threatening us with the shadow of war. If India can continue to give support and strength to other nations, I claim that our foreign policy is well-conceived, and will yield results.

I beg to support the motion before the House.

Reference

Lok Sabha Debates, Vol. I, cc. 217-23.

DR. SHYAMA PRASAD MOOKERJEE

Motion of Thanks on President's Address

17 February 1953



Speaking on the motion of thanks on the president's address, Dr. Mookerjee made a powerful attack on the government's policies in various areas as outlined in the address. He was particularly critical of the way foreign policy and the question of Jammu and Kashmir were being handled. He tried to analyse the problem and suggested his own approach to resolving it.

The president's address raises a number of important questions, some of which we will no doubt have an opportunity of discussing in detail when the budget comes up before the House. I would like to devote a major portion of my remarks to the situation that has arisen in Jammu and Kashmir, as I consider that it is imperatively urgent that we should be able to solve this impasse so that it would be of benefit to that state as also to the whole of India.

Before I do so, there are a few other matters which I would like to touch upon, as they raise certain important questions of principle. The international situation today is causing grave anxiety, especially after the recent decision of President Eisenhower to withdraw the ban which had been imposed on Formosa. In this respect, the attitude of the government has been made clear and I express my full concurrence with the announcement in this direction that has been made by the prime minister. We do not want that there should be an extension of the threat of war, and everything possible should be done to avert a catastrophe which may not only destroy portions of Asia but may affect the stability of the entire world. But there are obvious limitations within which we have to function. We have not got that armed strength, that military strength, or those resources whereby we can enforce our will on others by merely saying things. Already, anxiety has been expressed by almost all democratic countries in the world that it would be extremely foolish and even destructive of the very objective which the United States of America may have in view, if anything is done to hasten the extension of the war zone. In fact, the prime minister has observed more than his usual caution in not speaking on this subject even on a single occasion. Perhaps, making too many speeches on such a delicate subject at such a critical time will not be of any help to anybody. We are all for maintaining peace and anything that India can do will be done with the least hesitation.

So far as the question of foreign policy is concerned, judging from the actual results that we have obtained, I do not know what exactly the foreign policy is. So far as matters that concern India are concerned, *viz.*, India's status, India's self-respect and India's needs, somehow although our foreign policy has succeeded in the sense that it has received applause from many quarters, far and near, our friends seem to be running away from India whenever matters of grave import arise in the course of international deliberation. Especially where India's case comes up for consideration, we do not get the support that we feel we deserve. There is the case of South Africa. There is the case of Kashmir. There is the case of our dealings with Pakistan. In every one of these matters, somehow our stand, although

legitimate, has not found the favour which it was entitled to receive at the hands of the big countries. This new development about MEDO is certainly disturbing, although here also I do not know what we can do by ourselves if Pakistan decides to join such an organization. But it is not Pakistan's activity or intention alone that matters. What exactly is operating behind the scenes? What are the other countries that are interested in establishing such an organization feeling about it? They are supposed to be friendly towards India. Our prime minister has expressed his view on this matter in a forthright manner that if this happens, then an emergency may arise and anything may develop out of this. Only this morning, a press report has appeared in one of the newspapers. I am referring to a message by the PTI and I need make no apology for bringing this matter to the attention of the House. It discloses how things are moving behind the scenes. That message says:-

'Vice-admiral Slater, commander in chief of Royal Navy's East Indies station...'

I suppose he is a British officer -

'...said here today that the question of Pakistan joining the MEDO had not yet come down to his level, but was still at the political level.' He made the statement while addressing a press conference on board his flagship HMS Ceylon which is at present here on a short visit.

Three weeks ago, Admiral Wright of the USA, who was then here in Karachi, had made a similar statement.

Vice-admiral Slater said that Pakistan had definitely strategic importance. He had come to Karachi since this would be one of his stations of operation should unfortunately a war break out. Vice-admiral Slater who arrived here on Saturday is leaving for Bombay next Saturday...'

I do not know whether he would visit our prime minister in Delhi.

'...He said he was not visiting the strategic Khyber Pass in Pakistan's north west frontier but would like to do so later on.'

The point which I am stressing is that it is not Pakistan's desire to do something or not to do something that matters. What are these friends of ours - the British government and the American government - who sometimes shower so profusely their bouquets

on the head of our prime minister doing? What exactly is their intention towards India?

If some discussion is going on for the establishment of such an organization, does India know about it? The prime minister said he knew nothing about it. We have to know, therefore, what our friends really want to do with regard to this matter. I shall not develop this matter. I know this is a delicate matter. But this is certainly a note of warning that these two very good friends of ours are moving in a direction which will not be consistent with the best interests of India. So far as the prime minister's information goes, they have not yet taken India into confidence.

Then comes the question of our relationship with Pakistan. The president's address says that there has been a little change for the better. I do not know where that change is. Of course, if for the time being there has been a cessation of angry words, or there has been a cessation of some direct action method in some parts of Pakistan where minorities still live; you may say that thus there has been a little change. Similarly with regard to the situation in East Bengal, we will deal with it at the time the budget is considered. But here again I find a fatal sense of complacency in the president's address: the situation has improved. Improvement in what sense? People are not coming in large numbers today. But they are not coming because of obvious difficulties arising out of the passport system. Now here public opinion had expressed itself very strongly. Even though the Communist party had not shared the views that the rest of us had put forward, even they were dissatisfied with the present situation and had suggested some other remedies. Unfortunately from the side of the Congress, from the side of the government, no definite solution has been offered. It is just a continuance of the stalemate; it is just a continuance of the status quo, again waiting for some occasion when it would burst forth in a manner which might destroy peace and happiness of millions of people and also disturb the relationship between the two countries.

With regard to general matters relating to the economic condition in the country the five year plan is there. You read the president's address and you feel that perhaps it has really succeeded in rousing

considerable public enthusiasm. But how are you going to realize that it has not? It is not a question of blaming anybody. But the fact remains that somehow this report, the recommendations contained in it have not been able to catch the imagination of the people. We would like to have some more information when the budget comes. I hope the finance minister will keep us informed as regards the actual progress made for the implementation of the recommendations of the Planning Commission and also how the finance minister's expectations for the finance side of the scheme are being fulfilled. I had suggested this on the last occasion that Parliament should be kept fully informed of the progress, for by that means alone it would be possible for us to know whether the anticipations of government are really being carried into effect. There is no question of noncooperation: there is no question of saying anything ill of a scheme which may be able to do something good for the country. We are not opposed to the scheme as such. If the scheme can do some good, well and good. No one is opposed to it. But as a matter of fact, the proposals contained in the scheme have not been able to enthuse public opinion to that extent which was the expectation of the prime minister and of others.

I shall not go into the working of the community projects. In some of the areas it has just fallen flat and the people concerned, the villagers, do not know what all this means. When the prime minister goes a few thousands of rupees are spent; thousands of people are collected, speeches are made and so many things happen, but after that they just relapse into the same state of ignorance and into the same state of indifference as they were before the proposals started. In some places some good work has been done, but normally speaking, something is lacking which prevents the masses of the people appreciating that really these measures are intended to ameliorate their suffering.

So far as the trade, business and industrial position is concerned, it is patent now that a state of depression is slowly coming on. There is now the question of accumulation of large stocks of production in various industries. There is the question of disposing of goods which are there and people have not the purchasing capacity. The

big tea industry is now tottering; the jute industry is facing a crisis. These are your organized industries which bring to the coffers of government crores and crores of rupees by way of foreign exchange. Similarly, so far as unemployment goes, it is on the increase. There is discontent everywhere and unemployment among the middle class people especially is now assuming stragging proportions. The policy of retrenchment is coming. Perhaps retrenchment may be inevitable due to the withdrawal of controls and so forth, but that immediately creates fresh problems and there is no planned measure before the government so as to prevent a social upheaval due to the loss of employment of thousands of people who for no fault of their own just find themselves on the streets today.

Rehabilitation is another thing. There again according to the ministers' statement, rehabilitation has been almost complete, but actually the sufferings and agonies of these people know no bounds. The other day I was at Sealdah station, going to some station on the border of West Bengal. There the officers themselves said that there are about 2,500 refugees who are there. Two had died on the previous day on the Sealdah platform. People who are coming from different parts of India where they had been sent for rehabilitation were not satisfied with the arrangements there. Unfortunately there is no liaison. There is no attempt on the part of the government to know why these people are coming back from the areas where they had been sent. They are just met with resistance by the government. A hunger strike is going on in front of the house of the chief minister of West Bengal.

With regard to food, the food minister said that there is plenty of food available but famine is there still. This morning papers announced that in Trichinopoly yesterday a few people died of starvation. From Rajasthan similar reports have come. From Maharashtra reports are pouring in. In my own province in the Sunderbans, which was once the granary of West Bengal, thousands of people today are starving. You do not know how many thousands of people have been compelled to sell their land for nothing. We have been pressing, we have been urging, that the government, which represents a welfare state, should pass legislation and make it possible

for these poor people who are compelled to give up their land for a song, to get their land back. You legalize these so-called legal transactions. For that legislation is necessary. A levy has been imposed, but actually it has created a lot of dissatisfaction, especially in areas where there is shortage. There again the principles and policies are announced in one direction; the actual operation of these principles takes a different turn. We find today in various places that there is discontent.

There is the question of linguistic provinces. The president's speech makes some announcement that reformation of the new provinces or redrawing of the boundaries is possible not on linguistic consideration alone, but on other considerations as well, administrative, financial, etc. Assuming that this is perhaps a sound line of proceeding, how are you going to implement it? Must you wait until in other areas, another Sriramulu comes up, starts a fast and gives up his life? If you want that this question should be taken up, it would be necessary for you to set up an impartial tribunal which can go into the question in all the areas and set peoples' doubts at rest, maybe on the same principle the government has accepted. But if you just announce the principle and wait until agitation starts then you will be inviting trouble and there is no reason why you should do it.

With regard to the position in Jammu and Kashmir, I come back to it. This is a matter which has been engaging the attention of the public and of the government for the last so many weeks.

I know we have been maligned; we have been attacked and abused, and all sorts of motives have been hurled at us. Motives have been hurled at the Praja Parishad. I would beg of the House, and I would beg specially of the prime minister with whom I have been in correspondence for the last few weeks and who knows to a certain extent how I am trying to look at the problem, I would beg of everyone to examine the issues dispassionately. Let us not hurl abuses at each other. There may be other occasions when we may do so. But if once we decide not to cast motives at each other, if once we proceed on the assumption that all sides are proceeding in a bona fide manner and yet not agreeing with each other, it is

only then that it will be possible to come to a settlement which will be fair and just.

I know the prime minister levels the charge of communalism on all of us. Whenever he cannot meet an argument that is the answer that he has to give. (*An hon'ble member*: He knows nothing more). I am quite prepared, I am not making a challenging suggestion, because I am getting sick of this charge which is unfounded, if we want to consider whether communalism exists in the country or whether it is openly advocated as a plank by any political organization, let us fix a date for a debate and let us discuss the matter. Let government bring forward its charges. Let us have a chance of replying. We do not want communalism in this country. We do not want that on the basis of religion or on the basis of caste one section of Indians should go on hating other sections. We want to develop a society where people of diverse religions will be able to live as common citizens and enjoy common rights. If there is a feeling that something is being done opposite to this policy – which we say not – instead of talking in an abstract way, let us meet, privately if he so desires, let us all, against whom such charges are levelled, sit together and discuss. We are not enemies of this country. We are not people guilty of treason because we do not agree with you. It does not matter to which party people may belong. None of us is here for doing harm or deliberate injury to the state. Therefore, if the government comes forward with such a charge-sheet it is only fair and just that it must be a real charge-sheet and we must be able to understand each other's point of view. We may differ. But let us agree to differ in a gentlemanly way and not go on exchanging fireworks and exchanging abuses with each other, because it does not carry us anywhere.

What is this Jammu and Kashmir agitation for? A few months ago I went to Jammu. In fact I spoke here just the day before I left for Jammu. I do not know much of that state, certainly not even perhaps one-hundredth of what the prime minister does. But yet I came into contact with people during my short stay there, and I saw those people and the working of the minds of those people whom the prime minister and Sheikh Abdullah would not touch. There may

be men whose minds may be working in one direction. There may be persons who may think in a particular way, different from what I do. But certainly there cannot be anybody hundred per cent bad or hundred per cent good. Their approaches have to be examined; their fears and doubts have to be examined and dispelled.

The Dogras against whom this fight is going on are not a race of cowards. They are a community that has given the finest martial strength to India. They fought for the liberty of their country; they shed their blood for the good of this country. They are being shot down and their women are being molested and sent to jail, and the whole state is now in the midst of a terrible repression which was not witnessed perhaps even in the worst days of the British regime.

Will any question be settled through such means? Their fears have to be examined. It is not communal at all. If you want to give it a communal colouring, someone may come and say, 'The majority are Muslims and only Hindus are being attacked'. Somebody may say, 'This is a communal attack against Hindus'. But it is an attack by the state for certain reasons, good or bad.

What are the things they want? They want that the question of accession should be finalised. I know there are constitutional difficulties. But this is a matter which has to be settled, after understanding what their fears and doubts are. It is no use either Sheikh Abdullah or Shri Jawaharlal Nehru saying, 'We are satisfied that everything is all right'. They have to be satisfied. And if you can satisfy them with regard to this question, then one big hurdle goes.

I have suggested various methods. I will not go into details at the moment. But I have suggested to the prime minister a number of possible alternatives through which this question can be decided. There is the question of finality of accession....

There is the question of applicability of the Constitution of India. Now, let us see how this question arises. Sheikh Abdullah says that the Jammu and Kashmir assembly enjoys a limited sovereignty. I can understand one sovereign Parliament in India, and that is the Parliament here. There cannot be two sovereign Parliaments in this country. But he is under the impression that according to the terms of the constitution that we have approved he has got certain limited

powers. I do not want to go into technicalities. Jammu and Kashmir is a part of the Indian Union, and that state has to be governed according to some constitution. The suggestion is: accept the Indian Constitution. This is a constitution framed by a Constituent Assembly which was dominated by Shri Jawaharlal Nehru himself. This is a constitution which is based on secular considerations. It is not a constitution dictated by any communal motives. If it is good enough for four crores of Muslims in India why can it not be good for the people of Jammu and Kashmir?

But there again there is a compromise suggested, namely, let those provisions of the Constitution which relate to fundamental matters be implemented. Some of them were declared here on the floor of the House in July. They have not been implemented till now. It is said that they have not been implemented because the movement has started! A more frivolous and fantastic reply could not have been given. The agreement was reached in July, and till November nothing was done. And in November, only a part application of that agreement was sought to be made. And it is suggested that because the movement started the agreement could not be implemented. They are not ready with the implementation yet. It is only today that the announcement has been made that a committee has been set up for clarifying certain issues. The prime minister knows this better than anybody. Certain issues have to be clarified. There are a number of matters, fundamental rights, Supreme Court, president's powers, financial integration, abolition of customs duty. I have added conduct of elections under one authority for the whole of this country.

If in respect of these matters Sheikh Abdullah and his party say, 'We will not accept one hundred per cent of your constitution', well, let us know which portion they desire to see embodied. We can sit together, not as one party opposite to the other, but as friends, consider and agree that for special reasons certain exemptions should be made.

For instance land. If you want to have a special law for Jammu and Kashmir, that for acquisition of land no compensation should be paid, and if it has succeeded in the state, provide for it. We will not question it. But finalise matters with regard to civil rights,

financial integration, abolition of customs duties. It is a disgrace that we should have today in India customs duties for one part. The answer given is that they will lose one crore of rupees and odd. Well, that one crore we will have to provide for. All parties in this House will support the finance minister if he says that for the purposes of full integration of that state to India we will have to make a separate grant of that sum to Jammu and Kashmir. You can forgo fifty crores of rupees for enforcing prohibition. You must do something for unifying the economic life of our country of which Jammu and Kashmir is a part. Do you suggest that we will continue this customs duty, which is operating so harshly against the people of that state themselves?

These are matters which have got to be finalized. On the question of the flag, let me say it is not a question of mere sentiment. The prime minister said the other day: 'Oh, these people who are agitating about this want their *bhagwa* flag to be raised over the Red Fort if the occasion arises.' He mistakes the issue. It is not a question of the *bhagwa* flag. The Congress accepted its flag with some alterations. It is the national flag of India now. Supposing some party, when they come into power, decide to change the design or the colour of the flag, that is not a crime. We have not said that the *bhagwa* flag should be flown where the RSS rule; the Communist party will have the red flag where they rule or the Socialist party will have their red flag where they rule or the Congress will have their own flag flying where they govern. Nobody has suggested that. Let there be one flag for the whole country. The prime minister has assured me and he has publicly stated that the Indian flag is the supreme flag and the other flag is subordinate to it. Very well. Let us accept it. Through that way I see the path of compromise. Let the Indian flag fly over Jammu and Kashmir state every day like other states. That point can be settled – the state flag may be used on special occasions.

Then there is the question of going into their grievances. A commission has been appointed. What commission? The commission consists of four persons. The chief justice is one of them – I need not say anything now about him – he is the chief justice of the state. Who were the other gentlemen? How many members of the House

know what is the composition of that commission? One is the revenue commissioner, the second is the accountant general and the third is the conservator of forests. These are the three officers of the state who have been put into that commission of inquiry. Is it suggested that a commission consisting of three officers of that state will sit and go into very vital matters which challenge the soundness of the position of that state? Is this ever done when any controversy arises? Why not have an impartial commission consisting of the chief justice and two judges of the high court in India and why not widen the terms of reference and say that whatever grievances there are, that commission will go into – any economic matter or a social matter or an educational matter, whatever that may be? We have a long list of grievances. I do not wish to go into them but that is one thing in which you can find a solution. Now, these are the matters which have to be solved. Now, I ask the House what are the matters which savour of communalism? You start referring to their past history, their father's history, grandfather's history. Why drag the poor maharaja? He was loyal to the country. What offence did this maharaja commit? He accepted accession. He handed over power to the Government of India. He handed over power to Sheikh Abdullah. Sheikh Abdullah's ascendancy on the political throne there was possible through the legal decision of the maharaja himself. So, why drag him? Now he has gone. He is finished. Now you say that the agitation is going on for vested interests. What vested interests? Will the people of Jammu, if they succeed in the agitation, take charge of the entire state? They have made it clear that they have no political ambition as such. How can they possibly give help to vested interests in such a manner that that will disturb the stability of the state, the unity of the state? I entirely agree with the prime minister that the unity of the state of Jammu and Kashmir must be preserved at any cost. In fact, we must recover one-third of the territory of the state which we lost, if we have a sense of national prestige. It is a matter of disgrace that one-third territory of ours is now in the hands of the enemy. I am not suggesting that you break the state of Jammu and Kashmir into bricks. The suggestion which I once made as a compromise formula to Sheikh Saheb was that if the whole state

cannot accept India's Constitution immediately, it may do so in parts. That was a second alternative, but even then Kashmir would remain within India. Let us declare that Jammu will remain as one state. Let us declare that the provincial boundaries also will not be disturbed. Already the province of Jammu is now being divided on communal grounds. Of course, the reply is that the intention is not communal but the decision may be communal. You are creating Hindu zones and Muslim zones within the province. Keep the province of Jammu intact, keep Ladakh intact, even if you want to have the scheme of provincial autonomy provided for them. These are matters of negotiations. They can be settled without breaking heads or without creating any controversy.

So far as the origin of the movement is concerned, you can rightly say, as the prime minister has told me a number of times: 'Do you expect that I shall tolerate this sort of disobedience, deliberate disobedience of law? This deliberate disobedience is a challenge to authority.' I agree that on normal occasions, this should not be the procedure. We expect that in a democratic constitution such as ours, we should be able to proceed in a manner that we get redress of our grievances through constitutional means. Undoubtedly, that should be our aim and I hope that that will be the ultimate result of our joint endeavours. Supposing a situation arises where through the adamant attitude taken up by the government, because of the majority at its command, they refuse to do anything for the people who are opposing their policy and you goad them to a certain course of action of your own, what happens then? It is your own inability to cope with the situation that may exasperate people. Is it not a fact that the Praja Parishad sent representations during the last two years to the president, to the prime minister, to Sheikh Saheb? They begged for an interview from the prime minister who refused to grant an interview only about a year ago. They could not get an interview from the president. He said 'It is not my concern, you see the department.' Sheikh Abdullah was not prepared to move. You have removed social untouchability under your constitution but you are creating political untouchability because you cannot see eye to eye with certain people whose politics you do not approve. Do you

believe you will be able to run this government in this way? I say this without any fear of contradiction that this movement would never have been started if only there was a chance of representing their view to the people in authority, if only there was not an attempt to give piecemeal effect of the agreement which was passed here. Now, practically the movement has been forced upon them. Before the movement started, when I came back from Jammu, I saw Pandit Nehru, I saw Sheikh Abdullah, believe me. I went out of my way and pleaded for a change of attitude. I was extremely anxious that in view of the possible repercussions and the war that was impending with Pakistan and also the experiment which Sheikh Abdullah has made, I was anxious – even today I am anxious – that we should forget the past and proceed in a statesmanlike way and settle all our differences. I have not concealed my admiration over the manner in which Sheikh Abdullah has conducted himself whatever might be said against his policy. I told him personally and I said it in public that here was a man who was making an experiment which our national leaders failed to make and which resulted in the vivisection of the country. I appealed to him, 'For heaven's sake, go to Jammu and make the people feel that they are not outsiders and you are the real leader for the Hindus and Muslims.' I saw the danger signal in Jammu. Psychologically. I regret to say that both Sheikh Abdullah and Pandit Nehru have been unable to cope with the situation and to go near the minds of the people of Jammu...

So far as this question is concerned, it is a matter which needs serious and dispassionate consideration. It may be that the Maharaja, a Dogra, was at the head of the government which was not liked by the majority of Muslims but when the table was turned, it was essential that these Dogras should not be singled out as a community which had been guilty of bad conduct or bad motives. There was a ruthless attack on the maharaja personally. It was unnecessary because he had gone out of the picture. The Dogras have been branded as a community which had gone and dominated over the Kashmir valley. Psychologically, you could not bring the people nearer you. That is why I appeal to you to go near them even at this stage. You talk to them, send for their representatives, understand

their viewpoints and thus create a situation which will make it possible for all of us to stand united.

Now, what is the remedy? I come to my last, the last point which I would like to place before the House. What is the remedy? Is repression a remedy? The prime minister said yesterday in the council of states that he had a list of a hundred persons, policemen, etc., who had been attacked, buildings which had been mobbed and other kinds of outrage which have been committed. Pamphlets have been circulated to us. I have got about eight or ten of them with me but there is the other side of the picture also. I have got here reports of the repression which have been carried on. If I read them I know you will stand aghast. I have not the proof to show that whatever said is true or not, just as I have not the means to say whatever has been circulated by the Abdullah government is true or not. I wanted to send a small delegation of responsible people including three legislators. Such is the state of Jammu and Kashmir within the Indian Union: permits were refused. Certain political parties are allowed to go; certain political parties are not allowed to go. I had declared that they would not interfere; only they will go, see and come back. Even that was not allowed. They say, they are out for violence. You judge by the results. Mr. Bhimsen Sachar, the chief minister of Punjab has declared that these people are carrying arms and ammunition. Are the arms and ammunition from Punjab turned into Kashmiri *laddus* and carried to Jammu? Where are the arms and ammunition going? Not one person has been killed on the official side. Has anybody made any assertion that one man has been killed on the official side? How many have been killed on the other side? The official figure is eleven. The names which have been handed over to me come to twenty. There are twenty more who are missing, some of whom are supposed to have been thrown into flaming fire which was lit by kerosene oil. Their number comes to twenty. Whether it is twenty or forty, they have been shot dead. Two thousand have been sent to prison. They are not Hindus alone. There are Hindus, Muslims, men and women of all classes and conditions of society. Some have been taken and thrown into cold water. Two, — their names are here — have died of pneumonia as a result. Men

and women have been brought out naked. They have been forced to apologize. Some have been placed on slabs of ice. Women have been molested and assaulted. Do these represent the functioning of democracy? Are we fighting for the safety of Jammu and Kashmir, for the purpose of perpetuation of this kind of authority, this kind of rule? Do they represent Gandhism?

You talk of Gandhism, Gandhian style and the healing touch. Suppose they are in the wrong. If I come forward and say, let us have an honourable settlement and bring this to an end, what right has any democratic leader to say, we will not touch you, we will not talk to you, you are guilty of communalism? Has any Muslim been killed? Has any section of Muslims been attacked in the province of Jammu where the Muslims form a minority? What is it that you have decided now? The national militia is to be let loose on them. I got a report only yesterday that that has already been started. The National militia consisting of Sheikh Abdulla's partymen, mostly Muslims, are to be let loose on these people in these villages. You say we are communalists. You are fanning the fire of communalism and you do not know where it will lead to. I do not want this to continue. Let us put an end to it. How to put an end to it? Prestige, or what is it? What is the suggestion that I make publicly to the prime minister? Let us forget the past. Let us not judge who was right and who was wrong. Let us take them at their word and hear their demand and their needs. Release them and send for them. Do not make any commitment now. Send for them. Let us understand the difficulties, constitutional and political. Tell them, here we are to give an assurance with regard to the future status. Their grievances will be enquired into by an impartial commission. Let us make an attempt. We talk of Gandhism. We hold a school here and make it an international show as to what Gandhism has been and how India is being ruled. Is this the type of Gandhism that you refuse to talk to some people because they are your political opponents, because their past is bad? Who is there to probe into the past of every one of us? You judge the present difficult political situation according to the present requirements. What did the British government do? Did not the British government carry on repression? Did they not then say that

they will not touch the naked fakir? Did not the gentleman who is the present prime minister of England say, no compromise with the naked *Fakir* and did not that naked Fakir bring freedom to the country? How do you say that you will not talk to your opponents because of their past? What did Sheikh Abdullah do? Did not the Maharaja and he fight with each other? Did not the Maharaja shake hands with him and did he not himself in his own writing make Sheikh Abdullah the chief person in the state of Jammu and Kashmir? Are we to carry in our breasts past stories, past history, and thereby aggravate a situation which will destroy not only certain sections, but the entire peace and prosperity of this country? Take us as friends. If we are wrong, correct us. We are not sitting here with any outsiders. This table does not divide us. This table is your table. It does not divide the minds of men. Why should we go on quarrelling in this way? Trust us. Sit down with us. If anybody has committed any wrong, tell them that in the national interest this should not be done. Give them a chance. Let us see whether we can proceed in that manner or not. You will not be able to destroy the Dogras. I have seen some of them, fine elements. It brought tears to my eyes. I saw some men and women; great people, patriotic people, fearless people. They have not been violent up till now. I advised them that if any movement, if any protest is to be carried on, it must be on the basis of nonviolence. Because, you cannot fight the organized violence of the state and you will lose the sympathy and cooperation of the people. It is a question of civil rights. It is a question of their life and death, of their very existence. Believe them. I have seen Prem Nath Dogra, whom I respect with all my heart. I am not ashamed of that. I have met many people in my life. There may be men, good or bad or greater than Prem Nath Dogra. He is a loyal citizen, a quiet sufferer. He is a leader who does not lose his head. Do you know how many years ago his pension was stopped? I myself did not know. When I met him a few months ago in Jullundur, he was talking about his private affairs. He said, 'Doctorsaab, I am a poor man.' I said, 'Why, you are a government pensioner?' He said 'Sheikh Abdullah sahib has deprived me of that long ago.' I asked, 'You never protested?' He said, 'Why should I?' Democracy is functioning in this way. The

pension given by the Jammu and Kashmir government has been withdrawn because his politics was not liked. He has started the movement today. But, when was the pension withdrawn?

There are people belonging to Jammu, refugees, who have their money in the Jammu and Kashmir Bank. Does the finance minister know that they are not allowed to draw their money because they cannot produce their documents? They went to the High Court of Jammu and Kashmir and the High Court gave an order that the money should be paid. An ordinance had been passed prohibiting the bank from paying this money. These are the grievances which have to be looked into. What about the Dharmartha trust which Raja Gulab Singh and his successors created? It may be for the preservation of Hindu temples. Is that a crime? Preservation of Hindu temples in India can be done by means of a trust. That money is not allowed to be paid. Why is it not done? These are matters which have to be gone into. Each may be a small matter or a big matter. It is the cumulative effect of these as also the persistent refusal of the authorities to sit down and talk to the representatives of the people that have brought about this situation.

Even now, my appeal to the prime minister is this. Let us forget the past. Let him take up the matter. He can rise equal to the occasion. He can deliver the goods with Sheikh Abdullah. I do not say for a moment that you should minimize the stature of Sheikh Abdullah. I do not wish for a moment that you should humiliate the government because, then whom do I humiliate? Our own government elected by the people of the country. It is not a question of mutual humiliation or gaining one point here or losing another point there. It is the question of the settlement of an issue which is of national importance and which may create serious problems and destroy the peace and happiness of large parts of India and I appeal to the prime minister to move before it is too late. We have been charged and branded as encouraging the movement. I repudiated it earlier on the floor of the House and I repudiate it now. It is not our movement. The movement is theirs, spontaneous; not a Praja Parishad movement; the movement has spread and various classes of people have come into it. We have sympathized with it. We have supported it. We have

extended our blessings to it. We have done that because it is not a struggle of Jammu, it is a struggle of the people of India.

And we have looked at it from that point of view. But we are not on the warpath. We cannot threaten. If we also suffer with them, we suffer at the hands of a ruthless government which is all powerful. What right have we to threaten anybody, and what power have we to threaten anybody? It is not a question of threatening. The war clouds are there. God knows what will happen to this country. If somebody has gone wrong, let us sit down even at this stage. That was Gandhism. He did not decry his opponents. He sent for everyone who differed from him even to the utmost extent, sat with them, talked with them, and tried to capture their hearts. I have not the least doubt in my mind that if that attempt is made by Shri Nehru and Sheikh Abdullah, if these people are sent for, and say to them: 'We are your friends. Let us sit down and discuss the matter, and not raise any other issue and your legitimate grievances will be looked into', the matter will be settled in ten minutes' time. It is that magnanimity, that generosity and statesmanship to which I ask the prime minister to rise at this critical juncture.

Let me assure the prime minister that however much he may decry and distrust us, we also have a little hold on this country. The elections were fought a few days ago. What is that 'Ha, ha?' That is admiration or what is it? So far as these elections are concerned, they are important for this reason. I saw with my eyes how powerfully the resources of the government can be made to operate for the purpose of winning the election. I can tell the prime minister sometime later. He does not know, many of the top leaders do not know that money and wine played their part in many a sphere. You talk of Gandhism....

I do beg of him this: whatever you may say, let us proceed to the main subject matter of the debate, and let us try to find out some formula whereby the Jammu question can be settled. Whatever may be said against us, whatever motives may be ascribed to us. I can give this assurance to the prime minister that in case an emergency arises in this country – we all hope the war clouds will not develop; we all hope that the clouds will disappear – but, in case, such a

contingency arises, on behalf of the party that I represent, including the much-maligned groups, I offer our unconditional allegiance and support to the government. If such a condition arises, it will be the duty of everyone to stand by the government so that the interests of the country may be kept supreme. The maintenance of a peaceful atmosphere in the country is imperative. I hope, sir, by means of mutual discussion and understanding we will be able to make the interests of the people of Jammu and Kashmir safe. Let us consider the case on its merits dispassionately and reach a solution which will be to the lasting benefit of the state as also of the entire country.

Reference

Lok Sabha Debates, Vol. I, cc. 315-34.

FRANK ANTHONY

Communists and Democracy

17 February 1953



Nominated by the president to represent the Anglo-Indian community in Lok Sabha, Frank Anthony spoke on the motion of thanks on the president's address. In particular, he presented a strong rebuttal of the assertions made by a prominent communist member, Professor Hiren Mukerjee.

I find the House rather depleted and in a somewhat somnolent mood. I hope that what I am going to say will have a somewhat stimulating effect.

I had given notice of two amendments to the motion of thanks to the president's address. One drew attention to the need for an integrated all-India education policy; the other asked for measures to make our people more discipline minded. Both these are important subjects, but I have decided to speak on neither of them. My speech has been provoked – I am glad the hon'ble member has just come in – by the remarks that fell from Professor Hiren Mukerjee, leader of the Communist group. I see that the prime minister is not in the

House. He is inclined to be too tolerant – perhaps too much of a democrat – and he will not attempt to answer all the points made by Professor Mukerjee. Members of the Congress party today are inclined to be not only restrained, but over-restrained, perhaps because of an undue sense of delicacy and they may not attempt to nail to the counter some of the propagandist distortions which communists here and abroad indulge in. As an independent I have none of these qualms and none of these restraints.

Professor Mukerjee attacked – I may almost say abused – the president's address for what he regarded as the lifeless platitudes about India's foreign policy. One thing which communists tend to forget not only here, but throughout the world, either in their abuse of democracy or in their blandishments, is that in India we are committed – perhaps dedicated – to democracy. We are trying, in spite of my old friend to achieve that goal. We are committed at any rate to the democratic goal. It is not only a form of government: it consists in certain processes of thought. I know that these processes of thought are, perhaps, understandable, not only to my old friend here, but understandable to communists, are perhaps anathema to their straitjacketed minds. But when trying to abuse or even seduce democratic countries, there is this cardinal fact which they cannot forget. We may forget, but we cannot efface the historical processes which have forged certain bonds, visible and invisible between India and the democracies. Let us try, if we want to, to forget them. Still we cannot forget this cardinal fact that India is a democracy: that India is not only committed to a system of government, but to certain processes of thought which inevitably make her have more in common with the other democracies in the world, which cannot make her have anything in common with communist totalitarian countries.

No thinking person will attempt to cavil at the academic principles of communism. All of us in this House at one time or another have studied communist literature....

As I have said, it is because of the fascinating theory of communism that so many theorists, so many pseudointellectuals have been attracted at one time or another to communism. But

what do we see – the widening gap between communist precept and practice. That is what democrats throughout the world today see with misgivings. This widening gap, these objective manifestations of communism, they run to a consistent pattern: they are not pretty manifestations. They are ugly and in some cases they are revolting manifestations.

My friend to my right abused the American imperialists. He abused their British satellites. No one here in this House will hold a brief for American imperialists or British satellites. I have no doubt whatever that there are many imperialists in America; that there are many American satellites in Britain. But what my hon'ble friend here does not seem to remember is this; that in India no one holds a brief for American imperialism. We condemn what we have come to regard as 'Macarthurism'. I personally have grave misgivings about what I consider to be represented by 'Taftism'. Personally, I have had considerable misgivings about the fact that some front-rank Republican leaders, American leaders, are notorious fire-eaters. We have these misgivings. We resent in India the undue emphasis which many Americans place on dollar diplomacy – the stream-lined facet of American commercialised life. We in this House bitterly resent the non-possumus, non-committal attitude of the British government with regard to South Africa which is one of the members of the British Commonwealth. We have resented it; we have criticized it publicly. We see South Africa as a whole going up in racial flames. We see myopic criminals like Malan, we see them today trying by primitive and reactionary methods to put an end to these flames. But they will only fan these racial flames which ultimately will consume Malan and his fellow criminals. We see all these. We point our finger at them. But what do our friends do? Do they point a finger of criticism at Soviet Russia? Do they point a finger of criticism at the Chinese government? Does my hon'ble friend Professor Mukerjee ask us to believe that the motives of the men in the Kremlin – I will not call them his gurus – are any better, any higher than the motives of some American imperialists in the Pentagon? At any rate there is this vast difference. In America you have this which you can never have under the

ruthless dictatorship of Stalin – you have a system of democracy: there are not only thousands, but there are millions of Americans, who will not agree....

May I make a submission? At least, I am indulging in democratic, decent language. My hon'ble friend ranted. He abused Americans – he called them imperialists. He abused Dulles personally. All I am asking my friends is that until they can subvert this country into having a dictatorial government, let them at least develop the democratic virtue....

If I may be allowed to continue in my rather temperate, democratic way as I was saying, my hon'ble friend was abusing the Americans. We know that there are imperialists in the Pentagon. But you have this functioning of democracy in America. There are millions of Americans who do not agree with Eisenhower's latest step. Every major action of administrative policy in a democracy like America or India is subjected to the fierce glare of public scrutiny. It is canvassed in the press. It is not only criticised in America but in the democratic press of the world. Let my friend point to a single instance where a fiat of the Kremlin has been attempted to be criticised by a single Russian or by a single person in a satellite country of Russia. I say with all respect to my friend that even if he went with his colleagues, for health purposes, to Russia and attempted to criticise a fiat of the Kremlin, even his head would be forfeited. I have no masters. That is one of the virtues of democracy. We do not worship at the feet of gurus from outside. Sir, am I to go on with this kind of market place interruptions?

I am not suggesting for one moment that India can or will align herself with the democratic bloc. The Indian tradition, the Gandhian tradition will be against her aligning herself with the democratic bloc in any militarist policy. But let us take America's active allies. Do my Communist friends ask us to believe that the British people – let us forget Churchill – would allow themselves to be stampeded into a war by any American imperialist? I do not know whether they read any British newspapers. But every day we find bitter criticism, particularly among the whole Labour party, about the present American policy. Let them point to a single instance where any Soviet

satellite in Eastern Europe has attempted to assert a certain measure of freedom for Yugoslavia. We know what happened to him.

I will come closer home. My friend has, I use the word advisedly ranted about India's subservience to the Anglo-Americans. I am not a member of the Congress Party. I am not likely to become one. But at any rate the prime minister has pointed out over and over again, instance after instance, where India has not only not sided with America but has opposed the Anglo-American bloc. Can my friend point to a single instance where his Chinese colleagues have ever criticised the Russians, much less opposed them? I am sorry that the prime minister is not here. I say that the prime minister today is erring on the side of magnanimity, on the side of undue faith in China. India has given every conceivable hostage to her faith in the belief that Chinese polity would develop according to the genius of the Chinese people. But what have we got today? Chou En-lai tried to emulate the gutter vituperation of Andrei Vyshinsky and referred to our prime minister as 'the running dog of American imperialism'. We chose to ignore it as a personal lapse and not as a declaration of Chinese foreign policy, we offered the other cheek in respect of Tibet. How long are we going to continue to offer our cheeks in misplaced faith to the Chinese? We are not going, as the prime minister has pointed out, to fight with anyone or join anyone. Still at any rate let us realise this that today the Chinese government is as firmly tied, hog-tied, to the Russian juggernaut, as any eastern satellite of Russia. That is one point I want to underline. This is not the voice of America. I have heard the repetitive voices of the Kremlin here. I am speaking as a person who does not wish, through a sense of undue or misplaced delicacy, to pull his punches. Sir, they indulge in abuses but will not hear the other side of the picture! I am amazed at this attitude. It is a virtue of democracy, they have yet to learn. They ask the prime minister – Professor Mukerjee asked: Why does not India join the free peoples of the world? I had to restrain myself: my first impulse was to laugh uproariously. Yes, it sounded like the invitation of the grave to the liberty of the grave! We all have read from different sources how many millions of Russians have been liquidated in the name of communist freedom.

I have met people who recently went to China, and they have told me, on good authority, that at least two million Chinese have been executed in the name of freedom. And China is only in the stage of consolidating its freedom.

As I was saying, we today find China in the process of consolidation. This process of consolidation in Communist countries runs according to a consistent pattern – compromises with the petty-bourgeoisie as they call it, with private enterprise. And after they consolidate their position on a pile of murdered democrats, liberals and so-called deviationists they turn against their own architects. Who does not remember the revolting tragedy of the so-called trials which took place recently at Prague? Democracies have their blemishes. But which of my friends has pointed a finger at this revolting spectacle of these trials in Prague? You, sir, have read of them. We have seen in this appurtenance of communism something revolting and nauseating to every decent thinking democrat.

Under this farcical facade of so-called trials what happened? We saw communist sadists plumbing the depths of human misery and human degradation. Where else do we find such human degradation, such perversion of human nature – a wife asking for the death of her husband, a son demanding his father's execution? These staged trials of a communist country run to a pattern.

What about the people themselves in the trial? They were at one time leaders and fighters, probably better than my friend Professor Mukerjee, people who installed communism in that country. But these one-time fighters, by a special communist technique to grovelling creatures asking for their own death. In the latest manifestation of the anti-Semite witch-hunt, which is now in full blast, we see a reproduction of the foul drama enacted by the Nazis. I was rather amused by the attempt to portray a picture of the communist peoples as peace-loving and inoffensive. I recall a remark made by a senior army officer that China today has a first-line armed strength of ten million men. Stalin recently told his Russian agents that they must accentuate their attempts to spread the Communist movements throughout the world. As far as I can see it, the communists are not forgetting but remembering increasingly the dictum of Lenin. 'That

the road of World Communism of Paris lies through Peking and Calcutta.' Half the communist road has been traversed. My Bengali friends are trying to pave the other half.

No one denies that communism has very considerable economic achievements to its credit. But that is not a virtue of communism. It has been exacted at a terrible price, at the price of the murder of millions of innocent people. Hitler did exactly the same thing. Every dictatorship, because it moves faster than a democracy, produces quick results. When Hitler came to power the German nation was racked with poverty and unemployment, and in a few years' time he gave the Germans full employment. (*An hon'ble member*: That is what the communists are giving). But at what cost? At the cost of the degradation of the human mind and the spirit, and the ultimate destruction of Germany.

One word more, sir. We, in India, are a democracy. We may flounder. The methods of democracy are essentially tentative. The methods of trial and error are necessarily slow methods but ultimately the results that we achieve will be more permanent. It will take much more time for us to see the results but they will be permanent – it may take ten years, may be fifteen or twenty years. While we achieve the economic wellbeing of this country we will also achieve, what is perhaps of greater value, the opportunity for the ennobling of the human mind and the individual spirit. And I say this that India will not align herself with any bloc; we will always preserve the right as a democracy to have an independent foreign policy. Above all, we will never be shrouded behind any iron curtain nor tied to the wheels of any communist juggernaut.

Reference

Lok Sabha Debates, Vol. 1, cc. 352-9.

CHINTAMAN D. DESHMUKH

The First Five Year Plan

18 December 1952



Prime Minister Jawaharlal Nehru moved a resolution for the consideration of the First Five Year Plan on 16 December 1952. Nearly fifty members participated in the animated debate. On 18 December, C.D. Deshmukh was called upon to wind up the debate and reply to the critics of the plan.

Sir, it is very difficult to wind up a debate in the course of which half a century of speakers have spoken. I have been indulging in a bout of self-introspection in the light of the mild or ruthless castigation which the plan has been receiving at the hands of the members on the Opposition benches, and I have tried honestly to consider if it would have been possible at all for us to do anything else than what we claim to have achieved by means of this plan. The first charge is about the period taken for bringing out this plan. After a little bit of research I discovered that the plan of the USSR was brought out about twenty months after its inception, which is almost exactly the period after which we are bringing out this final version

of our First Five Year Plan. I would also remind the House, sir, that within four months of the appointment of the Planning Commission we brought out a rough draft for the purposes of the Colombo conference, and within one year of that we brought out the draft outline of the First Five Year Plan. So, relatively I do not think we have done so badly.

Then, sir, I have considered whether we could have made it more of a plan. We may at once confess the charge that it is not really a plan in the sense in which perhaps economists understand a plan, that is to say, a plan, the details of which could be displayed in tables and in horizontal and vertical columns, giving resources on the one side and expenses on the other side and so on and so forth. Now, certainly it is not true that it is a comprehensive plan of that kind, but anyone who has devoted some attention to the problems of planning, would find out that in this first experiment, in the absence of supporting statistics and data, that kind of a plan would have been completely impossible and if we had brought out such a plan, I think the Opposition members would have been justified in calling it just moonshine.

Now, sir, much has been made that this is really a series of annual budgets. In the course of my speech in the House yesterday, I pointed out that it is really not a financial plan, that is to say, the limitations of the plan are not just finance and I do not wish, for lack of time, to repeat what I said in the House. But since we have made allowance for addition to the plan or supplementing the plan, it certainly could not be regarded as a series of budgets.

Then, another charge that was levelled at the plan was that no assessment of resources has been made. We now, have, it is true again, not given tables of resources, but in preparing the plan we have given special attention to this subject and there are several chapters – III, IX, XXI, XXIII, XXVI, and XXVII – where we have made some reference to some of these resources and the limitations on our capacity to give a complete picture. Now, as regards our human resources, the information at present available is particularly inadequate. The data which the 1951 census has produced, might make a further analysis of such resources possible. We have made

some attempt to deal with the problem of unemployment and there again, in that connection, I said in the House of the people yesterday that far deeper study of this problem is required before you could even start getting an idea of the size or dimensions of the problem. It will be noticed that the plan contains provision for national sample survey and also provision of fifty lakh rupees for research and investigation relating to special problems of national development. Therefore, sir, our defence in this matter is that within the information at present available, the best assessment possible of the country's resources has been made in the plan. I would also urge that the study of resources is a continuous process and there will be various places in the plan where we have pointed out in which direction further studies could be made.

Well, sir, I have tried to profit by the stream of suggestions that have been drawn out in the course of this three-day debate and I will try to reconstruct the plan. I have made additions in my mind for heavy industries, chemical industries, engineering industries, railway development, education, health, shipping, Rajahmundry canal, underdeveloped areas, lignite, etc. And I find that the total size of the plan now comes to nearly three thousand crores. Well, sir, I have also made recalculations of resources in view of the grim prognostications of some of the members including members from Rajasthan, who said that there was going to be a deficit of ten crore rupees on that side alone. Our resources are one thousand crores and the size of the plan is three thousand crores.

I have taken note of the complaint made by the hon'ble member who preceded me, who said that the plan does not take any notice of the aspirations of the nation. Well, we were under the blissful impression that the aspirations of the nation were contained in the constitution and it is with reference to those aspirations that the planners were asked to plan. And indeed the purpose of a plan is not to state aspirations but to state the ways in which those aspirations could, if at all possible, be carried out or translated into practice.

Then, sir, he complained that this was the first time in the last three or four days that members of the Opposition party were

consulted. Now, the Planning Commission has a National Advisory Board on which the members of almost every party are represented. Certainly I remember that a very distinguished member of the party – the hon'ble member opposite – is a member of the national advisory board and he has to my knowledge been attending the meetings of that board. So I do not think they can complain justly that they have not been taken into confidence before.

Now, the draft of the final Five Year Plan was discussed during October 1952, separately with representatives of the Praja Socialist Party who were in a somewhat divided frame of mind, having amalgamated very recently and they gave us no guidance at all on the vital subject of controls; then it was discussed with a group of independent members of Parliament and after that with the representatives of the Communist party and then in early November 1952, discussions also took place with leading women workers. Now, the principal points made by representatives of the Communist party related to taking all land without compensation.

They wanted distribution of land and confiscation of foreign capital in India – again I think without compensation, but I am open to correction. Now, we felt honestly that there could not be very much meeting ground in these proposals and I think that was a fact which was recognised by the representatives of the Communist party themselves.

Now, in the discussions with the other groups, the points made were in the main points of emphasis rather than differences in principle, and these concern the following principal aspects of the plan, the need to ensure that the plan would be fully implemented without too much red-tape – we agree, sir, that too much red-tape would be a nuisance, although if we avoid it too much, the country will be entirely red – absence of interference from political parties and at the same time cooperation to be sought on a national rather than on a party basis, the need to give greater emphasis to cottage and small-scale industries, the fullest possible utilization of the manpower resources, discussion on the plan regarding the problems of employment, the importance of rural electrification, the need to ensure that the plan did not result in strengthening and entrenching

private interests and the general problem of financial resources for the plan. Well, sir, we did revise the draft extensively in regard to most of these points in order to take some notice, to find some room, for the suggestions received by the Planning Commission from these parties, principally the Praja Socialist Party.

Now, in regard to resources, I have answered various questions in regard to the resources in the House of the People. Some people doubt whether the states would be able to raise the resources necessary. Maybe they would find it difficult. Now, a reduction in taxation revenues might possibly be an indication of a certain tale of economic affairs, and I said yesterday that if those trends were found to be established, then it might be necessary to resort to deficit finance to an extent which we did not contemplate. In other words, the plan will be flexible in that respect and I myself have a streak of optimism in the matter. Therefore, after balancing all possible considerations within the limits of immediate feasibility, we think that the size of the plan cannot be appreciably enlarged. Therefore, sir, that leaves us with the question of priorities to which Dr. Mookerji made a reference. The complaint in one of the speeches from the other side, I think from the hon'ble member opposite, was that even the priorities were not very satisfactory. I do not think he had time to develop his point, but as far as we can see, we are right in laying emphasis on agricultural production, and we feel that that can be the only sound basis for, shall I say, proper planning in the next five year period. On that basis, we could construct the next five year plan which would have a far higher priority for the various basic industries, and yet if you consider that the plan covers only the public sector, you would probably find that the private sector has not been entirely neglected. About forty to forty-five per cent of the total resources available would be utilised for the private sector and the rest for the public sector.

Now, there was some reference made to the increase in the national income. We have pointed out that although theoretically it will take twenty-seven years to double the national income per capita, yet if we were to mobilise all our dormant productive capacity or all our unutilised manpower – and that is where the cooperation

of all parties is so very necessary – then it should be possible for us to contract that period to about twenty years which certainly is not so bad as twenty-seven years, certainly not so bad as fifty years or 100 years which were mentioned by some hon'ble members.

Now, fault has been found with the targets of the plan. So far as food production and food consumption targets are concerned I must confess that we are not on very firm ground in the sense that agricultural statistics are not comprehensive enough and are not really precise enough. The hon'ble members have not had the advantage of seeing the report of the National Random Samples Committee which is now in my hands and which might be released in a few days time. This seems to show that both production and consumption are about twenty-five per cent higher than we have been habituated to think.

Now, in regard to cloth, the difference is, I think, both in taste as well as in the requirements of foreign exchange. In 1955-56 cloth is to be exported to the extent of 1000 million yards at a time when the per capita domestic availability may be less than pre-war, but the interpretation put on this by hon'ble members opposite was that this was designed to give increased profits to millowners. I suggest, sir, that this is entirely a perverse view of things. The export of cloth was fixed at 1,000 million yards because Indian textiles have a ready market abroad and because we wanted to cover the balance of payments deficit that would otherwise arise. Now, I would ask him to consider what would happen if we did not export cloth. If we did not export cloth, the foreign exchange deficit may be hundred crore rupees more and this would result in greater dependence either on deficit finance or external assistance which is only something which we have to buy from abroad. I think it is common ground that we should try to minimise the extent of external assistance; that is to say, we are anxious to carry out our plan on the strength of our own resources as much as possible. The extent to which we shall be able to do so will ultimately depend on the discipline to which the country will be prepared to subject itself, and again this is a matter in which the cooperation of almost every party would have been very welcome.

Now, sir, the House might be interested in what happens to the targets in all kinds of planning. I have here some information about the five year plan of the United States of Soviet Russia. It was preceded by a four or five years period of what they called A New Economic Policy, which was a period of preparation and consolidation and at the end of that period, the Russian economy was more or less in the same position as in 1913. Similarly, this five year period is really a period of preparation and of making good the damage that has been done to economy by two factors – both very serious – war and partition.

I am comparing the first five year plan of Russia with our First Five Year Plan. It is no use comparing their last Five Year Plan with our First Five Year Plan. That would hardly be fair. The Russian plan envisaged a fifty per cent increase in national income over the five year period. By how much national income actually increased, it is not easy to say, as available estimates differ. We have the testimony of a sympathetic economist like Professor Bobb, that so far as consumption was concerned, things did not work out according to the estimates made in the plan. Various unfavourable factors were:

- (a) large scale slaughter of livestock as a reaction of the peasant to the collectivisation campaign;
- (b) unfavourable movements in the terms of trade, which sharply reduced USSR's capacity to import;
- (c) rise in defence expenditures instead of a fall as visualised in the plan.

All these factors, instead of doubling labour productivity, which had been envisaged produced an actual increase of forty-one per cent. The point is, agricultural yields were estimated to rise by thirty-five per cent. Actually, the average yield for 1929-32 was slightly lower than the average for 1925-28. This was partly due to the two bad harvests of 1931 and 1932.

When there is no grain, it cannot be distributed. That is why a lot of people die.

The most remarkable achievement of course of the plan – and everyone admits that – was that in respect of heavy industries, they

achieved targets ahead of the schedule. Now the effect on consumption of some of these shortfalls was this. The prices of consumer goods rose rapidly during the plan period. This, I think, will be of some great interest to the House. Between 1928 and 1936, the price of bread rose over ten times, of flour about twelve times, of milled grain thirteen times, of beef ten times, of milk six times and of calico about eight times.

Planning in agriculture presents special difficulties. This has been the experience of the USSR also in spite of its highly centralised planning. Russia's agricultural production in 1950 was only seven per cent, higher than in 1940, actual production in 1950 being I shall not give the actual figure. I have got them with me.

There this led to the adoption of a new agricultural policy in 1951, of amalgamation of collective farms.

So that is what is apt to happen to targets.

Therefore I think, sir, if one considers this dispassionately, one would find that the plan was produced in a reasonably good time, that the size of it is also adequate considering all the circumstances and that there is nothing very much wrong with the priorities again considering the further objectives of the projection, shall I say of the plan.

Now, there have been certain solutions which have been suggested by the hon'ble member but I myself think that this problem will not yield either to the communist phobias or to the arid clarity of the socialist doctors.

So far as the communist remedy is concerned, because we feel that certain fundamental values, to which we attach very great importance will be destroyed in the process, it is not possible for us to adopt their suggestions. That leaves the socialist doctrines. We have really no great quarrel with them. The progress of the country must be towards increased socialisation and I believe that has been recognised somewhere in the plan. It is a question of considering what would be practical in the light of actual administrative experience and in that in spite of the confusion of our thought, we claim a far greater advantage than Members on the opposite side. We have handled the affairs. We also find how very difficult it is

to man key jobs, whether it is in the administrative line or whether it is in industry or in expanding industries and unless we are able to train up a corps of trusted and well-trained workers, I think myself that we should be doing an injury to our cause in trying to accelerate the process of socialisation. So we have to steer away clear through the doctrine on the one side and through feasibility on the other, and in the light of that, take decisions as we go along. That I think is the only difference between the Socialist party and the Congress party.

In the meanwhile we are prepared to do justice and to treat fairly everyone – I mean industrialists or workers or anyone – who is prepared to cooperate with us.

Now, sir, reference has been made to various problems of land distribution and general improvement in agriculture through that means. Here again we have had to avoid the Scylla of under-production on the one side and the Charybdis of compensation on the other, and we gave a great deal of thought to this problem and came to the conclusion that either for social justice or for production and for reconciling these somewhat conflicting objectives it was not necessary to aim at either a very low holding or a mechanical uniform distribution or doing away with the landlords. I don't mean the zamindar but the landlord. There is an immense possibility of increased production in agriculture as anyone knows who is familiar with that subject. I was myself connected with a very great deal of agricultural matter and I claim to have seen perhaps many more villages – about 3,000 – than almost any member in the House in the course of five-year settlement. I have inspected them and I am quite convinced that the policy which has been selected by the Planning Commission is the right one at least for the next few years till we see how that works out.

Now, sir, there are various stray matters to which reference has been made by hon'ble members. I think Shri Guruswami said something about the electrification of railways. Now, actually, the railway ministry has several schemes, the total cost of which might be – that is not for the electrification of all the railways, but there are some schemes – about seventy to eighty crore rupees, and if you

have all these in a complete list, the cost will be eighty crore rupees. The problem, first of all, is to find the necessary money. Secondly, what I meant was the proposition that you will save some money is equally true in regard to any other kind of capital expenditure. The trouble is to find the capital. Until the heavy electrical industry has been developed, we feel that the expenditure by way of foreign exchange would be very large if electrification is taken in hand. Thirdly, the necessary power is not yet available for the purpose. Fourthly, new developments are taking place in electrical traction and we feel that in one or two years, new forms of electrical traction may appear on the horizon. And, considering all these we have decided to wait a little. We, in this, I speak on behalf of the Railway Ministry, decided to wait a little in this matter. Then there was a question about not utilising railway workshops and allowing the turn round of the wagons to be unsatisfactory. Now, I have made enquiries from the railway ministry and I find that the existing railway workshops are working to rail capacity, and the railways are also making use of private workshops to the fullest extent. The railway ministry has also placed certain educational orders, i.e. trial orders, on new firms, for the manufacture of rolling stock in the country, in order to save foreign exchange in due course. Then as regard the turn round of wagons, I am told that this has improved greatly in recent years, and this has made it possible for the railways to carry fifteen to seventeen per cent more traffic on various sections with the same rolling stock capacity as before.

Then there is the question of rural credit which was raised by another hon'ble member. All I can say in reply is that there is now a rural credit survey the results of which are due by the Reserve Bank, and I think that will throw considerable light on the latest position regarding rural credit and the facilities available. It is recognised that the needs are very large although they may not be in the same term – eight hundred crore rupees, I mean that was mentioned by the hon'ble member. But the real problem is to build up an appropriate machinery for the purpose of disbursing any credit that may be available from the Reserve Bank of India down to the cultivator, and any one who has handled credit problems realises that it is not a

mechanical job. It is not a job which you can do with slate and pencil, and satisfy yourself that because eight hundred crore rupees is the requirement, therefore the Reserve Bank should print eighty hundred crore rupees worth of notes. That is why, sir, the commission has made it tentative – they have not said so in so many words but a tentative measure. In this what I mean is that as we find the actual mechanism working, it should be possible for the Reserve Bank to revise these figures. We shall see what response there is to rural credit that is put out by the Reserve Bank, and if we are encouraged by our experience then I should say that it should be possible for the Reserve Bank to improve on these figures.

There was some reference to betterment levy by Professor Ranga. He is not here and I do not know whether I should refer to it, but the point is that the various methods of collecting the levy or assessing the levy have been indicated in the relevant chapters by the Planning Commission, and it is not correct that only one method has been suggested; and that is representative of the difference between the new sale value and the old sale value. The three methods are: The total amount of rupees that may be recovered in one lump sum. It is not a question of assessment recovery. Then, secondly, a share of the produce annually, in cash. Possibly, that may be most equitable from the point of view of the agriculturist. Thirdly, in the case of the large landholders, a part of the land may be surrendered to the government at pre-project rates. It seems to me, sir, that Professor Ranga got scared at this third alternative, which is intended only for large landholders.

Then, lastly, there is the question of underdeveloped areas. The first thing to remember is that so much of the area in this country is undeveloped, because the country is itself undeveloped.

I am sorry there is some kind of Oliver Twist tendency on the part of the states and the difficulties of these areas. There was a time when, I am quite certain, the people of Rajasthan would have been very very happy over the inclusion of the Chambal project, but today they just give me bare thanks, or the Planning Commission, bare thanks for the inclusion of the Chambal project and complain that adequate provision has not been made for the development of the area.

About Orissa, I pointed out in a speech some time ago that Orissa really is receiving by way of assistance, about as much as its annual revenue, for the completion of a very important project. I do think that Orissa ought to concentrate on that project instead of raising a lot of doubts about its efficacy, or about the way in which it is handled or about the manner in which repayment will be made. I am quite certain that far greater attention will be paid to the subsequent needs in the Hirakud area, regarding the starting of factories and so on, if Orissa were to stand united behind the Hirakud Project and not drag other red herrings across the path.

The Centre found itself in a very difficult position to promise any larger assistance for the development of areas, for the simple reason that the award of the Finance Commission is not yet in our hands. We rather suspect that it will mean a transfer of resources – from the centre to the states. How much it will be I am not in a position to say, I shall have to find the money not only for the current year but also for the next year. That is to say, the award will be retrospective from the beginning of this financial year. After the results of the award have been assessed, then it should be possible for the Centre to make that special investigation to which a reference was made by one of the hon'ble members who read out from one of the financial integration agreements. It is not our desire to shirk any enquiry. An enquiry will be made, and I have no doubt that a clear picture will emerge out as a result.

I should be very sorry if it really does turn out that it is not a national Five Year Plan, because by the action of the Communist party it will cease to be a national plan, and because one-and-a-half years have passed already, it is not a Five Year Plan. The socialists, and the Praja Socialist member have already stated that it is not a plan. It is like the Grand Trunk express, which is neither grand, nor trunk, nor is it an express.

Reference

Rajya Sabha Debates, cc. 2419-37.

LANKA SUNDARAM

The Role of the Press

13 March 1954



The Press (Objectionable Matter) Amendment Bill generated long and heated debate. It was criticized as being an affront to the freedom of the press and as a Draconian measure.

I rise to oppose the Press (Objectionable Matter) Amendment Bill. I had sat through twelve-and-a-half hours of discussion not wishing to get involved in constitutional and legal arguments. The House will bear with me if I may say so, that I am now speaking as a working journalist which I had been during the past twenty-five years and which I happen to be even today. I had the privilege of seeing from that gallery over there, for a period of ten continuous years, the battles royal fought between the late Bhulabhai Desai, late Satyamurthy, the late Jinnah against Craik, Maxwell and Mudie. I remember the historic occasion – in 1937, I believe – when standing from this bench, Mr. Satyamurthy, spoke for seven hours continuously, I think on the repeal of repressive laws. I say this because I have had the privilege of working in the gallery and as a newspaper editor and proprietor.

My objections are five in number and before I read them – I will give them briefly. I must confess my profound sense of sorrow that such an elder statesman as my hon'ble friend, Dr. Katju has no value for assurances given and promises made. I have no desire to waste the time of the House, but you will recall that at the time when the Constitutional Amendment Bill was under discussion, and also at the time when Mr. Rajagopalachari spoke in 1951, specific assurances were given – and I have got them recorded here – to the effect that this will not be a permanent measure. I regret to say that it is becoming a permanent measure; two years were never necessary for this. I am sorry that my hon'ble friend, the home minister does not believe or remember these assurances. If he is not prepared to respect the assurances given by his predecessor, God help this country.

Having said this, I will proceed to catalogue my objections to this bill in as short a manner as possible. I consider this bill to be a punitive measure. It is a measure which has put the fourth estate under duress. It is one continuous process of coming from behind, and not letting the quarry know when it will be pounced upon by the long arm of law. I am speaking from my experience of twenty-five years, not as a politician but as a journalist. Nobody objects to your swooping down on papers which make scurrilous attacks or which indulge in character-stabbing. I am completely in agreement that my hon'ble friend, the home minister may proceed against them as he wishes to. But there is the ordinary law, the Indian Penal Code, to deal with this matter.

I have made an attempt to note down certain journals, at random, which have been proceeded against. Here they are: *Ujala* in Hindi, *Unmad* and *Masti* in Marathi, *Kalai-Nasan* in Tamil and *Mulukola* in Telugu. I can go on listing them. I have no objection to the government proceeding against those papers that make scurrilous personal attacks or indulge in character-assassination. But that is not a reason why a bill should be brought forward by which the entire forth estate, the entire newspaper profession, is sought to be penalised. I consider that the newspaper profession in this country has had a most glorious record of public work. I happen to have lived abroad for about ten years and I know something about the

functioning of the press in other countries. I can say with a sense of pride that we can still trust the press in this country, and the various professional associations which are setting up a high code of conduct and morality, for newspapers and even publications.

I will give my objections to the bill. I regret to say that the competent authority is going to be the district judge and jury. It is part of a very sly process by which the government is trying to introduce what the French would call *droit administratif*, that is administrative justice. I have seen the manner in which *ad hoc* tribunals for labour and corruption cases, and advisory councils on preventive detention cases are being operated. Little by little, the law of the land is being nibbled at, and special procedures and tribunals are being created. The provisions relating to the judge and jury business, against which my hon'ble friend Pandit Thakur Das Bhargava spoke so vehemently, and to my mind so convincingly, are not necessary.

The second objection is this. And I want the hon'ble House to bear with me for a few seconds. We have declared ourselves to be a welfare state. Unfortunately it is fast becoming a bureaucratic state. Neither Parliament, nor the state legislatures, nor ministers at the Centre or in the States are able to run the administration. Little by little every aspect of administration is being vested in the hands of bureaucrats. If I am not mistaken, as one having some experience of prosecutions in these newspapers, some small minion in the secretariat somewhere would decide that some action should be taken against such and such paper; and the whole machinery is geared up and finally prosecutions are launched. My hon'ble friend Shri Chatterjee has pointed out a case in Delhi where for three thousand rupees, thirty thousand was sought to be extracted as fine or security, whatever it was. I also know something about this case personally, because I have been a resident of Delhi for about twenty years. The mistake of a small man in office led to this debacle.

The third objection is this. I would have expected, my hon'ble friend Shri Chatterjee to go hammer-and-tongs against the press barons, the tycoons who are managing the newspapers in India. I know, and my friends know, that sons and sons-in-law of people in high places are being employed to screen the activities of these press

barons. The case happens to be this. Thousands and thousands of small papers are really the beacon-holders and torch bearers of liberty in this country. This bill will be utilised, as it has been said, against these small and independent papers which are now sought to be muzzled. This bill in particular reminds me – Mr. Deputy-Speaker, you were a very prominent member in the old Central Assembly – this bill reminds me of something like the Princes Protection Bill, seeking to protect bureaucracy and certain political parties.

My fourth objection is this, and I want the House rather to be generous in following this argument. The vast majority of the weekly papers are printed on a job-printing basis in printing presses. As my hon'ble friend Pandit Thakur Das Bhargava said a little while ago – and also my hon'ble friend Shri Valltharas – these are ordinary job works given to newspapers or keepers of the press. Now a vicarious punishment is sought to be made. I know a number of cases. I have been a publisher myself of newspapers and books, and I can tell you this. You are making these printers also responsible for the matter given to them for composition, which they cannot understand, about which, in any case, they cannot possibly do anything to control or determine. This I consider most objectionable. I am sorry that the presses are being penalised under this law.

This is my last point and I am done. In England, United States of America, Iran, South Africa, Jordan, and other parts of the world, there is no provision for pulling up any newspaper for supposed criticism of the head of a friendly state. They are proceeded against under the common law of the land. I do not see any reason why we should have this law and bring this question under the purview of this law.

I again repeat that the country is entirely with the government for the removal of scurrilous literature, but is not in sympathy with the other provisions. When the counter-attack by some of the points on which the commission made very positive recommendations. But I regret to say that my hon'ble friend, the minister of information and broadcasting did not feel called upon to include these as some of the duties for which the registrar is to be maintained at the taxpayer's expense.

The more important point, as far as the commission's recommendations go, which unfortunately the bill does not make any reference to, is with regard to the applicability of this bill to news agencies also. I regret to say that to the extent to which the Indian news agencies are not brought within the purview of this bill, to that extent the bill will become a dead letter, in the sense that it excludes a wide sector of newspaper activity in this land. I sincerely hope that even at this late stage, the minister would consider ways and means, even through what we call consequential amendments to the bill as drafted, to bring in the news agencies within the ambit of this measure. I believe that the whole country and the entire newspaper profession will be behind this particular suggestion of mine, because I have reasons to know that this lacuna or omission (on the part of the hon'ble minister has not been appreciated at all. In fact, there was a tremendous amount of protest regarding the manner in which the news agency business has been kept out of the scope of this bill. Here, with your permission and the permission of the House, I would like to draw attention to a letter written by Shri Nirmal Ghosh, president of the Indian and Eastern Newspapers Society to the hon'ble minister in which instead of cooperating with the government, as announced from house tops, they have saddled the minister with certain doubts, difficulties and impediments. I wish I had time to go through all the points made in this letter and, I am sure, the minister would not repudiate the existence of this letter. It says: 'The definition of working journalist is loosely worded and will create problems in administration ... The claims of discipline in any well ordered unit of industry must be recognised here also.' Then it says that everything must be done to ensure that only newspapers with a turnover of five lakh rupees and over should be brought within the ambit of the bill. I only wanted to say that there is resistance on the part of the newspaper world, particularly the monopolist section of it, to any action taken by the government, and I am prepared to suggest very seriously that my hon'ble friend, the minister was, perhaps, slightly hesitant to bring in this category of information – the recommendations on which from the Press Commission I have already quoted – because of this opposition from the newspaper world.

I think the House is entitled to know one point, namely, that apart from this registrar, there is what is called the press council which has got to function. The press council cannot function without adequate information and if this type of information, samples of which I have read out, which the press commission said must be brought within the scope of this bill is not made available to them, they cannot function properly. This is one additional reason why I make bold to say that the minister, even at this stage, should agree to what is being incorporated within the provisions of this bill, the recommendations which I have read out in particular from the press commission so that the register of information will be adequate and comprehensive and will be useful to the press council. I am sure the minister would not deny that the press council must be enabled to function properly — and further it must have access to information, and this is what I feel must be done at this stage.

For example, I am prepared to make a few suggestions — and I am sure the minister might still be in a position at this late hour to accept them — that the registrar should be made responsible for the collection of information on points like these:

- (a) Copies of the audited profit and loss account and balance sheet with such details and in such form as may be prescribed by the government.
(I concede that the government can prescribe the manner in which this should be obtained.)
- (b) List of subscribers in the form which may be prescribed again by the government.
- (c) List of employees, their classification, their pay scales, leave rules etc. as on the last day of each year.
- (d) The number of employees dismissed, resigned or left service, the amount paid etc.

This information is very vital in order to see that when eventually the other recommendations of the commission are implemented the workers in the newspaper profession are also properly dealt with.

I must be very emphatic on one point, namely, that the monopolist section of the press as constituted is a danger not only to the

newspaper profession but also to the public at large in this country. Nobody, least of all myself, would be anxious to see that the goose that lays the golden eggs should be killed. In India, today, the newspaper industry, especially a major section of it, is worked on a chain basis, on a monopoly basis. I am not here for the destruction of the press. I am here for its improvement and, I am sure, the minister would not disagree with me on this point. Improve it by all means, and for that information of the type I have mentioned just now is absolutely necessary, and it can only be made available if suitable amendments are accepted even at this late hour within the ambit of this bill, and I do hope that the minister would cease to mock at them.

Reference

Lok Sabha Debates, Vol. II, cc. 2125-9.

RAJKUMARI AMRIT KAUR

Family Planning

18 March 1954



Family planning or birth control has been one of the areas of most vital concern to the people and the Government of India. Rajkumari Amrit Kaur (1889-1964), as the union health minister, tried to dispel any feelings of gloom. The government alone, however she said, could not do much as it was more of a social question.

I have listened with great interest to all the speakers who have spoken this evening on this very vital issue. I am glad that this opportunity has been given to the House so that I have had an opportunity of hearing on the floor of this House as to how the hon'ble members, who are the elected representatives from their areas, feel about this matter. My own view has been expressed on more than one occasion on the floor of this House.

I do not intend to answer this evening from the political point of view so much as from the social point of view, because, after all, this is primarily a social question. I do, therefore, want to say at the outset that this is not a problem of which the government is unaware,

but at the same time I think I am right in saying that perhaps the Government of India is the only government in the world that is even attempting to tackle it from a governmental level. No other government in the world has undertaken this problem.

After all, the matter of procreation of children is a natural process and it is a very intimate process between a man and his wife, and no government can interfere in it. Therefore, I want the protagonists of birth control who talk as if the government could today bring in measures and do things to stop the growth of population, to pause and think for one moment as to what the government can do. There is little really, that the government can do. The problem has to be looked at from every point of view.

I entirely agree with those friends who say that if you raise the standard of life of the people the birth rate goes down. There are the protagonists of birth control methods, and especially methods of mechanical contraception, who say you cannot raise the standard of life of the people because of the growth of population. I disagree with them, and I think that standards of life can be raised. I believe that they are being raised, and I believe that the result of the raising of those standards will be felt in not too great a measure of time.

I also do not take the extremely gloomy picture that has been painted by the census commissioner. He would have us believe that by 1981 this country will be at an end, and that there will be nothing but starvation here. I disagree with him. I think that we have all got to put our shoulders to the wheel and see to it that our production increases, and I am quite sure that it will increase and our standard of life will then go up.

Then, there are other ways also of tackling this question. Take our society. It hurts me, it hurts me as a woman, to see women who are mothers before their time is really ripe for being mothers. This is one way in which you can tackle this problem. Why do our members here always want to resort to the method of mechanical contraceptives, without ever paying any attention to other ways, and much better ways, of solving this very vital problem? Raise the age of marriage of our girls, and I would support you in that. I was reading an article only the other day that if the age of marriage of

girls is raised – and of boys too – well, the incidence of births will at once go down.

These are some of the ways in which we have got to proceed. The methods recommended to me invariably are those of mechanical contraceptives. Why can we not raise the age of marriage – the most fertile period is between twenty and thirty – and see that in the ages of women from fifteen to twenty there are no babies born anywhere? It hurt me only yesterday to read in a paper that there was a student of twenty-four years – he was not very much more than that – who was the father of eight children! These are things which we have got to stop in this country.

I do not take a gloomy view, and I also feel that it is for us to try and put our own house in order. A propaganda is literally being carried on even outside that India and China have far too many persons living in their countries. I do not think we need worry so much about it. I am far more worried about the increase in the adulteration of food, about the increase in the adulteration of drugs, about the increasing lack of integrity in our people than about the increase of our population.

But having said that, and having said to you that we ought to attack this problem in other ways than by methods of mechanical contraception, I say to you that mechanical contraceptives have not been the blessing or the boon that those who advocate them imagine that they have been in the countries where they have been used. And I would be the last person in the world to recommend to my country and my people to follow wholesale the West in this matter. There are countries where contraceptives have been misused to such an extent that now women are barren and when they want to produce children they are unable to produce children. Then, this leads to immorality also which is what I do not want for my country. Then, the financial burden that would be cast on our country with the use of mechanical contraceptives absolutely rules the method out. Further, there is the ignorance of our people and lack of medical personnel.

But having said all this, I do wish to say to you and to the mover of the resolution, that the Government of India has taken up the question in right earnest and the paper that I placed on the table of

the House the other day, and from which the hon'ble member I believe quoted also, gives a very fair picture of what the government is trying to do. But please remember that any attempts at birth control will not show any results for at least a generation, and this is not a thing into which we can absolutely rush without weighing the pros and cons. Many things are being done in this country for birth control by our ignorant people which are an absolute menace. We have got to stop them. We have got to have a survey to see what is the best way of doing things, and I would beg the House to give me a chance of giving you results after a couple of years from the three centres – and I hope there may be more – of the rhythm methods which is the traditional method, which is absolutely in consonance with our spirit and our tradition, which I feel will give results.

I agree with the member who said that education is what is needed. And he was twitted and asked: 'Does he mean religious education?' No. But do our people realise what the birth of so many children means? Women do. I agree with the woman member who said that there are lots of women who are anxious to have a certain amount of control because they have borne too many children. Well, as I have said, the God-given means of birth control are within the reach of each one of us. Why don't we use them? I have to admit that to say: 'We recognise Gandhiji as our political leader, but we do not recognize him in other matters' makes me bow my head in shame. I do recognize him in every way, and I say to you that the longer I live and the older I grow the more I am convinced that he laid his finger always on the right spot, and he was right when he spoke against mechanical contraceptives. I do not want this country to go away from his advice in this matter whatever the wishes of the House are, that is another matter – but I personally do not favour it. But the government have, as I said, established for the present three experimental family planning centres. Also in some states voluntary organizations are working and we are asking all of them to see what education can be carried out. We are trying to give education in its widest sense in all health centres wherever we can give it. We have actually issued literature, and we are going to issue more literature. Only last May, the Government of India appointed

a family planning research and programme committee, and action is being taken to implement the recommendations made by them which have been accepted. We have even gone so far as to see that research programmes will be put through, a centre has also been established for the testing out of contraceptives that are being used today. I say to you that many of them are most injurious to health. We cannot recommend them. There must be some authority that will recommend what is good and what is bad. Nothing of that kind has been done upto today. That also has to be taken on hand. We have set up one such centre at the Cancer Research Institute in Bombay. It is not as if one did not recognize the vital necessity of planning – as Shrimati Uma Nehru said – with a view to stopping the suffering amongst women, and with a view to seeing that the children that are brought into this world are the best that we are able to give to the country. We do want to see to it that we do not ignore the science of eugenics, that we bring into this world, children that are wanted, not children that are not wanted, but then the great responsibility rests more on the man really than on the woman. One hon'ble member quite rightly said that it is man who is aggressive, but we have gone away from the fact – and we do not even wish to recognize – that there is such a thing as self-restraint. It is not so difficult as it may be said to be. I feel that if we have these proper surveys done, if we try our rhythm method, I believe that we shall be able, within the course of time, and going ahead with our food planning giving more nutrition to the people, and raising their standards of life in every possible way, to make quite good headway.

It was rightly suggested that the people should be taught. But who is going to teach them? Very few people know what to say or how to teach. So, the government have also got a centre for the training of personnel who will be trained, and who will be able to reach out to both women and men, and who will be able to advise and guide. It is not a thing that can be done in a hurry.

I would beg of the members of this House not to be over-pessimistic, not to lay all their emphasis as if all the ills of India today were due to the fact that we were overpopulated. Nothing of the kind. A great many of the ills of this country are due to poverty; it can be removed,

and it will be removed. Similarly, ignorance is there, that also has got to be removed. If that is done, everything will go all right, and therefore there is no need for a resolution like this, because as I have said the government has taken up the question in right earnest and are doing more than what the hon'ble mover has said.

We are thinking of creating a post of special officer for organizing these training programmes, and we are in constant communication with the states, asking them what they are doing, and we meet fairly frequently. I feel, therefore, that the government are tackling this problem on a practical basis, in consonance with the traditions of this country, and without feeling that this country is just going to wreck and ruin, simply because the population is increasing at a very fast rate. One hon'ble member even said that our population is increasing at a much higher rate than in other countries. I want to contradict that statement and say that it is not increasing any more than – in fact, it is even less than that – in America, and our death rate is much higher. Therefore, I would beg of the hon'ble members not to feel over-depressed on this matter. We should stand up to the problem and face it and we should do all that is in our power to see that the women, the mothers of the race, have not too great a burden put on them, and that they should be helped and guided in every way.

I would ask the members of this House, when they go back to their constituencies, and here in Delhi too, to ask the people themselves to exercise self-restraint and to see to it that they bring about those social reforms which will help us to combat this problem in the natural way without much expenditure, and propagate the gospel of raising the age of marriage of girls, and taking pledges from every young man not to marry until he is a wage-earner.

With these words, I would ask the mover of the resolution to withdraw it, in view of the assurances that I have given to him as to what the government is doing in this connection.

Reference

Lok Sabha Debates, Vol. VII, cc. 2627-36.

M.S. GURUPADASWAMY

The Second Chamber

18 March 1954



The socialist leader, M.S. Gurupadaswamy moved a private member's resolution in the Lok Sabha suggesting steps to bring in an amendment of the constitution for abolishing the second chamber at the Union level. He considered the second chamber to be a modern superstition.

Sir, each age has its pet political superstition. Feudalism was the favourite superstition of the middle ages. The divine right of kingship was the dominant superstition of the sixteenth and seventeenth centuries. In the same way, bicameralism is the dominant superstition of the modern age. When I say this, some members of this august House may become annoyed, and the members who belong to the other august House may equally be shocked. Bicameralism, in fact, has assumed almost the position of an axiom in political science today. If anything is done or said against it, it may naturally disturb the habit of thought of a century and a half. It may also disturb a few of us.

Mr. Marriot, in his lucid and useful book on *Second Chambers* sets out with a quotation of the historic phrase of Abbe Sieyes – ‘If a second chamber dissents from the first, it is mischievous; if it agrees with it, it is superfluous.’

He calls it ‘the superficial dilemma propounded by the arch constitution monger of the French Revolution’, but on the next page, he admits that ‘theory finds it difficult to escape the dilemma propounded by Sieyes’. Then, how can it become superficial?

Mr. Marriot opens his book with a remark – and some members may agree with it – that ‘with rare unanimity, the civilized world has decided in favour of a bicameral legislature.’ Here he only reiterates a fact without scrutinising it. He justifies it on the ground that the choice of many nations justifies it. This is no valid justification at all.

If the majority of nations practise a particular thing should we also practise it? If the majority of nations hold a particular belief are we also obliged to hold that belief? Sir, I feel this is majority principle carried too far. That is why I said in my opening remarks that bicameralism has become a superstition uncritically accepted as a first political principle by political thinkers and writers.

Generally all political institutions are the result of historical evolution which in turn depends upon the play and conflict of divergent ideals, interests and forces of each nation.

For instance, in the case of the mother of Parliaments, the evolution of a bicameral form was accidental. Now, after having lived a long life this self-styled mother of Parliaments is afraid of a single life today, though this dualism has given rise to crisis after crisis and convulsion after convulsion.

In the United States the main problem which confronted the constitution-makers was how to bring about confederation and then federation of many independent states and to provide them equal status under the constitution. So, they had to devise the mechanism of a senate to provide equal representation to all the federating units. But the supremacy of the second chamber in the American constitution is most illogical, injurious and dangerous and cannot be justified. Its powers depress the spirit of the House of Representatives.

In Switzerland the council of states has been regarded even today as the fifth wheel in the coach.

Though the two-chamber legislature exists in most of the important countries of the world, nevertheless it is an outmoded and antiquated institution, which does not satisfy the requirements and demands of the modern age. Because of this outmoded mechanism, the power of the legislative branch of the government has declined and the other two branches, executive and judiciary have assumed importance. If the law-making body has to function more effectively than now, then the only way in which it can be done is to simplify and improve the structure of the legislative body and this can be done only by adopting unicameralism.

The Indian constitution has made a provision for a double-chamber legislature. Article 79 states that 'there shall be a Parliament for the Union which shall consist of the president and two houses to be known respectively as the council of states and the House of the People.' Except a dozen nominated members, the rest of the members are elected by the representatives of the various state assemblies. So, in effect, it means they function as representatives of the representatives of the people. The creation, presence and continuation of such a body of indirectly-elected members is an insult and danger to the prestige, power and dignity of the directly-elected chamber. In a parliamentary democracy the representative government should be run exclusively by the House of popular representatives alone and by nobody else. The power that is exercised by the council of states is to that extent a positive limitation to the power, prestige and privilege of this house....

It may be argued that the presence of the council of states operates directly as a security against hasty, rash and dangerous legislation and allows errors and mistakes to be corrected before they have produced any public mischiefs. I want to know how many times the council of states has really acted as a revisory chamber. Except on two or three occasions where comparatively minor verbal amendments were moved, in no other case of legislation, the council of states has shown its accumulated wisdom and foresight which can be called superior to that of the popular chamber. On no important

matter the members of the council of states have expressed their intelligent disapproval....

Still some people may argue that the second chamber is necessary to check the first. Then, I ask: who is to check the second?

The Constitution of India gives equal power to both the House of the people and the council of states except in bills which involve financial matter. Clause (1) of article 107 states as follows:

‘Subject to the provisions of articles 109 and 117 with respect to money bills and other financial bills, a Bill may originate in either House of Parliament.’

This provision has been the potential source of immense mischief, and it has been responsible to subvert the important rights and privileges of the House of the People which is the real representative body of the nation. During these two years many important bills have originated in the council and then passed on to us for our consent. This has made our House virtually a revising body and made the council an originating chamber which, I hope, might not have been the real intention of the constitution-makers.

At this juncture, I have to state another point which is equally important and which should go into the consideration of the House. If you look at the political composition of the two houses you will find that both of them have a majority of one party, that is the Congress. (*An hon'ble member*: That is the trouble.) Moreover, the same occupational groups representing agriculture, banking, insurance, manufacturing, education, social welfare and the like are present in more or less the same degree in both the Houses. Therefore the same influences operating for or against measures in one House are active in the other. So the theory that one House is acting as a check or moderating influence on the other has no meaning at all. In my opinion the composition of both the Houses is such that it has produced a solidarity of opinion between them, which does not warrant two chambers. Especially, the unifying tendency of a political party having a majority in both Houses practically nullifies the restraining influence of one House upon the other. Suppose in future a different situation arises that the two Houses bear different party complexion, it will then obviously

produce rivalry, conflict and deadlock which tend to act to the detriment of the public.

Some members may still justify the necessity of having both the House and the council on the ground that the House of the people represents the common man whereas the council of states represents the statesmen and the intellectual elite of society. But I find there is not much substance in the argument. I have here worked out figures to show that the House of the People is a house of able and competent representatives who can handle the affairs of the nation and the affairs of legislation without external aid and without the aid or advice of the statesmen who are sitting in the other House. Among 500 members of this House, 63 members were in the Constituent Assembly, 85 members were in the old central legislature. 147 members were in state legislatures, 88 members were in municipalities, 50 members were in district boards and 10 members were in panchayats. That means that 443 members out of 500 have been associated in one way or the other with legislation and public life. Then regarding educational qualifications of the members of this House, the figures are as follows. Members of Parliament who have received education abroad are 53; MPs who have received university education are 320; MPs who have received education upto intermediate are 48; MPs who have received education upto matriculation are 48; MPs who have received education upto middle school are 13; MP who has received education in primary school is one.

Then, the total number of lawyers in this House is 172.... If you look at these figures you will realise that this House in which we are all representatives, contains sufficient talent and wisdom to adequately shoulder the responsibility of legislation. Another House for this is unnecessary and useless.

My case for the unicameral legislature is based largely upon the causes of failure of the bicameral system of law-making in this country. The creation of a one-house legislature in no way disturbs the principles upon which the legislative branch of government is founded, nor can it in any way threaten the political rights of the citizen, either individually or collectively. This reform which I am suggesting, merely modernises the machinery of legislation and

simplifies its structure in order that the law makers may be able to cope with the present day conditions more effectively.

Sir, before commending the resolution to the House, I request the members to bestow their thoughts over it. It is not a small or trivial matter, but it is a very important problem. It is a problem which concerns the whole nation whether we should have a Parliament with one house or with two houses. We must make up our mind today.

I am not in any way bringing this resolution with a view to bring contempt to the other house. I am not bringing this with a view to cast aspersions on the members of the other house. So long as that house exists, it deserves our esteem and that house must be respected. There are few countries in the world which have adopted this single-chamber legislature. For example, Nebraska has made a success out of it. I do not want to take the time of the house by quoting parallels here; parallels are often deceptive. I conclude my speech with my request to the hon'ble members of this house to endorse my resolution.

Reference

Lok Sabha Debates, Vol. VII, cc. 2640-8.

LANKA SUNDARAM.

The Second Chamber

2 April 1954



Speaking on a private member's resolution moved by M.S. Gurupadaswamy, for the abolition of the Rajya Sabha, Dr. Lanka Sundaram pleaded for a nonpartisan approach to determining the advisability or otherwise of continuing the second chamber. He was critical of the existing composition and functions of the Rajya Sabha and wanted the House to be reformed in many ways if it was to serve any useful purpose.

The subject matter of the resolution under discussion cannot be made a party affair... I had raised at least on three different occasions in recent months specific issues relating to the powers and functions of the council of states, particularly in relation to this hon'ble House of the People. I propose with your permission, sir to go about this matter dispassionately and as structurally as possible.

I have listed twelve, definite defects in the composition, powers and functions of the council of states. There is rotational membership in the council of states, for which there is a precedent in the United

States of America. But I would like to show how the constitution of the council of states and the formulation of the powers and functions of the council of states have almost all the defects of the upper houses of most of the legislatures in the world and not many good points as far as the operation of the upper house in some of the countries of the world is concerned. I mentioned just now rotational representation. Why do we not give functions to the council of states as those belonging to, the senate foreign relations committee of the USA and make it an effective organ of the constitution? We have not done it... The council of states is just patchwork. And patchwork cannot yield results. For instance, the senate foreign relations committee screens diplomatic appointments. Every ambassador appointed by the president must be approved by the senate. I would rather like that the council of states gets that power. It does not have it.

The second point I would like to develop here is about this rotational system. To my mind, it is extremely bad. Every two years there is a rotation in the council of states, whereas the House of the People continues for five years. In Canada, the position is once a senator always a senator, he dies as a senator. He remains continuously a senator, free from the snares of political patronage. We do not find it here. We find nothing short of jobbery and vested interests. An analysis of the recent elections to the council of states shows that the party in power has strengthened its position. Tomorrow it may be another party. The party in power always knows how to manage it. With greater emphasis, I must say that it has become one single story of political jobbery, persons who had been routed in the elections – belonging to all parties – are brought in by the back door. To my mind, this is most reprehensible.

My third point is this, that even in the British House of Lords there are no whips issued by any party. And what is the position here? Even my friends of the Communist party are subject to a similar whip in the other House. The other day we saw the remarkable spectacle, when I had the House divided on the motion about the joint select committee on the Special Marriages Bill, that my friends of the Communist party voted with the government because of their party

affiliations in both Houses, – and their overall party leadership is from the leadership in the other House and not from the leadership in this House. I say so with great regard to all the parties concerned, but the fact remains that party whips are issued, political labels are paraded and members are controlled in the upper house by parties, a system which does not obtain in the House of Lords. This is to my mind is another objectionable feature which has got to be looked into.

As regards the ministers, nowhere in the world there is an example where ministers from the upper house have audience and speech in the lower house. This is our misfortune. There are very eminent people in the other House who occupy the treasury benches. Let us examine carefully as to why they should have right of audience. As my friend Dr. Ram Subhag Singh had put it in a different way, it is to create opportunities for people to get into the government without being chosen by the electorate and without winning the elections. I regret it is a very obnoxious feature and it has got to be stopped.

It is a trifle cheap to expect the prime minister of the country, the leader of this House, to run post-haste after he makes a statement here, to read the same statement in the council of states. What happens to the leader of the council? What are his functions? Why should these speeches be repeated parrot-like in the other House? It is only mere duplication of work, and unnecessary punctiliousness about the dignity of the council, and sheer waste of public funds.

I would like to draw the attention of the House to the so-called revisory functions of the council of states... I have drawn up an analysis, and I want to be corrected if I am wrong. Twice during its existence the upper house – council of states – made amendments to bills passed by this hon'ble house. In one case the upper house added the word 'so' in one bill. In the other case – it entered a provision for certain papers to be placed on the table of the council of states. In other words, a sort of a 'self-service' clause was added. These were the only two amendments that were made in six sessions of the Parliament. The so-called revisory function of the upper house is nothing but a shame. On the contrary, more powers are sought to be given to the upper house. The upper house had during this session an occasion to discuss the general budget even before this

House. The discussion took place in the upper house first. What for? I would like to have an answer, for what purpose the discussion was arranged in the Upper House first?

It is a matter of party interest. Frankly speaking, one gets sick of speeches made in this House being repeated in the other House. I can give an extreme example, and I want my hon'ble friend Mr. Satya Narayan Sinha to bear with me. Our friend Mr. Nageswar Prasad Sinha introduced a private member's bill on the banning of crosswords in this House, and a few days after that a member from the other House copied that bill, word for word, including the printing mistakes, and introduced it in the council of states, and we got copies of the same bill circulated to us! This is something for which I cannot find any precedent in the history of upper and lower houses in any part of the world. In other words, a sort of effrontery is going on. On the whole what is happening is a deliberate encroachment on the rights and privileges of this House. The public accounts committee controversy is fresh in our minds and the controversy on joint select committee is before us. But for political reasons, these additional functions would not have been annexed by the other House. I have to blame the party in power for having arranged these functions to be given to the other House.

There is no other upper house in the world where there is a question-hour similar to our own. It is a duplication and repetition. In the British House of Lords only six questions are permitted, and that too on two days in a week, and on very important issues. Here, day in and day out the tax-payer's money is thrown down the drain by having a question-hour in the council; for what purpose I do not know.

Sir, I have got here certain precedents. The recent constitutions of Turkey, Israel and other countries have done away with the upper house. They do not have upper houses at all. What about Norway? There the lower house is elected on a purely territorial basis, one-fourth of the elected members being re-elected to another House which functions as a revisory body, with specific duties and functions laid down. I would rather suggest that the council of states, as it is constituted today, takes hold of specific issues like hydrogen bomb,

‘rationalisation’, or any other questions of that character and makes useful contributions, instead of merely repeating what exactly is happening here.

Finally, the theory of ‘elder statesman’ or doctrine of ‘elder statesman’ does not belong to the upper house as it is at present constituted. I can give you names – but it is unparliamentary – of those who are juniors, just teenagers who have just left the colleges, in the upper house. This is something extraordinary. Unless the upper house is reconstituted on a functional basis, unless a ‘mad drive’ towards equalisation of powers of the upper and lower houses is stopped, unless the upper house functions within prescribed limits, without the question-hour, without wrangles and the ministers running helter-skelter, abolition would be the only alternative.

Reference

Lok Sabha Debates, Vol. III, cc. 3996-4003.

JAWAHARLAL NEHRU

The Fourth Amendment

14 March 1955



Prime Minister Jawaharlal Nehru moved for the reference of the constitution (Fourth Amendment) Bill to a joint committee of the two Houses. The committee was to report by the end of the month. Speaking on the motion, Jawaharlal Nehru gave expression to his views on the whole question of constitutional amendments, supremacy of Parliament and social and economic regeneration of the people.

To move an amendment to the constitution, sir, is never a simple matter. The constitution itself has provided a somewhat complicated procedure for this purpose. It is obvious, therefore, that one does not take lightly to the moving of an amendment to the constitution.

Some had told us that the constitution should be treated as some sacred, unchanging document which should not be tampered with easily. And yet, those very persons who have said so have, in another context, suggested changes to the constitution. That is to say, when the changes were to their liking, the constitution became something

which could be changed; when the changes were not to their liking, then it became a sacred document which should not be touched.

Obviously, the constitution cannot and should not be changed frequently. Obviously also, it can and must be changed when the situation requires it to be changed. In fact, the constitution itself has laid down how it can and should be changed – the procedure, etc.

Therefore, to say that it should not be changed merely because it is the constitution, has no particular meaning.

Now, this constitution is about five years old, and in the making of it, undoubtedly, there was a great deal of effort and labour on the part of many of the leading persons in this country. Some of them at least are present here in this House. Some are no more. And we are entitled to treat this constitution, therefore, with all the respect that it deserves.

Nevertheless, it should be remembered that however good a constitution might be at any time, after working it for some little time, flaws appear. Nothing is perfect, and then it becomes necessary to make changes to remove those flaws. Many of them might be minor ones of drafting. Some might be major ones. As a matter of fact, while I am proposing an amendment to the constitution in regard to certain articles, I might inform the House that we have in view a number of other amendments of the constitution also, many of them not of a vital nature in the sense that they raise a very high principle, but, nevertheless something which we think will improve the working of this constitution – because, after this experience of a few years these matters have come to our notice as they could not come to our notice when we were considering the mere theory of it. Practice brings out all these matters.

After all, the constitution is meant to facilitate the working of the government and the administrative and other structures of this country. It is meant to be not something that is static and which has a static form in a changing world, but something which has something dynamic in it, which takes cognizance of the dynamic nature of modern conditions, modern society, and at the same time has checks which prevent hasty action which might happen to be wrong. There are plenty of checks in this constitution. Now,

therefore, the fact that an amendment is proposed to this constitution now or later should not and cannot be challenged except on merits. Merely to say there should be no amendment has no meaning at all. And it is unfair to the constitution itself, and the makers of the constitution, who provided the means of amending it. Therefore, the question really is the merits of the amendment.

One other matter I might mention. I believe there is a proposal coming from an hon'ble member on the other side that this amending bill should be circulated to elicit public opinion. Well, a change of this kind in any important matter should not be hustled through Parliament, and the public should be given full opportunity to consider it. I submit that the public has been given full opportunity to consider it. So far, if I may say so, as the government is concerned, we have laboured on this for many months. I realize that the labours of government are not before the public, but I am merely mentioning this. The government with their committees and subcommittees and cabinet, were at it for many months. We consulted the state governments. We consulted others outside the narrow sphere of government. We had all kinds of drafts which we revised again and again, and then ultimately when I put this before the House, it became a public document. It was published in the press and for many months it has been before the country, and, as a matter of fact, during this period we have had many criticisms about it, many suggestions in regard to it, many learned notes, legal and other, about it, which we have considered and are considering. And I might say that in some of those notes and arguments that have been advanced, I think there are some matters worthy of consideration, and I hope that when the select committee meets, they will consider many of those proposals and see if they are worthy of adoption or not.

We do not approach the Select Committee with a closed mind about the drafting of this bill. We certainly approach the Select Committee with certain firm opinions of ours in regard to the basic provisions of this amendment or to the constitution. But, if any of the suggestions that have been made or that might be made keep that firm principle intact and improve the drafting, then certainly I hope the Select Committee will adopt that.

Now, what basically do these amendments deal with? Basically they deal with the power and authority of this Parliament, that is to say, how far that power and authority of this Parliament can be exercised without review or check or other decision against it by the courts, by the judiciary. Now, one of the fundamental bases of this constitution and our general practice in this country is to have an independent and powerful judiciary. We have respected that, and I hope we will continue to respect it. There is no question of challenging, modifying, limiting or minimizing the authority of the judiciary in this country. That should be understood, and therefore, what the judiciary, the high courts, or the Supreme Court, decide we inevitably accept, and we act upon it. That is one thing. On the other side, if I may say so with all respect to the judiciary, they do not decide about high political, social, or economic or other questions. It is for the Parliament to decide. It may be, and it often is, that in interpreting a law of Parliament, or in considering how far that law is in their opinion in conformity with the provisions of the constitution, they may indirectly decide on social and economic and like matters. In some countries, great countries, the Supreme Court has by its interpretations widened the strict provisions of the constitution; it has actually widened them. It may restrict them too. That is true. But the ultimate authority to lay down what political or social or economic law we should have is Parliament and Parliament alone; it is not the function of the judiciary to do that.

Now, the mere fact that I come up before this House with these amendments to the constitution shows our respect for the judiciary. We accept the interpretation by the judiciary of the constitution. Having accepted that, we feel it is not in consonance with the social or economic policy that we think the country should pursue. Therefore, we do not bypass the Supreme Court; we come for a change in the constitution, accepting their interpretation of it.

Now, it so happens, as I just said, that there are some people here, many perhaps, who themselves participated in the drawing up of this constitution in the Constituent Assembly, and they naturally have their own opinions as to what was meant by the constitution as drawn up. It was my privilege in fact to move this article, or the corresponding

one, before the Constituent Assembly, and I give expression to my views as to what it meant fairly clearly then; but I am a layman. A very high constitutional and legal authority, Shri Alladi Krishnaswami Ayyar, also spoke; my colleague here sitting to the right of me also spoke; and they gave expression to a certain viewpoint in interpreting the very articles that we are putting forward. One might presume, therefore, what the intention of the movers of those articles was when they placed them forward, and, therefore, what the intention of the Constituent Assembly was at the time. But we need not trouble ourselves about that. If the Supreme Court or the high courts of this country have interpreted those articles in a different way, contrary to the intentions as expressed by the very movers of these articles in the Constituent Assembly, they have every right to do so. We cannot say, they should go back to refer to the speeches made and the rest. It simply means that we who put forward these articles were in error in drafting them. We did not put forward, we did not define precisely, what we meant. And, therefore, we have to come to this House, to Parliament, now to change the drafting, the wording, to give effect to what was clearly meant then. But let us for the moment forget what was meant then – that chapter is over. We have to deal now with the present position, the present situation with the experience of these last five or six years behind us.

Once before we came to this House for an amendment of the constitution, more or less relating to these very articles. Why did we come then? Because owing to certain interpretations of the judiciary, owing to certain decisions of the superior courts in this country, there was great delay in giving effect to the basic policy which this government and this Parliament wanted to pursue, the basic policy in regard to land reform, to the reform of zamindari and like estates. If there is one thing about which I imagine almost everyone in this House was agreed, with minor variations – some people might have thought that it did not go far enough, and some people might have thought that it went too far, but I think everyone in this House was agreed – and I should say the vast majority of the people in the country were agreed, it was that land reform was not only essential, but urgently essential in this country, in fact that it had been delayed

too long. Now, a number of states – state legislatures – passed bills or acts in regard to land reform in those states. Then, there was a long story of delay, injunctions, all kinds of writs, etc., I have forgotten the legal language to describe all these manoeuvres of lawyers and the like. Anyhow, there was delay after delay. It is an extraordinary thing. Here are elected legislatures giving effect to a programme which had been shouted out from the housetops for years before; and everybody knew that; there is nothing secret about it. And because of some legal difficulty it was held up year after year. So we came to Parliament, and some amendments to the constitution were passed by this Parliament, which at any rate made it easier to deal with that zamindari legislation. That chapter was over, although even after that, the ingenuity of lawyers has found many ways of coming up to the high courts and the Supreme Court to delay matters. Now, while that particular chapter was over, other difficulties came in, and are likely to come in. There was the case – the House might remember – of the Sholapur Mills, where it was not a question of acquisition, but rather of the government taking it over for the time being to run it, because a great deal of mischief had been done to it previously, mischief which even was enquired or was being enquired into in the law courts. We had not a shadow of doubt in our minds that this question did not raise any idea of compensation. We were not acquiring anything, requisitioning anything. Nevertheless, the courts in their wisdom decided that this too was governed by that clause about compensation, and naturally we obeyed them, we bowed down to the decision of the courts.

These and many other matters have delayed essential action, action that we thought was necessary and essential. Also, it appeared to us that unless this matter was clarified, we might have to face similar difficulties again and again.

Now, the object of the amendments I am placing before this House is to clarify this matter, to make it in precise language perfectly clear, so that the decisions of this Parliament might not be challenged in regard to these matters in the court of law.

Now, what are these amendments? In the main, as I said, they merely state what the authority of Parliament is. Some people may

imagine and may draw a dark picture of expropriation and the like. I am not going into that question. But so far as these amendments are concerned, it is perfectly clear that there is no question of expropriation, etc. The question really has resolved itself as to the manner and the quantum of compensation. Now, I had thought, when we passed this article in the Constituent Assembly, that we had made it perfectly clear that Parliament would fix either the quantum of, or the rules governing, compensation, and after that, there would be no challenge at all. Well, in spite of that, it has been challenged – and in fact, challenged effectively. The question, therefore, is not one of expropriating without compensation. But the quantum of compensation to be given and who is to fix it. In fact, what we are doing, so far as Article 31 is concerned, is that we are merely repeating, but in more precise and clear language, what we had said before. That is, previously it had been said – I need not read it; the House knows it – that there would be compensation but Parliament would determine the quantum of it or fix the rules governing it. But we had made one distinction, that is, where there is no acquisition; that is, a distinction between what might be called compulsory acquisition or acquisition of property by the state on the one hand, and any alteration, modification or extinguishment of the right of property by regulatory laws on the other. That distinction, we thought, was there previously. But anyhow, it is not clear enough, evidently, or else the courts would not have decided as they have done. Now, we wish to make that perfectly clear. So far as the acquisition of property is concerned, the old law holds. So far as any modificatory rules or extinguishment rights, etc., without acquiring it, are concerned, they are to be put on a separate basis. That is the main thing in regard to Article 31.

Then in regard to Article 31A, we go a step further and enumerate a number of matters in which the Parliament's decision in regard to compensation will be supreme and will not be liable to any decision contrary to it by the judiciary. What are those matters? I shall not read them out, but I may mention some of them.

In Article 31A, after enumerating a number of matters, like (a), (b), (c), (d), etc., we say – Notwithstanding anything contained in

Article 13, no law providing for acquisition, etc., shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Article 14, Article 19 or Article 31. There is no mention of compensation because compensation will be mentioned elsewhere, immediately. Articles 14, 19 and 31 have been referred to by the judiciary repeatedly in this very context. We want to make it clear that the law that is made by Parliament or by the state legislature will not be considered ultra vires Parliament or that Legislature on this ground. That does not mean that no compensation will be paid in these matters. Speaking for myself, I can imagine or conceive of a thing whereby in the case of a slum no compensation might be necessary or desirable. I think it is a crime to have a slum, for the person who owns the slum and for the state that tolerates it. But that is a different matter. Leaving that specific case out, generally speaking, compensation in all these cases will be paid according to the constitution, according to our general practice.

Now, there are two types. One is compensation to an individual for depriving him of his individual property for a specific purpose. Now, that stands on a separate footing, in my view, from some social scheme, of social reform, some social engineering or the like – just like the zamindari system, that is not a question of an individual, but of a system being changed. You might make some other land laws; you might, as suggested in this, put a ceiling on land holdings. All these are not individual cases of land acquisition. In the case of normal land acquisition, the normal laws prevail and the normal full compensation is given, but where all this affects a much larger sphere, the social sphere, then we have provided differently. If we are aiming as, I hope, we are aiming – and we repeatedly say we are aiming – at changes in the social structure, then, inevitably, you cannot think in terms of giving what is called full compensation. Why? Well, firstly, because you cannot do it. Secondly, because it would be improper to do it, unjust to do it, and it should not be done even if you can do it, for the simple reason that all these social matters, laws, etc., are aiming to bring about a certain structure of society different from what it is at present. In that different structure, among the other

things that will change is this – the big difference between the ‘haves’ and the ‘have-nots’. Now, if we are giving full compensation, well, the ‘haves’ remain the ‘haves’ and the ‘have-nots’ ‘have-nots’; it does not change in shape or form if compensation takes place. Therefore, in any scheme of social engineering, if I may say so, you cannot give full compensation, apart from the other patent fact that you are not in a position – nobody has the resources – to give it.

At the same time, there is the approach of those of our friends who think that in the circumstances, no compensation should be given, there should be expropriation and the like. We do not accept that. We do not accept it because, apart from any other reasons, we do not think it is a practical proposition. I am not going into the merits of it – much can be said on the merits. But I do not think it is a right or practical proposition. We do want to give compensation and we intend to, as we have been doing. But it is patent that the compensation that has to be paid is not a kind of rule of thumb, that the compensation that you give should be the market value of the property. It cannot be done, if you have to think in terms of India as a whole state; you have to think not only of the type of property but the history behind it, the social consequences behind it and all that kind of thing in determining the compensation. The object is not to expropriate, the object is not to injure anybody; the object is a positive object, to bring about a social change for the benefit of the largest number of people doing the least injury to any group or class.

Now, in a matter of this kind, therefore, where you have to consider all these factors, political, social, economic, I submit that the judiciary is not the competent authority. The judiciary is a competent authority to judge – is this the market value or not? They are more competent than Parliament to decide that, but when you have to consider social and economic policies, obviously it would be unfair to cast the burden on the judiciary and it is only Parliament or the state that can do it.

Now, you will see that this applies to both Parliament and the state legislatures. But, in so far as the state legislatures are concerned, there is a saving clause to the effect that: ‘Provided that where such law is a law made by the legislature of a state, the provisions of this

article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.'

I would like to draw the attention of the House to something that is not adequately stressed either in Parliament or in the country. We stress greatly and argue in courts of law about the fundamental rights. Rightly so, but there is such a thing also as the Directive Principles of the constitution. Even at the cost of repeating them, I wish to read them out.

The provisions contained in this part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws.

The state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

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;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

and it goes on about equal pay for equal work, both for men and women, and about the health of the people and that childhood and youth are to be protected against exploitation. These are, as the constitution says, the fundamentals in the governance of the country.

Now, I should like the House to consider how you can give effect to these principles if the argument which is often being used even, if I may say so with all respect, by the Supreme Court is adhered to. You can't. You may say you must accept the Supreme Court's interpretation of the constitution. They are wiser than we are in interpreting things. But, I say, then if that is correct, there is an inherent

contradiction in the constitution between the Fundamental Rights and the Directive Principles of State Policy. Therefore, again, it is up to this Parliament to remove that contradiction and make the fundamental rights subserve the Directive principles of State Policy.

Therefore, without going into further details of these matters, I would like to commend this bill to the House. Other amendments are, more or less, of a similar type, amendments to Article 305 and the ninth schedule. I would not like to go into those in detail. The main purpose is to remove this apparent contradiction that has arisen owing to the decisions of the Supreme Court between certain parts of the constitution, between certain articles on the Fundamental Rights and the Directive Principles of State Policy in Part IV of the constitution: and to make the constitution more harmonious, it has become necessary. In doing so, I repeat, we are not denying compensation or saying that there should be expropriation. But, first of all, we repeat that compensation should be determined by the state or by rules laid down by the state. Secondly, we distinguish between acquisition and requisitioning on the one side and extinguishment of some rights on the other. There is a difference between the two. Thirdly, we lay down certain matters specifically, some relating to land reform, some relating to rehabilitation and relief of refugees, some relating to slums and vacant places, these things which are certain social things. We make it perfectly clear. It was not necessary because once you define that Parliament is going to be the judge of compensation, the manner and quantum of it, it is not necessary to have that long list. But, in order to make that assurance doubly sure and to prevent any other interpretation in future which might, perhaps, produce additional difficulties, we give that long list. In my view, it is not necessary but it is better to be sure about that and not to leave it to chance. Therefore, I move that this bill be referred to the joint committee which I have named.

Reference

Lok Sabha Debates, Vol. II, cc. 1943-58.

A.K. GOPALAN

International Situation

17 September 1955



One of the salutary practices during the period of Jawaharlal Nehru's prime ministership was that of the prime minister himself from time to time moving that the international situation be taken into consideration. The debates that followed were highly educative not only for the members but for the people at large. Participating in one such debate on 17 September 1955, the communist leader, A.K. Gopalan spoke mainly on the problem of the continuing colonial rule over Goa and the Congress government betraying the trust of the people by banning all forms of satyagraha for the liberation of Goa.

I am not going to touch all aspects of the international situation. I wish to concentrate on the problem of Goa, because it is the main concern of the people of our country today. Especially after hearing the prime minister's speech which has surprised many of us, wherever we have found contradiction, it is necessary to point out certain facts. I want to say that the prime minister's attitude towards the problem of Goa was entirely different from what he has spoken today.

The citing of panchsheel, the Geneva Conference and the other developments that have taken place have made a big contribution to the lessening of the international tension. Our country too has played an important part in this change of the world situation and all of us are proud of the prestige and appreciation that India has gained on account of the part that she has played and also in support of the popular forces struggling against colonial rulers. It is also true that it is the force of the people in this country and also all over the world that has brought these changes. If anybody says that it is only due to the manoeuvres of the skill and intelligence of certain individuals, then certainly one would not agree with him. It is the desire of the people all over the world for peace and also their determination to struggle for peace that have brought about these changes.

I have to point out that there are certain things happening here in this country that go against the cause of peace. I am referring to the passage of war equipments and materials from this country to help the British fight against the Malayan people.

Not only for the Malayan campaign, but we also understand that war supplies to build the SEADO base in Singapore are also being sent from this country through our ports. Not a month passes without some equipment being sent out from these ports; not a month passes without certain planes touching our country which are directly of the military type or which carry soldiers and equipment to Malaya and Singapore, the headquarters of SEADO. Why does the Government not ban such activities, if they are happening? As in Malaya, the British are continuing their murder in Kenya. We hope that the Indian delegation to the United Nations Organization will certainly take up the question of Kenya in the next UN Assembly.

German militarization and the question of their revival under the Paris agreement are matters of very great importance. Certainly it will attract the attention of the people of the whole world. After the Bandung Conference, the conditions are favourable for working together with the Chinese people for what is called a collective peace for Asia and the Pacific region. Chou En-lai, the prime minister of China, has in July and August spoken about these things. I do not

know why our prime minister does not take the initiative in these things to strengthen the peace efforts.

Now, I come to the question of Goa. The plan of the All India Congress Committee, the decision of the government to ban all forms of satyagraha is not only a betrayal of the struggle of the Indian people, but it is a stab on the back of the Goanese people themselves. The trust of the nation has once again been betrayed by the ruling party.

I have heard the prime minister speak today. Though he has often repeated that it is against our basic policy, as my hon'ble friend Shri Ashok Mehta has said, nobody has understood what the basic policy of the Government of India today is. To sum up, the basic policy of the government is, no police action, no mass action, no individual action, everything goes out of action. That is the policy of the Government of India. Goa borders are sealed; nobody can enter Goa. If anybody approaches the border, he will be arrested by the Indian police. Indian government is policing the Portuguese colony.

How to liberate Goa? As far as the liberation movement is concerned, the prime minister has brought in panchsheel, he has brought in peace; he has said that there is a larger interest and that any action taken against Goa in liberating Goa is against the larger interest. There are only two ways of liberating any country. The liberation struggle is fought by the people. We have the example of the liberation struggle in our own country. The liberation struggle is carried on by the people where the people are oppressed, where there is an oppressor and the oppressed. Where there are some pockets which are even today under colonial rule, it is the duty of the government to support the people, and for the government to fight for the liberation of these colonies. People's action has been banned. The ban of the people's action to liberate Goa certainly means banning the right of the people to support the liberation of Goa.

The prime minister has today said that their policy was the same. If I have understood what he has said, it is true that the desire of the government themselves and the ruling party was that there should be no mass action in the country. As far as the Congress president was concerned, as far as the prime minister was concerned, they had

given moral support to the liberation of Goa. Before 15 August the Congress and the government morally supported the struggle. The Congress president in a speech said, 'We are pledged to the liberation of every inch of Indian soil and shall not rest until we have fulfilled that pledge.'

In another speech in Madhya Pradesh he said that it was a call not only to the Congress, but to the nation as a whole and the struggle must be intensified on the basis of nonviolence. He has also said that Goa is a national issue. Now, to say that there has been no change in the policy is not correct. Satyagrahis are stopped: anybody who wants even to enter Goa and join the struggle in a nonviolent manner is stopped; even individual satyagrahis are stopped. So, to say today that there is absolutely no change is something which nobody can understand. The prime minister himself praised the satyagrahis on 15 August. He had said that at no time there will be police action. But, at the same time he praised the heroism of the satyagrahis. There was this moral support. The Goa Vimochan Samithi, the leading organization in the liberation movement consisted of members of the Congress party. There was a struggle for the liberation of Goa. It may be an individual struggle; but a struggle was there. After 15 August that struggle was stopped. Take the history of our country. We have got our traditions. Not only have we fought against the British and the French. Even when we were not free, we were helping all countries in whatever way it was possible, and supporting their liberation struggle. Today, a position has come when you are not able to support the liberation struggle on your own soil. Goa is on the Indian soil, though the prime minister has tried to make a shift and say in his speech in the Rajya Sabha that Goa is part of India, but it is not in the Indian Union. It is not in the Indian Union: everybody understands that. If it is in the Indian Union, there will be no struggle. As shown by Shri Ashok Mehta, the differentiation between Goa being on Indian soil and not in the Indian Union and the people of India remaining separate and the argument that we are supporting only the struggle in Goa is not correct. I shall deal with that afterwards. What I want to say is, the tradition of our country has been, we

had been supporting the liberation struggle in other parts of the world. Even today, if we are supporting the peace policy, it does not mean that we are opposed to struggle against colonialism in this country. Peace policy and anticolonial struggle cannot be opposed to each other. When we have the tradition of supporting the liberation movement in this country, we have supported others, today we have come to the position that not only do we not allow the people in whatever form they like to enter or to fight against the foreign government, but also, according to today's papers, the satyagrahis were kicked by the Indian police. So, what a change has come in this country. If the news is correct that the satyagrahis were kicked, as reported in the papers, certainly things are taking a very bad turn. Before 15 August it had been said by the Congress president and others that the satyagraha struggle would be intensified. I do not know what changes have come after 15 August.

The prime minister said that the basic policy is peace and nonviolence. Has anything happened in this country on 15 or 16 August against this basic peace policy? We had satyagrahas even before, but I say that in the annals of our history this is the first time that it has been conducted by all parties and groups in this country. The satyagraha which was conducted in Banda and Castlerock on 15 August was peaceful. Let the prime minister point out any instance where it was not peaceful, or where the satyagrahis were violent. He has pointed out that something has happened in Bombay after the event. After the shooting of the satyagrahis in Goa, the people in their emotion joined together to register their protest against the actions of the Portuguese and to show that they wanted to liberate Goa. If something happened when thousands of people had gathered together, that does not mean that the satyagraha must be stopped.

I do not want to go into details as to what happened in Bombay, but if the people had requested the government that the national flag, for the sake of which people had died in Goa, must be flown at half mast for some time, it was the duty to do so if they had the wisdom to understand the psychology of the people. Instead of doing that what the government has done is something which, according to the

prime minister, I can say is against the policy that they are following as far as international affairs and Goa are concerned.

That was the only incident. There was absolutely nothing else. The Goa Vimochan Samithi were very careful to see that the mass satyagraha did not create any violence, and that it was peaceful. Nothing has been said by the prime minister to the effect that the satyagraha conducted was not peaceful, or that it was violent. There was only an incident which happened in Bombay, because of which no responsible government can say that there should be no liberation movement. The Congress first was not in favour of satyagraha because there was a fear that the movement might not be peaceful, but after 15 August it was clear that the movement was peaceful and there was no violence. If that is so, then what is it that has been responsible for the change in policy? As Shri Ashok Mehta has said, we are not able to understand, what has been responsible for this change.

As the Congress president himself has said, the problem of the liberation of Goa has been a national issue. It has been an issue on which all parties and all those who were not in any party have joined together. It has been an issue on which the Indians as a whole – and not merely persons belonging to any one party – have joined together. The Goa Vimochan Samithi consisted of representatives of all parties. If even in spite of all this, there is this change, the people are not able to understand it.

In this connection, I would like to point out what the people themselves feel on this matter. It will be recalled that lakhs and lakhs of people had gathered at Ramlila grounds to greet the prime minister soon after his visit to the Soviet Union. But just a few days after that, those very people had gathered at the same place to protest against the action of the government. How has this sudden change come about? The people had greeted and hailed the prime minister earlier for the policy that he has been following, the policy of fighting against the oppressor, and fighting for the freedom of the people. But after 16 August, those very people came out and said, there is no use of satyagraha against the fascist butcher, we have been conducting satyagraha for the last eight years, but there has been no result; and so, the people mobilized themselves and said, now there

must be police action, peaceful police action, for that alone will solve the problem of Goa. The government must do something in this regard, for as far as Portugal is concerned, peaceful methods are of no avail. That was how the people felt over this matter.

That was amply demonstrated on 16 and 17 August all over India, including every nook and corner of India. Even in villages where there was no political activity before, all the people came out together and demonstrated that the problem of the liberation of Goa was dearer to their hearts than anything else, and that they were ready to sacrifice their lives for this cause. And they all wanted that the government must do something to help them.

But what do we find now? We are told that big international changes have happened. What are those big international changes? We are told, there is panch shila. But panch shila was there even before. So then, what are the changes in the international situation that have occurred between 1 and 3 September, that have made our government say that there should be no more satyagraha, not even individual satyagraha, and that they would not allow it? Nobody knows even now what is the reason for the change in the policy of the government now. Certainly, there have not been any big changes in the international situation within the last one month.

In the course of his speech today, the prime minister has referred to the reactions in other countries. Yes, we know what the reaction is. The prime minister has denied it, and he has said, there was no imperialist pressure, and it was not as a retreat to the imperialist pressure that the satyagraha was stopped. But there are reasons to believe, as has already been pointed out, that there was imperialist pressure. The imperialist press had been writing in such a way as to exert pressure. I wanted to quote from the writings in the British and American press, to show how they have been not only not supporting, but on the other hand slandering the satyagraha struggle in this country. But I do not want to take up the time of the House. As against this, all the Asian countries and all the other countries in the world have supported the Goa liberation struggle. There have been meetings, and there have been big demonstrations also in other countries, as for instance, in China. It was not only the governments

of those countries, but even the people there, who said that Goa belongs to India, and that the action of the Portuguese government has not been correct.

So, we know what the reaction has been. If within this one month there has been any change, it has been this, namely that the imperialists, especially the British, did not like that. That is what has been responsible for this new development.

Another reason was the fear of the power of the democratic forces at home. On 16 and 17 August, the government must have certainly seen the unity of the people, and the united upsurge of the people, and they must have understood the power of the people. They must have seen the unity of all sections of the people for a national cause, and that unity becoming stronger and stronger, with the people getting ready to sacrifice their lives for the national cause. Our government was afraid of the power of the people, and, therefore, they did not like it. That is why they stopped mass movements, where the masses were united were stopped earlier.

The prime minister has said that there is a larger interest to be kept in view, namely the interest of peace. And he has said, that panchsheel is there. But what is panchsheel? It is a vulgarization of the noble principles of panch shila and a repudiation of the Bandung declaration to say that the Government of India if they wipe out an aggressive imperialist base in our country will jeopardise the world peace and will also hinder the efforts for peace. I want to point out that panchsheel does not mean this. It is said, panchsheel means coexistence. That is correct. But there can be no coexistence anywhere in this world between an oppressor on the one hand and the oppressed on the other. The basis of coexistence is freedom. There may be one system of government in one country, and another system of government in another country. Whatever the system of government, coexistence can be between only free peoples; whatever the form of government, there can be no existence between an oppressor and the oppressed. That is what is called coexistence. Panchsheel means negotiations and peaceful settlement of problems between government. Yes, negotiation and peaceful settlement of problems. But here on the one side, there is the oppressor; on the

other, there are the Indian people and the Goan people together. As my friend, Shri Ashok Mehta has said, I want to show that there is no question of separation. We are one; historically, geographically and culturally, the people of Goa and the people of India are one. But we are separated. It is not our fault that we are separated. We had been separated because we had not been able to defend ourselves. Even when Vasco da Gama came – I was reading the history of Portuguese rule in India – to Calicut, he was driven away by Marikar. Then he again came to Goa. So the Portuguese came to conquer India; we were not able to defend ourselves. So it a continuation of the occupation of our territory by a foreign power that we see in Goa. We sent them away from here but after that, the struggle is continuing from Goa.

So panchsheel means negotiations between two governments. But, I submit there can be no negotiations between the oppressor and the oppressed. The basis of panchsheel, the basis of coexistence, is freedom. The countries that are free today may have different systems of government, whether it be the capitalist system or the other system. Whatever their system of government if two countries are free, there is coexistence and there must be coexistence. That is the principle of coexistence – and not coexistence between Salazar and the people who are oppressed.

We cannot compare peace and anticolonial struggle. The Bandung Conference declaration was a declaration against colonialism. That declaration was an affirmation that the subjection of the people to alien subjugation, domination and exploitation constitutes a denial of the fundamental human rights and is contrary to the charter of the United Nations and is an impediment to the policy of world peace and cooperation. So if you want to continue the policy of peace and cooperation, you have to find what is the impediment. The impediment to peace and cooperation between nations is subjugation, domination and exploitation by a foreign power. So it is in the interests of world peace and cooperation that we want that colonialism must end, and the Bandung declaration definitely says that there is something that is standing in the way – subjugation, domination and exploitation by a foreign power. It is a denial of the

fundamental rights of man and is contrary to the charter of the United Nations; it is also an impediment to the policy of world peace and cooperation. So as far as the Bandung declaration is concerned, the Government of India should take action today. Because here is a colony, an imperialist base. As long as it remains, it is an impediment to world peace and cooperation; it shows the subjugation, exploitation and domination by a foreign power.

The prime minister, when he spoke last time in this House, said that even the existence of Portuguese rule in Goa is an interference in the political system of India. I do not know whether the prime minister has forgotten that. You say that here the existence of Portuguese rule in a part of India is an interference in the political system of India. Panchsheel means that one country should not interfere in the internal affairs of other countries. So far as the prime minister's declaration is concerned, the very existence of Portuguese rule in Goa is against panchsheel. Therefore, as far as that declaration is concerned, whatever action we take today in this regard is fighting against the colonial system, and that action is quite correct. It does not go against panchsheel, against the principles of the Bandung declaration and against the wider policy of peace in this world. In regard to any action taken by a government I only want to point this out. I do not say that peaceful negotiation should not be there. It must be there. All of us are for peaceful negotiation. But I do not want to deal with it because my friend Shri Ashok Mehta has shown when and how and with whom peaceful negotiations can be conducted. For the last eight years we have been doing it. As I said, I have no time to deal with it just now. But here are the actions of the government since the beginning of the year. I have got them here from date to date. What are those actions? The prime minister himself the other day, when speaking in the Rajya Sabha, said: 'no, not for the sovereignty of Goa'. As far as the sovereignty of Goa was concerned he requested the Portuguese government to sit down and talk things, to understand their feeling. Even for that the Portuguese government is not willing. Not only that. They have declared – I do not want to quote – but Salazar has said, if it is about Goa, there is no question of negotiation.

Peaceful negotiation means that the other party must also be prepared. Otherwise it is just like a man who said, 'I have fixed up my marriage, it will take place tomorrow'. When asked, 'But where is the girl?', he said 'The girl is not willing, but I have fixed up my marriage and it will take place tomorrow'. Where is the peaceful negotiation here when the other party is not ready to do so? It is just like settling one's marriage where the other party has not given any permission at all.

We are sorry. We are not only not against the government; we will support the government. As Comrade Ashok Mehta has said, 'let the government come out and say; you wait for some time; we are negotiating; Salazar has changed his heart; not only has he changed his heart but also his head; so the head and heart of Salazar have changed; here are the other countries coming in support of us; so you wait for such and such time.' Then we can understand that negotiations will be conducted and a settlement will be there. The people in this country who have made so much sacrifice are ready to wait for some more time. When they have waited for eight months the people will be ready to wait for a few more months.

The policy of the Government of India today is: no action by the people; no individual action; we will liberate our country. But that is against the fundamental principle of liberation. It is only with the help of the people that liberation can take place. We fought against the British. Something happened when we started the struggle, but it was a continuous struggle against the British and the French. As far as the French are concerned my friend has already spoken about that. I only want to say this. The French would not have left the country had it not been for the struggle of the people in Pondicherry, Karaikal and Mahe. In fact, not only the action of the people in our country but the action of the people in Vietnam, where there was a fight against the French imperialism and imperialism was finding it difficult, that made the French leave India. So the most important thing as far as liberation is concerned is the action of the people. So the people must act. And as far as the French were concerned that was the lesson we learnt.

Here is an instance where the people are convinced today – if not the prime minister – that as far as things that have happened till today are concerned, here is a government that will not negotiate, that is not ready for negotiation. And we are not finding out any other powers that are prepared to come out and negotiate for them. They are not only coming out for negotiation, they give support to Portuguese imperialism.

I have no time. I want only to touch some of the points that have been raised by the prime minister last. The prime minister said that we want to follow peaceful methods and nonviolent methods, that is the policy of the government. That is very good. I want to ask the prime minister: is the policy of following peaceful and nonviolent methods confined as far as the foreign governments are concerned, as far as the imperialists are concerned and is it a policy of violence as far as the people are concerned?

The prime minister himself has said that there should be some coordination between the foreign policy and internal policy. Certainly. But, is there any coordination between the foreign policy and the internal policy here? I say, certainly not. Was there any peaceful negotiation in Darjeeling where lakhs and lakhs of workers were exploited by the foreign capitalists of the country? When they sent in their petitions to government, when they approached the government and said that they wanted two annas more, why was there no negotiation? Why did not the government interfere? On the other hand, when they came outside, government ordered to shoot them. In the name of law and order so many persons are killed in this country. I want to know how many firings there have been in this country after 1947. It is said that the government is not nonviolent and that the government cannot be nonviolent. The government has always been resorting to violence even for small reasons. I do not want to enter into it in detail. What has happened in Patna and other places? If the government's basic policy was negotiation, if the government's policy was to talk things over and to see some way out, there will not be so much firing and killing. Here it is not like that.

Goa is our country; it is our soil. Unfortunately, there had been some power there for the last so many years. In spite of our trying

for these eight years, in spite of our request to them, in spite of saying that we do not want a de jure transfer now and that we will be satisfied with a de facto transfer, the Portuguese government is not ready for negotiations. Against such a government, today, our government, the Government of India say that our basic policy is a policy of peace and a policy of nonviolence. I am surprised when you say that no individual shall offer satyagraha. What will become of individual satyagraha? It means no satyagraha. No struggle in any form whatsoever against foreign domination. That is the policy of the Government of India today.

I will only take two more minutes. Our request is, remove the ban on satyagraha. If people want satyagraha, let them have it, because a ban on satyagraha is a blot on the history of our country. We have always been struggling and we have always been in support of such a struggle not only in our own country but even wherever people have fought for their freedom. Why does not our government call a meeting of the prime ministers of the Bandung Conference countries, not only of Africa and Asia but others and ask them whether they will support us or not? It is time that we understand who are our friends and who are not. Why not call a meeting of the Asian countries and put this question and let them say what answer they have got? If time is necessary, give the Portuguese government an ultimatum and also all the nations of the world. After that, what we say is, any action, including police action should be taken. Police action should be taken even if it is against the government's policy... I have already shown that it is not against panch shila. Let us take such action, in case there is no settlement, with the support of all the nations of the world – except one or two who might even go outside – for the liberation of Goa.

There is a difference between invasion and liberation. There is a difference between a war of invasion and a war of liberation. Invasion means entering another's territory – territory which is not ours – and capturing that country for subjugation and domination. But liberation means something else. The country had been ours. It is our own soil; the people had been subjugated years ago and could not come out of it. We go there and we join them in the war of

liberation. It does not mean that there should be no negotiation. If, with the support of the nations negotiations fail, it is the duty of the government to see that even police action must be taken. But, today what I have to say is, 'remove the ban'. The people of India will march forward for the liberation of Goa in spite of the bullets of the Portuguese and the ban of the Government of India, if the ban is not removed.

Reference

Lok Sabha Debates, Vol. VII, cc. 14231-46.

GOVIND BALLABH PANT

Prevention of Corruption

22 November 1955



Replying to the discussion on the Prevention of Corruption (Amendment) Bill, the Union home minister, Govind Ballabh Pant defended the provisions of the amending bill against the criticisms advanced by members.

Sir, a number of speeches have been made on the motion which I had the privilege of placing before the House some time ago. I think the debate has gone beyond the natural orbit of this bill. The bill, as it is, is only a corollary to the existing Prevention of Corruption Act. Nobody claimed that this bill by itself can put an end to corruption. Mr. Nayar admitted that all government servants are not corrupt. I am, on the other hand, prepared to admit that every government servant is not necessarily honest so that the difference that there may be between us, in case there is any, may be related to the magnitude of the problem. But, so far as its existence is concerned, it is not disputed. I personally think that there is a certain amount of misapprehension on this subject. Corruption does exist. We have to

eradicate it. All effective steps that can be taken for the purpose should also be adopted. So far as the general question goes, I do not see there is any ground for any misgivings or any controversy. I do think that the existence of corruption, to whatever extent and in whatever measure it may be, is a blot on our society. It is a blot on our administration and it is the duty of all of us to do whatever we reasonably can to purge our society of this evil.

I believe that generally our responsible officers are honest and impartial. In fact, our administration today is being conducted by them. We have been, after all, managing the affairs of 350 millions of people through this agency. Mr. Kamath has personal experience of the responsibilities which an executive officer, especially one in charge of a district or a subdivision has to bear. These matters and this aspect should not be ignored by us. It has also to be remembered that in the discharge of public duties one has often to take action or to pronounce decisions which may not often be to the liking of some people with whom he has to join or whose affairs he has to administer, whether as a judge, as an officer or otherwise. He has, as an officer either to accept or reject a request. No man whose case is decided against him feels very happy over it. So, there are difficulties too. I have already admitted that corruption does exist and perhaps more so in the very low stages of our administrative hierarchy. So, while admitting the existence of the evil, I should like it to be appraised of its true worth. We should look at everything in a balanced way and our approach should be, as far as possible, consistent with the size of the problem, its truth and reality. But that does not absolve us of our duty to put an end to corruption. All of us have to join hands — whether members of government, whether members of Parliament, whether of bar association or others who can be helpful in removing this evil to make it their solemn duty to do all they can to put an end to this blot on our good name.

Our country has made remarkable progress in recent years not only internally but also in the international field. Still this canker has to be removed, and we should not feel satisfied till we have completely eradicated it. So far as the objective is concerned, there is no difference here. So far as the scope of the bill is concerned,

there is not much difference either, for it is a bill of a minor character, it does not go to the root of the problem. As I said it is only a logical corollary to the Prevention of Corruption Act. Sections 161 and 165 were covered by that Act. Sections 162, 163 and 164, which are more or less of a like character, were left out. So it is but proper that these sections also should be brought within the scope of that Act. It is not a panacea for the evil and we do not expect any miraculous results by the passing of this bill, but it will help us to some extent. We must assess its efficacy and its correct and proper worth. So far as it goes, I think there is not much difference of opinion. The hon'ble members would agree, and I think are agreed, that these offences are cognizable. They have already become cognizable by virtue of the Criminal Procedure Code (Amendment) Act. I have left out another clause, rather I am prepared to agree to the deletion of the other clause which requires certain investigations to be carried out only by officers above a certain standing, so that it would be open to all suitable officers to hold such investigations.

There were some inquiries as to how many cases under sections 162, 163 and 164 had been disposed of by the Special Police Establishment. These cases did not come within their purview directly and they could not inquire into them. That is the reason why these sections are now being brought within the scope of the Prevention of Corruption Act. In the circumstances there can be no figures on the subject which could be of any help to anyone, but it is obvious that when we have sections 161 and 165, we should also have sections 162, 163 and 164 in the same bill. Nobody has said that the exclusion of these sections from that bill will be of any help to anyone. The argument so far as I have followed is only about the inadequacy of the measure. As I said, I do not claim that this is a comprehensive measure or that it will put an end to all ills. So far as the larger question is concerned, I also agree that mere law, howsoever stringent, cannot be effective by itself. There are many other factors, but I would not like to refer to them and it is not necessary here.

The whole question of the revision of our laws is before the Law Commission now, and so far as the basic fundamentals are

concerned, if any difference has to be made in the matter of the law of evidence, in the law of procedure or if any amendment has to be made in the penal code with regard to offences which come within the scope of corruption, it will be the function of the Law Commission to look into this larger question. I would be grateful to the commission if it could send us any proposals in this regard. I will draw the attention of the commission to this subject and request the commission to favour us with its views and suggestions so that we may have the benefit of its ripe experience and mature wisdom. So far as that goes, I think that is all that we can do in the circumstances. So far as the agency goes, as is known to the members, we have now started a vigilance section with a view to look after this matter in a systematic, methodical and vigilant way. In every ministry we have got a special officer to deal with corruption and the director of vigilance will be in touch with all these officers in the various ministries and will himself see that due care is taken constantly and continuously to root out corruption. So, that is the administrative agency which we have set up. It is possible that the Special Police Establishment may have to be further expanded and we may have a network of suitable persons to look after cases of corruption, to examine the complaints and to see that the wrongdoers cannot manage to escape. Mere sending of cases to court does not seem to be enough or even very fruitful. You have been given figures of cases which had been sent to court and cases in which the orders of acquittal were passed. I do not know whether you can blame us. The police holds investigations, sends up a case to the court and the court finds that the man cannot be convicted. At least the police is not to blame in the matter so far as the desire to get the man convicted is concerned. It sends the man to the court. Sanction is given by the authority concerned, but still the court does not consider, on the basis of the material that it has before it, proper or just to convict the man. So we have to appreciate the difficulties which have to be confronted....

I do think that investigations should be careful and effective, but still I think that even the best of police officers cannot always prove astute and subtle enough for the defence that is set up in courts

which often proves more effective than their ingenuity and skill allow them to be....

We are trying to appoint special officers to prosecute cases of this nature. If the police is inefficient, if the best of men whom we employ are not willing to do their duty, if the prosecuting officers do not prosecute, if the judges do not convict, if the lawyers do not help, then we have to look for some millennium in this country in order to get rid of this evil, but I have greater faith and greater hope. I think that most of the people have been trying to do their duty. The question of corruption is a subtle one as I have been told. I am often told that there is considerable room for improvement in the precincts of courts. We have got the cream of our society, the best of lawyers there and they all know perhaps with their intelligence as to what is happening. Still the evil goes on and while we see all-round and say that there is a negligent man and there is that negligent fellow, still the best of our educated men are not able to tackle the problem under their very nose. This indicates the difficulty of the problem. I have often seen even persons who are as agile as my hon'ble friend, Shri Sinhasan Singh, eager to put an end to corruption complaining that those persons who had been punished for corruption were innocent....

It is a difficult problem and we have to apply our minds to it so that some solution may be found.

I am sorry that a reference was made to the jeep affair. It has been looked into, examined and thoroughly considered by a committee of the cabinet – a high-powered committee. It can be a ground, I say, for moving a motion of no-confidence against the government but so long as the government is in charge of the administration, it has to discharge its duty and see that innocent men are not harassed. It is one of the sacred functions that a government has to discharge. Simply because some people held a certain view, it cannot act in a certain way. If the government reaches the conclusion that a man is innocent, it has to be guided by its own light....

Parliament itself bears with the government and accepts its judgements. Otherwise it is open to the Parliament to adopt that course. Where matters of decision which have been reached by the

government after due consideration are questioned by Parliament, the remedy lies in removing that government and moving a vote of no-confidence....

If the government is satisfied that a man is honest according to its lights, then it has to be guided by its intelligence and by the collective wisdom of those who are in charge of the government. The government has seen the question through according to the light that it can bring to bear upon that question and if after thorough scrutiny and examination the government reaches a conclusion, it has to act under the limitations which nature has imposed on it. You cannot expect it to be wiser than it is....

You cannot expect it to have more wisdom than it has. Having gone into this, it reaches a certain decision. So, you cannot expect the government to act against its own good judgement; it necessarily is expected to act according to its wisdom and experience. When it has done that, it can do no more. It is either to be there or it is not to be there, but so long as it is there we have to bear with it with all its faults, with all its deficiencies and with all its shortcomings.

Reference

Lok Sabha Debates, Vol. IX, cc. 224-36.

GOVIND BALLABH PANT

Reorganization of States

14 December 1955



One of the most controversial pieces of legislation that came before the Houses of Parliament was the States Reorganization Bill 1955 based on the recommendations of the States Reorganization Commission. The bill was piloted by Govind Ballabh Pant as the Union home minister. The debate was stormy and the bill was fiercely attacked. Pant remained unruffled. Speaking in the Lok Sabha on 14 December 1955, he presented a genesis of the demand for the rationalization of the boundaries of the states and appealed to the members to deal with the matter in a 'becoming, graceful, calm and dispassionate way'.

I, on my part at least, have no desire to evoke any controversy or to indulge in it unnecessarily. My purpose today is only to request the hon'ble members of the House to let the government have the benefit of their views on that report. This report is of great significance. The occasion on which we have started discussion today may similarly prove to be one of historical importance.

The report was published about nine weeks ago and at the very outset I should like to place on record the appreciation of the labours of the members of the commission, on my behalf, on behalf of the government and, if I may say so, also on behalf of this House. The members were eminent men who had attained distinction in various fields of activity and who were widely respected and trusted for their experience, consciousness, impartiality, intelligence, ability and competence to handle difficult and intricate issues. The commission had an ex-judge of the Supreme Court as its chairman. The recommendations made by such a commission necessarily carry great weight. The country has given the best thought to that report and the principles on which it is based, the specific recommendations that it has made and the proposals that are embodied in it for the implementation of the recommendations in every way.

Naturally the attention of the country has been riveted on the report since its publication. Not only in the cities but in the remote corners too, it has aroused considerable interest. Even far off and far-flung states like Manipur and Tripura have been resounding with its echoes. In some places, it has given rise to passions, heat and even embitterment of sentiments. That too is not altogether a strange feature because the issues with which this report deals, touch the life of the people intimately and closely and it is not at all unintelligible that some persons, because of their temperamental differences or because of their very strong convictions, have not been able to exercise such restraint as the consideration of a matter of this type deserves and demands.

The report, as had been repeatedly stated here and also outside, has to be considered and examined dispassionately and calmly and in a rational way. Any other approach will be leading almost to conclusions which will neither be sanguine nor helpful. Though the report has attracted considerable attention and people everywhere have given their best thought to it, on the whole, life has been running its even course, and except in one or two places there has been no ripple at least on the surface. It is regrettable, however, that in one of the foremost cities of our country, there were some violent outbursts but they were confined only to a day, or perhaps a few

more, afternoons. In another place, obscure and hardly well-known, there was an ugly scene. But for these incidents, on the whole, the people have maintained their usual self-control and dealt with the problems that they have to face from day to day without being swerved from the right path. The activities in the constructive field have not suffered in any way even on account of the various issues brought to the forefront by the report affecting diverse groups.

The prime minister has, ever since the publication of this report, laid foundations of a number of big industrial projects. It is a testimony to the innate nature of our people that though the issues involved in the discussions are intricate and delicate, and though in some places passions have been excited, they have nonetheless behaved with dignity and attended to their duties in a calm, peaceful and unruffled manner. Not only have we noticed this even course of things going on in an undisturbed way but we had, during this interval since the report was published, the privilege of welcoming some distinguished guests who have travelled all over the country and have been received everywhere in a very cordial way. People have shown their capacity to do the right thing and to see everything in a correct perspective. What is needed today is a balanced approach towards the problems with which the report deals. So far as the public is concerned, it has shown the way that should be adopted in matters of this type. Millions are affected by the report, but they have been following the course of their everyday life with grace and have been giving due respect to those who deserve it.

The last few weeks have synchronized with the visit of distinguished statesmen from Russia and also the king of Saudi Arabia. Everywhere, in spite of the discussions that we have been continuing, they have received cordial welcome. I had the pleasure of reading this morning the statement that has been issued by the leaders of our country and Russia. They refer therein to the policy which we have accepted, to the principles which are embodied in that sacred doctrine of panchsheel and the methods of settlement by negotiations even in the international field, to which we have committed ourselves. It seems to me a proper reminder of the way we must settle our own problems. Even where we are concerned with

issues which do not come within our domestic sphere, we are determined to solve and settle them by negotiations and by means which should be peaceful. It is all the reason, therefore, why we should settle all our problems by agreement. That is our hope, and that is our desire. The decisions will bear upon the lives of a large number of people in the various states that exist today or that will be carved in the manner suggested by the commission. It is necessary that a proper atmosphere should be created so that the new states may start to function in a fruitful way. If they have to begin their work in inflamed, embittered conditions, then the future will not be as bright as we would like it to be; at least some time will be wasted. Yesterday this House passed the Constitution (Amendment) Bill unanimously. That indicates that this is a national endeavour, and all hon'ble members are determined to reach satisfactory solutions and to see that concrete shape is given to them within the minimum time possible. The background seems to me to be sufficiently propitious. So we can go forward with hope and courage.

I came across some suggestions which have appeared in the pages of some papers to the effect that this report should be put in cold storage and that no action should be taken on it for ten, fifteen or say twenty-five years. Some people perhaps would like it to be buried completely. I do not at all suspect the motives of the persons who have expressed this view. They think that this report may create trouble in the country, that we may not be able to carry out the programme of reconstruction to which we are pledged and wedded, that other hindrances may be created in the process of redrawing of the administrative map of India. I think that is a counsel of despair. I also feel that that is not in the series of events which have led us to this stage. This is not a document which has been sprung on us unexpectedly.

The demand for the rationalization of the administrative boundaries of states in this country is an old one. It was made even more than forty years ago. The Congress accepted the principle in 1920 and Congress provinces were carved on that basis shortly thereafter. It is admitted that the provinces that were formed during the days of British imperialism had hardly any rational, cultural or economic basis; they were determined by the vicissitudes of the

fortunes of the British in this country. They were only interested in maintaining their stranglehold and they did not take any particular care in seeing that the cultural, economic and other aspects were kept in view in demarcating the boundaries of the states.

This fact was realized even by the British administrators themselves. In the report of 1919 which was issued by Chelmsford and Montague, it was suggested that the states should be reorganized. After that when another commission came here that view was further ratified. But, so far as the Congress is concerned, it had been repeatedly reiterating its faith in the cultural redistribution of the states so that the people and the administration might come closer, and facilities in the matter of education might be rationalized. In other ways also, for example in the matter of trade, business, etc., persons living within a state might have full facilities so as to be able to transact their business in as simple and straightforward a manner as might be possible.

The question was further considered when the Constituent Assembly was formed. The Dar commission was appointed to examine it especially with reference to certain states such as Karnataka, Kerala, etc. Andhra was then a part of the Madras presidency. That commission went into the question and it laid down the principles which should be kept in view in the formation of new states. It laid emphasis on the point that while language was an important factor to be kept in view, there were other considerations which ought not to be overlooked and which deserved, on all such occasions, a very correct appreciation and appraisal. It is only by balancing the various factors that sound decisions would be reached. But, that commission earnestly advised the Constituent Assembly not to break up the states as they then existed at that stage of our political development.

Later on, the JVP Report was published. As the hon'ble members are aware the Congress appointed a commission consisting of the foremost leaders of our country. That report dealt with the problem in a very piecemeal way and it again reiterated the canons which one should keep in view in determining issues of this type.

After that, again in accordance with the recommendations of the JVP Report, the state of Andhra was formed about two years ago. A

declaration was made on the floor of this House by the prime minister and in pursurance of that declaration that state was constituted.

Now, that did not, however, put an end to the wishes, the longings and the urges of the people who had been pressing for the formation of what was then styled as 'linguistic provinces'. The government then decided to appoint a commission to go through the entire ground. They realized that piecemeal settlement of these problems would not be satisfactory. In fact, the states are so related, interconnected and interlinked that changes made in one would react on the other and those on the other on the next neighbour. So, in order to settle all these outstanding issues in a satisfactory way at one and the same time this commission was appointed, and I venture to submit that it was not appointed a day too soon.

Those who now ask for the shelving of the report ignore the history of the problem and the various stages which have led up to this consummation. It would leave the issues hanging, prolong the suspense which uncertainty brings and causes greater damage than the difficulty which seems to be involved today in the discussion of these issues and in their peaceful settlement. It also betrays in a way the lack of faith in the Parliament and in the people of the country. We have to our credit great achievements. There is no reason why there should be any feeling of nervousness. We want to settle all problems and the more difficult they are the greater the challenge, and we are prepared to take any challenge with which we may be faced. We want to leave for posterity a greater, stronger, smoother, more advanced and prosperous India than what it is today. We would not willingly and deliberately postpone any issues simply because of the difficulty involved in their solutions....

The proposals of the commission are known to the House. I am thankful to the Lok Sabha secretariat for the analytical summary and a map that they have prepared. That will give in a succinct form the contents of the report which, as hon'ble members are aware, can be roughly divided into three parts. The first one deals with the principles on which the recommendations are based. Those principles were, to some extent, indicated in the resolution that was issued and in the statement that was made on the floor of this House when this

commission was appointed. First and foremost importance was to be given to the unity and security of India. Other considerations, those relating to language, culture, financial viability, economic self-sufficiency, administrative convenience, etc., were also to be borne in mind in solving the problems which had been referred to the commission. The position that we occupy is related not to the states but to India as such. We have the privilege of belonging to a great country but a country cannot be great simply because it has a huge population nor because of its 'big nation' size. It is the unity of the people and it is their pursuit of common ideals that give a country the strength that raises it in the eyes of others and enables it to order life in the manner it considers best. So, that is undoubtedly the main condition which must be fulfilled in any scheme of reorganization that we may make.

The unity of India is not a new fangled political notion. It has been there from times of yore. In the midst of the rich variety that we see in our country, there has been a fundamental unity that has sustained the people, their synthetic culture, and contributed to their advancement. We have to guard against fissiparous tendencies, against disruptive forces that are still at work. So, it becomes all the more necessary that while dealing with this question of reorganization of states no bitterness is aroused and no new cleavages are fomented. It is essential that these problems should be viewed in a balanced way and with a determination to maintain, preserve and promote the unity of this great and ancient country. Anything that tends to disturb that unity will do greater harm than any advantage that might accrue from the rational reorganization of the states: and this unity has to be not only political but also emotional. Persons living within the same state or in the neighbouring states have to realize that the salvation of all lies in the sweetness of their relations and in their being imbued with the genuine spirit of fellowship and comradeship. After all, our constitution recognizes only the citizen of India. Our citizenship is not related to political or other reasons. One can enjoy the rights only as a citizen of India and all other divisions must be viewed in that light. They should not in any way impair that basic sense of citizenship. Sometimes, in the discussions and controversies

that have been provoked by these proposals people seem to forget the elementary fact that though floating on the surface, this is more important than anything else that we may do. We have also to remember that there are still adverse forces interested in aggravating our difficulties. The problem of Goa is before us. Our neighbours in the east and the west are not as friendly as we would like them to be. So, let us not be involved in petty quarrels and let us be determined to solve all domestic issues in a becoming way with dignity, with suavity and with grace. Without a spirit of accommodation and determination to maintain the prestige of the country not only in the eyes of our own people, but also outside, we may not be able to achieve all that we desire. So, we have to bear all these various principles in mind while taking decisions....

So I would appeal to the members to set an example again. Some people say that we are on our trial, that the nation is on its trial. I do not myself share that view. The nation has accomplished many tasks which were more complicated and more intricate. We had only a few years ago six hundred states in this country which had a different form of administration, which were scattered all over the length and breadth of this land. Yet by the genius, the organizing capacity and the unique skill of Sardar Patel, all those states were reorganized. There was no insuperable difficulty. What we have to do now is, in a way, not more but less difficult because here we are all now used to a particular form of administration. The cultural affinities are there binding us all together. We all realize the importance of maintaining the great prestige and reputation of our country, and the issues, in a way, are simple. So I appeal to all the members, to everyone in this House, to deal with the matter in a becoming, graceful, calm and dispassionate way so that the credit and the reputation of this great House may be further enhanced and raised and we may be worthy of the trust that has been reposed in us by the people of our great country.

Reference

Lok Sabha Debates, Vol. X, cc. 2555-71.

RAJKUMARI AMRIT KAUR

Setting up the Medical Institute

3 May 1956



The bill to provide for the establishment of an All India Institute of Medical Sciences (AIIMS) was piloted by Rajkumari Amrit Kaur as the Union minister of health. The bill was introduced in the Lok Sabha and passed by that House. On 3 May 1956, Rajkumari Amrit Kaur moved for its consideration by the Rajya Sabha. She made a moving speech on the need and objectives of the proposed institute.

I have very great pleasure in bringing forward this bill before the House. The creation of an all India institute of this nature was first mooted by what is known as the Bhore committee in their report. That committee toured all over India, went into the question of the health services in India, the means that provided those health services, ways of combating the lack of those services and also how best we could maintain high standards of medical education and thereby promote the scientific knowledge of modern medicine in our own land with all the experience and all the clinical material available to us in our own country, in the background of our own country,

including the villages, rather than send a few of our students abroad to go in for further postgraduate study. Now, this institute is going to lay primary emphasis on postgraduate studies.

As I have just said, it is said that today, up till now – in fact right up to this time – we have had to depend on scholarships, whether governmental or from abroad such as the Rockefeller Foundation is good enough to give us, to send a few chosen representatives of the medical profession to outside countries to get their postgraduate studies in the various limbs of the medical profession. I have always felt that it would be ever so much better for us if we could give the same knowledge, as these young men and women acquire by going abroad, in our own country. Further if we have an institute of this nature, we shall thereby be able to control the standard of education, we shall be even able to make changes in the curriculum of our medical education and thereby give not only to this country but perhaps through our country even to the world, something different, something that we from our rare experience will be able to find as we go along this exploratory path of progress. As I have often said, it has been one of my cherished dreams that an institute of this nature should come into being and that through it we may be able to serve our own people better, especially the people who live in our villages. Our educational institutions have up till now been always located in the cities. This is also going to be located in Delhi, you may say a city, but we are going to have village hospitals attached where our students will be able to go and work. They will not only get part of their education there but will be given wide chances for research in the villages.

When I refer to medical education, I refer to modern medical education. At the very outset, I would like to say that perhaps there might be a little confusion in the minds of some members of this House, as there certainly was in the minds of the members of the Lok Sabha, that because this institute is called the All India Institute of Medical Sciences, it should also include sciences other than modern medicine. I have to say that if I had not been given a very large sum of money, a million and a quarter pounds, by the New Zealand government under the Colombo plan to start as institute of

modern medicine, I should probably never have been able to get our government to give me that amount of money to start with. This is not a new scheme. It has been before both Houses because money for it has been budgeted over the last four years. There have been some delays in starting it but there was no question ever of this institute being anything except one for developing sciences which are allied to modern medicine. Now, modern medicine includes ever so many sciences which with the dynamic progress which this science makes, are increasing in number every day. For instance, there are various limbs of surgery; not only general surgery but there is also orthopaedic surgery, neurosurgery, chest surgery and so on. Even in the matter of clinical medicine, there are cardiologists and paediatricians, there are tuberculosis experts and specialists for various kinds of diseases. Then there is dentistry which is allied; there is the nursing profession which is allied and there is also radiology which is allied. There are the nonclinical sciences also, biochemistry, biophysics, etc., which are all allied. So, it would not have been right to call it just an institute of medical science. It has been right to call it the All India Institute of Medical Sciences, that is, all that modern medicine embraces within its very, very wide orbit. I go further and say that what modern medicine constitutes today, what modern medical science constitutes today, is the sum total of all the knowledge gleaned through all the long years lived on this earth as far as we can know, and just as I have no doubt that in the old days the Arab world called their science unani, that is to say, they took it from Greece and probably ancient Greece and ancient India had contacts too – I have no doubt either that modern medicine in the initial stages took a great deal from ayurveda or the science of life as propounded by our ancients. But there is no doubt also that ayurveda remained static. We should do all in our power now to revive ayurveda and through ayurveda give what it has to give to enrich the broad stream of modern medicine, which we have accepted as the basic means of giving relief to our people in this country. We cannot in this one vital science go backwards or remain static or say that we will not progress with the rest of the world. Even when we were discussing the Red Cross bill one member said

that it was too modern, it was too Western – I do not understand what Western and modern mean – for surely in the world in which we live we must take everything that is good from every part of the world. We certainly cannot live confined to ourselves. We are taking the aeroplane, we are taking the motorcar, we are taking atomic energy for peaceful purposes in which of course modern medical science is also included, and likewise from ayurveda we must take what we can. I would have the House remember that with the continued progress that has been taking place in the fields of the physical and biological sciences which make such a vital contribution to medical science, modern medicine has made and is making enormous strides and it is increasing its efficiency in regard not only to diagnosis and treatment but also in regard to the prevention of diseases which is extremely important and promoting what is now a common term and that is positive health. Therefore the task of medical education becomes a very important one and not one which we can minimize in any way because on the training of the future doctor depends really the type of help that we are going to be able to give to our people. So medical education above all things has got to take account of the needs of the country.

Not only in our own country but in all Asian countries, various forms of preventable causes of disease and suffering continue and we have, therefore, to put greater emphasis on preventive medicine. Even in the Western world, when I visited America two years ago in order to see the new trends in medical education, I was able to sense there also is a desire to change over from many things and to integrate the preventive with the curative side very much more than has been done up to this time even there. The same aspect is coming into the United Kingdom, which is a conservative country and moves perhaps much more slowly than others. Only yesterday I had the privilege of talking with one of their outstanding surgeons who happens to be in India today. He has come out to see which hospitals in India are good enough for them to send out examiners for our students to take the FRCS. He too was telling me that in all their teaching institutions they must specialize because an enormous amount of specialization is taking place in modern medicine today

and that is why they are called the sciences, but he said that in their country they do not want all that specialization and they still want the general practitioner. I said that is exactly my problem and that is exactly what I have also embarked upon and therefore it is that more and more I feel, that the future doctor has to come into line with modern medical practices and India cannot possibly afford to stay away from the steady progress and development that is taking place in other parts of the world. The main idea at the back of the establishment of this all-India institute is to fulfil the purposes which I have mentioned.

Now I do not want to go into details as to how the institution is going to function. I am sure the members of this House have heard, and I hope they have heard with pleasure, as I have had the pleasure in making the appointment of Dr. Dikshit as the first director of this institute. He is a man who has wide knowledge, outstanding knowledge in his own speciality which is physiology. He has had teaching experience. He was principal of a college. He has had research experience by having worked in the Haffkine Institute and latterly he has had wide administrative experience too as surgeon-general of Bombay and so I hope that at the very beginning of this institute itself – as I hope this bill will be passed today, this new director will have the blessings of both the Houses of Parliament so that we can go ahead with confidence that we shall be performing a duty which we could not so far perform by our young doctors, both men and women, simply because we have lacked the facilities. And one of the main things that this institute will do is to provide the teaching personnel, sir, for our medical colleges. Now practically every state has sent in their health plans to the Planning Commission and of course they always ask me to help them to get money for their health plans and I invariably do so, and practically all these states have asked for another medical college. UP wants to have three more colleges and I think they are right that they should have, according to their population, three more. But where are they going to get the teaching personnel? These just do not exist. What is happening in many of the medical colleges that are being started today? We have to fall back on retired personnel, which is not a good

thing. How long can we fall back on retired personnel? And, therefore, I am hoping and I think I have reason to hope with confidence, that after six years or seven years we shall be able to give to new colleges first class medical personnel that will have been trained in this institute in their postgraduate studies.

The other point that I would like to mention about this bill is that in this All India Medical Institute we are not going to allow – I know I have a great deal of opposition, or shall I say, at any rate rare differences of opinion to face in this matter – we are not going to allow our professors in this institute to have private practice. I myself feel, have felt for a long time, even though I am not against private practice qua private practice for I am all in favour of the axiom that the labourer is worthy of his hire, that because of the lack of personnel, because of the enormous numbers of persons that come to hospital – and the enormous numbers naturally are the poor amongst us – that private practice with poor salaries which we have given to our doctors upto date has had a deleterious effect inasmuch as if a man has to supplement his income by private practice, he naturally gives more attention to those who pay than to those who don't. It is human nature, I don't call the doctor bad names as some people do who say, 'He won't go out to the villages.' What do you give him? You give him a mere pittance, not even a house to live in, not even a hospital where he can practise his skill, and then you say he is unpatriotic. We have always to look at the two sides of a picture.

So these doctors are going to be paid enough and I have a feeling from the good response that we have had to the advertisements that have already gone out that those who will come here will be quite contented and will be glad to devote their whole time to the promotion not only of teaching, not only of serving the patients who come to the hospitals but also, what is extremely important and vital to the progress of modern medicine, of research. Today our doctors because of private practice have no time whatsoever to give to research. A very distinguished physician Lord Moran – I may give his name – when I was talking to him four or five years ago about the health services in the United Kingdom said that there had been a great deal of opposition to them too and though private practice had not gone,

it has decreased. He said that if there was one good thing that had happened it was that their doctors who were really proficient in all the limbs of the medical profession were able to devote ever so much more time to research than they did before. Another thing which I think is a good step, a step in the right direction, is that all the staff and the students are going to be housed in the campus of the institute. I feel that by thus housing them we shall be doing something as I said in the other House, to revive or maintain the old and ancient Indian philosophy of the guru-sishya ideal which I think is extremely useful. The student should be able to go to any member of the staff if he has any difficulty and the staff should be in close touch with those with whom they are dealing. The hon'ble members may – perhaps now it is too hot but during the next session when it is a little cooler – if they like to come with me or they themselves can go to Safdarjung and ask Dr. Dikshit to show them round the campus and see the plan of the institute. I am sure it will delight their hearts to feel that an institute of such significance, of such magnitude – I do not mean now the magnitude of the buildings but the magnitude of the conception of the institute — is going to be set up in the country. I am proud that India has really taken the lead in medical science in this part of the world. We are today training workers from abroad for malaria; we are today training workers from abroad for maternity and child welfare; we are training them as public health nurses; we are training people for village work, as sanitary inspectors and public health personnel and I do hope that here in this institute also we shall be able to give that help to those countries who are not perhaps as far advanced as we are.

Then I hope after we have taken up our teaching programmes and after we have drawn up the curriculum, the course may perhaps even be shortened and the students who work in this institute may have more chances of undertaking responsibilities as I was able to see in the University of Denver in the USA. One of the things that struck me there was the opportunity I had of listening to a fourth-year student giving his dissertation on the patient who had been put in his entire charge.

Now, this institute – and this is very important – is going to be given the powers and functions of a university because it will, I am sure, make revolutionary changes in many things, not only in curriculum but also in modes of teaching. Therefore, this university status which this bill will give, will enable the institute to give diplomas and this will be on the same pattern as exists in England today in institutions such as the Royal College of Surgeons, the Royal College of Physicians, etc. They give diplomas of their own which most of our students when they go abroad are only too anxious to get because they maintain an extremely high standard. Of course, these will be recognized qualifications and they will have to be put down in the Indian Medical Council Act, an amendment to which I hope very shortly to introduce in this House.

Subject to such minimum control as the Government of India may exercise through its rule-making power, the institute will enjoy a very large measure of autonomy in order that it may fulfil the objective which I have tried to set forth before you in this very brief speech.

Reference

Rajya Sabha Debates, Vol. XIII, cc. 1208-19.

JAWAHARLAL NEHRU

The Parliamentary System

28 March 1957



On the last day of the last session of the first Lok Sabha, some valedictory remarks were made by the Speaker and others. On this occasion, Jawaharlal Nehru, the prime minister made some references to the reasons behind the founding fathers choosing the system of parliamentary democracy as the most suited for India. These have often been cited and become quotable quotes.

Mr. Speaker, you have been pleased to say many generous things about the members of this House and, to my great embarrassment, about me. You have spoken in generosity but, anyhow, so far as I am concerned, I should like to offer you my grateful thanks, and I am sure I speak on behalf of the House also, when I offer you their thanks for your kind words.

It is befitting that on this occasion, when this Parliament stands at the edge of its own dissolution, there should be some valedictory references to our past. Since you have been good enough to make a reference to the work of this Parliament, I am taking the liberty

of saying also a few words on this occasion, certainly on my own behalf and possibly reflecting the views and ideas of other members also here.

We have gone through, during these five years, a tremendous amount of work and, as you have said, speeches have covered, I do not know how many millions of pages; questions have also been asked and, altogether a vast quantity of paper has been consumed. Yet, the historian of the future will probably not pay too much attention to the number of speeches or the hours which the speeches have taken or to the number of questions, but rather to the deeper things that go towards the making of a nation.

Here, we have sat in this Parliament, the sovereign authority of India, responsible for the governance of India. Surely, there can be no higher responsibility or greater privilege than to be a member of this sovereign body which is responsible for the fate of the vast number of human beings who live in this country. All of us, if not always, at any rate from time to time, must have felt this high sense of responsibility and destiny to which we had been called. Whether we were worthy of it or not is another matter. We have functioned, therefore, during these five years not only on the edge of history but sometimes plunging into the processes of making history.

We have lived here, as indeed people have lived all over the world, at a moment of great change, transition, and sometimes of vast upsets and revolutionary processes. We have not only been part of that world drama but we have had our own drama also. And it would be interesting for someone to take a rather distant view of this drama of these five years and more so as not to be lost in the innumerable details which confuse, but rather to see this broad current of history in motion in this country, how far has it moved, what changes has it wrought, how far has it laid stable the foundations of this republic of India which we created, which the people of India created, a few years back. That is the important question; not so much how many speeches we have delivered or how many questions we have asked; important, no doubt, though speeches and questions are as bringing out the method of our working the parliamentary process to which we are addicted.

We chose this system of parliamentary democracy deliberately; we chose it not only because, to some extent, we had always thought on those lines previously, but because we thought it was in keeping with our own old traditions also; naturally, the old traditions, not as they were, but adjusted to the new conditions and new surroundings. We chose it also – let us give credit where credit is due – because we approved of its functioning in other countries, more especially the United Kingdom.

So, this Parliament, the Lok Sabha, became, to some extent – not entirely, but to a large extent – rather like the British parliament or the British House of Commons whether it is in regard to our questions or our rules of procedure or methods of work.

Now, parliamentary democracy demands many things, and demands, of course, ability. It demands a certain devotion to work as every work does. But it demands also a large measure of cooperation, of self-discipline, of restraint. It is obvious that a House like this cannot perform any functions without the spirit of cooperation, without a large measure of restraint and self-discipline in each member and in each group. Parliamentary democracy is not something which can be transplanted in a country by some wand or by some quick process. We talk about it but we know very well that there are not many countries in the world where it functions successfully. I think it may be said without any partiality that it has functioned with a very large measure of success in this country. Why? Not so much because, we the members of this House, are exemplars of wisdom, but, I do think, because of the background in our country, and because our people have the spirit of democracy in them.

We have to remember then what parliamentary democracy means. In this world of change and tremendous ferment, more so than in ordinary times, change is essential; change and adaptation to new order. Even when the old order was good, it had to yield place to new lest one good custom should corrupt the world. It has to change. So, change there must be, change there has to be, in a country like India which was more or less changeless for a long time, changeless not only because of the country being a subject

country under the imperialist powers – I do not mean to say that there was no change then, but basically the dynamic aspect of the country was limited, restricted, cabined and confined by foreign domination – changeless also because we had fallen into the rut of our own making, in mind, in social framework and the rest. So we had to take our souls out both from the ruts and from the disabilities and restrictions caused by alien rule. We had to make rapid changes in order to catch up. So, change was necessary even for survival and, of course, for progress.

But, while change is necessary, there is another thing that is also necessary; that is, a measure of continuity. There is always a balancing of change and continuity. Not one day is like another. We grow older each day. Yet, there is continuity in the life of a nation. It is in the measure that these processes of change and continuity are balancing that a country grows on solid foundations. If there is no change and only continuity, there is stagnation and decay. If there is change only and no continuity, that means uprooting, and no country and no people can survive for long if they are uprooted from the soil which has nurtured them and given them birth.

Now, this system of parliamentary democracy, therefore, embodies, I think, these principles of change and continuity, both. And it is up to those who function in this system, Parliament, members of the House and the numerous others who are part of this system, to increase the pace of change, to make it as fast as they like, subject to the principle of continuity, because, the moment that continuity is broken we become rootless and the system of parliamentary democracy breaks down. Parliamentary democracy is a delicate plant and it is a measure of our own success that this plant has become sturdier during these last few years. We have faced grave problems, difficult problems, and solved many of them; but, many remain to be solved. Indeed, there is going to be no end of the problems that will come to us, because problems are inevitable when you grow. It is only those who are stagnant that have few problems, and if there are no problems, that is a sign of death. Only the dead have no problems; the living have problems and they grow with problems, fighting with problems and overcoming them. It is a sign

of the growth of this nation that not only we solve problems, but we create new problems to solve.

So, these five years have passed and we are at the end of this chapter of our history; and, the very end suddenly merges into a beginning and we begin afresh, because ends and beginnings are only of our own conception. There is only continuous life of a nation. We may pass out of this House or pass out of our lives, but the nation goes on. Therefore, here when we stand at this end, which is also a beginning, we indulge in retrospect and we indulge in prospect. Again, standing on this edge of the present, we look back on the past, but we look forward even more to the future. We may think of many things that we have to do to carry on the great work that we have undertaken and undertake new labours; but, above all, we have to remember how stable, how deep, are the foundations of this democracy that we have sought to serve and to build up in this country, because ultimately it is on the strength and depths of those roots that we will prosper, not by the number of laws we pass, not by our external activities, but on the strength of character and grit and the capacity of service that we develop in this country.

Parliamentary democracy involves naturally peaceful methods of action, peaceful acceptance of decisions taken and attempts to change them through peaceful ways again; it is no parliamentary democracy otherwise. It is essential that we, who talk and who believe in the quest of peace so much, should remember that the quest of peace and the quest of democracy can only be made through methods of peace and not through any other. We have a great united country, a country which is dear to us, and of which we are proud. But being proud of it does not mean that we should close our eyes to the grave problems we often have to face in the country and the disruptive tendencies that raise their heads and challenge the democratic process which this Parliament represents. It is in the measure that we put an end even in our thinking to these disruptive tendencies which divide us and which tend to break up the unity of India that we will have strengthened our country and laid sound foundations for the future. So, sir, I would like to thank you, again.

May I, as leader of the House, express my respectful thanks to all the members of this House for the great courtesy and consideration which they have shown me during these past five years.

Reference

Lok Sabha Debates, Vol. I, cc. 1289-94.

S.A. DANGE

Preventive Detention

9 December 1957



Opposing the bill for the continuance of the Preventive Detention Act, the eminent trade unionist and communist leader S.A. Dange criticized the whole idea of detention without trial as undemocratic and intended merely to serve partisan ends of the party in power. According to him the argument that such detention reduces crime showed total bankruptcy of logic on the treasury benches.

Sir, the arguments put forward by the hon'ble mover of the bill are such that they do deserve very serious consideration. The arguments embrace matters of jurisprudence, a compliment to the Congress party as to how the Anglo-Saxon jurisprudence is being repudiated by it, in favour of what may be called a vedantic jurisprudence which should be harmonical with our traditions.

An argument has also been advanced and figures given how from year to year crime has decreased and that argument is used in order to show that a continuation of the Act is necessary in order to extinguish crime altogether. I want to put certain points before the

hon'ble minister so that he may reconsider his own arguments and his own position.

As regards jurisprudence and as regards the principle of the bill, detention without trial, I will not go into all that abstract discussion. Because, as you know, some fifty yards from here, a very good abstract discussion on democracy is going on and we are trying to strengthen the commonwealth link through seminars on democracy, good lectures and so on. A very good link is being strengthened there. Whether Anglo-Saxon jurisprudence is overthrown or not, I do not know, especially when we sit in company with those who carried out the invasion of Egypt and with those who practise racialism in South Africa. Next door, I am told, the commonwealth link is being strengthened. I do not know what is going to be strengthened there with such people....

I am not in favour of strengthening that sort of link.

I need not go into that abstract discussion because, if I go into it, I would be overstepping the time limit and also overstepping the purpose of the Act.

I will first take the argument that crime has been decreasing. The hon'ble home minister says, in the conditions in which we live, the extension of the Act is a necessity. The conditions he illustrates are; there is Ramanathapuram, some language controversy in Punjab, there has been Kharagpur, this, that and so on. Somebody is trying to burn the photographs of Mahatma Gandhi, somebody is trying to burn the Constitution, somebody is threatening to kill Brahmins, and so on. He asks, if such are the terrific conditions in which the country finds itself, is it not necessary that we should have the power of this Act and that it should be extended?

The simple reply to this is, that his argument itself shows that the Act is useless, ineffective and, therefore, there is no necessity for its extension. Ramanathapuram took place, when? When the Preventive Detention Act was in full force, and had not expired, Punjab agitation took place, when? When the Preventive Detention Act was in full force and had not expired, Kharagpur took place, when? If these things took place when the Preventive Detention Act was in force and if the persistence of the Act on the statute book

could not prevent the Ramanathapuram incidents, how can that argument be used in order to extend the Act which is unable to prevent these things happening. I cannot understand the logic. You say you want the Act in order to prevent murder. The same type of murder is already taking place and you cannot prevent it. How can you say that is necessary to extend the Act by three years in order to prevent like murders in the future? It is total bankruptcy of logic, simple bankruptcy of logic...

Bankruptcy of logic in your benches. Where? I can tell you. Here is an Act. If in December the Act had expired, if in January, Ramanathapuram incidents took place and if the hon'ble minister had come to the House in February and said, see, the Act expired, Ramanathapuram took place, let me renew it, I could understand there is some logic on the other side. Ramanathapuram took place in spite of the presence of the Preventive Detention Act. Yet, he says, it is so effective that crime is decreasing. And yet the conditions are so very serious that it must be extended. I do not know what it should be called, logic or something else. Therefore, I say that the prevailing conditions are no argument for the extension of the Act. The conditions prevail in spite of the Act and in spite of its most widespread use, as the hon'ble home minister himself has said. Therefore, on this ground of the prevailing conditions in the country, there is no reason why the Act should be extended. But, the Act is being extended.

The question from my side should be, why is it being extended? The answer from our side is this: all those things which are to the distaste of the ruling party are to be prevented. By the application of this Act and nothing else. It has nothing to do with murders, with strikes, nothing to do with speculation, nothing to do with famines, nothing to do with demonstrations of the normal type, nothing to do with the ordinary political activity. This Act is required only to impose the decisions which they want to impose on people against the decisions of the majority, against the will of the majority, against the sentiment of the majority, by the government side. Therefore, it is an Act against democracy, because when the majority of the people want a certain thing, they are prevented from getting it by

the application of this Act, or by the application of this Act in such a way that the leaders of that movement are prevented from functioning in the interests of the majority of the people.

The hon'ble mover said that this bill has been moved in order to guard the liberties of the majority of the people at the hands of a minority. Let me give the latest illustration of the biggest application of the Preventive Detention Act. Therein, fortunately, I speak from personal experience. Whether some members like it or not, I speak from personal experience because I was a victim of the Act only last year, in January 1956. I also know how that wonderful machinery of the advisory board functions because I had the good fortune to appear before an advisory board in which a retired judge sat. I know the way the inquiry was made. I know the way in which I was sent back to jail. I know the way in which I was released later on. That experience tells me that the Preventive Detention Act is a measure of a single ruling party which wants to impose its particular ideas of ruling this country, of the reconstitution of the country against the will even of a majority of the people in a given state or in a given moment. That is the object. It is not the question whether the principle is right or wrong. Apart from that discussion, I am saying that this Act is being used for the interests of a party, for wrong ideas, ideas against the interest of the majority of the people in a given state, and therefore this Act should not be extended.

In 1956, whose statistics are here, thirty-eight communists, three PSP, four Workers and Peasants' party people and one ex-Congressman were detained. There was no Congressman. A nice category, a nice political category – an ex-Congressman. Perhaps he was arrested for the crime that he left the party and joined somebody else...

You say you want the Act to continue because normal powers cannot be used. For what were they detained? – for preaching violence. Cannot preaching violence be prosecuted under the ordinary law? I should like the hon'ble law minister to tell me that. Is it necessary to have preventive detention? If a man is preaching violence, or making a speech that violence be committed, you can haul him under the ordinary law. Why is it necessary to have

preventive detention and escape the obligation of giving him and giving the public the proper ground as to why he is being hauled up?

Another is for violent activities. Certainly, an activity is an activity, is a very objective truth. A man can be prosecuted and sentenced. Why do you not proceed under the ordinary law? -- because violent activity is really not there at all but it exists only in the imagination of that political party which wants to suppress another party or a movement. Therefore, they do not want to use the ordinary law.

Then the third reason is *goondaism*. I do not know whether there is a category in law as *goondaism*, or whether in jurisprudence a new thing has been added as *goondaism* I do not know what it means. Of course, in Bombay our ex-chief minister was enamoured of this word *goondaism*, and once I had to ask him: 'What is the difference between an honest *goonda* who says he is a *goonda*, and a minister who practises *goondaism* with the help of the police?' Why should not both be brought under the Preventive Detention Act?

I say this because I find that provocations have been caused by ministers themselves in order to exercise either the Preventive Detention Act or to cause violent activities by excited masses.

This latest example to which I was referring was the example of Bombay state. The Congress party took a decision that Bombay state should be either divided into three states or should be one bilingual state, but shall not be made into two independent, separate unilingual states, and that Bombay city shall not be given to Maharashtra. This was the decision arrived at by the Congress party. Agreed. Maybe they thought it was right. What should have been done? The decision should have been brought before Parliament and an Act passed. No. Just before the decision was to be announced by the prime minister on the radio a number of leaders of the Communist party were arrested and put into jail under the Preventive Detention Act, and one day later the prime minister goes and announces it, and two days later a general strike takes place and firing starts. Who provoked violent activities, if the activities were violent? Was it not the arrest of these leaders right in the city of Bombay a provocation when they knew that sentiments were running high, when they knew that all Maharashtra felt they should have a unilingual state with the city

of Bombay? Why did they arrest these people beforehand? – Because they knew that that decision was against the sentiments and the opinions of the majority of the people in Maharashtra.

He says it is a microscopic minority. That microscopic minority has captured every municipal corporation in Maharashtra. That microscopic minority has defeated the Congress party in the elections. If he is using the argument of elections, we in Maharashtra won the elections against them. Then, why this Act for Maharashtra? – to impose a decision on a party against the will of the majority of the people of Maharashtra and also on Gujarat. And they did this by using the Preventive Detention Act on 14 January arresting all the Communist leaders.

Unfortunately I was in Delhi. Now you would think that Delhi was quite a safe place. I went to Bombay on 18 January after the strike had started, after the firing had taken place – and I was arrested at the aerodrome under the Preventive Detention Act. At the aerodrome I was hauled up, and when I was taken to jail somebody tells me: ‘You know what your arrest has caused?’ I asked: ‘What?’ He said: ‘The strike was going to be called off this evening, but your arrest has prolonged the strike further and further disorders, as they call it, have taken place.’ Was it not a case of provocation, a deliberate provocation by the ruling Congress party, and particularly by the chief minister at that time to suppress the Marathi people and the workers in Bombay city? And then they come around and say: ‘We want the Act in order to prevent violence.’

Violence had not taken place on 14 January. On 14 January you arrested me and by the use of your Act you created violence. That is my charge, that by the use of the Act you create conditions in which violence starts. I would submit sincerely to the Congress party to consider this question, that by some of the enactments they provoke people into bad actions, or provoke people into taking serious actions. They should consider whether such enactments should be carried on.

Take for example, an enactment like the illegalization of the burning of Mahatma Gandhi’s photographs. I wonder if Mahatma Gandhi’s spirit would have liked his photograph to be protected by the law of a legislature. He would have said: ‘If my photograph

is not liked by somebody, let him burn it. No harm.' If his devotees want to protect it, they should say: 'I will frame it and you burn it. Let us have it out between ourselves.' Instead of the devotees fighting for the photograph, the policeman and the enactment of a legislature come in to protect the photograph of Mahatma Gandhi, – and a copy of the constitution, a constitution which is being amended every third day.

About the constitution and the procedures of this House, the hon'ble speaker said the other day there that one has to consider about the functioning of our democracy, representing four hundred millions. We have one-tenth as quorum and fifty members are present. Twenty-six vote for and twenty-four against a measure. How these twenty-six people represent four hundred millions is the problem for our democracy to solve. This is the functioning of our Parliament and our democracy that the hon'ble speaker himself illustrated by this example in that seminar.

Such is our functioning. Through this functioning we enact the constitution and all that. Good. Let us have the constitution, but supposing somebody wants to protest against it? Is there any law anywhere in any country against a person, if he does not like the constitution, saying: 'All right, I will burn it?'

Mahatma Gandhi burnt foreign cloth. He burnt this and that. The British came and arrested him. They asked him why. He simply said: 'I do not like foreign cloth, and I burn it. That is all.' How is it violence? If a man burns a house, then it is violence and certainly take action against him, but why should there be the Preventive Detention Act? Nobody announces his intention of burning a house. Here the man at least announces the burning of the constitution.

Certainly I do not like his killing the Brahmins or killing anybody, but that should be treated not on political grounds. Such pronouncements have to be treated sometimes pathologically, morally, philosophically, politically. One must go and argue and convince the people. You cannot simply wield the stick where millions are concerned, and no preventive detention acts are useful where millions are concerned. This Act is used not to protect the majority, but to protect the standpoint of a given party against the

standpoint of millions of people, and as I was illustrating, the use of the Act in January 1956 was a deliberate provocation against the Maharashtra people.

If such is the use of the Act, do you think it is reasonable to continue it on the statute book and extend it by three years? Because this movement is not going to be put down by the Preventive Detention Act certainly. No movement was ever stopped by the Preventive Detention Act, no movement was ever prevented from spreading by the use of the Act.

For example, these figures of falling crime are not due to the Act. Because certain parties who wanted to continue on a certain line changed their line, the thing vanished and the figures went down. It was not as if the Preventive Detention Act philosophically converted them simply to a different standpoint. No, it was not the Act. Therefore, the figures are useless, but the figures and the examples which we put before you are useful to tell you that the use of the Act is a provocative element. Its application is highly provocative. And when it works, how does it work?

We were told that this movement does not belong to the people. I have shown you. You can refer to the records, you can refer to the reports. It is a movement of the people, of the majority of the people. The best thing would be to change the law. No. They won't change their line, they would extend the Act in order that others shall not pursue the line. The extension of this Act by three or three hundred years is not going to prevent the Marathi people from continuing their line. I can tell you that.

Then comes the question, you will say, 'Was it not violence we were trying to prevent?' Violence has taken place. The Marathi people demanded a straight inquiry into the firing. If you think that these people or their followers whom you arrested, committed violence why not inquire?

There was a certain shameless statement made here by a member opposite that the Maharashtra people outraged the modesty of Gujarati women. The statement was not verified by the government and was allowed to be spread in the press and the proceedings of this House. It should have been corrected not by the Preventive

Detention Act on the part of the home ministry. And what was proved later on? The home minister can go into the records of that very man who charged us of these crimes and for which we were detained through this Preventive Detention Act. We have got the records that the member who made this allegation himself was once convicted for the crime of rape. You talk of morals about us. Why not talk of morals of members of the ruling party? And, they come around and say that we were committing violence. If the facts are wanted they are published in the Marathi press. Records are there, judgements are there. The Congress party did not expel that member from their party but charges us about immoral crimes and such other things. But, they do not keep records of their membership. They are very careful about our records, of members on this side of the House. Therefore, we know how the Preventive Detention Act works.

Coming to the question of the use of this advisory machinery. I was there before it. The judge was very nice. His other assistants were very nice. I know all of them because they were in the tribunals and various other boards. What was the thing they asked me when I appeared before them? They asked me, 'What can we ask you?' I said, 'Whatever you please.' They said, 'Do you stand for Samyukta Maharashtra?' I said 'I do,' They said, 'Do you want Bombay city?' I said 'Yes, sir. I do.' 'But the Parliament does not want it,' they said. I replied, 'The Parliament is misinformed.' I was then asked, 'What do you propose to do?' 'I will agitate for it.' They said, 'Very good.' They had other discussions. Police records were called for. They called two police officers to give evidence in my absence. I was not allowed to cross-examine the police officers who made the report. Later on I found that I was an undesirable thing and I should live in Dhana Jail perpetually. This is the way the advisory board functions.

The statistics show that out of the arrests made seventeen were released by the board and later on when we went to the high court there was panic in the police ranks because the high court found that many of these arrests were irregular. Grounds of detention had not been furnished. There was total anarchy. But the police found that times were very hard. They were so overworked with shooting that they could not produce proper grounds. The high court was not

satisfied and released some ten or fifteen people. Finding that the high court was taking note of these things, government started releasing us. Therefore, you get this large number that was also released suo moto. Very wonderful government! Not until the High Court proved that these detentions were wrong the ministry woke up and people were released. Is that the way in which this Act is to function? Is that the value of the advisory board?

I can cite one case for the attention of the minister. There was a one-day protest strike in the Bombay transport. The leaders were arrested and detained for a full 364 days. A one day strike, after which nothing happened; but the minister insisted on keeping them in jail, because the gentleman who presided over the affairs of Bombay at that time was of a very vengeful, petty, mean mentality. He thought he could prevent that one-day strike. He failed. So the promoters of the strike were detained for a full 364 days. If this is the type of mentality that is going to operate the Preventive Detention Act, it will not prevent, but promote what you want to prevent. It is the governmental agencies that will incite people to do certain things. There is more and more tendency to such lawless laws being enacted, or if there are certain laws which are already there, to have more recourse to their use.

To give you another illustration. A monument of Shivaji was going to be erected on one of the forts in Maharashtra. Our prime minister was going to open it. The ex-chief minister of Bombay state had written certain wrong things about Shivaji which he is not prepared to retract in spite of the assurance given for him that he has retracted. I make bold to say that he has not retracted. Now, the monument was a private affair. No doubt the prime minister was to open it. But, because a certain minister opens a certain thing it does not become a state function; it does not become a law for everyone for the matter of that. One may agree or disagree with the prime minister, one may revere the prime minister or one may not like him. That is everyone's democratic right. What happened when I took twenty thousand people along with my other friends to march to that fort? You wanted the monument not because you revere Shivaji but because you have woken up to find that the people are demanding

that you revise your opinions about him. We said you are not the man who should open that monument. Our ground was simply this. You are prime minister, you are great. He, Shivaji, was a great man. Now two great men certainly should come together. No objection. But Shivaji was the founder of the Maharashtra state and the prime minister was the man who out-voted the state. Therefore, I say you have no moral right to open his monument. Therefore, I went to tell my Marathi people 'do not attend this function.' There was no question of violence. There was no question of breaking his meeting. They utilized one thousand trucks in order to take sixty thousand people for the purpose of that function. They knew, if left to themselves, the people would not walk a hundred miles, Nehru or no Nehru. Despite their love for Panditji and Shivaji twenty thousand volunteers on our side walked on foot from villages in order to tell Panditji 'You are using the monument for strengthening up bilingual state.' The other party will say that sixty thousand of Maharashtrians came to pay homage to Shivaji and Panditji, and therefore, they stand by Pandit Nehru. Very good. If you use that occasion for supporting the bilingual issue, I want to protest. Why should I not be allowed the right to protest? Panditji was going to come on 30 November and we were marching on the road on 29 November morning. On 29 we were prevented from walking along that road. The police came and said, 'You cannot go ahead'. I said, 'Why not? Is that the royal roadway where only the king can go? On what ground do you stop us?' They said, 'Ground or no ground, you cannot go ahead.' I said, 'Under what Act do you stop us?' He said 'Some police act, I do not know which.' He turned to the other police officer, 'Which section do you use here?' The other man said, 'It is, I think, section 39 of the Police Act'. I asked, 'Is that section 39?' He said, 'It may be section 69, 70 or 71. You are going to be stopped. We have wide powers for preventing you from walking. You cannot go in that direction.' It was our restraint that we did not break the order. It was our restraint that we did not send people down to that meeting where Panditji was carrying one thousand trucks and sixty thousand people.

At a later stage we were told 'This is a national function. Why don't you join us?' I said, 'If we are going to be stopped at the gate,

what does it mean joining you?' They said, 'Join us without demonstration.' We said, 'This 20,000 will join; but let us discuss'. Before we could discuss, we were hauled up under the Police Act – by wide powers under the Police Act. If those wide powers under the Police Act were capable of preventing me and twenty thousand men from walking towards Pratapgarh, why is this Preventive Detention Act necessary?

Four MPs and a hundred MLAs who were present there. It is said that members of Parliament inherit the dignity of the British House of Commons. We certainly do inherit the rulings; but we do not know whether we inherit the dignity. What is the dignity? Can you understand a British MP being stopped from walking towards even 10 Downing Street? That won't be understood in Great Britain. That won't be understood in France or elsewhere. What is this talk of parliamentary democracy, what is the right of an MP? Does it mean that four or five members are not allowed to go that way because the next day at eleven o'clock Panditji was going that way? We were not going to prevent Panditji going that way. We did not prevent it the next day. He marched that way and he marched in quite a cool manner. Certainly, we were also in a quite cool manner. All the arches raised in the streets were intact; not one flower was destroyed; not one stone was thrown. He walked peacefully and we also gave our slogans and said, 'We disagree with you'. This was our discipline. But, what was the discipline on the other side? One thousand trucks and sixty thousand people.

This is the way in which democracy is functioning. I am giving an illustration of the way in which it is functioning. Provocation was not on our side. It was on the side of Congressmen and government. Handbills were printed that there was a conspiracy by Brahmans and they were going to kill Panditji and, therefore, come to Pratapgarh to save Panditji. Such a provocation was prepared against us so that we should be inveigled into some bad affairs. These handbills and pamphlets were distributed by the government buses. These were distributed in government publicity vans in the district of Satara. When we told the government they said, 'Give us the number'. There is no mechanism in photography whereby we can show the number

and date of a pamphlet that is being distributed from a van. No figures were given after that. We were told that Panditji was sought to be murdered, and they were taking action. Nobody can dare to take any dastardly action against Panditji. Whether we may agree or disagree on any question with Panditji, everyone would defend against any attack the prime minister of this country as he is today. We would give them that assurance. We were prevented; but those who were shady inheritors of the killing of Mahatma Gandhi have been welded into the Congress party and welcomed. They were being sheltered by the government there. Those who did that in 1948, their inheritors were with your government and we who stand by certain policies even though disagreeing with certain others, were prevented at the cost of our own lives from marching that way because the next day Panditji was going by that road. Is this the way of the functioning of democracy? We are not going to accept that way. I would say consider the way in which the whole thing is developed. Consider the way in which it is being worked and consider whether all this is necessary.

We have wide police powers, wide prosecution powers existing at present. Why don't you come before the court of law and arrest me? I am not running away. Try me; if I am wrong, sentence me. I have done sixteen years in jail so far and I am prepared to give you four more years, if necessary, four years more at the end of my life. Why is this Act necessary? We have not avoided the consequences of our action. No; they won't have it that way; they will not inquire into the police firings; they will take action against the will of the people; in order to impose it they will arrest people without a warrant under the Act. And when preventive detentions start, and strikes take place, they say, here strikes have taken place, and so we use this Act. See the way in which the police functions, the way in which the grounds of detention are given in the first instance; all this is a farce because the Act is made to serve as an instrument of a single party to impose its will, its own dictatorship on others. That is all. If that were not so, this would be unnecessary.

We have got enough powers to carry on; even for the imposition of those things which other people do not like. Therefore, I would

plead with the hon'ble minister to reconsider the question whether this is at all necessary, whether the things which he wants to prevent by the Act – some of those things ought to be prevented, as for example, the burning of Mahatmaji's photographs, or the burning of copies of the constitution (that is my personal opinion) – can only be prevented by this Act. There is no need for that. Certainly, if a man is intending to kill another, you cannot prevent it by this Act. Nobody can know the intention of another. Think of those hand-granades that were being thrown in Delhi in the meetings addressed by Pandit Jawaharlal Nehru. I am yet to see a man detained under preventive detention for that act or a proper prosecution taking place. The government had to transfer even some police officers and ranks in order to prevent that. This is the condition which the hon'ble minister depicts and wants to eliminate by the use of this Act.

That condition cannot be changed by the use of this Act, by the extension of this Act. That condition cannot be changed without proper measures in consonance with people's will being taken. Through you I would request the Congress people to scan the list of those detained. Do you know that when a debate was taking place here about hoarding, some of the rice mill owners in certain places were hoarding rice, sending rates higher, causing starvation in certain towns and villages? Have you got a single person detained under the Preventive Detention Act for hoarding rice against the interests of the people?

Have you got a single case of a speculator in shady dealings on the stock exchange causing a crisis in the market, causing difficulties in balance of payments so that we are forced to cut down this scheme and that scheme and rendering thousand of people unemployed being so detained? Is that not a serious social crime? That is not listed as a social crime; it is normal capitalist activity on the stock exchange, resulting in the normal closure of mills, resulting in the normal unemployment, normal starvation and normal deaths. How is the originator of such activity to be dealt with by the Preventive Detention Act, how is the originator of hoarding of rice in the rice mills to be detained under the Preventive Detention Act? All these

activities are normal activities of a normal businessman! But if a worker strikes, then his activity is abnormal; if he leads a demonstration to the minister's house, it is abnormal and the Preventive Detention Act must be used in order to prevent that man from marching there. Is that the way in which you are going to have values of running this democracy?

If that is the value in which it is going to be run, then, these Acts are not going to save democracy from being worse and worse. A majority in Parliament is not necessarily the sanction that everything that it does is necessarily valid and good. Therefore, I would request the hon'ble minister to reconsider the whole question from the point of view of having a really good democracy running in our country, really preventing antisocial activities, really protecting the lives of the people and allowing all parties to cooperate in the development of our economy.

But the Act is not used against those who prevent the development of economy. In fact, those who prevent it sometimes become better ministers than before. But those who really wish the development of economy are sent into the opposition purposely with malice, with vengeance. The demands of people are not granted and when people protest, this Act comes. What are you preventing?

You are not even preventing the collapse of the party rule which you want to adopt. The reduction in the figures of arrests does not show anything. As I told you please do not be exhilarated by these figures. Please show consideration to what the people are thinking whether in Punjab or Bengal or Maharashtra or in Gujarat. Even in Punjab, this thing cannot be prevented by the use of this Act, and the way in which you go on. I do not want to go into details.

This Act does not apply to Kashmir. It is rather a ticklish question. Certainly we are having trouble in Kashmir. Certainly, the policies that this government is following in regard to Kashmir are quite correct. I support them. But certainly we ought to consider whether a man should be kept in detention for four years. If it is wrong, then take him out of Kashmir and let him go out. Keep him in Bihar or in the home minister's own supervision in Lucknow or Allahabad. Let him have his liberty.

Are we not strong enough to prevent one man destroying the whole state if you think he is wrong? But detention for four or five years loses all its value, and it strengthens that tendency against that very policy which is the correct policy. Therefore, preventive detention will recoil on itself. Not that I support the view that Sheikh Abdullah took long ago. I think he was wrong in that, but there is no reason why four years' detention should be given. One year perhaps we might give, and say you prevented thereby the debacle of Kashmir or whatever it was – but, I do not discuss the affairs of that state. But then, may I suggest, is this an illustration of the way in which all of us are trying to think? Are we, by imposition and continuance of this Act, really developing a normal, good democracy? Please put that question. I would say, No, you are not developing it. Therefore, please do not extend the Act.

Reference

Lok Sabha Debates, Vol. X, cc. 4246-66.

FEROZE GANDHI

The Life Insurance Scandal

16 December 1957



Feroze Gandhi, son-in-law of Prime Minister Jawaharlal Nehru and husband of Indira Gandhi was an accomplished parliamentarian in his own right. Single-handedly, he unearthed serious scandals like the Mundhra shares being purchased by the Life Insurance Corporation at a price much higher than the market price. It was obvious from Feroze Gandhi's speech that he had done his homework and was in full command of the facts.

Mr. Speaker, sir, a mutiny in my mind has compelled me to raise this debate. When things of such magnitude, as I shall describe to you later, occur, silence becomes a crime. Public expenditure shall be subject to severest public debate, is a healthy tradition, especially so in an era of growing public enterprise. There is nothing to be ashamed of if a public undertaking has made a mistake, if some people have made a mistake. We should confess it. Parliament must exercise vigilance and control over the biggest and most powerful financial institution it has created, the Life

Insurance Corporation of India, whose misapplication of public funds we shall scrutinize today.

Much as I have tried to, I have failed to understand how the Life Insurance Corporation became a willing party to this questionable transaction with the mystery man of India's business underworld....

Mr. Speaker, there is going to be some sharpshooting and hard hitting in the House today, because when I hit, I hit hard and expect to be hit harder. I am fully conscious that the other side is also equipped with plentiful supplies of TNT.

A friend of mine in this House, sir, mentioned to me that the finance minister's statement was well fortified. Let me see, if I can breach the ramparts at the very first shot. It appears the Life Insurance Corporation has committed a breach of privilege of this House by causing to be placed on the table of the House a statement withholding important information. May I know why one important transaction with Shri Mundhra has been kept a secret from the House? In the absence of this vital information the statement of investments becomes worthless, not even worth the paper on which it is cyclostyled.

You, Mr. Speaker, are the guardian of the rights of this House, and it is for you to decide this issue. On 29 November the finance minister stated in the House: 'The question is not one of favouring one particular individual or group, but seeing that the corporation benefits and the policy holders, ultimately, benefit by the investment made.'

I ask, was it in fulfilment of this policy that the corporation purchased by direct negotiation from an individual, Shri Mundhra, shares worth Rs. 1,25,00,000 in his concern on 25 June 1957? In March, in April, in June, in July—July is the one which the statement has left out—in August, in September, for six months in this year and on nineteen different occasions the corporation purchased shares of the Mundhra Group for a sum of Rs. 1,56,00,000. If this is not favouring and financing one particular individual or group, then what else is it?

The finance minister, in reply to another question on 29 November stated: 'They' meaning the corporation 'wanted to augment their shares.'

And, whenever the corporation wanted to augment its shares, one Mundhra was always there willing to oblige, so much so that on one occasion the Life Insurance Corporation transacted business on a day when both the Calcutta and Bombay Stock Exchanges were closed.

Look at the dates and then find out the day. To my own question: 'May I know whether it is a fact that a few months ago some shares were purchased at a higher price than the market price of those very shares on the particular day?' the finance minister gave an emphatic reply: 'I have been told that no such thing happened.'

What does the statement reveal? According to the quotations on the Calcutta Stock Exchange given by the minister himself, on 24 June 1957 there is an overpayment of seventy-seven thousand rupees. According to the quotations on 25 June given by the hon'ble minister in the statement, there is an excess payment of about three lakh rupees. What are the results of these augmentations?

Such was the stability of these concerns, such was the soundness of the investment, so stable was the man with whom the corporation had struck nineteen deals, that within two months of their last augmentation, in September the government had to appoint administrators and directors in these concerns. This is not investment. This is a conspiracy to beguile the corporation of its funds.

From the finance minister's statement it would appear as if these investments were made through the open market. The truth is that this was a negotiated deal with Shri Mundhra himself. In the case of such bulk purchases, the market value dwindles into insignificance. Taking into consideration the fact that no lone investor would have touched most of these shares with a tadpole's tail, I am led much against my will, to the sad conclusion that this was a device to help Shri Mundhra who happened to be in financial difficulties at that time, as I shall prove later. The sacred savings of the insured were misused for this purpose and, if I may say so, almost gambled away.

I shall now scrutinize the shares purchases made on 25 June and, Mr. Speaker, I shall confine myself to an analysis of the purchase of 25 June alone. The purchases totalled Rs. 1,24,44,000. Obviously all the inspiration to augment their shares could not have burst forth

suddenly on the 25th. Deep thought must have been given to this investment. Prevailing prices of these shares on the stock exchange must have been thoroughly scrutinized. Balance sheets must have been looked into. I am sorry, sir, I made a mistake. Some of these concerns have not published their balance sheets since 1955. I do not know what procedure the corporation adopted in the absence of balance sheets to arrive at a conclusion as to the value of the shares they were purchasing.

Let us have a look round the Calcutta Stock Exchange, armed with the same authority as that of the finance minister, the official report of the stock exchange. The 25th was a Tuesday, 24th was a Monday, 22nd and 23rd were Saturday and Sunday when the stock exchange was closed. Let us see how much less the corporation would have paid had they concluded the transactions, say, on the 21st. The answer is, Rs. 10,73,000. These very shares could have been purchased according to the market value on the 21st, and the quotations are, from the official report of the Calcutta Stock Exchange, for Rs. 10,73,000 less. But let us move a little backward and see how much less would they have paid on the 20th. Again, according to the same source, the official report of the stock exchange, it is Rs. 9,42,000 less. On the 19th, Rs. 11,52,000 less; on the 18th, Rs. 13,47,000 less; on the 17th, that is Monday – Monday week – Rs. 13,62,000. My figures do not seem to be creating much impression.

I am going to jump one week from the 17th to give you an idea of how much less the corporation would have paid had the purchase been made on 10 June at prices prevailing and quoted at the Calcutta Stock Exchange. The corporation could have purchased these very shares on the 10th for Rs. 20,83,000 less than what was paid on the 25th June. I have made no calculations of prices before the 10th. My nerves gave way.

Occasionally you, Mr. Speaker, are very helpful to members, and on the 29th I think you understood what was in the minds of members when they were groping in the dark and asking questions. You clarified the position. You, Mr. Speaker, said: 'The hon'ble member wants to know whether to push up the falling prices of the

shares of this company, either the government or this corporation went to the aid by investment in shares.'

Mr. Speaker, you let the cat out of the bag. It had never occurred to me. But I gave very serious thought to all that you said. This is exactly what happened. For purchases affected on the 23rd, the prices were artificially created by crude market manipulations on the 24th, when, all of a sudden, all these shares reached their peak. On Monday, the peak was reached. On Tuesday the purchases were made.

Let us see, as I shall prove to you and to the House, how it was worked up. What happened on the very next day, Tuesday? The peak had passed. The downward trend began and as on Friday, 13 December the corporation's investment has depreciated by about Rs. 37 lakhs against the total investment of Rs. 1,24,44,000.

This, it may be argued, is not a loss, because I have purchased shares and as long as I do not sell them there is no loss. Actually, it would be difficult to argue that way, because, the investment has depreciated and what would happen when the actuarial valuation takes place? An insurance actuary will take the market value of those shares; not what you have paid for them. Therefore, the insured will lose heavily. The actual amount by which the capital investment has depreciated will be much more, because the total investment is about Rs. 1,56,00,000. I have only taken into account Rs. 1,24,00,000-odd in the calculation of Rs. 37 lakhs.

Now, how was the market manipulated? Let us take the case of one concern – Angelo Brothers. Mr. Speaker, on 17 June the price of the share which Angelo Brothers quoted at the Calcutta stock exchange was Rs. 16.87 lakhs. On the 18th, Rs. 16.87. On the 19th, Rs. 16.87. On the 20th, Rs. 16.87; on the 21st, 16.87. On the 22nd and 23rd Saturday and Sunday – the stock exchange was closed. What happens on the 24th? With the ringing in of the Angelus on the 24th, Angelo Brothers was booked by the Insurance Corporation for Rs. 20.25 per share – Rs. 3.38 more than the quotation of the previous five days. This is how the market was manipulated.

I shall give you another example – the Osler Lamp Manufacturing Company. It is a very interesting company. It was floated in 1947 – ten years ago. Let us see how the shares moved from 10 June up

to 24 June. On 10 June, the price is 2.78, in the Calcutta Stock Exchange. On 17 June, the price is Rs. 2.81. On 18 June, Rs. 2.81; on 19 June, Rs. 2.87; on 20 June, Rs. 2.84; on the 21st, 2.84; Saturday and Sunday, 22nd and 23rd. Quotation on Monday, the 24th, Rs. 4. What happens on the 25th? The prices collapsed. It goes down to 2.87. It has come to its original, and the Life Insurance Corporation paid Rs. 4 per share. The total investment runs into several lakhs.

But what is the condition of this company in which we have invested the money – the Osler Lamp Manufacturing Company? The dividend on preference shares has not been paid since August, 1949. Preference shares dividend has not been paid since August, 1949. No dividend has been paid on ordinary shares for the last ten years, that is, ever since the company was floated. And the Life Insurance Corporation was looking all round for a healthy investment. This is the kind of concern that they put their money in.

Now, I come to the British India Corporation. The British India Corporation in which on one day, 25 June, they invested forty-two lakh rupees; paid a dividend of one-and-a-quarter per cent in 1954, nil in 1955 and two per cent for the year ending 1956.

This will work out at about 1.87 per cent on the corporation's investment. Forty-two lakh rupees were invested, and they were handed over to this corporation on a return of 1.87 per cent. This is what we have done with the monies of the insured.

The British India Corporation, once a tower of strength to the city of Kanpur, is in a state of collapse. One of its mills is either closed or there is notice of closure. It is in a state of collapse. The ruins are a testimony to its pristine glory.

The corporation has an Investment board. May I know why the chairman did not consult the Investment Board before the investment of 25 June was made? Rs. 1,24,00,000 is not a small amount. I doubt very much if the chairman has got the sole right to go about investing these huge sums of money in any manner he likes on his own authority, without the consent of the Investment Committee. Is it not a fact that the board was presented with a fait accompli and the members of the board took strong objection to the manner in which the corporation's

funds had been frittered away? I would like the finance minister to tell me that I am wrong and I shall correct what I have stated.

On 29 November the finance minister stated that these shares were not spurious. What does 'spurious' mean? I do not know whether you have to rule it out again. That is the first word given here and you have once declared it unparliamentary. You can remove it from the record if you feel so later. 'Spurious' means, according to the *Chamber's Dictionary* and the *Oxford Dictionary* agrees with it — 'bastard, illegitimate, not genuine, false.' No one in this House said these shares were all these. Nobody had it in mind. I do not know how the finance minister said it; probably he used it in its general sense.

The point is this. Was the financial instability of these concerns known to the government and to the corporation? Was it known? Did they know that this money was going to be locked up in unstable financial concerns? It is here that I have an important clue contained in the report of the textile commissioner on the working of the British India Corporation and its subsidiaries and I shall read out the relevant portion from the report. I quote:

The State Bank of India has recently demanded the mills to mortgage the fixed assets of the British India Corporation also as a security for the hypothecation loan. This is rather an unusual step and apparently this is due to the banker having lost confidence in the corporation.

The State Bank of India had lost confidence in the British India Corporation. The textile commissioner further states:

In fact, in the directors' meeting held on 23-3-1957, it was reported by the Deputy Managing Director Mr. Powell, that when he contacted the chairman and the managing director of the State Bank of India and also the chairman of the Reserve Bank of India in connection with the application to enhance the loan facilities from Rs. 1.25 crores to Rs. 1.50 crores — i.e. Rs. 25 lakhs — for the Kanpur Sugar Works Limited, a company launched by a subsidiary of the B.I.C., the three senior officials of the State Bank had expressed their concern with the financial position of the corporation's group.

The three senior officials of the State Bank and the Reserve Bank were concerned about the financial position of the group, and what

happened? Why did I say that I have a clue? The NIDC also refused a loan somewhere in the month of February or March. The State Bank of India and the Reserve Bank refused help in the month of March and in the month of March the Life Insurance Corporation started investing money in these companies. 23rd March is very significant, because the financial condition of the Mundhra group was becoming worse and worse. The State Bank and the Reserve Bank refused help because of the unsoundness of the concerned. But the Life Insurance Corporation was only too willing and rushed in. The textile commissioner's survey concluded on 10 June and the Life Insurance Corporation, a fortnight later, recklessly invested its funds in these very concerns.

I shall read out to the House an extract from the 1955 balance sheet of the British India Corporation, Directors' report on the accounts: 'Mr. Mundhra has taken a keen interest in the affairs of the Corporation and is lending every support to the directors and the management in their endeavours to ameliorate the condition.' Another paragraph begins: 'The results for the year are most disappointing.'

If the corporation, before it had invested its funds, had had a look at these balance sheets, had seen what the condition of the corporation was, they would never have touched it, as I said, with a tadpole's tail.

Now, let us see the seriousness of the entire transaction. Mr. Speaker, where are the scrips of these shares? Did the corporation receive the share scrips before payment was made on 25 June? That is a very important point. Or, did they make payment without having the share scrips in their possession? I would like to have that clarified. Have they even today in their possession all the shares? I would like that to be clarified too, and if they have, have they got the genuine scrips?

There is nothing to laugh about. Have they got the genuine scrips? My information is that there are in the market originals, duplicates and also forged scrips of these very shares. The House would like to know which variety the corporation has got.

I hope I have established collusion between the Life Insurance Corporation of India and Shri Mundhra. I have, I hope, established

a conspiracy in which public funds were wrongfully employed for financing the interests of an individual at the cost of the insured. To me this discussion is a measure of the strength of democracy. We do not hang people. We do not chop off their necks, but we can make their existence pretty difficult. It we cannot knock off their heads, what can we do? Let me see if I can secure by pressure of public debate that which I have failed to achieve by peaceful negotiation.

I demand that the government institute an inquiry into this questionable transaction. There is already a precedent for such action. When charges less serious than this were levelled against the Industrial Finance Corporation, the then finance minister, Mr. Deshmukh, appointed a committee and the chairman of the committee was a member of the opposition. Let us hope that our finance minister will follow the example of his predecessor. Mr. Speaker, this debate has been a very heavy strain on me both mentally and physically.

It has not been easy to collect all these facts and place them before the House in a concise way because the transactions go into lakhs and lakhs. An unfortunate thing has happened. But I don't think there is any reason to be ashamed of it. I am a champion of the public sector. I was one of the persons who championed life insurance nationalization. I am not ashamed to face an inquiry. I would like the public to know, I would like the government to know, and I would like the members of Parliament to know that in the public sector, if such a thing happens, we are prepared to face an inquiry and get to the bottom of it.

I hope that the finance minister will accept this suggestion of mine and appoint a committee in which this House shall be well-represented. But I would prefer a committee of this House. I am not much enamoured of the word judicial. I think we are quite capable; I think we can look after these inquiries. And I hope in the end that this small suggestion of mine will be acceptable.

Reference

Lok Sabha Debates, Vol. X, cc. 5738-49.

GOVIND BALLABH PANT

Abolition of Capital Punishment

25 April 1958



The Union home minister Govind Ballabh Pant intervened in the discussion in the Rajya Sabha on a resolution seeking the abolition of capital punishment. While appreciating the humane sentiment behind the motion, he pointed out the necessity of retaining the provision in the interest of society and in order not to provoke cases of murder.

Sir, I am thankful to you for allowing me to intervene in this debate at this stage. My colleague, the deputy minister, will reply to the speeches that have been made or may be made hereafter, at the conclusion of the debate.

Sir, I have listened to the eloquent and moving speech of the mover of the resolution with rapt attention. In fact, I could not help doing so. He lives in a dreamland for the most part and has the capacity of entrancing people with the special, unique and artistic skill that he possesses and which we all admire. But I live in this mundane world. So I have to look at things from a somewhat realistic

angle. Well, so far as the general desire that nobody should be hanged is concerned, I think everyone would wish that nobody was killed, nobody died and nobody could be hanged, and that no occasion would arise for awarding capital sentence or for sending anybody to the gallows. But we have to look at the question from a practical angle, and apart from any other considerations, I would address a question to myself and I would ask other hon'ble members to place themselves in a similar position to put a question and to answer it. Men are murdered, there is no doubt. Some of the cases are most brutal. It would put an immense strain on the hon'ble members of this House, if the details of the inhuman atrocities that are sometimes committed were given in this House. Now if we stop and discontinue this capital sentence, would more men be killed, or would the number of the men killed go down? I wonder if anyone can give the answer that if we abolish this sentence, then the number of murders would go down, because nobody seems to commit murder with a view to being hanged. That is not the motive. Everyone who commits murder wants to escape from the sentence which he has earned. So, if there is no such sentence, in all likelihood, the fear that comes in the way of people's committing murder will be removed. So do we want more of murders in our country or do we want less of them? That is the simple proposition. If we want more, then one of the methods perhaps would be found in the abolition of capital sentence. If we want less, then we have to maintain the sentence and find out other ways. I fully agree that in this age we do not stand for the dictum 'a tooth for a tooth and an eye for an eye' and even when culprits are sentenced it is not in a spirit of vindictiveness or vengeance, but according to modern science of penology, all sentences are awarded only for the security and protection of society so that every individual, so far as is possible, may live in peace. I also look forward to the millennium, but I do not know when it will come. The hon'ble mover referred to the sputniks. He also mentioned that science and technology had, in a way, made a great advance. That is all accepted. But even in the land of sputniks, capital sentence is still maintained and I think awarded in many more cases than in our country. It is true that man's mind

has become richer and his ingenuity has explored many avenues which were closed to his predecessors. But still his heart has not kept pace with the flight of the mind and it is because of that disharmony between the two that we see so many tragedies in the world. It is not a question of the refinement or rather the enlightenment of the intellect but the refinement of the spirit. And that, unfortunately, happens to be lacking even today. If we concentrate more on that, I think a day may come when the need for awarding capital sentence may cease. We have to work for that. It is not by abolishing the sentence that you approach your ideal. It is by creating that atmosphere in the country, that atmosphere for which as the mover said, our soil is more congenial than any other, of nonviolence in thought, word and deed. If we have that, then I think murders will be found only in the storybooks and gruesome tragedies will not be witnessed by anyone. So we must try to produce that atmosphere and work for that so that there is more of understanding, more of fellow-feeling, more of commiseration, more of pity, more of sympathy and more of a rational approach towards problems. If we concentrate on that, then that would provide a really abiding cure for the malady.

Some references have been made to other countries. The problem that has been posed here is not altogether a new or novel one. It has been the subject of discussion in many other countries and it has been raised in our own Parliament more than once. But when reference is made to other countries where capital sentence has been abolished, you have to remember two things: One, that wherever capital sentence is abolished, the proportion of murders to the population was not more than four to a million, at any pace, but in our country it comes to roughly twenty-six to a million. Well, if it reaches that infinitesimal figure of four to a million, there will be time for us also to consider the desirability of a change. But so long as the figure is high, about seven hundred per cent high, it is difficult to rely on these analogies. They do not fit in at all. Then there is another factor. There are several countries which abolished this capital sentence; but after some experience, they had to revert to the old system and to revive the capital sentence that they had

abolished. In Austria, for example, they abolished capital sentence, but they had to reintroduce it. A reference was made by Mr. Sinha, I think to New Zealand. It is true that in New Zealand they once abolished capital sentence in 1951; but I think they revived it. A reference was made also to the United States of America. There six states had abolished capital sentence. They also, after some unfortunate experiences, had to reintroduce the capital sentence. In England, as the hon'ble members know and as they had been told, there was once a resolution passed in the House of Commons, though it was rejected in the House of Lords, and some changes were made, not that capital sentence was abolished completely, but it was restricted to certain offences and it was abolished in the case of certain other offences. It was, however, found that the result was rather disastrous and now so far as I am aware, the law is going to be revised and capital sentence is going to be restored again. So are we going to make an experiment which will result in the deaths of many more persons through violent means and then learn a lesson like others and then revive capital sentence? That would not, I think, be a proof of our wisdom.

We must learn from the experience of other people. As hon'ble members are aware, we stand for a humane system of punishment. We fully subscribe to the basic fundamentals of modern penology. We have abolished the sentence of whipping as the hon'ble members know, though it still finds a place in the statutes of many other advanced countries. We have introduced a bill which would enable us to extend the benefits of probation and to release culprits accused of minor offences and that bill will be coming before this House in due course. We have also amended the Criminal Procedure Code. Formerly no sentence of death in cases in which such sentence was admissible could be replaced by one for transportation for life, except for special grounds. The judge was expected to justify the lesser sentence but that has now been amended and it is open to the judge either to award the sentence of hanging or of transportation for life. In our country, we have many other safeguards. No sentence for hanging can be regarded as final until confirmed by the high court and then there is an appeal in most of the cases to the Supreme Court.

There is also the right of submitting mercy petitions to the state government as well as to the president here, and reprieve is granted freely wherever there is the least doubt or wherever there is the least ground for holding that the murder had not been committed in a cold, atrocious manner. In such cases, a lenient view is taken. We allow the man who is charged with murder to be defended by a lawyer at the cost of the state. So, every precaution is taken to see that no innocent person suffers. Wherever possible, instead of the capital sentence, the other sentence is given.

A reference was made to certain sections of the penal code. The only two sections in which the only sentence is that of hanging, are those in which a man who is serving a sentence of transportation for life commits a murder. It is only in those cases that the death sentence is the solitary sentence that can be awarded. I do not see what other sentence can be awarded in those cases. In all other cases, the judge has the option either to award one or the other sentence. So, I submit, sir, that our present system is rational and not, in any way, I think, lacking in the human approach which should guide the state and those who administer the affairs of the state or who preside over our tribunals.

There is also one minor point. Law and order, as you all know, is regulated by the states. It is their function and their responsibility in their respective states. We often hear of dacoity. The states are criticized, and not without reason, that they cannot put an end to foul crimes of this type. We also hear of other crimes where little children are butchered. I was yesterday informed about a case in which a child was kidnapped, his arms and legs were fractured and his eyes were deliberately blinded so that he might be taken about to collect alms. Well, there are offences like that and I sometimes think perhaps if we were not particularly scrupulous, we might extend the capital sentence to cases of this type where men are treated in such a manner that their life becomes more than a burden to them and such inhuman atrocities are committed out of a sordid motive. However, we do not think that we should go to that length, and so long as we have the present law, there is no need for any change and I do not think that any sort of public opinion exists in

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the country in favour of the abolition of the capital sentence. Really, the general feeling is that we are lenient and our courts are still more lenient so that the criminals prosper and thrive because of the liberality of view which is shared by all of us. I would like to maintain that spirit, to look at things from a humane angle but not in such a manner as to provoke cases of murder and other offences which would sap the very vitality of our society.

Reference

Rajya Sabha Debates, Vol. XXI, cc. 457-62.

ATAL BIHARI VAJPAYEE

The Tibet Issue

21 August 1959



Speaking on his resolution recommending to the Government of India that the issue of Tibet be referred to the United Nations, Atal Bihari Vajpayee expressed solidarity with the Tibetan people. He saw no reason why India could not raise the Tibet issue in the United Nations particularly when she was going out of the way to raise the issue of recognition of China.

Sir, I beg to move:

'This House is of opinion that government should refer the Tibetan issue to the United Nations.'

Sir, the General Assembly of the United Nations is going to meet from 15 September 1959. The Government of India has decided to raise the question of China's admission into the United Nations. By this resolution, I want this House to recommend to the government that the Tibetan issue should also be raised in the United Nations.

India has been a strong champion of the United Nations, and that is the only ray of hope in the world threatened with nuclear wars.

We have all along maintained that international conflicts should be settled by sitting round the table, the use of force should not be resorted to and that all disputes should be settled by negotiation. We have adopted an independent policy in the international sphere away from the warring groups because we think that it is the only correct policy not only in the best interests of our nation but also in the interests of world peace. By this policy, India has achieved a certain stature. We command respect. The peoples of the world look to our prime minister when they are in distress not because we have armaments, but because we try to adopt a policy based on moral considerations in the international sphere. This moral force which India has come to possess demands that whenever there is any aggression we should support the just cause; and in the past, when the independence of any nation was threatened, India did not keep quiet. We also supported the right and the just cause without being afraid of any power.

You are aware that the question of Tibet was raised in the United Nations in 1950 when the armies of China marched into that country. On 25 October 1950 the Chinese army entered Tibet and on 7 November 1950 the leaders of Tibet sent a complaint to the United Nations against the Chinese aggression. On 18 November 1950 the representative of El Salvador moved the United Nations formally and asked the General Assembly to create a special committee to study what measures should be adopted by the United Nations General Assembly to assist Tibet against the unprovoked Chinese aggression. But when the Steering Committee of the United Nations met, the Indian representatives asked the committee to drop the whole matter and gave the assurance that the Chinese forces that were advancing had stopped and that the committee need not go into this matter.

The Government of India wanted that China and Tibet should settle the issue by peaceful negotiations and our prime minister advised the Dalai Lama to come to an agreement with Communist China, in view of the assurances given by the prime minister of China, who visited India during those days. As a result of our assurances, the Dalai Lama came to an agreement, the seventeen-point agreement, with China.

I need not go into the history now. What has happened in Tibet is clear. It is clear that the Sino-Tibetan agreement of 1951 has been violated. The Dalai Lama has been forced to leave his country and to seek refuge in India. With him, thousands of Tibetans have come to our country. Even then, the Government of India wanted the situation to calm down in the hope that wisdom will prevail and a satisfactory solution of the Tibetan problem will be found out.

What is happening in Tibet is very painful to all the lovers of freedom and to all those who believe in human dignity. They are aghast at the fate of the Tibetans. Now, it is not a question of Tibetan independence or autonomy. But the question is whether Tibet will remain as an entity, whether Tibet's distinct personality will survive or the Tibetan people will be annihilated. We are aware, and the Dalai Lama has confirmed, that a large number of Chinese are being settled in Tibet. Five million have already been settled and four million are in the process of being settled. Besides this, there are a large number of army officials.

The whole aim of China is to reduce the Tibetans to a minority in their own country and thus to destroy the Tibetan personality. It is a new phenomenon; it is a new type of imperialism. Except in South Africa, the Western countries, I mean the imperialists, subjugated other races, but they never tried to outnumber them in their own country so as to wipe them out completely from the map of the world. France has subjugated Algeria, but the Government of France respects the distinct personality of Algeria. But it appears that the people of Tibet will have to go the way of Inner Mongolia. Outer Mongolia, though not truly independent, has something of its own, but Inner Mongolia has been annexed and it has ceased to exist as a separate entity. That is happening in Tibet. The Human Rights Charter, to which Communist China is party – because the charter of human rights was approved at the Bandung Conference of Afro-Asians attended by China – these human rights are being violated in Tibet. According to the International Commission of Jurists, the people of Tibet had been denied, and are still being denied, the right to liberty, life and security. Forced labour has been inflicted on the Tibetans; tortuous, cruel and degrading treatment

is being inflicted on them; rights of homes and privacy have been violated; freedom of movement within the state and the right to leave and to return to Tibet have been denied; marriages have been forced upon unwilling parties; property rights have been arbitrarily violated and freedom of religion and worship have been systematically denied. If human rights are to be violated in this manner, and by a nation which is seeking admission to the United Nations, the world, and especially our country, cannot and should not remain a silent spectator.

In addition to the violation of human rights, the International Commission of Jurists has come to the conclusion, and they have evidence to show, *prima facie* case of a systematic intention to destroy in whole or in part Tibet as a separate nation and to put an end to Tibetan interest. A *prima facie* case of genocide according to the convention of 1948 has also been made out by the commission. I need not go into these charges. Unless a commission of independent countries can go into Tibet and find out for themselves what is happening, nothing can be said. In addition to this, the Dalai Lama has stated that during this upsurge sixty-five thousand people have perished and the people of Tibet have been denied freedom to frame their future according to their own ideas and conceptions.

Now the question is raised that since China is not a member of the United Nations no useful purpose will be served by referring this question to that august body. May I submit that India joined the nations who branded North Korea as an aggressor though North Korea was not a member of the United Nations. We did not say at that time that since North Korea is not in the United Nations we are not going to join in condemning North Korea as an aggressor. We want that China should be admitted to the United Nations because we have faith in the United Nations and we think that whatever the form of government the people of China may have, since the Government of China is the actual government and is actually in possession of the administration of that country, China should be admitted to the United Nations. But everything does not depend on us. China is not there. But it does not mean that we should not refer the Tibetan issue to the United Nations.

Another point made out is that if the Tibetan issue is referred to the United Nations it might intensify the cold war. When the Anglo-French invasion of Egypt took place the whole world joined in denouncing that aggression and no country including ours, raised the apprehension or the fear that no, the Anglo-French aggression should not be denounced because it will become a part of the cold war. The Tibetan issue has nothing to do with the cold war. It is a question of the rights of man. It is a question whether smaller nations can exist in this world or not or will they have to lose their entity, will they have to be wiped out. India has a moral duty to the people of Tibet. We have a moral responsibility. Apart from the considerations of India's security, with our age-old relations with Tibet, how can India remain silent when before our own eyes a nation, the personality of the people of Tibet, is being destroyed?

Suppose, India does not refer the question to the United Nations; some other country may raise it. I would like to know what will be our policy in that case. We cannot prevent other nations from raising that issue. What shall be the policy of our government? All our attempts for a peaceful solution of the Tibetan tangle have failed. In spite of the best wishes of our prime minister, the Chinese communist leaders are not prepared to heed to the voices of wisdom, reason and justice. On the contrary, they are branding India as imperialist and also the Indian people. India relinquished its extraterritorial rights that accrued to us from the British. The other day, our prime minister objected to the boundary line between India and China being called as the MacMahon line: actually objected; he said, he disliked, I think because the very name MacMahon smacks of British imperialism. As Shakespeare has remarked, there is nothing in a name. But, it showed how deep our feelings are against imperialism. But then, the Chinese communists are branding us as imperialists.

Propaganda against India, against the people of India, has been let loose by China. According to a journalist, he has estimated that in seven days from 20 to 30 April, China, through its official newspapers, news agencies and radio, has published, distributed and broadcast seventy-seven articles, commentaries and editorials,

totalling more than forty thousand words, condemning India in the most unrestrained language imaginable. Indians in Tibet are being harassed. Police are still posted in front of our mission in Lhasa. Indian currency has been declared illegal. Cartographic aggression including thirty thousand square miles of territory of India is still there. Our protest notes are not even replied to. Do we think that in the present circumstances China can be induced to accept the just demands of the Tibetan people? The Dalai Lama has clearly stated that he and his fellows are not against social or economic reforms in Tibet. But now that stage has passed and I do not think there is any other course left for India but to mobilize world opinion against the Chinese aggression of Tibet. Even though China is not a member of the United Nations, if the Government of India takes that issue to the United Nations and we are in a position to mobilize world opinion in favour of the Tibetan people, I am sure something good will come out of it. As a nation who has faith in the United Nations, that is the only course left open for us.

When the Government of India has decided to raise the issue of China's recognition and admission into the United Nations, in spite of all that is being done and said against India by the Chinese communists, I think it is but proper that the Tibetan issue should also be raised by our government in the forthcoming meeting of the General Assembly of the United Nations. The government will have the benefit of knowing the wishes of the House in this matter, and I am sure my resolution will get wide support, and the government will accept it and will discharge the moral duty to the people of Tibet as a free nation.

With these words, I move the resolution.

Reference

Lok Sabha Debates, Vol. XXXIII, cc. 3682-90.

RAJKUMARI AMRIT KAUR

The Evil of Dowry

31 August 1959



Speaking on a motion on the Dowry Prohibition Bill, 1951 moved by the Union law minister A.K. Sen, Rajkumari Amrit Kaur questioned the usefulness of such a bill for combating the social evil of dowry. The real remedy, according to her, was not legislation but education of the girl child. Therefore, she wanted the law minister to withdraw the bill.

Sir, I rise to question the wisdom of a bill of this nature. I have been a social reformer all my life. I have grown grey in the service of the women and children of this country. But I am absolutely certain that this bill is not going to achieve the objectives which it has in view. I am really led to wonder whether, because the Acts that exist in the states of Andhra Pradesh and Bihar have been failures, the Government of India is constrained to have an all-India Act. In Bihar and in Andhra, there have been, may be, only two or three prosecutions, but certainly there have been no convictions; and I venture to submit to the law minister that however much we try, the

bill cannot be improved as far as I can make out, even if it goes to a select committee. But even if you pass the bill, you are never, never, never going to enforce it in any way. How can you? As the father of a daughter whom I am anxious to marry in a certain family, am I going to go to the court and say that the father of the boy to whom I wish to give my daughter in marriage has demanded so much from me? Of course not. What happens if I do? My daughter remains unmarried.

How terrible is the situation in India in regard to dowries? Eighty per cent of our people, I suppose, or even more than that are far too poor to be able to demand or give dowries of more than two or three hundred rupees. I have only recently been drawing up the budgets of poor people asking them, persuading them – and I have succeeded in doing so – not to spend more than two or three hundred rupees. These are poor people and they have saved up as much as five hundred rupees to spend, and on persuasion they did not spend even this. I have actually been to their weddings. They have given one meal to the bridegroom's people and they have given a small present to the son-in-law. They have given all that they could afford to their daughter, which is the ancient Indian tradition. So, is legislation the way to attack this problem?

I am surprised when I have my sisters – I am sorry that not one of them is here today – painting such a black picture of Indian life. I do not believe that all girls that are married in this country are unhappy or are victims of this system or any other system for that matter. I feel that we have got to grow in stature, change our views, change our code, our concept of life, as we progress. We live in a scientific age. We are talking of a dynamic age. We want to do this, we want to do that. These evils will go as you educate your girls. Bring your girls up to a profession. Who practises the dowry system? They are a certain number of people in the middle classes. It does not apply to the rich classes. It does not apply to the poor. In the middle classes also a certain number of greedy, over-ambitious people, because they think that their son has got good prospects or think that the daughter has got a good deal of money to bring in, and well, they may want to exploit. But those people will continue

to do this. And it is the parents that are to be blamed. If the parent of a boy demands a dowry, well, the parent of the girl should be willing to resist and say 'no' and not be upset should his daughter remain unmarried. We have got to change the outlook of the parents. Today it is felt that the daughter must be married. Why must she be married? Bring her up to earn her own living and let her and the future husband find their feet. I believe that in time we have got to allow our young people to choose their own husbands and their own wives, and that will be the proper end of the dowry system.

We have got the Sharda Act in the statute book. Every year you read of infants being married in Rajasthan. Is there a single prosecution? Of course not. You cannot cope with people when they are illiterate and uneducated, and you have to enter into the psychology of the persons concerned. Unfortunately our daughters are not getting the education that they should get. We should appeal to the education ministry to make it possible for every parent to be able to give his daughter an education that will enable her to earn money, to earn her livelihood, and she will be somebody that every boy will probably be very glad to marry. I do not believe that you are going to achieve anything with this bill. I would beg of the government to appeal to the women's organizations to go into the field and persuade the parties. If you think that legislation is the answer to every evil in life, it is not. What is more, it drives the evil underground. In the same way we wanted to have prohibition. We have got it. But wherever we have got it, the evil has gone underground. Here also, perhaps, you will find the evil going still further underground than now. This is not the way to tackle social reforms. Our sisters, as I say, want protection, protection, protection. I want them to become able to protect themselves. I want the girls who are being forced to marry somebody – and whose parents have been forced to give a dowry – not to commit suicide, but to stand up and say, 'I am not going to marry.' This is what I want. We have to create, as Gandhiji said, not *abalas*, but *sabalas*, and we are not going to create *sabalas* with legislation. So I beg of the law minister to reconsider and withdraw the bill. The evil is not so awful as is painted. It is there, I know. I have stopped it in various places. I have been to the father

of the son and said, 'It is wrong, it is wicked to demand a dowry from people who cannot afford to pay, who would even have to borrow and get into debt'. And it has had effect. But our women, in women's organizations, are content to pass resolutions, content to go to the law. We have got laws of inheritance. With equal laws of inheritance, equal rights for women, equal education for women, equal opportunities for them, they become wage-earners. These are the things that are going to do away with the dowry system and not a bill like this. Everybody will evade it and nobody will pay any attention to it. And what happens? The government comes into contempt, the law comes into contempt and we encourage our people to go underground to evade the law and do all kinds of things which are against social uplift. It is the social conscience of the people that has to be aroused and I beg to submit that no legislation is ever going to arouse the social conscience of the people. It may take a long time, but legislation is not going to help; legislation will make it difficult. It will take even a longer time. Anyhow, I suggest that this Bill be withdrawn.

Reference

Rajya Sabha Debates, Vol. XXVI, cc. 2393-7.

GOVIND BALLABH PANT

The Official Language

2 September 1959



A parliamentary committee on official language was appointed with Union home minister Govind Ballabh Pant as the chairman. This was done in compliance of the constitutional provision in Article 344(4). The committee examined the recommendations of the Official Language Commission appointed by the president earlier. The committee was required to submit its report to the president which it did. However, it was considered desirable to have it discussed on the floor of the House. Hence, Pant moved a motion for its consideration and explained its salient recommendations.

Sir, I move:

'That this House takes note of the report of the Committee of Parliament on Official Language laid on the table of the House on 22 April 1959.'

Sir, I am glad to have this opportunity of moving this motion. I have been associated with this work, which is, I think, sufficiently delicate and complex, for many months; and I naturally feel

somewhat gratified that the report which was framed after great amount of deliberation is now before the hon'ble members of this House. Besides, while moving the motion for references of the report of the Official Language Commission to this committee I had given an assurance that this report would be placed on the table of the House and the hon'ble members would have the opportunity of expressing their views on it.

As the hon'ble members are aware, and as I also mentioned at that time, this report had to be submitted direct to the president, and under Article 344 of the constitution, sub-clause (6) the president was to give his final decision on the proposals made by the committee. The framers of the constitution did not envisage this stage of discussion in Parliament but I felt that it would be desirable to have the opinions of the members of the House before any final decisions are taken on the report.

I may submit that I am not aware of the exact position that I occupy at this particular moment. The committee is no longer functioning. But I had the privilege of acting as the chairman of the committee. Now, in initiating this discussion, whether I am doing so as a member of government or as the chairman of the committee I do not exactly know. In either case, I would seek the indulgence of the hon'ble members of the House and hope that the proposals made by the committee will be treated in the same manner and the method of approach will be similar to what was adopted in the committee itself by the hon'ble members of both Houses who were asked to serve on the committee.

Sir, this report was published and placed on the table of this House more than four months ago. During this period, I have little doubt that the hon'ble members have had ample time to study and to examine the proposals made by the committee. The report is not a voluminous one. It has the merit of being written in a concise and simple form. The most vigorous part of it, I think, consists of the note that Shri Anthony has attached to it. Well, it indicates the vigour of his mind. But I won't go further, perhaps, he was in an angry mood when he expressed the views which he has and in the form in which he has expressed them.

Well, so far as the report is concerned, as I said, it was published about four months ago. If I had enough time I would have perhaps reiterated most of what is stated in Chapter II of the report. I would invite the special attention of the hon'ble members of the House to that chapter which gives, again, in a simple and straightforward manner the basic and fundamental principles which have guided the committee and which should, if I may say so with humility, also guide others in dealing with a question of such intricacy.

I am glad that the report was very well received. The educational world as well as public men hailed the report mostly with satisfaction. Of course, there are, unfortunately, a few individuals, some of them highly respected, who have not yet been able to reconcile themselves to the scheme that is embodied in Chapter XVII of the constitution. Barring such persons, on the whole, the report had a very good reception. In fact, it had a very good press too. The papers, not only in the various languages but also in English in various states barring a few, though they are not unimportant ones, showed a similar attitude of appreciation and understanding.

I do not propose to go more fully into the details. I hope I will not have to speak for long. I will only refer to comment which appeared at the time in a paper published in the United Kingdom. It is one of the most important papers whose opinions are respected in all countries and also in our own – the *Manchester Guardian*. The *Manchester Guardian* said:

'It was difficult to see how the committee's proposals could be bettered.'

It goes on to remark that:

'The very pressure from the people which compelled India to make the states with linguistic boundaries makes it more urgent that Hindi should become established as a common language to all.'

Further,

'While English will remain a great help to Indians, parity for English and Hindi would have gone against the Indian feeling of nationhood.'

I gave this quotation as the paper has obviously no prejudice against any section of the people here or any particular bias for

Hindi. But the conditions in which we are functioning drove me to the conclusion that the report that we submitted is the best that could be framed in the circumstances.

I do not say that it is a perfect report. In a matter of this type, where passions and emotions are bound up, it is not easy to have an ideal scheme. Even the original scheme that is embodied in our constitution and which is now familiarly known as the constitutional settlement was the result of a lot of give and take. The constitutional scheme was the result of very assiduous labours, and the people gave their best to the hammering out of a solution which would be satisfactory to all concerned and which could conduce to the best interests of the country.

While moving the resolution which contained clauses 343 to 348 and formed the constitutional or the linguistic scheme, Shri N. Gopalaswami Ayyangar observed that it was an integrated scheme which can stand or fall, but it would not be fair to cut off one part from the other. So, it is an integrated and flexible scheme and we had occasion to examine it again. The committee gave ample thought to the consideration of the original scheme itself, and after examining it from every possible aspect, it reached the conclusion that this scheme should be fully approved and adopted and that it would be improper and hazardous to depart from the scheme as it is embodied in the constitution. It is also the opinion of the committee that all legitimate needs and demands can be met within the scope that is available within the Constitution.

I have the pleasure of saying that though Dr. Krishnaswami may not agree with me, his father Shri Ramaswami Mudaliar did. Of course, it is certainly open to young men to form independent opinions and in this age, independence often involves the departure from the opinion entertained by the elders. Otherwise, the young men ought to be dubbed as reactionary, and the best way to go forward is to differ from those who are nearest to you. I do not think Dr. Krishnaswami will actually differ.

Sir, the report, as I said deals with various matters. It is hardly possible for me to deal with all of them or even with the major problems that are set out in the report. As I stated a moment ago,

this committee was formed to examine the recommendations made by the Official Language Commission. I have had occasion to speak on the general question of language in this House more than once, and I need not reiterate what I then said. I am glad to say that the statements that appear in Chapter II and the analysis of the situation that has been made in the report fully confirm what I had myself stated from time to time. The report has been framed with due regard for all interests and especially with due regard for the needs and interests of those who do not speak Hindi today. The committee has made a special effort to take their difficulties into account and it has tried to frame its proposals in such a way that no inconvenience may be caused and no disadvantage may in anyway be caused to the non-Hindi-speaking people. That was one of the main guiding principles which the committee placed before itself.

I would not ordinarily take the time of the House by mentioning the names of the members of the committee. But, you, sir, at the time when this motion for selection of members for the joint committee was made, observed that it would be a miniature Parliament. So, its decisions could naturally be full of significance and also of weight. I will just give the names of the members who were elected and who laboured hard to produce this report. The names are Shri Purushottam Das Tandon, Shri K.P. Madhavan Nair, Shri Alluri Satyanarayana Raju, Prof. Dr. Raghu Vira, Sardar Budh Singh, Shri Bhagirathi Mahapatra, Dr. A Ramaswami Mudaliar, Shri Perath Narayanan Nair, Shri Prafulla Chandra Bhanj Deo. These are from the Rajya Sabha. From the Lok Sabha the members are: Seth Govind Das, Shri P.T. Thanu Pillani, Swami Ramananda Tiratha, Shri B.S. Murthy, Pandit Thakur Das Bhargava, Shri Hifzur Rehman, Shri B. Bhagavati, Shri U. Srinivasa Malliah, Shri Frank Anthony, Shri Mathura Prasad Mishra, Shri Manikya Lal Verma, Shri Bhakt Darshan, Shri Shripad Amrit Dange, Shri Harish Chandra Sharma, Kumari Maniben Vallabhabhai Patel, Shri G.S. Musaffir, Shri Atulya Ghosh, Shri Deorao Yeshwantrao Gohokar, Shri Hirendra Nath Mukerjee and Shri Pramathanath Banerjee.

Well, I have just read out these names in order to remind the hon'ble members of the character of the committee and of the

position that the members of the committee occupy in public life. Except for the note of Shri Frank Anthony, about which I have just made a passing remark – I do not propose to say much more, because I had long talks with him and I could not convert him to my point of view – besides that there are a few other notes by Tandonji, Seth Govind Dasji, Harish Chandrajji, Shri Bhanj Deo and one other. All of them complained of the report being of a halting and unsatisfactory character.

So, if they were all dissatisfied in any way with the report, it was because of its halting character, as they say. I am happy, and I hope hon'ble members of this House will be gratified to find that not a single member from any non-Hindi area has appended any note of dissent, or expressed any view, which would be discordant with the proposals contained in the report. They had a hand and share in evolving these proposals and they have unreservedly adopted this report which was the result of our joint labours. This unanimity is the greatest asset and I feel that, in the circumstances in which we are, we must look at these things from a correct perspective.

Language is a vital force, it is a force for good, it is a bond of unity, but it can also be for a national division, for disintegration. So, while bearing in mind the national requirements and the need of having a common link for binding together all parts of India emotionally, culturally and administratively, we should remember that it is only through the goodwill and through the cooperation, active cooperation, of all sections of the Indian community that we can make rapid advance. If we show any resentment or if in 'our efforts we try to run fast, we may sometimes fall down and not be able to retrieve the ground that we may have lost'. So, we have throughout adhered to this basic principle. In fact, on the first day we met, I had the privilege of telling my fellow members of the committee that our success will be measured not so much by the character of our proposals as by complete unanimity among ourselves. We want to promote emotional integration in the country. We want to consolidate our independence. We have also to remember that we are passing through difficult times. And we have to see that even if we feel that our aspirations are not being

fulfilled we do not adopt such measures as will create disunity or as will deprive us of the cooperation of non-Hindi-speaking people in advancing the union language for union purposes. That has been the main principle that we have placed before ourselves – everyone of us has placed before himself, in that committee. But there were a few occasions when the cordial atmosphere that prevailed there was disturbed.

I remember what an amount of excitement there was when the constitutional scheme or settlement, as I said, was framed over this question of language. But in this committee, luckily, we were able to conduct our business in a calm atmosphere, because everyone was anxious to make his utmost contribution for promoting the unity of the country and for achieving the purpose which has been laid down in the constitution itself. I may submit that, as I said, this scheme that is given in the constitution was unreservedly accepted by the hon'ble members. Their acceptance was not subject to any reservation. Several changes were, however, made in the recommendations of the Languages Commission itself, so that the scheme might be thoroughly acceptable to all sections of our great nation. We have as many as fourteen languages in our Schedule, but there are many more that are spoken in the country.

All of these languages are entitled to our respect. It is the duty of everyone of us to promote those languages to the extent we can. Any idea that the advancement of any one language can in any way be injurious to another is altogether fallacious. After all, language is the main bond of man with man. Take away the medium of language and what is there to make two minds meet or to make two persons understand each other? So, it is a noble medium through which civilization, through which culture and through which the very existence of society is determined. So, we have to see that whatever we do is fair to all languages and now I have little doubt that the proposals made in this report have commended themselves to the bulk of our people, if not to all. In any case we have served one very useful purpose. There was sharp controversy before the publication of this report and a lot of misgiving, suspicion and distrust was prevalent. This report put an end to all that bitterness,

even those who differed and even those who criticized the report did so in a spirit of friendliness. All through there was an appreciation of the difficulties which surround this very great problem. But our task was relatively easier because we had the basis and the framework in our Constitution and we had only to carry out the directions that had been given to us.

There was, I think, some excitement over some of the recommendations of the Language Commission. The Language Commission had said that it was not in a position to state definitely whether English should or should not continue in any form after 1965. That gave cause for much perturbation and people felt that an effort was being made to push out English by 1965. We have definitely held that it is not practicable to push out English by 1965. Of course, so far as the original scheme goes, it lays down that Hindi is the official language of the Union but it provides a period of fifteen years for the use of English. After that the Parliament has the authority to decide whether English should be used, and, if so for which purpose and for how long. We have said that the Parliament should pass a law to promote the use of English for such purposes as it may consider appropriate or for as long as may be necessary.

I may state here that there is no prejudice against English as such. We have reason to be grateful to the great English writers and others who have helped us in many ways. The English language has been a source not only of our getting into contact with the modern world, but it has also brought science and technology and many other things here. And it brought them at a time when we were not thoroughly conscious of what the Western world had been able to achieve and what great progress science, technology and other things had made. In fact, even in the matter of Indology, the English writers discovered many things about our past about which we were not fully aware at the time. So there is no prejudice, no bias against English. I may also add that it is essential that even in future people should learn English in this country. As the hon'ble prime minister said the other day, English opens to us the window to the modern world. There are other modern languages, no doubt, but English is an international language and it holds perhaps the first place among languages today

in the world. So, we would not gain anything by developing any sort of animus against English. We should have arrangements for continuing English in our ordinary educational institutions and also wherever necessary in our administrative, judicial, cultural and other establishments. That is necessary.

Then we have to promote a new glossary. We have to prepare a code for legal terms, for administrative terms and for so many other things. Much work has been done in this direction so far, but there is a great deal more to be done. So far as scientific and technological terms are concerned, we can draw upon English and so far as all these new terms are concerned, which will have to be coined if Hindi is to serve as the official language of the Union and if the regional languages are to serve their own respective states, if all that has to be done then effort should also be made that so far as is possible the words that are introduced in the regional languages and in Hindi are common. Not only that, we should try to explore all avenues for enriching our culture and for raising the standards in our universities and other places. But, we cannot forget that so far as common language for the country which has accepted a democratic status is concerned, only an indigenous language can serve that purpose, because English is a very difficult language. I have spent many years in learning English. But, I do not know how many mistakes I make. Because, one's mother tongue is something different and a foreign language which is learnt in this manner is so difficult to be assimilated fully that one cannot be too sure. Besides, it costs a disproportionate effort so far as the average citizens are concerned who have not to follow up any scientific or other like subject.

The elite or the English-knowing people in the country have been completely separated from the general mass in the country. There was a wide gulf. Whatever life and vitality came in our national movement, it was only when Gandhiji took up the reins and with his knowledge of English he adopted the indigenous language for carrying on his own work and the work of the national organization also. We have to remember that in a democratic country in which every individual has a vote, the language that is used for administrative

purposes, for official purposes, for judicial purposes is, to the maximum extent possible, easily learnable and assimilable by the people at large, by the masses, by the average citizens.

So, the question is not confined to Hindi. The regional languages deserve as much of attention as Hindi. It is only really through the development of both that we can have that synthesis for which our country has been well known from times immemorial. We have a real diversity. That gives vitality to our unity. That diversity has to continue. These languages should be cultivated and the various regions should conduct their affairs to the maximum extent through their regional languages.

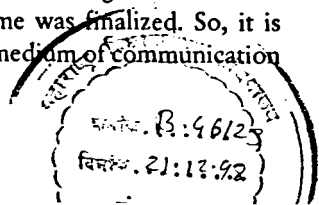
The Language Commission had recommended that the medium of education in the universities should be Hindi and similarly that the language of the high court should be Hindi and the language of bills, etc., should also be Hindi. We decided in this committee that the regional languages should have the maximum scope in their own respective regions and the medium of education in the universities should be the regional language – it is going to be so whether we wish it or not – and that the language even in the high courts should be the regional language, though in certain matters such as reportable judgements, decrees and orders, a Hindi translation should also be attached. We also decided that bills, etc., in the legislatures of the states should be in their own regional language, so that the regional languages will have full sway in the administrative, judicial, cultural and educational fields. This is, I think, to some extent, a corollary to our reorganization of states on a linguistic basis. When the states have been so formed, it becomes all the more necessary that all the administrative and other activities in the regions should be conducted in their own languages. We thus gave to the regional languages that opportunity which they thought they would not have according to the recommendations of the Language Commission.

There are one or two other factors which have to be borne in mind in this connection. Latterly, there have been some developments which have a very direct bearing on the question that we are considering. I have already referred to the reorganization of

states on a linguistic basis. The hon'ble members are, I believe, also aware of the fact that the states have adopted their own respective languages as the medium of instruction everywhere up to the secondary stage and in some, even in their universities, and it is going to be the pattern for the future. All the official work is now being done in the regional languages. At least a number of states have already decided that it should be so done, and it is, I think, almost a certainty that other states will follow suit. There is a keen desire in all the states that their regional languages should be adopted for their official and administrative purposes.

The hon'ble members will see that however much we might try to encourage the use of English and to take measures for educating our youth in English, the standard of English and the quality of English, both of which are said to have already somewhat deteriorated, will go down further. There would not be the same interest or desire among the members of any particular state to learn English to the extent that it exists today, when the administrative work can be done or has to be done in his own mother tongue or in his own regional language, and the medium of education also is generally in his own language. So, we have to concede now that English, in these circumstances, will nearly cease to be even the medium of communication between the different sections of intelligentsia, whether one wills it or not. But, these unassailable factors which are tending that way cannot be resisted. Now, we have regional states based on languages. The work there officially is being done in the regional language, and the medium of administration too is the regional language, and the work of the legislature as well as of the high court is to be done in the regional language. When all these developments will take place cannot be predicted with accuracy, but there is no doubt that all regions want to advance in this direction as rapidly as they can.

In the circumstances, when this bond of English collapses, whether you will it or not, what is to bind together the different states? So, the problem has become much more urgent than it was at the time when the constitutional scheme was finalized. So, it is necessary that there should be a common medium of communication



between the different states for official work, for academic work, for cultural work and even for business and trade. English, whatever be our desire, cannot serve that purpose hereafter.

So, in the circumstances, I do not see how anyone can press for the continuance of English as the sole medium or for not having a common medium for all states. It is not a question of having a medium for one set of states and another medium for another set of states. If India is to be a union, if the integrity and unity of the country is to be maintained, then we should have a common medium. That is the least that is necessary. If such a medium of communication is lacking, then I think everything goes to pieces.

We have many languages like flowers in our garden of India, which form our composite culture, and it is desirable that there should be very close relationship between all these languages, and every effort should be made to promote these languages. So, implementation of the decision taken in the Constituent Assembly has become almost inevitable in the existing circumstances. And every step that is feasible, but which has the cooperation and the goodwill of all parts of India has to be utilized for this purpose.

I may also submit that we have suggested that the language which we call Hindi now has to be remodelled. It would reflect the composite character of our culture. We should introduce in Hindi as many words as may be possible from all other regional languages. And as is already provided in the constitution, we should see that consistently with its genius, the Hindi language is enriched and also brought as near to the other languages as possible.

On the day the Constituent Assembly took this decision of adopting Hindi as the official language, I had the opportunity of speaking to the leading members of all states, and I then submitted, and I would repeat that with all humility, that Hindi which is being accepted as the official language of the Union is now the common language of all of us; it ceases to be the exclusive language of any particular region. There are some differences between one language and another, no doubt, but so far as is possible, we have to remove them; we have to see that Hindi, if it is going appropriately and adequately, to occupy the place which has been assigned to it by the grace and

favour of so many non-Hindi-speaking states, is capable of discharging the various functions which it is expected now to perform.

So, the Hindi language, should be simple, and we should not have any artificiality about it. The Official Language Commission said that we should not bother about purism in Hindi. Well, I would go further and say that whatever brings Hindi closer to other languages makes it pure, and so, we attain purism that way and not by isolating Hindi from other languages.

In other countries too, efforts have been made sometimes to exclude words that have been already included in their languages, such as the movement that was started in England at one time that all words that were not Anglo-Saxon should be left out. But such efforts have never succeeded, and all those who had taken to such methods had to revise their opinions, for, if a language is to grow and if it has to gain vitality, and if it has to grow richer and richer, then the more it takes from others, the better it is for it. Of course, its genius remains, and that has to be preserved.

So, we would like the language of Hindi to be so recast, so rebuilt that it can be easily intelligible to all others.

There is one more thing that I would like to say in this connection, namely that a language develops only through usage. There should be some fields in which Hindi can be used in various regions simultaneously, so that it may, through actual experience, become a natural language of the character that I have just indicated. If that is done, if we are able to give it some trial in this manner, or if not trial, if we start like that, if we start using it, and if we see that we go on adding regional words, regional idioms, and thus we assimilate what is good in other languages, then we shall see where the defects lie and how we are to remedy them. Artificial ways of building the language can never succeed, and perhaps our methods so far have been a little artificial though we have got many volumes of words that have been prepared for administrative, legal and other purposes. So far as these words also are concerned, I would say that we should take from all languages in our country such legal terms, such technical terms as are in use in other states, so that this may be really a composite language of India representing its composite culture.

I have referred to some of the basic matters. There are many other things which are there. We have made certain proposals about the language of the high courts and also about the language of bills and the language that should be used in state legislatures. Of course, about Parliament, there is no difficulty. About the states, as I have just said, we have given priority to the regional language for such purposes. We have also dealt with the question of recruitment to services which is an important one and which unless properly tackled is likely to cause greater heartburning, if not anything else. We have suggested that for the all-India services the examination should be conducted for the present through the medium of English but notice should be given so that Hindi may be used for the examination later. Then we have also said that there should be a compulsory paper in English. There should be two papers in Indian languages, one in Hindi and one in another Indian language of equal standard so that those who go in for such services may be fully familiar with at least one other Indian language. Whatever be the difficulty they may find in learning the language, they have to share it with the non-Hindi-speaking people.

A suggestion was made that the regional languages might be adopted as the media for such examination on a quota system. We are against a quota system. We do not think that we should put any artificial bar on the number of candidates who can be recruited from any area. We must have the best of talent for the service of the nation, and a quota system will come in the way of the achievement of this objective. But we have suggested that an expert committee should be appointed to see if regional languages can be adopted as the media of examination, because the task of moderation of the papers and of the assessment of the answer papers is very difficult, and if there are papers in various languages, then I as a layman cannot say whether the competitive test that is held and the results tabulated at the end will fully reflect the intelligence and the equipment of the examinees.

Similarly, we have made suggestions for other educational institutions. We have also suggested that there should be a commission for dealing with matters pertaining to law, legal terminology,

preparation of statutes, their translation, etc., and also another commission for the purpose of developing scientific and technical terminology in a right and proper manner.

I have already taken a great deal of time. I did not intend to do so, as I said, at the outset; nor does it quite suit me today to speak for such a long time. But I thought that it was my duty to place before the House a sort of a brief summary of what appears in the report and the objective that we had before us or the approach we had to this problem and the difficulties we had to resolve. I hope the House will attach due importance to the recommendations of the committee and will accept them. In fact, there is no question of acceptance or rejection in a way because, under the constitution, these proposals have to go to the president and the president is to take decisions on them. But he will have the benefit of hearing the hon'ble members and having a clear idea about their views.

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ACHARYA J.B. KRIPALANI

India–China Relations

25 November 1959



Speaking on a motion on India–China relations, Acharya Kripalani felt that it would be advisable for India to make a declaration of readiness to accept foreign military aid in an emergency like Chinese aggression over India.

Mr. Speaker, the House knows that I have never spoken as a partyman. It gives me no pleasure to criticize the policies of a dear friend. We have worked together in public life for more than thirty years. Further, it looks ungracious for me to criticize the pet of the nation, in whom people place their confidence and trust and their hopes for a brighter future. But the call of duty, as I conceive it, cannot be denied. I would not be true to my friend, to the nation and to myself if I do not frankly speak out my mind at this critical time.

The prime minister was gracious to say that there should be no sarcastic remarks. I entirely agree with him and if any such remarks creep into my speech, it will be in response to his sarcasm which

induces clapping in this House. So, if there is any such thing, I hope he will excuse me and what I say I say in all humility.

Before I discuss the government's attitude to the border issue, I should like to clear certain misconceptions. I am afraid these misconceptions are created either to cloud the real issue or to gain some point in an argument. But if the interests of the country are paramount, as they ought to be, every effort should be made to find out the issues involved. Our prime minister has repeatedly said, and also the Communist party, that some people thoughtlessly talk of war with China, without realizing the consequences to India, China and the whole world. If this were so, I would wholeheartedly agree with them. But the fact is, I have yet to know of any responsible public man who has talked of war with China. All that has ever been said is that the Chinese aggression must be stopped and the pockets occupied cleared. Any action to assert our sovereign rights to our own territory does not amount to war. Our prime minister and now the Communist party leader also have said that this is not an invasion of India, but what has happened are border incidents. The prime minister of China has said that this is only an episode in a thousand-year-old friendship. If that is so, I hold that our recovery of what is our own will be only an accident and an episode in a two-thousand-year-old friendship. Therefore, it is not the critics of the government who have raised the scare of war, but the authorities themselves. I say they do so to silence the criticism of a policy which has been confined up till now to sending lengthy protest notes, which remain unanswered for months together and sometimes are not answered at all.

The second misconception created is that any suggestion of effective action will mean the extension of the cold war to India and the end of our neutrality. But has Chinese aggression, I ask, anything to do with the cold war? The principal parties to the cold war are the United States and Russia. If they have taken no sides, the question of extension of cold war does not arise. For instance, the action taken by England, France and Israel against Egypt did not extend the area of cold war. Why? Because USA was opposed to it.

Our prime minister himself has repudiated the idea that Chinese aggression is in pursuance of a world communist conspiracy. He said

that this action is the result of chauvinistic nationalism of China that is intoxicated with its recent successes. That being so, any resistance to the lust for power, by a country which is merely defending its own borders and homelands, is not aggression at all. It does not extend, therefore, the cold war. Russia has not blessed Chinese aggression. Rather, the prime minister's utterances would indicate the hope that it may help to mediate or moderate the misguided zeal of China. Recently, America through its state secretary has chosen to be unaware of the merits of our case. How then does this question of cold war arise at all, when these two big nations, Russia and America, have taken no sides? So, this is just to cloud the issue.

Also, there is today some thawing of the cold war, as the prime minister himself told us. In many quarters, it is held that Chinese aggression on our borders is due to a desire to counter this tendency and to sabotage the possibility of the Summit Conference. Such a conference, under the present circumstances, will be held without China, and if Russia and the United States come to an agreement, China will be left alone without a friend. Therefore, the talk of extension of cold war to India is meant intentionally, or unintentionally, to cloud the clear issue of effective action against a country with whom we have always tried to be friendly and whose legitimate and even illegitimate claims we have supported. We have gone so far in this that those who are against our policy of nonalignment today say, 'serves them right' for having put their trust in a communist and totalitarian state. So, the question of cold war does not arise.

There is yet another misconception, a mischievous misconception that is sought to be created against those who criticize the nonalliance and nonresistance policy of the government. It is said that the critics want to end our nonalignment policy and substitute for it an alliance with the West. So far as I know, no responsible leader of any party has suggested the idea of abandonment of our neutrality and joining the Western bloc. Even Shri Munshi of the Swatantra party, speaking the other day in Bombay, said that his party did not want India to abandon its neutrality and nonalignment. Today even the West would not welcome our joining the Western bloc, because they are carrying on negotiations with Russia and our alignment with the Western bloc

would hamper these negotiations. What the critics want is not the abandonment of neutrality but the abandonment of passivity. We are not against neutrality; we are against passivity. We want an assurance that the defence of our borders will no more be neglected.

Our military strength should be sufficient to defend our borders and to clear the pockets. The prime minister has asserted even today that our army is competent for this task. But it is quite possible that any effective action against the Chinese may increase the area of conflict. In that case, it is felt that India, with its present military and industrial resources, and the lack of certain types of modern weapons, may not be able to meet the new danger. As a matter of fact, no country in the world today can hope successfully to resist foreign aggression single-handed, neither Russia nor America.

Therefore, the critics want the authorities to make our position clear. It is, that India will not hesitate to get military aid from any quarter, to defend the country. As the Chinese aggression has nothing to do with world communism, we shall be entitled to seek help in a military emergency, both from the East and the West and, of course, from neutral countries, as we got economic aid from every quarter. Help may be had on lend and lease or any other honourable basis, not impairing our sovereignty or independence. In 1948, when threatened by Russia, Yugoslavia did not hesitate to take military aid from the United States, a capitalist country. It did not, because of this, give up its Marxian faith. Nobody here has suggested that India should allow foreign military bases in India. A declaration of readiness to accept foreign military aid in an emergency, I feel, will be very helpful. It does not, in any way, minimise our present strength to deal with the limited problem that has arisen. It only provides for a contingency, for an emergency, which we hope, will never arise.

Further, such a declaration will convince the Chinese that we have no intention to stand alone if our country is threatened, or if the area of conflict is enlarged by their perversity. No nation can afford to resist foreign aggression till its industrial potential is increased through five year plans. Moreover, a government that has employed ordnance factories for the manufacture of consumer goods for civilian production in the midst of aggression cannot talk about

industrial potential in terms of the defence of the country. As the Hindi proverb says:

Jab nau man ghee avega, tab radha nachegi

We cannot wait for these nine maunds of ghee [to arrive before] when Radha begins to dance.

England did not wait till its potential became as great as that of Germany while accepting the challenge of Germany. The potential of a country, as also its moral strength rises in answering the challenge that is thrown to it. No nation can afford to be so rigid and narrow in the interpretation of its international policy as to abandon the ideas of foreign military aid in a national emergency. So far we have not even tried to explain our case to nations that are friendly to us. This is isolation and not nonalignment in a world that is interdependent.

There is yet another misconception that is sought to be created by the authorities to justify inaction. They say that those who talk of resisting Chinese aggression, have developed cold feet and they are creating a fear complex. For this both the opposition parties and the press are blamed. It is strange to accuse those who advocate strong action of having developed cold feet. The prime minister, in one of his speeches – I hope he will excuse me – is reported to have taunted his critics that none of those who are criticizing the government will be found anywhere near the seventeen thousand high region in Ladakh, if any resistance is offered.

Of course, none of us will be there. But, I am afraid, that none of the members of the cabinet will be found there either. This is not because most of them are old and ailing people, not because they lack courage, but because their presence would be considered as an unmitigated nuisance by the military. It is not like going to the *Kumbh mela*.

If the opposition parties were really creating a sense of fear to gain political advantage over the ruling party at a time of national trouble, it would be reprehensible. Equally reprehensible will be the conduct of the press if it gave currency to alarming news. But I am afraid the boot is on the other foot. It is not the political parties or the press, urging effective action, which create whatever fear there

is, but the acts of omission and commission of our government and its various vacillating, uncertain and confusing utterances which give advantage to our enemies inside and outside the country. Also, such utterances confuse our friends in other countries. This has been so since China sent its so-called liberation army to Tibet. At that time our hon'ble prime minister had asked in wonder 'from whom were the Chinese forces liberating Tibet'. His first instinct was correct. But he soon changed his attitude and recognized the military fact of Chinese sovereignty over Tibet. Even after this aggression the authorities failed to see the true character of the Chinese totalitarian and military regime. There were exchange of visits of the two prime ministers and these were duly boosted as establishing perpetual friendship. A treaty was signed in 1954 by which, among other things, we gave up all our rights in Tibet, not in favour of free Tibet but in favour of China.

Further, there was a mutual acceptance of panchsheel. It was said that this panchsheel will usher in perpetual peace and that everybody will live happily ever after. I have nothing to say about panchsheel. I only indicate that it does not incorporate moral imperative. It implies mutuality. You cannot coexist with yourself. I take only one instance of coexistence between nations. Can a nation coexist with itself? It is already coexisting with itself. It makes no meaning. A nation coexists with another nation. If the other nation does not want to coexist with it, how can there be coexistence? I submit that the panchsheel principles congeal the status quo at its present level, however inequitable, and unjust. I am afraid, in spite of what the hon'ble prime minister has said – that this panchsheel makes no meaning in the international world if it is to be unilaterally observed.

Three months after that treaty and also the acceptance of the peace treaty was violated. For years this aggression was kept hidden from the people and their representatives. Today the hon'ble prime minister says, 'I will do what the Parliament wants me to do.' But the representatives of the people were never informed. Of course, he can do what the Parliament wants him to do. He has an overwhelming majority. While aggression was going on there were exchanges of cultural and economic delegations. While the Chinese

delegations were silent about the progress made in India, our delegations, officers, communists and fellow-travellers, whoever went to China, boosted the Chinese accomplishments. The people were encouraged to keep shouting '*Hindi-Chini bhai bhai*', (Indians and Chinese are brothers) when in fact aggression was taking place. The Chinese must have laughed in their sleeves at this strange and infantile exhibition of childish sentimentality. Today the people feel humiliated and they look ridiculous. Nobody wants to look ridiculous, excepting our present government.

The government all along had information through its own agents that important roads were being built not only to connect Peking with Tibet but also directed towards our Himalayan borders. But our communications with our own borders were so neglected that the authorities now declare – may I say without feeling any guilt – that our own territories are not easy of approach to our people. But they are easy of approach to the Chinese armies! This I hold as culpable negligence of the security of the country. These may appear hard words, but a nation's defence is a sacred thing.

Further, whenever through questions in this and in the other House, information was sought to be elicited about border troubles, the answers were evasive. Nay, often they sought to minimize the danger by telling the Parliament that the land occupied was barren, where not a blade of grass could grow and no people could live. It was even said that some of the borders were not properly marked. When things could no longer be concealed because of persistent aggression in spite of the protest notes, the government issued its White Papers. They make very painful reading for any patriotic person. The Chinese notes are arrogant, bullying and aggressive. Our notes are apologetic, or mildly protesting. This is called the polite and dignified language of a civilized and a mature nation! The Chinese are new and are raw people who do not know the language of polite intercourse! It is also repeatedly asserted that the Chinese are angry at our offering political asylum to the Tibetans. But aggression commenced years earlier.

Even up-to-date after the debates in the Houses last August the authorities misconceived the Chinese designs. As late as 21 October

the hon'ble prime minister, speaking in Calcutta, said that he did not expect any fresh aggression. The very same day nine of our police guards were shot dead and ten kidnapped. The country knew of this two days later. Did Delhi get the news from somewhere else? The kidnapped men and the bodies of the dead were returned to us after more than three weeks.

The men were detained to extort the so-called confession of the communist type, under third degree methods which the hon'ble prime minister has himself admitted. These people, remember, were taken from our territory.

I submit that an estimate made of the character of the Chinese revolution and rule was incorrect. Our attitude to their aggression has been one of appeasement. Even after the last debate in the House the government did not put the Ladakh area under military control, though a motor road had been constructed there and thousands of miles of our territory were occupied. How many thousands, even the government does not know today. It is a very pathetic case.

It should have been clear to the authorities that the Chinese would one day claim almost the whole of Ladakh when earlier they had refused to allow the Ladakhis in Lhasa to register as Indian citizens. This was known. It was said in this House. But no warnings can disturb the sound slumber of our authorities, except to repeat from day to day that not an inch of our soil will be yielded and if need be, we shall fight with *lathis*. This may be very heroic talk, but it does not convince the people of our earnestness to see that aggression is wiped away from our land.

People also feel apprehensive when they see that our policy of masterly inactivity is supported by the Communist party here. The Communist party supports it. In this respect they are out to strengthen the hands, as they just now said, of the prime minister, on the plea of saving Indo-Chinese friendship, for which the Chinese care two hoots. The Communist party support is given in spite of the fact that the prime minister, in recent days, has denounced it of being unpatriotic and having extraterritorial loyalty. Let us remember, sir, that the communists cannot endorse a policy that is unfavourable to China.

Then I come to a very delicate point about which the prime minister is very sensitive. It is that people are apprehensive that the defence of our country is not in proper hands. The defence minister – I have nothing personally against him – may be a very clever man. He may be an eminently amiable person. There may be no doubt about his patriotism. But unfortunately he lacks the supreme virtue that should characterize a defence minister, whether in a totalitarian state or in a democracy, namely of enjoying public trust and confidence. His silence about Chinese aggression did not increase public confidence. Even in America when he spoke of Chinese aggression he called it ‘foolish’ or ‘silly’. For our wise and venerable politicians, the Chinese aggression is merely the silly antics of a spoilt urchin.

The prime minister is reported to have said that the defence minister carries out his instructions. But, sir, we also know that if a minister is so inclined, he can give such a twist to the instructions received that they may be put out of shape. That little power every minister has.

For further loss of confidence the defence minister must thank his communist friends who always support him. Even just now Shri Dange was doing so. For instance, they still persist in maintaining that the conflict between the defence minister and the chief of staff was on the issue whether the civil or the military authority should be supreme in the country. If that were so, sir, if that were the real issue, neither would the resignation have been given to the highest civil authority, nor would it have been withdrawn at his instance. Those who aspire to supremacy in the state do not submit resignations; they do certain other things.

By these tactics, I am afraid, the Communist party which wants to defend the defence minister is not only maligning our brave soldiers but doing no good to the reputation of the defence minister. In a democracy, I say, a minister should not only enjoy the confidence of his chief but of the country also. I do not say ‘party’ because that is the party’s own affair.

Sir, to add to the country’s misfortune – the prime minister will excuse me if I say that – every criticism or any suggestion for effective action irritates him. I wish he would extend at least as much courtesy

to his countrymen as he extends to foreign aggressors. In this House, when a Congress member suggested the bombing of the road built in our territory, the prime minister was annoyed and he said that the member did not realize the consequences of his suggestion. The member had not suggested using atomic and hydrogen bombs, of which fortunately we have none. Ordinary bombs, sir, today are conventional weapons. But I suppose the member's suggestion was dangerous. Why? Because, if carried into action it would spread the area of conflict, and India and China will be at war with each other, and if two such big countries are at war with each other there will be global conflagration, and this will be fought with nuclear weapons, and the world will be destroyed, and the responsibility will be ours. So runs the argument.

Sir, again, when an independent member had the temerity to suggest that, considering the similarity of ideology we should be more friendly to democratic than to totalitarian nations, the prime minister was annoyed and he said that we should be more friendly to those from whom we differ than those with whom we agree. Such sentiments are no doubt very noble. They are on a par with loving one's enemies. I remember, after independence, at a conference of constructive workers presided over by Gandhiji, when a complaint was made that congressmen were fighting among themselves, I got up and said: 'Bapu, this is very natural, for like every great prophet, in the world, you have taught us to love our enemies but not our friends'.

Sir, may I suggest that in international affairs at least, we should love our friends and not be unjust to our enemies. To attempt more may be left to the prophets who live and work not in time but in eternity. But they maintain no armies, nor do they talk of keeping the powder dry – though our powder is lying in cold storage.

Recently, our ex-commander in chief expressed his opinion about the defence of the country and came in for discourteous criticism. I do not know the official etiquette, whether an ex-military officer who, after retirement has held an important civilian post, is entitled to express an opinion as a free citizen on an issue on which the country feels very much. This apart, the ex-commander in chief's

suggestions must be judged on their own merits. I fully endorse his view that if Chinese aggression is not immediately halted and occupied pockets cleared, the task will be much more difficult in the future. I feel, if in 1954 we had taken effective action, today the problem of pushing back the Chinese would not be difficult.

In such matters, sir, may I humbly suggest, that a nation can never be overcautious? It is better to err on the side of prompt action than unawareness and complacency.

I also see nothing very foolish in the suggestion of joint defence with Pakistan, of our eastern borders. Pakistan has seen the common danger and made the offer. It has not been made by us. The ex-commander in chief could not have expected that the joint defence would materialize immediately, at the present level of suspicion and difference in the foreign and other policies of the two countries. There will have to be preliminary talks before the idea can materialize. But the suggestion, whether we adopt it or not, is not so foolish as to merit indignation. Joint defence is nothing new in history. Against Hitler, there was joint defence, first between England and France, and afterwards with America and then with Russia. There was joint defence of the Allies with China against Japan. Even differences in ideology and past enmities did not count. If anything less had been done, there would have been disaster in the world. However, the slightest disagreement with the prime minister's policy, unfortunately, irritates him and makes him use against his critics language which is far from polite. The prime minister should know that if he is so intolerant of any suggestion, however innocent, he will get only conformity. Few in India would care to earn his displeasure, considering his position in the government and in the affections of the people. He has got to be more careful than we ordinary human beings.

I, therefore, have to congratulate myself that my dear friend has treated my slight criticism of his foreign policy a little more leniently. In an article in an independent journal in the USA, I have discussed the foreign policy of India. Many distinguished politicians, including Mr. Khrushchev, have sometime or the other contributed to this journal. I wonder if our prime minister has not sometimes

contributed to this journal. When such a journal publishes an article by a humble person like myself, may I submit, it cannot be so hopelessly wrong. I fail to see how an assessment of our foreign policy, which endorses its basic principles and also commends the policy of nonalignment as consonant with the genius of our people and in conformity with our recent nonviolent struggle for independence, can be so hopelessly wrong. Here is what I have said:

Whatever may have been the failings of the Congress party government in internal affairs, it can always, with some justification, claim that it had added to the prestige and standing of India in the international world.

There are good reasons for neutrality as between the two power blocs, and they appeal to India. Therefore, the policy of the Indian government in this respect is generally accepted by the nation.

The principles upon which the Indian foreign policy of nonalignment is based are correct. They are generally accepted by the nation and are in keeping with the genius of our people. If more nations accept the same attitude, there will be a definite lessening of international tension. It is in the details of diplomacy that our foreign policy has been weak and has sometimes gone wrong. Our mistakes have to some extent impaired our moral standing as a neutral nation and often injured our interests. But, after all, India is new to diplomacy and the world situation is extremely complicated.

This is what I have said and this is 99.9 per cent wrong!

In this very article, I have criticized the American policy of military pacts, filling vacuums, supporting reactionary regimes and posing as the saviour of the free world. I suppose somebody in the prime minister's office marked out the critical portions and left out all this.

Shri Jawaharlal Nehru: 'I am sorry, I have not read the article from beginning to end. I will read it, now that the hon'ble member has drawn my attention to it.'

'It was reported that in answer to a question at the last press conference, the prime minister said, 'I do not agree with Acharya Kripalani, what he has written is 99.9 per cent wrong.' I suppose even Congressmen must have read it because some of them have come and told me.

Of course, it will be unfair of me to ask the prime minister to specify all the 99.9 items in which I have gone wrong. But, it will surely not be unfair for me to ask him to point out the tiny bit of an item in which I am right. May I suggest that point? It is that our diplomacy had failed, not in helping to bring about peace and goodwill in the world, but in safeguarding the vital interests of our country and diminishing tensions on our borders. This, of course, may be an insignificant point in a global strategy, in a world threatened by nuclear weapons. But, it is of supreme importance to humbler persons like myself and, I venture to think, to the bulk of my countrymen. We may be excused for being so narrow and parochial. But, we were taught that, it is good to make good in one's own country what one wants to place before the world. Let us, therefore, address ourselves to the task of defending our country and safeguarding its honour and integrity. Only a free, strong and self-respecting India can serve the larger interests of the world. This is what we were taught.

Our information and publicity in the foreign department has generally been very poor. In the matter of Chinese aggression, this has greatly harmed our cause. Reports of the happenings on our border sometimes reach us via Peking. The latest was the estimate of the killed and the kidnapped in the Ladakh area. We had to accept Chinese figures. Such inaccurate information throws a doubt upon what we put out. In the last session, I spoke about the aerodrome built in our territory. This was vehemently denied. Today, it has become a matter of doubt. About the public road, we became suspicious only when it was announced by Peking Radio as a very great engineering feat. Then, it took us a year to know where it was built, and whether it was built in our territory. How can our people believe that effective action will be taken when there is no accurate information about the happenings?

Our people were 'arrested.' The prime minister did not say that they were 'kidnapped', but that they were arrested. They were arrested in our own territory. How can a foreign power arrest our people in our own territory? This passes my comprehension. They can only be kidnapped; they cannot be arrested. I wish the prime minister used the proper phraseology.

It would also appear that we have not supplied to the foreign countries, through our embassies, our version of the case, with necessary materials and maps. It is rather bewildering to countries friendly to us. What has happened recently in the United Nations elections shows our estrangement from even the noncommitted Asia-African countries, who were traditionally friendly to us. We find ourselves more and more isolated. I say this, in spite of the assertion of the prime minister, we find ourselves isolated in the international field.

We, for long, seem to be unaware of the poisonous propaganda that is being carried on in our border areas both by the Chinese and our good patriots, the communists. If there is a nest of spies, it is located in the office of the Chinese trade agent in Kalimpong. Our foreign office has come to know about the activities of the Chinese ambassador, so to say, only yesterday. While we tolerate all this, we also know the treatment that is meted out to our trade agents and to our ambassador at Peking.

In some quarters, it is said that the Chinese have dug themselves now for the winter in the positions they have already occupied, and they are not going to move from there. This may or may not be necessarily true. They have centrally-heated jeeps and are otherwise equipped for a winter campaign. We may as well expect further advance and be prepared for it. We must remember the usual communist tactics of keeping up constant tension and constant irritation, to create uncertainty and confusion. One day it is aggression, another day talk of negotiations. May I humbly suggest that we must be vigilant both in defence and also in negotiations, if they ever materialize?

I have very little to say about the counterproposals made by our prime minister in his latest communication. I appreciate his anxiety to arrive at a peaceful solution. Nobody in this country wants anything else. Let there be no doubt about it. However, in whatever words couched, our new proposals amount to this that we tell the Chinese, 'We are leaving our territory, provided you also leave our territory'. This is strange reciprocity and maintenance of the *status quo*. We retired from Longju, undoubtedly our territory, but we have

yet to see if the Chinese are doing so. However, we shall await the Chinese response. But, so far, they have not kept their word. We must remember that.

If there is no just and honourable solution of this problem through negotiations, then we must consider Chinese aggression as a serious challenge to our country. Individuals and nations must accept life's challenges or they go under. I hope the prime minister will agree with me in this.

I remember that in 1932, when Gandhiji returned from the Second Round Table Conference, the country was faced with a grave situation. The British government had violated the Gandhi-Irwin pact. Our present prime minister was thrown in jail, and so was Khan Abdul Ghaffar Khan. There was a wave of indignation. There was a wave of repression. Gandhiji proposed to accept the challenge and restart the Civil Disobedience Movement. Wiser people shook their heads in doubt. They said that the country was exhausted and was not prepared for a fresh movement so soon. But Gandhiji said, 'Prepared, or not prepared, the challenge, though not of our seeking, must be accepted – if not, the country will be demoralised.' The movement was started, and it failed, but the nation was able to maintain its dignity and its morale.

Again, in 1942, there was a challenge to the country. The British had abandoned Malaya and Burma to their fate before the Japanese advance. They fell without resistance, without striking a blow. As the Japanese forces advanced to our borders, the British prepared to quit those territories. Further, they adopted a scorched earth policy, not to resist the Japanese advance, but merely to delay it. They burnt the standing crops, confiscated all means of transport, cycles, cars, boats, etc. They deprived the people of their means of livelihood. This made Gandhiji realize that like Burma and Malaya, India would also surrender to the enemy without resistance. This was a challenge to Indian manhood. He, therefore, advised resistance. Some of us in the Congress working committee pointed out that almost the whole world was with the British against Germany and Japan. The armies of several countries were stationed in our country. What hope was there for a nonviolent struggle in the midst of this colossal

violence! It would merely infuriate the authorities to use Hitlerian methods of repression and crush the nation. Moreover, India would lose the sympathy of America and China, who favoured the cause of Indian independence. But all these arguments did not weigh with Gandhiji. He said that the challenge must be met, or there was no hope for Indian independence. He, however, said that if a great and responsible organisation like the Congress was unwilling to enter into what appeared to be a hopeless venture, he would go it alone, with all those who were willing to volunteer themselves. But the Congress fortunately accepted the advice and initiated the Quit India Movement. The movement failed to dislodge the British. But the British were convinced that such a brave and determined nation could be kept in bondage only at the expense of perpetual revolt. They felt that under these circumstances, the imperial game was not worth the candle. Therefore, after the war, they quit India.

Gandhiji met these challenges nonviolently. Today, we cannot do so. But because we cannot do so, we cannot run away from the challenge. It is not for us, it is not for a nation that keeps an army to talk, of nonviolence. And I do know that even if there were people to organize a nonviolent movement, government would stand in their way, as it did in the case of Goa.

Today, the challenge has been thrown by an expansionist China. The question is this: Will free India accept the gauntlet as did slave India, slave in body but not in soul, because the soul of India was living then? Does his spirit work in those who are heirs to the free India he helped to create? This is the question. Before this question, all other questions pale into insignificance. It is a challenge to our faith, faith in ourselves, faith in our country, faith in our past, and faith in our future. May the old spirit guide us to accept this new challenge and save the integrity and honour of our country.

Reference

Lok Sabha Debates, Vol. XXXV, cc. 1727-46.

V.K. KRISHNA MENON

The Kashmir Case

22 April 1960



The Kashmir case was inscribed on the United Nations agenda on a complaint of aggression made by India. A private member's resolution moved in the Lok Sabha sought the withdrawal of the case from the UN as the UN had failed to provide any relief to India for twelve long years.

Defence minister V.K. Krishna Menon intervening in the debate on 22 April 1960 explained the reasons why India could not withdraw the Kashmir case from the United Nations.

This resolution coming within the private members' time might perhaps give an impression that it is somewhat out of relationship with the immensity of this problem. We may not, however, forget that this debate, however few we are here, has a vast audience, an audience just across our frontiers, an audience in the world, and particularly amongst the great powers.

Shri Tariq has moved this resolution which has given us an opportunity of reminding ourselves of this problem. It will live with

us unless and until Pakistan vacates its aggression on Kashmir territory, because what is involved here is really the sovereignty of this land. That is the fundamental issue.

The resolution before us asks us to withdraw our complaint or rather our reference to the Security Council. Mr. Deputy-Speaker, sir, I say with great respect that the criticism that is made of the mover's approach to this, for availing ourselves of this remedy is bad, but, if I may say so, the reasons given for it are worse. The reasons why we cannot withdraw this from the Security Council are not merely technical ones. If they are technical ones, we would overcome them. The reasons go to the basis of our foreign policy, of our approach to international affairs and, what is more, to our security.

Now, there are certain fundamental things in connection with Kashmir. This debate has roamed far and wide. Therefore, it becomes necessary, since matters have been raised, to refer to some of them in brief.

First of all, this reference was made to the Security Council at a time when conditions as far as were known then were not the conditions that came to be known afterwards. We submitted the complaint to the Security Council under Chapter VI of the Charter of the United Nations – Pacific Settlement of Disputes – because at that time we were not aware of the fact that Pakistani armies had intervened. At least we were not officially aware. At that time many Pakistani nationals were there and they were aided and abetted by Pakistan; but it had not become a warlike action by a constituted state.

Secondly, at that time our one desire was to limit the spreading of conflict. Reference has been made – and I think it is only right to refer to it – allegation has been made to the sinister role of Lord Mountbatten in this affair. Apart from being a reflection on Lord Mountbatten, it is rather a reflection on this country. We were a self-governing dominion at that time and it was incumbent on the governor-general as the head of the state to act according to the advice of his ministers. So, if we place the responsibility on Lord Mountbatten, we are really blaming our government and our prime minister. But, in fact, what is alleged is not the case at all. Lord

Mountbatten's role in this, as head of the state, was to accept accession. But, in the subsequent letter that went out, there was some reference to the ascertainment of the opinion of the people to which I shall refer later.

Therefore, the main position in regard to this was this: we went there at a time when we did not know as much as we did later. And, our lack of knowledge was not due so much to our lack of care as to the fact of deliberate concealment on the other side. And so, when Pakistan made its reply – some fifteen days later – to the United Nations they answered our application with several points – I think it was fourteen or something of that kind. But only one of them referred to Kashmir. The others were references to Junagadh, Hyderabad and genocide and the two nation theory and all kinds of things which had nothing to do with this matter. The long reply did not refer to the Kashmir state except a two line paragraph or so in which they denied aggression. The others are irrelevant. Our complaint was, therefore, in fact, met by denial which, afterwards, was proved by UN observers to be wrong. Therefore, there has been no legitimate or proved fact in support of the denial.

Reference has been made to the fact that aggression has not been found by the United Nations. This is to throw away the support we have got from the findings of the UN commission itself when Sir Owen Dixon stated that on such and such a date when the Pakistani forces crossed the frontier they committed a breach of international law. That might be a round about way of saying it. But it was a finding that aggression had been committed.

Secondly, it is not in our interest to get away from it. The solution now proposed, if it were accepted, would be something like saying, if you have got a bad headache, cut off your head. That would be no remedy. So, to displace the United Nations and to lend our support even if we are badly hurt would be to disown and disengage ourselves from all the obligations, moral and otherwise we have entered into. It would accentuate or rather would take us away from the forces that operate in this world towards world peace and cooperation and human development. What is more, it would belie every profession and every declaration that we have made before that

body in this regard. It is quite true that aggression has not been vacated in Kashmir. It is also true that even the United Nations in its resolutions – it is sometimes forgotten – has found in favour of our sovereignty of that region, because every resolution speaks about the sovereignty of Jammu and Kashmir – Jammu and Kashmir is an integral part of India – and because there are no states in this country, whether it be Maharashtra that has to appear or Gujarat that has to appear next week or Kerala in which there is trouble often or Bengal or Punjab, there are no states with international boundaries, with frontiers. The frontiers of Jammu and Kashmir are on the Arabian Sea, the Bay of Bengal and the foot of the Himalayas. That has been sanctified by the declaration of the UN where it speaks of the sovereignty of the Jammu and Kashmir government which is indeed the government that is like any other government, part of our constitutional arrangements. It is so by international law; it has been accepted by Pakistan, by ourselves and the British government at the time of partition. It is international law.

Secondly, it is the will of the people themselves declared in their Constituent Assembly and afterwards by two different elections from which latter only those people who were held away by duress were prevented from participation. Even if they had voted against it would still leave a large electoral majority in favour of the declared will. Therefore, the plebiscite has been gone through. We come to this question raised by Shri Sadhan Gupta. He said that we made a mistake in making a commitment about the plebiscite. We are inclined to accept the versions of other people about us; we are even likely sometimes to accept such terms: Two or three years ago; it was common in our country to speak about Kashmir and India as if they were two separate countries. We have got out of it. Similarly, when we speak about the plebiscite and so on, we are accepting the version of people who do not agree with us. We made no commitment in regard to the plebiscite without any conditions. True, we have referred to it. The only resolutions of the UN by which we are bound are the resolutions of 13 August 1948, 5 January 1949 and 17 January or whatever it is. These are the only resolutions to which India has agreed. Every delegate,

myself or any representative of the government – every delegate had been instructed and has said it before the Security Council that we are not bound by any resolution which we have not accepted. We may in good faith try to carry out what the Security Council decides; we cannot prevent the Security Council passing resolutions anything more than we can prevent the SEATO power declaring India to be under their proteeroyalty.

It takes me to a point of the plebiscite. There is the 'Plebiscite Front' and what not. What has been their view at the UN? We accepted it as a working basis some years ago. Some years ago, there was a resolution which was divided into three parts; it is what may be called a concertina resolution. One part is tied up with the other. The second part becomes operative only when the first part is performed; so also, about the third part. Our contention has been and I am glad to say that it is now regarded as at least not controvertible – that the first part has not been performed. That first part was that the Pakistani elements in the territory of Jammu and Kashmir must withdraw. Their contention was that they were not there; and it was said that all the forces that there were at that time, except such people as were required for local police work in the so-called Azad (free) government, should withdraw. At that time when the resolution was passed, the northern areas were not under the Azad government and in fact the Pakistani delegate himself admitted that he had no control over it. Therefore, the whole area which is now so significant to us, much more than is realized by our countrymen, – Baltistan, Gilgit, the whole area of Chitral, the frontiers with China, Soviet Union and so on, that is, those areas – was never part of Azad Kashmir; those areas were and are within the sovereignty of the Jammu and Kashmir government.

So, when this resolution was passed the Pakistan government had agreed to withdraw all these forces. Not only did they not withdraw these forces, they accentuated and added to them. Therefore, the first part has not been performed and unless the first part is performed the second part is not triggered. That has been our argument.

Apart from the withdrawal of these troops, it was said in the first part that it was incumbent on the other side not to create conditions

which would create turbulence between us. So, when they carried on all this campaign with all their heart and when speeches were made that they would invade us with *jihad* (holy war), they created that kind of conditions and they have broken the first part.

So unless Pakistan behaves like a civilized nation and does not carry on a war of nerves, a psychological war against us, continually pricking our frontiers and everywhere, as she has been doing, unless the first part is fulfilled – the first part was not fulfilled – and I make no reservation in this matter; the first part in regard to the resolution of 13 August remains unfulfilled and, what is more, it remains violated – the second part does not come into operation.

But even if the first part has been performed, the second part would require taking away, first of all, of the forces, the thirty-two battalions of the so-called Azad army, Pakistan's regular army that have come in possibly after the conclusion of cease-fire, after the drafting of these agreements. It is only when they have been removed that other matters would come in.

Then, what is it that in the second part we have committed ourselves to? We said we would withdraw ourselves at certain points, I am sure I am not endangering the security of the country when I tell you that even today on the soil of Jammu and Kashmir, the number of Indian armed forces is at a level lower than permitted by the cease-fire agreement. That is the pacific approach that this country has made to this problem.

Supposing it was the case, even the second part has been performed, what do we say in the third part? We never said anything about a plebiscite in the third part. We simply said that we would discuss with the Pakistan government certain methods, this, that and the other, and out of those methods were put on a kind of architectural plan in the 5 January resolution. It was not an offer of plebiscite. In fact, there are various documents, which you can obtain from the Ministry of External Affairs, where the United Nations itself has said that plebiscite is only one method of ascertaining the opinion. So the plebiscite which has by repetition become almost a gospel, was not a commitment on our part. If it was a commitment it was a conditional commitment, it required the satisfaction of three or four

stages of conditions, which have not only been not fulfilled but have been violated by the action of a reverse kind.

So, when we went to the UN we agreed to this resolution in order to restrict the area of war, in order that the specific purpose of the United Nations may be promoted.

The second point we have to remember is this, that we have not taken a 'dispute' to the United Nations. There is no dispute, so far as we are concerned, about Kashmir. There is no more a dispute about Kashmir than there is a dispute about Uttar Pradesh. What is before the Security Council, under the terms of the Charter, is a 'situation' which is very different from a 'dispute'. And, what is more, the Security Council has not got the powers under the Charter to adjudicate in a legal dispute. That could become the function of the World Court if we agree to its jurisdiction. But no legal issues can be resolved at the Security Council under the terms of the Charter. Therefore, if it is a dispute, it must be either a boundary dispute or a legal dispute. If it is a boundary dispute, it would have to be settled under the terms of a pacific settlement where there must be agreement on both sides. Therefore, we have referred no dispute. We have referred a situation – I have forgotten the relevant clause of the Charter – which was inimical to the peace of the world, which was deteriorating the relations between two countries and which might lead to this, that and the other.

The third fact to be remembered is this. Perhaps the House would not feel very much moved by it, but they are familiar with this phenomenon as well as other individuals at the United Nations. In all these years, we have been maligned up and down the world on many charges. We have been charged with genocide; we have been charged, for example, with ill-treatment of the minorities – who are the majorities in Kashmir – and what is more, we have been told that the Muslim population of India – I hope the Muslim population, if they recognize themselves as a separate identity will take this into account – we have been charged with holding the Muslim population of India as a hostage in regard to Kashmir – a large hostage indeed, of sixty million. So, that is the third factor, that we should bear in mind.

The fourth is that it is quite true the resentment of this House and of this country as a whole in regard to the Security Council is understandable, that the council is composed of eleven nations, most of these nations whose constitutions are founded in the ideas of truth and liberty, who have not thrown their weight on the side of resisting aggression.

We have told the Security Council that forty to forty-two thousand square miles of our territory remain under external occupation. There is yet another thing that is not fully realized; they have been annexed by Pakistan, I believe, under clause I subclause (2) of their constitution legally from their point of view and from our point of view illegally. They have been annexed by Pakistan. We have not recognized and we will not recognize the fact that we have ceased to be sovereign over those territories. What is more, under our present constitution, with the recent decision of the Supreme Court, no government in this country except by an amendment of our constitution, can alter the boundaries of Jammu and Kashmir, because they are part of our sovereign territory, and there can be no change of our national boundaries except by an amendment of our constitution. So, it has been made very clear. Therefore, the excitement on the part of Shri Tariq about the Mangla dam is natural, but in my humble submission, unnecessary, because, no government in this country – not that it wants to do so, but even if it wants to – can alter the boundaries; it is not possible except by a change in our constitution.

Then, reference has been made to the fact that we are not taking enough care about it: what have we done to take our territory back? Questions have also been asked with regard to the present position. First of all, I would like to say that the present position is that on our sovereign territory, are two administrations: one is the civil administration of India functioning and the government of the state of Jammu and Kashmir, indeed as any other state, and the other is the de facto administration which is inimical to the exercise of our sovereignty, the so called Azad government and certain principality governments presumably in these mountain states. This is the de facto position; and these are held apart not so much by physical force as

by voluntary agreement on our side. It should not be forgotten that India was the part which initiated these cease-fire negotiations. And that we negotiated at a time when, as someone has stated, there was the prospect of armed victory. Rightly or wrongly, and I believe rightly, we took the view that victory by armed forces alone is not enough and it is necessary to proceed to a settlement. On either side of the cease-fire line are observers of the United Nations and it would not be proper for me to mention what I feel about the performance of the operations in so many cases. They are composed of many nations, and I regret to say that many of them belong to military alliances, whose business it is to report on cease-fire violations. These violations are complained of by the parties and, if you look at them, they will look like a scoreboard! That is to say, the aim appears to be – I speak subject to correction, because there is the risk of criticism, but this looks like a score-board – to even up. Actually, we made some hundreds of complaints – I forget the number now, I think it was 1,028 – against Pakistan and they have made 870 complaints against us. But the score is always even; it is always slightly tilted against us over the years. It looks like that. We will leave that alone.

This cease-fire line is not held by any armed forces but is held by observers and by a law that, in fact, operates against us, because we observe international law and very scrupulously, that is, within five miles of that line no armed forces can operate, with the result that when a raid is committed, we cannot do anything about it, because our uniformed men are precluded from going there which will violate that line. That is the position regarding the cease-fire line. Of course, I do not want to whine about the position and we are carrying on as best as we can.

There is comparative quietude, and the solution of the problem of Jammu and Kashmir will rest on the industrial and economic development of our land and the maintenance of our unity. That way, the political and social equilibrium will so shift that there will be no option for the people on the other side except to join their brethren on this side of the cease-fire line.

Thus, it would be better for us, it would be part of our policy that we do not attempt to do that by the violation of an agreement

we have reached. We have told the Security Council that under international law every agreement that we have entered into, we shall carry out. But we shall not accept an agreement because somebody says we have accepted it. Secondly, we have also confirmed, we have pointed out that there are certain principles and doctrines of international law which have to be observed, for example what is called *in dubius mittius*, that is to say, if a treaty is entered into by two sides has to be interpreted, it has to be always interpreted liberally in favour of the persons who carries the greater burdens in the implementing of it.

Therefore, in regard to all these matters a different view has to be taken. But it very much depends upon the determination of this country. We may not forget that not long ago – it is now getting on to thirteen years – this country, this part of India was invaded, invaded first by irregulars numbering about a quarter million, and for a few days a single battalion of the Indian army was responsible for checking the tide of invasion. And on the soil of Kashmir lie buried some of the best officers and men of our fighting forces. We owe a debt of gratitude to them, and, what is more, we owe a debt of obligation to see that there shall be no resiling on our part – no backsliding on our part in this matter.

Kashmir is a live issue with us, because it is part of our sovereign territory, not because it is a piece of land; it is part of our history, it is part of our kinship, it is a sector of our people. What is more, the economic development of that territory, the development of its resources, and the prevention of the intrusion of the apparatus of international conflict into the Asian continent, is very much dependent upon our ability to maintain our hegemony over this strategic area.

Reference

Lok Sabha Debates, Vol. XLIII, cc. 13399-417.

HIRENDRA NATH MUKERJEE

University Grants Commission

11 August 1960



Participating in the debate on the motion for consideration of the report of the University Grants Commission, Prof. H.N. Mukerjee expressed belief in a nonparty approach to higher education as a contributor to national development. He analysed various aspects of university education, including questions of maintaining standards, student indiscipline, funding, etc.

Mr. Chairman, I am thankful to the minister for his courtesy in cutting short his speech in order to enable me to participate in this discussion on which I am particularly keen and I think I can best reciprocate his courtesy by assuring him that as far as the question of university education is concerned, we do not have a party approach. We believe that after all, higher education makes a large contribution to the development of our country and we should all pool our resources together so that our education might be worthy of the kind of country which we are trying to build.

By and large, the UGC has been doing work which has earned appreciation and in the latest report, towards the end there is a welcome note of humility where the commission refers to its inability to deal with the problems as quickly as might have been desired and I think this House should strengthen the hands of the commission when it makes a complaint that it was not consulted or consulted in a perfunctory way regarding the setting up of many new universities. I find, for example, from an answer given in this House on 8 August that the UGC was not consulted or its advice was not accepted in regard to the University of Kurukshetra. Personally, I have a feeling that the Sanskrit Mahavidyalaya at Benaras is a very sound proposition. As far as Kurukshetra is concerned, we have to think very hard before we can consider it right to have a university there because it might be a university only in name. But in this regard, the commission's advice was not accepted.

The minister has said that the UGC has not much control over the universities except in regard to its allocation of grants. But I feel that this House is particularly keen to find out why it is that in the central universities which are directly under the control of government, the UGC cannot make a better showing of it. It may be the ministry of education had a special division to look after the central universities. I do not know. But I should think that the University Grants Commission has a direct responsibility for the conduct of affairs at Benaras, Aligarh, Delhi and Vishwa Bharati and, surely, in some of these places everything is not very lovely in the garden.

Sir, a question arose the other day in regard to which the report of the University Grants Commission has given us some points, and that is in regard to the number of students in colleges and universities and what we are going to do about it. The commission reports that in 1958-59, the number of students at universities was about 8,50,000. This number is growing. Are you bothered about this growth in the number of students at the university stage? We find that the other day the minister made a statement which was construed by most of us, at least on this side of the House, as imposing very special restrictions on the admission of university students.

Sir, I agree entirely that we should have the best of our students entering the university stage, but I know at the same time that we cannot have the best of everything in our country as it is conditioned at the present time. Even if you have a good deal of tests it is discovered that the students perhaps do not come up to the mark – maybe, it is not the fault of the students, it is the fault of the environments, educational process and all that sort of thing, but the fact remains that we do not have in our country up to the present day a sufficient supply of adequate personnel. And, therefore, I believe that the first thing which the government should do today is to ensure that the gates of higher education are not shut in the face of those who are willing and able to enter.

Now, some observations which are cheap and facetious have been made by the University Grants Commission, and on page 13 of the report, the commission says: 'But the university should not be treated as though it were some kind of a waiting room in which young men and women collect before entering upon a wage-earning career.'

I think it is rather in a kind of taste which I do not approve of to refer to students looking forward to the opportunity of university education as having collected in a waiting room. That is not the kind of attitude which we expect from the University Grants Commission. I would like the government and the University Grants Commission to have respect for the urge of our people for higher education which has found expression in the past in the setting up of so many colleges sponsored by private individuals.

Now, this thing has gone up, and now when you are shutting the doors to our young people because of the lack of opportunity for vocational, technical, professional and other kinds of education, you find people who are passing certain examinations, who under the rules are eligible for admission to universities and yet you are stopping them by putting up a new kind of barrier by asking for new kind of criteria.

I was rather pleased, sometime ago, to notice that the secretary of the University Grants Commission, Shri Samuel Mathai had been to Calcutta last February. There, he spoke to the students of the Scottish Church College, and he pointed out that only two per cent

of those in the sixteen to twenty-three age group had the opportunity for higher education. He gave these figures – I am quoting from *The Statesman* of 4 February 1960 – in the context of the repeated remarks about overcrowding in colleges and universities. I think this House should make it clear, as we have found sometimes governmental agencies also to point out, that we should not have any nervousness about the increase in the number of university students. Sir, I am quoting from the papers supplied to the education panel of the Planning Commission, and at page 3 of the papers supplied it was said that ‘the increase in the number of university students in the developing economy of India cannot be looked upon with much apprehension, the students who would be educated in the Third Plan would be needed for employment in the Fourth and the Fifth Plans when the increased tempo of industrial and economic development of the country would probably require larger numbers of suitably qualified persons’. There is no need for us to bother about the danger of the numbers increasing as far as university education is concerned. Besides, we have to consider the condition of our students in contrast with the students in the more advanced countries of the world. In the United Kingdom, 75.7 per cent of the students in the institutions of higher education are in receipt of financial assistance from one source or another – I am quoting from the draft outline of the plan which has been supplied to us. When that is so, it is rather cruel and it is rather unmindful of the interests of the country that an effort appears to be made to shut the doors of higher education. Let there be alternative arrangements made – evening courses, correspondence courses or whatever you think fit – but let not the doors be shut in the face of students who are aching and yearning and thirsting for an opportunity for participation in higher education.

Sir, I welcome the observations of the University Grants Commission in regard to the recognition of the role of affiliated colleges which we have been told must go on receiving attention for a very long time. At page ten of the report some very good observations have been made about the scale of pay of the teachers. The report says: ‘We feel that the basic time-scale of pay for university and college lecturers should compare favourably with that

offered for Class I posts in the administrative services of the states and the central government.'

I know, sir, that money is not the sole criterion. Many of those who join the teaching profession are not asking for higher emoluments just for the sake of it, but since money is important in real living terms, it is necessary that you make such provision as is absolutely essential for their carrying on.

I take this opportunity of drawing the attention of the minister also to another matter which is being felt very acutely in at least the place from where I come, and that is the mismanagement which is taking place over the introduction of the three-year degree course. There is a gap between secondary education and higher secondary schools. There are very few higher secondary schools. Preuniversity courses promise much trouble because they have not been organized very properly – books are hardly available, the curriculum has hardly been settled and sometimes we find that even after passing the higher secondary examination students are being asked to read for a premedical or a preengineering course. The idea certainly was that after passing the higher secondary examination a student would be in a position to walk into any of these professional or technical institutions; but, as a matter of fact, it has been found necessary to have a preengineering or a premedical course. But the whole thing is a messup. I feel that the present generation students at this stage are being sacrificed because you have introduced something which you cannot carry into effect as efficiently as we wish you to do.

In regard, also, to observations made in this report about the medium of instruction, I have to repeat my misgivings which I expressed last year also. The commission says that the question of the medium of instruction is an academic and not a political question. But I feel that in academics also, there may be and there are vested interests and, perhaps, there is some opposition to the introduction of Indian languages as the medium of instruction in the universities, because in that case the occupation of many of those who are running the universities would be gone because they are specialized only in English and they cannot speak a few

consecutive words of our own language. That being the trouble, I believe, sir, some very special steps ought to be taken.

I feel, for instance, that no serious steps are being taken in order to publish books, worthwhile books in Indian languages. The University Grants Commission has taken no initiative at all in getting the universities to sponsor special schemes for the publication of books in Indian languages. We have to have good books. There are cram books in the Indian languages. It is a shame that our students are given a supply of cram books. But good books will not sell immediately because the students have been accustomed to these cram books, and good books would need to be subsidized, they would need to be sponsored by educational institutions. The universities should be specifically asked and special grants should be given so that books can come out in Indian languages, books can be utilized for purposes of instruction in the higher stages. I believe, this question of the publication in Indian languages is extremely important. I have been shouting myself hoarse about it. I referred to this matter in last year's discussion of the report. But, as far as I can find out, the University Grants Commission has taken not the slightest note of the urgency of assisting publication in Indian languages.

I find reference in this report to the question of student indiscipline, a matter which comes up in this House quite frequently, but I feel that where certain cases of absolutely inexcusable indiscipline have sometimes appeared, it is very easy to blame, it is very much more necessary to understand, even though sometimes the conduct of students has been inexcusable, perhaps more often than not, the authorities have been no less to be blamed. I know, for example, in Calcutta, there was some trouble over the examinations. Surely, I would not like the students to be very indignant if the questions happen to be rather stiff, but if the questions have no relation to the syllabus at all, if it so happens that those who set the questions and those who moderate the questions have not really taken that amount of pain which it was absolutely their bounden duty to do, then surely something is very rotten somewhere. And not only attacking the students' indisciplined

behaviour would solve the matter; it is necessary for us to find out where the fault is being committed by people in authority. Are the minds and bodies of our students adequately occupied? How is it that we expect our students to behave very much better than they sometimes do?

I am not holding a brief for the indisciplined behaviour of the students, but I know very well that all kinds of vested interests work. I know my hon'ble friend the minister will perhaps say that the political parties are the villains of the piece; they are the culprits, that the political parties should take their hands off the students' associations, that the students should cease to take any interest in political parties and then everything will be lovely in the garden. But trouble arises more often because of faction fights for university control and near that area, political parties which you have in mind, have had no opportunity to go, as in Lucknow where there were some big bugs in the government or formerly in government who wanted to control the university and a situation was created where naturally there were some unsocial or antisocial elements who got their opportunity. There is absolute demoralization allround as far as educational institutions are concerned, because the old idealisms about which we used to hear in the old days seem to have vanished. There is such demoralization and there is such an attempt on the part of vested interests who have nothing to do with the opposition political parties that these vested interests fight for power and even want to control the universities.

I know it for a fact that in the senate election in Calcutta, the ruling party of the country set up a large number of candidates – all kinds of constituencies. This sort of thing happens all the time. It is no good merely blaming the students. I know it is sometimes said that students should not take interest in political matters. In England, – in Oxford or Cambridge or other universities, the students have their own associations. There are conservative students' organizations, labour, liberal, so on and so forth. You cannot stop the students of an independent country from taking a lively interest in political matters, though of course there are certain limits beyond which, during the period of study, students should not go unless there

is a very serious national emergency, of the sort which incited the students of Korea or of Turkey to come out in masses and demonstrate, and all that kind of thing.

Except in emergencies, the students need not come out and have this kind of demonstrations at all. But, at the same time, it is very necessary for the students to try to have a grip on the matters which agitate everybody and to understand the political factors which prevail in the world today. Therefore, I feel there is no use blaming political parties. Political parties would not like to poke their nose into university affairs. It is only because university affairs are mismanaged; it is only because the academic spirit is vanishing from our universities and it is only on account of demoralization these instances of student indiscipline take place.

This deterioration of academic quality is a very serious matter. We find academicians running after bureaucrats or trying to become bureaucrats themselves. I hate to have to say this – the prime minister is a very fine man with a passion for science – that foreign people have commented that it is rather peculiar that every session of the science congress has to be inaugurated by the prime minister, perhaps because many of our scientific experts want to be on the right side of the prime minister and want to be photographed along with him and all that kind of thing. It shows that there is something wrong. I am not saying this off my own bat. Foreign scientists like Professor J.B.S. Haldane have remarked about the science congresses becoming a *tamasha* (show), becoming a mere demonstration and serious scientific students do not find very much that is taking place in the science congresses of which they can take advantage. Our national laboratories have not produced results which we fondly expected of them.

I feel also that the University Grants Commission should put its own house in order. I have discovered from the figures which we get in answer to questions in the House that it is a very top-heavy organization. I cannot understand why, for example, in answer to unstarred question no. 1688, on 2 April 1960 Dr. K.L. Shrimali informed us that in 1958-59, the pay of officers amounted to Rs. 1,04,237:53 and the pay of the establishment was Rs. 1,01,332:56;

that is, the pay of officers is higher in total than the pay of the establishment. It seems rather top-heavy. The officers including the chairman cost more than the establishment.

I feel that the officers are sent out perhaps too often abroad, and sometimes officers nearing superannuation are sent out and their reports would probably be not particularly useful. I believe that if the University Grants Commission sets its own house in order, then it can assert its moral authority and then alone it can see that the advancement of learning and the advancement of our country's interest can go hand in hand.

Reference

Lok Sabha Debates, Vol. X, cc. 2239-49.

RENU CHAKRAVARTTY

Chinese Aggression and Proclamation of Emergency

10 November 1962



In the midst of interruptions, the communist lady member Renu Chakravartty tried very hard to assure the members and the nation that the Communist Party members also were one with other compatriots in condemning the Chinese aggression.

Mr. Speaker, I rise with a deep sense of responsibility in this grave hour of national emergency to pledge on behalf of my party our full support to the prime minister's rallying call to the nation for national unity at this juncture of history when our country is facing a danger greater than it has ever faced before.

But, sir, right throughout yesterday, as I listened to the speeches one after the other, I felt a sense of perturbation – perturbation not because of crude attacks made upon my party by Shri Kamath but because, at a time when our jawans are dying defending our country, it showed a mentality of mind which could not resist taking

advantage of petty party considerations to try and create a rift in the great and spontaneous upsurge of national unity which the Chinese aggression and attack on our soil has evoked....

Sir, vicious attacks have been made upon the Communist party from the time it has been born, but it has survived not because it has spread its ideas at the barrel of the gun as the Chinese have been doing today but because of the unparalleled heroism it has shown in the defence of freedom, in the defence of democracy and socialism.

Sir, the Communist Party of India has passed its resolution and everyone must implement that resolution from the biggest leader to the commonest man working in the fields and factories. It is not the discipline of the parties which have come out to attack us but it is the discipline of a party which is known for its discipline, and as disciplined soldiers we shall march shoulder to shoulder with the entire Indian people. The communists will defend their country and their sacred soil against the Chinese aggression to vindicate our nation's honour and to protect our freedom. Every word of the resolution will and must be implemented by every communist. It is by actions and not by mudslinging that the patriotism of each and every party will be judged.

There is no doubt in anybody's mind today that the whole of India and the whole of the progressive world has been shocked by the unashamed and massive attack of the Chinese crossing blatantly the MacMahon Line and laying hold of territory even beyond their own claims.

The crossing of the MacMahon Line has both qualitatively and quantitatively raised an entirely new situation. India has been taken aback. The communists with the entire Indian nation have been shocked to their depths by the action of the Chinese. It is open, blatant aggression. We are shocked by the arguments given by the Chinese for crossing the MacMahon Line. They say that they had to cross it and march in order to prevent aggressive action by the Indians. This is a fantastic charge. Everyone knows that throughout we have espoused the cause of China. We repudiate this charge.

The MacMahon Line is claimed as an imperialist line. What border is there in the world which has not been drawn either by the

imperialist or by the Czarist or by the monarchists or by the warlords? The Communist Party of India has categorically stated that the MacMahon Line is our border, but for argument's sake, whatever the origin of the MacMahon Line, whatever the legal status or not, can there be an iota of justification for starting a mighty armed attack against a nation to humiliate it and to make it surrender? It can never be done. India has won her freedom by sacrifice and by sacrifice we shall keep it....

The young hon'ble member on the other side who spoke should know that there is A.K. Gopalan here who spent sixteen years in jail. I wonder how many there are on the other side....

Has it anything to do with the ideas of world communism? No, sir. The world communist movement has declared that all outstanding controversies and disputes, however deep they be, have to be solved by negotiations. Have we not seen what has happened in Cuba and with what restraint the Soviet Union, even at the cost of being misunderstood, has withdrawn...?

I know, some people feel very bad. I feel that at this moment when there should have been the greatest effort made for keeping national unity some would like to drive a rift. That is the feeling that I get when I hear some of my hon'ble friends.

I will say that one of the most dangerous things that has happened in this cataclysm is that by this action of Chinese aggression it is not that the Communist Party of India is being attacked – that is of lesser importance – but that it has helped those who had so long wanted to lead India into the Western imperialist military alliances to do so under cover of a call to patriotic resistance to the Chinese communism. The very basic concepts of our country's foreign policy have been brought into contempt under the argument that it is because of nonalignment that the Chinese have attacked us. Even Shri Jawaharlal Nehru and his leadership have not been spared. His entire policies from nonalignment to planning and socialism have been lashed out at and the very foundations of all our basic policies are at stake – Congressmen who like my hon'ble friend over there ask me what is at stake – before the sledgehammer of the attacks of the Jan Sangh and the Swatantra party and the silent acquiescence

of my friends of the PSP applauded by certain sections of Congressmen. This is what the Chinese attack has brought to our country. This is a most serious situation. This is what has happened. I charge the Chinese aggressors for that.

This is what the Chinese aggression has brought. One of the most serious things in our country is, it has given a hearing to those who formerly had no hearing at all in this country.

This is a serious debate. We are discussing politics. We are not discussing any personality. Anger and sadness there is at our humiliation. That is understandable. But, have not wars in history been fought and won after reverses a thousand times greater? Are we to give up our basic policies just because we have been defeated temporarily? The attack that has been made is that today the nation's leader Shri Jawaharlal Nehru should be changed....

Let it be stated here clearly. It was a shock to me that nobody from the other side protested. Shri Ranga said that these are peacetime leaders.

One knows that the person who is the architect of all the policies is Shri Jawaharlal Nehru.

Let it be known that peacetime leadership, he said, may not always be the same as wartime leadership. He reminded us of English history and the replacement of Chamberlain by Churchill. This is the true logic of the Swatantra party programme.

Yesterday, my other Swatantra friend when he spoke, spoke very cleverly. I take my hat off to him. I am surprised that there is so much laughter and levity in this situation.

If you do not know English, that is not something surprising.

Shri Krishna Menon had to go because he was most responsible for the inadequacies of our defence arrangements. It is good that the prime minister has said that there will be an inquiry into it. That is how popular resentment at India's humiliation was understandably roused. With dignity he resigned as in our system of parliamentary democracy he must. But, make no mistake about it. The inexorable next step has come, the attack on the foreign policy of our government and its architect Shri Jawaharlal Nehru. Does Shri Ranga really think – it has been put forward not only by Shri Ranga but

by several of my friends that he is a tired man, he is a wearied man, and so he advocated let us get people from outside, let us get a defence minister from outside....

These are statements that have been made. I do not know why the 'lady' protests too much....

He forgets his own words from time to time. I am quoting what he said in his speech:

I say that Shri Jawaharlal Nehru has proved himself greater in time of war than in time of peace. Because his call to the nation has brought a magnificent response. He is the only man capable today of evoking that response because of his policies. My friend Shri Hanumanthaiya warned us against the personality cult. There is no question of personality cult. Shri Jawaharlal Nehru is Jawaharlal Nehru because of his policies and not because of his personality. Shri Kamath in the course of his speech said that the Communist Party protests too much....

May I tell him and also my friend over there who just exclaimed 'Yes', that it is funny how extremes meet. Let me remind him that every day Peking Radio also attacks the nonalignment policy of Shri Jawaharlal Nehru. *The Peoples Daily*, only a few days ago, in an article on the philosophy of Nehru said that his nonalignment is really fake, he is an agent of US imperialism. Day in and day out, Peking claims that the Indian government and Nehru are expansionist and that China is fighting back the aggression of India, that Nehru is a lackey of US imperialism, that British imperialism and Nehru are jackals of the same lair. Does the Communist Party of India or for the matter of that, the world communist movement agree to this evaluation of the Nehru government? No. We repudiate it strongly. Whatever our differences with the government on home policy – and we have many – this House well knows that the Communist Party of India has categorically stated long ago when the party of Mr. Kamath and Shri Ranga tried to bring that policy to disrepute, that our country is following a policy of peace and it strengthens the fight against imperialism.

Have there been no errors? Certainly there have been weaknesses. There have been vacillations, there were mistakes. But, on the whole, the policies have been correct. We, the communists, totally

disagree with and repudiate the charges of Peking that Shri Jawaharlal Nehru is a lackey of imperialism. This very Nehru, at the very moment India is being brutally attacked by the might of China, at the very moment when parties like the Jan Sangh and Swatantra and even some members of his own party are pressuring him to enter into military alliances with Western imperialism, has firmly reaffirmed his faith in his policy of nonalignment and the policy of peace. India has always pursued this policy even while he has declared and the entire country has declared as all patriots must do, the determination to defend the honour and integrity of our motherland. Is this a sign of his becoming a lackey of US or British imperialism? This forum of Parliament and the United Nations have heard him support the cause of world peace and disarmament. Is it a sign of his imperialistic intentions? Did he not stand up against imperialistic attack in Egypt? Did he not acclaim the Cuban Revolution? Did he not liberate Goa?

There can be no doubt that the Chinese authorities are completely wrong and are following a disastrous policy.

So too, equally disastrous is the attempt being made to turn this war of Chinese aggression into a battle of communism versus anticommunism. Just as we tell China 'Beware of your disastrous policies, for when war breaks out between two of Asia's greatest and biggest countries, we are on the precipice of a world war', and just one more false step can envelop the world in a thermonuclear war, so we say to those who want to turn the aggression of China into a war of communism versus anticommunism by entering military alliances and obligations and by becoming partners in the Western bloc, by abjuring our policy of nonalignment, 'Are you not bringing the third world war to be fought on the soil of India?' It is not a question of our not defending our country. We must, and we must get our arms without any political subservience and political strings attached, and we can get it even within the honourable framework of nonalignment, for, it is a strong policy, a policy which strengthens the forces against cold war tension which inevitably step by step leads to world war and thermonuclear war which is a war where there are no victors and no vanquished.

Is the policy of nonalignment a weak one, a policy of appeasement, a policy which has to be given up at the first sight of temporary reverses? It is nonalignment which has added prestige and stature to our country, and even today in the time of stress, the validity of it remains. If even today, in spite of the massive Chinese attacks against us, we have contained the conflict from the conflagration of the cold war tensions which inexorably draws us into the vortex of world holocaust, it is because of the essential strength of nonalignment. Is not such a policy to be weighed as a mighty weapon which can bring about solutions more easily than if we had been in one or either of the blocs?

The newly-liberated nonaligned countries are a big and progressive force in the world, and we must make no mistake about it. Much has been said about the Afro-Asian countries. It is because of our policy of nonalignment that we still have many friends among them who are doing their best to bring pressure to end this conflict and bring about a peaceful settlement. Not all of it may be well-informed, but certainly it is well-intentioned. While we must defend our country, we must also appeal to all countries to put pressure on China and to impress upon her to withdraw her forces. If several others have not understood our case, it is not because we are nonaligned. I would beg of this House to understand one thing. If we were really aligned with the USA, for instance, do you think that a person like Prince Souvanna Phouma would have written to us a warm message of sympathy? Would he have accorded to us that sympathy in that case, and would he not have had some lurking suspicion in his mind? Again, the United Arab Republic has appreciated our position, and we have appreciated their gesture. If we had aligned ourselves with the United Kingdom who unleashed the Suez crisis upon them, would we have got their sympathy?

If in some Afro-Asian nations, there is some confused thinking, then I am at one with my hon'ble friend Shrimati Renuka Ray that it is because of our lack of propaganda, woeful lack of propaganda, and the failure of our press and publicity.

I say with respect that there are some speeches which have been made here which damage our cause and help Peking's propaganda,

such as those suggesting the blowing up of dumps, this, that and the other. I believe that those speeches do us much harm, because they help China and add grist to the mill of what the Chinese are trying to pose and propagate that it is India which is aggressive and it is China which is aggrieved.

Why is it that China has got a hearing? It is not because India is nonaligned, but because the three-point proposals of China have been first and only peace proposals which have been put forward before the world. Why is it that our proposals for withdrawal to the position prior to 8 September, which were made ten days before the Chinese proposals were not placed before, and canvassed and explained to all the countries of the world? Surely, that could have been done. It was a fair and honourable offer. If they had reached the ears of all the nations of the world in time, I am sure that our case would have been stronger.

There is no question about it. Let the Chinese go back to the position before 8 September, and let them prove from there that they really want peace. There is nothing dishonourable in it. We leave it to the prime minister because we know that he is the man who is capable of bringing about peace with honour and in keeping with the dignity of our country. Let us fight, and let us defend our country, but I appeal, let us not be defeated on the diplomatic front.

I would say that it is necessary for us to declare to the world that whatever our other differences, the Indian people are united behind Shri Jawaharlal Nehru and his policies. To support national unity and then to throw doubt on these national policies is to subvert the national will to stand united for successfully defending our country.

Our party assures the jawans heroically fighting and laying down their lives for defending our soil, that we shall not fail them. We shall toil and endeavour to see the rear fights as valiantly as possible so that production is not hampered. The four trade unions have already given their pledge. I would like my hon'ble friend Shri Dhebar to understand that the four trade unions have already met, and they have given their pledge. I may also mention that our women have started their work, and our people also have been responding to the call for contributing to the National Defence Fund.

Here, I must mention, however, that attempts are being made to utilize the powers of detention for victimizing trade unions. That has nothing to do with the present emergency. If it has something to do with the present emergency, then I could understand it. But old grouses are now being worked out. In Bhilai, some of our best workers have been put in detention. I would like that those cases should be properly scrutinized.

I would also like to say one other thing. Shri Dhebar had said that let us not agitate against prices. There is no question of agitating against prices. It is something which the people will not allow to be done, and it cannot be done. Therefore, there must be equality of sacrifice. I would like to know why the stock exchange has crashed. The prices have risen, whatever may be stated in this House. What are the steps that are being taken to hold the price line? I am glad that Shri Nanda has enumerated certain steps which we welcome, and we hope that they will be sternly implemented so that the price line may be held.

In conclusion, I only want to say this. Shri Frank Anthony had asked us to become brutalized, our leadership to become brutalized. We are not going to be brutalized. We are a great people passionately proud of our independence attained through decades of sacrifice. We shall defend our motherland. We shall hold on to our basic policies and we shall try to raise the prestige and honour of our country. We know that our cause is just and it will triumph. In this hour of trial, the communists will prove their worth. They will side with the people. What does it matter if we are kept out of committees? We will have to face slanders, calumnies and, maybe, even repression. But we believe that love of one's motherland, love of the great ideals of peace, democracy and socialism can never be crushed. They must triumph. They have to be proved not in words but in action and in sacrifices. And when that day of sacrifice comes, we shall test the mettle of each and every one, and nothing can deter us from that goal.

Reference

Lok Sabha Debates, Vol. IX, cc. 635-50.

JAWAHARLAL NEHRU

Motion of No-Confidence

22 August 1963



After the Chinese aggression, the war and the debacle as indications of the failure of his policy of friendship with China, Jawaharlal Nehru was never the same. Gradually, his health also was failing. Besides, a no-confidence motion in his council of ministers was moved in the monsoon session of 1963. At the end, Nehru tried to reply to the critics who included stalwarts like Acharya Kripalani, Dr. Ram Manohar Lohia, M.R. Masani and others. Nehru deprecated the low level of personal attacks to which the debate had descended. What was important, he said, was not his future but the future of the nation. This was Nehru's last major speech in Parliament.

Mr. Speaker, sir, for four days we have had this debate, and I believe forty members have spoken; I am the forty-first. I have tried my best, respectfully and with patience, to follow the speeches – to listen to them myself and follow them. Sometimes it has been a little hard but, on the whole, I believe I have succeeded.

It has been a strange experience to see this varied assembly of the Opposition speak in different terms. Only just now we heard a representative of the Muslim League, a little before, of the Hindu Mahasabha, and a little earlier – yesterday, I think – of the DMK of Madras, all in serried ranks behind Acharya Kripalani and his fellow generals. In fact, they are all generals; there are no privates in the army.

A no-confidence motion, of course, aims at or should aim at removing the government and taking its place. Now it is clear that in the present instance there was no such expectation or hope. And so the debate, although it was interesting in many ways, and profitable, I think, was a little unreal. Personally, I have welcomed this motion and this debate, and I have almost felt that it would be a good thing if we have periodical examinations of this kind.

I have listened, as I said, with respect to the speeches of the opposition members, and tried to understand what troubled them. Some things I knew. But still, what has brought together in this curious array these various members? It is obvious that what has brought them together is a negation, not a positive fact, not only a dislike of the government, of our government, but perhaps, if I may say so, it is more – I am sorry to say so – a personal matter against me, both as leader of the government and otherwise. I do not mean that everybody feels that way. Certainly, it is a negative matter that has brought them together. That takes away a great deal from the strength of the opposition, and it reduces it. What are they after? – There might be something in it; just to remove this government; and that too is not within their expectation. So, it really comes to this. They were too full of feelings, huff and anger and dislike, and they wanted to express themselves in forcible language. It comes to that ultimately.

I must confess, and I say so with all respect, that the members, leaders of the opposition including, of course, the hon'ble member who proposed this motion, have not done justice to this motion or to themselves. I have been rather disappointed at the charges they made. I do not mean to say that all the charges they made had no substance. Of course, you might divide their attack into four heads,

namely domestic policy, foreign policy, defence and general corruption, etc. I am not prepared to say, and nobody can, that corruption is not a most serious matter to be inquired into, to be eradicated and to be crushed out. There is no difference of opinion about that. There may be a difference of opinion as to the extent of it, and possibly, sometimes, it is exaggerated, and thereby, perhaps, an atmosphere is created which instead of putting an end to corruption gives it a certain licence. However, these are the four main subjects dealt with.

Now, we have been debating a matter of high state policy. Whether the government comes or goes, the matters we have debated are important matters for the country, for the state. I should have thought that most of the debate would deal with high matters of state policy. Sometimes, they have been referred to, undoubtedly. But, generally, the debate has proceeded on rather personal grounds, personal likes and dislikes, personal criticisms and attacks, which have taken away much of the force of it. The person concerned felt irritated. That is a different matter. But this was an important moment in the history of Parliament. And as a parliamentarian apart from being a prime minister, I had hoped that we would rise equal to that occasion on both sides of the House and deal with the great matters that confront our country and also incidentally deal with the unfortunate government that is in charge of many of these matters; but, to concentrate rather on the failings of individuals seems to bring the debate down to a lower level.

The three hon'ble members, the three newcomers, whose speeches I listened to with great interest and care, Acharya Kripalani, Shri M.R. Masani and Dr. Lohia, perhaps, were a little excited still with their victories in the by-elections and seemed to think that they could make a frontal attack on this government and all who are parts of it.

Dr. Lohia did me the honour of referring to me repeatedly. I do not wish to argue about myself, it is unbecoming for me; to do so, anyhow, would be wrong. But that did bring the debate down to a singularly low level of the marketplace.

I have met Dr. Lohia here in Parliament, I believe, after seventeen years. I do not remember the exact date, but probably, it is about

seventeen years since I met him last. And my recollection of him was such that when I heard him I was singularly disappointed. He did not do justice to himself. I expected better of him than merely clever phrases and personal attacks.

We were dealing with the future of India, not of Jawaharlal Nehru or Morarji Desai or somebody else who happens to be for the time being in posts in the government. We shall go, of course; even if we do not go because of this vote of no-confidence, otherwise too; in course of time, we shall go; others will take our place. It may be – I do not know about the future – that other parties will come in. And I felt that in a moment like this, to talk in this petty and small-minded way was not becoming. However, that is for each member to choose how he should speak, and how he should present his case, but it does affect the major case. When we are talking about what really means the future of the country, the freedom of the country, the prosperity of the country and all that, to bring it down to this low level of personal criticism and abuse is not good.

Now, sometimes, in the course of this debate, members have been rather excited, on the whole, not very much, I should say, in the four days, but still, sometimes.

It will be my endeavour to avoid saying anything which might have the result of exciting people. Of course, naturally, I may say something which is not liked. That is inevitable. But I have no desire to carry on this debate, towards the end of it specially, on a note of resentment and anger.

So, one of my disappointments in this debate which otherwise has been helpful in many ways has been the absence of a larger vision, to which we were looking forward to, and to which we as a government have failed to come up. That would have been something which would have raised the debate and raised people's thinking, our failure being attached to the larger vision that we should possess or we are supposed to possess. There was hardly any reference to any large vision. When many years ago most of us here, not only on our side but on the other side of the House too, were participating in the struggle for freedom, under the leadership of Gandhiji, we had that larger vision, not only of freedom or of

attaining independence, but something more all the time most of us had. There was a social objective, there was a vision of the future which we were going to build, and that gave us a certain vitality, a certain measure of a crusading spirit. Now, perhaps it is true that most of us are lost, are rather tied up in humdrum politics and petty matters of the day. Whether we are in the government or in the opposition, we are both tied up that way, and the larger vision escapes us, or sometimes only we have glimpses of it. And yet, if India is to go ahead, as we all want to, India will have to have a vision of the future, always to think of it, and always to judge our present conduct by seeing how far it comes up anywhere near that vision, because a country which has no vision gradually goes down. A country which has a wrong vision inevitably goes down, but a country which has no vision gradually loses its vital energy and perishes ultimately. I do not think India is going to perish. It has not perished for five thousand years or more, it is not going to perish, but there is something in between, that is existing. I do not want India to exist, I want it to live a full life. I want it to advance, I want the people of India to flourish in every way, not only in the physical, material sense, but in other senses – cultural, intellectual, moral and other senses. It has much to learn from the world and also to give something to the world, because I have been convinced, I am convinced, that India does possess something which it can give to the rest of the world, although it has to learn much from the rest of the world also.

So, I have found in this debate, I am sorry to say, a singular lack of reference to this larger vision that we are supposed to have. Looking at things in perspective, I would say even looking at things in the economic aspect, the social aspect, the planning aspect, the perspective planning aspect, to look at things in some perspective – that is the very essence of planning, where we are going and how do we go?

Shri Masani gave expression to his views about economic affairs, and I am astounded that any intelligent people should talk in the way he did. There is no sense in it, no understanding of the modern world of economics as it is understood today. He said: why have a

steel plant? A more astonishing remark it has not been my bad fortune to listen to. What does he expect? We should not have that, we should have small industries? I am all for small industries. We should have what is called no capital intensive works that take up too much capital, and therefore we should advance like this? Where do machines come from for the small industries? We can get them from Germany, Japan, Russia, wherever you like, and pay heavily for them, go on paying for them. Is this anyone's conception of industrialization of this country? No country has been industrialized in that way. It is essential if you want industrialization, as we want it, to have a base, an industrial base. Apart from pure industrialization, it is essential for our strength, for our military strength, defence strength, to have an industrial base. That is the trouble we have today. We do not lack men, we do not lack stout men, brave men, in this country, but all the stout men in this country are precious little good ultimately when it comes to the use of modern weapons, modern industry and all that. Therefore, I say you cannot even remain free in India without an industrial base. You cannot advance, industrialize this country, without an industrial base, and an industrial base means basic industries and mother industries, heavy industries and the like. As soon as that is established, smaller industries flow from them, and the rate of progress is fast. If you do not establish that, well, you remain tied up not only not advancing fast, but you are tied up to other countries who are economically dominant over you, who can prevent your growth, who can lower down the rate of progress. You are not economically free completely. That is not a prospect which I look forward to and I imagine that is not the prospect which this House will welcome.

We want real freedom. Real freedom is not merely political freedom; it is economic freedom in two senses. One, in the sense that you do not have to rely on other countries. You are friends with them, you cooperate with them, you take their help, but you are not dependent upon them to carry on either for defence or anything else. And the second economic freedom I mean is economic freedom for the vast masses of our country, that is their having higher standards of living, leading a good life, not only physically, materially, but

culturally and otherwise, and putting an end, as far as possible, in stages if you like, to these gross differences that exist in India, which are not good for any country from any point of view.

It is difficult to remove them suddenly. Remember that we in India have had a background which is not a good background in spite of all our great thoughts and all that. The social background we have had to deal with in India has been a bad background, its caste and tremendous differences, and that has soaked down to millions and millions of our people, and that is why one of the big things that we have to do is to uproot that background, change the way of thinking, change the way of living. It is no good our thinking that the magnificent books we have, the Mahabharata, the Ramayana and all that are a substitute, can cover up the evils of a bad background of thinking and action. We are backward, backward in our thinking, backward in our lives, in the way we live, backward in the way we treat others. All this caste system, and harijans and this and that, it is a bad thing. That comes in the way even of bringing in material things. All that is changing, I know, and will change. But we have to have some idea of the demons that we have to contend against, and the problems here are much more intricate, and deeper than possibly countries elsewhere might have, just fighting one demon of poverty.

So, in our domestic field, not today, but at least thirty years ago, more than thirty years ago, this Congress organization – and many of the members sitting opposite were members of the Congress organization – took a step which national organizations seldom do, took a step towards the formulation of some ideal of social justice, took a step about land reform. It did not take it, it could not do it, but it formulated a policy of land reform and social justice, and some steps towards the formulation of a public sector. This was the Karachi Congress, more than thirty years ago. Of course, the whole concept of Gandhiji, although he did not talk perhaps in modern language, was not only one of social justice, but of social reform, land reform. All that was his. It was inevitable that Congress should begin to think that way because we became a party of the masses; even though we were not exactly proletarians or peasants and all that, we were influenced by the mass of the people who became

members of the Congress and so we were forced to think of agrarian reforms especially and other things too. Gradually this idea developed and ultimately we came to independence and we passed a constitution. It talks of social justice. It does not talk of socialism but practically it gives the background of what socialism is in the constitution. Later this Parliament definitely adopted the ideal of socialism, and the Planning Commission too. If any hon'ble member on the opposite side criticized us for not having gone fast enough on the road to realize socialism, I would accept that criticism; we have not gone fast enough. We have been slow for a variety of reasons, some within our control and some not in our control. But I am convinced that there is no choice for India, party or no party. No party, whatever it may feel can stop this march to socialism in this country, to democratic socialism. We are perhaps the only country – I would not say only; I do not know – or the outstanding country where an attempt has been made to put this idea of social democracy and try to achieve it by planning. Planning has taken place in other places; they are not democratic places. Other countries which are democratic have not accepted planning. But the combination of the two is rather unique. Of course planning is a thing which everybody talks about now. But planning in the sense of an organized, well thought-out method of going step by step, putting a goal before you and marking out the steps you have to take; that is a scientific process but rather a complicated and difficult process. Most people think that planning is to put together a number of things and schemes and proposals. They call that planning. That has nothing to do with planning; it is remote from planning. Planning is something which leads from one step to another and ultimately to the goal. It may not be quite accurate because conditions vary and there are many factors, the biggest being the human factor which you cannot wholly control. It is impossible for any one of us here to do that. Parliament cannot by any law say how 440 millions of our countrymen will work; they may create conditions for their work; they may help them and they may advise them. But you cannot force them to do something; human nature being what it is, at any rate in a democratic system you cannot do that.

So India took up this big tremendous adventure and thereby attracted attention all over the world because it was a great thing to do, especially having regard to our background of caste and other differences which we are faced with. We have been at it now for a dozen years or more; we have progressively learnt more. I think that we know more about it than we had when we started at the end of the First Plan. Not only have we collected more material in the shape of statistical material but all kinds of other ideas, discussions with all kinds of people. We have had the good fortune to discuss this matter with people from almost every major country in the world, certainly the countries of Europe, America, Russia, Japan including at one time, I believe, some Chinese people, – two or three specialists came – Scandinavia, Yugoslavia, we have discussed with them not individually but together with them sometimes. It was interesting to discuss it. There was a Soviet man apparently thinking in terms of Soviet planning; there was an American professor or somebody thinking in terms of or in the background of America, an Irishman, a Frenchman, a German; we sat together and often discussed it with them. It was extraordinary that although they differed in their ideological outlook – I use a word which is so often used – when they came down to hard facts of the Indian situation, it was extraordinary to see how much they agreed between themselves. They differed somewhere here and there because they realized that it is no good discussing ideological thoughts between themselves here, they discussed here what we had to do to meet a certain situation. They drew up thousands of papers and our Planning Commission is full of the papers they wrote jointly and separately. It was extraordinary to see how much they agreed even among themselves as to what we should do, although one thought on communist lines, another thought on some kind of socialist lines and a third on capitalist lines. But being economists usually they took a problem and had to solve it; they had to come round to that process of perspective planning, of laying great stress on heavy industry and of course other light industries must come. Power perhaps is the most important thing of all. If I could do it I would concentrate on power all over India realizing that with the coming

of power other things will come, power meaning electric power. So, we built it up. We made mistakes. The first thing that we realized was that it was no good thinking in terms of copying America or copying Russia, or any other country. The problems of India are its own problems. We can learn from America, Russia and certainly we should. But the economic problems of India are different. In our colleges, I do not know now, but some years ago the economics books of America and England were taught and there was absolutely no use for that because those countries were thinking more or less of an affluent society in which they lived and they discussed the problems of the affluent society whereas we were a poverty-stricken people and then we had to learn economics from books dealing with an affluent society. It was not much good. Of course it taught something. So, gradually the idea arose and it has arisen now, I believe, that economics is taught from the point of view of India and not from the point of view of America or Russia. Learning from them, of course, is good as they have great experience. So, we have gone step by step. We always realize that the fundamental factor was the growth of agricultural production. That is basic, because however much we attach importance to industry – industry is a good thing – unless we had surplus from agriculture, if industry had no surplus, then we have nothing. We cannot live on doles from other countries. So, we attach the greatest importance to agriculture. At the same time we realize that by agriculture alone India will not go forward; however much agriculture may progress, industry has to come – industries of various kinds, heavy industries are the base and we need industries even for agricultural implements; we need small industry which could be allied to agriculture. In India that is very important that you should have some auxiliary industries which should fit in with the agricultural process. I am not at the moment thinking of what Gandhiji had said about hand-spinning and the like, but that does fit in. It is no good saying that hand-spinning is no good in the modern age, that it is not economic. It is useful under certain conditions in certain parts of India as things are. I do not say what would happen fifteen or twenty years later. But what I was referring to is not merely hand spinning but

some village industries, preferably with electric power and modern techniques, because whether you do small industry or big industry or the biggest industry, one thing you must be sure of: that you use the latest modern techniques. It is no good using a bad technique, an ancient technique which is out of date.

Thinking like this we tried to proceed. There was the First Five Year Plan. Then the second plan came. We got some more statistics and some more knowledge, some more experience and some more heartbreaks. And then came the third plan in which we are now. We started with difficulties and are still carrying on a little better than we expected. The second plan was on a bigger scale and achieved much more than the first. The third plan, in spite of the various difficulties we have had, will no doubt, I think, improve the conditions of the country more than the second plan did. And so we go on.

So, if you look at this broad picture, it is a picture not of something that produces defeatism; it is an optimistic picture, in spite of the vast difficulties in India, in spite of the population problem on which Shri Frank Anthony laid great stress; it is a good picture, and I am quite sure we shall succeed.

But the basic thing, the main thing in India is the peasant: how to change his mental outlook; how to modernize, how, by making him use the modern tools and modern ideas in a certain measure, to get him out of the rut in which he is living from ages past. With that end in view, we started community development. We succeeded to some extent and then they fell into a rut. There is an enormous capacity in India for people, whatever goodwill they have, to fall into a rut. I must confess that even governments have that habit; certainly governments have that habit and the Opposition have it even more. I will tell you why: not that the governments are better than the Opposition; of course not. The government after all has to deal with day-to-day problems which force them to think. The Opposition has not got to think of them, and it thinks in terms of slogans and criticisms and lives where it is. It does not advance at all.

My colleague the finance minister and my colleague the minister of food and agriculture have spoken of their respective departments with ability and given a number of figures, etc. I do not propose to

trouble the House with those points. But I would like to make clear one thing. Dr. Ram Manohar Lohia referred to something – he calculated that the income of sixty per cent of the people is three annas per day. I confess that I cannot make out how he arrived at this remarkable figure. I believe he has made various mistakes in his mathematics. First of all, the total he has given is wrong. The chief mistake he has made is, he has confused per family and *per capita* income. Therefore, he has reduced it by dividing it by five; so it comes down by the division of five. I cannot exactly state what it is. It should be at least five times that; it may be much more. I have not calculated it.

Mr. Kripalani may be right about some particular pocket or something, but he said that 'twenty-seven crores of people have this income'. This, I say, is completely wrong on the basis of the facts available in the books.

I have ventured to say, the main approach of the government in regard to domestic policy. Of course, excepting the main approach there may be hundred and one variations of it, hundreds of criticisms, many mistakes and faults, etc. I cannot go into that. But I do submit that essentially our problem was an economic and social problem and we have tried to look at it in perspective. We are thinking in perspective. We are thinking in terms of fifteen years ahead. Because Acharya Ranga does not believe in planning he thinks it is a laughing matter for us to look at it. Enough for the day is the evil thereof. But I suggest, if he reads even the Third Five Year Plan Report he will get some glimpses into our thinking; he will get more, no doubt, if other papers are placed before him.

The planning itself involves very important aspects. There is education which is essential. People grow by education and all other social measures. One of the happiest things that has happened in India is the growth of education. At present seventy per cent of the boys and girls of school-going age are going to school and it will be seventy-six per cent in two years' time. That is what is expected to be. Unfortunately, this emergency and menace from China has, here as elsewhere, slightly impeded the progress we are aiming at. So, if you look at India, you will see many things which break one's

heart, poverty, misery and all that, and yet you will see something which is heartening and that is this. All stagnation has gone, or is going, and a certain dynamism has come into life in India. I do not at all wish to miss the fact of the poverty and horrors of the Indian scene even now, but it is changing; that is the main thing. It has got out of the old rut and I think it will change pretty soon. The rate of the change will become faster and faster than in the past.

And all this has been done with the democratic structure of government. In fact, if I may say so with all respect, the very fact of the no-confidence motion that we are debating today is a proof of that structure. It will be a good exercise for us to look round a little to the other countries of Asia and elsewhere, specially the newly-independent countries and compare what we have done with what they have done or are doing. A few of them have maintained democracy. But, even apart from that, let us see how far they have progressed on the economic and social plane. I am not going to compare India with China now, partly because I do not know enough about China, about the progress made by China because the reports are often conflicting. But I do know that the cost that they have paid for this economic progress has, to some extent, been a very heavy one in individual and personal liberties. I do not want to take that kind of cost into account while comparing us with other countries. When we compare us with other countries excluding China, the rate of our progress has been heartening. It is no good comparing our rate of progress with, let us say, Germany, Russia or Japan. Shri Masani talked of the miracle of Germany. It is all good to speak about the miracle of Germany, but Germany was a highly industrialized state before the war with everybody almost an engineer, a trained person, so that when they sat down after the war to build up there was material on which to build up. So, they built on it. Japan did the same. Russia, which is a socialist or communist state, did almost the same, because it had the background, the industrial complex behind it and the trained people behind it. We have to suffer because we have not got that complex. We are trying to build it. We have built it up partly. So, I would submit that in spite of the poverty in India, there is no doubt – it does not require much in the way of

statistics to see it – there is greater welfare in India, except in some pockets, than ever before. We can see that in the food, they eat better food. They wear more clothing; they had precious little previously. They have better housing. Schools are growing everywhere and health facilities are growing. Some people have even the temerity to talk about the miracle of India. They talk of the foreigners, what they have seen of the change in India during the last dozen years which laid the base for future growth.

We have to choose always, whether we are going to give some present benefit today, or keep it for tomorrow or the day after. Looking at it from the country's point of view, by spending the money we have we can get some petty benefits today. But that will not yield any permanent benefit. That is obvious. And one has to find a healthy balance between today's benefit and tomorrow's. All this business of heavy industries we have put in is for tomorrow's benefit, though it brings in some benefit today too. But it takes some years before it yields fruit.

So, the strategy of economic development is, first and essentially agriculture, modernization of agriculture, the training of our rural masses to use new tools and new methods and, at the same time, to lay the foundations of an industrial structure by building the basic heavy industries and, above all, to produce electric power. Middle and small industries inevitably come in their train.

If you go to parts of Punjab today, you will see the industrial revolution coming on as you watch it. The revolutionary change that is coming over Punjab is amazing. Punjab at the present moment is the most prosperous province so far as per capita income is concerned. It is not I – I have no great experience – but Americans coming as tourists who say that it is remarkable how this rapid growth of industrial revolution creeping up resembles what they have themselves experienced in some parts of America. So all these things are happening.

One thing that we have to lay great stress on apart from this is that we cannot only think of tomorrow and the day after. People who have not even got the minimum standard of living have to be thought of today. That we all agree. It is always a question of our

resources and how we spread them out. It is a complicated question. Some of our advisers have told us, 'Forget today, think only of tomorrow'. That cannot be done. On the other hand, if we think only of today, we do not make any progress.

The broad picture is that the rate of progress has increased progressively after every plan. I have no doubt that the progress of the Third Plan period will be substantially higher than that achieved in the Second Plan. In terms of the key growth potential, that is, the infrastructure, the progress has been creditable. National income over the ten-year period has risen by forty-two per cent as against the growth of population by twenty-one per cent. Per capita income has increased by sixteen per cent. That is not enough, I admit, but it is not so bad as somebody would think.

I think, Shri Anthony talked about production and thought that it will all be overwhelmed by the growth of population. He said that. But the principle thing is that foundations have been laid now by this infrastructure for a rapid rate of growth in the future. I hope that by the end of the Third Plan or in the Fourth Plan we shall progressively approach that stage when we grow ourselves, if I may say so, without too much pushing from outside.

The hon'ble minister of food and agriculture has said that foodgrains have gone up from fifty-two million tons to eighty million tons and I expect it to go up in the next three years to ninety-five million tons or even to a hundred million tons. Industrial production has shown remarkable progress. There is no doubt about that. So has transport and so has power.

In technical education, the degree level intake which was 4,100 in 1950-51 is nearly 14,000 now and is likely to be over 21,000 in 1965-66. For the diploma level the intake has risen from 5,900 to 25,000 and will be 46,000 and so on.

One thing about population. Shri Anthony thought that we should follow Japan's example and encourage abortion. I might mention that even in Japan this has not been looked upon with favour as it is found that this method adversely affects the health of the mother. The Lady Rama Rao committee definitely gave its opinion against abortion as a method of population control after examining all the

evidence. As a matter of fact, the other methods are growing in use in India. There are at present over three thousand family planning clinics in the villages and in the towns. The progress of voluntary sterilization has been much more than expected. Up till February 1963, 3,34,477 persons are reported to have been sterilized. This may not appear to be a big number considering the population but it is a steadily growing number. We think these methods are safer than abortion or anything like it.

I do not think I need say much about nonalignment. It has been adequately discussed and Shri Krishna Menon spoke a great deal about it with ability.

But I would ask Acharya Kripalani to consider whether he was right in saying – I believe he said it – that panchsheel was *Panch* nonsense. Now, I should like him to tell me which part of panchsheel is nonsense. I will repeat to him: the first is independence; the second is nonaggression, noninterference; then, about the third — what it is.

I submit that panchsheel is the the only basis for international relations. Anything else is not civilized relationship and leads to trouble, conflict and war. The fact that China after subscribing to panchsheel breaks it and attacks us does not make panchsheel wrong. Obviously, the fault is of China, if you like to say so. But the panchsheel is not wrong, the principles underlying international relationships.

I am submitting that panchsheel is a right principle to lay down. The implementation may be wrong from one side or the other. That can be examined. But it is a principle that is not only right but a civilized principle which must exist between countries unless they are mutually at war and so to some extent the present major conflict between Soviet Union and China is based on that. China does not believe in peaceful coexistence. It says so and Russia says it does. Of course, behind that lie national conflicts between the two.

Now, there is one thing more. It was said by Acharya Kripalani as well as by others that I hid from Parliament the fact of Chinese aggression for a long time. I have dealt with this in the Lok Sabha previously and I do not want to go into any detail because it can easily be seen – my previous speeches and answers. And I do submit

that this is entirely a wrong idea. What happened was that in 1958 – it was end of 1958, late autumn – we first heard of the Aksai Chin road being made. We did not know where it was exactly. We sent two sets of people separately to find out where it was, whether it was in our territory or not because the Aksai Chin road spreads out behind that. It took months for them to come back because all these are real mountaineering expeditions. One of them came back after some months and the other was captured by the Chinese. All this took months. We wrote to the Chinese to say that we had sent some people on our territory and whether they knew anything about them, and that they had not yet come back. Thereupon, they replied, ‘Oh, yes. They transgressed our territory and we arrested them. But now as we are friends with you, we are releasing them.’ That was the first regular information we had that Aksai Chin road had been built in our territory. That was in 1958. In October 1958 I think we sent a protest about this matter to the Chinese government. About this time – end of 1958, beginning of 1959 – the Tibetan rebellion took place against the Chinese rule and our attention had been rather diverted. The Tibetan rebellion took place; people came from Tibet; later the Dalai Lama came; many refugees came. And in our subsequent communications to China those things took rather the first place. But reference was continued to be made about this Aksai Chin road.

We first informed Parliament about this in 1959 – I forget the exact date at the present moment, but it was in 1959. It might be said that we might have informed them three or four months earlier. We must have been waiting for a reply from them; and as soon as the reply came the Tibetan rebellion and other developments took place, and we informed Parliament. There was no long delay in it, and there was obviously no desire to hide anything from Parliament.

Now, Acharya Kripalani has said that we should break off diplomatic relations with China. He asked: ‘why don’t we declare war?’ All I can say is that it would be very unwise for us to do so. It may be a brave gesture. But in our opinion it would be unwise; it will not help us in any way, and it may hinder us in many ways. Nothing comes in the way of our strengthening our defences, as we

are trying to do to the best of our ability, and at the same time always to keep the door open, whether it is Pakistan or whether it is China, for peaceful settlement, provided it is honourable and in keeping with our thinking.

Now, Acharya Kripalani said something about our defence, and I asked our defence minister to give me a note on this question and I shall read that note. I wanted to be sure that what I said was correct.

Shri Kripalani has alleged that the decision taken to drive away the Chinese army as announced by the prime minister on his way to Ceylon was taken without any consultation whatsoever with the officers incharge of the army in NEFA, that it is a political decision arrived at in Delhi and that it was astounding that military decisions of the battlefield should be taken without consulting the army headquarters at the spot by civilians. He has challenged the government to publish the NEFA inquiry report as people have reason to believe that there has been treachery.

The inquiry report cannot be published in view of the secret nature of its contents and the security risk involved. But the defence minister intends to make a statement relating to the contents to the extent they can be disclosed on the floor of the House during the session.

The allegations made by Shri Kripalani are absolutely without foundation. Decisions on important matters – and decision with regard to the attitude to be adopted in case of attack by China was an important matter – could only be taken at Delhi. There could not be one decision; a number of decisions had to be taken as the situation developed from time to time. Those decisions were taken by government in full consultation with the chiefs of staff and other senior army officers concerned and in the light of their expert advice. This applies particularly to the decision that the army should not withdraw in October-November 1962 from its forward positions in NEFA. While decisions of a certain nature can only be taken ultimately by the government, it is incorrect to say that decisions were taken without consulting the appropriate army authorities. The charge of treachery is of course baseless.

This note the defence minister has given me. I may mention this, because it was on my way to Ceylon that I was asked by the press correspondents about the frontier situation. I told them that we

intend pushing them out. I do not see anything wrong about it, and that, as a matter of fact, was our decision, our military decision; the date was not fixed; and that was the only thing that I could say at that time, and I refused to say anything else.

But my point is that that was not a sudden inspiration which I had. That was the result of talks with the army generals and others, and on their advice – not their advice that I should say it to the press.

Shri Krishna Menon had said something about the kind of army that we have inherited. It is a good army from the point of view of the soldier, but it was not a modern army. It is all very well for it to go and function as a part of the British army in the Great War; and they did well. All our efforts have been concentrated on gradually modernizing it. The modernizing process is so expensive; if we take the whole army, it would involve about one thousand crore rupees, taking the army even as it was. And with the continuous pressure on us, on not spending too much, I know, and my colleague the finance minister knows very well how repeatedly demands were made from the defence ministry or the army headquarters for more expenditure, but we discouraged them; sometimes, we might have cut them down too; they were in such fantastic figures, in geometrical proportion, or in astronomical figures that if suddenly somebody asks for five hundred crore rupees it will be difficult to give it, and it is always difficult except when you are faced with a war situation, when the country and Parliament and everybody thinks differently. That is what has happened now. As regards the amount we are spending now, the taxes that the finance minister has put would probably have met with much stronger opposition if there had not been this war or semi-war situation facing us. Even so, the process of modernization was given some start.

There is one thing that I must say, and that is that I am surprised at Acharya Kripalani talking about the army and saying it has no clothes and no shoes, as if we send them naked to the field; I do not understand this. I think my hon'ble friend said in his speech that they did not have shoes or boots. Everyone had stout boots. But it is true that for going in the snow, you do want snow boots. Everyone had blankets, shoes, clothing, etc. What happened was this; they did

not take more blankets because they had to carry them. So, they said, 'Send them by air afterwards'.

We were giving these not only to those people at the front but also to others, even to newcomers, because new people were also joining the army. But everyone of them had two blankets, plus two more which they had to take but which they had left over, because they did not want to carry them and they had said 'Send them by air'....

I have not said anything about Pakistan. In fact, very little has been said about Pakistan by the hon'ble members who have spoken, except that some reference has been made to Shri Rajagopalachari's kind offer of Kashmir to Pakistan. Our policy consistently will be, will continue to be, to seek some settlement with Pakistan. It is not a question of settlement about Kashmir or some other matter, but a settlement which removes our bitterness against each other and brings a feeling, which creates cooperation between the two countries. There can be no other objective to aim at.

One of the members of the opposition parties talks, I am sorry to say, very irresponsibly about things like *Akhand Bharat* and the like. They do talk about that. That is in the programme which they issued. They may not have said so here. That is very harmful. It is not merely folly, but it does harm, because it frightens the people in Pakistan, that people here want to upset Pakistan. Nobody here wants to do that and can do that, and it would be extreme folly if India ever tried to do that; it would ruin India, ruin Kashmir and ruin Pakistan.

I feel we may have been wrong in minor things. But I think that throughout these many years since Pakistan came into existence and the Kashmir trouble arose, we have always looked forward to a settlement of it. But a settlement does not mean our doing something which is completely wrong from our point of view, Kashmir's point of view and the people of Kashmir's point of view. That is a different matter. We shall continue to do that.

Indeed, I may say even about China that we shall always leave the door open for an honourable settlement with China, whenever it may come. It may not come soon; it may come later.

We are living in a strange world, and if I may submit, our foreign policy – that is a test of it – has succeeded in putting us vis-a-vis other countries in a far more advantageous position than China is. It is no small matter that we have not only the goodwill but the active help of great powers like the United States and the Soviet Union. The Soviet Union has been helping us in various ways and, as the House knows, in regard to Kashmir, it has been our staunch supporter.

Shri Prakash Vir Shastri delivered a fifteen-minute address to the House in which he managed to put in as much condemnation and vituperation as it was possible within fifteen minutes. I was surprised and pained to hear it, because many of the things he said had no basis. But he was evidently angry and he expressed himself. It is now too late to talk about the subject of corruption. It is obvious nobody here can have any two opinions about corruption. It must be rooted out and it is a tremendous headache to all of us, how to deal with it.

It is, if I may say so, a result of the democratic process, and I am a little afraid that as this process grows, for instance it is going down to the villages, it may bring with it its painful accompaniment. We have been trying to deal with it, and we have dealt with it. The hon'ble members are probably thinking more and hearing a lot about ministers and the like. Many of these complaints that are made come to me, or are sent to me, and we, first of all, have them thoroughly examined. We get some kind of explanation, that is the procedure adopted, from the person concerned, from the minister concerned, and if there is anything even prima facie worthy of an enquiry, we first have private enquiries. Thereafter, we decide whether any other inquiry should be made or not. As a matter of fact, most of these complaints that have come, and which are talked about in the newspapers, have provided no ground at all after examination. They are exaggerated.

Impartial of course. The man who examined was impartial, he had nothing to do with that.

Some are still under examination, some I am examining myself, having got reports from both concerned, the one who accuses and the accused himself.

Then there is the Serajuddin matter. There has been, of course, Mr. Das's enquiry, but apart from that, there are four or five cases that are going to the courts, and I think, I am not quite sure whether they have actually gone there or are going in a day or two. It will deal with all the Serajuddin affairs. Then there is some connection of Orissa people with Serajuddin. As a rule, these matters should be dealt with by the state, but we, nevertheless, sent for papers, etc., and my colleague, the finance minister and I examined many of them. Some of them have been, I think, as some one said, refered to the Public Accounts Committee. First they were referred to the chairman of the Public Accounts Committee and the leader of the Opposition. After accepting that work he rejected, he would not do it. Then it was sent to the Public Accounts Committee as a whole, and I think that the Public Accounts Committee is a very suitable body. It contains members of several parties, and the accountant-general is there to help them, and it is right they should go into this matter. It affects governmental moneys also.

For instance, the present deputy chief minister of Orissa, right from the beginning, almost suo moto, sent me and the home minister a long list of moneys he had received from Serajuddin, he was not a minister then, and he said: 'these I have received, these were received by me for the Congress'; every month he sent me three thousand or four thousand rupees or something like that, and I have spent it for two purposes, for the Congress and for giving scholarships to poor students. And there it is. It has been examined, and it fitted in with some entries in Serajuddin's books too. There was nothing to examine because he admitted the thing, and he was not a minister at that time at all. The only question was whether it was properly spent or not.

So, all these things are being looked into as far as we can, but the main thing is what process we can devise to deal with this major problem. It is not an easy matter and I hope we shall devise some process. There is, of course, for officials, the special police establishment and every month I receive a report from them giving me a list of cases examined, cases started in a court of law or cases in which departmental action has been taken. It is a good and substantial report. Quite a number of people are punished that way.

But as I pointed out that something, if possible, has to be done. Of course mere measures like this may not succeed in rooting out such an evil. In this matter we naturally want the cooperation of the public and of members, opposition and others.

Before I finish, I should like to say one thing. We have got a very hard task which is not only internal – that of course it is – but I am now talking about the menace on the border, a very difficult one. We must stand up to it, face it and strengthen ourselves. But everybody knows how strength in such matters depends not only on arms, armies and armaments but on the morale of the people, on the unity and morale of the people. We saw some evidence of this unity and morale in November, December and January last. I would beg of the hon'ble members to consider how far this morale is strengthened, the sense of unity is strengthened by this motion of no-confidence or by the strikes that had taken place in Bombay. As a matter of fact if the hon'ble members had occasion to read the Chinese press which I see every day; how they gloat over these things. How they gloat over this motion of no-confidence.

It encourages them. I believe one of the reasons, perhaps a major reason, they attacked us last October was the feeling in their minds that India was faced with many disruptive tendencies and if they gave us a blow, we will split up into fragments. They were mistaken of course. The opposite has happened. The fact is there that apart from what they may think, what effect we may have on our army and our own people if they feel that we quarrel too much among ourselves; it must demoralize them. Anyhow, personally I am grateful for having had this motion of no-confidence and I think it has done us some good to hear speeches and to make them. Thank you.

Reference

Lok Sabha Debates, Vol. XIX, cc. 2191-221.

DR. RAM MANOHAR LOHIA

Daily Earnings of an Indian

6 September 1963



One of the most famous speeches ever delivered in Parliament was Dr. Ram Manohar Lohia's speech on 6 September 1963 in Hindi. The debate came to be known as the 'three annas versus fifteen annas' debate. Dr. Lohia's fierce argumentative skill, his enviable command over data and facts and his fervour to improve the lot of the common man all came to the fore. The disclosures startled the nation and put the ruling party to shame.

Dr. Lohia disputed the government's assertion that the average daily income of an Indian was fifteen annas (one rupee then was made up of sixteen annas) and proved by facts and figures that it was just three-and-a-half annas or four annas.

The conclusion drawn from the discussion held so far is, I believe, that the daily earnings of twenty-seven crore Indians are three annas according to me, the hon'ble prime minister thinks it is fifteen annas, whereas the planning minister says it is seven-and-a-half

annas. Now it is between the hon'ble prime minister and the planning minister to decide who is right.

My argument is not that the daily earnings of the common man particularly of twenty-seven crore Indians is 3 *annas* or three-and-a-half *annas* or two-and-a-half *annas*. But the point is that the government has turned a blind eye to the poverty in the country and unless there is a will to eradicate poverty a tangible formula cannot be worked out. I have to say one thing about the figures that have been placed here by the planning minister. They were meant for the taxation enquiry committee. The finance ministry desired to know the income and expenditure of people so that a substantial amount could be recovered by imposing higher taxes. Therefore, the figures of this committee were even otherwise doubtful because they were meant for a different purpose.

...They wanted to substantiate that Indians spend more, therefore, higher taxes should be imposed. This is quite clear. It is there in the report which is published by the national survey. The taxation enquiry committee has recommended it so that the finance ministry could carry on its job effectively...

Secondly, instead of taking prices prevalent in 1948-49 as base, generally current prices are taken into account. I fail to understand who these statisticians are who furnish these figures. When fifty lakh people died in the Bengal famine, they proved that only five lakhs had died. Therefore, the ministers should remain cautious and give them some guidelines. I would not take their figures as it is but I shall use my own sense of judgement as far as possible. According to the figures of the planning minister, rural expenditure comes to about Rs. 8700 crores whereas income from agriculture which includes income from livestock also comes to about Rs. 6600 crores. This is clear from the figures placed before us by the planning minister. I should have kept the income from livestock and agriculture separate but even without doing so there is a variation of Rs. 2000 crores. In a way the variation is of about Rs. 3000 to 3500 crores if we take the two heads separately. The government may say that there is variation between the income and expenditure because donations, charity and debts are also included in the

expenditure. In this connection, I would like to say that one cannot be under debt forever. Debts can be for a limited period for two, four, five or ten years. After all, the figure of income and expenditure should be the same. There may be a slight variation between the two.

A major mistake that is committed in the figures of consumer index is that the price difference is added. For example, the data pertaining to fuel and electricity which have been published so far relate to the thirteenth series but the planning minister has referred to the seventeenth series. We cannot verify it. On the basis of the data of the thirteenth series, I would like to tell that expenditure on fuel and electricity by the lowest income group has been computed as twenty paise and other expenditure as ninety-one paise whereas other expenditure is rupee one and two paise. For sugar, cash expenditure is fifteen paise whereas other expenditure is nineteen paise. In this way, the total expenditure is inflated but if it is inflated from Rs. 6600 crores to Rs. 8700 crores, it will not be proper.

I would tell you another way of calculation. In 1960-61 the daily earnings of thirty-two crore agricultural labourer was forty-five paise and in 1961-62 the daily earnings of thirty-five crore agricultural labourer came down to forty-three paise. Now how I calculated this is a long story. I would like to make it clear that the official figures are the basis of my calculation. Ordinarily, it is believed that ten per cent of the upper strata swallow fifty per cent of their earning. As a result thereof, actual daily earning of agricultural labourer in 1960-61 was twenty-five paise and in 1961-62 it was twenty-three paise. This is evident from the official figures. Suppose we add the income from livestock even then the earnings will not be more than twenty-seven paise i.e. four-and-a-half *annas*. But we should not add this income because the people about whom we are discussing, cannot afford to keep the cattle to augment their income. Therefore, the official figures prove that over twenty-seven crore people in this country survive on four *annas* a day. This is based on figures of national income published by the government.

In this connection, I would like to share a piece of information which I have collected. I cannot say whether it is correct or incorrect.

Anyway, I would like to submit that the government has fudged the national income by twenty per cent from the very beginning. One reason might be that they wanted to show that India is rich. Second can be that they wanted to facilitate taxation and everyone knows that the figures are fudged.

Now I would like to submit one thing more and that is about per capita income in poor states. The figures that the planning minister had placed were based on the second census of the country. Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Orissa and Andhra Pradesh are the six poorest states. Their total rural population is twenty crores, though in fact it is twenty-three crores. I know about Uttar Pradesh. The government has published those figures. At one time, the per capita income in rural areas was Rs. 182. We can go by the same argument that the top ten per cent swallow fifty per cent of the income or I can adopt another method, which I generally use, viz., that the top twenty per cent consume sixty per cent of the income whereas remaining eighty per cent of the populace is left with forty per cent. I have got these figures from the official sources. It is another thing that these figures are official whereas my calculation is personal. I would like to advise the government not to take the figures provided by experts as such, there should be some guidelines otherwise consequences can be bad. The per capita income of Uttar Pradesh would come down to Rs. 101 from Rs. 182 if we do not count the top ten per cent who swallow fifty per cent of the income. Similarly, it would be reduced to ninety-one rupees if we include those twenty per cent who swallow sixty per cent of the income. This means that the daily earnings per head remain under four *annas*. This is evident from the figures provided by the government itself that twenty-seven crore people in this country survive on a daily earning of less than four *annas*. Then there is another figure of Rs. 193 per head. If it may be a little more, even then it would be about four *annas* or three-and-a-half *annas* or three-and-a-quarter *annas*. There will not be much difference. This is about Uttar Pradesh.... which is so poor. The plight of the people of Orissa, Madhya Pradesh, Bihar and Rajasthan is also the same. Crores of people, say twenty crore rural people – out of which leave apart two

crores at the rate of ten per cent or four crores at the rate of twenty per cent – or eighteen crore or sixteen crore people are surviving on a daily earning of four *annas* or three-and-a-half *annas* according to official figures.

...The hon'ble prime minister had stated on 22 August 1960 that national income had increased by forty-two per cent and per capita income by twenty per cent. However, he was surprised to find as to where that increase evaporated. In a way the government had already accepted that it was not aware as to where that increase had gone. Thereafter, a committee on the distribution of national income was constituted. Now my question, where has that committee disappeared? I would go into the details of this matter a little later but before that I would like to draw your attention to another point. In India, thirty-four per cent of the families own less than one acre of land and fourteen per cent of the land is owned by only one per cent of families. From this figure certain dangerous results can be observed. Previously I had submitted that twenty-seven crores of Indians earn only three *annas* for their livelihood. Now I would submit that ten to fifteen crores of our people subsist on only two *annas*. I have received several letters condemning me for my statement about our people earning only three *annas* for their living. If these figures are analysed differently we will find that there are about seven crore agricultural labour in our country. We can deduct half or one crore out of this because they may be slightly better off.

As regards the small farmers, their number is at least fourteen to fifteen crore who own less than two-and-a-half acres of land. The number of artisans is about two to three crore. Then in urban areas also the plight of twenty to twenty-five per cent people is pitiable who find it difficult to make both ends meet.

In fact they live in such horrible conditions which is surprising as to how they are surviving. They live on pavements and *jhuggi-jhonpuri* clusters and somehow manage to survive by picking grains from garbage dumps. As regards those who have migrated from rural areas and have some means of income, they try to spend minimum on themselves as they have to support their families living in the rural areas. then there are *adivasis*, widows and I may be allowed to say

so, the carefree monks. The total number of all these categories of people is twenty-seven to thirty crore.

Apart from referring to the aforementioned figures, I would like to present a first-hand account of the situation which the hon'ble prime minister, the hon'ble minister of planning and the government should keep in view. In Benaras I have seen cows eating corpses. In Orissa, where little fish is available in the rivers, I have seen hundreds of people spreading their fishing nets to catch fish. At Salem in Tamil Nadu, I have seen lakhs of artisans earning only ten, twelve or fourteen *annas* per day. If calculations are made about the average income of these people, the average is bound to work out to less than three *annas* per day. Similarly, if we look into the income of the other weaker sections, we will find that they also earn the same amount per day...

These are government figures. The statisticians also compete with each other in presenting a brighter picture. One such organization is based in Delhi and is called the National Council of Economic Research. It has given the names of twenty-nine districts where the per capita income is less than one hundred rupees. I am mentioning here the names of some of these districts – in Darbhanga, in Saran and Chapra it is ninety-six rupees; in Deoria it is ninety-eight; in Tehri Garhwal it is eighty-four. If the method of calculation which I had previously submitted is applied here that is, to deduct fifty per cent income for the ten per cent upper strata and sixty per cent of the amount for next twenty per cent people, the daily income of the remaining lower sections in these districts comes to less than three annas. I have referred to only four districts. There are forty similar districts where the income is Rs. 110, Rs. 120 and Rs. 125....

If we refer to the thirteenth series it will become evident as to how our living standard is going down. In 1952 the per capita expenditure of thirty per cent of the population was ten rupees and twenty-five paise and in 1957-58 it was reduced to ten rupees and fourteen paise. The figures which I have quoted are government figures. The hon'ble prime minister should go through the publication of his own government in order to know about the declining standards of living. Similarly, the expenditure of thirty per cent families was

reduced from fifteen rupees and seventy paise to fourteen rupees and fifty paise. The expenditure of only two per cent families has increased from forty-five rupees to forty-eight rupees. This is how the standard of living of the people is constantly declining.

Previously per capita income used to increase by seven rupees per year. This holds good no longer. It now increases by two naye paise every year and if this is the pace of our progress, we shall be vulnerable to outside threat. In this connection I would particularly like to refer to China and Ghana and not the USSR and USA. In Ghana, the per capita income is increasing by thirty to forty rupees and in China it is increasing by fifty rupees to sixty rupees. Why have we not been able to make similar progress? Because the pattern of consumption underwent change and modernization but without corresponding modernization in our production process, we started aping the Western countries in our consumption patterns but it did not reflect in our production system. The standard of living of our leaders, businessmen and bureaucrats went up day by day so that they came at par with their counterparts in Europe and USA but the standard of living of the common man remained where it was.

Two or three lakh persons grow rich every year. It is the only effect of the five year plans and a major portion of the increased national income is siphoned off for that purpose. In my opinion there are fifty lakh rich people at the moment and three lakh people are becoming rich every year. During the last twelve to fifteen years three lakh people have been becoming rich. The British government functioned with the support of three lakh people and the present government is run by fifty lakh people.

If we examine the figures of the income of the people and the income tax which they are paying, we will find that 9,52,000 persons are paying taxes and they are paying Rs. 200 crores as income tax having an income of Rs. 120 crore. But it is common knowledge that their actual income is double of this amount of Rs. 120 crore. Moreover a very huge expenditure is being incurred on the facilities being provided to ministers, etc. In this way the total expenditure comes to about Rs. 250 crore. This amount is taken away by only one per cent of the population as is evident from government

statistics. The figures which I have collected from my own sources are, however, even more.

I think that we can easily save Rs. 100 to Rs. 120 crore according to one method and Rs. 150 to Rs. 200 crore according to the other by rationalizing the expenditure. The government can function more effectively, the income tax burden can be reduced and there can be better development of agriculture and industries. But only the person whose heart bleeds for the common man can do it.

This government has turned into a government of directionless experts and whatever recommendations the experts make, the government blindly follows them. The ministers have little knowledge about agriculture, industries, national income, etc. The hon'ble ministers should apply their own mind instead of blindly following the recommendations of the experts. They should think over the recommendations and then give directions because the statisticians and the economists are like poisonous snakes who dance to the tune of the snake charmers. But if you are incapable of playing the flute the results are bound to be disastrous.

I would like to claim that if the distribution of national income is rationalized, it can be increased by twenty rupees every year and this can be done by any ordinary individual but only when everyone gets a share in the increase in the national income.

Reference

Lok Sabha Debates, Vol. XX, cc. 4875-88.

DR. RAM MANOHAR LOHIA

Combating Corruption

21 December 1963



As the fish rots from the top, corruption is also said to begin at the apex. In a blunt and forthright speech, Dr. Lohia attacked the lavish lifestyle of the top ministers and bureaucrats, and the rampant practices of favouritism, nepotism and blatant casteism. He expressed grave doubts about the effectiveness of the machinery of the Central Vigilance Commission to curb corruption unless the root causes were tackled and the jurisdiction of CVC was extended to cover everyone including a chief minister or a prime minister.

Misconduct and corruption are just synonyms and while discussing this issue we should examine that if corruption exists at the apex level, would it be worthwhile to conduct the cleansing operation at lower level? I would request the hon'ble members to exercise utmost restraint while discussing corruption at the apex level. They should not direct their resentment against me but against the situation today in which India is rotting. I shall try to exercise restraint but the other hon'ble members should also

exercise restraint and deliberate on the issue dispassionately. They should not mind my words, but should think about eradicating the evil....

So I had mentioned that corruption was at apex level. There is no rule of law in India, as the administration is functioning arbitrarily. Either the rules are not appropriate or they are not enforced properly. The result is that one finds favouritism in every action of the government. It is a secondary question whether one gains monetarily or not as a result of this favouritism. Favouritism, functioning arbitrarily, bribery and contravention of rules should be considered corruption.

What else is corruption? It is not only dishonesty but lack of realization also. I find this thing in Parliament as well that people take corruption as dishonesty only. I want to say that it is not only dishonesty but lack of realization also. If we do not comprehend the situation in India and the world as a whole and do not try to know the circumstances which cause corruption and why corruption exists and do not identify the areas of corruption, we shall not be able to eradicate it. I still find that the government has not understood the problem because in order to eradicate corruption, the government is proposing to create an institution of Central Vigilance Commission. What is meant by it? It means that the Central Vigilance Commission would identify the areas of corruption and curb the same. This may be a remedy. This is a way of awarding punishment for the crime that has already been committed. The government has not so far thought of any way out to prevent corruption.

One approach is to prevent corruption and the other is to remedy the situation. First of all I would like to say that the approach of the Central Vigilance Commission would not be that of prevention of the evil but that of only remedying the situation. This would prove to be a failure and I may tell you the main reason of its failure, i.e. whenever some influential individual would come into its dragnet, he will go scot free and only ordinary persons will be awarded punishment. Therefore, it would prove to be a failure even as a remedy and so far as the question of prevention is concerned, the hon'ble minister of home affairs has not applied his mind towards it.

Here I may tell you one thing more, that nowadays so many fool-proof methods have been evolved in India even that of punishment by proxy. When people used to court arrest on the issue of prohibition, the people engaged in distilling illicit liquor used to send some of their own men to get themselves arrested just to please the police and the hon'ble minister and at the same time they continued their illegal trade. If necessary, such elements would get some persons arrested by proxy and make the Central Vigilance Commission quite ineffective.

Besides, I would like to draw your attention towards that statement made by the hon'ble minister of home affairs, in which he stated that saints and leaders of social organizations could help in solving this problem by creating public opinion and eradicate the evil of corruption. After all what is meant by morality? Should it be confined to only saints? At present politics and economic life has become so much complicated that it cannot be left to saints that they should give sermons and convince the people to become honest and truthful and everything would be alright.

I can say that an hon'ble minister who talks of truthfulness and honesty more and speaks against casteism tries to provide maximum benefit to the people of his own caste. I would like to make it quite clear that the more a minister of India speaks against casteism, the more he practises it in his practical life.

Therefore, it is the question of realization and I may give you another instance in this regard. I myself had agreed to the proposal in the past – but at that time I had not comprehended the idea fully – that neither any minister nor any official should be paid more than Rs. 500. But no limit was imposed on the income of an advocate, doctor, businessman and *jagirdar*. How can a code of conduct be framed for the ministers and bureaucrats while corruption is rampant all around? This code of conduct will not be able to withstand the force of greed and avarice inherent in corruption and will be swept away by its force. So, it proves that this matter should be viewed in its proper perspective.

Besides, I would like to draw your attention towards the fact that people have started saying that corruption has become a part and

parcel of our life. I make a humble submission – I was just going to use the words ‘to my old Congress colleagues’ but my mind does not permit me to say those words although my heart sometimes commits the slip – that they should ponder over what they utter before the people during their election campaign in villages. They explain to the people that they are contented because they have earned a lot for themselves and now their bellies are full and if they cast their votes in favour of those whose bellies are empty and who are very hungry, they have their own axe to grind and they will indulge in amassing wealth and doing everything for themselves. The villagers feel convinced and think that if they cast their votes against Congress party, the new government would eat into the resources of the country afresh. Therefore, there is no other alternative left with the people but to allow these very corrupt elements to remain in the government. This is not a matter to be laughed at. It is a matter of shame. I feel perturbed to learn that people throughout the country are being taught the lesson of corruption through elections.

Besides, economists of India have propounded a theory that when a nation with a backward economy makes progress there is inadequate production due to obsolete methods of production and in such a situation corruption is bound to take place. I think I have made things clear but there is a majority of people in India who possess little knowledge of English, so they call it a developing economy. They are of the view that in a developing economy corruption is bound to take place. I assert that it is a false theory. If a weak and backward economy is to be improved and strengthened, there should be no place for corruption and I am placing an example before you to make it clear. Though it should have been a Gandhian example yet I am giving a Russian one.

The USSR never bothered about the quality of the items of consumption made in their country for forty to fifty years. The razor they manufactured would give a very rough and painful shave. The foreign visitors used to tell after their return from USSR that the consumer items were of inferior quality in USSR. But they were laying the foundation of their production and were not wasting their money on consumer items. Similarly, had we laid more emphasis on

production instead of consumption in our country, the corruption would not have increased to such an extent.

I would like to draw your attention towards the relation between the government and the trade. The extent to which it has become polluted, corrupt and dishonest in India, it had never happened in the history of the world. The relation between the trade and government has not been so strained in America, Britain, Germany, etc., as it has been in India. I am going to give an example instead of a theory. National Motors is a company of Punjab. That company is run by a minister's son. He gets his licence, quota, etc., from the government. He is minting money. Whenever a question is raised in this regard, it is said that why do you quote such example and has the chief minister of Punjab made any recommendation to this effect that his son should be issued such and such licence? You should produce documentary evidence to prove that he has done so and give other facts. I want to make a special mention in this regard. We should only see whether a son, a daughter or a relative and in my opinion a relative upto two generations has taken any advantage of the high position of his relative. Today, in India, the criterion should be to check whether anybody has taken any advantage of the official position in the government of his guardians to further his trade or business interests.

There is another criterion which I want to place before you. It is very often said whether ministers do not have sons? Its first reply is whether others do not have sons whether only ministers have sons, who would always reap the benefit in all respects. But in the present situation, in today's economy, there is one sphere of competition and there is another sphere of permit, quota, licence, etc. We should learn to distinguish between the two. They talk about independent countries like Germany, Britain, etc., which allow open and free competition in which the government does not interfere. Mostly this is the situation there. If here in India, the sons, daughters and the relatives of ministers are more intelligent, let them face free competition and if they succeed, let them prosper. In a trade in which some quota or permit or licence is required to be given by the minister, there the relatives upto two generations of the ministers

should not come forward. So long you do not follow this policy, the relation between the government and the trade will remain strained.

Now, I come to the employment aspect. Some way out should be found so that anybody occupying a high office in the government should not be able to offer high posts to his relatives. You will ask for a proof in this regard also. The proof is that the graph of the business and trade prosperity of a son, who failed to secure a job in the normal course earlier, shows an upward trend synchronizing with the enhancement of the ministerial status of his father. This is such a big proof that it cannot be countered. In this respect also some positive rules should be framed....

I submit that I am a representative of the last capital of ancient India, i.e. Kannauj and in this capacity I was about to utter a few literary epithets about this new capital but I am hesitant to utter those words because I do not know whether those words would be followed in their right perspective or not. Delhi has been the capital of the country for the last seven to eight hundred years. It has its own charm and beauty, but that of an unchaste woman. There is no doubt about it because it could never repel the foreign invaders. The capital has a history of seven to eight hundred years. I want to give her a message. I have just come from Kannauj. There was a *nallah* there and water used to flow through it carrying with it the dirt. During rains or floods people did not face any difficulty. The *nallah* is about six to seven hundred years old. With the passage of time, it got silted. It is filled up with soil. Time has harmed it. Another harm done is that fifty to sixty persons have illegally occupied that land and have started cultivation and have grown some vegetables there. Therefore, I will make a submission that in a way it is a malady of thousand to fifteen hundred years and on the other hand, it is a malady of fifteen years. I want to speak more about the malady of thousand to fifteen hundred years because the malady of fifteen years is a passing phase. The ministers, prime ministers, chief ministers come and go in millions. Sometimes I am unable to control myself. I do not get sufficient time otherwise I would have explained in detail the malady and the treatment of the malady of fifteen hundred years which has infiltrated into the malady of fifteen years

also. Indian people are not one unit, they consist of one thousand or ten thousand units. There is no harmony among the different castes. They are harming each other, they have different thinking, different ideologies. Their vested interest, justice, thinking, discretion have attained different meanings. When they think of their self-interest they forget the distinction between profession, practice, justice and injustice, honesty and dishonesty. These ten thousand units are plundering the country and it is happening for the last fifteen hundred years. As long as a distinction is not made between them, corruption cannot be eliminated because everybody will think that if anybody has done any good to his caste, community and sons, what is wrong in it. It has been carried forward from our scriptures, I would not mention them, that if someone attains a high place, he should help and benefit his people. Till today, it is happening.

Aspersions are cast on me but you know that I have not spoken about the prime minister and I make the least comments about him. Aspersions are cast on me but I raise the issues based on facts. With due regard, I humbly submit that till this day, I never raised any personal issues about the prime minister. I always raised those issues which concerned the government. Now if during his tenure as prime minister, the people of this family, community have got promotions, it is not a personal issue, it becomes a public issue. In its defence it is said that it is happening because they possess the ability for it. Had you been the prime minister at the moment who would have possessed the maximum ability? If the finance minister becomes prime minister, as sometime we hear, if it happens, you will see that most able persons will be found among the Tamils, Ayyangars and there is no doubt about it. This is the criterion of ability followed in our country. When a person occupying a high post attains a higher position, all the persons belonging to his family, his community become so able, so qualified that others cannot compete with them. We have to change this trend and tendency. As long as we do not eliminate the discrimination among the four thousand or ten thousand different units, we will not be able to banish corruption.

On the one hand there is a question of poverty of forty-three crore people and on the other hand about fifty lakh people continuously

think of raising their standard of living in an effort to bring it at par with that of the people of USA and Europe. What is the aim of life of an average Indian today – to buy a luxury chair, to buy elegant furniture. They feel that since they have seen an attractive sofa in someone's house, why should they also not possess the same? When such thoughts come and gain roots in the minds and hearts of ministers and their wives, how can moral values thrive? On the one side there is hunger of forty-three crore people, which is so intense and overpowering that they cannot distinguish between honesty and dishonesty. I want to say that forty-three crore people can be dishonest for two paise and four paise but fifty lakh people are dishonest in the eyes of lakhs and crores of people. On the one hand there are people who spend one hundred times, five hundred times more than their salary and on the other hand the persons entrusted with the administration spend at least four times their salaries. Thus, it has become imperative that we should get rid of the maladies that we have acquired during the last fifteen years...

This is incumbent on our part to find out remedies of these maladies. The glaring inequality prevailing in the society and the ever-increasing desire of the people for raising their standard of living often induces them to resort to corrupt practices. I would like to submit that special attention is required to be paid, particularly by the members of this House towards these inconsistencies. The era of Mahatma Gandhi was the era of simple living and dedication to duty, but the present era of the hon'ble prime minister is an era of fashion and luxury. In order to safeguard the interests of a handful of five million people, you ignore the general condition of the masses. I find people here blindly following the lifestyle of the people of USA and European countries. To them, I can say that the people there could be in a position to enjoy the present standard of living after putting in constant hard labour during the last three hundred years for increasing the production of farms and factories, whereas here we are yearning for the lifestyle of the Western countries without increasing our production. In such circumstances, corruption is bound to afflict the society. That is why I would like to put these two points before you.

Similarly, this government has concealed the truth in a *Hiranya Patra* (golden pot). I am using the word *Hiranya Patra* which dates back to two to two-and-half thousand years ago. You will find the government is spending a lot of money in order to partially or fully shut the mouths of the people who could not be ministers or are not inclined to be ministers. Such people can be found in all walks of life, no matter whether they are a servant or a saint or a social reformer or for that matter an academician or a teacher. As per an estimate of mine, out of a total annual plan outlay and government expenditure of five thousand crore rupees, as much as an amount of two thousand crore rupees is spent by this government for suppressing the truth through sealing the pot with a golden cover. Had this device not been practised to shut their mouths, my viewpoint would have received wider and quicker response as more and more people would have discussed it and deliberated upon it. But such discussion and deliberations are strangled because they do not feel the pinch.

...It is essential on our part to speak the truth, without which we cannot even think of attaining good conduct. However, in the present day politics, it is gradually becoming a rare phenomenon. Suppose, if I have been ensnared in something and my speaking of truth is likely to entail me in nailing out my mistake, in such circumstances, I would prefer to tell a lie to suppress the mistake. But one often gets entrapped in the web of one's own lies. Suppose, I am scheduled to reach Washington on Monday at 10 a.m. and I could not reach there for one reason or the other. Then, at once, I will take recourse to some excuses such as I was interested to go there but I could not go because of lack of means. But generally, the person who takes recourse to lies is entrapped in the web of his own lies. For example, if I say that I could reach London in the morning and I could have reached Washington also at the same time, my lie is immediately nailed as there is a difference of at least five hours in the timing of London and Washington...

I would like to tell you about the hon'ble prime minister. This is not a case of misunderstanding. Instead of becoming angry at me, he should pay heed to my points. He should fully consider the

expenditure on three items which include expenditure on grants, allowances and funds. As regards grants sanctioned by the various ministers, I would like to submit this much only that if the hon'ble minister of home affairs once takes trouble to see the things in the prime minister's house, he will be able to know what can be acquired with the help of these grants. The things which are acquired by other ministers and the chief ministers through other means are acquired by the prime minister under the normal rules. There is a fund called as Prime Minister's Relief Fund. An amount of one-and-a-half crore rupees has been spent from this fund during the last ten to fifteen years. There are no prescribed rules and regulations for drawing the amount from this fund and it is the discretion of the prime minister which reigns supreme in the matter. This reply has been given by him in this very House. Anyone can improve his governmental status with the help of such funds. I would like to humbly submit that had I at my disposal even a hundredth part of this fund, I would have also wielded more political clout and a large number of people could be seen hanging around me also. It is a means to increase one's political power....

I would like to tell you one thing which has been badly pinching me to the core of my heart. The matter would have been discussed in the House. You please see as to how rules are to be applied. A grave danger is looming large over the country. Is it a good parliamentary tradition to discuss the same thing again and again? Tension is building up on all fronts but tension at one front only has been discussed in the current session of the House again and again. The government has an agency through which it feeds the newspapers the news suiting its convenience, diverting the attention of the people by giving news of killings, dacoities, and firings, etc. Of course, the government of Pakistan is notorious for its stance but the Government of India also does not think all these things and creates such conditions which are not in good taste.

Next, I would like to submit that though I don't crave for power I am of the opinion if a Central Vigilance Commission is constituted, it must be vested with the power to arrest 'anyone' after giving two warnings for repeating similar acts of corruption. Mr. Speaker, sir,

I am laying stress on the word 'anyone' which includes everybody, he may be a chief minister or a prime minister or anybody else. It should also be empowered to remove the wide economic disparity which is eating into the edifice of our country. I would also like to add that instead of paying attention to consumption, attention is required to be paid to increase the production. If this is done, I can say with certainty that not only I but even hon'ble Shri Mahavir Tyagi can eradicate corruption from this country within two years. But I am sure that Shri Nanda will never be successful in eradicating corruption from the country.

I would also like to add that under the present Five Year Plan the average income of about 27 crore people is merely three annas per day and that of 16.5 crore people is only one rupee per day with which they have to make both ends meet. But I can plan the economy in such a way that the daily average income of these 27 crores could be raised to eight annas a day from three annas and that of 16.5 crore to Rs. 1.5 or Rs. 1.75 within a span of seven years.

Reference

Lok Sabha Debates, Vol. XXIV, cc. 6125-45.

MAHOMED CURRIM CHAGLA

Structure of Education

26 March 1965



A private member's resolution moved by an independent member, Dr. Singhvi sought a holistic review of the education policy and programmes of the government. The education minister M.C. Chagla generally agreed with the objectives of the resolution but requested the member to withdraw it as the government itself was moving in the same direction.

Mr. Chairman, I will try to be as brief as possible because I see the clock moving on.

May I compliment my hon'ble friend, Dr. Singhvi, for whom I have very great regard, on moving this resolution? I appreciate the spirit underlying it – the object he has of improving the whole structure of education. But may I appeal to him not to press this resolution, because we are trying to do exactly what he wants by appointing the education commission which will go into the whole spectrum of education, primary, secondary, higher, technical and so on. It will deal with all the points he has raised in his resolution.

Two of my hon'ble friends have talked about primary education. I agree that the situation is far from satisfactory. But look at what has happened since independence? Fifty million boys are there in primary schools today. It is what I call an expansion explosion. We have not sufficient teachers, trained teachers, we have not sufficient schools, we have not sufficient textbooks. The children want to come and are clamouring for education. Therefore, I have been emphasizing that while we cannot prevent expansion, we must also pay some attention to quality.

May I point out two things? We are trying to make primary education production-oriented. I agree with what my hon'ble friend over there said that students should have the opportunity of self-expression. The student should do something creative and not grind his nose at the desk and merely read textbooks and pass examinations. Also we are doing our best with regard to textbooks. We have set up a committee here. We are writing textbooks on a national basis. We are going to send them to every state so that they can be translated into different national languages.

I do not know whether my colleague was good enough to note down all the points Dr. Singhvi made. I cannot deal with all the points he has made in this short time. I will try to reply to as many as I can.

I agree with him that education is of basic importance. I think there is nothing in India today which is of greater importance than education. It is investment in human beings. Unless we can raise the educational standards of our people, we can never go far as a nation. Therefore, I entirely agree with him that education too should be given priority. Unfortunately, whenever there is an economy drive, education becomes the first casualty.

That is how it is because we cannot show results. They say: 'We cannot produce steel, we cannot produce fertilizers, we cannot put up irrigation dams. What is the value of education?' But we are creating human beings, and no nation can progress without creating the right type of human beings.

Dr. Singhvi says that we must take note of the urgency of the problem. As regards the teacher's profession, I entirely agree with what he says. I have said so often on the floor of the House, I have

said it at public meetings, and I go on repeating that I think that our teachers are very poorly paid. But look at what we have done. We have offered fifty per cent for increase in the emoluments of teachers, if the state government can spare the other fifty per cent.

Therefore, I do feel that the system of matching grants has not succeeded, and we are trying to evolve a better system for the Fourth Plan. I entirely agree that our education cannot improve unless we raise the standard of our teachers. We are doing everything possible to raise the status of our teachers. We give them national awards. Teachers are selected for these awards. We have a national foundation to relieve the distress of the teachers. As I have said, we are giving every incentive to the states to raise the dignity and status of the teachers. Still they are very poorly paid.

I wish I were both education minister and finance minister, then I could write cheques for education, but I am not. Therefore, for everything I want for education, I have to beg, to go down on my knees before the finance minister and say, 'Please give me some money for education', because I think this is the greatest national activity we can have.

Then, my hon'ble friend wants that a high power commission should be appointed. This has already been done. He says the recommendations of the Mudaliar commission have not been implemented. I cannot implement the recommendations of the Mudaliar commission when by March next year I hope to have the report of this education commission, and I give an assurance to this House that this commission's report will not be pigeonholed. Once we have taken a decision, we will implement whatever the commission recommends.

I agree with the suggestion of Dr. Singhvi that there should be an all-India pattern of secondary education. At various conferences of education ministers, we have laid down the pattern - so many years' of school, three years degree course, etc. Most of the states are conforming to it, and today we are giving the greatest importance to secondary education.

I know, but we have no powers. Secondary education is a state subject. A suggestion has been made by the teachers that I should

set up a Secondary Education Grants Commission like the University Grants Commission. We consulted the law ministry, and they said it was not constitutional. So, unless we make secondary education either a Union subject or a concurrent subject, this cannot be done.

But, I must admit, as I have said before, that although there is no concurrence in law, to a large extent there is concurrence in substance, because all the education ministers agreed at the last education ministers' conference that in all matters affecting quality in secondary education, the schemes should be centrally sponsored or central schemes, and that the states would abide by the directions given by the centre. Therefore, we are having a crash programme with regard to teaching of science and teacher training. These are two very important subjects as far as secondary education is concerned. Unless we attach the greatest importance to science our country will not progress. We are very backward in science. We had a special commission consisting of Russians and Americans financed by UNESCO. It has gone round and given a report on how to improve science education in secondary schools and we have started implementing it. Dr. Singhvi says that education must be in the Concurrent List. I am trying to get at least higher education in the Concurrent List. That is in the Sapru Committee's report. So far only one state, Punjab, had agreed to it. My friend who is an eminent lawyer knows that the constitution cannot be amended unless a majority of states ratify this particular amendment. So that even if I get the whole House to agree, I think very likely I would, that higher education at least should be in the Concurrent List, it is no good till I get a majority of the States to agree to it. With regard to the Indian Education Service, a resolution had been moved this afternoon in the Rajya Sabha and we will set up the Indian Education Service almost immediately. I am very happy that at least in that respect all the states have agreed that we should have an All India Education Service. That will be a great integrating factor. The constitutional requirement is that it has to be carried by a two-third majority in the Rajya Sabha. A resolution had been moved and I hope the vote will be taken on Monday. Another

suggestion of Dr. Singhvi is: what about the president being vested with visitorial powers for all the universities? The universities are autonomous. The university acts are passed by state legislatures. We have had a model universities bill committee and they have made certain suggestions about the appointment of vice-chancellors. I have forwarded this report to the various states but again, I cannot compel the states to accept this.

That only applies to the central universities. I will look it up again and see if that could be done. The other suggestion is the establishment of national colleges to serve as peaks of excellence for other institutions. I agree that our colleges are in a bad way. Eighty-five per cent of our students are in colleges. There are some very good colleges but the majority of them are bad colleges. We have now decided to concentrate on improving the standard of colleges. I agree with my hon'ble friend that we should take up one or two colleges and make them models.

Since you have already indicated, I must conclude my remarks as quickly as possible. Shri S.N. Das has moved an amendment. It conforms to the reference we have made to the commission. Our education system should be according to a national pattern. My friend Shri Mahida supported the resolution and had spoken about primary education and moral education and it was said that convocations should be made simpler. The other day, I delivered a convocation address at Wardha at the rural institute. We had an entirely Indian ceremony but again this must be left to the universities as they are autonomous.

I have already dealt with what Shri P.R. Chakravarti has said about the demands of a developing economy and self-expression. I agree with him. I also agree with Shri Bade.

In all these things, what we have to remember is that the numbers are astronomical: fifty million students in primary schools, about ten million in secondary schools and a million-and-a-quarter in colleges and universities. In any scheme which we devise, we are faced with these enormous numbers. I agree that the students should have a training, as my hon'ble friend Shri Chakravarti suggests, but it is a question not only of resources but of teachers and the equipment.

I would not take any more time of the House. I again thank Dr. Singhvi for having moved this resolution. The debate has been interesting. I would appeal to him not to press this to a division. I can assure him that all these points will be taken into consideration by the commission. I shall forward copies of the proceedings of this House on this resolution to the commission.

Reference

Lok Sabha Debates, Vol. XL, cc. 6308-14.

ACHARYA J.B. KRIPALANI

The Tashkent Declaration

17 February 1966



After concluding the Tashkent agreement between India and Pakistan under Soviet good offices, Prime Minister Shastri was reported dead in Tashkent under tragic circumstances. Acharya Kripalani found the agreement verbose and vague, without much content.

Mr. Chairman, it becomes difficult to analyse the document that we are discussing today because the high dignitary who signed it on our behalf died at Tashkent under very tragic circumstances. But national duty has got to be performed.

Let us analyse the document, apart from its verbiage, apart from the expectations and hopes it foreshadows, apart from any prepossessions, what do we find as the essence of the document? We find that it is a rehash emphatically expressed of what was done by the Security Council. My hon'ble friend, Shri Anthony, said something about the Security Council and its attitude, I entirely agree with him. Russia spoke in favour of the Security Council resolution. I cannot understand why we should have expected that Russia will take any

other attitude than what it took at Tashkent. It was clear that in the present dispute, Russia was not with us but was neutral. It had abandoned its position that Kashmir belonged to India.

There are only two statements in the document that have any value at all. It is said that the Kashmir issue was stated by both the parties and they did not agree about its solution. We are told by the foreign minister that they were guided at Tashkent by a spirit of compromise. Both parties stuck to their position. Where is the question of compromise here? After returning to India and Pakistan, our spokesmen and Pakistani spokesmen have reiterated their respective positions, that Kashmir on our side is an integral part of India, and on their side it is said a plebiscite must be held in Kashmir.

The second statement that is of importance is that there will be no interference in the internal affairs of each country by the other. That has been absolutely repudiated and bluntly they have said that Kashmir is not an internal affair of India.

So, except for the platitudes that have been used that there shall be perpetual peace, that there shall be neighbourly relations, that the economic situation of the two countries impels them to act as friends, the two essential statements have been denied, one by both the parties and the other by Pakistan. There has been no solution of the question which led to the last war.

But peace has been established for the time being. That is something good. That is what we welcome, and that is what the world has applauded. Nowadays wherever there is war, the other countries that are not involved in it put pressure upon those who are fighting to establish peace on any terms. It is only when the self-interest of a country is involved that it does not care whether there is war, whether there is atomic war, whether there is annihilation of the world. One can see this in Vietnam. All countries excepting America and North Vietnam are interested in peace, and they are pressing upon America to give up this war and work for peace.

Even when there is peace, when every country has welcomed this declaration at Tashkent, why are sections of our people dissatisfied? I would suggest that they are dissatisfied because of certain promises, very definite promises that were made in this Parliament and that

were made before the people and that were made before the members of the Opposition parties, that there would be no return of those territories in Kashmir which we have occupied beyond the cease-fire line. These have been given up. Also it was said that there would be no infiltrators left in Kashmir, that it would be the job of Pakistan to take them away. Both these conditions have not been fulfilled. Therefore, people are unhappy.

And people are unhappy because they do not understand politics. I did not expect that anything else would be done at Tashkent except to establish the status quo ante. It was inevitable because the world was against us, and our friends were neutral. And I do not see how this government can take any revolutionary step. It is a government wedded to status quo ante.

This has disappointed people. I never expected anything better than this, and I was therefore not disappointed. It is not I alone. I had talks with some Congress people who said the only possibility of all this was the restoration of the status quo ante.

People are disappointed because they do not know the meaning of the word 'politician'. A politician is not wedded to any idealism, nor is he wedded to our private conception of morality. But we here, who have been brought up in the national struggle where we talked of equality, fraternity and liberty as they talked of in France and other independent countries, believed that every politician would honour his word, but when politicians come to power they do not remember these things. People who are in power and people who aspire to be in power have got to do many things that are crooked, that are far removed from moral principles.

I will conclude. We have been brought up under Gandhiji and in the struggle for freedom. Therefore, we needlessly expect from our politicians high standards of integrity, morality, and we expect them to keep their word. If we remember what politicians are made of, especially those who aspire for power...

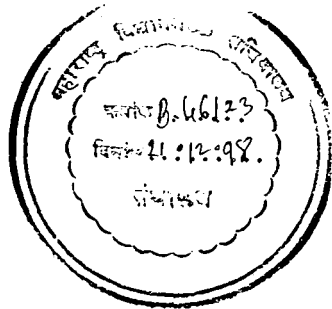
I was saying that when they aspire for power, they have to do all the things that have been mentioned above.

There is another thing which was working at Tashkent. We know that there is a psychological process which brings about nervous

exhaustion, by which the judgement of people is affected, and their will and determination are undermined. This you will find described in the book *Darkness at Noon*. This process is applied in two ways, first of all by cruel methods, but it can be applied also by non-cruel methods, by the exhausting methods, and I am afraid that, consciously or unconsciously, our prime minister was under the stress of very high tension brought about by the many receptions that were given to him, by the banquets that in Russia last for a few hours, by being taken into conferences up to three in the morning and so this tension worked upon him. He forgot the promise that he had made here. In order to get rid of the tension he signed the document and when he had signed it, as our foreign minister said, he was very happy because this tension was past. That was a temporary happiness, a temporary exhilaration. But when he went to bed he realized that he had not acted as he had promised to act in India, as he had given his word to the people of India and, therefore, the tragedy took place. That is my point of view. That is all I have to say.

Reference

Lok Sabha Debates, Vol. L, cc. 961-6.



BHUPESH GUPTA

Use of Money and Government Machinery in Elections

2 December 1966



Through a private member's resolution in the Rajya Sabha, Bhupesh Gupta sought the prevention of intrusion of big money and misuse of government machinery in elections. He expressed his apprehensions about future elections not being free and fair and made a forceful plea for electoral reforms.

We are almost on the threshold of the fourth general elections and situated as we are we have to approach the general elections in the true spirit of having them in a free and fair way. But I am highly apprehensive that we are not going to have the coming general elections either free or fair because the Congress party, the ruling party, in its utter political and moral bankruptcy, in its disintegration and decline, is not in any mood to see that the elections are held according to the terms of the constitution. The constitution will be violated in practice. That is what is my fear. Therefore, Mr. Chairman, I have made this suggestion.

The first point that I want to make in this connection is that we should prevent the intrusion of big money into the election whether it is Indian or foreign or both. We should prevent the intrusion of this into the elections. Many times we have discussed this matter in the House and now of course, we are discussing it again. But the situation today is far worse than what it was at the time of the first or the second or the third general election. Today big money is making a big bid to influence the course of the election, to see that the protégés of the big money and high finance are in a position of authority in order to bring this situation about. They want to return as many candidates of big money as possible, no matter at which party level they are, to the state legislatures and especially to Parliament, to this Parliament because, Parliament is the ruling seat of power and if today they are in a position – big money argues amongst themselves – to set up a large number of MPs to the Lok Sabha to act on their behalf through the ruling party, they would be in a position to decide as to what the government should be like, who should be the prime minister, who should be which minister. Therefore, they are taking a very keen interest today. And never before in our history has the intrusion or attempted invasion of big money seen so great as it is at this present moment. We belong to a political party – others also are there – everybody knows it today; in the lobbies outside, in the press, everywhere there is talk about big money. For the first time, we find that some big capitalist houses are directly putting up their candidates asking the Congress party to adopt them as the candidates of the Congress party, elbowing out veteran and old Congressmen. It is well known that in the states today many contractors, capitalists and others, people who have no Congress background, are being given nominations and their case is being advertised and fought for in the ruling circles of the party because they say that it is they who will bring money to the Congress election fund. Money and candidates are getting more and more identified. It is being said, unless you accept this and that candidate, money will not be coming. And we will at this time because of our difficulty – the Congress argues – require more funds to fight the Opposition to maintain ourselves in majority. That is the situation.

Therefore, it is already assuming alarming proportions. Now, in Bihar alone, seven Birla candidates have asked for Congress tickets. They are, Mr. K.P. Modi, general manager of the Ruby General Insurance Company; Mr. P.D. Himmatsingha who is already there; his brother is also asking for a ticket. Then there is Mr. Khaitan, another Birla candidate, and there are Mr. Khemka, Mr. Chandra Madhav Singh and Mr. Shib Nath Prasad. These are the names published, which I am giving. Then there are the well-known business houses magnates who are asking for Congress tickets openly and shamelessly and their claims are being entertained by the high circles of the ruling party. And you will be surprised that Mr. Russi Modi, resident director of TISCO, is also asking for a Congress ticket. And there is Mr. Pran Prasad of Bird and Company; there is Mr. Shiv Narayan Jayasawal, owner of the Ranchi Distillery; there is Mr. Shyamsunder Bagaria, mica and coal magnate. They are all asking for Congress tickets. Mr. Bindeswari Prasad Sinha is another mica magnate seeking Congress nomination. From my state again, from Calcutta Mr. J.N. Mookerjee, a man of Birla, is asking for a Congress ticket. I can give you many such names but I am not concerned with names. If you go through the Congress list today, you will be shocked, Mr. Chairman. I do not belong to the Congress party. Well, you may say how am I concerned as to who gets nomination from the Congress party. It is a plausible question. But we are not concerned here with party matters. Here we are concerned with the intrusion of big money into the coming election openly. Previously they were financing from behind the scene. This time they are producing cash as well as personalities to dislodge others to enable them to come into Parliament and assemblies in great numbers. You see, sir, everywhere the Congress and the Swatantra party are running mutual competition to get hold of the rajas and the ranis as their favourite candidates. I do not know who will win that race. But I believe the Swatantra party has more of ranis and the Congress rajas. Whether the equation will change I do not know, but the result is the same. That is the position. This is a serious situation. Rajas and ranis also have big money again, their privy purse. Maharani Gayatri Devi is not only a rani, she gets a privy purse of eighteen lakh rupees

apart from the crores and crores of rupees that she has. Now we shudder to think what will happen to the elections. It will be a charge of the big money, a charge of the big money on our constitutional principle, a charge of the big money on our electoral system, and ultimately on our parliamentary democracy.

Mr. Chairman, we are faced with the charge as some poet mentioned: 'Cannon to right of them, Cannon to left of them, Cannon in front of them.'

May I say, big money to the right, big money to the left, big money in front and big money behind. That is how today we are surrounded on all sides by the big money in the coming elections. It spells a great danger. Mr. Chairman, I say that something should be done about it. And on top of this, this time American money is coming. Newspapers have reported this and it has not been contradicted.

Now, it is in the papers that the Central Intelligence Agency is intervening in this election is a big way. And am I to brush it aside having regard to what the CIA does in comparable situations of political instability of a dying ruling party and confusion in the leadership in a country? Is it not being said even by Congress members that behind the demonstration of anti-cow slaughter there might be the CIA hand? Or is it being said by the communists only? Not at all. There are shared apprehensions. Let us approach it, therefore, from a national, broad, democratic angle.

I would invite your attention to the issues of the *New York Times* which I have brought here except one which I could not get hold of. In the last week of April this year, the *New York Times* published five authoritative, well-documented articles regarding the activities of the CIA. One of the articles reveals how the CIA operates in various countries, intervenes in politics, shows interest in upsetting governments, putting their ministers or causing one government to be thrown out and replaced by another government of their choice. This is the content of the four articles here. I have brought them here. I could not bring the third article. I would ask the hon'ble members of this House to read them. We are thinking of publishing these articles for your benefit at our cost so that you should know what is happening.

Here let me read out from the first article dated 26 April. As you know, when Singapore was becoming free, the CIA could not rely on the British Intelligence Service; they wanted to recruit their own men, and a man was flown from Tokyo to Singapore to recruit their people and set up CIA activities in Singapore itself. There was a blow-up there and the man was arrested. After that many things happened. A few years later the story came out in the *New York Times*. It is not a communist paper. To help achieve this they wanted to shield the whole thing. It says:

To help achieve this purpose, Mr. Lee disclosed the 1960 'affront' without giving any details, except to say that he had been offered a paltry \$3.3 million bribe when he had demanded \$33 million.

The *New York Times* goes on to say:

The State Department, which had been routinely fed a denial of wrongdoing by CIA officials who did not know of the Rusk apology, described the charge as false. Mr. Lee then published Mr. Rusk's letter of 1961 and threatened also to play some interesting tape recordings for the press.

When Mr. Lee, the prime minister, revealed the whole thing the Americans tried to challenge it, then Mr. Lee published Mr. Dean Rusk's letter of apology for the incident that took place. When the Americans wanted to create more fuss, Mr. Lee revealed that he had tape recordings of the whole thing and he would make it known. This is how the CIA functions. Even before a country became free properly, the CIA went there to put up their men and take advantage of their difficulties, and when they were caught, plenty of money was offered as bribe. According to Americans themselves 3.3 million dollars were offered to the prime minister which fact the prime minister revealed at a press conference, and when challenged he revealed also that Mr. Rusk had written a letter of apology to him on the subject. This is how the CIA functions. Am I to understand that the same CIA, which exists in every country and which has spread its tentacles all over, will not take interest in our elections in order to influence them and in order to swing the elections in a particular direction and see their chosen men come in, no matter which party they belong to.

Here again, in the second article of the series dated 27 April the *New York Times* writes,

It is the responsibility of the intelligence division to assemble, analyse and evaluate information from all sources, and to produce daily and periodical intelligence reports on any country, person or situation for the president and the National Security Council, the president's advisory group on defence and foreign policy.

Now these things are being done. Here in one of the reports you will find that they wanted to murder President Nasser. They had a plot to murder President Nasser. This article is published by the *New York Times*.

Now there are many stories here as to how they intervened in British Guyana, in Congo, in Cuba and various other countries in order to put their men. Today India is their main target because it is the biggest recipient of foreign aid which comes to the developing countries in amount, not per capita. India occupies a special position. If they can undermine India's integrity, India's independence, India's nonalignment, that is a major foreign policy and political gain of the Americans. That is why the Americans today are so interested in intervening in the elections. It is reported in the newspapers that the CIA would be spending about one crore rupees in the coming general elections. It may be 1 crore, it may be 50 crores and it may be Rs. 150 crores, I do not know; but the fact remains that there is talk in the town and everywhere that the CIA money is coming and it is also known that large funds have been accumulated with the Americans here on account of the PL 480 funds and so on. The other day it was revealed in the House how the US Information Services and the embassy spent forty-eight crore rupees, a huge sum. Where will this money go? Therefore, there is every reason to think that the CIA intervention is going to be very big. As far as our information goes, the CIA had a hand in the demonstration which took place on 7 November in order to discredit our country, to tarnish our image, to create chaos in the government all of which are to the benefit of the CIA agents and the reactionary forces which the CIA exploits. Therefore, we are faced with not only the big money from internal sources but big money from the USA used

directly on the scene of election by the CIA agents who are operating in the various parts of the country. Is it to be ignored that Mr. Leonard Vice, political counsellor of the US embassy recently met – he is showing very great interest in the elections – Mr. K.B. Sahay, the chief minister of Bihar with some of his friends and other American representatives also met the political leaders of the Congress at Patna. Now as you know, the Bihar chief minister has handed over a part of the relief programme of the drought-affected area to the American organization CARE. It is called CARE – Cooperative American Relief Everywhere. This is an outfit of the State department, though nominally it is supposed to be cooperative. Such things are going on. I do not know what the home ministry is doing. They do not seem to know that such things are going on in the country. Yet everybody knows. Keep a watch on the houses of certain Congress leaders, big ones, and you will see what is there. Big capitalists are coming there for conferences and so on, even American authorities. I reveal to you today that once by mistake a letter reached me which was addressed by a secretary of the American embassy to a leading Congressman. It was a misdelivered letter in which it was indicated that special arrangements had been made for him to meet the American ambassador. Such things are openly going on. Even by post they are using this kind of negotiation and discussion. Therefore, I say, keep that in mind. The CIA is on the scene. The communists cannot give you very much trouble even if they want to. I should like to give as much trouble, to the Congress. I should like but we cannot. The CIA with its men entrenched in high positions in the government, in the secretariat, in the various other organizations of power, with so much money in their hands, with big business collaboration with them, is a potent threat to everything that we have built up. This institution will not be entered upon by a Guy Fawkes to burn it but this institution, this parliamentary democracy, will be ruined and finished by the nonvigilance, absence of vigilance on the part of the government and on account of the collusion between some members of the ruling party with the CIA and other members of certain reactionary Opposition parties in the country. That is the main danger today. Taking advantage of the discontent

of the people on the one hand and utter lack of leadership decline, moral and political, of the Congress high command, the reactionaries, the forces of right reaction, linked up with the Americans are organizing a showdown in the fourth general elections. That is the grave challenge the nation is facing today and that challenge is seen not only in the anti-cow slaughter demonstration but in various other activities. Therefore, I say that the big money now is coming in a big way, with the CIA's competent 'cloak and dagger' policy always backing it all along the line. We know the names of the people but we will not divulge them.

Today we find the stooges are coming, contractors are coming but the capitalist is not sure of how they will behave and taking advantage of the situation they are also entering the Parliament. I do not know how many capitalists will sit in the Lok Sabha but we shall see that as few of them as possible return. Now about the state apparatus, it is also being used. The second point in my resolution is this. I invite your attention to this. I am always backed by documents. This is a photostat of a circular letter written by the Intelligence Branch, Hooghly, dated 30 September 1966. The photostat appeared in my paper and other papers also. Here it is showing how they look at the elections. The reference is copy of DO No. 752(6)/C, dated 27 September 1966 from Shri D. Dhar, IP, Deputy Inspector-General of Police, Burdwan Range, Chinsurah to Mr. B.K. Basu, IP Superintendent of Police, Hooghly. I do not read everything but only the part relating to the elections. I quote:

A I have always been telling my officers, serious trouble can always be avoided if strong measures are adopted at the very early stage and a large number of preventive arrests made with a view to liquidating in good time the fighting potential of the Opposition parties.

I would be grateful if this could kindly be passed on to all your local officers for their guidance.

Now here in this context he writes,

'Would you kindly communicate to all ranks....'

Therefore, there is this part, that the fighting potential of the Opposition parties has to be broken, in the circular letter which is written by the DIG, Burdwan Range and sent to all police officials.

Now we are told that Mr. Chavan would see that elections take place in peaceful conditions, but here is a photostat copy of a letter in which the DIG gives instructions to the policemen to break the fighting potential of the opposition parties by such kind of preventive actions even, and other measures. I should like to know what the government is doing. Is it not necessary that this man should be immediately dismissed?

Everybody in Bengal knows that preparations are being made in order to suppress the Opposition, create difficulties in the way of the Opposition. *Goonda* gangs are also being organized in very many places in order to tackle it. Then, well, I tell you, Mr. S.K. Patil is leading a crusade. He is the chief instrument of authority in the government, through whom the dark forces of reaction, whether Indian or foreign, are operating. It is not accidental that Mr. S.K. Patil makes it a point of prestige as far as the particular nomination for the North Bombay Lok Sabha constituency is concerned. Similarly, Mr. Atulya Ghosh, Mr. Sachindra Chaudhari and many others are engaged, according to my information, in collecting money from the big business for this election. And everywhere this is going on. If I have the time, I can name them. Mr. Ashok Mehta said after the second general elections that two crore rupees were collected by the Congress high command. Mr. Dahyabhai Patel gave a lot of facts and figures, from the company books, of the Congress collections last time, before the third general elections, which were published, which were reported in *The Indian Express* which said how the city Congress of Kanpur had collected lakhs of rupees from the Kanpur industrial magnates and presented them at an official function to the Congress leaders of the time, including the late prime minister who received two lakh rupees from them. Now I can give you very many things like that ... and today it is going to happen. Therefore, it is very very important that we do something about it.

Finally, the last point. The repression must end. The emergency must be withdrawn. The Preventive Detention Act must not be passed, must go. The Defence of India Rules must be scrapped. It is an utter shame today and as an Indian I feel shame that today we have to conduct the fourth general elections in the country under

the shadow of Emergency, which is supposed to represent an extraordinary condition, and Emergency and elections do not go together. The fact that we are holding even general elections in the country shows that emergency provisions do not operate at all here. It became worn out and out of date long back. Yet we find that the emergency is not revoked and lifted. And why? They want to keep the terror hanging over our heads as the sword of Damocles. This emergency has created Mr. L.P. Singh. This emergency has created bureaucrats. This emergency has created authoritarianism. This emergency created Nandaji who went down under his sin. Of course, advantage was taken by the rightist forces to get rid of him. Therefore, the emergency should go. All people who had been arrested or are under prosecution should be set absolutely free and there should be nothing of the kind as detention without trial. Even now MPs. are arrested. We are facing difficulties. Our telephones are tapped. Our letters are intercepted and read, and we are shadowed and followed with a view to creating a kind of fear psychosis among the electorate, the public. Therefore, madam deputy chairman, I say these are matters for all parties to consider and discuss today. If the fourth general elections are allowed to be conducted in the way of the forces of the right reaction with the connivance of this government – and the government does help it in many places – if the elections take place along their line with the CIA more and more dominating the scene where Mr. S.K. Patil rules over his destiny in this crude and vulgar manner with other Congress reactionaries bringing in big capitalists and monopolists and placing them in Parliament to replace the trusted and tried Congressmen who will go down in the process not only will the country go down in course of time; what will go down immediately thereafter is the parliamentary system itself. We are faced with the greatest danger to the system. It is sought to be degraded. It has been always degraded. Now it is sought to be wrecked and scuttled. And we see the chances of their coming because of this utterly incompetent, unmanly and ridiculous leadership that exists at the centre now in the matter of elections, and even otherwise. Well, what we see endangered is our very future.

Madam, one word more and I finish. The battles of election lists have started. You see how gloomy the Congress is today. Previously there were no battles of election lists. I told the Congress leader Mr. Thimma Reddy – he is president of the Andhra Pradesh Congress Committee – whom I met in the lobby, ‘Previously you were fighting us. Now it seems there are two fights, one within your party, so far expressed by the battles over election lists, and the other fight against the Opposition.’ Now the battle of election lists symbolizes the utter corruption and degeneration of the organization, the absolute absence of principles, and the hankering after office for the spoils of office, and so they are putting up candidates not on merits even from the Congress standard, but from factional and other considerations in order to see whether the syndicate should be stronger, or the syndicate in alliance with Morarji should be stronger, or other groups should be stronger in the new Parliament and in the new assemblies. Therefore, everywhere the party is in decline, the party is in degradation, the party is in disintegration which is shown by the Janata Congress, Bangla Congress, another Janata Congress, and Dissident Congress, and the Dissident Congress is taking the country down and paving the way for American intervention in our elections. It is paving the way for the Americans and the big business to come together – and indeed they have come together – in order to directly intervene in February next when the elections take place. I, therefore, appeal to this Parliament, this will be my last appeal, perhaps before the ensuing general elections, on the subject. I appeal to Congressmen in particular, because many of them are honest people, liberal-minded people, and certainly I would not like the parliamentary elections to be conducted in this manner, or their party to be represented by the Americans or big business. I appeal to you from the opposition. Let us sit together and discuss the matter in the larger interests of the country and come to certain understanding. Let us come to a certain understanding and let us have effective measures so that we can go to the elections and fight each other, not hitting below the belt, but fight in a free and fair way as far as possible. And the state apparatus, of course, will be used against the opposition. Always it happens. But I appeal to the House to do

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something about it. I want Congressmen to beware of CIA. See the menace. I tell you today and someday I hope I may not have to repeat it. Here is time. Do something before it is too late. Take note of the developing situation, the grave advancing menace and the conspiracy that is afoot among the forces of reaction which combine to ruin our democracy and finish our country and bring about, if possible, a complete rightist take over of our political life. Therefore, accept my resolution. That is my final appeal to you.

Reference

Rajya Sabha Debates, Vol. VIII, cc. 3721-38.

BHUPESH GUPTA

Centre-State Relations

9 May 1969



Participating in the debate on a private member's resolution on the need for re-examination of centre-state relations, Bhupesh Gupta, the eminent parliamentarian spoke of the need for strengthening the real federal spirit and to give more powers and a more respectable status to the states in the scheme of things by suitably amending the seventh schedule and bringing about other changes.

Mr. Vice-chairman, the purpose of this resolution, I believe, is to introduce the subject for a lively and thoughtful discussion because the issue of centre-state relations has today become a major one of great national importance. We must go into this question and revise the scheme of the constitution not only for the sake of strengthening and expanding democracy, but also for safeguarding and promoting national integration and the unity of the nation. We have declared in our constitution that India is a union of states, but in practice, we are treating the states as so many charity boys of the centre. The centre is concentrating more and more power in its

hands. This is indeed a reflection, at the political level, of the concentration of wealth and power that is growing apace in the economic life of the country. I think this state of affairs must now yield to a better democratic, just and fair arrangement as between the states and the centre, reflecting diffusion of power both at the political and economic level. Now, as the controversy has come to the forefront, the Jan Sangh and Swatantra party have raised the slogan of a strong Centre and a unitary system. Unfortunately for the country, perhaps understandable in the present case, this slogan is being encouraged by some people in the Congress party, leading lights of the Congress party, especially the Congress president, Shri Nijalingappa.

It is surprising that after the reorganization of the linguistic states, Shri Nijalingappa should have come out against it at the Faridabad session of the Congress, which only exemplified the trend of thinking in high Congress quarters. Now, we are hearing, after the most unfortunate and untimely death of our esteemed former chairman of this House and the president of India, Dr. Zakir Husain, the slogan of a strong president. I do not know what exactly they mean by a strong president, but again here is an attempt to concentrate power at the centre and to put the president somewhat above Parliament. Indeed, the slogan is intended to weaken Parliament. That is what is intended. What we want here in this country is a strong and democratic Parliament, not a so-called strong president. We want a president who would be completely subservient to Parliament, subordinate to Parliament. He would have no discretionary powers whatsoever. That is the position today. Now, some of our friends are interested in creating an institution outside Parliament, so that Parliament is weakened and they can carry on their tricks and intrigues in order to subvert and undermine democracy. Surely we want a president who would be honest, democratic-minded, forthright, a man of integrity, who would rather resign from office than put his signature on all kinds of authoritarian and antidemocratic things. I would not like a president who would, in any circumstance, like to flout the advice given by the council of ministers. That would be going against the supremacy of Parliament on which I am not prepared

to compromise even if it causes sometimes inconvenience because of the Congress Party being in power. Now, that is absolutely clear. So, the advocates of the unitary system of government are really working for developing an authoritarian system in this country, where the states' autonomy instead of being strengthened, is liable to be undermined and weakened. In fact, the challenge has come from the champions of the so-called unitary system and of a strong president. Surprisingly enough they are no longer satisfied with a strong home minister. They would like to have a strong president also. Behind this is the evil intention to undermine the authority of Parliament in its own sphere. We have built up our polity, our system and way of thinking, on the basis of unity in diversity and that position was accepted by the National Integration Council at its Srinagar meeting in June last year. The question is how we are going to implement and concretize this noble concept of unity in diversity in the states set-up, in the governmental set-up, in the context of centre-state relations. If the states are weak, the centre can never be strong. It can be an authoritarian centre. It can be a despotic centre. It can so snuggle all the time, but certainly it cannot be a strong and democratic centre. Similarly if the centre is weakened to the point of having no authority at all in order to safeguard the unity and solidarity of the country, that also will not be a welcome thing. Therefore, we want a centre which will function on the basis of democratic principles and safeguard the unity and integrity of the nation as a whole; whereas at the same time we must have the states enjoying a wide range of powers, economic, political and otherwise, in order that out of this arrangement there develops a symphony of centre-state relations to the common good of the people of the country. That is how we should approach the matter. There is no contradiction between having a democratic and viable centre and having at the same time strong, democratic states. That is all we would like to have, but we do not have under the scheme of the constitution this arrangement. We are supposed to have a federal constitution but very little of federal principles are here, and whatever is there is sought to be violated and is, indeed, being violated by the centre and the Congress government; there are no safeguards in

order to prevent such flouting of the federal principles. We are now, therefore, up against certain calculated onslaughts against the federal principles dictated by monopoly interests and those classes who believe in concentration of economic power and hence would like the political power and state power to be concentrated in the hands of a few. It is not without significance that investments of the monies accumulated in the hands of the rich are taking place in certain chosen places disregarding regional disparities and economic imbalances, and these investments are taking place purely from the point of view of earning more and more profits and securing greater concentration of wealth and economic power. These gentlemen, having got control of the central government, would like the Central apparatus and administration to be run in such a manner that is subservient to their economic interests. That is why you find in the seventh schedule of the constitution the revenue raising powers or powers in regard to raising of resources are concentrated beyond all proportion in the hands of the Centre, whereas the states have been given very little power in the State List in the seventh schedule of the constitution. We want this order to be changed.

Economically speaking, today the States owe to the Centre already five thousand-odd crore rupees. Am I to believe that the states in India would ever be in a position to repay this loan? This only shows how helpless the states are and how deliberately they had been rendered helpless. At the same time, when the powers for raising revenues in the states are extremely limited and their developmental and other activities at the grassroot level certainly are growing day by day, these developmental activities are being starved of the necessary resources which cannot be had unless Mr. Morarji Desai is convinced of the validity of their claim. Why should the States be left in such a position when one man at the Centre or the government can veto developmental projects at the state level when we are committed to carry on developmental activities from the point of view of the masses and by associating the masses with them? So I should like even from that point of view that the seventh schedule of the constitution in so far as it relates to the powers of taxation and revenue raising, whether in the Union List or in the State List,

should be reconsidered and revised in favour of the State List and in favour of the States.

Mr. Vice-chairman, if you look at the lists of the constitution, you will find that in the seventh schedule, in the State List, the powers that are given for raising revenue are practically nothing. The long list is there, but out of that you cannot get anything. We have got here emaciated cows when the milch cow like the Haryana cow is with the Centre. We want the Haryana cow to be shared between the Centre and the states – Haryana cow gives plenty of milk – in such a manner that the states are in a position to raise revenue. That is number one. There are certain taxes which the Centre has power to impose on the states. Why, for example, should some of these taxes not be open for the state governments to explore and utilize? Why should the Union have exclusive powers in regard to them? Take, for example, the wealth tax, wealth tax in West Bengal. The central government would not collect the money. Suppose the wealth tax was available to the states also in the sense that the states were empowered to impose the wealth tax, the United Front government in West Bengal would have known how to raise huge quantities of funds by enforcing even the existing wealth tax measures which are going by default because the central government is interested in allowing avoidance and evasion of wealth tax. I can name the estate duty also and other duties which certainly should be given to the states. I need not take much time. What I would suggest in this connection is that the revenue-raising power should be reconsidered. It has been shown that it is not at all satisfactory and the fact is underlined by the development that states are all heavily indebted to the centre, and there is no knowing when at all they would be in a position even to repay twenty-five per cent of their outstanding debt. That in itself is a reminder to the nation that something is wrong in the matter of distribution of the economic powers between the centre and the states. The present arrangement is antidemocratic, is not conducive to the promotion of unity of the country and certainly comes in the way of national economic development if at all we intend to carry it out at the base with the cooperation of the masses. That is quite clear. For example, in Calcutta we have got many industries and

enterprises which are practically all beyond the reach of the state government from the point of view of raising revenue from them, and the Centre has the power. The Centre having been paid by the big monopolists of Birlas under the Congress would not care to raise the revenue which is easily accessible to them in those quarters. This is the position. So we need a drastic change in this matter.

As far as the political and administrative aspects are concerned, I am not going into them. I hope this matter would be gone into seriously.

Administratively, we have now got a network of Union services operating in the states. Some of them are acting as agents of the central government to the detriment of the state governments and we find that a kind of extraterritorial arrangement is being created, with the Centre encroaching upon the domain of the state under one pretext or other. And in this, some of the administrative services are being used. We should be clear in our minds exactly what are the all-India services, the services under the Centre, and the services under the state. The states should not be inhibited in dealing with the services in the best interests of democracy and from the standpoint of a popular regime simply because some people at the Centre having certain rules or regulations which are obsolete, outmoded and unrelated to the facts of life today, would like to see that their henchmen and authority continue wherever they are. Therefore, that aspect is also very very important. All the spheres of administration you have now to discuss to see how much authority the states should be given.

Mr. Vice-chairman, the very fact that the other day we passed a bill giving certain autonomous powers or whatever you call it – substate and so on – to certain regions in Assam shows that the existing arrangement is not good and it has got to change. The question is, should we change it before the situation gets out of hand or should we change it before we are overwhelmed by a crisis? That is a matter for us to settle. I think you will agree that we should make the change well ahead, before any such untoward development takes place because we would not like the unity of the country, broadly speaking, to be disturbed.

So, I think the whole matter, as my friend has suggested, should be gone into. For example, why should the home minister come in, directly or indirectly, to advise the president as to who should be the high court judge? It should be left to the state. Let the president appoint anybody on the advice of the state government. Why should the home minister come in? We want the separation of the judiciary from the executive. But we are bringing in the home minister everywhere. I am not saying that you accept my suggestion. But certainly the states are to be absolutely viable in every sense and in authority. Only then can we strengthen the unity of the country.

Mr. Vice-chairman, it would be a dangerous gamble with the destiny of this nation if some people try to impose, directly or indirectly, their authority on the fabric of our constitutional and political life. By this slogan of a unitary system, they are conspiring for counter-revolution and they want this country to be delivered to reaction absolutely to right reaction. It is no wonder that the slogan of a unitary government has come from these extreme rightist quarters and this slogan has to be met by the demand, and above all by the struggle, for more powers to the states – financial, economic, political and administrative powers – and for greater autonomy for the states. Two forces are today standing face to face – one force consisting of the extreme reactionaries of the Congress, the Jan Sangh and the Swatantra party all working for creating a kind of unitary system, to begin with, and on the other hand, the leftist and progressive forces who are trying to strengthen the unity of the country and also to enrich democracy by a redistribution of power and authority as between the states and the centre, in favour of the states. It is a vital issue today. I hope it will be settled in favour of the people and of the unity of the country, and keeping in view the demand of a dynamic democratic system that we want to build up.

Reference

Rajya Sabha Debates, Vol. LXVIII, cc. 1987-85.

P. GOVINDA MENON

A New Constituent Assembly

15 May 1970



Intervening in the discussion on the resolution in Rajya Sabha moved on 1 May 1970 by N.R. Muniswamy regarding convening of a new Constituent Assembly, Panampilli Govinda Menon (1908-70) argued that there was no merit in the proposal and it deserved to be withdrawn.

A constituent assembly is called when an established government collapses and when a new government is going to be born. That is the meaning of the words 'Constituent Assembly'. When there is an established government and an established constitution, it is meaningless to say that a constituent assembly should be convened. It is just like saying that somebody should convene a revolution. These two houses of Parliament and this government in the country, all these can be immobilised and made not to work if there is a successful revolution here. And when a successful revolution takes place, one of the things which the people leading the revolution do is to convene a constituent assembly to decide as to how the

country should be governed after that period. Such constituent assemblies have come into being only where there have been revolutions. In fact in that twilight period between day and night or night and day, there is a situation in which people meet together and evolve a constitution which is accepted by the country. In other words, a constituent assembly is one of the organs of a revolution. Everywhere in the world it has been so and it is an extralegal and extraconstitutional, not unconstitutional device – the coming into being of a constituent assembly.

Sir, you know how towards the end of the eighteenth century, a few weeks or a few days before the French Revolution, the members of the national assembly of France wanted to meet for a constitution. But the king of France or rather the queen would not allow that to happen and the gates of the assembly chamber were locked up and these people could not enter. Then these members assembled in a tennis court and took an oath that before enacting a constitution or drawing up a constitution for France, they would not disperse. That is known as the Tennis Court Oath. Take the case of the American constitution. There were thirteen colonies under the British government. They revolted, they constituted armies which fought the British army, they became independent and then a constitutional convention was called.

I heard some friends say that the Constituent Assembly which our country had and which provided this constitution was a body established or constituted by the British government. Now, partially that statement is true. But the greatness of the Indian Constituent Assembly was that once it met, it broke away all the chains and fetters under which the cabinet mission, in its statement, had placed it.

In December 1946 when the Indian Constituent Assembly was about to start, there was some talk that the then viceroy or the governor general, Lord Wavell, might not allow the Constituent Assembly to meet because on the day it was called to meet, 9 December 1946, the Muslim League said that it would not enter the Constituent Assembly. And the leaders of India, other than those in the Muslim League said, whether the Muslim League entered or not, they would function as a constituent assembly. And Pandit Jawaharlal Nehru was

so clear about it that the reference to the Tennis Court Oath and all those things were current in Delhi in those days.

Now, sir, please hear for a few minutes about the nature of the working of the Constituent Assembly which the British cabinet mission gave out. They said that from British India, the state assemblies or the provincial assemblies should elect and from the princely states in India, the maharajahs should nominate members, ninety-three in number. It was said that the representatives of the Indian states should come to the Constituent Assembly when the final constitution was being made, that is, when the federal provisions were being made. The Constituent Assembly met on 9 December. The members took the oath and the first thing which the Constituent Assembly did was to discuss and pass what is known as the objectives resolution of the Constituent Assembly. I think it was introduced on 13 December. Many members spoke about the objectives and if you go through the objectives resolution of the Constituent Assembly and the speeches made when that resolution was being discussed, you will see that the members of the Indian Constituent Assembly forgot or rather rejected the ideas which were there. The Indian states' representatives came and all that happened.

Now, somebody asked the question: If it is my theory that a constituent assembly can come in only in a revolution, how is it that in India this Constituent Assembly was formed? Sir, looking back and studying the conditions in India, I have felt that from 1942 to 1950 when the constitution was promulgated, there was a revolutionary period in India. After the second world war when Mr. Attlee became the prime minister, he made a speech in the British Parliament which I even now remember. He said there in reply to the Tories that it had become impossible to carry on the Government of India by the British people.

I remember that passage even now because he had to answer the question: 'Why liquidate the Empire?' And Attlee said, 'It is impossible to carry on the administration of India by the British people.' It is in that revolutionary situation that this Constituent Assembly met and enacted our constitution. I do not, for a moment, feel that there are not imperfections in the constitution, there is no

need for amendment of the constitution, etc. But that can be done because our constitution has invested Parliament with constituent powers. The power given to the Indian Parliament in Article 368 is a constituent power. The powers given in Articles 245, 246, 247 and 248, etc., are legislative powers. So constituent power had been given to the Indian Parliament. Until February 1967 when the Golaknath judgement came, Parliament had asserted that it had the power to amend every portion of the constitution, including the chapter on Fundamental Rights. But in the Golaknath case, by a majority of six to five, they said that Part III of the constitution containing Fundamental Rights cannot be amended. I agree with my friend that that cannot be taken to be the final word on that matter because twice before the Supreme Court has said that the Fundamental Rights chapter also could be amended.

Therefore, sir, since we have a constitution which vests constituent power in Parliament, there is no need to convene a constituent assembly – I am using the word used here in the resolution. I want to ask: ‘Who should convene?’ Whenever we appoint committees in our associations we appoint some man as the convener who will send letters and call all these people. Today when there is an established government, established Parliament, established legislatures throughout India, who should convene this constituent assembly? If the prime minister convenes an assembly of four hundred to five hundred people from all parts of India, would it be a constituent assembly? If we by a resolution do it, will it be a constituent assembly? Or if we follow the imperfect and tenuous suggestion made by the chief justice, Mr. Subba Rao, in his decision of the Golaknath case that under the residuary powers Parliament should decide and elect a constituent assembly, that body alone can amend the Fundamental Rights. The consensus among the jurists is that that direction or that suggestion by the chief justice is not sound, is not practicable, is not logical. The reason is this. If the Indian Parliament today passes a law to convene a constituent assembly, then will that constituent assembly have powers more than the Parliament has? That is what is called a constituted body.... And if Parliament cannot amend the chapter on Fundamental Rights, can a creature

of Parliament pass a law under which it can be done? There has been a good deal of confused thinking on this matter and, therefore, I took some time to explain this.

The idea that a constituent assembly should be convened is not a sound idea, and I would request my friend who moved the motion to reflect over the matter and withdraw the resolution.

Some reasons have been given why there should be a change today. And the most important is that there should be reorientation of the centre-state relationship with particular reference to legislature, judiciary and executive. I want to speak about it for a few minutes. Sir, this is something which we have been hearing for several years. I myself have been a finance minister and later a chief minister in my state. Every state government in India has this complaint that the resources available to the states are comparatively more slender compared to the resources available to the central government. And when there is a demand that the centre-state relationship should be amended or straitened, etc., the demand, sir, is mostly for more grant from the central government. It is attached to the resources which are available to the state governments. I have been publicly speaking about this matter. Although there has been demand for the centre-state relationship to be improved, nobody has yet told me as to how and in what manner the centre-state relations should be changed. The complaint which we nowadays hear in India from the states and the state governments is heard in all the other federations of the world, even in the United States of America, in Canada, in Australia. In all these federal countries, there is a continuing complaint that the central government, the federal government is having more and more power and the state governments are starved. The only federation where there is no complaint is the Russian federation, if it is conceded to be a federation. But I would draw your attention to one of the articles of the Russian constitution which says that the budget for the federal government and for all the state governments or the provincial governments is a single document. It is the authorities in Moscow running the entire Russian Union who draw the budget both for the federation and the units. There can be no trouble there. But that is

possible only because of the monolithic character of the Russian political apparatus. Sir, if we can have that way in India, then these troubles will cease. But that is not possible.

I want those who speak about this centre-state relationship to announce or indicate which particular entry in List I of the seventh schedule should be transferred to List II of the seventh schedule. Nobody has yet said that. Even now I will ask every friend in this House to say which particular entry in the first schedule of the constitution he would like to be transferred to List II. Will you and the other members of this House, sir, agree that defence should become a state subject? Will they agree that external affairs should become a state subject?

They may say, we do not want that, but let us have income tax as a state subject. Yet nobody has said that. If income tax becomes a state subject, as it is in Switzerland which is a developed country, will you for a moment just consider what the result would be? Sir, I was a member of the third finance commission which was constituted in 1961 and there I found that about eighty per cent of the income tax collections in India come from the cities of Bombay and Calcutta. And the finance commission constituted under Article 280 of the Constitution has invariably stated that a portion of this income tax collected from throughout India – now it is seventy-five or eighty per cent should be distributed to the various states on a population basis. That is a sort of socialistic idea vis-a-vis the states. And it has been consistently opposed before every finance commission by the governments of West Bengal and Maharashtra. They said that it should be given according to the origin of collection. Now if income tax would become a state subject a major portion of the revenue would go to the West Bengal and the Maharashtra governments. My own state, Kerala, will get a big zero. That will probably be the case with respect to your state also. What is done today is that in the best interests of the country, the income tax collected is pooled together and is distributed to the states on the basis of population. Except two or three states in India, all the other states are benefited by this arrangement. This arrangement was suggested to our constituent assembly on account of a certain formula which was evolved and

worked in 1936 when the 1935 Act was in force. When there was a controversy between the different provinces as to how the grants should be given by the centre from income tax collection, an economist by the name Neimayer gave an award and it is based on that the finance commissions have worked.

Sir, it is said that the Centre has got flexible resources. The most important item of revenue for the central government is from excise. Now the excise duty is collected by the Government of India from the factories where goods are manufactured. Before those goods come out, the excise duty is collected by the central government. Huge amounts are received, comparatively speaking. Will any state representative like to have excise transferred from the Centre to the states? Then also the result would be the same. Therefore, if there are subjects which a few statesmen can sit together and tell us should be transferred from List I to List II, where is the difficulty to do it? Under Article 368, an amendment of the constitution can be had by which it can be done.

Then what is centre-state relations? What more power should be transferred from List I to List II? I have not been able to hear anything. Now if it is to effect some changes between these three lists, no constituent assembly is necessary. I undertake to draft an amendment of the constitution by which it can be effected in about an hour. It is such an easy matter.

Then, sir, the multiplicity of parties and allied matters were referred to. I do not know whether the mover of the resolution has noted that in the Indian Constitution, or for that matter in any constitution where a parliamentary government of the type we are having is existing, there is no use of the word 'party'. I particularly looked up the matter yesterday. There is no single article in the Indian Constitution where the word 'party' is used, where the word 'Opposition' is used, because I understand that in this House yesterday there were some demands regarding facilities for the Opposition. All these ideas about party, about Opposition, about rights of parties and rights of Opposition, no-confidence motion against government, etc., have no reference in the constitution. All these arise from Article 75(3) of the constitution.

‘The Council of Ministers shall be collectively responsible to the House of the People.’

It is this idea, apparently a small idea contained in Article 75(3) which has led to political parties coming up, opposition parties coming up, no-confidence motions being provided, etc., etc. In fact, the pattern of our political functioning has been the result of this provision that the council of ministers shall be collectively responsible to the Lok Sabha. And if a new constitution is enacted, we cannot make any reference to parties there, and suppose new parties come up after that constitution is drafted, in order to accommodate that also we will have to draft a new constitution.

The powers of the president and the governor vis-a-vis the prime minister and the chief minister are referred to. There has not been to my knowledge any conflict, any trouble, during the last twenty years with respect to the powers of the president and the prime minister. Conventions have developed during the last twenty years that those things should be done in a certain manner. There has been after the 1967 elections, some controversy regarding the dismissal of ministries or the constitution of ministries, etc., by the governors in the states. Sir, this type of responsible government for the provinces started in 1937 under the Government of India Act, 1935. Thereafter in 1937, 1946, 1952, 1957, 1962 and in the mini-general election in 1969, probably on a thousand and one occasions ministries were constituted by the governor in all the various provinces. This has not created any difficulty. Take the Rajasthan example of 1967 where the governor, Mr. Sampurnanand called the leader of the single major party, the Congress party to form the government. Then it was said that the combined Opposition had a few members more than the party whose leader was invited to form the government. Because of the strange manner in which the combined Opposition worked on that occasion, President's Rule came. If what the governor did was wrong in calling the leader of the Congress party to form the government then this particular article in the constitution which I read – that the council of ministers shall be collectively responsible to the legislature – would have given a way for them to fight it; no parading of strength was necessary.

On the day the House met if the combined Opposition had a majority in the House, and had moved a simple motion of no-confidence against the chief minister, it would have worked. Instead of that we had physical parade of the number of members on this side and that side and all these things. I don't think any difficulty can arise if the conventions of the constitution are properly understood and worked. For all these reasons, sir, I would suggest that this resolution does not contain in it any sound constitutional idea and I would request my hon'ble friend, the mover, to withdraw it.

Reference

Rajya Sabha Debates, Vol. 72, cc. 156-64.

INDIRA GANDHI

Question of Confidence

29 July 1970



Under Article 75(3) of the constitution, the council of ministers is collectively responsible to the House of the People (Lok Sabha). Rules of Procedure provide for a motion of no-confidence being moved in the House (Rule 198).

During the fourth Lok Sabha (1967-70), as many as eight no-confidence motions were brought before the House. As many as six were admitted, discussed and negatived. The last one was admitted on 28 July 1970 and discussed for two days, Prime Minister Indira Gandhi presented a spirited defence of her government.

It is very difficult to know how to reply to this motion of no-confidence because, whereas certain items have been mentioned in the actual motion, many of the speeches have touched upon very much wider fields, bringing in, as usual, the public sector, socialism and all kinds of other matters which were not in the motion. Some of the speeches were in a very lighthearted vein and I should have liked to reply in a like manner except that it is necessary to put

straight certain facts so as to remove misunderstandings from the public mind.

As far as Congress (O) is concerned, I have only one thing to say. I have been indeed amused as some hon'ble members remarked from the other side, because once I did listen to Shri Ashok Mehta. The result was not one of my most conspicuously successful actions.

Since yesterday there has been a pitiful effort to put Humpty-Dumpty together again. Some people had seen visions of a grand alliance but evidently they could not win a vote of confidence even from their own people so Humpty-Dumpty had a fall and except for Shri Pilloo Mody, who always sounds well even when he talks utter nonsense, the others could not even work up any fervour or eloquence in their speeches in order to put together the pieces. Even though Shri Dange came to their rescue and gave them suggestions as to who should hold what portfolio in their shadow cabinet, their hopes for their shadow cabinet, have been completely shattered and, I am afraid, there is not even a shadow of a shadow cabinet.

The motion broadly lists four grounds. The first is the charge that the elections in Kerala are being rigged. As we have been told by my colleague, the law minister, and others the electoral rolls were revised in January of this year. By-elections were held after that and no complaints were made that these elections were not fair. As far as I know, they (the printed electoral rolls) are exactly where they were, where the rolls are normally kept. I am told they are exactly where they are supposed to be. I am talking of the Election Commission.

This (verifying what the election commissioner says) is not a governmental function. All that we can do is to draw the commission's attention to complaints. The government is not here to interfere with the Election Commission or the election commissioner. And I should like to say that one of the things about which we can legitimately be proud in India since our independence is the fact that, except for occasional isolated cases, our elections have been free and fair and have given the people unfettered opportunity to express their wish. The very fact that almost every party has had the opportunity of being elected to form a government, elected to power and also

removed from power, is a proof, if proof is needed, of the strength and justice of our electoral system. I do not know whether printed lists are given to people or not but the printed lists are available at the places where they are kept.

We have not only an independent Election Commission but the law courts also exercise full vigilance to ensure the fairness of our elections. It is rather unfortunate that any kind of doubt is cast on the election system which has worked effectively all these years.

It is also difficult to believe that all of a sudden a state government in a part of India, which is known for its high political consciousness and literacy, should meddle with the electoral system. However, as I said to Shri Gopalan when he came to see me about this, I have referred this matter to the election commissioner that such a complaint had been made and I was told that he had looked into the matter. There is, as you all know, still time for any objections to be raised in this matter. But I can assure the hon'ble House that we stand fully for free and fair elections. We are not concerned with what party comes into power. Naturally everybody would like their party to win but not at the cost of fairplay or damage to the electoral system. We will never stand for it. As you all know, as the central government we have given support and cooperation to all governments of whatever hue they were, which came into power anywhere in the country.

For the first time, there was something new in this no-confidence motion and that was the strange alliance which we witnessed. As was effectively pointed out by Shri Chandrajit Yadav, the cat was let out of the bag by the hon'ble member, the Swatantra spokesman, when he delivered a broadside against socialism and nationalization, which of course they always call state capitalism.

As usual, all kinds of other baseless charges and insinuations have been made. Reckless personal charges were made against some of my colleagues and against my secretariat. I do not need to defend them because they are capable of taking care of themselves, but I can only feel sorry that some hon'ble members simply cannot get away from this kind of vituperation and also from giving a casteist or a regional bias to anything that happens in the country. Although

the question of the Kerala elections has been brought in as a bait to the members of the CPI(M), it is obvious that the entire motion is designed as a personal attack on me on the supposed concentration of power in my hands. In fact, reference has been made to the recent reshuffle of the cabinet and the transfer of some departments to the cabinet secretariat. I did not create the cabinet secretariat. It has long been in existence. I did not invent the prime minister's secretariat either. Contrary to what some member has said, the prime ministers secretariat in its present form was not designed by me but by my distinguished predecessor, Shri Lal Bahadur Shastri. Since then we have answered questions in this House on the secretariat, giving the numbers of officials. There has been no addition to the secretariat nor is any addition contemplated because of any of the changes which have taken place; because no extra work has come to that secretariat.

The function of the cabinet secretariat is to provide effective co-ordination between the ministries of the government. It also takes up certain items of study, analysis and research. When the Planning Commission shed its executive function in response to the desire of this hon'ble house, the cabinet secretariat took on some of this work. It has to take initiative in several matters of economic coordination which were previously being attended to by the Planning Commission. The three departments which have been transferred to the cabinet secretariat are the personnel department, the electronics department and the scientific and industrial research department. The department of personnel has been newly constituted and placed under the cabinet secretariat, as the House knows on the recommendation of the Administrative Reforms Commission.

Regarding the intelligence agencies, I had thought that there were several experts in this House on public administration and at least they should have set the records straight. As is well known, in England as well as in many other countries, intelligence is directly with the prime minister and I am sure that these countries did not take inspiration from the cabinet reshuffle in this country.

The CBI and the Special Police Establishment have been mainly concerned with the eradication of corruption from public services.

It has necessarily to be a part of the personnel department. Even in the Home Ministry, the work was being looked after on the services side under a separate secretary (services).

The directorate of revenue intelligence was transferred from the Ministry of Finance to the cabinet secretariat in order to ensure better coordination with the CBI. The CBI has already a wing dealing with economic offences and the work of the directorate of revenue intelligence is very largely related to such offences.

Some member made a remark about the committee of appointments saying that previously there was the home minister, the prime minister and the minister concerned but now, since the home and the prime minister was the same person, there would only be two persons. So, I should like to inform the House that the committees of the cabinet were formed soon after the reshuffle – but unfortunately, they were not declared immediately – and I had decided that Shri Chavan should remain on that committee, since he was dealing with this question and with the people who would be concerned will be in these committees. Apart from that, I would like to point out that none of these committees works on the basis of voting. The persons sit together and it is always a question of having a discussion and coming to a decision.

So far as the transfer of the CSIR to the cabinet secretariat is concerned, the hon'ble members will remember that the prime minister, from the very beginning of its existence, has been the ex-officio president. Therefore, this does not really change the situation.

As for the future development of electronics in India, this also has been a subject of long and anxious debate in both Houses ever since the publication of the Bhabha report on electronics. The future development of electronics has such wide-ranging applications, not only in defence but also with regard to communications, radio, television, etc., that the fast development of the industry has become a matter of crucial importance to the country. Several ministries and departments of the government, as well as the private sector are consumers of the products of the electronics industry. It was in order to give a special impetus to the development of electronics that the government have been considering the setting up of a special

organizational structure. The allocation of the electronics department to the cabinet secretariat was made to enable this structure to be built, which, we hope, will be very soon.

For most such organizations that have to be set up, with which many ministers are concerned, it is more convenient for coordinated working if at this stage the prime minister is there. Similarly a great deal was said about ministerial responsibility being diluted and collective responsibility being discounted. Nothing could be farther from the fact. Many hon'ble members do not seem to have a correct appreciation of what is meant by collective responsibility. All cabinet decisions are collectively taken. Some decisions are taken by individual ministers but we are all collectively responsible and these decisions are collectively supported and defended by the entire government. In modern government, several spot decisions must also be taken and ministers who take them do so in the full knowledge that they will have to defend them on the floor of the House and in full trust that they will have the full support of their colleagues. All controversial matters are brought to the cabinet itself or to one of its committees. I do not have to point out that throughout last year my colleagues have come to this House and given the reasons for their decisions. They have won an open vote of the House. They have withstood many determined efforts to shake them and challenge them. The hon'ble members from the Opposition had wrongly imagined that we on this side would not stand together. They have spent days and nights planning strategies and offering prayers to divide us.

They have set afloat all kinds of rumours of decision but we have stood together with loyalty to one another and faith in our party and full conviction in our policies. I may tell the hon'ble members the opposite that what they could not achieve during this difficult year, they will certainly not be able to achieve in the coming months.

Sir, I have respect for my colleagues, respect for their ability and respect for their dedication to the welfare of the people and to the progress of this great nation. That is why we have been able to work together and to introduce certain far-reaching changes in our national life. I do agree with the hon'ble member, Shri Dwivedy, that much that we wanted to do we have not been able to do. We have

not said that we have done everything. But when you go ahead in a democratic way, it is a slower path than the other. I am not saying this to excuse ourselves because I fully realize that we must work more speedily and reach our goals more effectively.

Cabinet government and parliamentary democracy are built on the principle that the overriding power and responsibility rests in the legislature. Parliament is the master of ministers and, if you could put it that way, ministers in turn are – I do not like the word – master, in a way, over civil servants. Those who are propagating the myth of a powerful bureaucracy are in fact running down this Parliament and the work which it has been doing to guard the people's interests. Now you can give the civil service any name you like, but the fact remains that whether you have a capitalist government or a socialist government or any other form of government, it has to have some kind of a civil service.

If it is a large country, obviously that civil service will be large. And a country in which society takes upon itself the power and the duty to regulate economic and social life has to have the appropriate machinery to do it. The hon'ble member is right when he said that in a socialist State there will be more servants of the state, but they are servants of the people, not masters of the people.

There may be, and there is, some inefficiency and there may also be some dead wood in the administrative organization. But we cannot deny that there are also fine people who are as good as any in the world. They are doing their work with ability and dedication, it would be a pity if the House were to do anything which would blunt these tools. This is not peculiar to our country, because, almost everywhere there is sometimes criticism against bureaucrats, and even in countries and governments which have far more advanced methods than we can afford today.

A statement of mine, or rather a speech, was quoted and in the attempt to show that there was some contradiction between that and a letter which I had written about our administrative service to a newly selected IAS officer. I do not think that there is any contradiction between the two. Because I do believe that we must give better status to specialists. All over the world it has been realized

that technical jobs must go to technicians. But everywhere administrators and business managers also are being given more intensive training in new and modern methods. We have been choosing specialists for our technical posts as far as possible, but at no time has this meant that we should dispense with the administrative service. On the contrary, the administrative service must be given greater social orientation so as to be able to discharge its responsibilities effectively.

Something has been said about the communal problem. But this problem has been thoroughly debated on earlier occasions and I leave it to the country to judge whose speeches have been provocative or have added to the tension in any particular area.

The problem of the refugees is naturally one which is uppermost in the minds of most of us. They are facing very genuine hardships and this is a matter of grave concern and deep distress. The government has indeed a heavy responsibility to settle and rehabilitate them with great speed. We are doing everything possible towards this end. Shri Samar Guha's excitement was understandable. I entirely agree with what he said this morning about the political side of the problem. He mentioned also my visit to Calcutta. But, as I told him when I met him there, that particular visit was for a limited purpose, that is, to look into the implementation of the various decisions which had been taken earlier in Delhi. And, the steps being taken for the refugees and their rehabilitation formed a considerable part of this discussion, whether it was with political parties, whether it was with administrators or some of the other public men and women whom I met. I have promised our friends from Bengal to visit the transit camps soon. I am sorry I could not go there on that occasion.

This is hardly the occasion on which to speak about Manipur. But, since the matter was brought up, I would just like to say that this House is fully aware of the law and order situation there. It is obvious, whether it is Manipur or elsewhere, that the restoration of normal conditions is an essential precondition for any fair election. Yet we all know that this part of the country faces many difficult problems. We are looking into them.

The government has no double standards, but I am afraid many of those who have spoken have shown their own double standards.

Shri Surendranath Dwivedy also spoke heatedly about land reforms. I do not think that it is correct to say that our programmes are not making any headway even in the states where we are in control. I think there has never been greater consciousness at the Centre and in the states of the great importance of creating an equitable agrarian structure within the shortest possible time.

In Bengal, we announced some months ago that the occupiers of land belonging to eligible categories would not be evicted and that their position would be regularized very soon. Earlier this month, the West Bengal Land Reforms Amendment Act was enacted, its result will be to increase the *burgadars'* share of the produce from sixty to seventy-five per cent, in cases where they themselves provide all the inputs. The conditions under which landowners are permitted to resume lands have been made more favourable to *burgadars*, and the right of cultivation by them has been made hereditary. It has also been decided to enact fresh legislation on ceiling, fixing the ceiling in terms of family rather than individual units. The details are now being finalized. The Government of West Bengal has been told to give this work the highest priority, that is, the redistribution of waste and surplus land to eligible cultivators. In this matter, the state government is reviewing the ceiling with much greater vigour. Detailed instructions have already gone out to district collectors, and notices have been served on several thousands of the largest owners of surplus land. The amendments to the Bihar Tenancy Act, carried out during President's Rule, are being implemented, so that even *bataidars* on oral lease are not liable to eviction.

In UP, the ceiling laws are being reviewed. In Maharashtra, the rent payable by tenants to landowners has been reduced to one-sixth of the produce, which is perhaps the lowest in the country. After many years, there is now real hope that land reforms, which have so long been talked about, are at last under way.

The examples of Bihar and West Bengal during President's Rule conclusively show that the central government is earnestly engaged

in carrying through the measures which it has been urging on other state governments.

The other problem which is very much on everybody's mind is naturally that of unemployment. I fully share the concern expressed in this House and outside about this growing problem. But the only lasting remedy for unemployment and underemployment, particularly of skilled personnel such as engineers and technicians, lies in vigorous implementation of the plan and inclusion of specially labour-intensive programmes.

The plan outlay for the current year has been stepped up by about four hundred crore rupees especially with a view to bring some improvement in the employment situation. We are examining how to speedily organize a land army, that is, enroll cadres of skilled and unskilled workers to be put to work on specific projects of public utility.

There was reference to the performance of nationalized banks. It may be that we did proceed a bit slowly for many reasons. But there is no basis for the criticism that benefits have not occurred to the small persons or the small farmers, although I concede that much remains to be done and must be done speedily.

The number of borrowal accounts in the case of direct loans to agriculture went up from Rs. 1,34,839 at the end of June 1969 to Rs 2,97,670 by the end of March 1970. The number of accounts for advances to retail traders and small business increased from 28,037 at the end of June 1969 to 70,607 by the end of March 1970. Similarly, the number of loans to self-employed persons increased impressively from 422 at the end of June 1969 to 22,030 by the end of March 1970. The share of advances to neglected sectors, namely, agriculture, small-scale industries, road transport operators, retail traders, small business etc. in the aggregate advances of the public sector banks increased from 14.6 per cent at the end of June 1969 to 20.3 per cent by the end of March 1970.

There were some entirely false charges made regarding issuing of licences. Perhaps the House knows that the decision in all important cases is taken not by any individual minister or by the prime minister but by the cabinet as a whole. A ridiculous statement was made

alleging that I had taken over licensing in my own hands. Nothing could be farther from the truth. All that has been decided is that the grant of licences in certain defined cases should be considered by the committee on economic coordination on which all ministers dealing with economic matters are represented. This is largely because this is a controversial matter, and many cases come within the purview of different ministries also. Therefore, the question is not of concentration of power but of sharing responsibility and decision-making power and bringing the collective judgement of a ministerial group to bear on these important problems of licensing.

It has been alleged that the decision taken on the grant of industrial licences have been inspired by dishonest motive. I have no hesitation in saying that this is a mischievous and reckless charge, and also an entirely dishonest charge. I have no hesitation in maintaining that the interest of the national economy and not narrow or party or personal interest guides our decisions.

I have been compared, not for the first time, to Hitler, Stalin and Mussolini. If they had perhaps read more books, they could have used more names. I think the people will laugh at the preposterousness of these comparisons.

It was somewhat dramatically stated that this country would not tolerate Hitler. I entirely agree with this. In fact, this is what I myself have been saying. I have said it in the House; I have said it outside also. This country will not tolerate Hitler and what Hitlerism stands for. But we should know what it stands for, namely, the preaching of hatred against sections of the people, the building up of paramilitary organisations, the use of the lie, the big lie and the biggest lie and their readiness to use any and every method to capture power. We do not believe in such methods; we leave such methods to others.

The biggest lie that has been told in this House on this occasion is the one that is now being constantly repeated about our subservience, as they say, to the Soviet Union. This, as the House and those members who have been in the House for some time will remember, is not a new charge. It was also made against my father. Some called him a Soviet stooge and others called him an American

camp follower, but he was an Indian, a proud Indian. Now, the same charge is being levelled against me. My concern is only for the people of India. These charges are not going to deflect us from seeking friendship with all nations because the country's good requires it. And, when the national interests demand it, we shall not hesitate to stand up against all nations. Somebody said: 'Let us have one example.' There is a very recent example, which is our not signing the Non-Proliferation Treaty.

I trust the country will treat this charge with the contempt which it deserves. India, free, sovereign, democratic India, shall never be a satellite of any country, however great or powerful.

Those who bandy about this charge show a singular lack of confidence in themselves or in the country. All the chanceries of the world know and respect the fact that our country has steadfastly pursued its own course of action.

And I shall continue to do it so long as I have anything to do with the government of this country. The consistent and steadfast adherence to our policy of nonalignment is absolutely non-negotiable. Many people thought that we would succumb; they have tried to browbeat us here many a time, but we have not gone back from anything for which we stand, nor shall we ever do so in foreign policy or in domestic policy.

I hope that this House will reject this motion and will continue to show its confidence in this government.

Reference

Lok Sabha Debates, Vol. XLII, cc. 351-65.

INDIRA GANDHI

Tragedy in Bangladesh

24 May 1971



Making a statement in Lok Sabha, Prime Minister Indira Gandhi drew the attention of the House to the massive migration – unprecedented in history – that was taking place from Bangladesh and the gigantic scale of arrangements required to accommodate millions of refugees on the Indian soil. While appealing to the people of India's proverbial spirit of tolerance, service and sacrifice to help the refugees, Indira Gandhi asked Pakistan 'to desist immediately' from activities which affected the wellbeing of Indian citizens.

In the seven weeks since Parliament recessed, the attention of the entire country has been focussed on the continuing tragedy in Bangladesh. The hon'ble members will recall the atmosphere of hope in which we met in March. We all felt that our country was poised for rapid economic advance and a more determined attack on the age-old poverty of our people. Even as we were settling down to these new tasks, we have been engulfed by a new and gigantic problem, not of our making.

On 15 and 16 May, I visited Assam, Tripura and West Bengal, to share the suffering of the refugees from Bangladesh, to convey to them the sympathy and support of this House and the people of India and to see for myself the arrangements which are being made for their care. I am sorry it was not possible to visit other camps this time. Every available building, including schools and training institutions have been requisitioned. Thousands of tents have been pitched and temporary shelters are being constructed as quickly as possible in the 335 camps which have been established so far. In spite of our best efforts we have not been able to provide shelter to all those who have come across, and many are still in the open. The district authorities are under severe strain. Before they can cope with those who are already here, 60,000 more are coming across every day.

So massive a migration, in so short a time, is unprecedented in recorded history. About three-and-a-half million people have come into India from Bangladesh during the last eight weeks. They belong to every religious persuasion – Hindu, Muslim, Buddhist and Christian. They come from every social class and age group. They are not refugees in the sense we have understood this word since partition. They are victims of war who have sought refuge from the military terror across our frontier.

Many refugees are wounded and need urgent medical attention. I saw some of them in the hospitals I visited in Tripura and West Bengal. Medical facilities in all our border states have been stretched to breaking point. Equipment for one thousand new hospital beds has been rushed to these states, including a four-hundred-bed mobile hospital, generously donated by the Government of Rajasthan. Special teams of surgeons, physicians, nurses and public health experts have been deputed to the major camps. Special water supply schemes are being executed on the highest priority, and preventive health measures are being undertaken on a large scale.

In our sensitive border states, which are facing the brunt, the attention of the local administration has been diverted from normal and development work to problems of camp administration, civil supplies and security. But our people have put the hardships of the

refugees above their own, and have stood firm against the attempts of Pakistani agents-provocateurs to cause communal strife. I am sure this fine spirit will be maintained.

On present estimates, the cost to the central exchequer on relief alone may exceed Rs. 180 crores for a period of six-months. All this, as the hon'ble members will appreciate, has imposed an unexpected burden on us.

I was heartened by the fortitude with which these people of Bangladesh have borne tribulation, and by the hope which they have for their future. It is mischievous to suggest that India has had anything to do with what happened in Bangladesh. This is an insult to the aspirations and spontaneous sacrifices of the people of Bangladesh, and a calculated attempt by the rulers of Pakistan to make India the scapegoat for their own misdeeds. It is also a crude attempt to deceive the world community. The world press has seen through Pakistan's deception. The majority of these so-called Indian infiltrators are women, children and the aged.

This House has considered many national and international issues of vital importance to our country. But none of them has touched us so deeply as the events in Bangladesh. When faced with a situation of such gravity, it is specially important to weigh every word in acquainting this House, and our entire people with the issues involved and the responsibilities which now devolve on us all.

These twenty-three years and more, we have never tried to interfere with the internal affairs of Pakistan, even though they have not exercised similar restraint. And even now we do not seek to interfere in any way. But what has actually happened? What was claimed to be an internal problem of Pakistan, has also become an internal problem for India. We are, therefore, entitled to ask Pakistan to desist immediately from all activities which it is taking in the name of domestic jurisdiction, and which vitally affect the peace and wellbeing of millions of our own citizens. Pakistan cannot be allowed to seek a solution of its political or other problems at the expense of India and on Indian soil.

Has Pakistan the right to compel at bayonet point not hundreds, not hundreds of thousands, but millions of its citizens to flee their

home? For us it is an intolerable situation. The fact that we are compelled to give refuge and succour to these unfortunate millions cannot be used as an excuse to push more and more people across our border.

We are proud of our tradition of tolerance. We have always felt contrite and ashamed of our moments of intolerance. Our nation, our people are dedicated to peace and are not given to talking in terms of war or threat of war. But I should like to caution our people that we may be called upon to bear still heavier burdens.

The problems which confront us are not confined to Assam, Meghalaya, Tripura and West Bengal. They are national problems. Indeed the basic problem is an international one.

We have sought to awaken the conscience of the world through our representatives abroad and the representatives of foreign governments in India. We have appealed to the United Nations, and, at long last, the true dimensions of the problem seem to be making themselves felt in some of the sensitive chanceries of the world. However, I must confess with the House our disappointment at the unconscionably long time which the world is taking to react to this stark tragedy.

Not only India but every country has to consider its interest. I think I am expressing the sentiments of this august House and of our people when I raise my voice against the wanton destruction of peace, good neighbourliness and elementary principles of humanity by the insensate action of the military rulers of Pakistan. They are threatening the peace and stability of the vast segment of humanity represented by India.

We welcome Secretary General U Thant's public appeal. We are glad that a number of states have either responded or are in the process of doing so. But time is the essence of the matter. Also the question of giving relief to these millions of people is only part of the problem. Relief cannot be perpetual or permanent; and we do not wish it to be so. Conditions must be created to stop any further influx of refugees and to ensure their early return under creditable guarantees for their future safety and wellbeing. I say with all sense of responsibility that unless this happens, there can be no lasting

stability or peace on this subcontinent. We have pleaded with the other powers to recognize this. If the world does not take heed, we shall be constrained to take all measures as may be necessary to ensure our own security and the preservation and development of the structure of our social and economic life.

We are convinced that there can be no military solution to the problem of East Bengal. A political solution must be brought about by those who have the power to do so. World opinion is a great force. It can influence even the most powerful. The great powers have a special responsibility. If they exercise their power rightly and expeditiously then only we can look forward to durable peace on our subcontinent. But if they fail – and I sincerely hope that they will not – then this suppression of human rights, the uprooting of people, and the continued homelessness of vast numbers of human beings will threaten peace.

This situation cannot be tackled in a partisan spirit or in terms of party politics. The issues involved concern every citizen. I hope that this Parliament, our country and the people will be ready to accept the necessary hardships so that we can discharge our responsibilities to our own people as well as to the millions, who have fled from a region of terror to take temporary refuge here.

All this imposes on us heavy obligations and the need for stern national discipline. We shall have to make many sacrifices. Our factories and farms must produce more. Our railways and our entire transport and communication system must work uninterruptedly. This is no time for any interplay of regional or sectional interests. Everything must be subordinated to sustain our economic, social and political fabric and to reinforce national solidarity. I appeal to every citizen, every man, woman and child to be imbued with the spirit of service and sacrifice of which, I know, this nation is capable.

Reference

Lok Sabha Debates, Vol. II, cc. 184-89.

V.K. KRISHNA MENON

Pakistani Aggression and State of War

4 December 1971



As an independent member in the Lok Sabha during the Indo-Pakistan war on Bangladesh, Krishna Menon spoke of the solidarity of the nation and its passion for defending the country.

The unanimity of the sentiments expressed in this House is not only a proclamation to Pakistan, but to the world, and particularly to that part of the world whose weapons have always been used against us. These expressions have been inspired by sentiments which may appear in the surface to be emotional, but this emotion is a reflection of the firm and resolute will of this nation. If the prime minister at any time wanted proof of this, she has had it from the lips of people who, not as professionals but as part of their duty, criticize her in this House.

There are one or two matters to which I would like to refer at this moment. I do not say my word is the last on this subject. The cease-fire line in Kashmir no longer exists. The cease-fire agreement is dead by the act of aggression. I hope it is for the government to

decide – it is not for us individuals to lay it down – to hand over the exit permits to the members of the United Nations Observation Commission, because their capacity will now be not to supervise the cease-fire line objectively, but to be the allies of the forces that resist us. In the least, these observers are very much in the way and they might get killed. So, we have a great responsibility. So, we shall ask them to go away or send them away to our guest houses, because there is a tremendous international responsibility. The life of one of these international observers will emotionally surcharge the UN in a way that it forgets all other matters.

Secondly, I heard the prime minister say – my hearing is still very good – that Pakistan has declared war against us. I beg of her to verify the statement with great accuracy, because if Pakistan has declared war against us, it is one matter. But if Pakistan has simply said, it has declared a state of war, it is a different matter. Declaration of a state of war is a statement made by the state of Pakistan to its own people and is still undeclared war. But so far as we are concerned, war exists. This is the occasion to hand over the exit permit to the high commissioner of Pakistan here, which takes away whatever inhibitions there may have been in the way of the recognition of Bangladesh. That is to say, Pakistan state is no longer a recognized state so far as we are concerned. Of course, if they have declared war against us, there is the end of it. That is to say there is nothing standing in the way. But this matter must be cleared, because in the eminent position the prime minister occupies, if she says in the House that Pakistan has declared war against us, international opinion will turn round and say, this is an exaggeration. Now, it is no exaggeration in fact, but we should not put ourselves in the wrong in this matter. If it is not declared war, it is undeclared war and what is known as pre-emptive war. Pre-emptive war is the most sinful of all things. The decision who to hit and where to hit must remain with the government and not with the generals. *War is too serious a matter to be entrusted to generals.* Therefore, I have no doubt that the defence minister who is otherwise preoccupied will see to it that where and in which terms to hit is left to be decided by government and nobody else.

I do hope that today, tomorrow or whenever, it is, Bangladesh should be recognized because that would be a fitting answer to Pakistan, almost as powerful as the lethal blows that we may deliver.

I want to conclude by saying this is a sorry business. War is a gruesome affair, especially in a population of our size without the necessary equipment for shelters and things of that character, with a nation that has not seen a war on its own soil since the battle of Wandiwash. That is to say, our people, our professional soldiers, have fought in other fields of battle with glory, but on this soil, we have not seen a war. War is a gruesome business, with the blackouts, the fear of bombing, etc. It is a gruesome business. So, there may be no competition amongst us as to who makes the most extreme speeches, because that hits nobody. I want to assure the prime minister that I belong to no party. Apart from that, there are no differences here; we are one nation.

Coming to war, this country never wanted to wage a war. But when our frontiers beyond the cease-fire line are unfortunately compromised by the action of another country, when another country decides to indulge in border violation and things of that kind I think a new situation arises. Therefore, while we believe in peace at any price we are in the position of an old American president who is reported to have said 'I am a man of peace at any price but the present price is war.' But, in the present case, we do not have to make a choice; the enemy has made the choice. War action has taken place by the bombing of our airfield, for the crippling of our jawans, not of our striking power. And I have no doubt that in the operations which we are forced to undertake, as Shri Indrajit Gupta has rightly pointed out, we have no quarrel with the people of Pakistan and we do not propose to indulge in, we will make sure that we do not propose to indulge in, the Nazi form of war, the war of exterminating peaceful population. It is only in the extreme circumstances where military targets are bombed – and our firing will never fail – that people will be put to hardship; we will not use those deadly weapons called napalm bombs and things like that which cripple young people. If you see people who have been affected by that you would never allow them to be used. These are things which at this time

and on this occasion we should not forget in the enthusiasm of crushing the enemy. I know that the enemy can never be crushed; if he is crushed he will rise again but we have to pull out those fangs that try to kill us.

Finally, I hope the prime minister will at no time heed the counsel of un wisdom which says the Parliament must go. That proceeds on the assumption that Parliament is a luxury which we tolerate. That is not so. Parliament is a necessary establishment, in order that in case there would be reverses – and there is no doubt about it that there would be reverses; there can be no war without reverses except in the thinking of people sometimes – Parliament can act as the safety valve on such occasions. So, this Parliament has to sit. When bombs were raining over London, the British Parliament had midnight sessions and two bombs actually struck the House when they were sitting. This is the thing which shook Hitler that people do not go away even when bombs are showered. Our people are also the same. We have passion for defending this country. When we could shake a mighty empire to its foundations, so we can shake the mighty empires that support the aggressor when aggression takes place and we should warn the world that any assistance given to the aggression in India is an act of aggression against India itself.

Reference

Lok Sabha Debates, Vol. IX, cc. 29-34.

INDIRA GANDHI

Reply to Critics

20 March 1972



Replying to the debate on the motion of thanks on the president's address to the two houses of Parliament, Prime Minister Indira Gandhi defended the policies of her government and replied to the opposition criticism on various fronts.

Mr. Chairman, may I begin by apologizing because during the first days of Parliament I had been exceedingly busy and it had not been possible for me to attend this debate as much as I should have liked to do and to hear all the hon'ble members. But as the hon'ble members know, I can listen to their speeches even in my office and a detailed note of every speech is given to me at the end of the day.

May I say how sad I was to see a group of our countrymen not only showing disrespect to our president, but not even pausing in their demonstration to join in the tribute which was paid to our gallant jawans and officers.

I am not an expert on Marxism. But I have read a little bit of it and I wonder whether these people have not strayed from the scientific humanism which Marx propagated.

Let me deal with some of the points made here. There were charges of rigged elections in West Bengal. Of course, some hon'ble members have already replied very forcefully and effectively to these charges. But I should like to draw the attention of the House to the fact that these charges underwent a curious enlargement as time went by. In the first allegation of intimidation, only thirty-five polling stations were mentioned; then, it became thirty-five constituencies and, later still, the charge had been extended to the entire state. I am sorry to say that the Jan Sangh also seems suddenly to have decided to follow the same line, namely, that the elections had not been fair. We all know that due processes of law are available to test the legality of such allegations. The question is whether they want to look like martyrs when the people have turned against them.

One hon'ble member – this, of course, is not a part of this debate – wrote to me about a particular incident which took place in West Bengal, accusing that the police and the CRP were in league with my party against the CPM and that is why when in an incident bombs, etc., were hurled at CPM workers the police took no action. However, when the incident was inquired into, a member of the same party made this statement that a police van fortunately reached the spot at the time of occurrence and that saved the situation from further deterioration. I think I should leave this matter there.

Now, our friends opposite, of the Jan Sangh, have a kind of obsessive desire to appear as super-patriots, as if the rest of us are not at all concerned with the advance of the country or the sovereignty of the country or the wellbeing of the people. But, fortunately, our people have seen through their propaganda and they have not been taken in by them. During the election campaign and, I believe, in this House also, mention has been made about their attitude towards our unilateral offer of cease-fire. It was shocking that someone even made the accusation that the cease-fire offer was made at the behest of the Soviet Union. Now, anybody is free to say whatever he wants. But, I think, there cannot be any clearer demonstration of the

strength, unity and nobility of the Indian nation than this offer. During my very extensive travels in India, I saw for myself, the thrill which the people had felt not only for our achievements during the last year, but also in the fact that at the very moment of victory, we were able to rise above all petty considerations and were able to see the long-term interests of our country as well as of peace on the subcontinent. So, to state that the offer was made at the behest of foreign pressure, whether by the Soviet Union or the United States of America, is a calumny against the people of India.

During the last session of Parliament, I had spoken regarding our discussions with the leaders of the Opposition on this question. So had various members of the Opposition who were present at the meeting. Therefore, it is not necessary to pursue this.

Shri Bhandari made the most fantastic charge that by not acting earlier in Bangladesh, it is we who are responsible for the death of three million Bangladesh people. I think his argument was that we should have marched into Bangladesh in March or April last. The main people who are concerned are the people of Bangladesh and I think this House has seen in the newspapers what their views are regarding this matter. Normally I would not have mentioned this at all. However some things said by Opposition parties are repeated in other countries and create a wrong impression about India or about our intentions and our policies. Neither the Jan Sangh nor any group or any individual should make the mistake of contending that the freedom of Bangladesh is a gift from India. It is not. It is the achievement of the people of Bangladesh themselves. It is an achievement of the indomitable women and men, young and old, it is the fruit of the sacrifices which they have made.

We have read many stories of atrocities in our newspapers and in the foreign press. But they are nothing as to what one hears there. It is so horrible. Even though people have described what they have seen, it is difficult to believe that any human being could act in such a way to another man or woman. The liberation was the achievement of the people of Bangladesh. And it was only when Pakistan made the supreme folly of attacking us across our own frontiers that we had to defend our territorial integrity. From that

point, the war of the people of Bangladesh for attaining their freedom and the war of the people of India to defend their freedom became one. Any hasty action at an earlier stage would have brought incalculable harm to India and possibly not led to the results of which we are now so proud.

I come now to the main address. The president has given a realistic picture of our efforts as they have progressed year after year, for the transformation of our socioeconomic structure in accordance with our declared objectives. At no time have we claimed that all these objectives could be achieved immediately. We do realize the difficulties we are going to face and the hard work that has to be put in. I myself have been hammering this point all these years at every single meeting where I have spoken. In the president's address, Parliament and the country have been kept informed of the low progress, for instance, in the industrial field. But the theme of the address is that in spite of the gigantic problems we have had to face all along, and more especially the law and order problem, we have not made any excuses to slow down the pace of our socioeconomic programmes. The dominant theme of the address is *arthik swaraj* (a self-reliant economy).

Some people have accused us of wishful thinking. I remember earlier how many times in India and abroad my father was accused of having his head in the clouds. But I should like to assure the hon'ble members that the call for self-reliance is not a mere slogan. It is not wishful thinking. On the contrary, it seeks to give sharp focus to a time-bound programme of scientific measures which the government has already formulated in some detail and will implement with the same determination which we showed during the critical months of November and December.

In the contemporary world, 'self-reliance' does not mean total self-sufficiency in all lines of production, it does mean that where we have the capacity, where we have the know-how, we should not take anything from outside, but should try to earn increasingly from our exports to pay for essential imports which may be needed to sustain the economy at a reasonably high level of productivity. It means the total emotional involvement of all those engaged in the

process of production, labour, management and governmental agencies at different levels, which are concerned with the regulation of the economy.

During the recent conflict, our people have demonstrated their ability to rise above their sectional differences and interests and unitedly face the national problems and work for national goals and objectives. I see no reason why the same spirit should not be generated to achieve this national objective. This is not only urgent for the wellbeing of the poor but also from the point of view of our defence and security. We have all along been stressing the point that it is we ourselves who shall have to bear the main brunt of the efforts needed to restructure and modernize our economy and that foreign aid can at best play only a supplementary and supporting role. We ourselves have wanted to make a sincere effort to cut down on foreign aid and fortunately some of the countries themselves are helping us in this effort.

The president's address has identified some sectors in which increased production should contribute significantly to a reduction in our dependence on external aid. There was special mention of steel, fertilizers, cotton and oilseeds. These are the areas in which we have considerable domestic capacity and yet we have been depending on imports. There is no reason why we should not be able to increase their production. In fact, some states have assured that they have already taken up this programme and they think that within a short time we will be fully self-sufficient in these spheres also.

In his address the president has called for a moratorium on strikes and lockouts. The president himself is personally taking a great interest in this matter and has been speaking and meeting people. At any time, for any country a hold-up in production would be unfortunate but especially for our country at this particular crossroad of our development it would be most unfortunate. Unfortunate is a very mild word to use. I think history will not forgive us if we permit any interruption of production on account of strikes or lockouts in the present circumstances when our national self-respect demands that we should free ourselves from any dependence on others. I have full faith in our people and have no doubt that their

sense of patriotism will assert itself in fields and factories. A major factor which aggravates our economic inequality is unemployment and underemployment and the hon'ble members have rightly stressed these points in their speeches. The plan is an instrument to increase employment opportunities and in the long term, accelerated economic growth is the only effective answer. At the same time it is true that a proper strategy for development which is built around the problem of unemployment is necessary. We have taken certain supplementary measures to stimulate employment through specially designed programmes such as small farmers' development programme, schemes for marginal farmers and landless labourers, rural works programme in drought-programmes are expected to generate the aggregate employment to the extent of two million man-hours per year. Our endeavour now is to ensure that these programmes are implemented more energetically. The sixty-crore crash programme for rural employment will, I am told, make a greater impact on employment in the rural areas in the remaining two years of the plan. As the hon'ble members are aware it always takes a little time for any scheme or programme to get going, that is for the work to start. Before it can make an impact or show results, some time is needed.

Under the programme for alleviating unemployment among the educated, schemes have been sanctioned for the expansion and improvement of the quality of primary education through the appointment of additional teachers, rural engineering surveys, agro-service centres, development of consumer cooperatives, preparation of road projects and rural water supply schemes and schemes for special support to small entrepreneurs. We have now decided that these programmes should be continued in the remaining two years of the Fourth Plan. The government has also proposed to initiate other programmes for the training and absorption of personnel such as engineers, technicians and postgraduates. Further allocation is proposed to be made to state governments on a matching basis for the formulation of special employment programmes. These new programmes will be taken up in 1972-73 and will be financed out of the lump sum provision of Rs. 125 crores which was

indicated by the finance minister in his budget speech. It is estimated that these special programmes will benefit about 3.5 lakhs of educated unemployed.

Notice has been given of a number of amendments about monopoly houses, the functioning of the MRTP Act and the need to nationalize various industries, specially those belonging to the monopoly houses. I have indicated my views on a number of occasions in the House and elsewhere on the question of nationalization. The government is neither averse to nor afraid of nationalization. But nationalization has to fit into our overall scheme of priorities with reference to the changing conditions of our economy. We shall nationalize an industry or a unit if it is essential to strengthen the control of the public sector over the economy. That is why fourteen major banks were nationalized, and later the general insurance companies. We shall also not hesitate to nationalize any unit or industry when there is evidence that it is being managed to the detriment of national interest. That is why we took over the management of certain coking coal mines and of copper. Nationalization is one amongst many instruments at the disposal of the government to curb concentration of economic power in private hands, and we resort to it after a careful assessment of the efficacy of the other instruments available, in a given situation. We always consider that the extension of the public sector could be effective countervailing force in checking concentration of economic power. The more active role which public financial institutions are now seeking in the management of enterprises in which they have substantial financial interests is also directed towards the same end. So far as the industrial houses are concerned, our policy has been spelt out in the MRTP Act as well as in the industrial licensing policy. We have delineated the fields in which these houses will be allowed to expand further, and wherever there is a possibility of choice between a larger house on the one hand, and a medium house or a new entrepreneur on the other, the government has favoured the latter. But, sometimes no such medium house or a new entrepreneur is available, and there is also no immediate possibility of any public sector unit, and in

these cases we have sometimes allowed the large industrial houses to come in because specially where the state is a backward one we find that there is a great deal of frustration, and the feeling that they have been discriminated against because other states earlier had opportunities which are now being denied them. The denial of licences for expansion in such cases would mean loss of production and perhaps involve large imports to meet the domestic need. We must simultaneously pursue a number of economic objectives, a fast rate of industrial expansion, economic self-reliance, industrial development of backward areas, creation of opportunities for employment of different types of people. But while doing so, we have also to keep in view the strain on resources, financial as well as managerial, specially the latter. The hon'ble members will appreciate that economic policymaking has to strike a very delicate balance between the several and sometimes conflicting objectives keeping in view both the short-term and the long-term needs of the economy.

Having said that this I must confess that as a lay person – economists in this House may quarrel with me as those outside sometimes do – I do have a strong feeling that the present economic thinking is not solving the problems of contemporary society anywhere, not only in India but in the world. What other countries do is their concern, but we in India must devise an economic system which makes sense in our social setting. Our progress must be judged not by the GNP or the various other criteria which are put forward such as the number of cars on the road. I mention cars not because I think them important but recently I have read about three or four articles on China and other countries and a criterion for assessing standard is the number of cars, where there are too few in some places or too many in other places and so on. Our progress must be measured by the extent to which our programmes and goods are able to reach the poorest and the most needy. Therefore, an entirely fresh outlook on economic theory and its implementation is needed.

I am not dwelling on the question of prices and so on because this has been talked about at great length elsewhere. The hon'ble members know that we are trying to hold foodgrain prices. They also

know of the large sums which are spent on procurement and on ensuring a fair distribution. I was amazed to hear that some members have spoken about starvation. We have been through periods of famine. We have tried to prevent starvation and I think the whole world has realized what a tremendous job was done in preventing starvation and in raising our food output. There is great poverty in India. Nobody denies it, but it is also true that there is no longer that degree of poverty which existed here before independence. We have moved forward and it is no use counting the *paise* that people earn. It can be seen on the faces of the people when you visit villages and even remote areas, how they are dressed, how bright the children's faces are, what their reactions are when spoken to and so many other things. I would plead with the hon'ble opposition members that while they criticize the government, its programmes and policies, which, of course, is their main job, they should not in any way minimize the achievements of the nation, as this can only weaken national confidence and national determination.

Our foreign policy has been one of friendship. It remains so. There is no weakness or drift in it. The president has clearly stated that, while we ourselves do not seek leadership or domination, we cannot tolerate any outside interference in our own affairs. Some nations have not always been friendly and have even sought to provoke us, but we have excluded none from the circle of our friendship. We do not dwell on the past. We think that every day can bring new opportunities and we have taken initiatives. We sincerely hope for a genuine response.

The Congress party has secured major victories in the elections and it is naturally bound to give rise to feelings of sadness or disappointment in other parties, but I am sorry that this should lead to any talk of the boycott of legislatures. Although there is much that divides us, I personally believe that there is much that unites us. These are our main objectives. I think nobody will quarrel with the objective of our national policy which is to eradicate poverty, to remove economic backwardness, to bring about social equality. In the external sphere, our objective is to have an India which stands strongly for its independence and sovereignty, an India which will

not bow its head to any power, however big, an India which will keep intact its integrity and keep aloft its national pride.

I think I have covered most of the points although I have not gone into details. This is the time when our major objectives have to be looked at with a new outlook by the opposition parties as well. I think they will notice that there is a mood of optimism, a mood of self-confidence, all over the country. We can use this feeling and this atmosphere to build. We are at the stage when we have the capacity to build. We have talked about self-reliance, we have talked about so many things. We have sincerely believed in them. But at no time have we had the capacity to go towards those goals as we have today. Before, there were the goals, but distant goals. Today they are not distant goals; they are within our reach. And if we unite instead of quarreling over various small points or just trying to belittle one another, I think this country has a great future and we can all share in building it and in taking it forward.

Reference

Rajya Sabha Debates, Vol. XXIX, cc. 160-69.

INDIRA GANDHI

The Shimla Agreement

31 July 1972



The 1971 Indo-Pakistan war culminated in an unconditional surrender of Pakistani forces in Bangladesh on 16 December 1971 at Dacca. Bangladesh became a free country.

On 31 July 1972 Minister of External Affairs Swaran Singh made a statement in the Lok Sabha regarding the agreement on bilateral relations between India and Pakistan signed on 2 July 1972 at Shimla with a view to normalization of relations between the two countries.

Intervening in the debate on the statement, Prime Minister Indira Gandhi called it a 'good beginning'.

There is hardly any need for me to intervene in this debate because I find that from our own side and from members of the Opposition there has come solid support for this agreement. And the only arguments, if one can call them arguments, which were put forward by the Jan Sangh have been very ably refuted by members from all sides of the House.

This morning, we witnessed what I can only call an utterly deplorable and ridiculous demonstration on the floor of the House. I do not think that any member of the House, no matter on which side or which policy he stands for, will say that such doings have anything whatsoever to do with democratic functioning and that is why it is astonishing that the same members had the cheek to talk of democracy in this House today. One could have called such action childish. But it would be an insult to the children of India to call it so.

I must repudiate very strongly – I do not think there is any need to do so but these things must go on record – the constant allegation that the Government of India is acting at the behest of some outside power. I think – I am sorry for these people – I can only say that they must be suffering from a deep inferiority complex. They must be suffering from an utter lack of confidence in the people of India.

Shri Vajpayee spoke also of Indian unity. I know something about the unity of this country and the unity of the people. Let me repeat what I have said before, that unity is for a purpose. You do not have unity just for the sake of unity. You have unity to make the country strong; you have unity to take the country forward. You do not have unity to take the country down, to show meanness, to show pettiness and to show lack of statesmanship.

Today Shri Vajpayee was right in saying that he had some lakhs of people with him. He does have. But let me remind him that the population of India is sixty crores, and those crores are not with Shri Vajpayee. He may have a few lakhs but there are still the crores of people. Are we going to listen to the voice of the crores or are we going to listen to the voice of the small, whining minority? It is not a minority that speaks up with strength; it is whining, weak, full of inferiority. He has not only no confidence in the people of India, he has shown utter disregard for the people of Kashmir. How dare he say that we are leaving the people of Kashmir to the tender mercies of the Pakistanis? Do not blame the people of Kashmir who have stood by us in all times of turmoil. At a time when there was no Indian military to help the people of Kashmir, it was their own militia who met the Pakistani attack. How dare he challenge their bravery? How dare he challenge their solidarity with India?

This country, and this government, is keenly aware of where it is going and where it wants to go. There was a time – not very long ago – only last year when the same hon'ble member did not believe me when I said that we knew what was going to happen in Bangladesh, that we were going to solve the problem, that we were going to see that the refugees were returned with honour and safety. Shri Vajpayee said to me, 'I do not believe you'. I said, 'Shri Vajpayee, I am not concerned with whether you believe me or not; I am concerned with what is going to happen.' And today it is not I who am saying what happened. Can Shri Vajpayee deny that there is Bangladesh today? Can Shri Vajpayee deny that the refugees have gone back to Bangladesh? And still he says, 'I do not believe you'. Let him not believe me; it matters little to the people of India whether he believes or does not believe; it matters little to the people of the world whether he believes or does not believe. But history will show whether what has happened has been for the good of India.

I have made no tall claims for the Shimla agreement; I make no tall claims now. All I say is that is a beginning; it is a small beginning perhaps, but it is a good beginning. Why do I say so? I am not concerned with whether we can trust the president of Pakistan or not; I am only concerned with whether we can trust ourselves or not. Have we confidence in our strength or not? Have we the strength to handle the situation or not? This is what concerns me. Are we afraid? Maybe, the Jan Sangh is afraid of Pakistan.

Now we have a certain national pride. And when I use the word 'pride', I do not have any false pride, I do not mean any feeling of arrogance, but pride in this nation and what it has stood for, pride in the Indian people and what they are capable of doing. Pride which makes you want to do your best, to give your utmost, no matter what it costs, for the good of the country. Perhaps it is a sentiment that cannot be understood by some of our friends opposite. We cannot blame them. They are, no less than Pakistan, creatures of partition. They had no place in India before, and perhaps they fear that they will have no place when there is complete peace. That is why they are so concerned that the spirit of confrontation should continue.

What is the basic issue before us? May I take the House into confidence? No, I must digress for a moment – we have been blamed by all sides for not consulting the Opposition. We held a meeting of the leaders of the Opposition on 18 May where we told them whatever it was possible to say before the Shimla talks actually took place. We put our points before them. Our friends from the CPI (M) refused to attend the meeting, but we cannot be blamed for that. The others, including the Jan Sangh, were present. There was nothing more we could have said had we met even one day before the talks. Therefore, it is not true to say that we did not put our views before them. Naturally, we could not know the details. We did not know how things would proceed.

The very first remark I made to Mr. Bhutto was that we have to decide, Pakistan and India have to decide, whether the interests of these two countries are complementary, or are they now, or are they always going to be conflicting? This is a major issue to decide. If we think that our interests conflict, then you can have one agreement or a hundred agreements and you will not have peace. But we believe as India has believed and India does believe today, that our interests are largely the same, that the major problems we face are the problems of the poverty of our peoples, of the economic backwardness of our countries and the incessant effort of foreign powers to pressurize us. We all know – and most of us have been involved in the freedom struggle – what deliberate attempt there was to create friction within ourselves. Why? So as to weaken the freedom struggle. They knew that if all the religions and all the communities kept together, then their unity would create a strength which nobody could move, not even the great British Empire. But they knew also that if they could divide us on any issue, whether it was language or religion or anything else, well, then they would have a chance of defeating us. That is why their effort was to create dissensions.

After partition, they could not do it in the same manner. Therefore, the attempt of those forces who were interested in keeping the subcontinent weak, was to see that this confrontation should continue between the different parts of the subcontinent so

that we would be more involved in this sort of quarrel than in tackling our basic problems and trying to become strong in ourselves.

This is what we have to study. When this is the state of affairs, do we permit it, or should we say, 'Enough, we have had enough of the traps of others. Today we must realize what is in our real interests.' There is no doubt that the real interests of this country, as of Pakistan, lie in peace between the two countries.

Will there be peace or not? I am neither an astrologer nor do I consult astrologers, I do not know. All I know is that I must fight for peace and I must take those steps which will lead us to peace. If they do not work out, we are prepared. It is not as if we are disregarding the interests of the nation. We are not saying, 'No, No. We thought there would be peace. Even if somebody attacks us, we are not ready'. That is not our attitude. We are prepared to face any threat or any kind of aggression should it take place. But we must all consider, as our friend, hon'ble member Shri Anthony has said, whether this is really within the realm of possibility or whether it is a remote consideration.

In a situation like this, when we obviously have the upper hand, we are in a position to guide affairs. Had we stood up saying as when two children are quarrelling, 'You have taken my toy; I must have it before I speak to you', or something like that, if we had that kind of attitude what would have happened?

It may be that the talks would have broken down. We could have said, 'Mr. Bhutto, go back and we shall meet again.' And the same would happen next time. We could keep on meeting and have very pleasant meetings or perhaps not so pleasant. What would have been achieved? Would India have been stronger? Would we have been able to relax more than what we can today for instance? We would not. As some historian has said, 'Had the countries of Europe treated Germany with the understanding that India has shown to Pakistan, there would not have been a Hitler and there would not have been a second world war'.

So, it is a question of the manner of dealing with things. A situation has been created whereby it is, I am not saying impossible, but difficult for Pakistan to do very much against us. It is for us,

by our actions, by our behaviour, to see that this situation is maintained. This is not done by taking up a hard attitude or soft attitude but by assuming a situation whereby the capacity for Pakistan or any other country acting against us is minimized.

Several members have pointed out that the situation has changed in Pakistan. I think the leadership of Pakistan and President Bhutto of Pakistan are fully aware of the changes. We, in India, are fully aware that the situation has changed in India also. It is not the situation which pertained at the time of Tashkent; it is not the situation which pertained at the time of previous agreements; it is a different situation. Today we have the whole Indian public, and, in spite of the Jan Sangh, it is a united public, it is united on the main issues, it is united in guarding its interests. I do not think it is feasible for anybody to go against the interests of the people.

As I said, we are not afraid of Pakistan; we are not afraid of any other people either. But, we do realize that the danger is not so much from Pakistan as it is from those forces who envisage confrontation on this subcontinent, or confrontation in Asia, to be in their interest. As I have said on a previous occasion, Asia is a continent which has given great richness to the world. It is to the exploitation of Africa and Asia that today the affluent countries owe their wealth and their riches and their industrial advance.

But we remain where we are. Why? Because, we are caught up in past thinking. Somebody provokes us and we get provoked into saying : All right, let us fight amongst ourselves. We do not see that the third parties are taking advantage of us.

The time has come when Asia must wake up to its destiny, must wake up to the real needs of its people, we must stop fighting amongst ourselves, no matter what our previous quarrels, no matter what the previous hatred and the bitterness. The time has come today when we must bury the past. We should see in what way we can make the people of Asia, who were rich not only in wealth, not only in talent, but in culture, in heritage, once more regain – I don't say, past glory, because I don't believe in that kind of glory – but certainly a status in the world, where they can guide the destinies of the world, they can also mould the future in order to make the world a fit place for man to live in.

This is the vision of the future which must guide us today. If we get entangled in petty quarrels then we have to say good-bye to such a future and we shall always be enmeshed in conflicts. That is why we must now look not to the past, but to the future. If we say, we must look to the past, how can we ask Pakistan not to look to the past? We have to choose – either both look to the past or both say good-bye to the past; let us try to build a new future. It is easier for us to say good-bye to the past; because we have never preached hatred. At the worst of times, we have expressed our concern for the people of Pakistan, we have expressed our sorrows at their being deluded by their leaders, by their military dictatorship and so on. We have never preached hatred against Pakistan. So, for us it is a little easier, but in the case of Pakistan which has promoted a hate campaign, and which has attacked India so many times, is it realistic to expect a sudden washing away of past attitude and adoption of new? It is not easy. These things do not come about by wishing or wanting. I think that President Bhutto is making a sincere effort to take his people towards a new future. Whether he will succeed or not, I do not know. But at least, he is making an effort, and I think that it is in our interests that his effort to turn the face of Pakistan from its past hatred and bitterness to a new future of peace and friendship is supported by us.

During the debate it was also said that certain remarks here were not made for political purposes. This is a ridiculous statement. There is nothing in the world which is not political. The people who consider themselves as non-political are usually those who do not want change, but they are no less political than those who do want change.

We also remember that at the time of the Bangladesh crisis also, while everybody was with us and broadly supported us, there were parties which tried to take political advantage of the situation. They did raise the sort of issues which they thought would catch the public imagination, which would show the government in a poor light, whether it was the question of the refugees or the question of marching our army into Bangladesh or anything else. Therefore, let us not get lulled by these soft words or imagine that these things were not political. All of us in the House are political beings, and

we are very conscious of the political actions taken by others. Had there been no political motive, there should have been no reason to have the sort of *tamasha* (show) held on the border – that is the only word that describes it. It was *tamasha*, that the people regarded it also. Or to have the sort of *tamasha* that we witnessed here.

There is one other point to demonstrate how little regard these people have for truth. Almost every day, there is some story or other in their newspaper which is completely fabricated and baseless. Today there was one which caused me some worry, something about a Pakistani attack on Naya Chor. I have enquired and am told that it is absolutely baseless. It is completely fabricated. So, there is a constant effort to renew an atmosphere of confrontation, of giving out news that would incite people.

I do not want to say anything more at this stage. But, there is one point. Some members from my own party talk about hope in the leadership and so on, but this leadership has always stood for one thing and that is hope in the people of India, confidence in the people of India. Let us not lose that, because that is our strength.

I think that is India's strength. We are with the people. My colleague Shri Swaran Singh reminds me of another point. It seems that apart from the other heavy work that the Jan Sangh has, they indulge in eavesdropping on telephone conversations – imaginary ones. I had not phoned anybody while I was in Shimla, neither privately nor officially. I do not remember whether the hon'ble member said that I phoned or Sardar Saheb phoned or Shri Yeshwantrao Chavan phoned or Shri Jagjivan Ram phoned or Shri F.A. Ahmed phoned or somebody else did so on our behalf. It is immaterial whether they took my name or not. The question is whether anybody spoke to Moscow. I categorically declare that nobody spoke to any foreign country at all. We did receive a large number of messages from various countries hoping and wishing that the talks would be successful. But nobody gave us any advice as to what we should do for the good reason that they know that our reaction to such advice is not very good. We like advice on some occasions, but not on all occasions because each country must make its own decisions. It is only the country itself and the leaders of the

country who can judge what is in the interest of the country. Nobody from outside, however great a friend or enemy, can tell us what is in the true interest of India. We know, as I have said earlier, that nobody from outside can be interested in our strength, it is only we ourselves who are concerned.

Therefore, I plead with the hon'ble members of the Jan Sangh not to be the voice of outside reaction as well as of reaction inside the country. Today they are repeating what the enemies of India outside are saying. That is what the Jan Sangh is propagating.

I know that the House has supported the agreement and the entire world has supported it. Let us do so with grace and dignity.

Reference

Lok Sabha Debates, Vol. XVII, cc. 304-14.

MORARJI DESAI

Motion of Thanks

26 February 1974



Speaking on the motion of thanks on the president's address to the two houses of Parliament, Morarji Desai criticized the government for its apathy towards the plight of those suffering from abject poverty, unemployment, rising prices, inflation, corruption, food scarcity, violence and the like.

Mr. Deputy-speaker, I am speaking after a silence of more than twenty-seven months in this hon'ble House as I feel that the time has come when the political and economic scene has become so volcanic that one feels very anxious about the future and the days through which we shall have to pass. It is, therefore, necessary that I should point out what I think about it to the government. Whether they attend to it or not is their look-out. But I must also appeal to the country through this hon'ble House, so that the country fights the antidemocratic forces and restores democracy to its real level. I am very much disturbed because I find that the values which the Congress had laid down and was observing, the democratic traditions,

economic values and political integrity, have been cast to the winds by the ruling party and that too in the name of Congress itself.

When the president addressed the two Houses, he mentioned that 'the times are very difficult'. I am glad that he has recognized it. It was not even recognized some time back. But he did not suggest any remedies for relief. Of course, I cannot find fault with the president because, while he has delivered the address, it was prepared by the cabinet. Therefore, it is the cabinet to which I must address my remarks. The worst situation is happening in the economic field which touches the whole population and more particularly the forty per cent of the people as acknowledged even by the president, who live below the poverty-line in this country. Prices are rising so fast from year to year that it is difficult for the poor people to get even one meal a day. People who do not feel the pinch certainly would not realize it. But I have seen people like that myself in the course of my travels through the country. Even during the election tour that I have had to undertake in Uttar Pradesh I have seen abject poverty in several areas....

Not as much as I see it now. There is no poverty for my friends who are sitting over there because they are making the most out of these chaotic conditions....

I was also not speaking in this hon'ble House for the last twenty-seven months because I know the spirit in which my hon'ble friends opposite take what is said by the Opposition. They specialize in disturbing people when they find something inconvenient. For them that is very democratic, but....

I know what you will learn. You will learn soon at your cost. Events are fast moving and you will realize what you are getting. It is very easy to create a disturbance from a safe position of government for the Opposition because it is weak....

In Gujarat what is happening? If that does not teach a lesson to my friends, I do not know what will teach them. I will come to it later on.

The prices as they are rising for the last four years are phenomenal and one does not know where it will lead us to. And whose fault is it? When we say that it is the government's wrong policies which are responsible for it, the government say that all this is due to the

fact that it is a world phenomenon. What is the world phenomenon? In the international world, in the well-to-do countries prices are rising, but they do not rise beyond five to seven per cent in a year, while their annual incomes are rising by more than ten per cent. How will, therefore, the price rise, pinch them? But what happens here? Not only the prices are rising by more than hundred per cent but the incomes are not only not increasing for the bulk of our people but incomes are decreasing, specially for the people who are below the poverty line.

Unemployment is increasing even according to the government's records and the government's records themselves show that unemployment amongst the educated has increased by seventy-five per cent in the last two years. These are not my figures. And, when that happens, a callous attitude is taken by saying that this is a world phenomenon. How is it a world phenomenon? When that does not catch, it was said that the year 1972 was the worst scarcity year during the last hundred years. This is also far from the truth, to say the least, if we look at the figures of production in 1972-73, that is, those two years and the previous years when there was greater scarcity. Take the years 1965-66. The production of food crops in 1965 was seventy-two million tonnes and in 1966 it was seventy-four million tonnes. On the whole, therefore, it was 146 million tonnes for two years. What was the production in these two years of 1972 and 1973? It is 200 crores and more. How can there be a comparison between these two figures? And yet, what happened in 1965-66? Nobody got less than eight kilos per month, in those two years. These figures are in millions of tonnes. I hope they are agitated but they do not seem to have any feeling of agitation. There is so much callousness all around that even all this misery does not move them and they think that it is a time good enough for going at the opposition in such matters. They would certainly like to help, but how are they to help? You say, all suggestions given by them are really crude and are not acceptable at all. It is so difficult in a democracy when the ruling party does not show any courtesy to the Opposition which is so fundamental in a democracy. I can quite understand that all suggestions of the Opposition cannot be accepted

by the government and may not be accepted. Nobody will quarrel with it but at any rate courtesy and respect must be shown to what the Opposition says. But instead of that everything is laid at the doors of the Opposition. Even in the matter of prices the Opposition is being blamed, that the Opposition's agitation is responsible for it. How does the Opposition raise the prices? I don't understand that. And, what is the Opposition to do when the prices are rising; are we not to point it out? Then what are we for? Now, this is what is not realized by those who are in charge of the government.

And, there is no chance of prices coming down as long as this government is in office. I have no doubt about it in my mind, because their policies are such. Even the economic survey which has been laid on the table of the House yesterday, shows no remedy, no hope for this year, no certainty for it. I do not understand why they are so helpless. The remedy is very clear, because, the causes are very clear for rising prices. In spite of there being enough food in this country there is scarcity felt everywhere. I say that there is enough food grain in the country. Why do I say that? Because, in 1965-66, in these two years, we had produced only 146 million tonnes of food grains and by importing only about fifteen million tonnes in those two years, with 160 million tonnes, we could feed all the people without any difficulty with everybody getting not less than eight kilos per month. What is the difficulty in giving full supply to everybody, more than even eight kilos, when there has been more than 200 million tonnes produced in two years, and in the previous year, it was 108 million tonnes in one year? Therefore, it is mismanagement and wrong policies which are responsible, which have created an artificial scarcity. And it is this which the government ought to take into account, and take corrective measures.

But instead of doing this, fault is found either with the season or with international conditions. And if nothing else is available then the Opposition is a good peg to hang everything on! But even worse than that, the government finds fault with the administration, saying, the administrative machinery is wrong or ineffective and therefore this is happening. Who is responsible for the administrative machinery? Is not the cabinet responsible for it? Under whose

orders do they work? And if they are not efficient enough to manage their administrative machinery what business have they to run the government? What business have they to remain in government? If they are self-respecting they ought to go out and give place to other people who can manage it. Or, else, manage it all right. Who comes in their way in managing the administration? But, they don't want to do it.

Instead of that, they try to take action against the judiciary and three seniormost judges are superseded in the Supreme Court, thereby trying to make them subservient to the executive. Now, this is an assault on the constitution itself and on democracy. Production on all fronts is almost at a standstill or is very static. It is not increasing. That is why also things are less available. When money circulation goes up and up, prices are bound to go up. They can never come down. When deficit financing goes on increasing from year to year, what else will happen? There may have been deficit financing in the past but it was not of this order at all and nowhere near it. Now it is mounting by leaps and bounds. Therefore, money circulation has increased beyond limits. Whereas the money circulation was Rs. 5000 crores by 1969, in the next four years, it has increased by about Rs. 4800 crores – in only four years. What will happen? The prices are bound to go up. The prices are shown to have risen by twenty-two per cent to thirty per cent in two years. But take the ordinary *sarson* (mustard) oil which is used by the common man in UP. It used to be four rupees a kilo in 1971 and now it is thirteen rupees per kilo. It has gone up by 300 per cent. When we come to dal, their prices too have gone up a great deal. The prices of *végétables* are also increasing every day or every week. Take tomatoes. They were available for four rupees a kilo in Delhi and Bombay. Their prices are rising like this every day. What can the people do? The only thing left for them is to die and disappear. Instead of poverty disappearing, the poor people are disappearing. Well, if that is what the government wants, I think it has achieved this very successfully;

Therefore, the government has to do something about inflation. This happens because deficit financing goes on increasing. Why

cannot you give it up? It is said that because of defence, because of security, the expenses have to be incurred. The defence expenditure has to be incurred. At the same time, scarcity has also got to be tackled. That money is misutilized and fifty per cent of it is swallowed by those who manage the scarcity operations. How can you have money for any other purpose? In the same way, in the matter of defence expenditure, nobody would say that the defence expenditure should be cut down so that the defence is weakened. But, there is great scope for economy even in defence expenditure. I have no doubt that two hundred crore rupees can be economized even after strengthening the defence more than what it is today. Because, there is so much of corruption wherever you go, and if that corruption disappears, there will be a lot of economy achieved and the money circulation too will go down.

The government seems to be going fast towards increasing the money circulation from year to year. I do not know what picture will be presented this year in the budget after two days. I am quite sure that the deficit has mounted up much more than what was calculated. We read from the papers the other day that one thousand crore rupees will be in deficit in the first nine months of the year. I do not know what the facts are because these are figures published in papers. It will be a terrific thing when we see the budget after two days. But, what is the remedy for it? The remedy is to give deficit financing and practise economy. Economy can be practised in several areas. I do not want to take much more time over it because I have little time at my disposal.

Unless incentives are given for production by allowing the initiative to those who produce, I do not think production can be increased. At the same time, the cost of production also must be decreased. Unless the costs of production are decreased there can be no remedy for tackling the prices properly as it should be done.

Corruption is becoming the only commodity which is not scarce. Everything else is scarce but corruption is not scarce. It is getting more and more and more everyday. In all fields it is now encroaching, practically, if I may say so. Even on the political side, corruption is prevailing. The way the office of the governor is utilized is something

terrible. In Orissa, the ministry disappeared, and the Opposition had a majority but they were not allowed to form government and president's rule was established. When they went to court, the high court said that they had no jurisdiction in the matter but they did record a finding that it was misuse of his powers by the governor for which the high court had no remedy. If after such a distinct finding by the high court, the governor goes on merrily, whose fault is it? It is the fault of the people who appoint him and control him. But they are utilizing him only as an instrument, and this is what is being done for the institution of governors and even the president, if I may say so, because the president is made to say whatever he does not want to say.

The other day, the president said in a speech that food scarcity including the food problem was due to corrupt and inefficient method of distribution by the government. But he does not say that in the president's address because he is not allowed to say so. But I do not know why he was allowed to say so before. I do not understand this kind of functioning of the government, which had never happened before, at any rate.

The corruption in the economic field is something terrible. It has crossed all limits. I had never seen this kind of corruption even in the British period. That is the kind of corruption which is going on everywhere. There is not one thing which can be done without paying money by the ordinary person, except of course by those who are connected with ministers or with Congress MPs who can get those things done easily as they want to be done. But all others have got just to pay money in order to get things done.

Railway travel has become difficult. The other day, a Sarvodaya worker said that he was coming from Kanpur and he could not get a ticket in third class with reservation unless he paid money and he had to pay money, he said. I am very sorry if he had paid money; he should not have travelled. Somebody at least should resist. But this is the state of the country in which people become weak. Whose fault is it? Is it not the duty of the government to reduce corruption? Is it not the duty of the government to see that corruption is reduced to a minimum? I can understand if corruption does not disappear

completely, but it is bound to go down and down if constant efforts are made, then alone there will be integrity coming into the administration and also efficiency; otherwise, it cannot come. But instead of doing that, lakhs and lakhs of rupees amounting to crores are being collected by ministers for party purposes, and if they are collected for party purposes and spent in elections as they have been spent, as they had never been spent in the past by the Congress at any time, and all this is done in the name of the Congress, corruption is made rampant. If this happens at the ministerial level, how can the administration remain free from it? The administration will behave as the ministry will behave. Therefore, the whole disease lies at the root and this is what is required to be remedied.

I now come to the question of Gujarat which has been very casually mentioned in the president's address, which also shows what indifference is there in the government to what is happening in Gujarat. — Only one line is mentioned there that President's Rule has been established in Gujarat. But why was it established? What is happening? That is not mentioned at all. I am very sorry that violence has sprung up also in Gujarat where it was the least expected. But what is the cause of that violence? Violence did not take place in the beginning. It was a spontaneous movement by the students and the young people, joined later on by all other sections of the people against corruption and against nonavailability of foodgrains. If only two kilos per head per month are given in ration shops, what are the people to do from day to day? This is what has created a revolt in Gujarat, because the Gujarat people had never seen such corruption before the ruling party came into power in Gujarat. That is why this is happening. They can laugh at themselves. It is they whom I am referring to because all of them are not free from it. They can laugh it out. They are bound to because that is the only way left to laugh it out. But please remember, he laughs best who laughs last. I am quite sure the time would soon come when they will not be able to show their faces to their own people, to their own constituents. I have no doubt about it.

This is what is happening in Gujarat. This is what I am worried about. I do not like it. I have gone there and I have spoken against

violence. I have said that there should be no violence because violence is not the remedy for it. But when people see that they have either got to put up with that government or take to a remedy which is available to them, and when the government goes on committing atrocities on harmless people, what else can happen? I have gone there and seen things for myself. I have made enquiries and I found that out of fifty-four people who have been shot down, not less than thirty people have been completely innocent who had nothing to do with any movement or anything. They have been shot down in cold blood. The police have gone into the houses of people....

I have said that not one innocent man had died amongst those 105 in Bombay. They were all people who were killed by bullets when they were actually looting or killing people, not otherwise. Also let them remember that whatever I did, the whole violence disappeared in two-and-a-half days. But what are they doing? They are killing people and violence has gone on for the last six weeks. They are not even efficient in doing what they should do.

I know that government has to govern. I would support a government which shoots down people who loot or commit dacoities or murders. Let them be shot down. I will support them for it. But what is the meaning of shooting down people who are on the street trying to buy something? One man was flying a kite on a roof. He was shot down in the inside street. I have seen all that.

Flying a kite is a crime! I have gone there, seen it and verified it. He was killed in such a manner that his skull was broken and stuck at the wall and some hair is still sticking there. I have seen it there.

This is how atrocities are committed. Policemen have gone into the houses of people on the second floor, taken people out of their beds and beaten them. A women's procession which was completely nonviolent and peaceful, was broken up by dragging women by their hair. When this thing happens, what else is going to happen?

Therefore, now the whole people of Gujarat are in revolt. What is one to do about it? One does not see when this government is going to wake up. President's rule has been established. The assembly has not been broken up, not been dissolved, and elections are not ordered. The demand of the people is that such a corrupt government

and such a corrupt party cannot be allowed to run the government any longer; therefore, let the assembly be dissolved and let there be fresh elections. If you do that, there will immediately be quiet in Gujarat, absolutely. I have no doubt about it. That can happen without anybody's doing anything. There will be complete peace there, provided this is done. But they will have to do it. I have no doubt about it. The sooner they do it, the better it is for them. If they do not do it, then they will have to disappear themselves. I have no doubt about that.

I do not want to take up any further time from you.

Reference

Lok Sabha Debates, Vol. XXXV, cc. 262-73.

PILOO MODY

No-Confidence Motion

9 May 1974



Known for his sharp and scintillating wit and humour, the heavy-weight Swatantra party parliamentarian, Piloo Mody was speaking on the motion of no-confidence in the council of ministers. He pleaded for the railway workers' strike that was going on, to be brought to an early end.

I think there is no question about it that this no-confidence motion was brought about in the background of what happened in Parliament yesterday. I would like to have an opportunity on some occasion to discuss more thoroughly the manner in which the Parliament of India, particularly the Lok Sabha, has functioned over yesterday and part of today.

But listening to this debate, which I felt was extremely necessary in the context of the situation in our country, I find that almost all the speeches that I have heard so far have been of a highly partisan nature. The speeches we heard from almost all on that side of the House and many even from this side, were trying to win a sort of

game of one-upmanship, and I find that although the debate was excellent, the level of the speeches was somewhat regrettable. Because I think as a result of what has happened, whether it is L.N. Mishra's fault; whether it is George Fernandes's fault, whether it is the fault of organized labour, whether it is the fault of an overbearing and undemocratic government, the fact of the matter is that the strike has now taken place and has done, whether you like it or not, immense and immeasurable damage to our country, and will continue to aggravate the situation unless something is done on an emergency basis to bring the strike to an end. Every hour of the strike is costing crores and crores of rupees not only in production but crores and crores of rupees worth of happiness, crores and crores of rupees of whatever unit you want to use to measure human wellbeing, to our country which already, as a result of our normal economic difficulties, was suffering tremendously.

It is in this atmosphere that this no-confidence motion should have taken on a certain sense of urgency, a sense of seriousness, which I find has been lacking. Party after party has been hammering at each other's head. From the very beginning, the two most pathetic speeches that I heard were those of my friend, Mr. K.D. Malaviya, who is frantically waving to me from the other end and of Mr. Indrajit Gupta who probably is having his dinner upstairs. They were lamenting and crying on each other's shoulders: *Et tu Brutus*, you have also deserted me. It was a sort of love affair abruptly brought to an end by the situation which has overcome and by-passed both of them....

I have always lamented over the break-up of a love affair; whether it is between Romeo and Juliet or Malaviya and Indrajit Gupta, it makes no difference....

But it was that sort of atmosphere in which this debate has been going on. Then we find the general secretary of the Congress, Shri Chandrajit Yadav – where is he now – who turned this into an argument as if, political parties were involved and how; because of the vast majority that is enjoyed by the Congress party, largely through a series of elective manoeuvres but to a very large extent due to the stupidity of people on our side of the House also, this situation should never have arisen in this country.

But there are certain vital issues that are really connected here. That is the duration of the strike. I think that the prime minister should be told, and those of us who can at least say something to her, should tell her that the time has come when she must intervene. There is no question of who is right, who is wrong, what has happened and whose fault it is. But it must be brought to an end? Don't you see that in the context of what is happening in India it must be brought to an end. Therefore, the conditions under which it can be brought to an end are quite simply, to start with, you must first release these leaders, so that you can talk with somebody. Secondly, start talking to them, without any precondition. Instead of us sitting round the clock here and debating the issue, you should have been sitting night after night negotiating with them.

As I said on a previous occasion, it was a great tragedy that the deputy minister who was negotiating on behalf of the government should have had a family bereavement which should keep him absent from the negotiations for a whole week or so, to an extent that the entire Government of India got paralyzed on that account and they had nobody to substitute for him on behalf of the government for the negotiation! You call this seriousness of purpose? For a whole week before the impending strike, a strike of this magnitude, of this nature, whose consequences on our economy are unthinkable and too horrible to contemplate, one man, one deputy minister had a bereavement in his family and had to go away, and the negotiations remained in a state of lull for over a whole week! And this happens and this can only happen in India; it can only happen in this city, and it can only happen with this government.

And yet, this sort of lazy, promenade-like pace at which this thing has been going on is surprising and we are now in the second day of the strike. The first day was wasted in deciding whether there was a strike or whether there was no strike. Three to four hundred of them – how many defections have you recently engineered – or almost four hundred people are on the one side maintaining that there was no strike and the other hundred on this side are maintaining that there was a strike. Even the issue whether the trains in this country were running or not was sought to be decided by a

majority vote in Parliament! This is the sort of ridiculous, ludicrous lengths or depths to which we have brought our democracy here, which really makes my heart palpitate.

I heard members over here talk glibly about fundamental rights and democracy. After all of them, on both sides of the House, have connived to butcher the constitution, take away our fundamental rights make them subject to the rabble that is in this House, then we talk sanctimoniously about fundamental rights! Either democracy breathes in your veins or it does not. My judgement and your behaviour have proved that it does not. The right to strike is a fundamental right. I can see some copybook member of the Congress going through the constitution and not being able to find it in the chapter on Fundamental Rights, scratch his head and talk to the law minister and ask him: '*kahan likha hai, batao?* (Where is it written, tell me?) How can it be? Where is it said that the right to strike is a fundamental right?' This is their understanding of democracy. Unfortunately, the right to strike is fundamental. Collective bargaining is the essence of democracy and if you want to deprive people of their right to strike you have to compensate them and thereafter come to contractual obligations with them. This is the system that I had suggested to Parliament four or five years ago. But who listens in Parliament? If you want to declare a particular thing as an essential service – there are many such services which may be declared as essential where you may deprive the employees of their right to strike – then you must compensate them with a special machinery to deal with their grievances and in addition give them compensatory allowances for taking away from them the right to strike. This can only be a contractual obligation. No government, no matter how mighty, may deny the citizen the right that is his, basically; inherently and fundamentally. It has to be a contractual obligation entered into by the members of the service on the one side and the government on the other.

But none of these is discussed here – none of these fundamental problems. Suppose the strike fizzles out as it is bound to, the government may take no pleasure out of it at all. Government can squeeze out or starve out any strike. There is nothing great in doing

something like that. After all these are workers and they have families to maintain. Sooner than latter the promises of the trade union leaders are going to be washed away. Ultimately the worker will be faced with the stark reality of having to starve to death. Or he will have run out of what credit he could possibly get in the market or the money he can borrow from his friends. Finally, he will come cringing before you and kneel in front of Mr. Mishra: please give me back my job. Mr. Mishra the great potentate will thereafter graciously concede: provided you vote for Congress for the next twenty-seven years of your life and provided you support my group inside the Congress and not somebody else's group inside the Congress, the job will be given back to you. This is not very difficult to visualize. It has been going on in every nook and corner of this country for the last so many years. But, sir, you can do that today. Do you mean to say that they cannot go on strike tomorrow next month, six months later, next year? Who is to stop this? You think that by taking a firm attitude today you are going to kill the right to strike for all time to come in this country? Because if you are thinking along those lines – I rather suspect that you are thinking along those lines – then there are certain questions of great fundamental importance involved in this.

Why is this strike which is going to cripple this country being allowed to take place? Is there a sinister motive behind it? I am beginning to think there is. For the first time I heard Congressmen talk about the danger that democracy is facing in this country as a result of what the opposition is doing. This concern for democracy among those who have massive majorities, in every nook and corner of this country is rather peculiar and strange. Would you not think that there is some other sinister move going on to destroy democracy itself? Because, if you look at the other institutions in this country, starting with the presidency itself, Parliament, the cabinet system, the judiciary; public opinion which almost never existed in this country, a muzzled press, controlled and state-owned media, with all these institutions of democracy, so totally enfeebled, when the very survival of democracy is at stake you put the economy into this sort of a mess, where one would have to finally say 'Well, this democratic

system, we cannot make this function any more' Sir, I wish and I sincerely pray that this is not the intention and I hope the prime minister, when she gives a reply today or tomorrow morning, will make a specific reference to this and at least assure us even if it only means that we will have one good night's sleep, that this is not what she has in mind.

This is because, wherever I look, I find the norms and yardsticks of democracy have withered away. Today, we have everything being decided by a majority, whether it is a trumped up majority or a fabricated majority or a purchased majority, whatever sort of majority it is, everything is being decided by a majority. As I said earlier on, whether there is a strike or not is also decided by majority. Whether we should extend the session or not is also decided by majority. What we should discuss and what we should not discuss is also decided by majority. Whether a matter should be referred to the Business Advisory Committee is also decided by majority. Everything is sought to be decided by majority. In a situation like that, I think they need to learn their lesson of democracy all over again because democracy is not rule by majority....

We have the legal luminary of the Congress party, who not only abuses this House, but who exhibits in public in such a full House, that also with sheer idiocy what he imagines to be democracy. It is not rule by majority....

Why don't we have a vote on it again and you justify yourself and your remark.

It is a government by consent of the governed. It is a government by participation of all. That is the essence of democracy and I hope when we think of this debate in the context of the strike today.

The very fact that we are sitting here discussing the issue instead of doing something to bring the strike just a little closer to its end, is, I think, high treason on Indian democracy, a high treason perpetuated on the Indian people. Therefore, I would appeal to the railway minister that this is not the time for polemics or for words but deeds; get down to the business of cutting short this strike, compromise with them, pay whatever you have to, but, bring an end to this strike as soon as possible. It is not a test of strength

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between Mr. L.N. Mishra and Mr. George Fernandes. This is a test of strength of the mortality of the people of India. Therefore, I would plead to both of you to bring an end to this as soon as possible.

Reference

Lok Sabha Debates, Vol. XL, cc 416-23.

INDRAJIT GUPTA

Approval of Emergency

21 July 1975



The prominent Communist party leader and an 'outstanding' parliamentarian, Indrajit Gupta was one of the very few leaders of the Opposition who stood up to support Indira Gandhi's Emergency rule. Speaking on the resolution on the approval of the proclamation of Emergency, Indrajit Gupta said that his party was of the 'firm' view that in view of the dangers to internal security, the proclamation was fully justified.

Mr. Chairman, our party after due deliberations, and after trying very seriously to collect all possible and reliable information that it is possible for us to acquire, is of the firm view that this stern measure and the swift measures which were taken on the twenty-sixth and subsequent days in order to put down the danger which had developed to internal security, were fully justified and we supported them. In fact, one of my quarrels with the government is and it is my experience down below in the states also among the people that people have not been informed adequately and sufficiently yet as to

what actually was developing here in the capital city of Delhi just prior to 26 June. People do not know...

I am going to tell you, but that will be incomplete information, because the government does not share the information....

I want the government to tell the entire country and put at the disposal of the country all the facts and information that they have got.

In 1962 emergency, the then home minister Shri Gulzarilal Nanda, did not waste much time in coming out with the government's white paper, which in my opinion, was not a very good white paper. It was full of inaccuracies: it was misinformed. But I do not know why the same method cannot be used at least this time. Whether these swift and stern measures could or could not be taken without the promulgation of another Emergency, a second Emergency is a technical matter which can be discussed.

Now, some friends on this side have made a big point out of that, saying that all the powers which were exercised were already in existence. They have asked what was the need of promulgating a second Emergency. I do not know whether they mean to say that if the second Emergency had not been promulgated, then they would have no objection to the measures taken. Certainly, that is not their argument, as I understand it. That is a technical matter. I myself feel that perhaps the government has thought it necessary to safeguard its legal position since the first Emergency of 1971 pertains only to the threat of external aggression. Maybe, their legal advisers thought that it was better to promulgate a second one also in terms of the provisions of the constitution which relates to the danger of internal disturbances. But even if the second Emergency had not been promulgated, it is true that under the existing Maintenance of Internal Security Act, under the Defence of India Act and Rules, under the presidential powers which already exist, the actual measures which have been carried out, including the arrests, including the imposition of pre-censorship of the press, including the banning of certain organizations, etc., could have been carried out. That is an academic point into which I do not want to go.

Now, the starting point made by our friends on this side of the House and I am sorry to say, among them my CPM friends also, was

that there was no danger of internal security. This is the crux of the question. Once you accept this that it is all a big hoodwinking trick and nothing else, that there was no actual threat to the internal security, then I can follow the entire logic of their arguments. But if you accept the fact that there was a very serious and grave threat to the internal security which developed, in our opinion, particularly in those few days between 12 June and 24 or 25 June, then you will have to look at the matter in an entirely different way.

Sir, I am sure, you will not give me enough time to allow me to go into the details. Mr. H.M. Patel is very anxious to know it, I want him and the other people also to know it. I want the government to tell it because they have got access to all the facts whereas I have not.

He should be a little more alert during the period of Emergency. He suddenly woke up when I referred to that. After I have perused the document, whatever it is, we will decide whether it meets our request or not. I do not know what its contents are. I do not want to go into all the developments of the last one year and-a-half because I have not got enough time at my disposal. I think the mover of the motion recounted that part of it fairly well though he could have brought in some more facts. That was the background – that certain parties had formed a sort of front with which the CPM leadership was not entirely identifying itself at all times. I should say they were flirting with it, sometimes saying they were with it and sometimes saying they were not entirely with it and so on, when ultimately, in West Bengal at least, they openly participated with this front and joined meetings, demonstrations and all these things. Anyway this front was, under the leadership of Jayaprakash Narayan, trying for the last year or year-and-a-half to seize power in various states by means which, (as the mover of the motion has said in very delicate language, I should say) were not entirely constitutional methods. If you want to play the game of parliamentary democracy, you have to abide by rules also; otherwise, don't play it. I can understand those groups and parties who had taken the stand from the very beginning that 'we do not believe in this Parliament and parliamentary democracy and we propose to boycott Parliament and will not come

anywhere near Parliament', but will carry out our programmes somewhere in the *maidan*, but I don't understand the parties who want to eat their cake and have it too. We want to play the game of parliamentary democracy and also want to subvert that parliamentary democracy by certain other actions outside. I don't want to recount all this. I am at least today gratified by the fact that, on behalf of our party, it was I who first drew attention in this House about a year-and-a-half ago to the first call that was made publicly by Jayaprakash Narayan to the army and police to disobey orders. At that time, many people on that side of the House, including the minister, tried to pooh-pooh it and minimize it by saying 'why should we make so much of it'. Today they have understood better.

I am convinced about it because I see what is happening in so many countries in the world. Mr. Gopalan has said, Communist parties in different countries, including the Communist party in the Soviet Union, have been misled and they have not understood what is happening. Even the Communist party of democratic Vietnam has been misled, after fighting for thirty years with arms in their hands for independence against American imperialism. The only people who have not been misled are the CPM leaders!

The whole trouble is that this is, if I may say so, one of the weaknesses of Shri Jagjivan Ram's presentation of the case. So far as he spoke, it was all right. But there is a very vital, a very relevant international context. There is a very relevant international background, in the context of which these developments are taking place. What kind of politicians and political students of world affairs are we if we cannot relate the two and if we think that this is happening in isolation, that these are internal events that have no connection or relevance to the international context? Unfortunately, Mr. Jagjivan Ram did not mention it. The fact is that the United States' [imperialism]-does not like it; I may point out that the first day we published our resolution, the censor said, 'You must cut out the words "US imperialism"; what is this kind of thing going on?' Of course, we did not give way easily and after some quarrels and *jhagdas* (fights) it was eventually passed. But this is also the mentality of some bureaucrats, which I wanted to point out.

Anyway, here is the United States government with its top leaders – statesmen and spokesmen – times without number describing what is their global strategy, particularly in this part of the world, people who talk openly of destabilization of regimes they do not like. And what do they mean by ‘regimes they do not like’? It is obvious what is happening in the world. They mean those regimes belonging to the third world or nonaligned countries which refuse to toe their line completely, which follow broadly a line of supporting initiatives for peace, which support the struggles of people all over the world for their national independence, which, while maintaining friendly relations with all countries, also develop their relations and friendly ties with the socialist countries. They do not like such countries. They have tried, times without number, to subvert and overthrow the regimes in those countries where this type of government was functioning.

We know what this government’s policy internally is. Do we agree with it? We do not agree with it when they come down against the workers and peasants and so on, we fight against them and we shall continue to fight against them if they do that. But that is our internal affair.

This American imperialism, which was kicked out of Vietnam, which was kicked out of Cambodia, which had to give up the whole of Southeast Asia and retreat from there, which failed miserably in its attempt to intervene in Bangladesh during the Bangladesh people’s liberation struggle by sending its Seventh Fleet to the Indian Ocean, this American imperialism is in trouble in West Asia also today where the Arab countries have stood up on the basis of their oil resources and are refusing to be browbeaten; today we have the strange spectacle of Dr. Kissinger trying to pressurize his favourite Israeli statesmen to come to terms with the Arabs because, otherwise, they would not get oil. This is the crisis in which the Americans are and that is why we have said, times without number, that in this part of the world they are looking for what they call ‘soft countries’, which they consider to be soft, that means countries which they think are still open to them for penetration, ideological penetration, penetration by means of financial resources through multinational

corporations, penetration by subversive agencies like the CIA and pressurizing them militarily. We consider these things not to be isolated things. Take the resumption of arms supply to Pakistan. Everybody in this House was agitated. Is it an accidental, separate phenomenon – building up of the Diego Garcia base in the Indian Ocean? These are all links in the chain. It was just at this time when India was one of their prime targets, when they were being kicked out of West Asia and Southeast Asia, when they wanted to find a base and a foothold to hang on, when they were trying to pressurize India, it was at that time that, within the country, there was this front of parties, the rightist parties! I do not consider the Socialist Party to be anything but a right party. It may call itself Socialist until it is blue in its face, but the leaders of the socialist Party at least have identified themselves completely with the rightist forces. They just chose this moment to dig out Mr. Jayaprakash Narayan from his ashram, bring him out and launch this new type of movement. Is there no connection between the two? Do we learn nothing from other countries? Do we not read the books that have come out every day from America, written by the ex-CIA men themselves. You read horrifying things – what is being revealed before the United States Senate committee now, before the Rockefeller commission which went into the work of CIA; it reads like fiction stories; you cannot believe what these people are capable of doing. They admit now that it was they who were responsible for the killing of Partrice Lumumba in Congo; it was they who assassinated President Trujillo of the Dominican Republic. Now they admit that their hand was there in overthrowing Allende in Chile, a legally constituted elected government. It was at this time when Pakistan was being rearmed, when Diego Garcia was being built, Mr. Jayaprakash Narayan came forward and called upon the army to get ready to revolt; ‘At the appropriate moment, I will give you the call’ – this was what he said in Bihar last year – ‘Do not obey the orders of this government’. It was in this context that this thing was taking place. It was after the Allahabad High Court judgement that all these parties naturally thought – I do not think it was anything surprising – ‘Here is a God-sent opportunity; now strike while the iron is hot’. The court has

given a certain judgement. We cannot discuss the merits of the judgment just now. But they thought 'Here is the opportunity; her image is down before the whole world; she is discredited and so on; inside the Congress party even, people are shaky, wondering what is going to happen; this is the moment to strike'. In those few days, between the 12th and 24th or 25th, whatever information we have been able to gather with some measure of reliability – I cannot vouchsafe for everything because government has to tell; I do not know what is in that little book laid on the table by Mr. Mohsin, but this much we know that under this cover of the call, which was given for peaceful civil disobedience from the 29th, something else was also being prepared and there was a purpose behind that which I will explain. What was also being prepared was violent disturbances in which the main role was to be played by the RSS. We know, the Sangharsh Samiti announced on the 25th on the Ramlila ground to to have as its secretary and main organizer, Shri Nanaji Deshmukh, who has disappeared and has evaded arrest and probably has gone underground, as far as I know. These trained RSS people – I have great admiration for their discipline and efficiency and so on for creating trouble – were being mobilized in Delhi from all the surrounding areas for several days previously. Concentration of RSS was taking place in the city of Delhi. Was it for the purpose of peaceful civil disobedience? Lists have been found of certain peoples' houses, names have been listed and which were going to be the targets of physical attack. The All India Radio station headquarters was also on that list for obvious reasons.

I do not know, whether Mr. Mohsin has revealed this in his booklet, because I know one thing, that government must have some information about the very hectic activities that were going on during those days of certain personnel belonging to the US embassy. Our party has got information of at least one meeting; they may have several such, I do not know. We know, when and where it was held, who were present there. In confidence, I can tell you, who were the gentlemen of the American embassy present. I have checked up the name from the diplomatic list later. These gentlemen are there, these are not bogus names. And four or five people from our side were

present in that meeting. There may have been many such meetings. These things were going on, and on 25 June rally at Ram Lila ground, Mr. Jayaprakash Narayan, as you know very well, not only again made a very aggressive speech appealing to the military and the police, but he also warned the present chief justice of the Supreme Court saying 'If you dare to sit on that bench which is going to hear the final appeal against our wishes, a day will come, when you will be tried and punished by the people's court'. These are people who are great respectors of the judiciary and at other times they tell us that judiciary must be always honoured and respected.

It is foolish of them to think that by creating some trouble and burning a few places and having clashes with police in Delhi city and attacking a few houses, this government will fall down and collapse. They could not do it even in Patna where plenty of arson took place on 18 March, many people were beaten up, but the government did not fall. Governments do not fall so easily. What were the reasons for it – I do not want to dwell on it now – but I must say that that is a very serious omission in the description of events given by the mover of this resolution. The whole object of this was to create an atmosphere in which they would be able to bring about certain changes, certain realignment within the Congress parliamentary party. That part we have not been told about; I do not know, whether Mr. Mohsin's book tells us. The serious matter that you have to explain is, why the leading personalities of the Congress parliamentary party are behind the prison bars? Why? They had not left your party. It is not any four-anna member, but the member of the Congress Working Committee, the secretary of the parliamentary party of the Congress. The point is, it is known to everybody here, now if you want to hush it up, it is a different matter, but it would not help us in the days to come. There was a whole plot. The whole conspiracy was that if you could create enough trouble and enough violence and disorder all round, within the Congress parliamentary party, there are certain number of people who were vacillating or weak elements or opportunist elements or anything you may call them who would be brought over to the idea of having a change of leadership telling Indira Gandhi that all this *gadbada* (confusion) is

taking place only because 'you are refusing to quit and if you want to control the situation, then kindly step down.' I believe their calculation was that roughly if they could get hold of about 130 members, then, with the support of all these friends, they would have immediately been able to form another government. I would like my CPM friends to consider – I am asking them in all seriousness, I am not attacking them or anything – please consider from your experience. If such a government had been brought about, of course, it would not have spared us, but would it have spared you? You are sitting here today, able to make your speeches and all that. I am glad, I am very happy. But if such a change had come about and if a more right reactionary government came to power with the backing and support of America, do you think your party, your trade unions and your workers and peasants would have survived? ... Today you are able to come here and have your say. In that event, I would not have been here nor would you have been here....

Anyway, I have been pulled up by the Chair. So I cannot go into further details on this. At least what I have said has produced a little bit of provocation. Some targets they had found somewhere.

Therefore, it would absolutely be the height of folly to go on suggesting that there was no threat to internal security. There was a very serious development which had never before developed. We never mince matters. We have always said and during the last two to three years we have been saying and warning our friends of the Congress party that these rightist forces are gathering strength and are being able to confuse and mislead people mainly because the ruling party is failing to carry out the pledges and promises that it had given to the people during the 1971 elections and if you had fulfilled those commitments and if you had carried out those pledges, it could never have reached the proportion it was beginning to reach and it is because of the discontentment of the people, it is because of growing unemployment and high prices and it is because the peasants and agricultural labourers did not get the land that was promised to them. It is because of this that these parties are able to masquerade as their champions and friends and utilize them for something else and for nefarious ends. However, better late than

never, this danger was realized in the nick of time. Otherwise, I am sure and our party is sure that if this matter had been delayed by another eight or ten days, something else would have happened. This we consider to be a catastrophe. You may consider it of no consequence. We do not want an American-backed government to sit in Delhi. I can see what is going on in countries all round. There are people who do not understand it and cannot see what is happening. Well, I am only sorry for them. That is why we support this action which has been taken.

As far as the hon'ble members of this House who are in detention, it is a very unfortunate affair. But, obviously, there seem to have been made some selective arrests because I do not find everybody has been arrested....

I am quoting what the prime minister said recently —

Only those directly involved in these activities to paralyze the government have been taken into preventive custody. Many other senior leaders of these parties have not been arrested.

I think the senior leaders of these parties who are free can be taken into confidence by the government because it relates to the members of their party. He is asking what Shri Noorul Huda has done? Mr. Gopalan says everybody who has been fighting for freedom is being locked up, as if people outside have not been fighting. There is no point in it.

I think the arrests in Kerala had nothing to do with it. Their party had launched local satyagraha or civil disobedience and that is why they have been arrested. They have been subsequently released. If Mr. Gopalan had been treated badly the government should look into the complaint of ill-treatment. If it is a fact, it is very unfortunate and government should look into it.

I will conclude in five minutes. The main point I should commend is that if you do not want the recurrence of these events; if you want that this danger should really be eliminated, it is by no means being eliminated by arresting a few people and banning the RSS and Jamaat-e-Islami or pre-censorship of papers. Thousands of people have escaped who are underground. But more important than that is the fact that unless the socioeconomic base on which they have

been operating is changed, you cannot finish with this danger and, therefore, the main thing is that people must be rallied and mobilized and these economic measures must be implemented seriously which can give them immediate relief and some benefit.

I know it is also true that these economic measures which have been announced are nothing new. These things had been said two or three years back. People say they did not implement it even with the massive majority at their command. How will they implement it when there is an emergency? Emergency has not been brought in, in my opinion, to implement these measures. Emergency measures were brought in for some other purpose, to suppress what I said, was developing. But now the opportunity is there and it may be the last opportunity. This time if you fail, no power on earth can save us or save this country from this conspiracy of the rightist forces and external imperialist forces. Nothing will save this country. So, with that sense of urgency the measures have to be carried out.

The programmes announced by the prime minister, in our opinion, do not by any means go far enough. Much more radical measures should be taken. But even those measures she has announced, if properly implemented, will go some way to alleviate the situation and mobilize the people.

I have to point out two or three things and then finish. We have suggested of course that certain nationalization measures are needed. The prime minister – prompted by whom, I don't know – has, in my opinion, done a very unwise thing, unpolitic thing, to go on the radio and announce that there will be no more nationalization. If she had not wanted to do anything just now, she could have kept quiet. There was no need to go and broadcast that 'there is some rumour going about that nationalization will take place, but I want to dispel this rumour.

Sir, these multinational companies are operating here and they are the conduit pipes through which the CIA operates. How much evidence do you want? There are books and volumes of evidences which are available now to everybody including the report of a United Nations subcommittee, of which Mr. L.K. Jha was the chairman. Please read these two or three bulky volumes and see the

evidence and material which they have brought in there as to how these companies operate.

Here is an authority. Please read it sometime. This is a very famous American journalist, I.F. Stone, who published his private paper called *I.F. Stone's Weekly*. You please read it. You will find here one company which operates in this country, Bechtels which, you will remember, was brought in here to design the Haldia-Barauni oil pipeline and got away with it. Later on it was found that the whole work was done defectively. They were given huge payments and they went away. Mr. Stone said in his book that at the time when Bechtel was operating in this country, one gentleman, by the name of Mr. John A. McCone was appointed as head of the CIA in the United States. He was head of the CIA and he was also the head of Bechtel. There are people in this country whose names I will not say just now but a day will come when I will expose them here, who are now negotiating in order to bring Bechtel into this country again. Who are they? What are they doing here? At whose instance are they doing it? Are you serious about these things? Are you serious about fighting this danger? I say this because some things are taking place which require a much more urgent look.

You have pledged yourself to introduce public distribution system of commodities at fixed prices. But it is yet to come. In the meantime, prices of several items have been raised by the government itself. Take kerosene, cooking gas, controlled cloth, coal, aluminium, which will affect the aluminium utensils also, steel and so on. The explanation given is, for production we require to give them higher prices, this and that. But, at the moment, please look at it from the point of view of the common man. The public distribution system has not come. The slight fall which has taken place in some wholesale prices does not yet benefit the retail consumer. Whether you will do it or not, I don't know. But in the meantime, prices of these controlled items have been raised by the government, items like kerosene, coarse cloth, etc. Only the other day, you raised the price of cooking gas. Is this the way to inspire confidence in the people that something will surely be done now with these emergency measures? I don't know.

There is the other question of seeing that all impediments to production are removed. Very good.

But the major impediments are not coming from the strikes by employees. I can prove it. The major impediment is coming from the employers.

In my state of West Bengal, now big business houses are running factories; all of them are running below their installed capacity. They have declared lockouts or closures; Birlas have declared lock-outs; Metal Box Company has declared a lockout; Sen Raleigh & Co. which manufactures bicycles have threatened closures; J.K. also has threatened closures. In Hindustan Motors six thousand people are laid off. Installed capacity of these industries is being sabotaged not by the workers but by the employers. Apart from the power shortage which is also a big constraint of course, if steps are taken to bring the employers to book and the installed capacity alone can be utilized, that itself will raise the production by twenty-five to thirty per cent. In some cases, they are deliberately keeping an idle capacity so that they can create an artificial shortage in the market and keep the profits in their pockets. What measures are you going to take against them?

Finally, one word more that I would like to say about precensorship. I know that it is a sore point for our journalists and correspondent friends because they feel that, and one of them was saying that 'our pen has been taken away from our hands; now what can I do?'

Sir, the mover of the motion has very correctly mentioned that certain groups of newspapers were playing an active role in working up a conspiracy for seizing power. We know the big groups, the monopoly press, which has the biggest circulation in the country. If they had been allowed to function normally freely today, by now, within twenty or twenty-five days, they would have created havoc in the country. Everyday all kinds of imaginary and cooked up stories would have been pedalled out. One day they would have said that Indira Gandhi is making a secret trip, overnight dash, to Moscow, to get her orders from there and rush back. What can you do? That would be in the headlines. They would have also said that the Soviet army is massing on the border and they may march in

any time. As it is, they say the CPI is supposed to be running this government. The tragedy of it is that we are not taken into confidence in what they do. That is our complaint. There is a purpose behind this game. I say that precensorship is necessary for the time being at least to muzzle and control the monopoly press. This is the kind of dangerous role that the press was playing and the consequence is that the other papers belonging to our party and other parties also have to suffer. But, whatever we may say, the circulation of our papers is minimal or fractional compared to the mighty press owned by the Birlas, Tatas and Ramnath Goenka and such gentlemen. How can we compete with them?

The reflection of all this is now in the Western press. And now the reflection is seen in the West German and American presses as also British press carrying on their vituperative campaign against our country and against Mrs. Gandhi's government. They are writing every day. But, I have no time to quote all these things. It is very interesting. But the actual administration or working of the censorship should be at least intelligent. After all, censorship is imposed for a particular purpose. It is imposed for the purpose of weakening the rightist forces and for strengthening the forces of the people, democratic forces. It must be used for that purpose only and it must not be used in a stupid, wooden headed and bureaucratic way. It is happening and complaints are coming that the people are taking advantage of this. Somebody told me that he had come from the United Nations and in the UN, the impression is being given that in the land of Indira Gandhi, Jawaharlal Nehru and Mahatma Gandhi and Rabindra Nath Tagore have become taboo because the quotations from them are being ruthlessly cut by the censors. This is being taken advantage of not to our benefit at all. Therefore, I would say that on the one hand we are not allowed to publish anything to expose the vested interests by name – I would like to expose some places which have been raided in Calcutta and what was found there and who were the people involved. But the names are cut out by the censors. Take for example the *Ananda Bazar Patrika*, a big combine. There, an overnight raid had been carried out. The raid has been carried out there but can any paper publish

the news that *Ananda Bazar Patrika* premises were raided and they found such and such thing. I cannot publish the names of persons who are indulging in lockouts and layoffs. What is the point of censorship? Against whom is it directed? So, sir, I suggest that some sort of advisory committee or some sort of editorial committee be formed which will constantly review the work of censorship and attend to complaints which come to them and reformulate and modify guidelines as and when necessary so that this kind of stupid and unintelligent censorship does not take place. I hope the ruling party – because they have to take the initiative in the matter – will get down seriously to the task of doing something and not just talking. Time for talking is over. Stop talking now. It is a life and death question. Do something for God's sake. Mobilize your people and tell them to go down to the masses and do some political campaigning. Fulfil the land distribution programme.

Reference

Lok Sabha Debates, Vol. LIII, cc. 110-28.



LAL KRISHNA ADVANI

Misuse of Mass Media

8 August 1977



As the minister of information and broadcasting in the first Janata government, L.K. Advani moved a motion for the House to consider the White Paper on the misuse of mass media during the Emergency. Freedom of expression, he said, was an article of faith with the Janata party government.

Members opposite need not be worried. I am not going to take long. I have just a few preliminary remarks to make. I have no intention whatsoever of trying to paraphrase this white paper which is eloquent in itself, which has its own story and which I do not propose to reiterate or paraphrase.

But I would like to say something about the background of this White Paper and the shape it has assumed and why it has assumed this shape. I can anticipate that very many of my friends on that side and this side will repeatedly tell me that this is inadequate, this does not cover the whole ground, that the mass media has been abused to an extent which, as the white paper itself has said, is inconceivable

in a democracy and the extent, and the words which have been used, has not been shown fully and, therefore, very many of my friends who have been meeting me have been pointing this out. It is this that I want to explain because when the issue of excesses of emergency was being considered by the government and it was proposed to appoint a commission under the Commission of Inquiry Act, the terms of reference for that commission were being framed, one of the issues which the government had to discuss at that state, and the consideration at that stage, was whether the terms of reference should include the abuse of the mass media. At that stage the government felt that while the other spheres of activity which have been included in the terms of reference by the Shah commission need a thorough inquiry, need a thorough probe, need an examination of both sides of the picture, e.g. there are allegations that persons who were fifteen years old were forcibly sterilized, that those who were seventy-five years old were forcibly sterilized and then there are allegations that certain persons were tortured, there are allegations that lawyers who appeared as counsel for detenus, were arrested for that reason. Now all these are matters which can be established only after a thorough inquiry. You have to call for evidence, you have to hear both sides, you have to hear the government's point of view and then only it can be established. And this whole process is bound to take a few months/several months, if not a year or more. It was felt that so far as mass media are concerned, prominent among them being those which are under the control of government like radio, TV, censorship of films, release of raw stock, various institutions pertaining to cinema in which case there is no need of going through an extensive and prolonged judicial enquiry. The records are there to speak for themselves. Why can the ministry of information and broadcasting not bring out a white paper on the basis of what is available there itself?

Of course, you can invite from the people, from the press, from the cinema world or from the media whatever complaints they want to make and on that basis you see what corroborates the records.

I can tell you frankly that I myself know about so many things which are not there in the white paper. I know about them, but just

as a judge knowing something does not take cognisance of it, he can take cognisance of it when the whole process that is necessary to do justice, to be equitable and fair, has been gone through. And if that has to be gone through, what I know on the basis of my personal information or what has been merely complained of orally to the government, I cannot take into account. If I did, then the process could not have been that sharp.

Let the Ministry of Information and Broadcasting compile all the facts that are available, which cannot be disputed and bring those facts together in the form of a white paper. Whereas all other things which before they can be established as facts have to go through certain processes, have to go through a stage of enquiry. They can be referred to the Shah commission. Let the Shah commission examine them. This is the reason why many of you would feel that what has appeared in the white paper is inadequate. It does not cover the whole ground which I do not dispute.

Mr. Mavalankar now and earlier some other members had urged that the Das committee report which is the basis for this White Paper also be made available to the members of the House. Day before yesterday I had directions from the Speaker in this regard and it was made available. Although my own feeling was that an inquiry committee report as such which had already been called for by the Das commission, has been called for by the Shah commission. The Shah commission has also called for all the records, all the files that have been gone through by the Das committee. I felt that that could be left to the Shah commission. What I have included in this is something which is undisputable.

There are certain departures also. One departure is that having established that the abuse of mass media was because of the government then in power, having established it to the hilt, that right from the prime minister to the minister incharge of this department at that stage, they were all directing the whole thing and it was under their direction that this abuse of mass media took place. I felt that the simple concept of ministerial responsibility and official anonymity should be adhered to so far as the white paper is concerned.

The Das committee mentioned several names, and designations of officials. I felt that except where it is necessary, we may refer to it otherwise we may attribute to the ministry as such. That is the difference between this and the enquiry committee report. Also, after the Das committee had completed its work, the ministry itself came across certain files and papers here and there which gave material which has been incorporated. It is not in the committee's report. Therefore, it is mentioned, predominantly on the basis of Das committee's report and certain other material also which is available in the record...

The Das committee report has been made available. Regarding other materials, there are certain documents of the government which cannot be made available.

As I said earlier, if I were to go into every one of these facts and chapters and editorialize the whole thing, it would take a long time. What we have done is this. If you carefully go through this white paper, you will notice that except for the caption 'misuse' which has been deliberately used, there is no other change. It was in fact in the terms of reference of this committee because about that, there was no doubt whatsoever. The other chapter is captioned 'Approach to Media'. Those are the portions, that is, the first 'caption' and the 'Approach to Media' where there has been some kind of value judgement attached to it. There has been some kind of editorializing, so to say. Otherwise, the rest of them are all cold facts, no comments, no value judgement. In fact, there was some value judgement or comment in the Das committee report. We saw to it that that is also excluded.

Let the people, let the Parliament, let the press, let the media themselves, make their own judgement. They made their own judgements and the judgements which have appeared are very clear. Even though some may characterize them as inadequate, even though some may characterize them as the 'tip of the iceberg', what has come out really makes one shudder at the horrid state of affairs – nothing short of it – that such things should have been done.

Therefore, I want to plead with the House that this White Paper should not merely be regarded as an indictment of what has happened in the past, but it is much more than that.

This is intended to arouse the democratic conscience of the people. This is intended to make them resolve and to make them pledge themselves that this kind of a thing shall never happen again....

Please bear with me and I can tell you this. I was telling this to my friend on the other side when he pointed out that in certain cases on television and radio some publicity was given to me or to government and that the Opposition was blacked out. I said this. I am telling you again. There has been an earnest attempt during the last four months to see that the mass media behaved in a balanced manner, in an objective manner. Despite these things, when there were lapses here and there, when they were pointed out to me, I had corrected them. And the only explanation is that 'sometimes habits die hard'. That is the only explanation that I have to make.

We are not going to do it. Just as my hon'ble colleague, Shri Ravindra Varma said, while piloting the other bill that 'that bill has nothing to do with the attitude of the Opposition', similarly here, as far as this government is concerned, its attitude to democracy, its attitude to democratic values (including the most precious of these values, freedom of expression and freedom of information which were completely subverted by this abuse of media) is that freedom of expression is not just a political issue, but, it is an article of faith with this government.

Right from the beginning, ever since we have assumed office, every single pledge that we have made is being fulfilled and I am feeling very proud to say this. It has been said that something should be done for converting the radio and television into autonomous corporations, and freeing the news media of government control of any kind. All these things are certainly being given effect to.

I would like to appeal to those opposite to think as to what has happened during those nineteen or twenty months. I think you will accept this that it was an aberration. Let them realize that this was the result of a tendency towards authoritarianism and dictatorship. You cannot say that it was necessary as some people still go on saying that, if a similar situation arises as obtained in June 1975, again there will be an emergency. We are still being threatened by emergency. I am sure that that viewpoint does not represent the viewpoint of

the Congress party. I hope at least that is so. I hope that voice is a lone voice and it had no support during the course of these nineteen months. There was an important issue in an important case that came up before the Gujarat High Court. It was the case of *Bhoomi Patra* in a sarvodaya journal, which was subjected to censorship and virtual banning was ordered. When they went to the court, a very remarkable observation was made by the Gujarat High Court justices I.D. Mehta and S.H. Sheth. I quote what they said:

The very foundation of the dictatorship lies in the strong desire on the part of an individual or group of individuals to entrench themselves into power for ever regardless of what the people want or desire. Such a desire on the part of an individual or a group of individuals can be successfully achieved only if he or they are able to sell the idea.

How does dictatorship come about? How is democracy converted into a dictatorship? This is what the court is trying to analyse. I quote:

If he or they are able to sell the idea either by press censorship or otherwise by completely controlling the mass media of communications, that what they did is always correct and admits of no error...

This is what the outgoing government tried to do or, if I exclude the government, the caucus tried to do, thanks to vigilance of the people, thanks to the commitment by the Janata party to the whole nation, to freedom of expression, freedom of information, that this had not come about.

Sir, on this occasion, well, may I initiate a debate on the white paper? I have nothing more to say except that I look forward to this debate on this white paper, a debate associated with it, strengthening the commitment to the people the freedom of expression and freedom of information.

Reference

Lok Sabha Debates, Vol. VI, cc. 123-8.

C. SUBRAMANIAM

No-Confidence Motion

12 July 1979



The senior statesman from the Congress party, C. Subramaniam participated in the debate on the motion of no-confidence in the Janata Party government and presented a severe indictment of its poor performance during the two years.

When I was listening to the debate, I had a sense of sadness creeping over me because today, what is at stake is our democracy, what is at stake is our secularism, what is at stake is social justice and also the very integrity of our country.

The Janata government started with all the advantages in their way. They had a fund of political goodwill and, if I may say so, there was a good bit of my personal goodwill also because I thought this might perhaps lay the foundation for a healthy democracy in our country; another party had come with an absolute majority and if only that party would function in the proper way, then, more than anything else, this would lay a sure foundation for our democratic functioning. Apart from the political goodwill, they had

all the positive economic factors – a foodgrain reserve and, more than that, a dynamic industrial structure. If you look into the history of particularly the public sector industry, I had been in charge of it and I know what vicissitudes it had to pass through, but we thought we had got over these problems and I was proclaiming in this House that we were in a position to say that the public sector was much more efficient than the private sector. That was the achievement. In addition to that, may I say they also had the advantage of seasoned and experienced leaders. There was a person like Morarjibhai to lead them; there was Babuji and there was Shri Charan Singh. They are all seasoned hands. But not only had they seasoned hands but they had new talent also – I see sitting before me the mercurial George and various others. In spite of this, within two years, what is the picture today? Can they honestly say they have improved their position?

Can they honestly say they have maintained their position, I ask, with all respect to my friend Mr. George who says it has improved. I hope that would be answered later on: I do not want to go into it now. But then, leave alone the various sections of people which my leader mentioned, have they maintained the confidence of their own party, I ask? Why is it that today so many people are coming out of that party? I am sorry I do not find the president of the party here. Can the president of the party stand up and honestly state here that he has confidence in this government that it will deliver the goods? He cannot. This is unfortunately so whether they realize it or not. If there is some self-realization, then there is some hope. I want to tell them that their credibility is at the lowest ebb.

You may accuse us. But they should do better than what we did.

Why has this happened? We should look into it. First of all, the initial mistake was to consider themselves an integrated party instead of realizing that they are a coalition. A coalition government has to function with certain norms and conditions. A single party government with acknowledged and accepted leadership has to function in a different manner altogether. But unfortunately they thought that they had got themselves integrated and, therefore, they started functioning as a single-party government with accepted

and acknowledged leadership while, as a matter of fact, they were still a combination of various parties and the various parties continued to maintain their identity – even as late as a few days ago, Mr. George Fernandes had called a meeting of the Socialist party members. What has happened because of this? If you apply the norms of a single-party government to a coalition government, it is bound to create difficulties and it has created all the difficulties. I have a great admiration for the people who belong to the Jan Sangh and the RSS. They are very clever people, and they took advantage of this position: they wove themselves round the prime minister and began to get all the political advantages. Whereas the gubernatorial jobs which mean nothing had been monopolized by one group.

Whoever it might be. The Jan Sangh – of course, the RSS for all practical purposes they say, is outside the game of the Janata party; that is another clever move – took full advantage of the position and was going on gaining more and more political advantages. And that was the fear which had taken hold of, leave alone the minorities and others, the other sections of the Janata Party, wondering what this would lead to in the next general elections, whether they would at all survive or they would be dominated by the Jan Sangh. Unfortunate developments took place. The prime minister almost became a captive prime minister of persons belonging to my hon'ble friend who is walking in now, Mr. Vajpayee. If you analyse many of the difficulties that had arisen within the Janata party, you would find that this is the main reason. I submit this because we have to learn by experience; we should understand the realities of the situation instead of imagining that something had already happened, the integration had already taken place. This is one thing which will have to be kept in mind.

Then, the other thing which is creating difficulties for them and which will continue to create difficulties for them is that they promised everything to everybody and, therefore, everybody expected everything to happen not in the course of time but as quickly as possible and for each section in the community there are patrons in the Janata party government in various groups.

Naturally, even if God, as Mr. Morarji Desai believes, is with him, it is impossible to fulfil the expectations and aspirations of all sections of the people or even a small section of the people. Therefore, what they have created is a disappointment in every section of the community today and that is what we are finding today – the unfulfilled aspirations and expectations coming up and boomeranging on them. They have not forgotten the fact that they are in government today and, therefore, they have to play the game of the government. Instead of that, even ministers, have started addressing meetings saying, 'Yes', you may go on strike and I am prepared to back you up. How can such a thing happen? This is the real difficulty. And Morarji *bhai* claims himself to be a disciplinarian. If this is the sort of discipline which is being maintained at the cabinet level, it is no wonder that indiscipline is seeping through the entire community today. Take any section of the community today – where is the discipline? Start from the Parliament downwards or from the cabinet downwards – everywhere today we have this indiscipline sweeping through and how can an indisciplined nation come up and particularly, a developing nation? In that, who is to provide an example for others to follow? No doubt all of us have got that responsibility, but, certainly, the cabinet has the first responsibility because they are governing the country. But they have proved themselves an indisciplined lot, each accusing the other and then quitting. And because for that very indiscipline you give him a higher status, then naturally everybody else thinks perhaps this is the way to get advantages. And that is why the pressure groups have started functioning.

And the pressure groups – initially they are all children they have given birth to – all these problems and it is no use blaming us and whenever this pressure comes, immediately the prime minister takes a strong attitude 'I will never yield to this'. Take the bank employees who are at the highest level of the wage structure. When they wanted to create difficulties, naturally he took the attitude, 'Nothing doing'. But what happened? Within a few days only, thirty-two crore rupees were given away to them. 'Within this thirty-two crore rupees you must be satisfied.' Is this a small sum? Naturally, the best way to

obtain any concessions or to have any demands met just for the asking, whether it is just or unjust, is to apply pressure and that pressure is being applied in all spheres. This is the dilemma today.

Somebody put a question, 'What is your attitude to bonus?' It is not a question of giving bonus or increased emoluments. But should we not have some relation to performance or productivity? Can we go on increasing wages by way of bonus and other concessions? That is their demand – without reference to performance or productivity. Therefore, as far as bonus is concerned, it should be a bonus for better performance and for better productivity. Therefore, let us have some norms and let us have a national consensus on this.

Every person has to perform at least at this minimum level. Over and above that, if there is performance and, if you think in terms of providing more incentives for the better performance, do it. But, what is happening today? The performance is going down; but the payment is going up and up. This is the surest way for inflation. If what you have got down for Rs. 100 now you have to pay Rs. 120, it is the surest way for devaluing the rupee. If the cost of a product produced earlier was one hundred rupees and if it costs now Rs. 120. To that extent, you have devalued the rupee. That is inflation.

Therefore, it is not the problem of the Janata Party government but a national problem also. Are you approaching this as a national problem? Are you even approaching it as your party problem or a cabinet problem? No. It is all individual ministers' problems under the cabinet of Mr. Morarji Desai. This is the real difficulty. And this is what we are now asked to face. The industries minister says that 'I have injected dynamism into the industrial sector and so, production is going up.' Somebody said that he is a minister for by-elections and bonus. I think we should add one more thing – statistics – manufacturing statistics. Apart from any other thing, what is important is not mere growth alone, but the content of growth is also important. Today you want coal. You say that you have improved the production of coal, but coal is not available.

Coming to power it is claimed that you have put up 2,000 MW extra during the last year and another 3,000 MW extra this year. But power is not available. Then you immediately blame that this

is due to the previous government. No. You do not know how to maintain or how to service what you have and how to get the best out of what already exists today. This is the real difficulty. There is underutilization of capacity everywhere. That is the main difficulty. Immediately you are going to import two million tons of steel. And everything has got to be imported. Coming to transport, the transport minister is not here. I now find that Shri Sheo Narain, railway minister, is here. He says that transport – rail transport – is working on its speed. When I say railway, it includes ports also. The coal minister blames the railway minister and the railway minister blames the coal minister and the steel minister blames both of them. Where are we? Can you not bring about some coordination between these three ministries under your control? Can you not have some sort of rational coordination so that there is production of coal and transport of coal and there is availability of the same at the point where it is consumed?

We have also had high level committees at the official level. There was a cabinet subcommittee. But, what is the position today? Everywhere you are saying that where there are power projects, coal is not available or where there is coal availability, you say there is no power project. I think there is completely no infrastructural facility anywhere. But the industries minister goes about saying so.

I have done a miracle, he always boasts. Take the National Textile Corporation. For the first time we have earned a profit. But, does he know the state of the textile industry during the last two years? Even the worst mills were making huge profits. And your 101 and odd mills have made a profit of Rs. 3 crores only and you boast as if they are minting money. As far as textile industry is concerned, they never had it so good but you are getting only a small fraction – a pittance. But you say you have done a miracle in the National Textile Corporation.

But the most unfortunate thing here is the nonrealization of the realities of the situation. And if you go in this way. What would happen? Take for instance agricultural sector. You are all claiming that you are now producing 125 million or 120 million tonnes. Success always has many fathers, but a failure becomes an orphan!

I do not want to claim that I have done it or, after me, Babuji has done it. Even, if it be so, that it is only the Janata government which has done this miracle. But you should realize today as to what is happening in the agricultural sector. What is the price that you are giving to the farmer? You have fixed a hundred-odd rupees for wheat. But you go to Uttar Pradesh market where in fact the farmer is selling it at ninety. It is the trader who is getting it and perhaps passing it on to FCI with a big margin as profit.

Take various agricultural commodities. In my own state they were not even able to harvest onion and, therefore, they just allowed it to go waste. In the same way potatoes. Therefore, increased productivity is now giving decreasing returns to the farmers. The sugar industry is in a mess today. We thought it was in great surplus. I tell you if the things go on in the same way without being mended very soon, you will have shortage of sugar in our country. This is how the economy is being managed but still the general illusion they go about creating saying that we had never had it so good. We are doing the best possible. But individually you ask the minister he will say as far as he is concerned everything is going alright whereas everything else is going to the dogs. Therefore, do not have a double face. In one place say one thing and coming to Parliament to defend yourself say completely other things. This is the real difficulty today.

Sir, it is not for the first time but even during the budget session I said that for God's sake perform better. Come together in the interest of the country and I said we were all interested in your success. But what has happened? You are disintegrating and we have just seen a disintegrating system, what a threat it could be! A disintegrating skylab was a global threat. A disintegrating Janata Party is a national threat. The skylab threat got removed only when it fell to the earth. In the same way it is only by the fall of this government that this threat could be removed and, therefore, when hon'ble members appeal to us that we should withdraw the motion in the national interest, the national interest truly today is that this disintegrating system should come to earth as early as possible and something else should crop out of it. The nation has a little more confidence left in our political system today and therefore, I would

appeal to the prime minister – after all he is a senior politician who has made a great number of sacrifices – to set an example and that example could be for the betterment of the nation as a whole and, therefore, we are expecting something big from him. Let him give a new lead and a new direction where we efface our self-interest and look only at the national interest. It is in this context that we have moved this motion and I have no doubt in my mind that every party here and every individual here with national interest in his heart would vote for this motion to ensure that this disintegrating system – brought to earth as early as possible.

Reference

Lok Sabha Debates, Vol. XXVIII, cc. 263-9.

N.G. RANGA

Centre-State Relationship

29 April 1983



Dr. Subramaniam Swamy moved a resolution on centre-state relationship. He wanted it to be reshaped to give greater say to the states in their affairs. Professor N.G. Ranga made a well-argued and forceful plea for a strong centre in the interest of all-round economic development and national unity and integration.

Mr. Deputy-speaker, sir, I am inclined to agree with the general trend of the stand taken by Dr. Subramaniam Swamy. When we were framing our constitution, in the beginning we were all keen in leaving the maximum power with the states and not only minimum power, but also minimum departments with the centre. But as we went on discussing these things by months, as it were, the trend of opinion began to swing more in favour of the centre. Why? We wanted the centre to be strong, the country to be held together; there should be more and more integration; and the states will have to fall in line only to help the people, to have more and more decentralization of power, in regard to social and economic development so that

people would be able to feel a greater sense of belonging when it comes to the settlement of their own day-to-day problems: And the production of deliberations is our constitution.

As Dr. Subramaniam Swamy has said, it is neither American nor English, but then he stopped short of it, he could have said that it is Indian. It is something special for our country, and this is a thing which every country, half as big as ours, loaded with as many social problems as we are, would have to adopt.

And it is no good for our people to depend on the Rajamannar committee or these various demands that are coming now from several of the states which are not being governed by the Congress party, we could have had very much more of unity and very much more of cohesion if only the power that was given to the centre and the central leadership by various states which were competing with each other in regard to their border problems had been exercised quickly and sagaciously. But unfortunately somehow or other, because at that time the Congress party was in power in almost all the states and the local Congress people were more keen about their own localisms and local parochial priorities, the national leadership was not prepared to assert itself and decide these matters. It happened like that in Maharashtra and Karnataka. Till today it is still hanging fire. A few villages at this side or a few villages at that side would not have mattered much. They could have easily transferred one or the other and made peace with each other.

But the national leadership somehow lagged behind. Why? It lagged behind because the national leadership did not wish to upset these people who were parochial-minded. They were unpatriotic although they did not realize it. They were playing ducks and drakes with the sense of national unity and their own duty towards the country and the national leadership also did not play its role. The same thing happened about Chandigarh also. Heavens are not going to fall if Chandigarh is given away to somebody. Why should these people go on quarrelling that Chandigarh should be divided into two? A city has got its own personality. It has its own civic entity. It should not be cut into pieces. It is like a human being and yet they want to cut it, like the Germans quarrelling over Berlin. It makes

no sense at all. When they were dealing with thousands and tens of thousands of crores of rupees in the budget, a hundred crores this side or that side will not matter very much. A hundred crores would have been given to Punjab and Chandigarh could have been given to Haryana or vice versa. Why these people should be allowed to quarrel to this extent in this manner is something which baffles me.

Now, Tamil Nadu and Andhra Pradesh have set an example for the rest of India. At that time they had courageous chief ministers. They settled their border problem because they were able to assert themselves in their own areas and then keep their own followers under control. Now, we have had these goody-goody leaders at the state level and they could not make peace amongst themselves and control their own followers. And, sir, we also know the result. You also come from that troubled area – Gulbarga.

Hubli and Gulbarga, anyhow, and Kannadigas claim it. What does it matter, if it is allowed to remain with Karnataka? Heavens are not going to fall, as I said in regard to Chandigarh. The same thing is applicable there also. So, this is our real trouble.

Secondly, in regard to finances, what is the use of the West Bengal government and other people simply saying that they are not getting enough money from the centre. The centre has got all the elastic sources of revenue and they do not have enough of it. If they really feel like Indians – a hundred per cent or fifteen per cent as they should be – they should feel happy that the centre is taking all the blame for levying taxes and they are allowed to raise only simple duties here or a cess there in a kind of municipal fashion and they have a merry time and they are free from the responsibility. They can say, since we do not have enough money and the centre is not giving enough money, therefore, we are not able to do this. In that case they can play to the gallery very conveniently. If by any chance, or mischance, the Sarkaria commission or any other commission were to give greater powers to these gentlemen at the state level, not only West Bengal, my state or any state, and place upon them also greater burdens of responsibility, i.e. of catering to the growing social and economic needs of the people, whoever becomes the chief minister of any state would not be able to thank these commissions

at all, because he would have to raise more money; he would become more unpopular. Raising money has never been a popular function of any government.

Therefore, it is good that the constitution has placed at the disposal of the central government greater areas of taxation; and the central government has been bold enough to raise this taxation. All this money is here; it is for them to take it. When they take it, they have to play their own responsible role. Many of the states do not do that. The Centre must have found it. They chafe at it. That is why the Centre said — with regard to the Food for Work Programme, fifty-fifty.

Only yesterday, somebody was finding fault with the central government, because so much money, viz., three hundred crore rupees or something like that, was spent in the states where the response from the states was better; and, therefore, their work was better and they deserved this additional support from the centre; and this money was given to them. Mr. Chitta Basu raised it. This is my answer. There are states which are not prepared to play the game, and do their work. Therefore, they do not deserve this fifty per cent from the centre. That kind of a system can be developed. If it is not fifty per cent it can be seventy-five per cent. But anyhow, we are going to share.

Take education, for instance. For the whole of India, we have to develop our educational system. How can we do it, if we are to give a vocational turn to it? Crores and crores of rupees will have to be spent on each district. Wherefrom is that money going to come? Supposing money is there at the centre, and it is provided to these gentlemen; and they begin to play ducks and drakes with it. Are we to understand that the centre should not have any power at all?

Dr. Subramaniam Swamy has put his finger rightly on the new development of unity in the country. There is a much greater sense of national integration today than there ever was, especially at the time of partition, you remember. They are all united. Fortunately for us, we are a big enough nation. The leadership is also there. Some people may feel sensitive about one particular name. It was not only Jawaharlal Nehru who was our national leader. A number of

members of our Congress Working Committee were national leaders. We came to recognize them. Thereafter, Lal Bahadur Shastri was recognized as a national leader. So were Rajaji and Rajen Babu. Mr. Morarji Desai himself was also honoured as a national leader wherever he had gone, long before he had become our prime minister. Several of us have worked in the national political scene in our country for decades. In this way, we have built up the atmosphere of unity.

Now Dr. Subramaniam Swamy has been speaking with his own personal experience. It is because he has been going round and speaking to people in Hindi that he is able to say today that Hindi is a link language. Otherwise, would he be able to get any gathering of people in any one of these linguistic states? It would be impossible; but that does not mean that I want Hindi to be imposed upon the rest of the people at the point of a political bayonet. As even some of our strange, what should I say, underdeveloped and undereducated members also go on shouting from day to day, we cannot have any link language in this country at the point of a bayonet. We are bound to have it because of our sense of national unity on the one side, and because of development of commercial unity on the other. Because of its growing impact, it is bound to come. Hindi would come. In the meantime, we need not deride English.

Go to Nagaland; English is their language. Go to Meghalaya; English is their language. Our friends from West Bengal are proud of their literature. So am I about mine. You are also proud of your own thousand-year-old Kannada literature. Hindi has not developed any literature as yet. But Hindi is growing in a vertical fashion towards the sky, and no other language can possibly compete with it in our country. See the number of books that are being placed in our own library, from the other languages and English. Compare them. Therefore, it is a growing language; it is a binding language for all of us; it is our girdle. Let us help it. I make an appeal to the friends who hail from Hindi-speaking areas not to be so mad as they are, as they seem to be. To expect a man like me to learn to speak Hindi now and to be as good a member of Parliament here as I happen to be when I speak in English, is

a mere impossibility. Therefore, let them have sympathy for us and admiration also for us, because we put up with them. Therefore, they have to put up with us....

Then the question of the court has been raised by one of my hon'ble friends. That is a power that the centre has not exercised so far, but it would be a good thing for the government to begin to think how they can possibly exercise that power without upsetting newly developed sentiments of parochialism of so many of our people.

Similarly, zonal councils also, we hear about, there appeared to be some importance given to them. Afterwards, they were established. Where some of us were going they seem to have lost their importance. We can put some life into them (*sic*).

Then there is a question of the interstates river water dispute, in regard to flood control also, in regard to distribution of electricity and so many other things. We should not give a veto power to the states. The centre should assert itself. It is high time to do it. Fortunately, for us, we have a prime minister, who has been providing national leadership for well over fourteen years; and for another six to seven years, we will be able to have the benefit of such a leadership. This period is the best possible period for us, when we can assert the central authority – what should I say, the majesty of the nation's unity in our country. Otherwise, afterwards, I do not know what party would be coming into power in different states and in what way and how they would be able to come together, God only knows, because we find here some people seem to be pulled towards the West; some people are being pulled in another way towards the East; and these people may be quarrelling one with the other and those people also would be having their finger in every pie, as they are doing it now in some of the north-eastern states and in Punjab also. Before those secessionists, separatists, obscurantists and unpatriotic elements gain too much power at the state level, I make this appeal to Indiraji, to the Government of India, to take courage in both hands, and not to be bothered about the kind of reaction that may arise in the different states and assert, as I had said, the majesty of the nation's unity; it is not the property of any political party.

I was very unhappy the other day, when we were discussing the Punjab problem. I did not find that sense of national consensus of unity taking shape and then giving strength to the central government. Whose central government is it? Is it not our central government? Whose prime minister is she? Is she not the prime minister of the whole lot of our people? Just because it has pleased us – we think it is our national duty also – we have formed ourselves into different political parties. That does not mean that we are going to be so disloyal to our own constitution, to our political system here that we are not prepared to accept the prime minister as our national leader.

When I was in the Opposition I was one of the Opposition leaders for some time; also I happened to be the principal Opposition leader here. I did not take that line. Every time, when such a question as this arose, I took the stand as an Indian, not as the leader of a political party, the Swatantra party. I did not witness that atmosphere the other day. And it made me feel very unhappy. I sincerely hope, sir, and I am glad that this opportunity has come thus, it has been given to us, by the mover of this resolution. I sincerely trust that our prime minister would make up her mind; her ministers would strengthen her, and we also will help her to make up her mind, and all our people also, of all political parties here also will try and help her and make her feel the reality of the national leadership and begin to assert the powers that are given to the centre in order to ensure and strengthen national unity.

Sir, what I wanted to say is, no doubt, we are borrowing from abroad. That is where I could not agree with Dr. Subramaniam Swamy. We are borrowing money. We have to borrow money. Some of our leaders, our friends have spoken about multinationals. We are also a multinational. Go to Africa or any number of African countries, or nearer home, Eastern countries. You will find our people there. Are we not encouraging our own business people to go there and start various industries? Were we not taking pride the other day, taking the credit during NAM summit here, that we are making our own contribution for the development of those countries? Therefore, why be afraid of those multinationals? Let us

have confidence in ourselves. Invite anybody, any entrepreneur from any part of the world to come here with the latest technology and to develop various kinds of industries here. Certainly, we would take care. We have taken care also when Jawaharlalji was here, I was a member of the planning committee at that time. We all took care, I was the man who moved the industrial policy resolution in AICC and also in the open session of the Congress and we got it passed. We do not want anybody else to control here. But at the same time, we are not prepared to keep out any entrepreneur from anywhere to come here, make his own experiment and make his contribution and take a legitimate profit for himself, as we would expect our own entrepreneurs also to make legitimate profits in other countries and over here in our country. We are opposed to neo-imperialism; we are opposed to the conception of imperialism – economic as well as social, but nevertheless, we must be prepared to welcome strength, support, cooperation from all over the world. And at the state level, our friends should be prepared to welcome, to a much greater extent and in a more intimate sense, much greater strength and support and intervention and leadership, as I have told you, on behalf of the majesty of national unity.

Reference

Lok Sabha Debates, Vol. XXXVIII, cc. 366-73.

GEORGE FERNANDES

A Savage Law

13 August 1984



Under Article 123 of the Constitution, the president may issue ordinances during recess of Parliament. An ordinance was issued on 21 June 1984 amending the National Security Act, 1980. This was for the second time that the Act was sought to be amended by an ordinance. The purpose was to make the provisions of the law more stringent, give more power to officers to detain persons and to protect orders of detention from invalidity on grounds of national security. George Fernandes, a prominent socialist, trade union leader and well-known parliamentarian made a scathing criticism of the ordinance while moving for the Lok Sabha's disapproval of the ordinance.

I beg to move:

'This House disapproves of the National Security (Second Amendment) Ordinance, 1984 (Ordinance No. 6 of 1984) promulgated by the President on the 21 June, 1984.'

Before making my case why I oppose this ordinance, I would like to deal with the statement explaining the circumstances which had

necessitated the promulgation of the National Security Ordinance 1984, which the hon'ble home minister presented to the House on 25 July. So, in the statement, the home minister says that the ordinance was necessitated because the state governments have been asking for amendments to certain provisions of the National Security Act in the light of the practical problems that have been encountered in implementing the provisions of the act, especially in areas where conditions are generally disturbed. The National Security Act was passed by this House in December 1980 following an ordinance that was issued in September 1980. Between September 1980 and April 1984, in other words, for almost a little over three-and-a-half years, the state governments, the central government and all those who must have been concerned with implementing this law, must have been concerned with the changes that this law needed according to their wisdom. In April, 1984 when the government came forward with a bill to amend the law and that bill was passed by this House again – thanks to their streamroller majority over there one would have assumed that whatever suggestions and recommendations, etc., in order to streamline this law and to make it more effective must have been received by you. What is that happened between April 1984 and 21 June 1984, *i.e.* about two-and-a-half months time that makers of the state government suddenly realize that things were not working properly and this law needed amendment a second time and this ordinance was promulgated?

I go to the second part of the explanatory statement. It says that the extraordinary situation which has arisen in certain parts of the country also necessitated immediate action in the above direction to enable the government to deal stringently with anti-national, extremist and terrorist elements as also for enabling the concerned authorities to take preventive action which is required in the prevailing circumstances and larger interests of India. If there is an extraordinary situation prevailing in certain part or parts of the country – I am assuming, the minister has perhaps, the situation that the government has created in Punjab, in mind – should the entire country be subjected to or should the people in other parts of the country where this extraordinary situation was not prevailing be

subjected to an amended law which I am going to submit to the House is the most savage piece of legislation that has been introduced in this House so far? I would, therefore like the home minister to be very specific in regard to the statement that he has made and clarify both these points.

In so far as this law is concerned, I do consider this to be an extraordinary piece of legislation, which in my view, once again, clubs India to sit in the same club as the banana republics of Latin America and also Marco's Philippines and such other countries where the rule of law generally does not prevail.

Look at clause 2 of this bill that has been introduced.

'5A. where a person has been detained in pursuance of an order of detention ... under section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly.'

- (a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are —
 - (i) vague,
 - (ii) non-existent,
 - (iii) not relevant,
 - (iv) not connected or not proximately connected with such person, or
 - (v) invalid for any other reason whatsoever, and it is not, therefore, possible to hold that the government or officer making such order would have been satisfied as provided in section 3 with reference to the remaining ground or grounds and made the order of detention;

This is why I said that this is the most extraordinary piece of legislation that has come from a government that has had never much respect for human rights, civil liberties, and, for that matter, even the rule of law. Further, in section 5A(b), the new law suggests that—

'(b) the government or officer making the order of detention shall be deemed to have made the order of detention under the said section after being satisfied as provided in that section with reference to the remaining ground or grounds.'

In other words, what the government is now trying to do is to empower the detaining authority and as we know, under this law the detaining authority can be anyone from the Government of India to the state governments, home ministry to the superintendent of police at the district level, or the district magistrate. You are today giving them authority to detain a person on grounds that are vague, and I want the House to understand this perfectly that by this law you are telling the district magistrate, you are telling the police officer that he can detain a man, he can take away from a person his civil liberties, his rights on grounds that are vague, on grounds that do not exist, on grounds that are irrelevant, on grounds that are not connected or proximately connected with such person or on grounds that are totally invalid. I would like to submit with the greatest respect that the government is now acquiring powers which so far at least it has shied from acquiring.

The earlier amendment that was made to this Act in April 1974, enables the government in the first place, to keep a man in detention for fifteen days without even telling him the causes for his detention. They can pick up a man, put him in jail and not let him know for about a fortnight as to why actually he was arrested. You sought powers then and acquired powers in April 1974 to not go before the advisory board for at least six months. In other words, you detain a person even if the advisory board were subsequently to discover that his detention was invalid, that it was illegal, that it was entirely unjustified. You acquired the powers to detain that man for at least six months and you also had then acquired the powers to detain a man for a period of two years as against the earlier provision of detention of a person for one year under this law. What you are now trying to do is that having acquired these powers, you are now creating a façade of legitimacy, through this new amendment you are trying to create a facade of legitimacy over totally irrelevant, invalid non-existent grounds under which you would now like to deny a citizen his liberty and his freedom. This section 5A(b) also raised several interesting points. When you say that the grounds which are considered as legitimate, as valid, your detention under those grounds is supposed to have been made by an officer after being

satisfied as provided in respect of the grounds which are then established, in your own words, to be vague, non-existent, not relevant, not connected or invalid.

I would like the home minister to enlighten the House of this distinction that he seeks to make. Because, among other things, you are exposing your officers also to a certain amount of ridicule, when your detention order says that it has been issued with the due exercise of his mind. But what about those grounds which are subsequently discovered to be falling under section 5(A). While making the detention order under those five different categories of invalid grounds that you have recorded, is the officer supposed to have been at that particular moment, under the influence of drugs or under the influence of alcohol, that there is total dereliction of duty? How exactly do you define the officer's state of mind, or his action? If the legitimate grounds are with the proper application of mind, when they are illegitimate grounds, as I would like to define them for want of definition, in what state of mind the officer is, when he makes an order of detention in respect of the grounds under section 5(A)? I would like the home minister to give us a very categorical explanation on this count also.

When the original bill came before the House, we described it as a Draconian piece of legislation. When you came with your amendment in April this year, we thought that you were bargaining in a certain sense. And I must say that what you have now come forward with in this House is a piece of legislation which is really savage, because the kind of powers that you are taking in your hands are powers that no civilized government can take, and no civilized government has in my view, so far taken the powers which you are now seeking to acquire.

But I believe that this is a part of a pattern. If such a law had not come, I would have been surprised. I am not surprised that you have come with this law. Because, look at your performance in the last four years and each of the laws that you have come forward with, more in the area of human rights, in the area of civil liberties.

First you started nibbling on our Fundamentals Rights and civil liberties. Then you started attacking them with greater force. Now,

it seems to me, that you are really poised to finally destroy any semblance of the rule of law, so far as the Fundamental Rights enshrined in the constitution are concerned. The question is, why is the government doing it and why do they want to attack the Fundamental Rights. My submission is, it is not merely a frame of mind, where the government of the day is moving towards a fascist order; it is primarily the failure of the government in the political social and economic area that is now compelling it to come forward with such legislation.

I do not want to dwell at length on these failures, but look at the political situation that you have created in the country. From Assam, through Punjab, now in Jammu and Kashmir and across the country, you have created political conditions everywhere, deliberately I feel, to meet your ulterior political objectives or political ends, where you have let the people run riot. And having created the conditions, you would now like to attack those who are, through legitimate political means, trying to counter the situation that you have created, and you feel, therefore, that you need a law like this to deal with the present situation, which, as you yourself have called it, is an extraordinary situation.

Then the government has also created conditions where communal riots have become the order of the day, where caste riots have become the order of the day. Again, having created those conditions, we see the results in Bhiwandi, Thana and Bombay and in many other parts of the country, irrespective of which party is in power in which state; because you are capable of creating conditions irrespective of which party is in power, and we see this in Hyderabad and we saw this early in Jammu and Kashmir, before the overthrow of Farooq Abdullah.

We see this everywhere. So, you have created these conditions where communal riots have become the order of the day. In Uttar Pradesh and Bihar particularly you have been creating these conditions where the socially handicapped people – the scheduled castes and the scheduled tribes particularly – are under tremendous attack from your people. Now, you have reached a point today where the state is engaged in total violence against these people. So, at one

level you are creating the conditions of chaos – political and social – and then you acquire these powers so that you deal with the extraordinary situation as you call it.

Sir, I believe that there is another reason why the government is indulging in creating these caste, communal and political diversionary situations. That reason in my view is the colossal or the massive failure of the government on the economic front. I must say as a member of the Opposition in this House, as a person who is a part of Opposition parties in this country, I must say that the government has succeeded famously in diverting the attention of the people from the basic issues which really are worrying the people.

Now, the government has reached a point and time in its own mind where it thinks that it is not possible to carry on with all these diabolic diversionary methods. Therefore, they have come forward with this legislation so that any person who is going to raise the issues which are worrying the people of the country, such people can be dealt with.

Sir, in 1980, the government came with the original law. They believed that this original law was well enough. And I again want the home minister to be very pointed in making my point that in 1980 the law as you enacted, you felt was enough to deal with whatever frightening situation that you believed was existing in our country. Sir, there was no preventive detention law in 1980 when the Congress party was voted to power. Their infamous MISA was repealed by the Janata party government. For the first time for many years in this country there was no law of preventive detention. The people were breathing in relief that they will not be arrested at the dead of the night, that they would not be put in prison without trial, that due process of law in this country will apply to every citizen. And then you came with this law and believed that in its form, in its content, it was adequate enough to deal with whatever situation, whatever mess, as you like to call it in-quotes-unquotes, which the Janata party had created. We are supposed to have created a mess. Every one of your ministers, when he had no explanation to give for the total failure on every front, the only thing he will do was to get up and say that the Janata party and the Janata government

had created this mess. Now, what happened between 1980 and April 1984 in the first place and June in the second place that has made you come forward with this savage law?

What happened in these four years and more? You have to answer this question, because the obvious answer can be that you have created now a mess in which you feel that the earlier Draconian measure is not adequate; that you now need a measure after four years and six months of your magnificent rule in this country whereby you can deny the citizen his Fundamental Rights and you must take recourse to law whereby you can detain a person on grounds that are not valid, that are not relevant, that are nonexistent and put him in the prison without even producing before the advisory board for a period of six months.

Now, why such a situation happened? I mentioned, the total deterioration in the economic situation that has taken place in the country. I know how the Congress and the government benches are going to react to this, because they have the usual claptraps; the Janata party made a mess, the Janata government made a mess and we are now still trying to clean up the mess. That is their usual clap-trap with which they come forward. But there are certain statistics which I need to present to the House. And I am not trying to propound any new theory, but I would certainly like to suggest to the House today that by the measure by which the economic situation in the country is getting deteriorated the government is coming forward with laws and measures that deny to the citizen his fundamental rights, his civil liberties and his human rights. Take the question of unemployment. What is your performance? You are coming forward with this law today denying the citizen his liberty. But let us take your performances in the economic area, and I am taking the question of unemployment. Take your own statistics. Don't take our statistics, because according to our statistics we have six crores of unemployed in India at the moment. But let us take your own statistics, the statistics of whichever ministry that puts out these figures. In 1979 when the Janata government was voted out, or when the Janata government stepped down, according to the figures that your ministry has now put out for March of this

year, the number of unemployed in this country was 1,46,00,000. And according to the figures which you have put out for March of this year the number of unemployed in this country has shot up to 2,26,00,000. Sir, unemployment is social tensions, unemployment is young people particularly those who are coming out of schools, colleges and universities, roaming around desperately without hope, the hope that was denied to them. I was to ask in this House a question exactly a year ago, about this time last year, and my question was, how many young people will be coming out of the high schools, colleges and universities in India during the year 1983 and how many jobs will be created for these educated people who will be coming out of the universities, colleges and high schools? The minister for labour and employment was to answer my question and he was to say that according to the government, four million young people would be coming out of the high schools, colleges and universities during the year 1983 and for the second part of my question the answer was: 'The government is not in a position to say how many jobs will be created for the educated people in this country in 1983'. Of course, the government would never be in a position to say that because it is not creating the jobs that need to be created. If anything the government is creating, it is creating unemployment in the country today closing the textile mills you have all over the country. Over two lakhs of people employed in the textile mills were unemployed. These are social tensions. You are creating conditions for them. The other day the House discussed the communal riots situation, the Bhiwandi question. Who does not know that in Bhiwandi the major issue involved is the economic issue? Powerloom workers are there, the textile workers in the city of Bombay are unemployed; you are creating conditions when such tensions get built up. So when I talk of unemployment of the crisis which this government is creating, I am not referring merely to the statistics, I am talking of the social tensions which the government's policies in the area of employment have created.

At another level, look at the prices index. We were discussing a little while ago the agricultural prices question and, Sir, between 12 January 1980, the day the elections were held – these are the

statistics which were presented to this House a few weeks back – and August 1984, the increase in prices that you have brought about not just with respect to certain items, by the overall increase in prices that you have brought, is again phenomenal. The wholesale price index in January 1980 was 227. You have successfully taken it to 343 according to the newspapers this morning.

In fact, it is 343.6. Now, again it is not merely the question of statistics. And in fact, when one discusses the wholesale price index, the real misery of the people is hidden behind it. If you look at the prices of such essential articles of human consumption like rice, the index which was 191 in 1979, has shot up to 281 in 1984. We were discussing earlier the agricultural prices. The agriculture minister was waxing eloquent about prices being contained on this item or that item and how the farmers are well off, and he was talking about pulses. Sir, gram for which the wholesale price was 239, has shot up to 440. Groundnut oil from 189 to 352, coconut oil from 188 to 517; tea which is the common man's beverage from 245 to 524, fish, I do not know whether the Home Minister consumes it, but there are a large number of people in this country whose quota of protein comes from fish, from 259 to 433, meat from 239 to 406, potatoes, again ultimately an essential 88 to 160, another essential item like kerosene is up from 272 to 346.

I am making this point of rising prices and rising unemployment to drive out another point and I intend giving statistics. The figures that I have presented to the House indicate that in the area of unemployment, you have in the last four and half years nearly doubled unemployment in the country. In the area of price you have also nearly doubled. In certain items of essential commodities you have more than doubled the prices and against the backlog of this doubling of unemployment and doubling of prices emerges the statistics which one must take from the home ministry record that between 1979-80 and 1984-85 the police budget of the Government of India has also doubled. Your police budget was Rs. 242 crores in 1970 and from Rs 242 crores your police budget in the current year 1984-85 is Rs. 487 crores. This is the nexus. This is the backdrop against which we have to understand this

attack on human rights, on civil liberties in which the government is indulging. You create political problems. You create social problem in order to divert the people's attention from the economic problems and then when things become far too hot for you, you double the police budget and when you find even that kind of situation – you are unable to deal with people's aspirations, you come and attack us with this law.

There is another aspect of this ordinance or this law as the government is enacting it. It comes in the wake of certain development in Punjab, not in terms of what happened in Punjab as this House discussed in the House, it comes in the wake of a case that was failed on behalf of a person who was detained under the National Security Act. I am referring to Sant Longowal. Sant Longowal's case was filed in the Supreme Court. We know, it is public knowledge, the kind of difficulties the government faced on that point of time. Interviews were refused to those who were appearing for Sant Longowal. The court had to order someone to go and interview the concerned detenu, *viz.*, Sant Longowal. When the court representative went to prison, the prison authorities told the court representatives, we have no instructions, we are unable to act on any court order. When it was finally discovered by the government that the grounds which have been given for the detention of Sant Longowal, Prakash Singh Badal, Tohra and the whole lot of Akali leaders who are currently in prison, are not sufficient, the government came forward with this ordinance in order that a problem they had created could be overcome. There are, it is obvious to me that irrespective of what the protestations of the government may be in regard to this law, irrespective of whatever assurance that they may try to give us, this law ultimately is going to be against political activists against political opponents, against people who are going to agitate, who are going to fight for the rights of the people. I am making this statement against the backdrop of what the then home minister, your predecessor, who is now occupying president's palace was to say when this bill was introduced. He was speaking after my esteemed friend Shri Atal Bihari Vajpayee had moved a resolution opposing ordinance at that

time. This is what the then Home Minister Sardar Zail Singh said while introducing this Bill:

This bill empowers the central government to order the arrest of any person if it is assured that it is essential to stop him from an act which is detrimental to the security of India. "Assured" is the word.

And from that point, *Ashwasta* you have now reached the point of vague, irrelevant, non-existent and invalid on any account and not even remotely connected with the person who is to be detained.

This was said by the then home minister, Sardar Zail Singh. Now, of those so-called safeguards that were available in the original law, you are without some of them, you now seek to withdraw just now every one of them. Therefore, Sir, it is the way you used MISA. I remember when the MISA was enacted in this House, everybody was told that this was meant for the antisocial elements, for the criminals, for the people who indulged in anti-national activities. We know the greatest anti-national happened to be Babu Jayaprakash when on 25 June 1975, you used the Maintenance of Internal Security Act to pick him up at well past midnight and a whole lot of other people. I know there are members on the other side who have respect for JP, who even now believe that Babu Jayaprakash was anti-national and antisocial.

But I would only like to remind those members that irrespective of what their views on Jayaprakash and his memory, there is a memorial committee set up for Babu Jayaprakash and this committee was set up after his death. Do you know who presides over this committees, Mr. Chairman? The prime minister of this country presides over that committee. It is necessary to point this out because people are accustomed very often to trade abuses, very glibly make charges and then to get away with them. You have set up a committee to honour the memory of Babu Jayaprakash with the prime minister of India as its chairman. What is the committee doing? It is not my business. I am not concerned with it. But I am making this point because you used the Maintenance of Internal Security Act then to pick up JP, to pick up Morarji Desai, to pick up Atal Bihari Vajpayee and to pick up a whole lot of people in

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this House who are now members from this side. Some of them perhaps may be sitting on your side.

So, I have reasons to believe that this law in its present form is also going to be used against political opponents. You may, of course, say that there are other reasons for which you are going to enact it.

Reference

Lok Sabha Debates, Vol. L, Cols. 456-69.

MADHU DANDAVATE

Obituary to Indira Gandhi

17 January 1985



Prime Minister Indira Gandhi was much admired and criticized in her lifetime. She was assassinated by her own official security guards. When the Lok Sabha condoled her death, some very moving obituaries were made by prominent leaders of all parties. Among them was the distinguished parliamentarian, former finance minister and an Opposition leader, Professor Madhu Dandavate who, in a short speech paid rich tributes to Indira Gandhi as one who had become a martyr in history. He praised her for her love of the country and for her indomitable will to take risks.

Mr. Speaker, when you from the Chair moved the condolence resolution, really speaking, you gave voice to the sorrow of the entire House and through you the entire nation. In our democratic polity, the nation decided to give a high place and high office of prime ministership to Indiraji, but history was destined to give her a higher place, the place of a martyr, and that is the place that she is occupying in history. I have been one among those who

have had the good fortune for a long thirteen years to share various debates with the former prime minister, exchange arguments, but arguments remained mere arguments, there was never any bitterness, and permit me to say that even those of us who differed with the perspective of Smt. Indira Gandhi on various issues, we share with her the love of the country; and the manner in which this great personality in our country was extinguished, I think, has caused pain to everyone.

As far as Indiraji is concerned, history will always say that she gambled with history with high stakes and risks. I think those of us who want to pursue our own cause, there is one quality which we will have to emulate and that is the indomitable will and the preparedness to face any risk, in order to achieve the goal which we want to accomplish. The entire story of her life in politics is a story of calculated risk for the cause for which she wanted to work.

I remember the presidential election when Mr. Giri was elected.

I think she risked her entire political life and career. A little different result and her entire political life would have changed. But she took a calculated risk. In her own party, when she wanted to rebel against the establishment, she did that at a great risk. Sir, when she wanted the image of politics to be radicalised, she did not hesitate to nationalize banks in the country. Sir, when she found that the princes were building a pressure lobby in the country, she did not hesitate to abolish the purses of the princes and, sir, when the question of Bangladesh arose, when there were powers, big powers in the world to exert the pressure, she withstood those pressures and correctly decided to stand by the freedom fighters of Bangladesh. And, sir, there are so many other occasions on which we could remember this. Whatever came in the way she was prepared to change it. There might be differences. But if she felt that the constitution came in the way, she did not hesitate to modify the constitution. She wanted to take calculated risks.

Sir, the Emergency was over and when she announced elections in 1977, that again was a great risk that she took and she paid for that. She went out of power. But that is another instance which shows that she was prepared to take a calculated risk.

And lastly, when to our own humble convictions it appeared that to tackle the problem of extremists of Punjab military action was necessary – with which there can be differences – she did not hesitate to take the risk, and, sir, today it has been established that she resorted to military action in the Golden Temple at the risk of her own life. Probably if she were not to take that risk, we still would have seen her here occupying the seat of the prime minister. But that did not happen so.

Sir, in this House, I recollect so many instances. I do not want to take the time of the House. But permit me to quote two interesting experiences of mine. One was during the Bangladesh war. One day when we were all debating certain issues after the recess, we found Smt. Gandhi running to the House like a child with beaming smiles on her face. She came to the very same seat and with the permission of the Speaker she announced, 'Sir, I have come here to announce that Dacca has become the free capital of free Bangladesh'. Sir, to that announcement a full-throated support was given by the entire House and there was some sort of an earthquake in the House. There was a joyous atmosphere. And I again remember on that occasion I just got up immediately, I remembered an old poem which the freedom-fighters and martyrs sang for them:

Oh liberty, can man resign thee?
Once having felt thy generous flame
Can dungeons, bolts or bars confine thee?
Or whip thy noble spirit tame?

I just said in the end that I did not remember who was the poet, and she immediately gave the name of the poet! I remember that experience.

Sir, there was another experience of mine with a personal slant, when I was occupying the treasury benches in 1977 and I remember the day Mrs. Gandhi was elected from Chikmagalur constituency to this House. Unfortunately I was not present in the House. I was present in the Rajya Sabha answering questions about the railways. I was not present when she took the oath in this House. After the recess, if I remember right, along with Mr. Vasant Sathe she was

moving through the library corridors, and I found her and just said, 'Indiraji, congratulations'. She looked back and said same thing with deep affection. She said, 'You have brought distinction to your government.' And then she said, 'It was my misfortune that you were not in my cabinet.' And I said, in my humorous vein, 'Madam, I was fortunate not to be there.' And she laughed and laughed and smiled. Those smiles I still remember. In the midst of tears and agony I cannot forget those shining smiles. Those smiles remain with us.

Many have lost many things in this country when Smt. Gandhi died. Congress (I) lost its president. The nation lost its prime minister, Rajiv lost his beloved mother. Congress (I) could get back a new president, the nation could get back a new prime minister. But Rajiv has lost his mother for ever. And, therefore I pay my homage not only to the former prime minister; I am one among those who believe, what of the prime ministership, all the power of the world can never be a substitute for a mother's love and affection, and therefore, sir, on behalf of the entire House let me give my heartfelt and sincere condolences to Rajiv Gandhi. Remember that whatever be your policies and perspectives, it is the indomitable will of your mother that should be the heritage that you will carry with you.

Reference

Lok Sabha Debates, Vol. I, cc. 23-6.

P.V. NARASIMHA RAO

A New Education Policy

10 December 1985



The education policy has been discussed from time to time by various committees, commissions and experts. A major initiative was taken during the years 1985-86. With emphasis on the integrated development of a child's personality and character and importance of value education, before the announcement of the new education policy in 1986, a status paper was placed on the table of the House.

P.V. Narasimha Rao, the then HRD minister and later prime minister (1991-96) speaking on the paper delivered a learned speech explaining the latest government thinking on the subject.

I beg to move:

That this House takes note of the status paper entitled 'Challenge of Education — a Policy Perspective', laid on the table of the House on the 20 August 1985.

As a brief introduction to the discussion, I would like to place before the House certain developments since the House has had an occasion to consider education earlier.

A new Ministry of Human Resources Development has been formed by combining education, culture, sports, youth affairs, women's welfare, integrated child development and censorship of films. The conceptual framework of this ministry consists in building up the all-round personality of man and to this end, integrating as many activities as possible, with a view to evolving a package of inputs and delivering them. The process is not merely one of coordination, but real integration so that all components are woven into a single, continuous, harmonious programme. As members are aware, these programmes were implemented separately in the past, whether at the centre or in the states, whether under one minister or more. The integration such as is being attempted now is thus novel and unique. Its evolution in all details is, therefore, bound to be gradual and on a pragmatic pattern.

Education had to play a catalyst role in this process of human resource development. It has to provide the continuum as well as a basis for the progress of the individual and society through development of values, attitudes and skills; it has to provide strength and resilience to the people and enable them to respond to the challenge of change. It has to be characterized not merely by its concern for the individual but even more so, its capacity to serve as an instrument of social transformation.

In the Indian context, the concept of national development goes far beyond economic growth. It is our endeavour that the product of our education system would be a self-confident individual with a strong commitment to democratic values and secularism, concerned with the emergence of a nation united in purpose from amongst people speaking different languages, professing different religions, pursuing a variety of lifestyles. It would be imperative to devise a system under which all educational endeavour is fully integrated with the sociocultural milieu and aimed at development of the full potential of the individual.

In the government's view, the time has come when we should conceptualize the roles of the different stages of the educational process not in isolation but as integral parts of one single, all-inclusive movement of human resource development.

Although it is difficult to say where exactly the movement begins, we may perhaps begin with the pregnant mother and the antenatal care which she receives. When the baby is born, it gets full immunization and the benefits of nutrition programmes. Then it enters an *anganwadi* and the pre-primary stage of education. Two years later, the child enters the primary school and continues until the age of fourteen, as envisaged under the constitution. During this time, he gets the benefits of the school health programme which would ensure full coverage. On the education side, those who drop out of the formal network which is so devised as to enable lateral entry into the formal stream. The formal and non-formal systems open up into the vocational stream, properly graded so as to make him fit for a vocation and to provide for vertical or lateral entry, based again on merit, into the higher education network, literal or technical. Those who cannot take advantage of institutionalized education would be welcome to enter the open university or distance education system, for whatever purpose they have in view, at their own pace and convenience. Thus the portion of the individual's lifespan, from conception to graduation, upto the highest degree, and inclusive of continuing education, would be informed by the principle of affording full and equal educational opportunity to all those who desire and deserve. The package will naturally contain the important factors of culture, physical fitness and kindred values throughout. It is equally important that national development, all educational programmes are suitably coordinated, such as agricultural education, medical education, education of paramedical and health workers and workers' education with principal focus on the clientele groups upto thirty-five years of age.

In view of the fact that the bulk of our children enrolled in schools are first-generation learners, and since the bulk of the country's adult population in the productive age group of fifteen to thirty-five are illiterate, the accent in our development effort should be on promotion of universalization of elementary education for removal of illiteracy. Also, investment in female literacy is the best way of improving quality of life as it motivates the adoption of the small family norms and leads to better health and nutritional standards and

better family-rearing patterns. The integration of programmes of adult education with other related schemes like the integrated Child Development Scheme, Development of Women and Children in Rural Areas, promotion of literacy through NSS for NYK would call for special emphasis.

The educational process is also expected to provide knowledge and skills for solving problems of development besides enabling the learners to develop an understanding of the physical and social environment. Such a process appropriately cannot remain confined to the portals of the educational institutions alone or to the client groups in schools, colleges and universities. It has to be a lifelong process. The educational endeavour should, therefore, be addressed to the requirement of continuing lifelong education which is receiving increased attention today. Again the thrust towards all round development of the human personality should be in the direction of creation of a learning society in which teaching is assigned the role of the aids in the process of learning.

Our education should equip the individual and the society to face confidently the challenges of the future. But while the future is limitless in its expanse, it begins in the next moment. The future, therefore, starts from now. However, taking a realistic time frame, the tasks assigned to the ministry of human resource development call for a planning perspective. Apart from whatever can be assigned in the immediate future, the perspective plan should be approached in the country of the challenge of the twenty-first century. That challenge has already begun, in the sense that the first graduate of the next century is already in class one in the current year 1985. How we shape this clientele of about a hundred million over the next fifteen years would determine the country's future in the twenty-first century. Needless to say that each succeeding year hereafter would bring a fresh clientele whose number may reach 130 million annually. This huge human mass is to be the main target of the programme of human resource development.

The emphasis on the twenty-first century so often laid by the prime minister is also significant from another angle, namely the qualitative content of the challenge of change. The revolution in the

field of electronics, computers, microchips and communications is bound to have an all-pervading effect on our lifestyles hereafter. Informatics has emerged as a powerful discipline which calls for an effective development of communicating support system. In the context of the rapid depletion of non-renewable sources of energy, greater emphasis would require to be placed on development of renewable sources of energy which present, even more than mere technology, a challenge – cost-effectiveness which is really another challenge of technology with more complex ramifications.

All this would require evolving a new and dynamic education policy riveted on the future, yet rooted in our values.

As of now, a nationwide debate is in progress on the contours of a new education policy. A status paper, *Challenge of Education – A Policy Perspective*, has been published by the government. It contains an overview of the state of education and some pointers to possible future initiatives based essentially on the views and suggestions from educational planners, teachers, students parents, intellectuals — in short, all those who are interested in education. The paper is intended to provide the basis for an in depth debate which would facilitate the formulation of the new education policy. While the policy would emerge out of a broad consensus, I would like to briefly outline some initiatives and priorities which the government considers necessary to achieve within a realizable time frame:

- (a) universalization of free elementary education; women's education to be free upto and including higher secondary;
- (b) removal of illiteracy amongst people through functionally relevant programmes of adult education, in the age group fifteen to thirty-five;
- (c) widespread dissemination of knowledge of India's history, culture and destiny and inculcation of values underlying the Indian Constitution;
- (d) strengthening of existing institutions and where necessary, the establishment of new institutions of excellence for R and D and man-power development for the future scenario of economic progress;

- (e) providing a vocational thrust to education to fulfil development needs as well as enhancing employability;
- (f) taking up a massive, long-term, nationwide programme of school improvement and to support and stimulate it by starting a fair number of quality institutions which endeavour to serve as the catalysts of the abovementioned long-term programme. The main characteristics of these institutions are:
 - (i) quality;
 - (ii) social justice, *viz.*, education to be available irrespective of the parent's capacity to pay;
 - (iii) merit base and cultivation of talent;
 - (iv) utility and social purpose, conforming to accepted national policies;
 - (v) having largely rural coverage; and
 - (vi) fostering national integration. When and as these institutions are established, an elaborate scheme to radiate quality from them would be formulated and implemented, drawing from experience as we go along.
- (g) delinking degrees from jobs where possible and establishing greater relevance and complementarity between the content and process of education on the one hand and the requirements of different client groups on the other;
- (h) enhancing general access to education through use of mass media and setting up institutions for open and continuing system of education.

The process of drawing action plans, and target-setting has already been initiated concurrently with the Seventh Five Year Plan exercise.

With this brief outline, I request the House to commence discussion.

Reference

Lok Sabha Debates, Vol. XI No. 16, cc. 319-24.

RAJIV GANDHI

Poverty and Plans

17 December 1985



Speaking on the five year plan, Rajiv Gandhi stressed the point that the basic aim of India's five year plans had been poverty alleviation and that through processes of planning, the country had made significant progress in various areas including that of achieving self-sufficiency in food. He emphasized the need for human resource development, removal of unemployment, controlling population growth, initiating administrative reforms, ensuring growth in agriculture and industry remembering the spirit of swadeshi, and above all, the need for as much dedication in implementing the plan as the vision that went into making it.

Our basic approach to planning has been to remove poverty from India. We have, in our plans, always tried to take a broader view, a larger long-term perspective, an all-India perspective. Our planning is an expression of the collective effort of all the chief ministers and of the central government in trying to bring about the process of removing poverty. It is an effort at defining the nation's

objectives. Perhaps most important of all, it reflects a common consensus.

Our plans cannot be hard and dogmatic. They must change with the times and move with the development of our country. Every year brings new compulsions, new circumstances, and with each plan these must be taken into consideration. We have done this without any basic shift from the policies that Panditji and Indiraji had followed in their Plans.

The past record of our planning process is beyond dispute. Because of our plans, we have been able to become self-sufficient in food. We have a strong industrial base. This base spans a large number of different types of industries — not just a few specific industries like some other countries have achieved. This is what gives us our basic strength and builds our self-reliance. Without economic self-reliance, our very political independence would come under jeopardy. The last five years have shown that our system works even while the international environment is very hostile and non-conducive to development. In spite of this unfavourable international atmosphere, we have not only survived, but we have done well. We have done better than many other countries. We have not become victims of the international system. We have demonstrated that our basic philosophy in all these plans was correct.

The future is even more exhilarating and challenging. The possibilities are tremendous. Perhaps, I can sum this up best by quoting from what Panditji said when he introduced one of the plans:

It is, therefore, with a sense of the burden of history upon me and upon this House that I face this problem. It is also with a great sense of humility because, however great and however competent we may consider ourselves, we are small in relation to this mighty theme of building up our country and taking its millions of people forward during the next five years.

Our priorities have not changed in the Seventh Plan. Our basic priority is the eradication of poverty, establishing social justice and a self, reliant, independent economy. To build these things, we have to build on the earlier policies, on the earlier programmes. It is an extension of the work that was carried out not just in the Sixth Plan

but of the work that was started in the First Plan. It is because of those strong foundations that we are able to build today. While building, while developing from that base, we have to chart new horizons and tackle new problems. With every phase of development one enters a new phase; new types of challenges arise and these must be tackled.

India is not a stagnant country. We are progressing. We are in a state of flux. Our society, our economy, are developing. Science and technology must be the key to this development. Again I would like to quote a line from Panditji: 'If India is to advance, India must advance in science and technology'.

Our self-reliance hinges on developing our own science and technology. Without this development our self-reliance is jeopardized. But the direction that this has to take must be aimed and targeted towards those sectors which benefit the maximum number of people.

Our thrust with science and technology must be on agriculture. It must start with agriculture. But when I say we must start with agriculture, I mean everything that agriculture encompasses. It is not just a question of tilling the soil. It must extend to predicting the monsoon. It must extend to other fields that affect agriculture. And we must have the best technology, the most efficient technology, to get the most efficient agriculture.

Today we are self-sufficient in food, not because we went back to some primitive method of agriculture: we are self-sufficient because we have modern fertilizers, we have modern equipment, we have modern seeds, we have modern irrigation.

It is because of this that we have become self-sufficient and our country has become strong. If we had taken another route and not developed this area, today we would not have been self-sufficient in food. Today we may have been in deep trouble after the international economic crisis of the last five years. Panditji and Indiraji gave the right thrust to our plans and to our development process, and it is because of this that we stand as a strong independent nation today.

There is a great deal to be done in the area of technology. Technology for the small-scale industries must be developed. We

must look at how we can apply technology to housing which is one of our most serious problems today. We must develop technology which will bring housing within the reach of the masses. We have to see how technology can help us in education. We must also see how education can help us with technology. We are today in a phase of development, not just in India, but the whole world, where industry and its requirements of skills are changing. The basic equipment is changing; it is not that basic any more.

Today an average mechanic can learn how to repair a car by just working in a workshop for a few months. But the next generation of cars will be controlled by computers. Already the more advanced vehicles have computers on board and not just for gimmicks. They have computers on board for better fuel efficiency and to get better mileage. These things will come. They have to come. How will our mechanics repair those cars? This question, and others like it need to be addressed.

We have to give science and technology in India a major thrust. Not just imported science and technology but Indian science and technology. Unless we can do this, we will not be able to keep up the degree of self-sufficiency we have generated so far.

Another area which needs special attention is nutrition. We have attained self-sufficiency in food. But unfortunately we have not been able to give the nutrition that we would like to give to all our people. Today, nobody starves in India. But a balanced diet, an adequate diet, is still lacking in many parts. Our technology must be targeted at poverty eradication. Poverty can only be removed if productivity goes up. Today, we have a large number of anti-poverty programmes and they have done incredibly well in bringing people above the poverty line. But what we should be thinking about is how it has been possible for us to have these anti-poverty programmes today. Where has the money come from to finance these anti-poverty programmes? That money has come, because the investment in the earlier plans has generated enough finances for us to be able to devote large amounts towards antipoverty programmes. In the future, our investment in productive areas must increase at least proportionately to the increase in antipoverty programmes.

Without an increase in productivity, there can be no alleviation of poverty and this is not just a talking point. We must recognize what is needed to improve productivity. For example, to help our farmers, we are using satellites to forecast the monsoon with more accuracy. We would like to be able to tell the farmer to get ready to plant next week. Once we start getting to that sort of accuracy, we can really help him. What will help him is not going back to the bullock cart, but what will help him is the latest technology to give him the information that he needs for his crop, in a useful time frame.

A question has been raised in the House by a member that the target we should aim for is appropriate technology. I entirely agree. We must target for appropriate technology. But what is appropriate for India is the best — not the worst, not the second-rate, not the third-rate technology. We must get the best. We do not want to start off one stage behind others. This is why, we are giving a special thrust to electronics and other areas which can specifically help farmers.

I mentioned super-computers forecasting rains. Another area which could help tremendously is soil analysis. All these things can help the farmer. He would use the correct amount of water, he would not waste water. He will use the correct fertilizers. In the coming years, technological advances which help farmers with soil analyses — such as autoanalyses — may come within effective reach of farmers.

Similarly, we need technology for our water management. We need to make the best use of the water that we have got, use it economically, use it properly. While we have plenty of water, if we waste it, we are going to be tremendously short of water and the time has come when we must start using all the technology that we can get for water management. Panditji had said about the Second Plan: 'Employment comes through newer and more effective means of wealth production. Don't imagine that minor technological progress is going to deal with the problem of unemployment.' This basic truth has not changed in the years since then.

Our goal has been and is to develop a socialist society — a society which gives equality of opportunity to all, removal of disparity from all sections, a growing and expanding economy.

We have in this plan, paid special attention to human resource development. One of the biggest problems facing not only India but other countries in the world is that of the gap between the development of the human being and the development of science and technology. This gap between the development of the human being and the development of science and technology causes problems in our society, within the country; it causes problems internationally. And we must find a way to narrow this gap. With every development in science and technology, this gap is widening and the wider this gap, the less capable we will be of utilizing the technology of science that we develop for our real benefit, and the more danger there will be of our misusing it and creating a catastrophe which might just end everything on this earth. So it is important that we give this thrust.

We would like to try and give a thrust to develop the human being in India into a better human being — develop the human being so that he does not just end up in a consumerist, materialist race that always leaves him unfulfilled, as we are seeing happening in many parts of the world. Ultimate fulfilment must be part of the development process. And if we are not going to give fulfilment to our people, then we are not giving a complete package of development to our people. We have to see that moral, spiritual and artistic values are brought back into our system. We have seen over two hundred years of being a colony, that slowly all our traditions and heritage were being destroyed; our culture was being destroyed. We have to rebuild that, because that is the real strength and sustenance of any civilization, and it must not be allowed to disappear under a technological and materialist race that might be set up here in our country.

In this plan, the public sector outlay is Rs. 1,80,000 crores. This is the highest ever which has been given in any plan, whether you see it as total outlay, or you see it as a percentage. One of my friends from the opposite benches — I don't see him here now; I don't want to take his name — said the government is handing over the industries to multinationals. There is nothing farther from the truth. The government is doing nothing of the sort. We are not drifting at all from our 1956 industrial policy.

Agriculture must be our highest priority. It has to be the core of our development process. With agriculture we generate the maximum number of man-days of work. And that is where the initial thrust must come till we have developed enough job opportunities to keep people occupied, and that is precisely what we intend to do. Our thrust on agriculture must be in those areas where we have poor productivity today. We have to see that the agricultural revolution that we started in northern India spreads everywhere. Perhaps we can have a system of shifting those areas which are today producing very high quantities of wheat on to other crops of which we are in dire need today. Our biggest problem is oil seeds. It is our largest import bill today. We have to tackle that problem. While some areas go into growing wheat, it might be worth trying to transfer some other areas to other crops which we need. Of course, in our system we do it by talking to people, by giving them incentives and not by issuing ordinances and orders, and we would like to do it that way. The basic stability of our country comes from developing the agricultural sector and with development in the agricultural sector, we automatically generate development in the industrial sector, because development in the agricultural sector generates demands, first for products related to agriculture, and then for other products, consumer products and other products as the farmers go higher and higher above the poverty line. And this thrust will generate demands right across our economy.

Today, in agriculture our concentration must be on establishing regional balances, especially in those areas where agriculture has got a little left behind. We have to see that the best R and D goes into agriculture, not just into seeds but into water utilization, into fertiliser utilization, into time of planting, into the time span of crops. We have to see that the inputs that we give are understood and appreciated by the farmers, an education process on how to use these developments to improve their lot. And perhaps the biggest challenge is land reforms in those areas where it has not taken place. This is a key factor in increasing agricultural output and it must be tackled in all seriousness.

The 20-point programme and the antipoverty programmes, are some of our key methods of helping those people who are too poor

to get the sort of trickling-down benefits from the larger plans, and these programmes will be continued with greater vigour. We have, during the past year, modified and strengthened some, where we have identified certain weakness, we have changed those; we have demonstrated that this dual strategy of planning with large industries, large units, high technology for agriculture and other areas, coupled with antipoverty programmes, actually works. Perhaps we are one of the few countries in the world that have been able to make this work.

During these years our industrial achievements are by no means insignificant. We have shown the world that our industry can rise to the highest standards of technology, our scientists can work at the frontiers of scientific development. The public sector has always held a commanding position in our industrial development and it will do so in the Seventh Plan also.

The public sector was responsible for bringing in the basic technology into our system during these past thirty years. If the public sector had not been brought in thirty years ago, this technological development that we have seen would never have taken place, and the technology would not have trickled down to millions of Indians. But the public sector was the key in bringing about this change and bringing this new technology, industrial technology, the industrial ethos, into India. Similarly, today, the public sector must be the key to rejuvenating Indian industry.

At the same time, there are problems with our industry. It has done very well, but that does not mean that there are no difficult areas. The weaknesses are, a low growth rate, high cost of production, inadequate quality, basically, all boiling down to obsolete technology, obsolete hired technology and also obsolete shop-floor technology. Our workers have not been educated and brought to the same technological level as the machines and the plants that they are operating.

These are perhaps the major areas of challenge today. The public sector has once again taken the lead in bringing about this change in our industry, to tackle the revolution that is taking place in industries all over the world and bring that revolution to industries in India. We have to see that all our industries develop, not just big

industry, not just the public sector. We must see that the small-scale, the khadi and the village industry, all develop and we must establish a system that allows this development process to take place. Our attempt must be to see that every industry is allowed to rise to the next level. Our attempt should be to see that the small-scale does not get clamped down to the small-scale, but is allowed to rise and challenge the large-scale. So, this process must be built in and it will then allow new industries to come up in areas that have been vacated. We will attempt in our policies to bring about this change and growth in our industries.

One of the points that was raised by one of our members was that the administrative machinery must be geared up, and this is a very valid point. The administrative machinery is lacking in too many ways, and we are looking into the question of how to change their education and training process, not just the education and training that they get when they enter the service, but to make them have a continuing training process throughout the service which will improve their standards, and which will boost their morale, and give them more incentives to do things and get things done. Infrastructure will perhaps be one of the most radical areas for us to tackle.

A large number of people have risen above the poverty line – I know some of our friends question this – but the fact is that this has been discussed with independent economists, people who are seen to be anti-government and who take an anti-government position.

It has been established without doubt that there has been a tremendous change and a very large number of people have risen above the poverty line. I am surprised to see that the Opposition are not happy at people rising above the poverty line.

In this plan we are generating more employment than we have ever generated — forty million jobs. For the first time we anticipate that we are generating more jobs than new people coming into the job market. The estimate is thirty-nine million new people will be seeking jobs. For the first time we will be cutting into the backlog of employment. This is a very major advance that we have made in the Seventh Plan. That is why you are sitting there and we are sitting here. Madam Deputy chairman, this is precisely what I was saying.

This is an old promise which the people of India believe that we can fulfil. That is why they have put us here to fulfil that promise. And it is because the people of India believe that they cannot fulfil that promise, that is why they are sitting there. And I have tremendous faith in the people of India that they will keep them sitting there.

The allocation for human resource development is one of the largest that has ever been made in a plan. And one of the areas that we will be tackling is drinking water. Our attempt will be to give drinking water to every problem village by the end of this plan. Similarly, in education we are giving a massive thrust and we hope that the new policy which will come soon will be able to deliver everything that the country needs for the challenges that lie ahead.

One of our biggest problems still is that of population. Of course, it does not affect our friends across the benches because their population seems to be dwindling.

The allocations for population control that we have made, which are perhaps the largest that have ever been made, require that we see that proper dividends are gained from the programmes that we have. We have found in recent years that the return in terms of number of births or reduction in birth rate is not commensurate with the investments that we are putting in. We are having a relook at the various strategies to see where they are running out of the steam and where the new thrusts are required. But basically the thrust of family planning or family welfare must turn into a people's movement, a voluntary movement and this is what we would be attempting to do. The motivational factor must be looked into seriously. Perhaps education is one of the key areas that has to be tackled. We have paid more attention to the environment in this plan than has ever been done before and this is one of the more critical areas of our development process. If we ignore it, we can, in the long-term, destroy the very development that we do. The projects we have taken up, including the Ganga project, will give a new awareness and a new thrust to environment protection.

Perhaps the biggest problem that we face is in the field of resource generation. This calls for maximum utilization of the resources that we have at our disposal. We have to ensure the most efficient

utilization, the most productive utilization because it is only then that we will be able to generate enough resources for the development programmes that we want to carry out. This will be generated by our own science and technology.

The plan requires a dedication in its implementation just as it has required a vision in its making. It will require the fullest involvement of everyone in this country if this plan has to be successful and we must generate that involvement. Our basic values, our commitment towards self-reliance and towards our country and our patriotism cannot be ignored. That must be a part of this development process. We cannot have an economic development and lose the basic values that we earned and developed during the freedom struggle. We must move towards a non-ostentatious society. We must see that this plan is a cooperative endeavour for all of us and for the whole country.

Lastly, the swadeshi spirit that was generated by Gandhiji must not be forgotten.

Reference

Rajya Sabha Debates, Vol. 136, cc. 389-404.

BHAJAN LAL

Preserving the Environment, Protecting the Trees

4 December 1986



Replying to the debate on a motion for giving momentum to the environmental movement, the minister for environment and forests, Bhajan Lal referred to the problems of floods, drought and pollution all caused largely by the denudation of forests. He explained the steps the government had decided to take for the preservation of the environment and for reducing the levels of pollution. Discussion on the motion was initiated by Digvijay Singh.

Mr. Chairman, a discussion has been held today on a very important subject. All the hon'ble members who have taken part in the discussion have given some very good suggestions. I am grateful and thank them for it.

You know how much awakened the people have become today. No one had made any efforts in this direction four or five years ago. First of all, it was our late prime minister Indira Gandhi, who

drew the attention of the people towards it. This problem is not confined to India alone but is a matter of concern for the entire world. Today, foreign countries also feel that a heavy price will have to be paid for the development that has been made. To fight against nature is suicidal and you all know and the foreign countries are also saying that if there had been lesser development and the environment had remained unaffected that might have been better. The health standard of the people is declining these days. This would not have happened otherwise. It is essential that every individual in every country should enjoy good health. However, the level of environmental pollution is somewhat lesser here than in other countries.

There are three major problems facing our country today. The first is that of floods, the second is of drought and the third is of pollution. You may be aware that deforestation is the main reason underlying the problems of floods and drought. If the mountains are denuded of forests there is no obstruction to the very fast downward flow of water eroding soil along its path. In this manner, the rivers get flooded. In case of very heavy floods, four crore hectares of land may be flooded. On an average one crore hectares of land is affected by floods every year.

The main reason underlying drought is the lack of greenery. You will notice that Gujarat, Rajasthan and several other states are often hit by drought. The main reason is that these areas are denuded of forests. Trees are felled. A law has been enacted in this regard but there are some shortcomings in it. The hon'ble members have rightly pointed out that stringent punishment can be awarded under this law. We would be considering this law soon and would make necessary amendments in it so that this law becomes as effective as the pollution laws. I would state certain things later on. We want that similar stringent law should be framed about felling of trees also.

Along with this, I think that unless people's cooperation is there and until it takes the form of a people's movement, it will not yield the desirable results. I respect the opinions of the hon'ble members and feel that their feelings are very good and they have offered some very good suggestions.

I would cite an example of the olden times to emphasize the importance, recognition and respect that our ancient sages gave to the forests. An hon'ble member from Rajasthan was speaking here. I will tell you a story from Rajasthan which is two hundred-and-fifty years old. According to this old story, the maharaja of Jodhpur had once ordered the felling of trees for constructing a palace. In those days, lime was used for the construction of buildings but it was to be seasoned before it could be used and wood was required for that purpose. When the king ordered the felling of trees, the servants replied that it would be difficult to find trees because there had been continuous famine for the past four to five years. However, there are trees in the villages where the Vishnoi community is living but they do not fell trees. It is against their religion because trees as well as human beings both have life in them and as such there is no difference between the two. As soon as you cut a tree and squeeze it a little, a fluid comes out. This fluid is similar to human blood. Therefore, it is a religious belief that felling a green tree is as sinful as killing any other form of life. But the king ordered the trees to be cut and said that it hardly mattered that they were Vishnois. The servants reached there. As soon as they started cutting a tree a woman came out and asked as to why they were felling the trees. The servants pleaded that they were only obeying the orders of the king. The woman made great efforts to stop them and said that cutting of trees was against her religion. Finally, to cut a long story short, the woman was put to death. When her three daughters came forward to offer resistance they also met the same fate. Later thousands of people assembled there. This happened in the village Khajredi in Jodhpur district. Thousands of people gathered there and decided that though they could not fight the royal forces, yet wherever one tree was felled, one human being would lay down his life. And it happened accordingly. Men as well as women assembled in thousands and offered to sacrifice their lives for this cause. In this way 111 women and 252 men laid down their lives. When 363 distinguished persons were beheaded, then the servants rushed back to the king saying that they had cut 363 trees but in order to do it, they had to kill 363 people as well. The king said that they had

committed a grave injustice and they ought to have informed him earlier so that some arrangements could be made. So the king himself went there and apologized. The colour of the earth of that area is red even today and a martyrdom fair is held there every year which attracts lakhs of people. So even in those times, the sages and guru Jammeshwara Maharaj had emphasized the importance of trees and of the twenty-nine commandments of the Vishnoi religion. One of the commandments says that felling a green tree is a deadly sin. You will not find a similar example anywhere in the world. People have become martyrs but this type of martyrdom is unseen and unheard of anywhere in the world. This village is located only twenty miles away from Jodhpur. If you find an opportunity to visit it then do not miss it. People would tell you about this legend and emphasize the importance of protecting the trees. What I am emphasizing is that only when we convert the protection of our trees into a people's movement we shall be able to stop this destruction. Only when we get the cooperation of all the MPs, MLAs and the public at large, we shall be able to create an awareness among the common people. However stringent laws we may make, unless the feelings of the people are attached to it, things will not work.

Again, floods and drought will not occur if there are trees. In the Seventh Five Year Plan, two thousand crore rupees have been earmarked to control floods and drought. I think, if there were trees, this large sum of money could have been utilized for other purposes. So we are making full efforts and I would elaborate the steps that are being taken, we have formulated a 25-point programme for this purpose.

Today pollution has become a very big problem and the major reason is, as you are aware, setting up of big industries. And an even greater reason is our vehicles. You may have noticed that in large cities like Delhi, Calcutta, Bombay, Kanpur and Allahabad, there is so much vehicular pollution that you would feel as if the atmosphere has become foggy soon after the sun sets. In the daylight, you would not be able to feel this but it would become apparent as soon as the sun sets. This vehicular smoke is very unhealthy and gives rise to several diseases.

Not only this, the effluents from the factories are discharged into the rivers from where the people get their supply of drinking water. The Ganga and Yamuna are two of our most sacred rivers. Brahmaputra and other rivers are also sacred, wherein the people bathe and get rid of their sins and in which the ashes of the dead are immersed. I want to inform the House that our hon'ble prime minister Shri Rajiv Gandhi has taken a very good decision. And that decision is to clean these rivers. First of all, the Ganga is to be cleaned. A project costing Rs. 290 crores has been taken in hand for this purpose. Rs. 240 crores will be spent during the course of the Seventh Five Year Plan for this purpose and steps are being taken to accelerate the project. You may be aware that the river Ganga is 2000 kms. long and stretches upto Calcutta. The cleaning work is progressing at high speed. The rest of the rivers have also been surveyed and an estimate has been prepared so that as and when the funds are available for this purpose, the work of cleaning those rivers would be undertaken.

Along with it, some hon'ble members have referred to the cement factories as well. Mr. Chairman sir, the smoke coming out of the cement factories contains fine dust particles and when inhaled these can lead to asthma and cancer. Some hon'ble members have suggested that action should be taken against some large factories.

Mr. Chairman sir, we have enacted strict laws against pollution. Previously, nobody could make a complaint but now even a private individual can make a complaint. A law has been enacted for this purpose which provides for five years' imprisonment and a fine of one lakh rupees.

There are 104 cement factories in the country, out of which 84 are big factories. Of these 84 factories, 64 belong to the private companies and 20 factories are in the public sector. Of these 20 factories, treatment plants in 14 factories have already been installed. In the private factories, the work of installing treatment plants has been taken up in 15 factories. Only 7 factories are left as in the rest of the factories this work has been completed. A decision has been taken by holding seminars and meetings and a written commitment has been taken from the mill owners that all the factories will install these plants within two years, which means that by 1988, every

cement factory will have a treatment plant. It has been taken in writing from them. Mr. Chairman, you may be aware that an expenditure of two to five crore rupees has to be incurred for installing a treatment plant in a factory. Moreover, no provision was made in the projects which are twenty to thirty years' old. Actually, it creates a lot of problems in installing a treatment plant in an old project. But, the department has done a good job by holding meetings. They have been made to commit to complete this job by 1988, otherwise action would be taken against the big companies. We have not spared anyone including Tata India, Patna; Tata Iron Steel work, Jamshedpur; Mohan Meakins, Lucknow; National Textile Corporation; Indian Telephone Industries; Delhi Electric Supply Undertaking and Andhra Pradesh Paper Mills. We have not spared even the public sector companies and cases have been registered against them. What I mean to say is that we are trying our utmost to take the strictest action under the existing laws so that nobody, whether in the private or in the public sector may violate them.

Also, on the one hand some hon'ble members have said that the forests should be saved, and on the other hand they have asked for permission to start new projects. So, both the things cannot be done at the same time. So far as the question of development of the nation is concerned, that must take place. New industries, thermal power plants should be set up and dams should also be constructed but the important thing to see is how many forests will have to be felled in this process. I want to tell you that this department has never shown any leniency in this matter as I have seen the old records also. We have received 2,265 proposals from all over the country till 31 October 1986, out of which 1075 were accepted, 382 proposals were rejected and 374 were closed. By 'closed' we mean that we put a query as to what arrangements are going to be made regarding the alternative afforestation and rehabilitation of the people going to be displaced. If we do not get an answer within three weeks, we close it and open it only when we get an answer from them. The number of projects pending with us is forty-six which are one to three months old. I may tell you that there have been instances when the projects which fulfil the laid down norms have been cleared within

a week only. We also realize that the development of the nation is involved but on the other hand the question of saving the forests is also involved. If trees are not saved then the nation will also not be saved. Therefore, the most important thing is to preserve the environment. If the environment is not preserved then the existence of the nation will also be at stake. To save the nation, the environment should be preserved.

Shri Digvijay Singh mentioned some motions. I want to congratulate him profusely. He has also rightly pointed out the need of strengthening the law. As I have said, there are some lacunae in it and we will remove them and strengthen it in such a way that nobody will be able to flout the law.

So far as the implementation of this law is concerned, the hon'ble prime minister had announced in the House the other day that it had been enforced from 19 November 1986 after duly framing the rules so that no one may show laxity and the people who flout the law could be severely punished.

He has rightly mentioned that we should have coordination with the states. Because, if there is no coordination with the states, the things will not improve. We are writing to the states also in this regard and wherever required, the Government of India itself will take action. For this purpose, we are going to form a big organization so that if the states do not take any action then our organization may invite action against such persons.

So far as the question of providing financial help to the states is concerned, norms have already been fixed in this regard. If there is some permanent job to be done they do it with their own funds. The Government of India bears half of the expenses on constructing security points, manning them by guards, providing wireless sets and jeeps for the security of the forests.

He has also mentioned about the possibility of any lacuna in the notice of sixty days. In this connection, I want to say that we have enacted a foolproof law. It has duly been provided in the law that if a satisfactory answer after serving a notice of sixty days is not received then irrespective of one's status, immediate action will be taken against him.

Mr. Chairman, you know that so far as giving encouragement is concerned, the Government of India has spared no efforts in this regard. We have a social forestry scheme under which we provide saplings to small farmers at subsidised rates so that they may plant the maximum number of trees and at the same time may earn their livelihood also. Besides, it will keep the environment clean.

He has raised a point regarding cattle fodder. Mr. Chairman, there is scarcity of cattle fodder. I may tell you that the total number of cattleheads in our country in 1951 were twenty-nine crore and now they are forty-five crore. It means that the number has increased by more than one-and-a-half times. Out of it, twenty per cent cattle depend on forests. They are not given any fodder by their owners. These cattle, like buffaloes, cows, goats and sheep are left in the forests for grazing. They graze in the forests and in the evening come back and go to their places. In the morning again they are left in the open. We are trying to adopt some measures to change this practice. Sheep and goats cause more harm to the forests. To prevent it, we have told the departments of forests of the state governments to take the help of the police, if needed, so that no laxity is shown in checking this practice. All types of help is being provided to meet this situation.

Similarly, there are problems of water pollution, air pollution, pollution by thermal power stations, etc. We have duly considered the problem of emission of hydrocarbons. You would have noticed that we have started a new system regarding plying of buses, trucks, four-wheelers, etc. Some battery-operated buses have been started on an experimental basis within the city limits. They are a bit more expensive and their speed is also comparatively less. But there is nothing wrong if the speed of the vehicles plying in the cities is less. We shall try that battery-operated buses are plied in metropolitan cities. It will also decrease pollution to a large extent.

The hon'ble member has rightly said that a motorcyclist or a scooterist driving behind a bus will not see anything due to the smoke emitted by buses. We are, therefore, thinking that at least the silencers of buses, etc., should be raised to higher level. If a bus is ten feet high, it should have a bend at the top. It will reduce the emission of the

smoke to the minimum and will keep the environment a bit more clean. We are considering this proposal.

Similarly, there was a mention about the desert also. An hon'ble member, Shri Hannan Mollah said that the desert is expanding. Trees can control the expansion of the desert. Trees prevent floods also. We are planting forests and this will solve both these problems. It will prevent erosion of soil as well.

Water pollution was also mentioned. Drinking water is certainly polluted when sewerage water goes from the drains into the rivers. We have made programmes to prevent discharge of dirty water into the rivers.

The issue of sanctuaries and national parks has also been raised. Secondly, there was some reference to industrialists as well. I want to say that no leniency will be shown to them. The question of any concession to them does not arise. Any poor man can file a complaint and law is the same for all. Whether the suit is filed by the government or some private person, there can be no leniency.

The Bhopal gas tragedy was mentioned, it was stated that such factories should not be set up. This factory in Bhopal was a very old one. Something untoward happened there. Now the government has decided that in future there will be a condition for granting licence that the water treatment plant, air pollution treatment plant and all other safety devices will be provided in the factories to ensure clean environment around them. The factories would be established around them. The factories would be established only after ensuring installation of all such arrangements.

Sir, so far as plantation of trees is concerned, one hundred crore rupees were spent during the Sixth Five Year Plan under the 20-Point Programme. During the first year of the Seventh Five Year Plan, i.e. in 1985-86, a sum of Rs. 425 crores has been spent for this purpose. Previously only forty crore rupees per year used to be spent. In the Seventh Five Year Plan we shall be spending about Rs. 2500 crores on afforestation so that it is ensured that maximum plantation is done in the country. In 1986-87, Rs. 550 crores will be spent for this purpose.

Shri Manoranjan Bhakta mentioned that the meeting of the regional committee was held six months back but the report has not been received so far. The resolution and the minutes of the meeting were sent to you within seven days of the meeting. Either you have not gone through your mail or it has been misplaced. The department had sent its report within a week. We shall send you another copy of it so that whatever little misunderstanding is there, it may be removed.

I want to tell the House in brief about the measures which we are going to take. The government has taken many steps for increasing the awareness among the people and also to educate and inform them about the environment. As a result of that, tremendous awareness is now seen among the general public, public and private sector industries, government employees, policymakers, legislators and politicians.

The details in brief about the steps taken by the government for creating awareness and providing education and information about the environment are as follows:

- (1) Under the new 20-point programme (point no. 17), the following objectives have been fixed for the preservation of the environment;
 - (a) To increase public awareness against environmental dangers.
 - (b) To motivate popular support for preservation of the environment.
 - (c) To lay stress on the theory that ecological preservation is essential for development.
 - (d) To ensure the right selection of site and technology for the projects.
- (2) Recently 'a movement for the awareness of the environment' has been launched to create environmental awareness at all levels. Seminars, training programmes/workshops for school teachers/students, public meetings, camps, rallies, publicity through posters and other materials are being organized all over the country in order to elaborate its importance. On the lines of the 20-point programme, a 35-point programme

has been formulated in this regard for the preservation of forests and the environment. This programme will be propagated among the people of the country so that there is minimum deforestation and the ecology of the country can be properly maintained. So far as saving of wood is concerned, it has been decided to use concrete or steel sleepers instead of wooden sleepers for rail lines, which will save fifty lakh sleepers every year. The wood which is used for making apple boxes has been exempted from excise duty by the government. There will be no excise duty on general licence so that if somebody wants to import he can do so which will also save our forests.

Mr. Chairman, I want to thank you and all the hon'ble members for this late sitting upto 7.15 p.m. I also thank Shri Digvijay Singh and request him to move the amendment so that the motion may be adopted. We do not have any objection to it.

Reference

Lok Sabha Debates, Vol. XXIII, cc. 457-70.

N.G. RANGA

Union-State Relations

30 March 1988



On 18 March 1988, H.M. Patel moved a resolution in Lok Sabha for restructuring what he called the centre-state relations. Opposing the resolution on grounds of the time not being opportune for it, Professor Ranga, the seniormost parliamentarian in the House pleaded for a nationalistic outlook and appealed to the votaries of states not to press for unreasonable regional or local demands.

Mr. Deputy-speaker, I have heard very carefully the two speeches that have been delivered today. I would like to say, in the very beginning, that our constitution is neither federal nor unitary. It is a unique thing by itself. It was formulated for a society as well as a country which is continental. True, we had the example of England on one side and America on the other, but we developed this structure in order to suit our conditions. There is no such thing as finality about it. It is an evolving process of approach towards our practical problems.

In the beginning, when the Constituent Assembly was convened, we were thinking of only very few limited powers for the centre. At that time, we had to negotiate with the Indian states, their princes and their autocracy. On top of it, there was Great Britain also. Slowly, the Indian states were liquidated. The princes and their autocracy were removed. India became one politically and came to be devoted to democracy. As a result, under the able leadership of Sardar Patel we began to think, first of all, of having a strong centre. Then the whole of the Constituent Assembly agreed that there should be a very strong centre and at the same time a number of states with certain powers which are to be exercised in an autonomous manner with the aid of their own elected machinery of legislature and all the rest of it. But in between, we also had to think of a contact between the state government, the state legislatures and the centre. Therefore, we adopted the British system. The earlier precedent we had, was the system of appointing governors. Who used to appoint governors? Of course, the Centre through the president. But then we conceived the idea to first of all consult the state governments before we appointed the governors. At the time of Pandit Nehru, in all the States, there were only Congress governments. It would have been a sensible thing to consult their chief ministers in regard to the appointment of governors because at that time we were all acquainted with each other. We were brought up in our political life as a kind of a great giant family and so we knew each other. The chief ministers in their states, when they were consulted, they knew all available ones as to who will be appointed as governors. But then the chief ministers in the respective states would know who is who in the whole of the country, to be good enough, to be fit enough, to be big enough, to be experienced enough to be chosen as governor. Therefore, how can we carry on that kind of experiment which Jawaharlal was able to make for over a period of fifteen years? Since then changes came. We think of so many people. Administrators may have a biodata. We think of politicians and political leaders. Because of our differences in political approaches between the states and the centre, they may not be willing to accept anybody at all who had never been a member

or an important leader or as a ruling partner at the centre. Today it is the Congress. Some time back, it was the Janata. Therefore, we cannot very well depend upon that kind of a practice which Jawaharlal initiated, not as a well-established convention but he hoped that the condition should continue to be in the manner they faced at that time, but today it is not possible.

Secondly, there is a move on the part of some of the state governments and leaders that we should not appoint people of administrative experience. Some others say that we should not appoint anyone who had a political career. All these are conditions which cannot be fulfilled. Some of them would be administrators, some may be politicians, some of them will be spokesmen and some may be philosophers. It all depends upon circumstances. Did we imagine that we would come to have a philosopher like Dr. Radhakrishnan and an educationist like Shri Zakir Husain as president? We did not. But it came to be that way. Therefore, I do not agree with the kind of criticism that is emanating from some of the eminent leaders in the states which are being governed by parties which will not see eye-to-eye with the central party. At the same time, we must also agree to look upon the office of governor with some consideration and respect. There was a governor in Madras. He took some objection to the kind of diet that had to be provided for some dignitary and then within twenty-four hours he was removed. I was shocked and I could not understand it even upto this date. I cannot reconcile myself to the rationale of that act. This is one extreme on one side. On the other, recently in some cabinet, a resolution was passed against the governor and a political party has gone on record criticizing the governor. This is not the way this high office is to be treated at all. Then, they want to judge the governor by the amount of money he spends. What are the functions of a governor apart from the functions that are charged on him in the Constitution? There are so many nonpolitical functions like the Red Cross social activities, organizations working for the welfare of the minorities, tribal people, scheduled castes and underdeveloped sections and areas and specially the disabled women and disabled people. To these people, it is not the chief minister or the prime minister who is really the godfather,

it is the governor, because he represents the whole of the state there and he represents the whole of the nation in that particular part of India. Therefore, the governor has got to be social and has to meet the organizational needs of such organizations and provide leadership also to these people but in a nonpolitical manner, nonfactional and in a statesmanlike manner. These are the conditions which should be fulfilled, which should be respected both by the governors on the one side and the ministers who happen to be there in power in the respective states on the other.

Having said that about the governors, now about the division of powers. There was the Rajmanner Commission appointed by the Madras government at one time. Recently, on the pressure from Opposition as well as from regional sections and sectors, the Sarkaria Commission was also appointed. They have now made a report to us. I do not think that report can be final at any time. Nor can any report be final because it is in the evolving process of political life that we are having in our country. But for whatever it is worth, it is a very important commission. We should certainly pay very high regard to their recommendations. I agree, but then when it comes to separation of powers, look at the manner in which some of the states have behaved in regard to water resources. It is supposed to be a state subject. We made a mistake in the beginning. Education also we thought should be a state subject. Why did we not pay greater attention to the needs for central responsibility also in regard to these things? At that time we did not pay sufficient attention, and we were guided by earlier experiences under the British. So, we left it at that. Agriculture, forestry, education, water resources, irrigation and so on are all state subjects. During these forty years have we not found it necessary to give more and more powers, not more than what the states are expected to exercise, because the centre did not have any power to start with in many of these things. We have done that. Therefore, this division of responsibility as well as powers has also got to be a flexible thing, made to depend on the experiences we gain. Environment now has become an all-India responsibility. Can anybody object to that? But a state government which is so very keen for an irrigation project, or some other project, which is too impatient

about it, may take objection to the environment being with the centre saying that the project should not be in this area, it should be in some other area, otherwise there would be pollution, there would be environment mischief. Then the state governments go on quarrelling with each other. These are all practical problems. Water resources we have left to the states. What has happened between Maharashtra and Andhra, Maharashtra and Karnataka, Tamil Nadu and Kerala over Krishna, Godavari and Cauvery rivers? They are not able to settle it. Therefore, the centre has got to come again and again. One after the other – our own members of Parliament – go on asking day after day the central government to have, if necessary, a special legislation in order to force the state governments to come to some kind of an agreement or to accept the decision of the central government. We did go into this matter. We passed a legislation in regard to the appointment of a tribunal. Then there was a complaint from here saying that it should not be appointed.

The central government comes around and then says, we must make the concerned state governments agree to that before we can appoint a tribunal. These are practical difficulties. How are we to get over them? We have got to get over them by trial and experiment. That means there must be a harmonious relationship between the centre and the states.

What happens when the chief ministers themselves indulge in walkout from the National Development Council? You just think about the enormity of it. Only this morning we were discussing the educational policy. We want to see that students are taught how to be disciplined. But professors, lecturers, teachers, nobody, has any discipline at all. Now here, at the very top of it, the people who have got to set an example to the rest of the population in our country, they themselves indulge in indiscipline, by simply walking out from the National Development Council. How many of them participated? Maybe twenty-seven or twenty-eight and at the most thirty – including every kind of administration that we have in our country. These thirty people could not very well sit together, discuss things in a patient manner with mutual respect towards each other. Now with such personnel that we have as leaders in our country, we cannot very

well have cut and dry division of powers and responsibilities between the centre and the states.

Then comes the question of languages. There is a question regarding Belgaum, I was very much worried about it, as much as the concerned chief ministers — the poor people. What is the use of blaming good old Indiraji for having delayed the solution of that problem? They are highly educated, trained, experienced and aged chief ministers, who are not able to sit together and come to any kind of a settlement.

One side says, 'We are prepared to give one hundred crore rupees in order to get one city' and the other side says what is this hundred crore? It is a matter of honour. You just see this kind of madness. What is the solution for it? Not by legislation. The solution can only lie in the hearts of the leaders from both sides.

In Sri Lanka there are two areas — southern and northern. In-between these two areas, there lies one Buddhist area. The southern and northern areas are predominantly Tamilian areas. They have agreed to let those two areas be put into one province and provided them with a provincial government. Have they not done that? Can we not think of our own solutions on some such lines? If we do that, would we not be able to solve this problem here in Punjab — problem regarding two *taluks*? But we begin to quarrel. We are having all these troubles in Punjab. There are three or four villages where some other languages prevail. What does that matter? If a solution is possible in Sri Lanka, why should not a similar solution be possible here in our country also? But people must be sensible-minded, cooperative-minded. They must be statesmanlike. They must behave in a statesman-like manner, but they do not. What is the difference between an ordinary man and a statesman? An ordinary man would not have any patience until his case is settled by the Supreme Court. He is so curious, so fractious. But a statesman is prepared to follow the policy of give and take. That is exactly where I insist that statesmanship should be allowed to prevail and that can happen only when Parliament exercises wisdom and the legislatures exercise wisdom.

There was a chief minister who said that he must have complete freedom to draw upon the RBI. Now to call upon the RBI to place

all the money that he needed for his own various schemes, nobody objects to these schemes. But there is a limit for finances, so the centre says; his own people say and he says, look at the centre, it goes on having welfare schemes, defence expenditure and all the rest of it, indulging in inflation, indulging in deficit financing, indulging in asking the RBI to go on printing more and more notes. 'If it is possible for the central government, why should it not be for me?' he says. Now, who is going to tell him the A, B, C of the constitution or the A, B, C of political life. If a village panchayat rises against a mandal panchayat, mandal panchayat rises against zila parishad, then zila parishad rises against the state government! Let him think about these issues. Not only himself, as one man, let all the chief ministers think about it and then they would realize the need, the wisdom for them to abide by the constitution. But let the centre carry on its work according to the constitution and to make the state governments also behave themselves properly. Oh, they do not like the word 'behave' They say, 'Who are you, the centre, to say that we should behave?' That is the trouble we had about Tripura. I do not wish to go into details. What was Tripura? True, we gave them statehood, but, at the same time, how many million population (sic), what is the size of it? In the whole of this great country, it is only a infinitesimal thing. Therefore, they must go on dictating to the government in regard to security also and they must find fault with the government because the centre finds it necessary to interfere there, with regard to movement of population between that state and a neighbouring state. If we go on in this way, we cannot make any progress in our country. My hon'ble friend, the author of this resolution was a great friend of mine at Oxford and here in India. During the decade, when we were carrying on our Swatantra party, we ourselves were sitting on that side where Professor Dandavate is now sitting. He is one of the most responsible politicians in our country and advisedly he had formulated his proposition. He says, early restructuring so that federalism underlies... and so on and so forth. he did not say straightaway that the state government should have so much power. Already, they have so much of it. Certainly, we are all in favour of early restructuring; it is not early; it is an eternal

thing, but then from period to period we should be restructuring. But, as the time comes, the time, I am prepared to say, is coming; it would come provided, firstly, the chief ministers in the states; secondly, the prime minister and, thirdly, the one which was not included at that time when we were passing the constitution, the National Planning Commission, along with its other commissions which are also cooperating in order to see that our country is held together; all these people are willing to cooperate with each other in a statesmanlike manner, not in a manner in which some of the state chief ministers have behaved or misbehaved in the National Development Council by indulging in that rowdy fashion or students' fashion or trade union fashion of walking out. So, the time is coming, time is there provided that atmosphere is there. As long as that atmosphere is not there I wish to swear by the constitution that I am not prepared to depart from it.

Next thing, some chief ministers say, oh! intercontinental (*sic*), international powers also, we must have. There were proposals coming from one of the state governments that they should have power to raise loans in other countries, to invite industrial concerns of other countries to come and become partners in their own industrial concerns! Where do we go then in this direction? I would like my hon'ble friends also to give a serious thought to it. If you allow a thing like that, then this country will go to the dogs. It will go back to the Mughal period, when one great peshwa was here, — was he a Peshwa, what was he? — one great emperor simply trounced down and another fellow, his own sardar sat on him, pulled out his eyes one after another, that is after Aurangzeb had gone away. A third occurrence like that ought not to be allowed to happen here in our country and that was the reason why I was very glad indeed that Indiraji at that time put her foot down and then said,

Nothing doing; if you want, come and deal with our Planning Commission. If they agree that such and such an industrial concern is absolutely necessary for the development of industries in your own state, then you negotiate with the Planning Commission as to wherefrom you are going to get the money. If there is an American

concern, or a Russian concern, or any other foreign concern, which is willing to come into partnership with your own local concern, let them discuss it, but under our auspices, under the auspices of the Planning Commission. Then let us decide. All that foreign capital should also be treated as national resource. Then it can be divided between one state and another. One state cannot go on like that, borrowing from abroad when all other states are crying for money. The whole country is one when it comes to the question of money, investment, industrial development, national development and educational development.

Now I am coming to education. What is the position? Here is the Navodaya scheme. Excellent scheme! The prime minister has put it very nicely the other day. I do not wish to repeat it. The backward classes were never tried. Harijans, even the minorities, Muslims and others, women – they were all neglected. You depended upon one caste for providing the national genius for our country. Therefore, the country went down. Slowly the British came and broadened the seedbed of education. Now here again is the prime minister. Here is the education minister coming forward with this revolutionary scheme of Navodaya, in order to help, give special preference to the children of all those minorities, of all those undeveloped people, suppressed people and also especially the rural people, to send their children to get the best possible type of education, better education than what you are supposed to be getting at Doon or at any public school or any of the places abroad, Cambridge or Oxford or in America. They would get that education. In that way we would be able to open up just as from borewells underground water comes up, where the huge social mass of people who had not been invited to make their contribution to the national well being, national thought and national wisdom. This is the great vista for intellectual development.

What does one government say in their own wisdom? Wherefrom do they get it, God only knows. We are not going to use Navodaya. They have got some wisdom. Is it from the East or is it from the West? God only knows. But they do not want to have it. In such circumstances, what is the kind of solution that you can get either

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from Rajmanna or Sarkaria.....Therefore, it is absolutely necessary that we should certainly have restructuring, but not now. When? When all these people are prepared to behave towards each other in a statesmanlike manner, in a progressive manner and in a manner in which we made the constitution last time. Thank you.

Reference

Lok Sabha Debates, Vol. XXXVII, cc. 321-9.

SOMNATH CHATTERJEE

Defamation Bill

30 August 1988



On a motion by P. Chidambaram, the most controversial government bill relating to defamation law was considered by the Lok Sabha. Strongly opposed to some of the proposed provisions, the press showed great solidarity by taking the most unusual stand of boycotting the proceedings of the House. Although the bill was passed by the Lok Sabha, it had to be finally given up in the other House. Somnath Chatterjee, the eminent Communist Party (Marxist) leader and a well-known lawyer criticized the bill most vehemently and moved an amendment.

Sir, I know that this government has gone berserk. In their occasional lucid moments, I hope they will display some rare sense of political honesty by accepting my amendment.

Sir, clause 13 is the brainwasher of Shri Chidambaram by which the government has created a new species of defamation. What is this new species of offence that is being created by this clause? Any imputation falsely alleging that any person has committed an offence,

or has done or omitted to do any act which amounts to an offence. This is the new offence. The intention of this bill is telltale. It is very clear. Whatever the bulldozing majority may try to project, the people have understood and will understand when the real ramifications of the so-called codifying bill come to the knowledge of the people with the whole object. You do not say anything. You have not even mentioned anything which may even remotely be construed to refer to an offence or amount to an offence. Kindly consider when the Bofors thing was first published, the Swedish radio broadcast was reproduced here. On the basis of that, there was the clearest indication of violation of law where offence has been created. On the first publication itself, section 13 would have been attracted. Thereafter it has been admitted 'yes money was paid in violation of the law'. Even that state would not come if this law is there. Take the latest case of ONGC disclosure. If this law was there, what *The Statesman* has published could not have been published. Because as soon as it was published, immediately the next day, Mr. Shri could have gone to the court and the onus could have been on *The Statesman* to prove everything which can be proved from the government records. There, records are not forthcoming. Whether there is violation of income tax law or not, one could get any information and or can draw reasonable inference from the facts disclosed or facts known. But actually clinching evidence can only be available from official records to which we have had no access. Nobody will have any access. Now, the defence is sought to be made that it has to be proved. Shri Ayyappu Reddy is absolutely right that the defence of fair comment, defence of unintentional publication, defence of absolute privilege or qualified privilege, nothing will be available in case of offence under section 13. The offence is to impute an offence or the offence is to impute something which may amount to an offence. Therefore,... what is the sinister and the *mala fide* intention of this bill? It is really to introduce or create a new offence and the only important chapter is chapter III. The minister is right. A part of it is mere codification. Wherever they have tried to depart from the Indian Penal Code, which has stood the test of time, they have made it more unintelligible. I can concede that upto section 12,

you have faithfully, or faithlessly copied the old law. But where you have gone and thought of a new thing is chapter III. It is an atrocity. I know even the hon'ble members on the other side feel very strongly about it. You were unable to express yourselves – the members on that side. As Professor Dandavate says, you are bonded labour, what can you do?

Mr. Chidambaram, with all his eloquence, with all his knowledge, with his persuasive knowledge, with the knowledge of literature and knowledge of law and constitution, and what not, could think of only one example and that is, if a dancer is dancing, her ability is criticized. That is one thing. But if some imputation is made against her for violation of the Suppression of Immoral Traffic Act, then it is a very serious matter and section 13 will be immediately attracted. It is a social crime. That is what I am saying. It is very well, if you want to include social crimes or allegations of commission of a social offence, then have it. It is because you will pass it. But why do you include economic offences? Why can't I allege FERA violations, why can't I allege income-tax violations, why can't I allege sales tax violations?

Therefore, has this government any political honesty so far as maintaining this country free of economic offences as concerned? If they do not believe in middlemen, and if they do not believe in commissions, they should accept my amendment — I say that offences coming under the meaning of clause 13 should not include economic offences.

Even Mr. Shantaram Naik has become quiet. I know it is no good appealing. They will not go to the people; and when they go, the people will give them their lessons. But let them, even on a rare occasion, show some political honesty; and, therefore, let them accept my amendment with or without commission, I do not know.

As I said, this is an absolute offence with an absolute punishment. There has to be imprisonment. Nothing less than imprisonment; *plus* fine, imprisonment is a must, for one year. Against whom is it directed?

Therefore, chapters I and II are merely thought of, to give company to chapter III. Hence, in view of the fact that a very limited

defence is available, and it is impossible for anybody to prove it in the absence of the official records and documents, they should restrict this offence only to social offences or offences other than economic offences, because this country is being bled white. Moneys are being kept in foreign banks....

I was saying that this country is bled white. Moneys are being admittedly kept in the Swiss banks and foreign banks. I cannot say now that somebody is keeping money in a foreign bank. I have to prove it from the records of the Swiss banks. Is it possible?

Somebody is admittedly owning a flat in Switzerland. How can I prove it? They will not give the documents to us. Therefore, here is a deliberate and sinister motive to stop publication of information relating to economic offences, and this is nothing but a very serious move to keep people in darkness. They want extenuation by chapter III, not on merits not by proving on the basis of merit. Therefore, I submit that they should restrict it to offences other than economic offences, and that my amendment should be accepted.

Reference

Lok Sabha Debates, Vol XLII, cc. 511-5.

RAJIV GANDHI

Lowering the Voting Age to Eighteen

15 December 1988



In a major policy decision, for the size of India's youth population, it was decided to lower the voting age from twenty-one to eighteen. The Constitution (Sixty-second) Amendment Bill, 1988 and Representation of the People (Amendment) Bill, 1988 had other wide-ranging provisions in regard to electoral reforms. For the first time, all political parties were being made to submit to the basic principles of secularism, socialism and democracy and booth capturing was being made a cognizable offence. Rajiv Gandhi, replying to the debate on the legislative proposals in the Lok Sabha called them 'historical and revolutionary'.

Let me say at the outset that the legislation that this government has brought, is a major legislation as it is aimed at strengthening the roots of our democracy. Our Indian democracy is unique in many ways. It is a unique experiment which is of global interest. It is the first time that a diverse society, with diverse cultures, with ethnically different people, speaking different languages, inhabiting different regions, professing different religions, and having different castes,

has been brought under one democratic system. In a sense it is the microcosm of the world as also a demonstration to the world that democracy is possible amongst a diverse society such as ours which can be a model for an international democracy for people to live together on the globe.

During these forty years, the experiment of Indian democracy has been extremely successful – perhaps, the most successful in any developing country – and I would like to thank and congratulate the people of India for the success of this experiment.

During these forty years, we have learnt a number of things and some weak areas in our system have become noticeable and it is necessary to correct these areas. This bill, for the first time in forty years, addresses itself to major issues relating to electoral reforms. This government started the process of bringing about electoral reforms, by first bringing the Anti-Defection Bill. We followed that by regulating donations from companies, by altering the Companies Act. We followed that by bringing in a bill to prevent the misuse of religious institutions. This is the fourth step that we are taking during this Parliament.

This bill addresses a number of areas. I won't go into all the details. The law minister and other members have covered those details. But these are some areas that I would like to touch. One of the most significant areas that this bill goes into is to preserve secularism in our country.

It is important to spend a minute on why secularism is important. It is important for us to understand what we mean by secularism, because there are some amongst us who, under the label of secularism, want to destroy religion. Our secularism is not antireligion, nor is it for destroying religion. We must be very clear about that. I would like to say categorically that anybody who thinks that secularism means the destruction of religion or an antireligion act is doing a disfavour to the word secularism, is doing a disfavour to our nation; and some who believe in that, should revise their thinking, because it is dangerous for our country.

Secularism is essential because, in a pluralistic society such as ours, it is essential to separate politics and government from religion. If

we do not do so, we run the gravest risk of disintegrating the country and destroying our nation. Perhaps the effect will be much beyond just the effect that it will have on the nation. We will lose the nation; but the world will lose an experiment in building one humanity. So, the repercussions are much greater than even those affecting our nation. The path that Gandhiji and Panditji have put us on to, and Indiraji took us on, has much greater goals than just those limited by our boundaries; and we must not limit our vision by our boundaries. Our vision must go beyond. So, secularism is one key word, and it is essential that secularism is brought in every area of our activities. Elections and the electoral process is one such very important area.

We took the first step when we brought the bill for preventing the misuse of religious institutions, In this bill, by requiring the political parties to submit themselves to the Constitution of India, we are pushing them further towards the secular goal. I feel here it is important for me to say that when we push people towards secularism — and I am saying push people, and not force people, because when we start forcing, then things snap; people take hard decisions. We must coax them and bring them into the mainstream, and that is what we are trying to do. We could have taken a very hard stand. I have gone through the proceedings of the House. Some members feel that much stronger action should have been brought in. This was considered by the cabinet.

We went into it in depth and, in balance, we felt that it was better to tread softly along this path, because if we try to force we may end up in a situation where we will isolate a large section of our population and deliberately cause fissiparous tendencies to develop. We have adopted the way of pulling the people into the mainstream and convincing them that this is the right way to go. We believe that by making political parties submit themselves to the Constitution of India, we are only strengthening our electoral process, our democracy and our nation. And any party that is not willing to submit itself to the Constitution of India does not deserve to be recognized as a political party...

An hon'ble member from the Opposition and an hon'ble member from our side have recommended an amendment to bring in the full

provision of the Misuse of Religious Institutions Bill. We thought that it was already included, but, perhaps, it was a little soft; it was covered but not completely. I have asked the law minister to bring in a government amendment because there are some technical problems in the wording of the two proposals. We will bring in a government amendment to cover this area and I would like to thank both the members....

Another very important aspect of the bill is the protection that we have sought for the weaker sections when they go to vote. As I said, our electoral system, our democracy have functioned very well. But there are certain weak areas; and one of the weak areas is that the feudal elements prevent the weaker sections, the scheduled castes and scheduled tribes, the minorities, the women, from going out to vote. Sometimes they are prevented from leaving their homes; sometimes they are prevented from getting actually to the booths by the feudal elements. This is, of course, one of the reasons. By making booth capturing a cognizable offence and by making both capturing a corrupt practice, we feel that the hands of the weaker sections will really be strengthened. We have also listed a number of crimes which, if committed, will debar people from contesting an election. We have mentioned specifically those crimes which are antisocial and which are demeaning of the dignity of a particular section of the people. It is, again, the weaker sections against whom these crimes are committed and it is our earnest endeavour to protect the weaker sections by bringing in these provisions.

One major step that we are taking is reducing the voting age from twenty-one to eighteen.

We have full faith in the youth of India. The youth of India have demonstrated their wisdom, their maturity in panchayat elections, local body elections, and we feel that they are now ready to participate fully in the democratic process. This amendment will bring in almost fifty million people into the electoral system.

There has been another area where there have been some differences between what some parties have felt and what we have felt; what we have brought in and what has been the question of the multimember election commission. We have full faith in the

election commissioner and we feel that anybody who wants a multi-member election commission seems to have some doubts about the election commissioner. We have no doubts about the integrity and independence of the election commissioner and going to a multi-member election commission, we feel, would have meant that we doubted the integrity of the election commissioner in some way. We have no doubt about the integrity....

Having said that, let me also say that there have been a number of occasions when the decision of the election commissioner has been contentious. The Opposition has not agreed with many decisions and has made issues. We too have not liked many decisions and have made issues. But the fact is that it has been fairly universal and we have found that the election commissioner was tied down by the lack of powers he had. We could keep complaining. But because the system was as it was, he was not able to do even what he wanted to do. So, we have thought that instead of going for a multimember commission, like has been suggested by certain parties, we would instead strengthen the hands of the election commissioner because we have full faith in him. This bill strengthens the hands of the election commissioner and for the first-time perhaps the election commissioner will have the powers to deal with the task that has been given to him.

One more question had come up on identity cards. When we discussed this in the cabinet, we very clearly gave our affirmation. In fact, we have cleared identity cards. We will have multipurpose – whatever they are – identity cards. There are some problems on how it will be handled administratively; what it will cost; how we will bear it and how we will deal with these two areas. But we will start the process now. Because of the size of the country, the size of the electorate and the other complications, we cannot say that we will complete the whole process before the next elections or according to a time schedule, but I am very keen that the process is put into motion rapidly. In the initial stages we will have to learn in the process of putting this through, but we would like to see that it gets through quickly. We will overcome the difficulties and we will try and have identity cards as soon as possible.

Amongst the many points that have been raised during this debate I would like to refer to only two: the first is state funding. The problem is not whether there is state funding or not. The problem as I understand it is the question of the money power in elections, let me say very clearly from experience. I am very clear that our people are much too clever and much too wise to be misled by money power. Never has money power been the deciding factor in an election in this country. This is my feeling. If some people feel that our electorate can be misled by money power, I think they are totally wrong. It is only the politicians who sometimes feel that by spending more money they can do something. But our electorate is much too wise for that. State funding in no way changes the amount of money that is being used. In fact, it will only increase the amount of money that is out there for electoral use. It will not reduce the raising of money for elections in any way. So, I do not see state funding tackling the issue of the cost of elections in any way. If it did, we would have brought it here. But, I do see a need for trying to reduce the cost of elections. If the hon'ble members have a positive suggestion on that we will definitely consider it. But nothing concrete has come to us on that issue yet. Let me once again say that I am very clear in my mind that we cannot buy the electorate of India. The electorate of India is much too independent and wise for that.

Sir, the second point that was raised – I think it does need addressing – is, some members have felt that this bill has not addressed the core issues and has addressed only the peripheral issues. Well, I feel some of these members are suffering from what could best be called peripheral myopia.

Let me say very clearly that this bill is a major bill. It is a major electoral reform. I would go to the extent of calling it historical and revolutionary and significantly, we have brought it in the centenary year of Panditji. It will strengthen the roots of our democracy and it re-establishes the faith of the Congress in the youth of India and in the wisdom of the people of India....

Reference

Lok Sabha Debates, Vol. XXXXV, cc. 59-67.

V.N. GADGIL

Sarkaria Commission Report

30 March 1989



The minister of home affairs, S. Buta Singh on 30 March 1989 moved for the consideration of the report of the Sarkaria commission on centre-state relations. Wide ranging discussions followed. Many members participated. Among them, V.N. Gadgil rose to explain the rationale behind the scheme of union-state relations as contained in the Constitution. He generally supported the Sarkaria commission recommendations and stressed the importance of working with a real sense of national unity and integrity.

Sir, at the outset, I would like to congratulate Mr. Justice Sarkaria for a well thought-out report. I would also like to congratulate the government for proposing a national debate on an issue which is of great importance. I would further like to congratulate the government for stating that as far as my party is concerned, there is no party line, each one can express his views freely and fearlessly because this is a subject which transcends party considerations.

There is no party line. Unlike other parties we function in a democratic manner....

I would like to make my submissions on four aspects. First is the historical and constitutional background of centre-state relations; second is, what is the experience of other countries and whether we can learn something from their experience; third is, what is happening in our country for the past forty years and fourth is, what are the prospects....

I will be very brief on each point.

Sir, the historical background is that when the fathers of the constitution, the founding fathers, thought of centre-state relations, there was a very unique, unusual situation in the country and therefore the set-up that is in the constitution about centre-state relations has to be studied in the context of that background. It appeared at that time that there were forces, partition was being talked about, there were forces which might lead to disintegration of this country and, therefore, the whole thrust was as to how to preserve the unity and integrity. If you go through the debates, for example, you will find Sardar Patel mentioned 'a real union of the Indian people based on the basic concept of the sovereignty of the people'.

Shri K.M. Munshi went to the extent of saying that 'there is no provincial autonomy, there is no federation by and for itself, there are no sacrosanct words'.

The Cabinet Mission Plan was in the background and the Union Powers Committee originally suggested a weak centre. When the shadow of the Cabinet Mission Plan disappeared, there was a change in the thinking of the Constituent Assembly and the whole thrust was, as I have stated, for a strong central government so that the unity and integrity of India can be preserved. The report of the Union Powers Committee as has been said by one writer, was consigned to the dust of library shelves. A totally new concept came. That concept was spelt out by Dr. Ambedkar. About the relationship between the union and the states he says:

The constitution establishes dual polity with the union at the centre and states at the periphery, each endowed with sovereign powers to be exercised in the field assigned to them respectively by the

constitution. The union is not a league of states united in a loose relationship nor is any of the state is subordinate to the centre. Both the union and the states are created by the constitution, both derive their respective authority from the constitution. The one is not subordinate to the other. The authority of the one coordinates with that of the other.

That was the basic concept. But later on he himself warned that we should avoid the mould of federalism. And he also came to the conclusion that in the situation we require a strong centre. Therefore, one golden thread that runs throughout the constitution is a strong centre with certain rights to the states.

Many are of the view that a strong centre is necessary. I may like to recall that a certain great leader at that time, although he was a member of the Constituent Assembly, sent a note that the original draft Article 188 should be replaced by another drastic article which he proposed. The Article suggested by him reads as follows:

If public safety and order is seriously disturbed in any part of the republic and the government of the state concerned fails to restore order, the president of the federation may restore public safety and order with the help of the armed forces.

The other suggestion was equally significant. He also said that the executive authority of the federation may also suspend the provisions of the constitution concerning freedom of speech, freedom of association and assembly in a manner and extent determined by federal law. Who was this great leader and great patriot? He was none other than Jayaprakash Narayan. It was Jayaprakash Narayan who suggested these drastic things because he wanted a strong centre and he wanted unity and integrity of India to be preserved. Therefore, it is quite appropriate that consistent with the intentions of the founding fathers we must have a strong centre because the unfortunate history of thousand years of this country is that a weak central government is an invitation to foreign pressures and foreign interference. Therefore, that trend has been consistently kept in mind by the Sarkaria commission. I am, therefore, happy that the Sarkaria commission has not suggested any weakening of the eminence of the central government.

The second aspect is that if you want to have economic and social transformation, central planning is necessary. But central planning cannot be there unless the central government has certain powers to give directions and guidelines. What has been the experience of other countries because much is said about encroachment by the centre of financial powers and all the rest of it. I would like to quote somewhat extensively from an excellent book which has become a classic. Professor Wheare in his book *Federal Government* says:

Many people in Australia and in the United States think that there has not been sufficient adaptation; that the constitutions still embody an out-of-date division of powers.

After studying four or five federal-type governments, then again he says:

The general governments in all four federations have grown stronger... It has not meant in all cases that the general governments have acquired new fields of jurisdiction in addition to those which were originally conferred upon them at the initiation of the constitution. What has happened is they have started using more effectively the powers that were originally granted to them.

In my submission, exactly the same situation obtains in India. There is no encroachment. What has happened is the central government has started using its powers given under the constitution more effectively and more efficiently.

Then, sir, in the field of finance, what has happened in other countries is that the general governments owe much of their predominance in finance to the potentialities found in the original financial provisions of their constitutions. In the sphere of finance it is clear that the general governments have steadily increased their powers at the expense of the state, and it may be said that this increase in power and the predominant positions they now occupy have come about largely by the exploitation of the powers originally granted to them by their constitutions. Exactly the same situation is obtaining here.

Then again, what has happened here has also happened there, viz., a large measure of financial assistance from the central government. The provinces and states are reluctant to give up

jurisdiction when they demand grants and subsidies to enable them to perform their functions. The prospect for federal government in a plurality of jurisdictions is likely to be combined with some measure of financial unification. His conclusion after the survey is that: such a combination may well prove to be workable and may produce better government than complete independence in finance and jurisdiction. Then again, what has happened here has also happened there — resistance by the states. What has happened in those countries is:

There has been a strong increase in the sense of importance in the self-consciousness and self-assertiveness of the regional governments. This has gone on side by side with the growth in importance of the general governments and it has obviously been stimulated by it.

Then, the next point is important:

They have felt that their position is imperilled; that they are becoming mere pensioners of the general governments, that is, the federal government.

So, that kind of feeling is not unusual in this country, it has happened in all federal countries. Now, the experience of these countries shows that if you want to give certain directions to the nation, financial powers which are already invested in the central government are required to be used. What has happened in our country? My friend is anxious that I should not take too long, so, I will not take much time....

Even in court you know I never took five hours. What has happened in other federal countries is that with the complexity of the modern state, the desire to bring socioeconomic transformation, planning and other things have become necessary, with the result that certain central directions and guidance become necessary. It is not the desire to encroach upon the state governments but it is the compulsions of these factors that persuade the Central government to use its powers more efficiently and more effectively. Unfortunately, the result is that some of the states feel that their powers are being encroached upon. What has happened in India in the last four years? And I dare say that there is no distinction between Congress governments and other governments. Three things have happened.

One is that now there is a fashion that for everything blame the central government. I do not know whether history is a boon or a curse for us because many times I find senior leaders from all parties in the states taking some historical analogy and like a hero in a historical play saying: 'I shall not bow before Delhi' as if Delhi is being ruled by some foreign power. Now, this kind of feeling unfortunately, unnecessarily, has grown as if some other external powers are dominating them. So, in some of the states what happened is to cover that inadequacy, the blame is put on the centre. I remember an earlier finance minister at one stage giving statistics and figures of certain states where what has been allotted has not been used; yet they go on demanding more and more. Sir, you know the story of John and Mary. John said to Mary, 'What would you have liked to be if you have not been Mary.' She said, 'A rose.' He asked, 'Why a rose?' She said, 'It is a symbol of beauty.' Then she asked him, 'If you were not John, what would you have liked to be?' He said, 'An octopus.' She said, 'Why an octopus?' He said, 'If I am an octopus, I will be able to embrace you with a thousand hands,' Mary said, 'What a fool you are, why do you want a thousand hands when you are not even using the two hands that are already given to you?' That is happening in your state. What is allotted is not being exhausted, not used, but they go on asking for more and more.

Sir, I remember that in my schooldays, we used to have interschool cricket matches and when the match started, the boys used to pick up a big stone and whenever their batsman was out, they used to thrash the stone with chappals and other things. They never admitted the weakness of their batsman and the blame was put on that stone saying that stone was inauspicious, and therefore, this had happened. So sir, something like that has happened to some of our states. Their batsmen are weak, they will not admit that, but they will go on beating the centre and that is convenient for them to blame. Therefore, in practice, in India what happens is to go on blaming the centre to cover up the inadequacies in some of the states. We have developed all kinds of federalism. I have come across cooperative federalism, this federalism and that federalism. In India, we have got a bargaining federalism. Every state wants to bargain with the centre so that they

tell the people, 'We did this for you'. In a democratic country, in elections they may do this. But when we consider the national interest, one wonders whether this is a proper approach. So the experience of other countries, and the experience of our own country, indicate a certain line of action. So, specifically, sir, as far as the report is concerned, there are two or three recommendations with which I do not agree.

Sir, in the first place, the recommendation that if a governor is removed, he must be given an opportunity, he must be told the reason, is not acceptable to me. Sir, he is not an employee of the government. It is not as if Article 311 of the constitution should apply to him, that is, the Act concerning government servants, that if a government servant is to be removed, he must be given the opportunity and the rules of natural justice must be followed. The governor is, after all, a high political office; he is not an employee of the government so that you give him notice saying we are going to dismiss you, these are the reasons. Then he gives the reply. Then the whole thing is considered. Sir, this is totally wrong. This will reduce the dignity of the office of governor. There are political considerations for which it may be necessary – I am not saying party considerations but political considerations – that he should no longer continue and that should be left to the president and there should be no question of giving him notice or opportunity.

The second recommendation to which I am sorry I do not agree is the interstate council. Sir, many experiments have been tried. For example, you will find that in America there is an annual governors' conference. In Australia there is a premiers' conference, in Canada there is a loan council. Various forums have been tried, but not all of them have succeeded. The experience of America is that in the governors' conference, what happens is – I am quoting from some book – the characteristic of these conferences of governors is that the governors have a good time. The state is eager to offer them all kinds of hospitality. There is no meaningful discussion, it becomes some kind of jamboree and then the conference is over. But what has been more successful in these and other federations is that ministers in charge of various departments [of the] state and the

centre, come together and try to discuss their respective subjects so that some via media to balance the interests of the state and the centre could be found out. We have, for example, the Zonal Council, the National Development Council, the Finance Commission and the Planning Commission. I do not think any useful purpose will be served by adding one more forum. The Finance Commission is a constitutional commission. Every five years it considers various aspects. They may apply the Gadgil formula of resources....

Not myself but the former vice-chairman of the Planning Commission, Dr. D.R. Gadgil. The Gadgil formula about source of income, population, backwardness is there. Various states apply and they suggest certain allocations. Here I would like to make one observation. The Planning Commission has gone through various stages. At one stage it became a parallel cabinet, later on a super-cabinet, later on an advisory body and at one stage it deteriorated into just an academic body. Now, my submission is that the role of the Planning Commission in interstate relations is to act as some kind of pioneer, some kind of guide, some kind of disseminator of information, overall planner and evaluator, that should be the role of the Planning Commission. But as I said, historically it has changed into various roles which have not done much good to the country. Therefore, sir, when you already have these many institutions, in my submission it is unnecessary to add one more forum whether it is to be presided over by the prime minister or the chief minister. In my submission all that becomes irrelevant because no such commission or council is necessary for better centre-state relations.

Finally, I would like to conclude by saying this. What is the direction in which we should go? Sir, it has been said, a federation is not a static creation of lawyers to be reserved for their exclusive control, although some kind of juristic stamp is necessary on the centre-state relationship. So, a federal system is not accordingly symbolised by a neat cake of three distinct and separate layers. A more realistic symbol would be that of a marble cake. Whenever you slice through it, what do you get? What is revealed is an inseparable mixture of different colours and ingredients. There is no neat horizontal stratification. Vertical and diagonal lines almost obliterate

the horizontal ones and at some places these are of unexpected whirls and an imperceptible merging of colours so that it is difficult to tell where one ends and the other begins. That should be the proper approach. It is not desirable that you draw a very clear cut line — this is the centre-state relation. We are all one nation, working together. I will be the happiest man, when people wonder where my views and those of another, say for example, Somnathji are one. If we can have that kind of situation, then we will achieve real unity and integrity. It is not at all necessary that there should be some kind of confrontation, some kind of hostility and that you and I are different. That kind of feeling, I think, should be ruled out.

To conclude, as to how the relationship between the centre and state should be in the future, I would say, much will depend upon political leadership of all parties, upon all leaders whether central or of the states and if we are working together, then the real sense of unity will come, the sense of integrity will come — not by law, not by constitutional provisions. If there is a kind of feeling of being one and being together, then only the centre-state relations will improve. It is not so much a matter of a form of constitutional provision or a legal enactment. It is after all, the people who want to work the system, how they approach and how they view centre-state relations and on that will depend the success of centre-state relations.

The best I could do is to quote a description of this relationship, which I found most appropriate:

To keep the centrifugal and centripetal forces in equilibrium so that neither the planet (state) shall fly off into space nor the sun of the central government draw them into the consuming fires.

This should be the picture, the image of the centre-state relations, which we should have in the coming generations.

Reference

Lok Sabha Debates, Vol. XLVIII, cc. 430-40.

RAJIV GANDHI

Panchayati Raj

13 October 1989



Introducing the Panchayati Raj and Nagarpalika Bills both of which sought to transfer power to the people at the grassroots, Rajiv Gandhi had said that the purpose of the two bills was maximum democracy and maximum devolution. Replying to the long debate on the two bills in the Rajya Sabha, Rajiv Gandhi dwelt at length on various aspects of decentralization and empowerment of the people. He tried to answer all criticism and dispel several misapprehensions in regard to the motivations of the two bills.

The two bills were passed by the Lok Sabha but got narrowly defeated in the Rajya Sabha and were resurrected and passed by the two Houses only during the tenth Lok Sabha period.

I have been following with the closest interest this important debate on the Panchayati Raj and Nagarpalika Bills. These constitutional amendments, which I had the honour to introduce at the last session, are of truly historic and revolutionary significance. It is, therefore, not surprising that the debate should have been sometimes stormy,

sometimes incisive, sometimes reflective, but at all times lively. I wish to thank all members on both sides of the House for the important contributions they have made to this debate which is bound to adorn textbooks on constitutional history for many years to come.

By and large, it appears to me there is general acceptance of the need for maximum democracy and maximum devolution. What is disputed is matters of constitutional jurisdiction, political propriety, electoral motivation and legislative detail. Allow me, madam, to deal with each of these apprehensions in turn.

It has now been well established in both Houses that there can be no doubt about the Union government's competence to introduce these constitutional amendments. We have displayed the utmost rectitude in not impinging upon the essential constitutional relationship established between the union and the states. Our basic aim is to secure constitutional sanctity for democracy in the panchayats and nagarpalikas and devolution to them of adequate power and finances to ensure the people's participation in the development process.

First, we have left entry five of the State List exactly as it is and where it is. The competence of state legislatures to deal with all municipal legislation relating to rural and urban local bodies has not been tampered with in any way. Second, care has been taken to so draft the constitutional amendments as to leave it entirely to state legislatures to draft the law on the subject, and to state governments to formulate and pass the necessary orders to realize the objectives of these constitutional amendments. The only point I would wish to stress is that all municipal law has to conform to the provisions of the constitution. These two amendments, when passed, will set the constitutional stage on the basis of which state legislatures will undertake detailed legislation....

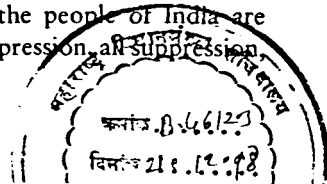
Third, it is erroneous and misleading to say, as some members opposite have alleged, that what we have attempted to do is to draft a detailed municipal legislation by the backdoor of detailed constitutional amendments. We have restricted ourselves to essential features such as regularity in elections and the forestalling of arbitrary and prolonged suspensions. We have been asked why we have

prescribed in such detail a common structure of panchayats at village, intermediate and district levels, as also a common structure of nagarpalikas for different sizes of population. The answer is simple. A uniform structure means uniform pattern and degree of democratic representation in the local bodies. Why would the pattern and degree of democracy differ from one part of the country to the other? We are, after all, one country. Another major objective we have in mind is to reduce the vast gap that now separates the voter from his representative. In a vast country like ours, there are at present not more than about 5,500 persons – 5,000 in the state legislatures and around 500 in Parliament – to directly represent 800 million people. The number of voters seeking the assistance of the elected representative is so large that there is no way the representative can really give his personal attention to his electorate as a whole. Also, it means the people have to approach their MLA, or even MP, to get grassroot problems attended to. The Panchayati Raj and Nagarpalika Bills will generate so many lakhs of elected grassroot representatives that the distance between the voters and his representative would be drastically reduced, the power brokers would be driven from their perches and grassroot problems would receive grassroot attention. There is no reason why these benefits should not reach the people in a more or less uniform manner throughout the country. That objective can only be secured by uniformity in the structure of local bodies.

The third point is perhaps, of the greatest significance. We are determined to ensure just representation for the weaker sections of society through reservations in all our local bodies. The only way of ensuring uniformity in reservations is by ensuring a uniform structure of local government. Let me give you an example to illustrate the complications that would have arisen if we had tried to secure a uniform system of reservations without having a uniform structure of local government. At present in some states including Congress-run Maharashtra and non-Congress-run West Bengal, the panchayat samiti is a body directly elected by the people at large. In some other states, however, the panchayat samiti is not a directly elected body but a committee of the chairman of village panchayats.

In a directly elected panchayat samiti it is entirely feasible to reserve seats for scheduled castes and scheduled tribes in proportion to their population, as also to reserve thirty per cent of the seats for women. If, however, the panchayat samiti is not a directly elected body but only a committee of the chairman of the village panchayats how is one to secure proportionate representation for scheduled castes and scheduled tribes or thirty per cent reservation for women? In prescribing a uniform structure of local government, for the country as a whole, our aim is not to arbitrarily impose a uniform structure on a diverse country. It is only to ensure that there is uniformity of reservations throughout the country for the scheduled castes, the scheduled tribes and women. We are second to none in recognizing the diversity of our country. We are second to none in celebrating the variegated cultures of our country. We are second to none in being the most passionate advocates of our unity in diversity, in recognizing and affirming that, in a country like India, the only unity that is possible is by a largehearted acceptance of diversity. Respect for diversity means recognizing that palm trees grow in some parts of the country and the chinar grows in others. But what has this to do with the oppression of harijans or adivasis or discrimination against women? Surely, the ladies of Kerala deserve equal treatment in the panchayats as the ladies of Kashmir, even as scheduled castes and scheduled tribes everywhere are entitled to equal representation. Diversity means respect for a Carnatic Kṛiti in Thanjavur, a baul in Bengal, a dhrupad in Gwalior and a manganiar lok geet in Rajasthan. But does this mean reservations in Tamil Nadu should be different to reservations in Bengal? Does this mean that the adivasis of Rajasthan should be treated differently to the adivasis of Madhya Pradesh or that the scheduled castes in one part of the country should get reservations in proportion to their population but be denied the same privilege in other parts of the country? To do this would be to make a farce of the noble precept of unity in diversity.

We celebrate the intellectual, spiritual and cultural diversity of our country. But, as I said a minute ago, we are one country. When it comes to oppression and discrimination, the people of India are united in demanding a uniform end to all oppression, an suppression



all social tyranny, all obsolete social morals. I repeat, madam, that it is to secure a uniform system of reservations that we were obliged to prescribe a uniform structure of local government.

I now turn to questions of political propriety which appears to have agitated the feelings of our friends opposite. We have been asked: how dare the prime minister interact directly with district magistrates? I answer: What call has the prime minister of a country like India to remain as prime minister unless he feels at home in the humblest hut of the humblest, remotest village of our vast and varied country? I toured hundreds of villages. I spoke to countless people. There, in their hearths and homes, I experienced the cruelty of an unresponsive administration, the oppression of an administration without a heart, the callous lack of compassion that most of our people find at the hands of much of our administration. I then looked at the administrators themselves — most of them dedicated young men and women, of extraordinarily high intelligence, deeply concerned about the people placed in their charge and yet, apparently incapable of converting their enthusiasm and personal compassion into a responsive administration. I sought an answer to this riddle, a solution to this conundrum. That is how I decided to pose the question to the district magistrates themselves. How could this possibly be wrong?

In any case, there was nothing clandestine about my encounters with district magistrates. The first one was held at Bhopal. I invited Chief Minister Motilal Vora, to join us. He accepted and was with us in the meeting. The second one was at Hyderabad. I invited Chief Minister N.T. Rama Rao to accompany me to the encounter. For reasons best known to him, he haughtily declined.... I asked him once again at Hyderabad airport. He once again refused to come with me. How can the Opposition... now turn around and say I went behind the backs of chief ministers to talk to district magistrates?

When it came to meetings with village pradhans and sarpanches, panchayat samiti chairmen and presidents of zila parshads, we took care to seek the cooperation of at least two Opposition-run state governments in holding these *sammelans* (meetings). Chief Minister Jyoti Basu kindly agreed to cooperate and we held a most informative

and useful *sammelan* in Calcutta, in full view, I might add, of the representatives of that state's non-Congress government. We were making arrangements with an Opposition-run government for the south zone *sammelan* in Bangalore when that government crumbled under the weight of its own inconsistencies. If the Janata Dal failed to host the south zone *sammelan* that was not on account of any failing on our part but only because of their own inability to hold out until the panchayat representatives arrived.

We have consulted openly, frankly and freely with every echelon concerned: beginning with the common folk of our villages to whom I spoke; then the bureaucracy, including district magistrates, chief secretaries and secretaries to the Government of India; and then the panchayat and local self-government ministers and chief ministers of states. It was never we who shied away from meeting them. Regrettably, however, some Opposition-run state governments refused to send officials and even elected representatives to these encounters and then, in a shameful act of abnegation of governmental responsibility, failed to participate in the conference of chief ministers which I called in early July.

We come to this House, madam, at the culmination of a process of open, transparent consultation without precedent in the history of independent India. The amendments we present are the distilled essence of the views of thousands of elected local body representatives, hundreds of district magistrates, scores of senior government servants and dozens of ministers and chief ministers. There is no impropriety on our part. The only impropriety has lain in the discourtesy with which a well-intentioned invitation was turned down.

Madam, much play has been made by the Opposition of the proximity of the forthcoming general elections to the important legislation which this House will shortly be voting upon. I do not quite understand the point at issue here. Is it not a fact that we were elected to govern and legislate for a five-year period?...

Is it not a fact that we were elected to serve the people of their development and progress for a five-year period? Should we stop governing and legislating only because elections are in the offing? It is the people who have given us this responsibility. It is to the

people and the people alone — that we are responsible.... We reject this artful misinterpretation of parliamentary practice that would require us to desist from legislation because of the proximity of the polls.

In any case, madam, it was at the very beginning of our present term of office, in the first broadcast I made to the nation in January 1985 that I outlined the plan we had in mind to make our administration responsive to the people's needs. I raised these issues in my speech at the Congress centenary in Bombay in December 1985. In August 1986 this intention of government was enshrined as the twentieth point of the 20-point programme under the rubric 'Responsive Administration'.

At that time, I must confess, we were in quest of managerial solutions to an unresponsive administration. We were looking to a simplification of procedures, grievance redressal machinery, single-window clearances, computerisation and courtesy as the answers to the problem. As we went along, we discovered that a managerial solution would not do. What was needed was a systematic solution.

The Panchayati Raj and Nagarpalika Bills constitute the most significant systemic transformation in the governance of the Indian polity since the constitution entered into force just under forty years ago. We learnt that a paternalistic administration cannot be a responsive administration. We learnt that a grassroot administration without political authority was like a meal without salt. We learnt that however well-intentioned our district bureaucracy might be, without effective elected authority the gap between the people and the bureaucracy could not be closed. We learnt that the vacuum created by the absence of local level political authority had spawned the power brokers who occupy the gap between the people and their representatives in distant Vidhan Sabhas and the ever more remote Parliament. We learnt that corruption could only be ended by giving power to the panchayats and making panchayats responsible to the people. We learnt that inefficiency could only be ended by entrusting the people at the grassroot level with the responsibility for their own development. We learnt that callousness could only be ended by empowering the people to send their own representatives to

institutions of local self-government, by empowering the people to reject those who betray their mandate.

The Panchayati Raj and Nagarpalika Bills are not only instruments for bringing democracy and devolution of every *chaupal* (square) and every *chabutra* (pillor), to every *angan* (verandah) and every *dalan*, they are also a charter for ending bureaucratic oppression, technocratic tyranny, crass inefficiency, bribery, jobbery, nepotism, corruption and the million other malfeasances that afflict the poor of our villages, towns and cities. The bills are the warrant for ending the reign of the power brokers, of the intermediaries whom Shakespeare called 'the caterpillars of the commonwealth'.

These bills fill a yawning gap in the country's polity. They are the result of a process that was started in the immediate aftermath of our great electoral victory and has been carried forward in carefully considered stages till it has ripened for consideration by our august houses of Parliament. There is nothing sudden or surprising about the timing of these bills.

There is another point I would wish to stress. Elections come and go. The consequences of these constitutional amendments will far outlast the outcome of the forthcoming general elections. These amendments will become a sacred obligation on the governments, whether at the centre or in the states, whether run by the Congress or by any Opposition party. There is nothing gimmicky about our intentions. We are making democracy at the grassroots a solemn and ineluctable constitutional obligation. Equally, we are making the devolution of administrative and financial powers to the local bodies an inescapable responsibility of all governments, now and in the future, here at the centre and there in the states, a responsibility as much of Congress-run governments as of governments run by others. An election gimmick is a trick of the trade. A constitutional amendment is a solemn, long-term pledge, ours is a pledge to the people. Those who thwart the people do so at grave risk to themselves. When the voter stands in the seclusion of the voting booth, his hand will go down on the hand which clasps his as a friend.

With your permission madam, I would now like to deal with some of the matters of detail touched upon by participants in this debate.

It has been alleged that Schedules eleven and twelve infringe in some manner upon the legislative sovereignty of the state legislatures and the freedom of action of state governments in regard to responsibilities assigned to them by the constitution. The confusion appears to arise, out of confounding the legislative lists of schedule seven and the lists incorporated in the proposed schedules eleven and twelve. The Union, State, and Concurrent Lists detailed in schedule seven deal with the respective legislative competence of the union, the states, and the union and the states together. Schedules eleven and twelve on the other hand constitute an illustrative list of subjects in respect to which development programmes might be implemented by panchayats and nagarpalikas respectively. These are subjects regarding which understanding at the local level is likely to be much more profound at that level than in some distant state capital and where implementation by local elected bodies is likely to be much more responsive to articulated public need than the cold administrations of official agencies.

Schedules eleven and twelve do not confer any legislative competence upon the local bodies. Nothing is taken away from the legislative competence of state legislatures. All that is indicated by these schedules is the path along which effective devolution might be pursued to render the panchayats and nagarpalikas into vibrant, dynamic, meaningful institutions of local self-government. It is explicitly stated in the constitutional amendments now before the House that it would be for the state legislatures to lay down the legislative parameters of devolution and for state governments to give practical effect to these parameters. We recognize that the precise pattern of devolution might vary from state to state. We leave it to the good sense of our people to endorse or reject through their vote the degree and nature of devolution conferred upon the panchayats and nagarpalikas by different state legislatures and state governments. Those state governments that live up to the expectations of the people will receive the endorsement of the people. Those who fail the people will receive the rejection they deserve. Our sanction is the people's vote. The only threat we hold out to state governments is the threat of their being rejected at the polls by the people whose

constitutional rights they transgress, by the people who feel deprived of the opportunities given to them by constitutional amendments.

Surprisingly, little has been said in this debate about the heart of the amendments, which is the provisions of planning and implementation. It is undeniable that our planning has become increasingly removed from the perceptions and aspirations of our people at the grassroots. Such district planning as is taking place is largely formalistic in nature, a putting together by bureaucrats and technocrats of what they perceive to be in the interests of the people. The people themselves are not consulted at all, or are consulted but perfunctorily. Through these amendments, the primary responsibility for planning would devolve upon the panchayats at every level, and each tier of the nagarpalikas. Each local community, whether in a small village covered by a village panchayat or in a village turning into a town governed by a nagar panchayat, or in a town governed by the municipal council or in a city governed by a corporation would prepare its own plan for its own development. I would particularly draw the attention of the House to the wording of the relevant provision. It provides in effect for any plan for economic development to incorporate its social justice component. As it is, the provision for reservation ensures that the panchayat and the nagarpalika undertaking the planning exercise will be adequately weighed with the weaker sections of society. That in itself will contribute to a heightened social consciousness in the preparation of plans. But these constitutional provisions go even further. They make the completion of any plan prepared by a panchayat or a nagarpalika contingent upon the incorporation in the plan of its social justice component. In other words, whereas up till now, even in so progressive a state as Gujarat, which has pioneered the social justice committees in panchayats, social justice has been an adjunct to the planning process. These constitutional amendments make social justice an integral element of the planning process. Plans prepared by panchayats, panchayat samitis and nagarpalikas will then be filtered upwards to the zila parishads for harmonizing and consolidation by a committee elected by the members of the zila parishads and the nagarpalikas. This committee for district planning incorporates members of the

scheduled castes and scheduled tribes in proportion to their population in the district and reserves thirty per cent of the seats for women. Thus the very composition of the district planning committee is such as to ensure the integration of social justice with economic planning in district plans. This holds true equally of the elected body being established for metropolitan planning. These constitutional amendments presage an entirely new era in planning not only in terms of detailed consultations at the grassroots but also in terms of ensuring social justice as an integral component of the development process. As regards implementation, there has been a half-hearted attempt by some members of the Opposition to raise an alarm by pointing to one lacuna or the other in the eleventh and the twelfth schedule. These digs would have a purpose if there had been any attempt to make these schedules either comprehensive or obligatory. We have made it amply clear that these two schedules are illustrative in nature aimed at indicating practical ways in which the implementation of the programmes and projects might be entrusted to elected local bodies, instead of being carried out as at present by cold, remote official agencies. It is by being held responsible for the implementation of programmes that local bodies will become truly responsible to the people. It is when representativeness is combined with responsibility that responsive administration follows. Moreover, the location of the district planning committee in the zila parishad and indeed its very creation provides the first ever platform of rural-urban interaction of developmental issues. This in itself will contribute to a higher awareness of various problems of social injustice and the remedial measures required to rectify them. Through the proposed metropolitan planning authority, India becomes one of the first developing countries in the world to provide a platform for interaction between state and central authorities and the elected representative of urban and adjacent rural local bodies, thus integrating the demands of social justice with the imperatives of economic growth. We have left it to state legislatures and state governments to determine the precise contours of the responsibility that will devolve on local bodies for the implementation of programmes. Some states will go further than others. Some variations

in the degree and pattern of devolution would be justified and acceptable. But any state government which transgresses the spirit of these amendments will have to face the wrath of the people. We at the centre have made a beginning in trusting the local bodies to implement their own programmes. The Jawahar Rozgar Yojna and the Nehru Rozgar Yojna are the earnest of our commitment of placing responsibility for development administration squarely in the hands of the elected representatives of the people at the grassroots. No longer will the people have to run from one bureaucratic closed door to another, from one indifferent official to another. No longer will they have to bribe and cajole their way to securing their legitimate rights. We are bringing to an end the Kafkaesque nightmare through which the people at the grassroots have lived. Their problems will now be solved at their doorsteps. Answerability will be within the very villages where they live. Accountability would be nailed to the panchayat ghar and the nagarpalika. Truth will not be hidden in ever more voluminous files and cupboards bursting at the seams but will be revealed on the floor of the panchayat ghar and at the village hustings, on the floor of the town hall and the hustings in every *mohalla* (area).

As regards the sound finances of the panchayats and nagarpalikas, we propose entrusting this responsibility to the finance commissions envisaged in the constitutional amendment. Here again, some of the comments made by members opposite would appear to indicate that while they have glimpsed some of the parallel features between the finance commission established under Article 280 of the constitution and the finance commissions proposed in the present amendment, they have not comprehended the essential differences between the two. Whereas the finance commission established under Article 280 affects the actual allocation of resources between the centre and the states, the finance commissions referred to in this amendment would limit themselves to the principles on the basis of which allocation might be made between the states and the local bodies. The actual allocations will be made by the state governments in the light of state legislation on the subject and the principles recommended by the finance commissions.

We at the Centre are undertaking an exercise to review nagarpalika and panchayat finances with a view to seeing what steps might be taken to augment the availability of financial resources for local self-government. We would hope, the state governments, both those run by our party and those run by the Opposition parties would undertake a similar exercise in self-enlightenment.

The constitutional amendment entrusts to the comptroller and auditor-general the responsibility for causing the accounts of the local bodies to be prepared and audited in such manner as he deems fit. Members opposite appear to have jumped to the conclusion that this means dismantling the existing state machinery for the examination and auditing of local bodies' accounts. In our view, unless the CAG in his wisdom deems otherwise, there would be no need to dismantle the existing state machinery nor undertake any substantial augmentation of the staff in the CAG's office. What the CAG is being asked, being mandated to do is to examine existing procedures in different states for the preparation and audit of local bodies' accounts and prescribe methods by which such accounts and auditing might be made stricter and less prone to abuse. There is no question of requiring the CAG to himself take over the direct responsibility for accounting and auditing. The state local fund auditing bodies would continue to exercise their functions but under the overall guidance and direction of the comptroller and auditor-general.

I now turn to the dust being raised by the opposition over the role of the Election Commission. Here again, it is a total misreading of the constitutional amendment to suggest that the existing machinery for the conduct of elections of local bodies would have to be dismantled. The election commissioner will conduct the elections through the state electoral officers and their staff. Also, as elections are going to be regular, and arbitrarily prolonged suspensions are to be outlawed, it would be essential to further strengthen the existing machinery. The important change we are effecting is not in centralizing the conduct of elections but in bringing the process of elections to the local bodies under the purview of the Election Commission.

In recent months the burden of responsibility on the Election Commission has been considerably increased. Legislative amendments

undertaken in respect of the Representation of the People Act and other legislations have greatly added to the workload of the commission. The responsibilities envisaged for them under the Panchayati Raj and the Nagarpalika Bills will further increase the chief election commissioner's responsibilities.

Mr. Chairman, sir, we seek no confrontation on these bills. In preparing these bills we have drawn upon the experience of all Congress states as much as of non-Congress states. We have freely and repeatedly acknowledged our debt to Opposition governments like those in West Bengal and Andhra Pradesh and the earlier Janata government in Karnataka who have made innovative contributions to the improvement of panchayati raj in our country... Equally do we owe a debt of gratitude to the pioneering Congress stalwarts in Gujarat and Maharashtra who have the longest, unbroken and unblemished record of panchayati raj in the country. There are negative lessons too to be learnt, as we have freely and fully admitted, from inadequate or insufficient panchayati raj and nagarpalika administration in some non-Congress as well as in some Congress states. There is no partisan politics in this. Our only interest is the national interest — the interest of development, the interest of the poor, the interest of the weak. We admit also that the objectives we seek to achieve are objectives which at various times in the past have been espoused by Opposition parties ranging all across the spectrum, from the Bharatiya Janata Party and its forebears to the two Communist parties and their forebears. We invite all the parties in the House to join hands with us in passing these bills.

The bills are for the people. The bills are for their welfare, their benefit. The bills are to give power in the hands of the people. The bills are to end the reign of power brokers. The bills are to entrust responsibility to the grassroots. The bills are to give representative administration. The bills are to involve the people's participation in planning and implementation in development and social justice. The bills are designed to entrench democracy in the very foundations of our polity so that the superstructure of democracy in state capitals, and the national capital might be stable, sound and well-founded. The bills represent the realization of Mahatma Gandhi's vision. The bills

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represent the fulfilment of Pandit Jawaharlal's dreams. The bills are the outgrowth of Indiraji's endeavours. Sir, I invite the House to pass these bills unanimously. Those who support these bills will earn the people's gratitude. Those who oppose these bills will fail the people and live to rue their lapse.

Mr. Chairman, I commend to this House, the Constitution (Sixty-fourth Amendment) Bill, 1989 and the Constitution (Sixty-fifth Amendment) Bill, 1989.

Thank you, sir.

Reference

Rajya Sabha Debates, Vol. CLI(25), cc. 272-9.

RAJIV GANDHI

Constructive Cooperation

28 December 1989



Within ten days of his taking over as the leader of the Opposition in the Lok Sabha, Rajiv Gandhi took the earliest opportunity of denouncing the government headed by V.P. Singh. It was his longest speech in Parliament and lasted 140 minutes. He was speaking to oppose the motion of thanks on the president's address. Rajiv Gandhi questioned the policies and functioning of the government in almost every area on the internal and international fronts.

The Congress party... had offered constructive cooperation to the new government and we stand by that offer. We wish the new government well; we wish them well to fulfil their mandate, to live upto the promises that they made in the manifesto because I have not found very much in the president's address. We wish them well to complete their term and show the country how they can perform.

But we can only give constructive cooperation if we know what the government is going to do or wants to do. If we are kept in the

dark, if the country is kept in the dark on major issues of policy, it is very difficult to work for constructive cooperation.

The president's address is the right place to tell the nation what the government plans for the months, the years ahead. Unfortunately in this president's address, we see only vague platitudes, banal generalities and no specifics have been enunciated on any aspect of policy nor on any programme of the government.

If we look at the president's address, right at the end, it says:

Honourable members, the present session is a short one. Yet it is historic in its importance and is summoned immediately following the constitution of the ninth Lok Sabha.

This is the operative part.

...in order to place before Parliament this new agenda of work.

But, sir, when I look through the brief document, I find no agenda of work. I do not know whether that is the positive signal that the government is giving to the nation that it has no agenda of work....

I had expected, when I found there was nothing of substance in the president's address, that we would find something of substance in the interventions from the treasury benches, especially from the ministers. Sir, instead of enlightening this House and the nation on the policies and priorities of this government, the members including the ministers, the opening spokesman, and the seconder of the motion spent their entire time on....

We had expected the ministers to show some direction that this government would like to take. Unfortunately the only direction they showed us was telling us how to run the Congress! We heard a lot about how to run the Congress, how the Congress should choose its leaders. We heard a lot about what the Congress did in the past five years. Perhaps the hon'ble members on the opposite side are still obsessed with being in the Opposition. They have not realized that they are on the other side and now they have to tell us what they are going to do and not to tell us where we went wrong. These are only excuses. We would like to hear positively what you have to say about specific policies.

I have a number of points that I would like to raise on issues that I feel are important for the nation and I hope that we will get an answer from the honourable prime minister. I had raised some issues in an earlier debate. Unfortunately, the prime minister chose to avoid answering any of the questions that I had raised. They were questions of the utmost importance to the nation and I hope that he will answer them at least today when he responds to this debate.

The first question that I would like to ask today is that the president's address begins with — I quote; 'The government proposes to adopt an alternative model of governance.' We are not very clear what this actually means. Does this mean that we should rejoice and exult and be happy that something new is going to come and going to be good? Does it mean that we should be alarmed that they are going to reject everything that the nation has been built upon over the past forty years? We do not know. Unless we know what this alternative model is going to be, how can we give constructive support to the government?

I look forward to the prime minister explaining to us about this new model of governance and what they have in mind.

There seems to be no mention of certain things in the president's address. Perhaps this is an indicator of the new model of governance. The word 'democracy' seems to be missing from the president's address. 'Secularism' seems to be missing from the president's address. And 'nonalignment'. Are these the new directions that this government is going to be taking? There is no mention of the consolidating of our achievements over the past forty years of nation-building. Our concern is highlighted by their bypassing Gandhiji and Panditji in their address, not even visiting Rajghat. When this came up earlier, some ministers, I believe from the opposite side, said that Gandhiji has been upheld because half of the allocations are going to agriculture, in the rural sector. I beg to implore the government that there is more to Gandhiji than fifty per cent allocation to the rural sector. If this is all that they have learnt about what Gandhiji had shown us and taught us, it is indeed sad. It is sad for us as Congressmen that after so many years of the Congress being in government, we have still only been able to convince you that

Gandhiji's policies, perspectives and vision are limited to fifty per cent of the allocations to agriculture.... The names of Lohiaji and Jayaprakash Narayanji, in this order were used if I remember correctly – sorry, not in the address – in the prime minister's address to the nation. Without spending too much time on this I would like to remind the House of the points that Shri Narasimha Rao made to this House regarding the policies of our government, the Congress government, or even the Janata government, for the two-plus years that it had lasted and what was enunciated by Lohiaji and Jayaprakash Narayanji.

Is the new model of governance going to give up nonalignment, for example? Will it try to build a third bloc as Lohiaji had suggested? Is that the path that this government wants to take? Is this government going to appeal to the armed forces to react the way that the Jayaprakash Narayanji had asked them to react?...

I have shown no disrespect to either Lohiaji or Shri Jayaprakash Narayanji. I have only asked a question on certain aspects of policy that they have pronounced, that they have wanted. As the government has put their two names at the top of their agenda, I think, it is only right that the government explains to us which aspects of their policy and programmes they are going to follow, which aspects they are not going to follow...

Sir, will the alternative model transgress the value of our civilization or the heritage of our freedom movement? Will it deviate from the basic pillars of our nationhood? If any of this is jettisoned, there can be no cooperation from us. The Congress party represents over forty per cent of the nation's voice today and we will not allow this government to betray our heritage, our ideology and principles or our responsibility to the electorate.

Gandhiji taught us freedom from fear. Gandhiji taught us freedom from hatred. The outlines of the alternative model as described in the presidential address and as expounded by a number of interventions in this House seem to be filled with fear and motivated by hatred.

Fear is evident when there is failure to specify terrorism or secessionism or communalism or fundamentalism. What does the

president's address say about Punjab? Let me read a sentence, 'There will be no compromise with separatism and no yielding to extremists.'

There is no mention of secessionism; there is no mention of sovereignty. The paragraph on Jammu and Kashmir does talk of sovereignty. That means you are sensitive to J&K breaking away from the country; but this means you are not sensitive to Punjab breaking away from the country....

You talk of not yielding to extremists. What are the extremists doing in Punjab today? Are you not yielding to extremists in Punjab? Have you not yielded to extremists in J&K? Is this government so terrified of the terrorists and secessionists that they cannot even mention the two words in the president's address? Just scared, perhaps!

Sir, hatred is evident very clearly in the type of personalized politics that have been raised on the floor of this House during these last few days. By this talking of the past, by denigrating the achievements of the nation....

The achievements of the nation during these past five years are not the achievements of the Congress. They are the achievements of the people of India. Sir, during these five years the picture of India has changed. People see India in a different light. The credit for this....

The achievements during these five years are no mean achievements, I will be coming to that. But they are the achievements of the *kisans* (farmers) and the *khet mazdoors* (labourers): they are the achievements of the working class; they are the achievements of our harijans and our adivasis. Sir, they are the achievements of the women of India; they are the achievements of the youth of India....

Sir, it is going to be very difficult for us to give constructive cooperation if election speeches continue into this House and beyond. Sir, elections are over; it is time now to get down to work.

We would like to know exactly what you wish to do. We would like you to tell us specifically and I assure you, we will help you on every point that we feel constructive and in national interest.

Let me take a few minutes on the economy. The hon'ble prime minister has said – well, please correct me, if I am wrong – that the treasury is empty; that the coffers are empty.

'The treasury is empty'. Perhaps this is what was said. The finance minister has said, and I quote: 'No, the treasury is not empty'.

The president's address levels a number of charges, none of which is substantiated. We were promised a white paper. First we were told that we would be given a paper, that a paper would be 'presented' to the House. Then, we were told that a paper would be 'circulated'. Now, we have this paper which is white in colour, but it does not contain anything that a white paper should contain. It says nothing about what the government intends to do and surely that is one significant part of a white paper on economic issues.

I am not clear whether this is all the government has in mind and the future is totally blank, or whether there is some thinking on economic policy for the future. If you enlighten us, I assure you, we will support you constructively, in areas that we find are beneficial to the nation....

No wonder, the hon'ble prime minister fears constructive support; he has not proposed anything constructive. But he welcomes critical support. But if we look at the Economic Advisory Council report, what does it say? I do not want to take the time of the House by going into the details. But, it says, during these years, the country has had the highest ever rate of growth. It is said that agricultural production has been strong and I am sure the hon'ble deputy prime minister will bear me out on what our *kisans* and *khet mazdoors* have done during these past two years, especially during the years of the drought and the follow-up of the drought. It is no mean feat, what our *kisans* have done.

Sir, the EAC report talks of strong industrial performance, of outstanding growth in exports : it talks of there being no debt crisis: it talks of the high credit-worthiness of the nation.

Sir, is this an account of an economy in shambles? The chief problem that has been identified is the fiscal imbalance with serious implications on inflation and on the balance of payment. This is not a new assessment. We were aware of this. In fact, in the *Economic Survey* of 1988-89 we have spoken about it and I quote:

Restoration of better balance between government revenues and expenditure is essential for enhancing future prospects of price stability.

A compression of the present scale of fiscal imbalance is also essential for bringing about an improvement in our balance of payment.

We had taken a number of steps to correct it. Perhaps you feel that they were inadequate and more is required. Please enlighten us on what you intend to do to correct the situation further.... I take this opportunity to remind the hon'ble members from West Bengal, that our record for man-days lost has been perhaps one of the best ever in the country and that would have been twice as good if more than half of man-days lost had not been lost in one state of West Bengal....

The question I would specifically like to ask is that there are a number of promises in your manifesto. Some of them have been repeated in the president's address. How are these going to be met keeping in view what the Economic Advisory Council had said. For example, the promise of the right to work. Is this going to be a hollow promise which will just mean the amendment of the constitution or are you actually going to give work under Right to Work? If you bring out a programme which promises to give work, we promise to support you. If you guarantee to give work, I guarantee our support. How this is to be done is your promise, it is not for me to say 'how', it is for you to say 'how'. You say 'how' and we will say 'yes' standing with you. But if it is going to be a hollow election promise, which is going to mean lots of words in the two Houses and nothing on the ground, then how can we support it?

You have promised pensions. Again, we support you on pensions. But where will the money come from?...

The hon'ble prime minister has been a finance minister. He has been my finance minister. He knows these problems. Perhaps he will explain to his members that there are some serious questions involved which cannot be answered just by shouting.

We will support you on the waiving of loans. But here I must ask a specific question because as I understood it and as I believe, most of the nation understood it this was the promise in the National Front's manifesto to be implemented from the centre. A few days ago, I was talking to the finance minister and he said, 'No, no. How can we do this? It is for the states to do this. The states will have to find

the money.' Now, that is not fair. A promise by the government at the centre must be upheld by the government at the centre. And, sir, we will support you right down the road on every single loan. In fact, we will help you. We will bring people who have loans to help you waive the loans....

There has also been a mention by some ministers – not in this House I believe, but in another forum – that one of the areas that will be cut back will be defence. I thought that this was a good trend but it should be done after assessing the situation. But yesterday or the day before, when I was sitting in this House, you shattered everything. You brought in supplementary demands for five hundred odd crore rupees for defence.... For defence, I think, there were around five hundred crore rupees – if I remember correctly. You can correct me on the number in the supplementary demands.... The defence expenditure has been reduced to Rs. 5,500 crores. While reducing the defence expenditure, has the country's security environment been assessed? Have you looked at it seriously or are we just raising slogans? And I would request you, sir, please do not cut defence. Be very careful if you are going to cut defence.... I am perhaps aware more of this than anyone in this House, perhaps even more than you, sir. It is very easy to change heads from here to there. And I am sure, you will be doing all this jugglery in the next three months....

I would like to remind the hon'ble prime minister about the period when he was my finance minister. We used to discuss how things should be shown in the budget. So please, elaborate no more.... So, sir, when these economic matters are brought up in the next few months, perhaps, more than any other member here, I will know exactly what is happening in the background. Presentation is something that the current government would like to present in a way which would make the previous government look not so good. But I would like to remind the hon'ble prime minister that I know exactly what has been going on and how these things can be presented and it is going to make very little difference to this nation or the House as to how much jugglery is done in the presentation....

Knowing very little about finance, I relied entirely on my finance minister.... I was sure that he would stop the jugglery once he left the government. But he continues this jugglery all the way here....

I would like to come to one or two other questions seriously which are important. In seconding the motion, the former minister of the Janata government, Mr. Kundu spoke very sharply and strongly against the Agni missile programme and just after he finished speaking about it, one of his friends quickly sent him a *parchi* (note) which he read and he quickly spoke all about the Agni missile programme being very good. Now, what is the view of the government on the Agni programme? I am talking about the hon'ble member who seconded the motion. I am talking about the specific member because he seconded the motion on behalf of the government. If he were any other speaker, it would not matter but it was on behalf of the government that he was speaking. He said that the Agni missile is only good for nuclear warheads. Now, I know that is not true. I wonder what the government's views are on the Agni missile programme and what their views are regarding the constituency of the hon'ble member which seems to be upsetting him very much as one of the test ranges happens to lie in his constituency.

I would like to ask about one more point as Mr. Kundu has raised that point. What are the government's views on the issue of going nuclear? Because one crutch of the government has a particular view and the other crutch has a diametrically opposite view. Now, what does the government feel about it because this is not something that can be left pending? We must know what the nation is going to do on this issue.

Perhaps no other prime minister, and certainly no new prime minister, has inherited a stronger economy than Shri Vishwanath Pratap Singh has inherited. And I hope that he will look after it well and not get caught up in these protestations of low growth rate we hear emanating from their Planning Commission.

During these five years our concentration has been in two areas, removal of poverty, reaching out to the weakest, the poorest, the most underprivileged, and overall growth to strengthen the nation and to make the funds available for antipoverty programmes.

I hope, this government will not be like the previous non-Congress government that we had. The prime minister I think will be as aware as I am of the performance of that government. During those two-and-a-half to three years, the number of people below the poverty line rose by approximately four per cent. I am giving you an approximate number, because it does not fall in the ten-year period; it has to be extrapolation. It increased from approximately forty-seven per cent below the poverty line in 1977 to fifty-one per cent in 1980. We are handing you the country with less than thirty per cent of the people below the poverty line. It means that within ten years of Congress government, we have made a difference of over twenty per cent. I can only say that I am reasonably sure because we tried to correct it all in the past two-and-a-half years.

The reason I am requesting you is first, for the poor of India. They deserve a better deal, they deserve to go above the poverty line. But there is also a selfish motive, because I have no doubt that the Congress will be back there soon, at the most after five years and we hope you will last five years. But we would not like to see that below thirty per cent going back to forty per cent by the time we are given back the responsibility – *pakar lo ab* (catch it now). That is a plea which is both slightly motivated and on behalf of the poor of the country.

We brought out a number of programmes for removing poverty. We started by strengthening Indiraji's 20-point programme and the other *garibi hatao* (remove poverty) programme. We augmented these programmes with the Jawahar Rozgar Yojana and the Nehru Rozgar Yojana.... I know that the name Jawaharlal Nehru causes certain problems for you. I hope your problems with the name are not going to destroy these two programmes. You can change the names, it does not matter, but the programmes must not be changed; they must not be wound up.

I mentioned high growth rates and low growth rates. India is a developing country and I am sure, all of us, including the hon'ble members sitting on the treasury benches want India not to remain a developing country, but to catch up with the advanced and developed countries of the world. This must be a uniform goal not only of this

House but the whole nation. When you set your growth targets at three to four per cent – which I believe you are going to set – how will you catch up with the advanced nations which are also growing at three to four per cent today? That is their approximate rate of growth. You will only catch up with them if you grow substantially faster than their growth. If you lock yourself into three or four per cent growth, you will always and for ever remain a developing country. Please do not do that to India. Do not fall for these traps.

I read in your presidential address right in the beginning that you want to restore the dignity of the nation. I am not quite clear what exactly you mean. Perhaps in your address you will enunciate it. But I would like to say one thing. The dignity of a nation is really measured with respect to other nations and how other nations see you because that is where the dignity of a nation can be measured.

Today India's standing – sorry, I have to change that statement because a lot has happened during these few weeks and I will be coming to that. When we handed this country over to you, the standing of India internationally was perhaps at the highest it has ever been....

I handed over the charge of the country. The reason why I have to correct myself from 'today' to 'three to four weeks ago' is because of certain things that have happened during the weeks.

The first thing that comes to mind is the total subjugation of this government to the terrorists in Kashmir. How can a country have dignity if it cannot stand up against terrorists? There can be no dignity if they do not have guts.... I would like to remind the hon'ble members on the opposite benches that a similar situation occurred many years ago when Shrimati Indira Gandhi was prime minister. Until it seeps in, I will have to keep repeating it. What else can I do?... It does not seep in. Indiraji was faced with a similar situation when the same JKLF terrorists kidnapped one of our consuls, Shri Mhatre. And we did not budge. The nation was above everything else. Nothing was compromised where the question of the dignity and self-respect of the nation were concerned....

I will come back to Jammu and Kashmir. I have now a little more to say about it; I have not finished with that yet.

The second reason why I changed my mind about India's dignity in these past three weeks was the statement that you made on Panama.... It is sad. I am honestly saddened that India should be reduced to this level. There are rumours – I do not know how true they are but there are rumours – going around that the draft produced by the ministry was a very tough draft. It was ready early in the morning by ten o'clock or eleven o'clock. But the indications given were, 'No, wait. Let us see what others do.' That is why there was the delay...

It is sad that India which has always been in the lead where such issues are involved – every country in the world looks first to see what stand India has taken – is today reduced to looking around and saying....

It is indeed a sad state of affairs. And that brings me to the contents of that statement. Why was the wording so soft? Why have we suddenly become spineless? What is the support that we are looking for? Are our mouths gagged? And the statement that we made on the floor of this House was almost an explanatory statement that perhaps the president of the United States should have made! The Government of India makes a statement like this, and you talk of dignity of the nation!...

I must also compare because if I remember – I have not got the statement here, if I remember correctly – the strongest words that the Government of India would find for the invasion of Panama was 'deplored'!...

But what happened in Romania, they strongly condemned. Who is looking over your shoulders? Why is this stand taken? Yes. I agree with you, we also condemn what has happened in Romania. It is wrong, it is bad and it is extremely sad that the state of affairs there has come to that point. But if you can strongly condemn that, then surely you can strongly condemn what happened in Panama. The invasion of a tiny nation perhaps slightly bigger than one of our Union Territories by the mightiest power in the world and India cannot speak of this. Perhaps the answer lies here. Sir, I read the the ex-ambassador of the United States to India has said something about India and 301 and our being named in it. Now, before I go to that,

I must first remind you and compliment you, sir, on how you acted on the Congress government's behalf when you represented us in Punta-del-Estate where the basis for what has happened in 301 was discussed. I would like to compliment you and congratulate you because with the backing of the Congress government you stood firm like a rock. But I find today, sir, without the backing of the Congress there seems to be a little vacillation on India's traditional position. If I can quote the ambassador – this is a cutting from a newspaper – I do not know how correct it is or how authentic it is. If you know better, if the facts are wrong, please correct me. Mr. Hubbard said – now I am reading,

that the new prime minister Mr. V.P. Singh himself would advocate a less intransigent, more cooperative and compromising position in GATT vis-a-vis the USA.

I will not go into the rest. It all reads in a very similar fashion. I hope you will contradict him and strongly condemn the ambassador for denigrating the prime minister of our country in this manner....

Sir, the Congress party does not differentiate between its election stance and its rural stance. Our election stance is our stance unlike your election stance which is not your stance. I would again like to congratulate the hon'ble prime minister for the stand he took at Punta-del-Estate and I remind him that we were in touch almost every night and he used to phone me at all odd hours here. Well, as the leader of the team, Mr. Vishwanath Pratap Singh did. But the whole team did. I would not like to leave out other ministers; I would not like to leave out the officials because the officials did a fantastic amount of preceding and background work during that period. And it was an achievement for India. I am glad that the hon'ble prime minister has said that there will be no deviation from that stand. I assure him that there has been no deviation in Geneva and we will stand solidly behind him seeing that there is no deviation from that stand. But I have noted that the prime minister has said is that he will stand rock solid for the self-reliance and economic independence of the country and that there will be no compromise. But you have already compromised the dignity of the nation. Only economic independence and self-reliance are not enough. We have

to stand up and fight for very much more. And this is the first thing that you will learn when you change seats from finance minister to prime minister....

I have appreciated that the prime minister has denied the statement. But I would have liked it even more if in this House he had outspokenly condemned the ambassador's statement. I will give him an opportunity now....

There are two more issues on which we had taken a very strong stand which reflect on the dignity of the nation. The first was the stand that we had taken on the north-south dialogue. Now every one knows, we know specially, that the United States and the Great Britain were totally against the north-south dialogue and they scuttled every effort that we made. It is no secret. I can speak a little more freely now that I am on this side rather than from that side.... I hope that the initiatives that we had started in Paris on the north-south dialogue will not be given up or diluted or weakened up in any way by this government. And I would like to hear something concrete on this from the prime minister when he replies.

The other very major step that we had taken was on south-south cooperation. You spoke of economic independence and self-reliance. There can be no economic independence or self-reliance for a developing country if the south does not consolidate itself. Everybody knows that. We had taken a very major step in starting the convening of heads of states and heads of governments meeting involving about thirteen to fifteen countries to follow up on south-south cooperation and bring about a south position so to say, and set up a secretariat or some such body to look into the south position on various issues so that the south would be ready to talk when it happens. We had planned to hold this summit in January of 1990 because it is getting late. The north is already consolidating its position. They are working out their position on all issues. They are working together. It is imperative that the South gets its act together. I hope, sir, that you will be able to convince these heads of states to hold the meeting in January of 1990 to give another push to this initiative, it is an initiative by this country and I hope that you will follow it up in that spirit.

Nepal has come in for a lot of comment in this House. One of the opening speakers – I forget whether it was the proposer or the seconder for the motion – went to the extent of saying that there was some problem that I had with His Majesty the King at a breakfast and so this whole thing happened. I have never heard anything so ridiculous. And anyway, we did not have a breakfast together. The question on Nepal is very straight-forward. The relationship with Nepal goes back many decades. The relationship was based on the treaties that we had, which saw the security of Nepal and the security of India as one. Has anything changed to change that perception? If you feel it has, then by all means go ahead and have two treaties. If you feel it has not, then there is only one way and that is one treaty. In fact, in my discussions with His Majesty the King – I had a number of discussions with him on this subject at a number of different places, most recently at the Nonaligned Summit in Belgrade; I forget whether we had three meetings or four meetings – our aides spent hours and nights together working out things, and I think the points that we had made – I do not want to elaborate them here openly in the House; you will have been briefed fully by the prime minister's office on the position that we had taken – is the only position India can take with self-respect and keeping its security in mind. I hope you will continue that.

And if I recall correctly, it was during the Janata period that Atal Bihariji as foreign minister, had made a very strong statement that there must be one treaty and there cannot be two treaties, and his prime minister ditched him just a few hours or days later by announcing : 'Yes, we will have two treaties', without even going into what was happening and why the one and why the two. Please do not do that, sir.

There are also other problems with Nepal which I hope you will address. We have seen very unequal treatment being given to the Indians in Nepal vis-a-vis the Nepalese in India. We have also people of Indian origin and people of Nepal origin. We have also seen differential treatment on behalf of the Nepal government in relation to how close the Chinese can operate to the Indian border and how close Indians can operate to the Chinese border, even when they

travel to Nepal on holidays. Now that is less relevant today because our relationship with China has changed. I hope you will continue the change that we brought about with China and this may not even be a relevant issue any more. But this showed an attitude that the Government of Nepal had and it cannot be just dismissed. I hope you will keep these points in mind.

Now, that brings me to China. We had achieved major breakthroughs in China. I appreciate what has been said in the president's address. I congratulate you for that and I assure you of our full support in working out a solution to the border with China. But I do have a question in mind. The question is: What is your attitude towards Tibet. Because one member of your cabinet has a different view on Tibet. We would like to know what this government feels about Tibet. Do you maintain the position that has been India's position for almost forty years that Tibet is an autonomous region of China? If you do so, then the only question is: does your railway minister also maintain that position? Is your foreign policy going to be guided by the railway ministry or by the Ministry of External Affairs? I would wish you to bring your railway minister back on track. And if he does not, of course, we would expect you to take appropriate action because we feel that the relationship with China is so important that other things are of much lesser consequence. Sir, while on China, we had a plan that we should start talks as early as possible in 1990 and I hope that you will keep to the schedule that we had in mind. It was not a firm schedule. It was something that we had kept in mind and I hope you will keep to that schedule so that a solution can come and come quickly.

Sir, coming to Pakistan, there are certain things that must come out very clearly from this government. What is your position on Siachen? We were very clear. I had myself made it very clear to the prime minister of Pakistan that there could be no compromise on Indian territory. Siachen is in the Indian territory. For the sake of reducing tensions, we can pull back here and there, but only if we maintain the territory that we have. Absolutely, no compromise. I hope that you will give a commitment to this House this evening that there is going to be no compromise of territory in Siachen....

Sir, we would also like to know your clear view on Pakistan's nuclear programme. I hope there is going to be no compromise on national interest. I hope that the government will condemn in very strong words in this House today the interference of the Pakistani prime minister in the Babri Masjid – Ramjanambhoomi issue. I hope you will also condemn Pakistan's involvement with the assistance to the terrorists and secessionists operating in Punjab and Kashmir because so far we have not heard a word about it. Not even in the meeting on Punjab did you talk about the problems from across the border. I can understand, well. I really can't understand, but I can be made to understand your political compulsions that you don't want to talk about Khalistan, you don't want to talk about Anandpur, you don't want to talk about terrorists taking their weapons into the Golden Temple and other gurdwaras. But how can I understand that you are afraid to talk about Pakistan's involvement? Is the Government of India soft-peddalling on POK because of some other ulterior linkage?

Sir, on Sri Lanka, there are two issues involved. The first is that of the security of the Tamils. I hope that your government is going to ensure the security of the Tamils as promised by the Sri Lanka government on a number of occasions, not just one occasion. And the withdrawal of the IPKF is going to be linked squarely with the promised devolution. I get a feeling that there is soft-peddalling and the government does not have the guts to stand up and fight for what has been already signed for.

The second part of the first question is on the security of the Tamils. We had insisted in our talks that the security of the Tamils can only be assured if the Tamils themselves say they feel secure. It is not adequate for the Sri Lankan government to say that Tamils are secure because the Sri Lankan government is what the Tamils are scared of. We must have a Tamil body, you may decide what the Tamil body is, but it should be representative. We had come to two Tamil bodies in the last discussions, they may be good, they may not be good, where the Tamils are represented. If you think it can be bettered, by all means change it, but get the Tamils to tell you that they feel secure and not just one section of the Tamils. I know it

is much easier to deal with one section. You are trying to deal with one section in Punjab. Don't try to deal with one section in Sri Lanka. We tried to deal with all the sections in Sri Lanka, we tried our hardest to deal with LTTE, we tried all sources to bring them around. I hope that you are more successful. We were not successful with LTTE, that is why I am saying, 'I hope you are more successful'. But while you are being successful with LTTE, don't get all those Tamils of Sri Lanka who stood up for democracy, who stood up for nonviolence, killed by the LTTE. I hope you will look after the interests of all the Tamils in Sri Lanka.

Sir, only one more point on Sri Lanka, and that is, that apart from the agreement with the president, we also had an exchange of letters which was very important. The exchange of letters related to the security of our region, to noninterference in our region by outside forces. I hope there is going to be no dilution of this in anything that you do with Sri Lanka.

Sir, I have taken a lot of time. I have a lot to say about what we have achieved, domestically, politically, in ending violence and secessionism in the Northeast, in Assam, in Mizoram, in Tripura and in Darjeeling, but I will try and be very short. We did not hesitate to sacrifice our party interests when it came to strengthening India. Even today you ask us for a sacrifice on Punjab and we will do it. You tell us that you have a solution for Punjab. You tell me that the Congress should not fight elections in Punjab, we will not put up any candidate for Punjab....

We have been accused during the debate here of playing politics in Punjab. Sir, we have not played politics in Punjab. We have not played one Akali group versus another Akali group, not at all. In fact, in the last elections in Punjab, we deliberately put up weak Congress candidates to allow the Akali group to come up because we want the solution....

I would like to point out one thing which I feel is essential. There seems to be a feeling in the treasury benches, that India consists of the north-central Hindu belt and nothing else. Sir, it has come in the comments... Let me remind you that India comes from its totality of cultures, it comes from its totality of languages, from all our people.

You cannot forget the Northeast, as some members from the opposite side have tended to do. It may be small. They may be sending only a dozen members to this House but they are a vital part of this country. Nothing said in this House should demoralize the Northeast, or make them feel that they are not wanted.... I would request the hon'ble prime minister to overrule his narrow-minded colleagues and to ensure the sense of belonging of northeastern people....

That brings me to Jammu and Kashmir. The first question I would like to ask from this government – the violence in Jammu and Kashmir does relate to the question I am going to put, not entirely but very greatly to it. The government must be very clear as to what it thinks of Article 370. Is this government going to remove Article 370 or is this government going to keep Article 370? We would like a categorical statement today because only a categorical statement on this issue will help assuage some of the feelings in Jammu & Kashmir. Part of the fire is because of the confusion and the many voices with which the opposite benches are speaking when it comes to Article 370. I hope that clarification will come today.

It is also absolutely wrong to say, as a number of members have said, that the Congress government at the Centre did not bother about the violence and increasing violence in Kashmir, or the secessionist forces in Kashmir.... I will ask the hon'ble home minister to clarify who has been encouraging this because perhaps he knows better than you and me, not only who has been doing it, he knows which house it has been done from. He also knows where his luggage was found. I do not have to clarify very far.

We know precisely where this is starting from and we had taken a number of very tough steps. I will not elaborate them in this House. The prime minister will be privy to them, if he has had his briefing, which I am sure he has. Nobody else will know about it. But the steps that we had taken were substantive and they were tougher than ever taken before. Most of my ministers do not know about it either.... Most of my then ministers. I hope the prime minister has had his briefing and that he has been briefed adequately by the people who were looking after the security, the borders, the secessionism and the other things that are happening there.

Unlike some members of my cabinet who seem to forget the oath of secrecy the minute they leave the cabinet, I am bound by my oath of secrecy.

One more small question. The hon'ble home minister fought his election from Uttar Pradesh. We were expecting him to fight from Kashmir.... I do not know why he did not fight from Kashmir.... Is it true or is it not true that the terrorists and secessionists asked for a boycott of the election in the valley? And is it not true that the home minister changed his constituency? His constituency should have been Anantnag.... I am talking of Jammu and Kashmir. You are not understanding the significance of what I am saying.... You are not understanding the weight of what I am saying.

I am not saying that somebody cannot fight from here or somebody cannot fight from there. But if anybody leaves the valley of Kashmir because of the threat of extremists and secessionists – that is what I am talking about....

Sir, it is a pity that the hon'ble home minister did not have the guts to face up to the threats of the secessionists. He should have fought from there. He should have fought against the boycott. He should have said that no boycott by these secessionists or terrorists by the JKLF counts in Kashmir. By fighting, he would have proved that their boycott does not count and is irrelevant. By leaving the constituency, he left it only for the National Conference-Congress (I) combine to fight. I wish he had fought because it would have strengthened Jammu and Kashmir; it would have strengthened the nationalist force in Jammu and Kashmir. By running away from Jammu and Kashmir, he has beaten the nationalist forces. He has strengthened the secessionist forces. I hope.... We would also like to know the policy of this government with regard to the kidnapping. Now, their policy decision has made kidnapping fashionable. When the hon'ble home minister's daughter was kidnapped, I was saddened by that event. I was saddened for two reasons: first, because it is something personal which should not happen to any minister or home minister. It should not have happened to anybody... but least of all to somebody because of the post he holds. I called the hon'ble minister and expressed my anguish. But that does not take away from what is expected from a government.

When the kidnapping took place in Kashmir, immediately the same night an aircraft was sent, I believe, because the government has made no authoritative statement. They keep running away from the statement. In the Rajya Sabha they made a very woolly statement which brought no facts. It did not enlighten anybody. I hope he will bring something concrete that can kill all these rumours that are going around. The rumour is that on the night of the kidnapping, the same evening or very early, at two o'clock the next morning an aircraft went from Delhi with somebody from the Intelligence Bureau, with the NSG or some central government representatives to Kashmir. We did not see any such action when the Telugu Desam MLA was kidnapped in Andhra Pradesh. Is the life of a Telugu Desam MLA any less important?... If there is any kidnapping somewhere else.... In Tamil Nadu some customs officials were kidnapped.... Was an aircraft or the NSG contingent sent to Tamil Nadu.... Or, is there a difference?... Has the government categorized the citizens of this nation into (a), (b), (c), (d) or VVIP that if this category of citizens is kidnapped we will send an NSG contingent, if that category of citizen is kidnapped we will send CRP, if the last category of citizen is kidnapped we will sit and twiddle our thumbs at home? What is the basis on which a decision is taken to send the NSG, to send a central team. We would like to know on what basis is this decision taken.

Will the same thing happen? Will you send a contingent of NSG when a *tongawalla's* daughter is kidnapped? This is the question to which I want an answer. Would the government be ready to deploy a contingent of NSG in case a poor farmer's daughter is kidnapped. There must be a fixed method in which the government operates and I hope the prime minister will enlighten us on what the basis for this discretion is.

There is also a question that has been raised. I believe that the home minister's daughter was not given security. Now, knowing a little bit about how the home ministry functions – not very much, but a little – the home minister does not give differential orders like this. I cannot believe the home minister sends up a file saying that these are the children of the new ministers, the prime minister, whoever else is involved, all of them must be given security; but the

home minister's daughter must not be given security. Why was she excluded from security? Who took the decision to exclude the daughter of the home minister from being given security? And why was this decision taken, what was the basis of this decision? I do not want to go into the background and the linkages of individuals with secessionists and, fundamentalist elements in Jammu and Kashmir – perhaps on another date. But we would like some clarification on this point.

Some very specific questions on the kidnapping in Jammu and Kashmir. Mr. Chidambaram has asked some, I have some more. I may repeat some – I will try not to repeat them but I may – because I forget what he has asked. If my little note informs me correctly, after the kidnapping took place there was a meeting of the Crisis Management Group — whatever it is called — a cabinet group of Jammu and Kashmir and they decided to try and approach the terrorists and secessionists....

I am told that after considering a lot of people, the Kashmir government decided that they would approach the terrorists through a gentleman called Mr. Zafar Miraj who is the editor of a local daily in Srinagar. I am told he is a very close friend of the hon'ble home minister also. Out of all the people in Kashmir, the Government of Kashmir thought that the one person most likely to be able to reach the terrorists in the shortest time, the one person with the most credibility with the terrorists is Mr. Zafar Miraj, a close friend of the home minister.... I am not casting any aspersions. I do not want to cast aspersions. It is not my intention. I am just going through a sequence which, I believe, has happened. Mr. Zafar Miraj communicated with the terrorists. They gave some demands. They got the demands back. There were some negotiations. And then, it was decided, I am told that the chief secretary should not deal through Mr. Miraj, but he should try and deal directly with somebody who is in touch with the terrorists. And at that point in time, Mr. Miraj put the chief secretary in touch with Mr. Abdul Majid Wani, who was talking with the terrorists on the other side. Mr. Wani's statement to the Kashmir government was very clear. He said, after his talks with the terrorists, that the terrorists are totally confused

because they feel that they have made a terrible blunder in picking up a girl. If they had a boy or a man, they wouldn't be worried. But they were worried about the girl and I believe, if I am correct, during these discussions. Mr. Majid Wani mentioned that the militants had committed a blunder by kidnapping the girl, which was un-Islamic and not in keeping with the traditions of Kashmir....

He also mentioned to the chief secretary that public opinion, because of this episode, had very greatly affected the position of the terrorists and that they would have to free the girl even if we did not release anybody. Please note this. This is what was told to the Kashmir government when the Kashmir government was dealing directly with the matter. And don't take it lightly.

At that point in time, a little after this, a new factor was injected. Justice M.L. Bhatt, suddenly intervened in the negotiations and he cut off the whole negotiations. Again I will give you the words. 'In the meantime,' Mr. Zafar Miraj, who was dealing with Mr. Wani, met the joint director, IB, and informed him that he would get off the negotiations. He did not want to be on it any more, because another channel had been opened up. He wanted to get off the negotiations since they, the militants had better sources, that means, they now realized that by dealing through Mr. Wani, they were going to have hard negotiations, but through a better source. Sir, the source of my information is not the Kashmir government. I have got it through certain journalists....

Sir, I said in the beginning, right at the outset, when I started speaking about Kashmir, that there are a lot of rumours; there is a lot of hearsay. If only this government places on the table of this House an authenticated version, all this can be thrown out, let us have it tomorrow. Let us have a commitment from the government that they will give us a minute to minute account of this kidnapping before the session ends, that is, tomorrow. If they give that commitment I will stop talking about it. I understand that this government is not willing to place a paper on the kidnapping in Jammu and Kashmir on the table of the House.... Not one paper has been placed. The hon'ble minister has just said so many papers on this incident have been placed on the table of the House. That

is not correct, sir. Where are those papers? The minister is misleading the House....

Sir, I am not demanding information. I am not requesting information. I am placing information with me on the table of the House. Obviously the information I have got is accurate enough to worry you. Obviously it is too accurate that you are getting worried. That is what is worrying you. Sir, I know that the source of this information....

In the meantime Mr. Zafar Miraj met joint director (IB) and informed him that he would get off the negotiations.... Is it not true that the negotiations through Zafar Miraj had to be given up because negotiations were started through Justice M.L. Bhatt? This is the question.

The question then that I am asking is: who authorized Justice Bhatt to start negotiations? Because the Kashmir government didn't.... Let us have a debate on this issue in this session.... Let us have a debate on the Jammu and Kashmir happening. Let the treasury benches agree and I will end now.... I am not tabling any documents.... I am not quoting from my notes. I believe that Justice Bhatt started negotiations and contacting terrorists and secessionists before the Kashmir government even knew that you were doing so. Now, this is very serious. How did it happen? Why did it happen? How did a judge of a high court have contacts with terrorists? How was he able to establish these contacts?... I will answer as to who has appointed Justice Bhatt. He was appointed by the Congress government on the recommendation of Mufti Mohammad Sayeed when he was our PCC president.... Let me go beyond that. Now that they have asked, let me answer them, sir. We wanted to move Justice Bhatt away from Kashmir for some time and we wanted to move him out because there were complaints that he was releasing terrorists on bail. And Mr. Home Minister, may I ask you as to who stopped us?... Can the hon'ble home minister deny that Justice Bhatt is a close friend of his.... I need say no more about how Justice Bhatt got to Kashmir. I do not know how he got to Kashmir. Rumour has it that he did not get an airline flight but that he got a special aircraft. Justice Bhatt is now in Uttar Pradesh and not in Kashmir....

The specific question is how did Justice Bhatt get to Kashmir, who sent him to Kashmir, on whose behalf was he negotiating before he contacted the Kashmir government? It was only after he had contacted the terrorists, only after he had agreed to release five for one, whereas the negotiation that the Jammu and Kashmir government was doing to be perhaps less than one to one, that the first series of the negotiations collapsed and they were forced to shift to the second source. We need some clarification on this. Is it not true that the central government has very neatly said that the Jammu and Kashmir government did this, did that? Is it not true that they had people sitting there from the centre right through? In fact, the first people who went to Jammu in a special plane, picked up from Jammu and Kashmir government people and they took the Kashmir government people to Srinagar. That is when the control room was opened. Am I right?

The central government was involved right through. Then when it came to the final deal of what should be done and what should not be done, I am told that Justice Bhatt had agreed to five terrorists and out of the five terrorists, one was a Pakistani national. They had exchanged the names also. Five terrorists were to be released. The original proposal was for a forty-eight hour gap. The terrorists are released and then a forty-eight-hour gap, and after that the girl was to be released. The Kashmir government said, 'No, this is not acceptable'. Then, forty-eight hours came down to twelve hours. The Kashmir government said: 'No, it is not acceptable'. The chief minister telephoned the hon'ble home minister in the middle of the night and said, 'This is what is being proposed'. He thinks, it is too high a price, the risk is too high and it should not be accepted. Orders went from the central government, from the then cabinet secretary to the chief secretary, Jammu and Kashmir, Shri Chidambaram has already read out those orders. I do not have to reiterate.

The sense of the order, not the instructions of the government, I do not have to repeat that. The central government gave categorical instructions to the Jammu and Kashmir government to agree to this. Not only did they do that, the chief minister was told somewhere in the early hours of the morning that these are the instructions that

have come from the centre. I forget whether it was four o'clock or five o'clock in the morning. Two ministers from the central government were also sent to Jammu and Kashmir to ensure that those instructions were agreed to and the formula that the chief minister of Jammu and Kashmir had rejected....

I do not remember even one occasion in these five years when I had to send my foreign minister to go and see the collapse of the administration....

I would not now say much on this. I have made my point. But what I would like to reiterate is that unless the government comes out with a proper statement, there are too many rumours going around about where the girl was kept by the kidnapers. Rumour is that she was kept in a mosque next door to her house. Rumour is that food was going from the house. Rumour is that people were constantly meeting her. It is essential for the credibility of the government that a minute to minute, blow by blow account is put in front of the nation. I sincerely hope that the Government will do so, sir.

Then there is the question of Punjab. I have raised some points earlier. I will not expand. I will talk very precisely. We have raised a number of points in the joint meeting which the government has not answered, which we feel the government should answer. The immediate task is to deal with those that are calling for Khalistan. What has the government done? Is it just sitting and watching while the Jor Mela is going on and harder and stronger statements are being made? Nothing has happened. They have not been picked up for one reason only. That gentleman would have been in jail today. If it were not for the specific instructions from the prime minister's office to the then government asking the governor not to arrest him. That is why they are out today....

We will show you the telexes also. The telexes have come in the newspapers and we can show them. We want to know the government's stand on those people that are asking for Khalistan. Pick them up, arrest them and show that you have guts!

The government should clarify its position on the Anandpur Sahab resolution. Somebody has said in this House that the Congress government has referred it to the Sarkaria commission. The Congress

government did not refer it to the Sarkaria commission. If some Sikh from Punjab referred it, we do not know about it. We want to know the government's position on the Anandpur Saheb resolution because very senior members of the National Front are mixed up with the Bharat Mukti Morcha or whatever it is called I have raised this issue in the Rajya Sabha, it has still not been answered. I have raised it in the Rajya Sabha where your members of Parliament have categorically upheld the Anandapur Saheb resolution. The country wants to know. When you were in Opposition you need not have told the country. Today, you must tell the country. How can you not tell the country? We want to know what your position is regarding the fundamentalists in Punjab who are throwing Hindus out of hostels, closing down liquor and meat shops. This has been started in these two weeks. What are you doing about it? What are you doing about Pakistan's training? What are you doing about the take over of religious institutions by the fundamentalists? There are more weapons today going into the gurdwaras than there were during pre-Blue Star and pre-Black Thunder periods. Why are you not using the Religious Institutions (Prevention of Misuse) Act? When are you going to wake up? Will you wake up when you need another Black Thunder? Are you going to wait so long? Are you not going to act till they are occupied again? For heaven's sake, do something.

In your paper on Punjab, you have raised two points. There are only two specific points which you see as a solution to Punjab – removal of the Fifty-ninth Amendment and taking action on the Mishra commission report.

You have not brought anything to remove the Fifty-ninth Amendment in this session, have you? Will it be removed in this session? You will introduce it tomorrow and you will pass it in the next session. Right?

Sir, these gentlemen are introducing a bill to remove the Fifty-ninth Amendment in this session to be passed in the next session, when the Fifty-ninth Amendment automatically lapses on 30 March! So, what are you doing? Are you fooling the whole nation? If you want to remove it, remove it in this session.

On the Mishra commission we have taken very strong action and I hope that when the hon'ble prime minister talks about the Mishra commission he will also mention everything that we did. If there is anything more that is to be done, we would welcome the government to do it.

The last point I would like to raise today is communalism.... The danger to the nation is from communalism. And we feel that this government has an ambiguous stand on the issues that relate to communalism. Perhaps there are certain compulsions. But they must be very careful, on how much they lean on these crutches lest they damage the nation because of the perceptions that have come up that they are involving and giving credibility to communal elements, which is what you have done, which is the most dangerous thing that you have done. You have caused severe damage. I hope you will not continue doing that.

Not since independence has the country been under such a wave of communalism. Even this morning in this very House one of the members from the opposite benches, from the treasury benches had said something which the Chair had to expunge because it was too communal. That is what is happening today. You must correct it.

Who is responsible? I know that you are going to blame the Congress. During these past three to four months our friends on the opposite benches held almost 2,70,000 to 2,80,000 processions mostly in the Congress-ruled states, communal processions.... Why did you do that? Now, you have sown the seed, you will reap the harvest. For, today again you have increased the strength of the BJP by 4000 per cent, by your seat adjustment.... We need a consensus on communalism. We are willing to sit with you. We request you this time not to call us with an empty table and an empty mind but to think about it before calling us. Give us something to talk about. We will talk to you; we will talk constructively; we will work with you against all communal forces.

Now, lastly, I would just like to say that there is a difference between your secularism and our secularism. We are religious; being religious is not being anti-secular. There is a difference between what the communists think and what we think, what Panditji thought. For

a country like India, religion is important, the spirituality is important, communalism is different.

Sir, I have taken a lot of time. I thank you for your indulgence. Let me just say at the end that we will support this government on every positive issue that they bring out on anything, that is, which strengthens our nation and which helps the poor.

Reference

Lok Sabha Debates, Vol. I, cc. 310-55.

P.R. KUMARAMANGALAM

On the President's Address

15 March 1990



Opposing the motion of thanks on the president's address, P.R. Kumaramangalam was very critical of the deficiencies in the address. He found factual inaccuracies and debunked several assertions.

Mr. Chairman, I rise to oppose the motion of thanks moved by Shri Hari Kishore Singh with regard to the address made by the president to both Houses of Parliament.

During the discussion in the House about the last address to the joint sitting of Parliament by the president, I have made it categorically clear – not just as a member of Parliament belonging to the Congress party, but also as a young member – that the youth of this nation are not happy with mere words or platitudes or just commitments. We want real action and real proof on the ground. At that time, the alibi that was presented was that – we just came to know, we just got it – give us a chance in the government for a few days and we will show you a record of progress. Hundred days were glorified and progress established. But one thing is clear. The government has been

very efficient in appointing committees, councils and collective decision-making bodies. But whether any real decisions have come out or whether there has been any real improvement on the ground, that is not there.

Mr. Chairman, I, as a child recollect one joke on committees, especially government committees. It has often been said that committees to government are very akin to a stomach ailment known as diarrhoea. In both cases, there are always sittings. In both cases there are reports and in both cases the matter is dropped. The situation is like that. So, I only wish that in this particular instance this does not happen.

Mr. Chairman, the point which is very important is that in the very second paragraph of the address, His Excellency the President, while addressing both the Houses of Parliament, has gone on to make what I consider a factual error. He said, 'by and large, reaffirmed the verdict of the people to the last Lok Sabha elections in favour of change.'

In fact, the present government – though it is a minority Government – has enjoyed a certain percentage of votes and a certain amount of support in the states where the Assembly elections took place. But, today, the assembly elections have proved that the Lok Sabha elections vis-a-vis the assembly elections, the Government has lost ground rather the National Front government has lost ground and it is the BJP which has gathered ground. I do not say that the Congress gathered ground. No, we accept the people's verdict. We never go against the people's verdict. I am just mentioning that a factual error is there and it is a point to be noted. What is important is that, today in the last four months, the communal forces have become stronger not only in Parliament or not only in the assemblies, but communalistic tendencies have really taken root and matters are going out of hand.

Kashmir is a serious problem. It is not just a problem. It is not an issue. It is a crisis today. It has been admitted in this House that civilian administration has come to a nullity. It is admitted in this House that there is no law and order. It is admitted to this House by the government that they are not able to manage this situation.

All of us have got together and decided that this is a national crisis, not a debating point. But what one feels very unhappy about is that the president's address is almost casual about it. Very inert statements have been made and that the depth of the problem was not understood even at the time when the president's address was given to both the Houses of Parliament. It is most unfortunate.

But what has really affected all of us is that Kashmir is not just one of the states of our union. Kashmir is also a symbol of secularism of India. If Kashmir breaks away, it would have a far-reaching reaction not just in terms of one state segregating or just a matter of secessionism.

It is relevant at this point that if one takes up the statement that the governor made to the all-party delegation that met him, the objective of the government as well as that governor seems to be to render whatever little political force that existed in Jammu and Kashmir, which was nationalistic in character, into a nullity. The objective was to say that the National Conference and the Congress were a write-off and that there is no other political force except the JKLF in Kashmir. Is this exactly what a nationalistic government should do? That governor was sent all the way from Delhi to Kashmir – a Governor against whom the then chief minister said categorically, if he was appointed as governor, he would resign. Knowing very well that the chief minister would resign, that the elected government would not remain, the governor was sent in order that the resignation could be obtained, in order that the National Conference and the Congress could be made a non-entity.

And ultimately for what purpose? Is the JKLF, which is giving the slogan of separatism, going to succumb and work within the constitution? They know very well that would not help.

The situation in Kashmir is not one to be just discussed. We need action. I would like to plead on this occasion, let everyone of us, who is interested in it, be given the opportunity. I have my little influence among the central government employees in Kashmir. Let us be given the opportunity to go to Kashmir to move among the people. I have asked the hon'ble home minister for curfew passes. Even if he does not give these, we would go as the trade unionists

know how to do it. We will go, if necessary, at the cost of violation because Kashmir to us is not just a mere problem. It is the whole nation's very fundamental symbol of secularism being destroyed.

I would like to say one last word about Kashmir. It is not as simple as it looks. There is a very serious sinister plan behind this. It is obvious that an attempt is being made in a planned manner to alienate the people, the administration, the bureaucracy of Kashmir from India as a whole in order to justify a communal campaign that is on all over India. The very next step would be to say that these people belong to another religion –the Muslims, a minority – they show no loyalty, and, therefore, they must be taught a different lesson. It is these communal elements which are behind the scene. That's why one sees them supporting even the state terrorism being let loose by the governor, Mr. Jagmohan. What is unfortunate is to see that this government, which claims to be secular, which in its words speaks of secularism with the highest respect, actually stands on a communal crutch which is becoming stronger and stronger and one can see collusive action. They cannot pull the wool over the eyes of Indians so easily. The people will realize what is the falsity behind every statement they make. Of course, they are very apt in making statements. Words come up galore with lovely terminology to add.

If I may say so, one more example would be relevant. One sees the manner in which the president has categorically stated in his address that:

My government will fight those trends which have, in recent years, sapped our democratic institutions of their vitality and strength. The government is taking steps to ensure that our election system is rid of the debilitating effect of money and muscle power.

They say this on one side and on the other side, in Haryana one sees their own chief minister.

We are not saying anything. You have to realize something. This is your address and not ours. One must realize what one is doing. I wonder whether your value system is when one commits a crime, the other one can also commit. Is it that? You have said louder than normal words that you stand up for all that is right and you are against muscle and money power. Why don't you get your chief

minister in Haryana to resign? Then, I will accept what you say. Mr. Chairman sir, the issue is double-valued. They have exposed themselves. They are unable to enforce discipline in their party. That is not the only issue.

One can go into the Address and find as to what is said about food production. They claim the credit for it. They have said that the procurement of rice has touched a new high at 9.32 million tonnes in the last year. I presume that this was not done within four months. It seems that they have procured 9.32 million tonnes in four months, i.e., ever since they came to power. They do not give credit where it is due. It is obvious that they are still in their public relations phase. They may believe in saying that even the good monsoon was due to them. You forget that the monsoon took place when our government was in power....

Mr. Somnath Chatterjee, let me make it clear that at this present moment, I do not claim anything that had happened because of us. One can see the atmosphere of the House, i.e. hon'ble members saying that everything that is bad is ours and everything that is good is theirs.

I am grateful that at least by saying 'by and large,' you are coming closer to us. They are incapable of even admitting their views which they claim that they can admit.

I would like to go into another matter which is very close to my heart. In my own state, Tamil Nadu, there is total breakdown of law and order in the constitutional machinery. Even members of Parliament had been assaulted, insulted and dragged into jail and had been treated to the worst form of indignity. I myself have personally gone through it. I do not say off the record for the sake of using words. We have been physically taken up and thrown into the gutters. It had happened to us. We have complaints. Is that how you treat the citizens?

Mr. Chairman, I am not contesting what happened or what did not happen during emergency. But obviously, it is clear that they think that without announcing or proclaiming emergency under the constitution, they can carry it out in Tamil Nadu. They do not have the support of the people. This has been established. In both the elections, the Lok Sabha elections as well as the by-elections, every

form of booth capturing and other techniques like using money and muscle power were adopted. It was used in the Palani elections of the Lok Sabha. Still, they could not win because the margin was so large. What is important today is that there are more than 30,000 political detenués in the jails of Tamil Nadu just because one day they said that they will do *rail roko* (stop the railways) if the name of a particular station will not be changed to the name of a famous leader of India, Mr. Kamaraj. They just made a symbolic protest in each railway. Many people have gone and come back and we know that many will come back.

The problem here is that they are unwilling to even understand the situation. Such lack of sympathy, such lack of sensitivity is terrible to see from those who form the crutches and are becoming more loyal than the king. I do not find the treasury benches responding. The response is coming from the supporting crutches. Anyway after all, it is on the crutches they stand.

I would only like to say this much that never before except in British times were satyagrahis or the people who participate in the democratic movement, treated in this manner....

Mr. Chairman, Somnathji knows very well, how much he spoke during the last session. They talk of panchayati raj and genuine panchayati raj. Is genuine panchayati raj that panchayati raj where panchayat presidents are the puppets of the state government? I wonder. I would like to have a clarification. What are these words genuine panchayati raj vis-a-vis panchayati raj? A clarification, I think is worth because after all, it is in a document....

We are asking for elections. You are not realizing what the panchayati raj scheme is. You were there in Parliament. It is not that you do not know what it was.

Another unfortunate thing is this. They have been speaking from the rooftops about waiving loans upto ten thousand rupees. God knows how long they are talking about this. In the last two elections, they have been able to manage. But I would like to know what is this scheme? Is it going to be an immediate wiping out or is it another attempt to befool the people of India? It will be very interesting to see how much they will do and what they will do.

Another interesting thing is the manner in which they claimed to solve the problem of unemployment. After making the usual statements that they will strive to ensure for all citizens – this is an extract from the Directive Principles of State Policy. It is very clear, even the words are common – now they say that the government will introduce a constitutional amendment to enshrine the right to work as a Fundamental Right in the constitution. I welcome it. The Congress had asked for this to be included in the last speech. We have requested for an amendment. We welcome it and I fought for it even when I was in the treasury benches. Mr. Somnath Chatterjee knows about it. I may have failed but I fought for it. But the situation is simple. I would like to know whether it is going to come in this session. Because it does not talk of this session. I would plead with them that it is time ultimately that we youths at least have this – the fundamental right to work – and not the right to laze around.

Now, I would like to bring to the notice of the government a very important point. The government should make a note of it. I understand, quite reliably, that the JKLF leader is slated to address in the meeting at Cairo from 31 May to 3 June of the Organisation of Islamic States. The hon'ble minister may note this because it is very important. They are going to raise a demand with more than thirty Islamic nations to take up the struggle for self-determination in Kashmir and not only in Kashmir but also in certain of the republics of the Soviet Union and Afghanistan. They are going to club all of them together and are planning to move it in the United Nations as a self-determination appeal of the people. One must use all diplomatic efforts one has to scuttle this.

We have supported the Arab world over and over again on many fundamental issues, including recognition of Palestine. We must use all our talents to ensure that this does not happen. If this does happen, it would queer the pitch in the international arena. Today, Pakistan is doing almost what exactly we did before the Bangladesh war took place. They are preparing the ground internationally to create an atmosphere allergic to us, which is inimical to us. Let us do our best in the diplomatic lines. Let it not be just touch and go. Serious efforts are required on the diplomatic front.

In Sri Lanka, there is a very major issue which has happened. There has been a mention about the Sri Lanka accord, and hopes and aspirations that the accord would be implemented. But factually, that has not come up. On the contrary, we have reached a stage where there is almost total wipe out of all Tamil militants in the east. Today, there is a buffer district in Sri Lanka, called Vellore. There is a situation where in a British frigate, H.M.S. Adelane has stayed for three weeks in Colombo, and thirty-eight British naval intelligence officers have spent over four weeks in Trincomalee which was originally a British port. Today, at Trincomalee, at Plantation Point as it is called — or Plantain Point, whichever way you may pronounce it — it is very clear that there are over ten senior Pakistan military officials posted there, training the Sri Lankan army.

Another important fact is that every single army camp in Sri Lanka i.e. of Sinhalese army, has moved back into its old barracks which they had occupied before they were caught; and I have myself with me informally a Plan of Action — which I can give the hon'ble minister if he wishes — on how to wipe out not only just FPRLF but also the LTTE. Today, a situation has arisen when unless strong diplomatic efforts are taken, it is quite possible that we have a situation back of 1983, i.e. of square one. It is a serious breakdown.

Lastly, I would make an appeal. Yes all refugees are liabilities, not necessarily assets. But do not treat all of them as criminals. Let them not be thrown from pillar or post, to find a place to stay. They may be Tamilians, or any others; but the point is that they are refugees; they are accepted political refugees. I plead with the government: please give them the respect the refugees deserve.

I would like to end with something which is very close to my constituency, if I can have half a minute. Salem Steel was a dream of every single person belonging to Salem. Last year, during my prime minister Rajiv Gandhi's regime, Rs. 450 crores were sanctioned, allotted.

You check up the records. What has happened is terrible. It was sanctioned for being spent on a hot rolling plant for backward integration of Salem Steel. Unfortunately, that has been reconsidered. It has been stayed. Now an attempt is being made by my friends

specially from Durgapur, to take that hot rolling mill, and thereby destroy whatever dream there was of having an integrated steel plant in Salem. I would plead both with the supporting parties, and specially Basudev Achariaji – he is not here – that they may kindly be considerate, and I request the government kindly to allow the dream.

The other point which is very important is this: the airport at Salem has been awaiting implementation. I request the government to take it up. Unfortunately, the president's address to both the Houses is of such a nature that all that one can say is that it is a repeat of platitudes and niceties, with a little addition or committees and councils. I would only request this: let us move from it. The country has gone into a crisis in Jammu and Kashmir; it is likely to go into a crisis in the Punjab. Sri Lanka has become a terrible situation. And the *nanha munna* (small) Nepal – I think my friend Arif had said it – is in a situation where problems are increasing. I think we should realize that it is no use making debating points. We all should put our heads together and solve these national problems. The Congress will always be willing.

Reference

Lok Sabha Debates, Vol. I, cc. 428-37.

DR. MANMOHAN SINGH

Present Economic Situation

18 December 1991



Finance Minister Manmohan Singh presented his perception of the somewhat dismal economic scenario and an expose of the new economic policy of liberalization that the government was committed to follow. He was speaking under Rule 193 which allows a discussion on a matter of urgent public importance without a vote.

Mr. Deputy-speaker, I am very grateful to all the hon'ble members who have taken part in this debate. I was particularly struck by the note on which Shri Vajpayee ended his speech, that our country is faced with formidable challenges.

Nobody has the monopoly of wisdom, of knowledge. We are faced with unprecedented perils if I may say so; and the task is something which no single individual, no single party can carry by itself. Therefore, there is a need, an urgent need to evolve a national consensus for dealing with these formidable challenges that our country faces. It is in pursuit of this that in the very first week that

our government came into power, the prime minister took the initiative of inviting all the hon'ble leaders of Opposition parties and I can say in all truth, that I presented to that august assembly as truthful a picture as I could; short of telling that I was going to devalue the currency, I back all the facts of the economic life of the country as we found on the day our government came into office before the House, without saying who is responsible, without apportioning blame, we gave them an account of the situation in which our country was. If that situation was allowed to drift the way it was drifting, I can say in all truthfulness, you would have seen in this country, a total breakdown of the economic system. It was not merely a foreign exchange crisis; it was a crisis of the total economic system of our country, of a country's treasury which was nearly bankrupt, a country which was not able to import even the most essential things of life, a country from which the nonresident Indians were taking money out at the rate of nearly 350 million dollars a week and a country which had reserves which were not equal to two weeks' imports.

In that situation, if we had allowed the situation to develop, you would have seen the magnitude of unemployment, the magnitude of the disruption of industrial production as well as of agricultural production, that has never been seen in this country. I do not, in any way, want to gloat over what has happened to the Soviet Union or what has happened to the countries of Eastern Europe. In many ways, it is my honest conviction that many of the political turmoils which have developed in these countries are routed in the malfunctioning of their economies. These malfunctionings were put under the carpet for some time. At one time, we had all thought that Yugoslavia was a workers' paradise; workers also rule Yugoslavia. According to all the norms, it was a model economy that the civilized human beings ought to emulate.

But, over a period of time, Yugoslavia developed a system where financial discipline weakened, where wages rose much faster than productivity; where the economy became totally isolated from the rest of the world; and then the seed of decay was sown. That led to the ultimate disintegration of Yugoslavia.

I submit to you that the economic history of its disintegration will be traced back to economic mismanagement. I think the two oil price increases of the 1970s and the early 1980s saved the Soviet Union. But the problems which we are tackling today, have been there in the Soviet Union. Their inability to tackle them accumulated into a massive political crisis which has ultimately led to the disintegration of the old Soviet Union that we knew.

I do not want to gloat. But I want to submit to this House that if we do not tackle the economic crisis effectively, I think, there is no iron law which says that this blessed republic of ours is immune from the normal economic laws. There is, therefore, a great danger. So, I submit in all humility, without scoring debating points, that we do need a national consensus on all the major issues that our country is confronted with.

I do not claim in my statement that we have found solutions to the problems of the country. All that I said was that we have bought some time, that we have restored a measure of international confidence. But let me tell you that this can be destroyed overnight also. Tomorrow, for example, if you do not control the budget deficit or if there is a lot of violence in the country, whether over communal issues or other issues, if there is a lot of industrial unrest, this confidence can disappear. History is full of cases. It takes years to build confidence. It takes days to destroy it. So, we are in a very fragile state of health of our country.

I do not want to create an illusion that we have found the solution to these problems. We have begun the arduous journey. The first steps have been taken – some success in achieving a semblance of stability. But a long journey lies ahead to control fiscal deficit, to make our public sector much more vibrant, much more competitive. Let me say that in terms of our objectives, our commitment to growth with equity, our commitment to adjustment with equity or what I described in my speech as adjustment to the human phase, I think, is firm. That is irrevocable. That is the message that is contained in the letter of intent that I sent to the IMF that we will not do anything which would put disproportionate burden on those who are not able to bear them. Whether it is the organized working class or the

unorganized working class, our government is fully committed to ensure social justice to see that the costs of adjustment to a more dynamic economy are not put on the weakest shoulders. That commitment is repeated in my letter of intent to the IMF. Once again, I reiterate that commitment.

But let me say that you cannot achieve your objectives without hard sell. I think Mr. George Fernandes yesterday said, 'Are you not worried about agriculture? Are you not worried about food production?' Are you not worried about unemployment? Some hon'ble members said, 'Are you not worried about regional imbalances?' We are very worried about these things. But you cannot find solutions to these problems if you do not start by correcting the fiscal and balance of payments mess that we were in in June 1991. It is only if you have a sound fiscal system, a central government, which is strong enough to have surpluses, can come to the help of a state like Bihar. I sympathize with the plight of Bihar. I think, Bihar certainly deserves a lot more attention from the country than it has. But what can a bankrupt treasury do for Bihar? Therefore, we must set our fiscal system in good shape so that the central government can go to the help of the weaker states of our union.

Mr. Atal Bihari Vajpayee mentioned the state of the public sector, the way the public sector is managed, the way losses accumulate, the way corruption takes place. Now, that is not a public sector with which we can achieve the objectives that Mr. Nirmal Kanti Chatterjee had in mind. That sort of public sector, let me say in all sincerity, is a drag.

Therefore, all of us have an obligation and we are committed to supporting the public sector which is efficient. We must plug all sources of inefficiency. But to have this mantra that regardless of efficiency and social cause every public enterprise must be kept alive I submit to you, is neither serving the cause of the public sector nor is it serving the cause of the workers employed in those industries. Our government swears by working honestly to improve the working of the public sector. We will, for this, seek the help of the workers, the trade unions and all interested parties. But, I think you cannot solve the problems of the public sector by asking people to go on

strike. I am not saying that by way of criticism. It is a right of trade unions and workers in a free society to go on strike. But that oneday strike that took place, I tell you, has sent, I think, wrong signals all over the world that this country does not appreciate the value of discipline. Maybe it was our failure that we did not have time to develop an all-round consensus that there was no need for strikes. But strikes, lock-outs and other events like communal violence are all barriers of progress and this country has to find ways and means to deal with these problems.

Now, several hon'ble members raised points and one particular member said that we are heading for a third devaluation. Now, interested parties and those who do not want India's balance of payment to be improved have been spreading rumours from day one that this is a bankrupt country, this is only the beginning and you will see a lot more of devaluation and, therefore, they have discouraged nonresidents from sending money here, etc. Now, I want to say and I have made it very clear in my letter of intent to the IMF also that we are committed to maintaining the present nominal exchange rate of the rupee and that we have no intention to devalue further and I do not think that there is any need to do so because the rupee is becoming stronger and our foreign exchange reserves have improved. Therefore, this is a malicious propaganda that we are planning for another devaluation.

Now, several hon'ble members have expressed their concern about industrial production. Let me say that I share that concern. But in a situation when you have no foreign exchange, if you have to impose a savage import compression of the type that we have had to impose, then what else could you have expected? And I have been saying this from day one that I am worried about the affects of import compression on industrial production in our country. All I am saying is that we had not taken the measures that we have now, that we are beginning the process of import liberalization gradually and the process of credit liberalization. I expect the industrial situation to improve. But this is a direct consequence of the tremendous import squeeze which has to be imposed to deal with the foreign exchange crisis that our country was facing.

In the same way, several hon'ble members have raised issues with regard to price rise. I share my concern with them. In my statement, I have said that we have not achieved the success that we would like to on the price front. I submit to you that considering the handicaps that we have had, the handicaps of a large overhang of excess liquidity, considering that we have to put a savage imports squeeze so that domestic supplies become inadequate, considering the shortage of foreign exchange, we had to send even essential commodities like wheat and rice outside the country so that we could import fertiliser and diesel. Taking all these factors into account, to expect that the price situation could be brought under control in a short period of time, I am afraid, is unrealistic, as I was saying from day one.

And I can assure you that if we persist with the path that we have chosen, if this hon'ble House supports us in correcting the fiscal imbalances about which Nirmal *babu* spoke, and if we also persist with the path of supply management, I am confident that the price situation will improve day by day. Now that our foreign exchange position has improved, we can import vegetable oils also. If we do all this, the situation will certainly improve....

Finally, Mr. Deputy-speaker, I had promised to this House that I would place this letter of intent before this august House to convince the hon'ble members that what we have done in this letter of intent is no more than the restatement of policies approved by this House. Therefore, all this propaganda inside the House and outside the House that somehow we have sold this country's national interests, is incorrect. I think this letter of intent with its strong emphasis on growth and equity, strong emphasis on poverty alleviation, strong emphasis on rural development and strong emphasis on environmental protection, gives the lie to those who perpetuate this propaganda that we are out to sell this country's honour and interests.

With these words, I would like to thank all the hon'ble members who participated in this debate.

Reference

Lok Sabha Debates, Vol. VII, cc. 615-22.

INDRAJIT GUPTA

No-Confidence Motion

17 December 1992



The communist leader and one of the most outstanding parliamentarians, Indrajit Gupta participated in the debate on the no-confidence motion against the Narasimha Rao government. However, he spoke more by way of expressing strong criticism of the BJP and connected organizations. Because he did not like the BJP and not because he had any love for the Congress, he said that he and his friends would not support the motion.

Mr. Speaker, this morning when Shri Arjun Singh spoke, he referred to the assassination of Mahatma Gandhi and tried to explain to the House the real motivation behind that murder. But I would like to ask a question, who inspired or what inspired Nathuram Godse to commit that foul deed? I think he was inspired by the systematic campaign of poisonous ideas which were being spread for a long time by the then *Sarsangha Chalak* of the RSS. I do not mention his name. In a book called *A Bunch of Thoughts*,

which you can read in the library you can see how every page and every line of it reeks of communal poison.

Who inspired these *kar sevaks*? I do not know whether it is right to call them as *kar sevaks*. These vandals, who are masquerading as *kar sevaks*, who inspired them? Who inspired them to demolish that structure on 6 December?

According to my friend Mr. Vajpayee, they should be called here; they should be arraigned; they should be hauled up but nobody knows who they were. That is what we were led to believe—that they are anonymous people, as anonymous as that gentleman, who gave Mr. Solanki that letter in Davos. Nobody knows who he was. I am sure, the prime minister knows it! But anyway, I suggest, sir, that propaganda which has been ceaselessly carried out in this country, injecting poison into the Hindu mind, by the leaders not only of the RSS, VHP and so on but of the BJP also – not all of them perhaps were responsible for the group of people taking courage in their hands and doing what they did on 6 December. What was destroyed, sir? Our Muslim friends say that it was a mosque which was destroyed. Because, according to them, and according to the teachings of Islam, a mosque, whatever changes it may undergo over the years, a mosque, once a mosque is always a mosque. So they think a mosque was destroyed. The other side had gone on claiming that it was no longer a mosque; that it had in practice been converted into a temple. The idols were there; the *poojaris* (priests) were there; *pooja* (worship) was being observed everyday; and no *namaz* had been performed in that place for many years. No Muslim was allowed to enter that place. So, according to them, it was a temple. Whether it was a mosque or whether it was a temple, this or that, it was a place of worship. It is that, which has been destroyed. I wish to say and I want all our Hindu friends, who are proud, rightly, of being Hindus to consider this fact that what was destroyed really are some basic tenets and principles of the Hindu religion itself. The very tolerance, the very compassion, the principle of pluralism, the symbol of that is the Hindu religion. But these people, these intolerant people, what shall I call them, I do not know who performed this act, have not been condemned by

the BJP leaders, not even by Mr. Vajpayee. He only says that he did not welcome it. He said, it is very unfortunate. He is very sorry that such a tragic thing took place. But he does not condemn it. I think that, in order to establish their bona fides in this House, the BJP must condemn what happened on 6 December. They may blame themselves, they can blame anybody they like, but even without blaming anybody, that act of vandalism and destruction should be condemned. After all, the whole world is watching us. The Parliament of India is in session.

The whole world is watching to see whether the Parliament speaks out against this act of destruction and vandalism.

We had adopted some resolution yesterday. It is being challenged here whether it was adopted or not adopted. Some people this morning raised a big *hulla-gulla* (noise) and said that it was not passed. But if they are interested or sincere in condemning what happened, why are they challenging that resolution? They should not challenge it. That is a technicality; whether it was formally put to the vote and passed or not passed. Do you agree with the contents of that resolution or not? I am challenging you to say whether you agree or not with the contents of that resolution. That is a point...

Behind all this, I am constrained to say that we should not underrate what is happening. There is a long strategy. That strategy is aimed at destroying one by one all the established institutions which are enshrined in our constitution and then coming to power in a Hindu theocratic state, which they like to call Hindu rashtra (nation).

The deliberate deception which was practised on the Supreme Court, the highest court in the land, was it accidental? It was not accidental.

Then there is a violation of the constitution, the basic principles of secularism, which means they are pouring a lot of ridicule and scorn on the word 'secularism'. Let us take it at its lowest common meaning: that is equal status and rights for all religions. They do not agree with that. They have challenged that.

Then I must express my thanks to my BJP friends – for whatever reason; I do not wish to go into that – they decided today to allow

the Parliament to resume its normal functioning and they gave up the precondition on which they have been harping for the last three days.

Then there is an Act in this country called the Representation of the Peoples Act by which we are all governed; we all fight elections under that Act. If you study that Act, certain provisions of that Act I am afraid, I have not got number with me just now of the relevant provisions — it is expressly forbidden to ask for votes from the people on the basis of any religion or religious symbols. But your leader was telling us repeatedly here over the last one year that the reason why we were able to come to power in Uttar Pradesh where our party was virtually nothing before the last election, was this Temple. So it means the appeal is to the temple, which is an appeal to the religious symbol, which is a direct violation of the Representation of the Peoples Act. Unfortunately, nobody has hauled you up in the courts. The Bombay High Court has disqualified three Shiv Sena MLAs and one Shiv Sena MP.

They have disqualified them on the ground of it having been proved that in their election campaign they have made religious appeals. The High Court of Bombay has disqualified them. But you people are going merrily ahead.

The outrage, which was committed on 6 December, now we have to analyse whether the BJP leaders were really taken unawares or by surprise as is being made out. That is what is being made out now. 'We know nothing about it. We did not expect such a thing to happen. We could not control the crowd.' In that case their inefficiency, their impotence as leaders has also been proved. They have no business, if they are such an impotent people, to collect such a huge crowd there and then say, we could not control it. If you cannot control it, why did you bring them there? Why was a statement made saying 'Oh, we are not going to do *kar seva*, but restrict *kar seva* to *kirtans* and *bhajans* (religious songs).' Their statements are on record. If I mention that, they will say that what is the proof? One very important leader, not here now, said, we are not going to confine our *kar seva* to *kirtans* and *bhajans*; our people are going to do *kar seva* with hammers and pickaxes.

It should have been contradicted if it was a wrong statement or wrongly reported.

Then, sir, all these people were collected at a time when the court had already said that no construction activity of any kind is to be allowed there; nothing is to be allowed there.

Instead of asking people to go home, two top leaders went out in different directions in order to collect more people and bring them back. People were instigated, incited by saying that the courts order need not be bothered about. This court, as Shri Somnath Chatterjee said, is being utilized as an instrument of the executive. The executive is utilizing the court to suppress the desire of the masses. Therefore, do not worry about it. Ignore it. Is this not instigation at its crudest form?

I do not believe all these cock and bull stories, that nobody knew anything, they were innocent angels, suddenly they found that some people were disobeying their instructions and rushing ahead.

We had asked the prime minister in one meeting, I forget on which date we met him at his house, that suppose a section of these people, some group of people, tries to force its way forward into that area where the Babri Masjid structure is located, what will happen?

The prime minister said that they will be stopped. They have to be stopped. Of course, they also failed to stop them and these people, whether by design or by failure to show their leadership, also said that.

So, sir, I owe an apology to the House and also to the BJP friends because the last time we decided this question, the home minister had made a statement here. I had rightly talked about riding a donkey and a tiger and that has been proved now. That they bought a tiger. They put it in a cage. They fed it, fattened it up, then let it loose, got on top of it, thinking that it is only a *dhobi's* (washerman's) donkey. Ultimately, we saw what happened. But the mistake I made was, I freely admit it, I spoke here saying that these tactics of developing tensions, building up crisis, going up to the brink of the crisis and then again retreating, they have done it once before in the month of June and July, and probably they will do it again.

I made a mistake. I gave them the benefit of doubt, which they do not deserve. It was foolish of me to do that. This time they were determined to go ahead.

Now, sir, it has been said that it was a spontaneous upsurge of the people, therefore, it could not be controlled. Because it was a spontaneous upsurge of the people, therefore, it should also not be condemned. These statements have also come out.

So, now I do not know what to say. Many friends say that the law of the jungle was prevailing. I think, to call this the law of the jungle is to slander animals which live in the jungle. Wild animals do not behave like this. Wild animals never attack anybody or a human being unless they are first attacked. This is not the law of the jungle. What was going on then, that is something ten times worse.

Anyway, I do not want to take much time. I can only say that we cannot support this motion because this motion means that they want this government to go, to be replaced by their government. We cannot support such a move. At least, it will be done over our dead bodies. But at the same time, I wish to make it categorically clear that as far as our party is concerned, we think that the government, the central government, and the ruling party have completely forfeited the confidence of the people of this country by the way they have handled this affair, for bungling, by their failing to carry out the assurance which they had repeatedly given, and in fact, then if you go into the past you have to go into the whole thing which was described here about what happened in 1949, 1986 and subsequently.

I myself went to the late Rajiv Gandhi. My party asked me to go and try to convince him that on that occasion they should not fall in with the BJP to pull down V.P. Singh's government. Because the issue defending the mosque. I told him, 'You can take any other opportunity, any other time you like and vote against V.P. Singh's government, but do not show the country that you are siding with the BJP, on that day, to pull him down'. Shri Rajiv Gandhi asked me, 'Do you expect me to support that fellow?' I said, 'I am not asking you to support him. I am only asking you not to pull him down on this occasion'. Anyway, he did not listen and we had this dubious spectacle of the BJP and Congress together pulling down V.P. Singh's

government for the crime of having stood fast on his pledge that so long as the constitution is there, I am not going to allow any damage to be done to this mosque.

Now it has happened. It does not matter if governments come and go. What has happened now? The prime minister, so many times, in so many places, on so many occasions, assured that his government would protect that structure. Of course, now explanations are coming as to why they failed. You allowed – how many? One hundred companies or more of the central paramilitary forces to be handed over to the control of the Uttar Pradesh state government, which you have now dismissed, which had resigned and then was dismissed by you. That means you had tremendous belief and faith in Shri Kalyan Singh. I do not blame you. He came and assured you so many times. But, sir, you should really get an award for gullibility, I must say. You are willing to trust these people more than to trust the other forces in this country. And this Shri Kalyan Singh saw to it that no protection was given there at all!

I also want to ask a question. If the government had been dismissed and already the centre had taken over, for thirty-six hours after that, those fellows were still out there, on the site, constructing that make-shift temple or whatever it is. Already the government of Uttar Pradesh had been dismissed and the centre had taken over. The forces were under the command of the centre, not of Shri Kalyan Singh. Why were those people allowed to continue there for thirty-six hours?

Somebody said it was in order to avoid a bloodbath, to avoid bloodshed! So, you have to weigh these two things. Of course, there may have been bloodshed. But what about the bloodshed which ensued? What about the thousands of people all over the country, not only there, who have been killed, who have been murdered, whose houses were burnt and looted? What about the women who were raped? What about that? That was an inevitable fallout of what these people were doing. If you have forces of law and order and security forces, sometime you must use them also in order to prevent much bigger bloodbath which would inevitably happen. But, I am afraid, this government failed altogether.

Now, finally, I will only say about what happened after 6 December. It is all right to say that those three governments have lost their moral right to govern. Because they were being manned by the chief ministers and other people who were openly declaring that they belonged to the RSS. The RSS had already been banned. So it can be argued that you cannot allow a state government to be run by people belonging to organizations which have been declared illegal. But I would say that it is better not to hurry too much. Why? Because moral rights are not the same as constitutional rights. If these governments failed to carry out the directives of the centre, if they openly flouted the directives of the centre, surely they must be dismissed. I do not know if you have reached that position and if you have got facts in your possession to make out a convincing case — not to us here but to the crores of people outside. They must be convinced that these governments have not been dismissed simply because they were BJP governments, but because they were doing something which was a clear violation of the center's directives and of the constitution. I would have been happier if you had waited a bit and I am sure they would have given you plenty of opportunities in a day or two to take action against them. However, it was a sort of pre-emption. But now it has been done. It is no use shed tears over it.

Now the single task is to fight this monster of communalism and fundamentalism which has emerged — not emerged but has now reared its head and is threatening the entire country and its unity, integrity and secularism. Can this be done by administrative measures alone? Can this be done by security forces and bullets, ordinances or by invoking Article 356 of the constitution or by putting people in jail? Those may be necessary in certain situations but it cannot be fought and vanquished by administrative measures alone. This is a political issue. This is an ideological issue. It has to be fought out politically and ideologically by all the forces in this country who are genuinely committed to the cause of secularism and they must, as far as possible, stand together. I do not know whether everybody is prepared to stand together or not. We will know in another few days' time perhaps.

The Congress party is the oldest among the parties which are here. It is the largest party. It is the party which had the privilege of leading the national independence movement. The Congress party is a party which has its own platform, its organization, its working committee and everything. Why are they not saying something? Why are they keeping quiet? Why does its working committee not appeal to all Congressmen in the country – at every level, whenever they are – to come out and join hands with all secular forces to fight against this monster? They have not said anything upto now. If other secular forces feel diffident — and some voices are heard saying: ‘Oh, they are not serious about it’, it is for you to prove that you are serious. You have got a flag why can you not take that flag and bring your people out on the streets? Then it would be a much easier task to unify the ranks of the secular forces against communalism. I may tell you that all the people of minority communities, not only Muslims, will be with you.

I was in Calcutta two or three days ago. I met some Christian friends also as a representative of the people. There are nineteen members in this House who belong to the Christian community. They may not speak here. I do not know why. Maybe for various reasons. But they are thoroughly perturbed and disturbed and asking as to what is their future. They ask, ‘How will we survive in this country, if this kind of thing goes on?’

So, Mr. Prime Minister, you have got a big responsibility on you. You must give a ringing call to your own people first of all and then to the whole country to stand up and fight politically and not rely only on administrative measures. That unity alone, going to the people, going to the masses, will be able to defeat these things. Thank you.

Sir, may I, with your permission say one more thing? I just forgot to mention one point. During this holocaust which has taken place, reports from Bombay – from Maharashtra indicate that the Shiv Sena whose name has not been taken here up to now has been playing havoc. The leader of the Shiv Sena, Mr. Thackeray, issued a statement saying. ‘People are saying that Shiv Sainiks destroyed that structure there. I do not know if they did it. But if they did it, I am proud

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of them.' But the Congress government in Maharashtra, the chief minister of Maharashtra, does not utter a single word against the Shiv Sena. Sir, I want to know what kind of campaign are going to run against these people. If, for other reasons, they do not want to annoy each other, they should not let the whole country down.

Reference

Lok Sabha Debates, Vol. XVII, cc. 548-59.

LAL KRISHNA ADVANI

Electoral Reforms

29 May 1995



Speaking partly in Hindi and partly in English, in a short intervention, L.K. Advani made a forceful plea for electoral reforms which he believed were of paramount importance.

Mr. Speaker, this is the last week of the present session and I am happy that Shri Sharad Yadav has raised a question which is basic to our democracy. This is not limited to the constituency of Sahsawan. But all in all Shri Sharadji and Nitishji have referred here to two states. In both of them elections were held extensively and on a large scale. These two are the largest states in the country.

Mr. Speaker, the election system was on test in these states. How refined and pure our democracy is, was also on test. No doubt, the incident which was described, its magnified image came to light in both of these states. Although appropriate action will be taken in such cases but one concrete point has emerged and that is counting of votes which earlier used to be carried out polling station-wise, was changed. Then all the parties requested that the counting should

be done polling station-wise and so the system was reverted. The proposal of mixing which came before, was accepted by the Election Commission and the system of mixing of votes started. However, now, people of all the parties went to the election commissioner and told him that they should know where booth capturing took place with the result that instead of 100 per cent the voting percentage went upto 110 per cent. This anomaly will not come to light unless counting is carried out polling-booth-wise. If we do the mixing, we shall never know the voting results booth-wise.

Mr. Speaker, there is no doubt that in some states additional ballot papers were extensively put into ballot boxes but due to mixing could not be found. I remember that on the first day of the tenth Lok Sabha, the first question was in Mr. Vajpayee's and my names and that was regarding electoral reforms and at that time the law minister was Shri Vijay Bhasker Reddy and his assistant was Shri P.R. Kumaramangalam both of whom are not members of the council of ministers but both of them had said that their government is committed and that electoral reforms would certainly be carried out. All the recommendations of the Dinesh Goswami committee would be implemented. They made very tall promises but now the tenth Lok Sabha is nearing its end. How many days will it last? we do not know. Some say the monsoon session will not be held. Again there is a contradiction. They say, no, both monsoon and winter sessions will be held and after that elections will be held. Whatever happens but this is sure that we are passing through the last year of this session. I would like that before the end of the session let there be a comprehensive and definite statement on electoral reforms from the government. Where did the government stand on the issue of identity cards?

Mr. Speaker, I have said so many times in this House that the Election Commission is much talked about. Shri T.N. Seshan is also much discussed. In that some are this side and some are on the other. We take it as if Shri T.N. Seshan will set everything right and none else.

This is an institution which we should be concerned about and it is the government's responsibility principally and Parliament's

responsibility to see that the institution of democracy functions well and in order that it functions well, this electoral reforms business is an urgent proposition.

Mr. Speaker, in 1971 a joint parliamentary committee was formed at the initiative of Shri Vajpayeeji, I was also in it. Shri Somnathji was also there. After that several committees were formed which submitted their long reports but we failed to move ahead even one step. We are not ready to move one step forward. Who is to be blamed for this? The Delimitation Bill was brought in this house. The whole House was unanimous. We said not to withdraw it because there were many differences over the second bill which was to be brought but the government did not agree. After that delimitation never started.

They are not willing to do anything whether about delimitation or about identity cards and now there is this new question of how votes should be counted.

Mr. Speaker, I say that in this matter you keep the Election Commission out. Leave it. All the decisions taken by this House can be complemented by it, as this House has the necessary power. Let it not be considered as a weakness but the initiative should come from the government side. If the government continues to sit on these reports and throws them in the wastepaper basket there will not be any progress. If electoral reforms are not carried out with urgency, honestly and on a priority basis, there will be no uniformity and one of our members has said that if things continue to drift like this, there will be no elections. This is an extreme statement I do not agree with this.

Mr. Speaker, after forty-eight years of independence although we have not been able to remove poverty, illiteracy and ignorance but we can certainly be proud of one thing – in spite of so many difficulties, we have tried to some extent to run our democracy on right lines and we have achieved some success in this direction. But it has some lacunae and these lacunae are there because some political leaders, some parties have developed vested interests. It is only right that if we can do things on the basis of money power, muscle power and governmental power, why go in for reforms? Some

persons move about in jeeps armed with guns and despite thus no action is taken against such persons. We are compelled to think that the abuse of government power is one of the biggest abuses. If need be, let all parties agree without reservation that in all states where elections are due, they should come under President's rule. This is also right that President's rule will mean rule of the ruling party at the Centre. We are prepared to think of such an extreme remedy. I remember Shri Jayaprakash Narayan had formed a committee in which this issue was considered and a general agreement was reached that although President's rule may not be imposed, the party in power should not work for that party. This was a recommendation. I have a specific demand from you and that is that before the end of the week, before adjournment, the government should make an extensive and authorized statement stating their policy on different aspects of the electoral reforms because I firmly believe that before the coming Lok Sabha election electoral reforms are of paramount importance.

Reference

Lok Sabha Debates, Vol. XLI, cc. 222-4.

SOMNATH CHATTERJEE

Criminalization of Politics: Vohra Committee Report

23 August 1995



Participating in a discussion on the Vohra committee report highlighting the role of crime in political life, Somnath Chatterjee criticized the government vehemently for having most callously kept the report in the cold storage. Not even looking at such a report for such a long time was outright criminal negligence. Chatterjee charged the government with total absence of political will in dealing with the subject matter of the report. He also suspected that some portions of the report were being kept back from public scrutiny.

Mr. Chairman, obviously the discussion is on this Vohra committee's report which is a government document. Therefore, we need not try to show that this is correct and this is the government's case. The contents of the report are accepted by the government. There is no reason to say that this government is not accepting them. Therefore, to me, it is a clear case of government accepting certain

situations that are prevailing in this country and I find it to be the biggest self-indictment that can happen anywhere.

This is a monumental contribution of the Congress government at the centre that today we find, on the basis of this report, that the mafia is virtually running a parallel government forcing the state apparatus into irrelevance. So this is the position which has been found by a committee which was set up by the Government of India on 9 July 1993 to take stock of all available information about the activities of the crime syndicates, mafia organizations which had developed links with and were being protected by the Government functionaries and political personalities.

Therefore, the purpose of this committee was to take stock of available information. Of course, the details of the information have not been given. Obviously those have not found their place in the final report. Obviously, it was edited before it was finalized and submitted to the government. The numbering of the report shows that.

But the point is that these are the conclusions which have been arrived at. It needs repetition that from 5 October 1993 until that unfortunate tragic event occurred in that restaurant in Delhi, the capital of India, I do not know whether the Government of India had even looked into it and if they looked into it, I take it that it was their bounden duty to look into it. I would consider the hon'ble minister of home affairs was so negligent that he would not look into it. If he looked into it in October 1993 what did he do until this tragedy occurred in Delhi? Naturally, there was hue and cry – as it was within a stone's throw from the headquarters of the Government of India. Such a ghastly crime had taken place and that too admittedly by one of the functionaries of the ruling party. Therefore, this is the accepted position.

So much time has been allowed to pass particularly in view of the important recommendation which Shri Vohra gave. I understand that it has been placed on the table but with your permission I want to read paragraph 15.2 on page 6:

I have prepared only three copies of this report, one copy each is being submitted to MOSIS and the hon'ble minister, the third copy is being retained by me. After the hon'ble minister has perused this report

I request him to consider discussing further action with the finance minister – because economic offences are at the forefront of these findings – MOSIS and myself. The emerging approach could thereafter be got approved from the prime minister before being implemented. At that stage other concerned senior officers could be taken into confidence.

Has any action been taken? Was the matter discussed with the finance minister, with the MOSIS, Shri Vohra and if so, when? Was any plan of action drawn up? Did the hon'ble home minister thereafter approach the prime minister before implementing this report and if so, when? And, what direction did the prime minister give? Did he give any direction? Then at what stage, if at all, would the other concerned senior officers be taken into confidence?

Sir, this has to be replied in specific details. Now, if it has not been done, if the hon'ble minister of home affairs has not found time for it, then if he could not read up paragraph 15.2 and find out what was requested by the highest official in the Home Ministry to do. Then there has been an abysmal failure if not a deliberate failure. Deliberately, it has been ignored.

Now, what was the reason that prompted the Government of India to appoint this committee? Was there any sincerity behind it? Was there any seriousness behind this? Or was it just a formality for the sake of their own consumption? Now if there was any sincerity of purpose of any objective, then, from October 1993 this has been completely swept under the carpet. They obviously worked hard in that sense because from July, August, September, October, for two-and-a-half months or three months, they gave this report.

You have waited and waited and waited until a girl or woman lost her life to find it out and now, reluctantly placed it before the House. Sir, I am obliged to you. The entire House and the country is obliged to you for your directions. Now, even when it came out, which the hon'ble home minister submitted most reluctantly, what happened? A serious contribution has been made by the Government of India by appointing a nodal agency now consisting of certain government officials. The matter was to be discussed before Parliament. But, even without waiting for the Parliament's views on this, you just appointed

it. What can these officers do? If the home minister is sleeping and the prime minister is *Budham* then what will happen to this? They know that nothing has to be done.

Therefore, I am charging this government with total absence of political will in dealing with this question. Sir, I consider it a tragedy when, after so many years, nearly half-a-century of independence which the people had heralded with so much of dreams, urges, aspirations and hopes, today, after nearly fifty years what are we discussing? It is not how to eradicate poverty, how to remove illiteracy, how to provide decent standard of living to the people or provide healthy life. We are today discussing how people are making money; how politicians and other, etc., are making money, indulging in criminal activities to remain in power. Because remaining in power has become a very profitable purpose. Therefore, remain in power by hook or crook; and more by crooks than hooks. Sir, this has today become the fate of this country.

What will they achieve by talking about West Bengal? West Bengal is not there at your sweet will. If the government there is not liked by the people, the people will give their verdict....

How did this minority government become a majority government? You tell us. This government did not have the mandate of the people. We know all this.

Sir, I concede to his knowledge in every matter under the sun. He is so busy even renaming areas, streets and squares. I concede. I never cross swords with him because people will judge everybody by their own standards. And certainly I will not try to emulate him. I have got certain other standards to follow. The point, sir, is that this is the situation in this country and we have been in; power with the people's support. I have not done it.

Now I would like to know how the Government of India tried to find out the methods to control this parallel since October 1993. I challenge this government that if they have any honesty and sincerity and if there is any credibility of this government, they will publish what was the information that was made available to Mr. Vohra.

Sir, the numbering of this report is very clear. He is not a 'chicken'. Nobody will make '3.7' '6.1'. I agree. Mr. Home Minister

was very kind to show us the original report. Yes, the pagination was there. I agree. When the final report was there, the pagination was one after the other and no page-sheet was taken out.

But obviously when the first report came or the draft report was there, after para 3.7 the next one cannot be 6.1. Those missing ones are the paragraphs where those facts are there. I am sure about it. I challenge you. Let them produce it. The information should be available to them.

I did not charge that the hon'ble home minister has removed some paragraphs from the final report. I did not charge that. Please listen to me. I said that you have been kind enough to produce the original report and I have seen it myself. It contained continuous pagination. Therefore, the final report that was actually given to you has been as was produced by you. I have admitted that. Why are you putting something else?

You showed the original report with Mr. Vohra's signature to us. But I say that there must have been and obviously there are materials which are not contained in the final report and those materials are available with the Government of India. They are bound to be there. He can look after himself; he does not require your inadequate help.

Therefore, sir, it requires a complete explanation as to the reason for not producing it earlier. Secondly, even if they did not wish to produce it earlier, unless compelled to, we would like to know what action was taken. The hon'ble home minister will kindly enlighten the House and this country as to why such an important document was kept in total hibernation and why no action was taken.

Sir, I do not wish to repeat all of them, but every citizen in this country is feeling extremely worried, whichever party he may belong to, he is upset with this report. When a solemn report is being given that activities of certain people – the names are here, I need not name them – led to the establishment of a powerful network and that these elements are protected by the functioning of the concerned government departments, has any attempt been made to curb those activities? How do we solve it by a mere discussion on the floor of the House? Is it not the responsibility of the executive? Can they say that they had no time to consider this report? Sir, not a single

government department is supposed to have woken up or have been asked to take action. The report says, 'It was, therefore, necessary to identify the linkages'.

That is what he thought to be his duty and that is what he had identified. It also shows how even the senior bureaucrats who were asked to be the members of this committee were not having their faith in this government. The report says that the members seemed unconvinced that government actually intended to pursue such matters. I cannot blame them. They are right. It is proved by the fact of total inaction and calculated inaction. Therefore, they thought as to why should they unnecessarily incur the wrath of persons in power.

Why should he unnecessarily get into trouble? That the government is not at all alert is precisely their view and they seem to be correct and it is proved by facts. We cannot blame them. How do you think that the sincere bureaucrats, honest officers will act if they find that their political masters have not the least concern? This is precisely what has happened.

This is the CBI directive. Shri Pawan Kumar Bansal was talking about CBI as a mantra.

Over time, the money power thus acquired is used for building up contacts with bureaucrats and politicians and expansion of activities with impunity. The money power is used to develop a network of muscle power which is also used by the politicians during elections.

What have you done, Shri Pawan Kumar Bansal? You know so many things about the government which others, humble mortals like us, do not know. This is your CBI's view. What has happened? This is the CBI's capacity to perform. They say, 'All over India, crime syndicates have become a law unto themselves.' We have become a country where hired assassins have become a part of these organizations.

The nexus between the criminal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country.

Have you tried to identify, Mr. Home Minister? Has anyone been found till today? Has any action been taken on the basis of the Vohra committee report? Tell us whether one single action has been taken.

Mirchi, etc., have been referred to. I need not go into this. Suggestions have been made.

Like the director CBI, the DIB has also stated that there has been a rapid spread and growth of criminal gangs, armed *senas*, drug mafias, smuggling gangs, drug peddlers and economic lobbies in the country which they have over the years.

Who has been in power over the years unfortunately? That is your bugbear. Let us for the sake of argument at least keep him quiet there. This is a nuisance which is going on. I assume for the sake of his temporary satisfaction that this applies also to the West Bengal government.

Please explain the other states which you are unfortunately still controlling. Of course, they are getting reduced. Are they really in power even? What have you done? Except for these eleven months, who has been in power? Therefore, this is your signal contribution, Shri Mani Shankar Aiyar. I think you would have been better where you were, Shri Mani Shankar Aiyar. At least, you would have the satisfaction that your efforts are not being frustrated by the political masters. Now you have become a political master with access to corridors of power. You can get names changed and so on and so forth, what not? Therefore, this nexus has been established over the years. You are not concerned at all. That is what we are saying. Are we indulging in exercise of futility? Can we expect anything from this Government of India headed by Shri P.V. Narasimha Raoji under the benign guidance of Shri Chandraswamiji? These are some of the names mentioned. Other *jis* are here. I do not know. Therefore, under their control and guidance, we are asked to believe that this Government of India will take serious action.

So far as the government is concerned, it has become synonymous with everything that is contained here.

Therefore, that is the difficulty. You are in power today by misuse of power. That is why democracy is under challenge, under threat. That is why we are to talk of the electoral reforms which is scrupulously avoided by this government. So many reports, unanimous reports, have been given for electoral reforms from 1971 onwards. Earlier also, they were there. But that has never been

implemented. As has been said, as you know, we believe that democracy and this muscle power, mafia power are antithetical to each other. When mafia power and muscle power enter, the people's power goes.

I should have thought that intellectual 'something' was better than this economic *goondaism*.

What else can I do but to address? I cannot change address. I cannot change sides like him. Sir, I think he has found a right place. He has gone to the Congress. Now, we know why he has gone to the Congress.

I thought everybody would treat this report very seriously. I am not saying that the Congress members are not considering it seriously including Shri Mani Shankar Aiyar. But the question is: What is your response to this? What is the government's action on this and who will take action on the economic offences which are not within the domain of any state government strictly. You have to take action and that has been specifically mentioned here. It is stated:

It is evident that the muscle power of the crime syndicates is sustained by their economic enormous financial power which, in turn, is secured by the mafia elements by committing economic offences with impunity.

Now, who will do this, I would like to know with all sincerity and if you have any belief in your sincerity, then tell us how have you acted on paragraph 7.1 which has been there in this report.

Then, sir, we knew that this is a country unfortunately where the black money economy is more important and more powerful than the regular economy. Then, how is this money being generated and what is happening with this money? See here in every matter if you try to decide a matter on the basis of your political advantage or partisan consideration or to remain in power in any way you like, then you will have many many Vohra committee reports and the reports will be there and no action will be there. Therefore, who will answer and how can I answer this question? You may have allergy against a particular individual or A or B or C, and you can go on repeating in a parrotlike manner. Therefore, sir, you do not get rid of this charge of inaction, if not the charge of connivance. If you do not take any action knowing that these serious heinous offences

are taking place, the whole country and the whole economy is overtaken by black money and all these things. Who does not know what is taking part in land deals; how this is taking place without this black money. And, sometimes, sir, we also say, 'Well, money is used in elections'. What is this money? What is the source of this money and who is trying to fool whom? Is the country becoming stronger? Is our society becoming stronger? Is our democracy becoming safer? Now, I take it that something was there in the mind of the government that, 'yes', let us find out the position about the extent of the control of these agencies or these powerful elements. Let us find out by appointing the topmost people in the bureaucratic hierarchy for this work.

Well, I quite admire the appointment of this committee. But if it was a sincere and serious effort, then one would have expected that things would have been done immediately at the prime minister's level. Even if you do not look after Bofors day-to-day, you should have done it here day-to-day. Nearly two years have elapsed and the only contribution is another committee which would only be collecting information.

As cancer, it has reached into our body politic. As has been pointed out, kindly see how he correctly describes. 'Even the members of the judicial system have not escaped the embrace of the mafia'. Are we not concerned? Do we want a judiciary which will be tainted? This, unfortunately, is the finding. Can we just ignore it because a particular political party is in power here, or because a particular political party is in power there? Are we not concerned? What remains of a democracy if there are allegations about the composition of the legislative bodies? There are charges. Some say that there are about 140 members. I do not want to name any particular assembly. There are reports saying that so many history-sheeters are members of legislative assemblies or Parliament.

Now, today, it has become a prestigious thing. As I say, politics has been criminalized and crime has been politicized. This has become the position now. One is dependent on the other and unfortunately every politician is suspected in this country. You are making money and we are being suspected. This is unfortunately

happening. You may go on abusing. Does that whitewash your sins? Of course, it is not correct. Therefore, can you make money illegally? What are you talking about?...

Mr. Speaker, sir, I should have thought that this was the issue which should be discussed with the greatest seriousness, utmost seriousness. For days, we have been looking forward to this debate. You have also said that this is an important debate. Naturally, you will have full opportunity. You have got a very able home minister and the lieutenants are also there. There are people who know more about the ministry's activities and probably the ministers' themselves. Unfortunately, this ghastly crime, what is known as *tandoor* murder has occurred. My only protection against such a crime is that I will not fit in there, as Mr. Indrajit Gupta rightly pointed out.

My size is my only protection. But I can be cut into pieces as was done to this girl. Is this the way in this country? Your only protection is your weight. Otherwise, you are gone.

Sir, these are things which are coming out openly. There has been no denial, nothing. What has happened? This strange tale of so and so, terror and politics are coming out in the frontline openly. There is not a single denial. We have seen that names are mentioned of persons, who are ministers and are linked with the underworld. There are charges against them. They are being made ministers and they are not denying them. They are being openly told to be active office bearers of, well, this Congress, massive Congress, Youth Congress. Then, sir, one is alleged to be a historical charge sheeted. They have criminal charges. One has kidnapped a girl because she was obstructing him. One has been picked up by the Narcotics Control Bureau. They are all made office bearers for possessing heroin worth six-and-a-half crore rupees.

In another case, a forty-one year old Youth Congress member has been accused of kidnapping. Then, a general secretary of some organization has been involved in abducting a girl in the Boat Club, etc., etc.

Nowadays, another new expression has come into our English language, that is called 'patronage *raj*'. This is the contribution towards the development of the language! These people are in

positions of power and that is why, it has assumed so much importance. The accused is there, I do not know whether he is actually guilty or not, but the most suspected accused is there. Why are the people so much concerned? So many murders are taking place in Delhi every day. It is wonderful! Everyday when we open the papers, we see news items which say that an old lady is killed, strangled, brutally murdered. Everyday it is coming out. They have not assumed so much importance, although every other unnatural death is a matter of great concern for all of us. It is because of the connection here, of the functionaries, the protection that is given and so, they can do anything.

Even the minister for tourism was compelled to institute an inquiry as to how this restaurant was given to him. There was a shocking revelation. He was kind enough to take us into confidence, he called a leaders' meeting; he told us whatever was on the file. A grave irregularity had been committed. Now an inquiry is going on; they will give a finding; and prima facie, the minister was satisfied, but we were shocked. Such an irregularity had been committed because one happened to be near to 'so-and-so' or associated with this organization or that political party. Therefore, people say that if you want to have any benefit, if you want to make money, then you have to be associated with this party or that party. They will be associated with which party? Naturally, it is the ruling party. Unfortunately, this has happened now with the economic offenders being allowed to go scot-free and this is how money is made. And therefore, the economic offences are today totally ignored.

Mr. Speaker, I do not wish to go on reminding our friends that how would you think that the people will have faith in this? Shri Bansal said that 'daily' does not mean 'everyday'. In Shri Bansal's English 'daily' means 'yearly', and even on yearly basis you give a report to Parliament! Then, what about the 'security scam'? This is your great contribution to the Indian polity and economy.

In the world, the largest security scam took place in our country; and then even three heads rolled which should have rolled earlier. Well, still we are waiting to see what actual implementation is there. The JPC report is treated more with disdain than with respect.

I will not be making a very long speech. All I say, is this has been due to the encouragement of unfortunately the ruling party here because they are the beneficiaries. You get members of Parliament also since it is an addition to your strength. Unfortunately today the politicians are under a cloud. It is very easy to say that out of change of heart, change of principle and change of political conviction, today I have joined the other party. Nobody is believing what my friend says here. Sir, therefore, these are matters on which a reply has to be given.

Now there is a wonderful situation in this country. Politicians, bureaucrats, industrialists, even judges, media, everyone is under a cloud because of proliferation of sources of money available by unaccounted funds. They can only be utilized to purchase A or B or C or D. Now who can be A or B or C or D, I need not specify because it may disturb some friends here.

The other great danger to our country is the question of the rise of fundamentalism. That is also, according to me, a crime. Unfortunately, this has taken place in this country. The destruction of the Babri Masjid is a national scandal and nothing but a crime. There is no doubt about it. Therefore, mixing politics with religion is another attempt to criminalize politics.

After the Babri Masjid, there was almost a great danger to the Mathura structure. The Parliament was alert. The people were alert and the government this time had to be alert also. Therefore, it has been saved. But the danger remains. Today, the country is sought to be divided on the basis of religion. You are dividing people on the basis of what God you worship. And those who do not worship any God, how would you think, I do not know. We find today the people – whether they will be in the mainstream or not – who depend on religion.

My friends here on the right are dreaming of coming to power on the bandwagon of this fanaticism. Therefore, I call upon this government that if you are sincere – big 'if' and very small 's' – you will have to tackle the menace which has been mentioned in the Vohra committee report. You are also to fight sincerely those fundamentalist forces. Otherwise, this country cannot have a pure

administration. The politics will become the game of economic offenders, mafias, *tandoorwallas* and then *mandirwallas* which we do not want. It will be a very sad day if democracy is decided by these divisive considerations or divisive trends.

We have got many many important problems to solve in this country. Everybody knows that when you go to the rural areas, there are humble people with humble demands. They want a little food and a little water. Nowadays naturally they are hungry for education also. They want some facilities for agricultural activities. They do not want to enjoy your latest facilities. But are we able to provide them with that?

Therefore, Mr. Speaker, I support this motion although it is a very innocuous motion. Even the minister for parliamentary affairs is very happy. He need not gather his members here because he is going to support this motion, because he knows, there is no accountability of this government. He says, this motion is an early implementation without any delay. But we will question this, if one day is equal to one year – according to Mr. Pawan Kumar Bansal's theory – which is the government's theory, it seems. It urges upon the government to take action on the Vohra Committee Report regarding criminalization, without any delay. Nothing can be more delightful. Therefore, a time limit should be provided and a parliamentary body should be set up to monitor its functioning. This government will never wake up. You are trying to take this country for a ride. This is an old House. What is more serious, just I can show. From October 1993 to August 1995 means three months short of two years. 'I have done nothing' he will admit, 'there was delay'. The home minister will say 'what are the delays, we have to consider, we have to study subcommittee, this committee, that committee' and, therefore, he could not do it earlier. Then after this resolution is passed, Mr. Chavan will not be there to implement it, sir, I am sorry.

You have implemented it by having it nicely printed with at least a presentable cover.

Therefore, sir, I support this resolution. But I submit that this country demands action. The country is entitled to action.

Sir, enough time has elapsed.

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You have had enough opportunity. You will not get any further opportunity. Therefore, you have the remnants of the days. You are unfortunately here. At least, you show that you mean business and that these defections have taken place on the basis of principles and not on the basis of anything else.

Reference

Lok Sabha Debates, Vol. XLI, cc. 263-77.

ATAL BIHARI VAJPAYEE

Motion of Confidence

28 May 1996



With BJP returning as the single largest party in the Lok Sabha, its leader Atal Bihari Vajpayee was appointed by the president as the prime minister but was required to seek a vote of confidence on the floor of the House. There was a long, nationally televised debate on the motion of confidence. Having failed to muster the necessary majority support, at the end of the debate, Vajpayee said he was going to the president to submit his resignation. He was prime minister for thirteen days only. However, the last speech he delivered before resigning made a powerful impact and has become most memorable. Although it is not possible to convey the flow and the force of the original Hindi speech through this translation, the speech remains not only historical but was to have a great impact on the events to come.

Mr. Speaker, I shall feel highly obliged if the House listens to me with patience after having witnessed so much uproar. I want to express my thanks to all those who have participated in the discussion on my motion. This House is meant for peaceful,

restrained and rational debate. Some friends wanted that there should be no debate on it and the motion should be put to vote right away so that they could be enthroned immediately after they left the House.

Someone is saying from the other side that it will be like that only. This voice is coming from the Congress benches. Other friends should remain vigilant.

Mr. Speaker, I have been in Parliament for the last forty years. Such occasions have come many times. I have been witness to the formation of governments, change of governments and installation of new governments. But on every occasion, democracy in India has emerged stronger and I am sure, this occasion will not be an exception.

Mr. Speaker, I have been a critic of the Governments all these forty years. Today, most of the time, I had to listen to criticism. There is a saying in Marathi, '*Nindkache ghar asave shojari*, i.e. *Nindak niyare rahiye, aangan kuti chhabaye.*'

You should keep your critic near you, otherwise sycophants will spoil you. If you have a critic, he will keep you spotless without any cost. The hon'ble friends who....

Mr. Speaker, I would like to extend my special thanks to Mr. George Fernandes of the Samata party, Sirpoddarji of the Shiv Sena, Barnalaji of the Akali Dal and Jai Prakashji of the Haryana Vikas party who have supported my motion. Those who have criticized it will get an answer to their criticism. However, I would especially like to mention Shri Murasoli Maran.

I have a special word of gratitude for my dear friend Shri Murasoli Maran. Despite our differences on certain issues, he was generous enough to set the record straight on the issue of horse trading by stating categorically that we did not use suitcases to convert our minority into majority. He has in fact demolished the baseless and politically motivated allegation levelled by some members. I am also glad that Thiru Maran has taken note of our resolve to restore the balance of resources in favour of the states.

We have always held the opinion that the centre cannot be strong if the states are weak. Thiru Maran is disturbed over our advocacy of one nation, one people, one culture. I am happy that he shares

our perception of one nation. But I must say that he has got it all wrong on our interpretation of one people and one culture. I categorically state here that the BJP does not stand for uniformity. We recognize India's celebrated India's multireligious, multilingual and multiethnic character. This view is best reflected in a poem by none other than one of India's greatest poets Subramaniam Bharati. That poem is entitled *E Thaa*, i.e. *My mother*. I would like to read it in Tamil. It says:

*Muppadhu kodi magamudaiyal
Vyyir moimburam ondruiyal
Lval cheppoumzhi pad inettudaiyal
Enil Sindhanai ondrudaiyual*

I am not doing this for the first time. I had also read something in Tamil in my address in the United Nations.

Its Hindi translation is like this

*Tees koti mukhmandal wali hai meri maan
Ek hai uski kaya aur atma
Bhashayen wah atharah bolti hai,
Kintu ek hai uska chintan.*

Mr. Speaker, an allegation has been levelled against me that I have a lust for power and whatever I did during the last ten days was nothing but lust for power. This allegation has hurt me deep in my heart. Just now, I said that I have been in Parliament for forty years. The hon'ble members have seen my behaviour and my conduct. I had been in the government with my friends in the Janata Dal. I have never done anything wrong in pursuit of power. Shri Sharad Pawar is sitting here. He was not present in the House when Shri Jaswant Singh was speaking. He said in his speech that Shri Pawar had caused a split in his party to form the government with our support. Whether he formed the government for the sake of power or for the good of Maharashtra is a different matter, but the fact remains that he caused a split in his party and cooperated with us. But I did nothing of this sort. During the course of this debate a remark has been made repeatedly that personally Vajpayee is a good leader but his party is not good.... Sir, I won't name anybody. I did not want

to name even Sharadji. If I am offered power with a new alliance at the cost of a split in my party, I would be the last person even to remotely entertain such an idea.

Na bhito maranadasmi kewalam dusthito yash, Lord Rama has said that 'I do not fear death, if at all I fear anything, I fear a bad name, I fear public odium'. My political career spanning forty years has been an open book. But when the electorate voted us as the single largest party, should we have rejected their mandate? When the hon'ble president invited me to form the government and told me that the oath of the council of ministers would take place the next day and the majority should be proved by the 31st, should I have run away from shouldering the responsibility? When I initiated the discussion, I had clarified this point also. Isn't it a fact that we have emerged as the single largest party? Now I shall come to the other arguments that are being given in this regard. On being invited to form the government, should I have asked the hon'ble president to give me some time so that I may have consultations with the party?

When the president told me that the oath ceremony will take place the next day and I was given time upto 31 May 1996 to prove our majority, I offered to make best use of the time being given to me by talking to other parties in a bid to garner their support and to try to create an atmosphere conducive to moving ahead on the basis of a common programme. What is objectionable in it? How does it show our greed for power? Moreover, the decision to form the government was not just mine, rather it was that of the party.

Mr. Speaker, once the date, i.e. 31 May was fixed for a trial of strength and it could take place only on the floor of the House, we never subscribed to the view that this trial of strength should take place either in Rashtrapati Bhawan or Raj Bhawan – it therefore became necessary to summon the House and once the House is summoned, the president's address is a constitutional obligation. We could have listed some other business too for the sitting, at least we could have moved a motion of thanks on the president's address but neither people on the Opposition benches permitted nor did I insist on it lest it create any doubts. We looked for the earliest opportunity for the trial of strength. Hence the motion of confidence was brought

on 27 May and today is 28 May and the matter will be decided. We could have insisted that since we have been given time upto 31 May we will remain in power. Mr. Speaker, one should not be hit below the belt or be put under a cloud. I never played this game nor will my party play such a game in future. Now they are making a count of percentage of votes we got. Under the Westminster model of parliamentary system that our country has adopted, the number of votes or the percentage thereof which a party gets is not taken into account, what counts is the number of seats that a party wins. This system cannot serve the twin objective, i.e. percentage of votes as well as number of seats. Our country has not adopted the list system of the proportional representation system. I for one, have always been pointing out the defects of the Westminster system in which at times it is quite possible that a party getting the fewer number of votes on an aggregate may corner a disproportionately larger number of seats or vice versa. In Kerala a coalition government has come to power with just one per cent margin of votes, dislodging the party in power. The difference in votes was of just one per cent but this difference which we are having presently has to be recognized. And now the total number of votes we got is being counted but I can make a count of your own percentage of votes which will be only to your disadvantage. They now say that they are uniting. Are they uniting for the explicit purpose of providing a stable and responsible government in the country? I do not want to repeat, they have not chalked out a programme so far and nor have they approached the electorate with a common programme. The mandate received and the vote percentage obtained about which they are now talking, is for different states and for divergent reasons. In Tamil Nadu it was the Congress that was fighting against DMK and not our party. The same situation existed in Andhra Pradesh where we were nowhere in the picture. How can they say the mandate is against us when it was the Congress that they were fighting against and not us. What sort of a mandate is this? Say explicitly what you are implying. Say openly that you will not let us come to power at any cost. It is proper to speak in such a vein. The spirit behind this speech is even more depreciable. A bogey is being created in this House that

India is moving toward a Hitler type of dictatorship and fascism is raising its head in the country. This sort of fear is being created. The persons who are debutants in this House are quite unaware of even the dignity of the House. I have now been in Parliament for forty years now. We have been working as a party here on democratic lines and have been contesting elections....

The mandate is against the Congress. The strength of the Congress in the House stands reduced to just half of its previous strength here. The people have given their verdict differently in different states, disregarding which all other parties are now uniting and enlisting Congress support and the latter willing to extend its unqualified support to them. I do not want to reiterate what my friend Mr. George Fernandes said yesterday. The stand taken by the other parties seems to be that irrespective of whatever invectives they might have hurled at each other in the past now they should unite and not let the BJP form the government. If this is your collective decision, then I would not say anything. Nonetheless, such a decision would be negative and reactionary with the sole purpose of stalling us from coming to power and hardly conducive to the health of democracy.

I want to caution them today. On our part, we are ready to sit in the Opposition. Mr. Speaker, when I joined politics I never dreamt of becoming an MP. I was a journalist. I am not keen on the type of politics being practised today. I do wish to renounce politics. But politics refuses to part company with me.

Then I became the leader of the Opposition, today I am the prime minister and after some time I shall cease to be so. I was not overjoyed when I became the prime minister and nor I shall have any qualms when I demit the office. However, I would like to raise some issues.

Today, a number of fresh allegations are being levelled against us that we have not included certain important issues in the president's address. The president's address makes no mention of the Ram temple, Article 370 and a uniform civil code and so much so that the swadeshi slogan has also been jettisoned. All this is being said in a tone that indicates they are much aggrieved on our putting aside

these issues, though these are the people who have all along been criticizing us for these very issues. They have been holding us guilty because we intended to construct the Ram temple and wanted abrogation of Article 370 of the constitution and asking us how we can keep the unity of the country intact. Even though it has been written in the constitution and the Supreme Court has also vindicated the viewpoint that there should be a uniform civil code, can we not say the same? If one says so, then one would be branded as subverter of the unity of the country. We say that these issues are not part of our present programme because we do not have the majority.

We are fighting for majority. If the people's mandate is not in your favour, they have not fully accepted us either and with the mandate we have received now, we are not in a position to implement all the programmes. We wanted majority but we could not get it. We have emerged as the single largest party and our endeavour is to evolve a workable system through consensus and that is why we did not touch upon the disputed issues. What objection do you have to that?

Now, a united front is being formed ... it is good if it has been formed but its programme is yet to be chalked out ... if that has been done, then have they assimilated the philosophy and the programmes of the Marxist party in it, in totality. If they have done so, then why has the Marxist Party been keeping a distance from the government? When a united front is formed, a number of parties come together.

When different political parties come together, every party has to give up some of its programmes. In 1977 also we were supporting the demand for abrogation of Article 370 of the constitution. Shri Ram Vilas Paswan, who is present here, was with us at that time. In 1977 we were in favour of making the atom bomb also but when we realized that democracy was in danger and there was a need to save it, we kept aside many of our party programmes. Due to imposition of the Emergency, the entire country was turned into a jail. We all decided to work together to stop the authoritarianism. At that time no one asked us why were we not pressing for the demand of abrogation of Article 370. In a way it was right. Now, you are forming a united front so each one of you will have to forgo some of your party programmes. The hon'ble president has given

us time upto the 31st because he knew that we were not in majority. But the hon'ble president called us to form the government because we were the single largest party in the House. He gave us time upto 31 May so that we may talk to other political parties and make efforts to form a stable government. Such things are happening in other countries also. It was being done here....

You are saying that no one is with us but if we say that the Akali Dal, which won in the recent elections, is with us....

I have been listening to your criticism since yesterday and now you are not prepared to listen to a little bit of criticism. Is it my fault if the voters have not given a clear majority to any party? We have been given the chance as the single largest party because people wanted a change. Is that also our fault?...

Mr. Speaker, I am not talking about West Bengal. I have mentioned about it yesterday. It is a different matter that their number of seats and percentage of votes have decreased this time...., Sir, two parties fought the elections against each other and now when they joined hands with each other, they are saying that the mandate was against BJP and eighty-two per cent voters voted in their favour. It is a peculiar logic which is being given here.

We held a large discussion on it. Earlier, you were not in favour of any discussion on this motion. But when a discussion was initiated, the hon'ble members took keen interest in it and we have had a good discussion in the House. Now the time has come to take a decision on it. Even then you are feeling so perturbed. You are so anxious to come to power quickly.

I remember the day when you split the Janta Party and took Choudhary Charan Singh to the south block and stood in front of his chair.

Mr. Speaker, the time which was given to me to mobilize a majority support has been properly utilized by me. I have had talks with different political parties. Some parties have come to our support and some other parties expressed their difficulties. Some parties are of the opinion that they will lose some of their votes if they support us. I can understand if any political party is worried about its vote bank but how long and to what extent this game of

vote bank will continue? Will they ignore the national interest for the sake of vote bank? When we talk about minorities and say that they should get full protection, equal opportunities, equal rights, people level charges against us that we do not practise what we say. Such matters can be discussed in the House. Our party governments are functioning accordingly in some states and if you give us a chance at the centre we can show you as to how all these things are implemented. I fail to understand that every political party is talking about the biggest minority community but no one is bothered about the Sikhs who are just two per cent of the population. Just now you have listened to the agony of Shri Barnala. Nobody is bothered about them.

Mr. Speaker, I remember those days when Sikhs were being massacred during the Delhi riots. One of our BJP workers came to me under the cover of darkness. I could not recognize him because he had cut his hair short and had shaved off his beard. I asked him as to what he had done with his hair and beard and why he had come surreptitiously under the cover of darkness? He told me that he could not come to me in daylight. He could not come out of his house with his long hair. That was why he had sacrificed his hair. He had come to narrate his tale of woe to me. At that time we advocated the cause of the Sikhs. That was why we lost the elections at that time and the Congress party captured the power by exploiting anti-Sikh sentiments of the people. We did not do that.

It will be better for my friend Shri Mulayam Singhji not to say anything in this regard. During his tenure as chief minister of Uttar Pradesh the women who were coming to Delhi for a rally in support of their demand for Uttranchal were raped and this fact has been substantiated even by the court. And after that Shri Mulayam Singhji has no face to say anything.

Mr. Speaker, all these friends have been speaking for the last two days. Now I have got a chance to speak. They want to shut me up but this will not happen. If they try to do so on the strength of numbers we will be forced to take this war of ideologies to the streets.

Mr. Speaker, I would like to stress the point which I mentioned in the beginning. There should not be polarization in the country,

neither on communal nor on caste lines. Politics should also not be divided into two camps which shun dialogue and discussion. Today, the country is in crisis. Whenever needed, we helped the government to tide over the situation. Being the leader of the Opposition, I was deputed by the then prime minister, Shri P.V. Narasimha Rao to represent India in Geneva. Members of the Pakistani delegation were taken aback on my inclusion in the Indian delegation. In that country the leader of the Opposition is only interested in pulling down the government. This has not been our tradition and moreover it is quite contrary to our nature. I wish this tradition to continue. Governments will come and go but the nation will always remain there. The democracy of this country will live forever. Has it not become a difficult task in the present atmosphere? This discussion will conclude today but the chapter which is going to start from tomorrow requires some deliberation. The bitterness should not be allowed to grow. I do not know the basis on which the United Front selected Shri Deve Gowda as its leader because he was not their first choice. He was their fourth choice. Now he is going to become their first choice for the prime ministership.

Mr. Speaker, I regret that during the discussion the names of such organizations were mentioned here which are independent and are engaged in the task of nation- and character-building. I am referring to the RSS. One can have differences with the ideologies of the RSS but the kind of allegation levelled against the RSS were not warranted. Even members of the Congress and other parties respect and admire the constructive work being done by the RSS and they also lend their cooperation for it. If they go and work among the poor and work for the spread of education in tribal areas they should be felicitated for their endeavour. All sorts of cooperation should be extended to them.

Shri Deve Gowda whom you are going to elect your leader of United Front is well acquainted with the merits of the RSS and moreover he himself has praised the RSS for its activities.

Mr. Speaker, my friends should know that I have also come here after getting elected. They should also know that being the leader of the largest party I have been appointed as prime minister by the

president of India. It is at the directive of the president that I have come to seek the vote of confidence of the House.

Now, if discussion takes place and a senior leader like Biju Patnaik, interrupt me.

Mr. Speaker, I was saying that those who are patriots, rational in this country and those who wish welfare of the country from the core of their hearts and have come in contact with RSS, know that this organization is dedicated to the country for its well being and just now....

I will cite a recent instance. I am now mentioning that after the Chinese aggression, when voluntary organizations were invited to participate in the Republic Day parade for showing solidarity with Pandit Nehru, RSS was one among them. The communists were not there. Where were they at that time.... Even during the time of Shri Lal Bahadur Shastri, who was also a popular prime minister of the country, when we had a war with Pakistan, educated people were needed to control the traffic in Delhi and it was again RSS volunteers who offered their services to control the traffic.... Recently a function was organized in Bangalore to commemorate the struggle against the Emergency, which was called the second struggle for freedom. Shri Deve Gowda was also present there. I have with me the excerpts of his speech, which he made on the occasion, I am quoting it. 'RSS is a spotless organization. In my first years....'

Mr. Speaker, I am referring to a function organized in Bangalore. Alongwith other people, Shri Deve Gowda was also present there. That function had been organized as a mark of protest against the Emergency. That function was held on 26 June 1995. Had the statement of Shri Deve Gowda been misquoted, he would have denied it. Had all the newspapers published the wrong statement? Mr. Speaker, sir, nobody denied this statement. If Shri Deve Gowda had felt that his statement was misquoted, then he could have contradicted the statement. But he never did so....

I have not come here by anybody's grace, nor would I speak with anybody's grace. I did not make any reference to the RSS in the discussion but Comrade Indrajit Gupta did so.

He has also underlined the extent of our relations with the RSS. Now what views do people hold about the RSS? If persons of Shri Deve Gowda's stature hold that view then it should be given due importance. What had happened till date? Mr. Speaker, in the meantime it was said that it was wrong and at that time I made a submission that it was a function about 1977 held on 26 September 1995.

Mr. Speaker, what Shri Deve Gowda said about the RSS is as follows:

RSS is a spotless organisation. In my forty years long political life, not even once I criticised RSS.

The chief minister said that he was telling this with utmost responsibility. He said that he had no two opinions regarding RSS's active role during the Emergency. Shri Gowda further said:

People who were with Mrs. Gandhi during the Emergency, who praised her, who appreciated the Emergency, they are today with us and are enjoying power, but the RSS is the only organization without any black spot. Others have wavered this way or that way.

Mr. Speaker, I am not saying all this for the sake of criticizing Shri Deve Gowda. He has made a true evaluation of the RSS for which I would like to commend him. But these people want that he should not be praised like this in the House. It had been published not in any single newspaper but in all the newspapers and as I had said that time nobody refuted his statement.

Mr. Speaker, I would like to reply to one more point which came up during the course of discussion. It has been said that the BJP did not receive wide support from the people. It was said that we got support from the cow belt. It is improper to refer this entire area as a cow belt in the House. We won in Haryana. We received support from Karnataka. It is correct that we are not that strong in Kerala and Tamil Nadu. But we have our organization there. We have also received a little less than ten per cent votes in West Bengal. If you talk of votes, then talk of ten per cent votes. In this House an individual member constitutes a party and he is trying to dislodge us by mobilizing people against us. They have every right to do so.

Each of them has come alone from his constituency and got united here in Delhi. Why have they got united? Is it for the well-being of the country? If so, they are welcome. We are also serving the nation in our own way. Are we not patriots and rendering selfless service to the country for carving a niche for ourselves in politics? We have been sincerely making efforts for the last forty years to reach this position. It is not a sudden mandate. It was not a miracle. We worked hard. We went to the people, we have struggled. Ours is a party which functions round the year. Ours is not like the parties which mushroom during the elections. Today we are unnecessarily being put in an embarrassing position just because we could not get a few more seats. We do admit that it is our weakness. We should have got the majority. The president gave us an opportunity and we tried to avail of it. It is another matter that we did not succeed. But do not forget that even then we are going to sit in the House as the largest party in the Opposition and they have to run the House with our cooperation. I would like to assure them that we will extend our fullest cooperation to them in conducting the business of the House. But I do not know what type of government they would form, on what programme it would be formed and how would it be run.

So far as Dalits are concerned out of the total of seventy-seven scheduled caste members, twenty-nine belong to the BJP. While five members are from the CPI(M), one from CPI, fifteen from the Congress party and seven from Janata Dal belong to the scheduled castes, we have the maximum number. Similarly, there are as many as eleven members belonging to scheduled tribes in the BJP out of the total of forty-one members. Please do not say that we do not have a popular base. We do not have wide support from the people. If they think that they can form the government without us and that that government will last, I do not see any such possibility. First of all, it will be difficult for the government to come into being, if it does, it is hardly possible that it will survive. The question is how far this government surrounded by internal squabbles is going to benefit the country. For each and every thing they have to approach the Congress party. At present I cannot say but earlier there was some talk that the Congress party has laid down certain conditions. Then

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there was a tale that a cabinet coordinating committee will be formed. They can also have coordination on the floor of the House. Without that the business of the House cannot be conducted. It is very good that they want to govern the country. Our good wishes are with them. We shall continue to serve the country. We bow before the numerical strength and we assure you that we will not rest until we achieve the national objective.

Mr. Speaker, I am going to submit my resignation to the president.

Reference

Lok Sabha Debates, Vol. I, cc. 73-95.

PURNO A. SANGMA

Call For a Second Freedom Struggle

26 August 1997



On completion of fifty years (1947-97), India celebrated the golden jubilee of her independence in August 1997. Special sittings of the Lok Sabha were held to mark the occasion. Speaker P.A. Sangma (born 1947) who was also completing fifty years of his life addressed the House on the state of the nation on 26 August. He made a fervent appeal for a second freedom struggle for fighting the battle against poverty, scarcity, violence, intolerance and discrimination.

Hon'ble members, let me first place on record my deep gratitude to all of you in having granted me the indulgence of remaining in the Chair and taking the floor for the first time in the history of this House.

We are assembled in this special session organized as part of the golden jubilee celebrations of our Independence — to take stock of our achievements since becoming free, introspect on our inadequacies and set for ourselves an agenda for the future.

Since independence, we have had eleven general elections and over three hundred state elections. Transfer of power to successive governments has been smooth and peaceful. This is no mean achievement. We can be proud of being a true democracy, when the world, cutting across regions, is dotted with countries where access to power is often through military coups and revolutions. The voter turnout averaging at around sixty per cent since 1984 as against forty-five per cent during the first general elections of 1952 reflects the increasing political awareness of our people. Our style of practising democracy has also proved that political consciousness is not necessarily a function of literacy.

While universal adult suffrage has been a resounding success, the grassroots signals I have been receiving as the presiding officer of this popular chamber about the conduct of our business indicate that generally the people are deeply concerned. They are highly resentful of frequent bouts of pandemonium in the House, members collectively rising to attract the attention of the Chair, repeated marches into the well of the House, crosstalk and interruptions of members' interventions, etc., and feel that the expenditure on Parliament of the order of about seven thousand rupees per minute of its time is a costly luxury that our country can ill afford. It is quite understandable that the complexion of this eleventh House is significantly different in that a large majority of members are the real sons of the soil in their constituencies and first-timers as well; and that they are impatient to improve the lot of the masses they represent and hence their tumult and tempestuousness. Our political parties have a great role to play in this context. They need to organize pre-electoral training for the aspirants for positions in this House.

The interface between the Parliament and the executive has, no doubt, been by and large one of mutual understanding and complementarity. Nonetheless, of late people have increasingly tended to seek adjudication in courts of law on issues of public grievance against holders of public offices through a spate of public interest litigation. The presiding officers of legislative bodies of India went into this question, in a symposium towards the end of last year. They

found that the root cause of the problem concerns accountability. They observed, and I quote

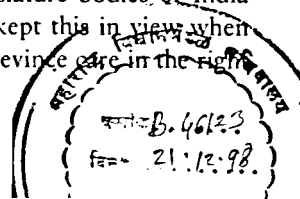
The chain of accountability – of the civil service to the political executive; of the political executive to the legislature; and of the legislature to the people has got snapped all the way. Accountability should be restored at all echelons.

So, let us collectively reinstate accountability, making it part of our style of working.

Accountability is also an issue of probity and standards in public life. This is not merely a problem of the political world. It is as well of the world of civil servants, the professionals, holders of public offices and of those who interact with them including nongovernmental organizations. It is even a problem of the world of business. A group of our members, having taken the initiative proactively are seized of this issue. My suggestion is that the term 'holder of public office' be given a rather broad definition as Lord Nolan of the British Parliament has done in a report submitted to the House of Commons by a committee headed by him. All those who come within the ambit of such a definition should be held to be accountable in their respective domains through mechanisms that we should evolve to prevent errant behaviour.

Ensuring probity and standards in public life is needed for carrying credibility with the public, apart from its importance for its own sake. Credibility is to be carried by demonstrable action rather than public pronouncements. Actions such as enactment of the Lok Pal Bill and securing exemplary conviction of a few errant holders of public offices through successful prosecutions in due process of law rather than blanket public self-denigration are the surest ways to carry credibility, apart from being fair to quite a good crop of our leaders who have spent all their lives in selfless service to the public.

The problem should also be handled where it originates. Punitive action for devious behaviour is ex post facto in nature. The symposium of presiding officers of the legislature bodies of India about which I have made reference earlier kept this in view when they advised that the political parties should evince care in the fight



choice of candidates, including with reference to their antecedents, their education and training. They also emphasized the need for the people themselves to exercise their franchise with great caution and return to the legislative bodies candidates reputed for their probity and aptitude for public service. Political parties have to take up the task as well of educating the electorate in this regard, organization of electorates being one of their prime functions.

Societal peace is the basic requirement for bringing about socioeconomic development. Having won our freedom nonviolently under Mahatma Gandhi, known the world over as Ahimsa Murti, we find violence, terrorism, insurgency and societal tensions surfacing in many parts of the country. We need to seriously introspect and go to the root of the problem, identify the motivations for these phenomena and eliminate them. Broad reviews of the present situation in the country have reflected the following causes for these phenomena.

- * Social exclusion based on castes, communities and religions.
- * Economic exclusion attributes of which are seen as unemployment, underemployment, inequitous income distribution, poverty and exploitation.
- * Perceived political exclusion by denial of regional aspirations.
- * Lack of adequate sensitivity in management of ethnicities.
- * Frustration of the youth leading to political extremism.
- * Demonstrable fall in standards in public life — i.e., of those in the establishment.
- * Cross-border subversion.
- * Disenchantment of the expatriates.
- * Excesses by those wielding state power.
- * Perceived denial of human rights.
- * Imbalance in media projection.
- * Inadequacies in strategic thinking and intelligence.
- * Inadequacies in the system of rendering criminal justice.

The United Nations observed its golden jubilee in 1995 by organizing the World Summit for Social Development at Copenhagen. The summit called for social integration by basically addressing the problems of social, political and economic exclusion into which all

the above factors are subsumed. India was a significant partner in the summit. We should do well to follow up on the summit declaration and programme of Action.

We need to remind ourselves that about two years back, at the UN Fourth World Conference on Women, we were the first to subscribe, without any reservation whatsoever, to the Beijing declaration and platform for empowerment of women. I would request the government to bring before the House in this golden jubilee year, the draft policy which seems to have evolved through wide-ranging and nationwide consultations since the Beijing conference. The Parliament, on its part, has already established a joint committee on empowerment of women.

We have a highly flawed system of management of administration. It is a highly centralized administration, away from the people. A billion people and a vast subcontinent that we are, there is no escape for us from our administrative management being meaningfully decentralized. That is the very spirit behind the constitution's seventy-third and seventy-fourth amendments. Four years have passed by since these amendments. Can we claim that we have really shared power and made the Panchayati Raj system a reality on the ground? We need to search our conscience.

Our administration including the police force, regretfully, has got significantly politicized. The civil service which is designed to be neutral being pressed into the service of political masters and use of the police force for settling political scores have become facts of life today. This is not conducive to the rule of law. The administration should be depoliticized and made responsive to the public and responsible only to the rule of law.

Our country is rich. But our people are poor. This is significantly due to the unceasing population explosion. The route to finding solutions to most of our problems – food, security, unemployment, underemployment, poverty, inequities, in fact, management of our economy in all its social and political dimensions is to be seen in successfully addressing this simple, but basic problem. If we can contain our population within the country's carrying capacity, we will turn it into a productive human resource, well-nourished and

insulated against morbidities. Let us take Dr. M.S. Swaminathan group's report on population from the shelves and do some hard thinking about implementing it. The stock of the illiterate amongst us is a mind-boggling 460 million. Speaking at Chatham House, London in October 1931 and lamenting the damage done to our educational system, Mahatma Gandhi said,

I say without fear of my figures being challenged successfully that today India is more illiterate than it was fifty or a hundred years ago ... I defy anybody to fulfil a programme of compulsory primary education of these masses inside of a century.

Gandhiji has proved prophetic. He also suggested a solution — that of *Buniyaid Shiksha* or basic education. The philosophy behind it is simply that education should be relevant to the world of work. So long as this underlying issue of employment-relevance is not addressed at all levels of education – primary, secondary and tertiary – and people do not have faith in the worthwhileness of education, universalization of elementary education and access for people to employable skills and employment will remain a mirage – whatever be the quantum of financial resources deployed for education.

The National Policy on Education adopted by this House over a decade ago concludes,

The main task is to strengthen the base of the pyramid, which might come close to a billion people at the turn of the century. Equally, it is important to ensure that those at the top of the pyramid are among the best in the world. Our cultural wellsprings had taken good care of both ends in the past; the skew set with foreign domination and influence; it should now be possible to further intensify the national effort in human resource development with education playing its multifaceted role.

In order that this sound policy is implemented equitably, even while earmarking resources liberally for universalization of elementary education from the public exchequer, for strengthening the apex of the educational pyramid, can we raise internal resources in the higher education sector, by adopting a depoliticized strategy of rationalizing the fee structure which would stipulate cost recovery from the well-to-do sections and scholarships for the poor?

Through the Green Revolution we have not merely achieved food self-sufficiency since the 1970s but have become a net exporter of food grains. This revolution has been spectacular considering the phenomenal growth of population. But, I am afraid that we are getting lulled into 'Green Revolution complacency.' Application of the Green Revolution technologies has been feasible only in irrigated areas. Seventy per cent of cultivable land is situated in, and over forty per cent of food grains production in the country comes from arid and semi-arid regions. For farmers and people in these regions, life is still an ordeal. Technology has not come to their rescue yet, despite deployment of financial and physical resources in dry farming.

Agricultural growth rate has also plateaued at an annual compound rate of 1.7 per cent since 1990-91. The impact of population growth on the sizes of land holdings, the economic viability of intensive agriculture in suboptimal land holdings, and stagnation in productivity levels which are quite below international standards are disturbing and require deep investigation.

Our agricultural lands receive about thirty-three million tonnes of chemical fertilizers, apart from sixty-one thousand tonnes of pesticides a year. Long-term sustainability of intensive agriculture based on inorganic cultural practices would also need detailed scrutiny. Such agriculture also has implications for food quality, protection of environment and preservation of biodiversity. Environment protection, and quality and safety of food, apart from self-reliance, need to be seen as essential elements of food security.

The interface of the agro-sector with the domestic civil supplies sector and the export front requires skilful management. The farmer has to receive remunerative prices so that the same would be a self-triggering mechanism for increasing private investment in agriculture. At the same time, the people need to access essential commodities at affordable prices. A stable export presence is to be ensured as well, if we are to exploit the enormous export potential of our agro-sector. Can we relieve the farmers of strangulating controls on production, movement, marketing and prices of farm produce to ensure the economic viability of farming? How do we find the colossal resources required for public investment in agricultural

infrastructure? How do we harmonize the interests of domestic consumption and export trade in farm products? These are crucial issues which need careful examination.

While we have achieved freedom from famine, freedom from hunger is not given to all. While our foodgrains production has quadrupled since 1950-51 and per capita net availability of food grains is about five hundred grammes per day, food availability is not matched by food access for all – for sheer want of purchasing power of those living below the poverty line. At present, through the public distribution system, we are providing subsidized rations to those living below the poverty line and even to those above the poverty line. While targeted supply management at public expenditure to benefit those below the poverty line is appropriate and necessary, in the long run, or even in the medium term, a lasting solution to the problem of food security can be found only by vesting the weaker sections with purchasing power through gainful employment.

Efficient and leakage-free delivery of services in the public distribution system as long as it is run, is indispensable. Pilferage of essential commodities and tampering with their quality in the public distribution system should be construed as heinous crimes and met with drastic penalties.

Since 1948, we have had six industrial policy statements. Planned growth of industries, mixed economy with the public sector having the commanding heights, licensing regulations and controls, domestic industry protection, and protection of the small-scale sector were the features of these policies. These policies were relevant to, and consistent with, the bygone years of a nascent economy. We have had positive as well as negative consequences. On the positive side, we have developed an infrastructure of basic industries and indigenous entrepreneurship. On the negative side, we have had to suffer fragmented production capacities, low technology levels, low inflow of foreign capital, monopolistic trends and lack of international competitiveness. To face the challenge of international market competition, we have had to liberalize since 1991. Delicensing and deregulation have had to be carried out; investment restrictions dismantled; private sector allowed access to areas previously

reserved; and flow of foreign technology and foreign capital rendered easier. New corporate structures through mergers and amalgamations, modernization and absorption of new technologies and new managerial styles seem indispensable. Our corporations themselves are slowly becoming transnational and multinational. What would be our strategy to harmonize the cross-border thrusts of our corporate sector with protection for domestic industry built up on our own factor strength over the years, in the face of capital starvation and technological obsolescence? The House may like to go into this in some depth.

About sixty of our central public sector enterprises are chronically sick. We need to take a hard look at them. We do, of course, have several proposals for rehabilitation and turn-around of some of these corporations. The process of decision-making in regard to the future of these corporations has been marked by inordinate delays. Quick and bold decisions are needed in this matter. Such decisions call for strong political will and support, apart from very patient and sustained industrial relations exercises. Restructuring and rehabilitation of enterprises is always a very painful process. Liberal separation compensations and retraining and redeployment of redundant employees will have to be organized wherever feasible. Until conclusive decisions are taken one way or the other in regard to restructuring of public enterprises, labour payments cannot be allowed to fall into arrears. As on 31 July 1997, central public sector enterprises coming under seventeen ministries of the Government of India had an outstanding labour payment arrears of Rs. 605 crores. Out of this, Rs. 435 crores are statutory dues under provident fund, ESI and gratuity laws. Some of these defaults also carry with them criminal liabilities. A demoralized and dehumanized work force is likely to backlash on the very process of economic reforms.

Industrial sickness is not merely a problem of the public sector in our country. It has become endemic to the country's industry as a whole. The financial and economic dimensions of this sickness have been vividly presented in the working document for this session. The session may like to address this problem in its entirety.

There needs to be a sea change in the managerial and industrial relations styles in our country. As our veteran trade union leader Ramanujan had advised, bipartism as a means of industrial conflict resolution should replace tripartism, as industrial relations tend to get politicized and impacted by extraneous factors under the latter modality. A new work culture for the managerial as well as other employees should be developed, the hallmark of which should be emphasis on productivity. We compare very poorly in productivity vis-a-vis some of our neighbouring countries. Beyond a level, wage enhancements may have to be linked to productivity enhancements. Many successful private sector enterprises do have productivity linked wage structures negotiated with trade unions. We could make efforts to universalize this practice. Our working people, be they managers or others, need to come to terms with the truth that the surest security for them is the commercial viability of their enterprises.

Governments and trade unions also need to devote more attention than before to improving the lot of the unorganized workers who constitute ninety per cent of the work force of the country.

In the past, we had not necessarily opted for export led growth like some of the Southeast Asian and East Asian economies. But we do have significant achievements in exports. Exports amounted to Rs. 108,478 crores in 1996 as against a mere Rs. 647 crores in 1951. In the 1950s primary products accounted for eighty-five per cent of our exports. Now, manufactured products constitute more than seventy-five per cent of our exports. However, some of the striking factors to be noted in respect of our export scenario are:

Five products namely, gems and jewellery, readymade garments, cotton yarn fabrics, marine products, drugs and pharmaceuticals, etc., constitute forty per cent of our total exports in value terms. Sixty-nine other products constitute rest of the exports.

Since 1969-70, while the unit value index of our exports went up eleven times, volume index went up only five times.

Nearly fifty per cent of our exports go to European countries and USA and Japan.

Our share in world exports is less than one per cent.

The lesson to be drawn from these facts is that virtually we don't matter in world exports. Our export production base has to expand; our export products as well as their direction have to diversify; and exports in terms of volume also have to significantly enhance. In the phase of globalization of economies, our economic survival and prosperity depend, to a significant extent, on expansion of exports. This can happen only if there is an expansion of imports as well. This itself is one of the justifications for economic reforms and liberalization.

Economic reform is simply a matter of living within one's means. Means can be created only by generation of wealth. Wealth will not get generated unless our resources are deployed efficiently. Even the People's Republic of China has come to accept this position and hence their adoption of the socialist market economy. If we raise our resources through taxation and if their investments do not yield adequate returns, growth will only be stagnant or negative. Again, if our resources are distributed in terms of subsidies without consideration of their potential for stimulating wealth generation, the consequences will be the same, viz., stagnation and negative trends and growth. For the first time, a transparent and comprehensive presentation of our subsidy regime has been made by the ministry of finance. I hope the House will take the occasion of this session to reflect on this presentation as well. Maybe, we can examine the scope for phased removal of at least nonessential subsidies. Of course, we can borrow domestically and from abroad but for servicing the borrowings and the repayment of loans, our investment policies should be prudent and capable of generating wealth. This has not been happening in the past. We should make it happen now, particularly because our external debt service ratio is twenty-six per cent of our GDP. Our per capita external debt is Rs. 3,286 which is 35 per cent of the per capita income of Rs. 9,321. We are indeed in a debt trap. The state governments also are caught in an internal debt trap, their revenue generations significantly getting absorbed by their debt service liabilities vis-a-vis the Government of India. The entire concept of foreign direct investment is based on the fact that it is non-debt-creating. Corporate

bodies receiving investments are expected to earn enough to give returns to the investor.

People do have apprehensions that because of the so-called overheating of the economy due to large foreign capital, we may be confronted with problems like those faced in Mexico and Thailand. So long as we ensure that the flow of foreign capital is channelled to priority sectors like infrastructure for the development of which we cannot find our own internal resources of any realistic scale for a long time to come, follow prudent investment policies and take adequate safeguards against fly-by-night operations of foreign investors and have a vigilant monetary policy, we will not go the way Mexico and Thailand have done.

We would also need to bear in mind that our country as yet does not attract as much flow of foreign funds as other countries like China and our Southeast Asian neighbours do. Our share in foreign direct investment inflows into all developing countries is less than three-fourth of one per cent. Flow of foreign capital and their volatility will be as much favourable to us as the investment climate we generate in our country. We also need to significantly reduce the time gap between clearance of foreign investment proposals and commissioning of projects. My firsthand information from China is that between clearance of investment proposals and commissioning of projects, the time gap is not more than three years.

Investments, like water, will flow by gravity. Gravity is towards areas where there is ready-built infrastructure. Bulk of our investments are flowing towards Maharashtra and Gujarat, particularly the metropolitan areas. This does create problems of regional disparities and in-country economic migrations in search of employment. This problem of regional disparities is experienced intensely in the People's Republic of China where they have opened up coastal regions and certain export processing zones for industrialization. We would do well to learn from the experiences of other reforming economies as well in the context of analysing our experiences in this regard.

Our employment scenario since 1951 till now has been dominated by reliance on the agricultural sector; the ratio of employment in industry has remained stagnant, only services exhibiting increasing

trend in employment. Casualisation of employment because of excess supply of labour relative to demand is also increasing. The impact of economic reforms on quality of employment is yet another aspect deserving serious examination. Nearly three decades have lapsed since the first National Labour Commission gave its report. The employment scenario, labour standards, technology inflows and skill requirements have undergone a sea change since. Establishment of the second National Labour Commission is long overdue.

Science and technology services, like education, should also be relevant to the world of work. While pure science and laboratory-based researches are important, they are primarily in the domain of the academic world — colleges and universities. A new thrust has to be given for industry- and enterprise-based researches as a means of removal of technology obsolescence of our industries and of constantly updating the industrial technologies.

Our agricultural and industrial practices, the ever-growing urbanization, in-country migrations and lifestyles of the people have taken an incredible toll on our forests, environment and ecology. We have, no doubt, taken significant measures to handle this problem. Many of the environment and ecology restoration measures are capital-intensive. Modalities of finding resources for rectifying the damages already done should be gone into. Protective measures for the future should stem from readjustment of our lifestyles and thinking processes.

Our country is reputed for its excellent track record of honouring commitments made in terms of international covenants and agreements, be they in the UN or in specialised agencies under the UN system. Before entering upon those commitments in international fora, no doubt, widest possible national discussions and debates would be appropriate. But once commitments are made, we need to honour them. We can ill afford to be seen as a nation reneging on our commitments. Such commitments should be properly and duly followed up by national legislative action wherever needed. While even failure of such legislative action would be understood and appreciated by the world community as a matter of democratic compulsion, dithering and inaction in this regard would only project

India as an untrustworthy customer in conducting international relations in a civilized manner.

The issues I have attempted to present, in essence, imply the need for a *second freedom struggle* — *this* time the struggle should be for *freedom from our own internal contradictions* between our prosperity and poverty, between the plenty of our resource endowments and the scarcity of their prudent management, between our culture of peace and tolerance and our current conduct sliding towards violence, intolerance and discrimination. If we succeed in this second freedom struggle, there is no reason why in the ensuing millennium, we shall not be amongst the top nations of the world.

Thank you for your attention. Jai Hind.

Reference

Lok Sabha Debates, 26 Aug. 1997.

NAJMA HEPTULLA

Discussing Vital National Issues

26 August 1997



It was decided to hold special sittings of the two Houses of Parliament to commemorate the fiftieth anniversary of India's independence. It was also proposed to devote these sittings spread over some four days to discussing some of the vital national issues in a dignified manner rising above all party considerations. In the Rajya Sabha, the motion for discussion was moved by the deputy chairperson, Dr. (Mrs.) Najma Heptulla. She made a well-structured and moving speech.

Mr. Chairman and hon'ble members of the august Council of States, on the occasion of the celebrations of fifty years of our independence, this is a special session of our House. For the next four days we would be discussing the vital issues that confront the nation.

While we rejoice on the golden jubilee of our hard-earned independence, it is also an occasion to analyse the fifty years gone by. This evaluation would form the basis of our future vision. The

golden jubilee turns a new chapter in the life of our nation. Greater challenges and glorious successes are waiting to adorn us in the days to come.

Through our constitution, we have entrusted to our Parliament the responsibility of being the highest decision-making body. It represents the desires and dreams of our people. This is the appropriate forum to recall the past experiences and to conceive future expectations. With this purpose, we have convened this special session.

While making an appraisal of the last fifty years, it would be appropriate if we judge them in the backdrop of the ideals and objectives of the national movement. Our struggle for freedom was the turning point in the history of humanity. At the end of it, an Indian nation-state emerged out of the colonial world. The ideology of this new nation-state was based on spirituality and historical experiences, which this civilization had assimilated during its long history.

Beyond the subcontinent our national movement was a new phenomenon in the history of social movements and was a remarkable example of popular involvement in framing the political, social and the economic moves for their own representative government. It had a vision for the future of India. In 1936, while delivering the presidential address at the Congress session, Pandit Jawaharlal Nehru underlined the objectives of the movement,

I work for Indian independence because the nationalist in me cannot tolerate alien domination; I work for it even more because for me it is the inevitable step to social and economic change.

The process of introspection that began during the early years of the freedom struggle and movements preceded the upsurge for political independence, education, exposure to the scientific knowledge, equality, justice and gender parity in social life were the focal points of these social movements.

The colonial character of the government and unequal distribution of wealth were the cause of general impoverishment of India. The economic philosophy of the British rulers aggravated poverty and social tensions. It was felt by Dadabhai Naoroji and the

leaders of national stature that changing the economic thinking was essential to change the character of the government. At that session, the Congress adopted the following resolution:

In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions. The Congress, therefore, declares that any constitution which may be agreed to on its behalf should provide or enable the Swaraj government to provide for the... (Fundamental Rights and Duties).

It was thought that economic decentralization at village level and self-reliance through swadeshi could revitalize the derailed economy.

The most remarkable aspect of the national movement was Gandhiji's nonviolent methods and the mass participation.

It is relevant even today. A violent struggle would have resulted in an authoritarian dictatorship instead of democracy. It would have been difficult to stamp out the violence from society resulting in political instability and social tensions. Violence has the propensity to become authoritarian.

The process of nation-building had begun much before the clarion call for purna swaraj (complete independence). As early as in 1947 at Allahabad, Gopal Krishna Gokhale had appealed.

I recognize no limits to my aspirations for our motherland... I want our men and women, without distinction of caste or creed, to have opportunities to grow to the full heights of their stature, unhampered by cramping and unnatural restrictions. I want India to take her proper place among the great nations of the world, politically, industrially... in science and in arts.

The essential elements of socioeconomic progress had long been identified and efforts were being made for their redressal, though in isolated localised manner. These efforts and aspirations converged in the demand for purna swaraj.

All the above objectives found echo in our constitution. These ideals were listed in the objectives resolution moved by Pandit Nehru at the Constituent Assembly. The resolution adopted on 22 January 1947, spelt the philosophy of our constitution. Our constitution is a comprehensive document that carries the ideals and the legacy of our national movement and a vision for the future.

It is not only a formal declaration of our unlimited sovereignty, but also compassionately expresses the aspirations of our people. It is the expression of our solemn resolve to live by the exalted ideals of our freedom struggle. As the guiding light of our state policy and national commitment, it explicitly enlists the rights and obligations of the people and the government. Pandit Nehru had rightly expressed this resolve for those in decision-making positions.

The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us: But as long as there are tears and sufferings, so long our task will not be over.

Belonging to a family of freedom fighters, I clearly recall my childhood both with emotion and with a sense of fulfilment. I remember the turmoil under which the family had to move from Calcutta to Bombay and then to Bhopal, under the colonial persecution. The singing of *vande mataram* and *prabhat pheries* which charged the struggle for freedom in the early days of school still reverberate in my ears.

For me, the partition of the country was a human tragedy. The resolve for universal brotherhood, tolerance and a land where everyone could aspire for freedom of expression, faith and profession was to be the objective of a free nation which we dreamt of.

The fiftieth year is an occasion to evaluate our achievements against this background. Despite obvious shortfalls, our accomplishments have been impressive. We were able to break the inertia that had crept into our society during colonial rule. The vicious circle of economic backwardness and socioeconomic stagnation started cracking.

We have taken giant strides forward in the past half-a-century. From a feudal economy we have become an industrialized economy, based largely on socialism. By the conventional analyses of development, we have superseded the entire phase of capitalist development that lasted for a couple of centuries in Europe before reaching the socialist stage. While doing so, we retained and strengthened the liberal democratic character of our polity. This has been an exceptional achievement. India has emerged as a role model for the developing countries. Its nonviolent struggle for freedom from

colonial rule and economic backwardness inspired several movements for decolonization worldwide.

We extended the philosophy of nonviolence and panchsheel to worldly affairs. We have been staunch protagonists of disarmament and world peace. Through the nonaligned movement, India has contributed in assuaging inter-bloc rivalry by bringing the developing countries together in support of world peace.

After Independence, we had to start from the beginning. It was essential that ignorance among the people be replaced by a scientific temper. Education and science were to open new vistas of development and newer horizons of knowledge. Introduced in production, they democratized the economy.

To bring about change in agrarian relations, we abolished zamindari and all other possible forms of exploitation. It also helped in uplifting the plight of those who, for centuries, were at the margin of our society. The constitution provided for special measures to give them greater opportunity in the nation's mainstream.

We have built an effective infrastructure based on which the rate of growth will get a fillip. Ever since the 1960s the country has become self-reliant in food production. As a result of the Green Revolution and sustained scientific research in agriculture, the annual foodgrain production which was 50 million tonnes in 1950-51 has gone up to more than 190 million tonnes in 1996-97. Similarly, the net national product of 1950-51 at Rs. 40,000 crore has gone up by more than four times in 1996-97.

We have recognized the importance of science and technology in nationbuilding. Our achievements in this field are significant. Our space programme, nuclear power programme, industrial, medical and agricultural researches, biotechnology and ocean development projects have made impressive progress. However, there are a few areas of concern. We still invest less than one per cent of the GDP in research and development. There is low participation of the private sector in the R and D. This can adversely affect the scientific research.

Without compromising our development initiatives, protection for the environment has been our prime concern. In 1972 when

the first Heads of Government meet was convened at Stockholm, the sole head of government present was our prime minister, Smt. Indira Gandhi.

India spearheaded the movement, and twenty years after, in 1992 at Rio, more than a hundred heads of government attended the global conference. Destruction of the environment has been caused by the lusty lifestyles of the rich, but the effects have to be borne equally by the developing nations as the sky has no boundary.

The commitment of the developed countries for the transfer of environment-friendly technology is yet to take place, and therefore, we have to work hard to evolve indigenous technologies. India has the third largest scientific manpower in the world. I would invite the corporate world and the private sector to come forward and join the government as partners in this task of nation-building.

In the social sector, we have been able to bring down the infant mortality rate, and, due to advancement in medical science and availability of the healthcare system, the life expectancy has gone up from forty-one years in 1951 to sixty-one years at present.

However, we have failed to bring down the population growth rate to the required level. I am reminded of the prophetic lines from the speech of Netaji Subhas Chandra Bose, which he delivered as president of the Haripura session of the Congress in 1938. He had at that time foreseen the consequences of population explosion,

The first problem to tackle is that of our increasing population.... I simply want to point out that where poverty, starvation and disease are stalking the land, we cannot afford to have our population mounting up by thirty millions during a single decade.

He further cautioned:

If the population goes up by leaps and bounds, as it has done in [the] recent past, our plans are likely to fall through.

His caution is still relevant even today.

Still, around thirty per cent people are living under the poverty line. Still forty per cent women are illiterate in the country. Despite self-sufficiency in food, the average Indian takes fewer calories than the standard twenty-four hundred calories per day. Though the

number of Primary Health Centres has gone up from 725 in 1951 to 21,000 in 1996, there is a wide gap between the demand and the availability in rural healthcare.

The network of educational institutions has spread significantly, but there are still about two hundred million illiterate in the country. Thirty-five million children of primary school-going age do not have access to education, and there is forty per cent dropout at the primary level. The sector lacks infrastructure, trained teachers and adequate learning material.

The goal of allocating six per cent of our GDP to the education sector still eludes us. Realizing the priority of education over other areas, Maulana Abul Kalam Azad, who assumed charge of the department of education of independent India, while delivering the statement of policy before Parliament in March 1948 stated,

I need hardly say that whatever be our programme for industrial, scientific, agricultural, commercial or material progress and development, none of them can be achieved without an improvement of the human material which is the basis of our national wealth. That human material is largely conditioned by the training and education which it receives. It seems to me that whether we think of defence or of food or of industries and commerce, we must take every step to see that education is given the first priority among all our national requirements.

This objective has to be fulfilled.

More than sixty per cent of our population is still unemployed. Of these, women have got the raw deal. Only twenty-two per cent of women are in employment. Generally women have remained deprived of the fruits of development. This might further relegate them into the background. Therefore, special provisions are needed to uplift their lot.

We have reserved thirty-three per cent seats for women in the grassroot elected bodies of the nation. All the political parties have time and again reiterated the resolve to provide a similar affirmative support to women in higher legislative bodies of the nation and the states. However, the dream of assigning an equal role to women in decision- and policy-making positions still eludes us.

Our national Parliament has only 7.2 per cent women members and this percentage is still lower in the state legislatures. The assurances voiced across the country are yet to be honoured.

Today, when the voices of dissent are heard from far-flung states, when deviance is growing in all social classes, when discontent and corruption are attempting to fragment our faith in oneness, I am reminded of the words of Dr. Ambedkar, who said

I am quite convinced that given time and circumstances, nothing in the world prevents this country from becoming one... Our difficulty is not with regard to the ultimate, our difficulty is with regard to the beginning.

And I have no hesitation to say that such a beginning for India of our dreams, can be today, now and here itself with our commitment and pledge to the common aspirations which bind us together.

The fiftieth year of our independence shall open a new chapter in our nation's life as we look at our future with great hope and optimism. I recall the lines of Guru Rabindranath Tagore:

Where the mind is without fear and the head is held high;

Where knowledge is free;

Where the world has not been broken up into fragments by narrow domestic walls;

Where words come out from the depth of truth;

Where tireless striving stretches its arms towards perfection;

Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit;

Where the mind is led forward by Thee into everwidening thought and action...

Into that heaven of freedom, my Father let my country awake.

At this historic juncture with the experience of five decades of swaraj and with the vistas of the next millennium ahead of us, this House must give voice to the nation's resolve to forge ahead with united vision towards a better future for all. Let each last citizen of this country feel proud to be an Indian. We are all part of this indivisible unity that is the Indian nationality.

Each one of us is indispensable to this noble edifice and without any one of us this splendid structure of India is incomplete. Let us endeavour together over the next four days, putting aside narrow

political differences, to formulate a resolution that the House could adopt with one voice.

I will end with a message by Mahatma Gandhi: 'The highest moral law is that we should unremittingly work for the good of mankind.'

Thank you very much.

Reference

Rajya Sabha Debates, 26 Aug. 1997.

DR. KARAN SINGH

Vision of a Resurgent India: Education for the Twenty-first Century

26 August 1997



Speaking in the Rajya Sabha at the special session on the golden jubilee of India's independence, Dr. Karan Singh stressed the need of recapturing a national vision of resurgence. According to him five areas in education needed special attention for carrying Indians to the twenty-first century.

Madam, the fiftieth anniversary of our freedom is an occasion both for rejoicing and introspection. It may appear to be a very short period against the long panorama of Indian history, going back thousands of years to the dawn of civilization. Yet it is a very special fifty years because it is the culmination of centuries of sacrifices and struggle, of heroism and heartbreak. 15 August 1947 was indeed a day of triumph. But let us not forget, and let the House and the nation also not forget, that it was also a day of tragedy. It was also a day on which lakhs of people were massacred and

partition took place. Ask the people of Bengal, the people of Punjab and the people of Jammu and Kashmir what exactly it is that they have to celebrate fifty years later. There are many families which were totally wiped out, there are families where hardly one person survives and is now living in this country. Therefore, while we are in a state of euphoria with regard to our independence, let us not forget that we have paid in full measure the price in suffering and blood to get our independence. This is something which, I feel, we do not adequately realize.

We have got a great deal to rejoice about. We have many achievements, as has been mentioned by other members, in agriculture, electronics, industry, commerce, life expectancy and so on, and also many failures. I would like to address education very briefly which, to my mind, is the key to deal with those areas in which we have signally failed — poverty alleviation, population control, environmental degradation and so on. I am sorry that the minister, made his speech and went away. Had he done us the courtesy of staying here, he would have been able to learn something from what the members have to say. If the ministers have to speak I think they should not just speak and leave. They should have the patience to listen to us.

With regard to the structure of education, I simply have to say this, and this has been stated by others also, that without universal primary education no nation can grow. It is a national shame and disgrace that fifty years after freedom, despite a clear-cut constitutional provision in Article 45, we have failed to give education to our children. The House would be surprised to hear that there are more illiterate people in India today than there were in 1947. It is an astounding thing. The percentage may be less, but in actual numbers it is more. Unless we are able to do this, nothing else can be achieved. Therefore, there should be a national commitment, regardless of parties, to eradicate illiteracy at least by the year 2010. I am giving a very generous date. Some people were saying by 2000, but according to the present statistics, it cannot be done. Let us be clear that at least by the end of two more plans, ten years from now, we will eradicate illiteracy.

I had the privilege of being a member of the UNESCO International Commission on Education for the twenty-first century. With your permission, madam, I would like to place a copy of its report in the library so that the members can refer to it. It is a document of considerable significance and importance.

There are five areas, apart from the academic input, which I feel need to be addressed by educationists. The first is education for population control. A great deal has been said about this. There is a calamitous situation. Our population has trebled in the last fifty years. We talk of poverty eradication. How are we going to do it? Some states have done very well. But there are four states – my friend, Prof. Ashish Bose, a demographer, has coined a phrase *BIMARU* states — Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh. If these four *BIMARU* states are able to do better in education, and particularly in female education, the situation can change. So, that is the first element which, I suggest, must be put into our educational system.

The second is education for environmental awareness. You are an environmentalist yourself. There is no feeling any longer left for nature. Our ancient tradition of reverence for nature, our culture which was born in the forests and mountains, has now deteriorated and degraded. There is no sense of beauty. Do we teach our children to look at a flower and to see the beauty in the flower? Do we teach our children to welcome the sunrise or to look at the glory of the sunset? We have lost the aesthetic sensibility, we have lost any capacity for environmental awareness. That has to be put in as the second element in our education.

Thirdly education for citizenship. It is all very fine to say that we are the world's largest democracy, but may I respectfully point out how many of us here know that there is also a special section of Fundamental Duties in the constitution? I wonder how many schools, how many colleges or for that matter, how many hon'ble members of Parliament can mention those ten points that were written down under Fundamental Duties. I was on the Swaran Singh Committee, which drafted the Fundamental Duties. We talk about rights all the time. Do we teach people that there is no one-way traffic in life, that without our duties and obligations we can never really enjoy

our rights? These are the fundamental duties. Madam, may I suggest that the Fundamental Duties should be made an integral part of our educational curriculum because they contain a lot of very valuable guidelines for action?

Fourthly, education for interfaith harmony. This is a multi-religious nation. Four of the great religions of the world were born in India : Hinduism, Jainism, Buddhism and Sikhism. Four have come to us from West Asia — the religion of Zarathustra, Prophet of Iran, Judaism, Christianity and Islam and now, the Bahai faith. This is a land of religions par excellence, as Swami Vivekananda said. The people of India basically are religious. But what do we do? Our definition of secularism has become antireligious. The result is we do not give our young people the basics with regard to the teaching of various world religions, all of which contain very positive and very helpful guidelines. What is the result? We leave our religious *prachar* and training to the most fundamentalist, backward-looking and narrow-minded persons in the community. I would suggest, Madam, that the time has come when we have to face this problem because what is happening today is that we are getting fragmented, first on the basis of religion, and now on the basis of caste. There seems to be a new fashion of dividing people rather than the facility for integrating that we always had.

And the fifth and final point that I would like to make is education for the global society. India has never been an island unto itself.

Aa no bhadrah kritavo yantu vishwatah

'Let noble thoughts come to us from every side'

We have always welcomed good ideas from wherever they came, and we have made them our own, and we have originated ideas. There is a lot of talk of patents. We invented the zero. These countries that are now demanding patents from us, let them pay a patent to us every time they use a zero, we are quite prepared to accept all their patents! India has been one of the great innovative civilizations in world history, and we have today to play our role first in SAARC, then in Asia, then in the global society. We cannot cut ourselves off from the world. India has got to pull its weight,

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and India can only pull its weight if we are able to recapture a vision; a vision of a great and resurgent India, the vision of Swami Vivekananda and Sri Aurobindo. I had sent to every member of Parliament a copy of *Sri Aurobindo's Independence Day Message*. May I submit that that should be read and re-read; the vision of Mahatma Gandhi and Jawaharlal Nehru, the vision of Sardar Patel and Maulana Azad. Without a vision people are destined to perish. Therefore, my submission on this occasion when we are meeting in a special session is: let us recapture that vision of a new democracy, a new society, a new India as part of a creative and harmonious global order.

Thank you.

Reference

Rajya Sabha Debates, 26 Aug. 1997.

G.G. SWELL

Fifty Years of Freedom: Achievements and Problems

27 August 1997



Participating in the proceedings of the special session to commemorate the fiftieth anniversary of India's independence, Prof. G.G. Swell recounted India's achievements in various fields. Above all, he said, India had remained united, continued as a parliamentary democracy and seen peaceful transfer of power and change of governments. However, problems of population, education and relations with neighbouring countries had to be tackled.

When the special session was called, I and many others had expected that it would be an occasion for collective introspection, cutting across party lines. The Speaker in his speech that he read out yesterday had outlined some of the problems facing our country which need our attention. I am happy that Shri Atal Bihari Vajpayee is here. He also began on that note in his speech. There was no mention of any party. There was no pointing of finger

at the failures of anybody. He was not partisan. He only called for an exemplary behaviour by us in this House, in this Parliament because it is this Parliament that holds the country together. I fully reciprocate the ideas of the leader of the Opposition. Fifty years have gone by. I think, this is an occasion for us to look back at these fifty years — what we have achieved and what we have failed to achieve. We have to look to the present, where we are and we have to look to the future where we are going. The problems in the country are multifarious. If we start discussing them, there will be no end to it. I do not think that this is the purpose of this special session. For these problems, one has to look separately in a proper manner.

Now, with regard to our achievements, I think that the greatest achievement that India has made is to hold this country together, this vast, variegated, multilingual, multireligious, multiethnic country together. We have done that in a democratic manner under a parliamentary system. When the British left India, they made a pronouncement that India was ungovernable. We have proved them wrong. In their assessment, they thought that a country like Pakistan, which has the cohesion of one religion, had a better chance.

But we have seen what has happened. Pakistan has split up and even today, we do not know who is really in charge in Pakistan. While there is sporadic camaraderie between our prime minister and the prime minister of Pakistan, suddenly two days after the prime minister has visited Srinagar and made an optimistic assessment of the situation that peace would be coming back to Kashmir and people would live a good life, a peaceful life, there was an outbreak of firing between the two countries, the most serious for a long long time which is still continuing. Now, the Government of Pakistan speaks in one voice, but the behaviour of the army and the ISI is different. Therefore, we do not know who is in charge and with whom we are going to do business. Then, sectarian violence goes on taking place in Pakistan and therefore, I think following of parliamentary democracy is the greatest achievement of our country.

Sir, if we look across the world, I think, there are only half-a-dozen countries which are really democratic and which follow the parliamentary system. Those are the countries that have been free

for centuries and which have the advantage of one religion and one language. When you consider what India is, what India was – so vast, so full of contradictions – through it sometimes breaks out or erupts into violence or into a kind of strife between different groups, yet we are able to hold this country together. During the last fifty years we have had so many elections, national elections to this Parliament and elections to different legislative assemblies of the states. These elections have been, by all standards, fair and free. There have been changes, but there has been peaceful transfer of power which cannot be said of many countries and, therefore, I think, this is the greatest achievement and from here we have to proceed onward. There has to be a spirit of give and take, there has to be a spirit of listening to each other, there has to be a spirit of understanding and there has to be a spirit of cooperation. The only aim that we should have is to lift this country and take it forward.

Now, we have also made progress in many other areas. We have made great progress in infrastructure, whether it is on the surface or in the air or in electronics. There is much more road mileage in India today than there was, there are more trains running than there were and our communications have improved. We are operating them and we have allowed also the private parties in India to make use of our air space. We have sent satellites up which have been manufactured by ourselves, albeit through the launching pads, like *Arians*, of a foreign country. In the fields of electronics and telecommunication, there have been revolutionary changes and revolutionary improvements. We are self-sufficient in many other areas. In food, from being a net food importing country, we are now self-sufficient and we are a net food exporting country.

These are not mean achievements. They are achievements by the people of India. These are achievements by the political system. But having said this, I would like to look to the present and examine the problems that are before us.

The biggest problem that is before us is the problem of population. For 360 million people in 1947, we have today 960 million people, a threefold increment in the last 50 years. According to the United Nations projections, by the next decennial census, the population in

India would overtake the population in China. This is something that is worrisome. There are so many more mouths to feed, which means that we have to produce more food and we have to double the food production. We will have to look into agriculture and the means of doing it. There would be so many more houses to be built in order to afford them accommodation. There has been a lot of discussion as to how to control the population. But I would like to say that there is nothing better to control population than the motivation of the people themselves. I do not think that there is a lack of motivation, but there are no facilities. The majority of our people live in hovels. They do not have a place to sleep, a proper place to eat, there is absolutely no family privacy and, therefore, the process goes on in that way. There is absolutely no opportunity to practice family planning, and the population goes on increasing. There are more people to be educated in view of the fact that we have taken some kind of a decision, it has been talked about, that all children up to the age of fourteen will have to get compulsory free education. Are we able to do these things? These are the questions.

Mr. Chairman, I know that the time at my disposal is limited. When we talk of the progress we have made, when we talk of the problems that we face, when we look into the future, we cannot do that in isolation. We have also to look around us. Of course, we can compare ourselves with some of the smaller neighbouring countries. It is all right. We take pride in that. But we have a fallout also in an enlightened foreign policy, that is, being a large country, we can afford to be largehearted and to be generous. We have dealt in that manner with Bangladesh and, therefore, there is a better atmosphere with Bangladesh. We have dealt in that manner with Nepal and there is a better cooperation between us and Nepal. The question of Pakistan is a little different, and the question of Sri Lanka is a little different. At the moment, we have opened up towards the South East, to ASEAN, and we are now a full dialogue partner with ASEAN, which has made phenomenal economic progress in the last few years. That is a good thing. We will have bilateral dealings with ASEAN countries, many of which are prosperous, and from there we go on to the Asia Pacific Economic Cooperation, which will bring us in

touch with Japan, China, America and all that. There is a great possibility. This is a great thing, and this is an achievement.

I would only like to draw your attention, Mr. Chairman, to one of the most immediate neighbours to our country, that is, Myanmar. Apart from China, we have the longest land and sea boundary with Myanmar. We have problems with Myanmar in the land boundary because of the problems of insurgency and because of the problem of drugs. I am not going into that.

But what I would like to point out is that there is going to be a very great problem in our maritime relations. There are lots of oil and gas in Myanmar. At one time, Myanmar was an oil exporting country as it was a rice exporting country and, according to the United Nations, it also has the capacity to be the largest rice exporting country in the world. The military *junta* in Myanmar has appointed a multinational – I think the name is TOTAL, a French company – to explore oil in the Myanmarese offshore. That is taking place and the pace will quicken. One does not know what really is there under the seabed. There is a reservoir of oil and gas. How much is it? It is quite possible that the reservoir of oil and gas under the seabed may be straggling, the continental shelves may be straggling, the way they straggle the economic zones of the two countries. We have to do business with Myanmar, maybe in the next five or ten years. Our problem in Myanmar today is political because there is a military *junta* there. We would like democracy to come to Myanmar. But how will it come, I do not know. Let us wait for some time.

But the country with which we have to compare ourselves is China. Well, China is not a democratic country. It is a one-party country and, therefore, it is not a parliamentary democracy. But China has made such phenomenal improvements that it is going towards becoming a superpower. It is the one country in the world that stands against America on its own. Many a time China and America have stood eyeball to eyeball against each other on the problem of human rights. Many times, America has threatened to take action or to impose sanctions on China, but they do not dare to do it because the investment by the American industries and American multinationals in China is such that if they do it, there will

be a revolt within America itself. In many ways, not only is China a nuclear power, it is also able and it is prosperous. But already I read that China has been able to launch its own satellite into space and it has built a cosmodrome, a launching pad of its own and put a satellite into geostationary orbit, something which we tried to do a few years ago. We tried to get the cryogenic engines from Russia. Russia has promised to give us the cryogenic technology, but on account of the combination of a few powerful countries under the so-called satellite technology control regime, we were not able to get it and America put its influence on that. We do not know when we will be able to do that. In every way, we are far behind China. Why? We have to look into all this...

Therefore, we have to look into these problems. Number one is the problem of population. Unless we give the people a proper education, unless we give the people proper accommodation, we cannot make progress. Many times, people say here that the responsibility for increasing the numbers in the family is not of man, but of woman because she has to bring up the children. We have to do it. How to do it? There was a talk that we should impose restrictions on members of Parliament that anybody who has more than two children should not come here and should not get government jobs.

It is all easier said than done. Then, how do we do it? There are the few problems. I think that we should approach these problems in that spirit, a spirit of give and take, a spirit of cooperation and I am sorry to say that we have not been able to keep up that atmosphere of this special session. There have been speeches which converted this forum into a forum of their own political parties. There have been charges and countercharges. There will be no end to these things. But if we have the will and the mind to do it, we can really proceed and go in that way.

Reference

Lok Sabha Debates, 27 Aug. 1997.

P.V. NARASIMHA RAO

State of the Nation

28 August 1997



Participating in the debate on a motion regarding democracy, economic development and position of infrastructure, achievements and potential in the field of science and technology and state of human development in the country moved by the leader of the opposition, Atal Bihari Vajpayee, former prime minister P.V. Narasimha Rao spoke at length about his perspectives, vision and philosophy. He talked of the next century and the next millennium, of the end of the cold war and need for disarmament, of the predicted confrontation of cultures, of environment and technology, of Gandhi, nonviolence and the Gita.

Mr. Speaker, I am indeed very grateful to you. We are all grateful to you for having given us this very rare opportunity of discussing something which, somehow, has not been discussed in the spirit in which it needs to be discussed during these four or five days. And I see that the days are prolonging; the hours are prolonging. Therefore, the urge to speak is getting increased every minute. So, I expect that we will end this session with something meaningful,

something that is actionable apart from what we express as our opinion. We come to certain tentative conclusions in regard to what needs to be done immediately and also in the medium term.

I have chosen a subject which, I think, has not been touched upon so far but which is of great importance to the world in general and, therefore, to India and to each one of us. I shall not repeat what has been said because that is hardly necessary. I shall go straight to what I have to say. It so happens that we are in the fiftieth year of independence.

That is the special significance for India. But there is an equally special significance for other countries and the world as a whole and if this confluence of coincidences is to be taken into account, these two or three years before the next century are, without doubt, the most important, the most crucial in the life of all nations of the world.

We are at the confluence of two millennia. Do we remember what the year 1000 AD was like? Do we have anything authentic to say that the world looked like this? We have nothing except small fragments of who ruled where because history unfortunately has always consisted of rulers and said nothing about the ruled.

So, that mistake should not be committed at the end of this millennium and people are already thinking very deeply in futuristic terms. What happened in the twentieth century is known to all of us. We have passed through it; we are still passing through it. What do we expect in the next century or in the next millennium to come and to be in store for us? This is what thinkers all over the world are thinking.

Sir, the most important aspect of our domestic, foreign, international – call it what you like – or our existence is disarmament today. Nuclear disarmament is a ‘must’ for the survival of the world. This is known; this is admitted there are symptoms of its being acted upon sincerely. I am saying this because we know what happened to the CTBT; we know what happened to the NPT and for the last fifty to sixty years, our governments have been struggling for this. Even before India became free, Mahatma Gandhi expressed himself in most unequivocal terms about the ghastly results of nuclear wars,

about the need for nonviolent behaviour on the part of the nations, about the need to eschew violence and all this is known to us. But this has not happened. This is not likely to happen just like that because after the extension of the NPT, infinite extension, and after the CTBT has been rammed down the throats of the countries – it is good that we did not allow that to happen with us – even after that there is no incentive for taking real and meaningful steps in the direction of nuclear disarmament.

There is something hilarious to know that before the cold war ended, the nuclear power states had enough nuclear weapons to blow up the entire globe 20,000 times. The improvement after the end of the Cold War is that, according to statisticians, they will be able to blow up the world 3,000 times now. It is a great improvement from 20,000 to 3,000. But what is the improvement to the mankind as a whole? If we are once annihilated we do not have to wait for 2,999 times to see what happens because we will not be there then!

So, this is something totally unreal. They are doing it because they want to bring their own arsenals down for their own mutual satisfaction and individual security. They are not doing it for the world. They are not doing it for this vast humanity who have no hand at all in taking these decisions. So, someone has to tell them that whatever they might say, whatever they might do, mankind is not prepared to become their gun point. We will have to fight it out, not necessarily with guns because we do not have them. The public opinion, opinion of more than 110 countries in the nonaligned world and the general public in those countries where the stockpiles are existing, everyone on the face of the earth can be an ally in this and this is what we have to do.

I have been thinking about this, speaking about this, urging this in many councils of the world but for the last three or four years I have become a little alarmed about why this has not happened. Let us understand it. After the Cold War, the nuclear weapon states have no one to fear. They have enough nuclear weapons, as I just described, even if it comes to three hundred times or thirty times, they are still in possession of enormous material of destruction. Now, why are they not really talking in terms of say fifty years –

sixty years or a hundred years, I do not mind – for total elimination. Shri Rajiv Gandhi wanted it to be done by 2010. I thought it would be possible even earlier because the end of the Cold War would facilitate this. Nothing of the kind has happened. Why? There must be some reason. No reason is being adduced but accidentally by reading, by trying to understand what is working in their minds, what is the new mind-set I have stumbled into something which I like to share with the House.

The scenario of the next century, next millennium, although it is mysterious to all of us, it is not mysterious to some figures in these advanced countries. They think that now there is not going to be any ideological warfare. What they think is, now that the Cold War has ended, international politics is moving out of its Western phase. From now on the core of global politics will be the interaction, that is conflict in other words, between the West and non-Western cultures. They have already drawn the battle lines. We were thinking that no battle lines can be drawn now. The Cold War is over once for all and, therefore, we will have nothing except peace in the world, the international peace, cooperation and what all we have been dreaming here. The dream has been punctured by saying that there is going to be a confrontation. There is going to be a conflict and that is not a conflict between the East and the West but that conflict is going to be the West versus the rest. Therefore, how can the Western powers divest themselves of nuclear powers? They cannot. They say that the people today want the benefits of modernity and the identity provided by their own culture and values. What is wrong about it? They find that because other people are going to insist on retaining their own cultures, there is going to be a cultural confrontation between these three.

The configuration that has been shown in the book is, on one side you have Christianity — although I do not know what he wants to happen for the Christians of Africa, for the Christians of India, for the Christians of Burma, Christians of the non-Western world because when you say ‘the West versus the rest’, whether you are a Christian, or a Muslim or a Hindu or whatever, you fall in the non-Western sphere and not in the Western sphere. But, they have

monopolized the Christian cross for the West. This is one fallacy. The other they have taken is Islam. Islam, they think, is going to be the main adversary in this. And the third is Confucianism, the Hindu religion, the Buddhist religion, the Jain religion and all the rest. So, they have humped together all the rest. And they say that this is going to be the confrontation.

World politics is being configured, re-configured along cultural lines with new patterns of conflict and cooperation replacing those of the cold war. The hot spots...

Here is the most interesting thing which we as Indians would like to be amused at. But, then, they seem to be very serious about it.

The hot spots in world politics are on the fault lines between civilizations, witness the fighting in Bosnia, Chechnya, the Transcaucasia, Central Asia, Kashmir, the Middle-East, Tibet, Sri Lanka, Sudan and many other places.

So, according to this thinking, what is happening in Kashmir is a clash of civilizations. How do we appreciate this? How do we assess this? And still, this is going to be the basis for policymaking in the next century. If I say so, I think, I am not making any exaggeration because the gentleman has written this book and given this scenario about four years ago which I had the occasion to debunk when it came in the shape of an article in a magazine. I debunked it at Davos and told them, nothing of this kind is going to happen in India. If you think that the next programme in India is going to be only fight between Hindus and Muslims and Christians and one caste and another caste, this is not going to happen. You will find these things written in the newspapers now and then. But you do not know how peaceful Indians are. The ninety-six crore Indians are not fighting every day, every minute. So, your money will be safe, please do not go by this kind of prognosis.

And who is the man? He is the coordinator of security and planning for the National Security Council in the United States government. I am not saying that this book has been taken as the Bible. I am only saying as to what is happening in the think-tanks of the country which can make the difference between war and peace, the difference between existence and nonexistence for the whole world.

So, who is to take up this matter? Is it those who have willy-nilly signed wherever they were asked to sign? They cannot take up this matter. Someone has to, and that is India. We have been taking up these matters right from the beginning whether anyone liked or not. Therefore, I would like to tell the prime minister, I would like to tell the Government of India, please keep up the tradition of going it alone, if necessary, *Ekla chalo*, but say what is right. If you cannot, then you will be the cause, the immediate cause, of the annihilation of the world.

I am not making any prognosis. I am making the comment on the possible prognosis made by those who matter. This is my submission, Sir. So, if the world has to survive, something needs to be done; something needs to be done to debunk these things that there are already battle lines drawn, hot lines drawn, now, there is no question of any one abjuring nuclear weapons and there is no question of allowing anyone else to make weapons. Positively, they are not going to abjure; negatively, they are not going to allow you and others who want to make nuclear weapons for their own security to do that. So, on both positive and negative sides, the policy seems to be coming out, shaping up in the manner in which they wanted. I would like to say that India will have to be taking a very important role and a very crucial role in again doing whatever is possible for nuclear disarmament all over the world. I am not talking of so many years; I am talking of the time frame, but there has to be a time frame. The time frame can be long, but it has to be a time frame. This is the first point which I would like to impress on our government today.

Sir, at the end of the twentieth century, a galaxy of thinkers were saying things which sometimes made us happy, but sometimes also made us see how Mahatma Gandhi was almost a century ahead of his time told those things but no one listened to him including ourselves. Today, Gandhi's voice is coming from different throats. He is no more. But the same voice is coming from different people who count, whose opinions count. If I read one of the comments and do not tell you who had said this, each one of us will say this is Mahatma Gandhi himself. No, it is not Mahatma Gandhi; it is not hundred years ago, it was this century, irrespective of what Mahatma

Gandhi said because it is relevant today. They are not saying this because of Mahatma Gandhi; they are not saying because Gandhiji said 'no'. When he said it, they did not bother, but now, they are saying exactly the same things because after a hundred years of the Cold War, the kind of consumerism, the vulgar consumerism, that is really eating into the vitals of all these nations, they find that all this has been a waste. In fact, if state, party and social policy will not be based on morality, then mankind has no future to speak of. Does it not sound typically hundred per cent like a Gandhian statement? If the politics of a state or the conduct of an individual is guided by a moral compass, this turns out to be not only the most humane but in the long run, the most prudent behaviour for one's own future. We allowed ourselves, we allowed our wants to grow unchecked – again what Gandhiji had said – and are now at a loss where to direct them and with the obliging assistance of commercial enterprises, newer and yet newer wants are being created, being concocted, some of them are wholly artificial and we chase them en masse but find no fulfilment.

Then, about environment, he says. All hope cannot be pinned on science, technology and economic growth. These are the three gods that we have been worshipping in the twentieth century.

The victory of technological civilization has also instilled spiritual insecurity in us. Its gifts enrich but enslave us as well. Let us admit that even in a whisper and only to ourselves; in this bustle of life and breakneck speed, what are we living for? What are we living for, is a question to which these thinkers have come after decades and decades and decades of what they called progress. Now they do not know what to do. They do not know where they are; they do not know what they are living for. He says: 'It is up to us to stop seeing progress as a stream of unlimited blessings and to view it rather as a gift from the high sent down for an extremely intricate trial of our own free will. It is not for indulgence but it is a test of how our free will works in spite of all these difficulties.'

Then, sir, look at the phraseology that these great thinkers are using. If people like us would have used these words, we would have been very severely criticized. I have no doubt about that.

He says: ugly new ulcers have surfaced from years of torment, for instance, the current nascent capitalism – this gentleman is not a communist; he is a confirmed anti-communist – fraught with unproductive savage and repulsive forms of behaviour and the plunder of the nation's wealth, the likes of which the West has not known. This, in turn, has even brought an unprepared and unprotected populace to a nostalgia for the equality in poverty of the past. This is a very telling sentence. Let us be equal. Let us all be poor. Let us not get into this new race which has brought us to this pass. This is what they say. I can go on reading but there is no need.

The question now is, if these gentlemen have said today what Mahatma Gandhi said ninety or a hundred years ago, if you take into account what he said in South Africa, even more than a hundred years ago, what are we doing about it? We should be very clear about it because if we are talking about the future, if we are talking about the next millennium, we will have to understand what is the trend of the next millennium going to be; what are we going to make in this country? If we are still not clear or at least to some extent clear as to what we want to do, then I am afraid, we will be simply groping like this. Others will steal a march over us but we will remain more or less in the dark.

Now the Cold War created not only a confrontation between the so-called East and the West but there are many dualities that were created what we call *dwandhwas*.

The duality between the individual and the society, the duality between the public and the private; the duality between the status quo and the pro-change, and the duality between orthodox and liberal; all these have come and they have been rubbing shoulders with each other. They do not seem to see the end of this duality.

I would like to submit that for thousands of years all these dualities have been subsumed in the Indian philosophy. We have specialized in solving these dualities, these *dwandhwas* — the relation between the society and the individual to India, to Indians and to the Indian mind. This is no mystery at all. We feel it in our bones, even if we cannot describe it in words. We live it. We live this duality having been resolved in the most beautiful manner and

the most useful manner of society. It was said *sangham sharnam gachchani*. Now that is the ultimate, that is not the beginning. *dharmam, buddham* and all these stages you pass and finally you go to the society and that is the supreme.

Now, our civilization has resolved all these because we built the middle path, the *madhya marg*. We have always said *ati sarvatra varjayate*, just one small maxim *ati sarvatra varjayate*, the middle path. The first, perhaps, was expounded by the Buddha. Then, today, see how many of India's policies are following the middle path. What is the mixed economy?

Today, after the Cold War ended, the president of one very important Communist country, when he came here, said: 'We do not know how to run a shop'. They knew many things, science, technology and everything, but they do not know how to run a shop. If we know something, we know how to run a shop better than many people because in the *varnashram*, it is there for thousands of years. It may be bad today. We want to throw it out of the window, we are throwing it out of the window. But the fact remains that our history, our civilization has taken care of all these things.

What is nonalignment? Is nonalignment something which was born in 1961? No. Nonalignment is a child of the middle path. When did we adumbrate it? Maybe thousands of year ago. But in modern times, the Indian National Congress passed a resolution on nonalignment in 1946, one full year before we became free. Let me also say that the difference between freedom on the one hand and independence on the other is coming into bold relief with every passing day. We used them interchangeably. Sometimes we said independence, sometimes we said freedom. But today, I am afraid, in respect of any country it is not possible to dogmatically say that every country which is politically free is also independent. We see this scenario in almost every country in the world, politically free. We should not be saying anything about other countries, but if you go and look a little more carefully, you will find that country is not necessarily independent.

We have seen examples, instances of this. So what we really take by the middle path is the freedom to stick to our ideas. We may not

always be right. We are prepared to be convinced. We are open to be convinced but we are not going to be convinced in advance. That is what the laws of independence means. Yes, I am with you. Therefore, whatever you say I say. That kind of thing we have not accepted. In this millennium, we have not accepted it. So in this coming millennium, we will have to highlight this; we will have to underscore this as never before because India is going to be one of the few countries which is able to do it. Panditji said: 'There are many countries in the world but India has a particular place.' It was not because he was a chauvinist. He was not. He gave the argument. Yes, the United States, Soviet Union and China are three examples, which can stand on their own. And the fourth, he said, 'India'. Not yet, not on the day he said it, but he said it. He said:

If there is going to be any country apart from these three countries which can get its voice heard, stand on its feet, stand on its own civilization, its own strength of conviction, it is India.

So, shall we really lose ourselves in our petty difficulties? Yes, of course, every country, every nation passes through these ups and downs. But if we do not have something to look for, something to strive for in the coming millennium, I think we are going to be doomed and, perhaps, India will not keep its place in the comity of nations, the important place, which it has.

Now let us go to the next point which is extremely important from our position today. Gandhiji gave us three or four things. How many have we accepted? I do not see anything that we have accepted from Gandhiji. We have instituted a Gandhi prize for people who have experimented with Gandhian ideas, not just because they have written two books on Gandhiji. No, those are the kinds of people we want.

While we formulated the criteria, we said it is time that Gandhi who has been [read] extensively and written upon extensively, is also acted upon. It does not matter how much. But the effort is important. After all he started efforts on what he believed. That is how he started. He did not only preach and keep quiet. Therefore, the Gandhi Prize which is on par with the Nobel Peace prize is meant for those who are actually implementing even one idea of Gandhi

actually in the field. That is the kind of people we want. That is the only way of expanding Gandhism as every other method of reconciliation, war, peace, proximity, talks and all kinds of things were a failure. As everyone of these things fails, the world is pushed one millimetre closer to Gandhiji. Now we have given a shot in the arm to this process of making Gandhism real, finding out what exactly his image is by way of human life, by way of changes in the life of nations. That is what the then Government of India has done. I think that is a good thing that had been done for Gandhiji.

Now, what have we taken? We could not take nonviolence because we have special problems. Gandhiji also understood that we could not take nonviolence. He understood it. He also said that he does not expect nonviolence to become a method of solving problems immediately. He took a long time frame. He said that this was not going to happen on that day. So, if there is going to be an invasion, let us say on India, I am all for fighting the invader with arms. Panditji said: 'I do not believe in nonviolence as a creed'. We were students in those days. We went through a lot of discussions. We heard people talk pros and con and all that, somebody saying that nonviolence was a creed, others saying that nonviolence could only be a policy whose efficacy had to be proved. Now, what a world of difference between the two concepts is there; and, Panditji held this view. You can see here the enormous difference in the approaches of Gandhiji on the one hand and of Panditji on the other hand. But, at the same time, Gandhiji also gave a caveat that he was not asking for nonviolence to be implemented in toto immediately. Therefore, in the short run Gandhiji and Jawaharlalji both coincided actually so far as the governmental action was concerned.

What else? Nonviolence is not relevant at the moment and we cannot take it. Can we take, let us say small scale industries? There are very practical small scale industries. Now, what is the implication? The implication is that there is an ally who is coming to you and that ally is the environmentalist. When Gandhiji said this he was not there on the scene. Government was there but the person was not there — the force of environmentalism was not available at that time when Gandhiji advocated these small scale industries

because he took it from ancient India, from our own history, from our own culture. Therefore, he was on solid ground and there is no doubt about that. But, today, there is another ally in the shape of the environmentalist. When we take employment as an economic activity, the conundrum of the right technology confronts us. If we take to gigantism to obtain economies of scale, we accept sophisticated technology which replaces man with the machine accentuating unemployment and imposing heavy social costs. These are obvious things. On the other hand, if we inevitably accept the route of large-scale employment with old technology and low wages, the large mass of people as well as their economic activity including the product thereof will remain at a primitive level in quality.

These are the two horns of the dilemma on which we find ourselves. Today this problem has to be solved by us. Gandhiji did not solve it. He said 'small industries' for various reasons which cannot be controverted. They are all valid reasons and still they have not been accepted. Today, whether it is America or Germany or any other country, they are facing the same problems of gigantism. What happens to the thousands and thousands of people who become rootless? You have a township. The township is full of slums. They come from their villages. They have no one to look to. Each one is an island in himself. He is totally alienated from society and from his roots. What is the social cost? Has anyone calculated the social cost? If we do, then we will find that this gigantism and the economy of scale is not worth having. What about the new diseases he falls a prey to? How much money will we have to spend in getting him cured, which we do not anyway? So, this problem has to be solved by us.

I have here a suggestion. We are talking about science and technology. Very well, we are proud of our scientists, technologists, etc. But may I submit in all humility that our scientists and technologists are doing exactly what the advanced countries are doing because our people go and work there very well. They are in all the positions there; we are happy about it but to what extent have they brought their skills, their science, their technological innovations to bear on our problems here? That is the question. We

will have to throw this challenge to them. I am not criticizing. Having given them all the encouragement that is needed, now the country has a right to expect from them something. And what is that? I would like to define it, if possible. Obviously, both these positions are unacceptable. We cannot have gigantism on the one hand and we cannot have absolute primitivism on the other. So, we will have to find another middle path for this. There are six factors involved in any industry — size, environmental acceptability, cost, quality, technology and employment potential. We cannot have a seventh. I have made a deep study. To me it appears that these are the six. These are variables. In an industry, you may have the size as big, the other has small, etc. Now, what is the algebraic question? The question is, there are some constants and some variables. Which is the variable on which you have to work? This I think the students of mathematics can easily understand. Now, let us eliminate. Environmental acceptability is a must. Whether it is a big one or a small one, whatever is the size, no one is going to *bakhsho* you because you are small sized. No. If the environmental safety is being endangered, out you go. That will have to be made absolutely clear. Quality — absolutely must. No compromise on quality. Two items gone. Now there are four. If the objective is to maximize employment potential and minimize the per unit size, these are the two things you have to do at more or less the same cost.

You cannot take ten times the cost and say: 'I have done it and, therefore, you give me ten times the price'. Nobody is going to give you. Therefore, the cost must be comparable. Maximize the employment potential; minimize the per unit size. Then what remains? Only one — technology. What makes the difference is technology. That is the variable. If you have lousy technology you will not get it. Your technology should be superb, something which has not been done, or adopted anywhere in the world because in those countries the needs were different. They wanted gigantism. They had gigantism. They had no population growth like ours. Therefore, they are very happy. But, now, they will have to think of methods of minimizing or eliminating environmental pollution. That is the only one problem for them. To us, these, making a kind

of consensus and making a kind of compromise between all these factors are our problems.

I will give you another example. About twenty-five years ago I went to Pondicherry, to the *Ashram*. As you all know, the *Ashram* runs a very good secondary school. I do not know whether it had become a college or had been upgraded. But twenty-five years ago, it was a very good school, one of the best secondary schools in the country. They took me there. I said: 'What is special about you?' Twenty-five years ago, they said: 'Sir, we have installed a computer'. Nobody including me knew what a computer was twenty-five years ago. When they took me there, there was a big room and the whole room was occupied by the computer. That was something like an elephant. The size of the computer was like two elephants covering the whole room. They said: 'This is the computer'. I said: 'I do not understand the huge thing; please tell me, what does it do?' Then they showed me some elementary calculations being done by that huge elephantine-size computer. I said: 'Yes, that is very good. But what do I do with it? When I have to multiply 342 with 415 do I come here? Is that what you want?' They said: 'No, sir, this is how electricity can make use of its brain in such a way that it replicates the human brain.' This is the specialty of the computer and we all know it. Then we had the mainframes. They are still there. Then we had the desktops. Then we had laptops. What is a laptop? It is of the size of a book. It has the same power, maybe not so much space but the same power. The technology is the same. In fact, it is more sophisticated than what is employed in a desktop or a mainframe. Now, what is the difference between that and this? The technology has made the difference. All other things are the same. If you want a smaller one, you take a smaller one, and if you want a middle one, you take a middle one or whatever you want. It is the technology that has to make the difference.

There is another example. It is said – I do not know whether it is still correct or not – that fifty thousand spindles are the number which make any spinning mill economic. I do not know maybe thirty-five thousand or fifty thousand. Now, what are the implications of a mill of that size? As I have just submitted, the whole township,

schools, colleges, roads, slums and all the things will come. Suppose, I want a mill which has a thousand spindles or five thousand spindles, the cloth should be comparatively of the same quality.

Is it not possible in every village? It is possible in every village at least in a big village. I talked to the people incharge of an institution which makes machinery for textile mills. I called them once or twice and asked 'Can you do this?' They said: 'We will try. It is a matter of research.' I am requesting this government to chase them. They have promised to give us a small-scale textile mill, not losing in quality but giving all the advantages of a small-sized industry adumbrated by Mahatma Gandhi. He could not have done that at that time because the conditions were not congenial, the British government would not have accepted it. Today, can we not accept this? This government, this government of the people can accept it once it is convinced that this is possible. I am convinced that this is possible. Let us, at least, show that this is not possible. If it is not a thousand let it be five thousand spindles. To that extent you decentralize, to that extent you do away with so many problems.

Now, I come to hydroelectricity. I am very happy that when my friend, Shri Yadav spoke the other day, he gave very good suggestions. He said: 'Make use of that first.' I would say, make use of water, make use of the sun, the solar energy. It so happened that in the last five years, these nonconventional energy resources were lumped into a separate ministry in this Government of India. Why? It is because we do not want them to be poor relations of other gigantic projects. Please find out.

I understand that the potential of wind energy in this country is in the neighbourhood of twenty thousand megawatts. It is not a small amount. I understand that if you fully harness the water of India, only Himachal Pradesh can supply electricity to the whole of India. It may be a little exaggerated. Maybe, the chief minister of Himachal Pradesh might have told me. But that is not the point. The point is, the Himalayan range will be able to give you enormous quantity of electricity. Sometimes, one feels so sad about the whole continent of Africa. Go to the Victoria Falls. The Victoria Falls can supply electricity to the whole continent of Africa. I have no doubt

about it. Those who have seen it will have no doubt about it. So, there are many things that could be done on the small-scale idea given to us by Mahatma Gandhi. It appears that whenever a new idea comes here, somebody spikes it, somebody says that it is not possible keep quiet. Then, when somebody says that is not possible, we also say that it is not possible. The government, the representatives of the people should refuse to take this as an excuse. They should say that my people want it, my people will not go to Sholapur, this place or that place and become skeletons. You jolly well give them a thousand or two thousand spindles. Let us see, what are you for and what is your research for. That is the kind of taskmastership that we have to adopt.

The Chinese have their own indigenous medicine. I saw a big book in Vietnam. They have produced in that war-torn country a beautiful book on the medicinal plants in Vietnam. We have also done it. But again, the Indian systems of medicines were absolutely groaning under total neglect.

Now, it is a new department under a new director. The minister can really make it work wonders, because other countries are doing it. Please go ahead and do it. These are the things which Mahatma Gandhi's soul will be happy to see happening in this country.

So I would like that some innovation, some original thinking – not original thinking, but which has been lifted from thousand years back, not original in any way – should be there and we should be trying to work out these things again. Now, why do you want this? The Eighth Five Year Plan, the Ninth Five Year Plan or any five year plan will say that our first priority is employment. Is it possible with this gigantism at all? I mean, howsoever we let our imagination run riot. It is just not possible to say that this burgeoning population can be given employment with this kind of industrialization which we are running after. I am not sure. What do we work for? In our ethos, in the Indian ethos, it is not just for wages; employment is not for wages alone; employment is a value in life, work is a value in life, Krishna has devoted a whole chapter to *karma yoga* and he says about himself. This is something straight from the Bhagwad Gita. What does he say? He says:

N'may partha asti kartavya

I have no duty, nobody has imposed any duty on me. I am the creator.

Trishu lokeshu kinchan

In all the worlds I am functioning. Nobody has imposed any duty on me, but still I do my duty.

Sir, an unemployed person whether he is getting doles or not — yes, in some countries they do give doles, but their social problems do not go away. They remain; in fact, they get accentuated. So, the moral is, compensated unemployment is no substitute for positive employment. You give him any amount of compensation, he will not be satisfied. The satisfaction that work gives to a person will never be his. Therefore, from our own scripture, from our own culture, from our own civilization we derive all these things, not getting dazzled by things which are ephemeral, and which ultimately harm the country.

So, this is what I would like to suggest to the government. I do not know how much time I have taken or whether I have overstepped. I am sorry. But this is what I thought I should share with the House. We could have discussions on each one of these subjects. What can we take from Mahatma Gandhi? That is one big question. No parties are involved and no individual's interests are involved in this. What can we take from Mahatma Gandhi if we are not to feel ashamed after a hundred years or fifty years that a person called Mahatma Gandhi was born in this country, but we do not know anything about him? Probably we know about him from other countries. That would be a very sad day, a very bad day for this country.

Sir, I thank you very much for the time given to me and I hope that our discussions would be fruitful.

Reference

Lok Sabha Debates, 28 Aug. 1997.

SHIVRAJ V. PATIL

Blueprint of Reforms

28 August 1997



Shri Shivraj Patil presented a sort of blueprint of necessary parliamentary and constitutional reforms. He spoke of removal of poverty and value-based economic development and emphasized the role of science and technology in the development of society.

Sir, I would like to congratulate the hon'ble speaker for having made arrangement for this special session of the Lok Sabha and also for getting a book produced and circulated to the hon'ble members to facilitate the debate. In this debate, I think, excepting one or two members, and that too on one or two points, all members have risen above party lines. They have spoken keeping in view the situation developing in the world and in the country and the long-term interests of the people. This is one of the biggest achievements of this session.

I would like to speak on the amendments to the Constitution for some time and two or three points. Then, I would like to concentrate on science and technology. Some members said that the decorum in

the House is not properly maintained and that we shall have to resolve and take some steps to see that the proceedings are conducted in a manner which is befitting to Parliament. Some suggestions have also been made by them. Fortunately for us, there appears to be an agreement on those suggestions.

I would like to make three points in respect to the working of our Lok Sabha and Parliament. One point which I want to make is that the hon'ble members, who come here, find that they do not get enough time to make their points. All the time, they are struggling to get the time and to make the points.

Now, can we do something to see that more time is available to them? It is very difficult for us to [have] more than twenty-four hours in a day and yet we shall have to apply our minds and see if we could find some device to provide more time to the members. In my opinion, if the committee system that we have is strengthened and more jurisdiction is given to the committees and if more committees are constituted and they are allowed to look into the matters which the members want to raise, probably, this difficulty could be solved to some extent.

We have seen that in this Parliament we have been raising issues which are relevant to our constituencies; to our states and to the present times. But, sometimes we get a feeling that we are not paying enough attention to the mega issues — issues which are relevant to the world situation; issues which have national implications and issues which have long-term implications. Now, if this is the difficulty, what could be done?

It is not enough for us to pose the problem and leave it untouched. In this session we have seen that all of us are not touching the smaller issues but we are making speeches on very important issues, it is possible for us to have every year in the budget session, four days devoted to the mega issues, the national issues and the long-term issues as we have done in this session? This is something which has to be considered by us.

Fortunately for us, the secretary-general of the Commonwealth Parliamentary Association, Mr. Arthur Dunhoe has been invited to see as to what we are doing in this special session and he has been

very kind to come regularly to the House and watch the members speaking here. I had an opportunity to meet him yesterday. In the course of our discussion he said that he was very much impressed by the manner in which the discussion took place yesterday in the House and even if there was no structured agenda as such, yet the level of the debate was very good and the debate was not acrimonious and was not on small points but it was on long-term issues and on mega issues. He would like to suggest to other Parliaments of the Commonwealth if they would also be able to do something of this nature.

This is something which has been said by a person who has seen the Parliaments in the world. It should be possible for us, if there is a consensus, to have something of this nature and then the burden on the government will also be reduced.

There is one more point I want to make with respect to this. The members of the Lok Sabha have very big constituencies. A member of the Lok Sabha sometimes represents 1.5 million voters — sometimes less, sometimes more. These are too big constituencies. In the United Kingdom, the members of Parliament represents hardly 60,000 voters and here we represent 1.5 million voters. Is it possible for us to increase the number of members? The Constitution has provided that up to the year 2000 AD the number should not be increased. But if elections take place on time and not before time then the next elections are going to be held after the year 2000 AD so, we could make a preparation for increasing the number of members in the Lok Sabha, in the Rajya Sabha, in the vidhan sabhas and in the legislative assemblies.

If we do that I think more representation will be given and it would help in solving some of our vexed problems. I would come to those problems — problems relating to the reservation of seats for women in Parliament and in the legislative assemblies, etc. — later on.

Some countries have a third chamber where a large number of members sit. The number of members sitting in the third chamber is around three thousand to four thousand. These members meet once in a year that too not for many days — for 15 to 20 days — and discuss only mega and long term issues. They lay down the outline

of the policy. The outline of the policy is then given to the regular Parliament which makes laws within the policy outline. They pass the budget within their policies which are given to them and also criticize the government keeping these things in view. If democracy and the parliamentary system have to evolve in our country and if we are not to follow what is happening in other countries of the world, I think, something of this nature will be required to be done....

Something of this nature has to be done. This is a very big suggestion and I am sure that it is not going to be easily accepted. This is something which has to be considered by all of us to see that if parliamentary democracy has to be there and if we want to retain it, it has to be modified and strengthened. Something of this nature can certainly be done. This is not the final word on this problem. There may come so many other suggestions also. We could also accept them.

I was trying to find out whether in the fiftieth year of our Independence someone has spoken on the Constitution of India or not. Certainly some hon'ble members have made references to some of the provisions of the Constitution but the Constitution as a whole has not been considered. Probably this is not an occasion to consider it. Maybe on the golden jubilee of the Constitution of India, that is 2000 AD this issue may again be discussed. It will not be out of place to consider whether the Constitution that we have has functioned well and has produced results or not. I am of the opinion that the Constitution of India is one of the finest laws that we have in the world today. I am of the opinion that it has done well. It has solved many of our problems. It has been responsible for sustaining the democracy, the Parliamentary system and other such institutions that we have in our country. At the same time, I am of the view that this Constitution is not free from defects. I would like to say that certain defects have been thrown up and have become visible to us. It will be necessary for us to see as to how those defects, those lacunae, can be removed so as to make the Constitution more effective and more powerful. I will just briefly mention as to what can be done. I will not be in a position to go into details because the time available will not permit me to do so.

I have seen many Constitutions in the world which have been emphasizing on science and technology, environment, art and spirituality. They are the Constitutions which have certainly evolved in the present time. Our Constitution also refers to some of these subjects but the emphasis is not very strong. To make that emphasis effective and strong, it should be possible for us to introduce these elements in the Preamble as well as in the body of the Constitution.

There is a chapter on Fundamental Rights and there is a demand made by some of the hon'ble members in the House that right to work should be included in the chapter on fundamental rights.

There are other members who have said that these basic rights – right to work, right to education, right to health and right to shelter – should be a part of the fundamental rights. If we do not have these rights given to individuals in the country, of what use is the right which is available to a hungry man who does not get a loaf of bread to eat, who is not in a position to get a job? So, the suggestion is, let us include these rights in the chapter of fundamental rights but, the objection raised, when the Constitution was being drafted and now also, is that it may not be possible for us to have the right to work and such other rights included in that chapter, to enforce them and to use them.

I am personally of the opinion that we should first understand the meaning of 'right to work'. It does not mean the right to do a job which a man wants, or he is capable of doing. If there is a man who has done his Ph.D., it is not necessary for us to give him a professorship. But, if you give him a job which fetches him some money, say five hundred rupees, which helps him to sustain himself, the right to work is given to him. The responsibility of the state is to see that he gets enough out of a job to sustain himself. Having not been in possession of an industry or any job, or any land, having a body and mind which can work, if a man is willing to work and if the society is not giving him work, and the state is not giving him work, what are the options left to him? One option is to beg, the second option is to commit theft. The third option is to starve. This should not be allowed in the country. This should not be done.

I am of the opinion that if we add some more money to the money spent on employment guarantee schemes in various states, in the

country, it would be possible to do that. That is why, I do feel that this is the time that we have to consider it. The government fortunately, has come forth with a bill which says that the right to primary education is guaranteed to the children. If we are moving towards giving the right to education, not full education but primary education, at least it should be possible for us to give the right to work and other rights also to the citizens in the country.

We have a chapter in our Constitution on duties. It is necessary for us to consider what kind of duties are enjoined on the citizens under this chapter. One of the things which has to be done, along with the right to work that should be given to the citizens is, to say that the citizen shall have a duty to work also. The Japanese Constitution is very clear on this point. In one article only, the Japanese Constitution says, the citizen shall have a right and duty to work. If you give a right to him and if you impose a duty on him, it would be easy for us to produce more to strengthen the economy of the country as well as to provide the right to work to the citizens of the country. But these are the issues on which there is not going to be an agreement among the members very easily. But this should certainly be considered by us at this point of time.

There was a very good suggestion given by one of the members that we might assess as to how the Directive Principles had worked in the country. Directions have been given to the union government and the state governments to make policies and to implement those policies. But the time has come, after fifty years of independence, when an assessment of the implementation of the directives given to the Union government and the state governments should be done. Whether we do it by having a committee or in any other fashion, it is left to us. But the time has come when we shall have to consider it.

As far as the state is concerned, we have three wings — the executive, the legislature and the judiciary. I have spoken about the legislature but the executive is not stable. I find that not many members of this House have spoken on accountability and stability of the executive. But the fact remains that whenever the executive was not stable, gold was sold outside the country.

You just consider this thing. The instability in the country affected the economic situation, gold was sold outside the country and this exactly happens whenever the executive was not strong. It is not for apportioning blame I am saying this. But in the situation itself, there is weakness and because of that weakness, the economy is affected and that is why it has become necessary for us to see that the executive remains reasonably stable, not absolutely stable. How can it be done? Some people suggest that we may allow the people to vote in such a fashion that there is a stable executive. All right. If it is possible, let us do that. Some people suggest that we may have a leadership which can provide stability. If the right leadership can be found, let us have that kind of leadership. But the sure method by which this can be done is by amending the Constitution. As to how the Constitution can be amended is really a question which has to be considered. I am not suggesting that we may have a presidential form of government, a semi-presidential or a semi-parliamentary form of government. I am suggesting that we may continue with this parliamentary system and at the same time, we may also have a device in Parliament which can provide stability. I am not talking of absolute stability but reasonable stability. It can be done. I am not going into the details because the time available will not permit me to do so.

Judiciary in our country is the most prestigious wing of the State today and it is respected in the country. I think people should respect the judiciary and people should do everything that adds to the strength of the judiciary. But the fact remains that the cases are not being disposed of within the time they should be disposed of. The pendency in the court is very big and it is agonising to see people waiting for twenty, thirty years for a case to be disposed of. Can we not do anything in this respect? My suggestion is, we may modernize the judiciary; my suggestion is, we may have arbitration; my suggestion is, we may have tribunals; my suggestion is, we may have more courts; my suggestion is, let us have more judges appointed in the courts. Let us modify the procedure which is followed to dispose of the cases and we will have the effect on the disposal of the cases pending in the courts in India.

Judiciary these days is considering many issues and they should consider it. But at the same time, I do think that it is necessary for these three wings of the State to function in a fashion which does not create contradictions. Now, I am saying that we have the alimentary canal which digests the food; we have the blood circulation system; we have our brain and the spinal cord and other things. These are the parts, the most important parts, of our body. Supposing the alimentary canal is not working in coordination with the blood circulation in the body or the brain, then the body itself will not survive. The State is an organic whole. The executive, the legislature and the judiciary are parts of the organic whole. If there is no coordination in the functioning of this organic whole and that coordination has to be brought about, not according to the wishes and discretions and whims and fancies of the executive or the legislature or the judiciary but according to the Constitution of India. The State alimentary system will suffer and this has to be realized by the legislature, by the executive and by the judiciary.

With regard to the Fundamental Rights, the right to work should have been given by the legislature [but it] did not do that. That is why the court said that the right of life includes the right to work. Now, if the legislature is not doing its duty and the judge is doing it, we cannot complain against it. But supposing the judiciary is taking the decision, which has to be taken by the executive or by the legislature; supposing we are saying that the Constitution can be amended but the basic structure is not to be amended. Now, this kind of a provision is being introduced in the Constitution by a judicial decision. It will have far-reaching implications and we have seen that this judgment is there in the book and we have not considered it. Either you say that this is correct and amend the law to say that this is correct and say that only the Constituent Assembly shall change the basic structure of the Constitution.

Or, you say that this is not a law. But you cannot leave it like this in between. So, all the wings of the state have to function and function effectively; they have to function in a coordinated manner to achieve the aims and objectives. There has to be a good relationship between the union and the states. A suggestion was made that we

might give more powers to the state governments. Okay, if it is necessary to give more powers to the state governments, let us do that. But one principle which should be followed while deciding what kind of powers should be available to the union and what kind of powers should be available to the states is to see that the states are strengthened and the union is not weakened. That is the fulcrum, basic principle which should be used while giving more powers to the state governments. One principle which we have to bear in mind is to see that the union is not weakened and the states are strengthened. As to how we can do it can be found out by us and let us do that. I think, this is enough as far as the Constitution is concerned.

There are two or three points which are made by hon'ble members while speaking here and I am in full agreement with what they have said. If I say this much and say what are those points, my speech on those points is finished. The points that are made are that the political democracy by itself is not sufficient; we need economic democracy and we need social democracy also. They have said that economic democracy and social democracy should go together. I am going to add and say that there should be economic democracy, social democracy and cultural democracy also. There should be political economic, social and cultural justice done to the citizens in the country. If we do not do that, we shall suffer.

The question of poverty, economic development, science and technology, trade within the country, outside the country, foreign trade and so many issues are involved and it is not necessary for me to go into these things. But I have come to the conclusion that if you want to have political democracy and justice done to all, politics should depend firstly on values and secondly on ideology. If values are not there and ideology is not there, politics is going to be fragmented and the country is going to be destabilised and we are going to suffer.

In the area of economic development, what is necessary is again values; not ideology but planning. Of course, planning will be done on the basis of ideology but in recent times, we are not attaching importance to planning and probably we are withdrawing and going away from planning. If planning is necessary for individuals, for the

companies and for the multinational corporations, do you say that planning is not necessary for the development of a society and a country? What is planning? Planning fixes priority; planning avoids mismatches; planning economises on time and raw materials and energy which are inputs for development. If we are giving up this kind of planning, we are not going to benefit. Of course, yes, there are market forces, but the market forces are more relevant in the market than in many other areas. We are not throwing the market forces to the winds. But if you throw planning to the winds, individuals will prosper but the country will suffer. That is why, the concept of planning is not a communist concept. Some people think that it is a communist concept; it is an outcome of the communist ideology. It is true that the communist countries adopted it. But it is not a Communist concept; it is a scientific concept. It has to be accepted. If you do not accept, it is not going to help.

As far as social democracy and justice, cultural democracy and justice are concerned, again, one should have the question of values and the question of broad-mindedness. If you are narrow-minded, if you do not want to allow women to be empowered, if you do not want to have the people who can produce results to come to power and work, if you do not want the backward areas to develop, it is not going to help.

If you do not want poverty to be eradicated and yet you want the country to develop, it is not going to help. You do not want science and technology, modern technology to be used, you do not want planning to be used, you do not want that the people should have the capacity to hold the reins of the offices which should be run then it is not going to help. This is the first part of my speech.

I come to the second part of the speech. It relates to science and technology. It is not necessary for me to dwell in detail on the importance of science and technology. I must say that in the speech which was delivered by the former prime minister, Shri P.V. Narasimha Rao, he made a point that science and technology and that too very advanced as well as the medium level science and technology and appropriate science and technology are necessary for economic development. But I am going one step further and say that for all-

round development science and technology are important. We cannot have the development of the society without having recourse to science and technology. We cannot have a different kind of culture which is a world culture acceptable to all without depending on the modern technology which is available today. So, for economic development, social development, cultural development, for defence purposes for going into the future and making use of the areas which are not being made use of, at present, we need science and technology. Afterwards, we will find that we have gone from agriculture to industry. From agricultural commodities and produce, we were producing and are producing, goods for the industry.

The third stage we have reached is the service industry of Services and the fourth stage is going to be the stage of science and technology and new knowledge.

New knowledge and science and technology are going to be the most important, that is why, we shall have to develop science and technology in the country. The question is what have we done to develop science and technology in India after we became independent?

I would say that the politicians then tried to create a scientific temper in the country. The respected leader, the then prime minister Pandit Jawaharlal Nehru, was one person who was going to the villages and giving speeches on atomic energy and this and that. His colleagues used to say, why are you talking of all these things? The villagers do not understand all this. Then he would say, 'They do not understand, that is why I have to speak to them, so that they understand.' He tried to create a scientific temper. That was the one thing.

Second is, in the universities and colleges, we started science courses. Today, fortunately for us, we have more than five thousand science colleges and more than three hundred universities in which science is taught.

The third thing which we did was that we established different departments. Fortunately for us, we have different departments today. We have a department of science and technology; we have a department of atomic energy, department of space, department of electronics, department of ocean development, department of non-

conventional sources of energy, department of genetics and a department which deals with research and development in matters relating to defence.

These are the departments. This is the infrastructure which has been created by us and through these departments and through the commissions that we have, CSIR the Council of Scientific and Industrial Research is one such institution, ICMR is another and ICAR is the third one. Under these umbrella organizations, there are about 150 national laboratories established and they are working. At present, we have nearly three hundred national laboratories in our country and they are working. This is the infrastructure we have that we have built....

So, the infrastructure is built. What is the outcome of this infrastructure? The outcome of this infrastructure is that we developed two most important policies. One was the science policy which was given in 1958 and the second was the technology policy. These are the two policies which cover the science and technology in all departments and in all fields. They do not touch upon only a section of it. Apart from that, these departments develop their own plans, their own policies and their own thrust areas and then they started developing.

For instance, the department of space. The department of space has its own policy. The space department has its own plans. I have not found any plan which is better than the plan made by the space department. Not only that they have a plan but they are sticking to that plan very meticulously and producing the results on time. Now this is what is done.

We have enough of manpower. As I said 3.5 million scientists and technologists are available in India. It is very interesting to note. I was reading a report given on science and technology in China and I was comparing that report with the report given by us. What was said in the report given in China? Since I have mentioned about China, Shri Chatterjee may like to say something and it is going to be complimentary and not uncomplimentary.

What is said in the Chinese report is very interesting. We shall have to study it very minutely. The Chinese report says, if it is

necessary, we will import the technology from outside and allow the experts to deal with this technology to come from outside. This is their statement.

We have issued many statements and I know it personally. I have personal knowledge about it. In India, we have never, never said that we would allow the technology to come from outside and along with that experts also. What we have said is, if necessary, we would get the technology from outside but we never said that to deal with that technology, to use that technology, we would need experts from outside. This is the difference. Here the human, technological and scientific resources are available in plenty. Today, the complaint against the science department of Government of India is: why is there a brain drain? There is no complaint that we do not have enough technologists and scientists. Why are the people going from here to other countries? Then, they said that there would be a discussion on that point and the Government of India has been saying that we may let our boys go there, let them learn and if they want to come back, they may come back with more knowledge. We do not want to stop them going and coming back also. But the fact remains that we have enough scientific and technological manpower in the country. We do not have to depend on any country. This is one of the biggest achievements. This achievement in this area can be compared with the achievements which we have made in the area of producing food grains for our people.

We do not have to get foodgrains from outside. We do not have to get experts from outside. In this area we have established self-reliance. We are relying on ourselves. Our young and bright scientists are making a name for themselves and also for the country, going to the industries and laboratories in most advanced countries and they are earning not only name but the foreign exchange also for the country. The point I am making is that there is an area where achievements have been made.

What is the second achievement that we have made? There are many things which we can talk about. We can talk that technology is available for producing the different varieties of improved seeds, irrigation facilities would be available, cultivation practices can be

done with the improved technology, we have animal husbandry, we have the white revolution, and all those things.

As far as industrial areas are concerned, we are in a position to produce cloth which cannot be sold in the market and outside the market. The problem today in India is not having enough cloth for the people in the country, the number of which has gone from thirty-three crore to ninety-six crore, but the problem today is what to do with the cloth that we have. It is not being sold in the international market and in the country also. There is a problem of surplus. Now, here, we have become self-sufficient.

Then, in the advanced areas, we have done extremely well. Satellites are launched and those satellites are made by our scientists. I would like to say that not only the satellites are assembled by our scientists but eighty per cent of the components are also made in the country. The launch vehicle is also made by us. Of course, we know about missiles, *Agni*, *Prithvi* and all those things. I am not going into those areas. Those are the areas of special nature and it is not always necessary for us to shout to the world and say that 'this we have; and that we have' and things like that. If we have, we have it; if we need it, we will have it.

Now, we are in a position to make submarines; we are in a position to make frigates; we are in a position to make ships; we are in a position to, at least, assemble any kind of aircraft in the country; and we are in a position to establish atomic reactors. We have different kind of reactors like heavy-water, light-water, fast-breeder reactors, etc. One of the things which is very relevant with respect to atomic energy is the fuel cycle. We shall have to get it from the mines of ores and turn that into fuel and after it is used, the spent fuel has to be kept in a fashion which does no damage. That cycle is mastered by our scientists.

There are so many other things. However, I am not going to speak about them. But this is not enough. This is not something on the basis of which we can rest on our oars. Something more has to be done. What are the difficulties which are being faced? Let us understand those difficulties and let us try to suggest the solutions also. What are the difficulties? The first difficulty is funds. We need

more funds. The union government is spending two thousand crore to three thousand crore rupees on science and technology. I understand the difficulty of the government. The money is not easy to find. There are demands on the available money by different areas of activities and yet we shall have to realize that more money has to be found. Now, I was a little unhappy – I have no reason to be unhappy – but then I failed because I have a sort of affinity towards this activity when it was said that you earn one rupee and we will give you one rupee. Now, this kind of arrangement cannot help our science and technological development. This is an investment into the present and the future and the government has to stretch its imagination and its resources to find more money for the development of science and technology.

The second problem with respect to funds is that the state governments are not spending enough. The Union government is the only government which is spending the money. The state governments are spending very little amount of money on development of science and technology. They shall have to spend more money.

The third aspect is that the industry is also not spending enough money on research and development. Now, sometimes, we do not say that industries are not spending money. I do not know why are we afraid of telling our friends in the industry that they should spend more because ultimately it is in their interest. But the fact remains that the public sector industry as well as the private sector industry are not spending money and they should be asked to spend the money. I was all the time asking them to join hands and find more funds. If one industry is not in a position, let all the industrialists in the electronics area join hands and have research and development facility. Let the engineers of automobile industry join hands and find the money. That is one of the things. We shall have to find more money. As to where we get it, we will have to think and find more money.

The second difficulty is we are developing laboratory-scale science and technology but not turning into the consumer-scale science and technology. There has to be graduation from the laboratory-scale to the user-scale and in between the engineering skill is required. I think

we are weak in this area and we shall have to apply our minds and see that this area is strengthened. The engineering which is required is to be strengthened.

The third aspect is that there are so many misconceptions. I shall have to say a few words on these misconceptions. I know when Bhakra-Nangal was constructed what kind of criticism was levelled. I know when the satellite was launched into the sky all the time we were told that there was no drinking water and we are asked why we were launching the satellites.

I was saying that there were misconceptions. When the satellite was launched there was criticism. When we use advanced technology then we are told that it is going to kill the employment potential and we should not use it. When we are using computers we are criticized and then we are asked as to why we are not doing it. There are many misconceptions with regard to this. One of the most important misconception is that the induction of advanced technology reduces employment potentiality. This misconception has to be dispelled.

A very good question has been asked. Let us take the example of Japan. It is a very thickly populated country. Japan is using robots and the most advanced technology and yet what is inexpensive in Japan is goods and what is expensive is human services. Why has this happened? Why is this going to happen in the country? If you have the advanced technology and if you are using the advanced technology here, probably, the number of persons working in that industry or in that area of activity will be reduced. But then that machine, that advanced technology produces more. It requires more raw material and you shall have to produce much more raw material to feed that machine, that is advanced technology. When we are producing more raw material, we are employing more persons, we have to transport the raw material from where it is produced to the industry. A lot of people are required to transport the raw material to the place where it is turned into finished goods. When we take it out from the industry and take it to the market, we again require more persons for transportation. To sell them, we need more persons. When the consumers use it, for maintenance we require more persons.

If we count the hands that would be required to manage what is produced by using modern technology, it will be realized that the employment potential is not reduced but it is increased.

Take for instance agriculture. I am giving the example in Maharashtra. I was holding the agriculture portfolio in Maharashtra. The engineer friend told me that only 18 per cent of the cultivable land can be irrigated with the water that we have in Maharashtra and later on they told me that if you line the canals this will go up to 325 per cent. At the third stage they told me that if you are using the technology which is used in Israel, computers and chips, 75 per cent of the land will be irrigated. Now you just think of the result of introducing the advanced technology. Computer means just the chips. You have the chips fixed to the flaps which allow the water to flow from the canal into the field and automatically they drop down and the water flow is stopped there and you irrigate more land. We who are here and who have the experience of cultivating the land know that one acre of unirrigated land cannot sustain one person, but one acre of irrigated land can sustain more than five persons. So, let us think whether the induction of technology is generating employment or reducing the employment.

I was producing the seed in my field and for ten *guntas* of land I was using one hundred persons. For transferring the pollen grain from the male flowers to the female flowers once the technology was introduced, for ten *guntas* of land I was using one hundred people. So, we shall have to understand this fact and we have to be very clear in our mind.

Shri Jaswant Singh was asking as to how to dispel this misconception and how to create awareness. Let us talk to the people. Let us understand it and then talk to the people. When we talk to the people they will understand it and once they understand it they will adopt it. What is really important at this time in our country is to dispel this kind of misconception with respect to science and technology which is rampant. Sometimes we are surprised that very knowledgeable persons also are getting up and saying that if you have this technology this will go wrong. I am sometimes very sorry that the so-called progressive parties are opposed to modern technology

on the ground that the potentiality is reduced. In fact, the potentiality is not reduced....

One thing which we have to understand is what can be done by us. This is my point and you can realize how much time I would take. What can be done really to develop science and technology which will be useful in the next century and the next millennium? This is the only point which I want to make. According to me, this is the most important point. First, let us modify the science policy and expand it. For fifty years we have used the science policy. It is restricted to the development of human resources, restricted to creating scientific temper and establishing laboratories. We shall have to go beyond that. We should expand it to other areas of activities like space, oceans, informatics, agriculture, etc. For agriculture, of course, we have ICAR and they have their own policy. But the time has come when we shall have to have a second look at the science policy statement which is one of the fine statements made, very briefly but very nicely. The second thing which we have to do is to select the areas in which we should work. It is not possible for us to work in all the areas. What are the areas which can be selected? In my opinion the one area in which we can do our best is genetics. Fortunately for India, there is genetic wealth.

But unfortunately for India we do not have the science and technology which can help us to use the genetic wealth, the mismatch in the world today is that there are countries in which there is genetic science and genetic technology but there is no genetic science and technology is not there. Fortunately, for us, India is a country where the climate is very propitious for multiplication. That is why we have a large number of human beings, a large number of cattle herds and a large variety of plants here. That has really helped in creating the genetic wealth [which] has been inherited by us from millions of years. That wealth is there and we should develop our capacity.

The second area in which we should work is electronics. Of course, electronics is the area which has the new technology of the new era. We should have to develop that technology.

The third area is energy. Shri Sharad Yadav spoke about *jal shakti* and Shri P.V. Narasimha Rao referred to it. He referred to solar

energy and nonconventional sources of energy. I am of the firm belief that if we develop the technology and the science which are necessary for using the solar energy, thermal energy or photovoltaic energy or photochemical energy, which is available from the sun, we need not depend on any other source. But this is not going to happen in India and this is not going to be done very quickly.

There are forces in the world which are opposing this and they are giving all sorts of arguments against it. I think, everything is costly at the beginning. If you produce it on larger scale, you will be able to take it. India is a country which has a lot of sunlight and, I think, we should use it. If we use the solar energy, the wind energy, the wave energy out in the ocean and biogas, at least the domestic requirement of India can be met out of it. The remaining energy could be saved and used for industry.

The next point I wish to talk about is the fusion technology. Fusion technology, according to me, is the most important technology. Now, it is with fusion of atoms in the sun that energy is developed. If that technology is available to us on the earth, there will be no dearth of energy. There are theories propounded that there is going to be a dearth of energy and so there is a limitation on the development of industry. According to me, there is no dearth of energy. This cosmos, this matter is all energy. Matter is turned into energy and energy is turned into matter. Only, we have to see that we are in a position to acquire the technology and energy for tapping the energy which is there. I am not saying that it is in the globe, in the universe; I am saying that it is in the cosmos. That kind of technology has to be there. If we are planning, if we are looking to the next millennium, we will have to look into something of this nature.

The next issue is population control. They are saying that the population should be controlled and very good speeches have been made. We should compliment them also. But the fact remains that the technology and the medicine and the science which are required for controlling the population are not developing in the countries where the population is growing; not in China, nor in India. It is coming from the Western countries. Should we close our eyes to the big problem? Why should we not spin the money required for the

development of technology in this area? If we do it, I think, we will be in a position to control the population.

There are three more areas which are not relevant to the next century but they are relevant to the next millennium. We will have to consider them. We are not sitting here as individuals, to plan only for one year or five years or for fifty or a hundred years. But we should look into the future long after that. What are those areas? According to me, the ocean is the area which is full of resources and potential, the space is the area which is full of potential and resources. That is why in Hindu mythology also they say that the goddess of wealth came from the ocean. The resources are unutilized, untouched. They are virgins there. We have food, we have oil, we have minerals and we have energy. Everything which is available on the land, under the land and above the land is available in the ocean also. The ocean occupies two-thirds of the available area while the land occupies only one-third.

Fortunately, for humanity, nobody has established his country's sovereignty over the ocean. It is open to all of us and it is available to all of us. That is why, if we look into the next millennium, it would be necessary for us to develop the knowledge which is required for utilizing the resources and then develop the technology for utilizing the resources. For this purpose, it will be necessary for us, for the Government of India and for all of us who are sitting here to have more universities which can develop the knowledge with respect to the ocean resources.

My next point is about space. I was very fascinated to hear from one of the scientists that nothing is bigger than the space. It is unlimited and the potential available in the space is also unlimited. The next moment, the scientist said, 'Probably, man's mind is bigger than space'. So, these are the two areas — the space and the man's mind which have to be explored and used. I am repeating that this should not be done in the next one hundred years, but in the next millennium. We have to have that direction. We have to march in that direction. What is available in the space? Everything is available there. We say that knowledge used to come from *swarga* and all those things. Now, the information is coming through space.

Space will be used for many purposes. The only thing we have to do is to apply our mind. It is unlimited. The potentiality is unlimited. What we require is knowledge and technology. It is better to explore space earlier than ocean or land. It is not easy to have the technology which can control earthquakes, but we can go into the ocean and get information. It is still easier to go into space and do it. We shall have to develop it.

The next area is the world of mind and knowledge. Shrimati Sushma Swaraj was speaking and I was very happy to hear her speech. She said that there are so many people. That means so many brains and limbs. Each brain is a factory which can produce knowledge. The only thing which is required is training. I have said that in the next century what is going to be most required and what is going to be most expensive is knowledge — the knowledge of science and technology. The knowledge of management and the knowledge of informatics. This knowledge can be generated in the mind of man. Science deals with the outer world. We have to develop the science which deal with the inner world too.

In this world of ours two things have become visible. One is science and technology and the other is spirituality. Today, when Shri P.V. Narasimha Rao was speaking, he was hinting at spirituality. In my opinion, science and technology and spirituality are one and the same thing. Spirituality starts where science ends. According to spirituality, nothing is created and nothing is destroyed. Matter and energy can interchange. According to spirituality, there is divinity which is [the] same [in] everything. According to science also, according to theory of conservation, nothing is created and nothing is destroyed and in the ultimate analysis living and nonliving things are one and the same. If we take science and technology and spirituality together, we will have a new culture — a culture which would be a culture of India, which would be a culture of the world and would be a culture of the universe. This culture will develop our outer world and the inner world. This will give us a holistic approach to the problem which is being faced by humanity and other species also. That is why while considering science, we should not miss spirituality. Science and spirituality should go together. Mahatma

Gandhi said that science without spirituality is demonic and spirituality without science is lame. We do not want to be either demonic or lame. We want to be holistic and human. We have to adopt that approach.

With these words I conclude. Thank you.

Reference

Lok Sabha Debates, 28 Aug. 1997.

H.D. DEVE GOWDA

Fifty Years of Independence

29 August 1997



Speaking in the Rajya Sabha during the special golden jubilee of independence session of Parliament, former prime minister H.D. Deve Gowda dwelt at length on the achievements and problems of the country. He deprecated vote bank politics and pleaded for a consensual approach between parties on matters of common national concern like population.

Sir, I have no glamour to speak from there. Please, with the permission of the Chair I am speaking from this place itself. I sought his permission. I do not want to speak by encroaching upon the time of any other political party. I am a member of this House. If my party has indicated the timing, I will abide by that. Whatever time has been indicated by my party, I am strictly going to adhere to that. There is no need of a special privilege as a former prime minister. I would like to make this point very clear.

Sir, I must congratulate this House for the four-day agenda fixed with your permission, consisting of four major issues. Today

is the last day and we are discussing parliamentary democracy. Yesterday, the House discussed India and the world. The day before yesterday, it discussed the country's economic affairs. And on the first day, it discussed human resource development, science and technology. These are the four important specific issues fixed in the agenda for discussion.

Sir, I must associate myself with the views expressed by Shri Jitendra Prasada a senior member, that at least for the first time, after you occupied the Chair, there is no waste of time in this august House. Your advice was well-taken by every one of the members of this House, irrespective of party affiliations.

Fifty years after our independence, or forty-seven years after we adopted our Constitution, we are now examining the achievements or are having an introspection as to where we have gone wrong and what we should do. These are the issues which we have to ponder over.

I must admit this country has made tremendous achievements on various aspects. I do not want to go in detail into those achievements. We may compare with the achievements of some of the other neighbouring countries, which are small ones with a population of ten million, three million or two million.

What are their achievements in the last forty or fifty years? What is their per capita income? When we saw their achievement, it was so stupendous, it was so great. But we must know that our country with a population of nine hundred million people has achieved many things in the last fifty years. They are not small, but there are some areas where we have to concentrate in the coming days. Sir, I would like to make myself clear. So far as our achievements are concerned, I am not going to attribute any political motive to the people who are sitting in the opposition or in the ruling party. In the last fifty years everybody has contributed their mite and extended their cooperation to achieve so many things. The state governments and the central government collectively worked and extended cooperation to each other to achieve many things. We can say that our country has achieved self-sufficiency in food production. That is one of the areas which we are proud of. When have the state governments not cooperated? As you know

agriculture is a state subject; and irrigation is a state subject. So, it is not that the central government alone has contributed to achieving so many things. The state governments also have contributed. Different political parties in different states have also contributed because the system is like that. Every political party in its own sphere of activity has extended its cooperation for all our achievements. I can list them out.

According to some reports, twenty-eight million people died due to severe drought and severe famine during the British rule and during the independence time. After independence, no such thing happened. It doesn't mean that there was no famine. Whenever the country faced famine in any part of the country, the central government and the state governments came together and took sufficient care to protect the lives of the people. India ranks third in scientific advancement. We have built our own atomic energy plants. We are also ahead in the space programme. India is the fourth largest defence power. India ranks eighth in industrial base in the world. Above all these, we have struggled and preserved our parliamentary democracy.

Shri Gurudas Gupta had mentioned one recent event how we tried to save our government. Let us be frank. Let us be honest. I do not think any political party in this country is free from power struggle, whether it is the Congress party or whether it is the BJP or whether it is the Janata Dal. Every political party tries to use its own game to achieve its goal. This is what we have witnessed in the last fifty years. Mr. Chairman, with your permission, if I use a strong word nobody should mistake me. Parliamentary democracy is a struggle for power. Nobody can deny this. This struggle is supposed to be conducted within the framework of the Constitution and the rules of the game. But the Constitution has become only a *vedic* scripture which is meant only for reading, when required.

Sir, what is practised today is, we talk of corruption, we take oath here in the name of the Constitution, in the name of God. But when we face elections, we use all methods. This is the first time I have come to this House by an indirect election. In my career, I have fought ten elections. Is there any honest man in this country who

can say that he has not used any false method in the election? Let us be true to our conscience. Instead of throwing mud at each other, let us try to realize the damage that has happened to our system. Try to improve the very system with mutual cooperation. It is not possible to remove or repair the damage that has happened in the last fifty years. The values that have declined in our system cannot be restored by one political party. We should all combine and evolve a code of conduct among ourselves.

When the deputy chairman moved the motion, Mr. Hanumanthappa raised the question: 'Is the motion going to be adopted? Or are any specific decisions going to be taken after the four-day discussion is over?' He raised a very specific question. I was watching from here. Sir, I leave it to you and to the House. On certain issues which are of national importance, can we not find out a solution collectively?

Population is one of the major issues. For the purpose of vote bank, each political party uses its own methods. It is not possible for one political party to find out a solution to this major problem. Everybody knows that we are suffering from excess of population. Everybody knows it. But we do not want to take hard decisions. We wanted to see that the population growth declined only with the cooperation of the people at large. In some states, they might have achieved it because of their literacy, as in Kerala and in some of the southern states. Sir, I do not want to elaborate on that issue.

There are certain issues on which we can sit across the table. Let the prime minister convene a meeting of all leaders of political parties. The Speaker and the chairman can convene a meeting of political parties. You do not belong to any political party once you become the presiding officer. We have got the highest confidence in you. And you know much more than all of us about the problems that the country is facing today. You make a beginning. Both the Speaker and the chairman can make a beginning and call all the leaders. Would it not be possible for us to find some solutions to these burning problems? Try, we will try to cooperate. It is not a question of leaving it to the political parties. We have come to such a stage that it is not easy.

With this background, I would like to draw the attention of the House to some issues. Parliamentary democracy, to some extent, has lost its importance. Who is responsible? We ourselves are responsible.

We don't want to blame anybody. We have ourselves made room for that. We say that this House is supreme. Any decision taken by this House today is going to be challenged in a court of law. We have seen that even the presiding officers have been summoned by the courts. We have allowed such a situation to come because of disunity among the members of the House, whether this House or that House. This has happened because we have taken a decision on party lines. We say that this House is supreme and so long as we function within the framework of the Constitution, it is all right. But we must have introspection for reviving, regaining or restoring the supremacy of this House when the presiding officers are being summoned by the court. I don't want to encroach upon the judiciary or the judicial independence. There is no question of criticizing the judiciary. There is no question of attributing any motives to the judiciary. We give the highest respect and regard to the judiciary. At the same time, the supremacy of the House cannot be allowed to be eroded. I am going to make that request to you, sir. Sir, you have vast experience. I make a request to you as well as the presiding officer of the Lok Sabha to find out a solution at least to revive the supremacy of both houses of Parliament. I would only like to make this request to you.

Sir, parliamentary democracy has been existing in this country for the last fifty years. When I say this, I say this not with any bias or anger. Normally, when I take up the issue of rural masses or agriculturists or the unorganized sector, some people try to attribute the motive that I am only interested in the rural masses or the agricultural sector. It is not a fact. Sir, we have amended the Constitution of India seventy times. But I would like to draw the attention of the House to only one amendment, that is, the Forty-second Amendment. The meaning and the scope of the word 'socialist' was intentionally introduced in the Preamble by the Constitution Forty-second Amendment Act 1976. The principal aim of the socialist state is to eliminate inequality in income, status and standard of life. The basic framework of socialism is to provide a decent standard

of life to the working people and especially to provide security from cradle to grave.

This is an explanatory note to the Forty-second Amendment which was passed by this House. This is a blend of Marxism and Gandhism leaning heavily towards Gandhian socialism. It is a long march from a wholly feudalistic pattern of society to a vibrant, throbbing, socialist welfare society. But during the journey towards the fulfilment of the goal every state action, whenever taken, must be directed and must be so interpreted as to take the society one step towards that goal. I am not going to tell you that we have not made any attempts in this regard. In the 1930s, the Father-of the Nation had written an article, Parliamentary Democracy, in *Young India*. What type of a Constitution did he dream of in 1931? He wrote:

I shall strive for a Constitution which will release India from all thralldom and patronage and give her, if need be, the right to sin. I shall work for an India in which the poor shall feel that it is their country in whose making they have an effective voice, an India in which there shall be no high class or low class of people, an India in which all community shall live in perfect harmony. There can be no room in such an India for the curse of untouchability or for the curse of intoxicating drinks and drugs.

I don't want to take the time of the House to read the entire article which had been written by the Father of the Nation. What are we witnessing today? A fight for political power on the one side and the caste struggle on the other.

Religion is one of the major factors. Let us collectively think over whether this struggle should continue or we should put an end to it. Mr. Jitendra Prasada was saying that even when posting officers caste would be the consideration. Today, to come to this House, caste itself is the consideration. When such is the situation where religion or caste is used to enter into this august House, when we use this weapon, how are we going to remove the caste system in bureaucracy? When I took over as prime minister of this country with the help of our Congress friends, I appointed a Brahmin as cabinet secretary; I appointed a brahmin as principal secretary. I don't want to list out the social welfare measures which I had taken because I

don't want to use this platform to state the achievements of what we call the coalition government during the thirteen or fourteen months. We have also seen the performance of a stable government with two-thirds majority for forty-seven years in this country. I am not going to use this platform for political purposes. I am not going to play politics today. Please remember one thing. The decision was not yours. The decision was given by our masters for a coalition government. The decision was given by our masters. It was a political compulsion. We have accepted a coalition government and we may have to continue the coalition system in this country for some more years to come. Today whatever may be the claim of any political party, the situation is like this. Shall we have to wait for the next fifty years to solve the problems of those people who have been denied their rightful share in a free society? I remember what the late Giani Zail Singh said. He came to my state. While participating in a public function he said,

India is a rich country. This country is full of rich resources. But the richness is in the hands of a few individuals and that richness is not equally distributed. This is the injustice that is being done. We must take care of it.

That is what we have to do collectively. We have to collectively correct the mistakes that we have committed. I would like to give one or two examples. I hope nobody will misunderstand me. So far as the Indian Trusts Act is concerned – this issue was debated in the other House – how many private trusts have been established in the country? Have farmers established private trusts? Have unorganized labourers established private trusts? Have backward class people established private trusts? Have the scheduled caste people established private trusts? Who are behind all these private trusts?

How much money are they going to put in those private trusts? Sir, in the last fifty years we have amended the Constitution seventy-four or seventy-five times. Is there any dearth of elite people? People like me cannot interpret a law. We are not so well equipped in legal aspects. But we have got some practical knowledge of how this country has been exploited by the elite section of the people. We want to fight it out. We are not going to leave this issue to be further

exploited by those people who are trying to exploit the country in the name of intelligence and elitism. Mr. Nayar, you are a columnist. You have come here. I congratulate you. You may be able to throw some light on this issue. How many private trusts have been established in the last fifty years in this country? How much wealth tax and income tax has been evaded? It is a political battle. If somebody is wanted or if you want to kill somebody, you brand him as some corrupt politician. If you want to kill a dog, call it a mad dog and kill it. Today the atmosphere is such that every politician is corrupt and the whole political system is corrupt. It is full of corruption. I am sorry to say this. I am not prepared to accept it. I have fought this battle. There is nothing for me to hide. Our prime minister has taken a decision to constitute an anti-corruption cell.

I welcome it. But he must take some steps. First, he must take steps against the ten months rule of our own government. Sir, why I am saying this is, two days back against the United Front government itself. The Fourth Estate have got all freedom; that is their privilege. What were the headlines yesterday? There were: 'Paswan in Rs. 200 crore mess', 'Train contract leads to legal wranglings.' There is a public interest litigation. They have put my photo but it is not so good-looking. My colour is not so good looking. Why I am saying all this is, when today everybody is free to go to court in the name of public interest litigation, I only appeal to the highest authority and the judiciary to dispose of these cases in a time-bound period because when once the public interest litigation is filed, naturally some mala fide motivation is going to be made in the petition and they will issue a notice. On the day the notice was issued, it was widely published as if something has happened and it is going to be disposed of after three years or four years or five years. The damage is not going to be repaired. I only appeal to the highest forum, the Supreme Court, the head of the judiciary, through this House to dispose of the public interest litigation in a time-bound programme and, in the meanwhile, the prime minister can also go through his machinery and try to find out the truth. Sir, we heard, we did not want to live at the mercy of anybody so far as corruption issue is concerned. Mr. Krishna

knows the battle which we have fought. I faced fourteen public interest litigations and you also know, at least you have read something in the newspapers. I also faced the *Lok Ayukta* enquiry, I also faced the COD enquiry. After facing all these enquiries I have come to this House. People are talking a lot about corruption but if these people misuse these platforms – whether it is media or any other platform – they can demolish any political leader. Leadership which has come up from the media management can be demolished. It is not so easy to demolish a leader who has come from the grassroot level. Sir, why I have drawn attention to this particular instance about corruption and criminalization, is because I have got a lot of figures of how many people are facing various criminal charges, to which party they belong and all that. I do not want to raise all that. It is not relevant for the discussion today. I think Shri Jitendra Prasada has said that every political party wants to use antisocial elements. I do not want to use the word criminals, but at the same time, I request the Government of India on one issue. Several chief ministers expressed their views as far as Article 356 is concerned.

I would like to give a word of caution here. While introducing that particular article, the framers of our Constitution and our forefathers, who were the tallest leaders, had given the central government a *Vajra*. Yes, I agree that it should not be misused. But if you remove this article, a day will come when the states will become independent and the unity of India will suffer. You may agree or may not agree with it, but the unity of the country will be demolished.

Sir, I have got many reservations on this issue. The country cannot be allowed to disintegrate. At the same time, the people at the helm of affairs should also not misuse this particular provision. Article 356 has given such vast powers to the central government. But there is only one word of caution, particularly on the law and order point. Law and order is a state subject. We say that and straightaway try to escape from the responsibility of the central government. No, it is the bounden duty of the central government that if any state government misuses its authority to destroy its political opponents, the centre cannot escape its responsibility. That is the word of caution I wanted to give.

I will come to the poorer sections of our society, who have to struggle for their living. I don't want to blame anybody. We have made progress in agriculture and the country has become self-sufficient. But still more than thirty-six per cent of our people are not in a position to buy things. They have no purchasing capacity today. Take malnutrition. Yesterday a doctor from Maharashtra was quoting certain figures. We have buffer stock, but our people do not have purchasing power. That is why we had launched that programme. But the states also have to cooperate. They must have sufficient infrastructure. I know the difficulties. How has poverty become more in the rural areas as compared to the urban areas? We accepted land reforms. It was part of the Congress philosophy and this resolution was passed at its Avadi session. I don't want to take any credit for it. But have we put a ceiling on income of people in urban areas? The Urban Land Ceiling Act was passed in this very House. But how much excess land have we been able to acquire? We had introduced the Land Reforms Act very vigorously in some of the states. I think one or two states haven't taken it seriously even today. I don't want to name those states, but I know several states have implemented it seriously. It had also been brought under the ninth schedule.

Nobody should go to court. What is the actual position in this regard? Sir, I would like to draw your attention to the literature which the hon'ble Speaker has given. I must compliment the secretariat for it. It says,

According to the 1988 National Sample Survey Organisation, between 1953-54 and 1981-82, the number of operational landholdings increased from 44 million to 71 million consequent on fragmentation of holdings due to population growth. The average size of the operational holdings declined from 3.05 hectares to 1.67 hectares.

What is the effect? It has affected our agricultural productivity. We might have achieved self-sufficiency in food today. A day will come when we will have to face our own problems. They have assessed the food that is required in the coming years and I don't want to talk about all those things. The average holding is 0.38 per cent. I have got the figures in this regard. These are the figures of 1981-82. Today it is 0.38 per cent. It is a small holding. How can they live?

What surplus produce can we expect from them? You talk of exports. Some people argue that honey and milk will flow in this country. Some people argue in eloquent English, in beautiful English and in beautiful Hindi. Let them convince me. I am prepared to sit with them, go to their house. When seventy-six per cent people today are having less than one hectare of land, that is the real India. A day will come when they realize it. Today, in the name of religion, in the name of caste, they have a split society.

Sir, our senior leader from Kerala is sitting here. We call Kerala agriculture as *kerchief cultivation*. It is ten *gunthas*, twenty *gunthas*. What will be their income? Can they produce surplus food? They have to live with other occupations. They work as labourers. What should we do for them? Dr. Manmohan Singhji is a member of this House. The other day, I heard his speech. The IMF and the World Bank are putting all restrictions about our subsidies. The day before yesterday, somebody during the course of his speech said that our finance minister had said that a white paper would be published on subsidies. What are these subsidies? What is the quantum of subsidies we are going to give to agriculture? Let us examine it. There is no need to favour anybody. According to the figures they have given here, the total number of the labour force is about 352 million. Sixty-eight per cent of the labour force is in agriculture.

Sir, once the country's income was about sixty per cent, what you call the national income and today it got reduced to fifty-eight per cent. What are we doing? We, who are sitting here for introspection, at least after fifty years of Independence, should collectively apply our mind. Some people today are enormously rich that they cannot keep their money here and they discuss about political corruption! What is the money that has been siphoned off from this country? Today morning our senior member from the Left, while initiating the discussion said that five-odd lakh crores of rupees is in the black market and it is being operated as a parallel economy in the country. I heard his speech. I do not know whether it is five-odd or two-odd lakh rupees. So much money has been siphoned off. Men may come and men may go, prime ministers may come and go. All, whether senior leaders or junior leaders – I am not interested

in giving a gradation – should collectively sit together to find a solution. Otherwise, I will tell you, it is not so easy to solve the problem of those people who have been neglected in the last fifty years. Giani Zail Singh has said about this. I would quote Babasaheb Ambedkar in the end. Sir, what is the percentage of literacy among the scheduled castes, scheduled tribes and minorities? What is the percentage of employment? When I discussed this matter with my colleagues, they said that providing reservation to minorities is not so simple here. Should they not live in this country? Should they not get the rightful share? In Karnataka, we have provided. The minority population is ten per cent there and we have provided four per cent reservation in all jobs exclusively for the minorities out of the fifty per cent reservation as directed by an interim order of the Supreme Court. We had given reservation before it was referred to the full bench. We have given reservation to the Muslim minority as a separate block. We have provided four per cent reservation in all classes, Class two, three, four and all of them. We have been implementing it in the last three years. No court is coming in the way at least. Is the leader of the Opposition, Sikander Bakht, going to oppose this? I do not think. I would like to tell you sincerely that in the entire central secretariat, I think, there may be one secretary or additional secretary belonging to the Muslim minority. In the entire central secretariat only one member from the Muslim minority! I do not know about deputy secretaries or under secretaries. When I was the prime minister, I asked the cabinet secretary why should we not be able to have Muslims in two or three places? Sir, this is the situation. We talk of equality, fraternity, and that all are equal in the eyes of God and in the eyes of the Constitution. I would request the entire House not to mix politics.

Some states have taken some decision on this line. Why not we? In the central secretariat, we are unable to get one Muslim, even after fifty years of independence, as a secretary. Mr. Saifullah is the man whom Mr. Narasimha Rao had made cabinet secretary. After that I do not think that there is any secretary from the Muslim community.

Today, I was unable to get. In my ten months' time this is the problem I faced. Why I am saying this is, why should we not think

over on these progressive measures? Minority Development Corporation, Financial Development Corporation, illiteracy, I do not want to go into all these details. I do not go beyond the time. I can understand your looking at the time which has been allotted to me. I will conclude in one or two sentences. The only thing is, some of these areas – SC/ST and the Muslim minorities – must get their due share. I will tell you, in all government jobs, not only in government jobs, but even in local bodies – Shri Hanumanthappa and other senior members from my state sitting here know very well – we have given twenty-seven per cent reservation politically. In all local bodies, nagarpalikas, zilla panchayats, zilla parishads, town municipalities, city municipalities, we have given political reservation. In my home district of Hassan, earlier only three Muslims were elected to the city municipality but now there are eleven members. Whatever happened? On one side, there is a fight between religions and on the other, they are afraid that if you give reservation to these people, we will lose the upper caste votes. The people are not so conservative. We would like to blow things out of proportion for our political games. There are various issues which I could have discussed. Even in police constable jobs, I have gone through the figures as to how many police constables in the country are recruited from the Muslim community, some states, I do not want to name the states because it hurts some leaders, do not want to give figures. It is mentioned 'Not furnished', 'Not furnished', 'Not furnished', for the last seven or eight years. In some states the figures are five, six, five, four, and even two per cent. With these figures, how do you expect those people to come into the mainstream? Let us not allow this type of division in the society. That is not going to help us. We may lose power but we have to take courageous decisions. I am not worried. We may lose power but today or tomorrow the people will appreciate. We cannot allow this to continue like this. Sir, before I conclude I wanted to quote what Babasaheb Ambedkar had said.

In the Constituent Assembly, this is what Babasaheb Ambedkar had observed in his concluding speech:

Independence, no doubt, is a matter of joy. But let us not forget that this Independence has thrown on us a great responsibility. By

Independence, we have lost the excuse of blaming the British for anything going wrong. If, hereafter, things go wrong, we have nobody to blame except ourselves. We must not be content with political democracy. We must know that our political democracy cannot last unless we raise the base of social democracy. On 26 January 1950 we are going to enter into a life of contradiction. In politics, we will have equality; and in social and economic life, we will have inequality. We must remove this contradiction at the earliest possible moment or else, those who suffer from inequality will blow up the structure of political democracy that this Assembly has laboriously built up.

Thank you very much, sir.

Reference

Rajya Sabha Debates, 29 Aug. 1997.

INDER KUMAR GUJRAL

Assessing the Fifty Years

1 September 1997



Prime Minister I.K. Gujral, participating in the deliberations of the special session on the golden jubilee of India's independence, spoke at length on India's greatness, uniqueness and achievements. He promised to take note of the suggestions made and to take action. He tried to present a vision for the future.

Mr. Speaker, may I ... compliment you for this novel idea that you projected regarding this discussion itself? I must say and I confess that – of course, it was unprecedented – in the entire history of forty-eight years of our Republic, this has happened for the first time.

Once again, I join Shri Atal Bihari Vajpayee in complimenting you for this perception. Many of us – I have been very frank – both on that side and this side were initially having doubts as to how this would proceed, how much interest will be taken, how many members will really speak on the subjects that we were thinking of. Sometimes these doubts were also verging on scepticism. This

discussion, I must say, as it proceeded for so many days and in such a laborious way the members have participated, has belied those disbeliefs and those doubts.

The discussion has been of a very high level. I think never in my long association with Parliament have I witnessed so much enthusiasm and so much interest on the part of members that they could sit overnight and participate in the debate. And also, as Atalji rightly said, all of them – I must compliment all my colleagues in the House from all sides – took pains to prepare themselves on the subjects they were speaking. The same thing happened with the other House also. Therefore, in a way it is a compliment to the entire parliamentary system.

Hon'ble members I must say, have exhibited remarkable courage, vision and capacity to rise above the normal din that we witness in our debates in normal times. That has been belied in these five days. Collective introspection is something new for us but all the same I think this could be the best homage that this House could pay to the golden anniversary of our republic. Therefore, all that has happened in the last few days is something, Mr. Speaker, for which credit goes to you once again. The discussion, may I repeat, sometimes continued, as I said, till the early hours of the day or night, I do not know whether day or night because sometimes the whole night sitting was going on. The discussion has been useful, educative and thought-provoking and very often we discovered the undiscovered dimensions of our democratic polity. As an institution Parliament has touched new heights in its capacity to rise above the party affiliations and examined with remarkable objectivity the achievements and shortfalls of these fifty years. Some of the speeches that we heard here and in the other House persuade us to believe that the nation continues to produce great minds and great ideas. The nation continues to rededicate itself, as it did on the first day of our republic, and therefore, in that spirit this debate has proceeded.

I have taken note of what hon'ble members have said. As my worthy colleague, the leader of the opposition has suggested, definitely we will go through all that has been said and compile it and also initiate action on various issues that have been mentioned

here. I have been called upon to speak at this stage when I am expected to sum up the discussion. This is a very gigantic task and I dare not do it because it is not easy. All that has been said and the wise words that have been uttered in the last five days or so and the specific issues that have been raised, it may not be feasible nor possible for me to respond to all of them.

At some time, on some occasion some of my colleagues have participated in the debate and projected their points of view. I will not try to repeat what has been said. I will only try to say myself that the debate has inspired me a great deal. It has made me think a lot about what India is and what is the definition of India, particularly in the fiftieth year. We are redefining ourselves and this redefinition has been very helpful because all my worthy colleagues sitting in this House and that House have put in very remarkable vision and ideas. Sometimes I felt that the discussion touched the borders of sublimity. Sometimes I felt that we are rising above ourselves in a sublime medium and I also felt that the most important was our country, our nation. The struggle for emergence has been the background of our discussion. We have also seen and felt that this struggle that we are talking of, which built the freedom on 15 August 1947 was in a way, I think, the continuation of our civilization.

When we look at our civilization, its peaks and valleys, we discover what made our freedom struggle succeed. The saga of [our] freedom struggle is a long one. I will not take your time to talk about the freedom struggle, its life and the history which it had passed through, but one thing was very clear. When we look back to those eras, the Gandhian times, we go back to this perception again and again that [the] freedom struggle succeeded primarily because it was deeply rooted in our own soil, in our own civilization, in our own culture. Gandhiji's vision, and his sources of inspiration were all indigenous. Gandhian sources of inspiration were not alien. They were not imported from other countries; they were born here.

When Gandhiji talked again and again of *dharma*, *dharma* being the basic route of Indian freedom struggle, was something which really brought to our minds and to our struggle a new orientation. Of course, when he talked of *dharma* he meant something different

than religion; he meant something different than cult; he meant something different than what we commonly call, the Church. He meant *dharma* in a wider definition. I am one of those who believe, and I think this House also believes, that one word which cannot be translated into any non-Indian language is the word *dharma*. That was where Gandhi [ji's message] went home.

Gandhiji never tried to build a cult. He never tried to build a *math*. It was basically an approach that was based on compassion more than anything else. In this, when we look back at Gāndhiji, his perceptions, his vision, his way of conducting things more and more, an idea comes to my mind, and that is, his compassion often reminded one of the Great Buddha. To me, he brought continuity of that compassion which the Buddha spelt out for the whole world. Very often, the ideas and ideals that were original in Gandhian thinking were so unfamiliar to us. Sometimes they bewildered us and sometimes they gave a new interpretation and a new meaning to those very words. He started thinking differently on one wider scale of the nation. It is a remarkable thing that Gandhiji used old idioms, old dictums and old words that we have been used to; gave them a new meaning and used them for mobilization, for mass upsurge. Some people who thought that they were intellectually bright at that time were bewildered. Sometimes they were confused because they were not really prepared to see that old idioms could be given new meanings of the type that Gandhiji was giving them.

As our mass upsurge turned into a tide and achieved what it did, the Indian freedom struggle fully appreciated the civilizational unity of India. The main quest of the Indian civilization always was built on respecting diversities – the vast diversities that we in our lives experienced and continue to experience, different languages, different cultures, different historical experiences, different ways of life – and yet to find a strain where they all join. Gandhiji's basic contribution was to rediscover the unity of these diversities. This continues to be the benchmark of our nation. This, in these fifty years, we have learnt. We have, again and again, said that our liberation struggle achieved what it did because of this perception. If Gandhiji at that time had emphasized one thing, or had emphasized

one religion, or had emphasized one way of life, the struggle would never have succeeded; India would never have been unified.

Therefore, we must repeat to ourselves, Sir, and with your permission I must submit to the House, that this unity of diversities is the flag that must continue to fly high on the strong mast of Indian liberation. This is the basic thing.

We do mistake that sometimes. Sometimes we feel that, perhaps, uniformity is more important than unity of diversities. This nation, may I repeat in all humility, will never remain united, will never remain together if we start trying to unify it or put it in the mould of uniformity. We must respect our languages, we must respect our ways of life, we must respect our religions, we must respect our beliefs, we must respect our historical experiences. Then, and then only will this nation be able to continue to call itself with pride, a nation that is called India.

The Indian nation is again a nation of diversities. That is the challenge if I may say so, for the next fifty years or the century that is before us. If we are able to echo that, then we do not get lost in the bylanes trying to emphasize one way of life or one language or one religion, then we will never lose our way. If we do it, that mistake will be very expensive for us. Sometimes political myopia, sometimes expediency of a particular movement, a particular election compulsion, may blind us and we may try to emphasize one caste or one religion or one language to get votes. I think, one determination that must emerge from this House today is that we shall never let that happen.

Once we are able to emphasize that we have our diversities which we respect, that we have our different ways of living, that we have our different faiths and, therefore, we shall respect each other. We shall not tread on each other's toes. We shall try not to do things which can possibly hurt the feelings and the emotions of another fellow-Indian. We always talk in terms of India first and Indian first. Yes, 'India first and Indian first' is a product of this perception and it is a way of life. If we respect each other, if we do not try to break our perceptions, hearts and minds, then India's future will always be secured. This is the pitfall against which we must guard the

mantra, if I may say so. I am not a *pundit* in the sense Shri Atal Bihari Vajpayee is, but let me say that the *mantra*, to my mind, of a great unified India that stands on the threshold of greatness is threefold: accommodate, tolerate – tolerate, respect diversities – and also discreetly mix continuity and change. Continuity is important because without continuity there can be stagnation. Our languages, our music, our poetry, our philosophies are all invigorated in the bygone centuries in the past and will continue to do so if we have the capacity to assimilate and adjust.

Years ago, an Urdu poet said:

*Yunaan o Misr o Roma
Sab mit gaye jahaan se
Kuchh baat hai ke hasti
Mit-ti nahin hamaari*

(Greece, Egypt and Rome have all disappeared from the face of the earth. We have something which helps us to survive [all vicissitudes].)

What is that which has preserved us? What is this *kuch baat*? I hope, we will always keep in mind that this *kuch baat* is this unification of diversities, respecting, the process of assimilation, the courage to assimilate, courage to reject what we do not want and the courage to assimilate what helps us. This invigorated our cultures in the past and will continue to do so. And that is why, I feel, this is very important, that we should discover this *kuch baat*, at every stage of our growth — today; yesterday, we did it; tomorrow, we must continue. To quote Iqbal:

*Kuchh baat hai ke haasti
Mit-ti nahin hamaari*

(There is something which preserves us from destruction.)

This is the legacy of our past and this is the challenge for our future. This challenge, I think, we have made by continuing to rediscover ourselves, by continuing interpreting ourselves, by continuing redefining ourselves, by continuing invigorating ourselves, at the same time, keeping our feet firmly in our soil, in our tradition, in our civilization.

That is very important. No change, as Nehru used to say, must throw us off our feet. No change must be such that we give up our roots. No change must be such it takes us away from our civilization. At the same time, we should have the capacity we had in the past to try to imbibe what we think is in our interest. The world today is now standing or has already entered a new era of change. Unprecedented, never seen in the history of mankind, the technological change, the change ushered in by science. All through the history of man, ever since he was born, I do not think this kind of experience has ever been made. Therefore, now at this stage, we must decide for the future yet to come and this is my plea to you, sir, and to the House.

India must decide that in the era of new change of technology, of science, India must occupy a vanguard position, must be standing on the front benches, must stand in the front rows, imbibe new technology because new creativeness must be born out of this. Out of this new creativity shall India once again be the great India that it has always been.

Therefore, on these new frontiers of sciences, new frontiers of technology, new thoughts must be generated, new ideas must be born and new discoveries must be made. That is how we can also accept the challenge and also use it as our opportunities. This alone will facilitate, I repeat, this alone, by our courage, our vision, our determination to occupy the front ranks of this change, shall we be able to occupy a position which will facilitate India crossing the threshold.

India today stands on the threshold of greatness and that greatness is within our reach, within our grasp. We can do it and we must. That is a challenge for the next century or, if I may say so, for the next fifty years.

The prime minister of Malaysia had come here once. He had said, 'The challenge is of 20:20'. He was talking metaphorically and also, in a way, talking in terms of vision. After all the best eyesight in the world is 20:20. That is why 20:20 challenge we also have to accept. That 20:20 is a challenge of technology and is a challenge of change. Therefore, that discreet change must be the objective that India must now follow.

We must keep in mind at the same time that the social intellectual objectives of this nation are not to watch only with wonder what others are doing; it is not only to see that somebody has landed on the moon; and it is not only to read in the newspapers that we can also get there if others have gone into satellite technology. We have to do it ourselves. This drama of change, of big change, that the world is seeing must be imbibed, not only by a few scientists, not only by a few hundred of those who go to the technological institutions and not only even by a few thousands but I think the challenge before us is that the *Laxman Rekha* must be crossed by the entire nation in totality. Unless the entire nation crosses it and enters into an era of technology, the nation will not really be able to gain its position. When I talk of the entire nation, I particularly talk of the youth.

They are a majority in this country. They are exposed to new education. They are exposed to new technology. It is the duty of this government, it is the duty of this Parliament, it is the duty of all of us collectively to facilitate that our youth get into this new era of science and technology, not only the youth but the women also.

The most backward section of our society is our women. Through education, through giving them their due, through empowerment of women, we can facilitate that they also walk into this new era of change and, particularly, apart from women, those sections of society which for centuries are having the bondage of backwardness. For centuries and centuries, societies have been unfair to them. Since centuries and centuries, society has not given them their due. Today, when it is technologically feasible, when scientifically it is possible to banish poverty and backwardness, all of us must move together.

If I am asked, what is the challenge before the nation today, I would spell it like this. Backwardness can be and must be banished, socially of course, economically we must and technologically important. If we are able to do these three things, then of course, we will be able to show to the entire nation the daylight. Exposure to a new light is a challenge for the future.

This all-inclusive vision – and I am saying all inclusive – that inclusive means all sections of society, all communities, all

religions, all areas of our life and all genders of our life — we must be exposed to this.

With this as a central point, all our policies regarding our education, social policies, political policies and policies on social change and social justice must be born out of this basic perception. Once this basic perception is clear, then policy making is a matter of detail. If you are confused in this objective, then policies are also greatly confused. The details, of course, can be worked out. Details can be discussed in this august body and House and changes can be effected.

When I talk in terms of expanding frontiers of science and technology, I am also conscious that a new generation is also occupying our lives and this new scenario is also having both positive and negative impacts on us.

We all talk of satellite. We all talk of television. We all talk of the programmes that we have been exposed to. It is not for me at this stage or at least this morning to try to spell out what our media policy should be. But I would also like to keep in mind the fact that satellites, TVs, various dimensions of telecommunications and also transport and travel are determining and influencing change in us. Attitudinal change is coming. The change is coming in social relationships. The change is coming in looking at each other that India also like the rest of the world has shrunk in size. Travelling has made it easier. Telephones have made it easier. The faxes have made it much easier and so on and so forth. Now these social relationships are dramatic. The change is coming in the lives of all of us. When I say 'all' I mean all. Even those sections of society which are deprived, change is coming in them also. And that change spells itself in various ways sometimes in the shape of demands and sometimes in the shape of agitations. But this exposure to a new world is now making its impact. Sometimes, this impact is not positive, sometimes it affects our cultures negatively, sometimes, it negatively affects our ways of life, sometimes, it makes both positive and negative impact on our languages, on our music and on our literature. Sometimes, it is gainful, as I said and sometimes it is negative and partly harmful.

Therefore, when we review our cultural policies, when we review our educational policies, all these policies must try to be discreet — how much to change and how much to imbibe and how much not to imbibe. That is where the collective wisdom of this House will be very helpful.

It is not possible for one person, it is not possible even for a few in the cabinet to try to visualize the entire drama. At a much wider scale, it is to be discussed, in this House and outside the House, amongst the intelligentsia, amongst the intellectuals, amongst the social organizations and amongst all the NGOs. They must tell us all the time. And this interaction basically is a real meaning of democracy. This interaction all the time is very important that we keep on focusing our minds on it.

But at the same time, when I pointed out that there can be some harmful impact also, I must repeat with all the strength that I can, that we must under no circumstances — and I repeat — under no circumstances, shut our windows. We must not come to a stage when we close our minds.

India has never done it. All through our civilization [and] history, the importance of India has been that it has always kept its windows open. Last time, when poet Tagore said that famous song we all remember 'keep your windows open. Let the winds come in. Know how to imbibe them.' Gandhiji said the same thing. That is the *mantra* again for us for the future. Therefore, while determining the media policies, education policies, economic policies, we must know how to deliberate and also talk in terms of change — discrete change imbibing whatever we think is good for us, assimilating whatever we can.

India has never, in its entire history, been a rejectionist. India has always been on the side of assimilation. Look at the fate of our music, look at our own languages, look at Hindi and Urdu's worth. Anything that I look at, I think it is a demonstration and manifestation, all the time, of our capacity to imbibe, taking, and rejecting whatever was not good for us.

I have deliberately at this stage not mentioned the impact all this has on foreign policy. I have talked of cultural policy, I have talked of educational policy and, I have talked of media policy.

But, particularly, when I talk of foreign policy, I feel that the history of our civilization has also been, as I said, nonrejectionist. But, at the same time, it has been open to the world. Whether I talk of today or I talk of yesteryears, India always was in the world vision. I cannot recall any phase in the long Indian history when India did not have a world vision. If it is an era of Ashoka, he was a person who talked in terms of sending the message of the Buddha across the soil. If we think in terms of any change in our society, we always, held apart, viewed ourselves as a part of the world and as a part of that outlook. Our nation-state – I emphasize about nation-state – when I say that, though our nation-state was born on 15 August 1947 the Indian civilization was much older; the nation perception was much longer; our commonalties and visions were much longer and, therefore, we had always imbibed the ideas, thoughts and philosophies from giving to the world and taking from the world. The uniqueness of this phenomenon was all the time that India walked on a two-way track. It let others come in; it also went out. That is why, India, all the time, gave to the world and brought the world to India.

When I think of Khusro or think of even further than that, I always think in the sense that India was open to the world and the world was open to India. That has been the basis of our perceptions. We have never been confined to an era in the five thousand years of our civilization when different forms, different idioms were not used for this purpose going out to the world and taking the world inside us. Primarily because of this, the Indian civilization was invigorated. The interesting contour of our Indian civilization, if I may say so, was an in-built resilience and all the resilience was that we did reject whatever was not suitable to us. We did take in whatever we thought was good for us. But at no stage in our history did we let others overwhelm us. This process of assimilation and defiance was simultaneous. All the time, we knew where to defy and also, at the same time, we knew where to accept.

Of course, the eras were different than today. The communications methodology was different. One had to walk to distant lands and the letters were also sent on horseback. That is the time-consuming factor. The result of it was that the focus of the Indian subcontinent

was proliferated. In the north of the continent, we interacted more with the landmass of Central Asia. We did all that historically. We mostly remained oblivious of the dangers coming from that side of the seas and did not remain oblivious of these things.

I have been reminded of an incident when Aurangzeb's family wanted to go to Mecca. He had to take visa from the Portuguese from Surat. It did not occur to him that the seas around India also belonged to the Indian Empire. No, it did not. Similarly, we see that the military power was also not marine-oriented to the north. The south, on the contrary, went the other way. All states of the south were more conscious of the seas. Presumably in Calicut, for instance, they were able to push back the Portuguese for nearly the best part of the century because it was a marine power. Also, in a cultural sphere, the south interacted more to the east, the Buddhist message going to other far off areas like Indonesia, Japan and China.

They had marine-consciousness. But, at the same time, their security perception was not land conscious. And that is why there was a strange dilemma to see and perceive by both sides. The north was not sea-conscious and the south was not so much land-conscious. They both suffered in different ways. And that is how the sovereignty suffered. I think this myopia also ignored that the sea is now becoming increasingly important. As technology came, as the steamship came and as other technologies started coming in, it became more and more important for this subcontinent to see that ultimately sea power matters. But, even more important than that, and I think more important for us, is to keep in mind in the present days the obsolescence of our war machines. India, unfortunately, never became conscious of the fact that wars are not fought only with valour, they are also fought with technologies. And that is why when the northerners and the across-the-sea powers started coming in, their war machines and war technologies were different than we had. We had all the valour but we were always one step behind.

Some of us who are in my generation will remember that in our school and college days, we read the *Discovery of India* written by Nehruji, which he wrote without reference to any textbook or to any reference book in the narrow cells of the jail. He reminded us

all the time of two things. He reminded us of India which had inherent strength, he reminded us of India which had cultural roots in the soil, he reminded us of the change that India was undergoing, he reminded us of India which had the capacity to change with the times. Therefore, it was only when the colonial era came that this problem became very difficult. The civilization and unity of India were disturbed by the foreign colonial rulers who came from the West and, therefore, the Westerners not only tried to destroy our civilization and unity but it continued till we got back the courage to defy them. Once the defiance came and once our determination was aroused by Gandhiji, we defied it continuously and the same process continued – both assimilation and defiance.

When I talk of Raja Rammohan Roy or I talk of Tagore or I talk of Sir Syed Ali, all these added one chapter or the other — assimilation and defiance. And that is how India's struggle took a new shape. When I think of Gandhiji and Tagore particularly, I think they were twins. They were twins in many ways and I am not going to quote what Tagore wrote nor am I going to draw your attention [to what Gandhiji said]. But Tagore had one vision and that vision always was that he thought narrow nationalism is not the future of India. He always emphasized the humanism, the humanistic message of India. Two days back I was speaking at Shanti Niketan. Shri Somnath Chatterjee was there. In Shanti Niketan I reminded them of the famous novel which Tagore wrote that is *Ghare Baire*....

When he wrote this, he always tried to remind us that even in the upsurge of nationalism we must not forget the world. And that was what Tagore told us. Gandhiji, in his *My Experiments with Truth*, that began in South Africa, opened a new dimension for us. A while ago I have said that we were conscious of Central Asia, we were conscious of some parts of the sea and when the British came, the Portuguese came and the French came, we were conscious of Europe.

Gandhiji added a new dimension to our knowledge — dark South Africa's role. We were not conscious of it till Gandhiji came on the scene. Gandhiji, I have said at another place, was physically born in India but politically he was born in South Africa. And, therefore, he now forged a new link between those hopelessly, helplessly

struggling dark dimensions of the African soil with our freedom struggle. This became a part of our freedom struggle. Gandhiji and also Nehru particularly further opened our windows wider. The Spanish civil war was going on. It looked very strange to some of us at that time when he decided to send a mission to [Spain] – all before freedom. China was struggling, [and Dr.] Kotnis was sent [there]. When we think of Russia he talked and saw in the Soviet Union a new experiment in civilization. It may succeed, it may fail. That was a different issue altogether. But he saw in that a political expression of social justice and also the world was brought close to us. They, both of them together, divided the world into two — the world of the oppressor and the world of the oppressed. And our sides were very clear. From day one in the freedom struggle itself we were and a natural ally on the side of those who were oppressed. When Nazism came and Tagore tried and wrote his famous poem which I will not read again, because of paucity of time. But Tagore gave a message that those coming from Japan, trying to profess Buddhism – the compassionate Buddhism – and treading on the civilization of China, he raised protest against them. So did Nehru; so did Gandhi. That is how the freedom struggle's basic purpose and basic vision were spelt.

Sir, this rising Indian freedom struggle, when you were born 15 days after the 15 August, I must remind you, rose on the ashes of Nazism, it rose on the ashes of Fascism, it rose on the ashes of militarism and, therefore, there is a strange type of link that we have with the forces of peace. Nehru and Gandhiji together convened the first Asia Conference before even we became formally free. What was the message? The basic message was that we are all on the side of those who are still colonized. And the last decolonization which has been done now, the last but one perhaps, in a small way is the transfer of Hong Kong [to China].

As prime minister here, I received an invitation from the Chinese to participate in that function in Hong Kong. We also received an invitation from the British. We responded to the invitation of China. The British was a liquidation of empire. We have no sympathy with them.

We had all sympathies with the liquidation of imperialism in Hong Kong. With Hong King, we have one more link. After all, the opium war was fought from Indian soil. What was the opium war about? Those who today protest against drugs, they forget that they went to war on the issue that British India must continue to have a right to transport, export opium to China. That was a war and, therefore, they took over Hong Kong. Therefore, we have great sympathy and great admiration for those who have ultimately liquidated that.

The Asia Conference, as I said, was a message against colonization. It was a message against war, it was a message against camps. That is how our foreign policy was born. Our foreign policy – and I think my worthy colleague Shri P.V. Narasimha Rao has spelt it out himself – was not made in a book. It did not come out of any textbook; it came out of the experience of the freedom struggle. Therefore, out of this, we were able to learn three lessons.

There were three messages from those who were responsible for making it at one stage or the other. The first one is to stay free, keep Indian foreign policy free, independent, do not give in and keep your chin up all the time. I state with pride that in these fifty years, that has been done. No pressure on any government, this one or the one preceding it, has ever succeeded in cowing down India. The second message, was ‘always stand with the oppressed’. We have stood with the oppressed. The third message was ‘always oppose tyranny wherever it is, and be always on the side of peace’. Diplomacy in Indian history had a purpose. It has a purpose to transform diplomacy and not to transact.

Sandebaazi nahin thi. Indian foreign policy mein kabhi sandebaazi nahin thi.

(In Indian foreign policy there was never any bargaining.)

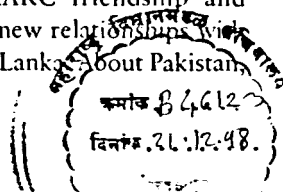
It had never tried to give and take. It had stood for transformation of attitudes, transformation of world relationships, and never tried to [compromise on principles.] We always had ideals. Ideas are input but ideals have always been preserved. Therefore, on this, we built the concept of nonalignment. Nonalignment gave us new friends, those who had a colonial experience, those who had passed through

difficult times, those who were victims of apartheid, colour victims, and also those who were standing on that side and I am particularly referring to the Soviet Union.

In the new phase that began on 15 August 1947 we continued the same policies. We always stood on these basic things, whether it was Vietnam, whether it was Korea, whether it was China or South Africa. I can go on counting. There are numerous countries. Every time, our vision was clear. Our courage was our best ally. We never minded isolation because isolation does not decide it. Very often, we paid the price also, but all the same we never gave in. The Cold War did cause us difficulties. Therefore, we were misunderstood also. But the worst thing that happened to our region was that in this region of ours, tensions were imposed. Tensions were not born in, tensions were imposed on this region by arms and by everything else. Therefore, this was done all the time and that continues to cause us difficulties. We believe and the Indian foreign policy believes, not today but always, in the unity, friendship and cooperation of South Asia and we are trying to form that policy. We were partitioned geographically, physically but at the same time, this is something which was furthered when the strategic perceptions underwent a change. Indian strategic perception was different than the one that was imposed by outside [forces].

I am not going to take more of your time, but I would also say at the same time that the end of the Cold War now gives and imposes new challenges and new opportunities also. The world has not suddenly become peaceful. It is not. At the same time, globalization and regionalization are the two things that have come to our front and we see them sleeping in the same bed. We have to have global vision, but we have also to have regional initiatives. That is what we are trying to do. The next century is generally believed to be the Asian century. That is where the opportunity for India comes.

And that is where we now have to play our role. That anchor frame of Indian policy, therefore, is SAARC friendship and cooperation. We have succeeded in creating new relationships with Bangladesh, Nepal, Bhutan, Maldives and Sri Lanka. About Pakistan,



I will refer in a minute. ASEAN is now our neighbour. By Myanmar joining the ASEAN, our land borders even have joined. Therefore, there also good neighbourly relations have to be inculcated. Similarly, Indian Ocean Rim Association is now our neighbour and we are now a founder member of that association. The trilateral treaty between Turkmenistan, India and Iran now gives us new access into Central Asia and we must build on that also.

In keeping with our firm approach of building strong ties of friendship and cooperation with all our neighbouring countries, we have always sought a relationship of mutual trust, friendship and cooperation with Pakistan. The resumption of foreign secretary-level dialogue was a step in that direction. As hon'ble members are aware, a joint statement was issued at the conclusion of the Islamabad round of talks in June. The next round is now due in Delhi in September and we have suggested the dates to Pakistan. Their response is awaited. Prime Minister Nawaz Sharief and I will be in New York to attend the United Nations General Assembly session and if opportunity comes my way, I will be happy to meet him. Hon'ble members will recall that I had a useful meeting with him in Male in May last.

Sir, I will take a minute more, before I conclude, to say something that I must say in passing. The relationship of India with the United States of America, the countries of Europe, Japan, China and Russia continues to be very steady and very friendly. The only thing that I would like to say here is that our relations with the United States of America are improving and a series of visits to India from Washington are planned for the coming months. As hon'ble members are aware, President Clinton is also expected to visit India sometime next year. I have also received a proposal from the American side for a meeting with President Clinton in New York during the forthcoming session of the United Nations General Assembly. While considering this proposal, I made it clear to the Americans that India-Pakistan relations and attempts at mediation between India and Pakistan are not to be on the agenda, a position which the Americans have accepted. I wish to reassure the House that the secular unity and integrity of India is not open to negotiations.

There is much to be discussed between the two largest democracies in the world and if the meeting takes place, I am looking forward to a friendly and substantive discussion with President Clinton which will focus on our bilateral ties and also on issues of common interests relating to the Asia-Pacific region in particular.

Sir, if time had permitted I would have addressed various [other] issues, but I cannot restrain myself from referring to one issue which my friend Shri Atal Bihari Vajpayee has talked about. It is about corruption and criminalization of politics. During the course of his speech, Shri Atal Bihari Vajpayee had regretted that there was a delay in bringing the Lok Pal Bill before Parliament. He also suggested that all political leaders should be required to declare their assets, including those of their relatives. As hon'ble members are aware, the Lok Pal Bill was introduced in the Lok Sabha on 13 September 1996. The bill was referred to the standing committee of Parliament on home affairs which has since submitted its report. The recommendations of the standing committee are under consideration of the government. A revised bill, taking into account the recommendations of the committee, will be introduced in the forthcoming session of Parliament. Let us hope this law will be a significant step towards cleaning our polity of the evil of corruption.

Sir, Shri Vajpayee, referring to a news item in the press, mentioned that 194 proposals of the CBI for sanction of prosecution were pending in the prime minister's office.

The factual position is that not even one is pending in the prime minister's office. But all the same, there were 157 CBI proposals pending with different central ministries and state governments. Out of these, 141 were pending with the central ministries. As a part of the drive against corruption, a special effort has been made to speed up the issue of sanction for prosecution in respect of public servants involved in corruption cases. The Government of India has brought down the number of cases from 141, at the end of March 1997, to seventy-nine at present. All secretaries to the Government of India have been given strict instructions to clear the backlog within fifteen days and to ensure that all fresh cases are decided in a month's time. There has also been concern expressed about the quality of

investigation and follow-up of corruption cases in the courts. Measures to improve the present state of affairs including the setting up of an institutional mechanism in the government is also being finalized. The government is taking steps to review and streamline the existing vigilance procedures in consultation with the state governments so as to ensure that corruption cases are disposed of expeditiously in a time-bound manner. In pursuance, a conference of the heads of the anti-corruption bureaus of states and the vigilance officers of various public undertakings has been fixed for 4 and 5 September that is two days' from now. This will be followed by a conference.

The government constituted a working group under the chairmanship of Shri H.D. Shourie on the right to information. We intend introducing the Right to Information Bill in the next session of Parliament.

I will not take your time to dwell at length on electoral reforms because I think that enjoys the consensus of the House. I will soon come with a bill before an all-party meeting so that we can evolve a new consensus or a renewed consensus on this and come to a conclusion.

I could have talked about many other things, but I know the limitations of time. If you permit me, sir, I will place them on the table of the House.

Reference

Lok Sabha Debates, 1 Sept. 1997.

Biographical Notes



Advani, Lal Krishna currently president of the Bharatiya Janata Party (BJP), was born in Karachi (Sind) now in Pakistan in 1927. A journalist by profession, he was Chairman, Delhi Metropolitan Council. Repeatedly elected to Rajya Sabha or Lok Sabha since 1970, he has held offices of union Minister for Information and Broadcasting and Leader of the Opposition in the Lok Sabha. Among the most outstanding parliamentarians, he is currently Union Minister of Home.

Ambedkar, B.R. (1891-1956) was an eminent jurist, crusader for the cause of scheduled castes, Chairman of the Constitution Drafting Committee and later the Union Law Minister. Ambedkar was also a prolific writer. The book *Pakistan or the Partition of India* (1940) authored by him is the most comprehensive study of Pakistan.

Anthony, Frank, born at Jabalpur, Madhya Pradesh in 1908, was nominated as a member of all Lok Sabhas from the first to the eighth and the tenth to represent the Anglo-Indian community. A barrister by profession and an educationist, Frank Anthony was an accomplished speaker and parliamentarian.

Ayyangar, M. Ananthasayanam (1891-1978) was an advocate by profession and took active part in the freedom struggle but, above all, he is remembered as a parliamentarian. He began as a member of the Central Legislative Assembly in 1934. He was also Speaker of the Lok Sabha (1956-1962), and occupied several other high offices including that of Governor of Bihar (1962-1967).

Ayyar, Alladi Krishnaswami (1883-1952) was an outstanding jurist and advocate and a prominent member of the Drafting Committee.

Chagla, M.C. born at Bombay in 1900, occupied some of the highest offices in his career — Professor of Constitutional Law, Chief Justice of the Bombay High Court, Minister of External Affairs and Education, Governor of Bombay and Ambassador to USA amongst several others.

Chakravartty, Renu, born at Calcutta in 1917, was one of the most active women parliamentarians and a powerful speaker.

Chatterjee, Somnath, son of a distinguished parliamentarian, N.C. Chatterjee was born in 1929 in Assam. A barrister by profession and prominent member of the Communist Party (Marxist), he won the Most Outstanding Parliamentarian award. He has been a Member of the Lok Sabha mostly since 1971.

Dandavate, Madhu, was born in 1924 at Ahmednagar (Maharashtra). He was a professor of physics till his election to the Lok Sabha in 1971. A committed socialist, he emerged as one of the most eminent parliamentarians of the country. He has been a senior Union Minister incharge of different portfolios under the Janata governments. He was also Finance Minister and later Deputy Chairman of the Planning Commission.

Dange, S.A., born at Bombay in 1899, was among the founders of the communist movement, an outstanding labour leader and freedom fighter.

Desai, Morarji, born in 1896, lived to nearly complete a full century. An old Gandhian, Chief Minister of the old Bombay State, Union Finance Minister and Deputy Prime Minister in Congress governments, he was also elected as the Prime Minister of the Janata Party government in 1977.

Deshmukh, C.D. (1896-1982) was a qualified barrister. He joined the Indian Civil Service in 1919. He became the first Indian Governor of the Reserve Bank. In 1950 at Nehru's instance he became the Union Finance Minister. He resigned from the Cabinet in 1956. For several years (1950-56) Deshmukh was the Chief Planner, economic policy maker and Finance Minister. Thereafter, he emerged as a more distinguished national figure as an educationist, writer, orator and institution builder.

D'Souza, Jerome was principal of the Loyola College, and a member of the Constituent Assembly from Madras.

Fernandes, George, was born in 1930 in Karnataka. He is a prominent socialist, and currently leader of the Samta Party and Union Minister of Defence. A trade unionist, he was first elected to the Lok Sabha in 1967 and has been Union Minister of Railways, Communications, Industry amongst others. He is known as a forceful and forthright speaker.

Gadgil, V.N., was born at Poona in 1928. Gadgil, an advocate by profession, is an accomplished writer and speaker, senior leader and spokesman of the Congress. He has also been a Union Minister of State for Information and Broadcasting.

Gandhi, Feroze, son-in-law of late Prime Minister Jawaharlal Nehru and husband of late Prime Minister Indira Gandhi, was an accomplished parliamentarian in his own right. Single-handedly, he unearthed serious scandals like the Mundhra deal.

Gandhi, Indira, daughter of the first Prime Minister Jawaharlal Nehru, Indira Gandhi was born at Allahabad in 1917. After Nehru's death, she became Minister for Information and Broadcasting in Lal Bahadur Shastri's cabinet. After Shastri's death, she was elected as the Prime Minister in 1966. She was assassinated by her own security guards in 1984.

Gandhi, Rajiv, elder son of Indira Gandhi and grandson of Jawaharlal Nehru, was born in Bombay in 1943. A pilot by profession, he was elected to the Lok Sabha four times in 1981, 1984, 1989 and 1990. He succeeded Indira Gandhi as prime minister after her tragic assassination in 1984 and was Leader of the Opposition during 1989-90. Rajiv Gandhi was killed during his election campaign in 1991 in Sriperumbudur.

Gopalan, A.K. was born in 1904. He participated in the national movement, and was an eminent trade unionist and Communist Party leader.

Gowda, H.D. Deve, born in 1933 in Karnataka, became Chief Minister of Karnataka during 1994-1996 and was Prime Minister of India in 1996-1997.

Gujral, I.K., born at Jhelum (now in Pakistan) in 1918, is an eminent writer and commentator, and India's ambassador to USSR. He has held different portfolios as Union Minister. I.K. Gujral was elected as prime minister of the Janata Dal led minority coalition government, and is also a member of the Rajya Sabha.

Gupta, Bhupesh (1914-1981) was a communist by conviction and party affiliation, an accomplished and talented parliamentarian, a great orator and a distinguished member of the Rajya Sabha for nearly three decades (1952-1981). He was first elected to the Rajya Sabha in 1952, and he remained there until his death in 1981 winning all the intervening elections to that House making him the longest serving member of the House.

Gupta, Indrajit, was born at Calcutta in 1919. He has been member of the Lok Sabha ever since 1956, with only one break. Indrajit Gupta won the Most Outstanding Parliamentarian award. A prominent member of the Communist Party of India, he was Union Home Minister in the Janata Dal led coalition ministry.

Gurupadswamy, M.S., born at Malangi (Karnataka) in 1922, was a committed socialist member of the Lok Sabha and Rajya Sabha for many years. He was leader of the Janata Party in the Rajya Sabha and a minister in the Janata Party government.

Heptullah, Najma, was born in Bhopal, Madhya Pradesh in 1940. She took her Ph.D. in Zoology, and has been Deputy Chairman Rajya Sabha for the longest period having been elected to the office thrice.

Kamath, H.V., born at Mangalore (Karnataka) in 1907, became a member of the Indian Civil Service, but resigned to join the freedom struggle. He was an active member of the Constituent Assembly, Provisional Parliament and several Lok Sabhas (first, third and sixth). Kamath was a master of the parliamentary procedure and an effective parliamentarian.

Kaur, Rajkumari Amrit (1889-1964) coming from a princely family became a devout disciple of Mahatma Gandhi and a freedom fighter. She dedicated her life to social service and was a crusader for the emancipation of women and weaker sections of society. Right from the days of the Constituent Assembly and later as the first woman minister of the Union Cabinet after Independence she emerged as a distinguished parliamentarian. It was as a result of her dedicated efforts that the All India Institute of Medical Sciences (AIIMS) — one of the best in Asia — was set up in New Delhi. Speaking in the Lok Sabha, she had called it as one of her 'cherished dreams'.

Kripalani, J.B., born in Hyderabad (Sind) now in Pakistan in 1888, was a senior Gandhian, freedom fighter and parliamentarian. He was an active member of the Constituent Assembly and later of Parliament.

Kumaramangalam, P.R., born in Tamil Nadu in 1952, in a family of eminent public men (his father and grandfather also had been Union Ministers), is a lawyer by profession. Elected to the eighth, ninth, tenth and twelfth Lok Sabha, he is currently Union Minister for Power.

Kunzru, H.N., was one of the most accomplished Indian parliamentarians who was listened to with rapt attention when he spoke on defence matters and foreign policy issues — the two areas in which he specialised.

Lal, Bhajan, born in a village in Bahawal (now in Pakistan) in 1930, was Chief Minister of Haryana (1989-1986) and later Union Minister for Environment and Forests, Agriculture.

Lohia, Ram Manohar (1910-1967) was a fiery socialist leader, an eminent freedom fighter, outstanding Opposition leader and a great parliamentarian. He was an original political thinker, a man of the masses and a prolific writer. When he entered the Lok Sabha as a member in 1963 and took oath, he was given an unprecedented standing ovation. A new life and a new light seemed to have entered the House.

Mavalankar, G.V. was born on 15 May 1952. He was elected Speaker of the Lok Sabha constituted after the first general election under the Constitution. Earlier Mavalankar had been President of the Central Legislative Assembly (1946-47), Speaker of the Constituent Assembly Legislative (1947-50) and of the Provisional Parliament (1960-52).

Menon, P. Govinda (1908-1970) was a successful lawyer, constitutionalist and parliamentarian. He served in the Constituent Assembly, the Provisional Parliament and the third and fourth Lok Sabhas. One of the most notable legislations piloted by him as the Union Law Minister was on nationalisation of banks which was followed with acrimonious debates in Parliament.

Menon, V.K. Krishna (1896-1974) played an important role in India's freedom movement through the India League and the Labour Party in Britain. After independence, he was India's High Commissioner to the United Kingdom during 1947-1951. As leader of the Indian delegation to the UN, he delivered the famous seven and a half hour long speech on India's case on Kashmir. He was elected to the Rajya Sabha in 1956 and he was India's Defence Minister during 1957-1965. In 1972 and 1977 he was elected to Parliament as an independent from West Bengal and Kerala respectively. An

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internationally and nationally controversial figure, Krishna Menon distinguished himself as an outstanding orator.

Mody, Piloo, born at Bombay in 1926, was known as a parliamentarian and for his sharp wit and humour. By profession he had been an architect but became one of the founders of the Swatantra Party. He was elected to the Lok Sabha twice and once to the Rajya Sabha.

Mookerjee, Shyama Prasad (1901-1953) was a barrister by qualification, and the youngest ever Vice-Chancellor of the University of Calcutta (1934). He was inducted by Jawaharlal Nehru in his Cabinet in 1947 but resigned as a protest to Nehru's Pakistan policy and the Nehru-Liaquat pact in April 1950. Mookerjee founded the Jan Sangh and is remembered as a great orator of extraordinary merit.

Mukherjee, H.N., born at Calcutta in 1907, was lawyer, educationist and is one of the most distinguished parliamentarians alive. A prominent communist party leader, he was also a candidate for the office of the president.

Munshi, K.M., born in 1877, was an advocate, writer, member of the Constituent Assembly and of the Drafting Committee. He was later Union Minister incharge of Food and Agriculture and Governor of Uttar Pradesh. He was known as a distinguished scholar and jurist.

Naidu, Sarojini (1879-1949) was an eminent poetess, and known as the nightingale of India. Sarojini Naidu was a prominent leader of the freedom struggle and a powerful and charming orator. She adorned the office of the governor of the most populous state of India — Uttar Pradesh.

Nehru, Jawaharlal (1889-1964) was among the most prominent freedom fighters and one of the founding fathers of the Constitution and the republic. Jawaharlal Nehru was an accomplished writer in English and India's first prime minister (1947-1964).

Pant, G.B. (1887-1961) was one of the foremost leaders of the nationalist movement for freedom and among the distinguished builders of modern India. A great parliamentarian, he was Chief Minister of Uttar Pradesh (1947-39 and 1947-1954) and later the Home Minister of India (1945-1961).

Pandit, Vijaya Lakshmi (1900-1990) sister of Jawaharlal Nehru, herself a prominent freedom fighter, occupied some of the highest positions in public

life both nationally and internationally. She was the first woman minister in Uttar Pradesh (1937-39), ambassador to USSR (1947-49) and USA (1949-53), High Commissioner to UK (1954-61), Governor of Maharashtra (1962-54) and Member of Lok Sabha (1966-68). She was leader of the Indian delegation to the United Nations and became the first woman President of the UN General Assembly.

Patil, Shivraj, born in 1935 at Latur (Maharashtra), is an advocate by profession. Patil was Speaker, Maharashtra Legislative Assembly, Union Minister of State for Science and Technology, Civil Aviation and Defence before being elected as the Speaker of the tenth Lok Sabha. He is an active parliamentarian.

Prasad, Rajendra (1884-1963) was one of the most distinguished leaders of the freedom struggle, a committed non-violent satyagrahi and a Gandhian. He was the President of the Constituent Assembly and was elected the first President of the Republic (1950-62).

Radhakrishnan, S. (1888-1975) was a distinguished philosopher, scholar, author and statesman. Dr. Radhakrishnan occupied high positions as Professor at Oxford, Vice Chancellor of the Banaras Hindu University, Ambassador to the then Soviet Union, Vice President (1942-62) and finally President of India (1962-67).

Ranga, N.G., born in 1900, was an agriculturist and freedom fighter and Professor of Economics. He was a member of the Central Legislative Assembly, Constituent Assembly Provisional Parliament, Lok Sabha, Rajya Sabha for over half a century making him the senior most sitting Parliamentarian of the world before his demise.

Rao, P.V. Narasimha, born in 1921 in Andhra, was Prime Minister of India during 1991-96. Narasimha Rao had been earlier Chief Minister of Andhra Pradesh and Union Minister incharge of various portfolios like HRD, Defence, Home, External Affairs. He is known as a linguist and an erudite scholar.

Sangma, P.A., born in 1947 in Meghalaya, had been Chief Minister of Meghalaya and Union Minister of State for Labour, Coal, Information and Broadcasting before he was elected Speaker of the eleventh Lok Sabha. Known for his competence and friendliness, Sangma is an outstanding parliamentarian.

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Shah, K.T., was born at Cutch Mandir in 1888. He was known as an eminent economist, author and active parliamentarian.

Singh, Karan, was born at Cannes (France), in 1931. He became maharaja of Jammu and Kashmir and Sadr-i-Riyasat at the age of twenty-one. He was governor, union minister, is world famous scholar, thinker, author, poet and statesman. He was also India's ambassador to the United States and is currently member of the Rajya Sabha.

Singh, Manmohan, born in West Punjab in 1932, is a well-known economist, professor and civil servant. He became the Finance Minister of India in the Narasimha Rao Cabinet and is known for the new economic policy of liberalisation.

Subramaniam, C. was born in Coimbatore in 1910. He was one of the most outstanding senior statesman around. He occupied some of the highest offices as Governor and in the Union Cabinet.

Sundaram, Lanka (1905-1967) was an eminent parliamentarian, economist, trade unionist and writer. Lanka Sundaram spoke in Parliament more as an experienced journalist than anything else.

Swell, G.G. was born in Meghalaya in 1924. He was educationist and Deputy Speaker, Lok Sabha during 1977-71. He has also been a Member of the Lok Sabha and Rajya Sabha for nearly three decades and India's ambassador to Norway and Burma.

Vajpayee, Atal Bihari is currently the Prime Minister of India. Vajpayee was born at Gwalior, Madhya Pradesh in 1926. He is an eminent writer, poet and journalist, and has been adjudged as the most outstanding parliamentarian. He is known as a very powerful speaker and is widely respected, transcending all party labels and ideologies.

List of Abbreviations



<i>AICC</i>	-	All India Congress Committee
<i>ASEAN</i>	-	Association of Southeast Asian Nations
<i>BJP</i>	-	Bharatiya Janata Party
<i>CAG</i>	-	Comptroller and Auditor General
<i>CARE</i>	-	Co-op. American Relief Everywhere
<i>CPM</i>	-	Communist Party Marxist
<i>CRP</i>	-	Central Reserve Police
<i>CSIR</i>	-	Council of Scientific & Industrial Research
<i>CVC</i>	-	Central Vigilance Commission
<i>DIB</i>	-	Director Intelligence Bureau
<i>DIG</i>	-	Deputy Inspector General
<i>DMK</i>	-	Dravida Munnetra Kazagham
<i>EAC</i>	-	Economic Advisory Council
<i>EPT</i>	-	Excess Profit Tax
<i>FAO</i>	-	Food and Agricultural Organisation
<i>GATT</i>	-	General Agreement on Tariffs and Trade
<i>GDP</i>	-	Gross Domestic Product
<i>HRD</i>	-	Human Resource Development
<i>IAF</i>	-	Indian Air Force

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<i>IB</i>	–	Intelligence Bureau
<i>IMF</i>	–	International Monetary Fund
<i>IPKF</i>	–	Indian Peace Keeping Force
<i>ISI</i>	–	Inter Services Intelligence
<i>JKLF</i>	–	Jammu Kashmir Liberation Force
<i>LTTE</i>	–	Liberation Tigers of Tamil Eelam
<i>MISA</i>	–	Maintenance of Internal Security Act
<i>MLA</i>	–	Member of Legislative Assembly
<i>MOSIS</i>	–	Minister of State for Internal Security
<i>MP</i>	–	Member of Parliament
<i>MRTP</i>	–	Monopolies and Restrictive Trade Practices
<i>NAM</i>	–	Non-Aligned Movement
<i>NEFA</i>	–	North East Frontier Area
<i>NIDC</i>	–	National Industrial Development Corporation
<i>ONGC</i>	–	Oil and Natural Gas Commission
<i>POK</i>	–	Pakistan Occupied Territory
<i>PSP</i>	–	Praja Socialist Party
<i>PTI</i>	–	Press Trust of India
<i>RSS</i>	–	Rashtriya Swayam Sevak Sangh
<i>SEADO</i>	–	South East Asia Defence Organisation
<i>TISCO</i>	–	Tata Iron and Steel Company
<i>UNO</i>	–	United Nations Organisation
<i>UGC</i>	–	University Grants Commission
<i>UNESCO</i>	–	United Nations Educational Scientific and Cultural Organisation
<i>UT</i>	–	Union Territory
<i>VHP</i>	–	Vishwa Hindu Parishad

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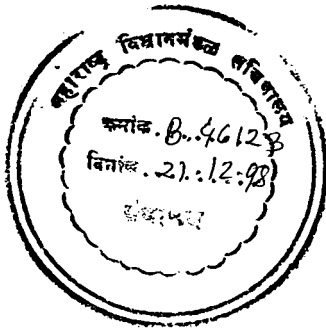
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