

हम लोग 100-200 नौजवानों की ऐसी टीम भी नहीं बना सकते जो कि संकल्प लेकर निकले कि सम्प्रदाय के नाम पर, जाति के नाम पर, गिरोह के नाम पर, केवल भावनाओं में बहकर किसी की हत्या नहीं होने देंगे, हर हालत में हत्यारे को रोकेंगे और कमज़ोर पक्ष का आदमी अगर कहीं मारा जाता है तो जरूरत पड़ने पर अपनी जान देकर भी उसकी जान बचाएंगे। हम ऐसी टीम तैयार नहीं कर पाए, देश को नहीं दे पाए और इसका मुझे हमेशा अफसोस रहेगा। हम चाहेंगे कि अब भी ऐसी टीम के बारे में सोचा जाए, सरकारी टीम नहीं, पुलिस नहीं, प्रशासन नहीं क्योंकि वे तो सरकार जो चाहती है उसके मुताबिक काम करते हैं। हम जानते हैं कि हम लोगों की सरकार होती तो ताज़िए का जुलूस नहीं रोका गया होता क्योंकि वहां का कलैक्टर, वहां का कप्तान डरता था। हम जानते हैं कि आज जिन लोगों की सरकार है, इस तरह के जुलूस रोकने से वे लोग खुश हो जाएंगे, ऐसी अपनी तरफ से वे लोग सोचते हैं, हमारी तरफ से नहीं और जब वे सोचकर कार्रवाई कर देते हैं तो पूरा शहर नर्क जैसा बन जाता है। बनारस शहर एक विद्वता का शहर है, एक धर्म का शहर है, वहां धार्मिक और साम्प्रदायिक सौहार्द का वातावरण हमेशा से रहा है, लेकिन उसको बिगाड़ने के लिए बीच-बीच में जो प्रयास प्रशासन की तरफ से होता है, उसके खिलाफ कार्रवाई होनी चाहिए और मैं मांग करूंगा कि उत्तर प्रदेश के गृह राज्य मंत्री जी को भारत सरकार की तरफ से सलाह दी जानी चाहिए। यह सच है कि ताल-तिगड़म से आदमी मंत्री बन जाया करता है लेकिन मंत्री बनने का मतलब यह नहीं होता कि वह जो चाहे अनाप-शनाप बोलता रहे। मैं जानता हूँ कि लोग मंत्री कैसे बनते हैं, लेकिन वह अनाप-शनाप नहीं बोले, उसकी बात में थोड़ा भारी-भरकमपन जरूर दिखाई देना चाहिए और वह बेमतलब के लिए राजनीतिक पार्टियों को न घसीटे।

आपने मुझे मौका दिया, धन्यवाद।

श्रीमती सरला माहेश्वरी (पश्चिमी बंगाल) : उपसभापति महोदया, मैं श्री जनेश्वर जी की बात से अपने आप को ऐसोसिएट करती हूँ।

THE DEPUTY CHAIRMAN: I adjourn the House for an hour for lunch.

The House then adjourned for lunch at nine minutes past one of the clock.

The House reassembled after lunch at thirteen minutes past two of the clock, **THE DEPUTY CHAIRMAN** in the Chair.

MOTION OF THANKS ON THE PRESIDENT'S ADDRESS -Contd..

THE DEPUTY CHAIRMAN: We shall continue with the Motion of Thanks on the President's Address.

SHRI PRANAB MUKHERJEE (West Bengal): Madam Deputy Chairperson, while participating in the Motion moved by my good friend Mr. Vankaiiah Naidu, I would like to express our gratitude to the President of the Republic. But, at the same time, I would like to place here our non-agreement with the contents of the Address which he delivered to the joint Session of Parliament. Madam, in a short span of four months, we had two Addresses from the President. On 25th October, after the constitution of the 13th Lok Sabha, while addressing the joint Session of Parliament and speaking on the subject of the Constitution review, the President not only declared the Government's intention to appoint a Commission to review the Constitution, but also went to a specific area. And I am referring to the old Address and in the last two lines of Para 37, it is stated, "The Government will also examine replacing the present system of No-confidence Motion by a system of "Constructive Vote of Confidence" and a fixed term to the Lok Sabha and the Vidhan Sabhas in order to prevent instability both at the Centre and in the States."

In the current Address, the President has, no doubt, again referred to the setting up of a Constitutional Review Commission at para 4 of page 1. In this Address, the particular reference to the 'fixed term' is missing. I do not know why this omission. The other day, while speaking on the subject and moving the Motion, my friend, Mr. Venkaiah Naidu, wondered why the Congress Party has opposed to the setting up of a Commission to review the Constitution. He also went on to point out as to how many times the Constitution was amended during the Congress regime. Obviously, a large number of amendments were effected when we were in power from 1950 to 1996. We were in power for more than 42 years. So, naturally, from the very first amendment, within the 17 months of the adoption and introduction of the Constitution, we introduced a series of amendments. Who disputes that? Nobody is disputing that. The Congress Party, all along, has accepted the view that our Constitution should be flexible enough to adjust itself with the changing situation. The Constitution is not an object to be kept in a museum. It is a functional instrument. It is an instrument for governance and, more so, so far as our Constitution is concerned, in our view, as it was very correctly pointed out by Prof. Granville Austin, it is more of a social and economic document. Madam, social justice is the soul of our Constitution. Therefore, in that context, we have no objection if the Government comes out with a proposition that these are the articles, these are the provisions and these are

the areas where we do feel that we require amendment and you, Parliament, give your seal of approval. Then, it is for the Parliament to decide. Every time a Constitutional amendment has taken place has taken through that route. Why this Constitution Review Commission, to have an omnibus review? Which section and which article you want to review? We wanted to know simply this, "Please identify and please specify the area which you wanted to review." But, till date, that specification is not there and that identification is not there. There comes a doubt. Every Constitutional amendment has raised a public debate. Take the case of the 24th Amendment, which was passed in 1971. Prior to 1967, when the Golaknath's case came, and based on two other earlier judgments - Shankaranarayan and in one other case - there was a general belief that every article of Constitution is amendable. I am not a Constitutional expert or a lawyer. Some of the very eminent legal luminaries like Mr Nariman, Mr. Singhvee, Arun Jaitley, Kapil Sibal and many others are there. When they make their contribution on this subject, definitely, they will speak in a more eloquent manner. As a plain activist and being a Member of this House for almost three decades, how I look at the issue I would like to share with my hon. colleagues. Take the case of the 24th Amendment. Before the Golaknath's case in 1967, the general belief was that each and every article of the Constitution was amendable. The Golaknath's case pointed out, "No. The Fundamental Rights cannot be changed." There was a Private Member's Bill in the Lok Sabha, known as Nathpai's Bill. Through that Bill, they wanted to assert the absolute power of the Parliament to make and unmake any part of the Constitution. The 4th Lok Sabha was dissolved. Prior to that, the Supreme Court, based on the Golaknath's case judgment, declared the Banks' Nationalisation Act, which had been passed by both Houses of Parliament, invalid. Mrs. Indira Gandhi dissolved the Lok Sabha; went to the people saying, "I want to amend the Constitution. I do not have the requisite majority. You give me the requisite majority." And the electorate gave a two-third majority to Mrs. Gandhi in the 5th Lok Sabha, and the 24th Amendment of the Constitution was effected in 1971. And, for the first time, if I remember correctly, the constituent power of the Parliament was inserted in the present clause (1) of article 368 and the sole original clause of article 368 was renumbered as clause 2.

Again, in 1977, when the Janata Party went to the elections, they raised a voice against the 42nd amendment, which was introduced during our time. The Indian electorate gave them a massive mandate, especially in

northern India. Sitting almost exactly in the same seats, they brought the 44th amendment in 1978. At that point of time, we had a clear majority in this House. We could have obstructed the constitutional amendment, proposed by the then Janata Party Government. They did not have 2/3rd majority in this House. But we went according to the popular will because the Indian electorate had given them the mandate. Therefore, we said, "We are prepared to examine the amendments which you want to bring. Come to Parliament. Identify the issue. Make it specific. Tell the problem which you are facing in implementing your programme, your commitment". Why this omnibus review, I do not understand.

Another point to which I would like to draw the attention of the House is regarding a fixed term of the Lok Sabha. You are talking about a fixed term for the Lok Sabha and the Vidhan Sabhas with a view to avoid political instability. A fixed term for the Lok Sabha has been given in Article 83, clause (2) of the Constitution. According to this article the term of the Lok Sabha shall be five years, if it is not dissolved before that time. Similarly, there is an analogous provision in respect of the State Vidhan Sabhas under Article 172 (2). Therefore, you want to avoid premature dissolution. Why did you not put it as one of the terms of reference? When you mentioned it in your Presidents Address in October and when you appointed the Commission, what did you say; what the Commission is expected to do? It is very general; there is nothing special, "How best a Constitution can respond to the changing needs of an efficient, smooth and effective system of Government, and socio-economic development of modern India, within the framework of parliamentary democracy, and to recommend changes, if any, that are required to the provisions of the Constitution without interfering with the basic structure or feature". Surely, we are not going to write a thesis of Phd. on the experiences of Indian Constitution for the last fifty years. It is the responsibility of the Government of the day to point out what particular provisions, which sections, which articles, that stand in the way of implementing their programmes for which they had received the mandate of the people. Mrs. Indira Gandhi did, so. The Janata Party did in 1977-78 and Mr. Rajiv Gandhi tried to do so, when he wanted to bring the third tier Government, in our constitutional system. So, issues should be identified. Now, on this specific issue, I have some points. Till date, I have not got the answers from the Government side. All of us know that it is an important element in the parliamentary system that the

legislature has the power to throw out an executive represented by the Council of Ministers at any point of time, by passing a vote of no confidence by simple majority. Similarly, the head of the executive, the Prime Minister, or, a Chief Minister, enjoys the power of making a recommendation to the head of the State for the dissolution of House. In 1905, this issue was debated in the House of Commons. Lord Salisbury pointed out to the then Sovereign though this is sovereigns prerogative, yet this prerogative has virtually become the prerogative of the Prime Minister". During the whole of last century, there had not been even a single occasion when a Sovereign refused to accept the recommendation of the Prime Minister for the dissolution of the House. In India too, in the last fifty years - in 1970, in 1977, in 1979, in 1991, in 1997, in 1999 - all the recommendations of the Prime Minister for dissolution of the House had been accommodated and accepted by respective Presidents. Why this authority has been given to the Prime Minister? It is for a very simple reason. I quoted once on the floor of the House, and I take the liberty of repeating it.

It was Baldwin. When Mr. Baldwin was once reminded in the House of Commons, "Mr. Prime Minister, please do not forget that you are a public servant of the House", he replied, "Yes, I accept; I am the unique servant, but who has the authority to make recommendations for the dissolution of the House of my masters?" That strikes a fine balance between the executive responsibility and the legislative responsibility. Today, you are talking of a fixed term, without applying your mind as to what can be the consequences of this. Take the case of the present the Lok Sabha. We see in the newspapers that some of the constituent parties are not in favour of cutting subsidies or some of the financial proposals of the Government. You are assuring them a fixed five-years term; no dissolution, etc. You will see that many a time, you cannot prevent an individual member from defecting. Even you will find a political party changing its loyalty from one government to another government, from one Prime Minister to another Prime Minister. Madam, this is not my imaginary fear. Exactly, the same situation prevailed in the period between the post-second World War in France, and before the emergence of De Gaulle. Therefore, if we are not too much fond of having three elections in a period of five years and want to provide legislative stability in that process, then we should not institutionalise the executive instability by changing Ministries frequently, as it happened in the post-second World War period of France. Therefore, our objection is not that

we are opposed to the amendment of the Constitution. Our objection is, we do not know as to what do you mean by this omnibus review. In the B.J.P. manifesto of 1998, we found that it was committed to one nation, one culture, and one people. Do you still believe in it? We were told by no less a person than the Home Minister of the country that the country should switch over to the Presidential form of Government. You are talking of a fixed five-years term. My good friend, Mr. Naidu, articulated his viewpoints very eloquently and very effectively, though I do not agree with his views. But nobody can deny his individual competence of putting forward a viewpoint. He says, "Is the Congress opposed to it?" Yes; because, we do not know as to what greater confusion you will create by "fixing term" and avoiding dissolution which is the power of the Prime Minister, and create a situation which will be similar to the situation in France which arose immediately after the second World War and before the advent of De Gaulle; and especially, in this context, in the present situation, when you are having a coalition Government.

The next thing which Mr. Naidu said was that the Congress never believed in the basic structure. Who told you that the Congress believes in the basic structure? If we believed in basic structure, then there was no need for injecting the doctrine of constituent power of Parliament through the 24th amendment. There was no need for asserting that Parliament should have the absolute power, with a special majority, to amend the Constitution. The basic features of the Constitution have not emerged as a result of the doctrine of any political party. Madam, it is the outcome of the judicial pronouncement, interpretation of the Constitution by the Supreme Court, first, in the Keshavananda Bharati's case; and later on in Minerva Mills' case, and through the subsequent judgement. It is not the document, it is not the doctrine, of any political party. We believe that the Constitution should be flexible enough, and if you permit me, Madam, I would like to draw the attention of the House to one of the observations made by Pandit Jawahar Lal Nehru, when he spoke about the flexibility of the Constitution, on 8th of November, 1948.

The then Prime Minister, Pt. Jawaharlal Nehru, spoke thus on the 8th of November, 1948:

"While we want this Constitution to be as solid and permanent as we can make it, there is no permanence in Constitution. There should be certain flexibility. If you

make anything rigid and permanent, you stop the nation's growth, the growth of living vital organic people. In any event, we could not make this Constitution as rigid that it cannot be adapted to changing conditions. When the world is in turmoil and we are passing through a swift period of transition, what we may do today may not be wholly capable tomorrow."

Dr. Ambedkar, another founder of the Constitution, went one step forward. He spoke on the 25th of November, 1949, just a day before the adoption of the Constitution. He suggested:

"Those who are dissatisfied with the Constitution, have only to obtain a two-thirds majority, and if they cannot obtain even a two-thirds majority in Parliament elected with adult franchise in their favour, their dissatisfaction with the Constitution cannot be deemed to be shared by the general public."

Therefore, when I talk of the majority, it is not in the air. You require a two-thirds majority. If you do not have a two-thirds majority to comply with clause (2) of article 368, you will have to begin the process of consultation. I do not understand; really I do not understand it, Madam. If somebody feels a pinch in the shoe, he himself would be in a position to know where the shoe pinches. Surely, he is not going to seek an expert opinion, "Please tell me the area where my shoe is pinching me." You are in the Government. You have your programmes. You tell us, "Yes, I want this provision to be changed because of this reason." We can argue why it can be done or it cannot be done. You tell us, "This article of the Constitution has to be changed. We want to change this because of this reason." We will argue. We may agree or we may not agree. After all, we have come to Parliament. We are told that you are asking, "Don't you want socio-economic changes?" Yes, we want them. We know what is to be done. You ask, "Don't you want empowerment of women?" For that, do we require an expert advice? Yes, expert advice may be available, expert advice should be available, provided You are clear in your mind.

Surely, Mr. Naidu knows it very well. He is a learned man. This very issue was debated in the Constituent Assembly before the day of appointing the Drafting Committee. Some of the Members suggested, "Let an

expert committee be appointed. Let them first draft the Constitution. Thereafter, the Drafting Committee under the chairmanship of Dr. Ambedkar, will debate and discuss it." But the then Members of the Drafting Committee and other national leaders did not agree with them. They appointed an expert, Mr. B. N. Rao. He helped them. But the Constitution was basically the product of the political and social leaders of the country, who were involved in the Movement for national freedom. We can take expert advice if we identify the issue. Therefore, it is not our case that we are opposing it because we do not want amendment of the Constitution or that we are rigid on it. We are opposing it because you are groping in the darkness. We are opposing it because what appears on the surface may not be true. There may be much more under the water. Otherwise, why are you not identifying the issues, on which you want to seek the advice of the experts? This is my contention.

Madam, I would like to comment on one more point and then I will complete it because we have some other speakers also. This is about the foreign policy. The President, in the last part of his Address, from paras 38 to 45, has dealt with our foreign policy.

I have only one question to put to the Government in this respect. Even in the last Address four months ago, when the President addressed the Members of Parliament in a Joint Session, he pointed out that India initiated a constructive dialogue with Pakistan. This time, while referring to Pakistan, you have completely dropped that. You have assumed a position that unless Pakistan stops cross-border terrorism, comes to you and tells you that we have stopped aiding and abetting cross-border terrorism, now you resume dialogue, we should not have a dialogue. Is it practicable? Is it possible? Is there any Government worth the name which will say, up to this day, up to this time, up to this hour, up to this moment, we were aiding and abetting terrorists; now we have stopped it and we can start a dialogue? Is it possible? Have we ever, in our diplomatic relations, reviewed the character of the foreign Government? We are a firm believer in democracy, but so far as I know we did never exported our democratic idealism to other countries, especially to Pakistan. We have lived with Pakistan. Out of 53 years of Pakistan's existence, from 1958 to 1971 and from 1978 to 1989, for almost a quarter of a century, Pakistan was under military rulers. So far as hostility is concerned, so far as cross-border terrorism is concerned, whether it is a democratic regime or whether it is a military regime, this is going on

uninterrupted. Were we not aware of it? At least intelligence reports were available. It appears from the Subramaniam Committee Report that before the bus ride of the Prime Minister to Lahore, we knew what was happening in Kargil. That did not stand in the way of the Prime Minister's visit. I think he did a right thing. But, today suddenly you take the posture: "No talk". Sometimes you are saying "unless Pakistan vacates the aggression of Pak Occupied Kashmir"; sometimes you say "they will have to stop aiding and abetting cross-border terrorism"; sometimes you express dissatisfaction on the change of character of the Government. This is not a part of our concern. On the other hand, we, like a parrot, have been saying: No third-party intervention. May I respectfully submit and ask the Government to let me know how you would avoid a third-party intervention, if this tension continues and you do not take the initiative to defuse the tension? After all there is one resolution of the Security Council under Chapter III of the UN Charter. After all, these two countries are nuclear-weapon States; after all, it has been repeatedly pointed out by the United States and many other European countries that South Asia has become the nuclear flash-point. And you are taking the position: no talk, no dialogue. Therefore, Madam, my respectful submission to the Government, through you, would at be, least let us talk. Let us talk about now to begin a talk with Pakistan. Thank you.

THE DEPUTY CHAIRMAN: Shri Suryabhan Patil Vahadane. Hon. Member is absent.

Shri Manohar Kant Dhyani. Hon. Member is absent.

SHRI B.P. SINGHAL (Uttar Pradesh): Madam Deputy Chairman, I thank you for giving me an opportunity to speak on the President's Address. We have been hearing the greatest amount of debate taking place on the question of amendment of the Constitution, both inside the Parliament as well as outside, there is a lot of talk about the threat to the basic structure of the Constitution. Ours is a democracy ; and the four pillars of democracy are the Legislature, the Executive, the Judiciary, and then the fourth pillar is supposed to be the Press. In the last fifty years, we have seen how the backbone of the Executive has been totally smashed. How the Legislature has elbowed out the Executive totally from its role and assumed the role of the Executive. Today, it is the Members of the Legislature in the States who are posting officers. As one MLA put it very succinctly, "The power of an MLA in the State is known by the amount of transfers he can get done or the amount of transfers he can get stopped." So, that is the state of the

Legislature. As to the percentage of time spent in legislation, Madam, we don't have to go far, it can be calculated as to how much time this Parliament has been giving to the process of legislation, which is supposed to be its main task.

History has already brought out the creation of Standing Committees because this Parliament could not debate properly and effectively the Bills which came up here. Then, in 1975, we saw how the Legislature or the Prime Minister tried to call for a committed judiciary. We have seen all that. A monolithic structure, where the Legislature assumes the entire role of the Executive as well as the Judiciary is being created. Thanks to the Judiciary, at least, some part of it still remains independent. So far as this democracy is concerned, these roles have to be defined; and the roles of individual made very clear, so that no one encroaches upon the other, as we have seen in the past 20 years. We are lamenting about criminalisation of politics; and the politicisation of criminals. This has been brought about. What else do we require to justify the need for amending the Constitution? How did this come about? Are the Members not worried about it? If so, don't they need to think and evolve a method to stop this process from taking place in future? The vote bank politics today has driven the country to pieces. Even the villages, where there was so sweetness where there was altogether goodwill have changed. During my earlier visits to the villages, when I used to camp for days and days, I used to find affection love between one person and another. Now all that has gone. In all villages there are groups, there is party politics. One group is fighting the other. We have not learnt how to disagree, and yet remain friendly. If a person does not cast his vote in favour of 'X' candidate, the 'X' candidate considers him as an enemy for all times.

DR. BIPLAB DASGUPTA (West Bengal): Madam, if I can raise an issue, an important discussion, Motion of Thanks on the President's Address is going on, but there is no Cabinet Minister.

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): He is sitting here.

DR. BIPLAB DASGUPTA: I am sorry.

THE DEPUTY CHAIRMAN: If one or two Ministers are sitting here --I don't consider their ranks as important -- they should be in a position to report to the Government. That is the basic idea. I don't want to disrespect the Ministers of State because they are also members of the Council of Ministers.

[24 April, 2000]

RAJYA SABHA

DR. BIPLAB DASGUPTA: But I am not finding anybody taking down notes.

THE DEPUTY CHAIRMAN: Yes; they should take down notes. The idea is that someone from the Government should be present there to take notes of that so that when the Prime Minister replies, he can reply from some references, not his prepared speech, because if he does not have any background of what happened in the House, he may not be able to answer correctly. That is why, I hope somebody is taking notes. The Ministers are so quiet that they sit at the back.

SHRI SATISHCHANDRA SITARAM PRADHAN (Maharashtra): It is not necessary to take notes in writing. They can keep the notes in mind.

THE DEPUTY CHAIRMAN: If somebody has got such a memory, if somebody is a computer, it is nice. Sometimes, even computers can make a mistake. So, I believe, it is necessary for somebody to be practical in the House and to take notes.

SHRI B.P. SINGHAL: May I have your permission now, Madam?

THE DEPUTY CHAIRMAN: Yes, please.

SHRI B.P. SINGHAL: We have seen in the last several years that rank communalism has been masquerading in the name of secularism. Madam, in the tenure of a person who championed the cause of the minorities the maximum in Uttar Pradesh, as an analysis done for 1980-1992 shows, the average number of Muslims killed in major riots came to 17 per month. The next champion was the Janata Dal in whose regime the average was 5; followed by the Congress in whose regime it was three per month and then followed the 18th months rule of the BJP in 1992, when the average was 0.8. The greater the champion of the Muslim cause, the greater the number of casualties of Muslims in communal riots! That is what the analysis tells me. Besides, there was an open invitation to the minorities, namely, the Muslims, to keep unlicensed weapons, without any sanction from any authority. This was what the Chief Minister was going about doing in his speeches. *(Interruption).*

SHRI VAYALAR RAVI (Kerala): Madam, I am on a point of order. The hon. Member is making a very serious allegation against a community, saying that they have been allowed to keep the weapons without any authority.

SHRI B.P. SINGHAL: Not against a community; against a Chief Minister.

SHRI VAYALAR RAVI: He has named a community as a whole. He has said "Muslims".

SHRI B.P. SINGHAL: You can ask it to be proved.

SHRI VAYALAR RAVI: Madam, in this House, we never drag the name of a particular religion or a set of people. The hon. Member has said, I have clearly heard, that the Muslims are allowed to keep the weapons, without any authority or licence. It is a very serious charge against a community as a whole. This is not good, Madam. I am pained to hear this kind of observation in this House. Madam, please look into it.

SHRI B.P. SINGHAL: I am saying it myself. It is the Chief Minister who said that, went about making his speeches....(*Interruption*).

SHRI VAYALAR RAVI: Which Chief Minister?

SHRI B.P. SINGHAL: I would not like to name him because that is not proper.

SHRI VAYALAR RAVI: How could you quote him, without naming the Chief Minister? Please quote.

THE DEPUTY CHAIRMAN: Mr. Singhal, if you make an allegation or if you are making a quotation from someone, you must be specific about it, which particular person has said what particular thing. (*Interruption*). Just a minute. Let me finish. Either that person, if it is possible, can give a personal explanation or he can refute your charges. Whatever is spoken in the House has to be substantiated. There may be 27 Chief Ministers in this country. Which Chief Minister of which State are you referring to?

SHRI B.P. SINGHAL: Uttar Pradesh.

SHRI VAYALAR RAVI: It is your own man, a BJP Chief Minister. (*Interruptions*).

THE DEPUTY CHAIRMAN: I am not allowing it. Mr. Gautam, you are not in the Chair. The matter is put to me to settle. I am only trying to explain to the hon. Member what the procedure and the requirement are.

[24 April, 2000]

RAJYA SABHA

There is no dispute about it. If he has got some evidence, he can speak on the floor of the House. But he should substantiate the allegation levelled by him against anybody. By saying that he is quoting some Chief Minister of Uttar Pradesh will not do. To which Chief Minister is he referring to? The present Chief Minister, the past Chief Minister or the previous Chief Minister? You have to substantiate your allegation. ...*(Interruptions)*...

SHRI SATISHCHANDRA SITARAM PRADHAN: Madam, there is a problem. Otherwise, I never intervene. The problem is, if you mention any particular person or particular Chief Minister, then that person or that Chief Minister is not in a position to come here to defend himself.

THE DEPUTY CHAIRMAN: In that event, he cannot quote it. There is no dispute about that.

SHRI SATISHCHANDRA SITARAM PRADHAN: Just now, you have said that he should substantiate the allegation. Madam, that will not solve the problem. Again, the problem will start. He will not be in a position to come here to defend himself. Therefore, his name should not be taken. On the one hand, we are asking him not to take the name of anybody or to point an accusing finger against a particular person; on the other hand, we are also asking him to substantiate it. How is it possible? How can both the things go together? That is what I want to know.

THE DEPUTY CHAIRMAN: You have put a very good question. It shows that he cannot mention things which he cannot substantiate or he should not take the names of those persons who cannot come here to defend themselves. He should not say what somebody else has said, without giving the names because this is not his quote. Whose quote it is, we do not know. He cannot quote somebody who cannot answer over here. He should not mention such things. He is capable of making his own points, not another person's points, which he is not able to substantiate. *(Interruptions)* My ruling is over, that this is the procedure of this House. It has been the procedure of this House and also of the other House that you cannot have allegations without substantiating them. He is referring to a Chief Minister. Which Chief Minister of U.P. is he referring to? The present Chief Minister or the past Chief Minister? The present Chief Minister cannot come to this House to clear himself. Same is the case with the past Chief Minister or anybody else. So, it is better if he does not mention the names of those persons who cannot come to defend themselves. He should not mention anything which he cannot substantiate.

SHRI SANGH PRIYA GAUTAM: Madam, can he not mention any fact which has appeared in the Press? We have been speaking on the basis of newspaper reports in this House. It is very difficult for a Member if he cannot quote from newspapers and cannot name the persons.

THE DEPUTY CHAIRMAN: Are you putting a question to Vayalar Ravi or to me?

SHRI SANGH PRIYA GAUTAM: I have said that this has arisen from the question put by Shri Vayalar Ravi.

THE DEPUTY CHAIRMAN: Mr. Vayalar Ravi or anybody else can put a question to the Chair and it is the duty of the Chair to clarify it because whatever Mr. Vayalar Ravi has said, is now going to become a ruling. So, finally I have to decide. If he wants to refer to something which has appeared in the newspapers, then he should quote the newspaper, when, where and who did it. It should go in a proper way. You should not make allegations which are in the air.

SHRI B.P. SINGHAL: Madam, on that score, I would like to say that I take back that point about the individual. But the point, that on an average, about 17 Muslims were being killed in a month during the entire tenure of that particular Chief Minister, Mr. Mulayam Singh Yadav, is a fact which I have found and I can substantiate it. I should get the opportunity to substantiate it subsequently.

THE DEPUTY CHAIRMAN: Do you have a newspaper report available with you?

SHRI B.P. SINGHAL: No, Madam. I have done it on my own analysis.

THE DEPUTY CHAIRMAN: No, no. You cannot make analysis as a part of your speech. You are taking somebody's name and that person is not a Member of this House. If this is your analysis, you can specifically say that it is my analysis. You cannot say that because my analysis says that anybody in this House....*(Interruptions)*

SHRI B.P. SINGHAL: But, Madam, a fact is a fact.

THE DEPUTY CHAIRMAN: But the fact is not an analysis. If he or anybody else has said it and you have read it in a newspaper that such and such thing has happened, you can lay it on the Table of the House. I will permit you to do so. But you cannot lay your analysis on the Table of the House. I am not going to permit.

3.00PM

SHRI B.P. SINGHAL: I will come with that analysis which was published in the Press also, without any challenge from any quarters. Now, there is another thing which I would like to say. Are we happy with the work culture of this country? Has article 311 not guaranteed such a security to the people that even if they don't perform well, they can still continue in Government jobs? How many people are taken to task? What is the accountability percentage of this poor performance? Does this not mean that we should go back to the constitutional provision of article 311 which guarantees job to everyone? Does it not need a change?

Then, there is the trade union culture. In Japan, when a trade union wanted a raise, they asked, 'How much production do you want in order to give us a raise?' The owners said, 'You bring the production to this level.' The workers wrapped black bands and produced up to that level and then got a raise. Here, the trade unions do not exhort the labourers to improve their performance. That is a pity. Throughout the 50 years, I have only seen this kind of one-sided practice going on in the trade union activities. I don't grudge them, it is a part of their job. But they also owe something to the nation which has paid them and which has sustained their children and their families. They have to take care to see that performance level is kept within reasonable limits. This culture has still to be brought into our country.

Madam, are we really happy with the manner in which the Judiciary has almost taken over the task of the Executive? The Executive has been elbowed out by the Legislature on the one side and by the Judiciary on the other. Then, we say that ours is a democratic structure. Where is the democratic structure?

Of all persons, I was quite surprised to hear the Leader of the Opposition, a very revered person of this House, saying, 'This Government is out to rewrite history.' I don't think that he would not know what that two-man team was supposed to write.

Actually, in Britain the Britishers had brought out, on the basis of documents alone, the history of Indian independence. The Britishers brought it out in such a way as to appear that it was not the Indians who wrested independence from them, but it was they who gave independence to India. That was the manner in which they juxtaposed all the documents they had. Now, Pandit Jawaharlal Nehru decided that we should give a befitting reply

to that particular exercise that they had done. And a job was given to the archives to dig out documents and then quote the documents in a chronological order or in a systematic manner to bring out how Indians wrested independence from the hands of the Britishers. Now it was a question of only quoting documents. Nobody was authorized to write his opinion anywhere and least of all, persons were not authorised to write the manifestoes of their particular parties, or quote poems of their particular partymen. This is what is mentioned in this volume which has come out. I wish the hon. Leader of the Opposition had, at least, glanced through this particular volume which has been withdrawn and he would not have felt so bad about it.

The entire mandate given by the then Prime Minister of putting in documents and proving it to the world that it is the Indians who have wrested independence on their own, has been completely belied and that entire exercise was supposed to be done by this team. I am not talking about their political affiliations and their political ideologies.

Then, I was shocked to hear the Leader of the Opposition saying in this House that we are supporting Dara Singh. Who can ever support any murder? We in this country have been taught to hate the crime, not the criminal. I would like...(Interruptions)

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH): This is not what I said. I did not say that the BJP Member of Parliament offered assistance to defend Dara Singh. Can you deny this fact?

SHRI B.P. SINGHAL: No; no. What is wrong with that. After all, a court has to offer a counsel, in case a man doesn't have a counsel. A counsel has to be given. What is wrong with that? But the individual Member's action cannot be considered as a party policy. I think the Leader of the Opposition is very well aware of that.

Another point of controversy is this. Our Leader of the Opposition has emphasised that this Government or the party prevented the shooting of "Water". When something happens for the first time, it is called "an accident". When it happens for the second time, it is called "a coincidence". When it happens for the third time, repeatedly, it is called "a design". Here, I would like to bring to your notice that in 1991, the very lady, Deepa Mehta, wanted to shoot a film called "Days and Nights in Calcutta". In 1991, the

then Government refused permission to her because, in the first place, that denigrated Calcutta and the widows of Calcutta, in particular, and the womanhood of India, in general. In 1993, permission was granted. But can you imagine the nature of the subject that was covered by the text, which was authorised in the 1993 sanction for the filming of "Days and Nights in Calcutta". I will put across only one specimen. I don't want to waste the time of the House. On page 113, it reads, "Food is shown as being put in gutters where beggars are waiting for it along with cows and dogs." This may be deleted. That was the recommendation. This is the kind of subject that Deepa Mehta was wanting to film in 1991. Then, she produced a film in the name of "Fire" and used the names of Radha and Sita for showing lesbianism. That was the second attempt to show what the West glorifies. The West glorifies lesbianism. The West glorifies homosexuality which they may be doing, through parade in Los Angeles and other cities. They may glorify it. They may try to justify it saying, "we are not doing anything particularly immoral when even in India, which is supposed to be a set of people with high moral values, this kind of a thing goes on". You just put up any theory and it will go on. That is the kind of attempt that was made by this film-maker. The third attempt was made when she was out to make "Water". As it happened, there was a rape scene, which, of course, was not shot. The rapist is known as one Narayana, and the name of the widow, who has been raped, is Janaki. Again, the names of our Gods and Goddesses were being used, despite the protest that took place at the time of "Fire". If that is the audacity of a foreign film-maker, I am ashamed that there are people in our country to support her. It is a shame to support people who are out to defame the women of our country. I would like all the Members sitting here to kindly take note of this. This was not the first occasion. This was the third occasion, the third attempt, to denigrate the women of India and the sacred city of Varanasi. In the first place, there was an attempt to denigrate Calcutta. To denigrate Varanasi was the second attempt.

Madam, we have seen that there has been a severe erosion of values in the last fifty years. Can we attribute it to anything else except politics? Can we attribute politics to anything else than the Constitution? It is time we thought about it. Our most hon. and most respected Member, Mr. Pranab Mukherjee, just said about Constitution Revision "Well, we do not know what is going to happen". How can you know? You just can't because the exercise is yet to be done by the Committee. I don't know why such panic,

such paranoia, is being shown to this particular aspect of the attempt to amend the Constitution. Please wait. There are very remarkable brains in the Committee. Mr. Justice Venkatachalaiah, the ex-Chief Justice of India, is presiding over it. With him there and with so many other luminaries of the country there, why are you feeling scared? Let them come up with some positive recommendations. This House is still there to discuss with them. You can throw it out. Who prevents you? If it is not worthy of being adopted, this House can easily throw it out. Where is the point in making such a hullabaloo about it as if the heavens are falling. But this is the kind of paranoia the Opposition parties showed right across the country. They have tried to say that this amendment is nothing but an insult to Dr. Ambedkar. Now our friend Mr. Pradhan, the other day quoted from the proceedings of the Constituent Assembly or of the Rajya Sabha that Dr. Ambedkar himself in September 1952 said that this Constitution should be burned up. Then somebody asked him in March, 1953 as to why he said this? He said, I am happy that I got this opportunity to tell you why I wanted this. "It is because we framed this Constitution, this political temple so that we could put a God in it. But before the God could come in, this has already been overtaken by the devil." These are the words which have been quoted by hon. Member Shri Pradhan. And then, outside, all over the country, parades and rallies were organised as though this Constitution is aimed at almost doing away with the Scheduled Castes altogether. Madam, I want to put this on record that it is the BJP who has fielded the maximum number of SC candidates and made the maximum number of SC candidates win and come to Parliament in this century, in the present Parliament. And they say that they are trying to do so. This is the vote bank politics - that is denigrating every single act that the BJP does and just because they think that they can get half a miles or quarter of a mile of political mileage in it. This is the lowness of political activity, Madam. Lastly, I would come to the point of erosion in values that have taken place in this country. The corruption levels, the absence of integrity, etc. I remember here in this House I said, it looks immoral for Members of Parliament to order for rise in their own salaries. It is totally immoral for Members themselves to take up a Resolution on raising their own salaries. There should have been a machinery which would have done this according to certain principles, certain norms. But Parliamentarians raised their salaries on their own. I did recommend to the House that for those days, when Parliament does not function, Members

should automatically be deprived of the daily allowance that they draw on account of attending Parliament. We have seen that for many consecutive days Parliamentary work was stopped and yet every Member received his daily allowance for those days also. I hope and believe and at least my leader has forwarded my letter to Hon. Chairman wherein I have declined to take the allowances for those days when Parliament did not function at all. I am not used to taking money without doing anything in return. Madam, this erosion in values, this culture of corruption was the handiwork of the first Governors of this country. It was they who set in the ball of corruption. In fact, if I would say so, it is the press which is responsible, in the first instance, to create a feeling when it described the 15th of August or 16th of August as a day of 'transfer of power.' Madam, in Hindi we say हमने इस पद का कार्यभार संभाला। For us, in our culture, every job is a burden to carry. But here they describe as 'transfer of POWER'. Now that power point got stuck in the minds of the then rulers of this country and they started searching where the power is. Madam, power is not power in the sense, the world understands power, until it is misused. I recall the time when a person, a friend of mine, recommended something for one of his relations, who was working under me, in one of the districts. I found that I could not do it. So, I told him, sorry, I could not do it. Later on, in a Party where a large number of people were sitting there his wife started complaining. She said, "You have not done my work." I said, "This is the problem." Then my friend said क्या दो कौड़ी के डी.आई.जी. हैं। क्या कह रहे हैं नहीं कर सकते? आप दो कौड़ी के डी.आई.जी. हैं। When he said it for the third time, a very old man, an officer of the 1939 seniority, who was sitting there, shouted at him and said, "Are you aware with whom you are talking?" I told him to keep quiet. I said, "He is saying the right thing." ये तो दो कौड़ी का आंकते हैं हमको। हम तो एक कौड़ी के भी नहीं हैं।

Madam, power is not power until it is misused. Therefore, I would like to draw the attention of the nation to this aspect. The Constitution should be so made that this kind of misuse of power is stopped. That is all. Thank you.

उपसभापति : रूमन्दला रामचन्द्रैया जी, आप बोलिए। आपकी पार्टी के 2 लोग हैं और 24 मिनट हैं। आप डिसाइड कर लीजिए कि आप कितनी देर बोलेंगे, आधा-आधा समय बोलेंगे या आप ज्यादा बोलेंगे।

श्री रामचन्द्रैया रूमन्दला (आंध्र प्रदेश) : माननीय उपसभापति महोदया, सर्वप्रथम मैं आपको धन्यवाद देना चाहता हूँ कि आपने मुझे राष्ट्रपति जी के अभिभाषण पर अपने विचार प्रकट करने का मौका दिया। महोदया, आज हमें यह देखना है कि राष्ट्रपति जी के अभिभाषण में किन-किन मुद्दों को छोड़ा गया है। महोदया, गांवों में पीने के पानी की समस्या के बारे में, गांवों में शिक्षा की उन्नति के बारे में हमें ज्यादा से ज्यादा सोचना चाहिए। राष्ट्रपति जी ने अपने अभिभाषण में कहा है कि हर प्रकार की उन्नति के लिए भारत सरकार अच्छे कदम उठा रही है। इसके साथ-साथ मेरी यह भावना है कि जो लोग गांवों में रहते हैं हथकरघे पर काम करने वाले बुनकर लोग और दूसरे लोग, उनसे संबंधित जो मूल विषय है उसके बारे में भारत सरकार कुछ सोच नहीं रही है और क्या दिशा है, क्या विज्ञान है, इस बारे में अभिभाषण में कोई जिक्र नहीं किया गया है। महोदया, आज आंध्र प्रदेश में बहुत से कार्यक्रम चलाए जा रहे हैं लेकिन भारत सरकार की गरीबों के बारे में जो पालिसी होनी चाहिए वह इस राष्ट्रपति जी के अभिभाषण में कहीं दिखाई नहीं पड़ रही है।

महोदया, अगर पंचायती राज व्यवस्था को देखा जाए तो श्री टियर सिस्टम रखने से आंध्र प्रदेश में बहुत से काम ठीक ढंग से होने लगे हैं लेकिन डुप्लीकेशन होता है जैसे ग्राम सभा का सदस्य, मंडल में मंडल का सदस्य। इस प्रकार से इस डुप्लीकेशन के विषय में भी पंचायती राज व्यवस्था में सुधार लाना है। इस बारे में राष्ट्रपति जी के अभिभाषण में कोई जिक्र नहीं किया गया है। अगर गांवों के विकास की बात सोची जाए तो आज गांवों में बहुत से लोग बेरोजगार हैं, उनके लिए कुछ भी सोच-विचार नहीं किया गया है। गरीबों को जो वस्तुएं खरीदनी पड़ती हैं, अचानक ही उनके दाम बढ़ गए हैं। आज देश में यदि कोई भी चीज जनता के लिए, जनता के हित में करनी है तो उसके लिए उसका प्रचार करके जनता की सहभागिता से, जनता की सहायता से सोच-समझकर कदम उठाना आवश्यक है लेकिन उस विषय में भी राष्ट्रपति जी के अभिभाषण में कोई संकेत नहीं किया गया है।

महोदया, उनके अभिभाषण में आर्थिक सुधार लाने की बात कही गई है। वे आर्थिक सुधार केवल दाम बढ़ाने से पूरे नहीं होंगे। उसके लिए जनता के हित में कार्यक्रम लाना जरूरी है। जनता के हित में जो कार्यक्रम लाने हैं, वे जनता की सहभागिता से जनता की उन्नति के लिए और ग्राम-सुधार के लिए लाए जाने चाहिए। लेकिन उन्होंने अपने अभिभाषण में उन कामों का जिक्र नहीं किया जिससे जनता की भागीदारी से हर काम करें। आज आंध्र प्रदेश में जो भी काम वहां के मुख्य मंत्री लेते हैं

जनता की सहायता से, जनता कमेटी से चाहे वह जल के कार्यक्रम हों या किसानों के कार्यक्रम हों या अस्पताल में सही रहन-सहन के लिए हों। वहां जनता को कमेटी में डालकर, कोई भी हो हर वर्ग से एक-एक को लेकर वहां ज्यादा से ज्यादा लाने का प्रयत्न कर रहे हैं। लेकिन सरकार के कार्यालयों में, राज्यों में जो सुधार होना है वह सुधार नहीं हो पा रहा है। उस पर भी राष्ट्रपति जी का कोई दृष्टिकोण नहीं दिखाया गया है। उसके साथ ग्रीन एंड क्लीन को देखा गया तो आंध्र प्रदेश में हर हफ्ता या सेकेंड वीक आफ शनिवार को हो रहा है। लेकिन ग्रीन एंड क्लीन के बारे में भी भारत सरकार अपने राज्यों में सारे भारत में सुधार लाने के लिए कोई विचार प्रगट नहीं कर रहे हैं। आज आंध्र प्रदेश में श्रमदान के द्वारा बहुत से कार्यक्रम लेकर गांवों में सुधार ला रहे हैं। लेकिन भारत सरकार ने उसके बारे में भी कुछ नहीं कहा। उसके साथ-साथ आज जन्म-भूमि लेकर आज हर गांवों में एक अच्छा कार्यक्रम ले रहे हैं। भारत सरकार अगर सोचे कि जन्म-भूमि का यह कार्यक्रम लेकर आज भारत देश कई सुधार ला सकता है लेकिन उनके बारे में गांव विकास के लिए, गांव उन्नति के लिए, राज्यों में अच्छा वातावरण लाने के लिए कोई बातचीत नहीं हुई है। वाटर शैड प्रोग्राम को लेकर आज आंध्र प्रदेश में कई सुधार कार्यक्रम हुए हैं, महाराष्ट्र में हुए हैं और मध्य प्रदेश में भी हो रहे हैं। लेकिन राष्ट्रपति जी के अभिभाषण में वाटर शैड, वाटर लेविल, ग्राउंट वाटर को बढ़ाने के लिए कोई भी विचार प्रगट नहीं किया गया है। उसके साथ आज आंध्र प्रदेश में विजन-2020 को लेकर आंध्र प्रदेश की उन्नति के लिए राज्य सरकार ने कई कार्यक्रम लिए लेकिन भारत सरकार कोई विजन नहीं बतला रही है। भारत सरकार आज, गरीबों को यह करेंगे वह करेंगे, कहते हैं लेकिन इस को प्रणाली में दिखाना चाहिए कि इन वर्गों के लिए इन-इन कामों के माध्यम से उन्नति के लिए हम ठोस कदम उठाएंगे।

इसी के साथ एक और विषय सामने रखता हूं। आज भारत में कई वर्ग रहते हैं लेकिन भारत के कुछ-कुछ कोनों में अल्पसंख्यकों के साथ बहुत अन्याय हो रहा है। उसको रोकने के लिए ठोस कदम उठाने का अभिभाषण में कोई मूल उल्लेख नहीं किया गया है। कृपया आपके माध्यम से मैं भारत सरकार से कहना चाहता हूं कि अल्पसंख्यकों की उन्नति के लिए, उनकी रक्षा के लिए, उनकी भलाई के लिए कुछ-कुछ अच्छे कार्यक्रम लेकर जनता के हित में काम करें। आज हथकरघा-बुनकरों के बारे में देखा गया है, किसान के बाद बुनकर आते हैं इस भारत देश में। लेकिन उनके सुधार के लिए जो बजट रखा था वह बजट बहुत कम है उसके सुधार के लिए आज चार-पांच साल से जो प्रणाली पहले थी वह प्रणाली भी आज कम हो गई है। उनके लिए कई नई-नई स्कीम रखते थे। वह घर सुधार हो या काम हो या उसकी मार्केटिंग व्यवस्था हो या उसकी एक्सपोर्ट

प्रमोशन कौंसिल हो लेकिन आज केवल 25 हजार करोड़ रुपया अपग्रेडेशन आफ मिशनरीज के लिए रखा है। लेकिन बुनकरों के बारे में गांवों में जो लोग हैं उनके बारे में कोई ठोस कदम नहीं दिखाया गया है। मैं आपके माध्यम से भारत सरकार से यह प्रार्थना करता हूँ कि जो भी कदम उठाए गए गांवों के विकास के लिए, गांवों में रहने वाले गरीबों के लिए, हथकरघा के लिए -बुनकरों के लिए, इनके लिए जितना बजट रखा गया है वह बताएं? करोड़ों-करोड़ रुपए मिलों के अपग्रेडेशन के लिए रखा है तो गांवों में रहने वाले बुनकरों के लिए क्या रखा है? क्या प्रणाली है? उस पर भी राष्ट्रपति जी का कोई भी विचार प्रगट नहीं हुआ है। भारत सरकार के प्रधान मंत्री जी हर समय इस देश के सुधार के लिए कठोर कदम उठाने की बात कहते हैं। लेकिन इसके साथ-साथ जनता के हित में भी कुछ नये कार्यक्रम लाने के बारे में बतायें तो ठीक रहेगा। इस विषय में मेरी आपसे और आपके माध्यम से भारत सरकार से यह विनती है कि कम से कम महिलाओं के बारे में भी सोचें। महिलाओं को अगर राजनीति में रिजर्वेशन देना है तो उसके लिए कदम उठायें। यह बात ठीक है कि विविध पार्टी वालों का अलग-अलग विचार है। अगर आप लोगों ने महिलाओं को रिजर्वेशन देना है तो इसमें क्या परेशानी है? आन्ध्र प्रदेश के मुख्य मंत्री जी ने, राज्य सरकार ने 33 प्रतिशत महिलाओं को नौकरी में रिजर्वेशन दिया है। असेम्बली में, राजनीति में 33 प्रतिशत रिजर्वेशन महिलाओं को देने के लिए प्रस्ताव पास करके यहां भेजा है लेकिन उसके बारे में भारत सरकार का दृष्टिकोण ठीक नजर नहीं आता है। इसलिए मैं आपके माध्यम से भारत सरकार से यह विनती करता हूँ कि बोलना कम करें, काम ज्यादा करें। इसी से देश में कुछ उन्नति हो सकती है। धन्यवाद।

उपसभापति : सरकार तो अभी तक कुछ नहीं बोली है। अभी प्रधान मंत्री जी बोलेंगे। आपने महिलाओं की बात को उठाया, बहुत अच्छा किया। इसीलिए इसके बाद मैं एक महिला को बोलने के लिए बुला रही हूँ। श्रीमती सरोज दुबे। After Shrimati Saroj Dubey, I will call Shri N. Shiva. So please be in the House. If he is there, it is fine; otherwise, I will call the next speaker.

श्रीमती सरोज दुबे (बिहार): धन्यवाद महोदय। मैं महामहिम राष्ट्रपति जी के प्रति अत्यधिक सम्मान व्यक्त करते हुए इस अभिभाषण का विरोध करने के लिए खड़ी हुई हूँ। यह अभिभाषण वर्तमान सरकार द्वारा किए गए कार्यों का एक लेखा-जोखा है तथा उसके भावी कार्यक्रमों का एक सरकारी दस्तावेज है। इसमें शब्दों का इन्द्रजाल रचकर एक सब्जबाग की रचना की गई है और उसमें जनता को सैर कराने का एक असफल प्रयास किया गया है। इसमें जो सब्जबाग दिखाये गए हैं वह महंगाई के बोझ से दबे हुए, पानी की तलाश में घूमते हुए परेशान जनता के जख्मों पर नमक छिड़कने का काम किया गया है।

इसका गंभीर अध्ययन करने पर इसका खोखलापन तुरंत उजागर हो जाता है और विकास की तीव्र गति के लिए इसका कोई भी दूरगामी दृष्टि नहीं दिखाई देती है। यह बहुत उत्साहवर्द्धन कराने वाला अभिभाषण नहीं है। यह बड़े गर्व की बात है कि भारत ने गणराज्य के रूप में 50 साल पूरे कर लिए हैं। राजधानियों में और महानगरों में स्वर्ण जयन्ती मनाई गई। देश गर्व और उत्साह में डूब गया, लेकिन क्या हमारा ध्यान उन गरीबों की ओर भी गया जो आज भी 50 साल की आजादी के बाद पानी की तलाश में पेट भरने के लिए रोजी-रोटी की तलाश में घूम रहे हैं?

सेकेंड पैराग्राफ में राष्ट्रपिता महात्मा गांधी जी का नाम लेकर, गरीबों को विकास का सबसे पहला लाभ देने की बात सुनिश्चित करने की बात कही गई है। परन्तु क्या हम गांधी जी के आदर्शों की प्राप्ति की ओर तेजी से बढ़ रहे हैं? क्या 50 वर्षों में वैसा भारत बन पाया है जैसा गांधी जी चाहते थे? गणतंत्र के 50 साल पूरा होने के बाद भी हम यह दावे के साथ नहीं कह सकते कि कतार के आखिरी इन्सान की भारत के निर्माण में कोई प्रभावी भूमिका हो पाई है। इसका मुख्य कारण यह है कि विकास का लाभ हमने समाज के गरीब लोगों तक नहीं पहुंच पाया है। इसलिए आजादी के 50 वर्ष के बाद भी गरीब-गरीब ही रह गया है। हम गांधी जी और डा. अम्बेडकर के नाम की दुहाई दिया करते हैं, लेकिन समाज को दो प्रकार की दुनिया में बांट दिया है। एक तरफ अमीरों की आलीशान गगनचुम्बी और रोशनी से जगमगाती हुई अट्टालिकाओं की दुनिया है तो दूसरी तरफ टाट और फटे बोरों से ढकी छतों के नीचे अंधेरे में और अभाव में सिसकती हुई गरीबों की दुनिया है। गरीब बड़े भवनों का शिल्पकार तो बन गया, लेकिन उसे सिर छिपाने के लिए छत नहीं मिली। कपड़ा मिलों में उसने कपड़ों के अम्बार लगा दिए। लेकिन उसके परिवार को तन ढकने का कपड़ा नहीं मिला। उसने बोझ भी ढोया, सिर पर सामान भी ढोया, खेतों में फसल उगाई लेकिन फिर भी उसको भर पेट भोजन नहीं मिला; स्वास्थ्य सुरक्षा और शिक्षा केन्द्र की तो बात ही दूर की है। इस विकास की तीव्र दौड़ में गरीब कहां और कैसे पीछे छूट गया, इसके लिए राजनेताओं को और राजनैतिक दलों को आत्मचिंतन की आवश्यकता थी किन्तु आत्मचिंतन के बजाय सारा दोष संविधान के माथे मढ़कर संविधान की समीक्षा प्रारम्भ कर दी और संविधान की समीक्षा एक बहुत ही खतरनाक संकेत है। भा.ज.पा. गठबंधन का यह कदम इस शंका को जन्म दे रहा है कि कहीं यह गांधीवादी मूल्यों से छुटकारा तो नहीं पाना चाहते हैं। सभी जानते हैं कि गांधी जी को लोकतांत्रिक मूल्यों में पूरी आस्था थी। स्वतंत्रता, समानता और भाईचारे के मूल्यों के प्रति उनकी पूरी संवेदना थी। इसीलिए गांधी जी कहा करते थे कि "मैं ऐसे भारत के लिए काम करूंगा जिसमें निर्धन व्यक्ति भी इसे अपना देश समझे और उसके निर्माण में

उसकी प्रभावी भूमिका हो। एक ऐसा भारत जिसमें लोगों का कोई उच्च वर्ग या निम्न वर्ग न हो, जिसमें सभी समुदाय पूरे सद्भाव के साथ रहते हों। इस प्रकार के भारत में छुआछूत के कोढ़ के लिए कोई जगह नहीं होगी चाहिए, स्त्री और पुरुष को समान अधिकार हो, यही मेरे सपनों का भारत होगा।" लेकिन आज हर दिन हर पल हम गांधी जी के सपनों का वध करते जा रहे हैं। विकास का लाभ गरीबों को नहीं, राजनेताओं और भ्रष्टाचारियों की भेंट चढ़ रहा है। गरीबों के हिस्से में तो केवल खोखले नारे जा रहे हैं। आज जो कुछ हो रहा है, उसके लिए संविधान को जिम्मेदार नहीं ठहराया जा सकता क्योंकि जब-जब जरूरत पड़ी है, जिस राजनैतिक दल को जरूरत पड़ी, उसने अपने अनुसार संविधान में संशोधन किए और उसके अनुसार काम किया क्योंकि संविधान में संशोधन का प्रावधान है पर आज अपनी अकर्मण्यता, अक्षमता, स्वार्थ लोलुपता और सत्ता की भूख से उपजे इन दुष्परिणामों को संविधान के माथे पर मढ़कर संविधान की समीक्षा के लिए एक चिकित्सक दल का गठन कर दिया गया जो संविधान के स्वास्थ्य का परीक्षण करेगा। जबकि हमारे संविधान के निर्माताओं ने मूल संसदीय प्रजातंत्र की ब्रिटिश प्रणाली को अपनाने के साथ-साथ अन्य प्रमुख देशों के उत्तम प्रावधानों को सम्मिलित करते हुए देश को एक आदर्श संविधान देने का प्रयास किया था। संविधान सभा के सदस्य राष्ट्र प्रेम की भावना से प्रेरित थे और बहुत ऊंचे कद के थे परन्तु उन्हें इस बात का कुछ-कुछ अनुमान था कि संविधान के अभिरक्षक अपने स्वार्थ एवं सुविधा की पूर्ति के लिए इसके शब्दार्थ और उसकी भावना का उल्लंघन करने में नहीं हिचकिचाएंगे। संविधान सभा के अध्यक्ष डा० राजेन्द्र प्रसाद ने इन्हीं अनुमानों के आधार पर दिनांक 26.11.49 को संविधान अंगीकृत किए जाते समय संविधान सभा के संबोधन में कहा था "जिन व्यक्तियों का निर्वाचन किया जाता है, यदि वह योग्य और चरित्रवान हैं, ईमानदार हैं तो वह एक दोषपूर्ण संविधान को भी सर्वोत्तम संविधान बना देंगे लेकिन यदि उनमें इन गुणों का अभाव होगा तो यह संविधान देश की सहायता नहीं कर पाएगा। आखिर संविधान एक यंत्र की भांति निष्प्राण वस्तु ही तो है। उसके प्राण वह लोग हैं जो इस पर नियंत्रण रखते हैं, जो इसका प्रवर्तन करते हैं। आज देश को ऐसे ईमानदार लोगों की आवश्यकता है जिनके सामने राष्ट्र हित सर्वोपरि हो।" पिछले पचास वर्ष का अनुभव बताता है कि डा० राजेन्द्र प्रसाद का यह कथन कितना सही भविष्यवक्ता का था। एक के बाद एक केन्द्र सरकार और संविधान के अन्य अभिरक्षकों ने इसका उल्लंघन किया। उसी के कारण आज देश में यह असमानता का नमूना देखने को मिल रहा है। जहां तक मुझे याद है, राजग के पैरा 25 में विधायिका की अवधि 5 वर्ष तक सुनिश्चित करने की बात कही गयी है। यह स्थायित्व लाना चाहते हैं परन्तु स्थायित्व के नाम पर कुशासन नहीं चलाया जा सकता है। स्थिरता से अधिक

मूल्यवान है। हमारी संसदीय प्रणाली। यदि इस संसदीय प्रणाली को छेड़ा गया तो तमाम प्रजातांत्रिक व्यवस्था लड़खड़ाकर गिर जाएगी। परन्तु भाजपा को तो अपना गुप्त एजेंडा लागू करने की चिंता है। हालांकि जनता ने इन्हें पूर्ण बहुमत नहीं दिया। खंडित जनादेश और 24 दलों के गठबंधन के साथ सत्ता पर कायम है। पूर्ण बहुमत न मिलने से इनका गुप्त एजेंडा लागू करने का मनसूबा अधूरा रह गया। बार-बार प्रधान मंत्री जी और राजग कहते हैं कि संविधान के मूल रूप को अक्षुण्ण रखा जाएगा। लेकिन अगर संविधान के मूल रूप को अक्षुण्ण रखा जाएगा और संसद ही संविधान में संशोधन कर सकती है तो फिर इस समीक्षा की क्या आवश्यकता थी? ऐसी कौन सी बात आ गई थी या ऐसे कौन से विशेष रोग का निदान करना था जिसके लिए संविधान समीक्षा की आवश्यकता पड़ी? पिछले चुनावों में किसी भी दल को बहुमत नहीं मिला। खंडित जनादेश लेकर सरकार द्वारा इतना बड़ा कदम उठाना क्या न्यायसंगत है? क्या यह तर्कसंगत है? क्या संविधान की समीक्षा के लिए यह उचित समय है? हम एक प्रभुत्व सम्पन्न समाजवादी पंथ निरपेक्ष लोकतांत्रिक गणराज्य हैं। हमारा संविधान अभी तक सारी चुनौतियों का सफलतापूर्वक सामना करता आया है। क्या उसे सरकार के गिने-चुने विशेषज्ञ बदल देंगे? इसीलिए पूर्व प्रधान मंत्री श्री वी.पी.सिंह ने कहा है कि संविधान व्यक्तियों की आशाओं और आकांक्षाओं का प्रतीक है। इसकी समीक्षा सरकार द्वारा नियुक्त चंद विशेषज्ञों पर छोड़ देना कैसे तर्कसंगत कहा जा सकता है? खंडित जनादेश की गठबंधन सरकार को पहले जन-प्रतिनिधियों को बुलाकर एक सहमति बनानी चाहिए थी। फिर संवैधानिक परिवर्तन पर विचार करना चाहिए था। इसके लिए एक संसदीय समिति बनाई जा सकती थी जो सही मायने में जन आकांक्षाओं का प्रतिनिधित्व करती है। इस सरकार का दावा है कि वह पारदर्शिता लाना चाहती है लेकिन इतना लुकाव-छिपाव और जिस तरह परदे की ओट में काम हो रहा है और जिस तरह से इसके गुप्त एजेंडे को लागू करने का षड्यन्त्र चल रहा है, उससे पारदर्शिता की बात तो एकदम मखौल मालूम होती है। सरकार बताए कि उसे ऐसी क्या जल्दी थी कि देश के तमाम दूसरे ज़रूरी कामों को छोड़कर, जहां एक ओर हमारी सीमा पर दिनबदिन खतरा बढ़ रहा है, देश की आर्थिक स्थिति में भारी उथल-पुथल हो रही है, ऐसे समय में देश को एकाग्रचित्त होकर विकास की ओर ले जाने के बजाय संविधान की समीक्षा की क्या आवश्यकता थी? इसलिए सरकार को चाहिए कि संविधान की समीक्षा के बदले अपने क्रियाकलापों की समीक्षा करे। राजनेतागण अपनी समीक्षा करें क्योंकि इन पचास वर्षों में संविधान नहीं बदला, राजनेता बदल गए हैं और समीक्षा राजनेताओं के आचरण की होनी चाहिए, न कि संविधान की।

महोदया, इस अभिभाषण में पंथ निरपेक्ष लोकाचारों को बनाए रखने तथा उन्हें

सुदृढ़ रखने के लिए सरकार ने अपनी प्रतिबद्धता दोहराई है लेकिन आज धर्म के नाम पर साम्प्रदायिक विद्वेषों को बढ़ावा दिया जा रहा है जो कि बहुत ही खतरनाक है । भारत विभिन्न भाषा, जातियों और धर्म के लोगों का देश है । हमने मिल-जुलकर आज़ादी की लड़ाई लड़ी और हमें विरासत में एक शानदार मिली-जुली संस्कृति मिली है । आज से पचास वर्ष पूर्व जब हमने राजनीति की नींव पंथ निरपेक्ष आधार पर रखी थी, उस समय पाकिस्तान की राजनीति का आधार मज़हब था जो आगे चलकर कट्टरवाद में बदल गया। इसके विपरीत भारत में धर्मनिरपेक्षता के आधार पर उदारवादी राजनीति की परंपरा उत्पन्न हुई जो भारत उपमहाद्वीप की सदियों पुरानी परंपरा "सर्वधर्म समभाव" के अनुरूप है परंतु धीरे-धीरे राजनीतिक दलों के चरित्र में बदलाव आ गया। धर्म और जाति के नाम पर संगठनों का गठन होने लगा, ऐसे संगठनों का जो संविधान के मौलिक ढांचे अर्थात्, धर्मनिरपेक्ष स्वरूप को प्रभावित करते हैं। हिंदुत्व के नाम पर जिस वर्ग को आज बढ़ावा दिया जा रहा है, वह भय उत्पन्न करता है, जुगुप्सा उत्पन्न करता है क्योंकि ऐसे संगठनों का आधार मुसलमानों और ईसाइयों के विरोध पर ही आधारित है। यही कारण है कि भा.ज.पा. के एक सांसद ने ग्राहम स्टेन्स और उसके दो पुत्रों को निर्ममतापूर्वक जला कर हत्या करने वाले दारा सिंह की वकालत की है और खुले आम उसकी तरफदारी की है । अयोध्या की बाबरी मस्जिद को ढहाने के बाद अब गिरिजाघरों की दीवारें इनके निशाने पर हैं । इसी कारण पहले गुजरात में, फिर उड़ीसा में और उसके बाद मथुरा में जो कुछ हुआ, वे बड़े शर्मनाक काम हैं । मथुरा में जिस तरह से शिक्षण संस्थानों पर हमला हुआ, आगरा के ईसाई समुदायों पर जिस तरह से हमला किया गया और जिस ढंग से बाइबल जलाने का प्रयास किया गया, उनके वाहनों को जलाने का प्रयास किया गया, क्या ये धर्मनिरपेक्ष स्वरूप को बढ़ावा देने की बातें हैं ? आज सत्ता के उन्माद में आकर देश को तोड़ने की जो साज़िश हो रही है, इससे देश में प्रजातंत्र नहीं चल पाएगा । आज देश के अंदर कुछ लोगों में हिंदुत्व के नाम पर जो उन्माद फैलाने का प्रयास चल रहा है, उसको रोकना होगा। अगर हम इसे नहीं रोक पाएंगे, अगर हमारे देश के अल्पसंख्यकों को इस देश में अपनी भागीदारी का अहसास नहीं होगा तो यह देश कभी एक नहीं हो पाएगा, उसके खंडित होने का खतरा बढ़ जाएगा ।

महोदया, साम्प्रदायिकता, सदैव संस्कृति की दुहाई दिया करती है। उसे अपने को असल रूप में निकालने में लज्जा आती है इसीलिए संस्कृति का खोल ओढ़कर वह हमेशा बाहर निकलती है। जिस तरह से भारत के इतिहास की रचना में इनकी दखलंदाजी शुरू हो गई है, इतिहास के पृष्ठों को बदलना चाहते हैं, जिस तरह से प्रो० के.एन. पणिकर तथा प्रो० सुमित सरकार की पुस्तकों का प्रकाशन रोका, इससे सरकार की ही नहीं तमाम

हिन्दुत्ववादियों की मंशा जाहिर होती है। इतिहास का अपना एक जनतंत्र होता है। उसे नष्ट करने की साजिश हो रही है और इतिहास के पत्रों में आर.एस.एस. की भूमिका को जबरदस्ती डालने का एक प्रयास किया जा रहा है। अभी हमारे माननीय सदस्यों ने भारतीय संस्कृति की रखवाली की दुहाई दी। मैं कहना चाहता हूँ कि इन्होंने "वाटर" फिल्म के बनाने से संस्कृति नष्ट होने की दुहाई दी लेकिन मैं इनसे कहना चाहती हूँ कि सिनेमा, चलचित्र, नाटक या साहित्य कोई भी हो ये सब समाज का दर्पण होते हैं। जो कुछ समाज में हो रहा है उसको सामने लाने का काम इनका दायित्व है, उस पर रोक लगाकर इस तरह की अभिव्यक्ति को रोका जाना लोकतंत्र की कोई अच्छी परिपाटी नहीं है। पूर्व वक्ता ने कहा कि उस फिल्म में पात्रों का भगवान का नाम रखकर भगवान को अपमानित करने की कोशिश की गई। लेकिन मैं इनसे यह पूछना चाहती हूँ कि आज हमारे सिनेमाओं में क्या हो रहा है? आज मीडिया के माध्यम से हिंसा का प्रचार किया जा रहा है, मीडिया के माध्यम से अश्लीलता का प्रचार किया जा रहा है, इन सब पर तो रोक लगाने के लिए तो सिंघल साहब ने कोई आवाज नहीं उठाई। आज टी.वी. के द्वारा जो अश्लीलता और हिंसा हमारे ड्राइंग रूम और बैड रूम में पहुंच गई है, जिसे हम अपने परिवार के साथ बैठकर देख नहीं सकते, उसको रोकने के लिए इन्होंने कोई आवाज नहीं उठाई। लेकिन अगर "वाटर" फिल्म के माध्यम से बनारस की विधवाओं और वृंदावन की विधवाओं के जीवन पर तकलीफ देह, नारकीय जीवन पर प्रकाश डालने का प्रयास हो रहा था तो उसको रोकने की क्या आवश्यकता थी? अगर देश के सामने ये बातें नहीं आएंगी, अगर समाज के सामने ये बातें नहीं आयेंगी तो उनका सुधार कैसे होगा, उनका पुनःउद्धार कैसे होगा? आज हमें खुशी है कि बनारस के पांखड़ी जो विधवाओं को तकलीफ में रखना चाहते थे उनका पाखंड खुलकर सामने आ गया है और समाज के तमाम सामाजिक संगठन विधवाओं के हालात को सुधारने के लिए उस ओर दौड़ पड़े हैं, विधवाओं की दशा को सुधारने का प्रयास प्रारंभ कर दिया है। आज भी हिन्दुत्ववादी ताकतें यह चाहती हैं कि भारत की विधवाएं उसी तरह पुराने ढंग से रहें और अत्याचार झेलती रहें और गुलामी का जीवन व्यतीत करें और उनके इशारों पर नाचती रहें तथा उनके लिए आमदनी का जरिया बनी रहें। यह बड़े शर्म की बात है कि जब भी महिलाओं के उद्धार की बात आती है तो ये ताकतें आगे बढ़ जाती हैं और व्यवधान बन कर खड़ी हो जाती है।

श्री टी.एन. चतुर्वेदी (उत्तर प्रदेश): मैं समझता हूँ कि आमदनी का जरिया बने, इस तरह की भाषा का प्रयोग ...(व्यवधान)...यह भाषा ठीक नहीं है। ...(व्यवधान)... यह भाषा इस्तेमाल नहीं होनी चाहिए। ...(व्यवधान)...

श्रीमती सरोज दुबे: यह हो रहा है। ...**(व्यवधान)**... चतुर्वेदी जी, यह हो रहा है।...**(व्यवधान)**... इन विधवाओं का इसी में इस्तेमाल किया जा रहा है। ...**(व्यवधान)**...

श्री संघ प्रिय गौतम: विधवाओं के बारे में यह भाषा शोभनीय नहीं है। ...**(व्यवधान)**...

श्रीमती सरोज दुबे: यह घटनायें हो रही हैं। उनका नारकीय जीवन अगर आपने वहां जाकर देखा होता तो आप उनकी पीड़ा का अहसास करते कि आज भी उनके साथ क्या हो रहा है? जब यह सरकार सत्ता में आने वाली थी तो इसने एक करोड़ लोगों को रोजगार देने का वायदा किया था, लेकिन आज बेरोजगारी भयावह और विस्फोटक स्थिति में पहुंच गई है। लाखों नौजवान डिग्री लेकर निकलते हैं लेकिन उन्हें कोई नौकरी नहीं मिलती। गांव के नौजवान नौकरी की तलाश में शहरों की ओर पलायन कर रहे हैं, लेकिन नौकरी का कहीं ठिकाना नहीं है। रोजगार के अवसरों का सृजन नहीं हो रहा है। एक ओर तो सार्वजनिक उपक्रम रुग्ण होते जा रहे हैं...**(समय की घंटी)**...

उपसभापति : आप तो दो मिनट ज्यादा बोल चुकी हैं। आप महिलाओं पर बोल रही थीं इसलिए मैं चुप रही।

श्रीमती सरोज दुबे: महोदया, हमारा 25 मिनट का समय था।

उपसभापति : आपका 16 मिनट का समय था।

श्रीमती सरोज दुबे: आप हमें थोड़ा और समय दे दीजिए। योजना आयोग.....

उपसभापति : जल्दी खत्म कीजिए, because I have other people waiting here.

श्रीमती सरोज दुबे : मैडम, केवल दो मिनट दे दीजिए।

उपसभापति : दो मिनट नहीं, आप अपना जुमला खत्म कर लीजिए।

श्रीमती सरोज दुबे : योजना आयोग बेरोजगारों के बारे में वांछित जानकारी नहीं दे पाया है। यही स्थिति राष्ट्रीय श्रम आयोग की है। 1998 में रोजगार के संदर्भ में राष्ट्रीय श्रम आयोग का गठन हुआ था। लेकिन वह भी अभी तक अपनी रूढ़ प्रस्तुत नहीं कर पाया है। सरकार के पास इस बारे में न आंकड़े हैं और न कोई रिपोर्ट है। इसीलिए

पिछले सत्र में सरकार इसका जवाब देने में असमर्थ रही थी । तमाम योजनायें चलाई गई हैं, स्वर्ण जयंती स्वरोजगार योजना, प्रधानमंत्री रोजगार योजना लेकिन ये सब योजनायें भ्रष्टाचार की भेंट चढ़ गई हैं ।

मैडम, बेरोजगारी का रूप बड़ा भयावह होता जा रहा है । अगर समय रहते सरकार ने रोजगार के अवसर न तलाशे तो यह बेरोजगारों की भीड़ एक क्रांति में बदल सकती है । इसलिए सरकार को समय रहते इन बेरोजगारों के बारे में सही आंकड़े, सही तथ्यों का ज्ञान प्राप्त कर लेना चाहिए। ताकि सरकार सही नीति निर्धारित कर सके। केंद्रीय बजट में इसके लिए केवल 180 करोड़ रुपए रखे गए हैं । इससे कोई भी उपलब्धि हासिल होने वाली नहीं है ।

THE DEPUTY CHAIRMAN: Now, I will have to stop you because there are other Members also. जिनका समय रहता है उनको पहले टाइम दिया जाना चाहिए । I can't give you extra time. I have to call Mr. Siva.

श्रीमती सरोज दुबे : जरा इसको खत्म कर दूँ ।

उपसभापति : नहीं खत्म हो गया है ।

श्रीमती सरोज दुबे : जरा कन्क्लूड कर दूँ ।

उपसभापति : कन्क्लूड तो आपको पांच मिनट पहले कर लेना चाहिए था ।

श्रीमती सरोज दुबे : मैडम, इस देश की आधे से अधिक आबादी महिलाओं की है और आज वह एक सशक्त वोट बैंक के रूप में उभर कर सामने आया है । लेकिन उनको राजनीति की मुख्य धारा में शामिल नहीं किया गया है । आज भी महिलायें नारकीय जीवन जीने को मजबूर हैं । महिला आरक्षण विधेयक बार बार लाने की बात की जाती है लेकिन हर बार कोई न कोई बहाना बनाकर इसको नहीं लाया जा रहा है । यह अब मात्र खोखला नारा रह गया है । महिलाओं को हमारा पुरुष प्रधान समाज कभी आगे नहीं आने देता । मैं सरकार से यह आग्रह करना चाहती हूँ कि महिला आरक्षण विधेयक में पिछड़े वर्ग और अल्पसंख्यक महिलाओं के लिए आरक्षण की व्यवस्था होनी चाहिए । अगर आप ऐसा करते हैं तो यह विधेयक सेंकडों में पास हो जाएगा । लेकिन इस बारे में आपकी नीयत ठीक नहीं है । बिहार में एक महिला मुख्य मंत्री हैं जो पिछड़े वर्ग की हैं । उनको कुर्सी से हटाने के लिए इस सरकार ने साम, दाम, दंड भेद, छल, बल का सहारा लिया और राज भवन का सहारा लेकर, सी०बी०आई० को राजनैतिक हथियार के रूप में अपना कर तमाम कोशिशें की लेकिन इनकी यह इच्छा पूरी नहीं हुई और ये अपने उद्देश्य में

विफल रहे । आज भी यह षडयंत्र जारी है । लेकिन लोकप्रिय मुख्य मंत्री राबड़ी देवी आज भी वहां सत्ता पर काबिज है और यह लोग अपने षडयंत्र में लिप्त हैं । कुर्सी हथियाने के लिए संगीन अपराधियों से भी हाथ मिलाया और विधायकों की खरीद-फरोख्त का प्रयास किया लेकिन फिर भी इनकी मंशा पूरी नहीं हुई । आज भी इनकी गिद्ध दृष्टि बिहार के मुख्य मंत्री की कुर्सी पर लगी हुई है । बिहार में झारखंड को एक अलग स्टेट बनाने के लिए प्रस्ताव विचाराधीन है । राज्य सरकार ने 1 करोड़ 80 हजार रुपयों के आर्थिक पैकेज की मांग की है क्योंकि बिहार का जो हिस्सा झूठ रह जाएगा उसके पास संसाधन नहीं है, इसलिए यह पैकेज स्वीकार किया जाना आवश्यक है । मैं सरकार से मांग करती हूँ कि बिहार को आर्थिक पैकेज अविलम्ब दिया जाए ताकि बिहार अपना सर्वांगीण विकास कर सके ।

इन शब्दों के साथ इस अभिभाषण का मैं विरोध करती हूँ।

THE DEPUTY CHAIRMAN: Now, Mr. P.N. Siva. Mr. Siva, you have 16 minutes. So, please abide by the time because if you keep on speaking more than the time allotted to you, other Members, who have been allotted legitimate time, will not get time. I do not think it is fair. Okay.

SHRI P.N. SIVA (Tamil Nadu) : Will this be included in my time?

THE DEPUTY CHAIRMAN: Don't be funny. I am very serious about it.

SHRI P.N. SIVA: Okay, Madam. Thank you, Madam Deputy Chairperson, for giving me an opportunity to associate myself, for the first time, with the observations made in this House of experts, scholars, eminent jurists, and experienced politicians.

In the course of my speech, supporting the Motion of Thanks to the President's Address, moved by Shri M. Venkaiah Naidu. At the outset, I would like to thank my leader, who is running a Government for the poor, needy and the down-trodden in Tamil Nadu, and who has paved the way for me to come to this House of elders, to express my views, as a youth, in the best interest of the nation.

I join with other hon. Members in paying my tribute to the President for his unstinted service. Madam, I was hearing some of the Members speaking over the same Motion. A few days earlier, Dr. Karan Singh, during his speech, expressed concern over the delay in moving the Motion in this

House to thank the President. The Member, who belongs to the party which was responsible for stalling the proceedings of the House for more than a month, expressing his concern over the delay surprised me. As a new Member of the House, I was witnessing all the scenes which were going on for the past one or two months, stalling the proceedings of this House for flimsy reasons. A sort of frustration started to creep in to the minds of not only the Members of this House, but also in the minds of some of the students who happen to come to the gallery to witness the proceedings of the House. I happen to hear them speaking outside the House. Madam, it has got some meaning, if we, from this side of the House, express concern on this issue. But, on the contrary, the persons who are responsible for that are very much worried that this delay is due to somebody else. I should have quoted this at the very beginning itself. As a youth of this country, I have reposed my confidence in both Houses of Parliament, which legislates laws for the people and for the future of this nation. I am always proud to be an Indian and to put it in the words of Mahatama Gandhi, "Of all the countries in the world, I love India, not because I have born in this country, but, for its rich heritage, ancient tradition, healthy culture and its unique characteristic feature of unity in diversity."

Madam, I am from Tamil Nadu and I think this as the right time to remember and acclaim the bravery displayed by our soldiers on the snowy cliff tops of Kargil a few months back. Due to the large-heartedness of the Tamil Nadu people and the initiative taken by our Government there, we were able to give to the tune of Rs. 50 crores to the National Defence Fund along with an *ex gratia* of Rs. 5 lakhs, employment to one of the family members, free education to all the children of the bereaved families and free H.I.G. flats. Madam, if our leg gets hurt, our eyes shed tears. Sir, also, when Orissa was hit by the super-cyclone, the Tamil Nadu people came forward to give an amount of Rs. 2.27 crores for relief work there. Why I am saying all this is because the people of Tamil Nadu exemplifies the theory of unity in diversity. That is why we are a partner in the N.D.A. Government, which also reflects the same theory. Madam, from the day I assumed office, I have been hearing my colleagues, rather my revered colleagues, in the opposition benches criticising the N.D.A. Government for having a hidden agenda. It appears to me that it is only because of the intolerance, the jealousy of the growing popularity of the N.D.A. Government among the people, and the impatience of the Opposition parties. I would like to recall the election manifesto of the

N.D.A. Government. It said, "Secularism, the emotional harmony of all Indians and full protection of minorities, social justice, empowerment of all weaker sections and gender rights, transparency of decision, decision-making and corruption free-governance. We reach out to the minorities, and even at the cost of repetition, proclaim that we will safeguard the rights enshrined in our Constitution."

It continues:

"The NDA is a political arm of none other than the Indian people as a whole. We appeal to our brothers and sisters of minorities that we wholeheartedly extend our hands of friendship in these fraternal words. Let us hold hands and walk together to build a resurgent, modern India. Let us throw away our old prejudices. Let us put an end to divisiveness. Let us have a moratorium on contentious issues. Let us bind ourselves with bonds of trust and friendship. We want to enter the millennium with confidence, not with divisive feelings. It is our call for reconciliation, and it is part of our commitment to minorities. The common policy document of the NDA is the agenda for a proud and prosperous India."

Madam, I want to recall how, when the Pope came to India, he was greeted by the hon. Prime Minister and the Home Minister and how a warm treatment was given to him. So also, our Prime Minister participated in the *iftar* of Muslims, wearing a Muslim cap, identifying himself as one of them. Still, why are these people having apprehensions towards the NDA? I want to emphasise it once again that it is only because of intolerance and it is only because of jealousy towards the growing popularity of the NDA that they have developed such an attitude. Madam, as a representative of Tamil Nadu, I have got a duty to speak about and on behalf of my State. We have been emphasising that when the Constitution is reviewed, it should provide greater autonomy for the States with more powers and a federal structure at the Centre, firmly establishing and strengthening the unity, integrity and secularism of India, and protection of the rights of minorities to be continued. So also, our demand is that all the Official Languages of the States must be made the Official Languages of the Union. Towards establishing such a goal, first, we want to say that the hoary language, Tamil, which has got a rich tradition, literature and grammar, must be made the Official Language of the Union. When I was a Member of the other House, I had made a submission to declare Tamil as one of the Classical Languages of the Union, which still

remains as a demand. So also, the demand for devolution of 29 per cent of the gross tax receipts of the Centre to the States has to be fulfilled.

Madam, why are we saying all this? My friends on the Opposition Benches are grinning at me, "We are against the review of the Constitution; why all these suggestions, why all these recommendations and why all these demands?" I would like to tell them, as a Member of the NDA and as a Member of the DMK Party: This is our policy. We say what we do, and we do what we say. We have never acted against what we say.

Madam, India is so vast. In fact, it is described as a sub-continent. It cannot have a steel frame of a unitary authority. When the Members, especially those from the Congress side, were opposing the review of the Constitution, I was thinking of their absent-mindedness. It is my duty as a Member of this House and as a Member of a political party, to brush up their memory. Their revered leader, Pt. Jawaharlal Nehru, the first Prime Minister of our independent India had got the CWC to set up a ten-member committee on April 4, 1954, under his own chairmanship, to study the question of changes to the Constitution and the Representation of the People Act and to suggest amendments, in the light of the difficulties experienced by the Centre and the State Governments. That was just four years after the Constitution came into effect. This was none other than your own leader, the first ever Prime Minister of our country. He was not a member of the DMK. Nor was he a partner in the NDA. Mrs. Indira Gandhi also said on October 27, 1976 in the Lok Sabha: "Revision and adjustments in changing conditions are part and parcel of our Constitution. Those who want to fix it in a rigid and unalterable frame do not know the spirit of the Constitution and are entirely out of tune with the spirit of new India." This was said by Mrs. Indira Gandhi, your own leader, whom you cannot forget and whom you should not forget. I think you are still following her ideals.

Mrs. Gandhi had set up a panel in 1976, headed by late Shri Swaran Singh to have a fresh look at the Constitution and to make whatever recommendations it considered necessary for stability, development, well-being and happiness of the masses. It was even permitted to go into the question whether India should continue with the Westminster model or switch over to the Presidential form of Government. It is another matter that the panel, however, chose the former.

4.00PM

Now, you are having an apprehension about us saying that we are heading towards a Presidential form of Government. Madam, there is no hidden agenda with us. I have already said that we are abiding by the manifesto, which we presented to the people when we went to them during the elections. So, we are abiding by that promise. Mrs. Indira Gandhi even had the idea of setting up a Constituent Assembly to ensure that the Constitutional amendments do not run into difficulty. I would also like to say that during the Emergency that was imposed in 1975, the then Law Minister, Mr. Gokhale, explained that this demand had been made because of the feeling that a few amendments would not do and the whole Constitution needed to be looked into afresh. Mr. Gokhale was the Law Minister in the Government headed by Mrs. Indira Gandhi. In 1975-76, Justice P.V. Gajendragadkar, who was then the Chief of the Law Commission, wrote two letters to Mrs. Indira Gandhi saying: "Yes, you may want to have a review of the Constitution, but it is to be done first by a very high-powered and objective body. You should go about it very carefully as to what you want to achieve." This is what we are doing now. You say how we can go about with it now, but this is what you had been suggested, and you did approve that it had to be done by a very high-powered and objective body.

Madam, through you, I would like to say to the Members, who are having an apprehension about the review of the Constitution, that we had made a reference about it in our election manifesto. We had said that we would appoint a commission to review the Constitution. The people have given us the mandate. You may say that it is a fractured mandate. It is not so. If it had been so, this Government would not be running so successfully. The NDA partners are united. Divide and rule is your policy. The Congress Party is not succeeding in that. That is why they are having so much of apathy towards us. We are reviewing the Constitution with the mandate of the people given in favour of it.

Madam, we want to have a fixed term for the Lok Sabha and the State Legislatures. Mr. Pranab Mukherjee, a learned Member of this House, asked which are the problems we may be facing in maintaining the same Constitution. He also quoted Mr. Pramod Mahajan: "To examine in the light of the 50 years' experience, how best our Constitution can respond to the growing needs of an efficient, smooth and effective form of governance and

[24 April, 2000]

RAJYA SABHA

the socio-economic development of modern India, within the Parliamentary framework of democracy." (*Time Bell*) Madam, this is my maiden speech, as a Member of this House. I may please be given some more time.

THE DEPUTY CHAIRMAN: Maiden does not mean that you eat into other people's time.

SHRI P.N. SIVA: But, if you give me some more time, I would be able to express my feelings.

THE DEPUTY CHAIRMAN: All right. You take two minutes more.

SHRI SATISHCHANDRA SITARAM PRADHAN: Madam, after this subject, the Sports Minister has to come here and make a statement. So, his maiden speech can go on.

THE DEPUTY CHAIRMAN: You are justifying this because you also went out of your time.

SHRI P.N. SIVA: Madam, we should see what changes can be made in the Constitution without interfering with its basic structure.

My respected senior jurist, Mr. Kapil Sibal, is here. He participates in all the discussions and expresses valuable views. I think, he will accept the right views from our side also. The problem raised by the Opposition is that we are interfering with the basic structure of the Constitution. In this connection, I would like to quote the Kesavananda Bharati case versus the State of Kerala, AIR, 1973, S.C. 1461, about which Mr. Kapil Sibal knows better wherein the question involved was the extent of the amending power conferred by article 368 of the Constitution. On behalf of the Union of India, the Congress (I) Government claimed that the amending power was unlimited; and short of repeal of the Constitution, any change could be effected. The court, by a majority of seven to six, held that the basic structure of the Constitution shall not be amended. The court also held that the supremacy of the Constitution, the secular character of the Constitution, the sovereignty of India, the Republican and democratic form of the Government were the basic structures. So, also in the case of Mrs. Indira Gandhi and Raj Narain, the court held that the rule of law, judicial review, democracy which implies free and fair elections are the basic structures. We have repeatedly made it clear that the basic structure will not be tampered

with. It is only a review of the Constitution. In the name of amendments to the Constitution, you have damaged the limbs of the Constitution. You have chopped off the organs. We are just going in for a general check up which you are not able to tolerate. What is the big idea behind your opposing it? We want an explanation.

Mr. Pranab Mukherjee had raised certain things. His query was, "Why are you going in for a review of the Constitution?" I want to inform him, the functioning of the federal structure has developed a frustration in the minds of all the States in the country, all these years. So, it is high time we go in for a re-valuation, for a re-appraisal of the Constitution; the review of the Constitution should be there because article 356 is a Democle's sword hanging over the State Governments in the country. We became a victim to this article twice, for no fault of ours. This has to be repealed, has been our demand for long.

So also the No-Confidence Motion moved in the Lok Sabha has to be replaced by the German innovation which talks of a constructive vote of no-confidence, under which the Lok Sabha can express its lack of confidence in a Prime Minister, after electing its successor, by a majority of its Members. Let the Review Commission do its job and make its recommendations. We are sure, those recommendations will come up before both Houses of Parliament. They have to be placed before Parliament. Then, we can have a debate, a discussion and shall arrive at a consensus. If at all, it has to be passed, it can be done by a two-thirds majority. We all know. If it has got something to do with the Federal structure, then, it has to get the approval of half of the State Legislatures in the country. Even then, it can go for a judicial review. So, all of a sudden, the Commission cannot do anything on its own. We want to make this point very clear.

Of all the points, I would like to highlight one important point here. The contact with another civilisation and culture is often responsible for the vigorous growth of civilisation and culture. It had happened in Greece and in England. The Great Renaissance is the most striking example. The contact with Northern India, especially with the great missionary, religions of Jainism and Buddhism, the contact with Western India through trade, the contact with Eastern islands through trade and colonisation were all responsible for the new growth in Tamil land. We have got something distinct and different to offer to the nation at large. I would request every Member

here, cutting across party lines and regions, to associate themselves with my point here. The Tirukural, which is the work of Tiruvalluvar, a great poet, has lived for ages.

For example, England has declared Shakespeare as the man of the millennium who lived in the 16th century. But Tiruvalluvar who lived twenty centuries ago, has left us the Tirukural which has been accepted by almost all the countries, by contradicting philosophies and religions all through the ages. Dr. Pope said, "Tiruvalluvar might have had the opportunity of listening to the Sermon on the Mount, given by St. Thomas."

The great, aggressive, Bhuddhist Epic, Manimekalai, claims that Tiruvalluvar is theirs. So also, the Vaishnavite Azhwars and the Dewaram-writers, quote from the Tirukkural. The Tirukkural stands above all religions, above all philosophies. If it is declared as the National Text of this country, it would serve the purpose of this country's secular policy. It is not of one language. Once, when 'sare jahan se accha' was sung in the Central Hall, I have seen the Deputy Chairperson's lips also singing it. When the National Anthem is played here, allop us irrespective of our mother tongue, sing with the chorus. We do not see in which language it is or who composed it. Similarly, Tirukkural is above all. It is above languages. It is above regions. Such a fantastic work, such a valuable work, is still in India without proper recognition. I, on behalf of the Tamil people, I, on behalf of the youth, I, as an Indian, submit before this House that the Tirukkural be made the National Text of this country. I expect all hon. Members in this House from all parties to associate themselves with me, to extend their support to declare the Tirukkural as the National Book of this nation. This will help the theory "unity in diversity" to flourish.

Madam, out of generosity and to encourage me, you have given me this much time. I thank you very much for that. I would like to thank the President for his Address to both the Houses of Parliament. I, as a representative of the younger generation and of the DMK party which has a rich tradition, which has a rich past working for the downtrodden and backward class people and the poor and the needy, would like to serve my days here in this House by learning, by listening, by participating and giving my contributions to the deliberations. I hope we have got a very bright future. Madam, I always dream a lot because dreams come true. The freedom of India was once a dream in the mind of Gandhiji; India to be the foremost among democratic countries was the dream of Panditji; so also, a casteless

society was the dream of Thanthai Periyar of Tamil Nadu. I have got a dream of a country where there is no unemployment, where peace prevails everywhere, where people are one, where people are living together as Indians. I foresee that day, for which our services, our deliberations here, will help. I want to associate myself with that. I think I have to do a lot more in the days to come.

With these words, Madam, I once again thank you, I once again thank the President.

THE DEPUTY CHAIRMAN: Before I call the next speaker, the Secretary-General.

MESSAGE FROM THE LOK SABHA

The Protection of Plant Varieties and Farmers' Rights Bill, 1999.

SECRETARY-GENERAL: Madam, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"That this House do recommend to Rajya Sabha that Rajya Sabha do appoint six members of Rajya Sabha to the Joint Committee on the Protection of Plant Varieties and Farmers' Rights Bill, 1999 in the vacancies caused by the retirement of Sarvashri Janardhana Poojary, V. Kishore Chandra S. Deo, Dr. Ranbir Singh, Onkar Singh Lakhawat, Dr. Biplab Dasgupta, Gurudas Das Gupta, from Rajya Sabha and communicate to this House the names of the members so appointed by Rajya Sabha to the Joint Committee."

I am to request that the concurrence of Rajya Sabha in the said motion, and also the names of the members of Rajya Sabha so appointed to the Joint Committee, may be communicated to this House."

MOTION OF THANKS ON PRESIDENT'S ADDRESS - Contd.

THE DEPUTY CHAIRMAN: Janeshwar Misra. After Misraji, it will be Shri Cho. Ramaswamy.