

question of support of banking institutions to higher education is concerned, I think my colleague has explained in detail the various schemes which are in existence. He has also assured the House, through you, that there are some issues which remain outstanding and already we have taken a view that we will be discussing this matter with the RBI and doing whatever we can to facilitate the flow of banking funds by way of loans to more and more meritorious students, students belonging to the SC and the ST categories, students belonging to poor families so that absolutely nobody is deprived of higher education in this country on account of lack of funds irrespective of whatever family background he comes from. That is the general approach of the Government.

### **White Paper on Amendments to the Constitution of India**

\*422 SHRI BRAHMAKUMAR BHATT: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government are thinking to issue a White Paper on amendments to the Constitution of India; and

(b) if so, whether Government are aware of recent Press Reports of a meeting of four former Prime Ministers Objecting to the move to review the Constitution by passing the Parliament?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a) No, Sir.

(b) The objections raised by four former Prime Ministers regarding the setting up of the National Commission to Review the Working of the Constitution have appeared in the "Hindustan Times" dated March 3, 2000.

SHRI BRAHMAKUMAR BHATT: Mr. Chairman, Sir, my first question is this. Has the Government taken note of the objections of the former Prime Ministers because the Commission has already been appointed? Secondly, the spokesman of the Government told the Press that they are thinking of issuing a White Paper about the amendments which have already been made. What has happened to the announcement of the spokesman?

SHRI RAM JETHMALANI: Mr. Chairman, Sir, I don't believe that the Government has made any announcement that a White Paper is going to be issued. We have taken due note of the criticism levelled by the four venerable gentlemen. But that has not changed the course of the Government and very rightly.

[25 April, 2000]

RAJYA SABHA

SHRI BRAHMAKUMAR BHATT: An announcement was made by the spokesman. The hon. Minister should say that it was his personal view and not the view of the Government.

SHRI RAM JETHMALANI: Sir, no announcement has been made by the Government that any White Paper would be issued.

SHRI BRAHMAKUMAR BHATT: I am referring to the spokesman.

SHRI RAM JETHMALANI: If the hon. Member brings to my notice the announcement that he has in mind....

SHRI BRAHMAKUMAR BHATT: It has come in the *Times of India*.

SHRI RAM JETHMALANI: The Government has no intention of issuing any White Paper. The work of the Commission itself is the best White Paper.

श्री मती सरला माहेश्वरी : सरकार ने कभी इसको नकारा ? क्या सरकार की तरफ से इसको नकारा गया ?

MR. CHAIRMAN: I have not asked you to intervene.

SHRI M. VENKAIAH NAIDU: Mr. Chairman, Sir, I would like to know whether it is a fact that the Government has given certain guidelines and parameters to the Commission with regard to the review of the Constitution that the basic structure should not be touched and that there should be no deviation from Parliamentary democracy. I would like to know whether any guidelines, whatsoever, have been given by the Government.

SHRI RAM JETHMALANI: Mr. Chairman, Sir, no secret guidelines of any kind have been given to the Commission. The guidelines, if any, are to be found in the terms of reference. The terms of reference make it very clear that there shall be no interference, either deletion or dilution, with the basic features of the Constitution. There will be no interference with the Parliamentary form of Government. The Parliamentary form of Government, if at all, will be strengthened by the proposals, if any.

SHRI HANSRAJ BHARDWAJ: Sir, now, the hon. Minister has denied issuing any guidelines although Shri Venkaiah Naidu, perhaps, was aware of some guidelines.... (*Interruptions*)

SHRI B. P. SINGHAL: This is a peculiar assessment.

SHRI HANSRAJ BHARDWAJ: Sir, there are certain matters on which, at least, the Government must take Parliament into confidence, it is not enough for the Law Minister to say that the very terms of references are very clear. If they have been clear, there should not have been any confusion, Mr. Law Minister. Therefore, having known you,—you are yourself a very senior advocate—J would like to know whether you are yourself aware of the details of the proposals which the Government wants this Review Commission to undertake. If you know them, please take the House into confidence.

SHRI RAM JETHMALANI: Sir, the Government might have some views. But these have neither been communicated to the Commission, nor is there any intention to do so. But the Commission itself, at its first meeting which took place on the 23rd of March, has identified eight areas which it is going to probe. And the probe is going to be undertaken with the assistance of research institutions throughout the country. All the people who are erudite and learned will make some contributions to the debate. I am personally aware that those eight areas are excellent areas to be probed.

SHRI HANSRAJ BHARDWAJ: Sir, he has not listed them before the House. Would they remain in his heart alone?

SHRI RAM JETHMALANI: I thought Mr. Bhardwaj was a regular reader of newspapers...

SHRI HANSRAJ BHARDWAJ: I want to know from the Government, not from any newspaper.

SHRI RAM JETHMALANI: Sir, to set my very dear friend, Mr. Bhardwaj, at peace, let me detail them. The Commission identified certain areas of immediate, contemporary, concern, and proposed to look into those areas, in the first instance. The areas identified were (1) strengthening the institutions of parliamentary democracy and their accountability; the grave and persisting menace of unprincipled defections; (2) Constitution and the pace of socio-economic change and development; promoting literacy, generating employment, ensuring social security and removal of poverty; (3) Union-State relations — Working of article 356; appointment and removal of Governors; (4) decentralisation and devolution of powers; strengthening the Panchayati Raj institutions; (5) enlargement of the Fundamental Rights in Part III of the Constitution by a specific incorporation of the freedom of the media, the right to compulsory elementary education, the right to privacy and

[25 April, 2000]

RAJYA SABHA

the right to information; (6) effective enforcement of the Directive Principles of State Policy in part IV of the Constitution in order to achieve the goals enshrined in the Preamble and for good governance; (7) Fundamental Duties under Part IV A of the Constitution; and (8) Fiscal and monetary policies, size of Government and of Government expenditure, and efficacy of audit and audit mechanisms.

SHRI KULDIP NAYYAR: Sir, the hon. Minister said in a seminar held at Calcutta on Sunday that when recommendations of the Review Commission are brought before Parliament, if they are rejected by Parliament, they would go back to the people. Now, is this the policy of the Government, or it is just an off-the-cuff remark? If those recommendations are not accepted by Parliament, will they go back to the people?

SHRI RAM JETHMALANI: Sir, another dear friend of mine, Shri Kuldip Nayyar, insists on misunderstanding what I said on Sunday. Not much time has passed. All that I said was this. After the Commission has probed these eight areas and some more which might occur thereafter or which might be suggested by the people thereafter, it might decide that no change in the Constitution is at all necessary. This is contingency No. 1. Contingency No. 2 is that they might make some proposals, in which event, the Government will themselves apply their mind and if they think it is worthwhile, we shall, certainly, bring those necessary amendments before both the Houses, as is required by article 368, and then, we will, certainly, sit and argue with all the Members of Parliament and try to win their support. But, should we find that the proposals are eminently good and reasonable and in public interest, but do not find sufficient support from the Members of this House and the proposals fail to pass, naturally, the document will remain a document for posterity to consider and for the people of this country to consider, in future elections.

**प्रो. रामगोपाल यादव:** सभापति महोदय, यह सर्वविदित है कि केशवानन्द भारती केस में जस्टिस एच.आर.खन्ना की जजमेंट के बाद बेसिक फीचर की जो थ्योरी आई उसमें बहुत विवाद है, कंप्यूजन है। पता नहीं बेसिक स्ट्रक्चर है क्या? लेकिन इसके बावजूद जब रिव्यू की बात चली तो आम लोगों में यह धारणा बनी, सौभाग्य से मंत्री जी ने आज कहा है कि हम पार्लियामेंट्री सिस्टम को बदलने नहीं जा रहे हैं, लेकिन बहुत सारी ऐसी ही बातें हैं मंत्री जी से जानना चाहूंगा, उनका आश्वासन चाहूंगा जो इस प्रकार हैं:

(a) रिव्यू कमेटी की चाहे जो भी रिपोर्ट हो सरकार ज्यूडिशियरी की इंडिपेंडेंस को एडवर्सली अफेक्ट करने का कोई प्रयास तो नहीं करेगी ?

(b) ज्यूडिशियल रिव्यू का ज्यूडिशियरी को जो अधिकार है उसे प्रतिबंधित करने का काम तो नहीं करेगी ?

(c) मौलिक अधिकारों, खासतौर से 14, 19 और 21 किसी भी परिस्थिति में, चाहे पहले डायरेक्टिव प्रिंसिपल्स के नाम पर इनका परिवर्तन हो चुका है, छीनने का प्रयास नहीं करेगी, इस बात का आश्वासन मैं माननीय मंत्री जी से चाहूंगा।

SHRI RAM JETHMALANI: The concerns expressed by the hon. Member are concerns which are as deeply felt by the Government. There will be no interference with any of the three points that you have mentioned. That is an assurance not only to this House, but to the whole country.

DR. MANMOHAN SINGH: The hon. Minister has stated that the Commission has identified eight areas of priority concerns which will be considered by the Commission. I also learn that the Commission has invited suggestions from the public at large. I would like to know from the hon. Minister whether these suggestions from the public at large will be confined only to these eight areas identified by the Commission or they can cover any subject under it.

SHRI RAM JETHMALANI: I neither wish to forestall nor foretell the work of the Commission. If some eminently sensible suggestions outside these eight areas are brought before the Commission by any erudite gentleman like Dr. Manmohan Singh himself, surely, the Commission, with all respect, will consider.

DR. ALLADI R RAJKUMAR: Sir, mine is a very simple question to the hon. Law Minister. Is there any proposal for reconsideration of the strength of the Members of both Houses of Parliament by the Review Commission set up by the Government of India? Secondly, is there any proposal to strengthen or increase the present strength to include one representative of the Backward Classes in the Review Commission?

SHRI RAM JETHMALANI: Let me deal with the second question first. I think, Mr. Justice Punaiah must be trusted to represent the interests of that community which you have in mind. Now that for each of these eight areas there are going to be wider groups, I am quite sure that the communities of

[25 April, 2000]

RAJYA SABHA

both the Scheduled Castes and the Scheduled Tribes as well as the Backward Classes will be completely represented and their view points will be considered. If there is nobody else to present their view points, you trust that this Minister will do it. So far as the first part of your question is concerned, there is no such proposal to vary the number of Members of Parliament. But the Commission is free to consider whatever it likes to.

SHRI S. R. BOMMAI: The hon. Law Minister and everybody is well aware that any amendment to the Constitution will have to be passed by Parliament by a two-thirds majority. In view of this and also in view of the oft repeated statement of the hon. Prime Minister that his Government will go by consensus, is the Government prepared to call a meeting of the leaders of all political parties to consider the proposals and the work of the Commission?

SHRI RAM JETHMALANI: Sir, I have made it clear before, I have made it clear just now, a few minutes back, that once the Commission recommends some Constitutional proposals, those will be considered by the Government, and if we want them to be passed, we will certainly take every leader into confidence, because we need a two-thirds majority in both Houses of Parliament. It is inevitable, if not advisable, that we should consult you.

SHRI B. P. SINGHAL: If constituting this Commission, as per the questioner, is tantamount to neglect of Parliament, then was the Police Commission, formed to study the problems in the police, an insult to Parliament? Was the Shukla Commission, that examined aviation problems, an insult to Parliament? Was the Niyogi Commission which went into the conversions, an insult to Parliament? After all, why has the setting up of this particular Commission being considered as neglect of Parliament? I want to know whether this is an insult to Parliament? This is with regard to part (b) of the Question. उसमें यह लिखा है कि "यह उपेक्षा नहीं है क्या" ?

The second part of my question is, is this Government intending to bring to the notice of the Commission what blunder has been done, in the name of secularism in the country, and how funds have been siphoned off in the name of minorities?

MR. CHAIRMAN: It does not arise out of this question.

SHRI PRANAB MUKHERJEE: Sir, while replying to supplementaries, the hon. Minister said that the Review Commission is not expected to alter the basic features of the Constitution. The hon. Minister and many other distinguished Members of the House, who know law, are fully aware that till

date, the basic structure of the Constitution has not been exhaustively codified. From Keshavananda Bharati case to Minerva Mills case and subsequent other legal pronouncements, the lawyers and legal experts tried to identify certain areas. Mr. D. Basu has identified about twenty areas as the basic features of the Constitution, based on certain judgments by individual judges or by full benches or division benches. The incongruity continues. The Supreme Court, in one of its judgments, has stated that it will unfold the basic structure of the Constitution of India, on a case-to-case basis. The point I am trying to drive at is, in view of that, how could you say that they are not going to alter the basic structure of the Constitution? You yourself have said that the Government is concerned over some of the items, which have already been included in the basic structure of the Constitution and they have been pronounced through the various judgments. Therefore, how is it that these two—'your concern' and not to alter the basic structure of the Constitution'—will go together?

SHRI RAM JETHMALANI: Sir, my friend is technically right that the features of the Constitution have not been exhaustively enumerated. But, Sir, the very fact that no new basic feature is being talked about during the last few years shows that we have almost exhausted the list. But, if this Commission in its wisdom discovers some more basic features which are not palatable to my friend, we certainly have to come back and convince my friends that these are also basic features. But if you are not satisfied, you will not give us the necessary help for amending the Constitution.

SHRI PRANAB MUKHERJEE: No, no.... (*Interruptions*)... Sir, my question is not that. My question is very limited that you have identified certain areas of concern where we expect the Commission should apply its mind and make its recommendations. Some of these are coming within the basic features of the Constitution which have already been identified. That is my point. I wanted to have a clarification on this point from the hon. Minister.

SHRI RAM JETHMALANI: There is no limit to human imagination. And human imagination can also fail. So, some new features might turn up. But, so far as the Government is concerned, we know that there is a list which cannot be added to.

† श्री मोहम्मद आजम खान : मैं जब वकालत पढ़ता था जो जेठमलानी जी के बारे में क्लास रूम में अपने उस्तादों से सुनता था। मैं सही अर्ज करता हूँ कि सिर्फ आपको देखने और आपकी काबिलियत से मुत्तासिर होने की ख्वाहिश दिल में थी तालिबेइल्मी के ज़माने में।

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† Transliteration of the speech in Persian Script is available in the Hindi Version of the Debate.

SHRI RAM JETHMALANI: Are you disappointed now?

† श्री मोहम्मद आजम खान: सो आज भी है और इसी उम्मीद से मैं सवाल कर रहा हूँ। उसका कुछ हिस्सा रामगोपाल जी ने पूछ लिया है। दुनिया भर में फंडामेंटल राइट्स अक्कलियतों से मुतालिक होते हैं खास तौर पर अक्कलियतों के दिलों दिमाग में एक खास डर रहता है। उनको प्रोटेक्शन देने के लिए सिर्फ हिन्दुस्तान में ही नहीं बल्कि पूरी दुनिया में एक ऐसा निज़ाम रखा है उनके दिलों दिमाग में यह डर न रहे कि कम होने की बुनियाद पर उनके साथ किसी जम्हूरी या कानूनी दस्तूर मुल्क में कोई ज्यादाती हो सकती है। इसलिए बड़ी सफाई के साथ और ईमानदारी के साथ यह जवाब अगर मिल जाए कि फंडामेंटल राइट्स में इस कमीशन के ज़रिये किसी किस्म का रद्दोबदल नहीं की जाएगी क्योंकि काफी दिनों से यह गलतफहमी है। खास तौर से अक्कलियतों के दिलों में। बहुत से ऐसे और मौजू हो सकते हैं जिनमें आपकी तबदीली की मंशा हो लेकिन फंडामेंटल राइट्स को ले कर अक्कलियतों में इसलिए कि कई मामले ऐसे गुजरे हैं जिससे यह लगा कि हकूमत अपने कहने और करनी में खरी नहीं उतरी है। मैंने ज़िक्र कर दिया अपने तालिबेइल्मी के ज़माने का कि बड़ी अज़ीम तस्वीर थी और अभी तक भी हैं, क्या उस तस्वीर को जो आपके नाम से उस क्लास रूम से जुड़ी हुई है और इस रूम तक महफूज़ है, क्या उसको बरकरार रखने में आप हमारी मदद फरमाएंगे ?

श्री राम जेठमलानी: सर, मैं अपने मोअज़िज मैम्बर साहब को यकीन दिलाना चाहता हूँ कि अक्कलियतों के लिए आपको मेरे से बेहतर कोई वकील नहीं मिलेगा The rights of the minorities are sacred to me and their rights will be augmented, will be strengthened and shall not be diluted ever. And that is an assurance which you can take from me. And it will hold good for the rest of my life. After I am dead, I do not know. . . (Interruptions). . .

SHRI S. VIDUTHALAI VIRUMBI: Mr. Chairman, Sir, the Constituent Assembly accepted a resolution moved by Pt. Nehru giving residuary powers to the State Governments to make our country federal in real terms. After the passing of this resolution, a decision to divide the nation was taken and Pakistan was accepted as a separate nation by the political leadership. Subsequently, after having accepted Pakistan as a separate nation on the basis of two-nations theory, the Constituent Assembly — actually the Members of the Assembly at that time—came to the conclusion that it was better to give more powers to the Union Government. I think it was a wrong decision. Therefore, during these last five decades we have come to know that most of the malice which we are confronted with today is due to the quasi-federal system. Therefore, I

† Transliteration of the speech in Persian Script is available in the Hindi Version of the Debate.



want to know from the hon. Minister whether the Review Commission will take into account the original Resolution passed by Pandit Jawaharlal Nehru to see that the real federal structure is established again in our country.

SHRI RAM JETHMALANI: Sir, the Government itself felt that the Central-State relations have to be rationalised and, we ourselves, felt that the Sarkaria Commission's recommendations have remained unfulfilled and unimplemented. That is why we took a step of inviting Mr. Sarkaria to be there as one of the distinguished Members of this Commission. And I am quite sure, that the Centre-State relations would be looked into and the original spirit of the Constitution will be taken due note of. But, Sir, speaking for myself, I believe that India is an indestructible Union of destructible units. We have elements of federalism in our Constitution. Unfortunately, even those elements are not properly being given effect to and I believe that an effort must be made to strengthen them. But, it is on one condition that the States shall never become centres of any competing loyalty; ultimately, they are the areas of administrative convenience.

SHRI S. VIDUTHALAI VIRUMBI: Sir, since he has mentioned about the Sarkaria Commission, I would like to submit that there is a Commission called the Rajamannar Commission, which submitted its Report in 1972, and in 1974 a resolution was passed in the Tamil Nadu Assembly regarding autonomy to the States. I hope the hon. Minister will take that into consideration.

SHRI RAM JETHMALANI: Very certainly that would be taken into account. Sir, you do not have to rely on me for that; you are entitled to go before the Commission, submit a representation or whatever you call it, and they will consider that.

**श्री मती सरला माहेश्वरी:** सभापति महोदय, मैं आपके माध्यम से मंत्री जी से यह कहना चाहती हूँ कि "राजग" सरकार के बनने के साथ साथ जिस तत्परता के साथ हमारी संसदीय व्यवस्था की, संसद की अवहेलना करते हुए, राजनीतिक पार्टियों की अवहेलना करते हुए आपने संविधान समीक्षा आयोग का गठन किया है उससे अनेक सवाल प्रत्येक संवेदनशील व्यक्ति के दिल व दिमाग में, संसदीय जनतंत्र के प्रति आस्थावान हर व्यक्ति के दिल व दिमाग में उठे कि आखिर इस तत्परता का क्या कारण हैं। हमारे संदेह के सभापति जी यह कारण थे क्योंकि चुनाव अभियान में बहुत से ऐसे मुद्दे आपकी तरफ से उठे थे और उन मुद्दों के चलते मूलभूत हमारे संसदीय जनतंत्र की जो आत्मा हैं उन पर सवाल उठे थे। मंत्री जी आपने आठ क्षेत्रों का बयान यहां पर किया। मैं आपसे स्पष्ट तौर पर यह जानना चाहती हूँ कि कौन से वे मूलभूत ख्यालात आपके

[25 April, 2000]

RAJYA SABHA

दिल व दिमाग में थे जिन्हें आप करना चाहते थे और जिनके रास्ते में हमारे संविधान की ये धाराएं आड़े आ रही थीं ? कृपया आप उन धाराओं में कम से कम एक धारा को स्पष्ट करेंगे कि हम यह कहना चाहते थे और संविधान की यह धारा हमारे रास्ते के आड़े आ रही थी । जब हम यह सवाल करते हैं-मैं यह सवाल इसलिए करना चाहूंगी सभापति जी कि बार-बार संविधान के मूलभूत उसूलों के विरोध में हमारी आज नेतृत्व में जो सरकार है उस सरकार के घटक दलों द्वारा और विशेषकर उस सरकार की नेतृत्वकारी जो पार्टी है उसके द्वारा हमारे संविधान की मूल आत्मा के विरुद्ध ये सवाल उठाए जाते हैं । इसलिए मैं जानना चाहती हूं कि वे कौन सी मूल धाराएं हैं जिनको आप बदलना चाहते हैं?

SHRI M. VENKAIAH NAIDU: Lecture is over. Very good. There is no need for any reply ...*(Interruptions)*...

SHRIMATI SARLA MAHESHWARI: Why are you replying? Let the Minister reply ...*(Interruptions)*... Why are you replying? ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: I am not replying ...*(Interruptions)* सवाल पुछ रहा था। Your question does not deserve any reply at all ...*(Interruptions)*...

Do not make allegations in the House ...*(Interruptions)*...

SHRIMATI SARLA MAHESHWARI: You are not the Government. Let the Minister reply ...*(Interruptions)*... You cannot reply on behalf of the Government. ...*(Interruptions)*.

SHRI RAM JETHMALANI: Sir, the hon. Member refers to ideas springing up in the brains of the people. So long as there are brains, there will be ideas. Brain without ideas is not a brain at all. But the question is that in some people's brains, it is not ideas but superstitions. भ्रम की दवा तो हकीम लुकमान के पास भी नहीं है। If you are determined to suspect, if you are determined to misunderstand, then, you will never arrive at a right conclusion. *(Interruptions)*

All that I wish ...*(Interruptions)* आप जरा सुन लीजिए । ....*(व्यवधान)*

श्रीमती सरला माहेश्वरी: विवेक का तकाजा हमेशा ....*(व्यवधान)* संदेह करना होता है ....*(व्यवधान)* आप हमारे संदेह को दूर करिए । ....*(व्यवधान)* हमारी शंका को दूर करें । ....*(व्यवधान)* पूरे चुनाव अभियान के दौरान जिस तरह से आपने पूरा प्रचार अभियान किया ....*(व्यवधान)*

MR. CHAIRMAN: Let the Minister reply.

SHRI RAM JETHMALANI: Never has a lady got so angry with me, as you have. (*Interruptions*) हमारे प्रेम और मोहब्बत वाली बात तो सुन लो ।....(व्यवधान)

संविधान के साथ कोई नाजायज़ छेड़छाड़ करने का हमारे दिमाग में कोई ख्याल नहीं था । यह भ्रम है । अगर भ्रम हैं तो इसको मिटाओं । हटाओं । ....(व्यवधान)

श्रीमती सरला माहेश्वरी: इसे कौन मिटाएगा ? आप मिटायेंगे । ....(व्यवधान) यह क्या कोई सवाल का जवाब हुआ ? ....(व्यवधान)

MR. CHAIRMAN: No more now. I have called Shri Pradhan.

श्री सतीश चन्द्र सीताराम प्रधान: सभापति जी, अलग-अलग बातों का जवाब देते समय आदरणीय मंत्री जी, जो भी कुछ चर्चा होगी नया संविधान या उसमें जो भी संशोधन होगा ....(व्यवधान)

श्री जीवन राय: अभी आपने ठीक बताया ।

श्री सतीश चन्द्र सीताराम प्रधान: जो प्रोपोजल आगे आने वाला हैं इसमें शैड्यूल्ड कास्ट ....(व्यवधान) मेहरबानी करके आप ज़रा सुनिए । सर शैड्यूल्ड कास्ट्स, शैड्यूल्ड ट्राइब्स के बारे में ओबी सी के बारे में, माइनारिटीज़ के बारे में, उनके हक के संबंध में जो भी कुछ उनके लिए प्रावधान है उसके बारे में पूरा ख्याल रखा जाएगा, ऐसा आदरणीय मंत्री जी ने बताया है । मैं यह बात जानना चाहता हूँ कि इस देश के बाकी जो बहुत सारे लोग हैं यह देश उनका भी है और यह कंस्टीट्यूशन उनके लिए भी हैं, तो कंस्टीट्यूशन का जो स्वरूप होगा, क्या उसमें इन सभी लोगों के हक भी शीर्ष स्थान पर रखे जायेंगे ताकि उनको भी लगे कि यह देश अपना है, क्या ऐसी व्यवस्था उसमें कुछ होगी ?

SHRI RAM JETHMALANI: Sir, I have always declared my personal testaments in this House as well as in the other House, and also outside the House. I believe that the Constitution is almost a sacred scripture. Whatever rights and privileges which have been conferred upon the down-trodden sections of the society, cannot be interfered with, will not be interfered with. They will be increased, but they will not be decreased.

श्री बलबीर के.पुंज: सभापति महोदय, अभी सदन में और सदन के बाहर वातावरण इस तरह से हो गया है कि जैसे संविधान में संशोधन की बात करना कोई अपराध हो । मैं माननीय मंत्री महोदय से यह जानना चाहूंगा कि अभी तक संविधान में कितने संशोधन हुए हैं और किसकी सरकार के कार्यकाल में कितने-कितने हुए हैं ? उसमें मैं मंत्री महोदय से यह भी जानना चाहूंगा कि इमरजेंसी में खास तौर से किस तरह से संशोधन किए गए ?

[25 April, 2000]

RAJYA SABHA

SHRI RAM JETHMALANI: Sir, the hon. Member has always been trying to be helpful. Surely, you don't ask these questions of arithmetic. During the last fifty years, the Constitution has been amended 79 times. I have always said that we have shown less respect for the Constitution than we have shown for the Cattle Trespassers Act. But when this Commission is there, the Commission will not touch the basic features and the parliamentary form of Government, which means, 95 per cent of the Constitution is really not going to be touched or even reviewed. It is the remaining five per cent may be even less or may be a little more—which are the loose nuts and bolts which we are seeing whether they should be tightened to achieve the original purpose of the Constitution, which everybody agrees, has not been fully achieved. Of course, Sir, during the emergency, the Swaran Singh Committee was constituted. Their terms of reference were, basic changes in the Constitution because through the judiciary the basic structure adopted could not be overturned. Therefore, the Commission has been appointed.

SHRI RAM JETHMALANI: But, Sir, let us not go into these matters of the past. They do not add to friendship and harmony in the House. Let us forget all these matters. Let us hope ...*(Interruptions)*...

MR. CHAIRMAN: Hon. Member, please hear the reply. You have been talking. This is not good. You put the question and the hon. Minister was replying, but you started talking there. This is against the etiquette of the House.

#### **Holding of Court at New Delhi Railway Station**

\*423. SHRI NARENDRA MOHAN :†  
SHRIMATI JAYAPRADA NAHATA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government are aware of the recent incident at New Delhi Railway Station in which a sitting judge of the Allahabad High Court held a 'trial' for contempt of court against a railway employee, who failed to provide a berth to the honourable judge;

(b) if so, what is the reaction of Government thereto; and

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† The question was actually asked on the floor of the House by Shri Narendra Mohan.