

(Shri Babubhai M. Chinai)

Since the security of the border States is in danger, I would request the Prime Minister kindly to see that these Bills are passed today in this House. We promise all co-operation so that these Bills are passed today. It is a very important measure. Already so much damage has been done.

(Interruptions)

MR. CHAIRMAN : I give the permission, notice shall be dispensed with. It will be put on the agenda today.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, मैं आपके द्वारा प्रधान मंत्री साहब से यह निवेदन करना चाहता हूँ कि यह कल के दिन जो संयुक्त राष्ट्र महासभा की बैठक हुई है उसका विरोध यूगोस्लाविया ने और यहाँ तक कि सीलोन जिसको कि हमने . . .

श्री सभापति : नो, प्लीज। मैंने आपको परमिशन नहीं दिया है।

श्री राजनारायण : जिस सीलोन को हमने . . .

श्री सभापति : जब मैंने आपको इजाजत नहीं दी तो कैसे खड़े हो सकते हैं ?

श्री राजनारायण : श्रीमन्, 114 विश्व के देशों ने हमारे खिलाफ वोट किया . . .

MR. CHAIRMAN : I have refused permission to mention this. That would be enough. Nothing will go on record.

SHRI RAJNARAIN : (Continued to speak)

THE CONSTITUTION (TWENTY-SIXTH AMENDMENT) BILL, 1971

THE PRIME MINISTER / प्रधान मंत्री
(SHRIMATI INDIRA GANDHI) : Mr. Chairman, Sir, I beg to move—

“That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration.”

Sir, so much has been said on this subject and so much important business is there before the House that I do not want to say anything at all. All our views are known to the House and the nation. And this was one of the items which we had put before the electorate and on which I think the response of the people has been very clear. Since then there is a new situation in the country. In Bangla Desh and along our western borders and in some places beyond the western borders, our valiant forces are today fighting to defend the integrity of India and the values for which India stands.

War in my view is an unmitigated evil yet it does generate a spirit of comradeship. This is because neither bullets nor bombs nor the mud of the battle-field distinguishes between one man and the other, between the rank of a person and the wealth of a person or the birth of a person. Today our valiant forces are fighting as equals and without distinction of religion, class or status. At least one within them to my knowledge is a ‘prince’ and others are people of many other categories.

The days are gone when birth was the chief road to distinction. All over the world today, distinction comes from achievement and I believe that the highest privilege to which one can aspire in our country should be the privilege of being an Indian, a free Indian, a democratic Indian, not higher or lower than any other Indian and this is the type of society which we are trying to establish. We have not yet succeeded but this is what we are trying to do step by step. I have often heard, even yesterday when the Constitution (Twenty-fifth Amendment) Bill was before this House, people saying that so many things have not been done. We too are

poignantly aware that many things have not been done. Many inequalities and injustices do exist. But at least those of which that can be removed little by little, step by step, we are trying to remove. There is no use wailing on the evils of the past society because in olden times all societies were marked by hierarchy and so was ours. We had an added disadvantage of caste which introduced further divisions but the march of history has seen the abolition of the feudal order. In other countries, the old order—the *ancien regime*, as it was called in Europe—was abolished with much violence. Here in India we won our freedom through non-violence and our social revolution is also being achieved non-violently—whether it is the abolition of untouchability or of absentee landlordism or the princely order, all these things are being done democratically, peacefully and with the consent of the people. This should be a matter of satisfaction to us all.

As I have said on numerous occasions, we do stand for change in society. We think the change could be more rapid, more widespread than it is at the moment, but at the same time we believe that change should be peaceful. We also believe that if the forces of change are obstructed, you do not stop change, you merely obstruct the peaceful and orderly transition. So our attempt at bringing about social change—and this includes the abolition of privileges being enjoyed by the princes—should not be regarded by them or by anybody else as an indictment of the princes as individuals or as a group. The princes acted with practical good sense when the country was politically integrated. Even in this matter which concerns them so intimately, some have displayed the proper understanding of the issues involved. They have recognised that the times have changed and they have seen the wisdom of trying to meet the change half way. It is my belief that to allow such an anachronism to continue would be as much an obstruction to them

as to our society as a whole. The Princes are Indians as the rest of us are. They are citizens as the rest of us are and we owe a duty to them as they owe a duty to our society and to the country. So at this moment of danger and difficulty of the country, let us not dwell on the past but look to the great and pressing needs of the present and to the future which beckons us and which we have to build together. I commend this Bill to the House. I invite the Princes to join the elite of the modern age, the elite which earns respect by its talent, energy and contribution to human progress, all of which can be done only when we work together as equals without regarding anybody as of special status.

I request the House to pass this Bill. The Law Minister will deal with it further in the remaining stages.

The question was proposed.

SHRI T. CHENGALVAROYAN (Tamil Nadu): Mr. Chairman, Sir, I wanted to content myself with casting a silent vote in support of this Bill but I found it rather difficult to resist the temptation of participation in the discussion on this and sharing the ecstasy of this momentous measure. This Bill gets added lustre in the series of momentous decisions that we have taken this week. The hon. Prime Minister, with her characteristic fascinating force, has explained, though in short, the underlying reasons and the objects of this Bill. May I, with your leave and the indulgence of this House, and my feeble voice in support of this Bill? It was only in the last session of the Parliament that we gave unto ourselves the power to amend the provisions of the Constitution. We did so not with any vengeful vanity for the mere assertion of parliamentary supremacy. We were actually aware of the compulsions of the present and of our commitments for the future. We wanted to inaugurate an era of socialist advance and amelioration so that every step that we have taken, every measure that we have passed and every

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advance that we have ensured has always been in the direction of that particular ideal and idea. This Bill is one of the milestones in the long march that we have taken in this direction. In this evangelical endeavour of ushering in a new era of socialist equality and emancipation we have taken several steps to abolish the diabolic divergencies of caste and class privileges. The sacerdotal arrogance and the superiority of birth have to be repudiated and has been repudiated in all the civilisations of this world. I beg of this House to consider that we have enshrined equality as the core of our national life and in this context I beg of this House to consider this Bill.

Sir, we have not brought this Bill, at any rate the Government has not brought this Bill, either in anger or in animosity. Some of us who still survive after the grim struggle for freedom in which we had the glory and the greatness to take part fully recall to ourselves what was the struggle in those days. When Mahatma's campaign was rising in epic crescendo to a great climax in the British Parliament a question was asked what was the threat to the King's Government in India. The Secretary of State for India then said, we have many fortresses for the British authority in India, any fort may fall but there is the last lingering fort, the native Princes. That was the faith of Great Britain once great. Sir, thanks to the statesmanship of our great national leaders the first anti-feudal revolution was started and in that great happy consummation which was attended with success in our country I am happy to recall with gratitude that the Princes had risen to the occasion and the first anti-feudal revolution was able to be accomplished in a bloodless way. Sir, India is a great and a grateful nation. If we want to understand and assess the nature, scope and extent of this amending Bill, may I have your leave to just deal with some of the provisions of the Constitution which deal with this question of the privy purses of the Princes?

Sir, we have article 366 wherein there is a constitutional recognition and even a merger if I may use that word of the covenants that have been entered into individually with the Princes. Then we have article 291 which merely says that a charge would be created upon the consolidated Fund in the matter of the payment of the privy purse. May I just draw the attention of this House to article 366 which carries with it the recognition of the Ruler and I want to specially draw your attention to the phrase there which says 'who for the time being is recognised by the President as the Ruler of the State'. This means I read into that article that the recognition, is not in perpetuity, it is open, as it is now open, to the Parliament of India to consider whether in the changed circumstances and in the altered conditions the continuance of that recognition is nationally expedient and necessary. I therefore feel that the first clause in relation to the omission of that article that is embedded in this Bill is wholly welcome and has become absolutely relevant in the present context. Then we have the other article, namely article 363, which deals with the question of covenants and I find with great satisfaction that article 363A is to be added and this becomes an independent enactment so far as the recognition is to be withdrawn. Sir, there has been considerable discussion about the scope and nature of article 291 in the Princes case in the Supreme Court. I am not going into those details, nor is this the time or occasion to go into the several aspects of that judgment. But may I respectfully submit that some of that discussion was really wise and most of it otherwise but nevertheless I am happy that this political decision to abolish the privy purses is now contained in this amending Bill. I submit with great respect that article 363, article 366 and article 291 are the only provisions which deal with the Princes and their privy purse and this amending Bill gives a complete deviation, a departure, a total repeal of those provisions. But may I most respectfully submit for the kind consideration of this house and

particularly the hon. Prime Minister and the Law Minister whether it is necessary in the context of this Bill to have article 366 amended? My reading is this, I may be wrong and I wish to be corrected if I am wrong. Clause (22) now contemplates that "Ruler" means the Prince, Chief or other person who, at any time before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the President as the Ruler of an Indian State or any person who, at any time before such commencement, was recognised by the President as the successor of such Ruler. My difficulty in understanding the relevancy of this clause, when we have article 363A and clause (a) where the ruler is extinguished by name and by designation, my difficulty is to reconcile this article 22 with that. I hope, Sir, that this is meant purely as an explanation to article 363A, but nevertheless, on the whole I submit with very great respect that the provisions of the amending Bill serve the great cardinal purpose which has been agitating our country and also the mind of all progressive sections in this country with regard to changing the princely order once and for all. Sir, on this occasion it is very necessary to just consider the criticism that has been levelled against this move. We have been told and told on many occasions by different quarters that this amounts to a repudiation of the solemn undertaking that we had given in their covenants, and that means that it is not very fair. The question is asked: Is it fair? Is it legal? Is it moral? Is it just? Is it proper to repudiate a solemn undertaking given in an instrument of great value? It is also said, if we can repudiate this covenant and this undertaking, what else we will not repudiate? We will repudiate the loans. We will repudiate the other covenants. We will repudiate even the pensions. That is the venom of the criticism that is levelled against this Bill. May I with your leave and with the permission of the House attempt to answer this criticism to the best of my studies and ability? Sir, this ques-

tion of covenant, being apart from the Constitution, has to be considered in the context of the doctrine of merger. When article 363 has included the covenant of these princes as a constitutional provision, when we abrogate article 363, we abrogate everything else. The criticism that we are repudiating it unilaterally has no meaning in the context of this Bill and in the complexion of the idea that is underlying this Bill. In the matter of a covenant or a treaty, you know, Sir, that the Supreme Court, in the Madhya Pradesh case, has held that the covenant with the princes is in the nature of a treaty, and our learned Attorney-General, in the princes case, has argued that article 363 has merged the covenant in a constitutional provision and therefore it is a treaty of that kind. You know, Mr Chairman, that whenever there is no acquiescence in the question of a treaty being amended or abrogated, the propriety of unilateral denunciation has always been recognised on the principle that, when the conditions that were attendant at the time when the contract or the covenant or the treaty was entered into are so radically altered and the situation has so vitally changed, there is no obligation to keep the treaty on. This is based upon the well known maxim *omnis conventio intelligitur rebus sic stantibus*, that is to say, whenever there is a treaty, the presumption of the condition is that the condition at which the treaty was concluded continues to be the same. Sir, the concept of vital change that has introduced into the treaty an element of nullity has been recognised not only by Canon Law but has been also approved and adopted by the civil law. Also I am aware and I am sure that this criticism will be levelled on the principle of the maxim *pacta sunt servanda*, that is, those who have entered into obligations are expected to fulfil the obligations in good faith. But may I point out to those critics that when conditions alter, when situations change, when ideas undergo a radical revolution, the condition and the circumstance and the climate under which the treaty was entered into no longer exists? That is embedded in the doctrine of *Rubus*

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sic stantibus, i.e., the condition does not remain, the contract does not remain. I, therefore, submit with very great respect that the revolutionary ideas that have overtaken our country and the new phase of national upsurge and upheaval in the context not only of political understanding, not only of economic endeavour, but more so in ordering a new social order, a new change, a new value and a new philosophy, in that context, this unilateral denunciation or repudiation or repeal of the constitutional provisions embodying the Covenant would undoubtedly be relevant and I do not think we need have any trouble in accepting, even on a juristic basis, the repeal of these provisions. I do not want to say anything more, particularly with reference to the recognition that they have ceased to recognise because that recognition is not in perpetuity.

One word more and I have done. Have we not abolished the Zamindaris? Have we not abolished the Inams? Have we not abolished untouchability? Have we not abolished many other things? The cardinal principle, in my respectful submission, of abolition in all these things is to establish a new society where there will be no division based on class or privilege. All the sons and daughters of our soil must be equal partners in the venture—and may I say in the adventure—of a new India beaming with equality, brimming with progress and bubbling with happiness. We have undertaken many abolition acts in the past and we have abolished many things and this Bill comes in the grand sequence of the abolition acts. With regard to abolition there is one thing more. We are going to do it and we will do it very soon.

We will have to abolish poverty. We can do it. We must do it and we will do it sooner than our friends hope or our enemies doubt. With these words, I have very great pleasure in wholeheartedly supporting the Bill. I hope and pray that this

Bill, when passed, will bring in a new era in our country when, in spite of the encircling gloom, we see this one step, the right step, the proper step, a just step and the only step that we have taken in the forward journey. May God bless us in this endeavour.

SHRI A. P. JAIN (Uttar Pradesh) Mr. Chairman, Sir, I would like to draw the attention of the House to the Preamble of the Constitution which says

“WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens.

JUSTICE, social economic and political,

LIBERTY of thought, expression, belief, faith and worship,

EQUALITY of status and of opportunity.”

This Preamble is very important and forms the basis of our Constitution. Then, Sir, I would like to draw the attention of the House to article 14 which says:

“The State shall not deny to any person equality before the law or the equal protection of laws within the territory of India.”

The sum total effect of the amendment which is before the House today is to abolish articles 291 and 362. This first article provides for the payment of privy purses to the Rulers free of tax. The other article 362 provides for the preservation of rights, privileges and dignity of the Rulers. Now, it is obvious that these two provisions are not in consonance with the basic principles of equality of status and equality of opportunity on which our Constitution was framed, but there were reasons for it. At the time when these provisions, namely, articles 291 and 362 were incorporated in the Constitution, India was passing thro-

ugh a state of crisis. We were suffering from the effects of partition. There were rulers who were in favour of the merger of their States with the Union. There were others who were delaying. We know of a ruler — I would not like to name him — who declared independence. We know of rulers who were trying to sabotage the scheme of accession. We know of rulers who entered into negotiations with Mr. Jinnah who was always ready to take advantage of our troubles. Hence, in order to avoid serious trouble, the Constituent Assembly at that time, in its wisdom, decided that *certain concessions* — though they may not be in consonance with the basic principles of the Constitution — might be given to the rulers in order to persuade them to join the Indian Union as a whole. And consequently, these provisions were made, and I say that they were made by wise people and in good faith. But the times have changed. Those provisions have now become irrelevant. This was made clear by the results of the General Election. My party had a wide mandate from the electorate on the issue of the abolition of privy purse and princely privileges. Unfortunately, the rulers refused to see change in the wind. If they had seen it, perhaps the passage of this law would have been enacted long ago and they would have received a better deal.

Now, I will not refer to the long and tortuous negotiations which the Government had with the princes. In fact, Government wanted to abolish the privy purse and privileges with their consent. But when that consent was not forthcoming, there was no other alternative except to do it otherwise.

Sir, I would not like to refer to the processes through which we have passed, namely, how the Bill came up and it could not become law in this House, how the President issued a Proclamation, how it was challenged in the Supreme Court and turned down and how all these difficulties arose. If the princes had acted with the

same wisdom as they did at the time of the framing of the Constitution, I think it would have gone down to their credit.

Sir, the Bill does not provide for any compensation, and rightly so. I have no grievance against it. I think it is right that the question of compensation should not arise. But there is nothing wrong about men or about any group of men. It is the conditions, it is the circumstances, it is the environments that determine the character of men. There is nothing evil about the princes either as individuals or as groups; nor are they angels. Some of them played a noble part in helping to achieve the integration of India, creating conditions so that India could be constituted as one unit. Others were not so forthcoming. But we need not go into the past history. They are our citizens. And as the Prime Minister said, some of them have played a patriotic role. Now, what has to be done to them? Sir, while the question of compensation does not arise, yet they are princes and their dependents who, if not given any assistance in rehabilitating themselves as honourable citizens may prove harmful to the country, but if they are properly treated, if they are given an opportunity to transform themselves into useful citizens of India to earn their living and to serve the motherland, I think they can be an asset, if not all of them, at least quite a good section of them. Among these princes, there are the poor princes. There may be about 25 or 30 princes who can be said to be very opulent. But the others are just the recipients of meagre allowances. I will request the Government to pay special attention to the future of these small Princes. While the bigger ones among them may not need or get anything, the small ones should be treated liberally. At any rate, the Princes who have not got reasonable resources may be given rehabilitation allowance or rehabilitation grant. There is nothing to debar the Government from helping those who need help to re-establish themselves as citizens and not as Princes. I have reports that the

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Government are thinking on those lines I hope and trust it will be done soon so that this class of people, though not in large numbers, may be allowed to absorb themselves into the normal order of citizens. In particular the dependents of these Princes who had not always been fairly treated by the rulers or even afterwards should be treated as an entity, and whatever help is to be given to them must be given to them direct.

With these few words I commend this measure for the acceptance of the House.

श्री निरंजन वर्मा (मध्य प्रदेश) :

श्रीमन्, इस समय यह बिल सदन के सामने विचारार्थ आया है, वैसे लगभग एक वर्ष से इस विषय में विचार हो रहा था कि राजाओं के प्रिवी पर्स और उनके अधिकार समाप्त किये जाय।

हमारे मस्तिष्क में इस समय एक विचारधारा यह भी है कि राजाओं के उन दोनों वर्गों में उस वर्ग के राजाओं को हम श्रद्धांजलि दें कि जिन्होंने भारत की स्वतंत्रता के लिये गत पांच सौ वर्षों में अनेक प्रकार के बलिदान किये . . .

श्री नेकीराम (हरियाणा) : श्रद्धांजलि क्यों, बधाई हो।

श्री निरंजन वर्मा : . . . जिन्होंने अंग्रेजों की चापलूसी की उनके लिये तो कुछ नहीं कह सकते लेकिन जिन्होंने अंग्रेजों के साथ युद्ध किया और अंग्रेजों के पहले हिन्दुस्तान को परतन्त्र बनाये रखने के लिए जो कोशिश की उनके विरुद्ध जिन्होंने सघर्ष किया निश्चित रूप से उनको बधाई और श्रद्धांजलि दोनों दी जा सकती है और दी जाती रहेगी। स्वतंत्रता के आन्दोलन के समय से कांग्रेस के और कांग्रेस के बाहर के जिन मित्रों ने बलिदान किया है, त्याग किया है, वे आज भी अभिनन्दन के पात्र हैं और आज

से सौ वर्ष के बाद भी अभिनन्दन और बधाई के पात्र रहेंगे। श्रीमन् कोई भी रेजीम आ जाय पिछले वर्षों में स्वतंत्रता के लिये जिन्होंने सग्राम और युद्ध किया है यदि उनको छोड़ करके एक नये इतिहास का निर्माण करना चाहे तो वह समय के अनुकूल बान नहीं होगी। पानीपत के मैदान में जिन सूरमाओं ने अपने लडकों, अपने दाम्पत्य और अपने काकाओं के सिर बटाये और उसी तरह से जिन्होंने शत्रुओं को बहुत दूर तक वापस भेज कर काबुल की घाटी तक धकेल दिया यह समय की बात है कि आज उन राजाओं के पोते, परपोते जो गद्दी पर हैं उनके लिये एक समय तक उनके कार्य स्फूर्तिदायक, प्रेरणादायक हो सकते हैं किन्तु यह बात भी मही है कि किसी का भी एक समय होता है और राजाओं को अपने पिता और पितामह के उस समय के ऐश्वर्य के कारण बहुत दिनों तक उनको उन अधिकारों का उपभोग करने का अधिकार नहीं दिया जा सकता। पिछले समय में राजाओं ने स्वतंत्रता के आन्दोलन के समय में अधिकांश में अंग्रेजों का साथ दिया और अंग्रेजों का साथ देने के समय कुछ राजाओं ने दिल में अंग्रेजों के खिलाफ भावना भी रखी। लेकिन अंग्रेजों का उस समय का जो चरम उत्कर्ष का समय था उसके कारण राजा लोग खुले आम मैदान में नहीं आ सके, तब भी राजाओं के लिए यह कहा जाना ठीक होगा कि उनको अपने सारे जितने प्रिवी पर्स और विशेष अधिकार थे, स्वयं ही राष्ट्र को समर्पित कर देने चाहिए थे क्योंकि बहुत दिनों तक, विशेषकर प्रजातन्त्र के समय में, ऐसे विशेषाधिकार ना तो रखे जा सकते और न रखे जाने की कोई आवश्यकता ही है। विशेषाधिकार उनके जा कुछ भी होते हैं, अगर हम उनको मान लें, तो उसका तात्पर्य केवल यह है कि हम प्रजातन्त्र में उस अंश तक विश्वास नहीं करते और जहां तक कि एक व्यक्ति को एक व्यक्ति के समान अधिकार देने के

लिए हम बाध्य हैं, वहां विशेष अधिकारों का समय आज से बहुत पहले ही खत्म कर देना चाहिए था।

श्रीमन्, पिछले समय में जब अपने देश में प्रजातन्त्र का युग आया और अंग्रेज यहां से चले गए तो इन्स्ट्रूमेंट आफ् एक्सेशन आया। हमें स्मरण है कि बहुत से राजाओं ने इन्स्ट्रूमेंट आफ् एक्सेशन पर हस्ताक्षर करने से इंकार किया था। वे यह समझते थे कि अंग्रेज इस युग में हमेशा तक रहेंगे और उनके चापलूस बन कर सम्भवतः वे कुछ दिनों तक और रह सकते हैं। भोपाल के नवाब ने जो नरेन्द्र मंडल के चांमलर के रूप में थे उन्होंने एक पार्टी उम जमाने में बना रखी थी और सरदार पटेल को बहुत भारी मुश्किल का सामना करना पड़ा था और उसके बाद भी भोपाल के नवाब ने 5 वर्ष के लिए अपने विशेष अधिकार जारी रखे थे। श्रीमन् इसके साथ ही, हैदराबाद के नवाब ने भारत के प्रजातन्त्र देश के साथ युद्ध किया था। आज हम उसकी संरक्षण देने के लिए न तो खड़े हुए हैं और न कोई आवश्यकता ही समझते हैं राजाओं को यह समझना चाहिए कि यह बहुत ही गया कि 100 वर्ष तक उनके लिए विशेष परम्पराएं और विशेष प्रकार की देनदारियां दी जाती रहीं। पहले समय में एक राजा के ऊपर दूसरा राजा हमला कर वेता था तो ओवरग्राइड, केवल एक रात्री में, वह अपने स्थान से च्युत कर दिया जाता था और जंगलों की शरण में चला जाता था।

लेकिन इसके साथ ही, श्रीमन् हम उन राजाओं का जिक्र करना न भूलेंगे जिनके पूर्वजो ने हन्दीघाटी के मैदान में और जिन जिन सराठों ने पानीपत से आगे निकल कर भारतवर्ष की रक्षा और सुरक्षा की थी। हमें मालूम है कि हमारी सरकार ने और

इसी कांग्रेसी सरकार ने, उन लोगों के लिए अभी तक जागिरें दे रखी है, उन लोगों को विशेष प्रिवी प्ले के भत्ते दे रखे हैं जिनको इस समय देने की आवश्यकता नहीं थी...

श्री दलपत सिंह (राजस्थान): सब खत्म किए जाएंगे।

श्री निरंजन वर्मा : क्या क़त्त ?

श्री समापति: आप कहिए।

श्री निरंजन वर्मा : मैं, श्रीमन्, आपने सामने शासन का ध्यान इस तथ्य की ओर खींचा कि अभी तक कर्नाटक, अर्काट और तंजौर के नवाबों को 1 लाख 75 हजार रु० वार्षिक सहायता दी जा रही है अभी तक बुगहानपुर के शाह को 50 हजार रु० वार्षिक सहायता दी जा रही है, अभी तक मुर्शिदाबाद के नवाब को 3 लाख 18 हजार रु० दिए जा रहे हैं। अभी तक एक और नवाब को 62 हजार रु० प्रति वर्ष दिए जा रहे हैं, मलाबार के प्रिन्सेज को अभी तक 2 लाख 94 हजार रु० दिए जा रहे हैं, अवध की बहू बेगम आदि को 8 लाख 50 हजार रु० वार्षिक वसीका अभी तक दिए जा रहे हैं और इसी प्रकार उनकी फेमिली को 1 लाख 30 हजार रु० दिए जा रहे हैं और एक गौड़ राजा के लिए 6 हजार रु० वार्षिक दिए जा रहे हैं। मैं इस मदन के माननीय सदस्यों का ध्यान इस तथ्य की ओर आकर्षित करता हूं कि उनको जो विशेषाधिकार के रूप में ये जो रुपयों की थैलियां दी जा रही हैं, ये किस एज में दी जा रही हैं ? क्या इस बात को बनाने का कष्ट करेंगे ? हम समझते हैं कि सबसे बड़ी कमाई श्रीमन् वह कमाई कही जा सकती है जो श्रम के द्वारा या अपने बाहुबल के द्वारा कमाई जा सके। किसी के पास अगर अपने पिता के नाम पर

[श्री निरजन वर्मा]

या पुरखो के नाम पर कोई सम्पत्ति है तो उस सम्पत्ति का उपभोग करने का समय अब इस बीसवीं शताब्दी में नहीं रहा है और उनको इस चीज से वंचित किया जाना चाहिये।

श्रीमन्, यहाँ पर शायद बहुत से हमारे सम्मानित मित्र इतने मुक्तभोगी नहीं होंगे जितने राजाओं के शिकार हम रहे हैं। हमारे जो चुनाव होते थे उसमें ग्वालियर की राजमाता को जिताने के लिए आदरणीय जवाहर लाल नेहरू से लेकर श्रीमती इन्दिरा गांधी तक भी हमें हराने के लिए हमारी कास्टीट्यून्सी में जाती थी और राजाओं को सहायता देती थी। उस समय हमारे साथ कोई नहीं था, केवल गरीब आदमी रहते थे। (Interruptions) अभी यह बहुत पुरानी बात नहीं है, केवल 10 वर्ष पहिले की बात है, लेकिन भगवान की कृपा से हम लोग वहाँ से जीत कर आये। न जवाहर लाल नेहरू वहाँ से जीतकर आ सके और न ही वहाँ के मुख्य मंत्री श्री तख्तमल जैन जिनको हराने का श्रेय हम लोगों ने प्राप्त किया था तथा ग्वालियर की राजमाता तक को हराया था। कहने का तात्पर्य यह है कि अगर यह आलोचना की जाय कि ऐसे विरोधी सदस्य राजाओं के साथ थे, तो यह बात श्रीमान्, गलत है।

आप के बड़े-बड़े नेताओं ने राजाओं को संरक्षण दिया, उनको बचाया, उनको प्रिवी पर्स दिये, उनको विशेषाधिकार दिये और उनको सतरज का मुहरा बनाकर रखा। हमारे आदरणीय प्रधान मंत्री जी की हमें तब से याद है जब वे विदेशों में राजाओं को बचाने के लिए जाती थी और कोई चुनाव ऐसा नहीं होता था जब कि राजाओं के ऊपर उनका बरदहस्त नहीं रहता था और ग्यारह

बारह राजा इकट्ठे मिलकर हमारा विरोध करते थे। भगवान की कृपा से हम जीवित बने रहे और जो हमला करने वाले थे वे धराशाही हो गये। वे धराशाही हुए अपने मित्रों द्वारा, हमारे द्वारा नहीं श्रीमन्, ऐसा कहा जाता है कि भस्मासुर को इस तरह का बरदान मिला हुआ था कि जिस के ऊपर हाथ रखता था वह नष्ट हो जाता था। यह तो बिल्कुल भस्मासुर सरीखी बात हो गई कि मित्रों द्वारा ये राजा नष्ट हो गये। और हम उनका संरक्षण नहीं कर सके। हम आप से केवल इतना ही निवेदन करना चाहते हैं कि आपने जो ये कायदे बनाये हैं वे जल्द-बाजी में बनाये हैं। हम उस कायदे में विश्वास करते हैं जिनमें सरदार पटेल ने उस समय के राजाओं को और इन राजाओं को अपने साथ लिया था, उनका प्रेम प्राप्त किया था, परन्तु उनके अधिकार का हनन किया था और उसी तरह से बचे हुए राजाओं के अधिकारों, उनके प्रिवी पर्स, उनके विशेषाधिकार, उनके मोटर का भत्ता, उनका पेट्रोल आदि सब बन्द किये जा सकते हैं क्योंकि श्रीमन्, एक तो समय बीत गया है और बीसवीं शताब्दी में इन विशेषाधिकारों को बनाये रखने के पक्ष में शायद कोई भी आदमी ढूँढ़ने पर भी नहीं मिलेगा।

तीसरी बात श्रीमन्, मैं यह कहना चाहता हूँ कि अगर सरकार थोड़ी बुद्धिमत्ता से काम लेती तो यह जो राजा महाराजाओं का इस समय मामला है वह आसानी के साथ हल हो जाता क्योंकि इन राजा महाराजाओं के पास ताज के अलावा और कोई चीज बची नहीं है। आज भी बहुत से राजा महाराजा ऐसे हैं जो पैसे की कमी के कारण भूखे मर रहे हैं। हमें यह मालूम है कि एक राजा हमारे पास ऐसे आये थे जिनको 15 हजार रुपये वार्षिक मिलता था। श्रीमन्,

उनके साथ मे उनके पुराने कर्मचारी भी है, महल में रहने वाले व्यक्ति हैं और उनमे से एक महिला रो रही थी और वह कहती थी कि हमारे पास गुजारे के लिए कुछ नहीं बचा है। यहा तक परिस्थिति आ गई है और इस तरह की परिस्थिति को समझने के लिए अगर बुद्धिमता मे काम लिया जाता तो इन परिस्थितियों पर काबू पाया जा सकता था।

श्रीमन् हम समझते है कि जो यह बिल आया है उसका कोई भी विरोध नहीं करेगा। परिस्थितिया ऐसी है और इन परिस्थितियों को लाया जाना चाहिये। राजाओं का एक समय था और अब वह समय चला गया है। अगर राजा रहते भी है तो वे जापान, इंग्लैंड और बेल्जियम की तरह रह सकते है, इससे ज्यादा वे नहीं रह सकते है। यह उन देशों की बात है जो परंपरागत प्रजातंत्र रहे है, लेकिन हम कभी भी राजाओं के समर्थक नहीं रहे। हमने तो श्रीमन्, आप के सागने कुछ थोड़े से तथ्य इस लिए रखे है ताकि यह सरकार चाहती तो उस को भी साथ लेकर चल सकती थी। अगर किसी की सम्पत्ति को छीना जाय तो उसको बुरा भला कह कर नहीं छीना जाना चाहिए, हम इस मे विश्वास रखते हैं। हम गांधी जी की उस परंपरा को मानने वाले है कि अगर किसी की धन और सम्पत्ति अपहरण करे तो उस से भी ठे शब्दों मे बात तो की ही जा सकती है। इन शब्दों के साथ यह जो बिल आया है उसका हम किसी प्रकार से विरोध करने के लिए तैयार नहीं है।

MR. CHAIRMAN : Shri Dahyabhai Patel

SHRIMATI YASHODA REDDY (Andhra Pradesh) : Before you call him, may we know at what time the Minister is

replying so that we can prepare ourselves for the division ?

MR. CHAIRMAN : I have a long list. I think the Minister should reply at about 12.30. You can arrange the length of speeches accordingly.

SHRI DWIJENDRA LAL SEN GUPTA (West Bengal) Please call us also

MR. CHAIRMAN : Please sit down.

SHRI DWIJENDRALAL SEN GUPTA : I am sitting down.

श्री सी० डी० पांडे (उत्तर प्रदेश) : मिस्टर चैयरमैन, एक मिनट मुझे दीजिएगा।

SHRI DAHYABHAI V. PATEL (Gujarat) : I am never verbose nor I intend to make any long speech.

MR. CHAIRMAN . It is not intended for you.

SHRI DAHYABHAI V. PATEL; Moreover, on this question I do not need to make any long speech.

AN HON. MEMBER : Are you opposing the Bill ?

SHRI DAHYABHAI V. PATEL : I feel that I should oppose the Bill because I feel that the Government of India is going back on an assurance that it has given and an undertaking that it has undertaken very solemnly. Government of India did this with open eyes and to repudiate it unilaterally is something which is not only repugnant, but I think immoral too. That is the reason why I wish to oppose it.

Sir, there have been occasions when many delicate matters have been resolved by understanding and by negotiations. If more than 500 Princes of this country could be persuaded to surrender their rights and their privileges and large amount of property which they were

[Shri Dahyabhai V. Patel]

administering as despots, surely negotiations about their rights and a few properties could have been carried on with a little more tact, a little more persuasion, and the object could have been achieved. Supposing it was not achieved. Then the covenants and instruments of accession in each case provides that at every generation the amount that is paid as, what is called, privy purses decreases. And in a few years, the amount would have been practically reduced to nothing. And what are we paying them today? We are paying them a pittance of something which is very much less than the huge losses that your public sector undertakings are incurring every year. So, this could have been set right by other means. We do not try to do what is right in the right way. Suppose the decision to abolish privy purses has to be taken because the government feels very strongly about this. Suppose the government feels that times are changing and therefore the Princes should fall in line with the changed circumstances. There are other ways of doing it. The manner in which this is sought to be done is not proper. The Princes should have been persuaded to join and to sacrifice, as they have done before. The Prime Minister, while moving the Bill, pointed out that one of the Princes was actually fighting in the war. This only points out that they can be called upon to make sacrifices whenever necessary. It all depends on the approach and the manner in which you deal with the situation. After all just unilaterally abolishing the privy purses, I do not think, is very right. I remember when the Kutch debate was taking place in this House, Hon. Minister Shri Chavan was dealing with it. He then said "We have made a commitment which we must honour". When I asked him "What about your promise and commitments to the Princes of India", he said that it was a different matter. One was commitment before the international world and what would be our reputation and name? This is an internal matter. This was what he

said. Sir, I am unable to understand this logic that we can be dishonest, that we can repudiate our commitments inside the country, but we have to keep our commitments and such things all right outside. Sir, I understand straightforward language and straightforward talk. I wish this had been done in this manner.

SHRI N. G. GORAY (Maharashtra)

Sir, may I point out to my friend that in spite of this agreement, we have taken Ch adbet and we are going to take Kanjara-gode and all that?

SHRI DAHYABHAI V. PATEL: I am very glad that my friend says this. The army is doing its duty where some of the politicians have failed. I am very glad about that and I hope our army will continue to do its duty. They need to be congratulated for that. But that does not mean that you can do things dishonestly. I will never put my hand and give my assent to this and I hope the hon. Members of this House would ponder over it for a few minutes and think whether it is right to do it and whether it is right to do it at this moment? Why should the Government have chosen this moment to do this at this time and in this manner?

Sir, the Prime Minister is not here. I suppose the Law Minister will reply. I do not know how the Law Minister will reply, because, Sir, on the last Bill, I asked him pointedly three or four times the same question and he did not answer. You answer when it suits you and you don't answer when it does not suit you. That means you are right whether there is argument or whether there is justice or not. If that is the attitude of the Government, what else can I say?

MR. CHAIRMAN: Yes, Mr. Vitthal Gadgil.

SHRI VITHAL GADGIL (Maharashtra): Mr. Chairman, Sir, I rise to support this Bill wholeheartedly.

Sir, at the outset. I must recall that it was in the New Delhi AICC of July 1967 that younger men in my party like Mr. Mohan Dharma insisted on the inclusion of the item in the 10-point Programme. Four years and one election later, their stand is vindicated. I am sure Sir, they have added a foot-note to the history of our times.

Sir, I am of the opinion that this Bill cannot be studied in isolation, because all three amendments together form one single whole. Sir, I am not one of those who, in order to prove their radicalism, will talk about confrontation between Parliament and the Supreme Court. Yet, I must say, I must concede, that it was the judgments of the Supreme Court which were responsible for these three amendments.

SHRIMATI YASHODA REDDY :
Correct.

SHRI VITHAL GADGIL : Sir, in the Golak Nath case, after overruling their previous judgments, they practically froze the Constitution; by their judgment in the Bank Nationalisation case, again overruling a series of cases spread over twenty years, they negated the Fourth Amendment; and, in the Princes' case, they overruled their own decision, given one year earlier in the Dhoolpur Maharaja's case, and helped perpetuation of an order and an institution based on birth and inheritance. This is the salient fact that their own judgments have been overruled and new judgments given.

Sir, when I was a student of law, I was told that consistency and certainty are the hallmarks of judicial process. But, today, we do not know whether what the Supreme Court decides today will not be upset tomorrow. I am tempted to say what was said about the judgments of the Supreme Court of America that the "judgments of our Supreme Court are like a railway ticket, valid for this day and by this train only". Sir, in such a situation, when the courts change their views,

can't the people change their views and their Constitution? Sir, this Bill is again criticised by reference to two or three points which I would like to deal with. The first is this : What is the issue involved? If I may say so, Sir, the issue in the first amendment was this : When the Golak Nath Case decision was given, the first man to react to it was my late friend, Shri Nath Pai, who immediately brought forward a Bill to restore the sovereignty of Parliament to itself and, if I may say so, Sir, the issue in the first amendment was whether Nath or Golak Nath; in the second amendment, the issue was, if I may say so, whether compensation for the few or emancipation of the many; and, Sir, in this Bill, if I may borrow the words of our Prime Minister, the issue is whether men or Maharajas?

AN HON. MEMBER : Quite right.

11 A. M.

SHRI VITHAL GADGIL : These are the issues which the House ought to deal with. The Bills are criticized firstly by saying that others also have privileges. Particularly, reference is made to the Ministers. I do not hold a brief for the Ministers. But one must not forget that whatever privileges they enjoy, they are, referable to some office; they are limited for five years. And they are elected by the people. They represent the people. But there is no time-limit on the privileges enjoyed by these princes. They are not referable to any public function that they perform. And whom do they represent? They represent none except perhaps themselves.

Then, again, Sir, it is said that we are guilty of breach of promise. Mr. Chengalvarayan has ably answered those criticisms. The Constitution, which embodies this promise—that very Constitution—gives a promise to millions of our people, which is embodied in the Preamble that "We, the people of India . . . give to ourselves this

[Shri Vithal Gadgil]

Constitution . . .” to establish Equality of status. What is the equality of status here? Princes pay no customs duty, no water charges, no electricity, no income-tax. The lowest in the land can sue and prosecute the highest in the land. But if you want to take such action against the tiniest of princes, you must obtain the permission of the Central Government.

Sir, I feel so long as these privileges continue, you have to read some of the articles differently there is some kind of invisible clause. For example, in Article 14: “The State shall not deny to any person equality before the law . . .” (except princes). See Article 15: “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them”. . . . (except in favour of princes). With these privileges, we have a kind of Animal Farm—a George Orwellian situation—all men are equal but some are more equal than the others. Sir, there is, therefore, perfect justification for bringing forward this Bill. As Mr. Chengalvaroyan has stated, under the international law, all treaties are subject to the doctrine—*rebus sic stantibus*. A number of illustrations can be given. For example, the treaty of Lussane was terminated on the basis of this doctrine. The International Court, in various decisions—for example, Freezone of Upper Savoy—has recognized this doctrine. So, even on legal and technical grounds, my submission is that the Government is perfectly justified.

Then, again, it is said—I referred to it earlier—that we are guilty of breach of promise. I said that the treaty must be studied in the context of the situation which obtained when treaty was entered into. Why were the treaties entered into? I would like to quote from the words of Sardar Vallabhbhai Patel. This is what he said:

“ . . . some of the rulers did wish to exercise their technical right to declare independence and others to join the

neighbouring Dominion. . . . Our failure” to honour these obligations “ . . . would seriously prejudice the stabilisation of the new order.”

This was the reason given. The security of our land was threatened at that time. Sir, the ways of Providence are inscrutable. The irony of history is that these privileges are being abolished at a time when again the integrity of our motherland is threatened! . . . (Interruptions). What better case can you have of poetic justice?

Therefore, I support this measure from all points of view.

Lastly, Sir, may I appeal to the the House in a particular way? Last year the same Bill was brought. It was lost by a fraction of a vote. I appeal to all sections of the House to atone for that technical lapse by passing this Bill unanimously and unreservedly . . .

(Interruptions)

Lastly, Sir, permit me to strike a personal note. Sir, when this Constitution was framed, my father was a Member of this Parliament and of the Constituent Assembly. And it was his Ministry, the Ministry of Works, Mines and Power, that opposed the idea of market value. I am proud today, I became a Member of this House only seven months back. I consider it my privilege, my fortune that I am present in this House when the original intentions of the Constitution-makers are being restored. In that sense, I have a feeling that I am fulfilling a filial obligation.

SHRI BHUPESH GUPTA : (West Bengal) : Like father, like son.

श्री सूरज प्रसाद (बिहार)। श्रीमन्, संविधान में संशोधन करने का जो बिल आया है, मैं उसका स्वागत करता हूँ। मुझे इस बात की खुशी है कि इस संशोधन के

जरिये बिना ताज के बादशाह, बेमुल्क के नवाबों को समाप्त किया जा रहा है। अभी हम जिस व्यवस्था को खत्म करने की बात कर रहे हैं, यह एक सामन्ती व्यवस्था है और इस व्यवस्था को हिन्दुस्तान के अन्दर बहुत पहिले ही खत्म हो जाना चाहिये था।

जब हिन्दुस्तान के अन्दर अंग्रेजों का आवागमन हुआ था तो उन्होंने इन देशी राजा महाराजाओं को इसलिए पाला पोशा और जिन्दा रखा ताकि ये राजा महाराजा उनके पाये के रूप में काम कर सकें और इसीलिए आज भी यह व्यवस्था हमारे देश के अन्दर इसीलिए बरकरार है। जब भारत की आजादी की लड़ाई लड़ी जा रही थी, देश के नौजवान जब खून की अन्तिम कतरा देश की आजादी के लिए दे रहे थे, तब उस समय ये राजा महाराजा अंग्रेजों के साथ कंधे से कंधा मिलाकर आजादी की लड़ाई को खून में डुबो रहे थे। उस समय कम्युनिस्ट पार्टी हिन्दुस्तान की आजादी के लिए लड़ रही थी और हिन्दुस्तान की जनता का साथ दे रही थी।

SHRI NAWAL KISHORE (Uttar Pradesh): Something against . . .

श्री सूरज प्रसाद: फिर से इतिहास को,

SHRI BHUPESH GUPTA : If the Treasury Benches are interested, they can chair him up.

(Interruption by Shri C. D. Pande)

MR. CHAIRMAN : Mr. C. D. Pande, please let him proceed. Mr. Suraj Prasad, Please go on.

SHRI BHUPESH GUPTA : Sir, Mr. C. D. Pande may not be a born prince but he is a contemplated prince.

श्री जगदीश प्रसाद माथुर (राजस्थान) : श्रीमन्, जो बात माननीय सदस्य कह रहे हैं वह गलत है।

(Interruptions)

श्री सूरज प्रसाद : आप इन लोगों को रोकिये। जनसंघ का तो उस समय जन्म ही नहीं हुआ था। आपका जन्म तो लड़ाई के बाद हुआ।

(Interruptions)

तो मैं कह रहा था कि जब आजादी की लड़ाई लड़ी जा रही थी तब पांडे जी टाटा और बिरला का साथ दे रहे थे। जिस समय भारत को आजादी मिली थी उस समय भारत की जनता की यह आकांक्षा थी कि अंग्रेजों से राज्य की समाप्ति के साथ-साथ इन राजा महाराजाओं को भी समाप्त कर दिया जाय। लेकिन एक विचित्र घटना उस समय हुई और राजा महाराजाओं के साथ एक समझौता कर लिया गया और उनको प्रिन्सी-पर्स और विशेषाधिकार दिये गये।

श्रीमन्, आज जो काम किया जा रहा है उसको बहुत पहिले किया जाना था और मैं प्रधान मंत्री जी के इस विचार से बिल्कुल सहमत हूँ कि दूसरे मुल्कों के अन्दर इन राजा महाराजाओं को खत्म करने के लिए तो दूसरे तरीके अख्तियार किये गये थे। पश्चिमी मुल्क इस बात के लिए सबूत है कि राजा महाराजाओं को खुले आम जनता के बीच में उनका सिर उड़ा दिया गया, लेकिन हिन्दुस्तान के अन्दर तो कानून के जरिये से उनका प्रिन्सी पर्स समाप्त किया जा रहा है, उनके विशेषाधिकार समाप्त किये जा रहे हैं और इसीलिए इस बात पर किसी को कोई आपत्ति नहीं होनी चाहिये।

[श्री सूरज प्रसाद]

यहां पर श्री डा. जयभाई पटेल बोल रहे थे और उनका कहना था कि इस कानून के जरिये से हिन्दुस्तान के अन्दर राजा महाराजाओं के साथ जो वायदा हुए थे, जो करार हुए थे, जो कारनामे हुए थे, उनका उल्लंघन किया जा रहा है। मेरा कहना यह है कि वायदा, इकरारनामा, वह एग्रीमेंट और वह कबिनेट गलत था इस मायने में कि हिन्दुस्तान के संविधान में हिन्दुस्तान में सब कोई बराबर है। कानून के सामने सब कोई बराबर है। को फस्ट क्लास सिटीजन और कोई सेकंड क्लास सिटीजन नहीं है। उस समय जा एग्रीमेंट हुआ था वह एग्रीमेंट इस मायने में गलत है कि अभी बोलते हुए हमारे एक साथी ने कहा कि उस एग्रीमेंट में यह था, यह बात लिखी गई थी कि राजे महाराजाओं को प्रीवी पर्स दिया जायगा, लेकिन उस पर इंकम टैक्स नहीं लगेगा, सारे देश में तिरंगा झंडा फहरायेगा लेकिन राजे महाराजाओं की छत पर उनका अपना झंडा फहरायेगा, हिन्दुस्तान की तमाम वेहिकिल्स पर सरकार का फ्लैग लगेगा तो उनकी अपनी कार पर उनका अपना फ्लैग लगेगा, हिन्दुस्तान में कोई भी आदमी जुर्म करेगा तो उसको तो कानून के मुताबिक सजा दी जा सकती है, उस पर केस चलाया जा सकता है, लेकिन राजे महाराजे अगर किसी की बहू बेटी के साथ व्यवहार भी करें, या किसी और तरह का जुर्म करे तो उनपर केस करने के लिए केन्द्रीय हुकूमत से परमीशन लेनी पड़ेगी। हिन्दुस्तान में फस्ट और सेकंड क्लास सिटीजन्स नहीं हो सकते हैं इसलिए इस तरह का एग्रीमेंट करके हिन्दुस्तान की जनता के साथ उचित नहीं किया गया इसलिए ही हम लोगों ने देखा कि ज्यों ही संविधान में ये बातें लिखी गयीं, अभी संविधान की स्याही सूखी भी नहीं

थी कि हिन्दुस्तान के अन्दर इसके खिलाफ आवाज उठने लगी। कुछ लोग, उनके जैसे विचारों के लोग राजे महाराजाओं का साथ दे रहे थे, जैसे जनमध और स्वतंत्र पार्टी के लोग उनकी बोली में बोली बोली मिला कर उनके साथ आगे बढ़ रहे थे, लेकिन हिन्दुस्तान की जनता उसके खिलाफ आवाज उठाने लगी और नतीजा यह हुआ कि एक गैर-सरकारी बिल यहां पास हुआ और वह सर्वसम्मति से पास हुआ। तो ऐसी सूरत में अगर कोई यह कहे कि यह बात इकरारनामे के खिलाफ है तो मैं समझता हूँ कि यह गलत है, यह इकरारनामा गलत है और इसीलिए हिन्दुस्तान में यह 26वां संविधान संशोधन विधेयक लाया जा रहा है। हिन्दुस्तान के तमाम लोगों को कानून के सामने बराबर रखने का यह जो प्रबन्ध किया गया, मैं इस का स्वागत करता हूँ। दूसरी तरफ कुछ लोग यह कहते हैं कि इससे क्या होने वाला है। प्रीवी पर्स में तो चार, पांच करोड़ रुपया ही राजा महाराजाओं को मिलता है। 20 वर्ष के दौरान में राजा महाराजाओं को एक अरब रुपया हिन्दुस्तान में मिल चुका है। पांच करोड़ के हिसाब से 20 वर्ष में एक अरब रुपया ही हुआ। हम इस एक अरब रुपये से हिन्दुस्तान में कोई एक बड़ा कारखाना खोल सकते थे जिसमें 10, 5 हजार लोगों को काम मिल सकता था, एक सौ करोड़ रुपयों से हम हिन्दुस्तान की कई नदियों में बांध बना सकते थे जिससे हिन्दुस्तान की लाखों एकड़ जमीन की सिंचाई हो सकती थी। एक अरब रुपये से हिन्दुस्तान में तमाम ऐसी चीजें की जा सकती थीं जिनसे यहां की बेकारी मिट सकती थी। मैं उनसे पूछना चाहता हूँ कि आज उनके चार, पांच करोड़ रुपये की कोई कीमत नहीं है क्या? अगर रुपये की कीमत उनके सामने होती तो शायद वे इस तरह का प्रश्न

न उठाते। अगर रुपये की कीमत उनको जानना है तो वे बिहार में चले जाय जहाँ अभी हाल ही में बाढ़ आयी थी और जिसके कारण वहाँ हजारों लोग बेघरबार हो गये हैं और आज भी आसमान के नीचे रह रहे हैं। उनके लिए छत का कोई इतजाम नहीं है। रुपये की कीमत समझना हमें तो बम्बई चले जाइये जहाँ ढाई लाख लोग ऐसे हैं कि जो जाड़ की रात में भी फुटपाथ पर रह कर अपनी ज़िन्दगी निवाह करते हैं। अगर रुपये की कीमत समझना है तो स्टेशनों पर चले जाइए जहाँ फेका हुमा अन्न जो नीचे पथरा पर गिरता है तो उस पर आदमा आर कुत्ते एक साथ छाना भपटी करते हैं और आपस में लड़ते हैं। उनके सामने तो रुपय का कोई प्रश्न नहीं है क्योंकि यह तो फूला को सेज पर पलन वाला लोग हैं जिन्होंने हमेशा ऐसी इशरत की जिन्दगी बसर का है। उन के लिए चार, पाच करोड़ की कोई कीमत नहीं है, लेकिन हिन्दुस्तान की जनता के लिए उस की बड़ी कीमत है। 55 कराड़ रुपये का जब इन्वेस्टमेंट होता है तो उसकी इतनी आमदनी होती है। इसलिये इस तरह के प्रश्न की कोई कीमत हिन्दुस्तान के अन्दर नहीं है। कुछ लोग कहेंगे कि यह काम बिल्कुल अनैतिक है, इस तरह का काम नहीं करना चाहिये था। मैं उन लोगों से पूछना चाहता हूँ कि उस समय वे कहाँ थे जबकि हिन्दुस्तान के इन राजा महाराजाओं ने जनता की गाड़ी कमाई का अपना खजाना में रखा, जनता की गाड़ी कमाई के पैसों उनके खजानों में जाते थे और वे मनमाने तौर पर उसको अपने ऐशोआराम पर खर्च करते थे। उस समय उन्होंने यह क्यों नहीं उनको शिक्षा दी कि आपको यह काम नहीं करना चाहिये था, यह अनैतिक काम है, यह काम बिल्कुल गलत था। मगर उन्होंने यह काम किया। उस समय ये लोग

क्या कर रहे थे, उस समय क्या भाड़ भोक रहे थे, उस समय क्या सो रहे थे, लेकिन आज जब इस तरह की बातें हिन्दुस्तान के अन्दर होती हैं तो मुझे दुःख होता है।

श्री के० सी० पंडा (उड़ीसा) : उनमें से एक ऐसा है जो कि फुट पर लड़ रहा है।

श्री सूरज प्रसाद : हम एक व्यक्ति की बात नहीं बोल रहे हैं, हम तो व्यवस्था की बात बोल रहे हैं, एक व्यक्ति की बात ठीक है वह बवाई का हाथ है लेकिन हिन्दुस्तान के जो पाच सौ राजा महाराजा हैं वे क्या बवाई के पात्र हैं जो कि आज भी जनता को लूट रहे हैं। तो मैं यह पूछना चाहता हूँ कि इस बिल के पास हो जाने के बाद भी क्या उनकी तमाम जायदाद समाप्त हो जायगी। क्या यह बात सही नहीं है कि बहुत से राजा महाराजा ऐसे हैं जिनके शहरों के अन्दर बड़े-बड़े मकान बने हुये हैं और उनसे उनको हजारों रुपया किराया आता है, उनके पास हजारों बीघा ज़मीन है जिसको वह जत सकते हैं और उससे कमाई कर सकते हैं, उनके पास अभी भी खाने हैं जिनसे कि वह आमदनी कमाते हैं, तो इस बिल के पास हो जाने के बाद भी उनके ऊपर क्या पहाड़ टूट पड़ेगा। ऐसा मैं नहीं समझता। इसलिये मेरा कहना है कि नैतिकता का प्रश्न या किसी तरह का आर्थिक प्रश्न उठा कर इस प्रश्न को उलझाना मैं बिल्कुल गलत समझता हूँ और मैं समझता हूँ कि यह समाप्त हो जाना चाहिये।

अन्त में मैं एक बात आपसे कहना चाहूँगा। एक और है कि फाँसी देने का प्रश्न ही नहीं है, अगर फाँसी का प्रश्न होता तो दूसरी बात करते। फाँसी देने का प्रश्न

[श्री सूरज प्रसाद]

ही नहीं है, अभी तो इतना ही किया जा रहा है कि प्रिंसीपस समाप्त की जा रही है और आपको इतना ही बर्दाश्त नहीं होता है।

श्रीमन्, अन्त में मैं यह कहना चाहता हूँ कि इस बिल के अन्दर में मुआविजा देने के सम्बन्ध में कोई खास प्रावधान नहीं है, कोई प्रावधान नहीं है। क्या किया जायगा मालूम नहीं है। इसके लिए दरवाजा सरकार ने खुला रखा है। कितना देगी यह कोई नहीं जानता। मैंने सुना है कि सरकार ने कोई बातचीत की है जिसके मुताबिक जो जितना ही बड़ा राजा होगा उसको उतना ही कम मिलेगा और जितना ही छोटा होगा उसको उतना ही ज्यादा मिलेगा, इस तरह के मल्टीपल के आधार पर मुआविजे की रकम तय की जायगी। मैं समझता हूँ कि यह बात बिल्कुल गलत है। मुआविजा किस बात के लिए। अभी हमने पच्चीसवें संविधान संशोधन को पास किया है, इस संविधान संशोधन के मुताबिक मुआविजा देने का कोई प्रश्न नहीं उठेगा। सरकार की नीयत की जाच होने वाली है, सरकार की नीयत की अग्नि परीक्षा होगी कि राजा महाराजाओं को मुआविजा देने के सम्बन्ध में वह क्या रुख अख्तियार करती है। और मुआविजा किस बात के लिए! अत्याचार के लिए, जुल्म के लिए, देश के साथ गद्दारी के लिए। ये राजा महाराजा कैसे बने हैं! हिन्दुस्तान के अन्दर जब सिख लड़ रहे थे तो ये राजा महाराजा अंग्रेजों का साथ दे रहे थे, जब जाट लड़ रहे थे तो यह अंग्रेजों का साथ दे रहे थे, जब राजपूत लड़ रहे थे तो ये राजा महाराजा अंग्रेजों का साथ दे रहे थे। तो मुआविजा किस बात के लिए! क्या देश के साथ गद्दारी के लिए मुआविजा देना है। इसलिए मेरा ख्याल है कि मुआविजा देने की

कोई बात ही नहीं हो सकती है। तो मेरा कहना है कि यह छव्वीसवा संशोधन पास हो और मैं अर्ज करना चाहता हूँ कि राजा महाराजाओं के पास काफी धन दौलत है और लक्ष्मी है और इस धन-दौलत और लक्ष्मी के बल पर वे अपनी जीविकोपार्जन कर सकते हैं इसलिए इनको एक पैसा भी मुआविजा देने का प्रश्न उठाना नहीं चाहिए। इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ।

SHRI N. G. GORAY : Sir, I would like to point out that having passed the Twenty-Fifth Amending Bill yesterday this Bill is only a sequel to what we have done yesterday. It is a consequential legislation. The Prime Minister in her speech very appropriately pointed out that we are just now in the midst of war, a crisis, and she further pointed out that when we are fighting on the western front and on the eastern front, the bullets of the enemy do not distinguish between a poor man and a rich man, a prince or a pauper. Sir, I would like to go a little further and point out that after all, what is the reason that we are engaged in this war? It is because there are certain values involved in this war and those values were yesterday defined as democracy, socialism and secularism. Had not the Bangla Desh leaders subscribed to these values I do not think that we would have asked our armies to fight for them simply because they had risen in revolt against Islamabad. It is because they are fighting for certain values and because those values are such that we share them with them that we are staking even our fortune and we are fighting side by side with them. Therefore, Sir, when we are considering this Bill, I would like to emphasize this fact that this is a part of the whole scheme of progress to equalitarian society that we want to establish in this country, Sir, yesterday I did not get a chance to speak. There were so many people who referred to Fundamental Rights and to Directive Principles. I take this opportunity to point out that perhaps

it is our Constitution alone in all the Constitutions of the world which in its preamble has used the words 'social justice' as one of the aims. It is not only equality, liberty, fraternity but also social justice. What does this social justice mean? Social justice means that there will be an equalitarian society and I am one of those who hold that if our Constitution is correctly interpreted, it is not necessary again and again to say that we want to establish a democratic socialist society in India. The whole concept is embedded in the Constitution in the preamble, in the Fundamental Rights, in the Directive Principles. And I am really glad that today we are fulfilling one of the obligations that have been put on us by the Directive Principles. Sir, I am one of those who hold that the Directive Principles and the Fundamental Rights must be read together. The Directive Principles really are the sustenance of the Fundamental Rights. If the Fundamental Rights are to be divorced from the Directive Principles, the Fundamental Rights will become like paper flowers without any roots in the soil of this country. So when this particular amendment is being moved and this House is asked to accept it I have no doubt in my mind that it is only in pursuance of the very vital & very sincere commitments that we have made to the Indian nation, to the Indian people. Sir, many times it is being pointed out that there was a contract with the Princes. On this point on the last occasion also I had spoken and at that time I had the opportunity to state that if you really go into the history you will find that the Princely Order was created by the British with an ulterior motive and they had made no bones about it. Many historians have stated that this Order was created by the British as a bulwark against the rising tide of nationalism. When today nationalism has become triumphant and when from nationalism we are moving towards fuller democracy, socialism and an equalitarian society, is it right, does it stand to reason to say that the Princely Order should not be touched? My friend, Mr. Dahyabhai Patel referred to the contract that we had with

the Princes and said that we must not go back on our word. I have great respect for Mr. Dahyabhai Patel but I would like to say, if we had a contract with the Princes, had we not a contract with the people of India. What is the contract? And this contract with the people of India has been stressed again and again and again by all the parties including his own party, and the contract is *garibi hatao*. It is not the slogan only of the ruling party. May be that they used these words, but I think that this particular slogan belongs to all the parties. It is a national slogan, and if we cannot do away with poverty, let us at least do away with inequality. When we can move towards that

श्री महावीर त्यागी (उत्तर प्रदेश) :
गरीबों को बांट देगे ।

श्री एन० जी० गोरे : गरीबों को बांट देगे । This is not something to be distributed. I thought that my friend Tyagi had a maturer idea of distribution. It is not that we take something away from the princes and give five rupees to each Member of Parliament, or somebody waiting outside. This is not the idea. The idea is that something which has become patently an anachronism, something that needs to be removed, is being removed, and therefore I would like to say that nobody should really oppose this Bill. I am glad to find that the representative of the Jana Sangh has said that they are supporting this Bill. This is a sign of the times, there is a compulsion and people are feeling that compulsion. I would remind this House of a very meaningful saying in Sanskrit. The saying is :

Vikrite karim kim ankushe vivadaha

It means when you have sold the elephant and the price has been agreed upon, why do you fight over or haggle over the prod, over the ankush? After all, you have sold the elephant by the Bill yesterday. I would like to ask my friends sitting here who are perhaps thinking of opposing this

[Shri N. G. Goray]

Bill that, after all, when this House has passed yesterday the Twenty-fifth Constitution (Amendment) Bill, what is the use of talking about this here. I really was of the opinion that this Bill was not at all necessary when you have passed the other Bill, because that is all-inclusive, and you could have done away with all the princely privileges and other things by simply saying that there was a nexus between what we are going to do and the Directive Principles and therefore we are doing away with all these privileges.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : The Supreme Court would again have challenged it in that case.

SHRI N. G. GORAY : Therefore I would say there should be no debate on this at all. It is something which is consequential and it follows from what we did yesterday. If you want to be logical, there is no other way except passing this Bill wholeheartedly. But there is one thing that I would like to stress. Yesterday also, Sir, when we passed the Twenty-fifth Constitution (Amendment) Bill, there were people who asked : what about the other Fundamental Rights ? Therefore, some of the amendments were moved. And today also my friend Rajnarain ji is going to move an amendment which says that it is all right that you are abolishing the princely order, but you have not said anything about compensation. Whether you call it compensation or whether you call it amount, as somebody said it was a legal term full of meaning, I would like to ask what is it in your mind. Will the Prime Minister or the Law Minister who is going to look after this Bill kindly get up and tell us how you are going to compensate the princes ? Is there any idea of compensating them ? Is the compensation going to be a very substantial amount ?

SHRI MAHAVIR TYAGI : Compensation will go against the spirit of the Bill.

SHRI N. G. GORAY : If you do that, then I would say that this will rebel against

the spirit of the Bill that we passed yesterday, and it goes against the spirit of the assurance that you have given to the people. People do not want this compensation. I was surprised that my friend, Mr. Jain, showed such solicitude for the princes. He said that we must consider their case. Sir, when we know that there are lakhs of unemployed people and when we admit that it is not possible to give them employment, that it is not possible to give them any sustenance at all, is it at all necessary to point out in this House that the case of the princes also should be considered ? Sir, I am not against giving some rehabilitation allowance to some of those who really have nothing. Let these things be examined, but there are Princes who have so much property that if you want to compensate some Princes, give them sustenance, you can take away from those who have got more than enough and give sustenance to those who have nothing. Let there not be any burden on the exchequer at all. Therefore, I would say that the Law Minister or the Prime Minister should be good enough either to explain what their idea of compensation is or they should accept the amendment which is likely to be moved. Thank you.

SHRI AKBAR ALI KHAN : Mr. Chairman, Sir, I commend the Bill for the acceptance of the House. As has been said by the hon. Prime Minister, this motion has been fully supported and very ably supported by my hon. friends, Mr. Jain, Mr. Goray and Mr. Chengalvarayan. I do not think there is much to be said on that score. Why I requested that the floor be given to me is this. Notwithstanding what my friend, Mr. Goray, has said, I feel there are dependants and particularly employees in a large number who have been depending on the privy purses, the budget of the Nizam was called for and it was found that 95 per cent was spent on employees and other things. I want the Government not only to take those relatives who are dependants but also others who are in their employ.

DR. BHAI MAHAVIR (Delhi): Just one clarification. If 95 per cent of it is for the employees, how does Nawab Saheb support the abolition of the privy purse at all?

SHRI AKBAR ALI KHAN : In principle I support it. After the declaration that we are all equal, I do not want that all these things which are absolutely outdated should continue in principle. At the same time, for those people who are dependant on them and in view of the large unemployment, there should be some provision for them. Otherwise, there will be further unemployment.

श्री निरंजन वर्मा : मैं यह प्रार्थना कर रहा हूँ कि प्रिवी पर्स की बात तो ठीक है लेकिन खर्चये पानदान जो होता है उसका क्या होगा।

श्री अकबर अली खान : मेवावोरी और खर्चये पानदान खत्म हुए जमाना हो गया।

You are living in the old days.

SHRI A. P. CHATTERJEE (West Bengal): What is the amount of your privy purse?

SHRI AKBAR ALI KHAN : I know that when my friend, Mr. Chatterjee, has nothing substantial, he indulges in frivolities. Government abolishing their privileges is perfectly right. Government abolishing the privy purses in the existing circumstances is perfectly legitimate. There are changed circumstances, but I want that some thought should be given not only to the relatives and dependants, but also to the other employees who are in such a large number. After the abolition of privy purses, they will all be unemployed. This is a matter to which the Government should give some consideration.

One word more. It has been rightly said that the Ruler of my State under the grip of a coterie of *Ittihadul Musalmins* did not behave as he should have. I may tell you that people of all communities had suffered. It was only a coterie which kept him captive more or less and he was under their guidance. When you talk of that, please do not forget the millions who did not support the attitude that he took. With these words, I hope the Government will give consideration to what I have said.

SHRI NIREN GHOSH (West Bengal) : Sir, naturally at this time the debate is not raising that much dust and straw as we did last time. . .

First of all, I would say that the Prime Minister referred to Bangla Desh in her speech. I would only like to recall the words of Mr. Tajuddin Ahmed in this connection. He has asserted the right of self determination of East Bengal. That is the premise upon which that is being done. And of course, democracy is also involved. And we do not know how the Chinese Government could forget this essential component part of the situation, not only the atrocities committed; and an oppressed nation has the inherent right to self-determination, to national freedom. That being so, they exercised their right, and it is the duty of all democrats, of all communities of all socialist governments to support it unconditionally. We cannot understand the attitude of the Chinese Government in this connection.

Sir, this measure is a long-delayed measure. In fact, what should have been done by the people in 1947 is partially being sought to be done now, because at that time the Indian people were fighting for freedom and certainly they wanted to abolish the princes, they wanted the elimination of all imperialist interests, their capital, their banking and everything, and they wanted also to abolish the zamindari and give land to the tillers

[Shri Niren Ghosh]

freely and without any compensation being paid to the land owners. Nothing was done. The people were prepared. There was the naval mutiny, and there were rebellions in the various military barracks. But everything was made to come down, and all the purpose that our freedom struggle was to have served, that remained, and we are carrying on with that legacy and fifty crores of our people are making penance for the sins that we committed at that time.

Now, I would say that the Prime Minister said that it should change non-violently and peacefully. I personally find it a little bit difficult to agree with her on this point. Here are crying contradictions. The Anti-Monopoly Act is there but the monopolies grow, the zamindari was abolished but the concentration of land remains and the landlords grow. Untouchability is abolished but untouchability remains. And I do not know if even after the abolition of the Princely Order, the princes will go because even now, in the Telephone directory, it is written "Sir Biren Mukherjee". 'Sir' has been abolished but the telephone directory says "Sir Biren Mukherjee".

AN HON MEMBER : It is a mistake.

SHRI NIREN GHOSH : That is the thing, and it is continuing.

Now Sir, all this deadwood and dead weight be abolished completely and all their properties also be taken over. That is what a democratic revolution is meant for. This is simply abolition of the privy purses and privileges. If democracy is to gain roots in the soil of India firmly, then not only should the Princely Order be abolished but their property also should be taken over. It is dead wood, blocking the path of progress and democracy. As monopolies are rotting, as landlords are rotting, similarly they will also be rotting. If all these were abolished and swept clean at one stroke India today would have

been a different India. It would have been a mighty democratic State almost equal to China in the comity of nations.

As everybody knows, our House had a role to play. We passed a non-official Resolution in this House. We brought the House to the fore, rather I should say that we compelled the Government in a sense to bring forward this measure. There was no other go. Now they say that it should be done in a non-violent and peaceful way. I think this Government has no right to use those words because the people in my State are suffering at the hands of this Government for murders that are taking place there. Are these non-violent murders? Are these lootings, arson, killings and murders of my people that is being done is being done in a non-violent way? I do not know. It is for this Government to clarify. Anyway, every step that contributes towards the forward march rightly our Party would unhesitatingly support. In that sense we extend our support to this measure. But we still maintain that even this step would not make them meek. Even with their properties and privileges abolished with their obscurantist ideals they will continue to block the path of progress and democracy. Therefore, we are not satisfied with what the Bill contemplates. In fact, all their properties should have been expropriated because it is the blood money of the Indian peoples that has been transformed into the properties of Princes. That money should have come to the people, it should not remain with them.

Lastly, Sir, this Bill is silent on the question of compensation. Whatever the name, as transitional arrangement something will be given. What is that something? Therefore, the Government has kept the option clear, open. That is wrong. This House was definitely of opinion that not a single naya paisa should be given to them.

SHRI M N KAUL (Nominated)
Option is kept open.

SHRI NIREN GHOSH : Not a single paisa should be given to them in any form because that would betray the trust of the people. That would betray the spirit of the Resolutions that we passed in this House. The attitude of the Government would be judged by the attitude it takes on this very question. While the Government are trying to seat these Princes over the 55 crores of people, our crores and crores remain unemployed and starving. And it is their blood money that is now the Princes' property. On this question you will be tested. If you take a correct, ruthless attitude, then that would be a step forward, that would be setting a precedent. On the question of abolition of landlordism, abolishing the Purses and making the peasantry what is should, the peasant proprietors and owners of their own land, you will be tested. It may be that only small sums are involved. If you give them any compensation, the sums involved may not be very great. But the question of attitude is very important in this matter and this Government will be judged by the steps they take in this regard. So, I would request Mr. Gokhale to make it clear to the House why they are silent on this point and what the Government wants to do in future. Or, they should accept the amendment that we have placed before the House. I have placed an amendment. Mr. Rajnarain has also placed an amendment. These two amendments are almost the same. So, I think the sincerity of the Government would be tested on this very question, not on the question of this Bill which was a foregone conclusion after the House passed Resolution almost two years back. So, with these words, I would request the Government not to indulge in platitudinous words and side-track the issue by talking of peaceful change, non-violence and all that, but come straight to the brass tacks and give a clear inkling of their mind to the House and to the country at large.

***SHRI S. SIVAPRAKASAM** (Tamil Nadu): Mr. Chairman, I would like to say

*Original speech in Tamil.

a few words in support of the Constitution (Twenty-sixth Amendment) Bill, 1971 which seeks to abolish the privy purses and privileges of the Princes.

Today's world is in pursuit of knowledge and seeks to remove illitracy. This world which once upon a time was ruled by Kings is now ruled by the people. In the civilised countries also monarchies have been abolished and the Democracy is prospering there.

Our country is a democratic country. In this country, I think it is shameful to find Princes existing like dolls. What are these rulers doing? In a society where the people work hard, what is the use of these Princes? In our country they do nothing. They merely lead a life of laziness and luxury without doing any work. Is it fair on the part of the princes to live like this without doing any work when crores of people are earning their bread through hard work.

Twenty-five years have passed since we attained independence and set up rule by the people. Even now, the princes do not try to live by their own hard work. They still want to lead a lazy and luxurious life.

"Shri Bharathidasan was the greatest revolutionary poet in Tamil Nadu in the Twentieth Century. While speaking on the princes, he has stated like this :

"Pachairatham Parimari Intha Nattai
Saliyatha Varuvayum Udaiyathaga
Thanthadevar ?

Avarellam Inthaneram Eliyaga Muya-
laga Irukkinrargal ;

Emantha Kalathil Etrankondone
Puliveshani Podugindran.

Pothumakkalku Pullalavu Madhippe-
nam Tharugindrana ?"

As stated above, these rulers ruled in the past. Today even when they have lost all their rights, they do not wish to

[Shri S. Sivaprakasam]
abandon their life of luxury and easy-going. As this is a blot on a democratic country, Government had brought forward a Bill last year in this House to and the privy purses and privileges of the Princes. That Bill was defeated in this House. It is not known whether the defeat was due to the reason that the importance and necessity of that Bill could not be understood or for any other reason. We all know that that Bill was defeated only in this House and it had received wide support in the Lok Sabha. During the last elections, this issue was accorded much importance. In Tamil Nadu, the D.M.K. Party swept the polls as also the Congress Party of Shrimati Indira Gandhi did in the other States. Therefore, as a result of this Bill, I am confident that the Privy purses of the Princes which are a blot on our country will be abolished.

The revolutionary poet Bharathidasan has stated the following about the Princes:

“Vaaliya En Nannodu Ponnadaaga.

Vaaliya Naiperummakkal Urimaiyarn-
the Velliyapoi Mannidaiye Vinveel-
thikolli Vellvathupol Thanithalum
Kodiya Aaatshi”!

In memory of such a great poet, the people of Tamil Nadu had confidently expected that the Government will issue a postal stamp this year. But the decision of the Government had greatly disappointed them and distressed the whole of Tamil Nadu. I request that the Government should change this decision in the matter and at least in the next year a postal stamp in memory of the revolutionary poet should be issued.

At the time of the elections many promises were given. I request the Government to fulfil those promises expeditiously. Lack of means, poverty and unemployment the problems faced by our people throughout our country. The Government should make all efforts to

solve these problems immediately. I request the Government to see to it that in our country poverty and other hardship do not exist. This country should be a Paradise on earth where all are treated equal.

To conclude, I would like to quote a great song from the revolutionary poet which reflects the above ideal :

“Ellarkum Desam; Ellarkum Uda-
imaiyalam.

Ellarkum Ella Urimaigalum Aaagu-
gave.

Ellarkum Kalvi Suhadaiam Vaain-
thiruga !

Ellarkum Nall Ithayam Porinthiruga .

Vallaikum Matrulla Selvakkum
Nathudaimai !

Vaikkarisi Ennum Manappanmai
Po-Oliga !

Villarkum Nalla Nuthal Mathai
Ellaikum

Viduthalaiyam Emay Manimurasam
Aaarpeeray!”

I have quoted this song from Bharathidasan because it reflects the basic culture of Tamil Nadu.

With these observations, I wish to state that I wholeheartedly support the Constitution (Twenty-sixth Amendment) Bill, 1971.

Thank you

श्री शीलभद्र याजी (बिहार) : माननीय
चेयरमैन महोदय, मैं इस विधेयक की सहर्ष
ताईद करता हूँ। बहुत दुख की बात है कि
इस सदन में यह विधेयक दो बार आया और
आज फिर तीसरी बार आ रहा है। जो

हमारी शासक कांग्रेस पार्टी है उसने 1955 में जब आवाड़ी में समाजवादी व्यवस्था कायम करने की घोषणा की और हमारी संसद् के दोनों सदनों ने 1954 में जब समाजवादी व्यवस्था को कायम करने की एक स्वर से घोषणा की (Interruption) सुनने की कोशिश करो, जानते नहीं हो...

श्री राजनारायण (उत्तर प्रदेश) : मैं उनको कहना चाहता हूँ कि सोशलिस्टिक पैटर्न आफ सोसायटी कायम करने की उस वक्त बात थी।

श्री सभापति : मैं चाहता हूँ कि दो, तीन माननीय सदस्य और बोल लें।

श्री शीलभद्र याजी : राज नारायण जी, बाल की खाल मत खींचो। बंटो।

तो इस देश के लिये यह आदर्श हो गया है, अकीदा हो गया है और चाहे वह कोई भी राजनैतिक पार्टी हो उसके लिए यह लाजमी है कि जो समाज में विषमता है और जो राजा महाराजाओं को प्रिवी पर्स मिलता था या उनको जो विशेषाधिकार था उसको खत्म कर देना चाहिए। लेकिन 1955 ई० के बाद एक युग आया, जैसे कि एक युग कलियुग आता है, 12 वर्ष के बाद एक युग आता है जबकि हमारी पार्टी ने, हमारी सरकार ने, इंतजारी की। फिर 1967 के जून महीने में हमारी आल इन्डिया कांग्रेस पार्टी ने प्रस्ताव पास किया और सरकार से कहा कि राजा महाराजाओं का जो प्रिवी पर्स है और जो विशेषाधिकार है उनका खात्मा होना चाहिए। लेकिन 1967 ई० के बाद जब सर्वप्रथम हमारे सदन में, राज्य सभा में, 1969 ई० में श्री बांक बिहारी दास का प्रस्ताव आया, जब हमने 19 दिसम्बर 1969 को यह प्रस्ताव लिया और वह प्रस्ताव सर्व

सम्मति से पास हुआ, किसी ने उसका विरोध नहीं किया और प्रायः सर्व सम्मति से राज्य सभा में यह प्रस्ताव पास हुआ, तो इस मामले में हमारी राज्य सभा ने नेतृत्व किया और सरकार से गुजारिश की गयी कि वह जल्दी से जल्दी विधेयक ला कर के राजा महाराजाओं का जो प्रिवी पर्स है और जो विशेषाधिकार है उनको खत्म कर दिया जाय। लेकिन हमारी सरकार तब भी इंतजार ही करती रही। फिर 1970 में संसद् के दोनों सदनों से यह चीज बहुमत से पास हुई और जब यह चीज पास कर दी तब भी वह नहीं किया जा सका एक टेक्निकल ग्राउंड के ऊपर, हार्थर्ड मेजरिटी वोटिंग में हुई, थम्पिंग मेजरिटी से पास हुआ तब भी यह नहीं हो सका। तो आज राज्य सभा के लिये, माननीय चेयरमैन महोदय, प्रायश्चित्त करने का दिन है। हम प्रायश्चित्त करें कि जो हमने थम्पिंग मेजरिटी से, सर्व सम्मति से पास किया उसको फिर करना पड़ रहा है लेकिन फिर भी आज राजनारायण जी अमेंडमेंट देते हैं, यह शोभा की बात नहीं है।

श्री सभापति : आप थोड़े में कह दें, यह सब बीच में क्यों लाते हैं।

श्री शीलभद्र याजी : जरूरी है यह। यह शोभा की बात नहीं थी। जिस तरह से हमने जमींदारी को खत्म किया था उसी तरह से इसको खत्म करना चाहिए था। और बिना मुआविजा के खत्म करना चाहिये था।

अब हमारे कुछ लोग सरदार पटेल जी का और गांधी जी का नाम लेते हैं। माननीय चेयरमैन महोदय, जब चोरी और डकैती चोर करते हैं तो वह पहले ईश्वर का नाम लेते हैं कि हमको कामयाबी मिल जाय

[श्री शीलभद्र याजी]

उसी तरह से ये राजा महाराजा के एजेंट जब बुरा काम भी करेंगे तो भी सरदार पटेल और गांधी जी की दुहाई देगे, जब भी होगा तो गांधी जी का नाम लेगे और लौह-पुरुष का नाम जरूर लेगे और कहेंगे कि यह एग्रीमेंट हुआ है। एग्रीमेंट तो 56 करोड़ जनता के साथ हुआ है। एग्रीमेंट तो उनके साथ भी हुआ है। सरदार पटेल ने और नेहरू जी ने कहा कि राजा महाराजाओं को रखने वाला ब्रिटिश साम्राज्यवाद जा रहा है, चला गया है तो यह भी व्यवस्था जायगी, इंकलाब होगा, क्रान्ति होगी और अभी तो हम महल दे रहे हैं, राजप्रमुख बना रहे हैं, प्रिवी पर्स दे रहे हैं, विशेषाधिकार भी दे रहे हैं, नहीं तो जनता उठेगी और यह सारा भी चला जायगा और इसलिये राजा महाराजाओं ने इस बात को मान लिया लेकिन उसके बाद जो परिस्थिति हुई और जैसा कि मैंने सर्वप्रथम कहा कि देश का यह अकीदा हो गया है, सिद्धांत हो गया है और शासक कांग्रेस पार्टी ने और दोनों सदनों ने समाजवादी व्यवस्था लाने के लिये निश्चय कर लिया है और इसलिये जो राजा महाराजाओं की तरफ से यहाँ कहते हैं, उनकी वकालत करते हैं, उनको याद रखना चाहिये कि यह स्थिति है और उनको 56 करोड़ जनता का भी देखना चाहिये कि हम उनके साथ क्या करने वाले हैं।

रुपये का सवाल उठाया गया कि सिर्फ साढ़े चार करोड़ रुपया लगता है। साढ़े चार या पांच करोड़ रुपये का सवाल नहीं है। अभी हमारे श्री अकबर अली खान साहब ने कहा कि उनके जो मुलाजिम हैं और जो लोग हैं उनका क्या होगा। जिसका जिक्र बढ़ कर रहे थे वह निजाम है। वह ससार में सबसे धनी आदमी है, पचास हजार एकड़ जमीन जिसके पास है, सिकन्दराबाद और

हैदराबाद में जहाँ भी जाइये उनकी मार्केट्स हैं, उन्हीं के नाम से सारा मार्केट बगैरह है, तो मुलाजिम लोग कोशिश करके उसमें से ही बांटकर ले ले और जो मुलाजिम लोग हैं वह सरकार को कहे कि उनमें से ही वितरण करे, लेकिन मेरा कहना है कि चाहे कोई छोटा हो या बड़ा हो सब एक बराबर है, जब 56 करोड़ लोग जो हैं, जो जनता है, वह इम्प्लाय-मेंट के लिये इम्प्लायमेंट एक्सचेंज में अपना नाम लिखाती है तो वह भी नाम लिखायें।

ये जितने 600 के करीब राजे महा-
12 Noon राजे थे, ब्रिटिश साम्राज्य के अंग थे। अंग्रेजों ने 602 भागों में हिन्दुस्तान को बांट दिया था लेकिन फिर भी होशियारी के साथ उनको ठीक किया गया। अब उनके लिए किसी तरह का अलाउन्स या किसी तरह का मुआवजा हो, कम्पेंसेशन हो, इस विधेयक में इसकी व्यवस्था नहीं है तो सरकार के लिये यह लाजमी है कि भीतर-भीतर कुछ बात करके और बाहर से कुछ बात करके इस तरह की व्यवस्था नहीं लाए कि उनको कुछ मिल सके। यह हमारी सरकार से गुजारिश है और यदि इस तरह की व्यवस्था होगी तभी हम समता ला सकेंगे। राजे महाराजाओं के नाम पर स्वतंत्र पार्टी का एक वर्दी फादर का लड़का अनवर्दी होकर, राजे महाराजाओं की दुहाई दे तो माननीय चेयरमैन साहब, मैं याद दिलाऊंगा कि पटना की एक लान मीटिंग में सरदार पटेल ने कहा था कि सरकार और किसान के बीच में जमींदार का बच्चा कहा से चला आया।

श्री सभापति : अब आप उस पर बहस मत कीजिए।

श्री शीलभद्र याजी : उन्होंने कहा है इसलिए उसकी भी चर्चा कर देता हूँ। इसलिए उनको सरदार पटेल ऐसे आदमी का नाम लेना, यह शोभा की बात नहीं है और

मैं तो सरकार से गुजारिश करूंगा कि विधेयक तो पास होना ही है और अभी स्वतंत्र पार्टी के जो लोग प्रायश्चित्त करने के लिए तैयार नहीं हैं वे हाउस से चले जाएं। यह हमारी हाउस से गुजारिश है क्योंकि पहले इस हाउस ने, राज्य सभा ने इसी प्रकार के प्रस्ताव को सर्वसम्मति से पास किया था और आज भी इसको सर्वसम्मति से पास होना चाहिए, तब हमारा प्रायश्चित्त पूरा होगा। जन संघ को बड़ी सुबुद्धि आई, बड़ी खुशी की बात है, और जिस तरह से राज्य सभा ने एक बार नेतृत्व दिया था लोक सभा को, लेकिन बीच में हम मुकर गये थे, ऐसा हमारा चरित्र हनन हो गया, एम० पी० कभी एक तरफ वोट करते हैं कल दूसरी तरफ वोट करते हैं। इसलिए यह सर्वसम्मति से पास होना चाहिए और जो अपनी इज्जत बचाना चाहते हैं, राजे महाराजाओं के साथ जिनकी दोस्ती है, सांठ-गांठ है, वे कृपया सदन का परित्याग कर दें। इन शब्दों के साथ मैं इस विधेयक की तार्किक करता हूं और सरकार से डिमान्ड करता हूं कि एक चिट्ठी कौड़ी भी मुआवजा, कम्पेन्सेशन या ट्रांजिटरी अलाउन्स और भी न जाने क्या क्या अलाउन्स उनको मिलने की बात चलती है, इस तरह की आगे कोई व्यवस्था नहीं होनी चाहिए। जय हिन्द।

श्री पीताम्बर दास (उत्तर प्रदेश) : श्रीमन्, मैं एक निवेदन करना चाहता हूं। मैंने याजी जी की स्पीच के बीच में टोका नहीं क्योंकि वह मुझे अच्छा नहीं लगा, लेकिन अब मैं यह व्यवस्था का प्रश्न उठाना चाहता हूं कि अगर मानो कोई सदस्य राज्य सभा के अदर सर्वसम्मति से किसी बिल को पास होने न देने के लिए यहां बैठा रहना चाहे, तो क्या किसी दूसरे सदस्य को यह कहने का अधिकार है कि वह सदन छोड़ कर चला जाए? मैं यह इसलिए पूछना

चाहता हूं कि नहीं तो कल यह परिणाम होगा कि ये लोग कहेंगे कि अगर हमारे साथ तुम्हारा एकमत नहीं होता तो देश छोड़कर चले जाइए। हम कहां चले जाएंगे उस समय?

श्री शीलभद्र याजी : इसलिए मैंने कहा था क्योंकि हमने एक बार इसको सर्वसम्मति से वोट किया था।

श्री पीताम्बर दास : मैं सदन में बैठा रह सकता हूं, सरकारी पक्ष के विरोध में वोट कर सकता हूं, एन्सटेन भी कर सकता हूं। लेकिन किसी को अधिकार नहीं है कि यह कहे कि सदन छोड़ कर चले जाएं। मैं ब्रीच आफ प्रिविलेज का सवाल उठाना चाहता हूं क्योंकि यहां बैठने का मेरा अधिकार है। उसको रोकने की कोशिश जो कोई सदस्य करेगा—ही विल बी गिल्टी आफ ब्रीच आफ प्रिविलेज। (Interruptions)

SHRI LOKANATH MISRA (Orissa) : Sir, I am going to excuse and I am prepared to go to the extent of excusing a lunatic. But, Sir, how can a lunatic sit in the House?

MR. CHAIRMAN : Please do not say this.

SHRI LOKANATH MISRA : Can he have the cheek to say that since we voted against this Bill we should go out? Who has got the cheek to say that?...

(Interruptions)

श्री पीताम्बर दास : और अगर याजी साहब को ओब्लाइज करने का सवाल है, तो हम सदा के लिए सदन छोड़ कर चले जाएंगे।

SHRI LOKANATH MISRA : He must be thrown out...(Interruptions). He must be thrown out of the House.

MR CHAIRMAN . Let us go on.

श्री राजनारायण : श्रीमान्, मैं आपके द्वारा पीताम्बर दास जी से और लोकनाथ मिश्र जी से निवेदन करूंगा कि एक ल्युनेटिक जब है तो उसके बाद . . .

श्री सभापति . ऐसे अल्फाज इस्तेमाल नहीं कीजिए ।

श्री पीताम्बर दास . याजी साहब सदन को छोड़ने की बात उस समय कह रहे हैं जब कस्टडी के सामने एमरजेन्सी है । देअर इज अ लिमिट ।

श्री शीलभद्र याजी : यह मैं इसलिए कह रहा हूँ कि पहले आपने पास किया था . . .

श्री लोकनाथ मिश्र : हम 50 मन्त्रों को अपोज कर रहे हैं । ईडियट है ।

SHRI CHAIRMAN Let us hear Mr Sen Gupta

SHRI DWIJENDRALAL SEN GUPTA Sir, I stand to support the Bill. The Bill gives a direction, and that is important. The money that will be saved is of little consequence. So long from the Congress Government there was no such direction. But because of certain very important constitutional amendments and legislative actions, the Congress has given a new dimension or a new momentum

Now, I am here just to support this Bill on that ground.

Mr Gadgil has tried to formulate certain issues involved in it. I would like to ask my friends who are passing it to consider only one issue. What was the moral behind the privy purses? Was there any moral sanction behind it? If there was no moral sanction, the law becomes infructuous. Keeping in view the chapters

on Fundamental Rights and Directive Principles, was there any nexus with this privy purse? I submit that if there was no nexus and if the privy purse becomes something subsidiary or secondary—the Directive Principles are of utmost importance—then the privy purse has no ground.

Mr Chairman, Sir, you are an eminent jurist. You are an eminent lawyer. I may also submit before you on this account that the whole thing was a fraud on the Constitution, the whole thing was a fraud on the people. Mr Chairman, Sir, did we pay any privy purse or compensation to the Britishers when they left India? No. Of course we paid them by way of the partition of India, which is going to be annulled today. I remember today Dr Rammanohar Lohia who started agitation in every native State, and it was the consciousness of the people who, but for this compromising thing, would have snatched democratic rights of the people.

Without doing anything in return for 20 years they enjoyed these purses. Let them forego them now. Mr Chairman, Sir, there was the Nizam of Hyderabad. What happened there? There was the people's revolt. There was police action. Similar thing would have happened if the other States would not have joined India. So, as for ourselves we have no scruple. We don't here stand on a guilty conscience. But we stand on strong moral ground that what we did then was wrong and what we are going to do now is right.

Mr Chairman, Sir, I in this connection also tell you that the question of repudiation has been taken up. What we are going to repudiate is something which might have been true at that time, which is untrue today, unrealistic today, unpatriotic today. I also request the treasury benches today to repudiate all our commitments with U.S.A. We have to contest with them. If they continue their unfriendly attitude, cannot we repudiate that? We can repudiate that. There are various

precedents of such repudiation also. That is why I say, let them gather courage.

Now, Sir, on the question of privy purses, Mr. Sivaprakasam has said "Let us do penance". Yes. I was one who could not appear on the 5th September, 1970 to vote for the Bill. I asked this House also to hold an inquiry why on the 4th September there was no evening flight from Calcutta to Delhi. The flight was cancelled. Why was it cancelled? On the 5th September I was to reach here at 8 in the morning; the plane was to leave at 6 a.m. Who is going to answer that? Who is going to do penance for that? I had my ticket for the 4th September but the flight was cancelled. In fact I had my ticket and I was to be here at 8 in the morning. That flight reached here at 7.30 p.m. On that occasion Acharya Kripalani observed that it was an act of God. True, the ways of God are very very difficult to understand. God Decrees something great. God wants something great. That is why today we have the Constitution 24th Amendment, Constitution 25th Amendment and Constitution 26th Amendment Bills. If the privy purses Bill was passed at that time, probably this thing would not have happened.

Sir, before I sit down I may tell you one thing more. Mr. Akbar Ali Khan and Mr. Goray suggested that some sort of relief to those who are poor among the princes may be given. Let me oppose that idea. All I want to say, before I sit down, is one instance.

There was the Raja of Saraikella who used to get Rs. 87,000. One of the sons of the Raja is Bhupendra Narayan Singh Deo. Another son is the Deputy Chief Minister of Orissa. They are five brothers. Bhupendra Narayan Singh Deo was not in the good books of the eldest son of the Raja and that is why he, his wife and his two sons have been denied even a room in the palace. Even a room in the palace has been denied to them. Their belongings were thrown out. Bhupendra Narayan

Singh Deo wanted the mediation of Mr. R. N. Singh Deo, the Deputy Chief Minister of Orissa who was at that time the Chief Minister. He was a very powerful man but he could not go against the wishes of his father and his eldest brother to have a reconciliation.

So, if this money is meant for one man, they deserve no sympathy. In most of the families we find that the second brother, the third brother, the fourth brother get nothing. So, my submission before you and before this House is, if this compensation is given only one individual may be benefited. If the other family members—sons of the same father—stand in the street, they can also stand in the street along with the others.

SHRI HAMID ALI SCHAMNAD (Kerala) : Sir, I support the Constitution (Twenty-sixth Amendment) Bill as it has been passed in Lok Sabha. This Bill seeks to delete article 291 and article 362 which deal with the privy purses and also the rights and privileges of rulers. Again article 363A has been inserted by which the Rulers cease to be the Rulers of the Indian States. Privy purse is abolished and all liabilities and obligations in respect of privy purse are extinguished. Sir, this is a landmark in the history of our Constitution, in the history of India. We all know, why the Government has been necessitated to bring forward this Bill. It was only about 15 or 16 months back, an enactment was brought forward by the Government which was passed in the Lok Sabha, but when it came to the Rajya Sabha, unfortunately for a fraction of a vote, it was defeated in this House. Government with good spirit brought an Ordinance by which they abolished privy purse, but the princes at that time did not take the action of the government in good spirit. Entire nation from Kashmir to Kerala welcomed the action of the government in bringing forward this Ordinance, they cherished this, but what our Princes did was that they challenged the government. Not only they challenged the

[Shri Hamid Ali Schamnad]

government, but they challenged the times in which they are living. They did not know which side the wind blew. They rushed to the court, got a stay order and subsequently obtained decree in their favour. Personally, I feel that this action of Princes was a blessing in disguise for the ruling Congress. That led the way to the dissolution of the Lok Sabha, to the mid-term elections and finally to the massive support for the ruling Congress. Clamouring throats and starving bellies of the people of this country gave a free hand to Shrimati Indira Gandhi to go ahead with the progressive legislation. She has now brought forward the constitutional amendments. The Constitution (Twenty-fourth) Amendment has been watched here whereby Parliament has become supreme legislating body of the country. Of course, everybody knows, in any country ultimately sovereignty lies with the people and ultimately we will have to go to the people. So the people in the country wanted the government to bring forward progressive legislations whereby everybody could live in this country as one without any difference.

Now, at least I appeal to the Princes to adjust themselves to the changed circumstances. I appeal to them to forget the glory of the past, to forget whatever they enjoyed in the past and try to live as free citizens of this great nation. The Prince in a palace or a chaprasi in a palace has got only one vote in this country and if this is so, how can we distinguish a man with a man? This is the reason why the government has brought forward this legislation and that is why we are supporting this enactment wholeheartedly.

Shrimati Indira Gandhi has shown to the world that through parliamentary democracy alone we will be able to achieve the goal of socialism.

MR. CHAIRMAN: All right. Thank you.

SHRI HAMID ALI SCHAMNAD: I would make one more appeal to the government with regard to compensation. I do not say compensation should be given. I want, Sir, at the same time allowances should be given not to the Princes but to the dependents of the Princes. There may be army of dependents, army of servants in the palace. There will be army of people who are dependent on them. Let them not be thrown on the street as beggars, that is what I want.

MR. CHAIRMAN. Thank you very much.

SHRI AKBAR ALI KHAN: Shri Rajnarain is very anxious to perform his duties. You kindly make him the Vice-Chairman.

MR. CHAIRMAN: Shri Nawal Kishore. I want to call the Law Minister at 12-30. You are the last speaker and try to finish.

श्री नवल किशोर : सभापति महोदय, मैं इस बिल का हादिक समर्थन करता हूँ और अपना पूरा-पूरा समर्थन देता हूँ। श्रीमन्, हम संविधान के जरिए यूँ भी इस बात के लिए वचनबद्ध हैं कि हम अपने देश के अंदर एक समाजवादी समाज की रचना करेंगे जिसमें किसी प्रकार की ऊँच-नीच, जाति धर्म और सेक्स के आधार पर, नहीं होगी। मैं इस बात को मानता हूँ कि ऐसे समाज की रचना इस समय तक नहीं हो सकी है मगर यह भी सही है कि उस समाज को बनाने की तरफ कई कदम उठाए गए हैं। हमारे देश में जमींदारी प्रथा खत्म की गई, बड़ी-बड़ी जमींदारी खत्म की गई, ताल्लुकेदारी खत्म की गई और जो बड़े-बड़े उद्योगपति और पूँजीपति थे उनके हाथ में जो अधिक शक्ति थी उसको काफी कम किया गया और आहिस्ता-आहिस्ता उसको और कम किया जा रहा है।

मुझे खुशी है आज प्यूडल आर्डर, सामतशाही, के ये जो आखिरी अवशेष है, ये भी आज समाप्त किए जा रहे हैं। श्रीमन्, यह जो आज सरकार ने किया है यह सिर्फ इम्प्लीमेंटेशन है, इन्फोर्समेंट है उन दस-पॉइंट प्रोग्राम का, जो कि अन्डिवाइडेड कांग्रेस का था और जब कांग्रेस में फूट पैदा हुई उसके बाद जो 2 टुकड़े हुए, उन दोनों टुकड़ों ने भी उसी दस-पॉइंट प्रोग्राम को माना। तो आज उसका इन्फोर्समेंट किया जा रहा है। मैं इसका स्वागत करता हूँ।

मुझे इस बात की भी खुशी है कि चौबीस व पच्चीस कास्टीट्यूशनल अमेन्डमेंट के बाद यह 26वा कास्टीट्यूशनल अमेन्डमेंट आ गया। इसके बाद सरकार को अब कोई बहाना न मिल सकेगा कि कोई कास्टीट्यूशनल प्राविजन ऐसा था जो हमारी समाजवादी व्यवस्था को कायम करने में बाधक था। मैं समझता हूँ, यह भी बहाना अपनी जगह पर आज खत्म हो जाता है। अब भी अगर समाजवाद न आये तो यह सरकार की बमजोरी ही मानी जायेगी।

कुछ सदस्यों ने कहा कि राजे महाराजाओं को बधाई और श्रद्धाजलि दी जाए। लेकिन मैं चाहने हुए भी उनको बधाई देने के लिए तैयार नहीं हूँ, क्योंकि श्रीमन्, मैं 500 साल की हिस्ट्री में जाना नहीं चाहता हूँ, मैं सिर्फ 100 साल की बात कहता हूँ, कि 1857 में जब हिन्दुस्तान की पहली आजादी की लड़ाई हुई थी उस समय यह राजे महाराजे वही थे जिन्होंने अंग्रेजों का साथ दिया और जिनको अंग्रेजों ने बाद में कायम रखा और सिर्फ उन्हीं लोगों को कायम रखना जिन्होंने हिन्दुस्तान के साथ विश्वासघात किया था। मगर इतनी बात

सही है कि हिन्दुस्तान की आजादी के बाद 1947 में जो इण्डियन इन्डिपेंडेंस ऐक्ट पास हुआ ब्रिटिश पार्लियामेंट में उसके अंतर्गत अगर ये राजे महाराजे चाहते तो काफी हिन्दुस्तान के अन्दर बगावत और गड़बड़ा पैदा कर सकते थे और कुछ ने ऐसी कोशिश भी की लेकिन यह काबलियत थी, स्टेट्समैनशिप थी, सरदार पटेल की कि उन्होंने खूबसूरती के साथ ये जो 567 फोड़े थे हिन्दुस्तान की बाड़ी पोलिटिक में, इसका आपरेशन किया और बड़े ढंग में आपरेशन किया जिसमें ज्यादा दब भी नहीं हुआ और तकलीफ भी नहीं हुई। मगर उस आपरेशन के बाद भी उनके कुछ निशान, कुछ स्कार्स, बाकी रह गए और मुझे खुशी है कि प्रधान मंत्री श्रीमती इन्दिरा गांधी ने आज उसकी प्लास्टिक सजरी कर दी, ताकि वे निशान भी खत्म हो जाए, ताकि आगे आने वाली जेनरेशन को महसूस भी नहीं हो कि कभी हिन्दुस्तान के अंदर इस तरह की सामंतशाही जैसी चीज भी थी। अब यह सिर्फ एक हिस्ट्री की चीज रह गई है जिसे विद्यार्थी पढ़ा करेंगे। श्रीमन्, उन राजे महाराजाओं का जिन्होंने सरदार पटेल के हिन्दुस्तान के इन्टिग्रेशन के प्रयास में साथ दिया, उनको मैं जरूर बधाई का पात्र मानता हूँ और मैं समझता हूँ कि हिस्ट्री भी उनको बधाई देगी।

यहां पर यह भी कहा गया कि नेगोशियेशन से यह ध्यान होती तो अच्छा होता। मैं यह बात मानता हूँ मगर साथ ही यह भी जानता हूँ कि सरकार ने काफी नेगोशियेशन किया, कोशिश की मगर कामयाबी नहीं हुई। किसी की भी गलती रही हो, राजाओं को राइटिंग आनू द वाल को पढ़ लेना चाहिए था और उनको उस समय जो टर्म मिल रहे थे उनको मान लेना चाहिए था। हम समझते हैं उनको जो एक मौका दिया गया उसे वे चूक गए।

[श्री नवल किशोर]

श्रीमन्, इस बात में मुझे कोई गलत-फहमी नहीं है कि इस विधेयक के पास करने के बाद हिन्दुस्तान में समाजवाद आएगा। इस सम्बन्ध में पब्लिक सेक्टर की बात भी कही गई। उनमें जो नुकसान हो रहे हैं उनका हवाला दिया गया। मैं खुद भी इस बात को मानता हूँ कि पब्लिक सेक्टर के अंदर नुकसान नहीं होना चाहिए, वह एक तकलीफ की बात है, मगर पब्लिक सेक्टर के नुकसान से और इस विधेयक से कोई वास्ता नहीं है क्योंकि मैं जानता हूँ, साढ़े 4 करोड़ 80 बचाने से कोई समाजवाद नहीं आएगा। मगर यह एक सिद्धांत और नीति की बात है और एक कदम उठा है समाजवादी व्यवस्था की तरफ और मैं समझता हूँ उसका समर्थन होना चाहिए। इससे विषमता में कमी जरूर आयेगी। श्रीमन्, दो बातें कह कर मैं खत्म कर दूंगा। श्रीमन्, समाजवाद आये न आये लेकिन इंडिविजुअल इन इन्वैलिटी और डिसपैरिटीज जो है वह अपनी जगह पर कायम न रह सकेगी। पैदायशी ऊंचनीच की भावना जाती रहेगी।

एक बात एग्रीमेंट के सम्बन्ध में कहना चाहता हूँ। मुझे एक बात इस सम्बन्ध में याद है कि जब 1949 में सरदार पटेल स्वास्थ्य लाभ के लिए देहरादून आये हुए थे तो मैं रामपुर स्टेट के सम्बन्ध में उनसे बातचीत करने के लिए वहाँ गया था। मैंने सरदार पटेल जी से कहा कि आप लाखों करोड़ों रुपया राजा महाराजाओं को प्रिवी पर्स के रूप में दे रहे हैं, यह बात मेरी समझ में नहीं आती है। सरदार पटेल मुहफट आदमी थे, उन्होंने जवाब दिया कि तुम यह क्यों समझते हो कि गवर्नमेंट आफ इंडिया तुम्हारी अक्ल से चलती है। वह जवाब मेरे पसंद नहीं आया था। बाद में, उन्होंने कहा कि हैदराबाद के

आपरेशन में, पुलिस एक्शन में, सरकार को कितनी कठिनाई का सामना करना पड़ा था और कितना खर्चा करना पड़ा था। मैं इस समय इस डिबेट में नहीं जाना चाहता हूँ। आखिर में सरदार पटेल ने जो बात मुझ से कही वह मुझे आज तक याद है कि हैदराबाद के आपरेशन में करोड़ों रुपये खर्च हो गये, अगर हर जगह यही करना पड़ता तब कितना खर्च होता और कितना रकन बढ़ता सो हमने राजा महाराजाओं को उनकी ही कीमत पर खरीद लिया है जो कि उनको मान्य है, तो यह एक अच्छा सौदा है या बुरा सौदा है, पर मैं हमेशा बँठा नहीं रहूँगा। फिर उन्होंने कहा कि यह बायदे मैंने किये हैं और मैं उनको अंत तक निभाऊँगा, तुम लोगों को कभी ऊपर पहुँचने का अगर मौका मिले तो उस समय अपनी बुद्धि और अपने विवेक से जो तुम ठीक समझो वैसा करना। इसलिए मेरा कहना है कि सरदार पटेल ने राजा महाराजाओं के साथ जो एग्रीमेंट किया है, वह हमेशा हमेशा के लिए वादा नहीं है और न वह हमारे लिए बाध्यकर ही हो सकता है।

श्रीमन्, मैं एक दो मुद्दा कहकर खत्म कर दूँगा। मेरी मंत्री मशौद से यह दरखास्त है कि जो राजा महाराजा हैं उनमें से छोटे भी हैं। तो मैं यह चाहता हूँ कि जिनका प्रिवी पर्स 20 हजार रुपया सालाना से कम है उनके लिए खासतौर पर ध्यान दिया जाए ताकि वे यतीम न हो जाय। साथ ही साथ इन प्रिमेज के साथ जो कर्मचारी काम करते थे, नौकर काम करते थे, वे तो इस बिल के पास हो जाने के बाद खत्म हो जायेंगे, इसलिए उनके रिहैबिलिटेशन के लिए कोई कार्यवाही की जानी चाहिये।

आखिरी में एक सेन्टेंस कहकर खत्म करता हूँ। मैं यह निवेदन करना चाहता

हैं कि काश्मीर के महाराजा डा० कर्ण सिंह जी ने इसका समर्थन करके अपने बुजुर्गों के लिए जो प्रायश्चित्त किया है और उन्होंने जो कदम उठाये हैं, उनके लिये वे प्रशंसा योग्य हैं क्योंकि उन्होंने इस तरह का कदम उठाकर हिन्दुस्तान के साधारण व्यक्ति की तरह जीवन व्यतीत करने का फैसला किया है। इसलिए मैं यह उम्मीद करता हूँ कि जो दूसरे राजा महाराजा हैं वे उनका अनुकरण करेंगे और देश की बढोतरी में, समृद्धि में उसको प्रगति के पथ पर अग्रसर करने में अपना पूरा-पूरा सहयोग देंगे। इन शब्दों के साथ मैं पुनः इसका समर्थन करते हुए अपना भाषण समाप्त करता हूँ।

THE MINISTER OF LAW AND JUSTICE /विधि और न्याय मंत्री (SHRI

H. R. GOKHALE): Mr. Chairman, Sir, in view of the near unanimity in this House on this measure I do not think that a long and elaborate reply is necessary. Sir, I agree with my friend, Mr. Goray, that in a sense this Bill is a sequel to the Bill which this House passed yesterday, the Constitution (Twenty-fifth Amendment) Bill. It is a very happy coincidence that within 24 hours of the passing of that Bill this House is called upon to consider and pass a Bill which undoubtedly gives effect to the Directive Principles contained in article 39(b) and (c) which were intended be provided for in article 31C of the Constitution. The basis underlying the political as well as the moral implications of this measure has been ably put by Members of this House, both on this side and on the other side and I may particularly refer to the able speeches of Mr. Goray, Mr. Chengalvarayan and my young friend, Mr. Vithal Gadgil. They have dealt with all aspects of the matter and I do not consider it necessary to repeat, particularly as I said in the beginning, when there is near unanimity in this House so far as this measure is concerned. I say near unanimity because in spite of the fact that a large number of

Members have participated in the debate I heard only a single and lone voice, that of my friend, Mr. Dahyabhai Patel, striking a different note. Therefore it might save us time if only refer to the few observations which he made in the course of his speech.

Mr. Dahyabhai Patel said it would have been better if this had been done by understanding and negotiation. Sir, everyone knows that there had been long and protracted negotiations at one stage with the Princes. Therefore we did negotiate; but, Sir if we negotiate, what can we do if they do not understand? The whole question is this: negotiations were carried on but understanding is a matter which depends on the understanding of the other party also. It is as a result of their failure to understand that the present situation has arisen about which I would like to remind the hon. Members of this House. Now the situation has changed. Do we not know that in the last elections we went to the polls asking for a specific mandate on this issue? And I wonder whether there was any other issue which was more prominently placed before the people than this issue that we will abolish the privy purses or other privileges of the rulers. And is there any doubt about the mandate that the people gave? The mandate is so unequivocal, is so clear, is so much leaving things beyond doubt that there is no question that what we are really doing today is that we are really fulfilling and carrying out our duty in obeying the mandate of the people. This measure has a history. It has not been very long. It is all fresh in our memory. A Bill had been brought before the two Houses on an earlier occasion, and but for a fraction of a vote this Bill could have become law even at that time. That was a technical reason why that Bill did not go through. But the fact still remains that the entire people of this country and a huge majority of both the Houses were in favour of the Bill even at that time. Now we have got the added strength of the voluminous and large support, the undoubted support, which the

[Shri H. R. Gokhale]

people have given us, the mandate that the people have given us and, therefore, what we are really doing today is that we are really implementing the promise which we made to the people.

Some reference was made to the public sector undertakings. Along with my friend Mr. Nawal Kishore, I am also not able to understand what has that to do with the question of the abolition of the privy purses. Maybe some undertakings are making losses; some others are making profits. Perhaps it was intended to be pointed out that if you are making losses to such an extent in the public sector undertakings, why not incur the loss in the payment of four or five crores of rupees as privy purses? Maybe the hon. Member did not say so, but I believe that could be the only relevancy, if at all, to the reference made to the public sector undertakings.

SHRI NAWAL KISHORE : I am sorry Mr. Gokhale has misunderstood me. I just said what he is saying.

SHRI H. R. GOKHALE : This is what I said also. I am also saying what you were saying.

MR. CHAIRMAN : He is simply saying what you said.

SHRI H. R. GOKHALE : Actually I said that I agree with Mr. Nawal Kishore that there is no relevancy in that reference.

SHRI AWADHILSHWAR PRASAD SINHA : Mr. Nawal Kishore need not understand the answer.

SHRI H. R. GOKHALE : It is not a question of five or four crores of rupees. It is a question where certain values are involved. These values cannot be measured in terms of money in terms of rupees and paise. The question is what value do we attach to a principle. And if we attach value to a principle, which has been always dominant before our eyes, which has been

a dominant principle underlying the Constitution, the value of social justice, equality before the law, the value which we attach to the necessity of the establishment of an egalitarian society, a society of equality in this country, then these values, in other words as some hon. Members suggested, cannot be measured in terms of money. It is the importance which we attach to these values which is really the backbone of this measure.

Then, Sir, it was said that Parliament should not do it unilaterally. In other words, the millions of people in this country whom we represent should go to negotiate with and to seek the agreement of a very small or a handful of people who have not been able to see and realise the signs of the times. Any measure which this House passes can never be described as unilateral because it has always the sanction of the people and it is on behalf of the people that we speak.

Then it has been said that the measure is without any reference to, or is silent with regard to compensation. It is silent with regard to compensation, but hon. Members will see that the silence itself is so loud and vocal in a Bill dealing with a matter like this. If compensation was intended to be paid, could it ever have been that the law would not provide for compensation because, I take it that the Government cannot pay compensation without statutory authority. Therefore, the fact...

SHRI BHUPESH GUPTA : But the transition allowance should not also be paid. Nothing should be paid.

SHRI H. R. GOKHALE : I am talking of compensation. I am at present talking of chalk. With regard to cheese, we will come to that afterwards. What I am submitting is that there is no reference in this Bill for compensation, because the law does not authorise payment of any compensation. What further assurance is required? Therefore, the very fact that it

it is silent about compensation means that the underlying basis of this legislation is that compensation is not to be paid. No further explanation is required. Sir, on both the sides of the House different views have been expressed, one view going to this extent that nothing even in the nature of an allowance or rehabilitation allowance also should be paid.

My friend, Mr. Goray, agreed that something should be paid, but it should be in the nature of a rehabilitation allowance. There has been difference of views on this so far as this House is concerned and there were different views in the other House also. In view of the fact that this is a matter in which people feel differently, the matter requires consideration and all that I can assure the House is that the matter is under consideration especially from the point of view of the smaller Princes. Now most of the other points have been dealt with and I do not think that I should take the time of the House any more,

SHRI BHUPESH GUPTA : I do not understand it but what is meant by smaller Princes?

SHRI H. R. GOKHALE : I am sure my friend, Mr. Gupta, knows the difference between big and small. With these words, I commend the Bill for the acceptance of this House.

MR. CHAIRMAN : The question is :

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The House divided.

MR. CHAIRMAN : Ayes—172; Noes—

9.

AYES—172

Abdul Samad, Shri A. K. A.

Ahmad, Shri Syed

Alva, Shri Joachim

Amla, Shri Tirath Ram

Anandam, Shri M.

Anandan, Shri T. V.

Ansari, Shri Abdul Qaiyum

Ansari, Shri Hayatulla

Appan, Shri G. A.

Arora, Shri Arjun

Bachchan, Dr. H. R.

Babarul Islam, Shri

Barbora, Shri Golap

Basu, Shri Chitta

Bhadram, Shri M. V.

Bhagwat Dyal, Shri

Bhatt, Shri Nand Kishore

Bobdey, Shri S. B.

Brar, Sardar Narindar Singh

Chandra Shekhar, Shri

Chatterjee, Shri A. P.

Chattopadhyaya, Dr. Debiprasad

Chaudhary, Shri Ganeshi Lal

Chaudhari, Shri N. P.

Chengalvaroyan, Shri T.

Choudhury, Shri Suhrid Mullick

Das, Shr Balram

Das, Shri Bipinpal

Dass, Shri Mahabir

Deasi, Shri Suresh J.

Deshmukh, Shri T. G.

Dikshit, Shri Umashankar

Doogar, Shri R. S.

Dutt, Dr, Vidya Prakash

Gadgil, Shri Vithal

Ganguli, Shri Salil Kumar

Ghosh, Shri Niren

Goray, Shri N. G.

Goswami, Shri Sriman Prafulla

Gowda, Shri U. K. Lakshmana

Gujral, Shri I. K.

Gupta, Shri Bhupesh

Gurupadaswamy, Shri M. S.

Hasan, Prof. Saiyid Nurul

Hathi, Shri Jaisukhlal

Hussain, Shri Syed

Iyer, Shri N. Ramakrishna

Jain, Shri A. P.

Jain, Shri Dharam Chand

Joshi, Shri Umashanker

Kalyan Chand, Shri

Kamalanathan, Shri M.

Kaul, Shri M. N.

Kemparaj, Shri B. T.

Kesri, Shri Sitaram

Khaitan, Shri R. P.

Khan, Shri Akbar Ali

Khan, Prof. Rasheeduddin

Khobragade, Shri B. D.

Kollur, Shri M. L.

Koya, Shri B. V. Abdulla

Krishan Kant, Shri

Krishnan, Shri N. K.

Kulkarni, Shri A. G

Kulkarni, Shri B. T.

Kumaran, Shri S.

Kurup, Shri G. Sankara

Madani, Shri M. Asad

Mahida, U. N

Mallikarjunudu, Shri K. P.

Mandal, Shri B. N.

Mangladevi Talwar, Dr. (Mrs.)

Mani, Shri A. D.

Maragatham Chandrasekhar, Shrimati

Mathew Kurian, Dr. K,

Mehta, Shri Om

Menon, Shri Balachandra

Menon, Shri K. P. Subramania

Mirdha, Shri Ram Niwas

Mishra, Shri L. N.

Mitra, Shri P. C.

Mohammad, Chaudhary A.

Mohamod Usman, Shri

Mohideen, Shri S. A. Khaj

Mukherjee, Shri Pranab Kumar

Murahari, Shri Godey

Murthy, Shri B. P. Nagaraja

Musafir, Shri Gurmukh Singh

Nagpure, Shri V. T.

Nair, Shri G. Gopinathan

Nandini Satpathy, Shrimati

Narayan, Shri M. D.

Narayanappa, Shri Sanda

Narayani Devi Manaklal Varma, Shrimati

Nawal Kishore, Shri

Neki Ram, Shri

Panda, Shri Brahmananda

Panjhazari, Sardar Raghbir Singh

Parthasarathy, Shri R. T.

Patil, Shri G. R.

Patil, Shri P. S.

Poddar, Shri R. K.

Prasad, Shri Bholu

Prasad, Shri K. L. N.

Pratibha Singh, Shrimati

Punnaiyah, Shri Kota

Purabi Mukhopadhyay, Shrimati

Purakayastha, Shri Mahitosh

Puri, Shri Dev Datt

Puttappa, Shri Patil

Rajnarain, Shri

Raju, Shri V. B.

Ramaswamy, Shri K. S.

Ramiah, Dr. K.

Rao, Shri Katragadda Srinivas

Reddy, Shri K. V. Raghunatha

Reddy, Shri M. Srinivasa

Reddy, Shri Mulka Govinda

Reddy, Shri J. C. Nagi

Roshan Lal, Shri

Roy, Shri Biren

Roy, Shri Kalyan

Roy, Shri Monoranjan

Salig Ram, Dr.

Sangma, Shri E. M.

Sanjivayya, Shri D.

Sanyal, Shri Sasankasekhar

Sardesai, Shri S. G.

Satyavati Dang, Shrimati

Savnekar, Shri B. S.

Schamnad, Shri Hamid Ali

Sen, Dr. Triguna

Sen, Gupta, Shri Dwijendralal

Shah, Shri Manubhai

Shanta Vasisht, Kumari

Sherkhan, Shri

Shervani, Shri M. R.

Shishir Kumar, Shri

Shukla, Shri Chakrapani

Shukla, Shri M. P.

Shyamkumari, Devi Shrimati

Singh, Shri Bhupinder

Singh, Shri Bindeshwari Pd.

Singh, Shri Dalpat

Singh, Shri D. P.

Singh, Shri Inder

Singh, Shri Shiv Swaroop

Singh, Shri Sinam Krishnamohan

Singh, Shri Sultan

Singh, Shri Triloki

Sinha, Shri Awadheshwar Prasad

Sinha, Shri Ganga Sharan

Sinha, Shri Rajendra Pratap

Sisodia, Shri, Swaisingh

Sivaprakasam, Shri S.

Suraj Prasad, Shri

Sushila Mansukhalal Desai, Miss

Tilak, Shri J. S.

Tiwary, Pt. Bhawaniprasad

Tohra, Sardar Gurcharan Singh.

Tripathi, Shri H. V.

Untoo, Shri Gulam Nabi

Usha Barthakur, Shrimati

Venigalla Satyanarayana, Shri

Venkataraman, Shri M. R.

Vero, Shri M.

Vidyawati Chaturvedi, Shrimati

Villalan, Shri Thillai

Vimal Punjab Deshmukh, Shrimati

Yadav, Shri Shyam Lal

Yajee, Shri Sheel Bhadra

Yashoda Reddy, Shrimati

NOES—9

Deo, Shri Bira Kesari

Jagarlamudi, Shri Chandramouli

Mariswamy, Shri S. S.

Misra, Shri Lokanath

Mohta, Shri M. K.

Panda, Shri K. C.

Patel, Shri Dahyabhai V.

Reddy, Shri N. Sri Rama.

Ruthnaswamy, Shri M.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

SHRI BHUPESH GUPTA : Only nine?
Not even enough for a football team.

[MR. DEPUTY CHAIRMAN in the Chair]

MR. DEPUTY CHAIRMAN : We shall now take up clause by clause consideration of the Bill

Clause 2— Omission of Articles 291 and 362

MR. DEPUTY CHAIRMAN : The question is :

“That clause 2 stand part of the Bill.”

The House divided.

MR. DEPUTY CHAIRMAN : Ayes—
169; Noes—8.

AYES—1 69

Abdul Samad, Shri A. K. A.

Ahmad, Shri Syed

Alva, Shri Joachim

Amia, Shri Tirath Ram

Anandam, Shri M.

Anandan, Shri T. V.

Ansari, Shri Abdul Qaiyum

Ansari, Shri Hayatulla

Appan, Shri G. A.

Arora, Shri Arjun

Bachchan, Dr. H. R.

Baharul Islam, Shri

Barbora, Shri Golap

Basu, Shri Chitta

Bhadram, Shri M. V.

Bhagwat Dyal, Shri

Bhatt, Shri Nand Kishore

Bobdey, Shri S. B.

Brar, Sardar Narindar Singh

Chandra Shekhar, Shri

Chatterjee, Shri A. P.

Chattopadhyaya, Dr. Debiprasad

Chaudhary, Shri Ganeshi Lal

Chaudhari, Shri N. P.

Chengalvaroyan, Shri T.

Cheudhury, Shri Suhrid Mullick

Das, Shri Balram

Das, Shri Bipinpal

Dass, Shri Mahabir

Desai, Shri Suresh J.

Deshmukh, Shri T. G.

Dikshit, Shri Umashankar

Dutt, Dr. Vidya Prakash

Gadgil, Shri Vithal

Ganguli, Shri Salil Kumar

Ghosh, Shri Niren

Goray, Shri N. G.

Goswami, Shri Sriman Prafulla

Gowda, Shri U. K. Lakshmana

Gujral, Shri I. K.

Gupta, Shri Bhupesh

Gurupadaswamy, Shri M. S.

Hasan, Prof. Saiyid Nurul

Hathi, Shri Jaisukhlal

Hussain, Shri Syed

Iyer, Shri N. Ramakrishna

Jain, Shri A.

Jain, Shri Dharam Chand

Joshi, Shri Umashanker

Kalyan Chand, Shri

Kamalanathan, Shri M.

Kaul, Shri M. N.

Kemparaj, Shri B. T.

Kesri, Shri Sitaram

Khaitan, Shri R. P.

Khan, Shri Akbar Ali

Khan, Prof. Rasheeduddin

Kollur, Shri M. L.

Koya, Shri B. V. Abdulla

Krishan Kant, Shri

Krishnan, Shri N. K.

Kulkarni, Shri A. G.

Kulkarni, Shri B. T.

Kumaran, Shri S.

Kurup, Shri G. Sankara

Madani, Shri M. Asad

Mahida, Shri U. N.

Mallikarjunudu, Shri K. P.

Mandal, Shri B. N.

Mangladevi Talwar, Dr. (Mrs.)

Mani, Shri A. D.

Maragatham Chandrasekhar, Shrimati

Mathew Kurian, Dr. K.

Mehta, Shri Om

Menon, Shri Balachandra

Menon, Shri K. P. Subramanian

Mirdha, Shri Ram Niwas

Mishra, Shri L. N.

Mitra, Shri P. C.

Mohammad, Choudhary A.

Mohamod Usman, Shri

Mohideen, Shri S. A. Khaja

Mukherjee, Shri Pranab Kumar

Murahari, Shri Godey

Murthy, Shri B. P. Nagaraja

Musafir, Shri Gurmukh Singh

Nagpure, Shri V. T.

Nair, Shri G. Gopinathan

Nandan Satpathy, Shrimati

Narayan, Shri M. D.

Narayanappa, Shri Sanda

Narayani Devi Manaklal Varma, Shrimati

Nawal Kishore, Shri

Neki Ram, Shri

Panda, Shri Brahmananda

Panjhazari, Sardar Raghbir Singh

Parthasarathy, Shri R. T.

Patil, Shri G. R.

Patil, Shri P. S.

Poddar, Shri R. K.

Prasad, Shri Bhola

Prasad, Shri K. L. N.

Pratibha Singh, Shrimati

Punnaiyah, Shri Kota

Purabi Mukhopadhyay, Shrimati

Purakayastha, Shri Mahitosh

Puri, Shri Dev Datt

Puttappa, Shri Patil

Rajnaram, Shri

Raju, Shri V. B.

Ramaswamy, Shri K. S.

Ramiah, Di. K.

Rao, Shri Katragadda Srinivas	Singh, Shri Bindeshwari Pd
Reddy, Shri K V Raghunatha	Singh, Shri Dalpat
Reddy, Shri M Srinivasa	Singh, Shri D P
Reddy, Shri Mulka Govinda	Singh, Shri Inder
Reddy, Shri J. C Nagi	Singh, Shri Shiv Swaroop
Roshan Lal, Shri	Singh, Shri Sinam Krishnamohan
Roy, Shri Biren	Singh, Shri Sultan
Roy, Shri Kalyan	Singh, Shri Triloki
Roy, Shri Monoranjan	Sinha, Shri Awadheshwar Prasad
Salig Ram, Dr	Sinha, Shri Ganga Sharan
Sangma, Shri E. M	Sinha, Shri Rajendra Pratap
Sanjivayya, Shri D	Sisodia, Shri Swaisingh
Sanyal, Shri Sasankasekhar	Sivaprakasam, Shri S.
Sardesai, Shri S G	Suraj Prasad, Shri
Satyavati Dang, Shrimati	Sushila Mansukhalal Desai, Miss
Savnekar, Shri B S.	Thengari, Shri D
Schamnad, Shri Hamid Ali	Tilak, Shri J S
Sen, Dr Triguna	Tiwary, Pt Bhawaniprasad
Sen Gupta Shri Dwijendralal	Tohra, Sardar Gurcharan Singh
Setalvad, Shri M. C.	Untoo, Shri Gulam Nabi
Shah, Shri Manubhai	Usha Barthakur, Shrimati
Shanta Vasishth, Kumari	Venigalla Satyanarayana, Shri
Sherkhan, Shri	Venkataraman, Shri M R.
Shervani Shri M. R.	Vero, Shri M
Shishir Kumar, Shri	Vidyawati Chaturvedi, Shrimati
Shukla, Shri Chakrapani	Villalan, Shri Thilai
Shukla, Shri M P.	Vimal Punjab Deshmukh, Shrimati
Shyamkumari Devi, Shrimati	Yadav, Shri Shyam Lal
Singh, Shri Bhupinder	Yajee, Shri Sheel Bhadra
	Yashoda Reddy, Shrimati

NOES—8

Deo, Shri Bira Kesari

Jagariamudi, Shri Chandramouli

Mariswamy, Shri S. S.

Misra, Shri Lokanath

Mohta, Shri M. K.

Panda, Shri K. C.

Patel, Shri Dahyabhai V.

Ruthnaswamy, Shri M.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of of the Members present and voting.

Clause 2 was added to the Bill.

Clause 3 — Insertion of new article 363-A

SHRI BABUBHAI M. CHINAI
(Maharashtra) : Sir, I move :

1. "That at page 1, for lines 17 to 22, the following be substituted, namely :

'(b) On and from the commencement of such law as may be passed by Parliament providing for the payment of compensation on the abolition of privy purse and all rights, liabilities and obligations in respect of privy purse, the Ruler or, as the case may be, the successor of such Ruler referred to in clause (a) or any other person shall not be paid any sum as privy purse.' "

SHRI RAJNARAIN : Sir, I move :

2. "That at page 1, line 22, after the words 'shall not be paid any sum as privy purse' the following be inserted, namely :

'nor any compensation—in cash or kind—shall be paid in lieu thereof:

Provided that if he is not left with any means of subsistence he shall be paid rehabilitation grant not exceeding rupees one thousand and five hundred per month as determined by the Government from time to time'."

(The amendment also stood in the names of Servashri B. N. Mandal, Sitaram Singh and Nageshwar Prasad Shah.)

SHRI CHITTA BASU : Sir, I move :

3. "That at page 1, line 22, after the words 'privy purse' the words 'or any sum or amount as compensation in lieu thereof' be inserted."

SHRI NIREN GHOSH : Sir, I move :

4. "That at page 1, after line 22, the following new clause (c) be inserted, namely :

'(c) No compensation or any other sums by way of any *quid pro quo* will be payable to any Prince, Chief or other person mentioned in clause (a) in consequence of clause (b)'."

The questions were proposed.

SHRI BABUBHAI M. CHINAI : Mr. Deputy Chairman, Sir, having seen the type of voting which took place just now, I do not think that any useful purpose would be served by my amendment. But at the same time one must have the courage of his conviction. I, Sir, was one of those who opposed this Bill last year in September when it was before the House and was, to an extent, responsible for throwing it out. But the times are changed. Those very people, who opposed the Bill used to dance from one place to another, when

the result was being delayed to be declared, that it should be declared immediately. Now they are no longer interested in opposing it; they are supporting it.

It may be argued that the times are changed, that the Parliamentary elections have given the mandate. All these are all right.

But, Sir, what I want to say is that since then the Government has chosen to take a number of far reaching steps by way of amending the Constitution that will strike at the very roots of democracy for which our brave jawans are shedding their blood in Bangla Desh and elsewhere.

It is tragic that the Lok Sabha, the core of our Parliamentary institutions, has thought it fit to pass the 26th Amendment Bill, 1971 by a near-unanimity. This is an instance of euphoria, of resorting to unregenerative action in the name of social justice.

The Bill which is today before the House consists of two parts. The first part is for the abolition of the privileges of Rulers and the other is for the abolition of privy purse. Sir, I have nothing to say so far as the abolition of the privileges of Rulers is concerned.

Let us remember that at a time . . .

SHRI SRIMAN PRAFULLA GOSWAMI (Assam) : On a point of order, Sir, I find for the last four years that our hon. Member, Mr. Babubhai Chinai always reads prepared scripts. Now also he is reading a script.

MR. DEPUTY CHAIRMAN : He is not reading, he is referring to his notes, I think.

SHRI SRIMAN PRAFULLA GOSWAMI : No, not notes; line by line he is reading. He never looked at you. All along he was looking at the script. For the last four years I have seen this. Now when we are going to abolish the privileges of the Princes, I do not like that he should read somebody's script. I have tolerated this for four years.

(Interruptions)

SHRI BABUBHAI M. CHINAI : Mr. Deputy Chairman, Sir, I want to talk sense and, therefore, I am referring to my prepared brief. It is not my intention to talk at random and permit it to be said, here is in this House a lunatic, as it was said some time ago. Please, therefore, pardon me if I refer to my brief and take the time of the House.

SHRI SRIMAN PRAFULLA GOSWAMI : He cannot control his conscience. Therefore, he is reading. (Interruptions) He cannot control his brain. Therefore, he reads.

(Interruptions)

SHRI BABUBHAI M. CHINAI : Let us remember that at a time of great stress, the Indian Princes exhibited loyalty and patriotism and agreed to integrate their States so as to constitute the Union of India. That was the time of glory for Sardar Patel, the architect of Indian unity, as much for the Rulers. We were concerned at that time that the contribution of the Princes should be recognised. Solemn agreements were entered into with the Princes and Sardar Patel himself stated that this obligation should be adhered to by future Governments. It was and is both a moral and a contractual obligation. These solemn assurances and obligations were also incorporated in the Constitution. In any case, whether it is a moral or a contractual obligation, it is only fair that the Government should honour the commitment which their predecessors thought fit to accept at that time.

SHRI SRIMAN PRAFULLA GOSWAMI : Sir, let him submit his script to you and let it be taken as read.

SHRI BABUBHAI M. CHINAI : Nearly two decades have passed and the ruling party to-day has come forward once again with a Bill that goes counter to the letter and spirit of the covenants. A contract is a contract and unless the Government of the day adheres to such contracts, one cannot expect sections of the society to

[Shri Babubhai M. Chinai]
honour their contractual obligations. People will also lose their faith in the Government itself when it gives the go-by so easily to covenants entered into by previous Governments.

While I hold steadfastly to the view that the very principle of the Bill is bad, I have to recognise that a certain change has come over the Indian scene. I am, therefore, reconciled to the abolition of privy purses but only on condition that compensation is payable to the Rulers on such abolition. Sir, you will please remember that even the Government had been negotiating with the Princes for the payment of compensation and the Princes were carrying on these tortuous negotiations over a long period of time. But they were of no avail and no honourable settlement could be arrived at. However, it was very clear that the Government itself was committed to payment of compensation to the Princes. That is not . . .

MR. DEPUTY CHAIRMAN : It should be only brief observations on amendments.

SHRI BABUBHAI M. CHINAI : Only one minute, Sir.

This is not provided for in the Bill nor has any indication been given by the Government as to what it proposes to do. If nothing is paid at all, it will be a monstrous sin. For, there are Princes who are rich and others who are not so rich and who are not well-to-do at all. Taking away their wherewithal will not bring in socialism as is claimed to be the purpose of this Bill. Let us be clear that this tall claim that it is a socialistic measure has no basis whatsoever. It does not aim at solving the problem of poverty, unemployment or any other problem. The abolition of privy purses is not going to usher in socialism in this country; nor is it socialism to deprive even the small Princes of their small amount. It will only swell the ranks of destitutes

I have, therefore, moved an amendment that on the abolition of the privy purses, a law should be passed for the payment of reasonable compensation to the Princes. In the end I want to appeal to the Prime Minister that she should take into consideration the commitment and the negotiation which she was carrying on. In anger she should not do anything which might... (*Interruption*) spoil the negotiations which she was carrying on. I appeal to her even at the last stage that she should continue her negotiations and give fair compensation to the Princes even if their Purses are abolished.

(*Interruptions by Shri Sheel Bhadra Yajee*)

SHRI LOKANATH MISRA : Sir, what is all this ? Why is he impatient ? In a democracy we have to have discussion. The dissenting point of view also has to be clarified on the floor of the House. They must have the patience to listen to the other side. Supposing we differ on something, would not we have the right to talk ? This is the forum where we have to listen to each other . . .

श्री शीलभद्र याजी : क्या इस तरह की बात करते हैं ? राजाओं से बैलियाँ लेते हैं ।

SHRI LOKANATH MISRA : Sir, under the People's Representation Act lunatics are not allowed to sit in the House. I would again bring this to your notice.

(*Interruptions*)

SHRI N. G. GORAY : Sir, may I seek a clarification from Shri Chinai ? He started at a very high level, and at the end he was ready to support this Bill provided compensation was given. So the heart of the matter is compensation ?

SHRI BHUPESH GUPTA : That is the morality of all monopolists.

MR. DEPUTY CHAIRMAN : Now Mr. Rajnarain

SHRI BABUBHAI M. CHINAI : Sir, just a minute, on a point of explanation to the point raised by Mr. Goray, I have said I moved the amendment of compensation, and therefore, it is understood that so far as Privy Purses are concerned, I am not against their abolition now in the context of the new changes. I say that a fair compensation should be given.

SHRI CHITTA BASU : Why ?

SHRI GODEY MURAHARI (Uttar Pradesh) : Where has the question of morality gone ?

श्री राजनारायण : श्रीमन्, सुनिये । मेरा संशोधन नम्बर 2 है । मैं कहां संशोधन करना चाहता हूँ इसको समझाने के लिये मैं चाहूँगा कि इस सदन के सम्मानित सदस्य संविधान (छब्बीसवां संशोधन) विधेयक, 1971 की जो हिन्दी की कापी है उसको अपने सामने रख लें । यह 363क का (ख) इसमें है :

(ख) 'संविधान (छब्बीसवां संशोधन) अधिनियम 1971 के प्रारम्भ से ही निजी थैली उत्सादित की जाती है और निजी थैली की बाबत सभी अधिकार, दायित्व तथा आभार निर्वाचित किए जाते हैं और तदनुसार, खंड (क) में निर्दिष्ट यथास्थिति, शासक या ऐसे शासक के उत्तराधिकारी को अथवा अन्य किसी व्यक्ति को कोई राशि निजी थैली के रूप में संदत्त नहीं की जाएगी ।

यह यहां तक है । मैं यह चाहता हूँ कि "निजी थैली के रूप में सत्त नहीं की जाएगी" इसके आगे यह बढ़ा दिया जाय :

"और न उसके बदले में धन या वस्तु के रूप में कोई प्रतिकर दिया जाएगा"

SHRI P. C. MITRA (Bihar) : It is redundant. It is not here. How is this allowed ?

श्री राजनारायण : श्रीमन् सुनिये, आगे एक प्राविजो है । मैं खुद ही बोल रहा हूँ, जरा सुन लीजिये, जरा धीरज रखिये । अगर यह रिडंडेंट है तो हम बता देंगे कि नहीं है । आगे एक प्राविजो है :

"परन्तु यदि उसके पास जीवन निर्वाह का कोई साधन नहीं रहेगा तो उसे, जैसा कि सरकार द्वारा समय समय पर अवधारित किया जाए, डेढ़ हजार रुपये मासिक से अनाधिक पुनर्वास अनुदान दिया जाएगा ।"

1 P.M.

श्री शीलभद्र याजी : कितना आपका पतन हो गया ?

श्री राजनारायण : हां, जरा सुन लीजिए, श्रीमन्, मैं आज भी बहुत ही अफसोस के साथ कहना चाहता हूँ कि जो सरकार बराबर समाजवाद और मुआवजा न देने की बात करती है वह सरकार गोलमोल भाषा का प्रयोग करती है । इसमें यह कहा गया है कि कोई राशि निजी थैली के रूप में नहीं दी जाएगी, यानी उनको रुपये में, अमाउन्ट के रूप में दी जाएगी । पर्स के रूप में नहीं दी जाएगी बल्कि अमाउन्ट के रूप में दी जाएगी । अगर ऐसा नहीं है तो सफाई के साथ लिखा जाना चाहिए कि उनके न तो निजी थैली के रूप में दिया जाएगा, न कोई प्रतिकर के रूप में दिया जाएगा । सरकार अपने आप में वह अधिकार रखना चाहती है कि जब जैसा चाहे तब राजाओं को दे दे । मैं इस सरकार से बहुत वाकिफ हूँ और राजाओं को किस ढंग से प्रिवी पर्स कव-कव दिया गया है उसकी

[श्री राजनारायण]

कहानी में नहीं जाना चाहता हूँ। यहाँ पर कुछ लोग पुराने हैं जो कि राजाओं से कब-कब और कितनी-कितनी बड़ी-बड़ी रकमें जायज और नाजायज इन लोगों ने ली हैं, उसकी जानकारी रखते हैं। हम को भी कुछ जानकारी है। इसलिये मैं भी उस चर्चा को यहाँ पर नहीं उठाना चाहता हूँ।

श्री कल्याण चन्द (उत्तर प्रदेश) : आपको कितना मिला है?

श्री राजनारायण : मेरे पास इतनी शक्त नहीं है और राजे लोग इतने बेवकूफ नहीं हैं और अरब-पति और करोड़-पति लोग इतने बेवकूफ नहीं हैं कि जिसके पास कोई ताकत नहीं है उसको दें। इसलिए हमने यह संशोधन रखा है। बहुत से लोग जो शक्त को बहुत समाजवादी कहते हैं उनसे भी मैं निवेदन करना चाहता हूँ कि वे मनुष्य हैं। समाजवाद के मानी क्या हैं? समाजवाद की दोनों आंखें हैं—एक आंख में दया है और एक हाथ में क्रोध है। क्रोध है अन्यायियों के प्रति और दया है उनके प्रति जिनके साथ अन्याय हो रहा है। एक आंख में आँसू है दूसरी में ललाई है। तो समाजवाद मानववाद है, समाजवाद राक्षसवाद नहीं है। इसीलिए हमने इसमें प्राविजन लगाया है। परन्तु यदि, मान लीजिए, कि हमने तमाम राशि ले ली और किसी के पास न तो कोई जेबरात है, न एक एकड़ जमीन है, न कोई खाने-पीने का साधन है, तो वह क्या . . .

श्री शीलभद्र याजी : ऐसा कोई महाराजा है, राजनारायण जी ?

श्री राजनारायण : करेगा उसके पास अगर कुछ नहीं है। तो हमने फिर कहा है कि किसी राजा महाराजा को न तो

कोई प्रति-कर दिया जाएगा धन के रूप में और न कोई प्रति-कर दिया जाएगा व्यवस्था के रूप में अगर उसके पास कुछ है जिससे वह अपने जीवन का निर्वाह कर सकता है। तब तो उसको एक भी पैसा नहीं दिया जाएगा। और यदि उसके पास नहीं कुछ है, जीवन निर्वाह के लिए कुछ नहीं है, तो जीवन-निर्वाह हेतु उसको रिहैबिलिटेशन ग्रांट दिया जाए ताकि वह अपने को रिहैबिलिटे कर सके, पुनर्वासित कर सके। मानव-दृष्टि से दिया जाएगा, उसको भी हमने कहा है। किसी भी हालत में कभी भी 1500 रु० महीने से ज्यादा हर्गिज नहीं दिया जाएगा, 1500 रु० से कम दिया जाएगा और वह सरकार तय करेगी कि 200 दे, 400 दे, 500 दे।

श्रीमन्, मैं आपके द्वारा इस सदन के सम्मानित सदस्यों को बताना चाहता हूँ कि शीलभद्र याजी बहुत ही इस समय सुखी है। मगर उनसे कम कोई उत्साही नहीं है। वे जानते हैं कि हम तिहाड़ जेल गये थे और सुप्रीम कोर्ट की विशेष इजाजत से यहाँ पर बिधेयक पर वोट करने के लिए आये थे जो कि भारत के इतिहास में पहली बार हुआ है कि जेल का एक कैदी वोट डालने के लिए आया। इसलिए श्री शीलभद्र याजी को इसमें कोई बड़ी प्रसन्नता नहीं होनी चाहिये।

श्रीमन्, मैं यहाँ पर एक बात साफ कर देना चाहता हूँ कि सदन के सम्मानित सदस्यों को इस बात पर भी सोचना चाहिए और हमारे मित्र जो बंगाल के एम० पी० हैं वे इस समय न मालूम कहाँ चले गये हैं।

श्री लोकनाथ मिश्र : डी० एल० सेनगुप्त।

श्री राजनारायण : हां, श्री गुप्त जी ने जो बात कही उसको लोगों ने ध्यान से नहीं सुना। आज इस सदन में इस विधेयक का आना आवश्यक नहीं होता अगर श्री गुप्त का हवाई जहाज समय पर आ गया होता। श्री गुप्त क्यों यहां नहीं आये और हमारे श्री सीताराम जी ठीक समय पर क्यों नहीं लाये गये, इसकी जांच होनी चाहिये। पुलिस और कलैक्टर ने इन लोगों को जान-बूझकर समय पर पहुंचाने में कोताही की, इसकी जांच होनी चाहिये।

श्री उपसभापति : यह बात अमेन्डमेंट से सम्बन्धित नहीं है।

श्री राजनारायण : अमेन्डमेंट से संबंधित सारी बातें हैं और इसीलिए मैं आपके द्वारा यह कहना चाहता हूं कि सरकार ने जो इतना विलम्ब किया और जो राजा महाराजाओं के पास इतना कोष गया, उसके लिए इस सरकार की भर्त्सना होनी चाहिये कि यह सरकार इतनी दूर तक जा सकती है प्रिवी पर्स देने के लिए।

“उभय भांति जानेसि निज मरना ।

तब ताकेसि रघुनायक सरना ॥”

श्री उपसभापति : अब आप बैठ जाइये।

श्री राजनारायण : रावण ने मारीचि से कहा सोने का मृग बनो और राम के पास जाओ, तो मारीचि ने सोने का मृग बनने से इन्कार कर दिया। इस पर रावण ने कहा, तुम्हारा वध होगा। इस पर मारीचि सोचने लगा कि जब हमारा वध होना ही है तो फिर रावण के हाथ से क्यों मरें, राम के हाथ से क्यों न मरें।

इसी तरह से जब दोनों तरफ से मरना निश्चित हो गया फिर बंगला देश को भी

मान्यता मिल गई और प्रिवी पर्स भी समाप्त हो गया। इसके लिए हमें सरकार को वधाई और श्रेय देने की आवश्यकता नहीं है।

MR. DEPUTY CHAIRMAN : Yes, Mr. Chitta Basu.

SHRI CHITTA BASU : Mr. Deputy Chairman, Sir, my amendment is also very much specific and it says that—

“after the words ‘privy purse’ the words ‘or any sum or amount as compensation in lieu thereof’ be inserted.”

Sir, the intention of my amendment is very clear. The intention is this, Sir, that they should not be paid any compensation or any amount or any sum in lieu thereof.

Sir, in the course of his reply, the hon. Minister was on record as having said that we have got, that the Government has got, no intention to pay any compensation to the ‘Rulers’ and here, in this case, the silence is louder. Sir, even if we accept that the silence in this case is louder, this silence has also created a certain amount of confusion and some amount of misunderstanding about the intention of the Government also. That is not less now than the silence which is louder.

Sir, it is quite known to everybody—and I do not want to enter into a discussion at this stage—that the privy purses were given merely as a *quid pro quo*. There was no patriotism in the ‘Rulers’ or the Princes in the past nor even today. I do not want to go into that history now. But don’t try to parade it as an act of patriotism on the part of the Princes or ‘Rulers’ to have accepted the privy purse and got their States integrated with India.

Sir, we, the people of India, had to pay that amount under the circumstances which no one can forget. Therefore, Sir, this *quid pro quo* was there and it has also been made quite clear by my hon. friends in this

House that we have got no obligation, no moral justification, for continuing the payment in the changed conditions in the country.

Now, I say the compensation is not within the view of the Government. But there is a possibility that the Government wants to pay something by way of transitional allowance or by way of, as Mr. Rajnarain says, rehabilitation grant. Sir, every amount to be paid from the exchequer has got a social bearing, social consequence. Sir, in the matter of payment of transitional allowance or in the matter of payment of rehabilitation grant, some amount of social relevance is also there. Sir, the question is that small men are to be given some assistance. But what about the millions of our men who are definitely smaller than the so-called small princes? Sir, we have got the Directive Principles of State Policy... (*Time bell rings*).

Sir, I am not speaking anything outside the scope of my amendment...

MR. DEPUTY CHAIRMAN: But you are making a long speech.

SHRI CHITTA BASU: Long or short speech doesn't matter. You have to see whether I am going beyond the scope of my amendment... (*Interruptions*). I am finishing.

Sir, the Directive Principles of State Policy are there. That is applicable to 54 crores of our people. This question of human approach to citizens has also some bearing or relation to the Directive Principles. Directive Principles are equally applicable to all citizens. Now with this 26th amendment to the Constitution, all princes and ex-rulers have been given the privilege of calling themselves equal to us. That is the privilege that they should be proud of. Now they have been given the privilege of calling themselves equal to us. That is the objective of the 26th amendment of the Constitution. Now, all the princes and ex-rulers have

been deemed to be equal to all other citizens. Sir, if all other citizens of our country have got certain...

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI CHITTA BASU: Laws of the land, all these laws of land are also to be applicable to them. There is land legislation. There are other legislations for the protection of the rights and liberties of the citizens. And why a citizen who was an erstwhile ruler should have a different approach even in the consideration of humanitarianism...

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI CHITTA BASU: There is no ground to be unequal. Therefore, Sir, I am not agreeable to this even on the question of humanitarianism...

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI CHITTA BASU: There is no question of paying any amount as rehabilitation grant. No amount has to be paid to any ex-ruler or ex-prince because that is not in consonance with the Directive Principles of State Policy. Therefore, that question is to be taken into consideration.

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI CHITTA BASU: I conclude. The matter has been made all the more confusing because the hon. Minister has said that the Government is also considering the question of fixing some amount in other ways. Therefore, Sir, this Parliament, and this House, should make it unequivocally and unambiguously clear that we are not in a position to give any amount of money in any other way or by way of compensation.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI CHITTA BASU : . . . as the hon. Minister has stated.

Therefore, I press for my amendment which says that no amount should be paid by way of compensation or in any other way whatsoever.

SHRI NIREN GHOSH : Sir, my remarks, briefly, are these. Mr. Gokhale has sought to cloud the issue but it serves no purpose. He has kept the question in the dark; he does not call it compensation. But transitional allowance or whatever you call it, it amounts to compensation—whatever be the name you may give it. So my amendment seeks to block the way of the Government seeking to give this to the ex-princes by way of relief, and that is :

“(c) No compensation or any other sums by way of any *quid pro quo* will be payable to any Prince, Chief or other person mentioned in clause (a) in consequence of clause (b).”

That is clear.

If there are destitutes after the passing of this Bill, they are entitled to gratuitous relief as citizens are entitled to in the various States. No distinction should be made between one citizen and another. In all the States there are lakhs and lakhs of destitutes. There they get something; they can have it. If there is any unemployment, well, there are crores of unemployed people. Some provision should be made for all the unemployed in India and in the same category something can be given to them also. Not otherwise. If the Government arranges for that in some form or other, directly or indirectly, it will take away all the moral attitudes that the Government has put across the floor of the House. It will take away all moral justification. I think the people will not take kindly to that. Government will be put on the mat for that. That is why I want to make it clear; though you have gone against the

country, as a class the princely order has acted against the interest of India. Even if there is any justification for any other citizen we can think of it but nothing special in any form or in any name should be given to them. This point should be made clear and that is my amendment

SHRI H. R. GOKHALE : Sir, there are four amendments. With regard to the amendment of Mr. Babubhai Chinai, under the guise or garb of an amendment he is really trying to negative the basic purpose of the Bill itself. It is obvious that I cannot accept it.

With regard to the other three amendments in the course of reply I have made it clear that the Bill itself does not make any provision for payment of compensation. It is quite clear that the Bill has not provided for any payment of compensation. I never said that anything will be paid. The only statement which I have made is that the matter is still under the consideration of the Government. Many aspects of the problem will have to be taken into account, especially in the case of smaller princes. In view of this I do not suppose it is possible to accept all these amendments.

MR. DEPUTY CHAIRMAN: The question is—

1. “That at page 1, for lines 17 to 22, the following be substituted, namely:—

“(b) On and from the commencement of such law as may be passed by Parliament providing for the payment of compensation on the abolition of privy purse and all rights, liabilities and obligations in respect of privy purse, the Ruler or, as the case may be, the successor of such Ruler referred to in clause (a) or any other person shall not be paid any sum as privy purse.”

The motion was negatived

MR. DEPUTY CHAIRMAN: The question is—

“That at page 1, lines 22, after the words ‘shall not be paid any sum privy purse, the following be inserted, namely:—

‘nor any compensation — in cash or kind — shall be paid in lieu thereof :

Provided that if he is not left with any means of subsistence he shall be paid rehabilitation grant not exceeding rupees one thousand five hundred per month as determined by the Government from time to time’.”

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is—

“That at page 1, line 22, after the words ‘privy purse’ the words ‘or any sum or amount as compensation in lieu thereof’ be inserted.”

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

4. “That at page 1, after line 22, the following new clause (c) be inserted, namely:—

‘(c) No compensation or any other sums by way of any *quid pro quo* will be payable to any Prince, Chief or other person mentioned in clause (a) in consequence of clause (b).’”

The House divided.

MR. DEPUTY CHAIRMAN: Ayes — 31; Noes — 133.

AYES—31

Ahmad, Dr. Z. A.

Barbora, Shri Golap

Basu, Shri Chitta

Bhadram, Shri M. V.

Brar, Sardar Narindar Singh

Chatterjee, Shri A. P.

Ganguli, Shri Salil Kumar

Ghosh, Shri Niren

Goray, Shri N. G.

Gupta, Shri Bhupesh

Hasan, Prof. Saiyid Nurul

Hathi, Shri Jaisukhlal

Hussain, Shri Syed

Iyer, Shri N. Ramakrishna

Krishnan, Shri N. K.

Kumaran, Shri S.

Mandal, Shri B. N.

Mathew Kurian, Dr. K.

Menon, Shri Balachandra

Menon, Shri K. P. Subramania

Mukherjee, Shri Pranab Kumar

Murahari, Shri Godey

Nair, Shri G. Gopinathan

Prasad, Shri Bhola

Rajnarain, Shri

Rao, Shri Katragadda Srinivas

Roy, Shri Kalyan

Roy, Shri Monoranjan

Sanyal, Shri Sasankasekhar

Sardesai, Shri S. G.

Sen Gupta, Shri Dwijendralal

Singh, Shri Bhupinder

Suraj Prasad, Shri

Tohra, Sardar Gurcharan Singh

Venkataraman, Shri M. R.

NOES—133

Abdul Samad, Shri A. K. A.

Ahmad, Shri Syed

Alva, Shri Joachim

Amla, Shri Tirath Ram

Anandam, Shri M.

Ansari, Shri Abdul Qaiyum

Ansari, Shri Hayatulla

Appan, Shri G. A.

Arora, Shri Arjun

Bachchan, Dr. H. R.

Baharul Islam, Shri

Bhatt, Shri Nand Kishore

Bobdey, Shri S. B.

Brar, Sardar Narindar Singh

Chandra Shekhar, Shri

Chattopadhyaya, Dr. Debiprasad

Chaudhari, Shri N. P.

Chengalvaroyan, Shri T.

Chinai, Shri Babubhai M.

Das, Shri Balram

Das, Shri Bipinpal

Dass, Shri Mahabir

Desai, Shri Suresh J.

Deshmukh, Shri T. G.

Dikshit, Shri Umashankar

Dutt, Dr. Vidhya Prakash

Gadgil, Shri Vithal

Gautam, Shri Mohan Lal

Goswami, Shri Sriman Prafulla

Gowda, Shri U. K. Lakshmana

Gujral, Shri I. K.

Hasan, Prof. Saiyid Nurul

Hathi, Shri Jaisukhlal

Hussain, Shri Syed

Iyer, Shri N. Ramakrishna

Jain, Shri A. P.

Jain, Shri Dharam Chand

Joshi, Shri Umashanker

Kalyan Chand, Shri

Kaul, Shri M. N.

Kemparaj, Shri B. T.

Kesri, Shri Sitaram

Khaitan, Shri R. P.

Khan, Shri Akbar Ali

Khan, Prof. Rasheeduddin
Kollur, Shri M. L.
Koya, Shri B. V. Abdulla
Krishan Kant, Shri
Kulkarni, Shri A. G.
Kulkarni, Shri B. T.
Kurup, Shri G. Sankara
Madani, Shri M. Asad
Mahida, Shri U. N.
Mallikarjunudu, Shri K. P.
Mangladevi Talwar, Dr. (Mrs.)
Mani, Shri A. D.
Maragatham Chandrasekhar, Shrimati
Mehta, Shri Om
Mirdha, Shri Ram Niwas
Mishra, Shri L. N.
Mitra, Shri P. C.
Mohamod Usman, Shri
Mohideen, Shri S. A. Khaja
Musafir, Shri Gurmukh Singh
Nagpure, Shri V. T.
Nandini Satpathy, Shrimati
Narayan, Shri M. D.
Narayanappa, Shri Sanda
Narayani Devi Manaklal Varma, Shrimati
Nawal Kishore, Shri
Neki Ram, Shri
Panda, Shri Brahmananda
Panjhazari, Sardar Raghubir Singh

Parthasarathy, Shri R. T.
Patil, Shri G. R.
Patil, Shri P. S.
Prasad, Shri K. L. N.
Pratibha Singh, Shrimati
Punnaiah, Shri Kota
Purabi Mukhopadhyay, Shrimati
Purakayastha, Shri Mahitosh
Puri, Shri Dev Datt
Raju, Shri V. B.
Ramaswamy, Shri K. S.
Ramiah, Dr. K.
Reddy, Shri K. V. Raghunatha
Reddy, Shri M. Srinivasa
Reddy, Shri Mulka Govinda
Reddy, Shri J. C. Nagi
Roshan Lal, Shri
Roy, Shri Biren
Ruthnaswamy, Shri M.
Salig Ram, Dr.
Samuel, Shri M. H.
Sangma, Shri E. M.
Sanjivayya, Shri D.
Satyavati Dang, Shrimati
Savnekar, Shri B. S.
Schamnad, Shri Hamid Ali
Sen, Dr. Triguna
Shah, Shri Manubhai
Sherkhan, Shri

Shervani, Shri M. R.

Shishir Kumar, Shri

Shukla, Shri M. P.

Shyamkumari Devi, Shrimati

Singh, Shri Bhupinder

Singh, Shri Bindeshwari Pd.

Singh, Shri Dalpat

Singh, Shri D. P.

Singh, Shri Inder

Singh, Shri Shiv Swaroop

Singh, Shri Sinam Krishnamohan

Singh, Shri Sultan

Singh, Shri Triloki

Sinha, Shri Awadheshwar Prasad

Sinha, Shri Ganga Sharan

Sinha, Shri Rajendra Pratap

Sisodia, Shri Swaisingh

Sivaprakasam, Shri S.

Sukhdev Prasad, Shri

Sur, Shri M. M.

Sushila Mansukhalal Desai, Miss

Tilak, Shri J. S.

Tiwary, Pt. Bhawaniprasad

Untoo, Shri Gulam Nabi

Usha Barthakur, Shrimati

Venigalla Satyanarayana, Shri

Venkataraman, Shri M. R.

Vero, Shri M.

Vidyawati Chaturvedi, Shrimati

Villalan, Shri Thillai

Vimal Punjab Deshmukh, Shrimati

Yadav, Shri Shyam Lal

Yajec, Shri Sheel Bhadra

Yashoda Reddy, Shrimati

The motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

“That clause 3 stand part of the Bill.”

The House divided.

MR. DEPUTY CHAIRMAN : Ayes—169; Noes—9.

AYES—169

Abdul Samad, Shri A. K. A.

Ahmad, Shri Syed

Ahmad, Dr. Z. A.

Alva, Shri Joachim

Amla, Shri Tirath Ram

Anandam, Shri M.

Ansari, Shri Abdul Qaiyum

Ansari, Shri Hayatulla

Appan, Shri G. A.

Arora, Shri Arjun

Bachchan, Dr. H. R.

Baharul Islam, Shri

Barbora, Shri Golap
 Basu, Shri Chitta
 Bhadram, Shri M. V.
 Bhatt, Shri Nand Kishore
 Bobdey, Shri S. B.
 Brar, Sardar Narindar Singh
 Chandra Sekhar, Shri
 Chatterjee, Shri A. P.
 Chattopadhyaya, Dr. Debiprasad
 Chaudhary, Shri Ganeshi Lal
 Chaudhari, Shri N. P.
 Chengalvaroyan, Shri T.
 Das, Shri Balram
 Das, Shri Bipinpal
 Dass, Shri Mahabir
 Desai, Shri Suresh J.
 Deshmukh, Shri T. G.
 Dikshit, Shri Umashankar
 Dutt, Dr. Vidya Prakash
 Gadgil, Shri Vithal
 Ganguli, Shri Salil Kumar
 Gautam, Shri Mohan Lal
 Ghosh, Shri Niren
 Goray, Shri N. G.
 Goswami, Shri Sriman Prafulla
 Gowda, Shri U. K. Lakshmana
 Gujral, Shri I. K.
 Gupta, Shri Bhupesh
 Gurupadaswamy, Shri M. S.

Hasan, Prof. Saiyid Nurul
 Hathi, Shri Jaisukhlal
 Hussain, Shri Syed
 Iyer, Shri N. Ramakrishna
 Jain, Shri A. P.
 Jain, Shri Dharam Chand
 Joshi, Shri Umashanker
 Kalyan Chand, Shri
 Kaul, Shri M. N.
 Kemparaj, Shri B. T.
 Kesri, Shri Sitaram
 Khaitan, Shri R. P.
 Khan, Shri Akbar Ali
 Khan, Prof. Rasheeduddin
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Krishan Kant, Shri
 Krishnan, Shri N. K.
 Kulkarni, Shri A. G.
 Kulkarni, Shri B. T.
 Kumaran, Shri S.
 Kurup, Shri G. Sankara
 Madani, Shri M. Asad
 Mahida, Shri U. N.
 Mallikarjunudu, Shri K. P.
 Mandal, Shri B. N.
 Mangladevi Talwar, Dr. (Mrs.)
 Mani, Shri A. D.
 Maragatham Chandrasekhar, Shri

Mathew Kurian, Dr. K.

Mehta, Shri Om

Menon, Shri Balachandra

Menon, Shri K. P. Subramania

Mirdha Shri Ram Niwas

Mishra, Shri L. N.

Mitra, Shri P. C.

Mohammad, Chaudhary A.

Mohamod Usman, Shri

Mohideen, Shri S. A. Khaja

Mukherjee, Shri Pranab Kumar

Murahari, Shri Godey

Murthy, Shri B. P. Nagaraja

Musafir, Shri Gurmukh Singh

Nagpure, Shri V. T.

Nair, Shri G. Gopinathan

Nandini Satpathy, Shrimati

Narayan, Shri M. D.

Narayanappa, Shri Sanda

Narayani Devi Manaklal Varma, Shrimati

Nawal Kishore, Shri

Neki Ram, Shri

Panda, Shri Brahmananda

Panjhazari, Sardar Raghbir Singh

Parthasarathy, Shri R. T.

Patil, Shri G. R.

Patil, Shri P. S.

Poddar, Shri R. K.

Prasad, Shri Bhola

Prasad, Shri K. L. N.

Pratibha Singh, Shrimati

Punnaiah, Shri Kota

Purabi Mukhopadhyay, Shrimati

Purakayastha, Shri Mahitosh

Puri, Shri Dev Datt

Puttappa, Shri Patil

Rajnarain, Shri

Raju, Shri V. B.

Ramaswamy, Shri K. S.

Ramiah, Dr. K.

Rao, Shri Katragadda Srinivas

Reddy, Shri K. V. Raghunatha

Reddy, Shri M. Srinivasa

Reddy, Shri Mulka Govinda

Reddy, Shri J. C. Nagi

Roshan Lal, Shri

Roy, Shri Biren

Roy, Shri Kalyan

Roy, Shri Monoranjana

Salig Ram, Dr.

Samuel, Shri M. H.

Sangma, Shri E. M.

Sanjivayya, Shri D.

Sanyal, Shri Sasankasekhar

Sardesai, Shri S. G.

Satyavati Dang, Shrimati

Savnekar, Shri B. S.

Schamnad, Shri Hamid Ali

Sen, Dr. Triguna
 Sen Gupta, Shri Dwijendralal
 Shah, Shri Manubhai
 Sherkhan, Shri
 Shervani, Shri M. R.
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh, Shri Bindeshwari Pd.
 Singh, Shri Dalpat
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri Shiv Swaroop
 Singh, Shri Sinam Krishnamohan
 Singh, Shri Sultan
 Singh, Shri Triloki
 Sinha, Shri Awadheshwar Prasad
 Sinha, Shri Ganga Sharan
 Sinha, Shri Rajendra Pratap
 Sisodia, Shri Swaisingh
 Sivaprakasam, Shri S.
 Sukhdev Prasad, Shri
 Sur, Shri M. M.
 Suraj Prasad, Shri
 Sushila Mansukhalal Desai, Miss

Tilak, Shri J. S.
 Tiwary, Pt. Bhawaniprasad
 Tohra, Sardar Gurcharan Singh
 Untoo, Shri Gulam Nabi
 Usha Barthakur, Shrimati
 Venigalla Satyanarayana, Shri
 Venkataraman, Shri M. R.
 Vero, Shri M.
 Vidyawati Chaturvedi, Shrimati
 Villalan, Shri Thillai
 Vimal Punjab Deshmukh, Shrimati
 Yadav, Shri Shyam Lal
 Yajee, Shri Sheel Bhadra
 Yashoda Reddy, Shrimati

NOES—9

Deo, Shri Bira Kesari
 Jagarlamudi, Shri Chandramouli
 Mariswamy, Shri S. S.
 Misra, Shri Lokanath
 Mohta, Shri M. K.
 Panda, Shri K. C.
 Patel, Shri Dahyabhai V.
 Patel, Shri Sundar Mani
 Ruthnaswamy, Shri M.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 3 was added to the Bill

Clause 4—Amendment of article 366

MR. DEPUTY CHAIRMAN : The question is :

“That clause 4 stand part of the Bill.”

The House divided.

MR. DEPUTY CHAIRMAN : Ayes—169; Noes—9.

AYES—169

Abdul Samad, Shri A. K. A.

Ahmad, Shri Syed

Ahmad, Dr. Z. A.

Alva, Shri Joachim

Amla, Shri Tirath Ram

Anandam, Shri M.

Ansari, Shri Abdul Qaiyum

Ansari, Shri Hayatulla

Appan, Shri G. A.

Arora, Shri Arjun

Bachchan, Dr. H. R.

Baharul Islam, Shri

Barbora, Shri Golap

Basu, Shri Chitta

Bhadram, Shri M. V.

Bhatt, Shri Nand Kishore

Bobdey, Shri S. B.

Brar, Sardar Narindar Singh

Chandra Shekhar, Shri

Chatterjee, Shri A. P.

Chattopadhyaya, Dr. Debiprasad

Chaudhary, Shri Ganeshi Lal

Chaudhari, Shri N. P.

Chengalvaroyan, Shri T.

Das, Shri Balram

Das, Shri Bipinpal

Dass, Shri Mahabir

Desai, Shri Suresh J.

Deshmukh, Shri T. G.

Dikshit, Shri Umashankar

Dutt, Dr. Vidya Prakash

Gadgil, Shri Vithal

Ganguli, Shri Salil Kuntar

Gautam, Shri Mohan Lal

Ghosh, Shri Niren

Goray, Shri N. G.

Goswami, Shri Sriman Prafulla

Gowda, Shri U. K. Lakshmana

Gujral, Shri I. K.

Gupta, Shri Bhupesh

Gurupadaswamy, Shri M. S.

Hasan, Prof Saiyid Nurul

Hathi, Shri Jaisukhlal

Hussain, Shri Syed

Iyer, Shri N. Ramakrishna

Jain, Shri A. P.

Jain, Shri Dharam Chand

Joshi, Shri Umashanker

Kalyan Chand, Shri

Kaul, Shri M. N.

Kemparaj, Shri B. T.

Kesri, Shri Sitaram

Khaitan, Shri R. P.

Khan, Shri Akbar Ali

Khan, Prof. Rasheeduddin

Kollur, Shri M. L.

Koya, Shri B. V. Abdulla

Krishan Kant, Shri

Krishnan, Shri N. K.

Kulkarni, Shri A. G.

Kulkarni, Shri B. T.

Kumaran, Shri S.

Kurup, Shri G. Sankara

Madani, Shri M. Asad

Mahida, Shri U. N.

Mallikarjunudu, Shri K. P.

Mandal, Shri B. N.

Mangladevi Talwar, Dr. (Mrs.)

Mani, Shri A. D.

Maragatham Chandrasekhar, Shrimati

Mathew Kurian, Dr. K.

Mehta, Shri Om

Menon, Shri Balachandra

Menon, Shri K. P. Subramania

Mirdha, Shri Ram Niwas

Mishra, Shri L. N.

Mitra, Shri P. C.

Mohammad Chaudhary A.

Mohamod Usman, Shri

Mohideen, Shri S. A. Khaja

Mukherjee, Shri Pranab Kumar

Murahari, Shri Godey

Murthy, Shri B. P. Nagaraja

Musafir, Shri Gurmukh Singh

Nagpure, Shri V. T.

Nair, Shri G. Gopinathan

Nandini Satpathy, Shrimati

Narayan, Shri M. D.

Narayanappa, Shri Sanda

Narayani Devi Manaklal Varma, Shrimati

Nawal Kishore, Shri

Neki Ram, Shri

Panda, Shri Brahmananda

Panjhazari, Sardar Raghbir Singh

Parthasarathy, Shri R. T.

Patil, Shri G. R.

Patil, Shri P. S.

Poddar, Shri R. K.

Prasad, Shri Bhola

Prasad, Shri K. L. N.

Pratibha Singh, Shrimati

Punnarah, Shri Kota

Purabi Mukhopadhyay, Shrimati

Purakayastha, Shri Mahitosh

Puri, Shri Dev Datt

Puttappa, Shri Patil

Rajnarain, Shri

Raju, Shri V. B.

Ramaswamy, Shri K. S.

Ramiah, Dr K.

Rao, Shri Katragadda Srinivas

Reddy, Shri K. V. Raghunatha

Reddy, Shri M. Srinivasa

Reddy, Shri Mulka Govinda

Reddy, Shri J. C. Nagi

Roshan Lal, Shri

Roy, Shri Biren

Roy, Shri Kalyan

Roy, Shri Monorajan

Salig, Ram, Dr

Samuel, Shri M. H.

Sangma, Shri E. M.

Sanjivavya, Shri D.

Sanyal, Shri Sasankasekhar

Sardesai, Shri S. G.

Satyavati Dang, Shrimati

Savnekar, Shri B. S.

Schamnad, Shri Hamid Ali

Sen, Dr. Triguna

Sen Gupta, Shri Dwijendralal

Shah, Shri Manubhai

Sherkhan, Shri

Shervani, Shri M. R.

Shishir Kumar, Shri

Shukla, Shri Chakrapani

Shukla, Shri M. P.

Shyamkumari Devi, Shrimati

Singh, Shri Bhupinder

Singh, Shri Bindeshwari Pd

Singh, Shri Dalpat

Singh, Shri D. P.

Singh, Shri Inder

Singh, Shri Shiv Swaroop

Singh, Shri Sinam Krishnamohan

Singh, Shri Sitaram

Singh, Shri Sultan

Singh, Shri Triloki

Sinha, Shri Awadheshwar Prasad

Sinha, Shri Ganga Sharan

Sinha, Shri Rajendra Pratap

Sisodia, Shri Swaisingh

Sivaprakasam, Shri S.

Sukhdev Prasad, Shri

Sur, Shri M. M.

Suraj Prasad, Shri

Sushila Mansukhalal Desai, Miss

Tilak, Shri J. S.

Tiwary, Pt. Bhawaniprasad

Tohra, Sardar Gurcharan Singh

Untoo, Shri Gulam Nabi

Usha Barthakur, Shrimati

Venigalla Satyanarayana, Shri

Venkataraman Shri M. R.

Vero, Shri M

Vidyawati Chaturvedi, Shrimati

Villalan, Shri Thillai

Vimal Punjab Deshmukh, Shrimati

Yadav, Shri Shyam Lal

Yajee, Shri Sheel Bhadra

Yashoda Reddy, Shrimati

NOES—9

Deo, Shri Bira Kesari

Jagaramudi, Shri Chandramouli

Mariswamy, Shri S S

Misra, Shri Lokanath

Mohta, Shri M. K.

Panda, Shri K. C.

Patel, Shri Dahyabhai V.

Patel, Shri Sundar Mani

Ruthnaswamy, Shri M.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting

Clause 4 was added to the Bill.

MR. DEPUTY CHAIRMAN : The question is :

“That Clause 1, the Enacting Formula and the Title stand part of the Bill ”

The House divided

MR. DEPUTY CHAIRMAN Ayes—
169, Noes—9

AYES—169

Abdul Samad, Shri A K A

Ahmad, Shri Syed

Ahmad, Dr. Z. A

Alva, Shri Joachim

Amila, Shri Tirath Ram

Anandam, Shri M.

Ansari, Shri Abdul Qaiyum

Ansari, Shri Hayatulla

Appan, Shri G A.

Arora, Shri Arjun

Bachchan, Dr. H R.

Baharul Islam, Shri

Barbora, Shri Golap

Basu, Shri Chitta

Bhadram, Shri M. V.

Bhatt, Shri Nand Kishore

Bobdey, Shri S. B.

Brar, Sardar Narindar Singh

Chandra Shekhar, Shri

Chatterjee, Shri A. P.

Chattopadhyaya, Dr. Debiprasad

Chaudhary, Shri Ganesh Lal

Chaudhari, Shri N. P.

Chengalvaroyan, Shri T.

Das, Shri Balram

Das, Shri Bipinpal

Dass, Shri Mahabir

Desai, Shri Suresh J.

Deshmukh, Shri T. G.

Dikshit, Shri Umashankar

Dutt, Dr. Vidhya Prakash

Gadgil, Shri Vithal

Ganguli, Shri Sahil Kumar

Gautam, Shri Mohan Lal

Ghosh, Shri Niren

Goray, Shri N. G.

Goswami, Shri Sriman Prafulla

Gowda, Shri U. K. Lakshmana

Gujral, Shri I. K.

Gupta, Shri Bhupesh

Gurupadaswamy, Shri M. S.

Hasan, Prof. Sayid Nurul

Hathi, Shri Jaisukhlal

Hussain, Shri Syed

Iyer, Shri N. Ramakrishna

Jain, Shri A. P.

Jain, Shri Dharam Chand

Joshi, Shri Umashanker

Kalyan Chand, Shri

Kaul, Shri M. N.

Kemparaj, Shri B. T.

Kesri, Shri Sitaram

Khaitan, Shri R. P.

Khan, Shri Akbar Ali

Khan, Prof. Rasheeduddin

Kollur, Shri M. L.

Koya, Shri B. V. Abdulla

Krishan Kant, Shri

Krishnan, Shri N. K.

Kulkarni, Shri A. G.

Kulkarni, Shri B. T.

Kumaran, Shri S.

Kurup, Shri G. Sankara

Madani, Shri M. Asad

Mahida, Shri U. N.

Mallikarjunudu, Shri K. P.

Mandal, Shri B. N.

Mangladevi Talwar, Dr. (Mrs.)

Mani, Shri A. D.

Maragatham Chandrasekhar, Shrimati

Mathew Kurian, Dr. K.

Mehta, Shri Om

Menon, Shri Balachandra

Menon, Shri K. P. Subramania

Mirdha, Shri Ram Niwas
 Mishra, Shri L. N.
 Mitra, Shri P. C.
 Mohammad, Chaudhary A.
 Mohamod Usman, Shri
 Mohideen, Shri S. A. Khaja
 Mukherjee, Shri Pranab Kumar
 Murahari, Shri Godey
 Murthy, Shri B. P. Nagaraja
 Musafir, Shri Gurmukh Singh
 Nagpure, Shri V. T.
 Nair, Shri G. Gopinathan
 Nandini, Satpathy Shrimati
 Narayan, Shri M. D.
 Narayanappa, Shri Sanda
 Narayani Devi Manaklal Varma, Shrimati
 Nawal Kishore, Shri
 Neki Ram, Shri
 Panda, Shri Brahmananda
 Panj hazari, Sardar Raghbir Singh
 Parthasarathy, Shri R. T.
 Patil, Shri G. R.
 Patil, Shri P. S.
 Poddar, Shri R. K.
 Prasad, Shri Bhola
 Prasad, Shri K. L. N.
 Pratibha Singh, Shrimati
 Punnaiah, Shri Kota
 Purabi Mukhopadhyay, Shrimati

Purakayastha, Shri Mahitosh
 Puri, Shri Dev Datt
 Pushaben Janardanrai Mehta, Shrimati
 Puttappa, Shri Patil
 Rajnarain, Shri
 Raju, Shri V. B.
 Ramaswamy, Shri K. S.
 Ramiah, Dr. K.
 Rao, Shri Katragadda Srinivas
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri M. Srinivasa
 Reddy, Shri Mulka Govinda
 Reddy, Shri J. C. Nagi
 Roshan Lal, Shri
 Roy, Shri Biren
 Roy, Shri Kalyan
 Roy, Shri Monoranjan
 Saig Ram, Dr.
 Samuel, Shri M. H.
 Sangma, Shri E. M.
 Sanjivayya, Shri D.
 Sanyal, Shri Sasankasekhar
 Sardesai, Shri S. G.
 Satyavati Dang, Shrimati
 Savnekar, Shri B. S.
 Schamnad, Shri Hamid Ali
 Sen, Dr. Triguna
 Sen Gupta, Shri Dwijendralal
 Shah, Shri Manubhai

Sherkhan, Shri
Shervani, Shri M R
Shishir Kumar, Shri
Shukla, Shri Chakrapani
Shukla, Shri M P
Shyamkumari Devi, Shrimati
Singh, Shri Bhupinder
Singh, Shri Bindeshwari Pd
Singh, Shri Dalpat
Singh, Shri D. P
Singh, Shri Inder
Singh, Shri Shiv Swaroop
Singh, Shri Sinam Krishnamohan
Singh, Shri Sultan
Singh, Shri Triloki
Sinha, Shri Awadheshwar Prasad
Sinha, Shri Ganga Sharan
Sinha, Shri Rajendra Pratap
Sisodia, Shri Swaisingh
Sivaprakasam, Shri S
Sukhdev Prasad, Shri
Sur, Shri M M.
Suraj Prasad, Shri
Sushila Mansukhalal Desai, Miss
Tilak, Shri J. S.
Tiwary, Pt Bhawaniprasad
Tohra, Sardar Gurcharan Singh
Untoo, Shri Gulam Nabi

Usha Burthakur, Shrimati
Venigalla Satyanarayana, Shri
Venkataraman, Shri M R
Vero, Shri M.
Vidyawati Chaturvedi, Shrimati
Villalan, Shri Thillai
Vimal Punjab Deshmukh, Shrimati
Yadav, Shri J P.
Yadav, Shri Shyam Lal
Yajee, Shri Sheel Bhadra
Yashoda Reddy, Shrimati

NOES—9

Deo, Shri Bira Kesari
Jagariamudi, Shri Chandramouli
Mariswamy, Shri S S.
Misra, Shri Lokanath
Mohta, Shri M. K.
Panda, Shri K. C
Patel, Shri Dahyabhai V.
Patel, Shri Sundar Mani
Ruthnaswamy, Shri M.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI H. K. GOKHALE : Sir, I beg to move :

"That the Bill be passed."

The question was proposed.

श्री गणेशी लाल चौधरी (उत्तर प्रदेश) :
उप सभापति महोदय, इस बिल के पास होने से ही राजा महाराजाओं को जो सदियों पुराने-जमाने से कुछ विशेषाधिकार प्राप्त थे वे समाप्त हो रहे हैं। इन अधिकारों के साथ उनको जो 4½ करोड़ रुपये प्रिवी पर्स के रूप में दिया जाता था वह भी बच रहेगा। मैं चाहूंगा कि गवर्नमेंट आफ इण्डिया का जो अरबों रुपये का बजट है, उसमें यह रकम 'ए ड्राप इन दी ओशन' के समान है। मैं वित्त मंत्री जी से यह कहना चाहता हूँ कि आजकल जो परिस्थिति है उसमें यह रुपया शिडयूल्डकास्ट और शिडयूल्ड ट्राइव्स के बच्चों की भलाई और वजीफे के लिए दे दिया जाय ताकि राजा महाराजाओं में जो रुपया बचेगा उसका अच्छी तरह से सदुपयोग हो सके।

अभी तक गवर्नमेंट आफ इण्डिया शिडयूल्ड कास्ट और शिडयूल्ड ट्राइव्स के बच्चों को ग्रांट देती थी, उनको जो वजीफा दिया जाता था, उसमें कमी कर दी गई है। मैं चाहूंगा कि जो रुपया मिला है बजाय वह जनरल बजट में जाय, इसको शिडयूल्ड कास्ट और शिडयूल्ड ट्राइव्स के बच्चों के वजीफे के लिए दे दिया जाय। तो उन रुपयों का बड़ा ही अच्छा सदुपयोग होगा। एक तरफ तो राजा महाराजाओं द्वारा यह रुपया इस्तेमाल किया जाता था और दूसरी तरफ जब यह उनमें बचा तो जिनकी हालत खराब है, जो कि आज देश में डाउन-ट्राइन तबका है वह इस पैसे को इस्तेमाल करे तो इस पैसे का बड़ा अच्छा सदुपयोग होगा। वित्त मंत्री जी यहा

बैठे हैं, मैं उनसे यह प्रार्थना करूंगा कि इस रुपये को वजीफे के रूप में मुसलमानों के बच्चों में, शिडयूल्ड कास्ट और शिडयूल्ड ट्राइव्स के बच्चों के बीच में वजीफे के रूप में वह बांट दें। इन शब्दों के साथ मैं बिल का समर्थन करता हूँ।

SHRI C. D. PANDE : Sir, I would like to have a chance. It is not a question of party. I have not spoken at any stage.

SHRI ARJUN ARORA : Have you left the party ?

श्री पीताम्बर दास : श्रीमन्, राजाओं के प्रिवी पर्स और विशेषाधिकार को समाप्त करने का विधेयक जब पिछली बार इस सदन में आया था तो उस पर बोलते हुए मैंने एक बात कही थी और मैं आज फिर उसे दोहरा देना आवश्यक समझता हूँ। मैंने कहा था कि "I have no fascination for the Princely order nor has Jana Sangh any desire to keep this order going on for long" श्रीमन्, उस समय हम लोगों ने इसका विरोध किया था, क्योंकि जिस तानाशाहियत के साथ उस बिल को पास कराने की कोशिश की जा रही थी वह हमको पसंद नहीं थी और राज्य सभा के लिए यह दिखा देना आवश्यक था कि हम स्वतंत्र बुद्धि से निर्णय लेते हैं, किसी के भी प्रेशर में या किसी के भी प्रभाव में आकर हम निर्णय लेना नहीं चाहते।

श्री शीलभद्र याजी : गलत बोल रहे हैं।

श्री पीताम्बर दास शान्ति में मुनिये। आपकी तारीफ में काफी सदस्यों ने एक शब्द का प्रयोग किया है। श्रीमन्, मैं याजी जी की किसी भी बात का जवाब नहीं दूंगा। क्योंकि बहुत अरसा हुआ बीरबल ने

अकबर बादशाह से एक बात कही थी कि इस विस्म के लोगो से अगर पाला पड़ जाय तो चुप्पी साध लेनी चाहिये। उस समय मे फिर उसी काम को जिसको राज्य सभा ने करने से इन्कार कर दिया था एक आर्डिनेस के द्वारा प्रेसिडेंट साहब से कराया गया। उस आर्डिनेस को सुप्रीम कोर्ट मे चुनौती दी गई और उसमे निर्णय राजाओ के पक्ष मे रहा। परन्तु इन दोनों बातों से इस प्रिसली आर्डर के चालू रहने का औचित्य सिद्ध नहीं होता। इससे केवल यह सिद्ध होता था कि पार्लियामेंट सुप्रीम है, किसी के प्रभाव मे नहीं आती। यह भी साबित होता था कि यह काम आर्डिनेस के द्वारा नहीं किया जा सकता। केवल ये दो बातें सिद्ध होती थी। अगर राजा लोगो को यह ख्याल हुआ हो कि उनकी प्रिसली आर्डर बनाये रखने का औचित्य सिद्ध हो गया हो इन दोनों बातों से तो वह बहुत बड़ी गलती पर थे।

श्रीमन्, “विशेषाधिकार” शब्द का जब हम प्रयोग करते है तो उसी मे यह बात निहित है कि किसी के जो साधारण अधिकार है उनमे कमी हो रही है क्योंकि विशेषाधिकार तभी होता है जब किसी के साधारण अधिकार काटे जाते है। आर्थिक सत्ता के बारे मे भी ऐसा ही कहते है कि कही ज्यादा इकट्ठी होती है तो समझ लो कि जहा उसकी आवश्यकता है वहा कमी पड़ रही है। और आज के इस युग मे, जो समता का युग है विषमता कम होनी चाहिए। यह समय की माग है, इसको दुर्लक्ष्य करके नहीं चला जा सकता। श्रीमन् इस विषमता को कम करने के लिए ही हमारे देश मे ट्रस्टीशिप का सिद्धान्त दिया गया, अपरिग्रह की बात भी कही गई। कुछ लोगो ने समता के आधार पर समता लान

की बात भी कही। परन्तु कुछ परिणाम हुआ नहीं, विषमता बराबर बढ़ रही है और समय की माग है कि यह विषमता कम होनी चाहिये। अगर इस तरीके से कम नहीं होती तो यह लाजमी बात है कि कानून का सहारा लेना पड़ सकता है। समय की माग को दुर्लक्ष्य करके चलने का परिणाम अच्छा नहीं होता। समय को दुर्लक्ष्य करके चलना कुछ बुद्धिमानी भी नहीं है, उचित भी नहीं है, और सम्भव भी नहीं होता। इसलिये मुझे बड़ी प्रसन्नता हुई थी जब पिछले दिनों जब यह सुनने मे आया था कि राजा लोग यह सोच रहे हैं कि प्रिवी पर्स नहीं तो कम से कम अपने विशेषाधिकारो को हम स्वेच्छा से ही छोड़ दे। बड़ी अच्छी बात थी, हो जानी चाहिए थी। इससे राजाओ का सम्मान बढ़ता।

“वह अफसाना जिसे अजाम तक पहचाना न हो मुमकिन।

उसे एक खूबसूरत मोड़ देकर छोड़ना अच्छा।”

श्रीमन्, इस अवसर पर मैं सरकार के लिये भी एक बात निवेदन करना चाहता हूँ। मैं उन्हें इतिहास की उस घटना की याद दिलाना चाहता हूँ जिस समय विजय की बेला मे सिकन्दर ने पोरस को कैद करके अपने सामने बुलवाया था। जब पोरस आकर खड़ा हुआ तो सिकन्दर ने उससे पूछा कि “लड़ाई मे तो तुम हार गये हो और मेरी कैद मे हो अब यह बताओ कि तुम्हारे साथ क्या व्यवहार किया जाय ?” तो पोरस ने उस समय कहा था कि “आपकी महानता इसमे है कि जो व्यवहार राजाओ को राजाओ के साथ करना चाहिये आप मेरे साथ वह व्यवहार करे।” सिकन्दर के हाथ मे पोरस की जान थी, वह कुछ भी व्यवहार कर

[श्री पीताम्बर दास]

सकता था परन्तु उसने उनके साथ उपयुक्त व्यवहार करके अपनी महानता प्रदर्शित की, पोरस के ऊपर कोई अहसान नहीं किया। इसलिये इस विजय की बेला में मैं सरकार से केवल यह निवेदन करना चाहता हूँ कि वह अपनी महानता को प्रदर्शित करने से न चूके। हाउस में तरह-तरह की बातें कही गई हैं तरह-तरह की बातें पहले भी कही गई थी, आगे भी कही जा सकती हैं। सुभाव केवल कम्पेनसेशन न देने का ही नहीं बल्कि सुभाव एक समय यह भी आ सकता है कि दे शुड बी शाट डेड, परन्तु वह भारतीय सस्कृति और भारतीय सभ्यता नहीं है। इसलिये, श्रीमान्, अगर हमारे कुछ वर्ग समय की मांग को पहिचानने से इकार करते हैं तो हम कानून के द्वारा उन्हें मजबूर कर सकते हैं समय की मांग को मानने के लिए, परन्तु साथ-साथ हमें अपनी सभ्यता, अपनी महानता और अपनी सस्कृति, इन सबकी रक्षा भी करनी चाहिये। मैं समझता हूँ कि इससे अधिक कुछ कहने की आवश्यकता नहीं है।

SHRI LOKANATH MISRA Mr Deputy Chairman Sir, in the name of changing times truth is being ridiculed, assurances are being laughed at and it is all being attributed to changing times. The people who are responsible for creating an atmosphere of changing times attribute all the blame to changing times. They do not blame themselves at all. So much has been said about Indian traditions. I would not repeat them because the time in the Third Reading is only two or three minutes and you will be pressing the bell. I do not want that. Now, Sir, in principle my leader has already said that we are opposed to breach of any faith and, therefore, we have recorded whatever we stand for through the red-light. I want to record now

श्री शीलभद्र याजी आप जिसका खाते हैं उसका गीत गाते हैं

श्री डाह्याभाई पटेल. इनको आगरा भेज दो।

MR. DEPUTY CHAIRMAN Please continue

SHRI LOKANATH MISRA He is gradually becoming violent and insane and he should not be allowed here

SHRI PITAMBER DAS I strongly protest UP is not going to take him

SHRI LOKANATH MISRA All right Ranchi is his home State

SHRI BHUPESH GUPTA Do I understand that the Jan Sangh has provided too many inmates in Agra that UP cannot take him?

SHRI LOKANATH MISRA West Bengal probably has provided it. Let us not talk about States. Now, coming back to the Bill, the provision for compensation is not there. Mr. Gokhale, our eminent Law Minister, seems to take pride in the great achievement that he has made in not providing for compensation. He says that whatever would be given would be through transitory allowance.

SHRI H. R. GOKHALE I did not say that

SHRI LOKANATH MISRA Some sort of allowance to the smaller Princes. You can look into the record. He said that he would give some sort of allowance to the smaller Rulers. Now, that opens up, what should I say the floodgates to many underhand means. It would give a lever to the ruling party to try to pressurise all the smaller Rulers in order to join the ruling party. Therefore, it is all left vague. Leaving it vague is dangerous. The amount

of compensation that has to be paid should have been categorically specified saying that this is going to be the sum and that should have been provided in the body of the Bill. Not doing it is not in the interests of the country. It may be in the interests of the ruling party and it is definitely in the interests of the ruling party because that is going to be used as a lever. The Home Minister is now the Prime Minister and she would use it as a lever. Maybe she herself may use it or maybe she would use it through her agencies. That is a different matter, but that makes little difference. The chances are very strong that it would be used as a lever to pressurise all the Rulers in order to join the ruling party.

AN HON MEMBER No, no

SHRI LOKANATH MISRA And if they do not join, then there would be discrimination in the compensation, in the compensation, in the so called transitory allowance that is going to be paid. Therefore, I have my strongest objection to leaving it vague. It should be specified. It should be categorically known to the members of the House as to what is going to be the transitory allowance or the compensation or whatever it is. Let them categorically state it before the Bill is pushed through in the final stage.

SHRI DEV DATT PURI (Haryana) Mr Deputy Chairman, the hon Member who spoke against the Bill seems to think that we entered into a solemn agreement with the Princes and that we are going back on it. Nothing has been done.

SHRI BHUPESH GUPTA The funeral is there. Only let us go home.

SHRI DEV DATT PURI This complaint of the Princes that the treaties and covenants entered into with them are not being carried out goes back to the British times and I would like to read one small

letter which is very interesting. This has been written by the Maharaja Jam Saheb of Nawanagar to Sir Henry Craig making the allegation that during the Cripps negotiations, they had disregarded the covenants and treaties. Now, this is very interesting. They quote Lord Canning to say: "The safety of the British rule is not diminished by the maintenance of the native chiefs. In the mutiny these patches of native Governments served as a breakwater to the storm which would otherwise have swept us in one great wave." So, what the Princes are putting forward in their favour is that but for the Princes this country would have been free in 1857. They go on to say and they also quote Sir John Malcolm. They say "If we made all India into zilas" by which they mean "If the States were abolished."

"If we made all India into zilas, it was not in the nature of things that our Empire should last 50 years," if not less. "But if we could keep a number of States as royal instruments, we may be able to rule India as long as our naval superiority exists."

(Interruptions)

Now, Sir, the point is that this complaint that their treaties, their obligations and their covenants are not being carried out has been with us almost since time immemorial.

(Interruptions)

Sir, I support the Bill.

STATEMENT BY MINISTER RE LATEST SITUATION OF FIGHTING ON EASTERN AND WESTERN SECTORS

THE MINISTER OF DEFENCE/
रक्षा मंत्री (SHRI JAGJIVAN RAM)
Mr Deputy Chairman, Sir, this is my