

Bill, 1971

wait for the proper discussion on the Bill for taking over the management of the Coking Coal Mines. It is because it requires a certain amount of explanation, and I do not think this is the proper time to launch into that wide open ocean.

So far as the question of 'may' and 'shall' is concerned, I think both Mr. Thillai Villalan as well as my friend Mr. Lokanath Misra are aware of the fact that in the context of the Section it will be a matter for the court, before which Mr. Misra is always bowing his head, to decide whether 'may' is 'shall' or not. I leave it now to be argued in another place, or to get some lawyers to argue it. I do not enter into an argument with him. I can only say that the intention of the Government is certainly to see to it that the State Governments do not suffer as a result of a take-over of this character. It is the Central Government that has introduced this new Section 18A into the Act by virtue of this Clause 7 and I am sure the hon. Members will appreciate that we have not introduced it for the sake of the words contained therein but to see that the State Governments' interests do not suffer.

MR. DEPUTY CHAIRMAN. The question is :

"That the Bill be passed."

The motion was adopted.

THE PREVENTION OF INSULTS TO NATIONAL HONOUR BILL, 1971

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS/

गृह मंत्रालय में उपमंत्री

(SHRI F. H. MOHSIN) : Sir, I move that the Bill to prevent insults to national honour, as passed by the Lok Sabha, be taken into consideration.

Sir, I do not think it is necessary for me to give any detailed explanation as far as this Bill is concerned because, on numerous occasions, this House as well as the other House have expressed concern and indignation at the instances involving deliberate disrespect for our national symbols. Elements like the Naxalites, who have no faith in democracy and who want to destroy everything on which rests our national consciousness, have been indulging in such instances in an organised manner. Such instances are serious not only to occasion

disturbance of public order but also as threats to our national honour. We do not have at present any Central law to deal with such overt acts involving insult to our national symbols and they are the National Flag, the Constitution and the National Anthem. Only in Tamil Nadu there is an Act called the Prevention of Insult to National Honour Act, 1957 which deals with such matters. It is necessary that there should be a Central law on this subject on similar lines. We have therefore brought this Bill before the House.

Sir, Clause 2 of this Bill seeks to lay down punishment for those who in a public place burn, mutilate, defile, etc. the National Flag or the Constitution.

Similarly, Clause 3 seeks to lay down punishment for persons who intentionally prevent the singing of the National Anthem or cause disturbance to the singing of the National Anthem in an assembly engaged in such singing. We have to do everything to guard against all threats to our national honour, sovereignty and integrity, whether such threats emanate from outside or from some within the country. In this critical hour when serious threats are being held out by the military rulers of Pakistan, it is all the more necessary that we must prevent the occurrence of even minor instances [THE VICE-CHAIRMAN (SHRI RAJENDRA PRATAP SINHA) in the Chair.] which may give the impression that we are all not united to guard our sovereignty and freedom, and I have no doubt that this House will give its wholehearted approval to this Bill.

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal) : Sir, we are all for respect of the National Flag. We are all for showing due respect to all the symbols of our patriotic tradition, whatever may be our party affiliations. But this Bill seems to be creating a little confusion. It says "... brings into contempt (whether by words, either spoken or written, or by acts) the Indian National Flag or the Constitution of India or any part thereof..." Should the National Flag be put in the same category as the Constitution of India? I am raising this point.

Then, Sir, you will find "Comments expressing disapprobation or criticism of the Constitution or of the Indian National

Bill, 1971

[Shri Bhupesh Gupta]

Flag or of any measures of the Government with a view to obtain an amendment of the Constitution of India or an alternation of the Indian National Flag by lawful means, without exciting or attempting to excite hatred, contempt or disaffection towards the Government, do not constitute an offence....". Now, it is a strange explanation.

If I am exempt from punishment for criticism of the Constitution according to it, then there is the provision "...contempt or disaffection towards the Government....". The word "State" is not used. It is "...contempt or disaffection towards the Government, do not constitute an offence under this section." Now, this is how it is put. It requires to be explained.

I am not going into the question of the National Flag; I am not going into the question of the National Anthem. But I am concerned about the National Flag because we all accept it, whatever may be our views.

With regard to the Constitution these are the provisions. Our amendment proposes otherwise. Some may like the Constitution; some may not like the Constitution at all. As far as the National Flag is concerned, we all accept that as the Flag of the Nation and there is loyalty to it; it is a loyalty to our patriotic conscience. Can the Constitution and the National Flag be put on the same footing? —I should like to know. Suppose I launch very strong criticism against certain provisions in the Constitution and, in that connection, I also launch a very strong criticism against a very reactionary Government which may seek to doggedly stick to those provisions, am I then liable under the provisions of this Bill because it excites hatred or creates disaffection against the Government?

It is my inherent right to create disaffection against the Government; whether I shall do it or not depends on the policies of the Government. Suppose a right-reactionary Government is there. It is not only my right, but it is also my duty to create disaffection amongst the people against that particular Government. And if in doing so I refer to the Government, to certain aspects of the Constitution which I consider to be retrograde and out of

tune with the changing times, well, under this provision I am liable. I am surprised that the Government did not even consult all of us in settling an issue of this kind, and, in the name of protecting the National Flag and the national emblem or the National Anthem against defilement of any kind they are also bringing in the Constitution and putting it in the same category. How should it be? After all, our Constitution itself provides that it can be amended; now we are amending it time and again. There is a difference. Suppose you bring in a very wrong amendment to the Constitution. I can criticise the Government; I can even seek the overthrow of the Government which believes in reactionary amendments to the Constitution or opposes progressive amendments to the Constitution. Well, Sir, am I not creating disaffection against the Government? Then am I not liable for such a thing? It is not that the Constitution is eternal. Changes will have to be made in it and, in fact, 24 changes have already been made over the last 21 years or so since it came into existence. Then why this kind of attitude? This explanation is entirely wrong. They are bringing in the Government. Who are you to bring the Government in? Why should the Government come in here? No Government can be put directly or indirectly in the category of our National Flag or National Anthem. Now I find here there is an attempt, by interpretation it may be said, in effect it will be so, that the Government itself is put on the footing as the National Anthem or the National Flag. This is entirely wrong. I say these are the bureaucratic reactionary things. They should not do like this. Even the Congress Party may have to criticise the Government.

Have you not criticised your own Constitution very severely and very seriously? Suppose the Supreme Court makes an interpretation of the Constitution that interpretation stands. In 1967-68, in Golak Nath case, interpretation of the Constitutional power for amending the Constitution stood till the Parliament has changed the situation. Now if at that time I had criticised that provision of the Constitution, and if any Government wanted the Golak Nath case interpretation to remain as being the correct interpretation of the Constitution and if I had come out of this

Government and urged the people to vote against this Government, would I have been committing the same crime as I would have when I burn or show disrespect to the National Flag or the National Anthem? If for example, the Government wanted to stand by the Golak Nath case interpretation, I would be entitled at that time to create disaffection among the people, rouse hatred against the Government, rouse contempt and feelings against that Government in order that the Government could be defeated in the Elections and otherwise. Why, Sir, therefore, this kind of provision? I cannot understand this. It is wrong to put the Government in this category. Governments come and go. Even within the framework of the Constitution, at a given point of time, there may be one type of Government at the Centre and the other type of Government in the States. There may be liberal government at the Centre and in the States there may be extreme reactionary governments and vice-versa. Why are you doing like this? This only shows the lack of something in their heads.

I think the Congress Ministers never study anything nowadays. They do not read anything. They do not study the constitutional history and political history of other countries. In which country a provision of this kind is there where the National Flag is put in the same category as the attitude towards the Constitution and the Government, I should like to know. Which country? No country. Constitution is liable to be changed. This constitution should be discarded, that constitution should be discarded, this I am liable to say under the Constitution but I am not entitled to do something as a matter of moral duty and responsibility when it comes to the question of honouring the National Flag or the National Anthem. Why should it be there? I do not know how to argue. Shri Jawaharlal Nehru never thought of bringing such things in this manner. Perhaps some people had defied or destroyed the National Flag or burnt it. Surely, we are angry against them, you can take action against them in some way but not in a manner in which the Government is suggesting. After all it is the nation who has to look after the honour of the Flag and not the Act of Parliament. National Flag should be

something, should be a matter which should remain in our hearts and not the matter of some statute or police or court or police administration. Therefore, I do not know what to say with regard to this Bill. Whereas I have full sympathy as far as the other things are concerned that nobody should show disrespect to the National Flag or to the National Anthem, the way in which they are bringing forward such a constitutional change is incomprehensible.

Therefore, I would request the Government to hold itself over this to stop this discussion and surely this matter should be gone into more thoroughly and more deeply.

Then, Sir, it is not merely the question of National Flag or National Anthem. It is correct that we should not show disrespect to all that and along with that I want to bring in the sentiments and tradition of the fighting people. For example, I should not like to show any disrespect, if I may say so, to the Red Flag. That is not in the Party sense, but I am talking of the Red Flag that was unveiled in the last century when the workers were fighting for their rights. Now the working class have a feeling about that flag. The working people in their struggle against the rule of capital for their rights and interests have a feeling towards this flag in the same way as the nation has feeling towards its flag. These are the symbols for the millions of downtrodden humanity seeking to emancipate themselves from the tyranny of a class. That should be respected. I do not ask for a legal provision here but what is the attitude of the Government which is asking for this kind of a measure? I have known policemen and others disrespecting the red flag. When they fight the trade union movement they tear down that flag, defile it in a manner which is most objectionable and which would not be contemplated or thought of in any of the western countries which have any kind of democracy at all.

Then there are other symbols in our life. For instance the martyrs should be respected, both dead and alive; martyrs and patriots should be respected whether they are dead or alive. When the martyrs are no more with us, surely they should be shown respect; their memory should be

Bill, 1971

[Shri Bhupesh Gupta]

respected but we do not do such things. We have patriots who have fought the British, who have suffered imprisonment but are we showing respect towards them? Are they not living symbols? Ageing poor, stricken patriots of our country who have spent many years in prison, suffered torture and persecution in the hands of the British, must we not show our respect towards their contribution towards their suffering? We are doing nothing of the kind. It is a matter of shame that in most of the States some of the well known patriots are living in chill penury. Some of them are even suffering from hunger, do not even have a roof to live under. That is the position. Why are you not preparing a national register of all those who had fought the British and take care of them? If we can give compensation to the zamindars, to the princes and to the monopolists when we nationalise, why should we not look after these people? The nation should take charge of them. Therefore my suggestion is there should be an integrated approach to the whole tradition to the heritage of the nation to the patriotic heritage of the nation and not a piecemeal and perverted approach. If we believe in this then I would call upon the Government to direct the States to prepare—they should themselves also do it—a register of all those who had suffered under the British. We can collect materials about them, we can enquire about them and the conditions in which they are living and in deserving cases we should help them ungrudgingly. As you know we have done two things. A part of the Andamans cellular jail is now being maintained as a national monument as a result of our efforts. It is a good thing that this is being done. And we are giving financial assistance to those who were there ranging from Rs. 200/- to Rs. 350/- We have done a good thing. But what about others who have not gone to Andamans but who have suffered in Indian jails. Many of them are there, many from the Congress Party and other parties also but mostly they were Congress men at that time. They have also suffered and should we not look after them? How much will it cost you? I am told that Mr. Chavan one day told a delegation that it would cost about Rs. 50 crores. I cannot say whether it would cost Rs. 50 crores or so. That can be found out. We

have not made any assessment. We do not know the number, much less the names and the particulars of their requirements. Therefore I cannot say it. Suppose a few crores of rupees are needed for helping them. While so long as they are alive, while those who need it only will seek it—and we can see that only the needy get the help—how much will we require? Not very much.

SHRI AKBAR ALI KHAN (Andhra Pradesh) Many of them have passed away.

SHRI BHUPESH GUPTA You cannot give them pension. The only thing is you are alive and you are happy with Rs. 51 allowance, Rs. 500 salary, free telephone almost, free travel by rail, the patriots of today especially those who live in this domed House. They are the most privileged people. Let us not forget those who made this institution possible, whose suffering and sacrifice has given the Constitution, has brought into being the Republic and put you there. By the long chalk of history you have been put here by them. Let us not forget them. Let us be grateful to them. Let us remember them in all our efforts and in all our activities.

SHRI AKBAR ALI KHAN I am supporting you. Those who are alive are few. So, there should not be any financial burden. Also only those who are needy and who are suffering will take it.

SHRI BHUPESH GUPTA Sometimes I get confused because you are supporting for a long time the privy purse of the Nizam. That is all right. You have changed. Very good. Mr. Akbar Ali Khan is a very good personal friend. I do not misunderstand him but as you know he comes from Hyderabad. Hyderabad has its own tradition.

SHRI A. G. KULKARNI (Maharashtra) All the Hyderabad people are not for the Nizam.

SHRI BHUPESH GUPTA Some Hyderabad people somehow or other, cannot overcome the touch of the Nizam moral touch. I am talking about I am making the suggestion because I find that this matter is being mooted by the Government. I suggest that at the highest level may be the Prime Minister and she is the Home Minister also, they can call a meeting of the leaders and representatives of all the

parties to discuss the question as to how we can make provision for a kind of financial assistance to the needy political sufferers irrespective of the fact whether they have been in jail in the Andamans or elsewhere. We can lay down certain minimum criteria or standards for giving assistance to them. This is how we should do it. The national tradition is inseparable. You cannot respect the national tradition at one point and disrespect it at another point. You should take it as a whole and show respect. Then it becomes meaningful. It becomes respect coming from the bottom of our heart or from our conscience. You cannot just double march a nation under law to respect something in this manner. Once again I say that I am all for showing respect but equally to the constitutional provisions and other things which the Government have put. I have serious objection. I still ask the Government to reconsider the matter. The Government should not be put in the same category and the attitude towards the Constitution also should not be put in the same category as is sought to be done in this measure.

SHRI JOACHIM ALVA (Nominated) In the first place I must congratulate you in the Chair—you Shri R. P. Sinha. You rarely speak. That is a great privilege for Members like us. I was watching you when my hon. friend Mr. Bhupesh Gupta was speaking. You only rang the bell. You are like the Speaker of the House of Commons who does not speak. When I speak, they should not interrupt me please. I entirely support this Bill. When I support this Bill I am reminded of that famous woman, Madam Cama, who out of the folds of her Sari brought out the flag to India. In Bombay a road is named after her. Our National Flag was formed out of a great struggle. There was a lot of blood shed by the great patriots whom my esteemed and distinguished friend Mr. Bhupesh Gupta spoke about. We have done very little to enforce the will of the National Flag. I would like to tell one thing here. Mr. Deputy Chairman did not call me to speak yesterday on the Contempt of Courts Bill. I had a lot to say about it. I was hauled up for contempt of court. I also defended in the lower court one of India's greatest journalists, Mr. B. G. Horniman. He was dragged

to the Allahabad High Court by two European Judges for contempt of court. India's illustrious lawyer, the late Mr. K. M. Munshi, got him out of it. I want to say now at this stage. What about the contempt done by these judges towards the nation? I saw that with my very eyes at a cinema where perhaps Henry VIII was being shown. The present Chief Justice of India and his wife walked out of the cinema just before the National Anthem was being sung. It is a terrible dishonour to the flag. Believe me I am only telling the truth. I say only things which I see or which I read in the books or which my friends tell me. I was shocked by this incident. It happened barely three or four months ago. After the picture was shown the present Chief Justice who I know is a gentleman, Mr. Sikri.

AN HON. MEMBER: Where?

SHRI JOACHIM ALVA At one of the cinemas in Connaught Circus at the Odeon. He walked out. Later I mentioned this to the Law Minister, the Steel Minister and others. I have also written to somebody very high up. He did not have the patience to wait until the National Anthem was sung. My blood boils when I see people walking out of the cinema before the National Anthem is sung. I was going to be hit by some rowdies in a cinema in Bombay who walked out of the hall before the National Anthem was sung. I asked them, 'What do you mean by walking out before the Anthem?' I was furious at their conduct. And strangely enough two men came to my help. They were men from the Defence Services. When I see people in the cinema walking out before the National Anthem is sung, my blood boils. What about the hundreds of men, Punjabis and men from the south, from the east and from the west who are dying on our frontiers guarding them from Pakistan or China? They are fighting for the flag. When Mr. Tenzing went to the Everest along with Sir Hillary, the Australian, he planted our flag there. This law should have been brought forward much before. They should not have shown such laxity. It was Mrs. Indira Gandhi, not as Prime Minister but as the President of the Citizens' Central Council who brought forward a resolution that all the cinemas shall display the National Flag at the end and that our people should walk out only

[Shri Joachim Alva]

after that. I must say that I have been watching every cinema. I am very fond of good pictures. I go and watch the behaviour of the people, the crowd, how they walk in and walk out. In some of the cinemas in Delhi people stay to the end perhaps sensing the danger on our borders. Many educated people walk out, young couple walk out. This should not happen. If people walk out before the National Anthem is sung, they should be prosecuted and jailed. Unless we do that, we will not succeed. The National Anthem is being taught in our schools and colleges. We should enforce it. You will excuse me Sir—whether in China or USSR, if anybody does any insult to the flag, he will be in trouble. We need a flag, we need our own house, we need our own hearth and home and the flag is everything to us. A flag is a flag. So, I would beg of my friend, Mr Appan, of the DMK and others to see this in the larger interest of the country, whatever their local interest may be. In the larger interests of the country, we are under one flag, we are trying to have Hindi as our national language. The great North Korean dancers came here few days ago. I spent Rs. 10 twice when I could not get Rs. 5, to see them. They are very great dancers and singers, about 150 people came here, mostly women. I asked them, "You do not sing your National Anthem?" And they said, "All our songs are national anthems" and they gave me three plates of their national anthem. I wish you had seen their dances. Their music was grand, with 50 or 60 instruments. It is one of the greatest shows of the world with an excellent conductor. It was something very big. The Democratic Korean people along with the Chinese are fighting the American people who are trying to suvert their country. Most MPs missed something big when Koreans danced and sung here last week, especially when they turned in a mass our national anthems and songs.

The flag is everything to us. It is the flag that is uniting all the communities, it is for this flag so many people have suffered or died, as I have been at the Azad Maidan in Bombay.

So many young men and women perished for the sake of freedom in the great freedom movements of 1930, 1932

and 1942. They died for the National Flag. Our young men and women faced Lathi blows which were given to them by Europeans soldiers and policemen but they faced them boldly and courageously. Our great forefathers of the Indian freedom movement, headed by Maharani Jhansi, fought in 1857 for the Indian flag. I would like to remind, especially the people of Pakistan how many of their forefathers perished in India during the Mutiny when they fought the British. Some of them were burnt in line along with others.

As I said, Sir, there are people in the land who offend the national sentiment and walk out, willingly or unwillingly, deliberately or indeliberately, consciously or unconsciously, when the national Anthem is played in the cinema houses. We have got to punish them. It is time that this Bill came. Sir, must pay my tributes to the foreigners who come here; whenever National Anthem is played, they stand in perfect glorious attention and put to shame those who walk away. There are some boys and girls who walk away when the National Anthem is played in the cinema houses and other places. What to talk of others, when the Chief Justice of India, Mr Justice Sikri, who upholds the law, could walk away with his wife before the National Flag came up in a picture, around the life of King Henry the VIII, in a Connaught Place cinema house? If he could do so, I want to know what mentality do judges possess when they gave the great judgment against Bank Nationalisation or when they are opposed to the idea of taking over land for public purposes. I shall not say more about it.

Sir, I want to pay my tribute to the great Netaji Bose who held aloft the National Flag and also had a National Song which was sung by both Hindu and Muslim soldiers. We forget what Netaji had done. Netaji was one of the five or six causes for the freedom of India. The accession of Labour Party in power, the prior intervention during the war by President Roosevelt, over Churchill, the advocacy for Indian freedom by the Soviet Foreign Minister, Mr. Molotov at the San Francisco Conference and then, above all, the struggle for freedom by Mahatma Gandhi and Pandit Nehru, when the Quit India Movement was launched, these are about half a

dozen factors, right from 1857, which brought us freedom.

SHRI MANUBHAI SHAH (Gujarat) : Not President Roosevelt.

SHRI JOACHIM ALVA : Excuse me. You are a very learned man, I am sorry to say that. Please read relevant books. Then I come to the point which my friend Mr. Bhupesh Gupta, raised. I would like him to hear me on this point. Anybody is entitled to demand a revision of the Constitution, be he a child or a party or any sect. Anybody can demand the revision of the Constitution. But let us be clear about two points. I am standing before this table which is meant for every one and cannot be destroyed. So also is the life of the individual even if he be the worst enemy. An individual, a party or any religion are immutable. His or her life is sacred and morally great. I think Explanation 1 to Clause 2 allowing people to demand the change of the Constitution in a constitutional non-violent manner, as passed by the Lok Sabha, is fairly wide. Even if I am convicted or do something wrong, the Supreme Court or the High Court will consider an explanation, and looking at the Constitutional Explanation (1), shall come to our rescue. Here we cannot take any party view. I would like my friend, Mr. Subramania Menon, of the Communist Marxist Party to take a great view of these things and not to think of any party view. Anybody is entitled to demand a change in the Constitution whenever he likes. I remember, Sir, my own friends in my Party said that they did not like the Constitution to be changed. No the Constitution cannot be immutable for all times. We devised our Constitution 25 years ago. It was devised by people who were mostly lawyers. The times have now changed. Economic values have changed and socialism has come to play. The Russian Constitution has less than 14 clauses. The American Constitution has 30 or more clauses which I have not read. Our own Constitution has more than 300 clauses, too many, too many indeed. Only the lawyers and the Constitution-makers know what our Constitution contains. Therefore, it is time we made a smaller Constitution to which we can hang on for all time to come. Sir, unless we have respect for our National Anthem we shall put our

country down the drain. We can then keep our country very high, very high for our soldiers who fight for freedom and perish in the fight for freedom. Only when our Flag is kept very high, we can keep everything going. Thank you, Sir.

SHRI N. SRI RAMA REDDY (Mysore) : Mr. Vice-Chairman, I rise to support this Bill, the Prevention of Insults to National Honour Bill, 1971. In this Bill, for the purpose of "national honour" the National Flag, the Constitution and the National Anthem are directly involved, and indirectly the Government of the day has also been put in. I am without any reservations prepared to accept the law laid down for preserving the honour of the National Flag, the Constitution and the National Anthem. Sir, for any country, the national flag is not merely a symbol; it represents the honour of the country; it represents the mottoes of the country. Therefore, it shall be the duty of every citizen of a country to safeguard the honour and dignity of the national flag. This tradition of honouring the national flag and even fighting for it whenever its honour is at stake, has been handed down from one generation to the other probably for centuries, and for centuries this tradition has been kept up. It has been almost synonymous with the honour of a country. People fight for the national flag and thereby fight for the country. People die in millions and even in crores for the sake of the national flag. It is almost synonymous with the country it represents. Therefore, this tradition must be kept up. So, any indignity, any dishonour or any insult to the National Flag shall not be tolerated by anybody to whatever party he or she may belong. Of course, in our country we had been slaves for a thousand years and then under the aegis of the great organisation, the Indian National Congress, the sense of honour for the National Flag was revived. It has been there for a century now and slowly it is picking up its way. But, Sir, as we have seen in the past, in certain places in the name of politics or in the name of parochialism or some such petty things, attempts were made to dishonour the National Flag or to insult the National Flag. Such a Therefore, from that point of view, I well-situation should not be tolerated at all. come this legislation.

[Shri N. Sri Rama Reddy]

Similarly any attempt to dishonour the Constitution shall also be a crime and shall not be tolerated. The Constitution represents our life, our conduct, our behaviour, social, economic, political, and everything. Every citizen of the country shall swear by the Constitution, shall respect it and shall not dishonour it. But, Sir, as pointed out by my friend Mr. Bhupesh Gupta, why should the name of the Government be dragged in here? Explanation 1 says

'Comments expressing disapprobation or criticism of the Constitution or of the Indian National Flag or of any measures of the Government with a view to obtain an amendment of the Constitution of India or an alteration of the Indian National Flag by lawful means'

Therefore, if you want to alter the Flag or the Constitution by lawful means, the Government has no objection to it. I agree with Shri Bhupesh Gupta that government's name should not have been brought in here. Government is not a permanent thing. But certainly national flag is a permanent thing. It has to go down in the history for millions of years. We may have one government today and another tomorrow. Ours is not a totalitarian system. Anybody can try to pull down the government. Probably for that there are some other laws. But for this purpose government should not have been brought in and therefore the words "without exciting or attempting to excite hatred, contempt or disaffection towards the Government" should be removed from Explanation No. 1. Government can be dealt with in any way. Night and day everybody runs down the government wherever it suits him or her. But that does not mean that government is on par with national flag or national anthem. Certainly not. Therefore, I for one feel that these words should be removed.

National flag and national anthem are synonymous with the honour of a particular country. These must be respected at all costs. Our national anthem is sung in Bengali. That does not matter because it is one of our very important national languages. But in order to make our young boys and girls understand the entire significance of our national anthem, its meaning should be explained in every school and

other institutions. The significance of our national flag should also be explained to them. It must go into their conscience so that their conscience is not different from the national flag or national anthem. We should develop that kind of tradition. These must be something for people to worship, to do for and die for. These are two things for which every citizen of the country should live for and die for. Therefore, the meaning and significance of the national anthem and national flag should be made known to all the people in every part of the country. I agree with Shri Joachim Alva that the spirit of obeisance for the national flag is not here. Whenever national anthem is sung, the people in entirety are not giving that obeisance. We have to train our citizens how to respect our national anthem and national flag. Merely singing of national anthem in the cinema houses is not enough. People should be taught how to sing it and how they should conduct themselves when it is sung. It is of utmost importance that we should preserve the high honour and dignity of the national anthem and national flag. We should also see that our Constitution is also respected. Some people in the South started burning it. I do not know what action was taken against them. Our blood was boiling. Constitution is the representative of our life and conduct. Of course, attempts are made to amend it time and again. Of course, Sir, that is probably the progress of the life of the country. If changes take place, they do take place as they have taken place. 24 amendments to the Constitution have come into existence and probably it is the progress of life, it is our onward march and it is the march of the nation. The Constitution is amended. But the amendment of Constitution is one thing and respect for the Constitution is another. We must see that no citizen shall in any form whatsoever, insult our Constitution. That is also very necessary. We must develop it as a tradition and it shall be handed over to the next generation. In the most worshipful, emotional and perfect patriotic spirit these traditions have to be built up in our country. Our country is still young politically though it is an ancient country. Therefore, Sir, in the present stage when the development of the Constitution is taking place that consciousness has to be developed and you must see that it is the duty of every one

of us, every citizen of India to see that due respect and honour is rendered to our National Flag and to our National Anthem and to our Constitution. So, Sir, with the remark that the Government should not be dragged into this sort of explanation, I totally support the Bill. Thank you Sir.

श्री निरंजन वर्मा (मध्य प्रदेश) :

श्रीमन्, यह बिल एक भावनात्मक बिल है। इसमें राष्ट्र के प्रति यह भावना जगाने का यत्न किया जा रहा है कि अपने संविधान, अपने ध्वज और राष्ट्रीय गान के प्रति भावना जगे। राजनीति शास्त्र के जो विद्यार्थी हैं, वह वह जानते हैं कि ससार में ध्वज, संविधान और गान हमेशा बदला करते हैं। यह कोई नयी बात नहीं है और यदि यह भावना का ही प्रश्न है तो हमें आश्चर्य है कि 24 वर्षों तक सरकार ने इन भावनाओं को जगा कर उसे यथा स्थान रखने का प्रयत्न क्यों नहीं किया ?

आज से 24 वर्ष पहले भी इसी प्रकार की कुछ बातें थी और आज भी इसी प्रकार की बातें हैं। हमारे योग्य मित्र मोहसिन जी ने अभी जो आरम्भिक भाषण दिया उसमें उन्होंने कहा कि इस समय और भी आवश्यकता पड़ गयी है जब कि मिलिटरी द्वारा कुछ बातें तय होनी जा रही हैं, हमारा देश उलझ रहा है तो यह बात युद्ध के समय ही आपको याद क्यों आयी यह बात आपको पिछले पाकिस्तान युद्ध के समय याद क्यों नहीं आयी ? असली बात यह है कि जैसा हमारे बहुत से कांग्रेसी मित्र जानते हैं कि झंडे के पीछे एक इतिहास है और यदि केवल इसी झंडे के लिए सब ने बलिदान किया हो ऐसी बात नहीं है।

1957 में यह झंडा कहा था, 1912 में यह झंडा कहा था और 1905 में यह झंडा कहा था ? उससे पहले यह झंडा नहीं था। उसके पहले दूसरा झंडा था। और अगर इसी झंडे के लिए सारे त्याग की कहानी है तो बहुत से हमारे कांग्रेसी मित्र जानते हैं कि इस झंडे का स्वरूप पहले सांप्रदायिक आधार पर निश्चित हुआ था आल इंडिया कांग्रेस कमेटी में। हरे रंग का तात्पर्य मुसलमानों से था, पीले रंग का तात्पर्य हिन्दुओं से

था और सफेद का तात्पर्य दूसरी जातियों से लगाया गया था।

श्री शीलभद्र याजी (बिहार) : यह कही लिखा हुआ है ?

श्री निरंजन वर्मा : आप अपने भाषण में इसे सुधार दीजिएगा। और उसके बाद दो वर्ष तक काफी विवाद चलता रहा और उसके बाद यह मतलब निकाला गया कि हरे से मतलब शांति से है, सफेद से मतलब साधारणता अर्च्छा प्रणाली से है और पीले और लाल के मध्यवर्ती रंग से तात्पर्य ओज से है और उसके बाद वर्षों तक यही चलता रहा। उसके बाद इसी झंडे को जब बार-बार यहाँ पर और हमारे प्रदेशों में लाछिन किया गया, कुचला गया और जलाया गया तब इसकी किमी को याद नहीं आयी।

श्री कन्हैया लाल मणिकलाल मुर्शि बोपाल गये, उन सामने इसी तिरंगे झंडे को वहाँ पर रौंद-राद करके मिटाया गया। श्रीमति इन्दिरा गांधी जब भोपाल गईं, तब इनके सामने इसी तिरंगे झंडे को जलाया गया। उस समय किमी को जागृति नहीं हुई। यहाँ ही आज से छ वर्ष पहले चादनी चौक में तिरंगे झंडे को जलाया गया, तब क्या कोई भावनात्मक एकता जगाने का प्रयत्न किया ? तो जब इतने वर्ष तक सहन करने के बाद हमको लाते हैं तो हमारा ऐसा ख्याल है कि आप बहुत देर से जाग रहे हैं।

श्री शीलभद्र याजी : देर आयद दुस्त आयद।

श्री निरंजन वर्मा : और झंडा तो और भी देशों का बदलता रहता है। एक समय में युनाइटेड स्टेट्स आफ अमेरिका के झंडे में 13 स्टार्स लगे हुये थे और अब वह लगभग 51 के हो गये हैं। जैसे कि हमारा काम्स्टीड्यूशन है वह भी बदलता रहता है। यह नहीं कह सकते कि यह काम्स्टीड्यूशन रहेगा या दूसरा रहेगा या हम कुछ सुधार में हो जायेगा। जिस काम्स्टीड्यूशन के प्रति हमने वफादारी

[श्री निरंजन वर्मा]

की शपथ ली है जब हम राज्य सभा से जायेंगे तो कह नहीं सकता कि कौन सा कांस्टीट्यूशन रहेगा जिसके प्रति यहा जो नये व्यक्ति आयेंगे वे शपथ लेंगे ।

श्री शीलभद्र याजी जिसको संसद पास कर देगा उसके प्रति ।

श्री निरंजन वर्मा : कहने का तात्पर्य यह है कि कोई स्थायी हमारा आधार नहीं है, हमारा आधार बदलता रहता है । उसी प्रकार में नेशनल ऐथम है । हम काफी विचार करने के बाद भी नहीं समझ पाये कि नेशनल ऐथम किसको माने । जहा तक कि भावना का प्रश्न है, हमारे मित्र याजी जी इसका उत्तर देंगे, जब हम छात्र-जगत में थे और उसके पश्चात् कभी आन्दोलन करने को आगे बढ़ते थे तो बन्देमातरम् कहते थे और किसी एक महीने में ही जार्ज फिफ्थ साहब जब यहा आये थे और उनकी स्तुति में रवीन्द्र बाबू ने जो गान गाया था उसने बन्देमातरम् की जगह पर स्थान ले लिया । तो यह अन्तर हो गया । यह भावनात्मक एकता जगाने में कामयाब नहीं हुआ । बन्देमातरम् गाने के पश्छे इस देश के लाखों व्यक्तियों के बलिदान और त्यागमय जीवन की कहानी है, वह अपने जीवन की आहुतियां करते रहते थे तो वह भावनात्मक एकता का अधिक प्रतीक था ।

पंडित भवानी प्रसाद तिवारी (मध्य प्रदेश) : श्रीमन्, जरा मैं बीच में यह कहना चाहता हूं कि यह बात गलत है कि रवीन्द्र बाबू ने यह गाना जार्ज फिफ्थ के यश में गाया । यह बात गलत है ।

श्री निरंजन वर्मा : श्रीमन्, मैं बहुत ही नम्रतापूर्वक अपने आदरणीय और स्नेही मित्र श्री तिवारी जी को सुधारना चाहता हूँ । अभी यहा मेरे पास वह उपलब्ध नहीं है, लेकिन मैं उन्हें आगे बना दूंगा कि उसके ऊपर कितना क्रिटिसिज्म हुआ है और स्वयं

इस गीत में जो शब्द हैं उनसे भी वह ध्वनित होता है और वह स्वयं भी जानने होंगे, उनके हृदय में तो यही बात है ।

पंडित भवानी प्रसाद तिवारी : आप बता देंगे तो हम भी आपको बता देंगे । मैं निराधार बात नहीं बत रहा हूँ । इस पर एक विवाद चला और अन्त में जाकर जो लोग इन स्थितियों को बगल में जानते हैं, उन्होंने अधिकार पूर्वक यह घोषणा की है कि रवीन्द्र बाबू ने यह गान किसी विदेशी राजा के यश में नहीं गाया ।

श्री निरंजन वर्मा : श्रीमन्, किसी के कहने साव में तो हम यह नहीं मान सकते, देखें बाबू ने यह कहा कि हम यह मान लें । अब देखिये, भारत भाग्य विधाता—कोन हो सकता है या तो ईश्वर हो सकता है या राष्ट्र और भारत तो भारत के भाग्य का विधाता नहीं हो सकता । हम यह बता देते हैं ।

पंडित भवानी प्रसाद तिवारी : आप तो खुद कह रहे हैं कि भारत-भाग्य विधाता ईश्वर हो सकता है और ईश्वर की कल्पना हमारे यहा जन-गण-मन की है जो ईश्वर है, वह समस्त जनता जो है वही ईश्वर है ।

श्री निरंजन वर्मा : श्रीमन्, ईश्वर जो है वह संविधान में कही नहीं गया है बेलारा । संविधान में अगर आप यह भावना रखते तो ईश्वर शब्द भी आ जाता ।

पंडित भवानी प्रसाद तिवारी : देखिए, आप विवाद को ऐसा लम्बा कर रहे हैं । जो शपथ यहा लेते हैं उसमें भी इस तरह की स्थिति है कि ईश्वर के नाम पर ली जाय ।

THE VICE-CHAIRMAN (SHRI RAJENDRA PRATAP SINHA) : Order, order please. Let him continue.

श्री निरंजन वर्मा : माननीय उप-सभाध्यक्ष जी, शपथ लेने जो आने हैं उनके लिये भी आवश्यक नहीं है कि ईश्वर के नाम पर शपथ ले, इसलिए जो ईश्वर को भाग्य विधाता के रूप में मानते हैं वह बात तो गलत पड़ जाती है ।

अब, श्रीमन्, इसमें एक बात और भी है कि इसमें जब कि सब चीजों का समावेश किया तो सिम्बल को क्यों छोड़ दिया। आज भारत सरकार का जो सिम्बल है। उसके लिये भी हमने ऐसी घटनाये देखी है और मुनी है कि उसको भी ट्रिम्पल किया है और लोम करने रहते हैं। उसको छोड़ देने का क्या कारण था। तो मैं बिलकुल आदरपूर्वक किन्तु दृढ़तापूर्वक कहूंगा कि यह बिल अत्यंत अपूर्ण है, 24 वर्ष के बाद बिल लाये भी तो इस बिल को लाने में उतनी दृढ़ता से काम नहीं लिया गया, जितने में शासन को लेना चाहिए था। और उसमें कानूनी त्रुटिया भी हैं। हमारे योग्य मित्र मोहम्मिन साहब एक एडवोकेट भी हैं, हम उनसे पूछना चाहते हैं कि वह बताये कि उन्होंने यह जो इसमें लिख दिया है।—

'The expression 'Indian National Flag' includes any picture, painting, drawing or photograph or other visible representation of the Indian National Flag, or of any part or parts thereof, made of any substance or represented on any substance.'

और हम संविधान की कापी के फोटो लेकर जला दे तो उसका उपाय क्या है। मिनिस्टर साहब वकील है, तो वकील की तरह इसका उत्तर दे। हम संविधान की शपथ लेते हैं, अगर हम संविधान की फोटो छाप कर जला देते हैं तो आप क्या कर सकते हैं? यूकननोट इंग्लीशिंग।

इसी तरह में इसमें और भी गलतिया हैं। इसमें पब्लिक प्लेस को आपने कहा पब्लिक प्लेस की आपने वह डेफिनिशन बताई है कि—

The expression "public place" means any place intended for use by or accessible to the public and includes any public conveyance.

मैं पूछता हूँ कि अगर भावना जगाने का प्रश्न है, तो अगर किर्मी कुटुम्ब का एक व्यक्ति आंगन में 50 आदर्मी टकट्ठा करके निरंगे ल को जलाता है तो क्या आप कुछ कर सकते

हैं? उसमें आप कुछ नहीं कर सकते हैं? यह कानून निरर्थक हो गया। उत्तर दे कोई एडवोकेट महोदय इस बात का। इसलिए मैं दावे के साथ कहता हूँ कि यह कानून अपूर्ण है। यह कानून बनाने समय यह क्यों नहीं सोचा गया कि पब्लिक प्लेस हो ही। अगर घर में जलाया गया तो क्या होगा? क्यों घर में जलाने की आपने छूट दे दी। इसलिए, श्रीमन्, इसमें बात यह है कि उनके हृदय में चोर घुसा है, डर है। वह डर इस बात का है कि अगर मान नॉजिंग, अगर सिम्बल की बात कहने है, तो यहाँ मन्थमेव जयते लिखा है, अगर किसी ने दूसरा गवद लिख दिया, इस डर में यह नहीं लागू। उसी वजह से अगर कोई अपराध होने है तो उन अपराधों को रोक पाने में आप सक्षम नहीं हो पाते हैं।

श्रीमन्, यह देश मदैव ईश्वर को मानने वाला देश रहा है। इस देश में जब ईश्वर के ऊपर प्रहार होने हैं, आदर्शियों की धार्मिक धृष्टाओं पर प्रहार होता है, तब यह सरकार कानून नहीं बना पायी। महात्मा गांधी की फोटो को जलाया गया, जवाहरलाल जी का चित्र फेंका गया इस प्रणामन में। अगर दूसरे प्रणामन में ऐसा हो तब तो कोई ऐसी बात नहीं है। लेकिन कांग्रेस पार्टी के प्रणामन में कांग्रेस के उच्चतम गुणी नेताओं को यह नहीं बचा सके तो हम समझते हैं कि इस प्रकार से इस कानून को जो लाया गया है, मैं बहुत नर्मता के साथ निवेदन कहूंगा कि लगे लगे कानूनों को लाने में कोई फायदा नहीं है। यह कानून जब कोर्ट में चलेगा होगा तब उसमें परिवर्तन करने की बात फिर से आएगी और उसमें चार छ वर्ष निकल जायेंगे। वह भावनात्मक एकता की बात अपने बन्ते में बची रह जायगी और आप कानून में मशौघन करने रहेंगे। संभवतः उस समय कोई दूसरा बिल कास्टीट्यूशन का आ जाय; क्योंकि । तरह आप यह कास्टीट्यूशन बदलते-बदलते गए हैं जैसे चरगोश में कर्ब; रोड़ा

[श्री निरंजन वर्मा]

वन जाए, उस समय आपकी कैसी दशा हो जायेगी हम नहीं कह सकते हैं।

श्री शीलभद्र याजी : इतना धराशायी होने पर भी आपकी यह हिम्मत होती है बोलने की।

SHRI K. P. SUBRAMANIA MENON (Kerala) : Mr. Vice-Chairman, Sir, I stand here to oppose this Bill. In the name of protecting our national honour the Government has brought a very draconian measure which could be used to arrest and harass anybody in this country for criticising some aspect or other of the Constitution or some other thing. Now, Sir, the entire premise on which this Bill is drafted and brought forward is absolutely wrong. What is a nation? After all, the basic honour of the nation depends on its people. And if its people are starving, if its people are ill-housed and ill-clothed, what honour is there? If 60 per cent of our people cannot get a square meal a day and have to live on less than 50 Paise per day, what honour can you talk of? If this Government has to go from country to country begging for foreign aid, what honour is there? The whole premise is wrong. The biggest symbol of our country, our people, they are suffering, have no honour, nothing, and you bring in a Bill to protect some imaginary honour, which is not in existence there and which this Government cannot protect.

Sir, I heard a lot of hypocritical nonsense being talked here about this thing and feeding us...

SHRI SHEEL BHADRA YAJEF : You are saying nonsense.

SHRI K. P. SUBRAMANIA MENON : Of course whatever I talk will be nonsense to you. The point is, can you enforce such an honour for our national symbols, etc., through the police baton? Now Mr. Alva was saying that young people just get away from the cinema hall when the National Anthem is being played. Whose mistake is it? If the young people do not feel that they do not have to honour the National Anthem, can all the police batons in this country enforce it? I challenge this Government. Can they enforce it? You just cannot do it. This is a sort of thing which you are unnecessarily putting on the Statute Book and it just cannot be enforced.

Here it is said that you cannot criticise the Constitution that you cannot incite disaffection and all that. This is an unheard of legislation. Now what is this Constitution? We have to criticise it.

Somebody was saying that teachers must be asked to teach students to respect the Constitution. But what do the teachers get out of the Constitution? They go on strike for six months and the Constitution says they have no right; only the management has got the right. Now do you expect those teachers to have any respect for that Constitution? And do you expect the same teachers to teach the students to have respect for the Constitution? How can you? You have to live in a real world. Why should we fool ourselves with these imaginary things? I do not understand

Then, here it is stated "... the Constitution of India or an alteration of the Indian National Flag by lawful means without exciting or attempting to excite hatred, contempt or disaffection towards the Government...". I just cannot understand this. I am going to incite disaffection against the Government. That is my job here and I will continue to do it, whether you have got this law or not. And it is my job to incite disaffection against this Constitution which denies basic human rights to millions of our people which protects the black marketeers and food adulterers, and I will not have any respect for this Constitution, and it is my duty to tell people that this Constitution should be thrown into the Arabian Sea and we should have another Constitution. And if in doing that I have to incite people I will do it whatever may be the consequences because, after all, the situation has come to this that we cannot go on saying "Have loyalty to the Constitution" and such hypocritical things and then ask the people to fight for better conditions. People cannot get better conditions as long as this Constitution is there.

Then there is another funny thing in the drafting; the drafting is always very bad. If I do something by lawful means and if in doing so I excite or attempt to excite hatred, contempt or disaffection I am liable. What is wrong if I do a thing lawfully? Here it says "...an amendment of the Constitution of India or an alteration of the Indian National Flag by

lawful means....". If I do it by lawful means, whatever be the end results, you have to put up with it. You cannot say that I did a thing lawfully and in doing so I excited or incited people against the Constitution. This is absolutely wrong. This is a contradictory thing and this whole thing should be dropped.

Then, in the second Explanation it says "The expression 'Indian National Flag' includes any picture, painting, drawing or photograph." Supposing a child's notebook contains the picture of the National Flag and another child goes and starts chewing it then the whole thing can be prosecuted. Therefore, this sort of thing would not do. There should be some sort of general thing for a very gross contempt to the National Flag; for such a thing you can have some sort of punishment. But here it is said "exciting any disaffection to the Government....". ..(Interruption).. Therefore, Sir, I say that this is not going to protect our national honour. Therefore, Sir, I say that these things are not going to protect our national honour. National honour can be protected only by the Government, doing good things and right things and by improving the standards of living of our people, by making the youth realise that this nation and this country is in a position to give them human dignity. It is in a position to give them work, food etc and this sort of thing cannot help at all in making our national honour.

*SHRI S. SIVAPRAKASAN (Pondicherry): Mr. Vice Chairman, in supporting the Prevention of Insults to National Honour Bill, 1971, I would like to express my views.

The most important things for a country are the National Flag, the Constitution and the National Anthem. Everybody knows that a country is called a great country only if the people of that country give due respect and support to these three things. In the foreign countries due respect is being given to these things. I realise that the Government are bringing forward this Bill because in our country respect to these three things had dwindled. We should understand that it is not due to the people's disrespect but it is due to ignorance on the part of the people. It is our duty to remove this ignorance of the people and make them

*Original speech in Tamil.

give respect to these things. It is perfectly correct to take action against these who deliberately show disrespect to these things.

Firstly, let us take the National Flag. Everything should be kept in its proper place and then only it gets the respect which is due to it. Sandal should not be used indiscriminately and wherever you want simply because it is sandal. Then it loses its value. The same thing applies to the National Flag. Although certain instructions have been given regarding the use of the National Flag as to when and where it should be hoisted, they have not been followed correctly. Some partymen are freely using the National Flag out of sheer ignorance could not distinguish between the party flag and the National Flag. As a result of this sometimes disrespect is shown to the National Flag. To substantiate my point, during the last elections in Tamil Nadu, for the sake of political gain, some partymen freely used the National Flag along with their party flag. That is why the National Flag is not given the respect which is due to it. At that time we had pointed out this and condemned it. Therefore, if the National Flag has to be given due respect, necessary action should be taken to restrict the use of it by persons belonging to a party.

Secondly, there is the Constitution. The Constitution deserves more attention in this country than in other countries because our country is a multi-language and culture country consisting of various classes and creeds. The Constitution which caters to the needs of everybody will work well and will be great. If the Constitution adversely affects a particular class of people then we should not hesitate to amend it. If it is not done, we ourselves be held responsible for inciting them to disrespect to the Constitution. If such a drawback is brought to the notice of Government, the Government should not ignore it but should set right the defects. If it is necessary to amend the Constitution then the Government should not hesitate to amend it. In this manner only we can get the co-operation of all the people.

Lastly, I would like to say a word about the National Anthem. The people I have not correctly understood the impor-

Bill 1971

[Shri S. Sivaprakasam]

ance of the National Anthem In the cinema houses daily in every show the National Anthem is being played. There we find only a few persons giving respect the majority do not give any respect to it. This is not a deliberate mistake. The ignorant people do not understand the importance of it. I feel that the provisions of this Bill should not be applied in such cases on the ground that disrespect has been shown to the National Anthem. It is not proper also to enforce it there. If the Government feel that this Bill should be enforced, then I request the Government to stop the playing of the National Anthem in the cinema houses.

With these observations I support the Prevention of Insults to National Honour Bill 1971.

I thank You

SHRI PRANAB KUMAR MUKHERJEE (West Bengal). Mr. Vice-Chairman, Sir, I support this Bill but while supporting the Bill I would like to say a few words. It has been rightly pointed out by some hon. Members that out of ignorance and out of mischief many times our national anthem and our national flag are not properly honoured. It is really a tragedy that in our country we are less national and more cynical, and it is a matter of regret that the Government has to bring a Bill like this after 20 years of independence. This clearly indicates that the Government has failed to rouse nationalism amidst the people, the Government has failed to rouse the necessary enthusiasm and respect towards our national emblem including the national flag and the national anthem. Mr. Vice-Chairman, Sir much has been said about the common people showing disrespect to national anthem played at the end of the cinema show or at the last session of all India Radio. But I can cite one instance in which not the common people, not the ignorant ordinary citizens of the country but certain high-ups in the society, certain top officials of the Government were concerned. It also came in the papers. For three months on the top of the Calcutta High Court a national flag was being flown

being flown on the wrong side, and it took three months for the Chief Justice of the Calcutta High Court to change the flag. It was only when some letters were written in the Press their attention was drawn towards this. It is indeed regrettable if this Bill aims to punish even those high ups for their negligence—I would not know because they know it but they do not care to attend to it—if this Bill could bring some sense in those high ups in society I would welcome this Bill.

But in Explanation I one thing has been stated which I think is dangerous and which gives a long rope to the Government. It should be carefully considered. It has been stated in the Explanation that nobody will be allowed to say anything that would incite hatred against the Government. Why not? If a military Government comes to occupy power, if a counterpart of Yahya Khan takes over and abrogates the Constitution, and if this law is on the statute book why should I not be allowed to incite the people against the military junta in charge of the Government? I do not find any reason why the Government should be kept beyond criticism. I do not see any reason why I should not be allowed to urge for a total change of the Constitution. If the Constitution stands in the way of progress, if the Constitution stands in the way of welfare why should I not demand that there should be a change of the Constitution lock stock and barrel? The Constitution is meant for the welfare of the people, for protecting certain democratic fundamental rights of the people. If I think that the Constitution has failed to keep up with the changing times I do not see any reason why I should not be allowed to raise public opinion against the Constitution which is standing in the way of people's welfare, against the fulfilment of people's aspirations. Therefore, I vehemently oppose this provision. The Government should not be allowed, under any circumstances, to keep out of criticism. With these words, I welcome the Bill. I hope at the same time that the Government will utilise the provisions of the Bill with caution, so that taking the opportunity given by this Bill their political opponents

5 P.M.

**STATEMENT BY MINISTER RE AIR
INTRUSIONS BY PAKISTANI AIR-
CRAFT NEAR BOYRA ON 22ND
NOVEMBER, 1971**

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE/रक्षा मन्त्री (SHRI VIDYA CHARAN SHUKLA) : Mr. Vice-Chairman, hon. Members are aware of the air intrusions that took place yesterday in the afternoon near Boyra about 30 miles North-East of Calcutta.

Details of the interception action taken by our Air Force are now available. Four Pakistani Sabres were seen approaching our border at about 1449 hours. A mission of four Gnats was ordered to intercept them. The Pakistani aircraft intruded about 5 kilometres into Indian air space. They were successfully intercepted at 1459 hours and chased away. In the engagement that took place, three of the four Sabres have been shot down. The Pakistani pilots baled out. Two of them, Flt. Lt. Parvez Mehdi & Flg Officer Khalil Ahmed, are in our custody. Our Gnats sustained no damage and returned to their bases safely.

The I.A.F. pilots who shot down these Sabres are :

Flt. Lt. R. Massey.

Flt. Lt. M. A. Ganapathy.

Flg. Officer D. Lazarus.

SHRI B. T. KULKARNI (Maharashtra) : Mr Vice-Chairman, please convey our congratulation to the Air Force and the Defence Forces.

SHRI SITARAM KESRI (Bihar) : I am told that Pakistan has declared an emergency. I would like to know the reaction of the Government to it.

SHRI M. N. KAUL (Nominated) : It is not relevant at this stage.

SHRI VIDYA CHARAN SHUKLA : It is not relevant.

SHRI BHUPESH GUPTA (West Bengal) : They have declared an emergency. I would like to know whether the Government has any information. We are

also being told that something has been taken by Pakistan to the Security Council. I would like to know whether we have been given proper instructions to our representative at the UN that the Security Council has no business in this matter unless it stops Pakistani aggression which they are trying to do. They have no business in this matter. The thing is this. This provocation may be part of their plan to attack—I do not know—to involve the Security Council by some kind of provocative action. I hope our Government has taken that aspect of the matter into consideration. We shall not allow this kind of thing to be converted into their thinking always like an Indo-Pakistan issue. I do hope that these intrusions and other things will not deter India from rendering all possible assistance to the Bangla Desh liberation forces. I think we can stand our guard and render assistance. As far as I am concerned, I would like Bangla Desh to be recognised, but since the Government has not come to the conclusion of giving recognition yet, I do not bring in this issue at the moment. I am for recognition, but as far as the assistance is concerned, these things are meant to deter you. I think we should think about nothing short of massive assistance to the liberation forces. Give it openly and tell the world that we are giving assistance for a noble cause. That is how we should react to the Pakistani aggressive actions.

SHRI DWIJENDRALAL SEN GUPTA (West Bengal) : I came only this morning from the affected area. I had been to the borders also. I know that there is a sense of panic. The people of the border areas, the Indian people, are always thinking of an air raid by Pakistan. Therefore, I want to know from the Minister whether there is any arrangement to give air cover to the border areas. There, our border is quite big and large. It is by accident that we have been able to capture three of the jet planes. There have been 90 times air violations by Pakistan. We could not do anything; they came and went. So, what are the arrangements for air cover in the border areas? I want to know how many jet planes they have in East Bengal.

SHRI N. SRI RAMA REDDY (Mysore) : Sir, we on this side associate ourselves with the congratulatory message that was proposed by the Leader of the