

AMENDMENT TO CONSTITUTION

*440. SHRI KRISHAN KANT.-f SHRI
ARJUN ARORA :
SHRI RAJENDRA PRATAP
SINHA : DR. SALIG RAM :

Will the Minister of LAW AND
JUSTICE/ विधि और न्याय मंत्री
be pleased to state :

(a) whether it is a fact that a subcommittee of the Cabinet has been formed to finalise certain amendments to the Constitution which are essential for implementing the various programmes to achieve the goal of economic and social justice;

(b) if so, the details in this regard; and

(c) the time by when Government propose to introduce a Bill in this regard in Parliament?

THE MINISTER OF LAW AND
JUSTICE/ विधि और न्याय मंत्री
(SHRI H. R. GOKHALE): (a) No, Sir.

(b) and (c) Do not arise.

SHRI KRISHAN KANT: May I know if the Cabinet Sub-Committee is not functioning, whether the Government itself is not thinking of amending the Constitution to achieve economic justice...

SHRI H. R. GOKHALE : Sir, whatever goes on in the Cabinet is in its very nature secret and that is why the answer is given.

SHRI KRISHAN KANT : Let me put my question. The question is this. Mr. Chairman, my question is not about the proceedings of the Cabinet or the Sub-Committee, but whether the Government is thinking or not on those lines. I have based my question or reports in the press that a Cabinet Sub-Committee consisting of Mr. Gokhale, Mr. Mohan Kumaramangalam and Mr. Siddhartha Shankar Ray is looking into it.

fThe question was actually asked on this floor of the House by Shri Krishan Kant.

My question was based on a Press report. All right, if he does not like the word "Cabinet", may I know, Sir, whether the Government is thinking of bringing forward a comprehensive Constitution (Amendment) Bill so that they could pursue the programme to achieve the goal of economic, social justice? If so, what are the various articles that they would like to amend? What are the changes they would like to have? What are the various objectives they would like to achieve? May I know whether the Government is clear about it?

SHRI H. R. GOKHALE: By asking this question in this way, again my friend is asking for the same information. The Government is thinking in that direction. What are the articles and in what way they are to be amended is not a matter which can be replied here.

SHRI KRISHAN KANT: My second question is—I do not know why there should be this talk—the A.I.C.C. has passed a resolution. The Government has considered many times in this House as to what are the various articles standing in the way. The Golaknath case is there. I do not know why the Government is shirking. May I know why the Government is not thinking of bringing forward another Bill like the one brought forward by Mr. Nath Pai or another Bill to abolish privy purses again? If they want to do so, by what date do they propose to bring forward that Bill?

Secondly, Sir, may I know whether the Government considers that merely by passing the Constitution (Amendment) Bill things will not be solved unless the human content of the judiciary is changed, as it was pointed out in Mr. Setalvad's book as to how Mr. Subba Rao behaved in the Golaknath case.

MR. CHAIRMAN: Do not mention names.

SHRI KRISHAN KANT: The human element of the judiciary is such...

DR. BHAI MAHAVIR : How many questions will he put?

SHRI KRISHAN KANT: Why is he trying to defend Mr. Subba Rao?

DR. BHAI MAHAVIR : I am only asking how many questions are to be allowed.

SHRI KRISHAN KANT : I am asking only 50 per cent, of the questions put by you.

DR. BHAI MAHAVIR: You are against monopoly. But here you have monopolised the Question Hour. Last time you wasted the whole Question Hour on Mr. Chandy and we did not get any opportunity. Is there no limit on a question? He! is unnecessarily wasting the time. I only wanted to know from the Chairman whether there is any time limit.

SHRI KRISHAN KANT: I know why you are getting impatient. It is because your pockets are touched.

DR. BHAI MAHAVIR: Sir, I will seek your protection. Is any hon'ble / Member entitled to make such a charge? He has said that "your pockets are touched", and therefore, I am asking such a question. Sir, I seek your protection.

MR. CHAIRMAN: Mr. Krishan Kant, such a remark is uncalled for.

SHRI KRISHAN KANT: Your pocket is already touched.

MR. CHAIRMAN : Mr. Krishan Kant, you are mentioning names. Please shorten your question.

SHRI KRISHAN KANT: May I know, Sir, whether the Government also considers that the human content of the judiciary is not important. . .

SHRI PITAMBER DAS : What is the harm if anybody wants to save his pocket from the pickpockets? What is bad about it if I want to save my pocket from a pickpocket?

MR. CHAIRMAN : Please do not talk of pockets here.

SHRI DAHYABHAI V. PATEL: The House should know that the pickpockets have been exposed more than once in this House. The pickpockets are sitting opposite. I have said that half a dozen times.

SHRI KRISHAN KANT : The social, political and economic pickpockets are on that side. . .

MR. CHAIRMAN: Mr. Krishan Kant, do not use that expression. This is not proper.

SHRI H. R. GOKHALE: If you consider the question which is asked, all these are really outside the purview of the question. But, as I have already stated, the Government is fully aware of the implications arising out of the Golaknath case. It is conscious of the difficulties arising thereby and we are seriously considering the question. I do not think by such questions anything can be disclosed.

MR. CHAIRMAN: Mr. Rajendra Pratap Sinha.

SHRI RAJENDRA PRATAP SINHA : I am not putting my question.

SHRI K. CHANDRASEKHARAN: May I know whether the Government are aware that the difficulty created by the decision in the Golaknath case cannot be resolved by any amount of Parliamentary legislation relating to Constitutional amendment? And, therefore, a Constitutional (Amendment) Bill taking away property rights, which the nation is waiting for, has got to be preceded by a legislation pertaining to the working and the functioning of the Supreme Court.

May I know whether the Government is thinking in terms of amending sub-articles (3) and (5) of article 145 of the Constitution to work forward in this direction?

SHRI H. R. GOKHALE : Sir, I think this question, with due respect to the hon. Member, is very involved, because it deals with several aspects of one matter. As I have said, Government is not aware that the Golaknath case difficulty cannot be solved by a Constitutional amendment. As to how it can be solved is under consideration. So, as I said, any further discussion as to what steps the Government will actually take cannot take place here. The rule is quite clear.

SHRI K. P. MALLIKARJUNUDU : Sir, the Government has stated that it is going to bring forward certain Constitutional amendments. I want to know whether they contemplate the procedure adumbrated in the Constitution or they want to convoke a separate Constituent Assembly as propounded by the Golaknath case judgment.

SHRI H. R. GOKHALE: Sir, the same answer will apply. In fact, the hon. Member would like me to tell in

what way the Cabinet is thinking and in what direction. All I can say is that the Cabinet is thinking of all possible alternatives.

SHRI KRISHAN KANT: On a point of order, Sir.

SHRI K. CHANDRASEKHARAN : On a point of order, Sir. It is a very important point of order. Sir, it is one thing as to what the Cabinet is thinking or what the sub-committee of the Cabinet is thinking. But certainly it is another thing as to what the Government is thinking in the matter. The Government must have a thinking on the matter because I am sure that of all the parties in this country, the ruling party had gone to the elections on this basis and won the elections on this basis. I am not holding a brief for the ruling party, but certainly I appreciate this sentiment of the ruling party. Therefore, Sir, you should direct the hon. Minister to take this House into confidence as to in what way the Government is thinking in the matter.

MR. CHAIRMAN: Now, when he said the Cabinet is thinking, did not he mean the Government is thinking?

SHRI H. R. GOKHALE : Sir, decisions are taken by the Cabinet on behalf of the Government.

SHRI KRISHAN KANT: Sir, my point of order is, Mr. Mallikarjunudu raised a valid point whether the Government is thinking of convening a Constituent Assembly and whether the Constitution provides for the calling of a Constituent Assembly or not.

MR. CHAIRMAN: That cannot be a matter for question.

SHRI K.

CHANDRASEKHARAN:

Are we to take it that the position is static and the Government is not thinking over the matter?

MR. CHAIRMAN : Please sit down. Mr. Parthasarathy.

SHRI R. T. PARTHASARATHY: Before arming itself with such powers as may be necessary to amend Fundamental Rights in order to bring about social justice and economic change, may I know whether the Government would take shelter under article 143 of the Constitution and advise the President to

refer this crucial and controversial issue to the Supreme Court, before bringing forward any such legislation before Parliament?

SHRI H. R. GOKHALE: Sir, of all the alternatives which the Government will consider, this also will be one.

SHRI CHITTA BASU : May I know from the hon. Minister by when the Government intends to bring forward proposals with regard to amendment of the Constitution, because, as has been pointed, the Government is committed to bring about certain amendments in the Constitution in view of the necessity of bringing about social and economic change? I would like to know whether the Government can give some indication as regards the time when the Government proposes to bring forward legislation of that nature.

SHRI H. R. GOKHALE: Sir, although it is not possible to indicate the exact date, I can assure the hon. Member that the Government is aware of the urgency of the question and it is looking at it from that point of view.

MR. CHAIRMAN : Next question.

INDUSTRIAL UNITS IN JOINT SECTOR

*441. DR. SALIG RAM :†

SHRI KRISHAN KANT:

SHRI CHITTA BASU :

SHRI ARJUN ARORA:

SHRI RAIENDRA PRATAP
SINHA :

Will the Minister of
/ औद्योगिक

INDUSTRIAL
DEVELOPMENT.
be pleased to state :

(a) whether Government have taken any decision regarding the setting up of industrial units in the joint Sector; and

(b) if so, the details thereof?

THE DEPUTY MINISTER IN THE
MINISTRY OF INDUSTRIAL DE-
VELOPMENT/ औद्योगिक विकास मंत्रालय

श्री सद्देश्वर प्रसाद (SHRI SIDDHESHWAR
PRASAD) : (a) and (b) A statement is
laid on the Table of the House.

†The question was actually asked on the floor of the House by Dr. Salig Ram.