

तो इन सारी बातों को सोच कर इस बिल की तरफ हमें देखना चाहिये और मुझे उम्मीद है और मिस्टर भूपेश गुप्त से मेरा नम्र निवेदन है कि जिस तरह से भारत सरकार इस समस्या का लेकर आगे बढ़ रही है उसको देखते हुए अपना बिल वापस ले लें।

THE ENGINEERING GRADUATES
AND DIPLOMA-HOLDERS (TRAIN-
ING AND EMPLOYMENT) BILL,
1968

SHRI M. P. BHARGAVA (Uttar Pradesh): I beg to move:

"That leave be granted to introduce a Bill to provide for the training and employment of Engineering Graduates and Diploma-holders and for matters connected therewith."

The question was put and the motion was adopted.

SHRI M. P. BHARGAVA: I introduce the Bill.

RESTRAINT ON AND RELEASE OF
SHRIMATI SARLA BHADAURIA,
MEMBER OF RAJYA SABHA

THE DEPUTY CHAIRMAN: I have to inform Members that I have received the following telegram from the District Superintendent of Police, Kutch, dated the 9th May, 1968;

"Smt. Sarladevi Badoria, Member of Rajya Sabha, was restrained at 11.00 hours on 8.5.68 under section 69 of B.P. Act for not conforming to the lawful directions of the police officers near village Dhrobana six miles north of Khavla in Kutch District and was later on removed to bhuj on the same day and allowed to go."

THE CONSTITUTION (AMEND-
MENT) BILL, 1964 (To amend arti-
cle 291) *contd.*

SHRI BANKA BEHARY DAS (Orissa): Madam, while I support the Constitution (Amendment) Bill that has been introduced by Shri Bhupesh Gupta I may draw your attention to another Constitution (Amendment) Bill which is now pending before the House for the last one year. It stands in my name in which I have tried to show that only the omission of article 291 of the Constitution will not serve the purpose, because Mr. Gupta's Bill only tries to omit article 291 which relates to the Privy Purse but my Bill relates to two articles which concern the ex-rulers of India. Article 291 relates to the Privy Purse and article 362, which I wanted to omit relates to the privileges that are being enjoyed by the Ex-Rulers of India. I would have been happy if my Bill would have got any chance of being debated first because it is a more comprehensive Bill which wants to do away with the Privy Purse and all sorts of privileges that are being enjoyed by the Ex-Rulers of this country. Before I argue my case before the House I wish to draw your attention to all those facts, and particularly the privileges that are being enjoyed by the Ex-Rulers of this country. In this connection I would remind you how Justice Gajendra-gadkar, in the course of a judgment, reacted violently against the privileges enjoyed by the Ex-Rulers of this country. Now, when we say that this privilege of privy purse should be abolished, somebody might say that it is something like a dogma with us. But I hope nobody in this House will say that ex-Chief Justice of the Supreme Court of India, Mr. Gajendragadkar, when he delivered that particular judgment, suffered from any dogma, when he said that a time might come when all would have to think that all these privileges were creating a different type of citizens in this country.

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Madam Deputy Chairman, you know that before the Constitution was adopted all those agreements were concluded with the ex-rulers of India and they were with respect to their privy purses and privileges. But, after 1950 the position in India has changed because, in this democratic set-up where all those Directive Principles so to say give a pointer to the socialistic pattern of society, we must have one class of citizens in this country. But by continuing those agreements and those privy purses and privileges we are trying to perpetuate a condition in this country where there will be two types of citizens. And here I want to quote only Mr. Gajendragadkar; he was the Chief Justice of India at that time, and in the course of his judgment he has said this and I quote him.

"We would like to invite the Central Government to consider seriously whether it is necessary to allow section 87B (Civil procedure Code) to operate prospectively for all time. The agreements made with the Rulers of Indian States may, no doubt, have to be accepted and the assurances given to them may have to be observed. But considered broadly in the light of the basic principle of the equality before law, it seems somewhat odd that section 87B should continue to operate for all time. For past dealings and transactions protection may justifiably be given to Rulers of former Indian States; but the Central Government may examine the question as to whether for transactions subsequent to the 26th of January 1950 this protection need or should be continued. If under the Constitution all citizens are equal, it may be desirable to confine the operation of section 87B to past transactions and not to perpetuate the anomaly of the distinction between the rest of the citizens and Rulers of former Indian States. With the passage of time the validity of the historical considerations on which section 87B

is founded will wear out and the continuance of the said section in the Code of Civil Procedure may later be open to serious challenge."

Now this is not the opinion of a Member of Parliament; it is the opinion of the former Chief Justice of India, Mr. Gajendragadkar. Now there are those of us who support those privy purses and privileges on the plea that they are sacrosanct, on the plea that those agreements were entered into and that the assurances given should be adhered to. But we must all remember that on and from January 26, 1950, the situation in India has completely changed. So we cannot go by those assurances—if there were any such assurances—which in any manner contradicted the very fundamental provisions in the Constitution of this country. Now the basic and fundamental fact in the constitution of this country is that all the citizens in this country are equal before the law, and here is an ex-Chief Justice of India who in his judgment says that now the time has come when the position should be reviewed. I shall not go into the details of the arguments favouring an end to the privy purses and special privileges, but in view of the observations in this judgment, in view of that alone there is the case made out that this Bill of Shri Bhupesh Gupta should be accepted by Government irrespective of whatever arguments are advanced in this House based on moral or legal considerations.

Madam Deputy Chairman, before I go to the other aspects I want to just draw your attention to the implications of all those guarantees that have been given to those ex-Rulers. If we scar the Budgets of a few years, we will find that in the year 1950-51 we paid to these ex-rulers a privy purse amounting to five crores and seventy-three lakhs of rupees, and in the year 1966-67, so recently as that, when so much is being talked that after some of them die, then the privy purses of their

heirs will be gradually scaled down in the year 1966-67, that is, after sixteen years of enforcement of the Constitution, we still paid those ex-rulers five crores and five lakhs of rupees; it means that it had been slashed down to the extent of about sixty-five lakhs of rupees only. And if you go to the very aspect of how many persons are getting privy purses, to what extent they are getting these, you will be astonished to know that only one ruler, of Hyderabad, is getting fifty lakhs of rupees in a year, which amounts to more than four lakhs of rupees in a month. And I know that in my State an ex-ruler who is the Chief Minister is drawing more than twenty thousand rupees a month. So from this you can understand that by continuing these privy purses and special privileges we are virtually continuing two classes of citizens in this country. I know that the Congress people are very much angry with ex-Rulers just now,....

SHRI SHEEL BHADRA YAJEE (Bihar): Since the very beginning we have been so.

SHRI BANKA BEHARY DAS: You know what happened in the Constituent Assembly. Though we were very few, we and some others also violently opposed this provision in the Constituent Assembly, but the entire Congress Party supported this provision and even wanted that these agreements should be included in the Constitution of this country. Now I understand that for the last few months or years most of the Congress Party Members have been thinking in terms of abolition of privy purses and special privileges though I know they will never abolish them because, up till now, the Congress Party has been banking upon the support of the feudal elements in the country for power. Is it not a fact that the Maharaja of Baroda, who happens to be the leader of the trade union of ex-rulers, is a member of the Congress Party up till now? Is he not a Minister on behalf of the Congress Party in the Gov-

ernment of Gujarat? It is he who has formed the trade union of the ex-rulers. Till the other day we were knowing that only suppressed sections in the society, the proletariat, that is, the tillers of land, the workers in factories or others had been forming trade unions for protecting their rights. But now, in this country, after twenty years of independence, after all talk of socialism, we find that trade unions are being formed by the ex-rulers—rulers who are getting so much as privy purses. One of them is getting more than four lakhs of rupees a month. Now he wants to protect his rights because the Constitution of the country wants that he should not have any such right any more. That is why you also want to protect the rights of ex-rulers. Now who becomes the president of a trade union? Shri Sheel Bhadra Yajee, I know, was the president of some trade union, but I do not know whether he is continuing to be a trade unionist now. Now who becomes the leader or president of the trade union of ex-rulers? It is the Maharaja who resides in Gujarat and is a Minister in the Congress Government there, he becomes the leader of the trade union of ex-rulers. And although they wanted to protect their rights, the institution of trade union, the name "trade union" was nauseating to them. So they coined a new word "Concord of ex-Rulers" and what is this "Concord of Ex-Rulers" for? It is for the protection of their rights. And what are the rights and privileges they are enjoying in addition to their privy purses? Here I want to say not merely that they are getting more than five crores of rupees from the exchequer of the Government of India; I also want to give just a few instances about the privileges that they are enjoying, and if you calculate those privileges in terms of finance, you will come to know what the privileges amount to. One of the foremost privileges is immunity from prosecution. It means that, even if an ex-ruler commits a dacoity, the

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police cannot arrest him unless the Home Minister here, Mr. Chavan, gives the clearance. Then only the sub-inspector of police can arrest that ex-Ruler. So even after more than twenty years of independence, the ex-Rulers of this country, even if they commit burglary, even if they commit dacoity, even if they commit rape, even if they commit whatever crimes the Indian Penal Code or the Indian Criminal Procedure Code envisage, even then, the permission of Mr. Chavan here is required to get any such ex-Ruler arrested. So this is number one privilege that the ex-Rulers are enjoying. Number two privilege is exemption from income-tax—I do not have to explain that. Then there is the exemption from Wealth Tax—very poor people they are; they cannot pay the Wealth Tax; so they are exempted from Wealth Tax. They are also exempted from Estate Duty. Also to a certain extent you know that they are privileged to purchase certain articles of their choice abroad freely; they can import also free of any Customs Duty. And then they are exempted from local taxes. If they want to ride a car they need not pay for licence for the car. But if Shri Sheel Bhadra Yajee wants it he should pay something to the police and get a permit. These ex-Rulers need not do that. For requisitioning of property also they have exemption. They also have certain postal and telegraph facilities and privileges. And their birthdays should be observed officially. Though they are individuals of this country their birthdays should be officially declared and observed. Just as Gandhiji the great man whose birthday we observe officially so also in the case of these ex-Rulers like those of Hyderabad and others—we know how patriotic they were—their birthdays should be officially observed. And then they do not have to pay for their water and electricity. They are so poor that they are not required to pay for their water and electricity to the municipality. And then you know there are these titles of theirs which have

to be recognised. And some of them get military honours also and become A.D.C. and all that. And then they have free driving licences and personal number plates. This I need not explain. And then they have fishing and shooting rights and they can do this fishing and shooting without anybody's permission. But if Mr. Yajee wants to fish or shoot he should get the permission of some petty officer. They also get free medical attendance and Mr. Yajee can get it only after he becomes a Member of Parliament. They also have armed guards and escorts. That means just as the President of India has his armed guards and has to be escorted so also whenever these Maharajas drive along our roads in cars for which they have obtained no licences by paying any fees, they should be escorted. They can also possess arms because their lives are more precious than the life of any Member of Parliament or any one else. These are the kinds of privileges that they enjoy and even if Mr. Bhupesh Gupta's motion is accepted and mine is rejected they will continue to enjoy all these privileges that I have mentioned. That is why I say the abolition of the privy purses alone will not be enough. All these privileges that they enjoy in this country should also go. If you calculate these privileges in monetary terms they will amount to much more than the privy purses.

Madam Deputy Chairman, in this connection I would also like to say that in the Code of Civil Procedure, section 87B gives the ex-Rulers the privilege that they cannot be prosecuted without the permission of the Home Minister of the Government of India. Similarly section 197A of the Code of Criminal Procedure of 1898 gives them certain privileges. Then again, these ex-Rulers are exempted from the expenditure tax. Of course it has been abrogated now. They are exempted from the gift tax also. While others have to pay this tax these ex-Rulers will be exempted from it. These privileges still continue in their case. It is not as if it is just a

matter of Rs. 5 crores a year. If you take into account all the privileges that they enjoy you will find that you are virtually creating a superior type of citizens in this country and as long as this continues the democratic traditions that you are trying to build up in this country, the democratic values that you talk of everybody here, will remain absolutely nonsense. What equality before the law can you have as long as you give all these privileges to these ex-Rulers that are guaranteed in the Constitution? Therefore I say that it is high time that these guarantees are removed and these privileges should not continue to be enjoyed by them.

Madam Deputy Chairman, whenever the question of privy purses is referred to one argument is always advanced. Of course the argument that there is this Constitutional guarantee is one of the arguments advanced. The other is the moral aspect of it, as they say. It is said that we have been committed to it, that we should honour those commitments, and continue to give them these privileges. Now can a great country like ours, the biggest democracy in the world, how can it go back on its assurances? Madam Deputy Chairman, may I remind the Government how many assurances they have given to the people of this country? Is it not a fact that when the Chinese aggression took place the entire Parliament gave the assurance to the country that not a single inch of our land now under the Chinese would be permitted to continue to be under them and that we would get them vacated? Did not the whole Parliament assure the country during the Pakistani aggression that all those areas which went under the occupation of Pakistan would be vacated and they would again be under the Government of India? Is it not a fact that in the same year when the Kutch trouble was there the assurance was given to the country that Chad Bet and the other areas in that region would be brought under the Indian

Government? What have you done about all these assurances? Have you gone back on those assurances or not? Then again, is it not a fact that in the Directive Principles of our Constitution we have guaranteed to our people that every person in India will be provided with employment and that within ten years there will absolutely be no illiteracy in the country? Have we not given them the assurance that there will be no untouchability worth the name? Have we not given the people those assurances in the Constitution and have they not been reiterated from time to time by Parliament? Have we not gone back on them? I would have been very happy indeed if the agriculturists of our land, the poorer sections of society, the tillers, the labourers can now say that those assurances have been honoured. You remember those assurances when it comes to the matter of the ex-Rulers. But when it comes to the assurances that you gave to the common man you forget all these assurances and the monopolists . . .

SHRI M. H. SAMUEL (Andhra Pradesh): Is it the stand of the hon. Member that hereafter we should neither give nor take any assurance?

SHRI BANKA BEHARY DAS: Whatever assurances were given after we got our independence, whatever assurances you have enshrined in the Constitution of the country, are you going to abide by those assurances? If not, why have this double standard? When you look at the face of a Maharaja or ex-Ruler you remember the assurances. But when you look at the face of the common man you forget all the assurances that you have given him. So all this talk of morality, of assurances given, of covenants and agreements, I do not understand. Why there should be this double-tongued talk in a democratic country, I do not understand.

Madam, at one time I remember Pandit Nehru did try to get some justice and in this Rajya Sabha in reply to a question on a cut in the

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privy purses of ex-Rulers, the Prime Minister, Shri Jawaharlal Nehru, stated that he wrote a personal letter to about a hundred Princes, receiving privy purses of a lakh of rupees or over, for a voluntary cut in their purses. Although a number of provisional replies were received by the Prime Minister from the ex-Rulers, he said the matter was being considered by them more fully. The Prime Minister further informed the House that there was no proposal to amend the Constitution for this purpose as the Government wanted to proceed in a matter like this by agreement as far as possible. In reply to a supplementary question, while explaining the situation before and subsequent to the partition and attainment of independence by the country, necessitating the signing of agreements with the ex-Rulers, the Prime Minister said that the position had undergone a change since then and added:

"They were entered into".

He means the agreements,

"at a time when all kinds of factors had to be taken into consideration."

That Prime Minister went and another Prime Minister came and now the daughter of our first Prime Minister is our Prime Minister. Still the replies of the ex-Rulers remain to be provisional. And they will continue to be provisional as long as you allow these guarantees to remain in the Constitution. This reply was given in 1953 and now some fourteen years have gone by. The Prime Minister said at that time that they were entered into at a time when all kinds of factors had to be taken into consideration. He also said:

"The Government that was then functioning was facing the change-over here and it had to take into consideration all kinds of factors and at that time the then Government came to that decision and these were entered into."

But I say there have been great changes during this period and particularly after the Constitution was passed and after it came into operation, as was stated by Mr. Bhupesh Gupta, it will be unconstitutional and immoral to allow such provisions to continue in the Constitution of our country.

Madam, here I want to refer to the political aspect of the matter. In 1949, when the Constituent Assembly was debating the concerned article, most of the Opposition Parties, all the progressive parties of the country, violently objected to it. I remember when Sardar Patel went to Cuttack and signed this Agreement with the 26 ex-Rulers of Orissa who were in the Congress at that time, though we were members of the C.S.P., held a big demonstration that day in Cuttack town demanding that in the Agreement this particular provision about Privy Purses should be completely omitted. I know at that time it was a very small cry because the Congress prestige was very high and before Sardar Patel and Jawaharlal Nehru the opinions of other people were very small but when in 1949 the Constituent Assembly was debating this very article there was a great movement throughout the country. Even many Congressmen outside violently opposed and I remember even many of the leaders of the States Peoples' Movement who were members of the Congress Party at that time objected to have such a provision in the Constitution of the land. But we know history; such a provision was put in because at that time the Congress wanted to appease the Rulers and that appeasement continued up to the fourth general election. Before the fourth general election there was hardly any Congressman who was demanding the abolition of the Privy Purses. By and large they were all talking all these years of moral obligations and all that but during the fourth general election when many of the ex-Rulers started opposing the Congress the Congress started thinking in terms of

the abolition of the Privy Purses. So there is some justification when these ex-Rulers say 'Up till now you were supporting us because we were supporting you but because some of us have started opposing you, you have also started opposing this.' After the fourth general election there was crisis in various States. Just see what was the attitude of Mr. D. P. Misra in Madhya Pradesh and what was the attitude of Mr. Sukhadia, Chief Minister of Rajasthan? The Maharani was opposing Mr. D. P. Misra and she was wanting to have a non-Congress Government and was creating difficulties for him and so Mr. Misra began clamouring from the housetops that the Privy Purses should be abolished whereas in Rajasthan because Mr. Sukhadia wanted to continue as Chief Minister with the support of the ex-Rulers he said that the continuance of Privy Purses was a moral obligation, they were based on assurances and all that. So the political and partisan attitude of the Congress Party has been brought to bear on this question.

SHRI M. H. SAMUEL: Orissa?

SHRI BANKA BEHARY DAS: You know the Congress was ruling up till now and the Congress Government did not try to abolish or move the Government of India to abolish it. The ex-Rulers of Orissa were divided in two halves. Half of them were in the Congress Party and the other half were in the Gana Tantra Parishad. Naturally because the Congress Party there was relying on the support of some of the ex-Rulers in Orissa they were not demanding for the abolition of the Privy Purses. I am not going into all these factors. I only want to say this. Once you have passed a Resolution in the AICC that the Privy Purses should be abolished it is your moral duty also to see that it is abolished as soon as possible. But what has been happening for the last one year? Some of us have been sincerely agitating for the abolition of the Privy Purses but what has happened? The moment there was

some pressure in the Congress Party for the abolition of these Privy Purses immediately a trade union of the ex-Rulers came into existence and the trade union has started with its bargaining power to negotiate with the Government of India just as it happens between the employer and employees. I think the Government of India are thinking as if they are employers—they are the representatives of the people—and the ex-Rulers think that they are employees who can by bargain and fighting have these Privy Purses and other privileges continued and keep that article in the Constitution sacrosanct.

श्री जे० पी० शर्मा (बिहार): अभी भी यही स्थिति है।

SHRI BANKA BEHARY DAS: That is why I say, now that you have committed yourself to the people of the country from the platform of the AICC that the Privy Purses should be abolished, the only course open to you is to come forward here and either accept the Bill that Mr. Bhupesh Gupta has brought or you yourself introduce a Bill immediately and try to see that it is passed. I know there will be no difficulty in getting this passed because two-thirds majority is guaranteed. It is not like the Kutch Award where you are trying to avoid a situation and where you are put in a difficult position in the High Court because an Under Secretary goes there and tells something which is contrary to the assurances that were given by Lal Bahadur Shastri on the floor of the House. You forget all those assurances that Lal Bahadur Shastri gave, you forget all those assurances that Pandit Nehru gave, you forgot all the assurances that the Constitution gave to the country but when it comes to the question of Privy Purses to these ex-Rulers you remember the assurances that were given to them. That is why I say that Mr. Bhupesh Gupta's Bill should be accepted or if you do not want to accept his Bill I would earnestly request you that you should immediately

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bring forward a Bill yourself. And as I said you are assured of a two-thirds majority. Not only all our members but most of the members of the opposition will support it and the Constitution can be amended. I myself am not very happy about the Bill that Mr. Bhupesh Gupta has introduced because I would like that article 362 also to be omitted because this question of privileges is also very important. The provision of privileges virtually militates against the Fundamental Rights as has been pointed by Mr. Gajendra-gadkar, the Chief Justice of India. So I will plead with you that by continuing to have this provision in the Constitution you are virtually helping to have two types of citizens in the country. So it is high time, in the interests of having a society based on equality, the Constitution should be amended in this regard also. Mr. Bhupesh Gupta's Bill should be accepted and we assure that you will get full support from at least two or three progressive parties from here, if you try to honour your own commitment made in the AICC to the country. Thank you.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI MOHAMMAD YUNUS SALEEM): Madam Deputy Chairman, this Bill introduced by Mr. Bhupesh Gupta seeks to amend article 291 of the Constitution. This Bill, Madam, has got its own history. Originally this Bill was introduced in this House some time in November 1962, and it was discussed on different dates, in September 1963 and February 1964. On the latter date Mr. Bhupesh Gupta said that he would watch how the Congress Working Committee handled this matter and then he would consider whether he would press it to vote or not. Madam, on 25th June 1967 the All India Congress Committee seriously considered this issue and passed a Resolution stating that the privileges and the Privy Purses enjoyed by the Princes are not in consonance with the concept and practice of democracy and that the AICC is of the view that the Government should exa-

mine it and take steps to remove them. Madam, during the last two sessions of Parliament there have been special discussions in Lok Sabha as well as in this House and the matter was also frequently raised in the form of questions and supplementaries. The Home Minister had preliminary talks with the Princes on two occasions. The first meeting was held on the 3rd November 1967 and the second meeting was held on 26th December 1967 to consider this matter with the Princes. The Home Minister has conveyed to the representatives of the Princes Government's intention to abolish Privy Purses and the privileges of the Ex-Rulers. Now this matter is receiving serious consideration of the Princes also and we have been informed that a meeting to consider this matter has been fixed for 28th May 1968. Further discussion will be held with the Princes after the meeting convened by the Princes for the 28th May 1968 is concluded. The Home Minister, answering questions on 1st May, 1968 in this House, said that we should have patience. He had also explained the position to the Princes when he met them. They told him that they would report the matter to their Committee and then let us know. At this stage, therefore no useful purpose will be served by proceeding with this Bill. Therefore, I would request Mr. Bhupesh Gupta, in view of the position which I have explained, that he may not press further consideration of his Bill. After the Government reaches further conclusions, it is very much expected that Government itself may bring up the matter before Parliament for seeking a suitable amendment of the Constitution. In view of this submission, Madam, I would request Mr. Bhupesh Gupta to consider the fact that no useful purpose will be served by a further discussion of his Bill because the matter is seriously receiving the consideration of the Government as well as the Princes.

SHRI BHUPESH GUPTA: Do you think any useful purpose will be served by what you are saying?

SHRI MOHAMMAD YUNUS SALEEM: I am sure of it that useful purpose will be served and we are seriously considering the matter. The Home Minister is constantly in negotiation with the Princes. A meeting of the Princes is being held on the 23th May, 1968 and after their deliberations the outcome of their meeting will be communicated to the Home Minister. We are going to take this matter up seriously at the highest level.

SHRI BANKA BEHARY DAS: Will he make them agree to the abolition of Privy Purses?

SHRI MOHAMMAD YUNUS SALEEM: I have repeatedly said that we have made it clear to them that the Government intends to take suitable action to abolish their privileges and Privy Purses.

SHRI BANKA BEHARY DAS: Is he persuading the Princes to agree to the abolition of Privy Purses?

THE DEPUTY CHAIRMAN: That is what he says.

SHRI BHUPESH GUPTA: I should like to know in what manner— is it by discussing or by writing a letter?

SHRI MOHAMMAD YUNUS SALEEM: I have told the House that two meetings have already been held. In view of the assurance given by the Home Minister to consider the matter and the intention of the Government to abolish their Privy Purses and privileges, they have convened a meeting to consider it. (Interruption). The intention had been disclosed to the Princes by the Home Minister. After it has been considered by the Princes and their reply is received by the Home Minister, this matter will receive serious consideration of the Government and suitable action will be taken.

SHRI BHUPESH GUPTA: Now, it does not receive serious consideration.

SHRI MOHAMMAD YUNUS SALEEM: It is receiving serious consideration.

SHRI BHUPESH GUPTA. So, it will receive more serious consideration.

SHRI MOHAMMAD YUNUS SALEEM: A suggestion has been given to the Princes. In order to consider that, a meeting of the Princes has been convened on the 28th May, 1968. They are expected to consider it and after their reply is received, we will consider the matter as to what steps should be taken in order to proceed with this.

SHRI BHUPESH GUPTA: The hon. Minister need not get excited. Does he at all expect that the Princes in their meeting on the 28th May, 1968 would at all agree to the abolition of the Privy Purses? Do they have any such intelligent anticipation? I should like to know it. Do you ever think they will agree?

SHRI MOHAMMED YUNUS SALEEM: It is expected that a realistic attitude will be adopted by the Princes in their meeting.

THE DEPUTY CHAIRMAN: So, Mr. Yajee. The debate goes on.

श्री शीलभद्र याजी : माननीय डिप्टी चैयरमैन महोदया, मैं कामरेड भूपेश गुप्ता को शाबासी देता हूं और उनको तहे दिल से शुक्रिया अदा करता हूं कि उन्होंने यह विधेयक ला कर हमारी सरकार का ध्यान आकषित किया है और साथ ही साथ बहस के दौरान मैं उन्होंने यह दिखाने की कोशिश की है कि राजा महाराजाओं को जो बुरी बुरी चीजें दी जा रही हैं और जो प्रिवी पर्स दी जा रही है उसको खत्म करना चाहिये लेकिन उनका यह विधेयक अधूरा है, इससे ज्यादा आल इंडिया कांग्रेस कमेटी ने हमने पास किया है कि प्रिवी पर्स तथा उनकी सभी सुविधाएं तथा अधिकार हटा लिए जायें।

श्री बी० डी० खोबरागड़े (महाराष्ट्र): वहां पर क्या किया वह हमको मालूम है, यहां पर क्या कर रहे हो इसको बोलो।

श्री शीलभद्र याजी : मैं क्या बोल रहा हूं, क्या सुना रहा हूं, कान खोल कर सुनिये,

[श्री श्रीलक्ष्मण यादव :]

सुनने की कोशिश कीजिये, सरकार को सुना रहा हूँ, आपको सुना रहा हूँ।

माननीय डिप्टी चैयरमैन, जब कि अजादी आ रही थी और अंग्रेज जा रहे थे तो अंग्रेजों ने एक बड़ी चालाकी खेली कि ये जो छ सौ राजा महाराजा थे उनको खुदमुख्तार बना दिया, स्वतन्त्र बना दिया, बिना लगाम के घोड़े की तरह छोड़ दिया कि वह न इधर के रहे न उधर के रहें।

श्री सुप्रेम गुप्त : राजा को स्वतन्त्र बना दिया और राजा ने स्वतन्त्र पार्टी बना दिया।

श्री जे० पी० साहब : राजा स्वतन्त्र पार्टी में तब आये जब कि कांग्रेस ने उनको स्वतन्त्र किया।

श्री श्रीलक्ष्मण यादव : आप बैठिये, आप रिएक्शनरी पार्टी में रह कर क्या बोलते हैं।

श्री जे० पी० यादव : आप रिएक्शन करके कांग्रेस में गये हैं, आप डिफेक्टर्स के जन्मदाता हैं।

श्री श्रीलक्ष्मण यादव : बैठ जाइये, सुनिये, समझिये कि मैं क्या बोलता हूँ।

माननीया, सरदार पटेल को लोग बड़ा लौह पुरुष समझते थे लेकिन मैं समझता हूँ कि सरदार पटेल ने भी कमजोरी दिखाई जब अंग्रेज जा रहे थे तब इस मुल्क में प्रजा परिषद् के द्वारा सब राज्यों में, सब देशी रियासतों में आन्दोलन हो रहा था तो यदि इंकलाब होता, क्रांति होती, विप्लव होता तो उसमें ही ये सब छ सौ राजा महाराजा खत्म हो गये होते और तब प्रिवी पर्स की क्या जरूरत थी, पेंसेन की क्या जरूरत थी या जो और विशेष सुविधायें दी गई कि राजप्रमुख, उपराजप्रमुख वगैरह बनाया गया, वह कोई चाज न होती।

श्री जे० पी० यादव : उस तरह से अगर हुप्रा होता तो यह कांग्रेस भी नहीं होती।

श्री श्रीलक्ष्मण यादव : आप क्यों इस तरह टोकते हैं, आगूमेंट सुनने की कोशिश कीजिये, जो साम्प्रदायिक रिएक्शनरी हैं वह तो राजा महाराजा की तरफ ही हैं, वह हमारे आगूमेंट को क्या समझेंगे। आप सुनने की कोशिश कीजिये।

तो उस समय अंग्रेजों ने चालाकी की, क्योंकि सब देशी रियासतों के पास सेना थी और अंग्रेज यह मनाने थे कि उस सेना में हिन्दुस्तान में कुछ गड़बड़ होगी लेकिन यदि सरदार पटेल और जो उस वक्त कांग्रेस के मत थी उसने जनता को मैदान में छोड़ दिया होता कि जनता वहाँ इंकलाब करे, क्रांति करे, तो फिर सरदार पटेल को इस तरह टुकने की आवश्यकता नहीं होती, जिनको कि आप लौह पुरुष कहते हैं। तो राजा महाराजाओं को सरदार पटेल ने समझाया, उनकी इज्जत की और उनके साथ बातचीत करती शुरू की। उस वक्त बात करने के वक्त हम लोग जो शुरू से नेता जो के पाछे चलने वाले लोग थे, जो कांग्रेस सोशलिस्ट पार्टी को और के लोग थे, उन्होंने शुरू से ही कहा कि राजा महाराजाओं को खत्म करना चाहिये, मेरे कहने का मतलब है कि राजा महाराजाओं की प्रथा को खत्म करना चाहिये, कोई किमी विशेष राजा के खिलाफ हम बातें नहीं कर रहे हैं। तो जो चीज हुई उसमें सरदार पटेल ने चाणक्य नीति तो दिखालाई लेकिन चाणक्य नीति के साथ साथ उन्होंने कुछ कमजोरी भी दिखालाई।

इसलिये सरदार पटेल को लौह पुरुष कहते हैं। लेकिन लौह पुरुष ने भी वाकनेस दिखाई क्योंकि उस समय यदि क्रांति हुई होती तो राजा महाराजाओं के सर जाते, उनका राज जाता, उनको पेंसेन नहीं मिलती। लेकिन सरदार पटेल ने उनको समझाया कि देखो, अंग्रेज चला गया,

अब तुम्हारे कोई खैरियत नहीं है, हम तुमको महल भी देंगे, प्रिवी पर्स भी देगे। चूँकि उस समय ब्रिटिशर्ष की नीति थी और पाकिस्तान की भी थी तो उन्होंने चाणक्य नीति सोची, कोई परमानेंट सेटलमेंट नहीं किया। लेकिन उन्होंने जो राजा महाराजाओं को विशेष सुविधा समय के मुताबिक दी उसको हमारी जो आज की समाजवादी सरकार है उसको पसन्द नहीं करती। मैं तो यह चाँता था कि इकलान होता, क्रांति होती, विप्लव होता और ये राजा महाराजे जाते और प्रिवी पर्स देने की आवश्यकता नहीं होती, वह सब सुविधायें देने की जरूरत नहीं होती लेकिन चूँकि ब्रिटिश डिप्लोमेसी थी, ब्रिटिशर्ष ने 600 राजा महाराजाओं को खुदमुख्तार बना दिया था तो उसके साथ सरदार पटेल ने जो चाणक्य नीति अपनाई उससे हमारी मौबत नहीं है। यद्यपि मैं सरदार पटेल को डाह्याभाई पटेल के दर्जे में नहीं मानता हूँ लेकिन यह जरूरत है कि वह हम लोगों का तरह उतने प्रतिशील नहीं थे, लेकिन जहाँ तक किसानों की बात आई, जमींदारों की बात आई, सरदार पटेल ने कहा जमींदार के बच्चे कहाँ चले आये। हम लोग उनको किमान सभाओं में ले जाते थे, बदकिस्मती है कि डाह्याभाई पटेल आज उधर बैठने हैं। इसलिये समय के मुताबिक ब्रिटिश डिप्लोमेसी को खत्म करने के लिये इस तरह की व्यवस्था हुई। उस समय जब हमारी कांग्रेस ठुकूमत थी, यह ससद् नहीं था यह निर्णय लिया गया था लेकिन अब जब कि सरकार ने समाजवादी व्यवस्था का स्वीकार कर लिया, जिस समाजवादी व्यवस्था का मतलब है समाज में समता लाना, उसके मुताबिक यह जो प्रिवी पर्स चल रहा है, राजा महाराजाओं को यह जो विशेष सुविधा दी जा रही है, सारे हिन्दुस्तान में जो प्रतिशील अपने को कहते हैं वह उस चीज का पसन्द नहीं करते हैं। और जो हमारे मित्र बाबू बिहारी दास ने कहा कि कांग्रेस की तरफ हम लोग बोलते हैं, तो मैं उनको माफ बता सकता

हूँ कि कांग्रेस में जो बैठे हुये हैं, एक आध को छोड़ दीजिये, यह क्या सब टाटा और बिडला की मेहरबानी से आने हैं, नहीं, ये सब किसानों और मजदूरों के वोटों से आने हैं। कांग्रेस ने जो समाजवाद की घोषणा की वह आज कर्कश नहीं है, हमारे नेता सुभाष चन्द्र बोस ने 1938 में हरीपुर कांग्रेस में और पंडित जवाहरलाल नेहरू ने लाहौर कांग्रेस में और उसके बाद किंग डडिया की घोषणा की थी कि आजादी के बाद जो हिन्दुस्तान का नक्शा होगा उसमें फील्ड में काम करने वाले, कल-कारखानों और खेत-खलिहानों में काम करने वाले मेहनतकश अवाम की ठुकूमत होगी। यह सही है कि 1955 में जब ससद् के दोनों सदनों ने समाजवाद का नारा अपनाया उसके बाद सरकार अपने फर्ज को पूरा करती तो कामरेड भूपेश गुप्त को यह विधेयक लाने की जरूरत नहीं थी। इसको लाने का फर्ज सरकार का था। तभी श्री बाका बिहारी दास ने इशारा किया कि जब तक राजा महाराजा कांग्रेस में थे यह प्रिवी पर्स रखना चाहते थे यह उनका गलत खयाल है, यह उनकी अटकल-बाजी है। यह उनका जो विचार है उसको मैं मही नहीं समझता हूँ क्योंकि जब हमने और ससद् ने समाजवाद का निर्णय कर दिया, आप जितने बैठे हुये हैं इस समय उधर की ओर, रिएक्शनरी, सम्प्रदायवादी, आपका जो दो चार पार्टियाँ उधर बैठी हुई हैं, आपको मालूम है कि जब पार्लियामेंट में निश्चय हो जाता है कि हिन्दुस्तान में समाजवादी पद्धति होनी है तो वह सारी जनता की चीज हो जाती है। हम निरजन वर्मा को कह रहे थे उनकी पार्टी कैसी है। लेकिन उनको भी पार्लियामेंट की नीति का मानना फर्ज हो जाता है। इस देश का जो मकशद है ध्येय है, अकीदा है, वह समाजवाद है। हमारी स्वतंत्र पार्टी के लोग जो राजा महाराजाओं और पूँजी पतियों को बचाना चाहते हैं उसके लिये लाजमी हो जायेगा समाजवाद की ओर बढ़ना चूँकि ससद् की नीति हो गई, निर्णय हो गया इसके बाद कोई जरूरत नहीं

[श्री जी. भद्रा यज]

या कि कामरेड भूपेश गुप्त इस तरह का प्रस्ताव लाते। मैं अपनी सरकार को भी सुनाता हूँ कि सरकार समाजवाद बोलती है लेकिन मैं बराबर कहता हूँ, इस हाउस में भी, और बाहर भी, कि यह सरकार समाजवाद की दिशा में कछुये की गति में चलती है, बच्छप गति से समाजवाद की तरफ चलती है। यह अच्छा काम नहीं है।

THE DEPUTY CHAIRMAN: Mr. Yajee, will you take more time?

SHRI SHEEL BHADRA YAJEE: Yes.

THE DEPUTY CHAIRMAN: Then I will ask Mr. Shukla to make a statement.

STATEMENT RE PUNJAB HIGH COURT'S JUDGEMENT HOLDING THE PUNJAB APPROPRIATION ACTS OF 1968 AS ULTRA VIRES THE CONSTITUTION

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Madam Deputy Chairman, it is learnt that the High Court of Punjab has held that the Punjab Appropriation Acts of 1968 were *ultra vires* the Constitution and hence not valid. It is also learnt that the Government of Punjab have moved the High Court of Punjab to grant a stay and that the request is being heard by the High Court. I am awaiting further information from the State Government.

SHRI BHUPESH GUPTA (West Bengal): Madam, this is not enough. This much we knew. In fact this is in the P.T.I. news which is given. We wanted to know what steps the Government was going to take in view of the judgment. It is now quite clear that two Appropriation Bills had been declared *ultra vires* the Constitution. You will remember that in this House we said that these Bills were illegally passed, and we had even produced documents and other things. The Home

Minister not only did not listen to what we said, he defended everything that the Punjab Government was doing, the Governor did or the Punjab Assembly did.

Madam, now a serious question arises. Under the Constitution the Central Government is called upon to protect and defend the Constitution and it is the watchdog of the Constitution in the sense that it should see whether in the States the constitutional processes are being observed or they are being violated. It is now quite clear according to the judgment of the Punjab High Court that two Appropriation Bills were passed illegally, which was *ultra vires* the Constitution. It is the first time in the history of our independence since the Constitution came into effect that we have a judgment of this kind. What has happened? After the Appropriation Bills had been passed monies had been spent on the basis of a Bill which had no sanction in law or the Constitution.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Madam . . .

SHRI BHUPESH GUPTA: I know you defend everything the Government does. Monies have been spent, all illegal expenditure. Therefore, they are guilty, those who have done this expenditure and all that. Secondly, the Government itself is illegal because it is drawing money on the basis of a Bill and Ministers' salaries are provided for in the Bill, in the Appropriation Act, which is not valid. Therefore, the Ministers are living on an expenditure which is not sanctioned.

Madam Deputy Chairman, my point is this. In this House from the opposition again and again we brought it up and tried to impress upon the Home Minister that it was illegal, that it was wrong. We had been brushed aside. Then we had to go to the Court. I may tell you when one of our Ministers filed a case, we sent our lawyers also and members of the Communist Party also went to