

Government business	Time allotted
(a) Demands for Grants (Railways) for 1965-66	1 day
(b) Supplementary Demands for Grants (Railways) for 1964-65	1 hour.
(c) Supplementary Demands for Grants (Kerala) for 1964-65	30 minutes
(d) Demands on Account (General) for 1965-66	1 hour.
(e) Demands on Account (Kerala) for 1965-66	30 minutes.
4. Discussion on the Resolution under article 312 of the Constitution regarding the creation of certain new All-India Services	3 hrs.— 30 mts.
5. The Armed Forces (Special Powers) Continuance Bill, 1965	1 hour.
NO-DAY-YET-NAMED-MOTIONS	
1. Motion to discuss the statement of the anti national activities of Pro-eking Communists and their preparations for subversion and violence	2 hrs.— 30 mts.
2. Motion to discuss the statement regarding allegations against two former Chief Ministers of Orissa and certain other Ministers of State Governments	2 hrs.— 30 mts.

In order to be able to complete the business above mentioned it was also agreed that the current session of the Rajya Sabha should be extended up to Wednesday, March 31, 1965. During the extended period of the session, there will also be a Question Hour on each day, namely, March 25, 26, 29, 30 and 31.

THE CONSTITUTION (AMENDMENT) BILLS, 1963.

*to amend articles 16, 32 134 and 226 and insertion of new article 37A—
continued.*

SHRI BHUPESH GUPTA: Madam Deputy Chairman, I was dealing with clause 4 of the Constitution (Amendment) Bill and to refresh the memory again I should like to read out the particular amendment which is proposed:

"All laws shall be interpreted by the courts in conformity with the directive principles of State policy as enumerated in this Part."

And this is Part IV of the Constitution. By way of illustration I brought in the case of Kerala but now let me start with some basic things. For example, take the case of the Directive Principles of State Policy. They should be the guidance according to this measure for the courts to interpret laws but the question arises immediately whether these Directive Principles are guiding this Government, this Parliament and the State legislatures of the country. We should answer this question before we make a provision of this kind calling upon the courts to do something which in the nature of things it would not be possible for them to do. If we have progressive social objectives in mind until and unless we are guided by them in the conduct of the affairs of the State, it is no use as' the courts to do this kind of thing. After all, the judiciary's function in our written Constitution is not to make laws but to interpret laws and very much therefore depends on the nature of the laws as to what role the judiciary in this country *a* going to play.

If you look at the Directive Principles you will find the majority of them have been observed in their disregard and violation. In all these seventeen years the Congress Government, instead of carrying them out, have violated them or disregarded uiem. If they have not violated them, they have disregarded them and they could violate or disregard them for the simple reason that the Directive Principles given in our Constitution are not enforceable. If they were enforceable a citizen could have gone to the court of law and asked for the implementation of those Directive Principles or foi that matter for adherence to those Principles in the affairs of the

[Shri Bhupesh Gupta.] State by the State Governments and the Central Government. Today that is *not* the position. These are certain good sentiments felt by the Congressmen who met in those days in those conditions in the Constituent Assembly. One really does not know why they were not made enforceable. They could not make them enforceable for the simple reason that they knew the kind of society that would come into existence and in such a society it could not be expected that some of these Directive Principles could be easily and readily implemented. Hence they sought to make it a matter of sentiments rather than the law of the land or the law of the Constitution binding the State authorities to implement them.

Now, our friend, Mr. Raghunatha Reddy wants that the State should be guided by the Directive Principles. Very well but what are the laws that we make? The judiciary does not interpret the Directive Principles because they do not feature anywhere. Now he may say that if we make (his provision) the State will have to take note of these Directive Principles in the sense that they would be called upon to make laws in line with them. The lawyers can argue before a court of law. Now we have the Defence of India Act passed in this House. It is the law of the land. When it went to the court of law the Supreme Court Judges said that Parliament did not have the competence to pass a legislation which was in contravention of article 14, article 21 and article 22 of the Constitution but in view of the fact that there is a Proclamation of emergency the courts have no remedy to offer. They pointed out that after the emergency is over it would be open to the citizens to go to the courts and seek damages from the Government for illegal detention under Rule 30 of the Defence of India Act. Today the Court could not guarantee even the Fundamental Right which is enforceable. Even the Fundamental Rights stand suspended by certain other provisions of the Constitution dealing with the Proclamation of emergency. The Court could not give relief even in respect of enforceable Fundamental Rights and you can imagine what will happen to the Directive Principles which are not enforceable? Until we make laws

in conformity with the Directive Principle*, what can the courts do?

Now if these Directive Principles are not made enforceable then it is open to Parliament and the legislatures to make laws contrary to those Principles, repugnant to those Principles and the courts will be absolutely helpless in the matter. You can say 'The courts will be guided. Well, that way every Judge is guided by certain sentiments, by certain social outlook, by certain ideas, by a certain way of looking at the affairs of the nation or of the community. They are guided by their commonsense, their intelligence, their understanding of men and matters but these are not matters of law. Even today suppose a labour dispute comes to a court of law. It is open to the court of law, the magistrate or the judge to take a view which may be biased in favour of the employers, the capitalists. It is equally possible for another judge to take a view which would be more inclined towards and more sympathetic to the cause of labour. It is quite open in such a situation. Therefore, it will depend on what kind of judges you have, what kind of judges you appoint to our judiciary. The matter really is to appoint good judges. If you want to promote some of the social objectives or make the Directive Principles enforceable, I have no objection to accepting this amendment as it is, but all that I want to make out is that it may not make much of a difference to the situation for the simple reason that there is no measure for us to find out whether a judge has been guided in this matter by this particular provision which is sought to be incorporated in the Constitution, because the very Chapter itself, which will include it after the amendment, is not enforceable. I cannot take this Chapter to a court of law. I cannot raise this Chapter in a court of law. You are now telling the judges as to how they should guide themselves.

The Directive Principles are supposed to guide the State. Here in the Directive Principles of State Policy, when I say that the State shall strive to promote, etc. I take it that the judiciary is a part of the State. Now, if you make an academic interpretation, the State does not mean only Parliament, the State does not mean only the executive Government and so on.

State means all the three or four organs of the State, including the judiciary. Now, normally these Directive Principles should be taken into account by the State, every constituent organ of the State, including the judiciary. Normally it should happen, but today many of the members of the judiciary do not take note of it for the simple reason that they have no binding impact on them or even any moral effect on them for the simple reason that here in the Legislature and in the Government we set the example of how to violate them, not how to observe them. Therefore, in such a situation I do not know what we are going to specially gain by an amendment of this kind, except that we spell out another sentiment in our Directive Principles and mention specifically the courts in this context and in this matter.

Therefore, it needs to be explained, but Mr. Raghunatha Reddy suffers from a delusion. He thinks that the Congress is building socialism. Well, some day he will think that the Himalayas have started walking. To say that the Congress is building socialism is as absurd a statement as saying that the Himalayas have started walking and, therefore, help the Himalayas to walk faster. Therefore, do not start with an illusion. It is a great illusion that the hon. Member still suffers from, namely, that the Congress is building socialism. After seventeen years what the Congress has built is in demonstration. Monopoly capitalism it is building, notwithstanding the State sector. When you are building in the economic sphere in clear violation of the Directive Principles monopoly capitalism, it is pointless for you here to sermonise, for us to sermonise to the court that they should apply or keep in mind the Directive Principles. Take, for example, here the very first Directive Principle. Here there are many good provisions and good sentiments. It says:—

"(fa) that the citizens, men and women equally, have the right to an adequate means of livelihood:"

Neither man nor woman has that right. Well, we have expressed the sentiment that they should have that right, but in practice none of them has the right. Men or women, whatever you take, they have no right. Then, it says:—

"(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;"

What do we see? Look at the Report of the Mahalanobis Committee. It says that wealth and ownership are getting more and more concentrated in the hands of fewer and fewer persons. Mr. Gadgil, at one time the Governor of Punjab, said that the rich are becoming richer and the poor poorer and many Congressmen say this thing. Therefore, what are the courts to do in such a situation? When Mr. Birla goes even in a court of law to get certain litigation or suits settled, the court will not be very much helped by any good sentiment that you have spelt out here, unless you equip the court with such laws as would make it possible and obligatory to serve the interests of the people and subserve the common good.

Then article 39 (c) says:—

"That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;"

What has happened since the Constitution came into force? Now, my Congress friends get irritated sometimes when I make this charge, but may I ask them what has happened in this period? Has there been concentration of wealth or not? If there has been concentration of wealth, as they do admit, as it would show in the Government statement also, then I am entitled to say they are violating the Directive Principles clearly and categorically. In seventeen years the sentiments spelt out here have been disregarded.

Speaking in the Lok Sabha, if my memory is not wrong, in August 1960, the late Prime Minister Nehru said that it was most unfortunate that out of our Plans 90 per cent, of the people, were not getting real benefit. Only ten per cent, got it. And then he announced the appointment of the Mahalanobis Committee to go into the question. Now, we have got the Report of the Mahalanobis Committee and then we have now the latest Budget of the Finance Minister, Mr. Krishnamachari. In which direction are we going? Therefore,

[Shri Bhupesh Gupta.] here also you are violating the Directive Principles and yet you ask the court to remember them. Give the courts proper anti-capitalist laws. Why do you not pass anti-monopoly laws, laws disbanding the monopoly companies, interlocking and other subsidiaries which enable the growth of monopoly? Mr. Deshmukh here, some ten years ago perhaps, gave us an assurance that the managing agencies would be abolished. It is something unwanted and not in conformity with the Directive Principles of the Constitution. Today we are still discussing as to whether it should be abolished or not. Such is the position. Therefore, I am not blaming him. If I want to be a hypocrite, I should set a limit to my hypocrisy. That is how I view this matter. Therefore, here again nothing changes. Why not make it enforceable? Why is not the ruling party in a position to bring forward anti-trust laws, anti-monopoly measures and other similar measures in order to translate the sentiments in the Directive Principles into realities of legislation and of our economic and social life? What comes in the way? What comes in the way is their link-up with monopoly. You cannot stand by the Directive Principles and at the same time collect Rs. 98 lakhs from the joint stock companies in a matter of three months and money much more otherwise from partnerships and individuals. You cannot have it both ways. Therefore, I say that nothing will come out of it.

Then, I can say much more about monopoly, about the Government which is building up monopoly and the Mahalanobis Committee has shown that, how credit institutions like the IFC. even the Staff. Bank and other corporations and various Other funds are helping to build up monopolies in our country. And you will be surprised if I tell this House, that the IAC has begun to give loans to big capitalists in order to build palatial buildings in Calcutta and other places where they charge for a three-room flat Rs. 1,200. Now, did we nationalise life insurance in order to make the funds available to the multimillionaires in Calcutta in order to build fashionable buildings, taking LIC credit, so that they could earn such

exorbitant rent as Rs. 1,200 or Rs. 1,300? Yet you go to Calcutta and you will see that such things are being done. Therefore, let us not talk about it.

Madam, in the Congress regime they advise the opposition to be well behaved, to be very decent and not to say much, to conform to every single rule, and so on. But when it comes to remembering the directive principles which they passed themselves, there is no etiquette, no norms of behaviour, no standards of public life, no allegiance to the plighted words under the Constitution. All violation, all disregard, all defiance. Well, I can tell you, Madam Deputy Chairman, for the life of me I shall never take lessons in etiquette from such people either in matters of parliamentary politics or any other matter.

Then it says:

"That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength."

This is another directive principle. Only if you are a little humane, you could implement it. But today you tuberculosis patients in the country who do not have even elementary arrangements, their treatment; no hospitalisation. On the top of it cancer is growing. Hundred* and thousands of T.B. patients are there uncared for, without any treatment, left to their fate and to die when death will take them. Yet we are telling the Courts to apply the directive principle and keep that in mind. What for? Has it all become a fun? Are you having good humour with our Judges? If you would like to have humour with our Judges, you can incorporate such things. But why cannot we make provision for more money so that the State can set up more hospitals for the treatment of T.B. patients, for the poorer sections of the people? And here it is "the health and strength of workers, men and women", etc. The less said the better. Even the contract system of labour, sweated labour, that exists in the country today they have not abolished, which should have been done under the directive principles of

the Constitution. Yet we are called upon by my friend, Mr. Raghunatha Reddy to support this. Sentiments in abundance. If you have not given enough money, you give more. But nothing will come.

What has happened to our primary education? They are such a worthless Government that in 17 years they could not carry out what should have been done in ten years' time. Again we plead innocence and helplessness in this matter. Therefore, I can tell you that nothing much will come out that way. Therefore, I need not read much of the directive principles. It is well known that Mr. Raghunatha Reddy wants to make them tell the Judges. I can tell you about the Judiciary's position. In a written Constitution you have to make laws, and in making laws you must keep in mind social objectives. In a constitutional system which is written, when you conduct the affairs of the State, you must conform to the spirit and letter of the Constitution.

I think we have distinguished ourselves in forgetting even the Preamble of the Constitution, I will remind you. not to talk of the directive principles. If Mr. Reddy wants to live in a world of his own, he is welcome to do so. "Justice, social, economic and political"—these are there. What have we given? Injustice, social, economic and political. Untouchability remains. The backward communities are neglected, the tribal people are neglected, and the down-trodden are not lifted by the hand into the light of a new modern civilisation and are kept down under one pretext or another. Caste system is not only allowed to continue but the ruling Party makes full use of the caste system in order to gain political advantages over their rights.

Economic justice—well, I think I need not say much of it. On the one side are Mr. Tata and Mr. Birla and on the other the coalmine worker and the tea plantation worker, and there you have a living demonstration. The tale of their life will give you what sort of economic justice you have enforced. Unemployment is growing in the country, and after three Five Year Plans we have one crore of people un-

employed officially. Therefore, let us not talk about it. Hunger and poverty are growing. Landlessness is growing. The middle class people are groaning under the weight of high prices and equally high taxes. That is how we have suffered.

Political justice—my God, political justice, the Congress people talk about it. We have seen in Kerala what kind of political justice is there. What are we doing? Heads we win, tails you lose. "If we win, the President's rule will end; if you win, the President's rule will continue." Therefore, it is there. "In any case you have to lose. I am the Winner. I rule vicariously" . . .

SHRI JOSEPH MATHEN (Kerala): Your Party has got three members in the Kerala election.

SHRI BHUPESH GUPTA: I am very glad that he is taking note of my membership there. But suppose I had minus three members, my reasoning would not be any the less for it. Therefore, what I say *a* on the merits of the argument. But the trouble with the Congress Party is . . .

SHRI G. H. VALIMOHMED MOMIN (Gujarat): Where is your majority? Why do you say that the President's rule is coming?

SHRI BHUPESH GUPTA: That is rather a more relevant question. Whether I have got three members or thirty members or nil members, that does not determine the validity or otherwise of the argument I am giving. Now political justice. What political justice? To talk about political justice under this regime is something which is becoming more and more absurd and strange. As I was saying, in Kerala you held the elections under the Constitution in order that the President's rule, which is supposed to be an extraordinary thing, should end and a constitutional-Government under the ordinary provisions of the Constitution should come into effect. My friend there has asked what happens if no Party has majority. The question is legitimate and it is a question which has to be met. I am not concerned with any Party here because in this situation you may be placed also, a comparable situation.

[Shri Bhupesh Gupta.] Here the issue is what is it that political Justice demands. Political justice we are discussing. It demands that if you follow any parliamentary principle, firstly, the Ruling Party which has suffered a defeat should take it gracefully and should show a little sportsmanship in accepting defeat.

SHRI T. V. AN AND AN (Madras): Permitting your Party to contest the election itself is democracy, is it not?

SHRI BHUPESH GUPTA: There you are. What a wonderful question. Permitting my Party after 17 years of independence is the high watermark of democracy according to him. Well, that you could have said in 1950. When we came here in 1952, Dr. Kariya, I believe, used to say this thing. Nobody says it now. Permitting my Party in a democracy—well, you have not permitted. Let us talk in terms of the Constitution. The Constitution permits it. The Constitution of India is not the Congress Party.

SHRI G. H. VALIMOHMED MOMIN:
We framed it and passed it.

SHRI BHUPESH GUPTA: You framed it. Whether you framed it or 3 P.M. somebody framed it is not the issue—The issue is the Constitution of the country. If you have framed it, take credit for the good things and leave out the bad things and make amends for the bad things that you have done there. But you seem to take advantage out of it and not face the consequences arising out of it. Anyhow, here is no political justice. Please understand normal Constitution. The courts do not have the power, I cannot go to the court. If the courts had the power and the Constitutional principle and the Preamble had been enforceable, I would have gone with a writ petition to the Supreme Court of India in order to prosecute Mr. Gulzarilal Nanda or to prevent him from doing something. I cannot do so now. Today I cannot seek any writ from any court in India whether it is the Kerala High Court or the Supreme Court. I am debarred from it.

Now, political democracy or political justice means, you should be just. Begin

with the elementary thing. Therefore when you are defeated, allow the other party, the next party. Call the leader of the next party whoever he is to form a Government and help him in that process. What are you doing? Exactly the opposite. You do not allow it to form the Government, the second largest party. You say, we will not form the Government, we will not do it. Neither shall we allow anybody to do it nor are we prepared. Well, is it justice? I think it is a great miscarriage of justice. It is a grotesque abortion of justice, if I may say so. That is what you are doing in politics. Now, what happened after deciding it? They know it very well—if the ruling party, the second largest party, decides not to form a Government and does not allow the biggest party to form a Government by keeping people in jail, what will happen? Either a temporary alliance which may not be lasting, which may not conform to the standards of political justice may be there or there may be the continuance of the President's rule. That is one thing. As I said, the greatest injustice is done in this matter, and what is the use of talking about the Directive Principles and so on in the sense that the verdict of the people is not taken and not respected? And you ask the courts to respect them. Therefore, you see what a wonderful thing it is. Have you read the history of parliamentary democracy? I ask hon. Members to consider it. Today it may be party advantage to them. Can you cite an example when in comparison.

SHRI JOSEPH MATHEN: Were those 29 members arrested after the election? That is one question. Another thing is: Mr. Namboodripad, as the leader of 40 members, has he shown a majority of the Assembly members?

SHRI BHUPESH GUPTA: I am not concerned with this. First of all it is agreed that no party, as a single party, has a majority. Political justice demands, under the scheme of your Constitution, that the Central Government should, in view of this situation, render all the more assistance to all concerned, so that the normal provisions of the Constitution come into effect. Political justice demands that the Central Government, since it has the

key in its hands, help (he people of Kerala in such a way that they are not denied the normal provisions of the Constitution and the rules thereunder. Political justice demands that in view of the fact that no single party has a clear majority, all the parties are helped to come to a certain understanding, consistent, if possible, with democratic principles in order to form a Ministry in Kerala so that the normal Constitutional provisions c.-mc into effect there and the Constitutional principles and purposes are served.

Political justice doer, not demand that the Government should lake such action as would make the President's rule inevitable in Kerala, thereby punishing the people of Kerala for their not having returned the Congress Party as the single majority party. This is what we mean by political justice, and hon. Members asked, whether somebody should be invited if he does not have a clear majority. I would ask him to read the British constitutional history. You will find there that on more than one occasion no party enjoyed a single majority position. Sometimes it happene'd that three parties shared between them the seats in such a manner that not one party got an overall majority over me other two. In such a situation what happened under the British Constitution *as that the leader of the biggest party was summoned by the Queen or the King—Queen Victoria and later on by the King—and was called upon tp form a Government, and it was left to him to consult the ofhsr parties there or the Independents there in order to give Parliament a working majority. Nowhere does the Constitution say, whether written Constitution or unwritten Constitution, that the Governor must have a vote before the Assembly or Parliament meets. A'l that he has to do is to satisfy himself (hat thsre is a party which can fomt a Government which will not be v.^te.l out immediately on a no-confidence motion. Even there it may be that you taKe into account others, even though some will be neutral; >t may be so because of the neutrality of some one party, and the parry must have a clear overall majority in any House.

Such is the Constitutional position. You aae, in the French Parliament is has happened that not one paity for many,
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many years got an over all majority. Yet the French Constitution was not brought to a point of deadlock in ths way in which it is done in our country. Always in the French Parliament under the French Constitutional system, it has been the major party, the first party, which has been called by the President to form a Ministry, and I do not know recently of any example, if you take the last tweatyfive years o- so, when there was an overall majority—if you leave out the Fifth Republic under General Charles de Gaulle—when there was an overall majority in the French Parliament of a single party. But here before us we are violating the spirit and letter of our Constitution in the sense that the Constitution enjoins upon us to make the President's rule an exception rather trmn a rule. And there wh;:t are we doing now? We are making in Kerala, by the conduct of the Government, I mean, the President's rule a permanent ih'ug and a thing i'rncst of perpetuity. If ths poHiical position of Kerala continues to DC .ike that, we are making an exception to -he normal provisions of the Constitution and we do not have such a parallel in any parliamentary democracy. I should tike to beg of the Congress Members. I have been a student of constitutional history foi several years. Now, I ask them to correct me, point out from any constitutional h'story anywhere where the parliamentary system obtains, whether it is in the Continental countries or in the Scandinavian countries, before the war and now oi whether it is the American system—but there the question does not arise ia that form—or whether it is in Eng'and, whether in a comparable situation, s"jch a thing had happened.

SHRI JOSEPH MATHEN: The Communist majority party in the Frerch Parliament, was it ever called upon to form a Ministry in French?

SHRI BHUPESH GUPTA: No, I tell you. Well, he does not know it. what can I do? Comrade Maui-cj "Ihoreau immediately after the war was not only a Minister but also the Vice Premier. Please understand it. They were then the biggest party. This is what happened. He is quite right in some ways. The Communist Party, with 144 members in the Chambci

[Shri Bhupesh Gupta.] of Deputies, was not a majority, it was the single, biggest party. But then a block had come into existence. Their claim was that they were the biggest party. Well, if here is such a thing, then invite that in Kerala. In Kerala no party is a singk', majority party. If a block comes, invite it. If it does not come, to begin with, jnvite the single majority party. The test of the Governor should be an objective test. Here I think subjective element comes in.

THE DEPUTY CHAIRMAN: Mr, Gupta, you must now wind up. There are other speakers. The time left is one hour odd. Mr. Sapru has to speak.

SHRI BHUPESH GUPTA: I would very much like to finish. He raised that point. Therefore, the objective test is another thing. Surprisingly enough, the election result came out on the fifth, and today it is the twelfth. In seven days' time nobody has been formally invited to form a government. Show me an example from the history of Parliamentary democracy anywhere. Therefore, we infer from it that something else is going on somewhere in order that things are prearranged before somebody is called to form a government. This is not in consonnnce with even elementary principles of political democracy. Let alone parliamentary democracy. This is what I say.

Today, therefore, I wanted to raise this question that after the decision of the Congress Party which is the party in power, their main job should be now to help those who are in a position to form the government and see that constitutional provision is given effect to rather than the President's Rule remaining all the time. That should be their duty. We should judge them whether they are over-acting in a manner which only facilitates the continuance of the President's Rule and a deadlock in this matter.

Madam Deputy Chairman, before I sit down I will give you one example of their political justice. The whele group of the Left Communists in the Lok Sabha is in prison. Here also the whole group is in prison. And you call it political justice. If you had said such a thing in a Hyde

Park meeting that our political justice is such, a petition would have been made to the Home Secretary to sen J you to a lunatic asylum. The British public will not simply understand how in their set-up Members of Parliament in peace time or, for that matter, in war time could be detained without trial in this manner and a group completely eliminated from Parliament. They would not simply understand it just as the young boys in the Soviet Union do not understand what capitalism is. They" read it from books. They ask what capitalism is like Similarly the British public will not easily understand what it means in a parliamentary set-up, a sovereign parliamentary set-up. You go to France and put this question. I can tell you there are bigger Communist parties in France and there are bigger anti-Communists also than some of you here are yet there is no detention without trial of any individual let alone a whole party.

The United States of America has got the Smith Act and various other Acts. Anti-communism is a statecraft there McCarthyism became the rule of life there in those days, yet because of the Bill of Rights you cannot detain a person without trial. You can do anything you like but you can never detain any citizen without trial. Therefore, here political justice you are negating, you are violating. You are molesting all principles of politic?!. justice in order to maintain one-parly rule, monopoly of political power which is to te retained in this manner, based on a minority of votes, but on the basis of a majority of seats out of proportion to the electoral backing iu the country-side. Therefore. Madam Deputy Chairman, let us not talk about it.

Madam, I have spoken on this Kerala issue because it is a live issue, it is a touch-stone, it is an acid test whether you believe it or not. Today I wish to bring to your notice an editorial written in the newspapers abroad. Everybody there feels that Indian democracy or parliamentary system is getting away from the principles of political justice, getting degraded, perverted and debased. If vou read these papers you can find this thing. Such is the position, Madam Deputy Chairman. (*Time bell rings.*)

I think Mr. Raghunatha Reddy has spelt good sentiments in the entire Bill and I support good sentiments. Good sentiments I support even if they come from Mr. Gulzarilal Nanda, I have no doubt about it. But then when it comes to practice in life, it has little meaning for him. It is very interesting that Mr. Raghunatha Reddy has moved from this side of (the House to that side. I do not quarrel with him. He is a good man by all accounts. But I should like to advise him not to live under that kind of illusion. Congress is building socialism, they say. [do not know how people say such a thing. Either they are ignorant or they do not know what socialism is or they are deliberately deceiving themselves. Since Mr. Raghunatha Reddy is an intelligent person, I hate to believe that he does not understand socialism. But the so-called socialism that you are building in India has nothing to do with socialism. It is perverted capitalism, and whatever little justice might be there is being taken away in the recent days by capitalism or bourgeois parliamentary system. The parliamentary system has been given a go-by and trampled under foot, violated under the present regime.

I will end by reminding the House of one thing. You will remember that the D.M.K. launched a campaign, mourning day in January. Many people felt that it should not have been on that particular day and that the Constitution should not be disrespected or disregarded or disrespect shown in that manner to the Constitution. Mr. Nanda gave advice to the D. M. K. not to show disrespect to the Constitution.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, you must wind up. You would like others also to speak.

SHRI BHUPESH GUPTA: Very well. But this Constitution they are violating every day. Today this Home Ministry has demonstrated before the whole world what principles they have. They have the principle of complete negative misdirection. Principles ultimately enshrined in the Constitution, in political democracy, or social justice or the sentiments expressed in the Directive Principles are ignored; they would become down-right reaction if they have

their way. Now it remains to be seen whether Mr. Nanda acts as a midwife of transition from now on to reaction or he acts as somebody better than that. Now redress is being sought so that constitutional liberties are really restored and the country progresses along democratic lines. Therefore, we support the sentiments of Mr. Raghunatha Reddy.

With regard to the other provision I do not say I support. In fact death penalty I would like to be abolished.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI): Which punishment to be abolished?

SHRI BHUPESH GUPTA: Death penalty.

SHRI JAISUKHLAL HATHI: He has not asked for it.

SHRI BHUPESH GUPTA: As far as that is concerned, I will abolish it. The law should be such as would give the same opportunity to the aggrieved party as in the case of death penalty. That is what I would like because the Supreme Court should have that overall jurisdiction. One should not be obstructed from going to the Supreme Court. Madam, that part I support.

I also support the sentiment of Mr. Raghunatha Reddy. But I would like Mr. Raghunatha Reddy to be realistic in this matter and realise that today what we are really concerned with is how to save even the positive gains of our freedom, the fifteen years of our Constitution, when Nehru is no more on the scene, and when on this side we see feeble people, in this situation the danger is that we may be lost. These gentlemen are striking, knowingly or unknowingly, at the very roots of democracy, in such a situation the task of the friends opposite is to see that they live up to the country's expectations so that on that we could build a new India.

Thank you very much for giving me time, Madam.

SHRI P. N. SAPRU: Madam Deputy Chairman, I should first of all like to say that though this Bill was put forward by

[Shri P. N. Sapru.] Mr. Raghunatha Reddy in a comparatively moderate manner, I am surprised to hear Mr. Bhupesh Gupta was eloquent about things which have got nothing to do with the BUI itself. This Bill does not relate to the Kerala issue. It has no concern with it. It concerns things which are different from the Kerala issue. Now, I will confine my remarks to certain things. I have only had the opportunity, partly due to my laziness, of having a look at the Bill only cursorily and I tuwe not been able to get the authorities which I wanted to place before you to fix the meaning of certain terms which are used in our Constitution. The first thing I would like to say is that there is a misconception regarding the nature of the writ power which our courts exercise. Mr. Reddy would like the vvitrit power to be very much extended. In fact, he would like . . .

SHRI K. V. RAGHUNATHA REDDY: I have not pressed those two clauses.

THE DEPUTY CHAIRMAN: He is not pressing those two clauses.

SHRI BHUPESH GUPTA: He does not want to press them.

SHRI P. N. SAPRU: I am glad that he has seen the wisdom of dropping those clauses. I wanted just to make this quite clear the article 226 deals with writs. They are remedies of an exceptional character. They are not meant to be used for ordinary cases and they are discretionary remedies with the Court. Of course this discretion has to be of a judicial character. We cannot do away, in law, with the distinction between the writ jurisdiction of a court and the ordinary jurisdiction. I am glad that Mr. Reddy has realised the desirability of doing away with the clauses in his Bill which seek to widen the jurisdiction under article 32 which is a fundamental part of the Constitution and article 226 of the Constitution.

I first come to clause 2. So far as clause 2 is concerned, I do not think that the words 'by law' are necessary at all. They would be superfluous. They would not give any new meaning to the article. The article as it stands is comprehensive and covers all the potnts which Mr. Reddy has in mind. Article 16(1) says:

"There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated - igainst in respect of, any employment of oftlce under the State."

"(4) Nothing in this article shall prevent the State front making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."

As a matter of facts atticle 16(-1) is In wider terms than it would be if Mr. Reddy's amendment—to insert 'by law'—is accepted. Therefore I feel that there is no force in the suggestion embouied in clause 2 of the Bill.

Then I come to clause 4 where Mr. Reddy wants the lav/ courts to interpret the Constitution and the laws of the country in accordance with the Directive Principles of the Constitution. Now the Constitution-makers and the founding-fathers had made it clear that these Directive Principles are in the nature of some rules of conduct which should be normally observed by Governments ?nd Parliaments. They are not of a binding character. They are meant to be a guide to the Governments as to the policies that they should adopt. We were a new State and democracy was to be a new experiment with us and it was therefore desirable in- the interests of our future democracy to indicate the extent to which a State may go for the purpose for which a State may enact legislate or may do various things so far as the citizen is concerned. We had therefore framed the Directive Principles of the State Policy to slrike a balance between the rights of the State nnd the individual and I think it is to the credit of our founding-fathers that they have been able to strike a light balance. Anyone who reads those Directive Princinles wilt see for himself that those contemplate a Welfare State. They do not rule out

socialism and if I may say so, for a Welfare State it is not necessary that it should necessarily be a Socialist State.

SHRI BHUPESH GUPTA: Now -ve can say: 'For well to a Democratic State'.

SHRI P. N. SAPRU: Therefore the question whether the policies which the parties contesting for power can adopt will be of a socialist or non-socialist character has been left open but they must be policies which are in accordance with certain fundamental principles which have been laid down in the Constitution. And they are principles which the Constitution-makers regarded as fundamental for the governance of a welfare State. It would have been impossible for them, with our limited resources, to lay it down, for example, that there shall be compulsory and free education introduced immediately. It would have been impossible for them to lay down, with our limited resources, that there shall be free health services. I am in favour of free health services. I am in favour of free education right up to the university stage. I think university education should be as free as the air we breathe. These are the objectives we should work for; these are the objectives which have been indicated in the Directive Principles, but the implementation of them has been left to the parties working the Constitution and these Directive Principles

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair]

embody a reminder to them that these are the lines on which they must work the Constitution which we the people of India are giving to this country. That is the meaning of these Directive Principles. It is also wrong to assume that courts do not take any notice of these Directive Principles. It is true that the Directive Principles are not directly enforceable, but it has been held in a series of cases—I have not got those references with me, because I did not just look them up . . .

SHRI JAISUKHLAL HATHI: The Kerala Education Bill.

SHRI P. N. SAPRU: Kerala Education Bill is one.

SHRI JAISUKHLAL HATHI: Ana Quereshi vs Bihar.

SHRI P. N. SAPRU: And there are a number of others too. Justice Das, I remember, has written eloquently about the use that should be made of these Directive Principles in interpreting the Constitution. Often you come across a section in an Act which is of an ambiguous character. Now you have to interpret it. How will you interpret it? In interpreting it you must remember the Directive Principles of the Constitution. That, I think, would be a correct attitude for judges to adopt. For interpreting our laws we have the General Clauses Act. We have, for interpreting our laws, also the rules which are to be found enunciated in the well-known book of Maxwell and Cryes. But we have to work, as far as our country is concerned, the rule enunciated in these Directive Principles, which our judges would do well to remember, and let me assure you, Mr. Vice-Chairman, that our judges do look into these Directive Principles when it becomes necessary to do so.

If I may be a little egoistic, I will refer to a particular case which I had to decide in another capacity. The question there was whether it was permissible or it was open to the executive to refuse a licence to a person seeking it for business purposes. Now the Privy Council, in a case which went up from Ceylon, held that Government or the executive can refuse a licence without assigning any reasons for refusing to do so, because a licence is more a permission. That is the view they had taken in the Ceylon case, and that is the accepted view so far as the British courts are concerned. But we made a distinction. We said here in our Constitution, in our Constitution there is a specific provision in the Directive Principles that it shall be the business of the State to see that there is no unemployment, and we have therefore to approach the question whether a licence should or should not be granted from this point of view. I am just mentioning this case by way of an illustration and I want to point out that it is not correct to say that the Directive Principles are ignored by our law courts.

[Shri P. N. Sapru.]

As a matter of fact they do receive attention at the hands of our law courts when they are interpreting the law even though they are not of a binding character. I do not think that, at this stage of our economy, at this stage of our social development, it is possible for us to go further than what we have done in enunciating in clear terms the Directive Principles of State Policy. I hope that Mr. Reddy, who has brought to bear upon this question a sober outlook, will appreciate that the Constitution-makers were not oblivious to the desirability of proceeding with speed in the direction of economic progress in this country. We are not an affluent society; we are having therefore problems which are different from those which concern affluent societies, and the question whether a concern should be a State-owned concern is not, from the point of view of the socialism that I understand, a fundamental one. Socialism is about equality, and what we seek to do is to remove the disparities of income and wealth in this country, and the methods that we have adopted are those of regulation and control of capital; the measures that we have adopted are those of progressive taxation designed to hit the rich and help the poor. Therefore, I say that having regard to our present stage of society, the time has not come for us to think in terms of complete nationalisation or socialisation of all the means of production, distribution and exchange. In fact, though it may be regarded as a somewhat backward type of socialism by some of my friends, I would say that there has been on this question a great deal of rethinking among socialists all over the world and even in the Soviet Union the question whether there is not the need for the profit motive in life is being seriously discussed today. The Constitution does not rule out socialism. It indicates a direction which is socialistic in a broad sense of the term because it envisages a welfare State. It envisages that there shall be decent standard of life or living for all our citizens. I think, therefore, that the Directive Principles of State Policy as they are, and as they have been interpreted by courts of law, are sufficient for the purposes of our present-day requirements. I cannot say

what changes they will need ten years-later. It is not possible for man to legislate for all time. A Constitution has to be framed in the light of the circumstances existing at any particular time in the community. Having regard to those considerations, I would say that there is no need for changing the Directive Principles of State Policy.

Reference was made by my respected friend, Mr. Reddy, to the report of a legal committee of which I happened to be a member and of which the distinguished Chief Justice of India was the Chairman. That committee had to concern itself with legal education and we made in the course of our report certain observations of a general character, because we wanted to emphasise what is the type of legal education that our young men should get. We were not enacting a statute. We were writing a report and in that report we could only indicate certain principles and we have in our report, indicated those principles. I think that those principles are the sound. I think that our legal education needs improvement as indeed our education in every other branch of knowledge needs improvement. And I hold that we need lawyers who have an awareness of their social surroundings. A lawyer's mind or a judge's mind does not work in vacuum. One of the greatest judges, Judge Kardezo, used to emphasise the part that the subconsciousness plays in determining a judge's outlook on legal matters, and I would say that I agree with that point of view and I think it is important in appointing our judges to have regard for their cultural attainments, for what we want in a judge is a wide legal culture. I cannot imagine how a judge can deliver good judgments unless and until he has some acquaintance with Roman Law or with Maitland or Dicey or Stephen or the great judgments of Justice Holmes. They are likely to give him a broad vision. I would not be content with that.

SHRI Id. RUTHNASWAMY (Madras): I would like to ask the hon. Member if he is insinuating that our modern judges do not read these books?

SHRI P. N. SAPRU: I will not say that I am insinuating. I have some experience of some of our modern judges. My distinguished friend has been a teacher of eminence and he knows the knowledge of law, I mean from the juristic point of view, which even some of our great advocates seem to possess. I would not like to say things which are derogatory to the dignity of our Benches. But I would like to emphasise in the education which makes up a judge the importance of these subjects. They may not perhaps be of much use from the practical point of view because a cross-examination, even a good *mukhtiar* can do in a district court. But these are subjects which give to the judge a cultural background and I think it is essential for our judges to have a wide cultural background and it is necessary for our judges to understand the philosophy of law.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Sapru, you have taken half an hour.

SHRI P. N. SAPRU: I am just finishing.

SHRI JAISUKHLAL HATHI: Clause 5 you have left.

SHRI P. N. SAPRU: Mr. Vice-Chairman, I will now say one or two words about clause 5. I think we do not need a change of this character at all. The powers of the Supreme Court so far as entertainment of appeals is concerned are of a very wide character. As a matter of fact, the old Privy Council never used to possess or never claimed to possess these powers. In Deletts case it will be remembered that they laid down that they would interfere with criminal appeals only where some principle of natural justice had been defied. Here there is far greater interference by our Supreme Court with the judgements of the High Courts and I rather belong in this matter to the older schools of thought. Also I may point out that it is not necessary for us to make any changes in regard to article 134 having regard to the fact that under article 136 of the Constitution the Supreme Court has very very wide powers. It can grant special leave for appeal in any case it considers fit. Therefore I think no case has been made out for amending

article 134. As a matter of fact, if you enlarge the appellate powers of the Supreme Court you will be flooded with cases in this country and the work of that court might well become impossible.

Then I come to article 226. Regarding this, all I have got to say is that Mr. Raghunatha Reddy has made it clear that he appreciates that article 226 needs no change at the moment. These are the observations that I should like to make on this question. I am not, in speaking on this Bill, concerned with what is or what is not happening in Kerala. I am not, in speaking on this Bill, concerned with even the question of preventive detention though I entertain very strong opinion on that question and I have never hesitated to express my detestation or my dislike of preventive detention. For the first time I got into the Council of States in 1934 and the second speech that I made in this House was on the Criminal Law (Amendment) Act and that related to preventive detention. I took a strong line then and I have never wavered in my opinion regarding preventive detention since then but this is not the matter in issue now.

SHRI N. SRI RAMA REDDY (Mysore): How is it detestable if it has stayed on for 31 years?

SHRI P. N. SAPRU: It will stay on with your emergency for ever. I think . . .

SHRI BHUPESH GUPTA: Like Pakistan; it is the Pakistan way.

SHRI P. N. SAPRU: I think democracy and rule of law do go together. Democracy does not mean only the ballot box; it means something very much more than the ballot box and we have got to do right thinking in this matter. I hold strong convictions—they may be right convictions, they may be wrong convictions but I hold strong convictions—but this is not the time for me . . .

SHRI BHUPESH GUPTA: If you will yield for a minute, I want your light on a point.

THE VICECHAIRMAN (SHRI M. P. BHARGAVA): Mr. Sapru, are you yielding?

SHRI P. N. SAPRU: I am not yielding; I do not want to yield. It is for the Chair.

SHRI BHUPESH GUPTA: You yield for half a second. I only want your opinion on one point.

SHRI P. N. SAPRU: My opinion is not worth much.

SHRI BHUPESH GUPTA: I want an opinion from you. If you will kindly yield then I can put that question to you. Unless you yield he will not allow me.

SHRI JAISUKHLAL HATHI: I wish you were doing this always.

SHRI P. N. SAPRU: I have never used the word 'yield' in my life.

SHRI BHUPESH GUPTA: Will you kindly resume your seat then?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): If you sit down it means you have yielded.

SHRI P. N. SAPRU: Then, Mr. Vice-chairman, thank you very much for the courtesy that you have shown.

SHRI BHUPESH GUPTA: May I ask him a question? He has resumed his seat. Never yield in your life.

The position is this. He says that the Directive Principles should be there, that the Judges should be told by a provision in the Constitution that when they interpret the law they must keep the Directive Principles in mind. I pointed out that it very much depended on what kind of legislation we gave to the Judges, what kind of laws we enacted. We may do something in the political or economic sphere contrary to the Directive Principles and the Judges, since it is a written Constitution, will be bound by the enacted laws rather than by the sentiments expressed. Even if we constitutionally sanctioned, they could go against the Directive Principles.

SHRI P. N. SAPRU: The Judge is not the law-maker. He has to interpret the Constitution according to certain well-recognised canons of legal interpretation

and one of the canons of legal interpretation so far as our country is concerned is to be found in the Directive Principles of State Policy. Beyond that he cannot go.

SHRI BHUPESH GUPTA: But if . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You have had your say, Mr. Gupta.

SHRI BHUPESH GUPTA: Suppose you have a Directive Principle against unemployment and we promote a law allowing retrenchment. Now the worker goes to a court of law to seek remedy; the court is helpless because the law promotes retrenchment. He cannot get much help from the Directive Principle though it says that unemployment should be reduced.

SHRI P. N. SAPRU: I do not think that the worker is so helpless as my friend makes him out to be. As a matter of fact, the employer too can say today with some truth that in many a case he is helpless. Therefore we have to be fair both to the employer and the worker.

SHRI A. D. MANI (Madhya Pradesh): Mr. Vice-Chairman, this Constitution (Amendment) Bill seeks to amend five articles of the Constitution. I wish my hon. friend, Mr. Raghunatha Reddy, had concentrated his attention on one of those instead of bringing them up all together in this Bill.

4 P.M.

THE VICECHAIRMAN (SHRI M. P. BHARGAVA): He is concentrating on the third, two he has given up.

SHRI A. D. MANI: May I enquire which of them he has given up?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Articles 32 and 226. These two he has given up. So, you can speak only on the third.

SHRI BHUPESH GUPTA: Now, Sir, on a point of order, because he has introduced the Bill he may like it, but he has not sought your permission to formally withdraw them.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): He was given the advice. That is all right.

SHRI A. D. MANI: Now, in clause 4 of the Bill it seeks to make it obligatory that:

"All laws shall be interpreted by the courts in conformity with the Directive Principles of State policy as enumerated in this Part."

As I said, the Directive Principles of State Policy may have to be drastically revised in view of present day requirements. I may recall in this connection that it was the Sapru Committee in 1945 which suggested that certain Directive Principles should be enshrined in the Constitution and when Dr. Ambedkar spoke about this matter in the Constituent Assembly he said that there was no legal right for the enforcement of these Directive Principles. The sanction for the Directive Principles is a political sanction and not a justiciable right. It has been held by the Supreme Court and the High Courts that the part relating to Fundamental Rights has got precedence over even the Directive Principles. I think that the courts have rightly held that the Fundamental Rights of the citizen are more important than whatever might have been said in the Directive Principles.

My objection to the Directive Principles as they stand today is based on the ground that whatever we have said in the Directive Principles has not been adequately implemented. I should like to refer to article 39 of the Constitution, which says:—

"The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;"

Unemployment is growing apace in every State. Has the State done anything to provide adequate means of livelihood to those persons who are unemployed?

The other clause goes on to say:

"that the ownership and control of the material resources of the community are so distributed as

best to subserve the common good;"

It is very well known that blackmarketeers and those who are responsible for inflation do enjoy many benefits under the present administration and they have not been deprived of those benefits.

Then, it goes on to say:—

"that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;"

There has been greater concentration of capital in our country after independence than before independence. During the time the British Government was in existence, there was at least some attempt to bring down the level of inequality in the economic system. Today it is the monopolists who are getting the keys of power almost in every State.

SHRI P. N. SAPRU: May I just interrupt to point out that my friend is not quite right.

SHRI BHUPESH GUPTA: Partly right

SHRI P. N. SAPRU: The monopolists in the British days had their offices in London, in Edinburgh, Glasgow or Manchester . . .

SHRI BHUPESH GUPTA: The monopolists in those days were . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Not two at a time, please. Mr. Mani, Mr. Sapru is on his legs.

SHRI P. N. SAPRU: Now, they have their offices in Calcutta, Bombay, New Delhi or Old Delhi, Madras, etc. So, that is the difference.

SHRI BHUPESH GUPTA: I agree.

SHRI A. D. MANI: My contention is that the white monopolists have been replaced by brown monopolists and the brown monopolists are stronger than the white monopolists were at any time during the time the British Government was in existence.

[Shri A. D. Mani.]

Another clause goes on to say:—

"(d) that there is equal pay for equal work for both men and women;"

Is there equal pay in any State? There is certainly a difference in regard to the wages paid to women and men.

Then, it goes on to say:—

"(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;"

This, too, is more or less inapplicable to the conditions that exist in our country today.

Then, it goes on to say:—

"(f) that childhood and youth are protected against exploitation and against moral and material abandonment."

I realise the value of the Directive Principles as a preface to the Constitution. The American Constitution had two Fundamental Principles, namely, the right to equality and the right to happiness. These were the Fundamental Principles of the American Constitution when it was drafted by the founding fathers in the 18th century. Even in the United States the right to equality has not been fully ascertained in many States and this is responsible for the agitation that Dr. Martin Luther King is carrying on in Alabama. With regard to the right to happiness, there is, again, a difference of opinion. The right to happiness is found in the capital, in the towns of the United States and not in the villages.

SHRI P. N. SAPRU: Happiness is a state of mind.

SHRI A. D. MANI: I mention that even in the matter of a nebulous idea like happiness, the great country of United States, with all the material resources of the new world, has not been able to

implement one of the Directive Principles of the American Constitution. At the time the Directive Principles were provided we were under the impact of Mahatma Gandhi's national movement. Mahatma Gandhi had placed certain ideals before us and we wanted to be true to U" ideals. Whatever has been stated in the Directive Principles stems from the Gandhian philosophy.

SHRI P. N. SAPRU: Not necessarily, because you will find that some of these Directive Principles are to be found in the Irish Constitution and they have been influenced by radical thought. They have been influenced by Marxist thought also to some extent.

SHRI A. D. MANI: I know that the Irish Constitution played a very big part in influencing our thoughts on the Indian Constitution and in regard to the Directive Principles of State Policy a reference was made to what was being done in Ireland in the Constituent Assembly. This was discussed. But my contention is that whatever we have put in the Directive Principles has at all come from the Gandhian philosophy. I would refer you to article 40:—

"The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government."

This was also laid down by Mahatma Gandhi as a principle of national policy.

Then, it says:—

"45. The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years."

This was also one of Gandhiji's principles during the time he carried on the war for national liberation.

Then, we go on to the question of the separation executive from the judiciary. It says:—

"50. The State shall take steps to separate the judiciary from the executive in the public services of the State."

Then, there is also reference to the duty of the State to raise the level of nutrition and the standard of living of its people. It was under article 47 that the prohibition Act of the Bombay Government was sustained by the highest judiciary in the country because it was in consonance with the Directive Principles.

I think our society is changing. My hon. friend, Mr. Raghunatha Reddy, may think that the so-called socialistic pattern of society is the final and ultimate ideal of humanity in India. I would like to ask him: What would be the state of society in 3,000 A.D.? As every form of society is forced to meet certain challenges and certain conditions, in 3,000 A.D. there may be an anarchic form of society where the policemen may cease to exist. Why should we say that a particular pattern of society is the only course under which we should proceed? In 2,000 A.D. there may be a world government. We are now living in a fast sinking world. It may be that in 2,000 A.D. as a result of a nuclear holocaust a world government may be recreated.

Sir, we have been too long the victims of slogans. The British Labour Party had accepted nationalisation as the sheet anchor of its policy. Today if anybody goes to Britain, he will find a change. I have been there only a few months ago. I discussed with the leaders of the Labour Party, including Mr. Harold Wilson, what the policy of the Labour Party was in regard to nationalisation of essential industries. There is not so much of emphasis on nationalisation now, as there was when the Labour Party came into power in 1945 under Mr. Attlee and under Sir Stafford Cripps. Even in Britain ideas are changing about the question of nationalisation. What I would like to see in our country is a genuine socialist form of society being created without our talking about it. If you go on talking that a socialist form of society is the goal and practise methods for defeating the socialist form of society, we are not acting in accordance with the directive principles of the Constitution. It is necessary therefore that the climate for socialism should be created in the country. It is no use passing a resolution at

Bhubaneshwar and putting it in the Constitution as one of the directive principles. Mr. Raghunatha Reddy, if he is given an opportunity, may seek an amendment of the Constitution to have the Bhubaneshwar ideal put in as the goal of the Indian society. It is not necessary at all. Let us try to be socialist in practice and not socialist in theory. I have been many times in the U.S.A. I stayed in New York many years ago when both of us, Mr. Vice-Chairman, were members of the Indian U.N. Delegation. In the City of New York in the country of the United States of America, which is supposed to be the apogee of capitalism, there is much more socialism in practice than in our country. There is complete security for the unemployed, for the old age people. There is old age pension. We have yet to enforce these in our country.

SHRI BHUPESH GUPTA: The hon. Member is saying that there is plenty of socialism then. Can we not get some of it under PL. 480?

SHRI A. D. MANI: The Americans are giving you a lot of literature under PL 480. That kind of socialism they put forward. They claim that they are more socialist than we are. I have been to your country also, the Soviet Union. I have also seen the socialism there. I have also seen the extent of security that they have given to the labour force in the United States. It is not possible for blacklegs to break a strike in the United States. The persons will be beaten. I am not suggesting that people should be beaten here. There is so much strength of feeling against anti-labour actions that any person who seeks to break a strike will be properly dealt with according to their lights.

I would not attach much importance to these directive principles. They have been there. If I am given my way, I would like to amend these directive principles confining them to certain essential things which are required for Indian society. We want equality, we want happiness, we want freedom to seek our avocations, we want the right to earn a livelihood.

[Shri A. D. Mani.]

I would not like to put down a series of things which have not so far been accomplished by our State—which is a standing condemnation of our approach to the question of State principles.

In regard to the directive principles, I would like to mention here that article 46 says:

"The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes; and shall protect them from social injustice and all forms of exploitation."

It is in pursuance of this article that certain restrictive orders in regard to admission to educational institutions have been upheld by some of the Courts in the country. Some of the extraordinary restrictive measures which have been passed, notably by the Mysore Government, have been struck down by the Supreme Court. But in pursuance of this article State Governments have taken upon themselves the right to restrict admissions to educational institutions saying that persons belonging to certain so-called backward communities shall be given the right to have prior entrance before other persons belonging to the higher castes are admitted. This kind of restriction has been going on, has been practised in many States. I am one of those who feel that we have done a lot of injustice to the so-called backward classes. We must go through a period of penance. The majority community must be willing to accept certain restrictions on their rights, but this should not be for all time. There should be a time limit for the enjoyment of these facilities by the backward classes. If our State should be prosperous, if our Government should be efficient, we have to take our stand on merit at some stage or other. I do not mind any time limit being fixed, 25 years, 30 years or 50 years, but one day all these special concessions must end. These special concessions have been responsible for breeding a minority complex in this country. The persons who enjoy these

concessions are made do not feel that they belong to a minority. Once a person feels that he belongs to a minority, that minority complex grows in him, as it has grown in the Jews—in the world whenever they are they feel . . .

SUM N. SRI RAMA REDDY: In Mysore they have subsequently altered the rules. Only the economic criterion is taken into account and not whether one belongs to a minority or majority. The educational concessions are given on that basis. Only the economic criterion is followed and not that of a person belonging to a backward community or majority community.

SHRI A. D. MANI: I know that that decision was taken after the Supreme Court had pronounced its judgment on the case which went up from Mysore. In regard to these concessions, I may mention here that even the economic criterion may result in injustice. In the State of Bombay I know that a scholarship is awarded in the colleges of Dakshina Fellowship. It is given to the person who passes first in the examination, whether he is rich or poor. That Dakshina Fellowship is an award of high honour in the State of Bombay. In the colleges and schools the Dakshina award is being given to persons who stand first in an examination. Why should we not try to encourage merit? I feel therefore that the amendment of the Constitution which Mr. Raghunatha Reddy seeks will only perpetuate the present conditions in which a minority outlook has been allowed to grow up with impunity in the country. I am referring to clause 4 of this Bill:

"All laws shall be interpreted by the courts in conformity with the directive principles of State policy as enumerated in this Part."

In his speech when he introduced the Bill Mr. Raghunatha Reddy referred to what Chief Justice Gajendragadkar had said on some occasion that all our laws must conform to the mores of our social thinking at the time. In the United States too there

has been a change of opinion among Judges. During the Roosevelt regime the Supreme Court interpreted the law in favour of the New Deal. There was a time when the Supreme Court of the United States upheld restrictions on the freedom of Negroes, but times have changed and the Judges do not live in isolated glass chambers, not gas chambers but glass chambers.

SHRI P. N. SAPRU: They should not.

SHRI A. D. MANI: Many of the Judges also take active part in social movements. They are members of registered societies.

SHRI BHUPESH GUPTA: What happens when the executive defies the wishes of Judges, the views expressed by them or the *obiter dicta* given by them, as they are doing in many cases?

SHRI A. D. MANI: I know that the Judges also make their views quite clear in regard to these matters though they may not have the corrective power to bring the Executive into book. The Judges of our country—and I must say this about our Supreme Court and the High Courts— have tried to move with the times. I may mention here that in one labour case which went before the Supreme Court, Chief Justice Mr. Gajendragadkar, who had not become the Chief Justice at that time, ruled that the ordinary age of retirement for a man in this country should be sixty. A person cannot be retired before he is sixty years of age. At that time the rule was in force in Government Departments that a person should retire at the age of fifty-five and Chief Justice Mr. Gajendragadkar said that a person should retire at the age of sixty. It may be that in 1970 we may have a Chief Justice who might say that a person should retire only at the age of sixty-five. Judges take into account all the circumstances and they are very sensitive, they know what is happening in the country and they can be trusted to interpret the law in the direction of social thinking of their times.

SHRI P. N. SAPRU: I may just remind the hon. Member that Lord Wright in the Australian Bank Nationalisation case has

said that a Constitution is a document meant for all time and the words enshrined in the Constitution change with the time. You may interpret a word today in one sense; tomorrow the circumstances may have changed and the word may have to be interpreted in a different way.

SHRI A. D. MANI: I am much obliged to my hon. friend, Mr. Sapru, for citing Lord Wright's opinion but Lord Wright was an Englishman. The English Constitution does not have any Directive Principles.

SHRI BHUPESH GUPTA: In fact, they do not have a written Constitution.

SHRI A. D. MANI: They do not have a written Constitution at all. There is a much greater emphasis on socialism in Great Britain than in our country, though they have a monarch. Today the Queen, as Walter Page says, can do anything that she likes and she can make an unlettered man a Doctor of Oxford if she wants to. But I would like.....

SHRI BHUPESH GUPTA: Here also.

SHRI A. D. MANI: The British practice is not put down in our Constitution. The Directive Principles may have to be changed on account of the stresses of time. I would therefore suggest that Mr. Raghunatha Reddy should not press for an amendment of article 37. There is a clear case for a Committee of both Houses of Parliament to be appointed to go into the entire question of the Directive Principles of the Constitution. We have had 15 years of the working of the Constitution and we are now in a position to judge whether these Directive Principles should or should not be amended. It may perhaps become necessary to delete article 47 of the Directive Principles, which says—

"The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary 'duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for

IShri A. D. Mani.]
 medicinal purposes of intoxicating drinks
 and of drugs which are injurious to
 health."

This will have to be considerably modified.

SHRI BHUPESH GUPTA: Mr. Mani
 shoul'd be the Chairman of that Select Com-
 mittee.

SHRI JAISUKHLAL HATHI: If you accept
 this amendment

SHRI A. D. MANI: My attitude towards
 this is

SHRI BHUPESH GUPTA: You can judge it
 personally.

SHRI A. D. MANI: I personally feel that in
 regard to prohibition it is the moral counsel
 which will finally prevail and prevail in a
 more effective manner than the coercive
 power of the State. Today we are having the
 spectacle of the various State Governments
 following their own policies. Right across,
 outside Delhi's border, there is public
 drinking at the bars. Sixty or seventy miles
 away from Delhi, in Punjab, there is public
 drinking at the bars. Public drinking is
 prohibited here—And the Chief Minister of
 Maharashtra is going to license—breweries to
 be started there and he has got his ideas about
 four per cent liquor. The opinion on this sub-
 ject unfortunately has not triumphed on the
 side of prohibition. We have tried an
 experiment, it may be necessary

SHRI MULKA GOVINDA REDDY
 (Mysore): Toddy shops are being opened in
 Andhra Pradesh.

SHRI A. D. MANI: In Bangalore public
 drinking in bars is quite common though
 Bangalore is under the suzerainty of the
 Congress High Command. I feel that in regard
 to this matter we should have rethinking on
 some of these provisions.

Now, I would not like to put down even the
 question of the concentration of economic
 power as one of the Directive Principles of
 the Constitution. While

the Government talks about it, the concea-
 tration of economic power is going apace in
 the country. We are now thinking in terms of
 allowing foreign companies to have a majority
 shareholding in Indian companies and letters
 of intent have been opened in order to step up
 production. Unfortunately, we have had a very
 big retreat from Bhubaneswar, as serious a
 retreat as Hitler had from Moscow and as
 serious a retreat as Hitler had from the shores
 of England after the Battle of Dunkirk. We are
 retreating from it. We do not know what kin'd
 of economy we want to create in our country.
 It is therefore necessary that we should try to
 delete from these Directive Principles of the
 Constitution a large number of directions
 which, to my mind, are quite inappropriate at
 the present time, and I would not like to vest
 the Judiciary with the responsibility of inter-
 preting the laws in conformity with the
 Directive Principles. As I said earlier,
 fundamental rights have precedence over any
 other part of the Constitution. If the
 fundamental rights are in conflict with the
 Directive Principles, it is the Directive
 Principles which have got to give way. The
 freedom of the citizen is more important and
 therefore I would not like to make any
 amendment to the articles of the Constitution,
 which might lead to any infringement of the
 fundamental rights.

I was not present; I 'do not know whether
 Mr. Raghunatha Reddy is pressing his
 amendment to article 26

SHRI JAISUKHLAL HATHI: No.

SHRI A. D. MANI: Only the Directive
 Principles?

THE VICE-CHAIRMAN (SHRI M. P.
 BHARGAVA): Article 134 is pressed.

SHRI A. D. MANI: I am in favour of his
 amendment to article 134 which provides for
 an appeal to the Supreme Court from the
 criminal proceedings in a High Court:—

"has on appeal reversed an order of
 acquittal of an accused person and sentenced
 him to death;"

I agree with him that It is only proper that such an appeal should be available also in cases where, after reversal of an acquittal, or order of sentence of live imprisonment is awarded. I think that in the case of life imprisonment there should be a right of the courts concerned to have a review of the orders passed. And I am in favour of the amendment.

Sir. I wish Mr. Rughunatbu Reddy had brought in a Bill of a different kind which seeks to have a recast of the Directive Principles because that might have stimulated discussion on the various Directive Principles of the Constitution which are to be found in Part IV.

Therefore I am in two minds about the Bill, one part to which I am opposed, and the other part of which I am in favour, and I am not sure whether Mr. Raghunatha Reddy is going to press the Bill or is going to withdraw it. after the Minister has spoken. I see that he is not sitting here, I am just looking for him behind but he is sitting on the other side- It might make a lot of difference, whether he is going to press the Bill or withdraw it.

SHRI JAISUKHLAL HATHI: Sir, I had, and this House also had, the benefit of hearing three eminent Members of the House, one the hon. "Mover, a lawyer, the other a lawyer-cu/n-eminent jurist, Dr. Sapru, and the third, a lawyer-cMm-politi-cian.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): And journalist also.

SHRI JAISUKHLAL HATHI: I say. lawyer-CMm-palitan. Mr. Mani who had half a mind(*Interruptions*) Anyway, it has given us a good opportunity of going over the vast field and consider the various aspects of those Chapters of the Constitution which deals with.

. SHRI BHUPESH GUPTA: ' Which is a dead letter.

SHRI JAISUKHLAL HATHI: . . . IhC fundamental rights and the Directive Principles.

So far as the present Bill is concerned, by clause 2 the honourable mover wants to amend article 16 of the Constitution by adding the words "by law".

[THE VICE-CHAIRMAN (SHRIMATI TARA RAMACHANDRA SATHE) in the Chair]

Here it will be relevant to see the relevant articles of the Constitution, 14 to 16 and 341 and 342. So far as the Scheduled Castes and Scheduled Tribes are concerned we have a separate provision under article 341 whereby:

"The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races, or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory,...." and

"Parliament may by law include in of exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

Similarly, article 342 deals with the Scheduled Castes, Now, if we look to the theme of the Constitution, article 14 provides that the States shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Then clause 16 says:—

"There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State."

Now clause (4) which is sought to be amended is really an enabling clause and the enabling clause is an exception to the general principles laid down in article 16(1) where they say:

[Shri Jaisukhlal Hathi.]

"There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State."

Now clause (4) says:—

"Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the State, is not adequately represented in the services under the State."

It is an enabling provision. Wherever the State feels that a certain backward section of the society has not been in a position to get the representation in the service under the State, they can deserve certain hopes, as Mr. Mani thinks, whether they should be or should not be kept is a matter for consideration. But so long as the backward classes and the Scheduled Classes themselves feel that some encouragement or reservation should be made, this provision has to be used. It is a different matter that we think that it should not be used, or whether it should be used against a particular caste.

SUM A- D. MANI: There was this time-limit facility.

SHRI JAISUKHLAL HATHI: Not in this. The idea here is to give some encouragement or some weightage to the backward classes, if they are not duly represented. But as Mr. Sapru has said, by inserting the words "by law" we are rather narrowing down the scope. The State, as defined in this part, includes "Government, Parliament of India and the Government and the legislatures of the States". And the State may by an executive order direct that certain percentages shall be reserved for certain Backward Classes. What these backward classes are will also have to be decided by the State.

So far as the services and the backward classes are concerned, the backward classes may go on changing. It is not a permanent thing. It may vary from time to time. A section may be backward

today. But after 15 years it may not remain backward. Therefore, on the day the data have to be collected, the proportion in the services has to be determined, and the State which includes both the wings, legislative as well as the executive can make provision for reservation or whatever protection they want to give. Therefore, as Mr. Sapru said the word "State" used today in this Constitution is a wider word and by putting the words "by law" after it, would be narrowing down the scope. It is not as if it is a mandatory thing. It is an enabling clause. Wherever the State feels, it may do so. Nothing in this article shall prevent them from doing so. Therefore, it is an enabling thing which is a permissible thing. It is not a mandatory thing. Wherever they feel they can do it. Therefore, I think this amendment is not necessary.

i, Madam, I do not propose to deal with clauses 3 and 6 because the hon. Member has not pressed these two amendments.

I will then come to clause 5 suggesting amendment of article 134. The article which is sought to be amended by the present amendment by itself provides that:

"Art appeal shall lie to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India."

Therefore, it is not that there is any bar for Parliament to make law empowering the Supreme Court to hear second appeals.

Madam, if we see the history of the jurisdiction of the High Courts in India, the High Court was the final court and the cases to the Supreme Council were very rare. Here also it is not that the Supreme Court is barred from entertaining an appeal. An appeal can be preferred provided the High Court certifies that the case is a fit one for appeal to the Supreme Court. Therefore, so far as the jurisdiction of the Supreme Court is concerned, this article does not in any way take away the jurisdiction.

It is true that an appeal would lie only in two cases. Firstly if the High Court:

"has on appeal reversed an order of acquittal of an accused person and sentenced him to death;"

That means it is on second appeal. Secondly clause (b) provides for first appeals where a High Court has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death. There the first appeal even can lie to the Supreme Court. In (a) it is on second appeal. There also we have to see the stage. Wherever there is a question of imprisonment for life or question of death sentence, then it goes for committal proceedings. There judicial enquiry or proper trial is held. Then after the committal proceedings, it goes to the Sessions Court. Then it goes to the High Court. The hon. Mover is proposing now an amendment that the second appeal should also lie to the Supreme Court in (a) but, as I mentioned, this appeal in criminal cases to the Supreme Court is not barred and at least if there is gross injustice, then let us leave it to the discretion of the Court to grant leave or not to grant. Why should we . . .

Swu A. D. MANI: May I ask the Minister whether in any one case the Supreme Court has given the right of appeal? I do not think there has been one case where the Supreme Court in exercise of its powers under article 136 has given the aggrieved party the right of appeal.

SHRI P. N. SAPRU: I know.

SHRI JAISUKHLAL HATHI: There have been, I also know. They are giving it. I think we leave it to the discretion of the High Court and if we do not leave it even that much discretion—because after all when we say that a person is convicted and then he wants to go in appeal, naturally they will look into the case whether, if after acquittal this man is sentenced to death, there is something which would entitle him to go to the Supreme Court so that his life may be saved. I think that much of discretion we should give.

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Then the second argument which Mr. Reddy advanced was that in civil suits where the property is of the value of Rs. 20,000 and above, a person is entitled to go to the Supreme Court in second appeals. Why should then one not be allowed to go in appeal when there is a question of life imprisonment? if there was a question of death, certainly appeal lies to the Supreme Court, whether first appeal or second appeal, there is no question about it. Now he says, is imprisonment or liberty of a person less valuable than an amount of Rs. 20,000 but it is not a question of comparing Rs. 20,000 and personal liberty. If we were to compare personal liberty then even imprisonment for a day may be much more valuable, that is liberty of a person or restraint on liberty of a person even for a day may be much more valuable than Rs. 20,000. It may be worth even more than a lakh or crore of rupees. Therefore we cannot take this comparison that if a man who is affected by a judgment of property to the extent of value of more than Rs. 20,000 is allowed to do, why a person who is affected by the judgment of a criminal court to an imprisonment for life is not allowed to go? But if we take that argument, then the argument should be that anybody who has suffered an imprisonment or who is sentenced for imprisonment even for a day or month should be allowed to go. Therefore that argument does not convince me at all and in a civil court it may be also something of a luxury. People who fight for property, who have money, who can afford to give the court fees may like to go to the Supreme Court from the High Court and can have that luxury of litigation because there it is only a question of property rights and they may afford to do it but in this case it is a question of life, it is a question of imprisonment, it is a question of personal safety and therefore it is always desirable that the decision should be quick, should be final and that the High Court should be the final court so that in such cases there is no further litigation but even then there is a provision for appeal to the Supreme Court. It is not barred. More than that, another point is that where we have a provision in the Constitution which empowers the Parliament by law to confer jurisdiction on the Supreme Court any additional

[Shri Jaisukhlal Hathi.] power, than is given under the Constitution, would it not be proper, would it not be desirable for this House to consider whether we should exercise that power of legislation and enact a law if this House so feels inclined, though I personally feel that there is no need for such a law but supposing Mr. Reddy finds that there is need for such a law whereby

AN HON. MEMBER: There is no need.

SHRI JAISUKHLAL HATHI: I say, granting that Mr. Reddy feels that there is a need for such a law authorising the Supreme Court to have jurisdiction in such cases of hearing appeals, would it not then be better to have a law rather than to amend the Constitution? Is it proper that where you have already got a remedy by way of legislation empowering the Supreme Court to hear second appeals, is it proper that we should amend the Constitution? Amendment of the Constitution is only where other remedies are not available. Here you have got your powers or this House has got powers to legislate and authorise the Supreme Court or give jurisdiction to the Supreme Court to hear appeals. Therefore I feel that there is no need for amendment of the Constitution in the first case because there is no hardship or difficulty to the accused and secondly that there is already a provision in the Constitution giving power to the House to enact a law if they so desire.

SHRI P. N. SAPRU: Article 136 is also there.

SHRI JAISUKHLAL HATHI: Yes, article 136 is there which says:

"Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India."

SHRI NAFISUL HASAN (Uttar Pradesh): On point of law.

SHRI JAISUKHLAL HATHI: Yes, on point of law. Therefore there is ample

provision under article 136 and the Supreme Court can do it. if there is a question of law. Then under article 134 the High Court can do it. Therefore it is not at all a case where anybody would be convinced that because there is hardship to the accused the provision here in the Constitution should be amended. There is absolutely no case. There is ample scope for an accused person to go to the Supreme Court provided he has a case either of law or in fact. If he has a case and if he can convince the court, then there is no hardship.

Then I come to article 37. Mr. Sapru has fully explained the position and has made my task very light. I will only add one or two points. Article 37 reads:

"The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws."

Now our courts have always kept before them these Directive Principles because after all they are people who are moving with the society, who know the changing times, who know what the society is and what it should be. And as has been said, the judiciary is a powerful force in moulding the standards of society and I can say, so far as our judiciary is concerned, that they have always done it and kept in view the changing concept of the various aspects of social life and socialism.

Mr. Bhupesh Gupta had referred to a number of things. I do not think I should reply to all the points. But he said something about labour tribunal. Now I might give you an instance, the concept of bonus. Originally, in India, bonus was something like a gratuitous payment given by the employer to the employee only as a gift, as a favour, in connection with *Pujah* holidays or some other holidays. Later on the concept changed; again later on it came to be understood as available surplus. Still later on, the other concept came, that because there was some difference in the real

wages and the actual wages, whatever was the available surplus should go to the worker in order to compensate for the loss that he has sustained all the year round. Ultimately the whole idea is that they are sharers in the profits; that is the ultimate idea, and this concept is changing in the society, which we all have taken to be our final goal. Now these Directive Principles would change as the society is changing. But to say that whatever is written in the Directive Principles should be always interpreted, as if it were a law, to say, even in dispensing justice or interpreting a statute or an action, that should be the criterion for enforcement of a right, well, that would be going too far. For example, article 48 says:

"The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle."

Now a case arose; a municipality by an executive order said that all these slaughter houses should be closed down, should all stop, there should be none. Now can the courts say that because the Directive Principle says that protection should be there to the cows and other cattle, there should be no slaughter houses? Can they say anything except that provided by law? If there is a statute they can do it, but still, in a number of cases these Directive Principles are kept in mind by the courts and in a number of cases they have held that the restrictions imposed on the exercise of Fundamental Rights for the purpose of securing the objectives enjoined by the Directive Principles were reasonable restrictions. For example, acquisition of land for the purpose of achieving the objectives of Directive Principles is held to be acquisition for a public purpose and, as I said, there are a number of cases, for example, the Kerala Education Bill. There they did Peep this in view. Therefore, to accept this amendment would be actually in conflict with the existing article, and the new article which is sought to be incorporated is:

"All laws shall be interpreted by the courts in conformity with the directive principles of State policy as enumerated in this Part."

But here it is said that they are not enforceable. Now therefore there is a direct conflict. Either you delete it; you cannot add this article and keep the other one also. So, as Mr. Mani has rightly pointed out, there is a direct conflict. So therefore I think this amendment also is not at all in line with the present theme of the Directive Principles of the Constitution.

Madam, I would not take more time of the House because most of the points have been covered by Mr. Sapru and Mr. Mani. Mr. Bhupesh Gupta had spoken on a number of things, on Kerala, and detenus, and freedom of action, but I do not think this was the appropriate forum or the appropriate time when he could have raised these questions. Moreover there is not much time and therefore I would request the mover, in view of all the explanations that he has received not from me alone but also from the other two Members who spoke, that he would withdraw the Bill. Thank you.

ANNOUNCEMENT *RE* GOVERNMENT BUSINESS

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI SATYA NARAYAN SINHA): Madam, with your permission I rise to announce that the House will continue the General Discussion on the General Budget from the week commencing on the 15th of March, 1965. Nothing else has to be done, except on Friday, which is a day allotted to Private Members' Business.

SHRI MULKA GOVINDA REDDY (Mysore): Madam Vice-Chairman, last week we had all requested the Minister for Parliamentary Affairs to find time to discuss the statement made by the Prime Minister with regard to the corruption cases in Orissa, Mysore and other places. A motion has already been admitted by the Chairman but no time has been allotted