

regardless of the fact whether Parliament is or is not in session. I want that the words 'is or' to be deleted and the reason is that I want that the President should not take upon himself the legislative power when Parliament happens to be in session. That is to say, during the session of Parliament, the President would not be in a position, if my amendment is accepted, to enact any laws on his own. He has to come before this Parliament and ask us that we pass a particular Bill. This is a very reasonable course.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : Mr. Gupta, will you take some time? -

SHRI B. GUPTA: I do not know; I have just started my arguments. (Interruptions). It all depends how much they would interrupt me.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : It is time for us to adjourn. You will continue after lunch.

The House then adjourned for lunch at one of the clock.

The House reassembled at half past two of the clock, THE VICE-CHAIRMAN (SHRI V. K. DHAGE) in the Chair.

RE. REPORTED TRIAL OF CERTAIN PERSONS IN FORMER FRENCH INDIA TERRITORIES

SHRI B. GUPTA (West Bengal): Before we start, Sir, I wish to draw your attention to the action of the Governments of Pondicherry, Karaikal, Mahe and Yanam which have ordered the trial of fifty-three persons charged with revolt against the former India Government in 1948

SHRI GOVINDA REDDY (Mysore) Sir, on a point of order

THE VICE-CHAIRMAN (SHRI V. JS. DHAGE) : He has to say something on a point of order.

SHRI GOVINDA REDDY: Sir, on a point of order, it cannot be taken up. Now, this is the beginning of the afternoon session. The subject is not on the agenda, it is not in the list of business. Therefore, it cannot be taken up

SHRI B. GUPTA: This is quite different. Anyway give us a ruling, Sir, I should like to draw your attention to a matter of importance which has been reported in the press today and I think you would be interested. The Indian authorities in the liberated are starting cases against people who have fought with the French imperialists

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : I think it will be very helpful if you can take this up on Monday, Mr. Gupta, and now you will please proceed with your speech.

SHRI B. GUPTA: But I hope, Sir, that you will please draw the attention of the Prime Minister to this matter, because important leaders are involved in this case.

THE ANDHRA STATE LEGISLATURE (DELEGATION OF POWERS) BILL, 1954—continued

SHRI B. GUPTA: Now I come back to Dr. Katju's Bill, which is supposed to be the height of democracy. Sir, as you know, my first amendment relates to a deletion and the deletion is to the effect that we want to have it enacted—since they must have this measure—that the President should not take upon himself the legislative powers when the Parliament is in

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session. That is a very simple proposition. That is to say, as I was say-ins before, the President should not pass Bills or enact Bills when we are in session here—both Houses of Parliament. My arguments are very simple. We object to the powers of Parliament being taken away and we have made that clear. Hon. Members from that side of the House have been at pains to explain how actually these are not delegations of powers—how the President is supposed to be an elected person and can be vested with all the powers. As far as the Congress party is concerned I leave it to them to do what they think about the Constitution. As far as we are concerned, we are more interested in the constitutional propriety. Here is Parliament which has got sovereign powers and these powers should not be merely on paper, but should also be operative in point of fact. With regard to the people of Andhra, it is absolutely essential that when Parliament is in session, it should assume the responsibility directly and discharge the functions directly, instead of placing what belongs to Parliament in the hands of the President. I know that much of what I say should seem either amusing or absurd to some hon. Members on that side of the House and some of them seem to think that what I speak is meant for the people outside, as if they are superior to the people outside. Sir, I would like to say that it should be your ambition—of the hon. Members of this House—to be as honourable as the people outside. The people outside are very sensible, the people outside are very honourable, very intelligent, wise, and I make no distinction between hon. Members in this House and the people outside. Those who talk in the name of the people should know how to respect the people when they get up on their legs and they should not try to claim a certain amount of additional wisdom, intelligence and all that for "themselves."

Sir. I do not see why the hon. Member. Mr. Karimuddin should be amused—if he finds amusement in everything on earth. I wish, him all luck—but I think there is no need for, nor cause for finding any opportunity of amusement in this matter. The President, he said, is an elected person and, therefore, why should we grudge him giving the powers. Then, why have a Parliament? You can dissolve this Parliament and go home because an elected President is there. One does not look at Parliament that way. One does not look at constitutions that way. He has tried in his little speech to give me a little lecture on constitutional propriety, but may I ask him in which Constitution—if it is a democratic Constitution at all—such steps are taken and advertised as the height of democracy? He is an able lawyer. May I ask him to find out one single instance where such things are justified in constitutional terms? In fact, here was another gentleman—Mr. Saksena belonging to the same bat who was saying that the Act had been unconstitutional—something undemocratic. He, of course, justified it, I understand, as an unconstitutional act from the point of view of democracy—not from the point of view of the strict letter of the Constitution. It requires a certain type of false advocates and if Shri Karimuddin happens to be a false advocate of an undemocratic measure, I would only request him not to traverse that path, because that will land him in a very unhappy ending. Sir, he made out a big case that the President is elected, but it did not occur to him, when he was making out his case, and weaving his theory—weaving his constitutional jurisprudence—that the present President is, after all, elected by people who did not get the majority of the votes in the last election. They received only 44 per cent. of the votes and they elected a President. Therefore, do not talk of democracy. Democracy cannot be defined as he does. The President should himself feel a little

embarrassed and upset when he is talked about in this manner, because he knows that in the name of the people, power is being given to an institution, the incumbent of which, for the present, does not represent the majority of voters, if you go by the counting of votes. You cannot have it both ways. I know that the President is elected by the hon. Members' vote. It is very good from that point of view, but don't bring in that concept here. Therefore, I say that even from that angle it is not justifiable. Our main objection in point of principle is this. Suppose we have all unanimously elected the President. Even then I would have said that we should not place the powers in his hands, more especially when Parliament is in session. I would have done it not because I do not have, in such a case, faith in the President, but because I respect the Constitution more, I respect constitutional propriety, more the right type of constitutional propriety I respect democracy more, I respect Parliamentary conventions more. I do not wish to treat Parliament with scant respect. I want to treat Parliament with respect and I wish to give Parliament what belongs to them. I want to rally Parliament to the responsibilities which they owe to the people. That is how I would view this matter. Therefore, I think, the entire outlook with which the Government has been motivated in sponsoring this Bill is wrong and the advocacy done in justification of such a course on the part of the Government is still worse. This is what I want to say. Mr. Karimuddin is a very able lawyer, I am told. I do not know why he is abusing his legal talents here. I do not think that one should take such a patently bad case without any fees. Sir, I can understand a bad case being taken up by newcomers to the legal profession, to try their luck. But here a good lawyer at that should not take up an absolutely false, wrong, case and that, too, without fees. That is not the way of a wise lawyer either.

Sir, Dr. Katju would say: "Don't worry. The President will not pass any measures because I will not advise him to pass any measures." If it is so, why don't you accept my amendment? You know that you can come with a Bill and get it passed if you like. Dr. Katju is very confident. He can always get any Bill passed. If it is a question of time, he can get that properly handled by the Business Advisory Committee. Then things run very smooth. He can have a Bill passed within two hours, if he likes. We saw the late Sardar Patel passing the Preventive Detention Act in 1950 within four hours. Dr. Katju has also passed such Bills within a very short period. Therefore, he can bring these measures here. That will give us an opportunity to discuss. At least we would be able to press our amendments to those measures.

That is why I suggest that the power should be retained in the hands of Parliament when it is in session, and Parliament should exercise it. Therefore I suggest that the words 'is or' should be deleted. It makes a difference to the country, to the people, when Parliament is in session or is not in session. After all, the Andhra people would expect that when we are in session, we shall assume the responsibilities ourselves. Now, they have their representatives here. Most of the parties are here, the Communist Party, the Congress Party, if you like, the K.L.P. also is here; all of us are here. In such a situation when we are in session, they would rightly expect that we directly discuss these matters and deal with them instead of washing our hands clean of the thing and retaining some powers to do something only after the event. Now, Sir, to do something after the event is something which is not palatable when you are dealing with a matter like this. But I cannot see why you are afraid of retaining power in the hands of Parliament. We are not saying "Give us the power, or give it to the Opposition."

[Shri B. Gupta.]

"We want it in the hands of Parliament. You are a heavy hand here in Parliament. Some power will remain in your hands also. We are not suggesting that you give us the power. Now what are we doing? We are giving this power to the President even when we are here, even when it is possible for all the parties to come together and to discuss this matter in Parliament, in a session of Parliament. We are giving it to the President. What does it mean? It means that the power goes by way of delegation to the Governor. It is clear in the Proclamation itself; it will go there. Sir, I think this is not a democratic course. Sir, Dr. Katju says that he knows what our democracy is. Well, we would like to know as to what is his democracy. If you think that you are a democrat, then why not prove a little by doing those small things? As far as you are concerned, you believe in democracy by Proclamation, democracy by preventive detention, and that sort of democracy you want. And you bring in the President only as a cover for arbitrary actions taken by the executive, taken by the bureaucracy, and such tomfoolery—if I may use that word—you should not resort to, when certain fundamental and constitutional questions come up, "Sir, these are very important questions. Dr. Katju says: "There is nothing in the Bill." I cannot understand his argument when he says that there is nothing in the Bill. I must tell him, Sir, that a death sentence can be written only in one sentence. One can say that the man shall be hanged by the neck till he is dead. It is a very small sentence—no doubt, but it is a death sentence. I think, Sir, this is a warrant, a warrant of assassination, as far as democracy is concerned, as far as parliamentary principles are concerned. "Therefore I say, Sir, that my amendment be accepted, especially when I say "Let the President retain this

power when Parliament is not in session." But when we are in session,

Parliament can very well deal with such matters. I would now like to hear what the Home Minister has got to say with regard to my amendment.

DR. K. N. KATJU: Sir, it is indeed with very great regret that I wish to say that I oppose the amendments. The first amendment, Sir, seeks to delete the two words 'is or'. The deletion of these two words would make the position almost impossible. My hon. friend's amendment would mean that in the exercise of the power, the President may only act when the Parliament is not in session. Just take the present case. What would my hon. friend want? There are seven Bills, and all those seven Bills, should be introduced in Parliament, because they have got to be enacted. And, to replace the ordinances, each Bill will take at least one week, because look at my friend's speeches. Parliament will be in session day and night—almost continuously. It is a very harmless amendment seemingly. He says "Oh, just I want to move for the deletion of two words 'is or' or four letters of the alphabet." But it makes a world of difference. I was almost going to say that my hon. friend was moving his amendment as a joke, but the result will be jocular. And further, Sir, in all his speeches, my hon. friend does not realise the importance, nor the gravity, nor the use of the provision which says that the President's Acts must be laid on the Table, and having been laid on the Table, it is open to Parliament to do whatever it likes with them. It can tear them up, amend them or alter them, and the President is bound to carry out Parliament's directions. What more is wanted? I do not wish to follow, Sir, my hon. friend either in his eloquence or in his length, but really speaking, there is nothing to be said about this matter.

And secondly, we must have some regard for the President. This is not

Bill

the first Bill that Parliament is passing. This is the third Bill, and the lines have been laid down. The whole thing was chalked out already—at the first time—and no harm has been done. Please remember also that not one word has been said, and not a single instance has been cited. Well, during the last four years, similar Acts were in operation in regard to Punjab, in regard to PEPSU, and look at that example. They say that some harm was done, the practice was found to be inconvenient, the President's Act was not proper, and so on. In fact, there was nothing, all was imaginary. I therefore respectfully suggest that the House should not encourage these attempts of a dilatory nature.

So far as the consultative committee is concerned, I have dealt with this matter at great length. I have nothing to add to what I have said. I beg to oppose the amendments.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): The question is:

"That at page 1, line 16, the words 'is or' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): The question is:

"That at page 1, lines 20-21, the words 'whenever he considers it practicable to do so' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): The question is:

"That at page 1, after line 24, the following provisos be added namely:

'Provided that no Bill shall be so passed which in any manner brings more financial burden on the people or curtail their democratic rights and civil liberties:

'Provided further that not less than four members in the case of Lok Sabha and two in the case of Rajya Sabha so nominated shall be from the Opposition'."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

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

DR. K. N. KATJU: Sir, I beg to move that the Bill be passed.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): Motion moved:

"That the Bill be passed."

SHRI B. GUPTA: I was under some misapprehension. I thought that we would take up the amendments one by one to clause 3.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): You have probably not understood what I had said. I had allowed all the amendments to be moved, and therefore I even took up amendment No. 5.

SHRI B. GUPTA: This is the third reading then. It is convenient to me. I am opposed to the principle of the Bill, the spirit behind it and the letter of it. I will now develop why I am opposed. First of all, we find that in this Bill the President shall consult the Committee that will be constituted at his pleasure. It is not obligatory. If that provision had been made at long last, it should have been made obligatory on the part of the President. There was no need for insertion in the clause of the words "whenever he consider it practicable to do so." He should have been asked to consider it practicable at all times before he takes upon himself

[Shri B. Gupta.] powers to legislate for Andhra. Therefore, Sir, even this little thing that is sought to be done is set at naught by this provision. We cannot live on assurances. It may be that the President will consult; it may also be that he may not consult. Therefore, here is something which I do not support.

Then, as you know, the President will have powers to legislate immediately this Bill is passed, and his powers will be immediately utilised for validation or extending the life of certain ordinances about which we have been told so much in this House. It is necessary, therefore, to tell you in brief that these ordinances are not what they are sought to be made out by Members on the other side of the House. I would like to tell you that some of these ordinances are definitely anti-people, and therefore, the powers which are now being given to the President would extend the life of such anti-people ordinances. As you know, in Andhra, the demand is for abolishing whole-inams by treating them as estates. In 1934 an amendment was made by the Justice Party to the Estates Land Act, by which all the inams were made into estates.

The Congress Ministry itself passed their Zamindari Abolition Act, but in this Bill, the inams were exempted; they were not treated as estates. Such exceptions were made in regard to inams, but at the same time the Congress Government promised that they would bring forward another Bill to abolish the inam system. But actually they did nothing. They did not bring forward any Bill at all. Later on what happened was that a High Court decision was obtained which declared that the inams were not estates. As a result of this decision, the peasants of inam villages who till then were enjoying occupancy rights and certain transferable and hereditible rights lost those

rights. That is what happened. Not only that. Certain elements took advantage of that decision of the High Court and started enhancing the rents-which had been reduced by the Act of 1948. The ordinance which is now to be given of fresh lease of life, instead of treating all of such inams estates, made the peasants tenants at will. At the same time of course, it is said in that ordinance that they cannot be evicted if they pay 2 years' rent. What does this mean? It means that in many cases it would be a rent-collecting machinery rather than a machinery for protecting rights to the tenants. Therefore, Sir, it is very material for us to object to this aspect of the measure. This is the story of one-of the ordinances.

Then, the other ordinances are of a similar type, are much worse, I should say. The Government postponed the District Board elections by a resolution. That resolution was passed, as you know, with the casting vote of the Speaker. Much has been said about that one-vote majority on that side of the House, but let them, remember that the elections also were postponed with the casting vote of the Speaker. It should be made clear that it was as a result of the casting vote of the Speaker that the elections were postponed for six months. After six months were over, an ordinance was there to postpone them for a further period of time. Why the executive should be given power to postpone the elections to the District Boards, I cannot understand. The passing of this Bill would mean the extension of that arbitrary power which had been wrongly taken and abused by the executive. Therefore, you cannot say that this measure is going to be used for democratic purposes. Now Government wishes to extend the life of such an undemocratic ordinance which postpones the elections to the District Boards.

Then, Sir, in the United Madras State as you know the Assembly threw

out a Government measure to impose a surcharge on bus rates. Then an ordinance was passed to impose the tax. Now, this Bill will mean increased fare and increased taxation on the people. This is yet another example of an anti-people measure which would be extended by this ordinance.

Then, as you know, the Prakasam Ministry, decided to increase the water rates. This was mentioned in the Governor's speech. After the speech was delivered, the Prakasam Ministry decided to implement it, and Mr. Sanjiva Reddy made speeches saying that since a reference had been made about this in the Governor's speech, it must be done Ministry or no ministry. Now, that ordinance will be given a fresh life by this Bill in order that increased water rates may be imposed on the people.

Then, the Andhra Ministry, on account of pressure from the people, decided to exempt landholders paying less than Rs. 10.....

DR. K. N. KATJU: My hon. friend is out of order. He is reading.

SHRI B. GUPTA: Please do not disturb.

DR. K. N. KATJU: I am listening all right, but I have got business in the other House.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE): It is a matter of a couple of minutes n:w.

SHRI B. GUPTA: Since you have chosen to come, be here for a little while more. The Ministry decided to exempt land-holders paying less than Rs. 10 as land revenue from water tax on their land. That was a welcome step because some relief had been given to the people who were lower down in the social ladder. Now, instructions were also sent to that effect to the Col-3 p¹¹ lectors. Now the Government says the question is still under consideration. Now I have related some of the ordinances only

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to show as to why we fear that these powers will be used against the people. Therefore I tabled an amendment on which I hadyfo occasion to speak, that the President should not use such powers for increasing the financial burden on the people or for curtailing their rights as in the case of the district board elections. These would not be acceptable to the hon. Minister.....

THE VICE-CHAIRMAN: (SHRI V. K. DHAGE): In spite of all your differences—between your side and this side—there seems to be something common. The Chairman is not very much heard. I would like you not to deal with the things that you could have dealt with in the amendment.

AN HON. MEMBER: This is the third reading.

SHRI B. GUPTA: If you make speeches at three stages, you are always liable to have some overlapping. I am not trying to cover the grounds which had already been covered. I could have taken more time—at least half an hour on each of the amendments. I had not touched them at that stage. That is why I say that we have fear in this matter. We fear—it is a question of principle. We fear that these powers given to the President would be used against the interests of the people because the grounds on which these powers are sought from us and are being snatched from us by the majority of the Congress Party are the very grounds which justify such apprehensions on our part. As you have seen, I have related certain Ordinances and these Ordinances are anti-people most of them, and have operated against the interests of the people. That is our fear. I would like him to get up and give us an assurance that no such measures will be passed which hit the people economically, politically or otherwise. Politically I mean, from a democratic angle. Then the Govern- nt's intentions are also revealed in

[Shri B. Gupta.]
the fact that my other amendment has¹ not been accepted wherein I said that some people from the Opposition should be there. I was very reasonable. I never said that in the Lok Sabha out of the ten, give us five or six. I said 'Give us four'. Let it be statutory here that when the Speaker nominates, he will be obliged to nominate four from this side or the side of the Opposition. We have very great respect for our Chairman here and I think he will know' how to do justice but yet when it is a question of enactment, we wanted him to nominate two from this side of the House out of a total of Ave and I think that.....

DR. K. N. KATJU: Is this all in order as to how the Chairman should nominate? You must have some mercy on us.

SHRI B. GUPTA: Is it not relevant? I said he had not accepted the amendment. I would like to make things relevant for him. I question the Government's attitude. I question the Government's intentions and in support of my questioning their intentions, I point out to some amendments which I have tabled and which have been rejected by Dr. Katju. It is not to question the Chairman or the Speaker. It is only to explain the mentality which is there when they reject some very reasonable amendments. That is what I was going to impress upon you because, as far as Dr. Katju is concerned, I have never made any sense in my life and I don't think for the rest of my life I will make any sense to him. Sir, I hear that he is going to the Defence Department. I don't know whether he will some day come with rifles here.....

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : I don't think. Mr. Gupta, that it relates to the Andhra Bill.

SHRI B. GUPTA: He intervened. Nothing relates to anything. Sir, I am coming to the Andhra Bill. There will be little diversions. If you drive a car you cannot always drive straight.

There are people on the way, some vehicles on the way and a little zigzag is necessary.

Therefore I say that we are opposed to this Bill in principle and the Government has not made out any case whatsoever in justification of the stand they have taken that the President should be given these powers. We have been given big lectures on democracy and I was very happy that you did not rule them out because I think if you had ruled them out, I also might be ruled out. Therefore I would like to answer some of the lectures that have been delivered in the House.....

THE VICE-CHAIRMAN: (SHRI V. K. DHAGE) : On democracy? You are answering on democracy?

SHRI B. GUPTA: You hear me, Sir, first. This Bill of Dr. Katju was sought to be justified by delivering certain lectures on democracy. I would like to tell the House and you, especially, that such lectures don't justify this Bill at all and all that lecturing was, actually unwarranted. It was the duty of the Government to make amends. The Government did, not do it Then we wanted them to keep these things with us. Even that they would not accept. We were talking within the framework of the articles of the Constitution. I was not asking Dr. Katju to go to some other country and find a Constitution. Your own Constitution which you have given unto yourselves, I was asking him, only to go by it in the fifth year of the Republic, as they put it. They have not done it. That is our objection. I say, we are standing by certain constitutional principles—even within the four corners of this constitution. Why are they trying to get out of it and why did they take that provision in the Constitution which is the worst of the two? This is what we object to. Two courses were open. Mr. Madhava Menon said that the suggestion we made was a suggestion for committing suicide. If that were so, we would never have made it.

Why should we commit suicide when Parliament is

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : This point was covered in the first reading.

SHRI B. GUPTA: It was covered by Mr Madhava Menon, not by me. He Spoke after me and I am now following him. I could not possibly have covered the points he had covered before he had spoken.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : You had your chance in the first reading. This point was placed from your side.

DR. K. N. KATJU: YOU fix a time-limit. Let him go on till 4 o'clock- j so that we could go and have a cup of coffee.

SHRI B. GUPTA: I consider it necessary to detain you as long as possible. When we speak, all that we want to convey to you is that we protest against this measure. I know our protest will not cut any ice but we want to say that this is absolutely undemocratic as we have said before. Now I would ask him to stand by the assurances he has given and not to prevaricate, not to qualify his stand and say that no measure, no Bill, would be passed by the President unless it becomes necessary to enlarge the democratic rights of the people, unless it becomes necessary to reduce the burden on the people. Let him get up and say this thing and I will sit down. He will not do it. I would ask him to say—even if the equivocal provision is there—that the Parliamentary Committee, which would be formed to advise the President, would be consulted before any step is taken. I would also ask him to advise or make suggestions, if he may, within the procedure laid down, that the Opposition side is associated with these consultative committees. The matter is left to the Speaker and the Chairman, I know. But the Government should make its position known here, that they are ! prepared for it, so that really a representative Committee is as far as possible, formed, to look after the |

people of Andhra. Such an assurance he should give. At the same time, if it is a question of legislative power given to the President, the President can use this power that is given to him to modify the Ordinances that are there in favour of the people. That is what I would like to see and that is what I can demand. The President can make much alterations as he thinks fit in the Ordinances for the wellbeing of the people of Andhra, for protecting the interests of the people. Dr. Katju should advise the President to make such changes. Dr. Katju said that the modifications or laws that are made will be laid on the Table of the House. I know that they will be laid on the Table of the House. But we cannot throw them out. And even if we throw them out, the effects of those measures that have been passed by the President and thrown out by us, will not cease. Suppose the President passes an Ordinance or law, under this empowering or enabling measure, and by that he collects taxes from the people. If we say that that law is bad and we throw it out, does it mean that the taxes that had been collected from the people would be refunded to them? No such thing will happen. We cannot question the validity of it in that manner. We cannot give our decision retrospective effect. So Dr. Katju is wrong when he says that we can undo any mistake that may be committed. Thus when we have a law unacceptably bad, the mischief done by that Act will not be easy to undo. For instance, as I have just now mentioned, the taxes will not be refunded to the people. Even if we have the power to go into the Presidential Act afterwards, we do not have the power to do anything that will have retrospective effect. The people will not get any remedy for any mischief that has already been done. And so, I say this goes against the principle of "No taxation without representation". The President is given the power to tax, but at the same time the elected people do not have any say in the matter, except that we can see at intervals whether that measure should continue or not. Nothing beyond that. This, Sir, is something repugnant to all demo-

LShri B. Gupta.] cratic principles. This is something objectionable. You know that in the matter of taxes and taxation measures, the Constitution takes the stand that when it is a question of passing taxation laws, even this House cannot originate the Bill, that they can originate in the House of the People—the Lok Sabha—where the Members have been directly elected by the people. That is the approach that the Constitution takes. But now here, we find neither this House nor the other House has the power; but the President is given the power, under a sort of over all authority. The poor has been whisked away from this Parliament by Dr. Katju, and this is something most objectionable. They are going against the spirit of their Constitution. They are going against everything good, or whatever has a semblance of being good in the Constitution. That is what I wish to say in this House now.

According to Dr. Katju, we do not understand law; but we do understand law a little, especially when Dr. Katju explains it, because Dr. Katju has a such wonderful way of speaking that we can understand his point at once. The moment he said that the thing will be laid on the Table of the House, at once I looked up the provision and found that it says simply that it will be laid on the Table. We have no power to undo the mischief, we cannot do anything with a retrospective effect. We cannot undo certain things that have already been done. We can only stop the thing being in operation in the future. We cannot go into the past and undo the mischief done. Let Dr. Katju deny this, whether that is not the situation, whether that is not going to happen if a situation of that sort arises.

Therefore, from every angle, as I have tried to point out in this House, this measure is a retrograde one. This measure is a blot on the Constitution. It is a measure which cuts

across the fundamental principles of democracy. This is a measure which perpetuates dictatorial rule, which puts the executive head over the legislature, which makes mockery of Parliament and the Constitution, and as such the measure should be condemned by all honest people. But X am sorry my hon. friends there do not get up to defend their own Constitution when it is sought to be sullied by Dr. Katju. Sir, it is a most regrettable sight here, that people who glorify the Constitution do not feel it their duty today to rise, take courage in both hands and say: 'No more, Dr. Katju. We are here to support you, but not every time that, you bring up a measure such as this, denying the Constitution and making it a mockery.' Sir, I regret that when there is much talk about socialism and democracy, when people are haranguing and thundering against various parties, the ruling party in this House, when the Constitution is cut up, when provisions in it are set at naught, do not take courage in their hands and stand up to save the Constitution. It is an eternal shame that they should thus remain silent. It is a shame which Andhra will wipe off with their own hands, by defeating the Congress Party in the elections. I can tell them that they are setting up a very bad precedent, first in Punjab, then in PEPSU and now in Andhra. This will be a bad precedent. You should not follow in that line. There was another line open to them, the line of retaining power in their hands, of having direct responsibility in their hands; but they have followed the other line, intentionally and deliberately. The intention has been revealed by every speech that has been made by the strong supporters of this Bill. I know when Dr. Katju speaks again, the cat will again be out of the bag. This measure, they say, follows the Proclamation as the night follows the day or as the day follows the night. But I deny it. I say that it follows the Constitution and democracy in the same way as a cat follows a rat. not as night follows day.

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THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : I have to say something. The hon. Member will please sit down.

(Shri B. Gupta remained standing.)

SEVERAL HON. MEMBERS: Order, order.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : He can't hear.

SEVERAL HON. MEMBERS: Sit down.

(Shri B. Gupta resumed his seat.)

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : Thank you. I think there has been sufficient discussion on this Bill and all the points have been covered. I suggest that we fix a time-limit because the business that is put down on the agenda has to be finished today. I feel that by 3.30 p.m. we may pass the third reading of this Bill. If the House agrees to this, I will request Mr. Gupta to finish his speech in another two or three minutes. Does the House agree to complete the third reading stage by 3.30 p.m.?

SEVERAL HON. MEMBERS: Yes.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : Mr. Gupta will please complete his speech in two or three minutes.

SHRI B. GUPTA: Sir, time even is going against me. I know when people want to do good things, even time conspires against them in an unwanted regime.

AN HON. MEMBER: Time and tide wait for no man.

SHRI B. GUPTA: Sir, this is an undemocratic measure. It is an arbitrary measure. I don't remember where I left &S. You intervened, Sir, at a time when I was developing my point. All that I can say at this stage is, by way of appeal if I may say so. this time, that Dr. Katju should keep to his promise, that the Ordinances that are there should be modified whenever necessary, in the interests of the people.

Let the President's name be not associated with party politics against because we fear that the executive might use these powers in order to placate the demi-Gods in Delhi in the coming elections. Therefore, it should be the constant endeavour of Dr. Katju, even if it costs him a little, to see that the election is held fairly and in a really unfettered manner and that no executive interference or partisanship takes place. At the same time, he should see that the maximum possible democratic rights and liberties are guaranteed to the electorate and that no Governor's power is used to curtail them in any manner. These are very simple proposals that I have made and I hope as a Member of the Government he will accept them. With regard to fighting us or beating us, by all means let him do; I do not blame him. They can go to the Ram Lila Maidan or anywhere, even to Vijayawada—wherever they like—(Time bell rings.) but at least as a Government party, they should see that they are above board and should give the fullest possible facilities to the people of Andhra, whether they belong to the ruling party or to other parties, for free and unfettered elections and then we shall see to what extent they are justified. Then their hopes of getting back Andhra into their own hands will be belied and we will show them that it is not they who will rule Andhra. but the people of Andhra, but the people of Andhra through their democratic and united Government.

DR. K. N. KATJU: Mr. Vice-Chairman. I have heard the hon. Member's speech with the closest attention and I tried to realise, for the first time in my life, what a filibuster means, with all noise, eloquence and all that. Anyway, I do not know what answer my hon. friend expects from me.

THE VICE-CHAIRMAN (SHRI V. K. DHAGE) : The question is:

"That the Bill be passed."

The motion was adopted.