

A BLACK DAY

June 2, 1964, will go down in India's history as a black day. For the seventeenth time in fourteen years, the Constitution was amended on that day. It represented a retreat of seventeen steps away from the human values and fundamental rights guaranteed to the people of India, the taking of seventeen steps nearer a totalitarian society.

Greatly embarrassed and frustrated when the Constitution (17th Amendment) Bill failed to obtain the sanction of Parliament when it was introduced during the fag-end of the last Budget Session, the Congress Government contrived to convene, at considerable expense to the exchequer, a special session of Parliament on May 27 with the specific purpose of obtaining Parliament's rubber-stamp to a hated, obnoxious and perverse measure. To prevent a repetition of what Mr. Masani described in his speech as a 'dragging of feet' by Congressmen, a three-line whip was issued to members of that Party to be present and vote for that Bill.

The Session was preceded by the observance of Kisan Day on Sunday, May 24, on which the opposition of the peasants to this measure was expressed all over the country.

The result of the Parliamentary debate was a foregone conclusion and any hopes entertained that, in the context of the Prime Minister's passing away, the matter would be kept pending till a new Government had taken over, were belied when the caretaker administration persisted in ramming the Bill through Parliament.

The prospects of the brute majority assenting to the Bill did not deter Swatantra members in both Houses of Parliament from fighting the Bill every inch of the way. No sooner was it introduced in the Lok Sabha on May 27 than the Party's Leader in the House, Prof. N. G. Ranga, made a statement opposing the introduction of the Bill. He described it as 'unconstitutional, immoral and illegal.' Maintaining that it was destructive of the fundamental rights of the people and derogatory to the dignity and status of the Supreme Court, Prof. Ranga said that the Bill should be referred to eminent jurists at home and abroad to find out whether it was in conformity with democratic practice. He demanded that there should be a free vote. This demand, of course, was not found acceptable. Thereupon, to record the Party's fundamental objection to the Bill, members

of our Group, after dividing the House on the motion to admit the Bill, walked out of the House in protest.

At the resumed discussion on June 1, on the motion for consideration, the Swatantra Group moved an amendment seeking to circulate the Bill for eliciting public opinion.

Speaking during the debate, Mr. Masani, attacking the Bill as an immoral measure, said that the Swatantra Party would stand by the peasants in resisting it.

He said that the motive of the Bill was to deprive small landholders of their possessions and drive them into cooperative or collective farming. The Government had failed to induce farmers to take to joint cooperative farming voluntarily. Now it could threaten the small landowner that his land would be acquired without payment of compensation at market rates if he did not join a cooperative and thereby compel him to take to a course which he did not like.

Mr. Masani said that it was a measure 'which only Communists can support and is not becoming of a democracy like India.' The small landowner was the backbone of a free society and if he was deprived of his possession the country would be converted into a totalitarian State, he said.

The Bill had failed to get through in the last session because of the 'dragging of feet' by Congressmen. "I do not know whether this dragging of feet was conscious or came from the subconscious antagonism of Congressmen to the measure," he said.

The Government by bringing the Bill again was trying to restore the damaged prestige of those in the Congress who had failed to muster sufficient support. And this was being done at the cost of the public exchequer.

Mr. Masani said that the Bill was "inauspicious" and he had hoped that, after it fell through last time, the Government would sense the mood of the country and not bring it forward again. Mr. Masani questioned the competence of the Lok Sabha as now constituted to adopt the Amendment without a mandate from the electorate. He also characterised it as a breach of faith with Parliament and people violating as it did a solemn assurance given on June 1, 1951, by the then Law Minister, Dr. B. R. Ambedkar.

Dr. B. N. Singh in his speech argued that the

measure would have a disastrous impact on the peasants, who constituted an overwhelming majority of the population. The Bill would pave the way for "collectivisation" of land which had failed in China.

Private property, he said, had become a "red rag" to the Congress, blinded by its faith in socialism. Such measures would only result in the ruling party signing its "death warrant". Dr. Singh said it was possible that the peasants of India, like those of France and America, would rise in revolt and assert their rights which the Bill sought to crush.

The following day the Bill was adopted by the Lok Sabha.

The Swatantra Group divided the House on all clauses of the Bill and the final voting figures were 381 for and 27 against.

During the third reading, Prof. Ranga said that June 2 would go down in history as the "blackest" day in the constitutional career of Parliament and the country. He was highly critical of the "cavalier" manner in which the ruling party had been proceeding with this legislation.

He said the Bill was a backdoor method to introduce cooperative and collective farming. The Government was arming itself with "arbitrary" powers to deprive the peasants of their agricultural property. The word "estate" was also sought to be given an arbitrary definition. Having "miserably" failed to introduce cooperative farming, the Government now wanted to "coerce" the peasant to accept this policy.

The Bill was also an indirect attack on the Supreme Court and the Constitution. "If you destroy and paralyse the Supreme Court, you will be destroying the Constitution," he said.

Prof. Ranga assailed the Government for not having reclaimed and distributed millions of acres of waste land among the landless.

Apart from Swatantra opposition, Acharya Kripalani and Dr. L. M. Singhvi, independent members, also opposed the Bill and spoke against its adoption.

With the same unseemly haste, the Bill was sent up to the Rajya Sabha for its consideration and approval and once again Swatantra M.P.s in that House fought it. Mr. Dahyabhai Patel, Leader of the Group in the Rajya Sabha said that it struck at the very root of democratic Government, unless of course we consider the Soviet Government as democratic.

Mr. Patel also took objection to the issue of Party whip for voting on an important constitutional amendment.

The Swatantra spokesman said the Bill set at naught the Congress assurance that the ryots would have the right to hold and acquire property.

It also took away, under the pretext of reforms, the normal protection given to the villager.

It was mainly because of "this sense of uncertainty" in the minds of peasants that agricultural production was showing a gradual decrease.

If the real object of the Bill was introduction of collective farming, then it would in no way help

increased production as had been proved in Russia where 50 years of collective farming had proved a failure.

Prof. Ruthnaswamy, the Party's Deputy Leader in the House, described peasant proprietors as "Defenders of political liberty" and charged the Government with "eroding" the fundamental rights guaranteed by the Constitution.

Within less than twenty-four hours after it had been introduced in the Upper House, the Amendment was adopted.

On June 3, the Leaders and Deputy Leaders of the Party's groups in the Lok Sabha and Rajya Sabha waited in deputation on the President requesting that the President should not give his assent to the measure.

The Party will shortly put out a publication on the 17th Amendment and the efforts made by the Party to resist its enactment both within the House and outside.

SWATANTRA TRIBUTE TO JAWAHARLAL NEHRU

Rajaji, and other leaders of the Party have joined in paying tributes to the late Prime Minister.

A combined meeting of the Bombay and Maharashtra Units' Executives adopted a resolution of condolence.

In Mysore, the General Secretary of our State Unit participated in an all-Party meeting and expressed his sense of grief.

We give below some extracts:

Rajaji

"Eleven years younger than me, eleven times more important for the nation, and eleven hundred times more beloved of the nation, Shri Nehru has suddenly departed from our midst and I remain alive to hear the sad news from Delhi — and bear the shock...."

The old guard-room is completely empty now.

I am unable yet to gather my wits. I have been fighting Shri Nehru all these ten years over what I consider faults in public policies. But I knew all along that he alone could get them corrected. No one else would dare do it, and he is gone, leaving me weaker than before in my fight. But fighting apart, a beloved friend is gone, the most civilised person among us all. Not many among us are civilised yet. God save our people."

(Statement made on May 27, 1964)

Prof. N. G. Ranga

"The passing away of Mr. Nehru is a loss that the whole nation mourns together. His passing away marks the end of an era and the beginning of another. Though many of his policies proved to be controver-

sial, he made it possible for democratic processes to be maintained. Let us carry on that tradition."

(In a statement on May 28, 1964)

Mr. K. M. Munshi

"He shaped every aspect of our national life, particularly political and economic, ushering an era of modernity. Though he wielded power greater than that of any dictator, he never forswore democratic principles, nor did he abandon the humanistic outlook, whatever the provocations."

(At a condolence meeting of the Bharatiya Vidya Bhavan on May 29).

Mr. M. R. Masani

"At a time like this, one's mind turns away from the controversies of recent years to earlier memories of warm friendship and comradeship in a common cause way back in the thirties. It is particularly sad that Jawaharlal Nehru should have been taken away just when he was about to engage in a move to restore amity and friendship between the peoples of our sub-continent."

(In a statement on May 28, 1964)

Sir H. P. Mody

"Mr. Nehru was a dictator who was essentially a democrat who ruled not through force but by ruling the minds of the people."

(At an all-Party meeting in Bombay on May 29, 1964)

THE NEW PRIME MINISTER AND CABINET

The *Hindu* of June 3 carries a report of Rajaji's comments on the election of Mr. Lal Bahadur Shastri as Leader of the Congress Parliamentary Party, in the course of which Rajaji says:

"...it is the concern of the Congress Party. I am bothered only about the fact the Congress Party is ruling and not about who that party puts up as Prime Minister.... Sri Lal Bahadur Shastri will be a good Premier only to the extent that he develops and maintains respect for Opposition parties as well as his own and independent opinion, and controls his Congress brethren guiding them so as not to allow the oligarchic mentality to grow among them. What has happened over the Seventeenth Amendment (mis-called the Nineteenth) makes me fear that we have little reason to hope for wisdom or humility or healthy elasticity in the new Government. But things may yet happen."

The *Indian Express*, also of June 3, reported Rajaji further: "It remained to be seen whether the new Prime Minister and the new Cabinet would have the

courage to effect changes when found necessary. If the new Cabinet hoped that all policies of Nehru were good, it would create difficulties. Loyalty to Nehru did not mean persisting in his policies blindly."

Addressing a public meeting in Bangalore on June 9 on the subject "The End of an Epoch" Mr. M. R. Masani observed that it was particularly sad that the Prime Minister should have been removed from the scene just as he was about to engage in a major effort at achieving amity between India and Pakistan. The hopes of millions throughout the sub-continent had been aroused by the announcement that Prime Minister Nehru and Ayub Khan were to meet in the third week of June. These hopes should not be allowed to die. He welcomed the recent statements by President Ayub and Lal Bahadur Shastri and hoped that the two would pick up the thread that had fallen from Mr. Nehru's hands.

Among the changes that might be expected to unfold in the months and years to come, Mr. Masani mentioned the following: (1) Federalism would function better and States Rights would come into their own. These trends would be strengthened if in 1967 the Congress Party's monopoly over State Governments was broken. (2) There might be greater realism in our international policies. The Age of Innocence had come to an end with the collapse of Panchsheela. Greater attention was likely to be paid to our relations with our neighbours in South and Southeast Asia. (3) Sounder economic priorities were likely to gain favour and agriculture would receive the attention due to it in place of an obsession with heavy industry. The next year's Budget would give an indication as to how far such a trend may be expected to mature. (4) The Cabinet system of Government, where there was joint responsibility and the Prime Minister was *primus inter pares*, would have a better opportunity to function. (5) A period of political realignments was ahead of the country and a better political balance was likely to emerge.

These changes, observed Mr. Masani, could not be expected to take place automatically. These trends have to be fostered and strengthened. This was both an opportunity and a challenge to the Swatantra Party.

PARLIAMENTARY BOARD MEETS

The decision to convene a special session of Parliament from May 27 to June 5 necessitated an urgent meeting of the Party's Parliamentary Board which met in Madras on Saturday and Sunday, May 16 and 17. The major item of discussion was the Constitution (19th Amendment) Bill to adopt which Parliament had been specially convened. The Parliamentary Board gave guidance to members of our Party in Parliament urging upon them to continue to resist tooth and nail this perverse measure.

The Board also considered the stand members of

our Party in Parliament should take if during the special session a discussion on Kashmir arose. Arising out of its deliberations, a resolution on India-Pakistan relations was adopted unanimously (See Annexure A).

Commenting on the Parliamentary Board's resolution on Indo-Pakistan relations *Mysindia* of May 24 observed: 'It was courageous of the Swatantra Party Parliamentary Board to pass the resolution which it published on Monday from Madras. It will probably lose the party many votes — it is reported that some of Mr. Masani's electors are demanding his resignation. But the Board was right to ignore popularity and make a pronouncement which may perhaps strengthen those in Delhi who are working for a settlement of the dispute.'

Another resolution on the problem of refugees from East Pakistan was also adopted unanimously (Annexure B).

✓ SWATANTRA FORUM

The Swatantra Forum made its debut in Calcutta at a well-attended and splendidly organised meeting in Calcutta on May 2. The speaker was Mr. Masani, the subject — 'Time for a Change'. It is estimated that over a thousand people jam packed the Hall. A report received from the Convenor of the Forum, Mr.

Cushrow Irani mentions that the meeting was a great success and the speech was well received.

Special Swatantra enamelled badges were made and sold in advance to finance the meeting. Lady volunteers put in a lot of hard work selling copies of Party literature for a total of Rs. 136.45 at the meeting. The booklet entitled *Budget & You* put out by the Central Office was sold out at the meeting. Over 150 copies of the Party's *Statement of Policy* were distributed to people who asked for them. Six notebooks were placed in different parts of the Hall in charge of volunteers so that whoever was interested in contacting the sponsors of the Forum could do so by writing down their names and addresses.

On May 3, Mr. Masani declared open the office of the Forum at 21 A, Canning Street.

An unprecedented gathering was present at a meeting of the Calcutta Rotary Club addressed by Mr. Masani. He spoke on the Budget.

A dinner organised by Mr. R. P. Patodia, a prominent member of our Party in the City, was eminently successful.

Mr. Irani writes: "Mr. Masani's visit has given the Swatantra Forum great encouragement and support and from our point of view his visit was a success. We are now engaged in consolidating all the progress made during his visit."

NEWS FROM STATE PARTIES

Since the Bangalore Convention there have been signs of a trend towards purposive functioning of the Party in certain States. To encourage such trends and to give guidance in regard to effective organisation, the General Secretary participated in meetings of the Executive Committee of Rajasthan in Jaipur on April 6, of the Orissa Executive in Bhubaneswar on May 4, of the U.P. Executive in Lucknow on May 31, of the Mysore Executive in Bangalore on June 10, and of the Gujarat Executive in Ahmedabad on April 1 and again at Vallabh Vidyanagar on May 26.

The discussions at these meetings, in which the General Secretary participated, have been helpful in engendering greater confidence among Party workers as a result of a plan of work at Constituency level being made the basis of Party activity in the months to come.

State Units throughout the country observed Kisan Day on May 24 to record opposition to the 17th Amendment. A resume of the volume of protest will be found in Annexure C.

ANDHRA

Eluru was the venue of the second Convention of the Andhra Unit of our Party on May 4. A resolution opposing the concept of democratic socialism as propagated by the Bhubaneswar Session of the Congress was unanimously adopted. The resolution said: "The convention carefully examined the gradual deterioration in the policies of the Congress Party from cooperative commonwealth to the aim of Socialist pattern of society at Avadi and to democratic socialism at Bhubaneswar. The Swatantra Party feels that the Congress is perversely persisting in policies that have proved a failure. This Convention is of the opinion that democratic socialism is nothing but a deceptive slogan which leads to the dictatorship of the ruling party. Democracy and

socialism cannot accommodate and flourish together. Democratic socialism is not a reality but only a convenient slogan for establishing State monopoly of the entire national economy which invariably leads to the dictatorship of the ruling party. Therefore, this convention warns the people to be alert and vigilant to the dangerous implications of democratic socialism and requests them to reject the plans of the Congress."

In a reference to planning the Convention pointed out that the Party was not opposed to planning as such but felt that the present approach needed to be replaced by the following:

A proper order of priorities starting with increase in production and the provision of elementary necessities.

A reallocation of the role of State and free enter-

RESOLUTIONS ADOPTED BY THE GENERAL COUNCIL ON JUNE 30, 1964

✓ 17th AMENDMENT TO THE CONSTITUTION

The General Council deplores the enactment of the 17th Amendment to the Constitution, despite all public protests and the Swatantra Party's efforts, and pledges itself anew to protect peasant proprietorship and to secure the repeal of this Amendment at the earliest possible moment.

The Council reiterates that the Party stands for true and good land reforms for ensuring security of tenure and fair rents without taking away any of the fundamental rights guaranteed in the Constitution before the 17th Amendment.

FOOD SCARCITY AND HIGH PRICES

The General Council of the Swatantra Party holds that the current rise in prices and shortage of supply of food grains are the outcome of the doctrinaire policies wrongly followed by the Congress Government over the past decade flouting the laws of economics.

In the name of land reform laws were passed putting a ceiling on the size of farms owned by individuals, leading to fragmentation of holdings and uncertainties in the great and basic industry of agriculture.

The basic fact to be borne in mind is that it is the larger farms that supply a marketable surplus and if that supply is hit by thoughtless legislation with unworkable socialistic ideas in mind, the urban markets suffer a loss of supply and distress results. These ceiling laws were struck down by the Supreme Court as unconstitutional on several grounds, but the 17th Amendment has been enacted to validate all these unconstitutional laws. These laws discourage the investment of private capital on farm production, a disincentive aggravated by the increased and unbearable taxation all round. The 17th Amendment has created the fear that the Government is bent on the double policy of fragmentation of ownership in land and artificial collectivisation both of which are vicious in effect and increase uncertainties.

Apart from the ill-conceived agrarian policies, the steep rise in the price of food grains is the result of the general rise in all prices due to the inflationary policies of the Congress Government. These inflationary policies have taken many forms, among them being deficit finance, heavy excise duties and sales taxes, enhanced land revenue and other levies and, above all, the false order of priorities in the Second and Third Five-Year Plans where quick yielding activities such as agriculture, road building and rural processing industries have been neglected in favour of low and slow yielding heavy projects.

Faced with the catastrophe that must inevitably result from such misguided policies and priorities,

the Congress Government are now seeking to find scapegoats. The General Council finds no evidence to justify the sweeping charges against peasants and traders.

The General Council warns the country against the proposals for State Trading in food grains and compulsory levies on the peasants, which are being advanced by certain elements in the Congress Party. Such measures, far from solving the problem, would aggravate it and lead to increased blackmarketing and corruption of all kinds and take the country to the brink of chaos. The failure of controls is so obvious that it would be perverse to ignore it. No solution short of decontrol of prices and movements and the removal of compulsory procurement will, therefore, suffice. The Swatantra Party should intensify its efforts to educate the people and warn them to resist such disastrous policies.

In the opinion of the General Council, the long term solution of the food problem in India is the rehabilitation of agriculture, which is and will continue to be the means of the livelihood of the majority of the people for many generations to come. The needs of the peasants, whether in regard to irrigation, fertilisers, seeds and roads or the necessity for a guaranteed floor price or cheap credit, must take priority over other measures of economic development. While such a reversal of the order of priorities will in itself act as a brake on further inflation, other inflationary policies of the Government, such as deficit finance and high excise duties on the necessities of life, should be abandoned.

In so far as the short term aspects of the problem are concerned, the General Council is convinced that immediate action on the following lines would greatly reduce the hardship of the people, both in rural and urban areas:

- (i) The Centre and State Governments have been the biggest hoarders of food grains during the past few months. Although buffer stocks were available, these were held back from the people,

thus contributing to panic and a rise in prices. The Government should disgorge these hoarded stocks and distribute, through fair-price shops and the trade, substantial quantities from these buffer stocks. This measure would immediately allay panic, hold prices down and lessen the people's distress.

- (ii) The zonal arrangements should be terminated and a common free market in food grains restored. While some phasing may be necessary so that this adjustment may be smoothly made, the General Council is convinced that there is no need for the survival of any part of the zonal system beyond the next three months, whether in respect of rice, wheat or other grains or pulses.
- (iii) The attempt to make a scapegoat of peasants

and traders should be abandoned and those with knowledge and experience of the supply and distribution of food grains should be taken into confidence. There should be consultative machinery established so that there may be exchange of information and ideas between Government, farmers and the food grain trade, both at the Central and State levels.

The General Council calls upon members of the Party throughout the country to spread among the people an awareness of the realities stated above and to see that the legitimate rights and interests of peasants, food grain traders and consumers are not trampled upon in an attempt at justifying and perpetuating the wrong policies of Government which have brought the country to this unfortunate pass.

SOUTH EAST ASIA

The General Council takes note of the appeal made by Prime Minister Tunku Abdul Rahman of Malaysia to the conscience of the free world and in particular the countries of the Commonwealth to act in providing support to Malaysia in defence of its territory and freedom against aggression. The Council recalls the prompt and spontaneous support given by the Prime Minister of Malaysia on the very day that the Chinese Communist troops invaded this country in October 1962. The Council calls upon the Indian Government to declare publicly and without delay its full support for the defence of the security and freedom of Malaysia and its readiness to give all possible aid to the Malaysia Government.

The Council expresses the hope that in the defence

of the independence of Laos against Communist subversion and aggression the Government of India will shed its past policy of non-interference and turning a blind eye to Communist aggression and will join other democratic countries in demanding the withdrawal of Communist forces from the territory they have recently occupied and failing such withdrawal give the Government of Laos every assistance that may be possible. In this context the Council deplores the failure of the Indian representative in Laos to associate himself with the representatives of the United States, Britain, Canada, Thailand and South Vietnam in calling for the withdrawal of Communist forces from the territory seized by them by force and asks that this unhelpful and equivocal attitude should be abandoned.

Annexure B

"THOUGHT" ON FOOD

(The following is an extract from comments by the Delhi weekly "Thought" of July 11, on the resolution on Food Scarcity and High Prices)

Commenting on the General Council resolution regarding Food Scarcity and High Prices, the Delhi weekly, *Thought*, of July 11 observes:

"The resolution on Food Scarcity and High Prices passed by the General Council of the Swatantra Party in Bombay last week showed a healthy awareness of realities. The current rise in prices and shortage of supply of foodgrains are, it points out, the outcome of doctrinaire policies followed by the Congress in defiance of the laws of economics. It also says that in the name of land reforms laws have been passed to cut down the size of farms regardless of its implications such as fragmentation of holdings.

The Seventeenth Amendment of the Constitution which was passed by the Parliament last month in a special session called for the purpose has validated many laws declared unconstitutional by the Supreme Court. The Swatantra Party is right in saying that this has created the fear that the Government is bent on the double policy of fragmentation of ownership in land and artificial collectivization, both of which are vicious in effect and increase uncertainties."

"The other aspect of the food problem highlighted in the Swatantra Party's resolution is 'the false order of priorities in the second and third Plans where

quick-yielding activities such as agriculture, road-building and rural processing industries have been neglected in favour of low and slow yielding heavy projects. It is here that a reconsideration of the over-all strategy of planning is urgently needed. Long-gestation-period projects result in slow economic growth. The masses would like to experience the

thrill of immediate improvements in their standard of living side by side with the general economic development of the country. This is an indispensable connection between economic development and social justice in developing countries where expectations are becoming increasingly explosive. Social justice in its essence should not be sacrificed at the altar of doctrine.

Annexure C

✓ MEMORANDUM TO THE PRESIDENT OF INDIA ON THE CONSTITUTION (17th AMENDMENT) BILL

The 17th Amendment to the Constitution is of an extremely far-reaching character, entrenching as it does on the Fundamental Rights to property of no less than 60 million families in India who own and cultivate some land. By a stroke of pen, ryotwari farmers, the backbone of our society, are sought to be placed on a level with feudal landlords and intermediaries by the designating of any land used for the purpose of agriculture as an "estate". This distortion of language and justice is made retrospective as from 26th January, 1950, when the Constitution itself was brought into operation. This 17th Amendment infringes the important principle of Law that a new enactment should be expressed in simple and clear language. It is cryptic and has all the characteristics of a riddle the full implications of which can be fully understood only by men learned in the law.

The Amendment represents contempt for the Supreme Judiciary of this country being an attempt to undo the judgements of the Supreme Court and the High Courts.

Over and above the cumulative effect of the considerations set out above, there are some very specific reasons which call for the President's intervention.

This law in effect does away with the whole of Part III (including the vital Article 14) of the Constitution and the guarantees therein contained, so far as land-owning citizens, small or big, are concerned. The contention that this Amendment is necessitated by the desire to carry through land reforms is altogether untenable since land reforms in a free society have always been understood to mean freeing the peasants from intermediaries and parasitic rent collectors and not the dispossession of the actual tillers of the soil like the ryotwari landowners who are in direct relationship with Government. The plea that an Amendment introduced in the Select Committee protects those actually cultivated below the ceiling from expropriation in one for two reasons:

First, it opens the door to their being divested of land for any purpose and not for any

specific public purpose as would be the case if the land acquisition laws were to apply.

- (b) Secondly, the ceiling itself is capable of unilateral and arbitrary reduction on the part of the State Government or Legislature, thereby rendering this so-called safeguard illusory.

The present Lok Sabha and the Rajya Sabha do not have any definite electoral mandate to make such a radical interference with the Fundamental Rights of a particular class of citizens, the most numerous among all. The Election Manifesto in 1962 of the Congress Party, which is now in Office, did not include any item which made clear to the electorate that if the Party was returned to Office it would take away the right of all the farmers of this country to fair compensation at market rates for their land as and when an occasion arose for the Government to acquire it together with what can be taken to make up for the compulsory deprivation of a long enjoyed vocation handed down for generations. It cannot be argued that there was no provocation for such an item forming part of the Election Manifesto since one of the laws in question had already been struck down by the Judiciary and is now included in the new Ninth Schedule. This is a situation in which the President would be acting entirely within his rightful province to ask that no such Amendment to the Constitution be made until after it has secured the mandate of the electorate at the time of the next General Elections in 1967 or, if the present Government so desires, earlier.

A second specific reason for this appeal is that while the letter of the Constitution may appear to have been respected, its spirit has been violated by the manner in which this Amendment was got through Parliament. It will be recalled that on April 28 this year, this Amendment failed to secure the particular majority required for such an Amendment to the Constitution, as a result of a failure on the part of the majority of the members of the Lok Sabha to turn up and vote for it. Constitutional propriety demanded that the measure should have been dropped for the life of this Parliament or that

a new measure was evolved and referred to a Select Committee before being placed before Parliament. Instead, in an attempt to vindicate lost prestige, a special session of Parliament, at great cost to the nation, was convened on 27th May, the ostensible purpose of this being to give validity to enactments struck down by the highest judicial authority many years ago, which had been suffered for long to rest so struck down. Despite all appeals that an Amendment to the Constitution should not be made a matter for the Party Whip and that the traditions laid down at the time of the Constituent Assembly that all decisions should be left to the free vote of the members should be observed, the Congress Party constrained its Members, many of whom were not in agreement with this measure, to vote for it. This in effect nullifies the express provision in the Constitution that a free voter of an absolute majority of Parliament should signify assent to any such Amendment. The question arises as to whether the kind of consensus required by the Constitution in the case of an Amendment to it was forthcoming in this case.

There is a final consideration which is perhaps more decisive than any other and that is that this Amendment represents a breach of faith with Parliament and people on the part of the Congress Government. On 1st June, 1951, while replying to the Constitution (1st Amendment) Bill, Dr. Ambedkar gave an assurance (Parliamentary Debates Vol XII, Part II c.c. 9913-14) that "there is no intention on the part of Government that the provisions contained in article 31 (a) are to be employed for the purpose of dispossessing ryotwari tenants." The use of the word "tenants" is merely conventional, such tenants being recognized by the law and all the Governments that ruled India as full owners. The Law Minister, Dr. Ambedkar, spoke on behalf of Government and proceeded to point out to the critics of the 1st Amendment Bill that there was a specific safeguard against a breach of this assurance. He drew attention to the proviso attached to article 31 (A) "which requires that every such Bill shall be reserved for the consideration of the President", and proceeded to say: "I believe that whenever any such measure comes before Parliament for consideration, the undertaking given in this House would be binding upon the President in giving his sanction so far as any such measure is concerned. Therefore, I sub-

mit there is no ground for any fear of any such thing happening and I believe that there is also no justification for any kind of propaganda that may be carried on by interested parties that this Bill proposes to give power to Government to expropriate everybody including the ryotwari tenants." It may be repeated and explained here that when he used the word *ryotwari* tenants, which was a technical term used under British rule, Dr. Ambedkar was referring precisely to those whom Clause 2 sub-clause (ii) of the Bill describes as holders of "any land held under ryotwari settlement" and who are full owners of the landed property they hold.

The day that Dr. Ambedkar thought would never come has arrived. The situation in which he assured Parliament that the assurance given "would be binding upon the President" has now arisen. It is hoped that the President will be pleased to fulfil the responsibility entrusted to him by seeing that the official assurance given to Parliament at the commencement of the process of amending the Constitution is respected. A new Government securing the mandate of the electorate for a change of policy might perhaps be forgiven for going back on such a solemn assurance but the Congress Party and its Government which was responsible for the pledge can certainly not go back on it without at least securing approval from the electorate to a reversal of that assurance.

The Constitution as amended by this new Bill would stand disfigured by an article amounting to a deep riddle. If the object of this crude disfigurement of the Constitution by an artificial definition be "land reform" as often stated, it is humbly pointed out that there is nothing to prevent the highest security and the best terms being provided for cultivators of land and all workers thereon by a properly drafted enactment within the solemn terms of the Constitution and without infringing any of the guarantees contained therein.

For all these reasons it is requested that the President may be pleased to withhold his assent to the Constitution (17th Amendment) Bill.

Sd. C. Rajagopalachari
N. G. Ranga
M. R. Masani
Dahyabhai V. Patel
M. Ruthnaswamy

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ed Hussain.

decontrol, bringing the buffer stocks into the market and the abolition of food zones. Mr. Masani added that, while Europe had a Common Market, "we cannot even buy food from one of our own States!"

In his Presidential speech, Mr. N. Dandekar said that in the present food crisis, all "that nonsense" of the past 15 years of importing food grains but not steel was coming home to roost.

The third meeting organised by the Bombay Unit was held at Kalbadevi on June 30. Among the speakers at this meeting were Mr. B. P. Singh, Mr. Himmatsinh, Mr. Narendrasinh Jhala, Mr. Piloo Mody and Mr. Madhu Mehta. Mr. Parmanand Kejriwal presided.

On June 30, Rajaji addressed the Bombay Rotary Club. Rotarian President, Mr. E. J. Fielden described the attendance as a record in Rotary history. Speaking on the subject 'India And Her Neighbours' Rajaji affirmed that the number one priority before the country was friendship with Pakistan and other neighbouring countries no matter at what cost or sacrifice. He warned: "If we have a fixation that Pakistan and India can never be friends, then there is no way but to fight both Pakistan and China."

On July 1 Rajaji spoke again under the auspices of the Indian Council of World Affairs. The subject on this occasion was 'The Future Of The Sub-Continent.' He declared that the right solution for the Kashmir problem lay in handing over that State to the charge of the United Nations.

Emphasising the necessity for entering into a treaty for the defence of South Asia, the Swatantra leader pointed out that "we need not be ashamed to enter into such a treaty. No single power can defend itself in the position we have been placed in."

Rajaji replied to a number of questions after he had finished speaking. When asked about his statement that Kashmir should be handed over to the United Nations, Rajaji said that by so doing, we would not be "bartering away our sovereignty but only our pride."

Sir Homi Mody, who presided, welcomed Rajaji and Mr. B. Rama Rao proposed a vote of thanks.

On his way to the airport, Rajaji took time off to meet college students and inaugurated the Students' Council and Debating Society of the South Indian Education Society's Arts and Science College.

GUJARAT

Party activity in Gujarat certainly appears to have acquired momentum in the last couple of months judging from reports received from the State office in Ahmedabad.

Meetings of the State Committee and the State Parliamentary Board were held on May 24 at Vallabh Vidyanagar. State President Bhailalbhai

Patel presided. Mr. M. R. Masani, General Secretary, was present by special invitation.

The State Committee decided to hold a study camp at Dohad on July 4 and 5. It was also decided to hold a bigger study camp in October. The meeting further decided to hold a State Convention after completion of elections to Party committees in December.

The study camp was held as scheduled on July 4 and 5 at Dohad. Over 100 workers from various districts participated. Prof. N. G. Ranga, Mr. M. R. Masani and Sardar Basant Singh were among those from outside the State who took part.

Inaugurating the camp, Prof. Ranga explained the difference between dictatorship and democracy. He emphasised that in a real democracy concentration of power in the hands of the State was absent.

Sardar Basant Singh explained the Party's stand on relations with Pakistan and on Kashmir.

Mr. M. R. Masani devoted his talk to workers on the principles of sound organisation. He said that there was no substitute for hard, sustained and systematic work. Efficiency, he said, is not only important in business but equally essential in politics.

Mr. Bhailalbhai Patel spoke on agrarian policy. Mr. Jaideepsingh of Baria welcomed the workers.

The Rajkot District unit has lodged a strong protest against the action of Taluka Development Officers in the State asking Sarpanchs to inform them of their (Sarpanch's) party affiliation. The State President has written to the Gujarat Government asking for a public explanation of this undemocratic request.

Reports received from Mr. Dharamsinh Patel, Field Organiser of the Party in the Western area of Gujarat, give an idea of the intensive work being done there.

Apart from enrolment of workers, the field organiser gives instances of the local issues handled:

- i. Virgin lands of Tirala for distribution to Harijans
- ii. Harassment of farmers by local goondas
- iii. Repairing the primary school at Bhasan and electrification of Bhasan.
- iv. Transfer of a Nurse.
- v. Supply of electricity from Mota Kotda to Chanaka
- vi. Irregular distribution of sugar by the supply department.

KERALA

On the recommendations of Mr. K. C. Zacharias, Convenor of the Party's North Zone unit in Kerala, the following *ad hoc* committee was approved: Mr. M. P. A. Gafoor, Mr. K. P. Ibrahim Kutty, Mr. P. S. Kunhavarman Kutty, Mr. E. K. Kunhikrishna Varma Rajan, Mr. T. K. Mahamood, Mr. M. C. Ninan, Mr. K. V. Rajan and Dr. P. V. Sayyed Hussain.

been continually pressing for the distribution of banjar lands to the landless in Andhra. Their efforts, if successful, would enable five lakhs of landless labourers to benefit.

Social Welfare

The Party successfully fought for the introduction of old age pensions. It is now waging a struggle to force Government to introduce schemes for harijans and backward classes.

Electricity

Recently the State Government increased the minimum guarantee for consumption of electricity by agriculturists. Our Party in the Legislature opposed this measure and was successful in getting the minimum

reduced. Presently they are engaged in demanding a reduction of electricity charges for agricultural consumption and for the allocation of more funds for rural electrification.

Labour Relations in the Public Sector

The Group has tried to expose the manner in which Government treats employees in the public sector. Far from acting as a model employer the Government has been ignoring labour regulations which they enforce on industries in the private sector.

Corruption

The Swatantra Group has been pressing its demand that all Ministers and Members of the State Assembly and Council should submit an annual report of their assets and liabilities.

NEWS FROM STATE PARTIES

ANDHRA

The Party Unit in Andhra organised a convention attended by Rajaji and Prof. Ranga at Bapatla on June 7 to protest against the Constitution (17th Amendment) Bill. A resolution unanimously adopted by the Convention condemned the undemocratic action of the Congress Party in getting the controversial measure re-introduced in the Lok Sabha.

BOMBAY

The presence of Swatantra Leaders from all over the country was utilised by the Bombay Unit and several other organisations in the City in organising public meetings.

The Bombay Unit held three meetings.

Mr. Bhailalbhair Patel, M.L.A., President of the Gujarat Unit and Mr. S. S. Mariswamy, M.P., General Secretary of the Tamilnad Unit, addressed a meeting under the Party's auspices at Sion.

Mr. Bhailalbhair Patel in his speech, was severely critical of the Government's agricultural policy. He was of the opinion that the food shortage in the country was an artificial creation of vested interests in Government.

Mr. S. S. Mariswamy, speaking next, welcomed the Das Commission's Report and said that it was a good thing that Mr. Kairon had been forced to resign.

Sunderabai Hall, the venue of the next meeting the following day, was jam-packed and hundreds of people had to content themselves by listening to the speeches from outside. Rajaji, Prof. Ranga and Mr. Masani were the speakers. Mr. N. Dandekar presided.

Rajaji said that the Congress Party was now talking of memorials to Jawaharlal Nehru, only to keep

his image going and prevent the Party from going to pieces. He described the movement for collection of funds for the memorial almost like the collection of a big new tax. While he did not object to it, he felt this would only help in reducing Nehru's image. He asked: "What are they going to do? Is it a museum that will remind us of Jawaharlal?" He added that while Swaraj was the memorial to Lokmanya Tilak and a unified India to Sardar Vallabhbhai Patel, the best memorial he could think of for Jawaharlal Nehru was the establishment of a good administration in the country.

Referring to Mr. Gulzarilal Nanda's efforts to check corruption, Rajaji said: "I would like to tell my good friend of 40 years' standing that he should attack it where it breeds — a point very near your Secretariat." He said that the root of corruption lay in the system of State controls. He added that corruption is like "bugs, ants and fleas. It is no use firing pistols at bugs and ants. One has to mount an offensive at their breeding points."

Prof. Ranga, in his speech, said that he did not expect any healthy change in Government's policy just because a man here or a man there was replaced by another.

Speaking earlier, Mr. M. R. Masani criticised the Government for its abject failure in raising food production and in preventing the consistent trend in rising prices. In this context he read out a Customs House Release which said that 10,192 bags of rice had been shipped to Basra by the State Trading Corporation on June 27. He pointed out that this was being done at a time when the country was faced with acute food shortage.

His own suggestions for combating these trends were: Priority to agricultural programmes, complete

communalism and had recently shown its readiness to make sacrifices in that struggle, Mr. Masani said that licensing of parties had no place in a democracy and was part of a totalitarian pattern. Once one kind of Party was allowed to be banned, a bad habit might be formed which might later be extended to the banning of other political parties inconvenient to those in office.

Questioned about communal disturbances in India, Mr. Masani said the existing laws were adequate to deal with communal frenzy and failure in this respect was the failure of administration and not of the Constitution or legislation.

PEKING SQUEALS AGAIN

Readers will recall that Mr. Masani's visit to Formosa in September last year (see Newsletter No. 39 of November 1963) provoked Peking's wrath leading to their protest to the Government of India. Once again Peking has let out a big squeal over the visit to Formosa of a ten-member non-official delegation of democratic opposition members of Parliament led by Mr. Dahyabhai V. Patel, leader of the Party's group in the Rajya Sabha, and including Mr. C. L. Narasimha Reddi, Mr. Sundarmani Patel and Mr. Pravinsinh Solanki, all Swatantra members of Parliament, three others from the Jan Sangh and two from the D.M.K. among others.

The *Times of India* of June 30 carried a despatch from Hong Kong which reported Communist China's interpretation of the delegation's visit to Formosa as "open interference in her internal affairs." The Communist *New China News Agency* is reported to

have said that "Mr. Dahyabhai Patel had declared in Taipei that India shared the anti-Communist convictions of the Chiang Kai-shek regime."

Once again Red China protested to India against this delegation's visit to Formosa.

On July 1 in New Delhi, Mr. C. L. Narasimha Reddi and Mr. Pravinsinh Solanki at a press conference urged the Government of India to establish immediate diplomatic relations with the Government in Formosa. Reporting on the delegation's visit, Mr. Reddi and Mr. Solanki said that they had found in Formosa a great amount of goodwill for India among the people and officials. They quoted the Foreign Minister in Formosa as having told them that their Government recognised the Macmohon Line as the correct boundary between India and the Chinese mainland.

In Bombay on July 2, Mr. Dahyabhai Patel at another Press Conference also urged that India should recognise the Formosan Government.

Mr. Dahyabhai Patel, in the course of a letter dated July 2 to the *Times of India*, said "Far from being unnecessary", (as characterised by an editorial in that Daily) "I believe our visit has been very instructive and we shall place before the Government and Parliament a report of what we have seen and how the economy, particularly agriculture, has progressed in Taiwan. Perhaps there is a lot that our Government can learn from them."

Recalling President Chiang Kai-shek's championing the cause of India's freedom the letter added "... Let us remember with gratitude that the President of the Republic of China, Generalissimo Chiang Kai-shek, pleaded for India's freedom with Britain and the United States during the war when he was their ally."

AROUND THE STATE ASSEMBLIES

ANDHRA PRADESH

The Party's Legislature Group deserves congratulations for having succeeded in getting their nominee Mr. Pyda Venkatnarayana elected to the Legislative Council during a by-election last month.

A report submitted by the Swatantra Group in the Andhra Legislature makes interesting reading. We give below some excerpts from it:

Ceilings on Lands

The Legislature Group opposed the introduction of ceilings on land holdings as also the low quantity of compensation paid to those whose lands are taken over by the Government. The Group attacked the Bill on the ground that it was discriminatory and unconstitutional and an effort on the part of the ruling party to destroy free peasantry.

Survey and Settlement

The numerous mistakes committed by the Survey and Settlement Department in surveying Andhra areas has resulted in thousands of peasants losing their small plots of land. The Swatantra Group fought hard and successfully for a revision of such survey and settlement. As a result of the Party's efforts, thousands of peasants were able to file petitions before officials for rectifying mistakes committed earlier.

Crop Insurance

For a long time now the Group has been agitating for the introduction of crop insurance and the Government had, as a result, appointed an official committee to go into the question. Its report is awaited.

Distribution of Banjar Lands

Members of the Party in the State Assembly have

South East Asia

Mr. M. R. Masani then proposed a resolution on South East Asia which was seconded by Mr. Dahyabhai V. Patel. After discussion the resolution as amended was similarly adopted.

Relations with Pakistan

The Council unanimously endorsed the statement of policy outlined in the Parliamentary Board's resolution of May 17 on relations with Pakistan (see *Newsletter* No. 44 for text) after deleting the word "particularly" in paragraph 7 of that resolution at the instance of the Party's Vice-President, Mr. K. M. Munshi.

See Annexure 'A' for the full text of Resolutions; Annexure 'B' for an extract from a comment in the Delhi weekly *Thought* on the resolution on Food Scarcity and High Prices; and Annexure 'C' for the text of the Memorandum on the 17th Amendment to the Constitution submitted to the President of India.

NO SWATANTRA SATYAGRAHA

In view of misleading reports published in certain sections of the press that the Swatantra Party's National Executive had decided to launch on direct action in the nature of *satyagraha* against the 17th Amendment and that a meeting was being held in Delhi on September 6 to consider this question, it becomes necessary to clarify the Party's position for the information of Party Units and members.

No decision of the nature reported in the Press was taken by the Central Organising Committee of the Party when it met in Bombay on June 29. The question came up when the Central Organising Committee was discussing the draft resolution to be placed before the General Council on the 17th Amendment, which is to be found in the Annexure. At that point, one of the members of the Committee raised a query as to the advisability of members of the Party participating in *satyagraha*. After considerable discussion, it was decided that, if organisations like the Bharat Kisan Sammelan were to decide to organise demonstrations and consequent *satyagraha* against the 17th Amendment, members of the Party in their individual capacity would be free to participate in such demonstrations and *satyagraha*. Similar permission was also given to participate in agitations against enhancement in land revenue or levies.

It will thus be seen that permission given was to members in their individual capacity functioning on the platform of some other Kisan organisation and that the Swatantra Party has not decided that any *satyagraha* should be undertaken in its name or on its platform.

Similarly, it also needs to be made clear in regard to press reports that a meeting to discuss this question

is to take place in Delhi on September 6, that no such meeting has been called by the Party.

BOMBAY DEMONSTRATION AGAINST RICE EXPORT

On learning that the State Trading Corporation was shipping 300 tons of rice to Basra, the Bombay Unit of the Party wrote to the Manager of the Corporation requesting them to desist from exporting any more rice in the context of the acute food shortage in the country.

Receiving no reply, sixty Swatantra workers organised a protest demonstration at the Alexandra Dock where the rice was being loaded. Led by the Bombay Unit's General Secretary, Mr. Madhu Mehta, the protesting workers demanded that the shipment of rice be stopped immediately.

They were stopped outside the gates. When the workers pleaded to be allowed to demonstrate outside the ship, they were pushed about by the Police.

In an attempt to scatter the demonstrators, certain officers started swinging their batons and several Party workers were beaten up. Scant respect was shown even to lady volunteers. Mrs. Panday, Mr. Wahab Azad and Mr. K. B. Mohite were singled out for special treatment by the police.

Twenty eight workers, including the Vice-President of the Bombay unit, Mr. Piloo Mody, Mr. Madhu Mehta, Mrs. Sosan Panday, Mrs. Manorama Dandekar among others were taken into custody and held for a couple of hours.

The Bombay unit has lodged a strong complaint with the Commissioner of Police against the reprehensible action of certain officers of the police force for the way they dealt with this peaceful demonstration.

Earlier, in a letter to the Press, the General Secretary of the Party Mr. Masani, after criticising the export of rice and other essential commodities like edible oils by Government had pleaded that "public opinion should assert itself and demand an immediate and total ban on the export of rice, groundnuts and other sources of edible oil."

BAN ON COMMUNAL PARTIES QUERIED

Addressing a Press Conference in Rajkot on July 14, the Party's General Secretary, Mr. M. R. Masani, said in reply to a question that, while the Swatantra Party had not yet considered what line it should take on the banning of communal parties recommended by the A. P. Jain Committee Report and the question of doing so would arise only if the Congress Government proposed to legislate on those lines, his personal view was that the evil of communalism could only be eliminated and defeated not by legal coercion but by political and educative measures.

Pointing out that the Swatantra Party was against

ROUND THE STATES

ANDHRA PRADESH

Government Defeat on Snap Voting

The State Government suffered a defeat in the Legislative Assembly during the course of snap voting on an official Bill on November 28. The occasion for the snap vote was the first reading of the bill to amend the Andhra Pradesh Agricultural Pests and Diseases Act. The motion that the Bill be read for the first time, moved by the Agriculture Minister, Shri Kakani Venkataratnam, was lost by a voice vote, after discussion for about an hour. The Deputy Speaker, Shri Vasudev Naik, thereupon adjourned the House for the rest of the day.

In July last, the Speaker of the Assembly had ruled that inordinate delay on the part of the Government in placing statutory reports and papers on the Table of the House constituted contempt of the House. The Assembly, however, rejected the Speaker's opinion. Eventually the Speaker, Shri B. V. Subba Reddy resigned from the office on July 31. Shri Reddy was however re-elected Speaker of the Assembly on December 3. He defeated the Opposition nominee, Shri P. Narsing Rao (Telengana United Front) by 178 votes to 49.

During the period under review, 3 by-elections to the Andhra Pradesh Assembly were held, in two of which the Congress(R) candidates were declared elected to the House. The third successful candidate belongs to the Telengana Praja Samiti. Accordingly, Shri Kota Ramayya and Shrimati K. Andalamma, both Congress(R), were returned from the Tiruvuru and Undi constituencies on November 23 and December 14 respectively. The Telengana Praja Samiti nominee, Shri A. Madan Mohan, was declared elected to the House from the Siddipet constituency. He defeated the Congress(R) nominee by a margin of over 20,000 votes.

ASSAM

Resignation of Revenue Minister

Shri Laxmi Prasad Goswami, Revenue Minister in the State Council of Ministers resigned from the office on December 11 following certain charges of irregularities and other offences levelled against him by the Opposition members during the last budget session of the State Assembly. The House later appointed a committee to look into the charges levelled against Shri Goswami and the Committee in its report to the House absolved him by a majority verdict. However, 3 members of the 8-member committee appended notes of dissent to the report and found him guilty of certain mal practices, whereupon, Shri Goswami resigned from the office.

BIHAR

Winter Session

The winter session of the Bihar Assembly began on November 27 but the House was immediately adjourned since the report of the Business Advisory Committee was not ready for presentation to the House. On December 4, the House passed a resolution by 186 votes to 55, urging the Union Government that the earlier resolution of the House recommending abolition of the State Legislative Council with immediate effect may not be made operative till May 7, 1974. The abolition of the Upper House in the State has thus been postponed by about 3 years. The 25-man CPI group, the second largest party in the coalition Government, and 52 SSP members joined hands in voting against the resolution while the Congress(O), the Jana Sangh and the Swatantra parties voted in favour of the resolution.

The Speaker of the Assembly, Shri R. N. Mandal during the course of zero-hour on December 10 directed the State Government to take all possible steps to ensure the safety of Shri Vidayakar Kavi, a dissident Congress(R) member of the House, who alleged that he had received an anonymous telephonic message threatening to kill him if he did not desist from activities calculated to oust the State Chief Minister, Shri Daroga Prasad Rai.

The Forest Minister and All-India Jharkhand party leader, Shri Bhagu Sumbrui, announced his resignation from the Daroga Rai Ministry on the floor of the Assembly on December 15. Shri Sumbrui is said to have resigned from the Ministry as his party had lost faith in the present Government. The same day the Leader of the Opposition Shri Rama Nand Tewari tabled and the Deputy Speaker, Shri Shakur Ahmed, admitted a no-confidence motion against the 10-month old Daroga Rai Ministry.

In all, four by-elections to the Bihar Legislative Assembly were held during the period under review. The Jana Sangh, the Jharkhand and the Janata parties were able to win one seat each. The fourth seat was won by an Independent candidate, Shrimati Gaitri Devi, who was elected from the Govindapuram constituency having defeated her nearest rival, Shri Mathura Prasad Singh (Congress-O) by a margin of nearly 22,000 votes. The other three candidates, who were elected to the Assembly are: Shri Ram Avtar Ram (Jana Sangh) from the Merwa constituency; Shri Praja Palak Nath Singh (Janata party) from Chhatra constituency and Shri Bir Singh Munda (Jharkhand) from the Torpa constituency. The by-election to the Govindapuram constituency was caused by the death of a former Congress(R) Minister, Shri Jugal Kishore. The Chhatra by-election was necessitated by the death of the leader of the Janata party, Shri Kamakhya Narain Singh. The by-election from the Torpa constituency was held to fill in the vacancy caused by the resignation of Shri N. E. Horo following his election to the Lok Sabha.

On November 25 Supplementary Demands for Grants totalling Rs. 26.43 crores in the current year were presented to the Parliament by Shri K. R. Ganesh, Deputy Minister for Finance. Incidentally this was the second batch of supplementary expenditures the first having been presented in the last session of Parliament which involved an additional expenditure of Rs. 36 crores. The additional requirements of Rs. 26.43 crores will be offset to the extent of Rs. 1.38 crores on account of receipts and recoveries.

In all 13 Private Members' Bills were introduced in the Lok Sabha on November 27 and December 11. Of these five were Constitution (Amendment) Bills and the rest related to other matters. In the Rajya Sabha during the period under review 8 Bills, three of them seeking to amend the Constitution, were introduced by the Private Members. Some of the Bills introduced by Private Members in the Lok Sabha were: The Employees Legal Aid Bill, 1970 by Shri Sardar Amjad Ali; the Prevention of Lotteries Bill, 1970 by Shri Kamal Nain Bajaj and The Constitution (Amendment) Bill, 1970 (Amendment of Articles 58 and 157) by Shri S. C. Jha, all of which were introduced on November 27. Shri Nath Pai on November 27 introduced four Bills of which two were Constitution (Amendment) Bills seeking to amend articles 145 and 356. The other two Bills introduced by him on November 27 and December 11 respectively were: The Presidential and Vice-Presidential Elections (Amendment) Bill, 1970 and the Workmen's (Amendment) Bill, 1970. Two weeks later on December 11, six more Bills were introduced by Private Members in the Lok Sabha. Shri George Fernandes introduced three Bills, namely, the Code of Criminal Procedure (Amendment) Bill, 1970 on November 27 and the Stock Exchange (Representation of Employees on Governing Body) Bill, 1970; and the Exhibition of Cinematograph Films Bill, 1970 on December 11. Another Private Member, Shri O. P. Tyagi, introduced in the Lok Sabha on December 11 two Constitution (Amendment) Bills which sought to amend articles 174 and 348 of the Constitution. Shri N. Dandekar introduced on December 11 the Salaries and Allowances of Ministers Bill, 1970. In the Rajya Sabha in all 8 private Members' Bills were introduced. Of these three Bills were introduced by Shri Dwijendralal Sen Gupta on November 27. They were: The Industrial Disputes (Amendment) Bill, 1970; The Payment of Bonus (Amendment) Bill, 1970; and The Constitution (Amendment) Bill, 1970 to amend article 240 and the First Schedule. On the same day another Industrial Disputes (Amendment) Bill to amend Sections 2, 9-A and 10 and the Fourth Schedule and to insert a new Section 10-B was introduced by Shri Chitta Basu. That day Shri Gaure Murahari and Shri Arjun Arora respectively introduced The Members of Parliament and State Legislatures (Protection of Certain Constitutional Rights During Preventive Detention) Bill, 1970 and The Constitution (Amendment) Bill, 1970 (to amend articles 56, 58, 71, 91, 92 324, the Second Schedule and Entry 72 of List I of the Seventh Schedule and substitution of articles 65, 89-90).

December 1970

Two Constitution (Amendment) Bills introduced in the Rajya Sabha on December 11 sought to insert a new Article 29-A and omit article 45 of the Constitution and the insertion of new article 16A in the Constitution. The Bills were sponsored by Shri Pranab Kumar Mukherjee and Shri Shyam Lal Yadav respectively.

The Lok Sabha negated on December 11, Acharya J. B. Kripalani's Conferment of Decorations on Persons (Abolition) Bill, 1969 by 15 votes to 61. In the Rajya Sabha, Shri Arjun Arora's Bill on the Industries Development and Regulation (Amendment) Bill, 1960 was negated.

Shri Bipen Pal Das MP, had challenged through a writ petition the validity of the ruling given on September 5, 1970 by the Rajya Sabha Chairman on the Privy Purses Bill before the Delhi High Court. On November 19 the Court held that the Chairman of the Rajya Sabha or the Speaker of the Lok Sabha was the sole judge in matters which come up before the two Houses for consideration. The petition was accordingly dismissed by the High Court.

The Rules Committee of the Lok Sabha held on December 9 that the special two-thirds majority was required for Constitution (Amendment) Bills only at the final stage of passing of the Bill and not during the preceding stages. The Committee considered the issue at a great length on a point raised by Shri Madhu Limaye (SSP) on May 8 last following the defeat of his Bill urging withdrawal of privileges of the ICS officers. The Committee recommended that Rules 155 and 156 of the Rules of Procedure of the House should be deleted and Rules 157 and 158 should be changed accordingly. The Committee concluded that in accordance with the provisions of articles 100 (1) and 368 of the Constitution and their correct legal interpretation the special majority should be required only at the final stage of passing. However, with regard to omnibus Bills involving amendment of various articles on different aspects or subjects of the Constitution, it felt that members may be divided on different provisions on different lines. In such a case, the Committee said that the position of members might become anomalous and their votes might not reflect their true feelings on different provisions if voting by a special majority was confined at the final stage. It has, therefore, recommended that in future each Bill seeking to amend the Constitution should deal with only one single aspect or subject.

The Committee on Petitions of the Lok Sabha has recommended the lowering of voting age in the country from 21 to 18 years. In its Ninth Report, presented to the House on November 25, the Committee has held that there were no valid reasons for denying the right of vote to persons above the age of 18, particularly when for all other purposes of law they are treated as majors and deemed competent to handle their affairs. The Committee has, therefore, recommended that article 326 of the Constitution should be suitably amended.

December 9 in the Lok Sabha. Shri Mukherjee was found guilty of having deliberately misled the Public Accounts Committee, which inquired into certain irregularities during 1960 in regard to the implementation of the policy of issuing steel import licences against export commitments. The issue was raised in the House by Shri Madhu Limaye (SSP) during the monsoon session. It was, however, only on December 2 that the House decided to summon Shri Mukherjee to the bar of the House.

On December 9, the Lok Sabha Speaker ruled out a privilege motion moved by Shri P. G. Sen, (Congress-O) against a daily newspaper which the member alleged had caused calculated harm by reporting only certain allegations of Congress(R) members during discussion on the issue of double voting on the Privy Purses Bill on November 27. Disallowing the privilege motion, the Speaker said that in keeping with the convention he had referred the matter to the newspaper concerned which had since then expressed regrets over the matter.

During the period under review, several issues came up for discussion in the two Houses of Parliament. The more important among them included the law and order situation in the State of West Bengal and the demand of several Opposition members for the removal of the Governor, Shri S. S. Dhawan; rumours about the holding of mid-term elections to the Lok Sabha; cartographic misrepresentation of the Sino-Indian border by the Soviet Union; demand for the abolition of the posts of Governors by Opposition; fate of Indian citizens in Ceylon; demand for measures to tackle unemployment problem; setting up of industrial relations commissions both at the Centre and in the States to settle industrial disputes; and general rise in prices in the country.

On November 27, there was an uproar in the Rajya Sabha and the proceedings got bogged down for nearly an hour following angry outbursts over certain observations made by the Chief Justice of India during the course of hearing on the privy purses case. Shri Akbar Ali Khan, who was then in the Chair ordered that all references to the Chief Justice and other matters should be expunged from the proceedings as the matter was not raised by the concerned member, Shrimati Purbi Mukherji (Congress-R) with the prior permission of the Chair.

The Lok Sabha was similarly caught, as the Speaker put it, "in a terrible constitutional mess" with the Opposition members accusing the Government of political manoeuvring in not implementing the Uttar Pradesh and Bihar Assembly resolutions recommending abolition of the Upper Houses in those States. The Speaker later asked the Law Minister to make a statement on the constitutional aspects of the issue which he made on December 8. The Law Minister told the members that the subsequent resolution of the Bihar Legislative Assembly that the Council should not be abolished until May 7, 1974 had raised several constitutional issues in view of which the Government of India would not proceed with the abolition of the Bihar Council.

During the period under review a number of Bills were passed by the two Houses of Parliament. Some of the Government Bills passed by the Houses were: The Taxation Laws (Amendment) Bill, 1969, as reported upon by the Select Committee (passed by the Lok Sabha and the Rajya Sabha on November 17 and 30 respectively); The Foreign Exchange Regulation (Amendment) Bill, 1970 (passed by the Lok Sabha on November 25 and by the Rajya Sabha on December 7); The Salaries and Allowances of Officers of Parliament (Amendment) Bill, 1970 (passed by the Lok Sabha on December 3 and by the Rajya Sabha on December 9); The Tea Districts Emigrants Labour (Repeal) Bill, 1967 (passed by the Lok Sabha on December 3 and by the Rajya Sabha on December 9); The Appropriation Bills No. 4 and 5, 1970 (passed by the Lok Sabha on December 8 and adopted by the Rajya Sabha on December 14); and The Appropriation Bills No. 4 and 5 (Railways) were passed by the Lok Sabha on December 10 and were agreed to by the Rajya Sabha on December 15. The Lok Sabha on December 3 and 15 passed two bills, namely, The Architects Bill, 1970 (as passed by the Rajya Sabha earlier on May 7, 1970) and The State of Himachal Pradesh Bill, 1970 respectively. The Rajya Sabha also passed four bills two of them on November 17 and the other two on December 3 and 7. The Bills were: The Air Corporation (Amendment) Bill, 1970 and the Code of Civil Procedure (Amendment) Bill, 1968 as reported by the Joint Committee of the two Houses; The Central Labour Laws (Extension to Jammu and Kashmir) Bill, 1970 (as earlier passed by the Lok Sabha on November 9) and the Agricultural Refinance Corporation Bill, 1970.

On November 23 the Lok Sabha allowed Shri Jagannath Rao, Minister of State in the Ministry of Law and Social Welfare, to withdraw the Advocates (Second Amendment) Bill, 1968 which was passed by the Rajya Sabha on December 16, 1968. A number of Government Bills were also introduced in the two Houses. They included: The Coal Bearing Areas (Acquisition and Development) (Amendment and Validation) Bill, 1970 and the Newspaper Finance Corporation, Bill 1970 introduced in the Lok Sabha on November 27 and December 4 respectively. Two Bills—the Advocates (Amendment) Bill, 1970 and the Code of Criminal Procedure (Amendment) Bill, 1970 were introduced in the Rajya Sabha on December 8 and 10 respectively. The latter was referred to the Joint Committee after a motion moved by Shri Ram Niwas Mirdha was adopted by the House on December 15. The Law Minister, Shri K. Hanumanthaiya moved and the House adopted a motion seeking to adjourn discussion on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill as the Government wanted time to reconcile differences with the Opposition parties over the question of inclusion/exclusion of certain tribes in the revised list of Scheduled Castes and Scheduled Tribes. Similarly, discussion on the Indian Medicine Central Council Bill, 1970, as passed by the Rajya Sabha, could not be concluded in the Lok Sabha till December 4.

CONPARLIST

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DEVELOPMENTS IN INDIA

NEWS FROM THE CENTRE

Restoration of Privy Purses

The Supreme Court on December 16 declared by a majority of 11 to 2 that the Presidential Order derecognising the rulers of former princely States was *ultra vires* and unconstitutional and therefore inoperative. The Court directed that the rulers would be entitled to all their pre-existing rights and privileges including the privy purses as though the Presidential Order was never issued. The Court accordingly issued the writ of *mandamus* to the Union of India to enforce the orders. The Chief Justice, who delivered a separate judgment, held, among other things, that the order of the President withdrawing recognition of the rulers and purported to have been issued under article 366(22) of the Constitution was *ultra vires*. The Chief Justice also held that entitlement to privy purses constituted "property" within the meaning of the term as used in articles 19 and 31 of the Constitution and attracted the protection given by the said articles. He observed that the dispute raised by the rulers under article 291 of the Constitution was not covered by article 363 and hence there was no bar to the Court adjudicating upon such a dispute and granting relief. Also the President could not claim total immunity for his acts from the scrutiny of the Court. Since the order of the President was outside article 366(22), it could not claim its protection and the Court could strike it down.

Winter Session of Parliament

The Lok Sabha decided on November 18 to summon two police officers of Maharashtra to the bar of the House for having offended its dignity by allegedly assaulting and abusing one of its members, Shri K. M. Kaushik (Swatantra) at Nagpur railway station on May 27 last. The officers, namely,

Shri K. Padmanabhan, Deputy Commissioner of Police and Shri N. P. Choubey, Sub-Inspector appeared in the Lok Sabha on December 3 and apologized to the House as well as to Shri Kaushik for the happenings at the Nagpur railway station. The Speaker then ruled and the House agreed that in view of the apology tendered by the two officials the matter should be treated as closed.

For the first time in the parliamentary history of the country, a civil servant, Shri S. C. Mukherjee, former Deputy Iron & Steel Controller, was brought to the bar of the House and was reprimanded on

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