CONDOLENCE MOTION

re: Demise of Sri B. Mallikarjuna Rao, Member of the A.P Legislative Assembly.

The Chief Minister (Sri J. Vengal Rao) — Sir, I beg to move:

"This House places on record its deep sense of sorrow at the demise of Sri B Mallikarjuna Rao, a member of the Andhra Pradesh Legislative Assembly and conveys its deep sense of sympathy to the members of the bereaved family.

Mr. Speaker — Motion moved.

Condolence Motion 

re Demise of Sri B. Mallikarjuna Rao, 
Member of the Andhra Pradesh 
Legislative Assembly.

మనముగా ఇంతా మంత్రిత్వానికి సరసంభాగంతో సమాచారము సాధించాదు. మున్న మున్న మనము ఎంత లోపాల కొదుపించింది. మనను ఆయుర్వేద సాహిత్యంలో ఇంతా మరణం సాధించారు. మను మనం ఇంతా మరణం సాధించారు. 

ప్రపంచ సాహిత్య ప్రపంచం అంతరిపోడం ఉంది. మను యుగానికి మరణం సాధించారు. మను యుగానికి మరణం సాధించారు. మనం యుగానికి మరణం సాధించారు. 

మనం యుగానికి మరణం సాధించారు. మనం యుగానికి మరణం సాధించారు. మనం యుగానికి మరణం సాధించారు. 

మనం యుగానికి మరణం సాధించారు. మనం యుగానికి మరణం సాధించారు. మనం యుగానికి మరణం సాధించారు.

ప్రపంచ సాహిత్య ప్రపంచం అంతరిపోడం ఉంది. మను యుగానికి మరణం సాధించారు. మను యుగానికి మరణం సాధించారు. మనం యుగానికి మరణం సాధించారు. 

మనం యుగానికి మరణం సాధించారు. మను యుగానికి మరణం సాధించారు. మనం యుగానికి మరణం సాధించారు. 

మనం యుగానికి మరణం సాధించారు. మను యుగానికి మరణం సాధించారు. మనం యుగానికి మరణం సాధించారు.
Condolence Motion

9th August, 1975

re: Demise of Sri B Mallikarjuna Rao,
Member of the Andhra Pradesh Legislative Assembly.

Sri A Sreeramulu (Eluru).—Mr Speaker, Sir, it has been our misfortune that whenever we were made to assemble here to ratify the Constitution Amendment Bill, a Condolence Motion was being moved and the ratification preceded by an obituary reference. Any way, that is our misfortune.

While fully associating with the sentiments expressed by the Chief Minister and others, I am supporting this Resolution. On my and on behalf of my group, I convey our sincere condolences to the bereaved family.

Let us have the precedent. This august House has got the precedent.

Mr. Speaker:—No suggestion is necessary. That is all I say.
4th August, 1975,

Condolence Motion:
re: Demise of Sri B. Mallikarjuna Rao:
Member of the Andhra Pradesh Legislative Assembly.

ప్రదర్శించబడిన పత్రం:

ప్రత్యేకంగా ముఖాయమారి పొందింది. ఇద్దరు విధానసభ పరిభ్రమణ నుండి ఉపస్థితం ఉన్నారు. ముఖాయమారి ప్రత్యేకంగా ముఖాయమారి పొందింది. ఇద్దరు విధానసభ పరిభ్రమణ నుండి ఉపస్థితం ఉన్నారు.

ప్రత్యేకంగా ముఖాయమారి పొందింది. ఇద్దరు విధానసభ పరిభ్రమణ నుండి ఉపస్థితం ఉన్నారు. ముఖాయమారి ప్రత్యేకంగా ముఖాయమారి పొందింది. ఇద్దరు విధానసభ పరిభ్రమణ నుండి ఉపస్థితం ఉన్నారు.
Condolence Motion
re: Demise of Sri B. Mallikarjuna Rao,
Member of the Andhra Pradesh Legislative Assembly.

Mr Speaker,—I fully associate myself with the sentiments expressed by the Leader of the House and the Hon’ble members. As has been stated by several speakers, he has taken an active interest for the upliftment of the poor and he has been working hard both inside the House and outside in achieving his object. Certainly, the state and particularly the City of Raahamundry has lost the person who has been doing this valuable work. Now as a mark of respect for the departed soul, I request the Hon members to stand and maintain silence for a period of two minutes.

Mr Speaker. —The question is

"This House places on record its deep sense of sorrow at the demise of Sri B Mallikarjuna Rao, a member of the Andhra Pradesh Legislative Assembly and conveys its deep sense of sympathy to the members of the bereaved family."

The motion was adopted nem con. All members standing in silence for two minutes.

Mr. Speaker.—Now the House stands adjourned to meet again at 10-45 a.m. to-day, the 9th August, 1975.

(The House then adjourned)

(10-17 a.m.)

PAPER LAID ON THE TABLE OF THE HOUSE
IN PURSUANCE OF RULE 359

1. The Constitution (Fortieth Amendment) Bill, 1975, as introduced in Lok Sabha.

2. The Constitution (Fortieth Amendment) Bill, 1975, as passed by the Parliament.
9th August, 1975.

Government Resolution.

re: Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

Secretary, Legislature — Sir, I beg to lay under Rule 359 of the Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Assembly, a copy of letter No Rs 1/45/75-B dated the 8th August, 1975 from the Secretary-General, Rajya Sabha together with a copy in each of the following —

1. The Constitution (Fortieth Amendment) Bill, 1975 as introduced in Lok Sabha
2. The Constitution (Fortieth Amendment) Bill, 1975 as passed by the Houses of Parliament.

Mr. Speaker.— Papers laid

GOVERNMENT RESOLUTION

re Ratification of the Amendment to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975

Sri J. Vengala Rao:— Sir, I beg to move:

"That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to clause (2) of Article 368 thereof, proposed to be made by the Constitution (Fortieth Amendment) Bill, 1975, as passed by the two Houses of Parliament, and the short title of which has been changed into "The Constitution (Thirty-ninth Amendment) Act, 1975."

Mr. Speaker:— Resolution moved.
Government Resolution. 9th August, 1975.

re Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

This Government hereby approves and disposes of the ratification of the amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

The ratification of the amendments shall be completed within the period specified in the said Bill.

[Signature]

[Secretary]

[Ministry]

[Date]
8 9th August, 1975.

Government Resolution.

re: Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.
Government Resolution.

9th August, 1975.

re: Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

[Text not legible]
Government Resolution

Re: Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

9th August, 1975.
Government Resolution:  
9th August, 1975.

Re: Ratification of the Amendments to the  
Constitution of India as proposed by  
the Constitution (Fortieth Amendment)  
Bill, 1975.

...
Government Resolution

re: Ratification of the Amendment of the
Constitution of India as proposed by
the Constitution (Fortieth Amendment)
Bill, 1975.

12 9th August, 1975.

re: Ratification of the Amendments of the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

All these days he was presiding over these vagaries of Law, till he retired. All these laws emanate from us, they are assed by us, they do not come from ethereal sky. As these days he was presiding over these vagaries of Law, till he retired. All these laws emanate from us, they are assed by us, they do not come from ethereal sky.
Government Resolution
re: Ratification of the Amendments to the
Constitution of India as proposed by
the Constitution (Fortieth Amendment)
Bill, 1975.

9th August, 1975

The objective of the Resolution is to ratify the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.
Government Resolution;

9th August, 1975.

re: Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

Smt. J Eswari Bai:—This amendment is a dangerous amendment. But, any how, I do not want to talk on this. Only a few words I want to say and I want to walk out as a protest. Speaker Sir,
11-25 a.m. ఇందులో యుగ్మ రకము లో రెండవ పోషకుడిపై రెండవ పోషకుడి లోని వారికి ఇచ్చిన ప్రకటన సమ్మేధావార్థం. విశేషాధిక్యం ఇచ్చిన అవసరానికి బాగా అధికారిక ప్రకటన చేసాడు. పర్యవేక్షణ విషయం మొదటి సమ్మేధణ కూడా అయింది. కనుక ఇందులో ఒక పూర్వ్వార్థానికం వెంటది. ఇది ప్రత్యేక అవసరానికి ఆధారంగా ఇచ్చిన ప్రకటన సమ్మేధావార్థం. విశేషాధిక్యం ఇచ్చిన అవసరానికి బాగా అధికారిక ప్రకటన చేసాడు. పర్యవేక్షణ విషయం మొదటి సమ్మేధణ కూడా అయింది. కనుక ఇందులో ఒక పూర్వ్వార్థానికం వెంటది. ఇది ప్రత్యేక అవసరానికి ఆధారంగా ఇచ్చిన ప్రకటన సమ్మేధావార్థం.

There is no use of telling because of the brute majority here. As a protest against this amendment, I am staging a walk-out.

(Smt. J. Eshwari Bai then staged a walk-out)

re: Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

11-35 a.m.
Government Resolution

Re: Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

9th August, 1975

The object of this resolution is to seek the ratification of the Forty-first Amendment of the Constitution of India, introduced in the Lok Sabha on 4th October, 1975, in pursuance of the recommendation made by the Constitution (Fortieth Amendment) Bill, 1975.

The forty-first Amendment provides for the inclusion of the Directive Principles of State Policy in the Constitution of India as a part of the fundamental duties of citizens. This amendment is a significant step towards strengthening the democratic values and ideals enshrined in the Constitution.

The resolution is aimed at ensuring that the new Directive Principles are integral to the governance of the country, thereby enhancing the role of citizens in the development of the nation.

The Government, therefore, requests the members of the House to support this resolution for the ratification of the Forty-first Amendment to the Constitution of India.
Government Resolution:

Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

9th August, 1975.

...
Socialism is not only about equality; it is also and even more fundamentally, about freedom. The only way of expressing the equality we seek is, as we have seen, in terms of freedom. The very phrase 'equality of opportunity' means fair shares of freedom, for every opportunity is a freedom, a chance to choose and to act according to one's choice. Just because freedom is the correct possession of man, socialists have wanted it fairly distributed in the precious monopoly of the few.

Even the worst of tyrants does not deny the value of freedom for himself. What he denies is freedom for others. He extends his
freedom to do what he chooses by stealing the freedom of his subjects. Every tyranny, indeed every form of exploitation, is a faith of freedom. Just as a robber stands with a gun and strips his victim of his property so—though perhaps less conspicuously—a dictatorship or a class or a social group, can use its power to enlarge its own freedom of stripping away the liberties of others. The struggle for equality is a struggle against the violation of other people's freedom.

This is about the freedom. _Anybody can be the subject of another's freedom._ He _can_ do no wrong. He can _distort_ the law. He can _influence_ the Constitution. _Anybody can do no wrong._ King can do no wrong. _He can_ make a law. _He can_ influence a Constitution. _Anybody can do no wrong._

Freedom to _do what he chooses_ by stealing the freedom of his subjects. Every tyranny, indeed every form of exploitation, is a faith of freedom. Just as a robber stands with a gun and strips his victim of his property so—though perhaps less conspicuously—a dictatorship or a class or a social group, can use its power to enlarge its own freedom of stripping away the liberties of others. The struggle for equality is a struggle against the violation of other people's freedom.
22 9th August, 1975.

Government Resolution:
re Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975

"Power comes out of the gun, power comes out of the barrel."

90% of the judiciary is against...
Government Resolution: 9th August 1975
re Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975

(Speech)

Smt. Sarojini Pulareddy (Malakpet) — Sir, I thank you for giving me this opportunity. I want to support it from the bottom of my heart and with all the sincerity. I also congratulate Shri Gokkale, the Law Minister for bringing this marvellous amendment. Nobody is disrespecting Constitution, more so the Prime Minister of India, who is the embodiment of 60 crores of Indians. The world to-day accepts that she is one of the greatest Prime Ministers that the world has ever produced. She is also one of the greatest representatives of the people of the world. People say Nixon was shivering in issues because of judiciary. But there is big difference between the ex-President of America (Mr. Nixon) and Smt. Indira Gandhi. She is doing good for the people. I was deeply pained to hear Mr. Janardhan Reddy saying that he knew the Supreme Court Judgment. I don't cast any aspersion. Is he in league with the Allahabad High Court? How can he know the judgment? I don't think it is befitting. 21/2 decades ago the Constitution has

xxx Expunged as ordered by the Chair.
24 9th August 1975.

Government Resolution;
re Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

been written by statesmen, by legal luminaries, by very intelligent politicians. But Sir, visualising the future, living in a particular period of time is entirely different. Society is not static, society is ever changing and also ever progressing. All the constitutional amendments are meant for the people. Either rules or constitution should be changed from time to time. After 2 1/2 decades, people have changed their ideology. They want better living. Smt Indira Gandhi was supported by 60 crores of people. There were big rallies held in Delhi soon after the Allahabad High Court Judgment. Even 'The American News' has commented that they never witnessed such or mass supporting Smt Indira Gandhi. She is the only hope of so many people's aspirations. Why do people think that she wants to be in power? She never wanted power. Those who think that she wants to be in power would certainly change their opinion, if not to-day, to-morrow. She is a simple and sweet lady. She has brought stature to the world. People thought that she is women as Mr. Yahya Khan thought but she is something marvellous. I shall be glad if our own people realise it. It is really a success without blood revolution; because she is really a true disciple of Mahatma Gandhi. We have heard of Great French Revolution but every revolution was a bloody revolution. This is really a unique opportunity. I think, whatever she is doing, she is doing for good of the people. I also congratulate Mr. J. Vengala Rao.

Sri Syed Hassan:—Sir, Point of order. The point is, we are considering whether this amendment which has been brought has to be ratified or not. There is no point in praising Mrs. Indira Gandhi or Mr. Vengala Rao. Should this be allowed all the time?

Smt Sarojini Pulla Reddy.—Mr. Speaker Sir, thank you for giving me this opportunity; and I also thank Mr. Gokhle and Mr. Vengala Rao for bringing this amendment.
Government Resolution

re. Ratification of the Amendment to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

Sri M. Narayana Reddy (Bodhan) — Mr. Speaker, this is a very important and significant amendment. Before I speak on the first part of the amendment, I would only observe in passing on the second part, with reference to the amendment of the IXth Schedule. For the first time, as many as 38 Acts in different subjects and in different states have been placed in the IXth Schedule by this amendment. When one looks at the list of the enactments, one would surely find that their inclusion in the IXth Schedule, will go a long way for the rapid economic development of the industry as there would not be any legal controversy in any part with regard to the enforcement of the Acts. As you know, when the IXth Schedule was enacted, for the first time in 1951 through the amendment of Art 31 (b), there were hardly 13 enactments which were included in the IXth Schedule in which there were two Acts from Hyderabad: (1) Jagir Abolition Regulation Act, 1358 F and (2) Jagir Abolition Commutation Regulation Act 1358 F.

This time a very large number of Acts were included and to that extent the Amendment is most welcomed, and on that point there is, more or less, unanimity in the House.

With regard to amendment to Articles 71 and 329, I would like to draw the attention of the House to one aspect in that what is being done or being sought to be done is to create a separate Forum for the resolution of disputes and doubts with regard to the election relating to four offices, namely, the President, Vice-President, Prime Minister and Speaker. We seem to overlook the fact that the creation of this kind of Forum is not a new concept that is being brought in the Constitution. If we appreciate this point that while enacting under Article 71 of the Constitution a separate Forum was already provided (for the settlement of any doubt or dispute with regard to the elections of President or Vice-President) and that is the Supreme Court. If this Article had not been there, the Supreme Court would have had no jurisdiction as original court to decide election matters relating to the
President and Vice-President. Therefore, the jurisdiction of Supreme Court as a Forum - as a distinct Tribunal to decide any doubts or disputes relating to the election of President and Vice-President - is already there. This Forum was created only with regard to those two institutions. But, unfortunately, what was a significant omission at that time, is being sought to be rectified now, i.e., a similar Forum ought to have been created for resolving the disputes with regard to the Prime Minister and Speaker also. Why I say so is that the Vice-President under our Constitution is virtually the Presiding Officer of the Upper House, i.e., Rajya Sabha, and it is only in the absence of the President, for any reason, that he assumes and exercise the powers of President. So, while he is a Vice-President, he is in practice merely a Presiding Officer of Rajya Sabha, and even with regard to his election, any dispute is to be settled by a separate Forum. Similar procedure ought to have been provided with regard to Speaker of Lok Sabha, who is the Presiding Officer of the Lower House. Under the new amendment some Forum may be provided for the resolution of such doubts or disputes.

What has been done even under Article 71 of the Constitution is that while disputes arising out of the election of the President or Vice-President shall be decided by the Supreme Court, the matters relating to their elections are regulated by a Parliamentary Law. Therefore, we have the Presidential and Vice-Presidential Elections Act of 1952, wherein specific conditions have been mentioned under which a petition can be presented to the Supreme Court.

If we look at Article 329, it bars the jurisdiction of Civil Courts in relation to matters of election disputes, i.e. while Article 71 confers jurisdiction in a positive manner in the Supreme Court to resolve any dispute or doubt, Article 329 bars the jurisdiction of a Civil Court in a negative manner, and it cannot superintend or adjudicate on any matters relating to elections. They are regulated by the provisions of the Representation of the People Act, 1951.

Under the representation of the People Act, 1951, an independent Tribunal took up the election cases, while the Appeal lay with the High Court. But with the amendment of 1971, the original authority or Forum to decide election petitions is the High Court, whereas his revision petition on legal matters was submitted to the Supreme Court.

I request the Hon'ble Members to consider this point that the right to stand for election is not a right given to a citizen under a common law, i.e., that every citizen cannot claim that right as a
fundamental Right or as a right springing from a common law to stand for election. This right is given under an enactment by the Parliament and comes under the Representation of the People Act. Likewise, the right to move a Court to set aside the election of the President or Vice-President or Legislator is also a right given by the Statute and does not come from the common Law. No citizen can claim as a fundamental right to move a court and ask to set aside a particular election. That right is under a statute, and which is under the Representation of the People Act. Therefore, there is nothing to suggest as if any person is going to be deprived of a right, which is a basic or a fundamental right enshrined in the Constitution.

Now, there are two different Forums. With regard to the election of Prime Minister or Speaker there is the ordinary Forum in that a judge of a High Court has to be nominated or appointed for the purpose, whereas with regard to the election disputes of President or Vice-President, the Supreme Court has that jurisdiction under Article 71. Though the real executive power is vested in the Prime Minister, under our system of cabinet Government, yet the Prime Minister has been made subject to the jurisdiction of an ordinary Tribunal, even while he is in office. We are not to treat him as an individual, but the office of the Prime Minister has to be treated as an institution as is done in the case of President and the Vice President. This is to keep these institution above the pale of controversy on petty matters. If this so, then we would be able to appreciate that what is being done now ought to have been done long ago along with the enactment under Article 71. The controversy or confusion in the minds of some of the Hon'ble Members might be due to the timing of the amendment What has taken place in recent past as a result of the Allahbad Judgement has simply focussed the attention of the parliament to a matter long due. So the amendment is meant to bring all these high offices under the jurisdiction of one Tribunal or Forum. The recent judgement of Allahabad has focussed the attention of the need for bringing the amendment, and we have taken advantage to amend the constitution in such a manner to bring all the four officers within the jurisdiction of a single authority for which purpose a separate law is being enacted to constitute a single Tribunal with all the powers and jurisdictions to decide all matters relating to these institutions or offices.

If this distinction is taken into consideration, then there would be no controversy and the allegations of the attributions of motives would be baseless.

With these remarks, Sir, I support the legislation for ratification.

Thank you.
Government Resolution
re Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.


12-25 p.m. The Hon'ble Shri [Name], Minister ...
Government Resolution

9th August, 1975.

Ratification of the Amendment to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

As regards the various objections raised, I have already dealt with them in the separate statement that I had to make when the Constitution (Forty-first Amendment) Bill, 1975 was before the House. It may be recalled that the Amendment which we are now discussing involves the addition of two articles to the constitution. Article 313 would provide for the publication of the draft of a law and of the reasons for its publication. Article 314 would allow the President of India to issue a notification declaring that no law has been enacted by the States Legislative Assembly within a specified period. These amendments are aimed at improving the legislative process and ensuring transparency in the law-making procedure. The proposed amendments are believed to strike a balance between the need for speed in legislation and the need for thorough scrutiny and debate.

...
Government Resolution:
re: Ratification of the Amendment to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

Govemment Resolution 9th August, 1975. 31
re: Ratification of the Amendment to
the Constitution of India as pro­
posed by the Constitution (Fortieth
Amendment) Bill, 1975.

9th August, 1975. 31

[Text not clearly visible in the image]
Government Resolution 

re: Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975.

MR Speaker—I shall now put the Government Resolution to vote.

The question is:
Government Resolution 9th August, 1975. 33
re Ratification of the Amendments to the Constitution of India as proposed by the Constitution (Fortieth Amendment) Bill, 1975

"That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso the clause (2) of article 368 thereof, proposed to be made by constitution (Fortieth Amendment) Bill, 1975 as passed by the two Houses of Parliament, and the short title of which has been changed in 'The Constitution (Thirty-ninth Amendment) Act, 1975.'"

Mr. Speaker:- I declare that 'AYES' have it. The Government Resolution is carried

The House is now adjourned SINE DIE.

(The House adjourned Sine die at 12.45 P.M.)