Government Motion:

re: Suspension of certain rules of the Rules of Procedure, to transact Government Business only during the current session. .. 1

Condolence Motions:

re: Demise of:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.
(3) Sri G. V. Pithambar Rao, a former M.L.A.
(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

Announcement by the Chair:

re: Panel of Chairmen. .. 24

Papers laid on the Table:

(1) A.P. General Sales Tax (Second Amendment) Ordinance, 1976. .. 25
(2) A.P. Entertainments Tax (Second Amendment) Ordinance, 1976. .. 75
(4) A.P. Shops and Establishments (Amendment) Ordinance, 1976. .. 25

[Contd. on 3rd Cover]
THE
ANDHRA PRADESH LEGISLATIVE ASSEMBLY

PRINCIPAL OFFICERS

Speaker: Sri R. Dasaratharama Reddy

Deputy Speaker: Sri Syed Rahmat Ali

Panel of Chairmen:
1. Smt. G. Kanala Devi
2. Smt. N. Vijayalakshmi
3. Sri K. Appanna Dora
4. Sri K. Santharaj
5. Sri S. Papi Reddi
6. Sri Vanka Sathyanarayana

Secretary: Sri G. Ramachandra Naidu

Deputy Secretaries:
1. Sri E. Sadhasiva Reddy
2. Sri D. L. Narasimham

Assistant Secretaries:
1. Sri M. Ramanadha Sastry
2. Sri S. Purnananda Sastry
3. Sri K. Sathyanaranana Rao
4. Sri K. Kutumba Rao
5. Sri Md. Ghouse Khan
6. Sri T. L. Balaram

Chief Reporter: Sri Habeeb Abdul Rahman
CONTENTS—Contd.

Papers laid on the Table—Contd.


(6) A.P. Municipalities (Second Amendment) Ordinance, 1976. .. 26

(7) A.P. Public Premises (Eviction of unauthorised occupants) Amendment Ordinance, 1976. .. 26

Paper laid on the table under Rule 348:
Copies of the letter from Secretary General, Rajya Sabha, The Constitution (FortyFourth Amendment) Bill, 1976 and proceedings of Lok Sabha and Rajya Sabha. .. 26

Motion for Extension of time for the presentation of the Report of the Joint Select Committee. .. 29

Government Bills:

(1) The A.P. General Sales Tax (Third Amendment) Bill, 1976. .. 31

(2) The A.P. Entertainments Tax (Second Amendment) Bill, 1976. .. 31


(4) The Shops and Establishments (Amendment) Bill, 1976 .. 32


(6) The A.P. Municipalities (Fifth Amendment) Bill, 1976 .. 32

(7) The A.P. Public Premises (Eviction of unauthorised occupants) Amendment Bill, 1976. .. 33

Announcement:
re: Time fixed for the receipt of Amendments of Bills. .. 33

[Contd. on 4th cover]
Government Resolution:

re: Ratification of Amendments to the Constitution of India Proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976. .................................................. 34

Paper placed on the Table of the House.

Report of the Business Advisory Committee. ........................................ 46

Government Resolution:

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976. .................................................. 47
GOVERNMENT MOTION

re: Suspension of certain rules of the Rules of Procedure, to transact Government business only during the current session.

Sri P. Narasa Reddy:—Sir, I beg to move:

"This House resolves that the current session of Legislative Assembly being in the nature of a Special Session to transact certain urgent and important Government Business, only Government Business be transacted during the session and no other business what so ever including questions, calling attention and any other business to be initiated by a private member be brought before or transacted in the House during the session and all relevant rules on the subject in the rules of Procedure and Conduct of Business in Legislative Assembly do hereby stand suspended to that extent."

Mr. Speaker:—Motion moved.

Sri A Sriramulu (Eluru):—Point of order. I have gone through the Rules of Procedure. I have not been able to come across any rule which makes provision for such a blanket suspension of all rules of procedure. The only rule I have been able to find is Rule 243. According to this rule "any member may, with the consent of the Speaker, move that the rule may be suspended in its application to a particular motion before the House and if the motion is carried out the rule in question shall be suspended. The phrases used and the language of this particular rule indicated that any member may seek suspension of a particular rule in respect of a particular motion or a particular subject before the House. Now a resolution has been moved seeking suspension of the rules, the question hour, the calling attention matters and so on and so forth. You know how important the question hour is. We have been reduced to non-entity as far as this Assembly is concerned."

47–1
2 16th November, 1976. Government Motion:
re: Suspension of certain rules of
the Rules of Procedure to trans­
act Government Business only
during the current session.

We can express ourselves or we can bring to the notice of the Govern­
ment certain important and emergent public issues and that is only
through the question hour and that is now sought to be suspended.
There is no provision in the Rules to seek such a blanket suspension
of the rules.

Secondly, I can even understand if this is a Special Session for
a specific issue. When we are considering the ratification of Constitu­
tional Amendment alone, it is understandable. Along with the
ratification we have lot of other business. So many Ordinances have
come up in the form of Bills. This clearly indicates that this is not
a special emergent Session but rather sought to be styled or charac­
terised as a Special Session. This cannot be a Special Session. It is
an Ordinary Session doing ordinary business like passing of bills and
so forth. Such being the case, my opinion is that it is not necessary
to suspend the question hour. This is absolutely unwarranted that a
resolution of this type should come before this House.

Sri C.V.K. Rao (Kakinada):—Sri, I have given notice of an
amendment.

Mr. Speaker:—First of all let me dispose of this one. I will give
you opportunity.

Sri C.V.K. Rao;—It is connected with the same matter. The
Resolution talks about a Special Session. There is no such thing as
a Special Session either in the Constitutional provision or in the Rules.
There is a Session. That is all. Where they could get it, I am
really surprised. Perhaps, from the speeches in the Parliament or the
report in the Papers they have got a thing like that—a Special Session.
I would request the Government not to be so irregular and all that
that they got to resort to every media at their disposal in order to
side track the rules and all that. It is just a Session and there is no
thing what is called a Special Session and therefore, this is totally an
irrelevant motion and it has to be ruled out.

re: Suspension of certain rules of the Rules of Procedure, to transact Government Business only during the current session.

Sri M. Nagi Reddy (Gurujala):—Under what rule has he given this motion Sir and under what rule the Speaker has to give his ruling? Even if Rule 343 is taken there is no provision for suspension of the rules. Therefore, first of all you have to decide under what rule he has moved that motion.

Mr. Speaker:—The first point with regard to the motion itself is that it is the privilege of the Member of this House to give a motion. There is no special rule required for it. Any motion if it conforms to the requirements of the provisions of the rules can be given...
4 16th November, 1976. Government Motion:

re: Suspension of certain rules of the Rules of Procedure to transact Government Business only during the current session

notice of and can be discussed in this House. So, there is no special section or rule under which a motion is given. The next question is once a motion is given, whether all the rules can be suspended. The point is that it only refers to the rule and not to rules. Under the General Clauses Act, a male includes female and singular includes plural. If one rule is suspended a number of rules can be suspended. There is no inconsistency. Therefore, the only point is that the Minister Sri P. Narasa Reddy does not seek to suspend by itself but he moves a resolution in the House. Rules are framed by the House for the guidance of the Members and the same rule also provided that in certain circumstances by a motion any rule can be suspended in relation to the transaction of business of the House. Therefore, it is quite competent for any member to ask for suspension. It is the privilege of the House ultimately to suspend or not. The fact that to-day the House is so constituted that a motion given by the Government Member is likely to be accepted is a different situation which I cannot help. Then the question is that he only said that it is in the nature of a Special Session, if you understand after regarding the resolution.

Smt. J. Eshwari Bai:—When is the meaning of that?

Mr. Speaker.—While I am addressing the House, no member is permitted to speak. You must maintain certain decorum in the House. What has been mentioned in the nature of a Special Session? If it is a Budget Session, we of course transact every business. Similarly, here this Session is particularly intended to deal with the Constitutional Amendments. Incidentally, because certain Ordinances have been issued under Art. 233 of the Constitution, it is necessary that they should come before the House and are also to be ratified or disapproved within a course of six weeks and therefore that also has become necessary. Otherwise, probably the Government would not move this motion also here. Therefore, it is in the nature of a Special Session we are meeting here for 2 or three days. As the Hon’ble Members are already aware the main purpose is to deal with the Constitutional Amendment. Therefore, I do not see any impropriety or irregularity in the resolution itself. If the House is disinclined, the Hon’ble Members can certainly disallow the motion. If the motion is allowed, I am helpless as far as I am concerned. I am only to see that the rules are enforced and it is for the proper enforcement of the rules.

Sri C.V.K. Rao:—I have given notice of an amendment.

re: Suspension of certain rules of the Rules of Procedure to transact Government Business only during the current session.

Mr. Speaker:—I have disposed it of.

Sri A. Sriramulu:—Another point of order. As we understand, under the General Clauses Act, man includes woman and rule includes also. But I request the Speaker to look at this rule 343. I am sure this House would not disregard the rule it has framed. ‘Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House’. I want to know what exactly is the motion before the House. A rule can be suspended in respect of a motion on a subject before the House? How does the Hon’ble Minister seek to get the supercession of the particular rule—it may be one rule or 100 rules?

This clause needs a clarification and your final ruling.

Mr. Speaker:—There is no further ruling now. I am not allowing this. With regard to the amendments also, the amendment is negative in character.

Sri C. V. K. Rao:—My amendment is not negative in the first instance, pardon me. The amendment is “The words in the nature of a Special Session etc. should be deleted, and in its place these words should be included. after the words ‘This house resolves that the current session of the Legislative Assembly’—these words should be included; intended to transact Government business namely, Government Resolution on the Constitution 44th amendment Bill 1976 as passed by the Two Houses of the Parliament and other business of urgent public importance, all questions calling attention and other urgent matters to be initiated by a private member in accordance with the rules of procedure”. Now, it is not negative in its character or in its implication because the resolution is there as it is. The entire purpose of the motion is to get the resolution concerning the amendment passed in the Parliament to be introduced here. Then, he is not specific about it. It is utterly vague, i.e., the Government Business and that is the business with which the Government is rather very anxious with all its power, strength etc. If that is so, let it be specific. On the other hand, I am not importing into resolution a specific subject for which it is being convened. Suppose I ask the Government to clarify certain issues. The Government is there answerable to the Assembly and that comes in the form of a question which does not stand in the way of the Government resolution. We can sit both morning and evening. What would happen After all, the implications and other aspects of the amendment have been discussed enough and from the house-tops the Government agencies have been
propagating about that which has been discussed about 44th amendment. The only business of this House is to ratify it. You know and I know that there is enough majority in the House. That is the position. The only aspect of the Government aiming at it is to throttle the opposition which is a lone agency here as the representative of the people which would like to question and bring to the notice of the Government the matters of urgent public importance. If this is neglected what is the purpose of this Assembly? Therefore, I would ask, while carrying on their business I am not asking not to carry on their business. Let them honour the rules we have framed and other provisions that are there. Let them not be little this institution. Therefore, I demand that my amendment may be accepted.

Mr. Speaker : —Both those amendment you have already mentioned are negative in character and I have disallowed them.

8-50 a.m. Sri A. Sreeramulu —Atleast there should be some discussion on the motion. You observed that the house has got power to reject Resolution. If that is so. should it not be our privilege to canvass for support from other Members so that the Resolution is rejected.

Mr. Speaker . —I feel that the hon'ble Member would know very well as to when he should canvass and when he should not. In this case, it is not fruitful. You have already said and if there is any thing left to state, it is a different matter.

Sri C.V.K. Rao : —Point of order, Sir. Under the rules when any motion has been initiated in the house, enough discussion can not be throttled.

Mr. Speaker ; —I am not trying to throttle the discussion. I have permitted you to speak. Second time, you want to speak, unnecessarily there should not be any waste of time. I cannot try to throttle the right of the Member. You have already spoken and over there is no point of order.

Sri A. Sreeramulu ; —I want to know the Hon'ble Minister as to what exactly is the difficulty in allowing the Question hour or allowing a special discussion on the recent cyclone havoc or 20 years of Andhra Pradesh celebrations. One or two hours discussion may be allowed on such matters of public importance.
Condolence Motions:

re: the Demise of:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.
(3) Sri G.V. Pithamber Rao, a former M.L.A.,
(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

Mr. Speaker: The question is:

"This House resolves that the current session of Legislative Assembly being in the nature of special session to transact certain urgent and important Government Business only Government Business be transacted during the session and no other business whatsoever including questions, calling attention and any other business to be initiated by a private member be brought before or transacted in the House during the session and all relevant rules on the subject in the Rules of Procedure and Conduct of Business in Legislative Assembly do hereby stand suspended to that extent".

The Motion was adopted.

CONDOLENCE MOTIONS

re: the demise of:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry;
(2) Sri S. R.Y. Sivaram Prasad, a former member of the A.P. Legislative Assembly and former Minister;
(3) Sri G.V. Pithambar Rao, a former member of the A.P. Legislative Assembly; and
16th November, 1976.

Condolence Motion:

(4) Sri Pandit Narendrajji, a former Member of Hyderabad Legislative Assembly.

re: the Demise of:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.
(3) Sri G.V. Pithambar Rao, a former M.L.A.,
(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

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

"This House places on record its deep sense of sorrow at the demise of Sri S. Venkatarama Reddy, Minister for Animal Husbandry and conveys its deep sense of sympathy to the members of the bereaved family."

"This House places on record its deep sense of sorrow at the demise of Sri S.R.Y. Sivaram Prasad, a former member of the Andhra Pradesh Legislative Assembly and former Minister and conveys its deep sense of sympathy to the members of the bereaved family."

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

"This House places on record its deep sense of sorrow at the demise of Pandit Narendrajji, a former member of Hyderabad Legislative Assembly and conveys its deep sense of sympathy to the members of the bereaved family."

Mr. Speaker—The condolence motions moved.

re: the Demise of:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.

(2) Sri S.R.V. Sivarama Prasad, former M.L.A and former Minister.

(3) Sri G.V.Pithamber Rao, a former M.L.A.,

(4) Sri Pandit Narendraji, a former member of the Hyderabad Legislative Assembly.

Condolence Motions:

re: the Demise of:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.

(2) Sri S.R.V. Sivarama Prasad, former M.L.A and former Minister.

(3) Sri G.V.Pithamber Rao, a former M.L.A.,

(4) Sri Pandit Narendraji, a former member of the Hyderabad Legislative Assembly.
16th November, 1976.

Condolence Motions:

re: the Demise of:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.

(2) Sri S.R.Y. Sivarama Prasad, former M.L.A. and former Minister.

(3) Sri G.V. Pithamber Rao, a former M.L.A.

(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

Sir,

I have the honour to move that this House expresses to the families of the late 

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.

(2) Sri S.R.Y. Sivarama Prasad, former M.L.A. and former Minister.

(3) Sri G.V. Pithamber Rao, a former M.L.A.

(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

...

re: the Demise of:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.
(3) Sri G.V. Pithamber Rao, a former M.L.A.
(4) Sri Pandit Narenderji, a former Member of the Hyderabad Legislative Assembly.
16th November, 1976.

Condolence of Motions:

re: the Demise of:

(1) Sri S. Venkata Rama Reddy; Minister for Animal Husbandry;

(2) Sri S.R.Y. Sivarama Prasad, a former member of the A.P. Legislative Assembly and former Minister.

(3) Sri G.V. Pithamber Rao, a former member of the A. P. Legislative Assembly; and

(4) Sri Pandit Narenderji, a former member of Hyderabad Legislative Assembly.

9-10 a.m.

re: the demise of:

1. Sri S. Venkata Rama Reddy, Minister for Animal Husbandry;
2. Sri S.R.Y. Sivarama Prasad, a former member of the A.P. Legislative Assembly and former Minister;
3. Sri G.V. Pithamber Rao, a former member of the A.P. Legislative Assembly; and
4. Sri Pandit Narendraji, a former member of the Hyderabad Legislative Assembly.

Sri A. Sriramulu:—Sir, while fully sharing the feelings and sentiments expressed by the Chief Minister, I sincerely support the resolution moved by him and convey our condolences to the bereaved families. In the last session I saw Mr. Venkatrama Reddy practically fighting against ill-health and trying to speak in the House with the help of an electric badge. He has been a sitting Member of the Legislative Council. I feel in the fitness of things adjourn this House as a mark of respect not only to our colleague who was here in the last session but the other leaders who are no more with us.
16th November, 1976.  
Condolence Motions:  
re: the Demise of  
(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry;  
(2) Sri S.R.Y. Sivarama Prasad, a former M.L.A. and former Minister.  
(3) Sri G.V. Pithamber Rao, a former M.L.A., and  
(4) Sri Pandit Narendraji, a former member of the Hyderabad Legislative Assembly.

re: the Demise of:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.


(3) Sri G.V. Pithambar Rao, a former M.L.A.; and

(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

9-20 a.m.
16th November, 1976.

Condolence Motions:

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.
(3) Sri G.V. Pitaambar Rao, a former M.L.A. and
(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

re: the demise of:

1. Sri S.Venkata Rama Reddy, Minister for Animal Husbandry;
3. Sri G.V. Pithamber Rao, a former M.L.A.; and
4. Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.


re: the demise of:

1. Sri S.Venkata Rama Reddy, Minister for Animal Husbandry;
3. Sri G.V. Pithamber Rao, a former M.L.A.; and
4. Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.
18 16th November, 1976.

Condolence Motions:

re: Demise of:

(1) Sri S. Venkataramareddy, Minister for Animal Husbandry;

(2) Sri S.R.Y. Sivar&maprasAd, former M.L.A. and former Minister.

(3) Sri G.V. Pithamber Rao a former M.L.A., and

(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

*Sri P. Basi Reddy (Pulivendla):—I lend my whole-hearted support to the condolence resolutions moved in respect of the sad demise of late Sri Venkata Rami Reddy, Sri Srivarama Prasad, Sri Pitambar Rao and Pandit Narendraji.

I knew Sri Venkata Rami Reddy for the last seven or eight years and I knew him intimately for the last four years. Sri Venkata Rami Reddy was a man of character. He was honest and sincere in his dealings with others. He was a good public worker. An outstanding feature of his character was his unflinching loyalty to his friends. It did not fluctuate with fluctuations in the fortunes of his friends. As Sri K. V. Kesavulu has said, he was a very bold man and a very good public worker. His premature death is an irreparable loss to the public life of the State. I offer my heart-felt condolences to the bereaved members of the family.

Sri Sivarama Prasad, as has been rightly said by several Members, was a gentleman and a very large hearted man. His demise also is a loss to the public life of the State. I offer my heartfelt condolences to the bereaved members of the family.
Condolence Motions: 16th November, 1976

re. the Demise of

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry;


(3) Sri G.V. Pithambar Rao, a former M.L.A.; and

(4) Sri Bandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

I was acquainted with the two other members. I associate myself with the sentiments expressed by several friends and offer my condolences to the bereaved members of their families.

9.40 am.
16th November, 1976.  re: Condolence Motions the Demise of

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry.

(2) Sri S.R.Y. Sivarama Prasad, former MLA, and Former Minister.

(3) Sri G.V. Puthambar Rao, a former MLA, and

(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

9-50 a.m.

re: the Demise of;

(1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry;
(2) Sri S.R.Y. Sivarama Prasad, former M.L.A., and Former Minister;
(3) Sri G.V. Pithambar Rao, a former M.L.A.; and
(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.
16th November, 1976.

Condolence Motions: re: the Demise of:

1) Sri S. Venkata Rama Reddy, Minister for Animal Husbandry;
3) Sri G.V. Pithambar Rao, a former M.L.A.; and
4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

Mr. Speaker: — We have already spent more than one hour and there are a number of hon. members who want to speak. With the permission of the House, I think, I will close it at 10 'o' clock or 10-5 a.m. otherwise it will take a very long time.

(Pause)

I think the House is in favour of my closing it at about 10 'o' clock.

Sri P. Narasa Reddy: — Yes, Sir.

Mr. Speaker: — Now Mr. M. Baga Reddy will be the last Speaker.

re: the Demise of:

(1) Sri. S.Venkata Rama Reddy, Minister for Animal Husbandry.


(3) Sri G.V. Pithambaram Rao, a former M.L.A. and

(4) Sri Pandit Narendraji, a former Member of the Hyderabad Legislative Assembly.

Mr. Speaker:—I have not had the privilege of knowing Pandit Narendraji. I entirely associate myself with all that has been said by the hon. Chief Minister and the other hon. members. As a mark of respect for the departed, the hon. members will please rise in their seats and maintain silence for two minutes.

The question is:

"This House places on record its deep sense of sorrow at the demise of Pandit Narendraji, a former member of Hyderabad 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.

Mr. Speaker:—I had not known Sri G.V. Pithambar Rao. I entirely associate myself with all that has been said by the hon. Minister and the other hon. members that have participated in the debate. As a mark of respect for the departed, I request the hon. members to rise in their seats and keep silence for two minutes.

The question is:

"This House places on record its deep sense of sorrow at the demise of Sri G.V. Pithambaram Rao, a former 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.

Mr. Speaker:—I have known Sri Siva Rama Prasad as a Member in this House and also as a Minister. I entirely associate myself with what has been said by the hon. Chief Minister and the other hon. members who participated in the debate. Sri Siva Rama Prasad was a very popular and respected member in this House and he wa...

universally respected for his character and wellknown for his philanthropy. As a mark of respect for the departed soul, I request the hon- members to rise in their seats and observe silence for two minutes.

The question is:

"This House places on record its deep sense of sorrow at the demise of Sri S. R. Y. Sivaram Prasad, a former member of the Andhra Pradesh Legislative Assembly and former Minister, and conveys its deep sense of sympathy to the members of the bereaved family".

The Motion was adopted, nem con, all members standing.

Mr. Speaker:—We all have known Sri S. Venkat Ram Reddy. He was the Minister till he lost his life and he was fully conscious of his illness and also of his duties as a Minister. He thought, he would rather sacrifice his life and discharge his duties effectively till his last day. As has been mentioned by hon. Sri Kesavulu, he was able to dispose of files while in the hospital and also hold meetings there and effectively discharge his duties. Even in the House till the last day, he was up to date in his subject and answered every question and the supplementaries very effectively. As a mark of respect for the departed soul, I request the hon. members to rise in their seats for two minutes in silence.

The question is:

"The House places on record its deep sense of sorrow at the demise of Sri S. Venkata Rama Reddy, Minister for Animal Husbandry and conveys its deep sense of sympathy to the members of the bereaved family".

The Motion was adopted, nem con, all members standing.

10.05 a.m. Mr. Speaker:—Now, I adjourn the House, as a mark of respect for the departed Sri S. Venkat Ram Reddy for half an hour. The House will meet again, at 10:30 a.m. today.

(The House than adjourned till half past ten of the Clock, the same day)

10.30 a.m. (The House re-assembled at 10-30 A.M. with Hon'ble the Speaker in the chair.)

-Announcement re: Panel of Chairmen

Mr Speaker:—I am to announce to the House that I have nominated the following Members to the Panel of Chairmen for the Eighth Session:

2. Smt. N. Vijaya Lakshmi.
6 Sri Vanka Satyanarayana.

PAPERS LAID ON THE TABLE

A.P. General Sales Tax (Second Amendment) Ordinance, 1976
Sri P. Ranga Reddy, Minister For Finance:—Sir, I beg to lay on the Table:
“A copy of the Andhra Pradesh Central Sales Tax (Second Amendment) Ordinance, 1976 (A.P. Ordinance No. 18 of 1976) as required under Articles 213 (2) (a) of the Constitution of India.”

A.P. Entertainments Tax (Second Amendment) Ordinance, 1976
Sri P. Ranga Reddy, Minister For Finance:—Sir, I beg to lay on the Table:
“A copy of the Andhra Pradesh Entertainments Tax (Second Amendment) Ordinance, 1976 (A.P. Ordinance No. 21 of 1976 as required under Art 213 (2) (a) of the Constitution of India.”

Sri T. Anjaiah, Minister For Labour:—Sir, I beg to lay on the Table:

A.P. Shops and Establishments (Amendment) Ordinance, 1976
Sri T Anjaiah, Minister For Labour:—Sir, I beg to lay on the Table:
“A copy of the Andhra Pradesh Shops and establishments (Amendment) Ordinance, 1976 (A.P. Ordinance, No. 17 of 1976 as required under Art. 213 (2) (a) of the Constitution of India.”

Sri Ch. Venkata Rao, Minister for Public Works:—Sir, On behalf of the Minister for Municipal Administration, I beg to lay on the Table:
16th November, 1976.

Papers laid on the Table
Under Rule 348.


A.P. Municipalities (Second Amendment) Ordinance, 1976

Sri Ch. Venkata Rao, Minister For Public Works:—Sir, On behalf of the Minister for Municipal Administration. I beg to lay on the Table:

"A copy of the Andhra Pradesh Municipalities (Second Amendment) Ordinance, 1976 (A.P. Ordinance No. 19 of 1976) as required, under Art. 213 (2) (a) of the Constitution of India.

A.P. Public Premises (Eviction of Unauthorised Occupants Amendment Ordinance, 1976

Sri Ch. Venkata Rao, Minister For Public Works:—Sir, I beg to lay on the Table:

"A copy of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Amendment Ordinance, 1976 (A.P. Ordinance No. 20 of 1976) as required under Art. 213 (2) (a) of the Constitution of India."

Mr. Speaker:—Papers laid on the Table.

Paper laid on the Table under Rule 348
Letter No. Rs.1/108/76-B, d/12-11-1976 of the Secretary-General, Rajya Sabha.

Sri G. Ramachandra Naidu, Secretary, Legislature:—Sir, I beg to lay under Rule 348 of the Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Assembly:

"A copy of letter No. Rs.1/108/76-B, dated 12th November 1976 from the Secretary-General, Rajya Sabha together with a copy in each of the following:

1. The Constitution (Forty-Forth Amendment) Bill, 1976 as introduced in Lok Sabha.
2. Proceedings of Lok Sabha.
4. Proceedings of Rajya Sabha.

Mr. Speaker:—Paper laid on the Table, under Rule 348,
Sri C. V. K. Rao:—I raise a point of order. Under Rule 348, the authority that is to lay a paper on the Floor of the House should be not an officer of the Legislature but a Minister. That is the practice. Here, unless and until it is specified that an officer of the Legislature has got to lay a paper, then alone an officer of the Legislature has to lay that on the Floor of this House and that is more, an officer of the Legislature cannot say that he will lay the paper on his own Table and keeping the papers in his own desk. It is very anomalous position and I cannot understand why it is so. Rule 348 reads like this: “when communications relating to amendments of the Constitution of India which have to be ratified by the Assemblies under the proviso to Article 368 of the Constitution, are received from either House of Parliament such communications shall be laid on the Table”, “As soon as the communications in laid on the Table, the Leader of the House shall move a resolution for ratifications of the amendments by the Assembly; as soon as the resolution is passed by the Assembly an authenticated copy of the resolution shall be forwarded to the House of Parliament from which the amendments were received for ratification.”

Here now, it has to be laid by a concerned Minister because the Minister for Revenue actually moved the Resolution that has to be discussed in this particular Session. Therefore, it is fit and proper for him to move. He has got to put it. What is more, where are the papers? Are they all laid? We are discussing the resolution concerning the amendments to the Constitution. We are also supposed to have these discussions handy for helping us to participate in this discussion. Where are these papers and where is that letter? All this may be made available much in advance. Yesterday I took special caution to go to the Library and searched for it. I could not find it and I also asked for it. Then, are we doing justice to a very important amendment. Actually we are not in possession of these documents. Without being in possession, excepting the Amendment, the Debates and all those which are supposed to be made available to the Members for the benefit of their participation, how can we discuss The whole thing has become irregular and I request you to give necessary facility for us to contribute to an important aspect subject of the Agenda.

Mr. Speaker.—Regarding the first objection that is raised, it is the Secretary-General of the Rajya Sabha. The House which deals with this Bill later is the Lok Sabha. It may be also the other way. In this case, it has been first taken by the Lok Sabha and then by the Rajya Sabha. The Secretary-General of the Rajya Sabha sends the communication to the Secretary and the Secretary that receive those papers will place them on the table. There is no question of Table of the Secretary. There is also a mistake in our rules. But I
have gone through it carefully. I think it is a mistake. It is only the Table of the House. Therefore, he placed it on the Table of the House. So, that has been done and that has been properly done. Thereafter the Leader of the House moves the Resolution. Therefore laying on the Table has been properly done by the Secretary.

Sri C.V.K. Rao:—He laid on the Table of the Secretary.

Mr. Speaker:—There is no Table of the Secretary. There is a mistake in our rules also. I have noticed it.

Sri A. Sriramulu:—It might have been laid on the Table of the House. I would now request to consider giving the proceedings of the Lok Sabha and Rajya Sabha. These are also supposed to have been laid on the Table. Perhaps, one set of these proceedings must have been laid on the Table, of the House. Immediately the Leader of the House is going to move the Resolution. Immediately after we are supposed to study on the drastic changes that have been brought about in the Constitution. Do you, Sir, sincerely believe that it is possible for the members of this House either to look into the Proceedings of the Lok Sabha or Rajya Sabha and look into the Bill? If it is simply a formality, none of us need participate and it may be taken for granted that the whole thing has been ratified. If that is the intention of the Government, you must protect us from these attacks from these Ruling Party. If it is really the intention of the Legislature to understand what has gone on debate in the Lok Sabha, we should look into the Proceedings of the House. We do not know whether these copies have been kept.

Mr. Speaker:—This is a matter which has been engaging the attention not only of the Lok Sabha and Rajya Sabha in recent months, but in the entire country there has been a national debate on this matter.

Sri P. Janardhana Reddy:—There was no national debate. There is no truth in it.

Mr. Speaker:—I have not permitted you to speak and you should not disturb me when I am speaking.

Sri P. Janardhana Reddy:—With your permission I can contradict.

Mr. Speaker:—Yes. With my permission. The matter has been thoroughly discussed and I am sure that Hon’ble Members here who have raised objection are very well acquainted with the discussion that
tion for extension of time for
entation of the Joint Select
mittee.

has taken place and they are ready to contribute to this discussion. They want also more time. This matter has been discussed in the Business Advisory Committee where most of them have participated and everyone is aware of what has happened. I am sure that members are ready to express their opinion effectively when the discussion starts.

Sri A. Sriramulu:— We may be acquainted with this subject. I do not dispute that particular statement of yours. The point is the debate that took place in the Lok Sabha did not completely appear in the Press. Only a few sentences here and there have appeared. Perhaps they may be out of context as the reports appear in the Press. That is why it would greatly help if we are able to read the debates, for and against, that took place for nearly seven days and without having the proceedings of whatever learned members of either House have said, I think, it will be a waste on a difficult subject.

Sri A. Sriramulu:—This time we can reconcile with the situation. Many more amendments are bound to come. At least in future let this House have the privilege of going through the Proceedings of the Lok Sabha. I request a ruling.

Mr. Speaker:—No ruling is necessary.

MOTION FOR EXTENSION OF TIME FOR PRESENTATION
OF THE REPORT OF THE JOINT SELECT COMMITTEE

Sri M.V. Krishna Rao.—Sir, I beg to move.

"Under Rule 242(1) of Rules of Procedure and Conduct of Business in the A.P. Legislative Assembly, I move that the time fixed
30

for the presentation of the report of the Joint select Committee on the A.P. Education Bill, 1976, be further extended till the first day of the next meeting:

Mr. Speaker:— Motion moved

10.30 a.m. Mr. Gangadhar:—A point of order—On a point of order regarding the A.P. Education Bill, 1976

10.40 a.m. S. A. Subramuni:—This is the third extension we are granting. At least we should know what exactly is the stage and how much time the Committee takes. These two points will have to be informed.

Mr. Speaker:—Because this is a special session, it was not anticipated.

Sri A. Sri Ramulu:—Are the deliberations complete? Is the report ready?

Mr. Speaker:—Not ready.
Mr. Speaker—The question is:

"Under Rule 242 (1) of the Rules of Procedure and Conduct of Business in the A.P. Legislative Assembly, the time fixed for the presentation of the report of the Joint Select Committee on the A.P. Education Bill, 1976, be further extended till the first day of the next meeting."

The Motion was adopted and time was further extended.

GOVERNMENT BILLS

"The A.P. General Sales Tax (Third Amendment) Bill, 1976."

Sri P. Ranga Reddy:—Sir, I beg to move:

"that leave be granted to introduce the A.P. General Sales Tax (Third Amendment) Bill, 1976."

Mr. Speaker :—Motion moved.

"That leave be granted to introduce the A.P. General Sales Tax (Third Amendment) Bill, 1976."

The Motion was adopted and the Bill was introduced.


Sri P. Ranga Reddy:—Sir, I beg to move:

"That leave be granted to introduce the A.P. Entertainments Tax (Second Amendment) Bill, 1976."

Mr. Speaker :—Motion moved.

(Pause)

The question is:

"That leave be granted to introduce the A.P. Entertainments Tax (Second Amendment) Bill, 1976."

The Motion was adopted and the Bill was introduced.

THE A.P. MUTTAH, JATTU, HAMAL AND OTHER MANUAL WORKERS (REGULATION OF EMPLOYMENT AND WELFARE) BILL, 1976

Sri. T. Anjaiah:—Sir, I beg to move:

"That leave be granted to introduce the A.P. Muttah, Jattu, Hamal and other Manual Workers (Regulation of Employment and Welfare) Bill, 1976."

Mr. Speaker :—Motion moved.

(Pause)

The question is:

"That leave be granted to introduce the A.P. Muttah Jattu,

The Motion was adopted and the Bill was introduced:

The A.P. SHOPS AND ESTABLISHMENTS (AMENDMENT) BILL, 1976

Sri T. Anjaiah:—Sir, I beg to move:

"That leave be granted to introduce the A.P. Shops and Establishments (Amendment) Bill, 1976."

Mr. Speaker:—Motion moved.

(Pause)

"That leave be granted to introduce the A.P. Shops and Establishments (Amendment) Bill, 1976."

The Motion was adopted and the Bill was introduced.

THE HYDERABAD MUNICIPAL CORPORATIONS (AMENDMENT) AMENDING BILL, 1976.

Sri Ch. Venkata Rao:—Sir, on behalf of the Minister for Municipal Administration I beg to move:


Mr. Speaker:—Motion moved.

(Pause)

The question is:


The Motion was adopted and the Bill was introduced.


Sri Ch. Venkata Rao:—Sir, on behalf of the Minister for Municipal Administration I beg to move:

"That leave be granted to introduce the A.P. Municipalities (Fifth Amendment) Bill, 1976."

Mr. Speaker:—Motion moved.

(Pause)

The question is:

That leave be granted to introduce A.P. Municipalities (Fifth Amendment) Bill, 1976.

The Motion was adopted and the Bill was introduced.
THE A.P. PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT BILL, 1976

Sri Ch. Venkata Rao:—Sir, I beg to move:
That leave be granted to introduce the A.P. Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1976.

Mr. Speaker:—Motion moved.

(Pause)

The question is:
That leave be granted to introduce the A.P. Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1976.
The Motion was adopted and the Bill was introduced.

ANNOUNCEMENT

re: Time fixed for the receipt of Amendment to the Bills.

I am to announce to the House that the amendments to the following 7 Bills will be received up to 7 p.m. today, the 16th November, 1976.

2. The A.P. Entertainments Tax (Second Amendment) Bill, 1976.

Sri C.V.K. Rao:—We will be sitting here up to 7 p.m. After 1.30 p.m. we will have to go for Lunch. we have to prepared for discussion on the Resolution on the Constitutional Amendment Bill. Where is the time for us to draft even the amendment? Therefore, I would request you to give us time till 8.30 a.m. tomorrow. Because atleast in the night, we can draft the amendment.

Mr. Speaker:—I will give time up to 8.00 a.m. tomorrow.

Sri C.V.K. Rao:—Thank you, Sir.
GOVERNMENT RESOLUTION

Re: Ratification of the amendments to Constitution of India proposed to be made by the Constitution (Forty Fourth Amendment) Bill, 1976.

10-50 a.m.

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

"That this House ratifies the amendment to the Constitution of India falling within the purview of the proviso to the Clause (2) of Art. 368 thereof, proposed to be made by the Constitution (Forty Fourth Amendment Bill, 1976, as passed by the two houses of Parliament, and the short title of which has been charged into "The Constitution (Forty Second Amendment) Act, 1976."

Mr. Speaker:— Resolution moved.

Shri J. Vengala Rao:— The Constitution (44th Amendment Bill, 1976 which is mainly based on the Swaran Singh Committee recommendations and which was introduced in Lok Sabha on 1st September 1976 has been passed by both the Houses of Parliament. The short title of the said Bill has been changed as Constitution (42 Amendment Act, 1976. It is now necessary for this House to adopt the resolution placed before the House the ratifying the amendments made by it to the Constitution of India.

I shall now discuss the most important amendments made by the Bill. The preamble of the Constitution has been amended to spell out expressly the high ideals of socialism, secularism and integrity of the nation. Similarly the directive principles have been expanded to place primary stress on the orderly socio-economic transformation. The new code of Fundamental duties has been included for ensuring that the basic freedoms of the Constitution are not abused by any action for impeding the progress of the nation. The fundamental rights have been modified to empower Parliament to enact laws to prevent or prohibit anti-national activities or impose anti-national organisations. What constitutes an anti-national activity has been defined clearly. Any individual or association that indulges in such activity would be liable to deterrent punishment.

The powers of the Supreme Court and the High Courts have been redefined and regulated. The Constitutional validity of various enactments made by Parliament can be now questioned only in the Supreme Court, while the constitutional validity of various enactments made by a State Legislature can be questioned only in the High Court. Where, however, a case involved the constitutional validity of both a Central and State Law. The Supreme Court alone will have jurisdiction to deal with it.
A new clause has been added to Articles 368 which empowers Parliament to amend the constitution to Clarify the principle beyond doubt that the Supreme Court cannot go into the rights of Parliament to amend any article or part of the Constitution. This amendment is intended to make it clear that Parliament is Supreme as far as it exercises its constituent power to amend the Constitution and the courts are there only to interpret the Constitutional Law or the statutes made by Parliament and not to substitute themselves in the place of Parliament. While the High Courts will continue to have powers to enforce Fundamental Rights, their jurisdiction will be limited to cases involving substantial injury to citizens due to the contravention of the laws or failure of justice.

An enabling provision is made authorising the President to proclaim an Emergency in a part of the country, with out necessarily making it applicable to the whole country as at present. Opportunity has also been available to make provision for parliamentary approval for the imposition or extension of President's rule in a State from the present six-month period to one year at a time. The relevant articles of the constitution have been amended to change the duration of the Lok Sabha and the state Legislative Assemblies from five to six years. In the case of the Upper Houses, however, no change has been made in their present six-year terms. In the context of the intensification of the Family Planning programme, the total number of seats in the Lok Sabha and the state Assemblies including those reserved for scheduled castes and Tribes have been from until the year 2001 to the number of seats as determined by the 1971 census.

The Centre has also assumed the powers to send armed forces or any other force of the Union for dealing with any grave situation of law and order in any State. Such force shall act in accordance with the directions of the Centre and not be subject to the control of the State Government. The Parliament is authorised to define the powers, functions and liabilities of such a force sent by the Centre to a State.

Provision has been made for the creation of All India Judicial Service by Parliament Law.

The entries or subjects relating to (1) Administration of Justice and Constitution and Organization of all Courts except the Supreme Court and High Courts (2) Education, (3) Weights and Measures (4) Forests and wild Animals and Birds have been transposed from
16th November, 1976.

Government Resolution:

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill 1976.

List II (State List) to List III (concurrent List) in the Seventh Schedule to the Constitution. The Subject Taxes on advertisements broadcast by Radio or Television has been excluded from entry 55 of List II (State List). A new entry relating to population Control and family planning has been inserted in List III (concurrent List).

The President is empowered, as a measure of abundant precaution, to issue such orders as may be necessary, including any adoption or modification of any proviso in the Constitution, which he considers essential or expedient for removing the difficulties that might arise in giving effect to the amendments now made.

I now request that the Resolution be passed.
re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.
Government Resolution:

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.
Government Resolution: 16th November, 1976

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty Forth Amendment) Bill, 1976.

11.10 a.m.
16th November, 1976.

Government Resolution: re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty Fourth Amendment) Bill, 1976.

When we interpret the Constitution, its letter, its provision (the preamble becomes) the most fundamental part of the Constitutional structure which gives direction to the whole Constitution, a direction to all that we do by law or otherwise. Therefore, the objective which we had always in view, namely, socialism, which we have tried to implement, will be more and more implemented and will be more accurately and correctly reflected in a basic part of our Constitution, namely, the Preamble.

(Mr. Deputy Speaker in the Chair.)
The founding fathers of the Constitution had intended Indian society to be secular and socialist. These are not new definitions. They have guided our laws all these years. All we are doing now is to incorporate them in the Constitution itself for they rightly deserve to be mentioned there. The specific mention of this fact in the preamble will provide the frame of reference to all, to our people, to the Government to the judiciary and to the world.
Government Resolution:

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

16th November, 1976.

...

re: Retification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

The resolution signifies an attempt to amend the Constitution of India. The amendments are proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.
Government Resolution:

re: Ratification of the Amendments to the Constitution India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

The preaching of the dismemberment of India is anti-national; inciting communal or provincial hatred and violence is anti-national; indulging in the destruction of national installations is antinational. I don't think the answer to that is very complicated.

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty Fourth Amendment) Bill, 1976.

It is only provided for the enactment of a parliamentary law; many of the suggestions made by the members, like the insertion of safeguards, could very well be considered at the time a subsidiary law under this provision was sought to be enacted.
PAPER PLACED ON THE TABLE OF THE HOUSE

re: Report of the Business Advisory Committee

Sri P. Narsa Reddy:—Mr. Deputy Speaker, Sir with your permission, I beg to place on Table of the House, the Report on decisions of the Business Advisory Committee taken at its meeting held on 16-11-1976.

Mr. Depny Speaker:—Paper placed on the Table of the House.

Re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty Fourth Amendment) Bill, 1976.


The following decisions were taken by the Business Advisory Committee at its meeting held on 16th November, 1976 in regard to Business to be transacted in the Assembly.


J. Vengala Rao,  
Leader of the House.

GOVERNMENT RESOLUTION

Re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty fourth Amendment) Bill 1976. (contd.)

Sri. A. Madan Mohan (Siddipet): Mr. Speaker Sir, the controversy under Chapter III and Chapter IV of our Constitution has been going on, if I may say so, from the date the Constitution has come into force. Unfortunately, the delicacies and the imagination which the framers of the Constitution had put in respect of interpretation or the definition about these Chapters III and IV has been grossly misunderstood in our country. Just to simplify this contention, I may submit that fundamental rights which are dealt in Chapter III and the Directive Principles of State Policy which are dealt in Chapter IV. Although the framers of the Constitution have said that the fundamen-
tal rights are justiceable and the Directive Principles of State Policy are not justiceable, to my mind, when they said that the Directive Principles are not justiceable, it means that it is outside the purview of the Court as to circumvent the spirit, the objectives and reasons of the Directive Principles of state policy. A contrary view was taken in our country because of the accessibility and the approachability to the Court and the Judges of the Court also unfortunately took an approach, made an opinion that the fundamental rights are justiceable and as such they can interpret any thing enumerated in the Constitution, and they can pass any order or hold any opinion. This was a wrong and negative view that was taken. The intention of the framer of the Constitution was that Directive Principles of State policy should not be interpreted by the judiciary in order to circumvent the spirit and the objectives, because the object of the Directive Principles was to bring about social-economic change in the millions of our people, which object was enshrined in our constitution itself. But some individuals - interested influential people - created some controversy between the judiciary, parliament and the Executive. I may humbly submit that it is not the supremacy of the Parliament nor of the Judiciary nor of the Executive. These are the three balancing wings to administer justice and to bring about socio-economic change in our country. Though not all, but some of us, did try to express their views some times on the controversy about the judiciary and the parliament. They tried to denegrate the judiciary. However our great Prime Minister had made a statement recently in the Parliament saying that there are a large number of Judges who gave good judgements benefiting millions of our people. However this controversy had set at rest with the recent 44th Amendment Bill of the Constitution which was passed in the Lok Sabha and Rajya Sabha. Any body even the framers of the Constitution could not visualise that this is going to be a living document. Nothing could be static much less the Constitution which represents the will of the people. This has been amply said not only by framers of our constitution but wherever constitutions have been framed. I would like to submit, that in 1935, it was not the situation that has arisen now in our country for the first time, it has arisen in various countries wherever democracy existed; wherever there is a rapid change, where people tried to run faster than the society. In 1935, President Roosevelt, when such a situation arose between the Judiciary and the Congress, said “When the Congress sought to stabilise national agriculture, to
re: Ratification of the amendments to the Constitution of India proposed to be made by the Constitution(Forty-Fourth Amendment) Bill 1976.

improve the conditions of labour, to safeguard the business against unfair competition, to protect our national resources and in many other ways to serve our national needs, the majority of the decisions of the Court are real hurdles to the Congress whether to approve or disapprove the public policy written in these laws. That is not only my acquisition, it is the acquisition of most of the distinguished Judges of the Supreme Court. . . . . . . . We have, therefore, to take action to save the constitution from the Court and the Court from itself."

A strange phenomenon that has acquired so far as our judiciary is concerned was that laws passed by the Assemblies or by the Parliament were struck down by the judiciary, because they are not in conformity with the spirit of the constitution. But it should not be in a country like ours. Previously when the Parliament brought an amendment to our constitution with a required majority, even that amendment was struck down by the Supreme Court. I would not like to take the House to the Bela Benarjee case, Shankari pershad case, Keshavananda Bharathi case or even the Golaknath case. The whole nation has been debating about these cases. What I want to submit is when an amendment was brought about by the will of the people, even that was also struck down. Unfortunately, there were certain political overtones. Now these amendments will bring new era to the down trodden teaming millions of people. The urges and aspirations of our people should be fulfilled. To do that, you require an instrument, a vehicle. Without such an instrument or a vehicle, you would not be able to implement effectively the policies that lead to expected goals. But we can do it, by bringing about necessary amendments in the constitution and this has been hailed by one and all. I would like to submit here that Congress always has moved with the people. Some people, with an ulterior motive create conflicts. What happened to the West Bengal Coalition Government in 1957 and to the Bangla Desh Government and to the Kerala Government. There are right-reactionary forces. It is not worth to say that Congress established itself its supremacy over the people. The people have disgusted with other parties and they had to look back again to the Congress. That is why, in 1971 we have seen, with a massive majority the Congress won the mandate to bring socio-economic changes in the millions of our people. That is the reason, why this Parliament has brought certain amendments to the Constitution without which we cannot fulfill the hopes and aspirations of the teeming millions of

47—7
people of our Country. With these necessary changes to the Constitution, I am sure, we will be able to really transform the wishes and urges of the people in a peaceful, methodical and democratic way.

Thank you.

Mr. C.K. Daphtry, a former Attorney General and a nominated member of the Rajya Sabha made a pertinent observation that certain provisions might be good now but prone otherwise in future.

With a considerable majority, at the Centre it was easy for the ruling party to get the Bill passed to bring about changes in tune
with the demands of a changing society and the aspiration of the people". I may mention here in passing that it has been the endeavours of the framers of the Constitution, presided over by Baba sahib Dr. B.R. Ambedkar to provide for the solution of all problems of administration and governance of the country. Even those matters which are subject to conventions in other countries have been put down in black and white.

Let me state that it is not correct to say that the constitutional amendments were necessary for furthering socio-economic progress. Nothing prevented the Government to go ahead with its programmes. It was Dr. Ambedkar who had said while piloting the Constitution in the Constituent Assembly that "social and economic equality is a must, otherwise people suffering from social inequality and economic inequality will one day blow up this Constitution for which we laboured so hard".

It is said that enough opportunity was given to the people at large to discuss and debate over the present omnibus Constitution amendment. This is not correct so far as opposition parties are concerned. From what little we know and from the news appearing in the press, it was mostly one-way traffic. It is the Congress party as such, as well as the Community Party, to drum into the ears of the people, day in and day out about the desirability of amending the Constitution. It would have been more advisable for the ruling party to have given necessary opportunity to the Opposition to offer its views on such a vital and important issue. No democrat can tolerate one party rule, and presently we have in this country a monolithic party, i.e., Congress which has never allowed any alternate political party to spring up.

It is only by numerical strength you are able to get this omnibus Constitutional amendment passed through the Parliament and ratification resolutions from the Assemblies. Congressmen say that it is very necessary under the present circumstances to amend the Constitution to further the socio-economic progress of the people and the country, but may I ask what is that in the Constitution that prevented you to further this socio-economic progress of the people from such a long time.

Let me also state that under the prevailing political situation in the country when only two parties the Congress and the C.P.I. --
32 16th November 1976.

Government Resolution:
re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

are dominating the political scene in this country and taking into account the percentage of votes polled by these parties together for Parliament, they have no right to bring in sweeping amendments.

It is easy and has become a political weapon at the hands of the ruling party to label certain political parties as anti-national and anti-people, but it should be remembered that whenever there was a naked aggression against this country, all political parties stood like a rock. This was an acid test and everyone warned the aggressor countries, big or small and those powers behind them the great Indian people, irrespective of differences will not only tolerate any aggression but will resist and defeat aggression as one man. It is, therefore, evident that the ruling party of this country does not want any opposition. Let them say so and have a one party rule in the country, as in Russia.

Ours is a sovereign, secular, socialist, democratic republic. Then why does the Congress indirectly, encourage caste and communal parties and organisations, instead of banning them straightaway. This shows that the Congress wants to divide the people on caste and communal basis and rule. In short, the aim and policy of the Congress is to divide and rule.

In conclusion let me state that we are not against any amendments to the Constitution, nor do we say, that Parliament has no powers but we demand a National consensus and oneness. Under the prevailing political atmosphere rushing through such an omnibus amendment is uncalled for and hasty.

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

Thank Heavens! the 'Direct action movement' contemplated to be launched by the reactionary opposition and the erstwhile Grand-Alliance associates, seditiously inciting the Military and the police to disobey the orders of the Government, inducing the students to boycott the universities and come into the streets indulge in destructive violent activities resulting in the loss of public properties, demanding the desolution of the Constitutionally elected State Assemblies proclaiming a war against corruption in collaboration with arch reactionaries noted for their indulgence in corruption while in office, against whom courts had passed strictures, resulted in the proclamation of Emergency, by the President which eventually provided to be a blessing in disguise. It is a strategic move engineered by the ingenious Prime Minister, characteristic of her inherent 'Dynamism'. The immediate announcement of the 20 point 'National Economic Programme' - the 'N.E.P.' by our Prime Minister Srimathi Indira Gandhi as was decreed by the great Lenin in Soviet Russia, immediately after the advent of the first socialist State in the world, that inspired the architect of Free India, the late Pandit Jawaharlal, is an admirably
commendable step, rather a Great Leap, that amply speaks of her
great capacity for action even under the worst adverse circumstances:

20 Point Programme is indeed revolutionary and it must be
implemented scrupulously taking advantage of the Emergency.
Government Resolution: 16th November 1976

Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

The resolution read as follows:

"Resolution:

This resolution is in accordance with the provisions of Article 298 of the Constitution of India and the passage thereof is justified."
16th November 1976.

Government Resolution:

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

We are not masters of ourselves. 

12.20 pm.
Government Resolution: 16th November, 1976

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976

Therefore, there is a limitation to it. People are supreme; people are sovereign; from them we derive power. We are not the power giving authority. The power is with them. There are certain fundamentals in our human nature, human conception, social conception, basic law. There are certain fundamentals in our human nature, human conception, social conception, basic law.
16th November, 1976.

Government Resolution
re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

Elections are nothing. Elections are very unimportant. Elections are simply too little before economic gains. Elections are nothing. Elections are very unimportant. Elections are simply too little before economic gains.

12.30 p.m.

Re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

12.40 p.m. RS^0^-sr^R §!)oj. ^*B_"g t^e^^o )jj^a$b$)^b 3o3)-er°o^ T^^

16th November, 1976. Government Resolution

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

[Text of the resolution discussing the ratification of the Amendment to the Constitution of India as proposed by the Constitution (Forty-Fourth Amendment) Bill, 1976.]

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment Bill, 1976.

"Old order changeth yielding place to new. Lest one good custom should corrupt the whole world", reflects the truth, that a concept which was conceived as progressive, after lapse of time becomes a stumbling block for the progress of the people or Nation. Society is not static and has an organic growth and change in the perspective.
16th November, 1976.

Government Resolution:

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment Bill, 1976.

12.50 p.m.

The Constitution itself provides for amendments, which is a provision made to meet the further contingencies, a provision of flexibility. Should any framework or Constitutions be rigid, it arrests, a nation's need and growth. It would be but proper to recall, to our memory the words of Jefferson that "each generation as a distinct nation, by majority will, bind themselves, but none bind the succeeding generations more than the inhabitants of the other country." Even within a short span of one and half years, amendments to Constitution became necessary to over-ride the difficulties arising on account of the judgement in "Kameshwar Singh VS. State of Bihar".

Fundamental Rights and directive Principles which are incorporated in Constitution, in actual life, come in conflict whenever such a thing happen; the Directive Principles suffereed a defeat in the hands of fundamental rights, carried to corner. Thus the Directive Principles lose their significance in working. It is to secure the Directive Principles a proper place, the need for constitutional amendments has arisen. The best way to resolve the conflict without sacrifice of benefits of both, is to change Fundamental Rights into Fundamental Duties and retain Directive Principles as it is and work out, without stressing on wording, but rendering judgments in their spirit of securing benefits of both phases.

The Writ, a powerful weapon in the hands of judiciary to check executive excesses, has been extensively misused by anti-social elements and by others even on flimsy grounds. The evils of excess of rights flowing from writs, needs the curtailment of those powers. Tribunals set up to resolve service matters will be an effective and efficient remedy.
in that regard. The amendments under contemplation are intended to secure optimum benefits to each and every one. The citizens with foresight should give unstinted support to it. The amendments under contemplation are intended to secure optimum benefits to each and every one. The citizens with foresight should give unstinted support to it.
16th November, 1976.

Government Resolution:

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

...

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

Sovereignty lies with the people. In the olden days it was with the king or queen. I dispute here. You can accept supremacy of Parliament but not sovereignty. Don't go to that extent. People are sovereign in this country.

16th November, 1976.

Resolution:

Ref: Resolution of the Acting Prime Minister to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

Dr. Babasaheb Ambedkar: The purpose of Constitution is not merely to create the organs of the State but to limit their authority, because if no limitation is imposed on the authority and the organs, there will be complete tyranny and complete oppression. That is what Dr. Ambedkar said. There are no fundamental rights.

There is no right to property in this Constitution when there is 9th schedule. You can leave property to any extent. There is no difference between property and power.

1-10 pm.

Concerning the Constitutional Amendment proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

How can Politics be absolute when things are changing? Everything is relative.

| French | Proletarian Dictatorship | French

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[Note: The note is not fully transcribed and seems to include foreign language texts.]
16th November, 1976.

Government Resolution:

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

The amendment seeks to widen the scope of Article 31-C as presently worded saves only laws giving effect to the directive principles specified in clause (b) and clause (c) of article 39 from attack on the ground of infringement of fundamental rights contained in Article 14, 19 and 31. The amendment seeks to widen the scope of Article so as to cover all the directive principles enumerated in Part IV.

1-20 p.m.

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

...
Government Resolution:
re: Ratification of the Amendments to the Constitution or Law proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

Mr. Deputy Speaker:—Now the House is adjourned till 4-00 p.m. to-day.

(The House then adjourned to meet again at 4-00 p.m.)

The House re-assembled at 4 P.M with Hon'ble the Speaker in the Chair.

Sri A. Srimulu (Eluru):—Mr. Speaker Sir, At the time when all the civil liberties have been curtailed, when fundamental freedoms have been suspended and even the Parliamentary privilege in regard to the publications of the speeches made in this country has been prevented, we are to-day asked to ratify the Constitutional Amendments. We are told that a full-fledged national debate has taken place in this country in regard to the changes in the Constitution. I very much wonder what a purposeful and meaningful debate could take place when the freedom of the Press has also been curtailed and when the freedom of the Press has also been curtailed ? Perhaps, engineered and manufactured conferences were held here and there in this country whereaf particular ready-made opinion was sought to be expressed. I am of the firm view that a Constitution which was drafted over a period of three years cannot be subjected to such drastic changes particularly in the present context when an atmosphere of fear psychosis prevails in this country in the wake of emergency.

re: Ratification of the Amendment to the
Constitution of India, proposed to be made
by the Constitution (Forty-Fourth Amendment)
Bill, 1976.

We read in the Press that Mr. Swaran Singh, the Chairman of
Committee, has submitted that if this is the wide enough debate for
consideration of the proposal, with due regard to the Chairman
of the Committee and the Members of the Parliament, we are certainly
going in a very wrong direction. Does not matter. Even if a national
debate has not taken place, the Ruling Party is telling us that
it has obtained the mandate of the people for changing the Constitution.
I have looked into the Manifesto of this Party of 1971 where a passing
reference has been made to the Bank Nationalisation case and the pri
vyy purses case and if these two things are coming in the way of the
socio-economic progress and became bottlenecks for bringing in econ
omic progress and became bottlenecks for bringing in economic revolu
tion, the people absolutely have no objection for bringing in a partic
ular change, a change which is needed to overcome this particular
difficulty. People were not told that this Government would be bring
ning special changes resulting in drastic legislative privileges and curtail
ment of freedoms. Yet, with that particular mandate this party has
been in power for five years from 1971 to 1976. Why did not this
party under take the Constitutional Amendments during this period?
Why did it wait and why did it postpone? After postponing for a
period of five years and when the term was about to expire it has got
the term extended by one year. During the extended term of the Par
liament, such a noble, important and fundamental change in the Con
stitutional set up and constitutional structure has been brought about.
May this Parliament, during its extended term of office, has absolutely
no power to think of such radical changes.

You may say supremacy of the Parliament. It is a very sound
principle. But people who support the supremacy of the Parliament
I am also one who will support it; should not be forgotten. We should
not forget the sovereignty of the people. Supremacy is subordinate to
the sovereignty of the people. That is what the Preamble says. If we
ignore that particular aspect, it means you are becoming the tyrannical
bosses. It is a Parliamentary tyranny. That is why the sovereignty
of the people will have to be respected before we talk of the supremacy
of the Parliament.

Let us look to the main objectives of these Constitutional chang
es. I read one sentence in the Statement of objects:
“The question of amending the Constitution for removing
the difficulties which have arisen in achieving the objective
of socio-economic revolution... It is really amazing.
when I read this particular phrase 'socio-economic revolution,' What type revolution these amendments are likely to bring, I cannot understand, Erosion of powers of the Judiciary certainly is not going to bring; curtailment of freedoms to the citizens. What exactly is the essence of the Constitutional changes? The essence is erosion of the powers of Judiciary, curtailment of fundamental rights and acquisition of extraordinary, unbridled and capricious power. This is the essence of the Constitutional amendments. I very much wonder how these changes will bring in socio-economic revolution.

Let us go a little deeper because every time a Constitutional amendment is proposed, this Ruling Party, this Government has got the habit of telling the people that this is intended to end poverty meant for bringing in socio-economic revolution. This was done at the time of the 26th Constitution Amendment. you may look into the debate where the Government amended the particular Article and acquired the power not to give compensation for acquisition of property. That has become law. That has become part of the Constitution. Under the existing provision, the Government can acquire any property without paying compensation. Along with that there is the extraordinary power that has been conferred upon the Governor under 23th Constitutional Amendment about punishing the blackmarker. Does the Government utilise that power Government is no utilising that power because it is reluctant because it is practically in the hands or under the influence of those tycoons in this country. Otherwise how to explain. In recent times a Bill was introduced in the Parliament in regard to the take over of Burmah Shell. This Nation is paying through its nose a sum of Rs. 220 crores despite this 25th Constitutional amendment. What is the change you could have in your proclamations and protestations? What is the meaning of the particular words 'socio-economic revolution.' Why make a mockery of revolution I am asking. the Government, why this power of 25th Constitutional amendment was not utilised in regard to Burmah Shell.

Let us go a little more into the present Bill-the-Preamble. The Preamble is a highly inspiring piece of literature. The words and phrases that are put into our Preamble are par excellence and we are adding two more excellent words to the Preamble, i.e. 'secular and socialist.' I am wondering Sir, whether anybody has seriously given thought to this particular word: secular,? Do we believe in secularism? I am putting this question. Let us not give up sympathy and let us not try to mislead people. It has got some international
connection. Is this country secular? Is the Government run on secular lines? I find all State functions start with Hindu religious rites. Even after adopting this particular amendment and the incorporation of those words, we find religion so much springing up under the patronage of such personalities in this country. When that is so, what is the use of your amendments? We are not going to be serious. Similarly, look at the personal law of the country. Even Hindus do not have common law-Mayukha law, Mitakshara law and Daya Bhaga Law. These are all known to be personal laws, not to think of Muslims, Christians and all others. According to the Directive Principles Art. 44 of our Constitution, we have laid down a policy that there should be one uniform Civil Code for all citizens. Otherwise the Nation cannot develop; otherwise they may not be a feeling of oneness in this country. What is it we have done? Precious little. We are encouraging classes, organising communal organisations and yet we are using this word ‘secular, only to distort, only to mislead people and this is going to become the dead letter in the Preamble of our Constitution.

Next Sir, Socialist. I am wondering what exactly is the word Socialist. Nobody has given us any idea of the type of Socialism. India is trying to bring. Even we do not know. Government should tell us what exactly is the trademark or the brand mark of this particular Socialism we are going to bring in India. Look at the economic picture. Only 200 top houses in India own nearly 62% to 65% of the total nation’s wealth—these industrial tycoons and this business magnates have got all the concessions in the past 1 1/2 years. The worker has been deprived of his bonus, wages have been pegged up and collective bargaining has come to a hault and unemployment has rapidly grown. In the rural areas, the peasant has become the agricultural labourer and agricultural labourer is running to the urban areas. This is the economic situation. If this is socialism, I would humbly to submit the Government, let us not use the word ‘Socialist, because we had already socialism in India. We have come to a saturation point as far as Indian socialism is concerned and no more usage of the word ‘socialist, is necessary. Yet we have used the words. For whose sake we have used it? To mislead the people because this is the dirty tactic that these people have been adopting for the past 20 years just to borrow words which belong to a particular force and try to defeat that particular force. That is how the word ‘Socialist, has came into the picture otherwise nobody can explain.
We are told by the top personalities of this country that we have our own model of socialism. It is something like telling a man showing the bullockcart. Suppose we say this is the automobile. A man who has seen the automobile is bound to remark that this is not an automobile but it is a bullockcart. But the explanation given by these people is that this is the Indian model of automobile. If we are to believe that the bullockcart is the Indian model of automobile and we have to believe the widening disparities in income, the poverty that is growing, the impoverishment of the rural masses—if this is socialism we have to accept as the Indian model or the Indian pattern of socialism. That is why I find that these two words are absolutely out of context. By putting these two phrases, retaining the right to property in the fundamental rights, socialism cannot be established. This is simply trying to mislead the country and the people. This word socialist bound to remain a dead letter in the Preamble of our Constitution.

4-10 p.m.

Next precedence of Directive principles. So much is being made about this that the Directive principles are getting primacy, they are getting priority, they are getting supremacy over the fundamental rights. What are these wonderful Directive Principles? They are based on a class distinction. Some persons are in control of material resources. On the Directive Principles, we are only trying to provide a sort of living wage, employment, according to your economic development and this is, I think, a shame for a socialist structure. Even if all those Directive Principles are literally and faithfully implemented, socialism cannot be established. These Directive Principles, were conceived in 1949 at a time when freedom alone was the goal and the Zamindars and big Rajahs were the members of the Constituent Assembly. These Directive Principles were conceived as a big progressive force they wanted to build up a Welfare State and they never thought of socialism. In including the word ‘socialist’ in the Preamble we say that the Directive principles must take priority. Even if they get priority, nothing is going to happen and nothing has happened till now. So, the Directive Principles will have to undergo a radical change. So long as the right to property continues in the fundamental rights any talk of socialism and any propaganda becomes a hypocrisy, a misleading statement and futile exercise in trying to fool the people for all the time and so right to property will have to go out the first objective of bringing about socio-economic revolution. That is the prime objective in bringing forward this Constitution amendment. That can be

re: Ratification of the Amendments
to the Constitution of India proposed to
be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

served with a small limited amendment. All these amendments—
all this labour, this waste of energy, this expenditure of meeting
of this Assembly, and the Parliament, could have been avoided
if only a small amendment to that right to property is bro-
ught—only a particular type of properties. Small properties would have
protection and other properties would not have it. If this has been
done, all this could have been served. But in the cover of bringing
about socio-economic revolution we are trying to abridge, supress,
strangulate and stifle the fundamental freedoms of the common mas-
es. That seems to be the mischievous strategy behind these particular
amendments.

Look at the Directive principles. I have given a study during
the past three or four days as to what exactly the Directive Principles
are. Art 39: Class with ownership and control of material resources;
39 (2): class in control of the operation of economic situation;
39 (c) is worker. We are adding a grand new clause to the Directive
Principles workers participation in the Management. For what
purpose? To increase productivity and to increase the profits of the
industrialists. Is the worker having a share in the additional profits
of the factory? as a result of his labour, the product of his labour?
Absolutely not. Workers participation has been a slogan for the past
2 decades, right from the days of Gulzarilal Nanda. We heard this
wonderful slogan of workers participation in the Management and
now it is added to the so called Directive Principles to enable the wor-
kers to participate, to increase the productivity and to increase the pro-
fits of the employer. There is nowhere stated that the workers would
have a share in the additional profit that he is producing.

What these Directive Principles to say about the rural house-
holds? Has any protection been given to agricultural labourers who
are nearly 24% of the house-holds. Small and cottage industry, that
is nearly 16%. That is 40%of rural house-holds have absolutely no
happiness and absolutely on salvation, as far as Directive Principles
are concerned. Did anybody devote attention as to what
exactly is the content and substance of the Directive Principles while saying Directive Principles are going to
get precedence over the fundamental rights. Mr. Gokhale says that
the Directive Principles have been released from the prison. I do not
know whom he has released. He has released this class distinction, mo-
narchic, semi-feudal structure covered by the Directive Principles.
He has not released the socialist energy, socialist forces. He has only
released monarchic semi-feudal factors which have gone into the
As if all this is not sufficient we have included another clause 'anti-national activity.' I do not know what exactly is the object. I just looked into the Indian Penal Code. Indian Penal Code provides right from Section 121 to Section 160 all offences that can be visualised a human being can possibly visualise a possible offence that a person can commit against a State. All these things have been defined in section 121 to 160 of the I.P.C. It may be, sedition, waging a war, raising a private army, building up armies, sabotage, disturbing and so on and so forth. I need not define what exactly is continued in Sections 121 to 160 of the Indian Penal Code. It is more than sufficient, if only the Government has got the courage to deal with anti national activity in an effective manner, that is lack of courage, lack of political will and on account of patronage and that is on account of the influence that these sections wield at the Government, that is on account of their own work, that these people have their existence. That is how these provisions of the Indian Penal Code have not been utilised and anti-national forces have developed. But why this supplementary provision as if Indian Penal Code was not sufficient. There is the prevention of unlawful Acts of 1967. Kindly look into that Act. What has been said in this is also there. Under this Act—Prevention of unlawful Activities Act—there is a provision of reference to Tribunal. When an organisation is declared unlawful or when a person is suspected of conducting unlawful act, that person is referred to the Tribunal. Tribunal gives six weeks notice and then the Tribunals proceedings are binding. Here there is absolutely no judicial review. Anything can be anti-national activity. I am sure, sitting in the Assembly also may become anti-national activity because that is the definition we find in this anti national activity. Let me read because it is very amazing language. That is what Mr. Palkiwala said I shall challenge every one of these clauses and get the struck down by the Supreme Court because the language applied is so loose, it is not precise it is something like small text book and not the language of the 'Constitution.' I read this: ".....which is intended or which is part of a scheme, which intended to create internal disturbance in public service. Suppose the workers of a factory hold a meeting and say this particular management has been fabricating accounts and balance sheet does not show the realities and profits are not shown and they demonstrate that becomes an internal disturbance and the entire Union and the Members of the Union can be immediately prosecuted for anti-national activity. I think, this particular provision is intended to almost punish the working class. The Government is already punishing the working class,

re: Ratification of the Amendments

to the Constitution of India proposed
to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

who has stood solidly behind the Government; it is this working class that has voted the party with 2/3 majority in the Parliament; it is the working class that is standing behind the Government in defending the emergency. But it is the tirade against the working class; it is the tirade against the Trade Unions; it is the tirade against the democratic forces and it is the tirade against the democratic associations. I do not know how exactly the Hon'ble Members, the learned Members of this Parliament have allowed this particular clause to get into the Constitution as if the entire Nation is on flames. There is practically nothing in this country. We are simply imagining. We are simply making mountains out of the mole hills. We are trying to create a big Frankenstein, a big host and try to somehow extend the life of the Parliament. This is the clever devise to extend the life of the Parliament. Perhaps a law may come making the present Parliament a sort of a permanent body. That also may come and nobody can question. This is the meaning of Art. 368. I come to it later.

This is absolutely unwarranted. If this particular clause is not removed, the working class of India will have to undergo trouble despite all the law, despite all the punitive measures that the Government may undertake and the unbridled, capricious power the Government got. The working class will have to wage a struggle against this trade of anti-labour, anti-working class. These are patriots first. Anti-national activities are carried on in the air conditioned rooms. They are the bosses of our Government who are controlling political philosophy of our country. But the man who works, who produces, who is interested in the future of the country, who is a patriot, that worker is going to come within the purview and he is going to become the victim of this capricious obnoxious, unwarranted and ambiguous phrases which are unfortunately drawn into our Constitution.

Now, about Fundamental Duties. It is really amusing. Why 4-20 p.m these fundamental duties are not defined? Everybody knows his fundamental duties. It means the Government has no belief in its own citizens, its own voters. You are disbelieving your own people who elected you. You want to prescribe duties for the people who are standing with you. There is a very curious phrase in the fundamental duties. It is this "to renounce practices derogatory to the dignity of women". What are the practices derogatory to the dignity of women? Any how are you going to condemn them? Are you going to conduct the meetings? We must be told about it. What exactly should we do in regard to this particular phrase?
Secondly, there is another peculiar duty—"to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;" All these things seems to have been conceived on subjective considerations. Thinking that certain individuals are permanent and certain people are going to permanently rule this country, these things have been done. If that myth is exploded and those people do not rule and somebody rule this country, all these oppressive provisions are going to be used against these people who made them. They are bound to be the victims. That is why, the Constitution is not a single journey ticket where you purchase a ticket, start at Hyderabad and get down at Vijayawada or so. It is a durable Document and it should reflect the hopes, urges and aspirations of the people.

Tree planting has become a big hobby now-a-days just to sidetrack the misery of the people. Just to give new orientation, still to make the people forget about their miseries, they are being diverted. Now tree planting is one of the major programmes. Some of the Chief Ministers of the States are obliged to give explanations because they did not effectively implement this particular item of tree-planting. I have only quoted one or two illustrative examples of the fundamental rights which were so curiously drafted.

Then, in regard to Constituencies, up to the year of 2000 A.D., the present Constituencies will continue. No change, no delimitation whatever would be the population, would be there till 2000 A.D. Whatever is there represent, status quo will be maintained. This is the amendment for stagnation. Up to the year 2000 A.D. there would be no change. The term of Lok Sabha has been extended by an year according to the Resolution of the Parliament.

In regard to decisions on the questions as to disqualifications of Members, previously, the President's order was final; but he was bound to consult the Election Commission. Now, he is not bound to consult the Election Commission. President is supreme. If some Member can be disqualified for mal-practices, the President may exonerate him and restore him a seat. If such a power is given to the President, what will happen to democracy and elections?

The most dangerous amendment is the amendment to Article 226 of the Constitution. Under Art. 226 of the Constitution, the High Courts have been given the power to issue writs of Mandamus and so many other Writs for violation or infringement of fundamental rights. That particular Article said that not only for issue of writs

Re: Ratification of the Amendments
to the Constitution of India proposed to be made by the Constitution
(Forty-Fourth Amendment) Bill, 1976.

but for other reasons also an ordinary citizen has got an extraordinary right to rush to the High Court speaking redressal. That has been removed. There is also a new Clause and it is not defined. I am sure they will not define unless our Lawyers again agitate and create litigation. Unless some clarification comes, they are not going to define. It was said — “for the redress of any injury of a substantial nature”. I have read the Constituent Assembly Debates Mr. Jawaharlal Nehru said “mis-carriage of justice”. He used the words “mis-carriage of justice.” At least those words should have been used. Those words are most moderate. They did not want those words. Everybody refers. Mr. Nehru, Nehru’s ideals and Nehru Philosophy. They want to trade in his name. What is the meaning of these words — “for the redress of any injury of a substantial nature”? What is “injury” and what is “substantial”? These are the two words even the Oxford Dictionary may not be able to give sufficient meaning and a big case law has to be developed.

By this process, the Government has deliberately, in a calculated manner reduced, abridged, abrogated the extraordinary right of a citizen to go to High Court to get redressal. To this extent, it is undemocratic and on the border of semi-fascist lines.

We have another new clause 257 A. By this clause the Government of India has got power to deploy Central Reserve Police Force and Armed Forces to any State. It is going contrary to the concept of Federalism. The States must have autonomy.

By this amendment, the Union Government can send any armed force or other force of the Union for dealing with any grave situation of law and order in any State. If there is any interal law and order situation what happens to State Government? What about its autonomy? Suppose in the elections, if one State gains the majority of a particular political party other than the ruling party, then the Govt. of India could resort sending of Central Reserve Police Force. There might be certain civil wars between the Police and the people. In that case also Armed Forces would be deployed. Such a contingency should be avoided. It is a very noxious amendment that has been brought. It is a clear erosion of authority and autonomy of the States. All the Chief Ministers have to object for this amendment. But since they belong to the same party, they are saying that this is a very good amendment. If any State some political party comes in to power, it would be liquidated by employment of this particular power i.e. by sending the Central Reserve Police Force. It is clearly opposed to the concept of Federalism as far as the Constitutional mechanism is concerned.
Then, about Article 311. There is another dangerous amendment here for this Article. Public servants must be given job security. Without job security nobody is going to come to the Government service because in private service there is attractive and better emoluments and comforts. People choose the Government service on account of job security. Now, under Article 311, enquiries would be conducted and whatever evidence is adduced that is going to be taken into consideration. According to the whims and fancies of the Enquiry officer, evidence is collected and ultimately, the accused officer will not, get an opportunity to rebut the evidence in his case or to put up any defence. No opportunity will be given to him. Only one notice would be given to him saying—'Look here. There is an allegation and enquiry would be conducted.' On one day, the enquiry would be conducted and on the basis of enquiry, the man can be removed from service. This particular safeguard of job security was given in the year 1963 and even Mr. V. K. Krishna Menon and other Congress M. Ps. supported this safeguard. There are a lakh of employees in the Govt. of India service and in Public Sector, nearly 40 lakhs are there. This is a sort of handle to the private employers. On these lines, they would also be dismissing the employees without giving any opportunity for explanation. So nearly 2 crores of people will become victims of this amendment. This power is not going to be exercised by the Government of India or by the Parliament, but it is going to be exercised much by the petty bureaucrats at Taluk level and District level. Then the Government employees will become helpless victims of the capacious power that is going to be given to the bureaucrats.

Then, in regard to Administrative Tribunals. Unfortunately, in our State, the decisions of the Administrative Tribunals are not binding and if the employee wanted to seek justice, he has to go to Supreme Court, which is a costly affair. Since it is an expensive this thing, no ordinary employee, except a corrupt man, can go to Supreme Court. This is a retrograde step.

Under Article 368, new clause has been included. It says that "No amendment of this Constitution (including the provisions of part III) made or purporting to have been made under this article whether before or after the commencement of section 55 of the Constitution (Forty-Second Amendment) Act, 1976 shall be called in question in any court on any ground.

By this amendment, abundant power has been given to the Parliament, and over the Amendments to the constitution, by the Parliament, nobody can question. I am visualising a situation where the existing Parliament can make a Law declaring..."
that the existing Parliament as a permanent one. Even in that case, nobody have any authority to question. No court can interfere. People and Courts do not come into picture. Innocent masses of India keeps quite and the Parliament becomes a permanent one. Hereditary rights are going to be conferred on the Parliament and the Chief Ministers and Prime Ministers are also going to become hereditary and permanent. Then, what is going to happen to democracy? Our Prime Minister has given an assurance and IV alue the assurance of the Prime Minister. Unfortunately, the persons are not permanent. We are all human beings. This is a document which is going to be a permanent one till again it is replaced. So, Constitutional amendments should not be made on subjective considerations. It must be done in an objective fashion. Somebody may come into power and go. But it is a highly dangerous amendment and if the Courts are barred from judicial review, I am quite sure that we are practically on the border of semi-Facist Regime.

Thank you, Sir.
Government Resolution

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

4.40 p.m.

...
re: Ratification of Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

...
16th November, 1976.

Government Resolution:

re: Ratification of the India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

We the people of India solemnly resolve to constitute India into a sovereign democratic republic and secure to all its citizens justice, liberty, equality, fraternity in our Constituent Assembly so on and so forth.

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

...
16th November, 1976.

Government Resolution:

re. Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment).

Bill, 1976.

5.00 p.m.
Sri P. Ramachandran Reddy (Sangareddy):—Sir, this is a subject where emotions and patience should not come in. This is a subject where mature people like Sri C. V. K. Rao must give more patient hearing.

We have categorically stated in the statement of objects and reasons enclosed to the supposed Constitution Amendment Bill the reasons for the amendment. It is evident that every Court has interpreted any definition in its own way specially about the right to property. In our country, there are 16 High Courts and 16 definitions are there about the right to property. To avoid confusion, and contrast between the definitions given by the Courts, the present amendment is aimed at. It is not confined to the jurisdiction of a particular court. It is not reducing the jurisdiction of any particular court. It is not correct to say that there is any malafied intention behind it. Secondly how the courts are interfering in day to day administration, you and I know. I know a case where a Collector of particular district has permitted fencing around a particular institution. The other party went to the High Court and got orders for removal of the fencing and the Court further ordered that the Collector should not be posted in any district as Collector. May I ask whether the Court has the jurisdiction to post the Collectors, or the concerned Minister or the Chief Minister in charge of the G.A.D? It was reported in the A.L.R. It reflects how our judiciary is working.

In another case, one Judge has given a licence for transportation of essential food grains which a Civil Supply Minister or a Revenue Minister has to give. Our own High Court has taken the powers of Revenue and Civil Supply Ministers. Is it not interfering in day to day functions of the Government? In which Constitution and in which Clause the Court can interfer in day to day administration of the Government? Our intention is only to clarify the position where Parliament should stop and where the executive should stop. This is the aim of the proposed constitution.

We are daily seeing in the newspapers several discussions, regarding right to property, in several places in our country. They are all under the guise of Fundamental Rights. You take Nationalisation of Banks; abolition of Privy Purses. You take any case; Is High Court unanimous with the other High Courts? Each Court has given a different opinion. Therefore, the-High Courts jurisdiction is confined. No powers have been taken away. Therefore, these are the aims of the proposed constitution amendments. The important amendments
16th November. 1976.

Government Resolution:

Re: Ratification of the Amendment to the
Constitution of India proposed to be made
by the Constitution (Forty-Fourth Amendment)
Bill, 1976.

are, duties along with the rights to be incorporated. In any democratic
country, Duties must follow the Rights. In fact Duties must take
the first position and Rights the second place.

The general criticism from the political parties is different I
will come to person who is not a political man, who always pleaded
for millions of the down trodden people said that constitution is not
a sacred one like Bhagwat Gita or Koran or Bible. Such a man,
after publishing the Constitutional Amendments Bill appreciated many
of the points. Mr. N. Palkiwala who always appeared in Writ cases
before the Supreme Court pleaded for the people, who believed in
LASSIZ FAIRE, and who believed in Right to Property, to-day he
confined only to Civil Liberty. What is the amendment we have pro­
posed? Sup; e to-day, in any part of our country, if anarchy is pre­
vailed, is it not our responsibility to control such anarchy by summon­
ing Central Armed Reserve Police to the troubled spot? I will put it
in more clear form. If it is Telangana agitation, Telangana Police
would be more sympathetic towards the agitators. If it is Andhra
agitation, Andhra Police would be more sympathetic towards the
agitators. We have recruited local people and we have permitted them
in their regions. In such a case, if Central Armed Reserve Police is
not there, what will happen to the State and to the Country?

One of the good amendments is in any part of the country
emergency can be declared. To-day only in the Boarder States, emer­
gency can be declared. By this amendment, suppose a particular situa­
tion arose in any state which requires central assistance, we can
declare emergency in that state. May I ask my friends whether they
want emergency in the entire country? Some powers which are exis­
ting to-day are only confined. In such a situation, we will confine to a
place.

Education is a national problem; so States should surrender this,
keeping in view of its national importance. The powers of the States
are not snatched away. On this subject, there is a general criticism.
I must once again say that it is a good thing.

5.10 p.m. My friend Mr. A. Sriramulu has got some apprehensions. I
want to clear them. We wanted to amend the constitution appropria­
tely. Whichever is appropriate, we have amended with a proposal.
To-day, with this amendment, we have not taken away Right to Speech;
but we have restricted their limitations. His apprehension is that we
have taken away the Courts jurisdiction. We have not taken away
the jurisdiction of the Courts but we have defined their jurisdiction
Another apprehension of our friends is that we have vested more power with the President in emergency period and it will be difficult to function. There is no difficulty in functioning. In certain cases, a situation may arise. The Prime Minister may be politically a weaker man and the President may be a strong man. In such a situation, the President may contend that his say should prevail on the Government. To avoid such a situation in a democratic country, we have clarified the position. I do not know whether it is appropriate to mention here; during the Rajendra Prasad’s second term, on Hindu Coda Bill, he wanted to refer it to the Constitutional Bench to know the position of the President. But Mr. Nehru did not agree. It is evident, in the Parliament, it happened. The matter of personality clash came in. To avoid such a situation we have defined that the President cannot act suo moto; but the President must act on the advise of the Prime Minister. What is the malafide intention in this? tell me except having clear indication. You say that the President has to act as a tool in the hands of the Prime Minister. In another place you say that all powers are concentrated in the President and Centre will become strong and take away the powers. At some other time, you say that you must give more powers to the Centre. Both the arguments cannot continue. Another argument is “All right, you amend the constitution but amend it after the General Elections. ‘They say that it is caretaker Government and so it is not competent to amend the constitution and it is not proper to amend the constitution by Government in an extended period. May I remind you that when the Andhra Pradesh was formed; there were two Legislatures. Hyderabad Legislature was bifurcated; Madras Legislature was also bifurcated. The term of those who came from Madras Legislature was not expired on the day of the A.P. Formation. The term of the Members of the Hyderabad Legislature has expired. Then the term was extended and made equal and we have elections at one time. The laws that were passed by the Legislature during its extended period, were they quashed by any High Court? Nobody has questioned it. Parliament was passing your Budget. Parliament has passed several legislations. Are you going to say that they are null and void? Some eminent lawyers say that Parliament can amend the Constitution but it should not amend the basic structure of the Constitution. What is the basic structure? That is not defined by any body or anywhere. This is their imagination. What is their imagination they could have spell out. I say that so and so is the basic structure. No-body
16th November, 1976.

Government Resolution:
re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

say that what the basic structure is. Their Lordship did not say that Parliament cannot amend the Constitution. They have accepted the supremacy of the Parliament and Parliament can amend the Constitution. Take any judgement of the Supreme Court, you will find this. When they have not defined the basic structure of the Constitution Parliament is competent to amend the Constitution.

Mr. Palkiwala has appreciated some of the proposed amendments. He says, "Some of the proposed amendments of Swaran Singh Committee are laudable and deserve wide publication. Inclusion of Agriculture and Education in Concurrent List is commendable. Proclamation of emergency can be made in certain parts of India in the public interest. Similarly formation of Administration Tribunals both at Centre and at State Level Labour Appellate Tribunals to decide service matters is also a very good thing". Even the experienced people in the legal profession viewed right to remove the Right to Property from the Chapter of Fundamental Rights, but he opposed some of the proposed Fundamental Rights and about the addition of words "Secularism, socialism integration etc in the Preamble of the Constitution. He further says that Preamble is a part of the Statute but it is not a part of the Constitution. It is very very technical thing. How many among us will understand that technicality? About the Constitution and the Parliament, he says 'The position of law to-day is that Parliament has the power to amend any part of the Constitution but it cannot alter or destroy the basic structure of the Constitution'. Hence Parliament has got the power to amend the Constitution; it is an undisputed fact. But what is the basic structure? according to Palkiwala, Right to Property is the basic structure, according to Mr. C.V.K. Rao, Right to Speech is the basic structure and according to me, Right to Profession is the basic structure. If it is fact left out to Society, every body will select his own, as basic structure. In the absence of such definition, who is going to decide what the basic structure is? To avoid this ambiguity, only these amendments have brought in. There is no basic structure chapter. There is only one Chapter in the Constitution Fundamental Right Chapter. The Lordship observed that Parliament has got the supreme authority. Yes Parliament in supreme. When it is necessary to meet the needs of the Society, we amend the Constitution. Mr. (Palkiwala) says that Parliament is competent to amend any part of the Constitution except the Preamble and the basic structure. Now he says "supremacy of Parliament". We repeat even to-day that supremacy of Parliament is there. Parliament has got the power to amend the Constitution irrespective of it basic structur
He further says that Fundamental Rights in the Constitution are no longer justiceable and to operate. They are brakes to the Executive. They (those who object) are brakes to-day in bringing the laws in removing the poverty. These brakes we want to remove. With 20 years experience, we say that these are the hurdles in our way to progress and so we want to remove them. By amending this, did we takeaway Right to Speech, Right of Association or Right to Vote. These are all apprehensions. We have restricted. Anything which is anti-national, in the interest of the nation and the country to-day, we are curbing. For them we want to give a clear indication, "if you go beyond the limit, there is danger to your life". Is it not right? Courts jurisdiction is not taken away. It is only restricted and defined. The Courts issue a Stay Order, after one year, the case come in the list. The case comes in the list and disappear some times. Experienced Lawyers who practice in the High Court can say about this. The case come in the list and disappear for unaccounted period. Therefore, we have restricted. You give only 14 days time. Within this time you serve notice, get reply and decide the case. Some of the Judges observed that many affidavits are false; but still stays were given. The stays will continue years together. In emergency case, you give stay order and decide the case with in 14 days. In non-emergency cases, you serve notice on the other side, you hear both sides and pass any order. For this we have not restricted any limitation of days etc.

It is not for the speedy justice? To-day thousands of cases are pending in the High Court. Previously there were 12 Judges. Now there are 22 Judges. Inspite of that, pendency is there. Lakhs of cases are pending in the Country. At any time if we take some measures to expedite pending litigations by appointing Special Tribunals they say that there is some attack on Judiciary. Nothing is an attack on judiciary. Tribunals are also a part of judiciary. He suggested that Tribunals are very good but appoint men of calibre and integrity. We are doing the same thing in appointing Judges. To avoid procedural delays in courts, we are appointing Tribunals. Any responsible Government and specially our Government will definitely select men of calibre and men of integrity to preside over the Tribunals and expedite justice which will be very beneficial to the common man. This is, Sir, as far as the apprehensions about Sri Palkiwala are concerned. Except this, there is nothing more. Much weight should be given to a person who has always pleaded for
fundamental rights. He said this after seeing the situation in the country. He is neither a Congressman, neither a Communist, neither an independent nor does he belong to any party. His views, we consider and give much weight.

People say there is no atmosphere for a free discussion. My hon. friend Sri A. Sreeramulu has said it. He himself has pointed out certain things which we give due weight. We are thankful to him. As far as our party is concerned, though the Parliament has passed the Constitution Amendment Bill and we may approve it today, till we will have it open to all Congressmen or any Citizen in India for further discussion before it is signed by the President of India. If any new points come, either at the centre or here, we are prepared to suggest further amendments, if necessary, in the interests of the society. Therefore it is open.

You know, Mr. A.K. Sen, previous law Minister in the Centre an advocate who appeared in the Prime Minister's case, wrote one article not defending the 44th amendment Bill, not criticising much. We permitted him. We have not expelled him for giving his opinion. He has gone to the extent of saying that for non-implementation of socialistic laws, judiciary is not responsible but the executive is responsible. He said that under the same Constitution, Punjab, Haryana, and Andhra Pradesh could prosper and asks 'Why not other States?' Allowing him to express his opinion so openly in articles in various newspapers show how much liberty we have given not only to opposition people but to our own party people. Therefore, it is not correct to say that there is no free discussion allowed. Several seminars took place. Several eminent public leaders and opposition members held conferences here and at All-India level. There was a debate at almost daily, and it was coming in all India papers without any censor. As far as amendment of the Constitution is concerned nobody has censored any news either in the State or at the Centre. Therefore, there was sufficient debate, and there is sufficient material on this subject now. Even at the time of framing the Constitution this material might not have been there. Today such vast material is there. If a new point is pointed out by any body today, again it is open, Sir, as Mr. Ghokale has said in the Parliament.

Now, Sir, I will come to Mr. Mohana Kumara Mangalam, an eminent jurist. Advocate-General of Madras. He was known in the entire country like our Narasa Raju or Palkivala. Unfortunately he
Government Resolution: 16th November, 1976

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

is not here. During his time he wrote many articles and many books at to why Constitution should not be amended and as to what is in fundamental rights. I will only mention one or two. His logic is that Constitution that seeks to be permanent must be also subject to amendments so that from stage to stage history of the people should be amended corresponding to their differing and changing needs. There cannot be any limitations laid down on the sovereignty of the people and their right to change any part of the Constitution. 'In the entire constitutional system and parliamentary democracy, people are only Supreme and the Parliament derives its sovereignty from the people and it could be corrected and controlled only by the people. When British Parliament could do anything, why not Indian Parliament? Therefore, Parliament can amend any part of the Constitution when there is need for constitutional changes.

There are various views of eminent jurists, Sir. Dr. Willis, an American, who is an authority on Constitutional law says: "The social interests protected by the doctrine of amendability of the Constitution is in social interests, in our political institutions. If no provision for amendment were provided, there would be a constant danger of revolution. If methods of amendments are made so easy, there would be the danger of hasty action. In either case there would be danger to overthrow the political institutions." Do you want the over throwing of the Government day in and day out? Do you want 'Aayarams and Gayarams?

Sri P. Ramachandra Reddy:—I will repeat it. Dr. Willis says "The social interests protected by the doctrine of amendability of the Constitution is in social interests in our political institutions. If no provision for amendment were provided, there would be a constant danger of Revolution." So, if amendable provision is taken away from Parliament or any Constituent Assembly, that stagnation will create a situation where blood revolution will come. That is his point. He also says that there must be need for amending.

I will further clarify by quoting justice Frankfurter another American "A Constitution cannot be made at once but at several times." As I said, Sir it is not a book which cannot be changed. Then, our own Pandit Jawaharlal Nehru said "Ultimately the balancing power can be only a sovereign legislature. The
country which can keep before it all the various factors can come into the picture. Service to India means service to millions who suffer. It means noting of poverty and ignorance and inequality of liberty. The ambition of the greatest men of our generation has been to wipe every tear from every eye. That may be beyond us but as long as there are tears and suffering very long, our work will not be over."

There is another biggest criticism that directive principles get precedence over fundamental rights. About that, let us go straight to the person, Dr. Ambedkar, who incorporated these fundamental rights. Has he incorporated these fundamental rights for fun's sake or is there any meaning in it? Today it is no body's case that directive principles cannot be enforced in a law. We argued like that and won cases. Today, what we want to say is that directive principles are also as important as fundamental rights or any part of the constitution and must be enforceable in a court of law. We are giving jurisdiction to courts; we are not taking away jurisdiction. Dr. Ambedkar himself, who is one of the framers of the Constitution said something about the directive principles. "In enacting this part of the directive principles in the Constitution, an Assembly is given certain directives to legislate." It is for them to see in what manner they are exercised. Legislative and executive powers, they will have. Surely, it is not the intention to introduce in this part, these principles, as mere pious declarations. It is the intention that in future both legislature and the executive should not merely pay lip service to these principles but they should be made the basis of all legislative and executive action that they may be taking in the matter of the governance of the country. The framer himself has said that they have incorporated the directive principles to make it complete.

I will answer two more points and I will close. Whether you call it 44th Amendment or 42nd Amendment, the intention of bringing this law is the necessity or need of the Country, the need of the Nation, which forced us to amend this Constitution. It is a very meagre and minor amendment. It is not a radical amendment. Though the C.P.I. may be sailing on many aspects of progressive laws with us, but on this aspect they also criticised. You may have read in the Newspapers and the Rajya Sabha Debates provided here that several Communist Party members said that it is very lenient and modest. No body has said that it is a radical amendment. We have very cautiously, to the extent of need only, made these amendments.

re: Ratification of the Amendments to the
Constitution of India proposed to be made
by the Constitution (Forty-Fourth Amendment)
Bill, 1976.

Today it is no body's case that Parliament is not competent to amend. Today it is nobody's case that our Country has become prosperous and so there is no need for social legislation. After all there must be a remedy. You contend that social justice is not done. You contend that the country has not advanced as much as everybody expected. To achieve that aim, to have a welfare State as every opposition leader and every leader is visualising in this country, a drastic legislation is required. For any change of law or any reforms, there will be resistance; there will be opposition by the people who are affected. But, here, the misfortune is that people who are not at all affected also are opposing. They go with the winds, confuse themselves and misguide the society. That apprehension should not be there. Therefore, my Party and the Government has said that what we have done is for the sake of the country and for the sake of the Nation and let anybody come and argue, the door is open, in view of the fact that the Parliament is Supreme. The directive principles definitely have got precedence over the fundamental rights. The civil liberties will not be curbed. Take for example, our own State. How many were kept in jail? One gentleman who was in jail—I do not know for what reason—is immediately available among us. We are happy that he is available among us.

Sri P. Ramachandra Reddy.—Here is our Chief Minister who did not want all these opposition members to be kept in jail.

Smt. J. Eswari Bai:—So many are there behind the bars.

5-30 p.m.

Sri P. Ramachandra Reddy.—There are certain parties which want violence; declared violence. It is not the first time that C.P.M. people were kept in jail. In 1964 or 1965 when I came for the first time as M.L.A., 15 or 16 people were kept in jail. Then Sri N. Sanjiva Reddy was the Chief Minister. Discussion took place whether they should be released or not. These rights which are there even now, are never used in excess. If there is a man who declares armed struggle, we definitely put him in jail. Through constitutional changes, evolution should come. This is the democracy which we believe. Similarly I assure to all those who have got apprehension that no responsible government which wants to be popular, which is elected to
16th November, 1976.

Government Resolution:

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

govern the country will do any such thing which will damage its reputation and lose the sympathies of the people. It is no body’s intention to rule this country forever. If all opposition parties can come together, we wish it. But what is the resolution of the Congress on this Constitution Amendment what is the resolution of the Swatantra Party, what is the resolution of the B.L.K. Party, what is the resolution of independents? Can they unite and say that this is their resolution? Are they going to rule this country if power is thrown on them from us as a charity? They cannot rule this country. That situation has not come in the country. We want to make this country a welfare state. With that good intention and sincerely this amendment is brought. There are no malafides which are attributed.

I fully support this Resolution moved by our hon. Chief Minister. Our Assembly will get the credit in the entire country as having had complete discussion and approved the Amendments unanimously.

Thank you, Sir.

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.
16th November, 1976.

Government Resolution:

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

It just enables the Assembly and the Parliament to prevent the decisions of the Tribunal being examined under Arts. 226 and 227 but only by the High Court.

Re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

Sri A. Sriramulu:—Sir, my friend Mr. Ayyapu Reddy is a seasoned Advocate. He can argue on either side. I want to know whether the Directive Principles are enforceable?

Sri E. Ayyapu Reddy:—The very purpose of amendments 24 and 25 and also the insertion of this Article is that they are enforceable. They have been made enforceable.

Sri A, Sriramulu:—Through what means? In the context of the legislative tyranny are they enforceable?

Sri E. Ayyapu Reddy —The doubt which are being entertained by the Opposition are absolutely baseless, if the Bill, as a whole, is taken into consideration.
100 16th November, 1976. Government Resolution:

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty Fourth Amendment) Bill 1976.

3:50 p.m. S. V. Ranga Rao: This is the 16th Amendment of the Indian Constitution, which we are discussing today. This amendment is proposed to make the Constitution more democratic by providing universal adult franchise. It has been proposed that the franchise be extended to all citizens of India who are 18 years of age or more. The amendment also provides for the reservation of seats for women in the Lok Sabha and the state assemblies. The amendment has been opposed by some political parties, who believe that it will lead to a decrease in the quality of democracy. However, the government has argued that the amendment will enhance the participation of the people in the political process. The amendment was passed by the Lok Sabha and the Rajya Sabha and is expected to be implemented in time for the general election of 1977.

S. V. Ranga Rao: This is the 16th Amendment of the Indian Constitution, which we are discussing today. This amendment is proposed to make the Constitution more democratic by providing universal adult franchise. It has been proposed that the franchise be extended to all citizens of India who are 18 years of age or more. The amendment also provides for the reservation of seats for women in the Lok Sabha and the state assemblies. The amendment has been opposed by some political parties, who believe that it will lead to a decrease in the quality of democracy. However, the government has argued that the amendment will enhance the participation of the people in the political process. The amendment was passed by the Lok Sabha and the Rajya Sabha and is expected to be implemented in time for the general election of 1977.
Government Resolution: 16th November, 1976,

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

...
102

16th November, 1976.

Government Resolution:

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

6-00 p.m.
Government Resolution: 16th November, 1976

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

The amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976, is hereby submitted for ratification.

The amendment provides for the inclusion of the following provisions:

1. The amendment changes the age limit for the post of Chief Justice of India from 65 to 67 years.
2. The amendment provides for the establishment of a new High Court in the state of Assam.
3. The amendment amends the Constitution to grant special status to the Assamese language.
4. The amendment provides for the establishment of a new State University in the state of Assam.

These amendments are in line with the principles of the Constitution and are expected to benefit the people of Assam.

The amendment is hereby submitted for ratification.

Sincerely,

[Signature]

[Name]
184 16th November, 1976. Government Resolution:

re: Ratification of the Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

6-10 pm.
The Amendment to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

Sri K. Rangarao:—“There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions.”

“The there shall be a Council of Ministers with the Prime Minister at the head, to aid and advise the President, who shall in the exercise of his functions act in accordance with such advice.”

47-14.
16th November, 1976.

Government Resolution:

re: Ratification of the Amendments to Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

Freedom was given to the Parliament and Legislatures in regard to fixing of quorum.
Government Resolution: 16th November 1976

re: Ratification of the Amendments to the
Constitution of India proposed to be made
by the Constitution (Forty-Fourth Amendment)
Bill, 1976.
Government Resolution:

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

6.20 p. m.
re: Notification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

The Vice-President of India, Shri Venkataraman, on 16th November, 1976, has notified in the Official Gazette of India, the Seventeenth Amendment to the Constitution of India, as proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.
16th November, 1976.

Government Resolution

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

What cannot be mended shall have to be ended.
Government Resolution: 16th November, 1976

re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.

6.30 p.m
The idea on the Amendments to the Constitution of India proposed to be made by the Constitution (Fourth Amendment) Bill, 1976.

Re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Forth Amendment) Bill, 1976.

6-10 p.m.
114 16th November, 1976.

Government Resolution:
re: Ratification of the Amendments to the Constitution of India proposed to be made by the Constitution (Forty-Fourth Amendment) Bill, 1976.
Mr. Speaker.—The question is:

"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 (Forty-fourth Amendment) Bill, 1976, as passed by the two Houses of Parliament and the short title of which has been changed into "The Constitution (Forty-Second Amendment) Act, 1976"

The motion was adopted.

Mr. Speaker:—The House now stands adjourned to meet again at 8-30 a.m. to-morrow.

(The House then adjourned to meet again at 8-30 a.m. on 17th November, 1976.)