

FIRST AMENDMENT TO 17-MONTH-OLD CONSTITUTION PASSED

From Our Special Correspondent

NEW DELHI, June 2.

PARLIAMENT this evening measured its final approval of the Constitution Amendment Bill by 228 votes to 20 in an atmosphere charged with political emotion after a stormy conclusion of a bitterly acrimonious third reading.

The great debate ended on the lowest level of parliamentary dignity witnessed this session, in an intemperate and impassionate slanging match between the Prime Minister and Dr. Syama Prasad Mookerjee, in the course of which expressions like "liar" and "dictator" were hurled across the floor of the House.

For ten minutes the chamber was treated to the furious political oratory of the hustings with its challenges and replies, and then as suddenly as it came the storm passed over. But the angry temper of the House had not resumed its quiet, when the final division bell was rung.

Two new dissidents walked into the "noes" lobby—Sardar Bhopendra Singh Mann and Mr. Theble Oraon. Government received 18 votes less than they did on the motion for consideration. There were a larger number of abstentions.

Dr. Mookerjee, who spoke just before the Prime Minister wound up the debate, repeated his indictment of Government. "The sum and substance of my charge", he declared, "is that without adequate reasons you have sought to curtail rights and liberties deliberately given only 16 months ago".

"DYNAMIC INCONSISTENCY"

The Prime Minister talked of emergency considerations, but the very Constitution could be suspended if an emergency arose. The Prime Minister gave the House his personal assurances that the enabling powers given in the Bill would not be used. These assurances were not without value, but they were not good enough. Only two days ago Mr. Nehru had assured the House that, if it so desired, provision would be made to statutorily reserve all State legislation under the heads mentioned in Article 19(2) for presidential assent. But he had found himself unable to honour that assurance. The whole of Government's case was riddled with "dynamic inconsistency".

The powers given by the Bill were so drastic that they were liable to be abused to serve political ends. Government said: "Why can't the people trust us?" But why could not Government trust the people? If there was discontent and criticism of Government in the country, it was because of maladministration, inefficiency and frustration. This Bill would not cure those ills. And if Government wanted to prevent disturbances they could not do it by repression. There were

(Continued on page 7 col. 2)

HEATED DEBATE ON BILL TO AMEND CONSTITUTION

Mr. Nehru Replies To Critics

(Continued from page 1, col. 4)

limits to repression beyond which it would invite the very revolution that it was to prevent.

OPPOSITION TO BILL

Government were intoxicated with power, with the power of their "240 votes in Parliament". But these were but the single vote of a party whip. Outside, in the country, millions opposed this Bill.

The Prime Minister rose to reply. He began slowly, almost meditatively, and then suddenly exploded. His temper ran with him. He raised his voice to say that the House had heard "scandalous speeches", "false statements" and "lies" from Dr. Mookerjee.

Dr. Mookerjee: "Your Bill is false".

Mr. Nehru: "Any person who says that this Bill curbs the freedom of the press is speaking a deliberate untruth".

After further heated exchanges, the Prime Minister continued his invective against the opposition to the Bill: "We have put up with much from a few members who dared to oppose us".

Dr. Mookerjee: "This is the language of a dictator".

CHALLENGE ACCEPTED

The Prime Minister continued, Government had brought forward and discussed this Bill in a "friendly way". But charges and insinuations had been flung at them. "If there is going to be hard dealing there are going to be hard blows all round". Dr. Mookerjee had challenged the Government in the country and had talked of party whips. Mr. Nehru accepted the challenge. And, he swept on, "we challenge them (the opposition) to a combat here, in the market places, in the country, everywhere and on any level".

Dr. Mookerjee's interjection provided some comic relief: "Except physical combat." Mr. Nehru had a jibe at ex-Congressmen who had opposed the measure: "We are happy without those who have drifted away from us." He scorned his "advanced Socialist" opponents, who in opposing the Bill, also opposed zamindari abolition and criticised the inclusion on the Ninth Schedule. But land reform, which was the crucial problem, could not "wait on the arguments of petty lawyers." There was no time to refer it "to this court and that." Millions had waited too long.

If the people were discontented with Government today, Government were also discontented with themselves. But on the question of zamindari abolition, Government were "dead right."

The greatest reaction belonged to those who spoke the language of revolution, but acted differently. "It is we," Mr. Nehru made his point, "it is we who have brought about great

changes in the country and we will bring about major changes yet despite the arguments brought forward that would have had some relevance a million years ago but not in India today."

The amendment of Article 19(2) admittedly widened the scope of law-making, "especially in respect of communal discord." and, Mr. Nehru added, he knew a class of people who were enamoured of communalism.

Dr. Mookerjee was heard to reply: "You were responsible for partition."

If his word had any value, the Prime Minister said, he gave the assurance that the thought of electioneering was not remotely in his mind when he introduced this Bill. But he had the elections in mind in another respect, because he wanted it to be "a well ordered election." He did not care what the verdict of that contest might be. But "we must have ordered liberty, because disordered liberty is not democracy."

SAFEGUARDING LIBERTY

Too much talk of liberty sometimes resulted in the loss of liberty. Europe had examples of this to offer. There must be some curb on the "unbridled criticism" of a certain section of the press which was unconnected with political criticism. There was no intention to curb the liberty of the press itself as such.

Any rigid system could not survive today. This Bill introduced a measure of flexibility into the Constitution which must "respond to the will of the people."

The House divided nine times earlier today to adopt the remaining clauses of the Bill.

Prof. K. T. Shah achieved a triumph by having an amendment of his common with that of another by Mr. Kamath, accepted by Government. This would debar foreigners from holding the position of Chief Justice or a judge in the Supreme Court. The Bill as it now stands removes this prohibition in respect of high courts alone.

Government were also urged to hasten the process of adapting laws inconsistent with the Constitution under Article 372.

Eight members spoke in support of the Bill during the third reading. Mr. Mohanlal Gautam disapproved of the inclusion of the Ninth Schedule. Mr. Shibbanlal Saxena opposed the Bill.