

# No threat to fundamental rights, says Indira

NEW DELHI, August 11.

THE Prime Minister, Mrs. Indira Gandhi, assured the Rajya Sabha today that the Government had no intention to abolish the fundamental rights, including the right to property, and take away the rights of minorities.

Intervening in the debate on the Constitution (24th Amendment) Bill, 1971, Mrs. Gandhi reiterated that her party was not opposed to property.

The question of acquiring property would arise only when the personal property of any individual stood against the larger interests of the country. The propaganda of some Opposition parties that the adoption of the Bill would deprive everyone of his property was a very wrong line of approach.

## JUST TREATMENT

Mrs. Gandhi categorically stated that "we are not going to touch any property," as characterised by the Opposition.

What the Government wanted was a just treatment for all citizens. Mrs. Gandhi asserted that the amendment was meant to strengthen the Constitution and not weaken it. It would also thereby strengthen democracy and the people's faith in Parliament.

Mrs. Gandhi said nobody should have any doubt about the Government's determination to preserve the fundamental rights.

Mrs. Gandhi refuted the argument that the Bill would introduce a confrontation between Parliament and the courts and Parliament and the Constitution.

The Bill only wanted to restore to Parliament the right to amend the Constitution. But for the Golaknath judgment, this Bill would not have been brought forward, she said.

Mrs. Gandhi said by this Bill, "we are giving the power to the people to amend the Constitution." "In any country, there is nobody greater than the people themselves," she added.

## A JOKE

Mrs. Gandhi noted that most members of the House had supported the Bill. She referred to the suggestion by some members that there should be a referendum on the amendment Bill, and said that she thought it was a joke because this issue was raised in her party's election manifesto. No member of her party had abstained from voting to amend the Constitution during the election.

During her own election speeches, she had been loudly applauded whenever she referred to the amendment of the Constitution.

On the allegation of concentration of power in a few hands by Opposition members, she said the Bill had not been mooted by her party first—it was moved by a private member in the Lok Sabha.

Mr. Raj Narain interrupted the Prime Minister and said she was misleading the House. Mr. Nath Pai's Bill had been different from the present Bill, he asserted.

Mrs. Gandhi said the Opposition parties which supported the Bill were not doing so "to please us." She assured the House that she was not going to wield powers as alleged by members. Today she might be in power, but nothing could be said

**SIMPLEX**  
P. 6, 5012, BOMBAY-9



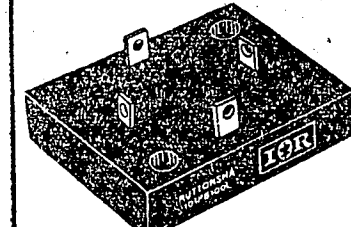
**'MARSHAL'**  
Aluminium  
Self supporting

**EXTENSION  
LADDERS**  
2 Mtrs. 3 Mtrs.  
to  
6 Mtrs. x 11 Mtrs.

Available from  
Ready stock  
**SIMPLEX TIMBER MART,**  
64/68, L.M. Merchant Road,  
Khadak, P. B. No. 5012, Bombay-9.  
Phone 331794.

**WE PAY GOVT. APPOINTED VALUERS  
BEST PRICES**  
FOR DIAMONDS, EMERALDS, RUBIES  
AND ALL OTHER PRECIOUS STONES  
**CHUNILAL & CO.**  
NEAR PUCHHRA TAXI STAND, 17, DHANU ST.  
BOMBAY-3. PHONE 326991

**10 AMPS AT 55°C  
AMBIENT!**



**10 AMPS SILICON  
COMPACT BRIDGE  
RECTIFIER**

- Available upto P.I.V. of 1000 volts and working R.M.S. of 440 volts.
- Size only 5 x 6 x 2 cms i.e. 60 cms<sup>3</sup> compared to an equivalent rated selenium stack of 18000 cms<sup>3</sup> i.e. only 1/300th in size.
- Power loss only 20 watts compared to approximate 440 watts that of selenium stack.
- Ideal for Battery Chargers, DC Power supplies, for small motors, etc.
- This is a new series of silicon bridge rectifiers type 101PB.L from Ruttonsha-International Rectifier.
- Delivery: 6-8 weeks.

**FOR RUTTONSHA-  
INTERNATIONAL RECTIFIER  
PRIVATE LIMITED**  
International House L. B. S. Marg,  
Vikhroli, Bombay-83.  
Cable: 'LECRUT' Phone: 581584 (3 lines)

© Dattaram-ER-107

about tomorrow. In a democracy, no prediction was possible.

What the Government wanted to uphold was the principle behind the Bill, that Parliament should have the powers to amend the Constitution.

She said her party was not opposed to property rights. In the Bill there was no provision to abridge property rights.

Mrs. Gandhi reminded members that the country could not isolate itself from the current world.

The Prime Minister said apprehensions created in the minds of the minorities that their hardships would increase and their property would be taken away were "far from our mind."

She said the Congress from its very inception had been the champion of minority rights. "But we do not want any such thing as minority or majority or the high and the low."

All the Government's programmes were directed towards ensuring that everybody who was an Indian citizen had all the rights of a citizen.

On the "conflict between Parliament and the judiciary," Mrs. Gandhi said all institutions under the Constitution were important and had their own place in the country.

She reminded the House that all restrictions and limitations were self-imposed. It was "in our hands" to remove any dangers.

She said the people had infinite faith in the Constitution and Parliament. The intention of the Bill was to strengthen this faith and thereby democracy. Otherwise, she warned members, the faith would be shaken.

The Prime Minister's spirited reply was profusely applauded by her party members. They cheered her several times during her speech.

## SPIRITED DEFENCE

Intervening in the debate, the Steel Minister, Mr. Mohan Kumaramangalam, said that nothing more than the re-assertion of Parliament's supremacy to alter any part of the Constitution was being sought through the measure.

The people's power to alter the Constitution was to be found in the preamble of the Constitution. It was the people of India who gave unto themselves this Constitution and they had the right to change or modify it in a sober and constitutional way what had been given to them.

The Minister said the basis of the judgment in the Golaknath case was that the people had to be protected against themselves. This basis was incorrect and the Bill sought to correct the wrong done.

He pointed out that when a "balance has to be struck on the rights of individuals of one hand and the rights of society on the other," the elected representatives of the people through the legislature should be the "final determinant" of that "balance."

If this matter was subjected to judicial decisions, there was no doubt the "social philosophy" of the judges would be imported into them.

Mr. Kumaramangalam said the fears that individuals' liberties would be taken after the passage of the Bill were unfounded. Individual liberties could be safeguarded only by the vigilance of the people.

Whenever a citizen approached the court with the complaint that his fundamental right was being deprived, the courts did restore the balance. "But, ultimately, it is Parliament which is to take a final decision."

Mr. Kumaramangalam said there could not be any "unamendability" of laws, as was implied in the Golaknath case. There could not be any law above Parliament.

He also did not accept the view that laws were made for all times to come. Laws would have to change according to the prevailing exigencies and according to what the people really wanted.

He rebutted the criticism that the passage of the Bill would bring Parliament in confrontation with the judiciary.

## PM, Opposition clash in Rajya Sabha

NEW DELHI, August 11: The Rajya Sabha today witnessed a bitter clash and acrimonious exchanges between the Prime Minister, Mrs. Indira Gandhi, and some Jana Sangh and Socialist Party members when Mrs. Gandhi severely criticised the Jana Sangh for staging a satyagraha for recognition of Bangla Desh.

An angry Mrs. Gandhi accused the Jana Sangh, saying that those who had made fun of satyagraha during the freedom struggle were also resorting to it now.

Dr. Bhai Mahavir (JS) and Mr. Raj Narain (SSP) protested when Mrs. Gandhi began referring to the sacrifices her family had made during the freedom struggle.

The two members interrupted the Prime Minister for several minutes and she had to sit down for a few minutes in the excitement and noise that followed.—U.N.I.

## Crash job scheme in 8 States

NEW DELHI, August 11: The Minister of State for Agriculture, Mr. Sher Singh, told the Lok Sabha today that eight States had already initiated work under the crash programme for providing employment to the uneducated unemployed.

He said five other States would start the work under the programme after the monsoon.

Mr. Sher Singh was replying to a 30-minute discussion raised by Mr. N. N. Pandey (Cong-N) to impress on the Government the need to expedite work under the crash programme to meet the acute unemployment problem in rural areas.

Mr. Sher Singh said that under the scheme for rural employment 60 per cent. of the total allocation would be spent on building roads and 25 per cent. on minor irrigation works.

In the course of the discussion earlier, members complained that the Government did not have the correct figure of the unemployed.—U.N.I.

## Bill to curb insults to national honour

NEW DELHI, August 11: The Prevention of Insults to National Honour Bill, which was inconclusively discussed in the Lok Sabha today, received support from all sections of the House.

Some Opposition members, however, pleaded that the punishment under the Bill should be reduced from three years of imprisonment. Ruling Congress members said that the punishment should be made more "stringent."

The Opposition members also pointed out that the provisions of the Bill should not be used to suppress parties or persons who suggested genuine changes either to the Constitution or to the national flag.

Earlier, piloting the Bill, the Deputy Home Minister, Mr. F. H. Mohsin, said the measure had been brought forward following deliberate disrespect shown by some elements to national symbols like the flag and the Constitution.—U.N.I.

The Minister of Steel and Mines, Mr. Mohan Kumaramangalam, assured the Lok Sabha on Wednesday that the melting shop of the Rourkela steel plant which had been damaged following a roof collapse would be restored to normal working by December 15.

ciary. "We do not want any confrontation with the court," he said.

On the contrary, if the Bill was challenged, it would provide an opportunity for the Supreme Court to reconsider its opinion. He recalled how the Supreme Court in the U.S. had validated the new deal legislation of President Roosevelt after his re-election though it had invalidated the same legislation earlier.

Mr. Kumaramangalam expressed surprise over the Jana Sangh's stand that the passage of the Bill would give unlimited power to the Government. It was strange that the party seemed to place greater trust and confidence in the courts rather than in Parliament and its elected representatives.

Mr. Kumaramangalam denied charges that he had held the Constitution and the Supreme Court responsible for the lack of progress while intervening in the debate on the Bill in the Lok Sabha.

He had only said that certain judgments stood in the way of change.

## SETALVAD'S SUPPORT

Earlier, Mr. M. C. Setalvad, a former Attorney-General, supported the Bill which sought to "right a wrong done to the makers of our Constitution."

Mr. Setalvad said the makers of the Constitution incorporated Article 368 to amend the Constitution but this was nullified by the Supreme Court's judgment. "It was a decision borne out of fear that fundamental rights would be taken away or 'whittled down.'"

The judgment meant that Parliament could no longer alter Part 3 of the Constitution dealing with fundamental rights. This situation did not obtain in any country.

Mr. Setalvad said there had been some talk outside regarding danger to the liberty of the people. But the preservation of liberty depended not on "what is written in the Constitution but on how the people and their representatives behave and discharge their duties to the nation."

"Therefore, liberty can be protected not by judges but by the representatives of the people performing their functions with due responsibility," he added.

Mr. Setalvad said he was sure that the representatives in this House as also in the other House (Lok Sabha) would think "deeply and carefully" before making amendments to Part III of the Constitution which he said, was devised after careful thought by the framers of the Constitution.

Mr. Tilai Vilalan (DMK) said the Bill sought to make the "invisible powers" to amend the Constitution "visible" now.

Quoting from the constitutional provision regarding amendment of the Constitution, he said the Constitution did not impose any limitations on amending it. Parliament had the right to amend any part of the Constitution.

Mr. Shyam Lal Yadav (BKD), who supported the Bill, urged the Prime Minister to appoint Harijans and members of the backward classes as judges in High Courts and the Supreme Court.

Mr. Tilai Vilalan (Cong-N) disagreed with those who made disparaging remarks against the judges. He, however, said that the judgment in the Golaknath case was "perverse."

He said the Bill should have been brought earlier.

**"PARLIAMENT NOT SUPREME"**  
Mr. Babubhai Chinai (Cong-O), opposing the Bill, said it was incorrect to say that the pre-Golaknath case situation was being restored through the Bill. "The amendment to Article 13 of the Constitution proposed to give more than ordinary legislative power to Parliament."

He said the present Bill and the next one would not improve the status of the citizen but place him in a subordinate position.

He also did not agree that Parliament was supreme. The argument that there must be a collective submission of people to Parliament and whatever it did in its wisdom was in point of fact legal, constitutional, and just was entirely wrong.

Mr. S. S. Sanval (CPM) said the fundamental right to property should go because where there was property there was poverty. He favoured a new Constitution and a new Constituent Assembly that reflected the aspirations of the people.

Mr. Suraj Prasad (CPI) welcomed the Bill.

Mr. N. P. Shani (SSP) saw political motives behind the Bill. It would neither end poverty nor usher in socialism.

Mr. J. P. Yadav (JS) alleged that

the Government was creating an illusion that only the judgement in the Golaknath case stood in the way of all progressive measures. The ruling party had its eye on the elections.

Replying to the debate, Mr. H. R. Gokhale, Law Minister, agreed with Mr. Kumaramangalam that it was the duty of Parliament to restore its sovereignty as representatives of the sovereign people to amend any provision of the Constitution for the welfare of the people, if that sovereignty had been taken away or restricted by a Supreme Court judgment.

He said two parties were trying to divert the people's attention from the main issue by bringing in "falacious" arguments that the Bill should be referred to the Supreme Court for its opinion or to a select committee or a referendum should be taken or restrict the measure to only property and not all fundamental rights.

Mr. Gokhale said the matter had been discussed so elaborately that the Supreme Court's opinion was not necessary. Where was the guarantee that the court would give its opinion at all? The Supreme Court had said once that it was not bound to give any opinion.

Again, where was the guarantee that the Supreme Court would abide by its opinion in the event of a concrete case arising before it later. The Supreme Court had also said that it was not bound by its given opinion. Moreover, was it proper to ask the court's opinion in the existing circumstances?

The Minister said those who advanced the argument of referendum forgot that Article 368 was part of the Constitution which provided for amendments to the Constitution.

He said the question of reference to a select committee did not arise as Mr. Nath Pai's Bill, which was similar to the present one, was referred to the select committee which had elaborately considered it and its report was before the members.

He appealed to members not to play "dilatatory tactics." Some members had already described it as a belated measure.—U.N.I. and P.T.I.

## Much more for your money!

# mm FOAM MATTRESSES

SNUGLY FITTED  
SPECIALLY WOVEN  
FABRIC COVER!

STANDS UP  
TO ROUGH USE  
FOR AGES!

THE LABEL IS  
YOUR GUARANTEE  
OF QUALITY!

BETTER VALUE  
FROM ANY POINT  
OF VIEW!

**M. M. RUBBER COMPANY  
PRIVATE LTD.,**  
50, Old Custom House Road,  
Bombay 1. Phone 255222.

mattresses - pillows - travel kits and cushions

**mm FOAM**—the foam rubber of exclusive quality

Sisla-MEM



## Bank of Baroda thinks you should save for a rainy day.

**WHY DON'T YOU START A SAVINGS ACCOUNT AT BANK OF BARODA? COME RAIN, COME SHINE, IT WILL TAKE GOOD CARE OF YOU.**

It's great to save with Bank of Baroda. Especially now that the interest rates have been raised. Which means every rupee you save earns more money than ever before. You can open your Savings Account at Bank of Baroda with as little as a rupee. And what's more, a Savings Account with us allows you to withdraw as often as 120 times a year and yet earn a handsome interest. Contact your nearest Bank of Baroda branch for further details.

No. **SB/112** A 111111

Code No. **7**

Bank of Baroda

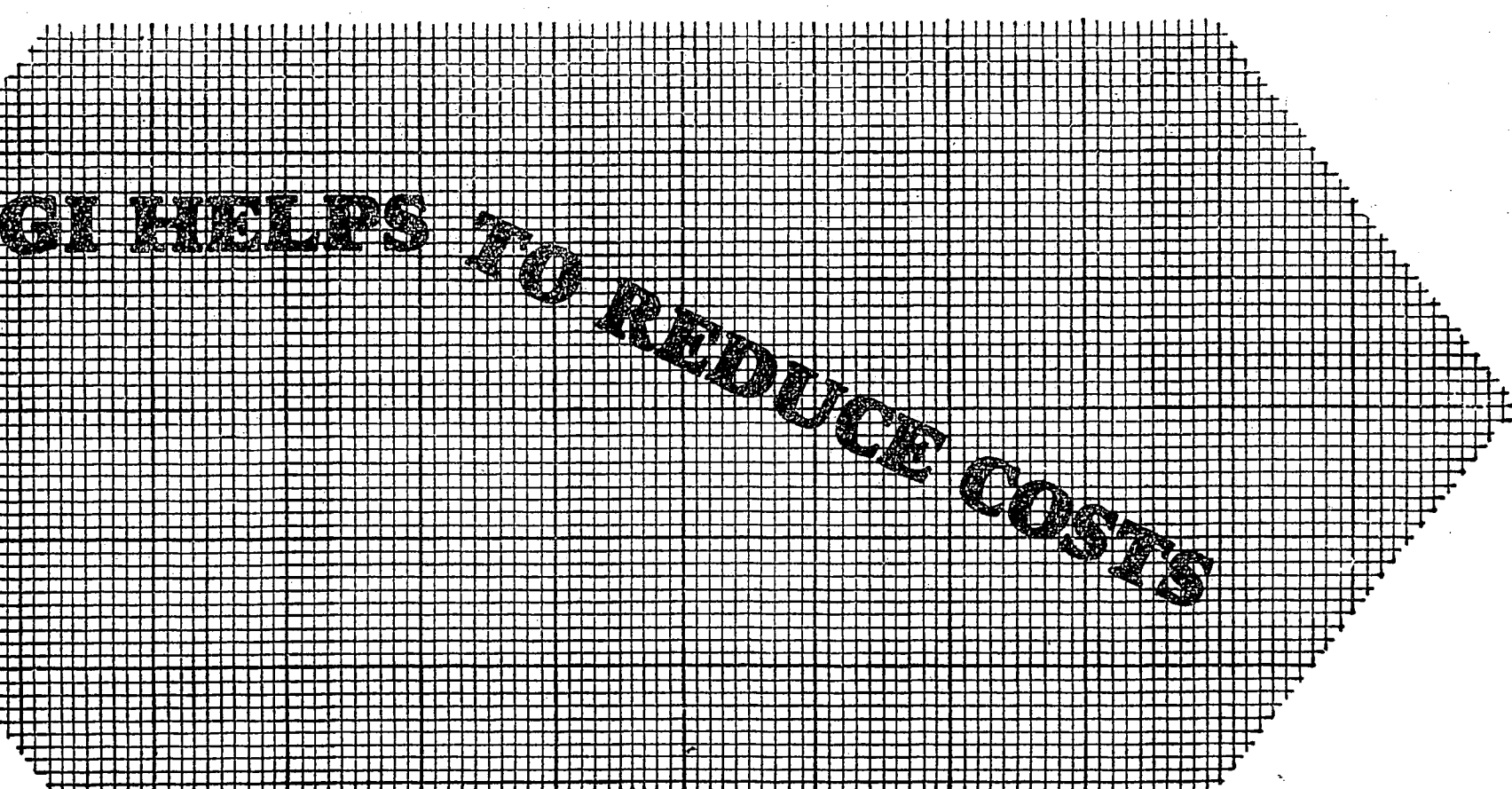
Pay  
Rupees

19

Bearer

A/c No.

Bank of Baroda, H.O. Mandvi, BARODA. A network of over 550 branches serving almost every State in India. Also in U.K., East Africa, Mauritius, Fiji Islands and Guyana.



GI helps the customers to reduce costs of production by Quality, and Service.

GI manufactures a wide range of Graphite products—Electrodes, Anodes, Specialities, Carbon Paste etc. Product performance in India and abroad has proved that GI quality is better and the consumption of Graphite and Electric power is lower when GI products are used.

The GI customer service helps considerable savings in the costs of production. GI technicians carefully study the requirements and problems of the customers and keep complete records of the types of application and the materials supplied to ensure smooth functioning of the customers' plants. Their advice and guidance in the proper use and standardisation of Graphite products reduce wastage, down time and increase productivity.



**GRAPHITE INDIA LIMITED**  
14 NETAJI SUBHAS ROAD, CALCUTTA-1.

SEKAI/GI/284