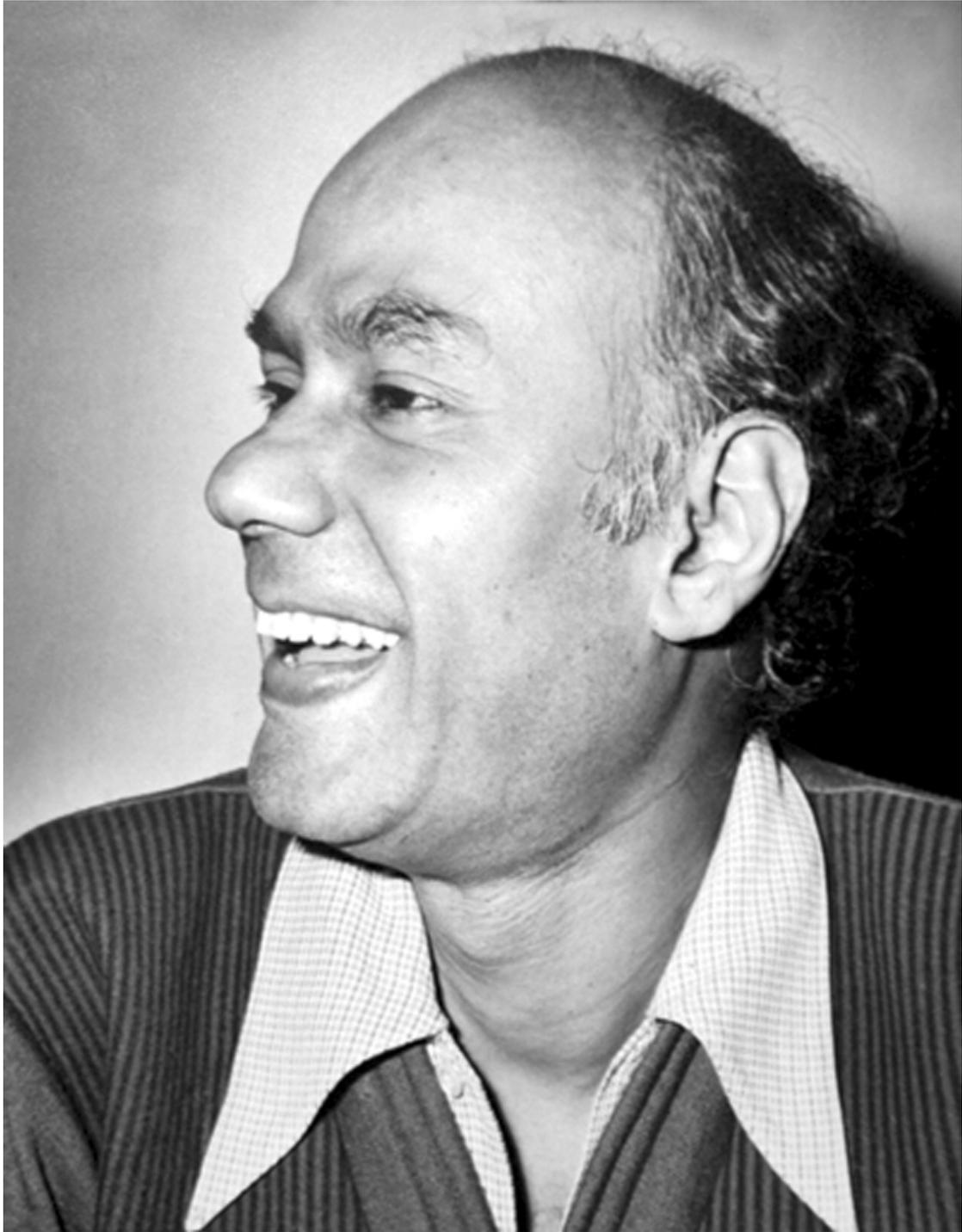


A Paean for Pai – a Pearl in Parliament



Remembering Nath Pai is remembering what can be soft, gentle and suave in politics. He would have been 90 years 'young' this 25th September were he alive. My 'encounter' with Nath Pai was just a touch and go affair. When he was in Bangalore in connection with a parliamentary committee meeting and was staying in the MLAs hostel, S.Sivappa, the leader of the opposition in the Karnataka Assembly and the Chairman of the Karnataka Praja Socialist Party and A.H.Shivanandaswamy, MLC and the Provincial Secretary of the Karnataka PSP, had so affectionately taken me, a college student who was active in the Samajavadi Yuvak Sabha, along with them to meet Nath Pai. The few moments that I spent with him travelling in a car to one of his friend's house in Bangalore are still etched clearly on my mind. Nath spoke to me in the car. He had read my article in Janata defending his Constitution Amendment Bill for restoring to the Parliament its power to amend the fundamental rights also. Imagine my elation that 'Nath Pai' had read 'my' article. He said that he would like to give me more information about it. But then he being, a very busy person, that was not to be. That was my first and last meeting with Nath Pai.

Nath Pai was born on 25th September 1922 in Vengurla of Ratnagiri district, Maharashtra as the youngest son of a Post Master. After completing his primary education at Vengurla, he had come to Belgaum, my native place, for higher education. I have heard from his contemporaries that during the Quit India movement, he along with his friends raided a police station in Belgaum and escaped only to be caught later, beaten up and imprisoned. This disrupted his education. He completed his matriculation in 1940, did his intermediate in college in 1945 and got his degree in 1947. He then went to London at the age of 25 to become a Barrister-at-Law.

In England he came in contact with leading social democrats of England of the time, Clement Attlee, Brailsford, Fenner Brockway and Sorensen etc. He became the President of the Indian Majlis, the Vice-President of League Against Imperialism. When in 1951, a 'British Asian Socialist Fellowship' was organised in London, Clement Attlee became its President and Nath the Vice-President.

The first time I had heard of Nath Pai was from my father. If 'Quit India' movement had disrupted Nath's studies in India, the first general elections in independent India disrupted his stay and studies in England. He was called back to India to contest elections to the then Bombay Legislative Assembly from Belgaum Urban constituency as a candidate of the then Socialist Party. My father was then in Kisan Mazdoor Praja Party and the KMPP had fielded a candidate for the Lok Sabha from Belgaum parliamentary constituency. My father and Nath Pai had campaigned together for the KMPP candidate for the Lok Sabha and Nath Pai for the Assembly. Nath Pai's oratory would draw crowds in thousands. Nath was exultant of his victory. But then my father was sceptical that the attendance at his meetings may not get converted into votes. The same happened and both lost. Even congress lost the assembly seat which went to an independent.

Thereafter Nath went back to London to complete his studies and became a barrister-at-law. In 1954 the Copenhagen conference of the International Union of Socialist Youth, a front organisation of the Socialist International, elected

him as the President and Nath continued to be the President for four consecutive years. Trying to garner funds for a Sane Guruji memorial, Nath visited Vienna, Austria. There he even thought of doing his Ph.D., on "Impact of Upanishads on German Philosophy". However that could not be. It is here that he met his match, Crystle, a young socialist from Austria, and married her. Nath Pai had mastered German and French languages too. Was it Crystle who taught him German or was it because of her that he learnt German?

In 1952 elections to the Parliament, another son of Ratnagiri, N.G.Goray, popularly known as Nanasaheb Goray, a mentor of Nath Pai, had contested from Ratnagiri South constituency as a Socialist Party candidate and had lost to Moreshwar Joshi of the Congress by 19,257 votes. In the 1957 elections while Goray got elected from Pune, Nath Pai, with a vengeance, wrested the Ratnagiri seat from the very Moreshwar Joshi by 1,03,103 votes. Nath had polled 1,24,593 votes i.e., 80.65% of the votes polled and had relegated Morey to just 13.91 % votes. Nath Pai's charm had worked. His impact on the constituency was so much that the constituency, which was later named 'Rajapur', not only returned him to the Lok Sabha three times but even after his death, returned his protégé, Madhu Dandavate, five times. Some times I wonder if Madhu Dandavate got his 'soft, gentle and suave' nature from Nath. Rajapur even withstood the 1971 Indira Gandhi deluge and returned Madhu Dandavate. It took the assassination of Rajiv Gandhi to unseat a socialist from Rajapur.

Nath Pai made a name in Parliament. He was made the Deputy Leader of the PSP in Lok Sabha. Journalist H.K.Dua says that Nath Pai 'could hold the House spell-bound commenting on foreign policy'. While some compared his speeches in parliament to 'ikebana', writing in The Hindu of 17th April 2012, Gopalakrishna Gandhi uses the adjective 'excoriating' for Nath Pai's speeches in Parliament. Another journalist called him 'Nehru's Nemesis'. But this Nemesis was not acerbic but gentle and was without rancour. Writing an editorial on the deterioration of parliamentary standards, The Hindu wrote on 30th August 2004 "Parliament-watchers are wont to recall the dignity and style of legislative conduct in the faraway days when such greats as Jawaharlal Nehru and Nath Pai gently sparred on the floor of the House". Nehru himself called Nath Pai a 'gentleman politician'.

Of Nath Pai's speeches in Parliament, D.B.Karnik, a journalist who covered the Lok Sabha proceedings, writes "Once he had the floor to himself, he would not miss a single opportunity to put his opponents, particularly the ruling party, in the wrong box. Then quotations would flow, in English, Marathi and Sanskrit. There would be stories and anecdotes. There would be legal arguments and a flourish of emotional outbursts. Above all there would be the beauty of the language coming out with such superb power of expression". He was at times almost poetic and at times literally clinical. During the debate on Chinese aggression he said "There was a thrombosis of the will on the part of some of our leaders. There was a thickening of the emotional arteries and that was the cause of all the mischief, all the misfortune and all the tragedy that befell our nation".

Nath Pai introduced several private members' bills in parliament. **They bear witness to his phenomenal foresight.** He tabled a bill for setting up a permanent commission for redressing grievances in connection with the linguistic reorganisation of states. He tabled a bill to set guidelines for appointment of Governors. On 28th August 1970 he introduced a bill to include the 'right to work' in the chapter on Fundamental Rights in the Constitution. Foreseeing the abuse of power during a possible 'emergency', he tabled a bill to preserve fundamental rights even during the declaration of emergency.

Though foreign relations were Nath Pai's forte, he is more known for his Constitution Amendment Bill. Any student of law would be familiar with the feud between the Parliament and the Supreme Court regarding the property rights. The family of Henry and William Golak Nath held over 500 acres of farm land and under the Punjab Security and Land Tenures Act of 1953 the family was allowed to keep only 30 acres for each member and the rest was taken away by the State. The Golak Naths challenged the law on the ground that the Punjab law took away their constitutional right to acquire and hold property and on 27th February 1967 the Supreme Court declared that the Parliament had no power to amend the Fundamental Rights and thereby protected the right to property.

Thereupon Nath Pai introduced a Constitution Amendment Bill in Parliament on 7th April 1967 to annul the Judgement and restore to parliament its power to amend the fundamental rights also, though the Supreme Court had said that such 'restoration' was possible only if and when the court itself reversed its present judgment or by a new Constituent Assembly, the latter suggestion, according to P.Kodanda Rao, "raises several constitutional conundrums, which are not only of academic interest but are fraught with serious practical consequences".

The Bill was debated on the floor of the House and also in the Select Committee. The debate brought out Nath Pai's erudition. In his speech defending his Bill, Nath Pai extensively quoted from Justices Holmes and Philips Frankfurter of the US Supreme Court, Thomas Jefferson, the President of the United States, Sir Francis Bacon, British Jurist A.V.Dicey, Dr.B.R.Ambedkar, Thomas Paine, Prof. Laski and many others.

When some critics said that the passage of the Bill would open the flood gates for a totalitarian regime, Nath Pai had replied "A totalitarian regime is not prevented from coming here because there is a Supreme Court; but because my countrymen are committed to democracy. We remain a democracy, not because of the charity or interpretation of a court." How true, was Nath Pai's political foresight. The later events proved that it was the Supreme Court which 'crawled' before a dictator and it is the people who threw the dictator into the dustbin.

There was another, more political angle to it. Justice Wanchoo, who was part of the Supreme Court Bench which heard the matter and who later became the Chief Justice of India, had said "But having regard to the past history of our country, it (Supreme Court) could not implicitly believe... the representatives of the people, for uncontrolled and unrestricted power might lead to an

authoritarian State". Some of Nath Pai's even 'socialist' colleagues, by opposing his bill, tacitly agreed with this formulation of Justice Wanchoo. But Nath Pai retorted in Parliament saying "I have got my right, with all my respect for the judiciary, to express my greater faith in the wisdom of my people; I respect the judiciary, but I respect my people more. They are dumb and they are illiterate, I know, but through their dumbness came the freedom of this country and not through the scholarship of a bunch of individuals and scholars".

But the Congress government would not listen to Nath Pai. It needed the striking down by the Supreme Court of the two measures of nationalisation of banks and the abolition of the privy purses and the electoral victory of the Congress Party in the 1971 elections in which the constitution became an issue for the first time, for the Congress to agree with Nath Pai's stand. While the Congress government got the Constitution 24th Amendment, which was on lines with Nath Pai's Bill passed in Parliament, the Supreme Court did not have the courage to strike down the amendment but found an escape route by saying that though the Parliament has the power to amend even the fundamental rights, it cannot alter the 'basic structure' of the constitution, whatever that may mean.

Nath Pai was not only a democrat, he was also a socialist. He was the leader of the Postal Employees Union and the Northern Railwaymen's Union. He also led the strike of Central Government Employees in 1960. He played an important role in the liberation of Goa from Portuguese rule. It was Nath Pai who had dreamt of the 'Konkan Railway' as part of his plan for the overall development of the Konkan region and as a member of parliament had insisted for it. His efforts bore fruit when in March 1970 he received a letter from the then Railway Minister, Govinda Menon, that a detailed survey of 'Apta-Mangalore' line was being taken up and would be completed speedily. Later it was Nath Pai's political heir Madhu Dandavate, as the Railway Minister in the Janata Government in 1977, who realised Nath Pai's dream of Konkan Railway.

When in the scheme of linguistic reorganisation of states, Belgaum was made part of Karnataka and not Maharashtra as the Marathi speaking people of Belgaum had demanded, Nath Pai took up their cause and agitated for inclusion of Belgaum in Maharashtra. Some Marathi speaking people had died during a police firing in Belgaum during the agitation. On 17th January 1971, on an anniversary of the martyr's day, Nath Pai spoke at a public meeting in Belgaum for one hour in spite of his ill health and against doctor's advice. Reminding them that he had fought for them inside and outside the Parliament and saying that he had at last repaid the debt of love and affection showered on him by the Marathi speaking people, he collapsed on the stage. Nath Pai had a good heart, emotionally, but alas, not biologically.

Nath Pai was very dear to the people around him. Many educational institutions have been started in his name: Barrister Nath Pai Vidyalaya and Junior College, Bhandup, Br. Nath Pai College of Nursing, Sindhudurg, Nath Pai Shikshan Samstha, Sindhudurg, Br. Nath Pai College of Education, Kudal, Br. Nath Pai Juinor College Of Science, Lanja, Harche, Br. Nath Pai Sakhar High School, Rajapur, Nath Pai Memorial Education Dr. Ambedkar Higher Secondary School

in Goa and many more. Barrister Nath Pai Sevangan in Malvan region of Maharashtra is rendering yeomen social service to the people of the region.

I admire Nath Pai for what he was. My singing of a paeon for Pai has another very personal and 'nominal' angle. His father's name was also Bapu. That was Barrister Nath Bapu Pai.