

very valid point. But at the moment, as hon. Member Shri Sanyal said it is much better for us to ensure that the things are not taken out and frozen as they are rather than providing incentive to the smugglers to go ahead. In the light of this, I would appeal to the hon. Member not to press the amendments.

श्रीमती लक्ष्मी कुमारी चूडावत : मेरा यह कहना था कि कमिसेशन शब्द न लगा कर अमाउंट लगा दिया जाये क्योंकि आपकी इतनी ताकत नहीं है कि कमिसेशन चुका सके अगर अगली दफा करने का विचार हो तो मैं इसको वापिस लेती हूँ।

Amendment Nos. 3 and 4 were by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : The question is :

'That clause 20 stand part of the Bill.'

The motion was adopted. Clause

20 was added to the Bill.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Hon. Member, Shrimati Lakshmi Kumari Chundawat, wanted New Clause 20A to be inserted in the Bill. But she is not moving that amendment.

Clauses 21 to 33 were added to the Bill'

Clause 1, the Enacting Formula and the Title were added to the Bill.

PROF. S. NURUL HASAN : Sir, I move :

"That the Bill be passed."

The question was put and the motion was adopted.

^t For texts of amendments see col. 204

THE RULERS OF INDIAN STATE (ABOLITION OF PRIVILEGES) BILL, 1972.

THE MINISTER OF LAW AND
JUSTICE AND PETROLEUM AND
CHEMICALS

SHRI H. R. GOKHALE : Sir, I beg to move :

'That the Bill further to amend certain enactments consequent on derecognition of Rulers of Indian States and abolition of privy purses, so as to abolish the privileges of Rulers and to make certain transitional provisions to enable the said Rulers to adjust progressively to the changed circumstances, as passed by the Lok Sabha, be taken into consideration."

In December last, this House, by an overwhelming majority, endorsed the abolition of privy purses and the concept of rulership.

Consequent on the enactment of the Constitution (Twenty-sixth Amendment) Bill, 1971, various administrative steps were taken to withdraw the privileges which attached to the former Rulers by virtue of executive orders and statutory notifications. Some of the privileges of these Rulers have been provided for by certain enactments. Since there were no Rulers, the relevant provisions of these enactments have also ceased generally to be applicable, though some technical arguments in favour of the view that some of these provisions continue to be operative cannot be eliminated without a formal amendment of the enactments.

The Bill before the House seeks to complete the process which was set in motion by the enactment of the Constitution (Twenty-sixth Amendment) Act by making the necessary changes in the various enactments.

[Shri H. R. Gokhale.]

While the concept of rulership and Rulers as privileged class has been done away with, the Bill does take into account the human problem which has resulted and seeks to make some provision for this. As the Prime Minister pointed out while moving the Constitution (Twenty-sixth Amendment) Bill in the other House, there is no personal animus against any individual prince. Accordingly, as a transitional measure to avoid undue hardship to the individuals concerned certain concessions are sought to be given or continued to the ex-Rulers by the Bill. These, however, are extremely limited in their scope and would apply only to those who were Rulers prior to the commencement of the Constitution (Twenty-sixth Amendment) Act. These provisions will spend themselves out in course of time.

I shall now explain briefly the provisions made in the Bill in respect of privileges available to former Rulers under the various enactments. These privileges fall into two broad categories:

- (1) Privileges under the procedural laws namely, the Code of Criminal Procedure, 1898, and the Code of Civil Procedure, 1908, and
- (2) exemptions under the taxation laws, namely, the Wealth-Tax, Act the Gift-Tax-Act and the Income-Tax Act.

I shall now deal with the privileges under the procedural laws.

Section 197A of the Code of Criminal Procedure provided for two privileges. In the first place, the previous sanction of the Government is necessary for taking cognizance of an offence alleged to have been committed by a Ruler of a former Indian State. In the second place, the Central Government has to determine the person by whom and the manner in which the offence or offences for which the prosecution

of a Ruler of a former Indian State is to be conducted and that Government has also to specify the court before which the trial is to be held. By virtue of the amendments proposed in clause 2 of the Bill, these privileges will henceforward be available only in relation to offences committed before the commencement of the Constitution, i.e., the 26th day of January, 1950, by a person recognised as a Ruler before such commencement.

Under section 87B of the Code of Civil Procedure, 1908, a former Ruler was immune from arrest under the Code. Except with the consent of the Central Government, a suit against a former Ruler could not be tried and a decree against a former Ruler not be executed against the property of such Ruler. Further, a Ruler could request the central Government to appoint any person to prosecute or defend any suit on behalf of such Ruler. By virtue of the amendments proposed in clause 3 of the Bill, these provisions would be available only in respect of a suit based upon a cause of action which arose before the commencement of the Constitution or any proceedings arising out of such suit and that too only in relation to persons recognised as Rulers before the commencement of the Constitution.

Sir, the continuance of the provisions of section 197A, Code of Criminal Procedure and section 87B, Code of Civil Procedure, in respect of pre-Constitution offences or acts will have very limited operation in actual practice and is in accordance with the observations of the Supreme Court that broadly, in the light of the basic principle of equality before the law for past dealings and transactions, protection may justifiably be given to Rulers of former Indian States.

As a consequence of the abolition of the privileges under section 197A, Code of Criminal Procedure and Section 87B,

Code of Civil Procedure, in respect of offences or acts subsequent to the commencement of the Constitution, it is no longer necessary to retain section 168 of the Representation of the People Act, 1951, which provides that (the provisions of those sections will not apply in relation to a Ruler who has been nominated for an election from the date of such nomination till the declaration of the result of the election and also in respect of certain offences alleged to have been committed at or in connection with such election. Hence that section is being omitted by clause 4 of the Bill.

I now pass on to deal with the exemptions under taxation laws. The exemptions under the Income-tax Act in respect of privy purse and under the Gift Tax Act in respect of gifts made out of the privy purse have virtually become otiose with the abolition of privy purse and the relevant provisions are being omitted. With a view to enabling the Rulers to adjust themselves progressively to the changed circumstances, it is proposed to continue the exemptions under the Wealth-tax Act, 1957, in respect of one official residence and heirloom jewellery of each former Ruler for his life-time. The continuance of the exemption in respect of heirloom jewellery is also in the national interest because the exemption is subject to a number of restrictions which are designed to ensure that the heirloom jewellery is not converted, disposed of or sent out of India. Likewise, it is also proposed to provide for exemption of *ex-gratia* payments which may be made by the Central Government to the Rulers consequent on the abolition of privy purse and to restrict the exemption in respect of palaces to one palace. If these *ex-gratia* payments are to serve the intended purpose of enabling the Rulers to adjust themselves to the changed circumstances, it is necessary to provide for exemption of the same.

I commend the Bill for the consideration of the House.

SHRI BHUPESH GUPTA (West Bengal) : Is the hon. Minister aware that before the Bill came, the Maharaja of Faridkot, for example, is trying to sell his property to the Defence Ministry at Rs. 40 lakhs in Punjab? Certain other ex-princes are also trying to sell their properties with the collusion of some Government officials. There is also a report that Nizam's palace is said to be sold. We have got reports about the Faridkot Maharaja's properties being encashed with sale to the Defence Ministry; some officers are involved. Has he got any such information with regard to this matter? What steps has the Government taken to prevent such sale of properties by ex-Princes? Have any steps been taken to prevent such sale of property? I do not know the final decision taken by the Government in this matter.

SHRI H. R. GOKHALE : I will deal with this in my reply.

SHRI BHUPESH GUPTA : Sir, on a point of order. The Government did not mention anything about the so-called traditional allowance. It is a kind of purse being given to them. It is a kind of privy purse. Rupees ten crores and seventy-five lakhs is the amount. It is inconsistent with the spirit of the abolition of the privy purses and the Constitution amendment, and also inconsistent with the spirit of the Bill the hon. Minister has brought here. Therefore, I would like the hon. Minister to say something about this kind of indirect payment to the princes.

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : There is no point of order in that.

SHRI H.R. GOKHALE : It is not a point of order. I will deal with this in my reply. It is not a point of order.

SHRI BHUPESH GUPTA : The point of order is this. Here is a legislation which

[Shri Bhupesh Gupta-] is supposed to give effect to the Constitution amendment. And in consonance with that I maintain that this Bill violates the spirit of the Constitution amendment in so far as something has been done which is a fraud on the Constitution amendment which was meant to abolish the privy purses. We did not pass a Constitution (Amendment) Bill to provide for Rupees ten crores and seventy-five lakhs for the princes.

THE VICE-CHAIRMAN (Shri V. B. Raju) : This is no point of order.

The question was proposed.

SHRI VEERENDRA PATIL (Mysore)
Mr. Vice-Chairman, Sir, I rise to offer my comments on the Bill which is under consideration now. Sir, the title of the Bill rather misleading or confusing. The title says: The Rulers of Indian States (Abolition of Privileges) Bill, 1972. The object of the Bill is to abolish the privileges that the Rulers have been enjoying all these years, but I find that this Bill seeks not only the abolition of the privileges but also continuance of certain privileges in a modified form. So far as the abolition of privileges is concerned, I, on behalf of my party and on my own behalf, welcome this measure. So far as the continuance of the privileges is concerned, I do not know why the Governments should think it necessary to continue these privileges. There is a provision made for *ex-gratia* payment. Of course, after amending the articles of the Constitution, in future there is no question of making any or paying any compensation. They have, therefore, not used the word 'compensation deliberately'. They want to make *ex-gratia* payment. We do not know how much by way of *ex-gratia* payment is going to be paid to all these Princes, how much every individual or ex-Ruler after this legislation is going to get but we understand from the provision made in the Supplementary

Grants that about ten crores and seventy-five lakh rupees have been earmarked for this purpose. I do not know whether it is a lumpsum amount to be paid to these ex-Rulers by way of *ex-gratia* payment or this is the amount that is going to be spent every year in paying *ex-gratia* to these ex-Rulers. Again we will not be satisfied if the hon. Minister in charge of this Bill, while replying to the debate, says that this is the amount we have provided for them and we are going to make this payment to all these ex-Rulers after this Bill is enacted. We want to know and we have got every right to know as to how much every Prince is going to get. It is necessary for us to know because in the past when such a Bill, i.e. Abolition of Privy Purses Bill, was moved in this House, our Party took exception to that because at that time also they did not come forward with a clear-cut statement about the compensation or about the *ex-gratia* amount that was going to be paid to the ex-Rulers and they have repeated that mistake again. We have every right to know how much each ex-Ruler is going to get because there are more than five hundred odd Rulers in this country. How much is every Ruler going to get? Whether he is going to get in one lump or he is going to get every year, this is not at all clear. I was listening to the hon. Minister's speech while he was moving this Bill but he has not said about this *ex-gratia* payment. Therefore, we feel that *ex-gratia* payment, whatever it is. I am not opposed to it, but we have every right to know how much you are going to pay. What is your policy, why you are not coming out openly saying that this is the *ex-gratia* amount to be paid to them. I am not opposed to paying them some *ex-gratia* amount, it is not at all my intention when I am saying anything with regard to *ex-gratia* payment, but we should know how much you are paying and what is your policy. Why are you keeping it as a secret? Actually, this was the proper occasion for the Government to come out with such a

statement but they are deliberately withholding it. I do not know for what reasons they are withholding this statement.

Sir, these concessions are being allowed to the Rulers with a purpose and they have made it very clear what is the purpose behind. They say that the purpose is to adjust themselves progressively to changed circumstances, and the hon. Minister just now said this is a humane problem. I want to know when the concession is for life-time there are certain concessions which are for life-time where is the question of their adjusting themselves to the changed circumstances? When they are going to enjoy these concessions for life time then I think they will have to adjust themselves after they leave this world. What is there for them to adjust, I do not understand. The point is, I find there is a marked change in the attitude of the Government. I was one of those who was very happy and I wholeheartedly supported the Government when such a measure was brought. We thought that the Government was sincere...

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI OM MEHTA): Your party did not vote for it.

SHRI VEERENDRA PATIL : My party had supported it: not that they had opposed this in principle. At that time also my party wanted to know what was the amount that was going to be paid to these Rulers because they felt that if it was left ambiguous there was a lot of scope for manipulation afterwards. Only on that score this Bill was opposed by my party,

SHRI BANARSI DAS (Uttar Pradesh): Deliberately you are distorting facts which are on record.

SHRI VEERENDRA PATIL: Sir, our friends on the other side have become sympathetic to these Princes overnight. Now they have started saying this as a humane problem. They never thought that it was a humane problem at the time of abolishing their Privy Purses. They never thought that it was a humane problem at the time of de-recognising these Rulers. It is only now they are saying it is a humane problem because they exploited this issue fully during the mid-term elections and also during the last General Elections and now, all of a sudden, they have come out with such a statement that this is a humane problem and it has to be dealt with on compassionate grounds. I will go a step further and say that there are Chief Ministers belonging to their party who have made categorical statements on the floor of the Assembly that we must have all sympathy for these Rulers, after all, they had their contribution to this country. So far as the Chief Minister of Mysore State is concerned, he has gone on record saying that the Maharaja of Mysore deserves all help and all sympathy because he is in financial trouble, because he is not enjoying good health. I want to know since when this sympathy has arisen in the mind of the ruling party. I want to know what about those people who are underprivileged. There are millions and millions of people who are under-privileged in this country; there are millions and millions who are on the footpath. They have no house to live in. You go to Bombay, you go to Calcutta, you go to any big city, you will find that they are living only on the footpath; they do not have any shelter.

SHRI BANARSI DAS: Even here in Delhi.

SHRI VEERENDRA PATIL: What about those who do not have anything? We are now at the fag end of the Fourth Plan. We have spent nearly 70 to 75 thousand crores but still there is so much

[Shri Veerendra Patil.] of poverty in the country. In our country more than 203 million people, according to the statistics provided by the Government, are below the poverty line or subsistence line. And what is the poverty line? The poverty line is an income of Rs. 20 a month. They do not have an income of even Rs. 20 a month. I want to know whether it is not the duty of the Government to think of all these underprivileged people before they think of the ex-rulers. I want to know what they are doing to improve the condition of the underprivileged people. There is so much of unemployment in the country. Prices are soaring high. Within one year the price rise of jowar is 15.8 per cent; bajra 39.4%; pulses 25.3%; sugar 28.3%.* And according to the information made available, the value of the rupee has also gone down; it is not 100 paise but it is just 42 paise. When this is the state of affairs, when this is the economic condition of the country, I would like to know where is the justification in thinking of a few, a handful of, princes saying that it is a humane problem? Sir, by giving exemptions Government is establishing a dangerous precedent. Whatever *ex gratia* amount is going to be granted to these rulers, it will be exempt from the operation of the Income-tax law and one palace building from the property tax. Now the rulers have to choose which palace they want to have as their official residence. That will be exempt from Wealth-tax. Jewellery is also exempt from Wealth-tax. So these exemptions are being given. Now, as I said, Sir, they are establishing a dangerous precedent. Very soon the Land Reforms Bills, which are already before the State Legislatures, are going to be passed into law and the proposal is to reduce the ceiling limit. After reducing the ceiling over and above the ceiling limit, the land is going to be taken over by Government for distribution among the landless. We have welcomed it. So while taking over

the surplus land your government is bound to give—I shall not use the word 'compensation' because they are not giving compensation—but they are going to make *ex gratia* payment. So I would like to know from the Government whether that *ex gratia* payment which they are going to make to the landholders is going to be free from Wealth-tax and Income-tax, similarly urban property ceiling; the legislation is going to come very shortly. Over and above the ceiling limit, whatever property they are going to take over, they have to pay something as *ex gratia*. I would like to know whether they are going to exempt them from Wealth-tax and Income-tax. If they are not going to do it in these cases—after all they are the middle-class or the lower middle-class or a little upper middle-class people. If they are not going to exempt them from Wealth-tax and Income-tax I would like to know whether it would not amount to discrimination. If it amounts to discrimination, then it is liable to be challenged in courts, and the whole Act is liable to be quashed. So I would like to know the policy of the Government with regard to this. Sir, while abolishing the privileges attempts are being made to create more privileges by back door methods. Sir, to illustrate this further, I quote the instance of Mysore palaces. Unfortunately, all my attempts to extract information in this House have failed. I put a question. It was converted into Unstarred Question. I gave a Calling Attention notice. Government said (that they were not going to accept it. Then I put a Short Notice Question. Even for that the concerned Minister said "No". So I have no other way out except to extract information at least now in this House. So I am availing of this opportunity. There are three palaces; that way Mysore Maharaja has got huge property. He gave a lengthy list of property saying that all that was his private property. Nobody knew how much was his private

property and how much was Government property. But in the anxiety to effect merger at that time all that property was treated as private property. I have nothing to say with regard to that property which is already recognised as the private property of the Maharaja and I do not want to enter into details about that. But with regard to the three palaces, one palace in Bangalore, one palace in Mysore and one palace in Ooty, these three palaces are not the private property of the Maharaja.

There is a condition attached to these three palaces. The condition is that they are not alienable under any circumstances and he has accepted this condition with open eyes. Now, attempts are being made to convert these three palaces into private property of the Maharaja. He was enjoying possession of these three palaces.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): How much time will you take?

SHRI VEERENDRA PATIL: Another five or ten minutes. He was enjoying possession of these three palaces in his capacity as the Ruler...

श्री नमोश्वर प्रसाद शाही (उत्तर प्रदेश): श्रीमन् यद् कार्यक्रम कल के लिए भी लगा हुआ है। प्रातः का जो एजेन्डा है यह २७ और ३० तारीख दोनों दिन के लिए है। बोलने दे उनकी।

उपसभाध्यक्ष (श्री बी० बी० राजू): तरीके से प्रश्न पड़ा है।

श्री नमोश्वर प्रसाद शाही: २ दिन के लिए है। कल के लिए भी है।

श्री ओम् मेहता: एजेन्डा ऐसे ही इसी किया जाता है सेक्टेरिएट में। दूसरे दिन इसमें कोई और भी एडिशन हो जाता है।

उपसभाध्यक्ष (श्री बी० बी० राजू): यह २ दिन के लिए है कह कर लम्बी चौड़ी बातें नहीं करनी हैं। जितना टाइम है उतनी ही करना चाहिये।

श्री ओम् मेहता: बिजनेस एडवाइजरी कमिटी ने सिर्फ २ घंटे एलाट किए हैं।

श्री नवल किशोर (उत्तर प्रदेश): प्रातः चाहें तो उसकी २० मिनट रख सकते हैं। उनमें क्या बात है?

SHRI OM MEHTA: Six or beyond six, we have to dispose of this item.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The only thing is the House has to sit longer.

DR. BHAI MAHAVIR (Delhi): Was it decided that the House should sit till six?

SHRI OM MEHTA: The House will sit till six or beyond six to complete the business. You cannot have both ways.

दुसरा आइटम नहीं लेगे लेकिन इसको तो पूरा करेंगे।

THE VICE-CHAIRMAN (SHRI V. E. RAJU): Please continue.

SHRI VEERENDRA PATIL: Sir, one legal point I was making here that these three palaces the Maharaja was enjoying in his capacity as the Ruler. Now, after the de-recognition of the Rulers, he has no right over these properties and when the Government of India has no right to make any amendments so as to be advantageous to the Maharaja. Regarding these three palaces, the condition of inalienability was accepted by all the parties concerned. The conditions are so rigid and they are very clear. Of the three palaces, in the case of the Mysore palace there is a relaxation. So far as the other two palaces, the palace in Bangalore and the palace in Ooty, are

[Shri Vecrendra Patil] concerned, they are not alienable to any body under any circumstances, not even to the Government, but an exception has been made in the case of the Mysore palace. It is said that if the Maharaja at any time wants to alienate the Mysore palace, such an alienation shall be in favour of the Mysore Government. It has been made very clear. I know it because I have studied this problem. Sir, what was the consideration for accepting this condition? The consideration was that the State Government took the responsibility of maintaining all the three palaces. To this day the State Government, by spending huge amounts, is maintaining all the three palaces. They are spending nearly Rs. 80,000 to Rs. 90,000 on the maintenance of these three palaces. This was one of the privileges enjoyed by the ex-Rulers. The privilege was to enjoy possession of these three palaces during his life-time and during the life-time of his successor. Now all the privileges have gone. The ruler is no more a ruler. The property according to the examination that was done by us at the State level has automatically vested in the State Government. It is no more the property of the Maharaja. When this was the position in 1970 the Maharaja approached the State Government. He was thinking of converting one of these three palaces, that is the Bangalore palace, into a posh hotel. When he approached the State Government, we said: we will examine the position and then let you know. I got the position examined. Not that I had any prejudice against the Maharaja. I have all regards for the Maharaja, all respects for the Maharaja. When it was examined by the Law Department and also by the Advocate General, they said: as long as the Maharaja was the ruler of Mysore he was enjoying these properties and he had limited right in these three properties; now the rulers have been recognized and the privileges have been removed from these three properties.

do not belong any more to the Maharaja. Then we informed the Maharaja. We said: these are our difficulties, we cannot do anything, we are helpless in the matter. Then he preferred to approach the Government of India, and the Government of India in 1970, I think towards the end of 1970, sent a communication to us asking for our comments. They said: the Maharaja has approached us with a request to remove the conditions of inalienability, what have you to say in the matter. Then we got everything examined, and everything is on the record. We examined it thoroughly and we wrote back to the Government of India saying that these three properties, according to the interpretation given by our legal experts, did not belong any more to the Maharaja and therefore there was no question of removing any condition. They kept quiet. When I relinquished office, the Government of India made a fresh reference to the State Government which was under President's rule. I would like to know what prompted the Government of India to make a fresh reference to the State Government when they were already in possession of full details about the case. They tried to get a favourable report from the State Government because they knew that without the concurrence of the State Government it was not at all possible for them to take any final decision. I know. Sir, because from whatever I have heard and I have understood from reliable sources I can only tell this House that although the Governor at the instance of Central Government wanted to send a favourable report at that time, there were protests and some legislators sent protest letters to the governor. So he preferred to defer a decision. He kept the file like that. The present Government within three months after assuming office took a decision and told centre: if you want to remove these conditions and allow the Maharaja to dispose of his property, we have absolutely no objection. The Chief Minister went

to the extent of saying that this is a matter only between the Government of India and the Maharaja and they had nothing to do with it, although he knew that every year according to the Budget estimates and the provision made in the Budget they are spending Rs. 70,000 to Rs. 80,000 on maintenance. Sir, I would not have mentioned and given this emphasis on this problem if it was a small property. This is a property worth more than Rs. 15 crores. The property in Bangalore itself is worth nearly Rs. 10 crores. We are very much concerned about the Bangalore property, not so much concerned about the Mysore palace and the Ooty palace because I had already a discussion with the Maharaja to convert the Mysore palace into a museum, and that proposal is still there. Attempts are now being made to permit the Maharaja to dispose of these properties which entirely belong to the State, and these properties

have been built out of State funds. I do not know whether every Member of

This House has any idea of these palaces. They are palatial buildings with vast compounds in the heart of Bangalore City and Mysore City. They are worth crores and crores. When I want to extract information in this House, the Government of India says that the whole matter is under consideration in consultation with the State Government. And there, in the State Assembly, the Chief Minister said that I have already received a communication from the Government of India, the Government of India has taken a decision and they have indicated their position to me and they have already decided permitting the Maharajah to dispose of the property.

AN HON. MEMBER: This is the socialist regime.

SHRI VEERENDRA PATIL: He has made a statement on the floor of the House—I am not talking anything out of the record. He has made a statement. Not only has he made a statement but he has also read the extracts of the letter that he has re-

ceived from the Government of India. And here when we come and want to extract information, we are told that the entire matter is under consideration. Now, I want to know which statement is correct, whether the statement made by the Chief Minister on the floor of the House—extracts of the letter received by him were also read out by him in the House—or the information furnished to us in this House. My charge against this Government is that they are deliberately suppressing this fact. I also understand that before the Maharajah went to West Germany for treatment, he was here, the Chief Minister and some Ministers had accompanied him. They made an approach to the concerned authority in the Government of India and I am told that he has been assured that "you need not worry, you are going to be permitted." I want to know whether this is the socialistic step. You want to achieve socialism in this country by this method? Why this farce at all? If you have got sympathies for him, you can come out and say, we have got sympathies for this reason. This is one instance which I wanted to quote and bring before the House by way of illustration just to show how backdoor methods are being employed to create rights and privileges for these princes. Attempts are going on to acquire their properties, not only in Mysore. Sir, you are aware that even in Hyderabad attempts are going on to acquire Nizam's property. I want to know why. You are going to bring in urban property ceiling. We know that according to the proposal that is now before the Government of India, only up to five lakhs worth of property is going to remain with them and over and above five lakhs, it is going to be the property of the Government. Knowing full well that such a provision is going to be made, why there is hurry in acquiring this property and paying handsome compensation. There is a deep-rooted . . .

THE VICE-CHAIRMAN (SHRI V.B. RAJU): You finish.

SHRI VEERENDRA PATIL: I am finishing in a minute or two.

THE VICE-CHAIRMAN (SHRI V.B. RAJU): It is already 25 minutes. You cannot go on.

SHRI VEERENDRA PATIL: That is all right. Thank you very much.

THE VICE-CHAIRMAN (SHRI V.B. RAJU): Mr. Shahi.

SHRI MAHAVIR TAYAGI: Sir, before you proceed with the debate, I want one clarification.

THE VICE-CHAIRMAN (SHRI V.B. RAJU): You can seek it later on.

SHRI MAHAVIR TYAGI: (Uttar Pradesh): Otherwise, we can not...

THE VICE-CHAIRMAN (SHRI V.B. RAJU): The Minister will speak.

SHRI MAHAVIR TYAGI: Let him reply. But how much *ex-gratia* amount it is! How much amount does it involve? I want to know. Have you any idea of the expenditure involved with regard to the *ex-gratia* payment?

SHRI DAHYABHAI V. PATEL: How many years' loss of public sector projects?

THE VICE-CHAIRMAN (SHRI V.B. RAJU): Mr. Shahi.

SHRI MAHAVIR TYAGI: Sir, on a point of order. According to Rule 64(1)—

"A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law."

'*ex-gratia*' is printed in italics and they are not giving any financial memorandum. So, we have no idea, and even the figures are not being given. *Ex-gratia* means how much?

THE VICE-CHAIRMAN (SHRI V.B. RAJU): It is mentioned.

SHRI MAHAVIR TYAGI: Why no financial memorandum is there according to this rule?

SHRI H.R. GOKHALE: I am talking of the point of order only. There is no question of a Financial Memorandum in this because so far as the provisions of this Bill are concerned it does not authorise payment of any *ex-gratia* payments to the rulers. This is not a Bill providing or authorising the Government to make any payment. That authority will be sought from Parliament, both the Houses, when the Despatches for grants will be made. Everything will be before both the Houses of Parliament. It only says if and when Parliament sanctions any *ex-gratia* payments then those *ex-gratia* payments will be free of income tax. There is no financial liability involved in it.

THE VICE-CHAIRMAN (SHRI V.B. RAJU): There is no point of order. Mr. Shahi.

SHRI MAHAVIR TYAGI: I withdraw my point of order.

श्री दाह्याभाई व. पटेल : इस वास्ते मैं कहता हूँ कि उधर बैठो क्योंकि आप की जगह उधर है।

श्री नारायण प्रसाद शाही : उपाध्यक्ष महोदय श्री पटेल जी कह रहे हैं कि संगठन कांग्रेस इतना त्याग कर कि त्यागी जो उधर बैठ जायें ताकि विरोधी पक्ष में कम से कम मुश्किल तो रहे।

श्री महावीर त्यागी : मिनिस्टर साहब ने कहा कि एक्सप्रेसिवा पेमेंट की बात आयेंगी तो वह बिल फिर आयेंगा और उसका एक मेमोरेण्डम आयेंगा। अगर ऐसा होगा तो उस वक्त हम गौर कर लेंगे।

उपाध्यक्ष (श्री वी० बी० राज) : शाही जी आपका समय खराब हो रहा है।

श्री नागेश्वर प्रसाद शाही : श्रीमान् समय तो हमारा कभी खराब होता ही नहीं है। मैं यह कह रहा था कि कांग्रेस सत्ता दल ने जिन नीतियों की घोषणा पहले अपने चुनाव में की थी और जिनके आधार पर जनता को गुमराह करके उनका वोट प्राप्त करने में सफल हुआ था अब उन सब का धीरे-धीरे भंडाफोड़ हो रहा है। रंग लाली है हिना पत्थर पे घिस जाने के बाद। इसी तरह से उनकी नीतियां धीरे-धीरे घिसी जा रही हैं, पत्थर पर रगड़ती जा रही हैं तो इनकी कलाई खुलती जा रही है। इन्होंने गरीबी हटाओ का नारा दिया कि हम गरीबी हटा देंगे। जब वोट ले लिया तो प्रधान मंत्री ने कह दिया कि कोई हमारे हाथ में जाड़ू की छड़ी है जिसको धुमा दें और गरीबी हट जाय। बात साफ हो गई।

दूसरी बात यह सैक्यूलरिज्म की करने हैं। इस सम्बन्ध में भी मैंने कल बताया कि यह कैसा व्यवहार करते हैं। मुसलमान के पास जाते हैं तो कहते हैं कि हम मुसलमान हैं। हिन्दू के पास जाते हैं तो कहते हैं कि हम हिन्दू हैं और अगर केरल में चले जाते हैं तो यह कहते हैं कि हम सब ईसाई हो गये हैं। इनकी यह नीतियां हैं। अब इनके समाजवाद को देखिये। आज इनका समाजवाद इस टेस्ट पर है कि कैसा समाजवाद इनका है। भोला पासवान साहब चले गये। बिहार में लाखों लोग भूख से आज तड़प रहे हैं लेकिन उनके लिए आज इनके पास पैसा नहीं है धन नहीं है। धन इनके पास किसके लिए है।

दस करोड़ 75 लाख रुपया देने की बात है तीन सौ राजाओं के लिए, जिनके बारे में यहां 13 RSS/72-8.

प्रधान मंत्री श्रीमती इन्दिरा गांधी ने कहा था कि यह राजा, महाराजा शोषक हैं। जिस समय आप का प्रीवीपर्स के बारे में संविधान का संशोधन विधेयक पेश हुआ था, यहीं प्रधान मंत्री ने ऐलान किया था कि मेरी कोई सहानुभूति इन राजाओं के साथ नहीं है। उन्होंने हजारों सालों तक जनता का शोषण किया है। उन को कोई हक नहीं है अपने प्रीवीपर्स लेने का और आज वही प्रधान मंत्री अपने घसली रंग में सामने आ रही हैं। उन्होंने राजाओं को जो जनता का शोषण करते थे जिनका करोड़ों रुपया विदेशी बैंकों में रखा हुआ है और जिनके पास आज भी लाखों और करोड़ों की ऐसी संपत्ति है जिसका आपको पता नहीं, जो केवल अपनी धारमरी की बंदूकें और राइफलें बेंच दें तो लाखों लाख रुपया उनकी पाकेट में आ जायगा, उनके बारे में मंत्री महोदय ने अपने विधेयक में क्या रखा है। आप इसका उद्देश्य देखें। शासकों को धीरे-धीरे परिवर्तित परिस्थितियों का अभ्यस्त बनने में समर्थ बनाने के लिए कुछ अंतःकालीन उपसब्ध करने वाला विधेयक...

श्री महावीर त्यागी : यानी पार्टी के लिये लायलिटी लेने के लिए।

श्री नागेश्वर प्रसाद शाही : उनके लिए यह पुनर्वास भत्ते का इंतजाम कर रहे हैं जैसे वह कोई रिफ्यूजी हों, जैसे वह पाकिस्तान से भाग कर आये हों जिनके पास न मकान है, न घर है न दवा है, न रोजी है, न रोटी है न कपड़ा है शरीर पर और जा भूखों मर रहे हैं, उनके लिए यह सरकार पुनर्वास की व्यवस्था करने की बात सोचती है उन 300 व्यक्तियों के लिये जिनमें आज बहुत थोड़े से लोग हिन्दुस्तान में रहने हैं, जिनमें से अधिकांश अपना समय पेरिस और लन्दन में बिताने हैं, जिनमें से अधिकांश लोगों का विदेशी बैंकों में खाता है और सरकार स्वयं इस बात को स्वीकार करती है और कहती है कि हम उसका पता लगायेंगे, उनके लिए पुनर्वास की व्यवस्था यह श्रीमती इन्दिरा नेहरू गांधी की सरकार कर रही है। आप गौर करें, आज उनके

[श्री नागेश्वर प्रसाद शाही]

समाजवाद का असली स्वरूप हमारे सामने आ रहा है। भारत में जहाँ पर 20 करोड़ से अधिक लोग साधारण जीवन स्तर के नीचे का जीवन व्यतीत करते हैं, सरकारी आदेशों के अनुसार जिस देश में 20 करोड़ से ऊपर जनता दोनों बन्क भोजन न पाली हो, उस देश में 300 लोगों के लिए यह श्रीमती इन्दिरा गांधी की सरकार अपनी समाजवादी बातों को व्यवहार में लाने में पीने 11 करोड़ रुपये देना जा रही है इसलिए कि उनको पुनः स्थापित किया जा सके। वह इन्हें विस्थापित समझ रही है, इन्हें रिपयूजी समझ रही है और यह वह कह रही है कि उनको पुनर्वास भत्ता—मुआवजा नहीं कर रहे हैं, वह कंपेंसेशन नहीं कह रहे हैं, वह कह रहे हैं कि हम उनको पुनर्वास भत्ता दे रहे हैं उनको पुनर्वासित करने के लिए, उनको बसाने के लिए, उनके निर्वाह के लिए ताकि आज की परिस्थितियों के अनुसार वह अपने को ढाल सके। यह श्रीमन्, इस सत्ता कांग्रेस का माननीय कुलकर्णी जी की कांग्रेस के समाजवाद का नमूना है। इसी लिए मैं यह कह रहा हूँ कि वह सब सही रंग में आ रहे हैं और उनका समाजवाद सही रंग में जनता के सामने आ रहा है कि कैसा यह समाजवाद है। मुझे शंका है श्रीमन्, दीक्षित जी यहाँ से खड़े गये उठ कर, कि शायद इसके बाद यह ऐसा विधेयक न ले आवे कि यह मंत्री जो दस पाँच साल गदियों पर मौज मारते हैं उनको पुनः स्थापित करने के लिए कुछ व्यवस्था होनी चाहिए।

श्री महावीर त्यागी : उनको पेंशन दो जाय।

श्री नागेश्वर प्रसाद शाही : शायद इस तरह की व्यवस्था करे ताकि धीरे-धीरे वह अपने को साधारण जीवन में ला सके और साधारण व्यक्तियों की तरह वह रह सके इसके लिए उनकी भी व्यवस्था होनी चाहिये। इस तरह की व्यवस्था वह कर सकते हैं। कोई चीज उनके लिए असंभव नहीं है। [Interruption] तो इसलिए मैं कह रहा हूँ कि आप गौर करें कि यह पीने स्वारह करोड़ रुपये जो बटेगा उसमें आयकर भी नहीं

है। क्या मतलब इसका हुआ ? सोचने साहब अपने बयान में सब कुछ कह गये, लेकिन उसमें यह नहीं बताया कि आखिर जिनको धीरे-धीरे वह बसाना चाहते हैं साधारण लोगों के जीवन से जिनको यह अभ्यस्त करना चाहते हैं, उनके अभ्यस्त होने में कटिनाई क्या है। क्या दिक्कत उनके सामने है ? बेचारे दम हजार लोग जो हिन्दुस्तान पाकिस्तान के युद्ध में राजस्थान को मरहद पर थे, जो पाकिस्तान के अन्दर थे जिन्होंने आप की सेना का साथ दिया, जिनकी सहायता से आप की सेना जीती और तेजी से आगे बढ़ी उनको जब पुनः स्थापित करने की बात आती है तो आप कहते हैं कि वे पाकिस्तान वापस चले जायेंगे।

श्री रणवीर सिंह (हरियाणा) : उनको क्यों मरवाते हो !

श्री नागेश्वर प्रसाद शाही : मरवाता कौन है। तुम लोग इतने गद्दार हो कि किसी ईमानदार बफादार को समझने नहीं हो।

THE VICE-CHAIRMAN (SHRI V.H. RAJU): You please address the Chair.

SHRI NAGESHWAR PRASAD SHAHI: I am addressing the Chair.

ये इतने गद्दार हैं कि ईमानदार बफादारों को कोई इज्जत नहीं करते हैं। ये वह लोग हैं जिन्होंने कि हिन्दुस्तान का साथ दिया, जिन्होंने कि हिन्दुस्तानी सेना को आगे बढ़ाया और जिस पर आप बड़े शान से कहें कि हम तो बड़े जीत गये। उस जनता की सहायता के ऊपर आपकी सेना जीती और आज उनको बसाने के लिए आपके पास धन नहीं है, उनकी व्यवस्था करने के लिये आपके पास पैसा नहीं है और आप कहते हैं कि वह वापस जायेंगे। उनको कैम्पों में रख कर उनकी दुर्गति कर रहे हैं। और तीन सौ व्यक्तियों के लिये पीने स्वारह करोड़ रुपये आज आप दे रहे हैं बिना आयकर के। मैं कहना चाहता

Hill. 1972

Bill. 1972

हैं कि यह कौन सा रूप समाजवाद का रखा है और कब तक धोखा देंगे हिन्दुस्तान की जनता को समाजवाद से।

श्रीमन्, मैं इस विधेयक का, इस बात को छोड़कर के कि इसमें जो पुनर्वास की उनकी व्यवस्था किये हुए है और जिस पर पौने स्यारह करोड़ रुपया बिना आयकर का देना है, बाकी हिस्से का, स्वागत करता हूँ। मैं इसका घोर विरोध करता हूँ जो देन जा रहे हैं अपने समाजवाद के नाम पर पौने स्यारह करोड़ रुपया।

श्री महावीर त्यागी: पौने स्यारह करोड़ रुपया कहा है इसमें !

श्री नागेश्वर प्रसाद शाही: 10 करोड़ 75 लाख रुपया इन्होंने कहा है।

श्री महावीर त्यागी: कहा है ! कहा कहा है ?

श्री नागेश्वर प्रसाद शाही: हाँ, लोक सभा में भी कहा है और यहाँ भी कहा है। पौने स्यारह करोड़ रुपया दे रहे हैं।

श्री महावीर त्यागी: पौने स्यारह करोड़ रुपया सेक्शन कर रहे हैं।

श्री नागेश्वर प्रसाद शाही: सेक्शन इसमें होगा।

श्री महावीर त्यागी: यह बिल में है कि पौने स्यारह करोड़ रुपया सेक्शन होगा।

श्री नागेश्वर प्रसाद शाही: मिनिस्टर साहब ने कहा था। इस बिल में जिक्र नहीं है लेकिन मिनिस्टर साहब ने अपनी स्पीच में कहा था कि यह पौने स्यारह करोड़ रुपया तक है।

श्री दणवीर सिंह: यह सप्लीमेंटरी बजट में आयेगा।

श्री महावीर त्यागी: तो यह पौने स्यारह करोड़ रुपया इसमें इनवाल्ड है। यह कैसे हो सकता है।

श्री नागेश्वर प्रसाद शाही: यह सप्लीमेंटरी बजट में होगा।

श्री महावीर त्यागी: यह तो इन्होंने नहीं बताया। यह इसमें इनवाल्ड है।

श्री दणवीर सिंह: बजट के अन्दर है। आप समझते क्यों नहीं !

श्री बनारसी दास: चौधरी साहब, जरा साफा उतारो तब समझ में आयेगा। अध्यक्ष महोदय, मेरा प्वाइंट ऑफ आर्डर है। प्वाइंट ऑफ आर्डर जरा सुन लें। मैं एक बात अर्ज करता हूँ। सभी त्यागी जी ने उस बात को रेज किया। मंत्री जी ने जो कहा वह यह कहा कि हम केवल इस सदन से अधिकार चाहते हैं प्रिसेज को, एक्स-कलर्स को, पेमेंट करने के लिए, तो अब जो पेमेंट किया जायेगा वह अगर बजट के धू आयेगा तो, श्रीमन्, मैं आपके द्वारा मालूम करना चाहता हूँ कि फिर किसी भी विधेयक में फाइनेंशियल मेमोरेंडम की कॉन्स्टीट्यूशन के मुताबिक कोई जरूरत है ! मिनिस्टर महोदय यह कहेंगे कि इस बिल में जो भी फाइनेंशियल लाइबिलिटी आयेगी वह सदन के सामने धू बजट आयेगी, तो इसका मतलब यह है कि . . .

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Already it has been ruled that there is no point of order.

SHRI BANARSI DAS : I am raising another point. Are you making a precedent that in all future enactments there will be no need of a financial memorandum as the plea has been taken by the Law Minister that it will be put before the House through the Budget ? It means the financial memorandum will have no bearing.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : We are now discussing the Bill. There is no point of order in this.

SHRI BANARSI DAS : I am very sorry, Mr. Vice-Chairman. You must at least

[Shri Banarsi Das] read the Constitution. The honourable Minister is by-passing the Constitution altogether. A new precedent is being put before the House that in future all enactments will dispense with the financial memorandum and the House will know it only through the Budget. This is very novel deviation.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : There is no point of order.

डा० भाई महावीर : उपसभाध्यक्ष महोदय, अभी थोड़े समय पहले इस सदन ने पुरातत्व की वस्तुओं को बचाए रखने के लिए बिल पारित किया और अभी पुरातत्व की एक वस्तु को समाप्त करने के लिए एक नया विधेयक लाया गया है। पुरातत्व की वस्तु जो मैं कहता हूँ इसका स्वाभाविक अर्थ यह है कि अब तक हमारे देश में जो कुछ राज्य थे, जो कुछ रियासतें थीं, जिनके राजाओं के पद समाप्त हो गए थे, उन राजाओं के पद समाप्त होने के बाद वह स्वाभाविक था कि जो विशेषाधिकार राजाओं को राजा होने के नाते मिले हुए थे, वे भी समाप्त हों। चाहिए तो यह था कि ये विशेषाधिकार पहले समाप्त होते क्योंकि उनके द्वारा मनुष्य और मनुष्य के बीच जो अंतर, जो भेद, कानून के सामने रखा गया था उसको जारी रखने का कोई कारण नहीं था और शायद सदन के माननीय सदस्यों को यह विदित न हो कि जिस समय प्रिवी पर्सन को हटाने की बात थी उस समय भी हमारे दल की तरफ से प्रिविलेज समाप्त कर देने चाहिए, यह बात कही गई थी, यद्यपि प्रिवी पर्सन के हटाने के सवाल पर जिस तरह से सरकार ने रवैया अपनाया उस पर हमने विरोध किया था। हमने कहा था कि प्रिवी पर्सन को हटाने के लिए सरकार को ऐसी नीति अपनानी चाहिए जिसमें यह आरोप न लगे कि देखिए, वचन को तोड़ा जा रहा है। परन्तु जो वचन दिया था, वह देने वाले भी आप थे, इसी पार्टी की सरकार थी और उस वचन को यदि आपने इतने वर्षों तक निभाया, तो भी आपने ही निभाया। एक दिन आपने कहा कि अब उस वचन को आगे निभाने की जरूरत नहीं है। किन कारणों से आपने यह फंसला किया, वे कारण देश के सामने स्पष्ट नहीं हुए सिवाय इसके कि आपने कहा कि एक नया जमाना आ रहा है, नए परिवर्तन का युग है, इस परिवर्तन

के युग में ये पुरानी बातें समाप्त हो जानी चाहिए। महोदय, उस सारे विषय में मैं जाने की जरूरत अब नहीं समझता क्योंकि हमने उस समय यह कहा कि प्रिवी पर्सन का समर्थन हम नहीं करते लेकिन प्रिवी पर्सन को हटाने के लिए सरकार कुछ मान्यताओं के अनुसार चले और उसके अनुसार चल कर इसको समाप्त करे। यह सरकार के लिए भी ज्यादा शोभाप्रद होता, परन्तु महोदय, प्रिवी पर्सन हटा उसके साथ . . .

SHRI RANBIR SINGH : Point of order, Sir.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Where is the point of order while he is speaking ? Nothing has happened now.

SHRI RANBIR SINGH : Class room discussion is going on. The House should not be made a class room. Can the House, be turned into a class room ?

< SHRI MAHAVIR TYAGI : How long are we going to sit today ? It is already half past five.

THE VICE-CHAIRMAN : We are completing this Bill today.

डा० भाई महावीर : परन्तु सरकार ने यह जो विधेयक इस समय प्रस्तुत किया है इसमें सबसे महत्व की बात, जिस पर सदन का ध्यान आकृष्ट किया जा चुका है वह यह है कि आपने एक अधिकार अपने हाथ में लिया है कि आप राजाओं को एक-मुश्त पेमेन्ट करेंगे, एक मुश्त अदायगी करेंगे जो कि लगभग पौने 11 करोड़ 60 का होगा। मंत्री महोदय ने कहा कि अभी इसके बारे में आप चिंता मत कीजिए, जब यह सवाल आएगा, वजेट के अंदर, उस समय इसकी सारी भीमांसा बता दी जाएगी। महोदय, सरकार बहुत कुछ इस तरह के वायदे करके अपने हाथ में अधिकार लेती है और फिर उस अधिकार का उपयोग जिस तरह से किया जाता है वह यह देश देख चुका है—वह कोई स्वच्छ तरीका नहीं होता। तो बड़े-बड़े ऐसे अधिकार लेने के बाद

सौदेबाजियां शुरू की जाती हैं और उन सौदेबाजियों में किसको किस तरीके से दबाया जाए, खरीदा जाए, कौन किस तरह के लालच में आएगा, इन सब बातों को ध्यान में रख कर सरकारी दल दूसरों को, जो उससे अलग दिशा में जाने की कोशिश कर रहे थे, तोड़ने की कोशिश करती है। वास्तव में सच बात यह है कि प्रिवी पर्स का समाप्त करने का सवाल तब आया और इस वास्ते आया जब सरकार को और कांग्रेस पार्टी को यह लगा कि अब तक जो राजा थे, जो उनके खेमे में थे, वे थोड़े-थोड़े करके उसमें से निकलने शुरू हो गए थे। इसलिए उनको सजा देने के लिए, उन पर रोक लगाने के लिए, उदात्तता का अपनी तरफ खींचने के लिए कोशिश की गई, लेकिन जब इस बात में भी कामयाबी नहीं हुई तब कहा गया, ठीक है, अब प्रिवी पर्स समाप्त कर दिए जाएंगे, लेकिन कुछ-न-कुछ एलाउंस दे दिया जाएगा और कुछ रिहैबिलिटेशन ग्रांट दे दिया जाएगा। अब यह रिहैबिलिटेशन ग्रांट का जो स्वरूप है वह हमारे सामने आ रहा है। यह रिहैबिलिटेशन ग्रांट किस आधार पर दिया जाएगा इसके बारे में नहीं बतलाया जा रहा है। सलाहकार समिति में जब प्रधान मंत्री जी से इस बारे में पूछा गया था तो उन्होंने बतलाया कि यह जो छोटे राजा हैं उन्हें ज्यादा दिया जाएगा और जो बड़े राजा हैं, उन्हें कम दिया जाएगा। लेकिन किस आधार पर तय होगा, उसके बारे में कुछ स्पष्टीकरण नहीं दिया गया है। इस स्पष्टीकरण न देने का परिणाम क्या होता है? परिणाम यह होता है कि मंत्री जी प्रधान मंत्री जी, सरकार और दूसरे बड़े-बड़े नेता बैठ जाते हैं और हर एक के सामने पीछा फेंका जाता है और हर एक को किसी न किसी तरह का प्रलोभन दिया जाता है और इस तरह से उन्हें अपनी तरफ खींचने का ढंग बनाया गया है। तो मैं यह कहना चाहता हूँ कि यह कोई न्यायसंगत तरीका नहीं है और देश के अंदर कोई स्वच्छ परम्परा का ढंग नहीं है। अगर सरकार यकमुरत श्रदायगी करना चाहती है—इस श्रदायगी के जो कारण दिए जाते हैं, वे कारण पर्याप्त समझ में नहीं आते हैं—हम यह बात समझ सकते कि जिस समय यह प्रिवी पर्स हटाए गए उस समय सरकार इस बात की जांच करती कि कौन-कौन से राजाओं के प्रिवी पर्स किस-किस काम आते हैं। यदि उन के कर्मचारी हैं, तो क्या यह प्रिवी पर्स उनकी भलाई

काहीं में लगाया जाता है। मैं ऐसे राजाओं को जानता हूँ—जिनका प्रिवी पर्स का बड़ा भाग स्कालरशिप, दूसरी धार्मिक संस्थाओं की चलाने में तथा धार्मिक कार्यों में लगाया जाता है। यदि सरकार इस प्रिवी पर्स का विश्लेषण करके यह बतलाती कि इतना रुपया राजाओं के कर्मचारियों की भलाई के लिए है, इतना रुपया स्कालरशिप के लिए है, तब तो बात समझ में आ सकती थी और वह रुपया राजाओं को देने के लिए कोई कारण नहीं था क्योंकि यह रुपया किसी अच्छे काम पर लग रहा है और सरकार उस अच्छे काम को जारी रखेगी। परन्तु यहोदय, मंत्री जी ने लोक सभा में जो आश्वासन दिया वह यही दिया कि राजाओं के कर्मचारियों के साथ सरकार की बड़ी हमदर्दी है और वह उनके बारे में बड़ी हमदर्दी के साथ विचार भी कर रही है। सरकार की हमदर्दी के बारे में हमें कोई शक नहीं है। लेकिन वह हमदर्दी कहां तक पूर्ण होती है उसके बारे में हमका धड़ा संदेह है। सरकार बहुत से लोगों के साथ हमदर्दी रखती है। इस देश में जो चार करोड़ लोग गरीब हैं उनके साथ भी सरकार की हमदर्दी है। सरकार की बीस करोड़ लोग जो पार्टी लाइन के भीचे हैं उनके साथ भी हमदर्दी है। सरकार की उन आठ नौ करोड़ परिवारों के साथ हमदर्दी है जिनके गिर पर छाया नहीं है और जिनके घर अभी तक छाया नहीं मिलती है। लेकिन सरकार की इस तरह से सबके साथ हमदर्दी रखने से उनकी समस्याओं का हल होने की संभावना नहीं है। सरकार ने सबके साथ हमदर्दी रखी है। सरकार ने कीमतें बढ़ने के सम्बन्ध में भी हमदर्दी रखी है लेकिन कीमतों को बढ़ने से अभी तक रोक नहीं पाई है। उसकी जो हमदर्दी है वह केवल होंठ तक ही सीमित है और उसके आगे कुछ भी नहीं है। सरकार को राजाओं के कर्मचारियों के सम्बन्ध में कोई विन्या नहीं है। उसे इस बारे में सोचना चाहिए कि जिन राजाओं के प्रिवी पर्स से इन कर्मचारियों का पालन-पोषण होता था, उनके परिवार वालों का पालन-पोषण होता था, आज उनकी कुछ दिया जाएगा या नहीं और उनके लिए कुछ प्रबन्ध किया जाएगा या नहीं? यह जो राजाओं को पीन ग्यारह करोड़ रुपया दिया जाएगा वह किस आधार पर दिया जाएगा? इसको देने के बारे में क्या कसौटी होगी? क्या वह कसौटी होगी जिसमें बैठ कर कांग्रेस पार्टी के नेता तय करेंगे कि किस-किसने पार्टी की किर्तनी

[डा० भाई महावीर]

सेवा की है कौन पार्टी के प्रति वफादार रहेगा ? क्या इस मापदंड के अनुसार फैसला किया जाएगा ? हमें इस बारे में संदेह है।

SHRI MAHAVIR TYAGI : Does this Bill authorise ex-gratia payment ?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): This Bill does not mention anything about it.

डा० भाई महावीर : व्यापी जी ने जो बात पहले उठाई थी उसीका फिर उठा रहे हैं। प्रश्न यह नहीं है। मैं आपके सामने उदाहरण रखना चाहूंगा। सरकार ने कोकिंग कोला माइन्स को अपने हाथ में लिया और लेने के बाद एक करोड़ की राशि नहीं बल्कि 12 और 16 करोड़ रुपया इन कोल माइन्स वालों को देने से फैसला किया। हमने इस सदन के अन्दर सरकार से पूछा कि यह काइटेरिया बतलाइए जिसके आधार इतनी राशि इन कोल माइन्स वालों को दी जा रही है। इस बारे में हम श्री कुमारमंगलम की आज्ञा घटे बात सुनते रहे लेकिन इस चीज के बारे में कुछ भी अन्त तक मालूम नहीं हो सका।

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : This Bill does not contain anything relating to that. This point is not covered here. The House will have an opportunity when the question comes up before, the House.

DR. BHAI MAHAVIR : That is what I am saying.

SHRI MAHAVIR TYAGI : No payment can be made unless Parliament authorises it.

DR. BHAI MAHAVIR : What I am saying is that we have precedents on record where Parliament was asked to agree to payments being made to coking coal mill-owners according to the list drawn up by the Government, without the Parliament being taken into confidence as to the criteria on which those payments had been

fixed. The list was drawn up by the Government. What I am trying to make out is that even in that case when we asked the Minister as to how and on what basis the payments had been decided upon, we told that "Our officers have gone there, our experts have examined this and you leave the rest to us". We have found what the value of those mines is today. This is not the way to show to the people that justice has been done. I pointed out at that time also that justice should not only be done but it should also appear to have been done, ^erfjret

महोदय, मैं यह कह रहा हूँ कि उस वक्त भी आप एक सूची ले आएंगे और कहेंगे कि इसके कारण ये पेंसेंट्स किया जा रहा है। कांग्रेस पार्टी का बहुमत है। हमारे बहुत मित्र, जैसे चौधरी साहब बैठे हैं, उन्हें इशारा मिलने की देर है, वे वोट के लिए बटन दबाने को तैयार बैठे हैं। बहुत-से मित्र हैं जो उस वक्त दिमाग से काम लेने की जरूरत नहीं समझते और व्हिप के आदेश पर अपनी नक्ति प्रगट कर संतुष्ट हो जाते हैं। श्रीमान्, मेरा निवेदन यह है कि इसके लिए काइटेरियन क्या है ? जैसा मैंने बताया, आप उन एम्प्लॉईड के लिए, जो स्कालरशिप्स दी जाती थी उनके लिए जो-जो खर्चा होता था उसके लिए सरकार जिम्मेदारी लेती, तो शायद इस सदन के सदस्यों को और उस सदन के सदस्यों को इस पर आपत्ति नहीं होती, लेकिन ऐसा नहीं किया गया।

यहां पर रिटैविलिटेशन की बात कही गई है। क्या राजाओं की स्थिति वैसी है जैसी आज उन लोगों की है जिनको 20, 25 या 30 रुपये पेंशन मिलती है 20 साल पहले या 25 साल पहले से जब से रुपये की कीमत आज 25 पैसे भी नहीं रही, लेकिन उनकी मांगों की तरफ सरकार का ध्यान नहीं जाता। ऐसे लोग हैं जिनको तनख्वाह 47 के पहले जिस स्तर पर कायम थी आज भी वही है। उनके साथ भी न्याय करने की सरकार को अभी तक फुरसत नहीं मिली। अभी मैंने रेल मंत्री का एक वक्तव्य पढ़ा कि रेलवे के स्टाफ को नाइट एलाउंस देने का जो कमीशन ने एवार्ड दिया है उसको मानने के लिए सरकार कमिटेड नहीं है, यानी सरकार एवार्ड नहीं मान सकती न्याय करने के लिए,

छोटे कर्मचारी वर्ग के लिए जो रियायत करने की जरूरत होती है वह भी सरकार नहीं कर सकती, लेकिन सरकार जब ऐसे बड़े लोगों के रिट्रिब्यूटेशन के लिए ब्रांट सैकशन करती है, तो इस देश में संदेह पैदा होते हैं कि सरकार राजाओं के प्रति हमदर्दी के वास्ते नहीं बल्कि वह इसका प्रयोग एक पोलिटिकल वीवरेंज की तरह, एक संज के तौर पर, एक औजार के तौर पर उनको अपनी पार्टी के पक्ष में करने के लिए कर रही है।

अभी मेरे मित्र बीरेन्द्र पाटिल ने मैसूर के प्रासाद के बारे में कहा। यह सवाल पहले भी उठाया गया था और कन्सल्टेटिव कमेटी में भी यह प्रश्न उठाया गया, पूछा गया कि क्या यह महल जो है वह महाराजा की प्राइवेट प्रॉपर्टी है या वहां की सरकार की, प्रादेशिक सरकार की प्रापर्टी है। आज इस तरह के मामलों में, जैसा कि श्री पाटिल ने कहा, सरकार पहले एक स्टैंड ले, बाद में दूसरा स्टैंड ले, तो उसमें केन्द्रीय सरकार का यह संशा दिखाई देता है कि राजाओं के ऊपर प्रभाव डाल कर उनसे राजनीतिक लाभ उठाया जाए। यह स्थिति इस सारे मामले के अन्दर नए संदेह पैदा करती है।

बहुत ज्यादा मुझे कहना नहीं है। मैं केवल इतनी ही बात करता हूँ कि जो आन्दोलन डेढ़ साल पहले गरीबी हटाओ के बहुत जोरदार सारे से चला था वह तो सफल नहीं हुआ बल्कि गरीबी तो बढ़ती दिखाई देती है। अब अगर सरकार लोगों को थोड़ा-बहुत मुष्ट करने का यत्न कर रही है या कर सकती है, तो इसीमें गरीबी हटती नहीं लेकिन अगर कहीं अमीरी दिखाई देता है, तो उस अमीरी को हटाने के लिए हम बहुत जोरदार प्रयत्न कर रहे हैं। लेकिन उस प्रयत्न में भी जब 11 करोड़ रुपए का मामला आता है वहां अमीरी नहीं हट रही है, उस अमीरी को इस तरह अपने हाथ में जीवित रखा जा रहा है कि उसका फायदा अपनी पार्टी के लिए उठाया जा सके। इन शब्दों के साथ, मोटे तौर पर मैं इस विधेयक का समर्थन करता हूँ, परन्तु इसके सम्बन्ध में जो संदेह पैदा होते हैं मैं आशा करता हूँ कि मंत्री महोदय उनका यथोचित समाधान करने का प्रयत्न करेंगे।

SHRI MAHAVIR TYAGI : I propose that we should adjourn now. It is half

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past five. Continue tomorrow. This cannot be imposed on us.

(Interruptions)

It cannot be left for the Chair to continue; it is not dictatorial. This is a House.

SHRI DAHYABHAI V. PATEL : Tomorrow we can continue. We can continue only with the consent of the House, not otherwise.

THE VICE- CHAIRMAN (SHRI V. B. RAJU) : In the Business Advisory Committee it was already decided ...

SHRI MAHAVIR TYAGI : It is not our boss. Business Advisory Committee is only advisory. The final decision rests with us. It is not to be dictated. There is no quorum. There will be no quorum; we are all going.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : There will be a statement, before the House adjourns, by the Agriculture Minister on sugar policy. There will be a statement.

SHRI DAHYABHAI V. PATEL * That also can come tomorrow. We are not prepared to sit.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : It has been agreed ...

SHRI MAHAVIR TYAGI : I am sorry. You may carry on. The Law Minister and his colleagues are there; they can carry on. But it is not with our consent—not with the consent of the House. I want to bring it on record that we are not prepared to sit unless our consent is obtained. This is the privilege of the House. We have never agreed to it. We have never agreed to sit beyond half past five.

SHRI OM MEHTA : It was agreed in the Business Advisory Committee that the House will sit till six or beyond six if necessary.

SHRI MAHAVIR TYAGI : We have never said it.

SHRI OM MEHTA : You see the proceedings. It was put to the House. You should have objected at that time. The Chairman put it to the House.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : We shall not break the commitment. So, Suraj Prasadji.

SHRI MAHAVIR TYAGI : How long have we to sit now ? I am afraid this is something. If extension is expected any day, the formal consent of the House must be obtained.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Tyagiji, it was announced in the House already when the programme for the week was announced.

श्री सुरज प्रसाद (बिहार) : सर यह जो विधायक हम लोगों के सामने प्रस्तुत किया गया है राजे महाराजों के विशेषाधिकारों की समाप्ति सम्बन्ध में इसमें कुछ ऐसी बातें हैं जो हम लोगों के गले के नीचे उतरती नहीं हैं। इसमें जहाँ तक क्रिमिनल प्रोसीजर कोड में जो विशेषाधिकार राजे महाराजों को मिले हुये थे और जहाँ तक उनकी समाप्ति का प्रश्न है वह तो स्वागत योग्य है। इसी तरह से सी० पी० सी० के अन्दर में जो विशेषाधिकार राजे महाराजों को मिले हुये थे उनकी समाप्ति का भी समर्थन किया जा सकता है। लेकिन इसमें कुछ ऐसी बातें अहितकर हैं और कुछ ऐसे उदाहरण इसमें कायम किये जा रहे हैं कि अगर भविष्य में इसी का पालन हुआ तो जाहिर है कि हिन्दुस्तान का उससे निस्तार होने वाला नहीं है।

अभी हम लोगों ने एक बिल पास किया जिस का नाम पुरावशेष तथा बहुमूल्य कलाकृति विधेयक है। उस विधेयक के अन्दर यह तय हुआ कि हिन्दुस्तान के अन्दर जो कला की वस्तुएँ हैं जो पुरातत्व की वस्तुएँ हैं उनका संरक्षण और संग्रह सरकार करेगी और उनको सार्वजनिक स्थानों में म्यूजियम रखेगी। हम लोग इस बिल के अन्दर यह देखते हैं कि जो राजे महाराजों के पास ज्वेलरी है आभूषण है उनको उन्हीं के हाथों में छोड़ देने को इसमें व्यवस्था की गई है। यद्यपि यह बात हम लोगों की जानकारी में है कि हिन्दुस्तान के राजे महाराजों का रिकार्ड कितना सुन्दर भूतकाल में रहा है। ये वही राजे महाराज हैं जो इस देश की कलाकृतियों को विदेशों में कौड़ी की कीमत पर बेच देते हैं। यही राजे महाराज हैं जिन्होंने इन पुरातत्व की वस्तुओं का तस्कर व्यापार किया है और उन्हीं के हाथों में हमारी जो सरकार है उन आभूषणों को छोड़ देती है क्या यह समझ कर वह छोड़ रही है कि ये आभूषण उनके पास सुरक्षित रहेंगे और ठीक से मौलिक रूप में रहेंगे और उनमें किसी प्रकार का परिवर्तन नहीं किया जाएगा। उनके आकार प्रकार को वे ठीक-ठाक रखेंगे लेकिन उनका आकार प्रकार तो ठीक रह सकता है लेकिन जो ज्वेलरी है उस का तत्व भी उसी प्रकार से रहेगा यह ठीक से नहीं कहा जा सकता है और राजे महाराज से यह उम्मीद की जाय कि वे उसको ठीक से रखेंगे यह भी संभव नहीं है। एक कहावत है हिन्दी में कि बंदर के हाथ में नारियल। उनके हाथों में आज आप यह आभूषण दे रहे हैं कि जो खुद इन कलाकृतियों को बेच चुके हैं उनको तस्कर व्यापार कर चुके हैं उनके हाथों में इस तरह के आभूषण कीमती आभूषण छोड़ना कहां तक न्याय संगत होगा यह स्वयं माननीय मंत्री जी बतायें। मेरा खयाल है इसके बारेमें यह है कि इस तरह के आभूषणों को उनके हाथों में छोड़ना देश को उनसे वंचित रखना है और यह अन्यायपूर्ण है। इस तरह की चीजों को उनके हाथों में नहीं छोड़ना चाहिए और सरकार को उनको अपने हाथों में रखना चाहिए और जहां कहीं भी म्यूजियम हो या अन्य सार्वजनिक स्थान हो जिन स्थानों में इन आभूषणों को देश की अन्य कलाकृतियों के साथ रखा जा सकता हो उनको वहां

रखना चाहिए और इसके लिए ही सरकार को कोशिश करनी चाहिए।

दूसरी बात यह है कि जो मुझे आपत्तिजनक लगती है और जो मेरे गले के नीचे नहीं उतरती और वह यह है कि इस बिल के अंदर सरकार ने यह कहा है कि उनके हाथों में राजमहल रहेंगे और उन राजमहलों से जो आमदनी होगी वह भी इन्कम टैक्स से अलग रहेगी और दूसरी बात यह है कि सरकार उन राजा महाराजाओं को जिनकी हालत बहुत खराब है उनको जो एक्सप्रेसिया पेमेंट किया जाएगा पुनर्वास के लिए जो भत्ता उनको दिया जायगा वह भी आमदनी कर से मुक्त रहेगा। इसी सदन में कुछ महीने पहले हम लोगों ने संविधान में संशोधन पास किया था राजे महाराजाओं के विशेषाधिकार उठाने के संबंध में और उस समय यह बात कही गयी थी कई पार्टियों के लोगों के जरिये से, कई माननीय सदस्यों की ओर से कि राजे महाराजाओं को किसी भी तरह का कंपेंसेशन, क्षतिपूर्ति नहीं दी जानी चाहिए। शब्द के बदल देने से उसका कंटेंट नहीं बदल जाता है। नाम बदल दिया एक्सप्रेसिया पेमेंट, लेकिन उसका अर्थ यह नहीं वह कंपेंसेशन नहीं है, वह क्षतिपूर्ति नहीं है, शब्द भले ही बदल जाय, मतलब वही है। तो उस समय यह बात उठायी गयी थी कि राजे महाराजाओं को एक पैसा भी मुआवजे का नहीं दिया जाना चाहिए, लेकिन यहां दस करोड़ 75 लाख रुपया उनको देने की व्यवस्था है, उन राजे महाराजाओं की जिन्हें 25 वर्ष के दरम्यान में हिन्दुस्तान के अंदर 100 करोड़ रुपया दिया जा चुका है, (ज राजे महाराजाओं के पास अब भी काफी आमदनी के दूसरे स्रोत हैं, कारखाने हैं, जमीन हैं, दूकानें हैं, जिनका विदेश में काफी रुपया रखा हुआ है जिससे सूद आता है, बैंक बैलेंस है, उन लोगों को यह रुपया दिया जाय यह बात कोई समझ में आने वाली नहीं है। हां, उनकी हालत अगर खराब होती, वह भी पावर्टी लेबिल के नीचे होते और तब कुछ देने की बात होती तो हम लोगों की बात समझ में आ सकती थी लेकिन हैदराबाद निजाम को दिया जाय, मैसूर के राजा को दिया जाय, काश्मीर के राजा को दिया जाय, यह बात तो समझ में आने वाली नहीं

है और न समाजवादी परिभाषा के अन्दर ही यह बात आती है। समाजवादी परिभाषा के अन्दर यह बात आने वाली नहीं है। दया की दृष्टि से पेमेंट करने की बात की जा रही है। दया किसके साथ ! राजा महाराजाओं के साथ। दया किसके साथ—देश के शोषकों के साथ ! दया किसके साथ—जिन्होंने हिन्दुस्तान को लूटा है उनके साथ ! हिन्दुस्तान की जनता के ऊपर जिन्होंने अत्याचार किया है उनके साथ दया ! दया का कोई प्रश्न उनके साथ नहीं उठता। दया सरकार को दिखलानी है तो हिन्दुस्तान के अन्दर ऐसे बहुतेरे लोग हैं जो कि आज दया के पात्र हैं। हिन्दुस्तान के अन्दर ऐसे काफी गरीब लोग हैं जो कि हिन्दुस्तान की सरकार की सहायता में अपेक्षा करते हैं। जैसा कि माननीय सदस्यों ने कहा, हिन्दुस्तान के अन्दर 20 करोड़ लोग ऐसे हैं जो कि सर्बिसिस्टस लेबिल के नीचे की, पावर्टी लेबिल के नीचे की, अवस्था में रहे हैं—दया उनके साथ की जाय ! बिहार में अकाल पड़ा हुआ है, एक माननीय मित्र यहां पर भूख हड़ताल कर रहे हैं, कुछ दिन पहले हमने सूखे के सम्बन्ध में सदन में प्रश्न उठाया था। करीब 12 राज्यों के मंत्रियों ने हिन्दुस्तान की सरकार के पास लिखा है कि हमारे यहां अकाल पड़ा हुआ है, भूखमरी की अवस्था है, हमें सहायता चाहिए। आपके खजानों में पैसा है तो यह पैसा अकाल से पीड़ित, सूखे से पीड़ित जो लोग हैं उनकी सहायता के लिए दीजिए। यह तो नहीं हो सकता कि आप पैसे का दुरुपयोग और ऐसे लोगों को दीजिये जिन्हें पैसे की जरूरत नहीं तो जो आज देश के अन्दर राजा महाराजा हैं अगर वह भोजन करते हैं। तो उन्हें हाजमें के लिए दवा की जरूरत है और यह सरकार उनको इसलिए दे रही है कि वह भूख से मर रहे हैं। ऐसे लोगों को देने का कोई अर्थ नहीं है। ऐसा मालूम होता है कि 1969 ई० और 1971 ई० के चुनाव में सरकार ने जो एलान किया था उससे सरकार अब पीछे जा रही है। एक कदम यह आगे जाती है तो दो कदम फिर पीछे चली जाती है, फिर तीन कदम आगे जाती है और छः कदम फिर पीछे चली जाती है। यह सरकार का रुख है, नीतियों के संबंध में, ऐसा मालूम होता है। अभी सरकार ने भूमि की सीमा को घटाने के सम्बन्ध में एक प्रस्ताव पेश किया और कांग्रेस की यकिंग कमेटी ने उसको इधर उधर कर दिया

[श्री सूरज प्रसाद]

उसमें ऐसा प्रावधान कर दिया जो कि हिन्दुस्तान के जमींदारों के पक्ष में है। अभी सीमेंट के मजदूरों की हड़ताल हुई थी और जब यह बात आई कि उनको कुछ दिलवा दिया जाय तो हिन्दुस्तान के एक मंत्री श्री सुब्रह्मण्यम साहब ने कहा कि अगर सीमेंट के मजदूरों की मजदूरी बढ़ा दी जाय तो यह हिन्दुस्तान के दूसरे कारखानों में काम करने वाले मजदूरों के लिए उदाहरण बन जाएगा और पूरे हिन्दुस्तान में इसका रिफ्लेक्शन होगा और यह तमाम लोग इसकी मांग करेंगे।

श्री नन्द किशोर भट्ट (मध्य प्रदेश) : प्वाइंट ऑफ आर्डर। इसके पहले कि माननीय सदस्य सीमेंट वर्कर्स के बारे में कुछ कहें वह समझ ले कि कितना बार्स का भिला है और क्या उनकी वर्कर्स की डिमांड है।

श्री सूरज प्रसाद : हमें मालूम है कि कितना भिला है।

उपसभाध्यक्ष (श्री वी० शी राजू) : यह कोई प्वाइंट ऑफ आर्डर नहीं है, आप खत्म कीजिये।

श्री सूरज प्रसाद : तो हमको ऐसा मालूम पड़ता है ऐसा लगता है कि सरकार की जो नीति है, सरकार की जो पालिसी है और अभी तक कांग्रेस सरकार ने जो प्रोग्राम देश के सामने रखा था उससे वह पीछे जा रही है और हिन्दुस्तान के अन्दर लगता है कि इनके देश के राजा महाराजा, देश के जमींदार और देश के बड़े बड़े जो एकाधकारी पूंजीपति हैं उनके साथ समझौता कर लिया है, गठबन्धन कर लिया है और उनके हितों में काम कर रही है।

इसलिए मेरा कहना है कि यह बिल पास करने लायक नहीं है। हाँ, दो चीजें हैं, जहाँ तक कि सी० आर० पी० सी० और सी० पी० पी० का प्रश्न है उस बात का हम लोग समर्थन करते लेकिन जहाँ कि एक्सपेंसिया पैमेंट देने कि बात है, जहाँ तक सामूहिकों को सुरक्षित रखने

और उनके हाथों में छोड़ देने का प्रश्न है, यह सब पास करने के लायक नहीं है, इसलिए हम मंत्री महोदय से अनुरोध करने कि इस बिल को वह पुनः ड्राफ्ट करें और बाद में इसको पेश करें।

SHRI DAHYABHAI V. PATEL (Gujarat) : Sir, our party's stand and my stand in this matter and particularly in the matter of privy purses is very clear. So, I am not going to detain the House very long. In principle to go back on a word, plighted word, to go back on what was enshrined in the original Constitution is immoral, dishonest and deceitful and, therefore, I am opposed to this. For the benefit of the people, some of my friends here who are confused, I would like to read from a quotation that I was reading a few days ago. I would like Members of the House to ponder over the truths that are contained in it :

"You cannot bring about prosperity by discouraging thrift.

You cannot strengthen the weak by weakening the strong.

You cannot help the poor by destroying the rich.

You cannot establish sound security on borrowed money.

You cannot keep out of trouble by spending more than your earning.

You cannot build character and courage by taking away a man's initiative and independence.

You cannot help men permanently by doing for them what they should do for themselves."

Thank you, Sir.

HON. MEMBERS : Quotation from whom ?

SHRI DAHYABHAI V. PATEL : Abraham Lincoln.

SHRI K. P. SUBRAMANIA MENON (Kerala) : Sir, I was thinking that it will not be necessary for me to speak after Mr. Suraj Prasad had spoken, but since Mr. Dahyabhai Patel has said that it was immoral I would say that the very Constitution itself was immoral, whereby they had come to arrangements with the Princes and it is a legacy of that. At least for some time now we are thinking of correcting an immoral thing, which we have done long ago...But the point is now.. .

SHRI RANBIR SINGH : How is it immoral ?

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Please sit down.

SHRI RANBIR SINGH : We all of us are committed to the Constitution. Can a member describe the Constitution as immoral, Sir ? This should be expunged.

THE VICE-CHAIRMAN : Let him have his say.

SHRI K. P. SUBRAMANIA MENON: The Constitution itself is immoral. . .

SHRI M. P. SHUKLA : This is very serious. The suggestion that the Constitution is immoral in this House is against the oath that he has taken.

SHRI K. P. SUBRAMANIA MENON : You have been amending it.

SHRI M. P. SHUKLA : He has taken the oath, to abide by the Constitution and, therefore he should not say that the Constitution is immoral. I think it is out of order and it should be expunged.

SHRI K. P. SUBRAMANIA MENON: You have been amending it...

(Interruption)

SHRI M. P. SHUKLA : We have taken an oath solemnly in this House, before coming to this House, that we will abide by the Constitution.

Now, in this House a Member says that it is immoral. It is wrong, against the Constitution and it should be expunged.

SHRI K. P. SUBRAMANIA MENON: Sir, the whole trouble with these Gandhi caps is that they do not understand what is what and they think.. .

SHRI M. P. SHUKLA: It should be expunged, otherwise he is disqualifying himself.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : We will examine it.

SHRI K. P. SUBRAMANIA MENON : He has got fren/ied over such a small thing.

These people, they are full of cant and hypocrisy.

SHRI M. P. SHUKLA : This is not sacrosanct, you can amend it, but not abuse it...

SHRI K. P. SUBRAMANIA MENON: Stupid why don't you stop this nonsense?

SHRI M. P. SHUKLA : I cannot stop it. I have got as much right as you.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : That will be examined.

SHRI K. P. SUBRAMANIA MENON: What I was saying is this. This Government, after passing the privy purses abolition Bill, that is, amending the Constitution, took nine months to bring forward another

[Shri K. P. Subramania] Nonf measure which will give effect to it. Even now, what are they going to do ? They are going to leave all the jewellery, all the palaces and all these things to the Maharajas. Now, let me put this question plainly to you, Sir. The point is cannot the Maharajas live in flats ? We are opposing all these things and we are opposing also the compensation being indirectly mentioned here because here it is not a question of taking over an end-property. As a principle all feudal privileges, all feudal relations and vestiges, all feudalism existing in this country should be abolished without any compensation because the abolition of privileges, of feudalism or vestiges of feudalism, is an essential necessity in democratising the structure of the society. That is why we are supporting this, and not because we have got any particular hatred for any Maharaja or thr we do not recognize that some people may be put to difficulty. But the point is, whatever may be the difficulty there are millions of people; if any particular Maharaja after abolition of the privileges has to do some work, let him do some work. If they cannot get employment let them fight like other unemployed people. Why should they be given any special consideration because they had been born in a feudal family, which they had not earned ? The point is here we are giving importance to something which an individual had not earned by merit, by his work or by his intelligence. Therefore we should oppose this provision and I am opposed to the suggestion in the provision of compensation. I am opposed to the question of allowing them to continue in palaces. Let them live in a flat. Why should we have any consideration for them ? I am also opposed to allowing them to have any of the jewellery and all these things. Above all they should not be given any exemption in income-tax, wealth tax and all such things.

THE MINISTER OF LAW AND JUSTICE AND PETROLEUM AND CHEMICALS (SHRI H. R. GOKHALE) : Sir, every speaker has in the end supported the Bill and most of the points raised are overlapping and the criticism was on expected lines. Therefore, I want to be very brief in my reply and refer to the ; major points that were raised in the debate.

Sir, it was said in the very beginning of the debate that the preamble is misleading. But the Member unfortunately looked at only one part of the preamble and not at the other because, while it provides for abolition of the privileges, it also provides for provision to be made for a period of time during the lifetime of the rulers to enable the rulers to rehabilitate themselves in changed circumstances. Therefore, I am not in a position to agree that the preamble is in any way misleading. In fact it conectiy represents the provisions of the Bill.

Then the point was lost sight of because this is very important. The major privileges which the Princes enjoyed all these years before the passing of the Constitution Amendment last year are taken away. Sir, the immunity from arrest, the immunity from execution of decrees, the immunity from court proceedings, the immunity from prosecution in a court of law, all these are now taken away, and the only safeguard provided is that if any a cause of action has arisen prior to the commencement of the Constitution, that is 26th January 1950, or if there is any grouse anybody entertains against a former ruler—most of them are by now dead—a prosecution in a criminal court or a dispute in respect of a period when the immunity was applicable because they were Princes at that time undoubtedly, should not be allowed to be raised in a court of law without sanction of Central Government. But it is also to be remembered that if anything has happened in the last

25 years after the passing of the Constitution, no prosecution is barred, no civil suit is barred, there is no immunity from arrest, there is no obligation on the Government to provide for prosecution or defence. This is a major step forward in the direction of removing the privileges of the ex-rulers, the former rulers of States. That is not highlighted. The main consideration is even at the time when the Constitution Amendment was brought in the House the Prime Minister had said that there was no malice or animus against individual rulers or against a class. There was a system which was an anachronism which could not be allowed to remain after independence. The Constitution should have been amended much earlier. Attempts were made and the House knows under what circumstances the Bill failed and on account of whom the Bill failed at that time. The very people on account of whom the Bill failed at that time have today become the greatest advocates of measures which provide for tentative relief or a short while, for a period which only is confined to the lifetime of the ruler. I have made it clear earlier that this Bill does not provide or authorise payment of any money. If the relevant clause is carefully read, unless Parliament at an appropriate time when the additional Demands for Grants are

brought before the House passes 6 P.M. it, it cannot be paid. It is only after consultation with Parliament and Parliament approves of those demands and passes them. The passing of this Bill will not authorise the Government to pay a single pie to them. It is not conferring any authority on the Government to make any payment. Therefore, at the time when the demands for grants will be brought before the House, it will naturally be open to, and it will be the right of, every Member of the House to raise a discussion on the question whether the amount proposed to be voted is reasonable or unreasonable or for that matter to say that the amounts should

not be paid at all. But that stage is not this stage. In the event of Parliament sanctioning any payments, the payments will be made, payments which are called *ex-gratia* payments—deliberately they are called *ex gratia* payments because they have no statutory authority there is no obligation on the part of the Government to pay; the obligation will arise only if the appropriation is made by this House when the demands are brought before the House and is sanctioned by this House. The present Bill only provides that if such payments are authorised and are made, then there will be an exemption from income-tax. As the House knows, the privy purses were exempt from income-tax altogether. There are no privy purses now. The payments, if made, will be made once and for all, they are not recurring payments to be made annually.

When we talk of the princes, we always talk in terms of the bigger princes, but we must also realise that a large number of princes are really penniless princes. And even when the Prime Minister moved the Bill in the course of the Constitution (Amendment) Bill—in this House and also when it was left to me to pilot it at a later stage, I had reiterated what the Prime Minister had said that it was the intention of the Government at the appropriate time to take care particularly of the smaller princes by enabling them to adjust themselves to the changed circumstances by making conditional provisions. Therefore there is no question of any breach of promise. When the Constitution (Amendment) Bill was passed, at that time it was stated before the House that if the principle was accepted then some *ex gratia* payment on a rational basis would be made. Let me also say this that these are not arbitrary payments that the Government would make according to their whims. This again is a matter which Parliament can discuss when the demands come before the House. There

[Shri H.R. Gokhale] will be a rational scheme which will have to be adopted for the purposes of payment and I do believe that the smaller the man, the smaller the prince, the greater the payment would be; the greater the prince, the greater in respect of his own privy purse, the smaller the payment would be. That will be the basis on which the payment will be made and if once it is accepted, there are then...

SHRI MAHAVIR TYAGI : Will it be laid before the House after sanction ?

SHRI H.R. GOKHALE : I can tell him, the demand is not before the House, now, if will come before the House, and the hon. Member knows that the demand is open to discussion. He will be entitled to say anything and ask anything by way of clarification from the Finance Minister who will bring this demand before the House. In fact, it is at that time that this question should be directed to the Finance Minister and I have no doubt that my senior colleague will deal with the matter in the most appropriate manner when it is brought before the House. When once it is said that some *ex gratia* payment is to be made, to say that it should not be exempt from income-tax...

श्री सूरज प्रसाद : एक इन्फॉर्मेशन हम जानना चाहते हैं कि टोटल पेमेंट आप राजाओं को कितना करना चाहते हैं ? वह 10 करोड़ है ।

SHRI H.R. GOKHALE : The matter is coming before the House.

THE VICE CHAIRMAN (SHRI V. B. RAJU) : It is not before the House now, the House will have the appropriate occasion then.

श्री सूरज प्रसाद : इन्फॉर्मेशन तो दी जा सकती है ।

SHRI H.R. GOKHALE : I am not asking for an appropriation of ten or fifteen or fortyfive crores or for that matter, any amount, as far as this Bill is concerned. Once this is accepted by both the Houses that some kind of *ex gratia* payment should be made—assuming that it is so accepted— when the demand comes before the House, it may be discussed. It is useless to say that it will not be free from tax because the result will be that Rs. 9 or perhaps Rs. 8 out of Rs. 10 which will be given to them as *ex-gratia* payment will be taken back by the Government. The very basis of enabling the rulers to adjust themselves to the changed circumstances will be defeated if the exemption is not provided for a limited purpose of being applicable only to the *ex-gratia* payment which will be sanctioned by Parliament at the appropriate time. No payment, as the hon. Members know, can be made from Government treasury without the authority of Parliament. Therefore, there is no question of doing anything behind the back of Parliament at all. But the scope of the present Bill has to be understood; its scope is that it does not seek any authority for making any payment at all.

Something has been said about the employees of the princes. Now, the Government is not behind anybody in their concern for the unemployed people, not only the persons unemployed as a consequence of the rulers discharging them from service, but others also. For that matter, the employment under the Princes is a private employment. If I, for that matter, or any other Member says that he cannot afford to maintain a servant, I am as much concerned with the unemployment of such a servant as I am concerned with the unemployment of the employees of the former rulers. But the fact remains that these are not fast private employees like the other domestic servants because a large number of employees are employed by the former

rulers and they face a very difficult situation. The matter has been taken up with the State Governments and a proper method of seeing that something is done in respect of these unemployed is already under the consideration of the Government. Therefore, it is not as if this is not present in the minds of the Government at all. The Government is as keen as anybody else that (his) should not result in unemployment of a large number of persons in a group because it is not a simple unemployment of people where one or two people go out of employment of a private employer. It is a question of hundreds, perhaps thousands of people in the whole country who might be affected. I am quite sure the Government is not unaware of it. The Government has taken steps to see that a proper method is evolved to see that something is done with regard to these unemployed people also. Some questions which, according to me, are not relevant to the present Bill were raised at the very outset when I mentioned that this Bill should be taken into consideration.

My hon'ble friend, Mr. Bhupesh Gupta, referred to the properties of the Ruler of Faridkot. The Bill does not provide for any control or alienation of private property. The Rulers may have private property. If the property of Faridkot is private property—as I believe it is—and if it is sold and it results in capital gain, like any other capital gain on any sale of private property, there will be capital gains tax on the sale of the Faridkot property also. The present Bill deals with the property of the Ruler which is now private property. Even there, with regard to all property, excepting one palace which is left free of tax on the basis of its actual value, every other palace, whether private or otherwise, will be subjected to the usual income tax assessment. All this is necessary because under the existing arrangements.

before this Bill is passed, some of them have more than one palace in respect of which this exemption from income tax is available to them. Now it is taken away in respect of all palaces except one and in respect of this exemption will not apply.

With regard to gift tax, gifts made from Privy purse, as the House knows, were exempt from gift tax. Now there is no exemption given even from gifts made from the *ex-gratia* payments. If at all these payments are made by the Princes, the gift tax will be equally applicable because the idea is not to enable them to give away this amount to others. The idea is to enable them to rehabilitate themselves. If any attempt is made to defeat this purpose, they have enough money of their own and they do not need these *ex-gratia* payments for gifting them away. They are not free from gift tax. That is what I want to emphasise. The exemption which was applicable to the Privy Purses before the passing of the Constitution Amendment Bill is not applicable to them.

Sir, even with regard to heirloom jewellery the position is this. Excepting a few Rulers, I believe only one or two, whose heirloom jewellery was recognised by the Central Government no heirloom jewellery is free from wealth tax without conditions. Later on, when the Wealth Tax Act came on the Statute Book, a section in the Act enabled the Central Board of Direct Taxes to frame rules so as to impose conditions on the disposal and use of the heirloom jewellery if wealth tax exemption was to be availed of. Now, the Bill here goes a step further in the sense that even in respect of heirloom jewellery, which was free from tax and which was not subjected to these conditions because they were made free from tax by reason of recognition by Central Government prior to the coming into force of the Wealth Tax Act, conditions are being imposed. If you only look at the conditions

[Shri H. R. Gokhate]
it is quite clear that the conditions are intended to see that heirloom remains heirloom. The dictionary meaning of 'heirloom' is well-known. Heirloom is something which is passed on from generation to generation. It does not apply to all jewellery. And even in respect of these there are various conditions imposed. If these conditions are observed, then only there is exemption from Wealth Tax. There is only exemption granted in respect of heirloom jewellery, and even there penalty is also sufficient high with the result that if it is found that any of these conditions is violated, there is provision in the amendment now before the House requiring that wealth tax should be levied from a retrospective date. Therefore, the penalty is so high that there is a deterrent on the misuse of this power of retaining the heirloom jewellery free from wealth-tax, because otherwise the retrospective operation of the assessment of wealth-tax might destroy the benefit completely. So, I would request the hon. Members to consider the Bill in its entirety and take an integrated picture.

Something was said by Mr. Veerendra Patil about the three palaces of the former Maharaja of Mysore. There again it is really beside the point because if they are private property as I said, as private property, they would be liable to all kinds of taxes, whether it is income-tax or wealth-tax. If it is private property it has nothing to do with this Bill. This Bill talks only of residences which were before the passing of the Constitution Amendment Bill recognised as official residences of Rulers who were recognised as Rulers at that time, and not of any other property. But even with regard to these three properties, there has been a question raised which is under the examination of the Government. Mr Veerendra Patil was right that in regard to these properties

there was a condition imposed that they were not transferable, that they would go to the heirs and so on and so forth. Now one contention raised is that it was only the right of actual user and they had no other right. Now this question is being examined by the Government and I am quite sure that the Government has no desire to let these properties go except in accordance with law. But that in any case has nothing to do with the present Bill.

Sir, I think I have covered most of the major points which were raised in the debate. I commend the Bill for the consideration of the House.

THE VICE CHAIRMAN (SHRI V.B. RAJU) : The question is :

'That the Bill further to amend certain enactments consequent on derecognition of Rulers of Indian States and abolition of privy purses, so as to abolish the privileges of Rulers and to make certain transitional provisions to enable the said Rulers to adjust progressively to the changed circumstances, as passed by, the Lok Sabha, be taken into consideration.'

The motion was adopted.

THE VICE CHAIRMAN : We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 7 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI H.R. GOKHALE : Sir, I beg to move :

'That the Bill be passed.'

The question was put and the motion was adopted.