

STATEMENT BY MINISTER P.E PUNCTUALITY OF TRAINS

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS/रेल मंत्रालय में 3*PT<IT (SHRI MOHD. SHAFI QURESHI): Sir, hon. Members.....

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT/

(SHRI

संसदीय कार्य विभाग तथा नौवहन और परिवहन मंत्रालय में राज्य मंत्री

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M MEHTA :

Sir, the statement may be laid on the Table so that the Members may study it carefully. They are all agreeable to it.

SHRI MOHD. SHAFI QURESHI: It is such a good piece of news that I do not think hon. Members will have anything to ask about it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): All right; you lay it on the Table.

SHRI MOHD. SHAFI QURESHI: I beg to lay on the Table a statement relating to punctuality of trains.

THE GUJARAT STATE LEGISLATURE (DELEGATION OF POWERS) BILL, 1971

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS/ गृह मंत्रालय में उपमंत्री (SHRI F. H. MOHSIN) : Sir, I beg to move:—

"That the Bill to confer on the President the power of the Legislature of the State of Gujarat to make laws be taken into consideration."

Sir the House is aware that in the Proclamation dated 13th May 1971 in relation to the State of Gujarat the President has declared that the powers of the State Legislature shall be exercised by or under the authority of Parliament. However, in view of the otherwise busy schedule of the two Houses it would be difficult for Parliament to deal with the various legislative measures that may be necessary in respect of the State and there would be more difficulty in situations requiring emergent legislation. The Bill therefore seeks to confer on the President the power of the State Legislature to make laws in respect of the State. It has been the normal practice to undertake such legislation in relation to the States under the President's rule and the present Bill is on the usual lines,

Provision has been made for the constitution of a consultative Committee consisting of Members of Parliament which will be consulted before enacting laws in respect of the State of Gujarat. Provision is also made to empower Parliament to direct modifications in the laws made by the President if considered necessary. I would request the hon. House to accept the legislative proposal before it.

The question was proposed. SHRI T.K. PATEL (Gujarat): Mr. Vice-Chairman, Sir, it is unfortunate that we have to consider this Bill to day as a result of the imposition of President's rule in Gujarat on the 13th May, 1971. This was indeed a bad day for Gujarat as a democratic and popular Government headed by Shri Hitendra Desai was toppled on that day by methods which were undemocratic and immoral. As everyone is aware, Gujarat had a stable Government and in spite of various methods which were employed since the split of the Congress in 1969 the Hitendra Desai Government functioned in a truly democratic manner. It was this Government which had implemented various progressive measures such as land reforms, effective enforcement of prohibition, a network of co-operative credit societies, co-operative sugar factories and co-operative dairy projects, the green revolution in agriculture and complete nationalisation of State transport. The Prime Minister had paid handsome compliments to Gujarat and described it as a progressive State, but things changed after the split and even though the same person headed the Government, the Gujarat Government became reactionary and all sorts of bad names were given to it. Efforts were made to topple the Government in early 1970 with an unholy combination of Swatantra, the ruling Congress, some independents and the Jan Sangh. Sir, this was all fair and proper so long as the ruling party did it, but when Shri Hitendra Desai formed the Government in April, 1971, with the support of a few Swatantra and other members, he was dubbed a reactionary. When a section of the Swatantra Party members joined Organisation Congress, they became reactionary, but when some of them joined the Ruling Congress they became socialists. This is the most sordid development of our political life and I do not know where it will lead us.

We are considering the Bill to delegate powers to the President for legislating in Gujarat. I hope these powers will be used with

discretion and fair play and the Government will enact legislation which will continue the progressive policies which the Hitendra Government had initiated. In this context I would like to mention a regressive action taken by the Governor's regime to curtail the benefit of secondary education. The Hitendra Government had decided to provide free secondary education to all the students in the State. Earlier it had started with free secondary education to the weaker sections of the society and those having an annual income of Rs. 1,200. This policy was later extended and secondary education was made free for all the girls in the State. The animination of this policy was to extend the benefit of free secondary education to all the students in the State. This decision was very rightly taken by Shri Hitendra Desai, but the Governor's regime modified it and the benefit of free secondary education has been restricted to certain income groups only. By this modification a section of the students who are supposed to belong to the higher income group has been excluded. This differentiation seems unfair in the context of the socialistic image of the ruling party. Whatever be the timing and the circumstances of the decision taken by the Hitendra Desai Government it cannot be denied that it was a progressive decision and there was no justification whatsoever for its modification. Besides, the system of producing income certificates will lead to corruption and malpractices. Universal free primary as well as secondary education was a bold measure and it is our view that such a decision should not have been modified. As the modification has been done by an executive order I hope it is not too late for the Central Government to advise the Governor to restore the status quo.

This apart, Gujarat has a number of problems. The general impression that Gujarat is a rich State is not correct. It has a big population of backward classes. It is deficient in road, irrigation and water supply. But the most burning problem today in the State, which is likely to retard its development, is that of fixation of prices of natural gas and RFO. When the award given by Dr. Rao expired, the ONGC in a very high handed manner increased the prices by more than 100 per cent. Gujarat has not enough resources for hydro-power and it was trying to make up its deficit in power by the use of natural gas and RFO. It seems there is some bias somewhere and we are now faced with a problem

which is agitating the minds of the public in Gujarat. I was glad to know from the newspapers that the Governor has taken up the matter with the Centre. I wish well to his efforts and hope that a satisfactory solution will be found.

Another vital matter agitating the public mind is the long drawn out Narmada dispute. No doubt a tribunal has been appointed but how long will it take in giving its award? My information is endless arguments are taking place over the procedures to be followed, documents to be screened, etc., etc. The tribunal has not got down to a regular hearing of the case, even though it is functioning for more than one and a half years, and at this rate it will take years for its award to come and in the meanwhile precious water resources of Narmada are going waste and large areas of Gujarat continue to suffer from the ravages of floods almost every alternate year. I would urge the Government to look into the causes of delay in the conduct of the proceedings of the tribunal and see what steps can be taken to expedite the work of the tribunal. If this is not feasible, may I request the Prime Minister to intervene and bring about an amicable settlement of the dispute by using her good offices with the Governments of Maharashtra and Madhya Pradesh.

A former Swatantra Member who lost the Parliament elections twice in 1967 and came to Rajya Sabha as an independent has now become the Member of the ruling party and has raised a new controversy in Gujarat. I refer to the question of location of the capital of Gujarat at Gandhinagar. The decision to locate the capital at Gandhinagar was taken by the Ministry headed by Dr. Jivaraj Mehta and this policy was continued by the successor Government in the State, and accordingly last year the Secretariat and some other offices shifted to Gandhinagar. Even the State Legislature met there. But this new Member of the ruling party who is a former chief engineer has taken upon himself the question of shifting the capital. It has been made to appear that he has taken up this question at the instance of the Prime Minister. I could like a clarification from the Government whether the Prime Minister has had a discussion with Shri Mahida and whether she has desired him to reopen this important question which was settled long back. It is a matter of regret that such issues

[Shri T. K. Patel]

are sought to be made the subject of party politics.

I have only mentioned a few points regarding Gujarat. It is my earnest hope that the elections in Gujarat will be held early and the people of Gujarat will have the benefit of democratic rule as early as possible and this long distance rule will come to an end.

SHRI F. H. MOHSIN : Sir, only one Member from the opposition has spoken about this Bill, and the points that he has raised are not very relevant to the provisions of this Bill. It is a natural consequence after a Proclamation is issued that delegation of powers is usually given to the President. But the Member has tried to make out one or two points and one was about the toppling of the Congress (O) Government in Gujarat. Sir, the blame cannot be placed at the door of the Congress ruling party in this respect. If topplings have taken place in Gujarat or elsewhere, it is the result of the massive mandate that the people have given to us in the whole country in the Lok Sabha elections. Such things also happened in Mysore soon after the Lok Sabha elections. When the people expressed their support to the Congress ruling party and went away from the Congress (O) organisation, naturally the members of the Congress (O) Party there in Gujarat as also elsewhere felt themselves insecure.

And naturally the defections continued. It was not at the instance of any leader of our party. It is due to the massive mandate of the people and also to some extent the principles and policies followed by Congress (O) in forging a grand alliance with the reactionaries and the communalists. As a result of such alliance and the policies pursued by the Gujarat Congress (O) there were defections and naturally their Government had to go.

The second point that he made was about secondary education. It is true that Mr. Hitendra Desai before going out of office announced an order giving concessions to boys and girls till the secondary school stage. It was just on the eve of his laying down office. If my hon. friend thinks that it was a progressive step, why should he do it on the eve of relinquishing his office? It was on the eve of relinquishing his office that the Chief Minister announced giving concessions to boys and girls till the secondary education stage and my friend makes much of it.

SHRI T. K. PATEL : Free education for girls was there much earlier.

SHRI F. H. MOHSIN : And even then it was not a Cabinet decision. That decision was taken by the Chief Minister in consultation with one or two Ministers. It was not a Cabinet decision. Later on the Governor read about this announcement and he came to this opinion that the resources of the State were of prime consideration. My friend has made out that it is not a wealthy State and they cannot afford so much. Of course, it was : due to this consideration that the Government had to reopen this question and it has retained the concessions to the girls. And there are some concessions to boys also whose income is less than a particular sum. The poor students continue to get the concessions even at the secondary stage as before, and the backward class students get more concessions also. So there is no reason why the affluent class of people should get concessions at the cost of the Government. Do you think that Mr. Patel's son should get educational concessions also when he is an MP and draws salary and he might be an affluent person also? Is it the opinion of Members that the children of rich persons also should get concessions at the cost of the Government? I do not think so and none of the Members would like that. It cannot be a progressive step. We do not charge fees for the poor students, they are all given concessions. Fees are charged only from boys coming from the rich classes. So I do not think anybody should have any objection to that.

My friend has made a third point about the gas price. He also knows that the Governor has taken up this question with the Central Government and the ONGC. I think officers are also carrying on negotiations and I do feel that they would reach some settlement. I know the sentiments of the people of Gujarat on this question and I hope that the Gujarat Government and the Central Government will come to an amicable settlement.

The fourth point that he has made is about the Narmada water dispute. I am quite aware of the sentiments of the people of Gujarat on this issue but they should await for the decision of the Tribunal. The matter was referred to a Tribunal because there was a dispute between the two States. The matter was negotiated and there was enough time given to the State Governments. And only when the

[Sh. F. H. Mohsin] Central Government knew that the negotiations cannot be carried on further, was the matter referred to a Tribunal.

So we should better await the decision of this Tribunal before giving any opinion on this matter.

Sir, this is a very non-controversial Bill. We are not giving any absolute power to the President. There would be a Consultative Committee consisting of 51 Members, 34 belonging to the Lok Sabha and 17 to the Rajya Sabha, and the legislation proposed will be brought before the Committee first. The opinion of the Committee will be taken before any legislation is passed. So, I think, Sir, there is nothing wrong. It is the usual practice to delegate powers to the President wherever the President's Rule is there. Therefore, I appeal to the Members to give their unanimous approval to this Bill.

SHRI T. K. PATEL : My question regarding the shifting of the capital has not been replied to

SHRI F. H. MOHSIN : I am not aware. Of course, there is a statement to that effect from a certain Member. I will convey your feelings to the Government.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That the Bill to confer on the President the power of the Legislature of the State of Gujarat to make laws be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We shall now take up clause by Clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

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

SHRI F. H. MOHSIN: Sir, I beg to move : "That the Bill be passed". *The question was proposed.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN). Mr. Mahi'da. Just two minutes.

SHRI U. N. MAHIDA (Gujarat): The manner in which a reference has been made it will be rather unfair to restrict me to a few minutes though I will take the shortest time possible.

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Sir, I have been referred to as one of the earlier Chief Engineers. I would not have disclosed certain facts here but for his reference to the past. It is true that I did submit a report for shifting from Bombay the seat of new Gujarat Government when the bifurcation was to take place. I would have refrained from publishing that report but now that it has been referred to I shall be publishing it during the course of the next week. The report will speak of the reasons and also give all the facts showing that what is being done now is against the decision arrived at and implemented and the fruits of which were enjoyed by the Government of Gujarat for a period of years. There was a sudden change. The reasons of that change are not known to Gujarat. They are not known to the Gujarat Legislature because the scheme did not have the legislative sanction that is needed. Merely lumpsum and part estimates were submitted and work started. That is precisely the point. I have raised this question now because there is going to be an election under the President's Rule. And do you not expect that such elections are likely to be fairer than what they have been so far, for reasons well known to the politicians? Therefore, I have taken advantage of nobody's advice nor have I sought anybody's assistance. I have submitted a paper. It is printed. It exactly points out what is meant therein. I have said: let the matter be decided by the next Legislature, let the question be decided at the time of the election. What is wrong about it?

Coming to the few facts only, they say that we have been doing it because at the time of bifurcation it was a mandate, it was a decision to have a new capital. This is far from being true. A decision was only made that Gujarat be given a sum of Rs. 10 crores for locating the seat of the Government, for making accommodation available for offices and officers.

And not Rs. 10 crores were "given" to Gujarat, but only Rs. 7 crores were "given" by Maharashtra; Rs. 3 crores were Gujarat's own. Then, it was told to Gujarat—I am speaking now from official records—that the expenditure would be of the order of Rs. 16 crores, that Rs. 10 crores was the lump sum to be received because of bifurcation and Rs. 6 crores would be raised as loan and there would be profits from the proposition. The business magnates and others of the city of Ahmedabad were told that the proposition would yield profit. Far from that, Sir, now they have spent Rs. 20 crores. According to

another leader, it is Rs. 23 crores; but I am told that it is Rs. 20 crores. And not even one-third of the work is done. I heard it from a reliable authority that the expenditure is likely to be of the order of Rs. 80 crores. Sir, Gujarat is not a rich State in that manner. And if you spend Rs. 5 crores every year—they have not been able to spend much more than that—it will take another ten years and by 1980, the expenditure will be Rs. 80 crores. The annual burden on the State will be of the order of Rs. 8 crores. Gujarat only gets Rs. 4} crores as land revenue from the poor land cultivators. And if you are going to spend Rs. 8 crores every year on a mere luxury of new capital, it is time that the people are told the facts. Then, Sir, 11,000 acres of land have been taken away . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You need not go into the details now.

SHRI U. N. MAHIDA: So, as I have said in the very beginning, let this question be discussed. Now I will also be publishing the report. Sir, with your permission, I shall distribute a copy of the printed pamphlet to the Members of Parliament. Thank you.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Mohsin, do you wish to say anything?

SHRI F. H. MOHSIN: Sir, I have nothing to add.

SHRI T. K. PATEL: Mr. Mahida, was the report drafted by the Government or by you?

SHRI U. N. MAHIDA: I reported to the Chief Minister and the report has been accepted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

"That the Bill be passed".

The motion was adopted.

THE PUNJAB STATE LEGISLATURE (DELEGATION OF POWERS) BILL, 1971

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We will now take up the Punjab Bill. I crave the indulgence of the House. It would not take more than 15 minutes.

THE DEPUTY MINISTER IN THE
MINISTRY OF HOME AFFAIRS/

गृह

मंत्रालय में उपमंत्री (SHRI R. H. MOHSIN):

Sir, on behalf of Shri K. C. Pant, I beg to move;

"That the Bill to confer on the President the power of the Legislature of the State of Punjab to make laws be taken into consideration."

Sir, this is on similar lines. If you want me to make a speech, I shall do so.

SOME HON. MEMBERS: No, no.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Anything particular?

SHRI F. H. MOHSIN: Nothing particular. It is a similar one.

The question was proposed.

श्री निरंजन वर्मा (मध्य प्रदेश) : श्रीमन्, हमारे योग्य मंत्री जी ने अभी कहा है कि यह बिल भी ठीक उसी प्रकार से है जैसा कि गुजरात का बिल था और गुजरात के बिल के समय उन्होंने बड़े गर्व के साथ दो बातें कहीं। एक बात तो यह कही कि वह तो पब्लिक ने हमको मैन्डेट दे दिया है और उस मैन्डेट के कारण हम ऐसा कर रहे हैं। और दूसरी बात उन्होंने रूलिंग कांग्रेस की तरफ से हमारे मित्र श्री नवल किशोर जी को यह बताया कि स्पेशल ग्रैंड एलायन्स उन्होंने किया और उसके कारण उन को गुजरात में इस प्रकार से नीचा देखना पड़ा— ऐसा उनका खयाल था। मैं उन दोनों बातों को बतलाते हुए आपसे एक और बात कहता हूँ, पंजाब के विषय में। आपने 5 P.M. पंजाब के बारे में जो कुछ भी किया, उसका प्रभाव आप पर ही पड़ा। आज से एक वर्ष पहिले श्रीमन्, व्हिप्स की एक कान्फ्रेंस हुई थी जितने रूलिंग कांग्रेस में नेतागण भी थे और सब पार्टियों के नेता थे। उस कान्फ्रेंस में जितने भी नेतागण थे उन्होंने एक स्वर से, सबने कहा था कि दल बदल को किसी प्रकार से प्रोत्साहन नहीं दिया जाना चाहिए। आज इस बात को हुए करीब डेढ़ वर्ष हो गये हैं और क्या मंत्री जी अपने हृदय में हाथ रख कर यह बात कह सकते हैं कि मैसूर में, गुजरात में और पंजाब में क्या उन्होंने दल बदल को प्रोत्साहन नहीं दिया? अगर आपने दल बदल को प्रोत्साहन नहीं दिया तो वहाँ के गवर्नर श्री पावटे ने आपकी सरकार की आशाओं में तुषारापात कर दिया; क्योंकि आप