

NOTIFICATIONS UNDER THE INCOME TAX ACT, 1961

SHRIMATI SUSHILA ROHATGI: Sir, I also lay on the Table a copy each of the following Notifications (in English and Hindi) of the Central Board of Direct Taxes, under section 296 of the Income Tax Act, 1961; —

- (i) Notification S. O. No. 1997, dated the 11th May, 1971, publishing the Income-tax (Second Amendment) Rules, 1971.
- (ii) Notification S. O. No. 2168, dated the 28th May, 1971, publishing the Income-tax (Third Amendment) Rules, 1971.

[Placed in Library See No. LT— 452/71 for (i) and (ii)].

NOTIFICATIONS re CENTRAL GOVERNMENT LOANS FLOATED IN 1971-72

SHRIMATI SUSHILA ROHATGI: Sir, I also lay on the Table a copy of the Ministry of Finance (Department of Economic Affairs) Notification No. F.5(4)—W & M/71, dated the 14th June, 1971, (in English and Hindi) publishing the Central Government Loans floated in 1971-72. [Placed in Library. See No. LT—411/71.]

[MR. DEPUTY CHAIRMAN in the Chair].

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

THE MINISTER OF STATE IN THE
(*Delegation of Powers Bill*)

गृह मंत्रालय में राज्य मंत्री

(SHRI K. C. PANT): Sir, I beg to move:

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

The House is aware that in the Proclamation dated the 27th March, 1971,

in relation to the State of Mysore, the President had 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. There would be particular difficulties 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 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 Mysore. Provision is also being made to empower Parliament to direct modifications in the laws made by the President if considered necessary. I request the hon. House to accept the legislative proposal before it and pass the Bill.

The question was proposed.

DR. K. NAGAPPA ALVA (Mysore) : Sir, the Bill to confer on the President the power of the Legislature of the State of Mysore to make laws is before us and I rise to say a few words and also to support it. President's rule became inevitable in Mysore. Now, it is for us to see that the progress and development that has been achieved so far in that State is maintained.

On this occasion I must also mention that the responsibility of the Central Government has increased because in the mid-term election the ruling Congress has got all the seats. So I am making an appeal to the Central Government to see that the achievements that have been there are furthered by the administration of the State by the President and that the State becomes more progressive. I must say here that the State Govern-

[Dr. K. Nagappa Alva] merit that was in power had done much in the matter of progress and development. Everyone and every political party in this country knows that in that State the administration was quite good and that even the social and political atmosphere was also quite good. Here I would like to speak on one or two points. As regards the Bill fixing a minimum wage for agricultural labourers, the idea is not only to make their work more and more fruitful, but also to see that agricultural production increases. Then there is also a scheme to raise a land army for increased agricultural production and to create employment opportunities. There is also a scheme to help the technically qualified people in our State so that they may get themselves employed. We are doing our best to see that the frustration that is being created among the technical personnel in this country is removed at the earliest time possible. In order to do justice to them we have asked for more irrigation facilities to our State. We have got a very high irrigation potential. As it is, it is about 8-112 per cent and for that the Cauvery river water irrigation projects must get the clearance at the earliest time. And also the necessary financial assistance should be given. Then there is the Hospet Steel Plant, and the State Government has given all the cooperation that has been asked for. It is very necessary that these projects are completed at the earliest time possible. For that I would request the Central Government to fix up a target, to start the work and finish it according to the schedule.

Then, we will be having elections to the State Assembly and for that I am very happy that a revision of the voters' list is going on. I do not want to go into the details of mid-term elections. But somehow complaints were there all over the country and in our State also there were certain complaints of irregularities. Such irregularities should not be there. For that purpose, a random checking of elcto-

ral roll is very necessary. That has to be done with due care and urgency because free and fair election is a necessity. There are cases of defection also. Defection has been a menace and it cuts at the root of democracy itself. Again with pain I must say that the ruling party has been encouraging defection and toppling game, that is toppling the State Government which are not to their liking. But now the Central Government is strong enough. And all the more their responsibility has increased to see that the elections are free and fair.

Sir, in conclusion, in general, I would like to say a few things. Population is increasing very rapidly. No doubt the population control and family planning programme is going on. But it is not enough. I was surprised to read just a few days back that not only population has increased tremendously, but the literacy for which we have been working so far has not gone up in proportion to the population increase. We should see that the literacy campaign becomes a success, so that the percentage of literacy in our country increases. Now the population is increasing, import of food is rising and literacy is going down. This is a tragic state of affair. Therefore, it is very necessary that the government should do everything in their power to see that the population control programme becomes a success and at the same time literacy programme also becomes a success.

Then there is the question of malnutrition. Over 50 per cent of the people in this country suffer from mal-nutrition and over 70 per cent of the children in this country suffer from mal-nutrition, particularly protein deficiency. For that it is necessary to see that greater and greater importance is given not only to greater production of food articles, but also to the production of nutritive and protective food in greater quantities.

Then there is ignorance and there is disease. Here I must say that in this country there has been exploitation.

Sir, here in this country there is exploitation, economic exploitation, social exploitation and also political exploitation. This exploitation must stop. The only way, added to the other measures that the Government will be taking, is to strengthen the Information and Broadcasting Department to make it pure and strong. From what we see in the State budgets and also in the Central Budget, the amount that has been set apart for the Information Department is very very meagre. So, I am suggesting that not only money must be set apart for these Departments, but these Departments must produce literature and even the mass media of All-India Radio should be in a position to inform the people what the things are that we have achieved in this country -and what we have to achieve and more than that, Sir, political education of the people is very necessary, political education of the right type, so that democracy may become deep-rooted and grow stronger and stronger in this country. Political awakening is very very necessary. But, here what we see is that unfortunately the administrative machinery is administrative in every respect, but 50 per cent it is politics. Taking out politics from this Information and Broadcasting Department, people have to be not only correctly informed, but they must be informed, they must be educated and they must be enlightened as to their duties and responsibilities, of how they can have their strength built up, attaching the greatest importance to the values of life and also to the culture in this country so that they may become strong and fuller citizens of this great country. Thank you, Sir.

SHRI JOACHIM ALVA (Nominated): Sir, I am exceedingly glad to follow my friend, Dr. K. Nagappa Alva he has talked about the stability of the last Government forgetting the lot of corruption around it. Last time I talked about the contractors' paradise which followed the last Gov-

ernment and so it had to be kicked out. The Reserve Bank wants Rs. 15 crores back from the Mysore State. How has that money been wasted? I want to ask Dr. Alva, how many times the Ministers of Mysore landed in Delhi by aeroplanes. I have been able to go 'once or twice only on my own money to Mysore from Delhi though for the last 20 years I have been an M.P. and my paper had a revenue of over Rs. 3 lakhs every year and that money has vanished.

Sir, years ago, I read that interesting book, "Memoirs of Anthony Eden" and I asked for it from the Library also and I remember even the eighth page now. What do you see? Here is the British standard, whether you like it or not. We must follow it. Have the Mysore Ministers followed it? They want to be Rajas. Sir, here is what Eden says. It is at page 8, "Facing the Dictators": — "A few weeks after we had begun to work for him, the Foreign Secretary Sir Austen Chamberlain, he asked me whether I would like to go with him on one of his periodic visits to Geneva paying my own expenses for the passage and the rules were very strict".

Now, Eden, then British Parliamentary Private Secretary to Sir Austen Chamberlain, writes :

"I could not afford it then. But the next year I availed of the opportunity to be present at the League Council".

Here is a man of such a humility who later became the Prime Minister of England, saying that as Parliamentary Secretary he could not go from London to Geneva. I want to ask the hon. Member, how many of these Mysore Ministers have come to Delhi with the help of the contractors. The contractors pay their bills in the Ashoka Hotel. I said it openly at the AICC.

SHRI CHITTA BASU (West Bengal): Is it so?

SHRI JOACHIM ALVA : Yes, in 1967, when the High Command was ' there at Mavlanker Hall, April 1967 at the A.I.C.C. when Shri Nijalin-gappa and Shri Virendra Patij and Shri Ram Krishan Hegde were there.

MR. DEPUTY CHAIRMAN: Mr. Mr. Alva, this Bill is very limited in scope and so you need not say . all these things.

SHRI JOACHIM ALVA: No, Sir. I have sat during many nights even after midnight in British House of Commons watching their procedure.

' All this is permitted there, Sir. I want to know how this money has come. We have asked it. How has this Rs. 15 crores of overdraft come to the Government of India ? The Finance Minister says, "Out with the money". How have we spent that money, Rs. 15 crores? How many trips has he taken to Delhi ? Could he not have done it through telephone ? Unless we set these things right, we cannot set this country right.

Haven't you read in the papers Mr. Mao said, "We don't owe any money to anybody. We have paid everybody's debt. Economically we are self-sufficient and independent".

When will that day come to India ? We are overwhelmed with debts to the United States, U.K., Canada, Russia, and what not. In these 20 years we have saddled ourselves with terrible debts. China and India started on the road to freedom from foreign domination, together.

Where does this money come from? If I fall ill, I cannot go beyond Willingdon Hospital. Mr. Rama-krishna Hegde is going to Switzerland for treatment of his stomach. Where does this money come from ? Unless I talk these thing out..

MR. DEPUTY CHAIRMAN : Please talk only on the Bill. This is not relevant here.

SHRI JOACHIM ALVA: Please allow me. This is relevant. I want to know how many trips the Chief Minister of Mysore has made ? Who has paid for all these trips?

They have brought a Birla who was never there before, to buy up the legislators. Shri Jawaharlal Nehru, Shri Lai Bahadur Shastri and the present Prime Minister have gone on very hard days. They would travel only when it is most necessary, with a very small contingent of aides, Mr. Ramakrishna Hegde said that Shri-mati Indira Gandhi is getting money from Russia. So did Dr. Nagappa Alva and Shri Nijalingappa.

MR. DEPUTY CHAIRMAN : Please speak what is relevant to the Bill.

SHRI JOACHIM ALVA : Sir, please allow me. This is relevant. We must put an end to all this. Dr. Nagappa Alva talks about stability Sir, I say that this is time when you should put your house in order.

That's all I want to say.

MR. DEPUTY CHAIRMAN: Mr. Villalan.

SHRI THILLAI VILLALAN (Tamil Nadu): Sir, we are now discussing the delegation of the powers of the Mysore Legislature to the President. Therefore, it is pertinent if I mention about the dispute regarding the sharing of waters of Kaveri between the State Government of Mysore and the State Government of Tamil Nadu.

SHRI ARJUN ARORA (Uttar Pradesh) : From sharing of money to sharing of water.

SHRI THILLAI VILLALAN: When the powers of the Legislature have been taken by the President, this unsolved problem may be also considered. Rivers are only a national

asset, Sir. We are talking about national integration, but even for sharing of waters we are prepared to wage war between States as different enemy countries. So far as the sharing of the water of the Cauvery river is concerned, there is a sole-mn agreement between the two states of Mysore and Tamil Nadu as early as in the year 1924. The State Government of Tamil Nadu is prepared to abide by the terms and conditions of the Agreement to the very word and true spirit behind it but, Sir, unfortunately, the Government of Mysore is not prepared to act according to the Agreement and on the other hand is even prepared to violate the terms of the Agreement. It is heading along in building the Hema-vathi Dam even though the State Government of Tamil Nadu protested and registered its disapproval more than once in unequivocal terms. Of course the Central Government, through the hon. Minister of Irrigation, Dr. K. L. Rao, attempted strenuously to make a peaceful settlement between the two States. But the Government of Mysore was not prepared for any agreeable settlement or any amicable settlement. The Chief Ministers of Tamil Nadu, Mysore and Kerala discussed more than once but there is no possibility of settlement. Therefore, Sir, we are forced to suggest that the dispute should be referred to a tribunal under Inter-State Water Disputes Act. I would take this opportunity to make my request to this Government that immediate steps be taken for stopping the construction of 'Hemavathi' which I called on a previous occasion as 'Yemavathi,' as the killing God for Tamil Nadu, and I also pleaded for sending the dispute to a tribunal for a final decision. There is no other alternative for Tamil Nadu in this regard. Therefore, Sir, I am making this request again and I am taking this opportunity only to mention about this dispute. I thank you, Sir.

श्री जगदीश प्रसाद माथुर (राजस्थान):

उपाध्यक्ष महोदय, अभी श्री जोकीम अल्वा

जब बोल रहे थे तो मुझे उर्दू की एक कहावत याद आ गयी जिसमें ऐसा कहा गया है कि शैतान के मुंह से कुरान की आयतें पढ़ी जा रही हैं। मुझे पता नहीं कि वे मैसूर के मंत्रियों की आलोचना कर रहे थे या भ्रष्टाचार की, लेकिन वह पहले अपने घर में देखें। वह स्वयं के दुर्ूपयोग की बातें कर रहे थे और वे मंत्री जी आज के दो साल पहले उसी कांग्रेस में थे, कांग्रेस के विभाजन के बाद संगठन कांग्रेस में आ गये थे जिन की उन्होंने आलोचना की। और जब वहां राष्ट्रपति शासन लागू होने लगा तो वे संगठन कांग्रेस छोड़ कर उनकी कांग्रेस में चले आये और इसलिये वे दूध के धोये हो गये। इधर रहे तो बड़े पायी रहे और उधर चले गये तो दूध के धोये हो गये। इस प्रकार का डबल स्टैंड जो कांग्रेस के लोग लगाते हैं तो उस से मुझे लगता है कि हमारे देश की राजनीति में इस प्रकार का दृष्टिकोण सहायक नहीं हो सकता। वर्तमान विधेयक एक साधारण प्रक्रिया के रूप में आया है। राष्ट्रपति शासन लागू हुए वहां कई दिन हो गये और उसके बाद इस प्रकार का अधिकार देने की व्यवस्था संविधान में है राष्ट्रपति को, और जब वहां राष्ट्रपति शासन लागू हो गया तो ऐसा अधिकार उनको देने में कोई आपत्ति नहीं होनी चाहिये, लेकिन उपाध्यक्ष महोदय, इस अवसर पर मैं एक बात सरकार से अवश्य कहना चाहूंगा कि अपने देश के कई प्रांतों में राष्ट्रपति शासन लागू हुआ। कल ही पंजाब में इस प्रकार की स्थिति पैदा हो गयी, लेकिन जब किसी ऐसे प्रांतों में जहां विरोधियों की सरकार बनने वाली होती है और वहां पर गवर्नर कोई काम करता है या सरकारी पक्ष की सरकार बनने वाली होती है और उसके लिये राज्यपाल कोई कदम उठाता है, तो वैसी स्थिति में राज्यपाल के पद और नाम को ले कर अपने देश में एक बड़ा विवाद चलता है। मुझे आश्चर्य

[श्री जगदीश प्रसाद माथुर]

है कि कल हमारी सरकार के पक्ष के लोगों ने भी राज्यपाल महोदय की बड़ी आलोचना की। वह कर सकते हैं। किसी को भी उस के लिये छूट है, लेकिन केन्द्रीय सरकार को इस में कौन सी आपत्ति दिखायी देती है कि वह उनके लिये कोई व्यवस्था न करे। मैसूर में जब ऐसी परिस्थिति पैदा हुई तो वहाँ सोशलिस्ट पार्टी के लोग संगठन कांग्रेस से मिल कर सरकार बनाना चाहते थे। सरकारी कांग्रेस की स्थिति ऐसी थी कि वह अपने बल पर सरकार नहीं बना सकती थी और गवर्नर ने जो सेक्शन लिया तो उसको डिफेंड किया गया, लेकिन पंजाब में उस की स्थिति की आलोचना की जाती है। सरकार उनके लिये कोई गाइडलाइन्स क्यों नहीं बनाती? राष्ट्रपति महोदय देश के सर्वोच्च पद पर हैं, वह इस प्रकार की गाइडलाइन्स बना सकते हैं। हमारे देश के अन्दर जब संघात्मक राज्य व्यवस्था है तो अलग-अलग प्रान्तों में अलग अलग दलों की सरकारें आयेंगी, अलग-अलग प्रकार से केन्द्रीय सरकार ने निर्णय किया है कि जहाँ सरकारी पक्ष के नहीं हैं वहाँ उसको टापल-डाउन करना है और वह इस बात के लिये डिटरमिड है कि हम किसी भी प्रकार से लॉ आफ डिफेंशंस को लागू नहीं करेंगे जब तक कि उनकी जो इच्छा है उसकी पूर्ति न हो जाय। उड़ीसा में जो सरकार है वह विरोधियों की है और मद्रास में तो इन्वे पक्ष की सरकार है ही उसमें कोई दिक्कत नहीं है, तो जब तक जो विरोधियों की सरकार है उनको टापल डाउन नहीं कर देंगे, जब तक अपने हाथ मजबूत नहीं कर लेंगे तब तक के लिये हमारे पन्त जी ने यह निर्णय ले रखा है कि वह ला आफ डिफेंशंस नहीं बनायेंगे, चाहे समिति रिपोर्ट दे दे, चाहे देश में किसी प्रकार की भी अनास्था और अनाचार फैल जाय। विधायकों के ऊपर बार-बार आरोप लगाया जाता है, बिहार में कोई सरकारी

दल के दिल्ली से गये और वहाँ एक-एक लाख रुपये में विधायक को खरीदा गया, और एक सज्जन गए अकाली दल में दो टुकड़ करने के लिये और वहाँ विधायक खरीदा गया, इसी प्रकार से उत्तर प्रदेश की हालत है। तो इस सारी स्थिति के अन्दर देश में राज-नैतिक नेताओं के प्रति जनसाधारण में एक भ्रान्ति फैल रही है, जनसाधारण में एक अनास्था का वातावरण फैल रहा है, फिर भी ऐसा कौन सा कारण है कि हमारा गृह मंत्रालय ला आफ डिफेंशंस को बनाने के लिये तैयार नहीं हैं। मैं माननीय मंत्री महोदय से यह जानना चाहता हूँ।

अब जहाँ तक मैसूर का सवाल है तो मैसूर के सम्बन्ध में यह विधेयक आया है लेकिन पंजाब की सरकार भी गिरी है और अब देश में यह चर्चा चलनी प्रारम्भ हो गई है कि क्यों नहीं फरवरी के महीने में ही एक एक साथ सारे देश में, जहाँ-जहाँ पर मध्यावधि चुनाव होने हैं चाहे पंजाब हो, चाहे गुजरात हो, मैसूर हो वहाँ भी, इन सारे प्रान्तों के अन्दर भी जब कि सारे देश के और भागों के अन्दर फरवरी में चुनाव होंगे तो उस समय ही इनमें भी चुनाव करवा दिये जाय। सरकार की इस सम्बन्ध में क्या इच्छा है। क्या सारे देश में जिस समय अन्य सारे प्रान्तों में चुनाव होने वाला है तब ही मैसूर जैसे जो प्रान्त है जहाँ कि मध्यावधि चुनाव होने वाले हैं वहाँ भी सारे देश के साथ चुनाव करायेंगे या जिस प्रकार से कहा था कि हम नवम्बर माह में गुजरात और मैसूर के चुनाव करावा लेंगे, बैसा करेंगे। तो क्या उस समय तक ही इस समिति का निर्माण करना चाहते हैं। इस समिति का कार्यकाल कब तक का रहेगा इस नाते से मैं यह जानना चाहता था कि आप यह तय कर देते कि चुनाव इस समय पर होने हैं।

(Time bell rings)

तो, श्रीमन्, इस इस विधेयक के सम्बन्ध में तीन बातें प्रमुख रूप से हैं।

एक तो यह है कि चुनाव की तिथि के बारे में मंत्री महोदय स्पष्ट रूप से कहें कि कब तक चुनाव होने वाले हैं। दूसरा यह कि देश के अन्दर स्थिरता लाने के लिये वह डिफेंशन्स के सम्बन्ध में कानून बनाना चाहते हैं या नहीं, उसको लाना चाहते हैं या नहीं और उस सम्बन्ध में वह स्पष्ट घोषणा करें कि इसी सत्र में या राज्य-सभा के अगले सत्र में उस सम्बन्ध में विधेयक लायेंगे। और तीसरे यह कि गवर्नर्स के सम्बन्ध में जो इस प्रकार की स्थिति भिन्न-भिन्न प्रान्तों में पैदा होती है कि गवर्नर के पद के सम्बन्ध में वह हमारे परस्पर में चर्चा का विषय बनने और उसकी आलोचना प्रत्यालोचना करें इसलिये क्या केन्द्रीय सरकार राष्ट्रपति महोदय के माध्यम से इस प्रकार की गाइडलाइन्स बनाने की और इस प्रकार की परिस्थिति बनाने की दृष्टि से कोई विचार कर रही या नहीं कर रहा है और अगर नहीं कर रही है तो मैं मंत्री महोदय से कहूंगा कि इस देश के अन्दर स्वस्थ रूप से राजनैतिक परम्परायें कायम हों, इस दृष्टि से वह इस सम्बन्ध में कदम उठायें। इतना ही मैं निवेदन करना चाहूंगा।

SHRI K. CHANDRASEKHARAN (Kerala): Mr. Deputy Chairman, Sir, Mysore is one of the most progressive States in this country and I would, therefore, particularly stress that President's rule should end in Mysore as early as possible. The people of Mysore should be given the opportunity to have democratised administration and for this purpose elections should be held early in that State. The fact, Sir, that a number of States in the country would, ill the matter of course, be going for a General Election early in 1972 should not deter the Central Government from fixing a date for early elections in Mysore, if possible before the fall of the year itself.

Sir, during this period of Governor's rule legislation should be kept to the minimum. Only the necessary legis-

lations that are absolutely required should be brought forward because, according to the constitutional provisions any legislation that is purely within the sector of the State, namely, those covered by the entries in regard to the State in the Seventh Schedule to the Constitution would be effective only for a term of one year as otherwise they would have to be re-enacted by the newly elected Legislative Assembly of that particular State. Therefore, legislation should be confined to necessary aspect. I do not know whether, as is usual, a Consultative Committee on Legislation has been constituted for Mysore. It has not been constituted, I would appeal that this Committee should be constituted for the State early. I may be permitted to state briefly certain other aspects which involve Governor's Rule consequential to the President taking over the administration of a particular State under article 356 of the Constitution. We have had some sort of a very critical discussion on the discretionary power of the Governor in relation to Punjab during the last few days. We have had even so far as the Governor of Mysore, Mr. Dharam Vira, is concerned, certain very critical remarks made by groups of Members of Parliament from that particular State in regard to administrative action taken by him in that State. We saw the humiliating spectacle as one may put it or the democratic method of approach as somebody else may put it, of the Governor of Mysore being called to Delhi for discussions in regard to those matters that were brought to the notice of the Government and I for one, would certainly appreciate the action taken by the Central Government in calling up the Governor here and asking him to clear up the matter with the M.Ps. who took up the case with the Central Government. Certainly a re-thinking is absolutely necessary in regard to the powers of discretion vested by the Constitution in the Governors in so far as aspects within the field of discretion are concerned. It was thought

[Shri K. Chandrasekharan] that the Governors would be absolutely under the control of the Central Government but affairs in Punjab, affairs to a certain extent in Mysore, shown that they are not and they can be under the central of nobody, that they could be criticised not only as much by the governmental party but also by the Opposition parties. The Opposition parties had always been taking up their case against the vesting of any discretionary power at all in the Governors. The Constitution does not vest any such discretionary power in the President. So far as the President is concerned, he acts on the aid and advice of the Council of Ministers. Even the Governor should act only on the aid and advice of his Council of Ministers and that would take to the second aspect of the matter as to whether the particular situation that we are facing in Mysore, that is, the imposition of the President's Rule should be there at all. The review of the constitutional provision contained in article 356 also appears to be necessary. If in the Centre the Ministry can resign, Parliament can be dissolved and yet the elections can be smoothly conducted and a new administration can be set up, it is time that we do have a serious thinking of such a position so far as the States are concerned. The States cannot be taken as enslaved units of the Central Government. The States must have their status, their position and their powers. If in the Centre democratisation of the administration can go to the extent of holding the elections on the basis of the Ministry which has resigned under a situation in which Parliament is dissolved, certainly this taking over of the administration of a State by the President should normally cease to be there and the particular provision should be amended so that the State would be enabled to have a democratised administration even during an interim period while facing a new election. Sir, the only other thing that I propose to speak on is a matter which has been refer-

red to by the hon. Member from Tamil Nadu. He raised the question of the dispute between Mysore and Tamil Nadu on the Cauvery waters. I would only remind the hon. Minister of State for Home Affairs in charge of this Bill that it is not a mere dispute between Tamil Nadu and Mysore. Kerala is vitally interested in that dispute for the chief tributary of the Cauvery, the Kabbini river runs along and through the State of Kerala and if the dispute between Tamil Nadu and Mysore is resolved in a way without taking the interests of the Kerala State into consideration, the interests of Kerala State would be very adversely affected. Any solution of the inter-State dispute between Tamil Nadu and Mysore should be such that there is no reduction at all so far as the water flowing along the Kabbini river is concerned and Kerala should be assured of the water supply that it has got from the Kabbini river.

Thank you, Sir.

SHRI BALACHANDRA MENON (Kerala): Sir, Mysore is one of those States which did not have much of a democratic movement.....

SHRI M. S. GURUPADASWAMY (THE LEADER OF THE OPPOSITION): Much of what ?

SHRI BALACHANDRA MENON: Democratic movement as it was in other places. The Old Congress was split and now after the President's rule you will have an election and the same people will come in in another form. After all there will not be much of a difference like the hold Huns who were turned into Rajputs. They were called Agniputra Rajputs. They had to pass through purification before a fire. They were made to stand before the fire and they were made Rajputs. Here too through the elections the same people will come back.

SHRI CHITTA BASU: Only change of clothes.

DR. K. NAGAPPA ALVA: May I just inform the hon. Member through you, Sir, that we have a very radical land legislation and that is being implemented also with speed?

SHRI N. SRI RAMA REDDY (Mysore): As a Communist do you believe in ceiling at all?

SHRI N. SRI RAMA REDDY: You don't believe in any ceiling; you don't believe in any legal control.

SHRI CHITTA BASU : T_s it a fact that in the Mysore Legislature. ..

SHRI BALACHANDRA MENON: While I am pleading that such an "undemocratic step" be taken. I want that you should not do another thing. That relates to the question of river waters. While Malabar was part of Tamil Nadu there was an agreement relating to the Cauvery River. An agreement on the sharing of the Cauvery waters between the two States was arrived at then. Afterwards, Malabar became a part of Kerala and the agreement has got to be revised. The Kabbini river which joins Cauvery river in Mysore State flows through north Malabar. Its origin is in Malabar. Two robbers, because they are strong, should not be allowed to rob a smaller map. That combination must be broken. I am not prepared to accept that it is a matter between them only. If Mysore thinks that it is a question of theirs alone, they are sadly mistaken. If Madras thinks that any water flowing anywhere is theirs, they should understand that it cannot be accepted. That question must not be settled in the Adviser's regime. It must be discussed later on or you can give it to a third party to decide.

Then there is the question of Kasargode. It is my point that we were dragged into the Mahajan Commission when there was no Government of ours there. So, that has to be reopened.

SHRI K. CHANDRASEKHARAN: Which has to be reopened? It is lying low. Why do you think of it?

SHRI N. SRI RAMA REDDY: It should be reopened and we support it.

SHRI BALACHANDRA MENON: The whole Mahajan Commission's Report should not be accepted.

SHRI K. CHANDRASEKHARAN: It is not heard of nowadays. Why do you worry?

SHRI BALACHANDRA MENON: I am prepared to accept that suggestion. So, on the question of Kasargode and on the question of the river waters the President should not take any decision, but on the question of land reforms the President should take a little "undemocratic stand" so that a democratic foundation for the States' advance may be laid.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश): श्रीमन्, मैं निवेदन करना चाहता हूँ कि मैसूर के मुसले पर विचार करते समय दल-बदल के मामले पर विचार होना चाहिए। जब तक सत्ता कांग्रेस की सरकारें दल-बदल के कारण गिर रही थीं तब तक सरकार को दल बदल रोकने के लिए कानून बनाने की जल्दी थी और इस सदन में माननीय चव्हाण साहब ने, जो उस समय गृह मंत्री थे, कई बार कहा था कि हम बहुत जल्दी बिल लाने वाले हैं मगर अब जबकि धारा उल्टी बहने लगी वह जल्दी समाप्त हो गई और मालूम नहीं होता कि कब तक वह बिल आने की बात होगी।

एक बात मैं कहना चाहता हूँ, श्रीमन् कि लाजिमी नहीं है कि इस समय जो जादूगर सत्ता कांग्रेस के पास है और जो खरीदारी में बड़ा होशियार है वह हमेशा सत्ता-कांग्रेस के पास ही रहे। ऐसे होशियार जादूगर कभी मौके की ताक में दूसरी ओर भी खिसक जाते हैं। जिनका उपयोग उत्तर प्रदेश में किया गया। लखनऊ के कपूर होटल में ठहरा कर, जिनका उपयोग बिहार में किया गया, जिनका उपयोग पंजाब में भी किया गया, उन श्री यशपाल कपूर जी ने एक-एक विधायक को लाखों रुपये देकर खरीदा।

श्री उपसभापति : मैसूर के बारे में कुछ कहिए।

श्री नागेश्वर प्रसाद शाही : मैसूर के बारे में कह रहा हूँ क्योंकि दल के कारण वहाँ यह स्थिति आई है तो लाजिमी नहीं है कि वह जादूगर हमेशा सत्ता-कांग्रेस के पास रहे और तब सत्ता-कांग्रेस यह महसूस करेगी कि दल बदल रोकने की आवश्यकता है। मैं श्रीमन्, यह कहना चाहता हूँ कि आखिर यह सत्तारूढ़ दल देश में प्रजातंत्र के विकास की बात कभी सोचेगा या नहीं सोचेगा। क्रमगतः आज तो सत्ता कांग्रेस, देश और प्रजातंत्र को ताक पर रख कर केवल अपने दल और विशेषकर दल के सर्वोच्च नेता के हित की बात ही सोचता है। यहाँ तक हालत चली गई है कि देश के सारे राज्यपालों को पूरी तरह से भ्रष्ट करने की कोशिश हो रही है।

श्रीमन्, मैं इस समय एक मिनट में बहना चाहता हूँ कि उत्तर प्रदेश में क्या हुआ। उत्तर प्रदेश माननीय टी० एन० सिंह जी विधान सभा के चुनाव में हारने के बाद दूसरे दिन इस्तीफा देने जा रहे थे और संविद के सारे

घटकों ने यह राय जाहिर की थी कि उनको इस्तीफा दे देना चाहिए। लेकिन राज्यपाल से बात होने के बाद यह बात साफ हो गई कि टी० एन० सिंह जी के इस्तीफा देने के बाद संविद के बहुमत में होते हुये भां संविद के जिस दूसरे नेता को चुना जायेगा राज्यपाल उसे सरकार बनाने के लिये आमंत्रित नहीं कर पायेंगे क्योंकि उनके ऊपर दिल्ली से ऐसा कोई दबाव है...

श्री उपसभापति : इन बातों को यहां पर दोहराने की कोई आवश्यकता नहीं है। यह बहुत सीमित विल है।

श्री नागेश्वर प्रसाद शाही : श्रीमन्, मैं केवल दो मिनट लूंगा। तो जब गवर्नर से बात होने के बाद यह बात जाहिर हो गई कि टी० एन० सिंह जी जिस दिन इस्तीफा देगे उस दिन संविद के दूसरे नेता को निर्मंत्रित नहीं किया जाएगा बल्कि दिल्ली का इशारा है कि कमलापति जी को निर्मंत्रित कर लिया जाय। इससे संविद ने विवश होकर अनुचित और मैं कह सकता हूं कि एक अनैतिक फैसला किया और वह यह था कि लोक सभा के चुनाव तक टी० एन० सिंह जी को इस्तीफा देने से किसी तरह से रोका जाय।

श्री श्रीमन्, यह कहना चाहता हूं कि आज देश में जो एक प्रजातंत्र का ढांचा है सत्ता कांग्रेस उसको ध्रुष्ट कर रही है, समाप्त कर रही है। मैसूर के मामले पर विचार करते समय इस पर विचार होना चाहिये कि देश में प्रजातंत्र का भविष्य क्या होगा। मैं अब समाप्त करता हूं।

SHRI K. C. PANT: Sir, I draw some satisfaction from the fact that nobody has opposed the Bill that I have brought before the House. There has been general agreement with regard to this measure. Therefore, strictly speaking, the main objective with which I have come before the House has been achieved, and I need

not take more time of the House, but since certain matters have been referred to, with your permission I shall refer briefly to them. One is the last point or the remark made by Shahiji about the happenings in U.P. We have debated this matter in both the Houses at great length, but I find a new version of the story today which has been put before us in order to explain away the inexplicable fact that a defeated Chief Minister was asked to continue. If my memory serves me right, the SVD could not find a replacement for him at that time after endless conclaves and hours and hours of meetings, and because they could not find another leader ultimately they decided to continue with him. I wish with this fertility of mind Shahiji does possess he had used his fertility of mind in time and not after a lapse of so many days and months. Sir, every time there is a debate on change of Government or a new Government or President's rule, somehow a gentleman called Yashpal Kapur comes into the discussion and times out of number, all these insinuations and allegations have been denied concerning this gentleman. But again and again his name is raised. He is not here in the House to protect himself and I would in this matter request you, Sir, to protect the convention of the House in which those who are not in the House to defend themselves should not be named in a personal way. And the surprising thing is that behind this charge lies an amazing lack of confidence in the- legislators who are supposed to be selling themselves. My friends in the Opposition do not seem to trust the people who are with them and all the time they are reminding the country that these are purchasable MLAs. I do not know whether this is fair. I have far greater respect for the MLA. and legislators of the Opposition than they themselves seem to have for them.

श्री नागेश्वर प्रसाद शाही : आप के साथ भी वही चीज है।

SHRI K. C. PANT: Shri Balachandran Menon—I find that he has gone now—asked me to be a bit undemocratic. He has been asking us to be undemocratic for a long time. So, there is nothing surprising in his pleading for our taking up undemocratic methods. But when he made a sweeping attack on the Congress Governments for having failed to take adequate steps in relation to land reforms, that is not correct. I am not going into the matter in detail. But I would only like to remind him and friends who were in the UF Government in West Bengal that the land reform legislation which we adopted here at the Centre during the President's rule was more progressive than anything that they had adopted in the West Bengal Legislature during the UF Government's rule.

Sir, my friend, Shri Chandrasekharan made a very thoughtful speech. I was, however, surprised to find that he did not seem to realise the need for President's rule in Mysore. And he said, if at the Centre a caretaker Government can continue, why not in the State? That was the substance of what he said, if I understood him alright. Sir, the hon. friend knows that the Budget must be passed and if the Budget is not passed within a certain period, then all expenditure in the State stops and in the case of Mysore, unless the President took over the administration and Parliament passed a Vote on Account, everything would have come to a standstill on a certain day. And as a matter of fact, vote on account has been taken for four months in Parliament after the promulgation of the President's rule on 27th March, 1971, and the Budget for the remaining eight months was being introduced later. Therefore, you will see that it was absolutely necessary for the President's rule in order to get this done, which was essential.

SHRI K. CHANDRASEKHARAN: I was not referring to President's rule.

I was only referring generally to the constitutional provisions.

1 P.M.

SHRI K. C. PANT: Secondly, Sir, in the case of the Centre, when Parliament is dissolved, the situation is different. But in the case of the State whose administration is taken over by the Centre there is still Parliament in existence and whatever the Centre does is scrutinised in Parliament. Therefore, it is not as though democratic functioning ceases altogether. There is scrutiny by Parliament in respect of all action taken with regard to that State by the Centre.

With regard to elections, as to when they will take place, we have two suggestions—Shri Chandrasekharan suggested before the end of the year and Shri Mathur suggested that it should be held in February along with the other States. As I had occasion to say last time, we discussed this matter here in relation to Mysore that the voters' lists are being scrutinised and the Chief Election Commissioner is going to have a thorough scrutiny of these lists, and it is only after that that the elections can be held. Therefore, one would have to wait in any case till after the monsoon. We have not yet fixed the exact date and we shall keep in mind the suggestions that have been made here. But since the two suggestions are different, there does not seem to be a consensus on the exact timing of the elections.

Sir, there was a reference to the law for defections, to check defections, that the Government was considering. I think it was very unfair of Shri Mathur and all other friends who seem to suggest that the Government somehow is delaying the bringing forward of this piece of legislation. The Government is very much interested in it and, in fact, the Prime Minister had called the Leaders of the Opposition to discuss this piece of legislation. The piece of legislation discussed was on the basis of the consensus arrived at in a committee which went into this

matter. But at the meeting of the ^Leaders of the Opposition there were differing opinions and no agreement could be arrived at. Later on, we again wrote to the Leaders of the Opposition to send us their view in writing so that we could proceed in the matter. Unfortunately, still some of the opinions have not been received. Therefore, it is rather unfair to blame the Government.

श्री जगदीश प्रसाद साधु : किस-किस पार्टी ने अभी आपको जवाब नहीं दिया है। यह पिछली बार भी आपने बताया था। कब तक उनका जवाब आ जायगा। कौन सी पार्टी है। एक छोटी पार्टी है वह जवाब न दे। कौन सी पार्टी है। एक पार्टी ने जवाब नहीं दिया तो उसकी वजह से प्रोलांग करते रहे तो यह तो ठीक नहीं है।

श्री के० सी० पन्त : प्रोलांग करने की कोई इच्छा नहीं है। अगर आप कहें कि पार्टियों से बिना पूछे हम कर लें तो हम कर सकते हैं लेकिन हम चाहते हैं कि ऐसे मामले में विरोधी दलों से विचार-विमर्श से कोई फैसला करना चाहिये, इस नीयत से शके हुए हैं।

पार्टियाँ कौन सी है, वह मुझे याद नहीं है और अगर आप पूछेंगे तो जरूर आपको बता दूंगा।

Sir, about the sharing of the waters, this is not the occasion to say anything about it. In any case, I am not aware of all the details of this complex matter, and I do not think it would be right for me to comment upon it.

Sir, Dr. Alva referred to the need for the Centre to continue to help the development of Mysore. I can assure him that the Centre would take interest in the development of Mysore and, as in the case of other States where the President's Rule was promulgated, we shall actively try to push forward development schemes to tone up the administration and to see that popular

rule is restored as early as possible. This is always our broad approach I whenever the President takes over the administration of any State.

As to the hon'ble Member's emphasis on free and fair elections, that is something which is the very basis of a democratic system in which we all believe. So, we are as interested as he is in seeing that elections should be free and fair. The Chief Election Commissioner in the last few weeks has been taking steps in regard to the complaints that have been received. As he has said, complaints have been received and, in fact, in Mysore at that time it was his party's administration. So, it has nothing to do with the State Government in power at the moment. Complaints were received and they are being looked into and steps are being taken to correct them. That is, the job of the Chief Election Commissioner and he is at it.

Sir, I think I have briefly covered the points raised. Thank you.

MR. DEPUTY CHAIRMAN: The question is;

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clatises 2 and 3 were added to the Bill.

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

SHRI K. C. PANT: Sir, I move:

"That the Bill be passed".

The question was proposed.

SHRI N. SRI RAMA REDDY: Mr. Deputy Chairman, Sir, I am one of

[Shri N. Sri Rama Reddy] those who agree with the objects of the Bill. The Bill has been rightly approved by all sections of this House.

Now, Sir, coming to certain points ;that have been raised here, I would like to say that Mysore State is one of the States where the percentage of irrigated land is the lowest. It is only about 8.5 per cent as against Tamil Nadu's 27 per cent. And Cauvery river takes its origin in Mysore State and it is the birth-right of the Mysoreans to claim their rightful share in the Cauvery waters. Sir, I do not want to go into details about the problems connected with Cauvery waters. But since the question has been raised in this House in the course of this debate, it is my duty to raise the voice of the Mysoreans to say that Cauvery water is the birth-right of Mysoreans and it shall not be taken lightly by any body, by any section of Parliament or by anybody else.

SHRI K. CHANDRASEKHARAN: That theory has been clearly negated in the case of inter-State river waters.

SHRI N. SRI RAMA REDDY: That may be your view. But our right is there. Then, I would like to say that for the last 10 years we have been wanting clearance of certain projects that we have undertaken. But it is very unfortunate that the Central Government under one pretext or another has been postponing it. The ten long years have passed and yet projects have not been cleared. Agreements might have been there.

MR. DEPUTY CHAIRMAN: He has already replied to these points.

SHRI N. SRI RAMA REDDY: They ought to have been cleared as it has been done in several other cases. A gross injustice has been done to Mysore by the Central Government by their not clearing these projects. The entire expenditure on the projects that have been undertaken by the Mysore Government is being borne by

the State Government without any aid, without any assistance, from the Central Government, in spite of the fact that the percentage of irrigated land in Mysore State is probably the lowest in India. I am sure now that the State is under President's rule, attention will be given to projects which have been waiting for clearance for ten long years. Immediate clearance should be given to them. The Central Government should give all the assistance needed by the State for these projects. I am glad a Consultative Committee is proposed to be set up under this Bill and I hope it will take up all these matters earnestly and see that justice is done to the Mysore State. A point about the Mahajan Committee's report has been raised by my friend, Mr. Balachandra Menon. I agree with him that it shall be the duty of every one of us to support the complete acceptance of that report. ..

SHRI K. CHANDRASEKHARAN: He pleaded for its rejection.

SHRI N. SRI RAMA REDDY: Even if he has done so, the report must be approved *in toto*.

Coming to the developmental plans, I am very happy that the honourable Minister has given a word that it shall be the endeavour of the Government of India to see that development of the Mysore State takes place in full measure. Development includes irrigation projects also. Irrigation projects are most vital for the development of the entire Mysore State. I am sure the honourable Minister will stand by his word and give all assistance to our State.

SHRI HAMID ALI SCHAMNAD (Kerala): Sir, all these years the Mysore State had a very strong and stable democratic Government. This is the first time in the history of Mysore when President's rule has been

imposed. I should like to inform that it is rather regrettable that when Shri Jeti resigned, Congress (R) did not make any attempt to form a Ministry.

SHRI K. C. PANT: Which Chief Minister did you refer to?

SOME HON. MEMBERS: It was Mr. Veerendra Patil, not Mr. Jeti.

SHRI HAMID ALI SCHAMNAD: I am sorry, it was Mr. Veerendra Patil. After Mr. Veerendra Patil resigned, the ruling Congress should have taken

> over the administration. They should have made an attempt to form a Ministry which they did not do. They were rather indifferent to forming a

* Ministry and taking over the responsibility of the State. Secondly, no one can say that the Mysore State had a clean administration. Corruption was there. Nepotism was there. Favouritism was there. After the Governor came to the helm of affairs in the State there was a sense of relief in the people, they felt that the Governor was going on well with the State administration, that he was doing something good for the betterment of the people's lot. He was trying to give a clean administration to the State. This was the feeling that the people had in Mysore. I had an opportunity to go to the State of Mysore very recently. I heard people saying that they have got a good Governor

|- who is doing his best to give a clean administration, who is doing his best to remove corruption as far as possible. At the same time, some of the MPs, especially belonging to the ruling Congress, took objection to the role of the Governor. But what I feel is the Governor is really doing something good for the betterment of the Mysore State. I should like to point out another thing and that is about the communal clash that was there in Mangalore district, especially in Buntwal, Panamangalore and B. C. Road. The Prime Minister was good enough to send Rs. 25,000 for the victims. At

"" the Government spent these Rs. 25,000 were not distributed equitably. The man

who lost goods worth Rs. 1000 was given Rs. 1,000. The man who lost goods worth Rs. 5,000 or Rs. 10,000 was also given Rs. 1,000. We do not know whether this entire amount of Rs. 25,000 which the Prime Minister gave from her relief fund was really distributed or whether this was held up somewhere else. I would request the Home Minister to examine and see whether the amount allotted for the victims affected by the communal was distributed equitably to them.

SHRI T. V. ANANDAN (Tamil Nadu): One minute.

MR. DEPUTY CHAIRMAN: No, no.

SHRI T. V. ANANDAN: This is about Cauvery waters.

MR. DEPUTY CHAIRMAN: Already two Members have spoken . . .

SHRI T. V. ANANDAN: The hon. Member from DMK raised that issue.

MR. DEPUTY CHAIRMAN: Do not make it more complex.

SHRI T. V. ANANDAN: My friend also raised it. I just want to tell the government. Do not take the side of Tamil Nadu or Mysore. See what is right and do accordingly.

SHRI K. C. PANT: Sir, the debate has ended on a very salutary note, if I may say so. The last speaker Shri Sri Rama Reddy referred to the lack of irrigation, etc. in the State. I thought in the course of his speech, he somewhat undid the very good work earlier done by Dr. Nagappa Aiyar, who had painted a very good picture of Mysore State. He said it is a developed State and has new development schemes and which I can say should be a model for others to

[Shri K. C. Pant.] follow. But Shri Sri Rama Reddy pointed out some defects in the scheme of things. . .

SHRI N. SRI RAMA REDDY: That is the state of affair.

SHRI K. C. PANT: It is the way of looking at the facts.

DR. K. NAGAPPA ALVA: It has great potential for irrigation facilities. That way it is there. But I said it is very necessary that clearance should be given for the Cauvery scheme. In that we are backward.

SHRI K. C. PANT: Your picture of the State which has been doing its maximum has been spoilt somewhat by the comparison with Tamil Nadu brought in by Shri Reddy. He said that Tamil Nadu has done three times as well. So far as the projects are concerned, I am not aware of the project he has referred to. If he lets me know about the project, I shall see what can be done about it at our end. In any case, in the public sector the Central Government has put up many projects in the State and rightly so, if I may say so. On that count there is, I hope, no heart burn-ing or 311 feeling at all in the minds of Mysore M.Ps.

So far as Shri Schamnad is concerned, I have to thank him for the best compliments we have received today from him. He said that Congress (R) is indifferent to power and that when it had a chance. . .

SHRI HAMID ALI SCHAMNAD It is indifferent to democracy also

SHRI K. C. PANT: ... to form a government, it chose not to form such a government. This happens to be also a matter of fact. If you just think back on the Party positions immediately after the resignation of Shri Virendra Patil, the Party positions were such that if the Congress I

(R) wanted to form a government, it could have done so. And then my hon. friend may not have come up with the charge that we have-engineered defections. A complete answer to both the defection argument and the other arguments that have been raised earlier about political nature has been given by my hon. friend and so I am grateful to him. I did not myself want to bring in these considerations, but since he has done it on my behalf, I am grateful to him.

Then, about the assistance being given or that is distributed, you please write to me and I will look into it.

SHRI M. S. GURUPADASWAMY: Sir, I wish to say that it is the same philosophy in the Punjab also.

MR. DEPUTY CHAIRMAN: The question is;

"That the Bill be passed." The

motion was adopted.

MESSAGE FROM THE LOK SABHA

THE GOLD (CONTROL) AMENDMENT BILL, 1971

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary of the Lok Sabha

"In accordance with the provisions of Rule 96 of the Rule- of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Gold (Control) Amendment Bill, 1971, as passed by the Lok Sabha at its sitting held on the 14th June, 1971."

Sir, I lay the Bill on the Table.