

RAJYA SABHA

Thursday, the 27th May, 1971/the 6th
jfyaishta, 1893 (Saka)

The House met at eleven of the clock, MR. CHAIRMAN in the Chair.

ORAL ANSWERS TO QUESTIONS

SHRI MAHAVIR TYAGI (Uttar Pradesh): On a point of order, Sir.

SHRI PITAMBER DAS (Uttar Pradesh) : The very entry of the Chairman in the Chamber is a point of order ?

SHRI MAHAVIR TYAGI : Sir, I have gone through the list of Questions. I had given notice of a Question in which I had enquired about the total number of cases of murder, arson and robbery committed during the outgoing President's rule in West Bengal, how many persons involved in these cases were apprehended and what punishments were offered. I got a reply from your Office . . .

MR. CHAIRMAN : I have admitted it.

SHRI MAHAVIR TYAGI : Oh, you have admit ltd it ?

MR. CHAIRMAN : Yes.

SHRI MAHAVIR TYAGI : Thank you, Sir. I withdraw my point of order.

MR. CHAIRMAN : This is not right, Mr. Tyagi. These things should be settled in my Chamber.

*91. [Transferred to the 1st June, 1971]

A. R. C. REPORT ON CENTRE-STATE RELATIONS

*92. SHRI DEV DUTT PURI : SHRI
R. P. KHAITAN :f

Will the Minister of HOME AFFAIRS/
गृह मन्त्री be pleased to state :

(a) whether Government have taken any decision on the report of the A.R.C. on Centre-State relations; and

f The question was actually asked on the floor of the House by Shri R. P. Khaitan.

(b) if so. what are the details thereof?

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS/गृह मन्त्रालय
में राज्य मंत्री (SHRI RAM NIWAS MIRDHA) ;

(a) and (b) The report is under examination.

श्री आर० पी० खैतान : क्या मंत्री जी यह बतायेंगे कि तमिलनाडु में राजा मन्नार के नेतृत्व में जो कमीशन बैठा था उसने इसके बारे में कोई रिपोर्ट दी है क्या ?

श्री राम निवास मिर्धा : तमिलनाडु सरकार ने राजा मन्नार की अध्यक्षता में एक कमेटी बनायी थी जिसने अपना प्रतिवेदन दे दिया है, लेकिन केन्द्रीय सरकार को अभी तक उस प्रतिवेदन की प्रतिलिपि प्राप्त नहीं हुई है ।

श्री आर० पी० खैतान : क्या मंत्री जी बतलायेंगे कि ए० आर० सी० वालों ने जो रिपोर्ट दी है उसमें मुख्य-मुख्य बातें क्या हैं ?

श्री राम निवास मिर्धा : श्रीमन्, इस रिपोर्ट में, जो केन्द्र और राज्यों के संबंध में है और जिसे प्रशासनिक सुधार आयोग ने दिया है, उसमें 22 सिफारिशें हैं जो कि विभिन्न विषयों पर हैं और अगर माननीय सदस्य चाहेंगे तो उसकी एक प्रतिलिपि मैं उनको दे दूंगा लेकिन उन सारी सिफारिशों को अभी बतलाना उचित न होगा ।

SHRI KRISHAN KANT : May I know i.y what time the Government will be able to come to a final conclusion on all the 22 recommendations to that the relationship that the Tamil Nadu Government is trying to bring about through the Rajamannar Committee is not allowed to be proceeded with further ?

SHRI RAM NIWAS MIRDHA : It is not correct to mix up the recommendations of this Report with the Rajamannar Committee recommendations whatever they are. As regards the time it will take for processing the 22 recommendations of this report. I have to state that the recommendations cover a very wide field and consist of, among other things, subjects like the role of Governor, inter-State Council, inter-State water disputes, problem of

law and order, procedure and methods for appointment of High Court Judges and so on and so forth. These subjects are such as require lot of consultations not only between the various Ministries but with the State Governments also if necessary and therefore it is not possible to say exactly when all the recommendations would be accepted or decisions taken on them.

श्री सुन्दर सिंह भंडारी : श्रीमन्, एडमिनिस्ट्रेटिव रिफार्म्स कमीशन ने एक सुझाव आर्टिकल 263 के अंतर्गत इन्टर-स्टेट कौंसिल को स्थापित करने के बारे में दिया था जब से संविधान बना है इसकी आवश्यकता अनुभव की गयी। एडमिनिस्ट्रेटिव रिफार्म्स कमीशन ने इसको केवल हाई लाइट किया है। तो मेरी समझ में यह नहीं आता कि इस चीज के पुरस्थापन करने में सरकार क्यों अनावश्यक देरी कर रही है। दूसरे यह कि अप्वाइंट-मेंट आफ जजेज के बारे में इसमें जो कहा गया है वह यह है कि इसको होम मिनिस्ट्री से हटा कर ला मिनिस्ट्री को ट्रांसफर कर दिया जाय। इस सुझाव के बारे में भी क्या सरकार ने विचार किया है ?

श्री राम निवास मिर्धा : जजेज की नियुक्ति जो अभी तक गृह मंत्रालय से संबन्ध रखती थी इस सिफारिश के अनुसार ला मिनिस्ट्री को स्थानान्तरित कर दी गयी है और ला और जस्टिस की जो मिनिस्ट्री बनी है वह इस काम को देखेगी, न कि गृह मंत्रालय। जहां तक इन्टर-स्टेट कौंसिल का प्रश्न है, जैसा माननीय सदस्य ने कहा और वह सही है कि हमारे संविधान में इसका उल्लेख है कि एक इस प्रकार की इन्टर स्टेट कौंसिल जब भी राष्ट्रपति चाहें और उपयुक्त समझें उस समय स्थापित कर सकते हैं। इसलिए सेंट्रल स्टेट्स रिलेशन्स की जो रिपोर्ट है उसने केवल जो प्राविधान हमारे संविधान में है उसकी ओर संकेत किया है। और सरकार ने अभी इस पर कोई निर्णय नहीं लिया है कि उपयुक्त समय कब आयेगा और किस स्थिति में इस प्रावधान को कार्यान्वित किया जायगा।

श्री सुन्दर सिंह भंडारी : एक स्पष्टीकरण करना चाहता हूँ। इसमें स्पष्ट कहा गया है। जब चाहे की बात नहीं है। इसमें कहा गया है :

Set up to begin with for a period of two years.

स्थायी तौर पर इन्टर-स्टेट कौंसिल स्थापित करने की बात इसमें कही गई है। इसलिये यह जब आवश्यकता होगी उसका प्रश्न नहीं है, इसमें एक स्थायी रूप से कौंसिल स्थापित करने का सुझाव है।

श्री राम निवास मिर्धा : मैंने यह निवेदन किया कि हमारे संविधान का जो प्रावधान है उसमें यह उल्लिखित है कि जब राष्ट्रपति चाहें, समझें कि उपयुक्त स्थिति पैदा हो गई है या किसी कारण से वह इस प्रकार की कौंसिल स्थापित करना चाहते हैं तो वह स्थापित कर सकते हैं। माननीय सदस्य ने संकेत किया है इस समिति की सिफारिश पर, दोनों में कोई विरोधाभास नहीं है लेकिन सरकार इस सिफारिश पर और दूसरी सिफारिशों के साथ किचार कर रही है और इसका निर्णय कब लिया जायगा यह कहना इस समय सम्भव नहीं है।

SHRI ARJUN ARORA : May I know if the views of the State Governments on these recommendations have been ascertained because these recommendations concern them as well as they concern the Government of India, and whether the constitutional and legal implications of the acceptance of some of these recommendations have also been examined and, if so, what are the findings ?

SHRI RAM NIWAS MIRDHA : The Government does consult the various State Governments on matters that are of mutual concern and importance and at the appropriate time the State Governments would also be consulted regarding the various recommendations of this report.

SHRI N.R. MUNISWAMY : The Raja-mannar Committee recommended certain abridgement of the Concurrent List and devolution of financial power also to the States and also conferring the power of giving licences to the State Government. It would be something like a bombshell to the Centre if they are to be implemented. Still he has made the suggestion that with a little sympathetic and statesman-

like approach his recommendations can be carried out without resorting to amendment of the Constitution. What is the Government's reaction to this ?

SHRI RAM NIWAS MIRDHA : It is too early to say what the recommendations are, but the Government feels that our Constitution is capable of taking care of any situation that might arise so far as Centre-State relations are concerned. Therefore, no amendment is contemplated.

SHRI BHUPESH GUPTA: I am not enamoured of these recommendations of the Administrative Reforms Commission. Is the hon. Minister aware that since that time another Committee was appointed, Committee or Commission, the Rajamannar Committee, by the Tamil Nadu Government, and the report of that Committee is also available to the State Government, whether the Government has received it, whether it is not a fact that the demand is for wider powers for the States which would require drastic changes in various chapters of the Constitution including the Seventh Schedule of the Constitution, whether in the light of that, the public demand, the Government has considered the advisability of forming a Committee consisting of representatives of major political parties at least in order to work out certain recommendations for solving the problem of wider powers to the States consistent with the basic unity of the country, whether any such step is being thought out or the drift will continue ? As far as Shri Morarji Desai and Shri Hanumanthaiya are concerned they have given their report : it means very little.

MR. CHAIRMAN : All right, you have put your question.

SHRI RAM NIWAS MIRDHA : As I said earlier, the Rajamannar Committee's Report has been submitted to the Tamil Nadu Government. But the Central Government has not yet received a copy.

SHRI BHUPESH GUPTA : You can ask for it.

SHRI RAM NIWAS MIRDHA : We have not yet received it. They have not published it at the moment.

SHRI BHUPESH GUPTA : I met Mr.

Karunanidhi. He said that it has been submitted to them and in fact, he promised that the Report would be sent to you last week.

SHRI ARJUN ARORA : He submitted it to Mr. Gupta first and then to the Home Minister.

SHRI BHUPESH GUPTA : He will be in a better position to get it.

SHRI RAM NIWAS MIRDHA : We have not yet received a copy of the Report from the Tamil Nadu Government. Neither have they published it, and when the Report is received, we will study all its implications.

SHRI SUNDAR SINGH BHANDARI : It was publicised no doubt. And they have not received a copy ?

SHRI BHUPESH GUPTA: Sir, you understand my position.

MR. CHAIRMAN : I understand your position.

SHRI BHUPESH GUPTA : Sir, you are a paragon of wisdom. What can I do ? The Report is cyclostyled and the copy is submitted to the Government.

MR. CHAIRMAN : It is not ready. How can he get it ?

SHRI RAM NIWAS MIRDHA: As regards the other question that the hon. Member put as to whether the Government proposes to appoint a Committee to review the working of the Constitution with a view to giving more powers to the States, well, Sir, as I said earlier, the Constitution as it stands today is capable of tackling and handling all that.

SHRI BHUPESH GUPTA : Sir, on a point of order. We have been living with the Constitution for the last 20 years. We are familiar with it. Even the Government thought that there would be a necessity for it.

MR. CHAIRMAN : Government is also familiar with it.

SHRI BHUPESH GUPTA: In view of that fact, will they revise it ? These are live issues to be tackled. What is the use of allow-

ing Mr. Morarji Desai or Mr. Hanumanihah a to say that ?

SHRI RAM NIWAS MIRDHA : Government has no intention of appointing any commission of the type suggested by the hon. Member.

SHRI A. D. MANI : May I ask the Minister why the Government should take the ARC Report as the final word on the subject ? Many things have happened. There has been a mid-term poll. There have been new regional aspirations. New issues have arisen. The question of the status of the Governors has been raised, whether they should stay in a big house or a small house. I would like the Prime Minister to say something on this subject. Why cannot this matter be put before the Chief Ministers' Conference ? A Committee of the Chief Ministers be appointed ; let the Committee go into the matter and place its conclusions before Parliament so that we may know exactly the view of the State Governments.

SHRI BHUPESH GUPTA : Why not a Committee of Parliament ?

SHRI A. D. MANI : It is a matter concerning the States. They are also involved.

SHRI RAM NIWAS MIRDHA : Well, Sir, as I said earlier, at the appropriate stage the Government contemplates consulting the various States and we would discuss whatever is necessary. With regard to the recommendation of the Chief Ministers as suggested by the hon. Member, no Committee of Chief Ministers is contemplated.

SHRI K. P. SUBRAMANIA MENON : In view of the feeling in the country amongst the politicians, administrators, economists, etc. that the present state of Centre-State relations is not a happy one and in view of the fact that the outcry for more autonomy and more powers is raised by all the Chief Ministers including the Chief Ministers belonging to the ruling party, may I know whether the Government will consider this matter as an urgent issue involving the development, emotional integration, etc. of the country, and indicate the specific steps that they propose to take to solve the issue ?

SHRIMATI INDIRA GANDHI : Sir, this

is a hardy annual. I do not think we have ever had a session of Parliament when this question has not been raised and debated in some form or another. What is the major reason for wanting greater powers? It is that every State feels that we do not give them enough resources. As I have said previously in the House, every Ministry of the Central Government has the same feeling. The situation as regards resources is not going to improve merely because there is some new committee or commission. So far as emotional integration is concerned, I do not know whether that also will be improved merely because each State is in a position to do more for itself. What is the role of the Centre ? The Centre is not impinging on the rights of any State. In fact, our Constitution gives very wide scope for every State to advance the development and welfare of its own people. The Centre tries to the best of its ability to see that our shared resources are more fairly distributed. And this we do not do on our own ; we do it in constant consultation with the States. Whether it is Central assistance or special projects, all these matters are decided with all the Chief Ministers, the officials of the States and so on. If there is any particular point of disagreement, naturally that can be considered. I do not think having a special commission is going to improve matters, In fact, it may well create other complications.

SHRI M. S. GURUPADASWAMY : Sir, I want a small clarification. She has said that the State Governments want more and more resources from the Centre and that is the issue involved. But resources cannot be raised unless you transfer certain powers of taxation. . .

SHRIMATI INDIRA GANDHI : Why not?

SHRI M. S. GURUPADASWAMY : ... to the State Governments. There are other points also which they have raised, not only the question of resources, but the question of law and order and such other things. They have raised many issues. So, may I ask the Prime Minister whether she will set at rest all this campaign for more and more powers to the States and fair distribution of powers between the Centre and the States by taking a decision —as she herself said, it is coming up off and

on and in every session, and it is coming up because this matter is becoming very, very serious—that she will take the State Governments into confidence, if she does not want to constitute a committee, and settle the matter, once and for all so that it is not repeated again and again ?

SHRIMATI INDIRA GANDHI : Many matters are settled and nevertheless they are repeated. I wonder if in this particular matter there is going to be any difference. So far as the ability of raising resources is concerned, may I ask the hon. Member whether he knows of any State which is raising resources to its full capacity which it is already allowed to do under the present arrangement ?

MR. CHAIRMAN : Next question.

C. B. I. RAID ON THE PREMISES OF TOP POLITICAL LEADERS IN BIHAR

- 93. SHRI SWAISINGH SISODIA :
SHRI B. V. ABDULLA KOYA : f
SARDAR GURCHARAN SINGH
TOHRA:
SHRI S. A. KHAJA MOHIDEEN :
SHRI K. CHANDRASEKHARAN :

Will the PRIME MINISTER/ST^H *^TT be pleased to state :

(a) whether it is a fact that the houses of some top political leaders in Bihar have recently been raided by the C. B. I. officials ; and

(b) if so, what are the details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL/गृह मंत्रालय और कामिक विभाग में

राज्य मंत्री (SHRI RAM NIWAS MIRDHA) : (a) The Central Bureau of Investigation searched on 29.9.70 and 6.4.71 the houses of a former Chief Minister, Bihar, and three former State Ministers during investigation of the cases registered against them. The cases were registered on the basis of a reference from the State Government as a follow up action of the findings of the Aiyar Commission.

(b) Cash and certain documents relating to

•fThe question was actually asked on the floor of the House by Shri B. V. Abdulla Koya.

financial transactions were seized during the course of the searches. As investigations are still in progress, it would not be in public interest to disclose the details.

SHRI BHUPESH GUPTA : Sir, on a point of order. We are not asking the hon. Minister to disclose any matter which is strictly connected with the investigation. But certainly the names can be given, and the amount involved can be given.

MR. CHAIRMAN : It is for the Government to decide.

SHRI RAM NIWAS MIRDHA : Sir, the question is about certain raids. And all that I said is that the details about what was recovered in the raids cannot be given.

SHRI BHUPESH GUPTA : The question mentions the "houses of certain top political leaders." Houses have addresses and top political leaders have their names. Therefore, we would like to have the names and the addresses.

SHRI B. V. ABDULLA KOYA : May I know from the Minister whether the C. B. I. had established a *prima facie* case before they decided to raid the houses of the leaders ?

SHRI RAM NIWAS MIRDHA : The cases were registered and investigations were held and when the investigations reached a certain stage and when it was thought fit and proper to conduct the raids, search warrants were taken and the raids were conducted.

SHRI B. V. ABDULLA KOYA : I would like to know under what sections they have made the raids.

SHRI BHUPESH GUPTA : Mr. Koya, please make the question a little longer.

MR. CHAIRMAN : Mr. Bhupesh Gupta, do not give any advice to him.

SHRI BHUPESH GUPTA : Sir, it is my duty to help my colleagues.

SHRI RAM NIWAS MIRDHA : Case against the various persons have been registered under the Indian Penal Code and the Prevention of Corruption Act.