

SHRI CHITTA BASU (West Bengal) :
Madam, I beg to move :

“That the Bill to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the borders of India and for matters connected therewith as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of ten members with instructions to report by the 19th August, 1968.”

I am giving the names :

- (1) Shri M. V. Bhadram
- (2) Shri Mulka Govinda Reddy
- (3) Shri D. Thengari
- (4) Shri Prem Manohar
- (5) Shri J. P. Yadav
- (6) Shri Rajnarain
- (7) Shri Jagat Narain
- (8) Shri Kesavan
- (9) Shri Brahmananda Panda
- (10) Shri Chitta Basu

The questions were proposed.

THE DEPUTY CHAIRMAN : Mr. Patel, you have to speak now. But please give room for the calling attention motion of Mr. Banka Behary Das.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

**REPORTED APPOINTMENT OF A TRADE
AGENT OF MYSORE GOVERNMENT IN
LONDON**

SHRI BANKA BEHARY DAS (Orissa) : Madam, with your permission I would like to call the attention of the Prime Minister to the reported appointment of a trade agent of Mysore Government in London.

**THE MINISTER OF STATE IN THE
MINISTRY OF EXTERNAL AFFAIRS
(SHRI B. R. BHAGAT) :** Madam, the post of a Trade Agent for Mysore Government in London has been in existence for a long time; according to the Mysore Government it was created by the erstwhile Mysore State about half a century ago.

The question of continuance of the post came up for examination by the Government of India in 1953 and it was decided that the existing arrangements should be maintained. It was also agreed that the Trade Agent would function generally under the control of the High Commissioner for India in the United Kingdom.

The actual selection and appointment of officers for the post has always been left to the Government of Mysore. The existing incumbent, Shri L. R. Naik, is holding the post since 1959. Some time back, the State Government decided to appoint in his place Shri S. B. Maddappa, an IAS officer of the Mysore cadre.

SHRI BANKA BEHARY DAS : This continuance of the Trade Agent in London clearly shows that the Government of India and the Mysore Government feel that our Commerce Ministry is incapable and incompetent to deal with the foreign trade of this country. Otherwise they would not have allowed this system to continue. The post of Trade Agent was created when Mysore was a princely State and throughout this period the Government was sleeping over the matter. May I know from the honourable Minister if other States like West Bengal, Kerala and Orissa want to open the offices of Trade Agent in Peking and Washington, whether they are prepared to allow them to do so. I want to draw the attention of the honourable Minister to a news item published in the “Hindu” of the 11th. As published in the “Hindu”, according to that, the Government of India has approved the decision with respect to the post of the Trade Agent, that it was now a question of finding the necessary foreign exchange to support Mysore keeping that post. So may I know from the honourable Minister whether it is a fact that the Government of India while reviewing the case just a few months back have also agreed to this position and whether the Finance Ministry has not said okay for allotting some foreign exchange. I am told that within these two or three days the Finance Ministry has already allocated more than a lakh of rupees in foreign exchange for the post of Trade Agent. Again may I know from the honourable Minister whether this news item is correct that the Mysore Government has named a new incumbent, an IAS officer who is the son-in-law of the Congress President Mr. S. Nijalingappa to this post of Trade Agent? The officer is Mr. Maddappa. He has not yet left for the United Kingdom to take up his post.

SHRI A. D. MANI (Madhya Pradesh): Which is the paper you are quoting from?

SHRI BANKA BEHARY DAS : I am quoting from the "Hindu" which is supposed to be one of the responsible papers. My objection here is, I want to know from the honourable Minister, if this system existed during the British Government, whether the Government of India is going to continue this system so that other State Governments, who deal with foreign trade in a much larger way, like Kerala which is dealing in cashew nuts and West Bengal which is dealing in jute and other things, could do likewise, secondly whether it does not become a precedent for the Government to allow trade agents and political agents from certain State Governments. It would become a problem for the Centre. So may I know from the honourable Minister whether while reviewing the case they will stop this arrangement so that the opportunity for the States to have direct relations with a foreign country will not occur in future and whether they are going to stop the appointment of the son-in-law of the Congress President who is visiting Japan with a diplomatic passport.

SHRI C. D. PANDE (Uttar Pradesh): Madam Deputy Chairman, a point of information I want to enquire whether a certain gentleman who happens to be the son-in-law of some important person, who is an IAS officer, and is transferred to some place, what objection can be taken to this? Suppose I have a son-in-law, an I.A.S. officer, he is in the service. If my son-in-law is selected for somewhere, is it my fault or is it his fault to be my son-in-law? Should he suffer on that account?

SHRI B. R. BHAGAT : The honourable Member has asked a number of questions; but before I go into them I would like to deal with the question of relationship. The relationship is an absolutely irrelevant matter in this. I myself have said that the Mysore Government some time ago had decided to appoint an IAS officer. The name I have given. This particular officer has been selected by the Mysore Government and not by the Central Government. (*Interruptions*) He has been selected for his qualifications, merit and experience. The very fact...

SHRI A. D. MANI : Is he the son-in-law of Mr. Nijalingappa or not?

SHRI C. D. PANDE : He came in the IAS.

SHRI DAHYABHAI V. PATEL (Gujarat) : When was that appointment made?

THE DEPUTY CHAIRMAN : Mr. Patel wants to know when it was made.

SHRI B. R. BHAGAT : This was some time in January.

I was only saying that when an IAS officer is selected, he is selected on the basis of his experience or merit. The factor of his relationship is irrelevant; neither should it be a favour for him nor should it be disadvantage for him. Therefore, we should not go into these questions.

Secondly, this is an appointment made by a State Government. It is a time-honoured practice that we do not interfere with or question the appointment made by a State Government. That is all. From that point of view, the matter is there. Secondly... (*Interruptions*) If you want my answer to your question, please have patience. Then he asked whether the Commerce Ministry is incompetent or it cannot handle the matter and why this arrangement is there. I explained that this arrangement is there for a very, very long time. And the hon. Member would perhaps know that the Mysore Government has a State monopoly in sandalwood oil which is a great foreign exchange earner, not today but right for half a century. And it is for this reason that a special arrangement was made. He quoted the Chief Minister's statement. I have myself said that this question was examined in 1953 by the Government of India on a reference from the then Chief Minister of Mysore, and it was decided that this arrangement was in the public interest and that it should be allowed to be continued. That is the present position. The question of the continuance of the post or whether a particular person should be appointed, the incumbent that is going, this is not the issue before us. This question has arisen because the State Government has asked for an advance in foreign exchange of Rs 3,000 only—he mentions some figures; that is not the question—to the new officer who is going. This is also a very well-known practice. Any officer going outside on foreign service, he is given an advance allowance which is repayable. So, it is an arrangement, it is a very regular arrangement. If the State Government would

not have come in for this, this question would not have arisen. They were appointing officers, so many officers have been appointed. Therefore, it is not a question of the competency of the Commerce Ministry or that anything is involved. It is a special arrangement for a special reason, which is continuing for a long time. Such special arrangements are there with respect to many other things. In the public sector projects, they have their special representatives there; the private sector organisations are having their special representatives there. And therefore to say that because some special arrangements exist with respect to both the public sector and the private sector, therefore the Commerce Ministry is incompetent, I think it is a very unfair comment to make.

Then, he asked about the future. He asked, if the other States asked for it, whether we would allow it. Madam, you know that we do not answer hypothetical questions.

SHRI BHUPESH GUPTA (West Bengal) : I think all the Congress leaders...

SHRI B. R. BHAGAT : So far, no State has asked. Therefore, this involves the question of our policy. I agree, trade and other matters like external economic relations, are within the purview of the Central Government, under the control of this Parliament, and certainly we will examine this question as to what should be the future arrangements. All the parties concerned, the Commerce Ministry, the State Government, the High Commissioner there who has to supervise, all will be involved in it. Certainly we can look into this question. But to raise all these issues today is slightly...

(Interruptions)

SHRI BANKA BEHARY DAS : A small question I want to ask because he has left out one point. The Minister has pointed out that Mr. Nijalingappa was the then Chief Minister of the State. I know. If he is an IAS Officer, he must be in the State quota. When he is being sent on deputation to London, I think the Home Ministry must have been consulted. May I know when that consultation took place and whether the Home Ministry allowed its officers to go abroad on deputation?

5—15 R.S./68

SHRI B. R. BHAGAT : The selection, appointment, control, pay of these officers, everything is controlled by the Mysore Government. We do not come into the picture at all.

SHRI DAHYABHAI V. PATEL : In view of the last answer, I will amend the question a little. Firstly I would have liked to ask how many States have appointed trade agents or High Commissioners of their own in London and other countries of Europe, whether it is with the permission of the Government, whether this is a new practice or whether this has been an existing practice, whether this appointment has been made through the Public Service Commission or it just an appointment of the Mysore Government on their own.

I understand that when the States merged, they surrendered their rights to the Union of India some time between 1948 and 1950, whereas this appointment has been made only in 1953... (Interruptions). This is earlier. Why is there a gap between these two appointments?

SHRI C. D. PANDE : It had been approved in 1953.

SHRI DAHYABHAI V. PATEL : There was no post from 1950 to 1953. Then a new post was created and the new post was sanctioned by the then Chief Minister of Mysore, who happens to be the Congress President today. Therefore, all this controversy is there.

I would like the hon. Minister to give a clear picture and a clear answer to all these questions. Many doubts and suspicions have arisen in the minds of Members and we would like to have a clear and straightforward answer, not dodging the issue.

SHRI B. R. BHAGAT : As I have said this post has been in existence for a very, very long time, before I was born or even when the hon. Member was a child.

SHRI DAHYABHAI V. PATEL : The post was abolished in 1950.

SHRI B. R. BHAGAT : As I said, the then Chief Minister wrote to us and this matter was examined in 1953 and it was agreed that it is in the public interest to continue this post and our concurrence was given. That is there. Since 1954, they have been appointing trade agents, a number of trade agents. And the present

[Shri B.R. Bhagat]

one is holding this post since 1959. As I was saying, in the present case, all the issues are not under question. The only thing is the grant of foreign exchange of Rs. 3,000 to the new officer, which is under the examination of the Finance Ministry. No other issue is there.

SHRI DAHYABHAI V. PATEL : The manner of the appointment, that is which worries us here.

SHRI M. N. KAUL (Nominated) : It is clear from the statement made by the Minister that the appointment of the Mysore Government's Trade Agent is exclusively under the control of the Mysore Government and the Central Government has no hand in it. I also heard him say that although the appointment is under the control of the Mysore Government, so far as this officer is concerned, he works under the direction, superintendence and control of the High Commissioner. Is that so? If that is so, then I take it that he does not deal directly with any foreign Government or any foreign agency or foreign commercial body except under the control and direction of the High Commissioner, so that for all practical purposes he deals through the High Commissioner. Is that a fact?

SHRI B. R. BHAGAT : I will explain it. It is a very pertinent question. I will explain the position. This was the arrangement that he would function under the general control of our High Commissioner. This was the arrangement in 1953. But today I would say that he is not under the administrative control of the High Commissioner. But it is true that he is under his general supervision. He submits his reports. There is a difference.

SHRI M. N. KAUL : Does he address communications without the knowledge of the High Commissioner?

SHRI B. R. BHAGAT : Please hear me fully. You have not heard me. Then you can ask me questions. I say he is under the general supervision of the High Commissioner because he informs the High Commissioner of the contracts he enters into, with whom he enters into and so on. But he is not under his administrative control. He does not even figure in the diplomatic list of our Commission. Therefore, he is not a diplomatic officer at all.

SHRI M. N. KAUL : It is very important. Let there be no confusion about the matter. I am not concerned with the

administrative control of the officer as to who gives him direction, what is his pay, salary, etc. All that I am concerned with is that in his day to day work and his dealings with commercial organisations and foreign Governments, does he operate with the knowledge and sanction of the High Commissioner.

THE DEPUTY CHAIRMAN : Does he operate independently from day to day?

SHRI B. R. BHAGAT : He does operate independently.

SHRI ARJUN ARORA (Uttar Pradesh) : He has not replied to Mr. Kaul's question.

THE DEPUTY CHAIRMAN : Mr. Kaul's question must be replied.

SHRI B. R. BHAGAT : He functions independently although he keeps the High Commissioner informed about it.

SHRI M. N. KAUL : Informing is nothing.

SHRI M. M. DHARIA (Maharashtra) : Madam Deputy Chairman, my question is that if he is not functioning under the High Commissioner in London, then he becomes a special officer of the Mysore Government. This practice is wrong and should be discontinued.

SHRI BHUPESH GUPTA : On a point of order, Madam. The hon. Minister is clearly misleading the House. He is forgetful of the Constitutional implications. The Constitution provides for the functions. The State Government has no power under the Constitution in that respect. If you see the State List, List No. II, to run an office in the manner in which he has suggested in a foreign country, to enter into commerce and trade with foreign countries falls within the exclusive jurisdiction of the Union Government. It does not come under the State List. If it is true then how is it that the Mysore Government is allowed to run a parallel State organisation there in disregard of the Constitutional provision? This has to be explained. Therefore, I think he should own it up. Although he has been sent by the Mysore Government his functions come within the purview and ambit, under our Constitution, of the Central Government. Hence the Central Government is in every way responsible for the appointment and for

what he does there. It is no use for him to try to escape the responsibility.

Madam, sometimes the Government does take people from State Governments and send them abroad. Then do I understand that they become functionaries of the State Government on that account? Therefore, there is a lot of confusion about it. I should like the hon'ble Minister, first of all, to clarify the Constitutional position, on whose behalf he is functioning there regarding commercial transactions, financial transactions and under whose authority he is doing so.

THE DEPUTY CHAIRMAN : I think you have to answer this question first.

SHRI B. R. BHAGAT : Yes, Madam, I am trying to answer. What the hon'ble Member has stated is true. The Constitutional position is absolutely correct. So far as commercial relations are concerned it is the responsibility of the Centre. But this officer is functioning not independently, not in the sense that they have said it, but it is under our direction. We have allowed it.

SOME HON. MEMBERS : No, no.

SHRI BHUPESH GUPTA : Madam Deputy Chairman, what does direction mean? The law provides for the definition of the word "direction".

THE DEPUTY CHAIRMAN : Mr. Gupta has pointed out a Constitutional provision.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : I raise a point of order, Madam Deputy Chairman. The point which I tried to emphasise is not the question of any person. Here is a question of the Constitution. May I know from you whether the Government of India or the Cabinet is authorised to bypass the Constitution to allocate a subject to a State Government? Howsoever influential the Chief Minister there may be, it is strictly a subject of the Union Government. He has no right to pass a certain order howsoever powerful he may be against the provisions of the Constitution.

(Some hon. Members stood up in their seats)

THE DEPUTY CHAIRMAN : All cannot ask.

SHRI M. M. DHARIA : We want the hon. Minister to give a categorical assurance that it is unconstitutional...

(Interruptions)

THE DEPUTY CHAIRMAN : One by one. Mr. Bhargava.

SHRI M. P. BHARGAVA (Uttar Pradesh) : Madam Deputy Chairman, the hon. Minister is trying to confuse the issues. The point at issue is whether the Trade Representative of the Mysore Government acts independently or is under the control of the High Commissioner. If he says that he is acting independently but keeps the High Commissioner informed, that position is not tenable. If he functions independently, it is *ultra vires* the Constitution. And if he functions under the High Commissioner, then the Government of India is to take the blame of allowing him to function all these years.

In this connection I would like to know when a reference was made to the Government of India in 1953, whose decision was it to allow him to continue, whether it was a Cabinet decision or whether some Under-Secretary, or Deputy Secretary on behalf of the Government of India gave orders that this be continued?

SHRI B. K. P. SINHA (Bihar) : Madam, I am really addressing the House and the Minister on this limited aspect raised by some hon. Members. Now, the Constitution contemplates that dealings with foreign countries and foreign citizens shall be by the Government of India. But when the Government of India is authorised to do something under the Constitution, it is open to the Government of India to delegate it to some other body...

SOME HON. MEMBERS : No, no.

SHRI B. K. P. SINHA : You may say "no, no".

SHRI BHUPESH GUPTA : When has it been gazetted? Do not try to present it like a lawyer. When was such authorisation made on behalf of the Government of India?

SHRI B. K. P. SINHA : Madam Deputy Chairman ...

(Interruption by Shri M. M. Dharia)

SHRI B. K. P. SINHA : You are shouting too much. Mr. Dharia is not the judge, nor Mr. Bhupesh Gupta is the judge that they can go on passing judgment and go on shouting too much. You expressed your own views. I have every right to express mine. (*Interruptions by Shri Bhupesh Gupta*) I am not going to yield ...

SHRI BHUPESH GUPTA : Assuming for arguments sake that there is authorisation, in that case there must then be a formal order to that effect by the Government of India that authorisation has been given.

SHRI B. K. P. SINHA : I am replying to the point raised by Mr. Bhupesh Gupta. Now when some powers are vested in the Government of India, it is open to the Government of India to directly undertake those tasks assigned to them by the Constitution. It is open also to the Government of India, as they have been doing inside the country—they make sometimes the States their agent, they sometimes make some other bodies their agents, to delegate those powers for the discharge of certain duties...

SHRI C. D. PANDE : Like Tea Boards Coffee Boards, etc.

THE DEPUTY CHAIRMAN : All right. Let him explain.

(*Shri A. P. Jain stood up in his seat*)

THE DEPUTY CHAIRMAN : I do not know why everybody should get up now.

SHRI B. K. P. SINHA : ... For entering into that sort of arrangement it is not necessary that there should be a formal Gazette notification, a sort of formal treaty, a registered document. That can be entered into in the way in which it had been done in 1953 with the sanction of Prime Minister Nehru.

1 P.M.

SHRI M. P. BHARGAVA : Madam, a very important point has been raised by Mr. B. K. P. Sinha. What he has stated means that the Trade Agent of the Government of India represents everybody except the Mysore Government. Is that his contention?

(*Interruptions*)

THE DEPUTY CHAIRMAN : Mr. Jain.

SHRI A. P. JAIN (Uttar Pradesh) : Madam, the question is one of great constitutional importance. There is not doubt about the fact that Foreign Trade and Commerce is a Central subject. Now the first question that arises is whether the Government of India has the power to delegate these powers to a State Government and if it has the power, whether they have been properly delegated. So far as my opinion goes, the Government of India has no power to delegate these powers to a State Government. Also, the hon. Minister has said that the Agent the Mysore Government works independently, and all that he is under an obligation to do is to send copies of the correspondence to the High Commissioner. Now that does not constitute supervision or control. Mere sending of copies is a formality unless the High Commissioner has the power to control. The hon. Minister has very definitely said that the agent functions independently and he is not under any obligation to the High Commissioner except to send copies. Therefore, the question is whether a State Government can appoint an agent. Now certain instances have been given—that the Coffee Board appoints an agent, that private firms appoint agents and so on. But private firms and Coffee Boards do not come under the Constitution. We are working under a federal Constitution wherein the powers of the Centre and the States are clearly defined. Now the State Government has not been vested with these powers and these are the exclusive powers of the Central Government. The Minister will have to justify that this office is constitutional.

(*Interruptions*)

THE DEPUTY CHAIRMAN : The main issue that Mr. Bhupesh Gupta has raised is *vis-a-vis* the constitutional provision, to which the others have given a reply. But that is not enough. Mr. Bhagat has to give a categorical reply explaining the constitutional position. Now, if you want, I shall call all of you who want to put questions and then the Minister can reply. Yes, Mr. Rajnarain.

SHRI BHUPESH GUPTA : But export promotion by sending sons-in-law should be separated from the constitutional point.

THE DEPUTY CHAIRMAN : We shall sit till we dispose of this Calling Attention Motion.

श्री राजनारायण (उत्तर प्रदेश) : माननीया, मैं श्री भगत...

SHRI B. R. BHAGAT : I am only trying to help you. We are going into the constitutional position. May I be permitted to state the facts as they are ?

THE DEPUTY CHAIRMAN : I have called Mr. Rajnarain.

श्री राजनारायण : एक बात माफ हो जानी चाहिये कि मैं श्री भगत को संविधान का पंडित नहीं मानता, श्री भगत जी संविधान का जो भाष्य करेंगे वह हमारे ऊपर प्रतिबन्ध नहीं लगा सकता। संविधान को मद्धे नज़र रखते हुये एक बात बिल्कुल माफ है कि कोई भी राज्य किसी विदेश के साथ कोई व्यापारिक सम्बन्ध नहीं कर सकता। यह बात बिल्कुल सत्य है, ट्रू है, और मैं जैन साहब के भाष्य से सहमत हूँ कि संविधान के द्वारा केन्द्रीय सरकार को जो अधिकार प्राप्त है केन्द्र अपने वह अधिकार जब तक कि संविधान में लिखा न हो तब तक किसी राज्य को डेलिगेट नहीं कर सकता। यह मामला बिल्कुल साफ है। अब इसके अतिरिक्त हमारा सवाल है। यह कांस्टीट्यूशनल प्वाइंट तो डिसकस होगा, अब भी डिसकस होगा, इसके बाद भी डिसकस होगा, अभी इसकी पूर्णाहुति नहीं होगी, इसके बाद भी यह डिसकस होगा। यह बात सरकार को बिल्कुल मान लेनी चाहिये कि सरकार ने गलती की, किसी तरह से यह दृष्टि से ओझल हुआ और इसलिये ऐसा गुनाह संविधान के खिलाफ कर दिया।

इसके अतिरिक्त हमारा एक और सवाल है। क्या यह सत्य है कि श्री एम० वी० मड्डप्पा, आई० ए० एम० श्री निजलिगप्पा के दामाद हैं। पहला वाक्य। क्या यह सत्य है? दूसरे यह भी क्या सत्य है कि श्री निजलिगप्पा जब कांग्रेस के अध्यक्ष चुन लिये गये यद्यपि यह कांग्रेस पार्टी का आन्तरिक मामला है लेकिन समाचारपत्रों में जो

विवाद होता है वह सार्वजनिक हो जाता है—तो यह तय था कि जब वह सदर बनेंगे कांग्रेस के तो मुख्य मंत्री पद से इस्तीफा दे देंगे लेकिन जानबूझ कर उन्होंने मुख्य मंत्री पद से इसीलिये इस्तीफा नहीं दिया कि वह अपने दामाद को इस जगह पर भेज दें।

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL) : Madam, on a point of order.

SHRI MULKA GOVINDA REDDY (Mysore) : No point of order.

SHRI I. K. GUJRAL : Madam, you have already directed that only a particular thing should be discussed. Now the hon. Member is going beyond that and bringing in issues which are irrelevant. I strongly protest against his bringing in the Congress President's name again and again.

श्री राजनारायण : अब इस तरह स्ट्रॉंगली प्रोटेस्ट से हम मानने वाले नहीं हैं।

THE DEPUTY CHAIRMAN : I got to appeal to the Members to keep this at a high level. Mr. Rajnarain, you please tell him the principle of it.

श्री राजनारायण : हम लोग संसदीय प्रथा में बच्चे नहीं हैं। संसदीय प्रथा में प्रासंगिक व्यक्तियों का नाम लिया जाता है, यह प्रासंगिक है, इसमें आता है, इसलिये अगर हमारे मित्र माननीय गुजराल साहब झट से कोई चाहें कि एक मामला गुजर जाय तो गुजरने वाला नहीं है। यह मामला साफ है। इसमें अब हमारा दूसरा प्रश्न है कि क्या श्री निजलिगप्पा साहब कांग्रेस सदर चुने गये नवम्बर में और इनकी नियुक्ति हुई जनवरी के महीने में दूसरे साल में। इसके साथ साथ हमारा यह भी प्रश्न है, लेकिन ठीक है, मैं उसको नहीं करता, वह आगे कवर हो जायगा।

THE DEPUTY CHAIRMAN : Mr Alva.

श्री राजनारायण : मेरे प्रश्न का जवाब तो दें ।

उपसभापति : सब का साथ जवाब देंगे ।

SHRI JOACHIM ALVA (Nominated) : Madam, we are trying to bolt the stable after the horse has run away.

SHRI DAHYABHAI V. PATEL : It is the usual Congress practice.

SHRI JOACHIM ALVA : I am not concerned with the personal aspect. But I want to ask the hon. Minister whether it is true that there was a Trade Agent in Australia appointed by Dr. C. P. Ramaswami Aiyer in the old Travancore days and whether that appointment has ceased with the merger of Travancore with India. That is number one. Secondly, I want to know whether the same practice was followed in other States also. And thirdly, I would like to know how long the Government of India will take to decide on such a vital question like this when the inherent jurisdiction of the External Affairs Ministry and the inherent jurisdiction of the Commerce Ministry have been damaged in this fashion. If tomorrow, the Annadurai Government, the D. M. K. Government, demands that they should have a trade agent for Kancheepuram sarees in London, will the Government be able to refuse that request?

SHRI A. D. MANI : I want to ask three questions. The first question is whether it is not a fact that the High Commissioner in London during the last four years had been objecting to the continuance of this post and had been making representations to the Government saying that this post should be abolished. Why did the Government set aside that advice of the High Commissioner and provide justification for the continuance of the post ? This is the first question and this has got to be answered by the Minister squarely. The second point is, in the past not only with regard to sandalwood oil but also with regard to supplies for the iron and steel industry in Mysore, the Trade Agent was negotiating. We have got a Ministry for Mines and Steel. This agent was working independently regarding the iron and steel industry in Mysore and was making purchases without any reference to the Government of India. Now I would like to ask the Minister whether he is going to continue the present practice of the agent of the Mysore

Government in London to deal with Iron and steel which is a Central Subject, which is on the Central List and which is within the purview of the Ministry of Mines and Steel. The third point is that Mr. Bhagat said that he is under the general supervision of the High Commissioner. May I know whether the High Commissioner has got the power of veto on any matter. This is a very important point, and these three points have got to be answered.

SHRI MULKA GOVINDA REDDY : Madam Deputy Chairman, I would like to know from the Minister whether it was not a fact that the State Government of Mysore was itself thinking of abolishing this post. That is number one. Number two, I would like to know whether there were any IAS officers working in the Industries Department who had better qualifications and better experience with regard to this question before this gentleman was appointed. Thirdly, I would like to know whether it is not a fact that Mr. Muddappa, the son-in-law of Mr. Nijalingappa, was transferred to the Industries Department just two or three months before this appointment was made. Number four, I would like to know whether this appointment was made by the Mysore Government before Mr. Nijalingappa handed over the office of the Chief Ministership and took over as Congress President and whether it was not a fact that Mr. Nijalingappa appointed his son-in-law as Trade Agent, whether it was not one of the parting gifts which Mr. Nijalingappa made to other relations of his.

SHRI K. P. MALLIKARJUNUDU (Andhra Pradesh) : Madam Deputy Chairman, I am not concerned with the propriety of the action taken by the Government of India. I am only concerned with the constitutional aspect of it. Article 258 (1) says :

"Notwithstanding anything in this Constitution, the President may, with the consent of the Government of a State, entrust either conditionally or un-conditionally to that Government or to its officers functions in relation to any matter to which the executive power of the Union extends."

so it is a clear case where the Union has got the constitutional power to confer on the State certain functions on its behalf. Whether there is a formal talk or not,

that is a different matter. But the question is whether the Union Government can confer such power. So it is quite clear that it has got the constitutional right to confer such power on the State.

SHRI T. SIDDALINGAYA (Mysore) : I want to submit something which probably the House will not otherwise know about the position of the Mysore State's Trade Agent in London. I would give this information for your consideration, although generally I am a very silent Member. I thought the House was growing too hot about this small matter. My submission is that academically we can talk about all these things but from a practical point of view I think higher considerations made the Government of India agree to the appointment of the State's Trade Agent in 1953. Fortunately or unfortunately I was the Industries Minister in that year in Mysore. History will justify the continuing of Mysore's Trade Agent. I want to give the whole history about it. Sir Visvesvarayya started it. We did not have much foreign trade and there were some commercial articles in Mysore which had no sales in India itself. We were able to earn a good amount of money by sending these articles abroad.

THE DEPUTY CHAIRMAN : It is the old history. We want the constitutional points to be made today. Tell us the constitutional provisions.

SHRI T. SIDDALINGAYA : Madam, if I understand correctly, the main point is not one of constitutional polemics but I think it is one of practical considerations. Here the academic question has come up.

THE DEPUTY CHAIRMAN : This is not academic; it is constitutional.

SHRI T. SIDDALINGAYA : These are the only things which may be considered without growing very emotional. I think personal references are not very good to maintain the dignity of the House, whether it is Mr. Nijalingappa or anybody else. If a certain qualified persons is appointed to that post, I think we should have the courtesy and decency to accept it.

SHRI MULKA GOVINDA REDDY : But there were better qualified persons. His appointment was made because he was the son-in-law of Mr. Nijalingappa.

SHRI T. SIDDALINGAYA : But the power of selection is in the hands of

the State Government, not in individual hands.

Then about that iron reference, that reference was made as if the Mysore State was carrying on independent trade with foreign countries. That is not correct. The Mysore State's iron works form part of the all-India pool.

THE DEPUTY CHAIRMAN : Now please come to the point. I cannot allow you so much time. There are so many Members wanting to ask questions.

SHRI T. SIDDALINGAYA : My submission is that this State was given this concession to carry on its trade independently on the consideration that the country would benefit and the policy that was approved on that day, when I was in Delhi, was that if any other State also can carry on trade for the benefit of the country, it should be allowed to do so when it applies for the same. Therefore any State which can benefit the country as a whole may carry on trade with the permission of the Centre and under the control of the Central Government. This is all that I have to submit.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Madam, we are really very grateful to you for giving us this opportunity on a question which is important from the point of view of the Constitution and also of policy. That is why, I am sure, Members from this side and the Opposition have taken keen interest in the matter. On the constitutional issue, Madam. Mr. Mallikarjunudu has already expressed his view.

(Interruptions)

SHRI M. M. DHARIA : Shri Mallikarjunudu has only read part of it; he has not read it fully.

SHRI BHUPESH GUPTA : It is absolutely different.

(Interruptions)

SHRI AKBAR ALI KHAN : It may be that my view is wrong and my friend, Mr. Dharia, may be right. But at present I am convinced about it unless further discussions take place that the power can be delegated to the State. The other thing which I want the Minister to clarify is this that although this system has been in existence for the last 50 years, the matter was taken up after independence in 1953.

[Shri Akbar Ali Khan]

Then the attention of the Government of India was focussed and all these matters, I am sure, were discussed and after considering all the pros and cons the Government of India agreed to this arrangement. They agreed to this arrangement after taking into account all the considerations and all the positions that prevailed. So that arrangement is definitely the Government of India's arrangement and there is no question of any State having independent authority. Of course, some of the words used have created confusion.

It is the Government of India's arrangement under the High Commissioner. The officer is an agent...

HON. MEMBERS : No.

SHRI AKBAR ALI KHAN : Of course the Mysore State has been given the right to appoint an officer. Before anybody speaks, I want the Minister to clarify what happened in 1953. I want to know this so that my friend Mr. Chandra Shekhar and others may know what had been decided. The answer must be taken from the Minister first.

THE DEPUTY CHAIRMAN: He is answering together.

SHRI CHANDRA SHEKHAR : I rise on a point of order. Is it not a fact that the High Commissioner for India in London opposed this post ? Is it not a fact that the External Affairs Ministry notings were against it ? Is it not a fact that the Finance Ministry notings were against it ? Is it also not a fact that the whole Commerce Ministry which is responsible for foreign trade was against it ? Is it not also a fact that in 'The Hindu' of July 10, a news item appeared on the front page where it indicated very elaborately that the Government of India is reconsidering this whole arrangement ? Immediately after that, on the 11th, Mr. Nijalingappa made a statement...

SHRI BANKA BEHARY DAS: Who is no more the Chief Minister.

SHRI CHANDRA SHEKHAR :...from Trivandrum which has been published in 'The Hindu' on 11th July—and Members are very worried about this—and it is under inverted commas : "Mr. Nijalingappa is reported to have said that it was wrong on the part of the Government of India to reconsider the whole issue."

It is Mr. Nijalingappa who raised this political propriety question whether the Government of India has the authority to reconsider this matter or not. Secondly, may I know from the External Affairs Ministry this ? Is it not a fact that the Commerce Ministry was never taken into confidence or not consulted ? Is it also not a fact that the Mysore Government has given the plea that this trade agent is specialised in sandalwood and sandalwood oil but is it not also a fact that the S.T.C. is selling more than what this trade agent is selling and also the Andhra State is exporting as much sandalwood and sandalwood oil as the Mysore Government ?

SHRI AKBAR ALI KHAN : No.

SHRI CHANDRA SHEKHAR : Why do you say 'no'? Have you known about it?

KUMARI SHANTA VASISHT (Delhi) : Has the Commerce Ministry given you all the notings ?

SHRI CHANDRA SHEKHAR : You talk about all these things. None except the merc in authority to-day, because of the pressure of Mr. Nijalingappa, succumbed to this unconstitutional act which should have been abandoned and for which there is no justification. I am not talking of the Commerce Ministry alone. I say that the officials of all levels have been against this proposal.

THE DEPUTY CHAIRMAN: Mr. Varma, and that will do.

SHRI BHUPESH GUPTA : You asked me to wait.

PROJ. SHANTILAL KOTHARI (Rajasthan) : I wanted to ask an important question.

THE DEPUTY CHAIRMAN : Till what time do you want to sit on this Calling Attention ? Everyone has an important question. I am asking Mr. Varma. Some discretion is given to the Chair.

SHRI A. D. MANI : Till 1.30

श्री निरंजन वर्मा : महोदया, मामला बिल्कुल साफ है और मैं समझता हूँ कि हमारे योग्य मंत्री श्री भगत इस मामले में कोई काम ऐसा नहीं करेंगे जिससे उनके ऊपर शंका हो। इस मामले में कोई पार्टीबंदी का सवाल नहीं है। यह मामला न कांग्रेस का है

और न अपोजीशन का है। यह तो एक परम्परा है और इस परम्परा में सदस्यों ने विभिन्न प्रकार के मत पेश किये हैं। एक तो मत ऐसा है जो कि बचाव पक्ष में जाता है, लेकिन वह सही नहीं है। हमारे मित्र ने अभी संविधान की धारा 258(1) बतलाई। धारा 258 (1) संविधान की जो उन्होंने बतलाई है वह बिल्कुल इसमें लागू नहीं होती है, उसमें गवर्नमेंट को एग्जीक्यूटिव पावर्स देने का अधिकार है और यह पावर्स प्रेजिडेंट को संविधान ने दी हैं। हमारे मित्र श्री अकबर अली खान ने जो यह बात बतलाई कि गवर्नमेंट ने 1953 में एक डिसिजन लिया। तो मैं यह कहना चाहता हूँ कि संविधान के अनुसार गवर्नमेंट इस तरह का डिसिजन नहीं ले सकती है। संविधान में इस प्रकार के मामलों में स्पष्ट रूप में जब तक नहीं लिखा हो तब तक गवर्नमेंट या प्रेजिडेंट इस प्रकार के पावर्स डेलीगेट नहीं कर सकते। कांस्टीट्यूशनली इस प्रकार के पावर्स का डेलीगेशन होना चाहिये।

SHRI RAM NIWAS MIRDHA (Rajastan) : I will confine myself to the constitutional point that has been raised and I do not want to take much of your time. I would like to know whether the Government is of the opinion that under the Constitution they have powers to delegate their powers in regard to foreign trade and foreign affairs to a State Government? Even if I presume that the Union Government has powers to do so, is it the Government's case in this particular instance that they have delegated those powers specifically or by implication? If that is their case, then we can proceed to another point. If they have actually delegated, in what way can they do it? Delegated powers can be given—executive powers of the Union—to the State Government, which means that they have found themselves incapable of exercising those powers and they are of the opinion that a particular State Government is in a better position to exercise those powers than they themselves. If that is the Government's case, let them come clearly on this score and decide the whole thing. In my opinion, the constitutional position is clear. Foreign affairs and foreign trade and commerce are distinctly under the Union List and they are under the exclusive jurisdiction

of the Union Government. No delegation in this case has been done and I do not think the Government can easily do it if they consider the implications of the whole thing. I suggest that if they feel that sandalwood and sandalwood oil are such important things, they can create a sandal cell in the I. S. M. or in the commercial section of the High Commission and appoint any person who is competent to do it, may be from Mysore but they cannot have it both ways, namely, saying they are independent and also saying they are still under the High Commissioner. What sort of control he is exercising? It is all confusing and I do not think it is right.

PROF. SHANTILAL KOTHARI : Mr. Chandra Shekhar and Mr. Mirdha have made the points which I wanted to make. I only want to add one thing. I consider such right acceded to a state constitutionally preposterous and morally wrong and politically fraught with great danger. Article 258(3) certainly does not permit giving the right to any constituent part of a quasi-federal State the right to represent any interest in this way, in a foreign Country because it is exclusively—without qualifications and without any 'but' or 'if'—the right and responsibility of the Centre. May I know from the Government this—have they taken into consideration the contingency of this right being asked for by other States and its serious consequences? I repeat and warn that it is constitutionally preposterous and politically fraught with danger and morally wrong.

SHRI BHUPESH GUPTA : A highly constitutional issue I want to raise, not personal.

HON. MEMBERS : No.

SHRI BHUPESH GUPTA : Why are you shutting out the discussion? You say that the constitutional point should be taken up. When we discuss the constitutional point, the discussions are not allowed. I would ask the House to kindly consider it purely from the constitutional angle. Article 258 has been referred to. If you read it you will find—

"Notwithstanding anything in this Constitution, the President may, with the consent of the Government of a State entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the Union extends."

[Shri Bhupesh Gupta]

Here the Central Government is given the power to move a State Government and the President must function in a particular manner. Therefore it is provided that the Central Government, in doing so, must take the consent of the State Government. Here it is opposite; here the State Government is doing the thing, the tail wagging the head. Therefore, this article does not apply at all. It is absolutely clear in our Constitution that this is entirely in the exclusive jurisdiction of the Union List. Now they say that the Union Government can delegate. Yes, but it creates the whole agency, the Supply Mission, the Ordnance Mission, very many Missions. These are Union Government Missions, not necessarily the Missions of the High Commission; they may function along with them. This is not of that kind. Here the Mysore Government's jurisdiction has been illegally and unconstitutionally projected.

Finally one point; no more. The hon. Minister must not try to wriggle out. In the beginning he said that the Central Government is not concerned with anything except that they have to sanction 3,000 rupees.

AN HON. MEMBER : No.

SHRI BHUPESH GUPTA : Therefore he is washing his hands clean of all responsibility.

AN HON. MEMBER : No.

SHRI BHUPESH GUPTA : He cannot blow hot and cold. I think the Constitution has been violated in order to provide for the son-in-law of the Congress President.

(Interruptions)

THE DEPUTY CHAIRMAN : Now Mr. Bhagat.

SHRI B. R. BHAGAT : So far as the constitutional issue is concerned, to me it appears absolutely clear; there is no denying the fact that the question of trade or of any external relations, it is under the purview of the Government of India. It is in the Union List; there are no two opinions about that.

As for the functions of this particular organization, before I come to that I wanted to explain, whatever may be its nomenclature, the substance of it. The position is that the Agent does, on behalf of the

Mysore Government, the selling of or entering into contracts for the sale of sandalwood oil or other things. Then, it is a purely commercial work. Somebody said that he does the trade representation work on behalf of certain other State organisations.

THE DEPUTY CHAIRMAN : May I know on whose behalf is the contract drawn then by this Agent in London? On whose behalf are the contracts made? That question you may answer.

(Interruptions)

SHRI B. R. BHAGAT : I do not have the facts about the contracts. This aspect we must get to know. I do not know on whose behalf the contract is drawn.

SHRI BHUPESH GUPTA : Then why are you speaking?

SHRI B. R. BHAGAT : I do not know how the contract is drawn.

SHRI BHUPESH GUPTA : Then defer the matter.

SHRI ARJUN ARORA : The Minister does not seem to know the most vital things involved in this question. So I request that you give him twenty-four hours' time and take up the matter tomorrow again. Then he may come with a fuller reply.

SHRI B. R. BHAGAT : That is not the point.

SHRI M. M. DHARIA : Madam Deputy Chairman, if the hon. Minister wants some time, we have no objection, but whenever he makes any statement, we want it with all caution. And so far as this constitutional interpretation is concerned, he should go through the whole of it. He should not only read article 258(1) but he should also read article 258(3). And we would like to know whether the payment is made by the Union Government and also, as you rightly put, whether the contracts are signed, and if so, by whom. At the same time we want to know by whom the payment is made. Under article 258(3) it is clear that the payment will have to be made by the Union Government.

SHRI BHUPESH GUPTA : If the contract is on behalf of the State, then can any State Government operate in a foreign country like that?

(Interruptions)

THE DEPUTY CHAIRMAN : I do not want any more like this. I have already called Mr. Bhagat to answer the questions raised, by several Members in this House, very intricate constitutional issues and other issues. Also I have asked him about the contracts, in whose name they are drawn. Now he must categorically give replies today now, or he can ask for time.

SHRI B. K. P. SINHA : I have to make a submission, Madam.

THE DEPUTY CHAIRMAN : Now no more submissions.

SHRI B. K. P. SINHA : I do not understand one thing. It is not fair if you allow some other Members so many chances.

THE DEPUTY CHAIRMAN : You please answer all the questions, Mr. Bhagat.

SHRI B. K. P. SINHA : You please hear me, Madam; you have to hear me. I do not understand this thing. When Minister Bhagat was on his legs, some other Members interrupted and you permitted them. When I got up, because I am going to say something favourable to Mr. Nijalingappa, therefore I shall not be permitted—it seems so.

THE DEPUTY CHAIRMAN : I have not allowed anybody.

SHRI B. K. P. SINHA : The point is, if you had not permitted any other Member to intervene a second time, I would not have got up. But you have allowed it in other cases and you deny it in my case. Is it fair ?

THE DEPUTY CHAIRMAN : What have you to say ?

SHRI B. K. P. SINHA : The point is, I would like to know what does it matter whether the contract is signed by the Mysore Government or the Government of India ? If by an arrangement the power or the function is vested in the Government of Mysore, even the power to enter into contracts is vested in them. Therefore, this issue that you have raised is not necessary to be raised. It needs no reply.

(Interruptions)

The other issue is about article 258(3). Now there has been an arrangement between the two. Mr. Bhupesh Gupta

says the initiative must come, according to the Constitution, from the Government of India. That is not the implication of that article. The initiative may come from the State Government and the Government of India may agree to that initiative.

THE DEPUTY CHAIRMAN : Now you have put your point of view.

SHRI B. R. BHAGAT : I submit Madam, that I agree with the interpretation given by my friend, Mr. Sinha. Yes, it may be that the contract is signed by the Mysore Trade Agent. But the point is that this is not a relevant point. The point is : Under the powers given in the Constitution the State Government, through a delegation from the Government of India, enter into contracts. What I am explaining is that it is not only the arrangement here but we have organisations like the Hindustan Steel or the Handloom corporation or the Air India or the Handicrafts Corporation.

SHRI BHUPESH GUPTA : Also Birlas and Tatas.

SHRI B. R. BHAGAT : That is why I am saying, that is why I am making the point that the delegation is not only to the State Governments, that there are other agencies also. Even somebody can appoint a foreign agent, a foreigner who can function on behalf of the Government, and they have been doing it. Secondly, this is not a new question ; this is a continuing one. This had been considered in 1953; all aspects were considered. This is not any new question which has arisen, which is like red herring thrown, and therefore I maintain that it is perfectly constitutional that there is nothing unconstitutional about it, and on a matter like this I am entitled to my own opinion.

SHRI BANKA BEHARY DAS : If you take cover under article 258, then are you prepared to lay on the Table a copy of the notification of the President's order in which the delegation of power has been made to the Mysore Government ?

SHRI B. R. BHAGAT : The hon. Member can challenge it through the due process of law, but he cannot prevent me from stating my own position, and I think the position is perfectly valid under article 258(i).

SHRI KESAVAN (THAZHAVA) : (Kerala) : Will the Government give this privilege to the State of Kerala, which

[Shri Kesavan Thazhava]

earns dollars, for appointing its trade agents to import rice and also to export cashew products, coir products and such other things ?

SHRI B. R. BHAGAT : Article 258(1) is a substantive article that states the position. It has been said that article 258(3) neutralises it. That is not the position; it does not; it only speaks of situations where if some payment has to be made, there should be an arrangement. Here too the foreign exchange arrangement is there. They come to us for asking for foreign exchange—and it is stipulated here. Therefore I am quite clear in my mind that there is no constitutional point involved in this.

SHRI M. M. DHARIA : Madam, again . . .

(Interruptions)

THE DEPUTY CHAIRMAN : Let him finish.

SHRI M. M. DHARIA : We would again appeal to the Minister to take some time. He should go into this carefully and then come here. Otherwise in this he is absolutely wrong.

SHRI AKBAR ALI KHAN : When he is replying why should he advise him ?

SHRI BHUPESH GUPTA : Where is the President's Order ? Because it is said there 'The President may . . .'

SHRI B. R. BHAGAT : I had stated that in 1953 when permission was given to them to continue this pest . . .

(Interruptions)

SHRI BHUPESH GUPTA : We are not concerned with all that ; we want the President's Order.

SHRI B. R. BHAGAT : What President's Order ?

SHRI BHUPESH GUPTA : Because in that provision it is said that the President may entrust . . .

THE DEPUTY CHAIRMAN : Since you are relying on article 258 they want to know whether the President has passed the order.

SHRI CHANDRA SHEKHAR : Madam Deputy Chairman, the hon. Minister is again and again emphasising that point. If that is so, he should place before the House the Presidential Order by which this power was delegated to the Mysore Government. It is no use merely harping again and again on the same thing.

(Interruptions)

And Madam Deputy Chairman, does he not differentiate between a commercial organisation and a political organisation ? The State Government is a political organisation . . .

(Interruptions)

THE DEPUTY CHAIRMAN : You don't allow the Minister to finish his reply. I want him to finish his reply first.

SHRI B. R. BHAGAT : In 1953 when this arrangement was agreed to it was stipulated that the Mysore Agent will function under the general control of the High Commissioner and the Mysore Government issued instructions to the Agent to function under the High Commissioner's general control. Now an hon. Member said that we should not merely say that he came up for some exchange but it is a wider issue. I also maintain it is a wider issue but it is for the future. I am not saying that this question should not be examined; I am not saying that the desirability of maintaining the Agent should not be examined at all. And I say it is a hypothetical question as to whether other States will be allowed to have such an arrangement. No State has asked for it in these 50 years.

SHRI KESAVAN (THAZHAVA) : The Kerala Government wanted to make its own arrangements for the import of rice but the Central Government said no.

(Interruptions)

SHRI B. R. BHAGAT : I am not yielding.

SHRI CHANDRA SHEKHAR : Madam, again the hon. Minister is making a wrong statement. The Kerala Government did ask the Central Government . . .

SHRI BHUPESH GUPTA : And the Central Government said no.

SHRI B. R. BHAGAT : Even if the Kerala Government had asked for the import of rice through their own agency, it may have been considered and rejected. The Government had the right to do that. My point is, whether other States should have any such thing is a question which can be considered and either accepted or rejected. That is a different matter. Over a matter like this, such things cannot be precluded but what I am saying is this. At the moment this calling attention motion has arisen as a result of the Mysore Government coming up for foreign exchange amounting to about Rs. 3000. That matter is also under examination. Nothing has happened ; it is under examination in the Finance Ministry.

SHRI BANKA BEHARY DAS : Stop it here and now.

SHRI B. R. BHAGAT : As for the future arrangement, some hon. Member said whether it would not continue for four years. We ourselves are looking into this in all its aspects. Recently our High Commissioner said that the question whether it is necessary to continue such a thing in the future or not should be examined but he visualised the position that for the next two or three years the continuance of this arrangement is necessary because you will have to have some other officer or some other co-ordinating agency on which you will have to incur the same expenditure and therefore it is better to continue this. Therefore I submit to the House all these questions, the question of continuance, the constitutional question—the hon. Member may have a different opinion about it though I have no doubts about it—and all other questions can be considered. At the moment the only issue is whether this foreign exchange should be given or not for the new officer and that as I said is under examination.

(Interruptions)

SHRI BHUPESH GUPTA : Madam, we have a submission to make. You know very well as lawyer and as Deputy Chairman of the House that the Constitution provides that the President may delegate. It means that the President has discretion. We should like to know when the President exercised his discretion.

(Interruptions)

THE DEPUTY CHAIRMAN : I think we have had enough.

The House stands adjourned till 3.00 P.M.

The House then adjourned for lunch at forty-eight minutes past one of the clock.

The House reassembled after lunch at three of the Clock. The Vice-Chairman (Shri Akbar Ali Khan) in the Chair.

THE BORDER SECURITY FORCE BILL, 1968—Continued

SHRI DAHYABHAI V. PATEL (Gujarat) : Mr. Vice-Chairman, I have great pleasure in supporting the measure that the Government has thought it fit to bring forward. Perhaps it is a little belated, something like trying to bolt the stable after the horse has left. This measure was introduced after the Pakistani aggression on Kutch in 1965. That exposed, for the first time, the weaknesses and vulnerability of our defences, which state of affairs took place during the period of the Krishna Menon regime that dominated the Government of India. Instead of a proper co-ordinated defence or instead of the Defence Forces looking after the forward areas, we had a sort of police force which was neither police nor defence. It was neither a horse nor a donkey. It was neither fish nor fowl. So, the result was rather unsatisfactory. Therefore, Pakistan or the Chinese aggressors were able to intrude into our borders. The difference was this. While the intruders were well-trained and some of them received training in China in the well-known tactics of guerilla warfare, infiltration, deception and of subversion, which are the normal communist tactics and which they have followed in most of the countries that they have taken over, we shut our eyes to these facts of history and that is why we came to this position. It was in this House that I had to point out that the Government of Gujarat was repeatedly drawing the attention of the Government to this situation. A representative of the Government of Gujarat could not get a seat on the plane to Delhi and he had to go up to Jaipur and persuade another officer to make room for him. He was able to reach Delhi and when he reached Delhi senior Army officers told him : "We have got only fifteen minutes and we are going away after that." One had to preside over some celebrations. One had a football engagement to preside