

MR. CHAIRMAN: The House stands adjourned till 2.30 P.M.

The House adjourned for lunch at fourteen minutes past one of the clock.

The House reassembled after lunch at half-past two of the clock, the VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.

REFERENCE TO THE AIDE  
MEMOIRE SENT BY THE BRITISH  
GOVERNMENT TO THE WEST  
BENGAL GOVERNMENT

SHRI BHUPESH GUPTA (West Bengal): Mr. Vice-Chairman, Sir, I have a submission to make. I am very sorry that I was not present yesterday. Mr. Chagla made a statement with regard to the *aide memoire* sent by the British Government to the West Bengal Government. He agreed with me, it seems from the news papers, that the step of the British Government was wrong. He said that the Government was doing something. First of all, I would like to know when he was doing that. He should make it clear.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): He is coming here at 4.30. You can raise the point then.

SHRI BHUPESH GUPTA: I would request you to have the Calling Attention motion, because I charge that it was an interference in the internal affairs of our country. With your permission I would make out a case that it was an interference in the internal affairs of our country. Let the Calling Attention motion which is pending be taken up and you allow us a one hour discussion because then all sides can express themselves on the subject as to the manner in which the British Government has functioned not only improperly from diplomatic standards but also by way of interfering in the internal affairs of our country. The Government has not taken note of it. In fact, it is

exonerating the British Government. My serious complaint is also on that score. Therefore, I appeal to you that just as you have allowed many other things, let this matter be taken up at a suitable time next week and we shall, on the strength of international law and usage and various other things, make out a case here that the British Government's action amounted to a clear interference in the internal affairs of our country which is much more heinous than merely circumventing diplomatic standards and norms.

SHRI MULKA GOVINDA REDDY (Mysore): A short duration discussion should be allowed on this very important subject. It is agitating the minds on both sides.

RESOLUTION REGARDING AP-  
POINTMENT OF PARLIAMEN-  
TARY COMMITTEE TO REVIEW  
CENTRE-STATE RELATIONS

SHRI M. V. BHADRAM (Andhra Pradesh): Mr. Vice-Chairman, Sir, I beg to move:

"This House is of opinion that Government should appoint a Committee consisting of 45 members representing both Houses of Parliament to review the Centre-State relations in all their aspects and to make recommendations for necessary changes in the present arrangements where such changes are called for."

Mr. Vice-Chairman, Sir, since the general elections, the political set-up in the country has changed and thereupon insistent and persistent demands for greater powers to the States are raised and also for enquiry into complaints about Central interference and discrimination of a political character in the States' affairs.

Mr. Vice-Chairman, Sir, it has been accepted and admitted that in the past also there were differences between the State and the Centre, but since

all the governments whether in the States or in the Centre, were ruled by the same party all these differences were sought to be resolved by using the party machinery because they happened to be members of the same family. Now the writ of the Congress Party does not go in eight States today. All these eight States are governed by non-Congress governments. For resolving the differences or the disputes between the States and the Centre there are existing Constitutional provisions. Diwan Chaman Lall in an article in the *Bharat Jyoti* of April 23, 1967 advocated the solution of the whole thing through Constitutional provisions particularly using article 263. Please permit me to read that part of the article:

"Besides what the Council provided for in Article 263, the Constitution has made elaborate provision to regulate relations between the Centre and the States and between States *inter se*. It is necessary to realise at the outset that both the Centre and the States are but the creatures of the Constitution. None of them is subordinate to the other; they are co-equal, inter-dependent and partners. If sometimes the Centre appears to be exercising a dominating role, it is only that it has been given an overriding role under the Constitution in certain subjects—but only in those subjects."

The Centre and the States are co-partners and they should be treated as such. But it is not being done in practice. How it is not being done in practice I will come to it at a later stage.

The Constitution gives greater powers to the Centre both politically as well as economically. Before going into details of the economic aspects of it, there is another concept which was advocated in the Constitution itself. Our Constitution is a federal Constitution. But in all res-

pects it has not functioned in that way. I am reading from an article in the *Economic Times* of April 26. In fact, during the Constituent Assembly debates, Dr. Ambedkar, who was the Chairman of the Drafting Committee made this clear when he said:

"The use of the term 'Union' is deliberate . . . The Drafting Committee wanted to make it clear that though India was to be a federation, the federation was not the result of an agreement by the States to join a federation and that the federation not being the result of such an agreement, no State has the right to secede from it. The federation is a union because it is indestructible."

Therefore, the concept of federation is there. But how it is being implemented and practised for the last 15 years we can go into that at a later stage. The concept of federation has been gradually watered down during the last 15 years, particularly so after the constitution of the Planning Commission.

The powers of the States and the Centre are clearly defined in the Seventh Schedule of the Constitution. They are also given in the State List. The Centre and the States have got separate jurisdiction. But since the constitution of the Planning Commission, the Planning Commission have invaded over the State powers. For instance, the Planning Commission can make plans and fix up priorities and all things can be done even in the State List.

Coming to the financial aspect of it, I would like to deal with the Union Government. The Union Government is a big money-lender in the country and the States are debtors. It is so for the last 15 years. The Centre has the monopoly of greater resources whereas the States do not have the resources at all. For example, the Union excise duties in the

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Third Plan come to about Rs. 3,475.19 crores. The share of all the State Governments put together comes to Rs. 610 crores, which is roughly one-sixth of the total excise duty collected by the Centre. The revenue receipt, particularly land revenue, is almost negligible in all the States. For instance, I can quote the total revenue for this period of Andhra Pradesh is Rs. 643.21 crores. In reply to a question in the Lok Sabha the Finance Minister gave the amounts, year by year, of loans advanced by the Centre to the various States and the amounts repaid by the State Governments to the Centre. In 1950-51, the loans advanced by the Central Government to all the States amounted to Rs. 61 crores. In 1951-52, it was Rs. 60 crores; 1952-53—Rs. 92 crores; 1953-54—Rs. 124 crores; 1954-55—Rs. 193 crores, 1955-56—Rs. 249 crores; 1956-57—Rs. 201 crores; 1957-58—Rs. 275 crores; 1958-59—Rs. 293 crores; 1959-60—275 crores; 1960-61—Rs. 339 crores; 1961-62—Rs. 452 crores; 1962-63—Rs. 523 crores; 1963-64—Rs. 623 crores; 1964-65—Rs. 680 crores; and 1965-66—Rs. 821 odd crores. This is the way the Central Government has become a money-lender; it is giving loans to the various States and at the same time, it is collecting interest also from the various States. This is the crux of the whole problem as to why all the State Governments, particularly after these General Elections—the Madras Chief Minister, the Kerala Chief Minister and various other Chief Ministers—are demanding more powers to the States as far as this economic aspect is concerned. Also, in respect of financial allocations to the various States for industrialisation, there are serious complaints against the Centre, even by Congress Chief Ministers. For example, in Andhra, during the First Plan, the total allocation for industrial development was about Rs. 2.8 crores, out of the all-India figure of about Rs. 46 crores. In the Second Plan, the all-India figure was Rs. 671 cro-

res, and Andhra got Rs. 6.3 crores. In the Third Plan, the all-India figure was Rs. 1,564 crores while Andhra got Rs. 76.5 crores. The net result of the whole thing was that in 1950-51, the all-India *per capita* income was Rs. 284 and in Andhra, it was Rs. 256; the difference was 28 and after the execution of the three Plans, the difference rose from 22 to only 33. So, in the allocation of funds for the various industrial projects also, proper attention is not paid and that is why complaints from various States, particularly from the industrially backward States, are coming to the forefront. Similarly, in regard to the Nagarjunasagar Project—about which there is so much hullabaloo going on and the Mysore and the Maharashtra Governments are raising a hue and cry over it—the point here to be noted is that already a sum of Rs. 125 crores has been spent on that and in the current year, the Andhra Government wanted Rs. 17.5 crores for execution of the current year's work and about the same amount next year. If that is given, probably next year or the year after that, about 2.2 million acres of land will be brought under irrigation and roughly about 20 lakh tons of food-grains, including nearly 10 lakh tons of rice, will be grown in that area. To-day we are going to foreign countries for importing rice to the tune of 3½ lakh tons at a foreign exchange cost of Rs. 25 crores, but the allocation of Rs. 17.5 crores is not being given for the Nagarjunasagar Project. And recently when the Deputy Prime Minister and Finance Minister had gone there, he advised the ryots to pay Rs. 200 each in advance to the Government so that the project can be completed. Therefore, the demand for greater powers was voiced particularly by the Chief Minister of Madras in his Budget Speech. He said that there should be a permanent Finance Commission and a special Commission to propose necessary changes in the relevant Constitutional provisions. He wanted a Commission

to be appointed under Article 263. Similarly the Kerala Finance Minister and the Kerala Chief Minister also demanded a separate committee to go into the whole thing and review the whole thing. In this connection, I may quote what Mr. K. Santhanam, former Chairman of the Finance Commission, said:

"He said the picture now was that the current normal expenditure of every State had become so great that almost all the States were on the verge of insolvency and were dependent on huge discretionary grants from the Centre. This has made the States more or less subordinate to the Centre.

Mr. Santhanam gave two concrete suggestions for restoring to the States their financial autonomy which he hoped would be examined and pursued by the Chief Ministers. Firstly, the States should ask for an increase in their share of Excise duty collections from 20 per cent to 50 per cent. This, along with the present 75 per cent of share in the Income-tax, should be guaranteed either by a firm agreement or by a Constitutional amendment. Any special assistance required by the poorer units could be recommended by a Commission on the lines of the one existing Australia.

Secondly, the Central Government should stop acting as the direct creditor of any State, he said. A powerful institution—either the present Reserve Bank or a new one—should be entrusted with the task of lending money to the States, on the same lines as the World Bank provided assistance to member-nations making sure that the loans were utilised for productive purposes."

He also referred to the Centre-State relations.

"Mr. Santhanam who was speaking on Centre-State Relations at

a meeting held under the auspices of the Triplicane Cultural Academy, urged that the Centre should confine itself to matters of paramount concern to the nation as a whole, leaving the States to attend to matters of day-to-day importance to the people. He said the Constitution, as it existed now, was rather 'highly prejudiced' in favour of the Centre. But even the distribution of powers between the Centre and the States envisaged in the Constitution had been 'disturbed and distorted' by the Planning Commission and the National Development Council. The structure of those two institutions should be radically changed, he said."

There is another statement by one of the Constitution-framers, Mr. T. T. Krishnamachari. In his Feroze Gandhi Memorial lecture delivered as early as in 1962, Mr. T. T. Krishnamachari who played a leading role in the drafting of the financial provisions as a member of the Drafting Committee, drew attention to the many changes in the relationship between the Centre and the States.

"It may be" said, "that the friction that had arisen now and again had not been brought up to the surface because of the force of the same party functioning in the Centre and in the States generally and there being ordinarily a common policy in most matters as between the Federation and its component parts. It may even be that the leadership of the party had something to do with the apparently smooth working of the federal polity".

He however, went on to say:

"But it cannot be said on that ground that this problem does not merit examination as undoubtedly friction has arisen in many cases and perhaps remains latent and subdued, with only such complaints now

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and again made by certain State authorities in regard to the lack of powers or lack of assistance from the Centre or *vice versa* by the Centre pleading inability to interfere in vital matters because of the nature of the distribution of powers between the States and the Centre."

He therefore pleads that the whole thing should be reviewed.

Similarly the Chairman of the Fourth Finance Commission in his note on page 92, para 19, specifically says:

"After fifteen years of working the provisions of the Constitution, during which period four Finance Commissions have been appointed, I think the time is ripe to have a review of the Union-State financial relationship, particularly in view of the setting up of the Planning Commission. This review should be made by a special Commission who can approach the several problems that have arisen in the past and that are likely to arise in the future objectively and realistically. Some of the questions which may fall to be decided by this Commissions, I shall mention briefly".

He mentions four points in that.

So the main point here is, he also felt that a review of the whole thing should be considered. That should be by a special commission.

The press also has taken serious notice of the developments that have taken place. Papers like the *Amrita Bazar Patrika*, the *Free Press Journal*, the *Economic Times* and many others have advocated a review of the whole thing.

Then complaints or charges against the Centre are made by various State Governments, particularly the non-Congress Governments. We have seen one such instance in regard to food. Kerala and West Bengal are deficit States in food. Kerala can never

think of becoming self-sufficient in food because the population of that area is so large that the food that can be grown in that area cannot feed the entire population of Kerala. So also is the case of Bengal. How the Centre is tackling the food problem we have seen this morning in the Calling Attention motion discussion. Mysore, Maharashtra and Andhra are all managed by the same party and at the connivance of the State Governments rice is smuggled to Maharashtra and Mysore and through Mysore into Kerala. Whereas the State Government of Andhra is not prepared to procure effectively and feed the starving millions of Bihar, Bengal and Kerala, the Centre pleads inability to interfere in the matter. Even when the Chief Minister of Andhra had promised to give 6 lakh tonnes of rice, as the Minister of Food said in the morning, it has come down to 5 lakhs. So what is the policy in regard to feeding the starving millions of the various parts of this country? There is a strong feeling in Kerala and Bengal that food is being used as a political weapon by the Centre to topple down their Governments.

SHRI AWADESHWAR PRASAD SINHA (Bihar): I question your statement.

SHRI M. V. BHADRAM: The Home Minister said that all these are rules of the game. He said so yesterday morning.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Not relating to food, I am sure he will never say that.

SHRI CHITTA BASU (West Bengal): You are punishing the people who have voted against you by not giving food.

SHRI M. V. BHADRAM: Therefore where there is surplus and the surplus State is not tackled properly to feed people, if it is not political motivation, what is it? The other reason must be, as I said, the Chief Minister of Andhra is a prisoner in the hands of the black-marketeers? Otherwise, it cannot be

so because we feel there is enough food in Andhra provided it is properly procured.

Secondly regarding gherao, the Home Minister had gone to Calcutta and openly stated against gheraos.

AN HON. MEMBER: Are you in favour?

SHRI M. V. BHADRAM: It is not a question of my being in favour of it or against it.

SHRI AKBAR ALI KHAN: You must be against a bad thing.

SHRI M. V. BHADRAM: When I want to practise it, I will come along with you as your employee in Hita-vada. (addressing Mr. Mani). . . (Interruptions) Whether one is against gherao or not, that is not the point. Gherao is described as illegal confinement of the management personnel in the various factories. If that is the case, it is a law and order question and the Centre has nothing to do with that. It is the problem of the State Government to be tackled and the Central Home Minister has no business to go there and openly state against gherao. Then rightly the West Bengal Government felt that it was interference in their internal affairs.

Secondly when the notification under the Arms Act was issued the West Bengal Government also felt that the Centre should not have issued the notification. Regarding the appointment of the Governor, Shri Dharam Vira, the Bengal Government was not very happy and the Deputy Chief Minister also protested against it. We go back to the old incident of using the A.I.R. to try to censor the transcript of the Labour Minister of the West Bengal Government. The more serious thing was the transfer of documents from the West Bengal Secretariat and also from Madras.

AN HON. MEMBER: Not from Madras.

SHRI M. V. BHADRAM: The Home Minister did not know. He said he was not aware of it but he has admitted that from the West Bengal Secretariat files have been taken to the Centre. It seriously casts a doubt on the integrity of the West Bengal Government. We may not like some of the policies of the West Bengal Government and if the Central Government behaves in this way with them, it can be done with any State. There is an analogy between the Central Government's behaviour and that of the Chinese. Whoever does not agree with them, the Chinese treat him as an enemy. Similarly whoever does not agree with the Congress Government at the Centre, is treated as their enemy. So the West Bengal Government 3 P.M. is treated as an enemy and that is why the taking away of the files from the West Bengal Secretariat cannot be explained properly.

SHRI LOKANATH MISRA (Orissa): They not want to leave any secrets behind.

SHRI M. V. BHADRAM: Similarly, in Orissa, a copy of the C.B.I. report regarding Mr. Biju Patnaik was refused to the present State Government in spite of the fact that the issue was also raised here. Then the Orissa Assembly had passed a resolution requesting the Central Government not to issue a passport to Mr. Biju Patnaik. But the spite of it the passport was issued to him. And if this is the way in which the Centre behaves, how can there be proper understanding between the States and the Centre?

Then there is another case over which also the Congress Party Members should think seriously. The Central Government sanctioned a scheme asking the Delhi Administration to implement it—the scheme was for the rehabilitation of the hut-dwellers. And when the Delhi Administration

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was implementing that scheme, the local Congress in Delhi raised a hue and cry and staged demonstrations against its implementation. So where is the moral sanctity with the Congress Party, the Central Government sanctions a scheme and the local Congress Party or the local Congress people stage a demonstration against the Delhi Administration for implementing it? This is how things are done by them. Is it constitutional? Since there is no time I cannot go into the various aspects of various provisions of the Constitution.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): It is time to wind up.

SHRI M. V. BHADRAM: I am not going into that Delhi Congress affair. As to how the Constitution is being used in furtherance of the cause of the party, I may give you one or two examples. In 1952 I was also a Member in the Madras Legislature and we, all parties, formed a united front against the ruling Congress Party under the leadership of Mr. Prakasam, to unseat it from power. The combined strength was more than half the strength of the Legislature. But then the then Governor said, "You are not a single party. So I do not recognise you." And then he brought in Mr. C. Rajagopalachari through the back door and followed the same methods as are being adopted even today, and our Commonwealth Party was then weaned away and the front not allowed to form the Government. Then in 1955 there were mid-term elections in Andhra and in 1960 the elections should have been held. Then, by amending the Constitution, the life of the Assembly Members in Andhra was extended by two years, whereas in Orissa, just six months before the General Elections, in 1961 elections were forced on Orissa. So wherever it is convenient to the party in power, particularly at the Centre, the Constitution is twisted and is interpreted in such a way as to give the benefit to the party in power only.

Just one more point and I finish. Now the Madras Chief Minister, Mr. Annadurai, is organising an agitation for the redressal of certain grievances against the Central Government; I am not blaming him. But because it is a non-Congress Government, the Centre is taking a serious view of the whole matter. If it is a Congress Chief Minister, the Centre does not even take note of it.

Last year there was an agitation in Andhra for the location of a steel plant there, but even before the agitation was started, the Chief Minister of Andhra said in a public meeting that the Central Government would be in troubled waters if the steel plant was not located at Visakhapatnam.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You will have to finish now.

SHRI M. V. BHADRAM: With this I am finishing now. Now on the 1st of July, 1967, in Madras, the Andhra Chief Minister cautioned the Centre that it will find itself in hot waters if the fifth integrated steel plant was not located at Visakhapatnam. If a Congress Chief Minister says like that, it is nothing wrong, but if a non-Congress Chief Minister says, then it is a 'Naxalbari' or something else. Is this not discriminatory? The Centre is not treating all the States alike. Therefore I appeal to the House in this regard. I am not prejudicing anything. This Resolution is only to review the Centre-State relations, to see whether amendment of the Constitution is necessary or not, and the Committee I have suggested will go into the whole thing. Therefore I commend this Resolution for the acceptance of the House.

SHRI BANKA BEHARY DAS (Orissa): Sir, I move:

1. "That in the Resolution, after the words, 'in all their aspects', the words 'with a view to establish an Inter-State Council under article

263 of the Constitution of India forthwith' be inserted."

SHRI A. D. MANI (Madhya Pradesh): Sir, I move:

2. "That at the end of the Resolution, the following be added, namely:—

'and in particular in the direction of strengthening the Central Government in respect of its powers of supervision over and direction to State Governments in order to combat the fissiparous tendencies, which threaten to break up the country into a congeries of autonomous republics'."

SHRI CHITTA BASU (West Bengal): Sir, I move:

3. "That in the Resolution after the word 'Parliament' the words 'and other experts in the field of economics, constitutional laws, etc,' be inserted."

*The questions were proposed.*

SHRI LOKANATH MISRA: Mr. Vice-Chairman, Sir, I am thankful to the Communist Member, Mr. Bhadram, for having sponsored this Resolution even though I do not agree with the Communists on many of their points. This is one point on which I entirely agree with them.

SHRI B. K. P. SINHA (Bihar): You do want the country to be disintegrated.

SHRI LOKANATH MISRA: But this is what the Congress is doing; we want to prevent it.

SHRI B. K. P. SINHA: Make it a federation today. After one year make it a confederation, and thereafter let all the States become independent. This is what you want.

SHRI LOKANATH MISRA: The Congress is making it an absolute

chaos. The Congress is making the country an absolute chaos. At least a confederation would be preferable to absolute chaos.

Now, Sir, since my time is limited, whatever interruptions there are, Sir, I may get an additional four or five minutes—if there are interruptions—because I would have to reply to all the interruptions, and I would very much like to reply to the interruptions.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Ignore the interruptions.

SHRI LOKANATH MISRA: Now, Sir, this would remain an academic discussion as long as the power-hungry Congress remains where it is. I am sure they will not allow this to be passed; this would be "talked out" in parliamentary language.

SHRI BHUPESH GUPTA (West Bengal): As a matter of fact, this power-hungry tiger was prowling yesterday in the Bhopal Assembly Guest House.

SHRI LOKANATH MISRA: That is the place for them. Now hereafter the Congress would probably start howling in the Connaught Place rather than on the floor of Parliament—the time is soon coming.

Now I do not think the Congress has yet realised its own position. Previously, since almost in all the States there were Congress Ministries, they have developed very wrong convention, sometimes against the provisions of the Constitution, if it suited them.

Now Mr. Bhadram was making a reference to the Development Council. In the Development Council's meeting decisions were taken even without a reference to the State cabinets. The Chief Ministers, when they were here, they agreed to certain suggestions by the Prime Minister, be-



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cause they thought they draw their position, they draw their authority, they draw their status from the Prime Minister himself. Unless the Prime Minister gave a smile to them, the seat was lost, the ticket was lost, the Ministry was lost, the Chief Ministership was lost. Therefore, anything falling from the lips of the Prime Minister was something very sacred to them, and any suggestion that came from the Prime Minister was taken to be sacrosanct and they respected it even without referring the matter either to their Assembly or to their Cabinet, the State Cabinet. This is how wrong conventions have developed in this country over the last twenty years and it has led us to chaos. Now, Sir, under the Constitution, the Centre and the States are to have an equal status. But that is not being maintained. That equality of status is not being maintained and into many of the items which are mentioned in the State List the Centre has eroded. I would cite only one or two examples because my time is limited and I have to deal with many matters within the fifteen minutes given to me. And so I will give only a few instances. In the State List, Sir, you find this item 24 where it is stated. "Industries subject to the provisions of entry 52 of List I." And item 23 stated:

"Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union."

And in the Union List you have item 54 which says:

"Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest." So you see the position. Parliament has to declare which are the particular mines that the Government of

India should deal with. But the convention has developed whereby the State Government has been reduced to the status of a municipality. The State Government has powers only to recommend and ultimately it is the great Mines Minister in the Government of India who is either to reject an application or to accept it. How can this happen? Unless Parliament has passed a law to this effect, why was it required that applications should be sent to the Central Cabinet? Who gave that authority to the Central Minister or to the Central Cabinet? You cannot have such a position unless Parliament specifically passed it in the shape of an Act of Parliament. So far as Industries are concerned, the provisions are like this. Unless they are specified in the Central List, or there is a specific Act governing it, the State has to deal with a particular industry. But gradually it has come to this that unless permission is obtained from the Centre you cannot set up any factory. If you want to set up a factory anywhere you have first to get the permission or sanction from the Centre. So surreptitiously you have eroded into the State's powers. And that is because, as I said, everybody was crazy about a smile from the lips of the Prime Minister. Nobody raised his voice. No Chief Minister from the Congress Party had the audacity to raise his voice.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

The Centre has special powers only in case of an emergency or if there is a breakdown of law and order in a State or if there is no particular party which can head a government. In such a position the President comes in. It was thought to be very safe because the same party was in power both at the Centre and in the States. Now, many parties are scared of the powers of the Centre because they are politically used. They were politically used once in Kerala and there is imminent danger of such use in Madhya Pradesh and nobody knows what is

going to be the fate of West Bengal because this Naxalbari thing has come and it is very much publicised by our Congress colleagues here. So anything may happen. It has reached dangerous proportions now. The relations between the State and the Centre may at times become even unfriendly.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That will be a bad day.

SHRI LOKANATH MISRA: But because of political rivalries it may happen, not because of anything else. Because of political rivalry there may be unfriendly relations between the State and the Centre and if a particular party comes up in a State when the Centre is headed by another party, because of their political rivalry they may feel that the Centre might try to eject them. In such a condition how can they depend on the Centre? This is what it has come to. Take Mr. Bhupesh Gupta. Can Mr. Gupta depend on the hon. Home Minister, Mr. Chavan? He can anticipate any political game from Mr. Chavan the Home Minister. That is why all parties other than the Congress Party, which are in power in the different States have become suspicious of the conduct of the Central Government here. That is not something very surprising.

SHRI BHUPESH GUPTA: Even now the Prime Minister is making a statement with regard to Madhya Pradesh which is a provocation, in order that Mr. Mishra could get on with his game. I saw how the Prime Minister was being interpreted in Bhopal yesterday.

SHRI LOKANATH MISRA: Sir, you will kindly give me five minutes more because of these interruptions. I have many things to deal with.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): All right. Go on.

SHRI NIREN GHOSH (West Bengal): How can the Prime Minister say that there will be a mid-term poll?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Let him go on.

SHRI LOKANATH MISRA: Now the other point is this.

SHRI BHUPESH GUPTA: She says even if the Chief Minister is defeated he has the power to order mid-term elections and he has the power to advise the Governor and that the Governor should accept his advice.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No interruptions, please.

SHRI BHUPESH GUPTA: I say this because it is very relevant, Sir. It is the duty of every Member to bring to the notice of the House urgent facts that have a bearing on the subject under discussion.

SHRI LOKANATH MISRA: Sir, may I say it is a great privilege to belong to this House? The Council of States has special powers so far as the items in the Seventh Schedule are concerned. No item in the State List can be taken over to the Concurrent List unless the Council of States passes it under Article 249. In the Council of States the Congress is in a majority.

SHRI BHUPESH GUPTA: There is article 249.

SHRI LOKANATH MISRA: Even with the biennial elections they will be having this majority for the next four years. Beyond that period of four years I cannot say what is going to happen. But even within these four years they can play havoc, and they have played havoc. I will bring to your notice one such instance. In the year 1954 the Council of States took over the distribution of food-grains into the Concurrent List. It was previously a State subject. Any hon. Member can refer to the Constitution and verify for himself. But in 1954 this responsibility was specifically taken over and . . .

SHRI BHUPESH GUPTA: You mean to say that this House should not be made the constitutional harem of the Government?

SHRI LOKANATH MISRA: That special responsibility was taken over by the Centre and now any reference to shortage of foodgrains anywhere . . .

SHRI BHUPESH GUPTA: You were there when that was passed.

SHRI LOKANATH MISRA: You must have been there when the Council of States passed it. I was not there. You must have been there. Having taken that power into its hands, the Government of India has . . .

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Sir, the hon. Leader of the Swatantra Party just now walked between the speaker and the Chair. He was very particular about such things the other day.

SHRI LOKANATH MISRA: He came bowing down,

SHRI VIDYA CHARAN SHUKLA: No, he just walked through.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Don't bother about such little things.

SHRI LOKANATH MISRA: Sir, my time has gone.

SHRI DAHYABHAI V. PATEL (Gujarat): The hon. Minister does not even know geometry? I never came between you and him, Sir.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No interruption, Mr. Gupta.

SHRI BHUPESH GUPTA: These physical movements, see how they are conditioned in this House.

SHRI LOKANATH MISRA: You see these interruptions, Sir.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Yes, and you have finished now?

SHRI LOKANATH MISRA: No, Sir, I have only just started.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You can have five minutes more.

SHRI LOKANATH MISRA: Please let me have another ten minutes. All that I am saying is very relevant to the subject. Now, Sir, having taken this responsibility the Government of India is duty bound, doubly so, because nobody asked them to take upon themselves this responsibility. They have undertaken it themselves and if they fail to distribute foodgrains in areas which are drought-affected where people are going hungry can they wriggle out of it? They have suo motu taken up this responsibility with an amendment of the Constitution.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): It is a sacred duty which both should do their utmost to discharge.

SHRI BHUPESH GUPTA: We are not concerned with sacred duties; we are concerned with the constitutional duty. Is it the sacred duty of Mr. Brahmananda Reddy to sit tight on the hoards of foodgrains when the nation is starving?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You were not here this morning. This has been made clear. I cannot say further from here.

SHRI NIREN GHOSH: This may be clear . . .

SHRI LOKANATH MISRA: Please; kindly let me continue.

Now, Sir, the point is, if there is a clash between a legislation of the Centre and of the State the Central legislation stands. Apart from that the Centre has the residuary powers. To

add to that, the all powerful Planning Commission is there. They plan for the entire country from the air-conditioned room in New Delhi. It is a super Cabinet; that is what we have been calling it all the time. It is a super Cabinet, superfluous, unnecessary and they have lately realised it after the recommendation of the Administrative Reforms Commission but it has played havoc in the last 20 years. It is too late now to realise it and undo everything but I shall be happy if they realise it soon and set things right. This Planning Commission is so powerful that it can supersede even the Federation and at times it works like that. Therefore, Sir, the Planning Commission is to the advantage of the Central Cabinet. To top all this, the all-powerful AICC is raising its head now. It is another super Cabinet. Now how does a Resolution in the AICC bind the whole of India? It would probably be wise for the ruling party here at the Centre to remember that they are here with 38 per cent of the votes of the country. Eight of the States are having non-Congress regimes.

SHRI BHUPESH GUPTA: And now a privilege motion has been moved in the Madhya Pradesh Assembly so that . . .

SHRI LOKANATH MISRA: Yes; the entry of the ninth State to the non-Congress regime is being delayed by the contrivance of a privilege motion in the Madhya Pradesh Assembly. By the time I speak, probably I should mention nine States.

SHRI VIDYA CHARAN SHUKLA: What is the percentage of votes that the Swatantra Party got in Orissa?

SHRI LOKANATH MISRA: It is not a question of Swatantra Party; it is a question of Congress *versus* all other parties now. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Order please. You address me, Mr. Misra. No more questions, Mr. Shukla.

SHRI VIDYA CHARAN SHUKLA: They go on interrupting us.

SHRI LOKANATH MISRA: Let me develop the point. Once the AICC passes a Resolution it is a waste paper for me. It may be very sacred for somebody but for me it is a waste paper. Even if I got hold of a copy of the AICC Resolution I treat it as a waste paper and throw it into the waste paper basket. So to bind the entire country down to the Resolution of the AICC is something ridiculous. But that is what is being done and what is more? The District Congress Committees are not consulted; the Provincial Congress Committees are not consulted. The AICC is soaring in the air as the hon. Ministers sitting in front of me are soaring all the time in the air. That is how they function; they do not come into contact with the people.

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL): You do?

SHRI LOKANATH MISRA: Whatever Resolution is passed in the AICC does not reflect the common man's point of view.

SHRI I. K. GUJRAL: Which common man?

SHRI LOKANATH MISRA: Because their subordinate bodies like the Provincial Committees and the District Committees are not even consulted. The AICC and the Central Cabinet conspire between themselves and impose something both on the party and on the country.

SHRI B. K. P. SINHA: No, no.

SHRI LOKANATH MISRA: How do you say no?

SHRI B. K. P. SINHA: Because I am a Congressman and I know better.

SHRI LOKANATH MISRA: I also know the people in the Provincial Congress Committee in my State and I

: [Shri Lokanath Misra.]

know their reactions also. Therefore the Government of India would be betraying the masses of this country if they become determined to carry out any Resolution passed by the AICC and all the States where non-Congress Governments have been formed would try to resist to their utmost the implementation of such a Resolution.

SHRI I. K. GUJRAL: Which Resolution?

SHRI LOKANATH MISRA: If they are responsible people, if they are not playing with the fate of India, then they should all the time consult the State Governments. That is the forum that needs consultation; not the AICC.

SHRI I. K. GUJRAL: Whom in the State Government?

SHRI LOKANATH MISRA: If I have to educate the Minister for Parliamentary Affairs what State Government means . . .

SHRI I. K. GUJRAL: I deliberately said whom in the State Government because State Government today is a State cocktail. For instance on this question of abolition of privy purse shall we ask Mr. Bhupesh Gupta's party or shall we ask Mr. Lokanath Misra's party?

SHRI LOKANATH MISRA: Neither Mr. Bhupesh Gupta is State Government, nor Mr. Lokanath Misra is State Government. State Government means State Government; it is neither Mr. Bhupesh Gupta nor Mr. Lokanath Misra.

SHRI I. K. GUJRAL: I hope the State Governments as a whole, some of the State Governments which have been mentioned, have a consolidated view on privy purses.

SHRI LOKANATH MISRA: Get that if you can and show that to me.

SHRI B. K. P. SINHA: Mr. Vice-Chairman, may I request the hon. Minister not to make an attempt to

get mis-educated or dis-educated by that side?

SHRI LOKANATH MISRA: Mr. Gujral, Mr. Sinha wants to have the monopoly of educating the Minister. I give it to him.

Now, Sir, having dealt with some of the constitutional aspects, I would deal with one last aspect. There is an amendment now by one of my friends here regarding the constitution of an inter-State Council. I think the time has come when such a Council should be formed. There are many disputes now between the States and between the States and the Centre. This should be streamlined and I hope the Government of India would now concede this and advise the President for the formation of such a Council.

Having dealt with all this I will come to Orissa. I will take only two to three minutes. Now their theory is that the Government of India believes in good relationship between the States and the Centre. Sir, the other day I brought to the notice of this House that the passport of Mr. Biju Patnaik was extended for three years in spite of the recommendation of the State Government and in spite of the endorsement of the Home Ministry. The External Affairs Minister got scared of the Supreme Court judgment. I do not know who advised them. The ordinance had already been promulgated. As far as the Supreme Court judgment was concerned, the ordinance was there in existence. There was nothing to be afraid of. If he was to be correctly advised he should have been advised that there was nothing wrong in turning down the application of Mr. Biju Patnaik for an extension. Now, how can good relations be developed between the States and the Centre if the Centre behaves in an arbitrary manner?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): But there the difficulty was the Supreme Court judgment.

**SHRI LOKANATH MISRA:** The Supreme Court judgment had been nullified by the promulgation of the ordinance. The ordinance was in force.

**SHRI NIREN GHOSH:** I may inform you, Mr. Vice-Chairman, that several applications for renewal are pending and the Ministry was doing nothing and it was only in this case that they were prompt.

**SHRI LOKANATH MISRA:** So it does appear to me and to the Government of Orissa also that the Government of India is trying to shield a suspected criminal. Therefore, it took such a serious turn that the Legislative Assembly passed a resolution unanimously, minus the Congress, of course because the Congress is under the influence of Mr. Biju Patnaik. The resolution was passed and a copy has been forwarded to the Prime Minister. They were so much disgusted and dissatisfied with the arbitrary action of the Central Government here. Added to it the Home Ministry of the Government of India had endorsed the wishes of the State Government. It is the Home Ministry that has to recommend in case of certain people whether their passports should be extended or not and against their advice this has been extended. Who advised them? How can this be done? So, is the case with the CBI Report, as mentioned by my friend, Mr. Bhadram. The Orissa Government is going to set up an enquiry commission. Whatever help is necessary has to be made available by the Central Government. Or else would they have the courage to say that they want to shield a suspected criminal? If they say that, I shall be very happy. They have not the moral courage to say that they are going to shield Mr. Biju Patnaik, who is a suspected criminal, because he belongs to their Party. He is a member of the Congress Working Committee. That gives the clue. He probably whispers into the ears of friends there and brings them under his influence. If that influence works,

if that partisanship works, how would the relationship between the Centre and the States develop? How could you expect it? Therefore, I am one with Mr. Bhadram in commending this Resolution to appoint a Committee of Members of Parliament.

**SHRI M. M. DHARIA** (Maharashtra): Mr. Vice-Chairman, I welcome the Resolution, not because I stand for the Resolution, but my hon. friend, Mr. Bhadram, has given us an opportunity to discuss the present Centre-State relations, not only the relations between the Centre and the States but also the relations between State and State. When discussing this Resolution, though we should concentrate on the various academic issues, which may be political issues as well, we should, at the same time, try and realise the value and importance of those issues. We should try and maintain a high level while delivering our speeches here. I feel that in this country of ours, when we have accepted a federal-cum-unitary structure according to the Constitution, the time has come when the Constitution itself is on trial. There was a different political map prior to 1967. A new political map has emerged after 1967. Various Parties are in power in various States. The Congress Party is in power at the Centre and also in some States. In these circumstances, if we are to go ahead, according to our Constitution, if we are to maintain democratic traditions in this country—not only maintain but also deepen the democratic roots—and enlarge the best traditions of democracy itself, we shall have to think in a very calm and patient manner about the various relations that we have today in the context of the difficulties that we have been facing today. There will be several problems and there are several problems. There is the problem of law and order in the States. There are issues like Naxalbari. What should be the approach of the Central Government? What should be the approach of the State Governments? In between there is the relationship

[Shri M. M. Dharia.]

between State and State, so far as the problem of law and order is concerned. Then, there is the question relating to the appointment of the Governor and also after the appointment of the Governor what should be the relationship between the Governor and the Cabinet there, whether the Governor should act on the advice of the Chief Minister or not. So many issues are there. Then, there is the question of language. We have accepted various languages in this country. There are the linguistic States and the problem of boundaries is there. The rivers are flowing through various States. We have to solve the problem of the rivers. They are passing through various States. The problem of the distribution of the waters is there. The Finance Commission has been appointed under article 180 of the Constitution. There are many who are not satisfied with the recommendations and allotments made by the Finance Commission. The States are demanding more power. There are Zila Parishads which are also demanding more power. There are Panchayat Samitis which are also demanding more power. Everywhere we have got to decide what should be the distribution of power. Then, there is the question regarding the relationship of State and State on various issues. There is the question regarding the procurement of essential articles in this country. The distribution of essential articles also, according to me, is a vital issue, while maintaining the relationship between the Centre and the States. I may quote the instance of the present policy of the Government with regard to procurement and distribution of food and other essential commodities in this country, as it has taken place. Is it not a fact that a feeling of disintegration is being generated because of the food policy? We could not abolish the zones. We could not adopt a single zone policy for the whole country. As yet there is no national food budget. Whatever is produced in the country and whatever is brought into

this country is not being equitably distributed among the large mass of people of this country. How can there be a feeling of integration in this country? It is also a matter which should be discussed in this House today. A code of conduct shall have to be evolved not only between the Centre and States but also between the political parties on the several issues of this land. If we look at the problems, I feel that a very patient hearing is absolutely essential on the Resolution here under discussion. I would appeal to the House that even on the next day we should discuss this matter, but the way as proposed by Mr. Bhadram cannot be the way. It is not only a Committee of Members of Parliament which can think about it. I would like to urge on the Home Ministry on this occasion to appoint various study cells on the various issues. All possible information shall have to be gathered.

SHRI BHUPESH GUPTA: Why block it? The Committee can invite the Attorney-General and Advocate-General, Chief Ministers and various other parties, who may give competent advice on the subject. A Committee does not mean that the Committee will discuss the matter and settle it.

SHRI M. M. DHARIA: When I say this, I am not opposed to the Committee. Afterwards, if we are to understand the problem we shall have to take into consideration our experience of the past twenty years. On this 15th August, 1967 we shall be completing twenty years of our independence. There is the experience of twenty years at our disposal. Having regard to that, what would be the best way out in order to solve the various problems shall have to be studied and that study . . .

SHRI BHUPESH GUPTA: Do you mean to say that the Congress Government has misspent twenty years of its adolescence?

SHRI M. M. DHARIA: I do not agree with you. I am not one of

those critics who say that we have not committed any wrong. There may be, Sir, many wrongs committed by the Congress Party, but so far as democracy and the Constitution is concerned, it is the Congress Party which has upheld democracy in this country. It has laid down the best democratic traditions in this country. It is because of these traditions that Mr. Bhupesh Gupta can afford to be here today . . .

SHRI BHUPESH GUPTA: Sir, on a point of order . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Tell me the rule. During an argument points of order are not raised, unless there is something very special.

SHRI BHUPESH GUPTA: It is very special, you will agree with me. He said the Congress has given the Constitution. It is a reflection on the Constituent Assembly. It is the Constituent Assembly which gave the Constitution to the country, not the Congress.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): There is no point of order.

SHRI BHUPESH GUPTA: Is it open to a Member, who has taken oath under the Constitution, to cast such a slur or reflection on the origin of the Constitution?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): There is no point of order. Please carry on.

SHRI BHUPESH GUPTA: Just a minute. The Constitution's parentage is being challenged. It is something like your claiming somebody else's child.

SHRI M. M. DHARIA: I was under the impression that my words were reaching properly the ears of Mr. Bhupesh Gupta. I did not reflect about the origin of the Constitution. I said that it is this party which has implemented the Constitution and maintained the democratic traditions. I said that. I was discussing really the various points . . .

SHRI BHUPESH GUPTA: You are liable to be charged.

SHRI M. M. DHARIA: Mr. Bhupesh Gupta is at liberty to do anything because he can speak anything irrelevant or anything inconsistent.

SHRI BHUPESH GUPTA: I say he has committed a misconduct against the Constitution.

SHRI M. M. DHARIA: I did not say that, Mr. Bhupesh Gupta. This morning and yesterday also a point was discussed in this House regarding the distribution of waters and the Nagarjunasagar project of Andhra. Even though I am from Maharashtra, I am proud of all these big projects that are emerging in this country. For me it is a place of pilgrimage in this country. There is nobody opposing these projects. The question is, when we are solving the various problems, when we are developing this country, there are various areas that have to be developed. If we refer to the various figures that are available, what do we see in Kashmir the irrigation is to the tune of 40 per cent; in U.P. 35 per cent; Andhra 40 per cent; Madras 37 to 38 per cent; while in Madhya Pradesh, Gujarat Maharashtra and Mysore the irrigation is less than 10 per cent. If the people of these areas or the residents of these areas make any claim for more water and if they want these disputes to be resolved, they are committing no anti-national act. Why should we be treated as parochial? What we claim is justice and nothing else, and while doing so we have been requesting the Government . . .

SHRI P. K. KUMARAN (Andhra Pradesh): There is a controversy regarding Maharashtra using the allotted quantity of water.

SHRI M. M. DHARIA: I have possibly understood Mr. Kumaran. I am prepared to argue, but please do not take my time. The point is, so far as the allocation of water is concerned what should be quota of each State? That is the material point.



SHRI P. K. KUMARAN: The rivers are prepared to unite us but the ruling party are dividing us.

SHRI M. M. DHARIA: If we can divide you, it is not bad; that will be my endeavour. My point is, when there is not that proper allocation, why should we not go and solve the dispute. It is the duty of the Central Government to see that these disputes are resolved in proper time, and it is for this reason that there were two laws enacted: one is the River Board Act, 1956, and the other is the Inter-State Water Disputes Act, 1956. So far as the River Board Act is concerned, it is mainly meant for the development of the river valleys. But regarding the Inter-State Water Disputes Act, if these disputes are not resolved by the Central Government, then any State can go to the Central Government stating that if these disputes are not resolved, they would like to have a tribunal appointed under the Act, and it could be done. If in this context any letter or notice is served it should be taken from the constitutional point of view, and it should not be taken from any other point of view. Even then I would like to say that when I see the exchange of letters, when I look at the statements made by the Ministers of my State and Mr. Brahmananda Reddy, Chief Minister of Andhra Pradesh, I feel constrained, I am not happy. But this has happened because the Central Government has failed in performing its duty in proper time, and in days to come, when Ministries of the various parties are coming into power in various States, it is the duty of the Central Government to see that these disputes between the various States are resolved on principle. There was a time when in our country there was dispute over the linguistic problem and the boundaries. As soon as a Commission was appointed to resolve the dispute between the Maharashtra and Mysore States I have no doubt whatsoever and even my friends from Mysore State will agree, I believe,

the tension had gone down considerably. It is the only way to function in a democracy. We cannot ignore the fact that there is a Constitution of ours; there is this federal structure; we are to live in this country; while doing that, we are to take up our dignity and decorum in this country; we are to take up the glory of this country to a high level. It is in this context that all problems shall have to be resolved. Therefore, I would like to appeal to the Home Ministry today that the time has come in the history of our country when the Home Ministry should take into consideration these various problems which are problems of dispute between the Central Government and the State Governments or which are problems of dispute between the various State Governments or which are problems concerned with the distribution of food or other essential articles. In this connection I may quote one or two figures. Take the figure for sugar. In my State sugar is available—at the controlled price at the rate of Rs. 140 per quintal, while in Kerala it is Rs. 180 per quintal. Why should the people of Kerala suffer in that way? Even the people of Kerala should get it at Rs. 150 and they should not be compelled to pay Rs. 180. If we take into consideration the prices of kerosene, what are the prices? Wherever there are harbours like Bombay or Calcutta the prices of kerosene are between 40 and 45 paise per litre. But in places like Haryana, Himachal Pradesh and Kashmir, the prices of kerosene per litre are between 90 and 100 paise per litre, because they are backward areas. Those who are backward are to suffer more. It is not the proper way of handling the affairs of the country. Why should we not create that sort of machinery in the country whereby the prices of kerosene may go up by 4 or 5 paise in Calcutta or Madras or Bombay but it should be available at 50 paise in Kashmir and Himachal Pradesh also. This is because we have failed in taking the railways to those areas in spite of the fact that we are independent. There are difficulties, I

do realise. But the point is whatever is produced in this country, whatever belongs to this country the people have every right over those products and they should get them equitably and also at reasonable prices. That should be the policy of the country. Then alone we can create the feeling of integration, oneness, in this country.

It is in this context that I would like to appeal to the Home Minister to appoint study cells for all these problems. They should take into confidence the Ministries concerned. In case these study teams submit their reports, it will be possible for the Members of Parliament to consider those reports and after that it will be of course the right of this Parliament to decide what should be the policy in this country. I am not opposed to such a sort of Parliamentary Committee (*Time bell rings*).

I will not take much time. My second suggestion is regarding the code of conduct. When I am making all these remarks I would like to make it very clear that I am not speaking as a representative of a party here just now. I am speaking as a Member of this House; I am speaking as one of the citizens of this country. The time has come again in the history of this country when a code of conduct shall have to be evolved. I request the Home Minister and the Prime Minister through him that the leaders of the various political parties should meet together, a conference or meeting should be convened, and a code of conduct should be evolved and all should try to implement that code of conduct; and my party being the ruling party should take, I may say, the leading part in this affair, should take the initiative in the matter.

SHRI BHUPESH GUPTA: Your party, I hope, will not make Mr. D. P. Mishra the Chairman of the conference.

SHRI M. M. DHARIA: As I said, when I began my speech I said that the resolution has given us an oppor-

tunity to think in a calm and dispassionate manner over this issue. Is it not possible for us to be dispassionate and calm for some time at least? Cannot we get rid of those political leanings? Cannot we come forward in the interests of the country, in the interests of democracy, in the interests of our sovereignty, to see . . .

SHRI BHUPESH GUPTA: You are not accustomed to that.

SHRI M. M. DHARIA: My experience is not that. You may be interpreting it in that way. But you have got accustomed to that kind of thinking. I have all regard for Mr. Bhupesh Gupta so far as his love for democracy is concerned, though he may be Communist. And there I make a difference between Mr. Bhupesh Gupta and the other Communists.

My second appeal to the Home Ministry is that a code of conduct should be evolved. And wherever a person is elected on the ticket of a party, if he is to cross the floor, all should agree that he must necessarily resign from that party and then alone should he seek re-election. Otherwise, he should not be authorised to cross the floor. Otherwise, if the dignity of . . .

SHRI LOKANATH MISRA: The Congress people have defected . . . (*Interruptions*).

SHRI M. M. DHARIA: I have said that I am also a party to it.

SHRI MULKA GOVINDA REDDY: (Mysore): Let us ask him to take the initiative in advising his friends who have crossed the floor without resigning from the places they held before they crossed the floor . . . (*Interruptions*).

SHRI BHUPESH GUPTA: We demand the return of Mr. Chandra Sekhar and Mr. Rajendra Pratap Sinha.

SHRI VIDYA CHARAN SHUKLA: They did not cross the floor, they changed the party and got elected.

SHRI MULKA GOVINDA REDDY: No, Sir. He is making a misleading statement. Mr. Gurupada Swamy, Mr. Chandra Shekhar and Mr. Rajendra Pratap Sinha crossed the floor when they were elected on the PSP tickets.

SHRI BHUPESH GUPTA: Not he; we want him otherwise . . . (Interruptions).

SHRI M. M. DHARIA: But I would like to clarify about myself. I make th's claim. I was a member of the PSP. I was in the Poona Municipal Corporation. I was the Chairman of the Sub-Committee. I resigned from 22 institutions including the Corporation and then I crossed the floor. I did not join the Congress Party without resigning. I would like to clarify it today.

SHRI LOKANATH MISRA: Why did you prefer to join the party that embraced the defectors? Why did you embrace that party?

SHRI BHUPESH GUPTA: That is the greatest misadventure that you committed

(Interruptions)

SHRI M. M. DHARIA: If time is allotted to me, I shall be prepared to argue with Mr. Lokanath Misra. Even today the Congress may be committing some wrongs. But the Congress is the only party which can save this country, democracy and socialism in this country. So, my submission is that all these leaders should come together. They should evolve a code of conduct. I would like to say that otherwise, we will not be able to maintain that dignity of democracy if persons and individuals start auctioneering themselves; we cannot maintain the dignity of democracy in this light. I have made my submission. I would like to make it clear that my party is equally responsible. I do not say that you only are responsible. When I say this, it is an academic discussion.

The Resolution has provided us with a very good opportunity to express ourselves with a free mind. Let us come forward with a free and clean mind. Why should we not go in that way? It is the only way whereby we can save our democracy.

With this submission to the Home Ministry, I thank you very much and to the House for the patient hearing.

SHRI BANKA BEHARY DAS: Mr. Vice-Chairman, Sir, here in the Resolution we want to recommend to the Government to have a Committee consisting of 45 Members representing both Houses to review the Centre-State relations, the question whether the Centre has more power or the State has more power, is not directly involved, though in the Course of considering those things those difficulties may arise and the Committee may recommend about that. I have given notice of an amendment and according to Constitutional provisions, the establishment of an Inter-State Council may also be there.

Sir, I may refer to three articles of the Constitution which have some relevance to the Centre-State relations. When the Constitution was framed, the framers of the Constitution anticipated that there would be some conflicts, and in a federal structure of whatever type it might be, a conflict between the Centre and the States is inevitable, either deliberately or not deliberately created. In that context, you will see that article 131 was inserted there to see that the power of the Supreme Court is also invoked when there is a conflict between two States or between the Union on the one side and the States on the other side. Or, sometimes it may happen that the Union may be backed by two or three States on one side and the other States may be on the other side. And in this sphere, the power of the High Court was completely barred. So, when they anticipated that there would be some occasion when there would be a conflict between the Union and the States, they

gave this authority to the Supreme Court of the country.

Then, I come to article 262. Mr. Dharia may not agree with the Resolution. But one of the issues which he has posed is this question of inter-State rivers. And there also, you will find that under article 262 Parliament was given the power to pass legislation to adjudicate about the dispute that may arise between two States or various States in the matter of inter-State rivers.

And then there is the provision under article 263. This article contemplated that there might be many other issues which are not strictly constitutional. They may not be covered under article 131 or may not refer only to inter-State rivers under article 262. So, the Constitution-makers who did not anticipate all the conflicts that are arising now, brought in this article 263 so that the conflicts may be resolved. And power has been given to the President of India to establish an inter-State Council. That inter-State Council may be either a temporary body or a permanent body. What will be the powers of that inter-State Council and how it will be functioning, all these things have been left to the President of India.

But, Sir, that was a limited scope of the Constitution. After 1967 when the political map of this country has changed, the Centre-State relations have entered into a new phase. Nobody could contemplate that a Labour Minister of West Bengal, Mr. Subodh Banerjee, would raise a question which relates to the All India Radio. Nobody ever thought that even the Government of Mysore would think of issuing a legal notice against the Andhra Government. Nobody contemplated at that time that in spite of the Khosla Commission, the States of Gujarat and Madhya Pradesh, both headed by two Congress Chief Ministers, would avoid meeting together so that the issue of the Narmada Valley is not settled. These things were not

contemplated at that time. But these things have arisen and will arise in greater dimensions with the change of the political character of this country, with the emergence of non-Congress Governments and of Governments of various character and political persuasions.

Sir, in this connection, I want to refer that these conflicts are existing already because, as I said, there is a conflict between Madhya Pradesh and Gujarat, there is a conflict between Mysore, Andhra and also Maharashtra, and there was a conflict some time back between Andhra and Orissa about the Sileru River also. So, even if there are two Congress Governments—leave alone the emergence of the non-Congress Governments—there was always an opportunity for conflict of ideas, conflict on account of the issues involved. May be the interests of the States are involved there. And future conflicts will also arise, conflicts about food also. So, the Constitution-makers did not contemplate all those situations that have now come. So, it is high time now that not only should an inter-State Council be established but also this Committee under the resolution should be established consisting of Members of both Houses along with the assistance of the experts to evolve and formulate the principles and evolve the institutions also to see that with the changing character of the Government, this relation within the federal Republic, the relation between the States and States, does not deteriorate to the extent that the very existence of this country or the cause of democracy suffers. Sir, in this connection I also want to mention that under that article 263 most of us

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might not be knowing that an inter-State council has been established. Presently it is not functioning. You know, Sir, that under that very article an inter-State Council relating to local bodies has been established. There is another Council also regarding health. So already the President of India has exer-

[Shri Banka Behary Das.]

cised his power under that very article and established two Councils which are absolutely defunct because of the fact that up till now in all the States Congress Chief Ministers were there, and whenever any conflict arose the Prime Minister, not as the head of this Government, but as the head of the Congress Party, could solve the problem either way, either keeping in view the interest of the Centre or the interest of the States. Of course, that point has been very beautifully stated by another hon. Member. I am not going into the political aspect. But because the Congress Governments were ruling in the States as also in the Centre, whenever any conflict arose, it could be, to a certain extent, solved, also at the political level. But that situation has since changed. We should be very sure of the fact that even if the Prime Minister of this country was to evolve a common policy she/he could never do it because different governments by multi-parties are ruling in this country. If the situation overwhelms or a misunderstanding is created between different political parties, what will be the method of solution of this Committee of Parliament should go into the matter. Therefore, an inter-State Council having very broad powers should be established in this country.

In this connection I also want to say something about Madhya Pradesh. It has some relevance here because the power of the Governor and the Council of Ministers has been now in question. I am not going into this question from a partisan point of view. I am much worried because after the emergence of non-Congress governments various conflicting issues are coming up. The Congress Government has not tried to read the writing on the wall. That is why even yesterday I heard over the Radio the Prime Minister of this country going to the extent of telling that the Governor of the State will be doing right if he goes by the advice of the Chief

Minister of the State. It is absolutely constitutionally wrong but if she said that it is constitutionally right, it is not the proper time. And if a different set of government comes, the natural consequences will be that the Centre-State relations will be still worse. Mr. Lokanath Misra has referred to this question. When the State Assembly passed a resolution the Congress members did not protest. I have here the entire proceedings of that day including the letters. The Government of India did not care for the opinion of a State in the matter of issuing passports. It is not important whether it is Mr. Biju Patnaik or Mr. Das. What is more important is that in this changed situation how the Union Government is going to function.

In this connection when this question of Madhya Pradesh is being discussed, I want to remind my Congress friends that in the year 1955 when the P.S.P. Chief Minister, Mr. Thanu Pillai, was there in the Travancore-Cochin State and the Rajapramukh, who had been synonymous with the Governor in power, a no-confidence motion was passed and the Thanu Pillai Ministry had to go. While tendering his resignation he advised the Governor, the Rajapramukh, to dissolve the Assembly. But the Rajapramukh, in consultation with the President of India, thought that it was not proper to concede that right of dissolution to the Chief Minister of the State. This happened only in 1955. In spite of this precedent in India, the Prime Minister of this country could tell the press that the Governor of this country is bound to accept the advice of dissolution.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): There are many speakers. Please wind up.

SHRI BANKA BEHARY DAS: Within one or two minutes I will finish.

Sir, in this connection they talk of British precedents. Here I would like the Government to read that famous

book, "Dissolution of Parliament" by Forsey. After surveying all the incidents that have taken place in Great Britain, in Canada, in Australia, in South Africa or wherever these Commonwealth countries are existing, following the precedents of the Mother of Parliaments in the last chapter "Conclusion" on page 263 the author says:—

"Whether an alternative Government is possible may not always be clear at a glance. With a multiparty system, it might be necessary for the Crown to refuse dissolution, and to consult the leader of the various opposition parties, or even prominent private members, or to call on such personages, successively, to form governments. If all possible Prime Ministers declined the task, there would be no course open but to retain the existing government in office (or, if the government to which dissolution has been referred has resigned forthwith, as Mr. King did in 1926, to recall it), and grant its request for dissolution. If, on the other hand an alternative government assumed office and asked for an immediate dissolution, or was at once defeated on a critical division, it would be the duty of the Crown to recall the former government and grant it dissolution."

So this is the opinion after surveying all the Constitutional precedents in Commonwealth countries and Great Britain. Within a minute I will finish

Sir, in that famous book of Mr. J.A.R. Marriot, who is the Constitutional historian of his country, the learned author says:—

"It would seem to be clear that under no circumstances is a Cabinet, still less a Prime Minister, entitled to "demand" a dissolution from the Crown . . . . That, as he well knows

and emphasises, is the exclusive prerogative of the Crown. Equally clear is it that the King is entitled to appeal from the Cabinet to Parliament. This would naturally involve the resignation of the Cabinet and the appointment of a Minister, if not a Ministry, willing to accept the responsibility for the King's action. Should Parliament support the outgoing Ministry, the King would be compelled, sooner probably than later, to appeal from Parliament to the 'political sovereign, the electorate."

That means if after the establishment of the alternate government, the Parliament does not support that alternate government and supports outgoing Prime Minister, then only the King or the Queen or the Sovereign goes to the 'sovereign', which means the electorate. That is the entire constitutional history of this world. But here what do we find? Not only a threat of dissolution is being advanced but the Prime Minister of the country, entering into conspiracy with the Chief Minister, wants to intimidate those Members who want to support an alternate government. This is going absolutely against the very Constitution of this country.

In the end, Sir, so many issues are cropping up, economic, political and social and the relations between the Centre and the States are getting deteriorated. So it is high time that not only an inter-State Council with all these powers should be established but also a Committee of Members of Parliament with the assistance of experts should go into the whole question without any further delay and solve the question so that the integrity of this country and the democracy of this country is protected. Thank you.

SHRI AWADHESHWAR PRASAD SINHA: Mr Vice-Chairman, Sir, I thank the sponsor of the Resolution for attracting the attention of the House to this very important problem. Sir, at the very outset, I would like to

[Shri Awadheshwar Prasad Sinha:]  
tell you that this House, being the Council of States, has a special responsibility towards this matter. And, Sir, it has pained me when I heard some of the speeches because I feel they were hardly germane to the issue before us. Sir, this is a very important issue, an issue connected with the life and death of the nation. It is a very delicate issue. It is not only a Constitutional issue. It is a patriotic and national issue. It is not a party issue. In no case it is a party issue. I am here representing Bihar, not myself. I am speaking on this Resolution as an Indian, not as a Bihari because I am an Indian first and Indian last. I have been in the Congress Party since 1920, when Gandhiji came and inspired us and our textbooks dropped down our fingers and we joined the freedom movement, we forgot all about ourselves and our youth, and our passionate desire was to free the country. Since then, Sir, we have been trying to build up this country in our own way. It may be right somewhere, it may be wrong somewhere; but all our emotions and all our energies have been directed towards that end. Sir, now when we look back to the history of the country, hundreds and hundreds of years back, I am again reminded of Patna. It was Samudragupta, 2300 years ago, who brought under one rule as big a chunk of this country as we have today even after partition of the country into India and Pakistan. So after 2300 years, we should have that sense of unity. But meanwhile there was national humiliation and there was foreign rule. Now we came to our own only—20 years ago. We should realise that. We should forget which party is ruling. We must remember that if India remains, Bihar remains, Orissa remains Bengal remains, Assam remains and the rest of the country remains. If India does not remain, everything vanishes in the quicksand. Unless we have this approach to the problems before us, we cannot solve this problem. It is a very delicate problem which touches not only the conscious and the unconscious but even the sub-conscious sphere of our mind,

like language and religion. As my friend, Mr. Das, just now told you, even States having Governments of the same political party are not desirous of discussing together. Such is the difficulty. To solve this difficulty, we have to be national and patriotic in our attitude. To-day Madras wants a steel factory in Salem and Andhra wants an iron factory in Visakhapatnam. These things will go on—this river project here, that thing there and so on. But India is much bigger than a steel plant, much bigger than this or that. We talk about this food problem. There is less food. The Suez Canal has also been closed. There is difficulty about getting food, and whatever we have, we have got to distribute among ourselves. But if you want to make political capital out of that, there will be no end to this and India will disintegrate and go to pieces. This House, as the Council of States, has a great responsibility and I beg of every Member not to attack this party or that party, this State or that State but to see that the country's emotional integrity is maintained in spite of all this stress and strain and in spite of all the difficulties. Sir, we talk about tension. Is there any State in India where there is no internal tension in that State itself? Did not tension erupt in Assam badly a few years ago to our utter shame? Did not some tension erupt badly in Calcutta and other places some time ago to our utter shame? Did not tension erupt badly in other States? So no State is to be blamed. So we have to be very cautious and wary on this matter. I would also like to say, Sir, that in my State of Bihar, there are 50 lakhs of Bengalis. I have tried to live with them like a Bengali and to be one of them. I have that claim and I am following the ways of my Bengali friends. Just to live like them, I have not donned a Gandhi cap for the last 30 to 35 years although I am in the Congress because most of the Bengali friends in Bihar do not put on a cap. Then another sacrifice I have made is, Sir, that Hindus have pigtails in Bihar but the Bengali Hindus do not have it; so my Bengali friends cut off my pig-

tail. I said "all right". To be of them I tolerated that. So you have to go to that extent and emotionally be one with them. My friend, for whom I have great admiration for many things that he does though I do not like many things that he says, Mr. Bhupesh Gupta, may come with me to Bihar to see how Bengalis look to me. Now some people were talking about Orissa. We should not forget the noble thing that Orissa has done. Only yesterday they had sent 15,000 tons of rice to West Bengal. What will be the result? The price of rice will increase in Orissa. This is a sacrifice in the interest of the nation. You see we blur over our good things. We blur over our noble things and we remember the bad things. That is the bad luck of India. There was no appeal to the Home Minister, no appeal to the Chief Minister . . .

SHRI BHUPESH GUPTA: The trouble is when Orissa extends help to Bengal, Bihar comes in the way, namely, Mr. Jagjivan Ram.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No, no.

SHRI AWADHESHWAR PRASAD SINHA: My friend, Mr. Bhupesh Gupta, if I have my way, I would starve in Bihar and give all the rice to Bengal. But the difficulty is I am nobody. Now, how does relationship grow in a family? How does relationship grow between two friends? How does relationship grow between husband and wife? Do you think it grows because of the Civil Marriage Act or because of Sapthapathi or other things? No. You have to live friendship. You have to live family life. You have to live national life also. So Constitution and other things apart, these are the things which one has to live emotionally, particularly and nationally. It is no use merely trying to point out that such and such State

has such and such problem and the Centre is doing this or that, and so on. Now there are many non-Congress Governments in the States. Tomorrow even at the Centre there may be a non-Congress Government and yet food may be scarce. So we should not bring in political things in this matter. When there is nothing political, when there is economic distress—food shortage and other things—we should try to face the problems as patriots. We need not bring in the Constitution. Our Constitution is perfect. The Prime Minister and all the Chief Ministers, without exception, to whatever political party they belong, are trying to come to grips with problems, trying to understand things and solving the difficulties. Even when Congress was in power in all the States, we had stresses and strains. We have stresses and strains even to-day. That is another matter. It is bound to be there. When in a family difficulties are there, in such a big country, where there are more than 50 crores of people, there will be a lot of difficulties. Are we dead persons? We are alive and so difficulties are bound to be there. But it is a question of approach. How do we solve this problem? Not by blaming one party or the other, not by blaming one State or the other. We should think that we all belong to one family and we have got to solve the problem from that point of view, not by reading one Article of the Constitution. If you read law defining relations between a couple, it tells you of divorce. If you read law between brothers it results in partition between brothers. So if you read into the Constitution too much, it may result in the dismemberment of India. If you live that national life and integrated emotional life and the life of friendship, trying to understand each other, trying to share each other's difficulties, then and then alone our problems will be solved. So an attempt is being made through discussion, through convention and through other means to solve these problems. By setting up a committee, we will be bringing forth results which were not intended. The



[Shri Awadheshwar Prasad Sinha.]

intention of the mover is very laudable, but by appointing a committee as recommended in the Resolution, we will bring about unintended results and so I oppose the Resolution, Sir, Thank you.

**श्री राजनारायण (उत्तर प्रदेश) :** श्रीमन्, मैं इस प्रस्ताव का समर्थन करता हूँ ; समर्थन मैं इसलिये कर रहा हूँ कि इस प्रस्ताव ने एक मौका दिया सदन के सम्मानित सदस्यों को कि संविधान में आज किस प्रकार के परिवर्तन की आवश्यकता है उस पर पुनः विचार करें, मगर जो तर्क दिए गए उनसे मैं कतई सहमत नहीं हूँ । हमारे मित्र धारिया चले गये, मगर श्री सिन्हा, रईसे बिहार, को सुनने का मौका मिला । एक बात तो उन्होंने साबित कर दी कि कांग्रेस पार्टी आज राष्ट्र के हित की पार्टी नहीं रह गई है क्योंकि सिन्हा जी ने यह कहा कि मैं 'एज ए सिटीजन' बोल रहा हूँ, किसी पार्टी के सदस्य की हैसियत से नहीं बोल रहा हूँ । यों आज धारिया साहब ने भी यही कहा कि यह सवाल पार्टी की परिधि के बाहर है, इसलिये मैं एक पार्टी के सदस्य की हैसियत से नहीं बोल रहा हूँ, मैं एक सिटीजन की हैसियत से, भारतीय नागरिक की हैसियत से बोल रहा हूँ । तो इसकी अगर तह में जाय तो मैं आज एक चेतावनी देना चाहता हूँ कांग्रेस पार्टी के नेता लोगों को कि अपनी पार्टी के सदस्यों की इन भावनाओं की कद्र करें कि आज कांग्रेस पार्टी के सदस्य खुद कहने लगे हैं कि वे राष्ट्र के नागरिक हैं, केवल कांग्रेस पार्टी के सदस्य नहीं और कांग्रेस पार्टी के सदस्य की हैसियत से नहीं बोल पा रहे हैं, राष्ट्र के नागरिक की हैसियत से बोल पा रहे हैं ।

[THE DEPUTY CHAIRMAN in the Chair]

कम से कम इतनी बात है जो सही है । मैं सिन्हा जी, धारिया साहब

और सदन के सम्मानित सदस्यों को एक प्राचीन ऋषि की वाणी को सुना देना चाहता हूँ —

“आत्मानं प्रथमं राजा विनयेनोपपादयेत् ।  
ततोऽमात्यन् ततः पुत्रान् ततः प्रजान् ॥”

सर्व प्रथम राजा अपने पर, उसके बाद मंत्रियों पर, उसके बाद अपने पुत्रों पर, परिवार पर और उसके बाद प्रजा पर कोई कानून लागू करे । कोई भी व्यवस्था हो जो उसका बनाने वाला है सब से पहले उसको अपने पर उसे लागू करना चाहिये, उसके बाद मंत्रियों पर लागू करे, अपने पुत्रों पर लागू करे, तब जाकर कहा गया है कि प्रजा पर लागू करे । मैं यह कहना चाहता हूँ अपने मित्र भद्रम् साहब से, अपने मित्र बांक बिहारी जी से और अपने मित्र भूपेश गुप्त से जो बोलेंगे . . .

**एक माननीय सदस्य :** नहीं बोलेंगे ।

**श्री राजनारायण :** भावनाओं को देखें । पहले हमको अपने प्रति ईमानदार होना चाहिये, तब हम दूसरे के प्रति ईमानदार हो सकते हैं । इसलिये सोचा जाए कि हम क्या चाहते हैं । हम ईमानदारी के साथ कहना चाहते हैं कि सदन में कुछ लोग आदी हो गए हैं दूसरों के दिमाग को उधार लेने के और अपने दिमाग से सोच-समझकर किसी बात को न रखने के । स्पिरिट जो इस रिजोल्यूशन की है उसमें कहा जाता है कि राज्य को अधिकार ज्यादा होना चाहिये । यही है मूल ? और जब किसी अंग्रेजी दूतावास ने बंगाल की सरकार को खत भेज दिया तो उस पर बड़ा गुरेज है । उसने तो सेंटर की उपेक्षा करके राज्य से सीधे सम्बन्ध बना लिया ; उस पर गुरेज क्यों । दोनों बातों को जरा सोचा जाय ।

**श्री महेश्वर नाथ कौल (नामनिर्देशित) :**  
कांस्टीट्यूशन के खिलाफ है ।

**श्री राजनारायण :** हम कास्टीडियूशन की बात नहीं कर रहे हैं, कास्टीडियूशन को चेंज करने की बात कर रहे हैं। इस समय जो रिजोल्यूशन है वह कहता है कि एक कमेटी बनाई जाये जो मौजूदा संविधान में परिवर्तन करे, यह परिवर्तन का विधेयक है। तो यह मैं पूछना चाहता हूँ कि आप डेमोक्रेसी में यकीन करते हैं या डिक्टेटरशिप में यकीन करते हैं। प्रजातन्त्र और अधिनायकशाही, ये दो व्यवस्थायें हैं। अगर अधिनायकशाही की व्यवस्था के यकीन करने वाले होंगे तो पावर को सेंट्रलाइज करेंगे, अगर डेमोक्रेसी में यकीन करने वाले होंगे तो पावर को डिस्ट्रीब्यूट करेंगे — ये दो पहलू हैं।

**श्री अकबर अली खान (आंध्र प्रदेश) :** एक बात अर्ज करूँगा। स्टैबिलिटी को भी देखिये। हमारी आजादी जो है उसके पेशेनजर स्टैबिलिटी और इन्टेग्रिटी को भी देखिये।

**श्री राजनारायण :** श्री अकबर अली खान, मुझको मुनिये। मैं आपके पाइन्ट का जवाब दे रहा हूँ। मैं मभी दलो के नेताओं और सदस्यों से अर्ज कर रहा हूँ कि वे अपने दिमाग को केवल मदन पे बोलकर ही नहीं घर जाकर भी इस्तेमाल करे और छाती पर हाथ रखकर मानें कि वे किस फिलोस्फी में यकीन करते हैं। मैं संयुक्त सोशलिस्ट पार्टी का सदस्य हूँ।

**श्रीमती यशोदा रेड्डी (आंध्र प्रदेश) :** हमारी प्रार्थना है कि आप अंग्रेजी में बोलें जिससे मुझको और होन मिनिस्टर को भी समझ में आये।

**श्री राजनारायण :** ट्रांसलेशन मुनिए।

**श्रीमती यशोदा रेड्डी :** ट्रांसलेशन नहीं, आपसे सुनना चाहते हैं।

**श्री राजनारायण :** यों तो पढ़ने के लिये धारा 248 भी पढ़ दे, 245 भी पढ़ दे, 241 और 312 भी पढ़ दे, इन सबमें

सेन्टर को ज्यादा से ज्यादा अधिकार है और मूल अधिकार है जो राज्य को नहीं है। यहां तक 248 में कह दिया गया है कि 'समवर्ती सूची अथवा राज्य सूची में जो विषय नहीं दिये गए हैं उन पर केन्द्र को ही पूरा हक है कि वह कानून बना सकता है। यानी सम्पूर्ण राज्य के लिये केन्द्र ही कानून बना सकता है और राज्य केवल अपनी सीमा के अन्दर ही कानून बना सकता है। यह बात मही है कि इस समय जो केन्द्र है उसको व्यापक अधिकार है जो राज्य को नहीं है। अब मैं मूल विषय से हट जा रहा हूँ। इस किताब को छोड़ रहा हूँ और सदस्यों से भी निवेदन करता हूँ कि वे किताबों को कोट करना छोड़ें।

यह कहा लिखा हुआ है संविधान में कि श्रीमती इन्दिरा नेहरू गांधी जो इस समय प्रधान मंत्री हैं जब भोपाल में अविश्वास के प्रस्ताव या अविश्वास के समान प्रस्ताव पर विचार होने जा रहा था तो ठीक उसी अवसर पर बोले। कास्टीडियूशन में यह नहीं लिखा हुआ है, लेकिन यह टेडेसी है, यह मेन्टेलिटी है। अब हमको इस मेन्टेलिटी को देखना होगा कि यह है क्या।

**श्री शीलभद्र याजी (बिहार) :** राजमाता बोले, इन्दिरा माता न बोले ?

**श्री राजनारायण :** माननीया, मैं बहुत ही अश्व के साथ आपके जगि अर्ज करना चाहता हूँ कि जग भाषा का प्रयोग ठीक से किया जाय। वे राजमाता कही जाती हैं, इन्दिरा 'माता' नहीं कही जाती। अगर उन्हें इसी में प्रसन्नता है तो इन्दिरा माता कहे।

हमें अपने विषय से हटाया जा रहा है हा, तो मैं अर्ज कर रहा था कि मैं संयुक्त सोशलिस्ट पार्टी का सदस्य हूँ और संयुक्त सोशलिस्ट पार्टी के सदस्य की हैसियत से बोल रहा हूँ कि मैं चौखम्बा राज्य में यकीन करता हूँ, मैं चाहता हूँ सम्पूर्ण स्टेट फोर पिलर्स पर टिका होना चाहिए। एक दिल्ली

[ श्री राजनारायण ]

और एक राज्य में—चाहे लखनऊ, भोपाल या कनकता हो—इसको डिस्ट्रीब्यूट न करो, इसको जिला और गांव पंचायत तक ले जाओ। कांस्टीट्यूशन में ऐसे परिवर्तन हों कि केन्द्र में केवल अन्तराज्यीय और विदेशी मसले हों, फौज का मसला हो, राज्यों के ऊपर केन्द्र का तनिक भी अधिकार न हो, राज्य अपने में सेल्फ-सफिशिएन्ट हों, आटोनोमस हों और अपने राज्य की जनता की तरक्की और बेहतरी के लिए जो कायदा-कानून उचित समझें, बना सकें। और अब यहाँ पर हूब धारिया जी को लेना चाहते हैं (*Time bell rings*) हमको सात ही मिनट मिले हैं।

SHRI BHUPESH GUPTA: I do not understand . . .

SHRI RAJNARAIN: I am in possession of the House.

THE DEPUTY CHAIRMAN: You will have your time. This will be continued.

SHRI BHUPESH GUPTA: I cannot understand this procedure. We find there is an entry—"At 4-30 p.m. SHORT DURATION DISCUSSION". Now up to five it has to go and then it should be taken up. We are creating precedent which we had never done. I can understand the non-official day being given up by agreement but we find an erosion within the framework of the day.

SHRI AKBAR ALI KHAN: It was agreed.

THE DEPUTY CHAIRMAN: You were not here. So I say it is with the consent and agreement of the House that it has been fixed at 4-30. The others sitting near you will inform you about it.

SHRI BHUPESH GUPTA: If it is with agreement, have nothing to say I am entitled to point out to you this. Then I hope many other things will

be put to the vote of the House and we would be given the chance to alter the business of the House. You can certainly alter it since you have said it. I have no quarrel with it, but a non-official day is not to be taken away like that. It could easily be taken up at 5 o'clock.

SHRI MULKA GOVINDA REDDY: Even now we can have it at 5 o'clock.

THE DEPUTY CHAIRMAN: Let me tell you. Yesterday it was placed as a Calling Attention matter before the House and at one stage it was suggested by an hon. Member that it should be turned into a Short Duration Discussion to take place today. There was consensus of the House and the Chairman agreed.

SHRI BHUPESH GUPTA: If it was the consensus of the House, you have it, but I strongly protest against this kind of method on the part of the Government, because it comes from the Government.

SHRI SHEEL BHADRA YAJEE: It was consensus of the House.

SHRI BHUPESH GUPTA: Therefore I cannot blame the Chair. What I now submit, Madam, is that you enquire as to what led the Chairman to think, who advised initially the Chairman, that it should be taken up at half past Four today instead of at Five o'clock.

THE DEPUTY CHAIRMAN: I think there is something in what Mr. Bhupesh Gupta says. He wants to abide by the Rules of Procedure, and he will be called upon to abide by the Rules of Procedure if that be so. We have relaxed the rules and laid down conventions. This was because the House so desired, that this should be a Short Duration Discussion. Therefore, the Members agreed that the discussion on the Calling Attention notice in the form of a short Duration Discussion could be postponed till 4.30 p.m. today. Now I come back to

the rule and I want to draw your attention to the fact that twenty-four names appear here of Members who want to participate in this discussion. How is the Chair to give a chance to everyone of them? I would like to know from you.

SHRI BHUPESH GUPTA: It is for you.

THE DEPUTY CHAIRMAN: Correct; you agree that it is for the Chair to ration the time among all the twenty-four Members.

SHRI BHUPESH GUPTA: Please do not confuse the issue. This is quite different from taking away the non-official day like this.

THE DEPUTY CHAIRMAN: So the Chair will have the discretion to call those whom the Chair wants, and drop out others. Now let us begin the discussion.

SHRI MULKA GOVINDA REDDY: Madam Deputy Chairman, before lunch I raised another issue, regarding Madhya Pradesh, with the permission of the Chairman. I read out a telegram.

श्री राजनारायण : माननीया, मैं जानना चाहता हूँ। आई वाज इन दि पजेशन आफ दि हाउस, मैं बाल रहा था। अभी तक यहाँ की परम्परा यह रहा है कि जब घंटो बजती है तो उनके बाद दो या तान मिनट और बोलने रहते हैं- हमको क्यों अपने घंटी बजाई थी जरा मुझका, जान लेने दाजिये कि क्या आपने घंटी इसलिए बजाई थी

उपसभापति : मैंने तो आपको कहा कि साढ़े चार बजे है।

श्री राजनारायण : जब आपने घंटी बजाई तो मैंने देखा कि इसमें दो मिनट बाकी है।

श्री महेश्वर नाथ कौल : नहीं नहीं, ठीक साढ़े चार बजे घंटी बजाई थी।

श्री राजनारायण : आगे मौका तो हम को कानून की निगाह में है ही।

उपसभापति : फिर आज तो बैठ जाइये।

श्री राजनारायण : एक बात कह कर बैठता हूँ। हमें अपना सेटम तो पूरा कर लेने दे। उस सेटम को मैं एकध मिनट में पूरा कर दूंगा। इस समय मैं यह चाहूंगा कि इस आधे मिनट में जो कहूँ उसको माननीय सदस्य हृदयगम कर के जायें और खूब माँचे कि हम फोर पिलर्स आफ दि स्टेट की ध्योरी को इम्प्लीमेंट करना चाहते हैं या नहीं और उसको क्या स्वरूप देना चाहते हैं कि केन्द्र, राज्य, जिला और गाँव अपनी-अपनी परिधि में स्वतंत्र रहे। मैं चाहूंगा खाम तौर से माननीय भूपेश गुप्ता से, माननीय नीरेन घोष से और दूसरे लोगों से—कांग्रेस से तो मुझको कोई बड़ी उम्मीद नहीं है—कि कम से कम हम लोग तो अपने दिमाग को माफ करे कि हम अधिनायकशाही व्यवस्था को पसन्द करेंगे या डेमोक्रेटिक और जनताविक व्यवस्था को पसन्द करेंगे। जरा देखा जाय, आप हमारे यहाँ सदर हैं, इस वक्त अभी-अभी मुझे खबर मिली कि मध्य प्रदेश की विधान सभा को एडजर्न कर दिया, स्थगित कर दिया, अभी-अभी दो मिनट पहले खबर मिली कि मध्य प्रदेश विधान सभा को स्थगित कर दिया, यह भी इससे सम्बन्धित है...

श्री हयातुल्ला अन्सारी (उत्तर प्रदेश) : आप हाउस का समय ले रहे हैं, आप चार पिलर की बात करते हैं और पाचवे पिलर खुद बने हुए बैठे हैं।

श्री राजनारायण : देखिये, मैं बैठ रहा हूँ लेकिन आपके द्वारा यह निवेदन कर के कि सुबह से अभी तक मैं कितना शान्त था, सब लोग इसके साक्षी हैं, तो यह कह कर बैठता हूँ कि ट्रेजरी बैंक ठीक से बिहेव नहीं करेगा तो उसका नतीजा बुरा होगा, जब हम

[ श्री राजनारायण ]

बोलने लगते हैं तो बिल्लाने लगते हैं, दूसरे का सुनें और अपनी बात सुनावें यह दोनों तरफ से चलेगा, यह वन वे ट्रैफिक नहीं होगा।

THE DEPUTY CHAIRMAN: Mr. Rajnarain, now please take your seat.

#### REFERENCE TO THE CONSTITUTIONAL CRISIS IN MADHYA PRADESH

SHRI MULKA GOVINDA REDDY (Mysore): Madam Deputy Chairman, before we rose for lunch today, I drew the attention of the House as well as of the Home Minister to the fact that we had received a telegram, a copy of which had been sent to the President, from the leaders of opposition parties in Madhya Pradesh Assembly saying that the Congress Legislature Party might try all methods to prevent the taking of a vote in the Assembly. Just now we have received information saying that the Speaker had adjourned the House for tomorrow. That means, it is a murder of democracy; parliamentary methods have been subverted by the action of the Speaker. It is a very grave situation that has arisen. It should be looked into by the Government and I would request you to direct the Government to tell us the position.

SHRI BHUPESH GUPTA (West Bengal): I was in Bhopal yesterday. I heard of the plan hatched by Mr. Mishra, and the Plan is being executed to prevent no-confidence in the Mishra Ministry by avoiding the taking of a vote on the Demand for Grant by the Education Department there. Now if a vote was taken on that Demand, Mr. Mishra would fall. Therefore the arrangement was—last night I was told in Bhopal—that they would move a Privilege Motion to create a scene so that the vote on the Demand for Grant for the Education Department would not be taken and before that the House would be adjourned.

SHRI NIREN GHOSH (West Bengal): You are inviting chaos in the country, the way you are behaving there.

SHRI A. G. KULKARNI (Maharashtra): Not at all.

THE DEPUTY CHAIRMAN: Now I do not have to have a discussion on Madhya Pradesh here. I have just listened to Shri Mulka Govinda Reddy, and I have listened to Mr. Bhupesh Gupta.

#### SHORT DURATION DISCUSSION UNDER RULE 176 REGARDING SUPPLY OF U.S. MADE ARMS TO PAKISTAN

THE DEPUTY CHAIRMAN: We come to the business that is before the House at this hour and I shall first call upon Mr. Chitta Basu. Before that I have this to say. There are twentyfour names here and the Chairman has allotted one hour and thirty minutes for this discussion. The Minister would not take more than ten to fifteen minutes. I think. Now what has the Chair to do in allocating the time to each Member? I would like to take the suggestions of Members. The Swatantra Party has four names, the P.S.P. five names, and so on.

SHRI NIREN GHOSH (West Bengal): Let it be five minutes each.

SHRI LOKANATH MISRA (Orissa): I would propose that party-wise you may allot the time, and each party might have its spokesman, so that you could regulate the time within the time allotted.

THE DEPUTY CHAIRMAN: Well, I am happy to listen to this reasoning, that party-wise time should be allotted. Therefore I shall try to do as best as I can with your co-operation. Mr. Chitta Basu, you will get seven to ten minutes, and all the rest whom I shall call will get five minutes each.