

[Shri H. N. Kunzru.]

his term of office can be extended or curtailed by Parliament inevitably at the instance of the Government whom it supports. As regards salary of an existing incumbent cannot be adversely affected during his term of office. I think it is, on general grounds, desirable that it should be fixed once for all. There is no reason why it should be left to Parliament to vary it if the power to vary the salaries of the Judges, for instance, has not been left to Parliament.

SHRI K. S. HEGDE (Madras): Mr. Deputy Chairman, I will not take much of the time of the House. All that I want to say is that I admire the forensic ability of the hon. Finance Minister. When he was elucidating questions of law, I almost thought that he must have been a lawyer all his life.

SHRI C. D. DESHMUKH: Studied it.

SHRI K. S. HEGDE: Like a good lawyer having a bad case, for the most part he has carried the House, and carried my vote also, with him, but he has still left me unconvinced about the matter.

SHRI C. G. K. REDDY: That was previously arranged.

SHRI K. S. HEGDE: So far as I am concerned, with the experience that I gained during the course of this debate, I request the Government with all humility to have their measures more carefully examined, deeper thought given to them, and more respect shown to the articles of the Constitution.

SHRI C. D. DESHMUKH: Mr. Deputy Chairman, I have no observations to make in regard to the advice given by the hon. Member who spoke last. With equal humility we can say that we have paid all the attention that we could to the constitutional position as well as to the administrative position and the parliamentary significance of this particular post. Whether it is his experience that it has been inadequate

or not is a matter for which we really cannot hold ourselves responsible.

As regards the observations that fell from Dr. Kunzru, I think he has made a very important point. If what I urged some time ago is correct—and there is a danger of its being correct—that it would be open to Government to come forward with a Bill to reduce the term, and if Parliament itself were to agree with Government, then there is, in my view, a risk of the term of office being reduced. That would render nugatory two things. One is the proviso to article 148(3). It is no use guaranteeing a salary to a Comptroller and Auditor-General and terminating his office the next day, because he will not be there to draw the salary. Secondly, a law of Parliament is passed by ordinary majority whereas if he is to be removed from his office, then he has to be removed under the same procedure as in article 124(4), which, as the House is aware, requires a majority of a specific type, the presence of so many Members, and so on and so forth. It is a very elaborate procedure, and I consider—it is my personal view: Government have not considered this matter—that very serious attention should be given to this state of affairs, and one should not run the risk of terminating prematurely, shall we say, the appointment of a Comptroller and Auditor-General who can only be removed in accordance with this elaborate procedure of article 124(4). So, we take note of the point that has been made by Dr. Kunzru.

MR. DEPUTY CHAIRMAN: The question is:

“That the Bill be passed.”

The motion was adopted.

THE PATIALA AND EAST PUNJAB
STATES UNION APPROPRIATION
(NO. 2) BILL, 1953.

MR. DEPUTY CHAIRMAN: In pursuance of sub-rule (2) of rule 162 of

the Rules of Procedure and Conduct of Business in the Council of States. I have allotted two hours for the completion of all stages involved in the consideration and return by the Council of the Patiala and East Punjab States Union Appropriation (No. 2) Bill, 1953, including the consideration and passing of amendments, if any, to the Bill.

THE DEPUTY MINISTER FOR FINANCE (SHRI M. C. SHAH): Sir, I move:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Patiala and East Punjab States Union for the service of the financial year 1953-54, as passed by the House of the People, be taken into consideration."

Sir, I do not think the House will expect a long speech on this Appropriation Bill. The Budget was discussed by this House, and I have only a few observations to make.

The Bill provides for the withdrawal from the Consolidated Fund of a total sum of Rs. 18,19,31,000. Of this a sum of Rs. 1,14,10,000 represents loans and advances which will be recovered in subsequent year. A provision of Rs. 1,50,000 is to cover repayment of loans taken in the past by the State. Revenue expenditure accounts for Rs. 8,45,48,000, but of this amount a sum of Rs. 86,37,000 will be recovered on various accounts and taken in the accounts as reduction of expenditure. Similarly, a total provision of Rs. 8,58,23,000 has been made for meeting disbursements on capital account. Of this sum Rs. 5,54,00,000 will be recovered under the various schemes of State trading. But provision for the gross disbursements under the various heads has been made in the Appropriation Bill as they represent the sums actually withdrawn from the Consolidated Fund of the State.

[The Vice-Chairman, Shri K. S. Hegde, in the Chair.]

For the purpose of this Bill all recoveries are treated as payments into the Consolidated Fund although some of them are accounted for in reduction of expenditure to avoid an inflation of the figures in the accounts.

Sir, I move.

THE VICE-CHAIRMAN: Motion moved:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Patiala and East Punjab States Union for the service of the financial year 1953-54, as passed by the House of the People, be taken into consideration."

Now the motion is open for discussion.

SHRI C. G. K. REDDY (Mysore) Sir, the House will recall that when the President's Proclamation was made some time ago, the desired support to that Proclamation came from this side of the House also and we were all interested in seeing that the law and order position which had considerably deteriorated in the State of PEPSU was set right, and I must say that from the reports that I have received it is clear that it has indeed considerably improved. And there has been a general clean-up of the Administration also. These are all things for which I think even Members from this side of the House should pay a compliment to the Adviser there and the Administration in general. But, Sir there have been exceptions here and there.

As the House, Sir, will recall during the discussion on the Proclamation and again when the Budget was under discussion, I had pointed out that really in PEPSU there were hardly any parties based on ideology. I said that whether it was the Congress party or the party led by Sardar Rarewala, it was merely based on an ideology whatever and it stood merely for power. And I said that such

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state of affairs should be corrected in order to see that good administration was ensured in PEPSU. I said that all the allegations made against the Rarewala Ministry could be equally levelled at the Congress Ministry which had a very short period of office last year. Sir, when this Proclamation was made and the administration of PEPSU was taken under the authority of Parliament through the Rajpramukh and through the Adviser there, one would have expected that the general clean-up would also extend to the so-called Congress party in PEPSU, which, I contend, is based on no ideology whatever. It is a Congress party merely because the name 'Congress' has been appended to it. We found from the reports, Sir, that there were some elements in the services which had come under political influence and we had demanded that such elements should be removed. We also said that there were some agents of the old feudal system and the feudal rulers who still continued to occupy positions of power and prestige and we demanded that all those elements must be purged from the Administration.

1 P.M.

We also said that just as the Rarewala regime had their agents in the administration, there were also Government servants who were under the influence of the so-called Congress Party. The report shows that during the last two months the general purging of the administration does not seem to have touched those elements who were under the influence and who continue to be under the influence of the Congress Party. This is rather a serious situation. If we really want to clean up the administration, depoliticise the administration as every legislator would like to see, which is only in the interest of good administration, then the cleaning up of the administration must not stop with the Congress Party. Those elements who are under the guidance and influence of the Congress Party must be removed with equal expedition as we would remove the other elements. In support

of this statement, I will quote one or two instances, so that I might prove this conclusion.

THE VICE-CHAIRMAN: Are you going to give any individual case?

SHRI C. G. K. REDDY: Not about officers. There have been cases where some criminal cases have been hushed up. The police had started investigation but under political influence, this investigation has been stopped. Sometimes cases have been withdrawn. This has been done because of Congress influence, and the Adviser who, as I said, has done a very good job of work in the short period of two months, does not seem to have tackled this problem also. It may be that he is not aware of these things. It may be that the machinery on which he depends to get this information and to act on it expeditiously, is not adequate to cope with this. For instance in the village of Samana in Patiala District, there was a Harijan, Indersingh who, it appears, was in partnership with a powerful Congressman in that particular place carrying on business. There was a case of theft and stealing of goods, and so many other charges also were levelled against him, and investigation was started. Unfortunately, before it could conclude, the case has been dropped. This is because, if it had been allowed to go on and if the case had been tried, it would have involved not only the leading Congressman who was in partnership with this gentleman but also many other Congress leaders in that particular place. This is just one instance to show that these things are happening and those who are influential in the Congress Party are going scot-free. There have been also cases of blackmarketing in cloth and other articles against certain firms and individuals. In these cases prominent men of the Congress Party have also been involved and it appears that one, Kaka Bhagwant Rai, an ex-M.P. of the Congress Party and an ex-Minister of the short-lived Cabinet last year, was also involved in one way or the other.

THE VICE-CHAIRMAN: Mr. Reddy, when you are referring to the character of an individual who is not before the House, unless you have authentic proof, it is not desirable to refer to the names.

SHRI C. G. K. REDDY: I will abide by your ruling, Sir. These cases were first investigated. They were brought to light.

SHRI KARTAR SINGH (PEPSU): Kaka Bhagwant Rai belongs to the Praja Socialist Party and not to the Congress Party.

THE VICE-CHAIRMAN: Please don't bring in the names.

SHRI C. G. K. REDDY: Even if he belongs to the Socialist Party, my demand would be equally strong and the hon. Member should not think that just because he belongs to my Party, I would take up his brief. This case was investigated. It was a serious case and before action could be taken, very mysteriously the case was dropped. These are instances to show that the general clean-up is not happening all over. It stops where Congress influence begins, I only wish to submit that this is not the way to see that the state of affairs in PEPSU is really put on a sound foundation, so that the democratic process which is working reasonably well in the other States may also have a good chance in PEPSU. After all the main cause for the breakdown of the administration in PEPSU is because of undesirable political influence and because of undesirable Government influence and unless we remove that, we are not going to proceed even one step forward. I should like to say one thing more before I sit down and that is, apart from the cleaning up of the administration, there are certain other problems also which are peculiar to PEPSU and if they are not handled well, we are not going to have much effect in that State to see that this democratic process works well. As you are aware, in that particular State as in other States where the worst feudal order was reigning before the integration, the land problem is the

most serious problem as it was for instance in Hyderabad and in some other places. In PEPSU, where especially a few small States were brought together, the land problem is very serious. Every party that came into power, Ministry after Ministry, promised land reforms and indeed passed some legislation but we find that they have not given effect to it. It has become more or less a dead letter.

Now the larger question of land reform can wait a little. I personally think it should not wait but it can wait for some time or even for 5 years if due to political reasons it could not be done though, as I said, I should like it to be done tomorrow but the question of the eviction of tenants cannot wait even for 24 hours. I understand the tenants of PEPSU today, during the next few days, thousands of them are going to be evicted. There was a law that the zamindar could not have more than a certain acreage for his own cultivation and the rest of it if there were tenants, they should be left undisturbed. But this does not stop the landlord from alienating his land, from selling the lands to his close relations and each one of them claiming the maximum that is allowed under the law and eventually almost all the tenants being evicted from the entire land-holding of that particular landlord. I understand and it is reported that this thing is happening extensively everywhere and as I said, within the next week or 10 days it is reported that thousands of tenant families are going to be thrown out of the lands which they have cultivated for some generations. Now, unless we tackle this immediately, even the administrative clean-up is not going to make matters any better in PEPSU. This is a very urgent problem and unless we act immediately, the Administration acts immediately, to see that eviction is stopped immediately, I think we are not going to have the democratic process in PEPSU for many many years to come because the effects of eviction, the effects of discontentment among the large sections of the rural population will set

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lorth forces which cannot be contended with by the usual process of administration.

There is also the question of giving cultivable land which has not been cultivated so that the landless people can be settled on it. As an example I may quote one particular instance, an instance where Government could act immediately. I understand that in the village of Rooragarh, police station Malipur, Fatehgarh district, there are some 1,400 acres of cultivable land which is under the management of the Court of Wards, and as you know, Sir, that means the Deputy Commissioner is more or less in charge of it. Some twelve months ago he promised that this land would be given to the landless people, to the cultivating families, but this promise has not yet materialised. This area of 1400 acres of land could probably have gone a long way to solve the problem of the landless labourers and the landless families who could have been settled on it and it would also have solved so many other issues. This at least the Government could have done and that would have been a very clear demonstration to the people of PEPSU that a sound administration, a more beneficent administration has come there. Sir, that is only one instance and there are others. I am giving only one instance in each case. That is the sort of thing that happens everywhere.

These problems have to be tackled, as I said, immediately, especially the problem of the eviction of tenants and the cleaning up of the administration regardless of the party affiliations of the officers, not allowing any officer to be influenced by the political influence or the Government's influence or the ex-Maharaja's influence. All these things will have to be looked into and expedited so that the chances of PEPSU being administered according to the provisions of the Constitution might be bright and the President's rule there may cease as early as possible.

SHRI S. N. MAZUMDAR (West Bengal): Mr. Vice-Chairman, I am really

sorry I am unable to join my hon. friend Shri C. G. K. Reddy in offering bouquets to the President's administration in PEPSU.

SHRI C. G. K. REDDY: Reserve the bouquets.

SHRI S. N. MAZUMDAR: We still feel that the grounds for all the main complaints that were made at the time of the earlier discussion on this matter still persist there and in this assertion I am strengthened by some remarks made by the hon. Finance Minister in the other House during the course of his reply to the debate there. I went through the proceedings in the other House and though I have not got here the

MR. VICE-CHAIRMAN: Kindly do not refer to any paper reports or read out the proceedings there. You can if you like, give your own summary.

SHRI S. N. MAZUMDAR: I abide by your decision, Sir, I understand the Finance Minister admitted that many police officers were found to be the relations of the Ruler and the Biswedars and that this had an unfavourable effect on the police administration. The Finance Minister also said that the Government of India had agreed to absorb most of them under the terms of the covenant and it would not be possible to get rid of them immediately. I also understand that the Finance Minister said there have been cases of dacoits being given shelter or assistance by the Biswedars. My hon. friend also said that some steps have been taken in some of the cases. But the basic situation and the basic factors still remain there. Well, after such a statement, I think I can safely say that if Hamlet were here, he would have said in a sarcastic manner "Democracy, thy name is Congress-rule." The position seems to be that where there is no Congress-rule there is no democracy and where there is Congress-rule there you have democracy. That seems to be the case in PEPSU. Sir, we know the situation that prevails in Rajasthan. It has been agitating the minds of the people for a long time. There is a

Congress administration there, and the people there are starving. The Congress party is faction ridden.

I do not know the immediate situation but till the other day, what was the situation? People were dying.

THE MINISTER FOR HOME AFFAIRS & STATES (DR. K. N. KATJU): Where?

SHRI S. N. MAZUMDAR: In Rajasthan.

DR. K. N. KATJU: People were starving, not dying.

SHRI S. N. MAZUMDAR: All right; people were starving.

THE VICE-CHAIRMAN: I think Mr. Mazumdar, you will take some more time.

SHRI S. N. MAZUMDAR: Yes, Sir.

THE VICE-CHARMAN: The House stands adjourned till 8-15 tomorrow morning.

The Council then adjourned till a quarter past eight of the Clock on Friday, the 8th May 1953.