

even the Chief Minister had stated that he would welcome the merger of Jammu and Kashmir with Himachal Pradesh. That includes Ladakh. Similarly, he had no objection if the people of Tehri Garhwal want to merger with us. But I am not going into that aspect because they have not expressed their opinion on it, and we do not give gratuitous help.

There is another point which was made, namely, the point about additional cost, if we become a State. On the contrary, the cost will actually go down, because the cost which is involved in the officers running from Simla to Delhi and back is much, and the number of additional employees that we are burdened with, to the extent of 1,000, will also go away. I can assure the House that the cost of administration will go down and will not go up if we are granted Statehood.

I have already given the statistics to show that we are economically viable and the myth has been exploded. and I hope that when we meet within two or three months after the budget session to discuss this matter, we will be able to satisfy the Government of India that we are an economically viable unit.

I just want to give a little suggestion, that this theory of economic viability may not be taken to a very great extent as our friend Shri Ramamurti has put it, and I will only repeat it by saying that even our country as a whole is not economically viable since we are dependent on aid from other countries. So, if a unit remains as a Union territory, it gets aid from the Centre, and so does a State. Therefore, this theory should not be extended too far, and we will be able to show that we are economically viable when we meet next.

Then there is the assurance which the hon. Minister has given, the assurance that within two or three months he will discuss with us and if we prove our case-I assure him that we will be able to prove it-we will get it. He has accepted the principle that the Union territory will be granted Statehood the moment it proves its financial viability. On this assurance, I do not press the resolution.

I am again grateful to all the parties. I may now be permitted to withdraw the resolution.

MR. CHAIRMAN : Since the hon. Member wants to withdraw his resolution, I want to know whether the movers of the amendments would like to press their amendments.

SOME HON. MEMBERS : No

The amendments were, by leave, withdrawn.

MR. CHAIRMAN : Now, the hon. Member asked for permission to withdraw his resolution. Does he have the leave of the House to do so ?

SOME HON. MEMBERS : Yes.

The resolution was, by leave, withdrawn.

18.22 hrs.

RESOLUTION RE : POWERS AND FUNCTIONS OF GOVERNORS

SHRIMATI SUSHILA ROHATGI (Bilhaar) : Mr Chairman, I beg to move the following resolution :

"In view of the recent controversy regarding the powers and functions of the Governors, and in the context of smooth Centre-State relations, this House is of opinion that a Committee of 30 Members of Parliament be constituted to consider the necessary amendments in the Constitution of India."

We find that ever since the general elections of 1967, various new forces have emerged on the political horizon which have challenged the very existence of our Constitution and the Constitution has been placed on the anvil. For instance, we find that there has been an emergence of non Congress Governments in more than half the States of India and because of their inability or incompetence, they had only a short duration and have failed one after another, leading to instability, horsetrading, defec-

[Shrimati Sushila Rohatgi]

tions and chaos, and naturally President's rule had to be clamped on them one after another. And in the exercise of their discretionary powers, we find that the Governor's rule has come to be criticised by all sections of society. This drama was enacted more or less in all these States continuously in varying degrees depending on the varied circumstances under which each of these States fell as in the case of Rajasthan, Haryana, Punjab, West Bengal and Uttar Pradesh. In each of these cases we find that this House was greatly disturbed, and irrespective of our party affiliations we realised that this was an extremely grave matter and on more than one occasion the House had to adjourn its business and to take up these matters concerning the powers of discretion of the Governors. On one occasion, if you remember aright, we had to face a no-confidence motion so far as this matter was concerned, and therefore, the gravity and the seriousness of this question cannot be challenged and hence I have brought forward this resolution before the House.

The leaders of various political parties—Congress or SVD—have admitted that there should be a re-appraisal of the Centre-State relations and there should be a meeting of the Chief Ministers for this purpose. I am glad the Prime Minister has accepted it and very soon they shall be putting their heads together and using their collective wisdom to find a solution to this vital problem.

Constitutional pundits have raised their voice and ex Justices and ex-Governors have expressed their views. Doubts about the future of the Constitution are being expressed more and more frequently. Before things go beyond repair, the different parties should put their heads together to see what can be done to stop the rut. The complexion of our entire political system appears to be on the threshold of a revolutionary change.

So far as the powers of Governors are concerned, there are extreme views. There is a school of thought which advocates that the present powers are not suffi-

cient and they should be made more effective in the light of the present delicate conditions in the country. Even the study team set up by the ARC suggested that the powers of Governors should be further extended by an enactment under article 194. There is the other extreme, the school of thought which advocates that the days of governorship are over, that this is a continuation of powers given by the Government of India Act, 1935; the red carpet must be rolled up because it is an anachronism in our present democratic structure. These are irreconcilable views and the members from all sections of the House must make a fair and rational approach to this problem.

18:27 hrs.

[SHRI GADILINGANA GOWD *in the Chair*]

About the constitutional powers of the Governor, according to some, there is no power which the Governor cannot exercise and it can never be challenged as unconstitutional because he is the sole judge of his own discretionary powers. This school of thought advocates that in the exercise of his discretionary powers the Governor can never act unconstitutionally. The other school of thought is that Governors are transcending their constitutional and conventional limits; Some outgoing Governors have said that the Centre has reduced the Governor to the state of a Pradesh Congress Committee. The views given by the Law and Home Ministries have further confused the issue. Therefore, it is absolutely necessary to focus our attention on this matter and bring it into limelight. While some political leaders say that the Congress ministry at the Centre is utilising the Governor for its own party purposes, there is another section which feels that the Governor might act as a despot and the autonomy of the States might be jeopardised. Hence the gravity of the situation.

What are the main points which are debatable so far as the functions and powers of the Governors are concerned, which ultimately decide the smooth running of Centre-State relations and what are the main points of friction? First and fore-

most comes the constitutional position of the Governor; secondly, the powers and functions to be performed by the Governor, thirdly whether he can be recalled and how; fourthly, in the present context of new factors emerging in our political horizon, what are the new powers to be given to Governors and what are the powers to be deleted.

MR. CHAIRMAN : She can continue on the next day.

18.30 hrs.

HALF AN HOUR DISCUSSION SOAP LABELS

श्री श्री० प्र० त्यागी (मुरादाबाद) : समा-पति महोदय, मैं एक बहुत ही महत्वपूर्ण विषय की ओर इस सरकार का ध्यान आकर्षित करना चाहता हूँ। भारतवर्ष में जो हिन्दू और मुसलमान रहते हैं उनमें अच्छाई कहिये या बुराई कहिये, कुछ इस प्रकार की भावना है कि वे गाय और मुवर के मामले में अपनी विशेष धार्मिक भावनायें रखते हैं। उनकी इस भावनाओं की रक्षा कोई आज ही नहीं बल्कि हम देश के मुसलमान शासकों ने भी इन भावनाओं का ध्यान रखते हुए यहां पर अपना शासन किया। बाबर ने अपने लड़के हुमायूँ से कहा था कि अगर भारतवर्ष में शासन करना है तो यहां पर गो-हत्या बन्द करना ताकि यहां के लोगों की धार्मिक भावनाओं की रक्षा हो सके। यही बात विक्टोरिया ने भी, सन् 1857 के पश्चात् जब गाय और मुअर की चर्बी प्रयोग की बात आई, तब कही थी कि यहां के लोगों की धार्मिक भावनाओं के साथ खिलवाड़ नहीं करेंगे। हमारी सरकार ने भी सेक्युलरिज्म का नारा इसीलिए लगाया था कि हम किसी के धर्म में हस्तक्षेप नहीं करेंगे। समान रूप से सभी की भावनाओं की रक्षा करेंगे। अनुच्छेद 25, जो कि फंडामेंटल राइट्स है, उसमें भी यह दिया हुआ है कि सरकार का यह कर्तव्य है कि यहां के रहने वाले सभी लोगों की धार्मिक भावनाओं की रक्षा करे। लेकिन यहां

पर टैलो, चर्बी आ रही है जिसमें गाय की चर्बी तो है ही। सरकार ने यहां पर 13 जनवरी, 1968 को अतारांकित प्रश्न संख्या 5407 का उत्तर देते हुए बताया था कि गाय की चर्बी तो होती ही है, हो सकता है कि मुअर की भी चर्बी हो। तो मैं यह कहना चाहता हूँ कि जब उसमें गाय की चर्बी है, उस चर्बी से साबुन बनता है, अधिकांश फॅक्टरीज में उससे साबुन बन रहा है तो हमारी प्रार्थना थी कि आप उन पैकेट्स पर लिखवा दीजिए कि चर्बी में यह साबुन बनाया गया है फिर जिन लोगों की जैनी धार्मिक भावना होगी, चाहेंगे तो खरीदेंगे, नहीं चाहेंगे तो नहीं खरीदेंगे। इसमें कोई आपत्ति की बात नहीं थी। उस समय पर इस प्रश्न के उत्तर में सरकार की ओर से कहा गया था कि हमारे पास इस प्रकार की कोई शिकायत नहीं आई है और अगर आती तो हम उस पर विचार करते। जब इस प्रकार का उत्तर सरकार की तरफ से दिया गया तो फिर उसका प्रतिरोध हुआ, भारत के कोने कोने से और वह भी छोटे-मोटे आदमियों की तरफ से नहीं बल्कि डालमिया, ए० के० नेवता, श्री अनन्तशयनम आर्यगर और श्री जयप्रकाश नारायण की ओर से—ओर इसी प्रकार से जगह जगह पर आपत्तियां की गईं। इस विरोध के पश्चात् फिर जब टैलो का प्रश्न आया तो मन्त्री महोदय ने यहां पर यह आश्वासन दिया था :

"It is well known that tallow is being used in most cases. Where it is not used it is much simpler to say so in the labels and marked soap. But we are not against any other system of marking it if it helps. We have no objection to examine the first part also, whether those which use tallow can also be labelled. These aspects will be examined.

तो सरकार ने यहां पर यह आश्वासन दिया था। इस आश्वासन के पश्चात् अब मैं एक भेद की बात और बता रहा हूँ। सरकार