

MR. SPEAKER: Order, order.

SHRIMATI SHARDA MUKERJEE: rose.

MR. SPEAKER: I am sorry. You always create a difficulty by raising all such points of order which have nothing to do with the business of the House. This is the third or fourth time during the last three or four days that this is being done. I am not prepared to listen to you. I am sorry.

The House will now adjourn and meet again at 2.15 p.m. The hon. Member, Shri Sheo Narain, will continue his speech.

### 13.12 hours

*The Lok Sabha adjourned for Lunch till fifteen minutes past Fourteen of the Clock*

*The Lok Sabha re-assembled after Lunch at Seventeen minutes past Fourteen of the Clock*

[SHRI VASUDEVAN NAIR in the Chair]

### DEMANDS FOR GRANTS—contd.

#### MINISTRY OF HOME AFFAIRS—contd.

श्री शिव नारायण (बस्ती) : सभापति महोदय, मैं कल बतला रहा था कि बदनाम में किस तरह से लोगों की हत्याएँ की गईं। इन्दुभूषण गाडिया, जो फोर्य ईयर का छात्र था, उसकी हत्या की गई। श्री जितेन्द्र राय, जो गोल्ड मेडलिस्ट स्टूडेंट था और जो वहाँ की छात्र परिषद् का मंत्री था, उसकी हत्या की गई। साई के डेढ़ महीने के भतीजे को आग में फेंका गया। सभापति महोदय, उस दिन दो हज़ार का मजमा वहाँ पर जमा था, टेलीफोन काट दिया गया था, कोई देखनेवाला नहीं था। पुलिस के अफसर मजिस्ट्रेट सब वहाँ मौजूद थे, उन के सामने यह कल्लेआम हुआ इससे दर्दनाक सीन हम ने इस देश में नहीं देखा। फ्रेंच रेवोल्यूशन जरूर पड़ा था, लेकिन ऐसी दर्दनाक कहानी आज तक नहीं सुनी थी। मैं होम मिनिस्टर साहब से कहना चाहता हूँ—आप सुप्रीम अथोरिटी हो, आप की आज यह प्राइम इयूटी है कि आप ऐसी चीजों को रोकें। देश की जनता को प्रोटेक्ट करने की जिम्मेदारी आप की है। स्टेट आपके

मातहत है। मैं सरकार से मांग करना हूँ इस घटना की जुडीशियल एन्क्वायरी सरकार करवाये या आल पार्टीज पार्लियामेंटी कमेटी आप बनायें, जिससे इस मामले की जांच हो सके।

अब मैं इन्टर स्टेट बाउण्ड्रीज के मवाल पर आता हूँ। जो फंसले आप एक बार लें, वे बदले नहीं जाने चाहिये। मंमूर-महाराष्ट्र डिस्प्यूट के बारे में कांग्रेस वकिंग कमेटी का रेजोल्यूशन था, जिसके आप भी मेम्बर थे। जब आप ने खुद उस डिस्सिजन को लिया तो आपको उस डिस्सिजन को मानना चाहिये।

कम्यूनल फोर्सेज इस देश के अन्दर बहुत ज्यादा बढ़ती जा रही हैं। आप को चाहिये की उन्हें कब करें, बेन करें। हिन्दू और मुसलमानों के बीच इस देश में कोई भेदभाव नहीं होना चाहिये। यह आप की प्राइम इयूटी है कि आप इस तरफ़ पूरी तवज्जह दें।

डिफक्शन की बीमारी भी इस देश में बहुत बढ़ती जा रही है, इसे डिस्क्रेज करना चाहिये, ऐसे लोगों को अगले चुनाव में खड़े होने की इजाजत नहीं देनी चाहिये। इस सम्बन्ध में जो कमेटी आपने बनाई थी, उस की रिपोर्ट आप के पास आ चुकी है; आप को चाहिये कि इम को रोकने के लिये क्लब करें, ताकि इस देश में आया-राम और गया-राम का प्रश्न हमेशा के लिये हल हो सके। होम मिनिस्टर साहब, आप ही ने सबसे पहले आया-राम और गया-राम का शब्द इस्तेमाल किया था, किंतु आप उस पर खुद ऐक्ट नहीं कर रहे हैं... (व्यवधान)... मैं चाहता हूँ कि इस आया-राम और गया-राम की समस्या को रोकने के लिये सरकार कुछ ठोस कदम उठाये।

सभापति महोदय, हरिजनों की समस्या की बड़ी दर्दनाक कहानी है। कल भी मैंने होम मिनिस्टर साहब से दस्त-बस्ता गुजारिश की थी कि मेहरबानी कर के हरिजनों को प्रोटेक्ट करो। अतः आज कहां पर बैठे हुए

[श्री शिवनारायण]

हैं? यह वह स्थान है जहाँ सरदार पटेल बैठे थे, जहाँ गोविन्द बल्लभ पन्त बैठे थे। हिन्दुस्तान की होम मिनिस्ट्री कोई मामूली स्थान नहीं है, आधी गवर्नमेंट आपके हाथ में है। आज हरिजन लड़के एम० ए० पास करके गलियों में मारे मारे घूम रहे हैं, कोई घास डालनेवाला नहीं है, कोई रोटी डालनेवाला नहीं है। प्राइम मिनिस्टर के शहर में—इलाहाबाद में—हमारे लड़के एम० ए० पास कर के गलियों में घूम रहे हैं, लेकिन उनको कोई जगह नहीं मिलती है। इनके लिये रिजर्वेशन सिर्फ कागज पर है, कहीं भी उनकी सुनवाई नहीं होती है।

नेशनल लैंग्वेज की समस्या भी आज देश में कठिनाई पैदा कर रही है। हिन्दी को नेशनल लैंग्वेज के रूप में स्वीकार किया जाना चाहिये, लेकिन इसे किसी पर इम्पोज नहीं करना चाहिये। हम यह नहीं कहते कि आप इसे जबरदस्ती इम्पोज करें। मैं मद्रास गया था, जब मैं पब्लिक एकाउन्ट्स कमिटी का मेम्बर था। वहाँ पर मुझ से एक ड्राइवर बोला कि मैं उर्दू बोल सकता हूँ, हिन्दी बोल सकता हूँ, लेकिन हमारा मुँह बन्द है मैं कहना चाहता हूँ कि यह सरकार आज राष्ट्र भाषा का अपमान कर रही है, आज इस में दम नहीं है कि अपनी राष्ट्रभाषा का सम्मान कर सके। हमको याद है जब विजय लक्ष्मी पंडित रूस गई थी और उन्होंने अपने श्रीडेन्शल्ज अंग्रेजी में पेश किये, तो उसे उन्होंने स्वीकार नहीं किया और उन को वापस जाना पड़ा। ज़रा हयादारी से काम लो और देखो कि तुम कहाँ हो और हमारी क्या स्थिति विदेशों में है।

मैं यह भी मांग करता हूँ कि उर्दू, जो काश्मीर से लेकर हैदराबाद तक बोली जाती है, उस को सैकण्ड लैंग्वेज का दर्जा दिया जाय। हम उर्दू के लिये वकालत इसलिये नहीं करते हैं, कि इस देश में 6-7 करोड़

मुसलमान बसते हैं। उर्दू केवल मुसलमान ही नहीं पढ़ते, कायस्थ भी पढ़ते हैं, पंजाबी भी पढ़ते हैं, देश की बहुत बड़ी जनता इस को पढ़ती है।

अब मैं पे-स्केल की समस्या को लेता हूँ। इस के लिये जितने सरकारी नौकर हैं, सब परेशान हैं। होम मिनिस्टर के यहां दरख्वास्त भजते हैं, शुक्ला जी के पास दरख्वास्त भेजते हैं, लेकिन कोई सुनवाई नहीं होती। समझ में नहीं आता, अब किस के दरबार में अपील करें। आज स्टैनोग्राफरों पर बैम लगा हुआ है, उन का प्रमोशन नहीं होता है। अगर आप अच्छा स्टैनोग्राफर चाहते हैं, अच्छे टाइपिस्ट चाहते हैं तो उन्हें आगे आने का अवसर देना होगा। अगर आप सबको अपीज नहीं कर सकते तो कुछ को अपीज कीजिये, कुछ को तो अपना मित्र बनाइये।

SHRI M. L. SONDHI (New Delhi): The reorganisation of the Central Secretariat Stenographers' Scheme is a very important one. I wish the Home Minister hears it. But he is now busy in conversation with other Ministers.

श्री शिव नारायण : आज मुल्क के अन्दर बेरोजगारी इतनी ज्यादा व्याप्त है, कि जनता परेशान है। कहते हैं कि यूनीवर्सिटीज में इनडिस्प्लिन है—क्यों इनडिस्प्लिन है? जब देश की प्राइम मिनिस्टर ने ही प्रेजिडेन्ट के इलैक्शन में इनडिस्प्लिन किया— Who is going to control this indiscipline? This Home Minister was also a party to creating that indiscipline. You must give an example to the coming generation of this country, the student community. Why don't you give them the example of Sardar Patel and Pandit G. B. Pant?

लाल बहादुर शास्त्री जी की ताशकन्द में मृत्यु हुई थी। मैं जानना चाहता हूँ कि किस ने उनको दूध पिलाया और किस ने उन को दवा दी। डा० चुग वहाँ क्यों गया

या ? होम मिनिस्टर साहब भी उस समय वहां मौजूद थे, सरदार स्वर्ण सिंह भी वहां पर थे—मैं इस की झीटेल में नहीं जाना चाहता हूँ, लेकिन मैं मांग करता हूँ कि एक कमेटी बैठाई जाय जो इस सारे मामले की जांच करे। मैं होम मिनिस्टर साहब से कहना चाहता हूँ कि आप देश को बचाइये।

When you are trying to corrupt the legislature where will the country be? इन शब्दों के साथ मैं इस डिमाण्ड का विरोध करता हूँ।

**SHRI BAKAR ALI MIRZA** (Secunderabad): Mr. Chairman, Sir, the Home Ministry is a key ministry and our Home Minister, Shri Chavan, is a very able administrator. But my difficulty and the difficulty of the House is that he is also a very able parliamentarian. Any case it might be he presents it in such a tactful ingenious manner that it becomes convincing to everybody excepting himself.

Look at the case of Governors. Three or four Governors acting in different conditions without having any contact with the Home Minister or the whispering gallery of the Home Ministry still come to right conclusions which are in accord with the Home Minister's views! That is how things are going on.

There has been a lot of talk about cases against ex-Chief Ministers. What happened to all those cases? When they were initiated, why were they not pursued? Is it under political influence that the delay is taking place or are they being given up?

Coming to the report, I take only one instance to show how the report is presented to us. About the Administrative Reforms Commission it is said that all its recommendations are processed and decision taken on them with minimum delay—note the words "minimum delay"—and the recommendations are the major concern of the Government. Shri Morarji Desai, who is more sinned against than sinning, presented an interim report on the Lokpal. That was in 1966. The Lokpal had been discussed many times in this House before but the Bill was

introduced in August 1968. It was passed by the Lok Sabha in November 1969; still, it has to be discussed, debated and passed by the Rajya Sabha. It took four long years for a matter which could have been disposed of in two month's time. This is the speed with which the Home Ministry functions.

There has been a lot of insistence on speed. For the Prime Minister also, socialism has to be speeded up. But then, in addition to the 14 banks she is not ready to nationalise foreign banks. So, the concept of speed differs from place to place.

Another matter is of Telengana. If you read the short account about it in this report, it would appear that there was some agreement in 1956 and in 1968 they discovered some deficiencies which were not implemented. So, the Government concluded that speedy work should be done for the implementation of those recommendations and a eight-point programme was formulated. Committees were instituted and their recommendations are being studied and worked out. Finally, they have given more powers to the regional committee in the State.

It appears from this as if there was no mass movement in the State, there was no demand for a separate Telangana, the students had not been striking for more than eight months, firings had not been taking place, people had not been arrested, their schools were not converted into prisons; all these happenings as if they did not exist.

Shri Chavan himself, when he visited Hyderabad State, at one time said that separate Telengana will also be a matter to be discussed. Then he quietly forgot about it. He and the Prime Minister appealed for normalcy. The moment normalcy arrived, they quitted the whole Telangana people and the Telengana problem. This is the way they have been treating the Telengana issue.

Nearly 300 people were killed in the firing but not in a single case a judicial inquiry was instituted. Only in one case a magisterial inquiry was ordered. That inquiry revealed something which was not to the liking of

[Shri Bakar Ali Mirza]

Government; so the man who was the inquiry officer was transferred the very next month.

That is how things are conducted in this country.

Now, after all, what is it that the people of Telengana are wanting? They are not going out of the country. They are not asking to apply a new principle on which the State should be administered. They only want that the State should be administratively divided into two parts instead of one. Is that a demand which is so difficult to accept because it will affect some State of Maharashtra or some State of Mysore and that is why it should be rejected? What has the Government of India been doing? When there was the partition of the country, they created a communal mind. When they formed linguistic States, they created a linguistic mind. That is how it has been going on. But when the demand is made only for a simple administrative purpose, that is rejected.

Only today, Mr. Chavan said that the economic viability and the will of the people should be taken into account. About the economic viability, the States Reorganisation Commission itself has recommended the formation of the Telengana State. About the will of the people, if all that has happened is not sufficient to prove that the people are behind this movement, let there be some other way of finding it out. Well, you conduct an opinion poll to find out whether the people want it or not. If you are allergic to the question of plebiscite, then you find out some other way. I suggest to Mr. Chavan that either Mr. Brahmananda Reddy or he himself stand from any part of Telengana on the issue of a separate Telengana. I am a small man. I am ready to take up the challenge. Money and power, all count. But still, I am sure, the people of Telengana have completely decided that they will have a separate Telengana. And they will have it whatever be the policy of the Government of India. I would plead with Mr. Chavan to give second thoughts to it and have some sympathy for the demand of the people and some regard for public opinion. This is not asking too much from a person of the eminence of Mr. Chavan.

There are so many problems before this country which are very serious ones. The question of the use of foreign money in elections was raised in Parliament. Then, of course, an inquiry was made. We do not know what action has been taken, whether any protest has been lodged with the countries who are using their money in our country or any person receiving the money has been booked or warned. We do not know what steps have been taken. We cannot allow foreign countries and foreign money to interfere in our affairs.

As regards the question of defections, the hon. Home Minister, Mr. Chavan, was very vociferous when that matter was discussed in the House. Now, the defection has taken new dimensions. It is not necessary only to cross the floor from one side to another, sit in another place, you divide and you become two parties with the same name, the same symbol and so on. The fight is only about the symbol. Their only functions are toppling and coupling. The Central Ministers either go there to topple the Government of the State which is not to their liking or to couple other parties so that a new Government is formed. If this thing is continued in this country, the Central Ministers will be considered in the States as infiltrators. They have created that sort of conditions of allowing defection to go on without any hindrance or check. The report itself says that communalism is growing and no effective steps are taken.

In Jammu & Kashmir they are dividing the people region-wise. About Scheduled Castes so many cases were cited where they were ill-treated. Is not the Home Minister responsible to see that all these things are set right?

Then take the question of Hindi. We have not been able to create enthusiasm neither among the Hindi States nor have they been able to adjust their policy to the demands of the Southern States. This policy of having big States is really a disintegrating force. Tomorrow, probably, Mr. Chavan will be considered as a disintegrating factor in the future of India. If such a contingency

arises, you should be prepared for the worst. There is not a single Hindi State which has an outlet to the sea. If the non-Hindi States with their huge coastline ask for separation, then what is the remedy?

What is the difference between the DMK which is asking for secession and Mr. Bal Thackeray asking people to go out. One says, 'I will go out' and the other says 'You get out'. Both are secessionist activities. Therefore, I see before me in this country Lord Shiva in his death dance spreading death and destruction with Mr. Chavan as Lord Vishnu sleeping with his chakra as his pillow.

SHRIMATI ILA PALCHOU-DHURI (Krishnagar): I would just like to bring to the notice of the Minister that I have spoken on the Bengal Budget and Bengal discussion and so I would not go into detail. But there are one or two things I would like to bring to the notice of the Hon. Minister.

About gherao, it has to be tackled with a strong hand so that the economy of West Bengal is not ruined. The former Chief Minister of West Bengal said that during the UF Government regime, there were as many as 689 and 78 gheraos in the public and private sectors respectively, and another 48 and 29 gheraos respectively in the schools and colleges. The High Court has given a judgment against the gheraos. Yet it has not stopped. In a Women's College, the lady Principal, Smt. Mamata Adhikari, was gheraoed till she fainted. I hope gheraos will be put down with all the possible expediency and law and order maintained.

Secondly, I would like to bring to the notice of the hon. Minister one thing. When there was hartal in Burdwan, the telephones there went off whereas they functioned in the rest of West Bengal. This must be looked into. Telephones and other essential services should not be dislocated and should be given adequate protection because they are the last resort for the people to get into contact with the outside world, and this they could not do in Burdwan.

I am happy that the allocations for the Border Security Force, the Industrial Security Force and the Central Reserve Police have been increased this

time a little. But there remains an anomaly. While the BSF is under the Home Ministry, the Border Roads Organization is under the Ministry of Shipping and Transport. Unless the border roads are maintained in good condition and are made into all-weather roads, the security of the borders cannot be ensured. Pakistan and China have all-weather roads to the borders of India and Pakistan has established so-called 'Bookshops' through which arms and ammunitions are being smuggled into India.

Lastly, I would like to mention a word about the freedom fighters. The freedom fighters have not got their pensions. Some of their pensions will come to an end from June-July, 1969. We have not heard of such a thing happening anywhere. You have cremated them before they are dead! Government servants enjoy pension all through their lives. It is never stopped before they die! Why only pension to the people who have served in the Andamans? Freedom fighters have fought all over India and given their lives. I hope the hon. Minister will clarify the position.

We are all for Privy Purses going. But the Constitution will have to be amended under Article 291, Article 362, and Article 366, sub-clause (22). But Article 363 which debars the princes from going to court about anything is not going to be abandoned. You are going to reduce them to the status of a common man by abolishing Privy Purses and amending these three Articles in the Constitution, but you do not give them the right to go to the court just like any other ordinary citizen. You keep Article 363 which debars them from going to the court. What I suggest is, the Minister may kindly clarify this point and some fair dealing may be given to the princes.

Then, Sir, we have heard that the cellular jail in the Andamans is going to be converted into a hospital. You can build hospitals anywhere but the cellular jail should not be converted into a hospital. It should remain as a place of pilgrimage for the people of India to get inspiration when they visit it. People have gone there and the torch of their lives has been burnt out in the Andamans. Let their names be written in letters of gold on the stones of the cellular jail. Let the cellular jail be converted into a national monument

[Shrimati Ila Palchoudhari]

and be preserved as such. I hope the Minister will take this matter up personally and do it. Thank you.

श्री लताफत अली खां (मुजफ्फरनगर) :  
जनाब चैयरमैन साहब, हमारा मुल्क जिन नाजुक हालात से गुज़र रहा है, उस का तकाज़ा है कि होम मिनिस्ट्री मुन्तैदी से अपना काम अंजाम दे। अभी पिछले दिनों कांग्रेस में छटनी हुई थी, जिस के नतीजे में हमारे कुछ भाई इधर आ गये है इस बारे में हुकमरां कांग्रेस को कोई गम नहीं करना चाहिए क्योंकि यह लोग तो डेपुटेशन पर भजे हुए थे, जो 22 साल तक सोशलिज्म की जड़े काटते रहे और अब वापस आ गये हैं। इसलिये इस चीज़ का गम नहीं होना चाहिये। अब ये अपने भाई बन्धुओं में आ गये हैं लेकिन यह न समझना चाहिये कि यह सिर्फ रोने धोने का काम करेंगे, बल्कि अपने भाई बन्धुओं के साथ मिल कर अब हुकूमत और सोशलिस्ट प्रोग्राम के लिए ज्यादा मुश्किलाना पैदा करेंगे। अब इनका गठजोड़ फिरकाप्रस्त पार्टियों के साथ हो रहा है सरमायदारों के साथ हो रहा है। इनके पास प्रेस की ताकत है, रुपये की ताकत है, जो इस्तेमाल की जायगी ताकि गरीब को उसके हकूक न मिल सकें, गरीबों को इस तरफ, सरमायदारों की तरफ मुतवज्जे होने का मौका न मिल सके। इस काम के लिए गरीबों को लड़ाया जाता रहा है 22 साल से अब तक और आइन्दाभी ये लोग इस बात की कोशिश करेंगे कि गरीबों को लड़ाते रहें।

श्री शिव नारायण : अब तक दूध की नदियां बह रही थी।

श्री लताफत अली खां : आप क्यों ऐसा कहते हैं। आप भी सरमायदार बनते जा रहे हैं।

एक माननीय सदस्य : सरमायदारों का पिट्टू है।

श्री शिव नारायण : शट अप।

समापति महोदय : आर्डर आर्डर।

श्री लताफत अली खां : इन लोगों को मालूम है कि जिस दिन गरीबों ने लड़ना छोड़ दिया, उसी दिन सरमायदारों से अपने हकूक छीन लेंगे। तो इस तरफ चौकन्ना रहने की जरूरत है और यह देखना चाहिये कि ऐसे हालात हमारे मुल्क में पैदा न हों जिससे लड़ाई झगड़े चलते रहें। पिछले 22 साल से हमारे मुल्क में कहीं जबान के नाम पर झगड़ हो रहे हैं, कहीं मजहब के नाम पर झगड़े हो रहे हैं और ये झगड़े सिर्फ इसलिए कराये जा रहे हैं कि जिस दिन झगड़े बन्द हो जायेंगे, उसी दिन गरीब सरमायदारों से अपने हकूक छीन लेंगे।

पिछले दिनों नेशनल इंटेग्रेशन कौंसिल का इजलास हुआ था, उसमें कुछ फैसले किये गये थे, लेकिन जिस वक्त कोई ऐसे फैसले किये जाते हैं या ऐसे इकदाम तजवीज किये जाते हैं जिनसे मुल्क में झगड़े पैदा न हों, तो सरमायदारों का प्रेस प्रोपेगेंडा शुरू कर देता है जिसमें गवर्नमेंट का ध्यान दूसरी तरफ मुड़ जाए और वह गलत कदम उठाने लगे। गवर्नमेंट को इस की तरफ से चौकन्ना रहना चाहिये की सरमायदारों के प्रेस से जो प्रोपेगेंडा होता है उस का क्या असर होने वाला है, मैं उम की दो मिसालें देता हूं। पिछले दिनों सरमायदारों के प्रेस ने प्रोपेगेंडा शुरू किया कि मुल्क में जो फसादाते होते हैं उन में मुसलमान पहले करते हैं, यह प्रोपेगेंडा अखबारात में बहुत जोर से चलाया गया, मुझे अफसोस है कि उस का असर हमारी होम मिनिस्ट्री पर भी हो गया। होम मिनिस्ट्री ने जो किताब शायी की उस में लिखा कि मुल्क में जितने झगड़े हुए हैं उन में ज्यादातर मुसलमानों ने शुरूआत की है। यह है वह जाल जिस में सरमायदार हमारी हुकूमत को फंसाना चाहते हैं और हुकूमत उस में फस जाती है। अभी एक और प्रोपेगेंडा शुरू

किया गया है जो झगड़े यहां किये गये हैं उनमें पाकिस्तान का हाथ है। चूंकि हमारे ताल्लुकात पाकिस्तान के साथ खराब हैं। लिहाजा हम फौरन समझने लगते हैं कि वाकई यह बात सच है। मैं समझता हूं कि खराब ताल्लुकात होने की बिना पर पाकिस्तान ऐसे काम कर भी सकता है, कोई ऐसी बात नहीं है कि पाकिस्तान इस काम को न करे। लेकिन एक बात यह है कि हमारे मुल्क में जब कई पार्टियां इस काम की अंजाम दे रही हैं तो पाकिस्तान को क्या जरूरत पड़ी है कि वह इस काम को करे? और फर्ज कीजिये पाकिस्तान का हाथ है भी तो हम वाइस सालों से उस हाथ को नहीं पकड़ सकें हैं। यह हमारी कमजोरी है। मेरी होम मिनिस्टर साहब से गुजारिश है कि अगर वाकई कोई ठीक काम कर रहा है तो वह उस को जरूर हाथ पकड़ें नहीं तो इस की तरफ तवज्जह दे कर कोई गलत कदम न उठावें। क्योंकि असल बात यह देखना है कि कौन सी ऐसी वज्हात है जो हमारे मुल्क में फसादात को नहीं रुकने देती।

अभी कुछ अस से इंडियनाइजेशन का नारा लगाना शुरू हुआ है। वजाहिर यह लफ्ज बड़ा खुशनमा मालूम पड़ता है और यह अन्दाजा होता है कि यह बड़ी अच्छी बात कही जा रही है, लेकिन इस लफ्ज के जो माने निकाले जा रहे हैं वह बड़े जहरीले हैं। यह नारा जर्मनी में हिटलर ने लगाया था और वहां उस का नतीजा यह हुआ कि लाखों यहूदियों को मौत के घाट उतार दिया गया, लाखों यहूदी बेघर हो गये और वह फिलिस्तीन में जा कर आबाद हुए, जिस का नतीजा यह हुआ है कि आज एक तीसरी लड़ाई की बुनियाद पड़ रही है। हमें ऐसे नारों से खबरदार रहना चाहिये। इंडियनाइजेशन का नारा लगाने वाले किस बात को चाहते हैं और वह मुसलमानों से क्या उम्मीद करते हैं? क्या वह यह चाहते हैं कि तमाम हिन्दु-

स्तान के मुसलमान एक जवान बोलने लगे? मेरी समझ में नहीं आता कि जब पूरे हिन्दुस्तान में अक्सरियत के लोग भी एक जवान नहीं बोलते, कहीं बंगाली है, कहीं तमिल है, कहीं तेलुगू है और कहीं मलयालम, तो मुसलमानों से कैसे उम्मीद की जा सकती है कि वह एक जवान बोलने लगे? क्या वह यह चाहते हैं कि मुसलमान एक लिबास पहनने लगे? जब हम लिबास की तरफ देखते हैं तो हिन्दुस्तान में कोई ऐसा लिबास भी नजर नहीं आता जिस को हम अपना लें और जो सारे हिन्दुस्तान में एक हो। जूनुब में एक ड्रेस है, मशरिफ में दूसरी ड्रेस है, शुमाल में तीसरी ड्रेस है और मगरिब में चौथी ड्रेस है। खाने के मुताल्लिक अगर यह कहा जाय कि सब मुसलमान एक सा खाना खावें, तो वह भी कौन सा हो यह नजर नहीं आता। कहीं लोग सब्जीखोर हैं, कहीं मछलीखोर हैं, कहीं चावलखोर हैं, कहीं रोटीखोर हैं। अगर मजहब की बात हो तो यह बात भी नजर नहीं आती कि हिन्दुस्तान में कोई एक मजहब हो, जिस पर पूरे हिन्दुस्तान के मुवाशिन्दे पाबन्द हो। जुनुब की तरफ चले जायें वहां कुछ और मुनते हैं, मशरिफ की तरफ चले जायें वहां कुछ और खयालात हैं, कहीं लोग एक खुदा को मानते हैं, कहीं सौ खुदाओं को मानते हैं, कहीं देवी देवताओं को मानते हैं। इस लिये यह बात भी मुमकिन नहीं है। तब फिर आखिर कौन सी चीज है जो इंडियनाइजेशन का नारा लगाने वाले चाहते हैं।

मैं कहना चाहता हूं कि इंडियनाइजेशन का नारा सिर्फ इस लिये है कि इस मुल्क में गड़बड़ चलती रहे किसी न किसी नाम से। बड़े खूबसूरत नाम से यह नारा पेश कर दिया गया है और इस के जरिये मुल्क के अन्दर गड़बड़ पैदा कराई जा रही है। इस का कोई और मतलब नहीं सिवा इस के कि यह गड़बड़ चलती रहे और गरीब लड़ते रहें और सरमायदार उन को लड़ाते रहें।

MR. CHAIRMAN: Shri S. M. Joshi. You wanted to ask questions to the Home Minister.

श्री एस० एम० जोशी (पूना) : सभापति महोदय, इस सदन में जो एक गलतफहमी हो रही है मैं उस को जरा स्पष्ट करना चाहता हूँ दो मिनट में। मैं देखता हूँ कि आज महाजन कमीशन की लाठी ले कर जो सीमा विभाग के लोग हैं उनको पीटा जा रहा है। कोई लोग कहते हैं कि महाराष्ट्र वालों ने इस सवाल को खड़ा किया है, कोई कुछ और कहते हैं। मैं ऐसे लोगों से यह गुजारिश करना चाहता हूँ कि यह सवाल बहुत दिन से बना हुआ है। 1956 में स्वर्गीय श्री गोविन्द बल्लभ पन्त ने इसी सदन में तमलीम किया था कि यह सवाल है और इसको हल करना चाहिये। इस सवाल को कोई हम लोगों ने नहीं खड़ा किया। जब यह सवाल बना तब महाराष्ट्र के लोग अपने कई सवाल ले कर लड़ रहे थे। हमारे जो लोग हैं वह भी हमारे साथ रहें और हम ने उन लोगों को आश्वासन दिया कि हम यहाँ कोई टेरिटोरियल ऐम्ब्रिजन ले कर नहीं लड़ते। मैं कहना चाहता हूँ कि महाजन कमीशन नियुक्त करना या न करना यह किस की गलती है, इसमें हमें नहीं जाना चाहिये। अगर हमारी महाराष्ट्र सरकार ने इसको कबूल किया है तो मैं कहूँगा कि महाराष्ट्र के पूरे शासन ने उसको कबूल नहीं किया था, हम लोगों ने नहीं किया था। जो वहाँ के लोग हैं स्वयम् उन्होंने भी उसे कबूल नहीं किया था। इस बारे में मेरी गुजारिश सिर्फ यह है, खासकर आचार्य रंगा से मेरी प्रार्थना है कि वह अपने दिमाग को जरा लचीला बनायें।

SHRI LOBO PRABHU (Udipi) : This is not fair. This is no question. You must give us a chance again. Mysore must have the right of reply.

श्री एस० एम० जोशी : मैं कोई सवाल नहीं उठा रहा हूँ। मैं यह कह रहा हूँ कि जो सवाल है वह न महाराष्ट्र का है और न वह

मैसूर सरकार का होना चाहिये। यह सवाल तो वहाँ बसने वाले 10 लाख अवाम जो हैं उसका है। उनको तसल्ली देना हमारा और इस सदन का फर्ज है। उसको पूरा करने के लिये मैं मंत्री महोदय से गुजारिश करूँगा कि अगर उनको तसल्ली हो जाय तो मुझे कोई ऐतराज नहीं है और न किसीको होना चाहिये।

अभी पंजाब के बारे में मैंने दो दिन पहले पढ़ा कि शहीदगढ़ देहात में वहाँ की पंचायत के सदस्यों ने हरिजन लोगों को कांटेदार तारों से मारा। जब उसके बारे में पूछा गया तब आपने कहा कि हम इसमें कुछ कर ही नहीं सकते हैं क्योंकि वहाँ हमारा अधिकार नहीं है। मैं कहूँगा कि वह त्रिनिदल प्रोसीजर कोड़ के अन्दर ताकत अपने हाथ में लें ताकि शेंड्यूल्ड कास्ट्स और शेंड्यूल्ड ट्राइब्स पर जो अत्याचार और जुल्म होते हैं उनको दूर किया जा सके। अगर इसके लिये मंत्री महोदय को पावर लेनी हो तो हम तैयार हैं।

SHRI M. L. SONDHI: The Home Minister must throw some light about the position regarding the Central Secretariat Stenographers' service. There should be justice shown to them.

श्री कंबरलाल गुप्त (दिल्ली सदर) : सेंट्रल स्टेनोग्राफर्स का केस मंत्री महोदय के सामने है। उनके साथ भेदभाव हो रहा है। यहाँ फेवरिटीज्म हो रहा है। कोई मिनिस्टर इंटरैस्टेड है इस लिये वह गड़बड़ी कर रहे हैं।

MR. CHAIRMAN: All these had been raised during the debate. The hon. Minister will reply to the points, if he can.

श्री चन्द्रिका प्रसाद (बलिया) : सभापति महोदय, मेरी पार्टी की तरफ से मेरा नाम है। आपको बैंक बैंकर को मदद करनी चाहिये। आपने हमको जब तक बुलाया नहीं, मैं दो बार सवाल करना चाहता हूँ।

MR. CHAIRMAN: Because the Chair should not be misunderstood, I want to make it very clear that the Congress Party has exceeded its time, and that is why I did not call you. Your name may be here, that does not mean that everybody should be called. You may ask a question.

श्री चन्द्रिका प्रसाद : हमारे मिनिस्टर साहब ने जो यह कहा था कि उत्तर प्रदेश और बिहार के बीच जो बोर्डर डिस्प्यूट है यह सीमा विवाद का झगडा है और ये दोनों स्टेट्स आपस में इसको तय कर सकती हैं, यह बात ठीक नहीं है। अगर दोनों स्टेट्स आपस में बातचीत करके इसको तय कर सकती तो त्रिवेदी एवार्ड की क्या जरूरत थी। चूंकि दोनों आपस में तय नहीं कर सकी हैं। इस वास्ते त्रिवेदी एवार्ड आया था। इसके बारे में आपने कानून भी बना दिया है। लेकिन उस कानून पर अमल नहीं हो पा रहा है क्योंकि पटना हाई कोर्ट ने निषेधाज्ञा जारी कर दी है। यू० पी० गवर्नमेंट ने आपको लिख दिया है कि आप मिड रेंजीम सर्वे अपने सर्वेअर भेज कर करा दें। मैं जानना चाहता हूँ कि क्यों नहीं आप किसी को भेज कर सर्वे करा देते हैं ताकि ठीक ठीक पता चल जाए कि स्थिति क्या है? जब कानून बन गया है तो उसको अमल में लाना भारत सरकार का काम है। भारत सरकार की वजह से हमारे किसान लूटे जा रहे हैं, बरबाद किये जा रहे हैं। अमरपुर दियारा में चौदह आदमी मारे गए हैं। हासनगर जञीरा, जब ही पंचरुखिया में लोग मारे गए हैं। उनकी जायदादें लूनी गई हैं। उनको मुआवजा दिया जाना चाहिए। यह मुआवजा आपको देना चाहिये। जो अत्याचार उन पर हो रहे हैं...

श्री योगेन्द्र शर्मा (बेगूसराय) : नरही के बाबुओं से मुआवजा दिलवाइये। इनको गिरफ्तार करवाइये। जिन्होंने कत्ल किये हैं उनको पकड़वाइये।

श्री चन्द्रिका प्रसाद : चकबन्दी होने से हरिजनों के लिए जमीन निकाली थी, दी गई है। लेकिन उमका कब्जा उनको नहीं मिला है।

उसको दिलवाने में आप उनकी सहायता करें यह बात मैं उत्तर प्रदेश के बारे में कह रहा हूँ और विशेषकर पूर्वी उत्तर प्रदेश के बारे में कह रहा हूँ। जो कमजोर हैं, उनकी आपको मदद करनी चाहिये। ला एंड आर्डर में हमारी सहायता करना चाहिये।

अभी पटना में जो गोली ज्योति बसु पर चली, उसकी मैं निन्दा करता हूँ। श्री अली इमाम को वह लगी, इसका मुझे दुख है। मैं जानना चाहता हूँ कि भारत सरकार उसके परिवार के लिए क्या कर रही है।

हिन्दी की उपेक्षा बन्द होनी चाहिये। गुजरात, जम्मू काश्मीर, असम आदि से एक भी अखबार हिन्दी का नहीं निकला है। मैं...

सभापति महोदय : आर्डर आर्डर। आनरेबल मिनिस्टर।

SHRI LOBO PRABHU: On a point of order.

SHRI S. M. KRISHNA (Mandya) rose—

MR. CHAIRMAN: I understand what Mr. Lobo Prabhu and Mr. Krishna and others want to say. I can assume that they want to speak on the Mysore-Maharashtra border question.

SHRI S. M. KRISHNA: Not that.

MR. CHAIRMAN: Let us hear Mr. Lobo Prabhu first.

SHRI SONAVANE (Pandharpur): He should not be allowed. He had his say. If he is allowed, you should give me a chance also.

SHRI LOBO PRABHU: I would like to know very clearly from the Minister whether the Maharashtra Government did not press for the appointment of the Mahajan Commission and whether they did not accept very clearly the finding of that Commission to be final. Secondly, I would like to know whether this new principle which we are enunciating was not placed before the Mahajan Commission and was not rejected by it. Thirdly, I would like to

[Shri Lobo Prabhu]  
know, if Government is going to apply this principle to Belgaum in the North, whether it will apply it to the South also and give Kasargod to Mysore.

SHRI A. SREEDHARAN (Badagara): You will never get it. Do not have such dreams.

SHRI LOBO PRABHU: In case they are not going to apply that principle uniformly, why are they making an exception and apply it to only one part of Mysore in favour of Maharashtra?

SHRI SONAVANE: Is that a point of order?

MR. CHAIRMAN: Hon. Members would like to ask many questions. Let us find out what the Home Minister has to say first and then if some questions remain after that, definitely they can have an opportunity of putting questions. If you ask questions before the speech, there will be no end to that.

SHRI CHENGALRAYA NAIDU (Chittoor): Sir, how can he reply when I have not put my question?

MR. CHAIRMAN: I promise you, Mr. Naidu. Let us first listen to the hon. Minister and then see what can be done.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Mr. Chairman, the demands of the Home Ministry have been discussed for nearly ten hours and I am glad that so much time has been devoted by the hon. Members. It shows how concerned they are about the problems which are dealt with by the Home Ministry.

To begin with I should like to make one submission. Most of the speeches dealt with problems which had been discussed in some depth on previous occasions and on those occasions I had explained the Government's position on those matters. While dealing with those problems in my speech, I may be forgiven if I have to repeat some things which I had said earlier in the House. Let me make it clear at the outset that I do not propose to deal with minor points or specific issues raised, because it is not possible to do so within the short time. I am also not going to repeat the points dealt with by my

colleague, the Minister of State, Shri Shuklaji. That represents the division of work in dealing with problems. Possibly some Members are exercised over the border question. I have nothing more to add to what Mr. Shuklaji said on this question.

SHRI S. M. KRISHNA: Do you agree with him?

SHRI Y. B. CHAVAN: He has spoken on behalf of Government and I am part of the Government.

SHRIMATI TARKESHWARI SINHA (Barh): What exactly are you going to say? The hon. Members pointed out how his reply was unsatisfactory. His reply takes us back to the same position from where it started. If you do not have anything to add to it, what are you going to do about it? You are facing the situation to the maximum extent; we are much concerned about your State also.

SHRI Y. B. CHAVAN: It is not a question of what I say in a particular case. The Government's attitude in this matter has been explained and I do not want to repeat the same. Some major questions were raised, and rightly perhaps. The law and order situation in the country was one of them. It is true that it is a very important question. I do not want to merely repeat what happened in one State or another State and go in multiplying the incidents. I think in a debate of this type it is much better to see the whole problem in its proper perspective. There was violence for one cause or the other. It is much better to see what is the character of the situation which gives rise to the violence that takes place. It is not purely a law and order situation in that sense. It is not purely a police situation in that sense. Basically violence is an expression of certain social, economic and political tensions that exist in the country, that exist in our system as such. (Interruption) I have heard you for 10 hours patiently. You may not agree with me or with whatever I am saying. But at least I deserve some hearing on these points.

AN HON. MEMBER: Some sympathy.

SHRI Y. B. CHAVAN: Certainly, I need sympathy, and I am prepared to give sympathy where it deserves. Now, the question of violence is there. If you

see from 1967 onwards, this violence has taken different forms. Sometimes it is a communal situation; sometimes it is a situation of violence arising out of land problems; sometimes, it is a situation arising out of the problems of youth; sometimes it is an expression of certain extreme political philosophy. These are the different facets. I know there are some purely law and order problems also, where dacoities or murders take place. These problems are there.

A point of view was expressed, namely, that when such things are happening, what was the Central Government doing. I do not want to shirk the responsibility of the Central Government. I do accept the general principle that ultimately for the integration of this country, for the sound working of the Constitution, the Central Government is responsible. I do not want to give up this overall responsibility. But, at the same time, whenever we say that the States have the responsibility of doing certain things, it is not merely as a sort of cover for what we are not doing, but it is due to the clear distribution of work which is indicated in the Constitution itself. I say this because in the debate, I saw some contradictory arguments. Some said, whatever happens in every State, the Central Government must take up the responsibility and act. Others said, we must not forget the distribution of responsibilities between the States and the Centre. Naturally, they raised the question of Centre-State relationship. In a way, I would say both the approaches are partly correct. Therefore, these problems will have to be seen in their proper perspective.

If you take problem after problem, I would say that the Centre-State relationship is certainly a very important issue. Its importance is not new. It has been so even from the very beginning, when the Constitution started functioning. It has become a little more vocal, after the 1967 election, because there is a change in the political pattern of the governments functioning in this country. But even before 1967, these questions were there in one form or another. On this question of Centre-State relations, it is not that we suddenly became aware of the problem. Formerly, there was one party ruling both at the Centre and in the different States. The mode and tenor of the problems

were different; but I know from my personal experience in those days that there were several problems between the Centre and States. We had many times raised this question. There were many views in different States, because even then there were the problems of the States; problems of development, aspirations of the people; linguistic aspirations or other aspirations. Sometimes, there was some sort of contradiction between the demands and the aspirations of people in one State and the people of another. So, the problems were there. They became more pronounced after 1967, because there are different parties functioning in different States. So, as a matter of fact, the question of Centre-State relationship needed some consideration; needed some study.

#### 15.08 hours.

[MR. SPEAKER *in the Chair*]

Many suggestions have been thrown up in the last few years. This question was taken up by the Administrative Reforms Commission. They appointed a Study Team presided over by our eminent jurist, Shri Setalvad. They have produced a report. Even the Administrative Reforms Commission itself has made certain recommendations. Their report reached the Government sometime in June, 1969, and after that, the report is being studied, and I think the Government will be in a position to come to certain conclusions about it soon. This matter was also raised in the standing committee of the National Integration Council. It was decided there that this problem will be discussed. As a matter of fact, some persons who participated in the debate in the National Integration Council agreed to give their points of view about the Centre-State relations. I think the CPM has sent its paper. Even the PSP has sent its own point of view. But we thought it much better that the problem should be studied in all its aspects.

One important recommendation of the ARC was—somebody yesterday read a part of it; I do not remember exactly who it was—that the study of all the Centre-State relations indicates that it is not necessary to amend the present Constitution, because the Constitution is flexible enough to find solutions to the problems that arise from time to time. There is no question of amending the Constitution or making structural changes in the division of powers between the Centre and in the States.

[Shri Y. B. Chavan]

It is not necessary. Really speaking, the problems are limited to two or three different areas. One is about the role of the Governors, which has become a matter of great controversy and debate. The other is about the financial aid or financial contributions that are given in one form or the other. These two are the most important spheres, because it is in these fields that there is a continuous dialogue, a continuous debate. So, we will have to go into these problems first of all.

About Governors, unfortunately it is said that Governors in different States observe different standards. The only question about which the Governor has got discretion is about two or three special problems. One is about the appointment of the Chief Minister. The other is about the dismissal of the ministers. The third is about the dissolution of the Assembly. The fourth controversial matter is about summoning and prorogation of the Assembly. These are the different issues that arise in the States. The question first arose in Rajasthan. If you take the history of the last three or four years, they are very rich in experience so far as the working of the Constitution is concerned. All varieties of circumstances came up.

SHRI RANGA (Srikakulam): They coincide with your tenure also.

SHRI Y. B. CHAVAN: That I think is to my credit.

SHRI RANGA: That is to your discredit.

SHRI Y. B. CHAVAN: What is happening in the country is not to my discredit. Possibly some of the discredit goes to you also.

SHRI RANGA: That is true, because we could not dismiss you.

SHRI Y. B. CHAVAN: You cannot do that. Now, questions arise about Governors' powers about selecting the Chief Minister. What does he do? The situation arises only when there is no one single party which is in absolute majority. This arose in Rajasthan. The

Rajasthan Governor decided to call the largest party to lead the Government. That question was raised here and debated. My hon. friend, our senior colleague, Prof. Ranga, raised it. I remember to have said then that there is scope for examining this question. I did not take any particularly inelastic position. Later on, we went into it. I do not want to repeat what I said the other day. It was found that there is scope for laying down certain conventions and guidelines, which can be helpful to the Governor to decide who should be called. There is a consensus among the jurists we consulted in the matter that the Governor should try to convince himself by consulting different political parties whether the man to be invited commands a stable majority in the House. This should be really speaking, the criterion in this matter. I would like to say that in all the subsequent events, the Governors have followed this principle. I have no doubt about this.

श्री रवि राय (पुरी) : बंगाल में भी ? वहाँ मुख्य मंत्री की सिफारिश को नहीं माना ।

श्री यशवन्तराव चव्हाण : बंगाल में भी किया ।

The other question was about dismissal. That question arose only in Bengal. Whether those particular circumstances were right or wrong is a matter of debate, and it can remain a matter of debate, but the power of the Governor to dismiss the Ministry has been conceded. The third question is about the right of the Governor to dissolve the House. Fortunately, so far this question has not arisen. So, I would not offer any comments, so far as the application of that principle is concerned.

Now the fourth question which has become a controversial matter is about proroguing and summoning the House. In that matter some of the parties have taken the stand that we have changed the position according to our convenience. It is not so. On the other hand, I would submit, some of the parties have tried to interpret the right of the Governor in this matter according to their convenience. When certain political parties in UP wanted the Governor to call the session and when the then

Chief Minister of UP, Shri C. B. Gupta took the stand that he will call the Assembly the next month, it was pressed by some people that it is the duty of the Governor to call the session earlier.

श्री मधु लिमये (मुंगेर) : क्योंकि बंगाल में आपने पहले एक दिसीशन लिया था, इस लिये कुछ लोगों ने कहा होगा।

SHRI Y. B. CHAVAN : It is not so. Even there in Bengal, I would like to remind Shri Madhu Limaye, because he is an expert on the Constitution....

श्री मधु लिमये : नहीं भाई।

SHRI Y. B. CHAVAN: If you are not, then you can take it from me. The point in Bengal was that the Governor wanted the Chief Minister to call the session; he did not himself call the session. In Bengal he dismissed the Government. Here the point at issue is whether the Governor can himself summon the House, or prorogue the House, or he can only act upon the advice of the Chief Minister. In Bengal he wanted the Chief Minister to give him advice to call the session earlier, not that he wanted to do so in his own right.

श्री मधु लिमये : नहीं माना, तो डिस्मिस क्यों किया?

श्री यशवन्त राव चव्हाण : वह अलग बात है।

The right of dismissal of the government is there. As far as summoning and prorogation are concerned, let us forget the party interests and let us forget what happened in what State. But certainly, at the same time, let me make my position very clear. Sometimes, it is quite possible that the Chief Minister may give wrong advice; one cannot say. It depends upon the circumstances. Suppose, for instance, there is a no-confidence motion pending before the House, if the Chief Minister gives an advice to prorogue the House, personally I would feel that it is wrong to give such advice to prorogue the House.

But it is not the fault of the constitutional position; it is the fault of our politics. Let us try to understand this.

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Whatever is wrong with politics, let us not try to attribute it to the working of the Constitution. Unless we show consideration for the working of the Constitution, unless we try to keep the values of the Constitution above the interests of the political parties, the political difficulties are bound to arise from time to time.

As a matter of fact, some hon. Members are trying to make the Governors despots by their interpretation of the Constitution. We are the protectors of the rights of the people. We must interpret the Constitution in such a way that the rights of the people are protected.... (interruptions) I cannot carry on a dialogue with all of you simultaneously.

SHRIMATI TARKESHWARI SINHA (Barh) : What about the instrument of instructions to the Governors?

SHRI Y. B. CHAVAN: I am prepared to have a dialogue with her a little later, not now.

I was trying to discuss the problem of Centre-State relations of which the Governor's power is one aspect. I would like hon. Members to take care of one thing. It is the basic responsibility of the Central Government to see that the Constitution is properly worked, that we encourage the forces of integration and that there is the administration of peace. At the same time, the States are also equally responsible so far as their sphere of activity under the Constitution is concerned.

SHRI PILOO MODY (Godhra) : Please do not leave it at that. There has to be a little more than that.

SHRI Y. B. CHAVAN: I know.

SHRI RANGA : That "little more" is taken by him.

SHRI Y. B. CHAVAN : Whenever it was found necessary for the Central Government to intervene during the last three years it was not shirked. In more than five States the Central Government had to intervene and take over the administration. How can you then say that we have failed in our duty? It had never happened before 1967. No month of a year had passed without having some State or the other under President's rule.

[Shri Y. B. Chavan]

It is indicative of two things. First is that there is something basically wrong with our party politics.

SHRI PILOO MODY: That we know.

SHRI Y. B. CHAVAN: What is the use of merely knowing it? You know many things and I know many things. Unless we examine and understand the problem, it will be of no avail. I am not speaking as a partyman. I am not merely saying it as a minister, I would like all serious thinking people to consider what is wrong with us.

SHRI PILOO MODY: Who will listen?

SHRI Y. B. CHAVAN: We had in 1969 mid-term elections in five States before the five years were out. Unfortunately, we find that those very States are still sick States. I do not mean "Sikh" States; I mean, "sick" States—SICK, sick. We find that only in those five States there is again a change of government and one of them has again come back under President's rule. So, we have to examine what is wrong with us. If at all we want to have some proper solution, it is necessary that we do so. Merely trying to find somebody as a scapegoat and beat him—sometimes angry or confused people try to hold up somebody and beat him and if you want to make a scapegoat of me, I do not mind being one—is not going to lead you to a solution as such. The solution, as a matter of fact, is that all the political parties should go deeper into the causes of the trouble of the country today. I would not merely tell this to others. It is much better that all of us sit down and go into it.

SHRI BAL RAJ MADHOK (South Delhi): The Leader, the Prime Minister, must set the right example. . . . (interruption)

SHRI Y. B. CHAVAN: Extreme political ideologies are responsible for the violence today. There is no doubt about it. There is a sort of ferment going on in all the political parties.

Some Members raised the question of defections. I hope, all the leaders of parties, who were present in that discussion which we had in the Committee on Defections, will remember what we

discussed and what was our basic conclusion. Our basic conclusion at that time was that it is difficult to define defection.

SHRI PILOO MODY: On the last occasion I defined it for you. If you step down from your Home Ministry and come here, it is not defection; but if one of us climbed up to the Home Ministry, that is defection.

SHRI Y. B. CHAVAN: Then, according to your interpretation, there is no defection in the country because I have not gone over to that side and you have not come over to this side.

SHRI PILOO MODY: Nor are you likely to.

SHRI Y. B. CHAVAN: I must say that the committee's examination of the problem at that time was more realistic than now. It was said that we were passing through a phase in our country when there was a perpetual readjustment of political thinking and loyalties. At that time it was anticipated that there would be a possible splitting and amalgamation of parties which later came true. The only limited part of defection that was considered necessary to be dealt with was the tendency of leaving parties to get office. The Defection Committee—it was not merely a committee appointed by Government; it was a committee representative of all the political thinking in this country—came to the conclusion that what we could effectively deal with was not the general problem of defection, because it was very difficult to define defection, but the changing of parties by people from one side to the other only in order to get office (*Shri Piloo Mody: Or for profit.*) and whether that could be controlled for one year. They made another suggestion also about the ceiling on the size of the Cabinet etc. That was also another important suggestion.

श्री मधु लिखड़े : मैं ने और सुरेन्द्रनाथ द्विवेदी जी ने कहा था कि उनको पार्टी में नहीं लेंगे लेकिन वह बात आपने नहीं मानी. . (व्यवधान) .....

SHRIMATI TARKESHWARI SINHA: May I remind you of your party's stand? When Shrimati Indira Gandhi

was the Congress President, the Working Committee had taken a decision—it was a united party then; I was also there—that even if a person defects from another party, he will not be taken into the Congress unless and until he is asked to seek an election and that, if he is elected after seeking an election, only then he will be taken in. What happened to those golden promises, traditions and principles that you laid down? You have violated them... (Interruptions)

**श्री रबी राय :** सिर्फ प्रस्ताव पारित करने के लिए हुआ था ।

**SHRI Y. B. CHAVAN:** I know many of the decisions which we had taken when we were united. What is the use of saying all that now? (Interruptions)

**श्री रबी राय :** गृह मन्त्री जी को ऐसा जवाब नहीं देना चाहिए ।

**SHRI BAL RAJ MADHOK:** What about the unanimous decisions that were taken? Have you tried to implement the unanimous decisions even?

**श्री मधु लिमये :** इनका केस इतना खराब है, उसमें वकील भी क्या करेगा ?

**SHRI Y. B. CHAVAN:** I am coming to that. We had discussed this problem in a small committee. Then, we had decided that the Report should be properly discussed in both the Houses and that, after assessing the view of both the Houses, then we could go ahead in formulating the Bill based on those discussions. This Report has been discussed in the other House. The Report is going to be discussed in this House. I had given notice of during the last session. I am not complaining about it. I am merely stating a fact. Unfortunately, we have not been able to get time to discuss the Report. Let us discuss it again in a full forum and then come to conclusions. We are, in that sense, committed to bring in a legislation based on the discussion in this honourable House.

I will now refer briefly to the communal riots. Communal tension is one of the saddest things that has happened in our country. I have no doubt about it. We have many times gone into the

causes of it. We have never said, as some Members tried to indicate, that a Government publication has said, that many things have happened because Muslims were taking the initiative. The Government has never taken that stand. Some political parties may have taken that stand.

**SHRI OM PRAKASH TYAGI (Moradabad):** The Bhagwat Dayal Commission Report.

**SHRI Y. B. CHAVAN :** You have not completely read the Raghbir Dayal Commission Report.

I must say one thing. I have said many times before and I would like to repeat it here that a feeling has been created which is responsible for communal troubles, that one particular community is not loyal to this country. When such a basis suspicion is created in the minds of the people, all the difficulties arise. The so-called demand of Indianisation looks quite an innocent thing. But when we raise a doubt about one particular community as such . . . (Interruption)

**SHRI BAL RAJ MADHOK:** Who has raised it?

**श्री यशवन्त शर्मा (अमृतसर) :** यह किसने कहा ? बार बार इस बात को साफ कर चुके हैं . . . (अवधान) . . .

**श्री यशवन्तराव चव्हाण :** आपके बारे में मैं जो चीज बा बार हाउस में साफ हो चुकी नहीं कह रहा हूँ ।

**श्री यशवन्त शर्मा :** आप पोलिटिकल मोटिव से कहें तो वह बात अलग है लेकिन है उसके बारे में भ्रान्ति मत पैदा कीजिए ।

**श्री जोध प्रकाश त्यागी :** आप जानबूझ कर कम्यूनल टेंशन पैदा करना चाहते हैं ।

**श्री जगन्नाथ राव जोशी (भोपाल) :** पटना सेशन का हमारा प्रस्ताव है फिर सदन को गुमराह करने का क्या मतलब है ? हमारे नेता वहाँ पर बोल चुके हैं सारी बातों की सफाई कर चुके हैं ।

**SHRI Y. B. CHAVAN:** So far I have not mentioned Jana Sangh... (*Interruptions*) Sir, we met in a standing committee of the National Integration Council and, fortunately, all the political parties were there—I am talking only about the constructive part of it—and we came to a conclusion, including Jana Sangh party, that we should create a joint campaign in the country to see that no particular community should be maligned in this way.

**SHRI BAL RAJ MADHOK:** But you did not take the initiative. We wanted you to take the initiative.

**SHRI Y. B. CHAVAN:** I am glad that at least in that meeting the Jana Sangh took this position, and I hope they will keep the promise they have made in this matter. Let them join other parties and create condition of unity in this country.

**SHRI BAL RAJ MADHOK:** We are prepared. Let the initiative come from the ruling Party. Let the ruling Party give a declaration that they will not use this communal question for party ends. You are working up communalism in the country. You have vested interests in doing so.

**SHRI Y. B. CHAVAN:** Madhokji, you have forgotten one thing. Only yesterday somebody made certain observations. An hon. Member from West Bengal said the Congress suffered in the 1967 Elections because the Muslims did not support the Congress anywhere in the country. I hope I am quoting him correctly. Therefore, there was no question of Congressmen getting the votes of Muslims. (*Interruptions*) There was no question of Congress trying to . . . (*Interruptions*)

**SHRI P. G. SEN (Purnea):** I represent a constituency which has 30% Muslims . . .

**SHRI Y. B. CHAVAN:** I only quoted those people. I did not say... (*Interruptions*)

**SHRI P. G. SEN:** I do represent the people. I object to this.

**SHRI BAL RAJ MADHOK:** The very fact that you have quoted him means guilty-conscience pricking.

**SHRI Y. B. CHAVAN:** No, No. I am trying to prove that there was no question of Congressmen taking a communal position. Congress consistently stood by the principle of secularism all the time... (*Interruptions*)

**SHRI P. G. SEN:** I object to what he said. Don't hide yourself.

**SHRI Y. B. CHAVAN:** Ultimately coming back to the problem of communal tension, we will have to take care of one thing. This one question is going to be the real test and trial for the political Parties in this country. Unless we succeed in creating an atmosphere of peace and understanding and create amicable relation between all the communities in the country, nothing is going to happen. (*Interruptions*)

Now I would like to touch the other problems referred to here. I know I have a very short time at my disposal. Naturally, questions were raised about statehood for Union Territories.

**श्री प्रकाशवीर शास्त्री (हापुड़):** मैं यह जानना चाहता हूँ कि श्री लाल बहादुर शास्त्री के सम्बन्धी में जाँच करने के लिए भी आप कुछ करने जा रहे हैं या नहीं ?

**श्री शिव नारायण:** श्री लाल बहादुर शास्त्री जी के सम्बन्ध में हमने जो सवाल किया है, उसका जवाब आपको देना पड़ेगा . . . (*व्यवधान*) . . .

**SHRI Y. B. CHAVAN:** I do not want to go into all the questions. There are scores of questions which need to be answered.

**SHRI PRAKASH VIR SHASTRI:** It is a very very important question.

**SHRIMATI TARKESHWARI SINHA:** May I submit to the hon. Minister that in the other House the Chairman of the Rajya Sabha allowed an hon. Member to raise this issue of Lal Bahadur Shastriji's death. I think no satisfactory reply has been given in that. I think it is the duty of the Home Minister to satisfy the House and the country as to the exact position in that case. Because the Chairman of the other House allowed a debate, it means he was quite convinced about the cogency of the point. Therefore, I would like you to reply to that.

**SHRI Y. B. CHAVAN:** What happened in the other House, I won't discuss it here.

**SHRI RANDHIR SINGH (Rohtak):** Sir, if you allow like this, everybody will put a question.

**SHRI PILLO MODY:** Anything you want you ask.

**अध्यक्ष महोदय :** अब तो आपने बहुत पूछ लिया है, अब आपकी तसल्ली हो जानी चाहिए ।

**SHRI Y. B. CHAVAN:** I may deal with some specific problems. They are not small in themselves but I would like to deal with them briefly.

The question of conferring statehood on the Union Territories has been raised from time to time and I was referring to this question when I was answering some of the questions this morning. A major demand has come from Himachal Pradesh and the other from Manipur, Tripura and other places. We are aware that there is a strong feeling in this matter. But we will have to go by certain criteria and these criteria will have to be on certain financial considerations. Naturally political aspirations also cannot be forgotten. I don't deny the force and strength of the political issues. In this matter we will have to go in a more orderly manner and certain objective criteria will have to be followed. In this matter our present policy is this that we must see that at least some financial stability is likely to be maintained after giving them Statehood etc. Ultimately the problem is of giving them enough facilities and resources for the people to develop economically and socially. This is really the problem. It is not a question of State or their territory. At the present moment in some of the States, in some of the Union Territories, the Central Government has to take a heavy financial responsibility. We have started a process in this matter of having discussions with Himachal Pradesh. A paper was prepared with the help of the Planning Commission and on the basis of that we had some discussion with the Chief Minister of Himachal Pradesh and I hope that the discussions will ultimately fructify and lead to the solution which is so much in the minds of the people of Himachal Pradesh today.

**DR. RAM SUBHAG SINGH:** (Buxar): What about Manipur?

**श्री रवि राय :** मणिपुर-त्रिपुरा के साथ भी बात कीजिये ।

**SHRI Y. B. CHAVAN:** I do say that it has got its own problems but at the present moment, as I said, this problem of Himachal Pradesh is being considered and I cannot say whether the problem of Manipur is so acute now.

No, Sir, one significant achievement that I must mention is, that only yesterday the autonomous State of Meghalaya was inaugurated. This honourable House has endeavoured for a long time and ultimately the Bill that we passed here has resulted in the actual creation of a new autonomous State. I take this opportunity to give our greetings to the people of Meghalaya.

Sir, one hon. Member mentioned about pensions to freedom fighters. I know the number of freedom-fighters in the country runs into lakhs. And, it has been the accepted policy so far that it is for the States concerned to look after the problem of the freedom fighters and some States have prepared some detailed schemes about it; and they are being implemented. But we found that one particular group of freedom fighters was not given attention to, as it should have been. That consists of some of the leaders or some of our political sufferers were sent to the Andamans from early twenties. Therefore we selected this problem for the special consideration of the Central Government and we have now worked out a scheme whereby a prisoner or political sufferer who has spent sometime in the Andamans. . .

**SHRI BAKAR ALI MIRZA:** 5 years; not some time . . .

**SHRI Y. B. CHAVAN:** That has been amended now. Even if he has served his sentence in the Andamans for a day ultimately his responsibility will be taken over by the Government if his total term of sentence was not less than 5 years. Under that scheme we have started sanctioning provisional pensions to those people. I think in some cases we have given pension of Rs. 200, in some cases, Rs. 300 and so on. We have taken this as our responsibility.

**SHRI JAGANNATH RAO JOSHI :** What is the Government of India doing to get the release of Dr. Mascaranhas, who is suffering in the Lisbon jail? I want to know whether Government is considering to give some relief to his wife who is here suffering.

**SHRI Y. B. CHAVAN :** I know that is one of our most important duties; and in this matter Government has not forgotten Dr. Mascaranhas; we are prepared to use every possible means to secure the release of Dr. Mascaranhas.

**श्री जगन्नाथ राव जोशी :** उन की वादक को पेंशन देने के लिये पूछ रहा हूँ।

**SHRI Y. B. CHAVAN :** I will look into it and I request the hon. Member to discuss it with me. This is certainly a good suggestion which the hon. Member is making.

There is one other point, and that is about the Scheduled Castes and Scheduled Tribes and their problems of employment. I think it was our duty to see that whatever we did in this matter, we did it in a proper way. I would like to tell the honourable House that in respect of whatever we have done in the course of the last few months and the steps that we have taken in this matter, were directed towards the two aspects of the problem. One is, a very vigorous implementation of the policy of reservation. We found that some times there was some slackness in the process. We took certain steps to see that the policy which is accepted is rigorously implemented. The other aspect of the problem to-day is to increase the extent of reservation as such. I would like to say that very recently we reviewed this question and we found that the present percentages of reservation were based on population of 1951. So, we reviewed the position in the light of census figures of 1961. We found that the reservation had to be increased. I would like to tell the honourable House that accordingly instructions were issued. According to them where direct recruitment is made on All India basis by open competition, the percentage of reservation for the scheduled castes has been raised from 12½% to 15%. In the recruitment made otherwise than through the open competition, the reservation for them would continue to be 16.2/3%. For the scheduled tribes, the percentage of reservation for direct recruitment

either by open competition or otherwise has been raised from 5% to 7½%. We have also decided that the period for which unfilled reserved vacancies for scheduled castes and scheduled tribes may be carried forward be increased from two years to three years to ensure that this quota of reserved vacancies is not permitted to lapse easily.

**श्री ओंकार लाल बेरवा (कोटा):** लागू नहीं किये जाते हैं। परसेंटेज बढ़ाने से कुछ नहीं होता।

**SHRI Y. B. CHAVAN :** The honourable House would be happy to note the recent decision taken by Government during last year. (*Interruption*).

**SHRI SHEO NARAIN :** You have to fulfil this obligation that our young boys are still on the streets in Allahabad.

**SHRI Y. B. CHAVAN :** Also we have decided that in matters of promotion from one category to another, persons belonging to scheduled castes and scheduled tribes should be given certain special concessions. In case of the scheduled castes and scheduled tribes persons who are senior and are within the number of posts to be filled, the selection has to be made on the basis of fitness and they will be given one grading higher for placement. This is a new decision taken and I hope that the implementation would improve the situation and more facilities would now be available.

**SHRI BUTA SINGH (Rupar):** Cruelty to the scheduled castes and scheduled tribes is increasing daily all over the country. What have you done about that?

**श्री रवि राय :** जो जुल्म हो रहे हैं हरिजनों और आदिवासियों पर।

**SHRI Y. B. CHAVAN :** I was coming to that. This was one of the problems which Shri Joshi mentioned.

**SHRI R. D. BHANDARE (Bombay Central):** How will you fill in this backlog? Of course the government's stand for raising the percentage must be appreciated. But the most important factor is the question of backlog.

**SHRI Y. B. CHAVAN:** I quite agree with the hon. Member. But I would like to have his suggestion. You will please send it on to me and come and discuss that with me.

**SHRI KARTIK ORAON (Lohardaga):** Sir what about the restoration of illegal alienations of tribal lands?

**SHRI Y. B. CHAVAN:** The subject of illegal alienation of the land of the tribals particularly in Bihar was discussed many times in this honourable House. The honourable Member raised this when we discussed this problem in Bihar Consultative Committee. At that time the Consultative Committee of Bihar had passed a legislation for this. And it is being implemented. It has also created some new problems which will have to be considered. And I think that the present Bihar Government will pursue this policy more vigorously.

Then, Sir, the hon. Member, Shri Prakash Vir Shastri raised the question of Pakistani nationals' overstaying here.

**SHRI BALRAJ MADHOK:** They are thousands in number.

**SHRI PILOO MODY:** They are not Pakistani nationals but they are Indian citizens who have not been able to get citizenship rights.

**SHRI Y. B. CHAVAN:** Some of the cases are of that type. Most of them are here. They could not be given the citizenship rights. Therefore, most of them are allowed to stay from year to year. There are also certain bad people.

**SHRI PILOO MODY:** Please look to their miseries also.

**SHRI Y. B. CHAVAN:** You have given rather inflated figures. There are some Pakistani nationals—minorities in Pakistan—who have come here. Really speaking this is a human problem which has also to be considered. They are very large in number. Their problem has to be solved.

**SHRI PILOO MODY:** What about the passport and other citizenship facilities to the Muslims?

**SHRI Y. B. CHAVAN:** That will have to be gone into. Some hon. Members particularly Shri Bakar Ali Mirza, made a mention of Telengana. I do understand the importance of the problem. We have discussed it many times

in the House. Merely repeating the same demand for separation is not likely to help either the people of Telengana or the country or the State of Andhra. Really speaking, one has to go into the problem in a constructive way. What are the basic problems? First, the necessity of giving more opportunities for the development of that area. Second, giving a right sphere for the employment of the local people. The whole trouble started out of that. After consultations, discussions and deliberations with all, the question of surplus was gone into. The report of the committee presided over by the Supreme Court Judge appointed for the purpose was received. They suggested a certain amount. 45 crores and after taking all factors into consideration we decided the surplus to be spent as Rs.

As for employment possibilities, there are two aspects. One is the problem of the integration of the different services. That has to be expedited. Certain deficiencies were there. Remedial steps were taken. Certain committees were appointed. They went into the matter and discussion is still being continued.

The other question was about trying to get employment for the local people, Mulkis as they were called. The relevant enactment has been struck down by both the High Court and the Supreme Court. So there is no legal way out. But we appointed a committee of jurists who went into the matter. They have suggested a way out, that recruitment should be decentralised, and if it is done at the district level in the cases of class II, III and IV, particularly class III and IV, this will give large scope for employment of the local people. The Government of Andhra has accepted that recommendation.

Then the question was about the Regional Council contemplated in the Constitution when Andhra was reorganised. We thought it necessary to give it some more powers. Even the financial arrangements being made for the development of Telengana area can now be discussed in that committee. We have decided to enlarge some of the powers of the Committee.

I think the House should give its blessing to these proposals—these are the constructive approaches of the problem—and see that they are worked

[Shri Y. B. Chavan]

properly. I require keen cooperation from all sides of the House in this matter.

**SHRI BAKAR ALI MIRZA:** Exactly that is the difference between our approach and his. He thinks there are certain things to be remedied. Why is he taking such a rigid stand? Why does he not listen to us? Is it because of Vidarbha?

**SHRI Y. B. CHAVAN:** Mention was made about the death of the late Prime Minister Lal Bahadur Shastri. I do not know what the hon. member who raised it wanted to say. This question was discussed in the House before, immediately after Shastriji's death.

**श्री प्रकाशवीर शास्त्री :** उस समय वे तथ्य सामने नहीं आए ?

**श्री यशवन्तराव चव्हाण :** आज भी कुछ नये तथ्य आए हैं, ऐसा मैं नहीं मानता। यह मेरी राय है, मुझे माफ करेंगे। मेरे पास हकीकत है जो कुछ मैं ने देखा है।

The External Affairs Minister at that time, who is the present Defence Minister, made a detailed statement on the floor of the House. There were questions and answers on many things. I was there. We are all very sad to have witnessed one of the worst tragedies in our national life. The man who led the nation in a triumphant manner in an armed conflict when he went to seek peace did not, unfortunately return alive. That was the greatest tragedy in our national life. But let us not add to the dimensions of it by creating suspicions about the death. I was there myself. I had seen Shastriji in good condition. He was active throughout the day. From four in the afternoon onwards I was with him most of the time till about 9.30 or 10 in the night. He was active.

**SHRI BAKAR ALI MIRZA:** Overstrain.

**SHRI Y. B. CHAVAN:** Quite right; may be one of the causes. He left us a few minutes before 10 when we were all in a reception given by Premier Kosygin there. He was mixing with people, talking and joking with friends there. After that they had arranged an entertainment programme. I think we

sat in the same row two or three places apart. He was having some interesting jokes with other people. A little before 10 O'Clock he took leave of all of us and particularly the leaders of Soviet Russia, and that was the last time that I saw him. After that we know that he had a talk with some family members in Delhi. He was given milk by his personal staff. He took the milk and retired by 12.30 or so. Because the very next morning we were supposed to leave Tashkent for Kabul, we were going to stop at Kabul. After we went back at 10 P.M. we were busy packing as we had to leave early morning. I was awake till 1 O'Clock in the night and had just gone to bed when suddenly my assistant who was with me came rushing to tell me that Shastriji had taken ill. It was about 1.30. We were staying, in the Tourist Hotel and the villa in which the Prime Minister was stationed was about 200 to 250 yards away. It was mid-night and we had no conveyance at that time. Practically in our night dresses we ran there. When we went into his bedroom. Dr. Chugh, the doctor who accompanied us, and one or two persons were trying to give him massage, they were making some efforts. Then started coming the Russian doctors. I think, in between, came the Prime Minister Mr. Kosygin himself. They tried to give him more treatment certain other treatment. We find that they have given a medical certificate for that matter. Our own doctor who accompanied us specially, a man who was a competent doctor, himself treated Shastriji in his last minutes. Then, there was the history of the heart trouble.

Under the circumstances I even now say we are all sorry and sad, at least will remain sad till the end of my life, having gone through this experience but we cannot say that there was any thing suspicious about the death of Shri Lal Bahadur Shastri. This is my personal conviction. Whether I will be able to convince some of the Members who are very concerned about it, is a different matter, but I feel that there are no reasons for a suspicion about the death of Shri Lal Bahadur Shastri and as such there is no necessity of any enquiry.

**श्री प्रकाशवीर शास्त्री :** मैं सिर्फ इतना कहना चाहता हूँ कि अगर हृदयगति के रुक जाने से या हार्ट एटेक होने से शास्त्रीजी की

मृत्यु हुई होती, तो जो डाक्टरी चिकित्सा हुई उसमें और जो रिपोर्ट आई है उसमें, दोनों में परस्पर मतभेद है। संदेह सिर्फ इतना ही है कि जो दूध दिया गया, उसके पश्चात् श्री शास्त्री से कोई सम्पर्क नहीं हुआ और उसके बाद जो उनकी लाश आई थी तो सारा शरीर नीला पड़ा था। कोई पोस्ट-मार्टम भी नहीं हुआ। और भी तथ्य, अगर आप कमीशन बनाएं, तो उस के सामने रखना चाहूंगा।

SHRI Y. B. CHAVAN: You have now said it, but I would say that my information is that his own personal servant who had been with him for long years gave him the milk and he was with him till 12.30. When Shastriji decided to go to bed, he asked him to go away, and it was only after that that he went. If you want to raise some suspicions you can do that. I would tell my story. I do not know what other Members have to say.

I know it hurts many people if there is suspicion, but we cannot build a new story on the basis of suspicion and unnecessarily introduce a mystery into the life of a person who is dear to us.

श्री प्रकाशवीर शास्त्री : यह संदेह हुआ है, इसलिए आप आयोग बनाएं।

SHRI Y. B. CHAVAN: What can be done? There is no doubt. Why create doubts and then start enquires? It is not very fair.

SHRI M. V. KRISHNAPPA (Hoskote): Why was this not raked up all these four years?

श्री मधु लिम्बे: डाक्टर साहब ने उठाया था।

श्री रवि राय: डा० लोहिया ने उठाया था।

SHRI Y. B. CHAVAN: I would just make mention of a small thing and then conclude because I know I am taking a little more time. Some Members mentioned about the privy purses. I

should like to tell them that Government's decision in this matter is to give some transitional allowances to the rulers. That scheme is being prepared; it is not yet finalised. When the Government comes before this House naturally we shall communicate it to the House.

श्री रवि राय: क्या आप इस सत्र में बिल ला रहे हैं।

श्री यशवन्तराव चव्हाण: यह तो मैं ने पहले ही कहा है कि इस सत्र में ला रहा हूँ।

श्री मीठा लाल मीना (सवाई माधोपुर): राजस्थान, मध्य प्रदेश और उत्तर प्रदेश में जो डाकू समस्या है, उस के बारे में भी आप कुछ कहिए।

SHRI C. C. DESAI (Sabarkantha): We had asked for some information. . . (Interruptions) whether the amount paid to the ex-ruler of Jammu and Kashmir was a privy purse of *ex-gratia* payment or political pension, whether it was liable to tax, whether he has paid any tax. I asked a specific question. I hope the hon. Minister would have got the necessary information from the Central Board of Direct Taxes and would give a reply.

SHRI Y. B. CHAVAN: I know you are pursuing the matter very energetically and you have written to me.

SHRI C. C. DESAI: You have had ample notice.

SHRI Y. B. CHAVAN: I do not propose to deal with any such specific matter. You are raising some constitutional points; I cannot go into them here. I shall write a reply to that question. You have already communicated to the Prime Minister also; I shall send a reply.

SHRI M. L. SONDHY: The Central Secretariat Stenographers' Service—who is holding up the issue of orders on promotions? I know that you are a very efficient Minister. That is why I ask: who is holding it up?

SHRI Y. B. CHAVAN: The hon. Member is making wrong assumptions; nobody is deliberately holding up anything.

SHRI M. L. SONDHY: May I read it?

**SHRI Y. B. CHAVAN:** You have raised a specific question; I invite you to come and discuss it with me.

**SHRI M. L. SONDHI:** At lunch or dinner? When?

**SHRI Y. B. CHAVAN:** Will you mind breakfast? . . . (*Interruptions.*) Shri Indrajit Gupta raised certain matters yesterday about certain Supreme Court Judges hearing the case on nationalisation of banks. I am not taking any particular view in this matter. Certain facts have been given to me by the Chief Justice of India and I want to give these facts for the information of the House so that the whole thing can be seen in its proper perspective. The Bench was constituted by the Chief Justice minus himself because he had given assent to the Bill as Acting President. The facts are as follows. When this question came up, Justice Shah informed the Counsel that some Judges had some accounts with these banks and some Judges had shares and asked whether there was any objection for their sitting on the Bench? On behalf of the Government the Attorney General replied that there was no objection.

**SHRI NAMBIAR (Tiruchirappalli):** Government had no authority to give a reply like that. What authority have the Government?

**SHRI Y. B. CHAVAN:** These are matters of opinion. You can hold one opinion and other Members can hold another opinion. But I think it is my duty to give these facts because the Chief Justice wanted me to convey the facts . . . (*Interruptions*)

**SHRIMATI TARKESHWARI SINHA:** The Law Minister should have told the House these facts. The impression created by him was that they had done some very irregular thing. We want to censure the Law Minister for this serious lapse. It was deliberately and intentionally done to denigrate the judiciary and we condemn this act of the Law Minister.

**SHRI NAMBIAR:** They should have been kept out of the panel and the Government were ill advised to give such wrong advice.

16 hrs.

**SHRI Y. B. CHAVAN:** I am not going into the merits of the matter. I am only giving the facts.

**SHRI PILOO MODY:** Government was one of the disputants. Why do you say "Government advised"?

**SHRI Y. B. CHAVAN:** On behalf of the Government, the Attorney-General was there. He gave his view.

**SHRI BAL RAJ MADHOK:** These things should have been given earlier.

SEVERAL HON. MEMBERS *rose*—

**SHRI VASUDEVAN NAIR (Peer-made):** When Shri Indrajit Gupta spoke, he said that the judges ought to have voluntarily retired. These facts are not secret. These are known to everybody. The hon. Member there need not say that these facts were not known to us. These facts were known. So, we rightly feel that they should have retired voluntarily. Why should those sitting there object? (*Interruption*)

**SHRI BAL RAJ MADHOK:** Mr. Speaker, Sir, the way the judges are being maligned in this House is not proper. It is not good. Our great judiciary is not interested in anybody. Therefore, these facts which the hon. Home Minister has given should have been given earlier. (*Interruption*)

**MR. SPEAKER:** Do not malign the judges. That is wrong. That is really very wrong.

**SHRI S. M. BANERJEE (Kanpur):** Sir, I rise to a point of order.

**AN HON. MEMBER:** Quote the rule.

**MR. SPEAKER:** Do you want some information, or is it a point of order?

**SHRI S. M. BANERJEE:** It is a point of order. If I want any information, I would have framed a question. Sir, the point of order is this. The hon. Home Minister has just now mentioned about those two judges, and about what the Attorney-General said. This has become a controversial matter, because, Shri Atal Bihari Vajpayee, when he spoke in Kanpur on the 29th March last, said—he did mention these things "Those who have taken the decision Mr. Vajpayee told newsmen cannot be aware that the two judges have volunteered to keep away from the case, but were dissuaded from doing so by the Government counsel himself. The Jan

Sangh regarded the impeachment talk as highly mischievous, dangerous and deplorable."

MR. SPEAKER: There is no point of order.

SEVERAL HON. MEMBERS *rose*—

SHRI S. M. BANERJEE: I am coming to that. Since the Government counsel in this case was the Attorney-General. . . (*Interruption*) Sir, I am raising this point of order. You may dismiss or reject the point of order. But kindly hear me.

MR. SPEAKER: There is no point of order in it.

SHRI S. M. BANERJEE: He has already mentioned that the Attorney-General is the Government counsel in this case. The Attorney-General has a right to address this House. Let the Attorney-General come and address this House. Let him address the House.\*\*

MR. SPEAKER: There is no point of order. I do not treat it as a point of order.

SHRI PILOO MODY: \*\* Why not impeach him?

SEVERAL HON. MEMBERS *rose*—

MR. SPEAKER: Will all of you sit down, please?

श्री मधु लिमये: मैं पूछना चाहता था कि क्या अटारनी जनरल के बारे में उस समय आक्षेप न उठाना गलत नहीं था जब कि चीफ जस्टिस गजेन्द्रगडकर इस के बारे में एक निर्णय दे चुके हैं जिस में उन्होंने कहा है, जिस को श्री रवि राय ने उस दिन कोट किया था, कि :

Pecuniary interest, no matter how small.

यह बार करता है। मैं इस में जजेज का दोष कम देखता हूँ, ज्यादा दोष नीरेन डे का देखता हूँ। पार्लियामेंट के अधिकारों की रक्षा करना उन का काम है। इस पार्लियामेंट के वे अधिकारी हैं, ला आफिसर हैं, इसलिये उन्हें कहना चाहिये।

श्री रणधीर सिंह : हमारा कोई आफिसर नहीं है।

श्री मधु लिमये: संविधान में लिखा है कि उन को यहां आने का अधिकार है, वह हमारे सब से बड़ ला आफिसर है। उन को पार्लियामेंट में बैठने का अधिकार है, इस लिये हमारे अधिकार की रक्षा करना उन का कर्तव्य था क्योंकि खुद जजेज के लिये अच्छा होता अगर वह न बैठते। मैं नहीं कहता कि उन्होंने जान बूझ कर पक्षपात किया, लेकिन अगर वह न बैठते तो जजेज के लिये भी अच्छा होता। इस लिये भविष्य में, आप नीरेन डे को कह दीजिये या जो अटारनी जनरल हों उन से कह दीजिये न्यायालय के बारे में लोगों में अच्छी भावना रहे इस लिये यह जरूरी है कि जब ऐसे मामले आ जायें तो सरकार को एक ठोस निर्णय लेना चाहिये कि भाई, आप को वहां नहीं बैठना चाहिये।

SHRI Y. B. CHAVAN: Shri Indrajit Gupta has made some point,—(*Interruption*)—that those judges should have voluntarily decided not to sit on the Bench. That was the point that was made by him.

MR. SPEAKER: I have already ruled that it is not a point of order.

SHRI THIRUMALA RAO (Kakina-da): Sir, on a point of order.

MR. SPEAKER: There is no point of order on the other point of order. I have already ruled out that point of order.

SHRI THIRUMALA RAO: Just one minute. The point of order raised by Shri Banerjee has brought forth one issue which you have correctly ruled out.

MR. SPEAKER: Therefore, it is not a point of order. . .

SHRI THIRUMALA RAO: I only wish to draw your attention to the very objectionable remarks regarding the judiciary, which he made. (*Interruption*)

\*\*Expunged as ordered by the Chair. Please see col. 277.

**SHRI S. M. BANERJEE: \*\*** (*Interruptions*)

**SHRI BAL RAJ MADHOK:** The remark he has made about the judges should be expunged. (*Interruptions*).

**MR. SPEAKER:** I have not been able to hear any remarks due to noise.

**SHRI A. K. SEN** (Calcutta—North-West): I want to quote a precedent. Chief Justice Hidayatullah was presiding over a bench in a matter in which the appellant was the Delhi Cotton Mills Limited, who succeeded in the matter against the Delhi Municipal Corporation, which is a public body. The Attorney General, Mr. Daphtary, appeared for the Delhi Municipal Corporation. I appeared for the Delhi Cotton Mills. Chief Justice Hidayatullah said, "I happen to be a shareholder of Delhi Cotton Mills. Have you any objection?" Mr. Daphtary said he had none and I said I had none. The Chief Justice decided the appeal against the Delhi Cotton Mills. It is a reported judgment. So, I hope nothing is said in this House which brings down the judiciary. That is the only pillar on which our democracy can stand.

**SHRI PILOO MODY:** On a point of order, Sir, Article 121 says:

"No discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the Judge as hereinafter provided."

\* I, therefore, suggest that the entire proceedings regarding the judges, particularly the very offensive remarks made by Mr. Banerjee, be expunged from the record.

**SHRI SHRI CHAND GOYAL** (Chandigarh): On a point of order, Sir. When efforts were being made by hon. Members of various parties to denigrate the highest judiciary in the country by making all sorts of allegations—even now Mr. Banerjee said that \*\*

**SHRI S. M. BANERJEE:** No. \*\*

I never said, they are immoral. I will say it outside, in the streets. (*interruptions*).

**SHRI SHRI CHAND GOYAL:** When these charges were being made under the very nose of the Home Minister, was it not the duty of the Home Minister then to bring it to the notice of the House that it was at the instance of the Government that the judges were permitted to sit on the bench? Was it not their duty to check the hon. Members from making irresponsible statements and denigrating the judiciary? Let us not try to tarnish the image of the judiciary. (*interruptions*) I would request you, Sir, to ask Shri Banerjee to withdraw those words failing which they should be expunged.

**SHRI VASUDEVAN NAIR:** Sir, I should be allowed to clarify one point.

**SHRI CHENGALRAYA NAIDU:** But when he is in the Chair he never allows others to make clarification.

**MR. SPEAKER:** Do not make any reflection on what he did while he was acting as Chairman.

**SHRI CHENGALRAYA NAIDU:** I am only reminding him of the rules.

**SHRI PILOO MODY:** Sir, before you allow anybody else to speak, kindly give a ruling on my point of order.

**MR. SPEAKER:** But will you allow me to give a ruling?

**SHRI VASUDEVAN NAIR:** Shri Goyal said that some parties are trying to denigrate the Judges. I want to make it very clear on behalf of my party, because my party has taken a decision that we would like, if possible, to impeach the judges who sat in judgment in the bank nationalisation case, and we took that decision with a full sense of responsibility. We have not done it with any intention of denigrating any judge. We knew that the Attorney-General knew about it and he had no objection. Our only point was that the judges themselves ought to have retired voluntarily. Even today we hold that it was necessary for the judges to retire voluntarily. That was our point.

**SHRI PILOO MODY:** Even those remarks will have to be expunged.

\*\*Expunged as ordered by the Chair. Please see col. 277.

MR. SPEAKER: When the Home Minister was replying to the debate some of the hon. Members asked questions and raised some points. There was no debate as such allowed by me. Only a few questions arose out of the Home Minister's reply.

SHRI PILOO MODY: There is a discussion going on. It is part of the debate. The Home Minister referred to it. We talked about it.

MR. SPEAKER: Out of the reply of the Home Minister some hon. Members passed certain remarks, or asked certain questions, which I do not treat as a debate; nor have I allowed any debate. If any bad remarks, or remarks not in good taste were made, since there was a lot of noise, at least I could not hear them, and when Shri Goyal referred to them Shri Banerjee has very strongly denied them by saying that he did not make any such remarks.

SHRI PILOO MODY: They must not remain in the records.

SHRI BALRAJ MADHOK: Sir, you should look into the records and if there are any such remarks, they should be expunged.

MR. SPEAKER: If there are any such remarks, I will expunge them.

SHRI Y. B. CHAVAN: Practically I was at the last stage of my speech and this was the last point to which I wanted to make a reference. I do not want to take more time of the hon. House. I have put the entire question of law and order in its proper perspective. I know it is a very difficult task for the Home Ministry as we are passing through a very difficult phase of our national life.

SHRI R. D. BHANDARE *rose*—

SHRI Y. B. CHAVAN: I am coming to his point. This is a very serious matter. We have come across many such cases. The problems of the harijans should be tackled in a humane manner. The Government of India has taken up this matter with the State Governments and the State Governments have agreed to immediately undertake investigations in such cases at very senior level and in many cases convictions have been secured. Unfortunately, one case in Punjab was the worst type of case. I

have written myself both to the Governor and the Chief Minister to take immediate steps in the matter.

SHRI BUTA SINGH (Rupar): It was in my constituency. Have you been able to devise some machinery at the Centre?

SHRI Y. B. CHAVAN: The first step I had taken was not merely to write to the Chief Minister but also to the Governor because it is his special responsibility to look after the interests of the weaker section. If nothing happens, I will certainly look to other ways... (*Interruption*)

SHRI CHENGALRAYA NAIDU *rose*—

MR. SPEAKER: Shri Vasudevan Nair requested me that I should allow you an opportunity because he stood committed to you. Was that the way to repay him? You are a mature gentleman; you must have a certain control over your emotions.

SHRI CHENGALRAYA NAIDU: I am sorry.

Just now the Home Minister said that the Telangana people had asked for a separate State. To satisfy them he has appointed eight sub-committees presided over by the Central Government secretaries and other people. Thereby he has taken away 50 per cent of the autonomy of the Andhra Pradesh Government. When the Telangana people say that they have no confidence in the Andhra people, how can you satisfy them and give them confidence? Therefore, are you going to consider giving them a separate State? They want a full meal; what is the use of giving them a pickle? Will you give them a full meal by giving a full-fledged State? Why do you divide us and rule like this? Give them a separate State.

SHRI Y. B. CHAVAN: On the matter of Telangana I have explained Government's policy and I do not have anything to add to what I said.

SHRI P. G. SEN: Some days ago there was a taxi and scooter strike in Delhi and we found that cycle-rickshaw pullers came to the aid of the travelling public and even came to the New Delhi area. Rickshaw pulling is allowed only in old Delhi which is a congested area but not in New Delhi which is not a congested area.

MR. SPEAKER: Now I am putting cut motion No. 10 by Shri Deven Sen to the vote of the House.

*Cut motion No. 10 was put and negatived.*

MR. SPEAKER: Now I am putting cut motions Nos. 11 to 15 by Shri P. G. Sen to the vote of the House.

*Cut motions Nos. 11 to 15 were put and negatived.*

MR. SPEAKER: Now I am putting cut motion No. 16 by Shri Deven Sen to the vote of the House.

*Cut motion No. 16 was put and negatived.*

MR. SPEAKER: Now I shall put cut motions Nos. 21 to 32 by Shri Chengalraya Naidu to the vote of the House.

SHRI CHENGALRAYA NAIDU: I want cut motion No. 27 to be put to the vote separately.

MR. SPEAKER: He is withdrawing all his cut motions excepting No. 27. Has he the leave of the House to withdraw them?

SOME HON. MEMBERS: Yes.

*Cut motions Nos. 21 to 26 and 28 to 32 were, by leave, withdrawn.*

MR. SPEAKER: Now I am putting cut motion No. 27 to the vote of the House.

*Cut motion No. 27 was put and negatived.*

MR. SPEAKER: I put cut motion Nos. 33 to 36 in the name of Shri Supakar to vote.

*Cut motions Nos. 33 to 36 were put and negatived.*

MR. SPEAKER: I now put cut motion Nos. 37 to 49 in the name of Shri Indrajit Gupta to vote.

*Cut motions Nos. 37 to 49 were put and negatived.*

MR. SPEAKER: I now put cut motions Nos. 59 and 60 in the name of Shri Supakar to vote.

*Cut motions Nos. 59 and 60 were put and negatived.*

MR. SPEAKER: Then I put cut motion Nos. 61 to 64 in the name of Shri J. M. Imam to vote.

*Cut motions 61 to 64 were put and negatived.*

MR. SPEAKER: I put cut motion Nos. 65 and 66 of Shri Meghachandra to vote.

*Cut motions Nos. 65 and 66 were put and negatived.*

MR. SPEAKER: Now, I put cut motion No. 67 of Shri Shiv Chandra Jha to the vote of the House.

*Cut motion No. 67 was put and negatived.*

MR. SPEAKER: Then, I put cut motion Nos. 68 to 77 and 83 to 98 in the name of Shri Srinibas Misra to vote.

*Cut motions Nos. 68 to 77 and 83 to 98 were put and negatived.*

MR. SPEAKER: I put cut motion Nos. 99 and 100 in the name of Shri S. N. Dwivedy to the vote of the House.

*Cut motions Nos. 99 & 100 were put and negatived.*

MR. SPEAKER: I now put cut motion Nos. 101 to 103 by Shri Samar Guha to vote.

*Cut motions Nos. 101 to 103 were put and negatived.*

MR. SPEAKER: I now put cut motion Nos. 104 to 108 in the name of Shri S. N. Dwivedy to the vote of the House.

*Cut motions Nos. 104 to 108 were put and negatived.*

MR. SPEAKER: Again, I put cut motion No. 109 of Shri Samar Guha to vote.

*Cut motion No. 109 was put and negatived.*

MR. SPEAKER: Again, I put cut motion Nos. 110 to 112 in the name of Shri S. N. Dwivedy to the vote of the House.

*Cut motions Nos. 110 to 112 were put and negatived.*

MR. SPEAKER: Then, I put cut motion Nos. 117 to 134 in the name of Shri S. M. Banerjee to the vote of the House.

*Cut motions Nos. 117 to 134 were put and negatived.*

MR. SPEAKER: I put cut motion Nos. 135 to 137 in the name of Shri Indrajit Gupta to vote.

*Cut motions Nos. 135 to 137 were put and negatived.*

MR. SPEAKER: I now put cut motion Nos. 138 to 150 in the name of Shri Ram Avtar Shastri to the vote of the House.

*Cut motions Nos. 138 to 150 were put and negatived.*

MR. SPEAKER: Now, the question is:

"That the respective sums not exceeding the amounts shown in the fourth column of the order paper, be granted to the President, to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1971, in respect of the heads of demands entered in the second column thereof against Demands Nos. 42 to 56, 121 and 122 relating to the Ministry of 'Home Affairs'."

*The motion was adopted.*

[The motions for Demands for Grants which were adopted by the Lok Sabha, are reproduced below—Ed.]

*Demand No. 42—Ministry of Home Affairs.*

"That a sum not exceeding Rs. 1,54,04,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of Ministry of 'Home Affairs'."

*Demand No. 43—Cabinet*

"That a sum not exceeding Rs. 61,38,000 be granted to the President to complete the sum necessary

to defray the charges which will come in course of payment during the year ending the 31st day of March 1971, in respect of 'Cabinet'."

*Demand No. 44—Administration of Justice.*

"That a sum not exceeding Rs. 2,12,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Administration of Justice'."

*Demand No. 45—Police.*

"That a sum not exceeding Rs. 57,56,74,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Police'."

*Demand No. 46—Census.*

"That a sum not exceeding Rs. 5,23,17,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Census'."

*Demand No. 47—Statistics.*

"That a sum not exceeding Rs. 3,47,83,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Statistics'."

*Demand No. 48—Privy Purses and Allowances of the Indian Rulers.*

"That a sum not exceeding Rs. 1,13,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Privy Purses and Allowances of the Indian Rulers'."

*Demand No. 49—Territorial and Political Pensions.*

"That a sum not exceeding Rs. 24,01,000 be granted to the President to complete the sum necessary to defray the charges which will come in

course of payment during the year ending the 31st day of March, 1971, in respect of 'Territorial and Political Pensions'."

*Demand No. 50—Delhi.*

"That a sum not exceeding Rs. 42,69,68,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Delhi'."

*Demand No. 51—Chandigarh.*

"That a sum not exceeding Rs. 6,02,33,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Chandigarh'."

*Demand No. 52—Andaman and Nicobar Islands.*

"That a sum not exceeding Rs. 7,76,15,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Andaman and Nicobar Islands'."

*Demand No. 53—Tribal Areas.*

"That a sum not exceeding Rs. 23,13,04,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year, ending the 31st day of March, 1971, in respect of 'Tribal Areas'."

*Demand No. 54—Dadra and Nagar Haveli Area.*

"That a sum not exceeding Rs. 57,05,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Dadra and Nagar Haveli Area'."

*Demand No. 55—Laccadive, Minicoy and Amindivi Islands.*

"That a sum not exceeding Rs. 1,11,00,000 be granted to the President to complete the sum necessary

to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Laccadive, Minicoy and Amindivi Islands'."

*Demand No. 56—Other Revenue Expenditure of the Ministry of Home Affairs.*

"That a sum not exceeding Rs. 10,96,58,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Other Revenue Expenditure of the Ministry of Home Affairs'."

*Demand No. 121—Capital Outlay in Union Territories and Tribal Areas.*

"That a sum not exceeding Rs. 22,07,56,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Capital Outlay in Union Territories and Tribal Areas'."

*Demand No. 122—Other Capital Outlay of the Ministry of Home Affairs.*

"That a sum not exceeding Rs. 1,77,50,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Other Capital Outlay of the Ministry of Home Affairs'."

MR. SPEAKER: We will take up the Demands of the Ministry of External Affairs on Monday. We, now take up the Private Members' Business.

16.22 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS  
SIXTEENTH REPORT

SHRI BHALJIBHAI PARMAR (Dohad): I beg to move:

"That this House do agree with the Sixtieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 1st April, 1970."