

[Shri S. S. More]

be in the form of a ruling—I do not mind it. My submission is that the Government may be sincere in the implementation of their assurances, but whether that implementation is in accordance with the procedure or not is a matter for you to decide, Sir.

Mr. Deputy-Speaker: The hon. Member will kindly go through clause 3 of this Bill. It is said, "This Act shall be read as part of, and as supplemental to, the Estate Duty Act, 1953." Virtually this is another clause in the Bill itself. Though it is a permanent Statute this may be varied from year to year or at short intervals. The assurance has already been given, as the Finance Minister said, and instead of keeping the hon. Members in the dark, who wanted to know exactly what the result of this would be, whether it will be onerous and whether larger exemptions would be needed or not, the Finance Minister is introducing this Bill. In order to remove all these difficulties and to make the passage of the Bill easy, the hon. Finance Minister has placed this before the House in pursuance of the assurance he has given.

It seems the hon. Member is suffering from a legal difficulty whether it is possible to introduce the Bill now. Let us assume that these two Bills have been introduced together. All that I can advise the hon. Members is that they should pass that Bill before finally passing this Bill. I am sure the House will take that into consideration and pass that Bill first and then pass this Bill later on.

Shri S. S. More: With due deference to what you say, I am not raising a question of convenience whether we should do this first or that first. I am not asking for a priority. My point is that Government will get the right to introduce a measure fixing the rates only if the Estate Duty Bill is passed and becomes an Act. I may give an analogy to the Finance Minister. The rates of income-tax are not fixed before the Income-tax Bill is passed.

Mr. Deputy-Speaker: I agree that this is the only difficulty. Assent to the other Bill must be granted before this Bill is passed.

Shri S. S. More: How can we give leave to introduce the Bill?

Mr. Deputy-Speaker: What will happen is that if assent is not given to that Bill this will become infructuous. I am sure care will be taken to see that assent is given to that Bill before this is finally passed. Let us now proceed.

The question is:

"That leave be granted to introduce a Bill to fix the rates of estate duty for the purposes of the Estate Duty Act, 1953."

The motion was adopted.

Shri C. D. Deshmukh: I introduce* the Bill.

ANDHRA STATE BILL—contd.

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the Andhra State Bill.

Clauses 2 to 58 have been disposed of but clauses 47 to 52 have been held over. Shall we now take up clauses 47 to 52?

Dr. Lanka Sundaram (Visakhapatnam): Sir, may I make a submission for guidance? Clauses 47 to 52 with the exception of clause 50 are related to the Seventh Schedule, and the amendments given notice of, at any rate most of them, fall within these two. I am seeking your guidance, Sir, whether clauses 47, 48, 49, 51 and 52 and the Seventh Schedule cannot be taken together and all the amendments also taken together.

Mr. Deputy-Speaker: The clauses which have been held over will be taken up along with the Seventh Schedule. Now we will proceed with other clauses.

* Introduced with the recommendation of the President.

Clause 59.—(Provisions for detention etc.)

Mr. Deputy-Speaker: The question is:

"That Clause 59 stand part of the Bill."

The motion was adopted.

Clause 59 was added to the Bill.

Clause 60.—(Continuance of facilities etc.)

Shri K. Subrahmanyam (Vizianagaram): I beg to move:

(1) In page 19, lines 23 to 26, for "such facilities, for such period and upon such terms and conditions as may be agreed upon between the Governments concerned by the 1st day of January, 1954, or, if no agreement is reached by the said date, as may be fixed by order of the President" substitute "all facilities enjoyed by the people of Andhra before the appointed day, for a period of 25 years commencing from the appointed day"

(2) In page 19,

(i) line 19, before "The" insert "(1)"; and

(ii) after line 26, insert:

"(2) There shall be reserved for Andhra either the specific number of places reserved for residents in Andhra immediately before the appointed day, or, if a specific number of places was not so reserved, a number of places as near as may be to the average number of places filled by residents in Andhra during the three years preceding the appointed day.

(3) The charges to be made for admittance to the places aforesaid shall be calculated on a cost basis only, but no account shall otherwise be taken of capital expenditure before the appointed day:

Provided that the charges made for admittance or service by the said institutions shall in no case

exceed that made in respect of other persons resident outside Madras."

The amendments moved by me are self-explanatory. Justice Wanchoo also has recommended:

"I should have thought that a period of 15 years would have sufficed to enable the new State to make provisions for training of its own students, at least in those subjects where it has already got some institutions. It seems fair that where there are no institutions in the new State corresponding to institutions in the residuary State and *vice versa* the reservations may continue for a period of 25 years."

Therefore, this does not require much of argument. I feel that the Home Minister would please see that these particular amendments are carried out.

Shri Raghavaiah (Ongole): Sir, I beg to move:

In page 19, lines 23 to 26, for "for such period and upon such terms and conditions as may be agreed upon between the Governments concerned by the 1st day of January, 1954, or, if no agreement is reached by the said date, as may be fixed by order of the President." substitute "as are existing before the appointed day, for a period of ten years."

The Minister of Home Affairs and States (Dr. Katju): Sir, I beg to oppose these amendments. The Bill leaves it to an agreement to be arrived at between the two Governments and I am sure that these two Governments will come to some satisfactory conclusion. It is undesirable that it should be provided for on the lines suggested in these amendments.

Mr. Deputy-Speaker: The question is:

In page 19, lines 23 to 26, for "such facilities, for such period and upon such terms and conditions

[Mr. Deputy-Speaker]

as may be agreed upon between the Governments concerned by the 1st day of January, 1954, or, if no agreement is reached by the said date, as may be fixed by order of the President." substitute "all facilities enjoyed by the people of Andhra before the appointed day, for a period of 25 years commencing from the appointed day".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 19,

(i) line 19, before "The" insert "(1)"; and

(ii) after line 26, insert:

"(2) There shall be reserved for Andhra either the specific number of places reserved for residents in Andhra immediately before the appointed day, or, if a specific number of places was not so reserved, a number of places as near as may be to the average number of places filled by residents in Andhra during the three years preceding the appointed day.

(3) The charges to be made for admittance to the places aforesaid shall be calculated on a cost basis only, but no account shall otherwise be taken of capital expenditure before the appointed day:

Provided that the charges made for admittance or service by the said institutions shall in no case exceed that made in respect of other persons resident outside Madras."

The motion was negatived.

Shri T. S. A. Chettiar (Tiruppur): May I speak on the clause?

Mr. Deputy-Speaker: I have already put the amendment to vote. He should have got up earlier. I cannot make an exception in his favour.

Shri Raghuramiah (Tenali): There are others who would like to speak, if he speaks. The Deputy-Speaker will have to make another exception.

Mr. Deputy-Speaker: I am sorry. The hon. Member has missed the bus.

The question is:

In page 19, lines 23 to 26, for "for such period and upon such terms and conditions as may be agreed upon between the Governments concerned by the 1st day of January, 1954, or, if no agreement is reached by the said date, as may be fixed by order of the President." substitute "as are existing before the appointed day, for a period of ten years".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 60 stand part of the Bill."

The motion was adopted.

Clause 60 was added to the Bill.

New Clause 60 A

Shri K. Subrahmanyam: I beg to move:

In page 19, after line 26, insert:

"60A. Disaffiliation of the Rayalaseema Colleges from the Madras University.—On the appointed day, colleges of the Rayalaseema districts which are now affiliated to the Madras University shall be disaffiliated from the Madras University and be affiliated to the Andhra University."

Sir, whatever may be the reasons for the affiliation of the Rayalaseema colleges to the Madras University before the formation of the Andhra State it is quite desirable and just that the Rayalaseema Colleges should now be part and parcel of the new Andhra State on the appointed date. I think a specific provision to that effect should be included here in this Bill. If the

hon. Home Minister is willing to accept the amendment, Sir, I feel that he will be doing justice for the Rayalaseema students.

Mr. Deputy-Speaker: Amendment moved:

In page 19, after line 26, insert:

"60A. *Disaffiliation of the Rayalaseema Colleges from the Madras University.*—On the appointed day, colleges of the Rayalaseema districts which the now affiliated to the Madras University shall be disaffiliated from the Madras University and be affiliated to the Andhra University."

Shri Ramachandra Reddi (Nellore): The Andhra State Bill has been passed by the Madras Legislature and anything connected with the Andhra University or its affiliation must be taken up by the new Andhra State. It is, therefore, not necessary for the Parliament to legislate on the particular matter, and I do not think that Parliament is competent to legislate on that matter. After the Andhra State is formed, probably there would be an amendment to the Andhra University Act which will naturally include all the colleges in Rayalaseema.

Dr. Krishnaswami (Kancheepuram): There seems to be some misconception in this matter. The Andhra State can undoubtedly pass an Act affiliating these colleges to the Andhra University but an agreement has been reached both between the Andhra University and the Madras University whereby the colleges can be affiliated straightaway to the Andhra University immediately after the appointed date. But one provision has been put in the agreement, viz. that students who have joined the Rayalaseema colleges, that have been affiliated to the Madras University, should be allowed to continue their studies until the end of the academic year and the course with which they will have to appear will be all that of the University to which they have been affiliated before the appointed date. Subject to such

reasonable safeguards the agreement has been attempted to be implemented. I think there is no necessity now to suggest that there should be any radical revision of the agreement that has been adhered to.

Dr. Katju: Sir, I agree, and I oppose the amendment.

Mr. Deputy-Speaker: Shall I put this amendment to the vote of the House?

Shri K. Subrahmanyam: I beg to withdraw it.

The amendment was, by leave, withdrawn.

Clauses 61 and 62 were added to the Bill.

Clause 63.—(*Provisions relating to other services*).

Shri Venkataraman (Tanjore): I beg to move:

In page 21, line 21, for "three years" substitute "two years".

The services that are allotted to the new State of Andhra fall under two categories: one that belongs to the I.A.S., I.P.S., the Indian Forest Service and so on; the other is the transferred services, that is, persons serving in the composite State of Madras who will be transferred to the new State of Andhra. The provision in this Bill is that those who are so transferred shall be bound to serve for a period of three years. My amendment seeks to reduce it to two years for this reason, not that we do not want to help the new State with our men, but it will create a lot of administrative difficulties to the residuary State of Madras. The new Andhra State has the right to return the transferred personnel as and when it chooses, subject to three months' notice. If it has that right, the residuary State of Madras will have to stop all recruitment to these offices until this period is over. It will be a great strain on the residuary State of Madras and I therefore move that the period may be reduced to two years.

Shri Raghuramalah: Sir, this is one of those small points on which I am in entire agreement with Mr. Venkataraman. I will go a step further. Not only are we willing to release them in two years, but in fact, if you have any regard for Andhra opinion in the matter, we do not want a single outside officer. What we want is to be given an opportunity to recruit our own people. We have got a Vishala Andhra and any number of young people who are capable of running the show. The most unfortunate thing is that the Madras Government has kept the recruitment of Andhras so low. It is a matter of shame to us that we are not finding enough people. For that the fault is not ours; the fault is that of the Madras Government. And we do not want to make it appear as if we are beggars asking for the services of those who are reluctant to come. However, it is a matter left to the Government. So far as we are concerned, all that we are saying is that we should be given an opportunity to man our services with our own men, wherever they may be.

Dr. Katju: I have great pleasure in accepting the amendment. But may I as a very detached person and (what shall I say) a member of this House and an equal lover of both Andhras and Tamilians, express a little disappointment at the tone of some of the observations made by the previous speaker? When he was going to support the amendment, the rest of his observations might have been unsaid.

Shri Raghuramalah: I am not supporting the amendment. I only said it is for the Government to accept it or not but as far as we Andhras are concerned I do not want to make it appear as if we are begging for two years or three years.

Dr. Katju: It does not arise. Nobody accuses you of begging anybody. The only question is all the services of Madras State are equally the services of Andhra Desh, Tamil Nad, Malabar, etc. They are all common services now. If you can run your own home, well and good. Nobody

says that anyone is going to thrust any official on you.

Anyway, Sir, I do not want to prolong the discussion. I accept the amendment.

Mr. Deputy-Speaker: The question is:

In page 21, line 21, for "three years" substitute "two years".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 63, as amended, stand part of the Bill."

The motion was adopted.

Clause 63, as amended, was added to the Bill.

New Clause 63 A

Dr. Lanka Sundaram: I beg to move:

In page 22, after line 8, insert:

"63A. *Apportionment of personnel relating to the various Services.*—The apportionment of personnel relating to the Indian Administrative Service, the Indian Police Service, the Indian Service of Engineers, the Indian Forest Service and other Services, contained in Sections 61, 62 and 63 shall be governed by the following principles:—

- (1) All personnel in the higher administrative posts including Secretaries to Government and Heads of Departments should consist of Andhras as far as possible.
- (2) Such personnel shall be obtained by—
 - (a) promotion;
 - (b) appointment of all Andhras who have qualified for the I.A.S., I.P.S., and I.F.S., since 1950 but have not been provided with;

- (c) recalling or requisitioning the services of Andhras serving in other States or under the Union Government; and
- (d) re-employment of suitable retired Andhra Officers.
- (3) In case there is still a deficiency of Andhra personnel, it shall be made up by appointing non-Andhra Officers on a contract or deputation basis.
- (4) Lower Administrative posts in the Gazetted ranks shall be filled up by Andhra selected by—
- (a) promotion from the same cadre;
- (b) next by promotion by transfer from other suitable departments.
- (5) In all the above cases, personnel at the Secretariat and Headquarters as well as the Regional Offices and districts shall be pooled and considered.
- (6) In all cases, the appointments made before 1st October, 1953 shall be subject to such alterations as the Andhra State may desire after the formation both as regards conditions of service and personnel."

Mr. Deputy-Speaker: Amendment moved:

● In page 22, after line 8, insert:

"63A. *Apportionment of personnel relating to the various Services.*—The apportionment of personnel relating to the Indian Administrative Service, the Indian Police Service, the Indian Service of Engineers, the Indian Forest Service and other Services, contained in Sections 61, 62 and 63 shall be governed by the following principles:—

- (1) All personnel in the higher administrative posts including Secretaries to Government and

Heads of Departments should consist of Andhras as far as possible.

- (2) Such personnel shall be obtained by—

(a) promotion;

(b) appointment of all Andhras who have qualified for the I.A.S., I.P.S., and I.F.S., since 1950 but have not been provided with;

(c) recalling or requisitioning the services of Andhras serving in other States or under the Union Government; and

(d) re-employment of suitable retired Andhra Officers.

- (3) In case there is still a deficiency of Andhra personnel, it shall be made up by appointing non-Andhra Officers on a contract or deputation basis.

(4) Lower Administrative posts in the Gazetted ranks shall be filled up by Andhras selected by—

(a) promotion from the same cadre;

(b) next by promotion by transfer from other suitable departments.

- (5) In all the above cases, personnel at the Secretariat and Headquarters as well as the Regional Offices and districts shall be pooled and considered.

(6) In all cases, the appointments made before 1st October, 1953 shall be subject to such alterations as the Andhra State may desire after the formation both as regards conditions of service and personnel."

Shri Boovaraghassamy (Perambalur):
I beg to move:

- (1) That in the amendment proposed by Dr. Lanka Sundaram, printed as No. 44, in List No. 3 of amendments, parts (c) and (d)

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of sub-clause (2) of the proposed new Clause 63A be omitted.

(ii) That in the amendment proposed by Dr. Lanka Sundaram, printed as No. 44, in List No. 3 of amendments, sub-clause (4) of the proposed new Clause 63A be omitted.

(iii) That in the amendment proposed by Dr. Lanka Sundaram, printed as No. 44, in List No. 3 of amendments, sub-clause (6) of the proposed new Clause 63A be omitted.

Mr. Deputy-Speaker: Amendments moved:

(i) That in the amendment proposed by Dr. Lanka Sundaram, printed as No. 44, in List No. 3 of amendments, parts (c) and (d) of sub-clause (2) of the proposed new Clause 63A be omitted.

(ii) That in the amendment proposed by Dr. Lanka Sundaram, printed as No. 44, in List No. 3 of amendments, sub-clause (4) of the proposed new Clause 63A be omitted.

(iii) That in the amendment proposed by Dr. Lanka Sundaram, printed as No. 44, in List No. 3 of amendments, sub-clause (6) of the proposed new Clause 63A be omitted.

Dr. Lanka Sundaram may now speak on his amendment.

Dr. Lanka Sundaram: Sir, the House has just listened to three types of argument for and against the implications of the clauses so far passed, namely clauses 61 to 63. In order to avoid this acrimonious controversy I have ventured to place before this honourable House this new clause 63A. My intention has been to reduce, as far as is possible, any acer-

bity of feeling between Andhras and the Tamilians as regards the apportioning of service personnel after the appointed day. This is the reason why I have said that certain directive principles might be issued to the two Governments concerned within the provisions of this new sub-clause which I have proposed, so that future misunderstandings, wranglings or unfortunate situations might be averted. You will see that some sort of directive principles have been sought to be incorporated in the clauses so far passed, namely 61, 62 and 63, I am saying here that "all personnel in the higher administrative posts including Secretaries to Government and Heads of Departments should consist of Andhras as far as possible". It is not merely a pious wish. There are a number of Andhras outside the Madras State who are anxious to come back. I do not know the procedure as to how the requisitioning can be done. And I am prepared to give my hon. friend the Home Minister in the lobby the names of those who have volunteered to come forward from other places in India.

The second operative principle which I have tried to incorporate is this. I say that "such personnel shall be obtained by (a) promotion, (b) appointment of all Andhras who have qualified for the I.A.S., I.P.S., and I.F.S., since 1950 but have not been provided with posts, (c) recalling or requisitioning, the services of Andhras serving in other States or under the Union Government, and (d) re-employment of suitable retired Andhra Officers".

I am sure there would not be any single hon. Member who would object to these provisions being incorporated in the Bill itself.

Then, Sir, the proposed new clause runs as follows:

"In case there is still a deficiency of Andhra personnel, it shall be made up by appointing non-Andhra Officers on a contract or deputation basis."

I am persuaded to think that this House would have no difficulty in accepting this principle also.

The fourth sub-clause of this new clause runs as follows:

"Lower Administrative posts in the Gazetted ranks shall be filled up by Andhras selected by—

- (a) promotion from the same cadre;
- (b) next by promotion by transfer from other suitable departments".

Sub-clause (5) reads:

"In all the above cases, personnel at the Secretariat and Headquarters as well as the Regional offices and districts shall be pooled and considered".

As you are aware, Sir, there is always an invidious distinction drawn between the pool of officers at the headquarters and the others, belonging to the same cadre and category, but who, unfortunately, at a given time happen to find themselves in the districts. By this new provision I am trying to pool them together, so that justice will be rendered and there will be contentment in every category whether employed in the headquarters or in the districts.

In sub-clause (6) of the proposed new clause, the suggestion is this:

"In all cases, the appointments made before 1st October, 1953 shall be subject to such alterations as the Andhra State may desire after the formation both as regards conditions of service and personnel."

I believe in all good conscience that I have drafted this new clause in order to avoid all possible acerbity of feeling between the Andhra State and the Residuary Madras State. I do not wish to introduce any unnecessary heat into this discussion. The heat is already there. The point that I am trying to impress upon hon. Members is this. As far as newspaper reports go, the Members of the Revenue Board of the future Andhra State are non-Andhras. Their names have already been mentioned.

An. Hon. Member: Announced.

Dr. Lanka Sundaram: I do not know whether they were officially announced. We have seen the names. I am not particularly fond of parochial loyalties; but I feel that some sort of requisitioning of the services of suitable Andhras in the ICS, IAS, etc., available outside the composite Madras State may be accepted by my hon. friend the Home Minister, in order that the new Andhra State may be as fully as possible manned by Andhra personnel. I hope that these directive principles which I have tried to incorporate by means of this new clause will be acceptable to the hon. Home Minister. If he wants any changes here or there, I am prepared to accept them. But, without some sort of a directive. I am afraid there will be great difficulty in the future after the new Andhra State comes into being. I commend my amendment incorporating the new clause 63A for the acceptance of the House. Naturally, I also oppose the amendments to clause 63A moved by my hon. friend Mr. Boovaraghasamy.

Shri Boovaraghasamy: In moving my first amendment my purpose is to sound a caution against the great dangers involved in accepting parts (c) and (d) of sub-clause (2) as moved by my hon. friend Dr. Lanka Sundaram. Part (c) seeks to serve a lever in the hands of the Andhra State for requisitioning the services of all or any Andhras serving outside the Andhra State, but within the Indian Union. This is dangerous in that it seeks to subordinate even the Union services to those of the Andhra State. If this were to be allowed, I am afraid the Indian Union services will be seriously handicapped. To press to the extreme the principle embodied in this part may even lead to the recalling of the present Vice-President and the Comptroller and Auditor-General of India for the purpose of filling up a gap in the Andhra State merely for the reason of their being Andhras.

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As regards part (d) I am sure this would result in a very undesirable and unjust precedent. Appointing retired officers back in office will eat away the integrity of the services. Young men at present serving in the hope of a better future will be greatly disappointed and ultimately careers will be closed to talented young men with dangerous consequences to the new Andhra State. I therefore very strongly plead for the omission of these two parts.

My second amendment is that sub-clause (4) of the proposed new clause be omitted, as this sub-clause directly aims to make an attack upon the accepted principles of service. For the most part, it is aimed at the Tamilians in service. It seeks to take up the Andhras in the lower rungs over the heads of the Tamilians. Therefore, I oppose the inclusion of this sub-clause.

In the amendment moved by my hon. friend Dr. Lanka Sundaram, sub-clause (6) of the proposed new clause 63A, reserves the right for the Andhra State to reopen the terms and conditions of service entered into before the appointed day. According to this clause, the conditions could be thoroughly changed and even the personnel dispensed with. This would be very unfair, as officers would be asked to enter into services under one set of conditions and then required to continue in service under a different set of conditions. This would result in an unjust and instable position. I therefore oppose this sub-clause.

Shri Keshavalengar (Bangalore North): Sir, I rise to oppose this amendment: not with the idea that there are not efficient persons to administer the Government of Andhra. I think there are any number of persons. But, I think the principle on which service is rendered in these high administrative posts is entirely different. I think experience will be the best teacher. It is always desirable that persons of other States are posted for administrative posts in a State of a different category altoget-

ther. It is on this principle that the Centre has been administering the country. Whatever it is, in fact, I may state as an instance, Shri Visveswaraiah is an Andhra. Justice Madhava Rao is an Andhra. They have rendered yeoman service to the Mysore State and the Mysore State owes its present position to their efforts. Therefore, I would like to oppose this Bill.....

Dr. Lanka Sundaram: Not the Bill, but the amendment.

Shri Keshavalengar:...this amendment—pardon me. I do not want my Andhra friends to be so meticulous that every bit of service in the new Andhra State should be rendered only by Andhras. It does not matter if for a couple of years other officers are there. In fairness to the officers in the administrative services, I would suggest that this amendment need not be pressed.

Mr. Deputy-Speaker: Any other hon. Member who wants to speak on this may speak.

Dr. Jaisoorya (Medak): Sir, I have only to speak from practical experience. This new clause has been devised so that the Andhras may learn as quickly as possible how to look after their own affairs. They will be forced to learn something quickly if they have to do things themselves. I am speaking from experience in Hyderabad, where non-Hyderabadis were put in charge and they can't hold a candle to some of our own officers there. We have seen this after the Police Action. My contention is this. If the Andhra State has not got people of experience they will ask for them. My experience and my feeling is this: By the holding of higher positions by non-Andhras, very often, alienation takes place. We have seen that in Hyderabad. It is not a question of one Visweswarayya. For one Visweswarayya we have 10 non-Visweswarayyas. I certainly think that the Andhras should be forced to look after their own affairs. It is only then that they will learn to look

after themselves. As regards this tutelege, well, you may want teachers. But, to be able to hold the people in tutelege, I am not very convinced of their superiority. Let the people ask for their own teachers. Leave it to them. Let the Andhras say, we want so many non-Andhras. The Central Government and the President may nominate whom they like. Leave it also to the Andhras to ask if they want non-Andhras.

Dr. Katju: I oppose this amendment, or rather this addition of a new clause, not only for the reasons which have already been given, but for many other reasons. It goes entirely contrary to the basic principles upon which the all-India services are being administered at present. These all-India services have been established so that they might promote a sense of unity throughout India, and we have been following the principle whereby there should be in every State what I may call a non-native element. I do not dispute for one moment the proposition that there is competent talent available in Andhra to manage their own affairs. They are welcome to do so. But so far as the all-India services are concerned, Clauses 61 and 62 which have already been adopted by the House lay down the general principles and give the President adequate powers to do the most appropriate thing. So far as the State services are concerned, the House would notice that.....

Dr. Lanka Sundaram: May I interrupt you for a minute? I am not asking for the reduction of the powers you are proposing for the President. I am asking for some sort of attempt to be made to ensure that Andhras available outside the State are brought into service if they want it.

Dr. Katju: I am not prepared to accept that suggestion. The President, in making allocations under Clauses 61 and 62, will bear in mind every particular suggestion, but the basic element must remain. We cannot make any distinction between Andhra State on the one side and the rest of India on the other. The whole thing, I may

point out with respect, goes entirely contrary to the very spirit on which these all-India services have been administered so far.

So far as the State services are concerned, the matter has been dealt with on the lines which commended themselves unanimously to the Madras State Legislature. We have adopted that, and I do not know what is the quarrel with that. But so far as asking us to have no one but Andhras and to obtain them by resorting to promotion, junior appointment, re-employment and so on is concerned, I have got the greatest esteem and respect for my hon. friend the mover, but let him consider the implications of all this. We are not going to have a sort of State within a State, viz., that Andhra State can only be run by Andhras and by nobody else. Surely, he does not mean it.

Dr. Lanka Sundaram: I have not said so.

Dr. Katju: But he says so, that is the misfortune of it. Sir, I oppose this amendment.

Mr. Deputy-Speaker: Shall I put the amendment to the vote of the House?

Dr. Lanka Sundaram: I withdraw my amendment with your permission in the light of.....

Dr. Krishnaswami: ...the assurances given by the hon. Minister?

Dr. Lanka Sundaram: Not the assurances, but the explanation given by him.

Mr. Deputy-Speaker: Has the hon. Member the permission of the House to withdraw his amendment?

Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: So, the other amendments to the amendment also disappear.

Shri Viswanatha Reddy (Chittoor): May I move amendment on behalf of Shri Rayasam Seshagiri Rao?

Mr. Deputy-Speaker: He can move it after Clause 64 is passed. He moves it by himself? Very well. I will

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waive notice because, it is already on the Order Paper.

The question is:

"That Clause 64 stand part of the Bill".

The motion was adopted.

Clause 64 was added to the Bill.

New Clause 64A

Dr. Katju: I think that is barred, Sir. The House has already disposed of one amendment to that very effect.

Dr. Lanka Sundaram: My amendment was regarding Clause 63A. This is Clause 64A.

Mr. Deputy-Speaker: Amendment is barred.

Shri Viswanatha Reddy: I beg to move: .

In page 22, after line 13, insert:

"64A. The President may give direction from time to time to the State of Andhra for ensuring the economic and irrigational development of Rayalaseema."

In moving this amendment I may be mistaken as saying that the people of Rayalaseema do not have faith in the people of the coastal districts. I would like to assure them that there is no mistrust at all. This amendment is in accordance with the recommendations of Justice Wanchoo. He has said that some directive principles may be incorporated in the Bill itself to safeguard the interests of Rayalaseema. I am sure in this House a number of times questions have been raised regarding the backwardness of Rayalaseema, and it is not for me now to elaborate on that point. I would like the House to take this amendment in the spirit in which I would like them to take it, and accept the amendment.

Mr. Deputy-Speaker: Amendment moved:

In page 22, after line 13, insert:

"64A. The President may give direction from time to time to

the State of Andhra for ensuring the economic and irrigational development of Rayalaseema."

Shri Raghavachari (Penukonda) rose—

Shri Lakshmayya (Anantapur): In support of the amendment may I submit a few words?

Mr. Deputy-Speaker: I will call one after another. Mr. Raghavachari.

Shri Raghavachari: I have got another amendment, No. 168 on page 25 of the Consolidated List. Lest it be said that a similar matter has been disposed of and therefore a point of order raised and discussion shut off, I would like to know if I can move my amendment. My amendment is a bit different. It relates to Sri Bagh Pact.

Mr. Deputy-Speaker: That is a different matter. This is giving directions by the President. That is adding directive principles.

Shri Raghavachari: If that is not barred, I shall take my chance.

Mr. Deputy-Speaker: Very well. Shri Lakshmayya.

Shri Lakshmayya: In supporting Mr. Viswanatha Reddy's amendment, I may submit a few facts.

You are aware, Sir, that Rayalaseema is subject to famine and it has become a land of poverty. Though the lands are fertile and though the ryots get good yield, if crops are raised their agriculture is a gamble in rain. Before they emerge from one famine, they are engulfed by another. In order to afford irrigation facilities, some preferential treatment may be given to them with regard to the major projects that may be contemplated and later on constructed by the Andhra State. Justice Wanchoo has been convinced of the backwardness of Rayalaseema and also the misery and sufferings they have been undergoing, and has rightly recommended that Rayalaseema must be given irri-

gation facilities and their industries should be developed. Justice Wanchoo has said like this:

"The people of Rayalaseema are very concerned about this as theirs is a dry area where famine is chronic. They feel that the new State should devote its attention to their economic betterment by undertaking irrigation projects which will save them from famine and help in developing their area. In the memoranda received by me in that area there is shown a desire that a statutory provision should be made for expending a part of the revenue of the new State for the development of Rayalaseema area. I doubt whether it would be possible or even wise to make a statutory provision of the kind desired by the people of Rayalaseema. But something in the nature of Directive Principles of State Policy which one finds in the Constitution, might be put down in the law constituting the new State so that the Rayalaseema people may feel that their economic interests have been safeguarded."

4 P.M.

You are aware that we have been agitating for the last ten or fifteen years, for the construction of projects and yet nothing has resulted. We therefore request the Central Government at least as a guardian of this poor and sickly child, to come forward and do something by incorporating the terms of the pact in the nature of directive principles in this Bill.

Dr. Lanka Sundaram: Sir, I am entirely in agreement with the principle enunciated by this proposed new clause 64-A. You will have noticed that as far as the members from the Andhra are concerned, irrespective of party considerations, this is a question on which there is complete unanimity of opinion. I come from the coastal districts, my hon. friend Mr. Reddy belongs to the Congress party, and he has sought with your special

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permission to move an amendment standing in the name of a Member from the Opposition. I draw the attention of my hon. friend the Home Minister to this very important point. There is absolutely no difference of opinion as regards the necessity for protecting the interests of Rayalaseema. Reference has been made to the Sri Bagh Pact. My hon. friend Mr. Lakshmayya has quoted the statements of Mr. Justice Wanchoo in this regard. The other day when my hon. friend the Home Minister replied to the debate, he made a very eloquent plea in favour of protection for the Rayalaseema, but when I interrupted him, you would recall, he said that his legal advisers had told him that it could not be done. I do not know why it could not be done. If necessary, I would suggest to my hon. friend to amend the Constitution. I am prepared to say that if this particular clause cannot be legally permissible inside the Bill, there is any amount of scope for introducing it in the Seventh Schedule. I will give you an illustration. For the sake of compensating the Andhras for the buildings left behind in Madras city, there is a provision in the Seventh Schedule, regarding the payment of about Rs. 2,30,40,000 on a credit account. When money could be separated for a specific purpose like this in the Seventh Schedule, I do not see any reason why my hon. friend cannot have a draftsman's formula for incorporation and some sort of protection for the Rayalaseema area in terms of what is sought to be made in this amendment. Let the amount be a crore of rupees this way or that way, we do not mind it. But something must be done in the Bill, to safeguard the interests of Rayalaseema. Even now it will not be too late for the hon. Minister to take advice and incorporate a provision in the Bill in this behalf.

I would urge again that, if necessary, an amendment to the Constitution may be brought forward, and the hon. Minister will have the complete and unanimous support from every

[Dr. Lanka Sundaram]

section of this House, both on this side as well as on the other, and also from every section of Andhra public life, irrespective of party considerations.

Shri S. V. L. Narasimham (Guntur): I really feel a sense of grief, for I have no option but to oppose the amendment that has been moved. I fully realise that the Rayalaseema area deserves all consideration at the hands of the Andhra State. But if an amendment of this sort is to be incorporated in a statute, my humble view is that it will amount to casting an aspersion or a reflection on the Andhra Government which is to come into existence. In fact, the House itself is aware that at the time of framing the Constitution itself, after great deliberation and discussion, directive principles of state policy have been embodied in the Constitution itself. When once certain principles have been incorporated in the Constitution, the House will realise that they have got to be observed in the real spirit, not only by the Central Government, but by every State Government as well. We do realise the feeling with which my hon. friend from Rayalaseema has given this amendment. But I may ask him, can they not trust the people of the Andhra State. What is the cause for them, to have any apprehensions that they may not have a square deal at the hands of the people of the Andhra State?

It is in this particular light that I would suggest that it may not be advisable that a provision of this nature should be on the statute book. It is enough if the people of the Andhra themselves make a solemn declaration on the floor of this House, and I believe that it should satisfy them.

Shri Keshavalengar: I oppose this amendment, not because the Rayalaseema area is very developed and does not need any special consideration. But the demand for a statutory provision at the present stage in the Bill itself shows as though a great suspicion lies behind the work of

the future Government of the Andhra State that is to come into existence. Let us give a chance to that Government to have a special consideration for this Rayalaseema area, and see if they do not meet their needs. If they do not, then we can invoke the powers of the President's directions. I feel therefore that a statutory provision of this nature is rather premature. When we have had so much of assurances given on the floor of this House, and the hon. Ministers of Finance, and Home Affairs, are so solicitous of the welfare of the people of Rayalaseema, I have no hesitation in saying that there will be no special difficulty on the part of the future Government of the Andhra State, to seek special redress at the hands of the Central Government, for the purpose of ameliorating the conditions of the people of Rayalaseema. They could apply for special funds to the Central Government, and funds could be earmarked for the purpose of safeguarding the interests of Rayalaseema. And a thousand and one other ways of affording relief and betterment facilities to them in a proper way can be found out.

In view of these considerations, I oppose this amendment.

Shri Ramachandra Reddi: I had very little doubt that the hon. Minister would not oppose this. But I had absolutely no suspicion that any other hon. Member would come forward to oppose this. The opposition coming as it did, from my hon. friend Mr. S. V. L. Narasimham, coming from the heart of the Andhra State, and from my hon. friend Mr. Keshavalengar from Mysore really surprises me.

There has been a continuous cry from this Rayalaseema area that it has been neglected for decades together, and that there have been periodical famines in this area as a result of this continuous neglect. Even when the Andhra question was first seriously mooted, the Rayalaseema people always had their doubts that the

coastal districts would not bestow as much attention on the Rayalaseema as it deserved. Anyhow, there was a promise made to them, and they agreed with the coastal districts that they should agitate and ask for an Andhra State. And the Andhra State is now coming into existence. At this particular juncture, they feel that there must be some sort of assurance given to them that they will be treated properly, that they would get prior consideration in all developmental schemes, and that the Rayalaseema region would be viewed with as much importance as the coastal districts.

You might know that there has been a Rayalaseema Development Board, functioning in Madras, for probably the last two decades.

Shri B. S. Murthy (Eluru): Mr. Kala Venkata Rao was a member of that Board.

Shri Ramachandra Reddi: That only proves the case. All these two decades, the amount of attention that has been given to the Rayalaseema area has not been adequate, and the results are very disappointing. The name of Mr. Kala Venkata Rao has been mentioned. He belongs to the coastal districts, and he is a prominent member amongst the Andhra leaders of the coastal districts. I have nothing to say against him, but even when he tried to show his sympathy towards Rayalaseema, nothing much in favour of Rayalaseema seems to have happened.

Irrigation facilities have been asked for, for several decades, and the Tungabhadra project has been agitated upon, for more than a century. It is only recently that the project for Hyderabad and Madras has been functioning, has been worked out and completed. But now most of the benefits of the Tungabhadra project are going to the Mysore State as a gift given by the Madras State, though the Mysore State had not asked for it. Even for the development of the Tungabhadra project to its logical extent, it is necessary that particular attention should be paid to the Tunga-

bhadra project, by the Government that is to come into being in the Andhra State.

It is therefore necessary that a clause of this nature should be incorporated in the Act. If there are any constitutional difficulties in accepting it, it is for the Government to find out ways and means to amend the Constitution or see that the idea contained in this amendment is carried out to its fullest extent.

A number of Committees—not only the Rayalaseema Development Committee—looked into the famine conditions and the need for development of Rayalaseema and have also reported. Recently the Bhattachar Committee has been appointed, and what it has actually reported we have no idea about. It is therefore very urgent and necessary that particular attention is paid to the development of Rayalaseema, and any person opposing any such idea would be only doing harm to that particular area. Whether this amendment is going to be passed or not, we think that this House has brought to the notice of the hon. Minister in charge of the Bill the great need to have particular attention paid to this particular area.

I therefore support this amendment and I once again express my surprise at the way in which two hon. Members of this House have opposed this amendment.

पंडित ठाकुर दास भागंब : यह जो अमेंडमेंट हाउस के सामने है इस को मैं बड़े जोर से सपोर्ट करता हूँ। जैसा मैं ने शुरू में अर्ज किया था जब मैं बिल पर बोला था.....

Shri Lakshmayya: May I request the hon. Member to speak in English, because his speech now is in respect of Rayalaseema and we will be able to know his viewpoint if he kindly speaks in English?

Shri B. S. Murthy: As a special case, will he now speak in English so that all of us could follow?

Pandit Thakur Das Bhargava: Sir, I bow to the wish of my friends.

I beg to support this amendment with all the emphasis at my command. I know that so far as the constitutional aspect of the case is concerned, it may be said that no Act of this kind should contain a provision to this effect. But what I support is the sum and substance of this amendment. The House is already aware, Sir, that Rayalaseema is one of the tracts in this country where famine is of frequent occurrence and at the same time the people are very poor. When I went through the Wanchoo Report, I found there was some kind of a pact called Sri Bagh Pact which also spoke of similar safeguards. According to that pact between the different sections of the community there, between the different parts of the proposed Andhra State, it was agreed that so far as Rayalaseema was concerned, economic safeguards would be provided and a part of the revenues of the entire country would be devoted to the agricultural and economic development of that part.

Now, Sir, I have got some experience of the situation in several provinces of India. I am coming from a State myself where conditions like those in Rayalaseema have been existing for a long time. In the undivided Punjab, Sir, we saw that all the money was spent on the irrigation system of the West Punjab and the Hariana tract was forgotten. I feel, Sir, that something like that has been done so far in regard to Rayalaseema. But be that as it may, I am not here to complain, and I am not here at the same time to predict that the other parts of the proposed Andhra State will behave likewise. I have no such fear, but all the same, it is quite natural for the Rayalaseema people to insist that such safeguards may be provided for them.

Now, Sir, even while we were hearing during the last few years that there was acute famine there, we

found that full efforts were not made to relieve the famine conditions. The Madras Government was trying its best and the Government of India also contributed their mite. But all the same, people were complaining in this House that the conditions in Rayalaseema were not relieved fully. Now, nothing will be lost if we enact a measure like this, that so much percentage of the revenues of the proposed Andhra State will be devoted primarily for the purpose of making the tract immune from famine.

Now, it has been proposed that there should be a Directive Principle in the Constitution. We know that Directive Principles already exist in the Constitution of India. One of the fundamental principles of this Constitution that we have framed for the whole of India is that there should be no distinction between man and man. It is quite right. But as I submitted, Sir, when I spoke during the consideration stage, the Government of India should have a convention like this that there should be no distinction between tract and tract. Now, there are tracts in the country which are benefited by all these schemes of the Government, for instance, Community Projects. The Community Projects in India were opened in such places which are already very well irrigated and which were very wealthy. I could understand that; I was also a party to it, because then the scheme was that these should be opened in parts where irrigation facilities existed because we wanted to see an increase in food production. That was perfectly right; I do not complain about it. But now that this has been done and now that self-sufficiency is almost being attained so far as food production is concerned, I wish that all the Community Projects now opened should be opened from the point of view of the backwardness of the tracts. If a tract is very backward, it is a very good reason why a Project should be opened there. Therefore, I submit with all the emphasis at my command that

this sort of equality between tracts must be ensured. It happens, Sir, in the various provinces where one community is in a big majority that the weaker community always goes to the wall. It always complains and there is bitterness. On account of this weakness of that community and the unconscious tyranny which the majority exercise over them, now I want that when we are ushering in a new province in India, we ought to see that this complaint never arises and we should put in safeguards which, while giving powers to the Andhra State, will also benefit that weaker part. In so far as I have heard in this House, I have not found a single dissentient note. Even our Home Minister was very sympathetic towards Rayalaseema. But what is the use of his sympathy? After all, when the Bill is passed, it is the Andhra State and the people of Andhra who may be working it in a better manner.....

Shri Punnoose (Alleppey): May I interrupt? Are there not other areas also in India where there is distress and where there are famine conditions? What exactly is the object of saying that with regard to the new Andhra State alone there should be a stipulation like that?

Pandit Thakur Das Bhargava: My hon. friend has put a question to me. I am very glad that he has put this question. He has supported me. He says there are other areas also. It is one thing to find a solution for those areas also. But now that we are ushering in a new State, why don't we put in a safeguard before hand? These people have been complaining sometime ago that in the Madras State they were not well treated. I do not know how far that is right or wrong. That is past history. I do not want that any bitterness should remain in the residuary State and in the Andhra State. But all the same, can those people who have been complaining that they were not given a fair deal in Madras, have the heart to say 'no' to the Rayalaseema people who have got a fear like that?

Dr. Lanka Sundaram: Never.

Pandit Thakur Das Bhargava: I should think that they would be well advised in seeing themselves and in submitting to the hon. the Home Minister their desire—their unanimous desire—that he must see that some safeguards are provided. I know that he has got a very sympathetic heart and he must be agreeable to it. But it is for him to find out ways and means whereby if he cannot do it constitutionally here, he may do it in some other way.

Dr. Krishnaswami: By amendment of the Constitution.

Pandit Thakur Das Bhargava: If this cannot be done according to law, because it may be argued that it will detract from the position of Part 'A' States—it may be argued that we may not be able to put such restrictions upon the rights and powers of 'A' class States—it is up to the hon. Home Minister to find out some other way whereby we may be able to put such safeguards. For instance, if you have a substantive provision like this saying that a certain percentage of the revenues of the Andhra State be devoted to the development of such and such part, there is nothing wrong about it.

I do not know the reactions of the hon. the Home Minister. I am only anticipating his objections. I know, at the same time, that he is anxious to see that full justice is done to Rayalaseema, and as he himself said that the Rayalaseema people get a fair deal. If that is so, I ask of him: what remedy will be open to the Rayalaseema people if they do not get a fair deal?

Dr. Katju: To ask for a new province of their own!

Pandit Thakur Das Bhargava: The advice given by the hon. the Home Minister, if taken to its logical conclusion, will divide India into thousands of States. He is opposed to this tendency; he does not like it. So, it is in a light-hearted manner

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that the Home Minister is treating my request.

Dr. Katja: I can answer light-hearted speeches in a light-hearted manner only.

Pandit Thakur Das Bhargava: My speech is not at all made in a light-hearted manner. I belong to a tract which was the subject of tyranny for a hundred years in the Punjab. My constituency is Gurgaon, where the sub-soil water is abundant; but there are few tube wells. Even today the Punjab State is not fully alive to its duties and responsibilities to the Gurgaon area. Hissar is my native place. For the last thirty-five years this area has been looking forward to the Bhakra-Nangal project which has been under consideration of the Punjab Government. They executed schemes for the rest of the province, but when it came to a matter of the Hariyana tract they never cared for it. For thirty years Bhakra Nangal was not taken up. But when Swaraj came, when so many refugees came, when the Government of India had no option but to come to our rescue by taking up the Bhakra-Nangal scheme and we have now come to feel from the irrigation point of view we are a part of the Punjab State.

The same situation may arise in Rayalaseema. It is therefore the duty of the Government of India to see that the Rayalaseema people are given a fair deal. I can of course understand the legal difficulty. But may I ask the hon. the Home Minister what attempts have been made to solve this difficulty? Does he mean to say that there is bankruptcy of statesmanship in a matter like this? Here the Parliament and the Government of India is carving out a new State: it is our duty to see that the different parts of the province are given equal treatment. I know of some other parts of the country as well where certain tracts are not receiving the same treatment and people are suffering. After all the Gov-

ernment of India is responsible for the good governance of the whole of India. Article 356 empowers the President to take over the administration of a State if Government there is not carried on according to the Constitution. If there is discrimination as between tracts of a province, the Government of that province is not carried on in accordance with the Constitution.

Taking a long term view of the matter—I am not speaking in a light-hearted manner, I am extremely serious about it—I consider that some economic safeguards should be provided for Rayalaseema. If that is not done, the people of Rayalaseema would be perfectly justified if they complain against the Government of India that they have not done their duty. The Government of India in the past have spent large amounts of money for the relief of famine affected parts of Rayalaseema. Why should Government have gone to their aid? The recurrence of such famines can be avoided only if irrigation schemes are taken up in that area. I therefore, strongly support this amendment. If this amendment is not carried, I would request the hon. Home Minister to find some other way by which legal effect could be given to these economic safeguards.

Shri Raghavachari: I myself have given notice of an amendment, the substance of which is the same as the one before the House now. Coming as I do from one of the Rayalaseema districts and having intimate and personal knowledge of the circumstances under which the Sri Bagh Pact, was signed I would like to place a few facts before the House. It is all very well for people who do not know the details to oppose the amendment on the ground that it smacks of suspicion of the new Government or as Mr. Kesavalengar put it 'dishonourable' or as my hon. friend Mr. Narasimham said 'disrespectful to the Andhras in general'.

Shri S. V. L. Narasimham: May I submit I never used such words.

Shri Raghavachari: To cast aspersions, he said; anyway the substance is the same.

The point now is: (i) is there any need for such a directive principle being included in this measure; (ii) is it permissible or is there any legal bar to it? These are the two points. So far as the legal aspect of the matter is concerned, I am glad I have been supported by no less a person than the eminent Judge whom the Government of India sent out to examine details and make recommendations in respect of the formation of Andhra.—Mr. Justice Wanchoo. When it suits the Government they will quote the Judge's decisions and recommendations and say this is impartial, therefore, it ought to be respected. When it does not suit them they do not mention it at all. I would invite the attention of the House to what Mr. Justice Wanchoo says, a gentleman who has gone round, who toured from place to place, received hundreds of deputations, examined all the records and came to a final conclusion, and not by sitting in the Parliament or in the Secretariat. On page 16 of his report Mr. Justice Wanchoo says: "If the Sri Bagh Pact is not implemented to the extent that it is possible to implement it, there will be resentment in the Rayalaseema districts." The words that he uses are "that there will be resentment in the Rayalaseema districts." As regards the genesis of the agreement this is what he says:

"This pact was entered into between Congressmen belonging to Rayalaseema districts on the one hand and Congressmen belonging to the Coastal districts on the other."

Then he examines whether an undertaking or agreement between two Congress sections is really binding on the whole State or the people. He says that the people of Rayalaseema will be upset if the Pact is not implemented.

"There is one section of opinion in Rayalaseema, though it may not be large, who are not enthusiastic about joining the Coastal

districts, in forming the new State. If the Sri Bagh Pact is not implemented as far as possible, there will be a general disappointment in Rayalaseema districts. Further, generally speaking, there is a consensus of opinion that the Sri Bagh Pact should be implemented as far as possible so that the people of the Rayalaseema districts may enter the new State in a contented and satisfied frame of mind. If the pact is not implemented to the extent that it is possible to implement it, there will be resentment in the Rayalaseema districts."

Then, as regards the legal possibility. He has also referred to it in page 18. This is what he says:

"I doubt whether it would be possible or even wise to make a statutory provision of the kind desired by the people of Rayalaseema. But, something in the nature of a Directive Principle of State policy which one finds in the Constitution might be put down in the law constitution the new State so that the Rayalaseema people may feel that their economic interests have been safeguarded."

Therefore, we have the recommendation of a Judge and a person who was entrusted with the business of examination and making a recommendation. His recommendation is that it is permissible under the law, that it is essential and that it should be done and if it is not done there will be dissatisfaction and resentment even.

Then I go a little further. Why should this Pact be implemented? It was agreed to by the two sections of the people and was the subject of resolution after resolution of all the district boards in the Andhra Desh and of the village panchayats in the Andhra Desh and of all the institutions in Andhra Desh, which really represented public opinion. All of them, from 1937 onwards did give their authority and swore by it. And, now, when the State comes to be formed and when the Rayalaseema people wanted that the capital should be there as per the

[Shri Raghavachari]

Pact they do not want to implement it. It may be stated here that it is one of the terms in this agreement and that they committed themselves to this principle that the two important places like the capital and the seat of the High Court may not be in one place; different places may be chosen to locate them so that the Circars' people may be compelled to go to Rayalaseema and the Rayalaseema people may be compelled to go to Circars and this kind of association may create goodwill which is essential. That was one of the clauses of the agreement. After that agreement, when the question of the choice of capital came, the Rayalaseema people unanimously wanted that they should be given the choice of the capital or the High Court and they pointed to this clause of the agreement in the discussion that went on. You know, Sir, how in the Madras Assembly the Andhra Bill discussion went on. They want to go back because it does not suit them. The agreement was made at a time when things were not yet in their hands and now probably the time has come and they want to catch it and enjoy it. Now, they begin to examine their own mind to see whether it was wise and safe that they should have done so. It is a matter of serious disappointment. I may mention here, Sir, that people went on writing in the newspapers and magazines 'Kaikamma Korikalu' was the headline given in those papers. You know that Kaikeyi asked for two boons, one to make her son the King and the other to send Rama to the forest. They just compare this clause in the Shri Bagh Pact which was agreed to by every one of them solemnly by resolutions all these years to that! Why are they prepared when the time came to give a slip to it? In the course of the discussions you will have observed that it is very inconvenient for them to think of honouring it now and they would like to have their own way. This is hardly honest, and this is an attitude which is hardly justifiable in public life. Therefore it is that the Rayalaseema people ask for such a directive principle to be intro-

duced into this legislation because they have reason to feel the need for such an incorporation; it is an agreement which has been universally accepted and it is a thing, which if not incorporated, is sure to create universal resentment in the whole area, when, in addition, you have the recommendation of Justice Wanchoo too. All these considerations do certainly require that this directive principle must be seriously considered being put into this enactment.

It is precisely with this view, Sir, that at an earlier stage when the provisions regarding the location of the High Court came we did make representations to the Government and the Government was pleased to accept the point of view and they themselves moved an amendment that even the choice of the location of the High Court should be left for the decision of the Andhra Assembly.

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

I was one of those that did make a representation to facilitate implementing the terms of the Shri Bagh Pact, the choice of the location of both the capital and the High Court should be decided by the Andhra Legislative Assembly. One of the terms of the Pact was that it was permissible and possible for them to locate one in Rayalaseema and the other in the other area. It is precisely with that view that it was considered essential to have the choice of the location of both places incorporated in this Bill.

But there are one or two clauses of that agreement which I have sought to incorporate as Tenth Schedule. Under the present set-up it may not be possible to give effect to them all. One is equal representation. We know now that representation is on the population basis. Possibly there may be some difficulty in it now. But, so far as the economic development of this area is concerned, so far as the educational development of this area is concerned, certainly the terms incorporated there were conceived with

the best of intentions to secure the maximum goodwill in the country. It was not intended to set up one section against the other or to cast reflections on one another or to suspect them even before the province was formed. These were agreements entered into by men of experience, politicians who have devoted all their lives to the Service of the Country and people who wanted to build a real unity in the country on goodwill and not simply set up one section against another. It is easy for people sitting here without any knowledge of the whole history to say that this will lead to fight with each other. (*Interruption.*) Even brothers quarrel. The point I have been stressing is that such a directive principle is necessary. Otherwise, as recommended by your own Judge there will be loss of good will. When I listened to Dr. Katju, the Home Minister, I found he was also very much in favour of such a thing: 'personally speaking,' he might say and then drop the whole thing. Really speaking, it is a matter which concerns the day to day life and economic well-being of a huge section of the population. When a directive principle is requested to be incorporated, it is not done with the intention of casting reflections on any one; it is done with the best intention that we must live together. In fact, we have been crying hoarse that there has been some inequity, injustice and some unfair treatment. That has been the whole burden of the Andhra people against the proposed division of assets and liabilities. Therefore why do you allow such feelings to grow rather than allay them. I would therefore request the Government and particularly the hon. Home Minister to very seriously consider this view—Justice Wanchoo himself supported this.

An Hon. Member: The Hon. Minister himself said so the other day.

Shri Raghavachari: What I understood was this. He said, 'I will have it examined by my advisers and if they say it is permissible—I know they will say that this is not possible', he added this also. If it cannot be done,

some such directions can be issued by the President without incorporating them in this Bill. I will urge upon him that it is a reasonable request and that he will take it seriously and not try to get over it. I request him to see that this directive principle is incorporated in this Bill.

Dr. Krishnaswami: I rise to support the amendment that has been moved by my hon. friend from Chittoor. I, Sir, have been interested in the welfare of Rayalaseema for well over a decade and I should like to place some points before the hon. the Home Minister just to draw his attention. I judged from his previous speech that it was flowing with milk and honey and it did not require any substantial relief. I remember, Mr. Chairman, that in discussing this question Mr. Justice Wanchoo has adverted to the difficulties in Rayalaseema and has pointed out that there are genuine apprehensions among those who live in that area; they feel they would be exploited and that their needs have not been properly tended to in the past. My hon. friend the Home Minister may also be surprised to be told that on this very question of Rayalaseema there has been a great deal of controversy in the Andhra senate of which I happened to be a member. I was appointed to serve on a committee to inspect the colleges in Rayalaseema with a view to getting the colleges affiliated to the Andhra University. When we were members of the Committee we went to the Rayalaseema area, where we were received with black flags. It might have been illogical; it might have been wrong but what I am pointing out to my hon. friend is that if there are genuine apprehensions of this character, it is well especially when a new State is to be formed that we should give due consideration to their feelings and not just play about them.

My hon. friend, the member from Chittoor, in moving this amendment said that there ought to be certain directive principles to help to meet the claims of Rayalaseema particularly in

[Dr. Krishnaswami]

respect of irrigation development and such other matters. I do not know what the views of the Home Minister are on the subject. He pointed out that there might be very many difficulties on this matter. He pointed out that constitutionally it may not be possible to have such safeguards. But I would like him to remember that if we have not included such safeguards it would be much better that we tell the people of Rayalaseema that we are not prepared to put those safeguards in the Bill as it stands. I think, Sir, it is better we consider this from an objective angle. Mr. Justice Wanchoo went into this matter at considerable length. He pointed out that so far as the people in Rayalaseema are concerned, they were very strongly attached to the idea that their interests should not be neglected. They also pointed out that in the matter of irrigation development and educational development they were very backward and there ought to be proper safeguards. All these things have been brought to the notice of very many eminent people both in Andhra Desh and in the composite State of Madras and it was as a result of the understanding of the problems of Rayalaseema that this Sri Bagh Pact was entered into. I was informed on reliable authority that Dr. Pattabhi Sitaramayya moved in the Constituent Assembly that safeguards be put in the Constitution pertaining to Rayalaseema but the President of the Constituent Assembly ruled that out of order on the ground that it would be against the principle of the Constitution. We know that he was one of signatories of the Sri Bagh Pact. I am glad that he acted with honour in moving that particular safeguards be incorporated in the Constitution but at that stage when we were discussing the Constitution we were in no mood to consider the claims of different areas or the claims of different backward communities but we were just going ahead with only certain essentials. Now experience has revealed that we have to consider these things very much more in detail and that we have to allay

the apprehensions of a large section of our population. Therefore, from this point of view and not from any other we should have some statutory provision put into this Bill. My hon. friend, the Home Minister delivered a very excellent speech saying that he was all sympathy for Rayalaseema but the safeguard is not asked for from him but rather from the new Andhra State where it is necessary from certain points of view that the welfare of the poor Rayalaseema population should be safeguarded. I suppose he is well aware of an old adage that "Fine words butter no parsnips." Today, at any rate, the people of Rayalaseema want something tangible, something which they can have and something which will give them at least the right to have their interest protected and we should see as far as possible that these interests are safeguarded. There is no use trying merely to suggest that a Part A State should be formed in this manner or that, but rather we should consider this problem afresh and tackle it from a new stand-point. I appeal to the Home Minister to consider the interests of Rayalaseema afresh.

Shri B. S. Murthy: I rise to support the amendment. I think it was in the year 1937 that I first went to Rayalaseema along with Mr. Giri, who was then the Minister in Charge of Co-operation and Labour. There was a very sumptuous tea party given. After that Mr. Giri and myself were taken to the suburbs of Anantapur to have some of "keri" places seen by the Minister. Then I in my mind made a comparison between the scene I just witnessed at the tea party and the scene in those places where I saw people huddled together and living in hovels. Then so many thoughts occurred to my mind and these thoughts rolled themselves into a small poem in Telugu. Telugu is to be sung but I do not want to sing here. Telugu poems can be easily appreciated when they are accompanied with a little bit of music. I am not a musician myself. But I shall try to sing those lines.

Rayalanati Bhogamu Nirantara Bhag-
yamu Vanne.

chinnelamayono! Yendu boyina
Ha! Bharimpaga—

Rani Katakam be yeduri satambu
Nava

Helana Jeyuchu Natyamadu yee
Rayala Seema Nedu ganara! Kanu
dammula Neeru Vettara!

An Hon. Member: He should have
an audition test first.

Shri Venkataraman: On a point of
order, Sir. We are entitled to speak,
but I do not think we are entitled to
sing here.

Shri B. S. Murthy: I have sung a
song; it is now for my hon. friend to
dance.

I am giving the English translation
of the verse just recited, which I com-
posed in 1937

"Whither have the splendour
and the perennial prosperity of
the days of Rayala kings fled?
Wherever you go, today, you find
the unbearable parade of famine
haunting; Please look at the de-
pleted Rayalaseema and shed your
tears of compassion"

That was my feeling in those days.
I realise, no doubt, that the Andhra
leaders gathered together and the Sri
Bagh Pact was entered into, but that
Pact is merely a dead letter. Today,
we are able to get Andhra State. The
Andhras of the coastal areas will not
grudge if any provision is made here
for setting apart a certain amount
for the economic and industrial de-
velopment of Rayalaseema. It was
during the Andhra regime in Madras
State that the Rayalaseema Develop-
ment Board was constituted and pro-
minent Andhras have been associated
with it to see that as much economic
uplift as possible is given to Rayala-
seema.

Shri Lakshmayya: It is a black
board. Since it has no funds nor
powers to implement the development
schemes.

Shri B. S. Murthy: Well, it is a
blackboard with some writing. He has

not read the writing. I think he
is also a member of the Rayala-
seema Development Board. When
Rayalaseema was in the grip of recent
famine the coastal people did their
best to send succour. Whenever and
wherever any occasion arises the coas-
tal people never spared any efforts to
give such help as was possible.

When the question of implementing
the Sri Bagh Pact has come the Andh-
ras have decided that Kurnool in
Rayalaseema should be made the capi-
tal. As I come from the backward
community I know the sufferings of
the Backward. I therefore want the
backward areas also to be given spe-
cial preference. I think it is Shakes-
peare who said, "We do pray for
mercy and the same prayer doth teach
us to render deeds of mercy".

Andhras have been agitating for
forty years to get the province. They
have got it today. The coastal Andhras
are, no doubt, in a prosperous condi-
tion and it is not material for them if
they extend their hand and say "here
is our money. Take as much money
as you want and improve your econo-
mic well-being and all the irrigational
projects". Therefore, I do not think
there is anything derogatory in trying
to give as much help as is possible to
Rayalaseema.

I do not know whether this amend-
ment will be accepted by the hon. the
Home Minister. Even if it is not ac-
cepted by him, I want him to give a
categorical assurance that everything
will be done to see that the Rayala-
seema development will never be ne-
glected in the future Andhra State

Shri Gopala Rao (Gudivada): Most
of the hon. Members have expressed
their sympathy for Rayalaseema. It is
a fact that Andhra as a whole is in a
backward condition and in the Andhra
province Rayalaseema is the most
backward. But who is to blame for
these unhappy conditions? The point
is, if the blame is to be thrown on any-
body, it is on the British imperialists
who had kept our country in slavery
or, if anybody else is to be blamed, it
is the Central Government who, dur-

[Shri Gopala Rao]

ing the last six years could not make any headway in regard to backward areas. If at all anyone is to be blamed, it is the previous Government who took the responsibility into their hands and could not solve the Rayalaseema irrigation problem or the industrial development problem or the education problem. They could not make any headway. Some of our friends have moved an amendment that some special attention must be paid to that aspect. But as you know, up to this time there was no Andhra State nor Andhra State Government. On the eve of the formation of a new State we generally expect the people's Government to represent the interests of the whole of the Andhra people. On many an occasion communist party and many political groups categorically stated that the first and foremost priority must be given to Rayalaseema either for irrigation projects or for industrial development or for educational institutions. It is not the question of 40 per cent., 50 per cent. or 60 per cent. Whatever is needed, do give it to the backward area. If necessary, even 60 per cent. must be given for the development of Rayalaseema. But the question is, "Is it essential to introduce an amendment for the development of Rayalaseema?" I think it is the unity of the Andhra people and the prosperity of the Andhras that must be taken into account and ultimately the Andhra State Government must decide this issue. There is no justification, or basis at all, for the idea that the coming Government will adopt an unjust attitude towards Rayalaseema people. Generally speaking, it is directly within the State Government's administrative sphere to attend to this matter and every State Government must be left free to implement its own programmes and to divide its own assets in its own fashion. We can appreciate the spirit shown by our Rayalaseema friends. But I assure, on behalf of the Andhra people and on behalf of the Communist party, that there is no justification for this apprehension and that their interests will be taken of

first and foremost. If Rayalaseema is in the grip of poverty the Andhra State cannot be taken as a prosperous state. There will be no peace and happiness. That is why, when one part of the State is kept in backwardness, you cannot take the whole State as prosperous. Moreover, you cannot impose the real unity of Andhra people or the real love among Andhra people by imposing a particular clause on them. You cannot impose love, peace, prosperity and unity from above. The Andhra people, including Rayalaseema, unitedly can decide their matters, their future and can work for their development. Therefore, I appeal to my friends from Rayalaseema to think in this light. There is no justification for their apprehension that the Government which will be formed in future will take an indifferent attitude towards the people, as I said at the beginning, let us unite, let us extract the maximum money, benefit and help from the Centre, unitedly, for the whole Andhra State. It is for us to act unitedly and take as much money as possible, as much benefit as possible, from the Centre. Then we can look after our affairs in our own house.

5 P.M.

Therefore I request humbly and with all the emphasis at my command my hon. friends to withdraw this amendment. We do stand by this that 50 per cent. of the revenues must be earmarked for the development of Rayalaseema. We support this demand. But at the same time I request them to withdraw the amendment.

Dr. Jaisootya: I belong neither to Rayalaseema nor to Andhra. But a basic principle is involved here and that is this. I think it will be better for the people of Andhra to come to some agreement amongst themselves as to how to look after Rayalaseema. You have got a Sri Bagh Pact. You can enlarge it, put in heaps of new safeguard and call it Supari Bagh Pact. But if by legislation you are trying to confirm the two-nation theory in Andhra,

it is a very bad thing. It will be a stupid Government, a very incapable Government and a very inefficient government if it does not realise that unless you develop the backward areas—and the Rayalaseema people have a right to say they are backward—if you don't develop it, it becomes a liability. And no government can keep for long if one part remains a liability.

Now, it will be surprising if I tell you that this Tungabhadra project was hanging fire for thirty years; all due to the stupidity of the Madras Government. It was we who were demanding it, and only in 1937 we were able to induce the Madras Government to see reason. Whose fault is it that Rayalaseema has been kept backward? It is the vested interests that have kept Rayalaseema backward. I say I would far better prefer all of them—they are all good Andhras—to come to some agreement. You can sign any pact. I do not care. That will be far better than that a directive should come from above, guaranteeing and forcing people down. I would not like it. If the two parties do not come to some agreement within such and such specified time, the upper authority shall look into it, because the President is responsible for everybody's welfare. Then we shall see. But *a priori* now to introduce a clause like this is not the correct thing. The Sri Bagh Pact is regarded as sacred. You decide it among yourselves. Otherwise it will be worse then asking a third party like the U.N.O. to interfere in Kashmir!

I would therefore request all parties to come to an agreement between themselves. If you cannot trust each other, then the Central Government cannot make you trust each other. And later on you have to sign a pact with me, a super pact, when Vishala Andhra comes, because your Supari or Sri Bagh Pact won't affect me. It is therefore far better for you to come to an agreement between yourselves and let the new Government of Andhra

accept it, rather than making a statutory provision here which Dr. Katju says is difficult from a legalistic point of view.

Dr. Rama Rao (Kakinada): Sir, my hon. friend Mr. Gopala Rao has made the position very clear. There is absolutely no question about the need of Rayalaseema for development. Huge rivers, Tungabhadra and Krishna, are close-by. There is Pennar in the South. The soil is also rich. There is a saying in Telugu: "*Angati-lo Annee Unnai Alludu Notilo Shani Undi*", That is to say, "there is everything in the shop, but there is *Sani* in the son-in-law's mouth"! Unfortunately the British Government and the Congress Government have been the *Sani* so far as Rayalaseema is concerned. The Congress Government have done absolutely nothing for Rayalaseema though there is plenty of water flowing very close to Rayalaseema. We the Communist Party—and of course other Parties also—have stood for this that Rayalaseema must get priority for projects, for development, for industries in every way. Therefore we want that the Central Government must give a huge subvention for the Andhras so that we can develop those projects, the Gondikota project, the Tungabhadra high level channel, the remodelling of the Cuddapah-Kurnool canal and soon. Of course there are bigger projects like Sidhheswaram and Nandikonda, if the Centre helps. But whatever subvention is received must be to a great extent spent on Rayalaseema, and it is going to be spent if there is a responsible government which knows the needs of the people.

Mr Chairman: Only the contribution from the Centre?

Dr. Rama Rao: I did not quite catch what you said, Sir, but we want not only direction and valuable advice from the Centre but we want valuable contribution in the form of money. There are two things. First, we want money from the Centre. Even if there is no money from the Centre out of whatever we have, apart from

[Dr. Rama Rao]

the barest needs, the first priority will be given and must be given to Rayalaseema. There is absolutely no question about it. It looks a little strange that this should come from the Congress Party and from the Praja Socialist Party. You are going to form the government there. Sir, they want directives from the President. They are going to get into power. Congress is in power, has been in power for so many years.....

Shri Viswanatha Reddy: It is going to be people's government, not any party's government.

Dr. Rama Rao: They will say People's government when it suits them, but whenever power is needed it is the Congress. They are going to get into power there tomorrow—our hon. friends from the Congress Benches and from the Praja Socialist Party, most probably. So it is for them to spend the largest amount, and I from the Communist Party say that we will have no objection to spend money for projects for the industrial and other economic development of Rayalaseema.

Shri Raghavaiah: In this connection, I do not want to add to the chorus of sympathy that has been showered by my predecessors in defending the question of the development of the backward Rayalaseema. It does not require any words; it requires action. From the very beginning, for the last century and a half, the British Government has purposefully neglected the development of the backward areas in the different parts of the country. It is well known that it is a part of the diplomacy, a part of the conspiracy of the British Imperialism in this country to set up one part against another, backward areas against developed areas and developed areas against backward areas. It is with that express intention that it kept certain areas backward for years together, for centuries together also. It does not require any proof from history to show that

famine has been occurring in the Rayalaseema as it has occurred in some other parts of some other States like the Sunderbans in Bengal, which they have always tried to keep backward. No substantial relief has been given to see that there will be an end of this backwardness in the different parts in the different States in our country. That policy has been cautiously and carefully continued during the past 7 years also by the Government that is in power which goes by the name of democracy, people's Government and by all these names. The only thing that every Andhra, irrespective of political parties, irrespective of other differences, with one voice demands from the Government is, that substantial contribution should be given in the form of money and material for the development of the backward areas in Rayalaseema. It is with one voice that all the Andras have demanded this from the beginning of this movement. It is that demand that formed the first part in the whole of our national movement, and the movement for the Andhra province. It is this economic factor alone that made us fight as one man for the last 40 years for Andhra. From the beginning of the history of struggle for freedom, this struggle for the Andhra province also continued mainly on this one basis, namely, the development and prosperity of the whole of Andhra, especially Rayalaseema first and foremost. With one voice, the Communist party has supported this and has championed this from the beginning; championed not through resolutions as is the case with some organisations including the grand national organisation in our country, but they sent volunteers, they sent money, they sent materials, they sent food-grains collected from the Circars. On behalf of the Andhra Provincial Kisan Sabha of which my hon. friend Mr. Gopala Rao was the President for the last 3 or 4 years, we went from house to house, collected hay, paddy and so many other things.

Every one of the Andhras in the Circars contributed. They sent 40 volunteers when Rayalaseema was affected by famine. In money, in material, in paddy, in all these forms, that help was given to our Rayalaseema friends while they were suffering from the distress of famine, by the entire people of the Circars; irrespective of any political differences this has been done. Unfortunately, it has come in the debate today in connection with this Andhra State Bill. We all with one voice, demand once again from the Government at the Centre, not to continue this policy which their predecessors were following and put an end to this policy once for all. Not by including this section, as they have included so many fundamental rights in the Constitution which are not there in practice. I suggest to them that there is no use of introducing all these clauses. Clauses there are, articles there are in the Constitution that guarantee food, liberty and so many other things to the people; but in action, they are nowhere in this country. By the inclusion of this clause, Government will not be contributing even an iota of sympathy to the people of Rayalaseema. What is wanted is that the spirit of the amendment should be translated into money, into action and that alone will help the people; not the simple inclusion of a clause, as there are so many clauses in the Constitution which have not been implemented and for which people are suffering a lot.

Dr. Katju: Mr. Chairman, many speeches which we have heard will have shown the deep sympathy which is felt on all sides of the House for the Rayalaseema people and their intense desire to develop this area. There can be no two opinions on this problem. Many moving speeches have been made and I may say, without meaning any disrespect to you, Sir, sentimental speeches have been made. An appeal has been made to our nobler instincts. It makes me sad, I must confess that, because this

debate indicates today what I ventured to say in passing three days ago in this House that the re-organisation of States on the mere basis of language alone will not be a solution to all our difficulties.

Some Hon. Members: Oh!

Shri K. K. Basu (Diamond Harbour): An additional reason.

Dr. Katju: You have an illustration here. I am not making a debating point; I am saying something in passing. Some hon. Members said just now, I heard with deep regret, that Rayalaseema has been kept backward deliberately....

Some Hon. Members: Yes.

Dr. Katju: ...by other parts of Madras and of course, we were left to draw the inferences. Now, we are going to have one solid compact block of Telugu speaking areas under one umbrella. Here, you find that the State has not yet come into being. The appointed day has not yet come. You find distrust—please mark my words—an underlying distrust that the better placed people in the new Andhra State will not give a fair deal to the poorer sections.

Shri Raghavalah: That was not the intention.

Shri Punnose: That was the experience in the past.

Dr. Katju: My hon. friend says, this is the impression of the past. It proves it; it has nothing to do with anything here; it is human nature. I am only stressing human nature. It made me sad. You wanted deliverance let us say, from the South; you are getting deliverance. What is more: the hon. Finance Minister is here. It is not a question of Rayalaseema or this or that. I have said it very often in the course of this debate, I think; you consider all your problems and then come up and the Centre will help you to the best of its ability. It is not a colossus financially here. That is a different matter.

[Dr. Katju]

But, here something is being said to set up one against another. Please remember the language.

Some Hon. Members: No, no.

Shri K. K. Basu: यह गलत बात है।

Dr. Katju: Please do learn for God's sake to listen. I never interrupted you.

What is the language? Nothing to do with Finance, nothing to do with any contribution by the Centre, nothing to do with any joint request by all the Andhras to put pressure upon the Finance Minister to give 20 crores or 30 crores or 40 crores. The language is this:

"The President may give directions from time to time to the State of Andhra for ensuring the economic and irrigational development of Rayalaseema."

The underlying suspicion, the underlying insinuation is that if the Andhra State is left to itself it will neglect Rayalaseema. To this aspect I have the strongest objection. As some hon. friends said, why should you have that distrust?

Dr. Lanka Sundaram: May I interrupt you for a minute?

Dr. Katju: Why should you interrupt me?

Dr. Lanka Sundaram: In order to repair the damage done in the past years, this request is made.

Dr. Katju: So far as the Andhra State is concerned, there is no past. It starts with the future. The past may be the Tamil past. Where is the past of the Andhra State?

In the Andhra State there are twelve districts. Six or seven are well off and five are the poorer people and you say "We don't trust them" before they start. They will start from the 1st of October of the appointed day, and you are feeling that they might pinch you. You think as one hon. Member said: Where there is scarcity, you may be prepared to give maunds of paddy, or Rs. 10 or

Rs. 20/, but if they want you from your budget—your budget, not the Central budget—Rs. 5 crores for irrigational projects, you extremely doubt whether that would be forthcoming, and you want the President to intervene, to give directions to the State of Andhra to behave better. I say why should I have it. This is on the merits of the case. It hurts me you see. And that is what I said: there are difficulties in every province where one language is spoken, because these are the economic conditions, these are questions of unemployment, education, so on and so forth. I dealt with this question on a previous occasion on a small point. I cannot do it again.

Now, please remember we have got "A" States and we have got "B" States. And we have got "C" States which do not come into this discussion at all. So far as "A" States are concerned, they have got clear-cut defined spheres of jurisdiction. We cannot interfere there. Unless the Constitution itself is amended, the President cannot give any sort of direction in relation to matters which come within their own sphere of legislative activity and executive activity. In regard to "B" States which came into being under well-known circumstances—unions of old Indian States—the House will recollect there is Article 371. There, the language is important. It says:

"Notwithstanding anything in this Constitution, during a period of ten years.....the Government of every State specified in Part B of the First Schedule shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President."

That is only for ten years. It is for these ten years—these ten years began from 1950, they will expire on the 26th January, 1960—that the President may issue general directions,

You do not want to create the new Andhra State as a "B" State. What sort of a State is it then? Is it "E" or "F" State because I cannot use "C" and the "D" is only Andamans? You say here that the President may give directions from time to time. The period is unlimited, it can be ten years, twenty years, thirty years or forty years.

"The President may give direction from time to time to the State of Andhra for ensuring the economic and irrigational development of Rayalaseema".

And if that direction is not complied with, is this House prepared to say that the President may take over the administration and carry it on himself? It is absolutely contrary, I may say with great respect, Sir, to the whole constitutional structure. This amendment—I do not know whether it was worded after proper consideration of the Constitution—goes contrary to the root of it.

Mr. Chairman: But the Governor can be given some such power or some obligation may be imposed on the legislature so that the autonomy of the province may be kept intact and yet Rayalaseema's interests be safeguarded.

Dr. Katju: You are now suggesting by way of, if I may say so, rebuke..

Mr. Chairman: You were saying it was going against the constitutional structure and in that context referred to me.

Dr. Katju: I am only saying this, that so far as the language is concerned, it is unknown to the Constitution.—the President giving direction to any State for unlimited point of time. Then comes a suggestion which has been just made by the Chair, viz.,—I could not work it out so quickly in my brain—instead of the word "President" you substitute the word "Governor". In the whole of the Constitution, the only Governor who has got some sort of a

right to act is the Governor of Assam in relation to tribal areas. Otherwise, one of my hon. friends who is not sitting here said: "The Governor is a figurehead. He cannot do anything. He cannot be entrusted with any power." Is it suggested that the President may give directions to the Governor to do something himself? That will be again, I am suggesting to you, against the constitutional structure. You may amend the Constitution, of course. There are lots of things that can be done. It is not a mere minor question. It is a very important question. This House or its predecessor spent months and months and years and years in drafting this Constitution. The whole of it was worked out in detail after the greatest thought by the greatest jurists and politicians and leaders of public thought, and now you say, because it strikes you—don't forget the reality of it—that the coastal areas may not deal fairly, equitably, justly with the Rayalaseema districts, the whole constitutional structure should be set aside, and something new should be introduced.

Mr. Chairman: May I just ask the hon. Home Minister why were the fundamental rights created in the Constitution? The people had full faith in the Government of India and the Union, yet the statutory rights were created.

Dr. Katju: I am not accustomed to exchange arguments with the Chair.

Then, I come to the question of directives. Somebody suggested: let there be a directive. I have got a grievance against Justice Wanchoo. I know him very well. I have appeared before him in Court. He is a very learned man. But, sometimes the moment you become a politician or take up some sort of semi or demi judicial function, you lose sight and you indulge in generalities. Now, what did he say?

Dr. Lanka Sundaram: That is why you rejected it!

Dr. Katju: He said:

"I doubt whether it would be possible or even wise to make a statutory provision of the kind desired by the people of Rayalseema."

That is, some sort of a provision made in the Act itself. Then he says—it is not judicial language, it is a sort of loud thinking; in order to please anybody when you are dictating this draft report, you just add a sentence—

"But something in the nature of Directive Principles of State Policy which one finds in the Constitution, might be put down in the law constituting the new State so that the Rayalseema people may feel that their economic interests have been safeguarded."

I feel perfectly certain that if this question were to come before Justice Wanchoo when he is sitting in Court, he himself would declare within half an hour judicially that this cannot be done. Why do I say so? Because we have got a special chapter, a chapter of directives,—Part IV of the Constitution. It is "Directive Principles of State Policy" governing every State, the whole of India. You are not going to pick out State "A", State "B" or State "C". What are the directions? They are regarding—Mr. Gopalan knows it, he has raised that debate—the right to work, reducing unemployment, prohibition (I wish that might be carried out better), the separation of the judiciary from the executive, and there is one which might be of assistance. I should like to draw the attention of the future Andhra Government to that particular directive. It might be stretched. Directive 46 says:

"The State shall promote with special care the educational, and ~~mark~~ economic interests of the weaker sections of the people...."

It is true that the words "tract of country" are not used here, but in that tract of the country people live, not animals, and their economic condition is bad. And therefore, the general directive is that the State shall promote with special care the economic interests of the weaker sections of the people, and in particular, the tribal people and the Scheduled Castes and all that. Now can you have a better directive than this, for the new Andhra Government? In their state, there are people who are weaker, from the economic point of view, because they have no irrigation or other facilities; as some one said here, he went with Mr. Giri, and he found people living in hovels.....

Shri B. S. Murthy: Myself.

Dr. Katju: That reflects upon the people. Here is the directive. Carry it out. My respectful submission to you is that you will not expect me to embody it in the Bill itself—I give you all the sympathy. It is not conventional sympathy; it is all absolutely genuine sympathy—to go against the spirit of the Constitution, to go against the letter of the Constitution and do something which is absolutely contrary to the constitutional structure. I am unable to do it, I cannot do it. I took legal advice, the best legal advice that we can have, and I was told that it cannot be done. So, if it cannot be done, it cannot be done. Therefore, with the assurance of whatever worth it may be, of two kinds—first, that I am fully convinced that—no matter, which Government comes into power in Andhradesh, I am not talking of tomorrow, I am talking of years to come, it may be a Government formed by the Congress party or any other party—the Andhra people who say that they have suffered under some sort of a domination which they have not liked so far, will remember their own past history and will not repeat what they say was done to them by others, with their own countrymen in their own state; they will not do that; if they

do, they will be laying themselves open to enormous criticism: and secondly, I am also convinced that—it is not merely for the sake of Rayalaseema I am saying this—when the new Government comes into power, and the whole of the Andhra State comes here and says it has deficiencies, it will find not only my hon. friend the present Finance Minister, but any other Finance Minister, even after ten, twenty, thirty or forty years' time, meeting their demands, if they have got a good demand, and they have made out a good case. But please remember that there are many Rayalaseemas in India. Do not monopolise any Rayalaseema in your own State. There is the Bhil area with which I am familiar in Madhya Bharat in Jhabua district, where they have had no rains for four years in succession, and I have seen people living there not even on rice, but on grass. Of course, the communist party does not know much about it, because it has not got any state there. Then, we have got the flooded areas of Bihar. Then we come to the eastern districts in Uttar Pradesh. Then, you yourself referred to—I could not make out the reference very clearly—Rohtak, Haryana etc. So, there are so many Rayalaseemas in India, and the Finance Minister is bound to look after them.

I do hope that with what I have ventured to say, and with the other speeches that have been made here, the object of the Mover of this amendment by way of insertion of a new clause has been served. The attention of the country has been drawn to Rayalaseema, the attention of the Andhra people has been drawn, the attention of the coming Andhra Government has been drawn to the fact that they are in duty bound to take the utmost care of this backward tract. So, the object of the amendment has been served, and the amendment may well be withdrawn; otherwise, I shall be compelled to oppose it.

Shri Viswanatha Reddy: In view of the full sympathy felt by all sections of the House, I beg leave of the House to withdraw my amendment.

Shri Raghavachari: I oppose the withdrawal of the amendment.

Mr. Chairman: I am afraid, if the withdrawal is opposed, I have no option but to put the amendment to the vote of the House.

The question is:

In page 22, after line 13, insert:

"64-A. The President may give direction from time to time to the State of Andhra for ensuring the economic and irrigational development of Rayalaseema."

The motion was negatived.

Clause 65 was added to the Bill.

Clause 66.— (*Special provisions re. Tungabhadra Project*)

Shri Shivamanjappa (Mandya): I beg to move:

In pages 22 and 23, for clause 66, substitute:

"66-Special provisions with regard to Tungabhadra Project.—

(1) Ownership and all rights in respect of the administration and operation of the Project in the transferred territory shall, on the appointed day, vest exclusively in the State of Mysore and ownership and all rights in respect of the administration and operation of the portion of the Project situated in the territories of the State of Andhra shall, on the appointed date, vest in the State of Andhra.

(2) Rights and liabilities of the State of Madras in relation to the Tungabhadra Project shall, on the appointed day, be the rights and liabilities of the States of Andhra and Mysore subject to such adjustments as may be made by agreement between the said States or if no such agreement is reached within three years from the ap-

[Shri Shivananjappa]

pointed day, as the President may by order determine:

Provided that the order so made by the President may be varied by any subsequent agreement entered into between the States of Andhra and Mysore.

(3) The agreement or order referred to in sub-section (2) shall, if there has been an extension or further development of the Project after the appointed day, provide also for the rights and liabilities of States of Andhra and Mysore in relation to such extension or further development.

(4) The rights and liabilities referred to in sub-sections (2) and (3) shall mean—

- (a) the rights to receive and utilise water which may be available for distribution as a result of the Project,
- (b) the rights to receive and utilise the power generated as a result of the Project, and
- (c) the liabilities in respect of the construction and maintenance of the Project.

(5) In this section, the expression 'Tungabhadra Project' or 'the Project' means the Project agreed to between the Government of Madras and the Government of Hyderabad before the appointed day and all extensions and further developments thereof."

Mr. Chairman: Amendment moved.

In pages 22 and 23, for clause 66, substitute:

"66-Special provisions with regard to Tungabhadra Project.—

(1) Ownership and all rights in respect of the administration and operation of the Project in the transferred territory shall, on the appointed day, vest exclusively in the State of Mysore and ownership and all rights in respect of the administration and operation of the portion of the Project situated in the territories of the State of An-

dhra shall, on the appointed date, vest in the State of Andhra.

(2) Rights and liabilities of the State of Madras in relation to the Tungabhadra Project shall, on the appointed day, be the rights and liabilities of the States of Andhra and Mysore subject to such adjustments as may be made by agreement between the said States or if no such agreement is reached within three years from the appointed day, as the President may by order determine:

Provided that the order so made by the President may be varied by any subsequent agreement entered into between the States of Andhra and Mysore.

(3) The agreement or order referred to in sub-section (2) shall, if there has been an extension or further development of the Project after the appointed day, provide also for the rights and liabilities of States of Andhra and Mysore in relation to such extension or further development.

(4) The rights and liabilities referred to in sub-sections (2) and (3) shall mean—

- (a) the rights to receive and utilise water which may be available for distribution as a result of the Project.
- (b) the rights to receive and utilise the power generated as a result of the Project, and
- (c) the liabilities in respect of the construction and maintenance of the Project.

(5) In this section, the expression 'Tungabhadra Project' or 'the Project' means the Project agreed to between the Government of Madras and the Government of Hyderabad before the appointed day and all extensions and further developments thereof."

Shri Shivananjappa: At the very outset, I wish to make it clear that the reservoir, nearly half of 240 miles of

canal and the hydro-electric generating station all lie within the territories of expanded Mysore. The clause as it stands vests the ownership, administration and control of the Tungabhadra Project jointly with the Mysore and Andhra Governments, and leaves the rights and liabilities of the respective States undefined. I fear that this will be the subject matter of incessant disputes between the two States. Further, this clause would make Mysore commit itself to the Andhra State, to supply an unknown quantity of water, to an indeterminate extent of land. A contingency may arise when the Andhra State may demand supply of water to all available arable land, in the districts of Anantapur, Cuddapah and Kurnool, and the three taluks of Bellary now added to the Andhra State, and there may not be left enough water for the use of Mysore. So, this clause as it stands is unconscionable and unreasonable from the point of view of Mysore.

My amendment embodies certain principles of law and equity. It is self-explanatory, and it envisages that Mysore should have ownership, control and administration of that portion of the project which lies within its own territories, and concedes similar rights to the State of Andhra over a part of the project situate on its lands. If two states owned a particular project, within the territories of the one, it would lead to so many anomalies, and ultimately to administrative inefficiency. Such duality of control would result in inter-state wrangling. My amendment seeks to obviate all these difficulties. It is also quite in consonance with the principle embodied in clause 1(1) of the Seventh Schedule, which says:

".....all lands and all stores, articles and other goods shall remain the property of, or as the case may be, pass to, the State in which they are situated."

It also provides for distribution of water to the Andhra areas by agreement and negotiation. If any dispute arises, the intervention of the Presi-

dent is also provided for. I therefore commend this amendment to the acceptance of this House.

Further, the task of completion of this project should be entrusted to Mysore State, because Mysore has got vast experience in hydro-electric engineering, and it was the first State to establish a hydro-electric project in our country, without depending on the help of any foreigners.

I therefore suggest that this amendment may be accepted.

Shri Raghuramalah: May I speak?

Mr. Chairman: Let me finish this.

Shri Basappa (Tumkur): Sir, I beg to move:

In page 22 (i) after line 26, insert:

"(1) Ownership and all rights in respect of the administration and operation of the Project in the transferred territory shall, on the appointed day, vest exclusively in the State of Mysore and ownership and all rights in respect of the administration and operation of the portion, of the Project situated in the territories of the State of Andhra shall on the appointed day vest in the State of Andhra"; and

(ii) Renumber the existing sub-clauses accordingly.

Mr Chairman: Amendment moved:

In page 22 (i) after line 26, insert:

"(1) Ownership and all rights in respect of the administration and operation of the Project in the transferred territory shall, on the appointed day, vest exclusively in the State of Mysore and ownership and all rights in respect of the administration and operation of the portion, of the Project situated in the territories of the State of Andhra shall on the appointed day vest in the State of Andhra"; and

(ii) Renumber the existing sub-clauses accordingly.

Shri Gopala Rao: Sir, I beg to move:
In page 22, (i) in line 31 for "or the administration thereof shall, on the appointed" and

(ii) for lines 31 to 41, substitute:

"shall on the appointed day be taken over by a Joint Board to be constituted and consisting of representatives of the States of Andhra, Hyderabad and Mysore together with the representative of the Government of India as the Chairman, for looking after the rights and liabilities in respect of administration, construction, maintenance and operation of the Tungabhadra Project, having due regard to the purposes of the Project".

Mr. Chairman: Amendment moved:

In page 22, (i) in line 31 for "or the administration thereof shall, on the appointed" and

(ii) for lines 31 to 41, substitute:

"shall on the appointed day be taken over by a Joint Board to be constituted and consisting of representatives of the States of Andhra, Hyderabad and Mysore together with the representative of the Government of India as the Chairman, for looking after the rights and liabilities in respect of administration, construction, maintenance and operation of the Tungabhadra Project, having due regard to the purposes of the Project".

Shri Raghavachari: Sir, I beg to move:

In page 22,

(i) line 36, before "purposes" insert "original"; and

(ii) lines 37 and 38 for "jointly by the said States or otherwise" substitute "by a Board consisting of both the Andhra and Mysore States representatives as also representatives of the Union Government".

Mr. Chairman: Amendment moved:

In page 22,

(i) line 36, before "purposes" insert "original"; and

(ii) lines 37 and 38 for "jointly by the said States or otherwise" substitute "by a Board consisting of both the Andhra and Mysore States representatives as also representatives of the Union Government".

Shri Viswanatha Reddy: Sir, I beg to move:

In page 23, line 35, after "the said districts" insert "and the Chittoor district".

Mr. Chairman: Amendment moved:

In page 23, line 35, after "the said districts" insert "and the Chittoor district".

Shri Raghuramalah: The amendment moved by Mr. Shivananajappa, if I may say so, is a very clever amendment. But I do not think it can deceive any of us. It makes very innocent reading *prima facie*, because it says "ownership and all rights in respect of the administration and operation of the Project in the transferred territory shall.....vest exclusively in the State of Mysore and ownership and all rights in respect of the administration and operation of the portion of the project situated in the territories of the State of Andhra shall..... vest in the State of Andhra". It reads very nice, but it doesn't need much of a human brain to detect the intention behind it. What they want is this. They know perfectly well that the headworks are in Mysore State. By saying 'ownership and all rights in respect of the administration and operation of the project in the transferred territory shall, on the appointed day, vest exclusively in the State of Mysore,' it means ownership of the headworks. Only some canals run in the Andhra area. That means we have only the ownership of the canals while they take the ownership of the

whole of the headworks. In fact, our whole complaint is that Mysore has butted in at the last minute and to our utter distress, and there is absolutely no reason to hand over that portion of Bellary to Mysore at all, as Justice Wanchoo himself said... (*Interruptions*). I do not think my Tamilian friends need interfere in this; there is no Tamilian population there. As a matter of fact, I am not going into the merits, but according to us, it is a Telugu area. In any case here is a headworks and because that particular area of Hospet happened to be given over to Mysore, the Government of India have reluctantly to agree to give some sort of control also to the Mysore Government. But then the Chief Minister of Mysore has been—I do not want to use very strong expressions—rather greedy in this. He not only wants to take the benefit of the Mysore part of the project, but he wants to have the whole ownership of it. We have spent, Sir, about 17 crores of rupees on this project, and my grievance has always been that even in this Bill there is provision only to divide the public debt portion of it. Half of 17 crores of rupees has gone from the public debt and round about half has come from the revenue resources. We have spent our hard earned revenue—about 7½ to 8 crores of rupees—and there is no provision in the Bill for making Mysore pay that revenue portion of the expenditure which we have incurred on it. It comes to nearly 4 crores. They are getting the benefit of the project without paying the cost for it—at any rate, to the extent the cost has come from that revenue. It is most unfair. However, while things are so favourable to Mysore, on top of it they come forward and say 'Not only we knock off the project and a small portion of the expenditure, but we want complete control over it'—they want the complete ownership of the project—I do not think, Sir,—to use a mild expression—there has been any more fantastic claim than this, and I would resist it with all the force at my command.

Shri Lakshmayya: I oppose this amendment. Sir, it has been the long cherished hope and aspiration of the people of Rayalaseema to have the Tungabhadra Project constructed. It is the result of a long agitation for the last 30 to 40 years. (*Interruption.*) After much struggle we got it. I repeat it once again, Sir that in spite of the protest and objections of the Mysore people and also the Kannidaga areas that have been annexed to the Mysore State now, we got it with the grace and kindness of Mr. S. V. Ramamurthi who was the Adviser of Madras State then. After the construction of this project, unfortunately this thing has happened: it is really a tragedy. The history of the Tungabhadra Project is a history of tragedies—tragedy, for the people of Rayalaseema. We all expected that our Rayalaseema would become a land of plenty and prosperity once again through this major project because we thought we could get a lot of electric energy for improving our industry and plenty of water for our fields. But, now, unfortunately it has been annexed to Mysore State. The hon. Chief Minister of Mysore wants, and he shouts from the house-tops that.....

Shri Madiiah Gowda (Bangalore South): I rise on a point of order, Sir. Is it fair on the part of the hon. member to speak about the Chief Minister of Mysore in such terms when he is not here to defend himself?

Shri Lakshmayya: That is why I said 'the hon. Chief Minister'.

Mr. Chairman: Order. order. It would be better not to refer in caustic terms to any Minister—be he Chief Minister or any other Minister. It would be better if references were to be made in an impersonal manner.

Dr. Lanka Sundaram: May I make a submission, Sir? Is it the implication of your ruling that we cannot make a reference to the statements made by the Chief Minister of Mysore?

Mr. Chairman: Order, order. I know that the hon. the Chief Minister of Mysore has made a speech, but at the same time it cannot be castigated in very caustic terms; it can be referred to in fairly decent terms. Secondly, after all the Chief Minister only represents his State. The Chief Minister, personally, has no concern with a matter like this. So I request that if references are to be made they may be made in a decent manner.

Dr. Lanka Sundaram: May I submit that under Article 3 of the Constitution, this Bill was sent to the Madras and Mysore Legislatures. They have debated on it and their policies were declared by the Chief Ministers and other Ministers. On the basis of the recommendations made by the Legislatures, the Bill has come here. Certain changes have been incorporated in the original provisions of the Bill, especially with reference to what we are going to discuss now. Sir, I think it will be open.....

Mr. Chairman: I do not object to any discussion. I do not want that discussion should be shut out; that is not my purpose. I only want that references should not be made in such a way that others may be able to say 'In this Parliament indignified castigations are made against a Minister who is not here even to reply to them'. Therefore, my humble submission is that references should be made in a decent manner and in an impersonal way.

Shri Lakshmayya: With due respect to the hon. the Chief Minister of Mysore, I only referred to his statement which all of you—all the hon. members—have read. This is not a new thing. That is why I would say the hon. the Chief Minister is greedy and avaricious and wants.....

Shri Basappa: No personal motive should be attributed to any of us, Sir.

Mr. Chairman: If these expressions are avoided, it will add to the dignity of the remarks of the hon. member. He can use more dignified language—he knows how to use the language, I need not advise him. I would only like that the matter is not debated in such a way that it leads to bitterness.

Shri Basappa: I suggest that the word "greedy" may be ordered to be expunged from the proceedings.

Shri Lakshmayya: With due respect to the Chair, I wish to assure the House that I never meant anything. My object was only to bring to the notice of the House that this project was meant for the poor and helpless Rayalaseema, for which I find immense sympathy in this House. It was for the people of the Rayalaseema area that this project was planned and constructed. Now, it has been annexed to the Mysore State and the Mysore people want exclusive control over the project.

Shri Madiah Gowda rose—

Mr. Chairman: The hon. member who is in possession of the House is not giving way.

Shri Lakshmayya: Hence, even now I suggest to the hon. Home Minister that if the Tungabhadra project area is added to the New Andhra State, a new district can be constituted as Tungabhadra district with other taluks on the ground of economic and administrative convenience. It can be made the boundary of the Andhra State. There would be no difficulty at all. This clause can be removed safely.

Sir, in this connection I would like to bring to the notice of the House that Mr. Justice Wanchoo recommended that the whole district of Bellary should be added to the Andhra State till the formation of Karnatak State. But that has not been acted upon. Since the headworks of the Tungabhadra project are located in the Kannada-speaking area all these difficulties and problems have arisen.

In this connection I am reminded of a story. A jackal on his prey by chance came across a dead hunter, lying with a bow by his side and a fat deer lying dead. He was immensely pleased with the find. But he wanted to begin his feast with the bow-string. He began gnawing the string with his teeth. One of the ends of the bow gave way, struck his head and the animal met with its death. So, if a person is not satisfied with the larger things that are obtained by chance and goes after smaller things, he will meet with the fate of the jackal. Now Mysore has got six Taluks of Andhra unasked for. Not satisfied with it, if they are to insist on having smaller things like the Tungabhadra headworks, it is bound to create heart-burning among the poor, down-trodden people of the Rayalaseema area and it will create troubles.

I, therefore, suggest that a board consisting of the representatives of the Hyderabad State, the Andhra State and Mysore, to be presided over by a representative of the Government of India, may be constituted. It will have a dominating control over the whole administration, construction, operation and maintenance of the Tungabhadra Project. We are thankful to the Central Government for the provision made in clause 66, because the Rayalaseema people would be getting the high-level channel by virtue of this provision.

Coming to the amendment, the Mysore people should be satisfied with the area irrigated by the ayacut. Hospet, Bellary and Sirugappa are the three taluqs which would benefit most by this project. In each taluq the area under irrigation has been classified under three heads, perennial, wet and dry. In the three taluqs mentioned above they will have an area of 15,000 acres under perennial supply, whereas in the area in Andhra, that is Alur and Adoni, there is no perennial area under ayacut. That is a great advantage for Mysore.

Next come wet and dry areas. They have got about 62,152 acres under wet crop. The one advantage peculiar to them is that a large part of the area in the three taluqs would be just below the dam, with the result that they will get plenty of water whereas the areas in Alur and Adoni are far away from the dam. They can therefore have only dry cultivation. Having all these advantages they should not think of exercising exclusive control over this project. They must be satisfied with the provision already made. Any more concessions would be detrimental to the interests of the people of Rayalaseema for whom this project was solely meant.

Shri Raghavachari: I rise to oppose the amendment of substitution of a new clause. I would suggest the incorporation of the words suggested in my amendment "jointly by the said States, or by a Board consisting of both the Andhra and Mysore State representatives and also the representatives of the Union Government."

I am not very much concerned with other matters that are connected with the Tungabhadra project, about the sharing of the cost and its relative benefits, etc. I want that the administration, completion and the continuance of the beneficial use of this project must necessarily be in the hands of an independent body consisting of the representatives of the two States as well as the Centre. You know, Sir, that the Tungabhadra project is the creation from contributions by the two Governments of Hyderabad and Madras. Now Madras is being made into two States. Madras drops out and in its place come Andhra and Mysore. The amendment to this clause, as well as the trend of the discussion in the Mysore Assembly shows that they are not satisfied with joint control with other interested Governments, but want exclusive control over it,—possibly exclusive use also. Ownership in law is only for use: if a man owns

[Shri Raghavachari]

a thing he wants to use it exclusively himself.

Anyone having a knowledge of the history behind this Tungabhadra project will realise that it is a scheme for which the chronic famine stricken people of Rayalaseema craved, claimed and cried for years. It is a matter of common knowledge and experience that when a project of national importance benefiting more than one State is constructed, the Centre takes care to see that the administration shall not vest in the hands of only one of the States.

6 P.M.

Otherwise there will be constant struggle and rancour. No doubt clause 66 makes some kind of provision for an agreement between the States. It also makes provision that in the event of such an agreement not being arrived at amicably, the President will give some instructions. But, by my amendment, Sir, I want that the President, if it is not agreed to amicably between the States, will issue an order for the management of the project by a Board consisting of the representatives of all the three States. It is not merely a thing based upon our suspicions that our interests may be prejudiced. It is a very essential requisite of providing a safeguard which people with some experience of life must provide for the future. We have seen—whether it is true or not—as between Pakistan and ourselves, allegations have been made that water is being withheld. Such allegations will be made and propaganda will be carried on and unnecessary bitterness and ill-will will be created on the one side or the other and it must certainly be avoided. We are all parts of a bigger State—the Union—and it is not meant that one part should quarrel with the other. Otherwise I cannot understand why when such a reasonable proposal is made that a safeguard must be there the Mysore Government and the members representing Mysore should be so much agitated. Then my hon. friend said

that we will have the channel. It is something like 'I will keep the udder of the cow, you better feed it, clean it and do all other things'. It is something like, 'I will have the headworks; you may have the channels.' The mere fact that they are agitating for such a thing as exclusive ownership is an argument in favour of such an independent Board to be constituted for the management of this.

Another point which I wish to submit is this; that even Mr. Justice Wanchoo has agreed to it. My hon. friend the Home Minister might say that he simply wanted to please both sections and so he wrote one sentence here for one section; he dictated to his shorthand writer that one sentence for one section. It is not like that. He whole-heartedly applied himself to the task that was entrusted to him to make a recommendation with all seriousness and after due judicial consideration. The same gentleman has made a recommendation that the Bellary district may be a part of the residuary State of Madras. Then there was no thought or idea of handing over a part to another State. He said, "Even in that case....." that is, in case the Tungabhadra Project, the headworks goes over to some other State.....

"In that case it may be necessary to have some kind of a corporation managing the Tungabhadra project on which the Hyderabad State, the new State as well as the authority administering Bellary district or part of it are represented."

He has made a very considered recommendation that it is essential that the management should be in the hands of a Corporation or an independent body. Therefore without going into elaborate arguments in favour of it, I would only say that it would be in the best interests of not only the States concerned but for all for whom the project was started. I am glad that even in section 66 they have

used the word 'having due regard to the progress of the project'. I have also given an amendment for adding one word there. I have said 'the original purpose'. It was first meant to irrigate the famine-affected parts of Rayalaseema including Bellary. Certainly that tract has every right to take the benefit of it. Generated power and energy is also meant for the use of that and other parts. It can easily be said, 'I can easily take away all the power to other parts of the Mysore State'. It was originally meant for the development of Rayalaseema. Therefore, I say that the words 'with due regard to the original purpose' should also be there. It is essential that the management of this big national institution that has cost 20 to 25 crores on this side and 25 crores on the Hyderabad side, must necessarily be in the hands of an independent body and not in a body composed only of people who are even now showing signs of going against the original purpose. Therefore I have proposed the amendment that there should be a Board consisting of the representatives of Mysore, Andhra as well as the Centre because they have been loaning for this and if this is done it will make the different sections of the State happy and live in concord and the representatives of the Centre will be there to guarantee equitable administration.

Shri N. Rachiah (Mysore—Reserved—Sch. Castes): I whole-heartedly support the amendment. This project was contemplated to irrigate Rayalaseema and other parts of the Andhra State. Some of this territory is being transferred to the Mysore State from the Madras State. According to the Constitution, no person can give away his right either in property or in office simply because other people demand it. My friends Shri Raghavaiah and Shri Raghuramaiah said that if you demand this thing, there must be a brain. It is ordinary common sense which tells us that whenever a project lies in our territory it is our right to claim ownership of it, and to control and administer it. Sup-

posing that territory is in the Andhra State. Can we claim ownership? It is not possible. So, if there is any grievance about our giving water to Andhra or that we are going to take away all the water to Mysore, then let them have any objection. We have absolutely no objection to the water which has been allocated to them being utilised by them but we cannot give out our own ownership and our right over that project to the Andhra people. Supposing they do not believe in us, let them go to a third party, say the Central Government. If they do not agree with our views or with our right of ownership, with our management or full control over the project and if they decide both of us are not coming to some terms they can decide we are agreeable to any reasonable solution. But there is no point in attributing motives to the Chief Minister and that we are avaricious and so on and so forth. That is not right because when they are getting a new State we expect that they would be friends with us and they would keep up this friendship. Our relationship goes on even in future. They require our friendship and they require our full support to strengthen that new State. If they are the champions of Andhra Desh, we are also the champions of our Karnataka State. As our Chairman said, let them use some language which is reasonable and which is dignified. We expect them to speak out that such and such a thing is not a perfect and good thing or we must adjust ourselves and try to strengthen our friendship.

I am urging upon the Government to accept this amendment in view of the fact that we are prepared to say that we do not want this water coming from this Tungabhadra Project, to irrigate even an inch of land that is beyond the seven taluks of Bellary district. We are self-sufficient in our water, in our hydro-electric schemes and in all other aspects and now we want—if at all we want water from this project—only to irrigate these seven taluks. So our claims are reason-

[Shri N. Rachiah]

able. We say that this portion has been transferred to us by Central Government as a matter of legitimate right and not as a charity or as a boon to be received by us. They are always attributing motives. They cannot wound our feelings and take all rights simply because we are quiet. I strongly oppose it because they attribute motives. And at the same time, if they are not convinced as Mr. Raghuramaiah said, let the Central Government appoint a committee or corporation as in the case of Damodar Valley, Bhakra Nangal project or any other project in the interests of the nation. If it is a national asset let them appoint a joint committee. We have no objection because we are first Indians and then we are Mysoreans or Andhras. We are amenable to any reasonable solution which can convince all parties and which can convince the nation and the Central and State Governments. As such I support this amendment.

Dr. Lanka Sundaram: I rise to oppose the amendment of my hon. friend, Shri Shivananjappa and support the amendment of my hon. friend Shri Raghavachari, and also oppose other amendments. Sir, I am afraid a lot of heat is brought into this debate on this particular clause. With your permission and the permission of the House, I propose to limit my observations to documents and nothing more and nothing less. Here let us take the statement made by my hon. friend, Dr. Katju, on the 13th of this month and I am quoting from the stencilled Debates, p. 2372:—

“National interest demands it that it should be properly controlled and Andhra Desh for whose benefit it was really undertaken should have the benefit”.

My first request to my hon. friend is to repeat the implication of this statement to the House. The whole discussion hinges upon one single point, whether the original Tungabhadra Project was intended for the

exclusive benefit of the Andhra Desh. Parts of the Andhra territory are to-day sought to be transferred. Appportionment comes later on. This is the first important point. The second important point is that Tungabhadra Project is not a project which is already there in that particular area. It comprises of three distinct units, the low-level canal, the high-level canal and the hydro-electric project. I beg the House to remember these three distinct factors. All friends of Mysore have been concentrating at the moment on the low-level canal. Here, Sir, I quote the statement made in the Mysore Legislative Assembly on the 27th of July by no less a person than the Chief Minister of Mysore State. He stated that there was 107 miles of low-level canal in the territory to be added on to Mysore State, whereas in the territory of the new State of Andhra there were 118 miles, and so you will see, Sir, how complicated the position is. I would like to quote with your permission another statement made by Shri Hanumanthayya in the Mysore Legislative Assembly. I can vouch for the accuracy of this statement. He says:

“The Tungabhadra project was situated within the transferred territory which on the appointed date would be part of Mysore State. Then it logically followed that the project lying within the State of Mysore must be under the ownership of Mysore State on the basis of location.”

Here location means the headworks. Part of it is situated in Hospet, which is transferred to Mysore State. Then, Sir, he says:

“The existing clause 62-A wants Mysore Government to commit itself to the position of supplying water to the Kurnool, Anantapur and Cuddapah districts in the Andhra State as also the three taluqs of Bellary which would go to the Andhra State.

This is exactly the identical provision as clause 66 of the present version

of the Bill Shri Hanumanthayya says:

"We are not prepared now to commit ourselves to supplying water to all these districts."

Which are the districts? The same Kurnool, Anantapur, Cuddapah, and taluks of Bellary which are to be in the future Andhra State. Then he proceeds to say:

"The project itself envisages certain areas to be irrigated under the Low Level Canal and certain areas to be irrigated under the High Level Canal. If we commit ourselves now, we would be inviting trouble for ourselves. Supposing these three districts and three taluqs insist on water being made available, all of them arable land, it may be that we will be left with not enough water for irrigation purposes in our territories."

I may quote further:

"If we commit ourselves now we will be committing ourselves to a position of helping the people of Andhra at the expense of the people of Mysore."

Then, Sir, he finally says:

"We are working here primarily to safeguard the interests of the Mysore people. The amendment was passed on the principle of equity and on principles of law and what was called an impartial approach to the problem".

The amendment passed by the Mysore Legislative Assembly which is supplied to members of this House is exactly word for word the amendment of my hon. friend, Shri Shivanan-jappa.

Before I proceed further with this point, I would like to refer to the Bill as circulated to the two Houses of Mysore and Madras legislatures. At page 35 in VII Schedule, under clause 12(3) the following occurs:

"The expenditure on the Tungabhadra irrigation and Hydro-Electric project upto the commence-

ment of the appointed date should be deemed to have been incurred in the territory of the State of Andhra."

That was the original position. Now this particular clause has disappeared from this Bill. I really do not know how and on what grounds this particular clause was removed. I make a reference in order to link up with the position, indicated by my friend the Home Minister on the 13th August, "Tungabhadra project was for the benefit of the Andhra people."

Now having said this, I want, with your permission, to take this honourable House through one or two stages of the speeches of my hon. friends from Mysore. "Because the Headworks is located in the territory to be transferred the project must be the property of Mysore". That is the first observance made by my hon. friends. I want every hon. Member in this House to examine the point whether such a claim is reasonable or equitable and whether it does justice to the Andhra people. They say "Administrative units were formed definitely for the purpose of avoiding dual control of authority and consequent conflicts and disputes."

This statement tends to support the claim on the principle, "Because the headworks is in our territory; so, control must be ours." They further say, "Even with regard to the completion of the project, a distinction has to be made between the irrigation side and the hydro-electric side". This is the point on which the Andhras feel very strongly. Here is the categorical statement of my friend at the highest level in Mysore State that they want to distinguish between the irrigation project and hydro-electric works on the one side, and between the low level and the high level canal on the other.

My friends at the highest level, including the Chief Minister, have said, "We have got tremendous experience in the management of hydro-electric project; so we must have the right to manage the hydro-electric side of the Tungabhadra project." It is in this

[Dr. Lanka Sundaram]

particular context that I would appeal to my hon. friend, Home Minister, for justice. This is a simple proposition. Why do you leave this question for mutual agreement between the future Andhra State and the Mysore State? What prevents you from doing it now?

My friend Mr. Raghuramaiah made a reference to the expenditure of 17 crores of Rupees on the Tungabhadra project. The revenue portion is only four crores.

A reference was made to the division of revenue portion of the liability. Andhra should get a cash credit of two crores more. But what does Mr. Wanchoo say in his report? "When Andhra separates there is nothing to divide in the shape of cash balances". When I am entitled to cash, I am denied cash and it is declared that the project is for the benefit of Andhra people. These are the complications, and yet my hon. friend the Home Minister hopes that the future Andhra Government, in the light of the statements made by high personalities including no less than the Chief Minister of Mysore, will settle the disputes with great speed. For two years he expects us to fight like Kilkenny cats.

I oppose the amendment moved by Shri Shivananjappa, and support the amendment of Shri Raghavachari asking for the appointment of a Board consisting of both the Andhra and Mysore State representatives, as also a representative of the Central Government, in order to lift this dispute from the realm of controversy so that bad blood is not created. None of us wants to fight with each other. The linguistic affinity between Andhra and Karnataka. I am to say, is much more deep than is known in this House. What I have said, I have said with a sense of responsibility. I am sorry to have said these things, but I have done so with a full sense of responsibility. And I have been only quoting documents. Injustice has been done. And I request my hon. friend, even now it is not too late for him to rectify the position. Let him not ask

us to fight. Let the Government of India take it over. I do not think there will be any difficulty in accepting my hon. friend Shri Raghavachari's amendment.

The Minister of Finance (Shri C. D. Deshmukh): Sir, I should like to intervene in this debate in order to restore some sense of perspective. I do not think a project of the size of Tungabhadra could be regarded as the object of ownership by any State. Especially that is so when that project has been financed very largely by the Central Government. The Central Government's responsibility in this matter from the point of view of planning and the general development of the country, to which reference was made in an earlier amendment, is to see that the objects of the project are realised, that is to say, what the project aimed at is maintained throughout the time that the project is operating. If constitutionally it had been possible, it might have been a solution to appoint a Corporation straightway, in which case there was no question of the ownership of the project vesting in any of the States. Territorially, certainly it is a geographical fact, or it will be, that the project will lie in the area which will now be transferred to Mysore. But that has no essential connection between the completion or the operation or the administration of the project, and it is on this basis that the provisions of clause 66 have been framed. I should like to say at the outset that I believe they represent the most equitable solution of this problem and that I therefore oppose all amendments to it.

Now, Sir, I do not know if the House is in possession sufficiently of the details of this project. It is shared in the first place between—or it was shared between—the Governments of Madras and Hyderabad, and there is a certain amount of joint operation already by agreement, not by the order of the President.

Then, Sir, so far as the portion which lies in Madras is concerned, of

course it is known to everybody that the main dam will now be in Hospet which will be transferred to the Mysore State.

Then there are two canals. One belongs to Hyderabad, and the other canal—that is the only one now—the right bank canal on the Madras side, which is called the low level canal, is 225 miles long. The other one in Hyderabad is 127 miles long. And power is proposed to be developed at suitable sites along the canals.

Then there is provision in the project for a high level canal on the Madras side for the irrigation of two hundred to three hundred thousand acres. But this canal is not included in Stage I of the project which is under discussion and under completion today. It seems to me therefore somewhat fruitless to try and see what will happen to the high level canal, except that since it is included in the project it will be the object of the Government of India to secure that if and when it is constructed the benefits from the high level canal will go to the territory for which they were meant when the project was approved in the beginning. Therefore, I do not think that it would be open to the State in which the headworks lie territorially, to say that because of ownership, we will construct a high level canal which will irrigate some other areas, and not the areas for which irrigation was originally intended. In practice, I do not think such a contingency is likely to arise for the simple reason that neither State will have enough money to construct a high level canal.

Dr. Lanka Sundaram: A very happy position.

Shri C. D. Deshmukh: In other words, they will have to approach the Government of India for further financial assistance and when they come to the Government of India, Government of India will say: we will only help of this is in completion of the original project; we take notice of the rights that had already accrued and we are not to be disturbed by this legislation,

as I hope that would be the case. Therefore, if there is a high level canal, it will only be constructed as I said with the help of the Government of India, and then in fulfilment of its original purpose.

In regard to the present amenities, power or irrigation, I do not think that there is any dispute. That is to say, I do not suppose that it is argued on behalf of the Mysore State that the benefits should be altered. I believe that the Mysore State is quite willing, and they should be willing, that the electricity will be divided according as it was intended to be distributed and that irrigation will also be supplied to the territories which were under Stage I of the project supposed to receive that benefit.

Shri Raghavachari: They do not want to commit themselves; that is their attitude.

Shri C. D. Deshmukh: I should call that attitude extremely unreasonable, because there are pre-existing rights so to speak. Most of the work has been completed. Only about 4 or 5 crores worth of work has to be completed, I think, in regard to power.

Shri Raghavachari: Yes.

Shri C. D. Deshmukh: Actual irrigation will be like this: Irrigation acres Andhra 140,000, Mysore 110,000, Hyderabad 450,000. That is for the project as a whole.

Dr. Lanka Sundaram: Including the high level canal.

Shri C. D. Deshmukh: Canals: 121 miles Andhra, 104 miles Mysore, 127 miles Hyderabad. Power: 30,000 k.w.; then, transmission systems and so on. It will be the object of the Government of India to secure that these benefits do flow to the territories for which they were meant.

So far as territorial jurisdiction is concerned, like civil, criminal and revenue jurisdiction, certainly if there is a theft in the headworks. There will be no doubt as to how the theft should be dealt with. Without our saying anything, by the very fact of

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the transfer of the territory. Mysore has certainly these rights.

Shri Basappa: Duties, not rights.

Shri C. D. Deshmukh: Unfortunately it happens in this world that many rights often become responsibilities. Therefore, the Mysore State will have these rights: that is to say, civil, criminal and revenue jurisdiction over the headworks and the operation of the distribution system within the State. The Mysore laws will naturally apply in regard to them subject to what has been said in regard to the application of laws. This will not and is not intended to affect (a) the property rights in the dam and canals constructed for the reasons that I have mentioned and (b) the licensee rights, that is the right to construct irrigation or power works of the Andhra State under the Project report. In these respects, we cannot put the Andhra State in a worse position than say a statutory corporation or licensee to whom the Madras Government might just have entrusted the execution of the project in all its stages. If that had happened, there would have been no question of territorial ownership. The Mysore State, we are quite convinced, would be under an obligation to give the facilities to the Andhra State for exercising these rights. The portions of the Andhra State which are entitled to rights of irrigation and power are, as I have said, entitled to get them without any reservation or any reduction. It is our hope that, these basic principles having been stated with a certain amount of sanction behind them, the two Governments might come to an agreement for the completion of the work remaining to be done. There is a provision that if there is no agreement, then, the President will decide. The hon. Member who spoke last doubted the utility of the provision for an agreement. And actually, many of these, in practice, are settled by agreement, and on this there have been several meetings, both of the representatives of the Madras State representing Andhra interests and the

Mysore State, with the Planning Commission with a view to arriving at an agreement. And I should not be surprised if, within six months of the passing of this Bill, an agreement actually ensues.

The position is this, that so far as liabilities are concerned—that is all there is to it, since there is a debt to discharge—the larger part of the expenditure has been incurred within the confines of what will be Mysore State. Therefore, shall we say that, if we follow the ordinary rule about the division of assets and liabilities, then a larger part of the liabilities will rest on the Mysore State, but the larger part of the benefits will be given to the Andhra State? Therefore, it will be, I think, in the interests of the Mysore State to approach the Andhra State and ask for a shifting of the burden of the liability. I cannot see what justification there would be for a transfer of cash, but there is a case for a transfer of liability, that is to say, it is quite possible that the Mysore State will say that although we contain within our limits.....

Dr. Lanka Sundaram: May I interrupt you? In the informal talks we had this afternoon, I thought Dr. Katju and his collaborators said that it will be roughly one to two Crores to be transferred to Andhra, at least in book account.

Shri C. D. Deshmukh: I am not aware of any transfer of cash at all in this matter, because these are assets and no one is paying anything in cash for assets in respect of these irrigation works. But, it seems to me that an arrangement like this whereby the larger part of the liability corresponding to the larger part of the benefits is transferred to the Andhra State would be an equitable arrangement. Anyway, if this arrangement is not arrived at.....

Shri Raghavachari: It is not cash, but a credit will be made in favour of Andhra State, and debit against Mysore. That is the point.

Shri C. D. Deshmukh: I do not know credit at whose cost.

Shri Raghavachari: The credit is for the ownership, for the use of the benefits being transferred to Mysore State who are initially responsible to contribute so much. That is the debit against them, and credit in favour of Andhra.

Shri C. D. Deshmukh: I cannot say really what the solution would be. I am only indicating a solution.

Shri Raghavachari: That is all right.

Shri C. D. Deshmukh: I was not present at this meeting, and as I said, the first stage is for the two Governments concerned to come together, and to see how the financial adjustment is to be made.

Shri Raghavachari: Substantially it is correct.

Shri C. D. Deshmukh: And there is plenty of time for the President then to take the advice of the Central Ministry to take a decision in this matter.

Shri Raghuramiah: May I know whether it will be then open to the Andhra Government to urge that the revenue portion of the expenditure also will have to be taken into account in dividing the liability?

Shri C. D. Deshmukh: I don't think so, Sir. I think there is no question of tracing back any revenue expenditure of any capital work. I mean that is the basis of the provision for the distribution of assets and liabilities. It could only be a kind of surmise, and one man's surmise may be entirely different from another person's surmise. We can only take into account the fact that there is a residual liability which represents a debt to the Central Government, and it is only that which will be shared in accordance with any agreement to be arrived at between the two States in the manner I have mentioned. Therefore, I do not think there will be a question of any adjustment of revenues. Anyway, there is no reason why I

should anticipate all these decisions and complicate possibly an agreement between the two States. There is no reason why I should express my views, but I only say these are ways in which the matter could be settled. At least, these are ways in which it seems they could be equitably settled, the rough principle being that the share of liabilities should be in accordance with the share of benefits from the project.

Even for this two year period, I think the President has, under one of these sub-clauses, the right to issue directions, so that it is not as if the matter is left entirely in the air.

Therefore we are convinced—I am now speaking on behalf of the Planning Commission and the Finance Ministry—that the arrangement which has been made here, in the present clause 66 is the best, in view of the multifarious interests which are involved in this matter.

Several Hon. Members rose—

Mr. Chairman: I do not want to stand in the way of the hon. members. They can certainly speak, but in view of what has fallen from the hon. Finance Minister, I would respectfully ask hon. members to consider whether they should proceed with all these amendments. If any point is not clear, questions may be asked, I can understand that, but after what has been so clearly elucidated by the hon. Minister, I would request the hon. Members to consider whether it is worthwhile to go on with the amendments. We may consider whether we should accept the statement of the hon. Minister as deciding the issue,—if any hon. member is not satisfied, he can put questions—or if the House likes, we can proceed with the amendments also. If the House likes it, I have no objection.

Shri Raghavachari: My amendment does not certainly come in the way of an agreement being reached at all. I have only added at the end, that if there is no such agreement, then the President may pass some orders for the project, including the question of management of the project.

Shri C. D. Deshmukh: That only spells out the word 'otherwise'. It is not necessary to spell out exactly how it should be done. 'Otherwise' leaves enough latitude to the President to constitute a proper Board.

Shri Raghavachari: I have only amplified the word, so that it will be perfectly clear. 'Otherwise' may mean that, but I am including it here, and then this 'otherwise' is still there.

Shri B. S. Murthy: Arising out of the clarification so ably given by the Finance Minister, that there is a large amount of responsibility on the part of the Centre for the management of the Tungabhadra project, not only for financing it, but also for completing it, and seeing that there are already suspicions amongst the Andhras that the Mysore State will give them some trouble, and the Mysore State thinking that the Andhras might claim more than their share, I would ask, why not we straightaway proceed with the constitution of a corporation or a board which will take over.....

Shri C. D. Deshmukh: It cannot be done constitutionally. A corporation has to be formed with the consent of the two states concerned, and since the Andhra State has not come into being, no corporation can be formed.

Shri B. S. Murthy: Today the Madras State is there, and I think the Madras State will not be averse to constituting a board. What prevents the Central Government in seeing to it that there is no bickering, or ill-feeling or acerbity, and straightaway proceeding with the plan for the execution of the project, by the formation of a corporation or a board right now?

Shri Keshavalengar: I think matters have been made perfectly clear by the statement of the hon. Finance Minister. I do not think the aspersions cast on Mysore just now by several hon. members here on the floor of the House, are in any way justified. Virtually it is the liabilities that Mysore has got to share. On a careful scanning of the Tungabhadra project, it

has been clearly made out that not even an inch of the canals from this project runs in any of the areas other than the districts that have now been transferred to Mysore. As for the question of sharing of revenues, I must say revenue expenditure is not to be shared at all. Even if it is to be shared, it must be remembered that the 7½ lakhs of people within the transferred area have also contributed their quota to the revenue share of the previous Government. That factor also has to be taken into consideration.

As has already been stated by the hon. Finance Minister, the new state has not yet been formed, and the question arises with whom we are going to negotiate and form a corporation.

Shri B. S. Murthy: Madras please.

Shri Keshavalengar: Of course, the natural course of events was only sought for by this amendment. In the natural course of events, the land goes and the properties on the land go with the land. It is only immediately the appointed date comes in and the particular State is formed. I am sure Mysore will not have any hesitation to consider this as a national asset and it will be in the interest of the other population of Mysore—other than that of the Bellary districts—to see that the Corporation is formed and the assets and liabilities are allowed for the control, operation and administration of that Corporation. It is only to enable ourselves to do that that the Chief Minister was asking for the transference of the ownership of the entire project. The House is fully aware that Mysore has had ample experience in the management of projects like this. There have been several instances of sharing the benefits of hydro-electric projects between the States of Bombay and Mysore and between the States of Madras and Mysore. There were several instances of that kind and this is only in order to safeguard the interests of Rayalaseema. In fact, as you have already heard, the major portion

of the benefit of the canal goes to Andhra and only the liability comes to the State of Mysore.

Dr. Lanka Sundaram: Why do you take it?

Shri B. S. Murthy: Is it a new form of 'white man's burden'?

Shri Keshavalingar: It is only to continue this benefit that Mysore wanted the preservation and management of this project. I do not think there will be any hesitation for the formation of the Corporation; it has got to be done in due course and not immediately. (*Interruption.*)

Mr. Chairman: I take it that the House generally accepts Clause 66 and that the amendments are not going to be pressed.

Shri N. Somana (Coorg): Sir, I want a doubt to be cleared regarding the 7th Schedule. In the 7th Schedule it is stated—paragraph 1(2)—

"In this paragraph, the expression 'land' includes immovable property of every kind and any rights in or over such property and the expression 'goods' does not include coins, bank notes and currency notes".

I would like to know what is the significance of this clause.

Shri C. D. Deshmukh: It is a question for the lawyers, not for me. I say that the specific provision of this clause will apply.

Shri Raghavachari: Subject to the other provisions.

Shri C. D. Deshmukh: Yes.

Shri K. K. Basu: Ask him to consult the Attorney General.

Shri N. Somana: It says: "Subject to the other provisions of this Schedule".....

Mr. Chairman: Yes.

Shri N. Somana: They do not relate to the existing structure of it. "...all land and all stores, articles

and other "goods shall remain the property of, or, as the case may be, pass to, the State in which they are situated".

Mr. Chairman: This Schedule is yet to come up for discussion. If the hon. member wants to move an amendment to the provision in the Schedule, even after this clause is passed; he will be perfectly within his rights.

Shri N. Somana: But this clause 66 is subject to the provisions of the 7th Schedule. It says: "Notwithstanding anything contained in this Act, but subject to the provisions of paragraph 12 of the Seventh Schedule..."

Shri C. D. Deshmukh: Only para. 12

Mr. Chairman: Paragraph 12 is yet coming up for discussion. If the hon. member is not satisfied, he can certainly move an amendment then.

Shri Basappa: We cannot pass this until that is discussed.

Mr. Chairman: We can certainly pass this. Why should we not?

Shri Basappa: This is subject to that.

Mr. Chairman: Now in clause 47 we are speaking of the Schedule. The Schedule has not yet been passed, but at the same time when we consider the Schedule, everything will be open before this House. We are not committed to passing para. 12 as it is. Para. 12 will be subject to discussion in the House when the 7th Schedule comes up.

Dr. Katju: May I point out, Sir, in addition to what you have said that in clause 66, which is being discussed, the opening words are: "Notwithstanding anything contained in this Act.....". Therefore, clause 66 stands by itself; it is not controlled by anything elsewhere in this Act either in the Schedule or otherwise, except para. 12.

Dr. Lanka Sundaram: May I seek a clarification from the Home Minister? If he will kindly refer to the

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Seventh Schedule at page 34, the words in brackets are: "See sections 47(1), 48(3), 51, 52 and 66(1)." Can he kindly explain what that means?

Shri C. D. Deshmukh: Reference to 12.

Dr. Lanka Sundaram: Clause 66(1) also.

Shri C. D. Deshmukh: That simply means the Seventh Schedule is mentioned in this clause, but only to the extent to which it is mentioned.

Mr. Chairman: In clause 47 also the Seventh Schedule is mentioned. The adoption of the clause does not commit the House to the adoption of the schedule. The schedule will be considered on its merits.

Shri Gopala Rao: May I ask a clarification of the hon. the Finance Minister? Are we to understand that immediately after the formation of the Andhra State a corporation will be constituted?

Shri C. D. Deshmukh: They will have to pass a resolution. The two legislatures will have to pass a resolution authorising the Central Government to form a corporation, as was done in the case of the Damodar Valley Corporation. They will naturally take some time; it cannot be done immediately after the formation of the State.

Shri Rama Rao: If Mysore keeps quiet?

Dr. Katju: May I just add a word? I suggest that the language of clause 66 is of the utmost benefit and advantage to everybody concerned. If there is an agreement, that is the end of the matter. If there is no agreement, then the President may do what he likes: he may himself constitute a joint Board. No further legislation may be necessary. I am only speaking offhand. As to the agreement I was rather distressed to hear my hon. friend comparing two States of India with two Kilkenny

cats. I do hope this is not the way in which they will approach this important matter. If I had said that, there would have been an uproar. But my hon. friend from Andhradesa described himself....

Dr. Lanka Sundaram: You have heard the Mysore Chief Minister.

Mr. Chairman: I take it that the House is in agreement to the withdrawal of all the amendments.

Shri Viswanatha Reddy: I would like to put a question to the hon. the Finance Minister. In line 35 on page 23, I would like to add 'Chittoor district' after the words 'said districts' because the benefits of hydro-electric and thermal power should be extended to Chittoor district also because it is part of Rayalaseema. As the other four districts are mentioned by name, I would like Chittoor district also to be added to it. I think it is by mere oversight that Chittoor district has been omitted.

Shri C. D. Deshmukh: Irrigation is not for Chittoor district. This relates only to high level canals; that is why the four districts are mentioned.

Shri Viswanatha Reddy: With regard to transmission of thermal and hydro-electric power also they use the word "said districts".

Shri Venkatraman: I support the amendment moved by my hon. friend. Now they are getting electricity from the Mettur project from the Tamil area and probably it is not enough for them. In the Tungabhadra Project they will get about 30,000 k.w.

Shri Basappa: We want to know the purpose for which this project is intended, and the territories which it is expected to cover,—whether it is meant only for the Rayalaseema districts or other Andhra districts also. The project is meant only for Rayalaseema districts. If they go beyond that, let us be very clear.

Shri T. Subrahmanyam (Bellary): Sir, may I say a word? I know some-

thing about the Tungabhadra project. It is a big project, next to Bhakra-Nangal. The question is whether Chittoor should also come in after Bellary, Anantapur, Cudappah and Kurnool. That particular part of the paragraph in sub-clause (5) of clause 68 applies to the distribution of water. At no stage was the distribution of water expected to be applicable to the Chittoor district.

With regard to transmission of electrical energy they were receiving supply from Mettur. I have no objection personally. I feel that there ought not to be any difficulty in the matter of distributing, supplying or furnishing current from one part of the country to another. That is a different matter.

But, if you talk of the Tungabhadra project as such, as it was envisaged in the beginning, Chittoor did not come into the picture either for the distribution of water or for the supply of energy. Of course, there will be some sort of grid in which all the systems will be merged together and each will be supplementing the other. That is a different matter. But, when it is a question of this Tungabhadra project, I think we should take a more realistic and more correct view of things. I do not want to deprive Chittoor of this project but it was not contemplated.

Shri Lakshmayya: Perhaps my hon. friend does not know that Chittoor district was also included in the MacKenzie scheme of 1901.

Mr. Chairman: I would like to put the amendments to the vote of the House, if the amendment is not withdrawn.

An Hon. Member: Sir, the hon. Minister has not given his reply.

Shri C. D. Deshmukh: Sir, there is no evidence with regard to this, whe-

ther this project included the supply of electricity to the Chittoor district also. I have not got the map here. I am not in a position to say. All I can say is that the present provision was drafted after scrutiny by the Planning Commission. This is a matter of drafting. If it can be drafted as to include all the districts for which it was intended to supply electricity under the project, then it might satisfy all. I do not think it is really necessary.

Dr. Lanka Sundaram: May I make a submission? The House may have to adjourn in a minute. Can we not take this up tomorrow?

Dr. Katju: I do not really know what all this is. We have been discussing the structure of clause 68. If it is inaccurate, which part of it do you say is inaccurate? Then, let us have it tomorrow.

Shri C. D. Deshmukh: It would be possible to find out if Chittoor is included in the project and if there has been any inadvertent omission of any district then it can be incorporated, in accordance with the principles that I enunciated at the beginning. This can be done tomorrow and subject to this we can proceed.

Mr. Chairman: Subject to this, I think the sense of the House is that the clause is accepted. I do not want to put it to the House now. I will postpone it for tomorrow.

Dr. Lanka Sundaram: Sir, may we take it that the vote will be recorded tomorrow?

Mr. Chairman: Yes, the vote will be taken tomorrow.

The House then adjourned till a Quarter Past Eight of the clock on Tuesday, the 25th August, 1953.