

versions) under section 296 of the Incometax Act, 1961:—

(i) S.O. 466 published in Gazette of India dated the 10th February, 1979 exempting National Centre for the Performing Arts under section 10(23C)(iv) of the Income-tax Act, 1961 for and from the assessment year 1976-77.

(ii) S.O. 467 published in Gazette of India dated the 10th February, 1979 making certain amendment to Notification No. 2209 dated the 4th March, 1978 substituting the name "Indian Naval Amenities Fund" for "Indian Naval Association Fund."

[Placed in Library. See Uo. LT-4404/79].

(2) A copy of Notification No. G.S.R. 265(E) (Hindi and English versions) published in Gazette of India dated the 25th April, 1979 making certain amendment to Notification No. 95/79 dated the 1st March, 1979 regarding extension of facility of Proforma Credit under Rule 56A of the Central Excise Rules, 1944 to certain inputs used in the manufacture of specified finished products, issued under the Central Excise Rules, 1944 together with an explanatory memorandum.

[Placed in Library. See No. LT-4405/79].

(3) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962:—

(i) G.S.R. 230(E) published in Gazette of India dated the 4th April, 1979 regarding grant of Duty Exemption on importation of Engines for export production together with an explanatory memorandum.

(ii) G.S.R. 268(E) and 269(E) published in Gazette of India dated the 26th April, 1979 regarding exemption to silk worm seeds from basic and auxiliary duty of

customs together with an explanatory memorandum.

(iii) G.S.R. 641 and 642 published in Gazette of India dated the 28th April, 1979 regarding exemption to artificial electronic larynx and spares thereof, when imported into India by an individual for his personal use, from the whole of the basic, additional and auxiliary duties of customs together with an explanatory memorandum.

[Placed in Library. See No. LT-4406/79].

12.04 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED DISCONTENT IN THE UNION TERRITORY OF GOA, DAMAN AND DIU ON THE IMPOSITION OF PRESIDENT'S RULE

SHRI SAUGATA ROY (Barrackpore): Sir, I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:

The reported discontent in the Union Territory of Goa, Daman and Diu consequent on the imposition of President's Rule in that territory.

THE MINISTER OF HOME AFFAIRS (SHRI H. M. PATEL): Sir, on 23rd April, 1979 the Goa Legislative Assembly adopted a Cut Motion against a Demand for Grant under consideration of the House with 15 members in favour of the Motion in a House with an effective total membership of 29 including the Speaker. The vote against the Government became possible because three members of the ruling party joined the Opposition.

(Shri H. M. Patel)

The Opposition consisted of 10 Congress legislators, one of whom did not have voting rights, 3 Janata Members and 3 others who had left the ruling party. One of these three, Shri Shankar Laad, met the Administrator, along with the other 15 of the Opposition and wanted to be given an opportunity to form an alternative Government. The Administrator sought our instructions in the matter. The Administrator also reported that in case the new Government was allowed to be formed, it would consist of Shri Shankar Laad as the Chief Minister and two other Members who had defected as the other Ministers. The 10 Congress Members and the 3 Janata Members extended their support to the proposed new Government. We had to consider whether a new Government in such circumstances would be stable. We had also to consider whether it would be in the interest of the Union Territory or consistent with the democratic convention, to allow such new Government consisting of the 3 persons who had a few days earlier left the party in power.

We came to the conclusion that considering the position of different groups, the new Government would not be stable and that in order to discourage such defections it would be more appropriate to dissolve the Assembly and arrange for fresh elections being held as early as possible.

Accordingly, the President in exercise of powers under Section 51 of the Government of Union Territory Act ordered the dissolution of the Assembly and the consequential suspension of specified provisions of the said Act for a period of six months in his order dated 27th April, 1979, a copy of which has already been placed on the Table of the House.

Government are aware that those who did not have the opportunity to form a new Government are dissatisfied and that their followers are also engaged in demonstrations and protests. These protests and demonstra-

tions have been generally peaceful. Government do not share the view that here is any general discontentment in the Union Territory over the dissolution of the Assembly. I will make an earnest appeal even to those who are dissatisfied with our decision not to resort to any agitation and instead seek the verdict of the electorate. We are requesting the Election Commission to hold the elections as early as possible.

SHRI SAUGATA ROY: The statement by the Home Minister is the ultimate in hypocrisy. I have seldom seen a Home Minister coming to the Parliament of the country with such abject moralising for which the Janata Party has no right. Here we find him moralising thus:

"We came to the conclusion that considering the position of different groups, the new government would not be stable and that in order to discourage such defections it would be more appropriate to dissolve the Assembly and arrange for fresh elections being held as early as possible."

It does not lie well in the mouth of the Janata Home Minister to say that they do not want to encourage defections.

In 1977, after the Janata Government came to power, the first Government that fell was in Tripura where some Members defected from the Congress to the Janata Party, and they were allowed to form the Government along with the CPM. Then came Sikkim where all the 32 Members of the Congress Party defected to the Janata Party, and were allowed to continue in Government. Then came Manipur where a group of defectors led by Yangmasho Shaiza left the Congress and were allowed to form the Government, and the Government is continuing till today in Manipur.

I am talking of the defections that have taken place in other places, not

am I talking of the problems that the Janata Party faces due to defections from its own ranks and due to defiance of the party whip by its own legislators in U.P. and Bihar. All I would say is that it is abject hypocrisy for the Janata Government to say that they are trying to discourage defections. They have not been able to bring forward the Anti-Defection Bill in Parliament in spite of assurances before the House several times.

What is the position in Goa? What happened? The Shashikala Kakodkar Government was not a majority Government. In October, 1977, elections were held to the Goa Assembly, and Shashikala Kakodkar's MGP secured only 15 seats, just half of the total, and they could not form the Government. So, they took the help of two defectors and one independent. With their support, they were able to continue in Government. There have been numerous charges of corruption against this Ministry from time to time, and at the time where Mr. Charan Singh was the Home Minister, a petition was presented to him, and the Central Home Ministry was enquiring into these charges.

There is widespread discontent in Goa over the performance of this Ministry, as a result of which the MGP legislators themselves were feeling that to continue in the Shashikala Kakodkar Government, which was backed by the big iron ore magnates in Goa, would not be good for their future prospects. So, three people, led by Shankar Laad, came out, and defeated the Government on a cut motion on the Budget on 23rd April, 1979.

The whole question is how this Government is trying to protect the Shashikala Kakodkar Government. What sort of people were the MGP? After they were defeated in the House, the MGP went on a rampage inside the Assembly. They destroyed a bust of Mahatma Gandhi, they burnt a copy of the Constitution, and they threw a chair at the Speaker,

Mr. Narain Figro. This is the sort of people who were functioning there.

We raised this matter on the 24th April in Parliament and again on the 26th. There was no response from the Home Minister. Then, on the 27th April, Shashikala Kakodkar flew to Delhi and had a meeting with the Prime Minister and the President.

Later, on that day, when she went to meet the Prime Minister, we were told that a decision had been taken in the interest of Goa to dissolve the Assembly. The same day in the night, the Janata Party President, Mr. Chandrashekhar came back from Paunar and requests the Government here, the Prime Minister, to allow a democratic Government to function there because only two years ago elections were held and that fresh elections to the Assembly would cost so much money to the Government and to the public as such. But it was not heeded and, ultimately, on 27th April, the President's rule was imposed on this territory.

I want to know from the Government what sort of people they are trying to protect and what was the arrangement that the Government made up its mind after Shrimati Shashikala Kakodkar came to Delhi. I have a direct charge to make against the Government that there was a secret understanding between the former Chief Minister of Goa and the Prime Minister, Mr. Morarji Desai, that Shrimati Shashikala Kakodkar's advice would be heeded, the Assembly would be dissolved, Mr. Shankar Laad will not be allowed to form a Government, it would be a *quid pro quo*, and if Shrimati Shashikala Kakodkar comes back to power, she will impose prohibition against the wishes of the people of Goa. This was an arrangement that was made between the Prime Minister and the former Chief Minister of Goa as a result of which the democratic aspirations of the people of Goa were not allowed to be fulfilled.

((Shri Saugata Ray)

I am not worried about the question of prohibition in Goa. I want to appeal to the Janata Party Benches that this Goa Government signifies a very important development for them. By trying their experiment in a small territory of Goa, the Prime Minister and the Home Minister are showing their warning finger to the Janata dissidents in different States. In Bihar, a new Government has been formed and the warning goes out, "If you do anything against the Ministry, if you vote against the Ministry, we will dissolve the Assembly and send you to the polls as we have done in Goa." It is also a warning to U.P. dissidents, "If you do anything, we will dissolve the Assembly and send you to the polls." It is, ultimately, a warning to the dissidents at the Centre, "If you try to do anything, what happened to Mr. Shankar Laad may happen to you also."

All I want to say is that every Parliament, every Assembly, has a right to run its full term. Defections, counter defections, had not taken place in Goa to the extent they have taken place in some other States. They have taken place in Haryana and in other States. I would like to know, apart from moralising, what constitutional grounds, what legal grounds, the Government had for not allowing a majority Government in Goa. They must make their intentions quite clear and explain to the people that their intentions were not *mala fide* and that they were in the best traditions of democracy in this country.

SHRI H. M. PATEL: Sir, it seems to me that my hon. friend labours under many misapprehensions. He said, this is "subject" hypocrisy. I think, he should have used the word "blatant" hypocrisy. That might have been better.

SHRI SAUGATA ROY: Agreed. I stand corrected. It was blatant hypocrisy.

SHRI H. M. PATEL: I am glad at least at his readiness to accept correct English.

What he wants to know is whether we have acted correctly. We have acted very correctly. In a democracy, there could be nothing more correct than to go to the electorate and let the electorate decide.

AN HON. MEMBER: Let us go to the polls for elections to Parliament.

SHRI H. M. PATEL: When a Government loses the majority, the correct thing is to go to polls. In this case, it is suggested that the people who defected and because of that, because of their defection, the ruling party fell that there were persons who promised support and that there was a promise of support by the Congress and the Janata who were in opposition. No member from the Congress Party there, no member from the Janata Party there, was to join the Government. But the three persons who defected from the ruling party were to form a Government. Such a Government, in our judgment, would not have lasted very long, and there would have been a continuous instability. That is perfectly a genuine assessment and an honest assessment to which you may give whatever names you like. But the fact remains that something that is honest and genuine is honest and genuine. That is all that I have to say on this.

श्री कान्हा लाल मुण्ड (दिल्ली सदर) : अध्यक्ष महोदय, मेरे माननीय साथी ने जो कहा है, मैं उससे सहमत नहीं हूँ। यही महोदय ने राजा में प्रीविलेज्ड क्लस लागू करने के दो कारण बताये हैं : एक तो यह कि वहाँ स्टेबिलिटी नहीं होगी, और दूसरे यह कि सरकार डिफ़िकल्ट को एवरेज नहीं करना चाहती है। श्री सीतल राय ने दो राज्यों के उदाहरण दिये हैं, जहाँ डिफ़िकल्ट कोने के बाद भी जनता पार्टी ने सरकार बनाई। लेकिन माननीय सदस्य और भागे नहीं बड़े, वह उससे भागे बड़ सकते थे; और भी राज्य हैं, जिनकी ओर उन्हें इशारा करना चाहिए था।

मन्त्रिमन्त्र यह है कि उनकी पार्टी तो कृप्य हो रही है, लोग उसकी छोड़ छोड़ कर भाग रहे हैं, और हमें यह नहीं कहते हैं! अपने साथियों को तो वह अपनी पार्टी में नहीं रख सकते हैं।

हम चाहते हैं कि उनके घादमी उनकी पार्टी में रहे, लेकिन वे उसमें रुकना नहीं चाहते हैं। मैं समझता हूँ कि अगर जनता पार्टी ने पहले कुछ गलती की थी है, लेकिन अगर आज वह एक ऐसा आवर्ष कायम करना चाहती है कि डिफ-क्वॉन्ड को एनकरेज न किया जाय—जनता पार्टी भी इस कोलीशन में होनी—, तो उन्हें एतराज नहीं करना चाहिए।

श्री० पी० जी० साबलकर (गाधीनगर)
 गुजरात में आज भी डिफिक्वेंड जनता पार्टी में था रहे हैं।

श्री कंबर लाल गुप्त अगर गांधी में डिफिक्वेंड को रोखने का प्रयास किया गया है, तो यह कोई बुरी बात नहीं है। सब से जरूरी सवाल स्टैबिलिटी का है। महाराष्ट्र की मिसाल यहाँ पर नहीं लागू हो सकती है, क्योंकि महाराष्ट्र में एक स्टेबल गवर्नमेंट है। (अध्वक्षान) घोषा में स्टेबल गवर्नमेंट हो सकती है या नहीं, वह बाउन्ड-फुल है।

लेकिन मैं मंत्री महोदय से यह जरूर कहना चाहता हूँ कि वहाँ पर एक एक्स्पेरिमेंट उभर करना चाहिए था, और अगर वह एक्स्पेरिमेंट कामयाब न होना, तो उसके बाद वहाँ पर प्रीजिडेंट्स क्ल लागू कर देना चाहिए था।

मंत्री महोदय ने कहा है कि वहाँ पर जो डिमास्ट्रेशन हो रहे हैं, वह बहुत शान्तिपूर्वक हो रहे हैं। मैं कहना चाहता हूँ कि श्रीमती शशीकला ने हारने का बाद भी रिजाइन नहीं किया, वह किसी भी चीज मिनिस्टर के लिए बहुत धनार्थकटिक और बगब बहिर्विपर है। कोई भी डेमोक्रेटिक पर्सन उसका समर्थन नहीं कर सकता है। मधन में उनकी पार्टी ने जो कुछ किया, मैं उसको भी पूरा तरह कनडम करना चाहता हूँ। मंत्री महोदय का कहना है कि वहाँ पर शान्तिपूर्ण डिमास्ट्रेशन हो रहे हैं। वहाँ पर प्रधान मंत्री की एग्जीक्यूटिव जलाना और उनके बुत को चप्पको का हार पहनाना इन्मानियन में गिरी हुई चीज है।

SHRI SAUGATA ROY. They are garlanding the Prime Minister's effigy with chappals. The Janata Party people are doing it.

MR. SPEAKER: Saugata Roy, you have made your point.

श्री कंबर लाल गुप्त: जनता पार्टी हो, या कोई पार्टी हो, उसके लोगों के बिनाकार कामवाही होती चाहिए और चारों तरफ से मैं, समझना हूँ अगर से भी और अगर से भी, इसकी पूरी निष्ठा होती चाहिए। इसके बारे में कोई जस्टिफिकेशन नहीं होना चाहिए।

मैं मंत्री महोदय से दो तीन सवाल पूरूना चाहता हूँ। पहला सवाल यह है कि कोई अगर पर गवर्नमेंट की रिपोर्ट पर आप प्रीजिडेंट्स क्ल लागू करते हैं या नहीं करते, इसकी कोई माइड माइड प्रती तक नहीं है। पहली सरकार में भी इसी तरह होना था कि गवर्नर जिन तरह की रिपोर्ट दे दे, उस पर सरकार जिन तरह की तो यह चीज ठीक नहीं है। मैं चाहता हूँ कि कोई एक गाइड लाइन गवर्नर के लिए हानी चाहिए कि किन स्थितियों में वह प्रीजिडेंट्स क्ल लागू करे, जिन स्थितियों में न करे। क्या सरकार उसके लिए कोई गाइड लाइन्स गवर्नर को देती ?

दूसरा सवाल यह है कि क्या सरकार हम चीज का विवरण दिवाणी कि गोवा के अगर जल्दी से जल्दी एक्शन कब हो जायें ?

तीसरा सवाल यह है कि हमन श्री दीव के बारे में क्या आपका एटीट्यूड यहाँ है कि प्रेसिडेंटों के एक्शन में वह भी शामिल होंगे या इस हिस्से को दूसरी बराबर की स्टेट के साथ मिलाया जायगा ? ये तीन सवाल मैं पूरूना चाहता हूँ।

SHRI H M PATEL: So far as the last point is concerned it does not arise. To-day these are part of Goa and that remains.

So far as the election date is concerned, we have already asked the Election Commissioner to fix a date as early as possible and he will do so. It is for him to fix the date. He has, however, said that it will be necessary to carry out a thorough revision of the electoral register and as soon as that is completed the election will be carried out.

So far as the first point is concerned, there is no question of guidelines. They already exist..

SHRI KANWAR LAL GUPTA: What are those?

SHRI H. M. PATEL: They already exist because the principles on which we have acted here are the principles which would guide the Governor. But you must remember that the circumstances vary from time to time.

There was a reference to Maharashtra. Now, it is quite obvious that there is no comparison and no analogy whatsoever between Maharashtra and

(H. M. Patel)

Goa. In the case of Maharashtra those who left the Congress (I) or the Congress formed a Government with the Janata Party who also joined together and the members of the Janata Party also became members of the new Government.

SHRI DINEN BHATTACHARYA (Serampore): A hotch-potch party.

SHRI H. M. PATEL: May be. But what you have here is that the defectors alone formed the Ministry and these two Parties have promised their support. In other words, they can withdraw their support at any moment and on any ground whatsoever...

SHRI SAUGATA ROY: You could have asked them to join the Government.

SHRI H. M. PATEL: The hon. Member is really saying as if it is a game to play. The Central Government does not indulge in saying 'You might have asked them to play'. We consider what came before us, the position as it came before us. ... (Interruptions). I cannot help the pathetic way in which my hon. friend tries to find argument which cannot be sustained even for a moment.

You asked me three questions. The demonstration against the Prime Minister...

SHRI SAUGATA ROY: Mr. Sequiera garlanding Prime Minister's statue with chappals.

SHRI EDUARDO FALEIRO (Mor-mugao): It is a tragic irony that the Janata Party which came into power mainly on the platform of restoration of parliamentary democracy has been responsible for imposition of President's rule in more States in the shortest period of time. Never before in the history of this country so often and in so many States President's rule was imposed within two years... (Interruptions)

In 1977, eight Assemblies were dissolved by this Government even

though the party in power had the majority. Subsequently, in several other States Assemblies were dissolved and President's rule imposed. I might mention only the Union Territories of Pondicherry, Mizoram and now Goa.

One could have said 'that this was just an unfortunate coincidence; one could have said that it so happened that in those States the constitutional machinery broke down within a short period of time. Therefore, that was just a coincidence. But the fact is that there has been a deliberate attempt, an attempt, the seriousness of which, the Minister himself does not seem to have realised, to completely destroy the concept of representative governments in this country.

Sir, in a Parliamentary Democracy, as you are well aware, the question of trying to find out if the majority is stable or not does not arise. The party the group which has the majority is automatically and immediately called upon to form the Government. That is so in England from where we have got the convention here in India. This new concept of "Stable majority" is repugnant and inconsistent with the Parliamentary Democracy. Tomorrow, Sir, they will bring President's Rule in Karnataka, in Andhra Pradesh, in Tamilnadu and in West Bengal possibly too, (Interruptions) and, in fact anywhere, where the regime does not sit them.

(Interruptions)

SHRI JYOTIRMOY BOSU: They are the same old Congress men.

SHRI EDUARDO FALEIRO: You may have a point there. So, Sir, what I am saying is this. The Minister speaks about a stable majority; he also speaks about the stable Government. Is this Government of yours stable? Is this Government where you have the B.L.D. faction, the Jansangh faction etc. fighting

(Shri Eduardo Faleiro.)

blies are equal to States and, therefore, there is no need to grant them state-hood. Will you now at least give example of a modicum of democratic spirit by constituting at the earliest an Advisory Committee where the Members of Parliament from different sections of the House including members from Goa are included.

Lastly, if you want to prove your bonafides will you lay on the Table of the House the report of the Lt. Governor?

SHRI H. M. PATEL: Sir, I think the hon'ble Member is not aware of the fact that in the case of a union territory the position is very different from that of a State. (*Interruptions*)

It is clear. I read out earlier when I put the President's proclamation on the Table of the House. (*Interruptions*). As regards guidelines, we have the guidelines. Those guidelines are there. I have already told you what it is. We are acting according to those guidelines

SHRI SAUGATA ROY: What are the guidelines? Is it secret?

SHRI H. M. PATEL: Yes, they are secret.

SHRI SAUGATA ROY: Is it part of the RAW document?

SHRI H. M. PATEL: I do not propose to answer my friend who seems to have seen many RAW documents undoubtedly. In fact, they do allow their imagination run riot. The hon'ble Member has said all manner of things as to why it was done and so on and so forth. I am afraid there is really no foundation for all the imaginary statements that he made. (*Interruptions*)

I have pointed out clearly the difference between the position in Maharashtra and Goa. There is no question of the majority. A bare

majority was obtained with the support of the two parties not because those parties joined the government or prepared to join the government. They were merely willing to lend the support. The suggestion is that if that is not possible we should invite the party with the largest members knowing perfectly well that it has only ten members and it cannot possibly form the government. In fact, we have done precisely what is required in a democracy. The Mizoram precedent is there.

SHRI SAUGATA ROY: What about Manipur?

SHRI H. M. PATEL: Take the precedent I am mentioning. This was the one which immediately preceded. You would have seen that our assessment was right and the party from which there were defections has now won in fresh elections that we ordered. Those elections have been held and to say that we have other motives is not correct. (*Interruptions*).

I am afraid these hon'ble Member since too long had forgotten what democracy means. It is only now that they are gradually learning what democracy means and they keep continuously telling us what democracy means. We are glad. It is because of the recreation of the conditions which were necessary that enables you now to learn democracy. I am glad. It is always necessary to be warned continuously what we should do.

SHRI EDUARDO FALEIRO: Sir, I rise on a point of order under Rule 370. The hon'ble Minister has referred to the opinion given by the Lt. Governor of Goa, Daman and Diu. Rule 370 says:

"If in answer to a question or during debate, a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority..... he shall ordinarily lay the relevant document or parts of

document containing that opinion or advice... on the Table."

MR. SPEAKER: No, he did not quote from it. Nowhere he said that.

SHRI EDUARDO FALEIRO: Why is he not doing it?

MR. SPEAKER: You wanted that, but he did not say anything.

SHRI EDUARDO FALEIRO: Why? (Interruptions)

SHRI SAUGATA ROY: He referred to the Governor's Report. Let it be laid on the Table of the House.

MR. SPEAKER: I don't think it arises now. Order please. Let us pass on to the next item.

Report of Committee—Shri Kanwar Lal Gupta.

COMMITTEE ON PAPERS LAID ON THE TABLE

SIXTH REPORT

SHRI KANWAR LAL GUPPTA (Delhi Sadar): Mr. Speaker, Sir, I beg to present the Sixteenth Report (Hindi and English versions) of the Committee on Papers Laid on the Table.

MR. SPEAKER: Now, Statement by the hon. Minister of Parliamentary Affairs.

BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Mr. Speaker, Sir, with your permission, Sir, I rise to announce that Government Business in this House during the week commencing 7th May, 1979 will consist of:—

- (1) Consideration of any item of Government Business carried over from today's Order Paper.

(2) Consideration and passing of:

- (a) The Constitution (Forty Seventh Amendment) Bill, 1978.
- (b) The Union Duties of Excise (Distribution) Bill, 1979.
- (c) The Estate Duty (Distribution) Amendment Bill, 1979.
- (d) The Additional Duties of Excise (Goods of Special Importance) Amendment Bill, 1979.

- (3) Discussion regarding disclosure in the book entitled "A Dangerous Place" by Mr. Moynihan about payment of money by the American Government in connection with elections in India at 4 P. M. on Monday, the 7th May, 1979.

SOME HON. MEMBER. rose.

MR. SPEAKER: One by one. I will call one by one; I will call all; those who have given me notices,

SHRI ANNASAHEB GOTKHINDE (Sangli): Mr. Speaker, Sir, I want to say... ..

MR. SPEAKER: Please take your seat. You have been absent for some days, I know.

SHRI ANNASAHEB GOTKHINDE: Point of order, only one minute, Sir.

MR. SPEAKER: You have not given notice. Others have given notice. You must give notice.

SHRI ANNASAHEB GOTKHINDE: My point is very simple. It is this. The hon. Minister in his statement regarding Constitution Amendment Bill said 'Forty-seventh' Amendment. It should actually be 'Forty-Ninth' Amendment. If it 47th or 49th Amendment which we are going to discuss?

MR. SPEAKER: Is it 47th or 49th?

SHRI RAVINDRA VERMA: 47th: