

[Shri P. K. Ghosh]

import licences to a large extent. Why should we have these Established Importers? Are we going to perpetuate the Zamindari system? This is Zamindari system in the import trade. I would, therefore, suggest that the international trade should be nationalised; the nationalisation of the international trade will give a large income to the national exchequer, it will lower down the imports and will boost up the exports; we will be able to eliminate the menace of over-invoicing and under-invoicing; we will be able to stop smuggling and misuse of export incentive schemes.

In the import trade, we have created a set of privileged persons—import licence holders; they are privileged persons; we are allowing them to make 400 to 500 per cent profit by giving them import licences. There being no control on the imported articles as well as on the goods manufactured out of the imported raw materials, these people charge the highest that the market can bear. For instance, if the price of a commodity is Rs. 2 and if the market can bear Rs. 8, they will charge Rs. 8, they will not charge even one paise less than Rs. 8. I would, therefore, suggest that a government agency should import completely, should take over the import and export trade; they should import the commodities and sell them in lots. By this, our public will not be put to difficulties because the price will not go up that much; at present the importers are charging almost 400 to 500 per cent profit. For instance, if a commodity costs Rs. 2, the Government will be able to sell it for Rs. 6 by auction, but the business community will be selling it for Rs. 8, as it is being sold today.

Likewise, I am against the appointment of permanent selling agents by the STC. This is perpetuating the Zamindari system....

MR. CHAIRMAN: The hon. Member may continue tomorrow. Now we have to take up the half-an-hour discussion.

18.30 hrs.

*MAHAJAN COMMISSION REPORT

MR. CHAIRMAN: Mr. E. K. Nayanar.

SHRI K. LAKKAPPA (Tumkur): Before taking up the half-an-hour discussion, I would like to make a submission. We are representing Mysore and Mysore members have requested the Chair to allow them to put questions. I do not know whether this has been allowed. I will request you, Sir, to allow us to put questions because we are very much interested in this. This is a special request that I would like to make.

MR. CHAIRMAN: He has already allowed.

SHRI J. MOHAMED IMAM (Chitradurga): No Mysore Member had secured the ballot, but the Speaker allowed me as a special case to put question. This concerns the States of Mysore and Maharashtra primarily.

SHRI S. KANDAPPAN (Mettur): You may kindly read out the names of the Members who have secured the ballot.

MR. CHAIRMAN: This rule is repeated every day and yet these requests are made every time and it has rather become the order of the day. Anyway, those rules were framed by hon. Members themselves.

SHRI K. LAKKAPPA: We make this request only at times, not every day.

MR. CHAIRMAN: Out of the number of names that came, only four had secured the ballot.

SHRI VASUDEVAN NAIR (Peer-made): The number was 5.

SHRI TULSIDAS JADHAV (Bara-mati): I have given my name, also.

MR. CHAIRMAN: The names are: Shri George Fernandes, Shri Vasudevan Nair, Shri G. Viswanathan, and Shri Randhir Singh.

Shri Tulsidas Jadhav's name has not been balloted but he is there on his own.

I would request hon. Members not to repeat the same performance every day: I would request them to allow these four Members only to put questions.

If hon. Members want they may demand a separate discussion on this from the Hon. Speaker.

SHRI J. MOHAMMED IMAM: I have been allowed as a special case.

MR. CHAIRMAN: Let the half-an hour discussion be purely a half-an hour discussion.

SHRI RAJASEKHARAN (Kanakapur): Mysore State is also a party. So, Mysore members also should be allowed.

MR. CHAIRMAN: This should have been raised at the time of the ballot.

SHRI G. VISWANATHAN (Wandiwash): I submit that Mysore Members may be allowed instead of myself. Since they are a party, one or two Members from Mysore may be allowed in my place.

SHRI ANANTRAO PATIL (Ahmednagar): Maharashtra is also a party.

MR. CHAIRMAN: Shri E. K. Nayanar may try to finish his speech in 10 minutes.

SHRI TULSIDAS JADHAV: I have given in writing that I want to ask only one question.

MR. CHAIRMAN: He is sending it only just now. But the other Members had sent their names earlier though their names had not been balloted. If they want, let them ask for a separate discussion.

SHRI E. K. NAYANAR (Palaghat): The Mahajan Commission's report, instead of solving the boundary question has actually developed clashes on boundaries of the States. We have become tired of the boundary disputes with China and Pakistan...

SHRI K. LAKKAPPA: No clashes between States. It has been settled.

SHRI E. K. NAYANAR: But we find that even the permanent boundaries of the States within our country are not being settled. This is so because of the unprincipled manner in which the Congress leadership has tried to solve the boundary question. Considering the past history of the question of linguistic provinces, we find that the Congress leadership has acted in an unjustified manner and in a precipitate manner. It was because of this that they got the linguistic province. That was the history of Andhra Pradesh, Maharashtra, Maha Gujarat and other linguistic States; they had all raised the demand and died for the linguistic provinces.

Now, let us come to the serious question and the gravity of the border situation between Mysore, Manarashtra and Kerala. When the linguistic States were demarcated in 1956, my party had taken the correct and principled stand that the demarcation should be done taking the village as the unit and boundaries should be demarcated on that basis. When the State of Andhra Pradesh was created, both Madras and Andhra Pradesh had accepted that the boundary demarcation should be done with the village as the basis. The result was that the boundary question has been solved once and for all and there is no boundary dispute between those two States now.

[Shri E. K. Nayanar]

The Mahajan Commission was appointed in 1966, its work started on 15th October and its report submitted on the 27th August, 1967. The Commission was appointed by the Government of India after the Congress Working Committee had passed a resolution to that effect in order to settle the boundary dispute between Maharashtra and Karnataka. Even at that time, the Kerala people had protested. I have carefully gone through the Mahajan Commission's report on the question of border disputes between Mysore, Kerala and Maharashtra, and I have come to the conclusion that the recommendations of the commission have been based on unprincipled and motivated stand and as such the report would not help to solve the border issues of the linguistic State structure of the Indian union; on the other hand, it would further intensify the conflicts and lead to the disruption of the Indian Unity. The commission itself accepts in its report that its work was done in an unprincipled manner.

SHRI D. C. SHARMA (Gurdaspur): No, let him not say that.

SHRI E. K. NAYANAR: Let us see the commission's own confessions. The commission says:

"It seems to me that there is no scientific yard-stick in deciding matters which concern huge populations and their well-being. The decision is taken at the political level and is subject to political pressures."

"It may be the death of a person who has been fasting for the cause or it may be threatened fast unto death of another person. To meet such political situations at the political level, the leaders of the country evolved a solution and asked a boundary commission to demarcate areas according to their political decisions. I have not been able to discover

any scientific formula evolved by social or other sciences that a village unit is a proper yardstick for attaining linguistic homogeneity. Happily in the appointment of this Commission, no yardstick... or village unit has been laid down by the Government of India. No formula can be rigidly implemented and there can be no scientific approach in these matters."

In other words, the Commission had made it clear from the beginning that no principle was involved in this question, nor there can be any rigid approach for settling such disputes.

That is why the crisis has developed. My party has taken a line on the question of border disputes involving Karnataka, Kerala, Andhra—in fact throughout India. It is that the boundaries of linguistic States should be redrawn taking village as the unit and geographical contiguity. If a particular language group in any village are in a majority, then that village should be included in the adjoining linguistic State. This is the only principle of demarcation by applying which the problem can be solved as the linguistic groups concerned would feel assured that their democratic aspirations, educational, social and economic and political activities could be conducted in their own mother tongue and equality guaranteed to all.

But the Mahajan Commission enunciates its own principles and makes its recommendations. Now I shall take some of the recommendations and show the unprincipled manner in which it has gone about its task. It says that unless there is a compact area of 50,000—60,000 people, unless there is a substantial majority, not merely a simple majority of persons in one particular language, unless it is not only contiguous but also has

administrative, geographic and communicative facilities, linguistic adjustment cannot be made.

SHRI RANGA (Srikakulam): He has said the right thing.

SHRI E. K. NAYANAR: But the point is that it has not applied uniformly and impartially its own principles. If it had applied the same yardstick in recommending transfer of territories as between Mysore and Maharashtra, then many more areas should have been recommended for transfer from Mysore to Maharashtra.

Then it has not adopted the same yardstick in regard to the Mysore—Kerala boundary dispute. This is why I am speaking of the unprincipled manner in which the Commission has made its recommendations.

Take the case of Belgaum. It has a total population of 1,80,000; Marathi-speaking population 48 per cent; Kannada-speaking population 27 per cent; rest 25 per cent. Then it puts forward a strange logic; 52 per cent of the non-Marathi-speaking people would not get justice if it is included in Maharashtra; but 73 per cent of the non-Kannada-speaking people would get justice if it is included in Mysore.

This strange logic operates again in the case of the Mysore-Kerala border dispute on the question of Kasergod. While accepting that the whole of Kasergod taluk has a majority of 58.16 per cent as Malayalam-speaking, 23 per cent. Tulu-speaking and a mere 12.5 per cent. Kannada-speaking, arbitrarily and *ex-parte* the Commission takes a decision to recommend transfer of areas north of the Chandragiri and Payaswini rivers on the ground of administrative convenience, on the strange plea that the Malayalam spoken there is different from that spoken south of the Chandragiri river. How many types of Malayalam are spoken by how many people? This is the recommendation?

It does not even go by compactness of area or linguistic homogeneity to

adjust the border. He separates the majority of the Malayalam-speaking people there and says that the Malayalam speaking people north of Chandragiri river would be happy if transferred to Mysore.

We are not sticking to the position that the whole of the Kasergod must be joined to us. But one should take and observe a basic principle and proceed. For settling the border disputes between Kerala and Mysore, between any State in India and any other State, one principle must be adopted. The village unit must be the principle. One principle, one yardstick should be the basis for settling all the disputes. But here the Mahajan Commission adopts double standards, one principle to Maharashtra and another to Kerala. Things are done in an unprincipled manner. The Maharashtra people rejected this report. The Maharashtra Assembly unanimously passed a resolution on November 10, 1967. On the 25th of last month the Kerala Chief Minister announced in the Assembly that they are not accepting that award. The Kerala United Front Government is not in the picture because the Congress Working Committee without consulting the other parties appointed this one man commission to settle the difference among the Congressmen and it was done in an unprincipled manner and it has created difficulties. They are unable to solve the problem but they want to divide the people of Maharashtra and Kannada. Divide and rule the Kerala and the Mysore people. That is why we say that boundaries between linguistic States should be demarcated on the basis of village as a unit. Now the Congress President, Nijalingappa announces: we want to implement the Mahajan Commission report. At the same time Naik is saying: we are not prepared to accept to implement it. Pandit Nehru rejected the plea of the Andhra people and Potti Sriramulu sacrificed his life and at last Government had accepted it. People in Maharashtra sacrificed their lives and then only

[Shri E. K. Nayanar]

they got the linguistic province. But the Congress is not prepared to demarcate the boundary on a just and uniform principle. They do things in an unprincipled manner. That is why they appointed the Mahajan Commission without consulting the Kerala Ministry.

SHRI K. HANUMANTHAIAH (Bangalore): He is making an allegation that the Congress is unprincipled. I want a clarification from him. Was not the Communist Party in favour of Kasergod going to Mysore, to begin with? What is his stand now?

SHRI E. K. NAYANAR: The Congress wants to divide the people. The principle should be village as a unit. We accepted that principle in 1952. In 1956 we submitted our proposals to the Panikkar-Fazl Ali Commission. We stick to the same principle, and do not bungle like the Congress leadership. Nijalingappa came to Kerala last month and says: we want to implement the report because he wants to create a crisis in Kasergod. He wants to divide Kannada and Malayalee peoples. This report is unprincipled and it must be rejected. I appeal to Parliament to reject this report and scrap this report.

MR. CHAIRMAN: This is a very important question and Member from Mysore feel they should be given a chance to put questions. After the four gentlemen whose names had been balloted, I shall give a minute or two to others also. But kindly do not make long speeches. Only put a question; a direct question.

SHRI TULSHIDAS JADHAV: Maharashtra also should be allowed.

MR. CHAIRMAN. Yes; they will also get an opportunity. But how is Haryana concerned with it? I see that hon. Member is anxious!

SHRI ANANTRAO PATIL: How is Madras concerned with it?

श्री जार्ज फर्नेन्डज (बम्बई दक्षिण): समापति महोदय, महाजन कमीशन का फैसला और अभी हाल में कच्छ के बारे में अन्तर राष्ट्रीय ट्रिब्यूनल ने फैसला दिया है, ये दोनों करीब करीब एक ही विचार श्रेणी से आये हैं। दोनों जगहों पर न्याय अन्याय को सामने न रखते हुए, कानून के सिद्धान्तों को सामने न रखते हुए सियासी फैसला देने का प्रयत्न किया गया है। महाजन कमीशन ने भी अपने एजेंड में यह लिखा है कि मैं एक सियासी फैसला ले रहा हूँ। न्याय अन्याय को सामने नहीं रख रहा हूँ। उसी तरीके से कच्छ के ट्रिब्यूनल ने भी सियासी बातों को सामने रख कर हमारी न्यायिक बातों को ठुकराने का काम किया है। इस लिये मेरी सब से पहली अर्ज यह है कि जिस तरह हम कच्छ फैसले के लिये कहते हैं कि उसको फेंक दो इन्कार कर दो वैसे हम कहते हैं कि इस महाजन कमीशन के फैसले को भी फेंक देना चाहिये, इस पर कहीं भी कोई विचार नहीं हो सकता।

समापति महोदय, इस झगड़े से तीन लोग सम्बन्धित हैं—महाराष्ट्र, मेसूर, और केरल। इन में से दो सूबों की मुख्य मंत्रियों ने उनको विधान सभाओं ने और सम्बन्धित नेतारों ने महाजन कमीशन के फैसले को मानने से इन्कार किया है जब बहुमत से इस चीज को इन्कार कर दिया गया, तो मैं में केन्द्र सरकार से यह पूछना चाहता हूँ—जब तीन में से दो ने इन्कार कर दिया है, जब केन्द्र सरकार आठ महीने में इस के बारे कोई फैसला नहीं कर पाई है तो क्या वह इन दो सूबों की बात को मान कर इन फैसले को इन्कार करने के लिये कदम उठायेगी तथा जो पाटस्कार फारमूला है, उस के आधार पर इन तीन सूबों के बीच में जो झगड़ा है उस को मिटाने के लिये कदम उठायेगी?

SHRI VASUDEVAN NAIR: I would like to endorse wholeheartedly the

statement made by my friend Shri Nayanar, that all this trouble is the creation of the Congress and the Central Government. After bungling from beginning to end, now there is a talk of a national consensus and that too behind the back of the people, behind the back of this Parliament and especially behind the three States concerned, at least one State Government is concerned, that is, the State of Kerala.

MR. CHAIRMAN: No more comments; please ask a direct question.

SHRI VASUDEVAN NAIR: This is only a very short preface. I am coming to the question. I would like to know from the Minister whether he can declare unhesitatingly that any decision taken in regard to this question of the Mahajan Commission report—which should be summarily rejected because it is an unprincipled report—will be on the basis of a sound principle and not by way of some kind of an arrangement, convenient arrangement, by the Congress leaders of Mysore and Maharashtra and trying to make Kerala a sacrificial goat in that process by trying to satisfy Mysore by giving something from Kasergod and then trying to settle the dispute between Maharashtra and Mysore. This is the process that they have unleashed in the name of the national consensus; this is what I would like to know. If that is not the situation, I would like to get an assurance from the Minister that the problem will be sought to be resolved on the basis of a sound principle and that sound principle cannot be anything else than taking the village as the unit and geographical contiguity.

SHRI G. VISWANATHAN: Since I have no axe to grind, so far as this dispute is concerned, my views can be taken not as a prejudiced view. There are two disputes—one between Maharashtra and Mysore and another

between Mysore and Kerala. I understand that it is the Maharashtra Government which wanted this commission to be appointed. It is the chronic disease of this government that commission after commission is appointed and after the report is published it is being rejected.

As far as the dispute between Maharashtra and Mysore is concerned, in 1957 Maharashtra offered a certain number of villages and the Government of Mysore accepted it. Later on, the Government of Maharashtra withdrew that offer. However, Justice Mahajan recommended the transfer of certain number of villages from Maharashtra to Mysore and certain number of villages from Mysore to Maharashtra. As far as dispute between Maharashtra and Mysore is concerned, my view is that the report of the Mahajan Commission has to be accepted in toto.

As far as the dispute between Mysore and Kerala is concerned, the Commission itself has stated:

"So far as the taluka of Kaser-god is concerned, the Commission on the *ex parte* material placed before it recommends that this Taluka north of the Chandragiri and Payaswini rivers be transferred to the State of Mysore from the State of Kerala on administrative, economic, geographical and grounds of facility of communication, which in the opinion of the Commission override the linguistic consideration.

Therefore, so far as the Kerala Mysore dispute is concerned, it is an *ex parte* judgment. So, the subject can be re-opened and the Government of Kerala can be given a chance to present its case.

Now I want to put a question to the Minister. As far as this dispute is concerned, we are told that the Congress President says that it should be implemented. Another Congress

[Shri G. Viswanathan]

Chief Minister says that it should be rejected. What action has the Central Government taken so far, either to implement or reject the report? Have the Central Government so far taken any initiative to find a solution to this problem? They are keeping quiet. They must find out some solution at the earliest possible time. The consensus of Congressmen should not be taken for granted as the consensus of the people of the whole of India. All the parties and all the States should be consulted and some solution must be found out as early as possible.

SHRI RANDHIR SINGH (Hohtak): Mr. Chairman, Sir, something very crucial, fundamental and consequential is involved in this.

SHRI S. KANDAPPAN: He is asking for Chandigarh.

MR. CHAIRMAN: He is giving an impartial opinion.

SHRI RANDHIR SINGH: I would like to know one thing from the Minister. The Commission consisted of a person of the stature of a Supreme Court Judge, rather Chief Justice of the Supreme Court. When such important legal luminaries are appointed as arbitrators or members of any commission, their award, judgment or finding, whatever it is, it should be accepted in toto. It is most unfortunate that a tendency is growing whereby reports of even retired or working Supreme Court Judges are relegated to the oblivion. Either do not appoint these legal luminaries as commissions or arbitrators, or if you appoint them it should not be left to the sweet will of this party or that party, or this State or that State, to accept to reject their report. Once a commission consisting of such eminent people is appointed and its report published, it should be binding. Before any Commission is appointed the Government will have to see that specific, well-defined and

well-demarcated terms of reference are laid down and certain principles are followed. Once a commission is appointed, even if there is deviation from those principles, the Government will have to see that their reports or awards are made binding. No party should be allowed to wriggle out of any such commitment. This is very necessary for the healthy functioning of democracy in our country because judicial decisions have to be treated with reverence.

SOME HON. MEMBERS rose—

MR. CHAIRMAN: I am sorry, I cannot accommodate all of them.

SHRI TULSIDAS JADHAV: Sir, I have given my name in writing.

MR. CHAIRMAN: There are some hon. Members who had given their names even yesterday. Their names were put in ballot and four names were selected. You have given your name only just now and you are trying to get first priority. How could I allow that?

SHRI K. LAKKAPPA: Having heard the speech of my hon. friend, Shri Nayanar, and several other hon. Members on this subject, I would like to state that when this single man commission headed by Shri Mahajan a person of high integrity who has served the judiciary for several years was appointed, the entire Karnataka people opposed the appointment of such a single man commission. Yet, ultimately, the Government of India and the Maharashtra Government thrust it upon us and everybody requested us to abide by the award of the Mahajan Commission. Immediately afterwards, the Chief Ministers of both the States met and decided that they would accept the award of the Mahajan Commission. Now that the award has come, what is the reaction of the parties to the award of a commission which has investigated all

the facts and all the realities and all the claims of both the disputing States?

AN. HON. MEMBER: There is no reality.

SHRI K. LAKKAPPA: Please hear me patiently. The question is whether this country will be free from parochialism and provincialism when the implementation of this award is in the hands of a person like Shri Chavan, who is an interested party, who is an out and out Maharashtrian, who pleaded the cause for Maharashtra even when he is occupying the portfolio of the Home Ministry? Let him resign his post. Now my question is that in view of this suspicion and great prejudice in the minds of several States and persons in the country about the impartiality of the Central Government because of the Home Minister dealing with this question, whether this Government will implement the Mahajan Commission Report, because it is an award and a verdict which has been given by a great and leading judicial expert, a great patriot of this country, or whether we have to presume that this Government is for parochialism and provincialism and is at the hands of the Maharashtra Government, which is nursed and supported by Shri Chavan, who is heading the Home Ministry. I am asking this question because he is pleading for a consensus of all political parties, which has now been emanated by the Maharashtra Government. As my hon. friend has put it very clearly, when the Kutch Award came, we had to accept it because it was an international award. Should we not show the same respect to the award given by an internal tribunal which has been appointed by this very Government? I want to know whether they are going to give respect and implement this award? Are they going to give a handle for civil disobedience in Karnataka for overthrowing the Government and to implement the Mahajan Commission Report by taking law unto their own hands which

is undemocratic and unconstitutional? I oppose the consensus of all political parties in the matter.

SHRI J. MOHAMED IMAM: This is the second time in this session that a half an hour discussion has been raised on the same subject. The hesitation and indecision on the part of the Government is always injurious to the country. This report was published nearly a year back, and the idea was that the Government should take a decision and place it before this House. Though the report has been published, it has not been made available to the Members of this House for discussion.

SHRI E. K. NAYANAR: It has already been given.

SHRI J. MOHAMED IMAM: It has not been placed on the Table of the House, even though it has been published. I may argue in my own way the Mysore point of view, Shri Nayanar may argue from the point of view of Kerala and the Maharashtrians will make their own case.

I am not going to enter into the merit of the report.

19 hrs.

MR. CHAIRMAN: Do not argue through the question. Please ask the question.

SHRI J. MOHAMED IMAM: This is not the time to argue.

My hon. friend, who initiated this debate, was pleased to call Shri Mahajan unprincipled. He assailed his character to a certain extent. The best judge is this House. It must be the impartial judgment of this House that should either reject this report or accept this report. But the Government and the Home Minister, it is strange to say, have not placed the report on the Table of this House. They have not given an opportunity to the Members of this House to study the report and give their free and unbiased opi-

[Shri J. Mohamed Imam]

nion. This is a grievous omission on the part of Government. On the other hand by not placing the report on the Table of the House they have increased speculations; perhaps, they have increased misunderstanding between one State and another. This is very bad. In fact, it is the duty of the Government to come to a decision and place that decision before this House.

MR. CHAIRMAN: Please ask the question.

SHRI J. MOHAMED IMAM: Is it not a fact that this Commission was appointed not on the initiative of the Government of Mysore but on the initiative of the Government of Maharashtra? Is it not a fact that there was an understanding between the Chief Minister of Mysore and the Chief Minister of Maharashtra that whatever may be the findings of the Commission, they must accept it in order to put an end to this controversy? Is it not a fact that the Home Minister himself gave an undertaking that he would abide by this decision? Now all these complications have arisen because the Home Minister refuses to place this report on the Table of the House and thus deprives the Members of this House to come to an impartial conclusion; on the other hand, if any more delay is made, I think, it will increase the bitterness. So, I submit that it is the duty of the Government to come to a decision, place this report on the Table of the House and give an opportunity to Parliament to come to a decision. It is only then that we can deal with the merits or the demerits of the report or whether the Mahajan Commission is right or wrong.

SHRI TUSHIDAS JADHAV: When the majority of the provinces, that is, Maharashtra and Kerala, is against the recommendations of the Mahajan Commission's report why this report not going to be rejected totally? Does the Government know that there is a Resolution passed by the Maharashtra

Assembly to reconsider this report as it is not based on any sound principles enunciated by Shri Mahajan himself? Why does this Government not lay the terms of reference as the village unit and the linguistic majority of the area people and solve this problem?

SHRI HANUMANTHAIYA: Is it not the policy of the Government of India that whenever inter-state disputes become irreconcilable, the instrument of impartial commission to find solution is resorted to so that those disputes are ended? In this particular case the stand taken by the Maharashtra Government and Assembly, the Mysore Government and Assembly and the Kerala Government and their leaders were so irreconcilable that the Government of India in the true spirit of the provisions of the Constitution appointed a commission so that its impartial award may be accepted. Is it not true that these governments the Maharashtra and Mysore Governments—accepted the commission in that spirit and the two Chief Ministers have made statements of that tenor? Were the considerations that have been sponsored now by the people of Maharashtra or Kerala not present before the Commission? In fact, the Maharashtra Government appointed the ex-Law Minister of the Government of India to plead their case before the Commission. The best available legal talent was harnessed for the purpose of presenting their case. When they did so, was it not in the spirit that this was, *de facto* arbitration?

Fourthly, is it not that all these rejection ideas and arguments had not arisen before the Commission nor was the stand that the Commission's award should not be accepted,—have been resorted to only after the award went against them, against their so-called interest? Is it not by way of after-thought that these arguments are being advanced?

Finally, if the Government of India goes on reopening questions, if every disgruntled State or person is allowed to go on asking for reopening the same case even after the verdict of commissions after commissions would that help the stability of this country?

SHRI ANANTRAO PATIL: The Report is full of contradictions. The recommendation is arbitrary and discriminatory. I would like to bring to the notice of this House one very strange phenomenon which we find in the Report and that is the suggestion of a corridor. A corridor has been suggested in Marathi-speaking area. The Commission has recommended the city of Belgaum to Mysore but the water supply of this city, the place from where the water supply comes, is from Rakscope which is in a Marathi area. So, the Commission has recommended a corridor from Belgaum to Rakscope. When there was a dispute between India and West Pakistan, at that time, we had rejected a corridor idea. But here, in our own country, in our State, a corridor has been suggested. What I would like to bring to the notice of the House and ask the Minister is whether it is not an infringement on the right of the people under article 19 of the Constitution because there will be restriction on the movement of people from Marathi-speaking area and that they will not be able to cross that corridor unless they seek the permission of the Mysore Government. I want to know that from the Government.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Mr. Chairman, Sir, as the hon. Members know, many of these boundary problems arose in our country as an aftermath of the State reorganisation in 1956. Many hon. Members have made a pointed reference to the principle that was adopted to settle the boundary dispute between Andhra and Madras States and they have commended that that kind of agreement could also probably be reached here and that formula could also be appli-

ed here. But they forgot to mention the basic feature of that agreement and the basic feature of that settlement was the agreement between the two Chief Ministers the agreement between the two Governments. There was full agreement between the two Governments and only on the basis of that agreement that particular formula was adopted.

I have no doubt in my opinion that if that kind of agreement was available here in this dispute, that formula could have been adopted. There would have been no difficulty about that provided the basic agreement was available in the settlement of the dispute. The complication arises because that basic agreement is lacking. I would not go, on behalf of the Government, to say as to why the agreement is not there, who is to be blamed for lack of agreement and all that. I am very sorry to hear that the hon. Members here are imputing motives and making allegations of favouritism and parochialism against the Government and, particularly, against the Home Minister. I am not standing here to defend the Home Minister.

SHRI VISWANATHA MENON (Ernakulam): Why is he not here today on such an important discussion? (Interruptions)

SHRI VIDYA CHARAN SHUKLA: These allegations are not only blatantly wrong but also very unfair. First of all, if he is not here, it is because in our internal arrangement, I deal with the border disputes in the Home Ministry. He does not deal with that. It is a question of which Minister deals with what subject. I deal with this subject in the Home Ministry. That is why I am standing before Parliament and I have as much authority to deal with the matter as the Home Minister has. They should not worry whether he is here or not because we have an attitude which is the governments attitude; it is not as if it is Mr. Chavan's

[Shri Vidya Charan Shukla]

attitude or it is my attitude on this matter.

Having denied the unfair charges of wrong motives or *mala fides*, I would request the hon. members to consider this that the national parties in our country today are grossly divided over this matter; this must be considered that no one national party is united on one thing on this matter....

AN HON. MEMBER: Including the Congress Party.

SHRI VIDYA CHARAN SHUKLA: Yes; including the Congress Party. I am saying that. I have not made an exception of the Congress Party. I said, no national party in this country is unanimous towards this approach.... (Interruptions) That is why I am saying, that, to cure this unfortunate state of affairs, we must evolve a national consensus. This idea of national consensus came about only because we do not want to solve these problems in a regional manner, in a parochial manner. We have to solve these problems in a national manner and that is why, national consensus has been thought of, and in pursuance of that, a meeting was held by the hon. Prime Minister in which members belonging to various parties in this hon. House and the other House were represented. There was a thorough discussion.... (Interruption)

SHRI K. LAKKAPPA: We have refused to attend the all-parties conference.

SHRI VIDYA CHARAN SHUKLA: There was a thorough discussion about the pros and cons. (Interruptions) There was a thorough discussion about the pros and cons of this question and of this Commission's report, and after discussion the members who were present decided that they would have, later on, another meeting in which this matter would be further thrashed out, and I am glad to say that that

another meeting will be convened soon in which we will again discuss this matter and try to evolve a national consensus, so that this matter could be properly solved without doing any injustice to anybody and also in a manner which will bury this unfortunate dispute for ever. We do not want this dispute to continue. This is our effort that we should be able to find an acceptable and ever-lasting solution to this vexed problem.

There were certain questions that were asked or I would say that certain imputations and insinuations were made by some hon. members in the form of questions. I would say that there is no question of taking a decision behind the back of the Parliament. No Government can take a decision of that kind in such a dispute as this.... (Interruptions) Whatever may be the decision, the Government will have to come before this hon. House and the decision of the House will be binding. There is no question of doing anything at the back of Parliament; I can assure the hon. members as far as that matter is concerned.

My hon. friend, Mr. Vasudevan Nair, was enquiring whether Kerala would be made a sacrificial goat in the settlement. The question does not arise. We do not want to make anybody a sacrificial goat anywhere. We attach as much importance to Kerala as to Mysore or Maharashtra. Why should Kerala people feel that such a kind of thing is there? I can assure pointedly that there is no question of being unfair to Kerala or make them a sacrificial goat to please bigger States. When I say national consensus, it includes the people of Kerala as well as the people of Maharashtra, Andhra Pradesh and Mysore.... (Interruptions) and they all should be able to take a decision. I do not say that such a decision will please everybody; all the parties cannot be pleased. It is a very complex and vexed problem; that, everybody knows. That is why it has taken such a long time.

If any parochialism had to be practised if any wrong decision had to be taken if any one-sided decision had to be taken it was very easy to have taken it, and we could have faced difficulties and criticism, and that kind of decision could have been taken. But our anxiety has been not to take any decision of that kind but to take a decision which will be largely acceptable to the people of the country and particularly to the people who are affected by this dispute. In that effort, we are taking a little bit of time and I hope the House will be indulgent to us.

We are trying to solve a very vexed and long-standing problem. Hon. Members know that we could if we wanted, take a decision quickly which would be regarded as unfair by some and which some would be pleased to accept. But we want to take a decision which will be largely acceptable to the people. That is our viewpoint.

Shri Randhir Singh had mentioned the point that when high judicial officers are appointed to commissions, their recommendations should be accepted in full. I want to point out that no Government can in advance commit its judgment on the report of any

commission, howsoever eminent it may be. Commissions are meant to help the Government to arrive at a proper decision. But if Government were to commit itself in advance on any recommendation, then the authority of Parliament will be violated. So, that cannot be done.

This is not the only instance where the commission's recommendations are being considered with a view to finding an agreed solution. If an agreed solution could be found by amending the recommendations of the commission that could be attempted. I am not saying that we are trying to do this or that. We are only trying to find the largest measure of agreement among the parties, and for that matter we have thought that the best way to do it is to try to evolve a national consensus and that is what we are trying to do. I hope the House will be indulgent to us and give us all the co-operation towards that end.

19.17 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, April 2, 1968|Chaitra 13, 1890 (Saka).