

MR. DEPUTY-SPEAKER : That is all right.

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BOUNDARY COMMISSION BILL*

SHRI NATH PAI (Rajapur) : I beg to move for leave to introduce a Bill to provide for the constitution of a permanent Boundary Commission to resolve inter-State boundary disputes between States and States and between Union Territories and States.

SHRI J. MOHAMED IMAM (Chitradurga) : Sir, I oppose the introduction of this Bill.

This Bill of my hon. friend Shri Nath Pai aims to scuttle and undo the work of a duly constituted Commission whose recommendations are now pending before the Government. As you know, a Commission was constituted under the chairmanship of Shri Mahajan who submitted the report to the Government about two years back. Till now, the Government have not come to any conclusion. Since the report of the Mahajan Commission is pending before the Government, it has to be considered as being quasi-judicial.

My hon. friend has now come forward with an ingenious theory of determining the boundary disputes by a formula known as pataskar formula or the village unit formula. This Commission's report being entirely unacceptable to the Government of Maharashtra.....

SHRI NATH PAI : He is going into the merits of the Bill

MR. DEPUTY-SPEAKER : You record your opposition. That is all. When the Bill comes up for consideration, then you can say all these things.

SHRI J. MOHAMED IMMAM : He has adopted the device of undoing or sabotaging the work of this Commission by means of this Bill. If this formula is ado-

pted, it will be disorganising the entire country which has been reorganised.

Then, since it seeks to change territory from one State to another, from one region to another, I think, the President's approval must be obtained under article 3 of the Constitution.

MR. DEPUTY-SPEAKER : Please try to conclude.

SHRI J. MOHAMED IMAM : This is a very important matter involving the life and death of the people of Mysore State. It cannot be treated so lightly. We cannot allow it to go unchallenged.

MR. DEPUTY-SPEAKER : You have already challenged it. All your arguments can come when the Bill is taken up for consideration.

SHRI J. MOHAMED IMMAM : I want to bring to the notice of the House that this House has no legislative competence. The President's approval must be obtained which has not been done. Under article 3 of the Constitution, no Bill which changes territory from one State to another can be introduced unless it has the approval of the President.

Further, such a Bill, in the first instance, must be referred to the Legislative Assemblies of the States concerned. It is only then that this House will be competent to consider this Bill.

In the end I may submit that this is not a *bona fide* Bill. The Bill has been brought just to wriggle themselves out of an intricacy into which they entangled themselves. This Commission was appointed at the instance of the Maharashtra Government. They agreed to abide by its decision. They gave a solemn undertaking that they would implement it. But there is the failure of the Government, the failure of the Home Minister who comes from Maharashtra, to give effect to it. This Commission's report has been pending before the Government for the last 2½ years; the Home Minister has not taken any steps to implement it.

*Published in Gazette of India Extraordinary, Part II, section 2, dated 25-7-69.

(*Interruption*) Since the Commission's report is pending, this Bill cannot be introduced now.

MR. DEPUTY-SPEAKER : I am sorry, you have not carefully read the Bill. I have gone through it. It does not specifically concern only this boundary—Maharashtra-Mysore. You might consider it a life-and-death issue ; that is a different matter. That does not specifically come under this. This is a general proposition. He wants to make a provision to settle all disputes. Therefore, the reference that you have made regarding President's approval and all that, is not correct.

SHRI J. MOHAMED IMAM : I have read between the lines of the Bill.

SHRI LOBO PRABHU (Udipi) : You have given a certain interpretation to article 3. I would like to point out to you that it says :

“Parliament may by law—

form a new State by separation of territory from any State . . . ”

This is the general provision of article 3. You have ventured the view that he is not referring to a specific transfer from one State to another. He is doing much worse ; he is taking a general power from Parliament to make this. When a small section cannot be transferred, how can a Bill like this be introduced which permits a general transfer ? I know you can say that the provision does not apply by the word, but you must consider the totality of it. Once the Bill is passed and permission is taken to apply this formula of small transfers : individual transfers will be effected. I would suggest, if there is any doubt—and there is a lot of doubt—in the matter of interpretation, we should take the advice of the Attorney-General because it is a very vital issue that a Bill like this is sought to be brought in violation of article 3.

MR. DEPUTY-SPEAKER : When I said article 3 does not apply, I meant this. Here is a measure which seeks to have a machinery. Article 3 will be attracted when the question of actual transfer is before the House. This is the only thing that I want to add.

SHRI NATH PAI : I am intended a little distressed to see that something very unusual has been attempted by so sober and senior a man like Mr. Imam, for whose intelligence and sobriety I have learnt to entertain a very high regard. He even thought it fit to attribute every sort of motive which it is not customary for a man of his liberal views to do. However, I will leave it to him to look after the kind of allegations he tried to incorporate in the Bill. After all, what does this Bill seek to provide? It seeks to provide for the constitution of a permanent Boundary Commission to resolve inter-State boundary disputes between States and States and between Union Territories and States. I do not know how he managed to incorporate all these innuendos into the Bill. Now what does the ‘Statement of Objects and Reasons’ say ?

It says :

“There is a growing threat to the nation's unity from the increasing bitterness arising out of boundary disputes between States. These disputes must, and can be, resolved expeditiously in the interest of the nation's unity and strengthening our people's faith in democratic processes. Such disputes have defied solution mainly because of the absence of well-laid and universally applicable principles. The Bill seeks to provide this”.

I would like to submit that the Bill does not have in view and particular dispute. There is a dispute between Harayana and Punjab, there is a dispute between Orissa and Andhra Pradesh. This nation cannot afford to have these sore-wounds. We are called upon to provide a remedial measure. It is the principle of the Bill that should be borne in mind and I hope, taking this into consideration, this House will be able to give me permission to introduce the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That leave be granted to introduce a Bill to provide for the constitution of a permanent Boundary Commission to resolve inter State boundary disputes

[Mr. Deputy-Speaker]

between States and States and between Union Territories and States”

The motion was adopted.

SHRI NATH PAI : I introduce the Bill.

15.12 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Omission of article 359)

SHRI NATH PAI (Rajapur) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER : The question is.

“That leave be granted to introduce a Bill further to amend the Constitution of India”.

The motion was adopted.

SHRI NATH PAI : I introduce the Bill.

INCOME TAX (AMENDMENT BILL*)

(Amendment of section 80 C).

SHRI S. S. KOTHARI (Mandsaur) : I beg to move for leave to withdraw the Bill further to amend the Income-tax act, 1961.

I will explain this in half a minute as to why I seek the leave of the House to withdraw this Bill. This Bill was intended to give income-tax rebates to artists, authors, actors and others. The entire provisions of the Bill has been accepted by the then Deputy Prime Minister and Finance Ministers in the last budget. Therefore, the Bill has become redundant. Hence I seek leave of the House to withdraw it.

MR. DEPUTY-SPEAKER : The question is.

“That leave be granted to withdraw this Bill further to amend the Income-tax Act, 1961.”

The motion was adopted.

SHRI S. S. KOTHARI : I withdraw the Bill.

15.14 hrs.

REGULATION OF EXPENDITURE AND ERADICATION OF CORRUPTION BILL—(contd).

MR. DEPUTY-SPEAKER : Further consideration of the following motion moved by Shri Humayun Kabir on the 16th May, 1969.

“That the Bill to regulate internal and external expenditure and payments of the Governments of the Union, State and Union Territories, their undertakings, concerns and institutions, and all civic bodies, under their direct and indirect control; to maintain watch over all business transactions of the trading and commercial establishments; to present leakage of Income-tax, Sales-tax and other taxes and check other malpractices; and to eradicate corruption, black-marketing and smuggling, be circulated for the purpose of eliciting opinion thereon by the 30th August, 1969.”

SHRI HUMAYUN KABIR (Basirhat) : May I with your permission introduce a small amendment to my motion? I had originally moved for circulation for the purpose of eliciting opinion thereon by the 30th August 1969. Because the Bill could not be disposed if in the last session, 30th August would not leave enough time. I would therefore like to substitute the words, ‘1st December 1969’ in place of ‘30th August 1969’.

This Bill is, in a way, a very far-reaching Bill.