

[Shri D. P. Chattopadhyaya]

the benefit of this law not be made available to the womenfolk if there is failure of the traditional contraceptive? I say that this is a radical attitude which, though appreciable is not practicable.

Similarly, a question was raised that in the name of morality or in the name of eternal value, we should not allow this law to be used as an instrument of feticide comparable to the genocide of Bangladesh. An hon. Member said that the introduction of this Bill would entail feticide and that sort of thing. Now, I do not know what eternal value means. While we cannot neglect social values, we cannot also overlook the situation created by unwanted pregnancy, pregnancy created by pressure of circumstances, where women have fallen a victim to it circumstantially, when they are not prepared for it otherwise. So, Sir, in the name of eternal values we should not encourage a fossilised sort of attitude. Somebody has said this is a half-way house. As I have already said, unless the social milieu is prepared to accept this progressive line it is no use foisting it upon people. We do not claim it to be a very radical piece of legislation but, I think, if it is accepted and acted upon by the masses it will go a long way towards the emancipation of the women of India. With these words I urge that the Bill be approved and passed.

16 hrs.

MR. CHAIRMAN : The question is :

"That the Bill to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : We shall take up the clauses. There are no amendments. So, I shall put all the clauses together. The question is :

"That clauses 2 to 8 stand part of the Bill"

The motion was adopted.

Clauses 2 to 8 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI D. P. CHATTOPADHYAYA : I move :

"That the Bill be passed".

MR. CHAIRMAN : The question is :

"That the Bill be passed"

The motion was adopted.

16 03 hrs.

GUJARAT STATE LEGISLATURE (DELEGATION OF POWERS) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : Sir, I beg to move :

"That the Bill to confer on the President the power of the Legislature of the State of Gujarat to make laws, as passed by Rajya Sabha, be taken into consideration."

The House is aware that in the proclamation dated 13th May, 1971, in relation to the State of Gujarat, the President has declared that the powers of the State Legislature shall be exercised by or under the authority of Parliament. However, in view of the otherwise busy schedule of the two Houses, it would be difficult for Parliament to deal with the various legislative measures that may be necessary in respect of the State. There would be particular difficulty in situations requiring emergent legislation. The Bill, therefore, seeks to confer on the President the power of the State Legislature to make laws in respect of the State. It has been the normal practice to undertake such legislation in relation to the States under the President's rule and the present Bill is on the usual lines. Provisions has been made for the constitution of a Consultative Committee, consisting of Members of Parliament, which will be consulted before enacting laws in respect of the State of Gujarat. Provision is also being made to empower Parliament to direct modifications in the laws made by the President, if considered necessary.

I request the honourable House to accept the legislative proposal before it.

MR. CHAIRMAN : Motion moved :

"That the Bill to confer on the President the power of the Legislature of the State of

Gujarat to make laws, as passed by Rajya Sabha, be taken into consideration."

SHRI GADADHAR SAHA (Birbhum) : Mr. Chairman, our House is being requested to consider the Bill to delegate to the President the powers of the State Legislature to make laws in relation to Gujarat as a result of imposition of President's rule on 13th May, 1971. This was indeed a very sad day for Gujarat in particular and the democratic people in general, because the democratic Government led by Shri Hitendra Desai, was toppled on that very day. The way in which the democratic Government was toppled, President's rule was imposed and legislative powers of more than four big States in India were being delegated to the President, to one man, was not compatible with democratic principles. This tendency to take out State administration has become a great danger to parliamentary democracy. I, therefore, oppose the Bill.

During the last three or four months it was seen that the Central Government was not going to tolerate any opposition party Government in any State under any circumstances and its main intention was to topple the opposition party Governments in many States. In West Bengal, when the then UF Government was toppled and the State Assembly there was recently dissolved it was said that it was due to the law and order situation.

But what is troubling Gujarat? The law and order has been kept well there. Workers have been shot in the streets of Gujarat. Agricultural labourers are being oppressed there. But there is no question of law and order. What is the reason? Why was the democratic Government of Shri Hitendra Desai, which belonged to the same class that rules the Centre toppled? It is well known to us all that Gujarat is the paradise of Indian monopolists, capitalists and the landlords. Most of them come from there. They were all satisfied with the Government led by Shri Desai.

The ruling Congress Party has got a big majority in Parliament today but in spite of all this, the fact is that the political crisis of the ruling classes and the economic crisis have been deepening in this country and in such a serious situation what the ruling classes want is monopolistic control of the entire state power in the country. This was the reason why the

leadership of the ruling classes at the Centre have been obliged to suppress even the Government of their own class when and where this class plays a dissident role.

Gujarat was once praised as a very progressive State in Parliament. But the report of the Commissioner for Scheduled Castes and Scheduled Tribes presented a very different picture. It shows that Gujarat, the birth place of Mahatma Gandhiji, has been and is still the home of oppression of the Scheduled Castes and Scheduled Tribes and of the practice of untouchability.

If the Central Government that claims to be progressive does something good in this connection, it will be a very good thing. But the indications are otherwise. The then Chief Minister of Gujarat, before he gave up his office some days ago, passed an order that education up to standard X would be free and compulsory there. But, what did the Central Government do? The Central Government set aside the order. Therefore, it is no question of being progressive or reactionary. The question is the entire control of State power in the country. That is the thing involved and the story of being reactionary or progressive has been told and retold during these days, and then lots of reactionaries were taken into the Ruling Congress Party and they all became progressives. Therefore, this sort of drama that is enacted here is meant only for befooling the majority of the people. This will either stop befooling or will create a disgust for parliamentary democracy.

श्री कमल मिश्र मधुकर (केमरिया) : मैं इस बात से सहमत हूँ कि राज्यों में जहाँ बहुमत के आधार पर विरोधी दलों की सरकारें हैं, उन को तोड़ने का अधिकार केन्द्र को नहीं होना चाहिये, लेकिन फिर भी हमें स्थिति को देखते हुए भेद करना चाहिये। गुजरात की सरकार टूट गई, इस के लिये अफसोस करने की बात नहीं होनी चाहिये। जहाँ तक इस बिन्दु का सम्बन्ध है, मैं इस की कुछ कमियाँ की तरफ आप का ध्यान दिवाना चाहता हूँ, जिस में को आप उसे ठीक करने की प्रेरणा मिले और इस को आप दुख्ख कर के वहाँ का काम चलावें। सड़ का मतलब यह भी नहीं है कि जो रूलिंग पार्टी

[श्री कमल मिश्र मधुकर]

है वह तमाम के तमाम सही काम करती है, लेकिन फिर भी मैं यह मानता हूँ कि जो गुजरात की सरकार टूट गई हैं, वह अच्छी बात हुई है-देश के लिये भी और गुजरात के लिये भी। इस लिहाज से जो कमेटी आप ने पार्लियामेन्ट के सदस्यों की बनाई है, वह ठीक है, लेकिन आप को इस बात की भी गारन्टी करनी चाहिये कि जहाँ आप पार्लियामेन्ट के सदस्यों और मन्त्रियों की कमेटी बना रहे हैं वहाँ ऐसी कमेटीज भी बनाई जाय जो सर्वदलीय हों और जिला स्तर पर, राज्य स्तर पर, खण्ड स्तर पर बने ताकि जनता की जो कठिनाइयाँ हैं, वे आप के सामने प्रत्यक्ष रूप से आ सके, जनता की आवाज आप तक पहुँच सके और उन की आवाज के अनुसार वहाँ पर कुछ काम हो सके। अगर ऐसी व्यवस्था नहीं होगी तो नतीजा यह होगा कि कुछ लोग जो गुजरात कमेटी में हैं, जिन को गुजरात के बारे में विशेष ज्ञान नहीं है, वहाँ की समस्याओं की गहराई से नहीं जानते हैं, वे लोग इस में कुछ विशेष सहायता नहीं पहुँचा सकेंगे। इस लिये मैं सुझाव देना चाहता हूँ कि आप इस में ऐसी कानूनी व्यवस्था करें जिस से विभिन्न स्तरों पर सर्वदलीय कमेटियाँ बनाई जा सकें और उन के जरिये सरकार के सामने सुझाव आये कि कैसे वहाँ पर काम होना चाहिये।

इसी तरह से आप जानते हैं कि गुजरात में ट्रेड यूनियन मूवमेन्ट बहुत जोरों से चलती है, एक तरह से ट्रेड यूनियन मूवमेन्ट का वह बर्थ प्लेस है। मैं चाहता हूँ कि वहाँ के मजदूरों की आवाज, हरिजनों, आदिवासियों और पिछड़े लोगों की आवाज आप तक पहुँचे, ऐसी व्यवस्था आपके कानून में होनी चाहिए, उनका प्रशासन के काम में योगदान हो, ऐसी व्यवस्था भी आपको अपने कानून में करनी चाहिये। मैं यह भी चाहता हूँ कि जो कमेटी आपने बनाई है, 50-60 लोगों की, उसकी बैठक अभी तक आप ने नहीं बुलाई है, आप कानून में व्यवस्था करते हुए एलान करें कि उनकी बैठक कब-कब हुआ करेगी, कितने दिनों में

करेंगे। इसी तरह से जो कमेटियाँ विभिन्न स्तरों पर बनाई जायेंगी उनकी कमेटियाँ कब हुआ करेगी, उनमें क्या निर्णय किये जायेंगे, इसके बारे में सरकार को एलान करना चाहिये।

यद्यपि गुजरात औद्योगिक मामलों में अन्य राज्यों से थोड़ा भिन्न है, फिर भी वहाँ की स्थिति यह है कि आज भी प्रति व्यक्ति आय 173 रुपये से अधिक नहीं है। गुजरात में अन्य राज्यों के मुकाबले सबसे ज्यादा टैक्स लगा हुआ है, टैक्सेशन इन्क्वायरी कमिशन ने भी इस बात का जिक्र किया है कि वहाँ पर सबसे अधिक टैक्स लगा हुआ है। ऐसा न हो कि जिन लोगों को कमेटी बनाई जाय, उनको इन बातों का ज्ञान न हो। यदि इस बात का ध्यान नहीं रखा गया तो नतीजा यह होगा कि जिस तरह से राज्य सरकार काम करती आई है, उसी तरह से केन्द्र सरकार उन कानूनों का उसी ढंग से इस्तेमाल करती रहेगी, जिससे वहाँ के गरीब मजदूरों, आम जनता, मध्यम वर्ग के लोगों को अधिक टैक्स का बोझ उठाना पड़ेगा। मैं इस बात से सहमत हूँ कि गुजरात में जो बड़े बड़े पूँजीपति हैं, जमींदार वर्ग के लोग हैं, जो वहाँ पर छाये हुए हैं उनको तोड़ने का काम करना होगा ताकि जनता यह महसूस करे कि दुर्भाग्य से या सौभाग्य से राज्य सरकार के अधिकार जो आज केन्द्र सरकार के हाथ में आये हैं और केन्द्र में आज ऐसी पार्टी है जो समाजवाद का एलान करती हैं, वह महसूस करे कि केन्द्र सरकार सही मायनों में उसकी तरफ ध्यान दे रही है।

गुजरात में अन्य कई समस्याएँ हैं जैसे पैट्रो-कैमिकल-काम्प्लैक्स की बात है। वह अब खुलने जा रहा है, लेकिन हमारे पास यह रिपोर्ट है कि यह काम्प्लैक्स अमरीका और इंग्लैंड के सहयोग से इक्विटी शेअर के आधार पर खुलने जा रहा है। मैं जानना चाहता हूँ कि क्या भारत सरकार इस बात के लिये

अक्षम थी कि वह इस काम्प्लैक्स को पब्लिक-क्षेत्र में खोलती और उसमें भारत सरकार का निर्णायक हाथ होता। मैं जानना चाहता हूँ कि आपने ऐसा क्यों नहीं किया ?

सौराष्ट्र में एटामिक पावर स्टेशन की जरूरत है। एटामिक पावर कमीशन ने जो रिपोर्ट दी है, उसके आधार पर हमको मालूम हुआ है कि उसमें विलम्ब हो रहा है और काफी विलम्ब होने वाला है—दूसर तरफ आपको ध्यान देना चाहिए।

आपने कुछ इलाकों में हरिजनों को भूमि दी है, लेकिन वह जमीन उनको टेम्परेरी लीज पर दी गई है। मैं चाहूंगा कि इस अवधि में आप ऐसी व्यवस्था करें कि हरिजनों, आदिवासियों और भूमिहीनों को जो जमीन टेम्परेरी लीज पर दी गई है, उसका उनको स्थायी हक मिल सके।

गुजरात में जमीनों की जा हद-बन्दी रखी गई है, वह देश में सबसे ज्यादा है। मैं चाहता हूँ कि इस सीमा को कम किया जाय। बिहार में सीधे ही एक आडिनेन्स जारी होने वाला है, एक तरह से बिहार ने इस मामले में लीड लिया है, केरल ने भी लीड लिया है। उसी तरह में गुजरात के लिये भी आप लैड के कानून में संशोधन कीजिये और ऐसी व्यवस्था कीजिये कि गुजरात के जमींदारों के पास जो फाजिल जमीन है, वह उनसे लेकर गरीब और भूमिहीन किसानों को दी जा सके।

अन्तिम बात—गुजरात में आल-वैदर-पोर्ट के बारे में मंत्री महोदय ने एलान किया था, मैं जानना चाहता हूँ कि उसके विषय में क्या हो रहा है, क्योंकि गुजरात में आल-वैदर-पोर्ट का बनाया जाता बहुत आवश्यक है। वहाँ पर मशीन से चलनेवाली सेनिंग-वैसलज की इण्डस्ट्रीज को मदद द्री जानी चाहिये, जिससे कि मशीन के जरिये चलनेवाली सेनिंग वैसलज बनाई जा सकें।

इन सब बातों पर ध्यान देने में गुजरात का विकास हो सकेगा और तभी जो बिल आप यहाँ पर लाये हैं, वह मफल हो सकेगा।

श्री विकारिया (जूनागढ़) : माननीय सभा-पति महोदय, मैं इस बिल का समर्थन करने के लिये खड़ा हुआ हूँ। यहाँ पर अभी ऐसी बातें हो रही थी कि गुजरात में हितेन्द्र सरकार बहुत प्रगतिशील सरकार थी, मुझे यह सुनने के बाद बड़ा आश्चर्य हुआ . . .

श्री कमल मिश्र मधुकर : ऐसा किसी ने नहीं कहा।

श्री विकारिया : साहू साहब ने अभी कहा कि गुजरात की हितेन्द्र सरकार बहुत प्रगतिशील सरकार थी। आप गुजरात में आइये और देखिये तब आपको मालूम होगा कि हितेन्द्र सरकार ने किस तरह के लोगों का कल्याण किया है। अहमदाबाद में मिल-मालिकों का कल्याण हुआ है, बड़े बड़े किसानों का कल्याण हुआ है। गुजरात में जो 20-25 फीसदी आदिवासी, हरिजन लोग हैं, जो इरानामिकली पिछड़े हुए हैं, उन लोगों का कल्याण नहीं हुआ है। यहाँ पर पत्रकार अगर ऐसा लिख दे कि गुजरात में हितेन्द्र सरकार बहुत प्रगतिशील सरकार है, उमका पढ़ने के बाद उमको आप प्रगतिशील मान लें तो ऐसा कहने से कोई फायदा नहीं है। आप वहाँ आकर देखिए। मैं आपको हितेन्द्र सरकार को एक जानकारी देना चाहता हूँ। जब उनकी सरकार गिरी थी तब यह कहा गया था कि हमारी सरकार को गिराने का प्रयत्न कर रही थी और उमी की वजह में वह गिरी है लेकिन यह बात सही नहीं है। सही बात यह है कि एक बार हितेन्द्र सरकार गिर चुकी थी और उमके बाद उन्होंने कई लोगों को माय लिया, कई लोगों को कमेटीज का चेयरमैन बनाया उन्होंने को चेयरमैन बनाया जोकि पार्टी के एम० एल० एज थे, उनको बगला दिया गया, कार दी गई और इस तरह से एक बार सरकार के गिर जाने के बाद भी

[श्री विकारिया]

उन्होंने दूसरी दफा सरकार बनाई। क्या ऐसे लोगों को आप प्रगतिशील कहेंगे ? लेकिन इसके बाद वे एम० एन० एज० जिनको चेरर-मैन नहीं बनाया जा सका, जिनको कार और बगला नहीं मिल सका वे अपने आप हिनेन्द्र की पार्टी को छोड़कर दूसरी पार्टी में गए और इमी की वजह से वह सरकार टूटी। उसके बाद हमारी कांग्रेस अगर वहा पर चाहती तो सरकार बना सकती थी लेकिन उमन सरकार नहीं बनाई क्योंकि दन डेफेक्टर्स वो साथ मिलाकर बनाने में गुजरात प्रदेश का हित नहीं था और कोई प्रगतिशील सरकार बन नहीं सकती थी। इससे अच्छा है कि पहले राष्ट्रपति शासन आय, फिर एलेक्शंस हो और फिर जो प्रगतिशील नीतियों के साथ चलने वाले। एम० एन० एज० आयेगे वे अपनी सरकार बनायेगे। डेफेक्टर्स के आधार पर सरकार बनाने की हमारी कांग्रेस की नीति नहीं है और न ही किसी सरकार को गिरने की हमारी नीति है। हा, प्रगतिशील सरकार बनाने की जरूर हमारी नीति है।

श्री हुकम चन्द कछवाय (मुरेगा) : सभा-पति जी, मदन में गणपूर्ति नहीं है।

सभापति महोदय : घंटी बजाई जा रही है गणपूर्ति हो गई है। माननीय सदस्य अपना भाषण जारी रखें।

श्री विकारिया : यह कहा जाता है कि वहा पर हिनेन्द्र सरकार का बहुमत था लेकिन लोक सभा के एलेक्शंस में यह देखा गया कि गुजरात में हिनेन्द्र जी की पार्टी को बहुमत नहीं मिला। कांग्रेस के साथ मैं स्वतंत्र पार्टी को मिलावर जितने उनको वोट मिले है उनमें तीन लाख अधिक वोट हमारी पार्टी को मिले है। इस से साफ हो जाता है कि जनता हिनेन्द्र सरकार के साथ में नहीं थी बल्कि हमारी कांग्रेस के साथ में थी।

इसके अतिरिक्त श्री मधुकर जी ने यहा पर

जो सुझाव दिए है मैं उनका समर्थन करता हूँ। वहा पर जो कमलटेडिव कमेटी बनी है गवर्नर ने अभी तक उसकी कोई बैठक नहीं बुलाई है। इसलिए जल्द में जल्द उसकी मीटिंग बुलानी चाहिए और आगे के लिए एक समय तय कर देना चाहिए कि एक महीने में एक दफे या दो दफे उसकी मीटिंग बुलाई जायेगी।

दूसी प्रकार से एटामिक पावर स्टेशन के मिलमिले में मैंने अपनी बजट स्पीच में भी कहा था और उसको पुन कहना चाहता हू कि गुजरात में एटामिक पावर स्टेशन की खामकर सोराप्ट की एप्रोकलचरल प्रगति के लिए बहुत ही जरूरत है।

मेरा एक दूसरा सुझाव यह है कि गुजरात में मेडिकल कालेज की बहुत कमी है। आज सुबह यहा पर मेडिकल कालेज के सम्बन्ध में चर्चा हुई थी। हमारे यहा 80 प्रतिशत मार्क पाने वाले छात्रों को भी मेडिकल कालेज में एडमीशन नहीं मिल सका है। इसलिए मैं चाहता हू कि जल्दी से जल्दी वहा पर राजकोट में मेडिकल कालेज बनाया जाये। इसके अलावा मैं यह भी चाहता हू कि जल्द से जल्द पोरबन्दर में आल वेदर पोर्ट बनाने का प्रयत्न किया जाये तथा जो कमलटेडिव कमेटी बनी हुई है उसकी मीटिंग जल्द में जल्द बुलाई जाये।

इन शब्दों के साथ मैं इस बिल को सपोर्ट करता हू।

***SHRI J. M. GOWDER (Nūlgiris) :** Mr. Chairman, Sir, I oppose the Gujarat State Legislature (Delegation of Powers) Bill.

I would briefly explain the reasons for my opposition to this Bill. Immediately after Shri. Harendra Desai resigned as Chief Minister, the Governor of Gujarat submitted his Report to the President recommending the imposition of President's rule and the dissolution of Gujarat Legislative Assembly. The MLAs of the ruling party might have defected to some other party or parties and as a result the Chief might have lost his majority in the

Assembly. How did the Governor satisfy himself that the ruling party had lost its majority without convening the Assembly? If he had convened the Assembly, he might also have come to know that some other political party had become a majority party to form a Government and then he could have asked that party to explore the possibility of forming an alternative Government. Here the Governor arrogated to himself the role of a Legislative Assembly and in his own wisdom chose to recommend the dissolution of the Assembly.

As a contrast take the case of Uttar Pradesh. I would like the hon. Minister of Home Affairs to reply why, after the resignation of the Chief Minister, Shri T. N. Singh, the same course of dissolving the U. P. Assembly, as was done in the case of Gujarat, was not adopted.

Perhaps it did not suit the convenience of the ruling Congress Party here, as it was determined to further its interests in U. P. by making Shri Kamalapati Tripathi as the Chief Minister. I don't bother which Congress Party wants to be in power. While in the Uttar Pradesh the ruling Congress wanted to gain a foothold in power, it shied away from making an attempt to form the Government in Gujarat. I begin to feel that it was diffident of its own strength in Gujarat and that was why the President's rule was imposed in Gujarat, but in the U. P. !

Within a year or two after the Elections, just because the Government in a State has been formed by an Opposition Party, the Centre here adopts all unsavoury means to dislodge that Government and to hold elections. Till the elections are held, the President's rule is imposed in that State. I would like to ask : have the Central Government ever thought of people's reaction to this kind of never-ending game of toppling indulged in by the ruling party in the Centre? Under these circumstances, can we call ourselves a democratic country?

The people in a State exercise their franchise freely and fearlessly and give their verdict in favour of a certain political party to rule the State. After the elections, the Assembly is convened and the elected Members take the oath under our Constitution. The political party which has the majority is asked to form the Government. During the past three, four

years we have been seeing that the elected representatives of the people change their allegiance outside the Legislature, though they subscribed to the ideology of the party to which they belonged at the time of elections. The former Home Minister appointed a Committee to go into the question of such defections of MLAs. I would like to know why the Report of this Committee has not yet been placed on the Table of this House. What action the Government have taken on the recommendations by this Committee? I am constrained to surmise that perhaps the Report might have contained some strictures on the ruling Congress Party itself and that is why it has not yet been placed on the Table of the House.

During the recent mid-term Elections to Lok Sabha, the people of the country have given their unqualified support to the ruling party by returning the members of the ruling party in massive numbers. Similarly, whether it was Gujarat or Punjab, when the people of the State had once chosen on their own free will a certain political party—it might be an opposition party—to rule the State, the canons of democratic functioning demanded the uninterrupted continuance of that party in power for a period of five years in full. I do not approve of the Central Government's unwarranted interference against the will of the people expressed by them in the elections. But, the Centre here is obsessed with the idea that even in a State no Government formed by an opposition party should be allowed to continue for the full period of five years. Is this the way to foster and cherish democratic ideals in our country? That is why I have been stressing frequently in this House that the Centre should rid itself of the opposition party phobia.

16.30 hrs.

[SHRI R. D. BHANDARE in the Chair]

The Governor of a State cannot be the final arbiter in deciding whether the ruling party has lost its majority or not. It may be argued that the MLAs had written to him about the change in their political affiliation. But you must have come across many instances where these MLAs had without compunction taken back such letters. How can anyone testify the actual strength of a ruling party at a given time,

[Shri J. M. Gowder]

when defections take place outside the Legislative Assembly? There is no other alternative for the Governor except to convene the Assembly which is the right forum for verifying whether the ruling party commands a majority or not. Instead of the Governor forming his own judgment, he should strengthen his hands by having the matter decided on the floor of the Assembly.

I would categorically state that a sort of deception is being practised on the gullible people by saying that the ruling party has lost its majority and that is why the Legislative Assembly has been dissolved. Then, in addition, the Centre does not hesitate to take shelter under the Governor's Report to the president recommending dissolution of the Assembly. Is the Governor an elected representative of the people? Just like the Chief Minister, is he chosen by a party forum? Does he represent the people of the State? He is only an Agent of the Central Government, to carry out the dictates of the Centre at the State level. If he is asked to remove the Chief Minister of State, not to the liking of the Centre, and to choose his own why of doing that either by dissolving the Assembly or by suspending it, he has to take it as a directive from the Centre. If he does not act accordingly, he becomes *persona non-grata* with the Centre. In his own self-interest the Governor does what the Centre wants him to do. I may unhesitatingly say that if a duly elected State Legislature is to be dissolved merely on the basis of the Report of a Governor, who is nothing but a mouthpiece of the Centre, it is surely a death-knell for democracy in our country. If the Centre persists in indiscriminately playing the game of toppling the State Governments not belonging to its ilk, I would like to warn that the people of the States would not look on helplessly and their wrath will turn on the Centre at not a very distant date.

*With these words I conclude.

SHRI BHALJIBHAI PARMAR (Dohad) :
Mr. Chairman, Sir, it is very unpleasant that we have to consider the Bill on the Gujarat State Legislature (Delegation of Powers) Bill, 1971. This is as a result of the defection of Gujarat State legislators from one party to the other which should be condemned, as it is an

unhealthy practice in the democratic set-up of the country for which the Government should bring a Bill to ban defections. Defections in the political field really cause a head-ache in the smooth running of a democratic government. The legislators, it seems, can be purchased by any party in order to come in power, and hence it becomes quite necessary to discontinue this practice in the whole of the country.

The Governor of Gujarat, as I understand, has also requested the Central Government to legislate and ban defections immediately so that this disease of temptation of defections can be rooted out from politics.

The President's rule was imposed in Gujarat on the 13th May, 1971, and hence, it has become necessary to delegate the powers on the President to legislate for the welfare of the Gujarat State which is agreeable under the circumstances; but the methods by which the popular, democratic government was toppled were really undemocratic and immoral. Really, the Hitendra Desai government was popular but it turned out to be reactionary because it was not in the good books of the Prime Minister as it belonged to the Congress Organisation party.

I now hope that the powers which are to be conferred on the President would be used with discretion and fairplay and the Government would enact legislation which would strengthen and continue the progressive policies which the Hitendra Government initiated.

Looking to the decision of the Hitendra Government, the scheme to give secondary education to all the students in the State should have been implemented by the Governor in its true spirit. It has been modified by the Governor and applied to certain income groups. The Central Government may think over this matter again.

The Government should look into the causes of delay in the conduct of the proceedings of the tribunal for Narmada. As this dispute is pending for a long time the Central Government should see what steps can be taken to expedite the work of the tribunal. The Prime Minister should intervene in this matter and settle the dispute between the

Governments of Maharashtra and Madhya Pradesh, as it is a national problem which is to be solved in the field of green revolution.

The question of shifting the State capital from Gandhi Nagar has sprung up recently and it should be left to be decided by the next popular Government which will come into being in 1972. Early action to bring the popular Government into being should be taken and the election dates should be fixed.

Now I would like to draw the attention of the Government to the problem of improving the economic conditions of the Adivasis living in the State. Their economic conditions are deplorable. They have to go in search of work from place to place for their maintenance after the agriculture work is over in the rainy season. They have not enough cultivable lands. Their living is poor and pitiable. The educated youths are also unemployed and they are not getting proper work. They are frustrated. Small scale industries should be started in backward areas where Adivasis are living, in such populated districts as Panchmahals, Sabarkantha, Banaskantha, Baroda, Dangs, etc.

Animal husbandary industry should also be developed in tribal areas and dairy farming cooperative societies should be started and encouraged by the Government. Due attention should be given for family planning in the whole of the State in order to check the flood of increasing population so that we can provide bread and butter to the millions of people, looking to our limited resources and income.

SHRI D. D. DESAI (Kaira) : Now that the President has acquired the powers I believe he will also acquire the responsibility and accountability to the people of Gujarat and the whole of India. Gujarat has many problems and it was said that the Hitendra Government was incompetent to handle them. Now that the Central Government is directly in charge of that State, it should be very easy for them to handle those problems very quickly.

One of the items that has to be considered relates to the freight rates from Kandla to different stations. Kandla is a major port.

One-third of India's coastline, namely 1500 kms, fall in Gujarat and we do not have busy major ports whereas the hinterland behind Gujarat is of considerable size and includes U.P. and some of the very densely populated States of India. The question of the Atomic Power Stations in Saurashtra has been hanging fire for a long time. The Mitapur power project which has been approved by the Central Government is based on such feed stock which the Tatas would never be able to process economically and therefore the Central Government should reconsider that project and base it on ammonia or naphtha or such other feedstock which could be economically processed into fertilisers and should not put impossible demands on Tatas. Only thus could this project come up. The Kadana Mahi and Narwada Navagaon dams have been pending and no decision which may go against the interests of Gujarat should be taken while the popular Government is not there.

Gujarat has been giving the largest return on industries, whether it be in the private sector or the State sector or public sector, but unfortunately the Government of India has not been able to see its way to make investments in industries in Gujarat. Much of the money that the Government has been receiving by direct or indirect taxation has been coming from some of the industries which the Gujarat people have floated either in Gujarat itself or in other States. You may be aware that the largest revenue to the Central exchequer is from Maharashtra. The second largest is Bengal and the third largest is Gujarat. The fourth is way behind. Therefore, Gujarat should receive its appropriate share of the income that is provided to the Central exchequer.

You have the Tea Board, the Coffee Board, the Jute Board etc., but you do not have a Cotton Board or a Tobacco Board or an Oil-seeds Board. This is not fair. Maharashtra produces one-third of India's cotton and Gujarat produces another one-third. Between the two there should be some arrangement made so that both these States benefit from centralised cotton research and training so that cotton import is discontinued.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Their masters will not allow them

[Shri Jyotirmoy Bosu]

because they want to sell their sub-standard cotton.

SHRI D. D. DESAI : I would strongly suggest that a Cotton Board be started.

Then there is the question of tobacco from which a large amount of revenue is received, but no input is made. Government may consider at least five to ten per cent of the money being ploughed back into these things so that the income may also increase.

For now television stations, the highest number of radio licence holders are in Bombay, Delhi and Calcutta in that order. The fourth is Gujarat, the Ahmedabad-Board region, but this is also ignored. We do not mind other States having television, but some how or other the legitimate claims of the intermediate party are overlooked just because somebody is not making a strong representation. Demonstration should not have greater effect than intelligent argument before you. Therefore, the Ahmedabad-Baroda zone which has the large number of radio licence holders deserves a television station. Besides a satellite telecommunication system, already exists near Ahmedabad for the television system. This may be looked into.

The Ahmedabad pirport is a primitive one. This is known to the Government of India. Something should be done at the earliest date.

Then there is the question of oil and gas prices. The Koyali Refinery was transferred to the Refiner Division and latter on to the IOC, with the result that the ONGC is deprived of its revenue. I do not know why this should be so. The ONGC is loaded with the debit of development and drilling in other States, and the Gujarat people are made to pay the cost of development, drilling and prospecting in other States by means of higher prices of gas and fuel. This is unfair. The development cost or the prospecting cost should go to the capital account and should not be debited to the revenue account as it is presently done.

There are quite a number of other questions, particularly the development of a second major sea port between Cambay and

Surat. This has been already brought to the attention of the Government. Now there is only one port at Kandla. Government may take up this item also. There is no time for me, though I can reel out a few other problems. The Central Government are quite competent. They have a large Secretariat, and since they have taken over the responsibility of the State of Gujarat, they will find cooperation forthcoming in discharging their responsibilities. Particularly one item which I must refer to hurriedly is providing at least two or three down-stream units of the petrochemical complex which would give the State some revenue out of its own natural resources.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : Sir, I have made a note of the various projects which Mr. Desai has reeled off with great facility and felicity. Some other hon. friends also have referred to the developmental projects of Gujarat and the need to take some action about some of them. This motion before us has a limited purpose and I hope hon. friends will excuse me if I do not go into all those projects in detail at this stage. I have made a note of what they have said and I shall ask the Gujarat administration to look into all their suggestions. At this stage, I would perhaps be going far a field if I take up these suggestions for detailed reply. But one point made by my friend from the DMK and some others has to be replied to, and that is, as to why the Chief Minister was not given an opportunity to form a Government, why the assembly was dissolved, whether or not it was done in a hurry with some other motive than is apparent on the surface—this was hinted at. I would briefly refer to the facts which led to President's rule in Gujarat.

On 31st March, 1971, the Assembly was to have discussed a no-confidence motion. Immediately before that, the Chief Minister submitted his resignation. If the Governor had wanted at this stage to take any precipitate action, the Chief Minister's resignation had opened the way for that. He could have made a recommendation to the President, dissolved the Assembly and so on and so forth. He could have taken one of the various steps which would have prevented the Chief Minister from again staking his claim that he has a majority

and can form a government. The Governor did not do any such thing. As matter of fact, subsequently, the Chief Minister did stake his claim to form another ministry. The Governor examined his claim and on finding that Shri Hitendra Desai did enjoy the support of the majority of the members of the Assembly, invited him to form a new ministry. Mr. Desai formed another ministry on 7th April 1971. It was only in May, after a number of members of his party had resigned from the party, that the Chief Minister advised the Governor to dissolve the Assembly. The Governor accepted his advice. The Chief Minister still had a majority although several members had resigned and although some other parties disputed the fact that he had a majority, the Governor in his wisdom at that stage concluded that he would accept the advice of the Chief Minister, and thereupon, the Assembly was dissolved. So, I really do not know whether in this sequence of events there is any misgiving or suspicion or even for a difference of opinion. I hope my hon. friends will see clearly that the Governor did not act in haste. He gave every opportunity to the Chief Minister to form a second government and only when it was not possible did he accept the Chief Minister's advice and dissolve the Assembly.

The second question that has to be examined is what was the position with regard to the budget. The budget has to be passed. Without the passing of the budget things would have come to a halt in Gujarat. As it happened, the Legislative Assembly had passed a Vote on Account four months and these were for the first four months of the financial year 1971-72. That Vote on Account had been passed till the end of July, till 31st July 1971 and it was necessary that the budget for the remaining part of the year should be passed in order that things did not grind to a halt in the State of Gujarat. For this purpose the Assembly was dissolved, the President took over the administration and the budget was passed by Parliament. In this context, one fails to see what opinion the President had except to accept the advice of the Governor to dissolve the Assembly. If he had not accepted that advice, then the budget would not have been passed by Parliament, things would have come to a halt in the State of Gujarat, public accounts which had been duly sanctioned by the legis-

lature could not be spent and a stalemate or deadlock would have been created. I am sure hon. Members would appreciate it was the duty of the President to take over the State and see that the State could function in accordance with the wishes of the legislature, in this case Parliament, which passed the budget. Therefore, I think there need be no apprehension on any account.

Then Shri Madhukar raised the point about the Committee of Members of Parliament and having a committee at the district level. I have no doubt that the jilla parishads are functioning in Gujarat. These are duly elected bodies and I think it would be the proper thing to allow them to continue. They being elected bodies, it would not be right to supplant them from here. So, they should be allowed to continue.

Then he referred to problems of land reform, the need to help the Adibasis, harijans and so on. He knows the policies of the government, the objectives of the government in regard to these matters. I can assure him we shall adopt an approach, follow a line of policy which is consistent with our policies and principles in these matters. We have every sympathy for the down-trodden sections of the society, for the harijans and adibasis. We are aware of their problems, we are aware of the need to push through land reforms all over the country, including Gujarat.

My hon. friend from the DMK referred to the position in UP. I have already explained at some length the situation in Gujarat. I do not think I need go into the position in UP, because it is not very relevant. But, obviously there is a Chief Minister there who enjoys the majority of the legislature. The legislature is meeting even today. There is a vote on some matter or the other every day, the Chief Minister has a majority, the party has a majority and the government continues to function.

Then a question was raised about the Defection Bill and the report of the committee. This matter has been gone into so many times on the floor of the House. The Committee has submitted its report and, while there were some differing views, a broad consensus had been arrived at in the Committee. On that basis, certain suggestions and proposals were

[Shri K. C. Pant]

drafted and the Prime Minister had called a meeting of the opposition leaders. At that meeting these suggestions were discussed but, unfortunately, at that meeting there were differences of opinion also and later on we wrote to the various Opposition leaders to let us have their views. Some replies came, some did not come and we have been pursuing this matter. We are anxious to proceed with this. Sir, I think, I have dealt with those matters which have a direct bearing on the measure before us, but I once again thank all those Members who have referred to specific projects.

MR. CHAIRMAN : The question is :

"That the Bill to confer on the President the power of the Legislature of the State of Gujarat to make laws, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted

MR. CHAIRMAN : We shall take up the Clauses. There are no amendments. So I put all the clauses together.

The question is :

"That clause 2 and 3 stand part of the Bill"

The motion was adopted

Clause 2 and 3 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI K. C. PANT : I move :

"That the Bill be passed."

MR. CHAIRMAN : Motion moved.

"That the Bill be passed."

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Sir, I have a small information which Mr. Pant, if he so chooses, can reply to. For a small State like Gujarat the Government of India has sanctioned a grand total of Rs. 8,44,000 for the Gandhite Governor, Shri Shriman Narayanji for his gubernatorial duties from August 1971 to March 1972. It is a fantastic affair in a country where the average man's income does not touch a rupee. An average man's daily expenditure is in the region of 36 paise as has been admitted by the Government, but you have sanctioned Rs. 8,44,000 for the Governor. The other day we saw in a social journal, the Illustrated Weekly

of India, that the Gandhite Governor has been grinding his flour in a 'chakki'. For that you require to spend Rs. 8,44,000 from August, 1971 to March, 1972—not even full twelve months. What are the items : The Governor himself will receive Rs. 66,000 as salary and Rs. 18,000 as sumptuary allowance ; Rs. 68,000 is earmarked for the maintenance and upkeep of the Raj Bhavan's garden, and the Gujarat budget for 1971-72 presented in the Lok Sabha has sanctioned Rs. 1,69,500 for the Governor's Secretariat, and Rs. 60,000 goes for medical facilities for the Governor and his family. Can you imagine an expenditure of Rs. 5,000 per month for medical facilities of the Governor and his family ? Rs. 20,000 have been budgeted for the maintenance and repair of the air-conditioned railway saloon. We all go on speeding towards socialism, *samajvada* and *garibi hatao*, but the State of Gujarat provides a railway saloon for hauling the Gandhite Governor and his family, which is very modest. Gandhiji, I remember, used to ride in a third class compartment and his followers, as we see today in the latest *samajvada* edition, require air-conditioned exclusive saloons and very delicate springs so that their backs may not sprain and get an ache.

17 hrs.

Then, Rs. 5,000 have been sanctioned for other tour expenses. Rs. 5,000 have been set apart for entertainment and hospitality. I thought, they always preferred to live on one *besan-ka-laddu* !

It is necessary for this Parliament—it is our duty—to tell the people of the country what is the true class character of the Government, what is it that they are talking. Is it merely lip service or is there any substance in it ? They are maintaining these Centre's political agents for the purpose of establishing and rehabilitating themselves in different States and encouraging political prostitution. That is all. For that, in less than 12 months, they have spent Rs. 8 lakhs. Shri Pant will tell us if this is the specimen of the *garibi hatao* movement.

SHRI K. C. PANT : Sir, I strongly suspect that my hon. friend was not well when the Budget for Gujarat State came up before the House. He has obviously been thinking about

these matters and has made a useful contribution. It would have been more useful, had it been germane. But it is not quite relevant here. Nevertheless, if he is talking in general terms about the expenditure on Governors and about the need to effect economies in that expenditure, that general matter is being considered by us in all its aspects. But so far as this particular matter goes, it could more properly have been discussed as a part of the discussion of the Gujarat Budget.

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

17.03 hrs.

STATUTORY RESOLUTION RE : PROCLAMATION IN RELATION TO THE STATE OF PUNJAB AND THE PUNJAB STATE LEGISLATURE (DELEGATION OF POWERS) BILL

MR. CHAIRMAN : The House will now take up consideration of items 13 and 14 together.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : Sir, I beg to move the following Resolution :—

"That this House approves the Proclamation issued by the President on the 15th June 1971 under article 356 of the Constitution in relation to the State of Punjab."

Such a Resolution has already been passed by the other House.

The House is aware of the circumstances in which the Legislative Assembly of Punjab was dissolved by the Governor, on the advice of the Chief Minister, Shri Prakash Singh Badal. The circumstances are explained at length in the report of the Governor which has already been placed on the Table of the House. It is not necessary for me to go into the question of the propriety of the Governor's action. I would only like to draw the attention of the House to the situation that existed after the dissolution of the Assembly.

The last session of the Assembly had been held in January 1971 and a Vote on-account for the new financial year beginning from 1st April 1971 had been passed for a period of only three months. This period was due to end on 30th June, 1971. The session of the Legislative Assembly, which had been convened for 14th June, 1971, to pass the Budget for the remaining part of the financial year, could not take place as a result of the dissolution of the Assembly. Therefore, a situation had arisen in which the administration of the State would have come to a standstill with effect from the 1st July, 1971, if in the mean time a Proclamation under Article 356 of the Constitution had not been issued and the administration of the State had not been taken over by the President. Being presented with this situation, the House will appreciate that the President had no option but to issue the Proclamation for the approval of which I have now come before the House.

In accordance with Art. 356 (3) of the Constitution, the Proclamation will cease to operate with effect from 15th August 1971, unless before the expiry of that period it has been approved by resolutions of both Houses of Parliament. As the House is aware, the electoral rolls in Punjab are being intensively revised and it would not have been possible for the Election Commission to hold fresh elections, before the expiration of the short period of two months from the date of issue of the Proclamation. I am sure that in these circumstances the House will give its approval to the further continuance of the Presidential Proclamation under Art. 356 of the Constitution.

Sir, I further beg to move that the Bill to confer on the President the power of Legislature of the State of Punjab to make laws, as passed by Rajya Sabha be taken into consideration.

The House is aware that in the Proclamation dated 15th June, 1971, in relation to the State of Punjab, the President has declared that the powers of the State Legislature shall be exercised by or under the authority of Parliament. However, in view of the otherwise busy schedule of the two Houses, it would be difficult for Parliament to deal with the various legislative measures that may be necessary in respect of the State