

श्री कव्यू किंकरे : छः बजे पब्लिकेशन का समय है। हम यह नहीं कहते हैं कि आप हमें पहले दें। आप प्रेस वालों को यह हिदायत दें कि वे आप नहीं—छः बजे से पहले। इसमें क्या दिक्कत है? हमें भी कापी देने में क्या दिक्कत है?

MR. SPEAKER: These are international agreements. They have their own obligations.

13.37 hrs.

MATTER UNDER RULE 377

PERMISSION TO THE FORMER MAHARAJA OF MYSORE TO ALIENATE HIS THREE PALACES

SHRI K. HANUMANTHAIYA (Bangalore): Sir, in Mysore State, there are three Palaces which were known to be official residences and they were in occupation of the Maharaja of Mysore. I had occasion to deal with this problem when I was the Chief Minister and other Chief Ministers, subsequently, who came on the scene have also dealt with this problem.

The problem is that these Palaces, according to the Agreement between the Government of India and the Maharaja at that time, at the time of integration, were an inalienable property. They could not be alienated as a private property by the Maharaja who was occupying them as official residences. This remained the position till the Maharaja was officially, what is called, the Head of the State. After he ceased to be the Maharaja, in pursuance of the legislation passed by this House, the question has arisen whether he can alienate this property.

The question has arisen not because of any move made either by the Government of India or by the Government of Mysore but because of the request or the application made by the Maharaja and his family. The latest position is that the two Palaces, one Palace in Bangalore and the main Palace in Mysore, have not been disposed of. But I understand one Palace which was at Ooty has been allowed to be alienated by the Government of India.

AN. HON. MEMBER: Why?

SHRI K. HANUMANTHAIYA: That is exactly the point.

I am told, in August, 1970, the former ruler of Mysore requested that the condition of inalienability attached to the three Palaces at Mysore, Bangalore and Ooty may be removed. Subsequent to August, 1970, the Ooty Palace has been permitted to be alienated. I will come to that a little later as to why it should not have been done. But the two Palaces remained the main Palace at Mysore and the Palace at Bangalore.

The Home Ministry, I am told, took the advice of the Law Ministry. I am told, the Attorney-General has advised that there can be no legal objection whatever to the Government of India agreeing to the removal of the inalienability clause in favour of the former ruler of Mysore or the person in line of succession. In fact, it was not a question of legal opinion at all. This question arose when the Constitution was framed and the instrument of accession was drafted. They wisely took it away from the purview of law and legal squabbles and litigation. In fact, article 363 of the Constitution makes it explicit that such agreement, sanad, covenant and treaty cannot be subject-matter of litigation even in the Supreme Court. Even the Supreme Court has no jurisdiction. I really feel surprised that, after 25 years, legal opinion should be

taken whether Government of India can permit or cannot permit the alienation of this property. Even according to the Attorney-General—he does not say that it should be given—it is for the Government of India to permit or not to permit. This is the common-sense point of view. If I have private property, I have the freedom to give it away to anybody I like. Here, it is the Government of India which is seized of the matter and which is in possession, as it were, of the case. So, I really feel alarmed that this property should be made the private property of Maharaja for nothing at all. The fundamental principle of the Constitution—and we have professed our faith in socialism—is that concentration of wealth should not be allowed in any hand. Regarding this property, the Bangalore palace property, apart from the costly buildings and equipment, the land alone is about 400 acres. In that area—my residence is also by the side of the palace—the cost of the land is now Rs. 200 to 300 per square yard. This one property alone will cost between Rs. 15 to 20 crores. I do not know the exact valuation. The main palace building and the various bungalows will all cost much more than Rs. 10 to 15 crores. The main palace in Mysore may cost Rs. 20 to 30 crores. The Ooty palace may cost another Rs. 2 or 3 crores. Altogether it costs more than Rs. 50 crores, according to my judgment, according to my estimate. Is this property worth Rs. 50 crores to be handed over to an individual? Is it in consonance with the socialist policies that we are implementing? That is the appeal I want to make to the hon. Minister. (Interruptions) I want to know from the hon. Minister who is the person who permitted the alienation of Ooty property, whether it was the Mysore Government that requested. And why should the Government of India agree with the proposition that it be alienated? From 1952 there have been several Chief Ministers. None of them conceded the point that the property could be alienated. Even before Independence I was the leader

of the Opposition in the Mysore Assembly and I used to scrutinise and speak on the Budgets. The money for repairs of the palaces was paid for by the Government and not out of the personal money of the Maharaja. Even for the throne in the palace, gold and other precious stones, Government had to pay. Therefore, all the Palaces have been created and maintained by the Mysore Government. Fortunately for us, Mysore was not like other princely States where there was no distinction between the Maharaja's private property and the Government property. Fortunately, from 1880 to 1880, for 50 years it was directly under Government of India's administration because of its rule. The Government of India, had by the time it handed over the State again to the family of the Maharaja, systematised the administration, systematised the budgets, systematised the financial relationship between the Maharaja and the Government. A definite civil list was fixed and paid. Over and above the civil list, expenditure has been incurred by the Mysore Government through budgetary provisions for maintenance, improvement and all varieties of items, in this connection.

The repairs and maintenance of the Palace gardens and the palace buildings running into several lakhs of rupees were all paid by the Government. . . . (Interruptions).

MR. SPEAKER: Kindly wind up. There is a lot of business pending before the House.

SHRI K. HANUMANTHAIA: I would beg of you that this is a property worth about Rs. 50 crores and it deserves much more than five or ten minutes. If you are so pleased, I will raise it at some other time.

SHRI SHYAMNANDAN MISHRA (Beguwarai): Immediately it should be taken up for discussion. We cannot allow the merger agreement to be modified like this.

SHRI K. HANUMANTHAIYA: Even now the Government of India is in a position.... Can I continue, Sir?

SHRI ATAL BIHARI VAJPAYEE (Gwalior): Please continue.

SHRI K. HANUMANTHAIYA: Even now the Government of India has the authority to give permission or to decline permission. There is no question of law here. I am really surprised why the Law Ministry should at all come into the picture, when there is a specific provision in the Constitution. I know the background. I do not want to make any allegation. A person like me should not make any wild allegation and also, I am not accustomed to making such allegations. But, in Mysore State it is everybody's knowledge that the Maharaja's properties are being misused, misappropriated, robbed, looted. Such things are going on in this fashion and several people who are around the Maharaja and who were only getting Rs. 100 or Rs. 200 a month have become owners of property worth crores of rupees. Let there be an investigation and the hon. Minister will find my allegations to be true. When all the Chief Ministers had stuck literally and in spirit to the agreement entered into between the Government of India and the Mysore Maharaja, about this inalienable clause, why should it at all be reopened again? Who permitted the thinking along this line? That is really my surprise.

Secondly, I want to know from the Minister who initiated this. Is it the Mysore Government or the Government of India? Who accorded permission to remove the inalienability condition in the case of the Palace at Ooty? That must be made very clear. What is called a wrong direction in this matter was taken at what time? I think even now it is not late. The Government of Mysore, I understand, is prepared to have it or the Government of India may make use of it for any of their purposes.

Then, Sir, there is no question of market price. When there is an inalienability clause attached, the property will not carry with it any market value. I would like to bring it to the notice of the Minister.

MR SPEAKER. Please conclude now.

SHRI K. HANUMANTHAIYA: When this Maharaja assumed office, he issued a proclamation. In those days—the Maharajas were near sovereigns in their respective States, a proclamation had the force of law. That Proclamation said that all the property he owns belongs to the people and that he would place it at their disposal. You can get that proclamation. The Maharaja himself made that proclamation that all the properties that he owns are those of the people I am now pleading, it is for the people of Mysore State. It is for their good. It is for their State and it is for their utility. So, under no circumstances can these two palaces be permitted to be alienated. Government should not accord permission. That is the request I want to make. I am sure the hon. Minister whom I know very well—the interests of the people are safe in his hands—will see that the inalienability condition is not withdrawn.

SHRI K. LAKKAPPA: (Tumkur): There is an explosive situation in Mysore State. Some handful of persons are trying to knock-off the Maharaja's palace, which belongs to the Central Government or the State Government....

MR. SPEAKER: What has happened to you? You are speaking without my permission.

SHRI K. LAKKAPPA: It is a fact ... (Interruption).

MR. SPEAKER: No, please. You are speaking without my permission. Please sit down. I allowed only Mr. Hanumanthaia.

SHRI SHYAMNANDAN MISHRA (Beguara): Sir, I sought your permission under Rule 377.

MR. SPEAKER: I allowed once. There is one already.

SHRI SHYAMNANDAN MISHRA: I know it Sir. I know when you allow one you do not permit any other. All the same, a violation of the Constitution is involved. Merger agreements are included in the Constitution. Can the Government be permitted to violate the Merger Agreement? How are they going to disabuse the public mind that this has been done in violation of the Constitution?

SHRI B. V. NAIK (Kanara), I rise on a point of order.

MR. SPEAKER: What is the point of order?

SHRI B. V. NAIK. I have been listening attentively to the speech of the hon. Member Shri Hanumanthaiya. That is not a point of order under Rule 377. Rule 377 states there shall be no discussion. From the long speech which we have patiently heard, it appears, this matter regarding the Maharaja's palace must fall either under the category of Rule 197, that is Calling Attention, or under the category of Rule 193 for raising a discussion. This point has to be considered and decided before the Minister is called upon to give any opinion. I would therefore humbly submit to you that the matter is brought to the notice and take cognizance of by the Minister concerned only after it is admitted, and when it is admitted, it has to be under the one or the other of the Rules which I have mentioned.

MR. SPEAKER: Kindly sit down. It is my headache also. Whatever I allow, it stretches like a rubber. The hon. Member has been a very senior Minister, he was Chief Minister and Leader of the Opposition. Now

Rule 377 is brought in. Rule 377 is a humble and innocent provision in our Rules. But it is being so much misused and it has been stretched too long under his wise oration. If you want that this is a subject which should be discussed in detail, nobody prevents you from giving notice under Rule 193. There is no question of my ruling. I have completely analysed it. My friend who is sitting here is listening to this also.

We are short of time. And so, I seek your advice—I hope you will appreciate it—on this. You all know that we follow the rules based on the pattern of the House of Commons. Britain has the unitary system of government not a federal system. Here, we have many States and many territories. And it is very difficult to apply those rules to a federal system. We must, therefore, revise the rules so that we meet all the demands on time.

SHRI ATAL BIHARI VAJPAYEE: This is not a subject-matter.

MR. SPEAKER: Why do you bring in everything which is not in my mind? I am telling you that we must revise our rules in such a way so that such matters which are of national importance to us find a way in some form or other. Since everything crops into the rules like 377 etc., why can't we have clear rules?

SHRI S. M. BANERJEE: (Kanpur): My humble submission is this. You, in your own wisdom, have allowed Shri Hanumanthaiya to raise this issue under Rule 377. You have allowed him and nobody can question your authority. It is very unkind for any one of us to suggest that a Calling Attention Notice or any discussion should be initiated before the Minister replies. It means whatever he has said is only a waste of time. For example, here, Shri Naik raised a point of order. I also raise a point of

[Shri S. M. Banerjee]

order. My point of order is this. Once the matter has been allowed legitimately, officially, firmly and boldly by the Speaker, the matter should be discussed. Now, the Speaker, in his wisdom, has found out two rules—193 and 377.

MR. SPEAKER: You will kindly sit down. He has not raised any objection. Nobody has said that he will not reply.

SHRI S. M. BANERJEE: The Minister is getting encouragement. The matter should be discussed. Otherwise, does it mean that Shri Hanumanthaiya will not get any reply?

MR. SPEAKER: I did not give any ruling. Who prevents you from bringing it under Rule 193? He has raised it under 377. And so we follow the procedures. And many other things will come out of that. Why do you add anything on your own? You will please sit down. Now, Shri Mukerjee.

SHRI H. N. MUKERJEE (Calcutta North-East): We are not discussing the Speaker's conduct.

SHRI S. M. BANERJEE, I only want that he should make a statement.

~~RE ALLEGED KILLING OF SOME~~
matter and the Minister will reply to it any time. Now, Mr. Mukerjee.

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**RE ALLEGED KILLING OF SOME
POLITICAL WORKERS BY POLICE
IN ANDHRA PRADESH**

SHRI H. N. MUKERJEE (Calcutta North-East): With your permission which you have very kindly given—you have seen that the Home Minister is also present, surely on account of your having informed him accordingly—I wish to draw the attention of the House to certain reports which

have perturbed us—Andhra Pradesh in particular—about the killing by police by shooting towards the end of July, of a political worker belonging to a Revolutionary Party. Shri D. Venkataramana Raju which was reported in the papers. He was supposed to have died of an encounter with the police near a forest area in Warrangal District. And there have been reports also in the papers about the members of other revolutionary political workers and leaders like Shri D. Satyam, T. K. Moorthy, P. Nirmal and others about whom the reports are that they were caught, tortured and kept in illegal custody for many days and finally shot.

These allegations have come from a Civil Liberties Committee in Hyderabad, and on a recent visit to Hyderabad, I found that there was great perturbation there and there was a demand for some sort of a judicial inquiry so that the truth in regards to this kind of thing might be ascertained. I wish to draw the attention of the House to this particular matter.

14 hrs.

श्री मधु लिमये : जब मुझे भी एक छोटी सी बात पठाने दीजिये । मैंने लिख कर दिया है पासपोर्ट के लिए हिन्दी में प्रार्थना पत्र नहीं स्वीकारे जाते । स्वराज्य के 26 वर्ष बाद भी ।

MR. SPEAKER: No, I am not allowing him. I had allowed Shri Mukerjee yesterday, and since the hon. Minister was not present, therefore, we had postponed it for today.

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
(SHRI K. C. PANT): This was what I was going to suggest already that where complicated matters are concerned and where Government's reaction is wanted, it would be far better and it would be fairer to the House