

- (ख) संलग्न मसौदे के पैरा 3 में पचायती राज संस्थाओं के बारे में चर्चा है।
- (1) मैं इन सभी का समर्थन करता हूँ।
  - (2) संलग्न मसौदे के पैराग्राफ 4 और 6 में राजनैतिक पार्टियां कैसे कार्य करे इस बारे में चर्चा है। इन पैराग्राफ में जो सुझाव दिये गये हैं मैं उनका समर्थन करता हूँ। आजकल इतनी पार्टियां भारत में काम कर रही हैं उन पर कोई कानून लागू नहीं होता। मेरी पक्की राय है कि राजनैतिक पार्टियों के बारे में कानून बनाना चाहिये जैसे 60 वर्ष पहले शिवरोमणी गुरुद्वारा एक्ट में एस०जी०पी० सी० के चुनाव कराने का पूरा तरीका दिया है। लोगों को गुरुद्वारा प्रबन्धक कमेटी के चुनाव में राय आदि देने का अधिकार है उनकी सूची सरकारी तौर पर तैयार की जाती है उन पर क्लेम या आपत्ति आदि उठाई जाती है। सदस्यों का चुनाव भी सरकारी कर्मचारी कराते हैं। इसी प्रकार राजनैतिक समितियों के सदस्यों की देखभाल होनी चाहिये और उनके उच्चतरीन पार्टियों के चुनाव होने चाहिये पश्चिमी जर्मनी में भी इस प्रकार का कानून लागू बताया जाता है। ऐसे कानून के तहत राजनैतिक पार्टियों के आमदनी और कार्य का भी आडिट हो सकता है और जो कि होना चाहिये।
  - (3) चुनाव घोषणा पत्र के पैराग्राफ 2 में सत्ता के विकेंद्रीकरण के जो सुझाव दिये गये हैं मैं उनका समर्थन करता हूँ। सरकारियां कमीशन की सिफारिशों बहुत क्रांतिकारी नहीं हैं। उनको तो स्वीकार करना ही चाहिये। पैरा 2 के अन्त में मैंने सब पैरा 18 कनसाइनमेंट टैक्स के बारे में जोड़ा है कि सेंटर में राष्ट्रीय मोर्चा के सत्ता में आने पर कनसाइनमेंट टैक्स बारे कानून बनायेगा जिससे राज्यों की सालाना आमदनी कुल मिलाकर 2000 से 4000 करोड़ तक बढ़ जायेगी जैसा कि सरकारी कमीशन में स्वीकार किया है। सत्ता के विकेंद्रीकरण होने पर ही भारत सही मायनों में पैडरल ढांचे की हकूमत बनेगी।
  - (4) मसौदे के पैराग्राफ 8 में काम के अधिकार की चर्चा की है यह समर्थन योग्य है और संविधान के मौलिक अधिकारों में राईट-टू-वर्क भी शामिल किया जाना जरूरी है।
  - (5) आर्थिक विषमताओं को दूर करना अति आवश्यक है। इस सम्बन्ध और अन्य आर्थिक नीतियों के बारे में 7.7ए. 7बी 7सी, और 7डी पैराग्राफ में जिन सुझावों के बारे में चर्चा की है वे समर्थन योग्य हैं।
  - (6) पैरा 9 में शिक्षा सम्बन्धी जो सुझाव दिये गये हैं वे समर्थन योग्य हैं मैंने उनमें 9-10 और 1। तीन नये सुझाव जोड़े हैं। नौवा सुझाव नैतिक शिक्षा के बारे में है। दसवी परीक्षा में नकल को रोकने के बारे में है और ग्याहरवी लाईब्रेरी आन्दोलन को मजबूत करने के बारे में है। अपने देश के कितने ही प्रदेशों में अभी तक पुस्तकालयों के बारे में कोई कानून नहीं है बहुत कम अच्छे पुस्तकालय हैं अच्छे पुस्तकालयों का होना हर दृष्टि से बहुत ही जरूरी है। पुस्तकालयों के लिये बजट में भी बहुत कम रुपया रखा जाता है। दक्षिण भारत में तो लगभग सभी प्रदेश सरकारों ने लाईब्रेरी के लिये कानून बनाये हैं। ऐसे कानून सभी प्रदेशों में बनाने चाहिये।
  - (7) पैराग्राफ 11 में स्वास्थ्य और परिवार नियोजन के बारे में दिये गये सुझाव समर्थन योग्य हैं। इनमें एक और वाक्य जोड़ा है। कि महिलाओं कि शिक्षा के बारे में बहुत जोर दिया जाना चाहिए कोई भी महिला मैट्रिक से कम नहीं होनी चाहिये। मैट्रिक तथा उससे उच्च शिक्षा प्राप्त करने वाली महिलाओं को परिवार नियोजन का प्रचार करने की आवश्यकता नहीं वह स्वयं ही इसको अपना लेती हैं। अतः जो धन राशि परिवार नियोजन के लिए रखी जाती है उसका 80 प्रतिशत से भी अधिक लड़कियों को अलग शिक्षा संस्थाओं के निर्माण करने में खर्च करना चाहिये।
  - (8) पैराग्राफ 14 Minorities के बारे में हैं। दिये गए सुझाव समर्थन योग्य हैं। इनमें मैंने एक और छोटा सा मगर महत्वपूर्ण सुझाव जोड़ा है जो मुस्लिम भाई पाकिस्तान नहीं गए, 40 वर्ष पहले उनमें से कितनों की सम्पत्ति के मालिक मिन्न-मिन्न प्रदेशों के कस्टोडियन बन गए हैं। उनमें से कितनों ने सम्पत्ति वापसी के आदेश संग्राम अधिकारियों से प्राप्त किए परन्तु उच्च न्यायालयों ने यह निर्णय दिया कि यदि वही सम्पत्ति उपलब्ध नहीं हो तो बदले में और सम्पत्ति नहीं दी जा सकती। इन निर्णयों के कारण बहुत से मुस्लिम भाईयों को उनकी सम्पत्ति के बदले में कुछ नहीं मिला। क्योंकि असल सम्पत्ति तो किसी और को अलाट हो गई है। कानूनम अलाही से भी सम्पत्ति वापस नहीं ली जा सकती और बदले में भी कोई सम्पत्ति मिले तो ऐसे मुस्लिम भाईयों के साथ अन्याय बराबर चलता रहेगा इसलिए सम्बन्धित कानून में आवश्यक संशोधन जरूरी है।

शेष पैराग्राफ में जो सुझाव दिये गये हैं वे सभी समर्थन योग्य हैं। उनमें और कोई बात जोड़ना मुझे नहीं सूझा है।

(मूलचन्द जैन)  
उपाध्यक्ष, राज्य योजना बोर्ड,  
हरियाणा।

## Country's Serious Problems

In April 1988 when, Shri Jain was Deputy Chairman Planning Board he sent for comments a 2 pages note, regarding grim situation the country along with a covering letter, to about 25 top intellectuals of the country, including Shri Atal Behari Bajpayee M.P., Shri Ashok Sen, Shri Jagan Nath Kaushal (former union law Minister's) Shri Madhu Dandvate, Shri P. Upendra & Shri Sharad Yadav, (Then M.P's & now Central Ministers), Shri J.D. Sethi (now member Planning Commission), Shri Kuldeep Nayyar (noted Journalist & now High Commissioner in England), Shri Rajinder Sachar (former C.J.), Shri Tarakunde (former Judge High Court), Shri N.A. Palkiwala, Shri Ram Jethmalani, Shri Lal Sibal & Anand Swroop, Shri Shushi Kumar Mohanta, Shri G.K. Bansal (Senior Advocates) Shri Giri Lal Jain (former Chief Editor, Times of India) Shri Ram Narain Singh (then M.P) & Shri G.L. Bansal Ex.M.P. Three of them, namely, Shri G. L. Bansal, Sh. P. Upendra & Shri Ashok Sen acknowledged the letter & did not offer any worth while Comments. Some did not even acknowledge the letter. Out of the Comments received, those of Shri A.B. Bajpayee, Shri N.A. Palkiwala, Shri Rajinder Sachar and Shri Jagan Nath Kaushal are given here after Shri Jain's covering letter and his Note.

Editor

### Shri Jain's towards Letter & Note

Mool Chand Jain

Deputy Chairman,  
State Planning Board, Haryana,  
Chandigarh.

My dear.....

4  
12 April, 1988

Every patriotic Indian is deeply worried over the grim situation that exists today in the country and which is deteriorating day-by-day. I have prepared the enclosed note mentioning the points in the order of their priorities according to my humble judgement. I shall feel obliged, if you kindly go through this note and send your comments upon it as early as possible, esp. on items III & IV.

The view expressed in the note are my personal views.

Encl. : My note

Yours Sincerely,  
Sd/-

(Mool Chand Jain)

## SHRI JAIN'S NOTE

### I Punjab Problem

The first problem facing the country is the Punjab situation. The number of killing is increasing day by day. Whole families are being wiped out and their houses burnt. The average daily killings is more than 15. Neither life nor property is safe not only in the border districts of Punjab but many other parts of that State despite President's rule for the last one year. No Government is worth its name if it cannot protect the life and property of its citizens. Practically all the Important Gurdwaras in the State are under the control of the terrorists. The moderate Akalis led by Sh. Barnala and even some-what-not moderate Akalis led by Sh. Badal seem to have become irrelevant, The security forces are also demoralised and are on the defensive, The Government itself seems to be on the defensive. The recent amendment of the Constitution authorising imposing of emergency in Punjab will not help matters unless the Govt adopts aggressive attitude in dealing with the terrorists and their sympathisers & unless it does justice to Jodhpur detenués & punish those responsible for killings in Nov. 84 after Indira Gandhi's assassination.

2. We hear talk of sealing the border but the long border from Kashmlr to Gujrat cannot be sealed effectively. Terrorists have their strong basis in Ganga Nagar district of Rajasthan. They can easily visit the district as Ganga Nagar adjoins Puniab near Abohar and Fazilka areas. It is, therefore, in the national interest that the link of Abohar and Fazilka is broken from Punjab and these towns and nearby areas are handed over to Haryana. I am not suggesting this as a Haryanvi but as a citizen of this great country who, in view of the growing demand of Khalistan has come to the definite conclusion that Punjab border with Pakistan should be as much reduced as possible. This is possible if this Hindi speaking belt of Abohar and Fazilka is transferred to Haryana. Then the reduced border can easily be sealed as the terrorists will not be able to enter Pakistan or vice-versa through Ganga Nagar borde.

3. The general impression among the Akalis is that even though they have to undergo some sufferings in their agitation against the Central Government but they gain something in every agitation. This impression has to be removed and it has to be shown to them that they will not gain anything but lose if they or the terrorists start/continue the agitation. The loss of Abohar and Fazilka areas will certainly give that impression. The Sikh masses will also then think twice before they follow the Akalis or the terrorists.

### II Creatins of Smaller States

if U.S.A. and USSR with a population of about 25 crores each, can have about 50 states, why cannot India with a population of about 80 crores have 60 states? Small states have much more chances of development, through mobilising their own resources than bigger states. Himachal and Haryana are best examples. I, therefore, suggest that the country should be reorganised. The existing big states should be converted into smaller states having population between 10 to 20 millions. If this principle is agreed, not only Uttar Pradesh and Madhya Pradesh will be divided into several states but even Andhra Pradesh, Tamil Nadhu, Karnataka and Bengal will have each several small states. If this suggestion is carried out, the evil consequences that have followed after the creation of linguistic states will be greatly minimised as there will not be a single state of one language.

This suggestion will also help the solution of Punjab problem as Punjab also can be divided in two states viz. Pepsu and Punjab or any other suitable geographical division of about 15 millions each. The border districts Gurdaspur, Amritsar and Ferozpur can then be easily managed by much less number of security forces. However, this division of Punjab should take place only if the principle of creation of small states is accepted and implemented in other parts of the country.

### III. Violation of Constitutional Oath by Ministers & Legislators.

My impression was that violation of oath taken by Ministers and Legislators is actionable under the Constitution and those who violate the Oath can be disqualified. However, a Full Bench ruling of the Kerala High Court reported as AIR 1985-Kerala page 122 has been brought to my notice. It has been specifically laid down by the Hon'ble Judges that they cannot add to the disqualifications enumerated in Article 191 of the Constitution. A Legislator can be disqualified on certain grounds given in this Article but violation of Oath taken under Articles 164 (3) or 75 (4) is not one of the grounds. Hence Articles, 102/191 of the Coustitution need amendment, if gross violation of the Oath taken by the Ministers, in the States has to be stopped. The Oath taken by them is that they will do Justice to every citizen without fear, favour or illwill. But many of them do gross injustice by favouring persons on grounds of Castes, religion, language and relationship. In my humble opinion democracy in India can not succeed unless the Ministers who violate their oath are disqualified. Of course, the power to decide whether or not the oath has been violated should be given to High Courts and the Supreme Court.

### IV Amendment of election Law/Rules

Election reform has two aspects-(i) implementation of the recommendations of the Election Commission (ii) enacting a law to govern political parties in the country. So far as the first point is concerned, it is strange that the Union Government, despite repeated assurances in the Parliament, is not taking any step in implementing the recommendations of the Election commission which has repeatedly urged the Union Government to do so. Elections to Parliament and various Assemblies have shown that several distortions have creeped in and elections are rapidly becoming a farce. These distortions have to be removed and some drastic steps have to be taken.

So far as the enactment of a law to govern political parties is concerned, It has become necessary in the circumstances that exist today in the country. Some European countries, e.g. Western Germany have such a law. Our country has also such a law for election to the Shiromani Gurudwara Parbandhak Committee Such a law governing all political parties is a must, if democracy has to succeed in this country.

Yours Sincerely

Mool Chad Jain

4-4-88

Comments on Shri Jain's communication



अटल बिहारी वाजपेयी

संसद सदस्य

6, रायसिंग रोड,  
नई दिल्ली  
दूरभाष : 385166

23-8-88

प्रिय श्री जैन,

आप का ४ अप्रैल १९८८ का पत्र और देश को परिस्थिति के बारे में आप की टिप्पणी प्राप्त हुई। मैं आप के अनेक सुझावों से सहमत हूँ। मैं आप की टिप्पणी अपने सहयोगियों के सम्मुख रखूंगा।

शुभकामनाओं सहित,

भवदीय

(अटल बिहारी वाजपेयी)

श्री मूल चन्द जैन,  
डिप्टी चेयरमैन,  
स्टेट प्लानिंग बोर्ड, हरियाणा  
चण्डीगढ़।

N. A. Palkiwala

Senior Advocate  
Supreme Court

Commonwealth  
1st, Backbay Reclamation  
Bombay-400 020

May 12, 1988

My dear Shri Mool Chand ji Jain.

I received only this week your letter of April 12, along with the enclosed note.

You have made some valid points in your well thought out note. I am afraid the problem of terrorism is here to stay and we will have to live with it for quite a while before some solution is found.

With kind regards, and many thanks for taking the trouble to write to me,

Yours sincerely,

(N A. Palkhivala)

Shri Mool Chand Jain,  
Deputy Chairman,  
State Planning Board,  
Haryana  
Chandigarh.

J. N. Kaushal  
Member of Parliament  
(Lok Sabha)



मम संवे जयते

221, Sector 6/C,  
Chandigarh.

April 23, 1988

My dear Mool Chand Jee,

I am in receipt of your letter dated 12-4-1988

I share your anxiety. The various problems which have been mentioned by you are really causing worry and anxiety to people like you.

I am in agreement with most of the thoughts which you have expressed regarding the Punjab situation and its solution. It is, however a highly complex problem. It is very difficult to be dogmatic about one's views.

Regarding the creation of smaller States again I share your views but the question is the creation of public opinion so that the country is prepared for undertaking this process. Apart from difference of opinion, vested interests also play their role in such situation.

Regarding the amendment of the Constitution for disqualifying a person, especially a Minister for violating his oath may not be practicable. It may be a source of endless litigation without much fruitful result.

With regard to the amendment of Election Law again it is a highly controversial subject. Everybody will agree that distortions in the election have to be removed but they can not be achieved by mere amendment of laws. You have, however, not mentioned as to what is that law which you have in mind with regard to political parties. If you are thinking of proportional representation to political parties then I am not for it.

It is needless to say that the views expressed are my personal views and not meant for giving in Press.

With regards,

Yours sincerely,

(J.N. Kaushal)

Sh Mool Chand Jain,  
Deputy Chairman, State planning Board,  
Haryana, Chandigarh.

RAJINDER SACHER  
Ex. Chief Justice

My dear Jain Sahib

Thank you very much for your letter of April 12, 1988. I have gone through the Note. I am glad that you are devoting the attention to these matters. It is necessary that people like you are really looking into such matters because without giving deep thought to it I am afraid the situation could worsen. I, however, have my reservations in the suggestions given by you. So far as the question of Punjab is concerned, I am afraid your suggestion of taking away Abohar and Fazilka area from Punjab and giving it to Haryana makes the position worse. The suggestion that Ganganagar being near to border cannot be managed if Abohar and Fazilka remain in Punjab is to cast doubt on the patriotism of Punjabis especially Sikhs. This itself will worsen the psychological atmosphere. Frankly I have my serious doubts whether the Central Government is serious in solving the Punjab matter. For years every one has been saying that Jodhnur detainees should be released and culprits of November 1984 should be punished but the Central Government has deliberately not done anything in the matter.

**Re Item II :**

So far as the question of small states is concerned I agree with you. I think there is no doubt that so far as M.P., and U.P., are concerned they need to be divided and possibly in 2-3 states out of each of them. I am afraid, however, that the question of splitting of A.P. and Tamilnadu is paved with emotional difficulty and at present it is not wise to suggest it.

The suggestion that Punjab should be further divided, according to me is totally un-acceptable. Punjab has been divided on language basis and there is no reasonable basis to divide Punjab simply because both Sikhs and Hindus are in equal proportion there is no reason why the state should be further sub-divided by creating either an overwhelming Sikh area like Pepsu; or, an over whelming Punjabi area by taking some portion of present Punjab out of the state. The suggestion to divide Punjab will obviously smel of communalism and would not help in creating mutual faith and confidence.

**Re Item III**

You are quite right. The consistent view is that as there is nothing in the Constitution by which the Minister is to loose his seat if he violates his Oath of office. The court is power less in giving the remedy. In my view that is a correct approach because to permit the courts to decide (whether High Court of Surema Court) that any Minister has violated the Oath of office is seriously to impinge on separation of power between executive and judiciary. The proper remedy is for people opinion to assert itself and remove the corrupt and those who have violated the Oath,

**Re Item IV**

So far, as the amendment of election law is concerned, your suggestion is well taken. We have been for long advocating the system of adopting multi-seat constituency and also including list system as in Western Germany. We have also been advocating state funding which may possibly reduce the role of black money in elections,

Once again, let me congratulate you in takiug up these matters. I hope we will have occasions to discuss this matter in detail. I would be very happy when you come to Delhi and if you could find time so that we could discuss these matters.

With best wishes,

Mr. Mool Chand Jain,  
Deputs Chairman

Yours Sincerely,  
(RAJINDER SACHER)

Delhi

Copy of some Letters written and received by Shri Jain from  
former Prime Ministers etc.

No. 224J-PMH/90

PRIME MINISTERS HOUSE  
NEW DELHI  
November 9, 1960

Dear Mool Chandji,

I have your two letters dated 7th November. I thank you for them.

In one of these letters, you suggest that I should visit some village near Jind. It is always a pleasure to go to these places where good work is being done, but I am afraid I cannot find time to go anywhere in the foreseeable future.

Yours sincerely,  
Jawaharlal Nehru

Shri Mool Chand Jain. MP,  
KARNAL

PRIME MINISTER'S HOUSE,  
NEW DELHI,  
May 3, 1965

Dear Shri Jain,

I have received your letter of the 29th April, 1965, and thank you very much for the suggestions you have made. I shall certainly consider them.

Yours sincerely,  
(Lal Bahadur)

Shri Mool Chand Jain, Ex. M.P.,  
11-C, Sector 3,  
Chandigarh