

should be at par with the salaries and allowances given to the State Government staff. In every respect, we would like the cantonments to be better than the municipalities. If municipalities are well administered, we would like the cantonments also to be improved to serve the defence forces and also the civilian population in the best manner possible.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to repeal the Delhi and Ajmer Rent Control Act, 1952, as in force in the Cantonment of Nasirabad, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We will proceed with the clauses now.

CLAUSE 2—(Repeal of Delhi and Ajmer Rent Control Act, 1952, in force in its application to the Cantonment of Nasirabad.)

SHRI LOBO PRABHU: I beg to move: Page 2, line 3,—for "is" substitute "was" (1)

Sir, the minister has been most conciliatory. In fact, he has accepted that some legal confusion is going to arise.

SHRI M. R. KRISHNA: There is no legal confusion.

SHRI LOBO PRABHU: If he is not conciliatory, I would like him to explain this. Rajasthan Act runs through the whole State of Rajasthan and it can be applied to this cantonment. Why is the Delhi Act applied to this cantonment? You have not yet explained what you are going to do with that gap between 1957 when the Ajmer Act came into effect and 1962 when the High Court struck down the Ajmer Act and the position reverted to the Delhi and Ajmer Act. Of course, so many laws which are not lawful are passed here and one more or less does not make any difference.

MR. DEPUTY-SPEAKER: This observation is too wide. Unless any Act passed by this House is struck down by the highest judicial authority, it is the law of the land.

SHRI LOBO PRABHU: I shall qualify my statement, because you have held that

we can pass any law till the Supreme Court strikes it down. But I do not accept it. I say that this House must pass laws which are absolutely good laws. If you are content to pass any law because you have a majority, the position is different. I have already drawn your attention to this lacuna regarding the uncovered period.

SHRI M. R. KRISHNA: Rajasthan Act is a prospective Act and therefore to change the word 'is' to 'was' is not called for. We have referred all the amendments of the hon. member to the law Ministry. After careful consideration, the Law Ministry have said that they will not fit in with the Bill.

MR. DEPUTY-SPEAKER: I will now put amendment No. 1 to vote.

Amendment No. 1 was put and negatived

MR. DEPUTY-SPEAKER: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill

MR. DEPUTY-SPEAKER: Are you moving your amendments?

SHRI LOBO PRABHU: No, Sir; they are consequential.

MR. DEPUTY-SPEAKER: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill

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

SHRI M. R. KRISHNA: I beg to move:

"That the Bill be passed".

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed".

The motion was adopted

15:18 Hrs.

MADRAS STATE (ALTERATION OF NAME) BILL

MR. DEPUTY-SPEAKER: We will now take up the Madras State (Alteration of Name) Bill. The minister is not here.

SHRI RAJARAM (Salem): Let Mr. Arumugam from the Congress benches move it!

SHRI V. KRISHNAMOORTHY (Cuddalore) : The ministers must be here at least to move the Bill.

SHRI R. D. BHANDARE (Bombay Central) : Law Minister can move it.

MR. DEPUTY-SPEAKER : Unless he writes to me that he would like to act in the place of someone else, I cannot permit it. If he writes, I will permit him.

SHRI DATTATRAYA KUNTE (Kolaba) : There is no provision in the rules to keep the House in suspense. Let us pass on to the next item.

SHRI V. KRISHNAMOORTHY : I shall move the Bill if the Minister is not here.

MR. DEPUTY-SPEAKER : This is an important Bill. We all welcome it. Let us have a little patience.

The only way left to me is to go to the next item.

SEVERAL HON. MEMBERS : No, no.

MR. DEPUTY-SPEAKER : Therefore, have some patience.

SHRI V. KRISHNAMOORTHY : If you do not, we shall move the Bill. We are ruling Madras; and we will rule India for some time.

MR. DEPUTY-SPEAKER : Now, the House stands adjourned to meet again at quarter to four.

15.20 Hrs.

The Lok Sabha then adjourned till a Quarter to Sixteen of the Clock

The Lok Sabha re-assembled at a Quarter to Sixteen of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

MADRAS STATE (ALTERATION OF NAME) BILL—Contd.

MR. DEPUTY-SPEAKER : The hon. Minister,

SHRI KANWAR LAL GUPTA (Delhi Sadar) : Sir, I want to raise a point of order.

MR. DEPUTY-SPEAKER : There is nothing before the House to raise a point of order.

श्री कंवर लाल गुप्त : मैं निवेदन करना चाहता हूँ कि

SHRI S. KUNDU (Balasore) : It is a disgrace to the House that the Ministers do not come prepared, they do not take

the House seriously and they are not present in the House. They should be dismissed. . . . (interruptions)

MR. DEPUTY-SPEAKER : Not so many at a time. I will give them all an opportunity. Now, Shri Gupta.

श्री कंवर लाल गुप्त : उपाध्यक्ष महोदय, शायद यह पहला मांका है कि हाउस को इस प्रकार से आध घंटे के लिए एजार्न करना पड़ा, क्योंकि बिल को पेश करने वाले मंत्री महोदय हाउस में मौजूद नहीं थे। यह इस हाउस की डिस्प्रेस है, इनसल्ट है कि मिनिस्टर लोग इस हाउस को इतनी लाइटली और शैब्विली लेते हैं। आज उनकी वजह से देश के टैक्सपेयर्स का रुपया बर्बाद गया। यह एक बार नहीं, कई बार देखा गया है कि मंत्री लोग इस सदन को बहुत ही लाइटली और शैब्विली लेते हैं, जो कि देश की सब से बड़ी प्रतिनिधि संस्था है। आपको मिनिस्टरों को पुल अप करना चाहिए। मैं यह भी चाहता हूँ कि स्पीकर महोदय मंत्री महोदय को नोटिस इस्यू करें कि क्यों न उन पर पिनेल्टी लगाई जाये। ऐसी व्यवस्था की जानी चाहिए कि आईन्दा इस तरह की घटना न हो।

SHRI H. N. MUKERJEE : (Calcutta North East) : Sir, I wish to make a submission because something has happened which is without precedent, as far as I know, and I have been a member of this House since 1952. I want to consult a certain person who has been consulted, who has been associated with the Central Legislature much earlier and I am told that this kind of thing has never happened. You, Sir, were very right in adjourning the House you discovered that you could pass it over and go on on the next item but you found that there were certain members of this House who were very keen on having this particular piece of legislation passed without delay, and that is why in order to keep this priority, you adjourned the House.

But my submission is that when you adjourned the House it is an expression of censure on the working of the government, not on the politics of the government. If it is on the politics of the government, it has to be made by the House. But when

the Chair is constrained to adjourn the proceedings of the House on account of a default on the part of the Ministry, then it is a censure on the manner of functioning of the government.

Then I have to say this too. The Home Ministry has its leading paladin, Shri Chavan; then, there is the Minister of State, who was here a little while ago; then there is the Deputy Minister who was added to the bargain. I noticed all the time that though the Minister of Parliamentary Affairs was not here—I do not blame him, because he cannot be here all the time—his deputy, the Deputy Chief Whip was here, watching the proceedings and whiling away the time. The Deputy Law Minister was here with a sheaf of papers, heaven knows what they were about, and we were all anticipating that the Deputy Law Minister would perhaps be authorised to move. Nothing happened, even though all the Ministers were present here and the Deputy Chief Whip was here. They know all the time that the earlier Bill, the Cantonments Bill was collapsing, nothing was happening, it was going to be over in a few minutes time; yet, they took no notice whatsoever of it because they do not care for the dignity of the House and the working of the House. This sort of thing has never happened before. Sir, you did the right thing and upheld the prestige of the Chair and the House by adjourning the House. I am very happy that you adjourned the House and you did not pass it over, because we wanted this Madras Bill to be passed as quickly as possible. Since a mere word of apology from the government is not sufficient, you thought it fit to order adjournment of the House, which is an express censure over the functioning and manner of functioning of the Government.

SHRI S. KANDAPPAN (Mettur) : Sir, first of all, I would like to thank you on behalf of my group for what you have done. For many months we have been very anxious to pass this Bill. But what I am very much concerned about now is this. What was happened is really tantamount to the contempt of the House. Professor Mukerjee has amply explained that. What I felt very much was that when you found that there was not a single

spokesman from the Home Ministry present here you did make a prompting that other ministers could take it up but they did not do so. There were a few other ministers here: the Deputy Defence Minister was there, the Deputy Law Minister was there and other ministers were there. I remember, on another occasion, it did happen like that; some other ministers were able to take that up. But I am constrained to say that I had a feeling whether they were not at all interested in passing this Bill. If that is not so, what prevented them to take it up?

I do welcome this Bill. I do feel that the Government has taken the pains to draft it after we insisted upon it so many times and presented it to the House, but at the moment of moving it for consideration it was very strange to see that in spite of many ministers being present here and in spite of they being prompted by you and by Members of this side and that side as well, they did not take it up. I am sorry to say this. It is really a very serious matter. I am sure, one or two Members here are on the verge of moving a privilege motion against him. I think, it might be in order if the Minister is not going to give a proper explanation.

श्री प्रकाशबीर शास्त्री (हापुड़) : उपाध्यक्ष महोदय, श्री जवाहरलाल नेहरू के साथ राजनैतिक दृष्टि से हमारे कितने ही मतभेद रहे हों, लेकिन आज मैं इस बात के लिए उनकी प्रशंसा किये बिना नहीं रह सकता कि यह बराबर इस देश की संसद् को अपेक्षित महत्त्व देते थे। उनके समय में इस प्रकार की घटना कभी नहीं हुई कि संसद् की आवश्यकता कार्यवाही के समय मंत्री लोग उसकी उपेक्षा करें और इस प्रकार से सदन से अनुपस्थित रहें। लेकिन इसके लिए मैं मंत्रियों से भी ज्यादा इस सदन की नेता, प्रधान मंत्री, को दोषी मानता हूँ। अगर वह इस विषय में सतर्क होतीं, तो इस बात की नीबत कभी न आती कि उनकी मंत्रिपरिषद् के सदस्य संसद् की आवश्यक कार्यवाही के समय सदन से अनुपस्थित रहें और उपाध्यक्ष को सदन को स्थगित करना पड़े। यह कोई साधारण घटना नहीं है। पिछले

[श्री प्रकाशवीर शास्त्री]

बीस वर्षों में यह सब से महत्वपूर्ण घटना है कि किसी मंत्री की अनुपस्थिति के कारण इस सदन को कार्यवाही को स्थगित करना पड़ा।

इसलिए मैं आप से यह कहना चाहता हूँ कि आप प्रधान मंत्री को, जो कि सदन की नेता हैं, सदन में बुलायें। जो कुछ हुआ है, उसके लिए उन्हें क्षमा मांगनी चाहिए और कोई ऐसी परम्परा निर्धारित करनी चाहिए कि भविष्य में संसद को इस प्रकार से लाइट्ली, हल्केपन से, न लिया जाये।

SHRI S. KUNDU: You will realise, Sir, that I have a special grievance about this matter because I had a right to speak during the third reading of the earlier Bill but you denied that to me. Still, we accommodated thinking that you were trying to finish quickly because that Bill had been discussed for two hours. When we were trying to adjust with you and see that Parliament functions in a nice way, it is strange that the 56 ministers there—the galaxy of ministers with their private secretaries and all that—care a hoot for this Parliament. These ministers, this Congress Government, have completely usurped the privilege of this House. The way they have treated it in a casual and cavalier manner is very shocking. I entirely agree with Professor Mukerjee that any sort of apology is not going to square up such lapses. I think, the Prime Minister must come and explain these things before the House. The adjournment of the House for half an hour should be treated as a censure motion against this Government. After the Prime Minister comes and makes a statement the House will decide what steps to take. I appeal to you to summon the Prime Minister to explain the conduct of the Congress Government so far as this matter is concerned.

SHRI DATTATRAYA KUNTE: I would only like to submit that this is the culmination of the manner in which this House has been treated from time to time by the Treasury Benches. There have been occasions when important legislation was on and important points were being discussed, the matter was left either to the Ministers of State or to Deputy Ministers

who sometimes found themselves landed in difficulty. Today what do we find? Today we found that no minister concerned was present in this House.

SHRI J. B. KRIPALANI (Guna): Concerned or any?

SHRI DATTATRAYA KUNTE: No, there were some Deputy Ministers.

The House had to be adjourned because no business could be transacted. It means the Indian tax-payer is penalised. For every minute that we sit in this House, the tax-payer is paying for it. All these custodians of the tax-payers' money have got to answer to the tax-payers very squarely. I do not think they can have any answer. The mere apology by the Minister of Parliamentary Affairs or the Minister of State in the Ministry of Home Affairs will not suffice because this is a slur on the Ministry. Therefore, the Leader of the House ought to come and explain.

SHRI PILOO MODY (Godhra): What we have just seen today is really a sign of the times. Over a period of years, we have found an authoritarian tendency developing in this country which, more and more, has begun to treat Parliament merely as a function of Government instead of the essence of it. We have found, over the years, that whatever is discussed in Parliament is not adequately considered by the Government and the Government has begun to consider itself as an entity apart from Parliament, not deriving its just powers from Parliament.

I do not blame the Minister of State who happened to be late in arriving in this House. It could happen to anyone of us. He could have had a flat tyre; he may have had an additional cup of coffee or he could have been any other thing. The fact of the matter is that this country is paying for 57 Ministers barring the ones who have been removed or dismissed. The Ministers themselves are more in number than are required to form the quorum in this House. Very often, we have not even had a quorum in the House. The Treasury Benches alone could constitute a quorum. Therefore, I think, it is the general attitude of Government towards Parliament that has to be severely criticised and reprimanded on this occasion and, for that reason,

as has been suggested, some very specific, hard and punitive steps have to be taken by the Chair *vis-a-vis* Government in order that this authoritarian tendency which has now come to stay in our country is, in some measure, checked.

MR. DEPUTY-SPEAKER: Now, Shri George Fernandes has given notice of a privilege motion. I have gone through the procedural part of it. I do not think, right away, I can give consent to it. On the issue of privilege, I will not permit him. But if he wants to say something about the other thing, he can say.

श्री जार्ज फर्नेन्डिस (दक्षिण बम्बई) : अध्यक्ष महोदय, आप एक मिनट मुझे सुन लीजिए। मेरे प्रिविलेज मोशन का क्या किया जाय वह मैं आप पर छोड़ देता हूँ। बाद में आप उस पर फैसला करिएगा। लेकिन जो प्रस्ताव मैं ने दिया है उसके सम्बन्ध में मैं इस सदन के दो सेक्रेटरी एक अभी के और एक भूतपूर्व, इन दोनों ने मिल कर जो किताब बनाई है प्रैक्टिस ऐंड प्रोसीजर आफ पार्लियामेंट, वह ले आया हूँ और उसके दो ही वाक्य पढ़ कर आपके सामने पेश करूँगा।

"The term "breach of privilege" means a disregard of any of the rights, privileges and immunities either of members of Parliament individually, or of the House in its collective capacity. After due inquiry, a breach of privilege is punished in the same way as courts of law punish for contempt of their dignity or authority."

जब यहां पर यह विधेयक अभी आधा घंटा पहले आना चाहिए था तब मंत्री महोदय इस सदन के सामने हाजिर नहीं रहे तो इससे यह बात तो साफ हो जाती है कि इस सदन की जो इज्जत इनको करना चाहिए वह इन्होंने नहीं की। इसके समर्थन में मैं फिर आपके सामने शकधर साहब को पढ़ कर सुनाना चाहता हूँ :

"It is now an established convention that on important occasions like Question Hour, discussion on the Budget or the President's Address or the motion regarding international situation, con-

cerned Ministers are required to be present in the House, as far as possible. On other occasions, the Minister or Ministers in charge of the business before the House are required to be present. In the case of "unavoidable absence of the Minister in charge from the House, it is expected that an arrangement is made for some other Minister to take notes of the debate in the House. Where the Minister goes out of the House for a short time, he is required to send an intimation to the Speaker and also to inform him of the name of the Minister deputizing in his absence. It has been ruled by the Speaker that in the absence of Ministers, the Government cannot be represented by private members."

"The Speaker has observed that when the House is sitting the Law Minister or one of his deputies should be available to give opinion on legal matters which might arise during any discussion."

Then, it is said :

"The Speaker has, however, made observations from time to time that Cabinet Ministers should be present at all times when business relating to their Ministries and Departments, directly or indirectly, is before the House."

16 Hrs.

चन्द दिनों के पहले इस सदन ने एक विद्यार्थी को तीन या चार दिन की सजा देने का काम किया। क्या आरोप था उसके ऊपर कि अध्यक्ष महोदय, सदन का काम एक क्षण के लिए भी नहीं रोका गया था। कोई गरीब विद्यार्थी आया उसको कुछ अपने मन की बात पेश करनी थी। वह कुछ बोला। उसको हटाया। ठीक किया। मुझे उसके बारे में कुछ नहीं कहना है। लेकिन जहां सदन के काम को एक क्षण के लिए नहीं रोका गया अगर वहां यह समझते हों कि प्रिविलेज के आधार पर उसके खिलाफ कार्यवाही की जाय उसको चार दिन के लिए तिहाड़ जेल में भेजा जाय तो जब आपके मंत्री को गैरहाजिरी के कारण आधा घंटा के लिए सदन का काम रोका जाता है, यह अगर प्रिविलेज का मामला नहीं हुआ तो और कौन प्रिविलेज का मामला हो

[श्री जार्ज फरनेग्डीज]

सकता है? इसलिए मेरी प्रार्थना है कि आप चाहें जो फैसला दीजिए, इस प्रस्ताव को अभी, नहीं तो कल और नहीं तो सोमवार को लीजिए लेकिन सरकार की जो गैरजिम्मेदारी है उसको सजा देने का काम जरूर करिए।

SHRI M. L. SONDHI: (New Delhi): This is a very important matter. I will just make a very small submission. I would like to represent to you that today when this matter was coming up about changing the name of Madras into Tamilnad, we came and many of us wanted to come. This is an hour which has sacred sentiment about it, certain respect about it, certain dignity and decorum about it. I should like to say that here and now this problem arises. What is our Government's? What is the supreme forum of the people? We function here when Parliament is in session. What is required? As my hon. friend said, we expect of the Government and of the people who come here to appreciate the need for planning the time and the programme of the House. We on this side may occasionally falter, but the Government which is carrying with it responsibilities should not; particularly where the Ministry involved is the Home Ministry, the Interior Ministry, it is a very sad reflection of them. This is not a matter which can be easily disposed of. The question that arises is this. The Press and the others criticise us: what about decorum in the House? There is the negative aspect and there is also the positive aspect. This decorum cannot be maintained on a one-sided basis. Decorum involves the spirit of responsibility on their side also.

Finally, may I convey to him that we have respect for them because they are older than, and elder to, us and the younger generation. If they want to win respect, they must respect the sentiment of the House. They must know that this sort of interruption is completely uncivilised. This is completely uncivilised because this is an occasion where one should feel that vigilance is the true price of liberty. We on this side have to be vigilant. Why do we get annoyed? Why do we get irritated? They should turn inward and see why being the followers of Gandhiji they are fast becoming a Satanic Government. There is disorder in their minds, there is disorder in

their lives. I would say that that is the reason for so much of conflict in India. It is their minds which produce the conflict.

MR. DEPUTY-SPEAKER: Dr. Ram Subhag Singh.

SHRI J. M. BISWAS (Bankura): Only one word. Let the Prime Minister, the Leader of the House, come and explain...

MR. DEPUTY-SPEAKER: I have called Dr. Ram Subhag Singh. I have given enough opportunity to every group.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH): I have heard the members beginning from Prof. Mukerjee and ending with my hon. friend, Shri Sondhi, and I share their sentiments. I do accept that this is a lapse and collectively we all share them. I am sorry that it had happened, and I do assure the House that we will do our best to see that it never recurs.

As regards the Prime Minister—Mr. Prakash Vir Shastri and some other members made a mention about this—, as you saw, she was herself here...

श्री जार्ज फरनेग्डीज: वह तो बच्चों को शकल दिखाने आई थीं।

DR. RAM SUBHAG SINGH: No, no. I am sorry, if you say this. She was here. The debate was going on and Mr. Kundu was insisting that he should be given time. The debate crashed and so I do not think that anybody should be held accountable for that. My hon. friend, Shri George Fernandes has given notice of breach of privilege which you mentioned. I don't think there is any privilege involved in it and it should not be allowed. We should close the matter.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): On behalf of Shri Y. B. Chavan, I beg to move that the Bill to alter the name of the State of Madras be taken into consideration.

Sir, before I make my submission, I also wish to personally apologise to you and to the House for this lapse.

Sir, this Bill seeks to change the name of the State of Madras into Tamilnadu and I am very happy, Sir, to have the privilege of

Bill

moving this Bill for consideration in this House.

Sir, this matter was first considered in 1953 when the Telugu-speaking areas of the erstwhile State of Madras were being separated from the old State of Madras. This matter again came up for consideration in 1956 when the States were reorganised on linguistic basis. Sir, hon. Members know the constitutional provision and this matter was considered in the State Legislature of Madras (*Interruption*).

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : I am sorry, Sir. I was in the other House.

SHRI PILOO MODY : It is most timely.

SHRI VIDYA CHARAN SHUKLA : This matter was considered in the State legislature of Madras and at that time the State legislature decided not to recommend any change in the name of the State of Madras.

Later on, on the 4th April, 1961 the Government of Madras issued an order directing their officers that Tamilnad should be used as the name of Madras State in all future official correspondence, in Tamil, including translation of Government orders, notices, press-notes, communications etc. And, after that, this matter was again taken up by the State Legislature on 18th and 19th July, 1967 and they recommended that the name should be changed from Madras to Tamilnadu. This resolution was forwarded by the Government of Madras to us in September last year and then we drafted a Bill. That Bill was sent to the Madras Government on the 20th February this year and then this Bill has been received back by us, and we have brought it before this House.

Sir, this Bill consists of only 8 clauses and it is a non-controversial Bill. We have brought it before this House with no reservations whatsoever. As I said earlier, we did not want to stick to the name of Madras, but we had to be guided by the wishes of the legislature. When the legislature decided that the name should not be changed, we decided that the name should not be changed. As soon as a decision and recommendation was communicated to us saying that the name should be changed, we have decided to change the name. It

was unfortunate that Mr. Kandappan should make an allegation which was very unfair at this auspicious occasion and should have cast any doubts on our intentions and say that we did not want to move it, and that is why we were not present here. This is something which does not fit in with this good occasion when we are all one and we have the same desire to pass this Bill and change name in accordance with the wishes of the State legislature. Therefore, I move this Bill with the greatest pleasure, and I hope it will have the support from all sections of the House.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill to alter the name of the State of Madras be taken into consideration."

SHRI SRINIBAS MISRA (Cuttack) : On a point of order. I hope my raising this point of order will not be construed that I do not welcome the object or the purpose of the Bill. While welcoming it, I should observe that it should have been done properly. The manner in which it has been presented leaves many things in doubt.

The Bill firstly involves amendment of article 31A. Has this House the right to amend this article which is in the Fundamental Rights Chapter after the judgment in Golaknath's case? What is the law of the land?

Then it also seeks to amend article 290A. When both these articles are amended, it will be a Constitution Amendment Bill, this will not be an ordinary Bill under article 3 or 4. I will read those articles and show you how this Bill will not come under them.

Article 3 reads :

"Parliament may by law—

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(e) alter the name of any State;"

Then there is a proviso which has been complied with since the Legislature of Madras has accepted the object.

Then, article 4 reads :

"(1) Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of

[Shri Srinibas Misra]

the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

"(2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purpose of article 368."

So, if simply the name is changed and the First and Fourth Schedules are amended, it will not be something coming under the amendment of the Constitution under article 368. But what is being done here is amendment of articles 31A and 290A, and so it will be a constitutional amendment under article 368.

When Nagaland was created, Pandit Jawaharlal Nehru side by side moved a Constitution Amendment Bill, and in the Statement of Objects and Reasons also he said that he was moving it as it involved amendment of other parts of the Constitution. So, the Nagaland Act and the Constitution (Thirteenth Amendment) Act were passed.

Here, even through a Constitution Amendment Bill I think article 31A cannot be amended. We very much welcome this Bill, but the only remedy seems to amend the General Clauses Act to say that wherever there was Madras before, it will now mean Tamil Nadu, and that will not involve any amendment of the Constitution.

SHRI K. NARAYANA RAO (Bobili) : Mr. Misra has raised two points. First of all he says that article 31A cannot be amended, and in that context he has referred to Golaknath case. I wish he had read the case in a careful manner. What the Supreme Court said in that case was that rights could not be taken away or retrenched. The Supreme Court also said the rights could be improved upon. That is exactly what we are doing here.

The name of Madras is being changed. In that context in what way the rights conferred by Art. 31A are affected? So far as Golaknath case and amendment to fundamental rights are concerned, I think I have satisfactorily answered hon. Shri Misra.

Coming to the question of amendment as such, even under the Constitution he himself

correctly referred to the consequential and necessary changes. What exactly are we doing? Instead of 'Madras' we are only putting there what is called 'Tamilnadu'. Where is the question of amendment? Once the Bill has been brought in consequence of Art. 3 with the necessary recommendation from the President, the consequential power to do all these things rests with the Parliament. Therefore I feel that Mr. Misra's point of order is not correct.

THE MINISTER OF LAW (SHRI GOVINDA MENON) : I agree completely with what my friend was just now saying. What has been decided in Golaknath's case is that the fundamental rights guaranteed by Part III of the Constitution shall not be abridged or taken away. Because in Art. 31A the word 'Madras' is there and by this Bill it is sought to be changed to 'Tamilnadu', there is no abridgement of fundamental rights as guaranteed by Art. 31A. That is all I have to say.

MR. DEPUTY-SPEAKER : What I would suggest is that so far as the constitutional amendment bar is concerned after the Supreme Court's decision, the Law Minister has effectively rebutted your argument. But as I said I want to apply my mind also seriously. I will consider the points raised by you and give my decision tomorrow, not now. Now let us proceed with the Bill.

SHRI MURASOLI MARAN (Madras South) : Mr. Deputy-Speaker, Sir, on behalf of my Party and on behalf of the people of Tamilnadu I thank the Government and welcome this Bill as it transcends all the narrow issues of party politics and permeates the thinking of every person in my part of our country. For the past 15 years the people of Tamilnadu have been wanting a name hallowed by their long history and the rich legacy of their language to be given to their State. One may ask the question 'Why should you change the name of a State or a street?' On 3rd May 1963 when a Bill of similar nature, a Bill moved by our great friend, Mr. Bhupesh Gupta—was discussed in Rajya Sabha, Mr. N. M. Lingam a Congress Member from Tamilnadu interrupted the speech of our leader, Anna and asked him 'What do you gain by renaming it as Tamilnadu?'. I wish to repeat what our leader, Anna, has said as a repartee :

"What have you gained by renaming Parliament as Lok Sabha? What have you gained by renaming Council of States as Rajya Sabha? What have you gained by renaming President as Rashtrapati?"

I think it holds good even today and it answers sufficiently the doubters if there are any. By changing the name we derive a sentimental satisfaction. Behind the idea of changing the name there are emotions, sentiments and psychological factors with regard to our culture, language and social attitudes. When we change, something is changed in our thinking, in our soul and in our fibre. When one looks back and reviews as to how many years we had to struggle, how many people underwent imprisonment and what a human sacrifice had been made, one gets highly elated at the feeling that the people of Tamilnad have at last won. Won against whom? Who stood in the way of renaming 'Madras' as 'Tamilnad'?

Sir, it would be interesting to know about the background of this metamorphosis. When the States Reorganisation Bill was considered in this Parliament, the then Home Minister said in his speech:

"A suggestion has also been made that for 'Madras' 'Tamilnad' should be substituted. The question was considered by the Madras Legislature itself and it did not prefer the name of Tamilnad for Madras. So we have retained 'Madras', the existing name of the State."

All along, it is the policy of the Central Government that any change in the name of a State should emanate from the concerned legislatures themselves. As you know very well, for the past 20 years, the Congress was entrenched in our legislature and it was obstructing all the measures to rename our State as Tamil Nadu. The Tamilnad Congress is entirely different from other Congress parties in other States. It is made up of different elements other than the All-India Congress Committee and other Congress committees in other States. We have had among Tamilnad Congressmen who would not give the State over which they had an unchallenged hold, the name which they gave unhesitatingly to their party. It was in the name of the

Tamilnadu Congress Committee they were representing their State in the All-India Congress Committee, not in the name of the Madras Congress Committee. It was in the name of the Tamilnad Congress Committee, not in the name of the Madras Congress Committee that they were exploiting the election and the electorate. Even during the days of the British, even during the days of the composite State of Madras, there was the Malabar Congress Committee, the Andhra Congress Committee and the Tamilnad Congress Committee, and not the Madras Provincial Congress Committee. We all know that this organisational change had become the precursor to the linguistic division of the States, but when it came to the question of giving the same name to our State, they were shy perhaps they were so blind as not to concede the logicity of the demand of the people. This behaviour was bad enough, and as if they were determined, they blundered again and again in thought and in action.

What a series of false steps have they taken! They asked: "what do you gain by merely changing the name from Madras to Tamilnad?" But then I would point out that the other day they had changed the name of the street in the city of Madras called China Bazar Street and named it Netaji Subhas Bose Road, and we all welcomed it, and they were very quick in changing the name of a hall in the city of Madras, the Banqueting Hall, built by Robert Clive, to commemorate the defeat of the great revolutionary Tippu Sultan in the battle of Seringapatam, and in renaming it as Rajaji Hall. We all welcomed it and we all acclaimed it as an act of patriotism. But regarding Tamilnad, they refused to accept it. Just because the opposition parties espoused the cause reason betrayed them. Tamilnad, they said to the shame of the Tamilians, is a word which is not found in Tamil literature. I wish to quote what a spokesman of the Tamilnad Congress Committee, Mr. T. S. Pattabhiraman, had said in the Rajya Sabha. He said that "there has been Bengal and there must be Kerala historically, but there has been no Tamilnad historically." This was his remark. He further said that "we do not want this name to be changed from Madras to

[Shri Muzasoli M:ran]

Tamilnad because we are better known as Madras than as Tamilnad." To the shame of every Tamilian, they were bold enough to say things like this. They had the temerity to say like this, because the Tamilnad Congressmen were of a peculiar brand.

When Maharashtra and Gujarat were formed, these Congress people belonging to those States did not object to the name. We also remember when that great patriot, Potti Sriramulu, in a gesture of self-sacrifice, fasted unto death, the entire people of Andhra including the Congressmen rose like one man and the great democrat, Pandit Nehru, considered the demand and conceded it. We all know after that, there sparked a series of movements all over India regarding the linguistic division of our country. We still remember that in 1953, in West Bengal, two Congress workers by name Baidyanath Bhowmick and Shikendu Bikas Das started fasting. At that time, the then Chief Minister of West Bengal intervened and the fast was broken after 25 days. What was the reaction of the Tamilnad Congress when a similar agitation was taking place in the very heart of Tamilnad?" When that great patriot and freedomfighter, Sankaralinga Nadar, started a fast with the sole purpose of focussing the attention of the Tamil Nad Congress on renaming our State as Tamil Nadu, unlike the West Bengal Chief Minister, the then Chief Minister Mr. Kamaraj, did not intervene. He did not even repeat his usual mantram "*Ahatium, parkalam*", but just kept quiet. After 78 days of bitter fasting, that great patriot breathed his last. The heartless men of Tamil Nad Congress did not even have a word of sympathy for him, I wish to quote how Tamil Nad Congressmen viewed the martyrdom of that great patriot, Mr. G. Rajagopalan, the spokesman of the TNCC, said in the Rajya Sabha :

"There have been fasts by certain members and one person even lost his life after fasting. Even after that, we won the election. That shows that people still want it—the name of Madras—as it is."

The martyr was a mere 'somebody' to them!

Another gentleman from the TNCC, Mr. T. S. Pattabhiraman said in the Rajya Sabha interrupting the speech our leader Anna :

"Congress getting a majority at every election will be a permanent feature and we are prepared to accommodate you."

Sir, they were prepared to accommodate our leader Anna!

This shows their arrogant attitude. In the hour of their brute strength, they added insult to injury on every patriot. They were prisoners of power.

The second stage came and they were ready to give the name Tamil Nadu for internal purposes and in the usage of Tamil language alone. At that time, they refused to accept a constitutional amendment. At that time the then, Industries Minister, M. R. Venkataraman, who is now a member of the Planning Commission said that if we change Madras into Tamil Nad, great difficulties would come up with regard to international agreements entered to in the name of Madras. What a childish argument it was! Some years back Gold Coast changed its name to Ghana. What difficulty did it encounter? Every day we are seeing in the newspapers newly emerging independent countries entering into the arena of the UN, erasing their old names given by the colonial masters. What difficulties have they encountered? It only shows how eminent people also can argue like children. I think the Tamil Nad Congress was suffering from schizophrenia or an attitude of split personality. That is why they are saying one thing and acting according to another thing.

Their brave claims that the electorate approved of their claims was well exposed only during the last elections. It took 15 years to get this resolution unanimously passed in the legislature of our State. When Anna, our Chief Minister, moved a resolution in Tamil Nadu legislature on 18th July, 1967, the entire House rose and cheered not once or twice, but thrice. It is said that the British obtained the Indian empire by a fit of absent-mindedness. Perhaps I think by a fit of absent-mindedness, the TNCC also supported that resolution. They could do nothing else but to support it. They supported it when it was

impossible for them to oppose it. Their goodwill came to us when we did not require it. It has been delayed and denied so often that people lost faith in them and could not believe that the Tamil Nad Congress really supported it, even though they did it.

The people of Tamil Nadu thank this Government for giving the facility to pass this constitutional amendment. We are very thankful to you, however much we may resent the attitude of the Tamil Nad Congress.

This Bill has such a history and it is the culmination of the wishes and aspirations of the people of Tamil Nad for the past 15 years. As I said, it transcends the narrow issues of party politics. As our minister said, today we feel it is an auspicious occasion. In the name of that great martyr, Sankaralinga Nadar, I request the hon. members of this House to pass this Bill unanimously. As I request the hon. members to pass this Bill unanimously, need I tell them how happy the people of Tamil Nad will be for this gesture of goodwill and brotherhood the other representatives of India have shown to their fellow countrymen, which will strengthen the bonds of unity and integration?

Vazhga Tamil Nadu!

MR. DEPUTY-SPEAKER: The Debate on this bill will be resumed later on.

16-30 HRS.

MOTION RE. STATEMENT ON FLOOD SITUATION IN THE COUNTRY—*contd.*

MR. DEPUTY-SPEAKER: Now, we shall take up the Flood Debate for which the time is already up.

SHRI THIRUMALA RAO (Kakinada): We do not want to waste the time of the House. There is a long history as to what happened after 1947 Calcutta Congress.

MR. DEPUTY-SPEAKER: Why don't you speak tomorrow? I shall call you first tomorrow and not now. We shall take up the flood debate. We have an hour and a half. I would like to know how much time the hon. Minister will take. I understand that the Minister will take fortyfive minutes.

We have 45 minutes at our disposal and those who have not yet participated that day, will be allowed to do so now. I shall L59LSS/68—9

call Shri Rabi Ray first and one or two Independents later.

SHRI S. KUNDU (Balasore): Sir, in place of Shri Dwivedy, I shall speak. He is not speaking on this.

16.32 HRS.

[MR. SPEAKER *in the Chair*]

MR. SPEAKER: That day, on flood debate, one or two independents have also spoken, Shri Raib Ray wants to speak on this. The time allowed is 20 minutes. I would advise you to confine yourself to this time so that you both can be accommodated.

SHRI S. KUNDU: Sir, in place of Shri Dwivedy, I shall speak. He is not speaking. I shall take seven minutes only.

SHRI THIRUMALA RAO: Let me speak on the Madras State (Alteration of Name) Bill.

MR. SPEAKER: Let me first have the Congress Members' list. Now we are in the flood debate. Tomorrow you will please speak.

श्री रवि राय (पुरी): अध्यक्ष महोदय, आज मदन के सामने जो बाढ़ और चक्रवात के बारे में हम लोग बहस कर रहे हैं वह निश्चित रूप से देश के सामने एक महत्वपूर्ण सवाल है।

उड़ीसा, बंगाल, आंध्रप्रदेश, बिहार, आदि सभी जगह बाढ़ आई है लेकिन यह उड़ीसा की बाढ़ की विशेषता है कि वहां पर बाढ़ के साथ चक्रवात भी हुआ, साइक्लोन भी हुआ। आपको यह मुन कर ताज्जुब होगा कि उड़ीसा का एक दुर्भाग्य यह रहा है कि पिछले 4 साल से उड़ीसा के बोलांगोर, सम्बलपुर जिले में दुर्भिक्ष ब अकाल पड़ा। उसके बाद सन् 1967 में कटक जिले में चक्रवात आया था और इस साल उड़ीसा में गंजाम और पुरी दोनों जिलों में चक्रवात और बाढ़ दोनों आई और परिणामस्वरूप यह दोनों जिले मुख्य रूप से क्षतिग्रस्त हुए हैं। कटक जिले के भी कुछ हिस्से में क्षति हुई है। मेरा यह सरकार के खिलाफ आरोप है कि मेरे चुनाव क्षेत्र में पुरी