

14.30 hrs.

INDIAN TELEGRAPH (AMENDMENT) BILL*

(Amendment of section 5) by Shri Yashpal Singh)

Shri Yashpal Singh (Kairana): I beg to move for leave to introduce a Bill further to amend the Indian Telegraph Act, 1885.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Telegraph Act, 1885."

The motion was adopted.

Shri Yashpal Singh: I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL—contd.

(Amendment of articles 1, 2, 3, 4, etc.) by Shri Prakash Vir Shastri

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Prakash Vir Shastri on the 3rd September, 1965:

"That the Bill, further to amend the Constitution of India, be taken into consideration."

One hour and fifty-nine minutes are left.

Shri Kapur Singh.

Shri Sthanasan Singh (Gorakhpur): Sir, I was speaking on that day and I have not finished my speech. When I was speaking, the Prime Minister intervened, because he had to make a statement at that particular time. So I have to speak.

Mr. Deputy-Speaker: You have not finished? You have already

taken ten minutes. You may take one or two minutes and finish.

श्री सिंहासन सिंह : उपाध्यक्ष महोदय, उस दिन मे कह रहा था कि माननीय रणस्य, श्री शास्त्री, का विधेयक विचारणीय है और इसलिए उम को कम से कम जनमत जानने के लिए भेजा जाना चाहिए। आज हमारी स्थिति क्या है, अगर हम इस पर विचार करें, तो हम अनुभव करेंगे कि इस विधेयक में बाकी तथ्य है। आज हम को विचार करना होगा कि मौजूदा संघ-शासन प्रणाली देश के हित को कहां तक अपेक्षित कर रही है और कहां तक देश के हित को पीछे कर रही है।

हमने अपने प्रान्तों का बंटवारा किया भाषा के आधार पर। ब्रिटिश गवर्नमेंट ने प्रान्तों का बंटवारा भाषा के आधार पर नहीं किया था, बल्कि शासन की सुविधा को दृष्टि में रखते हुए किया था। हमने प्रान्तों का बंटवारा भाषा के आधार पर किया, जिसकी शुरुआत आन्ध्र से हुई। उसका परिणाम आज यह है कि देश भर में भाषा के प्रश्न को लेकर विवाद और झगड़े हो रहे हैं। अंग्रेजी को लेकर दक्षिण में जो कुछ हुआ, वह हमारे लिए एक बड़ी दुःखप्रद घटना है। अगर हमारे प्रान्तों का आधार भाषा न होती, तो शायद ऐसी घटना न होती। उस स्थिति में हर एक प्रदेश में कई भाषायें सम्मिलित होती और भाषा को लेकर कोई झगड़ा न होता।

अंग्रेजी को लेकर देश में कभी झगड़ा नहीं हुआ, लेकिन एक देशी भाषा को लेकर, जिसका संविधान में प्रधान स्थान है, जो कि राष्ट्रभाषा है, देश में झगड़ा हो गया, क्योंकि हमने भाषा के आधार पर प्रान्तों की रचना की। यही नहीं, बल्कि उम वक्त यह मांग भी होने लगी कि हम देश से अलग हो जायेंगे। यह मांग इस आधार पर की गई कि हमारा प्रदेश अलग है, जिसकी भाषा और सभ्यता एक है। भाषा के आधार पर प्रान्तों के निर्माण से देश

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[श्री सिंहासन सिंह]

में प्रान्तीयता और प्रदेशवाद को प्रोत्साहन मिला ।

आज हमारे सामने नागालैण्ड का न्तरा बराबर बना हुआ है । और प्रान्तों को तो हमने "प्रदेश" नाम दिया, लेकिन किसी जोर दबाव में आकर हमने इस प्रदेश को "नागालैण्ड" नाम दिया । आजकल भारत और पाकिस्तान के बीच में युद्ध-विराम है । दो राष्ट्रों के बीच में युद्ध-विराम की बात को तो हम समझ सकते हैं, लेकिन देश के अपने ही घंग के साथ युद्ध-विराम हो, यह बात समझ में नहीं आती है । नागालैण्ड यही दावा करता है कि उसको स्वातन्त्र्य मिले । यही नहीं, हमारी सरकार एक और गलती करने जा रही है । क्रिबो इस देश की नागरिकता को छोड़ कर एक ब्रिटिश नागरिक बना हुआ है । उससे बातचीत करने के लिए सरकार उमका बहां आने की सुविधा दे रही है । लेकिन वह इंकार कर रहा है और कहता है कि हम लंका में मिल कर बातचीत करेंगे । ये सब अगड़े इसी लिए हैं कि हमने संघ शासन के आधार पर अपना काम चलाने की कोशिश की, जिस में प्रदेशवाद और पृथक्ता को प्रोत्साहन मिला है ।

मैं मन्त्री महोदय से अनुरोध करूंगा कि कम से कम वह इस विधेयक का विरोध न करें और इस को जनमत जानने के लिए भेजें । एक माननीय सदस्य ने इस बारे में गांधीजी की राय पढ़ कर मुताई, जो कि प्रोसीडिग्स में मौजूद है । राउण्ड टेबल कॉन्फ्रेंस में जब गांधीजी को संघ-शासन और क्लैरिफिकेशन के बारे में बताया गया, तो उन को हैरत हुई । गांधीजी संघ-शासन प्रणाली के विरुद्ध थे । उनके मरने के बाद ही हमने संघ-शासन प्रणाली को अपनाया । जब कुछ राज्य एकत्रित होकर एक संघ की रचना करते हैं, तब वहां पर संघ-शासन प्रणाली प्रचलित की जाती है । हमारे देश की ऐसी स्थिति नहीं है ।

अन्त में मेरा यही अनुरोध है कि मन्त्री महोदय इस विधेयक का विरोध न करें और इस को जनमत जानने के लिए भेजना स्वीकार कर लें ।

Shri Kapur Singh (Ludhiana): Mr. Deputy-Speaker, Sir, the Bill which is now before the House is not only misconceived but is mischievous and must be stoutly opposed.

An hon. Member: Which Bill?

Shri Kapur Singh: The Bill of Mr. Prakash Vir Shastri, Bill No. 81 of 1964.

In the Statement of Objects and Reasons of this Bill the Constitutional and Political ills of India have been attributed to "conversion of the original Provinces of India into States", while in his supporting speech which he made on September 3, the Mover considers 'भाषावार प्रान्तों का निर्माण' is the main culprit.

Let us analyse the Statement of Objects and Reasons to realise how ill-conceived and mischievous the proposed measure is. He makes nine bald and bland statements in the House and expects us to swallow them uncritically and accept them as axiomatic.

He begins by saying that what he considers a conversion of the original Provinces into States, has brought with it a "train of fssiparous tendencies of ever-increasing volume". Mr. Deputy-Speaker, "tendency" is a disposition or inclination, qualifying things and persons, while "train" signifies things and events externally controlled. Does Mr. Shastri mean that States in India engender tendencies in individual citizens, or that the very principle of federation is equivalent to "tendencies" that he deploras as "fssiparous"? He does not make it clear, and perhaps he does not care to make it clear.

"Fissiparous", if you look into the dictionary, means reproduction by fission. Does Mr. Shastri mean that political India was one organic unity before, but our federal Constitution has fissioned it into numerous units? If so, he does not seem to have any regard for facts of political and cultural history of India.

India has always been a land of minorities, a land of multiplicity of cultures, and a plural society. Any question of fission simply does not arise in the case of India.

Further on he says that various problems, serious problems, of "grave anxieties" have been caused by these so-called, fissiparous tendencies. These "various problems of grave anxieties" he does not clarify. What are these problems of grave anxieties which have arisen just now and which did not arise many years ago when the process of demarcation of linguistic States was set in motion in India? Is it the demand of Punjabi Suba and Vidarbha which has caused these "grave anxieties"? I would very much like to have an answer to this question. (Interruptions) And I would not like to be disturbed by those gentlemen who do not seem to like what I am saying. They have had their time and they will have it after I have finished. (Interruption). Why is Mr. Sinhasan Singh worried so much about Punjabi Suba, I cannot understand. I am putting a question to Mr. Prakash Vir Shastri and I expect him to give an answer.

Shri Sinhasan Singh: I say, nothing of the kind.

Mr. Deputy-Speaker: He must not be distracted by interruptions.

Shri Kapur Singh: Referring to these "various problems of grave anxieties", the mover says that they imply 'divided loyalty', "loyalty to one's State versus loyalty to India". Could sophistry go further? The essential principle of federalism is that there is a union of two or more States under one central body for certain perma-

nent common objects. Is this a division of loyalties or integration of loyalties? The hon. Member does not care to submit this aspect of the question to a critical examination, for reasons, which, perhaps, he knows best.

Further on he says that....

श्री कपूर सिंह कृष्णाय (देवास) :
इतने अच्छे बक्ता बोल रहे हैं लेकिन हाउस में गणपूर्ति तो होनी चाहिये।

Mr. Deputy-Speaker: The bell is being rung . . . Now there is quorum.

Shri Kapur Singh: The hon. Mover tells us that the federal structure of our Constitution is tending to endanger the very solidarity of India, and adds:

"And at a crucial moment of world consternation States now forming the Union of India may like to become fullfledged States with full sovereignty and complete independence."

All these, if you examine them carefully, are hypothetical suppositions, fanciful fears and neurotic anxieties, completely divorced from the political realities of the situation in our country. It is difficult to decide whether all this arises out of lack of comprehension or probity.

Further on he says that, the federal structure of our Constitution contains therein "the very germ that breeds disintegrating mentality." The argument of this is that the principle of federalism is the germ that breeds disintegrating mentality. This is a most startling contribution to the theory of constitutionalism. From Plato to Confucius, from Sukra Niti and Artha Sastra to the present day, governments have been conceived in terms of ends of government such as, 'justice' or public good. It is the functional view of the government which justifies the self-satisfaction of those who do the governing as the

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true end of government. This is disguised totalitarianism which must either prevail absolutely or else it must fall. Such indeed is the true impulse that lies behind the Bill before us. All power to a coterie of individuals at the Centre and no power to anybody else.

Proceeding further, it is stated in the Statement of Objects and Reasons:

"...some of our trusted leaders who are in the fulness of their power and prestige will not be amongst us."

And this, he thinks, is an additional argument for doing away with the federal principle in our Constitution and imposing a unitary structure on this country. Even totalitarianism does not seem to suffice. It is total Fascism and personality cult which must rule the roost if Shri Prakash Vir Shastri is to have his way. This wish he expresses in Clause 2 of the Bill. In Clause 2 of the Bill, he says:

"India, that is Bharat, shall be one consolidated unit exercising absolute and undivided sovereignty with full and unhindered powers of Government, in all branches of administration."

May I here remind this House of the solemn promise which Mahatma Gandhi, in the year 1942, gave to the whole world which was sympathetic towards the freedom of India, when he rejected the Cripps Mission's proposals, describing them as a post-dated cheque on a bank which was under liquidation? When asked what he would do with the cheque if it were not post-dated and if it were drawn on a bank which was not under liquidation, his reply was: "I would draw this cheque and distribute the money to the 700,000 villages of India". This Clause of the Mover of this Bill completely and absolutely repudiates the solemn promise given by Mahatma Gandhi to the world in 1942.

Further on he says in the Statement of Objects and Reasons:

"The threat of China, the attitude of the hill districts of Assam, have but one lesson for the people of India. The bond of unity should be one complete and not dissected—namely cent per cent loyalty to Bharat."

The argument of this is that loyalty to Bharat presupposes a unitary form of government and destruction of the federating units. I ask you: could chicanery go further?

On the basis of these bald ascer- tions, he draws two conclusions. His conclusions are firstly that the cost of administration will be greatly reduced and therefore the federal principles in our Constitution should be done away with; secondly, that removing the major incentive to dis- ruption and ensuring undivided loyalty in the hearts of the people for the Indian Union can be achieved by doing away with the federal structure of our Constitution. Is cost of ad- ministration a valid justification for fundamental constitutional changes? And I ask: are the hearts of men governed by parliamentary laws? Yes, this is the type of argument which the Mover of this Bill wants us to accept as a justification for accepting this Bill.

To conclude, this Bill aims at crea- ting supports for Indian solidarity and unity such as ropes provide to those condemned to be hanged by the neck till dead. Outright rejection can be the only true fate of this Bill.

श्री हरिश् चन्द्र मथुराय : मैंने भी नाम दिया हुआ था ।

Shri Harish Chandra Mathur (Jalore): I have great respect for the hon. friend who preceded me who spoke in utter denunciation of the principles and objectives of this Bill.

and what it proposes to seek. In his intellectual flights, he has quoted Mahatma Gandhi and called this Bill a post-dated cheque, because if today's cheque was presented to Mahatma Gandhi, it would be divided among the seven lakh villages of this country.

This Bill is absolutely nothing of that type. As a matter of fact, if you are to have real village republics which would be really self-sufficient and independent, I think this Bill will advance that cause very much. Anybody who has some experience of this panchayat raj administration at the three levels, village level, block level and district level, will bear me out when I say that if there is any disruptive force there at the present movement, it is at the State Government level because of their political interference and all that. This Bill will never stand in the way of the goal of the village republics coming up. I venture to submit that I stand here to support not only the concept, the idea, the objective of this Bill but I endorse every word of what is contained in this Bill. It was very rightly pointed out by my friend Mr. Bhattacharyya when he gave unstinted support to the concept and objective of this Bill though in his present mood he only wanted to say: let this be thought over, let this be the food for thought; let this Bill be taken up for further thinking and let it arouse further thinking in this matter so that we can think of the India of Harsha, of Chandragupta, of Akbar. Whenever India was great it was one unitary State; it was great and earned great reputation for the people of this country.

Shri Kapur Singh: I question that statement, Sir. It was never a unitary State in the sense in which it is now sought to be imposed; it was an absolutist state but not a unitary state. He is a learned man and must be careful about his words. Coming from anybody else I would not have minded it, Sir . . .

श्री प्रकाशवीर शास्त्री (बिजनौर) :
सरदार कपूर सिंह को जब कोई उन के भाषण में इंटरेप्ट करता है तो बुरा लगता है लेकिन जब दूसरे के भाषण में वह इंटरेप्ट करते हैं तब बुरा नहीं लगता ।

Shri Kapur Singh: I am intervening, not interrupting.

Shri Harish Chandra Mathur: I am prepared to take good interventions from my friend. My friend is misunderstanding it. When he thinks of a unitary form of government, he thinks it will be ruled from the capital of India and its edict will reach all the corners of this country. It is wrong conception. There are agencies which will be there but these state boundaries will be liquidated. This idea that I am a Rajasthani and he is a Punjabi will not be there. I do not want these things. What are those boundaries created for? If you look into history, as my friend asked me to look into, they are artificial boundaries created for administrative purposes by the British government. Where were these boundaries earlier? These were boundaries created for a particular purpose and the only purpose was administrative. I venture to submit with the little experience which I have of the conception and the object that we will get rid of all the ills which we are at present faced with if this proposal is accepted. There are administrative difficulties which we come across in the relationship between one state and another; one state asking for this and another area asking for that. The whole country is one. There is no reason why the resources of the country should be divided artificially between a State here and a State there; all the resources should be pooled together and distributed for the welfare of the people as and when they are wanted, whatever the conditions are. The only need that we have is for developmental regions. Wherever it is, the division of India would be according to the necessities of the power

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grid; we want a power grid which will be suitable for the power region. That would be the proper thing to see. Then there are our river projects. We are trying to see whether water should go to needy areas. My friend should know that all the water from Punjab is coming to Rajasthan. We are finding difficulty as to how the Rajasthan canal board should be set up; there is resistance in Rajasthan for our friends from Punjab coming and settling down the Rajasthan canal. I cannot for a moment entertain such a rubbish idea. Why should not people from Punjab go and settle down over the course of the Rajasthan canal? This is one country. Why have difficulties arisen? Difficulties have arisen because there is a separate Punjab, a separate Rajasthan. I cannot for one moment think that there should be this sort of division which is artificial and which is standing in the way of the unity of this country. It is absolutely in the interest of this country that we have a unitary form of government. We are carried away by certain emotions which are only superficial and with the passage of time I have the last doubt that these emotions which have seized us will be wiped out and we will feel as one nation and one country. That conception will come only if this Bill is accepted.

I will conclude in a minute's time, Mr. Deputy-Speaker if you so desire. You will remember that when we formed linguistic states, I was perhaps the one solitary exception in the Rajya Sabha talking against the formation and division of India into linguistic states. I know that most of the friends—I said then—who are advocating the division of India on linguistic basis are patriotic people who had suffered in the emancipation of the country. I am a small fry but I feel that we are going the wrong way and wrong direction. Today I find those people who were in the forefront of that movement, persons like Mr. Jayaprakash Narain and others, saying that they are having second thoughts about the

whole thing. They had made a mistake in giving support to such an idea. I am sure this artificial division of this country, barriers between man and man, between me and Mr. Kapur Singh, must be abolished; the earlier it is done the better, and so I give my full support to Mr. Shastri's Bill.

Mr. Deputy-Speaker: The hon. Minister wants 20 minutes to reply; he will be called at 6.50.

Dr. M. S. Aney (Nagpur): There are a number of members wanting to speak. We may agree to extend the time.

Mr. Deputy-Speaker: The time for this Bill had been extended by two hours. So, he will be called at 3.50. Shri Kashi Ram Gupta may speak; he will take about five minutes.

श्री क.श्रीराम गुप्त (झुलवर) :
उपाध्यक्ष महोदय, मैं श्री प्रकाशबीर शास्त्री के बिल का पूर्णरूप से समर्थन करने के लिये बड़ा दुःख हूँ ।

यमी-यमी जब इस से पहले श्री कपूर सिंह बोल रहे थे तो मेरा समझ में आ रहा था कि इस बिल की प्रावश्यकता बहुत अधिक है । उनके भाषण से यह स्पष्ट जाहिर हो गया है । वास्तविकता यह है कि अगर हम अपने संविधान के इतिहास की तरफ नजर डालें तो हमें महसूस होगा कि भारत के विभाजन से पहले और पाकिस्तान बनने से पहले एक विचार चल रहा था इस देश में कि इन्-लीन बातें केवल केन्द्रीय सरकार के पास रहें और शेष सूबों की सरकारों के पास जायें । किन्तु ज्योंही पाकिस्तान बना यह महसूस हो गया कि यहां पर एक संगठित केन्द्रीय सरकार होनी चाहिये । इसलिये एक समझौता किया गया और उस के आधार पर यह प्रदेश सरकारें बनीं ।

वास्तव में आज चाहे यह सरकार श्री प्रकाशबीर शास्त्री की बात न माने लेकिन

दस वर्ष के बाद यह बात बिल्कुल स्पष्ट हो जायेगी। वास्तव में हम प्राज एक उन्नतन में पड़े हुए हैं भाषायी प्रान्तों की बात कर के। भाषायी प्रान्तों की बात कर के हम भाषायी सरकारों की बात करते हैं यह सब से बड़ी उन्नतन है। भाषायी प्रान्त हो सकते हैं किन्तु भाषायी प्रान्तों के आधार पर सरकारें बनें यह प्रावश्यक नहीं है, और यही सारे झगड़े का जड़ है।

विभाजन के बाद जो भी सरकारें बनीं उनको देखते हुए ऐसा महसूस हो रहा है कि वह भूमि सुधार के नाम पर काम करती है, किन्तु एक समय प्रायेण जब प्राप हिन्दुस्तान में भूमि सुधार कर चुकेंगे। उन समय उनके पास कौन से कानून बनाने के लिये रह जायेंगे। मैं प्राप को एक उदाहरण दूँ। हमारी राजस्थान सरकार ने एक कानून बनाया है कोलाहल बिल, रेडियो वाले जा बहुत प्रावाज करते हैं उनके खिलाफ। ऐसे ऐसे कानून बनाने के लिये बहाने सरकारें रह जायेंगी। इसको देखते हुए उन सरकारों का जो भी उपयोग है वह बहुत जल्दी खत्म होने वाला है।

धर्मा मुश से पहले श्री हरिचन्द्र माधुर ने एक बहुत ही पते की बात कही। उन्होंने कहा कि जो ग्राम पंचायतें और जो रिपब्लिकस नीचे से ऊपर तक बन रही हैं उन में तालमेल रखने के लिये शास्त्री जी ने यह बात कही है। और उससे सही माने में हम प्रापना विकास कर सकेंगे और उससे सही माने में प्रजातंत्र प्रणाली स्वस्थ रूप में चलेगी। प्राज जो यह दशा इस प्रजातंत्र में राजनीतिक पार्टियों की हो रही है, कि यहाँ हम दस, बारह या पन्द्रह पार्टियों में बँडे हैं, यह दशा उस समय समाप्त हो जायेगी और केवल दो पार्टिया हो जायेंगी।

15 hrs.

वास्तविकता यह है कि इस वक्त सुबाई सरकारों को केवल कांग्रेस के राज को हमेशा के लिए बनाये रखने का एक जरिया बना रखा गया है, और इसी कारण केरल में

प्राज यह दशा हो रही है। केरल के बारे में यहाँ जो चर्चा चलती रही है उससे यह स्पष्ट हो जाता है। वास्तविकता यह है कि प्रापने राज्य को कायम करने के वास्ते यह सब कुछ किया जा रहा है। वहाँ पार्टियों का झगड़ा किसने पैदा किया? और प्राज सारे देश में यह पार्टियों का झगड़ा कौन फैला रहा है? प्राज देश में कांग्रेस की नीति ही ये झगड़े फैला रही है और जहाँ चुनाव में अन्य पार्टियों में लोग प्राते हैं उनको प्रापनी तरफ मिलावे, के लिए किसी को गवर्नर बना दिया जाता है किसी को एम्बेसेडर बना दिया जाता है और उस पार्टी को कमजोर कर दिया जाता है। प्रागर ये प्रदेश सरकारें समाप्त हो जायेंगी तो यह कांग्रेस सरकार भी ठीक हो जायेगी और सारे देश की दृष्टि में मोचना शुरू कर देंगी।

तो इन सब बातों को देखते हुए और प्रापने पिछले इतिहास को देखते हुए, मेरा विचार है कि सरकार इस बिल को स्वीकार कर ले। धर्मा सिंहासन सिंह जी ने कहा कि इसकी जनमत जानने के लिए भेज दिया जाये। हो सकता है कि इस समय हमारी सरकार इसको पूरी तरह मानने को तैयार न हो, तो इसकी जनमत जानने के लिए भेजना जरूरी है। यह सम्भव है कि सरकार इस संकट काल में इसको न स्वीकार कर सके, लेकिन प्रागर इसकी भावना को सरकार प्राब लेती है तो निश्चित रूप से यह पीछे बड़ी उपयोगी सिद्ध होगी।

मैं प्रांत में एक बात और कहना चाहता हूँ। यदि ठंडे दिमाग से हम सोचेंगे तो हम को पता चलेगा कि सरकार के सामने जो विषय है उनमें क्या परिवर्तन हो रहा है। मैं एक उदाहरण प्राप के सामने रखना चाहता हूँ। भारत सरकार इस बात की कोशिश कर रही है कि जिनकी भी राज्य सरकारें हैं वे मिल कर जोन के रूप में बिजली की एक प्रिड बना लें। यह प्रिड की समस्या ही प्रान्तीय सरकारों की कमर तोड़ देगी। ये छोटी छोटी प्रान्तीय सरकारें प्रापने साधनों से इस काम को

[श्री काशी राम गुप्त]

नहीं बना सकती। इसलिए आर्थिक विकास की दृष्टि से भी जोन बनाना जरूरी है। जोन सिस्टम का उद्देश्य यही है कि लोग इकट्ठे हों और प्रान्तीय सरकारों की ये दीवारें टूटें। इसलिए मेरा निवेदन है कि सरकार इस बिल की भावना को अभी स्वीकार कर ले और इस पर घमेल को आगे के लिए रहने दे।

Shri G. N. Dixit (Etawah): Mr. Deputy-Speaker, Shri Prakash Vir Shastri deserves all praise for having brought this Bill and for having drawn the attention of the House to the need for examination of the Constitution basically. In every democracy, as the Prime Minister very rightly said while replying to the first debate on the no-confidence motion, there has to be a re-thinking. The Constitution was passed in 1950, and during these 15 years, we have experience about where the corrections should be, what the difficulties are and where the Constitution needs to be amended.

I have looked into all the amendments, that have been passed up till now, of the Constitution. They were passed as and when any difficulties arose and was faced by the Government. I saw out of them that there were three amendments which were necessitated only with regard to the high court judges. In one case, the age of the additional high court judges was raised to 60; in another case, they were permitted to practise in the Supreme Court and in the high courts where they have not worked as high court judges. In three other amendments on the principle which perhaps Shri Shastri has advocated in this Bill to be brought into action, certain matters were brought from the State list to the Concurrent list or were brought from the State list to the Union list. The purpose of amendment Acts Nos. 3, 5 and 6 to the Constitution, was only to put one subject from the State list to the

Concurrent list or the Union list. The difficulty was found that the Centre required more power. Therefore, this august House has recognised this in principle,—that from experience of the working of the Constitution, it has been shown that this Parliament requires more power in many matters. Therefore, so far as the basic question is concerned, which is behind this Bill, it has been given recognition here. So, a number of amendments that we have passed were with a view to make the laws valid. The State laws which would have been otherwise invalidated on account of the Constitution were validated by a number of amendments and a number of amendments had to be brought before this House only for placing the various territories like Goa, Daman and Diu and Pondicherry in the Indian Union.

Up till now, all amendments have come in on account of the necessity to solve the difficulties as and when they arose. During the 15 years, the question of considering these amendments basically did not arise, because, though our Constitution-makers were very wise people, very learned people, our Constitution was framed on the basis of an ideology: we adopted something from the United States of America; something from the United Kingdom; something from Australia and something from New Zealand and other countries. Whatever our Constitution-makers thought would be best for our country, we adopted. We adopted the Cabinet system of government from Great Britain; we adopted the federal system or structure from America, though the two things were entirely different. There was no federal structure in Britain and no Cabinet system in America. We have seen from experience of the 15 years where the difficulties have arisen and what changes should be made. The time has come when we should

examine our Constitution basically from that angle.

Now, in spite of all the arguments that were advocated yesterday on the floor of this House on Kerala matters, about new elections now and a general election after one year, the peoples generally feel that if it were possible that we should have a general election once only, in five years, then, the administration could work, function, for the development of the country for the rest of the time; let there be no no-confidence motion in the Chief Ministers or the other Ministers in the various States; let there be no wrangling of the ruling party every day. The people feel that much time is being wasted in trying to uproot the Chief Minister or any other Minister of the State and trying to put someone else into power and so on. All this would be avoided if we had the presidential system. The President of America is elected once in four years; after all, no one could challenge that America is not a democratic country. The President, having been elected for a period of four years, enjoys the executive power. He cannot be set aside from that position. After the period of four years, he goes again to seek the vote. We should also consider whether our Constitution needs any change in this respect.

I think another private Member's Bill to amend the Constitution is also coming before the House. We have changed the age of retirement of the high court judges. Now, in this Constitution, the provision is, if there is a judgment of variance and if the valuation is Rs. 20,000, then the client has got a right to go to the Supreme Court in appeal. But if a man is sentenced to death and even if the judgment is of variance he has no right to go in appeal. Even if his life is involved he cannot go in appeal to the Supreme Court. This point was not in the minds of the Constitution-

makers then. Now, so many points have arisen and by experience we find that there are difficulties. So, after 15 years, the time has come when all these questions should be considered. Just one point has been raised by Shri Prakash Vir Shastri in this Bill; so many other points have struck the mind of Members of Parliament in this House and in the other House. Those points must all be examined. Therefore, I appeal to the Law Minister to take up this issue and to appoint a committee to consider these points basically and see where the changes in the Constitution are needed.

Similarly, I appeal to Shri Prakash Vir Shastri that he could convene a meeting of all those people who are thinking of certain amendments to the Constitution, and form a Committee to suggest the changes by themselves. You remember the Nehru report of those days. Pandit Motilal Nehru was nowhere among the constitution-makers. But yet the Nehru report was drafted. Therefore, all those Members who are interested in a re-thinking of the Constitution should join and evolve a Constitution and then we can all press the House to consider it. Therefore, what is needed is not that we pass this or that. Let us pass a Bill once for all and make a change.

With these words, I thank Mr. Shastri for bringing up these points before the House.

श्री उ० म० त्रिवेदी : (मंदसौर) :
उपाध्यक्ष महोदय, मैं प्रस्तुत विधयेक का समर्थन करता हूँ। जिस भाषा में सरदार कपूर सिंह ने इसका विरोध किया है उस को सुन कर मुझे बड़ा ताज्जुब हुआ कि ऐसे पढ़े लिखे विद्वान भी बेतर्क की बात को तर्क के साथ कहने की कोशिश करते हैं।

यह एक सिद्धान्त है जो कि भारतवर्ष ने माना हुआ है कि भारतवर्ष एक स्टेट है। उस का नाम दे दिया यूनिवर्सल ब्रादर इंडिया,

[श्री उ० म० त्रिवेदी]

तो इस से कोई भ्रलग भ्रलग राज्य हो गये यह मानना श्रलत बात है । राज्यों में विभाजन विफं इत श्रलन से किया गया था कि हमारे देश की ब्यवस्था मुजारू रूप से विभिन्न भागों द्वारा श्रोर विभिन्न कर्मचारियों द्वारा चलाई जा सके । यह श्रावश्यक नहीं कि उतसे वास्ते हर जगह हम को विधान सभाएं स्थापित करनी चाहिए । श्राज जो हम नजर दीजाने हैं तो यह पता चलता है कि राजस्थान का श्रादमी मध्य प्रदेश में चला जाय तो कानून दूसरा है, मध्य प्रदेश वाला महाराष्ट्र में चला जाय तो कानून दूसरा है श्रोर महाराष्ट्र वाला मीभूर में चला जाय तो कानून दूसरा है यानी एक सिरे से लेकर दूसरे सिरे तक उत्तर से लेकर दक्षिण तक चले तो हर एक प्रान्त में श्रलग श्रलग कानून उस की नजर में श्रायेंगे । वह हमारी एकता की दृष्टि को ठेस पहुंचाता है । यह किस प्रकार की एकता हुई कि हर जगह के कानून श्रलग श्रलग हों ? एक जगह श्रादमी कुछ झगड़ा करे तो उस को पुलिस पकड़ नहीं सकती है, दूसरी जगह झगड़ा करे तो पकड़ भी सकती है श्रोर जमानत भी नहीं हो सकती है । एक जगह श्रादमी चाहे तो मकान खाली करा सके, दूसरी जगह चाहे तो मकान कभी खाली न करवा सके । एक जगह श्रादमी ब्याज से रुपया ले तो उसे 6 रुपये सैकड़; सालाना से ज्यादा ब्याज न देना पड़े, दूसरी जगह जाय तो मनचाहा जितना ब्याज चाहे उससे बमूल किया जा सके । इस तरह से एक छोर से दूसरे छोर तक तरह तरह के कानून हमारे देश में इन नयी नयी विभिन्न राज्यों की विधान सभाओं की वजह से हो रहे हैं । देश में एकता श्रगर हम को स्थापित करनी है श्रोर उस एकता के श्राधार पर सार्वभौमिकत्व कायम रख कर श्रपना सिर श्रगर हम को ऊंचा उठाना है तो श्राज जो एकता हमारी नजरो के सामने है, इस पाकिस्तान के युद्ध से श्रा गयी है, उस एकता को कायम रखने के वास्ते यह श्रावश्यक है कि हमारे यहां पर यह राज्य की ब्यवस्था,

यूनिटरी फीमं श्राफ़ गवर्नमेंट, जिसे कहते हैं वह होनी चाहिए । है श्राज भी लेकिन श्राज तमाम राज्यों में यह इच्छा पैदा होती चली जा रही है कि हम भी कुछ हैं । चीफ़ मिनिस्टर कहता है मैं भी कुछ हूं, मेरी भी चलनी चाहिए, दूसरे मिनिस्टर भी समझते हैं कि वे भी कुछ हैं श्रोर उनकी भी चलनी चाहिए । हर प्रदेश के मुख्य मंत्री हमारे देश के प्रधान मंत्री से होड़ मारने की तैयारी कर रहे हैं । मैं समझता हूं श्रोर मैं ऐसा मानता हूं कि जब तक यूनिटरी फीमं श्राफ़ गवर्नमेंट नहीं श्रायेंगी श्रोर जब तक हमारे देश का कार्य केवल एक पार्लियामेंट द्वारा संभालित नहीं किया जायगा तो श्राज जो यह विभिन्न प्रकार की दुर्भावनाएं हमारे यहां पर जड़ पकड़ रही हैं वे ऐसी जड़ पकड़ जायेंगी कि वह हमारे देश को छिन्न भिन्न कर डालेंगी ।

यह गौरव हर एक श्रादमी को श्रपने श्रपने संकुचित वातावरण का हांता है । जिस वातावरण में यह रहता है उस के श्राधार पर यह गौरव श्रावण करता है । मैं ब्राह्मण हूं इसलिए मैं सब से ऊंचा हूं । मैं राजस्थानी हूं इसलिए सबसे ऊंचा हूं । मैं जाट हूं तो मेरे बराबर कोई नहीं, श्रगर मैं क्षत्री हूं तो मैं सबसे ऊंचा हूं । श्रगर पंजाबी हूं तो सबसे ऊंचा हूं क्योंकि पंजाबी के बराबर कोई नहीं श्रा सकता है । हालत यह है कि शर्मा जी जैसे बूढ़े श्रादमी भी समझते हैं कि उनके मुकाबले में कोई नहीं है । कहने का मतलब यह है कि यह जो संकुचित भावनाएं हैं इन संकीर्ण भावनाओं को नष्ट करने के वास्ते यह श्रावश्यक है कि जो एकता हमारे देश में श्राज उभर आई है उसका सच्चा उपयोग उस स्वरूप के श्राधार पर ही हो सकता है । उसके लिए श्रावश्यक है कि यूनिटरी फीमं श्राफ़ गवर्नमेंट श्रपने देश में श्रानी चाहिए । जैसे यह मैं मानता हूं कि श्राज हम दो बटे में यहां इस बात को तय नहीं कर सकते कि इस बिल को स्वीकार कर लें । इसकी भावना बड़ी अच्छी है इसका श्रायमन करना

अत्यन्त आवश्यक है। आज 19 साल से हम देख रहे हैं कि सन 1950 से जो हम ने अपने यहाँ संविधान लागू किया है उसकी त्रुटियों को हम ने बार बार दृष्ट कर लिया है। आज अगर हमें यह त्रुटिपूर्ण मालूम पड़ता है और यह त्रुटि भंगकर रूप धारण करने की भावना हमारे सामने आ रही है तो इसमें कुछ भी बुराई नहीं है कि इस बिल को इस विधेयक को जनता का मत प्राप्त करने के वास्ते सरकार सरकारलेट करे। अगर मोशन है तब तो ठीक है लेकिन अगर कोई मोशन नहीं है तो फिर सरकार द्वारा यह निर्धारित किया जाय कि इसको जनता के सामने राय जानने के लिए भेजा जाय ताकि जनता का मत प्राप्त किया जा सके। एक प्राधमी के विचार के आधार पर नहीं बल्कि सारी जनता की राय के आधार पर ही संविधान में यह जो त्रुटि है उस त्रुटि को मिटाया जाय।

मैं फिर से उपाध्यक्ष महोदय यही कहूंगा कि इन विधेयक का समर्थन चारों तरफ से होना चाहिए। अभी तक सिवाय एक सरदार कपूर सिंह के सब ने उस का समर्थन किया है। यह इस बात का द्योतक है कि सब की इच्छा इस बात पर है कि हमारे देश में जो एकता स्थापित हुई है वह एकता कायम रहे।

Dr. Sarojini Mahishi (Dharwar North): Sir, I very well appreciate the pious desire of Prakash Vir Shastriji, which is behind this Bill. But I do not understand how this remedy suggested by him will go to make the solidarity and unity of the country stronger. After due thought, the decision was taken that India should have a federal form of government. Whether India has got a thorough federal form of government or not is a different question. You will be surprised to know that many times the question is put to the L.L.B. students whether India has got a federal government with unitary features or a unitary government with federal features. It does not go

to prove that India has got neither federal nor unitary form of government. The Government of India could not give up the federal form of government with certain unitary features due to certain reasons, because the Government of India was accustomed to a unitary form of government and unitary rule. After that, the high-powered Cabinet Committee under the leadership of Pandit Nehru in 1947 submitted the report that in spite of the fact that there may be the argument that the Central Government may grow weaker on account of decentralisation of powers, at the same time it was thought quite necessary that the units also should be given greater powers. According to the Government of India Act of 1935 autonomy was thought of being given to the different units. Whether it was full autonomy or not was a different matter. But the autonomous units were supposed to hand over certain powers to the so-called Central Government then existing. Subsequent to our independence, our objective was to have a federal form of government where autonomous units having all the powers should be able to hand over certain powers to the Centre, to the federal government, in order to carry on the smooth administration in certain matters. This thing has already been done. Even though we are following to a very great extent parliamentary democratic type of conventions in our government we are following to a very great extent conventions in the Presidential form of Government also. But essentially we are cutting a via media between the two, following certain principles and conventions of the Cabinet form of government and certain principles and conventions in the federal form of government, because of the very fact that the so-called autonomous units in India are not autonomous to the extent that autonomy is expected as a pre-requisite for the federal form of government. Secondly, we have a third list called the Concurrent List wherein although the Central Government or the federal government and the State Government

[Dr. Sarojini Mahishi]

can both legislate in case of conflict between the two it is the federal government which is to prevail. Again, there are emergency provisions also incorporated in our Constitution, that in case of any emergency, in case the internal peace and order within the country are threatened on account of external aggression or internal deadlock, there is the provision that the President can declare a state of emergency and take away all the powers in the whole country or in any part of the country.

Therefore, in order to strengthen the federal government, if this federal government can be converted into a unitary form of government during times of emergency and if during normal times these autonomous units are given the autonomy to exercise their own powers, to have their own rights and also to exercise full autonomy as independent units, I do not understand what harm is there.

As I said, I do appreciate the pious desire of Shri Prakash Vir Shastri, but it does not mean that because we have a federal government there is no integrity in the country, there is no unity in the country, there is no solidarity in the country. I wish to remind him of the saying: *व्यटि न समष्टि*—diversity in unity and unity in diversity. The whole world is based on that. Even if there is a unitary form of government, does he mean to say that there would not be any such divergence of opinion in the country, divergent way of thinking in the country? Does he mean to say that there would not be any such diversity in case there is such a unitary form of government? In spite of all these things there is unity in the country. In spite of all this diversity, in spite of all the autonomy given to different States, our only anxiety is that the units should be independent to a very great extent, they should be autonomous in the fullest sense, in the true spirit. We have gone to such an extent as to have a federal form of government. We

have chosen the *via media* between the federal form of government and the so-called parliamentary system of democracy. We have altogether found a unique form of Constitution. We are having three lists—the Federal List, the State List and the Concurrent List. So many powers are vested in the federal government. There is provision that in case of any conflict the federal government is to prevail. There are also emergency powers vested in the President. With all these provisions, I do not know how our Constitution is going to be appreciated by the world. We are not very much concerned with that. But, as the matter stands today, we have gone so much ahead with our Constitution that in its very preamble it is said quite clearly: "We, the people of India, having solemnly resolved to constitute India into a sovereign democratic republic and to secure to all its citizens: justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity of the Nation;..." If we are going to achieve all these things I do not understand why we shall have to go back and think again.

One of the hon. Members remarked that some leaders are already thinking that they ought to have given a second thought over the linguistic reorganisation of the States. I am not talking here about the linguistic reorganisation. I am talking about the autonomous units that go to form the federal form of government. Linguistic reorganisation is the second stage in the formation of autonomous units. On what basis the units are formed is a different thing. Formerly the units were there, autonomy had been given to those units and those autonomous units came together for certain purposes. That was a prerequisite for a federal form of government. But the native states stood in the form of impediments for the unity of the country. The merger of

these native states with the federal form of government was a great thing achieved by our Government. Therefore, I do hope that this Constitution will be very much appreciated.

Mr. Deputy-Speaker: Dr. L. M. Singhvi—

श्री हुकम चन्द कछवाय : उपाध्यक्ष महोदय, मैं ने पिछली बार में अपना नाम दिया हुआ है ।

उपाध्यक्ष महोदय : माननीय सदस्य की पार्टी में दो सदस्य बोन चुके हैं ।

श्री रिशनचन्द्र सेठ (एटा) : मुझे यह निवेदन करना है कि यह बहुत महत्वपूर्ण विषय है । मुझे भी बोलना है । अगर आज टाइम नहीं है, तो प्राय टाइम बढ़ा दीजिये ।

उपाध्यक्ष महोदय : दस घंटे से चार घंटे पढ़ने ही कर दिये गये हैं ।

श्री प्रकाशचोर शास्त्री : अगर हाउस की इच्छा है, तो समय बढ़ा दिया जाना चाहिए ।

श्री हुकम चन्द कछवाय : मैं प्रस्ताव करता हूँ कि इस विधेयक के लिए समय बढ़ा दिया जाय । इस पर मत ले लिये जायें यह बहुत महत्वपूर्ण विषय है ।

उपाध्यक्ष महोदय : टा० तिषर्षी ।

Dr. L. M. Singhvi (Jodhpur): Mr. Deputy-Speaker, Sir, I would very much have liked to speak at some length on this subject of fundamental importance, but it is not possible to express oneself adequately in a short span of time on a subject of such vital importance and of such wide-spread implications in our national life. In the alternative, therefore, I would rest content by suggesting to the House, and suggesting to the hon. Deputy Minister who is to reply to this debate, to agree to permit this Bill for circulation for eliciting public opinion.

There is no denying the fact that this Bill embodies a thesis which has acquired an increasing edge among the intellectuals of this country; It is difficult to say as to how far one can go along to support this thesis for this involves a fundamental change in our Constitution and a fundamental change in the system of administration and State organisation that we have in the country. But there is no denying the fact that the thesis which Shri Prakash Vir Shastri has propounded through this Bill is a thesis of signal importance. I am quite sure that if this is recognised by the Government no harm would be done if there is an open discussion through out the country on this issue of great and wide-spread importance. I hope, Sir, that the hon. Deputy Minister would be reasonable enough to accept this suggestion and to agree to circulate this Bill for eliciting public opinion, because it is not right, it is not appropriate to throw out a Bill such as this in a summary fashion. The Bill has attracted very considerable attention in this House. Hon. Members have expressed themselves strongly, and though I am not persuaded to express myself categorically in support of this thesis I would say that the thesis deserves close scrutiny and study at the hands of the country once again.

Sir, when we adopted the federal framework of government we did so in the hope that the integrity of the nation, that the unity of the nation would not be undermined by the federal frame-work. There is no reason why what has actually come to pass should have happened, but the fact remains that fissiparous forces in the country have been gaining ground. The fact remains that people have not thought even twice of undermining the unity and the integrity of the nation in the name of regional interests or territorial claims. I am a votary of a deeper federal feeling than is merely expressed through a State organisation in the form of a federation. In a country which encompasses almost a wide range of diversities, there is no denying the fact a deeper federal quality which

[Dr. L. M. Singhvi]

makes for accommodation, which makes for mutual consideration, which makes for tolerance on a country-wide basis has to be the fundamental tenet of our national life. But, in the name of federalism or in the name of State's right or territorial claims, or the rights of minorities we cannot allow the unity of the country to be truncated, we cannot allow the picture or the vision of India that we have envisioned, that we have harboured, that we have nursed to be destroyed. There is no doubt that even in terms of administration the country has suffered considerably because in the name of federalism, in the name of State autonomy, irresponsible claims are made or responsibility is denied. I should like to cite before the House what a renowned former Chief Justice of India, Shri Mahajan, had to say on this. Of course, he is a very firm believer in the unitary concept of State, but what he says in respect of the development, political development, in our country is certainly of great importance. About his home State, Punjab he says:

"The last ten years unfold a tale of intrigues between political groups and aspirants to political power seeking an opportunity to pull down one another. In short, the history of ten years is one of the accession of power or downfall of three politicians intriguing against one another and divided into groups, though belonging to the same political party. Nothing gets going without greasing someone's palm or getting a 'sifarish'. Most of the time of our Ministers is spent on the road between Chandigarh and Delhi and in giving endless harangues."

About Delhi at that time, he said:

"There is a cry for an autonomous state for the benefit of Delhi's intriguing group of politicians. The metropolis is degenerating into a slum, instead of becoming a paradise, as a result of their administration. The residents have

been drinking contaminated water, electricity fails every now and then. Health services are not worth mentioning and now food and milk are scarce. No greater misfortune will fall on the Delhi citizens than the one of again making Delhi into an autonomous state."

I would not say that autonomy is in itself a bad thing or that autonomy in itself is the fountainhead of corruption or of inefficiency. But the fact remains that the counter-pulls in the direction of selfishness, in the direction which is a direction contrary to national purpose and national unity have tended to dim the picture of national unity, to dim the national resolve and national unity.

In that context, in that perspective of things, I would say that Shri Prakash Vir Shastri seems to have a kind of built-in political radar in bringing about a Bill for the consideration of this House. He has rightly gauged the feelings in the minds of people everywhere in the country and I think his Bill deserves very close and respectful consideration in the House.

I would say that the spectrum of federalism in our country is a very anomalous spectrum. No proper study seems to have been made of federalism. Whenever a State Government does not want to do a thing, it would invoke the reason that the Central Government is not willing to come forward to assist it. Whenever the Central Government wishes to evade responsibility, it would say that the matter is within the realm of responsibility of a State Government. This division of responsibility has tended, by and large, to evasion, inefficiency and inertia on the part of Government. What I would say is that there should be a more functional division of sovereignty in the country, rather than mere territorial and subject division of sovereignty in the country as found in the federal framework of our country.

I would not like at this stage to express myself on the various merits of a federal system or a unitary system. We are ourselves called a quasi-federal system, a system which is closer to the unitary system. But we still have a lot of trappings of the federal system which makes for inertia, which makes for inaction. I would plead with the Deputy Law Minister who is to reply to the debate that he should accept the circulation of this Bill for eliciting public opinion so as to enable this country to review and to take a refreshing look at the problems which have been engendered with federalism in this country and how we can cope with those problems.

Shri Sham Lal Saraf (Jammu and Kashmir): I heartily thank my learned friend, Shri Prakash Vir Shastri for drawing the attention of the countrymen to this important aspect of our Constitution. I can say with a full sense of responsibility that no Constitution can be the last word, whenever it might have been framed. It is always subject to correction, always subject to re-thinking. As my learned friend, Shri Dixit, has said, the time has come when there should be some re-thinking on this subject.

I remember distinctly that when the Britishers were thinking of giving some sort of responsible government to this country they always thought how they could gradually try to divide the people in as many ways as possible. Therefore, they brought in provincial autonomy and that sort of thing. I know that the time at my disposal is limited and that I cannot deal in detail with this subject. I would say that before 1946, before the Muslim League conceived the idea of Pakistan and they were not certain that the future constitutional set-up would be that India would be divided into two, India and Pakistan, at that time the framers of the Constitution were thinking in terms of the 1935 Act which envisaged that the provinces will be more autonomous and there will be a loose type of federation at the top on which the

future edifice would be built. Therefore, after attainment of freedom and very much conscious of this, our framers of the Constitution, our leaders and pioneers thought how they could weave a better type of federation with a stronger government at the Centre.

With the limited experience that I have of the working in the States I would personally feel that the States should be stronger and that they should have necessary powers. But I am absolutely of the opinion that in the present set-up, as things are, it is absolutely necessary that our Government, while it may not be exactly a unitary sort of government, should be absolutely strong at the Centre so that it can hold its way all over the country. As Shri Mathur has correctly pointed out, the country is now going in the Community Development way. That is to say, the powers in the country are being decentralised. Formerly people believed that the power would percolate from the top. But in the actual functioning of democracy it should come up from below.

My hon. friend, Shri Kapur Singh, has spoken on this subject. I would respectfully submit to him that once upon a time I was also thinking like him. It is the sheer outcome of the feudal type of thinking. If we think wisely and correctly I would say that it is impossible now for any State to function without the co-operation of the neighbouring States. As rightly pointed out by Shri Mathur, at that time we had no conception, even Gandhiji had little conception of the situation that was likely to arise. That is why he said that linguistic States be set up in the country. At that time there was no conception that the country could be developed in such a fine manner. Today giant multi-purpose projects cannot be thought of in terms of small States. Taking his own State of Punjab, let us consider the Bhakra-Nangal project. Is it possible for Punjab to consume all the electricity that is generated by that project? No. It is consumed by the neighbouring

[Shri Sham Lal Saraf]

States. So, in the new concept of things, unless we look upon the country as a whole the country cannot develop physically, mentally, materially or linguistically. It is felt in the country that we should have one national language. I am absolutely certain that as long as we have linguistic provinces it will be almost impossible to develop one national language in the country.

Shri Prakash Vir Shastri by his Bill has provided us with an opportunity to have some re-thinking on these matters. It is a very very precious opportunity.

Maybe, this very Bill may not be accepted in the manner as has been provided, but let the Minister, if he thinks proper, accept that this matter be circulated for eliciting public opinion as some of my friends have said. There are a number of aspects that will come into this because new things have come before us, new dangers have come before us. Nobody expected that Pakistan will be such a terrible danger for us. Not even our great leader, Jawaharlal Nehru, ever thought that China will ever be our enemy. But today that has absolutely changed our mind and our thinking.

As far as defence is concerned, all round—not only on the northern and eastern borders, but on our entire seacoast—we have got to be very careful about that. I would say, about a number of things—commerce, trade, industry, irrigation—about everything a re-thinking is necessary. How do we do it? I request the Government that they give a lead in this. May I expect that the hon. Minister, who will reply to the debate on this Bill that has been moved by my hon. friend, Shri Prakash Vir Shastri, will at least give an indication of the mind of the Government, that in these matters they would certainly prefer to re-think?

Eighteen times our Constitution has been amended. Why? Because it was the need of the hour; because it was the need of the day. Even after that in these last few months our minds have been revolutionized and in this revolutionized thinking in the entire country, things may not be there which we expect.

With these few words, I hope, the Government will fully consider the Bill that has been moved by Shri Prakash Vir Shastri.

Shri Vasudevan Nair (Ambalapuzha): Mr. Deputy-Speaker, Sir, we are passing through a period of re-thinking and now I heard from my colleague, Shri Saraf, that in spite of his very long experience and lessons that he derived from that experience, he is prepared to re-think on this issue also due to certain recent happenings. So, there is a wave of re-thinking now going on in the country and, I am afraid, in this wave and onrush many lessons that we learnt through very hard and long experience are being forgotten.

Of course, it is true, as Dr. Singhvi has said, that our friend, Shri Prakash Vir Shastri, has drawn our attention to a very important subject. The subject is, of course, very important and because of that we should be very careful also in dealing with such subjects. In a lighthearted, manner we cannot tackle such questions.

Fundamentally at least, our Party has always believed and even today we believe that in India we can have a strong, efficient and effective administration only on the basis of the willing co-operation of the people inhabiting the various regions of our country. There can be no question of imposing something on any part of our country, let it be a very small region and let the population be very small. Let us not forget that fact and then dream about things and dream about organising our life—administrative, political, cultural and

all that—by forcing something down the throat of our people.

I think, what is forgotten is the historical background, the traditions and the developments that took place over centuries and how we came together. All this is forgotten when we think of some shortcut to remove many of the ills that we face. Of course, we have many problems.

We have very often heard many people speaking against the re-organisation of our States on linguistic basis. I could never digest that argument. I should ask such friends to imagine how we could pull on with the old Presidencies left by the British. What would have happened? Could we live in peace, after all, with so many States with people speaking various languages and having various degrees of development as far as the economy is concerned and with so many other questions. Was it not a confession on the part of Government itself when it decided to have, for example, Maharashtra and Gujarat? They tried to put these two States together with the force of arms and what all things happened? There was a blood-bath. But, after all that, the Government itself had to come forward and say, "No, we have to take a different decision". We are seeing the experience of the Government now trying to think about the question of Punjab again. All along, the Government was taking up a position which now, I think, they will have to change. Personally I have no doubt about it. How the change will take place and in what direction is a different matter; but, at least, now it is known to all concerned, including those in authority, that they just cannot impose something on the people of Punjab. That sentiment has to be taken into consideration. From our point of view, our complaint and, perhaps, charge against this Government is that in spite of the instructions left by the wise framers of our Constitution, this

Government during all these years is trying to take more and more power from the States.

Actually, many States were feeling that they were just reduced to the position of municipalities. As a matter of fact, a Congress Chief Minister of my State, before he was sent out of office, very recently said in the Assembly itself in reply to a question, when there was some talk of an all-India service for Education, "I am opposed to it; I am a Congress Chief Minister but I am opposed to it because already, I find, we State Governments are just like municipalities". These are his own words. We know, how the Central Government found it so difficult about the All India Education Service or higher education becoming the responsibility of the Centre. Except for the Government of Punjab, all the other Governments are opposing it tooth and nail. That is the experience. They are Congress governments. The Central Government is a Congress government.

So, it is a question which has to be considered even above the party level. That is why even the Central Government is finding it practically difficult in such matters as the organisation of more and more Central services. So, this is a field in which we should tread very carefully. I am even against the suggestion of Dr. Singhvi that at this time we should leave this matter for a discussion and debate in the country. At least, this is not the time for that because this is a very touchy problem and we should understand that this is not a question on which you can have a majority decision in this country. Let us be clear about that. Maybe, Shri Prakash Vir Shastri's opinion may have majority support.

Shri Harish Chandra Mathur: We will have unanimity.

Shri Vasudevan Nair: In India, as it is constituted today, majority decisions cannot apply to such ques-

[Shri Vasudevan Nair]

Mons. So, I want to tell our friends, who have come forward with very good intentions—I do not, of course, question their motives; they have very good intentions—but, with all that, it is a very touchy problem and now at least we should not try to open this issue for a debate and discussion in this country.

The Minister of Rehabilitation (Shri Tyagi): May I just contradict one thing that my hon. friend has said, namely, that all the State Governments have opposed the organisation of the All India Education Service? That is not a statement of fact. Factually speaking, most of the Governments have agreed.

Shri Warior (Trichur): Only most, even then.

Shri Vasudevan Nair: I said about higher education becoming the Centre's responsibility.

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): Mr. Deputy-Speaker, Sir, I have listened with great interest to the debate on this Bill. Shri Prakash Vir Shastri's Bill has given food for thought and the whole House had some intellectual exercise. I am sure, this idea which he has thrown up will be seriously debated by the people at large.

But, having heard the arguments advanced by various hon. Members, who took part in the debate, I do not feel and I am not convinced that a time has come when we should change the very structure of our Constitution which we the people of India had given unto ourselves on the twenty-sixth day of January, 1950. The main argument as stated by him in the Statement of Objects and Reasons is:

"Conversion of what were originally provinces of India into

States, has brought with it a train of fissiparous tendencies of ever increasing volume and magnitude and various problems of grave anxieties".

This seems to be the main argument for bringing forward this Bill to change the very structure of our Constitution.

Sir, the Chinese aggression in 1965 and the Pakistani aggression in 1965 have enabled us to prove to the whole world that this country which consists of 470 million people speaking different languages and having different creeds can meet the aggression as one man. The Indian people feel that they are Indians first and last. It is but natural that, being human-beings, there are bound to be some differences of opinion and, therefore, there may be some disputes. That does not mean that this Constitution is responsible for creating any fissiparous tendencies. What guarantee is there that the moment you have the unitary type of Government, these fissiparous tendencies will not exist in the country? Therefore, his argument is basically unsound and if the Bill is framed on that argument, my submission is that it cannot stand scrutiny.

Let us go into the history of our Constitution. The system of federalism was introduced for the first time by the Government of India Act, 1956 and before that, under the Government of India Act, 1919, there was only the unitary type of Government with provinces which were called Local Governments and they were the agents of the Central Government. They had no powers worth the name. For the first time, in 1935, the provinces were given some sort of autonomy. That was the type of Government that was functioning till we got our Independence in 1947.

Ours is a vast country with 470 million people. Let us examine

whether it is possible for a unitary type of Government to govern the entire country. It is not practicable nor possible to have in India a purely unitary Government like the Government of the United Kingdom where there is a single Legislature, that is, Parliament at Westminster and a single Government at White Hall. Even if we revert to the unitary system of Government, it would not be the unitary system of the British type but it would have to be a unitary system of the pre-1935 type with Provincial Legislatures and Provincial Governments exercising functions over a wide field of legislation and administration by virtue of devolution and delegation.

Then, the next question is, when the State Governments have exercised autonomy in the field of administration, both legislative and executive, for the last 15 years, and having advanced so far, whether it is really possible or desirable to withdraw those powers from the State Government? When the Constituent Assembly discussed this question, the Union Powers Committee which was presided over by our late Prime Minister, Shri Jawaharlal Nehru, observed in its Supplementary Report dated 5th July, 1947, that:

"... We are quite clear in our minds that there are many matters in which authority must lie solely with the units and that to frame a Constitution on the basis of a unitary State would be a retrograde step, both politically and administratively. We have, accordingly, come to the conclusion—a conclusion which was also reached by the Union Constitution Committee—that the soundest framework for our Constitution is a Federation with a strong Centre . . ."

This was accepted by the Constituent Assembly.

With your permission, I would like to go through the various articles of

the Constitution which go to show that the power is really with the Central Government, the Union, and not with the States, so that the Union can control every State, so that no State can go out of its demarcated field in exercising its powers and responsibilities.

Let me first take article 3 of the Constitution which says:

"Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
- (b) increase the area of any State;
- (c) diminish the area of any State;
- (d) alter the boundaries of any State;
- (e) alter the name of any State;"

My friend Mr. Mathur was saying that these provinces were not carved out on any scientific basis but some boundaries were fixed for administrative purposes. It may be true but the language formed the principal factor for constituting a State. These administrative boundaries are to be treated as hyphens that unite and not as dashes that divide. Rajasthan is not a separate country; Punjab is not a separate country. All these States are units of the same country, that is, India. Simply because some State Governments exist, it does not mean that the States are entirely separate entities.

Shri Sham Lal Saraf: The approach should be positive and not negative.

Shri Jaganatha Rao: I am putting a positive view. The positive view is, let us not feel that we have failed. The period of 15 years is not too long a period in the history of the nation.

[Shri Jaganatha Rao]

Let us work it for some more years. Whenever an occasion has arisen, in the past, we came forward with an amendment so that the necessary powers are taken over by the Centre.

Then, there are other articles which really go to show that the Union Government is more powerful than the State Governments. Under article 155 of the Constitution, the Governor who is the executive head of a State is appointed by the President of the Union and under article 156 he holds office during the pleasure of the President. These provisions have important implications. As every act of the President is done in exercise of the executive power of the Union, the appointment, removal and dismissal of a Governor are nothing but acts done in the exercise of the executive power of the Union. Therefore, as the executive power of the State vests in a functionary (Governor) subordinate to the President, the executive power of the Union and the executive power of a State can hardly be regarded as coordinate but in a true and real federation the executive power of the Central Government and the executive power of a component unit are coordinate and equal.

Again, by article 160, power has been conferred upon the President of the Union to make provision for the discharge of the functions of the Governor in certain contingencies.

I now refer to article 171 under which Parliament may by law entirely change the composition of the Legislative Council of a State having such a Council.

Under article 249, Parliament has power to legislate for any specific period with respect to any matter even in the State field if a resolution has been passed by the Rajya Sabha declaring that it is necessary or expedient in the national interest

that Parliament should make laws with respect to such matter.

Under article 250, Parliament has power to make law with regard to any matter in the State List while a Proclamation of Emergency is in operation.

Under article 254, the power of Parliament over the concurrent field overrides the power of the State Legislature.

Under article 256, the executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.

Article 257 lays down that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.

Under article 275, the Union gives grants-in-aid to the States.

Now, I come to the emergency provisions of the Constitution, which are mentioned in articles 352, 353, 355 and 356. Under article 355, the duty has been laid on the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution.

16 hrs.

Under Article 356, the President can, on receipt of a report from the Governor or even otherwise assume to himself all the functions and

powers of the State Government by abrogating the State machinery if he is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution. All these are drastic powers conferred upon the Union and they positively and definitely place the States—the component units—in a position of inferiority and subordination.

Article 365 is an important one. It lays down that, where any State has failed to comply with or to give effect to any direction given in exercise of the executive power of the Union under any of the provisions of the Constitution, it shall be lawful for the President to hold that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution. Thus the President is, under the Constitution, the final arbiter to determine whether the Government of a State is or is not being carried on in accordance with the provisions of the Constitution.

Therefore, a perusal of the various Articles of the Constitution which I have referred to clearly leads to the conclusion which is irresistible that, though India is a Union of the States and the Constitution of India has the external trappings of a federal system, the federal features are not at all strong in our Constitution. I may quote here the remarks of Professor K. C. Wheare of Oxford in relation to our Constitution:

"It establishes, indeed, a system of Government which is almost quasi-federal, almost devolutionary in character, a unitary State with subsidiary federal features rather than a federal State with subsidiary unitary features."

This is the correct reading of the Constitution as it stands today. All the powers are being exercised by the Union Government. As pointed out by my friend, Shri Vasudevan Nair, all the State Governments complain that, in this planned economy, they have been reduced to the status of a District Board or a Zila Parishad. That being the case, what is the glamour in having a unitary type of Government?

An hon. Member: If that is a fact, you are arguing against yourself.

Shri Jaganatha Rao: What you want is already provided for in the Constitution. Therefore, no Bill is necessary to amend the Constitution. The Constitution which we have given to ourselves really provides for a system which is almost unitary in character. Therefore, I cannot understand the fears expressed by hon. Members that there will be fissiparous tendencies in the country and that they cannot be checked unless there is a unitary type of Government: there is no logic in their argument. Ours is a country with so many languages. People have to understand what the administration is. We have thought of democratic decentralisation; we have introduced the three-tier system of Panchayati institution. What is the principle? We want to inculcate in the people the sense of participation, the sense of belonging, the feeling that they have also a share in the administration of the country. Otherwise, independence has no meaning. (Interruptions).

Mr. Deputy-Speaker: Order, order.

Shri Jaganath Rao: I have explained the true nature and character of our Constitution. In view of that, no amendment is necessary. We have worked this Constitution for fifteen years; let us give it further trial. These fissiparous tendencies have not

[Shri Jaganatha Rao]

arisen because of the federal type of Constitution. Therefore, the very logic of the hon. Members does not convince me and I am opposed to this Bill and also to any motion for circulation of this Bill for eliciting public opinion.

श्री प्रकाशचर शारत्री : उपाध्यक्ष महोदय, मंत्री महोदय का लिखा पढ़ा जवाब सुनने के बाद मैं इस निर्णय पर पढ़ूँ कि सरकार को जिस सम्भारता से इस विधेयक को लेना चाहिए या और इस विधेयक के मूल में जाकर जिस सम्भारता से इस का उत्तर देना चाहिए या वह दोनों बातें ही उपमंत्रि महोदय के उत्तर में प्रकट नहीं हुईं। पिछली बार भी और इस बार भी सब मिला कर इस विधेयक की बहस में 18 सदस्यों ने भाग लिया और 18 सदस्यों में से 14 सदस्य वे हैं जिन्होंने पूर्णतया इस विधेयक का समर्थन किया और बाकी के चार सदस्य हैं उन में से जो इस प्रकार के हैं जिन्होंने यह दृष्टा व्यक्त की कि इस विधेयक को जनता की राय जानने के लिए भेजा जाये। अगर सरकार इस तथ्य को स्वीकार कर लेती कि इस सम्भार प्रश्न पर देश की राय जानी जाय तबसे कि इस सदन के बृहत्तम सदस्य वापू जी भण्डे से एक प्रस्ताव भी प्राप्त को दिया है कि इस विधेयक के साथ उस प्रस्ताव को स्वीकार कर लिया जाय तो मैं समझता हूँ कि मुझे किसी प्रकार की कोई प्राप्ति नहीं होती।

दूसरी एक सब से बड़ी बात यह है कि इस विधेयक को उपस्थित करने की दृष्टानुमि क्या है? क्यों मैं ने इस विधेयक को उपस्थित किया? मैं ने पहले भी बतलाया था और मैं फिर उसे दुहराना चाहता हूँ कि अभी कुछ दिन पहले की बात है कि गोवा महाराष्ट्र में मिले या मैसूर में इस प्रश्न को लेकर देश में एक ठनाव की स्थिति उत्पन्न हुई। जिस समय वह विचार कि गोवा की वर्तमान सरकार

त्यागपत्र दे दे ताकि गोवा में चुनाव कराया जाय इसी प्रश्न को लेकर उठा उसके दूसरे ही दिन मैसूर मंत्रिमंडल की ओर से केन्द्रीय सरकार के सामने एक धमकी आई। बंगलौर में जो कांग्रेस अधिवेशन होने वाला था उसके सामने भी एक समस्या उत्पन्न हो गई। क्यों क्यों कर के उस प्रश्न को टाला गया या उस प्रश्न को दबा दिया गया। लेकिन उस प्रश्न से समस्या का समाधान नहीं हुआ। इस प्रकार का प्रश्न केवल गोवा को महाराष्ट्र या मैसूर में मिलाने की ही बात नहीं, बेलगांव महाराष्ट्र में रहेगा या मैसूर में रहेगा, कृष्णा गोदावरी जल का क्या होगा, यह और अन्य भी बहुत से इस प्रकार के प्रश्न हैं जिनके उठते हैं और वे उठ कर देश के मस्तिष्क को क्षुब्ध करते हैं। इस बात पर विचार करना चाहिए कि अखिर जब हम यह सवाल उठाते हैं कि गोवा महाराष्ट्र में रहेगा या मैसूर में रहेगा तो क्या महाराष्ट्र भारत में नहीं है या मैसूर भारत में नहीं है? अगर दोनों भारतवर्ष के ही प्रांग हैं तो इस प्रश्न को लेकर यह वादविवाद क्यों देश में हो रहा है? इसी दृष्टानुमि में मैं ने इस विधेयक को उपस्थित किया था। जिस समय भाषावार प्रान्तों के निर्माण की स्थिति देश में आई उस समय राजनीति के दूरदर्शक चिन्तक स्वर्गीय सरदार पटेल ने यह कहा था कभी अगर हम ने गलती से इस प्रश्न का वायदा कर भी लिया तो आज देश के सामने और भी जो बड़ी बड़ी समस्याएँ हैं पहले उन्हें लिया जाय। इस समस्या का हमें अभी नहीं उठाना चाहिए। प्रलंबता कभी देश की स्थिति जब बिलकुल शान्त होगी तो उस समय शान्त वातावरण में इस प्रश्न पर विचार किया जा सकता है। लेकिन श्री पाट्टी रामलू के देहावसान ने और हमारे नेतागण की उस समय की दुर्बलता ने उस अध्याय को खोल दिया। उस का परिणाम क्या निकला वह किसी से छिपा हुआ नहीं है। अभी भी उसका ही एक और दुष्परिणाम

देखने में था; रहा है। बंगाल का वातावरण हम को प्रकटे रकार से बताता है कि जो बंगाल के हिन्दू और सिक्ख दोनों मिल कर पाकिस्तान का मुकाबला कर रहे थे आज सरकार की उस बंगाली सूबा समिति की बोझा की मून का परिणाम यह हुआ कि बंगाल के हिन्दू और सिक्ख दोनों पाकिस्तान से जुड़ा के बंगाल प्रान्त प्रान्त में मॉन्टेडन तैयार करने में लगे हुए हैं। समिति के सामने प्रान्त प्रान्त प्रान्त देने की होइ लग रही है। जिन की शक्ति देश के निर्माण और उसकी रक्षा के लिए लगनी चाहिए आज सरकार की शक्त और दूरदर्शी नीतियों के कारण उन का मन उबर से हट कर इस दिशा में अग्रसर लग गया तो देश के लिए अनिष्टकर होगा। ऐसी गलतियां सरकार करती है जिनसे विग्रह होकर इस प्रकार का विभेदक लाना पड़ा।

दूसरी बड़ी चीज यह है कि जब मैं इस विधेयक को उद्घोषित कर रहा था तो उस दिन भी कहा था लेकिन आज उस को पाँडे विस्तार से और कड़ा चाहता हूँ कि केन्द्र के मंत्रिमंडल की एक सबसे बड़ी दुर्बलता यह है कि जिन विभागों की मंत्री सम्हालता है उन के पास प्रान्त देश विभाग होगा कि वह प्रान्त प्रान्त का प्रौद्योगिक विकास कर सके तो वह केवल प्रान्त के विकास की दृष्टि से शक्ति बनायेगा। उल्टा तो इस बात की है कि वह सम्पूर्ण भारतवर्ष के विकास की दृष्टि से योजना बनावे। किस प्रान्त में प्रति व्यक्ति आय कितनी है? किस प्रान्त में इंडस्ट्रीज कितनी हैं, किस प्रान्त का डेवलपमेंट कितना हुआ है? क्या यह सारा देश एक नहीं है? अगर यह सारा देश एक है तो फिर सारे देश को एक ईकाई मान कर विकास का कार्यक्रम क्यों नहीं बनाया जाता? या सारे देश को एक ईकाई मान कर देश की आय बढ़ाने का ध्यान क्यों नहीं किया जाता? आज यह स्थिति है कि बंगाल में गेहूँ और चने का भाव

कुछ धीर है, दिल्ली में धाकर वह बढ़ जाता है धीर यहाँ से। मील गाझियाबाद में चले जाइये तो वहाँ डेढ़ गुना धीर दुगुना हो जाता है। यह सरकार जब समाजवादी समाज रचना का नारा लगाती है तो फिर क्यों नहीं निर्णय करती कि देश में अब गेहूँ बिकेगा तो समान भाव पर बिकेगा? रोटी खावेंगे तो सब खावेंगे, भूखे मरेंगे तो सब मरेंगे। यह क्या चीज है कि एक प्रान्तीय सरकार 40 रुपये किचटल के हिसाब से चना खरीदे लेकिन यही प्रान्तीय सरकार जब वह चना कलकत्ते को दे तो 90 रुपये किचटल के हिसाब से दे। अब इस स्थिति में अनुमान लगाये कि अगर व्यापारी नफा कमाता है तो वह रोटी है लेकिन एक सरकार दूसरी सरकार से मुनाफा कमाती है तो उस पर कोई आपत्ति करने वाला नहीं है। क्या बंगाल या बंगाल एक ही देश के हिस्से नहीं हैं? आखिर एक सरकार दूसरी सरकार के साथ इस तरह क्यों करती है? और इस बुरी तरह मुनाफा क्यों कमाती है?

इस स्थिति में मैं चाहता हूँ कि यह विधेयक जितना गम्भीर है, सरकार इस को उतनी गम्भीरता से ले। अच्छा हूँ कि उपमंत्री, श्री जगन्नाथ राय, माननीय सदस्य, बापूजी अणु, के इस प्रस्ताव का स्वीकार करने कि इस विधेयक का जनमत जानने के लिए प्रसारित कर दिया जाये। मैं इस विधेयक का प्रस्तावक होने के नाते इस प्रस्ताव का स्वीकार करता हूँ। इस प्रस्ताव को स्वीकार करने से सरकार को देश का मन जानने का प्रबन्ध भी मिलेगा और यह भी भान हो जायेगा कि सरकार ने इस विधेयक के सम्बन्ध में कुछ गम्भीरता से निर्णय लिया है।

लेकिन अगर सरकार इतना भी नहीं करती और इस में गम्भीरता नहीं दिखाती, तो मैं कम से कम प्रान्त और से यहाँ इतना जरूर कहूँगा कि मैं इस विधेयक का प्रैस न करूँ जिससे यह रिजेक्ट हो जाये। इस की

[श्री प्रकाशवीर शस्त्री]

अपेक्षा तो मैं इस विधेयक को वापस लेना अधिक पसन्द करूंगा। ताकि छः महीने बाद यह विधेयक फिर दोबारा इस सदन में प्राये श्री सरकार को अपनी भूल का प्रायश्चित्त करने और यह सोचने का अवसर मिले कि यदि इस रूप में नहीं, तो इससे मिलते जुलते किसी दूसरे रूप में देश की एकता को कैसे सुदृढ़ बनाये रखा जा सकता है ?

मैं उम्मीद करूंगा कि उपमंत्री महोदय बापूजी अग्ने के इस प्रस्ताव को स्वीकार करेंगे कि इस विधेयक को जनमत जानने के लिए प्रसारित किया जाये।

Dr. M. S. Aney: May I have your permission to move an amendment?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): But who is accepting the hon. Member's amendment?

Mr. Deputy-Speaker: Is the hon. Deputy Minister prepared to accept the motion for circulating the Bill for eliciting opinion thereon?

Shri Jaganatha Rao: No.

Dr. M. S. Aney: My amendment is that the Bill be circulated for eliciting public opinion thereon.

Mr. Deputy-Speaker: The hon. Deputy Minister is not accepting that amendment.

Has the hon. Mover leave of the House to withdraw his Bill?

Several hon. Members: Yes.

The Bill was, by leave, withdrawn.

Mr. Deputy-Speaker: The next Bill is in the name of Shri Parashar. He is not here. He wants postponement of his Bill. The next one is in the name of Shri Siddiah. He is also not here. The next two Bills are in the name of Shri D. C. Sharma. He is also not here. Now, we have to wait for the Prime Minister's statement.

16.12 hrs.

[MR. SPEAKER in the Chair]

An hon. Member: Let us adjourn for a few minutes till the Prime Minister comes.

डा० राम मनोहर लोहिया : अध्यक्ष महोदय, यह समय मुझे ही इस्तेमाल कर लेने दीजिये।

अध्यक्ष महोदय : मैं दस मिनट के लिए हाउस को मुस्तवी करता हूँ। दस मिनट के बाद हम मिलेंगे।

The Lok Sabha then adjourned till Twenty-two Minutes past Sixteen of the Clock.

The Lok Sabha re-assembled at Twenty-two Minutes past Sixteen of the Clock.

[MR. SPEAKER in the Chair]

STATEMENT RE INDO-PAKISTAN RELATIONS

The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri): In the statement which I had made in this House on 24th September, 1965, I had given an account of the developments culminating in a cease-fire coming into force between India and Pakistan at 3:30 a.m. on the 23rd September, 1965. I do not wish to take up the time of the House by going into details about subsequent happenings which have been fully reported in the Press. I would instead try to present the broad picture of the later developments and to share with the House Government's views and thoughts on the various issues that have yet to be resolved.

The cease-fire is still far from being fully effective. The main reason for this is the fact that Pakistani Forces have continuously tried to occupy posts and areas which were not in their hands when the cease-fire came