

Mr. Deputy-Speaker: Order, order. You cannot go on like this.

Shri S. M. Banerjee (Kanpur): I will only mention one or two points.

Shri Priya Gupta: This is not the procedure of passing Bills.

Shri S. M. Banerjee: I will put my points in a nutshell. When this Bill is passed and becomes an Act, I would request the hon. Minister Shri Patil and Dr. Ram Subhag Singh to see.....

An Hon. Member: Why not Shri Sham Nath? I am sorry; I forgot; that the Railway protection force which is supposed to protect the property of the Government protects it well. There is heartburning among the RPF people because of supersession.

14 hrs.

Mr. Deputy-Speaker: Do not bring in all these things. The time is over. Has Mr. Patil to say anything?

Shri S. K. Patil: I have nothing to reply.

Mr. Deputy-Speaker: I shall put the question to the vote of the House.

Shri Kapur Singh (Ludhiana): Mr. Deputy-Speaker, Sir, I wanted to speak for just a minute. You were not looking at this side.

Mr. Deputy-Speaker: Your Bill is coming.

Shri Kapur Singh: I wanted to speak on this Bill. I want to oppose this Bill. (Interruption) It is very unfair.

Mr. Deputy-Speaker: Order, order. The question is:

"That the Bill be passed".

The motion was adopted.

PUNJAB REORGANISATION BILL

Mr. Deputy-Speaker: The House will now take up consideration of the Bill to provide for the reorganisation of the existing State of Punjab and for matters connected therewith. No time has been fixed. I want the opinion of the House on it. We have two hours for it today.

Shri U. M. Trivedi (Mandsaur): 15 hours must be allotted for it.

Shri Kapur Singh (Ludhiana): Not less than 15 hours. It is a most momentous

Bill. Therefore, at least 15 hours should be given.

Mr. Deputy-Speaker: We have only today and tomorrow.

Shri Raghunath Singh (Varanasi): We have to finish the Bill today. We are going to finish this Bill today. It has to be finished today. Please consider that point also.

Several hon. Members: rose—

Mr. Deputy-Speaker: Order, order:

The Leader of the House (Shri Satya Narayan Sinha): I have got a request to make. Whatever time you allot, I think and I would propose that four hours will be quite sufficient for this Bill. (Interruption) I want to make one thing clear. I would request the House to co-operate. It does not matter how long we will have to sit; it does not matter if we have to sit till midnight, but we would like to finish this Bill today. Unless we finish this Bill we will not rise.

Shri U. M. Trivedi: Sir, on a point of order. It is unfortunate that this Bill is being brought for consideration today. This Bill cannot be discussed in this House by virtue of the provisions contained in....

Mr. Deputy-Speaker: You may raise the objection later. I have to inform the House that at 4 O'clock we have to take up further discussion on the motion by Shri Siddhanti, on which Shri Raghunath Singh has to continue his speech. So, we have two hours for this Bill today, and tomorrow. The hon. Minister, Shri Satya Narayan Sinha, has suggested four hours for this Bill.

Shri Kapur Singh: How can we discuss this Bill, a Bill of this nature, in just four hours, Sir? (Interruption)

श्री युद्धवीर सिंह (महेन्द्रगढ़): बीच में आप मोशन को भी रखना चाहते हैं, या तो उस मोशन को सस्पेंड करें।

Mr. Deputy-Speaker: The House can sit late and finish it.

Shri Satya Narayan Sinha: I have made that request to the House. My motion is that four hours be allotted to this Bill. As I find that hon. Members are anxious that more time should be given and they feel that four hours will not be sufficient.

Shri Sham Lal Saraf (Jammu & Kashmir): If more time is necessary, you can extend the time. *(Interruption)*.

Shri Satya Narayan Sinha: I have suggested we can sit late till night. It will be something novel also, because Parliament has never had so far any night session. Some Members were also anxious that we must sit through the night and finish this Bill. Therefore, I have suggested that we shall have this sitting today as late as we could, as late as we feel it is necessary, at least till the time when we generally go to bed: till then we will go on.

Shri Hari Vishnu Kamath (Hoshangabad): Will we have dinner here?

Shri Satya Narayan Sinha: Yes, there will be dinner; we will have dinner for all those hon. Members who will continue to be here.

श्री युद्धबीर सिंह: चार बजे जो मोशन है, उस का क्या होगा, क्या उस को खत्म कर दिया गया?

Shri U. M. Trivedi: The point for consideration is this: the Leader of the House has suggested that in view of the fact that the motion in respect of defence will have to be taken up at 4 O'clock, we will have the discussion of this Bill only for two hours today. The point is that in just four hours this Bill containing so many clauses and 16 Schedules—mind you—cannot be finished however much one might try. I had suggested 15 hours. Even if they want to sit till tomorrow midnight, we have no objection. We are prepared to sit. But then the question is that you will have to make provision for 15 hours. Do not have just four hours and then say, we will extend it by one hour, and then by another one hour and so on. That cannot be done. It is not possible. This Bill cannot be finished within four hours.

Shri Raghunath Singh: There are many other important Bills also which are pending. Therefore, we cannot continue with the Bill tomorrow also.

Mr. Deputy-Speaker: The motion of Shri Siddhanti has to be taken up.

Shri Satya Narayan Sinha: I think that could be postponed to tomorrow, after this Bill is finished.

Shri Raghunath Singh: Yes, but I will continue my speech on that motion.

Mr. Deputy-Speaker: So, we will take up the Bill relating to Punjab today. That motion will be postponed to some other day.

Shri Kapur Singh: Whatever may be the urgency, the Punjab Reorganisation Bill cannot be finished within four hours, let alone one hour or two hours. Let us not give an impression to the outside world that this House treats its legislative duties with levity. This is not a Bill which could be passed in a hurry; this is not the type of Bill which can be disposed of in haste.

Mr. Deputy-Speaker: We will have three hours today, and if possible the whole of tomorrow.

Shri Satya Narayan Sinha: We are sitting till late into the night; as I have suggested, we are having dinner.

Mr. Deputy-Speaker: Night session today or tomorrow.

Shri Satya Narayan Sinha: Today; tonight, not tomorrow. *(Interruption)*. I have suggested the motion to you. You may put it to the vote, as you like.

Shri Kapur Singh: It is not like giving the dog a bad name and hanging it! If we are going to do it and finish it within four hours, it cannot be done like that. You cannot do it if the rule of law is to prevail. After all, this is Parliament and... *(Interruption)*.

Mr. Deputy-Speaker: The Bill is before the House. It is on the agenda. We have to get it through. *(Interruption)*. I am putting the Minister's motion to the House.

Shri S. M. Banerjee (Kanpur): I want to say one thing. I agree with the hon. Minister that this Bill is important. This Bill is a very important one and there is no doubt about it. After all, if we have to conclude the session on the 7th, that is, tomorrow, we have either to sit through the night or during the night or do something about it. Otherwise, we cannot have a proper discussion. If we want to sit in the night today, I do not mind; if we are provided good meal here, we do not mind; we will sit up to 8, 9 or even 10 O'clock. But the whole difficulty will be, this discussion will continue tomorrow;

after four hours, it will go for tomorrow also.

Some hon. Members: No, no.

Shri S. M. Banerjee: Kindly hear me. There is another difficulty, Shri Siddhanti's motion is there. That has to be replied to by the hon. Defence Minister in the face of new threats from China and Pakistan. If it is not taken up, it will lose its significance absolutely. Then there are two half-hour discussions which are very important. One of them, as has been very ably acknowledged by the hon. Speaker, is a very important one—the recognition of the union, a matter in connection with which I was asked to go out from the House the other day. Then there is the other half-hour discussion. All these are there. I would request the hon. Minister to postpone all these three items to tomorrow. If we can possibly sit till late in the night, let the Punjab Bill continue up to 7 O'clock or till 7.30. Let us sit for the whole night tomorrow if need be. We shall inform our family members. . .
(*Interruption*)

Shri Hari Vishnu Kamath: By your leave, I wish to make one point. I am glad that my hon. friend Shri Satya Narayan Sinha has accepted my proposal which have been trying every session, that we must have one night sitting every session. He has acceded to that today and we will have tonight, a night session.

Then, I also agree with my hon. friend Shri Kapur Singh that we should not give the impression that in a matter like this, it is being hustled, that a very important Bill like the Punjab Reorganisation Bill is being hustled. I would request the hon. Minister humbly, but most earnestly, that in case the business before the House needs more time—we will sit tonight also—if the Houses need more time for this important measure, we will continue with this Bill tomorrow as well, and the Government should agree to extend the session by a day, till Friday, because Thursday is a holiday. Why should not this House also sit on Friday if necessary?

Mr. Deputy-Speaker: I will put the hon. Member's motion to the House.

Shri D. C. Sharma (Gurdaspur): Sir, you are hearing everybody except those who are

affected by this Bill.

Mr. Deputy-Speaker: Do you want to say something?

Shri D. C. Sharma: This is a very important Bill; not only on account of its own merits, but on account of its further consequences, which some persons on the Treasury Benches do not see. This Bill has to be gone into very very carefully. It is no use saying, we must finish this today. It is not like saying, we must finish this food today, because it will rot tomorrow. It is not an item of food. It is an item of legislation of supreme importance to this nation.

I suggest that you take it up today from 2 to 4, as the schedule dictates. Tomorrow we will continue with it. My hon. friend on the other side said, we require 15 hours. I fully agree with him. We do not want that this work should be done in an extempore, impromptu and *ad hoc* manner. This work should be done in a thorough-going, comprehensive manner. Already the Gujarat people want three areas—a State of Gujarat, a Union Territory of Kutch and a State of Saurashtra. The members on the Treasury Benches are out of touch with the realities of life and they do not know the further consequences of this Bill. This Bill should be given 15 hours. As I said, this Bill may be discussed for 2 hours today, for some hours tomorrow and, if need be, the session should be extended. If you hustle this Bill, you will be doing a great deal of injustice not only to Punjab but also to the future of this Indian nation.

Shri Kapur Singh: It will be a disaster in more than one way to hustle through this Bill. With these words, I support my friend, Shri D. C. Sharma.

Dr. M. S. Aney (Nagpur): Parliament should not be hustled in its legislative work. It has to do its work in a proper and deliberate way.

Shri D. D. Puri (Kaithal): While supporting the motion moved by the Leader of the House, I suggest that we allot 8 hours to this Bill. We can sit late and finish this Bill today itself.

Shri Hem Raj (Kangra): I also feel that the Bill requires a longer time. So, if it is continued tomorrow also, it does not matter. The time should be extended.

Shri Satya Narayan Sinha : I quite appreciate the anxiety and concern which members from Punjab particularly feel about this. My idea is not to hustle it.

Shri U. M. Trivedi : Why do you say, members of Punjab? All of us are concerned about it; it is a national issue. We represent the whole of India. In this Parliament, nobody represents any particular place.

Shri Satya Narayan Sinha : I have already listened carefully to my words, I said, members from Punjab particularly. I have not said that the hon. member has no interest in it. He is more interested than the Punjab members, if he is satisfied with that.

Shri U. M. Trivedi : Don't make any allegation. It is nothing more, nothing less.

Shri Satya Narayan Sinha : I have already requested the House to sit longer hours. Even by sitting longer hours, if sufficient discussion has not taken place, there is no sanctity that it must be passed tonight. It may be taken over to tomorrow. Let us see how much time we are going to give to this Bill. Suppose we sit till 9 o'clock tonight. Even then if it is found that it has not been adequately discussed, we can carry it over to tomorrow.

श्री युद्धवीर सिंह : आप एक मिनट मेरी बात सुनें।

उपाध्यक्ष महोदय : आप बैठ जाइये।

श्री युद्धवीर सिंह : आप मेरी बात सुन लें, मैं बैठ जाऊंगा।

उपाध्यक्ष महोदय : आर्डर, आर्डर।

श्री युद्धवीर सिंह : हम को कल सबरे 8 बजे या 9 बजे बैठना लोजिये। 9 बजे रात तक बैठने से इस बिल के साथ आप जस्टिस नहीं करेंगे।

Mr. Deputy-Speaker : I think it is agreed to. We will go on as long as possible tonight. If it is not finished we will take it up tomorrow.

Shri Satya Narayan Sinha : We shall finish it tomorrow.

Mr. Deputy-Speaker : The hon. Home Minister.

The Minister of Home Affairs (Shri Nanda) : Sir, I beg to move.

Shri Hari Vishnu Kamath : On a point of order.

Shri Deputy-Speaker : Let him move the motion and let me place it before the House.

Shri U. M. Trivedi : I object to the motion being moved.

Shri Hari Vishnu Kamath : You have read out the item that this Bill be taken into consideration. I rise, on a point of order.

Mr. Deputy-Speaker : Shri Prakash Vir Shastri has written to me that he wants to raise a point of order. Let me hear him first.

श्री प्रकाशवीर शास्त्री (विजवीर) :
उपाध्यक्ष महोदय पंचायत का पुनर्गठन विधेयक मंत्रिधालुओं के मान्यताओं के विपरीत है और लोक सभा के प्रक्रिया तथा कार्य संचालन संबंधी नियमों के भी सर्वथा विपरीत है। इस बिल के अन्दर मूख्य रूप से तीन दाँव हैं। सब से पहला दाँव यह है कि इस बिल को धारा 4 में जहाँ पर खरड़ तहसील की चर्चा की गई है उस में कहा गया है कि चंडीगढ़ को यूनियन टेरिटरी माना जायेगा। लोक सभा के प्रक्रिया तथा कार्य संचालन संबंधी नियमों को धारा 59 इस के ऊपर लागू होती है। इस में स्पष्ट रूप से जो लिखा है मैं उसे पढ़ कर सुनाता हूँ :

“साधारणतया ऐसे प्रस्ताव को प्रस्तुत करने की अनुज्ञा नहीं दी जायेगी जो किसी ऐसे विषय पर चर्चा उठाने के लिये हो जो किसी न्यायिक या अर्धन्यायिक कृत्य करने वाले किसी संविहित न्यायाधिकरण या संविहित प्राधिकारी के या किसी विषय की जाँच या अनुसंधान के लिये नियुक्त किसी आयोग या जाँच न्यायालय के सामने लम्बित हो।”

खण्ड तहसील के संबंध में विशेष रूप से मैं यह कह रहा हूँ कि खरड़ तहसील के संबंध में एक केस विचाराधीन है, जिस पर पंजाब हाई कोर्ट को अभी अपनी अनुमति देनी है। लोक सभा की इस प्रक्रिया की दूसरी धारा 352 (i) है, उस में भी स्पष्ट रूप से संकेत है कि:

“किसी ऐसे तथ्य विषय का विदेश नहीं करेगा जिस पर न्यायिक विनिश्चय लम्बित हो।”

चूंकि यह जूडीशियरी के सामने विचार के लिये अभी पेश है इस लिये यह धारा इस से संबंधित है। इस लिये इस पर कोई विचार इस सदन के अन्दर नहीं हो सकता।

दूसरे यह विधेयक इस दृष्टि में भी असंबन्धनिक है क्योंकि प्रक्रिया की धारा 66 इस पर लागू होती है। उस में यह है कि जब भी कोई विधेयक इस सदन में स्वीकृत होता है तो स्वीकृत होने के पश्चात् वह राज्य सभा में जाता है। जब राज्य सभा और लोक सभा दोनों से वह स्वीकृत हो जाता है तो तब उस पर राष्ट्रपति की अनुमति प्राप्त होती है। अब तक इस सदन में कोई इस प्रकार की घोषणा नहीं हुई कि हिमाचल प्रदेश जो यूनिनन टेरीटरी है उस संबंध में जो संविधान संशोधन

हुआ है उस को राष्ट्रपति की अनुमति मिली है या नहीं। जहाँ तक मेरी जानकारी है, और लोक सभा का कार्यालय भी इस बात की पूर्ण करेगा कि उस विधेयक के बारे में अभी तक इस प्रकार की घोषणा नहीं हुई। जब तक सचिव, लोक सभा के माध्यम से इस की घोषणा न हो तब तक उस से सम्बन्धित कोई दूसरा विधेयक यहाँ नहीं आ सकता।

तीसरी बात जिस दृष्टि में यह बिल असंबन्धनिक है वह भी मैं बतलाना चाहता हूँ। इस विधेयक की धारा जिस पर मैं विशेष रूप से आप का ध्यान आकर्षित करना चाहता हूँ वह है धारा (16) उसके अन्दर विशेष रूप से यह है कि हरियाणा की जो विधान सभा बनेगी उसमें जो वर्तमान 54 सदस्य हैं जो कि हरियाणा क्षेत्र से आये हैं और जनता के सीधे चुने हुए प्रतिनिधि हैं उन पर तो हरियाणा की विधान सभा नहीं बन सकती। संविधान की धारा 170 के हिसाब से जब तक किसी भी विधान सभा में 60 सदस्य नहीं हों तब तक वह विधान सभा नहीं कहलायेगी।

60 सदस्य भी कौन से? 60 सदस्य वे जो कि जनता द्वारा सीधे चुने हुए हों। यह संविधान के अन्दर स्पष्ट रूप से निर्देश है। धारा 170 में स्पष्ट कहा गया है कि जो डायरेक्ट इलेक्शन द्वारा चुन कर आए हों! लेकिन हरियाणा में जो विधान सभा बनेगी उसमें विधान सभा के सदस्य जो कि जनता द्वारा सीधे चुन कर आए हैं, उनकी संख्या केवल 54 होगी। इतनी संख्या के आधार पर विधान सभा नहीं बन सकती है। अब इस विधेयक के अन्दर यह कहा गया है कि आठ सदस्य जो लैजिस्लेटिव काउंसिल के सदस्य हैं उनको इसके अन्दर सम्मिलित कर लिया जाएगा और इनको सम्मिलित करके सदस्यों की कुल संख्या 62 हो जाएगी। लेकिन मैं कहना चाहता हूँ कि जब तक 170 के

[श्री प्रकाशवीर शास्त्री]

अन्दर संशोधन नहीं किया जाता है तब तक इन आठ व्यक्तियों को जोकि जनता द्वारा सीधे चुने हुए नहीं हैं, विधान सभा के सदस्य आप नहीं बना सकते हैं, ये विघात सभा के सदस्य नहीं हो सकते हैं। सीधे चुने हुए विधान सभा के सदस्यों की संख्या जब तक 60 नहीं होती है तब तक हरियाणा के अन्दर विधान सभा नहीं बन सकती है। इस दृष्टि से भी यह बिल अग्रिम है।

इस बिल के अन्दर बहुत सी खामियां हैं। मैंने उनमें से कुछ को गिनाया है। मैंने कहा है कि एक चीज तो यह है कि खरड़ तहसील का मामला न्यायालय के समक्ष विचाराधीन है। दूसरी चीज मैंने यह कही है कि हिमाचल प्रदेश का जो बिल यहां पर संविधान संशोधन का पास हुआ है, राष्ट्रपति जी की उसको अब तक स्वीकृति नहीं मिली है और अंतिम बात मैंने यह कही है कि संविधान की धारा 170 के अनुसार हरियाणा के अन्दर केवल 54 सदस्य हैं और और 54 सदस्यों के ऊपर विधान सभा नहीं बन सकती है और इस दृष्टि से भी यह जो विधेयक है यह असंवैधानिक है। इस सबके साथ लोक-सभा की जो प्रक्रिया है उसके भी विपरीत यह जाता है। इसलिए इस विधेयक पर विचार नहीं किया जा सकता है।

Some hon. Members: first.

Mr. Deputy-Speaker: Shri Trivedi—

Shri Kapur Singh: Sir, let the Law Minister be here.

Mr. Deputy-Speaker: I shall give my ruling on this.

Shri Hari Vishnu Kamath: There are other points of order. All will have to be taken up together.

Mr. Deputy-Speaker: Hon. Members may go on. In the meantime the Law Minister will also come.

Shri U. M. Trivedi: Sir, there is a news item appearing in the *Tribune* dated Saturday, 3rd September 1966.

Mr. Deputy-Speaker: What is the point of order?

Shri U. M. Trivedi: Unless I state this fact I cannot come to my point of order. The news item appears under the heading, "Writ petition about Kharar"

Mr. Deputy-Speaker: Writ petition about what?

Shri U. M. Trivedi: In the area which is going to form the Union Territory of Chandigarh there is an area which is known as Kharar.

Mr. Deputy-Speaker: Let us not go into the merits.

Shri U. M. Trivedi: Sir, without mentioning this it is not possible to state my point of order. This is not a point which I can straightway state. The news item reads like this:

"A petition for leave to appeal to the Supreme Court in the matter of the decision of the Union Government transferring a part of Kharar tehsil to Punjabi Suba and declaring Chandigarh as a Union Territory contrary to the recommendations of the Punjab Boundary Commission was filed by Mr. Shri Chand Goyal, advocate, on behalf of six persons, in the Punjab High Court.

This arose out of a writ petition preferred by Mr. Amar Singh Girdhar, President of the Constitution Society of India, Ambala, Mr. Om Prakash, President, Jan Sangh, Kharar, and others challenging the decision of the Union Government. The writ was dismissed in limine on August 19, 1966 by a Division Bench of the Punjab High Court consisting of the Chief Justice, Mr. Mehar Singh, and Mr. Justice D. K. Mahajan.

The petition for leave to appeal to the Supreme Court against the order of the Division Bench is likely to come up for hearing in the near future."

In other words, this news item appeared on 3rd September and it indicates that this matter is *sub judice* before a court of law. If a matter is *sub-judice* before a court of law, then we have a provision in the rules, Rule 352, which says:

"A Member while speaking shall not refer to any matter of fact on which a judicial decision is pending."

Now, this is a patent fact. It does not require any explanation whatsoever, that a judicial proceeding is pending in a court of law. If it is pending in a court of law, how can I discuss, how can any Member discuss the propriety or impropriety of the inclusion of Kharar tehsil in the Union Territory or inclusion in Ambala District or anything of that kind? It becomes a difficult problem for anyone to assert one way or the other on account of this matter being pending before a court of law. In the Bill itself the position is made clear that a matter which is referred to a court of law or, what we call, pending before a court, will be treated as a matter which is *sub judice*. Our Supreme Court Rules also say:

"As soon as a petition and all necessary documents are lodged, the petition shall thereupon be deemed to be set down."

That means, whenever such an application is there and if all necessary documents have been filed, as in this case leave to appeal application has been filed and is coming up for hearing, under the rules of the Supreme Court also it will become a *sub-judice* matter. If a matter is *sub-judice*, as it is in this case—I do not want to dwell upon other unconstitutional provisions that are coming up to this Bill—they are unconstitutional and I have no doubt about it in my mind—I leave it to Shri Kamath to enlarge upon them—as a lawyer, I may say that this technical difficulty is standing in the way of our proceeding with the motion. I, therefore, say that this motion is out of order and unless and until this matter is decided by the court of law we cannot take

it up and discussion in this House must be kept pending till a decision has been arrived at.

Shri Hari Vishnu Kamath: Mr. Deputy-Speaker, Sir, I have no desire whatsoever to block or delay the passage of such an important measure, but I am sure the House is vigilant enough and will be vigilant enough, careful enough, to ensure that the provisions of the Constitution and the Rules of Procedure are not ignored, disregarded or by-passed in the process of passing this Bill.

I will first invite your attention to the Bill itself. Please turn to the Presidential recommendation. My hon. friend, Shri Trivedi wanted me to enlarge upon a particular point, but I am raising this point of order on a different count. But, Sir, before I proceed, I would certainly urge you to send for the Law Minister. I do not know whether it is not his duty to assist.... (*Interruption*). I know the hon. Home Minister can manage it himself, I know his capacity, and I know he is competent, but the Law Minister must assist him on such occasions. Now, the Presidential Recommendation has been deemed to be necessary, not merely because of articles 110 and 117 coming into the picture but also article 3. The Presidential Recommendation refers to three articles on account of the provisions in which the recommendation of the President has been deemed to be necessary—article 117, article 3 and article 274. These three come into play. Please turn your attention to article 3 of the Constitution. Article 3 of the Constitution empowers Parliament to make laws for this purpose and the Bill is before the House for reorganisation of the Punjab in accordance with the provisions of article 3. But what has its proviso to say. The proviso is important. May I, by your leave, Sir, read that proviso in *extenso*? That is important. It says:

"Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President...."

[Shri Hari Vishnu Kamath]

That has been complied with. So far so good. Then it says:—the second part of the proviso is equally if not more important—

“...and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.”

Now, the very first requirement, the *sine qua non*, is that the President must refer the Bill to the Legislature of the State. The second is that a period must be allowed. The third is that period must expire. None of these three conditions has been complied with.

I raised this point in connection with the Punjab Legislature Conferral of Powers Bill also earlier. The Legislature of the State of Punjab has not been dissolved and that has been admitted by the Government also. Government admits that it is still in existence and still continues to function. It has not been convened but it exists; it has not been dissolved. I had quoted the article at that time. Under that article it has not been dissolved. There cannot be a halfway house and there cannot be a third alternative; a third situation is not possible. Either the Legislature exists or it does not exist. There cannot be a halfway house. Now, the Legislature exists; it has not been dissolved; it is not defunct; it is not *functus officio*. Therefore, it exists.

Now, what practical difficulty is there for the Government, for the President, to refer this Bill to the Legislature of the State of Punjab for its opinion? That is the first point. Secondly, even assuming for the sake of argument—I do not concede it, but assuming for the sake of argument—that the

Punjab Legislature is in a state of suspended animation and that all its powers have been taken over unlawfully—rather, I will not say unlawfully; I will say irregularly—by the President through Parliament, the Legislature of Himachal Pradesh exists and functions. This Bill will affect Himachal Pradesh as well as Punjab. The Territorial Council or the Assembly of Himachal Pradesh is there. Whatever its name may be, that Legislature exists.

Now, I raised this point last year, in last September, in connection with another Bill. When my hon. friend, Shri Dixit—he is not now in his seat—also raised this point, Shri Jaisukhlal Hathi, the Minister of State in the Ministry of Home Affairs, said that under the General Clauses Act the word “State” includes “Union Territory”. I raised this point the other day also when the Constitution (Amendment) Bill was before the House. I said that it was not necessary because the General Clauses Act makes it clear that the word “State” includes “Union Territory”. But Shri Hathi said then that it is only as a matter of abundant caution this Bill has been brought in, because in the Re-organisation Bill it is necessary to specify, to make it quite clear, that the Union Territory comes within the ambit of that article. Be that as it may, it is now an admitted fact that the word “State” here includes Union Territory. In article 3 the Word “Union Territory” is not mentioned at all, but the word as such, on his own showing, the showing of the Minister of State for Home Affairs, Shri Hathi, includes “Union Territory”.

Therefore, I submit, first, the Punjab Legislature is in existence and so the Bill should have been referred to the Punjab Legislature. Secondly, the Legislature of the Himachal Pradesh, at least, exists and continues to function in a constitutional manner. It is still there, not in a state of suspended animation, fully in existence, fully alive, not merely alive but fully alive, and kicking also if necessary. The Bill has not been referred either to the Legislature of Punjab or the Legislature of Himachal Pradesh. Secondly, some period, some time, must be given to those Legislatures to consider it and make up their mind, to

give their opinion. Thirdly, the time should expire also. Then alone could the Bill be introduced in this session.

One more point, and that is this. You will see, Sir, that article 4, which flows from article 3, reads :

"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 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 purposes of article 368."

Article 4 is relevant. Now, what have they done here? Shri Prakash Vir Shastri raised a cogent point that unless the relevant article is amended, which provides for representation by direct election, this Bill will be out of order. Now, what have they done with regard to the Fourth Schedule? Please turn your attention to page 58 of the Bill. In the first paragraph they have listed here the names of the sitting Members whose term of office will expire on the 2nd April 1968. The names of Shri Chaman Lal and other *namavali* are mentioned here. There are three paragraphs. First of all, there is a minor error. I do not know whether the membership of Parliament constitutes an office. I do not think it is correct to say "term of Office" in relation to the membership of Parliament. If he is the holder of an office and if he holds an office of profit, he is disqualified from being a Member of Parliament. So, the term should be "membership"; the term "office" is a wrong phrase. It is said in the Fourth Schedule "whose term of office". I think it is wrong to call the tenure of membership of a Member of Parliament as "office". Anyway, that is a comparatively minor point.

Article 4 refers to various matters, not merely representation in Parliament. Hence the Fourth Schedule refers only to Parliament. The first para refers to Rajya Sabha; the second para refers to Rajya Sabha; the third para also refers to Rajya Sabha. All the three paragraphs relate to Members in the Rajya Sabha representing Punjab. Now, Parliament, I suppose, consists of the two Houses, Lok Sabha and Rajya Sabha. I suppose there is no need to argue that point.

Shri Sinhasan Singh (Gorakhpur): And the President also.

Shri Hari Vishnu Kamath: I am glad that Shri Sinhasan said that Parliament consists of the two Houses and the President.

Now, is it adequate in the light of the provisions of article 4 of the Constitution, to specify in the Fourth Schedule to the Bill only the names of Members of Rajya Sabha, whose terms of office—whose membership, I should say—expires in 1968, 1970 and 1972? That is all that is contained in the Fourth Schedule.

श्री युद्धर सिंह : किसी ने उसको नहीं पढ़ा है।

श्री हरि विष्णु कामत : अगर नहीं पढ़ा है, तो यह मेरा कसूर नहीं है। अगर उनके पास इस विधेयक की नकल है, तो वह इनके पैज 58 पर देखें।

The first paragraph deals with the Members whose term in Rajya Sabha expires in 1968; the second para deals with those whose term expires in 1970 and the third with those whose term expires in 1972.

What will happen to the Members of the present State of Punjab in the Lok Sabha? Who will represent them? Which members will represent the Himachal State, the new Punjab State or the Punjab Suba and the new Himachal Pradesh? That is not specified in the Bill. Sir, if that is not specified, you will make yourself open to the charge of abetting the Government in violating articles 3 and 4 of the Constitution.

Shri D. D. Puri: We are representing

[Shri D. D. Puri]

constituencies here and not any State. Rajya Sabha represents the States. It is the Council of States.

Shri Hari Vishnu Kamath: Then why mention Parliament?

Shri Tyagi (Dehra Dun): The question arises whether we can, in the Parliament, attribute one particular constituency to a Member.

Shri Hari Vishnu Kamath: There is a possibility that on the border between Harayana and Punjabi Suba there may be certain constituencies which may get mixed up or, to use a milder word, get altered. Therefore, what will happen to a Member representing that particular constituency or a part of the constituency? What will he represent? Which constituency will he represent? That is why article 4 is very specific and very clear. Will you please read that again? It says that Parliament may make such provisions as are supplemental, incidental and consequential—it is very comprehensive—including provisions as to representation in Parliament. They have said 'Parliament'. If they had in mind only Rajya Sabha, they would have said so; they would have said only "Council of States". The very fact that the word "Parliament" is mentioned here means that the founding fathers had both Houses in mind.

Besides that, it is not only Parliament that is mentioned there but also "the Legislature or Legislatures of the State or States". Therefore it is necessary to specify in the Fourth Schedule the corresponding details with regard to the membership of the three States—Harayana, Punjabi Suba and Himachal Pradesh—who will represent which State in the new States that are coming into existence in November or whatever date the Government may appoint.

Please, therefore, go to the root of the matter. You cannot brush it aside in a trice. I want you to ponder over these points of order. You may even give the ruling tomorrow or later whenever you want, but do not give it in a hurry. In the Supreme Court, if it is called in question, it may be struck down. You will

say, "What can we do? The Supreme Court has the power". We must work in harmony and union for the welfare and benefit of the people of the Punjab and the whole of India. It is no use saying that these are all constitutional points; so, let the Supreme Court decide them. Let the Law Minister come and answer these points if he cannot answer them.

Shri U. M. Trivedi: Yesterday the Supreme Court struck down the Metal Corporation Act.

Shri Sinhasan Singh: Sir, three difficulties are pointed out. One relates to article 170 of the Constitution; the other is by Shri Trivedi and others that there is a case pending in the Supreme Court and the third by my hon. friend Shri Kamath here relating to articles 3 and 4.

Shri Prakash Vir Shastri: What about President's consent?

Shri Sinhasan Singh: The other is about the President's consent.

As far as the pending case in the Supreme Court is concerned, what is pending is an application for permission to file an appeal against the writ petition dismissed by the High Court. To my knowledge only an application is pending for decision whether permission should or should not be given for an appeal and no point of law is to be decided; no decision is to be given on a point of law. So, there is no case pending so that a discussion here can be barred here under rule 352. Only an application is pending.

Shri U. M. Trivedi: The matter is pending.

Shri Sinhasan Singh: The matter is not pending, only an application is pending to re-agitate the matter in the Supreme Court. The implication is that it is not a proceeding which can cover these proceedings.

But my doubt here is of a serious kind and I agree with Shri Prakash Vir Shastri and other friends because article 170 comes

in the way. Article 170 says clearly:—

“Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred”—

mark the words—

“and not less than sixty, members chosen by direct election from territorial constituencies in the State.”

So, to constitute an Assembly every member must be directly elected from a constituency in the State. To complete that number of 60 what we are doing is that we are adding eight members of the existing State Council under clause 16 of the Bill. Clause 16 of the Bill says:—

“The eight persons specified in Part A of the Seventh Schedule who are members of the Legislative Council chosen by the Local Authorities, Graduates' and Teachers' constituencies of the existing State of Punjab shall, on and from the appointed day, become members of the Legislative Assembly of the State of Haryana as if they were.”—

now mark it—

“members chosen by direct election to that Assembly from the territorial constituencies within that State.”

That means, by this provision in this Bill we want to confer on those members the status as if they have been elected by territorial constituencies in the State. Whether we can do it is a point for consideration. Can we in a way get rid of article 170 of the Constitution, which clearly says that a man must be elected directly by the people, by the voters, in the constituency? Here, though he is not elected, he will be deemed to have been elected. If in article 170 it was said “sixty members chosen by direct election or provided under any law framed by Parliament”, if those words were there, this law could have replaced that provision. But there is nothing like that in article 170; so, by any law we cannot confer upon a member the right to have been directly elected from a territorial constituency.

There are only 54 constituencies in the proposed Haryana State. So, we are extending that number of 54 to 62 by this legislation. How could these eight be constituencies unless a Delimitation Commission has so delimited them? The Delimitation Commission delimits constituencies. Unless the constituency is delimited, no member can be presumed to have been elected from that constituency. Without there being any delimitation and without there being any constituency, eight members are being assumed to have been elected as members from those constituencies which will mean that clause 16 of the Bill will be declared *ultra vires* by the Supreme Court or High Court if anybody sought to go to the court. So, why pass a law which tomorrow, after passing, can be challenged by any citizen in a law court and get it declared null and void?

We are going to have a marathon session of the House by sitting till nine o'clock, but all our efforts will be put to nought by anybody going to any court and getting it declared null and void. If we are sanguine and genuine about providing Haryana as a perfect State with 60 members, then before passing this law we can amend the Constitution and say that instead of 60, there will be 54, 52 or 50 members. Without taking to an indirect way of having this by a provision made in this law, we can directly change the Constitution.

The other point is this....

Mr. Deputy-Speaker: You have taken more than 10 minutes.

Shri Sinhasan Singh: Just a minute.

This Bill depends on the Constitution Amendment Bill which we have recently passed. This Bill could not have come unless we had amended the Constitution. So long as there is a Bill which is consequent or dependent upon another Bill which has been passed by the House, unless that is passed by the other House and assented to by the President, it cannot be discussed by the House. The Law Minister is not here. I think, the Home Minister cannot reply off-hand.

Shri D. D. Puri: May I make a brief submission?

Mr. Deputy-Speaker: No, no. The Home Minister.

Shri Nanda: I shall reply to the points raised here.

I assume that all the criticisms made, all the suggestions offered, all the comments and observations made, have been in a spirit of helpfulness and not with a view to delay this important piece of legislation. Although when a point of Constitution arises ultimately the Supreme Court has to decide it, yet it is good that, if there is any reasonable doubt on the ground of any kind of conflict with the provisions of the Constitution—it is very welcome—it should be urged and it should be taken into consideration. But if we feel that we are on good ground, on strong ground, then we have to proceed and we have to leave these matters to be settled, if any question arises, in due course. As long as we feel that we are on strong ground in the matter of any provision being consistent with the Constitution, we have to proceed. The views may differ....

Shri K. C. Sharma (Sardhana): How do you explain article 170 of the Constitution?

Shri Nanda: I am coming to various objections raised. If there is any legal nicety to be explained, my colleague may do that.

One thing was about the assent of the President. Now, the Constitution (Amendment) Bill providing for the transfer of territory was assented to by the President on the 27th August. That is number one. Secondly, about a Bill dependent on another Bill that was in the Rajya Sabha, it was passed, and the assent has been obtained. So, these two things go out.

श्री प्रकाशवीर शास्त्री : लोक सभा सेक्रेटरी ने एनाउन्स नहीं किया कि राष्ट्रपति ने स्वीकृति दे दी है ।

Shri Nanda: I am told, it is not necessary.

Now, I will take up the other points which have been raised. The first thing is about a writ, that there is a writ and there is a matter pending before the Supreme Court. Now, I shall submit that if Parliament's business has to be paralysed by anybody moving any kind of a writ any day, no business can proceed here in this House. I think, even a commonsense view would be that apart from going into the details of the legal provisions. But the advice given to me is that this fact that there is some kind of a writ petition does not come in the way and that it should not come in the way of this Bill being taken up.

Shri U. M. Trivedi: Kindly read Rule 352.

Shri Nanda: I am told it is for Resolutions. What has it to do with the Bill here?

Shri U. M. Trivedi: Rule 352 says:

"A member while speaking shall not—

(i) refer to any matter of fact on which a judicial decision is pending;"

How can you refer to any such matter?

Shri Nanda: Well, this is very far-fetched. There are special provisions relating to the Bills. Let something be pointed out in those provisions.

Another point was about the Legislature of Punjab still being in existence....

Shri Hari Vishnu Kamath: And Himachal Pradesh Assembly also.

Shri Nanda:..... and that therefore, it is obligatory to refer this for consultation.

Shri Hari Vishnu Kamath: For an opinion.

Shri Nanda: This matter was brought up earlier and an answer was given. The same answer stands now. The President's Proclamation says . . .

Shri Hari Vishnu Kamath: It is not dissolved.

Shri Nanda: . . . the operation of the following provisions of the Constitution in relation to that State are hereby suspended, namely, so much of the proviso to article 3 as relates to the Legislature of the State. Under article 356, the President has taken over all the functions of that Assembly. Therefore, you cannot say that the President has taken over the functions and still that Assembly must functions particularly

Shri U. M. Trivedi: That you are doing.

Shri Nanda: When the Council of Ministers is not there, how can it function that way? It has not got that apparatus. Whatever you call it, whether the word 'suspended animation' is proper or not, the fact is that today, in the present conditions, till this Bill is passed, that Assembly cannot function. These functions can be restored by the passage of this Bill. The President has assumed the powers and the functions of that Legislature. This is my answer.

Shri Alvares (Punjim): Why did you not adopt the Kerala pattern in dissolving this Assembly?

Shri Nanda: That is not relevant here.

Shri Hari Vishnu Kamath: Will the President's opinion be regarded as equivalent to the opinion of the Legislature under article 3 of the Constitution?

Shri Nanda: If the President's opinion as to the number of things which can be equal to laws can be accepted, then about this also it should be accepted. If regarding actual legislation, the President has the authority and the power, then to say that here he has not the power in this case is not correct.

Shri Hari Vishnu Kamath: You have not dealt with the point of Himachal Pradesh Assembly.

Shri U. M. Trivedi: By reading this, you will mean that the Bill may be referred by the President to himself.

Shri Nanda: That provision is not operative.

The next point is about direct elections . . .

Shri Hari Vishnu Kamath: What about the Himachal Pradesh Legislature?

Shri Nanda: Some territory is being transferred to Himachal Pradesh. That is all.

Shri Hari Vishnu Kamath: It is obligatory.

Shri Nanda: That is a Union Territory, not a State. Already we had to pass the amendment of the Constitution in order to do that.

15 hrs.

Now, I shall proceed to the other point. **Shri Prakash Vir Shastri** made a good point, good in the sense that it does raise a significant question. Well, that was before us also. The fact that the number of members of the Assembly who will be available in Haryana is going to be less than 60 was the problem. Do we create a State there or not? That was the problem. The number is 54 members. There are two ways. One is to constitute the State Assembly with 54 members. The other was: increase the number by drawing upon such of the members of the Council who were not elected by the members of the Assembly but who came from territorial constituencies in the sense that they have been elected. Now I see what the hon. Member says as a point. That was sought to be dealt with by reference to the same Article 4. It is there exactly for those purposes. When reorganisation occurs, it is not possible to meet every contingency, to meet every situation in terms of all the provisions. Something may have to be done and the position may have to be varied. In that, we may come in conflict with some other provisions and it was for that purpose, it says:

"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 the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Par-

[Shri Nanda]

liament and in the Legislature or Legislature of the State or States affected by such law) as Parliament may deem necessary.

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

This is meaningful. I hope the hon. Member will see the importance of this. It means that for the purpose of these consequential changes relating to representation, etc., certain things can be done which may conflict with some article of the Constitution.

Shri Hari Vishnu Kamath: Two-thirds majority.

Shri Nanda: And yet, that will be allowed for the purpose of this reorganisation. But that will not be deemed to be changing the Constitution itself. Now that is a consequential provision. Another fact is that the same procedure has been adopted in previous cases of reorganisation also and has not been questioned or challenged; therefore, it has stood the test of time.

There were two ways of dealing with it. We have discussed and we think that possibly the better way may be to avoid drawing upon members of the Council because it is not only a question of variation which will be necessary for the purpose of enlarging the Assembly to come within that minimum number, but it also brings in another question of changing the character of the representation. Although we were advised that it might do, still we have thought of making a change so that we remove that doubt altogether and it is possible to do so by bringing in this thing in another way; that is not by bringing in the members of the Council but by letting the figure 54 stand and Article 4(1) might be resorted to for the purpose of validating that particular provision. That is, the departure or variation will then be in terms of this Article and will be entirely free from any kind of flaw or objection.

Shri Tyagi: The question arises about the Council.....

Shri Nanda: I have dealt with 4 or 5 points.

Shri Tyagi: It is a Constitutional matter. In Schedule IV, you say that so many members shall belong to Haryana in the Council of States and so many will belong to the Punjab. Is it possible to compel a member to belong to a constituency which you suggest. The members belong to particular constituencies. You cannot change it without the consent of the constituency and the consent of the member concerned. How can you force a member to belong to a particular constituency? (*Interruptions*).

Shri D. D. Puri: We come to this when we come to Clause 16, Schedule IV. Are we going into the individual clauses at this stage?

Mr. Deputy-Speaker: Let the hon. Minister finish.

Shri Nanda: All these cannot be brought into discussion here for the purpose of moving this motion.

It may be that something else might have to be done, but in this case I am quite sure that this change has been made in the past and it has been made effective in this way. It is only a question of our having created two States. There has to be some way of allocating the representatives of the States to one State or the other. This has to be done in some way and there is a provision for that.....

Shri Tyagi: Without the consent of the members concerned?

Mr. Deputy-Speaker: He says that it has been done previously also.

Shri U. M. Trivedi: The point that the hon. Minister is making is this: Article 4 will cover up the irregularity.....

Mr. Deputy-Speaker: Order, order. He had his say already.

Shri U. M. Trivedi: The point is this. The power to nominate is vested under Article 333; the power of appointment by nomination is only limited to Anglo-Indians under Article 333. The power about election is in Article 170 and Article 170 requires that 60 members must be there. How to get over that?

Shri Nanda : As I said, there is considerable force in that from the point of view of constitutional propriety. Therefore, this will have to be met. Something will have to be done. I agree. We are doing something about that.

Mr. Deputy-Speaker : In this Bill ?

Shri Nanda : In this Bill. We are also bringing in an amendment. There are certain things which are remediable by an amendment which we can move here, but they cannot form the basic objection to the motion itself. At the appropriate time the point can be raised and it will be met.

Shri Hari Vishnu Kamath : The main point that was raised was that, according to the Constitution (Amendment) Bill which was passed by both the Houses of Parliament and was assented to by President—I am sure he will agree that the Constitution Amendment Bill preceded this; it was assented to by the President on the 27th August—Article 3 has been amended to include within the term 'State', Union Territory also. We are violating our own laws, the laws passed recently by us. The word 'State' includes Union Territory also. Therefore, this Bill should have been referred by the President to Himachal Pradesh also. The Constitution (Amendment) Bill was passed only last week. How can we disregard this ?

Shri Sinhasan Singh rose—

Mr. Deputy-Speaker : He may please sit down. He had his say already. Now the Minister has replied. He is an elderly member of the House; he must obey the Chair. He cannot keep on standing. He may please sit down.

श्री प्रकाशवीर शास्त्री : आप सुन तो लीजिए वह क्या प्वाइंट उठा रहे हैं। बिन-सुने आप कैसे कुछ कह सकते हैं।

Shri Sinhasan Singh rose—

Mr. Deputy-Speaker : I am sorry; he may resume his seat. We have already taken one hour and ten minutes.

Shri Nanda : About the State including Union Territory, the proviso does not include that.

Mr. Deputy-Speaker : Shri Prakash Vir Shastri has raised some points of order....

Shri Alvares : I have another point of order.....

Mr. Deputy-Speaker : Shri Alvares may please sit down.

Shri Prakash Vir Shastri has raised some points of order under rules 59, 66 and 352 of the Rules of Procedure.

Rule 59 relates to adjournment motions. So, that does not apply. Rule 66 refers to contingent Bills. The Home Minister has already said that that Bill has received the assent of the President.

Shri Bade : We do not have any ruling from you because it seems to be already decided.

Shri D. C. Sharma : The Home Minister has replied to all the points very ably and cogently, and, therefore, I think that to raise these points again is not fair.

Shri U. M. Trivedi : A Daniel nas come to judgment now!

Mr. Deputy-Speaker : Rule 352 (i) reads thus:

"A member while speaking shall not—

(i) refer to any matter of fact on which a judicial decision is pending";

The Home Minister has already replied to that points and said that that rule does not apply, and that does not come in the way of this Bill. That rule is regarding a Member only and it says that a Member while speaking shall not refer to any matter on which a judicial decision is pending.

Shri U. M. Trivedi : How can we refer to the provision then ?

Mr. Deputy-Speaker : The House has already been informed that it is only a petition for admission and not a case. Therefore, that rule also does not apply.

Shri U. M. Trivedi : It is a matter where a judicial decision is pending, and it refers to the same thing.

Mr. Deputy-Speaker: Shri Kamath had raised certain constitutional points. One is that it has not been referred to the Punjab Assembly. The Home Minister has replied that the Punjab Assembly is not existing now, and the President has taken over all the powers of the legislature.....

Shri Daji: Since the President has taken over all the powers it should have been referred to the President.

Mr. Deputy-Speaker: So, there is no point of order.

Shri U. M. Trivedi: It is not functioning, but the Assembly is there.

Mr. Deputy-Speaker: The next point is about Himachal Pradesh. In clause 2 of the Constitution (Eighteenth Amendment) Bill which we have passed recently, it has been provided:

"In article 3 of the Constitution, the following *Explanation* be inserted at the end, namely:—

Explanation 1.—In this article, in clauses (a) to (e), "State" includes a Union territory, but in the proviso, "State" does not include a Union territory."

That Bill has been passed. Hon. Members have already passed that Bill. So, that point of order also does not apply.

So, there is no point of order left now. The hon. Minister may move his motion.

Shri Hari Vishnu Kamath: What about article 170 of the Constitution relating to representation in the various States?

Shri Nanda: I have already replied to that point by quoting article 4 (1).

Mr. Deputy-Speaker: Government have already tabled an amendment regarding this and that would come up when the relevant clause is taken up.

Shri Hari Vishnu Kamath: But article 4 has not been complied with.

Mr. Deputy-Speaker: The amendment has been tabled and it will be made in this Bill itself. Article 4 has been complied with.

Shri Alvares: On a point of order.....

Mr. Deputy-Speaker: I am not allowing any more points of order now. The hon. Member may resume his seat.

Shri D. C. Sharma: You have already disposed of all the points of order. I want to know for how long the House will sit today.

Shri Alvares: I would not take more than a minute but I shall just make a reference briefly to my point of order.

Shri D. C. Sharma: One minute means one hour in their vocabulary.

Shri Alvares: I want to draw your attention to one thing. At page 13 of the Bill.....

Mr. Deputy-Speaker: He can discuss that point when the Bill is discussed.

Shri Alvares: I just want to draw your attention to one thing. Clause 26 at page 13 of the Bill proposes a constitutional amendment, and it reads thus:

"On and from the appointed day, in article 371 of the Constitution, in clause (1) the words "or Punjab" shall be omitted."

Is it permissible to make a constitutional amendment through a Bill of this nature?

Shri Nanda: Yes.

Shri Alvares: How is that possible?

Mr. Deputy-Speaker: He can discuss it when the clause comes up.

Shri Alvares: A constitutional amendment requires two-thirds majority.

Mr. Deputy-Speaker: The hon. Member can raise that point when the clause is taken up.

Shri Alvares: How is that possible?

श्री प्रकाशबीर शास्त्री : आर्टिकल 170

Shri Alvares: A constitutional amendment cannot be passed until it is passed by

a majority of the Membership of the House present and by a majority of not less than two-thirds of the Members present and voting.

श्री प्रकाशवीर शास्त्री : आप मनिये तो सही । कांस्टीट्यूशन में जब तक संशोधन न हो जाए तब तक यह कैसे हो सकता है ।

Shri Alvares : It cannot be made in this manner. We are not opposed to the Bill. We welcome the Punjabi Suba.

Mr. Deputy-Speaker : I may tell Shri Alvares and also Shri Prakash Vir Shastri that this House has never taken up on itself a decision on constitutional points. It is always the courts that interpret the Constitution. So, if the House wants it may throw out that particular clause.

Shri Alvares : A constitutional amendment has to be passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

श्री प्रकाशवीर शास्त्री : जल्दबाजी में आप इस बिल को पास करने जा रहे हैं । यह पार्लियामेंट की प्रतिष्ठा के सर्वथा विपरीत होगा । यह कोर्ट में जाए और वहां जा कर अवैध घोषित हो जाय यह आप एक बड़ी गलत परम्परा इस पार्लियामेंट में प्रारम्भ करने जा रहे हैं । यह हमारा दुर्भाग्य है कि आप वहां पर बैठे हैं और किसी बात को सुन ही नहीं रहे हैं ।

Mr. Deputy-Speaker : I have already heard Shri Prakash Vir Shastri and given my ruling. Let him please sit down. Now, let us proceed with the Bill.

श्री बड़े : प्वाइंट ऑफ़ आर्डर रोज़ कर रहे हैं

Mr. Deputy-Speaker : That is all over now. Let Shri Bade please sit down. We have already taken about an hour and a quarter over this. Now, we should proceed with the Bill.

Shri Alvares : How can we do something unconstitutional ?

Shri Bade : Your argument or observation that there are no points of order any more does not hold any water. On what ground do you say so ?

Mr. Deputy-Speaker : I have already given my ruling. Now, Shri Nanda.

Shri Nanda : I beg to move*:

"That the Bill to provide for the reorganisation of the existing State of Punjab and for matters connected therewith be taken into consideration."

श्री प्रकाशवीर शास्त्री : आपने गलत निर्णय लिया है । आपके निर्णय के विरोध स्वरूप में सदन का त्याग करता हूँ ।

(*Shri Prakash Vir Shastri left the House*)

15.16 hrs.

(*Shrimati Renu Chakravartty in the Chair*)

Shri Nanda : This is going to be a very voluminous piece of legislation, if we judge it by the number of clauses and also the size of the Bill. But the basic provisions and principles of the Bill are simple and they can be stated briefly. I would like to be brief otherwise also because we are very keen to secure the expeditious passage of this Bill so that there need not come in its way any kind of delay which might be caused by needless prolongation of the discussion on this Bill.

The most outstanding event which this Bill inaugurates is the formation of new States, namely those of Haryana and Punjab, and the transfer of a certain area of the existing Punjab State which goes to enlarge the existing Union Territory of Himachal Pradesh. There is also the creation of the Union Territory of Chandigarh. The formation of these new States and Union Territories is to happen on and from the appointed day. That is what the various clauses in Part III say.

*Moved with the recommendation of the President.

[Shri Nanda]

Clause 3 says:

"On and from the appointed day, there shall be formed a new State to be known as the State of Haryana....".

Therefore, that appointed day becomes a very significant point of time. We have to refer to Part I to see what the appointed day is. In clause 2, we have defined appointed day as follows:

" 'appointed day' means the last day of November, 1966,".

The clauses in Part I, namely clauses 3 to 7 provide for the distribution of the area; that is to say, the territorial distribution or the territorial content of the various units has been stated in these clauses. This House is quite familiar with the background and with the circumstances and the events which have led to this great event. I shall not go into the details of that, but I shall just refer to the fact that the Parliamentary Committee had recommended a basis on which the reorganisation had to take place and the recommendation was that for the purpose of any adjustments of boundaries etc. we might appoint a committee or a commission. We did appoint that commission, and that commission reported on the 3rd May, 1966. This was laid on the Table. The recommendations of the Commission were unanimous except regarding the Kharar tehsil. We decided to accept all the unanimous recommendations of the Commission and they have been embodied in this Bill. As regards this one matter where there was dissent—there was a majority report and a minority report—the Commission itself could not come to a unanimous conclusion regarding that. Therefore, it became incumbent on us to apply our mind and give fresh thought to the subject and come to some conclusion which was in the best interest of all. We decided that Chandigarh, the capital of the State, which is not included at present in either of the regions, the Hindi region or the Punjabi region, should be kept as a separate entity, and the rest of the Kharar tehsil should be divided between the State of Punjab and the State of Haryana along the present regional boundary.

So far as Chandigarh is concerned, it had been conceived, planned and designed for the purpose of serving the entire area, the Hindi region and the Punjabi region, and hence it is so situated that now when the need is there, it can serve effectively as the capital of both the States of Haryana and Punjab as they are being created now.

So far as the future of Chandigarh is concerned, there was a plan for it, a plan for development; it has been developed upto a point. One phase of it has been completed, the first phase, and the city is now entering the second phase of development. The minimum area required for its future development is included within the proposed Union Territory of Chandigarh. The Union Territory will cover an area of 44 sq. miles and will have a population of 1.20 lakhs.

There is one question pertaining to this territorial distribution which I should bring out here before I proceed to the next part. This is about the Naya Nangal Notified Area, in the light of the detailed examination of the recommendations made by the Punjab Boundary Commission. We noticed that while dealing with the Una tehsil, the Commission had gone by development blocks with the result that the Naya Nangal Notified area which lies between Una and Anandpur Saheb block was not specifically covered by their recommendations. The Commission had no doubt indicated that the industrial complex in this area should remain in Punjab, which meant that the Naya Nangal Notified area should go to Punjab. However, we sought a clarification from the Commission, from the Chairman, in the first instance, who after consulting his other colleagues who served as members of the Commission, was good enough to confirm that their intention was that the Naya Nangal Notified area should remain in Punjab. This has been acted upon.

By and large, the boundaries of the new States of Punjab and Haryana make no change in the existing regional boundary and the areas to be transferred to Himachal Pradesh mostly come from the hill areas of the Hindi region.

I would now come to the next part, the question of representation in the legislatures. I would like to refer to the Lok Sabha first because Members would like to have precedence in this matter also.

Shri D. C. Sharma: You are a very good man.

Shri Nanda: According to cl. 12.:

"Nothing in Part II shall be deemed to affect the constitution or duration of the existing House of the People or the extent of the constituency of any sitting member of that House."

That keeps intact the provisions and arrangements regarding the Members of the Lok Sabha drawn from that area. There is a further clause which settles the future of the representation in the Lok Sabha from this area; it is Cl. 23.

"In the House of the People to be constituted after the commencement of this Act"—

that is, in the next elections—

there shall be allotted,—

- (a) nine seats to the State of Haryana....
- (b) thirteen seats to the State of Punjab....
- (c) six seats to the Union territory of Himachal Pradesh....
- (d) one seat to the Union territory of Chandigarh...."

Regarding the Council of States, the arrangements set out in clauses 9—11 cover the arrangements in connection with the Rajya Sabha. The net effect is that provision has been made in regard to representation in the Rajya Sabha for 5 seats for Haryana, 7 seats for Punjab and the number of seats allotted to Himachal Pradesh is to be increased by one. The 11 sitting Members representing the existing State of Punjab will fill these seats as indicated in the Fourth Schedule, and provision has also been made for filling two vacancies

which will arise from the appointed day. That is, vacancies can be filled later. This is about the Rajya Sabha.

Shri Tyagi: It has been mentioned in that Schedule that the Chairman of the Council of States will draw a lot in respect of one member to decide which area he represents. Government cannot say which State he represents, which State he belongs to. This is to be decided by drawing a lot. Is that the way he wants this Parliament to act? Whoever comes as a result of the lot will represent one of the States allotted to that State? Why should we not say that the terms of these members of the Rajya Sabha will expire on a fixed date and then all these three States respectively will elect their representatives afresh?

Mr. Chairman: Does he not think that he had better put these brilliant ideas when the particular clause comes up for consideration?

Shri Nanda: As regards the Legislative Assemblies, the clauses are 13—17. Of the existing 154 members of the State Legislative Assembly, 54 will be members of the Haryana Assembly; 13 will become members of the Himachal Pradesh Legislative Assembly. The remaining 87 will constitute the Assembly of the new State of Punjab. In view of the provisions of art. 170 which have been mentioned here repeatedly, the Legislative Assembly should consist of not less than 60 members chosen from territorial constituencies. Now, in the provisions of the Bill which we have already discussed, the intention is to choose 8 members of the Legislative Council who come from territorial constituencies; they will cease to be members of the Council and become members of the Haryana Legislative Assembly. We have discussed this, and I believe myself that that the better course would be not to have recourse to this device but to rely simply on the help which we get from art. 4 of the Constitution in respect of any consequential arrangements which may be necessary for representation in legislatures, and proceed on that basis.

Shri K. C. Sharma: Of the 54 members in the Haryana Assembly, some of the areas they represent may be in the Punjab.

Shri Nanda: No, it is Haryana

Shri K. C. Sharma: No part has gone to Punjab? The constituencies must be changed.

Shri D. C. Sharma: He does not know the geography of Punjab. What can be done?

Shri Nanda: The Legislative Council proposed for the Punjab State reconstituted will be with a strength of 40 members.

Shri D. C. Sharma: Then, you will leave it in the air. This 54 will be there and so far as the 8 are concerned.

Shri Nanda: Their destiny will be settled in due course now. Later on, we will come to that also. This is Part III.

I come to Part IV now. Part IV is the High Court. Here, this Bill provides for a common High Court for Punjab and Haryana and the Union territory of Chandigarh, with its seat at Chandigarh. As I said earlier, Chandigarh would be the joint capital of both the States, and the constitution of a common High Court for the States of Haryana and Punjab has been very much welcomed in the circles which are affected by these matters. At present this High Court serves the whole area, and therefore if it becomes a common High Court for the two States, it will cause the least dislocation in the functioning of this legal business so far as this area is concerned. Therefore, several provisions have been made here, detailed provisions, regarding how this common High Court will function. They are modelled on previous reorganisation laws.

Part V deals with authorisation of expenditure and distribution of revenues. This is in order to enable the business of the two Governments to be carried on pending the new States having their own sanctions for new provisions. This arrangement has been made provisionally for the purpose of carrying the administration.

Part VI is very important. This is about the apportionment of assets and liabilities. This contains many provisions, lengthy and detailed, and it may appear to be complicated, but this is not something new,

there is no innovation here. There has been reorganisation of States before, and it is on these lines that arrangements for the apportionment of assets and liabilities has been made, and therefore, it is on a sound footing. Some of the provisions and details have been explained in the notes. Therefore, I do not want to take the time of the House particularly because we have to see it through if possible in the course of the day. I hope it can be done.

There are in Part VII provisions relating to certain corporations. This relates to certain corporate bodies. Clause 67 provides for the existing State Electricity and the State Warehousing Corporation. They are being continued as inter-State bodies. Also, this clause contains necessary provisions, this and the other clauses, for the dissolution of these bodies within one year of reorganisation. This allows time for carrying on the activity during this period and then reorganisation can take place. The intention is that the new States would set up their own Electricity Boards and Warehousing Corporations within this period.

Clause 69 deals with the State Financial Corporation. At present this Corporation is serving not only the existing State of Punjab but also the Union Territories of Himachal Pradesh and Delhi. We have, therefore, provided that it should continue to serve these areas, but if at any time it becomes necessary to reconstitute or reorganise or dissolve this body, there is necessary provisions for doing so.

Clause 70 contains a provision similar to the one included in the Bombay Reorganisation Act, 1960. This is to enable the State Government to draw up in advance of the date of reorganisation, schemes for reorganising certain co-operative societies so that they could be put into effect from the date of reorganisation. This advance action has been provided for in this clause.

Then, the remaining clauses contain certain ancillary provisions. For example, co-operative banks could be started without prior licences from the Reserve Bank. Later on, after three months or so, they can obtain the licence.

Part VIII is about Bhakra-Nangal and Beas projects. This is, I believe, common ground, and the Boundary Commission also made recommendations in the same sense, that these very important projects have benefits for more than one year, and everybody is convinced that their co-ordinated operation is going to be for the benefit of everybody. Therefore, there is agreement that the arrangements as embodied in part VIII will serve the purpose to the best interests of everybody concerned. At present in accordance with the agreement between Punjab and Rajasthan, the benefits of the Bhakra system are being shared by the two States roughly in the ratio of 85:15. With the reorganisation of the existing State of Punjab, Rajasthan's interest in the project will remain unaffected, but the interest of areas which will cease to be part of Punjab and the new State of Punjab will have to be suitably defined. Out of the total cultivable commanded area of 58.61 lakhs acres served by the Bhakra system, about 37.7 per cent would lie in the new State of Punjab, 46.7 per cent in Haryana and the rest in Rajasthan. The irrigation system from the three main rivers, namely the Ravi, the Beas and the Sutlej, are inter-linked, requiring their integrated and co-ordinated operation for the optimum utilisation of the waters by the three States of Punjab, Haryana and Rajasthan. At present, the operation of the project is done by the Government of Punjab, except that on the power side the Punjab Electricity Board takes the place of the State Government. As a result of reorganisation, both Punjab and Haryana will have substantial interest in this project, but its main components will lie either in Himachal Pradesh or in Punjab. We have, therefore, provided that the rights and liabilities of the existing State of Punjab in this projects shall be apportioned amongst the successor States in such manner as may be agreed to between the, but if no agreement is reached within two years, the Central Government will determine their relative rights and liabilities by an order. For the administration, maintenance and operation of the main components of the projects as also certain other connected irrigation-works, provision has been made for a Management Board in Clause 79. The Board will have representatives of all the beneficiary States, including Rajasthan.

There will also be some representatives of the Central Government, and the Chairman will be appointed by the Central Government. The main function of the Board will be to regulate the supply of water and of power in accordance with the subsisting agreements between Punjab and Rajasthan and the agreement that may be reached between the successor States

Beas project is another big venture in this area. The complex and inter-dependent system of irrigation and power in this region would be further complicated with the completion of this project which is now under construction. Both the units of this project, namely the Beas-Sutlej Link project and the Pong Dam project, lie in the territory of Himachal Pradesh. Like Bhakra project, this project is also a joint venture of the Punjab and Rajasthan Governments, and after reorganisation, Haryana and Himachal Pradesh will also have some interest in this project. It has, therefore, been provided that the rights and liabilities in respect of this project should also be shared amongst the successor States by agreement, and failing that, by an order of the Central Government. For the construction of the project a Board similar to the Bhakra Management Board is contemplated. The composition of this Board will be determined later, but it is intended that all the beneficiary States should have representatives on this Board. The construction will be undertaken by the central Government on behalf of the successor States and the State of Rajasthan, and when the major components of this project are completed, it is intended that their administration, maintenance and operation should be transferred to the Bhakra Management Board.

The entire scheme has been conceived in the interest of the areas which have to derive the maximum benefit from one of nature's greatest gift in the form of life-giving waters of the three major rivers in this region. I have made this statement in order to make it clear as to how this very important project the Bhakra-Nangal and the Beas project are going to be administered because they are of vital interest to these States and Rajasthan. There are provisions relating to services which are on the normal lines and follow the provisions of previous reorganisation laws.

[Shri Nanda]

This covers the various clauses of the Bill. There are certain schedules which bring out certain details. In conclusion, I have only to make an appeal that we might have certain views. Our ideas would naturally have to be put forward. We may not agree with some of the provisions. There may be other views which they have put forward in the form of amendments. These views may be expressed. But there are two things. One is that we should make every effort to see this through as early as possible. Secondly, in the course of the discussion every attempt should be made to keep a harmonious atmosphere. Let not any divergent views become a source of disharmony. That is important also for the purpose of co-ordination and working in a spirit of concord of the two states which are going to be neighbours.

Mr. Chairman: Motion moved:

"That the Bill to provide for the reorganisation of the existing State of Punjab and for matters connected therewith, be taken into consideration."

Shri Kapur Singh: Madam Chairman, I have gone through this draft Bill most carefully and I have heard the hon. Home Minister with the diligence and respect which his speeches and utterances always deserve.

Madam Chairman, as it is, I have no option but to oppose this Bill. Like the curate's egg, though it might be good in parts, it is a rotten egg. It might be edible, but only as a measure of courtesy, but it is devoid of nutritional qualities and since its putrefaction is far gone, it is really unfit for human consumption.

Shri Tyagi: It depends upon the power of digestion.

Shri Kapur Singh: I am convinced that it is deleterious for the Sikhs however strong their stomachs might be supposed to be, as Mr. Tyagi hinted. I oppose this Bill, on behalf of my constituents and I reject it on behalf of my parent party, Shiromani Akali Dal. I do so for three reasons, firstly, it is conceived in sin; secondly it has been delivered by an incompetent and untrained midwife and thirdly, it is opposed to the

best interests of the nation as it will almost certainly lead to a weakening of national integration and loss of faith in the integrity of those who exercise political power in the country.

Shri Tyagi: It is not an illicit child.

Shri Kapur Singh: It is not an illicit child but it is conceived in sin. It may have the vigour of the hybrid offspring but unfortunately it is an offspring of a miscegenous union, and therefore, I oppose it. I say, it is conceived in sin, because it constitutes the latest act of betrayal of solemn promises—series of solemn promises—given to the Sikh people by the accredited leaders of the majority community, by the revered leaders of the Congress national movement, and by the unchallenged spokesmen of the ruling party.

It will do this House good—it will do the public a lot of good—it will do the people of India, a great deal of good—and it will do the international community a world of good. To listen to a brief narration of this story of betrayal of a people, who, though small in numbers, have not been adjudged as of no consequence in terms of dynamism of History, a people, though modern and forward looking, are staunch guardians of the basic insights into Reality of the ancient Hindu race, and a people who though they may be matched in qualities of courage, self-sacrifice and patriotism, have not been surpassed by any community in India or a group of people outside.

Here is the brief story of a callous betrayal of such a people—the Sikhs of India—by those whose flesh of flesh and bones of bones the Sikhs are and whose ancestors—common ancestors of the betrayed and the betrayers both—had upheld the highest and the noblest notions and standards of ethical conduct in respect of the subject of keeping faith with fellowmen and redeeming promises solemnly made.

I quote from *Mahabharat Adiparvam*, sub-chapter 74 and verse 25:

Yo anayatha santamatmanam anayatho pratipadayete, kinteh na kritam papam caurainatmapaharina

यो अग्र्यथा सन्तान्मनम् अग्र्यथा प्रतिपाद्यते,
किन्तन् ना कृतम् पापम् चौरैणात्मापहरिन् ।

It means,

"He who has one thing in mind but represents another thing to others, what sin he is not capable of committing? For, he is a thief and robber of his own self."

I ask the "hon. members to take their minds back to the year 1929, when the All India National Congress met, at the banks of the river Ravi—Airavati of our ancestors—fixed complete Independence as its political goal. On that bitterly cold night of destiny, I was present as one of the student volunteers in the service of the Nation. On the previous day, the Sikhs had taken out a five hundred thousand strong procession with veteran Baba Kharak Singh leading it on elephant back, from under the walls of the ancient fort at Lahore, which was described in *The Times* of London, as

"a most impressive spectacle of human congregation that put the Congress show into shame and shade."

It was on this occasion that Mahatma Gandhi, Pandit Moti Lal Nehru, and Pandit Jawaharlal Nehru went to meet Baba Kharak Singh, at his place on the Chauburji Road, and gave the Sikhs a solemn assurance that after India achieves political freedom, no Constitution shall be framed by the majority community unless it is freely acceptable to the Sikhs. This promise was then reduced into a formal policy Resolution of the All India Congress Committee.

Afterwards, this Policy Resolution was repeatedly reiterated, officially and demi-officially, throughout the period upto August, 1947, and it was not officially repudiated till 1950 when the present Constitution was framed. The trusting Sikhs, who in their daily prayer, extoll keeping faith as the noblest of human virtues, placing complete reliance in this solemn undertaking given to them by the majority community, resisted and refused all offers and proposals made to them by the British and the other people—the Muslims whom we now prefer to call the Muslim Leaguls—proposing to accord the Sikhs a sovereign or autonomous

status in the areas constituting their ancestral homeland between the river Ghaggar and the river Chenab. This is the first link of the history which I am going to narrate here so as to provide background to the conclusion as to why the Bill should be rejected. The second link is that in the year 1932, at the time of the Second Round Table Conference, the British Government, through Sardar Bahadur Shivdev Singh, then a member of the Indian Secretary of States Council, made an informal proposal to the Sikhs that if they disassociate finally with the Congress movement, they would be given a decisive political weightage in the Punjab, such as would lead to their emerging as a third independent element in India after the British transfer power to the inhabitants of this sub-continent.

The much maligned, the naive, Master Tara Singh, to my personal knowledge, promptly rejected this tempting offer, I was then a student at the University of Cambridge and was closely associated with these developments.

The third link is this in the month of July, 1946, the All India Congress Working Committee met at Calcutta, which reaffirmed the assurances already given to the Sikhs, and in his Press Conference held on the 6th July, there, Pandit Jawaharlal Nehru spelt out the concrete content of these solemn undertakings in the following flowery words:

"The brave Sikhs of the Punjab are entitled to special consideration. I see nothing wrong in an area and a set-up in the North wherein the Sikhs can also experience the glow of freedom."

In these words, an autonomous State to the Sikhs within India, was promised.

Fourthly, in the early winter of 1946, the Cabinet Mission while at Delhi communicated to the Sikhs through the late Sardar Baldev Singh that if the Sikhs are determined not to part company with Hindu India, the British Parliament in their solicitude for the Sikh people, was prepared to so frame the Independence Act of India, so that in respect of the Sikh homeland, wherever these areas might eventually go, in Pakistan or India, no Constitution shall be framed such as does not have the concur-

[Shri Kapur Singh]

rence of the Sikhs. But Sardar Baldev Singh, in consultation with the Congress leaders, summarily rejected this offer which went even beyond the assurances given by the majority community, in 1929 by Pandit Jawaharlal Nehru in Calcutta.

Fifthly, in April, 1947, Mr. Jinnah, in consultation with certain most powerful leaders of the British Cabinet in London, offered to the Sikhs, first through Master Tara Singh and then through the Maharaja of Patiala, a sovereign Sikh State, comprising areas lying to the west of Panipat and east of the left bank of the Ravi river, on the understanding that this State then confederates with Pakistan on very advantageous terms to the Sikhs. Master Tara Singh summarily rejected this attractive offer and the Maharaja of Patiala declined to accept it in consultation with Sardar Patel and Pandit Jawaharlal Nehru.

Sixthly, on the 9th December, 1946, when the first meeting of the Constituent Assembly was held under the Chairmanship of Babu Rajendra Prasad, Pandit Jawaharlal Nehru moved the first and the fundamental resolution in which it was said:

"Adequate safeguards would be provided for minorities. . . . It was a declaration, a pledge and an undertaking before the world, a contract with millions of Indians, and, therefore, in the nature of an oath which we must keep."

What happens in case of political perjury is not a point which I propose to discuss today, for, when neither the feelings of shame, the reproaches of conscience, nor the dread of punishment from any bar is there, the sufferers can only pray to God, which the Sikhs are doing today. But since it is the perquisite of power to invent its own past, I am putting the record straight for the public opinion and the posterity by recapitulating this sorry tale of betrayal of the Sikhs, a trusting people.

Seventhly, in the month of May, 1947, precisely, on the 17th May, Lord Mountbatten, Pandit Jawaharlal Nehru, Nawab Liaquat Ali Khan and Sardar Baldev Singh, flew to London on the invitation of the British Cabinet, in search of a final solution of the Indian communal problem. When the Congress and the Muslim League

failed to strike any mutual understanding and Pandit Jawaharlal Nehru decided to return to India, the British Cabinet leaders conveyed to Sardar Baldev Singh that if he stayed behind, arrangements might be made "so as to enable the Sikhs to have political feet of their own on which they may walk into the current of World History."

Sardar Baldev Singh promptly divulged the contents of this offer to Pandit Jawaharlal Nehru and in compliance with the latter's wishes, declined to stay back and flew back to India after giving the following brave message to the press:

"The Sikhs have no demands to make on the British except the demand that they should quit India. Whatever political rights and aspirations the Sikhs have, they shall have them satisfied through the goodwill of the Congress and the majority community."

Eighthly, and lastly, in the month of July, 1947, the Hindu and Sikh members of the Punjab Legislative Assembly met at Delhi to pass a unanimous resolution favouring partition of the country, in which resolution occur the following words:

"In the divided Indian Punjab, special constitutional measures are imperative to meet just aspirations and rights of the Sikhs."

It is these very Hindus of the Punjab, who, with the ready aid of the Government of India leaders, even when their understanding was not qualified to keep pace with the wishes of their heart, adopted every conceivable posture and shrank from no stratagem to keep Sikhs permanently under their political heel, first, by refusing to form a Punjabi-speaking State in which the Sikhs might acquire political effectiveness, and second, by falsely declaring that Punjabi was not their mother tongue.

The Bill before the House is a calculatedly forged link in the chain, the sordid story of which I have just now narrated. When in 1950, the present Constitution Act of India was enacted, the accredited representatives of the Sikhs—the Shiromani Akali Dal—declared vehemently and unambiguously in the Constituent Assembly that "the Sikhs do

not accept this Constitution Act; the Sikhs reject this Constitution Act." Our spokesmen declined to append their signatures to the Constitution Act as a token of this clear and irrevocable rejection.

I will, for want of time, skip over the story of the Sikhs, sufferings during the last 18 years in an Independent India under the political control of political and anglicised Hindus, and will merely refer to the reply which Pandit Jawaharlal Nehru gave to Master Tara Singh in 1954, when the latter reminded him of the solemn undertaking previously given to the Sikhs on behalf of the majority community. Pandit Jawaharlal Nehru coolly replied, "The circumstances have now changed." If there is one thing that the Sikhs know too well, it is that now the circumstances have changed.

Let us now briefly examine the immediate ancestry of the present Bill. It was on 21st March, 1966 that the Minister of Home Affairs set up a Commission presided over by a Supreme Court judge, requiring the Commission, firstly, to examine existing boundaries of Hindi and Punjabi regions of Punjab to set up Punjab and Haryana States; secondly, by applying linguistic principles as they have resulted in the 1961 census figures; and thirdly, to determine boundaries that do not involve breaking up of tehsils. All these three guide-lines given to the Commission by the Government of India are, when they are properly examined by people who understand the realities of politics, heavily loaded against the Punjab State, and have the effect of reducing Sikhs to even more political ineffectiveness than at present. Nor has the Shah Commission failed to take full advantage of the instruments of discrimination thus placed in their hands by the Government of India. They have, firstly, arbitrarily truncated and reduced, as much as they could, the existing Punjabi region, and secondly, applied all principles of demarcation with a left-handed justice—made use of a principle where it could harm the Punjab and not used it where it could harm the resultant territorial interests of Haryana or Himachal Pradesh. For instance, Dalhousie has been taken out of Punjab and given to Himachal because it is hilly, while Morni which is of a higher altitude than Dalhousie has been taken away to be bestowed on Haryana, because its residents are Hindus, which is the same

thing as saying that they are Hindi-speaking.

Thus, this story goes on and every conceivable stratagem has been adopted, through truncating its areas, through divesting it of its utility undertakings in public sector, and through neutralising its limbs of governmental apparatus and by robbing it of its capital city, and by forging the so-called common links to reduce the Punjab State into a glorified Zila Parishad, and to achieve these sordid and unedifying objectives, the judiciary has been made use of.

Madam Chairman, permit me to say that if there is one political crime greater than any other, the ruling party has committed during the post-Independence era, it is frequent employment of judiciary for quasi-political purposes, and the result is that the Working Committee of the Shiromani Akali Dal has passed a resolution on the 20th July, 1966 which reads:

"After having carefully viewed the findings, the reports and judgments of judicial and quasi-judicial Tribunals and Forums that have dealt with matters and cases involving important Sikh interests,

Comes to the conclusion, that the entire judicial machinery and the judicial process of the independent India, under influences of a certain section of political Hindus, is prejudiced and has been perverted against the Sikh people in India in relation to their just and legal rights."

Madam Chairman, here, it might be honestly asked, and I am sure there must be many honest Members in this House, who might ask the question as to what is this tiresome talk, this man is talking about—the Sikhs' interests in a secular democratic India; where is the question of the Sikhs being discriminated against? There are no Sikhs or Hindus in a democratic secular set-up, and the Constitution has already established it in this country. To this, I can give a very simple reply. Constitutional provisions are not the same thing as day-to-day political realities. As for the democracy, its form is one thing and its substance is quite another thing. Those who equate them are treacherous.

[Shri Kapur Singh]

without art and hypocrites without deceiving. The Mundukopanishad, our ancient scripture, tells us that *Samsara* is the manifestation of four modifications of self, the *atma*, and is called as *chaturpad*. Likewise, a modern State, that is, the Government, has four estates: the Parliament, the executive, the judiciary and the press. The concrete realities of these four alone can furnish an acid test as to whether the Sikh problem in India is a real problem or not.

To the executive and the judiciary, reference has already been made by me. I now propose to make a reference to Parliament, this august House, which is deserving of our highest respect, and its dignity is the dignity of the people of India and hence inviolable. Nevertheless, the Sikhs are aware that, under the existing constitutional arrangements, they cannot send more than a couple of their own representatives to the Parliament and even they may not always be heard freely. How many times has it happened in this House, in the recent past, that particular Members of the minority communities have been made aware, in no uncertain manner, that they must not—must never—say this thing or that, or else a hearing might be denied them, disciplinary wrath of the House has fallen on individuals, without hearing them and without letting them subsequently submit that their punishment was not in order?

16 hrs.

And, lastly the Press. We have a free Press here and a lively and impartial press—on the whole. But, what is it like when it comes to dealing with Sikhs, that is, politically vocal Sikhs or questions largely concerning the Sikhs? In the days of his clash with Beaverbrook, Baldwin said of the Press:

“Power without responsibility, the privileges of harlots throughout the ages.”

And, I say no more. I have said enough to explain the background of the Resolution No. 2 of the Working Committee of the Shiromani Akali Dal passed on the 20th July, 1966, wherein occur the following passages in relation to the scope of

this Bill:

“Sikhs resolve and proclaim, their determination to resist, through all legitimate means, all such attempts to devalue and liquidate the Sikh people in a free India, and consequently,

Demand that the following steps should be taken forthwith by the rulers of India to assure and enable the Sikhs to live as respectable and equal citizens of the Union of India, namely,

First the Sikh areas deliberately and intentionally cut off and not included in the new Punjab to be set up, namely, the areas of Gurdaspur District including Dalhousie, Ambala, District including Chandigarh, Pinjore, Kalka and Ambala Saddar, the entire Una Tehsil of Hoshiarpur District, the areas of Nalagarh, called Desh, the Tehsil of Sirsa, the sub-Tehsils of Tohana and Guhla and Rattia Block, District Hissar, Shahbad block of District Karnal and the contiguous portions of the Ganganagar District of Rajasthan must now be immediately included in the new proposed Punjab so as to bring all contiguous Sikh areas into an administrative unit, to be Sikh Homeland, within the Union of India.

Second, such a new Punjab should be granted an autonomous constitutional status on the analogy of the status of Jammu and Kashmir as was envisaged in the Constitution Act of India in the year 1950.

I am coming to a close. Madam, on behalf of the Sikh people represented by the Shiromani Akali Dal, I reject the entire schemata of this Bill, and oppose it. I call upon the Government to take necessary legislative measures to solve the problem of the Punjab in the light of the resolution of the Shiromani Akali Dal, just referred to.

Mr. Chairman: Shri D. D. Puri.

Shri Hem Barua (Gauhati): There is an item of business on the Order Paper saying:

“Further consideration of the following motion moved by Shri Jagdev Singh Siddhanti on the 26th August, 1965.... etc.

There is a footnote saying "to be taken up at 4 p.m. or as soon as the preceding items of business are disposed of". What has happened to that?

Mr. Chairman: I understand that this discussion and the half-hour discussions have been postponed.

Shri D. D. Puri: It was decided that the House will sit till 9 o'clock today to discuss this Bill. I do not think there was any decision about the half-hour discussions. Probably they will come up tomorrow.

Mr. Chairman: Let us be clear. The House has decided that the discussion on this Bill shall continue till 9 o'clock and we shall try to conclude it. If it is not concluded, then it will have to be taken up tomorrow.

So far as this discussion on Shri Giddhan-ti's motion and the half-hour discussions are concerned, postponement means postponement till tomorrow. These will have to be put down on the Order Paper for tomorrow.

Shri D. D. Puri: Sir, I have listened very patiently to the speaker who just preceded me. He has treated the House to an eloquent peroration of unadulterated communalism.

Shri Kapur Singh: Now let us have adulterated communalism from the hon. member.

Shri D. D. Puri: He has given a long history starting from *Mahabharata* coming on to 1929, he has mentioned a great deal of political bargaining in the meantime and culminating in a demand for secession from India.

Shri Ranga (Chittoor): No

Shri D. D. Puri: Let us keep the record clear. Those of us who live in Punjab know exactly what the politics of Master Tara Singh is. He says he does not want to secede from India just now, but their right to secede should be recognised right now.

Shri D. C. Sharma: May I know if that is the policy of the Swatantra Party also?

Shri D. D. Puri: Let us keep the record clear. I would like to repeat for the benefit of the Leader of the Opposition that the policy of Master Tara Singh is, even though he does not want to secede right now, he wants to reserve the unquestioned right of the Sikhs to secede out of India.

Shri Ranga: He has not stated it.

Shri D. D. Puri: It has been stated times without number and I call upon other members of his party to contradict me.

Shri Buta Singh (Moga): I say here that he has not said it.

Shri Ranga: Shri Kapur Singh has not said it.

Shri D. D. Puri: This is what he said. He wants not a Punjabi State, but a Sikh Homeland. I do maintain with all the emphasis at my command that adequate safeguards for minorities do not include the right to secede outside this country. Let this be clear. Otherwise, there is a lot of misunderstanding.

Shri Hem Barua: Why should he have this apprehension?

Shri D. D. Puri: We live in Punjab and listen to Master Tara Singh every day. We know also that a certain part of the Shiromani Akali Dal is closely associated with Master Tara Singh and stands for this view. (*Interruption*).

My hon. friend has only made an incidental mention of the Bill. He talked about *Mahabharata*, this that and the other and while passing, he made mention of the Bill. He was really delivering a lecture on the right of the Sikhs to secede from the country.

I shall during the short time at my disposal divide my respectful submissions into three categories. Firstly, I shall briefly mention about the boundaries of Haryana. Secondly, I shall make some brief observations in regard to the general scheme of the Bill. Thirdly, I shall briefly allude to some of the more important clauses of the Bill.

We have set for ourselves the task of reorganising Punjab with linguistic homogeneity as our sole objective. The result

[Shri D. D. Puri]

of the exercise is—I am quite confident about my figures that more than a million and a half Hindi-speaking people are left out of Haryana and had been mostly included in the Punjabi Suba. I would not take the time of the House, but I am prepared to give details pocket by pocket, area by area, totalling up to more than 1½ million Hindi-speaking people who are not in Haryana and who are in the Punjabi Suba. Correspondingly, there are hardly any Punjabi-speaking people in the proposed State of Haryana. I would like the Home Minister, when he winds up the debate, to give the corresponding figures, figures as have been worked out by the Commission, as to what is the number of Hindi-speaking people that has been included in the proposed Suba and what is the number of Punjabi-speaking people that is going to be included in Haryana. That is the crux of the matter. What we have got out of this Bill is a truncated Haryana. It is a decapitated Haryana, whose head has been chopped off, not by the Commission but by the Government of India—I shall come to that a little later.

I will make a very brief mention of two or three areas and I shall state only those facts which have been gone into and accepted by the Commission, and I shall not bring in any new facts about which there is any dispute. I shall start with the Fazilka Tehsil. The Commission accepts that the population of Fazilka Tehsil is more than 60 per cent Hindi-speaking. The Commission accepts the fact that as many as 76.3 per cent of the students elected to take their examinations, Higher Secondary and Matriculation examinations, over the last five years, in Hindi. They had the option to do so and, naturally, a student will only elect the language in which he or she has the greatest facility. 76.3 per cent of the students in Fazilka Tehsil took their examinations in Hindi. In Abohar, an ancient centre of Hindi, the Hindi Sahitya Sammelan, Prayag, established a branch in 1924. As far back as 1854 the revenue records of this area were maintained in Hindi. Now the revenue records of the rest, the whole of Punjab including the portion of Punjab that has gone to Pakistan were maintained in Urdu. All these facts have been established. It is also established that in 1956 89 villages of Fazilka Tehsil were transferred

to Muktsar. In 1957-58, 9 more villages were transferred. In 1959, it was found to be administratively convenient to transfer one more village, the object being to break the contiguity of this area with the rest of the Hindi-speaking area. It is somewhat astonishing that by a notification one village was transferred from one region to another. All this was done to break the contiguity. The Commission has accepted all these facts. The Commission has also accepted the fact that the transfer of one single village would re-establish the contiguity of this area with the rest of the Hindi-speaking area. The Commission has come to the conclusion that we have failed to convince the Commission that the transfer of these villages was done with a collateral purpose. Therefore, it says, four lakhs of people must go into Punjabi Suba, admitting that they are Hindi-speaking.

Examining the terms of reference of the Commission, the Commission was asked to demarcate the boundaries with a view to establish areas of linguistic homogeneity. Contiguity was one of the factors that it may take into account. It was not mandatory. It says:

“The Commission shall examine the existing boundary of the Hindi and Punjabi-speaking regions of the present State of Punjab and recommend what adjustments, if any, are necessary in that boundary to secure the linguistic homogeneity of the proposed Punjab and Haryana States.... The Commission may also take into account such other factors as administrative convenience, economic well being, geographic contiguity and facility of communication and will ordinarily ensure that the adjustments that they may recommend do not involve breaking up of existing Tehsils”.

Contiguity was to be one of the subordinate factors which the Commission might or might not have taken into account, and here, after admitting that by transferring one village the contiguity of the area having a population of four lakhs could have been established, the admittedly Hindi-speaking area has been given over to Punjabi Suba.

I come to another small but a very basic example. Dhabwali was in the Hindi region. It is even today in Haryana, but the

village, over the years, extended into the revenue areas of a village called Kalyanwali. Water works for this village, the college, power house which supplies electric power to Mandi Dhabwali, etc., happen to fall in Kalyanwali. All these facts have been established in the Report of the Commission. I am not bringing any new fact here. On the basis of administrative convenience and economic well-being, as a matter of fact, at one time, about 200 acres of land of Kalyanwali were sought to be transferred and a notification was issued transferring it to Mandi Dhabwali so as not to break the essential services of this important Mandi. But that notification, for certain reasons, was subsequently cancelled. Now, without giving any attention to the administrative convenience and economic well being, Kalyanwali has been separated and it goes into Punjabi Suba, and the decapitated Dhabwali is now in Haryana. I would like to urge that administrative convenience and economic well being, in their terms of reference, ran exactly *pari passu* with geographical contiguity. We lost one area because it was not contiguous and the other because administrative convenience and economic well-being were completely given a go-by. Therefore, there also the discretion was exercised in favour of Punjabi Suba.

Another very small matter I wish to mention. Anandpur Sahib has been awarded to the Suba because it has a Sikh shrine. I do maintain that nowhere in the terms of reference it was said that the Suba was to be a Sikh State or that Haryana was to be a Hindu State. In fact, the finding goes contrary to the basic spirit of the terms of reference to talk in terms of Hindu and Sikhs. In so far as demarcation of the area was concerned its sole purpose was linguistic homogeneity as between the Hindi-speaking and Punjabi-speaking people.

The unkindest blow of all that has been delivered to Haryana is by the Government of India and that is in regard to Chandigarh. The Commission has gone into the matter. I shall go into the majority and minority parts of it later. It has established that in Kharar Tehsil 73.3 per cent of the people are Hindi-Speaking. According to

their terms of reference, normally they were enjoined not to break a Tehsil but to keep it as a unit. Here 73.3 per cent of the people are Hindi-speaking. 72.5 per cent of the students elected to take their examinations in Hindi in the last five years. In regard to administrative convenience, which was one of the terms of reference, in the Punjabi Suba they have Patiala, which was not only the capital of Patiala State but at one time the capital of PEPSU which was a Part B State. All administrative conveniences are there, they have administrative buildings, Assembly building, houses for Ministers etc. Nabha, Faridkot and a number of States that went into PEPSU are in the Punjabi Suba. There are no administrative conveniences at all in Haryana by way of administrative buildings etc. The Government presses are one in Patiala and another in Chandigarh. Without a Government press a Government cannot run. On that score also Chandigarh should have been included in Haryana. If you take the case of universities, Kurukshetra is the smallest, there is one in Patiala and one in Ludhiana. They are all in the Suba. Therefore, Chandigarh, where there is a university, should have been given to Haryana to balance it. There are three training colleges in Jullundur which is included in the Punjabi Suba. There is one in Chandigarh. There are engineering colleges in Ludhiana. Patiala etc. From every point of view Chandigarh should have gone to Haryana. But, basically, because of considerations of linguistic homogeneity the whole of Kharar Tehsil should have gone to Haryana.

The Minority Report is a very interesting document. I do not think I have the time to go into the details of it. First of all, it breaks up the Kharar Tehsil into Chandigarh and into the rest of the area. It works on certain assumptions. It assumes that a certain portion of the population must be transitory. There was no basis, for that supposition, as the Majority Report has said. It also assumes certain figures for transitory population. Thirdly, it assumes that all that transitory population must inevitably be Hindi-speaking. Therefore, it assumes a minus factor. the Hindi-speaking population must be subject to a minus

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factor and therefore it should be reduced on all assumptions. Even at the end of that exercise they come to 50:50 Punjabi-speaking. Then, by some kind of reasoning, they say: the minority report says that Chandigarh must go to the Punjabi Suba. I do maintain that the majority report has dealt adequately with every aspect of this matter, and I think it is wholly wrong on the part of the Home Minister at this stage to draw a distinction between those parts of the report which are unanimous and those parts of the report which are subject to minority dissent. When we refer to any report of a parliamentary committee, or a non-parliamentary committee, we never talk of the minute of dissent. We say that such and such committee has recommended such and such thing. Even in judicial findings, some of the most earth-shaking judgements of our own Supreme Court and the famous de-segregation ruling of the United States Supreme Court were given by a majority of 5 to 4 etc. The point I am making is that this distinction between the unanimous part of the report and the majority report is wholly artificial and it should not have been made at all.

Mr. Chairman: The hon. Member must remember that in the case of the Bonus Commission there was a majority report and a minority report and then what happened?

Shri D. D. Puri: Notwithstanding the minority report, we always say that these are the recommendations of the Commission. It is always done, notwithstanding the minority report. There is hardly any report which has not a minute of dissent. All that I am maintaining is that the report of the Commission is the report of the majority of the Commission.

As a matter of fact, we would have accepted the report of the Commission *in toto* notwithstanding the injustice done to us in the matter of Fazilka and Dhabhwali and on several other matters, notwithstanding the fact that over a million Hindi-speaking people would have been consigned to the Suba, if the report was accepted *in toto*, on the principle that since we could not agree, when two parties could not agree, they

went to a third party, the party has come to some conclusion and we must accept it without reservation. By this action, the most unkindest cut of all has been delivered to Hariyana by the Government of India.

The point I wish to make is that between the dates, when the report was published and the decision of the Government was announced, when things were in the melting pot, the only point which was open for negotiation, which was under discussion, was Chandigarh, because it has been accorded to Hariyana. No other part of the report was under discussion at all. We went from door to door, tried to discuss other matters also, but we were told "no, only Chandigarh is open to discussion". Therefore, we in Hariyana have come to the conclusion that our loyalties are being taken for granted and that we are being pushed around a little too much.

I now move on, making a very brief reference to the general scheme of the Bill.

Mr. Chairman: The hon. Member will have to shorten his speech. If every hon. Member takes such a long time, we will have to sit till 12 O'clock.

Shri D. D. Puri: Will you give me another ten minutes?

Mr. Chairman: He should try to conclude soon.

Shri D. D. Puri: The general scheme of the Bill is, even though it does not say so, the successors to the Punjab State will be both Hariyana and Punjabi Suba. But, in actual point of fact, the residuary State, the principal successor State is the Punjabi Suba. I have the strongest objection to this. As a matter of fact, these people in the Punjabi Suba wanted to secede from the old Punjab State, because they wanted to have a separate State. So, the residuary State should have been Hariyana.

I will now come to the consequences of this. First of all, sub-clause (2) of clause 15, provides—I will make a very brief reference to it: I will not read it—that of the present MAILs in Punjab, so many shall be allotted to Hariyana, so many to Himachal Pradesh and the rest of them shall be the members of the new Punjab

Assembly. I have the strongest objection to the Member for Chandigarh being included in the Punjabi Suba Assembly.

Shri Priya Gupta (Katihar): It should have seats in both Assemblies.

Shri D. D. Puri: The Home Minister may say that Chandigarh is a Centrally administered area at present. But I say that this provision is going to prejudice seriously our claim on Chandigarh on any future date, if the MLA for Chandigarh is allowed to sit in the Punjabi Suba Assembly.

Secondly, another result of the scheme of things where the Suba is the principal successor is, while the assets and liabilities are allocated, there are certain rights which are neither attributable to assets, nor to liabilities, which have gone to Punjab. For instance, the present Punjab Government has the right to nominate certain students for certain institutions outside Punjab. All these benefits will go to the Punjabi Suba. These are some of the evils, some of the injustices done to Hariyana, according to my way of thinking, because of the general scheme of things in the Bill whereby the Suba is the principal successor State to the present State of Punjab.

I will now very briefly deal with clause 16, on which there are a number of points of order. It says that certain Member of the Legislative Council of Punjab shall be made MLAs as if they were chosen by direct election from territorial constituencies. On that I would say this. This provision is on a head-on collision with article 170. I know that the Home Minister is bringing in an amendment. But the point that I am making is, the Home Minister must be ready to amend the Constitution if he wants to implement the assurance given to Hariyana to give them a proper democratic government and a proper Assembly. We must be prepared to amend the Constitution so as to provide Hariyana with a proper Assembly.

Another point is, out of the 16 MLAs of Hariyana, 8 are sought to be made members of the Assembly and the other 8 are sought to be discarded. The basis on which one set of 8 has been chosen and the other set of 8 has been discarded, even if there is

some rationale behind it, should be specified in the Bill. One should not be left to guess what was in the mind of the Home Minister when he chose A and he dropped B. Otherwise, it will be struck down as arbitrary or discriminatory.

Having made these submissions, if I may be permitted to say so, the Suba is to have a second chamber. Here are 8½ to 9 districts which will have 104 MLAs and 40 MLCs, a total of 144 legislators, that is, approximately 16 to 17 legislators per district. I would urge on Government to have second thought over this provision. When larger States like Rajasthan, Orissa and Madhya Pradesh do not have a second chamber, the Suba should not be saddled with a second chamber. Even though constitutionally there is no bar, the constitution provides that MLCs shall be one-third of the MLAs and that the minimum shall be not less than 40. So, if in any State the number of MLAs is less than 120, it should not have a Legislative Council. That is the spirit of the Constitution.

Then, there is the all-important section about assets and liabilities. The assets that are represented by borrowing from the Central Government, or from the Reserve Bank of India, or by public borrowing, they are sought to be divided on the basis of population. So far, so good. But, so far as the assets that have been created out of internal revenues of the State are concerned, there is to be no adjusting entry at all. I think this principle of dividing the assets and liabilities on the basis of population should be carried to its logical conclusion by including in it all assets that existed and that are to be inherited by the States of Hariyana and Punjabi Suba from the existing State of Punjab.

Then I want to deal with the High Court. **Mr. Chairman:** He has to wind up. He has already taken half an hour.

Shri D. D. Puri: There is to be a common High Court. But article 214 provides that there shall be a High Court for each State.

I will conclude now. The people of Hariyana cannot help coming to the conclusion that so far as the decision to deprive Hari-

[Shri D. D. Puri]

yana of Chandigarh is concerned, the Government of India have yielded to threats. We have faced Hindi agitation and Punjabi agitation; we have faced threats from the Sant; we have faced threats from the Master. They are old threats. But there is this difference. Till 1964 in the Punjab these things were handled by a man of steel. Since 1964, the tragedy is, they have been handled by men of straw. That is why we find ourselves in the present position.

Shri Kapur Singh: Before the other speaker takes the floor, I want to answer a question which was put to me directly by the hon. Member for Kaithal.

Mr. Chairman: You want to make a personal explanation.

Shri Kapur Singh: No personal explanation but he has put a question to me.

Mr. Chairman: You need not take any notice of that.

Shri Kapur Singh: It is a very important question. It will be only two sentences.....

Mr. Chairman: No, no.

Shri Kapur Singh: I could have interrupted when he was speaking actually, but I did not like to do that. I thought, when he finishes, I will answer that question. The question has been put to me and let the House have the answer also so that the House can appreciate the debate. Please permit me. I will not take much time. By now I would have finished. A question has been put to me of a very personal nature.

Mr. Chairman: He can put many questions. That does not mean that you have to answer them.

Shri Kapur Singh: It is customary for a Member to answer a question put to him.

Mr. Chairman: That does not matter.

Shri Daji: (Indore): Mr. Chairman, we have had two speeches on the Bill almost

from two opposing angles and that only reflects the ultracommunal tangle of the State of Punjab. I am speaking on the Bill avoiding taking both the extreme positions.

16.32 hrs.

[SHRIMATI RENUKA RAY *in the Chair*].

I am speaking on behalf of a party which has continuously championed the cause of Punjabi Suba, even at the cost of being misunderstood. I say at the outset that we welcome the Punjabi Suba and Haryana to the family of Indian States and we wish them well. We hope that they will fulfil the hopes reposed by the people of the country who have by and large supported the new re-organisation.

But it is a tragedy of Indian democracy that this Government does not learn till it is forced to learn—forced by agitation and sometimes even by bloodshed. This had been the sorry story when we had the re-organisation of Bombay into Maharashtra and Gujarat. This was the sorry story even after the formation of Maharashtra when Bombay was sought to be given a different status. The same sorry story was repeated in the case of Punjab. Not till a pistol is aimed at the temples of this Government, will this Government move and listen to the most democratic sentiments. Even now the people of Belgaum will require a *ghera dalo andolan*, non-co-operation, resignation and what-not before the border problem of Maharashtra is settled even according to the reports of oft-appointed commissions by the Government themselves. We know, there is a report but even that report is not being enforced because certain persons, vested interests, are forcing the Government. Then, the Prime Minister goes to Bombay and makes a certain announcement. Even that announcement is backed out from. The same thing is happening about Goa and the same thing has happened about Punjabi Suba and I am afraid the Bill continues even now with the seeds of dissension. My charge against the scheme of the whole thing is not that this clause favours

Punjab and that clause favours Haryana but that this Bill fails to achieve what it seeks to achieve, namely, ending communal discord once for all. That should have been the primary aim of this Bill. The Bill fails in that direction and to that extent the Bill will be a seed of dissension for the future.

Let us see how far we can avoid it. The very boundary commission which was appointed was given loaded terms of reference. It is not only I who say it from any particular angle. Let me remind the House that all the supporters of Punjabi Suba, from the Communists to the Congress veterans, gathered at a conference and in a unanimously adopted resolution condemned the terms of reference as loaded against the Punjabi Suba. This resolution was conveyed to the Government but to no effect. At that time, I was a party to the stand in that conference that if the terms of reference were not altered, we should boycott the Boundary Commission. Unfortunately, other constituents of the conference were not agreeable to that proposal of our party and, therefore, we were hoping that the Boundary Commission will be able to do something beyond the terms of reference which, of course, they could not, did not and would not do.

A fantastic situation has arisen about Chandigarh. All the villages belong to Punjabi Suba or to Punjab. Chandigarh has been made a sort of a place for a cook-pit fight. What is the solution? It has been made a Union Territory. May I recall an interesting cartoon that appeared in one of the daily papers? The cartoon was: Chandigarh has been declared as a Union Territory. What next? Delhi is already a Union Territory. The reply was: When shall the whole of India be declared into a Union Territory? This is a rather completely opportunistic impromptu solution. The Government refuses to give a clear reply as to whether Chandigarh should belong to Punjabi Suba or to Haryana and it prefers to keep it as a Union Territory. Will you do the same thing if something that happens in Goa is unpalatable to the Government? Will Goa become a Union Territory? Again, if the same thing happens in respect of Belgaum, will that also

become a Union Territory? How many Union Territories shall we be having in this country? Why does the Government not have a consistent stand as regards States reorganisation? If you take a consistent stand, I think, the annoyance will be less, the tension will be less and the pulls of extremists will be less. You fail to do that.

Then, you have invented another theory of common link. I do not know what the common link theory is. I am reminded of Darwin's theory of missing link between a monkey and a man. Perhaps, to that the Government has invented a common link. What is this common link? The common link is that there should be a common High Court and a common University. I oppose both of them. I have opposed them not on grounds of convenience but I oppose them on grounds of principle and, I say, to have such a common link militates against the very principle of linguistic States. I know there are certain reasons that from administrative point of view, a common High Court will be good. There are various theories. I am not referring to the constitutional point. This was referred to very pointedly by my hon. friend, Shri D. D. Puri. Our Constitution says that every State must have a High Court. How the Supreme Court will interpret it, whether a High Court means a separate High Court or a common High Court, whether that will be valid or not, let the constitutional pundits argue that in the Supreme Court I am speaking on the basis of high principles. The very principle of linguistic States is to give to the people of that State a complete administrative unit which can do work in their own language. The Constitution also provides that the Governor may recommend and the President may accept that the language of the High Court be the language of the State. In fact, so many States are moving in that direction. In such a contingency, what will happen? If the Punjabi Suba Assembly passes a resolution that the High Court should function with Punjabi as its language and the Haryana Assembly passes a resolution that the High Court should function with Hindi as its language, and both the recommendations go to the President, what will happen? It will ultimately mean that the possible

[Shri Daji] ,
switch-over to a regional language will be frustrated. That is sabotaging the very concept of a linguistic State.

What will happen to the common University? How can you have a combined University? We have, again and again, found in this very House, how hot is the language issue. Even parties get divided oftentimes and the Congress Party gets miserably divided over the question of language. The only party which is able to keep some sort of unity is the communist party. The other parties get miserably divided. A University, to have any meaning to the people of that State, must aim, at, if not immediately, in the long-run imparting the highest education in the language of the people. A composite University of Haryana and Punjab shall never be able to do so. The University is situated in Chandigarh which is a Union Territory and so the University is also a Union University or what, I do not know. That is hardly the way to go about forming separate linguistic States.

Now I think it is too late in the day to argue against the linguistic basis. You have conceded 14 or is linguistic States. If you have conceded linguistic States, you should carry the logic of linguistic States to the end; you cannot leave it in the middle.

I would like to point out another thing. Clauses 23, 24 and others deal with allocation of Assembly and Parliamentary seats. Haryana has 9 Parliamentary seats and 81 Assembly seats. The Punjabi Subha has 13 Parliamentary seats but only 104 seats in the Assembly. What is this proportion? Why should there be this discrimination in the proportion? Will the people of the Punjabi Suba not demand that the Assembly seats should be increased to 117 so that a uniform pattern, a uniform proportion, between Parliamentary seats and Assembly seats is established? There is no reason why we should discriminate in this way.

Take another case—the case of Himachal Pradesh. In the case of Himachal Pradesh, the Government is prevaricating, vacillating. I do not know why there should be this sort of stingy attitude in giving the democratic rights. If you have to give, give, with an open heart. But since it is

wrested from the Government, the Government wants to yield at a time as little as possible. The democratic aspirations of the people of Himachal Pradesh still remain unsatisfied. Himachal Pradesh should be a full-fledged State and should not be given hedged. I strongly object, apart from the Constitutional proprieties urged by the member who preceded me, to the maintenance of the Council in the Punjabi Suba. The opinions of all democratic opposition parties go against the bicameral system in the States. There is no logic or reason behind this. It is a waste of time and money. Second Chambers in the States are only a happy, hunting ground for frustrated and defeated Congress politicians; they are nothing more than that; they are something like pinjrapoles or pension seats where Congressmen who get defeated in winning seats or getting tickets are put. (*Interruptions*). We are for the abolition of the Second Chamber. We do not want this; we do not want these political pensions; we are not after seats; we are not after crumbs. We have long discarded those. Only the Congress clings to it...

An hon. Member: He is not representing all the parties.

Shri Daji: All democratic opposition parties have opposed it. The Second Chamber has no meaning anywhere, much less in Punjab. With a total number of 104 Assembly seats, you have a Second Chamber also in Punjab! What for? You are burdening the new State with additional expenditure, with unnecessary and meaningless expenditure. We are opposed to it. I do not understand why you are having it there, I am not making the grievance which Mr. Puri made, namely, that Haryana has no Second Chamber and why should Punjab have. I am not making that grievance. My grievance is that Second Chamber is an anachronism. Certainly a small State like the Punjab should not be burdened with that. You are burdening that State without even consulting that State, whether it wants it or not. I do not know why a Second Chamber has been foisted on that? (*Interruptions*). You are forcing that on it.

Lastly I am constrained to remark that the entire Bill is a monument of bad draftsmanship *par excellence*. So many constitutional objections were raised. Unfortunately Mr. Nanda is not here. Even if Mr. Nanda is here, I would most respectfully submit that Mr. Nanda's reply will have nothing to do with law. I submit that Article 170 of the Constitution clearly says that the Legislative Assembly shall be an elected body, a fully elected body. I do not know who has advised Mr. Nanda, whether the Law Minister or the Ministry, that Article 3 empowers him to make an amendment of Article 170. I do not know who has advised him.

Some hon. Members: Hariyana Congress people,

Shri Daji: If the Hariyana Congress people had advised him, then I would say that the whole Bill is likely to be sabotaged. The Haryana people would find themselves in a Suba without an Assembly because this Clause says that six members of the Council of the present Punjab shall become members of the Haryana Assembly. How can such a provision which flouts Article 170 in the clearest possible terms be valid? Mr. Nanda says that some amendment is being thought of. This House is sitting late in the night to pass this Bill. Such an important provision of the Bill constituting the Haryana Asstmbly is being challenged. Mr. Nanda says that his Ministry is drafting some amendment. The reply of Mr. Nanda to the constitutional objection was that some amendment was being drafted. And this House has started discussion even without knowing what that amendment is or will be. We do not know at what stage that amendment will come. I must say that clause 16, and also clause 26, as was pointed out by my hon. friend Shri Alvares, are *ultra vires*. Clause 26 may appear to be very innocuous. It says:

"On and from the appointed day, in article 371 of the Constitution, in clause (1), the words 'or Punjab' shall be omitted."

How can this Bill amend the Constitution and say clearly that the words 'of Punjab'

shall be omitted in article 371(1) of the Constitution? Can we by a simple Bill like this amend the Constitution? It does not require very deep legal acumen to argue this point, because a constitutional amendment requires a certain procedure. Simply by putting one clause in a Bill you cannot amend the Constitution. My worry is that with the best of legal advice available to Shri Nanda, this Bill is going to face a challenge on the ground of unconstitutionality.

Dr. M. S. Aney (Nagpur): Can it be amended by a simple majority?

Shri Daji: No, it cannot be.

Dr. M. S. Aney: Can any clause in the Constitution be amended by a simple majority?

Shri Daji: The Constitution cannot be amended except by following a certain procedure, and that procedure prescribes a particular majority too; further, the concurrence of the States concerned would also be required. So, all that procedure has to be gone through. Whoever has advised Shri Nanda, I can only say this that the poor draftsmanship of the Bill should have really surprised me, but it is not so very surprising to me because it is in keeping with the total disarray and confusion of business which Government are showing in this House. That same total confusion and disarray is very well reflected in the clumsy and meaningless drafting of this Bill. I am constrained to say this. I do not know whether these unconstitutional provisions are the work of deliberate devilry to sabotage the Punjabi Suba or the work of mere idiotic muddle-headedness. I do not know which of the two reasons I should ascribe this to. But whatever that may be, this does not augur well for the Punjabi Suba.

Both Shri Nanda and I are interested in the Punjabi Suba being formed at the earliest date. These unconstitutional provisions would only mean that Hariyana will find itself without an Assembly; and clause 26 also might be struck down. Therefore, this needs to be looked into dispassionately.

[Shri Daji]

There is no politics in a legal and constitutional review. This should be looked into dispassionately. Let the hon. Minister not limit the review of this to his Law Department only because his Law Department is a thoroughly incompetent Department, and it has been proved to be again and again.

I would recall that we had raised such points in regard to many Bills. In regard to the Bonus Bill, for instance, we had pointed out such defects. But we were made a laughing-stock of till the Supreme Court the other day struck down certain provisions of the Bonus Bill.

Shri Warior (Trichur): They laughed at us at that time, but now the laughter is on this side.

Shri Daji: I would, therefore, submit that let the hon. Minister give these things some thought.

In conclusion, I would submit that we have already decided, for whatever reasons it may be, to form a Punjabi Suba. Let us go ahead with it with grace and confidence and with confidence in the people of Punjab. The Punjabi Suba should not be made a cock-pit of communal politics. The Punjabi language is not the language of one particular community at all. Let the Punjabi language be the language of the entire Punjabi people. And with confidence in the people, we today give ourselves and the people of Punjab the Punjabi Suba, and we do so also with this confidence that this Suba will march shoulder to shoulder with the other States of India so that India becomes a glorious India and Punjab takes its rightful place in a glorious, democratic, free, independent and secular India which very soon may become a socialist India.

Mr. Chairman: There are a very large number of Members who want to speak. So, I think we should have a time-limit of 10 to 12 minutes for each hon. Member who wants to speak.

Shri Yudhvir Singh: There may be a time-limit for the Congress Members. But the Members of the Opposition may be allowed more time.

Mr. Chairman: I think we may have a time-limit of 15 minutes. Even then, I do not know whether this Bill would be finished by midnight.

Shri Hem Raj: I would suggest that 20 minutes may be allowed.

Mr. Chairman: Hon. Members will try to confine themselves to 15 minutes each.

Shri D. C. Sharma: It has been my misfortune this afternoon to listen to three very unfortunate and depressing speeches. I had thought that this was a very happy day which marked the birth of the new Punjab, which gave Haryana Pranth a new State and which was responsible for the reorganisation of the old Punjab State.

I had thought that on this auspicious birthday of these three States, the people would be in a cheerful and optimistic mood and would bless all these States and wish them well and say to them, 'Go forward, prosper, be happy and be very strong members of the Indian Union'. But unfortunately that has not happened. The hon. member who preceded me stated that this Bill was the result of some kind of devilry on the part of Government. I do not think words could have been more misused than they were in this sentence. I feel that the Indian Government has tried to reconcile conflicting claims, to harmonise contradictory viewpoints, to bring about some kind of commonness amongst the very very conflicting ideas that have been agitating our minds all these days. It is not the result of devilry; it is the result of statesmanship, the result of seeing the new conditions that are working in the Punjab, the result of seeing the new urges that have come into being and have got to be accommodated.

Therefore, whatever my friend may say, I submit very respectfully that this Bill is an act of historic value and that whatever our communal passions, whatever our regional ambitions may be, whatever our local desires may be, the time will come when we find that this Bill has given each one more or less his due. In this world, nobody can get all that he wants—neither the Punjabi, nor the people of Haryana *prant* nor the people of Chandigarh nor the people of Himachal Pradesh. You cannot get whatever you want. Therefore, compromise is of the essence of democracy. I feel that the best possible compromise has been arrived at in this Bill. Therefore, this Bill is to be welcomed.

I was very much interested in the appeal the hon. member preceding me made, that the people of Punjabi Suba or Punjab—I do not know by what name it is going to be called by the people of Punjab—should go forward in confidence, should honour the Punjabi language, and should become very effective bastions of the defence of this country. I think that is the wish of all of us. I know language has been too much of a kind of thing which has brought about dissensions amongst us. But I do not think that every Hindu thinks that Punjabi is not his mother tongue; at least I have had the courage to say all these 20 years, even before people started talking about Punjabi Suba, that Punjabi is my mother tongue. And I am not alone in this. Millions of other Hindus are of the same mind and they regard Punjabi to be their mother tongue. It has been our duty and our privilege to serve the Punjabi language as best as we could. We want that the Punjabi language should take its place by the side of other well-developed languages like Bengali, Marathi and Telugu. We want that, and I think the day is not far off when the Punjabi language will occupy a very eminent place in the linguistic map of India. I think no language in the last 20 years has done so well as the Punjabi language, and I believe that as time passes, Punjabi language will grow from strength to strength, and Punjabi language will be the hallmark of distinction whether it is spoken or written or it is

resorted to for literary or political or other kinds of purposes. Therefore, there is no difference of views so far as the Punjabi language is concerned now.

To say that Punjabi Suba should belong to one particular community and not to the other community, that they should have a homeland of their own, that they should have a self-determined status, politically self-determined status, that they should have the right to secede,—it may not have been said on the floor of the House, but it has been said outside the House—to say all this means that we are trying to undo the good work that has been done by the Indian Government. It is true that Pandit Nehru said that the circumstances had changed, but it is equally true that now that we have carved out the old Punjab into four different regions, we have realised that circumstances have changed, and those circumstances warrant that we should have one Punjab, one Haryana Prant, one Union territory of Chandigarh and we should give away two or three districts to Himachal Pradesh. All that has been done as a result of reorganisation. Now this has happened only because the waters under the bridges of the Jamuna, the waters under the bridges of the Sutlej and the Ravi have been flowing very rapidly all these years, and we have felt that these aspirations have to be satisfied. But I must submit very respectfully that whatever it may be, our regional loyalties have to be subordinated to national loyalties, and that is what this Bill wants us to do. If we go on harping on local loyalties, district loyalties, regional loyalties, parochial loyalties, I think this Bill will defeat its purpose. Therefore, I think, from this point of view, this Bill is very good because it has not tried to cater to the chauvinism of this community or to the over-enthusiasm of the other community, it has not tried to put a premium on this kind of agitation and to give value to that kind of agitation. I think from that point of view this Bill has done well, but I am very unhappy to find that here are my Congress friends, I do not say about the Members from the Opposition parties who are trying to belittle it. Here is a Congress Member, he was born in what is called the Punjab now,

[Shri D. C. Sharma]

he was brought up there, he has his home there, his lands there. Somehow he happens to have a factory in what is called Haryana Prant. And here is this gentleman standing up on the floor of the House and trying to be a champion of Haryana Prant and saying: why have you given this district to the Punjab, why have you taken away that thing from the Haryana Prant? I say: my friends of the Haryana prant, God save you from such friends; such friends will not do you any good. They do not try to improve the prospects of Hariana Prant. I can say the same thing about my friend over there.

17.00 hrs.

श्री युद्धबीर सिंह : हम उनको भी समझते हैं और शर्मा जी को भी समझते हैं। ये हमारे लिए जितने भले रहे हैं, वह भी हम जानते हैं। पंजाब के आर्य समाजी हमारे लिए जितने भले रहे हैं, वह हम जानते हैं।

श्री बूटा सिंह : शर्मा जी आर्यसमाजी नहीं है—वह सब के साथ साझे हैं।

Shri D. C. Sharma: We both understand each other, I think somebody from the Congress Party will stand up now and say: why have you taken away this part from Punjab? If we are going to indulge in these squabbles on the floor of this House today, I would say that this would be a very sad day in the history of India. We have our river disputes which we have not been able to solve; we have our boundary disputes which we have not been able to solve. Here are our friends from Himachal Pradesh, Hariana Prant and Punjab getting up and they say: we want this; we want that and all the rest. I think instead of solving the problem, we are creating four more problems. I believe that wisdom lies in this: we should accept what is said in this Bill and gracefully, in a spirit of national goodwill and not grab something

from the Hariana Prant and get something from Punjab and take away something from Himchal Pradesh and put Chandigarh on the top of the mountain or below the valley. I think all these are very ill advised counsels.

श्री गुलशन (भटिंडा) हिमाचल प्रदेश ने तो हमें हड़प कर लिया है।

Shri D. C. Sharma: It has been said: we do not have a second chamber..... (Interruptions). Why are you chattering like that; you can talk in your turn. I was submitting very respectfully, Madam, that if the Punjabi Suba had a second chamber, give the Hariana Prant also a second chamber; there is no harm in that. I do not want that there should be any element of jealousy and bitterness and divisiveness between the Hariana Prant and the Punjabi Suba.

So far as the delimitation of the constituencies is concerned, I think it should be looked into with the utmost care because sometimes geographical contiguity is sacrificed while delimiting the constituences and I believe it is a most important element in the whole thing.

Mr. Chairman: Is the Member concluding? He should conclude now.

Shri D. C. Sharma: I am concluding. One of the most admirable things that I have found is that some common links have been preserved at least for sometime; the common High Court, the Bhakra Project, the Beas Dam. All these are our national projects and if they fall in Hariana Prant or in Punjabi Suba we should look upon them as our national wealth.

Mr. Chairman: The hon Member's time is up.

Shri D. C. Sharma: I am going to finish in two sentences. I am glad that the Punjab University will retain its existing status at Chandigarh and I think that should be done, because the Punjab University at Chandigarh is one of the finest universities in the whole of India, and I believe that its all-India character should not be disturbed in anyway. That does not mean that I do not wish the Kurukshetra University and the Punjab University to prosper. They are all useful.

Mr. Chairman: Will the hon. Member please conclude now?

Shri D. C. Sharma: I am concluding. There is some trouble about the division of assets and liabilities, though the hon. Home Minister was able to say that they are being done in the old, familiar and well-known lines. I do not think this is happening. I think you should not rob Peter to Pay Paul. You should not rob this State to give something to another State. I think it should be an equitable kind of distribution and I am very sorry that the person who has been entrusted with the work of distribution of the assets and liabilities is not such a person as can command the respect of the people concerned. Some high court judge or somebody from the Supreme Court—a Supreme Court judge—should have been placed in charge of this work. I also believe that the same thing has happened in the case of the services. The services should have been divided in a way which should not have brought about any kind of rancour in the minds of the people. This should have been done not by Government servants but by judges they are great I know, but the Supreme Court judges are greater than civil servants. I think such things as are contentious should be handed over for decision by the Supreme Court judges and not by the civil servants; we know what they are.

With these remarks, I welcome this Bill and I am very happy that the Bill is going to be a landmark in the history of our country.

Mr. Chairman: Shri Alvares.

Shri Yudhvir Singh: What about the chits-

Mr. Chairman: A PSP Member has been called.

Shri Yudhvir Singh: What about the Jan Sangh?

Shri Umanath (Pudukkottai): What is the procedure? It is the first group, then the second group and so on. We must have some procedure.

Shri Yudhvir Singh: There is the usual procedure prescribed by the Speaker.

Mr. Chairman: I have no objection if Shri Alvares prefers to speak later.

Shri Umanath: Having been called, let him speak, but there must be some procedure which you should follow.

Shri Alvares: Madam Chairman, I welcome the proposals in the Bill which seeks to create a Punjabi Suba and other measures which have been long delayed. In fact, the decision to create or establish a Punjabi Suba should have been taken some six years ago, when the State of Maharashtra and the State of Gujarat were created in the reorganisation of States on the basis of linguistic States. More than that, that was the demand which was then justified and I am sure that if it had been created then, many of the tensions that have developed since then could have been avoided. But there is one thing to be said for this delay, and that is, that between the conception of Master Tara Singh and that of Sant Fateh Singh, there is a fundamental difference. Shri D. D. Puri pointed out that Master Tara Singh's demand for a Punjabi Suba was one for the Sikh's self-determination and the right to secede. Such a thing could never have been countenanced and will never be countenanced in the future. It is due to the sweet reasonableness of Sant Fateh Singh that the Government has now been able to accept this demand because he has placed it in the correct perspective and that is in accordance with the Fazl Ali Commission's report recommending the reorganisation of States on a linguistic basis along with the rest of the country, and Punjabi Suba is now being given its

[Shri Alvares]

legitimate place in the scheme of reorganisation.

17.10 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Having said this much, as far as this Bill is concerned, let me proceed to analyse the various provisions. Almost the first objection one must take is to keeping Chandigarh as a Union Territory. I am very glad that those who sponsored the Punjabi Suba have not claimed Chandigarh yet. Naturally, why should not Chandigarh belong legitimately to Haryana? It is within the well-defined limits of the territorial area of Haryana. I am sure if justice is to be done, Chandigarh should not be kept as Union Territory any more. It should be firmly and irrevocably merged with Haryana, so that the people of Haryana may have a prominent and growing city on which they can build up their administrative viability. I am sure the people of Punjab will not grudge Haryana this legitimate claim to the city of Chandigarh. The people of the Punjab are industrious and they have the highest standard of living. When it was necessary to build the capital of Chandigarh, they did so. Again when it will be necessary, I am sure they will build another capital, in keeping with their financial affluence. At the same time, it would be necessary also for them and for the Government to give over Chandigarh to Haryana, so that in future, these tensions will not arise.

The Government, two days ago, passed an enabling Bill whereby the future area of Chandigarh could be decided without the consent of the elected legislators. As Mr. Puri pointed out, it will be unfair not to consult the people of Chandigarh as to where they want to go. In the scheme of linguistic reorganisation, I am sure all of us would agree that the Pataskar formula should be applied in all cases. This formula states that where a particular area will be placed will be decided on the basis of the language of a particular village. That should be applied here also, as it has been applied first in the border dispute between Andhra and Mysore. Therefore, I recommend that the Pataskar formula should be applied so that all these areas of dispute, to which Mr. Pri referred, may

be settled on a basis of rationality and scientific basis, so that the disputes are not carried forward and this measure does not leave a residuary tension that may develop later.

The decision to have a central authority for the Bhakra-Nangal and Beas projects is very welcome. We have certain projects in this country, particularly river projects, that run through many States. If the Government are recommending a central authority for the management of Bhakra-Nangal and Beas projects, may we not suggest that in all similar projects which run through many States, where there are conflicting interests, Government should adopt this principle of centrally administering such projects, so that there may be no conflicting claims and the Centre is able to make allocations in regard to water, electricity, irrigation, etc., on the basis of national interests and not on the interests of separate States?

The next point is about the legislative council for Punjab. There has been some rethinking on the issue of legislative councils in some States. In some cases it has been proposed that some constituencies like the teachers' constituency in the Upper House should be abolished. There is also some thinking that the Upper House has no relevance in modern times, because it serves no useful purpose. We have followed this system from the British without any relevance and therefore, its discontinuance would be proper, because it serves no useful purpose except some vested interests. But if some council is to be set up, it has to be set up on the basis of some proportion. I do not know why Punjab, having such a small legislative assembly, has been allotted a council. Here we have States more than twice as big as Punjab. There are States like Orissa, Madhya Pradesh, Rajasthan, etc., which have no Legislative Council. The function very efficiently and function well in regard to the particular functions of an Assembly or a Legislative Council. But here, Sir, when there was an opportunity offered to Government to abolish the Legislative Council, the Government seeks to retain it for Punjabi Suba and abolish it for Haryana. If it has got to be done, it has got to be done with a sense of justice to both or none. The

members from Hariana who have their seats in the Legislative Council of Punjab today are being converted into members of the Hariana Legislative Assembly. This issue is being discussed and it is being held that it is unconstitutional, because article 170 requires every single member of an Assembly to be elected. Nevertheless, whatever the outcome of this issue may be, may I suggest that it is high time, from the all-India point of view, to seek to eliminate the Upper House in the States, and since this opportunity offers itself today the Government may take this opportunity to abolish the Upper House of the Punjabi Suba.

My last point is about clause 26 on page 13 of the Bill. It reads like this:

"On and from the appointed day, in article 371 of the Constitution, in clause (1), the words "or Punjab" shall be omitted."

Now, Sir, any amendment of the Constitution can only be by a Bill introduced for that special purpose. This Bill that is now before the House is not introduced for the purpose of amending the Constitution at all. Therefore, through this clause certainly the Constitution cannot be amended. Secondly, this clause seeks to amend the Constitution whereby in article 371 (1) the words "or Punjab" occurring hitherto is sought to be eliminated from that sub-clause. Even a comma that is changed in the Constitution is an amendment of the Constitution (*Interruptions*). Therefore, this clause 26 clearly suggests that the Constitution shall be amended. If the Constitution is to be amended either by a comma or by a word, whatever it may be, it has got to be done through a separate Bill. This clause suggests that the words "or Punjab" shall be deleted from article 371 (1) of the Constitution. Therefore, this clause proposes an amendment of the Constitution. I say this is an unconstitutional provision. No article of the Constitution can be amended until a Bill is brought for that particular purpose. This Bill is not brought for the purpose of amending the Constitution. Nevertheless, to the extent that it suggests that the Constitution be amended, this is in contravention of the Constitution and

the procedure to amend the Constitution. Therefore, I say that this clause is *ultra vires* of the Constitution and therefore, it should be amended.

Finally, I say, in the general scheme of reorganising States on the basis of linguistic affinity, this is the last act in that series. It would have been proper for Government to have brought in a more comprehensive legislation so that whenever such disputes occur the Government could have sought to settle them through this Bill. May I refer to the serious border dispute between Mysore and Maharashtra that has been hanging fire for a long time?

Mr. Deputy-Speaker: It is not relevant in this Bill.

Shri Alvares: This Bill deals with linguistic re-organisation and the Constitution has been amended. So, I am suggesting the same procedure which the Government have suggested. The Congress has suggested that the two Chief Ministers should meet, like the Pan Mun Jon Conference which met about 500 times and could not come to a decision between America and North Korea. The Chief Ministers met together but they were not able to come to a settlement. May I suggest that while this is being done, the Home Minister could introduce a suitable amendment tomorrow, so that the dispute between Maharashtra and Mysore may be settled through some established procedure....

Mr. Deputy-Speaker: Through this Bill?

Shri Alvares: and this issue may be settled once and for all and the tensions that are continuing in the area may be finally eliminated?

Shri Virbhadra Singh (Mahasu): Sir I am thankful to you for giving me an opportunity to participate in the discussion on the Punjab Reorganisation Bill. While I am grateful for the integration of the hilly areas of Punjab with Himachal Pradesh, I must confess that this Bill has come as a great disappointment to the people of Himachal Pradesh. It has not only ignored the hopes and aspirations of the people of Himachal Pradesh, but it has also done great injustice to them. It appears as if the people of Himachal Pradesh are being penalised and made to

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suffer for their past efforts to retain their separate entity and for their refusal to merge with Punjab.

I have three main objections to this Bill. My first objection is that this Bill does not seek to make any change in the status of Himachal Pradesh, which remains as a Union Territory. My second objection is that while making no change in the status of Himachal Pradesh, this Bill seeks to reduce the weightage and restrict and alter the pattern of representation enjoyed by Himachal Pradesh in the Legislative Assembly and in Parliament. My third objection is that the Punjab Boundary Commission while agreeing that certain areas were linguistically and culturally akin to Himachal Pradesh, has failed to recommend their inclusion in Himachal Pradesh and this Bill has also failed to remove this injustice. I will deal with these three main objections separately.

The question of the political future of Himachal Pradesh is greatly agitating the minds of the people of that territory. The people as a whole are dissatisfied with the present set-up which, I feel, restricts and hampers our natural growth. It is also not in keeping with the long-cherished hopes and aspirations of the people. The people of Himachal Pradesh since long have been making all constitutional efforts to press their demand for Statehood for Himachal Pradesh. We know that from time to time all sorts of stock arguments such as size, population and financial viability etc. are advanced against this.

So far as the area is concerned, the House probably knows that Himachal Pradesh is going to be even bigger than Punjab and Hariyana with a population of 2.8 millions. In any case, I want to tell you that Himachal Pradesh is much larger than the State of Nagaland in all respects. We are told from time to time not to bring Nagaland into the picture, because of the special conditions prevailing there. It is pertinent to ask, what is so special about Nagaland. What are the special conditions prevailing there, apart from the fact that certain sections of the population there have resorted to violence and to open rebellion? Apart from this, I do not see any special conditions which prevail in

Nagaland. It sometimes appears to me that a premium is being put on violence and disorder in this country. So far as financial viability is concerned, I would like to say that it is well known that Himachal Pradesh has got vast natural resources and if they are properly developed Himachal Pradesh can not only become surplus in a short time but it will be in a position to contribute substantial amount to the revenues of the Central exchequer.

Here I would like to refer to a solemn pledge which was given to the people of Himachal Pradesh by the late Sardar Patel. This pledge or promise was contained in a letter written by Sardar Vallabhbhai Patel as early as 18th March, 1948 to late Dr. Pattabhi Sitaramayya, who was then the Vice-President of the Indian States' People's Conference. This is what he wrote:—

"The ultimate objective is to enable this area to attain the position of an autonomous province in India. This objective would be attained in two stages. The area will, in the first instance, be administered by an administrator, probably an officer of the Chief Commissioner's status, assisted by an advisory council consisting of the rulers and representatives of the people appointed in such manner and with such function as the Central Government may decide. Subsequently, subject to the decision of the Constituent Assembly, it is proposed that the administration should be put in charge of a Lieutenant-Governor assisted by an advisory council representing the princes and the legislature in the province. In the final stage....."

that is very important—

"after this area is sufficiently developed in its resources and administration, it is proposed that its constitution should be similar to that of any other province."

This is the solemn pledge which was given to the people of Himachal Pradesh by the late Sardar Vallabhbhai Patel as early as in 1948. Since then, nothing has happened in the matter and the matter stands almost where it was. We had hoped

that the Government would take this opportunity to redeem this pledge and come forward at this time with a Bill to give Statehood to Himachal Pradesh. It is a very explosive question and I hope, the Central Government will not treat this matter very lightly. I also hope, the hon. Home Minister will not let this opportunity pass and that he will come forward with the necessary amendments to give effect to the wishes of the people of Himachal Pradesh in this regard.

Secondly, the representation provided for Himachal Pradesh in this Bill is not adequate. The Bill provides for 54 seats in the local legislature, six seats in the Lok Sabha and three seats in the Rajya Sabha for Himachal Pradesh. At present the position is that Himachal Pradesh has a Legislative Assembly with 40 seats, four seats in the Lok Sabha and two seats in the Rajya Sabha. As is well known, with the integration of the hill areas of Punjab, Himachal Pradesh is going to be double in area and population. Therefore, it was only fair that while giving representation to Himachal Pradesh in the aforesaid bodies this factor was kept in view and the representation provided was also correspondingly increased.

Then, there is no change in the status of Himachal Pradesh. Himachal Pradesh, like other Union territories, has enjoyed a certain amount of weightage in matter of representation in the Assembly and Parliament. Since there is no change in the status of Himachal Pradesh as a Union territory, I see no reason why there should be any change in the pattern of representation which exists at present. Moreover, Himachal Pradesh is a hilly area with difficult terrain, scattered population and scanty means of communication. Therefore, one cannot apply the same criteria to Himachal Pradesh as in the case of other States.

Here I may also point out that on the basis of 54 seats which are provided in the Bill for Himachal Pradesh, the average population per Assembly seat comes to about 52,000 as against an average of about 32,000 at present. This average is even bigger than the average population for an Assembly constituency in Jammu and

Kashmir which is only 47,000. So far as other Union territories are concerned, the average is much smaller than this. If there was a change in the status of Himachal Pradesh and if it was made into a full-fledged State, then it was a different matter. Since there is no change in the status, I see no reason why the benefit which it has enjoyed so far by virtue of being a Union Territory, and which is enjoyed by other Union Territories, should be denied to it at this time. I hope that the representation given to the people of Himachal Pradesh in the Assembly and in the Parliament will be substantially increased.

Now, I come to the third and the last point. I feel that great injustice has been done to Himachal Pradesh inasmuch as certain areas which should have come to it have been excluded. In this behalf, I would like to point out that Dhar-Kalan block, Morhi Hills, Kalka and the remaining areas of Una Tehsil, which even according to the Boundary Commission are physically, culturally and linguistically akin to Himachal Pradesh have not been given to it. I may submit that I am not convinced by the reasoning of the Commission in this respect. Whereas the Commission could not agree to give Dhar-Kalan Block to Himachal as that would have meant bifurcation of a tehsil, they have on the other hand bifurcated the tehsil of Una to give certain areas of this tehsil to Punjab Suba. This, I may submit, is a highly contradictory reasoning of the Commission. I do not see any reason why the Commission should have made this departure from the terms of reference in the case of Una tehsil. I may point out here that so far as Una tehsil is concerned, even according to the Commission's own findings, it is a hilly area and it is culturally and linguistically a part of Himachal Pradesh.

Here, I would like to draw your attention to the Report of the Punjab Boundary Commission. On p. 29, in para 77, this is what it says:

"Taking into consideration the physical characteristics, life of the people, their habits, customs, manners, festivals, the flora and fauna of the region and inter-dependence of the people with the people of the

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adjacent districts of Bilaspur and Kangra there is no doubt that the tehsil Una has linguistic and cultural affinities with Himachal Pradesh."

They have accepted this. They go further to recommend that Una should be divided and that part of it should go to Punjab. What are the reasons given by the Boundary Commission for giving some parts of Una to Punjab? I would quote it further. It says:

"But we are of the view that this tehsil should be divided between the Punjabi-speaking State and Himachal Pradesh, for in our view the Bhakra Dam and its canals, the Nangal Hydel Canals and the power and other industrial complex should remain in the Punjabi-speaking State. We are also of the view that the town of Anandpur Sahib with its shrine should remain in the Punjabi-speaking State."

I may submit that this is a purely communal award. At no time was the Punjab Boundary Commission asked to determine which area should go to which state on the basis of religion. It was only to be done on the basis of language. Therefore, I feel that great injustice has been done to the people of Una and Himachal Pradesh, and the tehsil of Una in toto should form part of Himachal Pradesh.

Moreover, while going through the Bill, I find that Naya Nangal notified area and Kalsera village are also now sought to be given to Punjab. This is entirely a new position. Nowhere in the Report the Boundary Commission has said that this area should go to Punjab. Nowhere it is mentioned. I see no reason why this change is made now.

In the end, I would also draw your kind attention to the case of Kalka. Kalka provides the main gate-way to Himachal Pradesh and is the only rail-head where from the cash crops like apple and potatoes of Himachal Pradesh are exported. In the interest of the economic well-being of

Himachal Pradesh and its people, it is essential that it should form its part. In this connection, one of the members of the Commission, Shri Dutt, has given very cogent reasons. I strongly feel that Kalka should also form part of Himachal Pradesh.

श्री युद्धवीर सिंह: उपाध्यक्ष महोदय, इस बिल के ऊपर मूल रूप से आने के पहले मैं कुछ सैद्धान्तिक मतभेदों के सन्दर्भ में चर्चा करूंगा जो कि पंजाब के सारे के सारे मामले को ले कर रहे हैं। मेरा मतलब जनसंघ के मतभेदों से है। उस के बाद फिर इस मौलिक विषय पर आऊंगा। इस सारे के सारे सन्दर्भ में सारा देश इस बात का साक्षी है कि कांग्रेस के कुछ आदमियों ने और जनसंघ ने पंजाब के विभाजन का विरोध किया था। कांग्रेस के सीनियर आदमी इस के अन्दर शामिल थे। उस विरोध के पीछे हमारी क्या भावना थी, हम यों पंजाब की तकसीम का विरोध कर रहे थे, इस के ऊपर मेरे ख्याल में अगर मैं अपनी जवान से कुछ न कहूँ, सिर्फ वही कहूँ जो हिन्दुस्तान के गृह मंत्री श्री नन्दाजी ने, जो कि सबसे पहले वक्ता थे, कहे थे, तो ठीक होगा। बहुत तसल्ली और शांति के साथ हमने उन को सुना। जो कुछ उन्होंने कहा वही भय उस वक्त हमारे दिमाग में था। किसी सम्प्रदाय या किसी भाषा के साथ हमारा विरोध नहीं था। अगर पंजाबी भाषा के आघार पर कोई प्रान्त मिलता, जैसे कि तमिल, कन्नड़, तेलगू, बंगला आदि के आघार पर मिले हैं, तो उस के अन्दर हमारा कोई विरोध नहीं हो सकता था। यह बिल्कुल गलत धारणा है कि हमने इस लिये विरोध किया पंजाब के विभाजन का कि हमें किसी सम्प्रदाय विशेष या किसी भाषा विशेष से कोई मतभेद था। हमारा कोई भी इस प्रकार का मतभेद नहीं था। मैं इस सदन के माध्यम से सारे के सारे देश को बतलाना चाहता हूँ कि आज भी इस से हमारा कोई मतभेद नहीं है। हम भाषा और सम्प्रदाय की समस्याओं से ऊपर उठ कर देश की इस समस्या को अपने दिमाग में ले कर चल रहे थे कि अगर इस प्रकार

पांच-पांच जिलों के प्रान्त बन गये तो यह देश न जाने कहाँ जा कर टिकेगा ।

आज एक राजनीतिक दल में होने के नाते, राजनीतिक बन्धुओं के चारों तरफ जो एक स्वार्थ का जाल है हो सकता है उस ने मेरे दिमाग को अच्छादित कर रक्खा हो और मैं कोई और भाषा बोलूँ, लेकिन आने वाला इतिहास स्वयम् इस बात का प्रमाण देगा कि जो कुछ कदम सरकार की तरफ से उठाया गया वह कहाँ तक ठीक था और कहाँ तक गलत था । आज मैं सारी की सारी शल्य क्रिया यहां नहीं करूँगा, सारी की सारी बात का पोस्टमार्टम मैं यहां नहीं करूँगा । केवल इस बिल के मूल विषय पर और जो एक ऐतिहासिक आन्दोलन की शब्दों पर इस रूप में सदन तक पहुंचा है, उस के सन्दर्भ में ही कुछ चर्चा करूँगा ।

पंजाब के विभाजन की बात को ले कर आपने देखा कि जनसंघ की तरफ से एक बड़ा विकट आन्दोलन पंजाब के अन्दर छेड़ा गया । इस में कोई शक नहीं कि कुछ बातें उस के अन्दर ऐसी हुईं, जिस में जनसंघ का सम्भवतः हाथ न हो, महात्मा गांधी द्वारा प्रेरित आन्दोलनों में भी कभी कभी ऐसा होता था कि वह इस तरह का टर्न ले जाता था कि उस को उन को वापस लेना पड़ता था, कुछ घटनायें उस के अन्दर अनहोनी अवश्य हुई हैं, जिन में जनसंघ के विरोध के नाते हो सकता है देश यह समझ ले कि उस के अन्दर कुछ भड़काया गया हो, उदाहरण के तौर पर पानीपत की घटना थी । यह सब घटनायें न चाहते हुए भी जनसंघ के द्वारा हुईं । मगर एक बात साफ थी कि हमने इस का विरोध किया और काफी डट कर विरोध किया । इस विरोध में आप ने देखा कि पंजाब की सारी जनता, कुछ लोगों के अलावा, हमारे साथ थी । कुछ दिनों तक यह विरोध चला । मगर आपने देखा कि एकाएक हमारे केन्द्रीय नेताओं के द्वारा हस्तक्षेप करने के बाद वह सारे का

सारा विरोध का आन्दोलन वापस हुआ । उस के वापस होने के पीछे कोई हमारी कमजोरी नहीं थी । अगर कभी हमारा देश या हमारी केन्द्रीय सरकार यह समझती हो कि कोई कमजोरी आ गई थी, तो ऐसी बात नहीं थी । सिर्फ इसलिये उस को वापस लिया गया था कि देश का अंचा हित हमारे अपने दिमाग में था । हमारे दिमाग में उस वक्त यह था कि कहीं ऐसा न हो कि सारी की सारी बातें साम्प्रदायिक चक्कर में पड़ जायें और साम्प्रदायिक रूप ले लें जिस से देश का नुकसान हो । इस प्रकार हमने सारे के सारे आन्दोलन को वापस लिया, और न चाहते हुए भी हम ने इस कड़वी कुनीन को अपने गले के नीचे उतारा कि जो कुछ हुआ सो हुआ ।

श्री बूटा सिंह : अगर वह साम्प्रदायिक नहीं था तो दिल्ली में क्या हुआ था ।

श्री युद्धवीर सिंह : आप चुप चाप बैठिये । जब आपने दुनिया भर का जहर उगला तब हमने आप को नहीं टोका, अब आप का पेट क्यों दर्द कर रहा है । जो बातें नहीं कहनी चाहियें थीं जब आपने वह कहीं तब तो मैंने आप को कभी नहीं टोका ।

इस सारे के सारे मामलों में मुझे यही निवेदन करना है कि हमने सोचा था कि फिर भी पंजाब में लोगों को आपस में शान्ति के साथ रहना है और न चाहते हुए भी हम ने इसको माना है । आप ने देखा होगा और सारे का सारा जो पिछला घटनाक्रम है वह भी इस बात का साक्षी है कि हमने यह कहा है कि जब केन्द्र की तरफ से एक कमिशन नियुक्त हो गया है और वह कमिशन अपनी जो रिपोर्ट देगा एक अच्छे शहरी के नाते, एक अच्छे राष्ट्र भक्त के नाते, एक अच्छे देश भक्त के नाते, उस को हमें स्वीकार कर लेना चाहिये । उस रिपोर्ट में कुछ अच्छाइयां भी हो सकती थीं और कुछ कमियां भी हो सकती थीं, वह रिपोर्ट कुछ

[श्री युद्धवीर सिंह]

के खिलाफ भी जा सकती थी और कुछ के हक में भी जा सकती थी लेकिन कहीं पर आ कर बात आखिर को टिकनी तो थी ही। हर एक आदमी के हक में हर एक बात नहीं जा सकती थी। इसलिए हम ने जालंधर के प्रथम सेशन में प्रस्ताव पास किया था कि कमिशन की जो भी रिपोर्टें हो उस को हम सम्पूर्ण रूप से मानेंगे। फिर चाहे रिपोर्टें कुछ भी क्यों न हो। उस वक्त किसी को यह मालूम नहीं था कि रिपोर्ट के पेट में क्या था, किस तरह की वह रिपोर्ट होगी। हमारी पार्टी सब से पहली पार्टी थी जिस ने कहा था कि हम कोई उस रिपोर्ट का विरोध नहीं करेंगे।

कमिशन की रिपोर्ट आई। उस रिपोर्ट की गहराई में मैं नहीं जाऊंगा। चंडीगढ़ का मामला मैं मिसाल के तौर पर लेता हूँ। चंडीगढ़ के मामले को ले कर केन्द्र की सरकार ने जो कुछ किया है वह आप के सामने है। हमारे गृह मंत्री जी ने, भारत के गृह मंत्री जी ने बहुत कुछ किया है, बहुत कुछ किया है। उन का दिल इस बात को अच्छी तरह से जानता है कि उन्होंने ने क्या कुछ किया है। लेकिन मैं उन से पूछना चाहता हूँ कि उम सब का परिणाम क्या निकला है? उन की नजरों में बिठाई गई सारी की सारी ईमानदारी कहां तक पहुंची है, कहां तक वह चली है। इस चीज को मैं समझता हूँ कि आप ने इस सदन में अच्छी तरह से सुन भी लिया होगा। इस चीज को मैं समझता हूँ कि आप को अब अच्छी तरह से पता चल गया होगा। आप कहां खड़े हैं और जिन का हम विरोध कर रहे हैं वे कहां खड़े हैं, इस को आप ने देख ही लिया होगा। आप ने सोचा था कि आप अगर पंजाबी सूबे की मांग को मान लेंगे तो आप की सारी की सारी समस्याएँ हल हो जायेंगी, लेकिन क्या ऐसा हुआ है? आपने चंडीगढ़ के मामले में हरियाणा के साथ घोषणा सिर्फ इसलिए किया कि आपने देखा कि आपने सब कुछ किया लेकिन उसका

फल क्या निकलेगा अगर हरियाणा को चंडीगढ़ दे दिया गया। उस वक्त केवल एक बात आप के दिमाग में काम कर रही थी। आपने देखा कि आपने पंजाबी सूबा भी दिया और अगर चंडीगढ़ के प्रश्न को लेकर हम लोग उलझ गये और चंडीगढ़ के प्रश्न को लेकर अगर पंजाब के भाई हम से नाराज हो गए तो सारा कुछ जो हमने किया है उसका हम को क्या फायदा होगा, उसका हमको क्या लाभ होगा? आपने हरियाणा की जनता के साथ घोषणा करके फटाफट चंडीगढ़ को केन्द्र शासित प्रदेश रख दिया। यह आपने हरियाणा के भाइयों के साथ, हरियाणा की जनता के साथ घोषणा करके किया है। आप इसका गवारा नहीं कर पाए कि चंडीगढ़ हरियाणा में जाए। आप जानते थे कि पंजाब में और हरियाणा में भी आपको इलेक्शन लड़ना है। अगर आप पंजाब को दे देते हैं तो हरियाणा में आपको नुकसान होगा और हरियाणा को अगर दे देते हैं तो पंजाब में आपको नुकसान होगा। लेकिन मैं कहना चाहता हूँ कि अगर चंडीगढ़ को कमिशन पंजाब में मिलाने की सिफारिश करता तो आपने उसको मंजूर कर लिया होता। आप दलगत राजनीति में पड़ गए, आप अपने स्वार्थों के चक्कर में पड़ गए और उसको आपने केन्द्र में रख दिया। यह हम हरियाणा वालों की कमजोरी है, इसको मैं स्वीकार करता हूँ। लेकिन आपको न्याय तो बरतना चाहिये था।

यहां पर बहुत सी बातें कही गई हैं। बहुत शिकायतें और शिकवे किये गये हैं। हम लोग किस के सामने अपनी शिकायतें और शिकवे रखें? अलग-अलग वर्गों ने अलग अलग सम्प्रदाय के लोगों ने अपने अपने विचार रखे हैं और उन्होंने कहा है कि हमारे साथ घोर अन्याय हुआ है। लेकिन हमारे साथ क्या हुआ है, यह मैं इस सदन को बतलाना चाहता हूँ। मुझे नहीं पता कि पंजाब में सिखों के साथ, सिख भाइयों के साथ क्या हुआ है।

उनकी जो डिमांडज हैं उनको वे जानें, मुझे उसका पता नहीं है लेकिन एक बात मैं दावे के साथ कह सकता हूँ। श्रीर लोगों के साथ कुछ भी हुआ है लेकिन इस सारे के सारे संदर्भ में पिछले पचास साठ सालों में अगर किसी इलाके को बुरी तरह से कुचला गया है, अगर किसी इलाके के लोगों को फिर नहीं उठाने दिया गया है तो वे हरियाण के लोग हैं, केवल हरियाण के लोग हैं। हर जगह, हर मामले में, हर नौकरी में, छोटी से छोटी नौकरी को लेकर बड़ी से बड़ी नौकरी को आप देख लें, हमको कुचला गया है। दिल्ली के आखिरी गांव मूडका से लेकर फाजिल्का तक जहां तक हरियाणा की सीमा जाती है, पटवारी से लेकर डी० सी० तक सभी नौकरियों में, सभी संस्थाओं में आप देख लें कि कौन आदमी सर्विस के अन्दर है, कितने हमारे आदमी सर्विस में पहुंचे हैं। आपको पता चल जाएगा कि मुश्किल से तीन परसेंट आदमी हरियाण के नौकरी में हैं। जिन लोगों को शिकायत होनी चाहिये उन लोगों को तो कोई शिकायत नहीं है, जिन लोगों को बोलना चाहिये वे लोग तो बोल नहीं रहे हैं, वे लोग तो राष्ट्र की और दुनिया भर की एकता की बात करते हैं लेकिन जिन लोगों को शिकायत नहीं होनी चाहिये उन लोगों को शिकायत है और वे बढ़चढ़ कर शिकायतें कर रहे हैं और उनके सामने सरकार हर कदम पर झुकती जाती है, उनकी सरकार हर मांग को मानती जाती है। हरियाणा वालों ने भी अब यह तरीका अपना लिया है। उनको भी अब इस बात का ज्ञान हो गया है।

मैं आपके सामने एक छोटा सा उदाहरण रखना चाहता हूँ। आपने इसमें कुछ कामन लिक्स की बात रखी है। मूल रूप से मैं उनका विरोध नहीं करता हूँ। लेकिन एक बात मैं नन्दा जी के नोटिस में जाना अपना कर्तव्य समझता हूँ। आपने

जो कुछ भी किया है उसको आप जानते हैं। लेकिन जैसा मैंने पहले कहा है हरियाणा के साथ बहुत ज्यादाती हुई है। केवल तीन परसेंट नौकरियों के अन्दर हरियाणा के आदमी हैं। आपने कामन लिक्स रखे हैं लेकिन मैं आपसे प्रार्थना करता हूँ कि कम से कम एक गारंटी परमात्मा के वास्ते आप जरूर दे दें। अगर आप ईमानदारी से काम करना चाहते हैं तो आपको इस में कोई आपत्ति नहीं होनी चाहिये। हरियाणा के आदमियों को जितनी नुमाइंदगी सर्विस में मिलनी चाहिये उनको जितना प्रतिनिधित्व मिलना चाहिये, जितना उनका रेशो होता है वह तो उनको दिलाने का आप आश्वासन दें। पचास परसेंट के हिसाब से कम से कम सारी संस्थाओं के अन्दर हरियाणा के लोग होने चाहियें। मैं आपको जो स्थिति इस वक्त है उसका एक छोटा सा उदाहरण देता हूँ। इससे आपको पता चल जाएगा कि कौन सच्चे हैं और कौन सच्चे नहीं हैं। यह ट्रिप्ल्यू अखबार है। इस में जो आंकड़े छे हैं वे मैं आपके सामने रखता हूँ। पंजाब यूनिवर्सिटी तो बहुत पुरानी यूनिवर्सिटी हो चुकी है। लेकिन सात आठ साल पहले जो एग्रिकलचरल यूनिवर्सिटी बनी है उसकी स्थिति क्या है, इसका एक छोटा सा उदाहरण मैं आपके सामने रखता हूँ। इन आंकड़ों से आपको पता चल जाएगा कि कामन रखने से अगर सरकार का मतलब महज यह है कि हमारे ऊपर अब भी अगर आप उन्हीं लोगों की हुकूमत रखते हैं, जिनकी पहले थी, उन्हीं लोगों के दबाव के नीचे आप हम को रखते हैं जिनके दबाव के नीचे हम पहले थे तो हरियाणा से कोई लाभ नहीं होगा। पहले तो यह दलील दी जा सकती थी कि हरियाणा के आदमी पड़े हुए नहीं हैं इसलिए उनको नौकरी में नहीं लिया जा सकता था लेकिन सात आठ साल पहले जो यूनिवर्सिटी बनी है उसके बारे में यह दलील नहीं दी जा सकती है। यह जो एग्रिकलचरल यूनिवर्सिटी है इसका आधा कैम्पस हिसार में है और इसका

[श्री युद्धवीर सिंह]

मेन आफिस लुधियाना में है। उसके आंकड़े आप सुनिये और आपको पता चल जाएगा कि हम लोगों के साथ दरअसल में कितनी ज्यादाती होती रही है। मैम्बरजं आफ दी बोर्ड आफ मैनेजमेंट में एक हरियाणा का है और बारह पंजाब से हैं। एकेडेमिक काउंसिल में जीरो हरियाणा का है और 15 पंजाब के हैं। डीज एंड डायरेक्टर्ज में जीरो हरियाणा का है और सात दूसरे हैं। प्रोफेसर्ज में जीरो हरियाणा का है और बीस पंजाब के हैं। एसोसिएट प्रोफेसर्ज जो हैं उन में दस हरियाणा के हैं और अस्सी पंजाब के हैं। उसी तरह से लैक्चरार्ज की बात है। तीस हरियाणा के हैं और चार सौ बीस पंजाब से हैं। एडमिनिस्ट्रेटिव आफिसर्ज जीरो हरियाणा के हैं और पचास पंजाब से हैं। इस में क्लास 2 और उससे ऊपर के आदमी आते हैं। स्टाफ मैम्बरजं सैट एब्राड फाम एम० एस०, पी० एच० डी० बाई यूनिवर्सिटी, दो हरियाणा से और 28 पंजाब से। ग्रैंडर ग्रेजुएट स्टुडेंट्स फार बी० एस० सी०, बी० बी० साइंस इत्यादि, 320 हरियाणा के और 1400 पंजाब के। इसी तरह से पोस्ट ग्रेजुएट स्टुडेंट्स फार एम० एस० सी०, पी० एच० डी० 22 हरियाणा से और 210 पंजाब से। इन सब को आप छोड़ दें। चपड़ासियों की बात को आप देखें। हालत यह है कि तीन हरियाणा से हैं और अस्सी पंजाब से हैं।

यह उस यूनिवर्सिटी की बात मैं कर रहा हूँ कि जिसका एक कैम्पस हिसार में है।

श्री गुलशन : कुम्भखेत का जिक्र कर दो।

श्री युद्धवीर सिंह : मैं क्यों कर दूँ। आप पटियाला वाली यूनिवर्सिटी का जिक्र कर दो। हम को उस से क्या मतलब है ?

इन सारी संस्थाओं के अन्दर शिकायत तो हम को होनी चाहिये, चिल्लाना तो हम लोगों को चाहिये, चीखना तो हम लोगों को चाहिये लेकिन चीखते दूसरे हैं। आंकड़े मैंने आपके सामने रख दिये हैं और आप खुद ही अनुमान लगा सकते हैं।

एक बात मेरे साथी श्री पुरी जी ने कही है। उन्होंने कहा है कि यह पंजाबी सूबा बनता या न बनता लेकिन एक बहुत स्ट्रॉंग आदमी चला गया है। श्री प्रतापसिंह कैरों की तरफ उनका इशारा था। मैं उनको बतलाना चाहता हूँ कि अगर सरदार प्रताप सिंह कैरों रहते होते तो हो सकता है कि इस शकल के अन्दर पंजाबी सूबा न बनता जिस में आज बना है — हो सकता है सम्भावना है, यह मैं कहा रहा हूँ — लेकिन अपने ढंग से बहुत ही सुन्दर ढंग से वह पंजाबी सूबा बना रहे थे सब को लपेट कर के। उसका उदाहरण मैं आपके सामने रखता हूँ। वह अपने साथियों से कहा करते थे कि क्यों झगड़ते हो, पंजाबी सूबा अपने आप बन जाएगा। यह इस तरह से कि हरियाणा के आदमियों को तो लेना नहीं था और अपने आदमियों को लेना था और वह कर भी रहे थे।

इस सारे संदर्भ में एक बात मुझे और कहनी है। हो सकता है कि यह बिल जिस शकल में है उसी शकल में पास हो जाए। लेकिन जो देखने वाली बात है उसका भी मैं जिक्र कर देना चाहता हूँ। यूनिवर्सिटी का मैंने आप के सामने जिक्र कर दिया है। एक और छोटा सा उदाहरण मैं देता हूँ। आपने पंजाब इलैक्ट्रिसिटी बोर्ड को एक खास शकल दी है। आपने कहा है कि उसका जो खर्चा है वह कुछ हरियाणा देगा और कुछ पंजाब देगा। जो कामन संस्थायें हैं उन के बारे में आपने कहा है कि हरियाणा और पंजाबी सूबा दोनों इकट्ठा खर्चा देंगे। मैं पूछना चाहता हूँ कि इकट्ठा खर्च किस बात का ?

पिछले 17-18 साल के अन्दर सारा खर्च तो उस तरफ होता रहा इस तरफ कुछ भी नहीं हुआ है। बिजली का ही मैं आपको एक उदाहरण देता हूँ। जितनी बिजली पिछले 17-18 सालों में सारे अमृतसर जिले के अन्दर लगी है उतनी सारे हरियाणा में भी नहीं लगी है। इस में कोई अतिशयोक्ति नहीं है इसके आकड़े मौजूद हैं।

श्री जगदेव सिंह सिद्धान्ती (अज्जर) : इतनी भी नहीं लगी है।

श्री युद्धवीर सिंह : आप कहते हैं कि खर्चा बराबर देंगे। यह कहां की ईमानदारी है ? मैं एक मिसाल देता हूँ। एक भाई अपने दूसरे भाई का हिस्सा खा लेता है अच्छी तरह से खा लेता है। उसका हिस्सा खा लेने के बाद वह कहे कि अब अलग हो जाओ क्योंकि मैं ने अपना घर बना लिया है तो यह कहां तक न्यायसंगत है ? पंजाबी सूबे का घर बन चुका है सब बातें हो चुकी हैं बिजली भी लग गई है दुनिया भर के उद्योग भी स्थापित हो गए हैं और अब बराबर खर्च की इन सब संस्थाओं के लिए मांग की जाए दोनों से यह क्या ईमानदारी है ? ईमानदारी की बात तो यह है कि आने वाले पंद्रह बीस बरसों तक उस समय तक जब तक हरियाणा पंजाब के बराबर न आ जाए सारा खर्चा पंजाबी सूबे को देना चाहिये। आप देखें कि हम टैक्स भी कितना देते हैं पेंतालिस परसेंट टैक्स वे देते हैं और 55 परसेंट हम देते हैं। टैक्स भी हम ज्यादा दें और खर्च भी हम पर ही कम हो यह कहां का न्याय है। टैक्स सारे के सारे हम दें और खर्चा सारे का सारा उन के यहां हो और शिकायत भी उन्हीं को हो, शिकवे भी उन्हीं को हों, यह भी कोई बात है ? हम लोग जिन को असल में शिकायत है जिन को शिकवे होने चाहिये बात नहीं करते हैं, बोलते नहीं हैं और वे ज्यादा बोलते हैं। यह क्या ईमानदारी बरती गई है कि बराबर हिस्सा देने को कहा जाए। कहा जाता है कि हरियाणा

को हाई कोर्ट का भी हिस्सा देना पड़ेगा, चंडीगढ़ का भी हिस्सा देना पड़ेगा, और इलैक्ट्रिसिटी बोर्ड तथा फिनांस कारपोरेशन का भी ..

श्री बड़े (खारगौन) : वाटर का भी।

श्री युद्धवीर सिंह : हिस्सा देना पड़ेगा। हरियाणा यह हिस्सा क्यों दे ? मैं कहना चाहता हूँ कि हम पर यह हिस्सा तब तक नहीं लगना चाहिए जब तक कि हम पंजाब के बराबर नहीं हो जाते हैं। इस स्थिति में आप इस बात का निर्णय कर सकते हैं कि किस के साथ न्याय हुआ है और किस के साथ अन्याय हुआ है।

अन्त में मेरी मांग है कि जब तक हम लोग—हरियाणा वाले—आर्थिक स्थिति के मामले में पंजाब के बराबर नहीं आ जाते हैं, हमारे साथ जो अन्याय होता रहा है, जब तक हम उस अन्याय से मुक्त नहीं हो जाते हैं, तब तक हम पर इस प्रकार के खर्च का भार न डाला जाये। इसलिए यह आवश्यक है कि बिल में खर्च के सम्बन्ध में जो क्लॉज आ रहे हैं, उन पर दोबारा गौर किया जाये और उन में एमेंडमेंट किया जाये। पिछले पंद्रह, बीस साल से साम्प्रदायिक नीति के कारण हम पर जो खर्चा डाला जा रहा है, अब हमें उससे मुक्ति दिलाई जाये। जहां तक हमारे आर्थिक शोषण का सम्बन्ध है, चाहे श्री डी० सी० शर्मा हों और चाहे सरदार प्रतापसिंह कैरों हों, हमारे लिए सब एक थे। जिन लोगों ने जॉक बन कर लगानार हरियाणा का खन चूसा है, उन में ये बराबर सब थे। मैं केवल श्री डी० सी० शर्मा के बारे में नहीं कहता हूँ। हरियाणा के मामले में उन की, सरदार प्रताप सिंह कैरों की और उन के दूसरे साथियों की, सब की, मिली-भगत थी। आज उन में आपस में झगड़ा होने लग गया है, पंजाब में केवल दो सम्प्रदाय रह गए हैं और उन की आमने-मामने टक्कर हो गई है, इसलिए उन

[श्री युद्धवीर सिंह]

लोगों की बातें बदल गई हैं, उन की दलीलें दूसरी हो गई हैं, उन के बोलने का तरीका दूसरा हो गया है, वरना ये हिन्दू और सिख दोनों हरियाणा को लूट रहे थे।

मलिए अमल बात वह नहीं ठ, जा सदन के सामने लाई जा रही है। वास्तव में स्थिति यह है कि हरियाणा को लूटने के लिए एक पड़यंत्र बना हुआ था। पहले अगर इन के यहां एक हजार ग्रैजुएट्स होते थे, तो पांच सौ पंजाब में रख लेते थे और पांच सौ हरियाणा में डाल देते थे। अब इन को हजार के हजार ग्रैजुएट्स वहां ही खपाने पड़ेंगे। क्या करेंगे ये उन सब का? इस लिए अब ये मांग कर रहे हैं कि इन की टेरीटरी को बढ़ा दिया जाये। इस में केवल अकाली ही शामिल नहीं हैं, बल्कि श्री गुरुमुख सिंह मुसाफिर और कांग्रेस कमेटी का यह कहना है कि हरियाणा का इलाका हड़प लिया जाये। श्री मुसाफिर यहां पर बैठे हुए हैं। उन का प्रस्ताव है कि उन को फ्राजिल्का भी मिल जाये, मिरसा भी मिल जाये, फतेहबाद भी मिल जाये और रोहतक और शज्जर भी मिल जाये, दिल्ली भी मिल जाये। श्री मुसाफिर मेरठ और मुजफ्फर नगर भी क्यों नहीं मांग लेते हैं? वह बहुत उपजाऊ इलाका है। मैं निवेदन करना चाहता हूँ कि इस तरह की मांगों का कभी तो अन्त होना चाहिये।

गवर्नमेंट को बाउंडरी कमीशन की बात पूरी तरह माननी चाहिए, वरना उस के कई दुष्परिणाम होंगे। गवर्नमेंट ने चंडीगढ़ के मामले को बीच में ही लटका कर कमजोरी दिखाई है, जिस से कई किस्म की उलझनें पैदा होंगी। गवर्नमेंट का अब भी यह कर्तव्य है कि वह इस समस्या का सम्पू्क अवलोकन करे और उसका कोई उचित हल निकाले। वह हर बात में जो कमजोरी दिखाती है, उस का असर यह होता है कि कुछ लोग और मांग करने के

लिए प्रोत्साहित होते हैं और कुछ लोगों को शिकायत करने का मौका मिलता है।

जहां तक नुकसान होने का ताल्लुक है, ईमानदारी से यह सोचा जाना चाहिए कि वास्तव में नुकसान किस को हुआ है, कौन आदमी नुकसान उठाता रहा है। मैं सदन को बताना चाहता हूँ कि नुकसान किसी को नहीं हुआ है—सब लोग अपने अपने कारखाने, फ़ैक्टरियां और व्हेयरहाउसिज बनाते रहे हैं। अगर पिछले पन्द्रह-बीस साल में किसी को नुकसान हुआ है, तो केवल हरियाणा को हुआ है। जब तक उस नुकसान की पूर्ति नहीं की जायेगी, तब तक यह गवर्नमेंट अपने कर्त्तव्य को पूरा नहीं करेगी और तब तक वह साम्प्रदायिक समझी जायेगी।

पेट्रोलियम और रसायन मंत्रालय में उप-मन्त्री (श्री इकबाल सिंह) : माननीय सदस्य की पार्टी, जनसंघ, तो हरियाणा की मुखातिफ रही है।

Shri Gajraj Singh Rao (Gurgaon): Mr. Deputy-Speaker, Sir, I rise to say that this Bill has been.... (Interruptions).

श्री हुकम चन्द कछवाय (देवास) : माननीय सदस्य तो बड़ी अच्छी हिन्दी बोलते हैं। वह हिन्दी में भाषण दें।

श्री गजराज सिंह राव : जब मुझे कोई हिन्दी सिखा देगा, तो मैं हिन्दी बोलूंगा। मैं उर्दू में बोल सकता हूँ।

कुछ माननीय सदस्य : उर्दू में ही बोलिए।

श्री गजराज सिंह राव : अच्छा। मैं समझता हूँ कि इस हाउस में इस बिल के बारे में गलत तरीके से खयालात जाहिर किये गए हैं। इस सिलसिले में मुह्तलिफ़ मेम्बर्ज की तरफ से इस तरह की वहस की गई है कि जैसे हिन्दुस्तान के टुकड़े कर के एक दूसरा मुल्क बनाया जा रहा है। क्या हम लोग यहां पर नेशनलिस्ट बैठे हुए हैं? जो कुछ हम कह रहे हैं, क्या वह नेशनलिज्म

की स्पिरिट के मुताबिक है ? मैं तमाम पार्टीज को नेशनलिस्ट समझता हूँ। इसलिए क्या हम को इस तरह बहस करनी चाहिए ? यह तो एक इन्तजामिया मामला है। कल यह कहा जायेगा कि जाट, अहीर और गूर वगैरह के लिए अलग अलग जिले बना दिये जायें। और हरिजन कहेंगे कि हमारा कोन सा जिला है। इस तरिके पर नहीं चलना चाहिए।

इस हाउस में पहले कई मतंवा यह कहा गया कि जब यह उमूल तय कर लिया गया है कि जुवान की बिना पर मुकतलिफ़ सूबे बनाए जायें, तो पंजाबी जुवान बोलने वाले लोगों, हिन्दू, सिख या ईसाई, का यह उज्र माकूल है कि सिर्फ़ हम पर ही यह उमूल क्यों नहीं लागू किया जाता है। जहां तक मेरा तालुक है, मैं तो हमेशा इस हक में था कि मुल्क में सिर्फ़ पांच सूबे बनाए जायें और इस बारे में मेरो तहरोकोँ थो। इसलिए गवर्नमेंट ने ग्रैस के साथ यह मान लिया कि जुवान के आधार पर पंजाबों सूबा बनाया जायेगा। लेकिन मैं अज्र करना चाहता हूँ कि अगर इस सिलसिले में कोई गलत कदम उठाया जायेगा, तो उस के नतीजे भी गलत होंगे।

17.57 hrs.

[SHRI SHAM LAL SARAF in the Chair]

यहां पर हिस्ट्री के बड़े बड़े हवाले दिये गए। आप 1857 की हिस्ट्री ले लीजिए जब कि हरियाणा को सजा के तौर पर पंजाब के साथ मिला दिया गया। पंजाब में रहने वाले भाई हरियाणा को सजा देना चाहते थे या नहीं, वह अलग बात है, लेकिन अंग्रेज उन को कहते थे कि हरियाणा के लोग घटिया दर्जे के लोग हैं। मैंने यह बात सुनी है कि "ए हिन्दुस्तानी बड़े भड़े हैं", यानी हिन्दुस्तानी बड़े बुरे हैं। अंग्रेज हाकिमों के इशारे पर इस तरह की बातें कही जाती थीं। बड़े अंग्रेज सियासतदानों ने माना है कि हरियाणा को विक्टिमाइज करने के लिए, उस को सजा देने के लिए, इस को पंजाब के साथ मिलाया

गया, भागरा को भ्रवघ के नवाबों के हवाले किया गया और ग्लोड दिल्ली की टैरीटर को अलग कर दिया गया। इस तरह हरियाणा के टुकड़े टुकड़े कर के उसको सजा दी गई।

लेकिन इस सिलसिले में मैं यह कहना चाहता हूँ कि "हिन्दी हैं हम वतन है हिन्दुस्तान हमारा, हम बुलबुलें हैं इस की, यह गुलिस्तान हमारा।" अगर इस शाख पर बैठ गए या उस शाख पर बैठ गए, तो इस से क्या फ़र्क पड़ता है ? पंजाब के लोग हमारे बड़े भाई हैं और हम लोग बंटवारा कर के अलग अलग हो गए हैं। अब बड़े भाई, पंजाब के लोगों को हमारे छोटे भाई, के बारे में दरयादिली दिखानी चाहिए, क्योंकि वह छोटा भाई सौ, सवा सौ साल से तकलीफ़ पा रहा है, सजा पा रहा है। अब बड़े भाई को छोटे भाई के लिए थोड़ी कुर्बानी करनी चाहिए।

सवाल यह है कि क्या इस वक्त कुरुक्षेत्र यूनिवर्सिटी के सिवाये हरियाणा में कोई और इस्टोटीयूशन है। मैं अपने पंजाबी भाइयों से कोई अज्र नहीं करता हूँ। मैं यह कहना चाहता हूँ कि इस तरह आपस में नफ़रत पैदा करना चन्द लोगों की करतूत है, जिस को कई भाई जारी रख रहे हैं। वे यह नहीं समझते हैं कि हम क्या कह रहे हैं और क्या कर रहे हैं। अगर मुझे कोई चोज़ मांगनी होगी, तो मैं छोटे भाई के नाते अपने बड़े भाई के पास जाऊंगा और कहूंगा कि मुझे कुछ दे दिया जाये।

18 hrs.

आप यह भी खयाल फ़रमाइये कि इस डीबेट का असर उन मुल्कों पर, जो हमें नक्सान पहुंचाने पर तुले हुए हैं, और हमारी उन फ़ौजों पर क्या पड़ेगा, जो देश की सब से ज्यादा वफ़ादार हैं और जिन्होंने कभी हिन्दू, मुस्लिम या सिख का सवाल पैदा नहीं किया, जिन्होंने कभी मजहब या जात या सूबे का सवाल पैदा नहीं किया। मैं नाजा हूँ इस बात पर कि हिन्दुस्तान एक ऐसा मुल्क है, जिस में फ़ीज ने कभी इस किस्म का सवाल पैदा

[श्री गजराज सिंह राव]

नहीं किया है। हमारे आस पास के तमाम मुल्कों में फीज में बग़ावत हो चुकी है, लेकिन हिन्दुस्तान की फीज ने कभी यह नहीं सोचा। यह ठीक है कि अगर किसी मुल्क ने हम पर हमला किया, तो हमारी फीज और जनता एक हो कर उस का मुकाबला करेगी। लेकिन इस किस्म की बातों का हमारे सिपाहियों पर बुरा असर पड़ेगा। चीन भी यह सोच सकता है कि जब इस मुल्क में इस किस्म की हालत है, तो क्यों न उस पर हमला कर दिया जाये। तो मैं अर्ज करूंगा कि इस स्पिरिट से हम को बिल्कुल नहीं देखना चाहिए। एक चीज जायज तरीके पर, ग्रेस के तरीके से मान ली गई है। अब इस में जो छोटी मोटी खामियां हैं, नुक्स हैं, वह हम गवर्नमेंट लेवल पर, भाई बन्दी के लेवल पर तय क।

एक कानूनी नुक्स के बाबत वह जब क्लॉज आयेगा मैं अर्ज करूंगा कि क्लॉज 16 जो है वह कानून के कर्तई खिलाफ है। उसकी वजह से जो यह मेहनत की गई, कहीं गरमागरमी भी हुई, कहीं सही तरीके पर भी बैठ कर बात हुई, तो वह बिल्कुल उस को खत्म कर देता है। मैं गवर्नमेंट से अपील करूंगा कि क्लॉज 16 को जिस में कि 8 मेम्बर शमार किये जायें असेम्बली के मेम्बर, उस को निकाल दें। नन्दा साहब ने जवाब दे दिया कि 54 हो जायगा। एक पार्टीशन है, कांसीक्वेंशियल एक्ट है जो उस वक्त हावी है और 54 में कांसीक्वेंशियल एक्ट के मातहत, पेप्सू की मिसाल है, दूसरी मिसालें भी मौजूद हैं, यह चीज चल सकती है। और बेसिक चीज क्या है? बेसिक चीज है 81 की मेम्बरी जो कि आगे हरयाना के लिए होगी। तो इतने में कोई खामी नहीं है कानून, जो कुछ थोड़ा बहुत कानून मैं जानता हूँ उस के मुताबिक।

फिर कहीं कहा जाता है कि हाई कोर्ट में एक अप्लीकेशन पेटिशन है कि इजाजत दी जाय अपील की और इस की वजह से यह प्रश्न सारा का सारा खत्म कर दिया जाय, तो इस किस्म की छोटी छोटी चीजें नहीं आनी चाहिए और विकरिंग नहीं होनी चाहिए। जो ग्रेस के साथ इस आगस्ट हाउस ने, बड़े हाउस ने पिछले दो, तीन, चार महीनों के अन्दर माना है हमें उस को ईमानदारी के साथ इम्प्लीमेंट करना चाहिए और यह समझ कर करना चाहिए कि दूसरा भाई भी उतना ही वफादार है जितना कि मैं हूँ, बल्कि मेरे से ज्यादा है। जब तक इस स्पिरिट से नहीं चलेंगे तब तक देश आगे नहीं बढ़ सकता।

मेरी गुजारिश है कि जो खामियां हैं, उन को मैं भी अर्ज करूंगा क्लॉज पर डिस्कशन के वक्त। हाई कोर्ट के सम्बन्ध में, मैं समझता हूँ कि हरयाना का हाईकोर्ट दिल्ली के साथ होना चाहिए और यह चीज मुसलहतन वैसे भी ठीक नहीं है और न लोगों के आराम के लिए है। तो यह इस संबंध में मेरी अर्ज है। रही यह बात कि जो इन्स्टीट्यूशंस हैं जैसे भाखरा है, भाखरा की हिस्ट्री देख लीजिए। मैं जब बच्चा था तब से उसके साथ एशो-शियेटेड हूँ। मैं पिटा भी हूँ उस के लिए। भाखरा के सम्बन्ध में लिखा हुआ है कि :

"It is meant for Haryana area, because there was no means of irrigation for it. This was fought for by the whole of Haryana, irrespective of parties."

तो आज इस में मैं समझता हूँ कि बोर्ड भी बने तो पंजाबी भाइयों से मैं अपील करूंगा कि वह दरियादिली से कहें और उस दरिया को उस जगह बहायें जहां कि खुशक इलाका है।

सभापति महोदय : अब आप खत्म करिए।

श्री गजराज सिंह राव : बहुत अच्छा । इसलिये मैं अर्ज करूंगा कि मैं मुहतालिफ क्लोजेज पर और जो कुछ कहना होगा करूंगा । चंडीगढ़ का जहाँ तक सवाल है या और इलाकों का सवाल है, कमीशन की रिपोर्ट जो है वह चंडीगढ़ के मुताल्लिक और और इलाकों के मुताल्लिक भी मान ली जाय और उस में मैं फिर अर्ज करूंगा कि इसी स्पिरिट से हम को यह सब करना चाहिए । मैं आप का बहुत मशकूर हूँ ।

Shri Umanath: Sir our party is very happy that after long years of bitter struggle, the two States of Haryana and Punjabi Suba are coming into being. While explaining certain clauses of the Bill, the Home Minister made an appeal that members here should not speak in such a way that it will cause tention among the people of the two regions. I agree with the content of the appeal. But I submit that merely the speeches here are not the root cause of any tensions that are going to be created or are already in existence. The root cause of the seeds of future tension are already there in certain provisions of the Bill that has been brought forward by Shri Nanda, and if tension should not be generated the appeal must be directed to himself and to the Government as such so that certain provisions of the Bill may be corrected and happiness and good relationship will prevail between the two States that will come into being.

Sir, the Britishers had a set pattern. When after long bitter years of struggle for our country's independence the Britishers left, when they quit India, they conducted themselves in such a way that they left us in this position that after their going away there should be quarrel and fight between Pakistan and India. That is the set pattern Britain has adopted. Now I am reminded of that. It is in the same way that the Government has acted now. When the people of Punjab and Hariana, both the regions, fought that they must have respective linguistic States, because of their pressure, because of their struggle, the Government was forced to accept that. But in accepting that they are doing it in such a way that after the formation of the two

States there will be continued conflict between the two States as there is conflict and tension between Pakistan and India. The same British pattern has been correctly adopted by our Government.

What is the reason for that? It is not accidentally done. The reason is that for the past so many years the demand for Punjabi Suba was being resisted by Congress leadership and the Government with the help of Hindu communalists in that region. Naturally, now, when this Punjabi Suba is being conceded, when with the help of communalists they have been resisting giving Punjabi Suba, certain concessions have got to be made to the Hindu communalists. That is the basis for what the Government has done today.

The first blow to linguistic basis has been the dictation by Government to the Commission that the 1961 census must be the basis. The Government knows it very well—but they have consciously done it—that up to 1931 as far as census was concerned it had been calculated on the basis of "Punjami speaking" irrespective of whether one was a Hindu, a Muslim or a Sikh. Up to 1931 it was done irrespective of Communal considerations. In 1941 the departure started. In 1941 the demand for Pakistan was made by the Muslim League. The moment that demand was made, naturally, there was the Hindu-Muslim Struggle. The Hindus took up the position that there was no justification for Pakistan and the Muslims took up the position that there was justification for Pakistan. This struggle was reflected in the struggle between Urdu and Hindi. This struggle was reflected in the census of 1941. I would like to bring to your notice what the then Census Commissioner, Mr. W. M. Yeats wrote in his report. He said:

"Sentiments attached to Urdu or Hindi as the case may be, led all worthy persons to feel that it should be the mother tongue and therefore return it. Where, therefore, the Urdu-Hindi controversy enters, the census returns are worthless."

That is his experience. This happened in 1941. What happened in 1951? The

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demand for Punjabi Suba was raised. From there the controversy begins as to the two languages—Punjabi and Hindi. The same struggle was converted by the communalists, as far as Punjab was concerned, into a fight between Hindi-speaking people and Punjabi-speaking people. This was extended to 1961 also.

I would like to submit, therefore, that in order to defeat the linguistic demand for Punjabi Suba, the Hindu communalists in that State—I am not associating the people of Haryana who have a just demand—raised this communal struggle between Hindi and Punjabi. Naturally, it was carried to 1961 also. The 1961 Census is the monument, is the personification of the communal struggle that was going on in Punjab.

Mr. Chairman: He must speak about the Bill.

Shri Umanath: I am giving the basis for the Bill. This Bill arose out of the basis given by the Government to the Commission in the terms of reference.

Regarding the census figure, Shri Lala Jagat Narayan, Member of Parliament, in a signed article, published in his paper, **Hindi Samachar** dated 21.10.65 states clearly:

“My mother tongue is Punjabi. But I reported it as Hindi simply to ward off Punjabi Suba.”

What further admission do you want? So, it is this struggle and this communal tendency that is reflected in the 1961 census report. Then I will tell you what the late Prime Minister, Shri Jawaharlal Nehru, himself said. I am not going into the details. I am quoting this to show the basis that was given by this Government to the Commission for demarcation of the boundary on communal basis. That is my point. So, its natural reflection will be there. The late Prime Minister, Shri Jawaharlal Nehru, said in the Lok Sabha on 30th August, 1961:

“Unfortunately, an agitation was carried on in the last general election among these people to declare in the census that their language was Hindi and not Punjabi, although

they speak Punjabi in their homes. I do not know what was the purpose of it, but it was not a truthful statement which did a lot of harm. It increased friction, increased the tendency for separation. Behind all this is powerful politics and lack of faith between Sikhs and Hindus.”

This is how Prime Minister Nehru characterised what was going on. He said it is a harmful thing, it reflects friction, it reflects a tendency for separation. He called it a communal tendency between Sikhs and Hindus. This itself is given as the basis by the Government for the re-organisation. Therefore, naturally I would like to ask whether it augurs well for the two States. I have to ask this question even though it is a happy occasion. The Government and the Congress Party preach secularism, but this is how they practise secularism. That is what I would like to point out.

Then I come to the question of Chandigarh.

Shri Nanda: What is the point?

Shri Umanath: I am saying that your terms of reference for the formation of the State was based on communalism. I hope you have understood it now.

Shri Nanda: You are equally wrong now also.

Shri Umanath: You have been wrong all along. When you submitted the White Paper on this, it was communal.

Coming to Chandigarh, the decision of the Government is that it must be a Centrally administered area, a Union Territory and that the two States must have their capital there. As I see it, it is a decision with dangerous implications. Because, first of all, as far as the people of Chandigarh are concerned, there will be no Assembly. They are denied an elected government and an elected Assembly. So far as these two governments are concerned, they will have a capital where they will have absolutely no power. It is a very strange thing. Himachal Pradesh was suffering from that for a long time. Now, because of re-

organisation, these two Governments will be at Chandigarh where they will have absolutely no power; whether it is the development of the capital, or the law and order problem, they will have no power. It is an unjust decision. Because of this, the two governments will not be interested in the development of Chandigarh.

Now I come to the implications of this dangerous decision, which relates to law and order. Suppose a demonstration takes place in Chandigarh and the Punjabi Suba Government make the assessment that there is nothing wrong in that demonstration. And suppose, the Central Government think that it is a law and order situation, so there must be a lathi charge against the demonstrators, and the other government, namely, the Haryana Government, thinks that what the Central Government did is right, that it has intervened correctly and the police lathi charge was correct. Now what will happen is that there will be a conflict between the Punjab Government and the Central Government and between the Punjab Government and the Haryana Government on this issue. All sorts of complications will take place.

Shri Nanda: Are you thinking of lathi charges there?

An hon. Member: Firing also.

Shri Umanath: Firing and lathi charge is not my desire. It is at your command. You are going to do that. I know it very well. Chandigarh is not going to be an exception, as far as firing and lathi charges are concerned. I do not think they are going to have a privileged position at the hands of Nandaji.

So, when the law and order situation comes and one government may like it and another government may not like it, what will happen? This decision of the Government is the worst seed of disruption between the two State Governments and the two regional people. So, it has a dangerous implication. That is why I am against Chandigarh being Centrally administered. It must be a capital of one State and it should not be Centrally administered.

Of course, our party's opinion is that Chandigarh must be the capital of Punjabi

Suba. We have got our reasons and we will state them. The Commission says that Chandigarh must be a part of Haryana. The Government says that it must be Centrally administered. Our view is that these are not conflicting decisions but are a part of the same game to deprive Punjabi Suba of Chandigarh. If we go into the merits of the question of Chandigarh, as far as geographical contiguity is concerned—I read the reports and other things—it is conceded—it is not disputed—that on all sides Chandigarh is covered by Punjabi-speaking area. It has geographical contiguity with Punjabi Suba. In fact, if Chandigarh is to be the capital of Haryana, Haryana must have a corridor running through Punjabi Suba.

Shri D. D. Puri: No, this is not so.

Shri Umanath: As far as contiguity is concerned, on three sides Chandigarh is contiguous with Punjabi-speaking area. That is the position.

What is the argument against it? The argument against it, I found, is that as far as language is concerned, Hindi-speaking people are in a majority. That is the one consideration given. I want to know what about Bombay. Is it a fact that in Bombay the Marathis are in a majority?

Shri Shivaji Rao S. Deshmukh (Parbhani): They are.

Shri Umanath: They are not. This is admitted. That controversy came at the time of Bombay. Marathis are not in a majority; that is why the other people demanded that it must be Centrally administered and that is how it was brought about. However, what I am saying is that this standard that is applied to Chandigarh was not an objective standard. It is just a pre-determined decision that is taken.

Shri Warrior: Let us not repeat in Chandigarh at least the same blunder that was committed in regard to Bombay.

Shri Umanath: Another argument is that both the regions have contributed to its development. Both Gujarat and Maharashtra had contributed to the development of Bombay. Both had contributed to the development of Bombay city. At

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the time of Bombay also this serious proposal was brought that Bombay must be made Centrally administered but it was resisted by the people and then it was given up.

Coming to the illogical position that the Commission itself has taken on the question of Chandigarh, while they say that geographically on three sides there is contiguity because of the language majority we are recommending that it should go to Haryana, the same Commission when it comes to Pathankot says:—

"The tehsil is predominantly Hindi-speaking but it has no geographical contiguity with the Hindi-speaking districts of the Punjab in the south. In the absence of geographical contiguity, tehsil Pathankot cannot be recommended for inclusion in the proposed Haryana State."

So, though it concedes that it is Hindi-speaking area, it does not include it in the Hindi-speaking State because there is no geographical contiguity. Then, they must apply the same thing to Chandigarh also. Though Chandigarh is Hindi-speaking, but because there is contiguity on three sides, it should go to Punjab. So, my submission is that this Commission cannot justify its position.

My point is that it is a division of jobs between the Government and the Commission, that is, the Commission should recommend that it should go to Haryana and threaten Punjab that it is going to Haryana, and then the Central Government must intervene like a monkey dividing the bread between the two cats saying, "No. It is going to Haryana and so I am saving it from going to Haryana by making it a Centrally-administered area." This is the mind behind that. By this decision, the Government poses as if they are doing justice to Haryana. But Haryana's genuine demand is for Greater Haryana with Delhi as its capital. The Government does not want that Delhi should go to Haryana. So, in order to divert the attention of the Haryana people from their genuine

demand, this Chandigarh issue has been raised.

Finally, on the question of Tehsil and village importance, I request that village must be the basis. One tehsil consists of 2½ lakh people. Now, there may be 1,30,000 people speaking one language and 1,20,000 may be speaking another language. Now, a difference of 10,000 should not make it go to another State speaking another language. So, my appeal is that in the national interest, in the interest of national integration, in the interest of amity between these two States, the Government must remove certain portions, which have become the seeds of dissensions.

Shri A. N. Vidyalankar (Hoshiarpur): Mr. Chairman, Sir, I wished that as the Bill was so important, more time should have been given for the examination and consideration of the Bill. It is unfortunate that such an important Bill should have come at the far end of the session and only two or three days should have been given to the Members for the examination of the Bill.

Most of my friends who have spoken earlier, I feel had examined the Bill not from the objective point of view but from the subjective point of view. There might be logic in a thing. But when the Government has to determine certain policies, procedures and certain actions, Government has to look at the whole thing from the overall point of view, and mostly from the objective point of view.

There are many problems. Subjectively speaking, we desired that these problems might be solved in certain manner. But the Government has to take the totality of the situation and from that point of view, from that angle, they have to find out a solution. Their solution cannot be absolutely correct from the pure logical point of view. But from the administrative point of view, it has to see what is logical. In the democratic set-up, we have to decide and we have to determine something out of many claims. In this matter, there were different claims and there were conflicting claims. For instance, with regard to the boundary many friends have spoken differently. I think, at this stage, it is not proper to raise the controversies with regard to the boundary.

There are different opinions; there are different, contradictory views. On one side, it has been demanded that Government should take certain action immediately. That was the demand from Haryana; that was the demand from the Punjabi-speaking area and that was the demand from Himachal Pradesh. The desire was that Government should take some action immediately before the General Elections. Then the Government had to settle conflicting claims on areas from all sides. The best thing under the circumstances was for the Government to set up a Boundary Commission. The Boundary Commission has decided these cases. Then even after that, conflicting claims, specially in regard to Chandigarh continued to be pressed. Government have decided that that area should remain with the Centre in order to give the scope and time for the Government and for all parties to determine the future of Chandigarh. Therefore, I think that at this stage we should not raise controversies with regard to boundaries. We should have the larger perspective of the interest of the people and we should not raise controversies with regard to boundaries.

So far as Mr. Kapur Singh is concerned, I think most of the things that he spoke were irrelevant to this Bill. He opposed this Bill because this Bill did not give the Sikhs a Homeland. It would have been unconstitutional and absolutely contrary to the provisions of the present Constitution if this Bill had provided for a homeland for Sikhs. They cannot provide, under the present Constitution, any homeland for the Hindus or for the Muslims or for the Sikhs or for any other community. Mr. Kapur Singh had quoted Jawaharlal Nehru and the Resolutions of the Congress. But what Mr. Kapur Singh stated was not consistent with those Resolutions; what he stated was absolutely opposed to the general concept of nationalism to which Congress and the whole country has consistently adhered to and to which our Constitution also adheres. I need not go into those questions. He tried to state the history. I concede that Master Tara Singh, at no stage before Independence, demanded that the Punjabi area should be a separate State just as the Muslim League desired that the Muslim area should be a separate entity. Master

Tara Singh, before Independence, took that stand. I think that was a patriotic stand that he took. Against Jinnah, he took that stand; that was patriotic. But the stand that Master Tara Singh is taking today is not patriotic. He now desires that there should be a separate Sikh Homeland. Sikh Homeland, as I have just said, is opposed to the concept of the present Constitution, is opposed to the concept of nationalism.

My friend, Mr. Umanath, has also tried to say many things but I think he distorted history. By distorting history, he tried to build up his argument. I have no time to go into the whole history.

The Communist Party, whether it is right or left, claim that they are a secular party. But unfortunately whenever communal demands were made, whether before Independence—made by the Muslim League—or after Independence, made by communal or sectarian groups, the Communist Party somehow or other persuades itself to support those demands. Perhaps that is because they think that any stick is good enough to beat the Congress Government with. (*Interruptions*).

Shri Umanath: The Pakistan Agreement was signed by your Government and not by us.

Shri A. N. Vidyalkar: I know that in Kerala they befriended the Muslim League. Wherever there are communal or sectarian demands, the Communist Party goes and supports those. I cannot understand. It is absolutely inconsistent with their claims to be a non-sectarian or secular party. I need not go into the whole questions. Just as I have said, he also tried to distort history. I need not go into all those things in this short time.

Mr. Daji stated certain things. He stated that Chandigarh ought to have gone to Haryana. He said certain things on the one side and Mr. Umanath said certain things on the other side. This shows how the claims are conflicting. But the Government has to take a decision today, a decision from the democratic point of view. In democracy people make opposite claims.

{Shri A. N. Vidyalkar}

They should agree to certain things and they should persuade each other. But what happens here? One party stands up and says that they are not going to accept certain thing, and another part says that they were not going to accept something else. They try to talk at each other. It does not lead to any conclusion. But the Government have to take certain decisions. With regard to the second chamber, personally I do not like a second Chamber. But if we take into account the situation in Punjab as it is and the conditions there, I think it is a right decision that at the present stage, the second Chamber should be created although later on if Punjab decides that the second Chamber is not wanted, it can dispense with it.

With regard to the deeming of some Council Members as members elected to the elected Assembly, I would submit that that is really inconsistent with the Constitution, and I hope that an amendment will be moved by Government to rectify that position.

Mr. Chairman: The hon. Member should conclude his speech in a minute.

Shri A. N. Vidyalkar: This is an important Bill and many points arise out of this, and, therefore, I feel that more time should be given.

Mr. Chairman: When the clauses come up for discussion, he can make all these points.

Shri Buta Singh: He is making a very valuable contribution and let him have some more time.

Shri A. N. Vidyalkar: I feel that only elected Members should be there in an elected House. In that respect also, I hope that some amendment will be moved by Government.

With regard to common links, I think that it is better that at Chandigarh many common links should be retained. I conceive that Chandigarh should in course of time become a centre for Himachal Pradesh, for Jammu, for Punjab and for Haryana,

and it should become a big centre and a centre of all important activities, for instance, educational activities etc.....

Shri Kapur Singh: Is my hon. friend proposing Maha Punjab?

Shri A. N. Vidyalkar:.....for the benefit of all the people of all these areas. That is my concept of Chandigarh. And that is possible if Chandigarh is developed in that manner with the cooperation of all. It should belong to all, and it should become a common heritage I think that would be the best solution, and I hope the Centre will make all the necessary arrangements with regard to that.

Shri Kapur Singh: May I have your permission to ask this question of him? Is he proposing Maha Punjab?

Shri A. N. Vidyalkar: I am not yielding. I did not interrupt him when he was speaking, although he had said many irrelevant things. Why should he interrupt me now?

With regard to the electricity Board I have tabled an amendment, and I shall deal with that point when the relevant clause comes up for discussion.

With regard to the university also, I think it would be better that the Punjab university should be a common university but the Punjabi university should be given more funds and more support from the Centre so that the Punjabi university could be developed properly. Similarly, the Kurukshetra university also should be developed as such a university, and the Punjab university should remain a common university.

With regard to canals and dams, I feel that the Centre should take the responsibility for all the assets and liabilities of the Bhakra Project etc. I think that it would be most unjust on the part of the Central Government if they ask that all the betterment levy and all the capital expenditure should be borne by the two States. I think that nowhere in the world is the expenditure on the running of irrigation projects and the canals etc. charged from the people because these projects indirectly increase

the total income of the States. Therefore, I feel that the Centre should take the liabilities and assets of the electricity projects and the canals. I hope this point will be examined so that the two new States might not be unnecessarily overburdened with all the expenditure and all the interest charges and other heavy liabilities.

श्री अ० सि० सहगल (जंत्रगौर)

यह जो पंजाब रिआर्गनाइजेशन बिल लाया गया है, इसका मैं स्वागत करता हूँ। मैं अपने विचार कुछ चीजों पर आपके सामने रखना चाहता हूँ। इन बातों के बारे में मैं साफ नहीं हूँ।

पहली बात तो यह है कि आप सैकिड चैम्बर बनाने जा रहे हैं। यूनियन टैरिटरी की भी आपने इस में व्यवस्था की है। उस यूनियन टैरिटरी के रहने वाले जो लोग हैं इनके नुमाइंदों को आप सैकिड चैम्बर में किस तरह से रखेंगे। सैकिड चैम्बर में यूनियन टैरिटरी के लोग नहीं आ सकते हैं। इस वास्ते मैं समझता हूँ कि यह जो सैकिड चैम्बर की बात है इसको हमें वहाँ के लोगों पर ही छोड़ देना चाहिए। वे चाहें तो सैकिड चैम्बर बना सकते हैं और न चाहें तो न बनायें। रिआर्गनाइजेशन होने के बाद जनरल इलैक्शन जब हो जायें तब वहाँ के लोगों को आपको मौका देना चाहिए कि वे सैकिड चैम्बर बनाना चाहते हैं तो बनायें और नहीं चाहते हैं तो न बनायें।

मैं यह भी कहना चाहता हूँ कि रिआर्गनाइजेशन के बाद 111.36 लाख की पापुलेशन इधर आएगी। अब हमें देखना यह है कि रिआर्गनाइजेशन के बाद इधर मੈम्बर कितने आएँगे। 104 के करीब आयेंगे। उसके साथ जो आपके लोक सभा के मेम्बर होंगे, हाउस आफ दी पीपल के मेम्बर होंगे वे तेरह होंगे। इन दोनों को देखते हुए मेरा खयाल है कि और जगहों

की तरह से आपको पंजाब में भी 3 : मैम्बर देने पड़ेंगे, लैजिस्लेटिव असेम्बली के लिए। उसी तरह से हरयाना को भी आपको ज्यादा मेम्बर देने पड़ेंगे और हिमाचल प्रदेश को भी। हिमाचल प्रदेश में जो हिस्से गये हैं उनका लिहाज रखते हुए आपको वहाँ की सदस्य संख्या भी बढ़ानी होगी। उनकी पापुलेशन को ध्यान में रखते हुए उनको जो हिस्सा मिलना चाहिये वह आपको उन्हें देना होगा।

भाषा के आधार पर कुछ हिस्से इधर उधर रह गये हैं। मैं समझता हूँ कि तीनों को मिल बैठ कर इस बात को तय कर लेना चाहिए और तय करने के बाद इस बात को देखना चाहिए कि जो हिस्सा जिस को मिलना चाहिए वह उसको दे दिया जाए। हो सकता है कि यह जो कमेटी बनी थी इस कमेटी ने उतनी दूरदर्शिता के साथ गौर न किया हो जितनी दूरदर्शिता के साथ इसको गौर करना चाहिए था। भाषा के आधार पर जब आप इन प्रान्तों की रचना करने जा रहे हैं तो आपको यह भी देखना चाहिए कि जिस जगह पर जो भाषा बोली जाती है उस इलाके को उस भाषा भाषी इलाके के साथ मिला दिया जाए। जो जगह जिस प्रान्त में भाषा के आधार पर जानी चाहिए, उसको उस प्रान्त में मिला दिया जाना चाहिए। इस तरह का रिएडजस्टमेंट करना बहुत आवश्यक है।

कामन हाई कोर्ट का भी सवाल है। भाखड़ा नंगल का भी सवाल है। बिजली का भी सवाल है। नहरों का भी सवाल है। इन चीजों को आज आप भले ही कामन रख लें लेकिन हमेशा के लिए आप ऐसा नहीं कर सकते। आपको इनका कुछ न कुछ और ही इंतजाम सोचना पड़ेगा। पंजाब के लिए आपको अलग से इसकी व्यवस्था करनी होगी और हरयाना के लिए अलग से। जैसी जिस की मांग है उस को उस तरीके से आपको देखना

[श्री अ० सि० सहगल]

होगा। उनको जो चीजें मिलनी चाहिएं नहीं मिली हैं। आप देखिये कि हरयाणा के पास कितने विश्वविद्यालय हैं। उसके पास एक ही विश्वविद्यालय है। ऐसी अवस्था में आप उस को किस तरह से आगे ले जा सकते हैं। कुरुक्षेत्र की जो यूनिवर्सिटी है उस एक यूनिवर्सिटी से कितना काम हो सकता है, कौन कौन सी और कितनी फ़ैकल्टीज उसमें हम बना सकते हैं? इस पर भी हम को विचार करना चाहिए ताकि हरयाणा के जो भाई हैं उनको किसी प्रकार का कोई गिला न रह जाए। वे यह न समझें कि उनको कोई चीज नहीं मिली है जो कि उनको मिलनी चाहिए, जो उनका हक है, वह उनको नहीं मिला है ताकि वे संतुष्ट रहें।

मैं यह भी कहना चाहता हूँ कि हमारी जो चौदह जवानें हैं उनकी व्यवस्था हाई स्कूलज में और हायर सैकेंडरी स्कूलज जो हैं उन में होनी चाहिए। इन भाषाओं को पढ़ने की सुविधा सभी प्रान्तों में प्रदान करना बहुत आवश्यक है। हमारे मध्य प्रदेश में यही किया गया है। वहां के सैकेंडरी एजुकेशन बोर्ड ने इस के बारे में व्यवस्था कर दी है। अगर कोई लड़का मद्रास का तमिल पढ़ना चाहता है, या कोई तेलुगु पढ़ना चाहता है, या बंगाल का लड़का बंगला लेना चाहता है, महाराष्ट्र का लड़का मराठी लेना चाहता है तो उसको ऐसा करने की सुविधा मिली हुई है। इसी तरह की सुविधा मैं समझता हूँ कि सब प्रान्तों में भी होनी चाहिए।

शिरोमणि गुरुद्वारा प्रबन्धक कमेटी का जो दायरा है उसको आपने हरयाणा तक बढ़ाया है। उसके साथ साथ मैं यह भी कहना चाहता हूँ कि हिमाचल प्रदेश में जो आज गुरुद्वारे हैं उन के बारे में आपने कोई व्यवस्था इस बिल में नहीं की है। मैंने आपको बहुत बार आल इंडिया सिख

गुरुद्वारा बिल लाने की प्रार्थना की है। मैं चाहता हूँ कि आप इस बिल को लाने की कृपा करें। इसको बहुत रोज हो गए हैं। आज आपने भाषा के आधार पर पंजाब का बटवारा कर दिया है। इसके साथ ही साथ मैं समझता हूँ कि आपका यह भी कर्तव्य हो जाता है कि देश भर में जितने गुरुद्वारे हैं, दक्षिण के गुरुद्वारे हैं, उत्तर के गुरुद्वारे हैं, पूर्व और पश्चिम के गुरुद्वारे हैं, उनके बारे में आप विचार करें और सोचें और एक आल इंडिया गुरुद्वारा बिल लाया जाए।

मैं यह नहीं कहता कि गवर्नमेंट मेरे बिल को मंजूर करे, लेकिन मैं यह कहना चाहता हूँ कि गवर्नमेंट उस को एग्जामिन करे और इस सम्बन्ध में जो रद्दोबदल करना चाहती है करके एक बिल लाए।

जहां तक एसेट्स एंड लायबिलिटीज का प्रश्न है, आपस में बैठ कर, सच्चे हृदय के साथ और भाई-चारे की भावना से उन का बंटवारा करना चाहिए। किसी के दिल में इस किस्म की बात न आने पाए कि हरयाणा, पंजाब या हिमाचल प्रदेश के हितों को किसी प्रकार की हानि पहुंचे। हिन्दुस्तान एक है और यहां पर रहने वाले हिन्दु, मुस्लिम और सिख सब उस के मालिक हैं। अगर भाई-चारे की भावना से इस काम को किया जायेगा ताकि भाईचारा बना रहे तो हमारे देश की उन्नति होगी।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

Shri Hari Vishnu Kamath: On a point of information. The Lok Sabha is having the second nocturnal session in its history. The first one was in 1951, I believe, when the then Home Minister, Shri C. Rajagopalachari was piloting the Press (Objectionable Matter) Bill. This is the second time we are having it. We have decided already we will have dinner here, that is

what the Minister of Parliamentary Affairs promised.

Mr. Chairman: Why do you want to take the time of the House?

Shri Hari Vishnu Kamath: He has invited the Members. When is the dinner?

Shri Nanda: At 9 is the dinner, and at 10 O'Clock we resume.

Shri Hari Vishnu Kamath: Resume? Very good.

* **श्री किशन पटनायक (सम्बलपुर) :** सभापति महोदय, हमारे दल की तरफ से जो माननीय सदस्य इस विधेयक पर मुख्य रूप से बोलने वाले थे, उन को आज के दिन के लिये सदन से बाहर निकाल कर आपने एक अच्छी बहस से सदन को वंचित किया।

मैं कहना चाहता हूँ कि जो विधेयक हमारे सामने है, वह एक साम्प्रदायिक विधेयक है—साम्प्रदायिक इस लिये नहीं है कि यह या तो सिख साम्प्रदायिक है या हिन्दू साम्प्रदायिक है, बल्कि इसकी उत्पत्ति एक साम्प्रदायिक दिमाग से हुई है। इस विधेयक के पीछे न नीति है, न आदर्श है। अगर नीति या आदर्श की बुनियाद पर यह विधेयक बना होता, यह बंटवारा हुआ होता, तो आज से दस साल पहले यह हो गया होता, क्योंकि दस साल पहले इस हकीकत को मान लिया गया था कि यह एक बाइलिंग्वल स्टेट है, एक द्विभाषी राज्य है। अगर उस साल पहले यह विधेयक लाया गया होता, तो हम मानते कि यह नीति और आदर्श की बुनियाद पर बनाया गया है।

श्री शिव नारायण (बांसी) : दस साल पहले तो माननीय सदस्य नाबालिग थे।

श्री किशन पटनायक : माननीय सदस्य तो उस वक्त बालिग थे। मैं तो सदन में भी नहीं था और नाबालिग तो था ही। लेकिन उस वक्त श्री नन्दा और श्री शिव नारायण भी नाबालिग थे, अगर वह इस बात को मान लेते हैं, तो मुझे कोई शिकायत नहीं है।

श्री शिव नारायण : मैं नाबालिग नहीं था।

श्री किशन पटनायक : माननीय सदस्य इस बात का सुबूत दे रहे हैं कि श्री नन्दा और वह भी उस समय नाबालिग थे।

इस विधेयक के पीछे न आत्म विश्वास है और न कोई नीति है।

पार्लियामेंटरी कमेटी ने जो रपट दी है, उसमें 1928 में ग्राल पार्टीज़ कांफ्रेंस में नेहरू कमेटी के रेजोल्यूशन का हवाला दिया गया है। मैं उसके दो वाक्य पढ़ देता हूँ :

“If a province has to educate itself and do its daily work through the medium of its own language, it must necessarily be a linguistic State. If it happens to be a polyglot area, difficulties will continually arise, and the media of instruction and work will be two or even more languages. Hence it becomes most desirable for provinces to be reorganised on a linguistic basis.”

रपट ने इस को एक मुख्य स्थान दिया है। लेकिन अभी तक जितनी बहस हुई है, उस में न तो पंजाबी सूबे की तरफ से और न हरियाणा की तरफ से किसी भी सदस्य ने इस बात पर जोर दिया है कि क्या सचमुच इस आदर्श को लेकर पंजाबी सूबा या हरियाणा प्रांत बनाये जा रहे हैं। किसी ने

[श्री किशन पटनायक]

भी अभी तक दावे के साथ नहीं कहा है कि जिस दिन पंजाबी सूबा और हरियाणा प्रांत बन जायेंगे, उस दिन से उन प्रांतों में सिर्फ उनकी अपनी भाषाओं का स्थान रहेगा और अन्य भाषाओं के प्रांतों में अंग्रेजी भाषा को जो स्थान प्राप्त है, वह स्थान उसको इन प्रांतों में प्राप्त नहीं होगा। न तो श्री कपूर-सिंह ने यह कहा है और न ही श्री यदुवीर सिंह ने यह कहा है कि जब से पंजाबी सूबा और हरियाणा प्रान्त बन जायेंगे, तब से प्रशासन, शिक्षा और विश्वविद्यालय का माध्यम पंजाब में पंजाबी बन जायेगी और हरियाणा प्रान्त में हिन्दी बन जायेगी।

वास्तव में अन्दर से मांग साम्प्रदायिक होती है लेकिन जिस को अंग्रेजी में फेस सेविंग डिवाइस कहते हैं, उसके लिये, लाज बचाने के लिये, उसको एक दूसरा रूप दिया जाता है। हम उम्मीद रखते हैं कि जो प्रांत बन रहे हैं, वे भाषा की भित्ति और बुनियाद पर बन रहे हैं, लेकिन ऐसा सचमुच होना चाहिये, खाली उम्मीद या फेस सेविंग डिवाइस कर के रखना ठीक नहीं है। मैं पंजाबी सूबे और हरियाणा प्रांत के समर्थकों से यह अपील करूंगा कि जिस दिन ये प्रांत बन जाते हैं, उस दिन से पंजाबी सूबे में पंजाबी भाषा का बोल-बाला और प्राधान्य रहे, अंग्रेजी का नहीं और इसी तरह हरियाणा प्रांत में हिन्दी का प्राधान्य रहे, अंग्रेजी का नहीं।

पिछले उन्नीस साल में श्री नन्दा की सरकार ने राष्ट्र के शरीर को इतना कमजोर बना दिया है कि जहां उन्होंने यह तय किया कि जमीन को दो टुकड़ों में बांटेंगे, वहां तीन टुकड़े हो गये। इतना नाजुक बन गया है इस राष्ट्र का शरीर, इतना जकमजोर बन गया है देश कि जहां सरकार ने तय किया कि दो टुकड़े करेंगे, वहां तीन टुकड़े हो गये। प्रश्न यह है कि क्यों नहीं चंडीगढ़ का अभी से फँसला कर लिया जाता। क्या चंडीगढ़ को फिर 1971 में चुनाव का मसला बना दिया

जायेगा? चौथे चुनाव में प्रचार के लिये पंजाबी सूबे और हरियाणा प्रान्त में सरकारी दल के लिये कुछ हो गया, कुछ बन गया, क्योंकि पंजाबी सूबा और हरियाणा प्रान्त याद में रखा जायेगा। लेकिन हो सकता है कि चंडीगढ़ का मामला बढ़ता जायेगा और 1971 में इस बारे में झगड़ा किया जायेगा और इस बारे में फैसला किया जायेगा।

इस हिसाब से मैं श्री उमानाथ की तारीफ करता हूँ। श्री उमानाथ किस उद्देश्य से चंडीगढ़ का फैसला चाहते हैं, यह मैं नहीं जानता, लेकिन कम से कम एक मामले में श्री उमानाथ श्री नन्दा से ज्यादा देशभक्त हैं, यानी देश को एक रखना चाहते हैं। जहाँ नन्दा साहब तीन टुकड़े करना चाहते हैं, वहाँ श्री उमानाथ दो टुकड़े करना चाहते हैं। आखिर सरकार चंडीगढ़ के बारे में कोई नीति क्यों नहीं बना लेती है, क्यों नहीं वह कोई क्राइटेरिया बना लेती है? यह देश के अन्दर का बंटवारा है। अगर थोड़ा सी जमीन इधर या उधर चली जाती है, तो उममें कोई बहुत बड़ा झगड़ा खड़ा होने वाला नहीं है। इसलिये मैं श्री नन्दा से अपील करूंगा कि वह चंडीगढ़ के बारे में अभी कोई फैसला कर डालें, वह इसको पंजाबी सूबे या हरियाणा को दे दें और इसको तीसरा हिस्सा न बनाये। इसके लिये वह सब पार्टीज को बुला लें, सब अपीनियन्स को बुला लें और एक फैसला कर लें। चूँकि हम कोई नीति का निर्धारण नहीं करते हैं, कोई सिद्धान्त पक्के रूप से नहीं ले लेते हैं इसीलिये फिर नये झगड़े खड़े हो जाते हैं। जिन झगड़ों का अंकुर आज से पांच, आठ, दस साल पहले शुरू हुआ था, उन अंकुरों से अब पेड़ हो रहे हैं। अभी भी कुछ अंकुर हैं, जैसे पहाड़ी राज्य, हिल पीपल्स की मांग है। जैसे कि गोंडवाना इलाका है, या मैथिली का है, भोजपुरी का है, इसी तरह से कई अंकुर हैं जमीन पर पड़े हुये इन से पेड़ खड़े होने वाले हैं। अगर आप अभी से किसी एक नीति के द्वारा, किसी एक

सिद्धान्त के द्वारा, किसी एक द्वादश के द्वारा इन अंशों को कुचल नहीं डालेंगे तो फिर इन अंशों से बड़े बड़े पेड़ निकलेंगे और पांच साल के बाद, सात साल के बाद फिर नये बटवारे की समस्या आ जायेगी। इसी-लिये मैं नन्दा जी से अपील करूंगा कि जितने अंश इस वक्त हैं, झारखंड का है, मैथिल का है, भोजपुरी का है, पहाड़ी राज्य का है, इन में से कौन उचित है, कौन अनुचित है इसको आप समझ लीजिये, इस के ऊपर फैसला कर लीजिये और जो फैसला कर लेंगे, जो नीति अपना लेंगे, उस पर अपनी पार्टी की मोहर डलवा दीजिये और दूसरी पार्टियों को भी बुलाकर के, उनको निर्मात्रित करके, बहस करके, सलाह करके, सब पार्टियों की मोहर उस पर डलवा दीजिये ताकि जो उचित मांग है उसको तो मान लीजिये और जो अनुचित है उनको सब समय के लिये भविष्य के लिये बिल्कुल कुचल डालिये जिससे कि बाद में फिर नये झगड़े शुरू न हो जायें। और पार्टियों को कांफेस एक बुला लीजिये तो कम से कम जो संगठित राजनीतिक पार्टियां हैं उनकी मोहर लग जायेगी और अभी जितनी मांगें हैं नये राज्यों के लिये, कौन उचित है, कौन अनुचित है, उसको देखकर जो अनुचित हैं उनको हमेशा के लिये कुचल डालिये और जो उचित हैं उनको मान लीजिये। इस तरह से इस चीज को खत्म कर दीजिये। 19 साल हो गये, 20 साल हो गये, कभी न कभी तो उसमें विराम आ जाना चाहिये कि देश का और ज्यादा बटवारा नहीं होगा। बार बार इन झगड़ों को उठाकर जो देश के सामने असली समस्यायें हैं, उनसे आप जनता का ध्यान हटा लेते हैं। अभी कुछ प्रांतों के लिये तो अगले चुनाव में जो सबसे बड़ी समस्या होगी, जो वोट के लिये, वोट के पीछे जो राय बनेगी वह सिर्फ प्रांतीय दिमाग से बनेगी। पुनर्गठन की समस्या उनके दिमाग में सबसे बड़ी समस्या रहेगी न कि अन्न की समस्या, न कि विदेश नीति की समस्या, न कि पाकिस्तान से रिश्ते की समस्या, न चीन

से रिश्ते की समस्या। तो आप ऐसे झगड़ों को हमेशा खड़ा करके लोगों का ध्यान जो कि अन्न की तरफ जाना चाहिये, उद्योगों की तरफ जाना चाहिये, चीन या पाकिस्तान की तरफ जाना चाहिये, हमेशा अन्दरूनी बटवारे की तरफ जनता के ध्यान को लगा देते हैं। कच्छ के बारे में सब भूल जाते हैं, पूर्वी पाकिस्तान के बारे में सब भूल जाते हैं कच्छ का अभी हमने उल्लेख किया तो एक बात कह देना चाहता हूँ कि सरकार ने तो यह बयान दे दिया है कि कच्छ के बारे में कोई दलील नहीं दी गई है, सरकार के पास अभी भी है, तो मैं कह देना चाहता हूँ कि यह जो राजा वाला डाक्यूमेंट है उसका कोई ज्यादा महत्व नहीं है कि वह खो गया है या रह रह गया है क्योंकि रन के ऊपर राजा का नियंत्रण नहीं था। उस वक्त जो पोलिटिकल एजेंट रहते थे भूज में उसी का नियंत्रण रहता था। इसलिये कभी कच्छ के मामले में गलत तर्क न दे दें, इसीलिये मैं खाली याद दिला देना चाहता हूँ।

तो फिर मैं अपील करूंगा नन्दा जी से कि जहाँ तक अन्दरूनी बटवारे की समस्या है इसको खत्म करिये और आल पार्टी कांफरेंस बुलाकर इसकी जितनी भी मांगें हैं, हिन्दुस्तान भर में उनको आप छोट लीजिये कि कौन उचित है, कौन अनुचित है। जो उचित है उनको मान लीजिये, जो अनुचित है उनको हमेशा के लिये कुचल डालिये।

श्री हेम राज : सभापति महोदय, मैं आपको धन्यवाद देता हूँ कि आप ने मुझे बोलने का मौका दिया है। यह जो समस्या पंजाब की थी, बजाय इस के कि गवर्नमेंट को मुह्तलिफ जो माननीय सदस्य हैं, वह धन्यवाद देते कि उस उलझन को उन्होंने सुलझा दिया है, जो आज दलीलें अपोजीशन बेंच के तरफ से दी गई हैं वह तो इस नुक्ते निगाह से दी गई हैं कि एलेक्शन आने वाले हैं। चाहे

[श्री हेमराज]

कपूर सिंह जी की दलील हो जिन्होंने पुरानी हिस्ट्री के बारे में दलील दी है क्योंकि वह तो कहते हैं कि हम तो संविधान को नहीं मानते हैं, बैठे तो हैं सदन में और इसी संविधान के नीचे बैठे हैं, लेकिन उन को उस पर एतराज है और कहते हैं कि हम संविधान को नहीं मानते हैं।

Shri Kapur Singh: He should not misrepresent me; I have never said that I do not accept the Constitution. He must not attribute to me things which I have not said.

Mr. Chairman: Please sit down. Please take permission and then speak.

Shri Kapur Singh: You do not permit me. (Interruption).

श्री हेमराज : आप ने जो कहा उसका मतलब यह है कि हम नहीं मानते। मैं तो समझता हूँ कि यह पुरानी हिस्ट्री को खोलना है यह उचित नहीं है। बजाय इस के कि आज एक ऐसा वायुमंडल पैदा किया जाता जिससे कि लोगों में एक भाई चारे से काम चलता, लोग एक दूसरे के नजदीक आते, ऐसा वायुमंडल पैदा कर दिया गया है कि लोग एक दूसरे से दूर होते चले जायें। आज वायुमंडल नन्दा जी ने पैदा किया उससे पंजाब के तीनों चारों हिस्से जो थे उन में संतुष्टि की भावना आया कि हमें, अपने अपने हकूक मिल गए। यह हो सकता है कि किसी हिस्से में कुछ कमी रह गई हो तो उस का मतलब यह नहीं है कि हम ऐसा वायुमंडल फैलायें कि जिससे कि पंजाब का वायु मंडल जो दुस्त होने वाला है वह आगे के लिए और बिगड़ जाये।

लेकिन मैं समझता हूँ कि जो इन्होंने वाउंड्री कमीशन को आदेश दिया था उस में दो तीन बातें कही थीं और उन में से एक चीज यह थी कि पहाड़ी इलाकों का ताल्लुक है वह

पहाड़ी इलाके जिनका लिग्विस्टिक और कल्चरल सम्बन्ध हिमाचल प्रदेश से है, वह उस के साथ वहां मिलाये जायेंगे। लेकिन उस के साथ साथ एक बात और थी कि जो तहसील है उस का एक यूनिट माना जायेगा और उस तहसील को तोड़ा या फोड़ा नहीं जायेगा। लेकिन मुझे हैरानी है कि कमीशन, अगर तहसील के नीचे ब्लाक तक जाता तो बात कुछ मानी जा सकती थी, लेकिन उस ने तो यहां तक कर दिया है कि ब्लाक से नीचे जा कर के, गांव से भी नीचे जा कर के गांवों को भी तकसीम कर दिया है। मैं मिसाल देना चाहता हूँ कि यह जो आप के बिल का शिड्यूल नम्बर 3 है उस में जो विलेज हैं उन को आबादी जो है वह तो है हिमाचल प्रदेश में और उस की जमीन जो है वह सारी की सारी। पंजाबी रीजन में, पंजाबी स्टेट को दे दिया है उस में यह आररयूमेंट दिया जाता है कि यह नोटिफिकेशन है, जो कि 1961 का है इस में वह नोटिफाइड एरिया में आती है। लेकिन हकीकत इस के वरखिलाफ है। हकीकत यह है कि वहां पर जो नया नंगल है उस में से बहुत सी जमीन छोड़ दी और वह एरिया नोटिफाइड नहीं हुआ। तो मैं समझता हूँ कि कमीशन ने बजाय इस के कि जो उस को आदेश दिया गया था उस के मुताबिक वह चलते वह उस से भी आगे चले गए। यही नहीं एक तरफ तो यह कहा जाता है कि लिग्विस्टिक बेसिस पर करना है और यह मानते भी हैं, कमीशन की रिपोर्ट मानती है कि लिग्विस्टिक एफिनिटी उन से है लेकिन उस के बावजूद उस तहसील को बांटने के लिए आगे तैयार हो गए। और इस के साथ एक और बात है कि वहां पर चार विलेज हैं, वह कहते हैं कि नेचुरल बाउंड्री नहीं है। सतलज रिवर वहां पर बहती है। तो उस के चार गांव दे दिये ताकि हर वक्त ला एंड आर्डर का झगड़ा पैदा होता रहे। इसी तरीके से जो कालका का एरिया था, आप की माइनारिटी रिपोर्ट मानती है कि यह इलाका कालका का पुलिस स्टेशन जो है, इस की लिग्विस्टिक एफिनिटी हिमाचल से है।

लेकिन वह हरियाणा प्रान्त को दे दिया गया । मैं समझता हूँ कि गवर्नमेंट का कुछ ऐसा ख्याल बैठा हुआ है कि जो इन को डंडा दिखाता है, उस के सामने झुकती है । पहाड़ वालों ने कभी डंडा दिखाया नहीं, इसलिए आप उन के इलाके उन को देने के लिए तैयार नहीं हुए ।

मैं आप से यह अर्ज करना चाहता हूँ कि एक तरफ तो यह कहते हैं कि यूनियन टैरिटरी को बेटेज देनी है, इसलिये कि हमारी 15 लाख आबादी को वहाँ मिला रहे हैं, लेकिन बजाय बेटेज देने के उनकी बेटेज को कम कर रहे हैं । वहाँ पर जो लोक सभा की सीट्स बनाई हैं, बजाये इस के कि वहाँ पर 4 थीं, उनको 8 किया जाता, वहाँ पर सिर्फ 6 सीट्स दे रहे हैं, हालाँकि जो आबादी वहाँ जा रही है, वह पहले 13 लाख थी, अब 15 लाख है, उस को सिर्फ दो सीट्स दे रहे हैं । इस तरह से उस इलाके साथ न्याय नहीं किया है ।

hrs.

आप ने दिल्ली की यूनियन टैरिटरी बनाई, उनकी सीट्स चार थीं, लेकिन उसको बढ़ा कर आप ने 7 कर दिया, लेकिन हिमाचल प्रदेश की सीट्स को बढ़ाने की बजाय ऊनटा कम कर दिया । यह हहारे साथ एक बड़ी जबरदस्त नाइसाफी है, जो आप को दूर करना चाहिये ।

अब रह गया असेम्बली सीट्स का सवाल वहाँ भी अपने एक ही चीज को दिल में रखा है । पंजाब का जो इलाका है, उस में भी आप ने 9 का पोरशन रखा है । और हिमाचल प्रदेश में भी 9 का रखा है, हरियाणा में 8 का रखा है । वहाँ के इलाके के हिसाब से 22 हजार मुश्बा मील का रकबा है, उस में भी आप उसी तरह से काम कर रहे हैं, जिस तरह से कि हरियाणा या पंजाब में कर रहे हैं । मैं समझता हूँ कि वहाँ की असेम्बली सीट्स जो कि आपने 54 रखी हैं, वह लाजमी तौर पर कम से कम 64 करनी चाहिये, ताकि वहाँ के लोगों का, वहाँ की जो हालत है उस को देखते हुए, सही रिप्रजेंटेशन हो, जो कि

पहले 33 हजार के मुताबिक था, अब उस को 45 हजार के मुताबिक किया जाये, न कि उसको 52 हजार के मुताबिक किया जाये, क्योंकि वहाँ की हालत और जगहों के मुकाबले मुश्तलिफ है ।

एक बात और कहना चाहता हूँ । आज व्यास के लिए कन्ट्रोल बोर्ड बना रहे हैं, उस में जो शेयर हैं उसमें 3 सीट्स का जिक्र किया है पंजाब, राजस्थान और हरियाणा के लिये । लेकिन असल बात यह है कि वह बन रहा है हिमाचल प्रदेश में, उसका इलाका हिमाचल प्रदेश में जा रहा है, लेकिन उसका जो एग्जीमेंट हुआ है और जो नोटिफिकेशन हुआ है वह पंजाब से हुआ है । इस का मतलब यह है कि हिमाचल प्रदेश वाले उस में दखल नहीं दे सकते । इसलिये जहाँ तक व्यास कन्ट्रोल बोर्ड का ताल्लुक है, वहाँ जो एग्जीमेंट पंजाब और राजस्थान का हुआ है, वे राइट्स सारे हिमाचल प्रदेश को आने चाहिये, क्योंकि वहाँ से 80 हजार आदमी उठने वाले हैं, और इसका असर हिमाल प्रदेश पर पड़ने वाला है ।

जो क्लाज 16 है, अगर आप उसको इन्टेक्ट रखना चाहते हैं, तो आपकी चाहिये कि कोई असूज बनायें । आपने 16 मेम्बरों में से 8 को हरियाणा की असेम्बली में रिप्रजेंटेशन दे दिया, लेकिन जो पहाड़ का एक मेम्बर था, उसके लिए आपने उस असूल को तजरअन्दाज कर दिया । अगर आपने उनको हरियाणा असेम्बली में रिप्रजेंटेशन दी है, तो हमारे एक मेम्बर को पंजाब असेम्बली में शामिल कर सकते थे, लेकिन ऐसा आपने नहीं किया ।

इस के लिए बहुत थोड़ा टाइम रखा है . . .

सभापति महोदय : आप को और मौका मिलेगा, क्लाज-नाई-क्लाज के वक्त बोलियेगा

श्री हेमराज : आपका बहुत धन्यवाद ।

श्री शैरी शंकर कक्कड़ (फतहपुर) : सभापति जी, मुझे इस बात का बड़ा दुख है कि इतने महत्वपूर्ण विधेयक को इतनी जल्दी में

[श्री गौरी शंकर कक्कड़]

पारित किया जा रहा है और विशेष तौर पर जिस समय आज इस विधेयक पर बहस आरम्भ हुई और इन में जो अवैध चीजें थीं, उनको उठाया गया, मेरा अपना यह विचार है कि इस सदन में कभी भी कोई विधेयक ऐसा नहीं आया, जिस में इतनी बड़ी त्रुटियां विधान की उठाई गई हों। श्रीमन्, मुझे यह निवेदन करना है कि इसकी वैधानिक त्रुटियों को देखते हुए गृह मंत्री ने जो जवाब दिया, वह सन्तोषजनक नहीं था। मेरी समझ में नहीं आता कि जो विधेयक हमारे संविधान की धारा के खिलाफ है, विरुद्ध है, उसे को रोका क्यों नहीं जा सकता। मुझे आश्चर्य है कि धारा 7 में इस प्रकार से बिला-संशोधन किये हुए, पंजाब के शब्द को कैसे हटाया जा सकता है। इसलिए मैं फिर दोबारा कहना चाहता हूँ कि पंजाब की असेम्बली का निर्माण विधान के अनुसार नहीं हो सकता, जब तक कि 60 सदस्य उस में निर्वाचित न आये हों और इस प्रश्न का कोई भी सन्तोषजनक जवाब गृह मंत्री की तरफ से नहीं आया है। मुझे यह कहना है कि इतना महत्वपूर्ण विधेयक और उस में संविधान के आधार पर इतनी बड़ी त्रुटियां, इस प्रकार से पारित होने के बाद वह ठहर पायेगा, इस में मुझे सन्देह है।

श्रीमन्, इस के बारे में मुझे यह निवेदन करना है कि संविधान के बनने के बाद जब प्रान्तों के पुनर्गठन का आयोग बना, उस समय यह एक आधार माना गया था कि भाषा के आधार पर प्रान्तों का पुनर्गठन होगा। परन्तु देखा यह गया कि हमारी कांग्रेस पार्टी—शासकीय दल ने ऐसा किया कि एक मर्ज को बढ़ाया और स्वयं जिस मर्ज को पैदा किया, जब उस का भयंकर रूप हो गया तो उसको दूर करने के लिए उपाय उन्होंने रखे। जब यहाँ का इतिहास लिखा जायेगा, तब कभी भी यह नहीं भुलाया जायेगा कि जिस आधार पर प्रान्तों का पुनर्गठन होना चाहिये, जिस को संविधान ने माना, लेकिन हमारे शासकीय दल ने नहीं माना।

नतीजा यह हुआ कि बहुत बड़ी हिंसा देश में हुई, खून-खराबा हुआ, महाराष्ट्र, गुजरात और आन्ध्र प्रदेश हमेशा इस बात की गहादत देंगे।

श्री हुकम चन्द कछवाय : सभापति महोदय, मैं व्यवस्था चाहता हूँ, सदन में गणपूर्ति नहीं है।

Mr. Chairman: The quorum has been challenged.

श्री गौरी शंकर कक्कड़ : इस आधार पर पंजाब प्रान्त के बारे में मुझे दुःख है। भाषा के आधार इस के विभाजन की बात जब शुरू में मान ली गई थी, तो फिर इस में इतना समय क्यों लगाया गया, जो चीज 10 वर्ष पूर्व होनी चाहिये, अब इस हद तक आकर उसका पुनर्गठन हुआ। पंजाब की स्थिति हमारे देश में बहुत महत्वपूर्ण है, विशेष रूप से जब कि हमारे देश पर बाहरी आक्रमण का बड़ा खतरा है। पंजाब का प्रान्त एक बड़ा सेनानी प्रान्त है और इस में भी कोई सन्देह नहीं कि पंजाब का प्रान्त जब से बना है, वर्षों से कालांतर बाहर के आक्रमण का मुकाबला करता रहा है और वह पंजाब जो पहले में विभाजित था, उस पंजाब का फिर पुनर्गठन हुआ है। परन्तु आज जो सदन में भाषण हुए उन में जो यह प्रतीत होता है कि जिस भाषा के आधार पर, लिग्विस्टिक बैसिस पर पुनर्गठन सरकार ने किया और जो विधेयक सामने रखा गया है, मुझे तो इस बात का बड़ा भय है और भाषणों को सुन कर ऐसा मालूम होता है कि अभी भी साम्प्रदायिक भावना उस के अन्दर छपी हुई है। पंजाब प्रान्त से हमारे जो भी सेनानी फौज में जाते हैं, उनका एक इतिहास है और वे बघाई के पात्र हैं, उन्होंने हर जगह आक्रमणकारीओं का डट कर मुकाबला किया है। अगर कहीं यह साम्प्रदायिक भावना उन सेनानियों में भी पहुंच गई तो वह हमारे देश के लिये एक बहुत बड़े दुर्भाग्य का दिन होगा। मैं इस के लिये जिम्मेदार सरकार और शासकीय दल को कहना चाहता हूँ कि

अगर भाषा के आधार पर पंजाब का पुन-गठन उचित समय पर हो जाता, तो जो दुर्भावनायें आज नजर आती हैं, वे न होतीं।

अब मुझे इन विधेयक में जो क्लोजेज हैं उन में से दो चार के बारे में विशेष रूप से निवेदन करना है। सब से बड़ा विरोध मुझे इस बात पर है कि जो नया पंजाब बनने जा रहा है उन में अपर हाउस अथवा कौंसिल का निर्माण किया जा रहा है। कई बार इस बात का विरोध किया गया कि आज हम को किसी तरह से भी कोई आवश्यकता कौंसिल बनाने की नहीं है। मुझे यह कहने में भी कोई संकोच नहीं है कि प्रायः जो कौंसिलें बनाई जाती हैं, अपर हाउसेज बनाये जाते हैं उन में ऐंसे माननीय सदस्यों को जगह मिलती है जो कांग्रेस के शासकीय दल में पराजित मिनिस्टर हैं या वृद्ध हो गये हैं। ऐसे लोगों का स्थान देने के लिये केवल अपर हाउसेज का निर्माण हुआ है। जब हम ने अबमूल्यन किया है तब बहुत ही आवश्यक था और मुझे खशी होती अगर ऐसा होता कि गृह मंत्री जो विधेयक लाये हैं उन में वह आरम्भ करते इस बात को कि हम पंजाब में अपर हाउस नहीं रखेंगे और इसी प्रकार दूसरे प्रदेशों में भी हम इस चीज को अमाप्त कर के अपने शासकीय खर्च को कम करेंगे।

इन में कोई दो रायें नहीं हैं कि भाषा के आधार पर प्रान्तों का निर्माण होना चाहिये, मगर जैसा अभी हमारे माननीय मिनिस्टर ने कहा कि इन तरह का विषय हमारे देश में अब भी फैला हुआ है। अगर हम खुले दिभाग से इन सब बातों का अर्नेसमेंट कर के निर्णय नहीं लेते और हम को वही दृष्टिकोण और अहिंसा की नीति को अपना कर के कदम उठाना पड़ा तो मैं कहूंगा कि यह हमारे देश की राष्ट्रियता के लिये, हमारे देश की एकता के लिये बहुत बड़ी घातक बात होगी।

अन्त में मैं इस विधेयक पर अपने विचार रखते हुए सिर्फ यही कहूंगा सरकार से कि

अब मध्य आ गया है कि वह एक बार अन्तिम निर्णय ले ले कि हमारे देश में भाषा के आधार पर कहाँ कहाँ से, किस किस तरफ से आवाज उठ रही है। और यह निर्णय वह शुद्ध चिन्तन से ले ताकि यह मर्ज और आगे न बढ़े और फिर हमारे देश में कुश्त व खून न हो।

Mr. Chairman: Shri Jaipal Singh.

Shri Shree Narayan Das (Darbhanga): Sir, now I move for closure because it has been sufficiently debated. All parties have spoken.

Shri Hari Vishnu Kamath: The consensus seems to be—I have had a talk with the Minister of Parliamentary Affairs and the Home Minister—that the House do adjourn for dinner at 8 O'clock and resume at 9 O'clock. If that is agreeable, the House will adjourn at 8 O'clock and resume the discussion at 9 O'clock. I request the Minister that the staff on duty as well as the press on duty may be invited as was done on the last occasion.

Shri Jaipal Singh (Ranchi West): Mr. Chairman, I am very grateful to you for giving me an opportunity that I have had before also to welcome a Bill dividing Punjab into two States. As you know,

मैं झारखंडी हूँ और झारखंडी भाषावाद नहीं जानता

I have all my life been opposed to the idea of creating administrative states on a linguistic basis. If there is anything that could ruin this country, it is this linguistic idea. I want to ask my hon. friends here, whether they are Punjabis, Haryanis, Andhraites or whatever they are, one question. Is there a single State in the country that is unilingual? We are a polyglottal country. I am an Adivasi. I am a citizen of this country. We hear of 14 languages being in the Schedule but the most ancient language is not in the Schedule. People talk of linguistic States. Whether it is Kashmir, whether it is Shri Patil, whoever it is, they talk of language.

Shri Alvares: Patil has not talked of language.

Shri Jaipal Singh: Yes. When there was the question of Maharashtra-Gujarat, he was talking about language. Now, he may have changed his ground.

The Minister of Railways (Shri S. K. Patil): I am not against it.

Shri Jaipal Singh: I am for viable administrative States, whether it is Nagaland, whether it is Goorg or what not. There is Uttar Pradesh, a white elephant, that could easily be divided into two or three or four administrative units. Then, there is Madhya Pradesh also.

Sir, I welcome this because if the people want it, let them have it. Let them pay for it. It is only by experience that we learn whether it is good for the country. But the country must come first. It is not a question of surrendering to Punjabis or to Haryanis or anything like that. Whether the unity of the country can be developed by multiplicity of States is the point.

I welcome this not because it is on the linguistic basis. There is no such linguistic basis anywhere. It just can't be. You go to any State you like. You go to Assam. What is the position? Why is this trouble in Assam? Why do we have it in Orissa? Why so in Bihar? Why so in Jharkand? I say, the sooner we think of States, provinces, as being viable administrative units, the better it is. Let us not talk of language at all. Language will ruin this country. We are already having this trouble, whether it is Hindi fanaticism or the other way round. Now it has become Punjabi fanaticism. The sooner we cut at the root of all this, the better it is. What we want is the division of the country in viable administrative units. By division I mean administrative division that will be viable, that will be workable, instead of having these monstrous provinces of Uttar Pradesh, Madhya Pradesh and the like.

An hon. Member: What about Bihar?

Shri Jaipal Singh: Yes; Bihar also and Jharkhand also. In Jharkhand, I say, include Midnapur also. He knows perfectly well that he is more at home in Jharkhand than in Bihar. There is no mistake about it.

The whole question is this. In this country, after all, we are committed

to a federal administration. It must be workable. I have no argument for or against Punjab or Haryana. But the fact is neither Punjabi Suba is unilingual nor Haryana is unilingual. Let us not talk of language and the like. As an *Adivasi*, I may tell you that we have to be polyglotal. If an *Adivasi* is in Bengal, say, for example here is Mr. Subodh Hansda, he speaks better Bengali than Mr. Atulya Ghosh. He speaks English also and he speaks his mother tongue Santhali also and perhaps some other language also.

An hon. Member: Hindi also.

Shri Jaipal Singh: I do not think he is very good at Hindi. I think, he understands Hindi also.

Sir, we are the victims of Indo-Aryans who have come and occupied our country. We have to learn the languages from our masters. I do not know why Mr. Amar Singh Saigal was so vociferous about the creation of these provinces. I thought he was quite happy in Bilaspur. I know he is going to stay on there. He will not run to Punjabi Suba.

I welcome this Bill not because it is a question of creation of two provinces, may be two or three, on linguistic basis. If the people want it, let them have it. But let us not allow them to weaken the country. I am very glad and welcome this Bill. The only reason why I support this is that Jharkhand is inevitable. If you give Punjabi Suba, you have also to give Jharkhand.

श्री प्रताप सिंह (सिरमूर) : इसी सदन को याद है कि 22 दिसम्बर 1953 को हमारे स्वर्गीय प्रधान मंत्री श्री जवाहर लाल नेहरू ने एक बयान दिया था जिस में उन्होंने कहा था :

That a Commission would be appointed to examine objectively and dispassionately the question of re-organisation of the States of the Indian Union "so that the welfare of the people of each constituent unit as well as the nation as a whole, is promoted."

इस काबिले तारीफ बयान के बाद एक इंडि-पेंडेंट स्टेट्स रिऑर्गनाइजेशन कमिशन की स्थापना हुई। मगर उस वक्त भी ब्रदकिस्मती से हिमाचल प्रदेश के मामले को नजरअन्दाज कर दिया गया। उस वक्त भी न जो बाउंडरीज का ख्याल रखा गया, न रस्मोरिवाज का ख्याल रखा गया, न कल्चर का ख्याल रखा गया न लोगों के सटीमेंट्स का ख्याल रखा गया और न ही एडमिनिस्ट्रिव यूनिट का ख्याल रखा गया। यही वजह है कि बार बार वह रिऑर्गनाइजेशन का मामला इस सदन के सामने आता है। कभी पंजाबी सूबे का मामला आता है, कभी हरियाणे का, कभी विशाल हिमाचल का, कभी गुजरात का और कभी महाराष्ट्र का। इसी वजह से रिपोर्ट को देखने के बाद स्वर्गीय श्री जवाहरलाल नेहरू ने ख्याल जाहिर किया था :

That he was astonished at the recommendation.

आज हम उम्मीद करते थे कि वह गलती जो कि स्टेट्स रिऑर्गनाइजेशन कमिशन के बन्द हो चुकी है पंजाब के रिऑर्गनाइजेशन के मसले पर गौर करते वक्त दुबारा नहीं दुहराई जाएगी। लेकिन इस बिल को देखने से पता चलता है और ऐसा महसूस होता है कि सरकार ने विशाल हिमाचल प्रदेश के मामले में फिर पूरा गौर नहीं किया है या जिन अफसरान ने यह मस्विदा तैयार करने का काम किया है उन्होंने जन्दबाजी से काम लिया है। ऐसा मालूम होता है कि उनको इन सारे मसले में जितनी गहराई से जाना चाहिये था उतनी गहराई से वे इस मसले में नहीं गए हैं।

अब पंजाब के दो हिस्से किये जा रहे हैं, एक तो पंजाबी सूबा बनाया जा रहा है और दूसरा हरियाणा प्रान्त बनाया जा रहा है। इन दोनों को आप स्टेट का दर्जा देने जा रहे हैं। इनका रकबा हिमाचल प्रदेश के रकबे से कहीं कम है। तब मैं आप से पूछना चाहता

हूँ कि हिमाचल प्रदेश को यूनियन टैरिटरी बना कर आप क्यों रखना चाहते हैं। सरकार को चाहिये कि बार बार एमेंडमेंट्स लाने के बजाय वह एक ही साथ सब एमेंडमेंट्स ला कर हिमाचल प्रदेश को फुल फ्लेज्ड स्टेटहुड का दर्जा इसी बिल के जरिये दे दे। यही इस सदन की इच्छा है। जहाँ तक खर्च का तालुक है मैं विश्वास दिलाना चाहता हूँ कि हम एक पैसा भी ज्यादा आप से नहीं मांगते। मैं आपको बतलाना चाहता हूँ कि आज भी जो हमारे यहाँ मंत्री हैं और जो ए० ए० ए० ए० हैं उनकी ज्यादा तनख्वाह नहीं है, उनके ज्यादा खर्च नहीं है। हमारे भी ज्यादा खर्च नहीं है। मैं आपको विश्वास दिलाता हूँ कि जो ग्रांट इन एड सब स्टेट्स को मिलती है और जो हमें मिलती है हम उसी से पूरा काम कर सकते हैं। हमारी और दूसरी जो यूनियन टैरिटरीज हैं उन में हर लिहाज से बहुत फर्क है तरक्की के कामों में आप देखें या किसी भी काम में आप देखें, आपको बहुत फर्क दिखाई दे जाएगा। हिमाचल प्रदेश की जनता की यह मांग है कि हम पर बहुत तजुब हो चुके हैं। हम कई हुकूमतों से निकल चुके हैं। मगर फायदा क्या हुआ? वही ढाक के तीन पात। हमने कमिश्नर का राज देखा, हमने पार्ट सी स्टेट असम्बली देखी, हमने गवर्नर राज का डिमिशन के मातहत देखा, हमने यूनियन टैरिटरी बनकर देखा। इस डेमोक्रेसी के जमाने में हमने सब कुछ बरदाश्त किया है लेकिन अब यह चीज बरदाश्त से बाहर होती जा रही है। मैं समझता हूँ कि नन्दा जी को सोचना होगा और हिमाचल को स्टेटहुड का दर्जा देना होगा। मही मानों में जो जम्हूरी ढांचा है वह हमको मिलना चाहिये। मैं चाहता हूँ कि हमारी इस मांग को ध्यान में रखते हुए आप हिमाचल को फुल फ्लेज्ड स्टेट देने की वृत्ता करें। मैं समझता हूँ कि सरकार हम को यह सजा इसलिए दे रही है कि हम पंजाब में शानिल होने को तैयार नहीं हैं। मगर हमें यह कहते हुए अफसोस होता है कि सरकार धमकियों, हड़तालों, भूख हड़तालों, जलसों और जलूसों

[श्री प्रताप सिंह]

श्रीर गालियों और तोड़ फोड़ के कामों से डरती है। यह सरकार शराफत से रहने वाले लोगों और सच्चे वफादार और अमन पसन्द लोगों की परवाह नहीं करती। हमारा बोर्डर बहुत लम्बा चौड़ा है। हम शान्ति और अमन से रहना पसन्द करते हैं। हमने अपने लोगों को सिर्फ एक ही बात सिखाई है और वह यह है कि तरकी और योजनाओं में साथ साथ आगे बढ़ें। इसलिए सरकार का यह कर्तव्य हो जाता है कि वह भी इनारे साथ उमी तरह का सलूक और व्यवहार करे। हम लड़-ई लड़ना जानते हैं हमने आजादी हासिल करने के लिए राजाओं के खिलाफ लड़ाई लड़ी थी। इनका इतिहास हमारा गवाह है। आज भी डा० दाई० ए०० परमार और श्री शिवा नन्द रामोल एम० पी० की अध्यक्षता में, हम उनकी रजिस्ट्रारों में तरकी की तरफ शान्ति से कदम आगे बढ़ा रहे हैं और इन बेईनाफी के वावजूद भी देश हित में सरहदों की रक्षा का बोझ अपने कंधों पर उठाये हुए हैं। लेकिन मैं कहना चाहता हूँ कि इन जम्हूरियत के जमाने में बेईनाफी और नजर अंदाजी को ज़रूरी तरह बरदाश्त नहीं किया जा सकता है।

आप जानते ही हैं कि 6 मिनट 1965 को होम मिनिस्टर नन्दा साहब ने पंजाब के बटवारे के मुताबिक एक स्टेटमेंट दिया था जिस में उन्होंने कहा था :

The whole question can be examined with an open mind.

उन्होंने यह भी माना था कि पंजाब का बटवारा भाषा के आधार पर होगा और तमिल को एक यूनिट माना जाएगा। पंजाब वालों को मांग था कि पंजाबी सूबा उनको जरूर मिला चाहिये। मगर जब आप एक आधार को मान कर हदबन्दी करने जा रहे हैं तो भाषा का आप ख्याल करते हैं, न जनता की पुकार और आवाज का आप ख्याल करते हैं न एडमिनिस्ट्रेटिव यूनिट का ध्यान और न तहसील लेवल की परवाह। आपने हर तरह

से पंजाब को फायदा पहुंचाने के लिए तहसील को तोड़ा और उसके बाद ब्लाक लेवल को तोड़ा और आखिर में नोबत यहां तक आ गई कि एक एक गांव को तोड़ कर अच्छी अच्छी और आमदनी वाली जगहें हिमाचल से काट कर पंजाब को दे दी। यह कहां का इसाफ है? कमिशन ने अपनी रिपोर्ट में माना है कि ऊना तहसील, कालका, मंगनी और कांडी एरिया होशियारपुर का हिन्दी भाषा भाषी एरिया है और पहाड़ी है। इनकी जवान एक है कल्चर एक है, रूमो रिवाज एक हैं, मेले त्यौहार एक हैं और ये इलाके हिमाचल को जाने चाहिये। लेकिन इसके वावजूद आपने नया नंगल फटलाइजर फैक्ट्री, सूरजपुर सिमेंट फैक्ट्री, रेलवे स्टेशन कालका, हिन्दुस्तान मशीनटूल फैक्ट्री तथा मोरनी का इलाका जो सब पहाड़ी हैं और हिन्दी भाषा भाषी है हिमाचल से निकाल कर पंजाब को दे दिये हैं। महज एक नया नंगल फटलाइजर फैक्ट्री से पंचाम लाब मालाना की आमदनी होती है। हिमाचल प्रदेश के पास कोई भी आमदनी का जरिया नहीं है। इसको आपने हिमाचल को नहीं दिया है इसे आपको हिमाचल प्रदेश को देना चाहिए था। हिमाचल को इसके एब्ज में परधर और पहाड़ और अनडिवेलेप्ड एरियाज ही आ दिये हैं। आपने भाखड़ा की आमदनी में भी उसको महरूम रखा है जब कि उसकी हिफाजत का काम, सायल कंजरवेशन आफ कैचमेंट हरिया का काम हिमाचल के जिम्मे है।

अगर आज भी सरकार हिमाचल प्रदेश को स्टेट का दर्जा दे देती तो मुझे कोई एतराज नहीं था। जहां तक नुमाईदगी का ताल्लुक है, उसके बारे में मैं एक दो बातें कहना चाहता हूँ

सभापति महोदय : आप समाप्त करें। मैं दो बार बंटी बजा चका हूँ। अब मैं दूसरे को बुलाने जा रहा हूँ।

श्री प्रताप सिंह : मैं एक मिनट में खत्म कर रहा हूँ।

मुझे पता नहीं सरकार के पास कौन सी तराजू है जिससे वह सोना और लोहा एक साथ तोलती है, सोना और लोहा एक साथ डालती है तराजू पर। पता नहीं किम आधार पर वह सीटों का बंटवारा करती है, कितनी सीट किम को मिलनी चाहियें इसको तय करती है। हिमाचल प्रदेश एक पहाड़ी इलाका है। उसकी सांठें आबादी के लिहाज से नहीं बल्कि रकबे के लिहाज से तय होनी चाहियें और हलके बनाये जाने चाहियें। पंजाबी सूबे में आपने असेम्बली के साथ काउंसिल रखी है। हरियाणा को 54 सीटों के बजाय आपने 81 सीटें दे दी हैं और लोक सभा और राज्य सभा की सीटें भी बढ़ा दी हैं। मगर हिमाचल प्रदेश के बारे में ऐसा नहीं किया गया है। अभी यूनियन टैरिटरी एक्ट के मुनाविक असेम्बली में 40 और नामजद तीन सीटें और लोक सभा में चार और राज्य सभा में दो हैं। अब जबकि बराबर का इलाका और बराबर की आबादी पहाड़ी इलाके की और शामिल हो रही है और दर्जा भी, स्टेटम भी, यूनियन टैरिटरी का ही है तो मैं समझ नहीं पा रहा हूँ कि महज 54 सीटें किम तरह से रखी गई हैं। आप जग मुकाबला कीजिये। दिल्ली की आबादी 25 लाख है और इलाका लगभग पचास मुरब्बा मील है लेकिन उमे लोक सभा में मात्र सीटें और मैट्रोपोलिटन काउंसिल में 42 सीटें मिली हुई हैं। इसके मुकाबले में हिमाचल प्रदेश का रकबा 22 हजार मुरब्बा मील है और आबादी 28 लाख से ज्यादा है। मैं चाहता हूँ कि सब को एक ही तराजू से तोला जाना चाहिये। सब के साथ न्याय होना चाहिये और हमें आपको ज्यादा सीटें देनी चाहियें।

श्री जगदेव सिंह सिद्धाती : मैं पहलें भारत सरकार के गृह मंत्री श्री नन्दा जी को माधुवाद देता हूँ कि उन्होंने हरियाणा का जो नाम है उसको आज भारत के राज्यों के बीच में रख दिया है।

मैं अब मरदार कपूर सिंह जी से एक बात कहना चाहता हूँ। महाभारत का उन्होंने

जिक्र किया है। महाभारत का ही प्रबोक मैं उनको मुनाना चाहता हूँ :

आत्मनः प्रतिकूलानि परेषां न समाचरेत् जो बात अपने को अच्छी न लगे तो वह दूसरों के लिए भी नहीं कहनी चाहिये। छाती पर हाथ रख कर के मेरे भाई मरदार कपूर सिंह सांच लें कि उन्होंने क्या कहा। दूसरी चीज जो भाषा के आधार पर श्री देवदत्त जी पुरी ने कहीं और ऐतिहासिक आधार पर हमारे हरयाने के पुराने मन्त्रिधान बनाने वाले राव गजराज सिंह ने कहा और हरयाना के सर्वसेज में पिछड़े हुए लोगों की बातें भाई युद्धवीर सिंह ने कही। उन में मैं महमत हूँ।

मैं यह कहना चाहता हूँ कि फाजिल्का क्यों हरयाने को मिलना चाहिए और पठानकोट क्यों मिलना चाहिए हिमाचल प्रदेश को? यह हमारी जो सीमा है उस सीमा के ऊपर पहाड़ी बहादुर भी पहुँचे, हमारे पंजाबी भाई बहादुर भी पहुँचे और हरयाने के बहादुर भी पहुँचे, अगर पाकिस्तान के साथ लड़ाई होती है, कोई शक्ति अकेले नहीं रह जाती बल्कि तीन शक्ति उस के साथ रहती है जैसे कि अब भी लड़ कर के दिखाया है मोर्चे के ऊपर। इस कारण से यह सैनिक दृष्टि से भी उचित है कि फाजिल्का का इलाका न केवल भाषा बल्कि सैनिक आधार के ऊपर हरयाना को मिलना चाहिए और पठानकोट का क्षेत्र हिमाचल को जाना चाहिए। हमारे भाई उमानाथ जी अभी कह रहे थे कि पठानकोट हरयाना में इसलिए नहीं मिलाया गया क्योंकि उन का भाषा का आधार होते हुए भी और चीजें नहीं मिलतीं। तो चंडीगढ़ भी क्यों नहीं ऐसे किया गया। जब चंडीगढ़ नहीं मिलाया गया तो पठानकोट क्यों मिलाया गया। जब पठानकोट पंजाबी सूबे में लिया तो चंडीगढ़ भी दे देते। क्या युक्ति है? चंडीगढ़ के तो डार्क तरफ हिन्दी भाषी क्षेत्र हैं, कुल डेढ़ तरफ पंजाबी भाषी क्षेत्र है। इस वास्ते पठानकोट का तो यह उदाहरण नहीं

[श्री जगदेव सिंह सिद्धांती]

दे सकते बल्कि पठानकोट तो हिन्दी भाषी होने से और शिवालक पर्वत का तराई होने के नाते से यह चण्डीगढ़ हरयाना का एक ऐतिहासिक और भौगोलिक भाग है ।

एक चीज उन्होंने कही द्विभाषी माध्यम की । द्विभाषी के बारे में जिन भाई ने यह बात कही थी वह इस बात को भूल रहे हैं कि पंजाबी सूबा जो बनेगा अब भी, वह अब भी द्विभाषी है और हरयाना पहले भी एक भाषी था, केवल हिन्दी भाषी । अब अगर हमारे पंजाबी भाई हमारे अन्दर आयेंगे तो हम उन का स्वागत करेंगे कि आओ भाई, वह हमारे भाई हैं, गैर नहीं हैं । हम उन को इस निगाह से नहीं देखना चाहते । इसी तरह से पंजाब के अन्दर रहने वाले भाई जो हैं पंजाबी भाषा के एरिया में जो हिन्दी भाषी भाई हैं, मैं समझता हूँ उन के साथ वह वही व्यवहार करेंगे जो कि मैंने अभी आपसे निवेदन किया है ।

कुछ बातें मैंने संशोधन के रूप में और रखी हैं । वह जब क्लाइ वाइज आयेगा तब कहूंगा । एक बात यह कहनी है कि बिजली और सिंचाई का जो है इस में माननीय श्री नन्दा जी ने कुछ संशोधन रखा भी है, यह बड़ी अच्छी बात है । लेकिन इस का ऐसा ढंग होना चाहिए सिंचाई के बारे में जैसे राव गजराज सिंह ने कहा था कि भाखरा का जो बांध बनाया गया था यह केवल हरयाना के लिए बनाया गया था । तो इस नाते से अब भी मैं यह मांग करता हूँ कि पानी और बिजली का ऐसा बंटवारा किया जाय कि जो पंजाबी सूबे को भी मिले, राजस्थान को भी मिले, हरयाने को भी मिले, दिल्ली को भी मिलता है, उत्तर प्रदेश को भी जाता है, उन को भी मिले । तो बंटवारे का ढंग यह होना चाहिए सारे बोर्ड के अन्दर सभी के अधिकारी रहने चाहिए और इसी भाँति अभी एक भाई चंडीगढ़ की बात कह रहे थे, उन भाई को मैं बताना चाहता हूँ, मैंने अगस्त का भी यह बात कही थी,

केवल एक उदाहरण दे कर मैं छोड़ दूंगा, उस को दोहराऊंगा नहीं । पंजाब विश्वविद्यालय जो आज है इस के अन्दर तीन हजार कर्मचारियों में से कुल 150 हरयाने के हैं, कुल 150 । जो पंजाब विश्वविद्यालय की सिनेट है, उस के अन्दर 92 आदमी हैं जिसमें हरयाने के कुल 9 हैं ।

एक माननीय सदस्य : सिख कितने हैं ?

श्री जगदेव सिंह सिद्धांती : सिख मैं नहीं मानता हूँ । मैं साम्प्रदायिक नहीं हूँ । मैं तो पंजाबी और हरयाने का मुकाबिला करता हूँ । तो इस नाते से मैं यह मांग करना चाहता हूँ कि इन बातों के ऊपर भी दृष्टि डाली जाय । इसीलिये यह हरयाने की मांग की गई । अगर वह लोग पहले से भी इसी तरह से करते, अच्छा व्यवहार करते तो यह बात न आती । . . . (व्यवधान) कुरुक्षेत्र, यूनिवर्सिटी की भी मैं अभी पाल खोल देना चाहता हूँ । 15 पंजाबी हैं और दो हरयाने के हैं कुरुक्षेत्र यूनिवर्सिटी में यह हाल है ।

एक बात और मैं कहना चाहता हूँ कि हमारे ऊपर अगर जबरन पंजाबी नहीं लादी जाती तो हम यह अलग मांग न करते यह जबरन पंजाबी को लादने से, जहाँ कि हरयाने में कोई पंजाबी भाषा का नामनिशां भी नहीं था और ऐसे लोगों के ऊपर पंजाबी लागू की गई, यह जो जहर बोया गया, इससे हमारे हृदय छलनी हो गए । हमारे बच्चों को जबरन पंजाबी जवान पढ़ाई गई । इस कारण से हमने यह मांग की कि हम इधर नहीं रहेंगे । पंजाबी अपने राजी रहो, अपने खुश रहो, पंजाबी भाषा बढ़ाओ, हम हिन्दी को बढ़ायेंगे । बस बाकी मैं बाद में कहूँगा ।

श्री शिवनारायण :

न पैमा शिकन हँ न गद्दर हँ हम ।

वतन परवरी के खतावार हँ हम ।

मान्यवर, मैं आज प्रातःकाल से इस सदन में बैठ कर यह सुनता रहा कि सरदार क्या कहते हैं और यह हरयाना वाले क्या

कहते हैं ? वह जो अंग्रेज हम को डिवाइड एंड रूल की पालिसी दे गए थे उसका चित्रण भी इस हाउस में मैंने आज सुना । मेरे मित्रों के दिल से वह गयी नहीं । भारतीयता का जो चित्र है वह इनके दिमाग से परे है । कोई एक यूनिवर्सिटी के लिए लड़ता है, कोई भाखरा नंगल के लिए लड़ता है, ऐसी छोटी छोटी डिमांड्स के लिए लड़ाई हो रही है । परन्तु पंजाबी सूबे का जो बिल इस हाउस में आया निहायत नेक नीयती और निहायत ईमानदारी के साथ हमारी अखिल भारतीय कांग्रेस की वकिंग कमेटी ने बैठ कर पूरी तरह से विचार करके फंसला लिया और पंजाबी सूबा दिया । क्यों दिया ? मैं एक इतिहास का विद्यार्थी हूँ और आज यह बताना चाहता हूँ आपको कि पंजाब इस देश का रक्षक है । मैं ईमानदारी के साथ कहता हूँ, मैं दुखी हूँ इस बटवारे से । मैं इस से खुश नहीं हूँ । . . . (शयबखान) तुम बैठे रहो । दो टुकड़ों में हो रहे हो, तुम बड़े से छोटे बन रहे हो । मेरे मित्र ने उत्तर प्रदेश का जिक्र किया । मैं उन से आज कहना चाहता हूँ कि उत्तर प्रदेश में तमाम झगड़े होने के बावजूद भी हम एक सूत्र में आज भी बंध हुए हैं । पंडित कमला पति त्रिपाठी, हमारे प्रेसीडेंट ने हमारे यहां जब सूबे के बटवारे का सवाल उठा तो कहा कि मैं सत्तू खा कर पश्चिम वालों को खुश रखूंगा और हम एक साथ रहेंगे । साढ़े छः पेज की मेरो स्पाच इस पर उस हाउस में लिखी रखी है । हम ने कहा था पंत ऐसा हमारा रक्षक है, तो हमारा सूबा बट नहीं सकता । हम आज भी एक सूत्र में बंधे हुए हैं और देश को मैं यह संदेश देना चाहता हूँ कि देश आज तक जो बट गया वह बट गया, आइन्दा बहुत सावधानी के साथ हम को देश में एक सूत्र में बंध कर रहना चाहिए । यह संदेश मैं देना चाहता हूँ । मान्यवर, मैं अपने हीन मिनिस्टर से कहना चाहता हूँ कि बोतो ताहि बिस्तारि दे, आगे की सुधि ले ।

जो कमियाँ हैं, हिमाचल प्रदेश की बात आज मैं कहना चाहता हूँ, सरदार पटेल ने वादा किया था कि हम देखेंगे और एक प्रान्त बनायेंगे । यह टुकड़े टुकड़े क्यों रख रहे हैं ? यह टेरीटरीज का प्रश्न जो है इस को हल कर दीजिए । आप दिल्ली और हरयाणा को मिला कर एक बड़ा सूबा बना लीजिए । चंडीगढ़ का झगड़ा और दूसरे सारे झगड़े मिटा कर मैं चाहता हूँ कि इस देश में हमें एक सूत्र में बंध कर रहना चाहिए । इन शब्दों के साथ मैं इस का समर्थन करता हूँ ।

श्री सिद्दहसन सिंह : सभापति महोदय, अभी हमारे झारखंड के भाई ने कहा कि सभापति जो, झारखण्ड बनाना ही होगा, इस लिए उन्होंने इस का स्वागत किया है । आप इस विधेयक को ही ले लीजिये, पंजाब के तीन हिस्से बन रहे हैं, यह कैसे बना? लड़ाई-झगड़े, हंगर स्ट्राइक और जल मरने के डर से आपने पंजाबी सूबे और हारयाणा को बनाना मन्जूर कर लिया, तो आप क्या चाहते हैं, हिमाचल प्रदेश वाले भी वैसे ही झगड़ा और तूफान करें, तब आप हिमाचल का सूबा बनायेंगे । आपने पंजाब में 37 और हरियाणा में 62 मेम्बर रखे हैं, जब कि हिमाचल में 56 रखे हैं । इस का मतलब है कि हिमाचल में सिर्फ 4 की कमी है और जहां तक भुज पता लगा है, आपके पास उनकी मांग भी आई है कि उनका आवादी 13 लाख ने बढ़ कर 27 लाख होने जा रही है, इस लिए उनकी सोटें भी उठो अनुमत से बढ़ाई जायं, 56 के बजाय उनकी 60 कर दिया जाय, इस तरह कर देने से उनका भी एक अलग सूबा बन जायगा । पता नहीं आपको हिमाचल को सूबा बनाने से क्या गुरेज है । असल में यह ब्रिटिश सरकार की नीति रही है कि हिन्दुस्तान का शासन गवर्नर के जुरिस्टिडिक्शन में रहे,

[श्री सिंहासन सिंह]

ताकि जो उसके मन में आये करे, उसी नीति को आप भी बरतना चाहते हैं। हिमाचल प्रदेश को भी अगर इसी के साथ सूबा बना दिया जाता तो उम से कोई विशेष फर्क पड़ने वाला नहीं था। हिमाचल प्रदेश से जितने भी सदस्य आज बोले हैं, सब ने इस बात की मांग की है कि उसको सूबा बनाना चाहिये, लेकिन चूंकि हिमाचल प्रदेश में अभी शांति है, वहां झगड़ा नहीं हो रहा है, इस लिये उनको सुनवाई नहीं हो रही है, लेकिन जब वह झगड़ा शुरू करेंगे, तो मुम्किन है दूसरे चुनाव तक हिमाचल भी एक नये सूबे की शकल में सामने आ जाये।

आज यही स्थिति हमारे राज्यों में भी चल रही है। नेफा और हमारे पहाड़ी क्षेत्रों को भी यही मांग है। मैं आपसे यह कहना चाहता हूँ कि क्या वह समय नहीं आया है, जब कि अमरीका की तरह—आपको याद होगा अमरीका में मिचिल वार हुई थी, वहां पर भी नई स्टेटों के लिये लड़ाई हुई थी और जब मिचिल वार खत्म हुई, तो वहां के प्रेजिडेंट ने अमरीका को 42 या 48 स्टेटों में बांट दिया, एक मीथी लाइन खींच कर स्टेटें बना दीं। वही दिन अब हमारे यहां भी आने वाला है, क्योंकि अब सब जगह से अलग अलग प्रान्त की मांग हो रही है। नागालैंड, मीजो सब अपने नये राज्य चाहते हैं, जब भी कोई मग्ने के लिए तैयार हो जाता है, आप डर कर नया राज्य बनाने को तैयार हो जाते हैं।

एक दफा रिफॉर्मिजेशन कमीशन आपने बनाया, उम ने विचार कर के अपनी रिपोर्ट दी, लेकिन उसके विचार को आपने न मान कर महाराष्ट्र और गुजरात के नये राज्य नहीं बनाये, जब वहां झगड़े हुए और 1957 के चुनावों में कांग्रेस हारने लगी, तब आपने महाराष्ट्र और गुजरात दोनों को अलग अलग राज्य बना दिया। ऐसा नहीं होना चाहिये।

कभी समय आवे, तो आप इन पर गम्भीरता से गौर करें ताकि मुल्क का सही तौर पर एडजस्टमेंट हो सके और झगड़े की नौबत न आवे। आज देश की एकता में भाषावार प्रान्त बहुत बाधक हो रहे हैं, इनके छोटे छोटे सूबों की मांग सिर्फ लोकल-लीडरशिप की वजह से होती है, वह यह सोचते हैं कि अगर यह सूबा बन जायगा तो हम यहां चीफ मिनिस्टर बनेंगे, या मिनिस्टर बनेंगे, लेकिन यदि देखा जाये तो जनता का मांग इसके पीछे नहीं है। मुझे आशा है कि आप इस पर विचार करेंगे।

Shri Nanda: I shall be very brief in my reply.

Shri D. C. Sharma: I want a clarification. Are all the Members of the staff invited to the dinner?

Several hon. Member: Yes.

Shri D. C. Sharma: The Press people also? . . . (Interruptions.)

Mr. Chairman: Order, order. Please resume your seat. I have called the hon. Minister.

Shri Nanda: In the course of the discussion current and cross current of argument were there and when we look at the residue which I am called upon to tackle and deal with, it will not necessitate a lengthy reply. I shall first address myself to speech made by the hon. Member Sardar Kapur Singh. His was the first speech from the Opposition. Just a little while ago he said something which is very reassuring. He made a very categorical statement that so far as he was concerned there was no question at all of by-passing the Constitution; he stood by the Constitution. That is very good. Certainly, nobody in this country can think of placing himself outside the sphere of the Constitution. The Constitution is for all the people of this country; the Constitution says so: "we, the people of India." It

embraces everybody. There is no room, or there is no place for any other ideas. Somebody said here about self-determination and all that. The hon. Member made it very clear that he had not said anything here on the floor of this House about that. Whatever may have been said outside, for that also, I again reiterate, there is no place in the Constitution. There is no room for it in this country, because the Constitution makes us one people, one nation, and the Constitution applies to everybody. There cannot be any differentiation there at all.

I shall just point out one thing, and that is, about the Jammu and Kashmir State's status of 1951. The hon. Member referred to that. We have moved, and advanced since then; we have moved forward. There is no question of going back; we have moved forward there also. We cannot think of creating any kind of a new differentiation in status in this country. I hope that when the hon. Member thinks about it, he would find that it can mean no good for anybody who might for any reasons claim such a differential status.

Shri Tyagi: Is it the policy of the Government to bring the Jammu and Kashmir State on a par with other States very soon?

Shri Nanda: As I said, we are advancing towards that. Now, let me say one thing in respect of what the hon. Member said; I say it with respect for the hon. Member. He made a learned statement in which he brought out so much of history, but still, I wish to submit that it was a negative approach; it was not a constructive approach at all; it was not a helpful approach; whom does it help? Where does it take us? Who are all those whose ideas have been projected? It does not help anyone at all. He said something which will really be contrary to all that Parliament has been doing during the last few months bearing on this Bill that is before us. He says "reject this Bill.". On what ground? This Bill was never conceived in terms of any community. It was from the very beginning, from its very inception, based on considerations of language, a linguistic reorganisation of that area. If there is any doubt about that, I would request the hon. Member to see what was the statement that I made after we received the report of the Parliamentary Committee. It was said very clearly that

the present State of Punjab be reorganised on a linguistic basis. And afterwards, when this boundary commission was appointed, the terms of reference also made that abundantly clear. In the resolution it has been stated very clearly that the Government of India have decided to reorganise the present State of Punjab on a linguistic basis so as to constitute from that territory two States, namely, Punjab and Haryana States after transferring to Himachal Pradesh such of the hill areas, etc., etc. It again repeats "cultural and linguistic affinities". Therefore, there was the primary element of the linguistic basis, and further, the cultural and linguistic affinities. That is purely the basis for this reorganisation. The report of the boundary commission has been derived from these terms of reference and is based on that. So, I thought that the hon. Member, Shri Kapur Singh, need not have gone on this track and rejected the Bill for himself. I hope—99 per cent I am sure—the House will accept it. But why should even one person go against the wishes and sentiments of the whole House and the principles which have been adopted by this House? There was nothing at all in the whole history of the processes which preceded the Bill which will give the least justification for considering that we were proceeding on any consideration based on community.

The hon. member also said something which was not very happy. I feel unhappy and other members also feel unhappy about it—his reference to the judiciary. There is no doubt, I think, considering the traditions of our judiciary and the way it has been functioning, that it has placed itself on a pedestal as high as any judiciary in any other country in the world. To talk of it in that fashion is really weakening our faith in that institution.

Shri Kapur Singh: I endorse this general statement of yours, but in the peculiar set-up to which I referred, I made that statement.

Shri Nanda: He has made that statement in the present context. Why is this cloud of suspicion being raised in this case? There is not the least ground for any kind of

[Shri Nanda]

suspicion being created about it. The whole career of the Chairman and members of this Commission, all they have done in the past, only confirms us in our faith not only in judiciary in general, but in those persons who were Chairman and members of this Commission. The Chairman is a person who commands the highest respect. To say at all there was the least kind of suspicion in this matter is totally unjustified and unfair. I hope the hon. member will take it from us. We know there is not the least ground at all for any kind of reflection on the composition and working of this commission.

Shri Kapur Singh: The Home Minister has tried to give a slant to certain observations which I have made, which I think is not borne out by the actual words I used. I said nothing about the honesty of the members of the Shah Commission. I said nothing about the integrity of the judiciary in the country. I am one with the hon. Minister that our judiciary has maintained the highest standards of integrity that could be expected of them. What I actually said was—the record will bear me out—that to attempt to make a quasi-political use of the judiciary is a wrong thing in principle and that this has resulted in shaking the confidence of the public in the judiciary itself. I have condemned and criticised the peculiar use of the judiciary which the Congress Party have been making since partition. Therefore, to try to say that I am casting any aspersions on the judiciary of the country or on this particular commission is not fair.

Shri Nanda: It is some kind of a philosophical interpretation to make a distinction between casting reflection and saying that it is a political use. Let us leave it at that.

I come to the main part of the discussion. Most of it ranged round Part II, that is, territorial distribution, allocation of various areas between one State and another, the Union Territory of Himachal Pradesh and the creation of a new Union Territory of Chandigarh. If we just recall all the claims made and counter claims made, it will be found that there was a lot of dissatisfaction expressed. But it was not in one direction. There was dissatisfaction, discontent, expressed by hon. Members from Haryana, that they have not had enough, they have not

had a fair deal, what really should have gone to Haryana remained in Punjab etc. On the other hand, hon. Members from Punjab had asserted very strongly, with great force and passion....

Shri Kapur Singh: With great sincerity.

Shri Nanda:.....that Punjabi-speaking areas have been allotted to Haryana. I believe, this alone will convince the House that there has been reconciliation of conflicting claims, that if the Boundary Commission had gone a little further in this way or that way the discontent would have been accentuated on the one side or on the other..

Therefore, it was a very difficult task, a complex task, an immense task, let us realise, that was entrusted to them, and those in whose hands it was entrusted have done the job very well. They have done something which has not satisfied everybody, all parties, but anything better was not conceivable at all, because, as I said, it might have meant even a still more sense of deprivation one side or the other.

But my main answer to this is, here it is not a question of argument. Here we are not going into the question of merits. The moment we start entering into the merit of one recommendation or another, whether this village or this tehsil should have been here or there, then we reopen the whole question. This is not what we do here. Then there would be no Reorganisation Bill passed today. It will take us nowhere at all. Therefore, I believe, possibly, the hon. Members who have spoken, they have also spoken just for the purpose of ventilating something which they were bound to express, putting forward their demands, giving expression to their feelings. Let it rest at that. It is not for me now to go into these demands on merits. We have accepted the report of the Boundary Commission and the unanimous recommendation of the Boundary Commission has been accepted.

The only thing that remains, as I have explained, is about Chandigarh. That was not a unanimous recommendation. The hon. Member from there said, you have divided it into three parts instead of two. Then he said, what is the matter, a little bit of land here or a little bit of land there is immaterial and, therefore, why not we

give it back to one State or the other. If it is really immaterial, what is the serious objection to have a Union Territory also if it does not matter one way or the other? But I am not quite sure about the trend of the mind of the hon. Member—it was Shri Umanath. Then he said, now you go ahead, you have made one recommendation, you have taken one State, take the other State, take Jarkhand, take the other Hill areas and so on. I do not want to throw any suspicion on the working of the mind, but he is suggesting creation of more and more division in the country. We do not want more and more division at all.

So far as Chandigarh is concerned, let there be no more argument about it. It has been settled, accepted and there is no way now except, again, as he said, to open the whole thing. That may mean delay. We know how long it will take again to reconsider the whole thing, giving it to some other Commission, going into all these things etc. It is not possible. Therefore, let us not argue about these things; let us take them in good spirit. Maybe, that some persons may feel that Punjab has a better claim than Haryana. On the other hand, Haryana people may say: here was a majority recommendation in our favour, why have you departed from that at all. So, it is good enough, as it is. It serves our purposes; it serves the purposes of Haryana and Punjab to have the capital there. It is also an economical arrangement. It is an arrangement which is going to be in the interests of all concerned.

20.00 hrs.

Now, I will take up another two or three points which have been made here. After the question which territory should go to which State and the question of Chandigarh, very little remains which was actually the subject of disagreement. Only very few provisions of this Bill were subject to severe criticism. There was very mild criticism of two or three features, and I shall attend to them now.

Shri Tyagi: Could you give us an assurance that there will be no further division of any part of our country?

An hon. Member: How can he? People will squat on the railway track and it will be granted.

Shri Nanda: Who can say about the future? It may also be that there will be re-organisation so that there are fewer States than now. The future can be that way also.

Shri Tyagi: That will be welcome.

Shri Nanda: Among the questions raised, one was about common links. I am very glad that there was no kind of antipathy to common links. At some stage very strong feelings were expressed on common links but when they saw the Bill and when it was noticed that the way in which the common links have been provided in the Bill is serving some useful purpose, there was a very great deal of sympathy for them and there was acceptance of those provisions.

On the question of High Court one or two hon. Members asked: why not have two High Courts at once. That is to say, in the same capital, in Chandigarh, there should be one High Court on one side of the road and another High Court on another side of the road.

An hon. Member: There are two Assembly buildings.

Shri Nanda: That is true. But, why go on adding to them, incurring more expenditure on things when it is avoidable? Having got the Assembly, they have got everything they want. So, why try to fight shy of links which are going to mean more economy in expenditure? Why have two High Courts when a common High Court will serve the purpose, as it has been serving so far. The High Court has been serving this purpose.

Then, it is open to the States, if they want, at any stage, later on, to have separate High Courts. Not that I am recommending that. I believe it is a good thing to have a common High Court. Having separated is it necessary to go on separating yourself in everything, having nothing in common? Why should you take the position that you will not even talk with one another? Instead of that, why not try to have close links? Already, the essence of the demand has been met. The other requirement is good neighbourliness, friendly relations, having links which are going to be useful.

[Shri Nanda].

I may say that these links are not only between these two States. The aim, the purpose, the function of the zonal council is to try to develop more and more links which will enable the States to have more collaboration in matters which can serve common purposes. Therefore, a High Court in this case serves a common purpose. Yet, when it comes later on, nobody can prevent a State from having a High Court of its own if it wants. I hope, they will find that it is a good thing and they will not think of having separate High Courts; but if they choose to do so, nobody can prevent that.

Then, about the 1961 census some motives were attributed as if the whole thing started with any kind of a communal motivation. There is nothing of the kind. It was not the 1961 census only. As hon. Members will remember, there was the 1961 census and other relevant considerations. The Commission, it said, may also take into account such other factors as administrative convenience, economic well-being, geographic contiguity and facility of communication. Therefore it has not at all been any kind of a narrow basis adopted. The starting point could not be otherwise, but care was taken to introduce all other considerations which would enable the Boundary Commission to take a fair view, a view which will embrace or comprehend all those considerations which were relevant for the purpose of determination of the claims of the parties in this case.

A mention was made of certain deficiencies in various clauses of the Bill. As I said in the opening remarks, after fuller consideration it has been felt that some improvement has to be made and for that purpose a set of amendments on behalf of the Government have been circulated. We shall deal with them when we are dealing with the clauses.

Then there was the question that Himachal Pradesh should be a State. This was not the occasion when we could have gone into that matter. A number of hon. Members have spoken in that connection, but that is a matter which lies outside the purview of this Bill.

Finally, I will say, when we proceed to consider the clauses, I hope the same....
(*Interruption*).

Mr. Chairman: The question is:

"That the Bill to provide for the reorganisation of the existing State of Punjab and for matters connected therewith, be taken into consideration."

The motion was adopted.

Mr. Chairman: The House will now take up clause-by-clause consideration of the Bill.

Clause 2— (Definitions)

Shri Buta Singh: Sir, I beg to move,

Page 2, lines 15 and 16,—

omit "the Union in relation to the Union territory of Chandigarh and" (1)

क्लाज 2 में मेरा एक अमेंडमेंट है। यह अमेंडमेंट लाइज 15 और 16 में से कुछ शब्द निकालने के बारे में है। सब-क्लाज एम० इस प्रकार से है।

" "successor State", in relation to the existing State of Punjab, means the State of Punjab or Haryana, and includes also the Union in relation to the Union territory of Chandigarh and the transferred territory;"

मैं ने चाहा है कि इस में से ये जो शब्द हैं

"the Union in relation to the Union territory of Chandigarh and"

इनको काट दिया जाए।

चंडीगढ़ के बारे में बहुत से माननीय सदस्यों ने अपनी अपनी राय दी है। मैं आप के ज़रिये मे होम मिनिस्टर माहव मे यह दरख्वास्त करना चाहता हूँ कि जब चंडीगढ़ के बारे में विचार किया जाये तो इस शहर, इस कैपिटल सिटी की हिस्ट्री की

तरफ़ देखा जाय, यह देखा जाये कि कितने गांव वहाँ से उजाड़े गये, उन गांवों में रहने वाले लोग क्या भाषा बोलते थे, उन का कल्चर क्या था और उनको किस भाषा के लोग कहा जाता था। श्री नन्दा खुद जानते हैं कि वे सब के मत्र पंजाबी थे, उनकी भाषा पंजाबी थी और जो जमीन उन से ली गई, वह भी उन्हीं की जमीन थी और वह पंजाबी रिजन की जमीन थी। इस लिए चंडीगढ़ को जो यूनियन टेरिटरी बनाया जा रहा है, मैं उसका विरोध करता हूँ। चंडीगढ़ पंजाब गवर्नमेंट की सीट था और आज भी चंडीगढ़ के एम० एल० ए० को पंजाब एसेम्बली में जगह मिल रही है जिसका मतलब यह है कि सरकार अपने दिल में जानती है कि चंडीगढ़ पंजाबी सूबे का हिस्सा है। मैं समझना हूँ कि यह उचित नहीं है कि इसको सिर्फ़ इस लिए उग से अलाहिदा कर दिया जाए कि इस में कालेज और यूनियर्सिटी में कुछ तालिब-इल्मों की ज़वान पंजाबी नहीं है। मैं चाहता हूँ कि श्री नन्दा किसी दिन चंडीगढ़ जा कर वहाँ के किसी भी सेक्टर का मुआयना करें। अगर वह एक सेक्टर में भी दस फी सदी हिन्दी बोलने वाले निकाल दें, तो मैं अपना क्लेम छोड़ने को तैयार हूँ।

इन शब्दों के साथ मैं चाहता हूँ कि होम मिनिस्टर साहब भेरी अगेंडमेंट को मान लें और चंडीगढ़ को पंजाबी सूबे का भाग बना दें।

Shri Nanda: It goes against the very important components of the Bill. It cannot be accepted.

Mr. Chairman: I shall now put Amendment No. 1 to the vote of the House.

Amendment No. 1 was put and negatived.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill"

The motion was adopted.

Clause 2 was added to the Bill

Clause 3.—(Formation of Haryana State)

Shri Buta Singh: I move:

"Page 2, line 33,—

(i) after "Hissar" insert—"excluding Sirsa Tehsil Tohana Sub Tehsil and Ratia Block."

(ii) after "Karnal" insert—"excluding Shahabad Police Station and Guhla Sub-Tehsil" (2)

"Page 2, line 36,—

after "Ambala" insert—

"excluding Saddar Police Station" (3)

"Page 3,—

Omit lines 1 to 5" (4)

"Page 3, line 11,—

for "clauses (c), (d) and (e)" substitute—

"clause (c)" (5)

"Page 3,—

omit lines 15 to 17" (6)

"Page 3,—

omit lines 18 to 20" (7)

Shri Hem Raj: I move:

"Page 3,—

- (i) omit lines 1 to 5
- (ii) in line 11, omit '(d) and (e)'
- (iii) lines 13 and 14, omit 'and in that district,—'
- (iv) omit lines 15 to 20" (47)

Shri Gajraj Singh Rao: I move:

Page 3,—

after line 5, insert—

(f) Chandigarh and territories of Manimajra and Manauli Kanungo circles of Kharar tehsil of Ambala district specified in the Second Schedule;

(g) Bhatinda and Fazilka tehsil of Ferozepore district of Punjab," (105)

श्री बूटा सिंह : कलाज 3 में यह कहा गया है कि नई बनने वाली हरियाणा स्टेट में श्रीग इलाकों के अलावा हिसार और करनाल जिले भी शामिल किये जायेंगे। मैं निवेदन करना चाहता हूँ कि हिसार में सिरसा तहसील, टोहना, सब-तहसील और रतिया ब्लॉक के भी इलाके हैं, जो पंजाबी बोलने वाले हैं, जिन की भाषा पंजाबी है, जहाँ के बहुसंख्यक रहने वाले पंजाबी हैं। मैं अपनी अमेंडमेंट के जरिये यह चाहता हूँ कि इन इलाकों को हिसार से एक्स्क्लूड कर के पंजाबी सूबे में मिला दिया जाये, ताकि वह एक कम्पैक्ट यूनिट बन जाये। जो लोग पंजाबी बोलते हैं, वे इस कलाज के जरिये पंजाब से अलग किये जा रहे हैं। मैं इस अमेंडमेंट के जरिये उन को पंजाब में शामिल करना चाहता हूँ।

इसी तरह करनाल जिले में शाहाबाद पुलिस स्टेशन और गुहला सब-तहसील के इलाके में बिल्कुल शुद्ध पंजाबी बोलने वाले लोग हैं। वहाँ पर बहुसंख्या पंजाबी बोलने वाले लोगों की है। मैं अपनी इस अमेंडमेंट

के जरिये यह चाहता हूँ कि इस इलाके को करनाल से काट कर पंजाबी सूबे में शामिल कर दिया जाये।

Shri Hem Raj: I have moved my Amendment No. 47, namely, on page 3, (i) omit lines 1 to 5; (ii) in line 11, omit "(d) and (e)"; (iii) lines 13 and 14, omit "and in that district"; and (iv) omit line 15 to 20.

In this connection I would simply refer to the Boundary Commission's report, the minority report, page 54, para 13. It says:

"Kalka Police Station is contiguous with Simla district. Kalka town provides the main gateway to the Himachal Pradesh for the rest of India and the economy of the township and surrounding area is closely connected with that of Himachal Pradesh."

Moreover, so far as the linguistic question is concerned they say that 73 per cent is Hindi-speaking. Therefore, my contention is that these areas should be merged with Himachal Pradesh.

Shri Gajraj Singh Rao: I want to say that the findings of the Boundary Commission are in favour of my amendment. The majority report is there. But if it is not feasible, then I shall withdraw my amendment. I only wanted to draw attention to the fact that the report is in my favour and, therefore it should, in the normal course, be adopted.

Shri Nanda: The hon. members have had the pleasure of moving their amendments....

Shri Bura Singh: Let him not treat them so lightly. I am very serious.

Shri Nanda: Of course they are serious. They know that in connection with the context of this Bill and in the light of the observations that I made with regard to the claims, it will not be possible for me to accept them.

Mr. Chairman: I now put Mr. Bura Singh's amendments to Clause 3, namely, Amendments Nos. 2, 3, 4, 5, 6, and 7, to the vote of the House.

Amendments Nos. 2 to 7 were put and negatived.

Mr. Chairman: I now put Mr. Hem Raj's amendment, namely, Amendment No. 47, to the vote of the House.

Amendment No. 47 was put and negatived.

Mr. Chairman: I now take up Amendment No. 105, that of Mr. Gajraj Singh Rao.

Shri Gajraj Singh Rao: I only wanted to bring it to the notice of the House. I would like to withdraw the amendment.

Mr. Chairman: Has he the leave of the House to withdraw his amendment?

Several hon. Member: Yes.

Amendment No. 105 was, by leave, withdrawn.

Mr. Chairman: The question is:

"That Clause 3 stand part of the Bill"

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.— (Formation of Union territory of Chandigarh).

Mr. Chairman: Now Clause 4 is before the House

Shri Buta Singh: I beg to move:

Page 3,—

for clause 4, substitute—

"4. On and from the appointed day, Chandigarh comprising of the territories of Manimajra and Manauli kanungo circles of Kharar tehsil of Ambala district in the existing State of Punjab as are specified in the Second Schedule shall form part of Punjab and shall be the capital of Punjab State" (89)

चेयरमन साहब, क्लॉज 4 का भी सम्बन्ध चंडीगढ़ से है। इस से पहली जो क्लॉज है, वह

इसी से निकली हुई है। होम मिनिस्टर साहब खुद जानते हैं कि हरियाणा प्रान्त के लीडर कई बार उन के सामने और श्री सत्य नारायण सिंहा के सामने प्राइवेटली यह मान चुके हैं—मैं उन का नाम ले सकता हूँ, लेकिन मैं इस वक्त नहीं लूँगा—कि हमने कभी यह उम्मीद नहीं की थी कि हमें चंडीगढ़ मिल जायेगा, लेकिन चूँकि वह अब हमें मिल गया है, इस लिए हम उस को नहीं छोड़ेंगे। मैं होम मिनिस्टर साहब से यह अपील करूँगा कि किसी इलाके से उस के हुकूक को छीन लेना लॉक राज्य की सब रवायत के खिलाफ है।

मैं फिर अपील करता हूँ कि यह जो बात चंडीगढ़ की है यह हमारे पंजाबी सूबे की रूपरेखा है, उस को क्यों बरबाद करना चाहते हैं? अगर आज पंजाबी सूबा देने जा रहे हैं तो पूरी तरह से दें, इस तरह से रिजर्वेशन से न दें और इस तरह से चंडीगढ़ जो पंजाबी सूबे का कुदरती अंग है, वह पंजाबी सूबे के साथ मिलाया जाय, उस को पंजाबी सूबे के साथ रहने दिया जाय। यह मैं अपील होम मिनिस्टर साहब से करता हूँ।

Shri Nanda: I need not go repeating my answer. The answer given earlier applies to this also.

Mr. Chairman: I should now put amendment No. 89 to the vote of the House.

Amendment No. 89 was put and negatived.

Mr. Chairman: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(Transfer of territory from Punjab to Himachal Pradesh).

Shri Buta Singh: I beg to move:

- (i) Page 3, omit line 34. (8)
- (ii) Page 3, omit lines 35 and 36. (9)
- (iii) Page 4, omit lines 1 to 10. (10)

Shri Hem Raj: I beg to move:

- (i) Page 3, omit line 35 and 36. (64)
- (ii) Pages 3 and 4, for lines 35 and 36, and 1 to 5 respectively, substitute "(c) Una tahsil." (65)
- (iii) Page 4, omit lines 1 to 5. (66)
- (iv) Page 4, after line 8, insert—

"(g) Pinjore kanungo circle of Kharar tahsil of Ambala district;

- (h) the territories in Manimajra and kanungo circle of Kharar tahsil of Ambala district specified in First Schedule." (84)

Mr. Chairman: There are some amendments in the name of Shri Pratap Singh. Is he moving those amendments?

Shri Pratap Singh: No, I am not moving them.

Mr. Chairman: So, amendments Nos. 8, 9, 10, 64, 65, 66 and 84 are now before the House.

श्री बूटा सिंह : अमेंडमेंट नं० 8, 9, 10 के ऊपर चैयरमैन साहब, मैं होम मिनिस्टर साहब से दरखास्त करूंगा कि यह जो अम्बाला डिस्ट्रिक्ट को वाइफरकेट किया गया है, कुछ हिस्सा इस का काटकर हिमाचल को दिया जा रहा है, कुछ हरयाना को दिया जा रहा है, यह जो इलाके हैं यह पंजाबी बोलने वाले हैं, इन को मत काटिए क्योंकि आप का जो टर्म्स आफ रेफरेंस या कमीशन को वह उस का यूनिट तहसील था। लेकिन हम देखते हैं कि कुछ गांव जो कि पंजाबी बोलने वाले हैं उन को काट कर हिमाचल प्रदेश के साथ लगा दिया गया है। विलेज कॉन्फ.मिंग पार्ट ऑफ उना तहसील ऑफ होशियारपुर डिस्ट्रिक्ट यह आपके

वर्ड शिडयल्ट में दिया हुआ है। कोई भी निष्पक्ष आदमी आज वहां जाकर देखे तो वह इसी नतीजे पर पहुंचेगा कि उस का एक व्यक्ति भी हिन्दी नहीं बोलता है। इसलिए मेरी हॉम मिनिस्टर साहब से फिर वही अपील है, मैं रिपीट करना चाहता हूँ कि यह जो इलाके हैं जो पंजाबी बोलने वाले हैं अम्बाला जिले के और होशियारपुर जिले के इनको पंजाब में ही रहने दिया जाय।

Shri Hem Raj: So far as my amendments are concerned, I shall only refer to para 77 of the Boundary Commission's report, which reads as follows:

"Taking into consideration the physical characteristics, life of the people, their habits, customs, manners, festivals, the flora and fauna of the region and interdependence of the people with the people of the adjacent districts of Bilaspur and Kangra there is no doubt that the tehsil Una has linguistic and cultural affinities with Himachal Pradesh. But we are of the view that this tehsil should be divided between the Punjabi-speaking State and Himachal Pradesh, for in our view the Bhakra dam and its canals, the Nangal hydel canals and the power and other industrial complex should remain in the Punjabi-speaking State."

My argument is that so far the arguments advanced by the Boundary Commission are concerned, they are clear that this is a Hindi-speaking area, and at the same time it has also cultural and linguistic affinities with Himachal Pradesh. So far as Bhakra-Nangal is concerned, that is going to be a Centrally managed project. Therefore, the whole of Una tehsil, I would submit, should be merged with Himachal Pradesh.

Shri Nanda: In this we have followed strictly the recommendations of the Boundary Commission and we do not want to depart from them...

Mr. Chairman: I will put amendments Nos. 8, 9 and 10 of Shri Buta Singh to vote.

Amendments Nos. 8, 9 and 10 were put and negatived.

Mr. Chairman: I shall now put amendments Nos. 64, 65, 66 and 84 of Shri Hem Raj to vote.

Amendments 64, 65, 66 and 84 were put and negatived.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill".

The motion was adopted.

Clauses 5 was added to the Bill.

Clause 6.— (State of Punjab and territorial divisions thereof).

Shri Buta Singh: I move:

Page 4, lines 33 and 34,—for "other than those specified in sub-section (1) of section 3, section 4 and sub-section (1) of section 5".

Substitute—"other than those included in the territories of Haryana and Himachal Pradesh, along with District Ganganagar of Rajasthan State". (11)

This is almost on the same lines on which I have trying to convince the hon. Home Minister who seems to be in no mood to be convinced and so 'unconvincible' that he has not even cared to consider it sympathetically and that he is sticking to the recommendations of the Commission which are not free from suspicion.

I have moved this amendment No. 11 because I feel that the geographical contiguity goes right up to the district of Ganganagar, Rajasthan. When you are forming a State on the basis of a language, why should you preclude an area which is totally and completely speaking that language, that is, Punjabi-speaking? So I request the hon. Minister to consider it more favourably because the entire area is a purely Punjabi-speaking area.

Shri Hem Raj: I move:

1657 (Ai) LSD—9

Page 5,—omit lines 12 to 20 (48).,

Shri Nanda: I have been opposed even to small departures from the unanimous recommendations of the Boundary Commission. This is a very big departure. I certainly cannot accept it.

Shri Buta Singh: I move No. 12 also. I move.

Page 5, line 15,—for "Nangal" substitute "Anandpur Sahib". (12)

I wish to speak on this also.

चेयरमैन साहब, यह जो मेरा अमेंडमेंट नम्बर 12 है इस में मुझे एक बहुत नम्रता के साथ निवेदन करना है, यह जो सब-क्लाज (2) है इस में लिखा हुआ है कि :

"the territories which immediately before the appointed day were part of Una Tahsil of Hoshiarpur district but are not transferred by virtue of section 5, shall form a separate tahsil known as Nangal tahsil...".

मुझे होम मिनिस्टर साहब से नम्र निवेदन करना है कि यह जो आप नयी तहसील बनाने जा रहे हैं और उस को नया नाम देने जा रहे रहे हैं, मैं कोई ऐसी बात नहीं मांगने जा रहा हूँ कि इस को पंजाब के साथ लगाया जाय या हिमाचल से इस को काट दिया जाय, मेरी मांग यह है कि इस तहसील को बजाय नंगल तहसील कहने के इस का नाम आनन्दपुर साहब तहसील रखा जाय । इस की वजह यह है कि इस जगह को गुरु गोविन्द सिंह साहब ने बसाया था और यही से गुरु तेग बहादुर सिंह जी दिल्ली में आकर अपनी कुर्बानी दिए थे । इसलिए इसको ऐतिहासिक महत्ता है उस को ज़िन्दा रखने के लिए और दूसरे अभी हमारी सरकार, पंजाब की सरकार गुरु गोविन्द सिंह महाराज की शताब्दी मनाने जा रही है, अगर उन के नाम से इस तहसील का नाम आनन्दपुर साहब रख दिया जाय तो मैं समझता हूँ कि यह बहुत मुनासिब बात होगी ।

[Shri Buta Singh]

Shri D. C. Sharma: I support the amendment of Shri Buta Singh.

Shri A. S. Saigal: I also support it.

Shri Nanda: I have every sympathy with what the hon. Member has said. This is a matter for the State to make any change in the name. This is not the place where this can be settled. (Interruptions).

Mr. Chairman: He says it is for the State;

Shri Buta Singh: They can very well do it here. It will be very graceful on the part of Nandaji if he accepts my request.

Shri Ranga: What is the special difficulty for my hon. friend to accept this suggestion? Can he not agree to this much of a gesture. I find now every one is agreed to it.

श्री हुकम चन्द कछवाय : क्या पंजाबी सूबा बनाने के बाद यह परिवर्तन नहीं हो सकता ?

Shri Nanda: I said in answer to the hon. Member who moved the amendment and stated his views on it, I responded, and I said that this was something good, I would personally be happy, now I only thought that this might be done later on by the State, but I have no objection, let it be done here.

Mr. Chairman: I put amendment 11 to the House.

Amendment No. 11 was put and negatived.

Mr. Chairman: The question is: Page 5, line 15,—

for "Nangal" substitute "Anaudpur Sahib" (12).

The motion was adopted.

Mr. Chairman: I put amendment 48 to the House.

Amendment No. 48 was put and negatived.

Mr. Chairman: The question is:

"That Clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

20.32 hrs.

The Lok Sabha then adjourned till thirty minutes past twenty-one of the Clock.

The Lok Sabha re-assembled at thirty minutes past twenty-one of the Clock.

[SHRI P. VENKATASUBBAIAH in the Chair]

श्री हुकम चन्द कछवाय: सभापति महोदय, मैं आप से एक व्यवस्था चाहता हूँ। आज हमारे साथ जो अमर व्यवहार किया गया है, सब माननीय सदस्यों के साथ, वह बड़ा लज्जाजनक है हम को कहा गया था कि हमें खाना मिलेगा, लेकिन भोजन (व्यवधान) हमारे साथ जो अमर व्यवहार किया गया है, उसको हम कभी भी बर्दाश्त नहीं कर सकते हैं। इस के बारे में बहुत बार शिकायतें भी की गई हैं।

Mr. Chairman: Order, order. This is not the place where you have to raise these questions. We will take up clause-by-clause consideration.

श्री हुकम चन्द कछवाय : उस को निकाला जाये।

Shri Jaipal Singh: Before we proceed, may I say this I know I am doing something that is extra-ordinary. It has not happened in this House so far. But news has just been received. I hope the Leader of the House is also agreed that it is a very difficult situation but still I hope that we should stand for a couple of seconds. The Prime Minister of South Africa has been assassinated.

Shri Raghunath Singh: No.

Shri Jaipal Singh: If you do not want, you need not accept it. May I say, because the future will be very different....

Shri Raghunath Singh: I oppose it on the ground that we do not recognise South Africa and he was a man who was responsible for turning out many lakhs of Indians from South Africa, as also Africans.

Shri Tyagi: According to an old standing convention, we should do this. Although it is a matter of grief and no doubt all of us are grieved at this news. Parliament as such has not been taking notice of such things. We are grieved no doubt but that resolution need not be passed. You may convey it.

Mr. Chairman: We will take up clause 7... (interruptions).

Order, order. The matter is over.

श्री सिद्धेश्वर प्रसाद (नालंदा): सभापति महोदय, मैं जानना चाहता हूँ कि हाउस कब तक बैठेगा।

श्री हुकम चन्द कछुवाय: सभापति महोदय, मेरा कहना यह है कि यह बड़ी महत्वपूर्ण चर्चा है, अगर ऐसी महत्वपूर्ण चर्चा समाचार पत्रों में नहीं आती तो हमारे चर्चा करने का कोई महत्व नहीं रहेगा समय इतना निकल चुका है कि इस के समाचार पत्रों में आने में बड़ी कठिनाई होगी। जो पत्रकार यहाँ पर हैं उन के यहाँ से वापस जाने में काफी समय लगेगा, इसलिये यह अखबारों में नहीं आ सकेगा।

Mr. Chairman: This is a matter not to be discussed here. It is not for the Press that we are sitting here. We take up clause 7, now. There is an amendment, No. 13.

श्री हुकम चन्द कछुवाय: यह बहस कल पर रखिये। हम चाहते हैं कि यह चर्चा अखबारों में आये।

Clause 7— (Amendment of the First Schedule to the Constitution).

Shri Buta Singh: This amendment No. 13 is in my name and the name of Mr. Gulshan. He will speak on it.

श्री गुलशन: सभापति महोदय, मैं प्रस्ताव करता हूँ कि:

I beg to move:

Page 6,—

omit lines 9 to 13. (13)

सभापति महोदय, इस पर पहले ही बहुत कुछ कहा जा चुका है। चंडीगढ़ को केन्द्रीय सरकार ने अपने अधीन ले लिया है लेकिन दरअसल यह पंजाब का सिर है। पंजाब के लोगों ने इस को बहुत मेहनत के साथ बनाया है इसलिये मैं चाहूँगा कि चंडीगढ़ पंजाब के हिस्से में ही रहे। इस संबंध में मैं सिर्फ इतना ही निवेदन करना चाहता हूँ।

Mr. Chairman: I shall put amendment No. 13 to the vote of the House.

Amendment No. 13 was put and negatived.

Mr. Chairman: I shall put clause 7 to the vote of the House.

The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Mr. Chairman: There are three amendments—33, 49 and 50.

Shri Hem Raj: I do not move my amendments which are 49 and 50,

Mr. Chairman: Then amendment 33 alone remains.

Shri Virbhadra Singh: Sir, I beg to move:

Page 6, line 33, for "3" substitute "4" (33).

The clause 9 seeks to amend the Fourth Schedule to the Constitution, which relates to the allocation of seats in the Council of States. My amendment is with regard to the allocation of seats to Himachal Pradesh in the Council of States. Himachal Pradesh has already got two seats in the Rajya Sabha, and this Bill increases the number to three. My amendment seeks to increase this number to four. My reasons are that Himachal Pradesh has already three seats in the Council of States. After the integration of the hill areas of Punjab, the population of Himachal Pradesh would be more than doubled. So, it is proper that representation provided for Himachal Pradesh in the Rajya Sabha is also correspondingly increased.

My second reason is that Himachal Pradesh, as a Union territory, has enjoyed certain weightage in matters of representation in the State legislature and in Parliament. There is no change in the status of Himachal Pradesh now. Therefore, I see no reason why this weightage which is being enjoyed by Himachal Pradesh should be reduced.

I hope this amendment, therefore, would be accepted by the House.

Shri Raghunath Singh: There is some force in the amendment.

Mr. Chairman: Does the Minister accept the amendment?

Shri Nanda: I do not accept it.

Mr. Chairman: The question is:

Page 6, line 33, for "3" substitute "4". (33)

Those for the motion will please say "Aye".

Some hon. Members: Aye.

Mr. Chairman: Those against the motion will please say "No".

Some hon. Members: No.

Mr. Chairman: The Noes have it; the Noes have it.

Dr. Ranen Sen: The Ayes have it.

Shri Raghunath Singh: Nobody calls for a Division. It is too late.

Mr. Chairman: Does the hon. Member want a Division?

Dr. Ranen Sen: Yes, Sir.

Mr. Chairman: Division; let the lobbies be cleared.

Mr. Chairman: The question is:

Page 6, line 33, for "3" substitute "4". (33)

Lok Sabha divided:

[Division 35

21.42 hrs.]

AYES

Bhattacharya, Shri Dinen
Gopalan, Shri A. K.
Gupta, Shri Priya
Hem Raj, Shri
Kachhavaiya, Shri Hukam Chand
Khanna, Shri P. K.
Kunban, Shri P.

Laxmi Das, Shri
Murmu, Shri Sarkar
Nambiar, Shri
Pottakkatt, Shri
Roy, Shri Saradish
Sen, Dr. Ranen
Singh, Shri D. N.

Swamy, Shri Sivamurthy
Umanath, Shri
Vidyalankar, Shri A. N.
Virbhadra Singh, Shri
Vishram Prasad, Shri

NOES

Abdul Rashid, Bakshi
 Achal Singh, Shri
 Achuthan, Shri #
 Akkamma Devi, Shrimati
 Alva, Shri A. S.
 Anjanappa, Shri
 Azad, Shri Bhagwat Jha
 Bahunath Singh, Shri
 Balmiki, Shri
 Basappa, Shri
 Baswant, Shri
 Beera, Shri
 Bhagat, Shri B. R.
 Bhatkar, Shri
 Biren Dutta, Shri
 Chanda, Shrimati Jyotsna
 Chandrabhan Singh, Shri
 Chaturvedi, Shri S. N.
 Chaudhuri, Shrimati Kamala
 ChavJa, Shrimati Joraben
 Daljit Singh, Shri
 Das, Shri B. K.
 Das, Shri N. T.
 Dass, Shri C.
 Deshmukh, Shri B. D.
 Deshmukh, Shri Shivaji Rao S.
 Deshmukh, Shrimati Vimla
 Dwivedi, Shri M. L.
 Elayaperumal, Shri
 Gajraj Singh Rao, Shri
 Ganapati, Ram, Shri
 Ganga Devi, Shrimati
 Gowdh, Shri Veeranna
 Guha, Shri A. G.
 Haq, Shri M. M.
 Heda, Shri
 Himatsingka, Shri
 Iqbal Singh, Shri
 Jadhav, Shri M. L.
 Jadhav, Shri Tulshidas
 Jaipal Singh, Shri
 Jamunadevi, Shrimati

Jayaraman Shri
 Jha, Shri Yogendra
 Jyotishi, Shri J. P.
 Kappen, Shri
 Kishan Veer, Shri
 Koya, Shri
 Krishna, Shri M. R.
 Laskar, Shri N. R.
 Laxmi Bai, Shrimati
 Mahadeo Prasad, Shri
 Mahadeva Prasad, Dr.
 Mahida, Shri Narendra Singh
 Mahishi, Dr. Sarojini
 Malaichami, Shri
 Mali Maniyappa, Shri
 Mallick, Shri Rama Chandra
 Mandal, Shri Yamuna Prasad,
 Marandi, Shri
 Maruthiah, Shri
 Masuriya Din, Shri
 Matcharaju, Shri
 Mathur, Shri Shiv Gharan
 Mehrotra, Shri Brij Bihari
 Mengi, Shri Gopal Datt
 Menon, Shri Govinda
 Minimata, Shrimati
 Mishra, Shri Bibhuti
 Misra, Shri Shyam Dhar
 Mohanty, Shri Gokulananda
 More, Shri K. L.
 Muhammad Ismail, Shri
 Murthy, Shri B. S.
 Musafir, Shri G. S.
 Nanda, Shri
 Naskar, Shri P. S.
 Niranjan Lal, Shri
 Pant, Shri K. C.
 Patil, Shri D. S.
 Patil, Shri J. S.
 Patil, Shri S. K.
 Rai, Shrimati Sahodra Bai
 Rajdeo Singh, Shri

Ram, Shri T.
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramnathan Chettiar, Shri R.
 Ramdhani Das, Shri
 Ranjit Singh, Shri
 Rao, Shri Jaganatha
 Rao, Shri Muthyal
 Rao, Shri Ramapathi
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saigal, Shri A. S.
 Saraf, Shri Sham Lal
 Sen, Shri P. G.
 Shah, Shri Manubhai
 Shakuntala Devi, Shrimati
 Shoshi Ranjan, Shri
 Shastri, Shri Ramanand
 Sheo Narain, Shri
 Shree Narayan Das, Shri
 Siddananappa, Shri
 Siddhanti, Shri Jagdev Singh
 Sidheshwar Prasad, Shri
 Sinha, Shrimati Ramdulari
 Sinha, Shri Satya Narayan
 Sivapraghasan, Shri Ku.
 Snatak, Shri Nardeo
 Soy, Shri H. C.
 Sumat Prasad, Shri
 Surendra Pal Singh, Shri
 Thengal, Shri Nallakoya
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Uikey, Shri
 Upadhyaya, Shri Shiva Dutt
 Varma, Shri M. L.
 Veerabassappa, Shri
 Verma, Shri Balgovind
 Wadiwa, Shri
 Yadava, Shri B. P.

Mr. Chairman: The result of the division is: Ayes 19; Noes 124.

The motion was negatived.

Mr. Chairman: The question is:

"That clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10. (Allocation of sitting members).

Shri Tyagi: I have some objection to this clause. This allots the seats of the Rajya Sabha to the newly created States. Schedule IV allots seats by name. It says:

"Of the four sitting members whose term of office will expire on the 2nd April, 1970, namely, Shri Anup Singh, Shri Jagat Narain, Shrimati Mohinder Kaur and Shri Uttam Singh Duggal, such one as the Chairman of the Council of States may determine by drawing lot shall be deemed to have been elected to fill one of the seats allotted to the State of Haryana.. etc.

It is also mentioned that Shri Abdul Ghani and Shri Chaman Lal shall be deemed to have been elected to fill the two of the seats allotted to Haryana. I

[Shri Tyagi]

have not seen any law which indicates by name that such and such person shall do such and such a thing. Suppose after passing this law, he refuses to represent that area. Is there any punishment to be given to him? Can you compel him to resign? That is something ridiculous.

It is mentioned that out of four members mentioned, lottery will be taken and whosoever comes in the lottery, that person will represent Haryana. Out of these four, Shri Anup Singh belongs to Amritsar; he is a voter in Amritsar. Can a voter of one State be a representative of another State? He cannot represent Haryana. Similarly, Shri Jagat Narain belongs to Jullundur. Shrimati Mohinder Kaur belongs to Patiala. All these people belong to the territory which is now carved out as the Punjab State. They are voters there. They can only represent the State where they are voters.

How can you decide it by lot and make such a provision in the Act? I would, therefore, suggest that the legal repercussions of this may be examined. It would have been much better if we had passed a law that the term of all these Members will expire on a fixed date, when these States are created, and then these States will immediately elect their representatives to the Rajya Sabha. Here we are trying to accommodate certain politicians. I think it is a bad way of enacting a law.

Shri D. C. Sharma: I think, Sir, Shri Tyagi, a veteran parliamentarian, has argued the case in a very laboured way when he has absolutely no case. I would say that the whole purpose of this is that the continuity of the membership of these persons should not be broken.

Shri Tyagi: Why?

Shri D. C. Sharma: For the simple reason that when the reorganisation of the Punjab State has taken place, it does not mean deprivation, in respect of some persons, of the privileges which they are enjoying and

which they have to enjoy for some time (*Interruption*). Sir, reorganisation does not mean deprivation of privileges which are already there. I think they should serve their normal term.

Shri Bhagwat Jha Azad (Bhagalpur): It smacks of provincialism.

Shri D. C. Sharma: It is a good law. It does social justice, it does legal justice. I submit, Sir, very respectfully that these persons should have their seats as is provided in the Bill.

Shri Tyagi: A representative must represent his electorate.

श्री रघुनाथ सिंह : राज्य सभा के सदस्य वही हो सकते हैं जो कि उस स्टेट में जहां से वे राज्य सभा में आए हों, वोटर हों दूसरी स्टेट वाले राज्य सभा के मेम्बर नहीं हो सकते हैं लिहाजा यह जो आपका एमेंडमेंट है यह कांस्टीट्यूशनल रिंग है यह नहीं हो सकता है ।

Shri Tyagi: I cannot understand what your Law Ministry is doing.

Shri Raghunath Singh: Shri Sachindra Chaudhuri is here. He is an eminent lawyer. Let him tell me whether what I am saying is wrong.

श्री शिव नारायण : जिन के नाम दिये हुये हैं वे इस वक्त पंजाब असैम्बली यत काउंसिल के मेम्बर हैं, वे ड्यूली इलैक्टिड हैं । एक तो मैं यह बात कहना चाहता हूँ । दूसरी एग्जैम्पल, मैं हमारे यहाँ जो फारेन एफेयर्स की पहले स्टेट मिनिस्टर थीं, लेडी बैम्बर, उनकी देता हूँ ।

She was elected from Bihar. She was not a voter in Bihar. They are sitting Members. Afterwards they will not continue as Members. Today the Punjab Assembly is not functioning. They cannot elect a new representative.

Shri Raghunath Singh: There are two States now.

Shri Tyagi: I would request Shri Sachindra Chaudhuri to give the interpretation of law.

Shri Raghunath Singh: Why is he hesitating to give an interpretation of the law? Let him tell me whether what I am saying this is wrong.

Mr. Chairman: Order, order. Shri Raghunath Singh is a seasoned parliamentarian. He must know that without his being identified by the Chair he should not begin to argue with the Minister.

Shri Raghunath Singh: How can we pass a provision which is against the Constitution?

Shri Tyagi: Before assigning the States to the regularly elected representatives of Punjab and Haryana, has the Home Minister taken the consent of those Members? Have they agreed to represent one particular State or it is just without their consent the Home Minister has decided it for himself?

Shri Nanda: In the first place, I would like to state that there is no political consideration at work in this matter. That is one thing. As has been explained, it is a matter of continuity which has to be maintained.

Shri Tyagi: They could be re-elected.

Shri Nanda: I am coming to that. If we are going to go strictly according to the requirements of the Constitution, the Reorganisation Bill cannot at all be passed, because there are several other places where changes have been made. . . . (*Interruptions*).

Shri Tyagi: Why can't they be re-elected? (*Interruptions*).

Mr. Chairman: Order, order. Let the Home Minister explain the position.

Shri Sivamurthi Swamy: Sir, I rise on a point of order.

Mr. Chairman: What is the point of order.

Shri Sivamurthi Swamy (Kappal): The Home Minister has stated just now that if we go strictly according to the Constitution, we cannot pass this Punjab Reorganisation Bill. If it is his contention, we want to go only according to the dictates of the Constitution. We cannot and we do not want to pass any Bill which is against the Constitution. So, how can we pass this Bill? I want your ruling on this.

Shri Bhagwat Jha Azad: Sir, we could not tolerate this. The Home Minister has come out with the statement which will show on record that the Members of the House were foolish to do something unconstitutional after sitting so late in the night. If that is the position, let us postpone the consideration of this Bill and seek the advice of the Law Ministry. Why should the Home Minister of India say in this House that we are doing something unconstitutional? (*Interruptions*).

Shri Nanda: I should be heard first before commenting.

Shri Bhagwat Jha Azad: He should withdraw his statement.

Shri Nanda: I am saying that because of the needs of re-organisation, the Constitution itself has made provision for variations.

That is all. Article 4 says:

"(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 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 purposes of article 368."

[Shri Nanda]

It means, a variation or modification is made for the purpose of re-organisation, which is a departure from the Constitution but which does not mean amendment of the Constitution generally. It only makes provision for that variation. It gives sanction to the variation or departure or modification in order that this thing may be able to be done. When we are making such a big change, certain things have to be done which may be a departure and article 4, clauses (1) and (2) are meant for that purpose.

Shri Tyagi: Does it not permit re-election of members? Can there be any legal objection to re-election?

Shri Nanda: That is another point. I am saying that the provision that has been made is strictly in accordance with the Constitution because the Constitution itself makes provision for departures from it in certain respects in order to enable certain things to be done for the purpose of re-organisation.

Shri Tyagi: Let them be re-elected.

Shri Nanda: Therefore, the departures from the Constitution are not contrary to the Constitution because they are sanctioned by an article of the Constitution itself. There have already been previous cases. Previously, in all cases of re-organisation the same practice had been followed and I have here the Acts which contained all these things.

Shri S. K. Patil: Sir, I am making a submission not to offend or put any obstruction in the way of the passing of this Bill.

Shri Bhagwat Jha Azad: We have reconciled ourselves. The Home Minister has retracted from that statement and he does not want Parliament to enact something unconstitutional. Now he takes shelter under another article of the Constitution. We have nothing more to hear now. We have nothing more to hear that the procedure is all right.

Shri S. K. Patil: There is one thing that does not go very well with me.

Shri Priya Gupta: On a point of order, Sir.

Shri S. K. Patil: I am on a point of order myself.

Mr. Chairman: Shri S. K. Patil is on a point of order himself. There can be no point of order on a point of order.

Shri Priya Gupta: He did not say that he is on a point of order.

Mr. Chairman: He is raising a point of order. Please resume your seat.

Shri S. K. Patil: I am standing on a point of order.

I heard just now the Home Minister say that there have been provisions made in the Constitution under which under certain circumstances certain articles can be circumvented in order that the provisions of the new legislation should be made. There is one thing which appears to be fundamental to me. It is fundamental and not merely something which you do for the time being. It is that whereas a Member of Lok Sabha can be a voter anywhere in India, it is not so far as a Member of Rajya Sabha is concerned; one has got to be a voter in that particular State. Many elections have been set aside and several people who stood for election had to sit down because that particular provision was not satisfied. If this aspect has been covered, I have nothing to say then; but if it has not been covered, even if you appoint anybody today, if later on it is proved that he is not a member and is not covered by the exception clause to which you have made reference, that Member will be unseated. I only want to make sure that you have given attention to it.

Shri Raghunath Singh: That is the most important point. What is the difficulty in re-electing these people? When there are two Assemblies, why not give a chance to them to re-elect them?

Shri Tyagi: They may be re-elected in a constitutional manner.... (*Interruption*).

Shri Priya Gupta: Sir, my point of order is this. Firstly, Shri Patil is a Cabinet member and this Bill being an official Bill, if any minister, who is a part and parcel of the whole Cabinet, has got any point of order to be raised, instead of asking for any clarification here he should have done it in the Cabinet.

22 hrs.

The second question that he has raised is as to the membership of of a Member of the Rajya Sabha belonging to a State. Now, by genesis, the whole province of Punjab is bifurcated into two species, Haryana and Punjabi Suba, and, therefore, the mother embryo of the original Punjab State is ingrained in Haryana as well as in Punjabi Suba. The old Punjab State goes off. Therefore, that flaw will not violate the general rule that the Rajya Sabha Member from Bihar must have his name in the voters' list in the State of Bihar and not in Maharashtra and that does not hold good in this case.

Mr. Chairman: As regards the first point of order, Mr. Patil was only trying to clarify the position. He was only seeking a clarification. There is no point of order about it.

As regards the second point of order, I would like to know whether the Home Minister has to say something about it.

Shri Nanda: My colleague has raised that question. This was very fully considered by the Law Ministry and all the other legal opinion that we could obtain has been obtained and this has been considered to be perfectly right within the provisions of the Constitution.

Mr. Chairman: Shri Himatsingka.

Shri Tyagi: May I take that the Member of the Rajya Sabha will be a voter in some other State?

Mr. Chairman: Order, order. I have called Shri Himatsingka.

Shri Himatsingka (Godda): Sir, there is no substance in the objection raised. If

you read the provision, all these persons who are named are existing Members. They have been elected from the entire State which they represent. Now, because of this partition, you will find the words 'deemed to have been elected'. This is what is said:

"Of the three sitting members whose term of office will expire on the 2nd April, 1968, Shri Abdul Ghani and Shri Chaman Lal shall be deemed to have been elected to fill two of the seats allotted to the State of Haryana, and Shri Surjit Singh shall be deemed to have been elected to fill one of the seats allotted to the State of Punjab."

That is to say, for future purpose, they will be deemed to have been elected from those States. At present, they are sitting Members from the whole of the Punjab State. So, there is no substance in the objection raised.

Shri S. N. Chaturvedi (Firozabad): At the time when these Members were elected, they belonged to Punjab. There is no provision in the Constitution that if a Member of a Council of State during the term of his office ceases to be a voter in that particular State, his membership will automatically cease. There is no provision in the Constitution that after having been elected from a particular State, if I change my residence and in the subsequent voters' list I cease to be a voter in that State, then my membership of the Council of States will cease. There is no such provision in the Constitution. Therefore, the membership of the Rajya Sabha continues to be valid even if subsequently they cease to be voters.

Shri Shivaji Rao S. Deshmukh: The submissions that I have to make fall in two respects.

Firstly, I am in hundred per cent agreement with the hon. Home Minister that the main purpose of the Bill before the House is the reorganisation of a State and that even if it violates in letter and spirit certain specific provisions of the Constitution, without any effect of amendment being conferred upon by the Constitution, the Constitution remaining in tact as it is, this cannot be declared invalid on the basis of the existing provisions of the Constitution.

[Shri Shivaji Rao S. Deshmukh]

There is no doubt that. Then, there was a point raised by Shri Chaturvedi that if a Member who is elected ceases to be a voter in that particular State, he does not automatically cease to be a Member of the Rajya Sabha. That is also true. But then there is this vital lacuna in it that any Member's election can only be set aside by creation of an election tribunal and the election tribunal cannot come into being unless there is an election petition.

The provisions for election petition do not provide for contingency which may occur the election. On that I have no doubt. But the doubt which I am very seriously pressed with and which, I hope, this House will appreciate is this: these provisions being deeming provisions, these provisions under the existing Constitution shall have the effect of those members being elected *de novo* and if these two members are elected *de novo* under a deeming provision and their term is indefinite, then their term shall not expire on the day on which it would ordinarily have expired if their election was to commence from the date of election. In this case, I submit, there has to be some sort of clarification.

Shri Nambiar (Tiruchirapalli): Till what time are we sitting? It is now past 10 o' Clock. Many of us are feeling sleepy.

Mr. Chairman: I am putting it before the House. If the House wishes to sit, we can finish some business.

Shri Nambiar: I think we can finish at 10.15 P.M.

The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha): We have had enough discussions. It can be put to vote.

Mr. Chairman: I am putting the Clause to the vote of the House. The question is:

"That Clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11.— (Filling up of vacancies)

Mr. Chairman: Clause 11 is before the House.

Shri Nanda: I beg to move:

Page 7,—

(1) in lines 11 and 12,—

for "States of Haryana and Punjab" substitute—

"State of Haryana".

(2) for lines 13 to 16, substitute—

"(2) The term of office of such one of the two members so elected, as the Chairman of the Council of States may determine by drawing lot, shall expire on the 2nd day of April, 1968, and the term of office of the other member shall expire on the 2nd day of April, 1972." (117)

Shri Jagdev Singh Siddhanti: I beg to move:

(i) Page 7, lines 11 and 12,—

for "the States of Haryana and Punjab" substitute "the State of Haryana". (34)

(ii) Page 7,—

for lines 13 to 16, substitute—

"(2) The term of office of one member so elected from the State of Haryana shall expire on the 2nd April, 1970, and of the other on the 2nd April, 1972. The Chairman of the Council of States shall determine the terms of office of the two members so elected by draw of lots." (35)

Mr. Chairman: There are Amendments Nos. 69 and 70 in the name of Shri Virbhadra Singh. Is he moving them?

Shri Virbhadra Singh: No; I am not moving them.

श्री जगदेव सिंह सिद्धान्ती : मैं थोड़ा सा स्पष्ट करना चाहता हूँ ।

श्री गुलजारीलाल नन्दा : आप का एक तो उस में आ गया ।

श्री जगदेव सिंह सिद्धान्ती : आ गया तो उस को तो मैं छोड़ देता हूँ । लेकिन दूसरा नहीं आया । उस को देख लीजिए । अब तक हालत यह है कि 3 और 7 यह होंगे राज्य सभा के सदस्य 12 में से जिस में से हरयाना के लिये दो 1968 में, एक 1970 में और दो 72 में, इस तरह पांच होंगे और पंजाबी सूबे के सात तो पूरे हैं । लेकिन हरयाना के 3 हैं कुल । इसलिये दोनों सदस्य जो नये बनाये जायें वह हरयाना से बना दें और उन का इस तरह से ढंग हो कि सन् 68 में जो दो हैं हरयाना के उन में से एक पंजाबी सूबे में दे दीजिये जो कि वहाँ दो हो जायें । और वहाँ जो चार हैं पंजाबी सूबे में उन में से एक हरयाना को दे दिया जाय । इस तरह दोनों की सीट बराबर हो जायेगी ।

दूसरी बात यह है कि 1972 में नई सीटें हमें मिलें, तब वह दो हो जायेंगी । पंजाबी सूबे में भी दो हैं, इस लिये यह हरियाणा को मिलनी चाहिये । इस तरह से यह

ठीक रहेगा और इस में कोई बखेड़ा भी नहीं है ।

श्री गुलजारीलाल नन्दा : : इस में दो सीटें ही आ जाती हैं, उन के डिस्ट्रीब्यूशन में कुछ फर्क है, लेकिन उसका नतीजा यही होता है, इसलिये हरियाणा को मान लेनी चाहिये ।

Mr. Chairman: I shall now put amendments Nos. 34 and 35 to the vote of the House.

The question is :

(i) Page 7, lines 11 and 12, for "the States of Haryana and Punjab" substitute "the State of Haryana". (34).

(ii) Page 7, for lines 13 to 16, substitute—

"(2) The term of office of one member so elected from the State of Haryana shall expire on the 2nd April, 1970, and of the other on the 2nd April, 1972. The Chairman of the Council of States shall determine the terms of office of the two members so elected by draw of lots." (35)

Let the Lobby be cleared.

The Lok Sabha Divided:

Division No. 36]

AYES

[22·15 hrs.

Kachhavaiya, Shri Hukam Chand Paliwal, Shri

Shastri, Shri Prakash Vir Siddhanti, Shri Jagdev Singh

Swamy, Shri Sivamurthi

NOES

Abdul Rashid, Bakhshi
Achal Singh, Shri
Achuthan, Shri
Akkamma Devi, Shrimati
Alva, Shri A. S.
Anjanappa Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Balmiki, Shri
Basappa, Shri
Baswant, Shri
Bhagat, Shri B. R.
Bhatkar, Shri

Biren Dutta, Shri
Brij Raj Singh-Kotah, Shri
Chanda, Shrimati Jyotsna
Chandrabhan Singh, Shri
Chaturvedi, Shri S. N.
Chaudhuri, Shrimati Kamla
Chaudhuri, Shri Sachindra
Chavda, Shrimati Joraben
Daljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Dass, Shri C.
Deshmukh, Shri B. D.

Deshmukh, Shri Shivaji Rao S.
Deshmukh, Shrimati Vimala
Dwivedi, Shri M. L.
Elayaperumal, Shri
Ganpati Ram, Shri
Ganga Devi, Shrimati
Gowdh, Shri Veeranna
Haq, Shri, M. M.
Heda, Shri
Hem Raj, Shri
Himsatsingka, Shri
Iqbal Singh, Shri
Jadhav, Shri M. L.

Jaggiwan Ram, Shri
 Jha, Shri Yogendra
 Jyotishi, Shri J. P.
 Kappen, Shri
 Kisan Veer, Shri
 Krishna, Shri M. R.
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Laxmi Bai, Shrimati
 Mahadeo Prasad, Shri
 Mahida, Shri Narendra Singh
 Malaichami, Shri
 Mali Mariyappa
 Mallick, Shri Rama Chandra
 Manaen, Shri
 Mandal, Shri Yamuna Prasad
 Marandi, Shri
 Maruthiah, Shri
 Masuriya Din, Shri
 Matcharaju, Shri
 Mathur, Shri Shiv Charan
 Mehrotra, Shri Braj Bihari
 Mengi, Shri Gopal Datt
 Menon, Shri Govinda
 Minimata, Shrimati
 Mishra, Shri Bibhuti
 Mohanty, Shri Gokulananda
 More, Shri K. L.
 Muhammad Ismail Shri
 Murthy, Shri B. S.

Musafir, Shri G. S.
 Nanda, Shri
 Naskar, Shri P. S.
 Niranjani Lal, Shri
 Pant, Shri K. C.
 Patil, Shri D. S.
 Patil, Shri J. S.
 Patil, Shri S. K.
 Pratap Singh, Shri
 Raghunath Singh, Shri
 Rai, Shrimati Sahodra Bai
 Rajdeo Singh, Shri
 Ram, Shri T.
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramanathan Chettiar, Shri R.
 Ramaswamy, Shri V. K.
 Ramdhani Das, Shri
 Ramshekhar Prasad Singh, Shri
 Ranjit Singh, Shri
 Rao Shri Jaganatha
 Rao, Dr. K.L.
 Rao, Shri Muthyal
 Rao, Shri Ramapathi
 Roy, Shri Bishwanath
 Sathu Ram, Shri
 Sahu, Shri Rameshwar
 Saigal, Shri A. S.
 Samanta, Shri S. C.
 Sarat, Shri Sham Lal

Sen, Shri P. G.
 Shah, Shri Manubhai
 Shakuntala Devi, Shrimati
 Sharma, Shri A. P.
 Sharma, Shri D. C.
 Shashi Ranjan, Shri
 Shastri, Shri Ramanand
 Sheo Narain, Shri
 Sheo Narayan Das, Shri
 Siddanajappa, Shri
 Sidheshwar Prasad, Shri
 Singh, Shri D. N.
 Sinha, Shrimati Ramdulari
 Sinha, Shri Satya Narayan
 Sinhasan Singh, Shri
 Sivappraghassan, Shri Ku.
 Snatak, Shri Nardeo
 Soy, Shri H. C.
 Sumat Prasad, Shri
 Surendra Pal Singh, Shri
 Thengal, Shri Nallakoya:
 Thimmaiah, Shri
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Uikey, Shri
 Upadhyaya, Shri Shiva Dutt
 Vaidya, Shri M. B.
 Verma, Shri M. L.
 Veera, Basappa, Shri
 Vidyalanekar, Shri A. N.
 Yadava, Shri B. P.

Mr. Chairman: The result of the division is: Ayes 5; Noes 130.

The 'Noes' have it; the 'Noes' have it.

The motion was negatived.

Mr. Chairman: The question is:

Page 7.—

(1) in lines 11 and 12,—

for "States of Haryana and Punjab".
 substitute—"State of Haryana".

(2) for lines 13 to 16, substitute—

"(2) The term of office of such one of the two members so elected, as the Chairman of the Council of States may determine by drawing lot, shall expire on the 2nd day of April, 1968, and the term of office of the other member

shall expire on the 2nd day of April, 1972." (117)

The motion was adopted.

Mr. Chairman: The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill

Clause 12 was added to the Bill

Clause 13.—(Provisions as to Legislative Assemblies)

Mr. Chairman: There amendments Nos. 36, 51, 52, 71, 90; 91; 92; 93; 106; and 118, (by Government. Is any hon. Member moving his amendment ?

Shri Jagdev Singh Siddhanti: I move:

Page 7, line 25,—for "sixty-two" substitute "sixty-six". (71)

श्री जगदेव सिंह सिद्धान्ती : मेरा सुझाव यह है कि इस को 62 की जगह 66 कर दिया जाय, सब को इस में ले लिया जाय, जो चार मेम्बर छोड़ दिए गए हैं, उन को भी ले लिया जाय । 8 मेम्बर ले लिये गये हैं, चार को छोड़ दिया गया है, मैं चाहता हूँ कि 12 के 12 ले लिये जायें ;

Shri Gajraj Singh Rao: I move:

Page 7, line 25,—for "sixty-two" substitute "fifty-four". (106).

I hope this amendment will be accepted by Government.

Shri Nanda: I move:

Page 7,—

(1) in line 25,—

for "sixty-two" substitute "fifty-four" (2) in line 31,—

for "62" substitute "54". (118)

Mr. Chairman: These amendments together with the clause are before the House.

Shri Nanda: I have explained why it is not possible to accept the change suggested by Shri Siddhanti. If we were to stick to 62, that would mean bringing in the members of the Council who are not elected directly from territorial constituencies. Therefore, we thought it was better to simply have a change in number rather than change in the basis of the representation.

Shri Jagdev Singh Siddhanti: I withdraw.

Mr. Chairman: Has he the leave of the House to withdraw his amendment 71?

Hon. Members: Yes.

Amendment No. 71 was withdrawn By Leave.

Mr. Chairman: Amendment 106. Are you withdrawing?

Shri Gajraj Singh Rao: This amendment is necessary. 54 has to be substituted for 62. It is absolutely essential.

Mr. Chairman: The Minister is not accepting I put amendment 106 to the House.

Amendment No. 106 was put and negatived

Mr. Chairman: The question is:

Page 7,—

(1) in line 25,—

for "sixty-two" substitute "fifty-four"

(2) in line 31,—

for "62" substitute "54" (118).

The motion was adopted.

Mr. Chairman: The question is:

"That Clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill

Clauses 14 and 15 were added to the Bill

Clauses 16 and 17

Amendment made :

Pages 8 and 9,—

for lines 29 to 39, and lines 1 to 5 respectively, substitute—

Duration of Legislative Assembly of Haryana "16. The period of five years referred to in clause (1) of article 172 shall in the case of the Legislative Assembly of Haryana, be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of Punjab.

Duration of Legislative Assemblies of Punjab and Himachal Pradesh. "17. The changes in the composition of the Legislative Assemblies of Punjab and Himachal Pradesh shall not affect the duration of either of those Assemblies". (119).

(Shri Nanda)

Mr. Chairman: The question is:

Clause 16A

"That Clause 16, as amended, stand part of the Bill."

Amendment made:

Page 8,—

The motion was adopted.

after line 36, insert—

Clause 16, as amended, was added to the Bill.

Shri Hem Raj: I want a clarification whether clause 16 now exists in Bill or not. Clause 16 says that those Members who are from the local bodies shall be deemed, but now they put the number at 54. Therefore, this clause should not be there.

Mr. Chairman: Has the Minister seen the amendment? Would he like to say something?

Shri Nanda: We have split this clause into two parts.

श्री यशपाल सिंह : सभापति जी, मेरा निवेदन यह है कि जब तक हम यह काम पूरा न कर लें तब तक हम को उठना नहीं चाहिये हम लोग कोई मोम के बने हुए नहीं हैं कागज के बने हुए नहीं हैं जब तक यह काम पूरा न हो हम को नहीं उठना चाहिये।

श्री जगदेव सिंह सिद्धान्ती : आप शायद शीघ्रता में भूल गए कि क्लॉज 16 पर मेरा अमेंडमेंट है।

Mr. Chairman: No, No. Mr. Siddhanti, we are in 16A and 16B now. The other clause had been disposed of. The hon. Minister.

Shri Nanda: The amendment of Mr. Hem Raj splits up the clause into two parts. There is nothing in it.

श्री जगदेव सिंह सिद्धान्ती : आप मेरी बात तो सुन लें। उस के बाद जो करना हो वह कीजियेगा। क्लॉज 16 पर 72 नम्बर का अमेंडमेंट है।

Mr. Chairman: That is over; please resume your seat.

16A. The person specified in lines 11 of part B of the seventh Schedule who is a member of Legislative Council chosen by the Local Authorities' constituencies of the existing State of the Punjab shall on and from the appointed day become member of the Legislative Assembly of the Union Territory of Himachal Pradesh, as if he was a member chosen by direct election to that Assembly from the territorial constituency within that Union territory.

16. B. The person specified in line 10 of part B of the Seventh Schedule who is a member of the Legislative Council chosen by the members of the Legislative Assembly of the existing State of Punjab shall on and from the appointed day become member of the legislative Assembly of the Union territory of Himachal Pradesh, as if she was a member chosen by direct election to that Assembly from the territorial constituency within that Union territory." (53)

(**Shri Hem Raj**)

Mr. Chairman: I will put clauses 16A and 16B to the vote of the House. The question is:

"That new Clauses 16A and 16B stand part of the Bill."

The motion was adopted.

New Clauses 16A and 16B were added to the Bill.

The Deputy Minister in the Ministry of Home Affairs (Shri P. S. Naskar): There is

Government amendment No. 119 to clauses 16 and 17.

Mr. Chairman: No. No. We are in clause 17.

Shri Bhagwat Jha Azad: 16 already had been passed by the House.

Mr. Chairman: Clauses 16A and 16B had been accepted by the House. The question is:

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill

Clause 18—(Speakers and Deputy Speakers).

Mr. Chairman: There is Government amendment No. 85 to clause 18. Are you not moving it?

Shri Nanda: No, Sir.

Shri Buta Singh: I want to say something on this amendment. It would have been better if it had been moved because we wanted to move ourselves an amendment and we did not do so since he had brought forward this amendment. It is about the election of the Speaker and Deputy-Speaker. Let him accept his own amendment.

Shri Ranga: What is wrong with the Government? Why are they not moving it?

Shri Buta Singh: Why should there be no confidence in the Assembly? How does the Home Minister feel that the same person will not be there? Why is there this sort most uncommon unthing?

Shri Ranga: Has Mr. Nanda been able to trace his amendment?

Shri Nanda: That remains as it is.

Mr. Chairman: Amendment No. 85 is not moved. So, the question does not arise.

There are amendment Nos 96, 97, 98 and 99. Are they moved? They are not moved.

Shri Raghunath Singh: Sir, we do not know what we are passing and what we are not passing. It is 10.30 p.m. and we are simply going on passing and passing. We do not know what we are passing.

Mr. Chairman: All the amendments are being put to the vote of the House. If the hon. Members are withdrawing any amendments, I am not putting them to the vote.

Shri Buta Singh: May I read the contents of the amendments moved by Shri Nanda?

Mr. Chairman: Government is not moving them. Now, we are on amendment Nos. 96, 97, 98 and 99 to clause 18. They are not moved. So, I will now put clause 18 to the vote of the House. The question is:

"That clause 18 stand part of the Bill"

The motion was adopted.

Clause 18 was added to the Bill

Clauses 19 to 21 were added to the Bill

Clause 22.—(Provision as to certain sitting members).

Shri Jagdev Singh Siddhanti: I beg to move:

(i) Page 11 omit lines 9 to 12. (74).

(ii) Page 11, line 16, (i) omit "Deputy"

(ii) add at the end—

"and another member to be the Deputy Chairman thereof" (75).

Shri Nanda: We do not accept these amendments.

Mr. Chairman: These are not acceptable to the Government. Does the hon. Member want them to be put to the vote or is he withdrawing them?

Shri Jagdev Singh Siddhanti: I press them.

Mr. Chairman: The question is:

(i) Page 11, omit lines 9 to 12 (74)

(ii) Page 11, line 16, (1) omit "Deputy"

(2) add at the end "and another member to be the Deputy Chairman thereof" (75)

Those for the motion will please say "Aye".

Some hon. Members: Aye.

Mr. Chairman: Those against the motion will please say "No".

Some hon. Members: No.

Mr. Chairman: The Noes have it; the Noes have it.

Shri Jagdev Singh Siddhanti: The Ayes have it.

Shri Hukum Chand Kachhavaiya: The Ayes have it.

Mr. Chairman: Division; let the lobbies be cleared.

I will now put amendments 74 and 75.

Shri Priya Gupta: This is an important Bill. Everybody should be serious. Neither the Speaker nor the Deputy-Speaker is here.

Mr. Chairman: This is not fair.

Shri Priya Gupta: The Home Minister is behaving in a negligent way. One amendment has been left out and the clause has been passed. (Interruptions).

Mr. Chairman: I will put amendment 74.

The question is:

Page 11, omit lines 9 to 12. (74).

Those in favour will say 'Aye'.

Shri Hukum Chand Kachhavaiya: Aye.

Mr. Chairman: Those against will say 'No'.

Several hon. Members: No.

Mr. Chairman: The Noes have it; the Noes have it

Shri Hukum Chand Kachhavaiya: The Ayes have it.

Mr. Chairman: Those in favour will rise in their seats.

Shri Hukum Chand Kachhavaiya rose—

Mr. Chairman: Those against will rise in their seats.

Several hon. Members rose—

Mr. Chairman: The 'Noes' have it; the 'Noes' have it.

The motion was negatived.

श्री प्रकाशबीर शास्त्री : वोटिंग क्यों नहीं करवाई जाती है ? रूलिंग में यह व्यवस्था है कि अगर एक भी मेम्बर चुनौती देगा तो आपको डिविजन करवानी होगी ।

Mr. Chairman: Rule 367 (3) (c) says:

"Provided that, if in the opinion of the Speaker, the Division is unnecessarily claimed, he may ask the members who are for 'Aye' and those for 'No' respectively to rise in their places and, on a count being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded."

श्री प्रकाशबीर शास्त्री : कल जिस समय रेलवे प्रापर्टी का बिल चल रहा था तो माननीय पाटिल साहब को याद होगा कि केवल एक मेम्बर के कहने पर सारा दिन भर डिविजन होती रही थी ।

Mr. Chairman: I shall now put amendment 75 to the House.

Amendment No. 75 was put and negatived.

Mr. Chairman: What about Government amendments 86, 120, 121 and 122?

Shri Nanda: I am not moving them.

Shri Ranga: I think it is better we adjourn now. Even the Leader of the House is feeling sleepy. That is a contagion spreading to everybody else. We can meet tomorrow a little earlier, if necessary.

Shri Kapur Singh: I think it will be in the public interest and in the interests of the Bill also that the House is now adjourned to meet again tomorrow.

Mr. Chairman: The question is:

"That clause 22 stand part of the Bill".

The motion was adopted.

Clause 22 was added to the Bill.

Clause 23.— (Allocation of seats in the House of the people).

Mr. Chairman: There are some amendments to clause 23.

Shri Virbhadra Singh: Sir, I beg to move:

Page 11, line 23,—

for "six" substitute "eight" (37)

Sir, this clause provides for allocation of seats in the Lok Sabha. The Bill provides for six seats for Himachal Pradesh in the Lok Sabha. My amendment is that this may be increased to eight. My reasons are that Himachal Pradesh at present has four seats in the Lok Sabha. After the integration of the Hill Areas of Punjab with Himachal Pradesh, the area and population of Himachal Pradesh is going to be more than double. Therefore, it is natural that the representation given to Himachal Pradesh in the Lok Sabha should be proportionately increased.

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My second point is that Himachal Pradesh is a Union Territory and like other Union territories enjoys a certain amount of weightage in the matter of representation in the Assembly and in Parliament. I may say that Delhi which has a population of 30 lakhs has got 7 seats in Parliament. I see no reason why Himachal Pradesh with a population of 28 lakhs should not have more seats in the Parliament. Therefore, Sir, I think this amendment should be accepted by Government.

Another point is, Himachal Pradesh is a hilly area. It has scattered population, difficult terrain and scanty means of communication. You cannot apply the same criteria to the hills as in the case of plains. Therefore, I hope the Government will take this into consideration and accept this demand.

Shri R. S. Pandey (Guna): He has every justification to have two seats more.

Shri Nanda: I am unable to accept it.

Shri Hem Raj: Sir, I beg to move:

Page 11, line 23,—

for "six seats" substitute "eight seats" (54).

Sir, the same arguments put forward by my hon. friend, Shri Virbhadra Singh applies to my amendment also.

Shri Nanda: I do not accept it.

Mr. Chairman: I will now put amendment No. 37 to the vote of the House. The question is:

Page 11, line 23,—

(for "six" substitute "eight" (37).

The Lok Sabha divided:

Division No. 37]

A YES

[23.42 hrs.]

Abdul Rashid, Bakshi
 Alvares, Shri
 Azad, Shri Bhagwat Jha
 Balmiki, Shri
 Basappa, Shri
 Brij Raj Singh Kotah, Shri
 Gopalan, Shri A. K.
 Gupta, Shri Priya
 Harjot, Shri Subodh

Heda, Shri
 Hem Raj, Shri
 Kachhavaiya, Shri Hukam Chand
 Karni Singhji, Shri
 Mathur, Shri Shiv Charan
 Mengi, Shri Gopal Dutt
 Mishra, Shri Mahesh Dutta
 Paliwal, Shri
 Patel, Shri Rajeshwar
 Pottekkatt, Shri

Pratap Singh, Shri
 Samanta, Shri S. C.
 Shastri, Shri Prakash Vir
 Siddhanti, Shri Jagdev Singh
 Singh, Shri D. N.
 Swamy, Shri Sivamurti
 Umanath, Shri
 Virbhadra Singh, Shri
 Visbram Prasad, Shri

NOES

Achal Singh, Shri
 Akkamma Devi, Shrimati
 Alva, Shri A. S.
 Babunath Singh, Shri
 Baswant, Shri
 Bhagat, Shri B.R.
 Bhatkar, Shri
 Buta Singh, Shri
 Chandrabhan Singh, Shri
 Chaturvedi, Shri S. N.
 Chaudhry, Shri Chandramani Lal
 Chaudhuri, Shrimati Kamala
 Chaudhuri, Shri Sachindra
 Daljit Singh, Shri
 Das, Shri B.K.
 Das, Shri N. T.
 Dasa, Shri C.
 Deshmukh, Shri B.D.
 Deshmukh, Shrimati Vimala
 Dinesh Singh, Shri
 Elayaperumal, Shri
 Ganapati Ram, Shri
 Gaoga Devi, Shrimati
 Gulshan, Shri
 Himatsingka, Shri
 Iqbal Singh, Shri
 Jadhav, Shri M. L.
 Jadhav, Shri Tulsidas
 Jagjivan Ram, Shri
 Joshi, Shrimati Subhadra
 Jyotishi, Shri J. P.

Kapur Singh, Shri
 Malaichami, Shri
 Mallick, Shri Rama Chandra
 Manan, Shri
 Mandal, Shri Yamuna Prasad
 Marandji, Shri
 Muruthiah, Shri
 Masuriya Din, Shri
 Matcharaju, Shri
 Mehrotra, Shri Braj Bibari
 Menon, Shri Govinda
 Mohanty, Shri Gokulananda
 Morarka, Shri
 More, Shri K. L.
 Muhammad Ismail, Shri
 Mukerjee, Shrimati Sharda
 Murthy, Shri B. S.
 Musafir, Shri G. S.
 Nanda, Shri
 Naskar, Shri P.S.
 Nigam, Shrimati Savitri
 Niranjan Lal, Shri
 Pandey, Shri R.S.
 Patil, Shri S. K.
 Rajdeo Singh, Shri
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramaswamy, Shri V.K.
 Ramshikhar Prasad Singh, Shri
 Ranjit Singh, Shri
 Rao, Shri Jaganatha

Rao, Dr. K. L.
 Rao, Shri Muthyal
 Reddi, Dr. B. Gopala
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saraf, Shri Sham Lal
 Sen, Shri P. G.
 Shah, Shri Manabendra
 Sharma, Shri A. P.
 Shashi Ranjan, Shri
 Shastri, Shri Ramanand
 Sheo Narain, Shri
 Shree Narayan Das, Shri
 Siddananjappa, Shri
 Sidheshwar Prasad, Shri
 Sinha, Shrimati Ramdulazi
 Sinhasan Singh, Shri
 Snatak, Shri Nardeo
 Soy, Shri H. C.
 Sumat Prasad, Shri
 Surendra Pal Singh, Shri
 Thengal, Shri Nallakoya
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Uikay, Shri
 Upadhyaya, Shri Shiva Dutt
 Vaishya, Shri M. B.
 Verma, Shri Ravindra
 Vyas, Shri Radhelal
 Wadiwa, Shri
 Yadava, Shri B. P.

Mr. Chairman: The result of the division is: Ayes 28, Noes 93.

The motion was negatived.

Mr. Chairman: What about amendment No. 54?

Shri Hem Raj: It is the same as amendment No. 37.

Mr. Chairman: I will put it to the vote.

Amendment No. 54 was put and negatived.

Mr. Chairman: The question is:

"That clause 23 stand part of the Bill".

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24. (Allocation of seats in the Legislative Assembly)

Shri Virbhadra Singh: I beg to move:

Page 12,—(A) line 2:—

for "fifty-four" substitute "seventy-two"

(ii) line 3,—

for 'twelve' substitute "sixteen" (38)

Shri Hem Raj: I beg to move:

Page 12, lines 2 to 5,—

for "shall be fifty-four of which twelve seats shall be reserved for the Schedule Castes and two seats shall be reserved for the Scheduled Tribes".

substitute—

"shall be sixty-four of which thirteen seats shall be reserved for the Scheduled Castes and two seats shall be reserved for the Scheduled Tribes". (55).

Shri Virbhadra Singh: Sir, this Bill provides that the enlarged Himachal Pradesh will have a Legislative Assembly with 54 seats, of which 12 seats shall be reserved for Scheduled Castes. My amendment is that the number of seats should be increased from 54 to 72 and the number of seats reserved for Scheduled Castes should be increased from 12 to 16.

My reasons for this are almost the same as I gave in the case of my earlier amendment; that is, firstly, Himachal Pradesh is going to be increased in area and population and, therefore, the seats in the Himachal Pradesh Legislative Assembly should be correspondingly increased. My second reason is that Himachal Pradesh as a Union territory enjoyed a certain weightage which should not be denied to it now specially when the status of Himachal Pradesh is going to remain the same. If Himachal Pradesh was to be made into a State, it would have been a different matter, but when it continues to remain a Union territory I see no reason why the weightage in the matter of representation, which it has enjoyed so far, should not be enjoyed by it now.

As I have said earlier, Himachal Pradesh is a hilly region and because of the special conditions prevailing there the representation given to Himachal Pradesh should be in-

creased. So far as Himachal Pradesh is concerned, it is a very serious matter and we attach a lot of importance to it.

Taking the 54 seats provided in the Bill into consideration, the average population per Assembly seat comes to 52,000 as against 32,000 at the moment. As against this, the average population of an Assembly seat in Jammu and Kashmir is only 47,000; that is the constituencies of Himachal Pradesh in the matter of population will be even bigger than the constituencies of Jammu and Kashmir. I think, this is very unfair to Himachal Pradesh. When you are not raising our status and are keeping us as a Union territory, at least give us the weightage and do not change the pattern of representation that we have enjoyed so far.

Shri Hem Raj: Mr. Chairman, I want to make two changes in my amendment No. 55, namely, instead of "sixty-four" let it be "sixty" and instead of "thirteen seats shall be reserved for the Scheduled Castes and two seats shall be reserved for the Scheduled Tribes." let it be "fourteen seats shall be reserved for the Scheduled Castes and three seats shall be reserved for the Scheduled Tribes."

The reasons which have been advanced by my colleague, Shri Virbhadra Singh, from Rampurbushahr are that these areas being difficult areas and the terrain being hilly, it is not easy to traverse all these areas, there being no adequate means of communication. Therefore, it is very necessary that instead of having a constituency of 52,000, there should be a constituency of at least equal to that of Jammu and Kashmir. I request that my amendment may be accepted by the House.

Several hon. Members: Yes.

Shri Nanda: I accept it.

Shri Virbhadra Singh: I withdraw my amendment No 38.

Amendment No. 38 was, by leave, withdrawn.

Mr. Chairman: The question is:

"Page 12 lines 2 to 5,—

for "shall be fifty-four of which twelve seats shall be reserved for the Scheduled Castes and two seats shall be reserved for the Scheduled Tribes".

Substitute—

"shall be sixty of which fourteen seats shall be reserved for the Scheduled Castes and three seats shall be reserved for the Scheduled Tribes" (55).

The motion was adopted.

Mr. Chairman: The question is:

"That clause 24, as amended, stand part of the Bill".

The motion was adopted.

Clause 24 as amended, was added to the Bill.

Clauses 25 to 28 were added to the Bill.

Clause 29.—Common High Court for Punjab, Haryana and Chandigarh)

Mr. Chairman: There is amendment No. 115 by Shri Buta Singh.

Shri Buta Singh: I move:

"Page 14,—

for clause 29, substitute—

"29. (1) On and from the appointed day there shall be a separate High Court for the State of Punjab to be called the High Court of Punjab.

(2) The Judges of the High Court of Punjab holding office immediately

before that day shall become on that day the Judges of the High Court of Punjab." (115)

An hon. Member: Let there be a motion for closure.

Shri Bhagwat Jha Azad: Let us adjourn now.

Mr. Chairman: Clause 29 is under discussion. After that, if you like, you can move a motion for closure.

Shri Bhagwat Jha Azad: I formally move that the House be adjourned now.

Some hon. Members: Let the House be adjourned.

Mr. Chairman: You cannot move a motion in the midst of the discussion on clause 29.

Shri Bhagwat Jha Azad: It can be discussed tomorrow also.

Mr. Chairman: What is the wish of the Leader of the House?

Shri Satya Narayan Sinha: Take the sense of the House.

Mr. Chairman: The House stands adjourned to meet again at 11 A.M. tomorrow.

23 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, September 7, 1966/Bhadra 16, 1888 (Saka).