

[Secretary]

1956, in the Hindu Minority and Guardianship Bill, 1955:

Enacting Formula

1. That at page 1, line 1—

for "Sixth Year" substitute "Seventh Year"

Clause 1

2. That at page 1, line 4—

for "1955" substitute "1956"

Clause 3

3. That at page 1, lines 21 and 22—

for "for which provision is made" substitute "dealt with"

Clause 4

4. That at page 2—

(i) line 26, omit "or"

(ii) line 28, omit "or"; and

(iii) line 29, for "or" substitute "and".

Clause 5

5. That at page 3, line 3—

for "made" substitute "contained".

SUPREME COURT (NUMBER OF JUDGES) BILL*

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move for leave to introduce a Bill to provide for an increase in the number of Judges of the Supreme Court, excluding the Chief Justice.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for an increase in the number of Judges of the Supreme Court, excluding the Chief Justice."

The motion was adopted.

Pandit G. B. Pant: I introduce the Bill.

STATES REORGANISATION BILL

Mr. Speaker: The House will now take up further clause-by-clause consideration of the Bill to provide for the reorganisation of the States of India and for matters connected therewith, as reported by the Joint Committee. Out of the time allotted for these clauses the balance is one hour and thirty-five minutes. Then we will take up the other clauses. How long does the hon. Home Minister require for reply?

The Minister of Home Affairs (Pandit G. B. Pant): I made a request before your arrival here that if you allow me I would like to reply tomorrow instead of today.

Mr. Speaker: On both groups of clauses?

Pandit G. B. Pant: All of them.

Shrimati Renu Chakravartty (Basirhat): When will the voting on these clauses take place? The discussion on the first group of clauses is over. That is held over. The discussion on the second group of clauses is also already over. That again is going to be held over! How long are we to wait?

Shri S. S. More (Sholapur): We may postpone the consideration of these clauses, in view of the demand of the hon. Home Minister to reply afterwards, to some definite future date because we are coming daily expecting some reply. The result is that our discussion of the subsequent clauses, which are dependent on the first set of clauses which are very vital, becomes unreal. So, let us adjourn straightway. Let him have his own time.

Pandit G. B. Pant: I think hon. Members will realise that certain important proposals with regard to the clauses that were under discussion last week had been made by very prominent members of this House and those amendments have also the backing of the bulk of the members of this House. Apparently,

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in those circumstances, it becomes the duty of the Government to consider the proposals and not to rush through matters. I have been anxious throughout to expedite the process of codification of this Bill and I want it to be made into law as soon as possible. But, in my anxiety to see things through, I should not override larger and more important considerations. So, it is out of regard for the views expressed by the House that I am making this request and I hope the House will agree with me that instead of grudging and accepting my request they can wholeheartedly endorse it.

Shri S. S. More: I entirely agree with the hon. Home Minister that the matter should not be rushed through. But the proposals which Government are thinking of accepting should be circulated to the House because some of us are very vitally interested in the bilingual formula. Supposing they want to move another amendment for constitutional reasons? So, let us have beforehand a complete picture of what Government wants to place before this House.

Mr. Speaker: There is no harm in postponing the voting when discussion proceeds from one group of clauses to another group of clauses. They are apparently connected with each other. Regarding the zonal system some people may agree under certain circumstances; others may not agree under other circumstances. In some Parliaments, I know that clauses are gone through and at the end of the week or the next week they agree to accept some of the amendments or agree to differ and in the meanwhile the discussion will go on. Now, we are not following that procedure. Occasionally we do that. Under the circumstances, there is no harm in just finishing discussion on these clauses and reserving the reply of the hon. Home Minister on both groups of clauses till the next day and proceeding with the next group. There won't be any inconvenience. The time of the House is very limited and

we have the Constitution (Ninth Amendment) Bill, the Bihar and West Bengal (Transfer of Territories) Bill and various other Bills. We are hard pressed for time. In the circumstances, we shall go on with the next group of clauses.

So far as the other points are concerned, some amendments, amendment Nos. 462 and 463 were already moved and there was enough discussion on those amendments. If further amendments are tabled, certainly they will be considered.

Shri N. C. Chatterjee (Hooghly): I want to raise a point of order whether under this Bill, as it stands today, that particular amendment is valid.

Mr. Speaker: I shall do whatever is proper under the rules. The discussion on clauses 2 to 15 is over. Only, the reply of the hon. Home Minister is pending. Amendments were moved and they were discussed. Now, when the hon. Home Minister begins to reply, then I shall hear if there is any point of order. Now let us proceed with the discussion. Shall I devote all the time for the discussion on the various clauses? 1 hour and 45 minutes have been allotted for discussion by members as well as for the reply by the hon. Minister

Pandit G. B. Pant: You may allot the whole of the 1 hour and 45 minutes to the hon. Members. If necessary, I can curtail my reply.

Shri Feroze Gandhi (Pratapgarh Dist.—West cum Rao Bareli Dist.—East): There is a notice of an amendment, namely amendment No. 512 in the name of Shri V. B. Gandhi, myself and Shri Algu Rai Shastri and one other Member.

Mr. Speaker: Is that amendment to this group of clauses, namely clauses 16 to 49?

Shri Feroze Gandhi: Yes.

Some Hon. Members: No.

Shri H. N. Mukerjee (Calcutta North-East): On a point of order...

Shri Feroze Gandhi: This amendment is to clauses 8 to 10.

Mr. Speaker: I am not taking up clauses 8 to 10 now.

Shri Feroze Gandhi: When can we move this amendment?

Shri S. S. More: Is it not too late to move it now? I think it is too late.

Mr. Speaker: Discussion on clauses 2 to 15 is over, and the Minister has agreed to reply tomorrow. As to what further changes may take place, I do not know. The time of the House will not be spent on clauses 2 to 15 or any amendments relating to them.

We are now on clauses 16 to 49, and I shall allow 1 hour and 45 minutes for the discussion on them. Thereafter, we shall proceed to discuss the other group of clauses. If anything more is to be done, let a representative, we shall proceed to discuss the sider it later, but not now.

Shri V. B. Gandhi (Bombay City—North) rose—

Mr. Speaker: Is the hon. Member also raising a point of order?

Shri V. B. Gandhi: All that we want to know is this. We have given notice of an amendment to clauses 8 to 10....

Mr. Speaker: When?

Shri V. B. Gandhi: On Saturday last.

Shri Feroze Gandhi: It has been circulated to hon. Members.

Shri V. B. Gandhi: It has been circulated. Will it be taken as moved? We may not have any discussion on that....

Some Hon. Member: No, no.

Mr. Speaker: If an amendment has been sent, of course, it will be brought up for consideration in the appropriate place. When the House will consider clauses 2 to 15 and the reply of.... (*Interruptions by Shri*

S. S. More)... I am not giving any opinions now. Should I not hear the Member at least? Hon. Members are entitled to be heard here, though I am entitled to reserve my judgment. So far as that matter is concerned, if the amendment is in order, and if it can be moved, I shall call him. I shall look into that matter at the appropriate time.

So far as the point of order of Shri H. N. Mukerjee also is concerned, I would like to say that it can be raised when the clauses 2 to 15 are considered. I was given a chit in advance as to whether the point of order can be raised or not. I shall consider the question as to whether the point of order can be raised, along with the other matters.

Now, Shri Sarangadhar Das who was in possession of the House last time, will resume his speech.

Shri Nambiar (Mayuram): On a point of order. You were kind enough to reply to a point of order that is likely to be raised by Shri H. N. Mukerjee. But we do not know what the point of order is. Without knowing it, how can we understand the position? (*Interruptions*).

Mr. Speaker: Order, order. There must be some decorum in the House. I only said, when Shri H. N. Mukerjee got up—he had sent me a chit in advance—that this is not the proper place to consider it. If I have to say what it is, then I shall be discussing the matter now. Indirectly, hon. Members cannot force me to say it now.

Shri H. N. Mukerjee rose—

Mr. Speaker: Whatever point of order is sought to be raised will be called at the appropriate place and at the appropriate time. The point of order relates to some amendments to clauses 2 to 15. When we come to clauses 2 to 15, I shall consider whether that point of order can be raised at that stage. I shall give an opportunity then.

Shri H. N. Mukerjee: May I submit my position? We can raise a point of order, as you, Sir, know better than all of us do, at any time of the proceedings. And my objection goes to the root of the matter, and I say that certain amendments which have been discussed with a great deal of fanfare in the House are ab initio void and ultra vires of the Constitution.

Mr. Speaker: I am really sorry that hon. Members are not able to understand properly what is going on in the House. I said definitely that clauses 2 to 15 will not be taken up today. The point of order relates to some amendments relating to clauses 2 to 15. Where is the hurry about it?

Shri H. N. Mukerjee: I understand that very well. But to my way of thinking, that is neither here nor there. We have the agenda here before us, and certain clauses are before us for discussion; if certain clauses which are creating a great deal of feeling in the House are liable to a certain point of order, which you might perhaps be pleased to uphold, then it is much better that we save the time of the House by having this matter thrashed out as soon as possible.

Mr. Speaker: I am not prepared to be guided by the hon. Member's advice in this matter. We are putting off the disposal of clauses 2 to 15 to a later date. If any point of order arises, or if a point of order can be raised at any particular time, we shall consider this matter. Now, we are on clauses 16 to 49. After these are disposed of, or rather, put off for the reply of the Home Minister, I shall take up the other clauses. Until all the clauses are disposed of, any hon. Member who can raise a point of order—if it can be raised—can always raise it. At the appropriate time, I shall call the hon. Member.

Shri H. N. Mukerjee: Let me make one submission, which is this. We know very well that....

Mr. Speaker: We are not on clauses 2 to 15 today. Therefore, I am not prepared to hear any representation relating to clauses 2 to 15.....

Shri H. N. Mukerjee: I hope you will be pleased to hear me....

Mr. Speaker: I have heard the hon. Member enough. Now, I am calling upon Shri Sarangadhar Das.

Shri N. C. Chatterjee: May I point out one thing? I just want to draw your attention... (Interruptions.) I do not understand this kind of attitude on the part of hon. Members..

Mr. Speaker: Has the hon. Member a desire to interrupt the proceedings? I am not attributing anything to the hon. Member.

Shri N. C. Chatterjee: I am pointing out to you kindly to take notice of one thing. If you will kindly look at clause 25, which is the next group we are now considering, you will find the States are being given a certain representation in the Council of States. The table of seats is given there, and the different States are given certain allocation of seats. If you do not know exactly what the set-up of the States will be, how will you make this allocation?

What I am respectfully pointing out for your decision is that these are interlinked and are interdependent. Therefore, you cannot really discuss the allocation of seats to the different States, unless you know what the set-up of the States will be. Therefore, what I am pointing out is that you will really be putting the cart before the horse, and unless you decide the issue in regard to the previous group of clauses, the discussion on this group of clauses will not be real.

Pandit Thakur Das Bhargava (Gurgaon): This very point was taken up by Dr. Lanka Sundaram two days back. And you were pleased to decide that we could go on with clauses 16 to 49.

Mr. Speaker: So, this matter is not one of new impression. Before clauses 16 to 49 were taken up, this matter was placed before the House. All the same, we thought that we could go on with these clauses. So, there is nothing new. It has been already decided that we could go on with these clauses.

If perchance, all the amendments to those clauses, namely clauses 2 to 15 have already been moved—both in respect of a unilingual State, and in respect of a bilingual State and so on—some small additions may be made here or there.

Under these circumstances, we shall go on with clauses 16 to 49.

Clauses 16 to 49.

Shri Sarangadhar Das (Dhenkanal—West Cuttack): The other day, I was speaking on the zonal councils. And I had moved my amendment No. 503, which seeks to add a new clause 24-A, whereby I have pleased for the setting up of a boundary commission.

When the States Reorganisation Commission was appointed, the whole country was expecting that all boundary disputes arising out of the reorganisation of States would be taken up and finalised, so that this matter could be buried for good. Unfortunately for us, the whole matter was not gone into, either by the Commission or by Government who modified some of the recommendations of the Commission.

We have point out both at the Committee stage as well as on the floor of the House that there are various boundary disputes between one State and another. For instance, there is boundary dispute between Bihar and Orissa, between Madhya Pradesh and Orissa, between Andhra and Madhya Pradesh, between the new States of Maharashtra and Karnataka, and between Gujarat and Maharashtra, and so on.

The Zonal Councils, as they are provided for, are to deal with border disputes, linguistic minorities, inter-State transport etc. I believe they will be very helpful in deciding disputes between States with regard not only to transport but to other development projects. For instance, if the catchment area of a river is in one State while the dam is built in another State, that catchment area needs to be reafforested. The Zonal Council concerned will certainly be very helpful in coming to a decision on this point. But as far as boundary disputes are concerned, when there is an area in one State which is claimed by another State, the policy of the Government has been that there must be agreement between the parties concerned. But we have seen that there has not been any agreement with regard to these disputed areas.

Therefore, it becomes very necessary that these disputes should be decided once for all so that the appropriate authority gives its decision in the matter. There should be no further talk about it. Therefore, I have moved this amendment that whenever in a zone two States or more do not come to an agreement, then one of the States or more than one can apply for the appointment of a Boundary Commission to the Union Government, and the Union Government shall appoint a Boundary Commission consisting of Judges of the Supreme Court or High Courts for investigating into, and adjudicating upon, such representation. The Union Government shall also take necessary steps to implement the award of such Commission.

I feel the same way as Government do in this matter, although I am not as frightened because of these disputes as the Government have been or are now. My suggestion for a Boundary Commission consisting of High Court or Supreme Court Judges is such that when an impartial body like that gives its decision one way or the other, both parties will take it as final and will never talk about it even if either is dissatisfied with the

decision. I visualise that in a case where the disputed territory is not given to the State by demanding it the Boundary Commission, the people residing in that disputed territory will have to adjust themselves, although they are in a minority, with the way of life of the majority in everything. There are such areas, for instance, the Oriya-speaking areas in Madhya Pradesh, where I have had experience some years ago. The people there are quite satisfied with the conditions under which they are living, except that they are not able to cultivate their language and their children do not receive schooling in that language. Otherwise, they have adjusted themselves, and I do not believe they would come to Orissa now.

So in future once a Judicial Commission gives its verdict, that will be accepted by both parties concerned and the people living in the disputed area will have to adjust themselves and consider themselves as citizens of the nation and not of any particular State to which they had wanted to go but they could not go. I, therefore, appeal to the House that at least for the settlement of these disputes, a Boundary Commission should be appointed, and I urge upon Government to realise the necessity of this so that the problem of reorganisation, linguistic distribution and so forth will be buried for ever.

Pandit G. B. Pant: Mr. Speaker, Sir, may I request you to extend the time for the presentation of the Joint Committee on the Bihar and West Bengal (Transfer of Territories) Bill from the 7th to the 10th?

Mr. Speaker: A formal motion can be made tomorrow. It may be included in the agenda for tomorrow. Notice is given today.

The Minister in the Ministry of Home Affairs (Shri Datar): Yes.

Shri Boovaraghasamy (Perambalur): Mr. Speaker, Sir, I thank you very much for giving me this opportunity to speak.

I had been listening to the heated debate on this issue of States reorganisation and the views expressed from various corners of the House. I was also very anxious to take part in that debate because I am also very much interested in my State of Tamil Nad.

Shri Raghavachari (Penukonda): Madras, not Tamil Nad.

Shri Boovaraghasamy: We, Tamilians, want it to be called 'Tamil Nad'. I also wanted to represent the grievances of Tamilians as regards this reorganisation of States.

I regret very much the failure of our Government to name Madras State as 'Tamil Nad'. Having separated Andhra from the previous Madras State and Kerala from the present Madras State, it is now entirely a Tamil-speaking area and naturally, it should be called 'Tamil Nad'. The failure of Government to name Madras State as 'Tamil Nad' is an injustice done by our Government to the Tamils.

Though I have to confine myself to certain clauses of this Bill, as I have not had an opportunity of taking part in the general discussion on this Bill or on the previous group of clauses—only one or two Members from Tamil Nad have taken part in those discussions—I would, with your permission, like to say a few words more, though they are not confined to these clauses. First of all, I should like to bring to the notice of the Government and the House that those Tamil areas which are, according to the Report of the Joint Committee, to be added on to Kerala State and Andhra State, should be properly delimited by appointing a Boundary Commission. You should not have started States reorganisation at all. But once you have started it, you must see whether States are properly arranged on the language basis. Take, for instance, Tamil Nad. A portion of Tamil Nad is added on the one side to Kerala State, and on the other side, to Andhra State. It is not only with regard to Tamil Nad, but also with regard to other States that this incon-

Shri H. N. Mukerjee

venience or injustice has been done by the Government of India. Therefore, this question should be thoroughly and properly attended to by appointing a Boundary Commission.

I should like to say something in detail regarding Tamil Nad. It is an injustice to Tamil Nad not to have added the two taluks of Deviculam and Peermede to it; they are predominantly Tamil speaking areas. The whole taluk of Shencottah should also have been included in Tamil Nad. In Chittoor and Tiruttani also, the majority of the people are Tamil-speaking; and Tirupathi temple also should be added to Tamil Nad.

An Hon. Member: You are welcome to worship there.

Mr. Speaker: Does the hon. Member want the temple alone or the area?

Shri Nambiar: The whole area including your constituency.

Shri Boovaraghasamy: The majority of the people here are Tamil-speaking and if a portion of the Tamil-speaking area is added to Andhra State for future administration... (Interruption).

I do not want to be interrupted because I want to put forth all my ideas, as far as possible, within the short time at my disposal. These boundaries should be decided properly by a Boundary Commission and these areas which are added to Andhra should be added to Tamil Nad. It is the desire of the Tamils that a referendum should be taken or a Boundary Commission should be appointed to decide these disputes so that they may not arise in future.

I would like to say a few words regarding water resources. When States are formed on the basis of language, there will be great trouble in the matter of water resources. One State which is having all the rivers may say, 'We are not going to allow our waters'. Because ours is a unitary form of Government, I would suggest that the Centre should take all the

water resources under its control. If the Constitution does not permit it, I would request the Government to amend the Constitution so that we can bring all the water resources under the control of the Central Government and distribute water to all places without any discrimination, as far as possible.

I am also interested in one thing to which many of the hon. Members have referred, namely, Bombay. As many of the hon. Members have said, I also feel that Bombay should legitimately be given to the Maharashtrians.

Mr. Speaker: I am not going to allow it now. I allowed the hon. Member some indulgence because he said he had not partaken in the general discussion. He comes from Madras and he is not concerned with Bombay. So, let him confine his remarks now to clauses 16 to 49, which are under discussion.

Shri Boovaraghasamy: I submit that the name of Madras should be changed to Tamil Nad and that a Boundary Commission should be appointed immediately to go into the question of settling border disputes.

श्री शिवमूर्ति स्वामी (कुष्टगी) :
अध्यक्ष महोदय, जब बिल पर बहस की पहली स्टेज खत्म होने पर मैं होम मिनिस्टर (गृह मंत्री) साहब का जवाब सुन रहा था तो उन्होंने कहा या कि बार्डर डिस्प्यूट्स (सीमा विवाद) के जितने भी झगड़े हैं उनको जोनल कौंसिलों (प्रादेशिक परिषद्) की तहत रखा जायेगा और उन के द्वारा ही साल्व (सुलझावा) करने की कोशिश की जायेगी, लेकिन जोनल कौंसिल (प्रादेशिक परिषद्) का जहाँ पर जिक्र है वहाँ पर बार्डर डिस्प्यूट्स का कोई भी जिक्र नहीं है कि किस तरीके से उन को साल्व किया जायेगा और उन को साल्व करने के लिये कौन से तत्व का इस्तेमाल किया जायेगा। स्टेट्स रिफार्म-नाइजेशन (राज्य पुनर्गठन) के सिलसिले

में दो ही बड़े क्षेत्र (प्रश्न) नजर आते हैं, एक तो सब से बड़ा सवाल बाम्बे का है दूसरा सवाल बाईस के सिलसिले में उठता है। मैं समझता हूँ कि जो भी जोनल सिस्टम (प्रादेशिक प्रणाली) बिल में इंट्रोड्यूस (पुरःस्थापित) किया गया है, उस के अन्दर कोई एफेक्टिव पावर (प्रभावी शक्ति) नहीं है। फिर भी अगर म्यूचुअल अन्डर्स्टैंडिंग (पारस्परिक विनिमय) के प्रिंसिपल (सिद्धान्त) पर उन को हल किया जाना है तो उस को बिल में शामिल करने की मैं होम मिनिस्टर साहब से अपील करता हूँ।

जब मैं म्यूचुअली (परस्पर) तय करने की बात सुनता हूँ तो मुझे ब्रिटिश गवर्नमेंट की बात याद आ जाती है, जो कि यह कहती थी कि अगर कांग्रेस और मुसलिम लीग दोनों कोई चीज तय कर के आ जायें तो हम हिन्दुस्तान को इंडेपेंडेंस (स्वतन्त्रता) दे देंगे। बहरहाल अगर दक्षिण भारत में बाईस डिस्प्यूट्स के सिलसिले में आपस की बात चीत से मामला तय हो सकता है तो हमें कोई उज्र (आपत्ति) नहीं है। जब हम लोग लिग्विस्टिक प्रिंसिपल (भाषा सम्बन्धी सिद्धांत) को छोड़कर रास्ते में इधर उधर भटक जाते हैं तब स्टेट्स रिभाग-नाइजेशन (राज्य पुनर्गठन) के सिलसिले में मुश्किलत पैदा हो जाती है। लेकिन बहरहाल चूंकि यहां पर म्यूचुअल अन्डर्स्टैंडिंग की बात कही जाती है, इसलिये हम आंध्र, महाराष्ट्र, और कर्नाटक, इन तीनों रोजन (प्रदेश) के एम० पी० (संसद् सदस्य) वेस्टन कोर्ट में मिले और यूनिमसली (एकमत से) जिस प्रिंसिपल को हम ने एक्सेप्ट (स्वीकार) किया उस को मैं आप के सामने रखना चाहता हूँ। कम से कम आप उनके ऊपर गौर करके जोनल कौंसिल के द्वारा उन मुश्किलत को हल कीजिये मैं आप को इजाजत से जो कुछ वहां तय हुआ उस को पढ़ना चाहता हूँ :—

"Settlement of border disputes.

At a meeting held at the Western Court on the 5th and 6th August, 1956, of the Members of Parliament of all parties and of Andhra, Karnataka, Maharashtra and Hyderabad, it was agreed that the border disputes should be settled on the basis of the following principles:—

- (i) contiguity of the language area;
- (ii) majority of 55 per cent. and over of a particular language-speaking population in the unit as per the latest Census returns;
- (iii) the unit to be a revenue firka or a revenue circle or a group of villages, if less than a firka;
- (iv) even an individual village or villages mutually agreed upon irrespective of any consideration;
- (v) major administrative or economic considerations and the wishes of the people of the unit, village or town.

In pursuance of these agreed principles, committees may be appointed to settle the border disputes immediately with a view to hand over to the Home Minister for adoption.

In cases left unsettled, we urge upon the Central Government to bring about the border settlement based upon the above principles through the adjoining States mutually agreeing within 6 months from the States reorganisation coming into effect. If still certain border disputes remain for settlement by the failure of the States mutually agreeing, the Centre shall provide a proper independent agency to finalise the disputes based upon the above principles."

1 P.M.

इस तरह से जो म्यूचुअली एग््रीड प्रिंसिपल्स (परस्पर स्वीकृति प्राप्त सिद्धान्त) इन बोर्डर डिस्प्यूट्स को तय करने के हम ने तय किये हैं, मैं चाहता हूँ कि इनको मान लिया जाये और इन के आधार पर ही इन

[श्री शिवमूर्ति स्वामी]

डिसप्यूट्स को हल किया जाये। मैं यह भी बतलाना चाहता हूँ कि इन प्रिसिपल्स को तय करने के लिये कोई आफिसर (पदाधिकारी) भी होम मिनिस्ट्री (गृह कार्य-मंत्रालय) की तरफ से डिप्यूट नहीं किया गया था कि जिस की मदद से हम ऐसा कर सकते और न ही कोई नक्शे हमारे सामने थे। यह बात गलत है कि हर एक अपना अपना हिस्सा लेना चाहता है और उसी की फिक्र में है। मैं आपकी बतलाना चाहता हूँ कि हम लोग लेने के लिये भी तैयार हैं और देने के लिये भी तैयार हैं। लेकिन यह काम तभी ठीक तरह से हो सकता है जब कोई सेट प्रिसिपल्स तय कर दिये जायें। जो लोग किसी दूसरी स्टेट में जाना चाहते हैं उनकी इच्छा को हमें पूरा करना ही होगा। मैं नहीं चाहता कि दिल्ली में बैठकर बिल्कुल ही अनप्रिसिपल्ड (सिद्धान्तहीन) तरीके से आप इन बोर्डर डिस्प्यूट्स को तय कर दें। जिस तरह से आप माइनॉरिटीज (अल्पसंख्यक) के बारे में कुछ प्राविजंस इस बिल में रख रहे हैं और उन को सेफगार्ड्स देने की बात कर रहे हैं, उसी तरह से आपको इन बोर्डर डिस्प्यूट्स (सीमा विवादों) को भी कम से कम तकलीफ लोगों को दिये, तय करना चाहिये। लिहाजा मैं प्रार्थना करता हूँ कि अगर होम मिनिस्ट्री इन डिस्प्यूट्स को बहुत दिनों तक लटकाने नहीं रखना चाहती और ज्यूडिशियल एप्पाइंटमेंट्स (न्यायिक नियुक्तियाँ) करके इनके सेटलमेंट में देर लगाना नहीं चाहती तो उसे इन प्रिसिपल्स के आधार पर इनका फैसला कर देना चाहिये।

दूसरी चीज जो मैं कहना चाहता हूँ वह जोनल काउंसिल्स (प्रादेशिक परिषद्) के बारे में है। मैं यह बताना चाहता हूँ कि मैं जोनल काउंसिल्स के बिल्कुल खिलाफ हूँ। इसका कारण यह है कि आपने कांस्टीट्यूशन में इनका कहीं पर भी जिक्र नहीं किया है। अब आप स्टेट गवर्नमेंट्स (राज्य सरकारों) के साथ सलाह करके

आपकी जो प्लानिंग (आयोजन) की स्कीमस (योजनायें) हैं उनको ठीक तरह से चलाने के लिये इन काउंसिल्स का निर्माण करना चाहते हैं। ये काउंसिल्स एडवाइजरी (परामर्शदात्री) नेचर (प्रकार) की होंगी। अब जब आप इनको कांस्टीट्यूट (बनाने) करने जा रहे हैं तो मैं समझता हूँ कि आपको इसके बारे में कांस्टीट्यूशन (संविधान) में कोई एमेंडमेंट भी कर देना चाहिये। अभी तक उसमें इसके बारे में कोई जिक्र नहीं किया गया है। जिस तरह से आप इनको कांस्टीट्यूट करने जा रहे हैं, उससे तो मैं यह समझता हूँ कि ये भी लोकल वाडीज की तरह से और डिस्ट्रिक्ट बोर्ड्स (जिला बोर्ड) की तरह से इनइफैक्टिव (अप्रभावी) होंगी।

ज्यादा बक्त न लेते हुये मैं इतना ही कहना चाहता हूँ कि इन बोर्डर डिस्प्यूट्स को आप परमात्मा के लिये खत्म कर दें। अगर आपने इनको अब खत्म न किया तो इसका नतीजा यह होगा कि स्टेट्स की तरफ से म्यूचुअली एग््रीड चीजें आपके पास आयेंगी और फिर आपको उन्हें यहां पर पास करवाना होगा जिससे कि पालियामेंट का बहुत सा बक्त खर्च होगा। मैं समझता हूँ कि अब भी बक्त है और इनको सेटल किया जा सकता है। साथ ही साथ मैं चाहता हूँ कि जो प्रिसिपल्स मैंने पढ़ कर सुनाये हैं, उनको मान लिया जाये।

Shri N. P. Nathwani (Sorath): I rise to speak in support of my amendment No. 508, which seeks to provide that the office of Adviser in Kutch shall not disqualify the holder thereof for being elected as a member of the Legislative Assembly of Gujarat. Sub-clause (4) of clause 30 provides that the members of the electoral college for Kutch will have to elect eight persons from amongst themselves to the Legislative Assembly of Gujarat. At present there are two members of the electoral college of Kutch who are

holding the office of Adviser to the Chief Commissioner for Kutch. If the election of these eight members is to take place and if the Adviser will not be eligible for election as member of the Assembly for Gujarat, these two persons, who have been associated closely with the administration of Kutch since the last five years, will be barred from getting elected as members of the Gujarat Assembly. Under the Prevention of Disqualification Act, the office of Adviser for Kutch is not excluded. Therefore, unless this disqualification is removed, they would not be able to stand as candidates for election as members of the Legislative Assembly of Gujarat. It would be the desire of the people of Kutch that these two persons should be sent to the Legislative Assembly. Nor will it be advisable for them to resign their post as Adviser, because at this juncture their collaboration as Advisers is absolutely necessary. It is, therefore, necessary and just to see that this disqualification is removed and it should not be attached to the office of Adviser for Kutch. With these words I commend my amendment to the House.

Shri Keshavalingar (Bangalore North): I thank you for having given me an opportunity at this stage to say a few words on this Bill.

I have moved amendment No. 505 relating to the third schedule of the Bill which is printed on page 60. The schedule relates to clause 41 of the Bill and deals with the delimitation of constituencies. This clause allocates the seats in the House of the People and assigns the number of seats in the local Legislative Assemblies of the several States. This schedule has been modified according to the Bill before us. I see from the schedule that the seats in the House of the People are allotted on the strength of the population and on the basis of the seats in the House of the People the seats in the local Legislatures are assigned. I find that several States are given different multiples and proportions. For example, out of the 15 States, including Jammu and Kashmir, one State

has got a multiple of 1:9, two 1:8, eight 1:7, two 1:6 and two 1:5.

With regard to the State of Mysore, the proportion or multiple has been reduced from 1:9 to 1:7. I do not understand on what basis this has been done, because in the Bill I do not find a single word as to the necessity for this reduction. I have had some contacts with the Delimitation Commission, and from what little I know, I find that no definite principle or basis is involved in this allocation of seats. Perhaps the only point taken into consideration is the quantum or number of seats in the local Legislature being suited for the efficient administration of the State. So far as Mysore is concerned, we have had the people participating in the administration as far back as 1865; from the days of Rangachari we have had a representative system of government in Mysore. We have had 300 members in the existing State of Mysore. No doubt, the present State of Mysore is going to be doubled when the new State of Mysore is formed. What was one crore population will become two crores and what was 3,600 square miles in area will become 8,000 square miles, but that does not mean that the number of seats in the local Legislature might be reduced. In fact, the Legislature of the State of Mysore has unanimously moved an amendment and passed a resolution requesting that the multiple be maintained at 1:8. I have moved an amendment that the original proportion 1:9 may be maintained for the new State of Mysore. Otherwise, we will be losing to the extent of 52 members of the local Legislature. The people of Mysore being very well accustomed to the representative system of administration, it creates a very great hardship. In fact, I learn that in regard to some portions of the territories coming into the new State of Mysore from Madras, Bombay and Hyderabad, the proportions are 1:5 and 1:7. In Coorg, the proportion is 1:24. But in the present State of Mysore, which forms almost exactly half the entire extent of the new State of Mysore, we

[Shri Keshavaiengar]

have the prevailing multiple 1:9. I do not see any reason why we should reduce this ratio from 1:9 to 1:7. I am sure that the demands of the local legislature are justified and we have got to respect their request. I have, therefore, proposed an amendment seeking to raise the number in the Mysore legislature from 182 to 234. I do not think that we should pause or hesitate to accept this amendment for the reason that it might cause any delay in the conduct of elections. I know it for a fact that the Delimitation Commission has already carved out these constitutions in the proportion of 1:7 because the Bill has mentioned this matter. It can easily get the constituencies worked out for the ratios 1:8 and 1:9. The Election Commission will be the last body to come in the way of delay in regard to this matter. They have got the skeleton of the constituencies prepared for all these three kinds of categories.

Then, there is the question of zonal councils. I refer to clause 17(d). If the bilingual State of Bombay and Gujarat is constituted, it will lead to a consequential amendment in clause 17(d). In fact the bilingual State which is likely to be carved out at the request of a large number of Members of this House will certainly eliminate the necessity for clause 17(d). It is a very welcome step and I wholeheartedly support the proposition. That is the best way of solving the problematical problem of Bombay. I would appeal to my friends from Maharashtra and Gujarat to set an example for the whole of India by helping us to bring about this State.

Shri Nambiar: I would ask you, Sir, not to have a discussion on that subject.

Shri Keshavaiengar: I would not hesitate to have a Dhakshina Pradesh also.

Shri Nambiar: That is a controversial point. I do not object to his referring to the multi-lingual Bombay State or other States but then, every-

one of us may be permitted to deal with that problem.

Shri Keshavaiengar: I crave your indulgence. I had no opportunity at any stage of this Bill to say a few words and having had the opportunity now, I thought of saying a few words.

Mr. Speaker: A number of hon. Members had not had opportunity. We have almost passed clauses 2 to 15; the discussion on them is over.

Shri Keshavaiengar: I am only referring to clause 17 (d) relating to zonal councils. So, I am not out of bounds.

Mr. Speaker: The hon. Member says that instead of this body being for only a particular purpose, there must be a Government for all these zones.

Shri Keshavaiengar: What is sought to be done in clause 17(d) can be done if a bilingual State is accepted. Referring to clause 17(e) I may also say that we can have a Dakshina Pradesh.

Mr. Speaker: Why does he say bilingual 'State' or 'unilingual State'? Instead of these councils acting in an advisory capacity, he may say that they must be there for the purpose of governance also.

Shri Keshavaiengar: So far as the name of Mysore State is concerned, I wish to say a few words. Mysore has built a reputation of its own for tolerance, homogeneous temperament and things of that kind. I do not see any reason why we should hesitate to retain that name. Clause 15 actually provides that in case there is any desire on the part of the local legislature, they have got every authority to change the name. I feel that it would be good to retain the name 'Mysore' for the new State.

It does not matter much. Tamil Nad is known as Madras. There is nothing wrong in Mysore being the name for the new Karnataka State—Karnataka being the popular name and Mysore being the official name.

The Minister in the Ministry of Home Affairs (Shri Datar): The name of the State cannot be changed by the local legislature.

Shri Keshavaiengar: The name, extent and boundaries can be changed.

Shri Datar: The name, extent and boundaries of any district or division can be changed, not those of the State. It has to be done by an amendment in the Constitution. Clause 15 would not allow a change in the name of the State.

Shri Keshavaiengar: Then, none will be more happy than myself. I would like the name to continue as the official name, the popular name being Karnataka.

Mr. Speaker: The matter will be discussed in the Constitution (Amendment) Bill.

Shri Datar: Under the Constitution, only the Parliament can change the name of the States.

Shri Keshavaiengar: I appeal to the Government to accept my amendment No. 505, raising the membership from 182 to 234.

Mr. Speaker: The hon. Minister seems to say that when a State is formed, it ought not to have any other name. Take for instance a particular case. Madhya Pradesh, Madhya Bharat, Vindhya Pradesh and Bhopal are all now merged into one Madhya Pradesh. Is it obligatory for them to choose one of these four names and not call it by a different name?

Shri Datar: No, Sir. If a name has been accepted while passing the Constitution (Amendment) Bill and this Bill, it is no longer open to the State legislature to change the name.

He made a reference to clause 15 dealing with the change in the names of the districts. That is why I pointed out that he could not refer to clause 15 while referring to a change in the name of the State.

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Shri Keshavaiengar: I interpreted clause 15 in a different manner. I shall be grateful if Government could accept my amendment No. 505 and thus provide for a legislature with 234 members instead of 182 as provided at present.

Shri U. M. Trivedi (Chittor): Mr. Speaker, to begin with, I want to point out a little difficulty that is there in the provisions made in clause 49. I do not know whether the Government has applied its mind after notice of my amendments numbers 425 and 426 were given. This clause 49 lays down that, if a particular elector or a voter happens to be in a connected State and then if a new or reorganised State is formed out of it, then he will be entitled to stand for election. That is the provision contained in this clause. In the whole Table that is given in this clause, the name of Rajasthan has been entirely missed. Sironj, a portion of Rajasthan is being given over to Madhya Pradesh. So the people of Sironj will find themselves in difficulty if Rajasthan is not included in the list of that category of States.

Similarly, as against Rajasthan a further mention must be made of the connected State of Bombay, inasmuch as a portion of Bombay is going over to Rajasthan. Therefore, to that extent this amendment will have to be suitably made. To the list of the new or reorganised States the name of Rajasthan must be added as No. 8 in the list, and against serial No. 4—Madhya Pradesh—the name of Rajasthan may be added along with Maharashtra. Then, against No. 8—Rajasthan, which I have suggested to be added as a new or reorganised State, Bombay and Madhya Pradesh may be shown in the second column because a part of this area, Sunel tappa, is being taken over by Rajasthan. Therefore, I suggest that my amendments may be accepted and suitable amendments carried out in the Table.

Sir, I also want to bring to your notice my amendment to clause 18. Clause 18 says:

[Shri U. M. Trivedi]

"The Zonal Council for each zone shall consist of the following members, . . ."

It appears to be only a one-sided affair, although I think the Zonal Councils are merely some sort of councils consisting of Rai Bahadurs, Diwan Bahadurs and others. Anyhow, since the idea behind creating the Zonal Councils is to bring about some sort of a unitary form of government in India and when you want to introduce this with the foundation of a very *bona fide* object in view, I would suggest that along with the Union Minister and the Chief Ministers who are to be nominated, a member of the largest Opposition Party should be also included among those who will be the advisers in the Zonal Councils. My amendment is to that effect.

In connection with this clause 18 I have also suggested another amendment. The Zonal Council itself is a sort of an advisory body having absolutely no power. Now, to keep other advisers to the advisers in the Zonal Councils is very redundant and the provision looks ludicrous. I would, therefore, suggest that the provision contained in sub-clause (4) of this clause 18, namely, that one person nominated by the Planning Commission, the Development Commissioner or any other officer nominated by the Government of each of the States be included as advisers to assist the Council, may be dropped out. They will be merely drawing unnecessarily dearness allowance and travelling allowance and create a burden on the Government. It is enough that the Chief Secretary to the Government is there who can be consulted in all the matters that may arise.

In clause 19 there is a great deal of lacunae. Even in Company Law, or wherever we have got a body corporate acting in one manner or the other, there is a provision that that body corporate must meet so many times in a year—say, twice, thrice or four times in a year. There must be

some such thing specifically laid down. I, therefore, urge upon you, Sir, to bring it to the notice of the Government, and the Government will do well to look into it, that this clause 19 keeps completely silent over this question as to when—twice, thrice or four times in a year or once in five years—the Zonal Councils shall meet. There should be some indication in the clause itself that the Zonal Councils shall meet so many times in a year. By my amendment I seek to provide that the Zonal Councils shall meet at least twice a year.

Then there is one small amendment which I have suggested to clause 23, sub-clause (2) on page 13 of this Bill. As this Bill stands at present we have a provision that the Zonal Councils may discuss and make recommendations with regard to any matter of common interest in the field of economic and social planning. This is the widest term possible. It may be comprehensive of everything or may not include anything whatever and it may only be mere talk or trash. Therefore, my suggestion is this. Instead of putting "economic and social planning" I want definite words to be put down to show that it would be economic development, some sort of social arrangement or something like that. It should not be kept as vague and as broad as possible. The wider sense must be limited and something definite must be specified as to what should be the object of discussion.

With regard to sub-clause (b) of clause 23(2) I have suggested that inter-State river disputes also should be included along with matters concerning border disputes, linguistic minorities or inter-State transport.

Shri A. M. Thomas (Ernakulam): For that there is another Bill.

Shri U. M. Trivedi: Let that Bill come. Why not you have it here? You have other Bills for inter-State Transport also. When we are making a provision that there are going

to be some persons who will discuss these disputes, inter-State river disputes are likely to arise. Therefore, such matters also must be given over in the hands of the Zonal Councils. (Interruptions). I for one do not like that even these border disputes should carry on. All kinds of disputes must end. Once you form a unitary form of government and make a change-over on the linguistic basis, which is creating all sorts of trouble in our country, we will have no botheration. That apart, once you have to look into this provision that is there, my suggestion is, if the Zonal Councils are to be created, these inter-State river disputes also may be referred to them.

Shri Namblar: Mr. Speaker, Sir, I have got my amendments numbers 156 and 158 to clauses 17 and 25. My amendments mainly deal with the question of change of the name of Madras into Tamilnad. Sir, in this connection I would like to draw the attention of the House to one point. After the passing of this Bill, Madras State will be confined to the Tamil-speaking areas only. Formerly Madras State meant not only the Tamil-speaking areas but it also included Andhra and Kerala areas. Now it is the desire of the Tamil-speaking people that the remaining area is to be named as Tamilnad. The reason is this. Nowhere in the Tamil literature will you find the word Madras being used. In the days of Britishers they found out this name which was not in the Tamil literature. Sir, you will find that even at present the name Madras is not used by Malayalees; they call it *Madirasi*. The Telugu people call it Chennaipatnam and the Tamil people say Chennai. I do not know wherefrom the Government still got the idea that they should call it Madras and that the name, 'Madras,' should be retained still. There is no historical or other reason except that the Britishers coined this word. Today, an overwhelming majority of the people of Tamilnad desire that the name must be changed into Tamilnad. The matter came up in the Madras Legislature during the

discussion of the Bill, but for reasons I do not know, the Congress party did not decide to change the name. Perhaps they thought that by keeping the name as Madras, the prestige of the old Madras State would go to Tamilnad. But we know that at present there is no such prestige remaining for the old Madras State. The ex-Madras State will no more be there, and the State that is coming up is the Tamilnad State, both historically and otherwise. It must only have the name of Tamilnad, the name that the people desire. For no reason whatsoever can the Government retain the name of Madras.

Even in Madras city, the people do not call it Madras. They call it Chennai. There is no word in literature as Madras. Even in the signboards in the city and also in all Tamil writings, the word is Chennai. Only the English version is Madras. I know that in Trichinopoly, in Tanjore and as a matter of fact in every district of Madras, the people call it Chennai, whenever they want to refer to Madras. If you ask anybody, "Where are you going?", the reply will be "*Chennaikku Pokiren*" and not "*Madrasukku pokiren*" I am not coining a new word as Tamilnad. It is a fact. I request the hon. Minister to apply his mind to this fact. The people desire that the name should be changed to Tamilnad.

I shall now refer to the zonal councils. I say that the zonal councils, as such, would not perform the duties satisfactorily when a certain group of States is involved in the particular zone. The reason is that the zonal councils are not in a position to take any decision by a majority vote. Further, whatever decision they can take by a majority vote, even if it is possible, will not be binding on the States concerned, particularly on the question of border disputes. I do not know how the Government visualise that the border disputes can be settled in a meeting of the zonal council. It is the parties to the dispute that sit in the zonal

[Shri Nambiar].

councils—the Chief Secretaries and certain other representatives. They may all discuss the points there but they cannot come to a conclusion unless the matter is referred to the people of the States concerned. Therefore, this question of border disputes will only create still more bitter feelings in the minds of the people there, if it comes over and over again to the zonal councils for discussion. The border disputes cannot be decided at the zonal councils.

Another item that is sought to be solved by the zonal councils is linguistic minorities. The issue of linguistic minorities cannot be satisfactorily dealt with by the zonal councils, because the majority community will have the majority view, and they have got the majority votes, and so they may not agree to the feelings of the minorities. That is exactly why there is a minority problem. The zonal councils, as provided in the Bill, may not do any good to solve the problem. I fear that these zonal councils are there just to create some thinking in terms of a bigger bilingual State for the respective areas and to create what is known as a pradesh, north, east, south or west. If it is the idea of Government to form bigger States through these zonal councils, as is contemplated in the western part of the country or as Dakshin Pradesh as some begin to think in the south—I do not know in what form they propose to form a Dakshin Pradesh as is being ably talked of by Shri Rajagopalachari and others—we can warn the Government that these zonal councils will not be permitted to tackle the issues in such a way as to start or form bilingual States in the shape of Dakshin Pradesh or any other pradesh. We are against such forcible linking up of certain States and bringing out bigger States in the name of Dakshin Pradesh or Paschim Pradesh or Poorva Pradesh, etc. I do not know what is going to happen to the Maharashtra-Gujarat business. We will come to know of it tomorrow.

I say that neither the Maharashtra people nor the Gujarati people will agree to such a merger as is thought of now.

As my friend Shri Keshavaiengar said, there is an idea of bringing in a Dakshin Pradesh. I can say that the people of the south,—Tamilnad, Kerala, Andhra and Karnataka—will all fight till the last against this Dakshin Pradesh. There will be no doubt about it. We do not want any Dakshin Pradesh or any such pradesh. We want linguistic States such as Tamilnad, Kerala, Andhra and Karnataka. I am fully aware of the feelings of the people of Tamilnad. I have come here with the sanction of 15 lakhs of Tamil-speaking people.

Shri Achuthan (Crangannur): Every Member is here, in the same way.

Shri Nambiar: I come from a plural constituency. My constituency is double that of Shri Achuthan.

Shri Kelappan (Ponnani): So is mine. Kerala is for a bilingual state.

Shri Nambiar: Shri Kelappan will have his chance to speak. He will certainly voice the feelings of the Kerala people in the matter of the formation, if any, of Dakshina Pradesh. I am sure—and my hon. friend Shri Kelappan and others also will agree with me—that the people of Kerala do not want a Dakshin Pradesh.

Mr. Speaker: The hon. Member can evidently speak for both Kerala and Tamilnad.

Shri Nambiar: I know the feelings of the Kerala people also in this matter.

Shri Kamath (Hoshangabad): Just as you can speak for Tamilnad and Andhra!

Shri Nambiar: If it is a question of forming any bilingual State and naming the union of States as Dakshin Pradesh or any other pradesh, I say that the Government should put an end to that matter here and now. The people will resist it. Let them learn

a lesson from Bombay; let them learn a lesson from the issue of Bihar and Bengal and the transfer of territories. If the Government still do not have the mind or the intelligence to understand how the wind blows, woe unto them. Let the people be saved, if not the Government. God alone could save it. Please, therefore, do not imagine the formation of Dakshin Pradesh or any other Pradesh. It would not be accepted by the people. With these words, I commend my amendments to the acceptance of the House.

Shri R. D. Misra (Bulandshahr Dist.): Does the hon. Member believe in God?

Mr. Speaker: What he feels is that nobody can save him!

Shri M. S. Gurupadaswamy (Mysore): Part III of this Bill dealing with the zonal councils is, I feel, an anachronism. I feel that the formation of the zonal councils is quite foreign to the scheme of reorganisation of the States. It is not only irrelevant to the question of redistribution of States but also extraneous to the Bill that we are discussing. I therefore completely oppose this Part III of the Bill. I feel that this part is unnecessary.

The purpose for which the zonal councils have been brought in is to strengthen the bonds of unity within the country and also to create a proper temper for nationalism in India. If that is the purpose, I feel extremely doubtful whether that purpose could be realised by the functioning of these zonal councils. If you look at the constitution of the zonal councils you will appreciate that there are two or three specific problems in which the zonal councils are expected to take interest, apart from some minor problems. They are firstly, the fields of economic and social planning. In respect of this item, I may say that already the Planning Commission is in charge of national planning, and the Planning Commission is equipped to deal with the question of national planning

very satisfactorily. I am sure that the regional differences and imbalances that operate in the country, the national view and also the regional approach to various questions of planning will all be discussed and adequately tackled by the Planning Commission. So, the Planning Commission is for the whole of India and in view of that, I feel that this function may not be entrusted to the zonal councils. Then, many hon. Members have made it clear that border disputes cannot be adequately and satisfactorily tackled by zonal councils, because the various Ministers who represent their States will come there as contestants and as different parties. I am sure no agreement would be arrived at by the zonal councils in respect of border disputes. I think the ideal way out of this is to appoint boundary commissions for this purpose, or, in the alternative, to have plebiscite in the disputed areas.

Thirdly, the zonal councils will discuss matters of common interest between States and matters relating to linguistic minorities. There are agencies already existing and we will be shortly discussing all the disputes, which will bring down to the minimum the quarrels between States and States in respect of these matters. In regard to linguistic minorities, I am sure it should be the responsibility of the Centre and should not be left to the zonal councils.

Lastly, the matters arising out of reorganisation have to be tackled by the zonal councils. These matters have to be settled once and for all now itself. If we allow these things to continue, if differences of opinion are entertained regarding matters arising out of reorganisation, I feel we will be continuing the sores or wounds. From the point of view of unity of India, from the point of view of establishing harmony and good relations between States and States and between the various sections of the community, it is desirable not to rake up these issues afterwards. These matters, which

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would be adequately tackled by other agencies, are not to be dealt with by the zonal councils. So, I feel that zonal councils are not necessary; they are foreign to the scheme of reorganisation. But if my friends are so insistent that zonal councils should find a place in the scheme of reorganisation and exist as a necessary evil, the whole thing may be simplified. Instead of having five zones, you may have three zones—eastern, western and southern zones. I have suggested this in my amendment No.-88. I feel that the matters that are to be dealt with by zonal councils are very very limited and so, a larger area would be more desirable than having smaller zones for this purpose. Moreover, you will be grouping a large number of States in a particular region under one zone; and, even from the point of view of consultation and for the purpose of planning, that region forms one geographic unit. So, I suggest that my amendment may be accepted.

There are a few provisions here which deal with the structure of the zonal councils. One is that there should be an advisory committee. Zonal councils are themselves advisory committees or consultative bodies and I feel it is unnecessary to have another advisory committee. It is redundant and I feel that sub-clause 18 may be deleted. I have suggested another minor amendment stating that there should be only the Chief Minister and not two other Ministers from the various States. There should be only one member from Part C States. If these amendments are accepted, I am sure the structure of the zonal councils will be simplified and they will be more rationalised. Also, the administrative expenses involved will be very much minimised.

Then, I come to the question of legislative councils. I feel that the legislative council has been rather an anachronism in a democratic society. The Bill contemplates the setting up of legislative councils in the four

States of Madras, Maharashtra, Mysore and Punjab; in all the other States there will be no legislative councils after reorganisation. When we can do away with legislative councils in other States, why can we not do away with them in these four States also? What is the extra purpose that these legislative councils will serve in these four States? I feel that from the point of uniformity we should do away with these legislative councils. Even from the point of view of efficacy, I do not think they will serve any useful purpose, except the purpose of getting a few people indirectly into these bodies. I do not see any point, therefore, in retaining these bodies, because the main purpose of the legislative council is carried out by the legislative assembly. Legislative councils are expected to put a check on hasty legislation and nowadays hasty legislation has become a rarity. I feel we have got various kinds of apparatus in the legislative assemblies—clause-by-clause discussion for a long time and so many other ways—for deliberating calmly, fully and dispassionately the various pieces of legislation. The retention of the legislative council, is, therefore, quite unnecessary. I feel it is just a decorative appendage and I also feel it is an anachronism in our society. Moreover, it will be a costly thing. Nowadays we have to deal with very complex types of business; Government business has become very very complicated and we have to pass clauses and other things very quickly. I think the existence of the legislative councils will be a handicap; it will be a sort of legislative bottleneck for passing quick legislation. So, I feel that these legislative councils may be abolished.

My next point is about delimitation. I have moved certain amendments—Nos. 176, 177, 178, 181 and 182. These amendments briefly state that the Delimitation Commission should start its work and the redilimitation should not, as far as

possible, disturb the existing parliamentary and assembly constituencies. Further, I learn that State electoral officers have already sent draft proposals for delimitation. I learn that in certain proposals, there have been violent changes made by the electoral officers. Electoral officers are not expected to send draft proposals. I also learn that these proposals are being drafted under the instructions of the concerned Minister in the State. The Government does not come into the picture of delimitation at all, according to law; they cannot even send draft proposals. I do not know how the Delimitation Commission can entertain such proposals. I say that redelimitation should be done without taking those draft proposals into consideration. Also, redelimitation should be done without unnecessarily disturbing the parliamentary and assembly constituencies as far as possible. In this matter, all the principles in the Delimitation Act should be observed and they should not give a go-by to any provision unless it is warranted.

Another amendment of mine deals with the question of associate members. I have suggested here that instead of five associate members, there should be seven. That was the number that was there originally, when the last delimitation took place. I do not see any reason why this number should be reduced.

Last time there was a lot of complaint from the associate members that their views were not respected. The Delimitation Commission cannot be expected to know the geography of all the places and the associate members are there to guide them, but unfortunately in very many cases their views were not taken into consideration at all although they were very reasonable. And so there was a feeling of bitterness among the associate members. I therefore suggest that if all the associate members are unanimous in respect of the delimitation of a particular constituency, it should be binding on the Delimitation Commission. Of course, if there is division of opinion, the Commission

may use their discretion but the unanimous opinion of the associate members should not be flouted or disregarded by the Commission. So, I have moved amendment 182 stating that the unanimous opinion of the associate members shall be binding on the Commission, and I commend it to the acceptance of the House.

About the appointment of associate members, I feel that the Speaker should have the authority. According to the Bill, the Government will appoint five associate members, but I feel that the procedure followed previously should be followed even now. The Speaker, after all, is the most impartial person that you can have. We do not suspect his sense of justice and he is capable of holding the scales even. Adequate care has also to be taken to see that Opposition Members are appointed. If the Speaker of this House and the Legislative Assemblies of the States are given that power, I am sure they will exercise it in the right way, and I am sure justice will be done to the Opposition. I therefore feel that the Minister should accept this suggestion.

As far as possible, the old associate members should be appointed.

Shri V. G. Deshpande (Guna):
Old in age?

Shri M. S. Gurupadaswamy: I mean the previous members. Of course, in cases where they have changed their party affiliation they need not be appointed, in all other cases the previous members should be continued.

Lastly, the procedure of the Delimitation Commission Act should be followed completely because I find that the Bill contemplates a summary procedure. If there is a summary procedure I feel many people will be dissatisfied, and there may not be proper delimitation. There should be a public hearing of the draft proposals of the Delimitation Commission and the opinion of the public should also be taken into consideration, apart from the opinion of the associate members. This is

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very important from the point of view of proper and fair delimitation. I feel this amendment is vital and I appeal to the hon. Minister and the House to accept this so that there may not be any bitterness or heart-burning later on.

I have drafted all these amendments keeping in view their practicability. I hope they will be accepted.

Shri Kamath: May I request that after the hon. colleagues who have given notice of amendments have spoken other Members may be given an opportunity, because we have been away from Delhi and have not been able to table amendments?

Mr. Speaker: I will call him. He did not get up. He was half up and half down.

Shri A. M. Thomas: Till what time will the discussion on this group of clauses continue?

Mr. Speaker: There are a few Members here.

Shri V. P. Nayar (Chirayinkil): That is not the point. We have fixed up a time. He was asking till what time this will continue.

Mr. Speaker: I must have closed this debate at 1.45.

Shri Kamath: I am sure you have got over-all discretion at the stages also to increase the time.

Mr. Speaker: A balance of one hour and 45 minutes remained, but we started at 12.25 or so. Therefore, if a few hon. Members want to speak, I will try to accommodate them.

Shri Anandchand (Bilaspur): I will only take a few minutes. I have moved amendment 502 which concerns election of representatives to the Council of States from the Union

Territories of Bombay, Himachal Pradesh, Delhi and Manipur.

I would like to draw your attention to the report of the Joint Committee on this Bill where they discuss new clause 25. It is mentioned there that in regard to the Part C States it was considered that the representation on the scale of one seat for every million had to be changed because Parliament would be the legislature for these areas. Clause 131 of the Bill as it is before the House now abolishes the legislatures of the Part C States with effect from the appointed date. At the same time, clause 27 as it stands at the moment does not mention the time by which elections to the Rajya Sabha could be expected from the Part C States other than Bombay. So, my suggestion is that in addition to Bombay, the States of Himachal Pradesh, Delhi and Manipur may be added to this clause. I understand that at the present moment the representative who is sitting in the Rajya Sabha representing Manipur and Tripura comes from Tripura. Under the new arrangement when we give one seat to each Part C State, it is Manipur that has to send a representative to the Rajya Sabha for the vacancy that has now occurred.

It is a lacuna that the other three States have not been included in clause 27. I have also given the reason that with the abolition of the State Legislatures, we must have in the Rajya Sabha the representatives of these Part C States as early as possible. There should not be any difficulty in accepting this proposition because the Representation of the People Act 1950 already makes a provision for the setting up of electoral colleges. In Manipur there is already an electoral college which could elect its Members to the Rajya Sabha. The only difficulty might arise with regard to the States of Delhi and Himachal Pradesh. When I was speaking on the Bill on the 27th of last month I made a submis-

sion that it would, to my way of thinking, be correct a democratic procedure to have elections to the Rajya Sabha through electoral colleges in the case of these Part C States. That is direct election and much better than the indirect process whether it is through the panchayats or otherwise. So, if there is a simple amendment to the Representation of the People Act 1950 to include the names of Delhi and Himachal Pradesh for the formation of electoral colleges, I think it would be easy. Very soon after the appointed date these colleges could be formed and the additional seats allotted to these States in the Rajya Sabha could be filled through a process of election through these electoral colleges.

Shri K. L. More (Kolapur cum Satara—Reserved—Sch. Castes): I wholeheartedly welcome this scheme of zones and zonal councils because I feel that these will create a healthy atmosphere in the country. This is the best link between the States and the Union Government and also a healthy link between the States inter se.

2 P.M.

Now I would like to deal particularly with sub-clause (d) of clause 17 which deals with the Western Zone comprising the States of Maharashtra, Gujarat and the Part C State of Bombay. As regards this Western Zone, in view of the desire of many Members of this hon. House and in view of the amendment that has been moved to clauses 8 and 9, let us hope that there will be one State of Maharashtra, Gujarat and the Part C State of Bombay. That amendment is to the effect that there would be a bilingual State of the present Maharashtra, Vidarbha, Gujarat, Saurashtra, etc.

Mr. Speaker: We are not taking up that amendment now.

Shri K. L. More: We are not, but as a reference has been made by my hon. friend Shri Nambiar here I referred to it. If that amendment is accepted, then the Western Zone will

comprise of one State. There will be one State and one Zone and I hope this will be a healthy example to all other Zones. I would say that instead of having so many States, let all those States be merged into one State with one zone and ultimately it would lead to one unitary Government. I do not wish to deal with the other provisions of this Chapter, but I wish to support the principles underlying the idea of zones and Zonal Councils.

श्री बी० घ० बेशावाडे : मैं धारा १७ पर अपने संशोधन संख्या २२६, २३०, २३१ और २३२ सदन के सामने प्रस्तुत करता हूँ। जैसा कि सदन को ज्ञात ही है, इस धारा के अनुसार देश का विभाजन चार विभागों में—चार जोन्ज में— किया गया है। मेरे विचार में ये जोन्ज अत्यन्त अशास्त्रीय, अभौगोलिक और आर्थिक दृष्टि से भी बिल्कुल गलत हैं। हम देखते हैं कि उत्तर विभाग में—नार्दर्न जोन में—उत्तर प्रदेश का कहीं नाम नहीं है। उत्तर प्रदेश को सेंट्रल जोन में रखा गया है। मेरा मत है कि नार्दर्न जोन में उत्तर प्रदेश अवश्य होना चाहिये। अगर हम हिन्दुस्तान का चित्र आँखों के सामने लायें, तो हम अनुभव करेंगे कि जम्मू तथा काश्मीर, हिमाचल प्रदेश, पंजाब, दिल्ली और उत्तर प्रदेश एक ऐसा विभाग बनाते हैं, जो कि भौगोलिक दृष्टि से बिल्कुल कम्पैक्ट विभाग है।

मेरा दूसरा संशोधन यह है कि सेंट्रल जोन में गुजरात, राजस्थान और मध्य प्रदेश होने चाहियें। मध्य भारत के रहने वाले लोग जानते हैं कि मध्य भारत और राजस्थान करीब करीब एक ही विभाग के अंग हैं और चूंकि मध्य भारत को मध्य प्रदेश में सम्मिलित किया गया है, इसलिये मध्य प्रदेश और राजस्थान एक ही जोन में होने चाहियें। इस के अतिरिक्त हमारे मुन्शी ग़ाज़ब ने जिस महागुजरात का स्वप्न अपने शब्दों में चित्रित किया है, उस में राजस्थान का भी समावेश

(श्री वि० घ० देशपांडे)

किया है। इसलिये मैं समझता हूँ कि भौगोलिक दृष्टि से और आर्थिक विकास की दृष्टि से यह उचित है कि गुजरात, राजस्थान और मध्य प्रदेश को मध्य विभाग में—सैटल (मध्य) जोन में—रखा जाय।

मेरा तीसरा संशोधन यह है कि वैस्ट्रन (पश्चिमी) जोन में महाराष्ट्र के साथ आन्ध्र रखा जाना चाहिये। अगर हम हिन्दुस्तान के मानचित्र को देखें, तो हम को ज्ञात होगा कि आन्ध्र और महाराष्ट्र पूर्वी समुद्र से पश्चिमी समुद्र तक चले जाते हैं। प्राचीन काल में हमारे राजा महाराजा अपने आप को आन्ध्रमृत्य कहते थे। उस विभाग का नाम आन्ध्र-महाराष्ट्र रखा जाय। उन दोनों में कृष्णा और गोदावरी नदियाँ हैं। मेरे विचार में प्लैनिंग, आर्थिक विकास और उन नदियों की स्थिति की दृष्टि से यह एक बहुत अच्छा विभाग बन जायगा।

इस अवस्था में दक्षिण विभाग में मैसूर, केरल और मद्रास ये तीन प्रदेश आ जायेंगे।

जैसा कि मैंने अभी कहा है, उत्तर विभाग में उत्तर प्रदेश को रख देना चाहिये और राजस्थान को मध्य विभाग में डाल देना चाहिये। अगर हम मानचित्र को देखें, तो हम को ज्ञात होगा कि पंजाब से लेकर राजस्थान तक एक बहुत लम्बा प्रदेश बन जाता है। इस को एक विभाग कहना मुश्किल हो जायगा और वह भूगोल के विरुद्ध होगा। मैं अनुनय करूँगा कि यदि मेरे संशोधनों के अनुसार जोन्ड का निर्माण किया गया, तो देश का जोन्ड में विभाजन अधिक अच्छा और लाभदायक होगा।

एक माननीय सदस्य : और ईस्ट्रन जोन ?

श्री वि० घ० देशपांडे : वह जैसा है ऐसा ही रहे। वह बहुत अच्छा है और उन में प्रेम भी बहुत है। उन के एक होने की चर्चा भी चल रही है। इसलिये यह विभाग उसे दी रखा जाय।

लेजिस्लेटिव कौंसिल (विधान परिषद्) के बारे में मेरा विचार यह है कि जैसे पहले बिल में महाराष्ट्र के लिये लेजिस्लेटिव कौंसिल नहीं रखी गई थी, वैसे ही अब भी उसको लेजिस्लेटिव कौंसिल नहीं दी जानी चाहिये। इस के दो कारण हैं—पहला कारण यह है कि मैं किसी भी प्रदेश में अपर चेम्बर रखने के खिलाफ हूँ। अब वह कोई रिवाइजिंग बाडी नहीं रही है। इस का तो एक ही अर्थ और अभिप्राय है और वह यह कि जो हारता है, उस को पैटनेज देने के लिये वहाँ भेज दिया जाता है। मेरा कहना तो यह है कि महाराष्ट्र को लेजिस्लेटिव कौंसिल नहीं मिलनी चाहिये और जो हैं, वे भी खत्म होनी चाहियें। जो डिमांड मध्य प्रदेश के लिये लेजिस्लेटिव कौंसिल के विषय में की जा रही है, मैं उस का विरोध करता हूँ। बंबई की असेम्बली में एक मत से प्रस्ताव पास किया गया था कि हम को लेजिस्लेटिव कौंसिल न दी जाय और इस विषय में जो संशोधन प्रस्तुत किया गया था, वह वापस ले लिया गया था। इन परिस्थितियों में समझ में नहीं आता कि यह नया अर्न-वेव (विचार-परिवर्तन) क्यों आ गया।

श्री गो० बा० खेडकर (बुलडाना-अकोला) : आज उनकी डिमांड है।

श्री वि० घ० देशपांडे : यह गलती है। लोग गलतियाँ करते हैं और हम सब डेम्बरो को मिल कर, जो कि देश की इस सोवरेन बाडी (सम्पूर्ण प्रभुत्व सम्पन्न) के अंग हैं, जिस पर देश के कल्याण के लिए असंख्य योजनाओं को क्रियान्वित करने की जिम्मेदारी है, उन गलतियों को सुधारना चाहिये।

मध्य प्रदेश में भी लेजिस्लेटिव कौंसिल रखने का जो संशोधन श्री राधेलाल व्यास ने रखा है, मैं उस का विरोध करता हूँ—इसलिये नहीं कि मध्य प्रदेश में न हो, बल्कि इसलिये कि किसी भी प्रदेश में न हो ! इस दृष्टि से तो उनका कहना ठीक

श्री सकता है कि चूंकि सब जगह खैरात बंट रही है, इसलिये हम को भी कुछ दिया जाय— हम को कुछ क्यों नहीं दिया जाता है, लेकिन सच पूछिये तो उचित यही है कि न उत्तर प्रदेश में और न किसी और प्रदेश में ही लेजिस्लेटिव कौंसिल होनी चाहिये। महाराष्ट्र के लिये भी नहीं होनी चाहिये और मध्य प्रदेश के लिये भी नहीं होनी चाहिये।

Shri Kamath: Mr. Speaker, I shall be very brief, Sir, and I would only invite your attention to clauses 31, 32, 33 and 42. Before I deal with them I would like to say that we are unfortunately handicapped in making useful observations on clauses 17, 25 and one other, because of the fact that the voting on the earlier clauses has been held up, clauses 2 to 15.

It is unfortunate that Government has not been able to make up its mind with regard to these States of Gujarat, Maharashtra and Bombay. The inevitable effect of that has been that the confidence of the people in the country in the ability of Government to take firm decisions has been very badly shaken.

Shri Achuthan: Not at all.

Shri Kamath: Well, you may say so. It is strange that this matter, about which so much has been said and about which the Prime Minister was so firm and, shall I say, so very vigorous and a little angry too both here as also on the Poona Racecourse last week, this matter has been taken up again and is hanging fire. And I wonder whether the Government will be able to make up its mind by tomorrow, as the Home Minister has promised. But let that matter rest where it is.

With regard to clause 31, that is with regard to the elections to the Andhra Pradesh Assembly, I would be happy if the requirements of the Constitution are strictly adhered to. Article 172 of the Constitution provides that every Assembly shall continue for five years, and no longer. And therefore it is incumbent on us, considering particularly that

there is no great difficulty in the way, it is incumbent on us to see that the present Andhra Assembly also dissolved and reconstituted during the next year when the general elections take place—that is to say, the elections to the House of the People and also to the Andhra Assembly, along with the Telengana part of it—and not that this Assembly should become a long Assembly of seven years or longer. There is no reason why we should prolong the life of the present Andhra Assembly at all. And I would support the amendment in that connection moved by my hon. friend that the elections to the Andhra Assembly should be held along with the election to the House of the People during the next general elections, and not that the life of the present Andhra Assembly should be prolonged beyond the constitutional period.

Coming to clauses 32 and 33, it has been a tragedy, as many of us pointed out when the President's Proclamation dissolving the Travancore-Cochin Assembly was discussed in this House, that though it is not required or is not obligatory on the President to dissolve the Travancore-Cochin Assembly he had chosen to do so. Had he not done so, today or rather on the 'appointed day' the Travancore-Cochin Assembly would have been alive to join itself with the Members of Malabar represented today in the Madras Assembly, to sit together and form the new Kerala State Assembly. But it has not been possible to do that. Even so, I would support amendment No. 488 moved by my hon. friend Mr. V. P. Nair in this connection, and I am inclined to support the arguments that he advanced with regard to this amendment. And I think Parliament is perfectly competent, under the Constitution, to make such a provision with regard to the constitution of the new Kerala Assembly, seeking to provide that the members of the old Travancore-Cochin Assembly minus the members representing those talukas which go to Madras or Tamil Nad under the new dispensation, those

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members plus the members of Malabar District represented in the Madras Assembly shall constitute together the Assembly for the new Kerala State. I am perfectly certain that Parliament is quite competent to do that.

One word about clause 42. Clause 42 deals, in connection with delimitation of constituencies, with the Scheduled Castes and Scheduled Tribes.

Sir, I would ask for at least one ear of the Minister, if not both.

With regard to clause 42, so far as I can recollect a Bill was introduced in this House, which was called the Scheduled Tribes and Scheduled Castes Order Bill. That has not yet figured on the agenda among the pending items of business of this House. I do not know whether that will be taken up and, if so, when. Unless that Bill is taken up and decided and passed by this House, this clause 42, I feel, will be rather difficult to work. I do not know how it can be worked unless that Bill is passed by Parliament. That matter may be examined by the Minister, and in the course of his reply he may later on clarify this point.

Lastly, I would support the amendment moved by my hon. friend Shri M. S. Gurupadaswamy with regard to delimitation and associate members of the Commission in every State. You will recall, Sir, that in the last Parliament it was the Speaker who was empowered under the Act to nominate Members to the Delimitation Committees. I was not present here when the last Commission was appointed. But I understand from my friends that the Speaker was empowered to nominate associate members. I do not know why this departure is sought to be made now. And I am prepared to say that we have certainly far more confidence in you than in the Central Government with regard to this matter. I

suggest that this clause should be so amended as to vest powers in you to nominate the members, so that all the parties in the Parliament, not merely the ruling party but the opposition parties may be represented on it, and not merely in proportion to their numbers but even more than in strict proportion to their numbers. Because, you were pleased to say some time ago, during the Parliamentary Seminar—I need not dwell on it very elaborately—that the opposition should be given more time in the House, should be given more power and more rights and cognate matters, not in proportion to their numbers but even more, for democracy to grow. Sitting in this high Chair, I am sure you still hold those views that you propounded in the Parliamentary Seminar, and I hope that this clause will be so amended as to empower you to nominate the associate members. And in any case I hope that care will be taken to see that the opposition is very well represented on this Delimitation Commission and that adequate number of Members are nominated as associate members of the Commission at every stage.

To illustrate the point of Mr. M. S. Gurupadaswamy I will give only one instance, and I will finish in one minute. He referred to Members crossing the floor and about there being no party loyalties, etc. I will illustrate this with regard to my own State, namely Madhya Pradesh. We were three Members here belonging to my party, the Praja Socialist Party, from the present Madhya Pradesh, namely Shri Asoka Mehta, Shri Magan Lal Bagdi and myself. Now, unfortunately, Shri Magan Lal Bagdi has resigned from my party—I do not know whether he has joined the Congress Party—and Shri Asoka Mehta will under the new dispensation be allotted to Maharashtra and I will be allotted to Madhya Pradesh. So that, though Shri Asoka Mehta was a Member representing Madhya Pradesh (the old State), now in the new dispensation he will be functioning

in the Delimitation Commission of Maharashtra, and I will be in Madhya Pradesh. So that, if the opposition has to be represented in the Delimitation Commissions you will have to see to it....

Sir, I fail to see why the Minister is not listening to the debate even after his attention being drawn to it. It is almost an insult to the House that the Minister should carry on conversation with another Member when the debate is going on. And he is still deaf—the Treasury Benches are deaf, as a rule; I know, I have not complained on that score.

Mr. Speaker: The hon. Member is anxious to catch the hon. Minister's ear, so that he may give a reply.

Shri Datar: I am all attentive so far as Mr. Kamath is concerned.

Shri Kamath: Will you tell me what I was referring to, not the actual words, but what matter I was referring to? It is very strange that Parliament is treated in this cavalier fashion by the Minister. I am sure that you will exercise your power to see that the Minister fulfils his duties to the House. Members on this side of the House as well as the other side must respect Parliament. The Minister should listen to the debates particularly when he is the only Minister in the Treasury bench. There is no other business....

Mr. Speaker: There is a limit to which hon. Members can go. The Minister is present here.

Shri Datar: I am here. I am taking down notes. It is unjust on the part of the hon. Member...

Shri Kamath: I have a right to ask you what points I have raised.

Shri Datar: I refuse to be cross-examined. I have been taking down notes.

Shri Kamath: It is no use arguing. If you are angry, I am more angry.

Shri L. N. Mishra (Darbhanga Bhagalpur): We have nothing but anger.

Mr. Speaker: There is no use of losing temper. The hon. Minister is here and he is taking down points. But every point that an hon. Member urges need not be noted down partly because it is not very important—though, from the point of view of the hon. Member it may be very important—and partly because it has been covered by the statements of other Members. Of course, when some important matter relating to the Bill is under discussion it may be that another hon. Member may come in to have a word with the Minister. Then, his one ear is dedicated to the member who is speaking and the other ear is dedicated to the discussion. Now, therefore, let us carry on discussion on this Bill, which is contentious. There may be really differences of opinion on very vital matters. One Minister or the other is always here and I know that the hon. Minister has always commanded the respect and regard of the House. Whenever he speaks, he tries to satisfy all the sections of the House fully and even his answers are full. In the circumstances, nothing can be said against the Minister at all. He has been hearing and he is particularly attached to Mr. Kamath.

Shri Kamath: I never insisted that the Minister should note down everything, just as we also do not care to listen to everything that the Minister says. But important points should be noted down.

Shri Datar: Happily, he does not mean what he says. Sometimes he uses harsh expressions. But I never feel wounded. I have a soft corner for him.

Shri Kamath: I am not fond of your soft corner.

Shri D. C. Sharma (Hoshiarpur): May I know why this favour has been shown to Mr. Kamath?

Shri Kamath: The remark is not at all audible. So I will not trouble to reply.

Shri K. K. Basu (Diamond Harbour): You are not to answer to that point.

Shri Kamath: Sub-clause (3) of clause 48 reads as follows:—

“As soon as may be after the said Order is received by the Central Government or a State Government, it shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State.”

I was out of Delhi due to circumstances beyond my control and so I could not move any amendment to this sub-clause. I do not know whether any amendments have been moved by my other colleagues. This order must be subject to modification by the House. That is not expressly provided in the section. We have accepted the formula in almost every Bill that has lately come before the House that any order laid before the House by the Government will be subject to modification within a certain period—15 days or one month. I hope that this formula will be accepted in this clause also. We must provide that “the Order so laid before the House of the People shall be subject to modification by the House”.

Mr. Speaker: We have had enough of discussion in this matter. Actually, the time has been exceeded by half an hour. We will now proceed with the next group of clauses. So far as the reply to these clauses, clauses 16 to 49 are concerned, that will stand over till tomorrow. The House will now take up clauses 50 to 70 of the States Reorganisation Bill, for which 20 hours have been allotted. Hon. Members who wish to move amendments to these clauses will kindly hand over the amendments to the Secretary within 15 minutes.

Pandit Thakur Das Bhargava: May I just point out one thing? You were pleased to say that clauses 50 to 70 will be taken up now. What about clauses 49A, 49B, 49C and 49D?

Shri U. M. Trivedi: They are new clauses which have been moved by Pandit Thakur Das Bhargava.

Mr. Speaker: Is the hon. Member referring to them?

Pandit Thakur Das Bhargava: I have given notice of amendments to clauses 49A, 49B, 49C and 49D.

Shri Datar: Is it a new amendment by the hon. Member?

Pandit Thakur Das Bhargava: I propose to move them.

Mr. Speaker: Whenever hon. Members want to move amendments to make additions to the existing clauses, they may state so before we proceed to the next group of clauses. Then we will dispose of all the amendments. At any rate, we may put those amendments to the vote of the House along with the other amendments, later on, when they are put to the vote of the House. Now, before we take up clauses 50 to 70, we might have discussion on those amendments. I would, therefore, suggest that for future let this be the rule. Now we are taking up clauses 50 to 70. In between, if hon. Members have tabled amendments for additions of particular clauses, new clauses, in between from clauses 50 to 70 both inclusive, we may discuss them now. They may be treated as moved and hon. Members who want to speak may speak. Therefore, let there be no separate discussion of this matter. Let them all be taken up in a group together. That is what I think was done already. There is no need to refer to it now.

Pandit Thakur Das Bhargava: As a matter of fact, it so happens that these four amendments, clauses 49A, 49B, 49C and 49D have got no relation whatsoever to clauses 50 to 70. They are on a different subject.

Mr. Speaker: Do they have no connection with clauses 16 to 49? We have put all the clauses into groups.

Pandit Thakur Das Bhargava: They have absolutely no connection with clauses 50 to 70.

Mr. Speaker: If they have no connection with clauses 50 to 70, have they no connection with clauses 16 to 49, the preceding clauses?

Pandit Thakur Das Bhargava: They have no connection not even with the preceding clauses.

Mr. Speaker: Then is it a new Bill?

Pandit Thakur Das Bhargava: I am going to move them with your permission.

Mr. Speaker: Without going into any detail, I will allow all the new clauses, which are connected with one or the other of the clauses which are consequential or otherwise, in groups. Let all those amendments be treated as moved and let them all be disposed of along with the other group. If they do not fit in, it is a matter of argument when they can be fitted into the Bill.

Pandit Thakur Das Bhargava: As a matter of fact, these amendments do not have any sort of relation to any of the clauses in the Bill.

Mr. Speaker: Then how is it relevant?

Pandit Thakur Das Bhargava: It is a question of reorganisation of States. This is very much connected with the reorganisation of States.

Mr. Speaker: What I have already been doing is this and the hon. Member is also aware of this practice. If any hon. Member wants to have his amendment treated as moved, he sends his chit to the Table and then those amendments are discussed.

Pandit Thakur Das Bhargava: Just as you order. But my point is that I do not want to move these amendments without bringing this matter to your notice. As a matter of fact, it is a debatable question whether these amendments should be here or in the other Bill, namely the Constitution

(Ninth Amendment) Bill. According to me, they can be moved in both the places. But still I want your guidance. If you say that they are relevant here, I shall move them here.

Sardar Hukam Singh (Kapurthala—Bhatinda): There is no mention of any allied provision here in the States Reorganisation Bill. As a matter of fact, my hon. friend himself had complained of the fact that the regional formula in regard to Punjab had not been incorporated here. The amendments of my hon. friend relate to the regional formula. That regional formula is an appendix to the Constitution (Ninth Amendment) Bill as reported by the Joint Committee.

As Pandit Thakur Das Bhargava himself has stated now, those amendments can be moved there also. In my opinion, they are more relevant there, because even if these provisions are put as an appendix there, yet my hon. friend can have the justification for moving these amendments under some clause or other there. But here, I think, they will have no connection with any of the clauses that we have under discussion, so far as this Bill is concerned. So, it would be better if the hon. Member defers his amendments to the second Bill, namely, the Constitution (Ninth Amendment) Bill.

Pandit Thakur Das Bhargava: I quite admit that as a matter of fact, these amendments have got no relation to any of the clauses of this Bill, as stated by Sardar Hukam Singh. At the same time, I maintain that they are a proper part of the States Reorganisation Bill also. I shall be guided by you and Sardar Hukam Singh. If you like, I can move these amendments there.

Mr. Speaker: To which amendments is the hon. Member referring?

Pandit Thakur Das Bhargava: I am referring to amendments Nos. 490 and 491.

So far as the safeguards to linguistic minorities are concerned, I know

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there is some mention in the other Bill. At the same time, since the Joint Committee on this Bill have referred to all these matters, and have made a report about these matters, and since in fact, the States Reorganisation Bill itself is based on that Committee's report which deals with all these matters, I submit they are the proper subject-matters of this Bill. It is not that they are not relevant to this Bill. They can be regarded as relevant. But if this is the wish of the House, of you and of Sardar Hukam Singh, I shall respect it. For, after all, I want that the provisions should be put somewhere.

I am not anxious that they should be only here or only there. But I am anxious that they may be put in somewhere. I do not want that so far as Punjab is concerned, especially when those persons who are satisfied with the regional formula want that it should be made a part of some Bill or some statute, the matter should not be kept only in an appendix, which is no part of the Bill at all. In fact, even the appendix is not referred to in clause 22 of the Constitution (Ninth Amendment) Bill. I am anxious that wherever you may put it, it must form a part of the statute of this country and not be relegated to an appendix which is not a part of the Bill at all.

Mr. Speaker: How do these amendments fit in and where? Is there any reference to minorities anywhere in this Bill?

Pandit Thakur Das Bhargava: Minorities are not referred to in amendment No. 490. That amendment deals only with the regional committees. It is only in amendment No. 491 that there is a reference to safeguards to linguistic minorities.

In the Bill, I agree that there is no clause regarding the minorities. But the Bill refers to Punjab, and these regional committees form a part of the Punjab scheme. If there is a

reference to Punjab in this Bill, then insertion of all those matters that relate to the regional committees of Punjab is quite consistent with the object of this Bill.

Shri U. M. Trivedi: But what has that got to do with the reorganisation question?

Pandit Thakur Das Bhargava: For, it will refer to PEPSU also. After all, PEPSU and Punjab are amalgamated, and this matter refers to both.

Shri U. M. Trivedi: My respectful submission to my hon. friend would be that this regional formula is merely to give certain powers to the legislature to carry on and conduct its business in a particular manner. That has nothing to do with the reorganisation of States as such.

The amendment of my hon. friend would be quite a good amendment if it is brought forward in connection with the Constitution (Ninth Amendment) Bill, where at least the regional formula and the regional committees are mentioned. There, there might be scope for the deliberation of the regional formula as such, and this amendment might be fitted in there. But here, as the hon. Member himself admits, he is himself in doubt about that amendment being appropriate to this Bill which deals with matters of reorganisation. I would, therefore, suggest that this amendment can be relegated to the place where it rightfully belongs.

Shri V. P. Nayar: Give the benefit of doubt in favour of the Constitution (Ninth Amendment) Bill.

Pandit Thakur Das Bhargava: So far as this matter is concerned, I am not in any doubt, though I want your guidance and that of the House. I am not in doubt at all, so far as this matter is concerned. So far as reorganisation is concerned, there is a mention of the different States in the Bill, and therefore, all matters

relating to reorganisation whether they refer to particular portions of Punjab or the whole of Punjab itself, are perfectly relevant in this Bill. And they are perfectly relevant in the other Bill also. That being the position, I cannot understand my hon. friend's objection at all.

Shri V. P. Nayar: In that case, the hon. Member can have provisions relating to the detailed administration of the various States.

Pandit Thakur Das Bhargava: As a matter of fact, this point was made by Shri R. D. Misra, and it was said that when the question crops up, there should be occasion for arguing the case over again.

At the same time, this is not my attitude. My attitude is quite different. I want the guidance of the Chair and the House. If the House is so pleased, I shall bring up these amendments in the other Bill. But it is my submission that these amendments are perfectly relevant here also. I want your guidance on this matter.

Shri Bansal (Jhajjar-Rewari): Other Members who are interested in this may also be given opportunities.

Mr. Speaker: We are deciding now not on the merits but on the issue whether these amendments ought to be allowed to be moved here in this Bill or be held over till the other Bill is taken up.

Shri Bansal: I want to express my views on this very subject as to whether those amendments should be here or in the other Bill.

Mr. Speaker: I shall hear the hon. Member afterwards. Now, I am calling upon Shri Datar.

Shri Datar: I would like to invite your attention to clause 22 of the Constitution (Ninth Amendment) Bill, as reported by the Joint Committee.

The hon. Member's amendment deals with the regional formula, so far as the Punjab State is concerned. That has been provided for in the other Bill. Clause 22 of that Bill reads:

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For article 371 of the Constitution, the following article shall be substituted, namely:—

"371(1). Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Andhra Pradesh or Punjab, provide for the constitution and functions of regional committees of the Legislative Assembly of the State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of the regional committees."

What the hon. Member desires is to have a clarification, so far as the rules are concerned. In the light of this provision in clause 22 of the other Bill, I would submit that so far as these particular amendments of my hon. friend are concerned, they have no rightful place in the States Reorganisation Bill, or even in clause 22 of the Constitution (Ninth Amendment) Bill. They are matters on the basis of which certain rules will be framed, and those rules will relate mostly to the rules of business of the government.

Therefore, I submit that my hon. friend's amendments have no reference either to this Bill or to the other Bill.

Shri R. D. Misra: May I point out one more thing? Part IV of this Bill is entitled 'Representation in the Legislatures'. So, this Part refers to representation only. Hence, the regional formula which is being brought up by Pandit Thakur Das Bhargava is outside the scope of Part IV, and hence his amendments in this regard cannot be moved here.

Their proper place is in the Constitution (Ninth Amendment) Bill.

Shri Datar: Not even there.

Shri Bansal: I am surprised at the statement of the hon. Minister that these amendments can find a place

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neither in the S. R. Bill nor in the Constitution (Ninth Amendment) Bill. I say so because this regional formula, in our opinion, is the corner-stone of the reorganisation of the State of Punjab, and unless this finds some statutory recognition, either here or in the other Bill, I do not think the Government will be honouring the word that they have given to the people of the Hariana prant.

I am grateful to Pandit Thakur Das Bhargava for bringing in these amendments at this stage. I do not think that their proper place is in the Constitution (Ninth Amendment) Bill. The right place for these amendments is in this Bill which we are discussing now, because when we are discussing the whole question of reorganisation of States, readjustment of the boundaries—what arrangements are made within two regions of a particular State—is a subject-matter thereof.

There is one constitutional difficulty which I have in accepting the proposition that perhaps the right place for moving these amendments will be in the Constitution (Ninth Amendment) Bill. When we discuss Constitution Amendment Bills, we have to have a majority of two-thirds. It is surprising that while all these questions relating to reorganisation are being decided by a bare majority, this regional formula relating to Punjab should alone be decided by a two-thirds majority.

Shri U. M. Trivedi: On a point of order. I do not know wherefrom my hon. friend got this idea. We have not decided it. Are we going to decide an amendment of the Constitution by a bare majority?

Shri Bansal: Not at all. But this amendment of Pandit Thakur Das Bhargava does not purport to amend the Constitution at all. It seeks to incorporate a valid arrangement that has been already arrived at in the S. R. Bill. Those of us who represent the Hariana prant and who have

persuaded our people to accept this regional formula, will find it absolutely difficult to persuade our people that Government have done the right thing by us. I think this must be taken into consideration while you give your ruling.

Shri Datar: May I clarify the position? Government stand by all that they have done so far as the regional formula is concerned. There is no desire to go out of, or to go behind, them. The only difficulty is whether it can be brought in either in the Constitution amendment Bill or in the S. R. Bill. That was the reason why I pointed out that when this question was considered, it was made clear. Article 371 itself, as accepted by the Joint Committee, says that the President shall provide for the constitution and functions of regional committee of the Legislative Assembly of the State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State. I would submit to this House in all humility that the rules of business that would be made in this respect would be as important as the provisions of the Constitution or the provisions of the Bill. It is only for technical or procedural reasons that they have put it in that way.

I would again assure my hon. friend that we attach great importance to what has been very wisely decided. Even though according to procedural convenience or constitutional matters, they would assume the form of rules, or as you might decide whether they can come under the S. R. Bill or in the Constitution Amendment Bill, wherever they are, they would be surely accepted and implemented.

Pandit K. C. Sharma (Meerut Distt.-South): He means to say that the matter would be dealt with in the rules?

Shri Datar: Yes. It would be in the rules

Shri V. P. Nayar: I understood the hon. Minister as saying that the amendments of Pandit Thakur Das Bhargava would not be quite relevant to the Bill before us.

Shri Datar: May not be according to the procedure.

Shri V. P. Nayar: But I want him to look at the Title of the Bill which says:

"A Bill to provide for the reorganisation of the States of India and for matters connected therewith".

Pandit Thakur Das Bhargava's amendments, on reading, will suggest that they relate to certain matters connected with reorganisation of States. Therefore, it becomes quite in keeping with the provisions of this Bill and it becomes relevant also to the discussion now proceeding. I do not see how we can exclude discussion of these amendments on the ground that they do not fit in with the scheme of this Bill.

Shri Datar: There is no question of exclusion. If necessary, we shall again consult the Law Ministry. All that we desire is that it should be given a proper form and a proper place.

Shri V. P. Nayar: Then he should not have added the words 'and for matters connected therewith'.

Pandit Thakur Das Bhargava: As regards Shri R. D. Misra's objection, that my amendments have nothing to do with Part IV, I beg to submit that they need not come under Part IV. My amendments come under Part IVA, as I have indicated. So that objection is disposed of.

Then the question is whether these amendments should form part of this Bill or the Constitution Amendment Bill. I do maintain that so far as the Constitution is concerned, these amendments certainly pertain to the

Constitution Amendment Bill also. But to see whether these amendments are relevant to the Bill under consideration, you cannot go to another Bill. We do not know whether the other Bill will be proceeded with. You cannot say that because there is another Bill, therefore it cannot be included here. This is not the way in which it should properly be seen.

The question is whether this is a matter connected with the States Reorganisation Bill or not. As part of the States Reorganisation affair, they called the Punjabis and came to a decision that they will divide the Punjab into two regions. Then the question is whether this will be part of the statute relating to States reorganisation or not. The question relating to Constitution is a different matter. The States are being reorganised under the S. R. Bill. We are entitled to say here that you put in all the provisions and guarantees that you have given to us, in this Bill. There they say it will be as an appendix and it will be in the rules. They want to make the Punjab still the old regulation province. I am anxious that whatever you decide with regard to the constitution of the Punjab must be put in this Bill which is the reorganisation Bill for the whole of India.

The second point is this. Suppose I come to this House and submit that you give these guarantees so far as a particular region is concerned. Then these guarantees still form part of the S. R. Bill. It need not come within the scope of the Constitution which is sacrosanct and can only be amended by a two-thirds majority. Here we want that so far as the formula is concerned, we should be given an opportunity to formally move amendments to improve it. But you want to keep it secret. You want nobody to know anything about it. I think this sort of thing should not be allowed.

Shri U. M. Trivedi: The formula should go.

Pandit Thakur Das Bhargava: Why should we not stand by the formula? At the same time, I want that the formula should be sanctified by being made part of this Bill which is for the whole of India. Tomorrow the question of boundaries may be decided. This is a question of boundaries also—the Hindi-speaking region and the Punjabi-speaking region. Are you not fixing boundaries and does this not come under that category also? If for the whole of India you are going to treat boundary matters in one way, you cannot deny to me the same treatment in respect of our boundaries.

Then again, my submission is that the question of whether safeguards for minorities should come here or there is very doubtful. In my submission, both are proper places for such inclusion. A Member can insist that it can be put in either place. When you look into my amendment relating to clause 49B, you will see that I want to put this as a guarantee and want it to be a liability on the Punjab Government. I have already given you a history of the Hindi speaking area. I am very glad that Sardar Hukam Singh also agrees that we have been exploited for such a long time. I want that in this Bill it may be written that we shall be brought on to equality with our fellow-citizens.

Sardar Hukam Singh: I agree with the hon. Member.

Pandit Thakur Das Bhargava: We all agree.

Now, the point is this. The States Reorganisation Bill is the proper place for these. Supposing the Constitution Amendment Bill is defeated; what will happen? If it is not accepted and you do not get the three-fourths majority, where shall we go? We will not be able to take advantage of the promises of Government. I am talking for the entire Punjab and we want that whatever is agreed to should be made a part of the statute.

Shri U. M. Trivedi: Does the hon. Member want a constitutional guarantee? Certainly, it cannot be given here.

Pandit Thakur Das Bhargava: I do not know what my friend means by saying a constitutional guarantee. I want this House should secure to me that these Regional Councils are formed. If the Constitution Amendment Bill is not passed, then, where else shall I go? (*Interruption*). I submit that we are concerned with the Regional Committees.

I will refer you to clause 2 of the Constitution (Ninth Amendment) Bill. It mentions the States in the same terms as in the States Reorganisation Bill. So, as a matter of fact, so far as boundaries are concerned, so far as the Regional Committees are concerned, they will have to be in both Bills, because they relate to the same thing. In sub-clause (2) of clause 2 of that Bill, the entire States are given there. When you put up the States you should put up also the Regional Committees. I am afraid of one thing, which I should submit for your consideration and on which I want your ruling help and guidance.

The hon. Minister has been pleased to point out to me that in that Bill also I will have no place. In that Bill also he says only amendments to the rules of Government etc. can be allowed. So, I am afraid I may not be able to get the guarantee. I may not be able to say what the Regional formula should consist of. My friend puts me out there also. So far as Punjab is concerned, he says that he will knock out the Punjabis from both these Bills. If the proper place is here, I certainly want that it may be put in here. But, if your view is that we should agitate it again there in the other Bill, then, there will be two difficulties.

I know, according to article 4, three-fourths majority is not required and a bare majority will be enough because the Constitution of regional committees is not a matter, so far as

the Constitution is concerned, for the amendment of the Constitution. It is doubtful as to what will be your ruling. I may not be able to procure the three-fourths majority. My submission to you is that I would be in a worse position there, though, according to article 4 and according to me, three-fourths majority is not required because it is not a matter of the amendment of the Constitution.

Shri U. M. Trivedi: That is amending the Constitution. These Regional Committees can be put in with the Legislatures etc. in the Constitution.

Pandit Thakur Das Bhargava: He says, mention it there; you cannot put it in this Bill. If this is the point, according to me, this is also the place where they can be put.

Shri U. M. Trivedi: I am sorry I have not been properly understood.

Mr. Speaker: Let us not argue it here.

Pandit Thakur Das Bhargava: From the point of view of the whole of Punjab, kindly let us move these amendments both here and there.

- So far as the question of safeguards for the minorities in the whole of India is concerned, that is a doubtful question. You may be pleased to put it here or in the Constitution Amendment, as you think fit. But my submission is that it is part of the reorganisation of the States; it is a part of the Report of the three gentlemen whose Report is the basis of this Bill. I am perfectly within my rights to bring this matter here.

Mr. Speaker: So far as these matters are concerned, these amendments are certainly amendments of the Constitution, but amendments of the Constitution which arise out of the reorganisation of the States as contemplated in article 3, putting two States together, forming a new State or adding territories to a State or taking away territories from an existing State etc. If any such thing is contemplated and provision is made in a Bill, consequential amendments will have to be put into the Constitution and all the steps that have to

be taken for an amendment of the Constitution with a particular special majority etc. have to be adopted. But, in cases where they arise out of amendments to delimitation etc. raised under article 3, such of those things, notwithstanding the fact that they are amendments of the Constitution will be brought under article 4 and a special majority is not necessary.

The only point, therefore, is whether these amendments for the addition of the new clauses relating to safeguards etc. flow out of the reorganisation, the adding to or subtracting from the territories of States. If it is so, the hon. Member has got the benefit of getting it through in this Bill itself without a special majority; but, otherwise, he will have to go there to the other Bill and seek the special majority. That he will be put to difficulty is not the consideration which should weigh with this House in putting it in this Bill. But if it can come under article 4, surely he can get rid of it. But, if it is not so, he will have to undertake the trouble.

Let us read article 4. 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 Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary."

These safeguards relating to minorities as envisaged here are the regional safeguards etc. and do not come

Pandit Thakur Das Bhargava: But they are supplemental and incidental.

Mr. Speaker: The point is, it is for us to say or decide whether it is incidental thereto. (*Interruption*). In my humble opinion it is not incidental. The hon. Member says that it will

[Mr. Speaker]

not come under the Constitution Amendment Bill. I do not agree that this may not arise out of it. It may be moved; it is for the House to accept it or not. Anything relating to the manner in which we decide in this House the destinies of the country or regulate it by any law can come under the Constitution. This is, for the time being *obiter dictum*. I will consider it when this amendment is brought before the House in the Constitution Amendment Bill. As at present advised, I think, it may properly be brought there and not here.

Shri V. P. Nayar: If you kindly read article 4(2) also

Mr. Speaker: I agree that though this is a constitutional amendment this does not require a special majority. If this is an amendment flowing as incidental, supplemental, consequential etc. I do not think this should be relegated to the other one. We can get it through here. I do not agree that it flows out of this. Therefore, I am sorry I have to disallow these amendments here. These amendments may be brought in there. Then it will be time for us to consider.

One other matter that was raised here is that such important matters as safeguards shall not be relegated to the rules. If the House thinks that they ought not to be relegated to the rules, they may make special provisions for the safeguards as the Tenth Schedule or the Eleventh Schedule. Anything can be done. Under those circumstances, even that question does not stand in the way. They need not accept clause 22 as provided for in the Bill.

Shri Datar: Anyhow we shall consider it then.

Mr. Speaker: When we come to the Constitution Amendment Bill, we shall consider that. These amendments are not proper here in this Bill and, therefore, we shall now proceed with the other group of clauses, clauses 50 to 70.

Those hon. Members who have not yet taken part will be given the opportunity.

Shri U. M. Trivedi: There are some important amendments.

3 P.M.

Mr. Speaker: I am coming to that.

Clauses 50 to 70

Shri Nesamony (Nagercoil): My amendment is No. 209 to clause 67. It is intended to make good an omission, and perhaps through oversight the Joint Committee failed to make any provision. It relates to the advocates practising in the territories that are now proposed to be transferred to the State of Madras. Provision has been made in clause 54 for advocates in the new States and under clause 66 for the advocates of Hyderabad. In clause 68, there is a provision for advocates to appear in the Madras High Court in any proceedings in which the advocate has already been engaged. But there is no similar provision in respect of the advocates practising in the territories that are proposed to be transferred from Travancore-Cochin to Madras. Therefore, my amendment is in line with the proviso to clause 54 and clause 66. The proviso to clause 54 states:

"Provided that, subject to any rule made or direction given by the High Court for a new State in exercise of the power conferred by this section, any person who, immediately before the appointed day, is an advocate entitled to practise, or an attorney entitled to act in any such High Court or Judicial Commissioner's Court as may be specified in this behalf by the Chief Justice of the High Court for the new State, shall be recognised as an advocate or an attorney entitled to practise or to act, as the case may be, in the High Court for the new State."

Sub-clause (4) of clause 66 states:

"Any person who, immediately before the appointed day is an advocate entitled to practise in the High Court of Hyderabad shall, as from the appointed day,

be recognised as an advocate entitled to practise in the High Court of Andhra Pradesh:"

Clause 67 deals with High Courts for the areas added to Madras, and in that clause there is absolutely no provision for the advocates who are now advocates in the High Court of Travancore-Cochin and practising in the areas now sought to be transferred from Travancore-Cochin to Madras. That is why I have moved this amendment, which reads:

"Any person in the territories transferred from Travancore-Cochin to Madras who immediately before the appointed day is an advocate entitled to practise in the High Court of Travancore-Cochin shall as from the appointed day be recognised as an advocate entitled to practise in the High Court of Madras."

This is only a provision in consonance with the provisions in respect of other portions of transferred territories which have been made in the Bill. I hope that this amendment will be accepted.

Shri V. P. Nayar: I wish to ask the hon. Member whether at present there is no provision in the Madras High Court Rules under which an advocate of the Travancore-Cochin State can also appear in the Madras High Court.

Shri Nesamony: To my knowledge, no.

Shri V. P. Nayar: Then the amendment is relevant.

Shri Nesamony: I hope that my amendment will be accepted.

Mr. Speaker: I think there seems to be some lacuna as the hon. Member points out.

Shri Datar: I will look into it, Sir.

Shri U. M. Trivedi: My amendments are Nos. 111, 112 and 114 to clauses 50, 51 and 52 respectively.

I have failed to understand the implications contained in clause 50 of the Bill which provides—

"The High Courts exercising immediately before the appointed day jurisdiction in relation to the existing States of Madhya Pradesh and Punjab shall, as from the appointed day, be deemed to be the High Courts for the new States of Madhya Pradesh and Punjab, respectively."

I do not know why Madhya Pradesh and Punjab only have been chosen as there would be some other reorganised States also which will come into existence. In sub-clause (3) of clause 50, it is provided:

"As from the appointed day, there shall be established a High Court for each of the new States of Kerala, Mysore and Rajasthan."

And in the same breath, further on it is stated that the original High Courts of these three States shall stand abolished.

Mr. Speaker: They are *pucca* High Courts according to them.

Shri U. M. Trivedi: I am not concerned whether they are *pucca* High Courts or *kutchha* High Courts.

Mr. Speaker: This is not a matter for laughter. Those three States are 'B' Class States at present, while Madhya Pradesh is an A Class State and Punjab also is an A Class State. Sub-clause (3) relates to Kerala, Mysore and Rajasthan which are B Class States. Evidently they want to make a distinction between these two sets of States.

Shri U. M. Trivedi: All our High Courts have been working under the various Acts of the High Courts, under the Letters Patent or under the Charter. Though the old things have disappeared, there is nothing to indi-

[Shri U. M. Trivedi]

cate that a ruling of the High Court of Rajasthan or of Travancore-Cochin or of Mysore is not to be given equal weight with the rulings of the various High Courts in the so called A Class States. There is nothing in the law to suggest that the High Courts of B Class States were in any manner inferior to the High Courts of A Class States. So far as the appointment of the Chief Justice is concerned in each of the States, practically the Chief Justices were drawing the same salaries. The only question was about the smaller salaries being paid to the Puisne Judges of B Class States. If the principle has now been agreed, as stated by the States Reorganisation Commission, that this invidious distinction between the salaries of the Puisne Judges of B Class States and those of the Puisne Judges of A Class States should be done away with and that they should be put on a par with the Judges of A Class States, then the suggestion that these High Courts will be abolished and new High Courts will be created in their place has created a suspicion in the minds of the people that the Judges of these High Courts will have some sort of screening, that these very persons who are acting as Judges today will not be the Judges who will be again appointed to the newly created High Courts and that some new appointments will be made, which means that some old Judges will go away. That is to say that the constitutional guarantee that has been given to one and all Judges so far appointed under the Constitution will disappear by this provision of the States Reorganisation Bill. In other words, an amendment of the Constitution takes place by virtue of this provision of Law. My humble submission is that this is not a proper proposition as has been put forward. Where is the necessity of abolishing one High Court and creating a High Court of the same name in the same State without making any difference? If the Government says "All right, we have decided to re-appoint all those Judges who are already there", then there is no need

to abolish the High Court. Of course, you are creating a new State of Rajasthan and making it into an A Class State instead of a B Class State. The High Court Act of any State does not mention at any place that this High Court is the High Court of a Part A State or that this High Court is the High Court of a Part B State. The High Courts are High Courts. There is absolutely no distinction laid down in our Constitution or in the various Acts of the High Courts.

I have sought to insert the words "Mysore and Rajasthan" after the word "Punjab". That is my amendment. In the case of Kerala the name is being changed. The name previously was Travancore-Cochin; it is now changed. But, there could be no difference between the High Courts of Kerala, Mysore and Rajasthan.

I had some conversation in the lobby here. Some friends were speaking. A suggestion was made that in some of these B States—perhaps it might have been discussed in the Joint Committee also, I do not know—very small people were appointed as Judges. They were not very learned persons.

An Hon. Member: In Rajasthan?

Shri U. M. Trivedi: It may be Rajasthan, Madhya Bharat, PEPSU or any other place. I am not concerned.

Sardar Hukam Singh: Leave aside PEPSU.

Shri U. M. Trivedi: No, Sir, I cannot. That is part and parcel of India. When these Judges were appointed, we appointed them after observing a regular procedure that was laid down in the Constitution: that is to say, on the recommendation of the Chief Justice of India and the Chief Justice of the High Court to which the appointments were made. If it is said that legal luminaries were not forthcoming for appointment there, that might be due to the remuneration being not of the order available in Part A State. I cannot refrain from saying this.

Mr. Speaker: Where has been the hon. Member practising?

Shri U. M. Trivedi: I am practising in various High Courts. (*Interruptions*) I am a senior advocate of the Supreme Court and therefore, I need not be afraid of these things. I am very much above such distinctions.

Mr. Speaker: One may feel that there is something, some halo attached to the Judges of such High Courts as Calcutta, Bombay and Madras and not to High Courts in Mysore and other places. But, in all the native States, the royal rulers have had their High Courts also and they modified and adopted the laws that were passed here. Evidently, that background should be there.

Shri U. M. Trivedi: From 1950 to 1956, we have the Rajasthan High Court working. All the appointments are practically new. The same is the case with Madhya Bharat High Court: all were barrister Judges. So, there was no question of one High Court having a certain halo which was not there in the Madhya Bharat High Court or some such High Court.

Mr. Speaker: I am afraid the hon. Member is labouring the point a little too much.

Shri U. M. Trivedi: Why should this duplication be allowed? First you abolish the High Court and then create a High Court. It is for the same place. It is the same High Court. Thus, difficulties are created for the poor advocates who have been enrolled on the rolls of these High Courts.

3.15 P.M.

[MR. DEPUTY SPEAKER *in the Chair*]

There is a consequential amendment. Clause 54 says that the High Court for a new State shall have the like power to approve, admit, enrol, remove and suspend advocates and attorneys, and to make rules with respect to advocates and attorneys as are, under the law in force immediately before the appointed day, exercisable by the

High Court for the corresponding State. New enrolment will take place; new admissions will have to be made. Then, there are the High Court Acts also. Difficulties will arise in the way of administration of these Courts. My submission, therefore, is this. If my amendment is accepted it will remove these difficulties to a great extent.

During the debate at the consideration stage Pandit Bhargava had said that there is nothing to suggest that these persons who are already acting as Judges will not be continued as High Court Judges. At that time, when interrupted, I had said that I would like an unequivocal statement from the Government that those persons would again be appointed. Unfortunately, that statement is not forthcoming. There is a doubt in the mind of the judiciary that there is something behind and God alone knows how they will be dealt with.

Pandit Thakur Das Bhargava: How will the seniority of Judges be regulated?

Shri U. M. Trivedi: The whole thing will come like this. Therefore, if the question of general seniority for the whole of India has to be considered, it must be considered from the date of the appointment of the Judges. There may be some formula. But it is not necessary that all these Judges of the Part B States, wherever they may be, should be dubbed down as juniors to those who have been appointed in Allahabad, Bihar and other places. What type of people they are, I do not want to say; I do not want to criticise them.

There is one more amendment standing in my name to clause 65. That will be a consequential amendment. If the High Court is not abolished in Rajasthan and the old High Court is continued, there will be no need to say "the High Court of the existing State of Rajasthan." It will be, "The High Court of Rajasthan." This consequential amendment may be made.

Dr. Rama Rao (Kakinada): May I speak on my amendment?

Mr. Deputy-Speaker: I have to make an announcement.

The following further amendments to clauses 16 to 49 and Schedules I to III and clauses 50 to 70 of the States Reorganisation Bill have been indicated by Members to be moved subject to their being otherwise admissible:

Clause No.	No. of Amendment
17	28, 156, 229, 230, 231, 232.
18	91, 92, 93.
19	94.
23	96, 97.
24A (New)	503.
25	158.
27	502.
30	508.
49	425, 426.
Third Schedule	505.
50	9, 225, 111, 313, (same as 111)
51	112, 314 (same as 112)
52	114, 315 (same as 114)
54	468
62	409
66	256
67	209

Clause 17—Establishment of Zonal Councils)

Shri U. M. Trivedi: My amendment No. 28 is the same as amendment No. 304 moved by Shri N. R. Muniswamy on the 3rd August.

Shri Nambiar: I beg to move:

Page 10, line 22—for "Madras" substitute "Tamilnad"

Shri V. G. Deshpande: I beg to move:

(i) Page 10, line 12—for "Rajasthan" Substitute "Uttar Pradesh"

(ii) Page 10—for lines 14 and 15 substitute:

"(b) the Central Zone, comprising of Gujarat, Rajasthan and Madhya Pradesh."

(iii) Page 10, line 20—for "Gujarat" substitute "Andhra"

(iv) Page 10, lines 21 and 22—omit "Andhra Pradesh"

Clause 18—(Composition of the Councils)

Shri U. M. Trivedi: I beg to move:

Page 10—after line 37, add:

"(e) a member of the biggest opposition party of each of the States included in the zone."

My amendments Nos. 92 and 93 are the same as Nos. 307 and 308 already moved by Shri N. R. Muniswamy.

Clause 19—(Meetings of the Council)

Shri U. M. Trivedi: My amendment No. 94 is the same as amendment No. 309 already moved by Shri N. R. Muniswamy.

Clause 23—Functions of the Councils)

Shri U. M. Trivedi: My amendment Nos. 96 and 97 are the same as Nos. 310 and 311 already moved by Shri N. R. Muniswamy.

New Clause 24A.

Shri Sarangadhar Das: I beg to move:

Page 13—after line 24, insert:

"24A. Notwithstanding the foregoing provisions if any State is dissatisfied with the recommendations of the Zonal Council in regard to border disputes and represents to the Union Government for appointment of a Boundary Commission, the Union Government shall appoint a Boundary Commission consisting of Judges of the Supreme Court or High Courts for investigating into and adjudicating upon such representation, and the Union Government shall take necessary steps to implement the award of such Commission."

Clause 25— (*Amendment of the Fourth Schedule to the Constitution*)

Shri Nambiar: I beg to move:

Page 14, line 1—for “Madras” substitute “Tamilnad.”

Clause 27— (*By-elections to fill vacancies*)

Shri Anandchand: I beg to move:

Page 15, line 40—for “State of Bombay” substitute:

“States of Bombay, Delhi, Himachal Pradesh and Manipur”.

Clause 30— (*Changes in composition etc.*)

Shri N. P. Nathwani: I beg to move:

Page 17—after line 3, add:

“Provided that the office of Adviser in Kutch, under the Government of Part C States Act, 1951, shall not disqualify, and shall be deemed never to have disqualified the holder thereof for being elected as, or for being a member of the Legislative Assembly of Gujarat.”

Clause 49— (*Special provision as to certain elections*)

Shri U. M. Trivedi: I beg to move:

(i) Page 25, line 5—for “and Bombay” substitute “Bombay and Rajasthan”

(ii) Page 25, line 7—after “Maharashtra” add “and Rajasthan”

Third Schedule

Shri Keshavaiengar: I beg to move:

Page 60, line 21—for “182” substitute—“234”

Clause 50— (*High Courts for the new States*)

Dr. Rama Rao: I beg to move:

Page 25—

(i) lines 17 and 18, for “the States of Gujarat and Maharashtra and for the Part C State of Bombay” substitute:

“the State of Maharashtra”; and

(ii) after line 18, insert:

“(1A) A new High Court for the State of Gujarat shall be constituted as from the appointed day.”

Shri Gadilingana Gowd: I beg to move:

Page 25, line 18—omit “and for the Part C State of ‘Bombay’”;

Shri U. M. Trivedi: I beg to move:

Page 25—

(i) line 21, after “Punjab” insert “Mysore and Rajasthan”;

(ii) line 22, after “Punjab” insert “Mysore and Rajasthan”; and

(iii) line 25, for “for each of the new States of Kerala, Mysore and Rajasthan” substitute: “for the new State of Kerala”.

Shri N. R. Muniswamy (Wandiwash): My amendment No. 313 is the same as amendment No. 111 moved by Shri U. M. Trivedi.

Clause 51— (*Abolition of certain Courts*)

Shri U. M. Trivedi: I beg to move:

Page 25—for lines 26 to 29 substitute:

“51. (1) As from the appointed day, the Courts of the Judicial Commissioner for Ajmer, Bhopal, Kutch and Vindhya Pradesh and the High Courts of Madhya Bharat, Saurashtra, Travancore-Cochin, Patiala and East Punjab States Union and Hyderabad shall cease to function and are hereby abolished.”

Shri N. R. Muniswamy: My amendment No. 314 is the same as amendment No. 112 moved by Shri U. M. Trivedi:

Clause 52—(*Principal Seat and other places etc.*)

Shri U. M. Trivedi: I beg to move:

Page 26—for lines 1 to 6, substitute:

“(2) The President may, after consultation with the Chief Justice of India and the Chief Justice of the High Court for that State, by notified order, provide for the establishment of a permanent bench of that High Court at one more place within the State other than the principal seat of the High Court and for any matter connected therewith.”

Shri N. R. Muniswamy: My amendment No. 315 is the same as amendment No. 114 moved by Shri U. M. Trivedi:

Clause 54—(*Power to enrol advocates etc.*)

Shri N. R. Muniswamy: I beg to move:

Page 26—after line 35, add:

“(3) Notwithstanding anything contained in the provisions of this Part and save as hereinafter specifically provided, the advocates practising in or attorneys acting in the Courts situated within the territories transferred to other States by the provisions of Part II of this Act shall be deemed to have been recognised as such in the High Courts of the States to which the territories are transferred, unless the advocates and attorneys, within a period of 12 months, from the appointed day, elect, by appropriate applications, to practise or act in the High Courts, new or existing, as the case may be, in which they were originally enrolled.”

Clause 62—(*Transfer of proceedings to Madhya Pradesh High Court*)

Shri U. M. Trivedi: I beg to move:

Page 29, line 21 omit “existing.”

Clause 66—(*High Court of Andhra Pradesh*)

Shri Y. Gadilingana Gowd (Kurnool): I beg to move:

Page 32, line 4—add at the end “and Mysore”.

Clause 67—(*High Court for the areas added to Madras*)

Shri Nesamony: I beg to move:

Page 33—after line 23, add:

“(5) Any person in the territories transferred from Travancore-Cochin to Madras who immediately before the appointed day is an Advocate entitled to practice in the High Court of Travancore-Cochin shall as from the appointed day be recognised as an Advocate entitled to practise in the High Court of Madras.”

Mr. Deputy-Speaker: All these amendments are now before the House.

Shrimati Renu Chakravartty: Am I to understand that certain new amendments have been allowed to clauses 2 to 15? I did not quite follow.

Mr. Deputy-Speaker: No. It is not that. These are to the other clauses that we have discussed. Certain amendments had been given notice of and they were selected for being moved and notice was sent to the office as well. But they could not be announced in time and so they could not go into the records. That is the only difference that has been made; otherwise, no new amendments have been allowed.

Shrimati Renu Chakravartty: I just wanted to know whether, after the discussion on a group of clauses, any new amendment to that group of clauses can be moved. That is the only point I wanted to make clear.

Mr. Deputy-Speaker: When the discussion is closed, no new amendments can be moved.

Shrimati Renu Chakravartty: I take it that chits regarding these amendments were given before and only they were not announced. Also, I take it that generally amendments are announced before discussion on a group of clauses is closed.

Mr. Deputy-Speaker: I will just find out from the Office and then inform the House about the correct position.

Dr. Rama Rao: Mr. Deputy-Speaker, I have moved my amendment No. 9 to clause 50. In substance it is like this. Clause 50 proposes a common High Court for the State of Maharashtra, the State of Gujarat and the Part C State of Bombay. My amendment is to the effect that the present High Court of Bombay should be the High Court for the State of Maharashtra because, by my previous amendments I have sought to include Bombay in the State of Maharashtra.

Again, I have proposed another amendment by which a new High Court for the State of Gujarat shall be constituted as from the appointed day.

Now, my proposal to have two separate High Courts, one for Gujarat and one for Maharashtra, is all the more significant now, in view of the present proposal that is going round. You know, Sir, some of our friends have picked up a dead mouse and turned it into a ferocious tiger by bringing back to life the dead bilingual proposal. In view of that proposal, which is being canvassed very

heavily in spite of the opposition of the people to have Gujarat and Maharashtra, my amendment is very significant. Our friends who want to by-pass the wishes of the people by a new proposal are not faithful to the people. The people of Gujarat have got Maha Gujarat according to the Bill and they are satisfied. They would be very glad to have a separate High Court for them, because I believe every linguistic State must have its own High Court. Today's *Times of India* has summarised the reaction of the people of Gujarat to the present bilingual proposal which shows that all Gujarati papers of importance are vehemently opposed to the proposal of having a bilingual State. They want the Maha Gujarat as proposed in the Bill. Therefore, my proposal supplements that Maha Gujarat proposal by giving a separate High Court also to Gujarat. According to me, they can have it at Ahmedabad or any other place they choose.

According to my previous amendments, the State of Maharashtra includes Bombay City also. We have not yet taken votes over those amendments. Therefore, I suggest that there should be two separate High Courts, one for Maharashtra including Bombay City and the other for Gujarat.

In proposing a common High Court we are not doing any justice to the people in the two States.

Then, I want to say one word about Andhra. I support the proposal as it is in the Bill. There have been some suggestions that there should be a separate Bench at Guntur.

An Hon. Member: No, no.

Dr. Rama Rao: I am glad it has been opposed. Anyway, though it is not in the Bill, I have to express my opinion, which is supported by many others, that, as far as possible, all Benches should be at one place—I am not commenting about other places—and Hyderabad is the proper place to

[Dr. Rama Rao]

have the Andhra High Court and that should be the only one place.

Mr. Deputy-Speaker: Now, I have ascertained the facts about the amendments I announced just now. These amendments relate to clauses 16 to 49, and not clauses 2 to 15, discussion on which was continued even today. Notices of these amendments were received on Friday and Saturday and chits showing the intention of Members to move them were also received on Friday and this morning. The announcement ought to have been made in the morning, but that was not done. There is nothing new that we are allowing just now. As I said before, when the discussion has been closed no new amendments can be received.

Shri Achuthan: Mr. Deputy-Speaker, in fact, I do not agree with the view expressed by Dr. Rama Rao that each State must have a separate High Court. I do not know whether he would go to the extent of saying that all Judges in a High Court must be from that State. Thank God, he has not expressed that desire. The next stage would then be that all States must be independent of other States.

With regard to Kerala High Court, even though there is a provision in this Bill, as amended by the Joint Committee, that the previous High Courts are all abolished and all High Courts would be of the same cadre and same level, there is some apprehension. Even though the Part B States High Courts are not inferior, the Judges there may be drawing a lower salary and so their judgments may not have so much weight or authenticity as that of the Judges in the High Courts of States like Madras, Bombay and Calcutta, I am very glad the distinction has been done away with. But my only apprehension is, as was expressed by my friend Shri U. M. Trivedi, that, because the Part B High Courts were having Judges who were drawing lesser pay, when the question of screening or

selecting comes in, the Judges from other High Courts may be taken on the ground that they were drawing higher pay and they will be posted in these new High Courts as senior Judges thereby overlooking the regular claims of those Judges in the Part B States. That is the suspicion that I have got. I do not say that it is correct or reliable. But that suspicion must be cleared. Even now many responsible people have got that suspicion. They may have their own valid grounds. According to me it is immaterial whether the Judges of Bombay, Calcutta or Madras High Court were drawing a higher pay. I do not think by that they are in any way superior to other High Court Judges of Part B States.

Coming to my State—Travancore-Cochin—there cannot be any ground for any apprehension to be felt by the Judges of the Travancore-Cochin High Court that because of their lower pay they are inferior to the Judges of Madras High Court or of other States in view of the fact that a portion of Madras State—Malabar—is now being added to Travancore-Cochin State....

An Hon. Member: Let us have one High Court for both the States.

Mr. Deputy-Speaker: Order, order. There should be no such private conversation.

Shri Achuthan: Practically there is no difficulty. At that time it was thought that while there will be more work we will be able to cope with that work, if we have separate High Courts. Because some parts of Hyderabad and other present are taken together under the present Bill, the Bombay High Court is to have jurisdiction over other States. Therefore, the suspicion has to be removed by making it clear in this House that practically there will be no difficulty or room for any apprehension on the part of those Judges.

Sir, according to me there are other valuable provisions here. It is left to the discretion of the President, after consulting the respective Governments concerned, to have more Benches of the High Courts. Even now we have got a Bench in Trivandrum. Most probably, when Malabar is tagged on to Travancore-Cochin, the people of that area will raise the question that it will be convenient to have a Bench there. I do not see any unreasonableness in that desire. I do not say that every taluka must have a Bench, but we must see that people are not put to difficulty, they are not made to incur any additional expenditure due to the fact that all must go to one place for getting justice meted out to them. I wholeheartedly support the provisions of this Bill. I am sure that all the Members would support me when I say that the judges in the new High Courts should not be at any disadvantage compared to the judges of the High Courts of Part A States and that there should not be any valid claim for the judges of the Part A High Courts for being appointed to the High Courts of the erstwhile Part B States merely on the ground that they were drawing higher salaries and that therefore they are superior to the judges of the Part B State High Courts.

Shri A. M. Thomas: Sir, Having heard the two speakers who have preceded me, I feel that I should also contribute something to the discussion on these clauses. I am glad that the Joint Committee in its wisdom has introduced uniformity in the matter of the scales of pay for the judges of the various High Courts. When this matter was discussed in this House as well as in the Rajya Sabha, every Member who had occasion to speak about the High Courts was of the opinion that this distinction should not be continued and that it is not at all justified. The hon. Home Minister then answered that if the respective Governments, that is, Mysore, Travancore-Cochin and Rajasthan, were inclined to accept the opinion of the House or, if the Mem-

bers hailing from these respective States whose High Court Judges could be getting lower scales of pay were of the opinion that there should be uniformity, he would be only too glad to accept that proposal. In the Joint Committee, the matter was discussed and it was unanimously decided that there should not be any distinction, and the lower scales of pay that had been prescribed in the Bill for the High Court Judges of Mysore, Travancore-Cochin and Rajasthan have been done away with.

But along with the abolition of the lower scales of pay, another step, which is said to be a consequential step, has been taken by the Joint Committee, namely, the abolition of all Part B State High Courts. I do not feel that it is a consequential step. However, the Joint Committee was of the opinion that in view of the fact that uniform scales of pay are being introduced for the High Court Judges of both Part A and Part B States, the Part B State High Courts should be abolished and that the President must have the occasion, in consultation with the Chief Justice of India, to make fresh appointments to the new High Courts. In this matter, I have also to voice the fear that has been expressed by my friend Shri Achuthan. Though under the Constitution, all the High Courts,—both of Part A and Part B States—are on an equal footing, because of the disparity in the scales of pay it is a well-known fact that the Part B State High Courts were not being treated in the same way as High Courts of Part 'A' States. There have been many appointments to the Supreme Court after the Constitution came into force, and those appointments have all been from the High Courts in India but you will notice that not a single judge of any of the Part B State High Court was taken to the Supreme Court. With my experience of the decisions of the various High Courts, both of Part A and Part B States, I am in a position to state—and I think many other lawyer Members of this House will also be in a position to

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state—that there are good and bad judges in every High Court and that no discrimination should be made against a judge on the ground that he belongs to that High Court of a Part B State. I would say that some of the judgements of judges of High Courts of Part B States are far superior to those of Part A States. All the same, human nature being such, the High Court Judges of Part B States were held in a sort of inferior status because of the lower scales of pay they were drawing. Not a single judge from the High Court of any Part B State was raised to the Supreme Court. So, it is good that this distinction in the matter of scales of pay has now been abolished. Although there has not been any difference with regard to the Constitutional status of the judges of High Courts whether of Part A or of Part B States, there has been the discrimination in regard to the scales of pay, and this discriminatory treatment has been rightly done away with.

At the same time, I would invite the attention of the Government to one important aspect of the matter. If you are going to adopt a process of screening and then drop some of the Judges of High Courts of Part B States and prefer some High Court Judges of Part A States, that may not be a step which would do justice to the Part B State High Courts. As the Bill originally stood, we had necessarily to abolish certain High Courts, namely, those of Hyderabad, Saurashtra and Madhya Bharat, because the territories in which they were located are being merged into altogether different States. If they had not been abolished, it would have resulted in two or three High Courts in one and the same new State, and if would have led to a ludicrous state of affairs. So, the Bill, as it originally stood provided for the abolition of the High Courts of Part B States, such as Hyderabad, Saurashtra and Madhya Bharat. But the Bill did not provide for the abolition of the High Courts in those Part B States

wherein there was no chance of two High Courts functioning with the implementation of the scheme of reorganisation. As far as the Travancore-Cochin High Court was concerned, the Kerala High Court was to be the successor High Court. Similar is the case with Mysore and Rajasthan High Courts. So, there was no necessity to abolish these High Courts. Since there was no legal necessity to abolish them, I find it very difficult to support the provision that has been introduced by the Joint Committee, namely, the abolition of the High Courts of Part B States.

The argument appears to be that because the scales of pay of the High Court judges of Part B States have been upgraded to those of the High Court judges of Part A States, automatically, the Part B High Courts should be abolished. But I cannot understand this logic. That is an argument which I find is very difficult to follow. I realise the necessity of abolition of certain High Courts by a constitutional provision, because there is a guarantee under the Constitution that no judge can be removed except under article 217. The provision now made has been adopted as a sort of short cut. Anyway, I feel that it is rather unfair to lightly interfere with the guarantee given under the Constitution in this fashion, and thus get rid of the constitutional difficulty.

Anyway, now that the Part B State High Courts in Mysore, Travancore-Cochin and Rajasthan have been abolished, my request would only be this. Because of the fact that the High Court judges of Part A States were drawing higher salaries, preference should not be given to them when it comes to a question of the appointment of new High Court judges on the formation of the new High Courts. That would be hard and that would be nullifying the constitutional guarantees that the High Court judges of Rajasthan, Mysore and Travancore-Cochin were enjoying. So.

I would again emphasise the necessity of treating those judges on a par with the High Court Judges of Part A States.

I would also bring to the notice of the House another fact. When High Courts of Part B States were formed on the integration of States, the President appointed only those judges who were at that time found fit and proper to occupy those positions. So, there was some screening at that time. As far as my own State is concerned, three judges were dropped. Subsequently all other appointments were made by the President in consultation with the Chief Justice of the Supreme Court as well as the Chief Justices of the various High Courts. So, the judges of all the existing High Courts in India are judges who have been confirmed by the President at a particular stage on the integration of States or judges who have been appointed by the President himself; and, it is unfair to treat them on a different footing because they were drawing lower scales of pay.

I would request the Home Ministry to bear all these points in mind and do justice to the judges who are occupying that position at present.

Shri N. R. Muniswamy: I shall press only one or two points. Let me deal with a point which I have already mentioned during the first reading of the Bill. As a result of the territorial changes, some territories are added to the new States and some territories are taken away from the existing States. The point which I want to insist is that advocates who were permanently practising in these territories which will now be transferred to some other State must be given the same facility to be recognised as such in the new State or the State that comes into existence as a result of the territorial changes. I have given notice of an amendment to this effect—No. 468—which reads as follows:

“Notwithstanding anything contained in the provisions of this Part and save as hereinafter speci-

fically provided, the advocates practising in or attorneys acting in the Courts situated within the territories transferred to other States by the provisions of Part II of this Act shall be deemed to have been recognised as such in the High Courts of the States to which the territories are transferred, unless the advocates and attorneys, within a period of 12 months, from the appointed day, elect, by appropriate applications, to practise or act in the High Courts, new or existing, as the case may be, in which they were originally enrolled.”

This is a point which, I think, the Joint Committee have not taken into consideration. According to the provision in the Bill as at present, those advocates will have to pay separate fees and apply for recognition as advocates, as per the rules of the new States that come into existence. So, I have suggested that those advocates who are practising in particular territories now transferred to a new State must automatically be regarded as advocates in the new State, unless in the meantime they choose to be in the High Courts in which they were originally enrolled.

The other point raised by the previous speakers is with regard to the abolition of the High Courts as well as the emoluments and reappointment of judges. There is an apprehension—I do not know how far it is true—that those judges, whose services will be discontinued on the abolition of the High Courts in Rajasthan Mysore, Travancore-Cochin and other places, are not likely to be reappointed.

Shri A. M. Thomas: They may be superseded.

Shri N. R. Muniswamy: It is quite possible that their services may not be required again. I want the Home Minister to just give an assurance that in the case of the abolition of the existing High Courts, the judges would

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be reappointed automatically. As I said, that is what I am told, but it may be false also.

Shri Namblar: There should not be any retrenchment.

Shri E. N. Muniswamy: I am not dealing with the policy of retrenchment that may be made applicable to all the High Courts. I only want that an assurance should be given that those judges now acting in the various High Courts would be reappointed, when some of the High Courts are abolished. The Minister should assure that they need not have any such fear or he may clearly say that they will certainly be reappointed. If that is done, the apprehension in the minds of some of the Members here would be removed.

With these words, I commend my amendments to the acceptance of the House.

Pandit M. B. Bhargava (Ajmer South): I want to make a few remarks on clause 52. Under that clause, it is the President who has the power to determine the location of the High Court in any new State. I want to submit that there is a distinction between sub-clauses (1) and (2) of clause 52. So far as the location of the permanent benches of the High Courts, in addition to the seats of the High Courts, are concerned, the President will be bound to consult the Governor of the State as also the Chief Justice of the High Court. But, so far as the location of the seat of the High Court itself is concerned, according to sub-clause (1), it will be under the sole jurisdiction of the President.

The State of Ajmer is being merged with the State of Rajasthan now. The question of the location of the capital is hanging fire and no decision has been taken. As I have said during the course of the general discussion, it is primarily the responsibility of the Central Government—the Ministry of Home Affairs—to get

the matter settled with the leaders in Rajasthan, because it was the Central Government which was responsible for the non-integration of Ajmer at the time when the peoples of Ajmer and Rajasthan wanted simultaneous merger and the location of the capital at Ajmer. But so far the Ministry of Home Affairs has not taken any interest and has not seen the justice of the case.

Shri U. M. Trivedi: On a point of order, Sir. There is no quorum in the House.

Mr. Deputy-Speaker: The bell is being rung.—Now there is quorum. The hon. Member, Pandit Bhargava, may continue.

Pandit M. B. Bhargava: I was saying that in view of the fact that it may be said that the Central Government cannot exert its influence on the Rajasthan Government in respect of the location of the capital because it is primarily a provincial matter, still it cannot be said in respect of the location of the seat of the High Court in Ajmer. My respectful submission is that looking to the fact that it is situated at the centre and in the heart of Rajasthan and that it is equally accessible from all the main centres, it will be not only be in the interest of the people of Ajmer but in the interest of the people of the entire State of Rajasthan that the High Court should be located here, because the entire litigating public will have free access to the place at lesser expense. For example, people from Udaipur, Kotah and Bundi have to pass through Ajmer while going to Jaipur or even when they go to Jodhpur where there is a Bench of the High Court. Consequently, from the point of view not only of the people of Ajmer but the larger interests of the people of Rajasthan it is essential that justice should be done to Ajmer and the main seat of the High Court should be located in Ajmer in place of Jaipur where it is at present.

In respect of sub-clause (2), my respectful submission is that unless there are very exceptional circumstances, the practice of having a number of Benches of the same High Court at different places is not at all in keeping with justice, because if the litigation is not very high, there is absolutely no justification for locating permanent Benches at different places simply to satisfy the whims and caprices of the people of that particular locality. If the litigation is of such a volume as to justify having Benches at different places, that may be a different matter, but so far as Rajasthan is concerned, I respectfully submit that the number of cases does not justify the setting up of different Benches of the High Court. Looking to the justice of the case, looking to its central position and looking to the fact that it is the Central Government's responsibility to preserve the importance of Ajmer and that it was on account of the Central Government that Ajmer was deprived of its rightful and honoured place as Capital of Rajasthan, I would respectfully submit that it is essential that the Central Government should take a decision that the seat of the High Court of the new State of Rajasthan will be located in the City of Ajmer.

Shri Datar: Two or three points have been raised in connection with the provisions of the Bill regarding the High Courts.

Shri Sinhasan Singh: (Gorakhpur Distt.—South): Before he replies, I want to submit one thing.

Mr. Deputy-Speaker: What is it?

Mr. Sinhasan Singh: I find in part IV of the Bill there is a discrepancy.

Mr. Deputy-Speaker: After I have called the hon. Minister the hon. Member gets up and begins a speech. May I know whether it is a point of order?

Shri Sinhasan Singh: I want to submit something. There is a discrepancy between this Bill and the Con-

stitution Amendment Bill which has come from the Joint Committee.

Mr. Deputy-Speaker: But why was the hon. Member so late? When I was looking round for any Member to stand up and speak, he did not stand up and when I have called the Minister and he has begun to speak, he now starts.

Shri V. P. Nayar: He regrets his error.

Shri Sinhasan Singh: I was comparing the number with the Constitution Amendment Bill.

Mr. Deputy-Speaker: But he began very late and he ought not to be entitled to interrupt now.

Shri Datar: The question has been raised that all the High Courts have to be put on the same footing, that the pay scales also ought to be the same and that the Joint Committee ought not to have allowed the abolition of the High Courts in Part B States.

In regard to the High Courts in Part B States we have to take into account their gradual evolution. In Part B States formerly there were numerous States and in each of these until recent years there was a High Court, and in some cases formerly the Ruler had absolute sovereign powers even in respect of the dispensation of justice but subsequently on the advice of the then Viceroy, High Courts were established in the different States. Subsequently, when this integration of States came about and Part B States were formed, the question arose whether new High Courts should be established for each of these zones and if so on what terms. As some hon. Member has stated, the work of the High Court judges was taken into account. I would not like to use the expression "screening". It is not a very good expression. I would rather use the other expression which the Joint Committee has used, namely that the work of the High Court Judges in the numerous States was considered. A certain

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number of them was selected and appointed to be the Judges in the various High Courts in the Part B States. That was the first step.

We have also to take into account the fact that the pay scales were extremely low in most of the Indian States. Even in respect of Mysore I find that before integration the pay scales were: Rs. 1,500 for an ordinary or puisne High Court Judge and Rs. 2,000 for the Chief Justice. In Part A States you are aware that before the Constitution came into force, the pay was Rs. 4,000 for ordinary Judges and Rs. 4,500 for the Chief Justices. Ever since the integration and formation or establishment of High Courts in Part B States, we have been trying to bring about uniformity in the pay scales as far as possible, though on account, naturally, of the difficulties which the State Governments had, they did not agree that the pay scales of the High Court Judges in Part B States should be on the same footing with the Part A States. Therefore, when this question arose even recently when the States Reorganisation Commission's report was before us, we had to take into account this disparity in scales.

I would point out to the hon. Members that so far as Part A States are concerned, the pay of the Chief Justice is Rs. 4,000 and the pay of the other Judges is Rs. 3,500 per month in respect of all the High Courts, but in the case of Part B States there is no uniformity. In the Rajasthan, Hyderabad, Madhya Bharat and PEPSU High Courts, the Chief Justice gets Rs. 3,000 and the other Judges get Rs. 2,500 per month. In Saurashtra, the Chief Justice gets Rs. 3,000 and the other Judges get Rs. 2,000. In Mysore and Travancore-Cochin, the Chief Justice gets Rs. 2,500 and the other Judges get Rs. 2,000 per month. So, you will find even now there is a disparity so far as the pay scales of the Part B States High Courts and Part A States High Courts are concerned.

When this Bill had to be drafted there were two alternatives before the Government. One was not to raise the pay scales to the same level. That was the view of some of the State Governments as well. I would request the House to note that it is the State Governments that have to pay the various Judges including the Chief Justice, and therefore they are entitled to have a material say about the pay scales.

Then the question arose as to whether these pay scales should be raised to the scales of Rs. 4,000 for Chief Justice and Rs. 3,000 for the other Judges. If you take the Mysore or Travancore-Cochin or Saurashtra High Court, there an ordinary Judge draws Rs. 2,000 per mensem. Now, if the pay scales were to be made uniform, then he would get Rs. 3,500. That means an immediate increase of Rs. 1,500 per mensem. So far as as the Chief Justices are concerned, they will also get about Rs. 1,500 more. The Mysore and Travancore-Cochin High Court Chief Justices get Rs. 2,500 per mensem, while the Chief Justices of High Courts of Part A States get Rs. 4,000. Therefore, the question arose as to whether we should, with a view to bringing them on the same footing, raise the pay scales so substantially as to cast an additional financial burden on the various States. When we consulted the various State Governments, some of the State Governments, especially three State Governments, namely Rajasthan, Mysore and Travancore-Cochin, were of the view that the pay scales should not be increased at all. And hon. Members will also understand that there was considerable reasoning behind it. They stated that if they were to raise the pay scales from Rs. 2,000 to Rs. 3,500 in case of other High Court Judges, and from Rs. 2,500 to Rs. 4,000 so far as the Chief Justices were concerned, then it would, naturally, lead to various claims especially so far as government servants at lower levels were concerned. And therefore they were anxious that the pay scales should not be interfered.

with and should be kept as they were. So this particular objection, especially on financial grounds, was fairly strong.

Shri V. P. Nayar: May I ask the hon. Minister a question? I understand the argument. But it happens that in the States mentioned by him, namely Mysore, Travancore-Cochin and other States, apart from the question of High Court Judges being paid more the State Governments meet the expenses incurred on the disbursement of salaries of officers of the I.A.S. and the I.P.S. I shall illustrate my point by saying that a D.S.P.

Mr. Deputy-Speaker: A question should be in the form of a question!

Shri V. P. Nayar: I shall clarify it.

Shri Datar: I know the argument he wants to put forward. He has put that argument to me in a number of cases whenever he puts supplementary questions. I know it and I am prepared to reply to it.

So far as the question of pay scales of I.A.S. and I.P.S. officers is concerned, that matter is entirely different. There, what we desire is, these are All-India Services, and so far as All-India Services are concerned, the pay scales ought to be rationalised; they ought to be the same. That is the reason why so far as I.A.S. and I.P.S. officers are concerned, they are drawing the same pay scales wherever they go, even though in some States like Travancore-Cochin—I sympathise with the position that he has put—when the work is done by an I.A.S. officer he gets more and when the work is done by a Provincial Service officer he gets far less. I know there is great disparity in this respect. But so far as All India Services are concerned, it is our duty to see to it that they maintain the all-India character of the services. And that is the reason why we have put in the same pay scales so far as the High Court Judges are concerned, and we are going to have, if the House passes this Bill, a uniformity of scales. It would be the same whether the High

Court is here or there, whether it was formerly a Part A State or a Part B State. So we have accepted the same position or the reasoning under which we had the same pay scale for All India Service officers. Therefore, that meets the objection that the hon. Member raised. I sympathise with the objection, but the difficulties are there.

Coming back to the main point, when this financial objection was raised before us, there were two alternatives open. One was to raise the pay scales to a common level; the other was to treat certain High Courts on a scale by themselves or in a position by themselves. That is the reason why when the Constitution (Ninth Amendment) Bill was introduced in the Lok Sabha, in clause 22 we stated that so far as the pay scales of all other High Courts were concerned, the Chief Justice would be drawing Rs. 4,000 and the other Judges would be drawing Rs. 3,500. But we made an exception, namely, that in the case of the High Courts of Kerala, Mysore and Rajasthan, the Chief Justices would draw Rs. 3,000 and any other Judge would draw Rs. 2,500. That was what we had originally proposed. Now, if this position was kept, then all the Judges in these three High Courts would naturally have continued, because the High Courts would have continued and their pay scales would have also continued. That was one view. But the Joint Committee considered that the better view, and the more advisable view on principle, was that inasmuch as this classification of Part A States and Part B States was going to be abolished and all the High Courts were going to be put on the same footing, there ought to be no disparity in the pay scales so far as Judges in this High Court or that High Court were concerned. And ultimately this great principle was accepted by the Joint Committee.

Now, when it was accepted by the Joint Committee, Government had to consider the whole position so far as the High Courts in Part B States

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were concerned. As I have pointed out just now as to how there was an evolution even in respect of the High Courts so far as Part B States were concerned and therefore on account of the historical association as was stated by an hon. friend, and on account of a selection then made, certain persons were not continued as High Court Judges while others were continued as High Court Judges—but mind—on pay scales which were far lower than the pay scales which are prevailing in Part A States. The House is also aware that according to the Constitution, as also according to an Act which has been passed by Parliament about two years ago, namely the Part A States High Court Judges Act, it would not be open to us to consider the question either of removing the Judges or of looking into their work. That is the reason why we had to take the step of abolishing these High Courts altogether. Here I would like to say that so far as the Judges in all the High Courts, including the Part B States High Courts, are concerned they are carrying on a very important piece of work and they are carrying it on well. But the question is whether we can equate the work of all these Judges—the Judges of the High Courts in Part A States, the Judges of High Courts in Part B States, with the historical evolution that I have pointed out. If, for example, the Joint Committee has accepted—as it has already done—if it has accepted this position that there ought to be no disparity between the pay scales of various High Court Judges, we ought to have an opportunity of finding out whether all these Judges have come up to the same level. Not that their work is unsatisfactory. I am not stating so. I am prepared to state here quite categorically that all the Judges in the High Courts of Part A States and Part B States are carrying on their work very satisfactorily.

Shri N. C. Chatterjee: May I have one clarification? So far as I remember, the hon. the Home Minister,

Pandit Pant, made it perfectly clear that the intention was to continue all these Judges, subject only to one condition, namely approval by the Chief Justice. I hope that is continuing.

Shri Datar: I am coming to that very question.

When, for example, this uniformity of scales was accepted or when the parity of position was accepted, Government naturally had to consider as to what would be the position after the abolition of these High Courts. The abolition of these High Courts in Part B States was a necessary step in view of the fact that parity had to be brought about. All the Judges are to be put on the same footing.

Shri N. C. Chatterjee: Equality among the judges.

Shri Datar: But the question is whether we can place all the judges in Part B States on the same footing as Judges in Part A States. The Joint Committee's report is extremely eloquent in this respect and I would request hon. Members to read page vii of that report. It reads:

"The Committee are of the view that it would not be desirable to introduce this distinction when all the States are being placed on the same constitutional level and that the creation of two classes of High Courts in this manner would make it difficult to bring up the level of 'B class' High Courts to that of the 'A class' High Courts. It will also be difficult to justify any disparity in pay-scales when the area and population of these States are compared with those of some of the other States. The Committee therefore propose that the Judges of all High Courts should receive the same salaries and, in order to facilitate the selection and appointment of Judges."

These words may kindly be noted: "in order to facilitate the selection

and appointment of Judges". The Joint Committee has very wisely used the term "selection and appointment of judges in the High Courts".

"...the selection and appointment of Judges in the High Courts which will replace the High Courts of Part B States, the latter should all be abolished."

That is the reason why all the High Courts have been abolished. Otherwise, it would not be possible for us to make any changes. I am speaking only so far as the principle is concerned. Therefore, the High Courts had to be abolished. It does not mean that merely because the High Courts are abolished, therefore the conditions of service would be entirely changed to their disadvantage or that all the judges will have to go out altogether or will be retrenched. That is not the view of the Government at all. Government are anxious to keep as many of the judges as possible, subject naturally to the question of the principles on which the selection would be made. Naturally, this selection will be made by Government in consultation with the Chief Justice of India and other authorities. Therefore, ordinarily, I might convey a general assurance, not a specific assurance in every case, that it is not the desire of Government that all the judges who have been carrying on their work satisfactorily should immediately be retrenched. That is not our view at all. We propose to absorb as many of the judges as possible in consultation with the Chief Justice and that is the reason why the expression "selection" has been used. If in a particular case the Government and the Chief Justice come to the conclusion that taking into account the desirability of having judges of very high calibre and competency in view of the establishment of a common position so far as all the High Courts are concerned, then, in some cases, it is inevitable that certain judges will have to go. There also, if for example they cannot be appointed as High Court

judges, we are trying our best to see whether they can be appointed to some other fairly good positions. Therefore, I am prepared to give this general assurance that generally all these people will be taken, subject to the right to find out how their work is and subject also to our right to select them on proper principles. If, for example, they cannot be absorbed then naturally we shall try our best to see that some suitable appointments, which are suitable to the work that they are carrying on, can be offered to them. So, you will see that there is no desire to do any injustice to the Justices, as my hon. friend had put it. Our judges are dispensing justice in a very even and satisfactory manner and, therefore, it would not be proper on our part to do injustice to our Justices. Therefore, we shall take particular care to see that no injustice is done, nothing is done, to affect their position, to the extent we can. So, if these two principles are taken into account, then you would agree that what the Joint Committee has done was proper—it abolished all the High Courts in Part B States and made it possible for Government and the Chief Justice of India to select such of them as come up to the standards required of High Court Judges because all the High Courts are now placed on the same footing.

I would also agree that the question of pay is not very material so far as the work is concerned. But when there is such a great disparity—and the disparity, as I have pointed out, is Rs. 1,500/- per mensem so far as the Chief Justice and other judges are concerned—and when we are going to give these people Rs. 1500/- more per mensem, should we not have a right to find out what kind of work they have done and to subject them to a process of selection? I would not use the other expression, I would say "process of selection". The House will agree that the principles that have been laid down by the Joint Committee are perfectly sound ones and that is the reason why the High Court had to be abolished with a view to

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facilitate, as it has been stated, the selection and appointment of judges in the High Courts in the present Part B States. But afterwards they would be placed on the same footing. I am happy that the Joint Committee has accepted this position because if there was this disparity of pay scales, then naturally it would have affected their position also and, as the House is aware, the Constitution makes it possible to transfer judges from one High Court to the other. If, for example, there are High Courts where the judges are drawing a lesser scale of pay, then it may be difficult to transfer them to other High Courts. Therefore, what the Joint Committee has done is a proper one; the abolition also was a proper one and the right given to us to select is also a proper one and I would assure the House that the right given to us would be used very scrupulously and we will be very fair to all the parties concerned. This is so far as High Courts are concerned.

Then, my friend Mr. Nesamony raised one objection.

Shri B. D. Pande: (Almora Dist.-North-East): I want to put a question to the hon. Minister. Will there be an all India cadre for all the judges and will they be liable to transfer from one place to another?

Shri Datar: That is an entirely different question. So far as the formation of an all India Judicial Service is concerned—that is what the hon. Member has in view—it is a question which concerns the State Governments. Just as we have all India Administrative Service, all India Police Services etc., similarly, the suggestion is that we should have an all India Judicial Service. But this is a question on which we must have the opinion of the State Government and I may inform the hon. Member that the State Governments are generally not in favour of this proposal at all. Now, unless they come round and agree that we ought to institute a new service, it will be

very difficult for the Centre to take any action in this respect.

Now I come to the amendment No. 209, moved by my friend Mr. Nesamony. It says:

“Any person in the territories transferred from Travancore-Cochin to Madras who immediately before the appointed day is an Advocate entitled to practise in the High Court of Travancore-Cochin shall as from the appointed day be recognised as an Advocate entitled to practise in the High Court of Madras.”

So far as this is concerned, I would invite his attention to clause 68. It reads:

“Any person who immediately before the appointed day is an advocate entitled to practise, or an attorney entitled to act, in the High Court for an existing State and was authorised to appear or to act in any proceedings transferred from that High Court to any other High Court under any of the foregoing provisions of this Part shall have the right to appear or to act, as the case may be, in the other High Court in relation to those proceedings.”

This is so far as pending proceedings are concerned. Then I would like to invite his attention to clause 54, the proviso of which is in general terms. And it would give the advocates practising in one High Court a right to practise in the other High Courts, so far as such transferred territories are concerned.

Shri Nesamony: But does not that clause relate only to new States and not to existing States?

Shri Datar: The wording of clause 54 is fairly comprehensive, so as to cover the case that my hon. friend has in view.

The proviso to clause 54(2) reads:

“Provided that subject to any rule made or direction given by

the High Court for a new State...."

—that is, the Madras State—

"in exercise of the power conferred by this section, any person, who, immediately before the appointed day, is an advocate entitled to practise, or an attorney entitled to act in any such High Court or Judicial Commissioner's Court as may be specified in this behalf by the Chief Justice of the High Court for the new State shall be recognised as an advocate or an attorney entitled to practise or to act, as the case may be, in the High Court for the new State."

Shri Nesamony: That relates only to new States, and not to existing States.

Shri Datar: I realise the difficulty of the hon. Member. I shall put his case quite properly.

His difficulty is this. So far as the Hyderabad High Court is concerned, we have made a special provision, and that provision is contained in clause 66(4), which reads:

"Any person who, immediately before the appointed day is an advocate entitled to practise in the High Court of Hyderabad shall, as from the appointed day, be recognised as an advocate entitled to practise in the High Court of Andhra Pradesh:"

But here, there is no such provision. So far as this matter is concerned, I am examining the whole question. If, so far as the Travancore-Cochin advocates are concerned, any change is at all necessary, I shall either accept the amendment of my hon. friend, or put in a new amendment.

So, I would request you not to put this clause to vote, for, I have no desire to cause any inconveniences to the advocates, so far as the transferred territories are concerned.

Shri U. M. Trivedi: Will there be a similar provision in regard to the advocates of the Rajasthan and Madhya Bharat High Courts?

Shri Datar: Is there any difficulty in their respect? I presume there is no difficulty.

Shri U. M. Trivedi: Yes, there is difficulty.

Mr. Deputy-Speaker: That also may be examined. I am not putting these clauses to vote today.

Shri Datar: I would examine the whole thing, and if there is any difficulty, I shall certainly remove it.

Shri N. R. Muniswamy: There may be an omnibus rule.

Shri Datar: The point raised by Dr. Rama Rao deals with a question of policy, regarding the bilingual State, for which so many hon. Members have been working hard and enthusiastically during the last four or five days. I would not express any opinion, so far as this question is concerned.

But I would point out that the position should be either we have a High Court for all the three areas, namely Maharashtra, Gujarat and the Bombay territory, or we have separate judicial arrangements, for these three States. I do not understand how my hon. friend wants to bring in Maharashtra and Bombay city under the jurisdiction of the Bombay High Court, and deprive Gujarat of remaining under its jurisdiction.

Dr. Rama Rao: My amendment seeks to have a separate High Court for Gujarat, the present Bombay High Court having jurisdiction over Maharashtra, including Bombay.

Shri Datar: Ultimately, it comes to the same thing.

Mr. Deputy-Speaker: The point is that the hon. Member has favoured a separate High Court for Gujarat only, and not for Maharashtra.

Shri B. Y. Reddy (Karimnagar): He is favouring Gujarat, by providing for a separate High Court for Gujarat.

Shri Datar: I have followed the point, but I am not able to appreciate the reasoning behind it. Either, we have a common High Court, as proposed in the Bill in respect of the States of Maharashtra, Gujarat and the territory of Bombay, or we have separate judicial arrangements in the sense that so far as Gujarat and Maharashtra are concerned, we shall have separate High Courts and so far as Bombay is concerned, the question will have to be considered whether there should be a High Court or a Judicial Commissioner's court. That is, however, an entirely different matter.

But I cannot understand the distinction that the hon. Member seeks to make between Maharashtra High Court and Gujarat High Court. Why should not Bombay and Gujarat be kept together, so far as judicial work is concerned?

Dr. Rama Rao: As I have pointed out already, my previous amendments, which have not been voted upon so far, want that Bombay city should be part of Maharashtra. So, when I say that the Bombay High Court should be the High Court of Maharashtra, Maharashtra includes Bombay city.

Shri Datar: Anyway, so far as this point is concerned, as I stated earlier, it involves a question of larger policy regarding the future of Bombay. The two are interdependent. Therefore, I would request that the hon. Member should not press this particular amendment at this stage. Let us see what comes out tomorrow, let us hope, for the best.

Shri K. K. Basu: Is tomorrow the last day?

Shri Datar: I am not going to say anything on this at all at this stage. I would counsel patience, so far as this matter is concerned.

Shri K. K. Basu: It is really strange.

Shri Datar: So far as this particular question is concerned, these are the three points that have been raised, and I have answered all of them.

Shri Nambiar: If this is the position, then how can the voting take place?

Mr. Deputy-Speaker: I accede to the wishes of the hon. Member, and defer the voting till tomorrow.

Clauses 71 to 114 and Schedules IV to VI

Mr. Deputy-Speaker: The House will now take up clauses 71 to 114 and Schedules IV to VI of the States Reorganisation Bill, 1956, for which 4 hours have been allotted. Hon. Members who wish to move their amendments to these clauses will kindly hand over the numbers of their amendments specifying the clauses and Schedules to which they relate, to the Secretary at the Table within 15 minutes.

Shri Nesamony: First, I shall deal with amendment No. 417 to clause 113. That amendment seeks to abolish a certain tax that exists over the territories sought to be transferred from Travancore-Cochin to Madras.

The PSP Government had introduced seven Bills on land reforms in the Travancore-Cochin Legislative Assembly. One of these Bills was entitled the Special Rights in Lands (Abolition) Bill. That Bill contained three parts, one dealing with *Edavagai*, another dealing with *Sreepandaravagai* and the third dealing with *Sreepadam* properties.

Just before the Congress Ministry went out of office, they took up part I relating to *Edavagai* and they passed an Act called the *Edavagai Act*, under which the tenants were directed to pay 8 1/3 of the annual rent as consolidated compensation to the chieftains of these *Edavagais*, and therights of the *Edavagai* chieftains were abolished on these lands.

But so far the *Sreepandaravagai* properties belonging to the Sree Padmanabhaswamy Temple and the *Sreepadam* properties belonging to the palace were concerned, the Congress Government did not enact any legislation, though these were also dealt with as parts of the same Bill.

I would like to bring this to the notice of the Minister that this question was gone into in 1952 by a committee constituted by the Travancore-Cochin Government, who recommended that these dues may be abolished on payment of 16½ of the net rent due from the tenant, and all rights of the temple as also of the palace and the chieftains may be abolished. It is on the basis of this report that the Government there took action. It so happened that that Government did not find time to enact the other two parts of that Bill into law. That is why I have moved this amendment.

So far as the *Devaswoms*, that are being transferred from Travancore-Cochin to Madras State are concerned, the division of assets and liabilities has been settled, and the amount that has to be paid for the maintenance of the *Devaswoms* in this area has also been settled as Rs. 13.7 lakhs.

Now, this amendment seeks to extinguish the right of the Sree Padmanabhaswamy Temple as recommended by the Select Committee and as recommended by the Commission that was instituted for the purpose. Though they recommended 16½ consolidated compensation to be paid so far as the *Edavakai* land is concerned, the Travancore-Cochin Government accepted only 8 1/3 as the consolidated compensation that has to be paid in lieu of the dues on the *Edavakai* lands. So in consonance with the Act that has been passed by the Travancore-Cochin legislature so far as the *Edavakai* Act is concerned, I have moved this amendment that on and after the appointed day the Sree Padmanabhaswamy Temple at Trivandrum

shall not have any right, claim or interest in respect of any holding in the territories transferred under section 4 except to 8-1/3 times the net aggregate of rent as compensation which shall be collected by the State of Madras from the respective landholders and paid to the Sree Padmanabhaswamy Temple. The compensation shall be determined by compensation officers appointed by the State of Madras.

My amendment includes only the operative portions of the Bill that has been submitted to the Travancore-Cochin Legislative Assembly and which passed through a Select Committee. Therefore, I request that at this time when these territories are being transferred, lest there be any inter-State litigation or dispute over this matter, about the passing of this Bill which has been before the Travancore-Cochin Legislative Assembly, the Home Ministry should take action and accept this amendment.

The other four amendments have been tabled because I find on going through the provisions of the Bill that special provision has not been made for matters mentioned therein. Amendment No. 410 to clause 72 relates to the transfer of the amount that has been budgeted for the execution of public works in the transferred territories. A sum of Rs. 13.8 lakhs were provided in the budget for the execution of public works in the territories now being transferred from Travancore-Cochin to Madras. Though six months have elapsed, not a single pie out of this amount has been spent and orders have been issued by heads of departments not to execute any public works. It so happens that miles of metal that have been stacked on the road side are still lying idle because road rollers have been removed out of this area. Money has not been spent though this is the season for metal-ling. In other respects also, no maintenance work has been done. We are paying the tax. Tax is being collected in a very coercive manner

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at the present moment. Now that we are getting away, we are entitled to see that at least half the amount is spent in these territories which are proposed to be transferred. If that is not done, that amount should form part of the assets that are to go on our account to Madras. Though there is provision made in the Bill for the appropriation of moneys that have been sanctioned out of the Consolidated Fund of Madras State, I submit, it takes time to put things right, so far as these transferred territories are concerned. If this amount accrues to us, it will be possible for the works to be carried through in time in the proper manner.

It also means that whatever stores remain within the territories that are now proposed to be transferred to the Madras State, on the 31st March, 1956 for use in those territories, must still continue there, though they have not been issued, because the word used in the clause so far as stores are concerned is 'unissued'. Though they have not been 'issued' in that sense, they have been issued long ago for use in these territories and so they must continue to be the property of the Madras State and an asset of those transferred areas.

My amendment No. 411 to clause 77 relates to the normal supply of stores for institutions, like hospitals, dispensaries, veterinary hospitals, educational institutions and so on, so that the institutions may not suffer on that account. I am putting this forward because though we have taken up the matter with the present Adviser to the Rajpramukh, nothing has been done. Instances have been brought to their notice that indents made by these institutions on the 31st March have not been honoured up to the present moment so that these institutions are mostly empty at the present moment. That is why I have moved this amendment that indents that have been made on the 31st March for the normal supply of drugs, furniture

etc. to these institutions must be supplied before the appointed day.

My amendment No. 412 relates to a nationalised concern. Clause 82 of the Bill deals with nationalised concerns. Here are two instances of nationalised concerns which are partly in the territories which are to be transferred and partly in the territories which form part of the proposed Kerala State. One such concern is the Travancore Minerals Company. One part of it is in the transferred territories, that is, in Manavalakurichi, and the other part is in Chevvara, in Kerala territory. This nationalised concern which is in the transferred territories should pass on to the Madras State as a nationalised concern and the management and exploitation of minerals should be done by the Madras State.

The other concern is the State transport. Within the territories to be transferred, the Travancore-Cochin Government runs State transport buses. We are entitled to a proportionate share of the vehicles of all categories which should be handed over to the Madras State as our asset, to be worked by the Madras State. That shall form part of the nationalised concern within these territories which are to pass on to the Madras State.

I submit these things lest it be stated that it is the nationalised concern of another State and difficulties might crop up subsequently in the application of the Motor Vehicles Regulation or rules regarding the nationalised concern. These must be separated on the appointed day and handed over as our assets to the Madras State.

The other amendment is No. 413 to clause 87, relating to the exploitation of forests. It so happens that just before this Bill was introduced, in the contracts to exploit timber from the forests of these areas, a condition seems to have been put in that the timber shall be removed outside these territories to Trivandrum. Usually, the timber was removed to the depot

in Nagercoil, within the transferred territories. So large quantities of timber which ought naturally to be stacked in the depot at Nagercoil are now being stacked in Trivandrum. That being an asset or property exploited out of the forests in the transferred territories, we are entitled to the timber that has been removed from those territories. After the appointed day, any agreement by which timber can be transferred into Kerala shall be void and the timber shall be transferred to the Nagercoil depot within the transferred territories. Account shall be taken of such timber and it shall be deemed to be the asset of the transferred territories.

Shri B. S. Murthy (Eulru): What will be the value of the timber?

Shri Nesamony: Several lakhs of rupees.

I have moved these amendments because I find there is no adequate provision made for the contingencies I have referred to in the clauses that I referred to. Again this matter having been taken up with the Travancore-Cochin Government, we had not a reply that would satisfy the questions that have been raised by us. That is why these clauses are to be made statutory in the Bill now before us. So I hope that these amendments would be accepted and the Home Ministry would look into this matter.

Shri U. M. Trivedi: Mr. Deputy-Speaker, I have moved certain amendments, particularly relating to clause 102. There is a purpose behind my moving this amendment. It is provided in clause 102 that:

"As from the appointed day, the Financial Corporations established under the State Financial Corporations Act, 1951 for the existing States of Madhya Bharat, Punjab, Rajasthan, Saurashtra and Travancore-Cochin shall be deemed to be the Financial Corporations established under the Said Act for the new States of Madhya Pradesh,

Punjab, Rajasthan, Gujarat and Kerala, respectively."

I suggest that these Financial Corporations which were established by these various States must be abolished and new ones may be established.

There was, to begin with, no justification for the abolition of the High Courts while establishing High Courts for these States; but they are being abolished by the provisions of clause 50. But there is every justification for the abolition of these Financial Corporations which have been established in these various States, where money has been given without any thought of propriety. The money that has been given has been given only to those people who were sycophants or persons who could promise votes. All these liabilities that have been created must not be made to fall on the heads of the new States that are to be created.

Mr. Deputy-Speaker: Would the formation of new Corporations help in any way?

Shri U. M. Trivedi: Yes; because when the new Legislatures are coming into being, new blood will be infused and new Corporations will also have new blood. When the new Legislatures are going to be elected, it is not likely that we will have 99 per cent Congressmen. They are going to be changes. All things will not be the same as they are today. Whatever goodwill has been created has been done by giving money to every Tom, Dick and Harry. I know that in Madhya Bharat and Rajasthan, bankrupts, cheats and others have been given Rs. 5000, Rs. 2000 Rs. 50,000 and so on, to secure votes. Therefore it is essential that this liability which has been created by these disbursements of money should not be put on the heads of the new States. These moneys have been distributed as if they were somebody's money. They were the hard earned money of the taxpayers and they have been utilised like this. These Corporations have been the creations of those States:

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where the Congress was not an organised body and anybody who wanted to come into the picture, who simply got up as mushroom growth, became a Minister overnight. Therefore, we should be watchful of their activities and at one stroke we should be able to do away with the provisions of those Financial Corporation Acts so that

Mr. Deputy-Speaker: And write off the advances as well!

Shri U. M. Trivedi: We can always get them. I am not suggesting that the advances that have been made will not be recovered from them. I should say that they should be more rigorously recovered, not only from societies but from individuals also; let those advances be recovered as public debt.

Mr. Deputy-Speaker: If they can be recovered, then they are good debts.

Shri U. M. Trivedi: Let there be process, all right. Let them not be recovered later on. They may be put as bad debts later on. But that would be enough lesson for people who have done all this, let them be exposed. That is the reason for my amendment.

Shri Achuthan: Strong feelings have been expressed over this division of assets and liabilities. For instance, Shri Nesamony, while speaking on his amendments, was particularly strong when he said that timber worth lakhs of rupees have been taken away from a particular territory to Trivandrum. I do not know where from he has got his figures and how far he is correct. (Interruption). In fact there cannot be any political game in Travancore-Cochin because it is under President's rule and Parliament has got control over it. That cannot be. Unless Shri Nesamony brings out facts and figures to substantiate his statement that timber worth 50 many lakhs has been cut from the Nagercoil region and sent to the depot at Trivandrum, the place of Shri Nayar I do not know how much value can be attached to that statement of his by this House. According to me, there cannot be any

such thing. Because, in fact, the Government is now run by the President with the Adviser there to look after these matters.

I do not know whether he has raised this question because Shri A. K. Gopalan, the leader of the Communist Party, once said that timber and elephants are removed from the Malabar region to the Coimbatore region and the Madras Government spokesman said that it was not correct. So, I think, in answer to that statement of Shri Gopalan, Shri Nesamony has moved this amendment and spoke about timber. I want to impress upon the hon. Members of this House who do not know these things that they should not be carried away by such statements. (Interruption).

Coming to Pandaravagai and other Bills. I am sorry they were not able to pass those measures through. In fact, the Bill had passed the Select Committee stage, but it so happened that the Legislature had to be dissolved. I do not know how far he could introduce those particular provisions for a particular region that has come from or coming from the present State of Travancore-Cochin to Madras. The Madras Government is there; the Legislature is there and when the region goes to that State, they can bring in legislation after considering all relevant matters; not only for that particular region but for other regions also. It is preposterous for him to say that when they are parting from Travancore-Cochin, they must have this benefit also while it is not given to other regions still remaining in that State. He is not fair in bringing this amendment and saying that it should find a place in this Bill here.

He was then stating something about the expenditure not made to be considered as items of assets. He mentioned if half the amount has not been spent by the Public Works Department it should be considered as assets. Here also, I think, he has the animus in him, the animus against—I cannot say animus, I will say the feelings he had against our Govern-

ment there and the Travancore Congress and it is increasing in intensity. That may be the reason why he has said that if half the money has not been spent by the Public Works Department, then that money has to be included in the assets and should go to the Madras Government with regard to the particular region.

It is a little too much for him to say that all these details—Rs. 10/- not being spent here, or so much of timber being exported or removed to Trivandrum or so many buses running in such and such an area—should be incorporated in this Bill. These are details to be worked out by the concerned Governments. If at all there are any complaints with regard to the principles in coming to a conclusion, the Central Government will interfere in those matters.

When the Andhra Bill was being discussed, I distinctly remember that hon. Members did not attach so much importance to these things and did not raise questions. They only said that they must be fair and all that. But, Shri Nesamony has been demanding all these. He even goes on to say that all these details should find a place in this Reorganisation Bill.

So, I do not find any justice or propriety in supporting these amendments.

Shri Gadilingana Gowd: My amendments are Nos. 255 and 256. Amendment No. 255 deals with the deletion of Bombay from the list of C Class States. Bombay, as I have already submitted on a previous occasion, justly belongs to Maharashtra. The majority of the Members who have spoken here have expressed their view in favour of Bombay going to Maharashtra. I have, therefore, given this amendment.

Amendment No. 256 deals with the deletion of the word "Mysore" and substitution of "Karnatak" in place of "Mysore". Karnatak has got its own culture for the last thousand years or so.....

Mr. Deputy-Speaker: The hon. Member is speaking about his amendments to clauses 50 and 66, but we have already disposed of that group of clauses.

Shri Gadilingana Gowd: Then I will go on with the Industrial Finance Corporation. I entirely agree with what my hon. friend Shri Trivedi has said. I know that in Andhra State, some of the industrial concerns that have borrowed loans from the Corporation have gone into liquidation. I submit that the Corporations Act should be repealed.

With regard to the High Courts....

Mr. Deputy-Speaker: That again is already disposed of.

Shri Gadilingana Gowd: We are in favour of only one High Court. I have nothing more to say.

Shri A. M. Thomas: Mr. Deputy-Speaker, Sir, my amendments are Nos. 513, 514, 515 and 516 to clause 75 of the Bill. They are amendments which relate to the States of Travancore-Cochin, which will become Kerala State, Mysore and Gujarat. Gujarat comes in because of the merger of the State of Saurashtra with Gujarat.

I may just state to the House the genesis of clause 75. According to article 270, the income-tax collected by the Centre has to be divided between the various States in the proportion that would be settled later on. So also according to article 272, the excise duties which are being collected by the Centre are to be distributed according to the formula that would be settled later on both to be done on the recommendation of a Finance Commission.

Another item of grant that is permissible is under article 275, namely such grants-in-aid or revenues which may be made to the State as has been decided by Parliament.

According to the original Bill, sub-clause (2) of clause 75 was not there, so that the Central Government was

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not under any statutory obligation to honour the agreements that have been entered into by the Centre with the States of Travancore-Cochin, Saurashtra and Mysore. After the integration, when the income-tax revenues as well as excise revenues, which were being collected by the States were taken over by the Centre, an agreement was entered into on the recommendation of the Indian States Finances Enquiry Committee, presided over by Shri V. T. Krishnamachari, that for a particular period some States have to be treated on a different footing from the erstwhile provisions. If a preferential treatment is not given, and only that percentage of income-tax revenue as well as Central excise revenue that is being given to the Provinces is given also to the States, these States may not be in a position to exist as viable units and may not be in a position to meet the obligations enjoined on them under the Constitution. The Indian States Finances Enquiry Committee, therefore, suggested that for a period of five years, whatever may be the percentage that may be due to these particular States if they are treated on par with the Part A States, the Centre would have to pay these particular amounts, that is whichever be the higher, to those States. If on a percentage basis it is calculated that the amount becomes higher, then that higher amount has to be paid. If on the percentage basis it does not reach the figure mentioned then whatever is the higher amount would have to be paid to the States. So, under the agreement entered into between these three States and the Centre, an amount of Rs. 275 lakhs had to be paid to the State of Saurashtra. At that time, if calculated on a percentage basis, the amount would not have come to Rs. 275 lakhs. So also, as far as Travancore-Cochin is concerned, it was decided that it must be given an amount of Rs. 252.9 lakhs plus Rs. 26.6 lakhs—Rs. 279.5 lakhs that should be the minimum payment. As far as the State of Mysore is concerned, it must get Rs. 345 lakhs.

The Indian States Finances Enquiry Committee also recommended that after 1955—it was for a period of five years after the coming into force of the Constitution, that is, up till 1955—till 1960, that is for a period of five years, a little difference has to be made in the matter of these payments; that is, the minimum amount that has to be paid. There should be a tapering down of the amount gradually so as to reach a particular amount in the year 1960. According to the Indian States Finances Enquiry Committee, the net loss to the State of Travancore-Cochin would be Rs. 330 lakhs on the basis of the figures for their financial year 1123, Malayalam Era. On page 41, they say:

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"The net revenue loss to the T. C. State, taken together, upon federal financial integration (on the basis of figures for their financial year 1123 M.E.—Malayalam Era) would be Rs. 330 lakhs, this includes net loss of Rs. 100 lakhs by abolition of internal Customs Duties in Travancore State.

We recommend that—

(a) the loss resulting from the immediate abolition of internal Customs Duties of Travancore must be borne by the State Government;

(b) as regards the residual net "Central" Revenue-Gap of the two States taken together (Rs. 230 lakhs), there should be a guaranteed reimbursement by the Central Government to the following extent during a transitional period:

From the date of federal financial integration Rs. 230 lakhs per annum to 31st March, 1955.

From 1st April 1955 to 31st March 1960, the residual net Revenue-Gap of Travancore in full (i.e. Rs. 127 lakhs) plus a gradually reducing part of the

Cochin net Revenue-Gap of Rs. 103 lakhs so as to work it down to sixty per cent thereof in 1959-60.

The amount payable in 1959-60 will continue to be paid as a guaranteed reimbursement for a further period of five years, if the Constituent Assembly should accept an extension of the transitional period to fifteen years."

Similar recommendations have been made in the case of Saurashtra as well as Mysore. It was recommended that the Constituent Assembly should decide whether this payment should continue after 1960. It has been stated that if the Constituent Assembly should accept, the amount has to be continued to be paid even after 1960. But, unfortunately, the Constituent Assembly did not make any provision which would enable the payment of the same grant as on 1960 for a subsequent period of five years. So, according to the decision of the Constituent Assembly, this recommendation of the Indian States Finance Enquiry Committee has not been accepted. But, the other recommendation has been accepted *in toto* and it has also been entered into in the agreement with the three States concerned. If the Joint Committee has not introduced this sub-clause in clause 75, the position would have been that this guaranteed revenue gap payment would have been paid only till the end of the financial year 1957 and the agreements that were entered into with these three States by the Centre would have been nullified as far as this particular provision was concerned.

Shri U. M. Trivedi: Is there any formula by which clauses 75(2) (a), 75(2) (b), etc. have been put down?

Shri A. M. Thomas: Yes. That finds a place in the agreement which has been entered into by the Centre with the States.

Shri U. M. Trivedi: There may be a formula. But, what I cannot understand is this. Most of the money

bags, in the words of Shri C. D. Deshmukh, are in Gujarat. It is these money bags who give you the greatest amount of money. It appears that in distributing these moneys to the various States, as provided for in this clause, the Maharashtra State has been given 11.85 per cent. and Gujarat only 6 per cent. So, the owner of the money has been given less and the other exploiter is given 11.85 per cent.

Mr. Deputy-Speaker: Money bags are to be emptied.

Shri A. M. Thomas: That is the basis of the division of the income-tax as well as excise revenue. There is no exploitation or anything like that.

Shri U. M. Trivedi: What you say is laid down in the Fourth Schedule, Table II. There you have got the excise duties. But, I am talking of the income-tax percentage. The money bags pay more income-tax. The State whose people pay more should get more than those who do not pay.

Mr. Deputy-Speaker: The answer to that would be given by the hon. Minister.

Shri A. M. Thomas: I shall continue my speech with regard to my amendment. If we go by the letter of the agreement that had been entered into with the three States, the provision contained in clause 75 is correct. But, my submission is that the principle that has been adopted by the Central Government for the year 1956-57 must be adopted for the subsequent years ending with the financial year 1960.

From the Schedule to this Bill, it will be found that it has been provided to pay from the Consolidated Fund of India various amounts to Mysore, Saurashtra and Travancore-Cochin, for the first half of the financial year 1956-57 and for the second half of the financial year under clause (b) certain further amounts.

If we have taken into consideration the recommendation of the In-

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dian States Finances Enquiry Committee and the agreements that had been entered into, these three States would have been entitled only for a lesser amount for the financial year 1956-57. But, the Centre has put the finances in these three States on a different footing and decided that because of the Five Year Plan and the difficult financial position of these States as reported by that Committee, it will not be proper to reduce any amount. That is to say, the tapering down of this revenue gap amount from 1956-57 has not been given effect to in this Bill. My only submission is this. The very same principle that has been adopted for the financial year 1956-57 may also be adopted for the subsequent years ending the financial year 1960. In short, my request to this House is that there should not be any tapering down for the subsequent period.

The principles followed by that Committee were as under:

"Our reviews of the finances of States have convinced us that the integration of their federal finances with the Centre, if unaccompanied by appropriate financial adjustments over a transitional period, will in most cases cause dislocation of their finances and lowering of standards of administration which will cause discontent."

Then at another portion they say:

"We are satisfied that the individual schemes prepared by us for the States, following the plan already described, provide the only practical approach to the problem in a manner which would cause the least dislocation during the transitional period and meet the variety of financial situations arising in the different States as a result of federal financial integration."

They further state that on adoption of any method the finances of these States should not be dislocated.

Now, the Government of India has accepted the position. For the year 1955-56 the tapering down was not given effect to and for the current year 1956-57 the States Reorganisation Bill itself contains the un-reduced grants for the whole year—that is, Rs. 275 lakhs for the State of Saurashtra and other amounts for the States of Travancore-Cochin and Mysore. My request at this stage is that that very same principle should be adopted for the subsequent period also. If the principle which has been adopted for the year 1956-57 is to be followed, the amounts due will be the amounts that I have shown in the amendments 513 to 516 which I have already moved. This is a matter of serious concern to these three States and I am sure all the Members, irrespective of party considerations, coming from these three States will support my amendments.

There was some difficulty for the Joint Committee to make any violent departure from the provision in the Bill, because of the fact that in the agreements entered into only the tapering down amounts are shown. But, considering the particular circumstances of these States and the fact that the Centre itself, irrespective of the fact that it was only bound to pay the tapered amount, has paid the amount without any reduction for the financial year 1955-56 as well as provided for the year 1956-57, I submit that the reason behind my amendments has been accepted by the Government. My only request is that the House should give effect to it.

I said it was a little difficult for the Joint Committee to make any violent departure because it would be going beyond its purview and making recommendations with regard to certain grants about which it was not asked to decide since the original Bill did not contain any such provisions. Now, since the House is reviewing the entire field and providing for grants for the subsequent

years also, my submission is that justice must be done to these three States, especially in view of the fact that these States have launched upon heavy investment plans under the Second Five Year Plan depending upon the assumption that the same grant would continue to be paid. I submit that these three Governments should not be disappointed in the calculations that they have made in arriving at the resources for the Second Five Year Plan also.

Now, the grant to the State of Saurashtra since its merger with Gujerat has to be paid to Gujerat. The grant due to Travancore-Cochin has to be paid to Kerala as well as to Madras, because a portion goes to Madras. That is why I have stated in my amendment that Rs. 26.6 lakhs has to go to Madras instead of Rs. 24.65 lakhs. Then, because the State of Mysore comes in the enlarged Mysore State, the sum of Rs. 345 lakhs has to be paid to the enlarged Mysore State. I submit that the Home Ministry should persuade itself to accept these amendments. I do not think the Finance Ministry would have any serious objection because it has already adopted the principle and no reduced amount has been provided for the year 1956-57. This is all I have to say about my amendments that I have moved to clause 75.

With regard to the complaints that my friend Shri Nesamony raised, such complaints and counter complaints have been appearing in the local Press and in the Press outside also. Some of the leading men of Kerala were complaining that the elephants that were in Malabar, which area would now come to Kerala, are being removed to Madras State and some machinery in Fort Cochin, which is an enclave in my constituency, is being removed to Madras territory. They say that forests in Malabar district are being denuded and timber is being cut down indiscriminately and removed. Such complaints are there. We have also been seeing denials on the part of

both the Travancore-Cochin and the Madras Governments with regard to these complaints. Sir, I purposely do not want to ventilate these complaints here because of the fear that it may affect the good relations between the two States that have to move together.

Shri Nesamony: I want to know how many sections of the various departments have been abolished during the last two months. The Kodayar Extension Project Section, the National Water-supply Section and various other planning sections have been abolished. Does the hon. Member know anything about that?

Shri A. M. Thomas: There has been a Press Note issued by the Travancore-Cochin Government to the effect that all the projects that have to be worked under the Budget of 1956-57 are being worked out now and no discrimination at all is being shown. I do not know from where my friend has got the information.

Shri Nesamony: Does the hon. Member know.....

Mr. Deputy-Speaker: Order, order. The hon. Member had his say. There cannot be more than one speech by any Member on one point.

Shri Nesamony: I am bringing to the notice of the hon. Member certain facts which he does not know.

Mr. Deputy-Speaker: It may be. Nobody can know everything.

Shri A. M. Thomas: That is why I said in regard to the complaints and counter-complaints that, since I am not in a position to assert one way or the other, it is better we do not ventilate these complaints here. Of course, if any specific instances are brought to the notice of the Home Ministry I am sure the Home Ministry would take the necessary action. I, as a matter of fact, know that the Home Ministry has issued instructions that no room should be given for such complaints. By ventilating these things on the floor of this House I am afraid the good relationship

[Shri A. M. Thomas]

that exists between the two Governments may be embittered. My friend Shri Nesamony knows that, if at all any party has got legitimate grounds for complaints, it is more for the Travancore-Cochin Government.....

Shri Nesamony: If it does not attend to them?

Shri A. M. Thomas: I purposely did not want to refer to these matters like removal of elephants, clearance of forests etc.

Sir, one other fact to which I wish to refer is about clause 113. Clause 113 has been incorporated in this Bill because of the reason given in paragraph 49 of the report of the Joint Committee which runs thus:

"This clause provides for the division of the Devaswom Surplus Fund which belongs to the Travancore Devaswom Board, which is a statutory body. It is proposed that a corresponding Fund should be established in Madras and that the Surplus Fund should be divided in the ratio of 37.5: 13.5, on the basis of an agreement reached between the two State Governments"

So, this provision has been made on the basis of an agreement that has been reached between the Travancore-Cochin Government and the Madras Government. I would request the Home Ministry to use its influence with the Madras Government and if possible get the Madras Government to agree for a more legal and equitable distribution of the surplus fund of the Travancore Devaswom Board. It is good that we know something about the genesis of the fund itself to that this House may be in a position to judge what should be the proper proportion by which this fund should be divided between the Board within the residuary State of Travancore-Cochin and the Madras Government.

The temples in Travancore owned immovable properties and when Col.

Munroe was the Dewan of Travancore, these properties were all taken over by the State and the temples were maintained at the expense of the State in lieu of the income that would be derived from the properties that have been taken over from the temples by the States. At the time when the Travancore and Cochin States were integrated, it was provided in the covenant that an amount of Rs. 45 lakhs should be paid to a body which was to be constituted, namely, the Travancore Devaswom Board, in lieu of the income that would be obtained from the properties that have been taken over from the temples by the States. Rs. 6 lakhs was calculated as a reasonable income of the properties that had been taken from Sri Padmanabhaswami temple by the State, so that adding both the amounts, namely, Rs. 45 lakhs and Rs. 6 lakhs, a total of Rs. 51 lakhs was to be given to the Devaswom Board in lieu or by way of compensation for taking over the properties belonging to the temples by the State. So, the genesis was this, and Rs. 51 lakhs was arrived at this way.

It was not also possible to distinguish Devaswom from the State property; because these properties were mingled in such a way that it was not possible to distinguish one from the other. However, it was thought that 40 per cent of the landed property belonged to the Devaswom and 60 per cent belonged to the State. On this basis, the land tax that would be due from the entire Travancore State was calculated, and 40 per cent of it was considered to be a reasonable compensation in lieu of the amounts which the temples were deprived of. So, it was provided that Rs. 51 lakhs should be given over to the Devaswom Board which was a statutory body.

Now, when the temples in the four taluks which go to Madras have to be separated from the jurisdiction of the Travancore Devaswom Board,

fund has to be found for maintenance of those temples.

Shri Nesamony: On a point of order. While the House is considering the Bill clause by clause, is a Member who has not sent in any amendment to a clause entitled to speak on the clause or any other amendment to it?

Mr. Deputy-Speaker: When the clauses are discussed, he can support or oppose a clause, or he can support or oppose any amendments moved to any clause.

Shri A. M. Thomas: In the original Bill, the reason behind the provision for giving Rs. 46.5 lakhs to the Travancore Devaswom Board and the remaining Rs. 4.5 lakhs to the Madras State was this, namely, if one goes by the income derived, which was the basis of this payment of Rs. 51 lakhs, the properties in the portion that goes to Madras would have fetched only that portion of the income. But, when the matter was considered subsequently by the Madras and the Travancore-Cochin Governments, after the Government of Travancore-Cochin was taken over by the President, the accounts were gone into and it was found that on an average for the last three years, about Rs. 13.5 lakhs were being spent on the temples in South Travancore which are to be given over to Madras. It was thought that it was only fair that Rs. 13.5 lakhs should be provided for the maintenance of those temples by the Madras State and that it would be deducted from the Rs. 51 lakhs.

If one goes by the basis of expenditure, I concede that there is some justification for making such an allotment. But, as I have already said, if one goes by the genesis of this fund, and if one adopts the basis of division of the assets and liabilities, it would not be proper. If the expenditure basis is to be adopted it should be adopted for the temples in the residuary State of Travancore-Cochin also. I understand that during the

last three years, the expenditure came to an average of Rs. 40 lakhs and odd. If that is so, instead of Rs. 37.5 lakhs, the Travancore Devaswom Board would have been entitled to Rs. 40 lakhs and odd for the maintenance of temples in the residuary State. I advance this argument just to show that the basis of expenditure cannot be adopted as a safe or proper guide alone. I understand the difficulty of the Central Government in ignoring the agreement that has been entered into between the T.C. Government and the Madras Government because, although they have got lands yielding a revenue of Rs. 4.5 lakhs for the maintenance of those temples, they would have to spend another Rs. 9 lakhs more if they have to maintain the temples in the same order as is being done today. So, it was thought only fair that that basis should be adopted also for the division of the surplus fund.

[**SRI BARMAN** in the Chair.]

5-31 P.M.

My submission is that the very same principle that we have adopted for the division of the Devaswom Fund, namely, Rs. 45.6 lakhs out of Rs. 51 lakhs, should also be adopted for the division of the surplus fund, because it may not be proper or legal if we adopt any other standard for the division of this surplus fund. As I said, the difficulty of the Central Government is also there, because the Madras Government has taken upon itself the responsibility more than what it was really bound to take up; it is giving Rs. 9 lakhs more. I submit it would be improper if the same principle is not adopted for the division of the surplus fund also. If we divide the surplus fund on the basis of expenditure, since these lands were giving only Rs. 4.5 lakhs, there cannot be any right to the surplus.

Shri Nesamony: May I know what is the basis for this calculation of Rs. 45.6 lakhs?

Shri A. M. Thomas: According to the original Bill, it has been like that—Rs. 45.6 lakhs. I would request the Home Minister to get the consent of the Madras Government to divide the surplus fund also in the very same ratio in which we divide the Devaswom fund for the coming years. That is only a fair principle. That is all I have to say on clause 113.

This group of clauses is a very important one. We have generally adopted the principles we have adopted in the Andhra Bill for incorporating the necessary provisions here also; but, in one material fact, we have departed from the Andhra Bill. In the Schedule to the Andhra Act, it has been provided that a particular amount should be given to the State of Andhra on account of its being deprived of the benefits of the city of Madras; and for the shortage of buildings in the Andhra area. You would find that Malabar has also contributed to the growth of the Madras city and it has to be paid some amount by the Madras State in lieu of the fact that it is now losing all rights on that city. It may be argued that as far as South Travancore is concerned, it is losing all rights on the capital of Trivandrum; but, there is no comparison between the two States. If the Government is prepared to adopt any equitable principle, I have no objection to the Kerala Government paying something to the Madras Government on account of that portion being deprived of the benefits of the capital of the T.C. State, namely, Trivandrum.

I have only one word to say. According to article 275, an *ad hoc* grant is to be paid to T. C. State. We have provided in the Bill for payment during 1956-57 Rs. 22½ lakhs for the first half-year; Rs. 20½ lakhs during the second half-year and Rs. 2½ lakhs to the Madras State for the South Travancore territory. One fact I want to mention at this juncture is this. At the Joint Committee stage, arguments were advanced that in the matter of division of assets and liabilities and in the matter of

allocation of funds, some consideration would have to be shown to the backward areas. It was pointed, for instance, that Malabar, which is coming to T. C., is an undeveloped area and the expenditure on that part of the area would be less compared to the expenditure incurred by the Madras State in other parts of the State. It would be a big burden on the future Kerala State to develop Malabar to the same extent as the other areas in T. C.; it would be a great strain on the finances of the future Kerala State. So, it was urged that a suitable allocation should be made, but it was pointed out by the Minister that these matters would be taken into consideration by the Finance Commission that would be appointed. The backwardness of any particular area or the requirements of any particular State will be taken into consideration by them and suitable provisions will be made in the matter of the allocation of the income-tax as well as excise revenue and also in the matter of providing for the payment of Central grants. In the light of that assurance, it was not proper to press any of the amendments for making any allocation for the needs of the backward areas. My only request at this stage is that the Home Ministry should bear this fact in mind and see that the Finance Commission takes note of all these considerations while making its final recommendations.

Mr. Chairman: The following amendments to clauses 71 to 114 and Schedules IV to VI of the State Reorganisation Bill have been indicated by Members to be moved subject to their being otherwise admissible:

Clause No.	Amendment No.
72	410
75	513, 514, 515, 516
77	411
82	412
87	413
102	414, 415, 416
113	417 and 517

Clause 72.—(Appropriation of moneys for expenditure etc.)

Shri Nesamony: I beg to move:

Page 34—

after line 31, add:

“(3) In the territories transferred from Travancore-Cochin to the State of Madras, if half the amount provided in the Budget for execution of public works has not been spent the balance of any such amount shall be transferred to the State of Madras on the appointed day.”

Clause 75.—(Distribution of Revenues

Shri A. M. Thomas: I beg to move:

(i) Page 35, line 27—

for “248·04” substitute “275”.

(ii) Page 35, line 31—

for “232·38” substitute “252·90”.

(iii) Page 35, line 35—

for “24·65” substitute “26·60”.

(iv) Page 35 line 39—

for “289·80” substitute “345”.

Clause 77.—(Land and Goods)

Shri Nesamony: I beg to move:

Page 38—

after line 31, insert:

“(2A) The normal indent of supplies made before the 31st of March, 1956 by the hospitals and other institutions in the territories of Travancore-Cochin transferred to State of Madras shall be met by the Government of Travancore-Cochin before the appointed day. All sections of the departments in the transferred territory which have been abolished since 31st March, 1956 shall be restored with their personnel and stores before the appointed day.”

Clause 82.—(Assets and liabilities of State undertakings)

Shri Nesamony: I beg to move:

Page 38—

after line 12, add:

“(3) The Travancore Minerals Company in the territory trans-

ferred from Travancore-Cochin to the State of Madras shall from the appointed day pass to the State of Madras.

(4) On and from the appointed day such number of vehicles of all categories of the State Transport Department of Travancore-Cochin plying in the territories transferred to State of Madras shall pass to the State of Madras along with all garages, workshops, waiting sheds and offices and the Madras State shall operate those vehicles.”

Clause 87.—(Contracts)

Shri Nesamony: I beg to move:

Page 40—

after line 27, insert:

“(2A) On and from the appointed day any contract for the exploitation of timber from the territories transferred to the State of Madras from Travancore-Cochin stipulating for the removal of timber to any depot outside the said territories shall be void and any such timber removed after the 2nd day of May 1956 or its value thereof shall pass to the State of Madras.”

Clause 102.—(Provisions as to certain State Financial Corporations)

Shri U. M. Trivedi: I beg to move.

(i) Pages 43 and 44, line 43 and lines 1 and 2 respectively—

for “shall be deemed to be the Financial Corporations established under the said Act for the new States of Madhya Pradesh, Punjab, Rajasthan, Gujarat and Kerala, respectively.”

substitute “shall be abolished”.

(ii) Page 44—

omit lines 3 to 9.

[Shri U. M. Trivedi]

(iii) Page 44—

omit lines 31 to 35.

Clause 113.— (Provision as to the Devaswom Surplus Fund of Travancore)

Shri Nesamony: I beg to move:

Page 52—

after line 19, *add*:

“(3) On and after the appointed day the Shree Padmanabhaswamy Temple at Trivandrum shall not have any right, claim or interest in respect of any holding in the territories transferred under section 4 except to 8-1/3 (eight and one-third) times the net aggregate of rent as compensation which shall be collected by State of Madras from the respective landholders and paid to the Shree Padmanabhaswamy Temple. The compensation shall be determined by compensation officers appointed by the State of Madras.”

Shri Achuthan: I beg to move:

Page 52, line 17—

for “37·5 to 13·5” substitute “46·5 to 4·5”.

Mr. Chairman: These amendments are now before the House.

Shri U. M. Trivedi: There is no quorum.

Shri Nambiar: This is the second time.

Mr. Chairman: The quorum bell is being rung.—Now there is quorum, **Shri V. P. Nayar.**

Shri V. P. Nayar: I am in agreement with the spirit of the amendment moved by **Shri Nesamony**, amendment 412, but I do not agree with amendment 413.

If you read clause 82 you will see that it is quite possible that there could be a difference in interpretation. As it reads now, the clause does not cover industrial or commercial undertakings which are

spread out in areas which will fall within the areas of two States. The clause reads:

“The asset; and liabilities relating to any commercial or industrial undertaking of an existing State shall pass to the successor State in which the undertaking is located.”

There is some force in what **Shri Nesamony** says because there are certain industrial and commercial undertakings of the type I have mentioned. Especially in the case of the Travancore-Cochin State Transport Department which operates several bus routes in the area which will be transferred from the present Travancore-Cochin State to the future Madras State, I am afraid the clause as it is worded today is bound to create some confusion. Similar will be the case in respect of the mineral factory at Manavalakurichi. This is not a peculiarity of Travancore-Cochin alone. In Madras State there is the shark liver oil factory which is located in Malabar. The head office may be in Madras City. It is a commercial undertaking run by the Government. So that, I would very much like the hon. Minister to consider re-drafting this particular clause in such a way that such amendments will not be necessary.

As regards the amendment itself, I am not in favour of its being put in here because clause 82 is a general clause, and what is sought by amendment 412 is a particular provision in respect of a commercial undertaking run by a particular State. I submit there should be a general proviso.

The re-drafted clause should also contain a provision by which a commercial or industrial undertaking taken over by one State as a result of transfer of territories will continue to be run as a State undertaking. I am pressing this point because I have been told by many of the transport workers of Travancore-Cochin and even by the union representa-

tives that rumours are afloat that the Madras Government is thinking already in terms of entrusting this undertaking to a private agency. It is very likely also because we know that the present State transport undertaking of Madras is limited to Madras City and its surroundings. This particular area which will go to Madras from Travancore-Cochin is about 400 miles away from Madras City, and in between there is no State transport undertaking. Further, around this particular area in the present Madras State, road transport is almost in the monopolistic grip of a firm known as Southern Roadways.

Shri Nambiar: T.V.S.

Shri V. P. Nayar: Whatever it is, I am not interested in the name.

Shri U. M. Trivedi: What is the name?

Shri V. P. Nayar: T.V.S. They have one main company and several subsidiaries. So that, unless you provide definitely in this particular clause that a State undertaking or a commercial undertaking run by the State, on being taken over by another State, shall continue to be run as a State undertaking, it will create some trouble. Whatever be the nature of the credit or the prestige of a private employer, we know that service conditions under a private employer are definitely worse than under Government. There may be so many short comings in Government service. The facilities provided to the transport employees of Travancore-Cochin State may be very inadequate too. All the same, after having served for a period of years in a Government undertaking it will be very hard to ask them to go and serve a private employer. And unless we provide for it by statute, there is a grave danger because there are already rumours afloat as I said, that it will be transferred for reasons of convenience as it will be difficult for the Government of Madras to run the undertaking in a remote area of the State. Such a step I think is

bound to create heart-burning among the workers.

There must be a reasonable distribution of the assets of the Transport Department. Shri Nesamony said motor vehicles of all types should be given. I do not stop there. I go to the extent of saying not merely the motor vehicles, but the garages, the waiting sheds, all structures etc. of the Transport Department as it is operated today must be given to the Madras Government on the basis of an equitable distribution. I am not at all against that.

Shri U. M. Trivedi: May I ask one question of the Minister? It is stated in the clause that the commercial or industrial undertaking shall pass to the successor State in which the undertaking is located. What is the meaning of this word "located". Is it the place where the head office is located or the whole of the undertaking exists?

Shri V. P. Nayar: My hon. friend will remember that I started by saying that the wording of clause 82 as it stands today is rather unhappy and is open to different types of interpretation. Location, as I pointed out, may be the location of the works or the location of the head office. This has to be cleared by re-drafting the clause in such a way that there will only one interpretation which will decide the issue.

I was referring to the State undertakings. There is the case of the other State undertaking as pointed out by Shri Nesamony which is controlled by an office which will fall within the Kerala State, but one of the factories will be in the area which goes to Madras. There also I am not against what he said, I am at one with him in raising my voice for giving that factory with all the appurtenances and the share in the capital if it be necessary, based on the calculations of dividing the assets, to Madras State. But in this also there is a danger. In Madras State as it is today I do not think there is

[Shri V. P. Nayar.]

any State undertaking which runs a factory like the monazite factory at Manavalankurichi. In such a case there should be no argument by the successor State at a later stage that they do not have the competent personnel or the convenience, or that the distance is a problem for them. It may be a problem because it is 550 miles away from the seat of the Madras Government. None of these arguments should prevail and the State undertaking whether it is commercial or industrial which passes on to the other State must be necessarily run by that State so that the employees may derive the full benefit of working in a State undertaking. We must provide for this very definitely in this clause.

Then, Sir, I do not agree with amendment No. 413 moved by Mr. Nesamony. As you know, without knowing that the States will be re-distributed on the basis which we have now or according to the provisions of the State Reorganisation Commission Report, certain contracts have been entered into. What is a contract? A contract, as all of us know, is nothing but an agreement enforceable at law. If a certain party had entered into a contract with a lawfully constituted government existing at that time, it is not his fault. And if the contractor has not fulfilled his obligations, there are ever so many clauses under the contract under which you can penalise him. The rights of the government can be taken over by the successor government also. But to say, as categorically as Mr. Nesamony seeks in his amendment, that all contracts in regard to forest matters entered into shall be void, is not proper. He says that "on and from the appointed day any contract for the exploitation of timber"—appointed day is 1st October, let us hope it will be changed to 1st November or something like that—"on and from the appointed day any contract for the exploitation of timber from the territories transferred to the State of Madras

from Travancore-Cochin stipulating for the removal of timber to any depot outside the said territories shall be void and any such timber removed after the 2nd day of May 1956 or its value thereof shall pass to the State of Madras." Even if he argues that from the appointed date the contract shall be deemed to be null and void, one could have understood. But he goes to the extent of giving retrospective effect to it. He says from the 2nd of May, 1956. Thank God he did not say 'from last year'! From 2nd May what little timber has been transported from that place to this territory or that territory, we do not know. We have no records. The timber which was being exploited in his region of Travancore-Cochin State may have come to the Trivandrum depot, it may have gone through Arampalli Aramboly Pass to other places also.

Shri Nesamony: That amendment is based upon the information supplied by the Secretary of the Travancore-Cochin Planning Committee to me.

Shri V. P. Nayar: It would have been very much better had the hon. Member appended a note that this information was granted from the Planning Committee, in which case I would not have argued about it.

But that is not the point. We can also say very many small things about which the local press has also made much of. For example, it has been repeatedly reported in the press that from the Malabar forests large quantities of timber are being systematically removed. May be some quantities have been removed, removed to the Madras State to which the area now rightfully belongs, under the existing contract. We know when there is going to be a change in the set-up and in the areas of certain States, it is quite natural that a contractor with a particular State will have some sort of a fear that after the constitution of a new State there may be some administrative difficulties: so that, a contractor

who has entered into a standing contract with a Government for removing timber from a forest might have stepped up his work and might have removed some timber. I do not go into the merits: It can be on either side. Let us not wash any dirty linen in this House. But to say that even contracts which have been entered into with a Government which is lawfully constituted as at present should be void with retrospective effect from 2nd May, 1956, I submit, is something very hard and we should throw out this amendment because it does not merit our consideration.

I would also like to submit that Mr. Nesamony will use his influence with the people whom he represents and also see that misapprehensions about removal of two logs of timber from his forest to our depot and things of that sort are completely dispelled. It is also his duty to do that. And all of us should strive together in seeing that small things are not taken advantage of in creating a rancour among people who have to live in adjoining States.

With these words I support the spirit of amendment No. 42, but very strongly oppose amendment No. 413.

Shri U. M. Trivedi: There are certain points which require some sort of elucidation from the hon. the Home Minister. The language of a Bill of such a comprehensive nature must be very specific; and where a question governs, as it does in Part VII, the apportionment of assets and liabilities of certain Part A and Part B States—that is to say, contractual relations *inter se* the States and contractual relation between the States and outside—, if these provisions are going to govern those contractual relations, then it would be necessary that the language ought to be of a very specific nature.

Mr. Chairman: The hon. Member has spoken already. Is he explaining something?

Shri U. M. Trivedi: Certain points I want to explain. But if anybody wants to speak, I will not stand in the way.

Mr. Chairman: I find there is no one who wants to speak. So he may go on.

Shri U. M. Trivedi: In the definition clause we have only got definition of "successor State", and we have got no other definition. For "existing State" or "corresponding State" or "corresponding new State" we have got a definition, but I do not find any definition of "principal successor State". For example, in clause 80 the words "principal successor State" have been used. These words have again been used in clause 87(1)(c) where it is said:

"if there be two or more successor States and the purposes of the contract are, as from that day, not exclusively purposes of any of them,—of the principal successor State;"

Mr. Chairman: We shall finish the discussion on this group of clauses by six.

Shri U. M. Trivedi: Six hours are allotted for this.

Mr. Chairman: But there is no other Member willing to speak on this, and you have already spoken. The discussion on this will close today and the hon. Minister will reply tomorrow.

Shri U. M. Trivedi: There are six hours....

Mr. Chairman: That is all right. But if any other Member had not spoken and is willing to speak, certainly this time-limit allotment would have been quite valid. But when no other Member is willing to speak, I think the discussion on this group of clauses should close today.

Shri A. M. Thomas: We will get some time for Third Reading.

Shri U. M. Trivedi: As I was pointing out, the definition of "principal successor State" must be provided somewhere, as to what exactly is understood by principal successor State, under what condition, out of two succeeding States which would be considered principal successor State and which not.

Similarly, as I was pointing out, and as was pointed out by Mr. V. P. Nayar also, in clause 82 the word used is very wide—the word 'located'. In clause 82 it is said that "the assets and liabilities relating to any commercial or industrial undertaking of an existing State shall pass to the successor State in which the undertaking is located". Now, in some cases I remember instances where the registered office of a particular co-operative society was not in the State, it was in another State, namely in Madhya Pradesh at Khandwa, and yet all its working was in Madhya Bharat. So, if there is such an undertaking, then the word 'located' must be defined, whether located means the head office or only the undertaking. The undertaking may be at one place and the location of the head office may be at another place. Therefore, when the question of the division of assets and liabilities is considered, the word "location" must be specifically defined. What does 'location' mean? Does it mean the place where the work is being

carried out or does it mean the place where the organisation is functioning?

6 P.M.

The other matter on which I have put a question and to which I have not been able to get an answer is: how the distribution provided in the Fourth Schedule has been arrived at? There ought to be some justification for putting a figure like this, as provided at page 63. Originally, Bombay was assigned 17.50 per cent. of the taxes. But when Bombay is divided, when it becomes a Part C State and when Maharashtra and Gujarat are carved out of it, Maharashtra has been allotted 11.85 per cent. and Gujarat has been allotted only 6.02 per cent. On what basis has it been allotted? What is the criterion? Is it the population? Or is the criterion to be judged from the fact that it is the Gujaratis that are contributing more to the wealth of that area?

Shri A. M. Thomas: Population.

Shri U. M. Trivedi: Then what will happen in the collection of estate duty will be a problem.

Mr. Chairman: The House will now stand adjourned till 11 A.M. tomorrow.

6-02 P.M.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 7th August, 1956.