

LOK SABHA

Friday, 27th April, 1956.

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-30 A.M.

PAPERS LAID ON THE TABLE

STATEMENTS CONTAINING REPLIES TO MEMORANDA FROM MEMBERS re : DEMANDS FOR GRANTS (RAILWAYS), 1956-57

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to lay on the Table a copy each of certain statements containing replies to certain memoranda received from Members in connection with Demands for Grants (Railways) for 1956-57. [See Appendix X, annexure No. 58]

DETENTION OF A MEMBER

Mr. Speaker: I have to inform the House that I have received the following letter dated the 24th April, 1956 from the Chief Presidency Magistrate, Calcutta :

"I have the honour to state that Shri Tushar Chatterjea, Member, Lok Sabha, was arrested along with others on the 23rd April, 1956 under sections 143/145/186 of the Indian Penal Code/11 West Bengal Security Act for offences of being a member of unlawful assembly and obstructing public servants in discharge of their public duties with the object of violating the orders under section 144 of the Code of Criminal Procedure, 1898 (Act V of 1898) and produced before this Court on 24th April, 1956 for committing the alleged offences as referred to herein. He was granted bail of Rs. 100

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but as he was not prepared to execute the bail bond, I have found it my duty, in exercise of power under section 167 read with section 496 of the Code of Criminal Procedure to direct that he be detained in Jail custody till the 5th May, 1956. He has accordingly been taken into custody and detained in Presidency Jail, Alipore, Calcutta."

PETITION RE. HINDU SUCCESSION BILL

Mr. Speaker : Dr. Rama Rao.

Shri Kamath (Hoshangabad): When will the Minister reply to the debate?

Mr. Speaker : Let not the work be interrupted now.

Dr. Rama Rao (Kakinada): I beg to present a petition signed by 3127 petitioners relating to the Hindu Succession Bill.

CONSTITUTION (NINTH AMENDMENT) BILL.—Contd.

Mr. Speaker: The House will now resume further consideration of the motion for reference of the Constitution (Ninth Amendment) Bill to a Joint Committee. About 3½ hours have already been taken on the discussion on this motion and 2½ hours now remain. This would mean that the motion will be disposed of at about 2 P.M.

How much time will the hon. Minister take?

The Minister of Home Affairs (Pandit G. B. Pant): I may be called sometime about 1-30 or so.

Mr. Speaker : So, he will take about half an hour. I will call him at about 1-20 so that there may be some time for disposing of the motion.

Shri Tek Chand may now continue his speech.

Shri Tek Chand (Ambala-Simla) : When the House rose yesterday, I was counselling the desirability of greater inter-change of Judges of different High Courts. I said at that time that, if we have greater inter-change and there are considerable transfers of Judges, that would be conducive to an independent approach which will be welcomed not only by the members of the Bar but also by the litigant public. The High Courts are institutions whose independence deserves to be zealously guarded. This is possible in several ways and inter-change of Judges is one of them.

In the matter of recruitment, Government does realise that the standards must be very exacting. Independent men of learning and integrity, dispensing even-handed justice without fear or favour, are the greatest bulwork of the rights and liberties of the citizen. Even the remotest whiff of suspicion of partiality, of prejudice, of bias, conscious or otherwise, is apt to disintegrate and strike at the very root of a great institution which is necessary for cohesion and harmony in society. Therefore, it is very necessary that the High Court Judges' conduct should conform to the proverbial standards of Caesar's wife. The question is whether the changes now proposed are going to help or hinder that objective. To the extent to which the Government proposes to encourage transfers, it will advance that cause.

But, there is one suggestion that is incorporated in the Bill, with respect to which one can express certain doubts. You are proposing to permit the retired High Court Judges to have the right to practise in High Courts other than those in which they worked. If I were asked to give my independent opinion, I would hesitate to conform to that principle. I would rather raise the salaries of the Judges so that they may be above need or want, so that they may be in a position to live in comfortable seclusion and comfortable dignity rather than say that after retirement, they should feel the necessity of going and arguing cases on behalf of parties, after they have been dispensers of justice. I will not even mind if, by two years, you raise the retirement age, as you have done in the case of Judges of the Supreme Court. For my part, I do not mind it. But, it does not add to the dignity of a particular Judge and we think it does not add to the dignity of

the institution, when a Judge who adorned the bench of a High Court stands at the bar of another High Court as a counsellor, making his petitions and prayers on behalf of a particular litigant.

However, I do realise that all the High Courts, in the country are confronted with one great difficulty. It seems to be the experience of all High Courts in this country that they have very heavy arrears to cope with. For this difficulty, certain remedies have been suggested. I do say, with all humility but with the utmost emphasis at my command, that the varied suggestions that are made are in the nature of palliatives, not preventives and certainly not cures. When arrears accumulate in any High Court, justice is being delayed. In some cases, delay is tantamount to denial of justice. A case is instituted today and it is expected to be disposed of six years hence. That is not justice. Justice must be equally efficient and expeditious. One of the methods evolved is that there should be temporary additional Judges. The experiment of temporary additional Judges has been tried by different High Courts in the recent past. But on the whole, the opinion is against such a system. Anyway, we are going for temporary additional Judges. The Constitution provides for recruitment or bringing in, on *ad hoc* basis retired Judges. That at least is understandable to my mind, though some do not agree with it. Some believe in fresh blood being brought in rather than bringing back the retired gentlemen. Now, they have thought of another method. Now, who are going to be your temporary Judges? Mostly District Judges. You are not going to recruit as temporary additional Judges persons from the Bar. It is not done and it ought not to be done.

An Hon. Member : There is no bar.

Shri Tek Chand : You allow for that in practice. In democratic countries like Britain members of the Bar are the only people out of whom the Judges of the High Court are chosen. There are distinguished, deserving members of the bar.

So far as the temporary incumbents are concerned, I want them to be banned, but then your choice is left to your District Judges. Experience will tell you, and experience has already indicated, that that will not be a good experiment. A District Judge who is

brought into the High Court temporarily cannot bring to bear that independence, which is the essential attribute of a High Court Judge. Your suggestion is that such temporary additional Judges be brought. I deprecate that proposal.

Then the question essentially will be that you are going to have surplus Judges from the High Courts, whom you can spare. But you are creating one difficulty, one discouragement, because you are omitting clause (2) of article 222 of the Constitution. Clause (2) of article 222 of the Constitution as it stands contemplates the giving of compensatory allowance as may be determined by Parliament by law, or by the President, to Judges who are being transferred from their own High Court to another High Court. This is a small amount. If you withhold this amount, the Judges will be prone to be reluctant to offer their services for other High Courts and I do not think it will be a desirable thing that you should compel a particular Judge of a particular High Court to function in a different High Court, when you are giving him no emoluments and, possibly, he may have the necessity of keeping houses at two places. Therefore, this provision ought not to be omitted.

Regarding transfer of Judges, I find one anomaly that I cannot, for my part, comprehend. In clause 12 of the Bill you are suggesting restriction on practice in the case of permanent Judges of a High Court. I feel, Mr. Speaker, that this restriction should extend not only to the permanent Judges of a High Court, but also to additional temporary Judges of a High Court. The reason is that, when anybody who had presided as a High Court Judge, steps down and starts espousing the cause of the litigants in any High Court, the distinction ought not to be between a permanent High Court Judge and a temporary additional Judge. The result is this. You have raised a lower District Judge as a temporary additional Judge for the maximum period of two years. After being a High Court Judge, may be for six months, for a year and in no case for more than two years, you are permitting him to practise in that very High Court where he has been a High Court Judge though in an additional temporary capacity, for a period of two years. This ban should apply not only to a permanent Judge, but also to any

High Court Judge, temporary or additional, practising in that Court or in any other High Court from which his services might have been transferred.

Another thing is, you are allowing the retention of Judicial Commissioner's courts. On behalf of those whose causes are to be conducted in that court, I lodge a protest. Every litigant in this country having the same type of cause is entitled to receive justice at the hands of a Judge, whose efficiency and knowledge should approximate to the knowledge and efficiency of a High Court Judge. For the sake of example, I wish to give the case of Himachal Pradesh. A small territory, as it is going to be, of 11 lakhs people, will have a Judicial Commissioner, when the services of a High Court are at its door. The result will be this. If across the border a murder is committed, the fate of the accused is going to be determined by a Judicial Commissioner who is of the status of a District Judge, as against two Judges who in all High Courts sit in order to decide whether the accused at the bar deserves to forfeit his life or deserves to retain his life. The Bill provides for the retention of a Judicial Commissioner's Court in Himachal Pradesh. There is no politics about it. There are no parochial considerations, there are no sectarian sentiments that need to be thought of with any sympathy. It is the right of every citizen of Himachal Pradesh, who has got a cause in a superior court, to have his cause adjudicated by a Judge of the highest eminence. Therefore, I counsel with all seriousness that this should be considered. The Judicial Commissioner's Court in Himachal Pradesh does not deserve to be retained on any grounds, neither on a rational basis nor on any other basis and, I have no doubt that considerations of policy, considerations of expediency will not figure when it is a matter of dispensation of justice.

The High Court of Punjab is located in Chandigarh, which is at a distance of only a few miles from the border of Himachal Pradesh. One thing might be said, that the Judicial Commissioner of Himachal Pradesh usually goes on tour to various parts of the territory so that he may be in a position to dispense justice locally. If that is considered as a desirable feature, then that desirable feature can be retained and preserved by sending one Judge of the High Court

[Shri Tek Chand]

on a circuit to the remote parts of Himachal Pradesh, where causes may be collected so that on the spot he may be able to dispense justice. There is no reason for retention of a separate Judicial Commissioner's Court for one territory manned by a single Judge.

Mr. Speaker : The hon. Member should conclude now.

Shri Tek Chand : Sir, I shall be very grateful if you, in your kindness, can give me two or three minutes more and then I shall conclude.

In this connection, I wish to say that, apart from the question of High Courts, there are certain provisions for Punjab and one or two other States with regard to Regional Committees. It will be extremely desirable and in the interests of smooth and efficient working of the Regional Committees, if their powers are circumscribed precisely so that there may be no conflict. Apart from that, I would counsel in all seriousness that no Minister in a State should be a member of the Regional Committee, because then there will be divided loyalty. There will be loyalty to the petty region, a loyalty which he may not be able to retain when he is answerable to the Cabinet collectively. It will undermine the joint responsibility of the Cabinet, if a Minister, in order to please his particular region, counsels one thing and he may not be able to bring independent judgment to bear upon that matter when he is being persuaded or dissuaded by his colleagues in the Cabinet.

There will be divided loyalties which ought to be checked. Therefore, I would submit that in these regional committees Ministers ought not to be there, but provisions may be made for the Members of Parliament representing a particular region to be taken there, so that they may be in a position to offer their advice.

Then there is a provision for a bicameral legislature for certain States. Experience has indicated that bicameral legislatures are unnecessary and sometimes they are apt to promote conflict rather than harmony. In States where there are unicameral legislatures, all the judgement, the wisdom and the experience is available and I have no doubt that their decisions conforming to, or guided by their Cabinets will amply safeguard the correctness of

those decisions. This control or supervision by a second House, sometimes for persons who have lost at the elections and who have to be compensated, by this domination, will not be a very desirable feature. A unicameral legislature is more than enough for the States.

Shri U. M. Trivedi (Chittoor): We have had so many changes in this very sacrosanct Constitution that within a period of another five years we will not know whether this Constitution has gone—a Constitution for the framing of which we took great trouble only ten years back and which we passed only six years back. Look at this ninth amendment to the Constitution. The first thing that strikes one is that the Constitution (Ninth Amendment) Bill is in utter contempt of this House. It is quite true that the Government of the day is conscious of the fact that it has got a very great majority and that it will like to do things as it wants to. But then propriety demands that the Government also should act wisely and fairly. In this amending Bill, the words used in respect of the States Reorganisation Bill are: "The States Reorganisation Act". The Act is not passed. The Act is not there, and yet, the word "Act" has been used in this Bill with reference to the States Reorganisation Bill which is now in the offing. We do not know what shape it will take and what will be the clauses that it will finally contain. Unless and until that Bill has been passed, it would not be proper to allow this expression to be introduced or to allow a reference to that particular Bill as an "Act" in this Bill.

However, taking this Bill as it is, and conscious of the fact that they are going to pass the States Reorganisation Bill—they are sure of it—I should say that they hold this House in contempt. However, it is their choice, but I cannot refrain from saying that this method will not stand good for posterity. It is high time that the Government should open their eyes and be fair and just and act in a manner which will speak of proper constitutionality.

In the States Reorganisation Bill that has been introduced in this House, it has been put down that the High Courts of the States which are going to be defunct, for example, Madhya Bharat, shall stand abolished. The Madhya Bharat High Court shall stand abolished. There is absolutely no provision saying that the judges who had been

functioning there will continue in service. There is no indication as to what will happen to their services. Such an attitude towards the judges of High Courts who have rendered service on oath, of acting fairly and squarely between citizen and citizen of this country and between the citizen and the State, is not proper. It is high time that the Government look into this affair and say in unequivocal language what the desire of the Government is in regard to the future of those members of the Madhya Bharat High Court.

Then, when one comes to the provision contained in article 220, as amended, one feels that there is some justification for doing so. For a long time, many of the judges of the High Courts were clamouring that some such right should be given to them. But is this right being given under the amended article because it is contemplated that the judges of the various High Courts, which will be abolished, will be let loose upon the public? Is this provision being made because those judges will have to be given this right to act and plead in the various High Courts, consequent upon the abolition of those High Courts? In other words, all those gentlemen who will be thrown out of employment after the abolition of those High Courts will be given this further right to go and practice before the very gentlemen with whom they had been working! Is that the desire?

Shri Debeshwar Sarmah (Golaghat-Jorhat) : Is that so?

Shri U. M. Trivedi : What else is it?

The other point is, we are doing away with the distinction between A, B and C States, and we will have only what may be called A States and the Union territories. When we are having only one category of States—A States—I do not understand why in clause 22, this invidious distinction still exists between the High Courts of Kerala, Mysore and Rajasthan on the one side and the rest of the High Courts on the other: Is it because Kerala is a small State or is it because Mysore is a small State or is it because Rajasthan, although a very big State, has got only a small population? The Judges who are appointed to the High Courts are appointed on the same qualifications which are the minimum qualifications laid down in the Constitution. Numerically they may be less, but they still exercise the same

powers which are exercised by the judges of the other High Courts. I see absolutely no reason why this invidious distinction should be made between the judges of the Kerala, Mysore and Rajasthan High Courts and the judges of the other High Courts. I represent Rajasthan. It is a very big State with a much bigger area than many of the States which are now coming into existence. The far-reaching constitutional points that the judges of the Rajasthan High Court had to decide were perhaps not to be decided by the other High Courts. And yet, there is this invidious distinction made. So far as the judges of the Rajasthan High Court are concerned, it strikes me as a very strange thing that this distinction has been made. Sitting here, perhaps the Government have thought fit those who are living in the deserts, living in the hot and dry climate do not deserve any consideration at all by those who are sitting in the air-conditioned rooms. What difference does it make between a judge of the High Court of Rajasthan sitting in Jodhpur or Jaipur and dispensing justice and a judge sitting at the Lucknow or Allahabad High Court and dispensing justice? In what manner do the judges of Madhya Bharat or Rajasthan differ from the judges who exercise their jurisdiction in the various other High Courts? I very humbly suggest that the Government should take stock of this invidious distinction that is being made. It is just like putting a sort of black mark upon the judges who exercise their jurisdiction in these three High Courts of these three States, namely, Kerala Mysore and Rajasthan. This distinction must be immediately done away with. It should not have been put down in this Bill and it should not form part of this Bill when it becomes an Act.

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I find that although we have put down Jammu and Kashmir as State No. 15 in the First Schedule, we still make no provision whatsoever for doing away with the provisions of articles 370 and 238. There is no provision here which says, "Omit article 238" and I do not know how its application will continue after the coming into force of this new Constitution and the S.R.C. Act. Once we have made Jammu and Kashmir a State in the First Schedule, it is desirable that the provision in article 370 should be done away with. If article 238 becomes infructuous and superfluous, then a provision must be

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made in direct and unequivocal language that the provisions of article 370 do not apply. We have been saying all along and every Minister from our Prime Minister down has been saying in season and out of season that Kashmir is a part of India, that Kashmir is an inseparable part of India, that Kashmir shall remain a part of India and that Kashmir has decided to become a part of India. If Kashmir has decided to be a part of India, if Kashmir is a part of India, if Jammu and Kashmir have been described, according to our Constitution, as a part of India, it is high time that the provisions of article 370 are done away with when we are amending the Constitution.

I for one do not agree to the division of our country into so many parts. I have just now dealt with the criticism of the Bill, but I stand here to say that I repudiate the very idea of dividing our country into various parts on a linguistic basis. I do not want that the country should be divided into linguistic units. It has brought about ugly things before us and has shown what parochial ties we have built up. In season and out of season several persons sitting on the Treasury Benches have been accusing the Hindu Mahasabha and Jan Sangh and others of communal tendencies. I do not know what is their own idea about communal tendencies; but it is clear as daylight to everybody who can study the situation that the parochial and communal attitude let loose in Bombay will for ever be a blemish on the fair name of the Congress, if at all the Congress claims to have any fair name. It has done more to harm the goodwill between the various citizens of our country, than anything else. It has done great harm in Orissa: it is trying to do very great harm in Bihar and it has no doubt done tremendous harm to the Gujarati community in Bombay. Maharashtrians, no doubt, have got a claim to Bombay. But, Bombay was being administered very well and without any difficulty in the days of the British when it was not only bilingual, trilingual or even quadrilingual, but pentalingual. In those days we had Karnatak, Maharashtrian, Gujarati, Sindhi and Aden and all these five units having different languages and entirely different cultures were yet being administered well by Bombay. Now what has happened? By this parochial attitude, the Gujaratis want to cut the throat of the Maharashtrians and the

Maharashtrians want to cut the throat of the Gujaratis. It has brought about this picture. Where was the necessity of rushing with this S.R.C. Bill today?

I would like to ask why an experiment was not made to have a unitary form of Government as envisaged by our own Constitution? Our Constitution,—as I have said before and I reiterate it here again,—lays the foundation of a different type of Constitution. This type of Constitution is unique in the history of the world because it envisages the setting up of a unitary form of Government with the Centre so strong as to treat the various units in the States as mere local bodies. Such a strong Centre would have been able to achieve union in the whole country. Instead of achieving that, we have been driven to fissiparous tendencies with the net result that we are held to ridicule all over. Here, only our younger brother till yesterday is having a unitary form of Government for the whole of Pakistan, where people speak different languages not even into each other. Here we are with all the languages akin to each other and we have adopted that Hindi shall become the national language of our country. We have gone one step further and we have said that all languages may be written in Devanagari characters. Having achieved at least this type of unity, it would not have been difficult for us to have a unitary form of Government. We would be then saving the money which we are now wasting; we would have less people fighting for jobs and the number of the Ministers who are now trying to fight for their *roti* and *kapada* would be reduced to that extent. I would say that jobbery is the only reason why some of them have clamoured to have small units. The original proposal was to form Vidarbha State; Maharashtra was to be separate; Telengana was to be separate; Andhra was to be separate. Everybody wants that there must be more and more Ministers and the resolutions that are coming in from Ajmer and Bhopal all indicate that such tendencies still exist.

As I have said before, we have not made out a case for the division of our country. Before we have gone to the country at large, before the new general elections are held, we have decided to divide this country not for the good of the country, but for some reasons which, I think, are ulterior.

Shri C. C. Shah (Gohilwad-Sorath) :
Mr. Speaker, I would like to say a few

words on the amendments moved by Mr. Kamath. His amendment No. 3 says :

"That in the fourth part of the motion—omit 'with such variations and modifications as the Speaker may make'."

By his amendments, he wants to reserve the powers to the House instead of giving them to the Speaker. I would like to submit that this is a standard form of motion for reference of a Bill to a Joint Committee, and this standard form has been evolved after considerable experience. Any modification in the rules is rarely made, if at all. May be sometimes the House is not in session and the Joint Committee is working; then it becomes difficult.

Shri Kamath (Hoshangabad) : What would happen now when the House is in session?

Shri C. C. Shah : The point is that this is the standard form of the motion; we cannot go on changing it.

Shri Kamath : My amendment is for this motion only.

Mr. Speaker : The hon. Member will kindly hear; he alone has not got the right to speak.

Shri C. C. Shah : I must also confess I am amazed at these amendments which disclose want of confidence in the Speaker. I hope this House will un-animously disapprove of these amendments.

Some Hon. Members : Hear, hear.

Shri C. C. Shah : It is not a question of any individual here or there; it is a question of building up healthy traditions of this House. And, Mr. Kamath, who has been so anxious about healthy traditions, should be the last person to move an amendment which makes a breach in such healthy traditions.

Shri Kamath : All must co-operate in that.

Shri C. C. Shah : We all will co-operate if you move amendments which meet with the approval of the House. That is all I need say about this amendment.

As regards this Constitution (Ninth Amendment) Bill it contains two kinds of provisions namely those arising out of territorial reorganisation of States and those which have nothing to do

with territorial reorganisation but are independent by themselves, which amendments were, in fact, embodied in the Constitution Sixth Amendment, Bill, which are now embodied here. I shall now confine my observations to the second part of the Bill which is more important and which deserves greater attention of the House.

I shall first deal with clause 12 which lifts partially the ban on retired Judges from practising. Amongst the reasons given for this clause, it is stated thus:

"An important factor affecting the selection of High Court judges from the Bar is the total prohibition contained in article 220 on practice after their retirement from the bench."

I do not know to what extent this factor is responsible for not getting good judges. I wish that we build up the healthy tradition that when a leading member of the Bar is called to take a seat on the bench, he would deem it a great honour to be able to serve the nation in that capacity. Pecuniary considerations should not stand in the way of his accepting a position which must be deemed to be a position of honour. He retires at the age of 60 and gets a fairly good pension. I should think that this ban by itself was not a factor which prevented us from selecting good judges, but rather the absence of this healthy tradition which we have for example, in England where, I have known, the most leading practitioners having a large practice would sacrifice that practice and would not disobey or disregard a command from the Chief Justice of England, for example, to take a seat on the bench. I do not object to this partial removal of this ban. But, in any event I hope that we will be able to have good judges because, measured by any standard, we are paying an adequate salary. I have no doubt about it. My hon. friend Shri Tek Chand says, No, I will say this that no amount of pecuniary compensation can be adequate for a practitioner like Shri Tek Chand, for example.

Shri B. K. Ray (Cuttack) : I also say so.

Shri C. C. Shah : I am glad you agree. I therefore submit that we should be able to get leading practitioners at the salary which we offer. We cannot go on raising the salary in order to get people to take up positions of service which must be considered honourable.

[Shri C. C. Shah]

Then, I take up clause 13 which relates to the transfer of Judges. I am glad that the proviso is being omitted. That was a sort of an additional burden when a Judge was being transferred from one place to another. In this connection, I shall refer to para. 841 in the report of the S.R.C. which runs thus :

"Guided by the consideration that the principle organs of State should be so constituted as to inspire confidence and to help in arresting parochial trends, we would also recommend that at least one-third of the number of Judges in a High Court should consist of persons who are recruited from outside that State."

I entirely endorse these observations of the States Reorganisation Commission and I hope that the President will exercise his discretion under article 221 and will frequently have transfers of Judges from one State to another to build up the healthy tradition which we want and for those unifying influences which we so much need.

Then, I come to clause 14 which relates to the appointment of additional and acting Judges. One of the reasons given is, where by reason of arrears of work it appears to the President that the number of Judges is inadequate, he may exercise his power. It is a well known fact that arrears of work in the High Courts,—and some of them, the greater High Courts,—is tremendous. It takes a number of years before these cases are disposed of. We have been trying to find ways and means of avoiding delays in the disposal of cases. One of the reasons, apart from any others, is the less number of Judges both in the High Courts and in the subordinate judiciary. I therefore do hope that the Government will see to it that the President will exercise the discretion given to him under article 224 to appoint as many additional or acting Judges as may be necessary in the High Courts in order that the arrears may be speedily disposed of.

Then, I take up clause 15 which relates to the Union territories. In this connection, I wish to draw attention to clause 45 of the States Reorganisation Bill. That clause provides for a common High Court for the States of Gujarat, Maharashtra and the Union territory of Bombay. I was—and I am very happy—over this provision. The High

Court of Bombay is one of the great High Courts in this country. It has traditions of which any High Court or any institution in this country can be proud. High Courts or any other institutions of that character cannot be built up in a day. A strong independent judiciary is the greatest bulwark of the people against executive arbitrariness. I will, in all humility, suggest that it is in the interests of Maharashtra, Gujarat and the Bombay city itself to continue that great institution and I hope that it will not become a victim of linguistic fury. But, unfortunately, even that appears to be so as I find from the debates in the Bombay Legislative Assembly. Our friends from Maharashtra who do not wish to be partners in anything but only neighbours, do not want even a common High Court. Judiciary is above politics; judiciary is above everything that we can think of. We should have welcomed this. Unfortunately, that has not been so. I hope still that it would be possible to continue the provisions in clause 45. I would earnestly appeal to the Joint Committee to keep this provision. Our attitude in Gujarat is this. If our friends from Maharashtra do not want any common High Court, we do not want to force ourselves upon them as we do not want to force ourselves upon them in anything.

Shri B. K. Ray : You and Bombay should continue under one High Court?

Shri C. C. Shah : I am coming to that. In the Bombay Legislative Assembly, an amendment has been moved unanimously that instead of a common High Court for Bombay, Maharashtra and Gujarat, there should be three High Courts for Maharashtra, Bombay and Gujarat. The reason is obvious. Bombay city, though it has been reduced to the status of a Union territory, deserves to be and it ought to have been a State. If it had been a State, it would have a High Court of its own. Even if, because our Maharashtrian friends want it to be a Centrally administered area and do not want it to be a State and to accommodate their feelings and sentiments, we have agreed to it, I do hope that Bombay, which has been deprived of many things, will not be deprived of a High Court. This is the unanimous decision of the Bombay Legislative Assembly and I hope it will be respected by the Joint Committee and there will be three High Courts for the three units namely Maharashtra, the

Union territory of Bombay and Gujarat. For that purpose, a small minor amendment to the Constitution will be necessary namely, in article 214. It says that every State shall have a High Court. To that we will have to add an explanation that for the purpose of this article the Union territory of Bombay shall be deemed to be a State. That is all that I wish to say on clause 15.

Then, I come to clause 16 which provides for the administrative set up of the Union territories. Shrimati Sucheta Kripalani very forcefully drew attention to the difference between the provisions as now embodied in this Bill and the provisions which were embodied in the Bill as originally circulated.

There, Parliament was given the power to provide by law what should be the set-up of a union territory. That power has been taken away and it is now left only to the President to make regulations. I think it is much better that the power is given to Parliament.

Then, I was dealing with clause 21 which relates to regional committees. The idea of regional committees is a very important one, a new idea. Here it has been provided that the President may by order make regulations for the constitution and functions of regional committees. In fact, it would be something of the character of the set-up of small legislatures and committees and so on.

Shri Tek Chand : *Imperium in imperio.*

Shri C. C. Shah : I would wish those powers are reserved to Parliament rather than to the President, because whatever the President does is done by the Government. Instead of Government doing it, it is better that the voice of this House is heard in the regional committees which are framed for these regions or for any other region for that matter of that.

Hon. Members have referred to the judges of those High Courts which will be abolished, for instance, Madhya Bharat and PEPSU. The same is the position with Saurashtra. The hon. Home Minister yesterday gave us an assurance that the Chief Justice of India will take into consideration the services and the merits of those individual judges and will adequately provide for them. I have nothing more to add to that. I do not

wish that automatically the judges of a particular High Court should become the judges of the High Court of a new or re-constituted State. Probably it may not be possible in all cases, but I do hope that those judges will continue to occupy positions of honour with the same emoluments in any event—if not more than what they are getting at present—and that nothing will be done to their disadvantage.

As regards the differentiation which is made between the salary of the Chief Justice and other Puisne Judges of High Courts other than those of Kerala, Mysore and Rajasthan, I must frankly confess I am not happy about this provision. Neither have I been convinced of the reasons which have led to this provision. Well, we had the distinction between A and B States, we are abolishing that distinction. These are B States in a way, but you are now raising them to the level of the A States and giving them full powers. Then, is it necessary that the High Courts of these States should still have an inferior position or that we should dub those judges as inferior to the judges of other High Courts? Their judgments are equally valid. They will be quoted in any other court. Take Mysore for example. The Karnataka area of the present Bombay State is now being joined to Mysore. That area was being administered by the High Court of Bombay. Now, merely because they become the judges of the Mysore High Court, would those judges occupy an inferior position? Take Kerala. The whole of Malabar District will now be annexed to Travancore-Cochin. The district of Malabar was being administered by the High Court of Madras. Now they will be put under the Travancore-Cochin High Court. Are they inferior to the judges of Madras? Even if it means that some of the judges for the present will get a little higher salary than what they are entitled to get, I hope at least for the future we should be able to recruit the best men to these High Courts because if you give an inferior salary for them, you will never be able to get the best men for these High Courts. Suppose we want to transfer judges from one High Court to another. If we want to transfer a judge from Mysore to Andhra or Madras to Mysore, we will not be able to do so. If we accept the principle that all the High Courts are of the same status, it is unbecoming, I submit with respect, to keep this distinction in the salaries of judges.

पंडित ठाकुर दास भाग्य (गुडगांव) :
 जनाब स्पीकर साहब, यह जो कांस्टिट्यूशन एमेंडमेंट बिल इस हाउस के अन्दर पेश है, इसके अन्दर कई एक फीचर्स ऐसे हैं जिन पर कि दूसरे बिल के आ जाने की वजह से इस हाउस में मैम्बर साहिबान की तरफ से पूरी तवज्जह नहीं दी गई है। मिसाल के तौर पर मैं सबसे पहले आर्टिकल्स २३६ और २४० को लेता हूँ। मेरी नाकिस राय में इन दो आर्टिकल्स में इस कदर सख्त तबदीली की जा रही है कि अगर हाउस उनके प्रभाव को अच्छी तरह से देखे तो किसी सूरत में भी इनको इस तरह से तबदील करने की इजाजत नहीं देगा। आज तक जितनी भी स्टेट्स हिन्दुस्तान के अन्दर मौजूद थीं उन सबके अन्दर किसी न किसी तरह से, कुछ न कुछ हद तक डेमोक्रेटिक सेट-अप और डेमोक्रेसी मौजूद थी। अब जिस तरह से आप आर्टिकल २३६ को तबदील कर रहे हैं उससे तो मुझे ऐसा लगता है जैसे आप पूर्ण रूप से आटोक्रसी को वहाँ राज्य कर रहे हैं। अगर आप आर्टिकल २३६ को देखें तो वहाँ पर लिखा हुआ है :

"Every Union territory shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him :

Provided that the President may by regulation made under article 240 constitute for any such territory a council of advisers to the Chief Commissioner or other authority with such functions as may be specified in the regulation."

आर्टिकल २४० इसको और भी वाजया कर देता है :—

"The President may make regulations for the peace and good government of any Union territory and any regulation so made may repeal or amend any law made by Parliament or any existing law which is for the time being applicable to any such territory and, when promulgated by the President shall have the same force and effect as an Act of Parliament which applies to such territory."

अब आप मुलाहिजा फरमायें कि जब कांस्टिट्यूशन बना था उस वक्त प्रेसिडेंट साहब को यूनियन की सारी एग्जिक्यूटिव पावर्स हासिल थीं। इन एग्जिक्यूटिव पावर्स के अलावा उनको और जो अस्तित्वात हासिल थे वे लैजिस्लेशन के थे और वे भी सिर्फ इस हद तक कि वह आर्डिनंस इशू कर सकते थे। आर्डिनंस इशू करने के अलावा

और कोई भी लैजिस्लेटिव पावर्स उनको हासिल नहीं थीं। जब पंजाब के अन्दर यूनियन का राज हुआ, जब पेप्सू में यूनियन का रूल हुआ और जब त्रावणकोर कोचीन में यूनियन का रूल हुआ, उस वक्त भी हम से जब यह कहा गया कि प्रेसिडेंट साहब को वे सारी पावर्स दे दी जायें जो आर्टिकल ३५६ के नीचे यूनियन के तहत आती हैं उस वक्त हमने तकाजा किया था और एक तजवीज पास कराई थी कि जो कानून प्रेसिडेंट साहब पास करेंगे उसको भी इस हाउस की एक कमेटी जिसमें कि उस इलाके के एम० पी० तथा दूसरे लोग होंगे विचार करेगी और उस कानून के अन्दर तरमीम करने का उसको हक होगा। तो जहाँ तक पार्लियामेंट की कानून बनाने की पावर्स का ताल्लुक है, हम नहीं चाहते कि ये पावर्स उससे छीन ली जायें। मैं अर्ज करता हूँ कि हम अपनी लैजिस्लेटिव पावर्स को बरकरार रखने के लिए बेहद जेलस हैं। मैं नहीं चाहता कि हमारी जो पावर्स तमाम हिन्दुस्तान के लिए कानून बनाने की हैं उनको किसी तरह से भी एग्जिक्यूटिव को दे दिया जाये कि वह उन पावर्स को एक्सरसाइज करे और कानून बनाकर उसे इम्प्लीमेंट करे। जहाँ तक कानून को इम्प्लीमेंट करने का सवाल है ये पावर तो पहले ही से एग्जिक्यूटिव के पास है और प्रेसिडेंट साहब के पास है। मैं चाहता हूँ कि यह उसूल माना जाय कि जहाँ तक मुम्किन हो जितने भी कानून भारत के लिए बनते हैं, उनके बारे में इस बिल में आर्टिकल रखा जाय कि वे तमाम के तमाम पार्लियामेंट पास करेगी और एग्जिक्यूटिव उसकी जगह नहीं लेगी।

जो भी इलाका आर्टिकल ३५६ के मातहत यूनियन गवर्नमेंट के मातहत आता है उसके लिए हमने पार्लियामेंट को एम्पावर किया हुआ था कि वह उस इलाके के लिए कानून बना सकती है। अब जो पुराना आर्टिकल २४० है वह इस तरह से शुरू होता है :

"Parliament may by law create or continue for any State specified in Part C of the First Schedule"

इसके ऊपर आर्टिकल के अन्दर यहाँ यह भी दर्ज है कि प्रेसिडेंट साहब अगर कोई कार्रवाई करेंगे तो पार्लियामेंट को एक तरह से दखल हासिल होगा कि वह कानून बनाये और जो कानून पार्लियामेंट बनायेगी उसी के मुताबिक एग्जिक्यूटिव गवर्नमेंट काम करेगी। अब जो आर्टिकल २३६ और २४० बनाये जा रहे हैं उनसे तो ऐसा मालूम पड़ता है कि यूनियन टैरिटरीज

कुछ ऐसी बन जाती है जिनमें प्रेसिडेंट साहब और गवर्नमेंट सब कुछ कर सकते हैं यहां तक कि कानून भी बना सकते हैं । में अर्ज करता हूँ कि इसको जरा गौर से देखें और जो थ्रिजिनल प्रिंसिपल था कि दो किस्म की पावर्स थीं, एक एग्जिक्यूटिव और दूसरी लैजिस्लेटिव जो प्रेसिडेंट व पार्लियामेंट को हासिल हैं उन पर स्टिक किया जाय । एग्जिक्यूटिव पावर्स तो प्रेसिडेंट और गवर्नमेंट को दे दी जायें और जो लैजिस्लेटिव पावर्स हैं वे पार्लियामेंट के पास ही रहने दी जायें । में चाहता हूँ कि इस प्रिंसिपल से डिपाट न किया जाय । में जानता हूँ कि यह कहा जा सकता है कि अगर यह पावर एग्जिक्यूटिव गवर्नमेंट को दे दी जाय तो भी उस इलाके के जो रिप्रेजेंटेटिव हैं वे उस पर नुक्ताचीनी तो कर ही सकेंगे और वहां से कंट्रोल किया जा सकता है । लेकिन में अर्ज करता हूँ कि इस में बड़ा फर्क पड़ता है । कानून बनाने का पार्लियामेंट का एक खास फंक्शन है । जब यह इसका एक खास फंक्शन है तो में चाहता हूँ कि किसी तरह से भी इसके बारे में कांस्टिट्यूशन में जो कुछ प्रोवईडिड है उसको टेम्पर विद (tamper with) न किया जाए ।

इस वास्ते मेरी अदब से गुजारिश है सिलेक्ट कमेटी की खिदमत में कि वह दफा २३६ और २४० को खास तौर से गौर से देखें और ऐसा न हो कि पार्लियामेंट की पावर्स कम हो जायें । अगर ऐसा हुआ तो उसको यहां पास कराना मुश्किल हो जायेगा क्योंकि यह हाउस सावरिन बाडी है और यह अपनी पावर्स कम करना नहीं चाहेगा ।

जहां तक ऐसी जगहों का सवाल है, जैसे कि दिल्ली, बम्बई वगैरह, जहां कि लोगों को पहले डिमोक्रेटिक राइट्स रहे हैं, वहां के लिए में उम्मीद करता हूँ कि गवर्नमेंट कोई न कोई ऐसी तरकीब निकालेगी कि लोगों को यह महसूस होगा कि वे अपनी हुकूमत में आप हिस्सा ले रहे हैं गो कि उसका नाम स्टेट नहीं होगा । अगर ऐसा न हुआ तो मुझे डर है कि जो हमने सबसे पहला आबजेक्टिव बनाया है यानी :

"We the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic...."

हम उसके खिलाफ जायेंगे और इसके मानी होंगे कि हिन्दुस्तान की टैरीटरी का एक बहुत बड़ा चंक डिमोक्रेटिक रिपब्लिक के डेसक्रिप्शन (Description) को एंसर (Answer)

नहीं कर सकेगा । इसलिए मेरी सिलेक्ट कमेटी से निहायत अदब से गुजारिश है कि वह २३६ और २४० की तरफ खास तबज्जह दे ।

इसके अलावा मैं दफा ३५० ए० पर आता हूँ जो कि क्लॉज २० में रखी गयी है । इसके अल्फाज इस तरह पर हैं :

"It shall be the endeavour of every State and of every local authority within the State...."

जो डाइरेक्टिव प्रिंसिपल के अल्फाज हैं वही इसमें हमको नजर आ रहे हैं । ये सेफगाई के अल्फाज नहीं हैं । अगर आप लिग्निस्टिक माइनरिटीज को वाकई सेफगाई देना चाहते हैं तो उसके अल्फाज दूसरे होने चाहिए । एस० आर० सी० ने बहुत से सेफगाई अपनी रिपोर्ट में दिये हैं । अगर गवर्नमेंट उनको देना चाहती है तो उनको कानून की शकल दी जानी चाहिए और उनको कहीं न कहीं लिखा जाना चाहिए । हमने देखा कि अभी जो बिल हमने सिलेक्ट कमेटी को भेजा है उसमें किसी सेफगाई का जिक्र नहीं है । इसमें भी सिर्फ क्लॉज ३५० में एक सेफगाई का जिक्र है । अग्ल तो में गवर्नमेंट से यह कहना चाहता हूँ कि जो सेफगाई दिये जाते हैं उनको किसी कानून में, किसी कायदे में, किसी कम्पैडियम में या किसी तहरीरी एड्योरेंस में दर्ज किया जाना चाहिये । में तो चाहता था कि आप उनको कांस्टिट्यूशन में ही रखें और ऐसा आप बड़ी आसानी से कर सकते हैं । कहीं न कहीं इनको रखा जाना चाहिए । यहां पर जो यह सेफगाई दिया जा रहा है यह तो जाहिरा सेफगाई है । इसके अल्फाज हैं :

"It shall be the endeavour of every State and of every local authority within the State...."

हालांकि जहां कहीं सेफगाई दिया जाता है वहां यह लिखा जाता है :

"It shall be duty of every State...."

जो अल्फाज आपने यहां रखे हैं उनका मतलब तो यह है कि यह एक डाइरेक्टिव प्रिंसिपल है । में यह मानने को तैयार हूँ कि आप जो यह सेफगाई दे रहे हैं इसको इम्प्लीमेंट करने में बहुत मुश्किल होगी । हो सकता है कि एक छोटी सी स्टेट में ऐसे लोगों का एक खानदान है जो कि वहां की जबान नहीं जानते । तो उस खानदान के एक या दो लड़कों के लिए अलग इन्तिजाम बहम पहुंचाना मुश्किल हो सकता है । बड़े

[पंडित ठाकुर दास भार्गव]

शहरों में जैसे दिल्ली वगैरह हैं, वहां तो यह मुमकिन हो सकता है क्योंकि वहां इस तरह के काफी लड़के होंगे। आपने पहले ही इस सेफगांड को काफी प्रोविसिबल रखा है "टू प्रोवाइड एडीक्वेट फैसिलिटीज"। मैं नहीं जानता कि इसका क्या मतलब है। अगर आप इसको डाइरेक्टिव प्रिंसिपल रखना चाहते हैं तो साफ कहिये, और अगर आप सचमुच में सेफगांड देना चाहते हैं तो इसे दुरुस्त कीजिये।

What does it mean if you say 'It shall be the endeavour of every State ...?' 'Endeavour' would mean that it may not be fulfilled, and it may not be realised.

Pandit K. C. Sharma (Meerut Distt. —South) : It should be a directive.

पंडित ठाकुर दास भार्गव : Therefore, as my friend says, it should come within the Directive Principles.

तो मैं सिलेक्ट कमेटी की खिदमतमें अदब से अज कर्हंगा कि इस तरफ खास तबज्जह दे और अगर सेफगांड देना है तो उसको ठीक तरह से रखें।

और साथ ही मैं अर्ज कर्हंगा कि जो भी सेफगांड आप देते हैं उनके लिए इस बिल में एक प्रावजन बनाना चाहिए। इसके अन्दर उनको लिखा जाये। आपने डिप्रेस्ड क्लासेज और शिड्युल्ड कास्टस को सेफगांड दिये हैं उनको कांस्टिट्यूशन की आर्टिकल १६ में रख दिया है। आपने उनको कहां कहां रिप्रेजेंटेशन दिया है वह कांस्टिट्यूशन में लिख दिया है। अगर आप सच्चे मानों में लिग्विस्टिक माइनारिटीज को सेफगांड देना चाहते हैं तो उनको भी लिख दीजिये ताकि अगर कल को आप उनको पूरा न करें तो वे आपकी खिदमत में हाजिर हो कर कह सकें कि आपने यह वादा किया था अब आप इसे पूरा कीजिये। मैं अदब से अर्ज करना चाहता हूँ कि एस० आर० सी० ने लिखा है कि उन्होंने जो सेफगांड लिग्विस्टिक माइनारिटीज के लिए लिखे हैं वे नाकाफी हैं। उन्होंने कहा है कि अगर आप और सेफगांड बना सकें तो बनायें। मैंने परसों एक सेफगांड का जिक्र किया था और उसको मैं आज फिर दुहरा देना चाहता हूँ। लिग्विस्टिक माइनारिटीज की शिकायत है। उनके साथ आजतक इंसाफ नहीं हुआ है। आपने दस वर्ष के लिए डिप्रेस्ड क्लासेज को खास रिप्रेजेंटेशन दिया है। मैं चाहता हूँ कि इसी तरह से आप लिग्विस्टिक माइनारिटीज के लिए

भी इन्तिजाम कीजिये। जब तक वे दूसरों के बराबर न आ जायें उनके साथ बराबरी का बरताव करना ठीक नहीं होगा। मैं एक पिछड़े इलाके से आता हूँ। वहां सालों से न कोई सड़कें बनीं, न रेलें बनीं, न वहां ऐजुकेशन का इन्तिजाम है, न सेनीटेशन का इन्तिजाम है और न वहां पानी का इन्तिजाम है। न वहां बालों को बनी नोकरियां मिलती हैं। वहां का कोई आदमी डिप्टी कमिश्नर नहीं है, सुपरिंटेंडेंट पुलिस नहीं है, सेक्रेटरी नहीं है। मैं अदब से अर्ज कर्हंगा कि दस बरस तक उनको स्पेशल रिप्रेजेंटेशन दिया जाये और उनके लिए इस कानून में सेफगांड रखें अगर आप बिजनेस मीन करते हैं, और अगर आप सिर्फ लीपा पोती करना चाहते हैं और आपकी कुछ देने की नीयत वहां है तो साफ कह दीजिये।

इसके अलावा मैं क्लज २१ की तरफ आपकी तबज्जह दिलाना चाहता हूँ जिसमें कि तेलंगाना, आंध्र और पंजाब के लिए खास प्रावजन किया गया है। मेरी अदब से दरख्वास्त है कि हमारे होम मिनिस्टर साहब हाउस की टेबल पर एक पेपर रखें और हमको बतलायें कि यह रीजनल कमेटीज क्या चीज है। न जाने दूसरे मेम्बर साहिबान ने इनका क्या मतलब समझा है कि वे कहते हैं कि इनको बम्बई और दूसरे इलाकों के लिए भी बनाया जाये। मैं चाहता हूँ कि हमको इनके बारे में बतलाया जाये ताकि हम समझ लें कि आप क्या करना चाहते हैं। मेरी नाकिस राय में तो अभी गवर्नमेंट के अपने दिमाग में भी यह बात साफ नहीं है कि रीजनल कमेटीज और जोनल काउंसिल्स के क्या पावस होंगे और उनकी क्या आथारिटी होगी। मैं चाहता हूँ कि जब हमारे होम मिनिस्टर साहब जवाब दें तो जो कुछ उनकी राय हो वह हमको बतला दें ताकि हमको मालूम हो कि वे क्या चीज बनाना चाहते हैं। कांस्टिट्यूशन की आर्टिकल २६३ में प्रेसिडेंट को अस्तिथार है कि वह स्टेट्स के लिए बार्डर डिस्प्यूट्स और कुछ और चीजों के लिए जोनल काउंसिल जैसी संस्था बना सकते हैं। अब आप जो जोनल काउंसिल बना रहे हैं क्या वह उससे मुस्तलिफ होगी। और अगर वह मुस्तलिफ होगी तो एक ही चीज के लिए दो-दो काउंसिलें हो जायेंगे। मैं समझता हूँ कि अगर आप नई जोनल काउंसिल रखना चाहते हैं और आर्टिकल २६३ की काउंसिल नहीं रखना चाहते तो उस आर्टिकल को ही हटा दीजिये, और अगर आप आर्टिकल २६३ को कायम रखना चाहते हैं तो इस जोनल काउंसिल को

हटा दीजिये । जब हमारे नेशनल लीडर्स ने देखा कि एस० आर० सी० रिपोर्ट के बाद में मुल्क में फिसीपेरस टेंडेंसीज पदा हो गयीं तो उन के दिमाग जोनल काउन्सिल by way of reaction आयी । लेकिन इनकी क्या पावर्स होंगी यह अभी हमारे सामने ठीक से नहीं आया है । आज स्टेट्स की हालत यह है कि एक तरफ तो हमारा कांस्टिट्यूशन है, इधर वहां पर सेंटर का रिप्रेजेंटेटिव गवर्नर बैठा है, इधर लोकल लेजिस्लेचर्स हैं । जब तक आप इन सबकी पावर्स ठीक तरह से डिफाइन नहीं करेंगे तब तक आपका काम नहीं चल सकेगा । इधर आप ने लिग्निस्टिक माइनारिटीज के लिए रीजनल कमेटीज रखी है । अगर रीजनल कमेटीज में और जोनल काउन्सिल्स में किसी बात पर झगड़ा होगा तो उसका फंसला कौन करेगा । आपकी जोनल काउन्सिल के ११ मेम्बर होंगे । उत्तरी जोन के लिए १ काउंसिल होगी उसमें तीन मेम्बर काश्मीर से आवेंगे, तीन राजस्थान से आवेंगे और तीन पंजाब के होंगे और दिल्ली का और हिमाचल प्रदेश का एक-एक आदमी होगा । इसके फसले मैजारिटी से होंगे ।

एक हमारे सेंटर के आनरेबल मिनिस्टर हुए और इस तरह वहां पर १२ मेम्बर हो गये । अब फर्ज कीजिये कि पंजाब के चीफ मिनिस्टर और उनके साथी वजीरों के दिमाग में एक चीज है और वह मेजारिटी से वहां हार जाय तो कैसे वह चीज उनकी एम्प्लीमेंट होगी ? लेजिस्लेचर की सपोर्ट उनको हासिल है और चीफ मिनिस्टर के साथ दोनों वजीर उस चीज के लिए सहमत हैं और वह एक चीज करना चाहते हैं जब कि दूसरे ६ आदमी जो और जगहों के वजीर ह वह उनसे सहमत नहीं होते तो उनका फंसला कैसे भ्रमल में आवेगा ? आप कहते हैं कि वह एडवाइजरी बोर्ड होगा जिसके कि मानी यह हुए कि लेजिस्लेचर के ऊपर, गवर्नर के ऊपर जो बाडी होगी वह महज एडवाइजरी होगी, मैं समझता हूँ कि इससे ज्यादा मजाक की बात और किसी कांस्टिट्यूशन में नहीं हो सकती । अगर आप एक इस तरह की बाडी बनाते हैं तो जरूरत इस बात की है कि उस बाडी को आप ठीक से बनाइये और उनको स्ट्रैच्युटरी पावर्स दीजिये, उनको पावर्स या तो सेंटर से निकाल कर दीजिये या स्टेट्स से निकाल कर दीजिये और जो कि उस लेजिस्लेचर से कंट्रोल न हो और जब ऐसी चीज आप बनायेंगे तभी वह ठीक से चक कर सकेगी । जोनल कौंसिलों का बनाया जाना मुझे पसन्द है और मैं चाहता हूँ कि ऐसी कोई चीज हो ताकि हर एक प्राविंस की अलाहिदा

होने की जो टेंडेंसी है, वह दूर हो सके । मैं इस तरह की कौंसिलों की स्थापना को सही कदम समझता हूँ और इन जोनल कौंसिलों की स्थापना को मैं एपेक्स आफ युनिटरी गवर्नमेंट समझता हूँ और अगर इनको बनाते वक्त आपके दिमाग में वह नक्शा है तब तो मैं समझता हूँ कि आप ठीक बात कर रहे हैं और यह जोनल कौंसिलें उपयोगी सिद्ध होंगी वरना मुझे नजर आता है कि यह जो आपकी जोनल कौंसिल है यह आहिस्ता आहिस्ता छोटी छोटी प्रिसिपैल्टीज बन कर, दो, दो और चार, चार प्राविसेज का मजमुआ बन कर इनके अन्दर यह टेंडेंसी आ जायगी कि यह सेंटर से बिल्कुल इंडिपेंडेंट हो जाय और उस हालत में मैं कह नहीं सकता कि हमारे देश की क्या हालत होगी । मैं तो चाहता हूँ कि आप ऐसी जोनल कौंसिलें रखिये जिनका कि सेंटर से गहरा ताल्लुक हो और सेंटर और जोनल कौंसिल के दरमियान वैसा ही सम्बन्ध हो जैसा कि पेट में एक बच्चे का मां के साथ सम्बन्ध होता है वरना अगर आपकी वह कंट्रिब्यूटी खत्म हो गई तो एक ऐसी हार्डब्रिड चीज बन जायगी जिसको कि कंट्रोल करना मुश्किल हो जायगा । इस वास्ते मैं अदब से अर्ज करूंगा कि इस तरह का एक सही नक्शा खींच कर रीजनल कौंसिल बनाई जानी चाहिये । जोनल कौंसिलों का कांस्टीट्यूशन में कहीं जिक्र ही नहीं है, इस वास्ते मैं ज्वाइंट सेलेक्ट कमेटी से अपील करूंगा कि वह इस बारे में विशेष ध्यान दे ।

हार्डकोर्ट के बारे में एक चीज जिसके कि ऊपर मेरी दिलचस्पी है और वह यह कि आपको यह तमीज कि कोई जज तो तीन हजार पाये और कोई ढाई हजार पाये, इस भेदभाव को आपको रवां नहीं रखना चाहिये । राजस्थान हार्डकोर्ट की बाबत जहां कि मैं पहले प्रिक्टिस भी कर चुका हूँ, यह दावे के साथ कह सकता हूँ कि राजस्थान हार्डकोर्ट के जजेज किसी भी हार्ड कोर्ट के जजेज से कम नहीं हैं । वहां की बार के बारे में इसके अन्दर कई जगह पर दर्ज है कि वह एफिशियेन्ट नहीं हैं और वहां पर काफी आम्दनी भी नहीं होती है, मैं इसको सही नहीं मानता । मुझे केरल और मैसूर का पता नहीं । लेकिन जब कि एक जगह का जज दूसरे हार्ड कोर्ट में तबदील हो कर भेजा जा सकता है तो मैं पूछना चाहता हूँ कि उस हालत में दो हजार पाने वाला और तीन हजार पाने वाला जज कैसे दोनों बराबर बराबर बैठेंगे और मैं तो कहूंगा कि भले ही थोड़ा रुपया ज्यादा खर्च हो जाय लेकिन जजेज को सैलरी के मामले में एक लेवल

[पंडित ठाकुर दास भार्गव]

पर ले आना चाहिये। अगर आपको रुपया बचाना ही है तो मैं कहूँगा कि तीन, चार हजार रुपये की यह जो आप ऊपर की सीलिंग लगाना चाहते हैं, तो सीलिंग से ऊपर वालों की आप तनस्वाहों में थोड़ी कमी कर सकते हैं, हालांकि मैं हाईकोर्ट के जजेज की तनस्वाह कम करने के हक में नहीं हूँ और हाईकोर्ट के जजेज की तनस्वाह कम करना मैं पब्लिक लैमिटी से कम नहीं समझता। लेकिन साथ ही मैं यह भी साफ कर दूँगा कि मैं यह नहीं चाहता कि एक ही हाईकोर्ट में जजेज की तनस्वाहों में भेदभाव हो।

Mr. Speaker: Shri S. V. L. Narasimhan.

Shri N. Rachiah (Mysore-Reserved-Sch. Castes) : On a point of order. Yesterday, when the Deputy-Speaker was in the Chair, he sought the permission of the House to fix the time-limit for speeches as ten minutes so that more number of Members, who wished to speak, could give expression to their views on this Bill. But that is not being adhered to.

Mr. Speaker: I will limit it to ten minutes.

Pandit K. C. Sharma: On a point of information. Yesterday one hon. Member from U. P. raised a point of order—it was rather unfortunate—as to whether Members from U.P., who desired to speak, would be given a chance, and you were pleased to say that Pandit G. B. Pant was equal to all the Members and so on. May I know whether that position still stands and we have no chance to speak?

Mr. Speaker: No, no.

Pandit K. C. Sharma: If we have no chance, we would better leave the House. It is no use attending.

Mr. Speaker: That was said with respect to Members from U.P. becoming Members of the Joint Committee. It is open to hon. Members to press upon the Government to include any Members from U. P. in the Committee. I am not concerned with that. I said all that only when one hon. Member raised the point at the last moment.

Pandit K. C. Sharma: So may I take my chance to speak in the House as any other Member?

Mr. Speaker: He has got every chance.

Shri Neswi (Dharwar South) : May I point out that no Member from Bombay—Karnatak has spoken so far on this Bill?

Mr. Speaker: I cannot give a chance to each and every State on every Bill.

Pandit K. C. Sharma: One cannot be discriminated against.

Shri S. V. L. Narasimhan (Guntur): I thank you for giving me this opportunity to speak. It is a long time since I got an opportunity to speak in this House and I am indeed very unhappy that just at the time I rise all these questions arise. Be that as it may, I will come to the subject on hand.

We have declared our country a sovereign democratic Republic. We have set ourselves the noble task of ensuring social and economic justice and preservation of individual liberty of every kind. We have also decided that we shall achieve all these noble objectives of ours by democratic means. Every one of us realises that with a view to achieve all these objectives, the preservation and strengthening of unity and integrity of the country are vital. It is in that belief, I hope, that we have abolished the differential classification of our States into 'A', 'B' and 'C' categories. To that extent, the Government has done well. But while seeking to abolish this distinction, what is it that we have done? We have brought into existence what are known as Union Territories. Under what circumstances is it that we have brought into existence, or are seeking to bring into existence, these Union Territories?

You are all well aware that Manipur and Tripura have been agitating for the last so many years for democratic rule, for local Assemblies and Cabinets so that they may rule their own destinies. Today what is happening? We are keeping them as Union Territories. What is the position today of Bombay, Himachal Pradesh and Delhi which have been enjoying democratic institutions and which have been functioning well? They are being deprived of the functions of democratic institutions. They are also being berthed as Union Territories. Added to this, what is the position, as many other colleagues of mine have pointed out, in so far as the administration of these Union Territories is concerned? Parliament has no supervision. The President has been given absolute power to administer these territories.

So I would respectfully submit that in order to see that we stand by our declaration of a democratic Republic, the hon. Home Minister should examine this position from the standpoint of the preservation of democracy and guide the deliberations of the Joint Committee, so that it may be rectified.

Then, if we want to preserve the unity and integrity of the country when we want to reorganise our States, we have to reorganise them in such a fashion as to see that each State will live in relations of amicability with the neighbouring States. I believe you will agree with me that these claims and counter-claims regarding border areas between State and State are a disturbing factor, and they will not conduce to the promotion of amicable relations between contiguous States. So it is necessary for us that once for all we should decide these claims so that there may not be any future agitation. It was for that purpose only, I believe that when the States Reorganisation Bill was originally drafted, a provision was made therein for the appointment of a Boundary Commission. But I do not understand why, when the Central Government felt it necessary to incorporate such a provision in the draft Bill circulated to State legislatures for their opinions after discussion, it has been omitted when it is introduced before this House. This indeed amazes me and passes my comprehension. Therefore, I would appeal to the Home Minister to reconsider this question. I know that he will easily say that where the Central Government is convinced that a border dispute has to be settled, it will appoint a Commission and take steps in future. But I would respectfully submit that this sort of appointment of Commissions by executive fiat will take its own time, and as time goes on, tension naturally will increase and lead to all sorts of ugly scenes and happenings. So it is better for us to decide this question now instead of postponing it. Hence I feel it necessary that we should restore that clause in the States Reorganisation Bill or insert an article in the Constitution to that effect.

Then again, in the course of speeches by some colleagues, I understood their preference for larger States or multilingual States.

It is not as if any of us is opposed to the formation of bigger States or multilingual States. Let me make it clear that everyone is in favour of such

States. But, under what circumstances, is the question. Supposing the people of Bengal and Bihar want to merge and have one administrative set-up and to form one State, everyone must be proud of it. But, if some conditions are demanded such as that if the Chief Minister is from one State for one term then the Chief Minister for the next term must be from the other State, and if they begin to insist that all appointments which arise within a particular region within the composite State shall be filled in by persons who are residents of that particular region only, then can it be said that it is merger? After all, what is the object of this merger? It is the promotion of the sense of oneness in the mind of every citizen of India that he is an India and that he does not owe his affiliations to any particular region within the country. But, if such conditions are insisted upon, is it not a constant reminder to every resident that he belongs to a particular part of the country?

Moreover, supposing such a State is called a United State of Bihar and West Bengal, what is the idea of merger? It is the creation of the feeling of oneness with the other and not that one should be constantly reminded that he is either a Bengali or a Bihari. I would respectfully submit that I am in favour of multilingual State, in favour of bigger States of the Union—I will be proud of it—but not with the insistence of guarantees which, naturally, smacks of suspicion and which goes against mutual trust. I want the union of a voluntary nature without insisting on any of these things, with mutual trust and confidence in one another.

I now come to the provisions relating to the High Courts. I entirely agree with the views expressed by my hon. colleagues Shri Tek Chand and Shri Shah, in this behalf. So far as these High Courts are concerned, we must promote a feeling in the mind of every citizen, that it shall be taken by every member of the Bar that it is a matter of high honour and pride that the President should call upon him to occupy the high post of a Judge of the High Court. So, we should not think in terms of raising the salaries and other things. Whoever refuses, when such a post is offered, should be held to be a traitor to the country. I would, therefore, request the hon. Home Minister to consider this aspect and to see to it that the amendments relating

[Shri S. V. L. Narasimham]

to the High Courts are scrutinised very carefully and are so framed as to promote that sense of patriotism, that sense of honour and that sense of duty in the minds of the members of the Bar, when they are called upon to occupy the high position of a High Court Judge.

The States Reorganisation Bill, as some of my hon. colleagues have already pointed out, abolishes some of the High Courts which are already in existence. No provision has been made about the future of the judges of those courts. I believe that can be done by having an amendment of the States Reorganisation Bill itself, stating that as we are extending the jurisdiction of some of the existing High Courts, the President may be given the power to absorb these judges in some of those High Courts which are to continue. It is a very serious matter which has to be decided now and not to be left to discretion. That provision may be either in the States Reorganisation Bill or in this Constitution (Ninth Amendment) Bill.

I pass on to the question of upper chambers, which are known as Legislative Councils. I am happy, so far as my State of Andhra-Telangana is concerned—I hope and firmly believe that the name will be changed to Andhra Pradesh—there is no provision for a Legislative Council in the Bill before the House. Our experience really convinces us that these Legislative Councils are an unwanted burden on the exchequer of the country. The influence which they exercise on the judgment of the elected Assemblies is negligible, if not nil. On the other hand, they positively contribute to delay in legislation. I would beg to submit that this is the occasion that you will have to dispense with the Legislative Councils. At any rate, I declare my happiness that on our Andhra State at least an upper chamber will not be trust, which shall, otherwise, be a burden on us.

I come to the question of Zonal Councils, though this Bill does not make any reference to them. When I examined the powers, duties and functions of the Zonal Councils, I was really amazed as to why there should be this additional burden on the exchequers of the States and the Centre. After all, let us not forget that it is the President of the Indian Republic that symbolises the unity of the States, the unity among all the people of India. It is quite possible

that issues of common interest between one State and another can easily be settled and settled amicably under the wise guidance of the Centre. I would respectfully submit that the formation of these Zonal Councils is not only an unwanted burden but their usefulness is also very little.

[Mr. DEPUTY-SPEAKER in the Chair]

The next question I would like to refer to is the formation of the Regional Committees. It is a fact that some regions with the respective States want an assurance. But, can we not dispel their doubts and can we not allay their fears and apprehensions that their interests will not be properly looked into by actually coming to an understanding and leaving it to the future Legislatures to inspire confidence in those minorities? If we are going to give it statutory recognition, is it not a permanent confession by us that some sections of the people in a State have no confidence in the other sections? It is not that I am opposed to the formation of Regional Committees. Regional Committees can be constituted by mutual understanding and, at any rate, I think, it need not necessarily be incorporated in the statute.

The Minister of Legal Affairs (Shri Pataskar): I am a member of the Joint Committee and I shall not say anything about the merits of the several proposals which are contained in the Bill; but, there is one thing on which I thought it my duty to make a few observations.

This motion to refer the Bill to a Joint Committee contains the usual clause that in other respects the Rules of Procedure of this House relating to Parliamentary committees will apply with such modifications and variations as the Speaker may make. This has been the practice and it has been followed usually since long with respect to Bills, whether important or unimportant whatever it may be—which have been referred to Joint Committees. What is the position? We have already got rules which have been framed for the purpose of guiding the proceedings of select committees. But, at times, it becomes necessary in a particular matter, that there should be a change. Therefore, as a precaution, we have always been inserting such a clause, so that any difficulty, which may arise on account of procedure, may be obviated. Naturally, we do not want to leave it to the Chairman of the Committee for

the time being and so we say that "with such variations as the Speaker may make". So, if any variation is needed the Chairman has to bring it to the notice of the Speaker and the Speaker will make the variation.

What is proposed by my hon. friend, Shri Kamath, is something very astounding. I would like, if he were here, to appeal to him and ask him what is really the purport of what he tries to do. He has moved three amendments. First, that the words 'such variations and modifications as the Speaker may make' be omitted. That means, if his amendment is accepted, the Chairman of the committee would be bound only by the rules which have been framed and there shall be no power with any one to make any variation or modification. It may not be necessary always to have a variation or modification, but as he himself admits, it is important and vital, if, for any reason, it becomes necessary. He wants that we should make it hard so that this power may not be available.

His next alternative amendment is that if his first amendment is not accepted, then the Speaker may not have the power but it shall be the House that can modify. That is, if the Chairman of the committee at any time thinks that there should be some variation made in the rules, then, it is not the Speaker who shall make the variation but the whole matter shall be brought before the House. Why? Not for any matter of substance, but for some variation which the Chairman may like to be made, or the Committee desire to make, and which naturally ought to be left to the Speaker.

After all the Speaker is the guardian of the privileges of this House. It is on this basis that the whole work of this Parliament is being carried on and I fail to understand why in such a matter, which is purely a matter of procedure, there should have been such an amount of suspicion that he should go to the length of saying, that in this particular case either due to the importance of the question or for other reasons, it must come before the House. This clearly indicates a lack of proper appreciation of the position and the place which the Speaker occupies in the scheme of things so far as the work of this Parliament is concerned.

2—101 L. S.

1 P.M.

Another difficulty will arise. If such small matters of procedure have to be brought before the House, it might delay things indefinitely for no useful or ostensible reason. If this is not acceptable the hon. Member suggests another alternative amendment in the form of addition of the words "subject to the approval of the House". Supposing the Chairman comes to the conclusion, or the Select Committee wants, that there should be some variation in the procedure; the hon. Member wants to limit or restrict the discretion of the Speaker by suggesting that he shall not agree to it except with the approval of the House. That is what it means: that he shall do it, but he should bring it to the House. It is open to the same objection which I have pointed out with respect to his second amendment.

What is the justification for these amendments. This, as I said, is a procedure which has been observed for the last so many years and no difficulty has been experienced. The reason given is something which I do not think is consistent either with the dignity of the Members of this House or the parliamentary system under which we are working. Mr. Kamath says :

"I have no doubt that my hon. colleagues here will be in agreement with me that the powers which the House possesses at present as regards this very important measure—regulating the business of the Joint Committee—shall not be surrendered to anybody, not even to the Speaker."

Where is the question of surrender? This is a procedure which we have already been following and there has been no difficulty. And there is no question of surrendering any of the powers of the House. The House has always got the powers. The only thing is the Speaker, who is the representative of the privileges, the powers and the dignity of this House is allowed some discretion.

Then he says :

"I would also humbly suggest (of course the word humbly is used)

"that recent trends and developments here have been rather disquieting and disconcerting."

[Shri Pataskar]

I would certainly say that if we want to carry on the work of this Parliament in the spirit in which it has to be carried on, such vague remarks—though they may not be exactly unparliamentary—do not advance the cause of parliamentary democracy in this country. I can quite understand some person having some grievance against the Speaker. But to take advantage of an occasion like this and to make such vague allegations and insinuations that "recent trends and developments have been rather disquieting" is not proper. They may be disquieting to some Members. After all this House consists of five hundred Members. It may be that the decisions of the Speaker on some matter may not be to the liking of some Member. But it has to be recognised that the Speaker has to perform his duty taking into consideration the dignity of the whole House. In that case, how is it proper that because somebody has a grievance, this occasion should be utilised for making insinuations of this nature?

Let us stop doing our things so far as this Parliament is concerned, in this manner. I can quite understand some Members having a grievance. But making such remarks and advancing such arguments I believe is not proper. The intention with which these amendments were moved was not because they have any merit in them, but for a purpose which I believe is not consistent with not only the dignity of the Chair but the dignity and the responsibility of the Members of this House and the spirit in which the work of this House has to be carried on. Well, I myself would say that whether the present Speaker or the past Speaker, whether the present Deputy-Speaker or the past Deputy-Speaker, may or may not have agreed with several things suggested by different Members, so far as the work of this Parliament is concerned, it has always been carried on in the same traditions and in the best manner and in the larger interests of both the country and of the dignity of the House. There may have been occasions in the past when Members might have been displeased with some of the rulings of the Chair. After all a Speaker has to arrange the business of the House and in that process he may have to incur the displeasure of one or two Members. But what he has to look to is not the pleasure or displeasure of some, but what is in the best interest and the

traditions of this House. I have no hesitation in saying that such a remark like this is entirely unjustified and the work of the Chair, whether it is by the Speaker or the Deputy Speaker or somebody else, has been carried on and is being carried on whether recently or before, in the same best traditions of parliamentary democracy as it has been so long.

I would therefore request my hon. friend—I wish he had been here—that he should desist from making such attempts which are neither useful for the cause of democracy nor for the proper conduct of business in this House. This will only lead to misunderstanding, to creating a feeling in the outside world that perhaps things in this House are not as good as they are before. In fact, they are being carried on in the best traditions as they were before. I am sure these amendments will not meet with the approval of anyone in the House except of the hon. Mover. I would even like to appeal to him that he has been in the Constituent Assembly and in the Provisional Parliament and I am sure he is a very earnest and sincere Member of this House. He may have made these remarks in a moment of passion, but whatever it may be, I would appeal to him to withdraw these amendments and not to press them.

श्री टंडन (जिला इलाहाबाद पश्चिम):
उपाध्यक्ष महोदय, यह जान कर कि हम लोगों का समय बहुत सीमित है, मैं इस विधेयक के सम्बन्ध में तीन राज्यों के संगठन के बारे में ही कुछ निवेदन करूँगा, एक महाराष्ट्र, दूसरा पंजाब और तीसरा उत्तर प्रदेश जिस की चर्चा अभी तक नहीं के बराबर हुई है।

महाराष्ट्र के सम्बन्ध में मुझे अपने मराठी और गुजराती भाइयों से यह कहना है कि जो दृश्य मैंने यहाँ लोकसभा में उनकी भावनाओं का देखा उससे मुझे पीड़ा हुई। आवश्यकता इस बात की है कि हम देश को दृढ़ता, मेल और सहयोगिता से चलायें। उसको इस तरह चलाने के लिये ऊँची भावनाओं की आवश्यकता है। बम्बई के प्रश्न ने इन दोनों में खटपट पैदा कर दी है। मैंने सुझाव दिया था और उसको मैं फिर दोहराता हूँ कि कुछ ऐसा रास्ता निकालना चाहिये कि जिससे जहाँ तक सम्भव हो ये मिल कर रहें। हमारे मराठी भाषी भाइयों ने एक समय माना भी था कि बिदर्य के मिलाने के बाद इसमें सौराष्ट्र रहे, गुजराती भाई भी रहें और सबका मिल

कर के एक द्विभाषी प्रदेश बने। मेरा सुझाव है कि आज भी यह आवश्यकता है कि हम उस और ध्यान दें। मैंने सुना है कि मराठी भाई अभी प्रधान मंत्री जी से मिलने वाले हैं। मेरा तो सुझाव है कि अभी देर नहीं है। फिर हम उस तरह से विचार करें, और जहाँ तक सम्भव हो हम इस प्रदेश को द्विभाषी या अधिक भाषा भाषी बनाने में न हिचकें। मैं जानता हूँ कि इस पर दो मत हैं। हमारे भाई जो इधर विरोध में बैठते हैं वे एक भाषा राज्य पर बहुत बल देते हैं। कल भी हमारे भाई, श्री साधन गुप्त, ने कहा था कि हमें इसी बात पर अड़े रहना चाहिये कि एक भाषी प्रदेश हों। बिहार और बंगाल के मिलाने का भी उन्होंने विरोध किया। वह भी एक मत है। मैं मानता हूँ कि इसमें कई दृष्टियाँ हैं। पर यह भी तो हम देखना चाहिये कि और दृष्टिकोण भी हो सकते हैं और सबको एक ही लाठी से हाँकने की आवश्यकता नहीं। सब घान बाईस पसेरी नहीं होते। सब प्रदेशों को एक ही लाठी से नहीं हाँका जा सकता। गुजराती और मराठी भाइयों का इतने समय से मेल चला आता है। यह कोई नया प्रयोग नहीं है। बिहार और बंगाल भी किसी समय एक थे लेकिन इधर बहुत दिनों से नहीं है, इसलिये यह जो बंगाल और बिहार को मिलाने का सुझाव आया है यह एक प्रकार से नया प्रयोग है। मगर गुजराती और मराठी भाइयों के लिये यह कोई नया प्रयोग नहीं है। मेरा तो यही सुझाव है कि वे फिर ये सोचें कि वे मिल कर रह सकते हैं। यह क्यों असम्भव है? हम थोड़ा हिस्सा इन्दौर के पास का इसमें मिला कर इसको एक अधिक बड़ा प्रदेश बना सकते हैं। मैं तो इसके पक्ष में हूँ कि हम इस प्रदेश को कुछ और बड़ा बना दें और इन्दौर के पास का कुछ हिस्सा इसमें मिला दें। फिर इसका नाम चाहे बम्बई रहे या महाराष्ट्र रहे। जिन-जिन प्रदेशों के लोग इसमें आवें उन सबको मिल कर काम करने का अवसर मिले। जैसा कि पाटिल भाई ने कहा इस प्रकार संसार के आगे बम्बई एक नूतन राजधानी के रूप में रहे और उसकी स्थिति अधिक ऊँची हो।

दूसरी बात मैं उत्तर प्रदेश के सम्बन्ध में निवेदन करना चाहता हूँ। पहले जो बहुत बड़ी घबराहट थी कि बड़े बड़े राज्य न रहें वह घबराहट तो अब नहीं रही है। कम से कम केन्द्रीय गवर्नमेंट के मस्तिष्क में अब यह घबराहट नहीं है। अब तो उन्होंने बड़े बड़े जौन बनाने की बात सोची है और हमारे भाई गिरि जी ने भी यहाँ से एक आवाज उठायी है कि वह तो यह देख कर रहे हैं

कि बड़े-बड़े प्रदेश बनेंगे। जितने प्रदेश एक जौन में रखे गये हैं वे सब एक राज्य बन जायेंगे, इसकी चर्चा उन्होंने यहाँ की। यह जान पड़ता है कि अब यह घबराहट नहीं है कि कोई प्रदेश बहुत बड़ा न हो जाये। मैं तो बम्बई को और बड़ा बना देना चाहता हूँ। मध्य प्रदेश आज आबादी में नहीं परन्तु अपने डील डौल में उत्तर प्रदेश से बड़ा है। मैं पूछता हूँ कि आज जो बघेलखंड के लोग या विन्ध्य प्रदेश के लोग हमारे प्रदेश में आना चाहते हैं उनको आप रोकते नहीं हैं? बघेलखंड के लिये यह बात बार बार कही गयी है। एक भाई बघेलखंड के यहाँ हैं। उन्होंने जोरों के साथ कहा है कि हम उत्तर प्रदेश के साथ जाना चाहते हैं। बघेलखंड की विधान सभा में भी इस पर बहस हुई थी। वहाँ उस समय २० सदस्य उपस्थित थे। उनमें से अधिकतर ने कहा कि हम उत्तर प्रदेश के साथ जाना चाहते हैं।

केवल दो सदस्य थे जिन्होंने कहा कि हम मध्य प्रदेश के साथ जाना चाहते हैं। इस विषय पर उत्तर प्रदेश की विधान सभा में भी चर्चा हुई और वहाँ पर लगभग सबने मिल कर कहा कि पूरा विन्ध्य प्रदेश उत्तर प्रदेश के साथ मिलाया जाय, अगर ऐसा करने में कोई कठिनाइयाँ हैं तो कम से कम बघेलखंड को तो अवश्य उत्तर प्रदेश में मिला दिया जाय। वहाँ के जो मुख्य मंत्री हैं, डा० सम्पूर्णानन्द, उन्होंने भी उस दिन भाषण दिया था। मैं चाहता हूँ कि हमारी गवर्नमेंट और हमारे गृह विभाग के मंत्री जी उधर ध्यान दें। मेरा विश्वास है कि वे प्रवर समिति में रहेंगे। यह सच है कि वे उत्तर प्रदेश के रहनेवाले हैं। लेकिन मैं इसको उत्तर प्रदेश के साथ अन्याय समझता हूँ कि आपने जो सिलेक्ट कमेटी बनायी है उसमें उत्तर प्रदेश का केवल एक मेम्बर इस भवन से रखा। उस मेम्बर ने भी नाराजगी से उसमें काम करने से इन्कार कर दिया क्योंकि आपने इतने बड़े सूबे का केवल एक ही सदस्य रखा। उस मेम्बर की जगह आपने दूसरा मेम्बर रखा है, मैं नहीं जानता कि वह काम करेंगे या नहीं मुझे मालूम है कि उनसे पूछा नहीं गया है। क्या आप दो सदस्य नहीं रख सकते थे, श्री वेंकटेशनारायण तिवारी और श्री अल्लुराय शास्त्री? अगर ये दो आदमी बने रहते तो क्या बिगड़ जाता? मुझे तो कोई ऐसा लगा है कि हमारे गृहमंत्री जी और हमारे प्रधान मंत्री-जी उत्तर प्रदेश के हैं इसलिये वे ऐसा करने में संकोच कर रहे हैं। और इस संकोचवश जो अन्याय उत्तर प्रदेश के साथ हो रहा है उसको वे सहन कर रहे हैं। मैं कहना चाहता हूँ कि यह ठीक

[श्री टंडन]

नहीं है। उनको समझना चाहिये कि उत्तर प्रदेश के रहने वाले क्या चाहते हैं। यहां बघेलखंड के लोग हैं। अगर आप उनको प्रवर समिति में आने का अवसर देते तो वे अपनी राय आपके सामने रखते। पर आप उनको नहीं रख रहे हैं। न आप बघेलखंड के ग्रादमी रख रहे हैं और न उत्तर प्रदेश को उचित अवसर दे रहे हैं। तो फिर कौन आपसे कहने आयेगा? इसीलिये मैं आज खड़ा हुआ हूँ कि स्पष्ट रूप से कह सकूँ कि इस प्रकार आप विन्ध्य प्रदेश के साथ, बघेलखंड के साथ और उत्तर प्रदेश के साथ अन्याय न होने दे। उत्तर प्रदेश और बघेलखंड का चोली दामन का साथ बहुत पुराना है। हम लोग इस बात को जानते हैं कि वे हमारे कितने समीप हैं। मैं याद दिलाना चाहता हूँ, और मैं समझता हूँ कि जो मंत्रिगण इधर बैठे हैं शायद उनको याद भी होगा क्योंकि वे कांग्रेसी हैं, कि एक समय बघेलखंड की कांग्रेस कमेटी उत्तर प्रदेश की कांग्रेस कमेटी की एक अंग थी। यह कुछ बरस पहले की बात है। किसी काल में वे विन्ध्य प्रदेश के साथ थे लेकिन उनसे वे नाराज होकर उत्तर प्रदेश के साथ आ मिले। हमारी उत्तर प्रदेश कांग्रेस कमेटी का एक जिला था बघेलखंड। मेरा उत्तर प्रदेश की कांग्रेस के संचालन में हाथ था, इसलिये मुझको यह बात याद है। मेरा यह कहना है कि वे हमारे बहुत पास हैं। अगर वे आना नहीं चाहते तो हम कुछ नहीं कहते, लेकिन जब वह आना चाहते हैं और उत्तर प्रदेश वाले उनको लाना चाहते हैं तो क्यों रुकावट डाली जाय। अभी हाल में उत्तर प्रदेश के मुख्य मंत्री ने अपनी विधान सभा में कहा है कि उत्तर प्रदेश कृषि में बड़ा है लेकिन खनिज पदार्थों में छोटा है। उससे पास खनिज पदार्थ नहीं हैं। मध्य प्रदेश के पास खनिज पदार्थ बहुत है ऐसी स्थिति में विन्ध्य प्रदेश का टुकड़ा, जो कि खनिज पदार्थों की दृष्टि से महत्वपूर्ण है, वह उत्तर प्रदेश में मिला दिया जाय तो दोनों का लाभ है। बुंदेलखंड के अधिकतर लोगों की भी यह इच्छा जान पड़ती है कि वह उत्तर प्रदेश में आवे।

श्री रायचंद भाई शाह (छिदवाड़ा) : यह गलत है।

श्री एम० एल० द्विवेदी (जिला हमीरपुर) : मैं कहता हूँ कि यह सही है।

उपाध्यक्ष महोदय : अभी इसी तक रहने दें। हमने समझ लिया कि कुछ की राय है कि आ जायें और कुछ की राय है कि न आयें। माननीय सदस्य अपनी तकरीर जारी रखें।

श्री टंडन : मैं तो समझता हूँ कि बुंदेलखंड के लोग भी आना चाहते हैं। लेकिन अगर सारा विन्ध्य प्रदेश नहीं आना चाहता तो कम से कम बघेलखंड को तो आने दीजिये। मुझे आशा है कि हमारे मध्यप्रदेश के भाई इसके औचित्य को समझेंगे।

अब मैं थोड़े से मिनटों में पंजाब के बारे में निवेदन करना चाहता हूँ।

उस दिन यहाँ पर सरदार हुक्म सिंह ने जो भाषण किया, उसका मैंने अपने मन में स्वागत किया। उस दिन तो मुझे उस सम्बन्ध में बोलने का अवसर नहीं मिला था, सो आज कुछ निवेदन करना चाहता हूँ। मैंने स्वागत उसका इसलिये किया कि उनके भाषण में श्री मास्टर तारासिंह के भाषण में भी मुझको एक नया दृष्टिकोण दिखाई दिया अर्थात् यह कि आज जो जालंधर डिवीजन के बिगड़े हुए लोग हैं और जो सहमत नहीं हो रहे हैं, उनके साथ बातचीत करके उनको मिलाने का यत्न किया जाय। सरदार हुक्म सिंह के भाषण में वह बात मुझे विशेष अच्छी लगी जो उन्होंने यह कहा कि हम बैठ कर आपस में समझौता करें। यही बात लाला अचित राम ने भी अपने भाषण में कही थी। इसमें तो कोई संदेह नहीं और हम सब देख रहे हैं कि यह कहना कि पंजाब में सब लोग संतुष्ट हैं, यह अर्द्ध सत्य है, यह बिलकुल सच नहीं है और जो प्रबन्ध किया गया है उससे जालंधर के लोग असंतुष्ट हैं।

सरदार इकबाल सिंह (फाजिल्का सिरसा) : अक्सरियत तो संतुष्ट है।

श्री टंडन : हरियाना के लोग मैं मानता हूँ, संतुष्ट हैं, लेकिन जालंधर डिवीजन के तमाम हिन्दू इस प्रबन्ध के खिलाफ हैं। साथ ही मैं इसको स्वीकार करता हूँ कि आपस में मेल पैदा किया जाय और सरदार हुक्म सिंह का वह सुझाव स्वागत योग्य है जिसमें उन्होंने कहा है कि उनको बैठ करके कोई रास्ता दिखलाने का यत्न करना चाहिये।

यह जो क्षेत्रीय परिषदों की स्थापना करने की बात है, यह एक नया प्रयोग है जो हम करने जा रहे हैं और इसके सम्बन्ध में मैं यही सुझाव दे सकता हूँ कि बहुत समझ बूझ कर हमें इसको चलाना है। एक तरफ रीजनल कमेटी (प्रादेशिक समिति) का सिद्धान्त अर्थात् यह कि जो एक सूबा है उसको बांट दिया जाय, दूसरी तरफ जॉनल कौंसिल का सिद्धान्त जो कि उससे भिन्न

है, एक तरफ बढ़ाने की बात और दूसरे में छोटे स्थानों में कमेटी बनाने की बात, देखने में ऐसा लगता है कि उनमें दो भ्रलग भ्रलग सिद्धान्त काम कर रहे हैं और उन दोनों को ही इस संविधान में स्थान दिया गया है। अभी जैसा कि पंडित ठाकुर दास भागवत कह रहे थे यह स्थिति स्पष्ट नहीं है, मझ को भी यही लगा कि अभी गवर्नमेंट का दिमाग कुछ इसके बारे में स्पष्ट नहीं है और वह कुछ टटोल रही है। मैं इस टटोलने को बुरा नहीं कहता, टटोलना कुछ बुरी बात नहीं है, समझ बूझ कर भागें बढ़ने की बात है। हम रीजनल कमेटी को क्या अधिकार दें, किस तरह से उसको चलायें, इस सम्बन्ध में बहुत समझ बूझ करके और अनुभव करके भागें काम करना है।

Shri Gadilingana Gowd (Kurnool): I rise on a point of order. Yesterday, the hon. Speaker told the House that he would not allow those hon. Members who had already participated in the SRC debate. That rule was not strictly enforced and some of the hon. Members spoke for more than twenty minutes.

Mr. Deputy-Speaker : Order, order. That is not a point of order. I request the hon. Member not to encroach on the discretion of the Speaker or the Chair. He should allow the Chair to have that much discretion. At least in some cases, he may give time.

Shri Gadilingana Gowd: I did not mean any disrespect to the Chair.

Mr. Deputy-Speaker : It is not a point of order.

Shri V. P. Pawar (South Satara): Sir, I am grateful to you for giving me this opportunity to express my views on the Constitution (Ninth Amendment) Bill. I will confine myself to some of the important aspects of the Bill.

Mr. Deputy-Speaker: I have allowed him to speak; it is his maiden speech. He should condense his speech as much as possible.

Shri V. P. Pawar: Sir, Firstly I will refer to clause 2 of the Bill in which certain alterations in the areas and classification of certain States are proposed. Some Union territories are also mentioned. In the First Schedule to clause 1, Bombay is mentioned as a Union territory. I submit that the Bombay City should be deleted from the category of Union territory and it

should be integrated with the neighbouring State of Maharashtra and that a machinery should be found out to safeguard the interests of a section of people in Bombay, who have expressed certain alleged apprehensions and fears.

Secondly, I would refer to clause 7 which seeks to amend article 168 of the Constitution. That article provides for bicameral legislatures in certain States. I would submit that there should be a Legislative Council for Maharashtra. It is essential in the new set up of the integration of the Marathi speaking areas of the new State.

Thirdly, I would say something about clause No. 9. The strength of each Assembly and the Council has been given. In the proposed Maharashtra State Assembly, there would be 240 members and so the ratio would be 1 : 6. The Madhya Pradesh Assembly has passed a resolution that the strength of members should be increased from 240 to 320 and the Hyderabad Assembly has also passed unanimously a resolution that the ratio should be 1 : 7. I will prefer this *via media*, because an unwieldy House would not serve the useful purpose and that it be a liability on the State. If there is a bicameral legislature for Maharashtra, I would suggest that the proportion of Parliamentary seats and the Assembly should be 1 : 7. The strength of the Maharashtra Assembly should be of 280 or 270 members.

I would refer to clause No. 15. It proposes a common High Court for two or more States. I know that the Bombay Assembly has passed a resolution that there should be three separate High Courts—one for Gujarat, one for Maharashtra and the third for the Union territory of Bombay. I do not see the wisdom in it. I know and I appreciate the high traditions established and the great prestige and reputation maintained by the Bombay High Court. I also pay my humble tribute to the late Justice Ranade Telanga, Chandarkar, Rajadhyaksha and others and the present sitting Judge, Justice Gajendragadkar. The seat of the High Court should be in Bombay. I would submit that there should be a High Court for Maharashtra and Bombay and a separate High Court for Gujarat. In that respect, I would commend my amendment that the High Court of Bombay shall, as from the appointed day, be deemed to be the High Court for the State of Maharashtra and Greater Bombay.

[Shri V. P. Pawar]

I would now refer to clause 21 which proposes to replace article 371. There is a proposal for the regional committees. There are special reasons in Punjab and Telangana for regional committees. I do not see any propriety for claiming regional committees for Vidarbha or Greater Bombay. There are no special problems as such. It would be a dangerous principle if applied to Vidarbha or Greater Bombay. I submit that this should not be made applicable to these two areas in the larger interest of Maharashtra State. The sixth point relates to the appointment of boundary commissions. There should be some uniform policy to settle the boundary disputes. A village here or a village there does not matter much. But let us apply the same uniform policy and once for all settle all these border disputes, particularly Marathi speaking areas of Belgaum, Nipani and Karwar.

After mentioning all these six important points, I would like to say a few words about the talk of bilingual State. I can understand the Members, who belong to places outside Bombay, saying something about a bilingual composite State of Bombay. In this connection I would like to invite the kind attention of the House to the fact that time and again, in the Bombay Legislative Assembly we have resolved that there should be three separate States of Maharashtra, Karnataka and Gujerat. The resolution moved by me in the Bombay Legislative Assembly proposing that there should be separate States of Karnataka, Gujerat and Maharashtra including Bombay, was unanimously passed. That is the unanimous opinion of Maharashtra. If we do not want to have this bilingual State, why impose this bilingual formula against our wishes. I am very glad to note that our revered Home Minister yesterday in his speech said that this bilingual composite formula for Bombay has been discarded.

Shri D. C. Sharma (Hoshiarpur): No.

Shri V. P. Pawar: He did positively say that it will not be imposed against the unanimous will of the Maharashtrians. We do not want it. We have categorically rejected it. When we say unequivocally that we object to it, do you mean to say that this bilingual affair should be imposed upon us? No. That cannot be tolerated. It would be undemocratic and unjustifiable. Hon. Members have absolutely no experience of

this bilingual State business. Had they that experience they would not have urged upon this bilingual affair to the people of Maharashtra.

We are glad that this bilingual formula for Bombay has gone once for all. I congratulate the Government for discarding this proposal of bilingual composite State of Bombay. I pray to our revered leaders and the House that our demand is just, we want fairplay and justice done to us. God bless Maharashtra State.

Shri D. C. Sharma: What I referred to was about the bilingual formula going on in Punjab.

Pandit G. B. Pant: Mr. Deputy-Speaker, Sir, this discussion on the motion that I made yesterday has followed the lines of the debate on the States Reorganisation Bill. It looks as though hon. Members, who have not had the opportunity of giving expression to their views when the States Reorganisation Bill was under consideration, have availed themselves of this opportunity for impressing the House with their own considered opinions. But it looks as though we are having more or less a continuation of a debate on the States Reorganisation Bill. That indicates the importance of the subject matter of that Bill.

Before proceeding with the views that have been expressed here, I should like to say a word about the amendments proposed by Shri Kamath. I wish he had refrained from doing so. The amendments were altogether unnecessary. They are against the spirit of our Rules and, they are likely to reflect upon the dignity of this House and upon the unanimous desire of this House to maintain high standards and to look to the Speaker, who is the repository of our privileges and rights, for guidance in all cases.

The Rules prescribed for the conduct of business by our House provide that a reference should be made to the Speaker whenever there is any occasion for consulting him with regard to the procedure to be followed in a Select Committee appointed by this House. Rules 109 and 110 are clear on the point. Rule 109 says :

"(1) The Speaker may from time to time issue such directions to the Chairman of the Committee" (that is the Select Committee) "as he may consider necessary for regulating its procedure and the organization of its work."

(2) If any doubt arises on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final."

Rule 110 reads :

"A Select Committee shall have power to pass resolutions on matters of procedure relating to the Select Committee for the consideration of the Speaker, who may make such variations in procedure as he may consider necessary."

The amendments proposed by Shri Kamath are contrary and antagonistic to the letter and the spirit of these Rules. It is strange, that while with respect to matters pertaining exclusively to this House this House should place implicit confidence in the Speaker and empower him to regulate the procedure of the Select Committee in any way he would deem fit, there should be an objection on the part of any hon. Member of this House with regard to a similar power being vested and given to the Speaker in the matter of the regulation of the procedure of a Joint Committee. I hope Shri Kamath will please make amends by withdrawing his amendments. That is not ordinarily his way, but perhaps he may listen to my advice in this particular case—I do not like to think that he is altogether incorrigible.

With regard to the various points that have been raised, I should like to touch upon only a few of them. Some suggestions have been made about the salaries of the High Court Judges. Well, we on our part, have no desire to make any distinction between the salaries of the Judges of the High Court whether the court be situated in a big State or in a comparatively smaller one, but the salaries are met out of the Consolidated Fund of the States and we cannot altogether impose our will on the States. So, as I suggested yesterday, the best way is to persuade the Members representing the States here to agree to a uniform scale being adopted for all States. Travancore-Cochin, Mysore and Rajasthan were the three States where the salaries differ from the scale that obtains in other States. Rajasthan has since expressed its desire to fall in line with the rest.

The only remaining States are Mysore and Travancore-Cochin. If the Members representing Karnataka and Mysore here wish that the same scales should apply to Mysore, I think there

need be no difficulty. Similarly, if the hon. Members representing Travancore-Cochin express a desire to that effect, that will fully meet the case and then we will have the same scale for all States. I would myself welcome it. So, let them make up their minds and let us know.

Sir, as to the important work that the judges have to do, there can be no two opinions. In fact, they are the guardians of the liberties of the people and also of the Constitution under which we have to function. They are the fountain-heads of justice. We want to do all we can to maintain highest standards in the judicial tribunals, in the High Courts and in the Supreme Court and to co-operate with the people and with the judges in ensuring this objective.

Some objection has been raised, I understand, to the proposal contained in the Bill for enabling the High Court judges, after their retirement, if they so choose, to practise in courts situated outside the jurisdiction of the High Courts in which they have had the opportunity to serve. As hon. Members may be knowing, there is sometimes some difficulty in securing the services of the successful advocates for the High Courts. They feel reluctant in going from the bar to the bench because of the immediate loss that such a promotion would involve. They are also influenced by the consideration that after their retirement they would not be able to resume their practice. Formerly they were allowed to do so but a change was made some years ago. The experience of the last few years has forced us to review that in order to secure the assistance of really competent and foremost advocates, for the dispensation of justice in the High Courts it is desirable to permit them to resume practise after they retire. The pension that they receive is not adequate to enable them to meet all their needs. So, that is the desire of the judges too. We should, I think, accede to and accept what they desire and what we all consider to be right and equitable.

The salaries of the judges are not excessive. They are certainly high as compared with the salary that men in ministerial ranks or in other places get. But it is so all over the world, because, fortunately or unfortunately, the successful advocates make lots of money; they seem to be minting gold. So, when they are asked to accept a place in the High Court they are naturally,—human

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nature being what it is—swayed away by the consideration that the pecuniary loss, in solid gold, would be substantial, and that comes in the way of their joining the High Courts. The public suffer on that account. A few hundreds do not matter much if really justice, pure and noble, is ensured and dispensed by those who preside over the benches in the High Courts. So, let us not grudge the salary that has been provided for the judges in our Constitution.

There seems to be some misunderstanding about a provision in the Constitution about the numbers that are now being provided for the Members of the Lok Sabha. The maximum of 500 Members has been laid down for the States and 20 for the territories. But it does not mean that 520 Members ought to be appointed forthwith. Formerly there was no limit for the representatives that might be returned from or nominated for the territories. This was a lacuna. So we thought that we should fix the maximum of 20 for Union territories. The Government have almost a free hand in this matter. So, in order to limit the discretion and authority of the Government we had put the maximum at 20. But the total number of representatives, as hon. Members might have seen from the schedule attached to the States Reorganisation Bill, in the Lok Sabha, from the States as well as territories, is intended to be only 499 at present. But it can go up to 520—500 from the States and 20 from the territories. But no immediate change is intended beyond what is indicated in the schedule that is attached to the States Reorganisation Bill.

Again, some remarks have been made about the Zonal Councils. The Zonal Councils are not being given any statutory authority and I had given the reasons yesterday. I do not want to repeat what I then said. It was observed that the Zonal Councils and the regional committees do not seem to fit in with each other. I do not see any sort of incompatibility between the two. The Zonal Councils are intended to bring the different States together so that they may exchange views on matters of common interest and reach some sort of agreement if at all possible. So they are of an advisory character, and through the Zonal Councils we expect that some sort of link will be provided for binding the States that are now being separated on the basis of language, together. So, that is the objective.

So far as the regional committees are concerned, they are committees of the legislature consisting of the members of the legislature belonging to the respective regions for looking after certain matters which concern the day-to-day life in the States intimately. It is just like we have got our local self-Government bodies. But one might say, "When you have got your local self-Government bodies like Municipal Boards and District Boards, then, having the central Government is something that is not consistent with that". But it becomes all the more necessary to have this—when you have got a bigger body—as an intermediate body. After all, all these arrangements are made not on any theoretical or ideological basis but out of regard for the circumstances in which we have to function and in order to satisfy the aspirations of different sections of the community.

After all, democracy functions to the satisfaction of the people and every step has to be taken which is consistent with the basic fundamentals to give satisfaction to all classes, communities and interests living in this land, so that all might feel the thrill of freedom and join hands in the constructive and co-operative effort which has to be made for the rapid advancement and development of the country. I am sorry that some people in Jullundur Division have not yet fully appreciated the import and implications of the regional scheme. The Government's mind is absolutely clear about the regional scheme as well as about the zonal scheme and there is nothing misty or cloudy about it. The scheme was placed on the Table of the House and hon. Members must have seen it. I am really sorry that some of the citizens of the Jullundur Division have not yet come to fully appreciate the merits of this scheme. My own belief is that if they examine it dispassionately, they will find that there is nothing in it that should cause them any sort of misgiving or apprehension about the future. It is a challenge to all the people living in the two regions to sink their petty differences and prejudices that have grown in the course of the last 10 or 20 years and to realise that the welfare of each and every one of them lies in making a common cause with the other brethren living at least in the particular region to which he himself belongs. We have been hearing of bilingual and unilingual States. But here you see the strange phenomenon of people speaking one language, living in a

region in which only a particular language is spoken, if not quarrelling with each other, feeling suspicious, being jealous and having rivalry and distrust as the main feature of their public and perhaps to some extent private life. This has to give way to something better and nobler. It is necessary in their interests and also in the larger interests of the country and I am not without hope. I am fully confident that the friends who still have any lingering doubts will find, after they have applied their minds dispassionately and sympathetically to this problem and to the solution that we have devised for this purpose, that it is worthy of acceptance. If they fail to do so, they will be failing in discharging their elementary duty towards their State and towards the country.

Something has also been said about bicameral legislatures. Some friends here feel that we should have only one chamber in each State and there should be no Upper House. Well, the States are free to make their choice. The essence of democracy lies in giving the maximum freedom to every section that is consistent with the unity, integrity and progress of the country for its own development and for the satisfaction of all its aspirations and sometimes even its vagaries. So, if some people want to have this second chamber, we do not want to come in their way. As hon. Members are aware, under our Constitution, it is open to the Lok Sabha at any time to propose that the second chamber be abolished. It is also open to the Assembly in the States to suggest the abolition of the second chamber, if it happens to be there, in that particular State. So, even if the Council or the Upper House is established in any State, it is an arrangement which will last only so long as the representatives of the popular House wish to retain it. It is there more or less at their mercy, but on my part, I will say that sometimes the Upper House does serve a useful purpose. When legislation has to be examined, it is often desirable that the Bills framed might be examined not only by the House in which they originate, but also in another chamber. Sometimes when you add up the figures, you go on making the same mistake again and again, though the mistake may be almost a patent one. Sometimes you put down 100 plus 10 as 120; you go on adding and checking again and again but you always obtain the figure 120. But, if another man does it, he immediately spots it out and says, it is not

120 but 110. So, it is sometimes useful too, but all the same, the choice lies with the States concerned.

An Hon. Member: There are 500 people here.

Pandit G. B. Pant : We 500 people form one solid phalanx.

There was also something said about safeguards for linguistic minorities. As hon. Members are aware, there is a provision in the Bill with regard to the safeguards for primary instruction. But, the Commission has suggested a series of safeguards and we have accepted them. Safeguards are needed, so that every citizen may enjoy the full rights in every part of India, regardless of his language, creed, sex or other distinguishing features. Not only there is the matter of language, but there is also another important factor, namely, domicile. Sometimes people are not allowed to serve in the States if they are not permanent residents of those States. Sometimes they are not allowed to own lands or to purchase land in certain States. There are also other conditions. We wish every citizen in every State, subject to such safeguards as may be necessary for that particular area, to enjoy fully the rights and privileges of citizenship in every part of India.

The Bill provides in certain cases that after the reorganisation of States, the Speakers and Deputy-Speakers of the existing Assemblies in the major part of the new States which formed a single unit formerly will continue to occupy those places.

Shri M. S. Gurupadaswamy : It may be left to the new Assemblies.

Pandit G. B. Pant : That was the suggestion and I am referring to that. We have made a provision in the Bill to the effect that the existing Members of all Assemblies will be the Members of the legislatures of the new States. The legislature of Coorg has at present, I think, 25 or 24 Members. It is more than 20 in any case and it has a population of about 2 lakhs. We still wish that there will be no disturbance and all those who have the privilege of representing their constituencies in the existing States may be allowed to do so in the legislatures of the new States.

So, the new legislatures will not be based on the uniform principle of representation. Some of the existing legislatures will be heavily represented while

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others will be inadequately represented. We are doing so so that there may be the least disturbance till the general elections. So, we felt that it would be advisable in the circumstances to allow the Speakers and the Deputy-Speakers also to continue because when the Members do not represent the constituencies on a uniform basis, then it is best to accommodate others as they themselves are being accommodated. But, all the same, the Joint Committee will be free to consider the question.

2 P.M.

I was expected to speak only till two o'clock. I have done so.

Shri Kamath : On a point of clarification, Sir, the hon. Home Minister was good enough to suggest that I should make amends for the amendments I have tabled. Does he not agree, endowed as he is, I believe, with a keen sense of fairness, justice....

Shri Chattopadhyaya (Vijayavada): And wisdom.

Shri Kamath :... that the Speaker has to make amends for the manner in which he treated me yesterday....

Mr. Deputy-Speaker: We are not discussing that controversy.

Shri V. G. Deshpande (Guna): I will ask about one point. The Home Minister now referred to the Speaker and the Deputy-Speaker. May I point out to him that in Madhya Pradesh, the Deputy-Speaker happens to represent a constituency which will go to Maharashtra. It has been provided that he will be the Deputy-Speaker in the new Assembly. Such anomalies are likely to be there if this kind of provision is made in this Bill.

Mr. Deputy-Speaker: It would now be for the Joint Committee. The hon. Home Minister has stated that the Joint Committee would be free to make any changes.

Shri Kamath: What about the point I have raised?

Shri S. S. More (Sholapur): It is not a point.

Shri Kamath: I do not want you to give any ruling. I have put it to the House.

Mr. Deputy-Speaker: There is a motion before the House. There are certain amendments moved by the hon.

Member Shri Kamath. An appeal was made by the Minister of Legal Affairs to Shri Kamath when he was absent...

Shri Kamath: I was present.

Mr. Deputy-Speaker: I am sorry.

Shri Kamath: Minister of Legal Affairs? I was not present.

Mr. Deputy-Speaker:... that he might be well advised to withdraw these amendments. I only want to know the reactions of the hon. Member.

Shri Kamath: I want to know the reaction of the Home Minister to my suggestion.

Mr. Deputy-Speaker: There is nothing to be known. I presume that the hon. Member wants me to put these amendments.

Shri Kamath: Yes.

Pandit G. B. Pant: My reaction is that throughout the Speaker has behaved in a proper manner.

Shri Kamath: I differ most emphatically.

Mr. Deputy-Speaker: The hon. Member will not enter into this controversy. It is not the issue now. The only issue is whether these amendments be accepted. So far as I can make out, they really contravene the rules that we have got already, rules 109, 110, etc. Even then, I am prepared to put them to the House and leave it to the House, whatever the decision might be.

Mr. Deputy-Speaker : The question is :

That in the fourth part of the motion—

omit "with such variations and modifications as the Speaker may make."

The motion was negatived

Mr. Deputy-Speaker: The question is:

That in the fourth part of the motion, for "the Speaker may make" substitute, "the House may make".

The motion was negatived

Mr. Deputy-Speaker: The question is:

That in the fourth part of the motion, after "the Speaker may make" insert "subject to the approval of the House"

The motion was negatived

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 51 members; 34 from this House, namely, Shri U. Srinivasa Malliah, Shri H. V. Pataskar, Shri A. M. Thomas, Shri R. Venkataraman, Shri S. R. Rane, Shri B. G. Mehta, Shri Basantha Kumar Das, Dr. Ram Subhag Singh, Pandit Algu Rai Shastri, Shri Dev Kanta Barooah, Shri S. Nijalingappa, Shri S. K. Patil, Shri Shriman Narayan, Shri G. S. Altekar, Shri G. B. Khedkar, Shri Radha Charan Sharma, Shri Gurmukh Singh Musafir, Shri Ram Pratap Garg, Shri Bhawanji A. Khimji, Shri P. Ramaswamy, Shri B. N. Datar, Shri Anandchand, Shri Frank Anthony, Shri P. T. Punnoose, Shri K. K. Basu, Shri J. B. Kripalani, Shri Asoka Mehta, Shri Sarangadhar Das, Shri N. C. Chatterjee, Shri Jaipal Singh, Dr. Lanka Sundaram, Shri Tek Chand, Dr. N. M. Jaisoorya, and Shrimati Tarkeshwari Sinha,

and 17 members from Rajya Sabha,

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number members of the Joint Committee;

that the Committee shall make a report to this House by the 14th May, 1956;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted

HINDU SUCCESSION BILL—contd.

Mr. Deputy-Speaker: We have to take up the next item on the agenda.

The House will now take up further consideration of the motion moved by Shri Pataskar on the 12th December 1955,

"That the Bill to amend and codify the law relating to intestate succession among Hindus, as passed by Rajya Sabha, be taken into consideration."

There are 35 hours available for the disposal of this Bill. Shri Pataskar has already finished his speech.

Shri S. S. More: (Sholapur): Has he to say anything by way of refreshing our memory?

Mr. Deputy-Speaker: That would be refreshed when we listen to other Members.

श्रीमती शिवराजवती नेहरू (जिला लखनऊ मध्य) : माननीय उपाध्यक्ष महोदय, प्रस्तावित बिल में.....

Mr. Deputy-Speaker: The hon. Member will excuse me. There are certain amendments also that are to be taken up. Shri V. G. Deshpande.

Shri V. G. Deshpande (Guna): I want to move it.

The Minister of Legal Affairs: (Shri Pataskar): I think under the rules, that amendment cannot be moved.

Mr. Deputy-Speaker: I will come to that. There are other amendments also. Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava (Gurgaon): I have forgotten what the previous amendments were. I have today given notice of some amendments.

Mr. Deputy-Speaker: I am talking of those amendments.

Pandit Thakur Das Bhargava: I propose to move all the amendments, 21, 22 and 23. May I move them?

Mr. Deputy-Speaker: I only wanted to know his intention. Let us hear the hon. Minister. He has objections to their admissibility.

Shri Pataskar: This Bill originated in the Rajya Sabha.