

INDIAN TARIFF (AMENDMENT)
BILL*

The Minister of Trade (Shri Karmarkar): I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

The motion was adopted.

Shri Karmarkar: I introduce** the Bill.

CONSTITUTION (NINTH
AMENDMENT) BILL—contd.

Clauses 17 to 20

Mr. Speaker: The House will now take up further clause-by-clause consideration of the Bill further to amend the Constitution of India, as reported by the Joint Committee. Clauses 17, 18, 19 and 20 will be taken up. The time allotted for this group is 1½ hours. Hon. Members will kindly pass on chits indicating the number of amendments they want to move.

Shri K. K. Basu (Diamond Harbour): Clause 17 primarily deals with the provision in respect of the governance of the Union territories. I am glad the hon. Home Minister while moving for the consideration of this Bill the other day has given certain suggestions indicating the lines on which the future set-up of the Union territories is likely to be formed. It is true that he has suggested, if I may say so, a very diluted form of representative Government.

When the Parliament is given full powers, we expected that a comprehensive scheme will be suggested by which these Union territories will have a fully representative Government with certain restrictions on financial powers and law and order

for a period of 4 or 5 years. We for ourselves would have wished to see that all the Union territories have the same status as any other State in India; but unfortunately, the Government of the day, for reasons best known to themselves, have found it convenient not to give these democratic rights. After five years of working of the Constitution and after nearly nine years of freedom, we thought there would not be any part of India which would receive a treatment different from any other part. Therefore, we would have very much liked that the hon. Minister had given a scheme by which all the Union territories would have more or less the same status as any other part of India. However, he has given, as I said earlier, a representative government in a very diluted form. Even then, the same has not been fully worked out. Even though he said he would like to allot some portfolios to the advisers who would help the administrators that would be entrusted with the administration of the Union territories, he has not made up his mind whether the portfolios should be given, though we said we very much wished it should be done. We wish that in consultation with the representatives of the Union territories who are here or who will come in future, he should chalk out a plan, so that immediately with the formation of the new States, the Union territories will have a representative Government. In the case of certain regions, on the basis of a formula arrived at between the Government and some parties belonging to that particular State, regional committees are going to be formed in respect of Punjab and Andhra Pradesh. I find today that for the bigger State of Bombay also, they are going to have some such thing. We wish in the case of Union territories, all these problems of local self-government, health, education, cottage industries and everything other than law and order

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**Introduced with the recommendation of the President.

and possibly certain restricted rights regarding finance, should be entrusted to those people. It is absolutely necessary for us to enthuse the people in working out the plans for the development of the particular area, specially education, public health and local self-government and even the cottage industries and the other economic activities in the distant places like Tripura and Manipur. They should have some say in the working out of the plans because we know fully well that though Parliament has been directly in charge of the administration we pay little attention to them. How many hours do we allot for discussing their affairs in a year? Even if we put questions, they form part of the list along with the problems connected with the entire country and so naturally we cannot give the same amount of attention as it deserves because of our direct responsibility for the administration of these areas.

But my amendment is more pointed and it is in respect of the provision regarding the new proposed article 240 which deals with the administration of the Union territories, Andaman and Nicobar and the new island group of Laccadive and Minicoy. We are glad that the Home Minister has yesterday conceded that even Laccadive will have a representative in the Lok Sabha. But my amendments, amendments Nos. 20 and 21 to clause 17, are very specific. In the proposed new article 240 of the Constitution they have more or less adopted the principle that is embodied in the administration of Part D States. In the case of Andaman and Nicobar islands, the administration will be through regulations made by the President. I only have added a provision that there should be a standing committee of Parliament to advise the President because the danger is that the President, being the Constitutional head, will naturally act on the advice of the Minister and we know fully well that the States Minister and the

Home Minister being the same person and because there is so much of problem to be tackled for the whole of India, the real administration of those territories will fall on the Chief Commissioner or some Secretary in the Department of the Government. Therefore, what I say is that when the Parliament has direct responsibility of administering those areas, though the President has been given the power through regulation to administer the particular Union territories, there should be a standing committee of Parliament to advise the Government and the President if they so require and at least there should be some discussion because we know that even in the case of those States where we have President's rule—now we are having it in Travancore-Cochin; we had it earlier in the State of PEPSU—we always have a Parliamentary standing committee to advise the Government, specially in the making of laws. Under the powers given to him, even the laws made by Parliament can be altered or modified by the President, naturally on the advice of the Government or the advice of the executive. So the President is given the powers to modify a parent Act—if I may be permitted to use the expression—passed by the Parliament.

Every part of India should have the same administration as is prevalent in any other part, especially in the case of democratic set-up. But, unfortunately, for certain reasons the Government thinks that those areas, the Andamans and Laccadives, cannot be governed the same way as even the other Union territories and the President is authorised to make regulations which have the force of modification or amendment of the laws passed by Parliament. Therefore, I suggest that there should be a standing committee, as is usually the case when the President directly administers any particular State of India because of the failure of the constitutional machinery as we have,

[Shri K. K. Basu]

at the present moment, in Travancore-Cochin; we had it earlier in the State of PEPSU. My suggestion is very simple. After all, the power of the standing committee of Parliament is of an advisory character and is not binding.

Then, my amendment No. 21 says that there should be the addition of sub-clause (3) to article 240. I want to add sub-clause (3) to article 240. Sub-clause (2) of article 240 reads:

"(2) Any regulation so made may repeal or amend any Act made by Parliament or any existing law which is for the time being made applicable to the Union territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to that territory.

So, a parliamentary Act can be modified by the executive fiat by issuing a regulation in the name of the President, of course, on the advice of the Government which practically is the advice of the executive machinery. My amendment seeks the addition of sub-clause (3) which reads:

"(3) All regulations made under the aforesaid clause (2) shall be laid before the Houses of Parliament within a week of their promulgation if the Houses are sitting or within a week after their reassembly for not less than thirty days and shall be subject to such modifications as Parliament may make and such modifications shall have the force and the effect of an Act of Parliament."

I am not, for a moment, disputing the necessity of the Government to have these powers to administer these areas by the method of presidential regulation. But even the presidential regulation should be subject to the right of Parliament for approval or revision. For instance, in the case of rules made in

pursuance of Acts, they are laid on the Table of the House and the Parliament, as the supreme body, has the right to modify them. In this case, certainly the President has the power to issue regulations. But what we say is that Parliament being the sovereign body in our country, any presidential regulations that may be issued for the governance of the particular Union territory, which naturally have the effect of repealing or modifying or amending the laws of Parliament, should be laid before Parliament and the Parliament will naturally take into consideration whether the President's regulations should also be modified in the interest of the good governance of the particular Union territory. Naturally, parliamentary modification should be supreme and will be applicable to the territory as opposed to the President's regulation. I hope the Government and the Minister will concede this because in the case of the rules that have been made during the last one year and half we have made it absolutely necessary, even mandatory, that they must be laid before Parliament and Parliament has the right to modify them. Sir, you yourself have appointed a Committee on Subordinate Legislation to go into all the rules and see whether the power has been correctly used. In this case also I suggest that they may be referred to a committee like the Committee on Subordinate Legislation, which can consider whether the regulations should be modified.

These places being far away, off the mainland, the Ministry will naturally act on the advice of the Chief Commissioner or the executive officer. The supremacy of the Parliament has to be maintained at all costs and when the President's regulations are being imposed, I only seek to move an amendment which authorises the Parliament to sit on judgment, if it so desires, on the regulation which may modify any parliamentary law and if Parliament makes a regulation that shall have the effect

of law in preference to the President's regulation. I hope the Home Minister will consider it from the point of view of parliamentary supremacy as Parliament has responsibility for the administration of India including the Union territories and all laws made by the President, all regulations issued by executive fiat in the name of the President, must be subordinate to the laws of Parliament.

Shri N. C. Chatterjee (Hooghly):
My amendment No. 110 reads:

Page 9—

after line 42, add:

"(3) Parliament may by law create or continue for any Union territory, and administered through a Lieutenant Governor, Administrator or other authority

(a) a body, whether elected or nominated or partly elected and partly nominated to function as a Legislature for that Union territory; or

(b) a Council of Ministers or Advisers or both with such constitution, powers and functions, in each case as may be specified in the law.

(4) Any such law as is referred in clause (3) shall not be deemed to be an amendment of the Constitution for the purpose of Article 368, notwithstanding that it contains any provision which amends or has the effect of amending the Constitution".

If you look at article 240 of the Constitution, as it stands at present, it will be seen that I have tried to incorporate the provisions of that article in this clause. Article 240 of the Constitution deals with the creation or continuance of local legislatures and a council of advisers or Ministers. I said yesterday, and I repeat today that to deny to the people of this historic city of Delhi the benefits of popular Government at State level would be a retrograde step. It will not be fair to this historic city of Delhi and to the people of Delhi to invoke the precedent of

Canberra or Washington, because the capitals of the United States or Canada or Australia are denied the benefits of self-government, Delhi should follow suit. I am submitting that the legal position of the residents of District Columbia in the U.S.A. which means really the disenfranchisement of the population there, should not be the model here and we should do our best to treat Delhi on a separate footing. Generally, I share the feeling of my hon. friend Shri K. K. Basu that, as far as possible, we should try to set up popular institutions everywhere, in every Union territory. I recognise that the position of the Delhi State was peculiar and anomalous. We had not merely set up dyarchy as the S.R.C. pointed out. The States Reorganisation Commission says:

"The present set-up of Delhi State, it may be stated, is even more anomalous than that of other Part C States in that, within the narrow ambit of powers delegated to these States, the legislative authority of Delhi is subject to certain special limitations."

The Delhi State is supposed to have some kind of self-government. But, it does not include law and order; it does not include local self-government; it does not include the Improvement Trust and other statutory bodies regulating certain public utility services in Delhi. They say that this dyarchical structure needs revision. Really, an important paper this morning has said that there was triarchy in the Delhi State. We know when the Montague-Chelmsford reforms were ushered in, we heard of the word dyarchy. I am afraid, there is a good deal of force in the observation that the administration of Delhi has been paralysed by a kind of triarchy. Delhi is a Part C State. We are also told that three Ministers of the Union Government are looking after the Delhi State and they are issuing sometimes inconsistent orders, conflicting orders, with very little co-ordination.

[Shri N. C. Chatterjee]

What I am pointing out is that this Parliament in its wisdom should at least incorporate article 2 or make provisions similar to those in article 240 and say that Parliament's intention is that, at least for the Delhi State and other areas, there should be by law creation of a body which is approximating to a legislature and that it should discharge the functions of a legislature with a council of Ministers or Advisers. We are told that we have not got Pandit Pant's Plan fully. Pandit Pant's Plan is certainly to some extent an improvement. But, it is still a nebulous plan. We want more information. We want to know the exact picture. It is very difficult to criticise unless you know the full picture. The papers have announced today that among the three Ministers who are now ruling the Delhi State, there is difference and they are not quite happy with the Home Minister's Plan. They cannot say that they are generally dissatisfied; but it is said that they are unhappy still. As a matter of fact, comment has been made that Chanakyapuri or the Diplomatic Enclave and some other areas are being excluded. We do not know what is the point in excluding Chanakyapuri. Is it such a big enclave that you cannot even entrust it to the Corporation? Chanakyapuri is being honoured by being excluded from all kinds of constitutional government or even a modicum dose of self-government. I do not think it will be right. You can keep the cantonment to yourself. But, do not think of excluding the diplomatic enclave. I have been criticising the formation of regional committees in Punjab. I shall have my say a little later. I pointed out the difficulties that I felt. I do not know what the regional committees are to do. It seems that some people have suddenly developed a fascination for that. I do not know how many regional committees will be there. Will they function as sub-committees or parliamentary committees or small corporations? They would create trouble. Some Mem-

bers have expressed a wish that there should be some kind of a Governor or Lieutenant Governor. They have had the Chief Commissioner. Do not make it purely temporary. We want to know the set-up of this corporation. I think the Home Minister said that it is somewhat darkest under the lamp. This Parliament is legislating under this Constitution. We are proclaiming that, as the biggest democracy in Asia, as one of the biggest democracies in the world, we are fashioning it on very liberal lines. We are setting up an advanced type of democracy throughout the country. Do not exclude Delhi from that benefit. Do not exclude the capital from that, I say, I am again repeating, it is absolutely misleading, it is not *par materia* as you say in courts of law, to treat Delhi and Canberra together. It is not a bureaucratic city which has been born only with the establishment of a federal capital. It is not a purely governmental city which owes its birth to some kind of a federal set-up being constituted here. It has existed for at least 5,000 years. We must plan it on a different footing and not think that it is like Washington or Columbia or Canberra or Ottawa or anything like that. We were not born because of some political contrivance whereby you set up some kind of an artificial federal structure. It has an entirely different set-up. Therefore, the democratic sentiments of the people of Delhi require very close and sympathetic consideration.

I do not know who are the eminent people who will be associated. My hon. friend the Home Minister has said that some eminent people should be associated. I have a great horror for these V.I.Ps. What is the type of eminent people who will be recruited and associated? The control of the Centre could be exercised if at all by somebody responsible to the people. I want that it should be made clear. There is also a good deal of force in the comment made by my hon. friend Shri K. K. Basu that we have not got the time really to do our full duty

to the Budget which comes before the House. How do we expect to be able to go into the details of the Delhi administration? Therefore, it is a very, very difficult problem. I say this Parliament has to function for the people of Delhi, or Manipur or Tripura and so on. It is not our intention to make them close central enclaves completely placed under a bureaucratic set-up. We should do something whereby the aspirations and sentiments of the people should find legitimate democratic expression and we will not deny any form of self-government which is possibly working there.

I am submitting that the idea of creating political offices corresponding to what was held by the Ministry cannot work. It requires very careful consideration. I would like to know whether the Pandit Pant Plan was placed before the Delhi legislature, before the Delhi Ministers and what was their reaction. How is he going to meet their objection? Obviously they are not happy. Obviously they are dissatisfied. What is going to be done?

I do recognise that in the Joint Committee we made some improvements in the original clause 17. In the original clause 17 Delhi and Bombay and Andaman and Nicobar Islands were all grouped together and placed under the same category. Of course, we have removed that situation. The two new articles 239 and 240 proposed in this clause 17 have been revised by the Committee and therefore there is some improvement, but I am not still satisfied and therefore I am saying that to delete 240 would be retrograde. You are putting the hand of the clock back. You should give power to this Parliament to set up some kind of constitutional set-up, democratic set-up, and Parliament by legislating in that way under the Constitution should take upon itself the responsibility of doing something to further the interests of democracy and the natural urge of the people to have some kind of self-government in this area. In the

history of India's struggle for freedom, this great City has played a great part and we should not reduce it to the position of smaller things like the Andaman and Nicobar Islands. We cannot call the Andaman and Nicobar Islands Subhas Dweep; does not matter, but do not reduce them to that position. Therefore, that urge should have fulfilment. I am pleading that article 240 be incorporated. It is not mandatory. It says "Parliament may by law", but that is itself something which creates some kind of constitutional obligation on this Parliament to set up a body, may be not fully elected, but to set up a body which corresponds to a legislature and a Council of Ministers or a council of people who will be responsible to the people of the State. I would like to know what would be the real constitutional relationship between the Members of Delhi—you have increased their number, that is good—*vis-a-vis* the other advisers and *vis-a-vis* this Parliament. I hope the hon. Minister will have no objection to accept my suggestion, which is a very reasonable and moderate one, in regard to article 240 which is already there and which was meant to be operated for all Part C States. At least you should accept that and make it a part of the Constitution.

Shri Kamath (Hoshangabad): My amendments are 167, 168, 169, 170, 175 and 176.

Permit me, Sir, to say at the very outset that considering that these Union territories like Delhi, Himachal Pradesh, Manipur and Tripura are being deprived of the privilege of having a direct democracy functioning in their territories, Parliament should ensure that the supremacy and sovereignty of Parliament with regard to providing for the good government of those States or territories continues unimpaired, and that is why I have tabled amendments 170 and 175 in this connection. I shall first dispose of the earlier amendments which are somewhat minor in character compared to the subsequent ones.

[Shri Kamath]

The first one, 167, seeks to substitute for the word "Administrator" the words "Chief Administrator". It might be said: "What is in a word?" or "what is in a name?", but sometimes these little matters count a good deal and I am sure the Home Minister will also agree that to call or dub the head of a Union territory a Chief Administrator rather than mere Administrator would be better from various points of view into which I need not enter. My hon. Friend Shri Chatterjee suggests he might be called Lt.-Governor, but failing that I would suggest that he may be known as Chief Administrator of that territory.

Then I would suggest that the provision which seeks to empower the President to appoint the Governor of a State as the Administrator of an adjoining Union territory is very undesirable and should not be passed by Parliament. The Administrator should be a person separate and distinct from the Governor of an adjoining State and I hope the Minister will consider this matter again and see to it that this provision is deleted, and the Administrator remains distinct and separate from the Governor of an adjoining State.

I have sought to include the word "progress" along with peace and good government, to insert the word "progress" between the words "peace" and "good government". The Government, whatever else it may be, I hope is not against progress. Though it may connote or interpret it in its own way. I am sure the Minister and the House will agree to the insertion of this word "progress" in clause 17.

Then I come to the main amendment, the chief amendment among these five or six amendments, which seeks to ensure that the sovereignty, the supervisory authority of Parliament, with regard to bringing the Government to book as regards the governance of these territories continues unimpaired, and I entirely endorse the sentiments that have been voiced by my hon. friend Shri K. K. Basu to this effect and in this direc-

tion. I have got two amendments slightly differently worded with regard to this particular matter—amendments 170 and 175. Even if the wording is not acceptable to the Minister, I hope he will accept the spirit of these amendments and recast them in his own way, a better way I presume, and we will have certainly no objection to accepting the re-worded or recast amendment which embodies the spirit of these amendments. The Home Minister was good enough some time ago in the Joint Committee on the Citizenship Bill to accept without much ado an amendment tabled by some of us that all the rules and regulations under the Bill should come before Parliament for such modification as Parliament may deem fit and necessary. These two amendments are on similar lines and I hope the Minister and the House will have no difficulty, will have no objection, to accepting the spirit of the amendments, and even the letter of the amendments, but if the letter is not quite happy or quite correct, I am willing to have it recast in such a manner as he may deem fit and proper.

May I make a suggestion with regard to the immediate set-up in these States of Delhi, Himachal Pradesh, Manipur and Tripura? In this Bill as reported by the Joint Committee it has been provided that Parliament may by law determine the administrative set-up of the Union territories. Kindly refer to clause 17. It reads: "Save as otherwise provided by Parliament by law..." In order to avoid the gap between the existing law, that is to say the Government of Part C States Act which governs the administration of these territories at present, and the new law that may be passed by Parliament,—it may take some time because Parliament will not take it up immediately, and in the next session also Parliament may not have time to take up this matter in order to provide for the time lag that may arise between the existing law and the new law made by Parliament, the President should be empowered to

apply such provisions of the existing Part C States Act, 1951 as may be considered necessary in order to have a democratic set-up in these territories. That regulation, that ordinance, that order made by the President should come before Parliament in the next session so that we can scrutinise it and see how far it is in consonance with the spirit that animates our sovereign democratic Republic.

Before I conclude I would only refer to one other matter, that is with regard to clause 18 which seeks to amend article 258 of the Constitution. I could not catch the import or trend of this particular provision—

“Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the States extends.”

I do not quite understand what is the need for this provision in this Bill, but even assuming that it has got some purpose behind it...

Mr. Speaker: *Vice versa*; just as the Central Government can entrust the State Government can equally entrust. I thought it was *vice versa*.

Shri Kamath: Is there a corresponding provision?

An Hon. Member: The corresponding provision is there.

Mr. Speaker: Hitherto while the Centre could entrust there was no provision for the State to entrust to the Centre.

Shri Kamath: If that is so, I would seek a safeguard with regard to this and that safeguard is embodied in my amendment No. 176—

“after ‘the Government of India’ insert ‘with the prior approval of the legislature of that State.’”

We must ensure that the legislature is consulted in this matter before certain powers are unconditionally or conditionally entrusted or made over to the Government of India and the State

Legislatures should not be deprived of the right to be consulted in this matter before the powers are transferred or entrusted to the Central Government by any State Government.

Mr. Speaker: Of course, I do not wish to interrupt the hon. Member. In the earlier portion it does not require a sanction of Parliament. Parliament sanctions in general. The executive power extends, or is co-terminus with the control over various items. In entrusting any executive power to the State, Parliament does not come in.

Shri Kamath: There is no reason why Parliament should be deprived of this power.

I would in the end very earnestly suggest that though we are depriving these Union Territories of the direct democratic set-up which they enjoyed in the last few years since the Part C States Act came into being, I hope this House will see to it that the responsibility of the executive—whatever executive comes into being in these territories—to this Parliament will continue unabated and Parliament will see to it that the peace, the progress and the good Government of these territories are fully and adequately ensured in the future.

Mr. Speaker: The following amendments to clause 17 to 20 of the Constitution (Ninth Amendment) Bill, 1956 have been indicated by the Members to be moved subject to their being otherwise admissible:

Clause No.	No. of amendment
17	167, 168, 169, 174, 175, 21
18	176
19	131

Clause 17.—(Amendment of Part VIII)

Shri Kamath: I beg to move:

(i) Page 9, line 27—

for “an Administrator” substitute
“a Chief Administrator”.

[Shri Kamath]

(ii) Page 9—

omit lines 29 to 33.

(ii) Page 9, line 34—

after "for the peace" insert "progress".

(iv) Page 9—

after line 42, add:

"Provided that no such regulation shall be promulgated unless it has been laid before both Houses of Parliament for a period of not less than fifteen days, and approved by a separate resolution of each House."

(v) Page 9—

after line 42, add:

"Provided that every such regulation, before promulgation, shall be laid before both Houses of Parliament for a period of not less than fifteen days, and shall be subject to such modification as Parliament may make therein."

Shri K. K. Basu: I beg to move:

Page 9—

after line 42, add:

"(3) All regulations made under the aforesaid clause (2) shall be laid before the Houses of Parliament within a week of their promulgation if the Houses are sitting or within a week after their re-assembly for not less than thirty days and shall be subject to such modifications as Parliament may make and such modifications shall have the force and the effect of an Act of Parliament".

Clause 18.—(Insertion of new article 258A)

Shri Kamath: I beg to move:

Page 10, line 5—

after "India" insert:

"and with the prior approval of the Legislature of the State".

Clause 19.—(Insertion of new article 290A).

The Minister of Home Affairs and Heavy Industries (Pandit G. B. Pant): I beg to move:

Page 10, line 18—

for "October" substitute "November".

Mr. Speaker: These amendments are before the House.

Pandit Thakur Das Bhargava (Gurgaon): I have given notice of an amendment No. 109 in relation to clause 17 which relates to articles 239 and 240 of the Constitution. When the Bill was referred to the Joint Committee I had something to say about these two articles. I am very anxious to see that so far as the power of this Parliament is concerned, it is not whittled down by any amendment. It so appears that as a matter of fact so far as the previous Part C States are concerned in future it will be the President who will be responsible for the exercise of the powers and for the administration and not this Parliament directly. The wording here is—

"Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an Administrator or other authority to be appointed by him."

The only saving clause is "Save as otherwise provided by Parliament by law".

Now we have heard the hon. the Home Minister enunciating his scheme in regard to Union territories. So far as details go when the Bill comes before us we will have the opportunity to go into that question. So far as the new article 240 is concerned, it is to my mind substantially the same as the previous article 243. To that I have not tabled any amendment. So far as these territories go, according to me, though the Parliament may have some say, some kind of power, the power is not clearly indicated to

article 240. But all the same there are these words—

“The President may make regulations for the peace and good government of the Union territory of . . . etc.”

Further on how the powers are to be exercised is indicated. All the same I understand that the general powers of Parliament to supervise the administration and to have a say in the matter, so far as administration is concerned, will not be taken away.

So far as Part C States are concerned, I am anxious to see that the words contained in the previous article 240 may be added and I have given an amendment to that effect—No. 109. Whatever may be the details of the advisory or legislative body which may be evolved subsequently, my humble submission is that Parliament should have the final say in the matter and Parliament should be able to exercise the same kind of control over the executive as it was doing in the case of the previous Parts A and B States. The previous article 240 read—

“(1) Parliament may by law create or continue for any State specified in Part C of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor—

- (a) a body, whether nominated, elected or partly nominated and partly elected, to function as a Legislature for the State; or
- (b) a Council of Advisers or Ministers, etc., etc.”

So far as this provision went, it was comprehensive in a way and it was capable of containing any kind of scheme to be devised for the purpose of having a new kind of administration in these States.

Now, as has been pointed out by Shri Chatterjee, when we got Swaraj I remember we went to every mohalla in Delhi and proclaimed to the people that they will get the same kind of raj as we are getting in other places.

I remember in every bazaar of Delhi we hoisted our national flag and told the people that they will have full rights. Ultimately when the law relating to the Part C States came before this House—it was referred not to a Select Committee, but what was called an amending committee—we criticised it very bitterly and Shri Gopalaswami Ayyangar was pleased to take back the previous Bill and agreed to give more powers to the Part C States. Ultimately after great struggle in this House we got certain rights for Delhi. I am very sorry now that that kind of State is being changed. I can understand the Government's view that circumstances are such that this kind of administration should be changed. Let it be changed. But at the same time I am anxious to see that so far as the coming administration is concerned, it should conform at least to the provisions of the present article 240 of the Constitution and that the People of Delhi and similar separate territories should be allowed to have their say in regard to the matter. I know, the instances of other capital cities in America have been given. But it is obvious that the resemblance does not go far enough. In Delhi, the Capital of India, we want an administration which will be a model administration for all the rest of India. And we want that people may get such rights that they may be quite satisfied. I am not happy with the idea that there may be only such a body where full representation may not be given to the people, and they may not be able to control their administrators. The word ‘administrator’ is not very pleasing. In other places, we have Governors. But here, the word is only ‘administrator’. I do not know whether this will be pleasing to the Delhi people. I would have liked that the word ‘Governor’ had been allowed to remain in this case also. There is no point in not having the word ‘Governor’, if it is a word which is liked by the people.

From whatever point of view we may consider this, I am anxious that the powers of this Parliament may

[Pandit Thakur Das Bhargava]

remain as they are, and they may not be changed. The powers given in article 240 were given after a great deal of deliberation. Therefore, I do not see any reason why they should be changed, especially, when the existence of these powers is quite consistent with the scheme of things that we are envisaging today. So, I would suggest that these words which are existing in article 240 must be added on to article 239, so that the country and the whole Parliament may be clear that the powers of Parliament are not being curtailed. I am very anxious, and I am very jealous that the powers of this Parliament may not be curtailed in any manner. In fact, it was this very point which I had submitted at the time of the motion for reference of this Bill to the Joint Committee, namely that Parliament will never agree that its powers may be curtailed in this manner. I now come to amendment No. 112 relating to clause 20. If you will kindly look at article 298 relating to the power to acquire property, you will find:

"(1) The executive power of the Union and of each State shall extend, subject to any law made by the appropriate Legislature to the grant, sale, disposition or mortgage of any property held for the purposes of the Union or of such State, as the case may be, and to the purchase or acquisition of property for those purposes respectively, and to the making of contracts."

But in the new article 298 that we are proposing in clause 20 of this Bill, we find that several changes have been made. In the first place, the following words have been added, namely:

"carrying on of any trade or business and to the acquisition, holding and disposal of property and the making of contracts for any purpose."

It appears that the words 'for any purpose' have been added just to explain and contain the full meaning of the words 'carrying on of any trade

or business'. If these words are added there, then I can understand that the words 'making of contracts for any purpose' may remain.

But the question is whether the words 'carrying on of any trade or business' should be there or not. You will be pleased to see that the executive powers of the Union as well as of the State are both included here. To my mind, this is a very great departure. Previously, Government were not authorised to carry on any trade or business. It is for the first time that I find that in this Bill these powers are sought to be conferred on the Union as well as on the States. Only this morning or yesterday I read in the papers that the State Trading Corporation had contracted for business to the tune of nearly Rs. 2 crores. So, so much business is already carried on by the State trading authorities.

In this House also, we have considered the question whether State trading should be allowed. And I, for one, do not know anything against this view, that State trading should not be allowed to such an extent. But at the same time I find that so far private trade is concerned, it is very much exercised over this, and we are reading every day in the papers as well as in the publications of the Federation of Indian Chambers of Commerce and Industry that private trade wants that Government should not undertake this business which the private traders are carrying on.

This is a very broad question, and it ought to be decided by the legislature, whether the States as such or the Government of the Union, as the case may be, should be allowed to carry on any trade or business in competition with private trade. When I find in article 301 the words:

"Subject to the other provisions of this Part, trade, commerce and intercourse throughout the territory of India shall be free."

I understand them to mean that it was not contemplated at any time that the

States and the Union would come in competition with private trade and business and they will also carry on trade or business just like private persons.

Now, I do not want to give any definite opinion on this point, because I have got no experience in the matter. In fact, I am not quite competent to speak on this matter. I do not have the full competence to say that trade or business should not be carried on by the Union or by the States. It may be that in certain cases and for certain purposes, especially, when the trade is carried on between State and State, the State may be in a better position to carry on this trade or business. But I am anxious that when we are making a change, we should not make a change in the manner in which we are making it.

I would, therefore, like that the words which are contained in amendment No. 112 may be added in this clause. That amendment reads:

Page 10, line 22—

after 'business' insert 'sanction to be carried on by the Parliament.'

I am anxious that Parliament may be able to decide in what particular trade or in what particular business the Governments of the States or the Government of the Union may be allowed to carry on trade or business. A blank cheque for carrying on any trade or business will not be proper, though, in some cases, it may be that the treasury may be enriched by carrying on such trade or business; and in certain matters, I can understand that Government alone may be allowed to carry on trade. But to give a blank cheque like this, namely that they may enter into competition with private agencies or private traders or private businessmen will not be right; even if it is to be given, it should not be given in a manner like this. I want that the powers of Parliament in this matter may be secure, and that the last word should remain with Parliament. I, therefore, want that these words may be added on to clause 20.

Mr. Speaker: Now, Shri C. R. Narasimhan. Hon. Members will kindly be very brief. I shall allow two minutes to each hon. Member.

Shri Anandchand (Bilaspur): Some more time should be allowed for the Union Territories.

Mr. Speaker: 1½ hours have been allotted for them.

Shri C. K. Nair (Outer Delhi): Representatives of Delhi are not being given a chance.

Shri C. R. Narasimhan (Krishnagiri): I would like to refer to clause 20 and my amendment No. 40 thereto. Clause 20 gives power to the States and the Union for carrying on business or trade. Article 298 is proposed to be changed in clause 20.

While making such a change, we have to go back to the original article. The existing article provides for a State having property in a Union territory or another State, while the present draft covers the case of the Union having property and carrying on any trade or business in a State or the case of a State having property and carrying on any trade or business in a Union territory; it does not provide for one State carrying on any trade or business or having property in another State.

So, clause 20 has to be amended by the addition of the words 'appropriate State Legislature', while we are carrying out the new proposal that has been embodied in this provision.

What I would like to know is this. Does the new article 298 give power to one State to carry on business or acquire property in another State or not? If it does give the power, and if both the States have got the constitutional power to legislate on such matters, then, which set of laws will operate in a case where one State functions in another State? I want to know whether this is a matter which has to be provided for, or not. It is to provide for this that I have moved my amendment. If, however, that amendment is not good, it may be substituted by any other amendment. But what I want is that this should

[C. R. Narasimhan]

be provided for. When one State functions in another State, the question as to which legislature will have the power to legislate on that matter has to be definitely and clearly provided for and not left to mere conjecture or commonsense.

Shri Anandchand: Coming from a Union Territory, I welcome very much the sentiments expressed in this House about conferring more powers on the people of the Union Territories, including a legislature and a council of Ministers. But, unfortunately, if I may say so with all respect, these considerations are a little belated, because, once we have accepted in the Constitution, that is to say, in the Bill amending the Constitution, which is now before us, the main recommendations of the States Reorganisation Commission whereby a clear distinction is sought to be made between the States and the Union Territories, it is now, to my mind, a kind of *post mortem* to try to elevate them to the position of sub-States.

When we were having a discussion on the Report of the States Reorganisation Commission, it was said that henceforth, in India, there would be only these two kinds of units, namely the States and the Union Territories.

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Therefore, it would be, to my mind, a nomenclature which itself suggests something which is not a State and hence the powers with which that area is to be clothed cannot be the same as are prevalent in other States of India although I would very much like that would have been so.

Now, the other point is that Parliament may, in its wisdom, in due course of time—it has always got the powers under article 2 of the Constitution—admit new States into, what I might call, the brotherhood of full-fledged States; and if these Union Territories, in times to come, develop in such a manner that they attain that Statehood, then under article 2, Parliament

would have the power and Parliament would make them full-fledged States with full-fledged legislatures, Council of Ministers and all the paraphernalia that goes with that administration. But, today, let us be a little more practical and look at things as they concern us. Shri Kamath was rather against the proposal of investing the Governor of an adjoining State with the powers of the Administrator of an adjoining Union territory. It follows in main the existing provisions of article 239 of the Constitution with the difference that whereas in article 239, as it exists Governor shall be brought in with the consent of the people of the State concerned, here, the question of consent is not there. It is also clear that the Governor when he becomes the Administrator of that particular area or territory will be acting as an agent of the President and he will not be guided by the advice of the Council of Ministers. Therefore, that lacuna or that difference which was there in article 239 in which the Governor of a neighbouring State really meant Governor and his Council of Ministers, is not inherent and cannot be brought about in the new clause. It is only the Governor of a State who is to be called Administrator in certain cases. Therefore, it was so argued, at least, in the Select Committee and I would request the House to look at it from that point of view.

Then there is the proposal that the Administrator may be called the Chief Administrator. In the Select Committee, after long consideration, we thought that the words 'Chief Commissioner' should not be there and in place of the words 'Chief Commissioner' the word 'Administrator' was brought in. Now 'Chief Administrator' is really too big a word as it appears, though it smells like 'Chief Commissioner'. But I won't talk very much purely from that point of view and it is really, to my mind, an improvement in the status and may kindly be considered with sympathy by the hon. the Home Minister.

The other point was about the administration of Part C States during the interim period. I made a submission about this matter on the floor of the House about three days ago. I think, Sir, that an ordinance would not be the correct thing. I think that whatever legislation is to be passed for the administration of the Union territories, it should be brought on the floor of this House and Parliament should discuss it; otherwise there would be insurmountable difficulties created by an ordinance. Take for example the Bombay Corporation, the model of which is to be extended to Delhi. I understand,—I speak subject to correction—that the Bombay Corporation Act has something like 450 or 500 clauses. It is a very long Act which invests the people with very large powers. At the same time, an ordinance has got the odiousness, if I might so put it, of being a kind of *fait accompli*, and the House only sits upon it as a kind of *post mortem*, trying to judge something which has already taken place. Of course, the House has always got powers to change or make amendments in the provisions of the ordinance, but then it is not the same thing because something is established there, something exists, which would not always be very good to change. Hence, I request that this question of ordinance may not be taken into consideration at this stage. But, at the same time, the gap would be there. The gap would be there because under section 130 of the S.R. Act, I might now call it as such, the legislatures of Part C States are going to be abolished with effect from the appointed day and there is going to be an interval. I might submit to this House that when I spoke on this question I said that Parliament would be assembling somewhere near the 12th November, although it would be a short session, yet I confidently trust that legislative measures both, so far as Corporation for Delhi is concerned and the administrative set-up of the Union territories is concerned, could be brought up by the hon. Home Minister in that particular session and I hope and trust

Bill

that the House here will give it time, will give it thought, and pass it into law because if that is not passed into law in that session, then that gap will be there and this would, to my mind, be not wise either from the public sentiment point of view or from the administrative point of view. The administration would be carried on in the name of the President even after the proposals have been accepted by Parliament, here.

I have an amendment here, amendment No. 77, in which I have suggested that to the existing clause 239, as it is in the Constitution (Ninth Amendment) Bill, a further specification might be added drawing out in main the points which the hon. Home Minister was pleased to accept in his opening remarks on the day the Bill was introduced here for consideration. The exact words of my amendment are, "239A. The law referred to in clause (1) of article 239 may provide for any Union territory—(a) a wholly elected body to function as a Territorial Legislature of such Union Territory and (b) a Council of advisers chosen from amongst the members of the aforesaid Territorial Legislature". Now, I purposely used the words 'Territorial Legislature'. The hon. Home Minister has been pleased to name it a Territorial Council or something to that effect. But, I had in mind, when I used those words, "Territorial Legislature" the Union territories of America—Alaska, Hawaii and so on, where they have certain powers, and the legislations are subject always to the approval of Congress. Here also, what I was trying to prove was, that whatever legislation was passed in those areas by those Territorial Legislatures, would be subject to the final approval of Parliament, which could alter them after going into the contents of those laws. It would give the people a certain kind of feeling that they have that right and that Parliament, as the larger democracy, is looking into the affairs of the smaller democracies and seeing that they do not trespass the limits, whatever they are. In case that also is difficult. I do not know whether the Home Minister will find it readily

[Shri Anandchand]

acceptable to him; then I would beg of him to at least make a statement. I know he has already made a statement and I am thankful to him for having conceded adult suffrage for elections to the Corporation whether in Delhi or other Union territories, but I would request him to reemphasize if he does not feel inclined to accept the amendment that I have tabled, firstly, that the elective principle, both in the Corporation and Advisory Councils is fully accepted because, in his speech, he was pleased to observe that they would be wholly elected plus certain people drawn from public life. That, I submit, would not be quite in conformity with the democratic principle that he has been pleased to accept. Secondly, I would request him to consider very seriously, and to take this House into confidence, about the feasibility of bringing about in the next session of Parliament, the session, that I have heard, is going to be held some time in November, a comprehensive legislation about the administrative apparatus both in the Union territory of Delhi, and the Union territories of Himachal Pradesh, Manipur and Tripura,

I make a differentiation between these two groups. I put Tripura, Manipur and Himachal Pradesh in a different category from the one relating to Delhi. Delhi is different from the other areas. This is an urban area. Of the 21 lakh population of Delhi, 18 lakhs are wholly residents of urban areas and I believe only about 3 lakhs or three lakhs and a few thousands are in the rural areas. The problem in Himachal Pradesh, Manipur and Tripura is mostly rural. Possibly if a large Act—if it is to be done on the model of the Bombay Corporation Act—could not be disposed of by Parliament even if it tried very hard, I thought of splitting up the legislation into two parts. I was hoping that at least the other part, that is, the part dealing with Territorial Council for Himachal and other places could be got through, even though I realise that my hon. friends from Delhi would object to it and insist that the other

portion should be got through first—I am with them in that. I think if this measure were brought forward, we would be just in time. The interim period would be shortened to a considerable extent, and people would have the feeling and assurance that even though they had lost what they possessed—they had a legislature. Parliament had given it to them, the Government gave it to them and they had it, and that is going to be lost to them—this new enactment would come before Parliament on those lines in the very immediate future. Then I am sure there is going to be no reaction, no disheartening; they would rather be looking forward to the changed apparatus coming into being on the appointed day.

That is all that I have to say in this matter. I hope the hon. Home Minister will give his consideration to what I have stated and if he feels like it, he may give a categorical assurance on this point.

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Shri C. K. Nair: Now that something has been announced for the administration of Delhi, we have to consider it with some seriousness.

So far as the political aspirations are concerned, we have been completely disappointed because we have been demanding a completely democratic set-up for Delhi, as in any other Part A State. But that was not to be, because the SRC also strongly recommended that there should not be such a State in Delhi. Therefore, for the time being, that has been dropped. But this Parliament should never forget that the people who count and the general people at large are not at all satisfied with what is being given. No doubt, so far as the civic aspirations are concerned, they are being fulfilled. But so far as the political aspirations are concerned, all their hopes have been shattered, because in the great struggle for India's freedom, it was here in Delhi that the first man came forward with an open chest to face the bullet. That was Swami Sradhanand in 1919.

Since 1919, the struggle for independence was never carried in greater vigour anywhere than in Delhi, with all the hopes that we would enjoy the same political equal rights as any other State. But that is not to be. Anyhow this Parliament should remember that their right is still there. Fortunately for us, there is a saving clause as proposed in the proposed article 239, "Save as otherwise provided by Parliament by law...". We still look upto this saving clause. A time will come when the people of Delhi will assert their sovereign rights. Of course, this Parliament is supreme. But so far as the Delhi area is concerned, the people of this area should be heard and they are sovereign for this area. Therefore, their voice cannot be ignored.

Now that at least for the time being the dice is cast for Delhi, we must accept it with grace. "That we do, but with certain modifications which are necessary for the good and efficient administration of the civic affairs of Delhi. No doubt, the proposed Corporation is much better than the so-called Part C State administration, because the latter was a truncated Constitution without important powers being given to it. There is a snag in the day to day administration under the previous system. But fortunately, the proposed Corporation is welcome because it is going to include all the powers conferred on all statutory bodies. That is a welcome sign.

But there is one thing still to be clarified. That is about the development authority that is going to be created for Delhi very soon. Is it going to be under the Corporation or not? I do not know how improvements in Bombay are carried on. If they are carried on under the control of the Corporation, the same thing may be conceded to Delhi also. Otherwise, it will be defective to that extent.

Another snag in the proposed Corporation is the creation of a municipal area within New Delhi, including the Cantonment area, Chanakyapuri

and some other areas. That means it is not going to be a completely full-fledged Corporation for the whole of Delhi. There will almost be a State within a State, a State, a municipality within the Corporation. This is almost a contradiction. When we are going to grant Delhi a full-fledged Corporation, why should there be an exception for a small area?

I have a special request to make to the Home Minister with regard to the Bill that is going to be introduced in Parliament for the creation of a Corporation. The Members for Delhi in Parliament should be taken into confidence at the stage of drafting of the Bill. Of course, once the Bill is ready, it will be open for discussion in Parliament, but I request that the Members for Delhi may be taken into consultation while drafting the Bill.

I am grateful to the Home Minister for the announcement that he made that the rural areas will be given a special statutory right within the Corporation itself, that is, allowing the members from that area to constitute themselves into a separate body to look after their own development, because, after all, the rural areas cannot immediately be absorbed into a very advanced and modern city like Delhi. So they must have a special consideration. That, I am told, has been conceded by our Home Minister.

Another thing I want to suggest is that as far as possible, the election to the Corporation should be held along with the general elections. This may be a little difficult before passing the Bill itself, but it is necessary because the members of the Corporation are going to form the electoral college for the election of Members to the Upper House. That will also give some consolation to the people of Delhi that during the general elections they are going to have their own local administration set up by election. This will also avoid a lot of other expenses both to the Government and the public.

[Shri C. K. Nair]

The next point I want to make is about the nomenclature. It is proposed that Delhi is going to have an Administrator. That name is associated with something not very healthy. Administrators are generally appointed for superseded Municipal Corporations and even States. Therefore, we would like to have for Delhi the nomenclature of Governor or Lieutenant Governor. I suppose there is an amendment to this effect. I will support that amendment. It may be that we have the nomenclature of Metropolitan Governor for Delhi or Metropolitan Lieutenant Governor for Delhi. Instead of 'Municipal Corporation', I would propose 'Delhi Metropolitan Corporation'. It may be दिल्ली राजधानी निगम. Instead of 'Union Territory', it may be 'Union Pradesh'. That will satisfy both Hindi and English. The word 'Pradesh' is almost equivalent to the word 'State'. Sub-State or Super-State, or anything like that, I do not like. 'Union Pradesh' will be quite all right.

We have got the Advisory Council to advise the Minister at the Centre. There is also an Advisory Council that is proposed for the Administrator in the State. Its designation may be made the Council of Advisers rather than Advisory Council; because we have always found these Advisory Councils to be ineffective. This Council of Advisers will have a better status and better authority.

Shri Biren Dutt (Tripura West): It is good that you are in the Chair during the last stage of this discussion about the amending of the Constitution of the Part C States like Tripura and others. I can remind you that you were in the Chair when you gave a call to the people of the Part C States to fight for getting a responsible set-up in their States. And, it is under your chairmanship today that we are going to enter into a stage when this type of responsible government is going to be denied to them—for how long we do not know. That is why I am thinking that this time I

should remind the hon. Home Minister as well.

When our Prime Minister called a conference at Gwalior of the peoples of the States like Manipur and Tripura, he categorically asked us to fight for joining the Indian Union, when there was a big conspiracy by the British Imperialists to create some sort of a Hill State. Probably we were better off for we were not like other captured people of other territories where the British Imperialists always wanted to avoid a democratic form of government. We belonged to India and we still belong to India.

For the last 5 years we have been finding that all the promises given to us in the Constitution, by even the Prime Minister and other big leaders of this House were not fulfilled on some ground or other. We were always told that there were some considerations which came in the way. When we heard the scheme given out by the Home Minister that day, we tried to understand the spirit behind it. We were told in this House again and again that the spirit of self-government would be there. When the States Reorganisation Bill was considered here, we were told that the spirit of self-government would be there though the power may be curtailed. But, in the present scheme of things, we are told that the law-making power should not be in the State and it has been proposed that the members of that area should be associated with the Minister-in-charge at the Centre, to formulate the legislative measures and even to advise about the Budget and other things. There will be one Standing Committee or Advisory Committee to the Ministry concerned with these areas.

The other thing that is proposed is that in these States there will be an Administrator and he will be advised by some advisers or councillors either nominated or elected by the councils created on universal adult franchise. Here also the hon. Home

Minister has not given us the basic principle, whether those advisers will act democratically or whether there will be any clause indicating that the majority Party will have any priority for being nominated. These are some of the questions which react on our life very seriously.

In the last elections, some parties got defeated and their candidates even lost their security deposits but they were chosen as advisers. That has created an impression in the minds of the people whereby there is a reaction that no one tolerates the idea of an Advisory Council. The Delhi Member has said that it should be a Council of Advisers and not an Advisory Council. I agree because the Advisory Councils now functioning in Tripura and Manipur and other areas have created a very bad impression. The main principle or method of choosing them should not be even by the Ministers because, we in this House, have a feeling that sometimes hon. Ministers are so irresponsible. We have a feeling that these Councils are not democratic councils but just set up by those bureaucrats to rule over us. The Chief Commissioner chooses the members; he proposes the names and sends them to the Centre and the Central Minister agrees with them because they belong to the Congress Party. The Chief Commissioner is cunning enough to choose people from the Congress Party. The Ministers are satisfied with them. They do not know whether these people have any inclination for work, whether they have done anything in the State, whether they have run even a library in their lives. These things are not gone into but because they have got the label of the Congress, their names are accepted. These people actually bring a bad name to the Congress itself. Whenever there is a proposal for some nomination or election, I should like to know whether the principle of democracy will be there or not. I hope at least the Home Minister will admit that these people—at least a majority of them—should be chosen

from people who have some past record of working in a constitutional manner in some organisation and not on the basis of the suggestion of the Administrator there.

Another thing I want to know is this. I want to know whether these Tribunal Councils—or whatever name is given—would be allowed at least to have a discussion of the proposed budget which will be framed with the help of the Members of Parliament and the Ministry at the Centre, whether they will have any chance to discuss that and make some recommendations on the proposals. I think if such discussion is allowed some proposal may come from the directly elected people regarding the burning problems of the State or the immediate necessity for development purposes. These may not be accepted by the Government and the Parliament; but there should be some recommendatory power at least for these Councils, to bring the notice of the Government some burning problem of those areas.

So much has been spoken on these things. We want to know whether on the appointed day, 1st November, these present Advisers will be there and what will be their position in the States. Will these Advisers, who are practically having motor cars and all other things, and terrorising the people, continue to be there even after 1st November when the new States will come into existence? If they are kept there, the whole scheme will be doubted by the people. I would like to know from the hon. Home Minister whether he has any intention to give powers to the people or whether the scheme is going to be worked through the old Advisory Councils till the next general elections. Amendment No. 22 refers to this matter.

Pandit G. B. Pant: The complaint has been made that the proposals contained in this Constitution Amendment Bill rather make an inroad upon the authority of Parliament. Really, if anything, they tend to enlarge the customary authority of

[Pandit G. B. Pant]

Parliament. Ordinarily, Parliament is concerned only with matters of all-India character. Here the Parliament's jurisdiction is extended over specific, circumscribed areas too. New Delhi deserves that honour as it is part of India, I think, and part of the very heart and the portion of India which is now intimately connected with every fibre and muscle of India. So, it is but natural that New Delhi should come closer to Parliament than it had been in the past. So, if anything the Parliament is, by virtue of this Bill, getting wider and larger powers than it had previously—the whole Parliament, including the Opposition.

So far as the proposals made by me are concerned, I claim that but for the fact that no separate Legislature is provided for any of the areas, they mark a distinct improvement on the system of administration that had been in vogue in these territories. The Legislature, as it was under the Part C States Act, did not give satisfaction to anyone. It was supposed to be of a truncated character, and it had in it, seeds of friction. I do not blame anybody for the disharmony which was often noticeable in conducting the affairs of the City of Delhi. So, we must accept it, and really I believe that the entire House is agreed, that a change in that matter was necessary. And all were also agreed that in the circumstances, the Parliament should have the powers of legislation. That was also the unanimous view of the Joint Committee. In the circumstances, the proposals made by me have to be accepted within the purview of the field that was given to us and with due regard to the limitations under which we had to function. Everyone of these areas will have a full-fledged democratic body, consisting exclusively of elected members, for administering those affairs with which the life of every citizen is most intimately concerned. So, they have the greatest opportunity of serving, much greater than they ever had before. So, the proposals that I have made, I hope, will receive still

greater, I would not say, appreciation but sympathy.

So far as the other part is concerned, there is also no controversy here. In fact, the scheme propounded by me, though I gave only an outline, has been generally, if I have your permission to use the term, welcomed by the House, and also outside. The Corporation will cover a very large area. Only a portion of New Delhi will remain outside for obvious reasons—that does not call for an explanation. For that too I have said that the position will be reviewed after five years. Everyone will agree that the Diplomatic Colony and the government and official areas should for the present be kept out, and a period of five years is not long enough. I hope by that time it would be possible to include this area too.

About the rural area, it calls for special attention because the problems are somewhat dissimilar. So, special provision has to be made for them. An enquiry was made about the developmental authority. I think the matter will have to be given further consideration because large sums of money are needed for developmental purposes. They will be outside and beyond the resources and scope of the Corporation. Whether it will be desirable to put such a heavy weight on the Corporation at the outset is a matter to be considered. We will be guided only by one consideration and that is what will be in the best interests of the people of Delhi. That is the only criterion which will guide us, and every decision that we may take or have taken has been determined by that paramount consideration.

As to other matters, I do not think I am required to say much. There are some questions put about Manipur and Tripura; I did not exactly follow them. We will have Territorial Councils. What exact name will be given I cannot say just now, but what will be done there I have indicated. It will consist of elected members, elect-

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ed on adult suffrage and with the same functions more or less as the Corporation which we have for Delhi. I think that the scheme would deserve the support of everyone as the result will be found satisfactory if all of us throw our energy into the working of this plan, which has been well-designed and can bear such fruit. So, we must concentrate on that.

So far as the issuing of an ordinance is concerned, I read the news with some surprise in one of the papers this morning. The idea has not occurred to me, and I do not know....

Shri K. K. Basu: Provoking you to act

Pandit G. B. Pant: It may be a suggestion, I do not know. But, as we have been told, the Corporation Act will be a fairly voluminous one, and to issue a law of that character in the form of an Ordinance would be somewhat unusual. I do not know if there will be any compelling necessity to force our hands to such an extent.

Certain suggestions with regard to other matters have been made. Mr. Kamath has suggested that the word "progress" should be inserted in one of the clauses—proposed article 240 (1)—between the words "peace" and "good government." I accept that amendment.

Shri Anandchand: May I interrupt the hon. Minister for a minute? Would the hon. the Home Minister be able to assure the House that Government will take every step to expedite the legislative measures and try to introduce them in the next session of Parliament, about these Union Territories?

Pandit G. B. Pant: I can say this much, that I should like the legislation to be undertaken as speedily as might be possible. Whether we shall be able to introduce it in the next session, I cannot say very definitely. Because, I was just told, and as I indicated in the course of my remarks, these laws may be very elaborate and they may call for very close scrutiny.

So, if we can draft the Bills, in a manner that may be found satisfactory by the House, by the time we meet again, I would be happy to introduce them. But my remarks should be taken with a word of caution. I am myself not very optimistic.

Shri Radha Raman (Delhi City): What about the interim period? What will be the form and shape of the administration of Delhi during this period?

Pandit G. B. Pant: There was also a question as to associating eminent personalities. I had perhaps said that some eminent persons will be associated with the Advisory Committee that would be associated with the Home Minister or here. Well, I had in mind men like the Mayor of the Corporation, the Vice-Chancellor of the Delhi University, and perhaps a few representatives of the Corporation itself.

I am, in a large measure, in agreement with what the Raja of Bilaspur said, and I will not repeat what he has said because we are pressed for time. As to the interim arrangement, I propose to have this Advisory Council, so far as the Home Ministry is concerned, immediately on or before the 1st of November, so that all Members of Parliament belonging to these respective areas may be closely associated with the Ministry from the date when the new States are launched. As to other matters, the legislature will cease to function according to this scheme which has already been accepted. So, whether any persons can be appointed to assist or to cooperate with, or to join the administrator on the 1st November. I am not sure about. But I am giving thought to that question too. I shall be prepared to discuss the matter with the hon. Members concerned.

Shri Kamath: What about the President's Regulations coming up before Parliament for approval?

Pandit G. B. Pant: About President's Regulations regarding Andaman and Nicobar and Laccadive Islands, w

[Pandit G. B. Pant]

I shall place them on the Table of the House as soon as may be possible.

Shri Kamath: Subject to modification by the House, by Parliament.

Pandit G. B. Pant: Of course. The House has ample authority to modify everything. It will have the authority to modify the Regulations, certainly.

Shri Kamath: Why not accept the amendment then?

Pandit G. B. Pant: The amendment—I would not like to say is clumsy—but is rather too long.

Shri Kamath: Accept the spirit of that.

Pandit G. B. Pant: It is not in the proper form.

Shri Kamath: Recast it.

Pandit G. B. Pant: But I have told you that I shall place the Regulations on the Table of the House as soon as the House meets after the promulgation of the Regulations.

Shri Sadhan Gupta (Calcutta South-East): If the Regulation is merely placed on the Table of the House, the House has no authority to modify it or annul it. The House can only discuss it. Now, what the amendment seeks to do is different.

Pandit G. B. Pant: Whatever changes are suggested by the House will be accepted by Government.

Shri K. K. Basu: Why not move an amendment? Let Government move an amendment.

Shri Kamath: The Law Secretary and the Draftsmen are there.

Shri K. K. Basu: By four o'clock you can bring an amendment. It is a very short clause.

The Minister of Legal Affairs (Shri Pataskar): He wants an amendment.

Pandit G. B. Pant: Why do you worry so much? There will be only twenty thousand in the Andamans and

another twenty thousand in the Laccadives. So you can trust my word for that, that the Regulations will be placed on the Table of the House, and whatever changes are suggested by the House will be accepted and put into effect by Government.

Shri Sadhan Gupta: That is as long as you are there.

Pandit G. B. Pant: Well, I hope to be here pretty long!

Sir, there is only one thing more..

श्री नवल प्रभाकर (बाह्य दिल्ली—रजित अनुसूचित जातियाँ): दिल्ली कारपोरेशन के जो सदस्य होंगे वे ही इलेक्टोरल कालिज होंगे तो ऐसी अवस्था में...

बं० गो० ब० पन्त : नई बात फिर उठाइयेगा, पहले मैं अपनी बात पूरी कर लूँ।

There has been a suggestion as to the change of this word 'Administrator'. Well, I would like to propose a short amendment here, that is, "Administrator with such designation as may be prescribed".

Shri K. K. Basu: Will it vary with the incumbent?

Shri Kamath: Prescribed by—whom?

Pandit G. B. Pant: By the Home Minister, under the orders of the President.

Shri Kamath: Unless it is cast in proper form we cannot say anything.

Pandit G. B. Pant: The amendment proposed is "Administrator with such designation as may be prescribed".

"Prescribed" means prescribed by the President. I will read it out to you.

Shri Kamath: On a point of order. "Prescribed", so far as I am aware, means prescribed under the Rule made under the Act. But there are no rules.

Mr. Speaker: Let us look into the Constitution. This is an amendment to the Constitution. The hon. Minister may say so.

Shri Kamath: By which authority?

Pandit G. B. Pant: The authority is the President in all these. This is the amendment and, Sir, with your permission I shall move it.

I beg to move:

Page 9—

for lines 27 and 28, substitute:

"acting, to such extent as he thinks fit, through an Administrator to be appointed by him with such designation as he may specify".

'He' means the President.

Shri K. K. Basu: That is all right.

Pandit G. B. Pant: That is clear, now you have no fears.

Sir, I think I have dealt with all the points that had been raised and I hope these clauses will now be accepted by the House without any dissentient voice.

Mr. Speaker: This amendment also is before the House.

श्री नवल प्रभाकर : चूंकि दिल्ली कारपोरेशन के जो सदस्य चुने जायेंगे वे ही इलेक्टोरल कालिज होंगे तो क्या दिल्ली कारपोरेशन का जो चुनाव होगा वह जनरल इलेक्शन के साथ होगा ?

पंडित गो० ब० पन्त : यह जो देहली कारपोरेशन के चुनाव की बात आप कह रहे हैं तो चुनाव दो किस्म के हैं। जहाँ तक लोक-सभा के चुनाव का ताल्लुक है, वह तो जनरल इलेक्शन के साथ होगा, अब प्रायां कारपोरेशन के लिये तब चुनाव होगा या नहीं, यह इस बात पर निर्भर करेगा कि तब तक हम कारपोरेशन एक्ट को पास कर सकेंगे या नहीं। अगर कारपोरेशन एक्ट तब तक हम पास कर सकें तो कारपोरेशन का चुनाव भी उसी के साथ साथ हो जायेगा

लेकिन अगर उसमें देरी हुई तो जाहिर है कि कारपोरेशन के चुनाव में भी देरी होगी।

श्री नवल प्रभाकर : उसके लिये कोई न कोई व्यवस्था करनी होगी क्योंकि वह अगर हाउस के लिये सदस्य चुनेंगे।

पंडित गो० ब० पन्त : जी हाँ, अगर वह नहीं हुआ तो उसके लिये कोई न कोई तरीका निकाला जायेगा।

Mr. Speaker: I will now put the clauses. I will put the amendments first.

I shall put the Government amendment to clause 17 to the vote of the House.

The question is:

Page 9—

for lines 27 and 28, substitute:

"acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify."

The motion was adopted.

The Minister in the Ministry of Home Affairs (Shri Datar): Amendment No. 169 is also accepted; it has been moved by Shri Kamath.

Mr. Speaker: The question is:

Page 9, line 34—

after "for the peace" insert "progress".

The motion was adopted.

Mr. Speaker: Any other amendments?

Shri Kamath: Nos. 167, 168, 174, 175. As the Home Minister has accepted the spirit of some of my amendments, though not the letter, I want to withdraw Nos. 167, 174 and 175.

Shri K. K. Basu: No. 21 also may be withdrawn.

Mr. Speaker: Have the hon. Members leave of the House to withdraw these amendments?

The amendments were, by leave, withdrawn.

Mr. Speaker: Now Amendment No. 168.

The question is:

Page 9—

Omit lines 29 to 33.

The motion was negatived.

Mr. Speaker: There are no more amendments to clause 17.

Now, clause 18.

There is an amendment No. 176.

The question is:

Page 10, line 5—

after "India" insert:

"and with the prior approval of the Legislature of that State".

The motion was negatived.

Mr. Speaker: There are no other amendments to clause 18. There is an amendment No. 131 to clause 19.

The question is:

Page 10, line 18—

for "October" substitute "November".

The motion was adopted.

Clauses 2A, 21 and 21A

Mr. Speaker: There are no more amendments. The House will now take up the next group. Voting will be once for all in the evening along with the other clauses.

Now, we go to the next group of clauses 2A, 21 and 21A. Three hours have been allotted for this and 4½ hours for the rest; the total comes to 7½ hours. We are now at 1 o'clock and it will mean late in the evening.

Shri Kamath: I would make an earnest request again that the House may adjourn in the evening at about

5-30 or 6-00 and then re-assemble at 8-30 or so. It is good for us to have a night session. Every Parliament has one night session at least.

Mr. Speaker: What I am suggesting to the House is this. These clauses relate to minorities. Clause 22 relates to regional councils and the rest, to the schedule, etc. Clause 21A relates to minorities, which subject has been discussed so often. So, let us reduce the time to two hours. For the next group, clause 22 and onwards, let us have one hour less, so that we will finish at 7 o'clock. But, the hon. Members must be brief.

Dr. Rama Rao (Kakinada): Sir, I want one clarification on clause 21.

Mr. Speaker: That will be done in due course. The hon. Member may hear the other hon. Members first. There may be clarifications.

Dr. Rama Rao: The Government should clear it up as to what standard primary stage of education is. It may not be answered. It is Constitution here and it is put in this clause. We usually understand primary education means upto 8th standard or third form. So, the hon. Minister can make the position clear; it will be most welcome. The Constitution also mentions the age of fourteen years. If the same principle is extended to this also, it means primary stage of education to children belonging to linguistic minorities in the mother-tongue upto 14 years, that is, up to third form or eighth standard.

Pandit G. B. Pant: Whatever comes within the sphere of primary education at the time will be regarded as covered by this clause. If, at any time, you extend primary education to the age of twenty years, then, it may be covered by it. So, it depends upon what you mean by primary education at a particular time.

Shri V. G. Deshpande (Guna): Sir, I have sent a chit that I want to move amendments Nos. 84 and 85. They may be treated as moved.

Mr. Speaker: He has sent the chit. All right. Shri Frank Anthony.

Shri Frank Anthony (Nominated—Anglo-Indians): Sir, the first amendment to which I would like to draw your attention is No. 198. It is an amendment to the amendment No. 183, notice of which has been given by the Minister in the Ministry of Home Affairs. It is a verbal amendment. It reads:

“That in the amendment proposed by Shri B. N. Datar, printed as No. 183 in List No. 19 of amendments—

in sub-clause (2),—

for “minority groups” substitute: “minorities”.

I feel there should be no objection on the part of the Government to accept this.

1 P.M.

Amendment No. 183 in List No. 19— in sub-clause (1) of that amendment—says that there shall be a Special Officer for linguistic minorities to be appointed by the President. In sub-clause (2) the words used are “... linguistic minority groups.” I want these words to be substituted; I want the word ‘groups’ to be taken out and the words ‘linguistic minorities’ to be put in. My reason is this, that by introducing the word “groups” here we may give some opportunity for some kind of legal quibbling, because what is contemplated in the proposal which stands in the name of Government is that this Linguistic Minorities Commissioner will be entrusted for looking after the safeguards provided for linguistic minority groups. That is not the phraseology which has been used in the Constitution. As far as I am aware, the main safeguards in the Constitution in respect of linguistic minorities are those to be found in articles 29 and 30. Article 29 refers to any section of the people with a distinct language, script or culture of its own. The word used in that article is “section”. In article 30 it is “all minorities whether based on

religion or language”. The word “group” does not occur anywhere.

Pandit G. B. Pant: I think we will enter into a compromise. I accept this amendment, if you do not move any other.

Shri Frank Anthony: Sir, I would have been more than delighted to have accepted this compromise suggested by the Home Minister, coming as it does from him. When he spoke on a previous occasion in his usual manner, he spoke with great charm and conciliation and he hoped that what the Government had conceded would completely satisfy me. I do not wish to appear churlish; I mean, any kind of response which is not complete to the kind of gesture made in the inimitable way that the Home Minister makes it puts a person seemingly in the wrong bounds. His gesture, wanting to extend his hand to me, is one which I have not only pleasure, but I consider it very much a privilege, to accept.

With regard to the other amendment that stands in my name—amendment No. 199, which is also an amendment to Shri Datar’s amendment—the purport of that amendment is to add the original clause, which was contained in my proposal before the Joint Committee. The original clause, which also appears in amendment No. 35 standing in the names of 11 signatories envisages the giving of power to the Central Government to issue directives.

Now, I know that there has been very considerable argument and counter-argument on this issue, and I am only sorry that I have not been able, as I say, to respond to the request of the Home Minister to be completely satisfied with the gesture that has been made by Government. I am deeply grateful, as I have said, to the Home Minister for this gesture, but with regard to this final clause—I do not wish to appear stubborn or pig-headed—with me it is a matter of fervent conviction and the Home Minister, a person who has always had the courage of his conviction, I feel, will appreciate, if not accept, my

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point of view, because I still feel Sir, that in this particular matter, if complete meaning is to be given to this provision which we are now proposing in the Constitution, then we must have this final clause giving directive powers to the Central Government acting, of course, through the President.

Sir, I feel that there was some misunderstanding about my attitude. The Home Minister said that he thought that I had dropped my plea in this respect because I did not press it to a vote in the Joint Committee. In the Joint Committee I felt that I had the support of all the members except the Home Minister and I advisedly did not press it to a vote because I knew that if the Party Whip was pressed to service then all those people who were supporting me including the Minister for Legal Affairs would be compelled to vote against me. But I clarified my position very carefully and elaborately in my minute of dissent extended to ten pages. I gave notice of an amendment in the precise terms in which my amendment now appears to the Constitution (Ninth Amendment) Bill, and I have not left my position in any doubt at any time.

I also feel that there was some misapprehension on the part of the Home Minister with regard to the plea that I had made, namely, that what I was asking for was precisely what the States Reorganisation Commission had recommended. As far as I could make out, the contention of the Home Minister was this, that the States Reorganisation Commission had only recommended a provision in the Constitution in respect of primary education. I do not think—and I say that with all respect—that this is quite correct. The States Reorganisation Commission certainly said that there must be a provision in the Constitution in respect of giving primary education through the medium of the mother tongue, but I maintain the States Reorganisation Commission has also made a very specific recommendation and there is no room for mis-

understanding that. They have recommended a certain machinery starting with the Governor reporting to the Central Government, but they have accepted categorically the principle that the Central Government's decisions shall be issued as directives through the President. That is the point that I am urging. What I am asking for now has the complete blessing, the complete and the specific sanction, of the States Reorganisation Commission, and I will ask the House to bear with me when I read out this particular conclusion or recommendation of the States Reorganisation Commission. This is what they have said on pages 215 and 216 of their Report. In paragraph 797 they say:

“Against this background, we hesitate to revive the suggestion for vesting special powers in the Governors to ensure that the minorities are not discriminated against. There are, however, clear advantages in utilising the services of the Governor for supervising the implementation of the policies of the Central Government in regard to linguistic minorities. With his detached outlook and knowledge of the requirements of administration, the Governor would be better suited for this task than a judicial or quasi-judicial Commission. The arrangement would also not involve extra expenditure.”

Then they go on in paragraph 798:

“We have carefully examined the objections to such an arrangement. It is understandable that the Governor should not exercise discretionary functions in the State field. There is no reason, however...”

This is the vital part.

“... why the Governor should not function as an agent of the Central Government in regard to a matter which is of national concern. There is nothing anti-democratic about such an arrangement, because the Central Govern-

ment will be responsible to the Union Parliament for functions performed by the Governor as its agents. It will amount...."

These are vital words.

"...only to supervision by the larger democracy over the smaller democracies in respect of matters of national concern."

Then in the next paragraph they go on to conclude:

"...when the Governor finds the State Government acting in disregard of the Central Government's policies, he should, in the first instance, advise the State Government to take the measures necessary for the implementation of such policies; if the State Government disagreed with him, he should have the right to refer the matter to the Central Government...."

And this is where I feel the Home Minister has misunderstood me.

"...along with his advice and the views of the State Government. The decision of the Central Government should be issued as a directive from the President."

That is the final conclusion of the Commission. The matter is left in no doubt and I submit with the utmost respect that if this House has any regard for the findings and the conclusions of the States Reorganisation Commission, and against the background of the arguments which have been postulated by the Commission, there is not a single reason why this specific recommendation that the decisions of the Central Government shall issue as directives from the President should not be accepted. And that is all that I am asking the House to accept.

Sir, when I was speaking to another Cabinet Minister, he said: "The Home Minister has conceded your point. He has given you a Linguistic Minorities Commission. He has given you also the provision that the Linguistic Minorities Commissioner's Report will

be placed before Parliament". Why am I urging or even over-urging this need for a provision for the issue of directives from the President? The hon. Minister said that the Constitution guarantees or gives to the President the inherent power of issuing directives. I do not think that even the Home Minister will concede that proposition. In my Minute of Dissent, I have dealt with the constitutional aspect, and I have said that unlike the inherent principle of the American Constitution, our President has no powers to issue directives to see that the laws of the land are properly implemented. There is that inherent power given to the President in the American Constitution. That inherent power does not exist in our Indian Constitution. That is why we find that whenever it is intended that the President should have powers to issue directives, that power has been specifically given.

As I said, I have examined the scheme of our Constitution. When it was decided by the framers of the Constitution that in respect of the Scheduled Castes and Scheduled Tribes the President should have powers to issue directives we gave those powers specifically in article 339(2). That article gives the powers categorically to the President to issue directives. Even in the case of a national emergency, the President can issue directives only because he has been given specific powers in the Constitution.

I have urged this matter before. I say that it is a matter of principle. It is not a matter of concession. What is the principle involved? Are not the linguistic minorities the ultimate concern of the Centre? The S.R.C. says, "Yes; they are a national concern". I submit with the utmost of respect that this question has been overlaid by prejudices which are a hang-over from the past. Somebody was talking to me the other day and asking me, "What? This means only protection for the Anglo-Indians and the Mussalmans". I said that if I had not the respect which I had for him, I would

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have used stronger language in replying to him. I was inclined to use very strong language. But I said, "What do you mean? This clause will give protection to every linguistic minority in the country". It will give protection to the Bengalis in Bihar and the Biharis who live in Bengal. Although Shri N. C. Chatterjee, with his Hindu Mahasabha politics, may not agree with me in all respects, even he will support me in this matter, because his Bengalis are, as I said, hostages in Bihar. There will be over a hundred million, who constitute the linguistic minorities in the country.

Even today, I say with all respect, that there is a newspaper in Delhi which lives in a world of old prejudices. In the editorial, it talks in terms of the old minorities being assimilated and not perpetuating separatism. This is just, if I may say so, arrant nonsense. This is talking in terms of a context which does not exist today. We have created so many linguistic minorities. These minorities are not going to be assimilated. It does not mean that the Bengalis are going to be assimilated in Bihar. It is utter nonsense. In the old days, there was a talk of minorities, in a different context, being assimilated and not perpetuating a sense of separatism. But here, we are recognising that the Bengalis will have their right to continue for all time to study in their mother-tongue. Of course, for economic purposes, for the purpose of convenience, they will have to study the language prevalent in Bihar and they will have to study Hindi. But the principle is not that the Bengalis must ultimately be assimilated as Biharis.

Mr. Speaker: The hon. Member has already taken fifteen minutes.

Shri Frank Anthony: I shall finish soon. The hon. Home Minister has said that we have a federal Constitution and that we must carry the States with us. With the deepest of respect—while I say, "Yes, we have

a federal Constitution"—I should like to submit that unlike the American Constitution, our Constitution has a unitary bias. What has the federal principle or the sensitivity of the States got to do with this? I say with the utmost of respect that the States have no business with regard to the linguistic minorities so far as the assumption of these functions by the Centre is concerned. What am I asking for? I ask the Centre—the Government of India—to assume its obvious duties towards the linguistic minorities. I am not asking it to interfere in a matter which is exclusively a State concern. This is not a matter of State's concern. Certainly, the States will have to treat the linguistic minorities with consideration and with justice, but ultimately, the linguistic minorities are the concern of the Centre in the same way as defence, foreign affairs, etc., are the concern of the Centre.

What business have the States to be irritated, if the Centre merely assumes its palpable duty with regard to the linguistic minorities? They have no business to be irritated. In the same way, they were irritated when the Centre assumed powers under article 339 to issue directives in respect of the Scheduled Castes and Scheduled Tribes? It may be said that that was a gratuitous intervention in State matters. It may be so with regard to the Scheduled Castes and Scheduled Tribes, but even there, the Centre felt that it was their duty to assume powers for issuing directives. What business have the States to have any kind of irritation over this matter?

What are we going to do by this amendment which stands in the name of the Minister in the Ministry of Home Affairs? We are saying that the Special Officer for linguistic minorities will only be entrusted with looking after the safeguards provided for the linguistic minorities under the Constitution. What are those safeguards? Those safeguards are contained in articles 29 and 30 of the Constitution. All that

the Minorities Commissioner will look after will be the cultural and educational interests referred to in articles 29 and 30. He would not have to look after their service interests; he would not have to look after their economic interests; he would not be able to look after their religious interests; he would not be able to look after their employment interests. All that he will be able to look after will be their cultural and educational interests referred to in articles 29 and 30.

Now, we have categorically lifted these cultural and educational interests from the purview of the States and we have put them into articles 29 and 30. So, they have ceased to be even remotely a State subject. They have become the primary concern of the Supreme Court of India to interpret upon. So, what business have the States to show any kind of irritation with regard to the cultural and educational rights which will now be remitted, to some extent, to the Minorities Commissioner and which have already been made the subjects for protection by the Supreme Court of India? There is no question of the States' autonomy being involved here.

What I am asking is this.

Shri N. C. Chatterjee: It is outside the legislative competence of the States.

Shri Frank Anthony: Yes. They have no business to be irritated. The Home Minister has been so generous, and he has made this gesture, saying that he wants this provision as an adjunct or an effective auxiliary to the protection given in articles 29 and 30. As I pointed out before, the linguistic minorities may be faced with an assault on their language or their culture which is of such an imminent and deadly character. Then, though the States may not accept the seriousness of the difficulty, the minorities will have the protection of going to the Central Government immediately and asking for directives by the President.

Bill

Now, let me take a case in point. The Bombay Government, in contravention of articles 29 and 30, said to my schools: "You shall not admit any Non-Anglo-Indian now". Did we not get an injunction in respect of that order? Otherwise, overnight, 65 per cent. of the students would have had to go out, because 65 per cent of the students in my schools in Bombay State are not Anglo-Indians. Overnight, the schools would have to close down, on account of that order. Fortunately, we had the capacity and the resources to go to the court. But what would happen if it was another minority community? Their refuge would have been to go to the Central Government. In such cases, if the Central Government could not issue a directive immediately, then, the whole thing would become illusory and meaningless and the schools would have to disappear. We cannot envisage such a situation. I say there must be a general directive power vesting with the President. It is a contingent power. After all, we are trusting the Centre. I am not saying that such powers should be given to a third party, some outside authority or body. We are asking for the powers to be given to the Home Minister, so to say. It will be his primary responsibility. Does not the Home Minister trust himself? I pray and hope that he will be here for a long time and it will be the Home Minister who will have to issue these directives. Will he issue them irresponsibly? Certainly not. He would do it rightly. He would not do it irresponsibly. Only when he is convinced that the interests of the minorities are in imminent danger and that their national and cultural interests will be destroyed that he will resort to issuing a directive. It is because of this that I want this power to vest in the Central Government, as I feel that in the hands of people like the present Home Minister, it will only be exercised when the occasion warrants it.

I also want to refer to another amendment of mine, No. 29, which

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stands in the name of myself and Mr. Barrow. It says:

"All linguistic minorities shall have the right to affiliate educational institutions established or administered by them to an examination of their choice in any part of India."

I want here also to thank the Home Minister once again. He has gone a long way to meet me. He has put into the Home Ministry's circular an instruction or provision giving a certain power to linguistic minorities which have institutions of their own to affiliate. The only reason why I have raised is to get a clarification from the Home Minister. I have looked at that part in the circular and I am not clear in my own mind. I have given the Home Minister an example of the difficulty that I am experiencing in Travancore-Cochin. They give me an examination through the medium of my mother tongue, but it is an inferior examination. They prevent me from affiliating to a superior examination, which is recognised by other States, by the Central Government and by all the other universities. In that case, will this circular advise the T. C. Government to allow me to affiliate to the superior examination recognised by the Central Government? That is my difficulty. I take the State examination; I do not say I will not take it, but I also want this right to affiliate to an outside examination, which is a much better examination. This is the difficulty which is experienced by many linguistic minorities. Dr. Lanka Sundaram referred to the difficulties experienced by the Andhra schools in Bengal. He also underlined further difficulties. In spite of the Home Ministry having intervened and given repeated advice to the Bengal Government, no relief has been given to the Andhra schools in Bengal. That is our difficulty. That is how the advice is usually treated by the States.

The Home Minister in his circular stated that this right of affiliation should

be treated as corollary to the right given in article 31. Article 31 says that every minority based on language shall have the right to establish and administer educational institutions of its choice. The word "choice" is the dominant and operative word; that is one of the reasons through which I was able to get the Bombay order struck down. If I have the choice to have an educational institution of my own, a fortiori I must have the choice of the examination, provided it is a reasonable choice and provided I do not take an examination in Russia or China, but one of the examinations in the country recognised by all the other States and universities and in respect of which the Centre has given special concessions. The Central Government has accepted for the purpose of recruitment of Anglo-Indians to certain departments that the Senior Cambridge will be equivalent to B.A. degree, but you do not allow me to take that examination. The T.C. Government does not even allow the school which formerly fell in the Madras State to take the old Madras High School examination. I say that this right to affiliate flows naturally from article 31; it also flows from article 29(1) which says that any section of the people having a distinct language, script or culture of its own shall have the right to conserve the same. Is the T.C. Government allowing me to conserve my language? My books on English literature, the T.C. Government say, must be transliterated from Malayalam literature. How can I conserve the English language by having literature and books transliterated from Malayalam?

Take the case of Andhra. When the Andhra State was formed, a whole lot of my schools fell into that State and those students are going to take the Andhra S.S.L.C. examination. We will take it, but, with all respect, I want to say that the standards of the Andhra S.S.L.C. are equivalent to the fifth standard of my schools.

Shri B. S. Murthy (Eluru): I protest against this.

Shri Frank Anthony: My friend may not agree, but that is my view.

Shri B. S. Murthy: The views cannot be derogatory.

Shri Frank Anthony: My view is that compared to the standards of English in Andhra, you will find better standards in the fifth standards of my schools. I do not say on any other subject. I want to conserve my language, but you compel me to depress my standard from the Senior Cambridge—where the standards of English are equivalent to B.A.—to the fifth standard. I will take the State examination, but to conserve my language, let me take the superior examination also. I am making no reflections, but I cannot expect a child of 14 whose mother tongue is Telugu to have the same amount of knowledge of English as a person whose mother tongue is English. It will not be fair to him also. But, why do you deliberately depress my standard? I want to know from the Home Minister whether this circular will advise the T.C. Government. I will take their examination; I will be able to take their S.S.L.C. examination which is the same as the fifth or sixth standard. But, will it oblige them to allow me to take the examination which is recognised by the Central Government and other universities and which is, as I say, in keeping with the genius of the language which happens to be mine?

[MR. DEPUTY-SPEAKER in the Chair]
1.27 P.M.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, मैं इन अग्नेडमेंट्स को भूब करना चाहता हूँ : अग्नेडमेंट सं० ३२, ४४, ४५, ४६, ४७ और ४८ ।

आज जो बहस ऐन्थनी साहब ने की है, उस के बारे में मैं सिर्फ़ दो या तीन मिनट लेना चाहता हूँ । हमारे होम मिनिस्टर साहब ने फरमाया था कि उन्होंने अग्नेडमेंट के उस हिस्से को तो मान लिया जिस में एक कमिश्नर की तबकरी का जिक्र है और साथ ही जो उस की रिपोर्ट होगी माइन्गारिटीज के मुताल्लिक, वह दोनो हाउसेस में डिस्कस होगी, लेकिन जो दूसरा

हिस्सा डाइरेक्टिव जारी करने का है, उस के बारे में होम मिनिस्टर साहब ने जो रीजन्स दिये, उन से ऐन्थनी साहब सैटिस्फाइड नहीं हैं । हमारे ऐन्थनी साहब ने जो अग्नेडमेंट दिया है, जो कि सात आठ आदमियों का मुस्तक़ा अग्नेडमेंट है, उसी तरह के एक अग्नेडमेंट को मैं ने भी भूब किया है जिस में यह दिया गया है कि रिपोर्टें यहाँ पर डिस्कस भी हो और होम मिनिस्टर साहब डाइरेक्टिव भी जारी करें । इस पर होम मिनिस्टर साहब कहते हैं कि वह डाइरेक्टिव जारी नहीं करना चाहते । वह सारी आसानियाँ देने को तैयार हैं लेकिन डाइरेक्टिव देने के सेफगार्ड को नहीं कबूल कर सकते । मुझे इस से कोई शिकायत नहीं है, मैं तो सिर्फ़ आटिकल का स्थाल करता हूँ जिसमें दर्ज है :

“It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.”

जो चीज कान्स्टिट्यूशन के सेफगार्डस में है, अगर उसके मुताबिक किसी स्टेट का इंतजाम नहीं होता, गवर्नमेंट करी नहीं होती, तो आटिकल ३५ में सेन्ट्रल गवर्नमेंट को जेनरल और इन्हेरेंट पावर मिली हुई है कि वह डाइरेक्टिव दे सकती है । उसके साथ अगर आटिकल ३६५ का मुलाहजा फरमाया जाये तो यह चीज और भी साफ़ हो जाती है । दफा ३६५ इस तरह पर है :

“Where any State has failed to comply with, or to give effect to, any directions given in the exercise of the executive power of the Union under any of the provisions of this Constitution, it shall be lawful for the President to hold that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution.”

[पंडित ठाकुरदास भार्गव]

चुनांचे जहां तक आर्टिकल्स ३५५ और ३६५ का ताल्लुक है, मैं समझता हूँ कि इनके द्वारा सेंटर को इनहेरेंट पावर मिलती है कि वह जब चाहे डायरेक्शंस इश्यू कर सकता है। अभी मेरे दोस्त फ्रेंक ऐन्थनी साहब ने जो कहा उसके दौरान मैं उन्होंने इस बात का भी जिक्र किया है कि जब तक किसी स्पेसिफिक पावर का किसी स्पेसिफिक सैकशन में जिक्र न हो, उनकी राय में किसी को कोई अस्तित्त्वार नहीं हो सकता है। मैं बड़े अदब से कहना चाहता हूँ कि मैं इससे एग्री नहीं करता हूँ। मैं समझता हूँ कि एक जेनरल पावर आर्टिकल्स ३५५ और ३६५ में दी गई है जिस को जब चाहा जाये इस्तेमाल किया जा सकता है। अगर होम मिनिस्टर साहब इस चीज को मुनासिब नहीं समझते कि इसका खाम जिक्र इसके अन्दर हो और इसके प्वाइण्डिड रेफेंस के तौर पर नहीं रखना चाहते, तो मैं इस पर जोर भी नहीं देना चाहता। मैं भी समझता हूँ कि स्टेट्स नाराज हो सकती है और ऐसा एटमसफीयर क्रियेट हो सकता है जिस में होस्टिलिटी पैदा हो जाय। लेकिन जहां तक माइनोरिटीज का ताल्लुक है मैं इस आर्गुमेंट से ज्यादा इम्प्रेसड नहीं हुआ हूँ। जहां तक लिनिवस्टिक माइनोरिटी का ताल्लुक है इनका जिक्र स्टेट्स रिआर्गनाइजेशन कमीशन ने अपनी रिपोर्ट में किया है और यह चीज हमारी खास तबज्जह के मुस्ताहिक है। मैं मानता हूँ कि स्टेट्स भी कोई ऐसा काम नहीं करेंगी जिस से किसी को कोई शिकायत का मौका मिले। लेकिन इस मामले में सेंटर का एक खास फर्ज है कि वह उनकी जिम्मेवारी ले। सेंटर का फर्ज है कि वह सारे हिन्दुस्तान में ठीक हालात रखे। अगर ऐसी बात न हो तो ये जो आर्टिकल्स ३५५ और ३६५ हैं ये बिल्कुल बेमानी हो जाते हैं। जहां पर माइनोरिटीज दुखी हों वहां पर आप को दखल देना ही होगा। आज हमारे देश में बहुत बड़ी आबादी वाले लोग माइनोरिटी में हो गये हैं। पंजाब के अन्दर ही ४० परसेंट की एक माइनोरिटी बन गई है। हमें यह अवश्य देखना चाहिए कि हम वही काम करें जिनसे माइनो-

रिटीज यह फोल करें कि उनके साथ इन्साफ हो रहा है और होगा। सेंटर ३५५ और ३६५ के मातहत जो चाहे कर सकता है। ताहम मैं यह अर्ज करना चाहता हूँ कि इसको रखने में किसी किस्म का कोई नुकसान नहीं है। अगर इन आर्टिकल्स में डायरेक्टिव्स का जिक्र न होता तो मैं मान सकता था लेकिन अब जब कि डायरेक्टिव का जिक्र हो चुका है, तो मैं कोई वजह नहीं देखता कि क्यों अस्तित्त्वार न दिया जाये। मैं यह इसलिये भी जरूरी समझता हूँ कि रिआर्गनाइजेशन कमीशन ने अपनी रिपोर्ट में कहा और दर्जनों बार हमारे होम मिनिस्टर साहब ने और हमारे प्राइम मिनिस्टर साहब ने फरमाया है कि लिनिवस्टिक माइनोरिटीज के साथ सिवाय इंसाफ के और कुछ नहीं होगा। आप यह कहते हैं होस्टिलिटी का एटमसफीयर पैदा होगा लेकिन मैं समझता हूँ कि जितना भी पीनल कोड है उसमें सिवाय होस्टिलिटी के और कुछ नहीं है। जितने भी दुनिया के लाज होते हैं उनमें सिवाय होस्टिलिटी के कुछ नहीं होता। अगर सब लोग देवता बन जायें और उसी तरह से काम करने लग जायें तब तो किसी ला की ही जरूरत न रहे। लेकिन जिस दुनिया में हम रह रहे हैं उसमें बहुत सी ऐसी बातें हो जाती हैं जिन को बहुत से लोग पसन्द नहीं भी करते हैं और उनको वे बातें पसन्द नहीं हो सकती हैं। यह बात तो है नहीं कि मामली मामूली बातों पर आप एकशन लेना शुरू कर देंगे। जब तक कोई सीरियस चीज नहीं होगी आप कोई एकशन नहीं लेंगे। और फिर जब एकशन लिया जायेगा वह किस के द्वारा लिया जायेगा? वह लिया जायेगा बाई दी हाइएस्ट मैन इन दी कंट्री याने बाई दी होम मिनिस्टर आफ दी गवर्नमेंट आफ इंडिया। वही डायरेक्टिव इश्यू कर सकेंगे। जिस तरह से आप कानून बना कर लोगों के दिलों में फीयर पैदा करने की कोशिश करते हैं उसी तरह से डायरेक्टिव की बात को यहां पर रख कर आप इस बात की व्यवस्था

करेंगे कि स्टेट्स भी माइनोरिटीज की रिस्पेक्ट करें। मैं समझता हूँ कि कोई ऐसे हालात ही पैदा नहीं होने दिये जायेंगे जिन में डायरेक्टिव इशू करने की जरूरत मंझूस हो। मैं बड़े अदब के साथ अर्ज करना चाहता हूँ कि यह पोजीशन ऐसी है जिस को रिफंसिडर किया जाना चाहिये और डायरेक्टिव की बात इसके अन्दर स्पेसिफिकली होनी चाहिये।

इस के अलावा मैंने कुछ एमेंडमेंट्स दी है जिनके बारे में कुछ कहना चाहता हूँ। सब से पहले मैं अपनी एमेंडमेंट नम्बर ३२ के बारे में अर्ज करूँगा। इस के द्वारा मैंने यह चाहा है कि It shall be the endeavour of every State के स्थान पर यह लिख दिया जाये कि It shall be the duty of every State यह जो फंसिलिटीज देने के बारे में आप प्रोवाइड कर रहे हैं मैं समझता हूँ कि आप एक बहुत बैल्युएबल राइट उनको दे रहे हैं। लेकिन हो सकता है कि इस पर अमल करना स्टेट्स के लिये मुश्किल हो। ऐसी सूरत में मैं समझता हूँ कि इस चीज को करना उनके लिए लाजिमी कर दिया जाना चाहिये। इस वास्ते मैं चाहता हूँ कि "ड्यूटी" के जफ्त को "एंडेवर" की जगह रख दिया जाये। यह उनके लिये लाजिमी करार कर दिया जाना चाहिये।

अब मैं अपनी अमेंडमेंट नम्बर ४४ से ४८ पर आता हूँ। मैंने जो अमेंडमेंट गवर्नमेंट की तरफ से दी गई है उसको भी देखा है। जिन सेफगाइंस का कांस्टीट्यूशन में जिक्र है उनको भी मैंने पढ़ा है। सेफगाइंस के बारे में आपने एक तो नई क्लॉज इस बिल में नम्बर ३५०(ए) रखी है और दूसरे हमारे होम मिनिस्टर साहब ने जो सर्कुलर ग्रेज पर रखा है उसके अन्दर उनकी ओर भी ज्यादा बचाव की गई है। इन दोनों की तरफ हमारी तबज्जह दिलाई गई है। लेकिन मैं यह अर्ज करना चाहता हूँ कि जो

सेफगाइंस सर्कुलर के अन्दर है वे कांस्टीट्यूशनल सेफगाइंस की बुकत रखते हैं। उनकी अपनी इम्पार्टेंस है, इसको मैं मानता हूँ लेकिन वे भी कांस्टीट्यूशनल सेफगाइंस हैं इसको मैं नहीं मानता हूँ। सेफगाइंस के बारे में कांस्टीट्यूशन में कुछ दफात हैं जो कि आर्टिकल्स २६, ३०, ३४७ और ३५० में दर्ज हैं। इसका सम्बन्ध स्पेशली शैड्यूल्ड कास्ट्स, शैड्यूल्ड ट्राइब्स और एंग्लोइंडियंस से है इसके अलावा कुछ सेफगाइंस का स्टेट्स रिआगनाइजेशन कमीशन की रिपोर्ट में जिक्र है। मैं बड़े अदब से अर्ज करना चाहता हूँ कि सेफगाइंस कौन लोग मांगते हैं। इसके बारे में मैं पहले भी कई बार अर्ज कर चुका हूँ। जिन लोगों को कोई तकलीफ होती है वही इस बात को जानते हैं कि उनको किस तरह की तकलीफ है, दूसरों को उसके बारे में कुछ मालूम नहीं होता है। यहाँ पर यह कहा गया है कि जो इस तरह की शिकायत करते हैं वे अपने राइट्स को एसटैं नहीं करते हैं, इस वास्ते उनकी तकलीफ होती है। इसके बारे में जब मैं दूसरी एमेंडमेंट पर आऊँगा तब अर्ज करूँगा। मैं अर्ज करना चाहता हूँ कि वे कौन से सेफगाइंस हैं जो मैं मांगता हूँ। इनका जिक्र मैंने अपने एमेंडमेंट नम्बर ४४ में किया है। उसके अन्दर मैंने चाहा है कि :—

"reasonable representation in Local Self Government bodies, Councils and the Cabinets of the State, to the linguistic minorities group".

कर दिया जाए।

अपनी एमेंडमेंट नम्बर ४५ के ज़रिये से मैंने यह चाहा है कि :—

It shall be the endeavour of every State to improve the economic and social conditions of the backward classes and linguistic minority groups and bring them in line with the rest of the State.

[पंडित ठाकुर दास भार्गव]

तीसरी बात जो मैंने अर्ज की है वह है एमेंडमेंट नम्बर ४६ में। यह इस प्रकार है :

It shall be the duty of every State to duly consider and give effect to the claims of linguistic minorities group for employment in the public services of all kinds and grades consistent with the maintenance of efficiency of administration and the possession of technical or professional qualifications necessary for any particular post or kind of service.

ये तीन मेरी एमेंडमेंट्स हैं और बाकी जो एमेंडमेंट्स हैं वे एजेंसी को रिलेट करती हैं। उनका नम्बर ४७ और ४८ है। उन पर मैं बाद में आऊंगा।

इन तीन एमेंडमेंट्स के बारे में मैं यह कहना चाहता हूँ कि ये सेफगार्ड्स मेरे दिमाग की निकाली हुई नहीं हैं। इन सेफगार्ड्स का यह जो कमीशन की रिपोर्ट है उसमें जगह-ब-जगह जिक्र है, लोगों की तकलीफात का जिक्र है, उनकी शिकायतों का जिक्र है। चुनावों में होम मिनिस्टर साहब की तबज्जह इस रिपोर्ट के पेज २२६ की तरफ दिलाना चाहता हूँ जहाँ पर खास तौर पर इसका जिक्र आया है। इसका हैडिंग है "रिजिनल मीवियेंसिस"। तफ्तील में उन्होंने बहुत सी बातों का जिक्र किया है लेकिन इन तीन बातों का खास तौर पर जिक्र किया है। इनका इसी जगह पर जिक्र नहीं है बल्कि जगह-ब-जगह बहुत जिक्र है और उन्होंने कहा है कि इस तरह की तकलीफों को लोगों ने हमारे सामने रखा है और उनका कोई इलाज किया जाना चाहिये। ये तकलीफात हैं इकनोमिक मीवियेंसिस आफ डिफेंट एरियाज के बारे में। उन्होंने इसके बारे में एक खास तजवीज पेश की है। वे कहते हैं :

It shall be the duty of every—

"As we have stated earlier, the conclusion we have reached is that, by and large, these complaints are greatly

exaggerated. However, considering that such complaints and counter-complaints have proved to be a prolific source of internal discord in various States, we consider it necessary that a permanent body consisting of persons, who would inspire public confidence, should be appointed for the purpose of looking into the economic grievances of different areas. * * * It will be an advantage if this body includes some members of the Planning Commission and reports its findings to the National Development Council. We feel that such an arrangement will go a long way towards eliminating friction and distrust arising out of the feeling that certain areas are getting special or undue consideration at the expense of others."

गवर्नमेंट ने इस के मुतालिक इस किस्म का कोई सेफगार्ड प्रोवाइड नहीं किया है, हालांकि स्टेट्स रीआर्गनाइजेशन कमीशन की रिपोर्ट में इस सिलसिले में एक स्पेसिफिक तजवीज मौजूद थी।

जनाबे वाला, मेरी समझ में नहीं आता कि आखिर मैंने इसमें ऐसी कौन सी लम्बी चौड़ी डिमांड की है, जिससे सरकार को इतनी तकलीफ होती है और वह इस को मंजूर नहीं करना चाहती है। मैं तो सिर्फ यह चाहता हूँ कि बैकवर्ड क्लासिज और लिग्विस्टिक माइनारिटीज की इकनामिक और सोशल कन्डीशन्ज को दूसरे इलाकों के बराबर—इन लाइन विद—लाने का इंतजाम किया जाये। उन की सोशल और इकनामिक प्राग्रस को स्टेट गवर्नमेंट की जिम्मेदारी करार दे दिया जाय। इसके बारे में मैं कुछ ज्यादा अर्ज नहीं करना चाहता हूँ। परसों खुद हमारे मिनिस्टर साहब ने जो तकरीर फरमाई, वह मेरा सब से बड़ा बुलवर्क है। उन्होंने फरमाया कि आइन्दा ऐसा किया जायिगा। मैं मानता हूँ—और मुझे पूरी उम्मीद है—कि उनकी उम्मीद बर आयैगी, लेकिन मेरी अर्ज यह है कि जिन स्टेट्स में इस किस्म की बराबियां आज से नहीं, बल्कि

संकड़ों सालों से चली आ रही है, उन पर इस का क्या असर होगा। हमारे कांस्टीट्यूशन के आर्टिकल १४ और १५ में हर एक इंडिविजुअल को ईक्वल राइट्स की गारंटी दी गई है। मैं चाहता हूँ कि वही राइट्स कुछ ग्रुप्स आफ परसन्ज को दे दिए जायें। मैं ने यह कोई नई बात नहीं रखी है। इससे आप का—या किसी और का—कोई नुकसान नहीं होने वाला है। अगर आप इस को मन्जूर फरमायेंगे, तो इससे उन लोगों की पोजीशन बेहतर होगी, उन का मारल फ़ाइवर मजबूत होगा, जो कि इस वक्त गिरे हुए हैं और जिन को आप उंचा उठाना चाहते हैं—जिन के बारे में आप फरमाते हैं कि वे लड़ कर, कोशिश कर के अपने राइट्स को हासिल करें। मैं यह चाहता हूँ कि स्टेट्स को यह मौका न दिया जाये कि अगर वे चाहें तो उन गिरे हुए तबकों को नजर-अन्दाज कर दें, उन को उन के हकूक न दें और उन की परवाह न करें। मेरी अमेन्डमेंट्स ४७ और ४८ की मंशा यह है के जो सेफ़गार्डिंग लिग्विस्टिक माइनारिटीज के लिये रखे गये हैं, सेंट्रल गवर्नमेंट इस बात का इन्तिजाम करे कि जिन तबकों के लिए वे रखे गये हैं, वे उन से फ़ायदा उठा सकें। वह वक्त वक्त पर इस सारे मामले को इन्वेस्टीगेट कराये और अगर जरूरत हो तो इस बारे में स्टेट गवर्नमेंट्स को डायरेक्टिव दे। यह स्टेट्स के लिए इस बात का कनस्टेंट रिमाइंडर रहेगा कि वह इस तरफ पूरी तवज्जह दें और इस को नजरअन्दाज न करे। इस के अलावा जो लोग अपने हकूक को हासिल करने के लिए लड़ रहे हैं, उन को इस से ताकत मिल जायेगी और उन के राइट्स मिल जायेंगे। हमारे कांस्टीट्यूशन की बुनियाद ही यही है कि वह हर एक इंडिविजुअल को उस के फंडामेंटल राइट्स की गारंटी देता है और उस को अपने पांव पर खड़ा होने और तरक्की करने का मौका मुहैया करता है। हमारे यहां जितने भी लाज बनते हैं, वे सब इस बेसिस पर बनाये जाते हैं कि जो ग़्रादमी अपने पांव पर खड़ा होना चाहता है, उस को ताकत देनी

चाहिये और उस की मदद करनी चाहिये और उस को तरक्की करने का मौका देना चाहिये। अगर इन अमेन्डमेंट्स को मन्जूर कर लिया जाये, तो सब पिछड़े हुये लोग इस को बलकम करते। ये प्राविजन्ज आर्टिकल १४, १५ के साथ हमारे कांस्टीट्यूशन को बलवर्क बना जाते और उस में और 1 खूबसूरती पैदा कर देते।

जहां तक लोकल सैलफ़ गवर्नमेंट बाडीज, कॉन्सिल और कैबिनेट में रीजनेबल रिप्रेजेन्टेशन का ताल्लुक है, उसके मुताल्लिक हमारे दोस्त श्री देशपांडे ने अपने ख्यालात का इजहार किया है। मैं यह जानना चाहता हूँ कि यह उम्मूल कब अमल में आयेगा। मैं जानता हूँ कि स्टेट्स में आठ आठ मिनिस्टर रहे हैं, लेकिन बरसों तक उन में पिछड़े हुए इलाकों का सिर्फ एक मिनिस्टर रहा। मेरा मतलब यह नहीं है के जिलेवार मिनिस्टर बनाये जायें या पापुलेशन के बेसिस पर बनाये जायें। मैं जानता हूँ कि जब कांस्टीट्यूशन बनाया गया, उस वक्त इस किस्म की कई तजावीज सामने आईं, लेकिन हमने उन को मन्जूर नहीं किया। हमने सिर्फ इतना लिखा है कि लिग्विस्टिक माइनारिटीज को रीजनेबल रिप्रेजेन्टेशन दिया जाये—उन को बिल्कुल महरूम न कर दिया जाये। अपने फ़ायदे के लिये उन के साथ ज्यादाती न की जाये। यह मुनासिब नहीं है। मैं अर्ज करना चाहता हूँ कि यह कोई नई बात नहीं है—पहले पहल मैंने ही इस को पेश नहीं किया था। कई मुल्कों में—कैनेडा में और स्विट्ज़रलैंड में—इस उम्मूल की माना गया है और इस पर अमल किया जाता है। रिपोर्ट में भी इस का जिक्र है और इस को माना गया है। मैं अर्ज करना चाहता हूँ कि कैबिनेट को छोड़ दीजिये, लोकल बाडीज में भी पिछड़े हुए तबकों का रिप्रेजेन्टेशन निहायत जरूरी है। पंजाब में डिस्ट्रिक्ट बोर्ड के इलैक्शनज हुए और उन में एक खास इलाके के ग़्रादमी नामीनेट हो गये और हमारे चीफ़ मिनिस्टर ने उस को हटा दिया।

[पंडित ठाकुर दास भागवत]

जहाँ तक कौंसिल में रिप्रेजेंटेशन का ताल्लुक है, इस सिलसिले में सेंट्रल गवर्नमेंट और स्टेट गवर्नमेंट्स को नामीनेशन की पावर है। क्या वजह है कि आप यह प्राविजन न रखें कि वे इस पावर के इस्तेमाल में सब का ख्याल रखें? इस प्रमैडमेंट की मंशा यह नहीं है कि किसी परसेंटेज के नुक्ता-ए-नजर से नामीनेशन किया जाये। मैं सिर्फ यह चाहता हूँ कि कौंसिल में भी लिब्विस्टिक माइनारिटीज को रोजनेबल रिप्रेजेंटेशन मिलना चाहिये और उन को नजर-अन्दाज न कर दिया जाये।

अपनी प्रमैडमेंट ४६ पर मैं खास जोर देना चाहता हूँ। इस में दर्ज है—

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after line 3, add:

"350. It shall be the duty of every State to duly consider and give effect to the claims of linguistic minorities group for employment in the public services of all kinds and grades consistent with the maintenance of efficiency of administration and the possession of technical or professional qualifications necessary for any particular post or kind of service."

जनाबे वाला, यह सारे देश में टुबल का एक प्रालिफिक सोर्स है। चाहे युनिलिगुअल स्टेट हो या बाईलिगुअल स्टेट हो, हर जगह माइनारिटीज को यह शिकायत है कि पब्लिक सर्विसिज के मामले में हमारे साथ इन्साफ नहीं हुआ है। यह सही होगा कि कई केंसिज में इस बारे में एग्जेंजरेटिड कम्प्लेंट्स होती हैं—लेकिन सब जगह नहीं। मैंने इस हाउस में कई मर्तबा इस सिलसिले में फिगरज पढ़ कर सुनाये हैं। इस वक्त मैं एड नाखियम उन को बार बार बोहरा कर इस हाउस का वक्त जाया नहीं करना चाहता हूँ। क्लज २२ में आप ने विदर्भ, मराठवाड़ा और गुजरात के लिए तीन असग डेवेलपमेंट बोर्डज प्रोवाइड किये हैं, तीनों हिस्सों के लिए डेवेलपमेंट एक्सपेंडीचर के लिए फंडज की ईक्विटबल एलोकेशन गारंटी की है और उसके साथ ही साथ उन तीनों

हिस्सों के लिए एडोक्नेट आपरचूनिटीज फार एम्प्लायमेंट इन सर्विसिज भी प्रोवाइड की हैं। गवर्नमेंट ने उस में इस प्रिन्सिपल को मान लिया है कि सब तबकों और इलाकों को सर्विसिज में इयू रिप्रेजेंटेशन दिया जाये। मैंने अपनी प्रमैडमेंट में यह लिखा है कि लिब्विस्टिक माइनारिटीज को सर्विसिज में हिस्सा देना चाहिये। उस में मैंने यह नहीं कहा है कि आप गलत आदमियों को भुकरें कर दें। न ही यह कहा है कि आप बैस्ट एवेलेबल टेलन्टज का फायदा न उठायें। मैंने यह कहा है कि इस सिलसिले में एडमिनिस्ट्रेशन की एफिशिएन्सी और टैकिंगल और प्रोफेशनल क्वालिफिकेशन्ज का पूरा पूरा ख्याल रखा जाये। कंस्टीच्यूशन के आर्टिकल ३३५ में शिड्यूलड कास्ट्स एंड ट्राइबज के मुतालिक भी यह प्रोवाइड किया गया है कि उन को रिप्रेजेंटेशन देते वक्त एफिशिएन्सी आफ एडमिनिस्ट्रेशन का भी ख्याल रखा जाये। मैं इस आर्टिकल से भ्रामे नहीं जाना चाहता हूँ। मेरा मतलब यह नहीं है कि आप लिब्विस्टिक माइनारिटीज के क्लेमज को एडमिनिस्ट्रेशन की एफिशिएन्सी और उन की क्वालिफिकेशन्ज का ख्याल किये बिना कन्सिडर करें और उन्हें मन्जर करें। ऐसा कहना बिल्कुल अन-नैशनल होगा। मैं सिर्फ यह चाहता हूँ कि किसी भी खित्ते या तबके को यह कहने का मौका न मिले कि उसके साथ इन्साफ नहीं किया गया है। मैं जानता हूँ कि नए लैजिस्लेचर्ज में ये झगड़े चलेंगे। मैं नहीं चाहता कि इस किस्म के झगड़े चलें, लेकिन मैं यह भ्रज करना चाहता हूँ कि जब तक इस किस्म के झगड़े मौजूद हैं, उन की परवाह न करना और उन की तरफ से ब्रांख भीच लेना किसी भी तरह जायज और मुनासिब नहीं है। जिस स्टेट से मैं आता हूँ, वहाँ पर इस किस्म की जो शिकायत है, उस को रिपोर्ट में भी तस्लीम किया गया है और कहा गया है कि हमारे पास इस किस्म की बहुत शिकायत आई है वे शिकायत इतनी सख्त हैं

कि उन की इन्टेन्सिटी को सिर्फ वही महसूस कर सकते हैं, जो कि वहां रहते हैं।

जिस तरह कि यह धर्मोद्वेग वड्ड है, वह पहले से ही कांस्टीच्यूशन में मौजूद है और उस के साथ कनसिस्टेंट है। सुइ होम मिनिस्टर साहब ने जिस संकुंभर को उन्होंने हाउस की टेबल पर रखा है, उस में पैराग्राफ १५ में उन्होंने इस का जिक्र किया है और कहा है कि कई जगह हम को यह तरीका प्रस्तियार करना पड़ेगा। गरीबनबाब, मैं सिर्फ इतना चाहता हूँ कि यह बात किसी संकुंभर, मेमोरंडम या जबानी एशोरेंस तक महदूद न रहे, बल्कि वह कांस्टीच्यूशन में बजं हो जाये। इससे हमारे कांस्टीच्यूशन को चार बांद लग जायेंगे। मैं चाहता हूँ कि जिस पालिसी को होम मिनिस्टर साहब ने मन्चूर किया है और जिस का उन्होंने ऐलान किया है, वह हमारे कांस्टीच्यूशन में हमेशा के लिए एनभाइन हो जाये, ताकि जब हम सब यहां से चल दें और होम मिनिस्टर साहब भी अपनी झालें मूंद लें, तब भी यह पालिसी इस मुल्क की एक डिक्लेयर्ड पालिसी रहे—कांस्टीच्यूशन का एक हिस्सा रहे और वह हमेशा के लिये परप्युयेट हो। मेरा असली मकसद यह है कि इस देश में ज्यादा से ज्यादा शान्ति हो और यहां का हर एक इलाका और हर एक तबका पूरी तरक्की करे और उस को तरक्की के पूरे मौके मिलें। मैं समझता हूँ कि इस पर किसी को श्राबजेकशन नहीं होना चाहिए।

अब मैं आप की तबज्जह अपनी धर्मोद्वेग ५७ और ५८ की तरफ़ दिलाना चाहता हूँ।

उपाध्यक्ष-महोदय : वक्त बहुत कम है, इस लिए जरा मुक्तसरन करमा दीजिये।

पंडित ठाकुर दास भागंब : अच्छा जनाब, मैं किसी दूसरे मौके पर और अजं करूंगा। क्या २१ए भी इसी ग्रुप में है ?

उपाध्यक्ष-महोदय : इसी में है।

पंडित ठाकुर दास भागंब : सैर, मुझे क्लास २२ पर बोलने का मौका मिलेगा। इस वक्त मैं कुछ वक्त लूंगा।

उपाध्यक्ष-महोदय : जरूर।

Shri E. N. S. Deo (Kalahandi-Bolangir): Mr. Deputy-Speaker, yesterday, I moved amendments 25 and 26, proposing a new clause 20A, and also amendment 27 for the substitution of clause 21. But, due to some misunderstanding, though amendments 25 and 26 were not supposed to be discussed, nor intended to be pressed yesterday, as my group of amendments referred to safeguards for linguistic minorities which have been taken up now, amendments 25 and 26 have been recorded as negated yesterday. Therefore, I have moved a new amendment 218 with your permission, which, in effect repeats amendment 26 with only a slight modification, that is, instead of the amendment.....

Mr. Deputy-Speaker: Why should the hon. Member go into all this detail?

Shri E. N. S. Deo: I am explaining; otherwise....

Mr. Deputy-Speaker: We have a fresh amendment 218. He may go on with that.

Shri E. N. S. Deo: I have moved amendment 218.

I welcome the acceptance by the Government of the first part of my proposed amendment; that is, clauses 1 and 2 of my amendment have been accepted in amendment 183. But, that amendment does not go far enough. I have gone through the memo circulated to us by the Ministry of Home Affairs on the safeguards for linguistic minorities and I find that the proposals with regard to primary education and the acceptance of the proposal to appoint a special officer, are the only two satisfactory safeguards so far as the right of instruction in the mother tongue is concerned. The rest of the safeguards that have been proposed by the Home Ministry on the basis of the recommendations of the S.R.C., I am afraid, are not only unsatisfactory and inadequate, but also illusory. I will endeavour to show how they are absolutely illusory.

[Shri R. N. S. Deo] ...

In these proposals, it is suggested in accordance with the recommendations in paras 783 and 784 of the States Reorganisation Commission's report that instructions should be issued by the President under article 347 regarding the recognition of minority languages as official languages. You will see, Sir, that the recommendation of the States Reorganisation Commission was that a State should be recognised as unilingual only where one linguistic group constitutes 70 per cent. or more of the population, and bilingual where there is a minority of 30 per cent. or more of the population. In the scheme of reorganisation of States, it will be seen that most of the States are unilingual. Only the new State of Bombay and the new State of Punjab are lingual states. In the case of Punjab, it is recognised that both Punjabi and Hindi will be the official languages. In the case of Bombay also, it is presumed that both Gujerati and Marathi will be recognised as the official languages. So, in the case of these two bilingual States, the question of either of the principal languages being treated as a minority language does not arise at all. Therefore, this safeguard will not be applicable to any linguistic minority in any of the States of India.

Similarly on this same basis, according to para 784 of the S.R.C. report, it is suggested that in the case of districts also, the same 70:30 per cent. formula is to be the criterion. Where, in a district, 70 per cent. or more of the population speaks a language which is a minority language in the State, this safeguard will be in force. I would like to point out that this also would be not capable of application. Because, here, it is said: if 70 per cent. or more of the total population of a district consists of a group which is a minority in the State as a whole. I have studied the *Census Report of 1951, Paper I of 1954* and I fail to find a single district in the whole of India where this formula can be applicable. There will be

no district in the whole of India where there is a language-speaking group which is 70 per cent. or more and which is also a minority in the State as a whole. This qualification—minority in the State as a whole—would mean that it should be about 30 per cent. or, according to the later suggestion for recognition for circulars and notifications being issued in the other language, at least 15 to 20 per cent. But, it will be clear if you study the Census report that there is not a single district in the whole of India where a minority language would amount to about 15 per cent. Hardly there will be any State where a minority group would be more than 1 or 2 per cent.

Shri Mohiuddin (Hyderabad City): May I know whether there are no municipalities or corporations where minority language group consist of more than 20 or 30 per cent?

Shri R. N. S. Deo: There are. I am coming to that. There are municipalities, there are corporations like Calcutta, Bangalore and Trivandrum and many others. There is one district in India, the district of Cachar in Assam, where Bengali is spoken by 77 per cent., Hindi by 10 per cent., and Assamese has a very small percentage. But, even in Cachar, the Bengali population cannot get this safeguard because in relation to the total population of Assam, it will not amount to 15 per cent. or 20 per cent. or 30 per cent. Therefore, this safeguard becomes illusory and meaningless. Similarly, in Calcutta, there is a minority population of Hindi-speaking people. In Bangalore, there are Tamil and Telugu-speaking people. There is in Trivandrum a Tamil population, and so on. There are many cities, and corporations where there are such minority populations. But, in the districts or municipalities, the minority population will not be considered to be a minority in relation to the total population of the State. Therefore, it becomes absolutely meaningless. That is why, in my amendment. I had suggested that where the minority is actually a

majority in the district or sub-division concerned it should be given these safeguards and a single majority language in any particular area should be treated as the official language in any particular area should be treated as the official language of the district or subdivision or taluka or municipality. As a matter of fact, this was the purport of the report of the States Reorganisation Commission. They had also given the example of Hyderabad and Bombay where the official language in the districts or taluks used to be the minority language and not the official language of the State. If it was possible there I do not see why it should not be possible elsewhere. Therefore, it is necessary that the Home Ministry should re-examine this question and if the actual amendments suggested by me are not acceptable *in toto*, at least they should modify this memorandum in a manner that would make it possible for the linguistic minorities to get these safeguards.

2 P. M.

It appears that the real problem of these linguistic minorities has not been properly appreciated. It is not only with regard to the language and the difficulties in getting instruction in the mother tongue. That is, of course, one of the main disadvantages, but the linguistic minorities suffer from political, cultural and economic disadvantages also. The real solution of the problem and a wise solution of the problem would be to reduce the minorities as far as possible, and that was the object of the suggestion for the appointment of a boundary commission. I submit that it is politically unjustified and it is morally wrong to reduce a majority linguistic group to a minority by keeping it on the wrong side of the border. And that is why the disabilities and disadvantages arise. This has been recognised by the States Reorganisation Commission also. This problem of linguistic minorities is not only the cause but also the effect of this movement for linguistic States.

Many examples have been given by my friend Shri Frank Anthony and also by Pandit Thakur Das Bhargava about the disabilities, both economic and in the matter of services etc. I did not get an opportunity to speak on the general debate and I crave your indulgence just to cite a few examples only.

You know, Sir, there was a great controversy when this Seraikella subdivision was transferred to Bihar. Its reversion has been one of the main claims of Orissa. The two States of Seraikella and Kharswan were transferred to Bihar on 18th May, 1948 and a few days after that the Chief Minister of Bihar, after a victory celebration there, made a public declaration: "I assure the Oriyas of these States that their language, culture and individual rights will be duly protected and safeguarded by my Government." And a few days later, when hardly the ink had dried, on the 22nd June, 1948 by a notification Hindi was introduced as the Court language there, though Oriya had been the Court and official language and the language in the schools for a long time past. Soon after that, out of 743 officers and officials in those States, the majority were either discharged or forced to retire. Four hundred and ninety-nine persons were forced to retire. And sometimes very funny excuses were put forward or subterfuges were resorted to. Tahsildars and sub-inspectors were offered the posts of peons and when they did not agree to accept the post of peons, they were told that their services were no longer required. Only 197 out of the 743 have been retained in Bihar service and that too on a temporary basis. They are being ousted at the sweet will of the officers from time to time. Only 28 got pension and only eleven got gratuity. The rest have been just thrown out. Though new posts are being filled up every year, not a single local person has been employed either as a clerk or as a peon up to this day.

[Shri R. N. S. Deo]

There used to be a labour exchange at Adityapur near this side of the river near Jamshedpur and through this the local people used to get facilities of employment in the Tata Iron and Steel Works. There is a glass works in that ex-State and there according to the terms with the proprietor preference was being given to local people in employment. Now, all that has been abolished and the local people get no facilities even for employment as labourers.

The schools there have been reduced. Formerly there were 57 Oriya schools out of which.....

Mr. Deputy-Speaker: The hon. Member should not dilate very much on this amendment which has been negatived already.

Shri R. N. S. Deo: I am pointing out the difficulties of education and how the proposed safeguards are inadequate. Therefore, I will just give a few examples about the position of schools.

There were 57 Oriya schools out of which 19 were Oriya-cum-Bengali and there was only one Hindi school in Seraikella. Out of these, 13 Oriya schools have been converted into Hindi schools. Thirty-six new Hindi schools were opened till 1954 and only one Oriya-cum-Hindi school has been opened and one Oriya-cum-Bengali school has been opened. In 1955-56 more Hindi schools have been opened, but no Oriya school has been opened. Though 75 per cent. or more of the students in the girls school are Oriya speaking not a single Oriya mistress is in that school.

Shri B. S. Murthy: Perhaps not available.

Shri R. N. S. Deo: There were three mistresses in this school who, due to pressure and the misbehaviour of certain officials, were forced to leave. This is all old history. There has been a lot said and written about this. I need not repeat them. The same is the condition in Kharswan. Therefore, mere laying down of the

policy or simply repeating good wishes does not solve the problem. The real solution, I again submit lies in reducing the minorities to the minimum, and for that I again reiterate my earlier suggestion, which has been supported by others that a boundary commission should be appointed.

Shri Mohiuddin: Amendment 183 to clause 21 which has been proposed by the Home Minister should be welcome to all those who have been advocating that the linguistic minorities should be given effective protection. When the report of the Joint Committee was published, it had caused great disappointment. The disappointment was due to the fact that article 350A was added without any further provisions for its implementation. Article 350A would have been only a declaration of good wishes or a declaration of intentions, which may or may not be carried out in the States.

There were representations from all sides. It was suggested that more effective provisions should be made for the proper implementation of the intentions enshrined in the proposed article 350A. Now, amendment No. 183 has come in, and I hope it will unanimously passed.

There has been a proposal that a further clause 3 should be added to amendment No. 183, giving powers to the President to issue directives. The Home Minister has not so far accepted that suggestion. But I am sure that clauses (1) and (2) of proposed article 350B, if properly implemented and enforced, should prove of great value to the linguistic minorities.

So far as the principle of issuing directives, is concerned, proposed article 350A provides:

"...and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities."

Article 350B that has now been proposed is an article subsidiary to

article 350A. The article 350A, is really the main operative clause, and provides that directives may be issued by the President, I am sure the report that will be discussed in Parliament under proposed article 350B will be governed by the provision in proposed article 350A that after Parliament has discussed that problem, the President may issue directives according to the recommendations of Parliament.

Of course, proposed article 350A is restricted only to primary education. At this stage, of course, I think this will be quite sufficient, and I am sure that will be fully implemented in the spirit in which it has been proposed.

Pandit Thakur Das Bhargava has suggested that in proposed article 350A, instead of the word 'endeavour', the word 'duty' should be substituted. Article 350A will then read:

"It shall be the duty of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education...."

I fully support this amendment, and I am sure the Home Minister will accept it.

Article 350A provides that in case the necessary facilities are not provided, the President may issue directives. If the word 'duty' is substituted for the word 'endeavour', it will simply mean that if there is a dereliction of duty on the part of the State or the subordinate authorities, the President can issue directives. So, the word 'duty' will be a more proper and more suitable word. I am sure this amendment will be accepted.

The amendments that have been proposed in regard to the linguistic minorities, as for example, in regard to their employment in the services and so on, have some importance. My hon. friend Pandit Thakur Das Bhargava has just spoken about it

I think, the economic problem, the problem of livelihood, the problem of employment, and the problem of the minimum necessities of life is as important as and perhaps, more important than, the problem of the mother-tongue.

The Five Year Plan is going ahead, and it will provide to a very large number of people the necessary employment in due course. But the time when we shall have full employment, as envisaged by the Planning Commission themselves, will be about fifteen or twenty years hence. Therefore, I think it is not desirable that we should close our eyes to this problem of employment, the problem of giving a due share in the services of government to the linguistic minorities, and so on. I do not think that this problem should be ignored, or that we should close our eyes to it. I am sure that, if looked at from a realistic point of view, it is as important as, if not more important than, any other problem. I hope the Home Minister will kindly look into this question, and as far as possible, either accept Pandit Thakur Das Bhargava's suggestion, or issue a directive or instruction to the States to implement the proposals that have been put forth here.

Mr. Deputy-Speaker: The following is the list of selected amendments to the group of clauses 2A, 21 and 21A. They have been indicated by the Members to be moved, subject to their being otherwise admissible.

Clause 2A (New)—151, 29, 117, 152, 153.

Clause 21—27, 28, 32 178 (same as 32) 177, 23, 182, 183 (Govt.), 198, 199, 44, 45, 46, 47, 48, 113, 84, 85, 200, 201, 218, 220 (Govt.).

Clause 21A (New)—35, 34.

Pandit Thakur Das Bhargava: Are you taking up new clause 21A also now? In that case, I would like you to include my amendment No. 216 also in the list of amendments which have been taken as moved.

Mr. Deputy-Speaker: Yes. Amendment No. 216 is only omitting part (iii) from amendment No. 34 of Pandit Thakur Das Bhargava. He may move his amendment No. 34 omitting part (iii).

New Clause 2A

Shri Shree Narayan Das (Darbhanga Central): I beg to move:

Page 4—

after line 18, insert:

‘2A. Amendment of article 2.—In article 2 of the Constitution, after the words “new States” the words “or Union territory” shall be inserted.’

Shri Frank Anthony: I beg to move:

Page 4—

after line 18, insert:

‘2A. Amendment of article 30.—In article 30 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

“(1A) All linguistic minorities shall have the right to affiliate educational institutions established or administered by them to an examination of their choice in any part of India.”

Shri S. V. Ramaswamy (Salem): I beg to move:

Page 4—

after line 18, insert:

‘2A. Insertion of new article 51A.—After article 51 of the Constitution, the following article shall be inserted, namely:—

“51A.—The State shall endeavour to form Zonal or other Councils of two or more States to foster a sense of interdependence among neighbouring States, to facilitate co-operative effort for the co-ordinated and speedy economic development of

large regions covering more than one State.”

Shri Shree Narayan Das: I beg to move:

(i) Page 4—

after line 18, insert:

‘2A. Amendment of article 79.—In article 79 of the Constitution and wherever they occur in the Constitution, for the words “House of the People” the words “Lok Sabha” shall be substituted.’

(ii) Page 4—

after line 18, insert:

‘2A. Amendment of article 79.—In article 79 of the Constitution and wherever they occur in the Constitution, for the words “Council of States” the words “Pradesh Sabha” shall be substituted.’

Shri K. N. S. Deo: I beg to move:

Pages 10 and 11—

for clause 2I, substitute:

‘2I. Insertion of new articles 350A and 350B.—After article 350 of the Constitution, the following articles shall be inserted, namely:—

“350A. Facilities for instruction in mother tongue.—(1) Every State Government and local authority shall provide facilities for instruction in the mother tongue at the primary stage and also at the secondary stage whenever the students belonging to a linguistic minority number 40 or constitute 15 per cent., of the total number of students, whichever is less.

(2) Where the majority language of any area of a State is other than the regional language of the State, schools in that area shall be established in the majority language of the area and other linguistic groups in that area shall enjoy the facilities mentioned in clause (1) of this article.

(3) Whenever not less than 250 pupils or parents belonging to the linguistic minorities group in any area desire the establishment of a school in a particular language, it shall be the duty of the State or local authority to provide the same.

(4) A college in the language of the minority shall be provided wherever needed and practicable.

(5) Educational institutions in languages other than the regional language of the State, may be allowed to be affiliated to a Board or University outside the State where such language is the official language of that State in which such Board or University is situated.

350B. Other facilities for linguistic minorities.—(1) The single majority language in any district or sub-division, where it is other than the official language of the State, shall be recognised as the official language of that district or sub-division.

(2) Minority languages spoken by not less than 15 per cent. of the population of a State, shall be recognised as the media in examinations conducted for State services, and in the case of examinations conducted for recruitment to the lower services at district or sub-divisional level, the single majority language of the district or sub-division, if it is different from the language of the State, shall be recognised as media.

(3) Every State shall arrange for issuing official notices in the language of the linguistic minorities—

(i) throughout the State where such minorities constitute at least 15 per cent. of the population of the State; and

(ii) in a district or sub-division, when such minorities constitute

at least 15 per cent. of the population of that district or sub-division.”

Shri Dasaratha Deb (Tripura East):

I beg to move:

Page 10 and 11—

for clause 21, substitute:

“21. Insertion of new articles 350A to 350G.—After article 350 of the Constitution, the following articles shall be inserted namely:—

“350A. Every State Government shall provide facilities for the education of the linguistic minorities in its territory on the following lines—

(a) primary and secondary schools or separate classes in existing schools with the language of the minority as medium of instruction shall be provided wherever the students belonging to the linguistic minority number 40 for primary and 100 for High Schools or constitute 15 per cent. of the students in the schools, whichever is less; and

(b) a college in the language of the minority shall be provided wherever needed and practicable.

350B. Every State Government shall as far as practicable arrange for issuing of Government notices in the language of the minority and provide facilities for representation in their language wherever such linguistic minority forms a prescribed percentage of the population which may be between 15 to 20 per cent.

350C. In the judicial courts of an area concerned the language of the minority shall be recognised for the purposes of the court, if the minority constitutes about 20 per cent. of the population under the jurisdiction of the court concerned.

350D. In towns, cities and other local areas wherever any linguistic minority forms about 20 per cent. of the local area concerned

[Shri Dasaratha Deb]

the minority language shall also be recognised for the purpose of administration of the local bodies concerned.

350E. In any bilingual area where the minority language is spoken by 30 per cent. or more of the population, the administration of the area shall be carried on in both the languages of the area.

350F. In any bilingual area where the linguistic minority constitutes not less than 50 per cent. of the population, a minority council should be established in such manner and with such powers as Parliament may by law prescribe for the protection, safeguard and well-being of such minorities and their languages.

350G. (1) There shall be established a suitable authority in the State and in the Union to report to the President regarding the representations made by the minorities and the working of the guarantees and the protection given to the minorities. Each such report shall be laid before Parliament.

(2) After the report has been discussed by Parliament, the decision of the Central Government shall be issued to the State Government concerned as a directive from the President which shall be binding on the State Government."

Pandit Thakur Das Bhargava: I beg to move:

Page 10, line 36—

for "endeavour" substitute "duty".

Shri Kamath: I beg to move:

Page 10, line 36—

for "endeavour" substitute "obligation"

My amendment No. 178 is the same as No. 32 of Pandit Thakur Das Bhargava.

Shri K. K. Basu (Diamond Harbour): I beg to move:

Page 10, line 38—

after "primary" insert "and secondary"

Shri Kamath: I beg to move:

Page 11, line 2—

for "securing" substitute "guaranteeing"

Shri Datar: I beg to move:

Page 11—

after line 3, add:

"350B. Special Officer for Linguistic minorities.—(1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minority groups under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament."

Shri Frank Anthony: I beg to move:

(i) That in the amendment proposed by Shri B. N. Datar, printed as No. 183 in List No. 19 of amendments:

in sub-clause (2),

for "minority groups" substitute "minorities"

(ii) That in the amendment proposed by Shri B. N. Datar, printed as No. 183 in List No. 19 of amendments—

after sub-clause (2), add:

"(3) The decision of the Central Government on such report or reports shall be issued to the State or States concerned as a directive from the President, which directive shall be binding."

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 11—

after line 3, add:

“350B. Subject to the other provisions of the Constitution it shall be the duty of every State Government to provide for the reasonable representation in Local Self Government bodies, councils and the Cabinets of the State, to the linguistic minorities group due regard being had to the population of the groups and the efficiency of the administration.”

(ii) Page 11—

after line 3, add:

“350B. It shall be the endeavour of every State to improve the economic and social conditions of the backward classes and linguistic minority groups and bring them in line with the rest of the State and to secure this purpose it shall be the duty of the State to allocate equitable development funds subject to the other requirements of the entire State, for the social and economic needs and welfare of the backward classes and linguistic minority groups.”

(iii) Page 11—

after line 3, add:

“350B. It shall be the duty of every State to duly consider and give effect to the claims of linguistic minorities group for employment in the public services of all kinds and grades consistent with the maintenance of efficiency of administration and the possession of technical or professional qualifications necessary for any particular post or kind of service.”

(iv) Page 11—

after line 3, add:

“350B. (1) There shall be a Special Officer for linguistic minorities group to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities group in this Constitution and report to the President upon the working of the safeguard at such intervals as the President may direct and the President shall cause such reports to be laid before Parliament for discussion.

(3) The President upon such report being presented and discussed as provided by the preceding sub-clause shall issue such directive as he considers necessary or proper to the State Government and such directive shall be complied with by the States concerned.”

(v) Page 11—

after line 3, add:

“350B. (1) If the President is satisfied from any report by the Governor or complaint of person concerned or otherwise that the State Government is disregarding the safeguards for linguistic minorities group and is not properly looking after the interests of linguistic minorities group or backward classes in the State, he shall appoint a Special Board consisting of a member of Planning Commission as its president and two other persons whom he considers to be competent for the job to draw up schemes for taking measures to meet the special social, economic and other needs of such group or classes.

(2) The President may on being satisfied that such scheme is necessary to be implemented in the interest of linguistic minorities group or backward classes, order the State Government to give effect to the scheme within such time as he considers feasible and proper. Such order shall be deemed to be a directive within the meaning of the articles 356 and 365 of the Constitution.”

Shrimati Renu Chakravarty (Basirhat): I beg to move:

Page 11—

after line 3, add:

"350B. Wherever a linguistic minority forming a prescribed percentage of the population to be notified by the President demands that representations may be received by the Government and the work of the Judicial courts and local bodies of the area be conducted in the language of the minority community, such directions must be issued so that provision of such facilities are secured.

350C. In any bilingual area where the linguistic minorities constitute 40 per cent or more of the population, a Minority Council may be established in any manner or with such powers as Parliament may by law prescribe for safeguarding their rights.

350D. (1) There shall be constituted a suitable authority in the State and in the Union to report to the President regarding the representations made by the minorities and the working of the guarantees and the protection given to the minorities. Each such report shall be laid before Parliament.

(2) After this report is discussed by Parliament, the decision of the Central Government shall be issued to the State Government concerned by the President, which directive shall be binding upon the State Government."

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

(i) Pages 10 and 11—
for clause 21, substitute:

"21. Insertion of new articles 350A and 350B.—After article 350 of the Constitution, the following articles shall be inserted, namely:—

"350A. (1) Every State Government and Local authority shall

provide facilities for instruction in the mother tongue at the primary stage and also at the secondary stage whenever the students speaking a language other than the regional language number 40.

(2) Where the majority language of any district or taluq is other than the regional language of the State, schools in that area shall be established in the majority language of the area and other linguistic group or groups in that area will enjoy the facilities mentioned in clause (1) of this article.

(3) Whenever not less than 250 pupils or parents speaking a language other than the regional language desire the establishment of a school in a particular language it shall be the duty of the State or Local authority to provide the same.

(4) A college in a language other than the regional language shall be provided by the State if the number speaking such a language so warrants it and if it is practicable.

(5) Educational institutions in languages other than the regional language of the State may be allowed to be affiliated to a Board or University outside the State where such language is the official language of that State in which such Board or University is situated.

Explanation.—A language in this article means one of the Indian languages recognised by the Constitution.

350B. Other facilities for linguistic groups who speak a language other than the regional language.—(1) The single majority language in any district, subdivision, taluq, tehsil, or a town and a city where it is other than the official language of the State shall be recognised as the official language of that district, subdivision, taluq or tehsil or a town or a city.

(2) A language spoken by not less than 15 per cent. of the population of a State shall be recognised as a medium in examinations conducted for State Services and in the case of examinations conducted for the lower services at district, sub-division or taluq level, the single majority language of the district, sub-division or taluq if it is different from the official language of the State, shall be recognised as medium.

(3) (a) Every State shall arrange for issuing official notices in all the languages of the State whose number is above 15 per cent. of the total population of the State.

(b) The administration and the court work at district, sub-division and taluq level will be conducted in all languages of such district, sub-division or taluq whose number is above 15 per cent of the total population of such area."

(ii) Page 11—

after line 3, add:

"Provided that when any State is divided into regions and provision is made for the constitution of regional committees in such States, then the facilities for instructions as provided aforesaid shall be available to children belonging to linguistic minority groups in each of such regions.

Provided further that the mother-tongue of a child shall be that which will be declared by his or her parents or guardians."

Shri N. R. Munsiwamy (Wandiwash):
I beg to move:

(i) Page 11—

after line 3, add:

"350B. It shall be the endeavour of every State to make special provisions for the advancement

of any socially and educationally backward classes of the citizens and linguistic minority groups in matters relating to employment or appointments to any office under the State consistent with the proportion of population and to secure this object or purpose, it shall be the duty of the State to allocate equitable development funds subject to the other requirements of the State for the welfare of the backward classes and linguistic minority groups."

(ii) Page 11—

after line 3, add:

"350B. *Special Officer for advancement of socially and educationally backward classes and for linguistic minorities.*—(1) There shall be a Special Officer for the above group to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the Directive Principles and to the safeguards provided for the above groups under this Constitution and report to the President upon those matters with his recommendations at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament."

Shri R. N. S. Deo: I beg to move:
Pages 10 and 11—
for clause 21, substitute:

"21. *Insertion of new article 350A.*—After article 350 of the Constitution, the following article shall be inserted, namely:—

"350A. (1) There shall be a Special Officer for the linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all

[Shri R. N. S. Deo]

matters relating to safeguards provided for linguistic minorities in this Constitution or any representation made by such minorities and report to the President at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

(3) After the report has been discussed in Parliament, the President shall issue such directions to any State as he may deem proper and such directions shall be binding on that State.

(4) In this Constitution reference to language means any of the fourteen languages enumerated in the Eighth Schedule and "Linguistic minorities" means in respect of a State a minority speaking a language which is spoken by at least 15 per cent of the population of the State and in respect of a sub-division or district a minority speaking a language which is spoken by at least 15 per cent of the population of that sub-division, or district:

Provided that in a multilingual or bilingual area of a State, the single majority language spoken in the area shall be deemed to be the majority language in each sub-division or district and the other language or languages spoken by 15 per cent or more of the population shall be deemed to be minority languages in the area concerned."

Shri Pataskar: I beg to move:

That in the amendment proposed by Shri B. N. Datar, printed as No. 183 in List No. 19 of amendments—

in clause (2), add at the end:

"and sent to the Governments of the States concerned".

New Clause 21A

Shri Frank Anthony: I beg to move:

Page 11—

after line 3, insert:

"21A. Insertion of new article 364.—After article 364 of the Constitution, the following article shall be inserted, namely:—

"364A. Special provisions as to minorities.—(1) The term 'minority' shall include any section of citizens having a distinct language, script or culture of its own.

(2) There shall be a special officer for the minorities to be appointed by the President. It shall be the duty of the officer to investigate representations by minorities and report to the President upon such representations at such intervals as the President may direct and the President shall cause each such report to be laid before Parliament.

(3) After the report has been debated by Parliament, the decision of the Central Government, shall be issued to the State concerned as a directive from the President, which directive shall be binding on the State."

Pandit Thakur Das Bhargava: I will move No. 34 omitting part (III).

I beg to move:

Page 11—

after line 3, insert:

"21A. Amendment to article 366.—In article 366 of the Constitution, after item (15), the following item shall be inserted, namely:—

"(15A). Linguistic minority group means and includes—

(i) group of people residing in the region for which Regional Committee is formed and consist-

ing of people not forming the majority of the population in the State;

(ii) group of people speaking any one of the languages mentioned in the Eighth Schedule of the Constitution and consists of not less than 25 per cent and not more than 50 per cent of the entire population of the State".

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

Shri N. C. Chatterjee: Mr. Deputy-Speaker, Sir, Mr. Anthony is in his element when he is pleading the cause of the linguistic minorities. But he has been very hard on an important paper which has said something on this problem and I am sure if he thinks over it he will admit that his remarks have been very hard. The paper says, "The appointment of a Minorities Commissioner under an amendment of the Constitution, on the analogy of the Commissioner for Scheduled Castes and Tribes, indicated by the Home Minister, may be welcomed if the linguistic minorities in the different States whose interests are sought to be safeguarded thereby do not mistake the safeguards as operating to perpetuate separatism or to impede the process of natural assimilation." I think that is an important point which should be remembered by all the minorities and specially by the linguistic minorities. I generally do not agree with Congress papers but there are lucid intervals, and this is a lucid interval, when this paper points out that this should be recognised "as a transitory stage designed to ease the ultimate process of assimilation".

The States Reorganisation Commission itself has clearly pointed out in paragraph 768 of the Report, page 207, "We realise that overemphasis on the rights of minorities and too many special safeguards for them would tend to keep the minority-consciousness alive and might thereby

hamper the growth of a common nationhood. We, are, therefore, not in favour of setting up too elaborate a system of guarantees to the minorities which would, in our opinion, complicate rather than solve the problem. At the same time, we are impressed by the need of affording to the linguistic minorities sufficient opportunity for development so that they may not suffer from a sense of neglect or discrimination." I have gone through very carefully the memorandum circulated by the hon. Minister on this important question. The Memorandum on Safeguards to Linguistic Minorities was laid on the table of the House on the 4th of September. It is an important document and the Ministry deserves felicitation for that. But I am afraid, that one thing which the Minister has said there required reiteration.

Now, I would draw the special attention of Mr. Anthony, who has read this Report carefully, especially this chapter. The last paragraph is very important and the hon. Minister is perfectly right in reiterating that—

'Before concluding, the Government of India would like to endorse the observations of the States Reorganisation Commission in the following passage of its report:

"We wish to emphasise that no guarantees can secure a minority against every kind of discriminatory policy of a State Government. Governmental activity at State level affects virtually every sphere of a person's life and a democratic government must reflect the moral and political standards of the people. Therefore, if the dominant group is hostile to the minorities, the lot of minorities is bound to become unenviable."

Sir, now let us tackle the amendments moved by Mr. Anthony. Just see Mr. Datar's amendment. He says, "Special Officer for linguistic minori-

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ties:—(1) There shall be a Special Officer for linguistic minorities to be appointed by the President. (2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament." What I am pointing out is, he wants to do something for the protection of the linguistic minorities, is this enough? In the year 1955 we discussed the Scheduled Commissioner's report presented in 1953. In the year 1956 we are thinking of discussing the report for 1954. Therefore, what will happen? Supposing there are one thousand or one thousand five hundred complaints made that the linguistic minorities in different parts of India have been unfairly treated, what will happen? I am in majority in Bengal but I may be in minority in Bihar or Orissa or any other place. Therefore, it is a peculiar thing. A man belonging to majority in one place in India may belong to a linguistic minority elsewhere. I hope it may not be very difficult or insoluble after the passing of the Bengal-Bihar Transfer of Territories Act. But I know there are thousands of people on both sides of the border who are unhappy. There will still be in thousands, lakhs of people, speaking Bengali in Bihar, and also similarly in Bengal, people whose language is Hindi. Supposing the Bengalis want for the protection of their culture and language that they should be allowed to enter Viswa Bharti, the great University of Ravindranath Tagore, which is a national University, and suppose impediments are created, articles 29 and 30 give them the right. That is what I am contending. I think Mr. Anthony is right there. He is looking at it possibly from the point of view of his community. Similarly, Bihar people may say, or the people

in Orissa may say that they want to sit for Prabhakar examination of some University outside Bihar or Orissa. They have got the right and if they are denied that right, then is this enough, "Difficulties of these students be indicated to the Linguistic Minorities Special Officer and he shall, throughout India consider all those cases, investigate into the matters under this article of the Constitution which is now going to be accepted and report to the President"? It will take him one year to do that. After one year it will be printed and placed before the Government, the President will have a look into that and then send it to us. It will take at least a couple of years before the thing comes before the Parliament. I, therefore, don't think, Sir, that Mr. Anthony's suggestion is absurd or unreasonable. I request the hon. Minister to consider his suggestion. His amendment says 'after sub-clause (2)—of Mr. Datar—add "(3) The decision of the Central Government on such report or reports shall be issued to the State or States concerned as a directive from the President, which directive shall be binding." ' Sir, we are not whittling down the authority of this sovereign Parliament. What we are saying is: these are fundamental rights. I have all along maintained that. The States Reorganisation Commission has also mentioned something about the examinations. The States Reorganisation Commission has said that Constitutional recognition should be given to the right of linguistic minorities to have instructions in their mother-tongue upto primary school stage subject to the number of students. Then, Sir, in article 30 it is implicit. It may be that Mr. Anthony is speaking for the Anglo-Indian community but it will be necessary for others also, may be for Hindi speaking groups living in non-Hindi areas. However unilingual you may try to make a State there will be bilingual belts, bilingual zones. Therefore, these problems are bound to arise and the

Commission points out that you cannot eliminate this problem altogether and, therefore, they say that this is very important. So, a large number of bilingual belts must be there in different linguistic zones or linguistic States. How can you eliminate that at the time of reorganisation? Therefore, what he is saying is that don't simply say that you give us a fundamental right and stop there. What is a fundamental right? Justice Shastri of the Supreme Court has said that kindly remember this that it is not merely a fundamental right which is of the same category as directive principle. It is something very sacred. Deliberately we have incorporated certain basic human rights in Part III of the Constitution. We think that the citizen should have the right of access to the Supreme Court for the purpose of enforcing and vindicating those rights. The remedial right is also a guaranteed fundamental right. He can go to the Supreme Court. But there may be poor people. It may be that they are Adibasis, it may be that they are Harijans, it may be that they are very very backward linguistic minority groups, and it may not be possible for them to come to the Supreme Court.

You know that under article 226 the High Courts are also available for the enforcement of fundamental rights. But we are told that in some High Courts over 5,000 applications under article 226 are pending, that is, thousands of mandamus, certiorari and quo warranto applications. God alone knows when they will be disposed of—possibly when acting and additional Judges will be appointed to clear up the arrears.

But would it be fair and would it be proper? One word from the Home Minister will solve the problem. By the time the man goes to the Supreme Court and the matter is decided finally and all the paraphernalia of parliamentary procedure is gone through, it may be that things would have become absolutely stale. It will

take years and years. The man wants to sit for the examination of Viswa Bharati or Allahabad University. The linguistic group may be 500 or 450 in number. Then, what I am submitting is that it won't be fair to drive them on to the Supreme Court. So they have got that right, if you consider that this is a basic fundamental right which flows from article 30.

Therefore, this right should be given. It is not actually a right. It is your duty, duty to do what? The duty of the Central Government and this Parliament to see that this does not remain a mere pious platitude. Former Chief Justice Mahajan referring to the directive principles had said: 'You know that they are not fundamental. They are mere platitudes'. Therefore, do not make a platitude of a fundamental right. Make it a more effective right.

Therefore, I am submitting that this is something which ought to be taken into account. Unless there is some provision for that, it will merely remain on paper.

We have got similar articles. Take, for example, article 45. It says:

"The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years".

We are all endeavouring, but we are not providing. Therefore, do not think of having simply language like that. Do not drive them to the Supreme Court. In special cases, you take the power and responsibility. It is your duty, it is your moral duty, to enforce this basic human right. The Constituent Assembly has made it a sacred obligation on every functionary in the State to vindicate that right.

I am, therefore, saying that this is nothing improper, nothing unreasonable. I am not suggesting that a

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minority interest should be pushed beyond the zone of the cultural or linguistic area. If you push it to other areas like corporations, governing bodies, district boards or even Cabinets or sub-Cabinets, then it would lead to great disaster and separatist tendencies will continue, and, it may be that we shall imperil the development of national unity in this country.

Shri K. K. Basu: As I have stated on an earlier occasion, when the States are being re-shaped and re-drawn on the principle of linguistic redistribution, we could have minimised the problem of linguistic minorities if we had appointed a Boundary Commission. As Shri R. N. S. Deo said earlier, we could have finally re-shaped and re-drawn the political map of India in such a way that the problem of minorities would be reduced to the minimum.

Even then I am fully conscious of the fact that situated as we are, there are bound to be industrial areas and other places where there will be a cosmopolitan population. Also there are bound to be border areas where such minorities will exist. Examples have been cited of the Bengalis living in Bihar and the large percentage of non-Bengali population round about the city of Calcutta. Similarly, there are industrial cities like Jamshedpur, Bangalore and others.

Therefore, we for ourselves fully endorse the sentiments expressed by the SRC in this respect. I personally consider that the chapter dealing with the minorities is the one non-controversial in the whole Report, which has, more or less, the support of the entire people of the country. Though with regard to many other recommendations made by the SRC, we may have differences of opinion, the problem of the minorities has been very ably dealt with by the Commission in their recommendations.

We, therefore, thought that when the Constitution was being amended,

we should lay down certain conditions which would guarantee and safeguard the rights of minorities and allay whatever fears might, rightly or wrongly, be entertained by certain sections of minorities. It is true that on many occasions the minorities have not had a proper deal. Examples have been cited of certain schools in Bihar not being allowed to teach Bengali. I am not going into the merits. There may be have been good reasons to do so as they say. We have heard of such situation in Assam also. Shri R. N. S. Deo gave examples of Oriya schools in portions of the State of Bihar.

I feel that the use of one's language is guaranteed in terms of article 45. In the new amended provision, we are saying that it is at the primary stage. I do not go into the merits. We have told that it is from stage to stage. But what I personally feel is that in terms of article 45 of the Constitution which says that there should be free and compulsory education up to the age of 14, every State Government should be instructed to impart education in the mother tongue to the boy or girl. I hope the Minister will keep this in mind so that when he advises or influences the decision of the State Governments, he will see that education is provided at least upto 14 years of age, because in many States I think a portion of the secondary education is, more or less, covered within that age.

But the most important part of this provision is the question of sanction behind it. A memorandum has been submitted by the Home Minister. At the time of the discussion in the Joint Committee, when the matter was thought out, the Home Minister said that he would come forward with detailed suggestions. His memorandum is probably the result of that. I fully concede that in the memorandum he has tried to tackle largely—very correctly—the problem of minorities and how it can be solved. But the most important part of it is the sanction behind it. As some Members

have pointed out, we have discussed three or four reports of the Commissioner for Scheduled Castes and Scheduled Tribes. But they, more or less, become academic discussions with very little result. I remember in one of the discussions, it was said that some Member belonging to the Scheduled Caste in U.P. or Madhya Pradesh was refused permission to use drinking water from the municipal tap in one of the important cities even though he was a municipal corporator. Even such an important personage was refused this facility. It may be that in spite of directive or advice from the State Government, the particular machinery or the municipal authority does not fully accept it. So there is need for some sanction behind this.

I would urge that there should be some sort of code which will control and determine the manner in which the problem of minorities should be tackled. Otherwise, if it is simply left to the States to issue instructions which may or may not be followed, we might unnecessarily develop some bickering over the question of minorities. We feel that at least the Minister should bring forward before the House—on the lines of the memorandum which, we think, lays down principles which are fairly sound—a Code as to in which way the minority problem should be tackled by the States. The Commission that is to be appointed should have the power to advise the Government, who will naturally advise the President to issue a directive to the State Governments. On that point, I fully share the anxiety that has been expressed by my hon. friend, Shri Anthony and others. Some powers should be given to the President to issue directives which will have, more or less, a binding effect on the States. The States, rightly or wrongly, have very wrong notions and they may have a different approach to the problem of minorities. We know that even in the case of language, some complaints have been made that where there is a large concentration of Urdu-speaking people

they do not get proper facilities because Parliament does not always have the opportunity to go into the details of the problem. I only urge that this aspect should be taken into consideration that mere advice alone will not be followed unless there is a certain sanction behind it. The President should have the right to issue a directive to the States regarding their dealings with the minorities.

I am fully conscious of the fact, as Shri Chatterjee has referred, that no problem of minorities can be tackled and no minority can have any safeguard or security unless they live in close co-operation with the majority community. We have seen how the question of minorities can never be solved without the sympathy and support of the majority community. Whatever State machinery there is, it can never guarantee to the minority communities their rights unless they choose to move along with the majority. Otherwise, it may have the effect of creating a separatist tendency.

With regard to the Zonal Councils we opposed the principle of the problems of the minority being discussed therein. We do not want that the Bengalis living in Bihar should not live with the majority and should go to the Chief Minister of Bengal for the protection of their interests. Similarly, the Biharis in Calcutta can certainly be looked after by the majority community. During the Bengal-Bihar merger discussions, in Calcutta not a single Bihari was touched in spite of some of the papers trying their best to engineer this feeling. Therefore, I fully concede that without the support and sympathy and friendly behaviour of the majority community, no minority can have any protection, however much it may be guaranteed in the Constitution or whatever Code there may be. Even when you are laying down certain principles, there should be a Code which should have some sort of sanction behind it that the President may issue directives to see that these

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Codes are being properly followed by the different State Administrations in tackling the minority problems.

With these words I commend my amendment.

Shri V. G. Deshpande: I want to oppose the amendment of the Home Minister which has been supported. It has been only a one-sided debate.

Mr. Deputy-Speaker: The hon. Member may have two minutes.

श्री वि० व० देशपांडे : उपाध्यक्ष महोदय, अभी तक यहां पर जितने भी भाषण हुए हैं उन सब में अल्पसंख्यकों के लिए एक कमिश्नर की नियुक्ति का समर्थन किया गया है और मैं समझता हूँ कि गृह मंत्री महोदय ने इस सम्बन्ध में जो सुझाव दिया है वह बड़ा भयानक है और देश के लिए अनिष्टकर सिद्ध होगा। मैं समझता हूँ कि यह जो कहा गया है कि उनकी बातें सुनने के बाद उन पर अमल कराने के लिए कोई मशीनरी चाहिये, यह बात तो समझ में आती है परन्तु जानबूझ कर अल्पसंख्यकों के वास्ते एक कमिश्नर नियुक्त करना और उसको यह कहना कि वह शिकायतें दे, ऐसा कहने से तो आप उसको शिकायतें देने के लिये उत्तेजना देंगे।

मैं समझता हूँ कि सरहद्दी सीमा पर कहीं एक आंध्र जगह पर कुछ ऐसी बातें हो गई हैं और जिनका कि हमारे महाराजा साहब ने जिक्र किया है और वहां के लिए तो उनकी इस तरह की बातें समझ में आ सकती हैं और कुछ इस किस्म की खास व्यवस्था की भी जा सकती है लेकिन अगर कुछ अल्पसंख्यक लोग जाकर बम्बई, इलाहाबाद या दिल्ली आदि नगरों में रहते हैं, तो वहां के अल्पसंख्यक लोगों के लिए जानबूझकर एक कमिश्नर नियुक्त करना और उससे यह कहना कि वह अपनी शिकायतों का पुलिन्दा दे ताकि हस उनको लेकर अपनी रिपोर्ट बनायें, यह बात मेरी समझ में नहीं आती है और मुझे डर है कि अल्पसंख्यकों का प्रश्न जो आज तक जन्तीयता के नाम पर चलता रहा है अब भाषा

के नाम पर और संस्कृति के नाम पर चलेगा और उतनी ही उग्रता से चलेगा जैसा कि अभी तक चलता रहा था। उदाहरणार्थ मैं भ्यादा डिटेल्स में न जाकर यह कहूंगा कि इसका प्रमाण हमको आज उत्तर प्रदेश में देखने को मिल रहा है और आज उत्तर प्रदेश के अन्दर संस्कृति के नाम पर और भाषा के नाम पर इस तरह का एक प्रयत्नवादी आंदोलन चल रहा है और जो कि प्रान्त के हित और देश के हित में धातक सिद्ध होगा और मैं चाहता हूँ कि इस तरह की एकता को भंग करने वाली और देश में कलह पैदा करने वाली प्रवृत्तियों को आप कृपया मत फैलाइये और इस बात की सावधानी रखिये कि आपके किसी कार्य से उनको उत्तेजन तो नहीं मिलता है। मैं समझता हूँ कि द्विभाषी राज्यों का समर्थन करने वाले लोग ही इस तरह के एक अफसर की नियुक्ति की मांग का समर्थन कर रहे हैं और वे युनिलिंग्वल के खिलाफ इसीलिए पक्ष कि किसी भी प्रान्त में रह कर वहां की जनता की भाषा बोलना उनको गवारा नहीं था और इसीलिए बहुभाषी प्रान्तों के निर्माण का समर्थन करके वे उस प्रान्त में रहते हुए भी जनता की भाषा न बोलकर दूसरी भाषा बोलेंगे और मेरा कहना है कि यह उचित नहीं है और यह नहीं चलेगा।

मैंने खुद अपने अर्रेंजमेंट में यह चाहा है कि ऐडमिनिस्ट्रेशन और कोर्ट वर्क डिस्ट्रिक्ट, सबडिवीजन और ताल्लुक लैवल पर उन तमाम लैवजेज में कंडक्ट किया जाना चाहिए जिनके कि बोलने वालों की तादाद उस ऐरिया की टोटल पापुलेशन की १५ परसेंट हो और उसको मीडियम आफ एग्जामिनेशनस फौर सर्विसेज भी माना जाये और लोगों को प्राइमरी एजुकेशन उस जवान में लेने की सुविधा देनी चाहिए और इस तरह की व्यवस्था यदि की जाय तो वह तो समझ में आ सकती है लेकिन आप इस प्रकार से जो एक कमिश्नर की नियुक्ति और उसके द्वारा शिकायतों की देने की बात कर रहे

है तो उस से तो मैं सहमत नहीं हो सकता और मैं अपना विरोध प्रकट करना चाहता हूँ।

मैं सिद्धान्त के तौर पर युनिलिग्वल के पक्ष में हूँ और मैं आपको बतलाऊँ कि हालाँकि मैं मध्यभारत में अल्पसंख्यक हूँ, मेरी भाषा भी अल्पसंख्यक है लेकिन मैं यह मानने को तैयार नहीं हूँ कि मैं अल्पसंख्यक हूँ और मैं तो ऐसा मानता हूँ कि जहाँ कहीं हिन्दुस्तान में मैं जाता हूँ वहीं मैं मैजोरिटी में हूँ और इस भावना को लेकर मैं चलता हूँ। मैं आपसे पूछता हूँ कि पंडित नेहरू जो कि काश्मीर से उत्तर प्रदेश में आये वे अगर उत्तरप्रदेश की हिन्दी भाषा को न अपनाते और अपने को अल्पसंख्यक समझते तो वे पूरे देश भर के नेता कैसे बन सकते थे। दिल्ली की तरफ आँखें लगाने में ही राष्ट्रीयता बढ़ेगी, ऐसा मैं नहीं समझता हूँ। जहाँ तक प्रेसिडेंट द्वारा डाइरेक्टिव्स दिये जाने का सवाल है, और आया उसकी आवश्यकता है या नहीं, उसमें न जाकर मैं तो समझता हूँ कि यह एक बड़ा भारी खतरनाक सुझाव है और मैं समझता हूँ कि हमारे गृह मंत्री महोदय इस तरह का सुझाव श्री अशोक मेहता, श्री एन्थनी और अन्य जो पुराने लोग हैं और जो इस प्रकार से पार्लियामेंट पर दबाव डालते हैं, उनके प्रेशर टकटिक्स में और दबाव में हमारे गृह मंत्री महोदय आ गये हैं और जिसके कि लिये मुझ दुःख है।

Pandit G. B. Pant: Sir, so far as basic matters go, I am generally in agreement with most of the speakers who have spoken on this subject today. I have more than once emphasised the desirability and also the necessity of providing such an environment for every section of the community and for every citizen in this land as would give him ample facilities for participation in the public life of the country, for enjoyment of the amenities and privileges which our land may be able to provide. So, so far as the fundamental question goes,

I think, I would not lag behind any other Member in my solicitude for the linguistic minorities.

I do not see where really the rub comes in. My own feeling is that Shri Anthony is still labouring under a delusion. The Raja Saheb of Patna spoke about the safeguards being illusory. I would not use a strong expression but I do feel that anyone perusing the statement and memorandum issued by me would feel convinced that no better safeguards could possibly be devised. They did not suggest any, in any case.

Shri R. N. S. Deo: I have given my amendment.

Pandit G. B. Pant: If these safeguards are illusory, then, his whole notion of safeguards seems to be either mis-conceived or based on ideas which are not connected with realities at all. Anyway, I do not want to go into that matter as I hold that so far as the policy statement goes, it is difficult to improve upon it and that. I venture to conclude, is the general opinion of the most enthusiastic among the Members and those interested in this problem here.

What have we done? Shri Anthony said that I have not acted according to the Commission or what I have said was not consistent with the Commission. I would again repeat that he does not seem to have attached proper importance to the views expressed by the Commission and to have assessed them in a correct perspective. I will refer to what the Commission says so far as this matter is concerned.

The first thing that the Commission says is in para 766. It says:

"If the relevant provisions of the Indian Constitution are compared with the corresponding provisions of some of the European constitutions it will be found that the substance of fundamental right usually guaranteed to minorities in other countries is provided for

[Pandit G. B. Pant]

under our Constitution, except for the right to receive instruction in the mother-tongue in State or municipal schools at the primary stage."

So, taking even the most advanced country in the world, our fundamental rights provide most effective safeguards for minorities. If there were any omission, it was with regard to primary education, and about that we have made a provision now in this Bill. In this new provision in clause 21 of the amending Bill, we have provided—

"It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups and President may issue such directions to any States as he considers necessary or proper for securing the provision of such facilities."

Again, I would refer to the Report of the Commission.

The Commission says:—

"After carefully examining the background of the question, the reasons why the suggestion for making suitable provision in the Constitution on the subject did not find favour with the Constituent Assembly, and the views expressed before us, we have come to the conclusion that the right of the minorities to have education in the mother-tongue at the primary stage, subject to a sufficient number of students being available, should be placed on a more stable footing than is the position at present. We, therefore, recommend that constitutional recognition should be given to this right....."

Accordingly we have made this provision. As you will find, this right can be exercised when there is an adequate number of students. That is

also the resolution of the Education Ministers' Conference on the policy which has been accepted by all minority groups as well as majority of the people. This clause provides that the resolution will be put into effect, and if there is any failure in any place, then the President may issue a directive to that effect. That is specifically provided in this clause.

The next question relates to the secondary education. Here I have dealt with the matter fully in my Memorandum. The Commission says— I will not read the whole of the paragraph—

"It is, of course, clear that, so far as secondary education is concerned, it will have to be treated differently from the education at the primary stage. We, therefore, do not recommend the extension of the principle of the constitutional recognition of the right to have instruction in mother-tongue to secondary education."

So, they did not suggest any provision in the Constitution.

Shri Frank Anthony: I never made any grievance of primary or secondary education.

Pandit G. B. Pant: I will come to that of which you have made a grievance and I will satisfy you that you have no cause to be aggrieved. He has no grievance against it. In fact, I have gone further because Shri Anthony made a suggestion in the Joint Committee that in the matter of affiliation of institutions, he had been faced with certain difficulties, and in order to get over them, I put in a paragraph in this Memorandum, that is, whatever was suggested to me or came to my knowledge as being a subject which has ever caused any difficulty to the minorities I have tried to include that in this Memorandum. It is of a far-reaching character and it should satisfy not only a reasonable person but an unreasonable enthusiast also.

Now the point that has been raised is that there is no effective way of enforcing these safeguards. I will repeat what I have said previously and what has also appeared in the Report of the Commission. I do not want to do anything that would unnecessarily create difficulties for linguistic minorities. While making every reasonable provision for safeguarding their interests, as I said before, I do not want to rub the State Governments the wrong way. That does not mean that I would not like to have the ultimate power to enforce the safeguards that are being provided. What did the Commission provide by way of safeguards? What did it say? If you will refer to paragraph 793, the Commission has stated—

“One suggestion that has been made to us is the creation of a Central Ministry for Minority Affairs. Since the Centre's responsibility, under the scheme we have in view, will be confined to the enforcement of safeguards in the educational field and to making arrangements for the use of the minority languages in the administration, a separate Central Ministry will not be justified.”

That, is, the safeguards referred to two matters—the safeguards in the educational field and arrangements for the use of minority languages in the administration. As to the safeguards in education, they had suggested that a provision should be made in the Constitution about primary education. About secondary education, they said that no provision shall be made in the Constitution. So far as that goes, a directive is already there, that is, now article 350A provides a directive; it says that the President shall issue a directive if the States fail to carry out the purpose that has been defined and laid down there in clear and unambiguous terms.

The other matter relates to the use of minority languages for official purposes. That is covered by article 347. What does article 347 say? Again article 347 lays down that

directives will be issued. The President will have the power to issue directives under article 347. All that is stated in my Memorandum relates either to education or to the use of minority languages in administration.

3 P.M.

So, we have the power to issue directives under the Constitution for these two purposes, and the safeguards as have been suggested by the Commission are covered by the provisions existing in the Constitution and the one that is being introduced by me. Then, what more do you want? Do you want your directive to be written on the forehead of every man who goes on the street so that it may be seen by everyone and it may cause irritation unnecessarily to others; or do you want the power to issue directives if the purpose which the safeguards have before them is not carried out? So, what I am saying is this, that we have really done more than what the Commission contemplated or had advised us to do. In fact the Commission said definitely—I think Mr. Anthony has read it—it said that no provision should be made in the Constitution with regard to these matters except the one relating to primary education, to which I have already referred. Apart from that the Commission was definitely of the opinion that no other provision should be made in the Constitution.

Shri Frank Anthony: May I ask the Home Minister what is his interpretation of this last sentence in paragraph 799 of the Report of the Commission, “The decision of the Central Government should be issued as a directive from the President”?

Pandit G. B. Pant: Yes. I must say that so far as these safeguards go, we have the authority to issue these directives; that is about primary education, about the use of official language. No provision in the Constitution is needed for that. And read the next sentence after that. Please read that out. What does it say? Kindly read it out. Well, I will read

[Pandit G. B. Pant] it out. It says: "The arrangement which we have suggested will involve no constitutional amendment". You are asking me to make a constitutional amendment. I say it is not necessary; there is already provision in the Constitution. And where it was necessary it has already been made. In fact, in making this constitutional arrangement about the appointment of a Special Commissioner for investigating matters pertaining to linguistic minorities and for having his report considered by Parliament, we are making a provision in the Constitution which was never in the contemplation of the Commission. And the Commission did not want any sort of provision to be made in the Constitution, except with regard to the right of minority groups to receive primary education, their members being educated and so on. Apart from that, the Commission did not suggest any sort of provision in the Constitution. So, I submit that we have gone beyond it. But that is a minor matter.

The real point is this, whether the purpose that we have in view will or will not be served by the Constitution as it is, whether it does or does not enable us to issue directives if we choose to do so with respect to matters which have been dealt with by the Commission and which have been provided for by us, that is safeguards for education and safeguards for the use of official language. Both of these are covered by the provisions existing in the Constitution today. It is not necessary for us to wait for the discussion of the report of Special Officer. We can do so even before that report is discussed. We can do so even if we receive a representation. You want to tie my hands and say "Do not do so till you have received the report"—which will come in 1958 for 1956, and then it will be discussed in 1959 here, and in 1960 I should issue some directives and not fill them! I say, it is not necessary. I have the authority today to issue directives if I choose to do so. While I have that authority, I do not want

to emphasise it; I do not want to lay stress on it, because it is not in the interests of the cause which I cherish. I want the minorities to have all facilities, and if I create a feeling in the streets that people are going to be compelled by me today, I do not think it will serve the interests of the minorities. I say I rely on the States. I expect them to be generous, to be considerate, and to do all to the minorities which can possibly be done. So, I trust them. I do not want to create a feeling of distrust from today. So, I do not want to introduce what is not necessary. Why do you want a redundant thing to be put in, which will only irritate others and not ensure for you anything more than what you have today?

Shri Frank Anthony: May I respectfully ask you a question? I understand that the proposed article 350A will give powers of issuing directives in respect of primary education. So you do not want anything. And article 347 will give powers in regard to regional language. But about other things, cultural and educational matters.....

Pandit G. B. Pant: What do you mean by other things?

Shri Frank Anthony: Any other thing.

Pandit G. B. Pant: Different from what.....

Shri Frank Anthony: Right of affiliation and things like that.

Shri K. K. Basu: He is referring to right of affiliation.

Shri Frank Anthony: Mr. Chatterjee explained that certain rights flow from article 29. Those rights will not be governed by any directive principles.

Pandit G. B. Pant: So you want to provide that there should be directives for all those things which are not within our contemplation today; that in respect of anything that may happen hereafter we should have the right

to interfere with the discretion of the States in their autonomous spheres?

Shri Frank Anthony: Mr. Chatterjee explained that under article 29.....

Pandit G. B. Pant: Mr. Chatterjee's speech indicated that he was going to oppose you, so far as I could follow!

Shri Frank Anthony: Under article 29, all cultural, educational and other interests are protected.

Pandit G. B. Pant: In regard to articles 29 and 30, I think that so far as your right to affiliate an institution outside a particular State is concerned, presumably the Central Government would be justified—I cannot say; it will be a matter to be considered—would be justified in advising a State to let you enjoy that privilege and not come in your way.

Shri Frank Anthony: But you could not issue a directive.

Pandit G. B. Pant: Perhaps I might.

Shri Frank Anthony: But you could not.

Pandit G. B. Pant: That is your view. If you do not want, I will not. I myself feel the other way. What I feel is that if you cannot issue a directive, simply by saying that we shall issue a directive, we do not acquire the rights for issuing a directive. We must have a constitutional right to impose certain orders, certain directions, on the State Governments; and it is only with respect to the powers so vested in us that we can issue a directive. Simply by saying that the Central Government will issue a directive about all things on earth.....

Shri N. C. Chatterjee: Not all things on earth.

Shri Frank Anthony: Only with regard to articles 29 and 30.

Pandit G. B. Pant: I may tell you this. If there is anything that comes within articles 29 and 30, then there is a clause in this Constitution itself—I think it is article 355—which lays down.....

Shri Frank Anthony: We do not agree with Pandit Thakur Das Bhargava's interpretation.

Pandit G. B. Pant: Then what I would say is this, that if you do not agree with him you better try to arrange things in such a way that the need for interference by others may not arise and things may be settled amicably. The article lays down:

"It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution."

If there is any provision in this Constitution which is binding on a State and on everyone here, that State should act up to the provisions of this Constitution. If it does not, the duty is cast upon the Central Government to see that the State complies with the provisions of the Constitution.

Shri Frank Anthony: If that is the Home Minister's interpretation that the Central Government has the inherent right to direct, then I am completely satisfied.

Pandit G. B. Pant: So far as the provisions that are contained in the Constitution are concerned, they are binding on me, on you and on every State. You can go to the court. I do not stop there. Even if you do not go to the court, it should be my endeavour to see that the Constitution is respected by everybody and that the provisions of the Constitution carried out, from day-to-day in an unconditional manner. (*Interruptions*).

Mr. Deputy-Speaker: I would submit that, if the Chair is addressed, perhaps these difficulties would not arise.

Pandit G. B. Pant: I am sorry, Sir.

Shri Frank Anthony: I am quite satisfied.

Pandit G. B. Pant: Then, I need not argue the matter further.

Mr. Deputy-Speaker: We will take up the amendments. I shall now put to vote amendments Nos. 151, 20, 117, 152 and 153 which are all for the insertion of a new clause 2A.

The question is:

Page 4—

after line 18, insert:

'2A. Amendment of article 2.— In article 2 of the Constitution, after the words "new States" the words "or Union territory" shall be inserted.'

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

after line 18, insert:

'2A. Amendment of article 30.— In article 30 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

"(IA) All linguistic minorities shall have the right to affiliate educational institutions established or administered by them to an examination of their choice in any part of India'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

after line 18, insert:

'2A. Insertion of new article 51A.—After article 51 of the Constitution, the following article shall be inserted, namely:—

"51A. The State shall endeavour to form Zonal or other Councils of two or more States to foster a sense of inter-dependence among neighbouring States, to facilitate co-operative effort for the co-ordinated and speedy economic development of large regions covering more than one State."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

after line 18, insert:

'2A. Amendment of article 79.— In article 79 of the Constitution and wherever they occur in the Constitution, for the words "Council of States" the words "Pradesh Sabha" shall be substituted.'

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

after line 18, insert:

'2A. Amendment of article 79.— In article 79 of the Constitution and wherever they occur in the Constitution, for the words "House of the People" the words "Lok Sabha" shall be substituted.'

The motion was negatived.

Mr. Deputy-Speaker: Now amendments to clause 21.

Shri Frank Anthony: There is a verbal amendment which I have moved to the amendment of Shri Datar.

Pandit Thakur Das Bhargava: Sir, he wants a discriminatory treatment. He wants a reply to all his amendments. My amendments have not been replied to.

Mr. Deputy-Speaker: If others are satisfied, Panditji would also be satisfied. I find that no hon. Member wants that his amendment should be put to vote separately.

Shri Frank Anthony: My amendment No. 198 has been accepted by the Government.

Mr. Deputy-Speaker: There is a Government amendment to amendment No. 183. The number is 220. I shall put it to the vote of the House.

The question is:

"That in the amendment proposed by Shri Datar, printed as No. 183 in List No. 19 of amendments—in clause (2), *add* at the end:

"and sent to the Governments of the States concerned".

The motion was adopted.

Shri Datar: We have to put to vote the amendment No. 198 moved by Shri Frank Anthony.

Mr. Deputy-Speaker: He is not pressing it.

Shri Datar: He is not pressing No. 199. We have accepted this amendment, No. 198.

Mr. Deputy-Speaker: The question is:

That in the amendment proposed by Shri B. N. Datar, printed as No. 183 in List No. 19 of amendments:

in sub-clause (2),

for "minority groups" substitute "minorities".

The motion was adopted.

Mr. Deputy-Speaker: I shall put Government amendment No. 183 as amended by these two amendments, Nos. 220 and 198.

The question is:

Page 11—

after line 3, *add*:

"350B. *Special Officer for linguistic minorities.*—(1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each

House of Parliament and sent to the Governments of the States concerned."

The motion was adopted.

Mr. Deputy-Speaker: I shall put all other amendments to clause 21 to the vote of the House.

The question is:

Pages 10 and 11—

for clause 21, *substitute*:

"21. *Insertion of new articles 350A and 350B.*—After article 350 of the Constitution, the following articles shall be inserted, namely:—

"350A. *Facilities for instruction in mother tongue.*—(1) Every State Government and local authority shall provide facilities for instruction in the mother-tongue at the primary stage and also at the secondary stage whenever the students belonging to a linguistic minority number 40 or constitute 15 per cent. of the total number of students whichever is less.

(2) Where the majority language of any area of a State is other than the regional language of the State, schools in that area shall be established in the majority language of the area and other linguistic groups in that area shall enjoy the facilities mentioned in clause (1) of this article.

(3) Whenever not less than 250 pupils or parents belonging to the linguistic minorities group in any area desire the establishment of a school in a particular language, it shall be the duty of the State or local authority to provide the same.

(4) A college in the language of the minority shall be provided wherever needed and practicable.

(5) Educational institutions in languages other than the regional

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language of the State, may be allowed to be affiliated to a Board or University outside the State where such language is the official language of that State in which such Board or University is situated.

350B. *Other facilities for linguistic minorities.*—(1) The single majority language in any district or sub-division, where it is other than the official language of the State, shall be recognised as the official language of that district or sub-division.

(2) Minority languages spoken by not less than 15 per cent. of the population of a State, shall be recognised as the media in examinations conducted for State services, and in the case of examinations conducted for recruitment to the lower services at district or sub-divisional level, the single majority language of the district or sub-division, if it is different from the language of the State, shall be recognised as media.

(3) Every State shall arrange for issuing official notices in the language of the linguistic minorities—

(i) throughout the State where such minorities constitute at least 15 per cent. of the population of the State; and

(ii) in a district or sub-division when such minorities constitute at least 15 per cent. of the population of that district or sub-division."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Pages 10 and 11—

for clause 21, substitute:

"21. *Insertion of new articles 350A to 350G.*—After article 350 of the Constitution, the following articles shall be inserted, namely:—

350A. Every State Government shall provide facilities for the education of the linguistic minorities in its territory on the following lines—

(a) primary and secondary schools or separate classes in existing schools with the language of the minority as medium of instruction shall be provided wherever the students belonging to the linguistic minority number 40 for primary and 100 for High Schools or constitute 15 per cent. of the students in the schools, whichever is less; and

(b) a college in the language of the minority shall be provided wherever needed and practicable.

350B. Every State Government shall as far as practicable arrange for issuing of Government notices in the language of the minority and provide facilities for representation in their language wherever such linguistic minority forms a prescribed percentage of the population which may be between 15 to 20 per cent.

350C. In the judicial courts of an area concerned the language of the minority shall be recognised for the purposes of the court, if the minority constitutes about 20 per cent. of the population under the jurisdiction of the court concerned.

350D. In towns, cities and other local areas wherever any linguistic minority forms about 20 per cent. of the local area concerned the minority language shall also be recognised for the purpose of administration of the local bodies concerned.

350E. In any bilingual area where the minority language is spoken by 30 per cent. or more of the population, the administration of the area shall be carried on in both the languages of the area.

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350F. In any bilingual area where the linguistic minority constitutes not less than 50 per cent. of the population, minority council should be established in such manner and with such powers as Parliament may by law prescribe for the protection, safeguard and well-being of such minorities and their languages.

350G. (1) There shall be established a suitable authority in the State and in the Union to report to the President regarding the representations made by the minorities and the working of the guarantees and the protection given to the minorities. Each such report shall be laid before Parliament.

(2) After the report has been discussed by Parliament, the decision of the Central Government shall be issued to the State Government concerned as a directive from the President "which shall be binding on the State Government."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 10, line 36—

for "endeavour" substitute "duty".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 10, line 36—

for "endeavour" substitute "obligation".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 10, line 38—

after "primary" insert:

"and secondary".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11, line 2—

for "securing" substitute "guaranteeing".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That in the amendment proposed by Shri B. N. Datar, printed as No. 183 in List No. 19 of amendments—after sub-clause (2), add:

"(3) The decision of the Central Government on such report or reports shall be issued to the State or States concerned as a directive from the President, which directive shall be binding."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, add:

"350D. Subject to the other provisions of the Constitution it shall be the duty of every State Government to provide for the reasonable representation in Local Self-Government bodies, councils and the Cabinets of the State, to the linguistic minorities group due regard being had to the population of the groups and the efficiency of the administration."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, add:

"350B. It shall be the endeavour of every State to improve the economic and social conditions of the backward classes and linguistic minority groups and bring them in line with the rest of the State and to secure this purpose it shall be the duty of the State to allocate equitably develop-

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ment funds subject to the other requirements of the entire State, for the social and economic needs and welfare of the backward classes and linguistic minority groups."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, add:

"350B. It shall be the duty of every State to duly consider and give effect to the claims of linguistic minorities group for employment in the public services of all kinds and grades consistent with the maintenance of efficiency of administration and the possession of technical or professional qualifications necessary for any particular post or kind of service."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, add:

"350B. (1) There shall be a Special Officer for linguistic minorities group to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities group in this Constitution and report to the President upon the working of the safeguard at such intervals as the President may direct and the President shall cause such reports to be laid before Parliament for discussion.

(3) The President upon such report being presented and discussed as provided by the preceding sub-clause shall issue such

directive as he considers necessary or proper to the State Government and such directive shall be complied with by the States concerned."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, add:

"350B. (1) If the President is satisfied from any report by the Governor or complaint of person concerned or otherwise that the State Government is disregarding the safeguards for linguistic minorities group and is not properly looking after the interests of linguistic minorities group or backward classes in the State, he shall appoint a Special Board consisting of a member of Planning Commission as its president and two other persons whom he considers to be competent for the job to draw up schemes for taking measures to meet the special social, economic and other needs of such group or classes.

(2) The President may on being satisfied that such scheme is necessary to be implemented in the interest of linguistic minorities group or backward classes, order the State Government to give effect to the scheme within such time as he considers feasible and proper. Such order shall be deemed to be a directive within the meaning of the articles 355 and 365 of the Constitution."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, add:

"350B. Wherever a linguistic minority forming a prescribed percentage of the population to be notified by the President de-

mands that representations may be received by the Government and the work of the Judicial Courts and local bodies of the area be conducted in the language of the minority community, such directions must be issued so that provision of such facilities are secured.

350C. In any bilingual area where the linguistic minorities constitute 40 per cent. or more of the population, a Minority Council may be established in any manner or with such powers as Parliament may law prescribe for safeguarding their rights.

350D. (1) There shall be constituted a suitable authority in the State and in the Union to report to the President regarding the representations made by the minorities and the working of the guarantees and the protection given to the minorities. Each such report shall be laid before Parliament.

(2) After this report is discussed by Parliament, the decision of the Central Government shall be issued to the State Government concerned by the President, which directive shall be binding upon the State Government."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Pages 10 and 11—

for clause 21, substitute:

"21. *Insertion of new article 350A and 350B.*—After article 350 of the Constitution, the following articles shall be inserted namely:—

"**350A.** (1) Every State Government and Local authority shall provide facilities for instruction in the mother tongue at the primary stage and also at the secondary stage wherever the students speaking a language other than the regional language number 40.

(2) Where the majority language of any district or taluq is other than the regional language of the State schools in that area shall be established in the majority language of the area and other linguistic group or groups in that area will enjoy the facilities mentioned in clause (1) of this article.

(3) Whenever not less than 250 pupils or parents speaking a language other than the regional language desire the establishment of a school in a particular language it shall be the duty of the State or Local authority to provide the same.

(4) A college in a language other than the regional language shall be provided by the State if the number speaking such a language so warrants it and if it is practicable.

(5) Educational institutions in languages other than the regional language of the State may be allowed to be affiliated to a Board or University outside the State where such language is the Official language of that State in which such Board or University is situated.

Explanation.—A language in this article means one of the Indian languages recognised by the Constitution.

350B. *Other facilities for linguistic groups who speak a language other than the regional language.*—(1) The single majority language in any district, subdivision, taluq, tehsil, or a town and a city where it is other than the official language of the State shall be recognised as the official language of that district, subdivision, taluk, or tehsil or a town or a city.

(2) A language spoken by not less than 15 per cent. of the population of a State shall be recognised as a medium in exami-

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nations conducted for State Services and in the case of examinations conducted for the lower services at district, sub-division or taluk level, the single majority language of the district, sub-division or taluk if it is different from the official language of the State, shall be recognised as medium.

(3) (a) Every State shall arrange for issuing official notices in all the languages of the State whose number is above 15 per cent. of the total population of the State.

(b) The administration and the court work at district, sub-division and taluk level will be conducted in all languages of such district, sub-division or taluk whose number is above 15 per cent. of the total population of such area."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, add:

"Provided that when any State is divided into regions and provision is made for the constitution of regional committees in such States, then the facilities for instructions as provided aforesaid shall be available to children belonging to linguistic minority groups in each of such regions:

Provided further that the mother-tongue of a child shall be that which will be declared by his or her parents or guardians."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, add:

"350B. It shall be the endeavour of every State to make special provisions for the advancement of any

socially and educationally backward classes of the citizens and linguistic minority groups in matters relating to employment or appointments to any office under the State consistent with the proportion of population and to secure this object or purpose, it shall be the duty of the State to allocate equitably development funds subject to the other requirements of the State for the welfare of the backward classes and linguistic minority groups."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, add:

"350B. Special Officer for advancement of socially and educationally backward classes and for linguistic minorities.—(1) There shall be a Special Officer for the above group to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the Directive Principles and to the safeguards provided for the above groups under this Constitution and report to the President upon those matters with his recommendations at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Pages 10 and 11—

for clause 21, substitute:

"21. Insertion of new article 350A.—After article 350 of the Constitution, the following article shall be inserted, namely:—

"350A. (1) There shall be a Special Officer for the linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to safeguards provided for linguistic minorities in this Constitution or any representation made by such minorities and report to the President at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

(3) After the report has been discussed in Parliament, the President shall issue such direction to any State as he may deem proper and such directions shall be binding on that State.

(4) In this Constitution reference to language means any of the fourteen languages enumerated in the Eighth Schedule and "Linguistic minorities" means in respect of a State a minority speaking a language which is spoken by at least 15 per cent. of the population of the State and in respect of a sub-division or district a minority speaking a language which is spoken by at least 15 per cent. of the population of that sub-division or district:

Provided that in a multilingual or bilingual area of a State, the single majority language spoken in the area shall be deemed to be the majority language in each sub-division or district and the other language or languages spoken by 15 per cent. or more of the population shall be deemed to be minority languages in the area concerned."

The motion was negatived.

Mr. Deputy-Speaker: I shall put amendments Nos. 35 and 34 for the insertion of a new clause 21A to the vote of the House.

The question is:

Page 11—

after line 3, insert:

21A. Insertion of new article 364A.—After article 364 of the

Constitution, the following article shall be inserted, namely:—

"364A. *Special provisions as to minorities.*—(1) The term 'minority' shall include any section of citizens having a distinct language, script or culture of its own.

(2) There shall be a special officer for the minorities to be appointed by the President. It shall be the duty of the officer to investigate representations by minorities and report to the President upon such representations at such intervals as the President may direct and the President shall cause each such report to be laid before Parliament.

(3) After the report has been debated by Parliament, the decision of the Central Government, shall be issued to the State concerned as a directive from the President, which directive shall be binding on the State."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

after line 3, insert:

"21A. *Amendment to article 366.*—In article 366 of the Constitution, after item (15), the following item shall be inserted, namely:—

'(15A) Linguistic minority group means and includes—

(i) group of people residing in the region for which Regional Committee is formed and which consisting of people not forming the majority of the population in the State;

(ii) group of people speaking any one of the languages mentioned in the Eighth Schedule of the Constitution and consists of not less than 25 per cent. and not more than 50 per cent. of the entire population of the State."

The motion was negatived.

Clause 22.— (Substitution of new article for article 371).

Mr. Deputy-Speaker: We take up clause 22.

Shri K. K. Basu: Sir, I will not take a long time. I have an amendment to clause 22—No. 24, which is of a general character. Clause 22 deals with the formation of regional committees for Andhra Pradesh and Punjab. There is also the new amendment to be moved by Shri Pataskar regarding the formation of a development council for the new Bombay State. I am not as such opposed to the regional formula if it is accepted by all sections of the people but the way it has been done does not satisfy us very much. I feel that this formula has been adopted more or less as a method of political expediency and to some extent, it is a surrender to certain tendencies in particular areas.

My amendment reads:

Page 11—

for lines 6 to 14, substitute:

“371. (1) Notwithstanding anything in this Constitution, the Parliament may, by law, with respect to any State provide for the constitution and function of regional committees for the protection and safeguard of the rights and special privileges of any linguistic minority and the tribal people and their well-being and may authorise the President to make such modifications in the rules of the business of the Government of the State and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of the regional committees.”

I want to have the general clause due to certain reasons. States are being formed on the basis of linguistic principle and yet there is bound to be some linguistic minority. In many

States we may have a good chunk of tribal population who may be a minority in the whole State but it may be concentrated in a particular area. Certain guarantees are given to these people. Still, there is a tendency among certain sections of the people to claim a separate State. We should put a stop to this sort of a tendency. I can give an example. There has been a claim for a Jharkand State in Bihar. If their interests are not well-protected, people would want to get them, which we do not support. Similarly, in North Bengal, round about Darjeeling, there is a big chunk of tribal population and there are certain sections there who have been demanding that there should be a separate State of their own. We feel that their fears can be allayed if regional committees are formed within the set-up of the over all State legislature with certain restrictive rights, as in the case of Punjab. They will see that their interests in the over-all State are properly protected and the demand for a separate State could not get so much support.

According to my amendment, Parliament is given the right, where necessary, to form regional committees. It is very restricted in scope. Regional committees are formed only in Punjab and Andhra Pradesh and there is a development committee proposed for the bigger Bombay State. Here, we find that a compromise has been arrived at without consulting the people. But, I am not disputing that now.

I only want this clause of a general nature. According to the condition of a particular area it should be left for the Parliament to decide to set up regional committees. There has been, I understand, general agreement among a big section of the people of Punjab for the proposal. Similarly, in the new Andhra Pradesh, the agreement of the two sections which will constitute Andhra Pradesh has been taken. I do not know if the people want it. So, Parliament has to keep in view the interest of the people of a particular area and it should have the power to form regional councils.

It will add to the welfare of the linguistic minorities who form a big chunk of the population. I hope the Minister will accept my amendment.

Shri N. C. Chatterjee: Mr. Deputy-Speaker, Sir, I want to speak on my amendment No. 114. Amendment No. 114 seeks to change certain words in page 11, line 7, clause 22. Clause 22 says:

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

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

There I want to say that the President should not be given this power but the Parliament may, by law with respect to the State of Andhra Pradesh or Punjab, provide for the constitution and functions of regional committees.

Then I have got amendment No. 115 which seeks to insert after clause (1) of new article 371, another clause (1A) which reads like this:

"(1A) With respect to the State of Punjab provision may be made for the establishment of two or more separate Development Boards for the different regions and for the equitable allocation of funds for developmental expenditure over these regions, and also for an equitable arrangement providing adequate facilities for the development of Hindi and for

technical and vocational education subject to the requirements of the State as a whole".

There is another amendment, amendment No. 116, standing in my name and the name of Shri V. G. Deshpande, by which also we want to substitute the words "Parliament may by law" for the words "President may by order" in clause (2) of this article. We want to say: "Parliament may, by law with respect to the State of Maharashtra" instead of "Parliament may by order made with respect to the State of Maharashtra" which will now be, I take it, "Bombay".

Sir, two days back I made my submissions as to why I was opposed to this regional formula business in Punjab. I will summarise my submissions for the consideration of this House. Firstly, I am afraid that this regional formula will accentuate communal differences and create more cleavage in the Punjab. My second point is that this regional formula, as it has been framed and placed on the Table of the House by the hon. Minister, militates against the basic principles of democratic government and strikes at the root of the constitutional set-up for State Governments as envisaged by this Constitution. Thirdly, I contend that it has not evolved a way for convenient transaction of governmental business as it alleges to be. It is a mere profession but that is not a fact, because, if it was so, certainly much more unwieldy States like the State of Uttar Pradesh or the new State of Madhya Pradesh would have had such regional committees.

My next point is that it will introduce into the Constitution of India, for the first time after India attained independence, a diarchical form of government which is very unworkable and which, from experience we know, always creates difficulties, impediments, creates cleavages and does not at all conduce to smooth working of a democratic government. The next point that I want to mention is that

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it will really weaken the principle of joint responsibility of the State Cabinet. We know that is the fundamental principle on which a democratic government based on parliamentary methods is set up. Cabinet responsibility means joint responsibility of the entire Cabinet which reflects the people of the entire State. But here, Sir, it will be a diarchy, a loose federation of two sub-States, and therefore I am opposed to it.

But my next point is more fundamental. I made it the other day and I want again to re-emphasise it. I would appeal to my hon. friend the Minister for Legal Affairs, who appreciates this point, to give due consideration to it. Is it right, is it consistent with democratic principles, is it in accordance with the spirit of our Constitution to vest supreme overriding powers in the Governor? It will be really undemocratic, it will be unconstitutional. When I say this, I want to point out that it will not be right for this Parliament to say: 'notwithstanding anything in the Constitution of India, the President may by order direct that the Governor of Punjab, or the Governor of some other State, may completely override the clearest expression of the democratic will expressed by the elected representatives of the people'. Supposing, Sir, three-fourths or two-thirds of the Members say that a particular thing shall be the law with regard to Punjab in respect of a matter which is exclusively within the State List given in the Seventh Schedule, yet, I point out, that can be not merely negated but that can be sabotaged and the Governor's will shall be the law. I am submitting, Sir, it will be retrograde and what is more important, it will be an unconstitutional provision. Never, even in the worst days of British despotism before India got her independence, was a Governor given this power. You know, Sir, in certain cases—powers in emergencies or lasting for a couple of months—the Governor-General was given powers of make certain proclamations. Even

that had been challenged from court to court, but never in ordinary times was any power given, that if there is a difference between a regional committee and the State Legislature then the State Legislature's will can be negated by the Governor and the Governor's decision with regard to what shall be the law in respect of certain specific matters shall be binding upon the State Legislature and upon the State itself.

Then, I am also opposed to the rigid demarcation of specific functions or specific allocation of jurisdictions between the two regional committees, which will mean two parallel legislatures. That will lead to conflict. I am quite aware that Haryana Prant, or the Haryana Region, is backward. Everything should be done to stimulate its growth, and its economic prosperity.

Shri Bansal (Jhajjar-Rewari): How? In what manner?

Shri N. C. Chatterjee: Kindly read my amendment.

Shri Bansal: I have read your amendment.

Shri N. C. Chatterjee: You have not read it. If you have read it, you ought to know that there should be a Development Board and that is the best thing to do. As a matter of fact, you cannot have it by this kind of procedure that there shall be demarcation of functions, that certain things shall be allocated to one Haryana Regional Committee and they can work against the will of the legislature itself. My main point is this, that this regional committee procedure will breed some kind of diarchy, will make the Constitution of Punjab and the Constitution of any other State unworkable. It will not be conducive to the smooth working of the Constitution, and I agree with Dr. Jaisooraya when he said—because he had direct knowledge of Andhra-Telangana—this kind of thing will bring more disharmony and will not bring harmony with regard to any controversy. I want to

again emphasise that the verdict of the States Reorganisation Commission should not be set at naught. Nothing has been said excepting this *ipse dixit* to negative or challenge the deliberate findings of the States Reorganisation Commission. That is a clear finding by all the three Commissioners: that there is no real language problem in the State of Punjab. Then they say—

“The Punjabi and the Hindi languages as spoken in Punjab are akin to each other and are both well understood by all sections of the people of the State.”

Then, they go on to say—

“Nobody has seriously argued before us that the present set-up presents any difficulty so far as the communicational needs of the people are concerned.”

[Mr. SPEAKER in the Chair]

3-31 P.M.

They have also given certain facts and the facts are important. They have pointed out at the top of page 142 (paragraph 521):

“The line of demarcation between the Punjabi and the Hindi spoken in the State has, therefore, been more theoretical than real. In recent years, moreover, with the large-scale influx of Punjabi-speaking people from Western Punjab into all the districts of the State this line has been further blurred.”

Then they deal with the Akali Dal memorandum regarding the demand for a separate Punjabi-speaking State or *suba* and they are saying that they are rejecting it on a definite ground. The ground is this: there are no distinctive cultural zones in the State. That is a fact and that fact has been arrived at after a good deal of deliberation by these three gentlemen. I submit, Sir, basically the demand for a partition or division or the allocation of the State into distinctive regions is not cultural, but is a com-

munal one and the States Reorganisation Commission say that the demand, to a large extent for a Punjabi-speaking State is really communal and cultural and linguistic arguments have been pressed into service merely to camouflage the real motives.

Sir, I am afraid the same thing is applicable to this demand for Regional Committees and I want the hon. House to remember one basic fact. That fact is this that in the Punjab there is really no language problem. In paragraph 527, in one sentence they summarise their conclusion. The Commission says:

“The problem of language in the Punjab is principally one of scripts and in this battle of script's sentiment is arrayed against sentiment.”

Sir, I said two days back and I am repeating it that there is no question of opposition to any community or any script. Every script is sacred. There is no question, of any bias against anyone. Opposition to this regional formula basis is based on these grounds which are formulated. But life is not logic and I would have withdrawn all opposition if I am honestly convinced that this regional formula has solved or is going to solve the communal or other problems of the Punjab. It is not going to do anything of the kind. I am not going to use strong language as has been used in the resolution which has been passed by the Maha Punjab Samiti yesterday that it is something like a fascist demand. But I am saying with due deliberation that it is undemocratic, it is unconstitutional. I am saying with full responsibility that it is retrograde and I am afraid it will not bring either the communities nearer or will really help to bridge the gulf existing in the Punjab. I wish I could say frankly that it was going to do that. But the greatest difficulty that is being experienced is that millions are opposed to it. Opposed to what? Opposed to this basic principle that you are going to impose one script upon people who

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do not want to accept that script. Do not try to impose any script. If anybody ridicules any script I am against it. Strike him down; do not try to impose that script on people who do not want to have that script.

I am opposed to clause 10 of the scheme which reads:

"The official language of each region will, at the district level and below, be the respective regional language."

They are opposed to it. Why? In the Punjabi zone you are making Gurmukhi script the official language. Why should that script and that script alone be used at the district level? Why do you not give people the choice between either the Devanagari script or the Gurmukhi script? Both are dear, both are sacred to them. Why do you not give the choice?

Then, as my hon. friend Pandit Bhargava pointed out clause 9 is rather illogical.

"The Sachar formula will continue to operate in the area comprising in the existing Punjab State, and in the area now comprised in the PEPSU State, the existing arrangement will continue until they are replaced or altered by agreement later."

These two kinds of formulas side by side are not right and are being resented by large sections of people.

Sir, in paragraph 534 of their Report the Commission have given certain facts and I hope the facts are correct. We know they are correct. They point out:

"With the large-scale dispersal of Punjabi-speaking people from the Punjab (Pakistan) in the eastern Punjab and with the colonisation of the area under the Bhakra project, the division between the two linguistic zones in the Punjab is progressively becoming less and less real,

Therefore with this widespread dispersal of people speaking this language these artificial distinctions have gone. You may accept it as a bilingual State, but if you make it bilingual do not have these artificial differences and this artificial zoning business.

The other day when I made my humble comments, the hon. Home Minister pointed out that I am not quite correct in saying that it will be something like a fusion of two sub-States. Now clause 1 of this scheme says:

"There will be one legislature for the whole of the reorganised State of the Punjab, which will be the sole law-making body for the entire State, and there will be Governor, aided and advised by a Council of ministers responsible to the State Assembly for the entire field of administration."

Sir, *prima facie* it seems all right. But what I am saying is this. What you are giving in clause 1 you are taking away by clause 2 and the subsequent clauses. Now, clause 2 says:

"For the more convenient transaction of the business of Government with regard to some specified matters, the State will be divided into two regions, namely, the Punjabi-speaking and the Hindi-speaking region.

Clause 3 says:

"For each region there will be a regional committee of the State Assembly consisting of the members of the State Assembly belonging to each region including the Ministers of that region but not including the Chief Minister."

Clause 4, which is very important says:

"Legislation relating to specified matters will be referred to the Regional Committees. In respect of specified matters proposals may also be made by the Regional

Committee to the State Government for legislation or with regard to questions of general policy not involving any financial commitments other than expenditure of a routine and incidental character."

So, really there are two legislatures for the two regions. You are really partitioning the State List and the Concurrent List and allocating specific powers for these regional committees.

What I am pointing out is that they are really partitioning the State List and the Concurrent List and arrogating certain powers to the regional committees. Therefore, we are really setting up two legislatures. As I pointed out, the most dangerous clause, the most difficult clause to accept, is clause 5 which reads thus:

"The advice tendered by the regional committees will normally be accepted by the Government and the State legislature. In case of difference of opinion, reference will be made to the Governor, whose decision will be final and binding".

[MR. DEPUTY-SPEAKER in the Chair]

3-41 P.M.

The other day, I pointed out what this means. If a regional committee consisting of, say, 50 members say this "this shall be the law" and then if it goes to the legislature where, say, 100 members may say, "this shall not be the law", then, what the 50 members have said might become the law. What 100 members wanted cannot become the law and it cannot take legislative effect. Their legislative judgment will be negated. What will happen is that their opinion will be negated, and there will be a reference to the Governor. As I pointed out, this power to the Governor is not merely vetoing power, not merely a suspensory power, not merely a power to hold up, but it is a substantive power. It is a positive power: It is a power whereby, in

his own right, the Governor can really legislate. Therefore, the Governor can outvote the legislature. He cannot only veto the powers of the legislature but he can pass legislation over the head of the legislature. So, what is the good of having this farce of election and saying that the Punjab legislature will have 180 members or so? If what 120 members out of this number say cannot become the law for the State, what is the use? I can understand certain amount of local autonomy or local expression of wishes being ascertained and then the whole thing being placed before the legislature, and ultimately, the judgment of the legislature of the State being accepted as the final thing. But that is not possible here. According to this regional formula, that judgment is not going to be accepted. On the other hand, the formula says that it shall not be accepted even if 120 members out of, say, 160 members, want that "this should be the law". That will not be the law and the Governor's voice shall prevail. The Governor's decision will be the law.

If I am wrong, I shall be very happy to be corrected. But this is how I read the formula. In case of any difference of opinion in respect of legislation relating to specified matters enumerated in clause 6, reference shall be made to the Governor of the State and the Governor's decision shall be final and binding. Therefore, practically, in regard to local self government, the constitutional powers of municipal corporations, improvement trusts, district boards and other local authorities, public health and sanitation, development, economic planning, the Governor is given legislative power. This is just simply like saying that "Notwithstanding anything contained in the Constitution, the President may, by order, make," etc. This is what the regional committees have been given. Really, by a *non obstante* clause, as we call it in forensic language, you are really giving the executive, the power to drive the steam roller and

[Shri N. C. Chatterjee]

level down all the constitutional safeguards. Notwithstanding anything in the Constitution, notwithstanding the fact that the State legislature, under the Constitution, shall have the complete power, under article 246, to enact a law in respect of all matters in the State List, you are giving the powers to the Governor. In Punjab, the legislature has no such power. They shall not have the power. If there is any difference between a regional committee and the State legislature, then the Governor shall make the law with respect to all matters enumerated in items (i) to (xiv) in clause 6 of the formula.

I am submitting that this is unconstitutional and this Parliament should not allow this kind of constitutional mockery to be enacted in the name of a Constitution (Amendment) Bill. Is this a Constitution (Amendment) Bill if you say that notwithstanding anything in the Constitution, the President, by order, or the Governor, by order, may do such and such a thing? The Governor may do—what?—completely over-ride the Constitution, completely sabotage the Constitution, completely undermine the fundamental principles of democratic Government. He can completely set at naught the very basic framework of the State legislature, and disrupt the legislative distribution of powers envisaged in the Constitution of India. I am submitting that this will not be right and that this will not be proper.

Mr. Deputy-Speaker: I do not want to stop the hon. Member, but I might point out that there are several hon. Members waiting to speak.

Shri Bansal: He has spoken a number of times on this subject. Others want to speak.

Shri N. C. Chatterjee: I will finish soon. I think I have already made my important submission. About clause 6, I wanted to get some light and I tried to get some light, but I could

not get it. This clause says as follows:

“The demarcation of the Hindi and Punjabi regions in the proposed Punjab State will be done in consultation with the State Government and the other interests concerned”.

I do not know what the other interests are. They have not been made clear at all. Therefore, I submit that this is also vague. All that I am pointing out is this. Assuming that the hon. Minister is convinced of this formula, will this treaty of New Delhi lead to the EI Dorado and to the redemption of the Punjab and will it lead to the many problems of Andhra-Telangana being solved? If it does, then have it. You placed it before Parliament in the shape of a Bill. As I pointed out, the Chair ought to know better, because I was not there when the Regional Formula was prepared. But I find that it might not have been the intention at all of the members of the negotiating parties that provision should not be made by a Central statute empowering the President to constitute a regional committee or two regional committees. I maintain that the intention was, as it ought to be, that the Parliament should have the power, the facility, the opportunity and the right to discuss those matters.

It is no use of thinking of the Scottish convention. That set-up is entirely different. England and Scotland were fused together. Before then they were two independent countries and they sat down and said, “We shall have a convention in regard to Scottish matters”. So, that is an entirely different thing. My basic objections are that this arrangement will not really end communal disharmony, but it may disrupt even the little unity or cohesion that is there. It will not merely make it difficult for the normal transaction of business but it shall weaken the principle of joint

responsibility of a cabinet Government and it will vest undemocratic and unreasonable powers in the Governor, and these things will make this formula or this so-called Constitution retrograde and unconstitutional.

The Minister pointed out that I was advocating some kind of sub-State in this country. I was not here then. But I may say that I never said anything like that. I never demanded such a thing. I was opposed to it. Any kind of sub-federation or any kind of sub-State is out of the question. This sub-state theory will, as a matter of fact, accentuate centrifugal forces and it will make more difficult the evolution of the right type of regional patriotism which is so essential for the purpose of keeping our unity intact.

Shri Bansal: Mr. Deputy-Speaker, I rise to speak on amendment No. 203 which stands in the names of a large number of my hon. friends and myself.

Pandit Thakur Das Bhargava: Amendment No. 203 is for clause 22A. We are discussing clause 22 now.

Mr. Deputy-Speaker: I am afraid that the time being short, we shall have to include clause 22A also along with clause 22. I am in the hands of the House. I have no objection to taking that clause separately, but there would be no time. So, I think clauses 22 and 22A may be taken together.

Several Hon. Members: Yes.

Mr. Deputy-Speaker: Shri Bansal may proceed.

Shri Bansal: I rise to speak on amendment No. 203 which stands in the names of a large number of my hon. friends headed by Pandit Thakur Das Bhargava. I have heard with great patience what the hon. Member Shri N. C. Chatterjee had to say about the regional formula as applicable to Punjab. As you know, I am one of those who, in the beginning, were opposed to any regional formula. But the logic of events, the matter in which the Reorganisation Commission's report

was received in my State and the various events that took place after that, brought me and many of my friends round to the point of view that we will have to evolve some formula which will meet the demands which were being stressed so forcefully not only by the people of Hariana but also by the people of the rest of the Punjab. My hon. friend, Shri Chatterjee, just now said that this formula is undemocratic. I want to know what is undemocratic about an agreement that has been arrived at voluntarily by all sections of the community.

Shri N. C. Chatterjee: Not all.

Shri Bansal: I was surprised that Mr. Chatterjee, of all people, described this formula as a communal formula. I can understand any nationalist member, any member from this side of the House,....

Shri N. C. Chatterjee: I am as much a nationalist as you are.

Shri Bansal: ...declaring it as a communal formula, but the President of the Hindu Mahasabha calling a democratic settlement arrived at after mutual consultation among the various groups of a State a communal formula beats me. I would request my hon. friend to weigh his words before he makes such statements on the floor of the House. He very painstakingly leads us through the labyrinth of constitutional abracadabra. What does clause 22 say in regard to the Governor's position? It says that the President will have the power to frame rules to provide for the constitution of regional committees etc. and invest the Governor with certain powers. It is not as if the Governor will have powers which will have nothing to do with the Constitution. No, sir, it is never said so here. All that is being said here is:

"...the President may, by order made with respect to the State of Andhra Pradesh or Punjab, provide for the constitution and functions of regional

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committees.....for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of the regional committees."

I do not know how the Constitution is being violated and how the Governor will be placed in a position of vetoing the constitution and ruling over the State disregarding the provisions of the Constitution. All that is proposed here is that the Governor will come under certain rules which will be framed by the President. Ultimately it boils down to this that this Parliament and the Governor will be working within the frame-work of those rules.

Mr. Chatterjee has said that this is not a cultural formula and that these two regions have nothing separate as far as culture is concerned. I would submit to him that when this formula was hammered out, we did not have so much of culture or religion in view. All that we had in view was our economic backwardness, particularly the people of Hariyana. I said in this House very forcibly that the only consideration which weighed with the people of Hariyana was that they wanted to safeguard their position economically and to see that in any future set-up, justice would be done to them and they would not be kept as backward as they had been all these years. That is the thread which runs through the regional formula; I do not know how all these other implications can be brought in, as has been done by my friend here quoting from some memorandum published by the Punjab Mahasamiti.

Before I turn to the amendments I would just like to invite your attention to the different kind of treatment that the Government themselves are meting out to the people of Punjab and the people of other States, namely, Andhra and the new State of Bombay. From clause 22, I see that

while for Punjab everything about the regional formula has been kept vague—all that has been said is that the President will frame rules etc.—as far as Andhra is concerned, you will find in sub-clause (2)...

Shri Pataskar: Sub-clause (2) relates to Bombay.

Shri Bansal: As regards Bombay, separate development boards have definitely been provided here. Sub-clause 2(a) reads:

"the establishment of three separate development boards for Vidarbha, Marathwada and the rest of the State..."

Shri Pataskar: I have moved an amendment to that.

Shri Bansal: Later on my hon. friend has tabled an amendment which states that there will be separate development boards for the Vidarbha, Marathwada, the rest of Maharashtra, Saurashtra, Kutch and the rest of Gujarat. I do not know why the State of Punjab has been differently treated from the State of Bombay even with regard to development boards. Our amendment, I may say, goes a bit further than what has been provided for the State of Bombay. Through our amendment, we are seeking to provide in the Constitution two or three things which, in my view are the objectives of the regional formula. The first thing that we want to provide very clearly in the Constitution is that we want the Punjab Government to take the full responsibility to develop the Hindi-speaking region namely, Hariyana and develop it in matters in which it is backward.

Pandit Thakur Das Bhargava: Kangra also.

Shri Bansal: Yes, Hariyana and Kangra should develop in all matters in which they have been kept backward. This is provided by the first part of our amendment. The second part provides that there will be separate development boards and also the

manner in which they will be constituted. The third part of our amendment says that the Governor of the State of Punjab will report to the President the working of these development boards.

Our amendment seeking to insert a new article 371B, particularly part (2), says: that apart from special allocation of funds for purposes of special development, equitable allocation of funds for development expenditure for these two regions shall be also made. I am most concerned about this particular aspect of this amendment. As I had occasion to say in the past, our Haryana region has been kept backward. There are historical reasons and there may be other reasons into which I need not go now. But, the fact remains that out of the various allocations that are given by the Central Government either in the form of loans or grants, the bulk of them is always taken away by the Punjabi-speaking Punjab.

4 P.M.

Recently I had occasion to go into this, particularly in relation to such grants as are given for the development of industries. Last year, out of the allocation of about Rs. 37 lakhs which was given for the development of small-scale industries, I doubt very much whether even as much as two per cent would have been spent in my part of the State. When I enquired of the officers concerned as to how this happened, I was told that there are no applicants in the Haryana region who come forward for grants or loans from that fund. I tried to investigate into that and only day before yesterday I received a letter from one of the applicants who has applied for a paltry sum of Rs. 3,000/- as loan for a particular industry. He showed me a letter addressed to him by the District Development Officer which stated that under instructions from the Director of Industries, Punjab, no further applications are to be entertained for the time being. When the complaint is made that proper allocation

is not made, we are told that there are no applications. When there are applicants we are told that no application will be entertained. I took up this matter with the Director of Industries; not only this individual matter but the general question of development of industries in the Haryana Pranth and particular towns in my constituency. To my surprise, although I had taken up this matter some three months back, no satisfactory reply has come so far and only yesterday you must have seen from a reply given by the hon. Minister for Consumer Industries that the one industrial estate that will be established in Punjab will be in Ludhiana and the reason why it will be established in Ludhiana is that it will improve industries in that part while the purpose of establishing industrial estates is not to improve the industries but to help in the establishment of new industries. How these things happen, I am not in a position to say. But the obvious conclusion to which we have a right to arrive is that the present set-up in our State, dominated as it is by the Punjabi-speaking element, sees to it that Haryana does not get its due.

On the last occasion I had pointed out that in my district headquarters, namely, Gurgaon and Rohtak, all the officials or most of the officials happen to be from a particular part of State. The Home Minister, who was listening to my speech, thought that I was exaggerating. The very next day he happened to go to Gurgaon and there the Deputy Commissioner of that place somehow, to his great discomfiture, as it turned out later on, referred to my speech, thinking that the hon. Minister will say something critical about what I have said. But instead of that, the hon. Deputy Minister pointed out to him, "while in Delhi I thought Mr. Bansal was exaggerating; after coming here I find that he is cent per cent. correct. I find in your establishment from you downwards to your chaprasi, everybody answers the description which was given by Mr. Bansal in the

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House". Even after that nothing has happened to remedy our grievances.

Then, my hon. friend, Mr. Chatterjee, said that the same type of development boards as are provided for Bombay should do for Punjab. I don't think he has read the amendments which have been tabled by us carefully because there it has been pointed that not only for the development of industries but for other purposes also like, for instance, the safeguarding of our interests in the various Legislatures, these regional committees are absolutely essential. My hon. friend, Mr. Bhargava, will tell you how we have suffered on the question of representation in the Legislatures. How many representatives from Punjab have we in the Council of States?

Pandit Thakur Das Bhargava: None. Out of the eight, nobody comes from our part of the country.

Shri Bansal: You are in a better position to enlighten the House on that question. How many of the representatives of Harijana are there in the Legislative Council of Punjab? The provision of a development board will not meet such a situation and it is for these reasons that we demand the formation of regional councils and we press upon the House not to be guided by the theoretical considerations so eloquently expressed by my hon. friend, Mr. Chatterjee, but to consider this demand in the spirit in which it has been made by the people of Harijana. And not only that. This demand has been voluntarily agreed upon by the various sections of the inhabitants of the entire State of Punjab, as will be clear to you from the long and distinguished list of the movers of this amendment.

श्री अमरनाथ विद्यालंकार (जालंधर) :
उपाध्यक्ष महोदय, पिछले दो साल से इस राज्य पुनर्गठन के सम्बन्ध में जो हमारे देश में समुद्र मंथन होता रहा है और जिस में हम किसी ऐसे सर्वोत्तम हल की तलाश करते रहे हैं कि जिससे इस मसले को हमेशा के लिये हल कर

सकें और इस तरह से हल कर सकें जो कि ज्यादा से ज्यादा लोगों को स्वीकार्य हो। मेरा अपना ख्याल यह है कि इस बिल के दो क्लॉजेज २१ और २२ इस सवाल के निचोड़ हैं और हमें वह बुझी देते हैं जिस की वजह से हम अपने देश में इन तमाम सम्बन्धित सवालों को सफलतापूर्वक हल कर सकते हैं।

श्री एन० सी० चैटर्जी ने अभी बहुत नुकताचीनी की और उन्होंने ने कहा कि रीजनल फारमूला एक बहुत ही निकम्मी चीज है और उस के उन्होंने बहुत से दोष बताये। मैं शायद उन को इस नुकताचीनी को ज्यादा गम्भीर समझता अगर मुझे यह मालूम होता कि दरअसल श्री चैटर्जी को पंजाब के बारे में कुछ मालूम नहीं है और पंजाब के रीजनल फारमूला के बारे में जो उन्होंने नुकताचीनी की है वह सिर्फ उस नुकताचीनी पर कायम है जो कि वहाँ पर हिन्दू महासभा या जन संघ के उन के भाई लोग वहाँ पर करते हैं और जो उन्होंने ने फेक्ट्स दिये हैं उन के आधार पर उन्होंने यह नुकताचीनी की है और उन्होंने ने कहा है कि यह रीजनल फारमूला डिफरेंस को और ज्यादा बढ़ा देगा। मैं आशा करता था कि वे कोई और आल्टरनेटिव फारमूला बतायेंगे और कोई दूसरा हल इस पंजाब के मसले का सुझावेंगे कि जिस के जरिये इस मामले को संतोषपूर्वक हल किया जा सके। लेकिन उन्होंने हमको निराश किया।

श्री चैटर्जी ने डेमोक्रेसी की बहुत दुहई दी और दलीलें दीं और कहा कि यह चीज लोकतन्त्र के खिलाफ है। मैं नहीं जानता कि श्री चैटर्जी की लोकतन्त्र के बारे में धारणा क्या है। डेमोक्रेसी के बारे में उन के नोशंस क्या हैं। कई मर्तेवा हम लोग डेमोक्रेसी के बारे में गलत नोशंस बना देते हैं और डेमोक्रेसी के नाम पर इतनी आउटरजियस बातें हुई हैं कि जो किसी डेमोक्रेसी में सहन नहीं की जा सकतीं। यह मैजस्ट्री और आडमिनिस्ट्रेशन में भाषा के आधार पर और औरों के

आधार पर जो मैजारिटी और माइनारिटी का सवाल है उसे सिम्पल मैजारिटी से प्राप्त नहीं कर सकते और सिम्पल मैजारिटी में आप उन बातों को तय नहीं कर सकते जिन को कि आप मामूली तौर पर जैसे कि विचारों के मतभेद को हल कर सकते हैं। इस का कारण यह है कि जहाँ तक विचारों का मतभेद है, डेमोक्रेसी में विचार बदलते रहते हैं और पार्टीज बदलती रहती है लेकिन लिग्विस्टिक माइनारिटीज और मैजारिटीज में या जो धार्मिक आधार पर मैजारिटीज या माइनारिटीज हैं अथवा किसी जाति के आधार पर माइनारिटीज या मैजारिटीज हैं, उन का हल सिम्पल मैजारिटीज से प्राप्त नहीं कर सकते हैं और उन के हल के लिये आप को सेफगाइड्स रखने पड़ते हैं। विधेयक के सेक्शन २१ में जो यहाँ की भाषाओं के लिये सेफगाइड्स सुझाये गये हैं, जो रीजनल फार्मूला है, उस के अन्दर हम ने जो सेफगाइड्स रखे हैं, उस की वजह यह है कि जहाँ पर दो भाषाओं का सवाल है उन की उन्नति एकसी हो। मान लीजिये पंजाबी बोलने वालों का सवाल है, हम चाहते हैं कि उन को भी वही सहायितयें पहुँचाई जायें जो कि हिन्दी बोलने वालों को पहुँचाई जाती है। श्री चेटर्जी ने पंजाब का जिक्र किया। उन को मालूम नहीं था कि वहाँ पर क्या सवाल है, वहाँ पर सवाल पंजाबी लिपि का है, लिपि के सम्बन्ध में उन्होंने कहा, और इस बिल पर अपने नोट आफ डिसेंट में भी लिखा है, कि पंजाबी चाहे देवनागरी लिपि में लिख दी जावे चाहे गुरुमुखी में या उर्दू में इसमें क्या फर्क पड़ता है। खाली गुरुमुखी की माँग क्यों की जाती है? मैं उन से एक सवाल पूछना चाहता हूँ। क्या वह इस को तसलीम कर लेंगे कि बंगाली को देवनागरी के अक्षरों में लिखा जाय? मैं जानता हूँ कि श्री शारदा अरण मिश्र ने एक बार इस प्रस्ताव को रखना था, कि बंगाली को देवनागरी में लिखा जाय, लेकिन बंगाल में उस को स्वीकार नहीं किया था मैं जानता हूँ कि श्री चेटर्जी भी उस को नहीं चाहेंगे।

आज बंगाली देवनागरी या रोमन लिपि में नहीं लिखी जा सकती, तेलगू रोमन या हिन्दी की लिपि में नहीं लिखी जा सकती, कोई भी भाषा रोमन में नहीं लिखी जा सकती जब यह स्थिति है तो आप पंजाबी को जो लिपि है उस को ट्राइवॉस कैसे कर सकते हैं? अगर आप को पंजाब के सब लोगों को पंजाबी पढ़ानी है तो आप को उस की लिपि को रखना ही पड़ेगा।

अब रहा सवाल कम्प्लान का। जब आप स्कूलों के कैरिकुलम मुकरंर करते हैं तो उस में आप कई चीजें कम्पलसरी कर देते हैं। आप अल्जबरा पढ़ाते हैं, अरिथमेटिक पढ़ाते हैं। दूसरी चीजें पढ़ाते हैं। अभी मैं ने अर्ज किया कि हम अंग्रेजी को कम्पलसरी तौर पर पढ़ायेंगे। अगर यह सब चीजें कम्पलसरी पढ़ाई जाती हैं और आप को कोई आपत्ति नहीं होती, आप पढ़ते हैं, सारा कैरिकुलम पूरा किया जाता है, तो आपको पंजाबी कम्पलसरिली पढ़ने में या हिन्दी कम्पलसरिली पढ़ने में क्या आपत्ति हो सकती है। हम इसलिये उन को पढ़ें कि जब हम पढ़ीस में ही रहते हैं तो एक दूसरे की भाषा को जानें, एक दूसरे के कल्चर को जानें, और एक दूसरे के साथ हमारे रिश्ते कायम हों, और ज्यादा गहरे हों और हम लोग एक संगठित राष्ट्र बन सकें। अगर इस के लिये हम भाषाओं को कम्पलसरी करते हैं तो क्या नुकस है?

श्री चेटर्जी ने कहा कि यहाँ पर रीजनल फार्मूला जो है उस के कारण ज्वाइंट रिस्पॉसिबिलिटी का खतरा पैदा होगा। मैं ने समझा कि वह बड़े कानिबल वकील हैं या खिर, वह क्या चीज है जिसे मिटाया जा रहा है। उक्त से यह सुन कर कि ज्वायेंट रिस्पॉसिबिलिटी को खतरा हो गया, मैं सोचने लगा कि जरूर उस में कोई न कोई असलियत होगी। लेकिन मैं कह सकता हूँ कि उन्होंने शायद इस फार्मूले को अच्छी तरह से पढ़ा नहीं। वहाँ पर जो रीजनल कौंसिलें हैं वह तो सिर्फ अपने-अपने एडवाइस टेंडर करती हैं। किस को टेंडर करती है? जो लेजिस्लेटिव असेम्बली है,

[श्री अमरनाथ विद्यालंकार]

उस को टेंडर करती हैं। चीफ मिनिसटर अलग रहता है। उस चीज का फंसला कौन करता है? लेजिस्लेटिव असेम्बली करती है, जो बड़ी असेम्बली होती है वह करती है। इसमें रिस्पॉन्सिबिलिटी डिवाइड कहां होती है। हां, अगर कभी रीजनल कौंसिल की बात को न मान कर लेजिस्लेटिव असेम्बली अपनी बात पर अड जाती है और एक डेडलाक पैदा हो जाता है, तो जैसा मैंने कहा कि कुछ सेफगार्ड्स हैं उन चीजों के लिये कि माइनारिटी पर कहीं लिबिवास्टिक मैजोरिटी का स्टीम रोलर न चल जाये माइनारिटी को कहीं कुचल न दिया जाये, इस के लिये आप ने एक्स्ट्राप्राइडनरी प्रावीजन कर दिया है कि गवर्नर फंसला करे। गवर्नर की हस्ती क्या है? क्या वह कोई बाहर की चीज है जो कि दूसरों के द्वारा हम पर इम्पोज किया गया हो, क्या वह कोई डिक्टेटर या डेस्पॉट है? गवर्नर की 'पोजीशन हमारे कांस्टीट्यूशन के अन्दर है वह प्रेजिडेंट के नीचे है और चीफ मिनिसटर की ऐडवाइस पर काम करता है। चीफ मिनिसटर ऐडवाइस करता है और गवर्नर उस के ऊपर एक्ट करता है। प्रेजिडेंट जो है वह केन्द्रीय मंत्रिमंडल की ऐडवाइस पर काम करता है और मंत्रिमंडल पार्लियामेंट के नीचे है। तो गवर्नर कोई एसी सुप्रीम ताकत नहीं बनाई गई है। जब कांस्टीट्यूशन गवर्नर को कोई सुप्रीम पावर नहीं देता, तो यह कहना कि गवर्नर तो डिक्टेटर बन गया और उस के खिलाफ डेमाक्रेसी या दूसरी बड़ी बड़ी चीजों के नाम पर अपील करना, मैं समझता हूँ कि एक गलत सी चीज है। मैं नहीं समझता कि श्री चटर्जी जो कि एक बड़े वकील हैं क्यों इस मामूली सी बात को नहीं समझ सके।

श्री चटर्जी ने यह भी कहा कि रीजनल कौंसिलों को अधिकार दे कर हम ने ऐडमिनिस्ट्रेशन के डिमानेटिक राइट्स को बांट दिया। हम तो पंचायतों को ज्यादा अधिकार देना चाहते हैं। डेमाक्रेसी के बारे में जो हमारी धारणा है उस के अनुसार हम सेन्ट्रलाइजेशन

आफ पावर नहीं चाहते हैं, हम डिसेन्ट्रलाइजेशन चाहते हैं, हम नहीं चाहते कि तमाम ताकत एक जगह जा कर इकट्ठी हो जाय। जो काम रीजनल काउंसिल को दिये गये हैं वह डेवलेपमेंट के काम हैं, जैसे कम्युनिटी प्राजैक्ट्स हैं, एजुकेशन है, हेल्थ है, अन्य जो भी वैल्फेयर की छोटी छोटी बातें हैं उन के लिये हम मुकामी संस्थाओं को छोटे छोटे टुकड़ों को ज्यादा से ज्यादा ताकत देना चाहते हैं। और इन चीजों का इन्तजाम उन को ही करना चाहिये। उन चीजों के बारे में हम कर्षों कस्बों, गांवों गांवों को ज्यादा ताकत देना चाहते हैं। उन्हीं लोगों पर सारी जिम्मेदारी डालना चाहते हैं, यही हमारे कांस्टीट्यूशन की भी स्पिरिट है, और यही हमारे ऐडमिनिस्ट्रेशन की स्पिरिट होनी चाहिये। हम इन तमाम कामों को सेन्ट्रलाइज नहीं करना चाहते। जितने डेवलेपमेंट के काम हैं उन की ज्यादा से ज्यादा जिम्मेदारी आप को बांटनी चाहिये हम तो कहते हैं कि रीजनल काउंसिल क्या अगर हम एक एक गांव को इस की जिम्मेदारी दें, तो भी इस में कोई भी अपने उसूलों की खिलाफवर्ती नहीं करते हैं। इस में स्टेट लेजिस्लेचर की जिम्मेदारी रहती है तो चीफ मिनिसटर की जिम्मेदारी रहती है और चीफ मिनिसटर की जिम्मेदारी रहती है तो मंत्रिमंडल की जिम्मेदारी रहती है जोकि वहां पर सारे कामों को करता है। इसलिये यहां पर जो बातें कही गई हैं वह एक चीज को गलत तरीके से इंटरप्रेट कर के, एक चीज को गलत शब्द दे कर, महज नुक्ता बीनी करने के ब्याल से कही गई है।

मैं समझता हूँ कि इस देश में, पंजाब के अन्दर हों या किसी दूसरे प्रदेश में भाषा के सवाल के ऊपर काफी झगड़े हुए हैं और उन को आगे बढ़ाना उचित नहीं है। श्री चटर्जी की पार्टी के पंजाब के लोग यह नहीं समझ सके कि मैजोरिटी की जिम्मेदारियों क्या होती हैं, मुझे अफसोस हुआ कि श्री बंसल ने भी कुछ इशारा किया कि वहां पर एक कम्युनिटी के

आदमी रखे गये हैं। मैं उन का इशारा समझ गया। मैं पूछता हूँ कि अगर कहीं पर माइनारिटी के लोग रहते हैं तो वह कहाँ जायेंगे। आखिर रहेंगे तो मैजारिटी के नीचे ही। माइनारिटी वालों को आप को जगह देनी ही पड़ेगी नहीं तो दूसरी जगह पर उन को ले जा कर बसाना भी पड़ेगा। आखिर मैजारिटी के लोग घबरा क्यों जाते हैं माइनारिटी के नाम पर, यह मैं नहीं समझ पाता। अगर हम इस तरह से चौंकते रहेंगे तो हमारा काम कैसे चलेगा? पंजाबी को ले कर श्री चैटर्जी की पार्टी वाले प्रचार करते हैं कि हिन्दी खतरे में पड़ गई, हिन्दी को तबाह कर दिया गया।

[Mr. SPEAKER in the Chair.]

सारे देश में तो आज यह चर्चा चल रही है कि हिन्दी इम्पीरियालिज्म कायम किया जा रहा है, हिन्दी का एप्रेशन हो रहा है। लेकिन यहाँ पर कहा जा रहा है कि पंजाबी को ऊंचा दर्जा दे दिया गया, हिन्दी को कुचल दिया गया। मैं समझता हूँ कि अगर हिन्दी की रखा करनी है, तो हमें यहाँ पर अपने देश में अपने देश की प्रादेशिक भाषाओं को ज्यादा से ज्यादा ऊंचा दर्जा देना होगा। हिन्दी तरक्की तभी करेगी जब हम प्रादेशिक भाषाओं को ज्यादा से ज्यादा मौका देंगे। प्रादेशिक भाषाओं के अपने-अपने एक्सप्रेशन हैं, उन के अन्दर जो शब्द भंडार हैं उन से हिन्दी की भी उन्नति होगी। हिन्दी के विषय में मैं जानता हूँ कि उसने बंगाल से बहुत कुछ लिया है, गुजराती से हिन्दी की बहुत तरक्की हुई है उस से हिन्दी ने बहुत कुछ लिया है। इसी तरह से पंजाबी के प्रयोग से भी हिन्दी बहुत कुछ उन्नति करेगी, उस से बहुत कुछ लेगी। एक देहाती पंजाबी का जो सुन्दर एक्सप्रेशन है, जो उस की सुन्दर कविता है, जो बात कहने का जोरदार ढंग है, वह हिन्दी के अन्दर तभी आयेगा जब पंजाब के लोग हिन्दी भी पढ़ें और पंजाबी भी पढ़ें और एक दूसरे के एक्सप्रेशन जानें। मैं पूछना चाहता हूँ कि आखिर हम अपनी देशी भाषाओं से क्यों

घबराते हैं। हिन्दी को अगर खतरा है तो एक ही भाषा से है, और वह है अंग्रेजी। अगर हम अपनी भाषाओं को उठाना चाहते हैं, हिन्दी वाले अगर चाहते हैं कि हमारी भाषा तरक्की करे और हम हिन्दी की अंग्रेजी के मुकाबले ला सकें, तो उस का एक ही तरीका है कि जो प्रान्तीय भाषायें हैं उन का सहयोग लें। पंजाबी भाषा की तरक्की करें, उस को ऊंचा उठायें, जब वह ऊंचे उठेगी तभी हिन्दी उठेगी क्योंकि हिन्दी को उस से सहायता मिलेगी लेकिन अगर हम प्रान्तीय भाषाओं को दबाते रहे, रीजनल भाषाओं को दबाते रहे, जैसे कि पंजाबी को हिन्दू महा सभा वाले दबाना चाहते हैं, जन संघ वाले दबाना चाहते हैं, अगर हिन्दी वाले इसी तरह प्रादेशिक भाषाओं को दबाते रहे तो न हिन्दी पनप सकेगी और न दूसरी भाषायें पनप सकेंगी और अंग्रेजी का राज्य हमारे यहाँ चलता रहेगा मैं आप से चीन की बात बतलाना चाहता हूँ, कोई दो साल पहले मैं वहाँ गया था। उन्होंने तय किया कि हम चीन की देशी भाषाओं का प्रयोग करेंगे, अंग्रेजी या दूसरी किसी विदेशी भाषा का प्रयोग नहीं करेंगे। और पांच साल के अन्दर उन्होंने तमाम दूसरी भाषाओं को जबाब दे दिया। लेकिन एक चीज वहाँ पर थी कि जो मैजारिटी वाले थे, जो कि चीनी भाषा बोलते थे, उन्होंने अपनी भाषा को दूसरों पर इम्पोज करने की कोशिश नहीं की। उन्होंने भाषा को ठोसने की कोशिश नहीं की। इसी तरह से मैं चाहता हूँ कि लोग प्रान्तीय भाषायें बोलें। मैं समझता हूँ कि हिन्दी और पंजाबी के सवाल ने हमारे पंजाब में जो शकल अस्तित्व की है, वह शकल उस को गलत तरीके से दे दी गई है। जो हल सुझाया गया है उस से मैं समझता हूँ कि हमारा पंजाब तरक्की कर सकता है। मैं कहना चाहता हूँ कि आप की हिन्दी तभी तरक्की करेगी जब आप प्रादेशिक भाषाओं को प्रोत्साहन देंगे। जब तक आप-उन से शब्द लेकर हिन्दी का भंडार नहीं भरेंगे हिन्दी की तरक्की ज्यादा नहीं होगी। जितना भी आप प्रान्तीय भाषाओं के साथ

[श्री अमर नाथ विद्यालंकर]

इंग्लिश एटीट्यूड लेंगे और कहेंगे कि हम प्रांतीय भाषा नहीं पढ़ेंगे और हिन्दी को दूसरों पर ठोसने की कोशिश करेंगे और कहेंगे कि हम सभी को यह पढ़नी पड़ेगी और खुद प्रांतीय भाषा नहीं पढ़ेंगे उतनी ही हिन्दी नीचे की ओर जाती जायेगी और इस का बहुत ज्यादा विरोध होगा। अगर आप यह कहेंगे कि या तो हिन्दी ही चलेगी और या पंजाबी तो मैं समझता हूँ कि यह कदम हम को डेसट्रक्शन की ओर ले जायेगा। मैं अपने माननीय सदस्य श्री चैटर्जी साहब से तथा उन के अनुयायियों से अपील करना चाहता हूँ कि भारत की एकता को उन्हें एक बुनियादी चीज मानना चाहिये और इसी के मुताबिक अमल भी करना चाहिये। बीसे कि मैं ने पहले कहा है कि गुन्थियों को मुलजाने की जो कुंजी हमें दी गई है, उस से सब मसले हल हो सकते हैं और मैं उन से अपील करता हूँ कि वह इस को स्वीकार करें और प्रगति की राह पर चलने में योग दें।

Mr. Speaker: Dr. Jaisoorya. Ten minutes.

Shri U. M. Trivedi (Chittoor): Those who preceded us got half an hour.

Mr. Speaker: On Andhra?

Shri U. M. Trivedi: Not on Andhra. On clause 22 relating to article 371.

Mr. Speaker: Hon. Member also wants to speak on the same clause?

Sardar Hukam Singh (Kapurthala-Bhatinda): Shri Chatterjee got more time and he wants he should be given the same time.

Mr. Speaker: I cannot understand.

Shri U. M. Trivedi: I know your difficulty. Those who begin take more time.

Pandit Thakur Das Bhargava: We have given notice of amendments so far as Punjab is concerned and so far as this formula is concerned. We should be allowed to discuss it. I do not understand how Shri Chatterjee

and Shri Trivedi claim more time than those who are really affected. I do not want that they may not be given time, but we should get more time. We are directly affected.

Shri U. M. Trivedi: I do not grudge Pandit Thakur Das Bhargava getting as much time as he needs, but I do not want him to say that I have no right to speak . . .

Pandit Thakur Das Bhargava: I have not said so.

Shri U. M. Trivedi: . . . about Punjab, about India. I think I am a citizen of this country and I represent India and I have got every right to speak about the Punjab or any other part of India.

Shri Hem Raj (Kangra): We should be given more time as we have given notice of amendments.

Dr. Jaisoorya (Medak): You have heard the case for Punjab. I am very much in sympathy with amendment 203 in the name of Pandit Thakur Das Bhargava and a large number of other hon. Members. I think this is a very fine amendment. If the draft of regional committees for Andhra and Punjab were based on this, many of the constitutional difficulties would disappear.

Actually, what is the proposal here? It is proposed to amend article 371 like this:

"Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Andhra Pradesh or Punjab, provide for the constitution and functions of regional committees of (not and) the Legislative Assembly of the State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of the regional committees."

There is not a word here intended to infringe upon the inherent autonomy and sovereignty of the legislature. According to this, all that the President can do is to tell you how the regional committee shall be constituted, how in the legislature the rules of business shall proceed and what the Governor shall do.

After much humming and hawing we were most kindly given a draft of what the Government considers the regional committee should be with regard to Telengana. It is based very much, not in everything, on the Punjab formula. Now, if you look at it exactly, the whole trouble arose like this that the States Reorganisation mentioned: "There is such a thing as the Scottish formula, but we are not willing, we do not think it advisable to recommend it." It is exactly because the Commission said it was not worthy of recommendation, the Government fell back upon that because they were caught in a very tight corner. The tight corner came like this, that all the recommendations of the Commission fell through. They recommended balanced Bombay that fell through. In order to have balanced Bombay they said, you must separate Vidarbha. They also, because of that, said Telengana should be separate. There was no reason whatsoever to have a separate Telengana. The Telengana people never dreamt of it until the States Reorganisation Commission suggested it. That is the funniest part. Having got into that quandary, they fell back upon the so-called Scottish formula.

Actually, if you see the original draft of the Government with regard to Telengana, you will find it did not have clause 4 as you have in the Punjab formula. This was an improvement, a decided improvement, this clause 4 that was brought in here as compared with the first draft. But where the snage comes in is here. It says:

"The advice tendered by the regional committee will normally be

accepted by the Government and the State Legislature."

If it is accepted by the Government, it is nothing wrong according to the Constitution, but you cannot force the State Legislature to accept something which it does not debate or which it does not approve. The term "normally be accepted" is a very British term because the convention is very different there. What is normally accepted and abnormally accepted? I request the Government to delete the words "State Legislature". This can be overcome by the splendid formula that has been given here in amendment 203 by Shri Bansal and others. Shri Bansal has already spoken on it.

In Maharashtra we suggested a development board. Most correct thing. Similarly, now if you want to give a regional committee to Telengana, then the Karnataka people will say: "We have joined Mysore. We must also have a regional committee." Then Marathwada will say: "We have joined Maharashtra. We must have a regional committee." If you look at it logically, it is illogical to have a regional committee only for Telengana and not for Karnataka or some other place. It is absurd. But as I told you, if we are now in a tight corner—we know the inside history now the Government was browbeaten into it.....

Shri Mohiuddin: May I remind the hon. Member that Marathwada and other people have not wanted. They have refused to accept it.

Dr. Jaisoorya: I said they are entitled to it by the same logic. That is the point.

Shri U. M. Trivedi: If you do not want to divide the people, there are people wishing to divide them.

Dr. Jaisoorya: All I am saying is this. You cannot trample upon or tamper with the constitutional rights of the Assembly. This is a point on which I want you to convince me. This is a point which I say will go on creating difficulties of the smaller group badgering and blackmailing the major

[Dr. Jaisoorya]

group. But if you have this amendment which I have only read today—and I must confess I am extremely impressed with the logic and with the clear and precise definition that has been given here—instead of what has been given to us or laid on the Table with regard to the regional committee for Telengana, I think it will be very much better. I think that will solve most of our problems, because we have the right to demand that Telengana should be protected and developed properly.

With regard to the list of items which the regional committees will deal with, I would like to point out that in the list, co-operatives been included as one of the items. But I would suggest that co-operatives should be an all-State responsibility. They should not be a regional responsibility, because we want a uniformity in the development of, and also in the policy of developing, co-operatives. I have a very large experience of co-operative work, and I would sincerely suggest to you that the co-operatives must be a State-wise, organised and 'uniformised' movement. Hence, I would suggest the deletion of the term 'co-operative societies' from this list; you may give all the other things to the regional committees.

As far as I can see, so far as the future of India is concerned, I am attaching great importance to the development of co-operatives. That cannot be sectional or regional, but State-wise; that cannot be small, but big. In the next three or four years, I hope to see the co-operative movement becoming a central movement, centrally controlled, because, as you will see, now that the co-operatives are being developed, the whole financial structure is going to be the responsibility of the Reserve Bank. Therefore, I hope to see the co-operatives becoming a very powerful, large, centralised, single and unified movement. I suggest that you think over it, namely whether you should not

take co-operatives as a completely Central subject.

That is all that I have got to say. You have got to assure me that the sovereignty, that is to say, the constitutional sovereignty of the Assemblies and the legislatures is not vitiated or tampered with. The other things do not interest me.

Mr. Speaker: Now, Ch. Ranbir Singh.

Pandit Thakur Das Bhargava rose —

Mr. Speaker: I shall call Pandit Thakur Das Bhargava also.

I am first calling those who have tabled amendments.

Pandit Thakur Das Bhargava: I have got several amendments.

Mr. Speaker: I shall call the hon. Member. But before that, Shri Pataskar wants to speak.

Shri Pataskar: I do not propose to take very long, because ultimately, the reply to the debate will come from my colleague the Home Minister.

I just want to explain amendment No. 211 which stands in my name. In clause 22, provision has been made by the Joint Committee for the establishment of separate development boards for Vidarbha, Marathwada and other areas. I would like to make it clear at the very outset that this has been done, not because there are any fissiparous tendencies or any interference from outside the State, but because of the intention to remove any apprehensions which, on account of historical causes, may have found some place in the minds of some people.

For instance, Marathwada formed part of the original State of Hyderabad. Naturally, the people in that region had their own problems and difficulties in that State. So was the case of Vidarbha which also formed part of another State. Whether it was here or there does not matter, but the people there also had certain difficulties.

When, after such a long time, they were going to be joined to a bigger State,—which, as it was then contemplated, was the State of Maharashtra—naturally, they had their own apprehensions that probably in the matter of development—which is now the most important consideration before every section of our Indian people; in fact, we are going to discuss shortly the Second Five Year Plan which is intended for one and all—they may not get an equitable share. So, there was an anxiety on the part of the residents of various areas, not merely on linguistic grounds, but on other grounds also, that they should have an equitable and proper share of the development funds, and that they should have opportunities to develop their own areas. This has nothing to do with any fissiparous tendency.

Looking at it from this point of view, and also looking to the history of this question, the Joint Committee had decided that some special provision should be made for the establishment of separate development boards for the areas of Marathwada and Vidarbha. But subsequently, we have passed the States Reorganisation Bill, where we have decided that there shall be a bigger State of Bombay. People call it a bilingual State, but I do not call it so. In fact, I deliberately avoid referring to it as a bilingual State, because, after all, it is a national State, and it is to be administered as such, and it belongs to all; it belongs not only to people speaking one language only, but to people speaking all languages.

Shri Kamath: So is every State.

Shri Pataskar: Not only this, but I say further that any advanced State is bounded to be a State having so languages.

Shri Kamath: So is Madhya Pradesh.

Shri Pataskar: If a State is backward, then it may have only a few languages. I do not want, however, to enter into an argument with those

who do not want it. But what I would like to point out is this.

In view of the fact that we have got now such a State as the big State of Bombay, and also considering the fact that there is some history behind every region which is going to be included in the present State of Bombay, we thought that a provision of this nature should be made. For instance, as we all know, Saurashtra once consisted of so many Indian States, and it had its own problems. It had its own revenue laws, and its own difficulties. For the first time, it is now coming into the State of Bombay. Its development problems are bound to be different from those of other areas. Similar is the case of Kutch, which is now a Centrally administered area.

It was, therefore, found necessary, in order that there may be no unnecessary apprehensions in the minds of people, to have a provision of this nature. I can say without any fear of contradiction, that, generally, at the present moment, people all over are more concerned with the development programmes of the regions in which they live than with anything else. It is to set at rest any apprehensions that may be there, that we made this provision—there may be justification, or there may be no justification for the apprehensions; I do not mean to say that we are going into the Bombay State with any fissiparous tendencies; that is not the object, it is wrong to interpret it that way; but if at all, there are any apprehensions in the minds of any people, they should be set at rest. So, it has been provided here that consistent with the welfare of the State as a whole, the needs of these areas will have to be taken into account.

So, it has been provided here in this amendment:

“the establishment of separate development boards for Vidarbha, Marathwada, the rest of Maharashtra, Saurashtra, Kutch and the rest of Gujarat”.

All these areas have been mentioned here because of historical reasons;

[Shri Pataskar]

their land tenures, their land problems, their development problems, etc. are all bound to be different. Even assuming there had been no provision of this nature, yet, the new State of Bombay, I am sure, would have constituted,—as they would have had to—separate development boards for these different areas.

But, in order to remove any scope for any apprehensions being entertained by any section of people in this big State of Bombay, it has been provided that there will be these separate development boards.

We have proceeded further than this, when we have said that a report on the working of these boards will be placed each year before the State Legislative Assembly. We do not want anybody to come and complain subsequently that they were neglected, and no attention was paid to their region. So, we have said that the reports will come up for discussion before the whole of the Legislative Assembly of that State. Then in sub-clause (b), we have provided:

"equitable allocation of funds for developmental expenditure over these three divisions, subject to the requirements of the State as a whole."

Primarily, the interests of the State as a whole will have to be kept in view while we are trying to develop these areas. This provision was necessary from another point of view also.

It is rather unfortunate that ever since the *Report of the States Re-organisation Commission* was out, and in fact, even earlier, there had been certain things on account of which people had begun to think as to what might happen to them if they happened to be a majority or minority in one State or the other. Now that this Parliament has come to the decision, and I, for my part, whole-heartedly say, the correct decision, that there should be a big State of Bombay—be-

cause Bombay is the centre to which we people from Gujarat or Maharashtra look as the main city and town from which everything must flow for the development of these regions—naturally, it has been thought necessary to remove any apprehensions in the minds of people, should such apprehensions happen to exist subsequent to this. On account of the unfortunate previous history, there have been some misgivings either on the ground of majority or minority, or on one ground or the other. So, we want to declare emphatically from here that it is for the purpose of removing any such apprehensions in the minds of people in any area, whether it be Gujarat, or Vidarbha or Marathwada, that a provision of this nature has been made here. I hope that the time may not come when the President may have to exercise these powers at all. I am sure that the Bombay State itself will try to do something about this. I am sure it will certainly do because it wants to consolidate its position and maintain the progress and advancement of the State. It is merely to remove the apprehensions. Probably, unfortunately, certain things were there in the past. It is from that point of view that this amendment has been moved and I am sure it has been supported even by some who had opposed the regional formula, some of my friends like Mr. Chatterjee and other people.

Shri Kamath: I want a clarification. Among the six areas referred to in this amendment there are two which are described as, the rest of Maharashtra and the rest of Gujarat. The hon. Minister would please enlighten the House as to which of these two areas will be included in Bombay State.

Shri Pataskar: I believe we have arrived at such a happy stage that I would not like to enter into any controversy about any place. We have included, so far as I could see all the areas.

Shri Kamath: Define the areas. The rest of Maharashtra, the rest of Gujarat; how will they be included?

Sawrashtira is all right. The point is, rest of Maharashtra. It is a constitutional provision. How will you define the boundaries?

Shri Pataskar: We from Bombay city expect no difficulty whatsoever.

Shri U. M. Trivedi: I had given notice of an amendment. Unfortunately the amendment was of the type, which according to the office, need not be circulated.

Mr. Speaker: It was unnecessary.

Shri U. M. Trivedi: Although it may be unnecessary, I have to say something upon it. The impression might be created that I had nothing to say on this.

Mr. Speaker: I am sure every hon. Member has something to say on it.

Shri Kamath: Because the Government formula was, Maharashtra separated from Bombay. Matter of constitution is involved.

Shri C. C. Shah (Gohilwad-Sorath): Development Boards are required for areas which are not developed and which are backward areas. Bombay City does not require development Board by itself. It has the Corporation, the Improvement Trust and the Port Trust.

Mr. Speaker: Order, please. All hon. Members need not talk simultaneously. Mr. Kamath's question will be looked into. When I call any hon. Member he may speak. Pandit Thakur Das Bhargava.

Ch. Ranbir Singh (Rohtak): Earlier I was called.

Mr. Speaker: The hon. Minister also referred to Pandit Thakur Das Bhargava's amendment. Afterwards I will call Ch. Ranbir Singh.

The following amendments to clauses 22 and 22A of the Constitution (Ninth Amendment) Bill, 1956 have been indicated by Members to be moved

subject to their being otherwise admissible:

Clause No.	No. of amendment
22	24, 55, 36, 37, 82, 211 (Govt.), 83, 121, 123 86, 87, 88, 114, 115 116.
22A	203.

Shri K. K. Basu: I beg to move:
Page 11—

for lines 6 to 14, substitute:

"371. (1) Notwithstanding anything in this Constitution, the Parliament may, by law, with respect to any State provide for the constitution and functions of regional committees for the protection and safeguard of the rights and special privileges of any linguistic minority and the tribal people and their well-being and may authorise the President to make such modifications in the rules of the business of the Government of the State and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of the regional committees".

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 11, line 7—

for "made" substitute—

"in accordance with the provisions of the Second Schedule of the Constitution (Ninth Amendment) Act".

(ii) Page 11, line 8—

omit "or Punjab".

(iii) Page 11, line 13—

for "Governor" substitute "Central Government".

Shri Hem Raj (Kangra): I beg to move:

Page 11—

after line 14, add:

"Provided that for the more convenient transaction of the business of Punjab Government

[Shri Hem Raj]

with regard to the regional committees, the Punjab State shall be divided into three regions, viz.; the Punjabi-speaking (western), the plains third speaking (southern) and the Himalayan Hindi-speaking (north-eastern) regions.

The demarcation of these regions will be done in consultation with the State Government and the wishes of the inhabitants of the areas concerned."

Shri Pataskar: I beg to move:

Page 11—

(i) line 17, for "Maharashtra" substitute "Bombay";

(ii) for lines 19 and 20, substitute—

"(a) the establishment of separate development boards for Vidarbha, Marathwada, the rest of Maharashtra, Saurashtra, Kutch and the rest of Gujarat";

(iii) lines 25 for "these three divisions" substitute "the said areas"; and

(iv) lines 30 and 31, for "the three divisions" substitute "the said areas".

Shri Hem Raj: I beg to move:

(i) Page 11—

after line 32, add:

"(3) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Punjab, provide for any special responsibility of the Government for—

(a) the establishment of a special development board for the Himalayan Hindi-speaking (north-eastern) region of the State, with a provision that a report of the working of the board will be placed each year before the State Legislative Assembly;

(b) the special allocation of funds for the developmental expenditure over this region, by the

Central Government over and above the equitable allocation of funds by the State Government, for a minimum period of ten years or for a longer period; and

(c) an equitable arrangement providing adequate facilities for technical education and vocational training and adequate opportunities for employment in services under the control of the State Government."

(ii) That in the amendment proposed by me and others, printed as No. 83 in List No. 9 of amendments—

in the proposed clause (3), for "the Government" occurring for the first time, substitute "the Governor".

Shri Bhakt Darshan (Garhwal Distt.—East cum Moradabad Distt.—North-East): I beg to move:

Page 11—

after line 32, add:

"(3) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Uttar Pradesh, provide for any special responsibility of the Government for—

(a) the establishment of a Special Development Board for the five Himalayan districts of the State, viz. Dehradun, Tehri-Garhwa, Garhwal, Almora and Nainital, which may be grouped under a common name 'Uttarakhand' with a provision that a report of the working of the Board will be placed each year before the State Legislative Assembly; and

(b) the special allocation of funds for the developmental expenditure for this region by the Central Government over and above the allocation of funds by the State Government."

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

(1) Page 11—

for lines 6 to 32, substitute:

"371. The Parliament may by law made with respect to the States of Andhra Pradesh, Punjab and Bombay provide for any special responsibility of the Governor for—

(a) the establishment of separate development boards for different regions with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly;

(b) the equitable allocation of funds for developmental expenditure over these regions subject to the requirements of the State as a whole; and

(c) an equitable arrangement providing adequate facilities for the technical education and vocational training and adequate opportunities for employment in services under the control of the State Government in respect of all regions subject to the requirement of the State as a whole."

(ii) Page 11—

(i) line 6, omit "Notwithstanding anything in this Constitution"; and

(ii) line 15, omit "Notwithstanding anything in this Constitution".

(iii) Page 11, lines 6 and 7,—

for "the President may, by order" substitute "the Parliament may, by law".

Shri N. C. Chatterjee: I beg to move:

(i) Page 11, line 7—

for "President may, by order" substitute "Parliament may, by law".

(ii) Page 11—

after line 14, insert:

"(1A) With respect to the State of Punjab provision may be made for the establishment of two or more separate Development Boards for the different regions and for the equitable allocation of funds for developmental expenditure over these regions, and also for an equitable arrangement providing adequate facilities for the development of Hindi and for technical and vocational education subject to the requirements of the State as a whole".

(iii) Page 11, line 16—

for "President may by order" substitute "Parliament may by law".

New Clause 22A

Pandit Thakur Das Bhargava: I beg to move:

Page 11—

after line 32, insert:

"22A. Insertion of new articles 371A and 371B.—After article 371 of the Constitution, the following articles shall be inserted, namely:—

"371A. Special safeguards for the Hindi speaking Region.—(1) It shall be the special responsibility of the State of Punjab to develop the Hindi speaking region and bring it into line with the Punjabi speaking region within a period of five years in all matters of social and economic progress; by giving weightage in employment in public services and representation in legislature and local bodies, provision for increased allotment of water and power, allocation of sufficient amount of funds, for establishment of cottage and other industries, special grants for increased communication facilities and full opportunities for spreading education of all kinds including technical and vocational training.

[Pandit Thakur Das Bhargava]

(2) For the efficient discharge of the special responsibility mentioned in the preceding clause and generally providing for the social and economic needs of the Hindi speaking region a special board consisting of one member of the Planning Commission appointed by the Central Government as its President, the Chief Minister of the State, one Minister from the Hindi speaking region, and if he is not the Development Minister of the State, the Development Minister of the State, shall be constituted. It shall be the duty of the Board to arrange for necessary funds, ways and means and to suggest schemes, measures and programmes of work and to look to the speedy implementation of the same.

(3) The Governor of the State of Punjab shall report to the President after every two years on the progress and implementation of the general and special safeguards provided in this Act for the Hindi speaking region and the President shall give such directions as he considers proper to secure the due fulfilment of the general and special safeguards mentioned in the constitution or this Act or in any other law.

371B. (1) Two separate development Boards one each for the Hindi and Punjabi speaking regions shall be established and the report of the working of each of these Boards shall be placed each year before the State Legislative Assembly.

(2) Apart from special allocation of funds for purposes of special development equitable allocation of funds for development expenditure for these two regions shall be also made separately."

Mr. Speaker: All these amendments are before the House.

पंडित ठाकुर दास भार्गव : जनाब स्पीकर साहब, मैं अग्नेटमेंट नम्बर ५५, ५६, ५७ और २०३ पर बोलना चाहता हूँ। दफ्ता २१ पर मैं ने जो अग्नेटमेंट्स दी थीं, वे नामन्जूर कर दी गई हैं। अब पंजाब के बारे में तिरफ ये अग्नेटमेंट्स रह जाती हैं।

पंजाब के बारे में जो फारमूला बना गया है, उस के मुतालिक मेरी सब से पहली शिकायत यह है कि इस फारमूले को कांस्टीट्यूशन का हिस्सा नहीं बनाया गया है। इस को तिरफ अग्नेटमेंट्स में दर्ज किया गया है और अग्नेटमेंट्स कमी भी इस बिल का हिस्सा नहीं बनेगा। इसके मायने ये हैं कि जो पुरानी रवायत नान-रेगुलेशन प्राविन्सिज के साथ जुड़ी हुई थीं, वे अब भी पंजाब के साथ स्टिक करती हैं। शायद अभी तक हम हिन्दुस्तान का प्रापर हिस्सा नहीं बने हैं, जिस की वजह से हम को यह इच्छत नहीं मिली है कि जो बात या फैसला हमारे मुतालिक हो, उस को कांस्टीट्यूशन में दर्ज किया जाय। उस को अग्नेटमेंट्स में रैलीगेट कर दिया गया है।

जैसा कि मैं पेशतर कह चुका हूँ, मैं इस रीजनल कमेटी के फारमूले के हक में हूँ, लेकिन मेरी शिकायत यह है कि यह फारमूला, जिस की प्राउटलाइन दर्ज की गई है, हमारी सलाह से नहीं बनाया गया है। उस के बारे में हम से नहीं पूछा गया कि क्या हम उस में कोई तब्दीली चाहते हैं या नहीं और आया उस को चाहते भी हैं या नहीं। न उस फारमूले को पार्लियामेंट के सामने लाया गया और न उस के मुतालिक पार्लियामेंट के मेम्बरों से पूछा गया और न उन की राय ली गई। इस के मायने ये हैं कि एक ऐसी चीज हम पर थोपी जा रही है, जिस के मुतालिक हमारी राय भी

नहीं ली गई—स्वाह बहू हम को पसन्द हो—और इस वजह से सारे पंजाब में साइकालोजिकल फ्रस्ट्रेशन फैला हुआ है। ऐसा माना जाता है कि यह फारमूला हमारे लीडर्स—गवर्नमेंट के लीडर्स या कांग्रेस के लीडर्स—ने अकाली भाइयों के साथ मिल कर बनाया और फिर उस को इस बिल में रख दिया। लेकिन इस बात पर मेरा एतराज नहीं है। मेरी गुजारिश सिर्फ यह है कि जब तक पंजाब का एक बड़ा हिस्सा सैटिसफ़ाई नहीं होगा, तब तक वहां पीस नहीं हो सकती है मैं इस बात को मानता हूँ। मैं इस बात के खिलाफ नहीं हूँ कि अगर किसी बड़े तबके को किसी किस्म की सैटिसफ़ैकेशन की जरूरत है, तो वह दी जानी चाहिए। मेरे एतराजों और तरह के हैं। असेम्बली ५५ और ५८ के जरिये मैंने यह कोशिश की है कि जो आउट लाइन दी गई है, वह चन्द असेम्बली के साथ सैकंड सिड्यूल बन जाये। उस फारमूले की कुछ बातें हम को मंजूर हैं और उन को हम मानने के लिए तैयार हैं—वे हमारी मरजी से आई हैं या खिलाफ मरजी आई हैं, यह अलग बात है, लेकिन यह हकीकत है कि वे मुझे पसन्द हैं और मैं उन पर कोई एतराज नहीं करना चाहता हूँ। लेकिन उसमें कई बातें, ऐसी भी हैं, जिनको मैं पसन्द नहीं करता हूँ। पेशतर इस के कि मैं उनकी तरफ भाजें मैं जनाब की तबज्जह उन चन्द बातों की तरफ दिलाना चाहता हूँ, जो इस असेम्बली की बेसिस हैं। स्टेट्स रि-आर्गनाइजेशन कमीशन की रिपोर्ट के आखिर में समरी आफ कनक्लूजन और रिकमेंडेशन्स दी हुई है। उनमें दर्ज सफ़ा २६२ पर रिकमेंडेशन ५०, ५१ और ५२ को ज़रा मुलाहज़ा फ़रमाइये। उनमें माइनारिटीज़ के लिए कुछ सेफ़राइज़ दिए गए हैं, जिन का ज़िक्र पैराग्राफ ८३६ और ८४१ ख़ैर में किया गया है। मैं पहले भी

जिम्मा का ज़िक्र कर चुका है, इसीलिए उन बातों को दोहराना नहीं चाहता हूँ। हमारे होम मिनिस्टर साहब फरमाते हैं कि गवर्नमेंट ने कमीशन की रिकमेंडेशन्स को आम तौर पर एक्सेप्ट कर लिया है। मैं यह जानना चाहता हूँ कि फिर क्या वजह है कि इन दो स्पेशल रिकमेंडेशन्स को मंजूर न किया जाये।

अभी पाटस्कर साहब ने जो असेम्बली में कहा है, मैं उसमें कई एरियाज़ के लिए डेवेलपमेंट बोर्ड दिए गए हैं। क्लॉज २२ की सब-क्लॉज २ में विदर्भ, मराठवाड़ा और बाकी स्टेट के लिए तीन अलग डेवेलपमेंट बोर्ड बनाए गए हैं, डेवेलपमेंटल एक्सपेंडीचर के लिए फंडिंग की ईक्विटीबल एलोकेशन का इन्तज़ाम किया गया है और हर एक हिस्से के लोगों के लिए टेक्निकल एजुकेशन, वोकेशनल ट्रेनिंग और सर्विसिज़ में एडोक्वेट प्रोव्हीडेंटिज़ फ़ार एम्प्लायमेंट प्रोवाइड की गई है। वहां पर लिखा है :—

"(a) the establishment of three separate development boards....;

(b) the equitable allocation of funds for developmental expenditure.....;

(c) an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of all the three divisions....."

मैं नहीं समझ सका कि पंजाब को क्यों डेवेलपमेंट बोर्ड से महकम किया गया है। चुनावों में ने असेम्बली २०३ के जरिये यह प्रोवाइड करने की कोशिश कि है कि पंजाब में डेवेलपमेंट बोर्ड होना चाहिए। पंजाब और आंध्र, इन दो स्टेट्स में रिजनल कमेटीज़ प्रोवाइड की गई है। आंध्र में भी डेवेलपमेंट

[पंडित ठाकुर दास भार्गव]

बोर्ड का जिक्र नहीं है, लेकिन सिलेक्ट कमेटी की रिपोर्ट पढ़ने से मालूम होता है कि वहां के लोगों ने आपस में कोई अर्रेंजमेंट कर लिया है और कल डा० संकन सुन्दरम की मेहरबानी से मुझे यह देखने को मिला कि उन्होंने किस तरह का एग्जीमेंट किया है। सिर्फ इतना ही नहीं, उन्होंने एम्पलायमेंट का फंसला कर लिया, मिनिस्ट्रीज के पोर्टफोलियोज का भी फंसला कर लिया, अपनी जो रेजीडेंशियल क्वालीफिकेशन थी उसको भी रखा लिया। मैं पंजाब के लिए यह चीज नहीं चाहता क्यों कि एक स्टेट के लिए मैं इस चीज को नुकसानदेह समझता हूं। लेकिन जैसा कि होम मिनिस्टर साहब ने फरमाया कि हर जगह डेवेलपमेंट बोर्ड बनेंगे ताकि डिस-पैरिटी रिमूव हो, मैं भी चाहता हूं कि हमारे यहां भी डेवेलपमेंट बोर्ड बनें। मेरी समझ में नहीं आया कि पंजाब के वास्ते डेवेलपमेंट बोर्ड बनाये जाने का प्राविजन क्यों नहीं रखा गया। मैं तो समझता था कि जहां रीजनल कमेटीज बनेगी वहां पर डेवेलपमेंट बोर्ड जरूर बनेंगे। हृद्यारे यहां जो रीजनल कमेटी बनेगी वह तो लेजिस्लेटिव असेम्बली का एक छोटा सा हिस्सा होगी और वह सिर्फ इसी गरज के वास्ते कि वह लेजिस्लेशन स इमदाद दे। लेकिन जहां तक डेवेलपमेंट बोर्ड का सवाल है इस आउटलाइन में उस के बारे में एक लपत्र भी दर्ज नहीं है। या तो यह हो सकता है कि होम मिनिस्टर साहब इस रीजनल कमेटी को डेवेलपमेंट बोर्ड से भी कुछ ज्यादा देना चाहते हैं। यहां पर रीजनल कमेटी को १४ सबजेक्ट्स में लेजिस्लेशन का अस्तित्थार दिया गया है। मैं जानना चाहता हूं कि क्या इस कमेटी को डेवेलपमेंट बोर्ड से आप कुछ ज्यादा चीज देना कम्पेक्ष है। क्या आप उसको यह अस्तित्थार

देना चाहते हैं कि वह डेवेलपमेंट भी कर सके और उसके मुताल्लिक कानून भी बना सके। अगर होम मिनिस्टर साहब का यह स्थाल है तो मुझे इसके बारे में और कुछ अर्ज नहीं करना है।

मैंने श्रीबाग पैक्ट देखा है, नागपुर पैक्ट देखा और आंध्र का पैक्ट भी देखा है। लेकिन हम पंजाब में इस हद तक नहीं जाना चाहते लेकिन ताहम जो मोटे मोटे उसूल हैं उनको हम जरूर चाहते हैं। चुनावों मेरी गुजारिश यह है कि जो खास चीजें हम चाहते हैं वे ये हैं।

मसलन मैं चाहता हूं कि जो अस्तित्थार आप गवर्नर को देना चाहते हैं वे सेंट्रल गवर्नमेंट को दे दिये जायें। मैं ने श्री चटर्जी साहब की बहस को सुना। उन्होंने हम को बहुत कुछ पोलिटिकल साइंस पढ़ानी चाही लेकिन हम भी पालिटिकल साइंस सीखते सीखते बड़े हो गये हैं। मैं इस चीज को मानने को तैयार नहीं हूं कि अगर गवर्नर को ये अस्तित्थार दे दिये जावेंगे तो यह बड़ी अनकांस्टीट्यूशनल बात होगी और अनडिमोक्रेटिक बात होगी। पिछले जमाने में भी गवर्नमेंट ने गवर्नरों को माइनारीटीज के प्रोटेक्शन के लिए सास अस्तित्थार दिये थे। मैं यह मानने को तैयार नहीं हूं कि ऐसा करने से सारा कांस्टीट्यूशन ही दरबाद हो जायेगा। लेकिन मैं अपनी स्टेट के इंटरस्ट में यह अर्ज करना चाहता हूं कि अन्ध्रा हो कि आप गवर्नर को पार्टीबाजी से अलग रखें और ये अस्तित्थार सेंट्रल गवर्नमेंट को दें। मैं जानता हूं कि ऐसे भीके बहुत कम आवेंगे जब कि रीजनल कमेटी और लेजिस्लेटिव असेम्बली आपस में लड़ने लगे। लेकिन अगर कभी ऐसा मौका आवे तो अगर आप यह अस्तित्थार गवर्नर को न देकर सेंट्रल गवर्नमेंट को देंगे तो सेंट्रल गवर्नमेंट के फंसले से दोनों फरीकों को ज्यादा हत्थीनान होगा। इसनिष्ठ

में चाहता हूँ कि आप मेहरबानी फरमाकर यह अस्तिायार संदस गवर्नमेंट को ही दें ।

इसके अलावा मैं अर्ज करूँगा कि जब मेरी स्टेट बार्डिलिग्वल है तो मुझे पंजाबी की तरक्की से कोई इस्तिलाफ नहीं है । जैसा अभी मेरे भाई बिद्यालंकार साहब ने कहा पंजाबी में संस्कृत के बहुत से अल्फाज हैं । इसलिए पंजाबी की तरक्की होगी तो हिन्दी की भी तरक्की होगी । लेकिन सवाल सिर्फ आफिशियल लैंग्वेज का है । आपने कहा कि यह स्टेट बार्डिलिग्वल होगी, हमने इसको कबूल कर लिया । लेकिन जो दूसरी चीजें आपने लिखी हैं उनसे मैं इतिफाक नहीं करता, और मैं समझता हूँ कि वे चीजें जायज नहीं हैं । मैं नहीं चाहता कि कांस्टीट्यूशन के बखिलाफ हम पर जबरदस्ती गुप्मुखी को थोपा जाये । मैं गुप्मुखी की उतनी ही कद्र करता हूँ जितनी कि हमारे सिख भाई करते हैं, लेकिन मैं यह नहीं चाहता कि वह हमारे ऊपर थोपी जाये । यह इल्लीगल है, यह अनकांस्टीट्यूशनल है । यह चीज नहीं रखी जानी चाहिए ।

इसके अलावा एक खास चीज पर मुझे ऐतराज है जिसको मैं फिर दुहरा देना चाहता हूँ, और यह मेरी खुशकिस्मती है कि हमारे पंत जी साहब इस वक्त यहां तशरीफ रखते हैं । मैं यह उनकी सिदमत में मुन्नद्बाना अर्ज करूँगा और शायद मेरे यह अर्ज करने का यह आखिरी मौका होगा । इसलिए मैं चाहूँगा कि जो कुछ मैं अर्ज करूँगा उस पर वह गौर फरमावें । असल मजमून पर आने से पहले मैं चाहता हूँ कि मैं एक कहानी सुना दूँ, जो कि एक सच्ची कहानी है । मैं बीपी जमाअत में पढ़ता था तो हमारे उस्ताद की यह आदत थी . .

Pandit Thakur Das Bhargava: Only half a minute; it is pertinent to the subject. Instead of giving an argument, I am only telling a story.

तो मैं अर्ज कर रहा था कि हमारे उस्ताद की यह आदत थी कि जो सड़का उनके पास शिकायत करने के वास्ते जाता था पहले वह उसको सजा देते थे कि तुम शिकायत करने क्यों आये हो, तुम अपने आप को बचा क्यों नहीं सके । और उसके बाद अगर उसकी शिकायत सही होती थी तो सारी जमाअत में जिसका कसूर होता था उसको सजा देते थे । हमारे पंत जी ने जो परसों फरमाया उसको सुनकर मुझे अपने मास्टर साहब की याद आ गयी । पंत जी ने फरमाया था कि उनको शिकायत पसन्द नहीं है । ठीक है, जो आदमी मजबूत होता है उसको कभी शिकायत पसन्द नहीं होनी चाहिए । शिकायत तो वह गरीब करता है जो हर तरह से दुखी होता है लेकिन अगर हमारी शिकायत सही है, तो मैं अदब से अर्ज करूँगा कि जो तरीका हमारे मास्टर साहब अपनाते थे वही तरीका पंत जी साहब भी अस्तिायार फरमावेंगे । यहां पर आपने फरमाया है कि शायद हरियाना को कुछ लेजिटिमेंट शिकायत है । मेरी अदब से गुजारिश है कि वह शिकायत हमने सिर्फ हाउस में ही नहीं रखी है । हमने उस शिकायत को कमीशन के सामने रखा, पंडित नेहरू के सामने रखा और पंत जी के सामने भी रखा है । मैं कहता हूँ कि अगर मेरी शिकायत झूठी है तो आप मेरे अर्जेमेंट्स को उठाकर फेंक दीजिये । लेकिन अगर हमारी शिकायत सही है तो फिर आप "परहेय" क्यों कहते हैं ? मैं अर्ज करना चाहता हूँ कि अगर आप हम को बराबरी का दर्जा देना चाहते हैं तो पहले हमारे उन जल्मों को भरने की कोशिश कीजिये जो कि सौ बरस से चले आ रहे हैं । यह मैं कई मतवा अर्ज कर चुका हूँ । मैं कुछ मिसालें आपके सामने

Mr. Speaker: Where is the time for stories?

[पंडित ठाकुर दास भागंब]

रखना चाहता हूँ। आप गौर फरमायें कि पंजाब में १२३ गांव भांडिल विलेज बनाये गये जिनमें से हरियाना में सिर्फ ६ हैं। इसके अलावा हमको पीने के पानी की बहुत तकलीफ है। हमको इसके लिए जो रकम दी जाती है वह बहुत इनएडीक्यूट है बनिस्बत उनके जिनको कि पानी की तकलीफ नहीं है। इसके अलावा आप रेलगाड़ी की तरफ तबज्जह फरमावें। जब लड़ाई शुरू हुई तो सब से पहले रोहतक की एक लाइन डिस्मेंटिल कर दी गयी थी। अब सारे हिन्दुस्तान की इस तरह से डिस्मेंटिल की हुई लाइनें बन गयीं लेकिन रोहतक की लाइन अभी तक नहीं बनी है। सन् १९२६-३० में भिवानी से रोहतक तक के लिए लाइन मंजूर की गयी थी लेकिन वह आज तक नहीं बनी है। अपने करीब आप गुडगांव को ही लीजिये। गुडगांव से अलवर तक कोई लाइन नहीं है। इसके लिए हम यहां पर रोज झगडा करते हैं लेकिन हमारे रेलवे मिनिस्टर साहब कह देते हैं कि इसके लिए पंजाब गवर्नमेंट की सिफारिश लाओ। हम वह सिफारिश कहां से ला सकते हैं? मैं अदब से अर्ज करना चाहता हूँ कि पानी के बारे में, कम्युनिकेशन्स के बारे में हमारा इत्नाका बहुत पिछड़ा हुआ है। पानी जो कि सब से जरूरी चीज है उसकी हमारे यहां पर बहुत सख्त कमी है। इसके लिए हमको किदवई साहब ने डाई करोड़ रुपया देने का वायदा किया था लेकिन आज तक एक रुपया भी नहीं दिया गया है। गुडगांव से होकर पानी की नहर निकलती है लेकिन उससे गुडगांव वालों को बहुत कम पानी मिलता है, वह नहर ५० पी० की चली जाती है। ये हमारी बास बास शिकायतें हैं। जैसी कि अभी हमारे भाई ने नौकरी के बारे में शिकायत की वह मैं नहीं कहना चाहता। भुझे

सिख भाइयों से कोई झगडा नहीं है। आप चाहें तो मेरे इलाके में सारे सिख अफसर रख दें। मैं कम्बुमल डिमांड नहीं करना चाहता। मैं ने तो कई दफा अर्ज किया था कि मैं तो सिख चीफ मिनिस्टर चाहता हूँ। मगर मेरिट्स पर वह होना चाहिये लेकिन मैं चाहता हूँ कि मेरे इलाके के लोगों को इमीनान दिलाने के वास्ते यह जरूरी है कि उनको ज्यादा नौकरियां दी जायें। क्लास १, २ और ३ में हमारे यहां के लोग १५ पर सेंट भी नहीं हैं। और तो क्या नायब तहसीलदार और तहसीलदार भी हमारे यहां वाले दस पर सेंट भी नहीं हैं। कोई डिप्टी कमिश्नर नहीं है, न सुपरिटेण्डेंट पुलिस है, न हाईकोर्ट का कोई जज है। काउंसिल आफ स्टेट में जो पंजाब के आठ मेम्बर हैं उनमें एक भी मेरे इलाके का नहीं है। मैं किस किस चीज को गिनाऊं। आपने कहा है कि हम सर्विसेज के वास्ते सरकुलर जारी कर देंगे। मैं तो चाहता हूँ कि इस सरकुलर के जरिये आप पंजाब सरकार पर यह जिम्मेवारी डालें कि वह हमको नौकरियों में बराबरी दे। हमारा कोई अपने भाइयों से झगडा नहीं है और न हमारी यह डिमांड कम्युनल है। मेरी डिमांड तो सीपी है। मैं तो चाहता हूँ कि जिन चीजों का मैं ने जिक्र किया है उनके बारे में पंजाब सरकार पर जिम्मेवारी डाली जाये कि इन चीजों में हमको बेटेज दिया जाये। अगर ऐसा नहीं होगा तो १५ साल में हमारे यहाँ का एक आदमी भी डिप्टी कमिश्नर नहीं बन सकेगा। अगर आप पंजाब सरकार के ऊपर अभी से यह जिम्मेवारी नहीं डालेंगे तो १५ बरस तक कोई हमको पूछेगा नहीं कि तुम्हारे मुंह में कितने दांत हैं। इस वास्ते यह बिल्कुल जरूरी है कि उन सब चीजों में, कोर्टेज इंडस्ट्रीज में और दूसरी चीजों में आप हमको बेटेज दें और उसको ठीक से अमल में लाने के लिए

गवर्नर के जिम्मे यह भार डाला जाये और आपकी इस रिपोर्ट के मुताबिक प्लानिंग कमिशन के एक अफसर को अधिकार दिया जाये कि डिमांड्स को देखे और मिल कर उनके बारे में फ़ैसला करे और हर तीसरे वर्ष आपकी खिदमत में रिपोर्ट आये और आप देखें यह कि हम वहां तक पहुंच गये हैं या नहीं ।

श्री चटर्जी से मैं प्रदब से पूछना चाहूंगा जिन्होंने यह कहा है कि अगर आपने सर्विसेज का जिक्र किया तो हिन्दुस्तान की हुकूमत कायम नहीं रह सकेगी तो क्या आपने ऐंग्लो इंडियंस को जो दस वर्ष के वास्ते वेटेज दिया है उससे क्या हिन्दुस्तान डब गया या हिन्दुस्तान की हुकूमत खत्म हो गई ? इसी तरह आपने जो सर्विसेज बगैरह में शेड्यूल्ड कास्ट के पिछड़े हुए भाइयों को वेटेज दिया है तो क्या उससे हिन्दुस्तान खत्म हो गया ? हिन्दुस्तान और हिन्दुस्तान की हुकूमत उसी तरह बरकरार है और जिन्दा है । ऐसे लोग जिनके साथ इंसाफ किया जाना चाहिए और जिनकी कि खस्ता और पस्त हालत हो, वह अगर आपकी खिदमत में अपनी अर्ज-दास्त लेकर आये तो उनको यह कहना कि वहां पर लोग काम नहीं करते, उनके साथ सरासर नाइंसाफी और जुल्म करना है । मैं इस चीज को यहां पर बहुत साफ तौर से बाजे कर देना चाहता हूं कि हमारे लोग काम करने को तैयार हैं बशर्ते कि हमारे लिए माहौल बने । अब पंजाब की गवर्नमेंट की हालत यह है कि वहां कोई प्राविशियल अटोनामी नहीं है और वहां के वजीर लोग यहां आये दिन दिल्ली में बैठे रहते हैं और प्रिन्सिपली हुकूमत दिल्ली से गवर्न होती है और जिसका कि नतीजा यह हो रहा है कि वहां की जनता और उनके चुने हुए प्रतिनिधि अपनी मंशा के मुआफिक पंजाब गवर्नमेंट से काम नहीं कर सकते और हमने देखा कि हमारे होते हुए हमारी भांखों के सामने १०

हजार भाइयों को कैद कर लिया और कुछ पवाह नहीं की गई । यहां पर ५० भादमी अपनी बात सुनाने आये लेकिन उनकी बात सुनी नहीं गई । आपका यह ताना देना कि हम क्या करें तुम लोग काम नहीं करते, दुख्त नहीं है क्योंकि काम करने के लिए पहले माहौल तो पैदा कीजिये । मैं आपसे पूछना चाहता हूं कि क्या बंगाल और बम्बई के गवर्नर भी रोज यहां आये दिन पूछने और सलाह लेने आते हैं ? हम चाहते हैं कि आप जो हमारे गाजियंस यहां पर बने हुए हैं हमारी बात सुनें और हमारी दिक्कतों को हल करें और यह न फरमायें जब कि हम आपकी खिदमत में हाजिर हों कि आप अपनी खुद कोशिश करिये । जहां तक हमारे कोशिश करने का सवाल है वह तो मैं ने आपको बतलाया कि "एट दी बैक आफ दी होल लेजिस्लेचर " यहां भाकर चुपचाप मामलों को तय न कर लिया करें ।

मैं जनाब स्पीकर साहब की इजाजत से चूक मेरे पास उस अर्जदास्त को जो कि हरियाना के ३३ मेम्बरान ने भेजी है पढ़ कर सुनाने का समय नहीं है, इसलिए मैं उस अर्जदास्त को आपकी इजाजत से सदन की मेज कर रखे देता हूं ।

Mr. Speaker: When documents are sought to be placed on the Table, I have noticed that one document is referred to and another document is placed on the Table.

Pandit Thakur Das Bhargava: I am laying the copy on the Table.

Mr. Speaker: I will scrutinise it....

Pandit Thakur Das Bhargava: Let it be scrutinised.

Mr. Speaker:...and if it is admissible, I will treat it as laid.

श्री० रणबीर सिंह (रोहतक) : अध्यक्ष महोदय, मैं २०३ नम्बर के संशोधन का समर्थन करने के लिए खड़ा हुआ हूँ ।

[श्री० रणबीर सिंह]

इस संशोधन पर पंजाब और पेप्सू के २२ में से १५ आदमियों के हस्ताक्षर हैं। जिस वक्त यह संशोधन लिखा गया था उस वक्त ४ आदमी पंजाब और पेप्सू के गैरहाजिर थे और मुझे पूरा विश्वास है कि हमारे इलाके के डिप्टी मिनिस्टर, डिप्टी स्पीकर और जो दो उनके और साथी हैं वे भी हमारे साथ हैं और इस तरीके से हमारे पूरे २२ मेम्बर्स होते हैं। जब हम वहाँ पर कोई बात लेकर आते हैं तो हमसे यह कहा जाता है कि हमारे पास आपस में कोई समझौता करके ही आओ और पिछली दफा जब हमारे पंजाब और पेप्सू की काँसिल के रि कॉन्स्टिट्यूट होने का सवाल था तो हमें यही राय दी गई थी। जहाँ तक इस संशोधन का सम्बन्ध है, अध्यक्ष महोदय, मेरा निवेदन यह है कि हम पंजाब और पेप्सू वाले सब के सब तकरीबन मुतफिक हैं। मुझे नहीं मालूम कि कोई इसमें एस्तलाफ राय रखता है। कल दो भाई जो गैर-हाजिर थे, उन दोनों से जब मैं ने बात की तो वह भी मेरे साथ सहमत थे।

चटर्जी साहब ने पंजाब की बाबत कुछ बातें कहीं। पंजाब के अन्दर जब राज्य पुनर्गठन का सवाल उठा तो पंजाब में ४, ५ किस्म के खयालात थे। कुछ भाई ऐसे थे जो दिल्ली के आस-पास के रहने वाले थे और जिनको कि सन् १८५७ में इस देश की सेवा करने के कारण सजा दी गई थी और उनके इलाकों को दिल्ली के इलाके से काट कर पंजाब के साथ मिला दिया गया था और जो आज तक एक तरह से उनकी कालोनी बने हुए हैं और आज भी कुछ दोस्त हैं जो कालोनी समझते हैं और जो समझते हैं कि जालन्धर के इलाके के कुछ लोगों को तरक्की करने के लिए वहाँ अच्छी जगह है। एक तरफ वह दोस्त थे जिनके कि दिल में कोई हिन्दी

और पंजाबी का झगड़ा नहीं था और हिन्दू और सिख का कोई झगड़ा नहीं था, केवल आर्थिक सवाल उनके सामने था और वह चाहते थे कि पंजाब से वे अलहिदा हों। इसी तरीके से हिमाचल देश के भाई थे जो पंजाब के साथ आना नहीं चाहते थे क्यों कि वे जानते थे कि शायद उनकी असेम्बली जिस तरीके से कि अभी हाउस ने और हमने फैसला किया, उनकी असेम्बली और बजारत छीन लें लेकिन वह इस बात के लिए तैयार थे कि उनकी असेम्बली और बजारत छीन लें। हमें अपने लोगों की तरक्की के लिए रुपया चाहिए। पिछले पांच साल में हिमाचल प्रदेश को ४ करोड़ रुपया दिया गया और इस दूसरे सेकेंड फाइव इयर प्लान के तहत उन्हें १५ करोड़ रुपया दिया जा रहा है। इस तरह से १० साल के अन्दर हिमाचल प्रदेश को तकरीबन १६ करोड़ या २० करोड़ के करीब रुपया दिया जायेगा। मेरा कहना है कि उतना ही इलाका हमारे सूबे के एक जिले का है और जिसका कि नाम कांगड़ा है और जिससे कि हमारे साथी श्री हेम राज आते हैं। कांगड़े का उतना ही इलाका है और करीब करीब उतनी ही आबादी है और फ्रंटियर पर वार्क है वहाँ की तरक्की के लिए सरकार ने कितना रुपया दिया। एक तरफ तो दस साल में २० करोड़ रुपया तरक्की के लिए दिया गया जब कि इस कांगड़े के इलाके को शायद उतने लाख रुपये भी नहीं मिलते हैं और मैं श्री चटर्जी साहब से पूछना चाहता हूँ कि क्या इस और सरकार का ध्यान दिलाना और उसके लिए मांग करना कोई कम्युनल चीज है? जिस तरीके से हिमाचल प्रदेश के लोगों ने एक आवाज से कहा कि हम पंजाब के साथ नहीं आना चाहते उसी तरीके से मैं यह मानता हूँ कि यह जो हमारा संशोधन है वह अगर मंजूर नहीं हुआ

या संशोधन से जो हमारा आशय है उसको कार्यरूप में परिणत नहीं किया गया तो मुझे इस बात में कोई शक नहीं मालूम होता कि ४, ५ साल के अन्दर यह हरियाना अब इलाका और कांगड़ा का इलाका एक आवाज से यह बात कहेगा कि बेशक आप हमारी असेम्बली से लें, हम असेम्बली की मेम्बरी नहीं चाहते, हम बजारत नहीं चाहते, हम वो केवल अपने इलाके की तरफकी चाहते हैं।

अध्यक्ष महोदय, जैसा कि मैं ने शुरू में कहा हमारे लिए यह कम्युनल सवाल नहीं है और न ही यह हमारे लिए हिन्दी और गुरुमुखी का सवाल हो सकता है और यह जो आवाज एक भाई ने उठाई कि यह हिन्दी के रास्ते में रोड़ा भटकाने का सवाल है या कुछ भाई लोगों ने ऐसा कहा कि यह गुरुमुखी की तरफकी ओर रोकने का सवाल है, यह दोनों ही आवाजें गलत हैं बल्कि हम जो करीब ६५ लाख लोग वहाँ पर बसते हैं उन की आर्थिक तरफकी करने का सवाल है, इससे फालतू हमारा इसके अन्दर कोई आशय नहीं है।

अध्यक्ष महोदय, जहाँ तक हमारे सैंकेंड फाइव इयर प्लान का सवाल है, अगर सिर्फ रीजनल कमेटियाँ जैसी कि हमें दी गई हैं, उन रीजनल कमेटियों की मार्फत हमारा जो सैंकेंड फाइव इयर प्लान है और जिसके कि दौरान पंजाब और पेप्सू में १२६ करोड़ और १५ करोड़ रुपये का खर्च का भंडाजा लगाया गया है, अगले पांच सालों में उसके खर्च को हम उन कमेटियों की मार्फत देख कर के अपने इलाकों की आबादी और हालात को देखते हुए नहीं बदलवा सकते हैं तो मैं समझता हूँ कि अगले चार या पांच साल के बाद हमारे हर इलाके का आदमी यह समझे कि रीजनल कमिटी फालतू थी।

आज हमारे कुछ साथी हैं, जालन्धर विधान के, कुछ अन्य हिन्दू भी हैं, जो कि वह समझते हैं कि अकाली पार्टी के सम्बन्ध घटने टेकने के लिये यह रीजनल कमेटियाँ बनाई गईं। लेकिन दूसरी तरफ हमारे इलाके के भाई हैं जो कि इसके अन्दर अपनी आर्थिक उन्नति की आशा करते हैं, कुछ धनक देखते हैं उस की, वह आज क्षुधा हैं और दूसरों के बहुकावे में जाने के लिये वे तैयार नहीं हैं। अभी श्री चटर्जी ने कहा कि पार्टिशन के बाद कुछ भाई इधर आये। मैं उन को बता दूँ कि उन की तादाद हमारे इलाके में ६५ लाख में से मुश्किल से ८ लाख है। ऐसी हालत में क्या आप समझते हैं कि डिमाण्डेरी के जमाने में, अगर वह ८ लाख आदमी कोई ऐसी आवाज उठाना चाहते हों जो हमारे ख्याल के खिलाफ हों, तो, ये इस उन का आर्थिक हित चाहते हैं, वह चीज हमारे हक में होगी? जो चीज ५५ लाख आदमियों के हित में नहीं होगी, जो उन के खयालात होंगे, उन के जो तरीके होंगे, वह आज की डिमाण्डेरी के अन्दर चलेंगे?

चटर्जी साहब ने कहा कि जो यह रीजनल कमेटियाँ हैं, वह हमारे संविधान के खिलाफ जायेंगी। मैं उनसे पूछना चाहता हूँ कि क्या वह उन को इतना ताकतवर समझते हैं? पिछले दिन उन्होंने कहा था कि हरियाना की रीजनल कौंसिल के ६४, ६५ आदमियों में से ३३ आदमी अगर कोई फैसला करेंगे तो वह पंजाब असेम्बली के तमाम फैसले को रोक सकेंगे। अगर वह इस रीजनल कौंसिल को इतनी ही ताकतवर समझते हैं तो जिस वक्त हिन्दुस्तान की सरकार की तरफ से और देश के नेताओं की तरफ से एक बुलावा दिया कि बंगाल और बिहार को इकट्ठा कर दिया जाये, तो वह इस से क्यों घबरते थे। आखिर जो ताकत हमें मिल रही है, वही ताकत उन के पास

[श्री० रणवीर सिंह]

होती, अगर हमारे ३३ आदमी पंजाब की असेम्बली की आवाज को खत्म कर सकते हैं तो बंगाल के आधे मेम्बर, बंगाल बिहार की जो असेम्बली बनती उस की ताकत को खत्म क्यों नहीं कर सकते थे ? जब इसके अन्दर उन को इतनी ताकत दिखाई देती है, तो उन को डर क्यों था ? बात साफ है, जिस वक्त दूसरे आदमी को पीर होती है, उस को कोई उस डंग से नहीं समझ सकता जिस तरह से कि अपनी पीर मालूम होती है। आदमी के खयालात कुछ और होते हैं, और वह सोचता कुछ और है। जो बात आज चटर्जी साहब पंजाब के लिये कहते हैं वही बंगाल और बिहार के ऊपर भी लागू होती थी। लेकिन आज क्या होता है कि बंगाल बिहार के लिये वह और बात कहते थे और पंजाब के लिये और बात कहते हैं। जब गुजरात और महाराष्ट्र का सवाल आता है तो उन का दिल दूसरा हो जाता है। आखिर, क्या वह यह समझते हैं कि जो सदस्य यहाँ बैठे हुए हैं वह सब उन की बात को समझ नहीं सकते हैं ? या वह यह कहना चाहते हैं कि उन का ही दिल एक ऐसा दिल है जो तमाम जनता को बहका सकता है। मैं उन से यह कहना चाहता हूँ कि शायद बंगाल के कुछ दोस्त मिल जायें, जिनको आप बहुत बहुत पढ़ा लिखा समझते हैं, जो कि उनके बहकाने में आ जायें, लेकिन पंजाब का सूबा ऐसा नहीं है। पंजाब का वह सूबा है जिसके अन्दर हिन्दू महासभा के दोस्तों ने २५, ३० सालों से कोशिश की कि उन्हें एक सीट मिल जाये। मैं कोई पिछले एलेक्शन की बात नहीं कह रहा हूँ, पिछले २५, ३० सालों तक पंजाब के अन्दर जो एलेक्शन लड़े गये, वह अधिकांश सवाल पर लड़े गये, हिन्दू, मुसलमान और सिखों के सवाल पर नहीं लड़े गये। और वहाँ पर जब भी अक्सरियत आई तो उन्हीं

लोगों की आई जो कि अधिकांश सवाल को उठाने वाले थे। मैं चैटर्जी साहब से अर्ज करना चाहता हूँ कि वह वहाँ पर आ कर बड़ी बड़ी बातें करते हैं, और उनके आदमी उन की मार्फत अपनी बकालत करवाते हैं। लेकिन वह जिनकी बकालत वहाँ पर करते हैं, वह कौन दोस्त हैं। वह वही लोग हैं जो, जब कांग्रेस प्रधान वहाँ पर जाता है, भूदान के लिये अपना सन्देश जनता को सुनाना चाहता है, उस सन्देश को सुनाने की इजाजत नहीं देते हैं। डेले फेंके जाते हैं, वह खुद डेले फेंकते हैं मीटिंगों को खराब करते हैं, लेकिन जिन लोगों के खिलाफ वह डेले फेंकते हैं, जिन के हाथ में आज ताकत है कानून की, जिन के हाथों में आज राज्यसत्ता है उनकी मीटिंगों को खराब करते हैं। उन्हीं ही जमाने कहते हैं। अजीब जमाना। एक जमाना था जब कि लोग यह समझा करते थे कि अगर किसी के हाथ में ताकत नहीं होती थी, उस को बोलने नहीं दिया जाता था, तो वह गिला नहीं कर सकता था, लेकिन आज अजीब जमाना है कि अधिकांश सत्ता जिनके हाथ में है, जिन लोगों की तादाद कोई १०, २०, २५, ५५ या ६० फी सदी नहीं, ८० फी सदी है उन के खयालात एक तरफ है, लेकिन उनकी मीटिंगों को नहीं होने दिया जाता और उल्टे कहा जाता है कि हम को तबा कर दिया गया, हमारे साथ जुल्म हुआ। जैसा अभी बंसल साहब ने बताया कि डिमाक्रेसी के बारे में उन के क्या विचार हैं, मैं उनकी बात को मानता हूँ। लोकतंत्र किसे कहते हैं और वह किस तरह से चलना चाहिये, यह हमें सीखना होगा। मेरा तो यही कहना है कि आज यह हो रहा है कि लोकतंत्र से लोग पीछे हट रहे हैं, लोकतंत्र के खिलाफ बोल रहे हैं, जिन की तादाद कम है, उन्हें हर तरफ

की छूट है, वह जो चाहें कह सकते हैं, लेकिन एक ऐसा आदमी जो कि ज्यादा तादाद वालों का प्रतिनिधित्व करता है, वह अपनी बात कह तक न सके। अगर यही लोकतंत्र कहलाता है, तो यह एक अजीब ब्याख्या लोकतंत्र की होगी।

जैसा मैं ने पहले आप से अर्ज किया अगर किसी वजह से हमारे संशोधन को गृह मंत्री जी मंजूर नहीं कर सकते, तो मैं उन से प्रार्थना करूंगा कि जो अख्यारत वह गवर्नर को देना चाहते हैं, जिन अख्यारत से हमारे चैटर्जी साहब डरते हैं, फिर समझते हैं कि गवर्नर डिक्टेट बन जायेगा और संविधान के खिलाफ कारवाइयां करेगा, वह उस को हिदायत दें। जो हमारे खयालात यहां पर हैं, उन को गृह मंत्री जी तक पहुंचायें। यही नहीं कि उन खयालात को पहुंचायें, बल्कि जब तक हमारा सिस्टम चलता है, उस वक्त तक वह इस बात को देखें कि हमारे खयालात के ऊपर ही हमारी राज्य सरकारें चलें।

Sardar Hukam Singh: Mr. Speaker, Sir, I feel very much encouraged today when I stand to speak on this regional formula. Our Prime Minister observed the other day that the Punjabis were sturdy, strong and healthy but one defect with them was that they were always fighting against each other, always pulling against each other. But today I find that even the Punjabis have unanimity so far as this regional formula is concerned. Shri N. C. Chatterjee has spoken against it, Shri U. M. Trivedi says he is going to speak and he is opposed to it.

Shri U. M. Trivedi: If allowed.

Sardar Hukam Singh: Even if he is not allowed I am admitting that he is opposed to it. But both do not belong to Punjab. So far as Punjab is concerned, every hon. Member who represents any constituency here has supported this regional formula today and, of course, it would go a long way in bringing about that harmony which

we have been seeking for so long a time.

Shri Chatterjee has used every adjective that he could find in any book or in any constitutional treatise. He says it is undemocratic, unconstitutional, illegal and everything that he could lay his hands upon. But he has not given us any solution of the problems that Punjab was suffering from. He always claims that there is a large section, a majority of people who have not liked it and do not accept it. He says that this regional formula has not solved any of the problem that Punjab was suffering from. It is very strange that even when arithmetic cannot support him he continues to argue in the same strain. As proposed by the States Reorganisation Commission, that Maha Punjab, or whatever it would have been, would have contained 171 lakhs of people. Eleven lakhs of people from Himachal Pradesh do not want to be merged into Punjab, not even a man. They had declared their intention so unequivocally. Then Pandit Thakur Das Bhargava has said, and other hon. Members from Hariana Prant have supported it, that 60 lakhs of people from Hariana Prant are in favour of this regional formula. They do not want anything else.

Pandit Thakur Das Bhargava: More than 60 lakhs.

Sardar Hukam Singh: I am supporting him even if he says, 70 lakhs, 65 lakhs or 75 lakhs, whatever figure he may like to give, of people have supported it. Then there are 55 lakhs Sikhs—everybody is united on that point—who also support it. They form more than 130 lakhs. Out of 171 lakhs, if 131 lakhs are in favour of this and they are opposed to the proposal sponsored by the SRC, is not the formula a right one? He said again and again that the majority of people are against this. That only reminds me of the saying that "Even though vanquished he would argue still." He would not be content even with this. But I can assure him that even the remaining 40 or

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45 lakhs or at least a good number out of them, are in favour of this formula, and who support it. They may not be as vocal as he is, but many of them support this formula.

Then, Shri N. C. Chatterjee read in *extenso* some paragraphs from the report of the SRC and tried to argue that there is no language problem, that there are no distinct language zones and that the demarcation line between Punjabi and Hindi-speaking people has been cleared by the migration of Punjabi-speaking people. Certainly, these were the bases which were taken for granted by the SRC, but what solution did they offer? What result did they come to? Ultimately, in paragraph 533 of the report, after arguing all the points, the Commission said:

"An arrangement such as that contemplated under the Sachar-Gyani formula, based on the recognition of the bilingual character of this area would provide, in these circumstances, a more effective solution of the problem...."

What is this formula which was ultimately arrived at? This formula presupposes that there are two distinct zones—Punjabi-speaking and Hindi-speaking. This formula presupposes that Punjab has its own script—Gurmukhi script. If there has been migration from West Punjab, that migration was not of Hindi-speaking people but of the Punjabi-speaking people. Therefore, those districts where Punjabi was spoken, are getting an additional increase in the number of Punjabi-speaking people. Therefore, there is no doubt about that matter. Some displaced persons have come over to the Hindi-speaking areas, but we are not talking of them, because they form about 5 per cent in certain areas, about 7 per cent in certain other areas and about 10 per cent in certain other areas. Nowhere in any district, which is Hindi-speaking are those displaced persons more than 10 or 12 per cent. Can it be argued that the

State has become bilingual? and that everywhere people are mixed up?

This formula does not proceed on the supposition that every Hindu is a Hindi-speaking person and that every Sikh is a Punjabi-speaking man. But that is the misconception that Shri Chatterjee harbours and he wants to perpetuate that for all time to come. Now, he says that Gurmukhi should not be imposed on the Hindi-speaking people. But Pandit Thakur Das Bhargava also says—I have got every regard for him—why he should be asked to read Punjabi. I never said that he should read Punjabi. I have never asked the Hariana people to go in for the Punjabi language. If it is their desire, they might do it or not. But then, could any Bengali say that Bengali is being imposed on him?

Pandit Thakur Das Bhargava: When did I say that I am opposed to Punjabi-speaking people? I am not opposed to Punjabi-speaking people at all.

Sardar Hukam Singh: Pandit Thakur Das Bhargava must be reminded of his old speeches in 1946 in the Constituent Assembly.

Mr. Speaker: If he has changed now, what is the objection of the hon. Member?

Sardar Hukam Singh: I have absolutely no objection. He said that Punjabi was being forced on them. We have not done like that.

Pandit Thakur Das Bhargava: Circumstances were different then in 1948.

Mr. Speaker: All that has disappeared. Now, he is agreeable.

Sardar Hukam Singh: Shri N. C. Chatterjee has argued that this formula is unconstitutional an undemocratic and it sets aside all principles of democracy; he said that it throws over-board the principle of joint responsibility. I wonder how he has argued all this. If we look to the subjects that have been enumerated

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in the formula, we will see that they are subjects relating to economic development, education and health. There is nothing besides these subjects.

Now, Pandit Thakur Das Bhargava has brought forward a lengthy amendment—amendment No. 203. I entirely agree with it, because the basis is correct. This is the symptom of the disease from which Haryana has been suffering. It has not been treated very well. But one thing is regrettable. I support him when he says that those people have been suffering. But he leaves me when I tell that I have also suffered. He would desert me; he would not support me. I say I am suffering from the same disease; I am a victim of the same disease. But, when I cry, he says that it is communal, waste of time and so on. I am glad that he has come round to this proposition. If I had put forward this sometime ago, I would have been dubbed communal and creating fissiparous tendencies. If I say that I have not been treated fairly in services, he says that I want to divide India and create fissiparous tendencies. I am glad that all these Congressmen have come up with this proposition for equitable distribution of services and of funds.

I want to tell my friend Shri Bhargava that Haryana is getting something more than these development boards that he wants, if he looks into that formula. Mr. Chatterjee has argued that if the regional committee passes a resolution, their advice would be binding on the legislature and even if the whole legislature say that they do not agree to it, they will have to submit to it. I cannot understand this. There would be 93 Members in the Punjabi zone and 60 Members in the Haryana zone. Any subject is taken up, discussed and decided by a majority in the regional committees. If that is the case, how can it turn to some other course when the whole Assembly sits? In the regional committees the 93 Members and the 60 Members will be sitting separately

and in the Assembly they will be sitting together. After all, the Assembly does not come from the heavens. It consists of the 93 Members and the 60 Members who have already taken a decision in the regional committees by a majority.

Pandit Thakur Das Bhargava: They are not opposed to it.

Sardar Hukam Singh: They can never come into conflict. So far as the distribution of funds, finances etc. are concerned, they have to decide these matters jointly; it would be for the legislature as a whole to take decisions. Mr. Chatterjee has taken up all these 12 subjects and made much of them. We have accepted in the larger interests of the country something which is much short of our demand. PEPSU, which had the majority of Sikhs as a single section, has been wiped out and thrown out of the map. We wanted a Punjabi-speaking State. When the whole of India has been divided on a linguistic basis, Punjab has been denied that. Even now in this formula Punjabi is not given a regional status as any other language has, because there is opposition to it. There are difficulties and I appreciate the difficulties of the Government when they cannot give us the status of an official language. I realise that the two sons of the same mother—the Hindus and the Sikhs—are fighting against each other and are opposed to each other. They deny their mother tongue. They come round and ask, "Why should this be imposed on us?" This is very cruel. This is the first instance in the whole history that speakers of the same language disown that for political purposes and then come round and pose as nationalists. If others own their language they are dubbed as Communalists, because they say that their mother tongue should be the official language.

I once gave that example. We are two sons of the same mother—the Hindus and the Sikhs. If, on account of his own neglect or some misconception, he tries to kill the mother, is it not my duty that I should save the mother? If the mother is saved, both

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will be nourished; both will be benefited out of it. He is mistaken at that moment, but he will come round and find that it is to his good. What is it that Mr. Chatterjee wants? He wants them to have the option. What would be its result? If this is not made the official language, every home, every cottage in the border will be bilingual. This has given impetus to those people who want to say that their language, their mother tongue is not Punjabi and in every home in the border where two brothers are living, this will accentuate the differences. I am sure, and I put it before the Members of Parliament, that this is a passing phase. If this is made the official language, as it is proposed to do, then certainly after a short time, after the lapse of a small period, both will live together in harmony and will come round and consider themselves as real brothers and there will be no difficulty at all.

I have only to request Pandit Bhargava that he should not press his amendment for the setting up of a development council because those powers, all of them, would be covered under the regional formula that he is getting and Haryana will have much more power. I should say, they are the people who have gained most in this bargain. The difficulty is they have some grievances and my friends from Jullundur are snatching away the rights of the Hariana Hindus. Now when the Hariana will stand on their legs, there will be a conflict between the Hariana Hindus and Jullundur Hindus. Therefore, there is trouble. Otherwise, we have nothing to lose in this bargain. We will only get what we ought to get; nothing beyond that. We are not getting anything more. It is really a dispute between the Hariana Hindus and the Jullundur Hindus. Therefore, they have to settle this. Let them settle it even now. We will be satisfied. Let Mr. Bhargava give up the regional council and let Mr. Bansal say that he does not require it. This is really a quarrel between them.

The difficulty is that so far as I am concerned, Mr. Bhargava will never side with me though I always help him. When it is a good case and when he is suffering from a grievance, I will side him but he never sides with me. That is the difficulty. He goes in support of the case of Jullundur. I would be glad if this can be incorporated in some law or the Constitution. But I do not ask for it, though I could have asked for it. It is the agreement that is required and that is more important than the constitutional provision or anything of that sort. We can modify the Constitution according to our desire; but these desires cannot be modified according to the Constitution. If we sever from each other, if differences are there, certainly no constitutional safeguard will save us. Now we have agreed. Let us work it peacefully, harmoniously and constitutionally.

Shri U. M. Trivedi: I have a different grievance. All these gentlemen from the Select Committee had a chance to speak. You, Sir, and Mr. Bhargava were not there. But Mr. Chatterjee, Dr. Jaisoorya and other gentlemen who took part in the discussion were members of the Select Committee. I did not get a chance to speak.

Mr. Speaker: I will give you five minutes.

Shri U. M. Trivedi: When I have heard the speeches of Ch. Raghunir Singh, Pandit Bhargava and that of Sardar Hukam Singh I felt that there must be something radically wrong with our ways of thinking and their ways of thinking must be correct, and the way that Sardar Hukam Singh always puts his cases takes the wind out of anybody; he puts it so nicely that one forgets his own argument.

Pandit Thakur Das Bhargava has told us that he is standing for this, that he is standing for that, that Hariana is suffering and that is why he supports the regional formula. I do not think he is speaking from his heart.

Otherwise, he would have spoken for his amendment No. 36 in which he wants the omission of the word 'Punjab' from the operation of the regional formula. Therefore, he is not agreeable to the formula.

Pandit Thakur Das Bhargava: My hon. friend has not understood the meaning of the amendment. If he will look into the amendments, he will find that I am committed to the regional formula.

Shri U. M. Trivedi: Sometimes, it strikes me that this question of minorities is not merely a question of Punjab or Andhra or Telangana. It is a question of the whole country. The country at large, we find, has been clamouring for it. It is only at the last moment that we came to the decision that at least Gujerat should not be divided and they should stand together. Although they will be entirely different linguistically and the Gujeratis are in a minority, this regional formula is not clamoured for in Bombay. Why it has not been clamoured for? We have the Parsis in the minority. Hardly one lakh of people came to Bombay and settled down there. The Parsis have not suffered on account of the Hindus doing anything. The Parsis have risen high and established themselves. They are doing business and are great patriots of our country, because we allowed them to live as freely as possible. Why doubt each other and why be sceptical about the *bona fides* of the other? What Mahatmaji said at the Round Table Conference, I will read out. Here are his words, which are entirely applicable to what Ch. Ranbir Singh said just now. He said, we do not want anything, let the Assemblies go, we want money, we want money. The words are these:

"I will not deprive Sir Hubert Carr and his associates of the feeling of satisfaction that evidently actuates them, but in my opinion what they have done is to sit by the carcass and they have

performed the laudable feat of dissecting that carcass.

As representing the predominant political organisation in India, I have no hesitation in saying to His Majesty's Government and to those friends who seek to represent the minorities mentioned against their names, and indeed to the whole world, that this scheme is not one designed to achieve responsible Government though undoubtedly it is designed to share power with the bureaucracy."

Here, I shall say, share power with the Government. That is the only object which has actuated certain members from the Punjab to thus bring about a communal award, in a different light, in a different manner before the country. It is a disgrace to us; it is a shame to us. We should be afraid of doing it at this stage of our Constitution when we have advanced so far. When article 371 was originally framed, it was framed with a desire to help only the Part B States in India. These Part B States have gone to the wind and all the Part B States have disappeared from our Constitution. Yet, here, we are trying to perpetuate certain things which we hate from the bottom of our heart. This communal spirit flows in our views. We cannot get rid of that obsession. We have to guard against this. Minorities may be of different types. Our Constitution has provided safeguards in articles 29, 30 and 355—whatever safeguards are necessary for the good government of our country. It is not necessary for us to impose the further safeguards which are now being imposed on us, by the backdoor, through this regional formula to which not a single Hindu was a party. The Congress claims to be a non-communal, the Congress claims to be secular, the congressmen claim to be followers of Mahatma Gandhi. The Congress ought not to have had any hand in these negotiations which ought to have been between the Hindus and Sikhs and independently of Hindus ought not to have come to the conclusions to

[Shri U. M. Trivedi]

which it has arrived at. I wish to register my very emphatic protest here on the floor of the House. I will ask this House to see that the regional formula does not form part of the Constitution of our country. The regional committees as they are envisaged and the special powers which are given and the subjects which are being transferred to them will always negative the progress of our country. Even looking at this from the constitutional point of view, even looking at it as a politician, I will urge upon my friends Pandit Thakur Das Bhargava and Sardar Hukum Singh to forget it. Even unwittingly, Sardar Hukum Singh had to say that the Sikhs were in a majority in the P.E.P.S.U. and Sikhs have been deprived of that majority. It is that feeling that has deprived his well placed arguments of their weight, that gives away the case and the cat is out of the bag. This is the same thing as what Ch. Ranbir Singh said. When he was speaking, he only harped on 'my Haryana', and he did not apply his mind and think: "I am an Indian, I am a Punjabi. Let my Punjab progress and let there not be dissensions among the various communities."

Pandit G. B. Pant: We are all pressed for time and I feel that it is not necessary for me to take much time of the House.

So far as this regional formula for the Punjab is concerned, it has been supported by every hon. Member belonging to the Punjab. I regard them as better representatives than any other Member coming from any other part of India so far the Punjab is concerned. I, I think, can reasonably presume that they faithfully reflect at least the majority opinion of the Punjab.

Shri N. C. Chatterjee: Question.

Pandit G. B. Pant: In the circumstances, I am sorry that I am not prepared to attach any undue weight to any criticisms that may have emanated from other quarters.

Shri Chatterjee would at one time have preferred sub-States in the Punjab. I do not know...

Shri N. C. Chatterjee: It is not correct. I have already corrected the Home Minister when he made such a suggestion in the Joint Committee. I never wanted sub-States. I said at a very nebulous stage of the discussions that he started with the Akali Party—it came to me of course in a very loose state—that I did not like those sub-States.

Pandit G. B. Pant: What did you say then? May I know what you said?

Shri N. C. Chatterjee: I remember it quite well.

Pandit G. B. Pant: That is why I am saying: would you let me know what you said if I do not remember it well? Well, I do remember it better I think. Sometimes, debtors have better memories than creditors, listeners have better memories than speakers. Such happens to be the case here too.

But for law and order, he would have been prepared to divide Punjab into two, giving to each the other subjects to be administered by itself. He was then perhaps in a generous mood, or perhaps he has been influenced by considerations which were not present when we had a talk between us previously. However, he is entitled to change his opinion. If I do not, he should not blame me for not being equally pliable and adjustable. My feeling is that the regional formula is and represents the best arrangement that can possibly be devised for the Punjab. It keeps the unity and the integrity of the Punjab intact. It would have put an end to any feeling of frustration that might have lingered in any quarter previously. It would have enabled every one to apply himself to constructive work with all earnestness, with faith and hope. In the circumstances, it would have led to the inauguration of a new era of progress in the Punjab.

Here, it is a matter of regret to me that many bogeys, many phantoms were conjured up when this formula was first published. People who were opposed to it belong more to the section of opinion which is represented here by Shri Chatterjee and Shri Trivedi. I will have to live for many years more—I do not know if such a span of life will be given to me—to be converted to the opinion that they are greater and better nationalists, greater democrats than Jawaharlalji or others, who are reputed as model democrats not only in this country but also outside. He knows rightly or wrongly the organisations to which he belongs and to which Shri U. M. Trivedi belongs have given an impression to most of the people in this country, and to everyone at least who is not a Hindu, that they are opposed to other interests.

Shri N. C. Chatterjee: Entirely wrong.

Shri U. M. Trivedi: By your propaganda.

Pandit G. B. Pant: If our propaganda succeeds, then your actions support them. Otherwise, no propaganda can by itself sway people and mislead them.

Shri N. C. Chatterjee: Question.

Pandit G. B. Pant: Well, if questions could in any way overturn the tables, then the world have stuck to questions and given no answers so far. But that has not been the case.

So far as this formula is concerned, it is my regret that because of the unfriendly attitude displayed by certain individuals, this formula had not been appreciated in the manner we had expected it would be. What is there in it? It gives only scope to every region to develop that region—there is nothing more than that and that too, subject to the control and supervision of the entire legislature.

Pandit Thakur Das Bhargava was speaking of linguistic minorities some time ago. He also spoke about the

Punjabi and the Hindi languages just a few minutes back. I was really amazed to hear that he thinks he belongs to the minority language group in the Punjab. I wonder if he will accept that. If not, then it comes to this that the majority language group is so divided that special safeguards are needed, not on the ground of language, not on the ground of religion or creed, but on the ground of persons belonging to the same language, speaking the same language, following and observing the same religion, not being able to share the spoils, maybe, or the fruits, maybe, of the labour of others or their own equitably between themselves. That is more dismal than any story that has been unfolded in this House during the last four or five months.

We have heard of rivalries between States and States. We have heard of differences between communities and communities. But here, today, we are seeing the spectacle of persons belonging to the same religion, to the same State, speaking the same language, displaying such an amount of distrust in each other that they want weightage in representation in legislatures, they want weightage in services, and what not. I do not know where we are really intending to go to. Is there any limit to our negation, rejection and utter disregard of the elementary cannons of democracy? Nothing could have amazed one more than what has been said.

I know the iron has entered the soul of Shri Thakur Das. He has been hurt by the little progress that his part of the Punjab has made. Well, let us gird up our loins, let us apply ourselves to the task and see that we go forward with the determination to make up for the leeway, to cover up the gap and to show that we have mettle in us which can prove that if we so determine we can surpass and beat our neighbours. That I can appreciate. But this desire to have a weightage in legislatures in the States is something which is really, I will not use a strong expression, repugnant to the spirit of the age. We have thought:

[Pandit G. B. Pant]

and we are thinking in terms of India, failing that of the States to which we belong. It is the duty of everyone who is in public life to see there is no disparity between different parts of the same State, that the backward tracts are brought up on to the level of the forward ones. That duty is cast on everyone. But let us not on that account sink low because then we will be dragging others down and we will not be able to lift our head high. That is not the way to achieve the purpose which we all have before us. I claim that this Regional formula is a benevolent one. It is not only acceptable for political reasons but it is to be valued all the more for the spirit of amity, goodwill, comradeship, neighbourliness and friendliness which is capable of generating and fostering. That is for which you have to labour. That is, after all, the keystone on which the structure of democracy rests. So, let us forget and forgive whatever may have happened so far. Let us apply our minds to the great undertaking in which we all are engaged today. The Five Year Plan should absorb all our energies. We should not waste a minute or an ounce of our energy. Let us then lift ourselves and let us try to lift others.

As to the language, I think Punjabi and Hindi are so very akin to each other that if there were no prejudices on either side, I could not at all anticipate any difficulty in the two brothers meeting each other and reaching a solution that would be completely satisfactory to each and both. There is no inherent difficulty. By itself it is a very easy proposition, but when you create a haze, a mist that no light can penetrate, then it is lost, for the time being, in darkness and you cannot grasp and reach it. But I still appeal to the Hindus and to the Sikhs of the Punjab. I remember that our Deputy-Speaker had made an appeal immediately after the publication of the Regional formula to all Punjabis to the effect that they should meet together and place their house in

order. It is no credit, it is no matter of pride to any Punjabi, whether he be a Sikh or a Hindu, that they should not be able to settle their differences and to resolve their quarrels. Why should not they be able to do so? It is not a credit to any one. And the complaint that others in Delhi have to intervene again and again in matters pertaining to the Punjab, again, is not an index of a healthy public life in the Punjab. It must be possible for the people there to settle between themselves and to see that nobody has the temerity to interfere with their decisions and with their affairs. I should like them to stand on their legs and to do everything according to their liking.

We have been able to evolve a formula, and I am thankful to all those who co-operated with us. Let us now give a trial to this formula. Let us see how it works. I am certain that if there are any misgivings or doubts in any quarter, they will be completely dispelled once a practical trial is given to the propositions contained in that formula. It is a pity that there has been such a spirit of separatism abroad in the Punjab.

Shri N. C. Chatterjee was complaining that we had kept Himachal apart from the Punjab. Can he create enthusiasm in any one for joining the Punjab when the people living in the Punjab are showing such a spirit of intolerance if nothing worse? They are not able to live as brothers in one household. They say they will part. The parting words of today's speech of Pandit Thakur Das Bhargava were: "Well, if you do not satisfy our needs, our demands, our requirements, our aspirations, our wishes, then we will leave the Punjab or at least we will separate from the rest of the Punjab". Can you bring Himachal into Punjab like that? Is that the way to enlarge the frontiers of the Punjab, Punjab which occupies a strategic position in our country?

I am afraid I have taken up more time than I had intended. This formula has a special fascination for me, and whenever I happen to speak about it, I almost forget myself. I can only appeal once again to all my colleagues from the Punjab and also from other parts of the country to make up for the last time, to make up for the many weeks and months that have been wasted in bickerings, friction and a virtual tug-of-war. Let us all unite together and establish further that spirit which will enable all to help not only the Punjab but also the entire country.

Punjab is the foremost province in our country. We rely on it for the defence of our frontiers. It is not only in the interest of the Punjab but also of the entire country that Punjab should be strong, that Punjab should be united and that all living in the Punjab should be actuated by a spirit of tolerance, friendliness and a passion to live and work for everyone in the Punjab, for the uplift and progress of the Punjabis and for the protection and the advancement through the Punjab of the whole of India.

Mr. Speaker: I will now put amendment No. 211 to the vote of the House.

The question is:

Page 11—

(i) line 17, for "Maharashtra" substitute "Bombay";

(ii) for lines 19 and 20, substitute:

"(a) the establishment of separate development boards for Vidarbha, Marathwada, the rest of Maharashtra, Saurashtra, Kutch and the rest of Gujarat;"

(iii) line 25, for "these three divisions" substitute "the said areas"; and

(iv) lines 30 and 31, for "the three divisions" substitute "the said areas".

The motion was adopted.

6 P.M.

Mr. Speaker: The next amendment that I shall put to the House is amendment No. 203 of Pandit Thakur Das Bhargava. Is he pressing his amendment?

Pandit Thakur Das Bhargava: No. I beg leave to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Speaker: Are there any other amendments?

Pandit Thakur Das Bhargava: Amendment 55 has to be put to the House.

Mr. Speaker: The question is:

Page 11, line 7—

for "made" substitute:

"in accordance with the provisions of the Second Schedule of the Constitution (Ninth Amendment) Act."

The motion was negatived.

Mr. Speaker: Are there any other amendments?

Shri N. C. Chatterjee: Nos. 114, 115 and 116.

Mr. Speaker: The question is:

Page 11, line 7—

for "President may, by order" substitute "Parliament may, by law".

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

after line 14, insert:

"(1A) With respect to the State of Punjab provision may be made for the establishment of two or more separate Development Boards for the different regions and for the equitable allocation of funds for developmental expenditure over these regions, and also for an equitable arrangement providing adequate facilities for

[Mr. Speaker]

the development of Hindi and for technical and vocational education subject to the requirements of the State as a whole."

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 16—

for "President may by order" substitute "Parliament may by law".

The motion was negatived.

Mr. Speaker: I will now put all the other amendments to Clause 22 to the vote of the House.

The question is:

Page 11—

for lines 6 to 14, substitutes:

"371. (1) Notwithstanding anything in this Constitution, the Parliament may, by law, with respect to any State provide for the constitution and functions of regional committees for the protection and safeguard of the rights and special privileges of any linguistic minority and the tribal people and their well-being and may authorise the President to make such modifications in the rules of the business of the Government of the State and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of the regional committees".

The motion was negatived.

Mr. Speaker: The question is.

Page 11, line 8—

omit "or Punjab"

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 13—

for "Governor" substitute "Central Government"

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

after line 14, add:

"Provided that for the more convenient transaction of the business of Punjab Government with regard to the regional committees, the Punjab State shall be divided into three regions, viz; the Punjabi-speaking (western), the Plains Hindi-speaking (southern) and the Himalayan Hindi-speaking (north-eastern) regions.

The demarcation of these regions will be done in consultation with the State Government and the wishes of the inhabitants of the areas concerned."

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

after line 32, add:

"(3) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Punjab, provide for any special responsibility of the Government for—

(a) the establishment of a special development board for the Himalayan Hindi speaking (north-eastern) region of the State, with a provision that a report of the working of the board will be placed each year before the State Legislative Assembly;

(b) the special allocation of funds for the developmental expenditure over this region, by the Central Government over and above the equitable allocation of funds by the State Government, for a minimum period of ten years or for a longer period; and

(c) an equitable arrangement providing adequate facilities for technical education and vocational training and adequate opportunities for employment in services under the control of the State Government."

The motion was negatived.

Mr. Speaker: The question is:

That in the amendment proposed by Shri Hem Raj, printed as No. 83 in List No. 9 of amendments—

in the proposed clause (3), for "the Government" occurring for the first time, substitute "the Governor".

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

after line 32, add:

"(3) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Uttar Pradesh, provide for any special responsibility of the Government for—

(a) the establishment of a Special Development Board for the five Himalayan districts of the State, viz. Dehradun, Tehri-Garhwal, Garhwal, Almora and Naini Tal, which may be grouped under common name 'Uttarakhand' with a provision that a report of the working of the Board will be placed each year before the State Legislative Assembly; and

(b) the special allocation of funds for the developmental expenditure for this region by the Central Government over and above the allocation of funds by the State Government."

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

for lines 6 to 32, substitute:

"371. The Parliament may by law made with respect to the States of Andhra Pradesh, Punjab and Bombay provide for any special responsibility of the Governor for—

(a) the establishment of separate development boards for different regions with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly;

(b) the equitable allocation of funds for developmental expenditure over these regions subject to the requirements of the State as a whole; and

(c) an equitable arrangement providing adequate facilities for the technical education and vocational training and adequate opportunities for employment in services under the control of the State Government in respect of all regions subject to the requirement of the State as a whole."

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

(i) line 6, omit "Notwithstanding anything in this Constitution"; and

(ii) line 15, omit "Notwithstanding anything in this Constitution".

The motion was negatived.

Mr. Speaker: The question is:

Page 11, lines 6 and 7—

for "the President may, by order" substitute:

"the Parliament may, by law."

The motion was negatived.

Mr. Speaker: There are no other amendments. Clause 22A is not pressed by Pandit Thakur Das Bhargava.

This group of clauses is over and now let us go to the last group consisting of the other clauses and the Schedule.

Clauses 23, 24, 26 to 29, the Schedule and clause 1

Mr. Speaker: The selected amendments to clauses 23, 24, the Schedule and clause 1 are as follows:

Clause 23—132 (Govt.), 179.

Clause 24—204, 205, 133 (Govt.), 42.

The Schedule—79, 134 (Govt.), 135 (Govt.), 184 (Govt.), 80, 136 (Govt.), 185 (Govt.).

[Mr. Speaker]

Second Schedule (New)—58, 81,
123, 124.

Clause 1—212 (Govt.), 125
(Govt.), 62, 38.

These have been indicated by Members to be moved, subject to their being otherwise admissible.

Clause 23.—(Insertion of new article 372A)

Pandit G. B. Pant: Sir, I beg to move:

Page 11, line 40—

for "October" substitute "November".

Shri Kamath: Sir, I beg to move:

Page 12,—

after line 6, insert—

'(1A) Every such order shall, before promulgation, be laid before both Houses of Parliament.'

Clause 24.—(Insertion of new article 378A)

Shri C. R. Narasimhan: Sir, I beg to move:

(i) Page 12, lines 14 to 16—

for "existing at the date of commencement of the Constitution (Ninth Amendment) Act, 1956" substitute:

"as constituted under the provisions of sections 28 and 29 of the States Reorganisation Act, 1956."

(ii) Page 12, line 17—

for "five years and six months from that date" substitute:

"five years from the date referred to in the said section 29".

Pandit G. B. Pant: Sir, I beg to move:

Page 12, line 17—

for "six months" substitute "five months".

Shri C. R. Narasimhan: I beg to move:

Page 12—

after line 19, add:

"Provided that this shall not affect the provision in section 29 of the States Reorganisation Act, 1956 relating to the elections to fill the seats allotted to the assembly constituencies into which the transferred territory of the former State of Hyderabad is divided."

The Schedule

Shri Anandchand: I beg to move:

Page 14—

for lines 18 and 19, substitute:

'Article 3.—(a) For part (a), substitute—

"(a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any Union territory to any State or part of any State;"

(b) In the proviso, omit "specified in Part A or Part B of the First Schedule".'

Pandit G. B. Pant: I beg to move:

(i) Page 14—

after line 19, insert:

'Article 16.—In clause (3) for "under any State specified in the First Schedule or any local or other authority within its territory, any requirement as to residence within that State" substitute—

"under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory".'

(ii) Page 15—

after line 1, insert:

'Article 217.—In sub-clause (b) of clause (2), omit "in any State specified in the First Schedule".'

Shri Datar: I beg to move:

Page 16—

after line 11, insert:

'Article 304.—In clause (a), after "other States", insert "or the Union territories".'

Shri Anandchand: I beg to move:

Page 16—

after line 30, insert:

'Article 330.—In clause (2), after "State" wherever it occurs, insert "or Union territory".'

Pandit G. B. Pant: I beg to move:

Page 17—

after line 13, insert:

'Article 362.—Omit "clause (1) of".'

Shri Datar: I beg to move:

Page 18—

(i) line 2, for "Part VIII" substitute "article 240"; and

(ii) line 3, for "Union territory" substitute "Union territory specified in that article."

New Second Schedule

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 18—

after line 31, add:

"AN OUTLINE OF THE SCHEME FOR REGIONAL COMMITTEES IN THE PUNJAB STATE"

1. There shall be one legislature for the whole of the reorganised State of the Punjab, which will be the sole law-making body for the entire State, and there shall be one Governor for the State, aided and advised by a Council of Ministers responsible to the State Assembly for the entire field of administration.

2. For the more convenient transaction of the business of Government with regard to some specified matters, the State shall be divided into two

regions, namely, the Punjabi-speaking and the Hindi-speaking regions.

3. For each region there shall be a Regional Committee of the State Assembly consisting of the members of the State Assembly belonging to each region including the Ministers from that region but not including the Chief Minister.

4. Legislation relating to specified matters shall be referred to the Regional Committees. In respect of specified matters proposals may also be made by the Regional Committees to the State Governments for legislation or with regard to questions of general policy not involving any financial commitments other than expenditure of routine and incidental character.

5. The advice tendered by the Regional Committees shall normally be accepted by the Government and the State Legislature. In case of difference of opinion, reference shall be made to the Governor whose decision will be final and binding.

6. The regional committees shall deal with the following matters:

(i) Development and economic planning, within the framework of the general development plans and policies formulated by the State Legislature;

(ii) Local Self-Government, that is to say, the constitutional powers of municipal corporations, improvement trusts, district boards and other local authorities for the purpose of local self-government or village administration including Panchayats;

(iii) Public Health and sanitation, Local hospitals and dispensaries;

(iv) Primary and secondary education;

(v) Agriculture;

(vi) Cottage and small-scale industries;

(vii) Preservation, protection and improvement of stock and

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prevention of animal diseases, veterinary training and practice;

(viii) Pounds and prevention of cattle trespass;

(ix) Protection of wild animals and birds;

(x) Fisheries;

(xi) Inns and Inn-keepers.

(xii) Markets and fairs;

(xiii) Cooperative societies; and

(xiv) Charities and charitable institutions, charitable and religious endowments and religious institutions.

7. Provision shall be made under the appropriate Central statute to empower the President to constitute regional committees and to make provision in the rules of business of Government and the rules of procedure of the Legislative Assembly in order to give effect to the arrangements outlined in the preceding paragraphs. The provisions made in the rules of business and procedure for the proper functioning of regional committees shall not be altered without the approval of the President.

8. The demarcation of the Hindi and Punjabi regions in the Punjab State shall be done in consultation with the State Government and the other interests concerned.

9. The official language of each region shall, at the district level and below, be the respective regional language.

10. The State shall be bi-lingual recognising both Punjabi (in Gurmukhi script) and Hindi (in Devnagri script) as the official languages of the State.

11. The Punjab Government shall establish two separate departments for developing Punjabi and Hindi languages.

12. The general safeguards proposed for linguistic minorities will be applicable to the State of Punjab like other States.

13. *Special safeguards for the Hindi speaking Region.*—(1) It shall be the special responsibility of the Punjab State to develop the Hindi speaking region and bring it in line with the Punjabi-speaking region within a period of five years in all matters of social, political and economic progress by giving weightage in employment in public services and representation in legislature and local bodies, provision for increased allotment of water and power, allocation of sufficient amount of funds for establishment of cottage and other industries, special grants for increased communication facilities and full opportunities for spreading education of all kinds including technical and vocational training.

(2) For the efficient discharge of the special responsibility mentioned in the preceding sub-paragraph and generally providing for the social and economic needs of the Hindi speaking region a special Board consisting of one member of the Planning Commission appointed by the Central Government as its President, the Chief Minister of the State, one Minister from the Hindi speaking region, and if he is not the Development Minister of the State, the Development Minister of the State, shall be constituted. It shall be the duty of the Board to arrange for necessary funds, ways and means and to suggest schemes, measures and programmes of work and to look to the speedy implementation of the same.

(3) The Governor of the Punjab State shall report to the President after every two years about the progress and implementation of the general and special safeguards provided in this Act for the Hindi speaking region and the President shall, by such directions as he considers proper, secure the due fulfilment of the general and special safeguards mentioned in the Constitution or the Act or any other law.

14. (1) Two separate Development Boards one each for the Hindi and Punjabi speaking region shall be

established and the report of the working of each of these Boards shall be placed each year before the Legislative Assembly of the State.

(2) Apart from special allocation of funds for purposes of special development for the Hindi speaking region, equitable allocation of funds for development expenditure for these two regions for every year shall also be made separately."

(ii) That in the amendment proposed by me printed as No. 58 in List No. 6 of amendments—

in the proposed paragraph No. 5 for "the Governor" substitute—
"the Central Government".

Shri Bahadur Singh (Ferozepur-Ludhiana—Reserved—Sch. Castes): I beg to move:

(i) That in the amendment proposed by Pandit Thakur Das Bhargava, printed as No. 58 in List No. 6 of amendments—

after paragraph No. 8, insert—

"8A. The Sachar formula will continue to operate in the area comprised in the existing Punjab State, and in the area now comprised in the Pepsu State. The existing arrangements will continue until they are replaced or altered by agreement later."

(ii) That in the amendment proposed by Pandit Thakur Das Bhargava, printed as No. 58 in List No. 6 of amendments:

after paragraph No. 12, insert:

"12A. In accordance with and in furtherance of its policy to promote the growth of all regional languages, the Central Government will encourage the development of the Punjabi language."

Clause 1— (Short title and Commencement).

Shri B. N. Data: I beg to move:

Page 1, line 3—

for "Ninth" substitute "Seventh".

Pandit G. B. Pant: I beg to move:

Page 1, line 5,

for "October" substitute
"November".

Shri R. D. Misra (Bulandshahr Dist.): My amendment No. 62 is the same as No. 125 moved by Pandit Pant.

Shri C. R. Narasimhan: I beg to move:

Page 1, after line 5, add:

"(3) The provisions of this Act shall have retrospective effect in so far as it may be required for the constitutional validity of any of the provisions of the States Reorganisation Act, 1956."

Mr. Speaker: These amendments are now before the House. Now, the discussion may proceed.

Shri Anandchand: My amendment 80 is about article 330. I had written to the hon. Minister in the Ministry of Home Affairs. I think there is a lacuna. Unless we make this amendment and insert Union Territories we could not make the reservations for the Scheduled Castes. I think this is an inadvertent omission. It is in the Schedule. I have said that article 330 may include Union territory also.

Mr. Speaker: I think the hon. Minister is accepting this.

Shri Datar: Yes.

Shri C. R. Narasimhan: My amendments are 204 and 205. The Government is likely to accept these amendments. I have suggested these amendments to avoid a conflict. As the Constitution Amendment Act comes into force later than the States Reorganisation Act, its provisions are bound to prevail over those of the States Reorganisation Act wherever they may be conflicting. As the draft stands now, the entire Hyderabad Legislature as it exists at the moment when the Constitution Amendment Act comes into force will continue for a period of 5½ years without any

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election. The provision in section 31 of the States Reorganisation Act regarding the election of the members from Hyderabad may then become *ultra vires*. The proviso suggested is by way of abundant caution.

Shri Datar: Government's amendments are Nos. 134, 135 and 136. Amendment No. 80 is being accepted by Government. Amendment No. 159 of Shri Shree Narayan Das, with some slight change, is being accepted also. Then there are Government amendments Nos. 184 and 185.

So far as Shri Shree Narayan Das's amendment is concerned, Government is accepting it with a slight verbal variation, as follows:

Article 143.—In clause (2)—

- (a) omit "clause (i) of"; and
(b) for "said clause" substitute "said proviso".

These are all the amendments.

Mr. Speaker: Let Shri Shree Narayan Das move his amendment.

Shri Shree Narayan Das: Sir, I beg to move:

Page 14—

after line 33, insert:

'Article 143.—In clause (2)—

- (a) omit "clause (i) of"; and
(b) for "clause" occurring for the second time, substitute "proviso".'

Mr. Speaker: The question is:

Page 16—

after line 30, insert:

'Article 330.—In clause (2), after "State" wherever it occurs, insert "or Union territory".'

The motion was adopted.

Shri Datar: There is clause 24.

Mr. Speaker: We are getting through the amendments first.

Shri Datar: There are two amendments to clause 24, Nos. 204 and 205.

Mr. Speaker: I have noted every one of them. If any hon. Minister or Member feels that I have omitted anything, they can bring it to my notice.

I see that amendments Nos. 204 and 205 have been moved by Shri Narasimhan. I myself had a doubt whether there will be an election in Telangana or not. When I read the language here, it appeared as if even for Telangana there will not be an election in 1957. Is it so? The language is capable of that meaning.

Dr. Rama Rao (Kakinada): As it is, it is clear that there will be no election for Telangana and for the whole of Andhra Pradesh.

Mr. Speaker: The whole of Andhra Pradesh should include Telangana. For five years, there will be no election there. Is it so?

Shri Datar: The necessary provision has been made in the States Reorganisation Act.

Shri C. E. Narasimhan: My amendment safeguards the States Reorganisation Act against the Constitution.

Pandit G. B. Pant: It only says that after the formation of Andhra Pradesh, that State will continue as such for five years and six months.

Mr. Speaker: On the date on which Andhra Pradesh comes into being, the Telangana members today will become members of Andhra Pradesh Assembly. Therefore, they will continue for another five years without interruption, without any trouble, although they have already enjoyed a term of four years and nine months or eight months.

Shri Datar: That is the reason why a reference is being made to sections 28 and 29 of the States Reorganisation Act.

Mr. Speaker: If the hon. Minister is satisfied, I am satisfied.

Shri K. K. Basu: This forms part of the Constitution. Whatever might be contained in the States Reorganisation Act, the election in Andhra Pradesh will be conducted according to the provisions of article 378A. As you have rightly said, Sir, on 2nd November the Legislative Assembly of Andhra Pradesh includes the members of the existing Andhra State and also members of the Telengana part. On 1st November this comes into being. On 2nd November, what is the Assembly of Andhra Pradesh? It includes members of the Telengana part also. In the margin it is 'Andhra' but they have adopted the words 'Andhra Pradesh' in the body, which means the whole of Andhra Pradesh, that is including the present Andhra and the Telengana part. So there is bound to be confusion.

Shri C. E. Narasimhan: Not after accepting my amendments.

Mr. Speaker: The amendments of Mr. Narasimhan, Nos. 204 and 205, make it clear. By his amendment No. 204, for the words "existing at the date of commencement of the Constitution (Ninth Amendment) Act, 1956" he wants to substitute "as constituted under the provisions of section 28 and 29 of the States Reorganisation Act, 1956." Under these sections the Telengana members will become members of the Pradesh and then they will also undergo elections later on.

Shri Datar: The election is irrespective of Telengana. That is under the States Reorganisation Act. And then, what is done is the period is fixed, and that period is not from the appointed day but the date after the election is held. So, both should be read together.

Mr. Speaker: Therefore, those amendments, that is Nos. 204 and 205, referring to the States Reorganisation Act and to sections 28 and 29 thereof make it clear. Very well. I shall now put these two amendments (204 and 205) to clause 24 to vote.

The question is:

Page 12, lines 14 to 16—

for "existing at the date of commencement of the Constitution (Ninth Amendment) Act, 1956" substitute:

"as constituted under the provisions of sections 28 and 29 of the States Reorganisation Act, 1956".

The motion was adopted.

Mr. Speaker: The question is:

Page 12, line 17—

for "five years and six months from that date" substitute:

"five years from the date referred to in the said section 29".

The motion was adopted.

Mr. Speaker: In view of the adoption of amendment No. 205 it is not necessary to put amendment No. 133 to the vote.

Now I shall put Government amendment No. 132 to clause 23.

The question is:

Page 11, line 40—

for "October" substitute "November".

The motion was adopted.

Mr. Speaker: I shall now put Government Amendments 134, 135 and 136 to the Schedule to vote. The first is No. 134.

The question is:

Page 14—

after line 19, insert:

'Article 16.—In clause (3) for "under any State specified in the First Schedule or any local or other authority within its territory, any requirement as to residence within that State" substitute:

"under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory".'

The motion was adopted.

Mr. Speaker: Now I shall put amendments Nos. 135 and 136.

The question is:

Page 15—

after line 1, insert:

'Article 217.—In sub-clause (b) of clause (2), omit "in any State specified in the First Schedule".'

The motion was adopted.

Mr. Speaker: The question is:

Page 17—

after line 13, insert:

'Article 362.—Omit "clause (1) of".'

The motion was adopted.

Mr. Speaker: The next is Shri Shree Narayan Das's amendment, No. 159. The hon. Minister has an amendment to that. What is his amendment?

Shri Datar: Amendment No. 159 by Shri Shree Narayan Das may be accepted subject to this slight change.

I beg to move:

In amendment No. 159 by Shri Shree Narayan Das, for part (b) substitute:

'(b) for "said clause" substitute "said proviso".'

Mr. Speaker: I shall put to the vote of the House amendment of Shri Datar to the amendment No. 159 of Shri Shree Narayan Das.

The question is:

In amendment 159, by Shri Shree Narayan Das, for part (b) substitute:

'(b) for "said clause" substitute "said proviso".'

The motion was adopted.

Mr. Speaker: There are two other amendments—Nos. 184 and 185.

The question is:

Page 16—

after line 11, insert:

'Article 304.—In clause (a), after "other States", insert "or the Union territories".'

The motion was adopted.

Mr. Speaker: The question is:

Page 18—

(i) line 2, for "Part VIII" substitute "article 240"; and

(ii) line 3, for "Union territory" substitute "Union territory specified in that article".

The motion was adopted.

Mr. Speaker: I will now put the amendment of Shri Shree Narayan Das, as amended by Shri Datar's amendment, to the vote of the House. The question is:

Page 14—

after line 33, insert:

'Article 143.—In clause (2)—

(a) omit "clause (i) of"; and

(b) for "said clause", substitute "said proviso".'

The motion was adopted.

Mr. Speaker: Before we take up clause 1, the Enacting Formula and the Title, we may perhaps dispose of the other clauses. Shall I put them one by one or in one group?

Shri Kamath: Sir, I would like to raise a point of order. I do so with considerable reluctance but I am impelled by my anxiety—and I am sure you are more anxious than I am—to see that so far as the Constitution (Amendment) Bill is concerned the Rules of Procedure are strictly observed. I would invite your close attention to rule 126 read with rule 167; or, rather rule 167 read with rule 126. Rule 126(2) reads as follows:

"The Speaker may, if he thinks fit, put as one question group of clauses to which no amendments have been moved."

Provided there are no amendments moved to them, it can be done.

Rule 167, which we have amended recently, may also be read. What did that empower you to do? That empowers you to put those clauses, to

[Shri Kamath]

which no amendments have been moved, together, as a group. When amendments are moved to a particular clause, I think the Rules of Procedure debar you, unfortunately, from putting those clauses as a group. And what applies to ordinary Bills, applies more strongly, *a fortiori*, to Bills amending the Constitution. Even the amended rule makes it impossible to put all the amended clauses together, as a group....

Mr. Speaker: I follow.

Pandit Thakur Das Bhargava: What is against adopting these?

Why cannot they be adopted together?

Shri Kamath: The rules stand in the way.

Mr. Speaker: Rule 126 relates generally to Bills and amendments. There is a special chapter, Chapter XII relating to Bills seeking to amend the Constitution. There, in rule 167 it is said:

"Provided that the Speaker may, with the concurrence of the House, put clauses or schedules together to the vote of the House in which case the result of the voting shall be taken as applicable to each clause or schedule separately and so indicated in the proceedings."

The hon. Member knows that wherever there is a special provision it over-rides the general provision. It is also stated in rule 171:

"In all other respects, the procedure laid down in these rules with respect to other Bills shall apply."

Shri Kamath: May I submit, Sir, again, in the special provision under rule 167 there is difference in the language, difference in the wording between the first part and the proviso. The first part, how does it read? It reads thus:

"Each clause or schedule, or clause or schedule as amended.."

That we can understand. But the proviso refers to clauses or schedules only. It does not say "clauses or schedules as amended". That provision is not here. Therefore, where a clause is amended this provision cannot apply. The first part refers to clauses or schedules as amended but the proviso refers only to clauses or schedules and not clauses or schedules as amended. That is the difficulty that our rules pose before us.

Mr. Speaker: I do not find "clauses or schedules as amended" in the proviso. There can be a doubt, but there is also, as the hon. Member knows, what is known as *Stare decisis*; that is, we have been adopting a particular course, interpreting a particular rule in a particular manner. That will continue. After all, these are rules of procedure and not substantive rules laid down creating rights or removing rights. Under those circumstances, on a prior occasion we put the clauses together and we shall put them together now also.

Shri Kamath: Two wrongs do not make a right.

Mr. Speaker: We very often make a right so far as procedure is concerned. Now, we have passed clause 25 yesterday along with clauses 11 to 16. Now I will put the rest to the vote of the House.

Shri Kamath: The clauses may be put together, and then the Schedule may be put. All the clauses and the Schedule cannot be grouped together and put.

Mr. Speaker: They can also be grouped together under the rules.

Shri Kamath: The rule says "Clauses or Schedules".

Mr. Speaker: But there are the words "Provided that the Speaker may put the clauses or Schedules together". In this context "or" means "and".

Shri Kamath: Then, I have no objection. I only pointed out the difficulty. The rules may be amended at the next sitting of the Rules Committee.

Mr. Speaker: Before I put the question, I may, in case there are any amendments that have not been disposed of, put all of them to the vote.

The question is:

Page 12—

after line 6, insert:

“(1A) Every such order shall, before promulgation, be laid before both Houses of Parliament.”

The motion was negatived.

Mr. Speaker: The question is:

Page 12—

after line 19, add:

“Provided that this shall not affect the provision in section 29 of the States Reorganisation Act, 1956 relating to the elections to fill the seats allotted to the assembly constituencies into which the transferred territory of the former State of Hyderabad is divided.”

The motion was negatived.

Mr. Speaker: The question is:

Page 14—

for lines 18 and 19, substitute:

‘Article 3.—(a) For part (a), substitute:

“(a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any Union territory to any State or part of any State;”

(b) In the proviso, omit “specified in Part A or Part B of the First Schedule”.

The motion was negatived.

Mr. Speaker: The question is:

That in the amendment proposed by Pandit Thakur Das Bhargava printed as No. 58 in List No. 6 of amendments—

in the proposed paragraph No. 5 for “the Governor” substitute:

“the Central Government”

The motion was negatived.

Mr. Speaker: The question is:

That in the amendment proposed by Pandit Thakur Das Bhargava, printed as No. 58 in List No. 6 of amendments—

after paragraph No. 8, insert:

“8A. The Sachar formula will continue to operate in the area comprised in the existing Punjab State, and in the area now comprised in the Pepsu State. The existing arrangements will continue until they are replaced or altered by agreement later.”

The motion was negatived.

Mr. Speaker: The question is:

That in the amendment proposed by Pandit Thakur Das Bhargava, printed as No. 58 in List No. 6 of amendments—

after paragraph No. 12, insert:

“12A. In accordance with and in furtherance of its policy to promote the growth of all regional languages, the Central Government will encourage the development of the Punjabi language.”

The motion was negatived.

Mr. Speaker: The question is:

Page 18—

after line 31, add:—

“AN OUTLINE OF THE SCHEME FOR REGIONAL COMMITTEES IN THE PUNJAB STATE

1. There shall be one legislature for the whole of the reorganised State of the Punjab, which will be the sole law-making body for the entire State, and there shall be one Governor for the State, aided and advised by a Council of Ministers responsible to the State Assembly for the entire field of administration.

2. For the more convenient transaction of the business of Government with regard to some specified matters, the State shall be divided

[Mr. Speaker]

into two regions, namely, the Punjabi-speaking and the Hindi-speaking regions.

3. For each region there shall be a Regional Committee of the State Assembly consisting of the members of the State Assembly belonging to each region including the Ministers from that region but not including the Chief Minister.

4. Legislation relating to specified matters shall be referred to the Regional Committees. In respect of specified matters proposals may also be made by the Regional Committees to the State Governments for legislation or with regard to questions of general policy not involving any financial commitments other than expenditure of routine and incidental character.

5. The advice tendered by the Regional Committees shall normally be accepted by the Government and the State Legislature. In case of difference of opinion, reference shall be made to the Governor whose decision will be final and binding.

6. The regional committees shall deal with the following matters:

(i) Development and economic planning, within the framework of the general development plans and policies formulated by the State Legislature;

(ii) Local Self-Government, that is to say, the constitutional powers of municipal corporations, improvement trusts, district boards and other local authorities for the purposes of local self-government or village administration including Panchayats;

(iii) Public Health and sanitation; Local hospitals and dispensaries;

(iv) Primary and secondary education;

(v) Agriculture;

(vi) Cottage and small-scale industries;

(vii) Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice;

(viii) Pounds and prevention of cattle trespass;

(ix) Protection of wild animals and birds;

(x) Fisheries;

(xi) Inns and Inn-keepers;

(xii) Markets and fairs;

(xiii) Cooperative societies; and

(xiv) Charities and charitable institutions, charitable and religious endowments and religious institutions.

7. Provision shall be made under the appropriate Central statute to empower the President to constitute regional committees and to make provision in the rules of business of Government and the rules of procedure of the Legislative Assembly in order to give effect to the arrangements outlined in the preceding paragraphs. The provisions made in the rules of business and procedure for the proper functioning of regional committees shall not be altered without the approval of the President.

8. The demarcation of the Hindi and Punjabi regions in the Punjab State shall be done in consultation with the State Government and the other interests concerned.

9. The official language of each region shall, at the district level and below, be the respective regional language.

10. The State shall be bilingual recognising both Punjabi (in Gurmukhi script) and Hindi (in Devnagri script) as the official languages of the State.

11. The Punjab Government shall establish two separate departments for developing Punjabi and Hindi languages.

[Mr. Speaker]

12. The general safeguards proposed for linguistic minorities will be applicable to the State of Punjab like other States.

13. Special safeguards for the Hindi speaking region.—(1) It shall be the special responsibility of the Punjab State to develop the Hindi-speaking region and bring it in line with the Punjabi-speaking region within a period of five years in all matters of social, political and economic progress by giving weightage in employment in public services and representation in legislature and local bodies, provision for increased allotment of water and power, allocation of sufficient amount of funds for establishment of cottage and other industries, special grants for increased communication facilities and full opportunities for spreading education of all kinds including technical and vocational training.

(2) For the efficient discharge of the special responsibility mentioned in the preceding sub-paragraph and generally providing for the social and economic needs of the Hindi-speaking region a special Board consisting of one member of the Planning Commission appointed by the Central Government as its President, the Chief Minister of the State, one Minister from the Hindi-speaking region, and if he is not the Development Minister of the State, the Development Minister of the State, shall be constituted. It shall be the duty of the Board to arrange for necessary funds, ways and means and to suggest schemes, measures and programmes of work

and to look to the speedy implementation of the same.

(3) The Governor of the Punjab State shall report to the President after every two years about the progress and implementation of the general and special safeguards provided in this Act for the Hindi-speaking region and the President shall, by such directions as he considers proper, secure the due fulfilment of the general and special safeguards mentioned in the Constitution or the Act or any other law.

14. (1) Two separate Development Boards one each for the Hindi and Punjabi speaking region shall be established and the report of the working of each of these Boards shall be placed each year before the Legislative Assembly of the State.

(2) Apart from Special allocation of funds for purposes of special development for the Hindi-speaking region, equitable allocation of funds for development expenditure for these two regions for every year shall also be made separately."

The motion was negatived.

Mr. Speaker: Now, the question is:

"That clause 17 as amended; clause 18; clause 19 as amended; clause 20; clauses 21, 22 and 23 as amended; clauses 26, 27, 28 and 29; and the Schedule as amended, stand part of the Bill.

The Lok Sabha divided: Ayes: 324
Noes: Nil.*

AYES

[Division No. 10.]

Abdullahbai, Mulla
Abdus Sattar, Shri
Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agarwal, Shri H. L.
Agrawal, Shri M. L.
Ajit Singh, Shri

Akarपुरी, Sardar
Altekar, Shri
Amrit Kaur, Rajkumari
Anandchand, Shri
Ansari, Dr.
Anthony, Shri Frank
Asthana, Shri
Azad, Maulana

Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Badao Singh, Ch.
Balkrishnan, Shri
Balasubramasiam, Shri
Baldev Singh, Sardar
Balmiki, Shri
Banerjee, Shri

[6.26 P.M.]

*The result of this division is applicable to each of the clauses 17, as amended; clause 18; clause 19, as amended; clause 20; clauses 21, 22 and 23, as amended; clauses 26, 27, 28 and 29; and the Schedule, as amended, separately.

Bill

Bensilal, Shri
 Bazman, Shri
 Barrow, Shri
 Barupal, Shri P. L.
 Basappa, Shri
 Basu Shri K. K.
 Bhagat, Shri B. R.
 Bhakt Darshan, Shri
 Bharati, Shri G. S.
 Bhargava, Pandit Thakur Das
 Bhatkar, Shri
 Bhatt, Shri C.
 Bhawanji, Shri
 Bheekha Bhai, Shri
 Bhonsle, Shri J. K.
 Bidari, Shri
 Birbal Singh, Shri
 Bogawat, Shri
 Borkar Shrimati Anusayabai
 Bose, Shri P. C.
 Brajeshwar Prasad, Shri
 Brohmo-Choudhury, Shri
 Chaliha, Shri Bimalaprasad
 Chandak, Shri
 Chandrasekhar, Shrimati
 Charak, Th. Lakshman Singh
 Chatterjee, Shri Tuskar
 Chatterjee, Dr. Susilranjan
 Chaturvedi, Shri
 Chaudhary, Shri G. L.
 Chavda, Shri
 Chettiar, Shri Nagappa
 Dabhi, Shri
 Damodaran, Shri Nettur P.
 Das, Dr. M. M.
 Das, Shri K. K.
 Das, Shri N. T.
 Das, Shri Ram Dhani
 Das, Shri Ramananda
 Das, Shri Shree Narayan
 Datar, Shri
 Deb, Shri S. C.
 Desai, Shri K. N.
 Desai, Shri Khandubhai
 Deshmukh, Dr. P. S.
 Deshmukh, Shri K. G.
 Deshpande, Shri G. H.
 Dholakia, Shri
 Dhulekar, Shri
 Dhusiya, Shri
 Dighambar Singh, Shri
 Diwan, Shri R. S.
 Dube, Shri Mulchand
 Dube, Shri U. S.
 Dubey, Shri R. G.
 Dutt, Shri A. K.
 Dwivedi, Shri D. P.
 Dwivedi, Shri M. L.
 Eacharan, Shri I.
 Ebenzer, Dr.
 Elaysperumal, Shri
 Fotedar, Pandit
 Gadgil, Shri

Gan Malludora, Shri
 Gandhi, Shri Feroze
 Gandhi, Shri V. B.
 Ganga Devi, Shrimati
 Ganpati Ram, Shri
 Gautam, Shri C. D.
 Ghose, Shri S. M.
 Giri, Shri V. V.
 Gohain, Shri
 Gopi Ram, Shri
 Gounder, Shri K. P.
 Gounder, Shri K. S.
 Govind Das, Seth
 Guha, Shri A. C.
 Gurupadaswamy, Shri M. S.
 Hari Mohan, Dr.
 Hasda, Shri Subodh
 Hazarika, Shri J. N.
 Heda, Shri
 Hembrom, Shri
 Hem Raj, Shri
 Hukam Singh, Sardar
 Hyder Husein, Ch
 Ibrahim, Shri
 Iqbal Singh, Sardar
 Iyyanni, Shri C. R.
 Jain, Shri A. P.
 Jain, Shri N. S.
 Jaisoorya, Dr.
 Jajwale, Shri
 Jangde, Shri
 Jatav-vir, Dr.
 Jena, Shri K. C.
 Jena, Shri Niranjan
 Jhunjhunwala, Shri
 Jogendra Singh, Sardar
 Joshi, Shri A. C.
 Joshi, Shri Jethabai
 Joshi, Shri Kriahnacharya
 Joshi, Shri Liladhar
 Joshi Shri M. D.
 Joshi, Shri N. L.
 Joshi, Shrimati Subhadra
 Jwala Prasad, Shri
 Kajrolkar, Shri
 Kale, Shrimati A.
 Kamble, Dr.
 Kanungo, Shri
 Karmarkar, Shri
 Kasliwal, Shri
 Katham, Shri
 Katju, Shri
 Kayal, Shri P. N.
 Kazmi, Shri
 Keshavnagar, Shri
 Keskar, Dr.
 Khan, Shri Sadath Ali
 Khedkar, Shri G. B.
 Khongmen, Shrimati
 Kirolikar, Shri
 Kottukappally, Shri
 Krishna Chandra, Shri
 Krishnamachari, Shri T. T.
 Kureel, Shri B. N.
 Lakshmayya, Shri
 Lal Singh, Sardar
 Laskar, Shri
 Lotan Ram, Shri
 Madiah Gowda, Shri
 Mahodaya, Shri
 Majithia, Sardar
 Malaviya, Shri K. D.
 Malviya, Shri B. N.
 Malviya, Pandit C. N.
 Malviya, Shri Motilal
 Mandal, Dr. P.
 Masuriya Din, Shri
 Mathew, Shri
 Mathen, Shri
 Mavalankar, Shrimati Sushila-
 Mehta, Shri B. G.
 Mehta Shri Balwant Sinha
 Menon, Shri Damodara
 Minimista, Shrimati
 Mishra, Shri Bibhuti
 Mishra, Shri L. N.
 Mishra, Shri Lokenath
 Mishra, Shri M. P.
 Mishra, Shri S. N.
 Misra, Shri R. D.
 Misra, Shri S. P.
 Mehuiddin Shri,
 Moitra, Shri M. K.
 Morarka, Shri
 More, Shri K. L.
 Mudaliar, Shri C. R.
 Mukerjee, Shri H. N.
 Mukne, Shri Y. M.
 Murthy, Shri B. S.
 Musafir, Giani G. S.
 Mushar, Shri
 Muthukrishnan, Shri
 Naidu, Shri N. R.
 Nair, Shri C. K.
 Nanda, Shri
 Narasimham, Shri C. R.
 Naakar, Shri P. S.
 Nathwani, Shri N. P.
 Nehru, Shri Jawaharlal
 Nehru, Shrimati Shrirajvatil
 Nehru, Shrimati Uma
 Nijalingappa, Shri
 Pande, Shri B. D.
 Pannalal, Shri
 Parekh, Dr. J. N.
 Parikh, Shri S. G.
 Parmar, Shri R. B.
 Patakar, Shri
 Patel, Shri B. K.
 Patel, Shri Rajeshwar
 Patel, Shrimati Maniben
 Patil, Shri Kanavade
 Patil, Shri Shankargauda.
 Pillai, Shri Thanu
 Prabhakar, Shri Naval
 Rachiah, Shri N.

Bill

Radha Raman, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch.
Raghunath Singh, Shri
Raghubaramiah, Shri
Raj Bahadur, Shri
Rajabhoj, Shri P.N.
Ramachander, Dr. D.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ramaseshiah, Shri
Ramaswamy, Shri S. V.
Ram Dass, Shri
Ram Krishan, Shri
Ram Saran, Shri
Ram Shankar Lal, Shri
Ram Subbag Singh, Dr.
Ranbir Singh, Ch.
Randaman Singh, Shri
Rane, Shri
Ranjit Singh, Shri
Rao, Dr. Rama
Rao, Shri P. Subba
Rao, Shri Seshagiri
Rao, Shri T. B. Vittal
Raut, Shri Bholu
Ray, Shri B. K.
Reddy, Shri B. Y.
Reddy, Shri Viswanatha
Rishang Keishing, Shri
Roy, Shri Biahwa Nath
Rup Narain, Shri
Sahaya, Shri Syamnanandan
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Saksena, Shri Mohanlal
Samanta, Shri S. C.

Sanganna, Shri
Sankarapandian, Shri
Sarma, Shri D. N.
Sarmah, Shri Debeswar
Satish Chandra, Shri
Sen, Shri P. G.
Sen, Shrimati Sushama
Sewal, Shri A. R.
Shah, Shri C. C.
Shah, Shri Raichandbhai
Shah, Shrimati Kamledu Mati
Shahnawaz Khan, Shri
Sharma, Pandit K. C.
Sharma, Shri D. C.
Sharma, Shri R. C.
Shastri, Shri Algu Rai
Shivananiappa, Shri
Shobha Ram, Shri
Shriman Narayan, Shri
Shukla, Pandit B.
Siddanajappa, Shri
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri L. Jogeswar
Singh, Shri M. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S. N.
Sinha, Shri A. P.
Sinha, Shri Anirudha
Sinha, Shri B. P.
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.

Sinha, Shri Satya Narain
Sinha, Shri Satyendra Naraya
Sinha, Shrimati Tarkeshwari
Sinha, Shri Siva
Siva, Dr. Gangadhara
Snatak, Shri
Sodhia, Shri K. C.
Subrahmanyan, Shri T.
Subramanya Chettiar, Shri
Sunder Lal, Shri
Suresh Chandra, Dr.
Suriya Prasad, Shri
Swaminathan, Shrimati Amma
Syed Mahmud, Dr.
Tandon, Shri
Telkikar, Shri
Tewari, Sardar R.B.S.
Thimmaiah, Shri
Thomas, Shri A. M.
Tiwary, Shri V. N.
Tiwari, Pandit B. L.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Tripathi, Shri V. D.
Tyagi, Shri
Ukey, Shri
Upadhyaya, Shri Shiva Das
Varma, Shri B. B.
Venkataraman, Shri
Verma, Shri B. R.
Verma, Shri
Vidyalankar, Shri A.N.
Vyas, Shri Radhela
Waghmare, Shri
Wilson, Shri J. N.
Wodeyar, Shri
Zaidi, Col.

NOES

NIL

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 17, as amended; clause 18; clause 19, as amended; clause 20; clauses 21, 22 and 23, as amended:

clauses 26, 27, 28 and 29; and the Schedule, as amended, were added to the Bill.

Mr. Speaker: The question is:

"That clause 24, as amended, stand part of the Bill".

The Lok Sabha divided: Ayes: 311; Noes: 16.

AYES

Division No. 1..

Abdullahai, Mulla
Abdus Sattar, Shri
Achal Singh, Seth
Achint Ram, Lal
Achuthan, Shri
Agarwal, Shri H. L.
Agrawal, Shri M. L.
Ajit Singh, Shri

Akarpuri, Sardar
Aitekar, Shri
Amrit Kaur, Rajkumari
Anandchand, Shri
Ansari, Dr.
Anthony, Shri Frank
Asthana, Shri
Azad, Shri Bhagwat Jha

[6.42 P.M.]
Babuneth Singh, Shri
Badan Singh, Ch.
Balkrishnan, Shri
Balasubramaniam, Shri
Baldev Singh, Sardar
Balmiki, Shri
Banerjee, Shri
Bansilal, Shri

Barman, Shri
 Barrow, Shri
 Barupal, Shri P. L.
 Basappa, Shri
 Bhagat, Shri B. R.
 Bhakt Darshan, Shri
 Bharati, Shri G. S.
 Bhargava, Pandit Thakur Das
 Bhatkar, Shri
 Bhatt, Shri C.
 Bhawanji, Shri
 Bheekha Bhai, Shri
 Bhonsle, Shri J. K.
 Bidari, Shri
 Birbal Singh, Shri
 Bogawat, Shri
 Borkar, Shrimati Anusayabai
 Bose, Shri P. C.
 Brajeshwar Prasad, Shri
 Brohmoo-Choudhury, Shri
 Chaliha, Shri Bimalaprosad
 Chandak, Shri
 Chandrasekhar, Shrimati
 Charak, Th. Lakshman Singh
 Chatterjee, Dr. Susilranjan
 Charurvedi, Shri
 Chaudhary, Shri G. L.
 Chavda, Shri
 Chettiar, Shri Nagappa
 Dabhi, Shri
 Damodaran, Shri Nettur P.
 Das, Dr. M. M.
 Das, Shri K. K.
 Das, Shri N. T.
 Das, Shri Ram Dhani
 Das, Shri Ramananda
 Das, Shri Shree Narayan
 Datar, Shri
 Deb, Shri S. C.
 Desai, Shri K. N.
 Desai, Shri Khandubhai
 Deshmukh, Dr. P. S.
 Deshmukh, Shri K. G.
 Deshpande, Shri G. H.
 Dholakia, Shri
 Dhulekar, Shri
 Dhusiya, Shri
 Digambar Singh, Shri
 Diwan, Shri R. S.
 Dube, Shri Mulchand
 Dube, Shri U. S.
 Dubey, Shri R. G.
 Dutt, Shri A. K.
 Dwivedi, Shri D. P.
 Dwivedi, Shri M. L.
 Echaran, Shri I.
 Ebenczer, Dr.
 Elayaperumal, Shri
 Fotsdar, Pandit
 Gedgil, Shri
 Gam Malludora, Shri
 Gandhi, Shri Feroze
 Gandhi, Shri V. B.

Ganga Devi, Shrimati
 Ganpati Ram, Shri
 Gautam, Shri C. D.
 Ghose, Shri S. M.
 Giri, Shri V. V.
 Gohain, Shri
 Gopi Ram, Shri
 Gounder, Shri K. P.
 Gounder, Shri K. S.
 Govind Dass, Seth
 Guha Shri A. C.
 Hari Mohan, Dr.
 Hasda, Shri Subodh
 Hazarika, Shri J. N.
 Heda, Shri
 Hembrom, Shri
 Hem Raj, Shri
 Hukum Singh, Sardar
 Hyder Husein, Ch.
 Ibrahim, Shri
 Iqbal Singh, Sardar
 Iyyunni, Shri C. R.
 Jain, Shri A. P.
 Jain, Shri N. S.
 Jajware, Shri
 Jangde, Shri
 Jatav-vir, Dr.
 Jena, Shri K. C.
 Jena, Shri Niranjan
 Jhunjhunwala, Shri
 Jogendra Singh, Sardar
 Joshi, Shri A. C.
 Joshi, Shri Jethalal
 Joshi, Shri Krishnacharya
 Joshi, Shri Liladhar
 Joshi, Shri M. D.
 Joshi, Shri N. L.
 Joshi, Shrimati Subhadra
 Jwala Prasad, Shri
 Kajrolkar, Shri
 Kale, Shrimati A.
 Kamble, Dr.
 Kanungo, Shri
 Karmarkar, Shri
 Kasliwal, Shri
 Ketham, Shri
 Katju, Dr.
 Kayal, Shri P. N.
 Kazmi, Shri
 Kesbhaiengar, Shri
 Keskar, Dr.
 Khan, Shri Sadath A
 Khedkar, Shri G. B.
 Khongmen, Shrimati
 Kiroilkar, Shri
 Kottukappally, Shri
 Krishna Chandra, Shri
 Krishnamachari, Shri T.
 Kureel, Shri B. N.
 Lakshmayya, Shri
 Lal Singh, Sardar
 Laskar, Shri
 Lotan Ram, Shri

Madiha Gowda, Shri
 Mahodaysa, Shri
 Majithia, Sardar
 Malaviya, Shri K. D.
 Malvi, Shri B. N.
 Malviya, Pandit C. N.
 Malviya, Shri Motilal
 Mandal, Dr. P.
 Masuriya Din, Shri
 Mathew, Shri
 Matthen, Shri
 Mavalankar, Shrimati Sushila
 Mehta, Shri B. G.
 Mehta, Shri Balwant Sinha
 Menon, Shri Damodara
 Minimata, Shrimati
 Mishra, Shri Bibhuti
 Mishra, Shri L. N.
 Mishra, Shri Lokenath
 Mishra, Shri M. P.
 Mishra, Shri S. N.
 Misra, Shri R. D.
 Misra, Shri S. P.
 Mohiuddin, Shri
 Morarka, Shri
 More, Shri K. L.
 Mudaliar, Shri C. R.
 Mukne, Shri Y. M.
 Murthy, Shri B. S.
 Musafir, Giani G. S.
 Muthukrishnan, Shri
 Naidu, Shri N. R.
 Nair, Shri C. K.
 Nanda, Shri
 Naresimban, Shri C. R.
 Naskar, Shri P. S.
 Nathwani, Shri N. P.
 Nehru, Shri Jawaharlal
 Nehru, Shrimati Shivarajvati
 Nehru, Shrimati Uma
 Nijalingappa, Shri
 Pande, Shri B. D.
 Pannalal, Shri
 Parekh, Dr. J. N.
 Parikh, Shri S. G.
 Parmar, Shri R. B.
 Pataskar, Shri
 Patel, Shri B. K.
 Patel, Shri Rajeshwar
 Patel, Shrimati Maniben
 Patil, Shri Kanavade
 Patil, Shri Shankargude
 Pillai, Shri Thanu
 Prabhakar, Shri Naval
 Rachiah, Shri N.
 Radha Raman, Shri
 Raghubir Sahai, Shri
 Raghubir Singh, Ch.
 Raghunath Singh, Shri
 Raghuramaiah, Shri
 Raj Bahadur, Shri
 Rajabhoi, Shri P. N.

Bill

Ranachander, Dr. D.
 amanand Shastri, Swami
 R : mananda Tirtha, Swami
 Ramasubrah, Shri
 Ramaswamy, Shri S.V.
 Ram Dass, Shri
 Ram Krishna, Shri
 Ram Saran, Shri
 Ram Shankar Lal, Shri
 Ram Subbag Singh, Dr.
 Rrnbir Singh, Ch.
 Randaman Singh, Shri
 Rane, Shri
 Ranjit Singh, hri
 Rao, Shri P. Subba,
 Rao, Shri Seslagiri
 Raut, Shri Bhola
 Roy, Shri B.K.
 Ruddy, Shri Viwanatha
 Roy, Shri Bihwa Nath
 Rup Narain, Shri
 Sahaya, Shri Syamnandan
 Sahu, Shri Rameshwar
 Saigal, Sa-lar A.S.
 Saksena, hri Mohanlal
 Samant, Shri S.C.
 Sanganna, hri
 Sarkaraj andian, Shri
 Sarma, hri Debendra Nath
 Sarvak, Shri Debeswar
 Satish Chandra, Shri
 Sax, hri P.G.
 Sii, S Shrimati Sushama

Sewal, Shri A.R.
 Shah, Shri C.C.
 Shah, Shri Raichandbbai
 Shah, Shrimati Kamleudu Mati
 Shah Nawaz Khan, Shri
 Sharma, Pandit K.C.
 Sharma, Shri D.C.
 Sharma, Shri R.C.
 Shastri, Shri Algu Rai
 Shivananjappa, Shri
 Shobha Ram, Shri
 Shriman Narayan, Shri
 Shukla, Pandit B.
 Siddananajappa, Shri
 Singh, Shri D.N.
 Singh, Shri D.P.
 Singh, Shri H.P.
 Singh, Shri L. Jogeswar
 Singh, Shri M.N.
 Singh Shri T.N.
 Singhal, Shri S.C.
 Sinha, Dr. S.N.
 Sinha, Shri A.P.
 Sinha, Shri Anirudha
 inha, Shri B.P.
 inha, Shri G.P.
 Sinha, Shri Jhulan
 Sinha, Shri K.P.
 Sinha, Shri Nageshwar Prasad
 Sinha, Shri S.
 Sinha, Shri Satya Narayan
 Sinha, Shri Satyendra Narayan
 Sinha, Shrimati Tarakeshwari

Sinhasan Singh, Shri
 Siva, Dr. Gangadhar
 Snatak, Shri
 Sodhia, Shri K.C.
 Subrahmanyan, Shri T.
 Subramania Chettiar, Shri
 Sunder Lal, Shri
 Suresh Chandra, Dr.
 Suriya Prasad, Shri
 Swaminadhan, Shrimati Amma
 Syed Mahmud, Dr.
 Tandon, Shri
 Telkikar, Shri
 Tewari, Sardar, R.B.S.
 Thimmaiah, Shri
 Thomas, Shri A.M.
 Tiwary, Shri V.N.
 Tiwari, Pandit, B.L.
 Tiwari, Shri R.S.
 Tiwary, Pandit, D. N.
 Tripathi, Shri V.D.
 Tyagi, Shri
 Ukey, Shri
 Upadhyaya, Shri Shiva Datt
 Varma, Shri B.B.
 Venkataramm, Shri
 Verma, Shri B.R.
 Verma, Shri Ramji
 Vidyalankar, Shri A.N.
 Vyas, Shri Radhelal,
 Wilson, Shri J.N.
 Wodeyar, Shri
 Zaidi, Col.

NOBS

Passu, Shri K.K.
 Bren Dutt, Shri
 Becvaragasamy, Shri
 Chatterjee, Shri Tushar
 Deyratha Deb, Shri
 Guroopadaswamy, Shri M.S.

Kamath, Shri
 Moitra, Shri M.K.
 Mukerjee, Shri H.N.
 Mushar, Shri
 Rao, Dr. Rama

Rao, Shri T.B.Vittal
 Reddy, Shri B.Y.
 Rishang Keishing, Shri
 Veeraswamy, Shri
 Waghmare, Shri

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 24, as amended, was added to the Bill.

Mr. Speaker: Now clause 1.

The question is:

Page 1, line 5—

for "October" substitute "November".

The motion was adopted.

Mr. Speaker: The question is:

Page 1, line 3—

for "Ninth" substitute "Seventh".

The motion was adopted.

Mr. Speaker: The question is:

Page 1—

after line 5, add:—

"(3) The provisions of this Act shall have retrospective effect in so far as it may be required for the constitutional validity of any of the provisions of the States Reorganisation Act, 1956."

The motion was negated.

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill".

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

Mr. Speaker: The hon. the Home Minister.

Shri K. K. Basu: Let us adjourn now.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): No, no.

Mr. Speaker: We will dispose of this.

Shri K. K. Basu: There are some amendments carried out.

We will sit and finish it in one hour tomorrow.

Some Hon. Members: No, no.

Mr. Speaker: Of course, there are certain items here. Clauses 2 to 10 merely follow the previous Act. Clauses 11 to 16 refer to the judiciary. Clauses 17 to 20 relate to minorities and Union Territories. Then there are Regional Committees and the Schedule. So far as the minorities, Regional Committees and the Territories are concerned, enough argument has been adduced all along here. Barring this, there is nothing more in this. I have made my speech. Hon. Members may also make some speeches, five minutes each.

Pandit G. B. Pant: Sir, I beg to move:

"That the Bill, as amended, be passed."

I do not intend to say anything on the merits of the Bill. But, I should like to express my appreciation of the valuable assistance I got from the Secretariat and staff of the Home Ministry and especially from Shri Hari Sharma who had been associated with the States Reorganisation Commission

from almost the beginning, and without whose assistance I would not have been able to place the Bill before the House or to persuade the Members to accept it. I am grateful also to Shri Sundaram.

Shri K. K. Basu: Sir, can we refer to any person in praise because we cannot say anything against them?

Mr. Speaker: Anyhow, they have helped this House also.

Shri K. K. Basu: I am not opposed to saying good things. If we say anything bad, you pull us up. It must be balanced on both sides.

Mr. Speaker: Normally, anybody would appreciate any good word about another.

Shri K. K. Basu: But that should apply in the other case also.

Shri C. E. Narasimhan: Sometimes during Budget discussions the Secretariat is complimented.

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri Kamath: Mr. Speaker, I am glad that we have come to the end of an arduous journey. But, at this moment, I find even Ministers are tired enough to forget their own amendments.

However, I am not without regrets. I regret that some of the amendments on which the Opposition was united were not accepted by Government. We have co-operated with them in abundant measure and we had a hope, an ardent hope be accepted. But they have not had the courtesy, the grace to accept certain amendments. (*Interruption*). I would refer to the renaming of Andaman and Nicobar group of islands. We had various amendments on it but we agreed to give a united amendment but it was turned down. Suggestions like Subhas Dwip and others, even that to name them as Jawahar and Subhas Islands was negated by the House.

[Shri Kamath]

I fail to understand how my hon. friends sitting opposite could veto a suggestion to name them as Jawahar and Subhas Islands. I leave them to their own second thoughts or maybe worse thoughts later on.

The second regret of mine is that the salutary provision that was sought to be incorporated in this Bill to the effect that our judiciary should be above temptation, should consist of judges of integrity, independence and strength, and should not deteriorate in course of time and become the handmaid of the executive was also negated by the House. We had only sought to include in this a very wholesome provision to the effect that Judges of the High Court and the Supreme Court should not be appointed after retirement, to executive posts under the Government of India or the Government of any State, executive posts including the Governorship or head of a Mission abroad. If that had been accepted, it would have gone a long way to strengthen the judiciary in this country. Already there have been reports in the country that the calibre of our High Court Judges has not been the same as it was 10 or 15 years ago. I wish that amendment of ours, on which all parties in the Opposition were united, had been accepted by the Government. I am sorry even that has not been accepted. To that extent I feel that this amending Bill has failed to meet our expectations.

One last word and I have done. My hon. friend, the Minister in Law (*Interruptions*)—I am sorry, I should say Minister for Legal Affairs: the old designation Minister in the Ministry of Law was in my mind, but the later designation which he has acquired is the Minister for Legal Affairs—moved an amendment towards the fag end of the debate, that was this afternoon at about 4 o'clock or 4-30, which, to my mind, lacks clarity. I would not have quarrelled with it had it been an ordinary Bill, but this is a Constitution Amending Bill, a Bill which seeks to amend the Constitution, which

shall come into force in a few days. It would be a bad precedent if in the Constitution itself we seek to include vague provisions, undefined provisions, areas which have not been defined and which nobody knows where they are. There is no mention anywhere in the Constitution of Maharashtra, no mention of Gujarat, of Vidarbha, of Marathwada. Kutch we know and Saurashtra, of course, we have. These four areas are nowhere mentioned in the Constitution. Suddenly today they are being used by way of this amendment, but this aspect should be borne in mind. When it comes later on and Development Boards etc., will be constituted, you will have to define the areas in which these Boards will function. When these Boards are constituted, next year, perhaps after the elections, the Government will think about the point that I raised today. Then the question will arise, perhaps before the new Bombay Assembly, as to what is Maharashtra, what is Vidarbha, what is Gujarat, what is Marathwada. Therefore, the rest of Maharashtra and the rest of Gujarat have no meaning whatsoever until Gujarat and Maharashtra were already there in the Constitution. So, the expressions "rest of Maharashtra" and "rest of Gujarat" in amendment No. 211 moved by Shri Pataskar have no meaning.

Lastly,.....

Some Hon. Members: How many "lastly" (*Interruptions*)?

Shri Kamath: I do not understand this ca-co-phonous cachinnation. This is a Bill to amend the Constitution. I thought hon. Members would be more serious in this matter. I am very sorry they are treating it very lightly.

I would only refer to the point which I raised half an hour ago, and that was that we should have punctilious observance of the rules which we ourselves have framed. I do not want to be in the least obstructive, but I would again appeal to you, Sir, that for the future at any rate, amendments to

rules 167 and 126 might be brought forward in the Rules Committee and later in the House, and the rules may be amended suitably so that we may get over the difficulty that we were faced with today.

Shri Pataskar: So far as my amendment is concerned, I believe all were unanimous that there will be no difficulty in understanding the words used there. It is not the practice that every word has to be defined. If one were to do that, I do not know what the length of the Constitution will be. If there is any lack of understanding anywhere, I cannot help it.

Shri Kamath: I can only say that the Minister has not understood me.

पंडित ठाकुर दास भार्गव : जनाब स्पीकर साहब, मुझे अभी मालूम हुआ है कि होम मिनिस्टर साहब ने अपनी तकरीर में यह ब्याल फ़रमाया कि मैं ने यह अर्ज किया है कि अगर मेरी अमेंडमेंट नहीं मानी गई, तो मैं पंजाब छोड़ दूंगा। मेरी गुजारिश यह है कि मैं ने ऐसा नहीं कहा है और न ही मेरे दिमाग में ऐसा ब्याल था सकता है। इसलिए यह समझ कर कि मैं ने ऐसी कोई बात कही है, होम मिनिस्टर साहब ने मेरे बारे में जो रिमार्क पास किए हैं, वे मेरे ब्याल में मुनासिब नहीं हैं। मेरे दिल में ऐसा ब्याल नहीं था सकता है। न ही मैं ने यह बात कही है।

श्री० रजबीर सिंह : मैं ने कहा है।

पंडित ठाकुर दास भार्गव : आप ने कहा होगा, लेकिन यह बात मुझ से मन्सूब न की जाये।

सेठ गोविन्द दास (मंडला-जबलपुर-दक्षिण) : ग्रुप्यज जी, मैं प्रस्ताव करता हूँ कि इस बिल पर वोट लिया जाये।

Shri Frank Anthony: I feel that I am bound to pay a very sincere tribute to the Home Minister. I think about two or three days ago, when I

felt that the Home Minister had accepted only two-thirds of what I regarded as a minimum essential safeguard, I offered him a two-thirds meed of thanks. Today, after what I consider to be a very happy conclusion to this question of safeguards for linguistic minorities, my meed of thanks is full, and full to overflowing. I feel also bound to thank the Prime Minister. I know well that although he was not able to be present in this House, he was watching these deliberations with anxious care, and in spite of his many preoccupations he was able to find time to allow me to discuss with him this question of safeguards for linguistic minorities.

Quite frankly, Sir, I feel that the Home Minister deserves the thanks not only of this House but of the country. This has been not only a historic, monumental Bill, but it has been as difficult and as delicate as it has been historic. And quite frankly—I say this is no spirit of flattery—unless we had a person of the uniquely outstanding capacity of the Home Minister to pilot it, it would never have gone through this House with the minimum of controversy that has characterised it. I was associated with this Bill from the beginning and, if anything, I was more struck with his work in the Joint Committee than anywhere else. Most of us were conversant with some of the provisions. But none of us was conversant with all the provisions, except the Home Minister. And that is what amazed me, not only his clarity of thought but his amazing grasp of detail. He was seized not only of every clause but of every sentence in every clause. Whether it was a financial provision or a legal provision or a constitutional provision or an administrative provision, he was immediately ready with the correct interpretation of the nuance of meanings attached to every clause. I was, quite frankly, very amazed. And, added to it, was his consistent patience and the charm with which he disarmed a great deal of, otherwise, our potential opposition. Sir, I must, on behalf at

[Shri Frank Anthony]

any rate, I presume, of the linguistic minorities, acclaim with gratitude and thanks the sympathy and generosity with which the provisions with regard to the minorities have been dealt with.

Shri K. K. Basu: Mr. Speaker, I wish I could say the same things about the hon. Home Minister as my friend, Shri Frank Anthony said.

Several Hon. Members: Closure.

Mr. Speaker: We are coming to the end. Let us wait for a few minutes.

Shri K. K. Basu: As he said, it was a monumental Bill. We would have wished that certain good and noble principles had been followed when the country is being reorganised as a result of the long-cherished movement, on the basis of linguistic redistribution of the States. We would have wished that the principle had been followed in respect of all the States that are formed under the new set-up for which we are going to pass this Bill.

In the case of the Bombay State, they have followed a different principle—I do not know—perhaps because of the movement of certain sections of the people and some representatives here; they have formed a bilingual State and we find that a large section of the people of the bilingual State and people of Gujarat do not accept it. As I have said, it is a decision of political expediency. We have also found an amendment today, an unusual amendment of the Minister of Legal Affairs, about the 'rest of Maharashtra or the rest of Gujarat'. I do not know what the constitutional definition is or what any definition of this is, in any law of the land. We find the definition of the State of Maharashtra or the State of Gujarat. I would ask him where will the city of Bombay be. Which part of the city of Bombay will be 'part of Gujarat'? (Interruptions)

Shri Pataskar: Does he know that there is an Improvement Trust for the city of Bombay?

Shri K. K. Basu: The development trust, I believe, is something more than improvement trust and if this be

the understanding of the Minister of Legal Affairs, what the future law of the land will be, I do not know. Anyway, I hope that in the course of the experience of the Party-in-power the majority will bring forward the necessary amendment in consonance with the spirit of the Constitution and the amendments that we have adopted.

There is one point which we would like to urge and that is with respect to the legislative councils. Two of the States have opposed the continuation of the legislative councils because they are, if I may say so, a superfluous nuisance for which the nation has to pay money when we need so much money for the development projects. We have increased the membership from one-fourth to one-third. As Shri Chatterjee, in his note of dissent says, these legislative councils are nothing but sanctuaries for defeated ministers or retired leaders of political parties in power who find no place as representatives of the people in any legislature. Though there is now this power to increase it to one-third, I wish the hon. Home Minister will not bring forward an amending provision to raise the membership. These legislative councils have served no purpose in the good governance or progress of the country.

In conclusion, I would say this. There are a good many defects in this amending provision. In spite of that, by and large, we have co-operated with the Movers and the Government because we felt that there are a good many provisions which go a long way to satisfy the aspirations of the people and also because the Government have always been saying that they want this to be done quickly in order that the States may be reorganised early and the next general elections may be held in 1957. I hope the Government would stick to the time-schedule and go to the polls and get the verdict of the people for the new developments, new movements, new amendments or new policies they are going to enunciate as a result of the reorganisation of the States, whatever it may be.

In conclusion, I may say that, inspite of certain defects, there are some good things. The bad provisions ought to be changed in the near future. I also hope that the States of Gujarat and Maharashtra will be born in the near future. Concluding, I hope the Government would stick to the programme for the next general elections and get the verdict of the people as to the amendments and changes that they have proposed.

Pandit G. B. Pant: Mr. Speaker, Sir, I thank Shri Frank Anthony and all Members of the House for their generous co-operation. I hope the

scheme that will be launched on the 1st of November will receive the support and the willing co-operation of all sections, all classes, all communities and all political parties, and we will see a new era in which all will combine together to work for the success of the Second Five Year Plan and for raising the standard of living of the common man.

Mr. Speaker: The question is:

"That the Bill, as amended be passed."

The Lok Sabha divided: Ayes: 312; Noes: Nil.

AYES

[Division No. 12]

[7-27. P.M.]

Abdullahai, Mulla
 Abdus Sattar, Shri
 Achint Ram, Lala
 Achuthan, Shri
 Agarwal, Shri H.L.
 Agrawal, Shri M.L.
 Aijt Singh, Shri
 Akarpuri, Sardar
 Altekar, Shri
 Amrit Kaur, Rajkumari
 Anandchand, Shri
 Anthony, Shri Frank
 Arthana, Shri
 Azad, Shri Bhagwat Ji
 Babunath Singh, Shri
 Baden Singh, Ch.
 Balkrishnan, Shri
 Balsubramaniam Shri,
 Baldev Singh, Sardar
 Balmiki, Shri
 Banerjee, Shri
 Bansilal, Shri
 Barman, Shri
 Barrow, Shri
 Barupal, Shri P.L.
 Basappa, Shri
 Basu, Shri K.K.
 Bhagat, Shri B.R.
 Bhakt Darshan, Shri
 Bharati, Shri G.S.
 Bhargava, Pandit Thakur Das
 Bhatkar, Shri
 Bhatt, Shri C.
 Bhawanji, Shri
 Bheekha Bhal, Shri
 Bhonele, Shri J. K.
 Bideri, Shri
 Birbal Singh, Shri
 Biren Dutt, Shri
 Bogawat, Shri
 Borkar, Shrimati Anusayabai

Bose, Shri P.C.
 Brajeshwar Prasad, Shri
 Brohmo-Choudhury, Shri
 Chaita, Shri Bimalasproad
 Chandak, Shri
 Chandrasekhar, Shrimati
 Charak, Th. Lakshman Singh
 Chatterjee, Shri Tushar
 Chatterjee, Dr. Susilranjan
 Chaturvedi, Shri
 Chaudhary, Shri G.L.
 Chaudhuri, Shri R.K.
 Chavda, Shri
 Chettiar, Shri Nagappa
 Dabhi, Shri
 Damodaran, Shri Nettur P.
 Das, Dr. M.M.
 Das, Shri K.K.
 Das, Shri N.T.
 Das, Shri Ram Dhami
 Das, Shri Ramananda
 Das, Shri Shree Narayan
 Dasratha Deb, Shri
 Datar, Shri
 Deb, Shri S.C.
 Desai, Shri K.N.
 Desai, Shri Khandubhai
 Deshmukh, Dr. P.S.
 Deshmukh, Shri K.G.
 Deshpande, Shri G.H.
 Dholakia, Shri
 Dhulakar, Shri
 Dhusiya, Shri
 Digambar Singh, Shri
 Diwan, Shri R.S.
 Dube, Shri Mulchand
 Dube, Shri U.S.
 Dubey, Shri R.G.
 Dutt, Shri A.K.
 Dwivedi, Shri D.P.
 Dwivedi, Shri M.L.

Escharan, Shri L.
 Ebenezer, Dr.
 Flaya-erumal, Shri
 Fotedar, Pandit
 Gam Malludora, Shri
 Gandhi, Shri Ferose
 Gandhi, Shri V.B.
 Ganga Devi, Shrimati
 Ganpati Ram, Shri
 Gautam, Shri C.D.
 Ghose, Shri S.M.
 Giri, Shri V.V.
 Gohain, Shri
 Gopi Ram, Shri
 Gounder, Shri K.P.
 Gounder, Shri K.S.
 Govind Das, Seth
 Guha, Shri A.C.
 Hari Mohan, Dr.
 Hasda, Shri Subodh
 Hazarika, Shri J.N.
 Heda, Shri
 Hembrom, Shri
 Hem Raj, Shri
 Ibrahim, Shri
 Iqbal Singh, Sardar
 Iyyanni, Shri C.R.
 ain, Shri A.P.
 Jain, Shri N.S.
 Jajwale, Shri
 Jangde, Shri
 Jatav-vir, Dr.
 Jena, Shri K.C.
 Jena, Shri Niranjan
 Jhunjhunwala, Shri
 Jogendra Singh, Sardar
 Joshi, Shri A.C.
 Joshi, Shri Jethalal
 Joshi, Shri Krishnacharya
 Joshi, Shri Lilsadhar
 Joshi, Shri M.D.

AYES—*contd.*

Joshi, Shri N.L.	Narasimhan, Shri C.R.	Satish Chandra, Shri
Joshi, Shrimati Subhadra	Naskar, Shri P.S.	Sen, Shri P.G.
Jwala Prashad, Shri	Nathwani, Shri N.P.	Sen, Shrimati Sushama
Kajrolkar, Shri	Nehru, Shri Jawaharlal	Sewal, Shri A. R.
Kale, Shrimati A.	Nehru, Shrimati Shriyavati	Shah, Shri C.C.
Kamble, Dr.	Nehru, Shrimati Uma	Shah, Shri Raichandbhai
Kanungo, Shri	Nijalingappa, Shri	Shah Nawaz Khan, Shri
Karmarkar, Shri	Pande, Shri B.D.	Sharma, Pandit K. C.
Kasliwal, Shri	Pannalal, Shri	Sharma, Shri D.C.
Katham, Shri	Parekh, Dr. J.N.	Sharma, Shri R.C.
Katju, Dr.	Parikh, Shri S.G.	Shastri, Shri Algu Rai
Kayal, Shri P.N.	Parmar, Shri R.B.	Shivannappa, Shri
Kazmi, Shri	Pataskar, Shri	Shobha Ram, Shri
Kehavaiengar, Shri	Patel, Shri B.K.	Shrikum Narayan, Shri
Khan, Shri Sadath Ali	Patel, Shri Rajeshwar	Shukla, Pandit B.
Khedkar, Shri G.B.	Patel, Shrimati Maniben	Siddanajappa, Shri
Kaongmen, Shrimati	Patil, Shri Kanavade	Singh, Shri D.N.
Kirolikar, Shri	Patil, Shri Shankargauda	Singh, Shri H.P.
Kottukappally, Shri	Pillai, Shri Thanu	Singh, Shri L. Jogeswar
Krishna Chandra, Shri	Prabhakar, Shri Naval	Singh, Shri M. N.
Krishnamachari, Shri T.T.	Rachiah, Shri N.	Singh, Shri T.N.
Kureel, Shri B.N.	Radha Ramani, Shri	Singhal, Shri S.C.
Lakshmayya, Shri	Raghubir Sahai, Shri	Sinha, Dr. S.N.
Lal Singh, Sardar	Raghubir Singh, Ch.	Sinha, Shri Anirudha
Laskar, Shri	Raghunath Singh, Shri	Sinha, Shri R.P.
Lotan Ram, Shri	Raghuramaiah, Shri	Sinha, Shri G.P.
Madiah Gowda, Shri	Raj Bahadur, Shri	Sinha, Shri Jhulan
Mahodaya, Shri	Rajabhoj, Shri P.N.	Sinha, Shri K.P.
Majithia, Sardar	Ramachander, Dr. D	Sinha, Shri Nageshwar Prasad
Malaviya, Shri K.D.	Ramanand Shastri, Swami	Sinha, Shri S.
Malvia, Shri B.N.	Ramananda Tirtha, Swami	Sinha, Shri Satya Narayan
Malaviya, Pandit C.N.	Rameshaiah, Shri	Sinha, Shri Satyendra Narayan
Malviya, Shri Motilal	Ramaswamy, Shri S.V.	Sinha, Shrimati Tarakeswari
Mandal, Dr. P.	Ram Dass, Shri	Sinhasan Singh, Shri
Masuriya Din, Shri	Ram Krishan, Shri	Siva, Dr. Gangadhara
Mathew, Shri	Ram Saran, Shri	Snatak, Shri
Matthen, Shri	Ram Shankar Lal, Shri	Sodhia, Shri K.C.
Mavalankar, Shrimati Sushti	Ram Subhag Singh, Dr.	Subrahmanyam, Shri T.
Mehta, Shri B.G.	Ranbir Singh, Ch.	Subramania Chettiar, Shri
Mehta, Shri Baiwani Singh	Randaman Singh, Shri	Sunder Lal, Shri
Menon, Shri Damodar	Rane, Shri	Suresh Chandra, Dr.
Minimata, Shrimati	Ranjit Singh, Shri	Suriya Prasad, Shri
Mishra, Shri Bibhuti	Rao, Dr. Rama	Swaminadhan, Shrimati Amma
Mishra, Shri L.N.	Rao, Shri Seahagiri	Syed Mahmud, Dr.
Mishra, Shri S.N.	Rao, Shri T.B. Vittal	Tandon, Shri
Mishra, Shri R.D.	Raut, Shri Bhola	Telkikar, Shri
Mishra, Shri S.P.	Ray, Shri B.K.	Tewari, Sardar R.B.S.
Mohiuddin, Shri	Reddy, Shri B.Y.	Thimmala, Shri
Moltra, Shri M.K.	Reddy, Shri Viswanatha	Thirani, Shri
Morarka, Shri	Rishang Keishing, Shri	Thomas, Shri A.M.
More, Shri K.L.	Roy, Shri Bishwa Nath	Tiwary, Shri V.N.
Mudaliar, Shri C.R.	Rup Narain, Shri	Tiwari, Pandit B.L.
Mukherjee, Shri H.N.	Sahaya, Shri Syyamandan	Tiwari, Shri R.S.
Mukne, Shri Y.M.	Sahu, Shri Rameshwar	Tiwari, Pandit D.N.
Murthy, Shri B.S.	Seigal, Sardar A.S.	Tripathi, Shri V.D.
Musafir, Gianni G.S.	Saksena, Shri Mohanlal	Tyagi, Shri
Mushar, Shri	Samanta, Shri S.C.	Ulkey, Shri
Mathukrishnan, Shri	Sankanna, Shri	Upadhyaya, Shri Shiva Du
Naidu, Shri N.R.	Sanakarapandian, Shri	Varma, Shri B.B.
Nair, Shri C.K.	Sarma, Shri Debendra Nath	
Nanda, Shri	Sarmah, Shri Debeswar	

AYES—contd.

Veeraswamy, Shri
Velayudhan, Shri
Venkataraman, Shri

Verma, Shri B.R.
Verma, Shri Ramji
Vyas, Shri Radhela

Wilson, Shri J.N.
Wodeyar, Shri
Zaidi, Col.

NOES**NIL**

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. The Bill, as amended, is passed.

7.41 P.M.

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