

## CONSTITUTION (NINTH AMENDMENT) BILL

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

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration".

I had the privilege of placing before the House the motion for reference of the Constitution (Ninth Amendment) Bill to a Joint Committee. I then pointed out that this Bill was designed to give effect to the proposals of the States Reorganisation Commission.

**Shri Kamath (Hoshangabad):**  
Louder please; we cannot hear the hon. Minister.

**Pandit G. B. Pant:** I was just saying that when I moved for reference of the Bill to the Joint Committee on the 26th April, I pointed out that the Bill was designed to give effect primarily to the proposals concerning the reorganisation of States. There were also some other matters of a subsidiary character relating to High Courts and High Court Judges, their salaries, and provisions pertaining to the appointment of *ad hoc* Judges and a few amendments to the entries in the Schedules were also included in the Bill, but they are all of minor character.

The Joint Committee, if I may say so, was a powerful one. It consisted of more than 50 hon. Members, the representatives of both Houses, and if I may say so, some of the most prominent Members were included in the Joint Committee. The Bill was scrutinised very closely. It was reviewed there and it has come back to the House in a modified form. As observed by one of the leading Member of the Committee, it is a considerable improvement on the original Bill.

I also venture to state that the Bill, almost reflects the unanimous opinion of the Joint Committee. If you will look at the notes that have been attached, you will be pleased to find that none of the principal clauses has been in any

way attacked, and the suggestions that have been made do not in fact affect the structure of the Bill. So, what I am placing before the House is more or less an agreed measure, to which the representatives of all parties in this House have virtually given their assent. Since the introduction of this Bill, the States Reorganisation Bill and the Bill relating to the reorganisation of Bengal and Bihar have been passed. So, this Bill, in a way, represents the coping stone of the edifice that this Parliament has been building, brick by brick. And now, with the passage of this Bill, the scheme of the reorganisation of States will be ready for implementation. I am glad that the form in which the scheme has ultimately emerged and in which it will be embodied in this Bill has, for practical purposes, been hailed by all classes in almost all parts of the country. There was some little commotion in one State, but when matters were further explained, it passed off and I hope that our appeal to all communities and to all States now to co-operate in a friendly way in order to get a practical and concrete shape to the measures which have been accepted with unanimity by this House, will be responded to heartily.

Since this Bill was introduced, some marked changes have been made. In this Bill, we have provided for the three units of Maharashtra, Gujarat and Bombay. Bombay was to be a Territory and Maharashtra and Gujarat were to be two independent and autonomous States. By virtue of the decision taken by, and at the instance of the hon. Members of this House, now, we will have a big bilingual Bombay State. So, the provision in this Bill concerning these States will have to be amended.

Similarly, with regard to Bengal and Bihar, we had included in the territory mentioned in the Bill with regard to these two States the areas that were included in them before the Bihar-Bengal Bill was passed. Some changes in that regard too will have to be made.

The result will be that we will have now fourteen full-fledged States in our country and more than 98 per cent. of our people—nearly 98·6 per cent.—will be living in these States. Besides these, there will be four Territories in existence and two blocks of islands—Andamans and Nicobars and then Laccadives and Maldives. The four Territories consist of Delhi, Himachal Pradesh, Manipur and Tripura. So, the structure has now been well-designed and well-laid. The States will begin to function, we hope, on the 1st of November. According to the original scheme, they were to start their career on the 1st of October. But, because of certain circumstances and the careful thought that these measures claimed—and rightly too—in this House, another month had to be given for necessary preliminary work and preparation. So, we will be making the start on our new journey, so far as these States are concerned, on the 1st of November.

As a result of the reorganisation of these States and also the increase in the 1951 census, the number of Members of the Rajya Sabha will go up; it will be raised from 207 to 220. Similarly, in the Lok Sabha, though the quota allotted to each State has not been increased, the total number will be 501. Out of these, I think fourteen will be returned by the Centrally-administered areas.

With regard to the Centrally-administered areas, the clause in the Bill was amended and improved in two ways. Firstly, the regulations to be made for the administration of these areas by the President were to be subject to any law framed by the Parliament for that purpose. Such a condition restricting the jurisdiction, or authority of the President did not find a place in the original Bill. Besides, there was another clause which provided that, in all these areas including Bombay, which was then one of the Territories, the President would be empowered to make regulations and, if necessary, even to amend the

laws passed by Parliament. That has been altogether modified and now the power of making such regulations has been restricted only to four areas—rather two, I should say—Laccadives and Maldives and Andamans and Nicobars. With respect to others, the Parliament alone will have the power to legislate.

There has been naturally some anxiety as to how these areas are going to be administered. While the matter calls for considerable thought, consistent with the decisions taken, I should like to be guided by the people of these areas to a very reasonable extent, in managing the affairs of their territories. For each of these, there will be a sort of a standing committee or, if you choose to so call it, an advisory committee.

**Dr. Lanka Sundaram** (Visakhapatnam): Executive council?

**Pandit G. B. Pant:** Advisory Committee to help the Minister-in-charge in the matter of legislation. The law has to be placed before the Parliament in the matter of the Budget to be framed for these areas and also any matters relating to policy. The number of Members to be returned from the Centrally-administered areas has been increased out of regard for the fact that the Parliament will have exclusive powers to legislate for them and their affairs will be directed by Parliament. So far as Delhi is concerned, instead of four Members it will have five Members in the Lok Sabha and instead of one Member it will have three Members in Rajya Sabha, so that instead of five Members Delhi will have eight Members in the Parliament. Similarly, instead of three Members in Lok Sabha Himachal Pradesh will have four Members, and instead of one Member in Rajya Sabha it will have two Members; so Himachal Pradesh will have six Members. Tripura and Manipur will have two Members each in the Lok Sabha and one Member each in the

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Rajya Sabha. The Members of Parliament with some of the eminent responsible persons working in these areas will form the committee to which I referred, for co-operating with the Ministers in matters of legislation, policy and budget.

Then, in Delhi we will have a corporation on the lines of the Bombay Corporation, and we hope that this corporation will have jurisdiction in most of the areas which form part of Delhi and New Delhi. Some areas like the Cantonment, the Diplomatic Colony and other areas, which are essentially of a governmental character may for some time, say for the first five years or so, have their own Municipal Commissioner to look after their affairs; but the matter so far as even these areas is concerned, will be reviewed after five years. All members of this corporation—the number, I hope, will be about 80; I cannot say definitely, in fact, what I am saying is all tentative and the number may be a little more or a little less—will be elected by adult suffrage; that is, every adult living in Delhi will have the right to elect the members of the corporation.

Similarly, there will be territorial bodies or councils—whatever name might be given to them—with necessary modifications for Himachal Pradesh, Manipur and Tripura. There too, all members of these bodies will be elected by adult suffrage and they will be in charge of the affairs just as the corporation will be in charge of the affairs here in Delhi. These bodies along with some others if necessary, will also serve as the electorate for returning Members to the Rajya Sabha; so that the Members who will come to the Rajya Sabha from these territories will be representatives of persons who will have the backing of the entire community and who will themselves be representing every adult in the area from which they will be sent to the corporation or other corresponding bodies.

The question of administration alone remains and that is a minor question; but so far as major questions are concerned I have dealt with them. I wish that so far as administration is concerned it may be possible to associate non-officials with the Administrator and, if it can be so worked out, two or three from among the elected members of the corporation in Delhi and from other bodies in Manipur, Himachal Pradesh etc., may be associated with the Administrator in the actual task of administration. I have not been able to work out the details or to examine all the implications that such an arrangement would involve. I have, however, placed an outline before the House which...

**Dr. Lanka Sundaram:** May I just interrupt the hon. Minister? Is it his intention to allot a few portfolios or departments to these advisers?

**Pandit G. B. Pant:** I would like to. What will happen will depend on the final picture.

**Shri Biren Dutt<sup>6</sup> (Tripura West):** Will they be responsible to the council?

**Pandit G. B. Pant:** They will be responsible to the Parliament.

**Shri L. Jogeswar Singh (Inner Manipur):** What will have be the strength of the Advisory Council for Manipur and Tripura?

**Pandit G. B. Pant:** Here at the top?

**Shri L. Jogeswar Singh:** I am referring to the Advisory Council similar to the corporation in Delhi. What will be the strength of that body?

**Pandit G. B. Pant:** What is the strength of your present electoral college?

**Shri L. Jogeswar Singh:** 30 members.

**Pandit G. B. Pant:** Then the strength of the Advisory Council will be 30. I think that satisfies the hon. Member.

**Shri L. Jogeswar Singh:** Not fully.

**Pandit G. B. Pant:** I think I have given an outline which, I hope, will be found satisfactory by hon. Members, not only those belonging to this House but also by those who may be outside this House and who are interested in this problem.

**Shri C. K. Nair (Outer Delhi):** What about the rural areas of Delhi and what about the extension of Delhi?

**Pandit G. B. Pant:** So far as rural areas of Delhi are concerned, the idea at present is—but I will be prepared to discuss this matter with the hon. Member again—that the rural areas too should form part of the corporation. But there should be a committee consisting of the members elected from the rural areas with special functions and duties allotted to them by the statute under which the corporation will be established, so that you may not have a multiplicity of such bodies and all may be brought, as far as possible, within one common unit. But I also hope that there will be provision for regional committees under the corporation to look after elementary functions which can well be discharged by local people themselves in their respective areas. So far as electricity, sewage, transport etc. are concerned.....

**Shri C. K. Nair:** What about the panchayats in the rural areas? Will they continue?

**Pandit G. B. Pant:** The panchayats will continue. So far as sullage, electricity, transport etc. are concerned, they will also be brought under the corporation with such special provisions in the Constitution as might be considered necessary after the model of the Bombay Corporation Act.

I think hon. Members will agree that I have gone to the farthest point to meet their wishes and, perhaps, many of them did not expect that I was capable of taking such risks.

The other point which has attracted attention relates to safeguards for linguistic minorities. We have referred to that subject again and again. At the very outset, in fact, when the provisions of the Report were discussed in this House, I said in unequivocal terms that I personally was anxious that these safeguards should be fully observed. Because, though there were linguistic minorities in every State even in the past, with the re-drawing of the map, to a large extent on a linguistic basis, it had become necessary to emphasise the importance of the safeguards. The Commission has given these safeguards in its report. In order to clear the whole thing, I have prepared a Memorandum\* which I am placing on the Table of the House. It will give in clear terms the safeguards that are contained in the report and which I have tried to put in an amplified—though perhaps not in a form, that may be said to be not lacking in precision—and in a precise form.

**Dr. Jaisoorya (Medak):** Will it be circulated?

**Pandit G. B. Pant:** Yes; it will be circulated in the course of the day by the Secretariat.

**Shri Matthen (Thiruvallah):** May I know whether other minorities like the religious minorities will come under the jurisdiction of this officer?

**Pandit G. B. Pant:** No. I am concerned only with the States Reorganisation Bill, and I do not claim to be an ultra religious person.

**Shri C. K. Nair:** When is the Delhi Corporation expected to come into being?

**Pandit G. B. Pant:** As soon as Parliament can manage to give it a shape. We will have to place the Bill here and to get it passed, but I wish it may come into existence, if possible, not long after the launching of the new States. If the Bill can be passed earlier, I will be happy.

\* See (Cols. 5498—5506).

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I was referring to the safeguards for linguistic minorities. I am placing this memorandum on the Table. I hope everyone will be satisfied that so far as the enunciation of the safeguards is concerned, nothing has been left. There was one particular point which was raised by Shri Frank Anthony in the Joint Committee. It was found by experience that sometimes we had been faced with difficulties in securing affiliation for educational institutions with other educational organisations located outside the State in which the institution seeking affiliation happens to be situated. So, I have made a provision in this memorandum to meet that difficulty too. I hope he, as well as others, will find that all the safeguards that can reasonably be given or even liberally be conceded, have been included in this memorandum.

There are some questions as to how these safeguards are to be carried out. Well, firstly, I should say with all humility that the very word 'safeguard' is not a very judicious or delightful one. It indicates the need for some protection against somebody and that by itself is not a very edifying idea. But, when we have a policy, so far as we are concerned, we would like to see that it is carried out.

There are a few matters which comes within the range of safeguards; firstly, education in the primary stage through the mother-tongue or in one's own mother-tongue. For that, we are going to make an amendment in the Constitution itself. Then, there are certain safeguards relating to the use of minority languages in the areas where they may form a fair proportion. About that too, there is authority, available in the Constitution as it exists, for taking necessary action and to see that those safeguards are carried out. Then, we want also to make provision to the effect that no one will be prejudiced on account of his domicile or on account of his having his habitation outside a particular area, in the matter of employ-

ment, acquisition of property, land, or carrying on of trade, entering into contract, and so on. For these purposes, a law will be introduced and passed by Parliament, as has been provided in the Constitution. Nothing more can be done, and in the meantime, I hope all States where such restrictions exist, will realise that a law is coming and they had better take such steps themselves.

Then there are two other matters which come within the range of this Bill. One relates to affiliation of schools with outside bodies where they depend as much on the bodies to which they are affiliated as on those who seek affiliation. If a university does not choose to affiliate any institution situated beyond five miles from its own Senate Hall, then, no one can force the university to do so. It is an autonomous body. But what we do wish is this: that no Government mechanism, whether it be the State Government or any other similar body, should come in the way of such affiliation being sought or granted.

**Dr. Lanka Sundaram:** May I ask one question? In view of the fact that the University Grants Commission is there, with vast funds which may be made available to it by the Centre, cannot the Government of India use its powers of persuasion for assisting this sort of affiliation?

**Pandit G. B. Pant:** I hope it will use its powers of persuasion. So far as the use of powers of persuasion goes, they should be used for bringing about all that we desire, and the Government of India can be helpful in various ways. Even if these ways are sometimes a bit forceful, they need not be characterised as more than persuasive. So, every effort will be made to see that these things are done.

The Commission, while suggesting that provision should be made for imparting primary education in the

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mother-tongue, itself says that no constitutional provision for this purpose should be made in the Constitution. But we will evolve some policy which we will try to carry out. After all, there are many things which we have to do, and they have to be carried out. The provision, in the report, as the hon. Members are aware, was to the effect that the Governor of a State should look after these things and that he should, whenever he finds the need or an occasion for it, report the matters or bring them to the knowledge of the President. There were objections to this. On the one hand, it was said that the Governor had no constitutional authority to do anything and so there was no point in having the Governor who is so intimately associated with the State administration. It was also said that the Governor was only a constitutional head and as such he should not be mixed up with any controversy. On the other hand, there was a demand that there should be some opportunity provided in a very regular way for discussing all such matters in Parliament. I had actually agreed in the Joint Committee that instead of the Governor, we may have a Commissioner, just as we have one for Scheduled Castes and Scheduled Tribes, for linguistic minorities. But a further suggestion was made that the report of the Commissioner should be placed before Parliament and should be discussed here. Now, we will have a provision in the Constitution as desired to the effect that there will be an officer for linguistic minorities and his report will be placed on the Table of the House for such action or for such discussion as the Parliament may like to have. I think that should satisfy everyone. We have to remember that we should not create an atmosphere in which the enforcement of the safeguards may become difficult. It is a delicate matter. After all, the administration is with the States and we have to secure their goodwill, their co-operation, and not to rub them the wrong way. So, in order that these safeguards may be effective and may

be carried out spontaneously and if possible sweetly, I think every possible provision has been made or will be made in the manner suggested by me and I hope there will be no further proposal asking for any directives now, because.....

**Dr. Lanka Sundaram:** Amendments are there.

**Pandit G. B. Pant:** They will not be moved.

**Dr. Lanka Sundaram:** Get ready for a division.

**Pandit G. B. Pant:** I did not explain my position till then and there might have been doubts as to what I am going to say.

I have tried to clarify the position, so that everything concerning matters of moment arising out of the S.R.C. Bill may be placed before the House. All of them are not necessarily intimately connected with the Bill that is under discussion: but, I wanted to place the whole thing before the House to be decided in a manner that may be in conformity with the wishes of the House and to see that the scheme which, I think, is a fairly satisfactory one, may be implemented with the goodwill and blessings of every section of the community and the people living in this land, whether linguistic minorities or linguistic majorities, and people living in one area or in the other may all enter this new era with hope and faith determined to make the best of the resources that we have in this country, so that we may succeed in raising the level and the standard of living of the common man. That is my appeal and my prayer.

*Ministry of Home Affairs Memorandum on Safeguards for Linguistic Minorities*

The safeguards proposed for the linguistic minorities *vide* Part IV of the States Reorganisation Commission's report, have been examined carefully in consultation with the

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Chief Ministers of the States and it is the Government of India's intention to accept most of the Commission's recommendations. The action which has been or is proposed to be taken is indicated in the paragraphs which follow.

2. *Primary education:* Attention is invited to clause 21 of the Constitution (Ninth Amendment) Bill, providing for the addition of a new Article namely, 350A to the Constitution regarding facilities for instruction in the mother-tongue at the primary stage of education. The directions which may be issued by the President under Article 350A of the Constitution, as it is proposed to be enacted into law, are likely to be based on the resolution accepted by the Provincial Education Ministers' Conference in August, 1949. The intention is that the arrangements which were generally accepted at this Conference should be brought into force in States and areas where they have not been adopted so far.

3. *Secondary education:* The Commission has recommended that the Government of India should, in consultation with the State Governments, lay down a clear policy in regard to education in the mother-tongue at the secondary stage and take effective steps to implement it. The Commission has expressed the view that so far as secondary education is concerned, it will have to be treated differently from education at the primary stage, and has, therefore, not recommended constitutional recognition of the right to have instruction in the mother-tongue at the secondary school stage.

4. The resolution adopted by the Provincial Education Ministers' Conference in August 1949 contemplated the following arrangements in regard to secondary education:

(a) If the number of pupils whose mother-tongue is a language other than the regional or

State language, is sufficient to justify a separate school in an area, the medium of instruction in such a school may be mother-tongue of the pupils. Such schools organised or established by private agencies will be recognised for the purposes of grants-in-aid from Government according to prescribed rules.

(b) Government will also provide similar facilities in all Government and district board schools, where one-third of the total number of pupils of the school desire to be instructed in their mother-tongue.

(c) Government will also require aided schools to arrange for such instruction, if this is desired by one-third of the pupils, provided that there are no adequate facilities for instruction in that particular language in the area.

(d) The regional language will be a compulsory subject throughout the secondary stage.

The Central Advisory Board of Education, after taking into consideration the report of the Secondary Commission and the resolution on the subject passed by the All-India Council of Secondary Education, has assigned to the mother-tongue an important position in the curriculum at the secondary stage, so that pupils belonging to linguistic minorities may be enabled to study their mother-tongue optionally as one of the three languages which are proposed to be taught at the secondary school stage. The Government of India, as recommended by the Commission, propose to lay down a clear policy in regard to the use and place of the mother-tongue at the secondary stage of education in consultation with the State Governments and to take effective steps to implement it.

5. *Affiliation of schools and colleges using minority languages:* Connected with the proposals contained in the preceding paragraphs is the question of the affiliation of educational institutions located in the new or reorganised States to appropriate Universities or Boards of Education. It is of course desirable that every effort should be made to evolve arrangements whereby educational institutions like schools and colleges can be affiliated, in respect of courses of study in the mother-tongue to Universities and other authorities which are situated in the same State. However, it may not always be possible to make such arrangements; and having regard to the number of institutions of this kind, it may sometimes be convenient both from the point of view of the universities or the educational authorities concerned, and from the point of view of the institutions themselves that they should be permitted to seek affiliation to appropriate bodies located outside the State. This may be regarded in fact as a necessary corollary to the provisions contained in Article 30 of the Constitution, which gives to the minorities the right to establish and administer educational institutions of their choice.

6. It is, therefore, proposed to advise the State Governments that in all such cases, affiliation to outside bodies should be permitted without difficulty. It is also necessary that any institution which is thus affiliated should not suffer from any disabilities in regard to grant-in-aid and other facilities, merely because it cannot, from an academic point of view, be fitted into the framework of educational administration within the State. It is, therefore, proposed that irrespective of affiliation to bodies situated within or without the State, all institutions should continue to be supported by the State in which they are located. Legislation regarding Universities or Boards of Education may, where necessary, be reconsidered from this point of view.

7. *Issue of directions by the Presi-*

*dent under Article 347 regarding the recognition of minority languages as official languages:* Attention is invited to Article 347 of the Constitution, which prescribes that on a demand being made in that behalf, the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language, to be recognised by that State, direct that such language shall be officially recognised in a portion or the whole of the State. The Commission has recommended that the Government of India should adopt, in consultation with the State Governments, a clear code to govern the use of different languages at different levels of State administrations and take steps under Article 347 to ensure that this code is followed.

8. The Commission has proposed that a State should be recognised as unilingual, only where one language group constitutes about 70 per cent. or more of its entire population, and that where there is a substantial minority constituting 30 per cent. or more of the population, the State should be recognised as bilingual for administrative purposes. The Commission has further suggested that the same principle might hold good at the district level; that is to say, 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, the language of the minority group and not the State language should be the official language in that district.

9. The Government of India are in agreement with these proposals and propose to advise the State Governments to adopt them.

10. The arrangements to be made for the purpose of recognising two or more official languages in a State or district which is treated as bilingual will be without prejudice to the right, which may be exercised under Article 350 of the Constitution by any one resident in the State, to submit

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a representation for the redress of any grievance in any of the languages used in the Union or the State.

11. The Commission has further suggested that in districts or smaller areas like municipalities and tehsils, where a linguistic minority constitutes 15 to 20 per cent. of the population of that area, it may be an advantage to get important government notices and rules published in the language of the minority, in addition to any other language or languages in which such documents may otherwise be published in the usual course.

12. The Government of India propose to suggest that State Governments should adopt the procedure suggested, as a matter of administrative convenience.

13. Recognition of minority languages as the media for examinations conducted for recruitment to State services; Attention is invited to the Commission's recommendation that candidates should have the option to elect as the media of examination, in any examination conducted for recruitment to the State Services (not including subordinate services), English or Hindi, or the language of a minority constituting about 15 to 20 per cent. or more of the population of a State; a test of proficiency in the State language may in that event be held after selection and before the end of probation. The Government of India propose to advise State Governments that these suggestions should as far as possible be adopted. It is also proposed to recommend to the State Governments that where any cadre included in a subordinate service is treated as a cadre for a district, any language which has been recognised as an official language in the district should also be recognised as a medium for the purpose of competitive examinations in the districts. The last-mentioned suggestion would follow as a necessary corollary

to the acceptance of the Commission's recommendations referred to in paragraph 8 of this note.

14. Review of residence rules and requirements: The Commission has emphasised that the domicile tests in force in certain States operate to the disadvantage of minority groups and has recommended that the Government of India should undertake legislation under Article 16(3) of the Constitution in order to liberalise the requirements as to residence. The Government of India have carefully examined various suggestions which have been made from time to time with reference to the form which legislation intended to be enacted by Parliament under Article 16(3) may take. They have reached the conclusion that it is, on the whole, neither necessary nor desirable to impose at the present time any restrictions, with reference to residence, in any branch or cadre of the State services.

15. Certain exceptions may have to be made to the general rule of non-discrimination in the Telangana area, and the question of making special provision in regard to employment opportunities in certain backward areas may also have to be considered. It is expected, however, that these interim arrangements will not be continued beyond a transitional period.

16. The Government of India propose to undertake legislation as soon as possible in order to clarify the position on the lines indicated. In the meantime State Governments will be asked to review the rules relating to recruitment to State Services in the light of the position stated in paragraph 14.

17. Restriction of private rights in respect of contracts, fisheries etc: The attention of the State Governments is being drawn to the relevant provisions in the Constitution regarding freedom of trade, commerce and

intercourse and the right to equality of opportunity, and it is being suggested that the existing restrictions should be reviewed from this point of view.

18. *Recruitment of at least fifty per cent. of the new entrants to All-India Services from outside a State:* The question has been discussed informally with the Chief Ministers of States. No rigid rules are considered to be necessary, but the recommendation made by the Commission will be kept in view in making future allotments to the All-India Services.

19. *Recruitment of one-third of the number of Judges from outside a State:* The Commission's recommendations are being brought to the notice of the Chief Justice of India. There may be difficulties in some cases in implementing these recommendations, but it is intended that, to the extent possible, they should be borne in mind in making future appointments.

20. *Constitution of Public Service Commissions for two or more States:* The proposal that the Chairman and members of the Public Service Commissions in the States should be appointed by the President, has not been welcomed by the State Governments and it is not, therefore, being pursued. There is provision in the Constitution already for the constitution of Public Service Commissions for two or more States, vide Article 315. The procedure laid down in this Article may be followed at a later stage, in case it becomes necessary or desirable to constitute Public Service Commissions for two or more States.

21. *Agency for enforcing safeguards:* The States Reorganisation Commission has recommended that the services of the States Governors should be utilised for enforcing the safeguards for linguistic minorities. The Commission had not contemplated the vesting of any discretionary functions in the Governors, and they

recommended what was regarded as a simple procedure which could be adopted within the framework of the present constitutional arrangements. In the light, however, of the views expressed both in the Joint Select Committee and in Parliament on the States Reorganisation Bill and the Constitution (Ninth Amendment) Bill, the Government of India now propose to provide for the appointment of a minorities Commissioner at the Centre on the pattern of the office of the Commissioner for Scheduled Castes and Scheduled Tribes. This officer will submit a report to the President on the working of safeguards for minor language groups at such intervals as the President may direct, and his report will be laid before each House of Parliament.

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

"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. There can be no substitute for a sense of fairplay on the part of the majority and a corresponding obligation on the part of the minorities to fit themselves in as elements vital to the integrated and ordered progress of the State."

Mr. Speaker: Motion moved:

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

Fifteen hours have been allotted for all the stages of this Bill.

**Dr. Lanka Sundaram:** Subject to further extension.

**Mr. Speaker:** That is always there. This has been before the House at an earlier stage before it was sent to the Joint Committee. I find that as many as 185 amendments have been tabled and some more amendments may also come in. Therefore, I feel that we should give more time to the clauses. Greater attention may be bestowed upon the clauses. We may have 5 hours for the consideration and 10 hours for clauses. I have seen that Members have been saying the same thing repeatedly; the general discussion stage, the clause-by-clause discussion stage, everything is the same stage. Therefore, here is no need for every hon. Member to speak thrice or four times on the same matter. Of course, if there is new matter that has been brought to light, certainly hon. Members must contribute to that and the House also will be glad to hear them. We will close the general discussion today. We started at 12.06 and the general discussion may end at 6 o'clock.

**Shri K. K. Basu (Diamond Harbour):** Seven hours may be given for general discussion. As for the amendments, they may be large in number, but more or less it is the same thing. There are about 50 amendments on linguistic minorities. So the discussion on clauses will not take much time.

**Mr. Speaker:** There is not much difference between six and seven hours. We will close the general discussion today. The Minister must look into every amendment. Each hon. Member has tabled one amendment, whereas all the amendments have to be looked into by the hon. Minister. Of course, I am sure every hon. Member reads every amendment. That is what I have been noticing also.

**Shri Kamath:** There may be a slight modification. The general discussion can go on till 6 o'clock and I think the hon. Minister may reply tomorrow.

**Mr. Speaker:** I do not want to keep hon. Members waiting here. We want a special majority and it is very difficult to gather hon. Members. (*Interruptions*). Hon. Members will be a little patient. After all, there may not be much for the hon. Minister to say by way of reply to the general discussion. He may take more time in individual clauses. Therefore, we shall finish today the voting on the consideration motion. Tomorrow hon. Members may come rather leisurely. Whoever has tabled amendments may attend and the others may come whenever they are called upon.

**Shrimati Renu Chakravarty (Basirhat):** Today there is a half-an-hour discussion. So, I want to know whether voting will be exactly at 6 o'clock or a little earlier.

**Mr. Speaker:** We will complete this by 6.05. Voting will start so as to conclude the entire thing and proceed to the half-an-hour discussion by 6.05. Voting may start between 5.45 and 5.50. It must conclude by 6.05.

**Shri Kamath:** Do any Ministers propose to intervene in the debate? I hope not.

**Mr. Speaker:** Only if hon. Members make points here inviting other Ministers here.

**Pandit G. B. Pant:** If you do not want me to speak, I will not.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** So, voting will take place at 5.45. Why not it be fixed?

**Mr. Speaker:** Between 5.45 and 5.50 I will put the motion to the vote of the House. Shri Basu.

**Shri K. K. Basu:** As the hon. Minister said in his speech, this particular amendment of the Constitution is dependent upon our accepting the two Acts—the States Reorganisation Act...

**Shri Kamath:** Wait; an exodus is taking place.

**Mr. Speaker:** Why should hon. Members, who want to go, carry on their conversation here? Let them go and carry on the conversation outside. Why should they disturb the proceedings here?

One other thing also has to be settled. We have agreed to conclude this debate on the consideration motion today. The time is limited. Hon. Members representing parties may speak for twenty minutes and others for 15 minutes of course, subject always to extension.

**Dr. Lanka Sundaram:** Some times the bell may go out of action.

**Shri K. K. Basu:** I was saying that if the linguistic principle had been adopted in the reorganisation of States, we for ourselves would have very much wished to welcome this Constitution (Amendment) Bill wholeheartedly. But they did not fully accept the linguistic principle and they took an opportunistic decision in respect of the Bombay State. As we had a good deal of discussion of the particular aspects when we were discussing the States Reorganisation Bill, I for myself would not like to go into detail about that particular decision.

In this connection we urged at that time for the appointment of a boundary commission to minimise the problem of linguistic minorities. The Home Minister has just now in conclusion said that the States have been reorganised on the principle of linguistic States. But there still remains a large percentage of linguistic minorities. It is quite a big problem in our States because we have uneven development and we have industrial cities or industrial areas and so it is bound to be there. But when we have after a long time, the first time after freedom has been achieved, tried to reorganise our States, an attempt should have been made to minimise the problem of

linguistic minorities because the problem of minorities baffles many administrations and new administrative problems are created. Therefore, we should have wished that when once for all the political map of India is being finalised all the problems of minorities would have been reduced to the minimum. Unfortunately, the Government of the day did not appreciate this problem of linguistic minorities though they themselves now agree that linguistic minorities was the guiding factor in the reorganisation of the new States. Therefore, however much we have wished for the further improvement, so far as the reorganisation is concerned, as things stand now, we have very little in the Constitution Amendment Bill.

Then, in this connection, as we discuss the Constitution Amendment Bill, we would like to raise the problem of the names of States. In the case of most of the States we have accepted the names which more or less conform to the people of that area or the language there. But we do not know what special reason the Government still have to continue the old name which is given either by the Britisher or by some feudal king. Take, for instance, the cases of the State of Madras and the State of Mysore. We for ourselves, as we have said earlier in the discussion of the States Reorganisation Bill, would very much wish that the State of Madras should be named as Tamilnad as it is essentially the home of the Tamilians who form an important part of the Indian people. Similarly, in the case of the new State of Karnataka, it is formed by the amalgamation of the old districts of Mysore, the Karnataka areas of the old State of Hyderabad and some districts of the old State of Bombay. That should have been named the Karnataka State instead of Mysore State as is proposed in this particular Bill. But the most important part that deals with this particular question, as I have said, is regarding the naming of the Andaman and Nicobar Islands. This particular island has a history behind it and has acquired a certain notoriety

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because during the period of our national movement this particular island was known to be the penal settlement. So, almost all the revolutionaries from the beginning of the British era, especially after the mutiny, were sent to this place to serve their life sentence or whatever it may be. This particular island is the place where, for the first time, the Indian National Army under the leadership of Netaji Subhas Chandra Bose—I do not know what is the report of the enquiry committee—hoisted the Indian national flag. So we felt that this is the opportune moment for changing the name of that place. There was also a discussion some time back that the name of this particular island should be after Netaji Subhas Chandra Bose. Therefore, we would very much urge upon the Government that when the map of India is being finally redrawn we should see that the name of the particular island should reflect the very important historical event, the hoisting of the first freedom flag on the island, which at one time was notorious and was a penal settlement where the Indian revolutionaries and the freedom fighters had to breathe their last or spent the best part of their lives. I will not dwell on this aspect very much now because I myself has moved an amendment to this particular clause and when the amendments are taken up I hope I shall not have an opportunity to further explain this particular proposition.

Then there are very important factors regarding the allotments of seats in the Council of States. In the case of some areas, because they are union territories, as they are now called, they have no right so far as representation in the Council of States is concerned. The unfortunate part of it is that Laccadives and Minicoy Islands, which earlier formed part of the old Madras State, have now been converted into union territories and the result is that they will not have any representation. In the case of Andaman and Nicobar Islands it was felt that it cannot be administered with representative government as prevalent in

most parts of India and, therefore, in the Constitution which we have framed they formed a special category, Part D States. But the Government, under the Constitution, should see that even in those areas where at a particular point of time it is not possible to have representative government, representative government is established by educating the people and inculcating a spirit among the people and by having some administrative reforms so that in course of time the representative government could be extended to those areas. But, unfortunately, here we find that a part of a State, a part of India, however small it may be, which enjoyed, in whatever little degree it may be, some representative government by having representation in Parliament or in the State Legislature of Madras, has its rights taken away from it and it is converted into a union territory to be administered by the bureaucrats, the Commissioner or whatever authority it may be, that the Government may be pleased to appoint. We had discussion about this in the Joint Committee and we were told that there is only a very small body of persons of 15,000 or 20,000 and it will be very difficult to have representation for them. So, I have a suggestion as to how best in the given situation we can see that this particular section, however small it may be, of the Indian citizens can get representation in the shaping of the destinies of that area. Now, in the case of Andaman and Nicobar Islands, under a provision of the present Constitution, a member is nominated to the Lok Sabha although I think he hardly attends the session because of communication difficulties. So, in the case of Laccadive and Minicoy Islands, they should have representation in the Council of States. It can be, as the Minister has stated, through electoral college or something but it should be there.

In this connection the most important part is the association of the people in the administration of the union territories which, under the present provisions of the Constitution, are

being governed or proposed to be governed by the Centre. We are fully conscious of the fact that in the Joint Committee there has been a good deal of improvement in the provisions in the Bill. Then even the Parliament had no right to discuss the law that may be applicable to the particular area. Now the Parliament can discuss the laws and Parliament will have to pass the laws and Parliament may also determine in what form the administration of the particular area is going to be carried on. The hon. Minister has just now laid before the House a note. I wish we had got it earlier for then we could have understood well the implication of this proposal.

1 P.M.

But certainly from his speech I understand that there has been a certain change for the better. I should say that in the limited rights that are proposed to be given, whether in the shape of a Municipal Corporation or in the case of States like Tripura and Manipur, in the form of District Board, whatever it may be, there must be an effort to see that there is a large participation by the people of that area, in the administration and other affairs. We are thinking in terms of the Second Five-Year Plan. The people are bound to play a very important part if we want to make the Plan successful. The other day I read in the press a note by one of the members of the team that went to China to study their Plan and to find out how they were working to make it a success. It was I think Mr. Thapar,—I forgot his name. There, the most important thing that they found, which is lacking in India, was the people's participation and their co-operation in fulfilling the targets of the Plan. The success of the Plan depends largely on the administrative set-up that we have and the manner in which we approach the people so that they may feel that whatever there is, whatever is to be done in a particular area, is to be done for the benefit of the common man. Unfortunately, in the case of places like Tripura, and Manipur, the Administrator with the help

of three or four advisers would rule. I do not know anything about his powers apart from the decoration of office. I do not know if he would in any way be able to influence the administrative set up of that particular area. I personally feel that for the time being, except in the case of law and order and some restrictions in regard to finance, the entire administrative set-up, education, local self-government, cottage industries, co-operatives, everything, should be given to the people of that particular area. Tripura and Manipur by themselves were administrative units under the Maharaja of Manipur. Like many other States they had their own State Legislature, they had their judicial system, their own High Court, under the old order and the people's participation was there though very much limited. Not to speak of Himachal Pradesh and Delhi, which, even under the present constitution have Legislative Assemblies with restricted powers, we would ourselves have wished that all the States, however small they may be, should be put on the same footing as any other part of India. But unfortunately the Government, for the time being, does not feel convinced about that. I do not know whether it is because of the fact that these eastern States may be difficult to control or keep under the influence of the party, they are not agreeable to give them any powers.

I will ask the Government as to what they have done since 1947 or even since 1950. During all this period they have not been able to train the people of those areas so that they might be competent enough to administer the affairs of their own areas. Today there is no point in saying that after five years of our Constitution being worked out, or even after eight years of our freedom the people are not competent to have any powers, as the people of other parts of India, and to shoulder the responsibility of administering their own affairs.

I, for myself, have looked into the scheme and I hope we shall get an opportunity at a later stage to discuss

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the extent to which we can improve upon the proposal. But I earnestly urge upon the Minister if he wants to restrict the powers of the Municipal Corporation, he may not do so on the lines of Bombay or Calcutta or any other big State. But I must submit that you should give much more powers to the people and you must see that the people of that area, except in the case of law and order and finance, enjoy full powers in things like local self-government, education, health and all these things should be directly administered by the particular organisation that has to be set up.

We are told that an Advisory Committee, or some Standing Committee in the Centre will be formed. We know for ourselves that the Manipur and Tripura had been directly under the administration of the Central Government. For how many days had this Parliament the opportunity to discuss in detail the affairs of that particular area? Even in the Budget session there is no special day allotted to discuss those affairs. Their affairs are discussed only for five or six hours in one year when the representatives of that area pin-point their problems. There is no point in saying that the Parliament will take charge of their affairs. We know that there are the local problems of that particular area which can be effectively dealt with by persons who live amidst the people and who know every detail of the problems of that State.

Then, Sir, there is another important aspect and that is the problem of the minorities. The Minister himself has said that this point was very much in the attention of the Joint Committee and most of the Members, of all shades of opinion, were very much perturbed as to what extent this problem could be solved. The States are now being formed largely on the basis of linguistic minorities. There are bound to be industrial areas, there are bound to be border areas where there are linguistic minorities. We are fully aware that in article 347 of our Constitution there is a provision that in

the case of administration of a particular region if the people of that particular area prefer they can make a representation to the President and the President allows that in that particular region that particular language be allowed to be used in the administration work. We have got a representation from some people in Bihar. In their particular area Bengali language is spoken. That section of the people made a representation to the President that their language may be allowed for the purposes of administration in the locality, in the courts and the administrative offices. But, we know that our Constitutional head has to act on the advice of the Ministers. There is often a charge, rightly or wrongly, against the Ministers of a particular State that they are not working as they should, in the interest of the minorities. So, it is very difficult to get justice. All of us in the Joint Committee thought that there must be some independent body outside the States who could report to the Parliament and look after the interests of the minorities so far as different States are concerned.

Mr. Anthony raised the point of affiliation. We are just now told by the Minister that there has been some such suggestion. Such problems often-times raise difficulties. I do not impute motives to the States or challenge their *bona fides*. It may be difficult for a particular State to arrange for education for a very small minority in the context of the entire State set-up. But in a particular area there may be a substantial number where, for education, we should have some rules which may permit them to have education in affiliated Universities outside the State. The University rules are there. We must find out some method. It is open to the Government and the Government can certainly find out how to influence autonomous bodies so that the interests of these minorities are protected.

I do not want to go into details because unless we look through the

memorandum we may not be able to give our suggestions in improving the proposals. But this point should be made clear that whatever code the Parliament lays down, whatever principle the Parliament lays down, it should guarantee the rights of the linguistic minorities, as regards their education, as to their services and the use of language in the courts and the administrative set up in that particular area. There is bound to be some machinery outside the State, especially in the Centre—a Minorities' Board or Commission for Minorities, as he suggested now—to implement the States reorganisation and to determine to what extent that code, that right, has been safeguarded, and to what extent that right has been enjoyed by the minorities and report to the Parliament which is the custodian of the interests of the people.

Then, Sir, I would like to say something regarding the Sixth Schedule which does not form precisely a part of this amending Bill. You are aware that the States Reorganisation Commission, in the course of their recommendations, have said that they were not going to make any recommendation regarding the Sixth Schedule as there has been a private Member's Bill on the subject. Unfortunately, a few days ago, it has been withdrawn at the request of the Leader of the House. He said that there would be coming a comprehensive Bill. We are in a peculiar position. In the North-eastern areas, which are covered by this Schedule, we have seen recent events. We very much wish that the Government should have come forward with suggestions as to what extent they propose to amend this Schedule. The States Reorganisation Commission was asked to make proposals for the whole of India. They refrained from making any recommendations on the ground that a similar Constitution Amendment Bill was on the anvil of Parliament. That has been withdrawn. It is no use saying that the Government is thinking of a comprehensive amendment. Here is an amendment to the Constitution. If the hon. Minister had come forward with his suggestions, it would have been

better for us to know the mind of the Government.

Then, I come to the proposal regarding regional councils in Andhra Pradesh and Punjab. I am prepared to think that there may be need in some areas to protect regional interests. But, why have this only in two States? It smacks of a feeling that on the pressure of some sections in a particular State, from a particular community, speaking a particular language, you have done this as a political expedient. Take for instance, Bihar. There have been demands from Shri Jaipal Singh for Jharkhand. We are opposed to the demand. But, there is no denying the fact that where there is a large concentration of tribal people, they have their own peculiar problems which have to be dealt with sympathy and sagacity. It may be necessary in these areas to have some sort of a regional council. Similarly, in the Darjeeling area, the Nepalis and the hill people think that they are not part of Bengal and their interests should be protected. Within the framework of the State Legislature, there could have been some such general provision. Instead of that, here under pressure, in two or three States, as a political expediency, to satisfy a particular group of persons, Government has made this proposal for regional councils. It is this approach to which I am opposed, though I believe that there may be some scope for some sort of a regional council. In some areas, there is no denying the fact that there are feelings—I know that—among sections of the people when they are concentrated in a particular area that their interests have not been properly looked after by the majority in the State.

Regarding elections in the Andhra, I am very much opposed to this idea that there should not be elections in the Andhra State now, and the extension of the period to 1962. The hon. Minister said the other day that there has been some agreement. If there is an agreement, do not hold the elections. Stick to the agreement. But, why should it form part of this Constitution to declare from now that in

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the Andhra Pradesh, elections should not be held before such and such a year? How can we say now that the Andhra Assembly may not be dissolved in the mean time? We do not want to burden the Constitution, a sacred document, with all these provisions. To keep a particular section or particular group or some party in power, you are putting this constitutional provision which says that there will be no elections in a particular area. In the rest of India, there will be elections in 1957. It is said that we have had elections only two years ago, and we cannot go in for fresh elections now. That is provided in the States Reorganisation Bill. But, you want to amend the Constitution also to say that the life of the legislature should be extended by two years to synchronise with the new elections. I would say that this should not form part of the amendment of the Constitution. Please do not do it. If you burden the Constitution with such amendments, it will be an amendment as a political expediency and, if I may say so, for your own interests, or political opportunism. You have decided that there shall not be elections in 1957. Stick to that decision. You do not know whether the new Andhra Assembly will be dissolved two years hence. Then, this amendment of the Constitution will have no effect.

There is a provision which is ancillary, which is not very important, regarding the appointment of High Court Judges. I for one am very much opposed to the idea of appointing superannuated Judges. I have experience of this in many cases. Even in my State, there is a great feeling in this matter. I know, a very independent Judge, after retirement going round Joint Secretaries of the Government of India for a post-retirement appointment. I know he was one of the most independent judges during the Muslim League regime and the British regime. We know, possibly, the pension given is not quite good enough for their living.

So, they have to go round Joint Secretaries. I for one would wish, as suggested, that retired judges should be appointed for judicial enquiries. But the appointments should be made by the Chief Justice of the Supreme Court or the High Courts. I do not know about individuals. We have cases of a Supreme Court Judge being appointed as the Governor of one State and then Governor of another State. You undermine the prestige of the High Court Judges. I remember the Chief Justice of one High Court told me that during the year 1953, there is not a single superannuated Judge without a post-retirement appointment. In the last two years of his tenure of office, he is put on good behaviour so that he may expect some appointment after retirement. We suggested that the age of retirement may be raised. If the Judges are able to do justice to the work—many of them are physically fit for some other service—the age of retirement may be raised to 62.

There is another provision that the High Court Judges may be transferred without any extra remuneration being provided for. Under the present Constitution, they may be transferred more or less with their consent and some compensatory allowance is provided. Now, it is without compensatory allowance. In the S.R.C. report, there is a recommendation that in each High Court, a certain percentage of the Judges should be from some other State. We want even the High Court administration to be run in the regional languages. However eminent a Judge from Madras is transferred to Calcutta, he does not know the Bengali language. Either we have English or Hindi. The result is this. In the Calcutta High Court, the Judge is a Bengali; the witnesses are Bengalis, the litigants are Bengalis; the lawyers are Bengalis. Even then, all the documents have to be translated into English because English is the court language. The poor client has to incur a lot of expenditure in this translation business. We want the Judges to come from the

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same region. We can minimise the cost of litigation. The idea of transferring Judges without their consent means, that the Judges who may not be able to carry on well with the executive of a particular State may be transferred. We have seen that the traditional respect which the executive had for the Judges even during the British days is not there now. I have known of a particular instance in the Calcutta High Court. A Judge used a particular harsh expression against the police. A letter was written to the Judge by the Chief Minister asking why he used such an expression. Even during the British days, perhaps a suggestion might possibly have been made in the club; but they would not have written a letter like this. We must see that the judiciary plays an important role in the present constitutional set up and it works as the custodian of whatever rights we have under the Constitution. It should be the effort of every citizen to see that the prestige and good name of the judiciary is not affected. I for my part would not like a Judge to be transferred from one High Court to another, without his consent, and without any compensatory allowance. It may be that the executive may recommend to the President the transfer of Judges who may not fare well with the executive. However much the Chief Justice may advise, the executive view is likely to weight in the appointment of Judges. I would request, so far as this part is concerned, that the age of retirement may be raised if they are competent to work and a Judge should not be transferred from one High Court to another, unless he himself volunteers for such work.

Therefore, in conclusion I must say that we should have provided for certain rights, rights regarding representative Government in the Union territories and also greater and autonomous rights for the areas which are controlled by the Sixth Schedule of the Constitution. I hope the Home Minister will bear this in mind and give sympathetic consideration to this point

as well as the amendments which we propose to move on certain other matters, and see that the Constitution is amended once and for all to the benefit of the citizens of India and more so for the benefit of the minorities who are bound to be there in spite of the reorganisation of States largely on a linguistic basis.

**Dr. Lanka Sundaram:** Four long decades of Gandhian and post-Gandhian thinking is at the back of this Bill, and I am happy to congratulate the Home Minister for his good fortune in becoming the pilot of this Bill which I am convinced is taking us to the outpost of the long journey we have set for ourselves these many years. In the history of modern India it was the statesmanship of Sardar Vallabhbhai Patel that secured the liquidation of Indian States by and large, and now Shri Govind Ballabh Pant is carrying forward and fulfilling the task which has been ably discharged by the late Sardar Patel....

**Shri V. G. Deshpande (Guna):**  
Liquidation of States?

**Dr. Lanka Sundaram:**...by abolishing the institution of Rajpramukhs. I think when the history of modern times comes to be written, as far as this country is concerned, this point will not be lost sight of.

As one who had the privilege of working on three Joint Committees connected with States Re-organisation, Constitution Amendment Bill and also the Bengal-Bihar Bill, I would like to pay my tribute to the Home Minister for the tremendous amount of patience he has shown in trying to argue with us even at times when some of us, I include myself in that category, have been inveterate—I use the word in its generic sense—in the exposition of certain ideas which are very dear to us. I think, Mr. Speaker, you will permit me to say that apart from what has happened in these long and arduous sittings in the Joint Committees, the Home Minister took care to invite

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some of us for repeated private conversations, and all this I put on record for one reason, namely that his health was not good, and actually for a little while he was really ill, and the call of duty alone has enabled him to do what he has done.

Having said that, I would like to make one more remark. It is the forte of the Home Minister to be always reasonable. Sweet reasonableness is his guiding note, and some of us when we had to clash with him, as we repeatedly clashed with him, have been so thoroughly overpowered by his genuine anxiety to bring conviction to the contestants in the argument, so to speak, that we were unable possibly to carry conviction to him.

Having said this, I would like to say that even today, now that the last stage in the process of States reorganisation is reached, and in the next two or two and half days this hon. House will pass this Bill, I have some doubts. I have still some doubts based upon a few years of regular, intimate contact with the problem of linguistic reorganisation of States, having had the privilege of being for four continuous years the President of the All-India Linguistic States Conference. I do not wish to become a pure doubting Thomas and stop at that, but I hope even from now on before this Bill is passed by this hon. House to carry conviction to the Home Minister by making a set of five propositions briefly.

In the Joint Committees both on States Reorganisation Bill and Constitution Amendment Bill, most of us, irrespective of party affiliation, have brought in the question of a boundary commission. At the time the States Reorganisation Bill was being discussed here, hopes were held out—I do not say by the Home Minister on false pretences, I am not saying so at all—that something might still be done when this Bill was

taken up to tackle this question adequately. I would not like to repeat the arguments used on the previous occasion, apart from making only two statements. If the Home Minister sends for the list of amendments on the States Reorganisation Bill and looks through them again—the Order Paper of the House will speak—he will come across the largest number of amendments from quite a number of Members, Congressmen also included, demanding or suggesting a boundary commission.

As this is the last occasion when we can refer to this matter, when this House is disposing of the Constitution Amendment Bill, I wish to point out that a situation of considerable delicacy and also gravity, if I may be permitted to say so, has arisen as between the Andhra and Madras Governments. On the 14th of the last month the most unparalleled thing occurred in the Madras Legislative Assembly when the Leader of the Madras Legislative Assembly castigated the Andhra Government, by bringing in the Andhra Governor for having said something about boundary disputes that subsisted then and still subsist between Madras and Andhra States. Without doing any violence, I would like to put on record two brief quotations, one from Shri Subramaniam, Leader of the Madras Legislative Assembly, and one from Shri Gopala Reddi, Chief Minister of Andhra in reply to the statement of Shri Subramaniam.

On the 14th—actually the debate was on the 13th, I am quoting from the 'Hindu' of the 14th August,—Shri Subramaniam said:

"I am not accusing anybody, but still as we have not set up conventions as regards the content of the Governor's address, this would be a great lesson. Particularly, if it is a matter of inter-State dispute, and if it is still in correspondence and being negotiated on, to put that as a matter

of policy of the Government in the Governor's address, is bound to lead to difficulties."

Shri Subramaniam said that this reference by the Andhra Governor to the particular problem of Andhra-Madras boundary disputes in his Address to the Legislature in Kurnool had crossed the bounds of inter-state propriety. Shri Subramaniam also said, and I am quoting him again:

"The dispute has been pending for three years now."

To this Shri Gopalan Reddi replied on the 17th of last month, that is four days after Shri Subramaniam's speech, in his statement in the Andhra Legislative Assembly:

"It is only for that reason that we informed the Government of India that it would be desirable for them to formulate uniform principles to settle all such boundary issues."

I am sure the Home Minister will bear me out that the Andhra Government have written to the Government of India in terms of his revelation to the Andhra Assembly.

I am putting this on record for one reason. As I have said repeatedly in this House and times out of number also in the Joint Committee, these border disputes are not going to be solved through bilateral discussions. The Andhra Government and the Madras Government tried at various levels, including the highest levels, for three continuous years to solve this problem, and both have confessed their inability to reach an agreement. Both have unanimously demanded the establishment of a commission. Here, in parenthesis, I would say that the Mysore Government has also recently asked for a commission.

The Home Minister would tell me, as he has told me several times, there are the zonal councils provided for already in the States Reorganisation Bill. But here is a case of two State Governments belonging to the same

political party, let there be no mistake about it, and manned by people who have been colleagues in the Congress movement and in the patriotic movement for the best part of their lives, unable to reach agreement. I ask him now: will he invoke article 3 or article 4 of the Constitution and appoint a boundary commission? If he does not, how is it proposed to solve this problem? Will he ask both the Governments—and like this I can build up boundary disputes pending between various Governments in India in every part of India—to wait for the zonal councils to come together? Is that the scheme of things?

I think the House has given me this much of leave to quote from record as far as this dispute is concerned only for this reason, I repeat again, that without some sort of a boundary commission being appointed statutorily there cannot be any question of these problems being solved amicably, with all the goodwill in the world, and I am prepared to share my hon. friend the Home Minister's sentiments in this regard, but I regret in regard to this particular point of a boundary commission, both the States Reorganisation Bill and this Bill have a big lacuna which has got to be filled up.

I am not here, and I am sure none of us is here, to exacerbate local feelings, to create vitriolic situations or to create virtual civil war in various parts of this country where there are boundary disputes. The Home Minister will concede that point. But shutting one's eyes to the existence of this problem will not solve the problem, and I hope because there will be no further opportunity of bringing up this question again, he will consider this question and either bring in a last-minute amendment to the Bill before us now, or by invoking articles 3 and 4 of the Constitution appoint a commission, which the country is entitled to, to settle this problem. I am not saying this as an Andhra, I assure you, because the House knows that I have no affiliations of a local or parochial nature, by virtue of my having been

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the president of the All-India Linguistic States Conference.

Now, I come to the question of linguistic minorities. I have glanced through the note which the Home Minister laid on the Table of the House a few minutes ago. After the very brief examination I was able to make, I am here to say that I am slightly disappointed. I had expected more teeth—I use the word very carefully—into the proposed action of the Government of India in enforcing the safeguards for linguistic minorities.

It is a tragic fact, and the Home Minister will not deny me this point, that in various parts of this country, there is not one class of citizenship available, to Indian nationals. There is a secondary or subordinate state of citizenship, directly due to the administrative action on the part of the State Governments concerned. Not one single State in this country is free from this responsibility for making the life of minorities insecure. I speak of the Andhra Government's action with respect to Tamil minorities. Very near your own constituency, Mr. Speaker, there are difficulties. I can say the same thing with respect to Orissa also, and I say so with a certain sense of assurance that with respect to the Orissa Government's treatment of Andhra minorities, about a million and a quarter, the same position occurs. Like this, I can go on multiplying instances from every part of the country, where linguistic minorities happen to be there and are subjected to this treatment with the result that of the recommendations of the States Reorganisation Commission, which are now sought to be implemented by the note which the Home Minister was good enough to lay on the Table of the House, much is sought to be accepted.

I am glad that on the previous occasion, the Home Minister accepted my suggestion for a minorities commissioner. But without some sort of a directive being given by the Centre, which alone can create a psychological

atmosphere for the minorities to feel secure in their rights, I am afraid the proposed action will be short of what this House has expected from the Home Minister, and of what the country at large has also expected.

Here, it is stated in para 22 of the note just given to us, where the Home Minister quotes one of the paras of the States Reorganisation Commission's Report—I am quoting the commission's own words—

“...we wish to emphasise that no guarantees can secure a minority against every kind of discriminatory policy of a State Government.”

I consider this a very unfortunate statement by the States Reorganisation Commission. I consider that the Home Minister should not have incorporated this particular quotation of the States Reorganisation Commission in this note which has been circulated, because thereby he is giving a line-clear so to speak to the State Governments. It is psychologically very bad. I am sure that since this note has no statutory validity, as far as this statement goes, because this is not part of the Bill, nor is it a part of the report of the Joint Committee, and it is only a statement of intentions, for the time being, of Government, I hope this damage will be repaired. I am not saying anything in a carping spirit, but I wish only to point out that unless these four crores of linguistic minorities in various parts of the country have the assurance that they have a right to live in this country as class I citizens and not as class II citizens, I am sure the problem of States' reorganisation, which we are now finalising through this Constitution (Ninth Amendment) Bill, will not have been solved.

**Shri B. S. Murthy (Eluru):** How does the hon. Member say that they will be class II citizens?

**Dr. Lanka Sundaram:** Perhaps, my friend has not followed the argument

advanced by me earlier. There are administrative discriminations against linguistic minorities. If my hon. friends from Orissa will not quarrel with me, I would say that the mother-tongue is not allowed in the local courts; the mother-tongue is not allowed as the medium of expression in the schools. Again, as regards employment, there are so many administrative restrictions. There are domiciliary rules. I am glad that the Home Minister has told us in the Joint Committee, with reference to one of the paras.—I believe, it is para. 16—of the note now laid on the Table, that the Government of India propose to undertake legislation as soon as possible, in order to clarify the position on the lines indicated with reference to domiciliary rights. I know various parts of the country where without a continuous period of twelve years' residence, a person cannot have the right to vote. These are all administrative difficulties. I am sure my hon. friend has followed me now. I do not wish to elaborate the point *ad infinitum*, but I would only say that there are administrative restrictions which have reduced a number of linguistic minorities in all parts of the country to a secondary type of citizenship. I am resisting it.

**Shri B. S. Murthy:** I have been following you, but I could not make head or tail out of it.

**Dr. Lanka Sundaram:** That is the trouble. You have mixed up the head with the tail unfortunately.

I am saying that until the linguistic minorities' commissioner's post is created, and he is enabled and equipped with the necessary means to go round the country, to send for data, to send for documents, to make a report to the President, which should be placed on the Table of the House, so that the House will debate over it, and final directives are issued by the Government of India in the light of the findings of the House on the report of the minorities' commissioner, I am sure there will not be satisfaction in this country.

I find here from amendment No. 183—I shall come to it when the proper stage arrives—in the name of my hon. friend Shri Datar, that something is sought to be done with reference to article 350B of the Constitution, now sought to be amended. But I am not satisfied with it. I am not, however, dealing with this particular amendment in detail at this stage. So, I shall proceed.

The third point which I have is with reference to Union territories. The Home Minister was very plausibly sincere, I am sure, when he said that he would be guided by the opinion of the people, public opinion, so to speak, in the Union Territories. Some of us have very great difficulties about the final shape of the administrative and legislative modalities which will be made available to the Union Territories—the corporation, the advisers separately drawn from non-official life, but appointed by Government obviously, and so on. What will be their rights? What will be their powers and functions? Will they be put in charge of certain portfolios or departments? Will they have powers of taxation and powers of expenditure? These are all the numerous problems involved.

Further, not all these Union Territories belong to the same category. Delhi is a vast city. Himachal Pradesh is a cis-montane territory which is sprawling over various districts. Tripura and Manipur are exceptionally strategic in importance. The Andaman and Nicobar Islands, the Minicoy Islands and the Amindive Islands belong to categories of their own. So, there cannot be any uniform pattern.

The Home Minister was good enough to indicate how his mind has been working. He had also the opportunity to have a talk with some of us in deputation and privately and also in the Joint Committee. But even today, we are not clear as to the final shape of the exact manner in which popular opinion will be associated

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with the task of running the administration. I am here to say without any qualms at all that I believe the Home Minister is a democrat. But the assurance that he is a democrat is no guarantee that the Union Territories will have democratic institutions. I know his hands are tied by virtue of the fact that they are declared to be Union Territories. I know there are other countries in the world where there are Centrally administered areas of the type called Union Territories here. Even for that matter, if I am not mistaken, Washington City has a separate type of administration for itself in the USA.

But I think it is high time that the Home Minister, taking counsel—which he is entitled to, and which is available to him—places before this House a concrete picture. Otherwise, there is only one other way of approaching this question, namely that we have to give him a blank cheque, trusting his *bona fides*,—which all of us do—and leaving it to him to do the thing which is possible in the circumstances. In that case, as I find, there seems to be a little gap there, as my hon. friend Shri C. K. Nair had interrupted. Apparently, on the appointed day, that is, 1st November, assuming that the new States are coming into existence on 1st November, there cannot be any period left for the Home Minister to provide the Union Territories with the type of government which he wants to give to them. That means that for an interim period, only officials will be in charge of them, including the case of the Delhi city. I hope I have understood him properly. It is to be regretted. I believe that between now and the appointed day, steps can be taken to ensure that some sort of popular association with the government is there, because in this democratic age, in this Republic of India, we cannot have territories deprived of legislative and administrative possibilities based upon the co-operation and assistance of popular representatives.

Now, I come, in terms of importance, according to my analysis of the Bill, to the question of standing regional committees. I had occasion to point out in the Joint Committee with reference to the States Reorganisation Bill also that the original concept of standing committees for a few regions had been altered. The word 'standing' has been removed. I am not a man who is keen on sticking to the words, but the very concept has been changed, first, with reference to Punjab, then with reference to Andhra.

In the case of Punjab, the House will realise that the scheme has been made a part of the Joint Committee's report on this Bill, while in the case of Andhra, I had the good fortune of putting a short notice question to the Minister, and he placed it on the Table of the House.

**Pandit Thakur Das Bhargava** (Gurgaon): How does the hon. Member say that it has been made a part of the report, in the case of Punjab?

**Dr. Lanka Sundaram:** I said that it has been attached, not part of the Bill.

**Pandit Thakur Das Bhargava:** It is not a part of the report.

**Dr. Lanka Sundaram:** I said that it has been attached to the report of the Joint Committee. I hope the records will bear me out. I said that it is attached to the report of the Joint Committee. In the case of Andhra-Telangana, it was placed on the Table of the House.

If I have heard the Home Minister aright a few minutes ago, he said that some sort of regional committees would be made for all the rural areas of the present Delhi State. That is how I understood him.

**Pandit G. B. Pant:** That regional committee is entirely different. Out of the members of the corporation, there will be some men who will form a committee for the rural area.

**Dr. Lanka Sundaram:** Here I would like to have the permission of the House to go into the question of the Regional Committee for Andhra in some little detail, because I think a tremendous amount of confusion has been created by the so-called Hyderabad House agreement of the 20th February 1956 between certain Congress leaders of Andhra and certain Congress leaders of Telangana. I do not know how far I can go into this question, because part of it occurred in the Joint Committee and part of it occurred in terms of the statement laid on the Table here by the hon. Home Minister in reply to my short notice question.

My point is very brief. On the 20th February, 8 Andhra leaders from Andhra State and Telangana are supposed to have reached agreement in the Hyderabad House in Delhi. I was told—and it was not contradicted in the Committee or outside—that no signatures were appended to this agreement. I was told it was in the handwriting of the Chief Minister of Hyderabad State. These are all small points. It was publicised in *extenso* first in February and later, again a month ago, when this came up before the Joint Committee. Here is paragraph 12 of the so-called agreement:

"The Cabinet will consist of members in proportion of 60:40 per cent for Andhra and Telangana respectively. Out of the 40 per cent, Telangana Ministers, one will be a Muslim from Telangana".

**Shri V. G. Deshpande:** Muslim? Reservation on a communal basis?

**Shri Velayudhan** (Quilon-cum-Mavelikkara—Reserved—Sch. Castes): What about Harijans?

**Dr. Lanka Sundaram:** It is not my view. I am not responsible for this agreement.

Now comes the most important part of it, in paragraph 13:

"If the Chief Minister is from Andhra, the Deputy Chief Minister will be from Telangana and vice versa. Two out of the following portfolios will be assigned to Ministers from Telangana; namely, Home, Finance, Revenue, Planning and Development and Commerce and Industry."

With the greatest amount of reluctance, I would draw the attention of this House to this document. The Home Minister assured us in the Joint Committee—I hope I am not revealing a secret when I say it—that Government have not accepted this particular document. The Home Minister has seen to it that the so-called agreement between these two sets of Ministers, supposed to have been arrived at in February, has not been incorporated in the note which he was good enough to place on the Table of the House. But my chief grievance is that this particular agreement—so-called—has been telescoped into the statement which the hon. Home Minister has placed on the Table, with the result that the whole of Andhra Desh and the whole of Telangana believes that this sort of prior allocation of portfolios and division of... (An Hon. Member: Spoils) spoils—I am sorry I have been prompted to use this word—division of offices, is going to happen.

The House will recall—and you, Mr. Speaker, personally know more than I can tell you—that only five days ago, there was a signature campaign among some Ministers of Andhra State to oust other Ministers in advance of the formation of the new Andhra Pradesh, in order to fit into this scheme of division of spoils. I want an assurance from my hon. friend, the Home Minister. I repeat again, he is a democrat; I have every faith in his democratic approach. But this is not the way in which the eventual formation of Andhra Pradesh is to be made. The dangers of regionalism, in terms of the so-called document, which has not been repudiated by Ministers on either side, of

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Andhra as well as Telangana, are obvious. All this is now going to happen. Only five days ago—I repeat again with all the sense of responsibility I can command—there was a signature campaign on the part of some Andhra Ministers to oust other Andhra Ministers in advance of the inauguration of the new State, so that this division of offices may fit into the scheme of the new State when it comes into existence.

I believe—I had occasion to say so earlier; I said it in the Joint Committee; I also said it in my Minute of Dissent to the Bill—that you cannot allow, and I am sure this House will not permit it, anything like this to happen, namely, a minor legislature inside a major legislature and a minor Cabinet inside a major Cabinet. Here there is one particular point, to which I would like to draw the attention of the Home Minister. I am quoting from paragraph 5 of the note he has placed on the Table as I am rather concerned about it. He says:

“The advice tendered by the Regional Committee for Andhra will normally be accepted by the Government and the State legislature.”

I must confess that this escaped my notice when the hon. Minister was good enough to call me into consultation and discussion with the Ministers some time ago on this particular document. How can the legislature of a State become committed in advance to a declaration of intention on the part of the Government of India here?

Shri Velayudhan: Normally.

Dr. Lanka Sundaram: A legislature, Mr. Speaker, cannot be committed to any agreements and any decisions inside a Standing Committee.

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

Dr. Lanka Sundaram: I have one or two other points which I will raise

at the time the clauses are under discussion, as I have not much time left now.

I feel that basically the idea of a Regional Committee is to give what you can by way of adequate and reasonable protection to certain areas which have been clubbed together. I am entirely in agreement with the view that reasonable safeguards should be provided, but what I am concerned with is the manner in which a so-called agreement is sought to be telescoped into the document placed by the Home Minister on the Table.

I am making this appeal to him with all the sense of responsibility, and in a very sincere manner. This is not a matter of controversy based on a party decision. This is a matter of equal consequence to all so far as the Constitution amendment is concerned. But now when we are discussing this Bill, this has got to be taken into consideration. I hope the Home Minister will not misunderstand my motive.

One other matter I would like to deal with is the question of second chambers. I am an unashamed iconoclast. The House will recall that two or three years ago I brought up the question as regards the rights and functions of this House in relation to the Rajya Sabha. But here I find something rather sad. This is a matter, Mr. Speaker, of principle into which we will have to go.

When the Joint Committee on the S. R. Bill disposed of the Bill, there was no provision for a second chamber for Madhya Pradesh when the House took up consideration of the Bill. There was, I would not like to say, a stampede, created; but certain developments took place in the lobbies; an amendment was brought in and a second chamber was given. I know—and my friends will not deny it—that there was a tremendous amount of pressure brought to bear upon Government, upon the Home Minister himself, to give a second chamber for Andhra. But I consider,

in the present context of Indian nationalism, our democracy and the economic situation, that we shall not saddle the new States with second chambers.

I put him a question, as was put, I am sure, in the Joint Committee. Andhra was a part of Madras. We had then a second chamber. When Andhra became a separate State, Andhra was not given a second chamber. Now a portion of Hyderabad is going to be joined to Andhra to form Andhra Pradesh, and a second chamber may be made possible for it. But I do not see the logic of it. I do not know what purpose a second chamber will serve except—I would not like to use very harsh words—for giving places in public life for people who are rejected at the polls in the general elections. I know that all parties in the Rajya Sabha—here I say with great respect—have accommodated people who have been defeated in the general elections in 1952. This is irrespective of parties. I can mention a dozen names at random.

This should not be the way in which the Constitution of India should be allowed to function. I hope the Home Minister will resist to the last any demand in this connection; I know there is a sectional demand now for a second chamber for Andhra.

Finally, I would like to say that I have not said what I have said in a carping spirit. I have done so with a sense of responsibility. I am fully conscious of the burden which the Home Minister has shouldered all these long and arduous months, especially in the light of the ghastly events of Bombay and Ahmedabad.

So far as Bombay State is concerned, none of us would like to disturb it in terms of the disposal made in the S. R. Bill a few weeks ago. The principle of linguistic reorganisation has been accepted in other respects. Maybe that in course of time Maharashtrians will have a separate State of their own and the Gujaratis will have a separate State of their own, once the present emotions are spent.

I say with unsullied affirmation that the principle of linguistic reorganisation could not have been avoided, and has been accepted, except in the existing Bombay State. The linguistic basis has been accepted and carried out in regard to the reorganisation of States. And now that we are coming to the final stage of this reorganisation, I once again pay my tribute to the very accommodating way in which the Home Minister has handled all the three Bills.

**Shri B. K. Ray (Cuttack):** My effort will be to invite the attention of the House to what the hon. Home Minister has called the subsidiary and the minor portion in this Constitution (Ninth Amendment) Bill.

I confine myself only to the judiciary. The other subject about which I was thinking of speaking was linguistic minorities, from the evil effects of which my people now in portions of Bihar have been suffering. But now that special care has been taken by the hon. Home Minister to formulate certain specific lines of action in a memorandum in the lines of advice given by the States Reorganisation Commission and to see that it is perfectly implemented, not only, with regard to their education, both in primary and secondary stages of the minority linguistic groups in their own languages but also with regard to their due share in the public services, of which they have all along been deprived, I do not wish to waste the time of the House over that part of it until the matter comes to the stage of discussion clause by clause.

With regard to the judiciary I should say that this is a branch which has been neglected since the time of the framing of the Constitution. It also seems that the hon. Members of this House and the hon. Members of the Joint Committee are not very attentive to this. I should very much desire that they understand the significance of that organ of the national government.

Every national government has got three organs; the legislative, the executive and the judiciary. So far as

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the judiciary is concerned, I should like simply to quote what has been said by the Chief Justice of the United States of America during his visit to India. What he says is true of every country, namely, that an independent Bar and an independent judiciary are the two bulwarks of independent life. I fully agree with him and I hope that the hon. Home Minister and every Member of this hon. House will agree that this is true of this country also. He says, he has found that we have established a government by the rule of law and, in the circumstances, a strong judiciary is very much necessary.

Here, I should respectfully point out that all the Fundamental Rights and all the Directive Principles that have been incorporated in the Constitution and all the rules of law giving rights to the people and creating obligations for the people which have been placed on the statute-book will be simply dead-letters, unless, as the Chief Justice of America pointed out, there is an independent and militant Bar to fight for them and an independent judiciary to uphold the same.

In the Directive Principles of the Constitution, it has been laid down that there should be separation of the judiciary and the executive in public services. Here I should invite your attention to the fact that such a separation would have absolutely no meaning, whatsoever, if the judiciary is so constituted that for maintaining their status and their career and, so to say, even for their livelihood after they retire from the Bench they become hangers-on or dependents on the patronage, maybe, nepotism of the executive. Can you say that such a judiciary is going to deliver the goods so far as the country is sought to be governed impartially and independently by the rule of law? Therefore, I should respectfully invite the attention of my hon. friends not to neglect this branch in the amendment of the Constitution.

What was the judiciary in this country before? Under the British rule, they first of all constituted the High Courts on the British model, that is to say, those who were raised to the Bench as judges were not subjected to any rule of age regarding retirement. They were entitled to serve as judges until they became invalid. That is the rule now in the United States of America and more or less in England where they have gone up to the age of 72. Under the circumstances, therefore, in the absence of any compulsory retiring age, the question of pension or the question of their right to practise, did not arise with any sort of importance whatsoever.

Later, the Britishers found advisable as part of their state policy that they should have in the judiciary—at least a part of it—Indian Civil Service men and the tradition was that one-third of the strength of a High Court should be recruited from the Indian Civil Service. So far as the Indian Civil Service was concerned, their retiring age was 60 and, naturally, they equated that age to be the age for the retirement of the judges recruited from the Bar. That is how, so far as I know, the age of retirement came to be established as a practice.

So far as pension is concerned, I do not know what it was before but I know this much, and that very clearly, that a retired judge was free to practise as before. I cite the example of Mr. P. R. Das, who was a judge of the Patna High Court. He retired from that Court by about 1930, so far as I remember—it may be a year earlier or later—and he has been practising in that Court till now. So, that was the state with regard to their right to practise after retirement.

Sometime thereafter the practice came to be restricted and it was made the rule—that a permanent judge of a High Court after retirement should be prohibited from practising in that Court and the courts subordinate thereto. It was not incorporated in

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any rule or any Act, but at the time one was appointed a permanent judge he was made to give an undertaking that he would not practice in that Court or in any courts subordinate thereto after retirement. But, while the retiring age was fixed at 60, there was, side by side, another rule that was very often being followed, that is, that extension of service could be granted by the Government of India for two reasons, one in the interest of the judge himself and the other in the interests of the Court. In the interests of the court in the sense that some judge may be a very good and strong judge and after his retirement the Court might be lacking in a judge of that calibre and it may require some time before he could be properly replaced—in those cases, the Government used to grant extensions of service.

Secondly, when, looking to the period of service that he had put in, somebody is not going to earn a respectable pension, he used to be granted an extension of service so that he could earn a higher pension. At that time, the maximum of the pension was about Rs. 1,200 and the minimum was Rs. 800 and they always used to help a judge to earn a pension to the extent of Rs. 1,200 or Rs. 1,000.

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This was the practice that was going on except that by the interposition of the Government of India Act this extension of service rule was abolished. That was however for a very short time before the Constitution came to be framed. It may be thought by hon. Members that the framers of the Constitution, after due consideration, have fixed the retiring age as 60 and, so far as the status of the retiring man was concerned, they fixed that he shall not be entitled to practise anywhere; he shall not be able to plead or act before any authority or any court or any tribunal, before any body whatsoever, and why should we go back upon it? Now, of course, our Government has been able to understand that this has been a mistaken policy. It is welcome and

thank the hon. Minister that he has been trying to make some reformation and some sort of improvement. But my point is that it is still a half-way house. Even that is not so much my concern. My concern is the way in which the mind of some of my hon. friends in this House is working. Some of them have even tabled amendments to the effect that even these opportunities that are going to be given to retired Judges should not be given. I shall presently place before them at length—and for this purpose I shall have to make certain quotations—the circumstances under which that provision was able to find a place in the Constitution.

The sum and substance of it is this. At the time when the Constitution-framers agreed that our Judges after retirement should not be allowed to practise anywhere they were under the impression that subsequently the legislature would take care to see that they get proper pension. Now, first of all they no doubt proceeded having it as their goal that the judiciary in India will be fully independent. They, therefore, wanted to lay it down as a principle that after retirement they should have nothing to do with the litigant public and that they should be free from that quarter. Similarly, there were proposals also before the Constituent Assembly from gentlemen of another view that it should be ruled, it should be made a part of the constitutional provision that a retired Judge should not be given any sort of executive or administrative appointment, so that he may not be tempted by the executive in order to be convenient or useful. The present framework owes its origin to these circumstances. They pictured to themselves the state of things that prevailed in countries such as England and the United States of America where the principle is "once a Judge always a Judge". What is the implication of this? "Once a Judge always a Judge" means that even after he retires, he receives the same salary as pension, that he is under the same obligation of not practising taking up executive

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appointments. That is the implication. Also, that he should not retire from the Bench until he becomes physically and mentally incapable to act as a Judge. That was the significance of "once a Judge always a Judge" which prevails as a tradition both in England, the United States of America and various other countries in which the rule of law is the basis of national life.

The Chairman of the Drafting Committee of the Constitution himself hinted that sufficient provisions would be made to give a good pension to the Judges on retirement. He, Dr. Ambedkar, Minister of Law, did not seem to have full faith in the success of the proposed framework. He had to reply to the amendment of Prof. K. T. Shah's amendment which was that no one who has been a Judge of the Supreme Court or of any High Court for a period of five years continuously shall be appointed to any executive office under the Government of India or any State Government, including the office of Ambassador, Minister, High Commissioner and so on and so forth, (there was a long list of offices mentioned there). That was a very good idea. He wanted to say: do not allow them to practise; not to hold to executive or administrative offices after retirement. He said:

"In the new dispensation with full sovereign authority with us, the opportunities, the occasions, the number of offices which can be held out as a temptation to useful and convenient judicial officers of the highest level are very much greater and therefore the suggestions in this amendment..... the possibility of establishing conventions or precedents to serve the purpose of constitutional provisions is very difficult."

2—05 P.M.

(MR. DEPUTY-SPEAKER *in the Chair*)

To this Dr. Ambedkar had to reply. This is the wording in which he addressed the House:

"We must remember that the provisions that we are making for

our judiciary are not from the point of view of the persons holding office, of a very satisfactory character. We are asking them to quit office at sixty while in England a person now can hold office up to seventy years. It must also be remembered that in the United States practically an office in the Supreme Court is a life tenure so that the question of a person seeking another office after retirement can very seldom arise either in United States or Great Britain. Similarly, in the United States the pension of a Supreme Court Judge is the same as his salary. In England also pension so far as I understand is something like 70 or 80 per cent. of the salary which the judges get. Our rules regarding retirement impose a burden upon them, inasmuch as they require him to retire at 60."

Fixing the retirement age at 60 was considered by him to be placing burden on them.

"Our rules of pension are too stringent that practically we provide a meagre pension."

And you shall be surprised to hear that it has been further curtailed. It has now come down to Rs. 500 while previously the minimum was Rs. 800. He continued

"The amendment proposed is unnecessary from the point of view that it places too many burdens upon those who accept a post in the judiciary."

What he meant to say was this; you make him quit service at the age of sixty; you prevent him from practising. If you do not even allow him to take service offered by the executive it will be too much of a burden. That was his argument.

These are the circumstances under which article 220 took its shape. It was not universally assented to. Those who supported it, I should say supported it, on the theory that we shall

have the same rule as to pension as there is in Great Britain or America. Professor Shibban Lal Saksena was one of the Members supporting the theory that the retired Judge should not practise before any court, any tribunal, anybody whatsoever. But he says:

"I agree that he should be given full pension, a sum almost equal to his salary, so that he may maintain the dignity of office which he once held. To enable a man to maintain his dignity it is necessary that we must provide him full pension seeing that we are not permitting him to revert to the bar or seek other appointments which will interfere with his dignity and independence."

Shri Mahavir Tyagi said.....

Mr. Deputy-Speaker: I am afraid if all the speeches that were delivered on this question at that time are read in *extenso*, that will take much of his time away.

Shri B. K. Ray: I will finish very soon. I am also inviting your attention to this. I am very fortunate that you are now in the Chair because I am also going to quote your speech in the Constituent Assembly.

Mr. Deputy-Speaker: I need not be quoted, but a reference may be made.

Shri B. K. Ray: I am proving the point that all those who gave their assent to this constitutional provision were under the belief that full pension would be given; by full pension they meant either equal to the salary or 70 or 80 per cent. of the salary.

Shri Mahavir Tyagi said, "Once a judge always a judge; he must be content with his pension."

A different school was that instead of preventing him from practising in any court, tribunal, etc., the restriction should be confined to the jurisdiction of the High Court of which he

was a judge and there he should not practise as an advocate. Sardar Hukam Singh, our present Deputy-Speaker, brought an amendment to article 196 of the Draft Constitution, which has been renumbered into article 220, that for the words "within the territory of India", the words "within the jurisdiction of that High Court" should be substituted. This point exactly concerns this particular Bill. The man who served in a particular High Court as a permanent judge should not be allowed within the jurisdiction of that High Court. Jurisdiction will have its full sense. Shri H. V. Kamath supported Sardar Hukam Singh's amendment.

Shri Kamath: I was in good company.

Shri B. K. Ray: Shri Kamath said:

"There would have been some meaning, as my friend, Sardar Hukam Singh, has suggested, if the Judge was precluded from appearing either in that High Court where he held office or within the jurisdiction or within that territory of the Indian Union where the High Court held sway or jurisdiction—what I mean to say is in that High Court and in courts or authorities subordinate to that High Court in which he held office as a judge....."

There was another gentleman, Shri B. M. Gupte from Bombay, who also said something on this question, and I will read out a few words from his speech.

Shri Kamath: And Shri Pataskar also.

The Minister of Legal Affairs (Shri Pataskar): Let me be omitted.

Shri B. K. Ray: I had intentionally done so because Shri Pataskar has to deliver the goods now.

I will read this gentleman's speech or a small portion of it because this is exactly what I want to argue, and had I been there, I would then have said the very same thing. I consider

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he is very right and he has taken a realistic view. He said:

"No departure from the current practice."

As he argues, both the question of dignity and chance of undue influence would argue it out that he would not practise in that High Court or courts subordinate thereto. He means to say that for the purpose of dignity as well as not having the opportunity to exercise undue influence, he should be debarred from that High Court only and courts subordinate thereto.

He put it to the House after referring to the then practice:

"I want to ask what is your experience. Why do you want this change? Has this provision disclosed any defects? Has it brought forward any evil? If it has not, I do not see why there should be a change at all? Is the bar flooded by retired judges? No, nothing of the sort has happened and can happen because success at the bar is not so easy a thing that anybody can try his hand at it."

"The change is undesirable. We have already been informed by the Drafting Committee in their footnote to article 193 that that result is that the best men from the Bar often refuse appointments on the Bench because under the existing age limit of sixty years, they would not have time to earn a full pension."

The independence of the judiciary can be achieved only by making their conditions of employment such that men of really independent spirit would be attracted to those posts.

Shri K. M. Munshi, who was dead against this right to practise, said:

"The question of pension has been referred to. I know that the pension given to judges is not adequate; but that is a matter that has to be considered by the Legislature."

Shri Munshi said at that time that there was an opening for appointment

to them and that is that they could be taken to the Supreme Court and they might be allowed to serve as *ad hoc* judges. So far as the provision regarding *ad hoc* judges is concerned, that provision is going to be deleted. I have not seen, except one, solitary instance, instances of retired judges being taken as *ad hoc* judges of High Courts.

The position of the judiciary is that their salary has been reduced by the Constitution to Rs. 3,500 from Rs. 4,000. The salary of a Chief Justice is only Rs. 4,000 and the salary of a Supreme Court Judge is also Rs. 4,000. There is no increase in salary in coming over here. Therefore, the judiciary now is being maintained on small salaries, meagre pensions and forced unemployment. The whole point is that you want the judiciary to be independent. You want them not to be dependent on the executive. You want them to do justice when a question comes up before them in which there is a tie, there is a fight, there is a quarrel, there is a dispute between the State and the subject. Under those circumstances, if you make the judiciary like this, that is at the age of sixty he will retire, he will get a pension beginning from Rs. 500 and going up to Rs. 700 or Rs. 800, which is hardly sufficient, he will be prohibited from practising anywhere. Under the circumstances, such people might well go to the executive, and fall a prey to the executive's temptations.

In order to make them independent, I am glad that certain hon. Members have given notice of certain amendments that they should not be permitted to take up any service at all. But my point is that they must be given their full status of practising freely in any court before anybody. Lots of thoughts are being devoted to the question of dignity. As Shri B. M. Gupte said, the question of dignity is only concerned with regard to his practising in the same court or courts subordinate thereto. Otherwise, what

is the question of dignity here? We are now in India where all men are equal, and even a labourer has got dignity.

Whatever be the status of the court, it is a court, and it is a court whether it is a High Court or any other court subordinate to it. How can one lose his dignity by appearing in a court?

I welcome the provision, but I consider it to be a half-way house. I have given notice of some amendments, and at that time I will say anything further that I have to say.

**पंडित ठाकर दास भागवत:** जनाब डिप्टी स्पीकर साहब, यह बिल जो इस वक्त हाउस में पेश है यह रिआर्गनाइजेशन आफ स्टेट्स बिल के पास हो जाने के बाद आया है और जो कुछ तबदीलियां हुई हैं उन पर मुहर लगाने की गरज से इसे लाया गया है। कुछ ऐसी बातों का प्राविजन करने के लिए भी इस बिल को लाया गया है जिन का जिक्र उस बिल के बहस के दौरान में किया गया था और जिन का प्राविजन उस बिल में हो सका। इस बिल के अन्दर ज्यादा जोर जो नई समस्या पैदा हो गई है यानी लिग्विस्टिक माइनोरिटीज की उसका खास तौर से जिक्र किया गया है। सच यह है कि जब कांस्टीट्यूशन बनाया गया था उस वक्त भी लिग्विस्टिक माइनोरिटीज को सेफगार्ड दिये जाने पर इतना जोर नहीं दिया गया था जितना कि सिटिजंस के राइट पर दिया गया था। जो कुछ लिग्विस्टिक माइनोरिटीज को सेफगार्ड दिये गये थे वह उनको सोशल माइनोरिटीज या रिलिजस माइनोरिटीज समझ कर दिये गये थे और उनको कुछ राइट दिये गये हैं बाहसियत सिटिजंस के। ये ऐसी माइनोरिटीज थीं जिन का कोई नाम रखा नहीं गया था। चूनांचे माइनोरिटीज के राइट्स के बारे में जो दफायें कांस्टीट्यूशन में हैं वे हैं ३३५, ३३६ और ३३७। जो ऐंग्लोइंडियन जैसी माइनोरिटीज के सेफगार्ड के लिये सैकशन हैं वे हैं २६ और ३०। जो लिग्विस्टिक माइनोरिटीज के बारे में सेफगार्ड रखे गये हैं वे हैं स्क्रिप्ट के

बारे में, कल्चर के बारे में और एजुकेशनल इंस्टीट्यूशंस के बारे में। एक रेजिड्युरी रखा गया है नम्बर ३४७ जिस के अन्दर प्रेजिडेंट साहब को अस्थायर दिया गया है कि अगर किसी स्टेट के लोग यह चाहते हैं कि उनकी लैंग्वेज को फरोग मिले तो वह इसके बारे में भी कुछ कदम उठा सकते हैं, चाहे वह इसके लिए कोई डायरेक्टिव इशू करें चाहे कुछ और करें लेकिन लोगों की स्वाहिशा के मुताबिक वहां पर लैंग्वेज को फरोग दिया जाए। इसके अलावा एक जनरल सैकशन इसमें है और वह डायरेक्टिव प्रिंसिपल्स में भी था जिस का मतलब यह लगाया गया कि यह सिर्फ शेड्यूल्ड कास्ट्स के लिए है और शेड्यूल्ड ट्राइब्स के लिए हैं। यह जो सैकशन है इसे ज्यादा बसीह अलफाज में रखा गया है और यह है सैकशन ५६। इसमें लिखा है :

"The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

इस सैकशन पर मैं समझता हूँ कि सी जगह भी और कहीं भी अमल नहीं किया गया और यह एक डायरेक्टिव प्रिंसिपल के तौर पर ही रहा है और उसी तरह से इस पर अमल किया गया है। जब स्टेट्स रिआर्गनाइजेशन का मामला आया तो इसमें जो स्टेट्स रिआर्गनाइजेशन कमिशन ने काम किया है और जो रिपोर्ट पेश की है, उसमें भी उन्होंने बड़ा जोर दिया है और कहा है कि यह सवाल अब एक तरह से ज्यादा प्रासिनेस में आ गया है और इसके ऊपर उन्होंने एक खास चैप्टर डिबेट किया है। इस चैप्टर को लिखते हुए उन्होंने ज्यादातर लैंग्वेज को ही सामने रखा है लेकिन साथ ही यह भी कहा है कि सारे हिन्दुस्तान में लोगों की तरफ से बहुत सी शिकायतें आई हैं। उन्होंने कहा है कि ये शिकायतें एम्बरेंटिड हैं। मुमकिन

[पंडित ठाकुरदास भागवत]

है कि ये शिकायतें दुस्त हों और यह भी मुमकिन है कि गलत भी हों। लेकिन यह माना गया है कि शिकायतें हैं और सारे हिन्दुस्तान के लोग चाहते हैं कि इस तरह से अग्रजमेंट हो, इस तरह से स्टेट्स बनें कि किसी लिग्विस्टिक माइनोरिटी को कोई शिकायत करने का मौका न रहे। उन्होंने कुछ तजवीजें भी पेश की हैं और उनके ऊपर अपनी राय भी लिखी है। इस कमिशन के जो मੈम्बर थे उनके बारे में मैं पहले भी अर्ज कर चुका हूँ कि उन्होंने बड़ी मेहनत से तथा बड़ी ईमानदारी से काम किया है। अपने स्थाल के मुताबिक उन्होंने सब कुछ किया। लेकिन बदकिस्मती से उन तीनों मੈम्बरों में से शायद कोई ऐसा आदमी नहीं था जिस को पता हो कि लिग्विस्टिक माइनोरिटीज की जो तकलीफात होती हैं, वह किस तरह की होती हैं। एक कहावत मशहूर है "जिस के पैर न फटे बिवाई, वह क्या जाने पीर पराई"। उनको यह पता ही नहीं था कि किस तरह की उनकी तकलीफात होती हैं और जब तक किसी के साथ इस तरह का सलूत सलूक नहीं होता तब तक उसको यह नहीं लग सकता है कि उनकी कौन कौन सी तकलीफात होती हैं। एक ही स्टेट में रहना और वह भी इनफोरियर सिटीजन की हैसियत से और उनके राइट्स के साथ इस तरह से खेलना और उनको यह महसूस कराना कि जैसे वे हिन्दुस्तानी नहीं हैं, किसी के लिए कितना मुश्किल होता है, इसका आप खुद अंदाजा कर सकते हैं। यह चीज उन तक नहीं पहुंची और इसे उन्होंने अच्छी तरह से महसूस नहीं किया और जो सेफगार्ड्स लिखे हैं वे मेरे विचार में काफी नहीं हैं। मैंने पिछली दफा भी अर्ज किया था कि ये सेफगार्ड्स नाकाफी हैं और जो सेफगार्ड्स हो सकते थे वे उनके दिमाग में ही नहीं आ सकते थे और जो लिग्विस्टिक माइनोरिटीज की तकलीफात होती हैं वे उनके दिमाग में ही नहीं आ सकती थीं।

मेरे दोस्त लंका सुन्दरम् साहब ने अभी कहा कि हैदराबाद तेलंगाना में आपसी

राजनीनामा हो गया है और उसे उन्होंने पढ़ कर भी सुनाया। इस राजनीनामे के अन्दर उन्होंने कैबिनेट में सीटों का बटवारा कर लिया है, पोर्टफोलियोज का बटवारा कर लिया है पानी का बटवारा कर लिया है और यहां तक कि जो सर्विसिज हैं उनका भी बटवारा कर लिया है। मैं इस चीज के हक में नहीं हूँ। मैं नहीं चाहता किसी स्टेट में जो लोग बसते हैं उनको वाटर टाइट कम्पार्टमेंट्स में बांट दिया जाए। लेकिन ताहम वे लोग जो कि लिग्विस्टिक माइनोरिटी में होते हैं वे यह महसूस करते हैं कि अगर हमें सेफगार्ड न मिलें तो हमारा क्या बनेगा और एकचुअल रीएलिटी में जो उनके साथ बीतती है उसको ही बिना पर वे इस चीज को महसूस करते हैं। इस के मायने ये हैं कि वे शिकायतें जरूर हैं। आप उन का इलाज क्या करते हैं, वह अलग बात है, लेकिन उन लोगों की शिकायतों की मौजूदगी से इन्कार नहीं किया जा सकता है।

दफा २२ में रोजनल कमेटीज का प्राविजन है। रोजनल कमेटीज दो जगह बनाई जा रही हैं—आन्ध्र प्रदेश और पंजाब में। लेकिन उस में महाराष्ट्र का भी जिक्र आया है। उस में लिखा है—

"the establishment of three separate Development Boards for Vidarbha, Marathwada and the rest of the State, with the provision that a report on the working of each of these Boards shall be placed each year before the State Legislative Assembly; equitable allocation of funds for developmental expenditure over these three divisions; subject to the requirements of the State as a whole and 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, subject to the requirements and efficiency of the State as a whole."

इस का मतलब यह है कि जिन चीजों का उन लोगों की लाइफ़ से बड़ा इन्टीमेंट ताल्लुक है—जैसे सर्विसिज़, फंडज़, डेवेलपमेंट बोर्ड्स वगैरह—उन का उन्होंने बंटवारा किया है। वहां पर तीन टुकड़े कर दिए गए हैं। तीन डेवेलपमेंट बोर्ड बना दिए गए हैं। इस वक्त हमारे होम मिनिस्टर साहब और डिप्टी होम मिनिस्टर साहब यहां पर मौजूद नहीं हैं। मैं जानता हूँ कि मेरी बात उन तक नहीं पहुंचेगी। मैं पहले भी इस सिलसिले में कई बार अर्ज कर चुका हूँ लेकिन गवर्नमेंट ने कभी भी उस को कनसिडर नहीं किया है और न ही कोई वाजिब जवाब दिया है। गवर्नमेंट इस मामले में अपने कान बन्द कर के बैठे हुई है और किसी की बात सुनने के लिए तैयार नहीं है। यह मैं मानता हूँ कि गवर्नमेंट नहीं चाहती कि इस तरह का झगड़ा पैदा हो और न हम चाहते हैं, लेकिन जो हालत पैदा हो गई हो, उस का इन्तज़ाम करना तो गवर्नमेंट का फ़र्ज़ है। इस बारे में चुपचाप बैठ कर गवर्नमेंट अपना फ़र्ज़ अदा नहीं कर रही है। मैं कई बार अर्ज कर चुका हूँ कि पंजाब के जिस इलाके से मैं आया हूँ, उसके साथ इन्साफ़ नहीं किया गया है। मैं यह फिर कह देना चाहता हूँ कि मैं दूसरों की शिकायत नहीं कर रहा हूँ। मैं किसी किस्म की बिटरनेस पैदा करना नहीं चाहता हूँ, क्योंकि उस में कोई फ़ायदा नहीं है। मैं तो चाहता हूँ कि पंजाब के सब लोग एक मां के बच्चों की तरह प्रेम से रहें। लेकिन सवाल यह है कि जो हालत इस वक्त है और जो कुछ वाक्याल पहले हो चुके हैं, उन को कैसे नज़र-अन्दाज़ किया जा सकता है। आज से सी बरस पहले हम लोगों ने गवर्नमेंट के बरखिलाफ़ बगावत की थी। १३ तारीख को बल्लभगढ़ में महाराजा नाहर सिंह की १८५७ में की गई खिदमात के सिलसिले में एक कांफ़रस होने वाली है। गुड़गांव में आज भी वह पेड़ मौजूद है; जहां उस इलाके के राजा को फांसी दी गई थी। हिसार में आज भी वह जगह मौजूद है, जहां लोगों को तोपों के सामने खड़ा कर के उड़ा दिया गया

था। आज भी झज्जर के नवाब की कहानी मशहूर है, जिस ने निहायत शानदार काम किया था। मैं इन बातों की याद इस लिए दिलाना चाहता हूँ कि ब्रिटिश गवर्नमेंट के खिलाफ बगावत करने की वजह से जो सजा हम को उस वक्त दी गई थी, वह आज भी रिपीट हो रही है। मुल्क को आज़ाद हुए नौ बरस हो चुके हैं, लेकिन किसी ने नहीं देखा कि तुम्हारे मुंह में कितने दांत हैं पिछली दफा मैंने सर्विसिज़ में हरियाना के रिज़ीजेंटेशन के बारे में फ़िज़ाज़ पेश की थीं। आज मैं उन को दोहराना नहीं चाहता हूँ। मुझे यह कहने में शर्म आती है कि जिस स्टेट में मैं रहता हूँ, वहां मुझे इन्फ़ीरियर स्टेटस दिया गया है—मुझे वही स्टेटस दिया गया है, जो कि अमरीका में नीग्रोज़ को दिया गया है। लेकिन मैं यह अर्ज करना चाहता हूँ कि अगर वहां के लोगों की शिकायत आज न की जायेगी, तो फिर कब की जायेगी। तीन बार मैं इस बारे में अर्ज कर चुका हूँ, लेकिन हाउस ने कभी भी उस पर तबज़ह नहीं की। न उस वक्त प्राइम मिनिस्टर मौजूद होते हैं और न होम मिनिस्टर। आज मेरे सामने एक कागज़ का टुकड़ा रख दिया गया है, जिस में लैंगुएज के बारे में कहा गया है कि लोगों को उन की मदर-टंग में पढ़ाने का इन्तज़ाम किया जायेगा और स्कूल खोले जायेंगे, वगैरह। लेकिन उस में उस बात का कोई जिक्र नहीं है, जिस की हम को शिकायत है। हम पंजाबी पढ़ने के लिए तैयार हैं। आप पंजाब को बाइलिगुअल कर दीजिए। हम उस को मानने के लिए तैयार हैं। इस में लिखा है कि भाल-इंडिया सर्विसिज़ होंगी, लेकिन क्या किसी ने शिकायत की है कि भाल-इंडिया सर्विसिज़ न हों? इन छः सफ़रों में एक लफ़्ज़ भी ऐसा नहीं है, जो कि उस बात से डील करता हो, जिस की शिकायत मैं इतनी दफ़ा कर चुका हूँ। अब तो वह शिकायत मुझ अकेले की नहीं है। मैं हरियाना प्रांत् के ३३ मेम्बरान के दस्तख़त करा कर होम मिनिस्टर साहब की खिदमात में पेश कर चुका हूँ। मैंने जो अर्जमेंट

[पंडित ठाकुरदास भार्गव]

दी है, चौदह एम० पीज ने उन पर दस्तखत किये हैं और जिन्होंने नहीं किये हैं, उनकी राय मैं जानता हूँ। वे हमारी बात से इतिफ़ाक करते हैं। जनावे वाला, मैं आप की राय भी जानता हूँ। आप भी हम को सपोर्ट करते हैं और श्री बहादुर सिंह भी हम को सपोर्ट करते हैं। पंजाब और पेप्सू के १८ मेम्बरान मुझे सपोर्ट करते हैं। वह महसूस करते हैं कि स्टेट में तब तक सब के साथ इन्साफ नहीं होगा, जब तक कि हरियाना के लोग अपने हकूक को नहीं पा लेंगे। जो लोग हरियाना प्रान्त के नहीं हैं, मैं उनको मुबारकबाद देता हूँ कि वे हम को सपोर्ट करते हैं और हमको सहूलियत और इन्साफ देना चाहते हैं। मैं अर्ज करना चाहता हूँ कि सारा पंजाब हमारी बात में शामिल है, फिर भी आप उस को मन्ज़ूर करने के लिये तैयार नहीं हैं। आप पंजाब के रिप्रेजेन्टेटिव्स से पूछ लीजिये। जो हमारी बात में शामिल नहीं हैं, उनको पूछ लीजिये। जनसंघ वाले या दूसरे लोग क्या कहते हैं? वे भी कहते हैं कि हरियाना प्रान्त वालों के साथ हम जुल्म होता नहीं देखना चाहते। सिख भाइयों के लिए यह सब कुछ किन्ना गया और उसका बार्ड-प्राइक्ट हमको भी मिल गया। हमारा भी डिलिवरेंस हो गया। उनका तो जो झगड़ा था, वह तो था ही, हमारा तो ज्यादा झगड़ा था। हम तो ज्यादा खुश हैं, लेकिन यह खुशी चन्द-रोजा है। हरियाना प्रान्त के लोग आज चुप-चाप पड़े हुये हैं और वे बिल्कुल पेशेन्ट हैं। अंग्रेजी में एक फ़िरा है।

**Beware the fury of a patient man.**

अगर हरियाना प्रान्त के लोगों के लिए सेफ़गाड नहीं रखे गये, तो वह मुनासिब नहीं होगा। मैं खुद सब से साइलेंट आदमी हूँ। गवर्नमेंट का लायल हूँ, लेकिन अगर आप मुझ से ठीक सलूक नहीं करना चाहते हैं और जो कुछ कहता हूँ, उसको आप सुनने के लिये तयार

नहीं हैं, तो ऐसा कर के आप गलती करेंगे और आप को वह नहीं करना चाहिये।

**उपाध्यक्ष महोदय :** पेशेन्ट तो हम मान सकते हैं, लेकिन साइलेंट नहीं।

**पंडित ठाकुर दास भार्गव :** मैं यह कहना नहीं चाहता था लेकिन जनावे वाला, आप ने मुझ से ज्यादा गवर्नमेंट की क्रिटिसिज्म की है। मैं आप की मेहरबानी का मशकूर हूँ कि आप ने मुझे ठीक तरह से कन्स्ट्र फ़रमाया है।

जो कुछ तेलंगना और मराठवाड़ा वगैरह के लिये प्रोवाइड किया गया है, मैं उस को नहीं मांगता हूँ। मैं तो वह सेफ़गाड चाहता हूँ, जो कि पहले से कांस्टीट्यूशन में मौजूद है। मैं भी कांस्टीट्यूशन के बनाने में हिस्सेदार हूँ। उस के बनाने में हम लोगों ने बड़ी एहतियात से काम लिया है। मैं महसूस करता हूँ कि *excessiveness of the demand will defeat its own purpose.* इसलिये मैंने अपनी डिमांड को इतना छोटा रखा है—इतना सोच-विचार कर रखा है कि आप को उस के मानने से ज़रा भी तकलीफ़ नहीं हो सकती। कांस्टीट्यूशन की दफ़ा १४ और १५ के मुताबिक सब को बराबरी के हकूक दिये गये हैं। मैं यह कहना चाहता हूँ कि जो हकूक इन्डिविजुअल को दिये गये हैं, लिगुइस्टिक माइनारिटीज को उन से महरूम न किया जाये। हमारी सिर्फ़ यही डिमांड है और इससे आप इन्कार नहीं कर सकते। कम से कम जबानी तौर पर तो आप इससे इन्कार नहीं कर सकते—अमल उस पर आप करेंगे नहीं। अगर आप इन्साफ चाहते हैं, तो आप सब बैंकवर्ड एरियाज और बैंकवर्ड क्लासिज को बराबर की लाइफ बसर करने का मौका दीजिये। आप जबान से यह बात कहते हैं, लेकिन इस पर अमल करने के लिये तैयार नहीं हैं। जब से स्टेट्स री-आर्गनाइज़ेशन का सिलसिला शुरू हुआ है, तब से प्राइम

मिनिस्टर साहब और पन्त जी ने सैकड़ों स्पीचिज में कहा कि हम यह करेंगे, वह करेंगे, सेफ़गार्ड देंगे, लेकिन मैं देखता हूँ कि इस मेमोरेण्डम में हमारे मांगे हुए सेफ़गार्ड का नाम नहीं है। गरीब-नवाज, मैं यह सेफ़गार्ड चाहता हूँ। पंजाब में हिसारे, गुडगांव और करनाल वगैरह को हरियाणा प्रान्त कहते हैं। हम लोग वहां पर ४० परसेंट से ज्यादा हैं। हम ६६ लाख हैं और दूसरे ६३ लाख के करीब हैं। हमारा किसी से कोई गिला नहीं है। हम सिर्फ यह चाहते हैं कि सौ बरस से ब्रिटिश गवर्नमेंट ने और उस के बाद नौ बरस से आप के एजिस में जो जुल्म हम पर किया गया है, आप उस का कुफ़ारा करें। जनाब, मैं आप की तबज्जुह इस तरफ़ दिलाना चाहता हूँ कि पंजाब के तेरह जिलों में एक भी डिप्टी कमिश्नर ऐसा नहीं है, जो कि हरियाणा प्रान्त का हो। एक भी सुपरिन्टेंडेंट आफ़ पुलिस हरियाणा प्रान्त का नहीं है। मैं १६५४ की फ़िग़रें का जिक्र कर रहा हूँ मुमकिन है कि अब कोई एक आघ आ गया हो।

**श्री बी० चं० शर्मा :** (होशियारपुर) : होशियारपुर का डिप्टी कमिश्नर हिसार का था।

**पंडित ठाकुर दास भार्गव :** कौन था?

**श्री बी० चं० शर्मा :** चौधरी रत्न सिंह।

**पंडित ठाकुर दास भार्गव :** जैसा कि मैंने कहा है, बाद में कोई एक आघ आ गया होगा और बहरहाल he is not a permanent Deputy Commissioner. और फिर जनाबवाला, उनके इंटरप्शन से मेरा ही केस साबित होता है कि बीस अफसरान में वह केवल एक आदमी का नाम बतला सके हैं।

यहां कौंसिल आफ़ स्टेट में आप हरियाणा का एक भी नुमायन्दा नहीं पाते हैं जब कि वहां पर ८ आदमी मौजूद हैं। इसी तरह पंजाब लेजिस्लेटिव कौंसिल में जहां कि नामिनशन होता है वहां पर हमारे हरियाणा प्रान्त के प्रतिनिधित्व का क्या हाल है। वहां पर १९ आदमियों में से

केवल ४ हरियाणा के हैं। मिनिस्टर्स, स्पीकर, चेयरमैन और पालियामेंटरी सेक्रेटरीज कुल मिला कर १२ आदमी हैं, जिन में से २ हरियाणा प्रान्त के हैं। मैं कई मर्तबा पहले आपको वह लिस्ट सुना चुका हूँ और इस वक्त उसको दुहराकर हाउस का समय बर्बाद नहीं करना चाहता। मैं यह मानता हूँ कि हमारा हरियाणा का इलाका एजुकेशन में जालन्धर डिवीजन के मुकाबले पिछड़ा हुआ है और जालन्धर डिवीजन के लोग एजुकेशन में हम से आगे बढ़े हुये हैं और एडवांस्ड हैं। मेरी यह शिकायत नहीं है कि मुझे उनके बराबर आबादी के आधार पर रिजर्वेशन ४२ परसेंट दे दिया जाये, इस के लिए मेरी शिकायत नहीं है। मुझे तो शिकायत यह है कि आपने इस हरियाणा के इलाक़े को बिल्कुल महसूम कर दिया है और एक आदमी भी क्या आपने इस क़ाबिल नहीं समझा जो इन सर्विसेज में लिया जा सकता था। यह चीज आपकी उसूलन गलत है कि आप हम सब को इनफ़ोरियारिटी कम्प्लेक्स देना चाहते हैं और हमेशा के वास्ते हमको मपतू बना कर रखना चाहते हैं . . . . .

**प्रतिरक्षा संगठन मंत्री (श्री त्यागी) :** उन सर्विसेज में तो पबलिक सर्विस कमिशन से लोग लिये जाते हैं।

**पंडित ठाकुर दास भार्गव :** मैं पूछता हूँ कि यह पबलिक सर्विस कमिशन कहां से आता है? इसी जालन्धर डिवीजन से आता है। मैं तो समझता था कि त्यागी जी जो कि मुझ से ज्यादा जोरदार आवाजें रखते हैं वह मुझे इंसफ़ दिलाने में मदद करेंगे। मैं पूछता हूँ कि आपने सिड्यूल्ड कास्ट के लोगों की बहतरी के वास्ते २० करोड़ रुपया दिया हुआ है, तब हमारे हरियाणा के इलाके के लिये जो कि एक पिछड़ा हुआ इलाका है उसके लिए आपने क्या प्राविजन रक्खा है? जालन्धर में हरियाणा के मुकाबले ज्यादा एजुकेशन है तो आपके लिए

[पंडित ठाकुर दास भागंब]

क्या यह खूब अखत्यार करना बाजिब है कि हमको एजुकेशन भी न दो और give a dog a bad name and then hang it. हमें एजुकेशन नहीं बी और एजुकेशन से महकूम रक्खा है, जितने स्कूल हैं उनका पूरा हिस्सा न दिया जाये और फिर हमें यह कहा जाये कि हम क्या करें आपके वहां हमको काम लायक आदमी ही नहीं मिलते। जहां तक हमारे इलाके थे लायक आदमियों के मिलने का सवाल है मैं बतलाना चाहता हूँ कि पहला चीफ जस्टिस जो सारे हिन्दुस्तान में मशहूर हुआ सर शादी लाल, जिला गुडगांव के थे और चौधरी छोटू राम रोहतक के थे जिन्होंने कि जिन्ना साहब तक के दांत खट्टे कर दिये थे। मैं मानता हूँ कि मेरा इलाका एजुकेशन के लिहाज से बैकवर्ड रहा है लेकिन इसके यह तो मानी नहीं है कि आप हमको हमेशा के लिये बैकवर्ड रखें। मुझे समझ में नहीं आया कि त्यागी साहब इस तरह की बात कैसे बोल पड़े, उनको तो उलटे मेरा कौज लेना चाहिये था और मैं समझता हूँ वह मुझ से ज्यादा कामयाबी के साथ उस बदनसीब इलाके के लोगों का केस प्लीड कर सकते थे। मैं आपको बतला रहा था कि सर्विसेज में हमको इस तरह अलग रक्खा गया है। मेरा क्लेम तो यह है कि हमारे लोगों को सर्विसेज, लेजिस्लेचर्स और लोकल सेल्फ गवर्नमेंट वगैरह में रीजनेबुल रिप्रजेंटेशन दिया जाये। मैं यह मांग नहीं करता कि हमको एकोडिंग टु पापुलेशन दो। फर्स्ट आफ आल एफिशिएंसी आफ दी एडमिनिस्ट्रेशन की तरफ आपको ध्यान देना है। एक भला आदमी जालन्धर डिवीजन का काम ही नहीं सारे पंजाब का काम और सारे हिन्दुस्तान का काम ठीक तरीके से चला सकता है। महात्मा जी हालांकि गुजरात में पैदा हुए थे, पंजाब में पैदा नहीं हुए थे लेकिन हम सब उनको कितनी इज्जत की निगाह से देखते हैं। पंजाब में आठ मिन-

स्टस हैं जिनमें पिछले दिनों तक हरियाना डिवीजन का एक मिनिस्टर था, दिस इज नोट फ़ेयर। मेरा क्लेम यह नहीं है कि आप हरियाना वालों को ४० परसेंट रिप्रें-टेशन रिजर्व कर दीजिये कैबिनेट में.....

श्री पाटस्कर : आप इस कांस्टी-ट्यूशन अमेंडमेंट बिल में इस तरह का प्राविजन कराना चाहते हैं ?

पंडित ठाकुर दास भागंब : मुलाहिजा फ़रमाया जाये कि मुझे जवाब क्या मिलता है, उस सक्ती का मुलाहिजा फ़रमाया जाये जो मिनिस्टर साहब ने अपने जवाब में रक्खी है। मेरे अमेंडमेंट को मुलाहिजा फ़रमाया जाये कि उसके जरिये मैंने क्या चाहा है। मैं सारे पंजाब में एकोडिंग टु पापुलेशन नहीं मांगता। मुझ से पूछा जाता है कि क्या आप डिस्ट्रिक्ट वाइज रिप्रजेंटेशन चाहते हैं। मैं पूछता हूँ कि मैंने कब डिस्ट्रिक्ट वाइज के लिये कहा है। मैं ने रीजनेबिल रिप्रजेंटेशन के लिये कहा है। I want efficiency of administration first and then reasonable representation, that is what I want. और मैं नहीं

समझ सकता कि इसमें आपको क्या हर्ज है। मैं उम्मीद करता हूँ कि मिनिस्टर महोदय जो कि यहां इस समय अकेले ट्रेजरी बेंच पर मौजूद हैं मेरी इस रीजनेबुल डिमांड के बारे में जो कुछ उन्होंने फ़रमाया है उसको मैं बतौर एक ऐश्योरेंस के समझता हूँ।

इसके अलावा दूसरी चीज जिसकी कि ओर मैं हाउस और गवर्नमेंट का ध्यान दिलाना चाहता हूँ वह है बिजली और पानी की सुविधा हमारे हरियाना प्रान्त को दिये जाने का सवाल। हालांकि हमारा हरियाना भी जैसे और पंजाब के हिस्से हैं वैसे वह भी एक है लेकिन ताहम मैं बराबरी के हिस्से के लिये जिद नहीं करता हूँ। भले ही ऐसे इलाके जहां पानी की जरूरत ज्यादा

समझी जाये वहां आप पानी ज्यादा सप्लाई करें लेकिन साथ ही ऐसा भी न करें कि दूसरा इलाका बिलकुल पानी, बिजली से महरूम ही रह जाये। कई वर्ष हुए किदवाई साहब ने हमारे इलाके गुड़गांव के वास्ते ढाई करोड़ रुपया देने का वायदा किया था और यह कहा था कि तुम्हारे वास्ते हम १९५५ में ही कुएं खुदवाना शुरू कर देंगे लेकिन हम देखते हैं कि अभी तक कुछ नहीं हुआ और हमारी बदकिस्मती से श्री किदवाई साहब का इन्तकाल भी हो गया। आज तक किसी जिम्मेदार आदमी ने यहां तक नहीं जाकर देखने की तकलीफ गवारा की कि गुड़गांवा बसता कहाँ है। गुड़गांवा से हो कर नहरें जाती हैं लेकिन बड़ा हिस्सा पानी आगे को चला जाता है और गुड़गांवा पानी के लिए तरसता रह जाता है, पानी का बहुत थोड़ा सा हिस्सा उसको मिलता है। मैं पूछता हूँ कि यह कहाँ का इलाका है कि सारे पंजाब को तो पानी मिले और गुड़गांवा को उसकी जरूरत के वायक पानी न मिले। वह ढाई करोड़ रुपया भी अभी तक नहीं मिल सका है। पंजाब के एक मिनिस्टर साहब जब हमारे इलाके में तशरीफ लाये तो उन्होंने फरमाया कि मैं इधर साढ़े तीन वर्ष इसलिये नहीं आया क्योंकि मेरे पास देने को कुछ नहीं था अब आया हूँ। खैर वह हमारे यहां आये और तशरीफ भी ले गये और परमात्मा की ऐसी कृपा हुई कि वह डिसमिस भी हो गये।

इसी तरह बिजली का सवाल देखिये तो आप पायेंगे कि उस में भी हमारे इलाके के साथ नाइंसाफ़ी बर्ती गई है। भाखरा डैम से हमको पानी देने का वायदा किया गया था लेकिन वह वायदा पूरा नहीं किया गया और हमारी जरूरत के अनुसार हमको पानी नहीं मिलता है और जिसकी कि वजह से हमारे वहां खुशहाली नहीं है। अब आप जरा हिसार के जमींदारों की हालत देखिये और बराबर में फ़ीरोज़पुर और दूसरे इलाके के जमींदारों की हालत को

देखिये तो आप पाइयेंगे कि हिसार की बनिस्वत दूसरे इलाकों के जमींदार कहीं अधिक खुशहाल हैं। मैं चाहता हूँ कि यहां के जो जमींदार हैं और जो काश्तकार हैं उनको उनकी जरूरत भर का पानी मिले जिससे कि वे अपनी खेतीबाड़ी का काम ठीक तरह से कर सकें। हमारे पिछड़े हुये भाइयों को तालीम दिलाने के लिये स्कूलों का तो इंतजाम कीजिये। अब एक घर में जो कर्ता होता है वह सारे घर भर के लोगों के इंटेरेस्ट को देखता है। जो कमजोर और गरीब बच्चा होता है उसको दूध दिया जाता है और बाकियों को रोटियां दी जाती हैं लेकिन यहां पर बात उलटी हो रही है। मेरे पास तन्नाम फ़िर्गस मौजूद हैं जिनके जरिये मैं यह साबित कर सकता हूँ कि कम्युनिकेशंस के बारे में भी हमारे साथ किस तरह से बेइंसाफ़ी की गई। २४२ मील की सड़कें वहां पर बनाई गईं हमारे यहां केवल २६ मील की सड़कें बनीं। अब यह किस का कसूर है? यह किस का कसूर नहीं है बल्कि यह सिस्टम का कसूर है। जहां तक यह प्राविशयल लिगिबन्स की बात है मेरा कहना है कि मैं तो इसकेसेस्त बरखिबाफ़ हूँ, मैं तो इंटीग्रेसन चाहता हूँ, मैं पंजाब का वाटर टाइट बटवारा नहीं चाहता लेकिन मैं यह चाहता हूँ कि आप जो बेइंसाफ़ी हमारे साथ पिछले सौ वर्ष से होती चली आ रही है उसको दूर कीजिये। मेरा जो इतना ही कहना है कि ५, १० वर्ष में आप इस रीजन का पंजाब के दूसरे हिस्सों के बराबर ला दीजिये और उसके बाद हमका हमारी किस्मत पर छोड़ दीजिये। इसके लिये हमारे पंजाब के सिक्स भाइयों ने और दूसरे भाइयों ने दस्तखत किये हैं और श्री डी० सी० शर्मा जो कि होशियारखुद से माते हैं उनके भी इसमें दस्तखत हैं और कोई भी शक्य इसके बरखिलाफ़ नहीं है तब मैं नहीं समझता कि आपको इसको मानने में क्या हर्ज है। और पंजाब स्टेट पर इसकी जिम्मेदारी कहीं नहीं डालते . .

श्री हेम राज (कांगड़ा) : आप कांगड़े का नाम तो लेते ही नहीं।

उपाध्यक्ष-महोदय : वह आप ले लेंगे जब आपकी बारी आयेंगी। अभी पहले हरियाने को तो मिल जाने दीजिये।

पंडित ठाकुर दास भागवत : मैं इस बात को मानता हूँ कि कांगड़ा अब हिन्दी रीजन में आया है और उसको भी अभी तक काफ़ी नेगलैक्ट किया गया है और वह काफ़ी बैकवर्ड रहा है लेकिन यह बात नहीं है कि उसने क्राबिल आदमी नहीं पैदा किये। यह हमारे बख्शी टेकचन्द और मेहर चन्द महाजन कांगड़े के ही तो हैं। हम तो फ़क़त यह चाहते हैं कि हमारे साथ बेइसाफ़ी न हो और हम भी आराम से अपनी जिन्दगी बँसर करें और यही वजह है कि हम अनसटेंटी और आयन्दा के झगड़ों को दूर करने के वास्ते हम अपना रीजन बनायें। अब ला एंड आर्डर किसके पास रहेगा और खजाना किसके पास रहेगा यह सारे पंजाब का मुशतरका होगा रीजनस में यही लिखा हुआ है कि स्टोन एक्सपैसिज या किसी स्कीम को रीजन वाले भेजें तो भेज दें लेकिन उसका कोई असर नहीं पड़ने वाला है, यह अस्त्यार स्टेट गवर्नमेंट को ही रहेगा कि कितना पैसा किस को दिया जाये। तो यह रीजन जो बनाये हैं इसमें खूबसूरती यही है कि हम एक ही स्टेट के और एक ही हाईकोर्ट के मातहत हैं। अब लोकल प्रोटीनोमी चन्द चीजों में दी गई है यह प्रीरमूला की मैरिट है। और हम इस मैरिट को रियलाइज करते हैं। बावजूद इसके कि गवर्नमेंट ने हमारी कोई बात नहीं मानी, हम मानते हैं कि जो कुछ उसने दिया है वह सही है। लेकिन मुझे दो तीन बातों से इस्तिस्नाफ़ है। यह मैं पहले भी अर्ज कर चुका हूँ, उसको दुहराने से कोई फायदा नहीं। लेकिन मैं अबद से अर्ज करना चाहता हूँ कि आप कर क्या रहे हैं। यह चीजें जो कि बहुत मैटर करती हैं उनको आप नहीं दे रहे हैं। हमारे यहां लोग इस रिजनल स्कीम पर रुद रहे हैं और वे

अकाली भाइयों से भी ज्यादा खुश हैं क्योंकि यह बात उनके दिमाग में है कि इस स्कीम से उनको इन चीजों में पूरा हिस्सा मिलेगा। अगर उनको यह मालूम हो गया कि आप इन चीजों के लिये कोई सेफ़ेगर्ड करने को तैयार नहीं हैं तो आप यकीन मानिये कि उन लोगों में बड़ा रिवल्शन होगा।

मैं ने अपनी एक अमेंडमेंट दी है, नम्बर ५६, जिसके बारे में मैंने यह थोड़ा सा अर्ज किया। मैंने इसमें यह चाहा है कि जो आप दस साल या पांच साल मुक़रर करें, इस अर्से में हमारी तरक्की करने के लिये बोर्ड बनाया जाये उसमें हमारे चीफ़ मिनिस्टर हों और डवलपमेंट मिनिस्टर हों, और अगर डवलपमेंट मिनिस्टर हरियाने का न हो तो एक तीसरा आदमी हरियाने का रखा जाये। आपने जो रिपोर्ट दी है उसमें जहां रीजनल प्रीवांसेज का जिक्र आया है वहां पर एक बाडी के बारे में सफ़ा २२७ पर यह लिखा है :

“The proposed body should serve a two-fold purpose. It should help on the one hand to remove wrong impressions, and on the other to redress the legitimate grievances of the various 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.”

मैंने इसी बेसिस पर यह लिखा है, ताकि इसको कोई कम्युनल चीज न समझे, कि जो प्रेसीडेंट हो वह प्लैनिंग कमोशन का आदमी हो और वह सरकार से रुपया पैसा भी ले, चाहे वह रुपया सेंटर दे या स्टेट गवर्नमेंट दे, और हमको ऊपर लाने के वास्ते वह काम करे और और गवर्नर साहब प्रेसीडेंट साहब को रिपोर्ट भेजें कि कहां तक तरक्की हुई है।

मैं एक बात अर्ज करना चाहता हूँ कि पंत जी साहब इस खूबसूरती के साथ स्पीच करते हैं कि सब को अपने साथ खींच लेते हैं। लेकिन एक चीज

ने मुझे थोड़ा सा इंजर किया है। उन्होंने फरमाया है कि ये सब चीजें वहीं खत्म हो जायें, कोई चीज सेंटर को न करनी पड़े। मैं इसका सख्त मुखालिफ हूँ। मैं भ्रदब से भ्रज करना चाहता हूँ कि अगर आप बिजनेस मीन करते हैं तो इन मैटर्स में सेंटर की जिम्मेदारी रखियेगा। मैं चाहता हूँ कि जितनी लिग्विस्टिक माइनारिटीज हैं और शिड्यूलड कास्ट और बैकवर्ड कम्युनिटीज हैं उनकी जिम्मेदारी खास तौर से सेंटर को लेनी चाहिए। अगर आप चाहते हैं कि जिनके खिलाफ लिग्विस्टिक माइनारिटीज ठीक सलूक न करने की शिकायत करें उनको ही जज बना दिया जाये तो फैसला कैसे होगा। यह गलत बात है। चाहिये तो यह कि सेंटर या प्रेजीडेंट इनकी पूरी जिम्मेवारी ले, और सेक्टर की तरफ से काम करे गवर्नर। आपने जो यह रखा है कि अगर रीजनल काउंसिल में और एडमिनिस्ट्रेशन में झगड़ा हो तो उसका फैसला गवर्नर करें, तो मैं भ्रदब से भ्रज करना चाहता हूँ कि पंजाब में ऐसी हालत पैदा हो जायेगी कि गवर्नर झगड़े में फंस जायेगा और वह ठीक तरह से इंसाफ नहीं कर सकेगा और हमारे देश में गवर्नर और एडमिनिस्ट्रेशन में झगड़ा होने लगेगा। किसी वक्त यहां पर यह प्रोपोजल था कि प्रेजीडेंट की तरह गवर्नर भी इलेक्ट किया जाया करे लेकिन इसको इसी वजह से मंजूर नहीं किया गया कि इसमें यह भ्रन्देश था कि एडमिनिस्ट्रेशन के साथ गवर्नर का झगड़ा हो सकता था क्योंकि एक म्यान में दो तलवारें नहीं रह सकती। मैं चाहता हूँ कि इन मामलात में सेंटर का फैसला फाइनल समझा जाये। गवर्नर सेंटर का एजेंट हो, वह उन शिकायतों को सुने, उनकी तहकीकात करे और उसकी रिपोर्ट सेंटर को भेज दे, इससे ज्यादा कुछ न करे। खुद सेंटर को फैसला करना चाहिये। चुनावों इसके मुतात्तिक भी मैंने तरमीम भेजी है।

**उपाध्यक्ष-महोदय :** अपने अमेंडमेंट में तो आपने गवर्नर ही रखा है।

**पंडित ठाकुर दास भार्गव :** मैंने उस तरमीम की एक और तरमीम दे दी है और उसके जरिये इसको ठीक कर दिया है। जो तरमीम मैंने दी थी उसमें किसी तरह से यह गलती रह गयी, जिसको मैंने अब दुस्त कर दिया है।

इसके अलावा मुझे एक तजवीज यह करनी है कि जो डेवलपमेंट काउंसिल बनायी जाये उनको हमारे डेवलपमेंट के लिए इन्साफ के साथ रुपया दिया जाये। यह मैं नहीं कहता कि सब को बराबर रुपया या एलोकेशनस दिये जायें लेकिन जो कुछ दें वह इन्साफ के साथ दें। इसमें जो आपने रीजनल कमिटीज रखी हैं उनका एक हिस्सा कानून बनाने के बास्ते भी लिखा है। लेकिन पंजाब का तो रेग्यूलेशन प्राविंस ही रहेगा जैसा कि पुराना था। हमें आपने अप्रॉडिक्स में रख दिया है, शिड्यूल में रखना चाहिए था ताकि हमारे भी कांस्टीट्यूशनल राइट्स होते और हम भी फील करते कि हमारे यह राइट्स हैं। इस रेग्यूलेशन से प्राविंस में तो यह होगा कि जो executive ने फैसला कर दिया वहीं हो गया।

मुझे एक और शिकायत है और मैं इसको कई दफा हाउस में कह चुका हूँ। मैंने दफा ३४७ देखी है और दूसरी दफात भी अपने कांस्टीट्यूशन की देखी हैं। उनसे मालूम होता है कि न प्रेजीडेंट साहब को, न गवर्नर को, न सेंट्रल मिनिस्ट्री को और न लोकल असेम्बली को यह अख्तियार है कि किसी कम्युनिटी पर किसी स्ट्रिक्ट को जबरदस्ती लाद दे। ये जो दफात कांस्टीट्यूशन में दिये हैं ये स्पोकिन लेंगेज के बारे में हैं। दफा ३४७ स्पोकिन लेंगेज के बारे में है रिटिव लेंगेज के बारे में नहीं है। इसके मानी यह नहीं है कि मैं गुरुमुखी के खिलाफ हूँ। जो मेरे भाइयों की पसन्द है उसकी मैं

### [पंडित ठाकुर दास भागंव]

भी कद्र करता हूँ। लेकिन मैं जिस चीज की कद्र नहीं करता वह यह बात है कि उनको सब कुछ मिल गया लेकिन उन्होंने मैगनेनिमिटी का जेस्चर नहीं किया। जो उनके बड़े बड़े लीडर्स थे उनकी खिदमत में मैंने यह अर्ज किया कि वे इस तरह का जेस्चर करें। शायद ऐसा न करने का सबब यह हो कि जेस्चर कराने वालों का एटीट्यूड वह जेस्चर कराने के वास्ते कंड्यूसिव नहीं है। लेकिन मैं समझता हूँ कि जहाँ इंडीवीजुअल्स का मामला नहीं है, बल्कि जहाँ बड़ी बड़ी कम्पुनिटीज का मामला है वहाँ ऐसी मैगनेनिमिटी की उनसे उम्मीद की जाती है। मैं चाहता हूँ कि इस तरह की चीज चाहे गवर्नमेंट करे और चाहे हमारे भाई खुद करें, ताकि देश में जो कलह है वह खत्म हो जाये। वह कलह भी ऐसा नहीं है जो कि किसी फंडामेंटल बात पर हो अगर यह चीज जबरदस्ती की गई तो मुनासिब नहीं होगी और मैं समझता हूँ कि कोई पंजाबी भाई इसको पसन्द नहीं करेगा। मैं खुद गुप्तमुखी पढ़ने या पढ़ाने के खिलाफ नहीं हूँ। मुझे उसके पढ़ने में कोई ऐतराज नहीं है। लेकिन मेरे इलाके के लोग इस चीज को उन पर जबरदस्ती लादा जाना पसन्द नहीं करते। इसलिए मैं अर्ज करता हूँ कि यह अनकांस्टीट्यूशनल है। मैं चाहता हूँ कि ऐसा न किया जाये।

दूसरी बात यह है कि पंजाब की एक ही स्टेट में आप दो दो फार्मूले लागू करना चाहते हैं, एक सच्चर फार्मूला और दूसरा पेप्सू फार्मूला। इसके मानी यह है कि You are not just, you are surrendering. जो कुछ आपको करना है आप प्रीपिनर्ल करे, हम उसको मानने को तैयार हैं मैं हरियाना में पैदा हुआ हूँ और हरियाना में मैंने अपनी उच्च गुजारी है। जहाँ तक हरियाना का सवाल है हम किसी सवाल

को नहीं पाईट आफ व्यू से नहीं देखते। बहुत दिनों हम ने दूसरे लोगों के जुल्म सहे हैं। लेकिन आज हमारा किसी से झगड़ा नहीं है। अगर हमारे सिख भाइयों पर अरबन हिन्दूज जुल्म करेंगे तो हम सिख भाइयों का साथ देंगे, और अगर सिख भाई हिन्दूओं पर जुल्म करेंगे तो हम हिन्दूओं का साथ देंगे, और अगर दोनों मिल कर हम पर जुल्म करना चाहेंगे तो हम दोनों का मुकाबला करेंगे। लेकिन हमारी डिमांड पर तो सब भाइयों के दस्तखत हैं क्योंकि हम इस सवाल को जस्टिस की निगाह से देखते हैं। लेकिन मेरी समझ में नहीं आता कि गवर्नमेंट को इसे मंजूर करने में क्यों तकलीफ होती है। अगर गवर्नमेंट इन सेफगार्ड्स को मान ले तो मेरे इलाके के लोगों में खुशी की वह लहर दौड़ेगी कि जिसका आप अन्दाजा नहीं लगा सकते। लेकिन आप जब तक ऐसा नहीं करते और वही पुराना सौ साल का दर्रा चलता रहेगा और हमको रगड़ा जाता रहेगा तब तक हम खुश नहीं हो सकते। अगर आप सही मानों में हमको कुछ देना चाहते हैं तो हमारी तकलीफ को देखिये। मैं ६७ लाख लोगों की तरफ से मुझटबाना अर्ज करना चाहता हूँ कि मेहरबानी करके अपने कानों के परदे को खोलें। मैं चाहता हूँ कि आप हमारी तकलीफात को देखें और उनको दूर करने की कोशिश करें। यह ठीक है कि यहां हाउस में आप जो कानून पास करवा सकते हैं, लेकिन आपको अन्दाजा नहीं है कि इसका मुल्क में क्या असर होगा। मैं आप को एक बात बतलाना चाहता हूँ, जब तक आप का प्लान बना भी नहीं था, तब मैं अपनी कांस्टिट्युएन्सी में जाता था, हरियाना में भी जाता था, मेरी साफ राय थी कि हमें पंजाब के साथ रहना है लेकिन हमारे भाई कहते थे गुडगांव के कि हमें मालदीव और नकादीव के

साथ मिला दो, हमें अंदमन के साथ मिला दो, हम पंजाब के साथ नहीं रहेंगे।

**पंडित कृ० चं० शर्मा** (जिला मेरठ दक्षिण): मेरठ के साथ लगा दो।

**पंडित ठाकुर दास भार्गव**: मेरठ तो खुद हमारे साथ आना नहीं चाहता है, मैं वह सारा किस्सा नहीं बताना चाहता।

मैं अर्ज करना चाहता हूँ कि जब रीजनल कमेटी बनी तो यह फीलिंग बनी और जब मैं वहाँ पर जाता हूँ तो लोग कहते हैं कि हम तो निहाल हो गये कि रीजनल कमेटी बनाई गई है। आप ने यह फीलिंग क्रिएट की है अगर उसे आप सस्टेन करना चाहते हैं, अगर उस में जान डालना चाहते हैं तो उस का तरीका यह है कि जो कुछ मेरे अमेंडमेंट नं० ५६ की डिमांड है, उस को आप मंजूर करें। यह खाली मेरी ही डिमांड नहीं है, हमारे चीफ मिनिस्टर साहब और हमारे कांग्रेस के सरदार गुरुमुख सिंह साहब की भी है जो कि १२ जिलों में खुद कहते फिरें हैं कि यह तुम्हारा चार्टर है जो कि रीजनल कमेटी बनी है, तुम्हें बराबर के हक दिये जायेंगे। मेरे सब सिख भाइयों ने यह यकीन दिलाया है कि यह मुक्तफिक डिमांड है। जब सब लोग इस पर पूरा यकीन रखते हैं तो मेरी समझ में नहीं आता कि आप इस को क्यों कबूल नहीं कर सकते। आपको इस में क्या एतराज है और आप इसको क्यों सही रूप में नहीं देखते। मैं इस चीज को इस गरज से ही नहीं कहता कि इस में पंजाब इन्वाल्वड है। आप ने पंजाब की जिम्मेदारी इस हाउस में आमतौर पर ली है। आज गुजरात वाले भी इसी हालत में हैं, वह भी आज एक तिहाई के करीब हैं, मैं जानता हूँ कि गुजराती बड़े बहादुर हैं, कांग्रेस की डिडिप्लिन को मानते हैं। लेकिन मैं यह कहता हूँ कि वहाँ पर सवाल ईसाफ

का है न कि मांगने का। आप को सारी लिग्विस्टिक माइनारिटीज का खयाल करना चाहिये। हमारे तैलंगाना और आंध्र वाले बड़े होशियार हैं, जो हमें सबक पढ़ा सकते हैं। उन्होंने एक फंसला कर डाला। मैं आज इस तरह के फंसलों को पसन्द नहीं करता, हमारे दोस्त भी इस को पसन्द नहीं करते हैं, लेकिन जो चीजें दुःखदायी हैं उन को वहाँ के लोगों ने अच्छी तरह से हल करने की कोशिश की, फंसले गलत हों या सही, लेकिन उन्होंने एक दूसरे के नजदीक आने की कोशिश की। मैं नहीं कहता कि हरियाना के लिये एक अलग हाईकोर्ट कर दो....

**Dr. Lanka Sundaram**: I do not know what you mean. Do you endorse the attempt to defeat or spoil the formation of Andhra-Telegana?

**पंडित ठाकुर दास भार्गव**: मुझे अफसोस है कि आप यहां पर मौजूद नहीं थे जब मैं कुछ अर्ज कर रहा था, लेकिन अर्ज करता हूँ कि जितनी फीलिंग आप की इस के मुताल्लिक है, मेरी उस से कम फीलिंग नहीं है फिर भी मैं यह कहना चाहता हूँ कि उन लोगों को रिप्रेजेंटेशन दिया जाये। कैबिनेट में, लोकल बाडीज में, कहीं भी सही, उन को मौका दिया जाये। मैं यह नहीं कहता कि एंडमिनिस्ट्रैटिव एफिशिएंसी के लिहाज से दिया जाये, आप किसी तरह से दीजिये। यह नहीं कि आप उन को बिल्कुल नजरअन्दाज कर दें और वह यह फील करने लगे कि वह इन्फिरियर सिटिजन हैं। मैं कोई नई बात नहीं कह रहा हूँ। आप स्विटजरलैंड को जा कर देखिये, कैंनाडा को जा कर देखिये कि वहाँ पर क्या चीज की हुई है। वहाँ के लोग तो फिर भी एलिगन्स हैं, हम एलिगन्स नहीं हैं, हम इस देश के अन्दर आपस में काफी मिले जुले हैं। यहां पर कोई नीगरोज या योरोपियन्स

[पंडित ठाकुर दास भागंब]

का सवाल नहीं है, हम एक जमाने से एक साथ रहते रहे हैं। मैं पृथ्ना चाहता हूँ कि जिन की तादाद एक तिहाई की हो, उन को एक भी मिनिस्टर न मिले ?

डा० लंका सुन्दरम : मैं पहले से बांटने के खिलाफ हूँ।

पंडित ठाकुर दास भागंब : मैं यह अर्ज कर रहा था कि आज यह सिर्फ एक यूनिटरी गवर्नमेंट नहीं है। हम सब से पहले गुजरात की तरफ अपनी जिम्मेदारी महसूस करते हैं। मैं भी उन में से हूँ जिन्होंने इस बहस में हिस्सा लिया था और हमने गुजरात को महाराष्ट्र के साथ शामिल कर दिया। ऐसी हानत में हमारा फर्ज है कि वहाँ की लिग्विस्टिक माइनारिटीज को जो सेफगार्ड्स देने चाहिये, वह हम उन को जरूर दें, चाहे वह उन को मांगें या न मांगें। यहाँ सिर्फ बाइलिंग्वल स्टेट्स का ही सवाल नहीं है, यह सवाल हर जगह पैदा होता है, यूनिलिंग्वल स्टेट्स में भी यह सवाल पैदा हो सकता है। इस लिये हम को इरा की मेरिट्स को देख कर मुनासिब चीज करनी चाहिये। हम ने लिग्विस्टिक माइनारिटीज की डेफिनिशन भी दी है जिस में कि वह लोग आ सकते हैं। जो फिल वाक्या माइनारिटीज हैं, जिन को बचाना हमारा फर्ज है, उन की तरफ हम को जरूर ध्यान देना चाहिये, चाहे वह रिलिजस माइनारिटीज हों चाहे लिग्विस्टिक माइनारिटीज हों, या दूसरे किस्म की हों, क्योंकि हम जानते हैं कि जब तक देश के अन्दर सब को सेटिस्फैक्शन नहीं होगा, और यह फीलिग नहीं होगी कि उन के साथ इंसाफ हुआ है, तब तक आप ने स्टेट्स रिआर्गनाइजेशन के लिये जो कुछ भी किया हो, वह कामयाब नहीं समझा जा सकता।

मैं आप का बहुत मरकूर हूँ कि आप ने मुझे जरूरत से ज्यादा वक्त दिया।

3 P.M.

**Shri Mohiuddin** (Hyderabad City): This is the last stage of the historical phase of India after independence. The redrawing of the map of India has been a very painful process. In the last two years or 1½ years we have seen many incidents which should not have happened in India and which have, unfortunately, created an impression which goes against the good name that we want to create for India. In any case, we should now forget what has taken place and we should look forward to the new India that we hope to create.

This process through which we have passed has generally been called as redrawing the map of India on linguistic basis. The Government of India and the Commission have not adopted language as the only basis for redrawing the map of India. They have no doubt given due importance to language. But language is not the only criterion. I am referring to this point only for one purpose and that is: what should be the names of the States? What should be the names by which the new States should be called? I have personally always opposed the association of the name of a language with the State. The name of a language being associated with the State, I think, is extremely undesirable especially when we know that the principle on which the State is established.....

**Dr. Lanka Sundaram:** What about the name of the race apart from the name of the language?

**Shri Mohiuddin:** The race is just as bad as the name of the language to be associated with the State; perhaps worse.

We have proposed in the early stage of the States reorganisation process that the principle should be adopted that the names of the States should not be the names of the predominant languages of those States. It is on that basis that the State of Mysore and Madras have been named. The name Madhya Pradesh has no association with the language of the majority of

that State. After the establishment of the bilingual State of Bombay, the States of Maharashtra and Gujarat have been dropped and these areas have now become part of the bilingual State of Bombay.

**Shri Pataskar:** 'Only State of Bombay', not 'bilingual State of Bombay'.

**Shri Mohiuddin:** Yes. I am sorry. The States of Punjab and Bengal have been there for a long time and their names are associated with the region and not the name of the language. With the reorganisation in its final stage, the only two States which are called by the names of Kerala and Andhra have got names which are associated with the language.

**Dr. Lanka Sundaram:** Associated with the people, not with the language.

**Shri B. S. Murthy:** 'Andhra' is not a language alone.

**Mr. Deputy-Speaker:** Let us hear the hon. Member who is on his legs.

**Shri Mohiuddin:** Andhra Pradesh is the name that has been proposed for the State which is to be created by the amalgamation of Andhra and Telengana. I suggest that the name may be changed. I would not insist as Dr. Lanka Sundaram will perhaps object to the use of the name Hyderabad. I do not insist that Hyderabad should be selected as the name. I would prefer any name other than...

**An Hon. Member:** Andhra.

**Dr. Lanka Sundaram:** Hear, hear.

**Shri Mohiuddin:** Andhra.

**An Hon. Member:** The cat is out of the bag.

**Dr. Jaisoorya:** What about the name Dandakaranya?

**Mr. Deputy-Speaker:** Is the decision to be taken by these two hon. Members only?

**Dr. Lanka Sundaram:** Let it be nameless. That is better.

**Shri N. C. Chatterjee (Hooghly):** Nizamabad.

**Shri Mohiuddin:** My suggestion is that the name of the State

should not be associated with the language and I hope my colleagues from Andhra will accept it and will sit down together and agree to a formula which will be acceptable to all.

The redrawing of the map of India has caused many new problems. One of the important problems was referred to by the Home Minister in his speech today and that is the problem of the linguistic minorities. He said that the redrawing of the map of India has emphasised the importance of safeguards for the linguistic minorities. Pandit Thakur Das Bhargava has very strongly spoken about it and he has also suggested amendments for the protection of the linguistic minorities' rights. There is no doubt that the Commission has very strongly pointed out that whatever the safeguards may be, they can only be enforced with the goodwill of the majority of the States in which the minorities happen to live. The goodwill of the majority is, of course, essential; it is necessary and it will be a bad day if that goodwill is lacking. But in order that the assurance given by the Constitution and the assurances given by the Prime Minister and the Home Minister and other leaders should be fully implemented, it is necessary and desirable that there should be provisions in the Constitution for the enforcement of those rights and liabilities. In what way, in what manner, these constitutional provisions will be enforced, of course, remains a problem for the future. But there must be those provisions in the Constitution which are necessary that in case of lack of goodwill, or in case of non-enforcement of those safeguards in certain areas, the Centre must be able to take necessary action wherever and whenever necessary. That provision must be made in the Constitution.

There are so many amendments that have come forward. The hon. Home Minister, in his speech today, referred to a document which he has placed on the Table of the House, which of course, I have not yet seen. I hope the proposed provisions in the Constitution are such that the Centre can

[Shri Mohiuddin]

take necessary measures wherever and whenever necessary and when the occasion arises for those measures to be enforced.

Pandit Thakur Das Bhargava has emphasized that the minorities question should be the responsibility of the Centre. I won't go as far as that the Centre should take up direct responsibility for the minorities. That will not be desirable nor, I hope, will it be necessary. But the rights and powers of the Centre must be there to be exercised as and when it is desirable and necessary.

Dr. Lanka Sundaram has referred again to the second Chamber that was proposed by the Hyderabad Assembly as well as the Andhra Assembly, to be incorporated in the Constitution amendment. Unfortunately these proposals have not been incorporated at all in the S.R. Act or in the Constitution (Amendment) Bill. I was surprised when Dr. Lanka Sundaram asked what logic is there that there should be a second Chamber. I do not know what logic he wants. The logic is already provided in the existing Constitution, i.e., a certain number of Members of the Legislature concerned should pass a resolution to that effect. That is the logic; and the Members of the Hyderabad Legislative Assembly and the Members of the Andhra Legislative Assembly have deliberately and openly passed a resolution to the effect that in the proposed Andhra State there should be a Legislative Council and that is the logic. I hope Dr. Lanka Sundaram is convinced that when there is 3/4th majority in the Hyderabad Legislative Assembly as well as in the Andhra Legislative Assembly...

**Dr. Lanka Sundaram:** They have provided for the future by themselves.

**Shri Mohiuddin:** I hope in the future we will have a Legislative Council as early as possible after the establishment of these States. But, what I was proposing was that if possible the provision for a Legislative

Council should be incorporated in this Bill.

**Shri Anandchand (Bilaspur):** Mr. Deputy-Speaker, Sir, I thank you for giving me the opportunity to say a few words on this very important measure. As a Member of the Joint Committee, I generally support its provisions though there are certain gaps which need filling up. In those gaps the most important one is that which has already been referred to by my hon. friend Dr. Lanka Sundaram, that is a statutory provision of some kind for boundary commission. When I was speaking on the States Reorganisation Bill I also drew the attention of this hon. House to the fact that although we are investing the Zonal Councils with looking into the inter-State boundary disputes, still I feel, and I feel as strongly now as I did at that time, that unless we have some kind of judicial pronouncement on these problems, there will be no end to them. The people will not be satisfied if they get a hearing before a tribunal which is complicated or implicated by other factors. Even now it is not too late if the hon. Home Minister will consider this proposal and see that some provision is made somewhere by which these boundary disputes can be referred to a statutory boundary commission in cases in which even the goodwill of the Centre cannot bring about two warring States to the path of reason.

Another lacuna, if I might point out, is about the so-called Regional Committees. One is going to be set up in the Punjab. One is going to be set up in Andhra. I think it is high time now that some idea of the geographical, what I might call, limits of these Regional Committees is available. So far as Telangana is concerned I have read that there is Telangana area. How far can we call it Telangana area...

**Dr. Lanka Sundaram:** Telangana area separated from the present Hyderabad State and added to the existing Andhra State.

**Shri Anandchand:** I am glad for the explanation. So far as the Punjabi

region or the Hindi speaking region are concerned, I think that is more clear because they follow the language pattern.

**Shri Hem Raj:** That is clear according to the Sachar formula.

**Shri Anandchand:** Yes, that is clear according to the Sachar formula, as my friend there says. There are certain other conditions which, in addition to the Sachar formula, would be brought into play only with the consent of the parties concerned. I am not going into that very much because, mostly, I wanted to speak today about the Union Territories. I am very happy and I congratulate the Home Minister for having made a very bold statement about the future set-up of the administration of the Union Territories. One basic fact which we have emphasized even when we met him privately is that the association of the people with the administration of the Union Territories should be provided on the basis of adult suffrage. If the House will recollect, even when speaking on the States Reorganisation Bill, I put forward the point of view that the method of selection should be on the basis of adult suffrage and not through Panchayats or other elected bodies because election to these local bodies has been provided in the Statutes that we have in the various States on the basis of either raising of hands or by voice vote, and I thought that was not the proper forum on which we should build up the edifice which is, after all, to vote for membership of the Rajya Sabha. Therefore, Sir, I congratulate the Home Minister for having been bold enough, or I might say sagacious enough, to have said that these Territorial Councils would be based on adult suffrage. But I have not quite understood the pattern that he has evolved as the basis of these Territorial Councils. If I have understood him correctly, he visualises that these Territorial Councils should be elected on the basis of adult suffrage and from amongst the members of these Territorial Councils must be drawn the Advisers or the Councillors to assist in the day to day

administration. So far so good. But, on the other hand, there are also the Members of Parliament who represent these Union Territories, whether it is in the Lok Sabha or the Rajya Sabha. So far as that part is concerned, if I have understood the scheme as envisaged correctly, it is visualised that the Members of Parliament should, alongwith the other non-officials, probably he had in his mind the advisers or councillors, form a kind of standing advisory committee to the Home Ministry to advise not only on the budgetary and other financial provisions of these Union Territories, but also about legislative measures and policy measures which they think would be essential or would be useful for being promulgated here in Parliament. The lacuna or shortcoming that I find in this proposal is that there would be no link between the Members of Parliament who are to advise the Home Ministry here about legislative and financial implications of these Union Territories and the day to day administration which is being carried on in those areas far away. Therefore, the scheme that we had suggested, was the scheme that we had discussed with the hon. Home Minister. So far as the Territorial Councils were concerned, we were in agreement. Regarding the other part, it was my proposal that in the Territorial Council itself, or in the working of the Territorial Council, the Members of Parliament, whether they come from the Rajya Sabha or Lok Sabha, should also be associated so that they are not completely out of touch with all the happenings in these areas. Of course, they will not be eligible for being appointed as Advisers. But, the link must be there so that, when they advise the Home Ministry on Union Territory matters, which are both financial and executive, they must have full knowledge of the conditions that exist in those areas and it will not be an area where there is no association altogether between the two parts of the Government like two separate drawers or separate compartments.

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The other point that I want to make out in this connection is that these Union Territories have a large population of Scheduled Castes and Scheduled Tribes. In the present States of Tripura and Manipur, there is a large tribal population. If I may say so, in my State of Himachal Pradesh, more than one-third of the population is Scheduled. Under the present system of electoral colleges, we have 30 members each for Tripura and Manipur and so far as Himachal Pradesh is concerned, the strength of the present legislature is 41 members. So far as Manipur is concerned, I understand that a certain number are returned to these electoral colleges from the tribal areas. But, they come in by a process of geographical demarcation. The demarcation of those areas in which the tribals are preponderant is so rigid or so definite that there is no question of that area returning non-tribal people. But, when we come to an area like the Himachal Pradesh where these people are diffused, if we are going to have these territorial councils on the basis of adult suffrage, some scheme would have to be devised in which these people can get representation. I submit that such a scheme should be other than the double member constituency, because they smell of the legislature and they are costly things. The larger the constituency the larger the cost involved. Therefore, I am of the view that they are truly representative of the local Scheduled Castes as a whole or the tribal people as a whole who reside in that area. Therefore, some method will have to be devised. I am sure the hon. Home Minister will give due consideration to this point when he is devising this.

So much for the details of the matter. I have only two more points to refer to: first about the interim period about which my hon. friend Dr. Lanka Sundaram said something. As the House well knows, from the 1st of November onwards, under the new Reorganisation of States Act,

there would be no legislature functioning either in Delhi or in Himachal Pradesh. Nor would there be the advisers or advisory councils in Manipur or Tripura, as they are appointed under the provisions of the Government of Part C States Act. When that Act is scrapped away, all these things will disappear. The question is, what is going to happen in the interim period. I am not quite sure whether, under the revised article 239 as it is proposed to be put on the statute-book, the power is inherent in the Government of India to make a provision, whether it is a corporation in Delhi or a Territorial Council in Himachal Pradesh or Manipur or Tripura, to make an appointment or create these bodies without Parliamentary sanction. I am not quite sure on that point. Of course, there is provision in this legislation, if we see article 239, that these territories would be administered by the President acting to such extent as he thinks fit, through an Administrator or other authority. Perhaps this term 'other authority' could be stretched and it may be construed to mean the Territorial Councils and so on. To my mind, that would not be a right interpretation. I feel that that would be a wrong interpretation. If that is so, if I have understood the article as it is correctly, then, some kind of a legislative measure would have to be brought before Parliament before the scheme envisaged or outlined by the Home Minister can be put into operation. There is going to be a certain gap. This Parliament is adjourning on the 13th of September. The hon. Speaker has been quite emphatic in saying that there is no question of extension of the life of the present session. Therefore, there would not be a parliamentary law put on the statute book for the administration of these areas after the appointed date. True, the President has got the power of making Ordinance. An Ordinance can later on be discussed in this House. Whether under that Ordinance, a whole new structure could be evolved, I cannot say now. Whether

in the interim period a large corporation with 80 members and all these things could be brought about, I am rather doubtful. Therefore, I would submit that this indicates that this kind of an Ordinance cannot be brought about and I think it will be very difficult to bring it about. Opportunity must be taken as early as possible in the next session of Parliament to put before this House a consolidated Bill about the administrative pattern embodying the details and it should then be put on the statute book. There is fear about the interim period. Of course, it is quite legitimate. After the present administrative set-up in these Part C States ceases from the appointed date, the Administrator will come into his own, and he will be in sole charge. Therefore, there would be disassociation of the people and a certain amount of dissatisfaction. That would be the natural effect. This would however be a justifiable apprehension only if there were no sitting of Parliament for the next six months or the Parliament had no time to give an administrative set-up to these areas through a separate Bill. If the interim period is only to be of a few weeks, if I may be permitted to say so, there should be agreement that that would be advantageous. Probably, the interim period before the new administrative measure becomes law may be helpful to a certain extent to clear the Augean stables in some of these States which I may with all respect say have not behaved quite properly.

**Dr. Lanka Sundaram:** Who would do it?

**Shri Anandchand:** The Government I think, would do it.

**Mr. Deputy-Speaker:** I might bring it to the notice of the hon. Member that, whether it be a regular speech or an interruption or a question, everything is to be addressed to the Chair and no hon. Member should look behind when he is interrupting and turn his back to the Chair.

**Shri Anandchand:** Thank you, Sir; as a matter of fact, I was always looking forward.

What I was submitting was that if the interim period is very small, there would be a certain advantage because the feeling must grow that the administration in the so-called Part C States has undergone a change. It is no longer the old Part C State; it is now a Union Territory directly administered by the Centre, of course with a certain apparatus of administration which the Parliament is, in due course, going to give. That interim period could be utilised, and I think profitably too, to the advantage of the territories. The old order of things will change and all the separate cadres will disappear. The Ministries of the Government of India would henceforth be the ministries of the Union Territories for all practical purposes. This would be a period of change; it would be a period of turmoil. Therefore, if this interim period is small,—it may be a few weeks, four weeks or six weeks—I think it would be an advantage and we need not have any great apprehension about the people being very much distressed because they would know that the announcement has been made, that the Government is bringing a legislative measure and that their interests in a democracy have been properly safeguarded.

**Shri N. C. Chatterjee:** We have passed the States Reorganisation Bill, but I am sorry to say that in some respects in this Parliament we have made a sorry mess of certain important aspects of that problem. You know, Sir, I am one of those who appealed to the Home Minister and the Prime Minister to adjourn that Bill for a few days and to put in an amending Bill and to send it to Gujarat and to the people of the so-called bilingual Bombay, but that was not done. The result has been an upsurge in that place and I am sorry to say the Home Minister is ridiculing Members of Parliament who had gone there for

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the purpose of studying the situation and to see what could be done in the troubled atmosphere. It was very indiscreet on the part of the Home Minister operating from Delhi not to go there, it was still more indiscreet on the part of the Prime Minister and the Chief Minister of Bombay to be operating from Delhi and Bombay and not to go to Ahmedabad when Ahmedabad was burning. And none of the 180 Members who signed the requisition for bilingual Bombay we could see there when the people there were clamouring to know why this bombshell had burst on them and what was the reason for Parliament to have a complete swing round and to have this thing thrust down on them without consulting their wishes and aspirations. This kind of infringement of the democratic process leads to trouble. Therefore we should be particularly careful not to make any more inroad on democratic processes or on democratic methods. Really we ought to know, this Parliament should know, that there has been a good deal of misrepresentation of the people of Gujarat. As a matter of fact, nothing would have happened if there had not been this unfortunate police firing on boys before the Congress House on the 8th and that was a very deplorable thing. Not one case of arson or looting or any attempt at assaulting any Congress leader or anybody else had taken place in that city when this thing happened and it is a very regrettable thing.

Now, we have got to be particularly careful today and in finalising the Constitution we should do nothing to give any encouragement to centrifugal forces which will put into peril the unity of India and which will in some way imperil the cohesion of this great country. I am strongly in favour of linguistic States subject to certain essential safeguards, and the greatest safeguard is that in no way must the integrity of the country be endangered. We must not allow the unfortunate tendency to look upon the States as sub-nations or sub-nationalities. That must be repressed. I am one

with some of the hon. Members who have just spoken, and we must do our best as elected representatives of the great Indian nation to see that no such tendency is anywhere encouraged. Shri Panikkar has recently delivered a speech which has just been published in his book. *The State and the Citizen*. There he is saying:

"In a country like India with its regional disparities, with its local traditions and languages, the necessity of encouraging policies and programmes that strengthen the unity of the nation is obvious especially when on that unity are dependent both our political safety and our economic prosperity."

It needs no argument. Prosperity in the modern world would depend upon the utilisation of our national resources irrespective of regional or provincial barriers and therefore we can never have a successful Five Year Plan or the development of a truly planned economy unless we get rid of this notion that this regional patriotism means any kind of loyalty to sub-nations united under one federation. Of course, a federation will have to secure the balance between the centre and the different regions. Of course, we know that India's independence has been achieved because we could harness the forces of regionalism in a proper spirit, but that should not be allowed too much play and we must try to see that the traditional and narrow loyalties do not in any way endanger our safety especially when foreign powers and our neighbours who are operating under foreign influences to our detriment are casting a long and lingering look on Kashmir and our frontiers on both sides are in peril. We must remember that.

Now, what I want to say is this, that with regard to the Union Territories I am afraid that we in the Joint Committee could not evolve a satisfactory formula. I pointed out in my dissenting note that these Union terri-

tories should not be all generalised and put on the same category. It will be ridiculous to put Delhi on the same footing as the Andaman and Nicobar Islands. Now that Bombay is going to be in a bilingual bigger State, we do not think of it as a Union territory, but it is still proper to make some definite constitutional recommendations for the political set-up of the City of Delhi. It is not enough saying "treat it like Canberra or treat it like Washington". Delhi is neither Washington nor Canberra. Its history dates back to thousands and thousands of years. Long, long before European civilisation had its birth, Delhi was one of the foremost cities of the world. Therefore, it is a city which is not co-terminus with the development of this Governmental framework or the development of the political machinery which is now ruling India. We have got to have in view the particular historical background. I am therefore saying that although we have made some advance on the original Bill we should still think of putting in some clause in the Constitution when we are enacting this Bill that at least Delhi, Tripura and other States should have some kind of democratic machinery for reflecting the voices and sentiments and aspirations of the common people and there should be some Council of Ministers. There should be some constitutional head, and it should not be placed only under a junior Minister sitting there. That will not be doing justice to Delhi and that will lead to practically no real solution of Delhi's many problems, and you will not be doing justice to the greatness of this historic city. Similarly we should do something for the other Union territories, and it will be entirely wrong to deprive them of any real democratic set-up. That will be putting back the clock and that will not be desirable.

With regard to one clause I have very strong dissent to make, and I am repeating my caveat in all solemnity and all sincerity. Clause 22 in this Bill says:

"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."

I would have been very happy if this regional formula would have really solved the problems of Punjab. I have toured Punjab and I know something of Punjab. I have recently had occasions to go there, and I am sorry to say that this formula has not solved and will not solve the problems. On the other hand, large sections of the people have not accepted it.

**Sardar Iqbal Singh** (Eazilka-Sirsa): Only a few persons, not a majority.

**Ch. Ranbir Singh** (Rohtak): Question.

**Shri N. C. Chatterjee**: I am saying large sections of the people have not accepted it and my friends know it and therefore they are simply trying to cover it up by shouting, but that is the truth. What I am saying is this. I am now taking up a point which is more fundamental. The fundamental point is this. It may be that the Ministers are quite satisfied with the pact which they have entered into with the great Akali leader and the Akali Party;—the Home Minister has embraced Master Tara Singh, I hope it will not be the embrace of Dhritarashtra, but will be a real, genuine, loving embrace, but whatever be the embrace or the pact, what is the scheme that you are envisaging?

**Shri N. R. Muniswamy** (Wandiwash): Any insinuation?

**Shri N. C. Chatterjee**: Look at clause 5 of the regional formula. I

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have inserted it in my Minute of Dissent. I have got it in front of me, and clause 5 says:

"The advice tendered by the regional committee will normally be accepted by the State 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."

With full sense of responsibility, I say you are really destroying the fundamental principle of a democratic government when you put this clause in. Notwithstanding anything in the Constitution of India, the President, by an executive order, may make the law, and supposing, out of 60 Members in the Haryana regional committee, 31 members vote upon a certain thing, even if the predominant majority in the Punjab Legislature demand that the law shall be otherwise, then the clear verdict of the majority of the elected members, that is of the representatives of the people of the Punjab shall not be given effect to. 31 members of the Haryana Regional Committee can entirely hold up the clear expression of the will of 120 members.

My hon. friend Pandit Thakur Das Bhargava feels strongly for Haryana. I am very happy he has pleaded strongly for Haryana. But let him look at this aspect of it also. Will it be fair, will it be just, will it be democratic, will it be constitutional, and will it be consistent with any constitutional form of government, to allow the President to make an executive order whereby he can say that a small minority of 31 members of one region will be entitled to hold up the entire legislative machinery of the State of Punjab, that although 125 members or 130 members of the Punjab Legislature may say that this Bill shall be the law, 31 members of a particular regional committee shall be entitled to defy it, and in that case, it shall not be the law? What shall be the law then? If it is not the dominant will of the clear majority of the

elected members of the legislature, as a whole, which shall make the law, then what shall be the law?

It is said in the regional formula:

"In case of difference of opinion, reference will be made to the Governor whose decision will be final and binding."

In other words, in case of difference of opinion, the Governor's decision shall be final. I strongly object to this kind of constitutional provision.

Do not think that I am against any particular community. I do not look upon the great Sikh community in any other way except that it is part and parcel of the Hindu community. It is an integral part of our Hindu community, and nothing else but that. I have quoted in my minute of dissent the great saying of the great Guru of the Sikh Panth:

*"Sakal Jagatme Khalsa Panth gaje  
Jage Hindu Dharma Sakal Bhandha  
Bhaje"*

It was for the purpose of affirmation of the essence of the Hindu religion and its revival that this Panth was created. Therefore, it is the greatest and dominant force for Hindu Renaissance, for which we are obliged. And we look upon the great Guru not as the Sikh Guru but as the Hindu Guru, the guru of the whole of Hindustan. We look upon him just as we look upon Rana Pratap as the saviour of Hindustan, or Chatrapati Shivaji as the saviour of the Hindu nation. There is absolutely no difference there. But what I am saying is this. Is this consistent with democracy. Is this consistent with principles of constitutional politics? Is this right to make the Governor a complete director? How will the Governor function? Will not the Governor function purely or more or less on the advice of the Ministry? Therefore, are you not allowing the Ministry really to overpower and to veto the legislature? Is that proper? Is that just? Is that fair? Is that equitable? Is it not trampling under feet the clearest expression of the will of the people of Punjab?

## Bill

It will also hurt the Punjabi-speaking region. It may hurt the Hariana region. It may hurt anybody. But for heaven's sake, I would appeal to you not to have this kind of provision. I am appealing to the Home Minister; I am appealing to the Government of India not to be led away by pacts or by treaties or by alliances or by anything like that. If you honestly believe that that pact will lead to the redemption of Punjab, anyhow, place it before Parliament, make it a part of the statute of this country. Do not try to resort to backdoor and subterfuge. Do not go to Rashtrapati Bhavan and get the President's rubber stamp and say that the President has by an executive order allowed the Governor of Punjab to be the dictator, and if there is anywhere any clash between the Hariana region and the Punjabi-speaking region, that is to say, between the two regional committees, his voice shall be final, and he shall be the sole Fuehrer or the dictator, that he will be the Hitler or the Mussolini. That is entirely repugnant to the spirit of our Constitution.

Look at what article 246 of the Constitution says:

"(2) Notwithstanding anything in clause (3), Parliament, and subject to clause (1), the Legislature of any State specified in Part A or Part B of the First Schedule also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the 'Concurrent List')."

"(3) Subject to clauses (1) and (2), the Legislature of any State specified in Part A or Part B of the First Schedule has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the 'State List')."

Exclusive power is given to the State legislature to make any laws it thinks fit, in respect of the matters in the State List, and to exercise concurrent powers in respect of the Concurrent List. Now, you are taking away that power. You are abrogating that constitutional prerogative of the State legislature, not by Parliamentary legislation but by an executive order. Is that right? Is it proper that by an executive Proclamation, you shall abrogate the basic principle of this Constitution, that you shall completely defy the very fundamental concept of distribution of legislative power under this Constitution, that you shall disable permanently the State legislature to function in respect of either the State List or the Concurrent List?

I am not exaggerating this, because in para 2 of the regional formula, it is said:

"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 regions."

But look at the list given in para 6. That really does cover some of the most important aspects of provincial administration. The first item is:

"Development and economic planning, within the framework of the general development plans and policies formulated by the State Legislature."

Therefore, the entire development and the entire economic planning of the State is practically left to the regional committees, and they shall have practically the final voice, subject to the veto of Governor.

Item No. 2 reads:

"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;"

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The list goes on to say:

(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) co-operative societies; and

(xiv) charities and charitable institutions, charitable and religious endowments and religious institutions."

The last item is very important. Charities and charitable institutions, charitable and religious endowments and religious institutions are left to the tender mercies of the regional committees, and the Punjab State legislature is parcellarily deprived of its legislative power in respect of charities, charitable and religious endowments, cooperative societies, local self-government, constitutional powers of municipal corporations, improvement trusts, direct boards and other local authorities.

Pandit G. B. Pant said, "But look at clause 1, Shri N. C. Chatterjee shuts his eyes of clause 1." I do not shut my eyes to clause 1. Clause 1 says—I mean clause 1 of the regional formula—that 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 one Governor. What is the good of making this

empty declaration? It is a mere declaration, because it is an empty formula. It is a device to operate merely as a cloak, because, immediately, in the next sentence, you say that in respect of those matters which have been specified, the entire legislature shall not be allowed to legislate, and articles 245 and 246 will not be operative from tomorrow. What is the good of saying that there shall be one legislature for the State? It will be a legislature only in name, for, in respect of these enumerated matters, they are deprived of power. These Regional Committees shall function in regard to those matters, and whenever there is a difference between the Haryana Region and the Punjab-speaking region, the sole arbiter...

**Pandit Thakur Das Bhargava:** The difference will not be between these two regions, but between the region and the State.

**Shri N. C. Chatterjee:** I know. But just look at this sentence:

"The advice tendered by the Regional Committees will normally be accepted by the Government and the State Legislature. In case of difference of opinion..."

Difference of opinion between whom? Suppose the State legislature does not accept the Haryana Region's 31 members' views. Then what? Reference shall be made to the Governor. Then the State legislature cannot function. The State legislature cannot legislate. The State legislature is deprived of the legislative power. Therefore, legislative power is immediately conferred on the Governor. I am, therefore, saying that in effect, in truth, in pith and substance, in the language of constitutional law, in real constitutional perspective of the matter, you are really vesting the Governor with a definite power, a decisive vetoing power, and that vetoing power is all wrong and is repugnant to democracy.

**Dr. Lanka Sundaram:** Also legislative power.

**Shri N. C. Chatterjee:** Yes, I am thankful for that. Vetoing means negative, suspensory power; legislative means affirmative, substantive power. If he chooses to say that anything shall be the law it shall be binding. Therefore, he can say that a law shall not be passed. The law shall not be what 125 or 130 members of the legislature decide and demand, but the law shall be that which the Governor thinks fit.

I am, therefore, saying: do not give this executive this power. Do not give the President this power. Do not make the President a Super-Parliament. Do not make the President a Constituent Assembly. With the greatest respect to the great statesman who is occupying that position, I am saying it is not fair and it is not right, because that will be merely a question of executive order. Bring it before this House. I do not think that was ever the intention of Master Tara Singh or the people who have entered into this treaty, because if you look at clause 7, it says:

"Provision will be made under the appropriate Central statute to empower the President to constitute regional committees....."

Therefore, they were thinking of a Central statute. Central statute, I take it, is a Parliamentary statute. Therefore, the provision must be made by Parliament by law. Parliament should be given the power to analyse these things and to say how far they shall operate and where they will not.

I have looked into Pandit Thakur Das Bhargava's alternative amendment. He has incorporated some of the clauses of this Punjab regional formula, but he has omitted two clauses, I think clauses 9 and 14. I have placed them side by side and studied them. Clause 9 says:

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

I have great doubts whether clause 9 will at all be constitutional. You remember in Manohar Singh's case the Supreme Court said: once you integrate two States to make them one, you cannot have different kinds of law in different parts of that particular State in respect of the same matter. There must be uniformity; otherwise, there will be infringement of article 14 of the Constitution.

But apart from the constitutional aspect, apart from the technical aspect, there is a good deal to be said. So far as I know—because I speak subject to correction; Pandit Thakur Das Bhargava knows much better and has greater experience than me—there was an option given in pre-partition Punjab to write or read either in Urdu or in Gurmukhi or Hindi or Punjabi. At least in the case of Punjabi, there was no difficulty. Option was given. I cannot understand why the same facilities cannot be given.

Also he has objected to clause 14, which says:

"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".

Objection was taken when I said in Ludhiana that this was some kind of a Communal Award. Believe me, I do not want to bring about any communal cleavage. Coming from Bengal, I knew that communal awards did not at all solve the communal problems. I take it the same is the lesson of history elsewhere. A Communal Award was made by the Britishers and that led to greater communal cleavage. My apprehension was that I would have been very happy if it had led to communal peace and amity and there had been complete restoration of fraternal feelings and the trouble had ended in Punjab. But I find there has been more cleavage and more separatist feeling. I was, therefore, apprehensive that this kind of

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communal award would not really solve the communal problem. I was, to a large extent, impressed by what the SRC said. The Commission has clearly stated and unequivocally stated; on this one point, all the three members are of the same view. Mr. Justice Fazl Ali took a different view from Sardar Panikkar and Dr. Kunzru; that was with regard to Himachal Pradesh being integrated with Punjab and PEPSU. But regarding the other points, all the three Commissioners have complete unanimity of agreement. They say that there is really no language problem in the Punjab. Their verdict is clear, definite and unequivocal. They say there is really no language problem. It is a battle of scripts. But there is no fight over languages. On the other hand, they have said that whatever artificial distinction there was between the Punjabi and Hindi speaking regions it has been blurred by the large influx of thousands and thousands and lakhs and lakhs of refugees from West Punjab. Therefore, even that little demarcation has more or less disappeared. So they are saying that really there is no language problem in the Punjab.

I make this appeal to Parliament, I make this appeal to the Home Minister and I make this appeal to my hon. colleagues. Let there be no division of any State on communal lines. Basically, the demand for the constitution of two regions is not linguistic, nor cultural. It must be communal. But cultural and linguistic considerations or arguments have been pressed into service for the purpose of covering up the real object. Let not that be done. If I am wrong, I will be very happy to be corrected. But what I am appealing is this: let not these considerations be imported when the Commission clearly states that there is really no language problem in the State of Punjab and the line of demarcation between Punjabi and Hindi speaking areas is more theoretical than real. The Commission further observes that with the large-scale influx of Punjabi-speaking

people from Western Punjab into all the districts of the State of Punjab, this has been further blurred. The Commission's definite finding is that there are no distinctive cultural zones in the State of Punjab.

Apart from this, I would like to refer to one other factor, and I have finished. That is about the question of minorities. I have been deeply distressed over this minorities problem. At the same time, I am thoroughly conscious of the fact that we should be very very careful. I could not evolve any satisfactory formula. As a matter of fact, I know that even after the Bill regarding territorial readjustment between Bengal and Bihar has been passed, there are thousands of people on both sides who are thoroughly unhappy. Therefore, something must be done to make linguistic minorities, especially in bilingual belts which border on areas, that they should enjoy some kind of reasonable safeguards. At the same time, I do not like that this minorities problem should be pressed too far. Nothing should be done to encourage any anti-national forces operating in this country. I am sorry to say they are still operating, and we should be very very careful.

I spent a couple of hours yesterday visiting areas where bombs were thrown in the city of Delhi. I do not know what is happening. Possibly some crooked brain is deliberately resorting to this device to blackguard India, to make the position of our Prime Minister difficult when he is going to Saudi Arabia to discuss important matters with Col. Nasser and others. We should be very very careful.

I do not at all approve of Pandit Thakur Das Bhargava's idea that minorities should be given special representation in Ministries. That will lead to very very difficult consequences and again may stimulate 'Pakistani' sentiments and aspirations which will do no good to India.

**Pandit Thakur Das Bhargava:** I have never pleaded for any special

representation for them but only for reasonable representation.

**Shri N. C. Chatterjee:** I am very happy to know that I am wrong. I thought that my hon. friend was asking for special representation for them in Cabinets. Anyhow, if that is not so, I am very happy.

What I am saying is: let us be very careful. We must do our best for the purpose of giving linguistic minority groups reasonable safeguards. We have put in some clause. Shri Frank Anthony is not satisfied. Shri Anthony should know that the Anglo-Indian community, the great community which he represents, must now completely identify themselves with the nation. They cannot think themselves perpetually to be a minority speaking English or French or German language, and say: 'We are a linguistic minority. Therefore, we must have special safe-guards'. There must be complete identification with the people. Accept completely the culture of India. I am saying that not in a spirit of retaliation or in a spirit of conflict but I am appealing to them to be thoroughly nationalised in the sense of being Indianised. Then, I am quite sure we shall do everything possible to allay their just apprehensions.

4 P.M.

You know the Commission has observed that there is no reason why the Governor should not function as an agent of the Central Government with regard to a matter of national concern. There is nothing anti-democratic about such an arrangement because the Central Government will be responsible to the Union Parliament for functions performed by the Governor as its agent. I have my doubts whether it will be efficacious to have a particular officer. He will be flooded with thousands and tens of thousands of complaints from all over the area and I do not know how this man will be able to deal with them. Even if you send those things to the Centre, I do not think the Centre will have time....

**Shri B. S. Murthy:** It has been objected to; it is in the note. That suggestion of the Commission has been rejected in the note placed on the Table.

**Shri N. C. Chatterjee:** I am thankful to my hon. friend. But what I am pointing out is that there are still some Members who have pressed for the appointment of a particular officer just like the Scheduled Castes Officer....

**Shri V. G. Deshpande:** Government have given notice of an amendment, No. 183.

**Shri N. C. Chatterjee:** I am pointing out that it will not be efficacious; on the other hand, it will embarrass the Government and may help the stimulation of fictitious claims or fantastic claims and that may lead to further complications and further cliques.

**Shri Dasaratha Deb (Tripura East):** Sir, the Bill when it was introduced in the Lok Sabha had created great disappointment in the minds of the people of Part C States, particularly, Tripura and Manipur which are going to be under the category of Union Territories. Even after hearing the hon. Home Minister today I was not satisfied with his declaration. I am sure that the people of Tripura and Manipur also will not be fully satisfied by such declarations. He says that in Tripura and Manipur some Council is going to be introduced. He has not stated clearly what will be the nature of that Council and what powers will be given to that Council. He has not explained that to this House.

You know that time and again hopes were given to us—even in this House—that the democratic set-up would be introduced in our States and that the hopes and aspirations of the people would be given due respect. But up-till now nothing has come to us. Even now he has not given the details of the working of the administration but it is apprehended that anyway he is not going to introduce the Legislative Assembly in that State. That is certain.

[Shri Dasaratha Deb]

Even now, Sir, you may remember that whenever we sought to raise the question of the introduction of Legislative Assemblies—full-fledged ones—in Part C States, what sort of treatment we have got from the Government benches. Perhaps it was during the 2nd or the 3rd session of the Lok Sabha when we wanted to introduce a Part C States Bill by which we wanted to give full-fledged Legislative Assemblies to Part C States like Tripura and Manipur etc., the introduction of the Bill was opposed. The then Home Minister, Dr. Katju said that he opposed it on the ground that the Government itself would be coming forward with such a Bill to confer the democratic set-up on those States. After that, nothing has come out here and even today, when the hon. Home Minister moved for consideration of the Bill, he did not say what sort of powers and administrative capacities would be given to those territorial bodies or councils which he intended to introduce in the Union territories. This is a great disappointment; there is no doubt about it. At the same time, I must say that it is high time for Government and the Cabinet to take a definite step to introduce full-fledged Legislative Assemblies in those States because many times we have heard from them arguments as to why there could not be Legislative Assemblies in Tripura and Manipur and other small States. Arguments have been advanced saying that those are small places, the population is very small and there are certain other considerations like their geographical position etc. I should say that these should not be the considerations that the people of those States should be deprived of their democratic rights.

This Parliament, in spite of its competency in all affairs, was not able to do justice to all these Part C States. Our experience during the last 4½ years has shown that there are many problems and not a single one was discussed in detail here. Even during the Budget session, the Home Ministry clubbed all the Part C States together

and not a single hour was allotted definitely for the discussion of that Budget. Our small States were mixed up with other problems and, naturally, our problems could not be brought forward here. Other Members were also not in a position to appreciate or to understand what are the real problems of these small States. Under these circumstances, it is extremely desirable that all these States should have their Legislatures where at least they can discuss their problems in detail and go through them also in detail.

It is not possible for this Parliament to do justice to all these problems because Members coming from the different States have got their own problems and it is not expected that all the Members should know every detail of the problems of these States. Why should you keep these States still under the rule of Parliament? I should say we are going to do injustice to them. The cry for Legislative Assemblies in Part C States is not a new thing. It is not a product of accident. Even when the Constitution was being framed and discussed in the Constituent Assembly, several Members raised this question. On the last occasion our hon. friend, Shri M. B. L. Bhargava reminded this House that there was a strong feeling among the Members of the Constituent Assembly to confer Legislative Assemblies on all these Part C States. It was in that spirit that Legislative Assemblies would be conferred on these States that the Constitution was finally adopted.

You know how for the last 4 or 5 years the people of Tripura and Manipur and other Part C States have demanded through their memorandums, through public meetings and demonstrations and through other means these rights. The representatives from Tripura and Manipur have raised their voices again and again. But even now the Government is not prepared to give Legislative Assemblies to those States. This is the proper time and I must tell the House,

as I have said again and again, that if no provision is made in this Bill to confer Legislative Assemblies on those Part C States, the Government will be guilty of doing injustice to the people of those States. A great number of people are still in the Union territories, and the number may be more than five million, and you cannot deprive all those five million from having their democratic rights and from participating in the management of administration of their own State.

The Home Minister in the course of the debate said that they are willing to give scope to the people of the Union territories in the administration of their State. But how these people will exercise their right to participate has not been clearly stated here.

At the time of floods last time, the District Magistrate and Chief Commissioner formed a type of organisation, called 'Flood Relief Committee' in Agartala and wanted the people's co-operation and suggestions. Our member participated and attended the meeting and raised some problems before them, but practically nothing was accepted. If this is only of the nature of an Advisory Council, it is not directly responsible to the people, if it has no power to discuss the problems of the people and if the members of such councils and bodies have not been given right to ask questions and get satisfactory replies from it, or from the Council of Ministers, then it is really a farce to have such an advisory body.

You must remember that our country is embarking on the Second Five Year Plan. In doing so, we must open newer and newer avenues for the people to participate in nation-building work. If you do not give full scope to the people to participate in this work, you cannot succeed in the Second Five Year Plan. If this Council is going to be in the nature of an advisory body it cannot enthuse the people to participate in the work of the nation. It must be given certain powers; otherwise, mere advice means nothing. I know why the hon. Home Minister and the

Cabinet still hesitate to give us Legislative Assemblies. There is some difficulty. The Cabinet also knows that if a Legislative Assembly is given for Manipur and for Tripura, it is almost certain that their party, the Congress Party, will not be in the position of being in the majority in the Legislature.....

**Shri L. Jogeswar Singh:** Congress Party is in a majority; it is certainly in a majority in Manipur. If a Legislative Assembly is given.....

**Mr. Deputy-Speaker:** Order, order. Is that decision to be taken here and now?

**Shri Dasaratha Deb:** If a Legislative Assembly is given for Tripura State, it is definite that our party, the Communist Party will come into power, and the Congress Party will in no way come into power in that State. In Manipur also, it is not Congress that will come into power, but perhaps the Socialists and other groups, if they unite, will come into power.

**Shri L. Jogeswar Singh:** What is the strength of the Communist Party in the electoral college in Manipur State? What is the strength of the Socialist Party in Manipur State? The Congress Party has got 20 out of 30 members.....

**Shri Dasaratha Deb:** I am definite about Tripura State. What were the election results? The last elections revealed that 61 per cent. was polled by the Communists and the rest by all other parties. (*Interruption*).

**Mr. Deputy-Speaker:** The hon. Members from border areas have to abide by certain rules.

**Shri Dasaratha Deb:** I request again and again that this hon. House should consider our case. I have also moved certain amendments seeking the creation of Legislative Assemblies in these States.

The other point that I want to mention is the minority languages. Even in the Government amendments on this question, the term "minority" is limited, because it only covers the

[Shri Dasaratha Deb.]

languages that have been mentioned in the Constitution. Apart from them, there are so many languages, so many dialects that have got a definite culture, but they have been left out. I want that all these minority languages also should be given their proper scope. In our State, we have our tribal language and we have our distinct culture, and we are also developing our language now. But our language was not recognised by the Constitution, and so we are not being given any facilities. The minority languages mentioned in the Constitution should be extended and increased in number. When the Constitution was framed, it might be that certain languages had not developed. After that, it may be that certain languages have developed and there is a chance for some languages to develop in the future also. So, you cannot restrict the number of minority languages to 14 in the Constitution; you must give scope to other languages also.

In Tripura State, it is very difficult for us to learn. Our students have to learn the lessons in Bengali although our mother tongue is Tripuri. Naturally it is very difficult for them to learn their lessons. Up to the Matriculation standard even, the boys are to get their lessons into memory without understanding them properly. Not only that; even in the matter of business transactions or getting documents, etc., signed, great difficulties are experienced. The tribal people are generally poor; they are poverty-stricken people; they have to take loans from Mahajans against documents, and the documents are written in Bengali, not in our tribal language. Sometimes it happens that the tribal people sign these documents without knowing anything contained in those documents. After the documents are signed, you cannot protect those people legally even if there were found something seriously mischievous. Sometimes the terms and conditions written in the documents are not the same as those that have been explained to them orally, by the

Mahajans. Sometimes the amount of money which has been taken by the party is not the same as mentioned in the document. In this way hundreds of people are being deceived, and they have lost their lands and properties. If a Committee be appointed and will investigate into all these things in Tripura State, it will find that what I have stated here is true.

We have no municipality and panchayats for Tripura; I demand for Tripura a panchayat system. If the panchayat system is introduced in our State, then there are geographically certain areas situated, where we can function through our tribal language, the panchayat office can function in our tribal language. If there is no provision in the Constitution in this regard, we will be prevented from functioning so.

Finally, I request that a legislative assembly must be given to all these Union Territories. The linguistic minorities should be given sufficient safeguards. There must be some statutory body to do all these things. Some officers should be appointed to investigate the problems affecting the minorities and their grievances and he should submit a report to the President. That report should be discussed by this House and after that, the President should issue directive to the States which must be binding on them. Otherwise these States and Territories will not do anything. We know what happens to the Report of the Scheduled Castes and Scheduled Tribes' Commissioner. Very good and valuable suggestions are made in the report but they are not implemented. He has no right to implement them. It should not be left like that.

श्री राधा रमण (दिल्ली नगर):  
उपाध्यक्ष महोदय, यह विषयक जिसके द्वारा हम अपने विधान में संशोधन करने जा रहे हैं बहुत असें से हमारे मुल्क के सामने है और यह बड़ी खुशी की बात है कि अब हम एक ऐसी मंजिल

पर आ पहुंचे हैं कि इसके पास हो जाने के बाद देश के अन्दर एक चर्चा जो बहुत दिनों से राज्यों के पुनर्गठन के बारे में चल रही थी, वह खत्म होगी और हम भारत का एक ऐसा नक्शा बना सकेंगे, और ऐसे राज्य कायम कर सकेंगे कि जिसको सब की सम्मति प्राप्त होगी। पहले तो यह एक उम्मीद ही थी लेकिन अब यह यकीनी बात होती जा रही है।

इस विषयक पर चर्चा के समय कई बातें सामने आई हैं। सब से पहले मैं अपने विचार उन यूनियन टैरिटरीज के बारे में इस सदन के सामने रखूंगा जो दिल्ली, हिमाचल प्रदेश, मनीपुर और त्रिपुरा, इन चार इलाकों से सम्बन्धित हैं। आज हमारे गृह मंत्री जी ने इस सदन में इन टैरिटरीज के बारे में जो नई घोषणा की है उससे बहुत कुछ अन्धेरा दूर हो गया है और यह चीज कुछ प्रकाश में आ गई है कि इन टैरिटरीज का भावी शासन किस प्रकार का हो यह बात एक बार नहीं कई बार इस सदन के सामने दोहराई गई है और ऐसा करते समय हकीकत और सचाई को ही सामने रखा गया है। आज भारतवर्ष एक विधान के मातहत और एक ही तरह से शासित होने जा रहा है। लेकिन दुर्भाग्यवश यह चार या छः इलाके ऐसे हैं कि जिन्हें इस कालिल नहीं समझा गया कि यहाँ पर भी उसी प्रकार का शासन प्रबन्ध लागू किया जाए जिस प्रकार का कि दूसरे राज्यों में लागू किया जा रहा है। जब हमारी अस्थायी पार्लियामेंट थी उसमें इस प्रश्न पर विचार करके और सारी ऊंच नीच को देखकर एक ऐसा नक्शा इन इलाकों के लिए रखा गया था कि जिसमें जैसा शासन प्रबन्ध बाकी दूसरे प्रांतों में था, वह इनको नहीं दिया गया लेकिन फिर भी लोगों को कुछ सांत्वना थी, कुछ

भरोसा था और लोकप्रिय सरकार द्वारा यहाँ पर शासन होता था। उम्मीद यह की जाती थी कि जब राज्यों का पुनर्गठन होगा तो इन इलाकों के लोगों को और भी ज्यादा अधिकार देने के लिए कुछ सुधार किए जायेंगे। मगर ऐसा नहीं हो सका। इसके बजाय दिल्ली, हिमाचल, मनीपुर और त्रिपुरा को यूनियन टैरिटरीज का नाम देकर उनसे प्रजातंत्रीय हक वापस लिए जा रहे हैं। इसका दुःख हमें हमेशा रहेगा और मैं समझता हूँ कि यह एक ऐसा अन्याय है कि जिसको अब नहीं तो आगे चल कर हमारे सदन को खत्म करना होगा। यह बात कई बार कही जाती है कि इन इलाकों को इस लिए अलग रखा जाता है कि ये कुछ पिछड़े हुए इलाके हैं या इनको कुछ ऐसा स्थान प्राप्त है कि जिसमें यह जरूरी है कि इनके शासन प्रबन्ध में केन्द्रीय सरकार का हाथ रहे। इस बात को मानते हुए भी यह बात कभी हमारे दिल में नहीं आई कि इन राज्यों को उस प्रजातंत्रीय शासन से जिस के द्वारा कि अन्य प्रदेश शासित होते हैं, वंचित किया जा सकता है। मैं यह अर्ज करना चाहता हूँ कि दिल्ली एक ऐसा स्थान है, एक ऐसा ऐतिहासिक नगर है कि जिस को हम ने राजधानी बनाया है मगर इसका इतिहास भी बहुत पुराना है और शानदार रहा है। यहाँ की आबादी भी जैसे आप जानते हैं, हर साल एक लाख के करीब बढ़ जाती है और बहुत सम्भव है कि इसकी आबादी अगली सैसस तक ३० लाख के करीब हो जाए। यहाँ पर जो लोग रहते हैं जो इतने ज्यादा लोकप्रिय अथवा जनतंत्रीय शासन से परिचित हैं, लोकप्रिय संस्थाओं से उनका सम्बन्ध है तथा इतना ज्यादा लोकप्रिय शासन के उत्तरदायित्व को समझते हैं कि अगर उनको इससे वंचित कर दिया जाएगा तो इससे उनको बड़ा दुःख तथा असन्तोष होगा।

[श्री राधा रमण]

इस लिए मैं बार बार यह कहना चाहता हूँ कि अब्बल तो मैं, जो नाम इन टैरिटरिज को दिया गया है, यानी यूनियन टैरिटरिज, इसको बहुत पसन्द नहीं करता क्योंकि यह नाम इस भावना को हमारे दिल में जागृत करता है कि ये इलाके कुछ पिछड़े हुए हैं, इन इलाकों में सूझ बूझ वाले या बहुत अक्लमन्द लोग नहीं हैं जिसके लिए इनको टैरिटरिज कहा जाता है। साथ ही यह भी विधेयक में इन टैरिटरिज को एक एडमिनिस्ट्रेटर के जरिये से शासित किया जाएगा। यह कुछ और भी चुभने वाली चीज है क्योंकि आम तौर पर एडमिनिस्ट्रेटर एक ऐसी जगह का होता है कि जहाँ के लोग शासन करने के नाकाबिल होते हैं या उनके द्वारा शासन होना सम्भव नहीं मालूम होता है। ऐसी सूरत में एक एडमिनिस्ट्रेटर मुकर्रर कर दिया जाता है। इस लिए इस शब्द से मुझे संतोष नहीं होता है और मैं यह कहूँगा कि यह शब्द अनुचित है और उसी तरह से चुभने वाला है जैसे कि "यूनियन टैरिटरिज"। मेरी राय यह है कि अगर सदन इस बात पर तुल गया है या यह मुनासिब समझता है कि इन एरियाज को उस लोकप्रिय शासन से वंचित किया जाए ओ अब यहाँ पर है तो मैं यह कहूँगा कि कम से कम इन शब्दों को तो यहाँ से बिल्कुल हटा दिया जाय और इन की जगह कोई बेहतर शब्द प्रयोग में लाया जाये। मैंने एक संशोधन दिया है जिसको मैं कल पेश करूँगा जिसमें मैंने यह चाहा है कि बजाय इसके कि आप एडमिनिस्ट्रेटर रखें, गवर्नर या लैफ्टिनेंट गवर्नर रख दें यह ज्यादा मुनासिब होगा और पसन्द भी किया जायगा। आपने जो विधेयक इस समय पेश किया है उसमें यह विचार भी सामने रखा है कि एडमिनिस्ट्रेटर कोई बराबर के सूबे का

गवर्नर हो सकता है। अगर यही बात है तो समझ में नहीं आता कि इस शब्द को हटा कर अगर आप गवर्नर या लैफ्टिनेंट गवर्नर शब्द रख दें तो इसमें क्या दिक्कत होगी। हाँ इससे यह सन्तोष जरूर मिलेगा कि जो सेंट्रली एडमिनिस्टर्ड एरियाज या यूनियन टैरिटरिज होंगी, इन एरियाज के लोगों को यह ब्याल न होगा कि वे किसी तरह से और इलाकों से कमजोर या शासन के नाकाबिल समझे जाते हैं। बल्कि स्ट्रैटिजिक ख्याल को सामने रखकर या कि इस विचार को अपने सामने रख कर जिनसे कि केन्द्र ज्यादा मजबूत हो सकता है, केन्द्रीय सरकार ने ऐसा किया है।

एक बात जो आज घोषित की गई है और जिसके लिए कि मैं माननीय गृह मंत्री को धन्यवाद देना चाहता हूँ: गृह मंत्री ने कई बातों पर ऐसा प्रकाश डाला है कि जिससे यह बात साफ नजर आती है कि भविष्य में देहली या और यूनियन टैरिटरिज का शासन किस प्रकार का होगा। दिल्ली के बारे में उन्होंने यह कहा है कि यहाँ पर एक बम्बई के ढंग की कारपोरेशन कायम होगी लेकिन उसमें से कुछ हिस्सा नई दिल्ली का निकाला जायगा। यह बात वह स्पष्ट नहीं कर सके कि नई दिल्ली के वह कौन कौन से हिस्से होंगे जो इस कारपोरेशन के क्षेत्र से बाहर निकाले जायेंगे। उन्होंने दिल्ली कैंटनमेंट और डिप्लोमैटिक इनक्लेव, यह दो इलाके जरूर कहे हैं। यहाँ दिल्ली की सारी राजनैतिक संस्थाओं की और नागरिकों की यह एक मांग थी कि दिल्ली में एक पूर्ण अधिकार प्राप्त कारपोरेशन की स्थापना की जानी चाहिए, और उसके अंदर नई दिल्ली का सारा भाग आना चाहिए। यह बहुत शंशों में मजूर किया गया लेकिन फिर भी उसमें यह एक अपवाद रखा गया है कि नई

दिल्ली के कुछ हिस्से को उसमें से निकाला जायेगा। घोषणा में यह बात भी रक्खी गई है कि यह पांच साल के बाद विचार किया जायेगा कि इस हिस्से को भी कारपोरेशन में शामिल कर दिया जाय। मेरी अपनी राय यह है कि जब आप दिल्ली वालों को कारपोरेशन देने चले हैं और आपने यह भी निश्चय कर लिया कि दिल्ली के लोगों को एक ऐसी कारपोरेशन मिले जो बम्बई के ढंग की हो, बम्बई की कारपोरेशन को हिन्दुस्तान भर में सब से अञ्चल कहा जाता है बल्कि दुनिया की अन्य कारपोरेशनों में भी उसकी एक नुमाया जगह है और बम्बई की कारपोरेशन को बहुत ज्यादा अधिकार प्राप्त हैं और यह भी स्पष्ट किया गया है कि तीन स्टैचुटेरी बौडीज जो अभी तक अलग अलग काम करती थीं और जिसके कि कारण अनेक किस्म की कठिनाइयां हम लोगों को देखनी पड़ती थीं, वे भी अब कारपोरेशन में शामिल कर दी जायेंगी। जब यह सब बौडीज कारपोरेशन के अधीन आ जायेंगी तब मेरी यह समझ में नहीं आया और मुझे इसका औचित्य नहीं मालूम पड़ा कि इस नई दिल्ली के थोड़े से इलाके को इस कारपोरेशन से क्यों अलग रक्खा जाता है। मेरी अपनी राय यह है और मैं समझता हूँ कि यह राय मेरी ही नहीं बल्कि दिल्ली की जनता की राय है और उन तमाम प्रतिनिधियों की राय है जो चुन कर किसी न किसी लोकल बौडी में बैठे हुए हैं कि दिल्ली के अन्दर एक ही कारपोरेशन होनी चाहिये और उसके क्षेत्र से कोई भी हिस्सा अलग न होना चाहिये। यह कारपोरेशन जब कि सेंटर के मातहत काम करेगी और जब यह भी नजर आ रहा है कि पार्लियामेंट के मेम्बरान के द्वारा दिल्ली शासित होगी तब फिर कोई बजह समझ में नहीं आती कि किस बात को सामने रख कर नई दिल्ली के कुछ इलाके को क्यों निकाला जा रहा है।

तीसरी बात जो मैं अर्ज करना चाहता हूँ वह यह है कि गृह मंत्री जी ने जो यह कहा कि इस तरह की कारपोरेशन बनेगी और साथ ही उन्होंने यह भी कहा कि इसे हम जल्दी से जल्दी अमल में लायेंगे, मेरी अपनी राय यह है कि इस सम्बन्ध में जल्दी से जल्दी का मतलब साफ हो जाना चाहिये। मेरी अपनी राय में यह कारपोरेशन अगर उस वक्त से पहले आ जाय कि जब सारे देश के अन्दर चुनाव होंगे तो वह ज्यादा बेहतर होगा और उससे कई फायदे होने वाले हैं। एक तो यह कि जो आम चुनाव होंगे और जो सदस्य लोक-सभा के लिये चुने जायेंगे उनका इस तरह से जोड़ हो जायगा और कारपोरेशन के मेम्बर भी और पार्लियामेंट के मेम्बर भी साथ साथ चुने जा सकेंगे। दूसरा फायदा यह होगा कि जो एक नई शक्ल यहां पैदा होगी और उसके अन्दर जो अग्रवाद होंगे वे भी खत्म हो जायेंगे। मिसाल की तौर पर मैं आपको बताना चाहता हूँ कि राज्य-सभा के तीन सदस्य इस विधेयक के मुताबिक दिल्ली को मिलेंगे। अगर कारपोरेशन को उसका एलेक्टोरल कौलिंग होना है तो ऐसा क्यों न हो कि इससे पहले कि वह चुनाव हो यह कारपोरेशन भी बन जाय और उसको यह हक हो कि वह तीन सदस्य राज्य-सभा के चुन सके। अगर ऐसा नहीं होगा तो इसका नतीजा यह होगा कि देहली को तब तक ३ सदस्य न मिलेंगे और हमें स्पष्ट होना चाहिये और यह भी कि उस दरमियान १ नवम्बर को यहां की विधान सभा आप स्वारिज कर देंगे, उसका वजूद खत्म हो जायगा, तो १ नवम्बर से लेकर उस वक्त तक जब कि नई पार्लियामेंट नहीं बनती है, राज्य सभा में जो ३ सदस्य आपने रक्खे हैं, उनका चुनाव किस प्रकार से होगा, आया उसका फायदा दिल्ली वालों को मिल सकता है या अगर मिल सकता है तो किस प्रकार से मिल सकता है, मेरी अपनी राय इस प्रकार की है कि अगर कारपोरेशन

[श्री राधा रमण]

के चुनाव साथ साथ हों तो पार्लियामेंट और कारपोरेशन के चुनाव में होने वाले खर्च में भी कमी होगी और यह अपवाद भी दूर हो जायेगा और जो एक नई शकल दिल्ली की बनने वाली है जिसके कि अन्दर लोक-सभा और राज्य-सभा के सदस्य ८ की तादाद में आयेंगे, वह भी पूरा हो जायेगा। अगर ऐसा नहीं होता तो फिर मैं यह कहूँगा जैसे कि अभी राजा बिलासपुर ने कहा कि यह मालूम होना चाहिये कि इस इन्टरिम पीरियड में क्या होने वाला है। देहली को राज्य-सभा में जो तीन सीटें मिली हैं वे किस प्रकार से चुनी जायेंगी क्या वर्तमान विधान सभा द्वारा दो नये मेम्बर चुने जायेंगे, अगर ऐसा हो तो मुझे इसमें भी कोई आपत्ति नहीं है लेकिन मैं यह जरूर समझता हूँ कि इन्टरिम पीरियड का कोई नक्शा हमारे सामने आना चाहिये कि किस प्रकार से शासन होगा उस दरमियान में, एक नवम्बर के बाद और जब तक कि नया विधान हमारे सामने नहीं आ जाता।

फिर जो एक विचार गृह मंत्री महोदय ने रक्खा है कि दिल्ली में एक ऐडवाइजरी कौंसिल बनाई जायेगी और ऐडवाइजरी कौंसिल उन लोगों की होगी कि जो कारपोरेशन के चुने हुए लोग होंगे और उसमें शायद २-४ ऐसे भी हो सकते हैं जिनको कि नामजद किया जाये। अगर यह ऐडवाइजरी कौंसिल कारपोरेशन के सदस्यों की बनती है और उसके बाद पार्लियामेंट के मेम्बरों की स्टैंडिंग कमेटी बनती है तो इसका और उस का आपस में क्या रिश्ता होगा, इसे भी साफ़ कर दिया जाना चाहिए क्योंकि अगर पार्लियामेंट के मेम्बरों को तीन बातों में अपने विचार प्रकट करने हैं, एक तो यह कि वे लेजिस्लेट करें, दूसरे यह कि पालिसी प्रोग्राम पर अपने विचार प्रकट करें और तीसरे यह कि बजट बनाने में सहायक हों, तो अगर कुछ काम उस ऐड-

वाइजरी कमेटी के पास होगा और कुछ इस स्टैंडिंग कमेटी के पास होगा तो इन दोनों का सामंजस्य या इन दोनों का समन्वय किस प्रकार होगा, उसका नक्शा भी सामने रखना जरूरी था, मैं समझता हूँ कि इस चीज को साफ़ करना चाहिये।

मैं दो मिनट का समय और आप से चाहूँगा। इस विधेयक को पढ़ने के पश्चात् जो दो-तीन बातें मेरी समझ में नहीं आई हैं, और जिन पर कि मैं प्रकाश चाहूँगा वे यह हैं कि संविधान की धारा ८१ और ८२ को जो हमने इसमें संशोधन किया है तो उसमें एक नुकसान जो मैंने देखा वह मैं आपके सामने रखना चाहता हूँ और वह यह है कि यहां पर लिखा है :

"The representation in the House of the People of the territories comprised within the territory of India but not included within any State shall be such as the Parliament may by law provide."

अब यह आपने हटा दिया है। मैं यह देखता हूँ कि हो सकता है कि हिन्दुस्तान में चाहे आज स्टेट के नाम से कोई टैरिटरी न हो लेकिन कल शायद जुड़ जाने वाली है या कोई ऐसी जगह रह सकती है कि जो इन तमाम इलाकों के अन्दर और स्टेट्स के अन्दर नहीं आती तो उसके लिए यह प्राविजन रक्खा था, अब इसको हटा देने के बाद हमें उसका फायदा मिलने वाला था वह हट जाता है। मैं मिसाल के तौर पर कहता हूँ कि मान लीजिये कि आज गोवा हिन्दुस्तान की स्टेट में शामिल नहीं है लेकिन कल कोई ऐसा मौका आ सकता है जब कि गोवा भी हिन्दुस्तान का एक हिस्सा बन जाय और जैसा कि हम सब लोग चाहते हैं।

कई माननीय सदस्य : गोवा भारत का हिस्सा है।

श्री राधा रमण : बिलकुल ठीक। मैं भी तो यही कह रहा हूँ कि गोवा हिन्दुस्तान का एक हिस्सा है और वह हिन्दु-

हिन्दुस्तान का हिस्सा सही मानों में है। मेरा कहना यह है कि अगर गोवा हिन्दुस्तान में मिलता है तो उस सूरत में अगर संविधान यह प्राविजन से छाप हटा लेते हैं तो फिर उसका कोई प्रतिनिधि लोक-सभा में लाना कठिन मालूम होता है। इसलिये यह बात मेरी समझ में नहीं आई है कि इस प्राविजन को क्यों हटाया गया है।

इसी तरह ८२ धारा में भी यह रक्खा गया था कि :

“Notwithstanding anything in clause (1) of article 81, Parliament may by law provide for the representation in the House of the People of any State specified in Part C of the First Schedule or of any territories comprised within the territory of India but not included within any State on a basis or in a manner other than that provided in that clause.”

यह दोनों क्लॉज ऐसे हैं जो कि इस किस्म के इलाकों के लिये फ़ायदेमन्द हो सकते थे, लेकिन इन को निकाल देने से हमें इस चीज का नुक्सान हो सकता है कि अगर कल इस किस्म का कोई इलाका हिन्दुस्तान में शामिल हो, तो उस का प्रतिनिधित्व हमारी लोक-सभा में या राज्य-सभा में किस प्रकार से होगा, यह स्पष्ट नहीं होता। मैं चाहता हूँ कि यह और स्पष्ट किया जाना चाहिये।

इसके अलावा जो संशोधन विधेयक पेश किया गया है उस में हम ने हर जगह पर कौंसिल ऑफ स्टेट्स और हाउस ऑफ दि पीपल शब्दों का प्रयोग किया है। मैं यह समझता हूँ कि जब सारे देश में हम ने पार्लियामेंट को इन दो नामों से परिचित किया है, यानी राज्य-सभा और लोक-सभा, और जितने हमारे कागजात आ रहे हैं, उनमें भी यही नाम आ रहे हैं, तो अच्छा होता कि इसी संशोधन विधेयक में कौंसिल ऑफ स्टेट्स और हाउस ऑफ दि पीपल के नामों का भी संशोधन हो जाता, जिस में कि आगे चल कर हमें इसके लिये संशोधन विधेयक साने की जरूरत न पड़े।

मैं एक अर्ज और करना चाहता हूँ, और वह यह कि यहां पर क्विबिस्टिक माइ-नोरिटीज का बहुत जिक्र किया गया और खास तौर से उन के सेफगाइंड्स के लिये स्टेटुटरी प्राविजन करने के लिये कहा गया। हमने सैम्बेज के नाम पर काफी उमाशा देखा है और सैम्बेज के नाम पर ही नहीं, तरह तरह के नाम ले कर, हमारे मुल्क के अन्दर एक नया वातावरण पैदा किया गया है जिस से इस देश की यूनिटी में ही कमी नहीं हुई है, बल्कि आपस में झगड़े फसाद भी काफी हुए हैं। इस लिये मैं समझता हूँ कि हमें इन बातों की चर्चा कम कर देनी चाहिये और देश के और उसमें रहने वाले सभी लोगों को चाहे वह किसी जवान के बोलने वाले क्यों न हों, इस बात का यकीन होना चाहिये, साथ ही उन को इस बात का भरोसा भी मिलना चाहिये, कि बजाय इसके कि वह कांस्टिट्यूशन में सेफगाइंड्स की मांग करें या किसी विधेयक में इस बात के लिये स्टेटुटरी प्राविजन करायें, बेहतर यह है कि हम आपस के व्यवहार से, भेल जोल से और भाई चारे से ऐसा वातावरण पैदा करें जिस में उन को यह मांग करने की जरूरत न पड़े, क्योंकि जहां पर इस किस्म के कांस्टिट्यूशनल प्राविजनस किये जाते हैं, वहां नतीजा यही होता है कि आपस में भेद या मनमुटाव पैदा हो जाता है, कम से कम हमारे कुछ साथी उस तरफ चलने जरूर लगते हैं। जिन लोगों को इस बात का डर है कि लिबिस्टिक माइनोरिटीज पर किसी किस्म का अत्याय होगा, या उनको नुक्सान पहुंचेगा, उन को थोड़ा भरोसा कर के काम करना चाहिये और इस बात का यकीन करना चाहिये कि हिन्दुस्तान बहुत तेजी के साथ आगे बढ़ रहा है, और उनको इन तमाम चीजों को आपसी एकता से आहिस्ता आहिस्ता निकालना है, जिन चीजों के जरिये हम एक दूसरे से कुछ अलग से रहते हैं, या एक दूसरे के दिल में मनमुटाव पैदा

[श्री राधा रमण]

हो जाता है, या आपस में नाराजगी और बदमज़गी पैदा हो जाती है, उन को हमें निकालना चाहिये। मैं इस चीज को बिल्कुल गैर-मुनासिब समझता हूँ और नुक्सानदेह समझता हूँ। जैसा मैं पहले भी कह चुका हूँ, हमें इन चीजों से गुरेज करना चाहिये और कोशिश करनी चाहिये कि हम अपने व्यवहार से, धर्म से, अपने रोजाना के रतबार से एक दूसरे के साथ मिल कर चलना सीखें और अपने मुल्क को एक कौम बना कर इस एकता को आगे बढ़ायें जिस के जरिये हम आज की दुनिया में जितने शानदार कहलाते हैं, उस से ज्यादा शानदार कहलायें।

इन शब्दों के साथ मैं गृह मंत्री जी को एक बार फिर धन्यवाद देता हूँ कि उन्होंने कुछ प्रकाश डाला उन इलाकों के ऊपर जो अब तक एक तरह से भुलाये द्ये थे या जिन के भावी शासन के विषय में बहुत कुछ सामोशी थी। मुझे इस बात का विश्वास है कि गृह मंत्री जी ने जो कुछ कहा है, वह भी आखरी बात नहीं है, बल्कि इस पर वह आगे भी विचार करेंगे और कम से कम जो दो बातें मैंने कही हैं, एक तो यह कि ऐडवाइजरी कौंसिल को अग्रर हो सके तो वह कोई दूसरा नाम दें, मैट्रोपोलिटन कौंसिल, ऐडमिनिस्ट्रेटिव कौंसिल, या इसी तरह का कोई और नाम दूसरे ऐडमिनिस्ट्रेटर के जगह वहाँ के अधिकारी को लेफ्टनेंट गवर्नर की पदवी दे दें, इन दो बातों को मान लें तो हम दिल्ली वालों को अधिक सन्तोष होगा इसके कारण हम स्वस्थ वातावरण बनाने में सफल हो सकेंगे।

इन शब्दों के साथ मैं फिर गृह मंत्री महोदय को धन्यवाद देता हूँ और इस विषयक का समर्थन करता हूँ।

**Dr. Jaisoorya:** The whole problem is this. In my view, the S.R.C. has made, somewhat, a mess of things, and we are legalising that mess. The great French statesman, Talleyrand,

once said, "Monsieur, this is worse than sin; this is mistake". I am afraid the S.R.C. was a mistake. Now, we will have to get on as best as we can and mitigate as best as we can the original—not sin, but, mistake. That is the whole problem.

Naturally, certain weaknesses, defects and even contradictions have crept in, in spite of our best endeavours. Actually, what has happened is that the S.R.C. wanted a balanced Bombay State. We have got now an unbalanced Bombay State. They wanted a 'whole' Punjab. Now, you have got a trifurcated Punjab. *De facto*, there are two Punjabs; *de jure*, there is one Punjab. Therefore, we have somehow to get over all these weaknesses. This naturally leads to certain paradoxes and even certain constitutional defects. I give, for example, the aspect regarding the regional standing committees. If they had frankly and honestly said, "Let us divide Punjab into two—Punjabi-speaking and Hindi-speaking along with Hariana and some other areas," the things might have been different. But now, things have happened in such a way that there are one or two peculiarities left, I can well understand the regional councils for bilingual and trilingual States, say, Punjab. But I am finding it very difficult, except on political expediencies, to recognise a regional council for a unilingual State like Andhra Pradesh. Of course, there are one or two self-styled linguistic experts who say that there is no Telugu-spoken in Telangana but probably Chinese. There are some people who talk like that.

Now, the point is this. We are trying for unity and these regional standing committees are perpetuating disunity. I can quite understand that if there are compelling circumstances created out of panic, misjudgment of the situation, etc., which induce the Government to have a regional committee for Telangana, it may be all right. But, before I go further into that matter, I have to answer my

esteemed friend Shri Mohiuddin who suggested that the name 'Andhra Pradesh' is inappropriate. He wanted the name 'Hyderabad'. Well, I would have agreed and I would have liked the name 'Hyderabad' very much, but the problem and the trouble are these. The Pakistani map has put Hyderabad as an independent Hyderabad. Otherwise I would agree to the name "Hyderabad". What other name can he propose except Andhra Pradesh? If he agrees to "Jahilabad". I am prepared to agree.

Coming back to the regional formula, I certainly agree that safeguards are very nice for specific purposes; but, I should suggest a development board. From the constitutional point of view, I cannot understand clause 5 of the convention which says:

"The advice tendered by the regional committee will normally be accepted by the Government and the State Legislature".

I cannot understand by what instrument you are going to curtail or in any way infringe on the sovereignty of the legislature. I can understand it in Britain where there is no written Constitution; but, we have got a written Constitution with specific powers and I do not see what right we have got to enforce that the advice of the regional committee should normally be accepted by the State legislature. The difference between Scotland and England is not so very great. There is a particular convention, but I do not see how that convention is going to be accepted here, knowing the facts as I do. The Assembly in the Andhra Pradesh will consist of 306 members or something like that. Out of these, about 101 will or can dictate to the remaining 200 and odd members. Generally the dog wags the tail; but here you want the tail to wag the dog. I do not understand it. I can understand your saying that the regional committee may recommend to the Government or the executive and the Government may, under certain circumstances, recommend it to the State Legislature; but,

you cannot make it obligatory under any convention, when the legislature is the sole law-making body, that a small group within the body should dictate to it what it should do and what it should not do. Let us, therefore, be clear. I would like the words "development board", because the powers that are being given are all for development purposes, as in the case of Maharashtra. All these things do not require any legislative function. You have got the list in front of you and I want to be very short. I, therefore, think that there are certain paradoxes. We do not know what to do and we jump from one mistake into another mistake. I certainly suggest that you should delete the words "State Legislature" in clause 5 of the formula for Regional Committees, because it is unconstitutional, because if we keep it, the powers we have given to the legislatures will be vitiated. Whether I am very democratic or not is immaterial, but the power has been given and it is something sacrosanct. You cannot, for the sake of expediency, go nibbling into the democratic process. This is what I would very much like to tell you.

Coming to boundary questions, I would like the boundaries to be settled amicably by the States themselves. If they can settle it, well and good. But, our experience has been that the Madras and Andhra Governments tried very seriously for three years to come to some settlement, but finally they got disgusted and asked the Central Government to appoint an arbitration or boundary commission. I cannot agree that the establishment of a boundary commission is going to keep the sore festering. At least, we can get on with our work. People will say, "All right; the boundary commission will settle matters; let us now start our work". Especially after this reorganisation, very large territories with all sorts of problems—minority problems, linguistic problems etc.—have been created. When Orissa was formed in 1936 as a small State, it took the Revenue Department three years to settle what the revenue system was going to be like. I do not

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know how many years we will require, after these new States are formed, to settle down to work, to find out what is what and to carry on our Five Year Plans. What is the harm in having a boundary commission?

Finally, minority problems are there, whether Mr. Radha Raman says we should ignore them or solve them by ignoring them. Some people have overemphasised it. According to the S.R.C. itself, the Russians have solved it in a very beautiful way. It is left to the Government to study what the Russian system is and whether it will be useful to us. Russia and Yugoslavia have also solved the question of States reorganisation on a linguistic basis; so, why we have not solved it is a question to be investigated.

This is what I wanted to draw the attention of the House to. However much reverence I have for the hon. Home Minister and his wisdom, we cannot ignore the facts. The problems should be solved, but if they find it difficult, they should be deliberately and frankly postponed.

**Shri Frank Anthony** (Nominated—Anglo-Indians): Mr Deputy-Speaker, the last time I spoke on the S.R. Bill, as it emerged from the Joint Committee, the Home Minister was not here. In his absence, I paid him a tribute and said that he had not only a charm of manner, but a persuasiveness of manner, which disarmed the most violent opposition. The Home Minister continues to be the spell-binder that he is. Even when he rejects a request, he does it in such a painless and charming manner that one is not aware that he is rejecting one's request. Now too I am paying him a very sincere tribute of appreciation and thanks. I am grateful that this provision with regard to the linguistic minorities is to be put into the Constitution. The Home Minister has accepted at any rate two-thirds of the proposal that I had made originally before the Joint Committee. It is only the remaining one-third, the final clause with regard to vesting the Centre with powers to issue directives,

that the Home Minister has not yet been able to agree to. That leaves me with a sense of grief. I want to be whole-hearted and unqualified in my thanks and appreciation to the Home Minister. At present my thanks and appreciation are qualified; it is only thanks to a two-third extent. I have got to ask him to concede the final request I made, so that I may be able to thank him from the bottom of my heart completely.

We have gone a long way from even the Joint Committee report. I feel that the linguistic minorities—there are a hundred million linguistic minorities—in our country will have every reason to be grateful to the Home Minister. This provision for appointing a Minorities Commissioner whose report is to be placed before Parliament being incorporated in the Constitution is a very great advance. It will have very considerable weight. But my difficulty is this. I still feel convinced that until we have a final clause vesting power in the Central Government to issue directives at its discretion, in the final analysis even the constitutional provision may be of no avail. I do not wish to labour this matter, but I am able to speak from personal experience. The country knows and the House knows the Bombay schools case. In that particular case, the State Government was pleased to pass an order which was palpably in violation of the Constitution. If this present provision or the provision which we are going to incorporate was present, even if Parliament found, as the Supreme Court itself ultimately found, that that order was palpably illegal, what would have happened? That is my difficulty and that is also my fear. If the Centre is not invested with powers to issue directives then this provision becomes meaningless. That is my point. If the minorities come exclusively under the control of the Centre, I would not ask for any provision of any kind because the treatment by the Centre of the minorities has been one which is inspiring confidence.

5 P.M.

Another example that I can give is an example which I gave to the Home Minister and I have expressed my gratitude to him for having put in a provision into the Home Ministry's circular with regard to the right to affiliate educational institutions to some examination outside the particular State. I had pointed out to the Home Minister that in Travancore-Cochin that State Government prevents schools of my community from affiliating to the Cambridge Examination. The Cambridge Examination is recognized as one of the very finest examinations in India. It is recognized by the Central Government; it is recognized by the State Governments; it is recognized by the universities and it is recognized by the Central Government to give my community certain special concessions. Yet the Travancore-Cochin Government says, "We will not allow you to affiliate to this examination" which is acceptable in other parts of the country. Now I can go either to the High Court or I can come to the Supreme Court and have that struck down because I say that that fiat of the Travancore-Cochin Government is obviously illegal and when you have given me under article 39 the right to establish and administer educational institutions of my choice, then *a fortiori* I will have the choice to affiliate to those examinations which I consider to be best in the interests of those institutions. But am I to move round to bring cases against this State Government or that State Government? I had to spend two months of my time organising the fight against the Bombay Government. The time and money every community may not have the capacity or the inclination to spend, and that is why I want these directive principles to be there. The Home Minister has been pleased to put this right to affiliate in the Home Ministry's circular. But if tomorrow that goes, the circular from the Home Ministry goes and the Travancore-Cochin Government still persists and says: "No, we will prevent the schools from affiliating to this examination",

where am I? I will still have to go to the Courts. That is why I am pleading with the Government to take these powers which will only be exercised in appropriate cases. The Travancore-Cochin Government goes further. It provides an examination which is a violation of article 29. Article 29 says that every section of the citizens of India with a language, culture or script of their own shall have the right to conserve it. It is in terms of articles 29 and 30 that I appealed to the Supreme Court to strike down the Bombay Government's order. But what does the Travancore-Cochin Government do? I find they prevent us from taking a first class examination; on the other hand they provide a third class examination to us. Then how do I conserve my language? How will you conserve your language? Will you conserve your language by having books which are transliterated from other languages? The books which we are compelled to teach in our schools in Travancore-Cochin are transliterated from Malayalam. How can you understand the genius of the English language by transliterating important English literatures and books from Malayalam? That is what I am compelled to do in Travancore-Cochin and that is why I am pleading with the Home Minister to take direct powers so that we will be able to issue directive only in those cases. Otherwise, if this goes from the Centre, this very good piece goes from the Home Ministry's circular, the Travancore-Cochin Government may refuse point blank to accept it and I will still be left with my remedy of having to go to the courts and my having to go to courts, as I said, is an expensive remedy and a remedy which is often outside the reach of many a linguistic minority. As I have said, the Home Minister has been gracious; he has been accommodating. What is wrong with my request? As my hon. friend Mr. Asoka Mehta, here has said it is only a contingent power that I am asking for the Centre. The Centre will not exercise it irresponsibly. The Centre will not

[Shri Frank Anthony]

exercise it day in and day out. But the Centre must have this power to issue directives if and when necessary. This was the recommendation of the States Reorganisation Commission. They have said categorically that the Centre shall take powers to issue directives through the President and all I am pleading with the Government and the Home Minister to do is to accept this categorical recommendation. They have stated at pages 215-216 of their Report that the Centre shall take powers to issue directives through the President. Their agency was different. They had suggested the Governor. But the principle that the Centre shall take powers to issue directives—they have categorically made that recommendation. It is a fundamental matter and that is what I want the members of the House to realise. It is a fundamental issue: who is to be the ultimate custodian of the linguistic minority? I concede the point that the linguistic minorities must live in the States and they must learn to live among the peoples of that State. But the question is who is to be the ultimate custodian—the State is the primary custodian of all minority interests—but who is the final custodian of linguistic minority interests? The S.R.C. has given the reply in unequivocal language. They have met the minorities, collected their evidence and sifted their evidence. But my friend from Delhi says: Don't create new problems. These are not new problems. These are old problems which he has failed to solve. The S.R.C. has stated categorically: We took evidence and we got complaints, complaints which were valid, that in respect of statutory guarantees there has been discrimination, there has been oppression and this is after taking that evidence and after sifting it.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

5-05 P.M.

This is what they said and this is what I am fighting for. This is a fundamental principle. They have

stated quite categorically in so many words that linguistic minorities are the national concern. These are their words and because they are of national concern, the democracy of the States must subordinate itself to the democracy of the Centre and that is why I am pleading with the Home Minister today to accept the categorical and substantial recommendation of the S.R.C. in this matter.

I say further that apart from S.R.C. having made the specific recommendation, the Constitution justifies it. The Home Minister, I feel, is at issue with me on this matter because he says: "No, linguistic minorities are the exclusive concern of the States." With the deepest humility and with the greatest respect I say no and I join issue with the Home Minister. I say that though it is the primary responsibility of the States, it is the final and ultimate responsibility of the Centre and that is the principle which I am seeking to vindicate. This is a principle which has been recognised by the S.R.C. and a principle which has been recognised and embodied in the Constitution. The framers of the Constitution have given us articles 29 and 30, and you will see the column heading there is "minority rights" and that deals with cultural and linguistic minorities. In articles 29 and 30, the framers of the Constitution deliberately and advisedly placed the linguistic minorities above and beyond the States. They did not remit them to the autonomy of the States. They said: "No, we will not only give them rights under the Constitution but we will give them rights in Chapter III, the Fundamental Rights Chapter, making it justiciable so that it can be taken up to the Supreme Court." The framers of the Constitution have accepted the principle that linguistic minorities are a matter above and beyond the State's autonomy, that they are entitled to fundamental rights and that is the meaning of articles 29 and 30 and what I am asking the Home Minister to do is to accept this fundamental principle

underlined by the S.R.C. and enshrined in the Constitution.

Then there are Scheduled Castes and Scheduled Tribes. They are, I think quite rightly, given certain Constitutional rights. Under articles 338 and 339 they have been given the same position as that of linguistic minorities and cultural minorities. But their provisions are not in the fundamental rights part. The linguistic minorities have been put in fundamental rights part. Their position has been made if anything more sacrosanct than the framers of the Constitution had done. Under article 39 of the Constitution, nevertheless and quite rightly too, the President has been given the power to issue directives. Now, if the President has been given powers to issue directives on behalf of the Scheduled Castes and Scheduled Tribes, who have not been given the same position as the linguistic minorities, what is very wrong in principle, what is very wrong in morality that you should not give this directive power also to the President? I can understand the difficulties of the administration. I appreciate the point of view of the Home Minister that the safeguards are some kind of a standing red rag to the States. Instead of helping, they will hinder the minorities. I recognise all that and yet we have to carry the States with us. We have to placate the States. But when the issue is clear, when we realise that it is the responsibility of the Centre, then we cannot allow that issue to become befogged by what the States may think, by what the States may feel. It must be there as an assurance to the minorities. It may be never used. I don't think that the power will be used. The Centre may never use it, but the power must be there because it will be the recognition of the principle that in the final analysis the linguistic minorities are the responsibility of the Centre; and if that power is there, that power will be a standing reminder to the State Governments that they have to act with responsibility towards the linguistic minorities. That is why I am pleading with the

Home Minister to accept this final sub-clause to make his gesture complete so that I may thank him completely. My request is a reasonable request. I believe it is a minimum request. Notices have been given of many other amendments—amendments by you, Sir, with regard to the linguistic minorities, justified by the recommendations of the S.R.C. I am not going so far. The amendments given by you and other Congress Members are by far of a far-reaching character. I am satisfied with this because I am quite prepared to repose my fate in the hands of the Central Government. Am I asking too much, Sir? I say that my request is a reasonable, a minimum request and I believe—I say this with humility—that I have the whole House with me, practically, on this issue. Notice has been given of an amendment to which there are 11 signatories. I have the privilege of being the first. Those signatories represent every group, every party, including the Congress Party in this House. They all feel strongly in this matter and if there was, I submit with respect, an open vote on this matter, led by my hon. friend Mr. Satya Narayan Sinha, the Congress people would vote for me almost en bloc.

**Some Hon. Members:** That is wrong.

**Shri Frank Anthony:** There is such a strong feeling even among Congressmen that this is a reasonable request that they would, almost en bloc, led by the Minister of Parliamentary Affairs go into the lobby.

**An Hon. Member:** This is completely wrong, Sir.

**Shri Frank Anthony:** I have in view 90 per cent. In the rest 10 per cent. I have left room for the interrupter. There is one other matter I want to refer to in passing and I will have done. I was not here, but I was told, my hon. friend Mr. N. C. Chatterjee had given certain advice. He said to me as the leader of my community, I may give up English and become Indian. I have heard this kind of advice from all

[Shri Frank Anthony]

kinds of people and now Shri N. C. Chatterjee is in that bad company.

**Shri V. G. Deshpande:** You want to revive Pakistan in this country.

**Shri Frank Anthony:** I am sorry his disciple is bound to interrupt me. I admit that perhaps I was almost a nuisance in my persistence in this matter with regard to safeguards for the linguistic minorities and in conceding to 2/3rds of my request the Home Minister has not conceded a safeguard only for my community but all the linguistic communities in this country would be grateful to him.

I say that Mr. Chatterjee's advice is gratuitous. I can go further and say that his advice is presumptuous. If Mr. Chatterjee wants me to give up English, I say, "All right, Mr. Chatterjee, if you give up Bengali and take to Hindi, I will also give up English." It is presumptuous for anyone to tell anyone else to give up his mother tongue. English is my mother tongue. It is as dear to me as is the language of Mr. Chatterjee to Mr. Chatterjee; and Mr. Chatterjee is a lawyer. Unfortunately his politics is overlaid darkly with the fact that he is the leader of a party about which he thinks that you are not a member of the Indian community if you are not a member of the Hindu Mahasabha and subscribe to its reactionary dicta. According to my hon. friend, Mr. N. C. Chatterjee, all the minorities are not really Indian and all the languages of these minorities are not the Indian languages.

Sir, I want to lay a fallacy which is evident from the amendment which is given notice of by the Maharaja of Patna. He says that the minority languages should be those languages which are represented in the Eighth Schedule. This is a complete fallacy. This matter was argued by the Advocate-General of Bombay and I said it was fantastic. But leading politicians are under this fallacy. They do not go beyond the Eighth Schedule. They are not the people who analyse or think carefully. They do not read

article 344. They do not read article 351. There are 14 languages in the Eighth Schedule. What do they mean? They are related to articles 344 and 351. Article 344 says that the President shall appoint a Commission in which these 14 languages will be represented. Article 351 is an explanatory article. It says that Hindi shall represent the composite culture of India and shall draw on these 14 languages for its content. That is all that the Eighth Schedule is. It is unfortunate that English is not there. We have howlers perpetrated like "द्विवक्त्र शीघ्र वाहक यंत्र" which is the equivalent of 'cycle'. I would like everyone of my hon. friends who keep perpetrating this fallacy about English being a foreign language to read the lucid judgment of Justice Chagla. He said, "In its origin it may be a foreign language, but today it is as much an Indian language as any of the other languages of India" and he goes on to point out some politicians are not aware of. He says, "We have deliberately given English a position superior to all other languages included in the Eighth Schedule." He says, "It is the language of India. You may call it a foreign language, but in the Constitution we have enshrined it as the Indian language; it is the language of the administration, it is the language of the States, it is the language of the courts. Not only is it the language of India, but in the Constitution we have given it deliberately a place above any of the other language in the Eighth Schedule". I am only, as I said, laying a fallacy. I can argue till doomsday but I will not be able to convince those who do not see, and the Hindu Mahasabha has blind spots. But I am asking those who are capable of ratiocination, who are capable of accepting legal argument, who are capable of rational thought. I will not argue this matter further. I come back to my plea to the Home Minister. As I said, I want to thank him completely. I want this final sub-clause there as an assurance to the

minorities, giving the Centre powers which the S.R.C. has itself categorically recommended that the Centre should take.

**Shri N. E. Muniswamy:** Mr. Chairman, I thank you for giving me an opportunity to speak now. I never expected that I would be called upon to speak at the end of the day. I shall make only a few observations.

I heard this morning the hon. Home Minister's speech with great attention. He was able to convince the House as regards the consequential changes in this Amendment Bill. This is due to the many changes that we have introduced as a result of the States Reorganisation Bill. The changes that we have envisaged in this Bill are quite inevitable. This morning, the hon. Home Minister was pleased to tell us that the House of the People shall consist of 501 Members out of whom 14 would be from the Union Territories. In clause 4 of this Bill, it is said:

"Subject to the provisions of article 331, the House of the People shall consist of—

- (a) not more than five hundred members chosen by direct election from territorial constituencies in the States, and
- (b) not more than twenty-five members to represent the Union territories, chosen in such manner as Parliament may by law provide."

Article 331 says that there will be nomination of two Anglo-Indians in this House of the People. It all comes to 527 Members. I do not know how the hon. Home Minister was saying that only 501 members would form this House. There will be 527 under clause 4.

As regards delimitation, no proper data are given here. It is contrary to articles 81 and 82 enunciated in the original Constitution.

My second point is this. The hon. Home Minister said that the statutory committee or advisory committee will help the Ministers in charge of the Union territories. I do not know whether the standing committee or the advisory committee would be a nominated one or elected, or partly nominated and partly elected. I only wish the hon. Home Minister should throw some light on this question.

So far as the High Courts are concerned, I appreciate the report of the Joint Committee in that they have placed a restriction on the retired Judges practising in the same High Court after retirement. But, they can practice in the Supreme Court. I appreciate the position. There is one point that I wish to insist. In the High Courts, the age of retirement of Judges is said to be 60. I only want this to be raised to 62. I say because the services of most of the Judges will be requisitioned in certain circumstances, and therefore it would be better if the age is raised by 2 years. The age of retirement of Supreme Court Judges is 65. Why is such a discrimination made between the Supreme Court Judges and High Court Judges? We can strike a *via media* and that is 62 years instead of 60. As regards salary, I quite appreciate that there should be no discrimination. Why is discrimination made in regard to the High Court Judges of Rajasthan, Mysore and Kerala? I say that their salary should be placed on an equal footing with the salary of the other High Court Judges.

In the initial stages when the S.R.C. report was discussed here, there was a great amount of heat, one set of Members hurling abusive language at another set, for the establishment of their rights as regards certain aspects. We have seen that as regards Punjab and Bombay, there was a good deal of heat. I find, when we are discussing these consequential amendments, mainly due to the passing of the States Reorganisation Act, there is a good deal of sobriety and good deal of thought has been given to many of the provisions. Such a heat is not pre-

[Shri N. R. Muniswamy]

valent now. We are really thankful that many of the problems which were raised when the S.R. Bill was being discussed have been solved. Even before the States Reorganisation Act was passed, the question of Bombay was settled and the Punjab formula was settled. Bombay was in the melting pot.

5-25 P.M.

[MR. SPEAKER in the Chair]

Happily, Parliament was able to suggest a method by which the greater bi-lingual State has come into existence. Therefore, there is no trouble now. I would like to point out one thing. Shri N. C. Chatterjee said so far as the Punjab formula is concerned, that it is something like Dritharashtra embracing the other. I do not know, as between the hon. Home Minister and Master Tara Singh, who is Dritharashtra. Both of them are alive to what they do. They are not blind in the way in which he has said. The hon. Minister was speaking of *kavacha*. The *kavacha* would be in the form of the formula which he has suggested. These two formulae can be made use of and they would safeguard them. They will protect them when in trouble.

As regards the veto power which Shri Chatterjee has suggested, I wish to say that it is not correct to say that there is any veto power. Most of his arguments are fallacious. I am surprised to see how such an experienced man, who has acted as a judge, with all his legal acumen should speak to the House in such an unconvincing manner. I shall take one illustration. These two Houses pass a particular Bill. If, for example, the President refuses to give assent, what is the consequence? The consequence, as every one is aware, is that there is no deadlock; only it may be pushed up in some other form. Here also, the formula is given. They wanted a formula. If it is not accepted by the legislature, it will be a veto. It is not that the President or the Governor is going against the principles of the

regional formula. This is due to a political contingency that has arisen. The two groups wanted to have a separate identity. With a view to integrate them, the hon. Minister has suggested this method by which they can carry on the administration for some time. So also in Telangana. Dr. Jaisooraya asked whether the tail is to wag the dog or the dog has to wag the tail. The political set up is different in Telangana. They wanted a separate State. To get over this difficulty, instead of having a separate State, it was thought better that they have two States and one administration. With a view to see that they are integrated in a proper way, for a temporary period of 5 or 10 years, this is the best method that they should have a similar formula until there is emotional integration. It does not mean that this formula is there to create a constitutional deadlock or any other difficulties. These are merely political expedients. Political expediency has to be given top priority in administration. If top priority is not given, there would certainly be difficulties. It is quite easy to speak of principles and formulae. But, all that cannot stand the test of time. These things have to be viewed from the context and the particular set of facts. If we have the context and the facts before our eyes, we can understand the formula suggested. It is laudable. It is workable. Therefore, I say what he has done is quite right. The other Members who are taking objection to this are not correct. Only for the time being it looks very plausible and correct.

So far as the linguistic minorities are concerned, the Home Minister has suggested one amendment which stands on the same footing as the Commissioner for Scheduled Castes and Scheduled Tribes. This special officer who is now envisaged, is to investigate into matters relating to the safeguards and submit to Parliament his report which will be thereafter discussed. The interests of other minorities like backward classes and Scheduled Castes also may be taken

along with this, and the special officer should look into the other guarantees given in Chapter IV of the Constitution and see how far the directive principles can be implemented and how far they have been implemented and report on them.

On the whole I welcome this Bill. So far as the Union territories are concerned, I can only request that instead of having a nominated advisory committee, it is better to have elected members on that body so that they will be responsible ultimately to the people.

**Pandit G. B. Pant:** I do not think I am required to reply to the points that have been raised in the course of the debate. On the whole I have reason to be gratified with the way the hon. Members have dealt with the proposals contained in this Bill as it has emerged from the Joint Committee. I am also grateful to them for their attitude towards the proposals that were outlined by me this morning. I find that there is a general consensus of opinion in favour of what I had the privilege of placing before the House.

So far as the main points are concerned, I expect that amendments relating to those matters will be moved in this House. I cannot expect to be able to convert Shri Anthony completely at this stage.

**Shri Frank Anthony:** Let me convert you.

**Pandit G. B. Pant:** But I listened to his eloquent speech with rapt attention and I am really obliged to him for the very kind words that he said about me. I can say only this much that my solicitude for the welfare of the linguistic minorities and my anxiety that they should be able to enjoy the rights of citizenship fully without any hindrance, whatsoever, is no less than his. I also realise that he is advocating not only

the cause of the particular minority to which he happens to belong, but is speaking in the larger interests of the country and of the many other minorities which will now have to be treated with consideration and generosity in almost every State. I only wish that he had fully appraised the significance of the amendment that I intend to introduce into the Constitution. There will be a special officer. His report will be placed before the House. It will come up for discussion. Can there be any better safeguard for any community than the discussion of matters pertaining to that community at regular intervals on the floor of this House? Can the people of the country, can the States disregard the views expressed in this House? Can any one dare defy the opinions, in so far as they are near unanimity or are unanimous, in any part of this country? What does our democracy mean? How is it to function if matters which are discussed in this House and with regard to which clear opinions are expressed in this House, are disregarded by the States or by other people in the country? That would show that Parliament has no inherent potency of its own. That I refuse to believe. So, my own feeling is that the safeguard which I have proposed is the very best that can be conceived by anybody and especially so in the existing circumstances.

I still hold that we have to carry the States with us. We should not rub them the wrong way. We have a federal Constitution. The States are autonomous in various matters. We may issue directives as to what they should do. There are innumerable other matters which can prick the linguistic minority, which can cause them immense harm if the States are not fair to them. I do not want to rouse a feeling of resentment in their minds or to give them any impression that we constitute the sole guardians of the linguistic minorities and undertake to protect

[Pandit G. B. Pant]

their interests against the States which we assume are hostile. I do not make that assumption. That would be dangerous. Yet I want to provide some method which will enable us to protect the interests of the minorities without giving any cause for offence or without in any way blurring or dimming the responsibility of the States themselves to the linguistic minorities within their borders. So, I still hope that Shri Anthony will not move his amendment. I had in fact entertained such a hope when we discussed this matter in the Joint Committee. There was no proposal like this initially. He made some proposal like this and when I undertook to make an amendment of this type—and I had not then undertaken that the report would be placed on the Table of the House—he was generous enough not to press his amendment. Now I have gone a step further and now I think I should be able to grasp his hand even though he may be sitting a little away and the table may be lying between us. Let us all unanimously agree to this proposal. It will serve the purpose which we have in view.

He referred to the report of the States Reorganisation Commission. What does the report say? It says that we want only one provision in the Constitution and that is that primary education should be given in the mother tongue and that should be clearly mentioned in the Constitution. They said that so far as secondary education is concerned, nothing like this should be done. Now, we have already got provisions in the Constitution with regard to several matters. There are articles 29 and 30. There is also article 347 under which so far as official languages are concerned we can issue instructions. So, all that has been said in our memo about official languages can come within the purview of article 347 and we should be perfectly within our rights in issuing directives with regard to matters relating to

the use of official languages. That is the important thing. There is also the case of primary education. With regard to other things, we shall pass laws. What remains thereafter is of an insignificant character as compared with many other matters for which the linguistic minorities will have to depend on the States. So, I would appeal for a little patience. I hope that whatever irritation may have been caused, and whatever feeling might be lingering in the heart of Shri Frank Anthony, because of certain experiences which he had in recent years, they will all be wiped out, and he will have the satisfaction of seeing that things are proceeding in a normal way, and that all citizens are getting an opportunity of enjoying their rights, without any sort of restriction or interference from any quarter. Yet, patience is needed for that. And we have to remember what the Commission have said in their report, namely that the minorities will have to live in the States, and nothing should be done—and I would not like to be a party to doing anything which would tend—to create a rift between them, or to give them an idea that their position will be perfectly safe and secure, if we take in our own hands, the right to issue directives for anything and everything. We cannot; it is not possible; it would be a purely limited scope and sphere, within which anything like that could be done. That very purpose can be served by the Constitution as it is, and by the provisions that I propose to make. I hope that thereafter, there will be no feeling of disappointment, because of what I have said in this connection.

Dr. Lanka Sundaram referred to a certain agreement. I am here concerned only with that which was placed on the Table of this House. So far as that goes, I think, he and we both were parties who had in a way acquiesced in or agreed to accept it. So, so far as that goes, there is no issue between us. So far as other matters go, they do not come within

the purview of the Bill or of the papers that are connected with it.

I do not think that I should deal with the regional formula for the Punjab or with various matters to which reference was made by our friend Pandit Thakur Das Bhargava. I hope the people of Hariana will receive a square deal now. They have perhaps legitimate grounds for complaint. Well, I do not like very much the attitude of complaint from any quarter. It shows also a certain indifference and disinclination to assert one's rights and to work for them. Otherwise, the complaints would not linger. But anyway, now, we hope that they will be treated generously, and with great consideration by the rest of the Punjab; they are in a minority there.

I also hope that regional disparity will be removed not only there but all over the country. Development boards should be established wherever necessary, and the development

of backward areas should receive special attention. That is our declared policy, and I hope it will be constantly kept before themselves by the States, when they implement their plans, or have an opportunity of recasting or revising them.

I think the House again, and I hope this motion will be passed unanimously by all Members of the House.

**Mr. Speaker:** Now, the vote on the motion has to be taken by division. Let the lobby be cleared. Let the bell be rung.

I shall now put the question and then the House will divide.

The question is:

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration".

*The Lok Sabha divided: Ayes: 343; Noes: Nil.*

## AYES

### Division No. 7]

Abdullahai, Mulla  
Abdus Settar, Shri  
Achal Singh, Seth  
Achuthan, Shri  
Agarwal, Shri H. L.  
Agrawal, Shri M. L.  
Ajit Singh, Shri  
Akarpuri, Sardar  
Ahtekar, Shri  
Amrit Kaur, Rajkumari  
Anandchand, Shri  
Ansari, Dr.  
Anthony, Shri Frank  
Asthana, Shri  
Azad, Maulana  
Azad, Shri Bhagwat Jha  
Bebunath Singh, Shri  
Badan Singh, Ch.  
Bahadur Singh, Shri  
Balkrishnan, Shri  
Balasubramaniam, Shri  
Baldev Singh, Sardar  
Balmiki, Shri  
Banerjee, Shri  
Bansal, 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 M. B.  
Bhargava, Pandit Thakur Das  
Bhartiya, Shri S. R.  
Bhatkar, Shri  
Bhatt, Shri C.  
Bhawani Singh, Shri  
Bhawanji, Shri  
Bheekha Bhal, Shri  
Bhonsle, Shri J. K.  
Bidari, Shri  
Birbal Singh, Shri  
Biren Dutt, Shri  
Bogawat, Shri  
Borkar, Shrimati Anusayabai  
Bose, Shri P. C.  
Brajeshwar Prasad, Shri  
Brahmo-Choudhury, Shri  
Chakravarty, Shrimati Renu  
Chandak, Shri

Chandrasekhar, Shrinoti  
Charak, Th. Lakshman Singh  
Chatterjee, Shri Tushar  
Chatterjee, Dr. Susilranjan  
Chaturvedi, Shri  
Chaudhary, Shri G. L.  
Chavda, Shri  
Chettiar, Shri Nagappa  
Chettiar, Shri T. S. A.  
Dabbi, Shri  
Damodaran, Shri Nettar P  
Das, Dr. M. M.  
Das, Shri B.  
Das, Shri B. K.  
Das, Shri K. K.  
Das, Shri N. T.  
Das, Shri Ram Dhani  
Das, Shri Ramananda  
Das, Shri Shree Narayan  
Dasaratha Deb, Shri  
Datar, Shri  
Deb, Shri S. C.  
Deo, Shri R. N. S.  
Deogam, Shri  
Desai, Shri K. N.  
Desai, Shri Khandubhai

[5-50 . M.

## AYES—Contd.

Deshmukh, Shri K. G.	Joshi, Shri M. D.	Mukerjee, Shri H.N.
Deshpande, Shri G. H.	Joshi, Shrimati Subhadra	Mukse, Shri Y.M.
Dholakia, Shri	Jwala Prasad, Shri	Muniawamy, Shri I. R.
Dhulekar, Shri	Kajrolkar, Shri	Murthy, Shri B.S.
Dhuriya, Shri	Kakkhan, Shri	Musafir, Gianni G.S.
Digambar Singh, Shri	Kale, Shrimati A.	Mushar, Shri
Diwan, Shri R. S.	Kamble, Dr.	Muthukrishnan, Shri
Dube, Shri Mulchand	Kanungo, Shri	Naidu, Shri N.R.
Dube, Shri U. S.	Karmarkar, Shri	Nanda, Shri
Dubey, Shri R. G.	Kasliwal, Shri	Narasimhan, Shri C.R.
Dutta, Shri, S. K.	Katham, Shri	Naskar, Shri P.S.
Dwivedi, Shri D. P.	Katju, Dr.	Nehru, Shri Jawahar
Dwivedi, Shri M. L.	Kayal, Shri P. N.	Nehru, Shrimati Shri
Eacharan, Shri I.	Kazmi, Shri	Nehru, Shrimati Uma
Ebenezer, Dr.	Keshavnagar, Shri	Nijalingappa, Shri
Elayaperumal, Shri	Keskar, Dr.	Pande, Shri B.D.
Gem Malludora, Shri	Khan, Shri Sadath Ali	Pannalal, Shri
Gandhi, Shri Feroze	Khedkar, Shri G.B.	Parekh, Dr. J.N.
Gandhi, Shri V. B.	Khongmen, Shrimati	Parikh, Shri S.G.
Ganga Devi, Shrimati	Kirolikar, Shri	Parnar, Shri R.B.
Ganpati Ram, Shri	Kottukappally, Shri	Patakar, Shri
Garg, Shri R. P.	Krishna, Shri M.R.	Patel, Shri B.K.
Gautam, Shri C. D.	Krishna Chandra, Shri	Patel, Shri Rajeshwar
Ghose, Shri S. M.	Krishnamschhari, Shri T.T.	Patel, Shrimati Maniben
Ghosh, Shri A.	Krishnappa, Shri M.V.	Pateria, Shri
Gidwani, Shri	Kureel, Shri B.N.	Patil, Shri Kanavade
Giri, Shri V. V.	Kureel, Shri P.L.	Patil, Shri S.K.
Gohain, Shri	Lal Singh, Sardar	Patil, Shri Shankargau
Gopi Ram, Shri	Laskar, Shri	Patil, Shri Thanu
Gounder, Shri K. P.	Madiah Gowda, Shri	Prabhakar, Shri Naval
Gounder, Shri K.S.	Mahodaya, Shri	Rachish, Shri N.
Govind Dass, Seth	Majhi, Shri R.C.	Radha Raman, Shri
Guha, Shri A.C.	Majithia, Sardar	Raghubir Sahai, Shri
Gupta, Shri Badahab	Malaviya, Shri K.D.	Raghumath Singh, Shri
Gupadawarmy, Shri M.S.	Malliah, Shri U.S.	Raghuramiah, Shri
Hansda, Shri Benjamin	Malvia, Shri B.N.	Raj Bahadur, Shri
Hari Mohan, Dr.	Malviya, Pandit C.N.	Rajabhoj, Shri P.N.
Haada, Shri Subodh	Malviya, Shri Motilal	Ram Krishan, Shri
Hazareika, Shri J.N.	Mandal, Dr. P.	Ramachander, Dr. D.
Heda, Shri	Masuriya Din, Shri	Ramanand Shastri, Swami
Hembrom, Shri	Mathew, Shri	Ramananda Tirtha, Swami
Hem Raj, Shri	Matthen, Shri	Rameshaiah, Shri
Hukam Singh, Sardar	Mavalankar, Shrimati Soahila	Ramaswamy, Shri S.V.
Ibrahim, Shri	Mehta, Shri Asoka	Ram Dass, Shri
Iqbal Singh, Sardar	Mehta, Shri B.G.	Ram Saran, Shri
Iyyanni, Shri C.R.	Mehta, Shri Balwant Sinha	Ram Shankar Lal, Shri
Jaggiwan Ram, Shri	Menon, Shri Damodara	Ram Subhag Singh, Dr.
Jain, Shri A.P.	Minimata, Shrimati	Ranbir Singh, Ch.
Jain, Shri N.S.	Mishra, Shri Bibhuti	Randaman Singh, Shri
Jaispal Singh, Shri	Mishra, Shri Lokenath	Rane, Shri
Jaiscoorya, Dr.	Mishra, Shri M.P.	Ranjit Singh, Shri
Jajware, Shri	Mishra, Shri S.N.	Rao, Dr. Rama
Jangde, Shri	Misra, Shri B. N.	Rao, Shri Seahagiri
Jatav vir, Dr.	Misra, Shri R.D.	Rao, Shri T.B. Vital
Jena, Shri K.C.	Misra, Shri S.P.	Raut, Shri Bhola
Jena, Shri Niranjan	Misair, Shri V.	Ray, Shri B.K.
Jhunjhunwala, Shri	Mohiuddin, Shri	Reddi, Shri Ramachand
Jogendra Singh, Sardar	Moitra, Shri M.K.	Reddy, Shri Viswanatha
Joshi, Shri A.C.	Morarka, Shri	Richardson, Bishop
Joshi, Shri Jethalal	Moore, Shri K.L.	Rishang Keishing, Shri
Joshi, Shri Krishnasharya	Mudaliar, Shri C.R.	Rooy, Shri Bishwa Nath
Joshi, Shri Laldhar	Muhammed Shafice, Chaudhuri	

AYES - *Contd.*

Moo Narsin, Shri	Singh, Shri D.N.	Sundaram, Dr. Lanka
Sahaya, Shri Syyamnadas	Singh, Shri D.P.	Sunder Lal, Shri
Sahu, Shri Rameshwar	Singh, Shri H.P.	Suresh Chandra, Dr.
Saijal, Sardar A.S.	Singh, Shri L. Jogeswar	Suriya Prasad, Shri
Saksena, Shri Mohanlal	Singh, Shri M.N.	Swaminadhan, Shrimad Amanu
Laxmana, Shri S.C.	Singh, Shri R.N.	Tandon, Shri
Tangenna, Shri	Singh, Shri T.N.	Telkikar, Shri
Sankarapandian, Shri	Singhal, Shri S.C.	Tewari, Sardar R.B.S.
Sarma, Shri Debendra Nath	Sinha, Dr. S.N.	Thimmesiah, Shri
Sarmah, Shri Debeswar	Sinha, Shri A.P.	Thomas, Shri A.M.
Sen, Shri P.G.	Sinha, Shri Anirudha	Tivary, Shri V.N.
Sen, Shrimani Sushama	Sinha, Shri B.P.	Tiwari, Pandit B.L.
Sewal, Shri A.R.	Sinha, Shri G.P.	Tiwari, Shri R.S.
Shah, Shri C.C.	Sinha, Shri Jhulan	Tiwary, Pandit D.N.
Shah, Shri Raichandbhai	Sinha, Shri K.P.	Tripathi, Shri V.D.
Shahnawaz Khan, Shri	Sinha, Shri Nageshwar Prasad	Tyagi, Shri
Sharma, Pandit K.C.	Sinha, Shri S.	Uikey, Shri
Sharma, Shri D.C.	Sinha, Shri Satya Narayan	Upadhyay, Pandit Manishwar Dutt
Sharma, Shri K.R.	Sinha, Shri Satyendra Narayan	Upadhyaya, Shri Shiva Dutt
Sharma, Shri R.C.	Sinha, Shrimati Tarakeshwari	Varma, Shri B.B.
Shastri, Shri Algu Rai	Sinhasan Singh, Shri	Veerarwamy, Shri
Shivananjappa, Shri	Siva, Dr. Gangadhara	Velayudhan, Shri
Shobha Ram, Shri	Snatak, Shri	Vidyalankar, Shri A.N.
Shriman Narayan, Shri	Sodhia, Shri K.C.	Vysa, Shri Radhical
Shukla, Pandit B.	Subrahmanyam, Shri T.	Wilson, Shri J.N.
Siddananjappa, Shri	Subramania Chettiar, Shri	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 clause-by-clause consideration will stand over to tomorrow.

There is a half-an-hour discussion. I do not know if the House is willing to sit.

**Several Hon. Members:** No, no.

**Mr. Speaker:** It will stand adjourned to some other suitable date next Session.

6-05 P.M.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 5th September, 1956.*