

**Shri Hem Barua (Gauhati):** The flood situation was to be discussed today. Do we propose to shelve that business?

**Mr. Speaker:** The Order Paper is there. I am calling it in that sequence.

**Shri Hem Barua:** It was said that it will come on Tuesday. ,

**Mr. Speaker:** I do not know when it comes. It is in the Order Paper. We are proceeding as it is put down.

13.10 hrs.

#### CONSTITUTION (FOURTEENTH AMENDMENT) BILL

**The Minister of Home Affairs (Shri Lal Bahadur Shastri):** I beg to move:\*

"That the Bill further to amend the Constitution of India be taken into consideration"

Sir, I am moving for consideration the Constitution (Fourteenth Amendment) Bill, 1962. This Bill contains seven clauses. The first important clause, namely clause 3, deals with Pondicherry being treated as one of the Union Territories, which will comprise Pondicherry, Karikal, Mahe and Yanam. I do not want to deal with this matter in *extenso* just at present. Therefore, I shall try to be as brief as possible.

As soon as we include Pondicherry in the Union Territories, two consequential amendments automatically follow. The first is that Pondicherry should have representation both in the Lok Sabha and in the Rajya Sabha. Hence, there is a clause for increasing the strength of the Union Territories in the Lok Sabha. Pondicherry will get one seat in the Lok Sabha and one seat in the Rajya Sabha. In that case, the strength of the Rajya Sabha will increase from 226 to 228.

Then, there is the regulation-making power of the President. During the interim period, the President is empowered to make regulations. But the clause provided in the Bill suggests that as soon as the Assembly has been constituted, the regulation-making power will come to an end. This is provided for in clause 5(b).

**Mr. Speaker:** The hon. Minister would excuse me if I interrupt for a minute. Inquiries are being made from hon. Members about the time when they should be present here for voting, because division has to take place, and a special majority is needed for the passing of this Bill. I think that out of the four hours that have been allotted for this Bill, we can take three hours for the general discussion and one hour for the clauses. I think that would be all right.

**Several Hon. Members:** Yes.

**Mr. Speaker:** So, at 4 p.m. we shall have the division, so far as the consideration motion is concerned.

**Shri Lal Bahadur Shastri:** I was telling the House that under clause 5(b) the regulation-making power of the President will come to an end as soon as the legislature is formed in Pondicherry and Goa.

Then, there is another important clause, namely clause 4 of the Bill which empowers Parliament to create Legislatures and Councils of Ministers in the Union Territories. It has said just now, in the Union Territory. Hence, whatever pattern of administration obtains in the other Union Territories will be adopted in Pondicherry and Goa also.

As the House knows, on the 7th December, 1961, I had made a statement in the last Lok Sabha and told the House that Government were considering what further steps

\*Moved with the recommendation of the President.

should be taken to give additional powers in the Union Territories, and what the future set-up should be in the Union Territories. On the basis of that statement, a committee was also formed under the chairmanship of the Law Minister. The committee went round the Union Territories and submitted its report.

13.14 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

We have considered that report, and having considered other developments since then, Government came to the conclusion that we should give the Union Territories the same status and the same position as were obtaining during the time of the old Part C States. We have, therefore, come forward with an amendment to the Constitution, for the restoration of article 240 which was abolished formerly, after the reorganisation of States. After the report on the reorganisation of States was considered, legislations were brought forward, and the Constitution was amended in the light of the recommendations of the States Reorganisation Commission. And the House accepted the proposals and the Bills which had come up before Parliament then, and article 240 was abolished. Now, it has become essential that we should restore that article, in order to provide for legislatures as well as for Cabinets of Ministers for the Union Territories, and hence this Constitution (Fourteenth Amendment) Bill before the House.

I need not elaborate on this matter, because I know that it would be generally welcome. This House will also welcome it, and it would also be welcomed in the Union Territories since they would get back the legislatures as well as the Councils of Ministers. This provision is meant for Himachal Pradesh, Manipur,

Tripura, Goa, Daman and Diu, and Pondicherry and other smaller islands which are comprised in it. It is true that we have not included Delhi in this. I can very well understand the feelings of the Members of Parliament who have been returned from Delhi. But I have always made it clear, whenever I have said anything about the set-up in Delhi, that we thought that Delhi should be kept in a different category and I still feel the same way. ✓

Shri Hari Vishnu Kamath (Hoshangabad): Capital status.

✓ Shri Lal Bahadur Shastri: But I do not want to suggest that we have not to think about Delhi at all. There are various proposals made about Delhi, and they have all to be carefully looked into. The Corporation in Delhi has been functioning for some time past, and apparently as much as we can see and judge, there have been enormous difficulties in the smooth working of the corporation. The official wing also has its own problems and difficulties; the non-official wing, the Mayor and others feel that they have very little to do. These are matters which do deserve our consideration. Whether the present pattern of the corporation should continue, whether the Mayor should be vested with more powers, or whether the whole set-up of the working of the municipal areas, if I might use those words, should be completely changed or there may be a new set-up altogether etc. are all matters which deserve our consideration.

Then, it has also to be considered how the representatives of the people should be associated with other work in Delhi, that is, other administrative work itself. I have told the Members of Parliament from Delhi, while speaking to them in the Delhi Advisory Council that they can make their own suggestions. We have also certain proposals with us. In fact, I have been examining this matter for some time. We have studied this subject. We have also seen as to what kind of

[Shri Lal Bahadur Shastri]

set-up and patterns are there in other countries.

**Shri Hari Vishnu Kamath:** You will bring a separate Bill later?

**Shri Frank Anthony** (Nominated—Anglo Indians): No, no.

**Shri Lal Bahadur Shastri:** We will see; if legislation is needed, we will have to come up before Parliament—  
if it is necessary.

**Shri Frank Anthony:** It will not be necessary.

**Shri Lal Bahadur Shastri:** There is the legal expert sitting. He says that it will not be necessary.

Anyhow, I was telling the House that we are not sleeping over this matter. We have given considerable thought to it. If hon. Members from Delhi will be pleased to accept my approach in this regard, namely, that it is not absolutely essential to have a legislature or Legislative Assembly for Delhi and it is possible to work and take part in public activities and in administrative work and municipal work without there being a legislature, I think they will be, if I might say so, rendering really a great service to Delhi. Because Parliament sits here and to have another legislature in Delhi at the same time does not really serve any special purpose. There is often duplication of work. I remember in the old days when the Delhi Assembly was there that questions were being put on the same subject in the Delhi Assembly and also in Parliament. In the capital of this vast country, we have to be careful and see that there is smooth working, not only in administration but in other matters also. One does not know. Suppose a conflict crops up between one legislature and the other; we will not be setting a very good example for the other States.

**Shri Hari Vishnu Kamath:** You will then resolve the conflict

**Shri Lal Bahadur Shastri:** Then it will become an additional duty. What

Shri Kamath wants is to create a problem and then try to solve it. It would not be very wise to do so.

I personally think that we can thrash out this problem in so far as Delhi is concerned. I do not want to delay it much. As soon as we are free with this Bill, we will have enough time to think about Delhi. I did speak to Shri Bram Prakash only this morning. He was good enough to discuss it with me. I do not know what his opinion ultimately would be. Of course, he is free to express his view. I do hope that he will give full consideration what I have told him. I have also further added that he should not think that I am just trying to get over the present situation. I have told him that I mean what I say and that I do mean business.

In these circumstances, I would appeal to him and to his other friends who have been returned from Delhi to consider this matter without any bitterness. I know he has marshalled the support of our Communist friends sitting opposite. To them also I would make an appeal. Let them consider whether it is desirable and essential and whether it would be beneficial in the larger interests of the country to have two legislatures in Delhi, to have two governments functioning more or less in parallel. This is about Delhi.

I might add a few words about some of the amendments. It has been suggested in some amendments that some parts of Pondicherry should be merged with neighbouring areas. Then it has been suggested further that there should be no nominated or partly-nominated body. The third is of course for circulation of the Bill for eliciting public opinion. I thought I would say a few words about these three amendments.

As regards the suggestion of merger of any part of Pondicherry with other parts of India, it would be very difficult and improper also for the time being to do so.

**Shri Hari Vishnu Kamath:** At this stage.

**Shri Lal Bahadur Shastri:** I need not read out what the Prime Minister had said in the Rajya Sabha when the question of integration of Pondicherry with India was taken up. We have, in the light of the pronouncement of the Prime Minister, not to make any change in Pondicherry. Whatever area is included in Pondicherry has to remain intact for the time being.

**Shri Hari Vishnu Kamath:** It is only temporary.

**Shri Lal Bahadur Shastri:** Of course temporary. Parliament is always supreme to make any change. But at present, we should not think in these terms. There are agreement and the terms thereof should be considered sacrosanct, and nothing should be done so soon after these agreements were entered into.

Secondly, if you start talking of merger of one area with the other, problems will arise in the case of Goa and other places also. So it is better not to refer to this at all. Already there are differences over the matter. Mysore has its own opinion about Goa; Maharashtra has got something to say; Gujarat holds definite views. So it is better to keep them intact as they are and treat them as Union Territories. Now that we are giving them legislatures and Councils of Ministers, I think they will have enough opportunity to develop their areas, especially with the special assistance of the Central Government.

As regards the question of nominated, partly-nominated or partly-elected bodies, Shri Kamath has tabled certain amendments. I have merely to suggest that this is exactly what it was in the old article of the Constitution. The same language has been used. No change has been made and what Shri Kamath has to realise is that Government are not taking power to constitute a nominated body or partly-nominated body or partly-elected body. It is only empowering

Parliament; it is an enabling clause. If Parliament ever so desires, then it can be done.

**Shri Hari Vishnu Kamath:** Parliament will not desire in this democratic age such a thing to be done.

**Shri Lal Bahadur Shastri:** It may not desire. But I may say that sometimes it may desire. Suppose the working of the administration is suspended or has to be suspended and it does not function at all. What next? For example, President's may be there.

**Shri Hari Vishnu Kamath:** There would not be any legislature at all if the Constitution is suspended.

**Shri Lal Bahadur Shastri:** Yet Parliament might think that one man should not rule the whole territory. It may say: let there be a body, a small body, nominated or whatever it may be, to advise the Governor and also, if necessary, to function as a small Committee or Cabinet. I would beg of the hon. Member not to rule it out. I do not say that we are going to do it.

**Shri Surendranath Dwivedy** (Kendrapara): Can that nominated body function as a legislature as is contemplated here?

**Shri Lal Bahadur Shastri:** It is entirely for Parliament to decide. Parliament is fully entitled to legislate on this matter and suggest that such a body will function as the legislature or whatever form you may like.

**Shri Hari Vishnu Kamath:** Just one little clarification. What I am opposed to is one hundred per cent nomination. That is why I have sought to delete the word 'nominated'. The rest can remain. I am sure no Member of Parliament will think of one hundred per cent nomination of a legislature. It is wholly repugnant to the idea of democracy and a written constitution. I am sure the Home Minister realises it very well, more than I do.

**Shri Lal Bahadur Shastri:** I entirely agree. As I said, I have also, not in the least, in mind at all that a situation should arise in which we may have to resort to this step or to this measure. But, as I said, this point was already there. The hon. Member better look at it and he will find that not a word has been changed in this.

**Shri Hari Vishnu Kamath:** Not in the Constitution but may be in the Government of India Act, 1935, perhaps. We are going back; and it is not in the 1950 Constitution.

**Shri Lal Bahadur Shastri:** I shall have to make that clear. He may look into that. (*Interruption*). I do not want to take more time of the House.

**Shri Hari Vishnu Kamath:** I do not want to waste your time. If it is so, it is all right.

**Shri Lal Bahadur Shastri:** I am very glad.

Then, the last amendment about which I wanted to say a word is about circulation of the Bill for public opinion. I do not know who has tabled this amendment, probably Shri Dasaratha Deb.

**Shri Dasaratha Deb (Tripura East):** I have not.

**Shri Lal Bahadur Shastri:** The amendment of Shri Dasaratha Deb is not quite clear. He has, in a way, supported the provision of nominated or partly nominated body. I felt quite happy that he has supported this proposal to which opposition is being raised.

**Shri Dasaratha Deb:** I do not support nomination.

**Shri Lal Bahadur Shastri:** I said that it was not quite clear to me. I was surprised how Shri Dasaratha Deb could come up with that kind of amendment. (*Interruption*).

As regards the circulation of the Bill, I have only to say that I do not think this motion has been made seriously. If you circulate the Bill, it

will mean further delay and the setting up of the Legislatures etc. will take a very long time. Already my fear is that there should not be considerable delay in the setting up of the Legislatures. I was, in fact, at the point of saying that I shall come up with the Union Territories Bill in the next Session of Parliament. It would be my earnest endeavour to do so. But the difficulty is this. According to the legal experts, the State Legislatures have to be consulted and we have to obtain their consent and approval. Unless all the State Legislatures have given their approval, it may not be possible for us to come up with that Bill. We will do our level best. But, it all depends when the State Legislatures meet. Anyhow that difficulty is already there. And, in case the circulation idea is pressed, it will mean much more delay and it would be creating frustration among the people of the Union territories.

I do not want to take up more time of the House; and I do hope that this Bill will get the general approval of the Members of the House.

Sir, I move.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

There are two amendments. Shri Yallamanda Reddy is not here. Does Shri Kamath move his amendment?

**Shri Hari Vishnu Kamath:** No, Sir, I do not move.

**Mr. Deputy-Speaker:** There is no other amendment. The motion is now for discussion.

**Shri Dasaratha Deb:** Sir, I have got my amendments.

**Mr. Deputy-Speaker:** Yes; he may speak.

**Shri Dasaratha Deb:** Mr. Deputy-Speaker, Sir, after a long period our Home Minister has brought forward this Bill in this House.

**Mr. Deputy-Speaker:** The hon. Member will have to be brief; we have got only 2½ hours for the Bill.

**Shri Dasaratha Deb:** Yes, Sir.

We have to provide Legislative Assemblies for the Union territories of Himachal Pradesh, Manipur and Tripura, Goa, Diu and Daman and Pondicherry. I congratulate the hon. Minister for sponsoring this Bill. At the same time, I pay my tribute to the people, irrespective of their political opinion, of these Union territories who fought very hard for a long time to realise this. I remember in 1960 there were very big movements in Manipur and Tripura and other places also for the realisation of this. They had to undergo repression and other things. But, at that time, our Central Government did not realise or rather they wanted to hush up the voices at that time. I am glad that our Home Minister has realised it now.

At the same time, after hearing our Home Minister's argument, I do not feel satisfied that there is any point why Delhi people should not be given a Legislative Assembly in that way.

Since the inception of the Union territories, and even before that when Tripura was a Part C State, I had the sad experience of the type of administration. If there is no Legislative Assembly and if the administration is in the hands of bureaucratic machinery and the officials, I know what tremendous difficulties and inconveniences are created for the people. And that is why I suggest that no single place in India should be left without a representative body or without an Assembly or Council of Ministers. They should be given this kind of facilities; otherwise it would be very difficult for any part to function.

The Home Minister has argued that Delhi is the headquarters of the Centre and that the Centre would look after its interests. I agree that even in regard to Manipur and Tripura which were more than 1000 miles from the Centre, the Central Government

took up the responsibility of looking after them. But, we have seen how the Centre can look after the affairs of these States. We have seen it. In Delhi also I do not feel there is much improvement in the administration. Rather, I should say that the law and order situation is worse. The hon. Minister has not only to look after the Union territories; he has to look after all the States of the country. Being a party leader, sometimes so many things arise in the party itself and he has to look after the party affairs also. Why should he want to keep all this power in his hands? Let the people of Delhi manage their own affairs; and he will be relieved from that also.

I am happy at the introduction of this Bill. But I cannot say that I am fully satisfied because, even today, I do not know what power is going to be given to the Legislative Assemblies of these Union territories. I am very anxious. I have to wait for the main Bill itself. Here, it is said, in some places there will be nomination. I am decidedly opposed to nomination. If you give us an Assembly, all the members should be elected by the people; it should be a fully representative body. If you keep this nomination clause, then, that power will be misused.

We have seen this in the case of the Territorial Councils. In the Territorial Council of Tripura there were the nomination. When that Bill was brought here we were told that even if a particular small section of the people was not represented in the Territorial Council, then, only a member belonging to that section would be nominated. In Tripura I did not find this taking place. Actually, a member belonging to the party in power will be nominated to increase their numbers. Even if a member of that party comes directly elected by the people, I have no objection. There should be no room left for the back-door system. That is why I totally oppose that system of nomination. Even if it were there in the original Constitution, I would request the

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Home Minister to amend this. Simply because it was there once in the Constitution, should we keep that? I do not share that view. Even if it was there, now we can change it. That is why I say that this nomination clause should not be there.

Regarding the power to be given to the legislative assembly, it was said that even in the former Part C States, there was some restriction in the powers. I do not know the position in respect of Part C States, but I submit that if you give a legislature, that legislative assembly must be given full powers. There should not be any division of power between the legislative assembly and the Centre. Otherwise, it will create all sorts of difficulties and inconveniences. So, I request that full thought may be given to this matter and the legislative assembly must be given full powers. The Council of Ministers must be responsible to the legislature. That provision should be there. Also, when the Home Minister prepares that Bill, I request him to take the opinions of Members belonging to that territory and bring forward a comprehensive Bill.

Then, Pondicherry territory is going to be created with Mahe, Yanam, Karaikkal and other places. But there is a strong movement and a strong sentiment in that part that they should be merged with the neighbouring States. Of course, our Home Minister says that the sentiment expressed by our Prime Minister should be respected. But why should we be guided only by the sentiment of the Prime Minister alone? We should be guided by the sentiment of the people in that part also. Pondicherry and Karaikkal are out and out Tamil area. Their language is the same and their culture is similar to Tamil culture. So, why should not these two places be merged with Tamil Nad? Then they will have a bigger culture and they will have more opportunities to develop their own culture. Similarly, Mahe should be merged with Kerala,

because their language and culture are the same as those of the people in Kerala. When people come from the same stock, it would be more advantageous if they are merged with neighbouring States, without creating another Union Territory.

From the administrative point of view also, it would be difficult to have them under one unit as a Union Territory because they are scattered in different places at distances of 300 or 400 miles. I think if they are merged with the neighbouring States, administration would be easier. I request the Home Minister to give thought to this aspect also.

Some of my friends have moved amendments that the Bill be circulated. I do not like that this Bill should be circulated. I want this Bill to be passed without delay. If the other main Bill for the legislatures had come in this session, I would have been very happy.

With these words, I generally welcome this Bill and support it.

श्री ब्रह्म प्रकाश (बाह्य दिल्ली) : जनाब डिप्टी स्पीकर साहब, यह ब्रह्म खशी की बात है कि यूनियन टेरिटरीज में एक नया विधान लाने के लिए, एक नये किस्म का प्रजातंत्र-राज लाने के लिए, आखिर होम मिनिस्टर साहब ने संविधान में तब्दीली करने का प्रस्ताव किया है। इस के लिए मैं उन को भी मुबारकबाद देता हूँ और उन यूनियन टेरिटरीज के लोगों को भी, जिन के लिए यह बिल लाया गया है। एक मौके पर तो मुझे यकीन नहीं था—इस बारे में नाउम्मीदी हो गई थी—कि यूनियन टेरिटरीज के लिये कुछ होगा, क्योंकि हमारे मूलक में कुछ अन्सर हैं—मैं इस में नहीं जाना चाहूँगा कि वे किस किस्म के हैं—जो यह नहीं चाहते कि किसी किस्म का प्रजातंत्र की किस्म का ढाँचा इन यूनियन टेरिटरीज में हं। खाली यूनियन टेरिटरीज ही नहीं, कुछ अन्सर

ऐसे भी हैं, जो हिन्दुस्तान में डेमोक्रेसी नहीं चाहते, जो चाहते हैं कि यहां पर यूनिटरी फ़ॉर्म की किस्म की हुकूमत हो।

बहरहाल, यह एक खुशी की बात है कि आखिर यह बिल आया और साथ ही यह दुख की बात है कि दिल्ली को इस से अलग रखा गया है। मैं होम मिनिस्टर साहब को बहुत दिनों से जानता हूं और मेरा उन से बड़ा स्नेह है। मैं समझता हूं कि अगर वह इस बारे में कनविन्स हो जाते और हम उन को यहां की दिक्कतों के बारे में समझा पाते, या वह उन दिक्कतों को और ज्यादा समझ पाते, तो वह जरूर दिल्ली को भी इस बिल में शामिल कर देते। यह दुख की बात है कि हम उनको समझा नहीं पाए।

दिल्ली में यह मांग कोई आज की नहीं है, बहुत पुरानी है। यह मांग सन् १९१४ में शुरू हुई थी, जब कि दिल्ली के शहरी उस वक्त के वाइसराय से मिले थे। खुद इंडियन नेशनल कांग्रेस ने १९१८ में दिल्ली में इस बारे में एक रेजोल्यूशन पास किया। दिल्ली के हर नेता ने चाहे वह हकीम अजमल खां हों, आसिफ अली साहब हों या देशबन्धु साहब हों, इस सवाल को उठाया है और हमेशा यही जवाब दिया है कि यह राजधानी है, यहां रेस्पॉसिबल गवर्नमेंट नहीं हो सकती, यहां दो लेजिस्लेट्यर नहीं हो सकते। यही जवाब आज हमें दिया जा रहा है। मैं आपको यह भी बतला दूं कि यह नामुम्किन है कि दिल्ली का कोई भी जिम्मेदार शाब्द, जो कि दिल्ली के लोगों के प्रति जिम्मेदारी रखता है, या आईन्दा रखे, ४८ साल से चली आ रही इस पुरानी मांग को भुला सके। जो परम्परा पहले से आ रही है, उस को भुलाया नहीं जा सकता। जो मशाल हमारे नेताओं ने हमारे हाथ में दी है, वह आगे चलती चली जायगी, जब तक कि दिल्ली को रेस्पॉसिबल गवर्नमेंट नहीं मिलती है।

१९५२ में जब आखिर यहां पर हुकूमत कायम हुई, तो उस वक्त की दिल्ली असेम्बली ने बड़ी खुशी में इस बात के लिये बजट मंजूर किया कि चूँकि आसिफ अली साहब और देशबन्धु साहब की कोशिशों से यह असेम्बली मिली है, इसलिये दिल्ली में उनकी यादगार खड़ी की जाये। इस वास्ते पुरानी दिल्ली में दाखिल होने के जो दो दरवाजे हैं, दिल्ली गेट और अजमेरी गेट, उन दोनों जगहों पर उन के बुन खड़े किये गये। जब तक वे बुन खड़े हैं, मैं नहीं समझता कि कौन दिल्ली वाला है, जो दिल्ली के लोगों की तरफ कोई जिम्मेदारी महसूस करता है, जो इस मांग को भूल सकता है। हो नहीं सकता है, यह नामुम्किन बात है। दूसरी बात यह है कि हम अपने नेताओं को, हम गवर्नमेंट आफ इंडिया को कर्नलिस नहीं कर पाये हैं, यह हमारी बदकिस्मती है। यह कहा जाता है कि चूँकि यह हिन्दुस्तान की राजधानी है इसलिये हम इसको इस तरह की हुकूमत दे नहीं सकते हैं, इस तरह की व्यवस्था यहां की नहीं जा सकती है। दुनिया में दो मुल्क हो ऐसे हैं जहां फ़ेडरल डेमोक्रेसी है, एक अमरीका और एक आस्ट्रेलिया, एक वाशिंगटन और एक कैनबेरा जहां पर कि लैजिस्लेचर नहीं दी गई है इस बिना पर कि वहां दूसरी हुकूमत मौजूद है। बाकी दुनिया के अन्दर जो राजधानियां हैं और जहां फ़ेडरल रिपब्लिक है या यहां पर डेमोक्रेसीज हैं उनकी जो राजधानियां हैं उनके अन्दर वही हुकूमत है जो दूसरे हिस्सों में है। शायद इस बात को न माना जाये और किसी किस्म का जवाब दे दिया जाये, इस वास्ते मैं आपको यह भी बतला देना चाहता हूं कि कम्युनिस्ट रूस में भी मास्को रिपब्लिक में वही हुकूमत है जो दूसरे हिस्सों में है बल्कि उसको कई मानों में और भी ज्यादा अख्तियारत हासिल हैं और वह सेंट्रल हुकूमत से बिल्कुल अलग काम करती है।

जब यह सवाल उठाया जाता है कि पांच साल के तजुबों में कुछ ऐसी बातें देखने में



[श्री ब्रह्म प्रकाश]

आई हैं जोकि नाखुशगार थीं, तो मैं समझता हूँ कि इसमें भी उतना वजन नहीं है। पांच साल में एक दिन भी ऐसी एक बात नहीं हुई जबकि गवर्नमेंट आफ इंडिया में और दिल्ली गवर्नमेंट में कभी कोई मतभेद हुआ हो। जहाँ तक दूसरो किस्म के मतभेदों का ताल्लुक है, वे तो पाटियों में सभी जगह चलते हैं। उनमें मैं समझता हूँ यहाँ जाने की जरूरत नहीं है। लेकिन उनकी वजह से हुकूमतें बन्द नहीं होती हैं। दिल्ली में ऐसी कोई बात होने की गुंजाइश नहीं है क्योंकि आखिर कोई भी जिम्मेदार आदमी, गैर-जिम्मेदारी को बात कैसे कर सकता है। जो हुकूमत चलाने वाले लोग हैं वे कैसे कह सकते हैं कि नेशनल इंस्टिटेस्ट के अन्दर अपने सूबे के, अपने प्रांत के इंस्टिटेस्ट को कुर्बान न किया जाये और अगर उसको कुर्बान नहीं किया जा सकता है तो फिर कहीं भी कुर्बान नहीं किया जा सकता है हिन्दुस्तान में और यह कोई खास बात दिल्ली के लिये नहीं है। अब भो हिन्दुस्तान मे अगर कभी इस किस्म के खतरे की आवाज उठ सकेगी तो वह दिल्ली की तरफ से नहीं उठेगी किसी और तरफ से भले ही उठ सकती है। इसलिये जो वजह दी जाती है कि यहां दो राजधानियां नहीं हो सकतीं, तो यह बात मुझे कम से कम मुनासिब जान नहीं पड़ती है।

और भी कई बात कही जाती हैं और कही जा रही हैं और कई किस्म के मोटिव भी अटैच किये जाते हैं। मेरे ख्याल में उसका यहां कोई स्थान नहीं है और एक समझदार दुनिया में उसका स्थान होना भी नहीं चाहिये। लेकिन एक दो बात कही जाती हैं जिनका मैं जिक्र करना चाहता हूँ। आम तौर से यह कहा जाता है कि दिल्ली में अगर बौजिस्लेचर और मिनिस्ट्री हो तो खर्चा बहुत बढ़ जायेगा। इसके अलावा यह भी कहा जाता है कि यहां पर रुपया इनका अपना तो है नहीं, गवर्नमेंट आफ इंडिया के रुपये पर कैसे काम चलेगा। ये दोनों बातों में समझता हूँ सही नहीं हैं।

दिल्ली की जो फाइनल हालत है, उसकी जो आर्थिक हालत है, वह काफी अच्छी है। मुझे भी पांच साल का तजुर्बा है और उसके आधार पर ही मैं यह बात कह रहा हूँ। मैं समझता हूँ कि सिवाय कर्जों के उसको गवर्नमेंट आफ इंडिया पर निर्भर नहीं होना पड़ता। उसकी काफी अपनी आमदनी है। मैं समझता हूँ कि इस बात को शायद गवर्नमेंट आफ इंडिया भी स्वीकार करती है और यह सवाल उसके सामने भी नहीं है। लेकिन चूकि बाज दफा यह सवाल गवर्नमेंट आफ इंडिया के बाहर उठाया जाता है, इस वास्ते मैंने इसका जिक्र किया है।

यह भी कहा जाता है कि मिनिस्ट्री से खर्चा बढ़ता है। यह बात ठीक है। लेकिन जहां डेमोक्रेटिक गवर्नमेंट होती है, वहां पर कुछ न कुछ खर्चा तो ज्यादा होता ही है। लेकिन जो तजुर्बा उस गवर्नमेंट को तोड़ कर १९५६ के बाद हुआ है जब से कारपोरेशन की स्थापना की गई है, उसको भी मैं आपके सामने रखना चाहता हूँ। उसके बाद जो खर्चा बढ़ा है एडमिनिस्ट्रेशन का, मैं डिबेलेपमेंट के खर्चों को नहीं लेता हूँ, सिर्फ एडमिनिस्ट्रेशन के खर्चों को लेता हूँ, वह तकरीबन चार गुना बढ़ गया है। जहां तक एफिशेंसी का ताल्लुक है, वह बहुत ही कम हो गई है, पहले के मुकाबले में। आज हालत क्या है, इसको आप देखें। आज दिल्ली में किसी भी एक अफसर को, किसी भी एक पोलिटिकल पार्टी को, किसी भी एक पोलिटिकल लीडर को या चन्द एक को आप जिम्मेदार नहीं ठहरा सकते हैं। कारपोरेशन यहां अलग है, दिल्ली डिबेलेपमेंट आथोरिटी अलग है, दिल्ली एडमिनिस्ट्रेशन अलग है, गवर्नमेंट आफ इंडिया अलग है, वह तो खैर रहेगा ही। और न्यू दिल्ली म्युनिसिपल कमेटी अलग है। किसी के अन्दर कोई कॉन्फ्रॉन्टेशन नहीं है। कारपोरेशन का बदकिस्मती से एक पैटर्न चला आता है ब्रिटिश पैटर्न। ब्रिटेन का अपना जीनियस है और अपने जीनियस के मुताबिक ही वे उसको अपने यहां चलाना चाहते हैं। वह मुल्क भी छोटा है। लेकिन

वह जो पैटर्न है जिसको बीक मेयर पैटर्न कहा जाता है या मेयर काउंसिल पैटर्न कहा जाता है वह दुनिया में फेल हो चुका है। अमरीका में भी इसको चालू किया गया था लेकिन वहाँ यह फेल हो गया और इसको खत्म कर दिया गया। दिल्ली में कोई भी आदमी किसी तरह की भी जिम्मेदारी लेने के लिये तैयार नहीं है दिल्ली में कोई जिम्मेदारी नहीं है। जब यूनिटी आफ एडमिनिस्ट्रेशन न हो, उसमें कुछ सिम्पलीसिटी न हो, उनमें अपने में कान्फिडंस न हो तो कभी एडमिनिस्ट्रेशन ठीक तरह से नहीं चल सकता है। आज हालत क्या है? मुझे शर्म आती है यह कहते हुए कि आज दिल्ली कारपोरेशन अपनी जिम्मेदारी को निभाने में असफल रहा है। आप देखें कि कितनी बड़ी जिम्मेदारी उसके सिर पर थी। फाइव थीअर प्लान को ८० करोड़ का है, उसमें से वह ५५ करोड़ खर्च करने का जिम्मेदार था। मगर मैं चैलेंज करके कह सकता हूँ कि जरा आप बगैर रिश्वत दिये एक काम तो वहाँ से करवा दीजिये, कोई भी एक काम। जिम्मेदार से जिम्मेदार आदमी आज इसकी शिकायत करता है। हाईकोर्ट के एक जज साहब ने हमारे मेयर साहब से यह शिकायत की थी कि उन्होंने जब एक मकान का नक्शा पास कराने के लिये भेजा तो उसमें भी पैसा मांगा गया। कितनी ही बात इस तरह की हम रोजमर्रा देखते हैं। एक नहीं सैकड़ों हजारों इस तरह के केसिस हैं। जो अफसर है वह भी कहता है मेरी मजबूरी है, मैं भी कहता हूँ कि मेरी मजबूरी है लेकिन इस मजबूरी का इलाज क्या है।

मैं कल ही पढ़ रहा था डिबेलेपमेंट सिटी गवर्नमेंट का, स्टेट्स के अन्दर पिछले सौ साल का, रेवोल्यूशन से लगा कर, उस राइटर ने अपनी किताब में लिखा था कि यह जो पैटर्न है (जो कि यहाँ दिल्ली में मौजूद है), और जिसको ट्राई किया गया, बिल्कुल इसमें कर-

प्शन का राज था और इसका कारण यह है कि आर्थोरिटी जो है, उसमें डिफ्यूजन्स आफ पावर जो है और चैक्स एण्ड वेलेंसिज जो हैं, उसके चक्कर में पड़ करके और डिफ्यूजन्स आफ आर्थोरिटी में पड़ कर एडमिनिस्ट्रेशन को इतना निकम्मा बना दिया गया कि कोई एकशन नहीं ले सकता, कोई आर्थोरिटी एक्स-साइज़ नहीं कर सकता है। इस हालत में दिल्ली एडमिनिस्ट्रेशन का कोई ताल्लुक कारपोरेशन से नहीं है और दोनों लोगों को अगर मिला दिया जाए तो उनका डी० डी० ए० से कोई लम्बा चौड़ा ताल्लुक नहीं होता है। मुझे खुशी है और मैं शास्त्री जी का का एहसानमन्द हूँ कि उन्होंने इन सब दिक्कतों को महसूस किया है कि बाकाई में दिक्कत है। उन्होंने यकीन दिलाया है कि वह उनके ऊपर गौर करेंगे और इसको देखेंगे। मुझे अफसोस है कि जब कारपोरेशन बन रही थी तब भी मैंने यह बात कही थी कि जो यह तजुर्बा किया जा रहा है यह नाकामयाब होगा, यह चल नहीं सकेगा और यही हुआ। आज भी मैं कहता हूँ कि आप बेशक इसको आजमायें लेकिन यह कामयाब नहीं होगा। बर्दाकस्मती से तीस साल हमने गुजारे और जो पांच साल बीच में आए उनको भी हमने गुजारा। आपके कहने पर हम और भी तजुर्बे करने के लिये तैयार हैं। लेकिन मैं कहता हूँ कि यहाँ जो सिविक एडमिनिस्ट्रेशन का पैटर्न हिन्दुस्तान में है, इसमें ड्रास्टिक चेंजिज की जरूरत है। इस मोके पर मैं यह भी कहना चाहता हूँ कि यह सिविक पैटर्न जो हिन्दुस्तान में चल रहा है, ब्रिटेन की नकल पर, यह हिन्दुस्तान के जीनियस के खिलाफ है। यह चल नहीं सकता है, इसको हमें भंग करना पड़ेगा। दिल्ली का जहाँ तक ताल्लुक है, इस पैटर्न के ऊपर आप इसको नहीं चला सकते हैं। अगर आप समझते हैं कि यहाँ पर लैजिस्लेचर नहीं हो सकती है, मिनिस्ट्री और कैबिनेट नहीं हो सकती है तो कैबिनेट सिस्टम के अलावा और भी बहुत से सिस्टम हैं, प्रेजीडेंशल सिस्टम हैं, या और कई सिस्टम हैं,

[श्री ब्रह्म प्रकाश]

उनको आप देखें और देखने के बाद उसको आप यहां परें ट्राई कर, उसको यहां लायें और जो दिल्ली का जर्नियस हैं, दिल्ली की जो तमाम चीजें हैं, उनको किस तरह से काम में लाया जा सकता है, इसको आप देखें ।

मोका दुःख का भी है और खुशी का भी । मुझे आप माफ़ करें, क्योंकि मैं आपका थोड़ा वक्त और ले रहा हूं । हम जानते हैं कि हमारे जन्मदात कहां तक हैं इस मामले में, लेकिन अब हम अपने होम मिनिस्टर श्री शास्त्री को अपने सामने देखते हैं तो महसूस करते हैं कि उनका दिल इस बात को सही तौर से समझता है । हम यह उम्मीद करते हैं कि हम उन्हें कर्निस कर पायेंगे और वे फिर हमारी बात को मनेंगे । और अगर जरूरत पड़ी तो वे इस विधान में दुबारा तरमीम लायेंगे ।

14 hrs.

मैं यह भी कहना चाहता हूं कि इसके अंदर ज्यादा देर न की जाय । शायद होम मिनिस्टर साहब विटर सेशन में दूसरा बिल लायेंगे । अगर हो सके तो उसके साथ साथ या उससे पहले आप दिल्ली के मुतालिक भी अपनी तजवीजें ले आयें ।

**Dr. Colaco (Goa, Daman and Diu):** Mr. Deputy-Speaker, only a few days back I had occasion to draw the attention of the House to the situation and to the political aspirations of Goa, Daman and Diu and other territories. Now, I think I would be able to carry my people the good news of the passing of the Bill that is under discussion in this House which represents the fulfilment of the thinking of the hon. Home Minister and the Government on this very important matter.

On this Bill, I must make only a few remarks, that are not controversial in nature, regarding Goa, Daman and Diu. First of all, it is desirable that the aims of this Bill should be implemented as soon as possible, without any delay, and that no major

reforms, agrarian, economic, administrative or any other, are introduced to avoid hasty measures and irreparable damage, as happened in the past. Secondly, the new provision introduced in the Constitution, article 239A, is wide enough and has deliberately put in some alternative prescriptions, and that is why it is wise and reasonable. As far as Goa, Daman and Diu are concerned, I am sure that when the time comes their Legislatures will be wholly elected, or at least have a substantial elected majority, and a responsible executive or a Council of Ministers answerable to the Legislature. The financial burden will not be very hard on our country because our financial position is sound and progressive, with a revenue of about Rs 5 crores to 6 crores, without practically any deficit and with some surplus in some years. Thirdly, I must stress that the powers conferred on the people must be wide enough, including the powers of the purse; there must be diffusion of power from the Centre to ensure real local autonomy.

When I am on this, I must also emphasize another point. This Bill is for us only a step, a big step for our fuller growth, a major step towards a full-fledged State within the Indian Republic, with all its privileges and obligations towards the nation.

**Shri Rishang Keishing (Outer Manipur):** Mr. Deputy-Speaker, I congratulate the hon. Home Minister for introducing the Constitution (Fourteenth Amendment) Bill, 1962 in the House. Of course, it has come too late, nevertheless, it is welcome. The Bill, as it stands, I feel, has loopholes and shortcomings.

As it stands, the Government of India seem to visualize three types of administration in the Union Territories—one having a body of purely nominated members, another a body half elected and half nominated and third one purely elected. Purely nominated and half-elected and half-nominated legislative bodies will

amount to a mockery of democracy, if it is allowed to stay. I hope the hon Home Minister will remove it and improve upon it.

Delhi has been omitted from the purview of this Bill. It is a matter of great regret that one of the most important Union Territories should be omitted and denied of a Legislature. It is not yet too late for the Minister to consider the case of Delhi. I hope the Minister will decide to include it at last.

On the 7th of December, 1961 the hon. Home Minister made a statement which was very restricted. The terms of reference on which the Sen Committee was appointed were so restricted that we people living in the Union Territories never anticipated that such a Bill will come. I am glad that there has been a clear departure and a marked improvement from the previous statement.

The people of the Union Territories naturally welcome this Bill because to many of us, specially those who are residing in Manipur and Himachal Pradesh, it is not a new thing that a Legislature is going to be granted. Rather, it is the restoration of one which was snatched away from the people and denied to them for the last twelve years. I am glad that it is going to be given back by the Government of India to us. So, we are all the more happy and we would naturally welcome the Bill.

So far as Manipur is concerned, we did not remain silent. The people were so agitated and angry that the Legislature was dissolved forcibly in the year 1949 at the time of integration. Since that time our people have been struggling hard as true nationalists for the revival of the legislature. As true lovers of democracy, they have been carrying on peaceful agitation after agitations. In 1954 and 1960 there were mighty agitations. Several people were brutally beaten by police and several people courted arrest. Several people were injured

in police firings and several people were sentenced to various terms of imprisonment. I am glad that our people have willingly suffered and shown themselves as true nationalists. It is to the credit of the Manipuri women that they took a major burden of the struggle and they courageously shouldered the responsibility of proving themselves as true citizens of the country.

We are prepared to forget the past. This is not the time to think of the past and get angry. Now we want to request the hon. Home Minister to remove whatever defect there is in this Bill and to see that sufficient power and sufficient rights are given to the people so that they might be able to administer it to the satisfaction of not only themselves but of the entire country.

Pondicherry, Goa, Daman and Diu are all newly liberated territories of our country. We are specially happy to be with them. Though we had been denied, as I stated earlier, still, we are happy that we have been with these newly liberated people of our country in the same group. I hope, we will work together shoulder to shoulder and hand in hand and will serve our country and our territory.

Sometime about the end of December a committee consisting of all representatives of the different communities of Manipur came to Delhi to meet the hon. Home Minister, the late Pandit Pant. In the course of discussions we said that we did not demand the status of a full-fledged State that U.P., Bengal and other States were enjoying but that we would be satisfied if you restored the legislature which was enjoyed by the former Part C States. He promised us that he would make an announcement before the 1962 elections. Suddenly he died and his death came as a bolt from the blue to those of us living in Union Territories. But the present Home Minister followed it up and the present Bill is before us. I feel that the promise that was made to us by

[Shri Rishang Keishing]

the late Pandit Pant is going to be fulfilled by his successor. Therefore I would like to appeal to the present Home Minister that he should not leave any loopholes or shortcomings and that all the defects of the Bill should be removed. That way, I think, he will be doing not only service to the people of the country but particularly to the great leader who is no more with us.

I would also like to appeal to the hon. Home Minister that not only should he remove the defects of the present Bill but the Bill which he will be bringing before the House in the next Session of Parliament should be one that would be acceptable to the people of the Union Territories.

With these few remarks I support this Bill.

**Shri P. R. Chakraverti (Dhanbad):**

Sir, at the outset, I must congratulate the hon. Home Minister for introducing this Bill. It is a very timely move. Being one who symbolises in himself truth and non-violence, who has fought in the national struggle and who practises what he professes, naturally, we can reasonably expect that the hon. Home Minister will take the initiative in giving a form of responsible government to the people of the Union Territories—the finest specimens of humanity in Himachal Pradesh, Manipur, Tripura and Goa all of which I have had occasion to visit. Naturally, the urge, the intense feeling to assert themselves has evoked the response and it is quite in the fitness of things that this Bill has been mooted before us.

But, Sir, I cannot offer my unreserved congratulations to the hon. Home Minister because of a very patent factor—namely, that Delhi has been left out of the list of territories which have been specifically mentioned here in article 239A. When this question of denying the people of Delhi their right of representation came up six years earlier, I had occasion to repre-

sent the case of Delhi before the High Command. I am reminded of the writing of a prominent Argentine professor, Professor Rafail Biela, with regard to Buenos Aires, the capital of Argentine Republic. In the year 1881, this very argument put forward by the hon. Home Minister was advocated there. In 1881 it was pointed out that U.S.A. had created a Federal Capital—Washington—because when the Congress used to meet at Philadelphia, the people of Philadelphia tried to influence Congress by big crowds and the proceedings could not continue. This served as a lesson to all of them and they wanted to find out a small site. You must know that it was a small site taken away from the three different States of U.S.A. and that is now known as Washington. It is strange, the analogy which was drawn in the year 1881 in Buenos Aires, is quoted today.

But what do we find in Brazil, another country if not bigger than India is as big as India. With regard to Rio de Janeiro, another writer, Professor Jose' Arthur Rios has pointed out that Rio has always been a stronghold of opposition; that is why it is vital not to abolish Rio's political rights and to reduce its citizens to a position of political inferiority like those of Washington. They always had weighed with this argument that, in the city where the capital was located, there might be some trouble due to the machinations of interested parties and forces of anarchy and political upheaval might try to bring about pressure on statesmen who counted there.

That is an argument which does not fit in so far as Delhi is concerned. The capital was shifted here while separate sites had to be found out in Australia and U.S.A. for their capitals. These are the two places where responsible Government has not yet been introduced. But what about Moscow? What about the other, capital cities all over the world? Moscow is a place where we go in pilgrimage every three

months. So, I have to take up Moscow specially. I learn that a deputation led by the hon. Speaker of Parliament is going there soon. It is not only the capital of USSR but also that of the largest of the 16 constituent republics. One hundred million of population is controlled by one republic, namely, the Russian Socialist Federative Soviet Republic, with its headquarters in Moscow. Not only that, the Moscow City Soviet is a local organ of the State power. It is considered to be the representative of the National Government within Moscow. If there can be no inconvenience in the existing arrangements, then why should we fight shy of this thing?

I would not mention Rome, Paris, Berlin or London. I know, in all these cities, which I have visited, nobody could question the right of the people to assert themselves because the capital is there. Here is Shri A. C. Guha, the naughty young man of pre-war India—1914 to 1918. These youths created trouble in Bengal and, it was because of that trouble, when these not non-violent people threw bombs and used revolvers that the British regime wanted to clear out of Calcutta. I have participated in the national struggle and I know that because of that the British people feel uncomfortable and sought shelter in Delhi. The people of Delhi, unsophisticated, simple-minded, most good-natured, known for their best culture, courteousness and gentility. It is these people who gave me shelter—a displaced person from East Pakistan. In 1952 I sought election from Rajendra Nagar, one of the biggest colonies in India, the premier colony having not a single Bengali resident there. The North West Frontier people, the Punjabis, the Sindhis, the Baluchis—all accepted me as one of their own. This evidently shows what good type of people reside in Delhi.

The other day, there was a public convention in the City Hall. They

call it Durbar Hall. I was present there. The people were brandishing their fists at the Mayor who was in the Chair but not a single man would strike a blow to the other man. I was enjoying it. In my part of India, it would never have been possible. At least, there would have been some bloodshed. Here these are the people who are rich in their eminence and gentility which our Home Minister also possesses, rightly too. I do not understand how when the British people ran away from Calcutta and transferred the capital of India to Delhi in 1911 without any invitation from the people of Delhi, one can deny that right to the people of Delhi.

I understand the Home Minister happened to be a student of Kasi Vidyapith. In Kasi, the Viswanath Mandir was reported to be put up on the Trisul of Mahadev so long it was not raided by non-Hindus. If you want to have another sacrosanct temple here, start it, including the headquarters of the Congress party or the Communist party at Windsor place including Janpath spreading up to the Ashoka Hotel. Take York Road or Tinmurthy or any other place.

**Shri Sham Lal Saraf** (Jammu and Kashmir): Will it be invulnerable?

**Shri P. R. Chakraverti**: You can have a small enclosure where you draw a line and say, we should not cross the Rubicon. The people of Delhi will not cross the Rubicon once you decide. Or, you have the round buildings, the House of the People and Rajya Sabha and you can have it there. How can you deny this right to the people of Delhi?

The Resolution was passed unanimously. I sponsored the Resolution in the Delhi Assembly and it was passed unanimously. Delhi must be greater Delhi, naturally. That was the rub. Difficulties were created I said, we have to expand. In the Delhi Master Plan drawn up under the direction of the Central Government, the Master plan is trying to expand up to Meerut, Ghaziabad, Sonapat, Panipat and so

[Shri P. R. Chakravarti]

many other places. If it is so, how is it that the administration will be affected by the presence of responsible government,—responsible to the people? How can the representative character of the people focussed through their own elected representatives be a cause of alarm? Indeed, it has given a good account of itself in the five years 1952-56. So much so, you find Ministers are recruited from the erstwhile Delhi Assembly Members, Governors and other important officials. Today, I would insist on this point. Do not deny the right of the people to assert themselves. It is crucification of liberty at the hands of the Home Minister who had participated in the liberation struggle

I would again try to bring home this factor with all my earnestness that you cannot withhold this right on the plea which had been taken in the case of Argentine Republic in 1881. You are quoting the same slogans. What about other countries of the world, all over the world? It was only in Australia that they founded a capital on a new site, Canberra. Washington had to be found out because they did not like Philadelphia. Four times Bills have been introduced in Washington—I do not want to go into the details—because there were some particular difficulties which stood in the way of granting responsible government to this city. Delhi does not stand on the same footing. I appeal again to him to consider this aspect of the question and in the next Bill which he proposes to move before the House, I hope he will bring a positive picture where Delhi will have an elected set up responsible to the people of Delhi.

श्री बड़े (खारगोन) : माननीय उपाध्यक्ष महोदय, जो बिल इस सदन के सामने रखा गया है, उस से मेरे हृदय में सुख और दुख की मिश्रित भावना पैदा हुई है। सुख का अनुभव इसलिए हुआ है कि पांडीचरी, मणिपुर, त्रिपुरा और गोआ, दमन तथा दीव आदि क्षेत्रों में विधान सभाओं का निर्माण किया जा रहा है और वहाँ के लोगों को इलैक्शन

का राइट मिल रहा है। लेकिन इस के साथ ही दुख इस बात का है कि आज देश के छोटे छोटे टुकड़े होते जा रहे हैं। इस से पहले नागालैंड का एक छोटा सा प्रदेश बनाया गया था और अब मणिपुर और त्रिपुरा को अलग अलग प्रदेशों का रूप दिया जा रहा है। अगर इन क्षेत्रों को आसाम में मिला दिया जाता, गोआ को महाराष्ट्र में . . . .

एक माननीय सदस्य : मैसूर में क्यों नहीं ?

श्री बड़े : . . . या पास की किसी स्टेट में, जैसा शासन उचित समझे, मिला दिया जाता और इसी प्रकार दूसरे इस प्रकार के क्षेत्रों को भी उन के साथ वाली स्टेट्स में मिला दिया जाता, तो इस देश का प्रशासन बहुत अच्छी तरह से चलता और खर्च में भी बचत होती। आज हिन्दुस्तान के छोटे छोटे टुकड़े होते जा रहे हैं और इस कारण प्रशासन चलाना बहुत मुश्किल हो रहा है और खर्च भी बहुत अधिक करना पड़ रहा है।

मेरी विनती तो यह है कि मैं इस कल्पना का व्यक्ति हूँ कि हमारे देश में एक यूनिटरी फ़ॉर्म आफ गवर्नमेंट हो—सारे अधिकार पार्लियामेंट के पास रहें और चार पांच जोन्ड बना दिये जायें। लेकिन आज छोटे छोटे राज्य और स्टेट्स बनाई जा रही हैं। अगर उन को लेजिस्लेटिव असम्बलेंस देने के बजाये पास के प्रदेशों में मिला दिया जाता, तो शासन का पैसा भी बचता और इमोशनल इन्ट्रेंशन और नैशनल इन्ट्रेंशन भी प्राप्त हो जाती।

जहाँ तक त्रिपुरा का सम्बन्ध है, स्टेट्स रीआर्गनाइजेशन कमीशन ने अपनी रिपोर्ट के पृष्ठ १६२ पर कहा है :

“As a small Part C State, Tripura cannot obviously stand by itself. The West Bengal Government, moreover, has not claimed this area; and its merger in Assam, in our opinion, can be supported among other reasons on the

ground that it will be desirable to bring the entire border between India and Pakistan in this region under one single control, namely, that of the Assam Government."

उस ने कहा है कि अल्टीमेटली मणिपुर और त्रिपुरा को आसाम प्रदेश में मिला देना चाहिए ।

मणिपुर के बारे में उस कमीशन ने अपनी रिपोर्ट के पृष्ठ १६७ पर कहा है :—

"While we make this recommendation, it is quite clear to us that Manipur cannot maintain its separate existence for long and that the ultimate solution should be its merger in the adjoining State of Assam. It is equally clear to us that so long as it continues as a separate administrative unit, the administrative structure of Manipur should conform to the pattern we have indicated in Chapter I of this part. We wish to repeat that, if a unit such as Manipur wishes to have representative government at the state level, it must be prepared to join a large unit. It cannot insist on a separate existence,....."

मैं निवेदन करना चाहता हूँ कि स्टेट्स रीऑर्गनाइजेशन कमीशन ने मणिपुर और त्रिपुरा के बारे में जो वक्तव्य अपनी रिपोर्ट में दिया है, माननीय होम मिनिस्टर साहब उस की तरफ कोई ध्यान न देते हुए उन को अलग यूनिट्स बना रहे हैं और इस प्रशासन को और अधिक खर्चीला बना रहे हैं ।

अगर पांडीचरी को साथ के प्रदेश में मिला दिया जाता, तो अच्छा होता । ऐसा नहीं किया गया, इस का मुझे थोड़ा सा दुख है, लेकिन इस के साथ ही इस बात से सुख का अनुभव होता है कि पांडीचरी का जो प्रश्न इतने दिनों से पड़ा हुआ था, अब हल हो गया है और अब उस को आटानोमस गवर्नमेंट मिलने जा रही है ।

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दिल्ली के बारे में मेरे पूर्ववक्ता ने जो भाषण दिया, उस पर मुझे बड़ा आश्चर्य हुआ । इस समय दिल्ली में एक तो कांपॉरिशन चल रही है, उन के साथ न्यू देहली म्युनिसिपल कमिटी है और साथ ही दिल्ली एडमिनिस्ट्रेशन के द्वारा दिल्ली का प्रशासन चलाया जा रहा है । इस प्रकार यहां का प्रशासन दो आरबिट्रस पर चल रहा है, जो कि मेरे विचार में ठीक नहीं है । आज आवश्यकता इस बात की है कि कांपॉरिशन को और ताकतवर बना दिया जाये, उस को पूरे अधिकार दे दिये जायें और उस के वर्तमान डिफ़ेक्ट्स को दूर कर दिया जाये । इस प्रकार दिल्ली एडमिनिस्ट्रेशन की कोई आवश्यकता नहीं रहेगी । स्टेट्स री-ऑर्गनाइजेशन कमीशन की रिपोर्ट के पृष्ठ १५८ पर दिल्ली को स्टेट न बनाने और विधान सभा न देने के बारे में लिखा है :

"In making a choice between the two alternatives we must take into account the following special factors:

- (i) Delhi is the seat of the Union Government; and
- (ii) it is basically a city unit, 82 per cent. of its total population being resident in urban areas."

यद्यपि दिल्ली को लेजिस्लेटिव असेम्बली १९५१ में दी गई थी, लेकिन उस की अवधि में बहुत घोटाला और गड़बड़ हुई । उस के बाद उस रिपोर्ट में लिखा है :

"On the one hand, it is contended that the development of the capital is hampered by the division of responsibility between the Centre and the State Government and that there has been a marked deterioration of administrative standards in Delhi since dual control was introduced in 1951."

मेरे पूर्ववक्ता ने अपने भाषण में कहा कि वह तो उसी प्रकार की लेजिस्लेटिव असेम्बली चाहते हैं, जो कि १९५१ में थी । मैं समझता



[श्री बड़े]

हूँ कि अगर यहाँ पर लेजिस्लेटिव असेम्बली स्थापित की गई और दिल्ली गवर्नमेंट बनाई गई, तो हिस्ट्री अपने आप को रीपेट करेगी और फिर उसी तरह को गड़बड़ और अव्यवस्था फँलेगी।

मेरे पूर्ववक्ता ने बड़ा इमोशनल भाषण दिया और कहा कि होम मिनिस्टर साहब ने स्वतंत्रता के आन्दोलन में भाग लिया है, वह आजादी के सिपाही हैं, उनके हाथ से दिल्ली को लेजिस्लेटिव असेम्बली क्यों नहीं मिलती है। मैं कहना चाहता हूँ कि पूर्ववक्ता महोदय ने पहले के इतिहास की तरफ नहीं देखा है। स्टेट्स रीआर्गनाइजेशन कमीशन ने इस सारी समस्या का पूर्णतया विश्लेषण किया है और लिखा है कि यहाँ पर कार्पोरेशन होनी चाहिए और उस को पूर्ण अधिकार देने चाहिए। क्योंकि यह नहीं किया गया है इसलिए सारी अव्यवस्था हो रही है। अगर म्यूनिसिपल कमेटी अलग न होती, यह नई दिल्ली म्यूनिसिपल कमेटी अलग न होती और आटोनोमस कार्पोरेशन को अलग न रखा जाता और यह जो इयूल गवर्नमेंट है, इस को न चलाया जाता तो अव्यवस्था नहीं होती। करप्शन का भी पूर्ववक्ता ने जिक्र किया है और कहा है कि वह बहुत ज्यादा बढ़ी हुई है। मैं उनसे पूछना चाहता हूँ कि करप्शन हिन्दुस्तान में है कदां नहीं। सभी जगह पर यह व्याप्त है। इसको दूर करने की हम सब को कोशिश करनी चाहिये न कि ऐसा करना चाहिये जैसे कि एक ब्राह्मण किया करता था कि जिसकी चोटी उसके हाथ में आ जाया करती है, वह उसको ही कहता था कि काट देनी चाहिये। अगर कार्पोरेशन में करप्शन है, वह अपना काम ठीक तरह से नहीं कर पा रही है तो हमें देखना चाहिये कि वह दूर हो और काम ठीक तरह से चले न कि हमको उसे ही खत्म कर देना चाहिये। दिल्ली के बारे में स्टेट्स रीआर्गनाइजेशन कमीशन

ने पेज १६१ पर एक सिफारिश की थी जिसकी तरफ मैं आपका ध्यान दिलाना चाहता हूँ। उसने कहा है :—

“There is, therefore, no question of disfranchising the people of Delhi or any other Centrally administered area. Having taken all these factors into account, we are definitely of the view that municipal autonomy in the form of a corporation, which will provide greater local autonomy than is the case in some of the important federal capitals, is the right and in fact the only solution of the problem of Delhi State.”

यह जो कहा जाता है कि किसी वक्त में यहाँ पर लेजिस्लेटिव असेम्बली थी इस वास्ते अब भी दो जानी चाहिये तो यह बात समझ में नहीं आती है। स्टेट्स रीआर्गनाइजेशन कमीशन की रिपोर्ट के होते हुए जिसमें पूरा इतिहास दिल्ली का दिया गया है, मैं समझता हूँ यह कहना कि यहाँ के लिए भी उसी तरह से लेजिस्लेटिव असेम्बली दो जानी चाहिये, और कैबिनेट दी जानी चाहिये जिस तरह से पांडीचेरी, त्रिपुरा, मनीपुर इत्यादि में दी जा रही है, लाजिकल नहीं है, सिद्धान्त के विरुद्ध है और मैं समझता हूँ कि केवल भावना में बह कर ही, इमोशन में आकर ही उन्होंने यह बात कह दी है। उन्होंने इससे जो शासन खर्चीला होगा, उसकी तरफ बिल्कुल भी ध्यान नहीं दिया है अगर ऐसा किया गया तो १९५१ में जो डिटयोरेशन हुआ था वह फिर हो जायेगा। इस वास्ते दिल्ली के बारे में मैं कहूँगा कि वर्तमान म्यूनिसिपल कमेटी तथा कार्पोरेशन को डिजाइल करके सभी अधिकार, पूरे के पूरे अधिकार कार्पोरेशन को दिये जाने चाहिये। इस तरह से जो दिल्ली की समस्याएँ हैं, वे आसानी से हल की जा सकती हैं। दिल्ली कैपीटल है, इस वास्ते जापान में टोकियो में जिस प्रकार की व्यवस्था है, उसी प्रकार की व्यवस्था यहाँ भी की जानी चाहिये। दिल्ली

की खास पोजीशन को देखते हुए, चूंकि यह राजधानी है, इसकी विशेष परिस्थिति को देखते हुए, अलग से एक राज्य बनाने के बजाय कारपोरेशन को अधिक से अधिक सशक्त बनाया जाय तो ये जो डिफेक्ट्स गिनाये गये हैं, ये नहीं रहेंगे।

इन शर्तों के साथ मैं इस बिल को सपोर्ट करता हूँ और दिल्ली के बारे में जो मसाला बीच में उठाया गया है, उसका मैं विरोध करता हूँ। मैं समझता हूँ कि दिल्ली में केवल कारपोरेशन होनी चाहिये। भावनात्मक दृष्टि से इस प्रश्न पर विचार न करके, जिस तरह से ए० आर० सी० न इस मसले का हल मुझाया है, उसकी तरफ हमें ध्यान देना चाहिये।

**Shri Lalit Sen (Mandi):** Sir, it is with a sense of deep humility that I venture to express today the feelings of gratitude of the people of Himachal Pradesh towards the hon. the Home Minister for having brought before this House the Fourteenth Constitution Amendment Bill.

It was a long time ago, in 1955, that as a result of the States Reorganisation Commission's Report we had to give away our Legislative Assembly, much against our wishes and much to our disappointment. But even then we were grateful to the Government of India, and particularly to the late Home Minister, Pandit Govind Ballabh Pant, for having acceded to the wishes of the people of Himachal Pradesh and having agreed with the observation of Shri Fazl Ali in his note of dissent agreeing to keep Himachal Pradesh as a separate entity. Even at that stage we were grateful to the Government of India for having acceded to our wishes.

In 1956 the Territorial Councils Act was passed and the Territorial Council came into existence and since then the people of Himachal Pradesh have all the time been representing to the Government of India, from the pan-

chayat level up to the Territorial Council, to get the democratic set-up restored. In fact, it was sometime in 1955, on the 20th December 1955, during the discussion on the Territorial Councils Bill that the late Home Minister, Pandit Pant, had said, which I am sure you will allow me to quote:

"Nothing can be said to be everlasting in this world. These Bills too will be improved and we will all be glad to do whatever is necessary in order to satisfy the wishes of the people."

I do feel that these words have a prophetic echo in what is coming before the House today. And we are all indeed very grateful to the Government of India, and the hon. the Home Minister in particular, for having brought this measure before the House.

In fact, we in Himachal Pradesh from the beginning have pinned our hopes and our faith in the national leadership. Whereas we have tried all along for the restoration of the democratic set-up, we have believed, in view of the various assurances that the Government of India had been giving us, in view of the various talks that our people have had with the hon. the Home Minister, Shri Shastriji and the assurance that he had given us, that something would come. And we are very grateful indeed that not only has our patience been rewarded but we have got something much more than what was indicated some time ago.

It would not be out of place here to mention the progress and development that Himachal Pradesh has made, the strides forward that Himachal Pradesh has made under the guidance of Parliament, under the very active attention of the hon. the Home Minister, and the personal attention of a very imaginative and able Administrator, in these last few years, during the Second Plan mainly. In the Second Plan period again an outlay of Rs. 14.72 crores we were able

[Shri Lalit Sen]

to spend more than Rs. 16:20 crores. In the agricultural sphere, I think it is the only State in the whole country where the agricultural production has gone up by about 30 per cent. We are, again, the only State in the whole of the country where every inch of the land is covered by community development blocks. Again, literacy has gone up by about 10 per cent. 16 per cent of our population is working on roads. All these are achievements; and, judged against the background of a hilly State, the difficulty of communications, the general backwardness of our affairs, whether economic or social, the phenomenal nature of the improvements cannot be over-emphasised.

Similarly, in the matter of health and education there has been tremendous expansion. Probably we are one of the few States, if not the only State, where we will have at the end of the Third Plan period a school after every three or four miles—a primary school every two miles and a high school every five or six miles.

The reason for my pointing out all these things is that, after all, it is in this period that we have achieved all this and thus I do feel that we are in a position to take full advantage of this new status that is being given to us. This development and progress has enabled us to consolidate our position and look to the future with faith and make our humble contribution towards the nation, towards national unity and towards national progress as a whole.

I would like to point out here that small that we are—Himachal Pradesh is not a very big State—but we are placed amidst very beautiful scenery, amidst scenic grandeur, with nature's bounties so lavishly conferred upon us. We have a culture which is not only rich but is reminiscent of our history and heritage. I am sure that small as we are, we have a contribution to make towards national unity and towards the nation as a whole. And this development of our own genius, this development of our own

personality in the form of a Legislative Assembly will afford us greater opportunities to make this contribution in the future.

I do not think I have much to say. This is not the occasion for me to say much. I hope there will be further occasions when this House will have time to discuss the concrete measures which the hon. the Home Minister will put before us for implementing the powers that Parliament is about to confer upon Government. But I would like to point out one basic thing. Whatever system of government is evolved—legislative status is being given to Himachal Pradesh, it is a very good thing—but these hilly and backward areas are so small and economically backward; we are not viable units, it may be put that way; and we are very grateful to the very large subsidies we have received from the Government of India and the Planning Commission in the past for our development and progress—one thing has to be remembered, that any system of government in these hilly areas, in these small States, has to be of such a nature in which the government reaches out to the people and it is not the people who have to go to the government. We have gone quite far in this context in Himachal Pradesh, and I do feel, whatever else anybody else may have to say, in the past few years the progress that we have made, whether in the administrative sector or planning or development, has enabled us to bear this responsibility of running our own affairs to a much larger extent than it would have otherwise been.

With these words, I would once again express my gratitude and that of the people of Himachal Pradesh to the hon. Home Minister, and I would like to express the hope that he will before long introduce in this House further Bills to implement the powers that are about to be conferred.

**Shri Surendranath Dwivedy:** This is a very welcome measure, and I give my general support to the Bill. At the same time, I must say, that looking

at the provisions of the Bill, I am not satisfied, because if we really make a review of the entire approach of Government towards the reorganisation of States in this country, we shall find that the approach has been haphazard. They have not given serious thought to the suggestions made by the States Reorganisation Commission after due deliberation regarding the division of the country, of course, taking language as the basis, but at the same time taking into consideration other aspects of the problem also. The States Reorganisation Commission took a general view of the country as a whole and came forward with certain recommendations. It was a high-powered commission. We know that in this country there are several pressures working, and there are regional feelings, and there are also other factors, and it will be difficult for any party or any Government working under political pressure to come forward with a solution of these problems. Therefore, it would have been in the fitness of things if once and for all, after the report had been published, Government had accepted it *in toto*; then, probably, we would not have seen all these demonstrations and encouragement to fissiparous tendencies in this country. But we deviated from one course to another. We did not accept the report of the States Reorganisation Commission, but we deviated and we deviated according to our pleasure. And Parliament passed the law.

Then, there were public agitations, and again we had to change the law. In this case also, I do not see any reason why these areas of ours which are known as the Union Territories should have been denied of this very right of having a responsible legislature in their areas. I would not press for it, as I said in the beginning, if Parliament or the Government had accepted *in toto* the recommendations of the States Reorganisation Commission. But once you have deviated, was it not your duty to give these areas responsible legislatures for which there have been movements as well?

For instance, there was a movement in Manipur, led by my hon. friend Shri Rishang Keishing who hails from that place. Agitations were led, and he was jailed, and in fact, I met him in prison, when I visited Manipur in the year. I found that the people were restive, and they wanted some legislature. It goes to their credit that they being in a frontier area, in spite of the fact that the Nagas just in the adjoining areas were creating all sorts of troubles, they were patriotic enough to agitate constitutionally that they must be given full rights and responsibilities so that they can actively participate and associate themselves with the administration of that territory. But they were denied of that. Instead, you posted there some administrators from other areas who had very little to do with the wishes of the people, and who had very little knowledge or experience of the things there or even of the desires of those people. Therefore, I say that you have had a haphazard approach. I do not know what prevented you from giving a responsible legislature for those areas.

So far as the question of viability is concerned, I submit that no question of finance etc. can be raised at this stage because we are planning for the whole country, and we have taken the responsibility to see that every backward area in this country must be developed properly; not only must they develop but they must be developed on a par with other developed areas. So, no question of economic viability or financial difficulty etc. can be raised at this stage.

Now, under this Bill, what is sought to be created? As the hon. Home Minister has stated the set-up which was there in the old Part C States is going to be restored. I want to know whether that is going to satisfy the people, because the States Reorganisation Commission themselves have stated in regard to these Part C States that they would continue to be economically unbalanced, financially weak and administratively and politically

[Shri Surendranath Dwivedy]

unstable. So, that is the recommendation of the States Reorganisation Commission. When we are thinking of giving a new administration and a legislature to these areas, I would have thought that the Government should have devised some other method under which these people also would be able to associate themselves actively with the administration, and they would not have any feeling that they are enjoying some sort of inferior status.

Now, in this Bill it has been stated that the body which will function as the legislature may be nominated or partly nominated and partly elected or wholly elected. I fail to understand why this kind of discrimination is being made. Of course, it may be said that Parliament is elected, and Parliament will nominate the persons and they will function in the legislatures, and, therefore, there is no denial of the democratic rights to the people. If that argument can be carried further, then there should be no legislature in any of the States at all, because here is the Parliament which can appoint committees in the different States to carry on in its behalf the work in the States. I do not think that that is a satisfactory argument. I feel that there should be no room for nomination at all. We not only want to satisfy the desires of the people, but we want that every citizen of this country, in any part of the country, must have full rights and at the same time due responsibilities, to participate and actively associate himself with what is happening in this country. If that is the purpose, I would beg of the Home Minister that even now, it is not too late, and he may accept the amendment to this effect that there shall be no room for nomination. The amendment has been tabled only for that purpose.

In fact, I would not even agree to partial nomination, but in this Lok Sabha also, we do have nominated Members, and, therefore, I shall concede that it may be partly nominated and partly elected. But let no power

be given to this Parliament—and Parliament virtually means Government because they are in the majority and they will decide who should be their nominees—they will put their own men by nomination. So, I would suggest that let there be no power conferred on Parliament for nominating the entire body which will act as the legislature in these territories, because that will not satisfy the people who are congratulating the Government for having brought forward this Bill.

The Home Minister had mentioned about the committee that had been appointed under the leadership of the Law Minister. I was expecting that he would have placed that report on the Table of the House. But that report has not been placed on the Table of the House, and we do not know what the recommendations of that committee are. Is the Home Minister in a position to tell the House that he has completely agreed with the recommendations and it is on the basis of those recommendations that he has brought forward this Bill? I would like to be enlightened on this matter.

Some amendments have been tabled about the set-up for Delhi. I do not think that anybody who has any experience of Delhi life would ever think that the present arrangement is satisfactory. There is no doubt about that. Even the Government of India with their heavy burden probably are not in a position with the present administrative set-up to look into the grievances of the people, as satisfactorily as they should. So, it is an important matter. To a certain extent, I agree with the view that if there is a legislature, there may be some kind of parallel body. And sometimes, they may view with each other, and there may be clashes and other things which are not desirable. At the same time, I must say that it is high time that along with this Bill, Government should also have come forward with certain proposals to improve the conditions of administration in Delhi. They should have taken certain administrative measures and

changed the entire administrative pattern so that the people's desires would be satisfied to some extent and the conditions in Delhi would have improved. The Home Minister has promised to give some thought to it, and the earlier he does it, the better will it be.

In conclusion, the only thing that I would say is that we are amending the Constitution so frequently.

My hon. friend, Shri Kamath, had given notice of a motion for circulation. He has not moved it. Our entire purpose is not that we want to delay the Bill. This measure, however halting, however unsatisfactory it may be, should be adopted as soon as possible. But the whole purpose is that we should not amend the Constitution in such a light manner. I think in the 'Constituent Assembly when debate was taking place, a suggestion was made that before making amendments to the Constitution, sufficient notice should be given to the people of India because, after all, the people of India—the first sentence of the Constitution begins with that—have decided the Constitution.

In this matter, as my hon. friend, from Manipur has said, they had no knowledge that a Bill was going to come soon. It was necessary when we were amending the Constitution that sufficient notice should be given to the people. That is the main purpose. I hope in future the Home Minister and Government would keep this point in mind.

**श्री श्री ० ना० विद्यालंकार (होशियारपुर):**

जहाँ तक इस बिल का ताल्लुक है मैं इसका समर्थन करता हूँ। पीछे हमने स्टेट रिआगनाइजेशन कमेटी जब बनाई थी तो कुछ उसूल कायम किये थे। मैं समझता हूँ कि हमें उन उसूलों को मान लेना चाहिये और हम जिन प्रान्तों की रचना करें उन उसूलों पर होनी चाहिये। इस मामले में हमारे दिमाग साफ हों कि हमें क्या करना चाहिए।

जिस वक्त स्टेट रिआगनाइजेशन हुआ था उस वक्त ऐसा विचार प्रकट किया गया था कि इन प्रान्तों की रचना के बाद हम बड़े बड़े एरियाज को किसी न किसी तरह रिआगनाइज करेंगे ताकि हमारा एडमिनिस्ट्रेशन छोटे छोटे टुकड़ों में न बंटे बल्कि बड़े टुकड़े बनाये, और उसके लिए कुछ जोनल काउंसिल्स वगैरह बनायी गयी थीं और उस वक्त ऐसा महसूस किया गया था कि अब हमारा झुकाव दूसरी तरफ होना चाहिए। लेकिन कभी कभी जब हम मौके की मजबूरी देखते हैं तो हमारा झुकाव छोटे छोटे प्रान्त बनाने पर हो जाता है। तो ये दो प्रकार की नीतियाँ हैं। क्योंकि हर चीज के प्रास और कान्स होते हैं। लेकिन मैं समझता हूँ कि हमारी बुनियादी नीति एक होनी चाहिये कि हमको देश में किस प्रकार प्रान्त बनाने हैं। हमको यह तय कर लेना चाहिए कि आया हमको ऐसे प्रान्त बनाने हैं जो आर्थिक दृष्टि से और राजनीतिक दृष्टि से अपने पैरों पर खड़े हो सकें या हमको देश का विभाजन छोटे छोटे टुकड़ों में करना है।

हमारे देश के वे हिस्से जो विदेशियों के हाथों में रहे, जैसे वे हिस्से जो फ्रांस या पुर्तगाल के हाथ में रहे, उनके हालात के बारे में मैं नहीं जानता। लेकिन नजदीक होने की वजह से मैं हिमाचल प्रदेश के हालात को जानता हूँ। मैं इस बात के हक में हूँ कि जिन इलाकों की यह मांग हो कि हमको अपनी हुकूमत चलाने का अधिकार मिलना चाहिये, उनको वह अधिकार दे दिया जाय, क्योंकि ज्यादा देर तक उनके हकों को दबा कर नहीं रखा जा सकता। लेकिन इसके साथ ही साथ हमें इस बात का भी ध्यान रखना चाहिए कि जिन प्रान्तों की हम रचना करें वे काफी बड़े हों, वायविल हों, आर्थिक दृष्टि में और अन्य दृष्टियों से अपने पैरों पर खड़े हो सकें।

जहाँ तक हिमचल प्रदेश के बारे में बात कही गयी है मैं उस से सहमत हूँ, लेकिन

## [श्री अ० ना० विद्यालंकार]

जब हम हिमाचल प्रदेश की रचना करने जा रहे हैं तो क्यों न हम उसे बड़ा सूबा बनायें और जो दूसरे पर्वतीय एरिया हैं उन को मिला कर बाईर पर एक बड़े प्रान्त की रचना करें जो काफी मजबूत हो आर्थिक दृष्टि से और सभी अन्य दृष्टियों से । मैं इस बात का समर्थन इस लिये भी करता हूँ कि सीमा के बारे में हमारे सामने काफी कठिनाइयाँ हैं । यह ठीक है कि हम अपनी सीमाओं की रक्षा फौजों से करते हैं । लेकिन हमारी सुरक्षा का सवाल महज फौजों से हल नहीं हो सकता । इस के लिये हम को सीमा पर जनता का एक मजबूत संगठन खड़ा करना चाहिये, वहाँ की जनता को काफी जाग्रत करना चाहिये और उन में इस बात का भरोसा पैदा करना चाहिये कि वह इलाका उन का है और उस इलाके की तरक्की के उन के पास सब मौके हैं और सब साधन हैं । जब तक हम उन लोगों में उन के इलाके के लिये प्यार पैदा न करें और उन में आपस में संगठित होने की भावना पैदा न करें तब तक हम अपनी सीमा की रक्षा पूरी तरह नहीं कर सकते । इसलिये मैं इस बात का समर्थन हूँ कि जब हम उस प्रान्त की रचना करने जा रहे हैं तो हम को अन्य पर्वतीय इलाकों को भी इकट्ठा कर के एक बड़ा पर्वतीय प्रान्त बनाना चाहिये । इस वक्त जो आप हिमाचल प्रान्त बनाने जा रहे हैं वह छोटा है और वह पूरी तरह अपने पंरों पर खड़ा नहीं हो सकता । जो कांगड़े का इलाका है और घोलाघार से परे तक का जो इलाका नेपाल की सीमा तक का है हमें उस तमाम एरिया को एक साथ मिला देना चाहिये और वह एक अच्छा पर्वतीय प्रान्त बन सकता है और वह हर लिहाज से हिन्दुस्तान के लिये मजबूती का कारण होगा, उन लोगों को साथ आने का पूरा मौका मिलेगा और वह अहसास कर सकेंगे कि हम को अपनी तरक्की करने का पूरा पूरा मौका है ।

इस वक्त हिमाचल प्रान्त को सेन्ट्रल

गवर्नमेंट की तरफ से काफी सहूलियतें मिली हुई हैं, वहाँ शिक्षा का प्रचार किया गया है, आर्थिक दृष्टि से भी उस इलाके का विकास करने का प्रयत्न किया जा रहा है, हो सकता है कि जिस समय यह अलग प्रान्त बन जायेगा उस समय केन्द्रिय सरकार से इस को इतनी उदारता से सहायता ना मिले । वहाँ शिक्षा का प्रचार हुआ यह ठीक है लेकिन उसी के साथ साथ उन को कारोबार और एम्प्लायमेंट के भी मौके मिलने चाहिये । आज कल पहाड़ी इलाके में शिक्षा का प्रचार तो काफी है लेकिन एम्प्लायमेंट के अवसर काफी नहीं हैं । जब भी यहाँ जंगलात कटते हैं तो नीचे से लोग जा कर ठेके लेते हैं । मैं देश की जनता के बीच में भेदभाव करने के पक्ष में नहीं हूँ लेकिन वहाँ के लोगों को आर्थिक तरक्की करने का मौका मिलना चाहिये । वहाँ के लोग नीचे आ कर नौकरो करते हैं, उन को वहाँ नौकरी नहीं मिलती । इसी तरह को हालत कांगड़े से ऊपर के इलाके की और दूसरे पहाड़ी इलाके की है मैं खास तौर से यह कहना चाहता हूँ कि सब आप हिमाचल का प्रान्त बना रहे हैं तो उस में दूसरे पहाड़ी इलाकों को मिला कर एक मजबूत प्रान्त खड़ा करना चाहिये । अगर हम इस हिस्से को छोटे छोटे हिस्सों में रखेंगे तो हम को अपने डिफेंस में कठिनाई हो सकती है ।

मैं चाहता हूँ कि हम इस बारे में अपनी एक नीति बनायें कि हमें छोटे प्रान्त बनाने हैं या बड़े प्रान्त बनाने हैं । अगर हमें बड़े प्रान्त बनाने हैं तो हम को हिमाचल प्रदेश को भी बड़ा प्रान्त बनाना चाहिये ।

जहाँ तक दिल्ली का प्रश्न है इस के हक में हूँ कि दिल्ली के लोगों को अपने अधिकार मिलने चाहियें । मुझ से पहले भी एक दो दोस्तों ने यह बात कही है । मैं चाहता हूँ कि दिल्ली के लोग अपनी हुकूमत खुद चलायें । यह ठीक है कि यहाँ राजधानी होने की वजह से इस में कुछ कठिनाइयाँ पदा हो सकती और यहाँ के लोगों को और गवर्नमेंट आफ इंडिया को भी

कठिनाई और परेशानी हो सकती है। इसलिये पिछली कठिनाइयों को सामने रखते हुए दिल्ली के लिये हम को कोई ऐसा तरीका सोचना पड़ेगा और ऐसा प्राविजन रखना पड़ेगा कि यहाँ का काम भी होता रहे और जो पहले कठिनाइयाँ पैदा हुई थी वे पैदा न हों।

इतना ही मैं आप से कहना चाहता था।

**Shri Frank Anthony:** My only reason for wanting to speak very briefly is that I have acquired a sort of adoptive interst in Delhi. I know what I am going to say will not please my hon. friend, Shri Brahm Prakash, but I know also that what I am going to say is consistent with the policy which I have advocated for the past 20 years in this House and outside.

I will be one with Shri Brahm Prakash if he could have established a Maha Delhi State, inducing somebody to give some territory from UP and something from the Punjab and get a viable State. Then perhaps I might have agreed with him that there should be some kind of legislature for Delhi.

**Shri Surendranath Dwivedy:** Then you have no objection.

**Shri Frank Anthony:** But I feel that Delhi being what it is today, it would not only be unwarranted but. Calamitous to have any kind of full-fledged legislature. I am glad that the Home Minister has taken a fairly clear stand on this matter. One of the reasons why I have got up is to support him in that stand and to give him, if he wants it, some kind of reinforcement. I have always felt from the beginning that in the context of the poverty of the country, in the context of the illiteracy in the country, it is a luxury to have a proliferation of Legislatures. We have in Delhi a proliferation of authorities. And, I say this with all respect that our experience in this country, with illi-

teracy, is that proliferation of authority has meant a corresponding proliferation of mal-administration, of inefficiency and corruption.

15 hrs.

As I have said, when the Constitution was on the anvil, I had alone proposed that we should have no State Legislatures. And, I said it for a single reason. After all, we have not forgotten the history of India. Let us be quite frank. The history of India has been the history par excellence of regionalisms; it has been the history of tribalisms; it has never been the history of Indianism. There was no pan-Indian ethos in India and that is why I said, 'What are we doing?' (*Interruptions*). I know my history well, perhaps, better than they do. And I said, what is the good of deluding ourselves with cliches.

Take your Legislatures. What do they mean? What do they lead to? They lead to democracy? Have they led to any kind of authority extending to the citizen? Of course, they have not, with a few honourable exceptions. What is Government today in your best run States but an oligarchy and an arrogation of power in the hands of the ruling caucus? We talk of democracy without knowing the meaning and the content of democracy. (*Interruptions*). What does it mean to my friends who are making a great deal of noise, apart from knowing very little about constitutions.

I was alone in this House—my hon. friend Shri Ranga was there and he did not like it—and I opposed the creation of the Andhra State because you were giving irretrievable hostages to the disintegration of this country. You have done it. All my fears have materialised. We did it. (*Interruptions*).

I was in Kerala during the last election when the people in Kerala got together to kick out the communists. In the final analysis, not only



[Shri Frank Anthony]

the communists, but the congressmen and every shade of political opinion asked me whether I had any influence with the Prime Minister. They said that if there had been a plebiscite in Kerala, they would guarantee that not only 90 per cent but 99.9 per cent of the people would vote for the continuance of President's rule. And, I say this to Shri Brahm Prakash. What is the good? It is all special pleading when we talk of Legislatures here and Legislatures there. (Interruption). It is all special pleading by politicians, would-be politicians, power-drunk people, people who have visions of power-drunkness. Nobody bothers about the man in the street. I do not want to point my finger at anybody. I have been in Delhi for over 20 years.

What was the record of the Legislature here? If we are generous, if we euphemise, it was a questionable record. Shri Brahm Prakash says that the record of the Corporation is questionable. And, that is precisely what I am saying. If there is a devolution or decentralisation of power, in the context of illiteracy, it means a proliferation of corruption. That is what is happening in the context of Indian affairs.

**Shrimati Renu Chakravartty** (Barrackpore): I want to raise a point.

**Shri Frank Anthony**: I am sorry, I am not giving in unless it is a point of order. I am not going to give way.

**Shrimati Renu Chakravartty**: He should not say generally that there is corruption everywhere. He may point out specific cases; but he should not generally condemn that all States are corrupt.

**Shri Frank Anthony**: I said with a few honourable exceptions. You know what democracy has become today. The term politician is a term of abuse. I am included in it. The term politics is synonymous with corruption in India today. That is the tragedy of it. (Interruption). That is the tragedy.

And, I say that today our people are gasping for breath; they are frustrated; they are gasping for breath from the garrotting of the so-called democratic processes. Let us not delude ourselves about this.

What I say is this. (Interruption). I know what the communist technique is. The communists instigate instability, and ride to power on the crest of chaos. (Interruption). Once they get it, they garrotte everybody else. (Interruption). Communism is inconsistent, not only with democracy, but communism is inconsistent, with human decency.

**Shri Ranga** (Chittoor): Why is there all this interruption, Sir. (Interruptions).

**Mr. Deputy-Speaker**: Order, order.

**Shri Frank Anthony**: All this is digression, Sir. They provoked me into it. It was not a part of my speech.

**Mr. Deputy-Speaker**: Order, order.

**Shri Frank Anthony**: What I was going to say was this. I affirm the position that the Home Minister has taken. My quarrel with the Government has been this. They have affirmed a principle. Then, immediately, they have departed from it. States have been created, large States and small States, purely out of concession to political expediency. They have to resist political pressure. If there has been political blackmail, especially by the communists, Government have succumbed to it. That is the tragedy. And, what I am worried about is this, that there will be communist inspired blackmailing and political pressures in Delhi. I only hope that the Home Minister will not, in a moment of weakness, or by mistake, accept it. (Interruptions).

**श्री नवल प्रभाकर** (दिल्ली-करोल बाग)

माननीय उपाध्यक्ष महोदय, मैं माननीय गृह मंत्री जी का हार्दिक धन्यवाद करता हूँ कि उन्होंने कुछ स्टेट्स को विधान सभाओं के रूप में प्रजातांत्रिक शासन देने का विचार

किया है। पहले इन स्टेट्स को "ग" श्रेणी के राज्य कहा जाता था और अब भी उस से लगभग मिलती जुलती व्यवस्था की जा रही है। पहले दिल्ली भी इसी श्रेणी में था, लेकिन अब उस को इस से अलग कर दिया गया है।

मेरे पूर्ववक्ताओं, दिल्ली के नेता, चौधरी ब्रह्मप्रकाश, और माननीय सदस्य श्री चक्रवर्ती ने इस बिल के बारे में अपने विचार रखे और बहुत ही अच्छे शब्दों में दिल्ली की मांग को दोहराया। माननीय गृह मंत्री जी ने अपने भाषण में दिल्ली की चर्चा की और उस से ऐसा ज्ञात होता है कि उन के दिल में दिल्ली के लिये हमदर्दी है और इस विषय में उन्होंने ने बहुत ही मधुर शब्दों में आश्वासन दिलाने की कोशिश की है।

श्री फ्रेन्क एन्थनी ने भी इस सम्बन्ध में अपने विचार प्रकट किये, लेकिन मैं उन को सिर्फ इतना ही कह सकता हूँ कि हिन्दी में एक कहावत है, "जाकी फटी न हों बिवाई, वह क्या जाने पार पराई।" श्री फ्रेन्क एन्थनी साहब का तो कुछ पता नहीं कि डेमोक्रेसी क्या होती है, चुनाव क्या होता है, उन के परिणाम क्या होते हैं, जनता क्या होती है और उन के साथ व्यवहार क्या होता है। उन्होंने ने पुराना जमाना देखा है। उसी जमाने के लिहाज से आज वह इस नये जमाने को ढालना चाहते हैं। लेकिन वह जमाना अलग था—वह अंग्रेज का जमाना था और उन में जैसे वे चाहते थे, वह चल सकता था। लेकिन आज तो वक्त बदल गया है। आज रास्ता दूसरा है और आज दूसरे ढंग से संविधान चाहिये। उन को भी दूसरे ढंग से संविधान चाहिये।

दिल्ली के सम्बन्ध में मैं माननीय गृह मंत्री जी से इतना ही कहना चाहता हूँ कि उन्होंने ने जो आश्वासन दिया है कि दिल्ली में क्या ढांचा स्थापित होगा, इस पर वह विचार कर रहे हैं, इस को मैं मानता हूँ। मेरा निवेदन यह है कि "ग" श्रेणी के राज्य जो कहे जाते थे, उन में काला पानी को छोड़ कर के और दिल्ली

को छोड़ कर के बाकी सब को दे दी गई . . .

**श्री बाबी (इंदौर) :** दिल्ली अब काला पानी हो जायेगा।

**श्री नवल प्रभाकर :** यही मैं कहने जा रहा हूँ। आज दिल्ली की गलियों में जब हम जाते हैं तो जब हमें लोग यह कहते हैं कि क्यों भाई हमें काले पानी के बराबर कर दिया गया है तो इस का कोई भी जवाब हम से नहीं बन पड़ता है और कोई जवाब इस का हम को सूझता नहीं है।

**श्री सोनावने (पंढरपुर) :** इतनी बड़ी पालियामेंट यहां है।

**श्री नवल प्रभाकर :** हमारे सोनावने साहब कहते हैं कि इतनी बड़ी पालियामेंट है। मैं कहना चाहता हूँ कि अगर कोई नल बन्द हो जाता है, कहीं पर पानी बन्द हो जाता है तो उन के लिये यहां पर पांच सौ के सदन में आ कर सवाल उठाया जाये, तो यह कहां तक उचित होगा। जो समय यहां पर बहुत अच्छी-अच्छी बातों पर संविधान पर लगाया जा सकता है, देश को तरक्की कौंस हो, इस पर संविचार कर लगाया जा सकता है, उस के मुकाबले में अगर यह कह दिया जाय कि पानी नहीं आया था विजलो बन्द हो गई है अमुक मुहल्ले के अन्दर या और भी जो छोटे छोटे काम हैं जिन को न हम लोग आसानी से बैठ कर सोच सकते हैं और हल कर सकते हैं, तो उन की क्या अहमियत रहे जाती है। ये सब छोटी छोटी बातें यहां पर पालियामेंट में लाई जायें और यहां पर उन पर विवाद किया जाय और आधा-आधा घंटा नहीं बल्कि घंटा घंटा उन में चला जाय तो एक तरह से देखा जाये तो देश के पैस का यह दुरुपयोग करना है। यहां पर अच्छी-अच्छी, बड़ी-बड़ी, देश को तरक्की की, देश के विकास की बातें हम सोच सकते हैं और उन के लिये अधिक समय दे सकते हैं बजाय इस के कि इन छोटे छोटे मसलों पर विचार करें जो कि आसानी से हम खुद ही बाहर हल कर सकते हैं। दिल्ली की छोटी छोटी बातों को, छोटे-छोटे

[श्री नवल प्रभाकर]

प्रोब्लमस झुग्गी और झोंपड़ी के भसने को यहाँ पर उठाये जाये, इस सदन का और उन को और ध्यान आकर्षित किया जाय और उस पर टाइम इस सदन का लिया जाये तो यह कहां तक उचित है। जब इस तरह के सवाल उठाये जाते हैं तो पहले तो माननीय मंत्री महोदय उस पर अपना वक्त लगाते हैं फिर प्रश्न होता है, फिर उस का उत्तर होता है और इस तरह से काफी समय इस सदन का चला जाता है। इन के अलावा और भी बहुत सारे प्रश्न हैं जिन पर सांच विचार करना होता है और अगर उन सब पर यहाँ पर बैठ कर के सांच विचार करना हो तब तो दूसरी बात है लेकिन बाहर भी वैसा किया जा सकता है। किन्तु मेरा कहना यह है कि हम यहाँ पर पांच सौ से ऊपर सदस्य हैं और सारे देश से चुन कर हम यहाँ आते हैं, ऐसी दशा में क्या दिल्ली के लोगों को जो रोजमर्रा की समस्यायें हैं, रोजमर्रा की जो कठिनाइयाँ हैं, उन को हम सांच सकते हैं, उन को हम समझ सकते हैं, उन को हम अनुभव कर पाते हैं। लोक सभा का मैं बराबर सदस्य चला आ रहा हूँ और बराबर मैं इस बात को कहता आ रहा हूँ कि यहाँ पर झोल नजफगढ़ का किस्सा है, नजफगढ़ नाले का किस्सा है। उस को ले कर यहाँ पर विवाद हुआ। पीलिया का रोग यहाँ फैला। उस के बारे में विवाद हुआ आज दिल्ली की हालत यह है कि न यहाँ पर शुद्ध पानी मिलता है, न शुद्ध खाना मिल पाता है बिजली की हालत खराब है। ये सब बातें हम कहें तो किस से। कारपोरेशन की अवस्था यह है कि उस का जितना कम जिक्र किया जाय उतना ही अच्छा है। मैं आप को अपना अनुभव बताता हूँ। कुछ लोगों ने आ कर के एक जगह का घेर लिया। मैं ने कमिश्नर साहब को चिट्ठी लिखी कि जो जगह घेर ली गई है वहाँ पर कुछ पशुओं को बांध दिया गया है और लोग डेरी बना रहे हैं। कमिश्नर ने इस को डिप्टी कमिश्नर के पास भेज दिया। डिप्टी कमिश्नर ने मुझे कुछ दिनों के बाद चिट्ठी

लिखी कि वह डेरी हटा दी गई है। वह डेरी मेरे घर के पास ही थोड़ी दूरी पर थी। मुझे जब वह लैटर आया तो मैं ने उस जगह को जा कर देखा तो पाया कि डेरी उसी तरह से मौजूद है। मैं ने फिर कमिश्नर साहब को लिखा और बराबर लिखता आ रहा हूँ। मैं आप को, उपाध्यक्ष महोदय, बताना चाहता हूँ कि आज मैं दसवाँ पत्र डाल कर आया हूँ लेकिन इतने पत्र लिखने के बावजूद भी कोई एक्शन नहीं हुआ है। मुझ से कमिश्नर साहब ने कहा कि एक दफा तो हट गई थी। इस तरह से गलत जवाब द दिये जाते हैं और कोई एक्शन नहीं हो पाता है।

अब आप स्कूलों को हालत को देखें। हमारे यहाँ कितने ही स्कूल हैं जो तम्बुओं में चलते हैं। जो बच्चे इन स्कूलों में पढ़ते हैं, उन को जो दुर्दशा गर्मी, सर्दी और बरसात के दिनों में होती है, उस का अंदाजा आप बड़ी आसानी से लगा सकते हैं। इस तरह से जो और हमरी राजमर्रा को समस्यायें हैं, उन को ले कर हम यहाँ आये और यहाँ पर उन को बयान करें तो यह कैसा सम्भव हो सकता है। हम दिल्ली के पांच सदस्य हैं। ये पांच सदस्य हर बात को यहाँ पर उठा नहीं सकते हैं। साल में एक बार बजट आता है। बजट के मौके पर ही हम दिल्ली को बात कह सकते हैं। अब अगर पांच सदस्यों को पन्द्रह पन्द्रह मिनट मिलें बोलने के लिये तो सवा घंटा मित्र और . . . . .

श्री अन्सार हुरवानी (बिसौली) :  
पांच में से दो मिनिस्टर हैं, वे बोल नहीं सकते हैं।

श्री नवल प्रभाकर : इस वास्ते आज आवश्यकता इस बात की है कि दिल्ली को और थोड़ा सा ध्यान दिया जाये। मैं नहीं कहता कि अभी आप दिल्ली के बारे में कुछ करें। किन्तु इतना मैं ज़रूर निवेदन करना चाहता हूँ कि हम दिल्ली के जो सदस्य हैं,

हम ने जो यह मांग की है कि दिल्ली को भी इस में शामिल किया जाये इसको आप को मान लेना चाहिये। संविधान का जब संशोधन होता है तो वह कोई साधारण बात नहीं होती है। अगर आप अब ऐसा नहीं करते हैं और थोड़े दिन के बाद जा करके अपनी राय कायम करते हैं और राय कायम करने के बाद संविधान में संशोधन करने का विधेयक लाते हैं, तो यह उचित नहीं प्रतीत होता है। अतः मैं मंत्री महोदय से निवेदन करना चाहता हूँ कि दिल्ली का जो शब्द है, उसको इसमें जोड़ दिया जाना चाहिये। इससे कोई बड़े विचित्र बात नहीं हो जायेगी। आप जैसा चाहते हैं, वैसा ही होगा। लेकिन इस शब्द को इस में जोड़ दें। इसके अन्दर और बहुत सी डेफोनीशज दी हुई हैं। आप दिल्ली में भी जैसा शासन चाहें स्थापित कर सकते हैं जब चाहें, यहाँ पर असम्बन्धी इत्यादि दे सकते हैं। आज अगर आप यह अनुभव करते हैं कि हम में से जो लोग यहाँ दिल्ली में हैं, जो राजनीतिक क्षेत्र में हैं, वे सम्भवतः दिल्ली का शासन भार नहीं सम्भाल सकते हैं या दिल्ली के शासन को हम नहीं चला सकते हैं, तो मैं निवेदन करना चाहता हूँ कि आप दिल्ली को तो इसके अन्दर सम्मिलित कर दीजिये और उसके बाद जब आप मुताबिक समझें, जब आप उचित वातावरण देखें और अनुभव करें कि अब हम दिल्ली का शासन सम्भालने योग्य हो गये हैं या और किसी तरीके से सम्भाला जा सकता है, उसी तरीके से उस समय आप यहाँ पर उस किस्म का शासन स्थापित करें। लेकिन इतना आज मैं निवेदन करता हूँ, इतनी मैं अवश्य प्रार्थना करता हूँ कि आप सहृदय भाव से सोचें और सोच करके दिल्ली शब्द के लिए जो हमने आग्रह किया है, उस शब्द को आप इस में सम्मिलित करने को अवश्य कृपा करें।

**Dr. M. S. Aney (Nagpur):** Sir, I support this motion firstly for the object for which it is brought and secondly for the occasion it has afforded to discuss the whole question of

organisation of States in this country. One thing has become very clear from the two important motions which have been adopted in this session on the question of the reorganisation of States. In this very session, we have created a new full-fledged State of Nagaland. Now there is a motion by which we are giving certain legislative functions to certain territories which were treated as Union Territories. By these two amendments of the Constitution, we are practically changing to a great extent the political map of India. I welcome this progressive attitude of the Central Government.

At one time, it was thought that the States Reorganisation Committee's report and the action taken by the Government of India by passing the Act of 1956 was the last word and nothing more was going to be changed so far as the reorganisation of States was concerned. But we find that man can see only a few inches beyond his nose; he is not given the faculty of looking long into the future. The statement he makes today as something which is a permanent solution, and within a few months we find that solution is no longer useful and we have to change that. That is what is happening every day.

Two of the hon. Members there—one of them spoke in Hindi—took up the report of the States Reorganisation Commission and said something in support of the demands for Delhi and Himachal Pradesh, by putting his fingers on certain parts of the report. The hon. Member said that if Government had carried out fully the recommendations, probably no trouble would have arisen at all. But one thing is certain. Neither the States Reorganisation Commission took the whole view of India as it should have at that time nor even today we are in a position to say that the arrangements that we have made will be of permanent use. The situation all round is changing every day. My hon. friend has pointed out that Himachal Pradesh is a border province. At present it is a small province, and

[Dr. M. S. Aney]

he said that unless the whole of the areas lying on the boundary are brought into one State we cannot have a strong State which can resist any invading force or any other country which looks upon India with suspicion and jealous eyes. That is the kind of argument that he has put forward. Therefore, there are many considerations which have to be taken into account by those who change the Constitution.

Another thing which I find of very great importance is this, that those principles which were considered as sacrosanct in the formation of States are no longer considered sacrosanct. Now, expediency and the will of the people for whom the States are to be created are the basis for the formation of a State. For the formation of Nagaland it was openly admitted that it cannot be a viable one. As a matter of fact, my hon. friend there was right when he asked as to which State was viable today. When you know that you are under-developed and backward, what is the use of saying that you will have viable States. How many crores of rupees are you giving to Uttar Pradesh by way of subsidy to carry out their programme of development. If a State cannot carry on its development programme out of its own resources, how can you say that that State is viable. Everybody stands in need of support, money and subsidy from somebody else. They cannot stand on their own legs. It is the Central Government to whom every State looks up. At the same time they claim the status of viable States. They are not viable States. However, I am not arguing for bigger States.

The question is this. The theory of viability in creating a State was a fiction deliberately brought up to exclude certain sections of people from being granted the status of full State on the ground that they cannot form a viable group. On the ground they wanted to tell those people that they cannot have a separate State. Along

with so many States for which we have been making provisions, there are certain sections which are clamouring for those rights. They feel that the situation in a particular State today is not very satisfactory. When the report of the States Reorganisation Commission was written and adopted, one submission was made with regard to the formation of Maharashtra, formation of Gujarat and the formation of Vidarbha. Eight districts of Vidarbha were marked out as a separate State. The recommendation was that they deserved to be carved out into a separate State. Well, the recommendations of that report were accepted and used for purposes of forming other States. So far as Vidarbha was concerned, it was not agreed to. My old friend here who advocated the cause at that time was gagged by the Government.

**Dr. P. S. Deshmukh** (Amravati): I was not gagged. I was a willing partner for keeping Vidarbha in Maharashtra.

**Dr. M. S. Aney**: From the beginning the people there were thinking that their leader was here and he would look after their interests. Unfortunately, he was gagged. That is what they are thinking.

Anyway, Sir, that is another matter. The question is this. There is a good deal of discontent about this matter. Has the arrangement met with satisfaction? What is the position of Maharashtra and Mysore? Has the arrangement brought about integration between the two States which were carved out on the very principle stated by the report of the Commission? On the question of the border line, taking a few villages this side or giving a few villages to the other side, the Chief Ministers of Maharashtra and Mysore have not been able to reconcile each other and come to an agreement as to what should be the correct division.

**Shri Hari Vishnu Kamath**: Pataskar Formula.

**Dr. M. S. Aney:** I do not want to give any opinion about the view of a friend for whom I have great respect. He was a Member coming from Bombay. There was a big constituency which he was representing at that time. Probably their opinion must have influenced his judgment. I do not want to discuss that question any further. My point is this. The people have themselves formed into certain units. They have lived like that. Historically, culturally and in every other way there is a distinct personality that is characteristic of those people. That is a fact and that should be recognised. Their loyalty will be of great use to us in creating several units and forming them into a federation. A federation of people who among themselves are discontented, who among themselves are jealous of each other, is built on the foundation of sand and not on the foundation of rock.

I, therefore, bring to your notice, Sir, and through you to the notice of the Government, that the people of eight districts of Vidarbha are still smarting under that grievance.

**An Hon. Member:** No.

**Dr. M. S. Aney:** He may say no now. I shall not quarrel with him here. I can discuss it with him tomorrow.

**Shri Hari Vishnu Kamath:** (At Nagpur.

**Dr. M. S. Aney:** The question is still alive there and the Government will have to consider that. This discussion which has taken place here will at least make it clear that the present position created by the report of the States Reorganisation Commission has not satisfied the people. The people are seething with discontent. It is the duty of the Government to appoint another commission to go into the whole question and find out whether new units should be formed or not. No independent country in the world has got units like Uttar Pradesh, Madhya Pradesh and Maharashtra

where the population is four to six crores. That is the reason why the administration is not carried on properly in these States. We have created unwieldy States without any regard to the nature of the people who are being brought together in the name of one State. The result is that we have not got a compact State which can be considered strong.

[MR. SPEAKER in the Chair]

With these words, Sir, I support the motion. I hope the discussion that has taken place here will clearly bring home to the Home Minister the necessity of appointing at an early date another Commission, so that the integration of India can be properly solved. It will not be solved by commissions or committees sitting here or holding seminars. It can only be solved by competent persons sitting together and probing deeply into this question. I firmly hope, Sir, that it will be done.

I once again support the motion and thank you for the opportunity given to me.

**श्री प्रकाशवीर शास्त्री (विजनीर) :**

अध्यक्ष महोदय, इस विधेयक के लदन में उपस्थित होते समय, जिस रूप में वह यहाँ रखा गया है, उस में हमारे देश के वे भू-भाग भी सम्मिलित हैं जो अब तक दूसरे शासन के अन्तर्गत थे, जैसे ग.आ. पांडिचेरी आदि, इस दृष्टि से तो मैं इस विधेयक का स्वागत करता हूँ, लेकिन जहाँ तक छोटे छोटे राज्यों के निर्माण को स्थिति है, उस के सम्बन्ध में मेरा अपन विरोध है। मैं इस विश्वास का हूँ कि हमारे देश में जब तक संघीय शासन प्रणाली अर्थात् यूनितरी फार्म आफ गवर्नमेंट, नहीं हाँगी, तब तक हम अपने देश का सुरक्षित नहीं रख सकते। इस प्रकार छोटे छोटे राज्यों का निर्माण और छोटे छोटे राज्यों का बना कर देश में अनेकता को प्रवृत्ति का प्रोत्साहन देना भारत की एकता और भारत का मजबूती के लिए बहुत बड़ा संकट उत्पन्न करना है।

मुझे इस बिल में यह देख कर आश्चर्य हुआ कि जिन प्रदेशों को आप अलग अलग

[श्री प्रकाशवीर शास्त्री]

स्वायत्त शासन देने जा रहे हैं उन में मणिपुर और त्रिपुरा के राज्य भी हैं। आप राजस्थान को इतनी बड़ी बड़ी रियासतों को तो मिलाकर एक प्रदेश बना सकते हैं लेकिन मणिपुर और त्रिपुरा इन दोनों को आपको पृथक् राज्य बनाने की आवश्यकता अनुभव हुई, इसके पीछे स्पष्ट ही यह स्थिति है कि हमारे मनों में उतनी शुद्धता और देश के प्रति उतनी आत्मियता नहीं जगी है कि हम एक दूसरे के साथ कन्ध से कन्धा मिला कर रह सकें।

इसके साथ साथ मेरा एक निवेदन है कि यदि हम चाहें कि हम अपने देश में संघीय शासन प्रणाली की स्थापना करें, वहां साथ ही साथ मैं एक दूसरी बात भी निवेदन करना चाहता हूँ। अभी इस विधेयक में दिल्ली राज्य को भी चर्चा हुई। पहले दिल्ली में विधान सभा रह चुका है, और बाद में दिल्ली प्रदेश की विधान सभा को भंग करके केन्द्र के अन्तर्गत दिल्ली को लाया गया। यह भी कहा गया कि जब मैं ऐसा किया गया है तब से दिल्ली के शासन में बहुत सी बुराइयाँ बढ़ गयी हैं और भ्रष्टाचार इतना बढ़ गया है कि बिना रिश्वत का सहारा लिए कोई कार्य नहीं होता। मैं यह मानता हूँ कि बुराइयाँ बढ़ी हैं, लेकिन मैं इस बात को इस रूप में मानने के लिए तैयार नहीं हूँ कि जब दिल्ली विधान सभा थी तो यहाँ धी और दूध की नदियाँ बहती थीं और जब से दिल्ली केन्द्रीय सरकार के हाथों में आयी है तब से बुराइयाँ बढ़ी हैं। यह ठीक है कि दिल्ली में बुराइयाँ बढ़ी हैं, लेकिन उनका समाधान दिल्ली का पृथक् राज्य बनाने से हों जायगा, इसमें मैं सहमत नहीं हूँ।

साथ ही साथ मैं एक और भी निवेदन करना चाहता हूँ, वह यह कि कहीं दिल्ली प्रान्त के नारे के पीछे वह पुरानी महा दिल्ली की भावना तो नहीं है कि जिसमें उत्तर प्रदेश और पंजाब के कुछ भागों का सम्मिलित करने की योजना थी। मुझे तो यह प्रतीत

होता है कि यह केवल दिल्ली तक ही सीमित नहीं है, बल्कि इसके पीछे और भी कोई दूसरी भावना लगी हुई है।

अध्यक्ष महोदय, यदि सरकार इन प्रदेशों का निर्माण करना चाहती है, तो आप मुझे इन शब्दों को कहने की आज्ञा दें, और गृह मन्त्री जी अपना उत्तर देते समय इस बात का स्पष्टीकरण करें, कि कहीं उनके मस्तिष्क में दिल्लो के विषय में वैसी दुर्बलता तो नहीं है जैसी महाराष्ट्र और गुजरात के सम्बन्ध में थी। पहले केन्द्रीय सरकार गुजरात और महाराष्ट्र की मांग का विरोध करती रही, और वहाँ तीन वर्ष तक खून सञ्चर होता रहा और आपस में लड़ाई होती रही, उसके बाद केन्द्रीय सरकार ने अपने घुटने टेक दिये। अगर दिल्ली के बारे में भी वह इसी प्रकार की स्थिति में आने के लिये उद्यत हों, तो मेरा निवेदन है कि इस विधेयक में दिल्ली को भी सम्मिलित कर लिया जाए, लेकिन यदि उनका ऐसा विचार नहीं है और वे दृढ़ता से अपने निर्णय पर डटना चाहते हैं, तो मेरा अपना विश्वास है कि दिल्ली को पृथक् राज्य नहीं बनाना चाहिए।

एक और बात जो मैं विशेष रूप से कहना चाहता हूँ, वह यह है कि जब हम इस विधेयक पर विचार कर रहे हैं तो हमें अपने देश में प्रान्तों के निर्माण की पृष्ठ भूमि पर भी ध्यान देना चाहिए। जिस समय हमारे देश में पृथक् राज्य बनाने की सम्भावना संविधान सभा में स्वीकृति हुई थी उस समय भी यह चर्चा आयी थी। और आज भी मैं इस बात को बलवती भाषा में कहना चाहता हूँ कि अभी भी जितने राज्य बने हुए हैं उनमें पृथकता की मनोवृत्ति कभी तेल की रायल्टी के रूप में और कभी भ्रमण शासन के प्रश्न को लेकर सामने आने लगी है। यह जो राज्यों में पृथकतावादी मनोवृत्ति बढ़ रही है, अगर इस पर अधिकार प्राप्त करना है तो हम को इसके लिये गंभीर से सीख लेनी चाहिये। उनकी सबसे बड़ी

शिक्षा यह थी कि जब भी उनसे कोई भूल हो जाती थी तो वे उसको सार्वजनिक रूप से स्वीकार कर लेते थे। हमारे शासन ने उस दिन बड़ी भारी भूल की थी जिस दिन उसने भाषावार प्रान्तों के सिद्धान्त को मान कर इस पृथकता की नीति को जन्म दिया। आज अगर शासन की सचमुच में गांधी जी में आस्था है तो उनको अपनी भूल के लिये पश्चाताप करना चाहिये और छोटे छोटे राज्यों को समाप्त कर देश में संघर्ष शासन प्रणाली की स्थापना करनी चाहिए, और उसके लिये आवश्यक है कि इस प्रकार के विधेयकों को जो छोटे छोटे राज्य बना कर देश को बांटना चाहते हैं यह सदन स्वाकार न करे।

..Shri Shiv Charan Gupta rose—

'Mr. Speaker: I am sorry, there is no time.

Shri Lal Bahadur Shastri: Mr. Speaker, I am thankful to the House for the general appreciation of this measure. Almost every section of the House, every member, has endorsed and welcomed it. Though something has been said about Delhi, nothing much has been said about the other provisions of the Bill.

Shri Dasaratha Deb said that it was necessary to merge part of Pondicherry with the neighbouring areas. I have made it quite clear in the beginning that it is not only a question of sentiment but otherwise too Pondicherry should retain its old position because there is the treaty agreement and we cannot ignore the terms of the treaty. Under these circumstances, I am unable to accept his suggestion.

As regards Delhi, I have already said that we will give further thought as to what kind of set up should be provided in Delhi. Perhaps it was Shri Brahm Prakash who stated that we have not agreed to this because it meant additional expenditure on the exchequer. That was not at all in our mind. In fact, most of the

Union Territories have to depend on the Centre for loans as well as for grant. We need not merely make an exception in the case of Delhi on that account. So, that is not the reason at all. As Shri Brahm Prakash has himself stated, it is just possible that the revenues of Delhi would be greater compared to that of other Union Territories.

He criticised the present arrangements in Delhi and talked of lack of co-ordination as well as increase in corruption. I am not prepared to refute what he has stated. Sometimes we do realise that there is lack of adequate co-ordination between the different agencies working in Delhi and it is essential that these different agencies coordinate their work themselves. We have made arrangements and provision for that also. Yet, somehow, it does not work very satisfactorily. There is some point in what Shri Brahm Prakash has stated about co-ordination of work in Delhi.

Coming to corruption, it is better that we talk less about it. When I say this, I mean that it is a matter about which every one of us has to think within himself. I agree that the Government is mainly responsible, there should be legislation for it and strict enforcement. Yet, unless every one of us realises what his responsibility is, it would not be possible to root out corruption from this country. To suggest that because there is an agency or a new set up of administration in Delhi, so the corruption has gone up is something which I do not generally approve of. Even if it is so, may I ask, who are the people who are ruling or governing or administering Delhi? We are all Indians, the sons of the motherland, and we must hang down our head in shame if we are not able to reduce corruption, fight corruption or eradicate corruption. Government servants, political parties and political workers, Ministers, every one of us is responsible for that. I entirely agree that we



[Shri Lal Bahadur Shastri]  
should do everything possible to fight it. But merely to criticise the pattern or set up which exists in Delhi for increased corruption or continuing corruption would neither be feasible nor acceptable to me.

A mention was made of the Asoke Sen Committee. I hope he remembers the statement I made in this House. I had said that this committee will be a committee which will advise the Government. In fact this report was not meant for circulation. I had made it clear even then that it was being appointed with a view to advise the Home Ministry, Government of India, as to how they should proceed further in considering the proposal of having a new set-up or new pattern in Union Territories. So, I did not, in fact, consider it advisable to place it on the Table of the House. But I can inform Shri Dwivedy that their recommendations are more or less on the same lines except of course, that we call it 'Legislative Assembly' with more powers and they had suggested 'Territorial Assembly'. They had given it that name. There were some other differences between their proposals and ours. But the substance was more or less the same. However, when considering that report we felt that if we have to delegate powers we should delegate it to the maximum extent possible. It is, therefore, that we have come up with the amendment of the Constitution.

As regards Shri Rishang Keishing, I have nothing much to say. I am glad that he is happy over it. I only wanted that he did not refer to the movement which he carried on or which was carried on under his leadership in the past. I say so because my personal feeling is that that kind of movement was not at all needed and the sufferings which the people of Manipur had to undergo could easily have been avoided provided proper leadership was given to them.

As regards Shri Chakraverti, what shall I say? If I may use the sentence, it is the case of the return of

the prodigal. Shri Chakraverti was a member of the Delhi Legislative Assembly. Now he comes to Parliament from Bihar. I can understand his feelings about Delhi and for having a legislature in Delhi. But I hope I am not betraying his confidence, if I say that he also was one of those who did not feel quite happy in those circumstances. However, what is the purpose? The purpose of every hon. Member who is speaking for Delhi is to see that the people of Delhi should get every opportunity to take part in the administration or in the work of the Corporation in the fullest measure possible and that they should have a sense of satisfaction and a sense of participation in the working of the administration of the city of Delhi. If I have in mind that I would or the Government would be willing to confer or delegate those powers or to set up that new kind of pattern, it should meet the wishes of Shri Chakraverti as well as of Shri Brahm Prakash and others. Just the name of a legislature and the cabinet—it is important in a way—should not be considered as the final thing or the last thing.

He has himself referred to the United States or Australia and the case of Washington etc. I remember, the States' Re-organisation Commission had also said that the principle of effective control of the Government over the federal capital was a sound one. They considered it to be a sound principle. Therefore, the States' Re-organisation Commission had recommended that there should be a Corporation working in Delhi with greater powers with the people or with the members of the Corporation. However, generally I find, as I said in the beginning, that the Corporation has not given them full satisfaction. Hence, we are prepared to reconsider over the powers and the authority which the Corporation has at present. I might also add that the Corporation has also set up a sub-committee to go into this matter and to make their own suggestions about what changes they want. Only the other day I requested the Mayor of the Corporation

to send the report of that sub-committee to the Government as early as possible.

Shri Bade and others have raised general questions. I do not think I should go into them. But they have specially laid stress on a unitary form of government. Shri Prakash Vir Shastri has also spoken against Manipur and Tripura being given this form of government. It is very good to talk in terms of unity and solidarity. We all endorse that idea, but we have also to face realities. We cannot merely draw up an imaginary picture and then go ahead with it without actually realising whether it is bringing about real integration in the country or not. Of course, in spite of our diversity there is unity and oneness in the country. There is no doubt about that. But in such a big country where languages are different, where religions are different and where there might be differences in other things also, if we want to have a democratic form of government, the only alternative is to bring about an integration of these diversities. If these diversities are integrated, we will be able to have a real national feeling in our country. Do you want to deprive the people of their conventions, their own rights, their customs which are so much in abundance in Manipur and Tripura? People of Manipur and the Hill Tribes are always doubtful whether we will allow them to continue their own customs, land rights etc. You can certainly keep them down under pressure, but the point is whether they are with the country, feeling within themselves that they should really be there. Their first urge should be the country and everything else afterwards. It will be there only when you give them enough latitude and liberty to function in their own way and in their own small territories. So, I personally think that it is essential, so long as you do not create that condition in which they will gladly merge in the neighbouring areas, that you have to continue

the present state of affairs. Who will always like that the smaller areas should continue for ever? But look at their economic conditions,

श्री प्रकाशवीर शास्त्री : वहां की पापुलेशन, जनसंख्या, क्या है ?

**Shri Lal Bahadur Shastri:** Whatever may be the population, that is not the question. The question is that most of these areas, the Hill areas specially, have been backward. They have not been looked after properly. Now, after independence special efforts have been made to bring about a change, in their economic condition. We do not feel satisfied over it. Much more has yet to be done and I have no doubt that if the economic conditions improve, you will find that these smaller areas will gladly like to join their neighbours. So, at this juncture to raise those general issues, I do not think would be correct nor would it really bring about real unity among the people of our country.

I do not want to say anything about Vidarbha which is a much bigger issue and does not really, at the present moment, concern this Bill. I have only one more point to add about the amendment which Shri Kamath has given, that is, Page 1, line 21, omit "nominated or",—these two words. I have had a word with him. Of course, as I said in the beginning, what I have reproduced in this Bill is exactly the same as it appeared before in the Constitution, in article 240. I hope he will have no objection and he will accept it. I have shown him the old article 240. It contains the same words. Yet, I am prepared to consider what he has said and what other Members have also said about it. I would agree to the dropping of the words "nominated or".

I have done. The Union Territories are being placed in a position when they will get an opportunity, a valuable opportunity to serve their areas. It would be for them to rise to the occasion, remain united and subordi-

[Shri Lal Bahadur Shastri]

nate all other interests to the collective interests of the State. As I said just now, above all, we have to think in terms of the country and function in the general interests of the nation.

**Mr. Speaker:** There are no amendments to the Consideration motion. I have to put it straightaway. I said that we will divide at 4 O'clock. There is no harm; if the House agrees, we can have it just now.

**Hon. Members:** Yes.

**Mr. Speaker:** Let the Bell be rung.

Order, order Now, every hon. Member will be in his own seat. The question is:

"That the Bill further to amend the Constitution of India be taken into consideration."

I am calling Division. I need not repeat the caution that is to be exercised. Hon. Members are ready now? Division.

*The Lok Sabha divided:*

**श्री त्यागी (देहरादून) :** जनाब, मुझे एक अर्ज करना है। हर डिवीजन में बटन दवाने में इतनी जल्दी की जाती है कि हम लोग पूरी तरह से बटन दबा नहीं पाते हैं। जो यह जल्दी की जाती है, इसकी वजह से

गलती भी हो जाती है। मेरी अर्ज यह है कि कम से कम आधे मिनट का वक्त दिया जाना चाहिये ताकि हम लोग पूरी तरह से बटन दबा सकें और उसके बाद घंटी आपको करनी चाहिये।

**Shri Hanumanthaiya** (Bangalore City): Mine is not marked.

**अध्यक्ष महोदय :** त्यागी जी चाहते हैं कि आधा मिनट दिया जाए। मैं तो जितना हाउस चाहता है, उतना वक्त देने को तैयार हूँ। मुझे इसमें क्या ऐतराज हो सकता है।

**श्री हरि विष्णु कामत :** बटन दवाने के लिये इतना वक्त नहीं लिया जाना चाहिये।

**श्री ह० च० सौय (सिंहभूम) :** मुझे एक निवेदन करना है। मेरे बगल में जो बटन है वह बगैर दबाए ही जल उठता है।

**Mr. Speaker:** Three this side. Any other hon. Member? Yes; five.

**Shri Reddiar** (Tindivanam): There is mistake.

**Mr. Speaker:** The 'No' has to be removed completely?

**Shri Reddiar:** Yes.

**AYES**

Division No. 12]

15.55 hrs.

Akkamma Devi, Shrimati  
Alagesan, Shri  
Alva, Shri A.S.  
Alva, Shri Joachim  
Aney, Dr. M.S.  
Anjanappa, Shri  
Anthony, Shri Frank  
Bakliwal, Shri  
Balakrishnan, Shri  
almiki, Shri  
Banerjee, Shri S.M.  
Barkataki, Shrimati Renuka  
Barupal, Shri P.L.  
Basappa, Shri  
asumatari, Shri  
Baswant, Shri  
Besta, Shri  
Bhagat, Shri B. R.  
Bhakt Darshan, Shri

Bhanja Deo, Shri L.N.  
Bhanu Prakash Singh, Shri  
Bhargava, Shri M.B.  
Bhatkar, Shri  
Bhattacharya, Shri Dinen  
Biren Dutta, Shri  
Birendra Bahadur Singh, Shri  
Bist, Shri J.B.S.  
Brahm Prakash, Shri  
Brajeshwar Prasad, Shri  
Brij Basi Lal, Shri  
Brij Raj Singh Kotab, Shri  
Chakravartty, Shrimati Renu  
Chakraverti, Shri P.R.  
Chanda, Shrimti Jyotsna  
Chandak, Shri  
Chandrasekhar, Shrimati  
Chattar Singh, Shri  
Chaudhuri, Shri D. S.

Chaudhuri, Shrimati Kamala  
Chavan, Shri D. R.  
Chettiar, Shri Ramanathan  
Chuni Lal, Shri  
Colaco, Dr.  
Dafle, Shri  
Dajji, Shri  
Daljit Singh, Shri  
Das, Dr. M.M.  
Das, Shri B.K.  
Das, Shri N.T.  
Das, Shri S.B.  
Dasappa, Shri  
Dasaratha Deb, Shri  
Dass, Shri C.  
Deo Bhanj, Shri P.C.  
Desai, Shri Morarji  
Deshmukh, Dr. P.S.  
Deshmukh, Shri Shivaji Rao S.

Deshpande, Shri	Krishnamachari, Shri T.T.	Patel, Shri Man Singh P.
Dey, Shri S.K.	Kunhan, Shri P.	Patel, Shri N.N.
Dhaon, Shri	Kureel, Shri B.N.	Patel, Shri P. R.
Dhebar, Shri U.N.	Lahri Singh, Shri	Patel, Shri Rajeshwar
Dhuleswar Meena, Shri	Lakshmikanthamma, Shrimati	Patil, Shri D.S.
Dinesh Singh, Shri	Lalit Sen, Shri	Patil, Shri J.S.
Dixit, Shri G.N.	Laskar, Shri N.R.	Patil, Shri S.K.
Dube, Shri Mulchand	Laxmi Bai, Shrimati	Patil, Shri T.A.
Dubey, Shri K.G.	Lonikar, Shri	Pattabhi Raman, Shri C.R.
Dwivedi, Shri M.L.	Mahtab, Shri	Pattmayak, Shri K.
Dwivedi, Shri Surendranath	Mahishi, Shrimati Sarojini	Pillai, Shri Nataraja
Elias, Shri Mohammad	Maimoona Sultan, Shrimati	Prabhakar, Shri Nav:l
Gahmari, Shri	Malaichami, Shri	Pratap Singh, Shri
Gaitonde, Dr.	Malhotra, Shri Inder J.	Puri, Shri D.D.
Gajraj Singh Rao, Shri	Malliah, Shri U.S.	Raghunath Singh, Shri
Gandhi, Shri V.B.	Manana, Shri	Raghuramaiah, Shri
Ganga Devi, Shrimati	Mandal, Dr.	Rai, Shrimati Sahodrabai
Gauri Shanker, Shri	Mandal, Shri B.N.	Raj Bahadur, Shri
Ghosh, Shri Atulya	Mandal, Shri Yamuna Prasad	Raju, Dr. D.S.
Gokaran Prasad, Shri	Maniyangadan, Shri	Raju, Shri D.B.
Goni, Shri Abdul Ghani	Mantri, Shri	Ram, Shri T.
Govind Das, Dr.	Masuriya Din, Shri	Ram Sewak, Shri
Guha, Shri A.C.	Matcharaju, Shri	Ram Singh, Shri
Gupta, Shri Badshah	Mathur, Shri Harish Chandra	Ramakrishnan, Shri P.R.
Gupta, Shri Indrajit	Mehdi, Shri S.A.	Ramdhani Das, Shri
Gupta, Shri Kasli Ram	Mehrotra, Shri B.B.	Rananjai Singh, Shri
Gupta, Shri Ram Ratan	Mehta, Shri J.R.	Rane, Shri
Gupta, Shri Shiv Charan	Mehta, Shri Jashvant	Ranga Rao, Shri
Hajarnavis, Shri	Melkote, Dr.	Ranjit Singh, Shri
Hansda, Shri Subodh	Mengi, Shri Gopal Datt	Rao, Shri Ramapathi
Hanumanthaiya, Shri	Menon, Shri P.G.	Rao, Shri Rameshwar
Haq, Shri M.M.	Minimata, Shrimati	Rao, Shri Thirumala
Harvani, Shri Ansar	Mishra, Shri Bibudhendra	Rattan Lal, Shri
Hazarika, Shri J.N.	Mishra, Shri Bibhuti	Reddiar, Shri
Heda, Shri	Mishra, Shri M. P.	Reddy, Shri Esvara
Hem Raj, Shri	Misra, Shri Shyam Dhar	Reddy, Shri K.C.
Imbichibava, Shri	Mohanty, Shri G.	Reddy, Shri Ramakrishna
Jadhav, Shri M.L.	Mohsin, Shri	Reddy, Shri Yallamanda
Jadhav, Shri Tulshidas	Morarka, Shri	Reddy, Shrimati Yashoda
Jaggivan Ram, Shri	More, Shri K.L.	Roy, Shri Bishwanath
Jain, Shri A.P.	More, Shri S. S.	Sadhu Ram, Shri
Jamunadevi, Shrimati	Mukerjee, Shri H.N.	Saha, Dr. S.K.
Jedhe, Shri	Mukerjee, Shrimati Sharda	Saigal, Shri A.S.
Joshi, Shri A.C.	Munzni, Shri David	Samanta, Shri S.C.
Joshi, Shrimati Subhadra	Murti, Shri M.S.	Samnani, Shri
Jyotishi, Shri J.P.	Muthiah, Shri	Sanji Rupji, Shri
Kabir, Shri Humayun	Naidu, Shri V.G.	Saraf, Shri Sham Lal
Kamath, Shri Hari Vishnu	Naik, Shri D.J.	Sarma, Shri A.T.
Kamble, Shri	Naik, Shri Maheswar	Satyabhama Devi, Shrimati
Kappen, Shri	Nair, Shri Vasudevan	Satyantarayana, Shri
Kapur Singh, Shri	Nambiar, Shri	Sen, Shri P.G.
Keishing, Shri Risbang	Nanda, Shri	Shah, Shri Manabendra
Khadiikar, Shri	Nayak, Shri Mohan	Sham Nath, Shri
Khan, Dr. P.N.	Nayar, Dr. Sushila	Shankaraiya, Shri
Khanna, Shri Mehr Chand	Nehru, Shri Jawaharlal	Sharma, Shri A.P.
Khanna, Shri P.K.	Oza, Shri	Sharma, Shri D.C.
Kindar Lal, Shri	Pande, Shri K.N.	Sharma, Shri K.C.
Kisan Veer, Shri	Pandey, Shri R.S.	Shastri, Shri Lal Babudu
Kotoki, Shri Liladhar	Pandey, Shri Vishwa Nath	Sheo Narain, Shri
Koya, Shri	Panna Lal, Shri	Shinde, Shri
Kripa Shankar, Shri	Parashar, Shri	Shivnanajappa, Shri
Krishna, Shri M.R.	Patel, Shri Cbbotubhai	Siddananajappa, Shri

Siddiah, Shri  
Sidheshwar Prasad, Shri  
Singh, Shri D.N.  
Singh, Shri K.K.  
Singh, Shri R. P.  
Singh, Shri S. T.  
Singha, Shri G.K.  
Sinha, Shri Satya Narayan  
Sinha, Shrimati Ramdulari  
Sinha, Shrimati Tarkeshwari  
Sinhasan Singh, Shri  
Sonavane, Shri  
Sundaram Ramchandaran,  
Shrimati  
Soy, Shri H.C.  
Srinivasan, Dr. P.  
Subramaniam, Shri C.  
Subramanyam, Shri T.

Sumat Prasad, Shri  
Surendrapal Singh, Shri  
Swamy, Shri M.N.  
Swell, Shri  
Tahir, Shri Mohammad  
Tan Singh, Shri  
Tantia, Shri Rameshwar  
Thimmsiah, Shri  
Tiwary, Shri D.N.  
Tiwary, Shri K.N.  
Tripathi, Sri Krishna Deo  
Tula Ram, Shri  
Tyagi, Shri  
Uikey, Shri  
Ulaka, Shri  
Umanath, Shri  
Upadhaya, Shri Shiva Dutt

Utiya, Shri  
Vaishya, Shri M.B.  
Valvi, Shri  
Varma, Shri M.L.  
Varma, Shri Ravindra  
Venkaiah, Shri Kolla  
Venkatasubbaiah, Shri P.  
Verma, Shri K. K.  
Vidyalankar, Shri A.N.  
Vimla Devi, Shrimati  
Virbhadra Singh, Shri  
Vishram Prasad, Shri  
Vyas, Shri Radhelal  
Wadiwa, Shri  
Warior, Shri  
Yadav, Shri N. P.  
Yadav, Shri Ram Harkh  
Yadava, Shri B. P.

**Mr. Speaker:** The result of the division is:

Ayes\*: 297; Noes: none.

The Ayes have it. The Ayes have it. 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. It is unanimous. That I have to take into account. The motion is adopted unanimously.

*The motion was adopted.*

**Mr. Speaker:** We take up clause by clause consideration.

The question is:

"That clause 2 stand part of the Bill."

**Shri Nambiar** (Tiruchirapalli): There are amendments.

**Mr. Speaker:** There are no amendments to clause 2. The question is:

"That clause 2 stand part of the Bill."

**Shri Tyagi:** I would suggest, before you say division, say, ready. Then, we shall be ready.

**Mr. Speaker:** I am saying now, ready.

*The Lok Sabha divided.*

**Shri Ramapathi Rao** (Karimnagar): My button has not worked.

**Shri Nesamony** (Nagercoil): My button has not worked.

**Shri R. P. Singh** (Chapra): My button also has not worked.

#### AYES

#### Division No. 13]

Akkamma Devi, Shrimati  
Alagesan, Shri  
Alva, Shri A.S.  
Alva, Shri Joachim  
Aney, Dr. M. S.  
Anjanappa, Shri  
Anthony, Shri Frank  
Badrudduja, Shri  
Bakliwal, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Banerjee, Shri S.M.  
Barkataki, Shrimati Renuka  
Barupal, Shri P.L.  
Basappa, Shri

Basumtari, Shri  
Baswant, Shri  
Besra, Shri  
Bhagat, Shri B. R.  
Bhakt Darshan, Shri  
Bhanja Deo, Shri L.N.  
Bhanu Prakash Singh, Shri  
Bhargava, Shri M.B.  
Bhatkar, Shri  
Bhattacharya, Shri Dinan  
Biren Dutta, Shri  
Birendra Bahadur Singh, Shri  
Bist, Shri J.B.S.  
Brahm Prakash, Shri  
Brajeshwar Prasad, Shri

Brij Basi Lal, Shri  
Brij Raj Singh Kotah, Shri  
Chakravarty, Shrimati Renu  
Chakraverti, Shri P.R.  
Chanda, Shrimati Jyotsna  
Chandak, Shri  
Chandrasekhar, Shrimati  
Chattar Singh, Shri  
Chaudhuri, Shri D.S.  
Chaudhuri, Shrimati Kamala  
Chavan, Shri D. R.  
Chettiar, Shri Ramanathan  
Chuni Lal, Shri  
Colaco, Dr.  
Daffe, Shri

[15:58 hrs.

\*Ayes: Two names could not be recorded.

Daji, Shri	Khadijkar, Shri	Nesamony, Shri
Daljit Singh, Shri	Khan, Dr. P.N.	Oza, Shri
Das, Dr. M.M.	Khanna, Shri Mehr Chand	Pande, Shri K.N.
Das, Shri B. K.	Khanna, Shri P.K.	Pandey, Shri R.S.
Das, Shri N. T.	Kindar Lal, Shri	Pandey, Shri Vishwa Nath
Das, Shri S.B.	Kisan Veer, Shri	Panna Lal, Shri
Dasappa, Shri	Kotoki, Shri Liladhar	Parashar, Shri
Dasaratha Deb, Shri	Koya, Shri	Patel, Shri Chhotubhai
Dass, Shri C.	Kripa Shankar, Shri	Patel, Shri Man Singh P.
Deo Bhanj, Shri P.C.	Krishna, Shri M.R.	Patel, Shri N.N.
Desai, Shri Morarji	Krishnamachari, Shri T.T.	Patel, Shri P.R.
Deshmukh, Dr. P.S.	Kunhan, Shri P.	Patel, Shri Rajeshwar
Deshmukh, Shri Shivajirao	Kureel, Shri B.N.	Patil, Shri D.S.
Deshpande, Shri	Lahri Singh, Shri	Patil, Shri J.S.
Dey, Shri S.K.	Lakshmanthamma, Shrimati	Patil, Shri S.K.
Dhebar, Shri U.N.	Lalit Sen, Shri	Patil, Shri T.A.
Dhuleshwar Meena, Shri	Laskar, Shri N.R.	Pattabha Raman, Shri C.R.
Dinesh Singh, Shri	Laxmi Bai, Shrimati	Patnayak Shri K.
Dixit, Shri G.N.	Lonikar, Shri	Pillai, Shri Nataraja
Dube, Shri Mulchand	Mahtab, Shri	Prabhakar, Shri Naval
Dubey, Shri R.G.	Mahishi, Shrimati Sarojini	Pratap Singh, Shri
Dwivedi, Shri M.L.	Maimoona Sultan, Shrimati	Puri, Shri D.D.
Dwivedy, Shri Surenranath	Malaichami, Shri	Raghubansh Singh, Shri
Elias, Shri Mohammad	Malhotra, Shri Inder J.	Raghubaramiah, Shri
Gahmari, Shri	Malliah, Shri U.S.	Rai, Shrimati Sahodrabai
Gaitonde, Dr.	Manaen, Shri	Raj Bahadur, Shri
Gairaj Singh Rao, Shri	Mandal, Dr.	Raju, Dr. D.S.
Gandhi, Shri V.B.	Mandal, Shri B.N.	Raju, Shri D.B.
Ganga Devi, Shrimati	Mandal, Shri Yamuna Prasad	Ram, Shri T.
Gauri Sanker, Shri	Maniyangadan, Shri	Ram Sewak, Shri
Ghosh, Shri Atulya	Mantri, Shri	Ram Singh, Shri
Gokaran Prasad, Shri	Masuriya Din, Shri	Ramakrishnan, Shri P.R.
Ghani, Shri Abdul Ghani	Mathur, Shri Hariash Chandra	Ramdhani Das, Shri
Govind Das, Dr.	Mehdi, Shri S.A.	Rananjai Singh, Shri
Guha, Shri A.C.	Mehrota, Shri B.B.	Rane, Shri
Gupta, Shri Badshah	Mehta, Shri J.R.	Ranga Rao, Shri
Gupta, Shri Indrajit	Mehta, Shri Jashvant	Ranjit Singh, Shri
Gupta, Shri Kashi Ram	Melkote, Dr.	Rao, Shri Ramapathi
Gupta, Shri Ram Ratan	Mengi, Shri Gopal Datt	Rao, Shri Rameshwar
Gupta, Shri Shiv Charan	Menon, Shri P.G.	Rao, Shri Thirumala
Hajarnavis, Shri	Minimata, Shrimati	Rattan Lal, Shri
Hansda, Shri Subodh	Mishra, Shri Bibudhendra	Reddiar, Shri
Hanumanthaiya, Shri	Mishra, Shri Bibhuti	Reddy, Shri Esvara
Haq, Shri M.M.	Mishra, Shri M.P.	Reddy, Shri K.C.
Harvani, Shri Ansar	Misra, Shri Shyam Dhar	Reddy, Shri Ramkrishna
Hazarika, Shri J.N.	Mohanty, Shri G.	Reddy, Shri Yallamanda
Heda, Shri	Mohsin, Shri	Reddy, Shrimati Yashoda
Hem Raj, Shri	Morarka, Shri	Roy, Shri Bishwanath
Imbichibava, Shri	More, Shri K.L.	Sadhu Ram, Shri
Jadhav, Shri M.L.	More, Shri S.S.	Saha, Dr. S.K.
Jadhav, Shri Tulshidas	Mukerjee, Shri H.N.	Saigal, Shri A.S.
Jaggiwan Ram, Shri	Mukerjee, Shrimati Shradha	Samanta, Shri S.C.
Jain, Shri A.P.	Munzri, Shri David	Sannani, Shri
Jamunadevi, Shrimati	Murti, Shri M.S.	Sanji Rupi, Shri
Jedhe, Shri	Muthiah, Shri	Saraf, Shri Sham Lal
Joshi, Shri A.C.	Naidu, Shri V.G.	Sarma, Shri A.T.
Joshi, Shrimati Subhadra	Naik, Shri D.J.	Satyabhama Devi, Shrimati
Jyotishi, Shri J.P.	Naik, Shri Maheswar	Satyanarayana, Shri
Kabir, Shri Humayun	Nair, Shri Vasudevan	Sen, Shri P. G.
Kamath, Shri Hari Vishnu	Nambiar, Shri	Shah, Shri Manabendra
Kappen, Shri	Nanda, Shri	Sham Nath, Shri
Kapur Singh, Shri	Nayak, Shri Mohan	Shankaraiya, Shri
Keshing, Shri Rishang	Nayar, Dr. Sushila	Sharma, Shri A.P.
	Nehru, Shri Jawaharlal	Sharma, Shri D.C.

Sharma, Shri K.C.  
 Shastri, Shri Lal Bahadur  
 Sheo Narain, Shri  
 Shinde, Shri  
 Shivananjappa, Shri  
 Siddananjappa, Shri  
 Siddiah, Shri  
 Sidheshwar Prasad, Shri  
 Singh, Shri D.N.  
 Singh, Shri K.K.  
 Singh, Shri S.T.  
 Singh, Shri Y.D.  
 Singha, Shri G.K.  
 Sinha, Shri Satya Narayan  
 Sinha, Shrimati Ramdulari  
 Sinha, Shrimati Tarakeshwari  
 Sinhasan Singh, Shri  
 Sonavane, Shri  
 Soundaram Ramachandran,  
 Shrimati

Soy, Shri H.C.  
 Srinivasan, Dr. P.  
 Subramaniam, Shri C.  
 Subramanyam, Shri T.  
 Sumat Prasad, Shri  
 Surendrapal Singh, Shri  
 Swamy, Shri M.N.  
 Swell, Shri  
 Tahir, Shri Mobammad  
 Tan Singh, Shri  
 Tantia, Shri Rameshwar  
 Thimmaiah, Shri  
 Tiwary, Shri D. N.  
 Tiwary, Shri K.N.  
 Tripathi, Shri Krishna Deo  
 Tula Ram, Shri  
 Tyagi, Shri  
 Ulkei, Shri  
 Ulaka, Shri

Umanath, Shri  
 Upadhayaya, Shri Shiva Dutt  
 Utiya, Shri  
 Vaishya, Shri M.B.  
 Valvi, Shri  
 Varma, Shri M.L.  
 Varma, Shri Ravindra  
 Venkaiah, Shri Kolla  
 Venkatasubbaiah, Shri L.P.  
 Verma, Shri K.K.  
 Vidyalankar, Shri A.N.  
 Virbhadra Singh, Shri  
 Vishram Prasad, Shri  
 Vyas, Shri Radhelal  
 Wadiwa, Shri  
 Warior, Shri  
 Yadab, Shri N.P.  
 Yadav, Shri Ram Harkh  
 Yadava, Shri B.P.

**Mr. Speaker:** The result of the division is as follows:

Ayes: 295; Noes: Nil.

The 'Ayes' have it, the 'Ayes' have it. 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. It is unanimously carried.

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Shri Frank Anthony:** Nobody has gone out or has entered the House since the last division. How is it that the number has gone down now to 295?

**Mr. Speaker:** If any hon. Member had complained, then I might have taken note of it; perhaps, some hon. Member might not have voted at all.

**Clause 3—Amendment of the First Schedule)**

**Mr. Speaker:** There are two amendments to this clause, namely amendments Nos. 4 and 21. As regards amendment No. 21, it was not received in time, but I shall allow it.

**Shri Yallamanda Reddy (Markapur):** I beg to move:

Page 1, for clause 3, substitute:

'3. Amendment of the First Schedule.—In the First Schedule to the Constitution, under the heading "I. THE STATES",—

(a) in entry 1, the following shall be added at the end, namely:

"and the territory which immediately before the sixteenth day of August, 1962, was comprised in the French Establishments in India known as Yanam;

(b) in entry 5, the following shall be added at the end, namely:

"and the territories which immediately before the sixteenth day of August, 1962 were comprised in the French Establishments in India known as Karikal and Mahe"; and

(c) in entry 7, the following shall be added at the end, namely:

"and the territory which immediately before the sixteenth day of August, 1962 was comprised in the French Establishments in India known as Pondicherry". (4)

**Shri Nambiar:** I beg to move:

Page 1, line 15, add at the end:

"till it is decided to be merged with the respective States of Madras, Kerala and Andhra Pradesh." (21)

**Mr. Speaker:** These amendments are now before the House.

**Shri Nambiar:** The object of my amendment is this.

In clause 3, it is provided that:

'In the First Schedule to the Constitution, under the heading 'II. THE UNION TERRITORIES', after entry 8, the following entry shall be inserted, namely:

"9. Pondicherry: The territories which immediately before the sixteenth day of August, 1962, were comprised in the French Establishments in India known as Pondicherry, Karikal, Mahe and Yanam".'

At the end, I want to add the following words, namely:

"till it is decided to be merged with the respective States of Madras, Kerala and Andhra Pradesh."

While moving this amendment, I would like to impress upon the House that we are not happy over the situation that these four places should be grouped together into one Union Territory for the purposes of administration. Out of these four places, two small bits are in the Madras State; one is Pondicherry with a population of about four lakhs, and the second is Karikal which is about 70 miles away from Pondicherry. These two places are sought to be tacked on with a small portion called Mahe which is in Kerala and which has a population of about 5000 to 7000, and which is about 400 miles away from Pondicherry, and another portion called Yanam which is about 500 miles away from Pondicherry. All these four places are sought to be tacked on together and named as one Union Territory, and governed as one Union Territory and from that Union Territory, representatives are to come to the Lok Sabha and to the Rajya Sabha to represent these places. It goes without saying that that is a ridiculous position.

As the position stands today, the French have gone, and we have got these territories, and we are taking these territories with all happiness. But at the same time the proper thing would be that these territories should be merged with the respective States. For instance, Pondicherry and Karikal which are within the Madras State can have a common life and common aspirations and a common progress only if they are included in the Madras State. Otherwise, there will be no enthusiasm in integrating these small pockets with India. The people in Pondicherry and Karikal speak the same language and they have the same culture and other things as the people in the Madras State. I know that in the border there are families living in such a manner that some members of the family will be in Pondicherry while the other members of the family will be in the Madras State. If that territory is to be governed from Delhi, and the State Government is to have no say over that territory, I do not know what it means.

Further, the argument put forward even by our great leader Shri Jawaharlal Nehru that we have to keep alive the traditions of the French culture and give due regard to the feeling of the people that we should do something to maintain their French culture etc. cannot hold good any more. That may be argued for the purposes of learning or for the purpose of keeping our relations with the French culture and tradition. But that can be done even if it is merged with the Madras State. The same argument applies to Karikal, Mahe and Yanam also. Mahe should go to Kerala on that basis, and Yanam to Andhra Pradesh, and Karikal to Madras State. It is for this purpose that I have moved my amendment. I need not say anything more on it at present, except that there must be an occasion in the future when Government must come forward with an amendment to the Constitution, if not today, to provide that these places will be respectively merged with the



[Shri Nambiar]

States which I have mentioned. That is why I say that till such time when it is decided that these will be merged, these can be in one Union Territory.

**Mr. Speaker:** Even without this amendment, they will remain separate till they are merged. If they are not merged, then they will remain separate. Where is the need for his amendment then?

**Shri Nambiar:** I am saying that till the date when it is decided like that, they may be in one Union Territory. Thereby I mean that within the shortest possible time, they should be merged, and they should not be in the Union Territory for months and years together, because we feel that they should be merged in the respective States.

**Shri Yallamanda Reddy:** The amendment standing in my name is to this effect namely that the different parts comprised in the Pondicherry State should be merged in the adjacent linguistic State. As far as Yanam is concerned, it is in Andhra Pradesh. One part of the same street would now belong to the Union Territory while the other part would belong to the Andhra Pradesh State. This part of Yanam which has got only a population of about 7,000 would now be merged with Pondicherry which is about four hundred miles away from it; and similarly also, Mahe which is in Kerala and Karikal which is in Madras are also sought to be merged in Pondicherry. These four patches are now going to be merged as one Union Territory, and it is going to be called the Pondicherry Union Territory. This is not at all administratively feasible or economically proper, nor is it in the interests of the people themselves.

You know, Sir, that in this country, there was a big agitation that the country should be organised on a linguistic basis, and Government had conceded that point. And yet, nearly 7,000 people of Yanam are asked to join in a Union Territory which is about four hundred miles away from

their homeland, which is ridiculous. We know, Sir, that in the case of Bombay, the people fought for their linguistic region and they succeeded in their effort.

So, we cannot understand any reason why Government should now seek to include these four former French Establishments into one Union Territory. I believe the hon. Home Minister has said that if this point is conceded in the case of these territories, then he may have to concede the same thing in regard to Goa and other areas. I submit that that is no argument. If this point is a correct one, then Government should accept it, because the country has accepted this proposition and the people also have accepted it already. Also, there is some agitation against this by those people who are the importers in those parts, and who were all these years against the freedom of these parts; if Government take into consideration the agitation of those people, that is something which no one can understand.

Also, very recently, the Leader of Opposition in the Pondicherry Assembly has submitted a memorandum to the Prime Minister requesting that the State of Pondicherry and the other former French Establishments should be joined to the adjacent States in order to retain their linguistic heritage and in order that they may develop culturally, administratively etc. in a democratic manner.

Therefore, I would request the Home Minister to accept my amendment. When Government accept this amendment, they can give some guarantees to the people of these areas that they will uphold their French culture; also, some guarantees can be given in regard to the administrative personnel there in regard to their functions, their cadres etc. I cannot understand the keeping of these parts as a separate unit in order to safeguard the culture that was previously there. Therefore, I request Government to consider this point, because the country has already accepted the principle that those people who are

near to their homeland must be joined to that area.

**Shri Thirumala Rao (Kakinada):** May I say a few words about Yanam? Yanam is a small village with a population of 7,000 in Godavari district situated at a distance of about 500 miles from Pondicherry. A police action was started there in Yanam with the support of the people round about, and practically the French Government had to yield and surrender to the force of public opinion in that small place four or five years ago. They had appointed a separate administrator all the way from Pondicherry.

As my hon. friend opposite said, there are certain streets in that small village where one row of houses is in the Indian Union and the others in the former territory of the French. Now it is being tacked on to Pondicherry. The educational system is also the same as in the area round about—the textbooks etc. that are prevalent obtain round about the whole area. For the sake of administrative and revenue considerations, there are about 10,000 acres attached to their village and all these have to look to Pondicherry for administration. Therefore, if not today, at least hence for the sake of administrative convenience and integration and the convenience of the people who have to go a distance of 500 miles in connection with education, law courts and everything else, this matter has to be reconsidered. If it is not possible to do this today, it should be done at a later juncture.

**The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru):** So far as Pondicherry and all these small territories are concerned, we have declared any number of times that they will remain a separate entity and there will be no change in them so long as this is not demanded and approved by the people there themselves. Our treaty with the French Government was based on

this, and I have no doubt that apart from every other consideration, we have to keep our word to the French Government. That is quite adequate for me.

But I recognise that so far as Yanam and Mahe are concerned, there are considerations which would, presumably, lead us to attach them to their respective States. They are small areas of a district. But at this stage, when for the first time we are getting these old French territories formally and legally into the Union of India, I think we should stick to the old arrangement of the French. After that, it may well be that Yanam and Mahe are attached. Whether Pondicherry will be attached or not, is a different matter. That depends on the goodwill of the people. So far as I know, the people in Pondicherry, that is, a majority of them, want to keep it as a separate entity. But anyhow, at present we have to give effect to the agreement arrived at with the French Government.

**Shri H. N. Mukerjee (Calcutta Central):** I want a clarification. The Prime Minister seems to suggest that when France was compelled by force of circumstances to agree to the cession of these territories to India, there were certain conditions or presuppositions attached. I do not understand why the Prime Minister referred to the fact that certain understandings with the French Government have to be respected. It was an conditional cession and that is why after having waited for so long, the country is waiting for the fulfilment of that cession. Now we are told that we have some understandings with the French Government which have to be respected. This is absolutely out of keeping with the entire spirit of what we are doing.

**Shri Jawaharlal Nehru:** I do not understand what the hon. Member means. We have given specific, clear and repeated understandings to the Pondicherry people, to the French Government and to the whole of India

[Shri Jawaharlal Nehru] that Pondicherry would be kept separate till such time as the people of Pondicherry desired a change. It was an understanding given to everybody. I do not think this is laid down in writing with the French Government, but it was a very clear understanding given to them and to the people of Pondicherry. I am quite certain that the great majority of the people of Pondicherry want to remain separate.

**Shrimati Renu Chakravartty:** Then how do Government propose to proceed? Does it mean that we are going to have a plebiscite on this whole question?

**Shri Jawaharlal Nehru:** Surely there are many ways of finding that out later. At the present moment, I am giving my opinion that the great majority do not want to join Madras but want to remain as a separate entity. But regardless of what I may feel in the matter, at this first stage of its incorporation into the Indian Union, I think it is essential to keep it a separate entity. We have said so to everybody concerned, including the French.

**Shrimati Renu Chakravartty:** What will happen to the villages of Mahe and Yanam?

**Mr. Speaker:** He has explained that.

**Shri Jawaharlal Nehru:** In regard to the villages of Mahe and Yanam, there is good argument. But at the present moment, I should like to treat them as a whole, attached to Pondicherry. Later on, it may be feasible to separate them and to let them go to their respective States.

**Shri Tyagi:** Even at this stage, when we are amending the Constitution and when these villages also become part of that Constitution, could we not make a provision? I am glad that the Prime Minister agrees that this word may not be kept for all time to come. When practical politics require it, something should be done in the case of these villages. Could we not at this stage make a provision whereby it may not be necessary to amend the

Constitution for this purpose later on? Could we not have a provision so that we may have the liberty of taking whatever step we want with regard to these small territories? If that is done, we shall not have to resort to another amendment of the Constitution for this purpose.

**Shri Lal Bahadur Shastri:** It would not be necessary. If any part of these Union Territories is merged with any other area, it should not require an amendment of the Constitution. Parliament can do it by ordinary legislation.

**Shri Tyagi:** Then that takes care of it.

**Shri Yallamanda Reddy:** There is one amendment to be made in amendment No. 4 because of an error. The words 'Karikal and' in (b) should not be there and the words 'and Karikal' should be inserted at the end of (c).

**Mr. Speaker:** That is all right. Should I put amendment No. 4, as modified, to the vote of the House?

**Shri Nambiar:** Yes.

**Mr. Speaker:** The question is:

Page 1,—

for clause 3, substitute—

'3. Amendment of the First Schedule.—In the First Schedule to the Constitution, under the heading "1. THE STATES",—

(a) in entry 1, the following shall be added at the end, namely:—

"and the territory which immediately before the sixteenth day of August, 1962 was comprised in the French Establishments in India known as Yanam";

(b) in entry 5, the following shall be added at the end, namely:—

"and the territories which immediately before the sixteenth day of August, 1962 were comprised in the French Estab-

lishments in Indian known as Mahe"; and

(c) in entry 7, the following shall be added at the end, namely:

"and the territory which immediately before the six-

teenth day of August, 1962 was comprised in the French Establishments in India known as Pondicherry, and Karikal". (No. 4 as modified).

~~The motion was adopted.~~

*Lot  
draw*

**AYES**

*Division No. 14]*

Badrudduja, Shri  
Banerjee, Shri S.M.  
Bhattacharyya, Shri Dinen  
Biren Dutta, Shri  
Chakravartty, Shrimati Renu  
Daji, Shri  
Dasaratha Deb, Shri  
Elias, Shri Mohammad  
Gokaran Prasad, Shri  
Gupta, Shri Indrajit  
Imbichibava, Shri

Kamath, Shri Hari Vishnu  
Kapur Singh, Shri  
Karjee, Shri  
Kunhan, Shri P.  
Lahri Singh, Shri  
Mandal, Shri B.N.  
Marandi, Shri  
Mukerjee, Shri H.N.  
Murmu, Shri Sarkar  
Nair, Shri Vasudevan  
Nambiar, Shri

Pottekkatt, Shri  
Ram Singh, Shri  
Reddy, Shri Esvara  
Reddy, Shri Yallamanda  
Shastri, Shri Prakash Vir  
Singh, Shri Y.D.  
Soy, Shri H.C.  
Swamy, Shri M.N.  
Umanath, Shri  
Venkaiah, Shri Kolla  
Vimla Devi, Shrimati

[16.16 hrs.

**NOES**

Abdul Wahid, Shri  
Akkamma Devi, Shrimati  
Alagesan, Shri  
Alva, Shri A.S.  
Alva, Shri Joachim  
Aney, Dr. M.S.  
Anjanappa, Shri  
Anthony, Shri Frank  
Arunachalam, Shri  
Azad, Shri Bhagwat Jha  
Bakliwal, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Barkataki, Shrimati Renuka  
Barupal, Shri P.L.  
Basappa, Shri  
Basumatari, Shri  
Baswant, Shri  
Besra, Shri  
Bhagat, Shri B.R.  
Bhakt Darshan, Shri  
Bhanja Deo, Shri L.N.  
Bhanu Prakash Singh, Shri  
Bhargava, Shri M.B.  
Bhatkar, Shri  
Birendra Bahadur Singh, Shri  
Bist, Shri J.B.S.  
Brahm Prakash, Shri  
Brajeshwar Prasad, Shri  
Brij Basi Lal, Shri  
Brij Raj Singh Kotah, Shri  
Chakraverti, Shri P.R.  
Chanda, Shrimati Jyotsna  
Chandak, Shri  
Chandrasekhar, Shrimati

Chattar Singh, Shri  
Chaturvedi, Shri S.N.  
Chaudhuri, Shri D.S.  
Chaudhuri, Shrimati Kamala  
Chavan, Shri D.R.  
Chettiar, Shri Ramanathan  
Chuni Lal, Shri  
Colaco, Dr.  
Dafle, Shri  
Daljit Singh, Shri  
Das, Dr. M.M.  
Das, Shri B.K.  
Das, Shri N.T.  
Das, Shri S.B.  
Dasappa, Shri  
Dass, Shri C.  
Datar, Shri  
Deo Bhanj, Shri P.C.  
Desai, Shri Morarji  
Deshmukh, Shri Shivaji Rao S.  
Deshpande, Shri  
Dey, Shri S.K.  
Dhebar, Shri U.N.  
Dhuleshwar Meena, Shri  
Dinesh Singh, Shri  
Dixit, Shri G.N.  
Dube, Shri Mulchand  
Dubey, Shri R.G.  
Dwivedi, Shri M.L.  
Gahmari, Shri  
Gaitonde, Dr.  
Gajraj Singh Rao, Shri  
Gandhi, Shri V.B.  
Ganga Devi, Shrimati  
Gauri Shankar, Shri

Ghosh, Shri Atulya  
Goni, Shri Abdul Ghani  
Govind Das, Dr.  
Guha, Shri A.C.  
Gupta, Shri Badshah  
Gupta, Shri Kashi Ram  
Gupta, Shri Ram Ratan  
Gupta, Shri Shiv Charan  
Hajarnavis, Shri  
Hansda, Shri Subodh  
Hanumanthaiya, Shri  
Haq, Shri M.M.  
Harvani, Shri Ansar  
Hazarika, Shri J.N.  
Heda, Shri  
Hem Raj, Shri  
Iqbal Singh, Shri  
Jadhav, Shri M.L.  
Jadhav, Shri Tulshidas  
Jagjivan Ram, Shri  
Jain, Shri A.P.  
Jamunadevi, Shrimati  
Jedhe, Shri  
Joshi, Shri A.C.  
Joshi, Shrimati Subhadra  
Jyotishi, Shri J.P.  
Kabir, Shri Humayun  
Kamble, Shri  
Kanungo, Shri  
Kappen, Shri  
Kedaria, Shri C.M.  
Khadilkar, Shri  
Khan, Shri Osman Ali  
Khan, Shri Shah Nawaz  
Khanna, Shri Mehr Chand

Khanna, Shri P.K.	Nesamony, Shri	Shah, Shri Manabendra
Kindar Lal, Shri	Oza, Shri	Sham Nath, Shri
Kisan Veer, Shri	Pande, Shri K.N.	Shankaraiya, Shri
Kotoki, Shri Liladhar	Pandey, Shri R.S.	Sharma, Shri A.P.
Koya, Shri	Pandey, Shri Vishwa Nath	Sharma, Shri D.C.
Kirpa Shankar, Shri	Panna Lal, Shri	Sharma, Shri K.C.
Krishna, Shri M.R.	Pant, Shri K.C.	Shastri, Shri Lal Bahadur
Krishnamachari, Shri T.T.	Parashar, Shri	Sheo Narain, Shri
Kureel, Shri B.N.	Patel, Shri Chhotubhai	Shinde, Shri
Lakhan Das, Shri	Patel, Shri Man Sinh P.	Shivananjappa, Shri
Lakshumikanthamma, Shrimati	Patel, Shri N.N.	Shrimali, Dr. K.L.
Lalit Sen, Shri	Patel, Shri P.R.	Siddananjappa, Shri
Laskar, Shri N.R.	Patel, Shri Rajeshwar	Siddiah, Shri
Laxmi Bai, Shrimati	Patil, Shri D.S.	Sidheshwar Prasad, Shri
Lonikar, Shri	Patil, Shri J.S.	Singh, Shri D.N.
Mahtab, Shri	Patil, Shri S.K.	Singh, Shri K.K.
Mahishi, Shrimati Sarojini	Patil, Shri T.A.	Singh, Shri R.P.
Maimoona Sultan, Shrimati	Patnaik, Shri B.C.	Singh, Shri S.T.
Malaichami, Shri	Pattabhi Raman, Shri C.R.	Singha, Shri G.K.
Malaviya, Shri K.D.	Pillai, Shri Nataraja	Sinha, Shri Satya Narayan
Malhotra, Shri Inder J.	Prabhakar, Shri Naval	Sinha, Shrimati Ramdulari
Malliah, Shri U.S.	Pratap Singh, Shri	Sinha, Shrimati Tarkeshwari
Manaen, Shri	Puri, Shri D.D.	Sinhasan Singh, Shri
Mandal, Dr.	Raghnath Singh, Shri	Sonavane, Shri
Mandal, Shri Yamuna Prasad	Raghuramaiah, Shri	Soundaram Ramchandran, S. rimati
Maniyangadan, Shri	Rai, Shrimati Sahodrabai	Srinivasan, Dr. P.
Mantri, Shri	Raj Bahadur, Shri	Subramaniam, Shri C.
Masuriya Din, Shri	Raju, Dr. D.S.	Subramanyam, Shri T.
Matcharaju, Shri	Raju, Shri D.B.	Sumat Prasad, Shri
Mathur, Shri Harish Chandra	Ram, Shri T.	Swamy, Shri M.P.
Mehdi, Shri S.A.	Ram Sewak, Shri	Swaran Singh, Shri
Mehrotra, Shri B.B.	Ram Subhag Singh, Dr.	Swell, Shri
Mehta, Shri Jashvant	Ramakrishnan, Shri P.R.	Tahir, Shri Mohammad
Melkote, Dr.	Ramaswamy, Shri S.V.	Tan Singh, Shri
Mengi, Shri Gopal Datt	Ramdhani Das, Shri	Tantia, Shri Rameshwar
Menon, Shri Krishna	Rananjai Singh, Shri	Thunmaiah, Shri
Menon, Shri P.G.	Rane, Shri	Tiwary, Shri D.N.
Minimata, Shrimati	Ranga Rao, Shri	Tiwari, Shri K.K.
Mirza, Shri Bakar Ali	Ranjit Singh, Shri	Tiwary, Shri R.S.
Mishra, Shri Bibudhendra	Rao, Shri Jaganatha	Tripathi, Shri Krishna Deo
Mishra, Shri Bibhuti	Rao, Shri Muthyal	Tula Ram, Shri
Mishra, Shri M.P.	Rao, Shri Ramapathi	Tyagi, Shri
Misra, Shri Shyam Dhar	Rao, Shri Rameshwar	Uikey, Shri
Mobanty, Shri G.	Rattan Lal, Shri	Ulaka, Shri
Mohsin, Shri	Reddiar, Shri	Upadhyaya, Shri Shiva Dutt
Morarka, Shri	Reddy, Shri K.C.	Utiya, Shri
More, Shri K.L.	Reddy, Shri Ramakrishna	Vaishya, Shri M.B.
More, Shri S.S.	Reddy, Shrimati Yashoda	Valvi, Shri
Mukerjee, Shrimati Sharda	Roy, Shri Bishwanath	Varma, Shri M.L.
Munzni, Shri David	Sadhu Ram, Shri	Varma, Shri Ravindra
Murti, Shri M.S.	Saha, Dr. S.K.	Veerappa, Shri
Musafir, Shri G.S.	Saigal, Shri A.S.	Venkatsubbaiah, Shri P.
Muthiah, Shri	Samanta, Shri S.C.	Verma, Shri K.K.
Naidu, Shri V.G.	Samnani, Shri	Vidyalankar, Shri A.N.
Naik, Shri D.J.	Sanii Rupji, Shri	Virbhadra Singh, Shri
Naik, Shri Maheswar	Saraf, Shri Sham Lal	Vyas, Shri Radhelal
Nanda, Shri	Sarma, Shri A.T.	Wadiwa, Shri
Nayak, Shri Mohan	Satyabhama Devi, Shrimati	Yadab, Shri N.P.
Nayar, Dr. Sushila	Satyanarayana, Shri	Yadav, Shri Ram Sewak
Nehru, Shri Jawaharlal	Sen, Shri P.G.	Yadava, Shri B.P.

**Mr. Speaker:** The result of the division is:

Ayes: 33; Noes: 286.

The motion was negatived.

**Mr. Speaker:** Does Mr. Nambiar press his amendment?

**Shri Nambiar:** No, Sir.

**Mr. Speaker:** Has the hon. Member

the leave of the House to withdraw his amendment?

The amendment No. 21 was, by leave, withdrawn.

**Mr. Speaker:** I now put clause 3,

The question is:

"That clause 3 stand part of the Bill."

The Lok Sabha divided:

**AYES**

Division No. 15]

Abdul Wahid, Shri  
 Akkamma Devi, Shrimati  
 Alagesan, Shri  
 Alva, Shri A.S.  
 Alva, Shri Joachim  
 Aney, Dr. M.S.  
 Anjanappa, Shri  
 Anthony, Shri Frank  
 Arunachalam, Shri  
 Azad, Shri Bhagwat Jha  
 Bakliwal, Shri  
 Belakrishnan, Shri  
 Balmiki, Shri  
 Barkataki, Shrimati Renuka  
 Barupal, Shri P.L.  
 Basappa, Shri  
 Basumatari, Shri  
 Baswant, Shri  
 Besra, Shri  
 Bhagat, Shri B.R.  
 Bhakt Darshan, Shri  
 Bhanja Deo, Shri L.N.  
 Bhanu Prakash Singh, Shri  
 Bhargava, Shri M.B.  
 Bhatkar, Shri  
 Bhattacharya, Shri Dinen  
 Birendra Bahadur Singh, Shri  
 Bist, Shri J.B.S.  
 Brahm Prakash, Shri  
 Brajeshwar Prasad, Shri  
 Brij Basi Lal, Shri  
 Brij Raj Singh Kotah, Shri  
 Chakraverti, Shri P.R.  
 Chanda, Shrimati Jyotsna  
 Chandak, Shri  
 Chandrasekhar, Shrimati  
 Chhattar Singh, Shri  
 Chaturvedi, Shri S.N.  
 Chaudhuri, Shri D.S.  
 Chaudhuri, Shrimati Kamala  
 Chavan, Shri D.R.  
 Chettiar, Shri Ramanathan  
 Chuni Lal, Shri  
 Colaco, Dr.  
 Daffe, Shri  
 Daljit Singh, Shri

Das, Dr. M.M.  
 Das, Shri B.K.  
 Das, Shri N.T.  
 Das, Shri S.E.  
 Dasappa, Shri  
 Dass, Shri C.  
 Datar, Shri  
 Deo Bhanj, Shri P.C.  
 Desai, Shri Morarji  
 Deshmukh, Shri Shivaji Rao S.  
 Deshpande, Shri  
 Dey, Shri S.K.  
 Dhaon, Shri  
 Dhebar, Shri U.N.  
 Dhuleshwar Meena, Shri  
 Dinesh Singh, Shri  
 Dixit, Shri G.N.  
 Dube, Shri Mulchand  
 Dubey, Shri R.G.  
 Dwivedi, Shri M.L.  
 Dwivedy, Shri Surendranath  
 Gahmari, Shri  
 Gaitonde, Dr.  
 Gajraj Singh Rao, Shri  
 Gandhi, Shri V.B.  
 Ganga Devi, Shrimati  
 Gauri Shanker, Shri  
 Ghosh, Shri Atulya  
 Goni, Shri Abdul Ghani  
 Govind Das, Dr.  
 Guha, Shri A.C.  
 Gupta, Shri Badshah  
 Gupta, Shri Kashi Ram  
 Gupta, Shri Ram Ratan  
 Gupta, Shri Shiv Charan  
 Hajarnavis, Shri  
 Hansda, Shri Subodh  
 Hanumanthaiya, Shri  
 Haq, Shri M.M.  
 Harvani, Shri Ansar  
 Hazarika, Shri J.N.  
 Heda, Shri  
 Hem Raj, Shri  
 Iqbal Singh, Shri  
 Jadhav, Shri M.L.  
 Jadhav, Shri Tulshidas

16.22 hours.

Jaggiwan Ram, Shri  
 Jain, Shri A.P.  
 Jamunadevi, Shrimati  
 Jedhe, Shri  
 Joshi, Shri A.C.  
 Joshi, Shrimati Subhadra  
 Jyotishi, Shri J.P.  
 Kabir, Shri Humayun  
 Kamath, Shri Hari Vishnu  
 Kamble, Shri  
 Kanungo, Shri  
 Kappen, Shri  
 Kedaria, Shri C.M.  
 Keishing, Shri Rishang  
 Khadilkar, Shri  
 Khan, Dr. P.N.  
 Khan, Shri Osman Ali  
 Khan, Shri Shah Nawaz  
 Khanna, Shri Mehr Chand  
 Khanna, Shri P.K.  
 Kisan Veer, Shri  
 Kotoki, Shri Liladhar  
 Koya, Shri  
 Kripa Shankar, Shri  
 Krishna, Shri M.R.  
 Krishnamachari, Shri T. F.  
 Kureel, Shri B.N.  
 Lahri Singh, Shri  
 Lakhnan Das, Shri  
 Lakshumikanthamma, Shrimati  
 Lalit Sen, Shri  
 Laskar, Shri N.R.  
 Laxmi Bai, Shrimati  
 Lonikar, Shri  
 Mahtab, Shri  
 Mahishi, Shrimati Sarojini  
 Maimoona Sultan, Shrimati  
 Malaichami, Shri  
 Malaviya, Shri K.D.  
 Malhotra, Shri Inder J.  
 Malliah, Shri U.S.  
 Manaen, Shri  
 Mandal, Shri  
 Mandal, Shri Yamuna Prasad  
 Maniyangadan, Shri  
 Mantri, Shri

\*Noes: One name could not be recorded.

Marandi, Shri  
Masuriya Din, Shri  
Matcharaju, Shri  
Mathur, Shri Harish Chandra  
Mehdi, Shri S.A.  
Mehrotra, Shri B.B.  
Mehta, Shri Jashvant  
Melkote, Dr.  
Mengi, Shri Gopal Datt  
Menon, Shri Krishna  
Menon, Shri P.G.  
Minimata, Shrimati  
Mirza, Shri Bakar Ali  
Mishra, Shri Bibudhendra  
Mishra, Shri Bibhuti  
Mishra, Shri M.P.  
Misra, Shri Shyam Dhat  
Mohanty, Shri G.  
Mohsin, Shri  
Morarka, Shri  
More, Shri K.L.  
More, Shri S.S.  
Mukherjee, Shrimati Sharda  
Munzni, Shri David  
Murmur, Shri Sarkar  
Murti, S. M.S.  
Muthiah, Shri  
Naidu, Shri V.G.  
Naik, Shri D.J.  
Naik, Shri Maheswar  
Nanda, Shri  
Nayak, Shri Mohan  
Nayar, Dr. Sushila  
Nehru, Shri Jawaharlal  
Nesamony, Shri  
Oza, Shri  
Pande, Shri K.N.  
Pandey, Shri R.S.  
Pandey, Shri Vishwa Nath  
Panna Lal, Shri  
Pant, Shri K.C.  
Parashar, Shri  
Patel, Shri Chhotubhai  
Patel, Shri Man Singh P.  
Patel, Shri N.N.  
Patel, Shri P.R.  
Patel, Shri Rajeshwar  
Patil, Shri D.S.  
Patil, Shri J.S.  
Patil, Shri S.K.  
Patil, Shri T.A.  
Patnaik, Shri B.C.  
Pattabhi Ramani, Shri C.R.

Pillai, Shri Nataraja  
Prabhakar, Shri Naval  
Pratap Singh, Shri  
Puri, Shri D.D.  
Raghunath Singh, Shri  
Raghuramaiah, Shri  
Rai, Shrimati Sahodrabai  
Raj Bahadur, Shri  
Raju, Dr. D.S.  
Raju, Shri D.B.  
Ram, Shri T.  
Ram Sewak, Shri  
Ram Singh, Shri  
Ram Subhag Singh, Dr.  
Ramakrishnan, Shri P.R.  
Ramswamy, Shri S.V.  
Ramdhani Das, Shri  
Rananjai Singh, Shri  
Rane, Shri  
Ranga Rao, Shri  
Ranjit Singh, Shri  
Rao, Shri Jaganatha  
Rao, Shri Muthyal  
Rao, Shri Ramapathi  
Rao, Shri Rameshwar  
Rao, Shri Thirumala  
Reddiar, Shri  
Reddy, Shri K. C.  
Reddy, Shri Ramakrishna  
Reddy, Shrimati Yashoda  
Roy, Shri Bishwantha  
Sadu Ram, Shri  
Shha, Dr. S. K.  
Sigal, Shri A.S.  
Samanta, Shri S. C.  
Samnani, Shri  
Sanji Rupaji, Shri  
Saraf, Shri Sham Lal  
Sharma, Shri A. T.  
Styabhama Devi, Shrimati  
Satyanarayana, Shri  
Sen, Shri P. G.  
Shah, Shri Mansabendra  
Sham Nath, Shri  
Shankaraiya, Shri  
Sharma, Shri A.P.  
Sharma, Shri D.C.  
Sharma, Shri K.C.  
Shastri, Shri Lal Bahadur  
Sheo Narain, Shri  
Shinde, Shri  
Shivananjappa, Shri  
Shrimali, Dr. K.L.

Siddananjappa, Shri  
Siddiah, Shri  
Siddheshwar Prasad, Shri  
Singh, Shri D.N.  
Singh, Shri K.K.  
Singh, Shri R.P.  
Singh, Shri S.T.  
Singh, Shri Y.D.  
Singha, Shri G.K.  
Sinha, Shri Satya Narayan  
Sinha, Shrimati Ramdulari  
Sinha, Shrimati Tarkeshwari  
Sinhasan Singh, Shri  
Sonavane, Shri  
Soundaram Ramachandran,  
Shrimati  
Soy, Shri H.C.  
Srinivasan, Dr. P.  
Subramaniam, Shri C.  
Subramanyam, Shri T.  
Sumat Prasad, Shri  
Surentrapal Singh, Shri  
Swamy, Shri M.P.  
Swaran Singh, Shri  
Swell, Shri  
Tahir, Shri Mohammad  
Tan Singh, Shri  
Tantia, Shri Rameshwar  
Thimmaiah, Shri  
Tiwary, Shri D.N.  
Tiwari, Shri K.N.  
Tiwary, Shri R.S.  
Tripathi, Shri Krishna Deo  
Tula Ram, Shri  
Tyagi, Shri  
Uikey, Shri  
Ulaka, Shri  
Upadhyaya, Shri Shiva Dutt  
Utiya, Shri  
Vaishya, Shri M.B.  
Valvi, Shri  
Varma, Shri M.L.  
Varma, Shri Ravindra  
Veerappa, Shri  
Venkatasubbaiah, Shri P.  
Verma, Shri K.K.  
Vidyalankar, Shri A.N.  
Virbhadra Singh, Shri  
Vishram Prasad, Shri  
Vyasa, Shri Radhelal  
Wadiwa, Shri  
Yadav, Shri N.P.  
Yadav, Shri Ram Harkh  
Yadava, Shri B.P.

### NOES

Musafir, Shri G. S.

Rattan Lal, Shri

**Mr. Speaker:** The result of the division is:

Ayes: 297; Noes: 2.

The Ayes have it. The Ayes have it.

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 motion was adopted.

Clause 3 was added to the Bill.

**Clause 4.** (*Insertion of new article 239A*)

**Mr. Speaker:** We now take up clause 4. Who are the Members who want to move amendments to clause 4?

**Shri Hari Vishnu Kamath:** Sir, I beg to move:

- (i) Page 1, line 21,—  
*Omit "nominated or" (12).*
- (ii) Page 2,—  
*Omit lines 4 to 8 (18).*
- (iii) Page 2, lines 6 to 8,—  
*omit "notwithstanding that it contains any provision which amends or has the effect of amending this Constitution" (19)*

**Shri Nambiar:** I beg to move:

- (i) Page 1, line 20,—  
*after "Pondicherry" insert—  
 "and Delhi" (22).*
- (ii) Page 1, line 21,—  
*omit "nominated or" (23).*
- (iii) Page 1, lines 21 and 22,—  
*omit "or partly nominated and partly elected" (24).*

**Shri Indrajit Gupta** (Calcutta South West): I beg to move:

- Page 1, line 19,—  
*after "Union territories of" insert—  
 "Delhi",— (5)*

**Shri Yallamanda Reddy:** I beg to move:

- Pages 1 and 2,—  
*for lines 21 to 23 and 1 to 3 respectively, substitute—*

*"(a) a body elected to function as a Legislature for the Union territory and a Council of Ministers elected, both with such constitution, powers and functions, in each case, as may be specified in the law." (8).*

**Shri Dasaratha Deb:** I beg to move:

- (i) Page 1, line 23,—  
*for "or" substitute "and" (14).*

- (ii) Page 2, line 2,—  
*for "or both" substitute "and" (17).*

**Shri Biren Dutta** (Tripura West): I beg to move:

- (i) Page 1, lines 21 and 22,—  
*omit "whether nominated or elected or partly nominated and partly" (10).*
- (ii) Page 1, line 23,—  
*omit "or" (13).*
- (iii) Page 2 line 1,—  
*before "a Council of Ministers" insert "and" (15).*
- (iv) Page 2, line 2,—  
*omit "or" (16).*

**Shri Hari Vishnu Kamath:** Mr. Speaker, Sir, before I proceed with the amendments, may I make a brief observation with regard to the punctuational changes I would like to suggest with regard to the Union territory of Goa, Daman and Diu? As it stands, the Union territories mentioned in this clause read as follows:

"Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry."

Goa, Daman and Diu is one entity, one Union territory, but it reads as if Goa is one unit and Daman and Diu constitute another Union territory. Then comes Pondicherry. I would appeal to the Prime Minister and the Home Minister, who have a very keen eye for these matters, that when it comes to the final stage of drafting, this may be borne in mind. It may be hyphenated, Goa-Daman-Diu. Otherwise, it is likely to lead to some trouble in courts of law later on. I hope this will be borne in mind when it is finally recast.

I come to my amendments now. I am glad that the Home Minister has seen his way to accept my amendment No. 12. He has already announced that in the course of his speech. So, I would not like to dwell on that amendment.



[Shri Hari Vishnu Kamath]

I proceed to the last two amendments which are based on constitutional ground. I have suggested two alternatives with regard to sub-clause (2) of clause 4. The first amendment I have suggested is amendment No. 18 whereby I seek to delete the entire sub-clause (2). If that is not acceptable to the House, I would suggest that amendment No. 19, which seeks to delete part of that sub-clause, may be accepted.

I now briefly state my reasons for these two amendments. In this context, I will invite the attention of the House to articles 3, 4, 368 and 239 and 242 of the Constitution. There is no article, except article 4, as far as my memory and knowledge go, in the Constitution which enables or empowers Parliament to arrogate to itself the right envisaged in this sub-clause. Sir, you took an active part in the Constituent Assembly debates and you are well aware of what happened in the Constituent Assembly. Article 368 lists certain articles which will need a special ratification by the State Legislatures besides two-thirds majority in Parliament. None of the articles in Part VIII relating to Union Territories—articles 239 to 242—has been listed in article 368 as being exempted from the provisions of that article, so that it may be passed by some other method or procedure. Article 4 is the only article in the Constitution, to my mind, which has a provision to this effect.

May I invite your attention to sub-clause (2) of article 4? Article 4 deals with laws made under articles 2 and 3 to provide for the amendment of the first and fourth schedules of the Constitution, supplementary provisions, etc. That sub-clause is explicit. It reads as follows:

“(2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.”

Look at the language of sub-clause (2) of clause 4 of this Bill. It jars on my ear; it goes against the grain. It reads as follows:

“(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of the Constitution for the purposes of article 368. . .”

So far so good, though I want even that to be deleted; but the tail-piece is certainly something which is, I will not say obnoxious, but certainly objectionable. It says:

“...notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.”

In the same clause, there is an amendment, but you do not want to consider that as an amendment. The Constitution-makers, the founding fathers of our great country, had a similar contingency in mind, but how did they face that contingency? They did not add an objectionable proviso saying “notwithstanding. . . etc.” They only said,

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

I would, therefore, in the first place ask for deletion of the entire sub-clause, so that any law which comes before this House for provision of legislatures or Council of Ministers etc. for Union Territories shall be deemed to be an amendment of the Constitution, because articles 239 to 242 pertaining to Union Territories do not contain any such provision. Therefore, any such Bill which embodies any such thing must be deemed to be an amendment of the Constitution. If that is not acceptable, at least the offending tail-piece must be deleted from that sub-clause.

With these words, I move both the amendments and commend them to the acceptance of the House.

**Shri Nambiar:** Sir, in my amendment No. 22, I have sought to add Delhi after Pondicherry in line 20. Under article 239A, Parliament may by law create a body for any of the

Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry. That is what the clause says. It has deliberately excluded Delhi. Why should Delhi alone suffer? When popular representatives will be taking charge of the administration of all these territories, that must be extended to Delhi as well.

We are thankful to the Government for at least coming forward with this proposal for having elected bodies for these territories. But there is no justification to exclude Delhi. Hon. Members have already expressed their opinion that Delhi being the city where the Central Government is seated, its administration must be controlled by persons elected by the people directly. I need not argue more on that point. Even the Congress is divided on that issue. I hope good counsel will prevail upon the Congress leaderships to agree to this straight away. They can correct the misunderstanding which has been already created, by accepting this amendment. I request the Prime Minister and the Home Minister to accept my amendment and include Delhi also.

My amendments Nos. 23 and 24 can be taken together, because they deal with the question of election or nomination. If I have understood the Home Minister correctly, he said he is prepared to accept the deletion of full nomination, but he wants "partly nominated and partly elected" to continue. Why? We can allow the whole thing to be elected. It should not be nominated partly and elected partly. That distinction should not be there. There must be only election and on the basis of election, the representatives must be allowed to administer these territories. The Centre must give all possible assistance and help to these small units to function properly, so that they may form a very good part of our country, which will march forward along with the rest.

**Shri Biren Dutta:** Sir, I am speaking on my amendment No. 10. I would also submit that this nomina-

tion must not be there. While introducing the Bill, the Home Minister stated clearly that he proposes to introduce legislatures of the type which Part C States had before. We have experience of legislative assemblies of Part C States. They did not have the same powers as legislatures of Part A or Part B States. Still, we agreed to that. But what is the necessity of nominating members to these legislative bodies?

These are small legislative bodies. We have experience of how this nomination business works. While the Territorial Council Bill was introduced, we were assured that nomination will take place, but only in the case of backward people who are not represented on the body, this nomination will take place. But in Tripura, there was election and there were 15 members. The majority section was well represented through the election itself, but still a representative of that forward community was nominated without any consideration to all these assurances.

**Shri Nambiar:** That is to tilt the balance.

**Shri Biren Dutta:** In this way, the tilting was done and the power was taken away by the ruling party. So, nomination should not be there. All my amendments intend to do away with this nomination.

**Shri Dasaratha Deb:** Sir, I want to refer to my two amendments which I have moved. By my amendment No. 14 I want that there should also be a council of ministers in these States. It may be that after the formation of these legislatures, some legislatures may be left without a council of ministers. If this clause is allowed to remain as it is, there is a sufficient ground to suspect that the Government may have in mind to make a legislative assembly without a council of ministers. My amendment seeks to say that it should be made obligatory and every legislature should have a council of ministers in some Union Territories.

[Shri Dasaratha Deb]

My second amendment is amendment No. 17. By this amendment I want that the words "or both" after the words "Council of Ministers" should be deleted, because every council of ministers must have the power to function as is specified in the Law itself. That is why, Sir, I move these amendments and I hope the Home Minister will accept these amendments.

**Shri Indrajit Gupta:** Mr. Speaker, Sir, I have moved my amendment No. 5 which says:

Page 1, 19,—

after "Union territories of" insert—

"Delhi,".

**Mr. Speaker:** There was one other amendment like that and it has been argued.

**Shri Indrajit Gupta:** There was a similar amendment, but I would like to say a few words. The hon. Home Minister, as far as I understood him, brought forward only one positive argument in favour of excluding Delhi from these territories which are to be given some form of democratic rule. He said that the principle of central control over the federal capital has been well established, according to him, and he cited the example of Washington in the United States. I do not wish to make any comparisons with the United States, because in many respect, as everybody knows, the Constitution of the United States differs from our Constitution. But the whole impression sought to be given by the Home Minister was that if some form of popular rule is established in Delhi there will be some sort of difficulty or there may arise some difficulty in controlling or keeping control over the federal capital. I am not able to appreciate this argument very much, because if we can keep control over a State which is situated 800 miles or a thousand miles away from Delhi which has its own State legislature and responsible ministry, I do not understand why it would not be possible to keep control over a territory which

is situated, as it were, within a few miles or even under the nose of the Home Minister himself. Therefore, this argument does not seem to be very convincing.

Then, my hon. friend Shri Frank Anthony made some remarks on this question which I do not think need be taken very seriously. If one is to accept this argument against giving popular rule to Delhi and carry it to its logical conclusion, then we should do away, as he himself said, with all States assemblies, we should do away with the principle of linguistic provinces and ultimately do away with the elected legislatures. This is what he said. Of course, he is a life member of that "Nominated Members' Club", and I am not surprised at this argument coming from him since he has never had to face an electorate in his life. He advised the Home Minister not to succumb to Communist blackmail. I am very grateful to Shri Anthony. I would like him to make a tour of the country trying to convince the people that it is the Communists who are responsible for elected legislatures and linguistic provinces. That could not do us any harm; I can assure him.

As far as Delhi is concerned, the hon. Home Minister said that all these examples of corruption and other things that are being cited are not tied up necessarily with the form of administration. But I would like to point out that it is commonly accepted that administration in Delhi is deteriorating day by day in all its aspects. I do not suggest that necessarily it would improve immediately, over-night, if they had an elected legislature. But the fact remains that when it is a question of choice between a bureaucratic administration which is not answerable to anybody and which is irresponsible in that sense, and a responsible elected legislature which is answerable to the people, surely the choice is quite clear, and this House should, in the interests of democracy, choose to have an elected legislature every time.

I do not think that justice can be done to the many problems of Delhi in the present set-up at all. If the Home Minister had been good enough to tell us, from an examination of the records, how many times in practice we in this House are able to discuss the problems of Delhi, it might have shed a little more light on this question. I do not think we are able to do any justice to their problems. We discuss their problems once or twice a year. Therefore, I think the confidence of the people of Delhi requires that this set-up should be changed. I am, therefore, pressing my amendment saying that this should be extended to Delhi too.

**Mr. Speaker:** The hon. Prime Minister.

**Shri Tyagi:** Sir, if I were given a chance to say a few words, the hon. Prime Minister could have answered my point also.

**Mr. Speaker:** This is not the final reply.

**Shri Tyagi:** Then I shall appeal to the Prime Minister to speak again to answer my point.

**Mr. Speaker:** All right; he may have a few minutes.

**Shri Tyagi:** Sir, I will not take much of your time. I am not opposed to the clause. But after listening to Shri Kamath, my old colleague, I feel that sub-clause (2) of clause 4 really does not sound well. Since it is going to be a part of the Constitution, it is the concern of everyone, including you, Sir, because it will be said that in the presence of so many Members these words went into the Constitution.

**Mr. Speaker:** But I find the same words in the original Constitution.

**An Hon. Member:** Article 240.

**Mr. Speaker:** The same words are there that Shri Tyagi and myself were responsible for framing.

**Shri Tyagi:** But it is said here:

“...for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.”

This means that an Act of Parliament might freely amend the Constitution, notwithstanding that it contains any clause which goes against it. I think this could be better worded. Actually speaking, the language, sometimes when it goes like that, when it goes violently against the Constitution, violates the sense of reverence which the makers of the Constitution wanted to be there. The sacrosanctity of the Constitution must not be spoiled. I think perhaps the hon. Minister can consult his legal advisers.

**Mr. Speaker:** I am sending to him a copy of the original Constitution. After seeing that if he has any objection I am prepared to hear him. He may look into the constitution first.

**Shri Tyagi:** Here it is said:

“In cases of regulation for peace, progress and good government of the Union Territory the President shall not make any regulation from the date appointed.”

The meaning is quite clear. It was better if indirectly we were to say that after a legislature has been agreed upon by law such and such a clause shall not apply, instead of bringing in the President and saying that the President shall not do this or do that. What I suggest is, in these matters, a slight change of language would serve the purpose.

**Shri Jawaharlal Nehru:** Sir, if I may repeat what you were good enough to say to Shri Tyagi, this sub-clause (2) of clause 4 is an exact reproduction of what is there in the Constitution.

**Shri Hari Vishnu Kamath:** What was there; not “is there”. The entire

[Shri Hari Vishnu Kamath]

thing has been repealed, Part 'C' States.

**Shri Jawaharlal Nehru:** Yes. But Sir, I wish to say just a few words about the question of Delhi. Delhi is obviously, both because it is a capital and it is a great city of India, a very important part of India. It is absurd for anyone to think that Delhi is excluded because the people of Delhi are not advanced enough. That is ridiculous. We are all people of Delhi, all who are sitting here. The real difficulty is not as to what should be done to Delhi. That has to be carefully considered. But it cannot be easily put in here in this Bill, because the problems that face Delhi are different from the problems that face all the other Union Territories. Therefore, I may mention some of the problems. I do not know how the hon. Member opposite said that the Home Minister said something or the other. Anyhow, I do not understand the statement that it may go out of control of somebody. Where will it go, I do not know. There is no meaning in it.

First of all, Delhi has got a corporation and whatever other amendments we may put to the Constitution in regard to Delhi must fit in with the Constitution. It may be, the Constitution has to be changed to more powers or less powers, whatever it may be. We cannot deal with it, apart from that. It becomes two overlapping things.

Secondly, Delhi being the capital with such a large number of foreign Legations, Embassies, etc. it has to be considered in that context. None of these is the final reason, but all these matters have to be considered. None of these questions arises in regard to the other Union Territories. Therefore, merely to push in Delhi there has no meaning. It confuses the issue.

I can concede all the arguments which the hon. Members have advanced independently of Delhi, but not for Delhi as part of this. We have to consider Delhi separately. Frankly, if I

may say so, I have not been satisfied with the present arrangement in Delhi. There are many things which are not satisfactory and I think it requires a change, maybe a radical change. Some of the things which hon. Members opposite have suggested have to be considered separately; but they cannot be pushed in here. We cannot put Delhi in the same level as the other Union Territories. Therefore, I submit that this amendment should not be pressed. Whatever may be said about Delhi, that may be considered separately.

**Shri Hari Vishnu Kamath:** Sir, on a point of clarification.

**Shri S. M. Banerjee (Kanpur):** The hon. Prime Minister has stated that he has something in his mind about the future of Delhi. I want to know what he contemplates.

**Mr. Speaker:** That is to say, he should disclose it just now?

**Shri S. M. Banerjee:** Yes.

**Mr. Speaker:** Perhaps, he is not prepared to do it just at the moment.

**Shri S. M. Banerjee:** He is going to reply.

**Mr. Speaker:** Why should he unnecessarily press for it? Shri Yallamanda Reddy.

**Shri Yallamanda Reddy:** My amendment seeks to substitute the following words:

"(a) a body elected to function as a Legislature for the Union territory and a Council of Ministers elected, both with such constitution, powers and functions, in each case, as may be specified in the law."

If there is a provision to nominate partly then the very purpose of having an elected Legislature is defeated. Even if the provision is to nominate only one person, it goes against the grain of democracy. We have had enough experience of this nomination business. In Kerala, just after the 1957 elections, the Governor nominated

a member to tilt the balance of power in a particular way. Fortunately, the Communist Party came to power at that time. Otherwise, the Government would certainly have misused this power of nomination to continue a particular party in power. In the case of Andhra Pradesh, for example, out of the 20 districts, 19 districts have got Congress in power and only one district has a Communist majority. In that case, Government nominated people belonging to a particular party to the State Council and they got the majority. So, what I submit is that even if we allow the nomination of one person, it will defeat the very purpose or object of an elected body. Therefore, I oppose the nomination of members. All the legislatures must be elected: so also the Ministers, as may be specified in the law. So, I oppose this move to have nomination. However, if we want to give any representation to the minorities, a method may be evolved whereby they may be brought into the legislature, but not by way of nomination giving power to the Government, which they can misuse in tilting the balance in case the party position in a legislature of the ruling party is one equal to that of the opposition. I oppose this provision relating to nomination.

**Shri Shiv Charan Gupta** (Delhi Sadar): The hon. Prime Minister, whenever he deals with us, is always kind and considerate to us, and in spite of his multifarious activities, he always thinks of the people of Delhi. At the same time, I am grateful to the hon. Home Minister also. Whenever any question relating to Delhi arises, he always gives his guidance and time for that purpose. At this juncture, I agree that these two amendments may not be very relevant, but I wish to submit two points for the kind consideration of the hon. Minister.

**Mr. Speaker:** The hon. Member is not audible. He may come to the front.

**Shri Nambiar:** Delhi is coming forward.

**Shri Shiv Charan Gupta:** Delhi does not suffer only from lack of co-ordination; Delhi suffers from multiplicity of authorities as well. As you would observe, besides the Delhi Municipal Corporation, there is the New Delhi Municipal Committee and the Delhi Development Authority; besides the Delhi Administration, there is the Government of India; and the Government of India does not under one Ministry deal with the problems of Delhi. The problems of Delhi are dealt with by the Home Ministry, Health Ministry, Commerce and Industry Ministry, Education Ministry, Finance Ministry the Works, Housing and Supply Ministry etc. The Chief Commissioner of Delhi has nothing to do, as far as the affairs of the Corporation are concerned. If there is any dispute on matters relating to the Corporation, all such matters are referred to the Home Ministry. In this way, I want to show the malady from which Delhi is suffering. After the Master Plan, which has been approved some time back by the Government of India, you will observe, the multiplicity of authorities is further increased, because there are two areas which are directly connected with the problems of Delhi—one is the area covered by the Union Territory of Delhi and the other is the metropolitan area. In the Union Territory it is proposed to set up a Delhi Planning and Development Council. Besides, that, there will be two more authorities for the metropolitan area, which is only 228 sq. miles. In addition to the area of the Union Territory of Delhi. It has a population of about 1,10,000 covering the ring towns. In that area, it is proposed that there should be a Metropolitan Planning Council. In addition to that, there should be a high-powered committee under the chairmanship of the hon. Home Minister, with the Chief Ministers of Punjab and Uttar Pradesh, Union Ministers of Health and Works, Housing and Supply and other high dignitaries to control or consider the problem of an area of

[Shri Shiv Charan Gupta]

228 sq miles. I would submit to the hon. Home Minister that while this question is considered, he may kindly consider this question also. As it is, the problems of Delhi are mounting and, if we do not do something in this direction, I have no doubt that the problems would further increase. You would be surprised to know that every fifth man in Delhi is a *Jhompdi-jhuggi walla*. The problems of Delhi, you will appreciate....

**Mr. Speaker:** These are not closely connected with this Bill.

**Shri Shiv Charan Gupta:** The other point which I wanted to submit, with your permission, was this, that the other malady from which Delhi is suffering is that there is no effective control on execution of policies and decisions by the popular representatives, whether it is a matter of the Corporation or of the Delhi Administration. I may be excused for saying that in spite of the fact that the Home Ministry takes full responsibility for the Delhi Administration, as far as the performance is concerned, whether it is the implementation of the Second Plan, development of land, or the question of housing or education, all problems which are increasing in Delhi there is no effective control with the result that performance in Delhi is far behind the provisions which are made by the Government. At present, we are suffering from financial difficulties. At the same time, whatever provisions are made by Parliament, those provisions are not fully utilized.

So, I submit that the hon. Home Minister may kindly take these two points also into consideration while framing proposals for the future of Delhi.

17 hrs.

**Shri Hari Vishnu Kamath:** On a point of clarification, Sir, I earnestly request you to shed the light of your wisdom on this aspect of the matter with reference to clause 4 which is under discussion. You had pointed out a little while ago that this language that we find in sub-clause (2)

was a part of some article in Part VIII about Part C States which has since been repealed. So, it does not exist in the present Constitution. I however do not want to emphasise that part.

**Mr. Speaker:** I only wanted to say that it is only the restoration of the same phraseology.

**Shri Hari Vishnu Kamath:** May I bring to the notice of the House and the hon. Home Minister particularly—and he will bear me out—that in the same Part the language which we find today in sub-clause (1) (a), namely:—

“A body, whether nominated or elected or partly nominated”.

was lifted bodily from that article which has been repealed and incorporated in this sub-clause. That is agreed. With regard to that you accept my amendment, deleting that word which did form part of an article in the old Constitution in that Part. Today we are not bound by what was in the Constitution, not bound to accept the same language and the same wording. There is no obligation on the Parliament. If Parliament deems it wise and proper enough, we can change the clause which existed in the former Constitution.

**Mr. Speaker:** I agree. I receive the light shed now. That is all right. The hon. Home Minister.

**Shri Hari Vishnu Kamath:** I am glad. You shed more light.

**Shri Lal Bahadur Shastri:** Sir, as regards Delhi, I have nothing to say. My hon. friend from Delhi has pointed out certain matters which should be taken into consideration while we think of giving additional powers or delegating authority to Delhi for the administration of the city. We will bear those things in mind.

As regards the ‘partly nominated and partly elected’, I have agreed to Shri Kamath’s amendment. I do not

propose to accept the amendment moved by the hon. Member of the Communist Party. This House itself is partly elected and partly nominated. Anyhow, I do not want to go into that matter.

As regards the amendment of Shri Kamath, he said that there is no such other provision in the Constitution except for this.

**Shri Hari Vishnu Kamath:** Repealed since.

**Shri Lal Bahadur Shastri:** May I point out that he will find in article 169 of the Constitution that clause (3) says:—

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

So, it is exactly the same thing. That also is there.

If he will also see the Sixth Schedule, again he will find in the Sixth Schedule, paragraph 21(2): says:—

“No such law as is mentioned in sub-paragraph (1) of this paragraph shall be deemed to be an amendment of this Constitution for the purposes of article 368”.

**Shri Hari Vishnu Kamath:** I am sorry, the hon. Home Minister has not followed me correctly. I have no great objection to that part. The offending part is in the tailpiece, that is, ‘notwithstanding’ etc.

**Shri Lal Bahadur Shastri:** He is forgetting that he has moved two amendments. In one he has suggested that the whole thing should be omitted. In that connection, the hon. Member pointed out that there is no such other provision in the Constitution anywhere else. I merely wanted to point out that there are two such provisions in the Constitution.

**Shri Hari Vishnu Kamath:** It is not an argument.

**Shri Lal Bahadur Shastri:** About his other suggestion. I have bodily taken from the old Constitution, of course I have done that and I am glad to know that Shri Kamath and Shri Tyagi both were the framers of that Constitution. So, I have done nothing new. I do not think I have made any mistake. I have just tried to copy them. Anyhow, I might explain this particular provision. The laws made by Parliament have to conform to the provisions of the Constitution otherwise they will be struck down by the courts. It is, however, realised that in creating legislatures in the territories it might become necessary to make some departure from the Constitutional provisions. Hence, article 239 may confer powers on the Parliament to make laws which may have the effect of amending the Constitution. For instance, under article 246(4), Parliament has exclusive legislative authority in respect of State List also so far as the Union Territories are concerned. It is intended that the legislatures of the States should be empowered to legislate in regard to matters enumerated in the State and Concurrent Lists, however, to the overriding legislative authority of Parliament. This would in effect entail an amendment of article 246(4).

Similarly, under article 266 all revenues received by the Government of India have to be credited to the Consolidated Fund of India. The revenues received in the Union Territories are revenues of the Government of India. However, it is intended that there may be a separate Consolidated Fund for each Union Territory which may have a legislature and that the revenues relating to matters in the State and Concurrent Lists may be directly credited to this Consolidated Fund instead of



[Shri Lal Bahadur Shastri]  
to the Consolidated Fund of India. This provision also would, in effect, mean an amendment of the Constitution.

The proposed article 239A(2) while conceding that the parliamentary law enacted under that article may have the effect of amending the Constitution also lays down that such an amendment shall not be deemed to be an amendment for the purposes of article 368.

**Shri Hari Vishnu Kamath:** That is enough. So far so good.

**Shri Lal Bahadur Shastri:** I am sorry, I cannot accept it. It is just making it abundantly clear, that is, that 'notwithstanding' part of the phrase. I do not quite understand, if we take abundant precaution and put it there, why the hon. Member should take such a serious objection to it. It is already there in the old article and I think it should be agreed to by the House.

**Mr. Speaker:** Now I am putting these amendments to the vote of the House. If hon. Members want me to put any particular amendment, they can tell me. We cannot divide on everyone of them. Would it be possible to divide on everyone of them?

**Shrimati Renu Chakravartty:** We will divide on one or two. We will divide on No. 5 and on No. 10.

**Mr. Speaker:** First I am putting Shri Indrajit Gupta's amendment, Amendment No. 5.

**Shri Nambiar:** Along with it No. 22 may also be put.

**Mr. Speaker:** If Nos. 5 and 22 are the same, No. 22 will be barred.

**Shri A. C. Guha (Barasat):** Why not these amendments be put together?

**Shri Raghunath Singh:** Nos. 5 and 10 may be put together.

**Mr. Speaker:** Nos. 5 and 22 are the same but No. 10 is different from that.

The question is:

Page 1, line 19,—

after "Union territories of"  
insert—"Delhi," (5).

Those in favour may kindly say 'Aye'.

**Some Hon. Members:** Aye.

**Mr. Speaker:** Those against may kindly say 'No'.

**Several Hon. Members:** No.

**Mr. Speaker:** I think, the 'Noes' have it; the 'Noes' have it.

**Shrimati Renu Chakravartty:** The 'Ayes' have it.

**Mr. Speaker:** Let the lobbies be cleared.

**Mr. Speaker:** Order, order. Hon. Members should be in their seats now. The question is:

Page 1, line 19, after "Union territories of" insert "Delhi," (5).

Those in favour may say 'Aye'.

**Some Hon. Members:** 'Aye'.

**Mr. Speaker:** Those against may say 'No'.

**Some Hon. Members:** No.

**Mr. Speaker:** The 'Noes' have it

**Some Hon. Members:** 'Ayes' have it.

**Mr. Speaker:** Ready. Division.

*The Lok Sabha divided.*

**Some Hon. Member rose—**

**Mr. Speaker:** Any 'Ayes' not recorded?

**Some Hon. Members:** No.

**Mr. Speaker:** Any 'Noes'?

**Shri Dhaon:** There is a mistake. I pressed the wrong button.

**Shri Sachindra Chaudhuri:** My vote has not been recorded; the light is not working. I am for 'Noes'.

**Mr. Speaker:** One 'Ayes' to be removed and one 'No' to be put in.

**Mr. Speaker:** Another here. Three to be added for 'Noes'.

Division No. 16]

**AYES**

17.09 hrs.

Banerjee, Shri S.M.  
Bhattacharya, Shri Dinen  
Biren Dutta, Shri  
Chakravartty, Shrimati Renu  
Daji, Shri  
Dasaratha Deb, Shri  
Elias, Shri Mohammad  
Gupta, Shri Indrajit

Imbichibava, Shri  
Kunhan, Shri P.  
Mukerjee, Shri H.N.  
Murmu, Shri Sarkar  
Nair, Shri Vasudevan  
Nambiar, Shri  
Pottekkatt, Shri  
Reddy, Shri Eswara

Reddy, Shri Yallamanda  
Swamy, Shri M. N.  
Tan Singh, Shri  
Umanath, Shri  
Venkaiah, Shri Kolla  
Yashpal Singh, Shri

**NOES**

Abdul Wahid, Shri  
Akkamma Devi, Shrimati  
Algasan, Shri  
Alva, Shri A.S.  
Alva, Shri Joachim  
Aney, Dr. M. S.  
Anjanappa, Shri  
Arnachalam, Shri  
Azad, Shri Bhagwat Jha  
Bade, Shri  
Bakliwal, Shri  
Balkrishnan, Shri  
Balmiki, Shri  
Barkataki, Shrimati Renuka  
Barupal, Shri P. L.  
Basappa, Shri  
Basumatari, Shri  
Baswant, Shri  
Besra, Shri  
Bhagat, Shri B. R.  
Bhagavati, Shri  
Bhakat Darshan, Shri  
Bhanja Deo, Shri L. N.  
Bhanu Prakash Singh, Shri  
Bhargava, Shri M. B.  
Bhatkzr, Shri  
Bist, Shri J. B. S.  
Boroosh, Shri P. C.  
Brajeshwar Prasad, Shri  
Brij Raj Singh Kotah, Shri  
Chakaraverti, Shri P. R.  
Chandak, Shri  
Chandrasekhar, Shrimati  
Chatter Singh, Shri  
Chaturvedi, Shri S. N.  
Chaudhuri, Shri D.S.  
Chaudhuri, Shri Sachindra  
Chaudhuri, Shrimati Kamala  
Chavan, Shri D.R.  
Chettiar, Shri Ramanathan

Chuni Lal, Shri  
Coleco, Dr.  
Dafle, Shri  
Daljit Singh, Shri  
Das, Dr. M. M.  
Das, Shri B. K.  
Das, Shri N. T.  
Das Shri, S. B.  
Dasappa, Shri  
Dass, Shri C.  
Datar, Shri  
Deo Bhanj, Shri P. C.  
Desar, Shri Morarji  
Deshmukh, Shri Shivaji Rao S  
Deshpande, Shri  
Dey, Shri S. K.  
Dhaon, Shri  
Dhebar, Shri U. N.  
Dhuleshwar Meena, Shri  
Dinesh Singh, Shri  
Dixit, Shri G. N.  
Dube, Shri Mulchand  
Dubey, Shri R. G.  
Dwivedi, Shri M. L.  
Gahmari, Shri  
Gaitonde, Dr.  
Gajraj Singh Rao, Shri  
Ganapati Ram, Shri  
Gandhi, Shri V. B.  
Ganga Devi, Shrimati  
Gauri Shanker, Shri  
Ghosh, Shri Atulya  
Goni, Shri Abdul Ghani  
Govind Das, Dr.  
Guha, Shri A. C.  
Gupta, Shri Badshah  
Gupta, Shri Kashi Ram  
Gupta, Shri Ram Ratan  
Gupta, Shri Shiv Charan  
Hajamavia, Shri

Mansda, Shri Subodh  
Hanumanthaiya, Shri  
Haq, Shri M. M.  
Harvani, Shri Ansar  
Hazarika, Shri J. N.  
Heda, Shri  
Hem kaj, Shri  
Iqbal Singh, Shri  
Jadhav, Shri M. L.  
Jadhav, Shri Tulshidas  
Jasjivan Ram, Shri  
Jain, Shri A. P.  
Jamunadevi, Shrimati  
Jedhe, Shri  
Joshi, Shri A. C.  
Joshi, Shrimati Subhadra  
Jyotishi, Shri J. P.  
Kabir, Shri Jijamayun  
Kachhavaiya, Shri  
Kamath, Shri Hari Vishnu  
Kamble, Shri  
Kanungo, Shri  
Kappen, Shri  
Kedaria, Shri C. M.  
Khadilkar, Shri  
Khan, Dr. P. N.  
Khan, Shri Osman Ali  
Khan, Shri Shahnewaz  
Khanna, Shri Mehr Chand  
Khanna, Shri P. K.  
Kindar Lal, Shri  
Kisan Veer, Shri  
Kotaki, Shri Liladhar  
Kripa Shankar, Shri  
Krishna, Shri . R.  
Krishnamachari, Shri T. T.  
Kureel, Shri B. N.  
Lakhan Das, Shri  
Lakshminanthamma, Shrimati  
Lalit Sen, Shri  
Laskar, Shri N. R

## [Noes—contd.]

Laxmi Bai, Shrimati	Patel Shri, P. R.	Sheo Narain, Shri
Lonikar, Shri	Patel, Shri Rajeshwar	Shinde, Shri
Mahtab, Shri	Patil, Shri D. S.	Shivnanajappa, Shri
Maimoona Sultan, Shrimati	Patil, Shri J. S.	Shrimali, Dr. K. L.
Malaichami, Shri	Patil, Shri S. K.	Siddanajappa, Shri
Malaviya, Shri K. D.	Patil, Shri T. A.	Siddiah, Shri
Malhotra, Shri Inder J.	Patil, Shri Vasantao	Sidheshwar Prasad, Shri
Malliah, Shri U. S.	Patnaik, Shri B. C.	Singh, Shri D. N.
Manaan, Shri	Pattabhi Raman, Shri C. R.	Singh, Shri K. K.
Mandal, Dr.	Pillai, Shri Nataraja	Singh, Shri R. P.
Mandal, Shri Yamuna Prasad	Prabhakar, Shri Naval	Singh, Shri S. T.
Maniyangadan, Shri	Pratap Singh, Shri	Singh, Shri Y. D.
Mantri, Shri	Puri, Shri D. D.	Singha, Shri G. K.
Masuriya Din, Shri	Raghunath Singh, Shri	Sinha, Shri B. P.
Matcharaju, Shri	Raghuramaiah, Shri	Sinha, Shri Satya Narayan
Mathur, Shri Harish Chandra	Rao, Shrimati Sahodrabai	Sinha, Shrimati Ramdulari
Mehdi, Shri S. A.	Raj Bahadur, Shri	Sinha, Shrimati Tarkeshwari
Mehrotra, Shri B. B.	Raju, Dr. D. S.	Sinhasan Singh, Shri
Mehta, Shri Jashvant	Raju, Shri D. B.	Sonavane, Shri
Melkote, Dr.	Ram, Shri T.	Soundaram Ramachandran, Shrimati
Mengi, Shri Gopal Datt	Ram Sewak, Shri	Srinivasan, Dr. P.
Menon, Shri Krishan	Ram Singh, Shri	Subramaniam, Shri C.
Menon, Shri P. G.	Ram Subhag Singh, Dr.	Subramanyam, Shri T.
Minimata, Shrimati	Remakrishnan, Shri P. R.	Sumat Prasad, Shri
Mirza, Shri Bakar Ali	Ramaswamy Shri S. V.	Surenndrapal Singh, Shri
Mishra, Shri Bibudhendra	Ramdhani Das, Shri	Swamy, Shri M. P.
Mishra, Shri Bibhuti	Rananjai Singh, Shri	Swaran Singh, Shri
Mishra, Shri M. P.	Rane, Shri	Swell, Shri
Misra, Shri Shyam Dhar	Ranga Rao, Shri	Tahir, Shri Mohammad
Mohanty, Shri G.	Ranjit Singh, Shri	Tantia, Shri Rameshwar
Mohsin, Shri	Rao, Shri Jaganatha	Thimmaiah, Shri
Morarka, Shri	Rao, Shri Krishnamoorthy	Thomas, Shri A. M.
More, Shri K. L.	Rao, Shri Ramapathi	Tiwary, Shri D. N.
More, Shri S. S.	Rao, Shri Rameshwar	Tiwary, Shri K. N.
Mukerjee, Shrimati Sharda	Rao, Shri Thiunala	Tiwary, Shri R. S.
Munzmi, Shri David	Rattan Lal, Shri	Tripathi, Shri Krishnan Deo
Murti, Shri M. S.	Reddiar, Shri	Tula Ram, Shri
Musafir, Shri G. S.	Reddy, Shri K. C.	Tyagi, Shri
Muthiah, Shri	Reddy, Shri Ramakrishna	Uikey, Shri
Naidu, Shri V. G.	Reddy, Shrimati Yashoda	Ulaka, Shri
Naik, Shri D. J.	Roy, Shri Bihwanath	Upadhyaya, Shri Shiva Dutt
Naik, Shri Maheswar	Saha, Dr. S. K.	Vaishya, Shri M. B.
Nanda, Shri	Saigal, Shri A. S.	Valvi, Shri
Nayak, Shri Mohan	Samanta, Shri S. C.	Varma, Shri M. L.
Nayar, Dr. Sushila	Sammani, Shri	Varma, Shri Ravindra
Nehru, Shri Jawaharlal	Sanji Rupji, Shri	Veerappa, Shri
Nesamony, Shri	Saraf, Shri Sham Lal	Venkatasubbaiah, Shri P.
Niranjan Lal, Shri	Sarma, Shri A. T.	Verma, Shri K. K.
Oza, Shri	Satyabhama Devi, Shrimati	Vidyalankar, Shri A. N.
Pande, Shri K. N.	Satyanarayana, Shri	Virbhadra Singh, Shri
Pandey, Shri R. S.	Sen, Shri P. G.	Vishram Prasad, Shri
Pandey, Shri Vihwa Nath	Shah, Shri Manabendra	Vyas, Shri Radhelal
Panna Lal, Shri	Sham Nath, Shri	Wadiwa, Shri
Pant, Shri K. C.	Shankaraiya, Shri	Yadab, Shri N. P.
Parashar, Shri	Sharma, Shri A. P.	Yadav, Shri Ram Harkh
Patel, Shri Chhotubhai	Sharma, Shri D. C.	Yadava, Shri B. P.
Patel, Shri Man Sinh	Sharma, Shri K. C.	
Patel, Shri N. N.	Shastri, Shri Lal Bahadur	

**Mr. Speaker:** The result of the Division is: Ayes 22: Noes 292. Therefore, the 'Noes' have it, the 'Noes'

have it. The amendment is negatived

*The motion was negatived.*

**Mr. Speaker:** We come now to amendment No. 8, by Shri Yallamanda Reddy. I shall now put amendment No. 8 to the vote of the House.

*The amendment No. 8 was put and negatived.*

**Mr. Speaker:** The question is:

Page 1,—

lines 21 and 22, omit "whether nominated or elected or partly nominated and partly" (10).

Those in favour may say 'Aye'.

**Some Hon. Members:** Aye.

**Mr. Speaker:** Those against may say 'No'.

**Some Hon. Members:** No.

**Mr. Speaker:** The 'Noes' have it.

**Some Hon. Members:** The 'Ayes' have it.

**Mr. Speaker:** I am calling Division. Hon. Members should get ready. Hon. Members are ready? Division.

*The Lok Sabha divided.*

**Mr. Speaker:** Any 'Ayes' not recorded?

**Some Hon. Members:** No.

**Mr. Speaker:** Any 'Noes'?

**Some Hon. Members rose—**

**Shri Gajraj Singh Rao:** My vote has not been recorded.

**Mr. Speaker:** 'Noes' four to be added. The result of the Division is 'Ayes' 24....

**Shri Morarka:** Here, one 'Aye' has been wrongly recorded.

Division No. 17]

**AYES**

17.12 hrs.

Banerjee, Shri S. M.  
Bhattacharya, Shri Dinen  
Biren Datta, Shri  
Chakravartty, Shrimati Renu  
Daji, Shri  
Dasaratha Deb, Shri  
Elias, Shri Mohammad  
Gupta, Shri Indrait

Imbichibava, Shri  
Keishing, Shri Rishang  
Kunhan, Shri P.  
Mukerjee, Shri H. N.  
Murmu, Shri Sarkar  
Nair, Shri Vasudevan  
Nambiar, Shri  
Pottekkatt, Shri

Reddy, Shri Esvara  
Reddy, Shri Yellamanda  
Swamy, Shri M. N.  
Tan Singh, Shri  
Umanath, Shri  
Venkaiah, Shri Kolla  
Yashpal Singh, Shri

**NOES**

Abdul Wahid, Shri  
Alagesan, Shri  
Alva, Shri A.S.  
Alva, Shri Joachim  
Aney, Dr. M. S.  
Anjappa, Shri  
Arunachalam, Shri  
Azad, Shri Bhagwat Jha  
Bakliwal, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Barkataki, Shrimati Renuka  
Baruupal, Shri P. L.  
Basappa, Shri  
Basumatari, Shri  
Baswant, Shri  
Besra, Shri  
Bhagat, Shri B. R.  
Bhagavati, Shri  
Bhakt Darshan, Shri  
Bhanu Prakash Singh, Shri  
Bhargava, Shri M. B.

Bhatkar, Shri  
Bist, Shri J. B. S.  
Borooah, Shri P. C.  
Brahm Prakash, Shri  
Brajeshwar Prasad, Shri  
Brij Raj Singh Kotah, Shri  
Chakraverti, Shri P. R.  
Chandak, Shri  
Chandrasekhar, Shrimati  
Chattar Singh, Shri  
Chaturvedi, Shri S. N.  
Chaudhuri, Shri D. S.  
Chaudhuri, Shri Sachindra.  
Chaudhuri, Shrimati Kamala  
Chavan, Shri D. R.  
Chettiar, Shri Ramanathan  
Chuni Lal, Shri  
Colaco, Dr.  
Daffe, Shri  
Daljit Singh, Shri  
Das, Dr. M. M.  
Das, Shri B. K.

Das, Shri N. T.  
Das, Shri S. B.  
Dasappa, Shri  
Dass, Shri C.  
Datar, Shri  
Deo Bhanj, Shri P. C.  
Desai, Shri Morarji  
Deshmukh, Shri Shivaji Rao S.  
Deshpande, Shri  
Dey, Shri S. K.  
Dhaon, Shri  
Dhebar, Shri U. N.  
Dhuleshwar Meena, Shri  
Dinesh Singh, Shri  
Dixit, Shri G. N.  
Dube, Shri Mulchand  
Dube, Shri R. G.  
Dwivedi, Shri M. L.  
Dwivedy, Shri Surendranath  
Gahmari, Shri  
Gaitonde, Dr.  
Gajraj Singh Rao, Shri

## [Noes—contd.]

Ganapati	Manasen, Shri	Prabhakar, Shri Naval
Gandhi, Shri B. V.	Mandal, Dr.	Pratap Singh, Shri
Ganga Devi, Shrimati	Mandal, Shri Yamuna Prasad	Puri, Shri D. D.
Gauri Shanker, Shri	Maniyangadan, Shri	Raghunath Singh, Shri
Ghosh, Shri Atulya	Mantri, Shri	Raghuramsiah, Shri
Goni, Shri Abdul Ghani	Masuriya Din, Shri	Rao, Shrimati Sahodarabai
Govind Das, Dr.	Matcharaju, Shri	Rai Bahadur, Shri
Guha, Shri A. C.	Mathur, Shri Harish Chandra	Raju, Dr. D. S.
Gupta, Shri Badshah	Mehdi, Shri S. A.	Raju, Shri D. B.
Gupta, Shri Kashi Ram	Mehrotra, Shri B. B.	Ram, Shri T.
Gupta, Shri Ram Ratan	Mehra, Shri Jashvant	Ram Sewak, Shri
Gupta, Shri Shiv Charan	Melkote, Dr.	Ram Singh, Shri
Hajaranavis, Shri	Mengi, Shri Gopal Datt	Ram Subhag Singh, Dr.
Hansda, Shri Subodh	Menon, Shri Krishna	Ramakrishnan, Shri P. R.
Hanumanthaiya, Shri	Menon, Shri P. G.	Ramaswamy, Shri S. V.
Haq, Shri M. M.	Minimata, Shrimati	Ramdhani Das, Shri
Harvani, Shri Ansar	Mirza, Shri Bakar Ali	Rananjai Singh, Shri
Hazarika, Shri J. N.	Mishra, Shri Bibudhendra	Rane, Shri
Heda, Shri	Mishra, Shri Bibhuti	Ranga Rao, Shri
Hem Raj, Shri	Mishra, Shri M. P.	Ranjit Singh, Shri
Iqbal Singh, Shri	Misra, Shri Shyam Dhar	Rao, Shri Jaganatha
Jadhav, Shri M. L.	Mohanty, Shri G.	Rao, Shri Krishnamoorthy.
Jadhav, Shri Tulshidas	Mohsin, Shri	Rao, Shri Ramapathi.
Jagijvan Ram, Shri	Morarka, Shri	Rao, Shri Rameshwar
Jain, Shri A. P.	More, Shri K. L.	Rao, Shri Thirumala
Jamunadevi, Shrimati	More, Shri S. S.	Rattan Lal, Shri
Jedhe, Shri	Mukerjee, Shrimati Sharda	Reddiar, Shri
Joshi, Shri A. C.	Munzni, Shri David	Reddy, Shri K. C.
Joshi, Shrimati Subhadra	Murti, Shri M. S.	Reddy, Shri Ramakrishna
Jyotiashri, Shri J. P.	Musafir, Shri G. S.	Reddy, Shrimati Yashoda
Kabir, Shri Humayun	Muthiah, Shri	Roy, Shri Bishwanath
Kachhavaiya, Shri	Naidu, Shri V. G.	Saha, Dr. S. K.
Kamble, Shri	Naik, Shri D. J.	Saigal, Shri A. S.
Kanungo, Shri	Naik, Shri Maheswar	Samanta, Shri S. C.
Kappen, Shri	Nanda, Shri	Samnani, Shri
Kedaria, Shri C. M.	Nayak, Shri Mohan	Sanji Rupji, Shri
Khadilkar, Shri	Nayer, Dr. Sushila	Saraf, Shri Sham Lal
Khan, Dr. P. N.	Nehru, Shri Jawaharlal	Sarma, Shri A. T.
Khan, Shri Osman Ali	Nesamony, Shri	Satyabhama Devi, Shrimati
Khan, Shri Shah Nawaz	Niranjan Lal, Shri	Satyantarayana, Shri
Khanna, Shri Mehr Chand	Oza, Shri	Sen, Shri P. G.
Khanna, Shri P. K.	Pande, Shri K. N.	Shah, Shri Manabendra
Kindar Lal, Shri	Pandey, Shri R. S.	Sham Nath, Shri
Kisan Veer, Shri	Pandey, Shri Vishwa Nath	Shankaraiya, Shri
Kotoki, Shri Liladhar	Panna Lal, Shri	Sharma, Shri A. P.
Kripa Shankar, Shri	Pant, Shri K. C.	Sharma, Shri D. C.
Krishna, Shri M. R.	Parashar, Shri	Sharma, Shri K. C.
Krishnamachari, Shri T. T.	Patel, Shri Chhotubhari	Shastri, Shri Lal Bhadur
Kureel, Shri B. N.	Patel, Shri Man Singh	Sheo Narain, Shri
Lakhan Das, Shri	Patel, Shri N. N.	Shinde, Shri
Lakshmikanthamma, Shrimati	Patel, Shri P. R.	Shivananjappa, Shri
Lalit Sen, Shri	Patel, Shri Rajeshwar	Shrimali, Dr. K. L.
Laskar, Shri N. R.	Patil, Shri D. S.	Siddananjappa, Shri
Laxmi Bai, Shrimati	Patil, Shri J. S.	Siddiah, Shri
Lonikar, Shri	Patil, Shri S. K.	Sidheshwar Prasad, Shri
Mahtab, Shri	Patil, Shri T. A.	Singh, Shri D. N.
Maimoona Sultan, Shrimati	Patil, Shri Vasantrao	Singh Shri K. K.
Malaichami, Shri	Patnaik, Shri B. C.	Singh, Shri R. P.
Malviya, Shri K. D.	Pattabhi Raman, Shri C. R.	Singh, Shri S. T.
Malhotra, Shri Inder J.	Pillai, Shri Nataraja	Singh, Shri Y. D.
Malliah, Shri U. S.		Singha, Shri G. K.

## [Noes—contd.]

Sinha, Shri B. P.  
Sinha, Shri Satya Narayan  
Sinha Shrimati Ramdulari  
Sinha, Shrimati Tarkeshwari  
Sinhasan Singh, Shri  
Sonavane, Shri  
Soundaram Ramchandran, Shri-  
mati.  
Srinivasan, Dr. P.  
Subramaniam, Shri C.  
Subramanyam, Shri T.  
Sumat Prasad, Shri  
Surendrapal Singh, Shri  
Swamy, Shri M. P.  
Saran Singh, Shri

Tahir, Shri Mohammad  
Tantia, Shri Rameshwar  
Thimmaiah, Shri  
Thomas, Shri A. M.  
Tiwary, Shri D. N.  
Tiwary, Shri K. N.  
Twary, Shri R. S.  
Tripathi, Shri Krishna Deo  
Tula Ram, Shri  
Tyagi, Shri  
Uikey, Shri  
Ulaka, Shri  
Upadhyaya, Shri Shiva Dutt  
Vaishya, Shri M. B.  
Valvi, Shri

Varma, Shri M. L.  
Varma, Shri Ravindra  
Veerappa, Shri  
Venkatasubbaiah, Shri P.  
Verma, Shri K. K.  
Vidyalankar Shri A. N.  
Virbhadra Singh, Shri  
Vishram Prasad, Shri  
Vyasa, Shri Radhelal  
Wadiwa, Shri  
Yadav, Shri N. P.  
Yadav, Shri Ram Harkh  
Yadava, Shri B. P.

**Mr. Speaker:** The result of the Division is:

Ayes 23: Noes 291.\*

The 'Noes' have it. The amendment is lost.

*The motion was negatived.*

**Mr. Speaker:** We come next to amendment No. 12 by Shri Kamath which is accepted by the Minister. The question is:

Page 1, line 21, omit "nominated or" (12).

*The motion was adopted.*

**Mr. Speaker:** May I put all the others together? Amendment No. 13 by Shri Biren Dutta.

**Shrimati Renu Chakravartty:** That is not necessary.

**Mr. Speaker:** Amendment No. 13 is withdrawn by permission of the House.

*The amendment No. 13, was, by leave withdrawn.*

**Mr. Speaker:** Amendment No. 14 by Shri Dasaratha Deb.

**Shrimati Renu Chakravartty:** Amendments 14, 15 and 17 may be put together.

**Mr. Speaker:** I shall now put amendments No. 14, 15 and 17 to the vote of the House.

*The amendments Nos. 14, 15 and 17, were put and negatived*

**Mr. Speaker:** I shall now put

amendment No. 16 to the vote of the House.

*The amendment No. 16 was put and negatived.*

**Shri Hari Vishnu Kamath:** As regards amendments No. 18 and 19, I beg leave of the House to withdraw amendment No. 18. I press amendment No. 19.

*The amendment was No. 18, by leave, withdrawn.*

**Mr. Speaker:** I shall now put amendment No. 19 to the vote of the House.

*The amendment No. 19 was put and negatived.*

**Mr. Speaker:** Amendment No. 22 is barred. I shall now put amendments 23 and 24 to the vote of the House.

*The amendment No. 18, was, by leave, put and negatived.*

**Mr. Speaker:** We come to clause 4 as amended. The question is:

"That clause 4, as amended, stand part of the Bill."

Hon. Members are ready? The question is:

"That clause 4, as amended, stand part of the Bill."

Division.

*The Lok Sabha divided.*

**Shri Tyagi:** On a point of order, may I again propose that these corrections may not be made? It is not a fact that the machine is not working. Once a Member complains that

\*Noes: one name could not be recorded.

[Shri Tyagi]  
it is not working. The next time, he votes all right. I submit, whatever it is, we take it, and the Member loses his chance or vote.

**Mr. Speaker:** So far as the present rules are concerned, they provide that corrections can be made. There-

fore, I am helpless. Is there any correction to be made.

**Some Hon. Members rose—**

**Shri Khadilkar:** My vote has not been recorded.

**Shri R. G. Dubey:** I vote for 'Ayes'.

Division No. 18]

**AYES**

17.16 hrs.

Abdul Wahid, Shri	Desai, Shri Morarji	Kedaria, Shri C. M.
Alagesan, Shri	Deshmukh, Shri Shivaji Rao S.	Keishing, Shri Rishang
Alva, Shri A. S.	Deshpande, Shri	Khan, Dr. P. N.
Alva, Shri Joachim	Dey, Shri S. K.	Khan, Shri Osman Ali
Aney, Dr. M. S.	Dhaon, Shri	Khan, Shri Shah Nawaz
Anjanappa, Shri	Dhebar, Shri U. N.	Khanna, Shri Mehr Chand
Arunachalam, Shri	Dhuleshwar Meena, Shri	Khanna, Shri P. K.
Azad, Shri Bhagwat Jha	Dinerh Singh, Shri	Kindar Lal, Shri
Bade, Shri	Dixit, Shri G. N.	Kisan Veer, Shri
Bakliwal, Shri	Dube, Shri Mulchand	Kotoki, Shri Liladhar
Balakrishnan, Shri	Dubey, Shri R. G.	Kripa Shankar, Shri
Balmiki, Shri	Dwivedi, Shri M. L.	Krishna, Shri M. R.
Barkataki, Shrimati Renuka	Dwivedy, Shri Surendranath	Krishnamachari, Shri T. T.
Barupal, Shri P. L.	Gahmari, Shri	Kureel, Shri B. N.
Basappa, Shri	Gaitonde, Dr.	Lakhan Das, Shri
Basumatari, Shri	Gajraj Singh Rao, Shri	Lakshmi Kanthamma, Shrimati
Baswant, Shri	Ganapati Ram, Shri	Lalit Sen, Shri
Besta, Shri	Gandhi, Shri B. V.	Laskar, Shri N. R.
Bhagat, Shri B. R.	Ganga Devi, Shrimati	Laxmi Bai, Shrimati
Bhagavati, Shri	Gauri Shanker, Shri	Lonikar, Shri
Bhakt Darshan, Shri	Ghosh, Shri Atulya	Mahtab, Shri
Bhanja Deo, Shri L. N.	Goni, Shri Abdul Ghani	Maimoona Sultan, Shrimati
Bhanu Prakash Singh, Shri	Govind Das, Dr.	Malaichami, Shri
Bhargava, Shri M. B.	Guha, Shri A. C.	Malaviya, Shri K. D.
Bhatkar, Shri	Gupta, Shri Badshah	Malhotra, Shri Inder I.
Bisat, Shri J. B. S.	Gupta, Shri Kashi Ram	Malliah, Shri U.S.
Boroosach, Shri P. C.	Gupta, Shri Ram Ratan	Manaen, Shri
Brahm Prakash, Shri	Gupta, Shri Shiv Charan	Mandal, Dr.
Brajeshwar Prasad, Shri	Hajarnavis, Shri	Mandal, Shri Yamuna Prasad
Brij Raj Singh, Shri	Handda, Shri Subodh	Maniyangadan, Shri
Brij Raj Singh Kotah, Shri	Hanumanthaiya, Shri	Mantri, Shri
Chakraverti, Shri P. R.	Haq, Shri M. M.	Masuriya Din, Shri
Chandak, Shri	Harvani, Shri Ansar	Matcharaju, Shri
Chandrasekhar, Shrimati	Hazarika, Shri J. N.	Mathur, Shri Harish Chandra
Chatter Singh, Shri	Heda, Shri	Mehdi, Shri S. A.
Chaturvedi, Shri S. N.	Hem Raj, Shri	Mehrotra, Shri B. B.
Chaudhuri, Shri D. S.	Iqbal Singh, Shri	Mehta, Shri J. R.
Chaudhuri, Shri Sachindra	Jadhav, Shri M. L.	Melkote, Dr.
Chaudhuri, Shrimati Kamala	Jadhav, Shri Tulsidas	Mengi, Shri Gopal Datt
Chettiar, Shri Ramanathan	Jagvian Ram, Shri	Menon, Shri Krishna
Chuni Lao, Shri	Jain, Shri A. P.	Menon, Shri P. G.
Colaco, Dr.	Jamunadevi, Shrimati	Minimata, Shrimati
Dafle, Shri	Jedhe, Shri	Mriza, Shri Bakar Ali
Daljit, Singh, Shri	Joshi, Shri A. C.	Mishra, Shri Bibudhendra
Das, Dr. M. M.	Joshi, Shrimati Subhadra	Mishra, Shri Bibhuti
Das, Shri B. K.	Jyotishi, Shri J. P.	Mishra, Shri M. P.
Das, Shri N. T.	Kabir, Shri Humayun	Misra, Shri Shyam Dhar
Das, Shri S. B.	Kachhavaiya, Shri	Mohanty, Shri G.
Dasappa, Shri	Kamble, Shri	Mohsin, Shri
Das, Shri C.	Kanungo, Shri	Morarka, Shri
Deo Bhanji, Shri P. C.	Kappen, Shri	More, Shri K. L.

## AYES—Contd.

More, Shri S. S.  
Mukerjee, Shrimati Sharda  
Munzini, Shri David  
Murti, Shri M. S.  
Musafir, Shri G. S.  
Muthiah, Shri  
Naidu, Shri V. G.  
Naik, Shri D. J.  
Naik, Shri Maheswar  
Nair, Shri N. Sreekanth  
Nanda, Shri  
Nayak, Shri Mohan  
Nayar, Dr. Sushila  
Nehru, Shis Jawaharlal  
Nesamony, Shri  
Niranjan Lal, Sri  
Oma, Shri  
Prande, Shri K. N.  
Pandey, Shri R. S.  
Pandey, Shri Vishwa Nath  
Panna Lal, Shri  
Pant, Shri K. C.  
Parashar, Shri  
Patel, Shri Chhotubhai  
Patel, Shri Man Singh  
Patel, Shri N. N.  
Patel, Shri P. R.  
Patel, Shri Rajeshwar  
Patil, Shri D. S.  
Patil, Shri J. S.  
Patil, Shri S. K.  
Patil, Shri T. A.  
Patil, Shri Vasantao  
Patnaik, Shri B. C.  
Pattabhi Raman, Shri C. R.  
Pattnayak, Shri K.  
Pillai, Shri Nataraja  
Prabhakar, Shri Naval  
Pratap Singh, Shri  
Puri, Shri D. D.  
Raghunath Singh, Shri  
Raghuramaiah, Shri  
Rai Shrimati Sahodrabai  
Raj Bahadur, Shri  
Raju, Dr. D. S.  
Raju, Shri D. B.  
Ram, Shri T.

Ram Sewak, Shri  
Ram Shingh, Shri  
Ram Subhag Singh, Dr.  
Ramakrishnan, Shri P. R.  
Ramaswamy, Shri S. V.  
Ramdhani Das, Shri  
Rananjai Singh, Shri  
Rane, Shri  
Range Rao, Shri  
Ranjit Singh, Shri  
Rao, Shri Krishnamoorthy  
Rao, Shri Ramapathi  
Rao, Shri Rameshwar  
Rao, Shri Thirumala  
Rattan Lal, Shri  
Reddiar, Shri  
Reddy, Shri K. C.  
Reddy, Shri Ramakrishna  
Reddy, Shrimati Yashoda  
Roy, Shri Bishwanath  
Saha, Dr. S. K.  
Saigal, Shri A. S.  
Samanata, Shri S. C.  
Samnani, Shri  
Sanji Rupji, Shri  
Saraf, Shri Sham Lal  
Sarma, Shri A. T.  
Satyabhama Devi, Shrimati  
Satyanarayana, Shri  
Sen, Shri P. G.  
Shah, Shri Manabendra  
Sham Nath, Shri  
Shankaraiya, Shri  
Sharma, Shri A. P.  
Sharma, Shri D. C.  
Shastri, Shri Lal Bahadur  
Sheo Narsin, Shri  
Shinde, Shri  
Shivananjappa, Shri  
Shrimali, Dr. K. L.  
Siddananjappa, Shri  
Siddiah, Shri  
Sidheswar Prasad, Shri  
Singh, Shri D. N.  
Singh, Shri K. K.  
Singh, Shri R. P.  
singh, Shri S. T.

Singh, Shri Y. D.  
Singha, Shri G. K.  
Sinha, Shri B. P.  
Sinha, Shri Satya Narayan  
Sinha, Shrimati Ramdulari  
Sinha, Shrimati Tarkeshwari  
Sinhasan Singh, Shri  
Sonavane, Shri  
Soundaram Ramachandran,  
Shrimati  
Srinivasan, Dr. P.  
Subramaniam, Shri C.  
Subramanyam, Shri T.  
Sumat Prasad, Shri  
Surenrapal Singh, Shri  
Swamy, Shri M. P.  
Swaran Singh, Shri  
Swell, Shri  
Tahir, Shri Mohammad  
Tantia, Shri Ramschwar  
Thimmaiah, Shri  
Thomas, Shri A. M.  
Tiwary, Shri D. N.  
Tiwary, Shri K. N.  
Tiwary, Shri R. S.  
Tripathi, Shri Krishna Deo  
Tula Ram, Shri  
Tyagi, Shri  
Uikey, Shri  
Ulaka, Shri  
Upadhyaya, Shri Shiva Dutt  
Vaishya, Shri M. B.  
Valvi, Shri  
Varma, Shri M. L.  
Varma, Shri Ravindra  
Veerappa, Shri  
Venkatasubbaiah, Shri P.  
Verma, Shri K. K.  
Vidyalankar, Shri A. N.  
Virbhadra Singh, Shri  
Vsitram Prasad, Shri  
Vyas, Shri Radhelal  
Wadiwa, Shri  
Wasnik, Shri Balkrishna  
Yadab, Shri N. P.  
Yadav, Shri Ram Harkh  
Yadava, Shri B. P.  
Yashpal Singh, Shri

## NOES

Nil

**Mr. Speaker:** Four 'Ayes' not recorded. Two Noes' have to be taken out and four 'Ayes' have to be added. The result of the division is:

Ayes: 295.\* Noes: None.

The Ayes have it. The Ayes have it.

The motion is carried by a majority

\*Ayes: one name could not be recorded.

of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. It is unanimous.

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5—(Amendment of article 240)

**Mr. Speaker:** Clause 5.



**Shri Hari Vishnu Kamath:** I have an amendment, No. 20. I move:

Page 2, after line 9 insert—

'(a) for entries (c) and (d), the following entry shall be substituted, namely:—

"(c) Goa, Daman, Diu, Dadra and Nagar Haveli;" (20)

Mr. Speaker, you will be pleased to see, and my colleagues will see, that article 240 of the Constitution is one of the articles sought to be amended by this Bill. My amendment seeks to amend one of the entries in article 240. I shall read my amendment first.

After line 9, on page 2, insert—

"(a) for entries (c) and (d), the following entry shall be substituted, namely:—

"(c) Goa, Daman, Diu, Dadra and Nagar Haveli;"

If that amendment is accepted by the House, article 240 will read as follows:

"The President may make regulations for the peace, progress and good government of the Union territory of—

- (a) the Andaman and Nicobar Islands;
- (b) the Laccadive, Minicoy and Amindivi Islands;
- (c) Goa, Daman, Diu, Dadra and Nagar Haveli."

May I have your ear, Sir, or both the ears if possible?

**Mr. Speaker:** Yes.

**Shri Hari Vishnu Kamath:** The amendment is to incorporate all the former Portuguese enclaves in India into one territory as has been done in the case of Pondicherry. All the former French territories, or enclaves or pockets have been put into one Union territory, what is called Pondicherry now. I would like the same thing to be followed in the case of the former Portuguese pockets or enclaves, that is, Goa, Daman, Diu, Dadra and Nagar Haveli, and call it by the name of Goa Territory. Clause 5 makes no reference to such a change. When you have got an amending

Bill on the anvil of the House it is high time, I feel, that these five little territories should, as a first stage towards their final integration with the neighbouring linguistic territories, be incorporated into one Union Territory just as all the former four or five French enclaves have been incorporated into one as Pondicherry. I would appeal to the Government and to my colleagues here to see the reason for the amendment in its true perspective because we have fortunately abolished all foreign rule in the country, that is, the British, then the French and finally the Portuguese.

Now that we are giving the final imprimatur or putting the final seal on this great adventure, it is high time that these five pockets are today integrated and merged into one territory; you may call it Goa or by whatever other name you may like to call it, but I prefer Goa.

I, therefore move my amendment No. 20 and commend it for the acceptance of the House.

**Shri Lal Bahadur Shastri:** Already, at the consideration stage, at the very outset, I had said that the areas as they are at present should not be disturbed.

As regards Dadra and Nagar Haveli, as the House is aware, they were liberated much before the liberation of Goa, and since then they have been administered as a Union Territory. They have been functioning as a separate unit long before the liberation of Goa. So, at present, we do not consider it desirable at least at this stage to merge Dadra and Nagar Haveli with Goa.

I may also add that Shri Kamath's amendment will not serve this purpose. He has left a loophole in the amendment he has proposed.

**Shri Hari Vishnu Kamath:** The hon. Minister can fill or plug that loophole. I have no objection to that.

**Shri Lal Bahadur Shastri:** I cannot move an amendment on his behalf. He has not suggested any amendment to the Schedule. If he wanted to move this amendment, he should also

have proposed an amendment to the Schedule, because in the Schedule, Dadra and Nagar Haveli have been shown separately.

**Shri Hari Vishnu Kamath:** The hon. Minister may accept the spirit of the amendment and do the necessary thing afterwards.

**Shri Lal Bahadur Shastri:** So, in the circumstances, even if this amendment is accepted, it will not serve his purpose, and it will not go through. Therefore, this amendment need not be voted upon by the House.

**Shri Hari Vishnu Kamath:** May I ask the hon. Minister to throw some light on this matter? He has just now said, and truly so, that Dadra and Nagar Haveli were liberated long before Goa, Daman and Diu. The effect of passing this Bill would be that Parliament will be empowered or enabled to create a legislature for Goa, Daman and Diu and a Council of Ministers for Goa, Daman and Diu which were liberated subsequently, but we shall leave Dadra and Nagar Haveli without a popular legislature. It is an irony of fate that some territory which was liberated earlier should have this handicap or this disadvantage as compared with the parts liberated subsequently. If the hon. Minister is prepared to accept the spirit of this amendment—it is on a technical ground that he has ruled out my amendment, and he is not prepared to accept my amendment—he can bring forward another amending Bill later on to incorporate these two

territories and these enclaves of Dadra and Nagar Haveli into the other territory, Goa, and make them one as has been done in the case of Pondicherry and other former French areas.

**Mr. Speaker:** The hon. Member shall have to wait till then.

**Shri Hari Vishnu Kamath:** Parliament will have to wait.

**Mr. Speaker:** I shall now put the amendment of Shri Kamath to vote.

The question is:

Page 2, after line 9, insert:

'(a) for entries (c) and (d), the following entry shall be substituted, namely:—

"(c) Goa, Daman, Diu, Dadra and Nagar Haveli;" (20)

The motion was negatived.

**Mr. Speaker:** Now that amendment No. 20 has been rejected, and there are no amendments to clauses 6 and 7, with the permission of the House, I might put clauses 5, 6 and 7 together to the vote of the House.

The question is:

"That clauses 5 to 7 stand part of the Bill".

Let the Lobby be cleared—

The Lok Sabha divided:

श्री मा० ला० वर्मा (चित्तौड़गढ़): मेरी मशीन काम नहीं कर रही है।

**Shri Rameshwar Tantia and Shri Shiv Charan Gupta rose—**

**Division No. 19]**

**AYES**

[17.28 hrs.

Abdul Wahid, Shri  
Alagesan, Shri  
Alva, Shri A. S.  
Alva, Shri Joachim  
Aney, Dr. M. S.  
Anjanappa, Shri  
Arunachalam, Shri  
Azad, Shri Bhagwat Jha  
Bade, Shri  
Bakhtwal, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Barkataki, Shrimati Renuka  
Berupel, Shri P. L.  
Basappa, Shri

Basumatari, Shri  
Besra, Shri  
Bhagat, Shri B. R.  
Bhagavati, Shri  
Bhanja Deo, Shri L. N.  
Bhargava, Shri M. B.  
Bhatkar, Shri  
Biren Dutta, Shri  
Bist, Shri J. B. S.  
Borooh, Shri P. C.  
Brahm Prakash, Shri  
Brajeshwar Prasad, Shri  
Brij Raj Singh Kotah, Shri  
Chakravartty, Shrimati Renu  
Chakraverti Shri P. R.

Chandak, Shri  
Chandrasekhar, Shrimati  
Chattar Singh, Shri  
Chaturvedi Shri S. N.  
Chaudhuri, Shri D. S.  
Chaudhuri, Shri Sachindra  
Chaudhuri, Shrimati Kamla  
Chavan, Shri D. R.  
Chettiar, Shri Ramanathan  
Chuni Lal, Shri  
Colaco, Dr.  
Dafle, Shri  
Daji, Shri  
Daljit Singh, Shri  
Das, Dr. M. M.

\*The result of this division is applicable to each of the clauses separately.

## AYES—Contd.

Das, Shri B. K.	Khadilkar, Shri	Nayak Shri Mohan
Das, Shri N. T.	Khan, Dr. P. N.	Nayar, Dr. Sushila
Das, Shri S. B.	Khan, Shri Osman Ali	Nehu, Shri Jawabarlal
Dasappa, Shri	Khan, Shri Shahnewaz	Niranjan Lal, Shri
Dasaratha Deb, Shri	Khanna, Shri Mehr Chand	Oza, Shri
Dass, Shri C.	Khanna, Shri P. K.	Pande, Shri K. N.
Detar, Shri	Kindar Lal, Shri	Pandey, Shri R.S.
Deo Bhanj, Shri P. C.	Kisan Veer, Shri	Pandey, Shri Vishwa Nath
Desai, Shri Morarji	Kotoki, Shri Liledhar	Panna Lal, Shri
Deshmukh, Shri Shivaji Rao S.	Kripa Shankar, Shri	Pant, Shri K. C.
Deshpande, Shri	Krishna, Shri M. R.	Parashar, Shri
Dey, Shri S. K.	Krishnamachari, Shri T. T.	Patel, Shri Chhotubhai
Dbaon, Shri	Kureel, Shri B. N.	Patel, Shri Man Singh
Dhebar, Shri U.N.	Lakshmrkant'amma, Shrimati	Patel, Shri N. N.
Dhuleshwar Meena, Shri	Lalit Sen, Shri	Patel, Shri P. R.
Dighe, Shri	Laskar, Shri N. R.	Patel, Shri Rajeshwar
Dinesh Singh, Shri	Laxmi Bai, Shrimati	Patil, Shri D. S.
Dixit, Shri G. N.	Lonikar, Shri	Patil, Shri J. S.
Dube, Shri Mulchand	Mahtab, Shri	Patil, Shri S. K.
Dubey, Shri R. G.	Maimoona Sultan, Shrimati	Patil, Shri T.A.
Dwivedi, Shri M. L.	Malaviya, Shri K. D.	Patnaik, Shri B. C.
Dwivedy, Shri Surendranath	Malhotra, Shri Inder J.	Pattabhi Raman, Shri C.R.
Gahmari, Shri	Malliah, Shri U.S.	Pillai, Shri Nataraja
Gaitonde, Dr.	Manaen, Shri	Pottekkatt, Shri
Genapati Ram, Shri	Mandal, Dr.	Prabhakar, Shri Naval
Gandhi, Shri V. B.	Mandal, Shri Yamuna Prasad	Pratap Singh, Shri
Ganga Devi, Shrimati	Maniyangadan, Shri	Puri, Shri D. D.
Ghoah, Shri Atulya	Mantri, Shri	Raghu Nath Singh, Shri
Goni, Shri Abdul Ghani	Masuriya Din, Shri	Raghuramaiah, Shri
Govind Das, Dr.	Matcharaju, Shri	Rao, Shrimati Sahodrabai
Guha, Shri A. C.	Mathur, Shri Harish Chandra	Raj Bahadur, Shri
Gupta, Shri Badshah	Mehdi, Shri S.A.	Raju, Dr. D. S.
Gupta, Shri Indrajit	Mehrotra, Shri B.B.	Raju, Shri D. B.
Gupta, Shri Ram Ratan	Mehta, Shri Jashvant	Ram, Shri T.
Gupta, Shri Shiv Charan	Melkote, Dr.	Ram Sewak, Shri
Hajarnavis, Shri	Mengi, Shri Gopal Datt	Ram Singh, Shri
Hansda, Shri Subodh	Menon, Shri Krishna	Ram Subhag Singh, Dr.
Hanumanthaiya, Shri	Menon, Shri P. G.	Ramakrishnan, Shri P.R.
Haq, Shri M. M.	Minimata, Shrimati	Ramaswamy, Shri S. V.
Harvani, Shri Ansar	Mirza, Shri Bakar Ali	Rananjai Singh, Shri
Haarika, Shri J. N.	Mishra, Shri Bibudhendra	Rane, Shri
Heda, Shri	Mishra, Shri Bibhuti	Ranga Rao, Shri
Hema Raj, Shri	Mishra, Shri M. P.	Ranjit Singh, Shri
Hambichibava, Shri	Misra, Shri Shyam Dhar	Rao, Shri Jaganatha
Jabal Singh, Shri	Mohanty, Shri G.	Rao, Shri Krishnamoorthy
Jadhav, Shri M. L.	Mohsin, Shri	Rao, Shri Ramapathi
Jadhav, Shri Tulidas	Morarka, Shri	Rao, Shri Rameshwar
Jagjivan Ram, Shri	More, Shri K. L.	Rao, Shri Thirumala
Jain, Shri A. P.	More, Shri S. S.	Rattan Lal, Shri
Jamunadevi, Shrimati	Mukherjee, Shri H. N.	Reddiar, Shri
Jedhe, Shri	Mukerjee, Shrimati Sharda	Reddy, Shri Eswara
Joshi, Shri A. C.	Munzri, Shri David	Reddy, Shri K. C.
Joshi, Shrimati Subhadra	Murmu, Shri Sarkar	Reddy, Shri Ramakrishna
Jyotishi, Shri J. P.	Murti, Shri M. S.	Reddy, Shri Yallamanda
Kabir, Shri Humayun	Musafir, Shri G. S.	Reddy, Shrimati Yashoda
Kachhavaiya, Shri	Muthiah, Shri	Roy, Shri Bishwanath
Kamath, Shri Hari Vishnu	Naidu, Shri V. G.	Sadhu Ram, Shri
Kamble, Shri	Naik, Shri D. J.	Saha, Dr. S. K.
Kanungo, Shri	Naik, Shri Maheswar	Saigal, Shri A. S.
Kappen, Shri	Nair, Shri Vasudevan	Samanta, Shri S. C.
Kedaria, Shri C. M.	Nambiar, Shri	Sannani, Shri
Keishing, Shri Rishang		

**AYES—Contd.**

Sanji Rupji, Shri	Singha, Shri G. K.	Tyagi, Shri
Saraf, Shri Sham Lal	Sinha, Shri B. P.	Uikey, Shri
Sarma, Shri A. T.	Sinha, Shri Satya Narayan	Ulaka, Shri
Satyabhama Devi, Shrimati	Sinha, Shrimati Ramdulari	Umanath, Shri
Satyanarayana, Shri	Sinha, Shrimati Tarkeshwari	Upadhyaya, Shri Shiva Dutt
Sen, Shri P. G.	Sinhasan Singh, Shri	Vaishya, Shri M. B.
Shah, Shri Manabendra	Sonavane, Shri	Valvi, Shri
Sham Nath, Shri	Soundaram Ramchandran, Shrimati	Varma, Shri M. L.
Shankaraiya, Shri	Subramaniam, Shri C.	Varma, Shri Ravindra
Sharma, Shri A. P.	Subramanyam, Shri T.	Veerappa, Shri
Sharma, Shri D. C.	Sumat Prasad, Shri	Venkaiah, Shri Kolla
Shastri, Shri Lal Bahadur	Surendrapal Singh, Shri	Venkatesubbaiah, Shri P.
Sheo Narain, Shri	Swamy, Shri M. N.	Verma, Shri K. K.
Shinde, Shri	Swamy, Shri M. P.	Vidyalankar, Shri A. N.
Shivananappa, Shri	Swaran Singh, Shri	Virbhadra Singh, Shri
Shrimali, Dr. K. L.	Swell, Shri	Vishram Prasad, Shri
Siddananappa, Shri	Tahir, Shri Mohammad	Vyas, Shri Radhelal
Siddiah, Shri	Thimmaiah, Shri	Wadiwa, Shri
Sidheshwar Prasad, Shri	Thomas, Shri A. M.	Yadav, Shri N. P.
Singh, Shri D. N.	Tiwary, Shri D. N.	Yadav, Shri Ram Harkh
Singh, Shri K. K.	Tiwary, Shri K. N.	Yadava, Shri B. P.
Singh, Shri R. P.	Tiwary, Shri R. S.	Yashpal Singh, Shri
Singh, Shri S. T.	Tripathi, Shri Krishna Deo	
Singh, Shri Y. D.	Tula Ram, Shri	

**NOES**

*Nil*

**Mr. Speaker:** The result of the division is: Ayes 298\*; Noes nil. The 'Ayes' have it; the 'Ayes' have it. 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 motion was adopted.*

*Clauses 5 to 7 were added to the Bill.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

**Shri Lal Bahadur Shastri:** I move:

"That the Bill, as amended, be passed".

**Mr. Speaker:** The question is.....

**Shri Indrajit Gupta:** May I request that mistakes may not be committed this time? Can they not even press the button correctly?

**Mr. Speaker:** The question is:

"That the Bills, as amended, be passed".

*The Lok Sabha divided.*

*Division No. 20]*

**AYES**

**[17.31 hrs.**

Abdul Wahid, Shri	Bsumatari, Shri	Chandak, Shri
Alagesan, Shri	Besra, Shri	Chandrasekhar, Shrimati
Alva, Shri A. S.	Bhagat, Shri B. R.	Chatter Singh, Shri
Alva, Shri Joachim	Bhagavati, Shri	Chaturvedi, Shri S. N.
Aney, Dr. M. S.	Bhanja Deo, Shri L. N.	Chaudhuri, Shri D. S.
Anjanappa, Shri	Bhargava, Shri M. B.	Chaudhuri, Shri Sachindra
Arunachalam, Shri	Bhatkar, Shri	Chaudhuri, Shrimati Kamala
Azad, Shri Bhagwat Jha	Biren Dutta, Shri	Chavan, Shri D. R.
Bade, Shri	Bist, Shri J.B.S.	Chettiar, Shri Ramanathan
Bakliwal, Shri	Borooh, Shri P.C.	Chuni Lal, Shri
Balakrishnan, Shri	Brahm Prakash, Shri	Colaco, Dr.
Balmiki, Shri	Brajeshwar Prasad, Shri	Dafle, Shri
Barkataki, Shrimati Renuka	Brij Raj Singh Kotah, Shri	Daji, Shri
Barupal, Shri P. L.	Chakravartty, Shrimati Renu	Daljit Singh, Shri
Basappa, Shri	Chakraverti, Shri P. R.	Das, Dr. M. M.

\*Ayes : One name could not be recorded.

## AYES—Contd.

Das, Shri B. K.	Malliah, Shri U.S.	Rao, Shri Ramapathi
Das, Shri N. T.	Manaen, Shri	Rao, Shri Rameshwar
Das, Shri S. B.	Mandal, Dr.	Rao, Shri Thirumala
Dasappa, Shri	Mandal, Shri Yamuna Prasad	Rattan Lal, Shri
Dasaratha Deb, Shri	Maniyangadan, Shri	Reddiar, Shri
Das, Shri C.	Mantri, Shri	Reddy, Shri K. C.
Datar, Shri	Masuriya Din, Shri	Reddy, Shri Ramakrishna
Deo Bhanj, Shri P. C.	Matcharaju, Shri	Reddy, Shrimati Yashoda
Desai, Shri Morarji	Mathur, Shri Harish Chandra	Roy, Shri Bishwanath
Deshmukh, Shri Shivaji Rao S.	Mehdi, Shri S.A.	Sadhu Ram, Shri
Deshpande, Shri	Mehrotra, Shri B. B.	Saha, Dr. S. K.
Dey, Shri S. K.	Mehta, Shri Jashvant	Saigal, Shri A. S.
Dhaon, Shri	Melkote, Dr.	Samanta, Shri S. C.
Dhebar, Shri U. N.	Mengi, Shri Gopal Datt	Samnani, Shri
Dhuleshwar Meena, Shri	Menon, Shri Kirshna	Sanji Rupji, Shri
Dinesh Singh, Shri	Menon, Shri P. G.	Saraf, Shri Sham Lal
Dixit, Shri G. N.	Minimata, Shrimati	Sarama, Shri A. T.
Dube, Shri Mulchand	Mirza, Shri Bakar Ali	Satya Prakash, Shri
Dubey, Shri R. G.	Mishra, Shri Bibudhendra	Satyabhama Devi, Shrimati
Dwivedi, Shri M. L.	Mishra, Shri Bibhuti	Satyanarayana, Shri
Dwivedy, Shri Surendranath	Mishra, Shri M. P.	Sen, Shri P. G.
Gahmar, Shri	Misra, Shri Syam Dhar	Shah, Shri Manabendra
Gaitonde, Dr.	Mohanty, Shri G.	Shankaraiya, Shri
Gajraj Singh Rao, Shri	Mohsin, Shri	Sharma, Shri A. P.
Ganapati Ram, Shri	Morarka, Shri	Sharma, Shri D. C.
Ganga Devi, Shrimati	More, Shri K. L.	Shastri, Shri Lal Bahadur
Ghosh, Shri Atulya	More, Shri S. S.	Shree Narain, Shri
Goni, Shri Abdul Ghani	Mukerjee, Shri H. N.	Shinde, Shri
Govind Das, Dr.	Mukerjee, Shrimati Sharda	Shivnanajappa, Shri
Guba, Shri A. C.	Munzri, Shri David	Shrimali, Dr. K. L.
Gupta, Shri Badshah	Murmu, Shri Sarkar	Siddanajappa, Shri
Gupta, Shri Indrajit	Murti, Shri M. S.	Siddiah, Shri
Gupta, Shri Ram Ratan	Musafir, Shri G. S.	Sidheshwar Prasad, Shri
Gupta, Shri Shiv Charan	Muthiah, Shri	Singh, Shri D. N.
Hajarnavis, Shri	Naidu, Shri V. G.	Singh, Shri K. K.
Hansda, Shri Subodh	Nair, Shri D. J.	Singh, Shri R. P.
Hanumanthaiya, Shri	Naik, Shri Maheswar	Singh, Shri S. T.
Haq, Shri M. M.	Nair, Shri Vasudevan	Singh, Shri Y. D.
Hazvani, Shri Ansar	Nayak, Shri Mohan	Singha, Shri G. K.
Hazrika, Shri J. N.	Nayar, Dr. Sushila	Sinha, Shri B. P.
Heda, Shri	Nehru, Shri Jawaharlal	Sinha, Shri Satya Narayan
Hema Rai, Shri	Niranjan Lal, Shri	Sinha, Shrimati Ramdulari
Iqbal Singh, Shri	Oza, Shri	Sinha, Shrimati Tarkeshwari
Jadhav, Shri M. L.	Pande, Shri K. N.	Sinhasan Singh, Shri
Jadhav, Shri Tulshidas	Pandey, Shri R. S.	Sonavane, Shri
Jaggiwan Ram, Shri	Pandey, Shri Vishwa Nath	Soundaram Ramachandran,
Jain, Shri A. P.	Panna Lal, Shri	Shrimati
Jaipal, Singh, Shri	Pant, Shri K. C.	Subramaniam, Shri C.
Jamir, Shri Chubato Shi	Parashar, Shri	Subramanyam, Shri T.
Jamunadevi, Shrimati	Patel, Shri Chhotubhai	Sumat Prasad, Shri
Jedhe, Shri	Patel, Shri Man Singh	Surendrapal Singh, Shri
Joshi, Shri A. C.	Patel, Shri N. N.	Swaran Singh, Shri
Joshi, Shrimati Subhadra	Patel, Shri P. R.	Swell, Shri
Jvotishi, Shri J. P.	Patel, Shri Rajeshwar	Tahir, Shri Mohammad
Kabir, Shri Humayun	Patil, Shri D. S.	Tantia, Shri Rameshwar
Kachhavaiya, Shri	Patil, Shri J. S.	Thimmaiah, Shri
Kamath, Shri Hari Vishnu	Patil, Shri S. K.	Thomas, Shri A. M.
Kamble, Shri	Patil, Shri T. A.	Triwary, Shri D. N.
Kanungo, Shri	Patnaik, Shri B. C.	Triwary, Shri K. N.
Kappen, Shri	Pattabhi Raman, Shri C.R.	Triwary, Shri R. S.
Kedaria, Shri C. M.	Pillai, Shri Nataraja	Tripathi, Shri Krishna Deo
Keshing, Shri Rishang	Pottekkatt, Shri	Tula Ram, Shri
Khadilkar, Shri	Prabhakar, Shri Naval	Tvagi, Shri
Khan, Dr. P. N.	Pratap Singh, Shri	Ukeji, Shri
Khan, Shri Osman Ali	Puri, Shri D. D.	Ulaka, Shri
Khan, Shri Shahnawaz	Raghunath Singh, Shri	Upadhyaya, Shri Shiva Dutt
Khanna, Shri Mehr Chand	Rachuramaiah, Shri	Vaishya, Shri M.B.
Khanna, Shri P. K.	Rai, Shrimati Sahodrabai	Valvi, Shri
Kindar Lal, Shri	Rai Bahadur, Shri	Varma, Shri M. L.
Kisan Veer, Shri	Raju, Dr. D. S.	Varma, Shri Ravindra
Kotaki, Shri Liladhar	Raju, Shri D. B.	Veerappa, Shri
Kripa Shankar, Shri	Ram, Shri T.	Venkataiah, Shri Kolla
Krishna, Shri M. R.	Ram Sewak, Shri	Venkatasubbaiah, Shri P.
Krishnamachari, Shri T. T.	Ram Singh, Shri	Verma, Shri K. K.
Kureel, Shri B. N.	Ram Subhag Singh, Dr.	Vidyalankar, Shri A. N.
LakshmiKanthamma, Shrimati	Ramakrishnan, Shri P. R.	Vijbhadra Singh, Shri
Lalit Sen, Shri	Ramaswamy, Shri S. V.	Vishram Prasad, Shri
Laskar, Shri N. R.	Ramdhani Das, Shri	Vyas, Shri Radhela
Laxmi Bai, Shrimati	Ramanjai Singh, Shri	Wadiwa, Shri
Lonikar, Shri	Rane, Shri	Yadav, Shri N. P.
Mahab, Shri	Ranga Rao, Shri	Yadav, Shri Ram Harkh
Maimoona Sultan, Shrimati	Ranjit Singh, Shri	Yadava, Shri P. P.
Malaichami, Shri	Rao, Shri Jagannatha	
Malaviya, Shri K. D.	Rao, Shri Krishnamoorthy	
Malkotra, Shri Inder J.		

## NOES

Nil

**Mr. Speaker:** The result of the Division is: Ayes 293; Noes nil. The 'Ayes' have it; the 'Ayes' have it.

The motion is carried and the Constitution (Fourteenth Amendment) Bill, 1962 as amended, is passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

17.34 hrs.

### FOOD PRODUCTION\*

**Mr. Speaker:** The House will now proceed with the half-hour discussion regarding food production.

[MR. DEPUTY-SPEAKER in the Chair]

**Shri Inder J. Malhotra** (Jammu and Kashmir): Without any doubt, in my opinion, there is double talk on the food front. Recently, the Planning Minister while expressing his view regarding the performance of the Third Five Year Plan regarding agriculture, had made certain remarks which have been reported in the press. I quote:

"Mr. Nanda who had an informal chat with newsmen candidly admitted shortcomings and regretted that even after ten years of planning, the country had to depend on food imports. Referring to only a million increase in food-grains last year, the Minister suggested that if more fertilisers are required to achieve self-sufficiency, it must be produced anyhow."

After this statement, the Minister of Food and Agriculture—to be more specific, the Minister of State in the Ministry of Food and Agriculture—while talking about the very same subject expressed one hundred per cent. confidence on the food front. He had clearly stated that the targets set in the Third Five Year Plan would be achieved. In that very statement, going further he said that these would be achieved provided the supply of

fertilisers is to the tune required in the Third Plan and the minor irrigation schemes are implemented to the tune provided in the Third Plan; he also said 'if nature is kind to us'.

In my opinion, if after 15 years of scientific agriculture in this country—everybody says that today in India we have scientific agriculture—we have still to depend upon Nature's kindness as far as our achievement in the food production is concerned, it is not a very desirable situation. We have seen over the last two or three years that generally for every year we have set a target of increase in food production of 5 per cent. But during the last two or three years, we have achieved only a little more than 1 per cent. Looking to that experience, I do not know how still we are clinging to that target of 5 per cent. increase every year. I think the Planning Minister's statement is, to some extent, more realistic than the rosy picture being painted by the Ministry of Food and Agriculture.

I do agree that to achieve the target fully the supply of fertilisers, irrigation and other things are the first requirement. Right at the beginning of the Third Plan, why was it not taken into consideration either by the Ministry of Food and Agriculture or by the Planning Commission that since we are short in supply of fertilisers and we have not been able to implement the minor irrigation schemes to the extent we wanted, we would not be able to reach the target which we have set before us? Why were all these things not taken into consideration and adequate steps were not taken to see that these defects and deficiencies in the planning of agriculture are removed? By the time the deficiency in the supply of fertilizers is overcome, by the time all the minor irrigation schemes are implemented, and if nature is also kind to us, by that time, I think, it may be that the Third Five Year Plan will be over. So, I think, the whole approach, of stating that during the Third Plan period