13.12½ hrs.

ELECTION TO COMMITTEE

CENTRAL ADVISORY BOARD OF EDUCATION

The Minister of Education (Shri M. C. Chagla): I beg to move:

"That in pursuance of paragraph 3(2) (d) of the late Department of Education, Health and Lands Resolution No. F. 122-3/35-E, dated the 8th August, 1935, as amended from time, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, three members from among themselves to serve as members of the Central Advisory Board of Education for the next term, subject to the other provisions of the said Resolution, vice Sarvashri P. Muthiah, C. L. Narasimha Reddy and Shrimati Renuka Ray".

Mr. Speaker: Motion moved:

"That in pursuance of paragraph 3(2) (d) of the late Department of Education, Health and Lands Resolution No. F. 122-3/35-E dated the 8th August, 1935, as amended from time to time, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, three members from among themselves to serve as members of the Central Advisory Board of Education for the next term, subject to the other provisions of the said Resolution, *vice* Sarvashri P. Muthiah, C. L. Narasimha Reddy and Shrimati Renuka Ray."

Shri Hari Vishnu Kamath (Hoshangabad): On a point of clarification. With regard to this motion which has been moved by the Education Minister, I must say that to say the least, it makes amusing reading. It appears that even after nineteen years of Independence, we still suffer from the hang-over of the British Raj. If you will read the motion, you will find the words 'the late Department....."—generally, we talk of a late person—'....of Education, Health and Lands Resolution' of 1935. I thought that after Independence these Departments had been merged in some Ministry or the other, but I find that these are continuing even in 1966; that some late Department's resolution is still being followed in 1966, is, to say the least, very anomalous. I think the Education Minister has never looked into this matter. I think the Leader of the House also agrees. I do not know what he has to say in this connection.

Shri M. C. Chagla: The Education Department, before Independence, was a Department consisting of Education, Health and Lands. After Independence, there was a change. This resolution has continued from that time. But if my hon. friend wants that we should refer to it in future as the Ministry of Education's resolution, I shall look into it.

Mr. Speaker: He will look into it. The question is:

"That in pursuance of paragraph 3 (2) (d) of the late Department of Education, Health and Lands Resolution No. F. 122-3/35-E dated the 8th August, 1935, as amended from time to time, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, three members from among themselves to serve as members of the Central Advisory Board of Education for the next term, subject to the other provisions of the said Resolution, *vice* Sarvashri P. Muthiah, C. L. Narasimha Reddy and Shrimati Renuka Ray.".

The motion was adopted.

13.15 hrs.

CONSTITUTION (TWENTIETH AMENDMENT) BILL

Mr. Speaker: Now, we shall take up the Constitution (Twentieth Amendment) Bill.

[Mr. Speaker]

The time allowed for this Bill is 2 hours. Now, it is 1:5 P.M. That means that it would be disposed of by 5·15 P.M.

Shrimati Renu Chakravartty: (Barrackpore): If all the Punjab Members start speaking, then there will be no end to it.

The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha): If you could have the voting at all the stages at that time, it would be better; some Members would be going for lunch and other things; so they must know when the voting would take place; it may be at 3:15 P.M. or such other time as you may fix. You may announce the time earlier so that the Members could be informed in time. We do not want that what happened last time should happen again.

Shrimati Renu Chakravartty: Supposing Members make a request for extension, then the Speaker has always got the right to extend it by one hour.

Mr. Speaker: We may decide it now. If instead of 3·15 P.M. they want some other time, then I can fix it at 3 30 P.M. but there ought to be some time specified . . .

Shri Satya Narayan Sinha: Yes, it may be at 6·30 P.M.

Mr. Speaker: All right, it may be at 3 30 P.M.

Shri Hari Vishnu Kamath (Hoshangabad): That is to say, the first division.

Shri Satya Narayan Sinha: All the voting should take place at that time.

Shri Nambiar (Tiruchirapalli): Supposing the business collapses earlier, then what will happen?

Shri Hari Vishnu Kamath: This is not proper. I must protest and say that this arrangement to accommodate the Congress Party only is very unfair to the House as a whole. They are holding the whole Parliament to ransom. Why should they do so?

Mr. Speaker: It is for the whole House, not for the Congress Party only.

Shri Hari Vishnu Kamath: Supposing the business collapses earlier, then are we to take up some other business and wait till 3:30 P.M. for the voting on this Bill? It is a very dangerous precedent that you are setting up.

Shri S. M. Banerjee (Kanpur): It is a dangerous thing.

Mr. Speaker: It is for all Members and not only for those from the Congress Party.

Shri Hari Vishnu Kamath: There must be some principle; they must be here, and whenever we may finish, we should have the voting. The House cannot dance in attendance on the Congress Party.

Mr. Speaker: The Leader of the House has left the House so abruptly. The question that has arisen now is this. Supposing the business collapses earlier, then there would be this difficulty . . .

Shri Tyagi (Dehradun): We shall carry on till 3·30 P.M.

Mr. Speaker: If it is carried on, then I would not have any objection, but if there is no Member to speak, then shall I adjourn the House? Or what else shall I do?

Shri Nambiar: It happened last time.

Mr. Speaker: So, the whips should take care.

Shri Rane (Buldana): A number of Members have already left on the understanding that the voting will take place at 3·30 P.M.

Mr. Speaker: I am not saying that it would take place earlier, but I do not know when the voting will take place.

Shri S. M. Banerjee: Now that you have tentatively fixed . . .

Mr. Speaker: Now, I have not fixed anything.

The Minister of Law (Shri G. S. Pathak): I beg to move:

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

This Bill is clarificatory in its nature and it seeks to add two explanations. The need for clarification arose when the various aspects of article 3 of the Constitution were being examined in connection with the proposed reorganisation of the Punjab. This reorganisation involves the transfer of a part of the territory of the State of Punjab to the Union Territory of Himachal Pradesh.

The object of the Bill is to make two things clear. The first is that no reference of the reorganisation Bill to the legislature of the Union Territory is necessary, and it seeks to provide that while in the main part of the article, the term 'State' includes Union Territory, in the proviso, the term 'State' does not include Union Territory; in other words, reference to the legislature of the Union Territory of Himachal Pradesh would not be necessary. The other point is that under clause (a) of article 3 it should be permissible to form a new Union Territory by inclusion of some territory of the State of Punjab. These two things have to be made clear, and, therefore, these two explanations are necessary by way of addition to article 3.

In order to appreciate this matter, it is necessary to give very briefly the historical background of the constitutional amendments. The House would remember that in 1956, when there was reorganisation of the States, the Constitution (Seventh Amendment) Act was passed. Before the Seventh Amendment Act, the territory of India meant the territories of Part A States, Part B States and Part C States in addition to the territories mentioned in clause (3) (b) and (c) of article as it then stood. There were no Union Territories then. Wherever in the Constitution it was intended that the territory of Part C States should not be included, that was expressly stated. Now under the proviso to art. 3, a Bill which had to be referred to the legislatures had to be referred only to the legislatures of Parts A and B States; it had not to be referred to the legislatures of Part C States, although under art. 240 there was a provision that Part C States could also have legislatures. That was the position prior to the Seventh Amendment Act of 1956. Himachal Pradesh was a Part C State and if the question which has arisen today had arisen before the Seventh Amendment Act, there could have been no reference to the legislature of Himachal Pradesh.

Now by the Seventh Amendment Act, Parts A, B and C States have been abolished. Amendment was made in art. 1 according to which the territory of India was divided into two categories: States plus Union Territories. This was the position created by the Seventh Amendment Act. In the proviso to art. 3, Parts A and B States were removed and in their place, the word 'State' was mentioned; while in art. 1, both the expressions 'States' and 'Union Territories' are used, in the proviso to art. 3, only 'State' was mentioned. Therefore, what the Constituent Assembly had intended, namely, that there should be no reference to Part C States was maintained. Even when the Seventh Amendment Act was passed, that was the position.

Now Himachal Pradesh became a Union Territory under the Seventh Amendment. Doubts arose as to whether in art. 3 'State' would include Union Territory. The Supreme Court in the Berubari Case held that the word 'State' did not include Union Territory. Later, in the Ramkishore Sen case in 1966, recently, the Supreme Court held that 'State' included Union Territory. The result is that if the Supreme Court decision is to be applied—it was an *obiter dictum*,

[Shri G. S. Pathak]

(it was not necessary for the decision of that case)—then even in the proviso 'State' would include Union Territory, and reference will have to be made to the legislature of the Union Territory also. That is contrary to what the Constitution-makers had intended and that would be a departure from the intention and the policy that the Constitution-makers held throughout.

Therefore, it has become necessary to make it clear that while in art. 3 (a) to (e), 'State' includes a Union Territory, in the proviso thereof 'State' does not include a Union Territory. That is why *Explanation I* has to be enacted.

So far as *Explanation II* is concerned, the position is that the existing art. 3 (a) does not expressly include the case of the formation of a Union Territory by the Union of an existing Union Territory with a part of a State territory. As we have got to make a new State by adding a part of the State of Punjab to the Union Territory of Himachal Pradesh, that has got to be made explicit. Hence the need to enact *Explanation II*.

These are the main principles on which this Bill is based and the Bill not being controversial, I commend it to the House for unanimous acceptance.

Mr. Speaker: Motion moved:

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

Shri H. N. Mukerjee (Calcutta Central): Mr. Speaker, I have learnt in this House to give up the idea of following the arguments, no doubt very learned, which our friend, the Law Minister, always puts forward because our experience is that they are too often a recondite rigmarole and he puts up the kind of jigsaw puzzle which the lay mind wishes to avoid. But I take it that the legal advisers of Government have done their job properly and there are no lacunae left which would create further complication. It is in that position which has to be faced in the absence of a more rational judgment from the wording of this piece of legislation that I am certainly willing to support this proposal of the Law Minister.

I am supporting it because I take it that this is Government's way of facilitating the idea of the reconstitution of States in Punjab, Himachal Pradesh and Hariana. I do hope no legal lacuna turns up in future to create further complications in the way of a settlement which has been postponed for so long, and we all wish that Government proceeds expeditiously with the formation of the Punjabi Suba, Hariana Prant and Himachal Pradesh on a new foundation. Therefore, this Bill has a good objective. It is enabling the reconstitution of States about which we have had so many debates earlier, and from that point of view, I agree with the proposition.

13.27 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

But I shall not be doing my duty as a Member of Parliament if I do not mention on this occasion how Government's action in regard to the reconstitution of States in our north-western borders has been typical of Government's attitude and behaviour in so many other regards. Punjab has been treated shabbily for a considerable length of time, and the most legitimate demand for a Punjabi Suba on a linguistic basis, which should have been conceded a long time ago and in a very much more generous spirit, has at last been conceded. But even so, there are difficulties; even so, there are many deficiencies in the way Government has already defined the method it is going to pursue.

In regard to the allocation of territories to the new States which are to be formed, there are so many glaring

evidences of governmental inefficiency and lack of understanding. It is not my object as this present moment to detail them. But I cannot help a reference to Chandigarh which, I think, is, in all reason, a part of the Punjabi Suba and should have gone to Punjabi Suba altogether as the legitimate capital of that State. I have always been very sympathetic to the demand of the people in Hariana for a separate *prant* of their own, and my feeling has always been that Hariana *prant* should have been assisted by Government to have a capital of its own and Chandigarh should have been the capital of Punjabi Suba; that would have been the most appropriate solution of so many problems. And I cannot help also recalling how repeatedly the cry is raised about the Punjabi Suba being in danger of turning out to be a Sikh State, and therefore some safeguards have to be taken in regard to that. If I was a Sikh, and there is no reason why I cannot try to feel myself in the skin of a Sikh fellow citizen of my country, I would have felt utterly disgusted at this kind of talk which goes on. I know that Master Tara Singh and some of his followers do talk about a Sikh majority State, do talk in manner which goes against the principle of secularity, but as far as Punjabi opinion by and large is concerned, the movement led preeminently by Sant Fateh Singh put their demand on a purely linguistic basis, and in spite of all that, to have a charge of the objective of a Sikh State being flung by certain people has been there, and it is a sore, it is something which creates a wound in the heart of the Punjabi people. I do hope that Government take some measures to see to it that these continuing injuries to Punjabi sensibility do not continue.

In regard to Chandigarh, Government, of course might come forward and tell us that their hands were bound by certain reports which they got from some people who were supposed to have made expert investigation into this matter. but it is as plain as can be that Chandigarh belongs to Punjab and should have gone to Punjab as its capital.

In any case, I am not going to raise these controversial issues at this present moment. We do wish well to Hariyana, we do wish well to an enlarged Himachal Pradesh, and we do wish that all the constitutional complications which are necessary before these new States can be put into the picture are proceeded with expeditiously by Government. I do wish that Government has phrased this legislation with proper perspicacity, with understanding, with an idea that no legal argument is brought forward later in order to invalidate the provisions it has tried to propound, I do wish the legal advisers of Government have done a fairly good job of it, and therefore I feel that though I have many reservations in regard to Government policy in regard to the delimitation which has preceded the formation of the Punjabi Suba and Hariyana Pranth, in spite of that, this is a Bill which this House should allow to go through.

Shri Hem Raj (Kangra): I congratulate the Government on having brought this Bill to remove the constitutional lacuna. By conceding the demand for a Punjabi Suba and for Hariyana Pranth and by integrating the hill areas of the Punjab with Himachal Pradesh, they have satisfied all the three regions and the demands that had been long-standing ones.

At the same time, I am sorry to observe that while the Punjabi Suba and the Hariyana Pranth are being given the status of full States, Himachal Pradesh is still being kept as a Union Territory. As matters stand at present the two new States of Punjabi Suba and Hariyana Pranth have an area lesser than that of Himachal Pradesh. The present Himachal Pradesh has got an area of nearly 11,000 square miles. The area that is going to be added to Himachal Pradesh from Punjab is almost equal, and the total area of the

[Shri Hem Raj]

new Himachal Pradesh will thus become something like 21,000 square miles, while the area of the Punjabi-speaking State will be 19,000 square miles and that of Hariyana Pranth is only 16,000 square miles.

No doubt, the population of both these States is very much more, and the population of our area is very sparse, but I do not think that that consideration should have stood in the way of the Central Government granting Himachal Pradesh the status of a State as has been granted to the other two States which have been created out of the present Punjab. This is a lacuna which I hope the Central Government will remove as early as possible, because if the present position of Himachal Pradesh is taken into consideration, it is a very strategic area, and this strategic area touches the Chinese border on the Tibetan side. Part of the area which is now coming to Himachal Pradesh was a border area and the rest of it had its border with Himachal Pradesh, but now the whole of this area will become a compact area. Therefore, keeping in view the strategic position of this area, it ought to have been given the status a full-fledged State.

Territories like the Union Territory are not to be found in any other State except the United States. There, they have a certain standard, and if a Territory attains that standard, it is granted the status of a State. There are two such cases. One is Alaska, and the other Hawaii. What is the population of Alaska? It has only a population of 2,26,000 with an area of 57,065 square miles. Though it was a territory, after some years it was granted the status of a State. Similar was the case of Hawaii. Its area was 6,424 square miles and its poplation was only 6,32,772, and yet it was granted the status of a State.

Here what I am submitting before this august House is that the population of the area which is going to be added to Himachal Pradesh is 14,42,000 and the poplulation of the present Himachal Pradesh is 13,52,000, with the result that the new Himachal Pradesh will have something like 28 lakhs of population. Our case is much stronger than the cases that I have cited in the United States, where a territory with a very small population and a very small area has been granted the status of a State. Therefore, my submission to this august House and to the Government is that the status of a full-fledged State should be granted to Himachal Pradesh also.

Shri Prakash Vir Shastri (Bijnor): Shri Hem Raj will be the Chief Minister of Himachal Pradesh.

श्री हेम राज : चीफ मिनिस्टर आप आ जायें, हम आप को ही बता देंगे, हम तो इस बात पर खुश हैं लेकिन चूंकि आप ने आवाज उठायी थी.....

श्री प्रकाशवीर शास्त्री : आप उन से बात करिए, मेरे में नहीं । हम तो आपका भविष्य अच्छा बनाना चाहते हैं ।

श्री हेम राज : हमारा भविष्य बहुत अच्छा बनना है, बनने वाला है । हमारे अच्छे भविष्य को बनने दीजिए ।

Therefore, in this Bill I propose one amendment, and that amendment is that if a Union Territory reacnes a stage where it can rise to statehood, it should be made a State. Such a constitutional provision is necessary. If this amendment is not made now, it may have to be brought later on, because without it a Union Territory cannot be raised to the status of a State.

Therefore, I have suggested an amendment.

Mr. Deputy-Speaker: We will see to it when the amendment comes.

Shri Hem Raj: In the case of Union Territories, they can be referred to

them without any further amendment of the Constitution. I hope the earned Law Minister would accept that amendment.

Shri Alvares (Panjim): Sir, I will make two or three brief observations on this Bill. First, this paves the way for the creation of the Punjabi Suba which was delayed beyond any comprehension. There are certain provisions of the Bill so designed as to isolate the controversy that would arise over the issue of Chandigarh as a possible capital. I would like to warn the government that they are not resolving the difficulty. For instance, they postponed the problem of the border between States before and there is now the issue of Belgaum, Karwar etc. which has to be resolved. They should not take advantage of this Bill in order to isolate Chandigarh and thereby prevent the people in Hariana from exercising their right to decide where Chandigarh should ultimately be. Having given this warning. I would make two brief observation in regard to the structure of the Bill. The Constitution provided for Union Territories, but it did not provide for their creation, and Government are now remedying that lacuna by an explanation. It would have been much better if Government had stated clearly in article 3 that it would be possible to create new States and Union Territories. Instead of making a clear provision in article 3, Government shied away for some reason or the other want to introduce a provision by way of an explanation. If States and Union Territories are two categories of territories, the manner in which they would be created should have been specified clearly in article 3 and not by way of this explanation which says that clauses (a) to (e) apply to both while not to the proviso. Why should not the President ask for the opinion of the Union Territory as to where it should ultimately exist, in part or in whole? Why not a reference be made to the assembly there just as in the case of the States? It is incumbent upon the President to make a reference to the State Assembly when its boundaries are affected. Union Territories also have an equal constitutional right which has been recognised in the formation of assemblies for union territories listed in the schedule. Yet when the boundaries of a territory are affected, say, by joining it to another State, it is not necessary for the President to consult it. Why this discrimination? Have not these people a right to decide where they should like to be merged? They are not like wayward children who have no status and therefore can be put in an orphanage like an adjoining State, etc. Therefore, this particular provision is reactionary and it deproves the people of the Union Territory of consultancy right.

I would make a special reference to Chandigarh, which is to be made a union territory. Certainly, you can give it an elected assembly, or a metro-metropolitan council, for as much time as you want. Once it becomes a Union Territory, it is not incumbent on the Centre to obtain the consent of the people to ascertain where they would like to be merged. Government and Parliament should take particular care; it is not a question of expediency. We suspect here that this provision, doing away with consultancy with the assembly of the Union Territory, is made with a view to facilitate the merger of Chandigarh with Punjabi Suba, whereas if you apply the rules of linguistic States, Chandigarh should have been in Hariana. I have no prejudice in the matter and I welcomed the creation of Punjabi Suba; it was long overdue. If the people residing in Chandigarh want to join Hariana, there is no reason why Government should by subterfuge deny the people of Hariana to have Chandigarh and merge it with Hariana.

श्री बूटा सिंह (मोगा) : डिप्टी स्पीकर साहब, संविधान में यह जो तरमीम की जा रही है, मैं इस तरमीम का समर्थन करने के लिये खड़ा हुआ हूं । यह एक ऐसी तरमीम है जिसके जरिये हम संविधान मे यह प्रोवाइड करने जा रहे हैं कि हिमाचल प्रदेश, जो कि एक यूनियन टैरिटरी है, उसकी असेम्बली को

[श्री बूटा सिंह]

इस काबिल बनाया जाय कि जब पंजाब, हिमाचल प्रदेश और हरियाणा प्रान्त का पुनर्गठन होना है, उस समय हिमाचल प्रदेश की असेम्बली को भी यह हक हासिल हो कि वह अपनी राय दे सके ।

परन्तु एक तरफ़ हमारी सरकार यूनियन टैरिटरी की असेम्बली को यह हक देने जा रही है कि वह रिआर्गेनिजेशन के मामले के ऊपर अपनी राय दे सके, दूसरी तरफ़ मैं मंत्री महोदय से यह पूछना चाहता हूं कि पंजाब असेम्बली, जो कि हर तरह जीवित है, जैसाकि हम अनुभव कर रहे हैं कि पार्लियामेंट में पंजाब के रिआर्गेनिजेशन का बिल आ रहा है और वह बिल पंजाब की इलेक्टेड असेम्बली को पहले नहीं भेजा जा रहा है । पहले वह पार्लियामेन्ट में पेश होगा, उसके बाद असेम्बली को कहा जायगा कि इस पर हस्ताक्षर कर दो । यह निहायत ही अन-डेमाक्रेटिक स्टेप होगा । इसलिये मैं इस समय मिनिस्टर साहब को यह वार्निंग देना चाहता हूं कि अगर आप यूनियन टैरिटरी की असेम्बली को यह सुविधा देने जा रहे हैं कि रिआर्गेनिजेशन के ऊपर अपने विचार रखे और फ़ैसला दे सके, तो कोई वजह नहीं है कि आप पंजाब की असेम्बली को इस से वंचित रखें । पंजाब के रिआर्गेनाइजेशन का सवाल रह जाता है । आपको मालूम ही है कि पंजाब का रिआर्गेनाइजेशन करवाने के लिए कितना संघर्ष करना पड़ा है । इसके पीछे भी एक बहुत बड़ा इतिहास है । आज हमें उन्नीस बरस आज़ाद हुए हो गए हैं । अगर मैं यह कहूं कि पंजाबियों ने आजादी की लड़ाई में सब से आगे हो कर हिस्सा लिया था तो यह कोई गलत बात नहीं होगी, कोई बेजा बात नहीं होगी । लेकिन इसके साथ-साथ मैं यह भी कहना चाहता हूं कि उन्हीं पंजाबियों को इस बात के लिए भी लड़ना पड़ा है कि एक उसूल जो कि आज़ाद हिन्दुस्तान में माना गया था आज़ादी के बाद कि हिन्दुस्तान की नए सिरे से तनज़ीम होगी भाषा के आधार पर, उस उसूल को पंजाब पर भी लागू किया जाए । इस उसूल को तमाम सूबों में लागू किया गया था केवल पंजाब में इसको लागू नहीं किया गया था । मैं समझता हूं कि जानबूझ कर सरकार ने इसको वहां लागू नहीं किया था । पंजाब के रहने वाले लोगों को इस उसूल को मनवाने के लिए कड़ा संघर्ष करना पड़ा और कुर्बानियां देनी पड़ीं । उनकी थे कुर्बानियां हिन्दुस्तान की आज़ादी की लड़ाई में जो कुर्बानियां दी गईं उन से कहीं ज्यादा थीं । जेलों में कितने लोग गए, कितनों को गोली से उड़ाया गया, कितनों को लाठियों से मारा गया, यह तादाद अगर आप मालूम करेंगे तो मेरी बात की सच्चाई का आपको पता चल जाएगा । पंजाब के लोगों ने जो दुख सहे हैं पंजाबी सूबा प्राप्त करने के लिए उसकी मिसाल हिन्दुस्तान की आज़ादी के इतिहास में या पंजाब के अब से पहले के इतिहास में आपको नहीं मिल सकती है । मैं मौजूदा सरकार को इस सब के लिए जिम्मेदार ठहराता हूं । जिस तरीके से पंजाबी सूबे के मसले को हल करने की कोशिश की गई है और की जा रही है वह तरीका भी बहुत क्वेश्चनेबल है । पहले तो सरकार जो लोग पंजाबी सूबा मांगते थे उनको एक किस्म का मुजरिम समझती थी, उनको सरकार से मिलने तक के लिए समय नहीं दिया जाता था । पंजाब के चीफ मिनिस्टर ने सन्त फ़तह सिंह को यहां तक कह दिया था कि हमारे पास आपके साथ बात करने के लिए समय नहीं है । लेकिन जब उन्होंने अपना डिटर्मिनेशन दिखाया और सन्त जी के साथियों ने यह कहा कि हम समय मांग कर आपसे मिलने वाले नहीं हैं तो प्रधान मंत्री जी ने, स्वर्गीय प्रधान मंत्री जी ने उनको यहां बुलाया और जो बातचीत हुई उस बातचीत के फलस्वरूप सरकार ने अपनी नीति बदली और सरकार ने जो कुछ दीवार पर लिखा हुआ था उसको पढ़ने की कोशिश की । उस चीज़ को अनुभव करते हुए भी जिस तरीके से पंजाबी सूबे के

मसले को हैंडल किया गया है, यह भी काबिले एतराज़ था । एक समिति सरकार ने बना दी । जब सरकार ने देखा कि उस समिति ने काम करना शुरू कर दिया है तो उस समिति के ऊपर एक कैबिनेट की सब-कमेटी चढ़ा दी । जब सब-कमेटी ने काम करना शुरू किया तो उसके ऊपर कांग्रेस पार्टी की एक समिति बिठा दी....

उपाध्यक्ष महोदय : इस सब को कहने से अब क्या फ़ायदा है । बिल के बारे में जो कुछ कहना हो कहें ।

श्री बूटा सिंह : जिस तरीके से इस बिल को सदन के सामने लाया जा रहा है उसको देखते हुए मैं कुछ एश्योरेंसिस सरकार से चाहता हूं । मैं जानना चाहता हूं कि क्या इसी सदन के इसी सेशन में रिआर्गेनाइजेशन के बिल को पास करवाया जाएगा या नहीं करवाया जाएगा ? इसका कारण यह है कि जनरल इलैकशंज़ बहुत नज़दीक हैं । जिस तरह से इस सरकार की मशीनरी मूव कर रही है और जैसा हमारा तजुर्बा है, और जिस तरह से पंजाबी भाषा भाषियों की मांग को पीछे हटाया गया है उससे उन लोगों के मन में भी कुछ शक पैदा होने शुरू हो गए हैं जिन के ऊपर इनको आज तक शक रहा है और जिन की मांगों को पूरा करने के लिए सरकार ने पंजाबी सूबा बनाने की घोषणा की है । उनको शक इस बात का है कि शायद इसी सैशन में यह बिल पास नहीं होने दिया जाएगा और इसको लम्बा किया जाएगा । दहेजिया कमेटी बैठी हुई है । उसने अभी तक अपनी बैठकें भी शुरू नहीं की हैं । यह जो टालमटोल की जा रही है इसकी वजह से इन लोगों के दिलों में शक पैदा होने शुरू हो गए हैं । मैं चाहता हूं कि उनके इन शकूक को दूर किया जाए

कई मेरे भाइयों ने चंडीगढ़ का सवाल भी उठाया है । हमारे पीटर अलवारेस साहब ने कहा है कि चंडीगढ़ हरियाणा प्रान्त का हिस्सा है । मैं इस वाद-विवाद में पड़ना नहीं चाहता हूं । मैं केवल इतना ही कहना चाहता हूं कि कोई भी निष्पक्ष जांच अब भी हो जाए तो जो असली हालत है उसका आपको पता चल जाएगा । आज भी वहां के अस्सी परसेंट लोग जो हैं वे पंजाबी बोलते हैं, पंजाबी ओरिजन के हैं, उनकी भाषा पंजाबी है, उनकी जायदाद चंडीगढ़ में है और जो चंडीगढ़ से उठाये गये लोग थे वे भी पंजाबी थे । इस वास्ते चंडीगढ़ को वाद विवाद का विषय बनाना या इस पर चर्चा करना अच्छी बात नहीं है । मैं प्रो० हिरेन मुखर्जी को बहुत धन्यवाद देता हूं कि उन्होंने यह कहा है कि चंडीगढ़ पंजाब का ही एक हिस्सा है । इस में कोई शक नहीं है कि यही एक पार्टी है जिस ने पंजाबी सूबे के बारे में शुरू से एक ही स्टैंड लिया है, कंसिस्टेंट स्टैंड इसका रहा है । इस पार्टी के सिवाय और रिपब्लिकन पार्टी के सिवाय पंजाब में कोई भी ऐसी पार्टी और नहीं थी—सिवाय कुछ एक कम्युनलिस्ट हिन्दुओं के जिन्होंने अपनी मातृभाषा को ही छोड़ दिया था...जिस ने कंसिस्टेंट स्टैंड न लिया हो । इन्होंने कभी पंजाबी सूबे का विरोध नहीं किया ।

मैं सरकार से कुछ एश्योरेंसिस चाहता हूं । एक तो यह है कि इसी सैशन में रिआर्गेनाइजेशन के बिल को इंट्रोड्यूस करवा कर उसको पास किया जाएगा और पंजाब स्टेट को रिआर्गेनाइज कर दिया जाएगा । दूसरी बात यह है कि आज हम ने शिरोमणी गुरुद्वारा प्रबन्धक कमेटी के प्रेज़ीडेंट के स्टेटमेंट को पढ़ा है । उनके दिल में शक पैदा होने शुरू हो गये हैं । उन्होंने एक रेजोल्यूशन भी पास किया है । सरकार ने जो तरीका अख्तियार किया है, उसको ले कर उनके मन में शकूक पैदा हो गए हैं जिस तरीके से पंजाबी सूबे की स्थापना में, हरियाणा की स्थापना में, हिमाचल प्रदेश की स्थापना में देर लगाई जा रही है उससे पंजाब के लोगों के दिलों में

[श्री बूटा सिंह]

फिर वही शक पैदा हो गए हैं कि सरकार टालमटोल करके इस मसले को कहीं कोल्ड स्टोरेज में न रख दे । मैं चाहता हूं कि मंत्री महोदय इस हाउस को एश्योर करें कि जिस रिआर्गेनाइजेशन आफ दी स्टेट वाले बिल को वह लाने जा रहे हैं और जिस के लिए यह एमेंडमेंट दी गई है वह बिल पहले पंजाब असेम्बली को भेजा जाएगा और पंजाब असेम्बली की बेइज्जती नहीं होने दी जाएगी । दूसरी बात यह है कि इस सेशन में यह जो बिल रिआर्गेनाइजेशन का है इसको पास किया जाएगा । तीसरी बात यह है कि चंडीगढ़ के बारे में कोई वाद-विवाद नहीं होना चाहिये । इसका कारण यह है कि वह पंजाब का एक हिस्सा है और पंजाब का हिस्सा बना रहना चाहिये ।

श्री गो० ना० दीक्षित (इटावा) : उपाध्यक्ष महोदय, आपको याद होगा कि इसी सदन में जब आप अध्यक्ष पद पर आसीन थे तब होशंगाबाद नर्सिंहपुर के माननीय सदस्य श्री हरि विष्णु कामत जी ने एक प्राइवेट मैम्बर्ज बिल इस सदन में उपस्थित किया था और उस बिल के द्वारा इस बात की याचना की गई थी कि अंदमान निकोबार के नाम को बदल कर दूसरा नाम रख दिया जाए । मैंने उस बिल पर यह आपत्ति की थी कि शब्द स्टेट का अर्थ यूनियन टैरिटरी भी होता है इसलिये बिना प्रेजीडेंट की अनुमति के यह बिल इस सदन में नहीं लाया जा सकता है । आपको याद होगा कि आपने रूलिंग दी थी कि यूनियन टैरिटरी स्टेट के शब्द के अन्तर्गत नहीं आती । यह सही है कि बाद में मैंने स्पीकर साहब की अनुमति से इसका क्लेरिफिकेशन किया था और एक वक्तव्य दिया था और उस वक्तव्य में मैंने हवाला दिया था कि संविधान में जहां कोई माने किसी शब्द के नहीं दिये हुए हैं वहां यह तय किया हुआ है कि जनरल क्लाजिज एक्ट में जो माने वहां दिये गये हैं वे संविधान के लिए भी लागू होंगे और जनरल क्लाजिज एक्ट में यह बात दी गई है कि स्टेट शब्द के माने में यूनियन टैरिटरी भी आएगी । इस पर मुझे क्लेरिफिकेशन की अनुमति दी गई थी । किन्तु जब तक आपकी या स्पीकर महोदय की कोई और रूलिंग इस विषय पर नहीं होती है तब तक इस सदन में एक ही रूलिंग है और वह यह है कि स्टेट शब्द के अन्तर्गत यूनियन टैरिटरी नहीं आती । दूसरी तरफ जहां तक सर्वोच्च न्यायालय का सम्बन्ध है अभी विधि मंत्री जी ने बताया है कि दो नजीरें एक दूसरे के विरोधाभासी हैं । मेरा अपना ख्याल है कि पहली नजीर में सुप्रीम कोर्ट का ध्यान जनरल क्लाजिज एक्ट की परिभाषा की ओर दिलाया नहीं गया, दूसरी में दिलाया गया होगा । चाहे जो हो आपके सामने दो नजीरें उपस्थित हैं । ऐसी दशा में जब आपका रूलिंग एक तरफ है सर्वोच्च न्यायालय विभाजित है, मैं समझता हूं कि ला मिनिस्टर ने यह बहुत ही अच्छा किया है कि इस सवाल को बजाय इसके कि कोई झगड़ा रहे या दो विचार रहें इस बिल के द्वारा साफ कर दिया है । जब इतना बड़ा प्रश्न देश के सामने हो और देश ने फैसला किया हुआ हो कि पंजाबी सूबा और हरियाणा प्रान्त बनाये जायें और इसके लिए कोई शक कायम रहता है और अन्त में किसी समय अगर यह चीज सुप्रीम कोर्ट के सामने जाती है और सुप्रीम कोर्ट फैसला कर देती है कि यूनियन टैरिटरी शब्द स्टेट के अन्तर्गत नहीं आता है और आपका फैसला रद्द हो जाए तो उससे अच्छा है कि इसकी सफाई कर दी जाए । इसलिये यह जो विधेयक आज हमारे सामने आया है मैं उस का समर्थन करता हू ।

14 hrs.

जहां तक इस विधेयक का ताल्लुक है वह तो ठीक है लेकिन कुछ प्रश्न ऐसे हैं जो संविधान से वास्ता रखते हैं । मैं समझता हूं कि सरकार और विधि मंत्री को यह चाहिए कि संविधान के सम्बन्ध में पिछले सोलह वर्षों में हमें जो तजुर्बात हुए हैं, जिन के आधार

पर हम समझते हैं कि संविधान में अमुक अमुक परिवर्तन किये जाने चाहिए, ताकि हमारे देशमें शासन अच्छे प्रकार से चले और संविधान में संशोधन के बारे में देश के विभिन्न वर्गों से जो तरह तरह के सुझाव आ रहे हैं उन के मुताबिक संविधान में संशोधन करने के लिए एक काम्प्रिहंसिव बिल लाया जाये । 1950 में जब कि हमने संविधान पास किया, आज तक जब जब जरूरत होती है कोई विशेष समस्या उपस्थित होती है या सरकार के सामने कोई विशेष प्रश्न ले जाया जाता है तब तब हम पाते हैं कि संविधान में संशोधन करने के लिए एक बिल लाया जाता है । उदाहरण के लिए आप देखेंगे कि हाई कोर्ट के जजिज के सम्बन्ध में हमने इस सदन में तीन बार संविधान में संशोधन उपस्थित किये । लेकिन संविधान में जो संशोधन करने की आवश्यकता है, उन के बारे में कभी एक बार बैठ कर विचार नहीं किया गया है । माननीय सदस्य, श्री शास्त्री, ने जब एक प्राईवेट बिल उपस्थित किया था, तब भी मैंने यही निवेदन किया था कि अब वक्त आ गया है कि इन तमाम प्रश्नों के बारे में पार्लियामेंट के मेम्बरों की राय पर एक साथ विचार करके देश हित को दृष्टि में रखते हुए एक काम्प्रिहंसिव कांस्टीट्यूशनल एमेंडमेंट बिल इस सदन में लाया जाये । मैं आशा करता हूं कि विधि मंत्री इस पर विचार करेंगे । धन्यवाद ।

Shri Virbhadra Singh (Mahasu): Mr. Deputy-Speaker, Sir, I rise to support the Bill before the House. At the very outset, I would like to congratuate the Government for their decision to reorganise Punjab on a linguistic basis and to merge the hill areas of Punjab with Himachal Pradesh. It is a very wise decision, and may only regret is that it was not taken earlier as that would have avoided much of the heart-burning that we find in Punjab today.

I am one of those people who feel that it was originally a big mistake to have accepted the principle of linguistic States, as I feel by doing so we have shaken the very foundations of Indian unity. But having accepted this principle and having reorganised States on this basis, I think it was only fair that the same principle was made applicable to Punjab also. Therefore, I welcome the decision of the Government to reorganise Punjab on a linguistic basis and to create a Punjabi-speaking State and Haryana State and to merge the hill areas of Punjab with Himachal Pradesh.

The question of the political feature of the Union Territories is greatly agitating the minds of the people of Union Territories. I come from Himachal Pradesh, and I know it is a very live question there today. The people as a whole are dissatisfied with the present set up there. The Union Territories have come into being as a result of various historical factors, and it is only natural that they cannot be grouped together in the matter of any final solution. It is for each Union Territory to decide what its future is going to be. So far as the people of Himachal Pradesh are concerned, we are looking forward to the day when Himachal Pradesh shall become a full-fledged State within the Indian Union. I think if our demand was justified before, this demand is more than justified now after Hamachal Pradesh is going to be double in area resources and in population. Just now my hon. friend from Kangra, Shri Hem Raj, said that Himachal Pradesh is going to be doubled in area and in population. He also cited instances of such Union Territories in the United States which graduated from that status to statehood. I think the time has come when the Union Government should clearly declare the policy regarding the future of the Union Territories. They cannot leave us in the lurch. They cannot leave our fate undecided. The time has come when they should categorically state what our future is going to be. We refuse to be in the lurch, and we refuse to be treated as second-class citizens. I want to say, our demand is that

[Shri Virbhadra Singh]

Himachal Pradesh should become a full-fledged State immediately. This is the demand of the people of Himachal Pradesh. But there are other Union Territories also, and it is for the Government to decide once and for all what their future is going to be. It may not be possible for Government to concede the status of statehood to all the Union Territories straightway, but Government can always lay down standards, always say that if a Union Territory reaches such and such a standard that Territory shall automatically become a State. If such standards are laid down, I think all the doubts that are in the minds of the people of Union Territories regarding their political future will be set aside and they will concentrate more on productive and better constructive work rather than worry about their political future.

Therefore, while supporting this Bill, I earnestly hope that Himachal Pradesh which now, as has been pointed out, has become bigger in area than even Punjab and Hariana, will be given its legitimate status and will be ushered is as a fill-fledged State of the Indian Union.

श्री युद्धवीर सिंह (महेन्द्रगढ़) : उपाध्यक्ष महोदय, जहां तक संविधान के संशोधन का प्रश्न है, जिस को कानून मंत्री, श्री पाठक लाए हैं, उस में मुझे और मेरी पार्टी, जनसंघ, को किसी प्रकार की कोई आपत्ति नहीं है । इस से सम्बन्धित जो और बातें हैं, समयाभाव के कारण मैं संक्षेप में उन की चर्चा करूंगा ।

इसमें कोई शक नहीं है कि हमने सिद्धांत रूप से पंजाब के विभाजन का विरोध किया था और आज भी करते हैं, क्योंकि इस से विभाजन की प्रवृत्तियों को प्रश्रय मिलता है, जिस के कारण देश के टुकड़े टुकड़े हो जाने का ख़तरा है । यह सब कुछ होने के बाद हम इस एक बात पर टिक गए थे कि जो कुछ भी किया गया है, वह देश में शांति बनाए रखने और देश की एकता बनाए रखने के नाम पर किया गया है ।

इस के बाद केन्द्रीय सरकार की तरफ़ से एक कमीशन की नियुक्ति हुई और कहा गया कि वह कमीशन जो कुछ भी रिपोर्ट देगा, वह सब के लिए मान्य होगी । काफ़ी समय और पैसा व्यय करने के बाद कमीशन ने अपनी रिपोर्ट दी । उस कमीशन की रिपोर्ट के बारे में पंजाब के सब निवासियों को यह विश्वास दिलाया गया कि कमीशन जो कुछ भी शिफ़ारिश करेगा, उस को पूरी तरह से लागू किया जायेगा । जब कमीशन की रिपोर्ट आई, तो केन्द्रीय सरकार ने उस की बहुत सी सिफ़ारिशों को किन्हीं विशेष कारणों से नहीं माना और वे कारण बिल्कुल साफ़ हैं । अभी मुझ से पहले बोलने वाले अकाली साहब यह कह गए कि सरकार ने हिन्दू फ़िरकापरस्तों से डर कर अमुक काम नहीं किया । मैं तो कहूंगा कि कुछ सिख फ़िरकापरस्तों, सिख सम्प्रदायवादियों से डर कर और घबरा कर सरकार ने कमीशन की कई सिफ़ारिशों को नहीं माना और चंडीगढ़ के बारे में और कई अन्य मदों के बारे में ठीक निर्णय नहीं लिया ।

उस वक्त हमारे विरोध का चाहे कोई आधार हो, लेकिन हरियाणा में रहने वाले होने के नाते में सरकार के सामने बिल्कुल साफ़ कह देना चाहता हूं कि हरियाने की जो जनसंघ यूनिट है उसकी यह बिल्कुल निश्चित राय है कि चंडीगढ़ हरियाने का हिस्सा बनता है और उस रिपोर्ट को शत प्रतिशत मान कर जब आप 1961 की जनगणना को आधार मानते हैं तो कोई कारण नहीं दिखाई पड़ता कि आप किसी प्रकार कुछ फ़िरकापरस्तों के डर से, उन के आग में जलने या कुएं में कूदने की धमकी से अपना निर्णय बदलें । इस प्रकार की आग में जलने या कुएं में कूदने की धमकी दूसरे लोग भी दे सकते हैं । अगर उसकी वजह से रोजाना आप अपने फ़ैसले बदलते हैं तो क्या जरूरत है आप को, इस प्रकार कमीशन नियुक्त करते हैं, देश का पैसा, देश का समय बर्बाद करते हैं और जनता के साथ सारे का सारा खिलवाड़ करते हैं । इसलिए चंडीगढ़ को केन्द्र के अधीन रखने

का जो निर्णय लिया है उस का हम विरोध करते हैं ।

फाजिल्का, ऊना और पठानकोट का जहां तक संबंध है वह सारे के सारे हिन्दी भाषाभाषी इलाके थे । पर चूंकि कमीशन ने अपनी रिपोर्ट दे दी, इसलिए हमने कहा कि चलो, शांति और एकता की बात पर हम इस बात को मानें । मगर फिर भी सरकार ने दबाव में आ कर भय से, पता नहीं सिख कितनी बड़ी बगावत कर देंगे, इस भय से जो एक इस तरह की बात की, उस की मैं खुल कर निन्दा करता हूं ।

दूसरी बात—जहां तक हिमाचल प्रदेश का प्रश्न है, मैं इस बात को बिल्कुल स्पष्ट कर देना चाहता हूं जनसंघ पार्टी की तरफ से कि हम लोग, जो हेमराज जी ने बात रखी है, उस का खुल कर समर्थन करते हैं । उन को पूरा इस बात का हक है, और कोई ऐसा तर्क समझ में नहीं आता कि क्यों हम व्यर्थ की ऊल जलूल बातों में पड़ के उस को केन्द्र शासित प्रदेश घोषित करें। 13 लाख की आबादी हिमाचल प्रदेश की पहले थी, 16 लाख की अब और मिली है । तो कोई ऐसा गुनाह हिमाचल प्रदेश वालों ने नहीं किया कि उन को पूरे रूप से एक प्रदेश का स्तर न दिया जाये । जो कुछ मेरे कांगड़ा के साथी और दूसरे साथियों ने इस संबंध में मांग रखी है, उस का हम लोग पूर्ण रूप से समर्थन करते हैं ।

इसी के साथ साथ एक और मांग है । सारे के सारे पंजाब में काफी एक संशय फैला हुआ है । जहां तक कि हरियाने का सवाल है, वहां असेम्बली के मेम्बर 52 या 53 हैं और संविधान के हिसाब से, मैं चाहूंगा कि विधि मंत्री जी जवाब देते समय इस बात का जवाब अवश्य दें कि विधान सभा तब बन सकती है जब 60 या 60 से अधिक सदस्य हों, तो हरियाने के अन्दर सदस्य कम हैं । ऐसी स्थिति हिमाचल प्रदेश की भी है । पंजाबी सूबे के अन्दर हो सकता है कि मेम्बर पूरे हों । तो इस संबंध में मैं यह मांग करता हूं, हो सकता है कल को कांस्टीट्यूशन का कोई और अमेंडमेंट ले कर के पाठक जी आयें, इससे अच्छा तो यह है कि वह इस बात का निर्णय करें कि जब तक अगला चुनाव नहीं होता और पूरे मेम्बर कम से कम हरियाने में नहीं आते, उस समय तक राष्ट्रपति का शासन हरियाने में लागू रहेगा क्योंकि उन हिस्सों के अन्दर भी बहुत सुन्दर शासन चल रहा है । इसलिए और किसी प्रकार का संविधान का संशोधन लाने की बात अगर करते हैं तो वह अपने समय का और सरकार के पैसे का अपव्यय होगा । सरकार पूरी तरह से घोषणा करे इसी अमेंडमेंट के साथ कि हरियाने के अन्दर, पंजाब में और हिमाचल प्रदेश में राष्ट्रपति शासन तब तक लागू रहेगा और जब असेम्बली का एलेक्शन हो जायगा, विधिवत असेम्बली बन जायगी, तब यहां मंत्रिमंडल बन सकेगा ।

मैं एक निवेदन और करना चाहता हूं कि जो कुछ पंजाब में हुआ है उस को और बढ़ावा न दिया जाय । केन्द्रीय सरकार के ऊपर इस बात की जिम्मेदारी है और वह व्यर्थ के भय को छोड़ कर काम करे । डराने और धमकाने की भाषा में जो एक रिपोर्ट कमीशन की तरफ से आयी है उस के अन्दर अगर वह चंडीगढ़ के प्रश्न को दोबारा खोलते हैं तो और बहुत सारे प्रश्न खुलेंगे । फाजिल्का का प्रश्न है । फाजिल्का में सिवाय इस के कि सरदार इकबाल सिंह का गांव हिन्दी स्पीकिंग एरिया के बीच में आ रहा था, और बाकी उसके अलावा 20-30 मील का सारा एरिया सब ऐसा ही था। सब हिन्दी स्पीकिंग एरिया था । लेकिन रिपोर्ट आने के बाद उस को न चाहते हुए भी हम ने माना है । तो अगर चंडीगढ़ के प्रश्न को खोला जायगा तो सारे के सारे प्रश्न खोल जायेंगे । यह विभाजन का जो काम हुआ है, यह सही हुआ है या गलत, इस को भविष्य बतलायेगा । मेरा

[श्री युद्धवीर सिंह]

सरकार से यह निवेदन है कि सरकार अपने निर्णय पर दृढ़ रहे और अपने निर्णय को किसी भय के कारण न बदले । चंडीगढ़ के बारे में अगर उनके वश की बात नहीं है, जैसा कि मैं समझता हूं कि शायद उन के वश की बात नहीं है, सारे के सारे मंत्रिमंडल के वश की बात है, तो वह इस निर्णय पर विचार करें, हमारे यह विचार और भावनाएं मंत्रिमंडल तक पहुंचायें कि वह हरियाने के अन्दर रहना चाहिए और वह हरियाने का का ही हिस्सा है ।

Shri U. M. Trivedi (Mandsur): Sir, may I ask your permission to move my amendments? I have already given notice of my amendments.

Mr. Deputy-Speaker: Shri D. C. Sharma.

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, Sir, I welcome, this Bill and I do so for several reasons. In the first place, it fulfils the long-cherished desires of the Punjabi-speaking people in Punjab and, in the second place, it satisfies the needs of the Hariana people who have been complaining that their economic development has not gone on as well as it should have.

Linguistic division of the country is an established fact of our Constitution and is a well-known fact of Indian history. No one can take exception to it. When we did so, we created two bilingual States—one was the State of Maharashtra and Gujarat and the other was the State of Punjab and Hariana. Maharashtra and Gujarat were broken up into two after some time but the Punjab went on and our late Prime Minister, Pandit Jawaharlal Nehru, said that the whole of the Punjab is a Punjabi Suba State and the dominant language of that region is Punjabi.

श्री जगदेव सिंह सिद्धांती (झज्जर) : सर्वथा मिथया बात है ।

Shri D. C. Sharma: But things have changed; much water has flowed in each village and beneath the bridges of the Yamuna. New forces have come into being; new aspirations have sprung up; new desires have arisen and new leadership has come into prominence. The result is that the principle of bilingualism has been given up and now we have the Hindi-speaking area of the Hariana Prant and the Punjabi-speaking area of the Punjab. Of course, I would say that in this linguistic division some of us had our misgivings but we have accepted it now.

A question has been raised about Pathankot and some other places. It has been said that these are Hindi-speaking areas. It is true. The Pathakot people came to me also and saw the Prime Minister and other Ministers of the Union Government saying that they should be tagged on to Himachal Pradesh. Even the inhabitants in Gurdaspur Tehsil wanted that. But somehow that things has not happened. They came again and wanted that Pathankot Tehsil, which has a strategic importance, should be declared as a Union territory. But that also was not accepted. Anyhow, I accept the proposition that Pathankot should stay as it is and that the Punjab and Hariana Prant should continue to flourish.

But I have felt very unhappy about one thing. There was a talk about common links between these two States; that there should be a common High Court, and common public service commission and some other things which should be in common between the two States. But, unfortunately, that thing has not happened. That makes me unhappy.

Shri M. S. Aney (Nagpur): Common capital.

Shri Himatsingka (Godda): Why should you be unhappy?

Shri D. C. Sharma: I think, happiness is the privilege of the unwise and unhappiness is the privilege of the wise.

I was submitting very respectfully that I would have liked that there should have been some inter-connecting thing between these two States. But if that does not happen, I am not going to feel worried about it. So, I welcome it. I also welcome that Himachal Pradesh has received more territory under the reorganisation scheme of the old Punjab State. For instance, there were three hill stations in my constituancy, Dalhousie, Bakloh and Ballvalun and all those have been taken away by Himachal Pradesh. At the same time, Himachal Pradesh which had already so many forests and almost all the forests of Punjab have been appropriated by Himachal Pradesh.

श्री हिम्मतसिंहका : देश में ही तो रहे, देश से चले तो नहीं गये।

Shri D. C. Sharma: I know what you mean. You talk in the language of capitalism and imperialism. I am talking in the language of socialism.

I was submitting very respectfully that they have been taken away by Himachal Pradesh. But I wish well to Himachal Pradesh. I do say that Himachal Pradesh has made a remarkable progress under the leadership of Dr. Y. S. Parmar. I must also say that the progress has been all round, economic, social and educational. I must also say that the leadership in Himachal Pradesh is very stable and I do not see any reason why Himachal should continue to be a Union territory. I would very much like that it should have all the privileges that you grant to any other State. After all, there are Ministers there and those Ministers enjoy all the privileges or the prerogatives which the Ministers enjoy anywhere else. They have a budget; they have an elected Assembly. They have a budget which is passed by the Assembly; they have their Five Year Plan and they have their programme of educational and other kinds of development. So, when they have all the paraphernalia of a State, I see no reason why you should call Himachal Pradesh a Union Territory. It is to call a right thing by the wrong name. When Himachal Pradesh is enjoying all the privileges or the prerogatives of a full-fledged State, I do not see any reason why Himachal Pradesh should not become a State in the same sense in which Harayana Prant has become a State or Punjab has become a State or any any other State.

Now, a question has been raised about Chandigarh. I ask you one question and it is this: Which Report has been accepted by us *in toto*? So many leaders, public men, sat together when the reorganisation of States took place. They were persons of unquestionable eminence and they were persons whose recommendations should have been accepted *in toto*. But we did not do so. If all the recommendations are to rest with the members of the Commission and if all the recommendations of the Commission are to be accepted, I think, the Parliament becomes a superfluous thing, the Cabinet becomes an utterly useless appendage of the parliamentary Government and even the Parliament ceases to be a body which can exercise any influence of any kind. Therefore, to say that since something has been said in that Report which I desire and which should be accepted, is to say something which is contrary to commensense and contrary to human experience.

I think, our Union Government has done very well in declaring Chandigarh a Union Territory. I hope it will continue to be as such. I hope that this Law Minister—I do not know how long he will last—will not bring an amending Bill saying that Chandigarh has been handed over to this State or that State. Let Chandigarh continue to enjoy the unprecedented, the unparalleled, position as it enjoys today, a show-window of India for the whole world. Let it remain like that and, I think, there should be no tinkering with the decision that has already been taken.

(Shri D. C. Sharma)

With these words, I commend this Bill. I welcome the Punjabi State; I welcome the Haryana State and I welcome Himachal Pradesh with all its new acquisitions and I welcome Chandigarh which has been declared as a Union Territory which, I hope, will continue to be a Union Territory to preserve its entity.

श्री प्रकाशवीर शास्त्री : उपाध्यक्ष महोदय, मैं लाला हेमराज और उनके मित्र जो हिमाचल प्रदेश से इस संसद में हिमाचल का प्रतिनिधित्व करते हैं, उनके इस प्रस्ताव का समर्थन करता हूं कि हिमाचल प्रदेश को संघ-राज्य क्षेत्र से हटा कर एक पूर्ण राज्य बनाया जाय और उसी प्रकार की विधान सभा वहां पर गठित हो, जिस प्रकार की विधान सभायें दूसरे अन्य राज्यों में हैं। परन्तु इस के साथ साथ मेरा अपना यह विचार भी है कि हिमाचल प्रदेश के आकार-प्रकार को थोड़ा और बढ़ाया जाय। वैसे तो हिमाचल के लोग बड़े भाग्यशाली हैं। पंजाब के इस बटवारे का सब से बड़ा लाभ हिमाचल प्रदेश को पहुंचा है। जहां 13 लाख की आबादी को 16 लाख की आबादी और मिल गई और अब उनकी आबादी 29 लाख हो गई। पंजाब के जितने हिल-स्टेशन्ज थे, वे हिमाचल प्रदेश को मिले और अब तक हिमाचल प्रदेश के पास अपनी विधान-सभा के लिये कोई भवन नहीं था, पर अब तो शिमला जैसा शहर उनको मिल गया। लेकिन मैं यह चाहता हूं कि इतने से हिम चल प्रदेश के लोग सन्तुष्ट न हो जायें। हिमाचल प्रदेश की दो बड़ी उचित मांगें हैं, जो हिमाचल प्रदेश को पूरी होनी चाहिय थी। कमीशन ने भी उनका जिक्र किया है और हिमाचल के लोगों को भी बड़ी मजबूती के साथ अपनी उन मांगों को जारी रखना चाहिये– एक है ऊना तहसील के सम्बन्ध में और दूसरी है पठानकोट के सम्बन्ध में।

शाह कमीशन ने अपनी रिपोर्ट में स्पष्ट रूप से इस बात को लिखा है कि ऊना तहसील की आबादी को देखते हुए, हमारी स्पष्ट राय है कि वह हिमाचल प्रदेश को दी जानी चाहिये। लेकिन चूंकि यहां आनन्दपुर साहब का गुरूद्वारा है, इसलिये ऊना तहसील को हम पंजाबी सूबे में रखते हैं। शाह कमीशन के इन शब्दों से ऐसा लगता है कि शाह कमीशन हिन्दुओं और सिखों को अलग अलग समझता है। जब कि मेरी अपनी निजी राय है कि हिन्दू और सिख दोनों का एक धर्म हैं। गुरू गोबिन्द सिंह जी और गुरू नानक देव जी में हिन्दू भी उसी प्रकार श्रद्धा रखते हैं, जिस प्रकार सिख भाई रखते हैं, इसी तरह से राम और कृष्ण में सिख भाई भी उतनी ही श्रद्धा रखते हैं, जितनी हिन्दू रखते हैं। शाह कमीशन की यह भावना कि गुरूद्वारे को देख कर उन्होंने यह कह दिया कि इसे हम पंजाबी सूबे में रखते हैं। यह एक इतने बड़े सम्प्रदाय के साथ उन्होंने बहुत बड़ा अन्याय किया है। मैं चाहता हूं भारत सरकार ने जिस प्रकार से चंडीगढ़ के बारे में अपनी कलम चलाई है उसी प्रकार से शाह कमीशन के निर्णय पर ऊना तहसील के सम्बन्ध में निश्चित रूप से फिर से निर्णय ले और ऊना की यह तहसील हिमाचल प्रदेश को मिलनी चाहिये। इसी प्रकार की स्थिति लगभग पठानकोट की भी है।

परन्तु मैं केवल यहीं तक सीमित नहीं रहना चाहता हूं। मैं नहीं चाहता कि तेरह लाख हिमाचल की आबादी और सोलह लाख की आबादी जो अब पंजाब के बटवारे के बाद हिमाचल प्रदेश को मिलने वाली है इस 29 लाख की आबादी से ही हिमाचली प्रसन्न हो जायें। मेरी अपनी इच्छा यह है कि इसमें 46 लाख की जम्मू काश्मीर की आबादी भी मिलानी चाहिये। जम्मू काश्मीर को हिमाचल प्रदेश के साथ मिला कर एक विशाल हिमाचल प्रदेश का निर्माण किया जाए। इससे जम्मू काश्मीर राज्य की सुरक्षा पर भी

प्रभाव पड़ेगा, देश की मजबूती पर भी उसका प्रभाव पड़ेगा और राष्ट्र के सामूहिक भविष्य पर भी इसका प्रभाव पड़ेगा। हिमाचल प्रदेश के आकार प्रकार को अगर इस प्रकार से बढ़ाया जाए और 29 लाख , वाले हिमाचल में अगर यह 46 लाख की आबादी और मिला दी जाए तो इस 75 लाख की आबादी वाले राज्य को पूर्ण रूप से और मजबूत भाषा में यह कहने का अधिकार हो जाएगा कि हमारी अन्य बड़े राज्यों जैसी विधान सभा हमको मिलनी चाहिये। मैं समझता हूं कि विधि मंत्री आज नहीं तो कल इस प्रस्ताव पर गम्भीरता से और ठंडे हृदय से विचार करेंगे। इससे कई और इस प्रकार के प्रश्नों का भी समाधान होता है जिनके लिए भारत सरकार प्रत्यक्ष न सही तो अप्रत्यक्ष रूप से चिंतित रहती है।

एक बात मैं चंडीगढ़ के सम्बन्ध में भी अवश्य कहना चाहता हूं। शाह कमीशन ने अपनी रिपोर्ट में स्पष्ट रूप से उस बात को लिखा है इस में तो शाह कमिशन में मतभेद था कि चंडीगढ़ पंजाब में जाए या हरियाणा में जाए लेकिन इस प्रश्न के ऊपर कोई मतभेद नहीं था कि चंडीगड़ जिस को जाए वह एक राज्य को ही जाए। केन्द्रीय सरकार ने अपनी कलम लगा कर चंडीगढ़ को आज एक नया वर्लिन बना दिया है जहां दो दो राज्यों की राजधानियां रहेंगी और फिर इसी प्रकार के विवाद शुरू होंगे। जब आपने भाषवार पंजाब का बटवारा किया और भाषा को रेखा माना तो भाषा के आधार पर जितना भाग हरियाणा को जाता था उतना भाग हरियाणा को जाना चाहिये, जितना भाग पंजाब में जाना था उतना भाग पंजाब को जाना चाहिये और जो भाग हिमाचल को जाता था वह हिमाचल को जाना चाहिये था। यह कहां का न्याय है कि भाषा को आप आधार भी मानते हैं और भाषा को आधार मानने के बाद कुछ व्यक्ति विशेषों को प्रसन्न करने के लिए जो क्षेत्र जिस प्रान्त में मिलने चाहियें थे उसको वहां से हटा कर दूसरे प्रान्त में मिलाते हैं। इस प्रकार से क्या आप भाषा के आधार पर राज्यों का निर्माण कर रहे हैं या व्यक्ति विशेषों को प्रसन्न करने के लिए यह कदम आपने उठाया है। किस तरह से आप देश में इस गलत परम्परा को बाद में रोक सकेंगे।

हमारे देश को स्वतंत्र हुए 19 वर्ष हुए हैं और हमारे संविधान को लागू हुए पन्द्रह वर्ष व्यतीत हुए हैं। लेकिन आज यह संविधान में बीसवां संशोधन हो रहा है। यह किसी भी राष्ट्र के लिए स्वस्थ परम्परा नहीं है कि संविधान में इतनी जल्दी जल्दी संशोधन लाये जायें और संविधान की पवित्रता को नष्ट किया जाए। जिस संविधान की रक्षा की प्रतिज्ञा ले कर हम यहां बैठे हैं और जिस संविधान की पवित्रता बनाये रखने में इस देश का सम्मान है उस में पन्द्रह वर्ष संविधान को लागू हुए हों और बीसवां संशोधन आए तो यह बहुत ही चिन्ता का विषय है। जैसे अभी हमारे एक मित्र ने संकेत भी किया है कि एक बार आप इस बात पर विचार करें कि संविधान में और कौन कौन से प्रश्न इस प्रकार के हैं कि जिनमें संशोधन की आवश्यकता है और विचार करने के बाद आप इकट्ठा एक 21वां संशोधन लायें। लेकिन ये जो इतनी जल्दी जल्दी संशोधन आ रहे हैं इस पर कहीं रोक तो लगनी चाहिये, कहीं विराम रेखा तो खिंचनी चाहिये। यह संविधान में आस्था हटाने वाली बात होगी अगर इस तरह से संशोधन बार-बार आते रहेंगे। मुझे विश्वास है कि विधि मंत्री इस बात पर भी गम्भीरता से विचार करेंगे।

Shri Pratap Singh (Sirmur): I rise to support the amendments moved by Shri Hem Raj to the Constitution (Twentieth Amendment) Bill, 1966.

[Shri Pratap Singh]

At the outset, I congratulate the hon. Home Minister and the Union Government on their decision to reorganize the Punjab on a linguistic basis and to integrate its hilly areas with Himachal Pradesh, which may quench the thirst of the long-cherished desire of the people of hilly areas as well as of the people of Hariana and Punjab. But at the same time it seems regrettable that the hon. Home Minister in his statement has declared that Himachal Pradesh would be as it is. In our democratic set-up, every State is given a chance to be developed and to become self-sufficient. Late Shri Lal Bahadur Shastri, when he was the Home Minister, declared once:

> "I feel it is better not to take half-hearted step or half-hearted measures. It is better to delegate whatever powers we have to delegate to them at a stretch and give the power to the representatives of the people to run their own Government."

Sardar Patel also had dreamt of seeing all the States develop and prosper. Particularly he was more concerned with the Union Territories. Once regarding the political development of Himachal Pradesh, he said that Himachal Pradesh was to develop in two stages: first it was to be a province under a Chief Commissioner and then a State under a Lt. Governor and when the proper administrative set-up was completed, it was to be made a full-fledged State. Now the time has come. The present status of Union Territories is not permanent. One day, with constant efforts, they may be developed and made self-sufficient and self-dependent. Take, for example, the present status of Himachal Pradesh, which is going to be changed with the integration of the hilly areas of Punjab like Simla, Kulu, Kangra, Lahaul, Spiti, etc., with Himachal Pradsh. This integration would add to its territory and to its economy.

Parliament has the power to create a State either by separating a territory from any State or uniting two or more States. Under this Article, Union Territories which may attain self-sufficiency and which may become self-dependent cannot be raised to a State. In the U.S.A. every Union Territory can apply for becoming a State when it likes as soon as its population becomes 60,000 male voters. Thus it is quite necessary to adopt measures to enable a Union Territory to become a State when it attains self-sufficiency. It is quite necessary to empower the Union Parliament to raise any Union Territory to the level of a State when it is satisfied that the Union Territory is developed and is self-sufficient. Considering the fact that there is going to be a change in the area, population, etc., of Himachal Pradesh, Government should make a provision to give it the full-fledged status of a State. It is known to you Sir, and to this House that Himachal Pradesh has developed sufficiently in all spheres and has reached a stage when it can be declared as a full-fledged State and I hope that Government will take steps to declare it as a full-fledged State. There is every justification for it

As Mr. Shastri has rightly said, it will be very good if the status of a State is given to Himachal Pradesh immediately, and some areas like Jammu & Kashmir are integrated with Himachal Pradesh. This may also be taken into consideration.

डा० लक्ष्मीमल्ल सिंघवी (जोधपुर) : प्रो० दीवान चंद शर्मा ने कहा है कि पंडित जवाहरलाल नेहरू ने जब यह वक्तव्य दिया था कि पंजाबी सूबा नहीं बनेगा उसके बाद से यमुना में बहुत पानी बहा । मैं समझता हूं कि शायद इस संदर्भ में यह कहना अधिक सही होगा कि इस प्रश्न पर यमुना में रोष और कलह का कीचड़ ज्यादा बहा है । शायद यह कहना सही होगा कि राज्यों के पुनर्गठन की नीति के अभाव में सारे देश में इस प्रकार के असन्तोष की जल्वाय् बहने लगी कि जिस की वजह से अलग अलग किश्तों, अलग अलग

सोपानों में अलग अलग समय पर नए राज्यों का निर्माण किया गया। वास्तव में यह कहा जाए तो अनुचित नहीं होगा कि यदि सरकार राज्यों के पुनर्गठन के प्रश्न को एक ही बार पूरी तरह से और व्यापक रूप से सोच लेती और उसका फैसला, उसका समाधान एक ही बार में कर डालती तो देश में जो असंतोष फैला है, देश में जो व्यापक रूप से आन्दोलन हुआ है वह नहीं होता और देश की एकता को जिस प्रकार का आघात इन आन्दोलनों द्वारा पहुंचा है वह नहीं पहुंचता ।

सरकार की कुछ यह आदत सी हो गई है कि जब तक आन्दोलन नहीं किए जाते, जब तक धमकियां नहीं दी जातीं, जब तक चुनौतियां नहीं दी जाती तब तक वह अपने मन का निर्माण करना नहीं चाहती, किसी ज्वलन्त प्रश्न पर अपना मन बनाना नहीं चाहती । इसीलिए ये प्रश्न इस रूप में खड़े होते हैं और तब उन प्रश्नों के सामने आने से, उन प्रश्नों के समाधान से भी हमारी एकता का मनोबल टूटता है।

उपाध्यक्ष महोदय, एक बात और है, जो हमारे देश को—सारे देश को—सोचनी होगी और वह यह है कि यद्यपि भाषावार प्रान्त-निर्माण का सिद्धान्त हमने स्वीकार किया है, किन्तु भाषावार प्रान्तों के पीछे कोई संकीर्ण धार्मिक या साम्प्रदायिक भावनायें काम न करने पायें । इस बात का हम ने संकल्प करना है और इस संकल्प को हमने अपनी समूची राजनीति में क्रियान्वित करना है कि भाषावार प्रान्त में किसी सम्प्रदाय विशेष के प्रान्त न बनें । इस बात को हमने सिद्ध करना है कि भाषावार प्रान्तों का सम्बन्ध केवल भाषाओं से है, या उन सिद्धान्तों से है, जिन के आधार पर उन का गठन हुआ है । वास्तविकतायें कुछ इस से अन्यथा ही मालूम होती हैं और इस लिए मन में तरह तरह के संशय और सन्देह उत्पन्न होते हैं, तरह तरह की परिकल्पनायें जागती हैं कि कहीं ऐसा तो नहीं है कि इन भाषावार प्रान्तों के सिद्धान्त के आधार पर देश की एकता को तोड़ने का प्रयत्न किया जायेगा । ऐसा नहीं होना चाहिए और इस बात का संकल्प हम ने इस सदन में और देश में अच्छी तरह से दोहराना है कि भाषावार प्रान्तों के माध्यम से ऐसा नहीं होने दिया जायेगा । अन्यथा मैं समझता हूं कि इस संकीर्णता के प्रबल प्रवाह में, इस झंझावात में, हमारी राष्ट्रीय एकता का जो ध्रुव सिद्धान्त है, जो हमारे राष्ट्रीय जीवन की मूल प्रस्थापना है, वह डह जायेगी और बह जायेगी । मैं समझता हूं कि अब भी समय है कि हम इस विषय पर विशेष रूप से ध्यान दें और देश की एकता को बनाए रखें । भाषावार प्रान्तों के बनने के बाद भी देश की एकता बनाए रखी जा सकती है, किन्तु उस के लिए विशेष प्रयत्न की आवश्यकता है और मुझे दीखता है कि उस प्रयत्न का आज हमारे देश में अभाव है ।

वास्तव में संविधान का बीसवां संशोधन एक अविवादग्रस्त विधेयक है । शायद यह कहना अधिक सही होगा कि संविधान का यह बीसवां संशोधन संविधान के सातवें संशोधन की दूसरी किस्त है । सातवें संशोधन से पहले हमारे यहां पार्ट ए, बी और सी स्टेट्स हुआ करती थीं । सातवें संशोधन के माध्यम से एक नया विचार, एक नया बिन्दु, सामने आया और वह यह था कि यूनियन टेरीटरीज, संघीय क्षेत्र, भी होंगे । उस विचार को हमारे संविधान के अनुच्छेद 3 में नहीं लाया जा सका और इसलिए यह कहना चाहिए कि बीसवां संशोधन वास्तव में एक भूल-सुधार के रूप में, एक कारिजेंडम के रूप में, हमारे सामने आया है । इस कारण उस के सिद्धान्त पर वास्तव में कोई विशेष मतभेद की गुंजायश नहीं है ।

[डा० लक्ष्मीमल्ल सिंघवी]

किन्तु, उपाध्यक्ष महोदय, आज सदन अगर क्षुब्ध है, अगर देश आज असंतुष्ट है, तो वह इस बात से कि आयोग की रपट आई, उस की सिफ़ारिशें आईं और अपने निश्चित आश्वासनों के बावजूद भी सरकार ने आयोग की उन सिफ़ारिशों को बदल दिया । आखिर आयोग इस लिए बनाए जाते हैं कि समाज में, और राष्ट्र में, जो विवाद उत्पन्न हो जाते हैं, उन का उचित रूप से समाधान हो सके, इस तरह से समाधान हो सके कि उस के बाद झगड़े आगे न बढ़ें । अगर सरकार को केवल राजनीतिक समाधान ही करना था, तो इस आयोग की आवश्यकता ही क्या थी ? मैं पूछना चाहूंगा कि विधि मंत्री महोदय से कि उन के जैसे सुयोग्य विधि-वेत्ता के होते हुए भी, उच्चतम न्यायालय के एक न्यायाधीश द्वारा संचालित जो आयोग था, उस की सिफ़ारिशों में इस प्रकार का परिवर्तन क्यों होने दिया गया । आखिर सरकार यह बात कह चुकी थी कि इस आयोग की सिफ़ारिशें उस को पूर्ण रूप से स्वीकार्य होंगी । आयोग की सिफ़ारिशें चाहे बहुत अच्छी हों और चाहे बहुत अच्छी न हों, किन्तु आयोग का—आरबिट्रेशन का—सिद्धान्त ही यह है, इस प्रकार का आयोग बनाने का मूल प्रयोजन ही यह है कि उस की सिफ़ारिशों को पूरी तरह से क्रियान्वित किया जाये और मैं नहीं समझता कि इस मामले में हस्तक्षेप कर के सरकार ने कोई बहुत अच्छा कदम उठाया है ।

इस संदर्भ में मैं दो तीन और प्रश्न उठाना चाहता हूं । विशेषतया मैं जानना चाहूंगा कि आज पंजाब में जैसी स्थिति है, उसको दृष्टि में रखते हुए विधि मंत्री जी संविधान के अनुच्छेद 3 में उल्लिखित इस प्रावधान को क्रियान्विति का क्या तरीका सोचते हैं कि प्रैजिडेंट वहां के विधान-मंडल को यह मामला भेजेगा और उस की राय इस बारे में ली जायेगी ।

मैं यह भी पूछना चाहूंगा कि जो ज़ोनल कौंसिल्ज़ बनाई गई थीं, उन को मूर्त और क्रियान्वित रूप देने का कोई प्रयत्न किया जायेगा या नहीं । अभी माननीय सदस्य, श्री प्रकाशवीर शास्त्री, ने एक सुझाव रखा कि एक वृहत्तर हिमाचल प्रदेश बनाया जाये । यह सुझाव बहुत अच्छा सुझाव हो सकता है, किन्तु प्रश्न यह है कि ज़ोनल कौंसिल्ज़ के रूप में वृहत्तर राज्यों का एक समूह बनाने की जो योजना थी, आखिर उस को अब तक मूर्त रूप क्यों नहीं दिया गया—क्यों उस सारे विचार को बिना मतलब, बिना किसी कारण, अकारण इस प्रकार समाप्त कर दिया गया । आखिर ज़ोनल कौंसिल्ज़ को बनाना एक बहुत बड़ा कदम था । किन्तु बाद में उसे इस प्रकार उपेक्षा की दृष्टि से देखना, इस प्रकार उसे अकर्मण्य बना देना, इस प्रकार उसे बिना किसी फंक्शन्ज़ और पावर्ज़ के बना देना उचित नहीं मालूम होता है ।

विधि मन्त्री स्वयं एक बहुत बड़े वकील हैं, एक बहुत बड़े विधि-वेत्ता हैं । मैं चाहूंगा कि उन के कार्य-काल में इस बात की तैयारी की जाये कि हमारे संविधान में जहां जहां परिवर्तनों की आवश्यकता है, उन्हें किया जाये और संविधान के अन्तर्गत जहां जहां एनेबलिंग लेजिस्लेशन बनना है, जहां जहां कानून बनाने की अपेक्षा संविधान ने हम से की है, उन कानूनों को तैयार किया जाये । उपाध्यक्ष महोदय, आप ने देखा होगा कि जजिज़ एन्क्वायरी बिल किस स्थिति में यहां पर लाया गया । उस समय मैंने सदन से, और सरकार से, कहा था कि अगर इस सम्बन्ध में संविधान के अनुच्छेद विशेष के अन्तर्गत सदन ने कोई कानून नहीं बनाया है, तो उस के लिए जिम्मेदारी सरकार की है । इस प्रकार के कई अनुच्छेद हमारे संविधान में हैं, जिन के

अन्तर्गत किसी कानून विशेष की, किसी विधेयक की, अपेक्षा इस पार्लियामेंट, इस संसद्, से की गई है, किन्तु उस अपेक्षा को मूर्त रूप नहीं दिया गया है। मैं आशा करूंगा कि सरकार उन अपेक्षाओं को, उन आवश्यकताओं को पूरा करेगी और संविधान के अन्तर्गत जहां जहां कानून बनने की व्यवस्था है, जहां जहां कानून बनने की अपेक्षा है, उन कानूनों को बनायेंगी।

Shri J. B. S. Bist (Almora): I welcome this Bill which has been very necessary, especially in view of the fact that there have been two judgments by the Supreme Court about this matter. During the last budget session I had spoken about the hill areas including Nagaland; the Mizo area and other border areas. I had then suggested that this idea might be considered whether we could not introduce a pattern as in America where territories were in vague but with a period fixed for them to acquire full Statehood. I am glad that this Bill opens the way to it, and I fully support it.

The times are such that considering the threat at our borders, this Bill may have to be used more than once. We have today the Uttarakhand area in Garhwal and Kumaon marked out as a border area. It is possible that these may have to be expanded according to circumstances. Similarly, other occasions may arise when this Bill would be needed to form or carve out new Union Territories or territories which may even progress to Statehood.

I had stated here last time that the hill areas of Punjab should have been included in Himachal Pradesh when the latter was originally formed. I am glad that today those areas have been so included, and this satisfies me to a great extent. With Himachal Pradesh progressing as it is doing now, I think it should be seriously considered whether it has not qualified itself for State hood. I should think that it has so qualified itself. Why should these Union territories, as they are called today, not qualify themselves for Statehood under certain rules which you may enact? Or after a certain period, why should they not be converted into States? I learn that even now Himachal Pradesh is doing quite well, and its status is nearly equal to that of a State. Therefore, I feel that its claim for Statehood should be considered.

I find that in the proviso it has been provided that in case an area wants to join some other area making it a Union Territory, the matter would be referred to the legislature of that area. I do not think this was necessary. This is a matter within the exclusive right of the Centre. Of course, there is no objection to the matter being referred to the State for their opinion, but that opinion should not be binding. I think that is what is meant by it because this matter is exclusively the right of the Centre. States generally would not agree to diversting themselves of a portion of their territory.

At present, the shet-up in Himachal Pradesh is going on. But I learn that Himachal Pradesh wants more and is not satisfied with the present shet-up. I hope this matter will also be given consideration.

In conclusion I support the Bill and I am glad that this matter has come up in a very timely manner.

श्री जगदेव सिंह सिद्धान्ती: माननीय उपाध्यक्ष महोदय, मैं माननीय विधि मंत्री जी से यह प्रार्थना करूंगा कि वह मेरा अभिमान न समझें परन्तु मैं सूत्र रूप में निवेदन करूंगा। भाष्य वह अपने आप कर लें। पहली बात यह है कि मैं इस का स्वागत करता हूं। दूसरे, जो सज्जन यह कह रहे थे कि विधेयक बार बार नहीं लाना चाहिए, विधान में संशोधन बार बार नहीं होना चाहिए, मैं उनसे कहना चाहता हूं कि ईश्वरीय जो विधान है वह तो सृष्टि के आदि से लेकर अन्त तक एक रहता है क्योंकि ईश्वर पूर्ण है, सर्वज्ञ है। लेकिन

[डा० लक्ष्मीमल्ल सिंघवी]

मनुष्य का ज्ञान कितना भी वह पढ़े लिखे, कभी पूर्ण नहीं होता, इसलिए हमारे बनाये हुए विधान में परिवर्तन होता रहेगा । इसमें कोई आश्चर्य की बात नहीं है ।

इसके साथ-साथ मैं यह कहना चाहता हूं कि राज्य की जो परिभाषा है, उसका अभिप्राय यह है कि जितनी उसकी सीमा है, उसमें अपने राष्ट्र का वह भाग पूर्ण स्वतन्त्र रहे। इससे मेरा यह निवेदन है कि हरियाणा जो राज्य है वह अपना ही हाई कोर्ट, अपना ही गवर्नर, अपना ही पब्लिक सर्विस कमीशन रखे । हम पंजाबी सूबे के साथ एक भी लिंक रखना नहीं चाहते ।

दूसरी चीज यह है कि हरियाणाकी सीमा के बारे में आता है कि शिवालिक पर्वत से कभी इसकी सीमा थी । यह इतिहास की चीजें थीं । इतिहास के विद्यार्थी जानते हैं कि यह राज्यों की सीमाओं में सदा परिवर्तन होता रहता है, यह कोई नई घटना नहीं है। जो आज हम कर रहे हैं आगे आने वाले लोग इसको भी बदल देंगे ; इस कारण से यह नहीं कहा जा सकता कि हमारी यही सीमा है । पंजाब का अभिप्राय तो केवल सतलुज और सिन्धु के बीच तक है । इधर तो वह कभी था ही नहीं । इधर तो हरियाणा ही था । इसलिए हमने आपसे निवेदन किया कि हमारा हरियाणा का जो स्वत्व है यह आपने स्वीकार किया है, निश्चित रूप से उसके लिए हमको हार्दिक प्रसन्नता है और हमको आप पूरा अवसर दीजिए, बाहर के जितने आई० सी० एस०, पी० सी० एस० हैं वह वहां न रखे जायें बल्कि हमारे ही रखे जायें चाहे हमें दूसरे ही प्रान्तों से उन्हें लाना पड़े लेकिन हमारे ऊपर दूसरे लोग न रखे जायें ।

भाषा के बारे में तय करने के लिये 1961 की जनगणना को मुख्य आधार माना गया है। तो शिवालक आज तक जिसको कहते हैं, शिव और हर एक ही बात है, शिवालक पर्वत से लेकर नीचे तक बराबर हरियाणा ही रहा है । इसलिए चंडीगढ़ का जो भाग है उस पर हमारा ही अधिकार रहना चाहिए जैसा कि कमीशन ने बहुमत से हमारे लिए उसको रखा है । दूसरी एक बात मैं और ध्यान दिला दूं । हरयाणा बनने में जहां और भी कारण हैं वहां हमारे बहादुर सैनिकों का भी उसमें हाथ है । टिथवाल से लेकर गाडरा तक 60 हजार जवान हरियाणा के लड़ रहे थे । डोगराई के मोर्चे का जिनको ध्यान है उनको याद होगा कि हरियाणा के जवानों ने किस प्रकार वहां पाकिस्तानियों का मुंह तोड़ा था । इसलिए मैं मांग करता हूं कि हरियाणा की सीमा बराबर पाकिस्तान की सीमा से मिलनी चाहिए । इसका अभिप्राय है कि फाजिल्का हमें मिलना चाहिए ताकि पाकिस्तान के साथ जब युद्ध हो तो हम अपनी पूरी ताकत लगा सकें जैसे कि पंजाबी भाई लगाते हैं । उनके साथ हमारी रीति आदि भी सब कुछ एक हैं ।

राजधानी के बारे में उनके पास तो पटियाला पहले से ही बनी बनायी है, अमृतसर, जालन्धर और लुधियाना कई बड़े-बड़े नगर हैं, लेकिन हरियाणा में कोई बड़ा नगर नहीं है । अगर आप यही चाहते हैं तो आप साहस करें तो, नन्दाजी से मैंने निवेदन किया था कि दिल्ली हमें दे दी जाय, पुरानी दिल्ली को हम अपनी राजधानी बनायेंगे । न दिल्ली देते हैं, न यू० पी० का भाग हमें मिलता है तो फिर हमारा चंडीगढ़ के ऊपर अधिकार बराबर रहना चाहिए और वह हमें मिलना चाहिए ।

एक माननीय सदस्य : यह पैर फैलाने की बात है ।

श्री जगदेव सिंह सिद्धान्ती : हां जी, पैर तो सभी फैलाते हैं ।

इसलिए हमने निवेदन किया था । एक भाई कह रहे थे कि यह नयी मांग है । उनकी नयी मांग हो सकती है । हमारी

नयी मांग नहीं है । सरदार बूटा सिंह ने कहा था कि 19 वर्ष हो गए हमारी मांग को । हमारी यह मांग सन् 26 की है कि हमारा हरियाणा राज्य पृथक होना चाहिए । हमारी तो यह भी मांग है कि 1857 से पहले जो हमारी सीमा थी वही होनी चाहिए जिससे कि वह सुदृढ़ हो, सारा कामकाज ठीक हो और हरियाणा बनने से एक बड़ा भारी लाभ राष्ट्र को यह हो सकता है कि यहां पर घी और दूध इतना पैदा हो सकता है कि जैसे डेनमार्क आदि देश सारे संसार को दूध देते हैं, उसी प्रकार अकेला हरियाणा सारे भारत को दूध घी से तृप्त कर सकता है । इसलिए यह अत्यन्त आवश्यक है और इसको प्रोत्साहन दिया जाय ।

श्री बाल्मीकि (खुर्जा) : उसमें हरिजनों का दूध भी शामिल है ।

श्री जगदेव सिंह सिद्धान्ती: आप हरिजन हमारे से अलग नहीं हो । हम तो मानते ही नहीं हैं कि कौन हरिजन होता है । आपने एक नाम और गढ़ लिया । हम तो एक ही नाम मानते हैं और कम-से-कम बाल्मीकि जी हमारे खेतों में आपका माथा और हमारा माथा मिलता है, आपके शरीर के साथ, हमारा शरीर मिलता है । अगर कोई एक साथ अपने को कह सकता है तो किसान और हरिजन यही दो एक साथ हैं । लेकिन आपको तो बहकाते हैं दूसरे लोग । इसलिए धोखे में न आओ । हमारे साथ मिल कर रहो । आप देखोगे, हरियाणा बन जायगा तो आपको कितना सुख होगा ।

इसलिए मैंने सूत्र रूप में निवेदन किया और मैं फिर भी माननीय विधि मंत्री जी का बहुत आभारी हूं जिन्होंने यह विधेयक उपस्थित किया है । इस विधेयक को पूर्णतया हम ऐसा कह सकते हैं कि सभी पास करेंगे, सर्वसम्मति से पास करेंगे और हमारे हरियाणा राज्य को प्रान्त जो कहते हैं यह भी ठीक नहीं है यह हमारा हरियाणा राज्य है ।

एक और ध्यान दिला दूं । आजकल पत्रों के अन्दर भी आ रहा है कोई तो एच ए आर आइ वाई ए एन ए लिखता है कोई एच ए आर आई ए एन ए लिखता है यह सब अशुद्ध हैं केवल हर के साथ इसका संबंध है इसलिए एच ए आर वाइ ए एन ए यह शुद्ध शब्द है ।

15 hrs.

श्री गोपाल दत्त मेंगी (जम्मू तथा काश्मीर) : उपाध्यक्ष महोदय संविधान के 20वें संशोधन विधेयक का मैं समर्थन करने के लिए खड़ा हुआ हूं । इस संशोधन को लाने की आवश्यकता इसलिए हुई कि भारत सरकार ने पंजाब के पुर्नगठन का फैसला किया है और उस फैसले के नतीजे के तौर पर जहां पंजाब और हरियाणा दो स्टेट्स बनीं वहां पर हिमाचल प्रदेश जो कि यूनियन टैरिटरी है उसे भी बहुत बड़ा इलाका मिला । जिसकी वजह से ही माननीय सदस्य श्री हेमराज जी ने एक संशोधन दिया है, उसका भी मैं समर्थन करता हूं । वह संशोधन यह है कि चूंकि हिमाचल प्रदेश की आबादी 10–12 लाख से बढ़ कर 30 लाख हो गई है इसका एरिया बहुत बढ़ गया है उसकी पोटेन्शल रिसोर्सेज बहुत बढ़ गई हैं, इसलिए उसे भी यूनियन टैरिटरी के बजाय स्टेट बनने का हक दिया जाय ।

यह बात उसमें लिखी तो नहीं है लेकिन उनका संशोधन यह है कि पार्लियामेंट को अधिकार हो कि वह एक यूनियन टैरिटरी को स्टेट बना सके । इसका मतलब मैं यह समझता हूं कि वह इसे अपने हिमाचल प्रदेश पर लागू करना चाहते हैं और मैं समझता हूं कि उनकी यह इच्छा बिल्कुल दुरुस्त है बिल्कुल जायज है और उसको पूरा करना चाहिये ।

[श्री गोगाल दत्त मेंगी]

जब मैं यह कहता हूं कि हिमाचल प्रदेश की यह जो मांग है यह जो इच्छा है वह दुरुस्त है उस वक्त मेरे सामने हिमाचल प्रदेश के मौजूदा क्षेत्रफल की तरफ ही दृष्टि नहीं जाती बल्कि मेरे सामने जम्मू काश्मीर की वर्तमान परिस्थिति की तरफ भी ध्यान जाता है। जहा पर यह मांग बड़े जोरों से उठ रही है कि तमाम पहाड़ी लोगों को इकट्ठा कर दिया जाये । शिमले से लेकर जम्मू भद्रवाह और पूंछ के इलाके तक मिलती जुलती बोली बोली जाती है. उनका वेश-भूषा-लिविंग तकरीबन एक ही जैसा है, उनका कल्चर एक ही है जो असूल मद्रास पर लागू होता है जो असूल महाराष्ट्र पर इस्तेमाल करते हैं, क्या वजह है कि वह असूल डोग्रों पर इस्तेमाल न किया जाय। इसलिये जम्मू के डोग्रे पहाड़ी लोग अपने पहाड़ी भाइयों से मिलना चाहते है ।

इस में शायद कुछ राजनीतिक मुश्किलें आयें, काश्मीर अलग न रह सके, काश्मीर को अगर अलग रखा जाय तो वह एक सम्पन्न यूनिट न बन सके, ऐसा हो सकता है । तो उसका इलाज एक ही है कि सारे जम्मू काश्मीर को हिमाचल प्रदेश के साथ मिला दिया जाये ; इससे एक समस्या और आयेगी और वह यह कि जम्मू हिमाचल प्रदेश और कांगड़ा की बोली तो एक है, उनका पहनावा एक है, उनका कल्चर एक है, लेकिन काश्मीरी भाइयों की जुबान अलग है, उनका कुछ कल्चर भी अलग है, लेकिन उसके लिये यह बन्दोबस्त हो सकता है कि जम्मू-काश्मीर जब हिमाचल प्रदेश के साथ मिला दिया जाय तो किसी तरह की रीजनल आटोनामी का बन्दोबस्त हो, यानी काश्मीरी लोगों को अपनी भाषा अपनी कल्चर अपनी इकानामी डेवलप करने के लिये कुछ आटोनामी मिल सके । ऐसा कुछ बन्दोबस्त करना शायद ठीक ही रहेगा ।

लेकिन सब से बड़ी बात यह है कि पाकिस्तान की सरहद तक फैली हुई इस जम्मू-काश्मीर स्टेट का हिमाचल प्रदेश से मिलना रक्षा के दृष्टिकोण से भी जरूरी है । हमारे एक तरफ चीन है और एक तरफ पाकिस्तान । कहीं पर हमको बोर्डर स्काउट्स बनाने पड़ते हैं कहीं होम-गार्ड्स बनाने पड़ते हैं, क्या ही अच्छा हो अगर जम्मू-काश्मीर स्टेट को हिमाचल प्रदेश में मिला कर एक बड़ी स्टेट बना दिया जाय और चीन से अपने आपको बचाने के लिये पाकिस्तान से अपने आपको बचाने के लिए यह तमाम का तमाम एरिया इकट्ठा मिल कर, एक ही आर्गेनाईजेशन के तेहत अपनी होमगार्ड्स बनायें,अपने ही बार्डर-स्काउट्स बनायें और वे सब एक ही आर्गेनाईजेशन के अन्दर हों। जम्मू-काश्मीर और हिमाचल प्रदेश को मिलाने से उस स्टेट की आमदनी भी इतनी बढ़ जायेगी, कि वे इन सब कामों को बड़ी आसानी से कर सकेंगे ।

इसलिये मेरी यह अर्ज है कि यह जो बिल आया है यह स्टेट्स के एरियाज़ को काट कर नई स्टेट बनाने के लिए भी है और यूनियन टैरिटरी में दूसरी स्टेट मिला कर बड़ी स्टेट बनाने के लिये भी है, इस लिये मैं इसका समर्थन करता हूं लेकिन आपससे यह प्रार्थना करता हूं कि मेरे सुझाव पर भी आप विचार कीजिये ।

Mr. Deputy-Speaker: Dr Aney. Let him sit down and speak.

Dr. M. S. Aney: I only want to make a few observations.

I entirely agree with the Bill which is presented to the House by the Law Minister, because the arrangements suggested here are extremely necessary if these three provinces are to come into existence at all. The constitutional difficulties that were there are removed by the three clauses here which have been put in this Bill. He has seen to it that the legal lacunae are not there so that there will be no difficulty and no occasion from anybody to challenge the valadity of the formation itself of the provinces. So far as that part is concerned, I have got nothing to say.

My complaint is this. It is nearly 20 years since we got independence when our States were first formed. Later on, a situation had arisen when the question had to be reconsidered by them and that situation was mainly when the Native States which were not formerly included in India had surrendered their sovereignty and merged themselves into India. So, they had to be properly provided for as regular units of the Indian Constitution, and the necessity for forming the States Reorganisation Commission arose.

That Commission met and it considered the whole problem and certain recommendations were made. I am not going into those points at all. After those recommendations were made, we found that certain recommendations were accepted by the Government of India, but there were certain recommendations for which absolutely no reason has been given as to why they have not been accepted. Yet that has been done.

One of these recommendations was the formation of the 8 districts of Vidarbha into a separate State. This was unanimously accepted by the Commission. Before that there was the Dhar Commission. You can also say it is a viable State, there is no difficulty about it. Later on another committee was appointed; it was called the JVP Committee, committee consisting of Jawaharlal Nehru, Vallabh Bhai Patel and Pattabhi Sitaramayya, a committee of our leading experts. They also stated that if Maharashtra want to have one State based on linguistic basis, it can have it, but so far as the 8 districts of Vidarbha are concerned, it is for them to decide whether they should be with them or not. When the question was taken up by the Government, our Maharashtra friends took up a hostile attitude. I do not want to say anything more than; they decided against that. When the Bill was here, within four days two Bills were brought one after another and the whole scheme of the two Bills was entirely different. So, this House and the Members of the Cabinet and of this House—I do not want to say anything with disrespect to them —somehow or the other were hustled into accepting it: whatever decision is made, somehow the controversy should end and things should come to some end. That is how the present States were formed. The recognition of the linguistic principle—how did it come? Because, Andhra State was not conceded and one person fasts till death and he died. Till the time of his death, Jawaharlal Nehru was against it. But after that the situation had changed and that principle was somehow given a modified recognition. Today, after that, you have to take this question for other reason. If you are again taking up this question, should you not try to do it in a comprehensive way; you should see who are the persons who are complaining and what are the reasons and you have to take note of it. I am sure there is discontent in various States and there seems to be no recognition of this discontent. We find various groups not agreeing with each other. Provincial legislatures do not agree with each other among themselves. Try to find out the reasons for that. One of the reasons is this. There are certain minority groups which do not want to live with the majority for one reason or another. The linguistic affinity has not served to create that sense of unity among them during the last ten years and has not reconciled them to coexistence and form themselves into one State. This position exists in Maharashtra. When you created the States, you have specified the territories and the limits of the boundaries. Yet, immediately after that, within a few months disputes arose that such and such districts or towns did not belong to you. We find Mysore and Maharashtra people fighting against each other as if they belong to separate foreign nations. For hundreds of years Dharwar, Hubli, Karnatak and another district these four districts were there; Gujarat lived with Maharashtra; Sind was living with Maharashtra; no such disputes arose. But once this linguistic principle was recognised, one

[Dr. M. S. Aney]

language group refuses to live with another group in amity and friendship as part of one State. We seem to have given a new cause for the people to feel separate from each other.

I will give one more illustration and conclude. Based on language you formed linguistic States. What about the millions of Adivasis and other persons who speak a different language, whose language is other than that of the 14 languages given in the Constitution? Have only these 14 lanuage groups the right to rule over the others? You are creating a kind of dual citizenship: those who speak these languages and those who do not speak any of the languages mentioned in the Constitution and is accepted as the language of a State.

Then also, this has given rise to states of unequal sizes. Take, U.P. for instance; my hon. friend Shri Tyagi is there. That one State is equal to three or four States put together. He does not want that size which it has acquired, rightly or wrongly I do not know, to be reduced at all; it has to be there. Having seen that our Maharashtra people say: we must also aspire to be as big as U.P. Therefore, if the Government of India has acquired Goa, they say: Goa should be our property. I have nothing to say against this proposal; let them get Goa. But they want Maharashtra to become in size as big as U.P.

I say, Sir, that the time has come when Government should examine all the various consequences which have arisen and examine also whether we could not have some common principles which may be acceptable to all the people.

Shri Tyagi: No linguistic States; only regions.

Dr. M. S. Aney: I agree with you. The Government should take an early opportunity to appoint another committee to consider all the principles that would pave the way for new formation of States.

Shri G. S. Pathak: Sir, I must express my gratitude to all the hon. Members who have spoken in support of this Bill. Some very valuable observations have been made in relation to the reorganisation of states and it would not now be proper for me to make comment on them at this stage because the Bill is not yet before the House and untill that time no comment can be made by me. I assure the House however that the observations which have been made here and which are relevant to the reorganisation of states deserve due consideration and will be taken into consideration by the government. There is one question which I must answer: why is it that the legislature of a Union territory is not consulted while a legislature of a state is consulted under the Constitution? That is the question which I must answer. The reason is that there is a vital distinction between the legislature of the Union territory and the State legislature. The State legislature is the creation of the Constitution. The State legislature is as supreme in its sphere as the Parliament itself, while the legislature of the Union territory is a creature of an Act of Parliament. It is open to Parliament to repeal the Act which created the legislature of a Union territory. They hold quite different positions. Therefore, when Parliament will pass the Reorganisation Bill, at that stage, the views expressed by Parliament will be the views expressed on behalf of the people of the Union territory also. Therefore, they stand on a different footing and it is not necessary that there should be a provision in the Constitution that reference should be made to the legislature of the Union territory. After all, even when a State legislature expresses its views those views are not binding upon Parliament. Parliament can only take into consideration those views. The State legislature itself may not express the views within the time assigned by the Presindent.

There is one thing more which the hon. Members will kindly bear in mind. Article 1 of the Constitution itself draws a distinction between the

State which is a component part of the feredation and the Union territory.

It has been stated that the status of Himachal Pradesh should be that of a State. This is a political question. It is not concerned with the amendment of the Constitution which is before the House at the present moment. That also relates to the Reorganisation Bill. Therefore, I will not trouble the House with that question at the present moment.

Then, it has been said by one of the hon. Members that the President's rule should be contiuned till the general elections. This is an important matter and this will be taken into consideration by the Government when the Reorganisation Bill is finalised.

15.24 hrs.

[MR. SPEAKER *in the Chair*].

Then I must answer one observation, and that is, too many amendments to the Constituation are not appropriate; that we have been having too many amendments of the Constitution. I entirely share the view that it is not right that there should be too many amendments of the Constitution. But when new situations arise and we have to face fresh problems it becomes necessary to have the Constitution amended in order to meet the new situations which arise. Whenever the Constitution has been amended, it has been amended for very good reasons. New situations had arisen which were not visualised by the Constitution. markers at the time when the Constituent Assembly formed the constitution.

This is all that I have got to say in reply.

Mr. Speaker: I have to call for a division. I am calling for a division. Hon. Members should be ready.

The question is:

"That the Bill further to amend the Constitution of India, be taker into constideration."

The Lok Sabha divided:

Division No. 8] **[15.28 hrs.**

AYES

Achal Singh, Shri
Achuthan, Shri
Akkamma Devi, Shrimati
Alva, Shri A. S.
Alva, Shri Joachim
Aney, Dr. M. S.
Ankineedu, Shri
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bade, Shri
Bajaj, Shri Kamalnayan
Bakliwal, Shri
Bal Krishna Singh, Shri
Balakrishnan, Shri
Balmiki, Shri
Barkataki, Shrimati Renuka
Barman, Shri P. C.
Barua, Shri R.
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Baswant, Shri
Berwa, Shri Onkar Lal
Besra, Shri
Bhagati, Shri
Bhakt Darshan, Shri
Bhanja Deo, Shri L. N.
Bhanu Prakash Singh, Shri
Bhatkar, Shri
Bhattacharyya, Shri C. K.
Bheel, Shri P. H.
Birendra Bahadur Singh, Shri
Bist, Shri J. B. S.
Brahm Prakash, Shri
Brij Basi Lal, Shri
Brij Raj Singh-Kotah, Shri
Chakravartty, Shrimati Renu
Chanda, Shrimati Jyotsna
Chandrabhan Singh Shri
Chandrasekhar, Shrimati
Chandriki, Shri
Chaturvedi, Shri S. N.
Chaudhry, Shri Chandramani Lal
Chaudhuri, Shri D. S.
Chaudhuri, Shrimati Kamala
Chaudhuri, Shri Sachindra
Chavan, Shri D. R.
Chavda, Shrimati Johraben
Chuni Lal, Shri
Daji, Shri
Daljit Singh, Shri
Dandeker, Shri N.
Das, Dr. M. M.
Das, Shri B. K.
Das, Shri N. T.
Das, Shri Sudhansu
Dass, Shri C.
Desai, Shri Morarji
Deshmukh, Shri B. D.
Deshmukh Shrimati Vimla
Dey, Shri S. K.
Dharmalingam, Shri
Dhuleshwar Meena, Shri
Dighe, Shri
Dinesh Singh, Shri
Dixit, Shri G.N.
Dorai, Shri Kasinatha
Dubey, Shri R. G.
Dwivedi, Shri M. L.
Dwivedy, Shri Surendranath
Elayaperumal*, Shri
Gahmari, Shri
Gajraj Singh Rao, Shri
Ganapati Ram, Shri
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Ghosh, Shrki N. R.

Ghosh, Shri P. K.
Govind Das, Dr.
Gowdh, Shri Veeranna
Guha, Shri A. C.
Gupta, Shri Badshah
Gupta, Shri Kashi Ram
Gupta, Shri Shiv Charan
Hajarnavis, Shri
Hansda, Shri Subodh
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Himatsingka, Shri
Iqbal Singh, Shri
Jadhav, Shri M. L.
Jadhav, Shri Tulshidas
Jamunadevi, Shrimati
Jedhe, Shri
Jena, Shri
Jha, Shri Yogendra
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Shri J. P.
Kachhavaiya, Shri Hukam Chand
Kajrolkar, Shri
Kamble, Shri
Kappen, Shri
Karuthiruman, Shri
Kedaria, Shri C. M.
Khadilkar, Shri
Khan, Dr. P. N.
Khan , Shri Osman Ali
Khan, Shri Shahnawaz
Khanna, Shri Mehr Chand
Khanna, Shri P. K.
Kindar Lal, Shri
Kisan Veer, Shri
Kotoki, Shri Liladhar
Koujalgi, Shri H. V.
Kripa Shankar, Shri
Krishnapal Singh, Shri
Kunhan, Shri P.
Kureel, Shri B. N.
Lahiri Chaudhry, Shri
Lakhan Das, Shri
Lakshmikanthamma, Shrimati
Laskar, Shri N. R.
Laxmi Bai, Shrimati
Lonikar, Shri
Mahadeo Prasad, Shri
Mahadeva Prasad, Dr.
Mahida, Shri Narendra Singh
Mahishi, Dr. Sarojini
Maimoona Sultan, Shrimati
Majithia, Shri
Malaichami, Shri
Malaviya, Shri K. D.
Mali Moriyappa, Shri
Mallick, Shri Rama Chandra
Manaen, Shri
Mandal, Dr. P.
Mandal, Shri J.
Maniyangadan, Shri
Mantri, Shri B. D.
Marandi, Shri
Maruthiha, Shri
Masuriya Din, Shri
Mathur, Shri Harish Chandra
Mathur, Shri Shiv Charan
Mehdi, Shri Syed Ahmed
Mehrotra, Shri Braj Bihari
Mehta, Shri J. R.
Mehta, Shri Jashvant
Melkote, Dr.
Mengi, Shri Gopal Datt
Menon, Shri Krishna
Menon, Shir Govinda
Minimata, Shrimati
Mirza, Shri Bakar Ali
Mishra, Shri Bibhuti
Mishra, Shri M. P.
Misra, Shri Bibudhendra
Misra, Shri Mahesh Dutt
Mohanty, Shri Gokulananda
Mohsin, Shri
More, Shri K. L.
Mukerjee, Shri H. N.
Mukerjee, Shrimati Sharda
Munzni, Shri David
Murthy, Shri B. S.
Murti, Shri M. S.
Muthiah, Shri
Naidu, Shri V. G.
Naik, Shri D. J.
Nair, Shri Vasudevan
Nambiar, Shri
Nanda, Shri
Naskar, Shri P. S.
Nayar, Dr. Sushila
Niaranjan Lal, Shri
Oza, Shri
Pande, Shri K. N.
Pandey, Shri Vishwa Nath
Panna Lal, Shri
Pant, Shri K.C.
Parashar, Shri
Patel, Shri Chhotubhai
Patel, Shri N. N.
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri J. S.
Patil, Shri S. B.
Patil, Shri S. K.
Patil, Shri T. A.
Pattabhi Raman, Shri C. R.
Prabhakar, Shri Naval
Pratap Singh, Shri
Puri, Shri D.D.
Raghunath Singh, Shri
Raghuramaiah, Shri
Rai, Shrimati Sahodra Bai
Raj Bahadur, Shri
Rajaram, Shri
Rajdeo Singh, Shri
Raju, Shri D. B.
Raju, Dr. D. S.
Ram, Shri T.
Ram Sewak, Shri
Ram Singh, Shri
Ram Subhag Singh, Dr.
Ram Swarup, Shri
Ramakrishnan, Shri P. R.
Ramanathan Chettiar, Shri R.
Ramaswamy, Shri V. K.
Ramdhani Das, Shri
Ramshekhar Prasad Singh, Shri
Rananjai Singh, Shri
Rane, Shri
Ranjit Singh, Shri
Rao, Shri Hanmanth
Rao, Shri Jaganatha
Rao, Dr. K. L.
Rao, Shri Krishnamoorthy
Rao, Shri Muthyal
Rao, Shri Ramapathi
Rao, Shri Rameshwar
Rao, Shri Thirumala
Rattan Lal, Shri
Rant, Shri Bhola
Ray, Shrimati Renuka
Reddy, Dr. B. Gopala
Reddiar, Shri
Reddy, Shri H. C. Linga
Reddy, Shri Narasimha
Reddy, Shri Surender
Reddy , Shrimati Yashoda
Roy, Shri Bishwanath
Saha, Dr. S. K.
Sahu, Shri Rameshwar
Saigal, Shri A. S.
Samanta, Shri S. C.
Samnani, Shri
Sanji Rupji, Shri
Saraf, Shri Sham Lal
Sarma, Shri A. T.
Satyabhama Devi, Shrimati
Sen, Shri P. G.
Sezhiyan, Shri
Shah, Shri Manabendra
Shah, Shrimati Jayaben
Shakuntala Devi, Shrimati
Sham Nath, Shri
Shankaraiya, Shri
Sharma, Shri A. P.
Sharma, Shri D. C.
Sharma, Shri K. C.
Shashi Ranjan, Shri
Shastri, Shri Ramanand
Sheo Narain, Shri
Shinde, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Shyam Kumari Devi, Shrimati
Siddananjappa, Shri
Siddhanti, Shri Jagdev Singh

Siddiah, Shri
Sideshwar Prasad, Shri
Singh, Dr. B. N.
Singh, Shri D. N.
Singh, Shri K. K.
Sinha, Shrimati Ramdulari
Sinha, Shri Satya Narayan
Sinhasan Singh, Shri
Sivappraghassan, Shri Ku.
Snatak, Shri Nardeo
Solanki, Shri
Sonavane, Shri
Soundaram Ramachandran, Shrimati
Srinivasan, Dr. P.
Subbaraman, Shri
Subramanaim, Shri C.
Subramanyam, Shri T.
Sumat Prasad, Shri
Sunder Lal, Shri
Surya Prasad, Shri
Swamy, Shri M. P.
Swell, Shri
Tahir, Shri Mohammad
Tantia, Shri Rameshwar
Thengal, Shri Nallakoya
Thimmaiah, Shri
Thomas, Shri A. M.
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tripathi, Shri Krishna Deo
Trivedi, Shri U. M.
Tula Ram, Shri
Tyagi, Shri
Uikey, Shri
Ulaka, Shri Ramachandra
Umanath, Shri
Upadhyaya, Shri Shiva Dutt
Varma, Shri M. L.
Varma, Shri Ravindra
Veerabasappa, Shri
Verma, Shri Balgovind
Virbhadra Singh, Shri
Vyas, Shri Radhelal
Wadiwa, Shri
Wasnik, Shri Balkrishna
Yadab, Shri N. P.
Yadav, Shri Ram Harkh
Yadava, Shri B. P.

Mr. Speaker: The result of the division is:

Ayes: 313

Noes: None.

The Ayes have it, the Ayes have it.

The motion is carried by a majority of the total membership of the House—of course unanimously—and by a majority of not less than two-thirds of the Members present and voting.

Shri Nambiar: It shows that it is a fact that we suport the Punjabi Suba. We are only sorry that they did not support it last time. They failed to do it last time.

Mr. Speaker: We shall now take up clause 2 of the Bill.

Clause 2—(*Amendment of article 3*)

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

Page 1, lines 8 and 9—

omit , but in the proviso, "State" does not include a Union territory' (10)

Sir, my amendment was anticipated by the hon. Law Minister and he has already indicated in what way he does not agree with my view. Actually, as I feel it, this proviso is bad. The proviso to article 3, to which this proviso relates, says:

> "Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired".

I feel it my duty to show that this proviso is a hoax. Why should there be this proviso? We keep this article 3 as it is, and when the proviso says that the President shall only refer for the expression of views and not for a vote of acceptance of the views, the views expressed will not be accepted, the views may not conform to the amendment that is to be made, the views may be entirely against it and the will of the Parliament shall prevail. If that is the provision, if the will of the Parliament is to prevail, why have this proviso added? I, therefore, feel that if the Government is sincere about it, if the pre-

[Shri U. M. Trivedi]

sent Law Minister feels that this proviso is bad, is unnecessary, is redundant, is superfluous, then I should say that the proviso must go.

However, the amendment that I have suggested in this case is this, that if the definition of "State" is now altered as is being altered in clause 2 of this Bill, that for the purposes of article 3 (a) to (e) "State" includes "Union territory", if you give the status of "State" to the "Union territory." I see no reason whatsoever why in the proviso it should be said that "State" does not include "Union territory". If the Union territory has been provided with a legislature and a legislature is functioning, if there also you have a Chief Minister, a Health Minister, a PWD Minister, a judicial Minister and all sorts of Ministers and if those Ministers are there and a State legislature is there, then that legislature must be allowed to express its views. If the legislature is allowed to express its views, after amending the definition of "State" to include "Union territory" as far as article 3(a) to (e) is concerned and keeping it stationary at where it is and not including it in the general definition of "State", I should say, is not a happy drafting of this Constitution (Amendment) Bill.

I, therefore, suggest that either the whole proviso should go, because in my opinion it is a superfluous addition, or if it is not taken away, at least when we are going to amend it making the Union territory equivalent to the State, once the shape of Union territory has been changed into that of a State, in this case specially where we are creating a new State adding so many districts and important towns whose representatives were in the habit of sitting in the legislature and expressing their views, my amendment should be accepted, because they are being deprived of an opportunity to express their views which they are otherwise entitled to express and this is not an occasion when this amendment as suggested in the Bill ought to have come for acceptance in this form.

The hon. Law Minister was of the opinion that since it is a Union territory it means that the territory is governed by the Union Government. I say, it is not so. That is not the position. Union territory in Delhi is one thing, Union territory in Andamans is another thing, Union territory in Pondicherry is something different, Union territory in Goa is something else, the present Union territory of Himachal Pradesh is entirely different, and the Union territory of the proposed Himachal Pradesh with the addition of other districts of Punjab is entirely a distinct entity. That being a distinct entity, I should say that the amendment moved by me be accepted by the House.

Shri G. S. Pathak: Sir, I have already, broadly, given my reply anticipating the arguments or the submissions made by my hon. friend. I have explained that the Union territory stands on a different footing from the State. The Union territory legislature stands on a different footing from the State legislature. The State legislature is created by the Constitution. The Parliament has got no power in the matter of the State legislature when it works within its sphere. So far as the Union territory legislature is concerned, that is created by the Parliament and Parliament can abolish it by repealing the Act which created the Union territory legislature. Therefore, when the representatives of the Union territory express their views in Parliament that should be enough, because it is Parliament, under the Constitution, which has got the power to make laws in respect of all the three Lists so far as the Union territory is concerned, and if any law is made by the legislature of a Union territory which is in derogation of the law made by

Parliament that will be void. Parliament is supreme so far as Union territories are concerned.

Mr. Speaker: The question is:

Page 1, lines 8 and 9—

omit', but in the proviso, "State" does not include a Union territory'(10)

The motion was negatived.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The Lok Sabha divided.

Division No. 8] **AYES** **[15.40 hrs.**

Achal Singh, Shri
Achuthan, Shri
Akkamma Devi, Shrimati
Alva, Shri A. S.
Alva, Shri Joachim
Aney, Dr. M. S.
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Bajaj, Shri Kamalnayan
Bakliwal, Shri
Bal Krishna Singh, Shri
Balakrishnan, Shri
Balmiki, Shri
Barkataki, Shrimati Renuka
Barman, Shri P. C.
Barua, Shri R.
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Baswant , Shri
Besra, Shri
Bhagat, Shri B. R.
Bhagavati, Shri
Bhakt Darshan, Shri
Bhanja Deo, Shri L. N.
Bhanu Prakash Singh, Shri
Bhatkar, Shri
Bhattacharyya, Shri C. K.
Bheel, Shri P.H.
Birendra Bahadur Singh, Shri
Bist, Shri J.B.S.
Brahm Prakash, Shri
Brij Basi Lal, Shri
Brij Raj Singh, Shri
Chakravartty, Shrimati Renu
Chanda, Shrimati Jyotsna
Chandrabhan Singh, Shri
Chandrasekhar, Shrimati
Chandriki, Shri
Chaturvedi, Shri S. N.
Chaudhry, Shri Chandramani Lal
Chaudhuri, Shri D. S.
Chaudhuri, Shrimati Kamala
Chaudhuri, Shri Sachindra
Chavan, Shri D. R.
Chavda, Shrimati Joraben
Chuni Lal, Shri
Daljit Singh, Shri
Dandeker, Shri N.
Das, Dr. M. M.
Das, Shri B. K.
Das, Shri N. T.
Das, Shri Sudhansu
Dass, Shri C.
Desai, Shri Morarji
Deshmukh, Shri B. D.
Deshmukh, Shrimati Vimla bai P.
Dey, Shri S. K.
Dighe, Shri
Dixit, Shri G. N.
Dorai, Shri Kasinatha
Dubey, Shri R. G.
Dwivedi, Shri M. L.
Dwivedy, Shri Surendranath
Elayaperumal, Shri
Gahmari, Shri
Gajraj Singh Rao, Shri
Ganapati Ram, Shri
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Ghosh, Shri N. R.,
Ghosh, Shri P. K.
Goni, Shri Abdul Ghani
Govind Das, Dr.
Gowdh, Shri
Guha, Shri A. C.
Gupta, Shri Badshah
Gupta, Shri Kashi Ram
Gupta, Shri Shiv Charan
Hajarnavis, Shri
Hansda, Shri Subodh
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Himatsingka, Shri
Iqbal Singh, Shri
Jadhav, Shri M. L.
Jadhav, Shri Tulshidas
Jagjivan Ram, Shri
Jamunadevi, Shrimati
Jedhe, Shri
Jena, Shri
Jha, Shri Yogendra
Joshi, Shrimati Subhadra
Jyotishi, Shri J. P.
Kajrolkar, Shri
Kamble, Shri
Kappen, Shri
Karuthiruman, Shri
Kedaria, Shri C. M.
Khadilkar, Shri
Khan, Dr. P. N.
Khan, Shri Osman Ali
Khan, Shri Shahnawaz
Khanna, Shri Mehr Chand
Kisan Veer, Shri
Kotoki, Shri Liladhar
Koujalgi, Shri H. V.
Kripa Shankar, Shri
Kunhan, Shri P.
Kureel, Shri B. N.
Lahtan Chaudhry, Shri
Lakshmikanthamma, Shrimati
Laskar, Shri N. R.
Laxmi Bai, Shrimati
Lonikar, Shri
Mahadeo Prasad, Shri
Mahadeva Prasad, Dr.
Mahida, Shri Narendra Singh
Mahishi, Dr. Sarojini
Maimoona Sultan, Shrimati
Majithia, Shri
Malaichami, Shri
Malaviya, Shri K. D.
Mali Mariyappa, Shri
Mallick, Shri Rama Chandra
Manaen, Shri
Mandal, Dr. P.
Mandal, Shri J.
Maniyangadan, Shri
Mantri, Shri D. D.
Marandi, Shri
Maruthiah, Shri
Masuriya Din, Shri
Mathur, Shri Harish Chandra
Mathur, Shri Shiv Charan
Mehdi, Shri S. A.
Mehrotra, Shri Braj Bihari
Mehta, Shri J. R.
Mehta, Shri Jashvant
Melkote, Dr.
Mengi, Shri Gopal Datt
Menon, Shri P. Govinda

Minimata, Shrimati
Mirza, Shri Bakar Ali
Mishra, Shri Bibhuti
Mishra, Shri M. P.
Misra, Shri Bibudhendra
Misra, Shri Mahesh Dutta
Misra, Shri Shyam Dhar
Mohanty, Shri Gokulananda
Mohsin, Shri
More, Shri K. L.
Mukerjee, Shrimati Sharda
Munzni, Shri David
Murthy, Shri B. S.
Murti, Shri M. S.
Muthiah, Shri
Naidu, Shri V. G.
Naik, Shri D. J.
Nair, Shri Vasudevan
Nambiar, Shri
Nanda, Shri
Naskar, Shri P. S.
Nayak, Shri Mohan
Nayar, Dr. Sushila
Niranjan Lal, Shri
Oza, Shri
Pande, Shri K. N.
Pandey, Shri Vishwa Nath
Panna Lal, Shri
Pant, Shri K. C.
Parashar, Shri
Patel, Shri Chhotubhai
Patel, Shri N. N.
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri J. S.
Patil, Shri S. B.
Patil, Shri S. K.
Patil, Shri T. A.
Pattabhi Raman, Shri C. R.
Prabhakar, Shri Naval
Pratap Singh, Shri
Puri, Shri D. D.
Raghunath Singh, Shri
Raghuramaiah, Shri
Rai, Shrimati Sahodra Bai
Raj Bahadur, Shri
Rajaram, Shri
Rajdeo Singh, Shri
Raju, Shri D. B.
Raju, Dr. D. S.
Ram, Shri T.
Ram Sewak, Shri
Ram Singh, Shri
Ram Subhag Singh, Dr.
Ram Swarup, Shri
Ramakrishnan, Shri P. R.
Ramanathan Chettiar, Shri R.
Ramaswamy, Shri V. K.
Ramdhani Das, Shri
Ramshekhar Prasad Singh, Shri
Rane, Shri
Ranjit Singh, Shri
Rao, Shri Hanmanth
Rao, Shri Jaganatha
Rao, Dr. K. L.
Rao, Shri Krishnamoorthy
Rao, Shri Muthyal
Rao, Shri Ramapathi
Rao, Shri Rameshwar
Rao, Shri Thirumala
Rattan Lal, Shri
Raut, Shri Bhola
Ray, Shrimati Renuka
Reddi, Dr. B. Gopala
Reddiar, Shri
Reddy, Shri H. C. Linga
Reddy, Shri Narasimha
Reddy, Shri Surender
Reddy, Shrimati Yashoda
Roy, Shri Bishwanath
Sadhu Ram, Shri
Shah, Dr. S. K.
Sahu, Shri Rameshwar
Saigal, Shri A. S.
Samanta, Shri S. C.
Samnani, Shri
Sanji, Rupji, Shri
Saraf, Shri Sham Lal
Sarma, Shri A. T.
Sen, Shri P. G.
Shah, Shri Manabendra
Shah, Shrimati Jayaben
Shakuntala Devi, Shrimati
Sham Nath, Shri
Shankaraiya, Shri
Sharma, Shri A. P.
Sharma, Shri D. C.
Sharma, Shri K. C.
Shastri, Shri Ramanand
Sheo Narain, Shri
Shinde, Shri,
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Shyam Kumari Devi, Shrimati
Siddananjappa, Shri
Siddhanti, Shri Jagdev Singh
Siddiah, Shri
Sidheshwar Prasad, Shri
Singh, Dr. B. N.
Singh, Shri K. K.
Sinha, Shrimati Ramdulari
Sinha, Shri Satya Naryan
Sinhasan Singh, Shri
Sivappraghasan, Shri Ku.
Snatak, Shri Nardeo
Solanki, Shri
Sonavane, Shri
Soundaram Ramachandran, Shrimati
Srinivasan, Dr. P.
Subbaraman, Shri
Subramaniam, Shri C.
Subramanyam, Shri T.
Sumat Prasad, Shri
Sunder Lal, Shri
Surendra Pal Singh, Shri
Surya Prasad, Shri
Swamy, Shri M. P.
Swell, Shri
Tahir, Shri Mohammad
Tantia, Shri Rameshwar
Thengal, Shri Nallakoya
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 Ramachandra
Umanath, Shri
Upadhyaya, Shri Shiva Dutt
Varma, Shri M. L.
Varma, Shri Ravindra
Veerabasappa, Shri
Verma, Shri Balgovind
Virbhadra Singh, Shri
Vyas, Shri Radhelal
Wadiwa, Shri
Yadab, Shri N. P.
Yadav, Shri Ram Harkh
Yadava, Shri B. P.

NOES

Mashi Ranjan, Shri
Trivedi, Shri U.M.

Shri Shashi Ranjan (Pupri) *rose—*

Shri Krishnapal Singh (Jalesar): *rose—*

Shri A. C. Joshi (Sidhi): It is not working. I am for "Ayes".

Mr. Speaker: Those corrections would be made.

Shri Tyagi: Corrections should not be made.

Mr. Speaker: That would be noted.

श्री प्रेम कृष्ण खन्ना (कायमगंज) : स्पीकर महोदय, मेरा वोटिंग ग़लत हो गया है ।

अध्यक्ष महोदय : अगर ग़लत हो गया है, तो मैं क्या करूं ?

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. Clause 2 is added to the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1— (*Short title*)

Amendment made:

Page 1, line 3,—

for "Twentieth" *substitute*— "Eighteenth". (1)

(*Shri G. S. Pathak*)

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

Shri G. S. Pathak: Sir, I move:

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

Mr. Speaker: The question is:

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

The Lok Sabha divided:

Division No. 9] **[15.43 hrs.**

AYES

Achal Singh, Shri
Aehuthan, Shri
Akkamma Devi, Shrimati
Alva, Shri A.S.
Alva, Shri Joachim
Aney, Dr. M.S.
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Bob nath Singh, Shri
Bajaj, Shri Kamalnayan
Bakliwal, Shri
Bal Krishna Singh, Shri
Balakrishnan, Shri
Balmiki, Shri
Barkataki, Shrimati Renuka
Barman, Shri P.C.
Barua, Shri R.
Barupal, Shri P.L.
Basappa, Shri
Basumatari, Shri
Baswant, Shri
Besra, Shri
Bhagat, Shri B.R.
Bhagavati, Shri Darshan, Shri
Bhanja Deo, Shri L.N.
Bhanu Prakash Singh,
Bhatkar, Shri
Bhattacharya, Shri C.K.
Bheel, Shri P.H.
Birendra Bahadur Singh, Shri
Bist, Shri J.B.S.
Brahm Prakash, Shri
Brij Basi Lal, Shri
Brij Raj Singh, Shri
Chakravartty, Shrimati Renu
Chanda, Shrimati Jyotsna
Chandrabhan Singh, Shri
Chandrasekhar, Shrimati
Chandriki, Shri
Chaturvedi, Shri S.N.
Chaudhry, Shri Chandramani Lal

Chaudhuri, Shri D.S.
Chaudhuri, Shrimati Kamala
Chaudhrui, Shri Sachindra
Chavan, Shri D.R.
Chavda, Shrimati Joraben
Chuni Lal, Shri
Daljit Singh, Shri
Dandeker, Shri N.
Das, Dr. M.M.
Das, Shri B.K.
Das, Shri N.T.
Das, Shri Sudhansu
Dass, Shri C.
Desai, Shri Moraji
Deshmuke Shri B, D.
Deshmukh, Shrimati Vimlabai P.
Dey, Shri S. K.
Dighe, Shri
Dixit, Shri G.N.
Dorai, Shri Kasinatha
Dubey, Shri R.G.
Dwivedi, Shri M.L.
Dwivedy, Shri Surendranath
Elayaperumal, Shri
Gahmari, Shri
Gairaj Singh Rao, Shri
Ganapati Ram, Shri
Gandhi, Shri V.B.
Ganga Devi, Shrimati
Ghosh, Shri N.R.
Ghosh, Shri P.K.
Goni, Shri Abdul Ghani
Govind Das, Dr.
Gowdh, Shri
Guha, Shri A.C.
Gupta, Shri Badshah
Gupta, Shri Kashi Ram
Gupta, Shri Shiv Charan
Hajarnavis, Shri
Hansda, Shri Subodh
Hazarika, Shri J.N.
Heda, Shri
Hem Raj, Shri
Himatsingka, Shri
Iqbal Singh, Shri
Jadhav, Shri M.L.
Jadhav, Shri Tulshidas
Jagjivan Ram, Shri
Jamunadevi, Shrimati
Jedhe, Shri
Jena, Shri
Jha, Shri Yogendra
Joshi, Shri A.C.
Joshi, Shrimati Subhadra
Jyotishi, Shri J.P.
Kajrolkar, Shri
Kamble Shri
Kappen, Shri
Karuthiruman, Shri
Kedaria, Shri C.M.
Khadilkar, Shri
Khan, Dr. P.N.
Khan, Shri Osmain Ali
Khan, Shri Shahnawaz
Khanna, Shri Mehar Chand
Khanna, Shri P.K.
Kindar Lal, Shri
Kotoki, Shri Liladhar
Koujalgi, Shri H.V.
Kripa Shankar, Shri
Krishnapal Singh, Shri
Kunhan, Shri P.
Kureel, Shri B.N.
Lahtan Chaudhry, Shri
Lakhan Das, Shri
Lakshmikanthamma, Shrimati
Laskar, Shri N.R.
Laxmi Bai, Shrimati
Lonikar, Shri
Mahadeo Prasad, Shri
Mahadeva Prasad, Dr.
Mahida, Shri Narendra Singh
Mahishi, Dr. Sarojini
Maimoona Sultan, Shrimati
Majithia, Shri
Malaichan i, Shri
Malaviya, Shri K.D.
Mali Mariyappa, Shri
Mallick, Shri Rama Chandra
Manaen, Shri
Mandal, Dr. P.
Mandal, Shri J.
Maniyangadan, Shri
Mantri, Shri D.D.
Marandi, Shri
Maruthiah, Shri
Masuriya Din, Shri
Mathur, Shri Harish Chandra
Mathur, Shri Shiv Charan
Mehdi, Shri S.A.
Mehrotra, Shri Braj Bihari
Mehta, Shri J.R.
Mehta, Shri Jashvant
Melkote, Dr.
Mengi, Shri Gopal Datt
Menon, Shri P. Gobinda
Minimata, Shrimati
Mirza, Shri Bakar Ali
Mishra, Shri Bibhuti
Mishra, Shri M.P.
Misra, Shri Bibudhendra
Misra, Shri Mahesh Dutta
Misra, Shri Shyam Dhar
Mohanty, Shri Gokulananda
Mohsin, Shri
More, Shri K.L.
Mukerjee, Shri H.N.
Mukerjee, Shrimati Sharda
Munzni, Shri David
Murthy, Shri B.S.
Murti, Shri M.S.
Muthiah, Shri
Naidu, Shri V.G.
Naik, Shri D.J.
Nair, Shri Vasudevan
Nambiar, Shri
Nanda, Shri
Naskar, Shri P.S.
Nayak, Shri Mohan
Nayar, Dr. Sushila
Niranjan Lal, Shri
Oza, Shri
Pande, Shri K. N.
Pandey, Shri Vishwa Nath
Panna Lal, Shri
Pant, Shri K.C.
Parashar, Shri
Patel, Shri Chhotubhai
Patel, Shri N.N.
Patel, Shri P.R.
Patel, Shri Rajeshwar
Patil, Shri D.S.
Patil, Shri J.S.
Patil, Shri S.B.
Patil, Shri S.K.
Patil, Shri T.A.
Pattabhi Raman, Shri C.R.
Prabhakar, Shri Naval
Pratap Singh, Shri
Puri, Shri D.D.
Raghunath Singh, Shri
Raghuramaiah, Shri
Rai, Shrimati Sahodra Bai
Raja Bahadur,
Rajaram, Shri
Rajdeo Singh, Shri
Raju, Shri D.B.
Raju, Dr. D.S.
Ram, Shri T.
Ram Sewak, Shri
Ram Singh, Shri
Ram Subhag Singh, Dr.
Ram Swarup, Shri
Rama krishnan, Shri P.R.
Ramanathan Chettiar, Shri R.
Ramaswamy, Shri V.K.
Ramdhani Das, Shri
Ramshekhar Prasad Singh, Shri
Rane, Shri
Ranjit Singh, Shri
Rao, Shri Hanmanth
Rao, Shri Jaganatha
Rao, Dr. K.L.
Rao, Shri Krishnamoorthy
Rao, Shri Muthyal
Rao, Shri Ramapathi
Rao, Shri Rameshwar
Rao, Shri Thirumala
Rattan Lal, Shri
Raut, Shri Bhola
Ray, Shrimati Renuka
Reddi, Dr. B. Gopala
Reddiar, Shri
Reddy, Shri H.C. Linga
Reddy, Shri Narasimha
Reddy, Shri Surendra
Reddy, Shrimati Yashoda
Roy, Shri Bishwanath

Sadhu Ram, Shri
Saha, Dr. S.K.
Sahu, Shri Rameshwar
Saigal, Shri A.S.
Samanta, Shri S.C.
Samnani, Shri
Sanji Ruoji, Shri
Saraf, Shri Sham Lal
Sarma, Shri A.T.
Satyabhama Devi, Shrimati
Sen, Shri P.G.
Shah, Shri Manabendra
Shah, Shrimati Jayaben
Shakuntala Devi, Shrimati
Sham Nath, Shri
Shankaraiya, Shri
Sharma, Shri A.P.
Sharma, Shri D.C.
Sharma, Shri K.C.
Shastri, Shri Ramanand
Sheo Narain, Shri
Shinde, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Shyam Kumari Devi, Shri
Siddananjappa, Shri
Siddhanti, Shri Jagdev Singh
Siddiah, Shri
Sidheshwar Prasad, Shri
Singh, Dr. B.N.
Singh, Shri K.K.
Sinha, Shrimati Ramdulari
Sinha, Shri Satya Narayan
Sinhasan Singh, Shri
Sivappraghassan, Shri Ku.
Snatak, Shri Nardeo
Solanki, Shri
Sonavane, Shri
Soundaram Ramachandran, Shrimati
Srinivasan, Dr. P.
Subbaraman, Shri
Subramaniam, Shri C.
Subramanyam, Shri T.
Sumat Prasad, Shri
Sunder Lal, Shri
Surendra Pal Singh, Shri
Surya Prasad, Shri
Swamy, Shri M.P.
Swell, Shri
Tahir, Shri Mohammad
Tantia, Shri Rameshwar
Thengal, Shri Nallakoya
Thimmaiah, Shri
Thomas, Shri A.M.
Tiwary, Shri D.N.
Tiwary, Shri K.N.
Tiwary, Shri R.S.
Tripathi, Shri Krishna Deo
Trivedi, Shri U.M.
Tula Ram, Shri
Tyagi, Shri
Uikey, Shri
Ulaka, Shri Ramachandra
Umanath, Shri
Upadhyaya, Shri Shiva Dutt
Varma, Shri M.L.
Varma, Shri Ravindra
Veerabasappa, Shri
Verma, Shri Balgovind
Virbhadra Singh, Shri
Vyas, Shri Radhelal
Wadiwa, Shri
Yadab, Shri N.P.
Yadav, Shri Ram Harkh
Yadava, Shri B.P.

श्री रंगजय सिंह (मुर्शाफ़िरखाना) : मेरी मशीन काम नहीं कर रही है ।

अध्यक्ष महोदय : अच्छी बात है । आगे से ठीक काम करेगी ।

The result of the division is: Ayes—306; Noes—None. The 'Ayes have it; the 'Ayes' have it. The motion is adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. The Bill, as amended, is passed.

The motion was adopted.

15.45 hrs.

MOTION *RE*: PRESENT ECONOMIC SITUATION IN THE COUNTRY —*contd.*

Mr. Speaker: The House will now now take up further consideration of the following motion moved by Shri Sachindra Chaudhuri on the 26th July, 1966, namely:—

"That the present economic situation in the country be taken into consideration."

Shri K. C. Sharma may continue his speech.

Shri Surendranath Dwivedy (Kendrapara): How many hours more?

Mr. Speaker: Five hours and 20 minutes.

15.46 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Shri K. C. Sharma (Sardhana): Sir, yesterday I was dealing with the question of morale of administration. In continuation thereof I may read the comment in the survey of the Public Administration Institute. They say:—

"The ever-present preoccupation with corruption throws up certain interesting questions about national psychology. What is it that makes us assume the worst about the other man, especially if he has a Government post? What is it that makes us tackle any question about job or application or permit or licence in terms of "bribes" or "pulls" or "political influence"? In our law courts we assume every man to be innocent until he is proved to be guilty; in our social life we seem to assume, the contrary."