

15.48 hrs.

DELHI AND HIMACHAL PRADESH
(SEPARATION OF JUDICIAL AND
EXECUTIVE FUNCTIONS) BILL*

The Minister of Home Affairs (Shri Nanda): I move:

"That leave be granted to introduce a Bill to provide for the separation of judicial and executive functions in the Union territories of Delhi and Himachal Pradesh."

Mr. Deputy-Speaker: You have movd for leave? The question is:

"That leave be granted to introduce a Bill to provide for the separation of judicial and executive functions in the Union Territories of Delhi and Himachal Pradesh."

The motion was adopted.

श्री राम सेवक यादव (बाराबंकी) : अध्यक्ष महोदय ने आश्वासन दिया है, आप 5 सितम्बर की कार्रवाही उठा कर देखें।

Shri Nanda: Sir, I introduce the Bill.

श्री राम सेवक यादव : उपाध्यक्ष महोदय आप 5 सितम्बर की प्रोसीडिन्स ले लीजिये।

Shri Hem Barua (Gauhati): Sir, you have extended the zero hour up to 3.51.

Mr. Deputy-Speaker: What am I to do? Unless the House co-operates with me, I cannot help it.

श्री राम सेवक यादव : अध्यक्ष महोदय, का आश्वासन है।

Mr. Deputy-Speaker: Order, order. He is obstructing the proceedings of the House. I will ask him to go out if he continues like that.

श्री किशन पटनायक (सम्बलपुर)
स्पीकर साहब का आश्वासन है।

Mr. Deputy-Speaker: Please sit down; I am not concerned with that. Please give notice; I will consider.

श्री राम सेवक यादव : स्पीकर साहब का फसला है।

Mr. Deputy-Speaker: Order, order. Let us proceed to the next item.

15.51 hrs.

PUNJAB REORGANISATION BILL
—contd.

Clause 29—contd.

Mr. Deputy-Speaker: Now, the House will take up further consideration of the Punjab Reorganisation Bill. We were on clause-by-clause consideration, and Shri Buta Singh was speaking. I have to make one request to the House. This Bill has to be finished today, and then we will take up other business. I would request hon. Members to kindly co-operate with the Chair and see that this Bill is passed as quickly as possible.

श्री राम सेवक यादव (बाराबंकी) : पांच सितम्बर का नोटिस है। अध्यक्ष महोदय ने आश्वासन दिया था। यह अनाज का मामला है। ए० पी० जे० कम्पनी का मामला है। अध्यक्ष महोदय ने फ़ैसला दिया था।

श्री किशन पटनायक (सम्बलपुर) : इसका क्या होगा ?

Mr. Deputy-Speaker: Order, order. I will ask Shri Ram Sewak Yadav to go out. He is unnecessarily obstructing the proceedings of the House.

Shri Hem Barua (Gauhati): How much time has been taken on this Bill, Sir?

*Published in Gazette of India Extraordinary, Part II, section 2, dated

Mr. Deputy-Speaker: Eight hours and five minutes have been taken. We have to finish the Bill. It depends upon the Members. I request hon. Members to be short in their speeches and try to finish this Bill at least before . . . (*Interruption*).

Shri Hem Barua: How long are we going to sit?

Mr. Deputy-Speaker: Till we finish this Bill and the other business which Members want to take up. Let us go on till 6 O'clock and then see.

Shri Bade (Khargone): After a break at 6 O'clock, we will take it up again.

Shri S. M. Banerjee (Kanpur): Sir, if you see the Order Paper for today, you will find that there are three half-an-hour discussions for today, and before that, there is the discussion on defence matters, which is pending. I would like to know whether any time-limit has been fixed and when the Minister is going to reply.

Mr. Deputy-Speaker: I would suggest that this Bill be finished by 6 O'clock—all stages. After that, if the House is willing we will take up the other business.

Shri Hari Vishnu Kamath (HosH-angabad): They may be put off for the next session.

Shrimati Renu Chakravartty (Bar-rackpore): At 5 O'clock, the half-hour discussion to be raised by Shri Harish Chandra Mathur is coming up. I suggest that we will take that up at that time and then resume discussion of this Bill.

The Minister of State in the De-partments of Parliamentary Affairs and Communications (Shri Jagannatha Rao): We will continue with this Bill.

Mr. Deputy-Speaker: Let us finish this Bill; we will go on till

6 O'clock and then take other business.

Shri Umanath (Pudukkottai): Sir, the Beedi and Cigar Workers (Conditions of Employment) Bill is put down on the agenda since the past four to five days and it has not yet come up before the House.

Shri Raghunath Singh (Varanasi): There is also the discussion in respect of defence matters. (*Interrup-tion*).

Shrimati Renu Chakravartty: Let us understand the position. First, this Bill has got to be finished. After that, the Beedi and Cigar Workers (Conditions of Employment) Bill will be taken up and then the three half-hour discussions will come up. Is that the position, and if so, we will continue till what time?

Shri Jagannatha Rao: Till such time as the business of the House is finished.

Shrimati Renu Chakravartty: That is, tomorrow or the day after tomorrow?

Mr. Deputy-Speaker: Let us get along with as much as we can, today. (*Interruption*).

Shrimati Renu Chakravartty: Let us understand it; today means till 12 midnight. Do we sit up to 12 midnight?

Mr. Deputy-Speaker: Whatever we could do, up to 10 or 11. We will sit till this Bill is passed. Then, if the House is willing to sit further, the other business may be taken up.

Shrimati Renu Chakravartty: What happens to Shri Mathur's half-hour discussion?

Shri Raghunath Singh: The motion on the defence matter is half-discussed. That should be taken up first. I will have to continue my speech on it.

Mr. Deputy-Speaker: I will leave it to the Members and the House.

Shri S. M. Banerjee: Kindly, for God's sake, see the Order Paper.

Mr. Deputy-Speaker: What is it that he wants to say?

Shri S. M. Banerjee: After this Bill is finished, there is the other motion on defence matter. Then, there are three half-hour discussions. That is, the House will have to sit for long. Will there be quorum?

Mr. Deputy-Speaker: Quorum will be maintained.

श्री मधु लिमये (मुंगेर) : एजंडा के बारे में, आर्डर पेपर के बारे में मैं कुछ कहना चाहता हूँ।

उपाध्यक्ष महोदय : वह हो गया है।

श्री मधु लिमये : 5 सितम्बर को ए० पी० जे० शिपिंग लाइन्स के बारे में अध्यक्ष महोदय ने आश्वासन दिया था। मैं समय लेना नहीं चाहता हूँ। आश्वासन दिया गया है।

उपाध्यक्ष महोदय : अभी नहीं, बाद में।

श्री रामसेवक यादव : आज आखीरी दिन है। ए० पी० जे० द्वारा वर्मा से आने वाले चावल को ले कर लाखों रुपये का नुकसान हुआ है। उस समय के खाद्य मंत्री की, विदेश मंत्री की और प्रधान मंत्री की जिम्मेदारी थी। इस पत्र को यहां रखा भी गया है और आपने उसको रखने की अनुमति भी दी थी। अब आप इस को क्यों नहीं ले रहे हैं।

श्री मधु लिमये : आप चूँकि इसको नहीं ले रहे हैं, इस वास्ते हमको सभा-त्याग करना पड़ेगा।

श्री रामसेवक यादव : लाखों रुपये के चावल का घोटाला है जिस में पाटिल साहब और विदेश मंत्री शामिल हैं। ये साजिशें होती रहती हैं। **

श्री किशन पटनायक : **

(Shri Ram Sevak Yadav and some other hon. Members then left the House.)

Mr. Deputy-Speaker: Thank you.

Shri Hem Barua: Are you thanking them for calling**

Mr. Deputy-Speaker: I thanked them for going out of the House. That will be expunged.

15:58 hrs.

[SHRI SHAM LAL SARAF in the Chair]

Shri Buta Singh (Moga): Yesterday I was going to speak on my amendment 115 to clause 29, pertaining to the High Court. Through this Bill, the Government want to convert the present High Court of Punjab into a common High Court for Haryana and Punjab. In the name of a common High Court, a great injustice is being done to Punjab.

I request the Minister to accept my amendment on the following 3 grounds. Firstly, it will be inconvenient for the litigants of Haryana owing to the geographical location of Chandigarh. One of the principal terms of reference of the Boundary Commission

**Expunged as ordered by the Chair.

was geographical contiguity. The people coming from Gurgaon and Narayangarh will have to travel all the way to Delhi and then to Chandigarh to file an application. This clause should be amended to avoid the inconvenience to the people of these areas.

Secondly, since the Chief Ministers of the States concerned will be entitled to recommend the appointment of the Chief Justice the office of Chief Justice will become a matter of political contention, which is a bad thing. Yesterday when my colleague, Shri Kapur Singh, was referring to the judiciary, everybody was trying to twist his arguments.

16 hrs.

Sir, we have every faith in the judiciary of the country and I do not want that this faith should be shattered, this faith should be put to political use by making this High Court a common High Court. I am sure there will be difference of opinion. It is always bound to be there between the two Chief Ministers on the appointment of the Chief Justice to the common High Court. It is only fair and in the fitness of proper administration of this High Court that a separate High Court for Punjab and a separate High Court for Hariana be created.

My third argument is that it will be impossible for Punjabi language to be the language of the High Court and of session's courts, and Hindi being a Union language will not suffer from this disadvantage. A common High Court, therefore, is a statutory discrimination against the Punjabi language.

For these reasons, Sir,—this is a very important reason which I am advancing because the Allahabad High Court has already switched over to Hindi as its court language—and it is with this purpose that the linguistic division of the country was considered necessary. Since we are going to give Punjabi the status of a State

language and we are going to instal it for all practical purposes for that State, it will be unfair to this language if it is not made the language of the High Court of that State. For these reasons, I request the hon. Home Minister to agree to have two separate High Courts, for Punjabi Suba and Hariana.

The Minister of Home Affairs (Shri Nanda): There will be practical difficulties in effecting a change immediately by the time of the appointed day, apart from other reasons. Therefore, this arrangement may continue. When the States come into being we can make the change.

Shri Buta Singh: Shall we take this as an assurance that when the new States come into existence they can have the choice of having one Court or two separate Courts?

Shri Nanda: Yes.

Mr. Chairman: I shall put amendment No. 115 to the vote of the House. The question is:

Page 14,—for clause 29, substitute—

“29. (1) On and from the appointed day there shall be a separate High Court for the State of Punjab to be called the High Court of Punjab.

(2) The Judges of the High Court of Punjab holding office immediately before that day, shall become on that day the Judges of the High Court of Punjab.”

The motion was negatived.

Mr. Chairman: The question is:

“That clause 29 stand part of the Bill.”

The motion was adopted.

Clause 29 was added to the Bill.

Clauses 30 to 47 were added to the Bill.

Clause 48.—(Land and Goods)

Shri Jagdev Singh Siddhanti (Jhajjar): Sir, I beg to move:—

(i) Page 20, line 7,—

after "land", insert—

"buildings and other property".
(76).

(ii) Page 20, line 9,—

after "State", insert—

"and was not used for the purposes of the State or States as a whole". (77).

(iii) Page 20, lines 11 and 12,—

for "pass to the State of Punjab" substitute—

"the lands, buildings, properties, stores, goods and other articles, or their market value be distributed according to the population ratio". (78).

(iv) Page 20, line 14,—

for "any goods or class of goods" substitute—

"any lands, buildings, properties, stores, articles and other goods". (79).

Shri Gajraj Singh Rao (Gurgaon): Sir, I beg to move:—

Page 20,—

for lines 11 and 12, substitute—

"(b) if outside that State, pass to successor States, Punjab and Haryana, as determined by the Central Government;". (107).

Shri Hem Raj (Kangra): Sir, I beg to move:—

(i) Page 20, lines 11 and 12,—

for "State of Punjab", substitute—

"successor States in consonance with the principles of division of assets". (108).

(ii) Page 20, line 14,—

for "goods or class of goods", substitute—

"moveable or immoveable property". (109).

(iii) Page 20, line 16,—

for "goods", substitute—

"property, moveable or immoveable". (110).

श्री जगदेव सिंह सिद्धान्ती : मैं यह निवेदन करना चाहता हूँ कि हरियाणा को अब तक बिल्कुल अनडेवेलप्ड रखा गया है और मैं कहना चाहता हूँ कि जानबूझ कर रखा गया है। इस की तुलना में पंजाबी सूबे के घर-घर में इंडस्ट्रीज लगी हुई है और गांव-गांव के खेत-खेत में ट्यूबवेलज लगे हुए हैं, जो कि हमारे यहां बिल्कुल नहीं हैं। हमारे पास कुछ भी मिल्कियत नहीं है। इस लिए दोनों राज्यों में जो जायदाद या चीजें है अगर वे उन्हीं को दे दी गईं, तो हमारे साथ बड़ा अन्याय होगा। इस लिए आवश्यकता इस बात की है कि हमारी कमी को पूरा कर के और पंजाबी सूबे के स्तर पर हमारी तरक्की हो जाने पर ही यह जायदाद का बंटवारा कर दिया जाये। या इस समय पूरी पंजाब स्टेट में जो जायदाद आदि है, उस की कीमत लगा कर जनसंख्या के अघार पर दोनों राज्यों में बांट दी जाये। हमारे यहां यूनिवर्सिटी और दूसरी संस्थाओं पर बिल्कुल रुपया नहीं लगाया गया है। इस समय पंजाब स्टेट से बाहर जो जायदाद आदि है, वह जायदाद पंजाबी सूबे को दी जा रही है। इस लिए मैं चाहता हूँ कि श्री नन्दा भरे इन संशोधनों को स्वीकार करें और

पंजाब से बाहर की जायदाद को जनसंख्या के आधार पर दोनों राज्यों में बांटा जाये, क्योंकि हरियाणा पिछड़ा हुआ है और उस को पंजाब के बराबर लाना सरकार का कर्तव्य है।

Shri Gajraj Singh Rao: This would create great difficulties. There are certain houses in Western Jamuna Canal in UP and how it is fair that they should go to the State of Punjab. Therefore, I have suggested this amendment as a *via media*. My amendment No. 107 is innocuous and Government should accept this that the goods, articles, moveable and immovable property outside the State should pass to the successor States as determined by the Central Government. This is a reasonable thing. Why is Haryana being deprived of crores and crores of rupees worth of property?

Shri Hem Raj: I want that these assets should pass to the successor States in consonance with the principle of division of assets. These assets belong to all the four areas which are being divided. Here the words used are:—

“Subject to the other provisions of this Part, all land and all stores, articles and other goods”.

Immovable property is also included in this and that means that all that property which lies outside the Punjab shall pass to the State of Punjab. If it passes to the State of Punjab, the question will arise as to how the other parts which are being separated from the Punjab can claim that property which lies outside the Punjab. Therefore, once it goes to Punjab, it will become difficult for those States to claim it. I say that certain principles have been accepted for the division of assets. According to those principles, the assets which arise outside Punjab, should be divided into three parts.

Shri Nanda: There is some misunderstanding so far as my friend Shri Siddhanti's amendment is concerned. If we see sub-clause (6) of

clause 48, we find the expression 'land' includes immovable property of every kind and any rights in or over such property, etc. Therefore, there is no need for any specific amendment to say that 'land' includes buildings, immovable property etc. because it has already been specifically defined in the sub-clause (6) of clause 48.

Then, as regards the property which is outside the State, may be in Delhi or may be elsewhere, there a procedure has been laid down. It is that, in the first instance, it will vest in Punjab but then it is going to be decided, either according to agreement if agreement can be reached or the Central Government will enter, and a decision taken. Therefore, it is only a matter of convenience that at the moment, on an appointed day—it is not possible to do all the processes at once—it has to vest somewhere. It is Punjab, for the time being, but all that is required is going to follow in course of time.

Regarding the property at the State level, there may be buildings at the State level meaning thereby housing of some officers who were functioning at State level. It is very difficult to distinguish and it practically means that we depart from the principle that wherever immovable property lies, it vests in that State. Then, if it has been created out of the public debt, it is going to be distributed according to certain ratio. Actually, it is not going to create any problem at all of any dimension. These were the three things raised. I have nothing more to say.

Shri Kapur Singh (Ludhiana): In any case, as long as the men like Shri Hem Raj, Shri Gajraj Singh Rao and Shri Siddhanti are in Haryana, how can Haryana be said to be a poor State?

Mr. Chairman: I shall put all the Amendments together, that is, Amendments No. 76, 77, 78, 79, 107, 108, 109 and 110.

Amendments Nos. 76 to 79 and 107 to 110 were put and negatived.

Mr. Chairman: The question is:

"That clause 48 stand part of the Bill".

The motion was adopted.

Clause 48 was added to the Bill.

Clause 49—(Treasury and bank balances)

Shri Jagdev Singh Siddhanti: I move:

Page 21, line 26,—

after "shall", insert—

"after making adjustments for removing imbalances in the matter of development, economic and educational, of the areas heretofore called the State of Haryana and Punjab, or of the areas transferred to Himachal Pradesh." (80).

Shri Nanda: The hon. Minister believes that the cash balance is of such a large size that it will enable them to make up for all the deficiency and all the backwardness. It is not so. It is a relatively small amount. The hon. Member need not bother about this very much.

Mr. Chairman: Is the hon. Member pressing his amendment?

Shri Jagdev Singh Siddhanti: No; I would like to withdraw it.

Mr. Chairman: Has he the leave of the House to withdraw his amendment?

Several hon. Member: Yes.

Amendment No. 80 was, by leave, withdrawn.

Mr. Chairman: The question is:

"That Clause 49 stand part of the Bill."

The motion was adopted.

Clause 49 was added to the Bill.

Clauses 50 to 68 were also added to the Bill.

Clause 69—(Provisions as to Punjab State Financial Corporation).

Mr. Chairman: There is an amendment, Amendment No. 14, by Mr. Kapur Singh and others.

Shri Buta Singh: I beg to move:

Page 31, line 37,—

for "and", substitute "or". (14).

श्री गुलशन (भटिंडा): यह अमेंडमेंट नं० 14 जो है इस में मुझे यह निवेदन करना है कि हाई कोर्ट हरयाणा और पंजाब का एक न रखा जाय। उस की दलील यह है कि पंजाब राज्य में पंजाबी भाषा की उन्नति करना है तो अगर वह हाई कोर्ट के दरवाजे तक पंजाबी नहीं पहुँच सकती तो मैं समझता हूँ कि पंजाबी क्षेत्र जैसे बना वैसे नहीं बना। इसलिए जैसा कि मेरे मित्र बूटा सिंह ने कहा है, मैं उन का समर्थन करता हूँ और यह कहता हूँ कि हाई कोर्ट एक रखने में पंजाबी विरोधी तत्व यह उस में रहता है। यह एक कमी उसमें रह जाती है। इसलिए मैं चाहूँगा कि हाईकोर्ट पंजाब और हरयाणा से अलग होना चाहिये, मिलान में नहीं होना चाहिए।

Shri Nanda: This should be consequential to the amendment moved earlier by the hon. Member. Since that has not been accepted, the question of accepting this does not arise.

श्री गुलशन : नन्दा जी, एक तो मान ही लीजिए।

Mr. Chairman: I now put Amendment 14 to Clause 69, to the vote of the House.

Amendment No. 14 was put and negatived.

Mr. Chairman: The question is:

"That Clause 69 stand part of the Bill."

The motion was adopted.

Clause 69 was added to the Bill.

Clause 70—(Amendment of Act 6 of 1942)

Mr. Chairman: There is an amendment, Amendment No. 15.

Shri Buta Singh: I move:

Page 33, line 20,—

for "and", substitute "or". (15)

As the hon. Home Minister has informed the House, these are consequential amendments and I want just to reassure myself by repeating the assurance given by the hon. Home Minister that, after the formation of these two States, they will be free to separate and have their High Courts. In the light of this assurance, I do not press this amendment.

Mr. Chairman: Has the hon. Member leave of the House to withdraw amendment No. 15?

Several hon. Members: Yes.

Amendment No. 15 was, by leave, withdrawn.

Mr. Chairman: The question is:

"That clause 70 stand part of the Bill".

The motion was adopted.

Clause 70 was added to the Bill.

Clause 71 was added to the Bill.

Clause 72—(General provisions as to statutory corporations)

Shri Gajraj Singh Rao: I beg to move:

Page 34, after line 33, insert—

"(3A) The Punjab Waqf Board constituted under the Waqf Act,

1954, shall have jurisdiction over the successor States of Punjab, Haryana and Himachal Pradesh.

(3B) The Board, which shall work under the directions of Central Government, shall consist of eleven members nominated by Central Government in the following manner—

- | | |
|--------------------------|------|
| (1) Haryana | 6 |
| (2) Punjab | 3 |
| (3) Himachal Pradesh 2." | (11) |

Mr. Chairman: This amendment is now before the House.

Shri Gajraj Singh Rao: The Punjab Waqf Act, 1954, has been in force in the united Punjab for the administration of the mosques, shrines etc. in all parts of its territory. For that purpose, there has been a board of eleven members already existing. After the reorganisation, some parts will go to Himachal Pradesh, some parts will be transferred to Himachal Pradesh and some will go to Punjab. There is reference in the clause to the board constituted under the Sikh Gurdwaras Act, and that provides for the proper administration of the Sikh Gurdwaras. In the same way, in regard to waqf properties, this amendment is very essential. Otherwise, that Act would disappear and the whole administration of these waqfs will come into trouble. Therefore, I have moved this amendment.

This is an innocuous amendment. It only provides for the continuation of what already exists, because the law relating to waqfs must continue so that the properties may not be squandered away by the *mutawallis* and other persons. Therefore, I would submit that the hon. Minister may accept this amendment.

Shri Nanda: These is no manner of doubt about the position of the Waqf Act. It does apply in all these areas, and, therefore, it is unnecessary to make a special provision in this behalf.

Mr. Chairman: Does the hon. Member want to press his amendment?

Shri Gajraj Singh Rao: If there is an assurance that this Act would remain in force in all the three areas, then I would not press it. I want to have this clarification from the hon. Minister. This Act is there in force in the united Punjab now. I would like to have an assurance that it would continue in all the three parts so that the property may not be squandered away by the *mutawallis* and other private persons.

Dr. M. S. Aney (Nagpur): It cannot be squandered away, because there is already a trust.

Mr. Chairman: I shall now put amendment No. 111 to the vote of the House.

Amendment No. 111 was put and negatived.

Mr. Chairman: The question is:

"That clause 72 stand part of the Bill".

The motion was adopted.

Clause 72 was added to the Bill.

Clause 73—(Provision as to certain companies)

Shri Nanda: I beg to move:

Page 35, for lines 1 to 10, substitute—

"Provision as to certain companies.

73. (1) Notwithstanding anything contained in the foregoing provisions of this Part, each of the following companies, namely:—

- (i) the Punjab Export Corporation;
- (ii) the Punjab State Small Industries Corporation;
- (iii) the Punjab Dairy Development Corporation;

(iv) the Punjab Poultry Corporation;

(v) the Land Development and Seed Corporation;

(vi) the Industrial Development Corporation; and

(vii) the Agro-Industrial Corporation,

shall, on and from the appointed day and until otherwise provided for in any law, or in any agreement among the successor States, or in any direction issued by the Central Government, continue to function in the areas in which it was functioning immediately before that day; and the Central Government may from time to time issue such directions in relation to such functioning as it may deem fit, notwithstanding anything to the contrary contained in the Companies Act, 1956, (1 of 1956) or in any other law". (87).

The main idea behind this amendment is this. In the clause as it is, three companies have been listed, namely the Punjab Export Corporation, the Punjab State Small Industries Corporation and the Punjab Dairy Development Corporation.

In the amendment there are several other similar institutions which were considered to be fit for inclusion in the legislation. That is why it has been done.

Mr. Chairman: The question is:

Page 35—

for lines 1 to 10, substitute—

"Provision, as to certain companies.

73. (1) Notwithstanding anything contained in the foregoing provisions of this Part, each of the following companies, namely:—

- (i) the Punjab Export Corporation;

- (ii) the Punjab State Small Industries Corporation;
- (iii) the Punjab Dairy Development Corporation;
- (iv) the Punjab Poultry Corporation;
- (v) the Land Development and Seed Corporation;
- (vi) the Industrial Development Corporation; and
- (vii) the Agro-Industrial Corporation, shall, on and from the appointed day and until otherwise provided for in any law, or in any agreement among the successor States, or in any direction issued by the Central Government continue to function in the areas in which it was functioning immediately before that day, and the Central Government may from time to time issue such directions in relation to such functioning as it may deem fit, notwithstanding anything to the contrary contained in the Companies Act, 1956, (1 of 1956) or in any other law". (87).

The motion was adopted.

Mr. Chairman: The question is:

"That Clause 73, as amended, stand part of the Bill."

The motion was adopted.

Clause 73, as amended, was added to Bill.

Clause 74—(Temporary provisions as to continuance of certain existing road transport permits)

Shri Buta Singh: I beg to move:

(i) Page 35,—

omit lines 31 to 35 (16)

(ii) Page 36,—

omit lines 4 to 7 (17).

There is going to be a division of two States. The present Motor Vehi-

cles Act, 1939, will be applicable even after the division of these two States. I do not understand the necessity or the reason why the Central Government wants that the permits and licences issued under this Act should be subject to their power to add, to amend or vary the conditions attached to them.

I may inform the hon. Home Minister that the service rendered by the transporters of Punjab during the last Pakistani conflict is so valuable that at this stage if you want to introduce an element of uncertainty in their line, they are bound to suffer a heavy loss. There is no need at present to amend this Act which I have mentioned, namely the Motor Vehicles Act, 1939.

I may inform the hon. Home Minister that more than 90 per cent of the transporters belong to a particular community which has been very strongly supporting the demand of Punjabi Suba. By taking some power to alter, amend or add to or subtract from the provisions of the permits and the licences issued to those people, you will certainly be creating some suspicion in their mind. There is no need for the Central Government to take over any power because both the Governments of Hariyana and Punjab will be competent to make any amendment whatsoever if it is desired. So, I request the hon. Home Minister not to ask for this power because it is bound to create an atmosphere of suspicion and uncertainty in the Punjab.

श्री गुलशन : सभापति जी, मैं भी इस अमेंडमेंट पर कुछ कहना चाहूंगा, जब जब नये नये राज्य बने और पुनर्गठन हुआ, मेट्रोल गवर्नमेंट ने इस तरह की कड़ाई नहीं की, लेकिन जब पंजाबी सूबा बन रहा है तो उसके साथ ऐसा क्यों किया जा रहा है। इस किस्म का प्राविजन करने से ऐसा मालूम होता है कि यह असली स्टेट नहीं, बल्कि रिजनाल फार्मूले का ही दूसरा रूप है। इस लिये मैं

[श्री गुलशन]

चाहूंगा कि ट्रांसपोर्ट परमिट वगैरह का काम अपने-अपने राज्य में ही होना चाहिये, जैसी कि पहले रिजिनल ट्रांसपोर्ट अथॉरिटी और स्टेट ट्रांसपोर्ट अथॉरिटी हुआ करती थी, उसी तरह में जो नये राज्य बने हैं, उनकी भी अपनी अपनी ट्रांसपोर्ट अथॉरिटी होनी चाहिये।

Shri D. C. Sharma (Gurdaspur): Sir, I beg to submit very respectfully that there is no idea of making any community suffer on account of this provision. The transport of the State belongs to all and we are all in praise for its efficiency and the patriotic work that it did during the Indo-Pakistan conflict. At the same time I do not know why they are taking objection to this proviso which begins 'provided the Central Government...' After all the whole of this Bill has been brought forward by the Central Government; the Central Government is responsible for the Hariyana State, the Punjab, Chandigarh and all that thing. I do not understand why they think that this small power should not be retained by the Central Government. The Central Government can any day declare the President's rule in any of the States. I do not think that this power is going to be abused or that it is going to work against any community, Hindu, Sikh, Muslim or Christian. My friends do not know how difficult some of the transporters of Punjab find to come to Delhi. Sometimes I want to bring a taxi from Chandigarh to Delhi; they say: We require a permit.

श्री जगदेव सिंह सिद्धांती : हम से परमिट लोजिये। यू० पी० में भी तो आप लेते हैं।

Shri D. C. Sharma: Jagdev Singh Siddhantiji is trying to out-herod herod. When the Hariyana Prant is formed I think I will not be able to proceed from Chandigarh beyond Ambala and my taxi driver will have to take a permit. I think that this is

very important in the interest of the smooth flow of traffic between these States. I think it is a kind of common link. The provision says:

"Provided that the Central Government may, after consultation with the State Government or Governments concerned, add to, amend or vary the conditions...."

If they want to vary the conditions, they will consult the state governments; they are not going to do anything in an arbitrary, autocratic and dictatorial manner. Therefore, it is a very harmless thing and I think this should be passed.

Shri Nanda: These amendments are unnecessary; there is no ground for them. If the hon. Members referred to the States Reorganisation Act, it is practically on the same terms; on the same lines also in the Bombay Reorganisation Act. No difficulty has arisen there. The purpose would be seen from the wording of the Bill. It is a temporary provision. The idea is that here they are affecting a change. The Central Government wants to ensure that the free flow of traffic is not interrupted in the interim period. Therefore, it is only to help the trade and the flow of traffic and the smooth operation of traffic and transport. There should be no difficulty at all about it in practice.

श्री जगदेव सिंह सिद्धांती : लेकिन यह तभी तक है जब तक दोनों राज्य एक हैं।

Shri Nanda: As long as the present permits last.

Mr. Chairman: I shall put amendments Nos. 16 and 17 to the vote of the House.

Amendments Nos. 16 and 17 were put and negatived.

Mr. Chairman: The question is:

"That clause 74 stand part of the Bill".

The motion was adopted.

Clause 74 was added to the Bill. Clauses 75 and 76 were added to the Bill.

Clause 77—(Continuance of facilities in certain State institutions)

Mr. Chairman: There is amendment No. 18 to clause 77.

Shri Buta Singh: I move:

Page 37, lines 20 and 21, omit "or the Union territory of Chandigarh," (18).

As reported in the press today, Shri Nanda was very particular in stating that there will be no revision of Chandigarh as in so many other provision. The hon. Home Minister has been saying that this is a temporary arrangement. Let him say that at present this Chandigarh also is a temporary arrangement and that it will be open for discussion and decision afterwards,—a political decision.

श्री गुलशन : सभापति जी, मैं यह कहना चाहता हूँ, और एक दफे नहीं बहुत दफे कहा जा चुका है, और मैं गृह मंत्री जी से प्लीड करूंगा, कि उनको इस बात को मान ही लेना चाहिये कि चंडीगढ़ का ग्राम पाम और चंडीगढ़ की जो भूमि है वह सब पंजाब से मिली हुई है, और उसी में सम्मिलित है। इस लिये उस को पंजाब में ही छोड़ दिया जाये। उस को सेंट्रल गवर्नमेंट के कब्जे में न लिया जाये। वहाँ के लोगों ने बहुत मेहनत की है बहुत काम किया है और उस को रखने का पंजाब को ही हक है। चंडीगढ़ को पंजाब में ही रहना चाहिये। मैं चाहूंगा कि होम मिनिस्टर साहब मेरी इस बात को मान लें।

श्री जगदेव सिंह सिद्धान्ती : हम लोग भी उस में शामिल हैं। हम ने उन से भी ज्यादा मेहनत की है। वह हमारा एरिया है और उस को हरयाना में ही रहते देना चाहिये।

Shri D. C. Sharma: I think the arrangement arrived at already with reference to Chandigarh should stand. I find some people are staging a demonstration outside, saying that it should belong to Haryana; there are some persons who want that Chandigarh should belong to Punjab and some persons who want, as I want, that it should stay as a Union territory. Chandigarh is like a very blushing bride who is being sought by two suitors—Punjab and Haryana pranth. I think we should protect that bride and Chandigarh should stay as it is, and I do not want that the Home Minister should give any assurance that after sometime it would be handed over to Haryana or to Punjab, because, if he does so, I will tell you that he will be opening the floodgates of agitation from today. Therefore, whatever is said in this clause should stay as it is, and we should respect Chandigarh as a Union territory and we should try to beautify it and adorn it and try to improve it and try to make it as fine as possible.

As I said in the beginning, Chandigarh is not Punjab or Haryana; Chandigarh is not Delhi. Chandigarh is the show-window of India, and its character of being the show-window of India should be preserved.

श्री दलजीत सिंह (उना) : चंडीगढ़ अब से यूनियन टेरिटरी बना रहे हैं। इस के पहले से जो वहाँ का नुमाइन्दा एम० एल० ए० होता था वह पंजाबी रिजन में बैठता था और उस को हम पंजाब में ही शामिल करते थे। इस लिये उस को पंजाब में ही जाना चाहिये। अगर सरकार को उस को यूनियन टेरिटरी ही बनाना है तो उस पर 150 करोड़ रुपया लगा हुआ है। वह इन दोनों स्टेटों को दे दिया जाये ताकि वह अपना-अपना हेडक्वार्टर बना लें, उस के बाद सेंट्रल गवर्नमेंट उस को यूनियन टेरिटरी बना ले।

श्री जगदेव सिंह सिद्धान्ती : आप का पटियाला है।

Shri Bade: I want one clarification from the hon. Minister. The Boundary Commission when it was appointed, recommended that Chandigarh should remain in Haryana; that was the decision. I want to know why the Government have not followed that advice; the Minister has not replied to that point in his speech. Besides, Chandigarh is just like two beggars who were fighting amongst themselves.

“तुम्हें नहीं चाहिये, हमें नहीं चाहिये, डाल कुत्ते को”

It is neither given to Punjab nor to Haryana; it has been made a Union territory. That is not the proper solution. I want the Minister to enlighten us as to why he has chosen a new proposal of making Chandigarh a Union territory.

Shri Warrior (Trichur): This Government is always accused as a Government of indecision and drift. If the Chandigarh question is left like that, it will be a bone of contention for years to come. Right or wrong, Government must take a definite decision whether it will go to Haryana or Punjab. It cannot remain a Union Territory because then the franchise of the people is taken away. It will become not only a law and order problem, but a very dangerous and explosive question in Punjab. It is not yet too late; even now the Government can take a definite decision, right or wrong, let us face it. That must be the Government's attitude. Otherwise, it will be a repetition of the Bombay episode.

Shri Kapur Singh: My friend, Shri Bade, said that two beggars are fighting and what they are fighting for has been thrown before the dog. To call the Punjabis and Haryana people beggars is bad enough. But to call the Union Government presided over by Mr. Nanda as a dog is very bad; I protest against it. It is most improper and should be withdrawn.

Shri Bade: On a personal explanation, Sir; that was only a simile or

metaphor. If my hon. friend is not able to appreciate it, I withdraw those remarks. I have got the greatest respect for Punjabis and Haryana people; they are my brothers.

Shri Nanda: My hon. friend, Shri Warrior, asked, why don't you take a decision here and now? Why leave it in this fashion undecided? It is not undecided; it is decided. Here is a very strong plea coming from one side and an equally strong claim from the other side. I do not know if the hon. member wants to have trouble created there. We try to avoid trouble. There is enough trouble elsewhere. In this case, there are good reasons for this decision. It was not a unanimous recommendation of the Boundary Commission. Therefore, it was open to us to consider what would be the best arrangement in the present circumstances. Everybody in his heart of hearts—either from Haryana or Punjab—will feel that it is all right. Let it be there. I bow to the wishes of Shri D. C. Sharma who said that there is no kind of uncertainty or indefiniteness about it.

Mr. Chairman: I will now put amendment 18 to the House.

Amendment No. 18 was put and negatived.

Mr. Chairman: The question is:

“That clause 77 stand part of the Bill.”

The motion was adopted.

Clause 77 was added to the Bill.

Clause 78 was added to the Bill.

Clause 79—(Bhakra Management Board)

Mr. Chairman: Then we come to clause 79. The amendments are: 19, 20, 21, 22, 40, 112, 113, 129, and 130.

Shri Buta Singh: Sir, I beg to move:

(i) Page 40, line 1,—
for "Central Government" substitute—
"Punjab Government" (19)

(ii) Page 40, line 20,—
for "Central Government" substitute—
"Punjab Government" (20)

(iii) Page 40,—
for lines 23 and 24, substitute—
"(a) Governor of Punjab as *ex-officio* Chairman." (21)

(iv) Page 40,—
omit lines 30 and 31 (22)

Shri Daljit Singh: Sir, I beg to move: Page 40,—

after line 31, insert—

"(d) The elected member of Parliament representing that constituency to be a member of the Board." (40)

Shri Gajraj Singh Rao: Sir, I beg to move:

(i) Page 40,—
for lines 18 and 19, substitute—

"(i) Sub-stations at Ganguwal, Ambala, Panipat, Delhi, Ludhiana, Sangrur and Hissar as well as the main 220 KV transmission lines connecting these sub-stations and power stations mentioned in sub-clauses (d) and (e)." (112)

(ii) Page 40—
for lines 23 and 24, substitute—

"(a) a full time Chairman and two full time Members to be appointed by the Central Government." (113)

Shri A. N. Vidyalankar (Hoshiarpur): Sir, I beg to move:

(i) Page 40,—

for lines 18 and 19, substitute—

"(f) Sub-stations at Ganguwal, Ambala, Panipat, Delhi, Ludhiana, Sangrur and Hissar as well as the main 220 KV transmission lines connecting these sub-stations and power stations mentioned in clauses (d) and (e) of sub-section (1); and" (129)

(ii) Page 40,—

for lines 23 and 24, substitute—

"(a) a full time Chairman and two full time members to be appointed by the Central Government;" (130)

Shri Buta Singh: Sir, I take up my amendment No. 19. My hon. friend, Shri D. C. Sharma, will object to my remarks, I know, because I am objecting to the approach of the Central Government to the reorganisation of the proposed States. We know Bhakra Dam is a national wealth and the only big project in Punjab. By clause 79(1) the Central Government again wants unnecessarily to put its foot on the management of this Board. It was under the management and it will remain there. Where is the necessity for the Central Government to take it over from the State in which the Dam exists. I object to the provision here:

"The Central Government shall constitute a Board to be called the Bhakra Management Board..

.."

I suggest that instead of "Central Government" it should be "Punjab Government" because, otherwise, it is going to give an impression in the State that all that is valuable, all that is of national importance, shall be taken over by the Central Government. It is to remove this impression that I want the hon. Minister to accept my amendment. Let the Punjab Government, which is so much under the Centre—the Governor is

[Shri Buta Singh]

there, they have a majority here and they will be in majority there also—manage it. Where is the need for the Central Government to take over the headache of running this Board when the Punjab Government is running it. Let the Punjab Government continue to manage the affairs of this Board.

श्री सुलशन : आपने कहा है कि भाखड़ा बोर्ड जो बनेगा उसको मेट्रोल गवर्नमेंट बनायेगी। समझ में नहीं आता है कि ऐसा क्यों किया जा रहा है। जब भाखड़ा बना था तब पंजाबियों को उजाड़ कर दूसरी जगह भेजा गया था। जहां से भाखड़ा प्रारम्भ होता है वहां से किसी भी तरफ की नहर को आप लें, राजस्थान की तरफ जाने वाली को ले लें या नरवाना ब्रांच वाली नहर को ले लें सभी नहरें पंजाब के किसानों की जमीन से निकली हैं। जब पंजाब के किसानों की जमीन से सभी नहरें निकली हैं तो पंजाब के लोगों को इस तरह से बांधे रखा जाए कि वहां की सरकार बोर्ड भी नहीं बना सकती है, मैं समझता हूँ कि एक बहुत बड़ा अन्याय है। जो भी पंजाब की कोई अच्छी चीज है उसको अपने हाथ में ले कर या उसमें दूसरों को सम्मिलित करके आप पंजाब को बिल्कुल बेजान कर रहे हैं। मैं चाहता हूँ कि भाखड़ा बोर्ड बनाने का अधिकार पंजाब को दिया जाना चाहिये और मुझे खुशी होगी अगर होम मिनिस्टर साहब इस एमेंडमेंट को परवान कर दें।

श्री बलजीत सिंह : सभापति महोदय, इस क्लॉज के बारे में मुझे यह अर्ज करना है कि जिन तजुबेकार इंजीनियर्स ने भाखड़ा डैम को बनाया है उन्होंने इतनी काबलियत से काम किया है कि उन्होंने राजस्थान तक पानी और बिजली की सप्लाई में कोई तकलीफ नहीं आने दी। इस बारे में उनका काम बिल्कुल संतोषजनक रहा है। मैं समझता हूँ कि पंजाब के जिन तजुबेकार इंजीनियरों ने इतना अच्छा काम किया है, यह काम उन के सुपुर्द ही रहना चाहिए,

ताकि वे वैसे ही काम करते रहें। उन में हरयाणा प्रान्त और हिमाचल प्रदेश के भी इंजीनियर रहे होंगे। मैं उन में कोई इम-तियाज नहीं करता हूँ। मैं सरकार से यह रिक्वेस्ट करूंगा कि अगर उम ने यह काम अपने हाथ में लेना है, तो उम पर जो 170 करोड़ रुपया लगा है, जो कि कर्जा है, सरकार उस को अपने जिम्मे ले ले।

सरकार को इस बारे में तीनों स्टेट्स को विश्वास दिलाना चाहिए कि जैसे काम पहले चल रहा था, वैसे ही चलना चाहिये और उस में किसी किरम की कमी न आए। पहले कम्पैक्ट काम हो रहा था और कहीं कोई स्कावट नहीं आती थी। कहीं ऐसा न हो कि वहां पर ऐसे आफिसर भेज दिये जायें, जो लोगों की बात को न सुनें और काम न हो। सरकार को इस तरह का इन्तजाम करना चाहिये कि स्टेट्स को पहले की तरह पानी और बिजली मिलते रहें। वहां के इंजीनियरिंग वर्ग की सर्विसिंग सिक्युर होनी चाहिये। उन स्टेट्स की से एक्सपर्ट नए आदमियों को इस काम के लिए ले लिया जाए, ताकि लोगों को यह गलतफहमी न हो कि बाहर के लोग आ गए हैं और हमें कोई पूछना नहीं है।

Shri A. N. Vidyalankar: The Bhakra Project is a national project and it is but proper and beneficial for all the States, Himachal, Haryana and Punjab as also for Delhi, that the main project should be managed by the Centre so that the various inter-State disputes should not arise. Water and other inter-State disputes arise and they take a lot of time; therefore, I think that it is but proper that this project should be managed by the Centre.

My suggestion was and I think the Government is going to accept that, that the main transmission lines and

main sub-stations should also be controlled by the Central board and from there each State should get its bulk supplies according to its requirements. This is but proper and useful.

Also, instead of one Chairman, there should be a whole-time Chairman and two whole-time members because the work would be heavy. It is but proper that more officers should be appointed to manage this big project.

Therefore I have moved this amendment, No. 130. I think, the Government is going to move one. If the Government amendment should be differently worded, I do not object, provided the substance should be the same. I think that this amendment should be accepted.

Shri Gajraj Singh Rao: So far as Bhakra is concerned, the papers are still there—they have not been destroyed—it was meant for Haryana to compensate it as against the already existing system of irrigation in Punjab and with great sacrifice it was obtained. Further, it is a national scheme of a high order; it is not a State scheme or a two-States scheme. It is a national scheme. That we have been deprived of the benefit for some time should not be the ground now. Now, as to the amendment which I have given, Amendment No. 112, there have been omissions in the original clause 79(f). Ganguwal, Ambala, Hissar and Delhi are mentioned in the sub-clause (f). Panipat, Ludhiana and Sangrur were by mistake not mentioned. They are as important or rather more important and they are the life-line. Further, the main 220 KV transmission lines should also be there. Then there is my Amendment No. 113. This is a technical matter. Unless that control is with the Board—and we have consulted the highest technical authorities on it—it may not be possible for the civil servants board to have it. Therefore, I have suggested this amendment that a full time Chairman and two full time Members be appointed by the Central Govern-

ment. The whole thing is technical. That would be in the best interest of not only Punjab but the whole country. I commend my Amendments No. 112 and 113 for the acceptance of the House. If they want any technical advice, that may be taken.

श्री जगदेव सिंह सिद्धान्ती : महाराज बिलासपुर से मिल कर हरयाणा के रहबरे—ग्राजम, सर छोटू राम, ने यह योजना बनाई थी। जैसा कि श्री गजराज सिंह राव ने कहा है—वह शुरू से उस के साथ एटेच्ड रहे हैं—भाखड़ा डैम विशेषतया हरयाणा के लिए था : अगर पंजाब के भाइयों की जमीन इस में आती है, तो उन्होंने बिजली और पानी का पूरा फायदा भी उठाया है। इसलिए यह एहसान किस पर है ? इस लिए श्री गजराज सिंह राव की एमेंडमेंट को स्वीकार करना चाहिए और उन के कथनानुसार कार्य करना चाहिए।

Shri D. C. Sharma: I wish to correct one impression which has been given out by the Members here. They say that the Maharaja of Bilaspur was the architect of this scheme. I tell you that the scheme was only on a piece of paper and only in lines of black and white. It was only after India achieved Independence that Pandit Jawaharlal Nehru thought of implementing that scheme and got a full blue-print of the scheme made. Therefore, to say that it was the Maharaja of Bilaspur who was the architect of this is not correct.

श्री जगदेव सिंह सिद्धान्ती : असली तो वही हैं। माननीय सदस्य को पता नहीं है।

Shri D. C. Sharma: I know it very well. I represented that constituency for five years and I know it very well. The second thing is this that, as has

[Shri D. C. Sharma]

been said, it is a national project. Sir, when we think in terms of a national project, we should try to make it more national than before. We should not take away its national character in any way. I believe that whatever has been proposed will be conducive to making it a national project which serves the cause of Punjab, Haryana, Rajasthan and Himachal Pradesh also. It will give some States water and it will give other States electricity. Therefore, I believe, that whatever has been proposed is very unexceptionable. But I would say that so far as the State of Punjab is concerned, because most of the lines of most of the canals pass through the State of Punjab, I think, it should be given two representatives. Rajasthan and Haryana should be given one representative each. My friend said that the Chairman should be a whole-time man and that the two Members should be whole-time men. We talk of population explosion in the country. But more dangerous than the population explosion is the bureaucratic explosion in this country.

Shri A. N. Vidyalankar: Is he moving an amendment?

Mr. Chairman: He is speaking.

17 hrs.

Shri D. C. Sharma: He thinks himself to be the Home Minister. I have a right to speak.

Mr. Chairman: Nobody has questioned his right to speak. Now he may be brief in what he wants to say.

Shri D. C. Sharma: There is the population explosion and we have that loop. But the explosion of bureaucracy in this country is much more dangerous than the population explosion. Every day we are thinking of new Chairmen, new Members, whole-time Chairmen, whole-time Members, etc. Our expenses have gone up so much. Therefore, there should be no whole-time Chairman or whole-time

Members. The Clause should stand as it is now and I support it.

Mr. Chairman: Before I call upon others to speak, I may announce that the hon. Minister for Irrigation and Power will make a statement at 5.30 P.M. on Idikki Project.

Mr. Kachhaviya.

Shri Nanda: This Bill has the highest priority. Therefore, I hope that this would be concluded and then the statement will be made.

Mr. Chairman: All right.

Mr. Kachhaviya.

श्री हुकम चन्द कछवाय (देवास) :
मैं एक जानकारी चाहता हूँ। हमें यहाँ कितने समय तक और बैठना पड़ेगा और ज्यादा समय तक बैठना पड़ेगा तो कितने समय बैठने के बाद छुट्टी मिलेगी और क्या जैसे कल सेशन चला वैसे ही चलता रहेगा तो जैसे कल दिक्कत आई वैसे ही आज भी आयेंगी ?

सभापति महोदय : नहीं, कोई दिक्कत नहीं आयेंगी।

श्री हुकम चन्द कछवाय : दूसरे, यह जो बीड़ी मजदूरों वाला ज़िल है यह कब तक आने वाला है ?

सभापति महोदय : वह भी आयेंगा इस के बाद।

श्री बड़े : सभापति महोदय, यह जो झगड़ा अभी चल रहा है भाखरा नंगल के बारे में और हमें उस पर बंद देना है तो हमारे सामने यह समस्या आ जाती है, वहाँ के सिख लोग गुरु गोविन्द सिंह जी को पूजनीय मानते हैं और हिन्दू लोग राणा प्रताप सिंह को पूजनीय मानते हैं...

श्री जगदेव सिंह सिद्धाप्ती : और हरयाणा के कहां गए ?

श्री बड़े : हरयाणा के जो हिन्दू हैं वह तो राणा प्रताप सिंह और शिवाजी के समान हमारे लिए हैं। ... (व्यवधान) लेकिन दोनों का झगड़ा सुनकर मुझे एक बात याद आ गई, दो मिनट में निवेदन करता हूँ। भाखरा नंगल के लिए आप लोगों का कहना है कि पंजाबी भाइयों ने तैयार किया और इन का कहना है कि हरयाणा वालों ने तैयार किया। अब हमें जो वोट देना है तो हमारे सामने बैसी ही समस्या आ जाती है जैसे कि एक मैजिस्ट्रेट के सामने आ गई थी जब कि एक लड़के को ले कर दो मातायें झगड़ा करती हुई उस के सामने आईं। वह कहती थी कि 'यह मेरा लड़का है और दूसरी कहती थी कि नहीं, यह लड़का मेरा है। मैजिस्ट्रेट के सामने सवाल पैदा हुआ कि किस को कहे कि यह लड़का तुम्हारा है। तो उसने चपरासी को बुलाया और कहा कि इस के दो टुकड़े करो एक एक दोनों माताओं को दे दो। तो जो सच्ची माता थी उस ने कहा कि नहीं नहीं, इसे काटो मत, दूसरी को दे दो। तो मेरा कहना यह है कि पंजाबी भाई अपने को सच्ची माता समझते होंगे कि उन्होंने बनाया है तो उन्हें यह कहना चाहिए कि अच्छा, हरयाणा को ही दे दो। तो कोई झगड़ा नहीं रहेगा। लेकिन वह ऐसा नहीं कहते, इसलिए इसमें मुझे सन्देह हो रहा है।

Shri Narendra Singh Mahida (Anand): I wanted to say the same thing as my hon. friend Shri Hukam Chand Kachhavaia was saying. We must fix some time for the passing of this Bill and we must know up to what time we are going to sit. That is the information that I would like to have.

Today being the last day of the session, may I know whether we are finishing this Bill? Up to what time

are we sitting? May I also know whether any other business listed will be taken up?

The Minister of State in the Ministry of Irrigation and Power (Dr. K. L. Rao): It is a great honour to be associated with any discussion on the Bhakra system and the Bhakra dam. That is standing as the greatest achievement of India. It is a pride not only for the Punjab but also for Hariana and Himachal Pradesh. We from all parts of India feel proud of it, and more so because it has been done entirely by the Indian engineers with little assistance from foreigners. Here, I must pay my respects to the very excellent engineers from both Hariana and the Punjab who have constructed this magnificent monument for us, which is standing as a solid secular example of our integrated India.

I quite appreciate the argument when hon. Members say that it should be with Punjab. That is because they feel proud of it and they naturally would like to say that it must be there with Punjab. But, unfortunately, this reorganisation has brought in some problems.

For instance, except for the dam-site, the rest of the structures the reservoir of the Bhakra Dam, the dam and the reservoir for the Beas, the Beas Dam, and then the whole system of the Beas-Sutlej are all in Himachal Pradesh; and these have nothing to do with Punjab, and practically the entire system and the entire project is in Himachal Pradesh. Therefore, tomorrow if this argument persists, the people of Himachal Pradesh may come up and say that the whole project must be given to them.

There is another thing which is more important than this, and I am saying this purely as an engineer. It is that the Bhakra dam and the reservoir must serve our Indian Union for the next five hundred years. It

[Dr. K. L. Rao]

has recently been found that there is more silting of the reservoirs than what we had anticipated at the time of its building up. This silting has to be overcome by soil conservation measures, and this we are doing. But more important than the soil conservation scheme is the undertaking of the construction of another dam on the Upper Sutlej, on the higher portions of the Upper Sutlej. We are already thinking of it, and we are thinking of constructing a dam about 800 to 1000 feet high in order to give not only greater benefit to us but also to arrest the silting so that the Bhakra reservoir may last not only for five hundred years but even for a longer period. When such big problems are involved it is but natural that the Centre must take over the management of this and must look after this. I am saying this purely as an engineer. I am not talking of it in any parochial way or anything like that. I am purely submitting to the House that all of us should be unanimous in this that the Bhakra system must flourish and must serve this nation for as long a time as possible and for this purpose the Centre must take it over. The fact that the Centre takes it over does not mean anything; it does not mean any disorganisation or anything of that kind.

Another important feature in regard to the Bhakra system is that we are transferring the waters from the Ravi into the Beas, and from the Beas into the Sutlej and then from the Sutlej into the Jamuna. There is thus a complete transference of this water. So far as the canals are concerned, the canals start in Punjab, then they go to Haryana, and then again they serve areas in Punjab. It is a highly complicated system. The Bhakra main canal serves some area in the Punjab, then some area in Haryana, and then it again goes a little down and serves the Punjab and Haryana. So, it is a very complicated system.

Also, it is not only the case of Punjab and Haryana. There is also the State of Rajasthan which is going to depend very much on these projects. When the Indus Treaty comes into force, (the treaty which we have negotiated with Pakistan), in full, in 1970 or 1973, after the transition period is over, then there will be a greater burden thrown on this whole system, and the management of the whole waters and the electrical system would then become important. The electrical power here is going to be as much as 2 million k.w. One of the biggest power systems will be here. I am not thinking of today, but I am thinking of the day when the dam on the Sutlej is constructed, when a greater amount of power is going to be generated, when we are going to have the Salal shien dams and many other dams. So, we are going to develop a large amount of power in this system. When all this comes into being, it is going to be one of the mighty systems in this country.

Therefore, in regard to a system like this, I would hope that it would be really in the best interests of the country that its management should be with an organisation which is common to all, in which everybody is interested.

Prof. Sharma said something about population explosion. There may be a population explosion, but not an engineer explosion. The whole management has to be done by a large body of engineers. Two engineers we are suggesting in this connection is the very minimum to manage such a huge system.

Therefore, I would submit that this amendment may be passed as proposed by the Government.

Shri Nanda: I may just add a word. Hon. Members when insisting that the existing system should continue lose sight of the fact that because they wanted and others wanted and many people wanted, there has been a big change. There was then one Punjab

and a very small interest of Rajasthan. Even then there were complaints and difficulties, but now Haryana has a larger interest in irrigation than even Punjab. How is it possible now to create that sense of assurance that everything will be equitably managed? Also, for the sake of efficiency of administration, I think it is necessary that the Central Government takes it and administers this.

As for hon. Member, Shri Vidyalankar, I would accept those amendments, but I have some verbal changes.

Shri D. C. Sharma: No whole-timers. I will call a division on that amendment.

Shri Nanda: These whole-timers are going to be experts.

Mr. Chairman: Now I will put the amendments.

Shri Buta Singh: I spoke only on Amendment 19.

Mr. Chairman: I am sorry I cannot help it. I put Amendments 19, 20, 21, 22 and 40.

Amendments 19 to 22 and 40 were put and negatived.

Shri Nanda: I beg to move:

Clause 79. At page 40—

(i) for lines 18 and 19,
substitute

“(f) Sub-stations at Ganguwal, Ambala, Panipat, Delhi, Ludhiana, Sangrur and Hissar and the main 220 KV transmission lines connecting the said sub-stations with the power stations specified in clauses (d) and (e); and”

(ii) for lines 23 and 24,
Substitute

“(a) a whole time Chairman and two whole time members to be appointed by the Central Government;”

Shri Surendranath Dwivedy: Shri Vidyalankar should withdraw his amendments, and this amendment will be accepted, that is the procedure.

Shri Nanda: I have moved an independent amendment.

Mr. Chairman: The purport of the amendments Nos. 112, 113, 129 and 130 has been accepted by Government which has moved its own amendment.

Shri A. N. Vidyalankar: We accept that and withdraw our amendments.

Shri Gajraj Singh Rao: I withdraw my original amendment.

Mr. Chairman: Have the hon. Members leave of the House to withdraw amendments Nos. 112, 113, 129 and 130?

Amendments Nos. 112, 113, 129 and 130 were, by leave, withdrawn.

Mr. Chairman: I shall put the amendment just now moved by the hon. Minister to the vote of the House.

Mr. Chairman: The question is:

Clause 79. At page 40

(i) for lines 18 and 19

Substitute

“(f) Sub-stations at Ganguwal, Ambala, Panipat, Delhi, Ludhiana, Sangrur and Hissar and the main 220 KV transmission lines connecting the said sub-stations with the power stations specified in clauses (d) and (e); and”

(ii) for lines 23 and 24,

Substitute

“(a) a whole time Chairman and two whole time members to

[Mr. Chairman]

be appointed by the Central Government;"

The amendment was adopted.

Mr. Chairman: The question is:

"That clause 79, as amended, stand part of the Bill."

The motion was adopted.

Clause 79, as amended, was added to the Bill.

Clause 80—(Construction of Beas Project.)

Shri Hem Raj: Sir I have an amendment to clause 80, No. 56.

Page 44, line 16,—

for "Punjab, and Rajasthan" substitute—

"Punjab, Rajasthan and Himachal Pradesh." (56)

श्री हुकम चन्द कछवाय : आपकी अनुमति से मंत्री महोदय से जानना चाहता हूँ कि मुझे अपनी व्यक्तिगत जानकारी से पता लगा है कि हमारे प्रधान मंत्री आज काश्मीर गये थे, लेकिन अनायास वापस लौट आये। ऐसा प्रतीत होता है कि वहाँ पर अनायास हमला हो गया है। आखिर इसमें क्या विशेष बात हो सकती है कि अभी गये और अभी वापस आ गये।

Mr. Chairman: I think it might be bad weather.

Shri Nanda: Yes, bad weather.

श्री हुकम चन्द कछवाय : मुझे सुनाई नहीं पड़ा, सरकार ने क्या कहा है ?

सभापति महोदय : शायद काश्मीर का मौसम खराब है, जिसकी वजह से जहाज वहाँ नहीं पहुँच सका।

श्री हुकम चन्द कछवाय : सरकार ने कुछ नहीं बताया।

सभापति महोदय : मैं प्रश्न से प्रश्न करूँगा कि आप अच्छी तरह से बैठेंगे तो मैं आपकी कद्र करूँगा। आप मुझे कार्यवाही को चलाने दीजिये।

Shri Hem Raj: The reason for my amendment is this. A control board is established for the management of the Beas dam and that is mostly situated in Kangra district which is to come to Himachal Pradesh. Therefore, the Himachal Pradesh Government should also be consulted in all these matters and any scheme connected with Beas should have the concurrence of Himachal Pradesh Government also. Therefore, I suggest that along with Rajasthan, Himachal Pradesh should also be included.

Shri D. C. Sharma: I second the proposal made by Shri Hem Raj.

Shri Nanda: On behalf of the Union territory it is the Central Government which has to make the necessary arrangements.

Mr. Chairman: I shall now put the amendment to the vote.

Amendment No. 56 was put and negatived.

Mr. Chairman: The question is:

"That clause 80 stand part of the Bill."

The motion was adopted.

Clause 80 was added to the Bill.

Clauses 81 to 83 were added to the Bill.

Clause 84— (Power of Central Government to give directions)

Shri Buta Singh: I beg to move:

Page 47, lines 3 and 4,—

(i) line 3, for "territories" substitute "territory".

(ii) line 4, omit "and Chandigarh" (23)

This is again a question about Chandigarh. I want only to repeat what I had said, and I request the hon. Home Minister to treat Chandigarh as part of Punjabi Suba, that is, Punjab.

17.21 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I have come across another error, if I may say so; it is mentioned in this clause that the Central Government may give such directions to the State Governments of Punjab and Haryana and to the administrators of the Union territories of Himachal Pradesh and Chandigarh. To me, it appears that the Government was in such a hurry that they could not properly draft this Bill. There is no administrator in Himachal Pradesh; there is the Lt.-Governor and so, this word "administrator" does not apply to Himachal Pradesh. It may apply to Chandigarh. I think this shows the haste and the half-hearted approach of the Government in drafting this Bill. I request that at least this change will be made, because there is no administrator in Himachal Pradesh. There is the Lt.-Governor there and so the word "Lt.-Governor" may be substituted as regards the State of Himachal Pradesh.

Shri Nanda: The hon. Member will see the definition of the word administrator, which means "the administrator of a Union territory appointed by the President under articles 239 of the Constitution". It does not refer only to Chandigarh; it is general.

Shri Buta Singh: The designation in Himachal Pradesh is Lt.-Governor.

Shri Nanda: He functions as the administrator.

Mr. Deputy-Speaker: Does the hon. Member press the amendment?

Shri Buta Singh: I beg leave to withdraw the amendment.

Amendment No. 23 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 84 stand part of the Bill.

The motion was adopted.

Clause 84 was added to the Bill.

Clause 85— Provision as to Punjab Public Service Commission)

Shri Nanda: I beg to move:

Page 47,—

(i) for lines 8 to 11, substitute—
"Provisions as to State Public Service Commissions.

85. (1) The Public Service Commission for the existing State of Punjab shall, on and from the appointed day, cease to exist.

(2) The person holding office immediately before the appointed day as chairman of the Public Service Commission for the existing State of Punjab shall become the chairman of the Public Service Commission for the State of Haryana or Punjab as the President shall, by order, specify and every other person holding office immediately before that day as member of that Commission shall become a member, or if so specified by the President, the chairman, of such one of the said Commissions as the President shall, by order, specify.

(3) Every person who becomes the chairman or other member of a Public Service Commission on the appointed day under sub-section (2) shall—

(a) be entitled to receive from the Government of the

[Shri Nanda]

State conditions of service not less favourable than those to which he was entitled under the provisions applicable to him immediately before the appointed day;

(b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.”;

(ii) in line 12 for “(2)” substitute “(4)”. (123).

Shri Buta Singh: I beg to move:

Page 47, line 11, for “Punjab” substitute

“Haryana and the State of Punjab shall forthwith proceed to appoint its separate Public Service Commission.” (24)

I would draw the attention of the hon. Home Minister to the point that there is no justification to keep the same Public Service Commission for more than one State.

An hon. Member: The Minister is coming out with an amendment.

Shri Buta Singh: I understand, but still, I want to impress upon the Home Minister this fact. I am glad that he has seen much force in our amendment and so he has brought himself amendment No. 123. I stress that my amendment be accepted, because it was based on a reasonable and very just grounds. That is why the hon. Home Minister thought it fit to bring his own amendment. Instead of that, my amendment may be accepted.

श्री जगदेव सिंह सिद्धान्ती : मैं भी सरदार बूटा सिंह का समर्थन करता हूँ। हमारा पब्लिक सर्विस कमिशन अलग होना चाहिये।

आ नन्दा : यही कुछ तो कर रहे हैं।

Mr. Deputy-Speaker: Does Mr. Buta Singh want his amendment to be put to vote?

Shri Buta Singh: Since there is already an amendment by the Home Minister, if he wants to take the credit, let him take it. I withdraw my amendment.

Amendment No. 24 was, by leave withdrawn.

Mr. Deputy-Speaker: I will now put the Government amendment 123.

Mr. Deputy-Speaker: The question is:

Page 47,—

(i) for lines 8 to 11, substitute—

“Provisions to State Public Service Commissions.

85. (1) The Public Service Commission or the existing State of Punjab shall, on and from the appointed day, cease to exist.

(2) The person holding office immediately before the appointed day as chairman of the Public Service Commission for the existing State of Punjab shall become the chairman of the Public Service Commission for the State of Haryana or Punjab as the President shall, by order, specify and every other person holding office immediately before that day as member of that Commission shall become a member, or if so specified by the President, the chairman, of such one of the said Commissions as the President shall, by order, specify.

(3) Every person who becomes the chairman or other member of a Public Service Commission on the appointed day under sub-section (2) shall—

(a) be entitled to receive from the Government of the State conditions of service not less

favourable than those to which he was entitled under the provisions applicable to him immediately before the appointed day;

(b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.”;

(ii) in line 12, for “(2)” substitute “(4)” (123)

The motion was adopted.

Mr. Deputy-Speaker: The question is:

“That clause 85, as amended, stand part of the Bill”.

The motion was adopted.

Clause 85, as amended, was added to the Bill.

Clause 86—(Amendment of Act 37 of 1956).

Shri Buta Singh: I beg to move:

Page 47, omit lines 30 to 32. (25)

This is again relating to Chandigarh. I request him to accept my amendment.

Shri Nanda: I am not accepting it.

Mr. Deputy-Speaker: Then I will put amendment 25 to the House.

Amendment No. 25 was put and negatived.

Mr. Deputy-Speaker: The question is:

“That clause 86 stands part of the Bill”.

Shri Hari Vishnu Kamath: With due deference to your experience and

learning, I think the formula should be that such and such clause “do stand part of the Bill” and not “stands part of the Bill”.

Mr. Deputy-Speaker: I am sorry, The question is:

“That clause 86 stand part of the Bill.”

The motion was adopted.

Clause 86 was added to the Bill.

Clauses 87 and 88 were added to the Bill.

Clause 89—(Power to adopt laws).

श्री बूटा सिंह : बहुत बार के कहने से झूठ भी रुच हो जाता है। लेकिन मैं होम मिनिस्टर साहब से रुच बात कहता हूँ कि जो अमेन्डमेंट 26 है

Mr. Deputy-Speaker: The House has rejected that. Therefore, amendment 26 is barred.

The question is:

“That clause 89 stand part of the Bill.”

The motion was adopted.

Clause 89 was added to the Bill.

Clause 90— (Power to construe laws.)

Amendment made:

(i) Page 48,—

in line 30,—

for “90” substitute “90. (1)”

(ii) Page 49,—

after line 6, insert—

“(2) Any reference to the High Court of Punjab in any law shall, unless the context otherwise requires, be construed, on and from the appointed day, as a reference to the High Court of Punjab and Haryana.”. (132)

(Shri Nanda)

Mr. Deputy-Speaker: The question is:

[Mr. Deputy-Speaker]

"That clause 90, as amended, stand part of the Bill."

The motion was adopted.

Clause 90, as amended, was added to the Bill.

Clause 91—(Power to name authorities, etc., for exercising statutory functions.)

Mr. Deputy-Speaker: There is one amendment. It is not being moved.

The question is:

"That clause 91 do stand part of the Bill."

The motion was adopted.

Clause 91 was added to the Bill.

Clauses 92 to 96 were added to the Bill.

Clause 97—(Power to make rules.)

Shri Nanda: There is a consequential amendment.

I beg to move:

Page 51, line 10, for "salary" substitute "salaries"; and line 11, for "Chairman" substitute "whole-time Chairman and whole-time members".

Mr. Deputy-Speaker: The question is:

Page 51, line 10, for "salary" substitute "salaries"; and line 11, for "Chairman" substitute "whole-time Chairman and whole-time members."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 97, as amended, stand part of the Bill."

The motion was adopted.

Clause 97, as amended, was added to the Bill.

First Schedule

Mr. Deputy-Speaker: Then we come to the First Schedule.

Shri Hem Raj: Sir, I beg to move:

Page 53, line 12,—

omit line 12 (57)

I have already advanced my reasons.

Amendment made:

Page 53,—

(a) in paragraph 1,—

(i) omit the heading "Name of patwar circle";

(ii) omit the heading "patwar circle No." and the figures thereunder;

(b) in paragraph 2,—

(i) omit the heading "Name of patwar circle";

(ii) omit the heading "patwar circle No." and the figures thereunder. (124)

(Shri G. L. Nanda)

Mr. Deputy-Speaker: Is Shri Hem Raj pressing his amendment?

Shri Hem Raj: Yes.

Amendment No. 57 was put and negatived.

Mr. Deputy-Speaker: The question is:

"That the First Schedule, as amended, stand part of the Bill."

The motion was adopted.

The First Schedule, as amended, was added to the Bill.

Second Schedule

Mr. Deputy-Speaker: There is a Government amendment to the Second Schedule.

Amendment made:

(a) At page 53, in paragraph 1,—

(i) omit the heading "Name of patwar circle";

(ii) omit the heading "Patwar circle No." and the figures thereunder;

(b) At page 54, in paragraph 2, in column 3,—

(i) for "No. and name" substitute "Name";

(ii) omit the figures "70", "71", "72", "79" and "80";

(c) At page 55,—

in para 4, in column 3,—

(i) in the heading, for "No. and name" substitute "Name";

(ii) omit the figures "1", "2", "14", "15", "16", "20" and "22". (125).

(Shri G. L. Nanda)

Mr. Deputy-Speaker: The question is:

"That the Second Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Second Schedule, as amended, was added to the Bill.

Third Schedule

Mr. Deputy-Speaker: There are some amendments to Third Schedule.

Shri Hem Raj: Sir, I beg to move:

(i) Page 56,—

omit lines 6 to 32 (58)

(ii) Page 57,—

for lines 1 to 23, substitute—

"Una tahsil" (59)

(iii) Page 57,—

for lines 25 to 30, substitute—

"5. Dhar Kalan Block of Pathankot tahsil of Gurdaspur district." (60)

(iv) Page 57,—

after line 30, insert—

"PART IV

Name of the Patwar circle	Patwar circle No.
Kalka	83" (61)

(v) Page 57, lines 3 to 6,—

for "which has been declared to be a notified area for the purposes of the Punjab Municipal Act, 1911, by the notification of the Government of Punjab No. 2225-C1(3C1)-61-9484, dated the 21st March, 1961".

substitute—

"Revenue Estate No. 532 vide Order No. 5992-R-IV-65/4076 of 1965-66." (100).

(vi) Page 56,—

after line 34, insert—

"Basdehra	— 228
Jakhera	— 229
Mehatpur	— 230
Bhatoli	— 231
Sampur	— 232
Kherabagh	— 233
Bhabhaur	— 234
Rampur Serai	— 235
Kalsera	— 236
Ajoli	— 237
Malookpur	— 242
Binewal	— 243
Poohua	— 244"
	(116)

Shri Daljit Singh: Sir, I beg to move.

(i) Page 57,—

omit lines 10 to 20.

(ii) Page 57,—

omit lines 22 and 23.

तीसरे शैड्यूल में ये जो गांव हैं उनकी तमाम जमीन फटिलाइजर फैक्ट्री ने एक्वायर कर ली थी। एक्वायर हो जाने के बाद कुछ जमीन तो इस्तेमाल में आई और कुछ पड़ी रही। हमने

[Shri Daljit Singh]

फैक्ट्री वालों से कहा कि अब तो मो मोर फूड कैम्पेन चल रहा है इस वास्ते जो गैर-आबाद जमीन पड़ी हुई है उसे गांव वालों को वापिस दे दिया जाए और फैक्ट्री वालों ने उस में से कुछ जमीन उन गांव वालों को दे दी और वे काशत करने लग गए। अब भी वे वहां काशत करते हैं। अब उनकी जो आबादी है उसको हिमाचल में शामिल किया जा रहा है और उनकी जमीन जो है वह फर्टिलाइजर फैक्ट्री के पास रह जाएगी। अब जो हद बन्दी होगी उसके मुताबिक काशत करने के लिए वे लोग पंजाब में आएंगे और रहने के लिए हिमाचल में जायेंगे। यह उनके साथ एक बेईसाफी है। मैं चाहता हूँ कि उस आबादी को भी पंजाब में शामिल कर लिया जाए ताकि उनके काम करने में आगे को कोई फर्क न आए। यदि फैक्ट्री वाले और जमीन देना चाहेंगे तो वे देंगे उसी सूरत में उस जमीन को जो कि अभी भी पड़ी हुई है जब कि वे पंजाब में आएंगे, तब उनकी जमीन कम्पैक्ट होगी। आनन्दपुर तहसील बनाने का धन्यवाद है।

श्री बूटा सिंह : मैं श्री दलजीत सिंह जी की एमेंडमेंट का हार्दिक समर्थन करता हूँ।

श्री प्रताप सिंह (सिरमूर) : यह ऊना का सवाल है। ऊना हिन्दी भाषी एरिया है। इसलिए उस को हिमाचल में आना चाहिए, पंजाब के साथ उस का कोई ताल्लुक नहीं है। सारा ऊना हिमाचल को जाना चाहिये। वह पहाड़ी इलाका है, हिल्ली एरिया है। वहां जो फर्टिलाइजर फैक्ट्री है वह भी हिमाचल में आनी चाहिये। ऐसा होगा तभी हिमाचल तरक्की कर सकेगा।

Shri Nanda: Sir, this division has been done strictly on the recommendation of the Boundary Commission. We cannot accept any of these amendments.

Mr. Deputy-Speaker: Is Shri Hem Raj pressing his amendments?

Shri Hem Raj: Yes.

Mr. Deputy-Speaker: I shall put amendments Nos. 58, 59, 60, 61, 100 and 116 to the vote of the House.

Amendments Nos. 58 to 61, 100 and 116 were put and negatived.

Mr. Deputy-Speaker: Does Shri Daljit Singh want to press his amendments to a vote?

Shri Daljit Singh: I do not want to press them but my request should be looked into as many other amendments have been accepted by Government for P.S.C. and Anandpur Sahib as tehsil.

Mr. Deputy-Speaker: Has he the leave of the House to withdraw his amendments (Nos. 42 and 43)?

Amendments Nos. 42 and 43 were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That the Third Schedule stand part of the Bill."

The motion was adopted.

The Third Schedule was added to the Bill.

Fourth Schedule

Shri Nanda: Sir, I beg to move:

Page 58,—

for lines 3 to 8, substitute—

"1. Of the three sitting members whose term of office will expire on the 2nd April, 1968, Shri Surjit Singh and such one of the two members, namely, Shri Abdul Ghani and Shri Chaman Lal, as the Chairman of the Council of State may determine by drawing

lot, shall be deemed to have been elected to fill two of the seats allotted to the State of Punjab and the remaining member shall be deemed to have been allotted to fill one of the seats allotted to the State of Haryana." (126).

Shri Jagdev Singh Siddhanti: Sir, I beg to move:—

Page 58,—

for lines 3 to 8, substitute—

"1. Of the three sitting members whose term of office will expire on the 2nd April, 1968, Shri Surjit Singh shall be deemed to have been elected to fill one of the seats allotted to the State of Punjab, and of the two members Shri Abdul Ghani and Shri Chaman Lal, such one as the Chairman of the Council of States may determine by draw of lots, shall be deemed to have been elected to fill one of the seats allotted to the State of Punjab, and the other member shall be deemed to have been elected to fill one of the seats allotted to the State of Haryana." (44).

चौथे शब्द के बारे में मैं यह कहना चाहता हूँ कि राज्य सभा की जो सीटें बननी हैं, वे पांच हरयाणा और सात पंजाबी सूबे की बननी हैं। पंजाबी सूबे की पहले से ही सात हैं और हरयाणा की तीन हैं। इसलिए जो दो नई सीटें हैं वे दोनों हरयाणा को दी जाएँ। मैं इसके बारे में कल भी निवेदन कर चुका हूँ। इनका बटवारा इस तरह से किया जा सकता है। हरयाणा में 1968 में दो सीटें खत्म होने वाली हैं और 1970 में कोई नहीं और 1972 में एक खत्म होने वाली है। पंजाबी, सूबे में 1968 में खत्म होने वाली एक सीट है, 1970 में चार और 1972 में दो हैं। इस तरह से ये सात हो जाती हैं। हरयाणा की जो दो सीटें हैं उन में से एक सीट

पंजाबी सूबा ले ले इससे पंजाबी सूबे की 1968 में दो हो जायेंगी। 1970 में हरयाणा की कोई नहीं है और पंजाबी सूबे में चार होंगी। चार में से एक हरयाणा को आ जाए और एक नई दे दी जाए। इस तरह से दो हरयाणा की हो जाएंगी और तीन पंजाबी सूबे की रह जायेंगी। 1972 में एक हरयाणा की है और एक नई दे दी जाए।

श्री राम सहाय पाण्डेय (गुना) :
सिद्धान्ती जी की एमंडमेंट का मैं समर्थन करता हूँ।

Shri Hari Vishnu Kamath: Sir, I would like to ask certain questions for clarification with regard to this curious Schedule called the Fourth Schedule.

Paragraph 1 refers to those members of the Rajya Sabha whose tenure expires on 2nd April, 1968, paragraph 2 to those members whose tenure expires in 1970 and paragraph 3 to those whose tenure expires in April, 1972. A differential procedure, not uniform procedure, has been proposed or suggested for allotting these members to Haryana and Punjab.

In the first place, I would like to know whether under the Constitution, according to the spirit and the letter of the Constitution, it is proper, correct, desirable that members who have once been elected to represent the Punjab can by a fiat or a *firman* of the Government be forced to represent another State. Here the position is that. Would it not be more desirable and proper to ask them to opt for a particular State? Option was done in 1947, I remember, with regard to very high officers of the Government for opting for India or Pakistan. It is not as bad as that; it is not on a par with that. An option given to members will be more satisfactory, and more in accordance with the spirit and the letter of the Constitution, than a *firman* issued by the Government saying, "You should represent Haryana; you should represent Punjab".

[Shri Hari Vishnu Kamath]

Secondly, for members mentioned in paragraph 2, a lottery also comes into the picture. For members mentioned in paragraphs 1 and 3 there is no lottery. Have you seen this paragraph It is curiously worded. There is a lottery. The Chairman shall decide by lot. There the Government does not interpose itself; it does not ask the members, "You represent this; you represent that", but the Chairman will decide by lottery who will represent which particular State. Then why should the Government adopt a different procedure for these other Members?

The second point is that under the Constitution, and the election law which governs election to Parliament and Assemblies, a candidate to the Rajya Sabha must be an elector registered in that particular State unlike a candidate for the Lok Sabha. A candidate for the Lok Sabha can be enrolled anywhere in India and he can stand for Lok Sabha seat from anywhere in India including, I hope now, Jammu and Kashmir. The Joint Committee is considering that matter. I hope that will be extended to Jammu and Kashmir and that particular provision of the election law will apply to Jammu and Kashmir also. But with regard to Rajya Sabha, the Council of States, an elector who is registered in a particular State alone can represent that State in Rajya Sabha. Therefore, I want to know whether it has been checked—I do not know because I have not seen the electoral rolls of those States of Haryana and Punjabi Suba—that each of the Members who are mentioned by name here, Shri Chaman Lal, Shri Abdul Ghani and others, is enrolled as an elector in the particular State to which he is being allotted. All this the Government will have to check up from the electoral rolls. Otherwise, it is wholly unconstitutional.

Shri U. M. Trivedi: So many things are unconstitutional in this Bill.

Shri Hari Vishnu Kamath: One point is about this lottery for list No. 2. Others are elected by a *firman* of the Government. Why not an option be given to the Members? Lastly, I want to know whether all this was checked up to see that they are enrolled in the electoral rolls of that particular State to which they are allotted.

श्री रघुनाथ सिंह : श्री कामत ने कौंसिल के बारे में कहा है। कल मैं ने, श्री. पाटिल, श्री भावगत ज़ा आज़ाद और श्री त्यागी ने भी इस प्रश्न को उठाया था। इस बारे में ला यह है :

"A person shall not be qualified to be chosen to fill a seat in the Legislative Council of a State to be filled by election unless he is an elector for any Assembly constituency in that State."

यह जरूर है कि राज्य सभा और कौंसिल के लिए आदमी को कांस्टीट्यूएन्सी का वोटर होना चाहिए, क्योंकि एसेम्बली राज्य सभा के लिए आदमी चुन कर भेजती है और इस लिए यह जरूरी है कि वह आदमी उसी स्टेट में वोटर हो और इसी प्रकार कौंसिल के लिए यह आवश्यक है कि वह उसी स्टेट का वोटर हो। लेकिन वर्ड है "चोजन"। यहां पर इलेक्शन करने का सवाल नहीं है। बम्बई, आन्ध्र और गुजरात में पार्टीशन के वक्त इसी तरीके को एडाप्ट किया गया था और सदस्यों का डिवीजन इसी प्रकार किया गया था। यहां पर जो प्राविजन है, उस में कहा गया है "डीमंड टु बि"। यहां पर "इलेक्टिड" या "चोजन" नहीं कहा गया है। यह बिल्कुल दूसरी बात है। अगर इलेक्शन होता या "चोजन" होता, तो श्री कामत की बात ठीक होती। लेकिन यहां पर "डीमंड टु बि" कहा गया है, अर्थात् उस

आदमी को इस तरह से समझा जायेगा, क्योंकि यह इन्टरिम पीरियड के लिए है, यह इलैक्शन नहीं है। जहाँ इलैक्शन होगा, वहाँ वोटर होना आवश्यक है। लेकिन यहाँ पर स्टेट का पार्टीशन हो रहा है और जो प्रिंसिपल ग्रांन्ध और महाराष्ट्र में एप्लाइ किया गया था, वही यहाँ भी एप्लाइ किया जायेगा। इस लिए इलैक्शन के बारे में श्री कामत की दलील ठीक है, लेकिन वहाँ यहाँ एप्लाइ नहीं होती है।

Mr. Deputy-Speaker: The Home Minister.

Shri U. M. Trivedi (Mandsaur): Your attention is drawn to the provisions of article 80 of the Constitution.

Mr. Deputy-Speaker: I have called the Minister. There is no time. I will have to guillotine all the remaining Schedules at 6 O'clock.

Shri U. M. Trivedi: When I want to speak in the whole of the debate, you say that you will guillotine it. I have kept quiet for all the eight hours that this debate has gone on.

Shri Hari Vishnu Kamath: You cannot hustle it through.

Shri U. M. Trivedi: The whole question is this. The provision for the Council of States is laid down in Article 80, which says:

"The Council of States shall consist of—

- (a) twelve members to be nominated by the President in accordance with the provisions of clause (3); and
- (b) not more than two hundred and thirty-eight representatives of the States (and of the Union territories).

"(2) The allocation of seats in the Council of States to be filled by representatives of the States (and of the Union territories) shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.

"(3) The members to be nominated by the President under sub-clause (a) of Clause (1) shall consist of persons having special knowledge....

"(4) The representatives of each State in the Council of States shall be elected...." shall be elected.

"... by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote."

Mr. Deputy-Speaker: Mr. Kamath made out the same point.

Shri U. M. Trivedi: Is he amending the provision of the Constitution? Let the Home Minister say that he is amending the Constitution.

Shri Nanda: Not necessary.

Shri U. M. Trivedi: If he is not amending the Constitution, then I would say that what he is doing is illegal.

I will read Art. 80 further:

"The representatives of the (Union territories) in the Council of States shall be chosen in such manner as Parliament may by law prescribe."

The word 'chosen' is used only with reference to Union territories and not to States. For States, you have got the term 'elected'. How can you circumvent this provision of law? Therefore, I say that this provision of 'chosen' or being nominated by name is an absurdity to the extreme.

Shri D. C. Sharma: These persons are members of the Rajya Sabha and

[Shri D. C. Sharma]

I do not see any reason why they should be deprived of their full term of membership because we are going to reorganize the State. This will be neither equitable in natural justice nor justifiable from any other point of view.

Secondly, it is said that a thing like that happened when Bombay was divided into Maharashtra and Gujarat and when Madras and Andhra were divided. There is a precedent, but nobody has taken note of it... (Interruptions).

The hon. Minister also referred to one Article in the Constitution by which, when you are going to reorganize States, supplemental, incidental and consequential provisions will be made. (Interruptions).

Mr. Deputy-Speaker: Order, order. The hon. Minister.

Shri Nanda: The hon. members, Mr. Trivedi, and Mr. Kamath, did not not probably have the benefit of the night vigil. Therefore, they possibly did not follow. The question on the same ground was raised yesterday and answer was given. The other question was: why do we not give the option. He has very bright ideas, sometimes we anticipate his idea and provide for it. The two members who are concerned here wanted to opt for the same State, Haryana. I could not choose between them—one to Haryana and one to Punjab—because both of them wanted to go to Haryana. Therefore, drawing of the lot was necessary.

Shri Hari Vishnu Kamath: What about my point about electoral rolls?

Shri Nanda: That was explained yesterday.

Mr. Deputy-Speaker: I know put Amendment No. 44 to vote.

Amendment No. 44 was put and negatived.

Mr. Deputy-Speaker: There is a Government amendment. Amendment No. 126.

The question is:

Page 58,—

for lines 3 to 8, substitute—

"1. Of the three sitting members whose term of office will expire on the 2nd April, 1968, Shri Surjit Singh and such one of the two members, namely, Shri Abdul Ghani and Shri Cham Lal, as the Chairman of the Council of States may determine by drawing lot, shall be deemed to have been elected to fill two of the seats allotted to the State of Punjab and the remaining member shall be deemed to have been allotted to fill one of the seats allotted to the State of Haryana." (126).

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That the Fourth Schedule, as amended stand part of the Bill".

The motion was adopted.

The Fourth Schedule, as amended, was added to the Bill.

Fifth Schedule

The Deputy Minister in the Ministry of Home Affairs (Shri P. S. Naskar): We have a consequential amendment to this Schedule.

Amendment made:

At page 59, in line 13, for 'Nangal' substitute 'Anandpur Sahib'

(Shri P. S. Naskar)

Mr. Deputy-Speaker: The question is:

"That the Fifth Schedule, as amended; stand part of the Bill".

The motion was adopted.

The Fifth Schedule, as amended, was added to the Bill.

The Sixth Schedule was added to the Bill.

Seventh Schedule

Shri Jagdev Singh Siddhanti: I beg to move:

Page 63, after line 4, insert—

- “9. Shri Sher Singh.
10. Shri Dharam Singh.
11. Shri Nasib Singh.
12. Shri Sultan Singh”. (81).
(ii) Page 63, omit lines 6 to 9. (82).
(iii) Page 63 after line 13, insert—
“Part C.
1. Shri Durga Dass Khanna
2. Shri Puran Singh Azad.
3. Shrimati Illa Rani Ahuza.
4. Shri S. F. Dean.
5. Shrimati Gyan Kaur.
6. Shrimati Prithpal Kaur Wasu.
7. Shri Kanwarlal Sharma.
8. Shrimati Prabhjot Kaur”. (83)

Shri Nanda: I beg to move:

- (i) Page 62, (i) in line 27, for “sections 16 and 22” substitute “section 22”
(ii) in line 30, omit “PART A” (127).
(ii) Page 63, (i) in line 5, omit “PART B”;
(ii) in lines 6 to 13, renumber entries 1 to 8 as entries 9 to 16 respectively. (131).

Shri P. S. Naskar: We are not moving amendment No. 128, but we are moving only amendments Nos 127 and 131.

Mr. Deputy-Speaker: These amendments are now before the House.

श्री जगदेव सिंह सिद्धान्ती : माननीय उपाध्यक्ष महोदय, हरयाणा में तो क्यों कि अब प्रश्न नहीं उठता, वहां तो विधान परिषद् रहेगी नहीं, उन के तो मेम्बरों को अवकाश दे दिया गया लेकिन जो पंजाबी सूबे में बन रही है, मैं नन्दा जी से यह प्रार्थना करता हूँ कि जिन

1638(Ai) LSD—9

विधान परिषद् के सदस्यों के निवास-स्थान चंडीगढ़ में हैं और उन को पंजाबी सूबे की विधान परिषद् के छन्दर ग्राम ने स्वीकृति दे दी, तो इसी तरह से चौधरो सुल्तान सिंह की एक याचिका है जो कि सराय नागा, तहसील मुक्तसर, जिला फिरोजपुर के हैं, सीरियल नं० 377 पार्ट नम्बर 35 बोटर्स लिस्ट पर उन का नाम है। तो मैं मांग करता हूँ कि इन को भी पंजाब की विधान परिषद् में जाने का अधिकार दिया जाय। मैं यह याचिका सदन की मेज पर रखता हूँ।

Shri Nanda: We have looked into this matter. I cannot accept the amendments of the hon. Member.

Mr. Deputy-Speaker: I shall now put amendments Nos. 81, 82 and 83 to the vote of the House.

Amendments Nos 81, 82 and 83 were put and negatived.

Mr. Deputy-Speaker: The question is:

- (i) Page 62, (i) in line 27, for “sections 16 and 22” substitute “section 22”
(ii) in line 30, omit “PART” (127).
(ii) Page 63, (i) in line 5, omit “PART B”;
(ii) in lines 6 to 13, renumber entries 1 to 8 as entries 9 to 16 respectively (31).

The motion was adopted.

Mr. Deputy-Speaker: The question is:

“That the Seventh Schedule, as amended, stand part of the Bill”.

The motion was adopted.

The Seventh Schedule, as amended, was added to the Bill.

The Eighth Schedule was added to the Bill.

The Ninth, Tenth and Eleventh Schedules were added to the Bill.

The Twelfth Schedule was added to the Bill.

Thirteenth Schedule

Amendment made—

Page 70, line 7,—

for "60761"

substitute "6071" (88).
(Shri Nanda)

Mr. Deputy-Speaker: The question is:

"That the Thirteenth Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Thirteenth Schedule, as amended, was added to the Bill.

The Fourteenth and Fifteenth Schedules were added to the Bill.

Sixteenth Schedule

Shri Harj Vishnu Kamath: I would like to have a little light from the Home Minister before we wind up.

You will be pleased to see that this schedule, the last one, has got some 42 institutions mentioned therein, and the section corresponding to that is section 77. Section 77 is somewhat obscure to me, and I would request the Home Minister to throw light on it so that it can be interpreted correctly and properly.

"The Government of the State of Haryana or Punjab, or, as the case may be, the Central Government....

—"as the case may be" comes in between—

"...in relation to the transferred territory or the Union territory of Chandigarh, shall in respect of the institutions specified in the Sixteenth Schedule..

—now comes the obscure part—

"...located in the State or territory aforesaid continue to provide facilities to any other Government aforesaid and the people of the States and territories aforesaid which shall not, in any respect, be less...."

Take the instance of Chandigarh. I am anxious that institutions mentioned here should flourish and prosper and must do well in the coming years. I would, therefore, like to know whether in the case of the institutions which are located in Chandigarh—there are quite a number of them, more than a dozen—which is a Union territory now, the Union Government will come into the picture and will be responsible for these institutions because they are all located in the Union Territory. How is this section to be interpreted? Because it says:

"...institutions specified in the Sixteenth Schedule located in the State or territory aforesaid continue to provide facilities to any other Government.."

One Government shall continue to provide facilities to any other Government—how will that be interpreted so far as Chandigarh is concerned? Haryana is mentioned, Punjab is mentioned, and then "or, as the case may be, the Central Government"—all these are mentioned. Then the Government concerned in this territory, according to the Bill, gives facilities to any other Government mentioned therein. That means to say, even in

Chandigarh there will be two governments or only one Government responsible, because it is said here in this section that the other Government will get facilities from the Union Government, if my interpretation is correct. Therefore, I would like to know what it exactly means, this rigmarole.

Shri Nanda: That means that in respect of any institution which may be located either in Haryana or Punjab or the Union territory, the facilities which were available before to the others, those who may not be there in that area, will continue to be available, and therefore that is all that is meant.

Shri Hari Vishnu Kamath: A bit involved, a bit of a rigmarole.

Mr. Deputy-Speaker: The question is:

"That the Sixteenth Schedule stand part of the Bill."

The motion was adopted.

The Sixteenth Schedule was added to the Bill.

18 hrs.

Mr. Deputy-Speaker: The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

Shri Nanda: Sir, I have to move an amendment because last night what happened was that one amendment had been accepted and having been accepted, then, somehow another amendment which has a totally contrary effect to that amendment had also been adopted. An anomaly has

been created which is sought to be removed. So, I move:

"That Amendment, No. 53 to the Punjab Reorganisation Bill, adopted by the House on the 6th September, 1966, be rescinded."

It is totally contrary to another amendment which has been accepted by the House. That was oversight.

Shri U. M. Trivedi: What type of amendment is it? There must be another Bill if you want to amend it. How can this be done?

Mr. Deputy-Speaker: It can be amended.

Shri Nanda: Sir, I move:

"That Rule 38 in its application to Amendment No. 53 to the Punjab Reorganisation Bill, adopted by the House on the 6th September, 1966, be suspended."

Mr. Deputy-Speaker: The question is:

"That Rule 338 in its application to Amendment No. 53 to the Punjab Reorganisation Bill, adopted by the House on the 6th September, 1966, be suspended."

Shri Hari Vishnu Kamath: No, no. What is the motion before the House?

Mr. Deputy-Speaker: I have read the motion. It is that rule 338 in its application to this amendment, No. 53, has to be suspended.

Shri Hari Vishnu Kamath: We must have reasons for the suspension of the rule. What is the rule you refer to?

Mr. Deputy-Speaker: I will read the rule.

"A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session."

This rule has to be suspended if we have to accept the amendment. That is why the hon. Minister is moving his amendment.

Shri Hari Vishnu Kamath: The amendment is not with us.

Mr. Deputy-Speaker: He has read that amendment.

One amendment has been accepted which is contrary to another amendment accepted by this House.

Shri Nanda: I have moved: the motion, Sir:

"That Amendment No. 53 to the Punjab Reorganisation Bill, adopted by the House on the 6th September, 1966, be rescinded."

Shri Hari Vishnu Kamath: Suspension of the rule 338 is I believe under rule 388. Rule 338 does not strictly apply in this case.

Mr. Deputy-Speaker: Not 388.

Shri Hari Vishnu Kamath: Please try to follow me. Suspension of a rule can be done under rule 388; all suspensions take place under that rule—suspension of rules, not Members.

Shri Kapur Singh: Members can be suspended without rules.

Shri Hari Vishnu Kamath: Shri Kapur Singh knows it to his cost, to his pleasure. Now, Sir, rule 388 is:

"Any Member may, with the consent of the Speaker...." You have very generously given your sent, Sir; that is all right.

".....move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being."

Now, the motion now made is without notice. A motion has been moved without notice. So far as that rule is concerned, it has been infringed. If that is also suspended, then we will have to find out the rule under which you allowed the motion without notice. Please quote that rule also. Under the rules of procedure, no motion can be

allowed to be moved without notice. (Interruption)

Mr. Deputy-Speaker: It is a very simple matter.

Shri Hari Vishnu Kamath: Take rule 338. It bars the raising of any question which has been decided in the same session. It reads as follows:

"A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session."

I do not know which is the motion on which the House has already given a decision in the same session. Now, you are suspending that rule. I do not know whether the House has agreed to do it. The House in its wisdom may agree to suspend the rule, but then, I hope your wisdom will prevail to the contrary, because rule 388 must come into play first, and then, the next stage will come into operation, that is, the motion made by the Minister. The motion has been made without notice. You know, Sir, every motion has got to be moved after giving notice. So, unless that rule is suspended, the motion cannot be moved. If there is a rule, a blanket rule or a resolution, that all the relevant rules will be suspended, this may be all right. But, if you do not want to be arbitrary like that—you should not be as arbitrary as all that—I submit that, with all humility and earnestness you must specify the rules which have got to be suspended now. Rule 338 is one. The other rule is that which obliges the Finance Minister and every Member to give adequate notice, for amendments at least one day's notice. If that rule also is suspended, please state that. Otherwise, the House cannot discuss this motion.

Mr. Deputy-Speaker: Rule 388 does not require any notice. I am allowing the suspension of the rule. I may

quote rule 389 in this connection: it reads as follows:

"All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct."

This is a very simple amendment.

Shri Hari Vishnu Kamath: The Speaker has held everytime that any specific provision cannot be overuled by a general provision.

Mr. Deputy-Speaker: I allow this amendment. The question is:

"That Rule 338 in its application to Amendment No. 53 to the Punjab Reorganisation Bill, adopted by the House on the 6th September, 1966, be suspended."

The motion was adopted.

Mr. Deputy-Speaker: Now the Minister may move his amendment.

Shri Nanda: I have done it already.

Mr. Deputy-Speaker: The question is:

"That Amendment No. 53 to the Punjab Reorganisation Bill, adopted by the House on the 6th September, 1966, be rescinded."

The motion was adopted.

Shri Nanda: I beg to move:

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

Mr. Deputy-Speaker: Motion moved:

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

Shri Kapur Singh: Sir, acting to the voice of our conscience and remembering our election pledges and our loyalty to our constituents, we dissociate ourselves with the final passage of this Bill, and in token thereof, we beg leave to walk out.

Shri Kapur Singh and some other hon. Members then left the House.

18.10 hrs.

Shri U. M. Trivedi: Sir, I make this speech during the third reading with a desire to focus the attention of this House and the country on the fact that we have gone very far and we may now cry a halt to this further balkanisation of our country.

Dr. M. S. Aney: I object to the word 'balkanisation'; it is no balkanisation at all.

Shri U. M. Trivedi: This is a vicious piece of legislation, full of material and procedural irregularities. It is a Bill which has been hustled through and not in a magnanimous manner. Even the hustling could have been done with grace. But unfortunately the Government had seen it write large that probably the sentiments which existed four or five months back had cooled down and probably the Punjabis do not want to separate from each other. Hustling of this type will not pay. A great injustice has been done to a great State and a courageous people just to satisfy the fanciful whims of a few persons.

When Chandigarh was inaugurated by the great late lamented Babu Rajendra Prasad, the then President of India, I remember I wrote a letter to him, "Why are you opening Chandigarh on this ominous and inauspicious day of *Sarva Pitr Amvasya*?" It was opened on that inauspicious day and that has brought this misfortune on this country. We do not know where and how it will end. You wanted a spirit of bravado of secularism. Probably this secularism will not help. It is on the face of it writ large that you have yielded to communal tensions and communal desires. You have proclaimed from hosetops that you are not communal. When we founded this country of ours, we proclaimed to the world

[Shri U. M. Trivedi]

at large that we are secular and we shall have no communalism. Yet, we have fallen flat when communal forces attacked us. The result has been this misfortune.

This division has been hurried. I cannot understand why. A parliamentary committee was appointed to begin with. Before that committee could come to a decision, a decision was made at the Congress Working Committee level and it was said that we accept the division. All the efforts of the parliamentary committee were put on the shelf. A boundary commission was then appointed with a Supreme Court judge as Chairman. You pocketed that report and you had your own way in formulating how the division should take place. The Bill was brought just on the eve of the closing day. Ordinarily the session would have been over on the 2nd. But the House continued to sit and sit upto 11 P.M. in the night yesterday and today also it is sitting late. Why? Did you give any importance to this Bill? No. You wanted somehow or other to satisfy your desire—since we have got the barber, apply the soap to our face, let him shave us! You wanted that shaving to be carried out.

It was pointed out to you, to the House and to the Treasury Benches that, somehow or other, this Bill, by implication and by the very provisions, is in conflict with the constitution and by the back door constitutional amendments are taking place which could not therefore be passed except according to the provisions of the Constitution, that a particular majority of Members should be present in the House. Yet it was not heeded. You have created a law which will be challenged, and challenged very often, and create trouble for others. I see that the hon. Minister for Parliamentary Affairs, Shri Jaganatha Rao, is nodding his head as if he says: "I do not care". But I say he will have to care, he cannot shake his head like that (*Interruptions*). Let him not show his

spirit of bravado here. It is not possible.

All the rules of procedure have been set at naught over and over again. Rule 352 provided that you shall not discuss,—and still you refused to look into it,—because a case was pending before the Supreme Court. You refused to pay any heed to it and proceeded to go ahead because you knew that the roller is there and it will crush everything. The constitutional provision of article 170 was there facing you, yet you neglected it. You have no right to nominate, yet you nominated. You have no right to bring about a legislature with only 54 members, yet you agreed to have a legislature with 54 members and 8 nominated members. What type of legislation is this? The Constitution says that the State shall consist of not less than 60 legislators duly elected. Instead of having "duly elected", you say that they will be "duly nominated" (*Interruptions*).

Sir, we are now at a stage when you all think that it is very very late in the day to cry over spilt milk. It may be true but, still, sometimes good sense can prevail even at the last moment. We do not know whether that good sense will prevail. It may not prevail in this case. Shri Jaganatha Rao is still shaking his head, to say that it will not prevail. But it is my duty to point out to you that good sense must prevail.

How have you got over the provisions of article 80 when the word used there is "elected"! From "elected" you want to change it into "nominated". That means you want to change a provision in the Constitution with only this presence in the House. Can you change the Constitution like that? I say, Sir, this hustling, this hurrying, this un-thinking, this bad drafting, this illegality and this irregularity that have been done to this Bill will itself be a mark in the history of India and the history of this Parliament. Such a thing has never happened in this Parliament

before. Such road-rolling was never even conceived in the days when we were opposing the Hindu Code Bill. Why has this been done here for the sake of satisfying just a few persons—one wanted to die, immolate himself. Why are you so afraid? Why have you done this? I say, Sir, you will rule the day when you made up your mind to divide this country, this part of India into two parts and created troubles for all. Even today, let there be some good sense made to prevail so that you may say even at this last stage that you withdraw the Bill.

श्री जगदेव सिंह सिद्धांती : मुझे अत्यन्त खेद के साथ कहना पड़ता है कि एक विधिवेत्ता त्रेत्वाभास से भरे हुए व्याख्यान के द्वारा भावुकता का प्रकाश करते हैं जब कि वास्तविक जो स्थिति है उसके ऊपर दृष्टि नहीं डालते हैं। मैं निवेदन करता हूँ कि ये जो क्षेत्र हैं ये दोनों ही चाहते थे कि इनके पृथक पृथक प्रान्त बनें। पंजाब वाले भी चाहते थे और हरियाणा वाले भी चाहते थे कि उनके अलग अलग प्रान्त बनें। 1857 से सतलुज नदी के नीचे का इलाका कभी पंजाब नहीं रहा है। इस कारण से मैं निश्चयपूर्वक कहता हूँ कि ये दोनों जो आज राज्य बन रहे हैं, ये राष्ट्र की रक्षा के लिए जिस तरह से अब तक कार्य करते रहे हैं, उसी तरह से आगे भी करते रहेंगे। दोनों में वीरता है। मैं सरकार को बहुत बधाई देता हूँ कि उसने साहसपूर्वक उन लोगों की कोई परवाह नहीं की जिनका नाम केवल अड़चन डालना है, फिर चाहे वे कानून के द्वारा डालें या बैसे बालें। हमें भी इसकी कोई चिन्ता नहीं है और हम आपको विश्वास दिलाते हैं कि हरियाणा के वीर जिस तरह से आज तक अपना दायित्व निभाते आए हैं राष्ट्र रक्षा हेतु, उसी प्रकार से सदा जब भी राष्ट्र रक्षा का प्रसंग उपस्थित होगा, अपने

प्राणों की आहुति देने को तत्पर रहेंगे। यह हमारा दृढ़ निश्चय है। जय हरियाणा।

श्री रघुनाथ सिंह : मैं आशावादी हूँ। त्रिवेदी जी की तरह से निराशावादी नहीं हूँ। आज एक बड़ा शुभ दिन है। आज हिमाचल, हरियाणा और पंजाब बनने जा रहे हैं। आज हमको ईश्वर से प्रार्थना करनी चाहिये कि ये तीनों सब अच्छी तरह से आनन्द से रहें और हमारी सीमा की रक्षा करने रहें। इसके साथ साथ विरोधी पक्ष को भी और सरकारी पक्ष दोनों को मैं धन्यवाद देता हूँ कि बड़ा शान्ति से, बड़े सन्तोष के साथ हम इस बिल को पास करने जा रहे हैं। उपाध्यक्ष महोदय, मैं आपको भी धन्यवाद देता हूँ कि आपने बड़ी सहनशीलता का परिचय दिया है।

Shri Nanda: Sir, I have nothing more to add. This is an auspicious day today. This is the birthday of Lord Krishna. My answer to what was said by the hon. Member, Shri Trivedi, is that on this day let the House send its blessings and good wishes to the people of Punjab who have now been divided into Haryana, Punjab, part into Himachal Pradesh and the Union territory of Chandigarh.

Mr. Deputy-Speaker: The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

18.23 hrs.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

“I am directed to inform the Lok Sabha that the Rajya Sabha..