

Mr. Speaker: We will see.

Shri Hari Vishnu Kamath: I am sorry, Sir, the Minister has disappeared. It is very bad. I raised a point. I wanted to know whether the Government is helpless in the matter. Who is to answer that?

Mr. Speaker: The hon. Member asked him to find out why this delay has occurred. Certainly he will find out.

Shri Hari Vishnu Kamath: He should have said so. It should go on record that he is going to find that out.

Mr. Speaker: He will find out.

Shri Hari Vishnu Kamath: Without your permission, Sir, he has fetcamped.

14.05 hrs.

CONSTITUTION (NINETEENTH AMENDMENT) BILL

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathl): Sir, on behalf of Shri G. L. Nanda I beg to move:

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

Sir, this is a small Bill which purports to amend the Constitution of India. Article 3 of the Constitution reads as under:

"Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
- (b) increase the area of any State;
- (c) diminish the area of any State;
- (d) alter the boundaries of any State;
- (e) alter the name of any State."

Now, Sir, under this article 3 which provides for the formation of new States, alteration of areas and boundaries and

alteration of names of existing States, before the constitution (Seventh Amendment) Act, 1956, was enacted, the expression "State" occurring in that article meant Part A States, Part B States and also Part C States. All the States were classified in three different categories A, B and C. I need not go into the details. Those which were originally provinces in the British period were mostly classified as A States, most of the States which were under the Indian rulers—there was a merger of States—like Rajasthan, Saurashtra and all that—with the Rajpramukhs were B States and others like Himachal Pradesh, Kutch, Delhi and such others were classified as C States. After that, instead of C States, the concept of Union Territories was introduced in our Constitution. But article 3 was not amended to include the term "Union Territories" and the word "State", remained as "State". The difficulty now is that if a part of a State has to be merged in the Union Territory, this provision of article 3 may perhaps not be applicable because the word is "State" in the provision and not "Union Territory". Therefore, while if you want to transfer a part of a State to another State this article 3 of the Constitution can be invoked, if a part of a State, for example, Punjab, is to be transferred to, say, Himachal Pradesh, this article cannot be operative, because the word used is "State" and not "Union Territory". Therefore, it is that under this article 3, two explanations are proposed.

Shri Tyagi (Dehra Dun): Change of the name of a State is permissible under this article. Now the name is changed while the State remains. It is the same State, only the name is changed. From Part 'C' State, it has become a Union territory. So only the name will change. Otherwise, it remains as it is.

Shri Hathl: We can argue that Part 'C' State has become a Union territory. But suppose some objection is taken that this does not include Union territory? This is for making it absolutely clear. This is not amendment; this is Explanation. Therefore, we say:

"Explanation 1.—In this article, in clauses (a) to (e), "State" includes a Union territory...."

[Shri Hathi]

This is the Explanation added. What Mr. Tyagi says is right that it can mean so. But in order to make it abundantly clear, this Explanation is being added. Then, there is another Explanation:

"Explanation II.—The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory."

This is a simple Bill. I need not say anything more. I move.....

Mr. Speaker: Motion moved:

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

Shri Narendra Singh Mahida (Anand): There are various amendments to the Bill. The Members are absent.

Mr. Speaker: I cannot just go and call them.

Does anybody want to speak? No.

Shri Pratap Singh (Sirmur): I want to move my amendments here.

Mr. Speaker: Not at this stage. They will be taken up later when we take up the clauses.

As there is nobody to speak, I will put it to the House.

Division No. 18]

Ram Singh, Shri

Achuthan, Shri
Akkamma Devi, Shrimati
Anjanappa, Shri
Arunachalam, Shri
Agad, Shri Bhagwat Jha
Bakliwal, Shri
Bal Krishna Singh, Shri
Balakrishnan, Shri
Benerji Dr. R.
Berman, Shri P.C.
Basappa, Shri
Banaja Deo, Shri L.N.
Bhargava, Shri M.B.
Bhatkar, Shri

Rane, Shri

Bhattacharyya, Shri C.K.
Boroosh, Shri P.C.
Brahm Prakash, Shri
Brij Basi Lal, Shri
Braj Raj Singh-Kotah, Shri
Chakravartty, Shrimati Renu
Chakraverti, Shri P.R.
Chanda, Shrimati Jyotana
Chandak, Shri
Chandrabhan Singh, Dr.
Chandriki, Shri
Chaudhry, Shri Chandramani La
Chaudhuri, Shri D.S.
Chaudhuri, Shrimati Kamla

AYE S

NOES

Chavan, Shri D.R.
Chavda, Shrimati Jotraben
Chuni Lal, Shri
Daffe, Shri
Daljit Singh, Shri
Deo Bhanl, Shri P.C.
Dhuleshwar Meena, Shri
Dinesh Singh, Shri
Dixit, Shri G.N.
Dorai, Shri Kasinatha
Dwivedi, Shri M.L.
Elayaperumal, Shri
Gahmari, Shri
Gajraj Singh Rao, Shri

The question is:

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

Shri Tyagi: At this stage, is the prescribed majority required?

Mr. Speaker: Yes. Let the Lobbies be cleared.

Shrimati Renu Chakravartty (Barrackpore): I just want out to get a copy of this Bill. I wanted to speak on this.

Shri Namblar (Tiruchirapalli): I too went out to get a copy of the Bill.

Shrimati Renu Chakravartty: Even the Ministers are not here. The Minister of Parliamentary Affairs, the Leader of the House, is not here.

Shri Namblar: This is because of the sudden change in the agenda.

Shrimati Renu Chakravartty: The Minister of Parliamentary Affairs himself proposed the change.

Shri Namblar: This is an important legislation. We should have been given due notice.

Mr. Speaker: Order, order. The Lobbies have been cleared. The question is:

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

The Lok Sabha divided.

[14.17hr^s

Ga spati Ram, Shri	Mukane, Shri	Saigol, Shri A.S.
Ganga Devi, Shrimati	Mukerjee, Shrimati Sharda	Samanta, Shri S.C.
Gupta, Shri Shiv Charan	Murmu, Shri Sarkar	Sarma, Shri A.T.
Hajarnavis, Shri	Muthiah, Shri	Saryabama Devi, Shrimati
Hansda, Shri Subodh	Naik, Shri D.J.	Sen, Shri P.G.
Harvasi, Shri Anwar	Naik, Shri Maheswar	Shakanta Devi, Shrimati
Heda, Shri	Nair, Shri Vasudevan	Shankaraiya, Shri
Hem Raj, Shri	Nambiar, Shri	Sharma, Shri A.P.
Himatsingka, Shri	Naskar, Shri P.S.	Sharma, Shri D.C.
Jadhav, Shri M.L.	Nayak, Shri Mohan	Shree Narayan Das, Shri
Jamunadevi, Shrimati	Ora, Shri	Shyam Kumari Devi, Shrimati
Jena, Shri	Pande, Shri K.N.	Siddananappa, Shri
Jha, Shri Yogendra	Pandey, Shri R.S.	Siddhanil, Shri Jagdev Singh
Joshi, Shrimati Subhadra	Pandey, Shri Vishwa Nath	Siddiah, Shri
Kayal, Shri P.N.	Panna Lal, Shri	Siddheshwar Prasad, Shri
Khalilkar, Shri	Pant, Shri K.C.	Singh, Shri D.N.
Koujilgi, Shri H.V.	Parashar, Shri	Singh, Shri S.T.
Kristasa, Shri M.R.	Patel, Shri Chhotubhai	Sinha, Shrimati Ramdari
Kureel, Shri B.N.	Patel, Shri Man Singh	Sinha, Shrimati Tarakanwar
Lakshmita Thamma, Shrimati	Patil, Shri T.A.	Sivapraghasen, Shri K.
Lalit Sen, Shri	Patnaik, Shri B.C.	Smarak, Shri Narde
Laskar, Shri N.R.	Prabhakar, Shri Naval	Sonavane, Shri
Laxmi Bai, Shrimati	Pratap Singh, Shri	Subbaraman, Shri
Mahadeo Prasad, Shri	Raghunath Singh, Shri	Subramanyam, Shri T.
Mahishi, Dr. Sarojini	Rai, Shrimati Sahodra Bai	Sumat Prasad, Shri
Maimoona Sultan, Shrimati	Raide Singh, Shri	Swamy, Shri M. P.
Malhotra, Shri Inder J.	Ram, Shri T.	Tabir, Shri Mohammad
Mallick, Shri Rama Chandra	Ram Sewak, Shri	Tiwary, Shri R.S.
Mansen, Shri	Ramanathan Chettiar, Shri R.	Tripathi, Shri Krishna Dev
Mandal, Dr. P.	Rampure, Shri M.	Tyagi, Shri
Mandal, Shri J.	Rao, Shri Jaganatha	Ulkey, Shri
Maniyangadan, Shri	Rao, Shri Krishnamoorthy	Ulaka, Shri Ramachandra
Mantri, Shri D.D.	Rao, Shri Muthyal	Verma, Shri M.L.
Marandi, Shri	Rao, Shri Ramapathi	Veerabasappa, Shri
Masuriya Din, Shri	Rao, Shri Thirumala	Verma, Shri S.L.
Matcharaju, Shri	Reddiar, Shri	Vidyalankar, Shri A.N.
Mehdi, Shri S.A.	Reddy, Shri Linge	Virbhadra Singh, Shri
Mehrotra, Shri Braj Bihari	Reddy, Shrimati Yashoda	Vyas, Shri Radhelal
Mengi, Shri Gopal Datt	Roy, Dr. Seradish	Wadiwa, Shri
Menon, Shri Krishna	Roy, Shri Bishwanath	Wamik, Shri Balkrishna
Miara, Shri Mahesh Dutta	Sadhu Ram, Shri	Yadav, Shri N.P.
Mohammed Yusuf, Shri	Saha, Dr. S.K.	Yadav, Shri Ram Harkh
More, Shri K.L.	Sahu, Shri Rameshwar	

Mr. Speaker: The result of the division is:

Ayes 2; Noes 170.

The motion is not carried by a majority of not less than two thirds of the total membership of the House, present and voting.

The motion was negatived.

Shrimati Renu Chakravarty: Does it mean that in this session, nothing can be

done, there can be no Punjabi Suba or anything of the sort?

Shri Nambiar: May I make a submission?

Mr. Speaker: Shri Hathi to continue his speech on the Delhi Administration Bill.

Shri Nambiar: Before we go to another item, may I make a submission on what has happened just now? My submission is, because of the change in the agenda, the

[Shri Nambiar]

whole thing has ended in a very serious chaos. The formation of the Punjabi Suba which was expected and which is bound to come has been delayed because of the deliberate change brought about by the Government. This is my accusation. The whole country will feel disappointed at the way this thing has been done. I want to make a strong protest and I want to record my objection to this way of doing things. Such a serious issue has not been properly dovetailed. As a consequence of this, we shall be made a laughing stock.

Mr. Speaker: Order, order. What can I do? I cannot do anything.

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DELHI ADMINISTRATION BILL—
contd.

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): Mr. Speaker, Sir, on Saturday last, when the House rose, I had just begun my speech on the Delhi Administration Bill as reported by the Joint Committee. This Bill was introduced in the Lok Sabha on 18th November, 1965 and thereafter it was referred to the Joint Committee of both the Houses of Parliament.

The Report of the Joint Committee was presented to Parliament on the 9th May, 1966. As stated in that report, the committee invited memoranda from public bodies and individuals and also took evidence from the representatives of the public bodies, political parties and individuals. The scope of the Bill was thoroughly discussed, and a number of improvements have been effected. I would not like to take the time of the House in explaining the previous history of the administrative set-up of Delhi.

Mr. Speaker: The hon. Minister may kindly stop for a minute. There is so much of noise in the House.

Shri Vasudevan Nair (Ambalapuzha): Members are excited.

Shri D. C. Sharma (Gurdaspur): The whole House is excited.

Mr. Speaker: I do understand that the Members are excited. But what can I do now?

Shri Hari Vishnu Kamath (Hoshangabad): It is not your fault.

It has happened once before also. This is the second or third time when Government have blundered. They are in blunderland.

Mr. Speaker: Now, Members have to give their attention to the proceedings that are going on. They should not go on talking among themselves.

Shri Nambiar (Tiruchirapalli): This was a snap arrangement which we did not anticipate.

Mr. Speaker: What can I do in that case?

Shri Vasudevan Nair: Government should explain why all this has happened.

Shri D. C. Sharma: It is a big blow to us.

Shri Hari Vishnu Kamath: This is a emisson or blundering on the part of Government.

Mr. Speaker: Now, the hon. Minister might continue his speech.

Shri Hathi: I do not like to take the time of the House in explaining the previous history of the administrative set-up of Delhi.

The Home Minister, while moving the motion for referring the Bill to the Joint Committee had explained in full the reasons for bringing forward this measure for the administrative set-up of Delhi. He had explained in detail the special position which Delhi occupied and the position of the other federal capitals in the world also.