

Pandit G. B. Pant : I introduce* the Bill.

STATES REORGANISATION BILL

The Minister of Home Affairs (Pandit G. B. Pant) : I beg to move for leave to introduce a Bill to provide for the reorganisation of the States of India and for matters connected therewith.

Shri Kelappan (Ponnani) : I oppose the motion for leave to introduce this Bill.

Mr. Speaker : Let me first place it before the House.

Motion moved :

"That leave be granted to introduce a Bill to provide for the reorganisation of the States of India and for matters connected therewith."

At this stage, whoever wants to oppose the motion for leave to introduce the Bill itself will kindly state the grounds and I will ask the Minister to reply. There won't be any further discussion. Then I will put it to the vote of the House.

Shri K. K. Basu (Diamond Harbour) : I do not like to oppose the Bill as such. But I would like to get some clarification, because I do not know in what form the Bill is coming. On the reply to that depends what attitude we take. I take it from the statement made by the Minister of Parliamentary Affairs that the Bill is just the same as was laid on the Table of the House only a month back, wherein the question of readjustment of the boundaries of the States of West Bengal and Bihar was left out. The country was given to understand before the Bill was actually brought before this House that the declaration made by Government on the 16th January even in respect of West Bengal boundary adjustment would be given effect to. I, therefore, would like to get an assurance from Government that even the small mercies that the Government and then SRC have shown so far as the boundary adjustment between West Bengal and Bihar is concerned, will find a place in the Bill or in any other Bill which may be brought before this House during the current session of Parliament. On the reply to

that depends the attitude we take, because I do not know what is the position.

Pandit G. B. Pant : So far as the Bill which I propose to introduce is concerned, it is exactly on the lines of the Bill that was placed on the Table of the House on the 16th of last month. There is no change.

As to the adjustment of boundaries between West Bengal and Bihar, certain talks and negotiations are going on and nothing can be said at this stage. A Bill relating to the States of West Bengal and Bihar will, I hope, be introduced in due course, but when, I am not exactly in a position to state today.

12 NOON

Shri K. K. Basu : It may not be even in this session ; is it ?

Pandit G. B. Pant : I would like it to be ; but, I cannot guarantee.

Shri Kelappan : I oppose the introduction of this Bill in its present form. I shall briefly give my reasons.

According to the Constitution, it is obligatory on the President to consult the Legislatures of the States that are affected by the change proposed. The T.C. State Legislature has not been consulted. It may be argued that the Legislature has been dissolved and the legislature functions have devolved upon this Parliament. I submit there is a distinction between the legislative powers of the Legislature and this right to be consulted. This right of the States to be consulted cannot be considered as a part of the legislative functions. In a democratic set-up, the people of the State have a right to be consulted when a portion of their territory is proposed to be taken away.

There are similar provisions in other Constitutions. In Australia, it takes the form of a referendum. In the case of the United States of America, the Legislatures are consulted and no change can be effected without their concurrence.

It is true that here the President has got wider powers. He can disregard the suggestions of the States ; but, it is obligatory on him to consult the States. It is really consulting the opinion of the people ; and, in this case, the legisla-

* Introduced with the recommendation of the President.

tures are consulted. It may be that the Constitution-makers did not foresee such a contingency,—that just on the eve of the reorganisation of the States, a State Legislature will go out of existence. It may be that they have not made provision for that. The remedy is either an amendment of the Constitution or postponement of the change till the Travancore elections are over and the Legislature begins to function. It is clearly against the Constitution to alter the boundaries of the Travancore-Cochin State without giving the people of the State an opportunity to express their views on it.

Shri A. M. Thomas (Ernakulam) : On a point of order, Sir. It is not open to the hon. Member to raise this objection because the proclamation that we have adopted on the 29th March, suspends this particular article in relation to Travancore-Cochin.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes) : I have got a point.

Mr. Speaker : I am not going to allow that.

Shri Velayudhan : Sir, only one point. . . .

Mr. Speaker : I won't allow. Under the rules, I am bound only to hear the hon. Member who raises the objection, that is, who opposes the introduction.

Pandit G. B. Pant : The objection raised by Shri Kelappan has no validity in law. When the proclamation was issued, the proviso to article 3 of the Constitution, which requires a reference to be made to the State concerned, was, I think, suspended. So, that is not applicable. But, apart from that, the powers of the Legislature have vested in Parliament and it can deal with all matters which would otherwise have come within the purview of the State Legislature. There can be no exception in the case of the reorganisation of the States. Suppose a State cannot function under circumstances which are beyond the control of anybody, when we, all of us, may be unanimous about the incapacity or the inability of the State to function under particular circumstances, and the remedy lies in adjusting the boundaries, then, certainly, it will be open to Parliament to exercise the authority vested in it for changing the boundaries because the powers of the State Legislature will

also be, in that case, vested in Parliament.

Besides, literally speaking, the Bill was referred to the Travancore-Cochin Legislature on the 16th of last month when it was functioning. So, 30 days have passed since it was referred. Whatever might be the difficulties which have stood in the way of its submitting its views to us, it does not affect the legal position. The provisions of article 3 have been carried out. Even if that article were alive, even if those objections were still binding, nobody can raise the objection on the ground that there had been no compliance with the provisions of that article.

Shri Kamath (Hoshangabad) : In letter only and not in spirit.

Pandit G. B. Pant : I think you are concerned more with the letter than the spirit.

Shri Velayudhan : I accept the contention of the Home Minister. The whole powers of the Legislature have devolved on the President and, directly or indirectly, they devolve on the Parliament. It was reported in the papers that certain decisions were taken, regarding the boundaries of the Travancore-Cochin State, by the Adviser there and they were sent here. My contention is that they must be discussed here in Parliament and thereafter only this Bill can be taken.

Mr. Speaker : It will be discussed on this Bill.

The question is :

“That leave be granted to introduce a Bill to provide for the reorganisation of the States of India and for matters connected therewith.”

The motion was adopted.

Pandit G. B. Pant : I introduce* the Bill.

CONSTITUTION (SIXTH AMENDMENT) BILL

The Minister of Home Affairs (Pandit G. B. Pant) : Sir, I beg to move for leave to withdraw the Bill further to amend the Constitution of India.

This Bill was introduced during the last session. It sought to amend certain provisions relating to High Courts, High Court Judges, executive powers

* Introduced with the recommendation of the President.