

2 P.M.

Mr. Speaker : The question is :

That in the motion—
for “Shri V. N. Tjvary” substitute
“Shri Algu Rai Shastri”

Those who are in favour will say Aye.

Several Hon. Members : Aye.

Mr. Speaker : Those who are against will say, No.

Some Hon. Members : No.

Mr. Speaker : The Ayes have it.

Shri Nambiar : The Noes have it, Sir.

Mr. Speaker : I have already declared that Ayes have it.

Shri Nambiar : I stood up at once and said Noes have it, Sir.

Mr. Speaker : No. no. The voices were overwhelmingly ‘for’.

The motion was adopted.

Mr. Speaker : The question is :
That in the motion—

for “Shrimati Ammu Swaminadhan substitute ‘Shrimati Tarkeshwari Sinha’”.

The motion was adopted.

Mr. Speaker : Now, the question is :

“That the Bill to provide for the reorganisation of the States of India and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 51 members; 34 from this House, namely, Shri U. Srinivasa Malliah, Shri H. V. Pataskar, Shri A. M. Thomas, Shri R. Venkataraman, Shri S. R. Rane, Shri B. G. Mehta, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri Algu Rai Shastri, Shri Dev Kanta Borooah, Shri S. Nijalingappa, Shri S. K. Patil, Shri Shriman Narayan, Shri G. S. Altekar, Shri G. B. Khedkar, Shri Radha Charan Sharma, Shri Gurmukh Singh Musafir, Shri Ram Pratap Garg, Shri Bhawanji A. Khimji, Shri P. Ramaswamy, Shri B. N. Datar, Shri Anandchand, Shri Frank Anthony, Shri P. T. Punnoose, Shri K. K. Basu, Shri J. B. Kripalani, Shri Asoka Mehta, Shri Sarangadhar Das, Shri N. C. Chatterjee, Shri Jaipal Singh, Dr. Lanka Sundaram,

Shri Tek Chand, Dr. N. M. Jaisooriya, and Shrimati Tarkeshwari Sinha and 17 members from Rajya Sabha, with directions to include in the Bill such provisions for the amendment of the First and Fourth Schedules to the Constitution as may be necessary ;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee ;

that the Committee shall make a report to this House by the 14th May, 1956 ;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make ; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee.”

The motion was adopted.

CONSTITUTION (NINTH AMENDMENT) BILL, 1956

The Minister of Home Affairs (Pandit G. B. Pant) : Sir, I beg to move :

“That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 51 members ; 34 from this House, namely—”

and these are just the same which were mentioned when the last motion was put by you to the vote—

“Shri U. Srinivasa Malliah, Shri H. V. Pataskar, Shri A. M. Thomas Shri R. Venkataraman, Shri S. R. Rane, Shri B. G. Mehta, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri Algu Rai Shastri, Shri Dev Kanta Borooah, Shri S. Nijalingappa, Shri S. K. Patil, Shri Shriman Narayan, Shri G. S. Altekar, Shri G. B. Khedkar, Shri Radha Charan Sharma, Shri Gurmukh Singh Musafir, Shri Ram Pratap Garg, Shri Bhawanji A. Khimji, Shri P. Ramaswamy, Shri B. N. Datar, Shri Anandchand, Shri Frank Anthony, Shri P. T.

[Pandit G. B. Pant]

Punnoose, Shri K. K. Basu, Shri J. B. Kripalani, Shri Asoka Mehta, Shri Sarangadhar Das, Shri N. C. Chatterjee, Shri Jaipal Singh, Dr. Lanka Sundaram, Shri Tek Chand, Dr. N. M. Jaisooriya, Shrimati Tarkeshwari Sinha and 17 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 14th May, 1956;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Sir, this motion

Shri C. C. Shah (Gohilwad—Sorath): May I make a submission regarding this Bill? I think this is the first time that we have a select committee for one Bill identical with the one for another Bill.

Shri S. S. More (Sholapur): No, no.

Mr. Speaker: No, no. There was another committee before.

Shri C. C. Shah: The submission I was making was this. I appreciate that these two Bills are closely inter-related so far as territorial adjustments are concerned. Therefore, it would be convenient to have some Members who are common to both committees. But, you will appreciate that this amendment or amending Bill contains amendments to the Constitution not only arising out of territorial reorganisation but also other . . .

Shri S. S. More: Is this the stage that an objection of this nature should be taken?

Mr. Speaker: No, no. Let the hon. Minister proceed; if he wants he may move an amendment.

Shri C. C. Shah: I request . . .

Mr. Speaker: I am not going to allow the hon. Member to continue. The hon.

Member was here and the hon. Minister was also available. If he wanted he could have met the Minister and made his suggestions.

Pandit G. B. Pant: This Bill seeks to make amendments, to a large extent, to carry out the scheme of the States reorganisation and also to give effect to certain other provisions relating to the High Courts and High Court Judges, the executive power of the Union and the States and a few entries in the legislative lists.

So far as the part relating to the re-adjustment of boundaries and the formation of new States is concerned, some amendments will have to be made in the Joint Committee, but there are other matters in the Bill which are not, in any way, affected by the reorganisation of States, the provision that judges may be appointed for the High Courts for temporary periods or judges acting to fill temporary vacancies. Similarly, there is the provision to the effect that the judges of the High Court, after retirement, may practise in the Supreme Court or in any other court outside the jurisdiction of the High Court in which they had been previously serving as judges.

There are also other proposals, one of them being to the effect that the strength of the Legislative Councils may be one-third of the members of the Assembly instead of one-fourth, which is the limit at present prescribed. There are also other suggestions which will make it possible to have a common Governor for more than one State, and a common High Court. Some of these proposals already find a place in the Constitution but, wherever amendment was necessary to give effect to the decisions to which I have already referred, amendments have been proposed in this Bill.

There are also certain amendments for the setting up of bicameral legislatures in some States such as Madhya Pradesh. There are also proposals relating to other matters which do not come within the purview of States reorganisation. The States will be competent to carry on any commercial or industrial undertaking about which there seems to be some doubt at present.

Similarly, certain safeguards for linguistic minorities are provided in the Bill. A uniform scale of salaries has been suggested for all High Courts except the three to which I referred just

a few minutes ago. There are other proposals, more or less of a minor character, which have also been included in this Bill. I do not think it is necessary for me to take more time of the House at this stage.

Shri S. S. More : Before you put the motion to the House, may I bring to your notice a certain irregularity which is being committed, which you may permit me to raise as a point of order? Under Rule 85, you have to decide which is the original or the first Bill and which is the second or dependent Bill.

"Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

That is specific. I submit that some how it is very regrettable. But the way in which the Bills have been drafted is such that some of the provisions in the States Reorganisation Bill are dependent on the provisions of the Constitution (Ninth Amendment) Bill and in turn some of the provisions of the Constitution (Ninth Amendment) Bill are dependent on some provisions of the States Reorganisation Bill. Take for instance, the Constitution (Ninth Amendment) Bill, which is moved and look at clause 2.

Mr. Speaker : We have no clause 2.

Shri S. S. More : I am referring to the Constitution (Ninth Amendment) Bill, clause 2. It says :

In article 1 of the Constitution,—

(a) for clause (2), the following shall be substituted, namely :—

"(2) The States and the territories thereof shall be as specified in the First Schedule" and

(b) in clause (3), for sub-clause (b), the following sub-clause shall be substituted, namely :—

"(b) the Union territories specified in the First Schedule; and"

If we go to sub-clause (2) which is given here, we will find that three Acts have been referred to. One is the Andhra State Act of 1953; another is section 2 of the Chandranagore Merger Act of 1954 as far as West Bengal is concerned; and the third Act that has been referred to is the States Reorganisation Act, 1956; not only that, but so

many sections are referred to in the body. Section 3 is still in the state of a clause because the Bill is yet a Bill to be referred to a Joint Committee. But here section 3, section 4, section 5, section 6, section 7, section 8, section 9, section 10, section 11, section 12 and section 13 are referred to. Only section 14 is not referred to. Sections 3 to 13 are taken as authority under which these States are being created. I submit that the States Reorganisation Bill is far away when it will be styled as an Act.

Mr. Speaker : He has stated the point, I suppose.

Shri S. S. More : One more thing. Besides, I will give you the relevant provisions. Clauses 6 and 8 of the States Reorganisation Bill are dependent upon clause 2, sub-clause (1) of the Constitution (Ninth Amendment) Bill in the definition given in (b) and the First Schedule—the definition given of Union Government, and particularly Part II of the First Schedule.

Mr. Speaker : I have seen this; I have understood the point and I will dispose of it now.

This was the very point raised on another matter and I then said that there ought to be somehow in the Bill a number of sections or articles of the Constitution which have been sought to be amended. The framers evidently thought that the amendments to the Constitution arise on account of the amendment or action taken under article 3 by reorganisation of the States, new States, diminution of the States, increase of the States etc., and that those consequential amendments to the First Schedule and the Fourth Schedule ought to form part of the Constitution (Ninth Amendment) Bill. Yesterday I ruled that by virtue of article 4 of the Constitution, amendments arising out of action taken under article 3 by reforming the States and amendments of the First Schedule and the Fourth Schedule must be made part and parcel of the Bill which seeks to take action or is based on article 3. Therefore, an independent amendment of the Constitution is not called for. As a matter of fact, the word used is "shall". In respect of any Bill seeking to make provision under article 3 by reorganising the States, new States, etc., those provisions relating to the First Schedule and the Fourth Schedule must be contained in that Bill itself under article 4—provisions effecting a modification to the First Schedule and the

[Mr. Speaker]

Fourth Schedule of the Constitution will not be treated as a separate amendment of the Constitution under article 368. In accordance with my ruling, the Home Minister tabled an amendment that power may be given for the Joint Committee to effect such modifications in that Bill in the First Schedule and the Fourth Schedule. This may be consequential or may follow the action taken for reorganisation under article 3 of the Constitution. We have just passed it. Therefore, all those provisions here which originally, it was thought, must be introduced in the Constitution (Amendment) Bill, will now be incorporated by way of an amendment. Therefore, the hon. Member need not address himself to the point any further—the one and the other are not separate Bills. If there are any separate provisions, absolutely in common to both, which do not arise out of the action taken under article 3, that is, the States Reorganisation Bill must have provisions which do not arise out of the action taken or follow the action taken under article 3, but independently seek to touch some provisions of the Constitution—and they could not be done unless the Constitution itself was amended—then the question arises that unless the one is passed, the other cannot be taken up. Are there any such provisions?

Shri S. S. More : Take for instance article 214. It refers to the High Courts and says that every State shall have a High Court. As far as the new States are concerned, in clause 45 of the Bill provision has been made to allow one High Court for more States. Then there is the question of allocation of seats. There is the question of the total number of Council seats. In the original Constitution, they shall not exceed one-fourth. Now an amendment is being sought to be made that they shall not exceed one-third.

Mr. Speaker : That may also arise out of the change.

Shri S. S. More : My suggestion is that it is quite possible to create new States without altering the allocation of seats. If you hold the view that even this allocation can be said to be the natural result of the creation of new States, I have nothing to say.

As far as High Courts are concerned, as far as Governors are concerned, as far as the jurisdiction of the Governor over his own State is concerned, these

are independent matters which have no bearing on section 4. May I bring to your notice that article 4 does not cover the case of Union territories, it only covers the case of States or alteration of the boundaries of States by diminution or increase? That is my submission. Article 4 has reference to articles 2 and 3.

Please permit me to say this. Under article 1, there is (3) (b). You will find that articles 2 and 3 refer to other items of article 1 except item (b) of sub-clause (3). In the case of a territory to be created, which may be either Union territory or Part D territory, article 4 has no application and article 368 comes into operation.

Mr. Speaker : Article 4 refers to articles 2 and 3.

Shri S. S. More : Article 3 does not refer to article 2 (b).

It says that Parliament may, by law, increase the area of any State, diminish the area of any State. Increasing the area of a State must be by adding to that State from another State.

Mr. Speaker : It may be territory also. Increasing the area of a State can be done by adding to it any territory specified in Part D or any other acquired territory.

Shri S. S. More : May I bring to your notice that article 3 (a) to (d) refers to a State. It is covered by article 1 (3) (a) and (c). It does not cover item (b) of sub-clause (3) of article 1. There are two kinds of territories. One is the territory of the States. Article 3 refers only to such territories.

Mr. Speaker : The hon. Member will kindly see article 3 (a): "form a new State... by uniting any territory to a part of any State."

Now, I have understood the point raised by the hon. Member Sub-clause (a) of article 3 refers to the formation of a new State by addition of territory also. Sub-clauses (b) and (c) say that any portion of the State can be diminished and reduced or increased. We refer this matter to the Joint Committee. Here, every point of law cannot be meticulously decided upon now. Ultimately the House has to decide it if it is such a glaring feature on which we should come to an immediate conclusion that it is not right. Under those circumstances, I took the view that arti-

cle 3 could relate to such cases where a portion may be taken away from a State or territory. The territory is within the jurisdiction of the Central Government or the State Government. There is no property in the vacuum. Part I of the Constitution says about the Union its territory. The Union territory shall consist of the territories of the States and other acquired territories and also Part D territories. Part D means territories like Bombay. These will be in addition to Part D territories and we can put it under Part D.

Shri S. S. More : No, Sir.

Mr. Speaker : The hon. Member says : 'No'. I say 'Yes'. Therefore, we have referred the matter to the Joint Committee and it is for it to report. The House may agree with that or may not; there is no impediment.

So far as the other point is concerned, there are certain provisions in the S.R. Bill, dependent on this Bill and there are some provisions exclusively and they do not correlate to that. Could we have withheld this merely because there is one provision here? Let us see how that provision has to be affected. Rule 85 is here. But the first Bill is not affected. The first Bill need not stand over, even if the second Bill is dependent on the first. There may be a case where the second Bill is entirely dependent upon the previous one. Here, various articles of the Constitution are touched upon. Therefore, you cannot say that there is a single principle running through all this. If there are certain common elements and common clauses between the two, they need not be affected. Let us see the legality of those clauses, and whether the one is dependent upon the other. Particular clauses may be there. I am not able to come to the conclusion unless it is so clear. I am not prepared to withhold it or prevent its being pushed through.

Shri Kamath (Hoshangabad) : I shall move some of my amendments.

Mr. Speaker : I will put the motion before the House.

Shri R. D. Misra (Bulandshahr Distt.) : There are some clauses which are inter-dependent.

Mr. Speaker : Rule 85 does not apply. Whatever happens, it may be settled in the Joint Committee whether it should be followed or not. If the whole Bill is dependent on the previous Bill,

Rule 85 will apply. Otherwise, I cannot withhold this Bill.

Mr. Speaker : Motion moved :

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 51 members ; 34 from this House namely, Shri U. Srinivasa Malliah, Shri H. V. Pataskar, Shri A. M. Thomas, Shri R. Venkataraman, Shri S. R. Rane, Shri B. G. Mehta, Shri Basanta Kumar Das, Dr. Ram Subhag Singh, Shri Algu Rai Shastri, Shri Dev Kanta Borooah, Shri S. Nijalingappa, Shri S. K. Patil, Shri Shri-man Narayan, Shri G. S. Altekar, Shri G. B. Khedkar, Shri Radha Charan Sharma, Shri Gurmukh Singh Musafir, Shri Ram Pratap Garg, Shri Bhawanji A. Khimji, Shri P. Ramaswamy, Shri B. N. Datar, Shri Anandchand, Shri Frank Anthony, Shri P. T. Punnoose, Shri K. K. Basu, Shri J. B. Kripalani, Shri Asoka Mehta, Shri Sarangadhar Das, Shri N. C. Chatterjee, Shri Jaipal Singh, Dr. Lanka Sundaram, Shri Tek Chand, Dr. N. M. Jaisooriya, and Shrimati Tarkeshwari Sinha and 17 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee ;

that the Committee shall make a report to this House by the 14th May, 1956 ;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make ; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Shri Kamath : I have given notice of five amendments. I will not press two of them ; I do not move two of them. The first was that the consideration might be postponed but I am not moving that. I do not also propose to move

[Shri Kamath]
my amendment No. 2 in list 2. I am moving the others.

I beg to move:

(i) That in the fourth part of the motion—

omit “with such variations and modifications as the Speaker may make”

(ii) That in the fourth part of the motion—

for “the speaker may make” *substitute* “the House may make”

(iii) That in the fourth part of the motion—

after “the speaker may make” *insert*—“subject to the approval of the House”.

While commending them to the acceptance of the House I would like to remind the House again that this is a Bill seeking to amend the Constitution. As such in my humble view, it is invested with far greater importance and significance than pieces of ordinary legislation. Therefore, I feel that the House alone should be empowered to make any rules or amendments to the existing rules so far as the functioning of the Joint Committee is concerned. I have no doubt that my hon. colleagues here will be in agreement with me that the powers which the House possesses at present as regards this very important measure—regulating the business of the Joint Committee—shall not be surrendered to anybody, not even to the Speaker. I would also humbly suggest that recent trends and developments here have been rather disquieting and disconcerting. Therefore, I am definitely opposed to arming the Speaker or the Chair with further discretionary powers, considering the manner in which discretionary and residuary powers have been used in this House in the recent past. I do not want to use the word “misused” because you might take objection to that. I only want to say that the way in which the residuary powers and discretionary powers have been used in connection with recent legislation during the last one week only confirms me in my view that it is unwise, it is dangerous to invest the Speaker or the Chair with further discretionary powers, which are liable to be misused, if not actually misused.

I, therefore, suggest and earnestly appeal to the House that any powers, any modification that may be made in

the Rules relating to the procedure of Committees, those modifications must be approved by the House. I appeal to the House to see that either this suggestion is accepted or the House itself must make those modifications. The result of my amendments is the same. If any one of them is accepted I will be satisfied. If either 3, 4 or 5 is accepted, it will mean that the House will be entirely competent to make any rule with regard to the procedure regulating the business of the Joint Committee.

In the end I would only reiterate, that considering the importance of this Bill and the important work which the Committee is going to do with regard to this particular matter, any changes in the Rules of Procedure relating to these committees must be the sole business of the House and the House alone. If the Speaker himself proposes to make some rules, I suggest that those modifications and changes—just as today we had some discussion on the Rules—shall be brought before the House for approval. This is necessary if in the first instance itself the House has not made them. The best course would be to omit the last portion of the fourth part of the motion. Then it will read:

“that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply.”

It will be more simple. If that is not accepted, then I would suggest that either the House frames the rules or whatever changes are made, they should be brought back to the House for approval. I repeat, Sir, that I am definitely opposed to arming you,—I do not mean you personally—the Speaker or the Chair with discretionary or residuary powers which are liable to be misused.

Mr. Speaker: Amendments moved:

(i) That in the fourth part of the motion—

omit “with such variations and modifications as the Speaker may make”

(ii) That in the fourth part of the motion.

for “the Speaker may make” *substitute* “the House may make”

(iii) That in the fourth part of the motion—

after “the Speaker may make” *insert*—“subject to the approval of the House”.

Shri Vallatharas (Pudukkottai) : I beg to move :

That in the motion—
after “and 17 members from Rajya Sabha” add:

“that the House may give instructions to the Joint Committee to make particular and additional provisions to the Bill regarding—

- (1) naming existing ‘Madras State’ as ‘Tamilnad’;
- (2) to hand over the taluks of Peermade and Devikulam, and the Pulyara Hills pakhuthy of Shenkotta taluk to the existing Madras State;
- (3) the prevention of persons who had acted as permanent District Judges to practice in the District Courts;
- (4) reducing the pay of the High Court Judges by another thousand rupees from the amount specified in the Bill;
- (5) imparting of education in mother tongue in the Secondary stage of education also;
- (6) the law making power of the President regarding Union territories to be subjected to the approval of the Parliament; and
- (7) appointing a Boundary Commission to decide the border disputes in the Madras State, Andhra State, Mysore State and Travancore-Cochin State.”

Sir, I shall be very brief. So far as the last part is concerned, relating to the Boundary Commission, the hon. Minister was kind enough to state in advance that the Constitution provides for the appointment of a Boundary Commission, and that can be done under it. In this connection I would stress the necessity, in view of the feelings that are running high in some quarter in respect of the borders between these four States, of appointing a Commission early, so that there will be the way paved for an easy settlement of the disputes and also that peaceful relations may prevail between the States concerned.

Regarding part (1) of my amendment, about naming existing ‘Madras State’ as ‘Tamilnad’, the name Madras grew out of necessity in those early British days—about 1801 or so—when the British wanted to establish Provinces to suit their own political needs. Madras was then chosen by reason of its strategic position.

Mr. Speaker : Order, order. The hon. Member may kindly resume his seat. I have gone through his amendment. He wants to move an amendment saying that instructions may be given to the members of the Joint Committee to make provisions regarding naming existing ‘Madras State’ as ‘Tamilnad’, to hand over the taluks of Peermade and Devikulam etc. All these things arise out of one or other of the clauses of the Bill. No instructions are issued, when there are particular clauses in the Bill itself, as to whether the name of a particular place ought to be this or that. Under those circumstances, by way of amendments, he can suggest to the Select Committee that those amendments must be carried out. If they are not carried out he can come to the whole House. Instructions are given only when there are no specific provisions in the Bill in which case some other connected matters may also be taken into account.

Shri Vallatharas : I may be very much interested in my mother tongue in the secondary stage of education also. That is not canvassed by the Bill.

Mr. Speaker : The hon. Member can send a note to the Joint Committee asking them to carry out the amendments he wants.

Shri Vallatharas : In view of the importance of this matter of an all India nature, the Government of India itself have committed to this principle quite recently....

Mr. Speaker : I am not going into the merits. The point is that separate instructions are given only in cases where ancillary matters have to be taken up. But so far as the clauses in the Bill are concerned, amendments can be moved. Amendments can be sent to the Joint Committee and, after the Bill is returned by the Joint Committee, if those amendments are not accepted, the hon. Member can move them on the floor of this House. With respect to such matters instructions are not given. It is open to any hon. Member to write to the Joint Committee. We do not take any decision here whether a name ought to be this or that. These are all details which have to be considered by the Joint Committee and later on by the House as a whole.

Shri C. R. Narasimhan (Krishnagiri) : This matter of changing the names of States comes under article 3 of the Con-

[Shri C. R. Narasimhan]
stitution, which I think is not germane to the present Bill.

Mr. Speaker : The other Bill is there and this question can be taken up when that comes up. Therefore, the hon. Member can take up these questions with the Joint Committee.

Shri Vallatharas : I submit to your ruling, Sir.

Mr. Speaker : He is not pressing his amendment. He may speak now.

Shri Vallatharas : Sir, even as early as 500 A.D., the portion which is now the residuary Madras State, was shown in the maps in Indian history as Tamilakam.

An Hon. Member : What is Akam ?

Shri Vallatharas : It is said: "*Akathin azhaku mukathil therium*." Akam is a central place. So, the territory which had an ancient name of Tamilakam or Tamilnad—both meaning the same—can be given that name now. That name can be restored to that place. Madras was named because it happened to be a central place for 3 or 4 areas including Andhra, Karnataka etc. Now, once each has got its own territory, I should like to voice forth the feeling of the people in the residuary Madras State that instead of the name of Madras, it may be named Tamilnad.

About Peermede and Devikulam, I had submitted *in extenso* the arguments for this demand. My concern is not about winning the territory to Madras State. There are several millions of people in those areas and the treatment given to them by the present Travancore-Cochin State in the recent years is not at all proper and just. Even 1½ years before we had very serious disturbances in which the Tamilian community in the Madras State felt much aggrieved. I appeal to the hon. Home Minister to see how the interests of the Tamilian population in these taluks can be safeguarded. If some safeguard is suggested and if those people are not subjected to harassment on communal basis that happened 1½ years before in the Devikulam labour dispute, the Tamil-people will be served. Otherwise the Tamil-people cannot watch the injustice committed upon the people in these taluks. As a matter of fact, I would earnestly appeal to the Home Minister to provide some safeguards for the people in these Taluks, especially Peermede and Devikulam.

Kerala is not going to lose anything if these two are taken away. That is why we are demanding the handing over of these two territories including Shenkotta to us. The S.R.C. Report says that Shenkotta is geographically an enclave in Tinneveli District. Half of that taluk is now conceded to the Madras State and half is allowed to Kerala. I do not know why the Government have been actuated to make such a division. I had put in a question recently to know whether the Madras State and the Kerala Government had agreed to divide this taluk among themselves and that therefore the Central Government was inclined to send a Commission to survey that area. But the answer was not definite. An exact reply as to whether the Madras and the Kerala Government agreed to divide it is not given. I would like to have a clarification on that point. Anyway, without any recrimination or any vindictive spirit the people have to feel that they are free to live in a certain place without any fear or apprehension of any aggression from any other section of the people. It is only on that basis that Tamil Nad lays its claim on these territories and this claim must deserve the proper consideration at the hands of the Government.

I then come to the judges. So far as the permanent judges of the High Courts who have retired are concerned, they are now sought to be prevented from practising in any court except in the Supreme Court. I would like to submit that the permanent district judges should never be allowed to practise in the districts, especially in the very districts of which they were the judges. I am a lawyer of 20 years' standing. I have seen how these retired district judges are influencing the atmosphere of the judiciary in the districts and I think this principle may also be considered. They can go and practise in the High Courts or in the Supreme Court but not in the district courts.

The reduction of the pay of High Court Judges has been mentioned in respect of certain States. It is perhaps another way of saying that there must be a ceiling on the maximum of the remuneration that an officer is entitled to get in this Government. If the general view is that as far as possible, the pay may be reduced gradually on a slab system, say from Rs. 5,000 to Rs. 4,000, from Rs. 4,000 to Rs. 3,000 and from Rs. 3,000 to Rs. 2,000, I commend this idea. Up to Rs. 2,000, we need not hesi-

tate. I commend the idea of reducing further the pay of the High Court judges. A simple problem, however, is that unless a higher pay or an incentive is given to persons who, as lawyers getting large incomes, they would not be attracted to this job. But I would like to state that those people are anti-national. Having practised as lawyers for 15 or 20 years and having earned several lakhs of rupees, if they do not want to spend a part of their lives in contributing to the welfare of this nation, certainly their interests are not to be cared for. So, I would submit that those people who have got a vast practice and earn great amounts as remuneration must also think that they must serve this nation in a certain manner. In the interests of the nation they must also change their views.

I now refer to the imparting of education in one's mother-tongue in the secondary stage. This is a very important aspect so far as I am concerned. It is a pity that our Education Ministry is a sleeping beauty. It wields no influence among other Ministries. It is neither active nor living. It does not seem to be living at all. Any adjective I can use in respect of it. Right from the middle of the 19th century up to this day, there had been more than 10 to 15 committees or commissions which had been set up and which had submitted their reports and said that there is necessity to see that the mother-tongue must be brought in as the medium of education in the secondary stage. But this Ministry has not done anything. In the present situation, when the Home Ministry and the Government have been kind enough to see that a specific provision is introduced in the Constitution that in respect of the minorities, the mother-tongue must be the medium of education, the Ministry of Education must have taken special care to further this aim. The Secondary Education Commission, of which Dr. Lakshmanaswami Mudaliar was the Chairman, has submitted its report. In fact, the report was made available to the Government in 1953. The recommendations made in that report should have been implemented at this stage. Now, we are in 1956. More than two years have passed. I would like to put a question to the Ministry. What have they done to implement it? They should have implemented at least the vital part of the report which is considered to be of great importance in the interests of national welfare.

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[MR. DEPUTY-SPEAKER in the Chair]

I should like to invite the attention of the House to certain relevant portions of that report. If the relevant provisions are not given effect to by the Government now and immediately—I am subject to correction—certainly there will be a great reaction in the near future, and all the aims that our socialist pattern of society has got in mind will have to come to naught. At pages 73 and 232 of that report—the Secondary Education Commission's report—you will find the following recommendations :

“(1) The mother-tongue or the regional language should generally be the medium of instruction throughout the secondary school stage, subject to the provision that for linguistic minorities special facilities should be made available on the lines suggested by the Central Advisory Board.”

“(2) During the middle stage every child should be taught at least two languages. English and Hindi should be introduced at the end of the junior basic stage, subject to the principle that no two languages should be introduced in the same year.”

“(3) At the higher and higher secondary stages, at least two languages should be studied, one of which being the mother-tongue or the regional language.”

The matter, as I have studied it, is of such a great importance that I would like to dwell upon it at some length during the limited period at my disposal. The report goes on to say that the mother-tongue was completely neglected as a medium of instruction. Nothing was done to train teachers for the secondary schools and the courses of study became too academic and unrelated to life mainly because there was not provision for vocational or technical courses. One further defect that had now taken concrete shape was that the matriculation examination began to dominate not only secondary education but even the education imparted in primary schools. Thus, the Commission goes on to make characteristic remarks about the failure on the part of the Government to consider the reorganisation and the stabilisation of the secondary education system in relation to primary education as well as university education. I do not want to dilate over other matters. The *raison d'être* of the Secondary Education Commission was this. The impact of sec-

[Shri Vallatharas]

dary education is on the life of the country as a whole, both in the field of culture and technical efficiency, and the Central Government cannot divest itself of the responsibility to improve the standards and to relate it intelligently to the larger problems of national life. The aim of the secondary education is to train the youth of the country to be good citizens.

Of course, we are entering a new era. Consequent upon our gaining Independence and having established ourselves as a national unit we are now looming large as the most potential power in Asia, and also as the most influential power in world politics. When we have attained that position, the nation expects that no member of the nation should ever hereafter be rendered to sit in a helpless position. Of course having studied only for official jobs, and not for anything else, in a foreign language, it is difficult to get the initiative and the tendency to express in a domestic manner and also efficiently in a foreign language. It is not necessary for me to emphasise the desirability of learning through the mother-tongue up to the end of the secondary stage, that is, the high school stage itself. In the Madras State, in some places, I see that up to the fifth or even the sixth form, the examination papers are set in Tamil and in many schools, up to the middle classes, that is, up to the middle basic stage, the papers are set in Tamil. No other language is taught except the mother-tongue. So, the regional language in the Madras State is the mother-tongue itself. Of course, there may be some minorities in whose case the mother-tongue may not be Tamil and so the regional language may be different from their mother-tongue. But I am speaking generally in the sense that education hereafter should be imparted in one's mother-tongue. English should be displaced, I agree, but English should exist in this country for particular purposes and for a particular scholarly study. Scholars may appear and take to the study of English and if they have got an inclination to study it, they can do so and thus be helpful to translate the other literatures in the world for the benefit of this nation. Hindi can be substituted in the place of English as a compulsory language. I do not mind whether it is made compulsory, or if it should be made the official language or the national language and the language that unites the communications between the

various sections of people in this nation. At the same time, up to a particular standard, the mother-tongue must be made the medium of education. A number of committees have submitted their reports on this matter and I do not want to refer to them. Even in 1948, the Central Advisory Board of Education considered the Sargent Report and as a result of their recommendation, the Government appointed this Commission in 1951. I would like to submit that in respect of Hindi, great emphasis is laid in the Constitution itself. I appreciate that; but I find that there is no scheme for the co-ordination of Hindi and the various regional languages, namely, the mother-tongue of the respective territories. I would submit in right earnest that taking advantage of clause 20 in the Constitution (Ninth Amendment) Bill, a genuine effort must be made on the part of the Government to see that the use of the mother-tongue is extended up to the secondary stage. Instead of limiting the scope of the use of the mother-tongue in respect of minorities up to the primary stage, I would submit that in the light of the recommendations made during the last one century and ever, the Government must be able to codify all that provide for the use of the mother-tongue as the medium of education up to the end of the secondary stage.

Lastly, I would urge the need for the appointment of a Primary Education Commission. We had a Secondary Education Commission; we had a University Education Commission presided over by Dr. Radhakrishnan. Now it is incumbent on our part to see that immediately a Primary Education Commission is appointed, so that just as the Secondary Education Commission was directed to see how university education and primary education could be co-ordinated with secondary education, so also this Primary Education Commission should go into the matter of seeing how from the primary stage up to the university stage, Hindi and the mother-tongue can be correlated in such a manner that one is dependent on the other. There should be a total change of the educational structure itself. So, with that view, I would submit that a Primary Education Commission should also be appointed.

Mr. Deputy-Speaker : Mr. Ramaswamy.

Shri Keshaviengar (Bangalore North) : On a point of information, Sir. Some of us have given notice of amendments to

the S. R. Bill. May we know why they have not been circulated?

Mr. Deputy-Speaker: I have called Mr. Ramaswamy.

Shri S. V. Ramaswamy (Salem): I have only two points to make. I wish I was able to urge them when the hon. Home Minister was here. Luckily, at least the hon. Minister in the Ministry of Home Affairs is here.

Part III of the S.R. Bill deals with the setting up of Zonal Councils. After all the disputes in respect of the boundaries of the States etc., are settled, what will stand out most prominently will be the Zonal Councils. In my view, these Zonal Councils are going to be the only good thing after all the damage that has been done by the S.R.C. Report. There seems to be confusion of thought as to whether these Councils come under article 263 of the Constitution. I am afraid that the Zonal Councils sought to be set up under the States Reorganisation Bill are clearly different from the Councils contemplated under article 263.

Pandit Thakur Das Bhargava (Gurgaon): The hon. Member is referring to Zonal Councils; there is no mention of Zonal Councils in this Bill.

Shri S. V. Ramaswamy: I am submitting that a new clause may be introduced in this Bill. With your permission, Sir, I will read out article 263:

"If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of—

- (a) inquiring into and advising upon disputes which may have arisen between States;
- (b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or
- (c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action of policy and action with respect to that subject,

it shall be lawful for the President by order to establish such a Council. . . ." etc.

My humble submission is that the councils set up under this article are like

the Tungabhadra Board the Zonal Councils contemplated in the S. R. Bill are different. Therefore, I submit that a new clause article may be introduced after article 51 in Part IV of the Constitution. The hon. Minister might ask, "It is already provided in the statute which is going to be passed; is it not enough?" My humble submission is that it is not enough. You will see that under article 51 of the Constitution, the State shall endeavour to promote international peace and security; maintain just and honourable relations between nations; and so on and so forth. I would like to add a new article after article 51 which would provide that the State shall endeavour to form Zonal or other Councils to foster a sense of interdependence among the neighbouring States. What is the difference between the provision that is made in the S. R. Bill and the provision I want to make in the Constitution? No doubt under the States Reorganisation Act, the Councils will be set up. But in order to give additional importance to them, because of the part they are expected to play in the economic and other spheres of the country, I do desire that these Councils should be set up by virtue of the Directive Principles in the Constitution itself, so that it may be given the status of a Constitutional provision and not merely the status of an Act of Parliament. It is with that view that I am urging that the Home Minister may be pleased to consider adding one more article for the purpose I have mentioned.

3 P.M.

The other point is with regard to clause 18 of the present Bill. Clause 18 says:

"After article 290 of the constitution, the following article shall be inserted namely:—

"290 A. A sum of forty-six Lakhs and fifty thousands rupees shall be charged on, and paid out, of, the Consolidated Fund of the State of Kerala every year to the Travancore Devaswom Board."

I want this to be amended to the effect that a sum of Rs. 31,50,000 be paid instead of Rs. 46,50,000. According to the reorganisation of States, five taluks of Travancore State are going to be transferred to Madras State. In this area 201 temples are located and the provision that is made in the Bill includes the amount required for the

[Shri S. V. Ramaswamy]

maintenance of these 201 temples, some of them of great value and celebrity, especially the temples at Cape Comorin and Sucheendram. The gist of it is briefly this. In 1811, the late Maharaja of Travancore took over all the lands of these temples and paid a consolidated sum for the maintenance of these temples. Subsequently the Devaswom Board was also constituted and the Travancore Government is paying Rs. 51 lakhs to the Devaswom Board for the maintenance of the temples in the Travancore State. Out of this, 6 lakhs of rupees have been taken solely for the maintenance of the famous Padhmanabhaswamy Temple at Trivandrum. Of this balance, what would be rightly due to the temples coming in this particular area is about Rs. 20 lakhs. But, actually only Rs. 15 lakhs is being paid for the maintenance of these temples as at present. Arbitrarily, it appears to me, according to the notes supplied on the clauses in the other Bill, only Rs. 4½ lakhs are being allotted for the maintenance of these 201 temples. The clause is in conformity with the provision there except the provision for just Rs. 4½ lakhs for the maintenance of these 201 temples. My submission is, it would be just to give these temples what exactly is due legitimately, namely, Rs. 20 lakhs. Even though that is not possible, I submit that whatever is being actually paid, namely Rs. 15 lakhs and not Rs. 4½ lakhs should be provided for maintenance under article 290A. I therefore submit that the matter may kindly be gone into to see that justice is done to these famous temples of that particular area and a proper sum is allotted to these temples and not a poor pittance of Rs. 4½ lakhs. It would be very just and proper to give them Rs. 15 lakhs as they are being given now. These are the only two points that I wanted to raise.

Shri Gidwani (Thana) : I want that the Bill should be amended and the Union territory of Bombay should be merged with the State of Maharashtra.

The discussion that has been going on for the last two or three days has shown that there is difference of opinion on this issue. But, I was glad to learn from the hon. Home Minister that as regards other matters, more or less agreement has been reached. The question of Bombay, is remaining unsolved, it is baffling and he expects that some solution will be arrived at. I want to remove one misunderstanding which has been created. It is not a quarrel between

Gujaratis and Maharashtrians. In Bombay there are many other communities who are living there. I will only give a few names of persons belonging to different communities who also support the demand that Bombay should be merged with Maharashtra.

You are aware, Sir, that the ex-Mayor of the Bombay Corporation Shri Pupala and his brother Shri Parasuram Pupala were Congress members of the Corporation. They are neither Maharashtrians nor Gujaratis. They are Telugus settled in Bombay and their big settlement in Bombay is called Kamatipura. They are all workers, most of them labourers. They have a big colony there. Shri Parasuram Pupala was also detained during this agitation. Then, Sir, Shri S. K. Patil said the other day that there are 5 lakhs of Muslims there who are opposed to Bombay being merged with Maharashtra. That is not so. The ex-leaders of the opposition in the Bombay corporation was Mr. Mohiuddin Harris. He is a Muslim belonging to my constituency. He belongs to Bassein and I know him. He along with many other Muslims who are in the socialist party, and many in the labour movement, are in favour of Bombay being joined with Maharashtra. Then, there are Parsis. You may have known Shri Barucha, who is a member of the Bombay Legislative Assembly as well as a member of the Bombay Corporation. I know another Parsi doctor who actively participated in the movement. They are in favour of Bombay being merged with Maharashtra. There are Christians. We know Dr. John Mathai, who was once a Member of our Cabinet. He has also publicly expressed his view in favour of the merger of Bombay with Maharashtra. Of course, he was in favour of a bi-lingual state. There are Marwaris. Raja Bahadur Govindlal Shivila—he was once a member of the Council of State, he is a Congressman—presided over the Samyukta Maharashtra conference and he has been openly supporting the demand of the Maharashtrians.

Shri Bogawat (Ahmednagar South) : I am a Marwari; I support.

Shri Gidwani : I am talking of Bombay Marwaris. There are many other marwaris. There are Punjabis. I may mention Shri Bohuja who was a member of the Bombay Corporation. He is a Punjabi displaced person. He also resigned on this issue along with other members who were in favour of Bombay being joined with Maharashtra.

There are Biharis. Shri Bhagirath Jha is a member of the Bombay Assembly. He is neither a Maharashtrian nor a Gujarati. He is in favour of Bombay being joined in Maharashtra. I may also say this, though I have not taken his permission. Shri V. L. Mehta, who is the President of the All-India Khadi Board, who was a Minister in Bombay, is also in favour of this merger.

Shri Feroze Gandhi (Pratapgarh Distt.—West-cum-Rae Bareilly Distt.—East): I think he has said so publicly.

Shri Gidwani: Yes. I have given the names of Telugus, Muslims, Christians, Parsis, Marwaris, Punjabis and Biharis.

An Hon. Member: Sindhis.

Shri Gidwani: Of course, myself. A friend of mine who is in the Council of States said that on this matter I do not represent the Sindhis. I do not claim that I represent all Sindhis. As you are aware, Sir, the biggest camp of the Sindhis in Bombay State is Ulhasnagar. There are nearly one lakh of people.

Shri Kamath: Only there is no Ulhas there.

Shri Gidwani: All the Sindhis there, without any party affiliations, have openly supported the inclusion of Bombay in Maharashtra. I do not know what following I can claim among Sindhis in Bombay. I had remained their representative on the Sind Provincial Congress Committee for nearly 25 years. Even recently when I went to Agra, in connection with a by-election the Sindhi voters there largely supported the candidate whom I wanted.

You can see from all these figures that it is not a question between Gujaratis and Maharashtrians. There are a large number of other people who are in favour of Bombay joining Maharashtra. All of them feel that this question should be settled. I wanted to bring to your notice another fact. You have seen in this House that all the Maharashtrian Members from Bombay State, Hyderabad, Marathwada, Vidarbha are in favour of this. There are four Members from the Bombay City in this Parliament. Out of them, three are Maharashtrians, Shri S. K. Patil, Shri Kajrolkar and Shri V. B. Gandhi. The fourth is Shrimati Jayashri Raiji. Amongst them, Shri V. B. Gandhi and Shri Kajrolkar are in favour of Bombay's merger in Maharashtra. Only Shri S. K. Patil is against.

Shri Bogawat: He is not against; he is for a bi-lingual state.

Shri Gidwani: I am coming to the views of Shri S. K. Patil. He told me that if any arrangement could be arrived at and a solution could be found on that basis, he was not opposed to it. So you will see that this is not a demand of a few people.

I shall also bring to notice of this House another fact. I have been associated with this movement even before the Bill came up. People say that this is the agitation of power politicians. I have seen very old men, not politicians and agitators, and talked to them. Take Dr. Karve. He is today 99 years old. He is not to become a Minister. So also Dr. Paranjpye; Dr. Jaykar. These people have no political ambitions.

Shri Bogawat: Acharya Vinoba Bhave.

Shri Gidwani: All these people are in favour of merger. So, this question has to be judged from that angle. We have to view that with great sympathy. Three and a half crores of people have made it their issue. I do not say life and death issue, there is no question of life and death here. The question of life and death is a different problem. But it is a live issue with them. They consider it very necessary not only from the emotional point of view, but from the economic point of view. They feel that without Bombay there can be no progress of Maharashtra. Without economic aid, no State can prosper. You, Sir, are aware that some time back it was said that Maharashtra by itself will be a deficit State unless Bombay's income is added on to its income. So, from the political point of view, from the economic point of view, and from the cultural point of view, it is a unanimous demand that is being made by the Maharashtrians. Excepting for two or three individuals, it is a unanimous demand of the Maharashtrians, which has got a fairly good support from the other communities also, as is evidenced by the opinions of persons whose names I have cited just a little while ago.

I would suggest that we should all tackle this issue right now, and decide it finally. It is no good postponing the thing or keeping it hanging on.

I would like to say a few words now by way of appeal to my Gujarati friends. Shriman Narayan had quoted Gandhiji regarding this matter. I came

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in contact with Gandhiji in December 1915, and from that day, up to that unfortunate day, I used to have some contacts with him. Even on that unfortunate day, I had talks with him. So, I know how he felt on many matters. As you are aware, he went to Mr. Jinnah eleven times to come to a settlement. Once, he toured my province. I was in an absolute majority in my Provincial Congress Committee. Another friend of mine had become the president. I told Gandhiji that I had a majority in the Committee. But he said, surrender. I said, all right. He said that in the interests of the people, and in the interests of good work, I should surrender, and I did so.

In the same manner, I would appeal to my Gujarati friends. Let us not quote Gandhiji, because he is not alive. There is Vinobha Bhave, whom Gandhiji had selected as his first disciple when he started individual satyagraha movement. It is a matter of history. We can listen to him not because of his *bhoodan* movement today, but because when Gandhiji started individual satyagraha movement, throughout the country, he had selected Vinobhaji as his first disciple and the first satyagrahi. We were all surprised to find that. Some of us who had been working in the political field for the last forty or fifty years had known that he was working with Gandhiji, but we had not known that he was such an important person in Gandhiji's eyes. What does Vinobhaji say? He has declared publicly that Bombay belongs to Maharashtra. I would appeal to my Gujarati friends to come forward and concede Bombay to Maharashtra. After all, they have a vast area, namely Kutch, Saurashtra and Gujarat. They are rich, they are moneyed people, and they should come forward to help those who are poor, who have been backward, and who are economically not so prosperous. If those people prosper, then my Gujarati friends should be happy over it. I would appeal to them to show their generosity, and to give up the feeling that something is being taken away from them.

If they talk in this fashion, then I have a greater grievance. I have been a victim twice of the wrong decisions arrived at by our leaders. The first was when my province of Sind was separated from Bombay. May I tell my friends that I was made a victim not because Sind was not properly administered but because Mr. Jinnah and cer-

tain other members of the Central Legislative Assembly had come to an agreement? Sind was treated as a hostage province. The second occasion was when the country was partitioned. I opposed it very much. And yet that was done. When we people had agreed to such things in the past, what is there if Bombay goes to Maharashtra? What is going to happen if Bombay goes to Maharashtra? After all, the Maharashtrians are not going to "સા જાઓ" Gujaratis. The Maharashtrians will be there and the Gujaratis also will be there. The other communities also will be there.

It is expected of the Gujaratis who claim to follow Gandhiji and who have prospered by the *swadeshi* and the national movement that they will be generous and they will come forward to say, all right, we shall agree that Bombay should go to Maharashtra, so that there may be a settlement, and the whole country may march forward unitedly in the context of things that are facing us today.

With these words, I support the proposal of joining Bombay with Maharashtra, and I would suggest that the Bill should be amended accordingly.

Shri Sadhan Gupta (Calcutta—South-East): This Bill has the same merits and the same defects, the same virtues and the same vices, as the Bill which has just preceded it. It is a Bill which is ancillary and incidental to the preceding Bill, namely the States Reorganisation Bill, and so, like that Bill, it reflects a major triumph of the struggle of the great peoples of our country, it reflects the triumph of their struggle for the establishment—partial triumph, I should say, but even then a triumph—of the linguistic principle as a basis of the reorganisation of States. It also reflects the triumph of the protracted struggle which has been waged to rid the Constitution of the blot of the existence of Rajpramukhs, that pampering to feudal elements in our Constitution. But as the struggle is waged between the people and the reactionaries, the Bill also embodies certain exceptions to the democratic principle, the rational principle of linguistic reorganisation, and that is so, because it is necessary for some quarters either to pander to vested interests, as in the case of Bombay city, or to indulge in unprincipled political opportunism, as in the case of the readjustment of the boundaries between West Bengal and Bihar, and other cases.

I must tell you first of all that I am not in the least ashamed of advocating linguistic reorganisation of States. Why should I be ashamed? It is not I who need to be ashamed. Our national movement has always upheld this principle. The Congress had repeatedly promised linguistic reorganisation from 1920 onwards. Need I be ashamed of sticking to that principle? It is rather the opponents of the principle, who should be ashamed. They should be ashamed of betraying their past promises, and being false to the democratic ideals they preached. What is the explanation for this unseemly betrayal? The explanation given is that it was necessary at that time to break some kind of intellectual thralldom that had been created due to English education. But that contingency no longer exists. We are now free, and so, we need not stick to it. That is what is said. I ask you: Is it really so? When we advocated linguistic redistribution, from the Congress platform, was this the ground on which we advocated it? I would refer you to the Nehru report. What does it say? It says:

"If a province has to educate itself and do its daily work in the medium of its own language, it must necessarily be a linguistic area. If it happens to be a polyglot area....."

Mark the words 'polyglot area'.

"...difficulties will continually arise, and the media of instruction and work will be two or even more languages. Hence it becomes desirable for provinces to be regrouped on a linguistic basis. Language, as a rule, corresponds with a special variety of culture, of traditions and literature. In a linguistic area, all these factors will help in the general progress of the province."

There is no question of intellectual thralldom; there is no question of its being necessary due to the influence of English education. The criteria are clear, that a State must work through the medium of its own language, the administration must be carried on through the medium of its own language and instruction must be given through the medium of its own language. Languages represent distinct cultures and as such, linguistic reorganisation will help in the general progress of the States.

Is a single word of this Report out of date today? Is it not necessary even today to foster Democratic development in States? Is it not necessary that the people should be enabled to participate in the administration of the States through the media of their own languages? They cannot be asked to participate in the administration of the States through the medium of an alien language, a language which they do not understand. If you put up a bilingual, trilingual or multilingual State, how is this possible? Either English will continue to dominate or one language will be put up as the dominating language, to the great dissatisfaction of the other language groups. Who should then be ashamed—we, who uphold the traditions of our national movement or the august gentlemen who, without any shame, without any scruples of conscience, have been false to their noble ideals, noble ideals they themselves had worshipped and repeatedly promised to uphold? In spite of their attempts, the people stand firm. Unable to withstand the popular demand for linguistic reorganisation, the champions of multilingualism, whether it is Shri Jawaharlal Nehru or Pandit G. B. Pant or Shri S. K. Patil—have adopted a novel method of linguistic reorganisation. They have started now sermonising people on nationalism.

During the consideration of the previous motion, there was some question raised as to whether Andhra-Telangana should rather be called Andhradesh or Andhra Pradesh. Then Pandit G. B. Pant made a remark that it could be anything but *pradesh*. I do not grudge his sallies of wit. I am prepared to admit that.

Shri B. S. Murthy (Eluru): It is not a question of wit. It is a question of fact. Both the Andhra Assembly and the Hyderabad Assembly have unanimously resolved that the new Andhra may be called Andhra Pradesh.

Shri Sadhan Gupta: I am not saying that.

Mr. Deputy-Speaker: Even if that be the case, the hon. Member has a right to express his views.

Shri Sadhan Gupta: I am not against calling it Andhra Pradesh. What I am objecting to is the remark of Pandit G. B. Pant that it may be Andhra Pradesh or Andhradesh but not *pradesh*. I grant that this remark was made only in a lighthearted vein. I am willing to give him credit for that. But what about the remarks made by Shri S. K. Patil? What

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about the speeches that are made by Shri Jawaharlal Nehru all over the country? Shri S. K. Patil referred to claims of territories by different linguistic groups in a derisive way. He said: 'People claim, this territory belongs to us; that territory belongs to us. But nothing belongs to India'.

Shri Jawaharlal Nehru, of course, in a more dignified vein, addressed a meeting of young men in Kharagpur in Bengal the other day and reminded us of the need for emotional integration which, he explained, was a sense of oneness of India. By an irony, this implied slander on the Bengalis—it was a slander in the context of the anti-merger movement that was being carried on; he implied that the anti-merger movement was something anti-national, something against emotional integration—was uttered in the district of Midnapore, where the battle of freedom was gloriously waged, the battle of freedom, I would remind you, not of the district of Midnapore, not even of the province of Bengal, but freedom for our whole beloved country—if we may be allowed to call our country such. Why this slander? Remember, Sir, this slander is carried on not only against Bengalis, but also against every other people in India who desire linguistic reorganisation—Andhras, Keralas, Maharashtrians, Tamils, Oriyas and all others. Is there the slightest truth in these outbursts? Can it be that the mere desire to have a territory where administration and education will be through the medium of their own language is so traitorous as to set our nationalism at naught?

In the United States of America, there are different States. They have different Constitutions. A citizen is a citizen of a State as well as of the whole Union. There is double citizenship. Who ever has said in America or elsewhere in the world that the American is antinational? In the USSR, every republic has the right to keep an army; it has the right to have foreign relations. You know that Ukraine and Bylo-Russia have foreign relations and they have foreign ministers. Every republic has the right to secede from the Soviet Union.

The other day I was listening to a broadcast from Moscow. There, a Latvian said that he was a guest in Moscow and he was very satisfied with the treatment he received. The Latvian considers himself a guest in Moscow. Now, who will still deny this solidarity of the

Soviet peoples? Has not the last war demonstrated their solidarity? Why go so far? Let us look at ourselves. While we fought the British, we were a diversity of races in India, Bengalis, Biharis, Oriyas, Andhras, Tamils and countless others, great and small. Undoubtedly, we passionately loved our own respective lands. We loved Bengal, we loved Bihar, we loved Orissa and so on. We, Bengalis, were proud of our Rabindranath and Deshbandhu and other great men. Similarly, others were proud of their poets, their own patriots and their own great men. But when we fought the British, did it ever occur to us that we were not fighting for the freedom of the country as a whole? We were fighting for the freedom of Bengal, Bihar, Orissa and so on. I can assure you that we were fighting for Bengal, Bihar or Orissa, but that did not mean that we were not fighting for the freedom of our own country? Do not these gentlemen, who sermonise us on nationalism, realise how the song *Vande Matram* which was written in honour of the mother of *sapt koti*, came to be sung by the very Bengalis in honour of the mother of all of us? *Trinsha Koti*? Did we forget that or did we think of the mother of *Trinsha koti*? Don't they realise that the hundreds who perished under the bullets of their present friends of the British Commonwealth at Jallian-walla Bagh, gave their lives for India, though they undoubtedly loved their own land, Punjab? So, there is no conflict between our desire for linguistic reorganisation and our love for our great country. Indeed, the love of our own particular lands exalts itself into and enriches the love of our common country. If anyone succeeds in disrupting our nationalism, it is these gentlemen who insist on opposing the love of our own land to the love of our own lands. But, I assure you they will not succeed. We will continue to love our own land and yet our patriotism is so great, the patriotism of the people of India, people in every part of India and of every description, is too great to be disrupted by gentlemen in the grip of a mania for multi-lingualism.

Hardly a day passes when Pandit Nehru and others do not sing hymns to multi-lingualism. This, according to them is a cure for all ills, the surest guarantee of the growth of Indian patriotism. What is our experience of multi-lingual States? Let us look at the States Reorganisation Commission's Report. If you look at

paragraph 159 of the Report, what does it say? It says:

"The question whether multilingual states will strengthen the unity of India is not easy to determine. In States having more than one developed language, there has been no marked tendency in the past to develop a sense of loyalty to the state. There was never any noticeable Madrasi sentiment when the State was a composite one. On the other hand such loyalties as did develop within the area were based on languages. The same holds true about Bombay and Madhya Pradesh. Marathi and Gujarati feeling grew up side by side, practically to the exclusion of any particular loyalty to the province or State of Bombay. In Madhya Pradesh, the Maha Vidarbha sentiment based on the Marathi language has been vocal for many decades."

That is multilingualism and yet it is supposed to be the panacea for all our anti-national sentiments; it is supposed to be the cure for all fissiparous tendencies.

On the basis of this disastrous ideology, my State of West Bengal is being sought to be forced into a merger with Bihar. How patriotic the inspiration behind this wonderful plan is would be clear from the conflict between the champions of merger in either State. What is the conflict about? It is, where the revenues would be spent; whether the revenues of each State will be kept in that State or would be spent in the other State also; whether one would swamp the other by quantity or whether the other would be able to outwit the State with more numerous population by virtue of quality. That is the kind of thing that is being propagated to convince the Biharis and Bengalis about the justification for merger.

The men who advocate merger in West Bengal want the right to secede and their Bihari counterparts want to hold them by force.

What an inspired display of national solidarity! Of course, Dr. S. N. Sinha said that he had supported merger on another ground, that is to say, to provide a mental home for us, communists, in Calcutta. After listening to his speech, there can be no doubt as to where the mental home is located. But, as we do not require it, we are opposed

to the merger. Of course, for the common people, they have other arguments, whether they are Bengalees or Biharis. Bengalis are promised easier rehabilitation of refugees and the Biharis are promised more avenues of employment in Calcutta. What is the truth?

Mr. Deputy-Speaker: The hon. Member must finish soon.

Shri Sadhan Gupta: Sir, I am the only spokesman of my group.

Mr. Deputy-Speaker: The hon. Member has been continuously speaking for about 20 minutes.

Shri Sadhan Gupta: Sir, in other cases we have spoken for a longer time.

Mr. Deputy-Speaker: I agree; but we have placed this restriction voluntarily so that a larger number of Members may speak. However, I will allow another 5 minutes.

Shri Sadhan Gupta: Normally, we have half an hour.

What is the truth? Are the Bengalis and Biharis going to benefit from the merger—the common Biharis and Bengalis. The rehabilitation of Bengalis in Bihar is a wonderful argument. Don't we know how many peasants from Bihar unable to make a living from land take up the gruesome life of rickshaw pullers or coolies or jute mill workers in Calcutta. Why, Sir, I have seen Bihari, peasants engaged in back-breaking occupations of rickshaw pullers or coolies as far away as Assam and in that State you promise rehabilitation to hundreds of thousands of Bengalis who have come away from East Bengal! And what employment will the Biharis get in Calcutta? As if there are not enough Biharis already in Calcutta desperately seeking for a living. Indeed Sir, merger could not be and was never intended to benefit the common people of Bengal or Bihar. From the point of view of the West Bengal champions, it is only to enable big businessmen of Calcutta like Birla and others to spread their tentacles into Bihar and by keeping Bengalis and Biharis in perpetual conflict, to enable disruption to be created among the jute workers and among the working class of Calcutta and its neighbourhood as a whole. But, we are not such inebriates that we do not understand these manoeuvres. That is why West Bengal has opposed this nefarious scheme with all its might.

[Shri Sadhan Gupta]

Complaint has been made of the way satyagraha is being carried on. It is supposed to be undemocratic. If such is your faith in democracy why not yield to the verdict of democracy? Since the announcement of the merger proposal, Congress has lost every municipal election. Why not accept it and give up the proposal? I am prepared to make an even more sporting offer. Our party has often been accused of being regimented. I can say that our party has never enjoined upon us anything that is against our conscience. But, supposing, according to you, we are an undemocratic regimented lot, why not set an example to us in democracy and give the freedom of vote to your own party men in the Bengal Assembly and why not proceed on their verdict? To what absurd length these mergerists will go is seen by the repeated manipulations they perform. First, it started with merger. Then, we find a variation, in the Statement of Objects and Reasons of this Bill,—amalgamation and lastly we hear of a union—a union with a provision for instant judicial separation. There will not be divorce. But, these two States will have separate Legislatures, separate Cabinets, everything separate. What a glorious example of nationalism?

We are quite tired of this merger business. Unless an attempt is made to mislead them by vicious propaganda carried on by reactionaries—we, the common people, both in Bihar and Bengal will agree to one thing and one thing alone,—the linguistic redistribution, and a readjustment of the boundaries in such a manner that all Bengalees and Biharis living in contiguous areas would be included in Bengal or Bihar. We do not want an inch of territory which is not ours on the linguistic principle, but we want every bit of territory which either linguistically or by contiguity belongs to Bengal.

In this connection, I must record the strongest resentment of the people of my State at the refusal to incorporate the 500 sq. miles of territory which is Bengali linguistically, simply because the Tatas think that it would be inconvenient to do so. Is this your concept of nationalism that if the territory comes to Bengal, Tatas in Bihar will not get enough water?

Wonderful arguments were advanced against the inclusion of the city of Bombay in Maharashtra. Shri Patil ridiculed the idea of geographical contiguity and in his unusual, cheap, demagogic way

said that the whole of India was Bombay's hinterland. Yet Sir, the fact remains that the land around Bombay for hundreds of miles is nothing but Maharashtra, where then should Bombay naturally belong? You want the merger of different States on the ground that they should be sizable units. Why make an exception in the case of Bombay? What is the use of figures of population? What is the use of referendum? Is there any sense in taking a referendum for Bombay remaining separate. Would you allow every city that wants to have a separate State in India? Would you allow every town that wants to have a separate State in India? Where else could Bombay go unless it remains separate? How do these super-nationalists justify the unreasonable demand of a section of capitalists in Bombay that Bombay should not merge in Maharashtra? Why do they not preach to them that this demand of theirs is fissiparous, that they have no right to say that in Maharashtra they will not be safe? What right have they to resist Bombay going to Maharashtra?

The same thing may be said with regard to Punjab. The linguistic principle has been violated here. The provisions that have been made for regional committees etc., presuppose areas of conflict and I would very much desire that that were avoided.

I had intended to speak about the phenomenon of Union territories. Some of these territories, Himachal Pradesh and Delhi, had their own democratic set-up. They are being deprived of it. Manipur, by an irony of fate, had a democratic set-up before the achievement of Independence, before the merger of Manipur, and when it merged with free India, it was deprived of that democratic set-up. Now, we plan out to deprive it permanently. The people of Tripura and Manipur have stood consistently for a democratic set-up. The people of Manipur have won it and yet they are being deprived of their democratic set-up. You do not have the courtesy to call the places "State"; you call a territory, evidently inferior in status. I know the examples of places like Canberra in Australia and Washington D.C. in U.S.A. are given. I am not holding any brief for deprivation of democratic rights of those particular places, but they are small places. I think Canberra has a population of several thousands and Washington D.C. has not a very great population. But what are we doing here? A

great city like Bombay, with millions of people is being deprived of democratic rights. The people there are being disfranchised and the right to carry on their own administration is being taken away. In all, about one crore of Indians are being deprived of their democratic right of carrying on their own administration. Instead we have regulations made by the President in just the manner of the British imperialists, as they administered Baluchistan with Indian laws, promulgating laws, making laws without the people their having any say about it. I know it will be said that Advisers are there to administer. What is the use of these Advisers? In Tripura, in the last general elections, both the Congress candidates forfeited their security deposits and yet the Adviser appointed was a Congressman. What a democratic thing this institution of Advisers is!

I have to say a few words about the provision regarding linguistic minorities. No statutory provision has been made for linguistic minorities by the new article 350A. What is proposed is that the State shall endeavour to grant the linguistic minorities facilities for primary education. Regarding the State endeavours, the S.R.C. has itself reported how in one particular State the number of schools was reduced from, I think, several hundreds to one. Similarly, there are instances after instances how in Assam and Bihar, Bengali schools have been tampered with. I do not say that it is the vice of the Biharis or the Assamese or the virtue of the Bengalis not to tamper with the linguistic minorities. I would say that with the kind of administration that exists in every State, no linguistic minority is safe in the hands of the administration that exists in the different States. In Bengal, non-Bengalis are not safe in the hands of Dr. B. C. Roy; in Bihar, non-Biharis are not safe in the hands of Shri Sinha; in Assam, non-Assamese are not safe in the hands of Shri Medhi. Therefore I want that whatever safeguards there are must be made statutory and they must be made enforceable in a court of law. The safeguards should not be perfunctory, but should be elaborate.

Again, the safeguards should not only be with respect to primary education, but every linguistic minority should be given the right to obtain education up to the secondary stage in its own language. You could insist that if they want higher education, they have it from

their State. But without secondary education, a man is not worth earning his livelihood, and a man who has no education worth the name is not worth earning his livelihood. At least up to that stage, education must be guaranteed.

Lastly, I would strongly advocate the abolition of the Second Chambers. I was extremely pained to find that the Second Chambers have been kept. I would strongly recommend that the Constitution should be amended so as to abolish the Second Chambers altogether. They are absolutely unnecessary. They were established by the British to protect vested interests. They were continued by the Congress, and it is high time that they should be abolished.

Shri Keshavaiah: Mr. Deputy-Speaker, I thank you for giving me an opportunity to say a few words on this Bill. Few from Mysore had a chance to speak on the States Reorganisation Bill. Some of us had moved amendments for several provisions of that Bill. I am making a request to you to be good enough to direct them to be referred to the Joint Committee so that they may also be fully considered by the Committee.

The Bill before us is very welcome, and the most welcome feature I find is the abolition of the several categories of States, A, B, and C. A large section of the Members of this House were persistently agitating for the abolition of the invidious distinctions among States, and now it is a matter of very great satisfaction that those several categories and distinctions are abolished and there are only two kinds—States and Union Territories. I am sure that as time goes on, even this small number of States under the Union Territories category will get itself reduced by several small parts joined to the neighbouring bigger States. In that way, it is a very welcome feature.

Another thing which I very much appreciate is the abolition of the institution of Rajpramukhs. It was an anachronism. I am very happy that that is done away with now. This takes me at once to the category of Rajpramukhs in the Civil Service. Some of the remnant members of the Civil Service have been retained under contracts to serve us. I hope that by efflux of time that will also get reduced. I am not questioning their services at all, but my feeling is that the members of the Service must change their outlook. Our leader has been pleased to make a mention in one of his addresses that it is necessary for them to

[Shri Keshavaiengar] change their outlook altogether and feel that they are servants of the people and not their masters.

That apart, the most important matter I would like to refer to in this Bill is clause 22. I am at a loss to understand why the provision for a reduction of the salary of the Judges of the High Courts of Mysore, Rajasthan and Kerala has been made in this Bill. From the explanation to clause 22, I find that it has been based on the level of income at the bar and the salaries payable to the judicial services. I do not understand how these two things could be the legitimate reason for making an invidious distinction between the Judges adorning the benches of the High Courts. It is really unfortunate. I do not know the measure and means by which they were able to get the level of income of the members of the bar in Mysore State. From the list of members of the Bar attached to that High Court, it is quite clear that many eminent lawyers all over India have been members of that High Court. Secondly, the level of income depends upon the capacity of the client to pay. If I appear in a case for a client like Shri Morarka, a millionaire, I think I would charge him several thousands of rupees but not so for clients like Shri Vaishya from Ahmedabad for the very same kind of business. I do not think that it is the necessary criterion. It is not the proper reason for bringing out this change. That has introduced a sort of an inferiority complex in the minds of the persons who adorn the benches of the High Court. They are making a provision for transfer of Judges from one High Court to another. It is a very salutary feature. Even to put that provision into practice, it is necessary that there must be uniform scales of pay for all the Judges of the High Courts in India. I am very anxious that this distinction should be removed; it is very objectionable and I take very serious exception to it. I do not mind the quantum. Shri Vallatharas made a mention about the reduction in the present salary. I am not bothered about the quantum. I am anxious about uniformity. Otherwise, surely it will bring about an undesirable result.

An Hon. Member : With inter-State transfers.

Shri Keshavaiengar : It very seriously affects this proposal. Some of the Judges are very eminent persons and they are adorning the benches of the High Court of Mysore. Many of them have adorn-

ed the benches of other High Courts as well. This will present a serious difficulty when we consider the matter of inter-State transfers of Judges of the High Courts.

Shri Gurupadaswamy made some observations about the Mysore legislature. I emphatically refute the observations made by him. There is nothing wrong in what they have done. In the absence of any expressed or demonstrated desire by the other States of Tamilnad, Kerala or Andhra, they have passed a unanimous resolution that whenever possible they would form the Dakshina Pradesh. There is nothing wrong in that and it need not have given room for him to make the observation he made. Kannadigas from four different parts of the country, namely, Bombay, Madras, Hyderabad and Coorg, are being brought together into one State. The Mysore legislature is only anxious that they must consolidate the present State which is now more than double in its size and extent. Then only they would think of the next step regarding the enlargement of the other States as well.

There is one point about the number of seats in the legislatures. It has been thoroughly discussed in the Mysore State Assembly. They have passed a unanimous resolution that the ratio and proportion so far as the Members of Parliament and members of the local legislative assembly are concerned must be enhanced to something more than what is provided for in this Bill. I do not know what policy or principle is involved in fixing this ratio. From a comparison of the ratios that prevail in several States, I find that it varies from 1:5 to 1:9. The latter ratio is the one prevailing in Mysore and I am anxious that this ratio must continue so far as Mysore is concerned. Mysore is the first State in India to have the representative system of Government. The previous Mysore Assembly had 300 members. Now, they are having only 182. I endorse the unanimous resolution of the Mysore Legislature that the ratio may be retained at 1 : 9.

So far as the interim assembly is concerned, 24 members from the local assembly of Coorg are there. According to this Bill, they should become members of the interim assembly. I do not agree with the opinion of the Mysore legislature that all of them ought not to be given the right to represent Coorg in the interim assembly. They have desired that only a smaller number—three or

four—may be selected from them. That is not correct. It is only for a temporary period, of a few months that the assembly will function. A uniform policy must be adopted with regard to Ajmer and some other States, including Coorg. It is necessary that all the members of the Coorg assembly must be permitted to function in the assembly of the Mysore State.

I do not agree with the observations made by the previous speaker about the abolition of the second chambers. If the Council of States is necessary for the Central Parliament, a legislative council ought to be necessary for the States. The same arguments that hold good for us, hold good for the States also. I do not understand why we should completely remove the second chambers in all the States. I thank the Government for having righted the wrongs that were sought to be done previously to the greatest satisfaction of all concerned. With these words, I support the Bill wholeheartedly.

Shri C. K. Nair (Outer Delhi): I thank you, Sir, for this opportunity given to me to express my views on this Constitution (Amendment) Bill. I feel today to be a red-letter day for the State of Delhi. It is because two Bills were simultaneously introduced in this House and one of them has already been referred to the Joint Committee. The other is being proposed to be referred to the Joint Committee again. One has already eliminated the State of Delhi and the other—The Constitution (Ninth Amendment) Bill—is going to eliminate the last vestige of the democratic set-up in the State of Delhi. I see the shadow of the great leaders of Delhi because Delhi has been very unfairly treated in both of these Bills.

4 P.M.

There were great men who worked and suffered like anyone else in India; for example, the late Hakim Ajmal Khan, Dr. Ansari, Shri Asaf Ali, Mr. Deshbandhu and others. They were all great leaders of first rank in the struggle for India's freedom. There was also Swami Shradhanand. I now see their shadows over Delhi. What will their souls be feeling today? They were struggling not only for India's freedom, but at the same time they were also agitating for a democratic set-up in the city of Delhi. Now that is also being snatched away by this Ninth Amendment Bill.

In the previous Bill Delhi has been grouped among the centrally administered territories. Part C States have been abolished. I am not very sorry for it, because state-hood in itself is not everything. After all, even cities like Paris are administered by a unitary system of administration. They can enjoy democratic rights. Sometimes Delhi is being compared with Washington and Canberra. I think that is quite unfair. They were colonial countries with official seats in Washington and Canberra. That is not the case in Delhi. Delhi is one of the most ancient cities, culturally, politically and commercially. Commercially also it is one of the leading cities in India. That city should have been treated so shabbily by our great democratic leaders, is something which is really very sad to think of.

Shri Shree Narayan Das (Darbhanga Central): If there is no democracy in Delhi, then how have you come here?

Shri C. K. Nair: I am telling you about the people of Delhi. I will tell you how they are being treated.

Mr. Deputy-Speaker: The hon. Member might tell me.

Shri C. K. Nair: So far as Delhi is concerned, it is one of the part C States. There are two sections in the Constitution which deal with the administrative set up of Part C States. They are articles 239 and 240. In this Bill these two articles are going to be amended in a way which is very reactionary in spirit and in thought. In the original Constitution the provision is:

"Parliament may by law create or continue for any State specified in Part C of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor—

(a) a body, whether nominated, elected or partly nominated and partly elected, to function as a Legislature for the State; or

(b) a Council of Advisers or Ministers."

This is being sought to be amended in this way:

"Every Union territory shall be administered by the President...."

Here, I must tell you another thing. There is a proposed draft for the States Reorganisation Bill. In that also it is said:

"Save as otherwise provided by Parliament by law, every Union

[Shri C. K. Nair]

territory shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him :

But in the amendment here, it has been changed to :

"Every Union territory shall be administered by the President...."

The saving clause has been omitted. It is not only Delhi that is being deprived of a democratic set-up, but even the Parliament has been deprived of a voice in the administration of Delhi, because the saving clause which said : "Save as otherwise provided by Parliament by law", has been taken away and now it is straightaway said : "Every Union territory shall be administered by the President...."

Then again, what is the instrument that is being sought to control or to administer the area ? It is said : "the President may by regulation made...."—the Parliament has nothing to do with it—"...under article 240 Delhi is going to be ruled by a council of advisers to the Chief Commissioner or other authority with such functions as may be specified in the regulation." That means Delhi is going to be ruled only by the President. Sir, we are reminded of the horrible days of the Chief Commissioner's rule in Delhi. It is going to be reverted to a bureaucratic rule.

Shri Bhagwat Jha Azad (Punea cum Santal Parganas) : The Members of Parliament are there.

Shri C. K. Nair : We are not going to be there unless the territory is represented in the administrative set-up. The Members of Parliament cannot directly take part in the administration of any State or territory.

The point is, how is Delhi being deprived of its political, democratic set-up ? I wonder, because every State is assured of democratic rights in the Constitution. Part C States were also given a place in the Constitution. Now that is being completely eliminated. Parliament will have nothing to do. For the last 4 years I have been in this Parliament and I have seen that Delhi is not at all seriously taken up by the Members of Parliament, except a few.

Shri Nambiar (Mayuram) : With regard to the question of jaundice we did take very serious notice of Delhi.

Shri C. K. Nair : That is right. That is the way Delhi is being administered. Parliament finds hardly any time to administer Delhi. That is the reason why it is being completely given to the President's rule. This is really unfair and I think it is time that every Member of Parliament should think about it.

Delhi with a glorious past history should not be treated so shabbily. Of course, it may be said that after all it is under the democratic administration of India. No doubt, we are all proud of it. But, why the rights, which have already been bestowed under the Constitution, should be reduced ? I also wonder why our administration, which is very democratic under our great leader, is getting more and more stiff towards the people of Delhi ? Delhi with a population of 20 lakhs has got every right to be ruled by their own representatives.

Our hon. Home Minister himself said : "You are in the good company of the great, beautiful and magnificent city of Bombay". I have got my sympathy for Bombay also. But that is going to be short-lived. After all, centrally administered areas means Bombay, Delhi, Himachal Pradesh, Manipur, Tripura, Andamans, Nicobars, Laccadives and Maladive. I can understand, Andamans, Nicobars and Laccadives are small colonies in the midst of the ocean and they must be administered by a rigid bureaucratic administration. But what about the other three or four areas ? I am sure in the long run Manipur and Tripura are going to be, perhaps, integrated with bigger States, just as many other Part C States like Coorg, Ajmer etc., have been. I also envisage a time when Himachal Pradesh may also be integrated into Greater Punjab. In the case of Bombay it has already been committed.

Shri Tek Chand (Ambala-Simla) : Also Delhi in Greater Punjab.

Shri C. K. Nair : Then also I will be happy, because my point is that this area should not be deprived of a real democratic rule.

About Bombay we all know that the fear is going to be short-lived. Though it is now included in the centrally administered territories, at the most for 5 years—I do not think why even five years should be allowed—should be allowed for its complete integration into Maharashtra. I am one of those who support the claim of the Maharashtrians to Bombay. I was wondering why some people have been saying, "How can

Bombay belong to Maharashtra? Bombay belongs to the whole of India." But I ask you, which city does not belong to the whole of India. Every city of India belongs to the whole of India.

Pandit K. C. Sharma (Meerut Distt.—South): Particularly Delhi.

Shri C. K. Nair: More than Bombay, culturally speaking, Banaras is there. Hardwar is there. We have got colonies of Madrasis, Punjabis, Bengalis, Gujaratis and others there. Those people are living there. They are living comfortably and harmoniously. So, why not Bombay be included in Maharashtra? Bombay is already famous for its cosmopolitanism. Why should this fear be created that Bombay, if given to Maharashtra, will become a provincial city? No. It cannot be. After all, it developed not as a provincial city. Even if it had developed as a provincial city it rose above that and became a cosmopolitan city. Now, in these days of internationalism, it is going to grow more and more into an international city. Bombay is one of the biggest and magnificent cities of the world and not only of India. I do not see any reason why if Banaras could be counted as part of Uttar Pradesh Bombay could not be counted as part of Maharashtra. By removing Bombay from Maharashtra, it is really not going to become a national city or an international city. It is Maharashtra, whatever we may say and whatever the objective may be. So, what I want to emphasise is this. Bombay also is going to be either part of Maharashtra or part of a bilingual State, whatever it might be.

About Delhi, I am afraid Delhi is certainly doomed to have a bureaucratic system of administration under this new amendment that is being sought to be effected in the Constitution. That is what I want you to realise. We should take it up very seriously and see that Delhi is given—and must be given—the full right of democracy.

An Hon. Member: Quite so.

Mr. Deputy-Speaker: Interruptions should not be so frequent, for, the readers of the future might read in the debate that it was only a conversation between a few persons!

Shri C. K. Nair: Therefore, my plea to the Government and also to this Par-

liament is that Delhi should have a democratic set-up. Even Parliament is going to be deprived of its right over Delhi. This is unfair, because it is said in this Bill that it is completely being relegated to the administration of the President. The President himself cannot rule. After all, there must be somebody. The only way to avoid this is to have a popular representative as the Chief Commissioner or the Lieutenant-Governor or the Governor of Delhi. He must be a public man. Advisory Body is being mentioned. I do not know why an Advisory Body should be there. The whole thing can be easily solved by retaining the existing articles 239 and 240 of the Constitution. They need not be amended at all. In those articles, there is a chance for Delhi to fight for, to claim and try for a democratic, administrative set-up if not today at least in the future. By the proposed amendment, we are going to lose it for all time. A constitutional amendment is not a small thing. It is not an ordinary law that is being sought to be passed, as in the States Reorganisation Bill. This is a constitutional amendment. We are all here alive, and we have fought for the freedom of India. Even in our midst, such a retrograde step is going to be effected. If this is so, who is going to ask, in the future for an administrative set-up of Delhi? Therefore, I would plead that the original articles—articles 239 and 240—may be allowed to remain.

Of course one change has been noted here. For the existing heading,—“Administration of States in Part C of the First Schedule”—“Administration of Union territories” is going to be substituted. So far, it is correct. It is right. But so far as the other things are concerned, there is nothing. Therefore, a provision which will contain a possibility of some sort of legislature, some sort of democratic administration, some sort of advisory-cum-legislative rights by the elected representatives of the people may be inserted. It is already there so far as the present set-up is concerned. Even our late Sardar Vallabhbhai Patel was not very much happy when the status of a Part C State was conferred on Delhi. But anyway, even in the present Constitution we find a democratic set-up for Delhi, but today, this constitutional amendment which takes away that set-up is really very reactionary and therefore, I would appeal to Parliament and to the Government that this effort to take away the existing set-up should be stopped.

[Shri C. K. Nair]

As far as Manipur is concerned, it is a small border State. The people there are very much fond of their freedom which they were enjoying till recently. So, they must also be given the same status as a democratically administered area.

Mr. Deputy-Speaker : I have to make a suggestion to the House. We have had a debate on the States Reorganisation Bill for the last three days. The Bill under discussion is also a similar one, seeking to amend the Constitution for reorganising the States. Ordinarily, there should not be a restriction on time, but I find that there is a very large number of Members wishing to speak. What I have gathered from the speeches thus far is that the Members cover mostly the same ground as was covered during the debate on the States Reorganisation Bill. Of course, certain Members may wish to say something on the constitutional points, and normally, there should not be a restriction on the speeches. But then, in the other Bill, we had to put a limitation on ourselves and we said that, in the end, only 10 minutes could be allowed for each Member. So, we might just now put that same limit for this Bill also. Of course, there might be exceptions where this time-limit could be exceeded. The same points should not be repeated. This way, other Members who did not have a chance to speak on the last Bill may get a chance to speak on this Bill. So, I presume I have the permission of the House to put the time-limit of ten minutes for each Member who wishes to speak.

Shri N. M. Lingam (Coimbatore) : It was not my desire, when I wanted to participate in this debate on the Bill, to resurrect memories of yesterday's controversy that was raised on the floor of this House. But even so, I cannot but refer to one aspect of the matter and that is in regard to the controversy over Bombay. I am not entering into the merits of the case. There are problems before the country which are best solved by what I would call the indirect method. Assuming that the claim of Maharashtra over Bombay is strong, is genuine, is justified, what the House has to consider is whether the direct approach is the best one to satisfy the ambitions of the Maharashtrians and thereby bring about harmony and peace in the country.

I shall give one or two instances. We have a legitimate claim over Azad Kashmir. We have several other rights which

are not within our reach. But in these matters it is not the direct assault that helps us. We have the recent instance of the Nekowal incident, where great injustice was done and where 12 men of our troops were massacred. But on that score, we did not go and attack Pakistan. So, there are many rights which we cannot achieve by frontal assaults. So, I would request the House to see that the controversy over Bombay does not resolve or lead to a straight dispute.

Member after Member has referred to the impartiality, to the stature, to the nobility and the greatness of our leadership that is at the helm of affairs in our country today. Unless the people impute motives, unless they say that they are partisans, unless they say that they do not have the interests of the country at heart, unless they say that they are not patriots, I do not see why this complex problem should not be left to the hands of our leaders. The country looks to the House not for the intensification of the debates and controversies going on outside, but for guidance, light, strength and solace. Therefore, a great responsibility devolves on everyone of us. So, let us send the message from this House that the interests of country and the interests of every section are uppermost in the minds of the Members of this House and that the people need not be apprehensive of anything happening irrevocably leading to condemnation or recrimination of any section of the community.

I pass on to the Bill under discussion. I have taken some time already, and I will refer only to two clauses. I would first refer to the strength of the House of the People that is proposed in the Bill. The strength is proposed to be increased from 499 to 520. This question of the strength of the House was debated at length at the time of the passing of the Delimitation Act in 1952 and there was a strong body of opinion in the House that because of the size of the country, the membership of the House should also be increased proportionately to the increase in population. But, after a great deal of deliberation and after the Select Committee had gone into this question, it was decided by amending the constitution in 1952 that the number on no account should exceed 500. I, personally, am not in favour of increasing the strength of the House. The example of the United Kingdom is quoted and it is argued that if in a country of 40 million people the strength is 600, for our country with a population of more than

300 million, the strength should be much more. It is forgotten that we have our State Assemblies and the Upper Houses. The strength of the legislatures in India really exceeds 4,000 and there is no point in making an already unwieldy House still more unwieldy. I do not really understand the reasons which prompted the Government to increase the strength of the House. Perhaps, this is because of the reorganisation of the States that is going to take place. I would even suggest, if it is not impracticable, that before the next General Elections, the number of seats for States other than the Union territories may be reduced to an extent equal to the number of seats provided for the Union territories, so that the total strength may not in any case exceed 500.

There is another point also. In the Bill it is said :

"Subject to the provisions of article 331, the House of the People shall consist of—

- (a) not more than five hundred members chosen by direct election from territorial constituencies in the States and
- (b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide."

We see that no direct election is provided for Union territories. That is a disquieting feature, because this House enjoys its unique position on account of its being an elected body, elected by adult suffrage. I am strongly of the view that this pre-eminent position of the House should be maintained and it should not be contaminated by indirect election, nomination or any method that detracts from the glory and prestige of this House. I strongly urge, therefore, that the representatives from Union territories also should be chosen by direct election.

I will now take up clause 20 which provides for the insertion of a new article 350A, namely,

"350A. It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups;"

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Salutary, as this seems to be, I would urge that the other grievances of the minorities also should be looked into by the President or by the authority empowered to act in his behalf. Some hon. Members suggested that the Governor was the least suitable person to look after the interests of the minorities, because under our Constitution, the Governor could not act in a way that would even remotely offend the Cabinet over which he presides. Under the circumstances, the best solution seems to be to appoint a Commissioner for minority affairs. But even then, he should be empowered to look not only into the question of the mother-tongue, but also the other disabilities that the minorities might complain of, so that not only their legitimate grievances will be looked into, but also their unfounded and imaginary complaints may be exposed.

I now come to clause 21 of this Bill. It refers to regional committees. Regional committees for Andhra-Telangana and Punjab are proposed to be created under this provision. This is a new provision under the Constitution. But even so, the powers of the committees are not defined. Probably that matter is left for legislation separately by the States or by Parliament. I would urge that these committees should be envisaged only for a definite period, after which the working of the committees should be reviewed by Parliament and suitable changes should be made. I do not want these regional committees to be a permanent feature. . . .

Mr. Deputy-Speaker : The hon. Member's time is up.

Shri N. M. Lingam : . . . of our Constitution, because we all strive for the social and economic integration of our country. Therefore, I would urge that this should not be made a permanent provision in the Constitution.

श्रीमती शिवराजबती नेहरू (जिला सखनऊ—मध्य): उपाध्यक्ष महोदय, मैं आपकी बड़ी मशकूर हूँ जो आपने मुझे पाँच मिनट का समय बोलने के लिये दिया है। मैंने पाँच मिनट के लिये आपसे प्रार्थना की थी जो कि आपने कृपा करके मुझे दे दिये।

जहाँ तक राज्य पुनर्गठन विधेयक का उत्तर प्रदेश के सम्बन्ध में प्रभाव पड़ने का सवाल है तो हमारा प्रान्त तो जैसे पहले था वैसा ही अब भी रहेगा और वह न तो घटा है और न बढ़ा ही है परन्तु फिर भी जब हमारे देश के बड़े बड़े

[श्रीमती शिवराजवती नेहरू]

नेताओं का यह मत है कि अपने देश की एकता और संगठन को सुदृढ़ करने के लिये आज छोटे छोटे राज्यों के बजाय बड़े बड़े राज्यों का निर्माण किया जाना आवश्यक है और वह भी पोलिटिकल (राजनैतिक) विचारों पर नहीं बल्कि एकोनमिक (आर्थिक) आधार पर बनाये जायें, तब उपाध्यक्ष महोदय, मैं केवल इतना कहने का साहस करती हूँ कि हमारा उत्तरप्रदेश का प्रान्त बहुत ही पिछड़ा हुआ और बैकवर्ड प्रांविस् है और यह स्पष्ट है कि केवल कृषि से ही उसकी जो बेरोजगारी की बड़ी समस्या है, वह हल नहीं हो सकती है और बेकारी और बेरोजगारी की समस्या को सफलतापूर्वक हल करने के लिये औद्योगिक विकास किया जाना जरूरी है। औद्योगिक विकास करने के लिये हैवी इंडस्ट्रीज (भारी उद्योग घन्घे) चाहियें और इन के लिये खनिज पदार्थों की आवश्यकता है। इस सम्बन्ध में मेरा सुझाव यह है कि विन्ध्य प्रदेश जो कि हमारे प्रान्त से बिलकुल सटा हुआ है और जहाँ कि खनिज पदार्थ और दूसरे मिनरल रिसोर्सज (खनिज संसाधन) बहुत पाये जाते हैं, उनको मध्य भारत अभी बहुत समय तक अपने उपयोग में नहीं ला सकता है और वह यूँ ही पड़े रहेंगे और बिलकुल बेकार जायेंगे और किसी के काम नहीं आयेंगे, इसलिये यदि आज विन्ध्य प्रदेश को उत्तर प्रदेश में जोड़ दिया जाय तो दोनों ही प्रान्तों का उसमें बड़ा लाभ होगा। और दोनों ही को इस में उन्नति होगी, दोनों ही प्रान्तों की जो जनता है उस को रोजगार प्राप्त होगा, जन समुदाय को काफी रोजगार मिल सकेगा और दोनों ही प्रान्तों की जो बैकवर्डनेस (पिछड़ापन) है वह मिट जायेगी।

उत्तर प्रदेश किसी को जबर्दस्ती अपने में मिलाता नहीं चाहता, न कभी वह इस बात का इच्छक रहा है। वह किसी प्रान्त के खनिज पदार्थों को छीन कर खुद पाने की इच्छा भी नहीं रखता है। प्रन्तु ऐसा कहा जाता है कि जो विन्ध्य प्रदेश के लोग हैं वे स्वयं इस बात के इच्छक हैं कि उन को उत्तर प्रदेश में मिला दिया जाय जो वहाँ की असेम्बली है उस के काफी सदस्यों ने इस बात की मांग की है कि उनको उत्तर प्रदेश में मिला दिया जाय, और यदी यह बात सही है तो उत्तर प्रदेश को इस में क्या इन्कार हो सकता है? क्योंकि यह दोनों के हित में है साथ ही वहाँ के लोगों के रीति रिवाज और संस्कृति भी उत्तर प्रदेश के समान हैं। मैं नहीं कहती कि ऐसा हो ही जाय, यदि आज

हमारे नेता न चाहते हों, यदि वे इस मत के न हों कि समस्त विन्ध्य प्रदेश को उत्तर प्रदेश में मिलाया जाय, तो वह इतना ध्यान जरूर दें कि जो विन्ध्य प्रदेश के बहुतेरे डिस्ट्रिक्ट्स हैं जो कि बघेलखंड कहलाते हैं, जहाँ के लोग इस बात के लिये इच्छक हैं और विशेषकर यह बात चाहते हैं, उन को उत्तर प्रदेश में मिलाया जाय। मैं आप के द्वारा सेलेक्ट कमेटी तक केवल यह बात पढ़वाना चाहती हूँ कि जब वे इस मसले पर विचार करें तो इस प्रश्न के ऊपर भी ध्यान दें और यदि उचित समझें तो इस के उपर कुछ कार्यवाही करने का प्रयत्न करें।

Shri Bogawat : I am very fortunate to get an opportunity at least today to express my views so far as the Union territories are concerned. When we amend our Constitution, there should be nothing unprincipled, unconstitutional, undemocratic, unnatural or unjustifiable. Seven areas are mentioned as Union territories in this Bill. Some indication is given about Tripura and Himachal Pradesh. Many Members have spoken about Bombay and Delhi. I shall say something about Bombay.

Bombay is a part of Maharashtra. It is not to be merged or included in Maharashtra. It is excluded from Maharashtra. If this is done, it would be unconstitutional because there would be disfranchisement. The right of the people to elect representatives to the Legislative Assembly would be lost. It would be against our Constitution. There is great resentment throughout Maharashtra and also in Bombay. I am very glad that you have expressed your sympathy when you spoke on the S.R. Bill, for the inclusion of Bombay in Maharashtra. Every public body, gram panchayats, municipalities, local boards, Corporations, Congress committees, public meetings in Maharashtra have made this demand for this inclusion, not to exclude Bombay from Maharashtra. Even the Corporation of Bombay—Shri S. K. Patil gave a challenge—has passed a resolution. The Mayor of the Corporation resigned on this question. Look at the decision of the Hyderabad Assembly. Look at the decision of the Bombay Assembly. If we take into consideration the Members who resigned and who were elected unopposed, that decision is also clear. Even if we look at the statements and speeches made in this hon. House, we see that the decision is in favour of not excluding Bombay

from Maharashtra. Except for a few Members, one or two from outside Gujarat, all have expressed that Bombay must be in Maharashtra. So the decision is clear if we respect democracy.

Apart from the satyagraha and other incidents that happened, there is this agitation going on on a large scale. Even children say :

“मुंबई सह संयुक्त महाराष्ट्र झालाच पाहिजे” and dance. Women take part in these demonstrations. This is something like the movement of 1942. Bombay is the nerve-centre of Maharashtra. Maharashtra will have no port. Gujarat will have Kandla, Okha and other ports. This separation of Bombay from Maharashtra would be like beheading Maharashtra. Even the other day, Shri S. K. Patil said, not including Bombay in Maharashtra is beheading Maharashtra. He said something about a bi-lingual state ; that is different. The hon. Home Minister knows the situation better. I hope he will carry my request to Pandit G. B. Pant and Shri Jawaharlal Nehru who are big democrats and who will not do any injustice. Nature also has helped the cause of Maharashtra. Naturally also Bombay is in Maharashtra. If Bombay is excluded, it will be unnatural. No justice will be there. Therefore, I say that some principle must be applied. Why forfeit the rights of the people ? If we recognise democracy, if we say that the people are sovereign and they have got sovereign rights, if India is a sovereign democratic Republic, I do not think that our leaders or the High Command would go to the extent of excluding Bombay from Maharashtra. I request that a decision may be taken immediately. I hope the Joint Committee would be kind enough to consider the intense feelings of the people, all the representations and expressions of the people. If we understand democracy, this is my request so far as the amendment of Union territories in Schedule I is concerned.

I must say I am a Marwari. I come from Maharashtra. Another is Shri S.R. Bhartiya also elected from Maharashtra. Another is Shri Chandak. The Gujarati people need not be afraid that there will be a national calamity. Shri Gidwani is a Sindh. The Maharashtrians are very good people. They are patriots. They have made sacrifices in the national movement. Not only that. If you are a friend to them, they will do anything for you, even at the sacrifice of their life. They will protect you. Something was said about Shivaji. They do not

know about Shivaji, how he protected the weak, what a great man he was, how he protected the women, etc. All this is forgotten because of bitterness, hatred and ill feelings that have arisen. Otherwise, such things would not have been said.

I have to make some other suggestions also. I have to say something about the number of seats in the Legislative Assembly. Formerly, we had for every seat in Parliament seven seats. In Vidarbha, there were eight seats for one. Now, only six are allotted. I request that, if not eight, at least seven should be allotted for every seat in Parliament. This should be the ratio. Instead of 240, I would suggest that there should be 280 seats in the Maharashtra Legislative Assembly.

As regards the High Court, I would say that there should be a common High Court for Bombay and Maharashtra. There should not be separate High Courts. It will be convenient if the High Court is kept at Bombay, and there is a common High Court.

As regards the salaries of the judges, I want to make one suggestion. There is a demand in the country today for a ceiling on incomes. And since we are amending the Constitution, I would suggest that we must reduce the salaries of the judges also. The maximum salaries mentioned are Rs. 4,000 and Rs. 3,500. Instead of Rs. 4,000 there should be a maximum of only Rs. 3,000 as many hon. Members have pointed out. I would suggest, that instead of Rs. 4,000, the figure should be Rs. 3,500, instead of Rs. 3,500 it should be Rs. 3,000, and instead of Rs. 3,000 it should be Rs. 2,500 and instead of Rs. 2,500 it should be Rs. 2,000. I would suggest that an amendment may be made along these lines.

My hon. friend Shri Keshavaingar had referred to the question of practice by the High Court judges. As regards practice by retired High Court judges, I think it will be better if we do not allow them to practise in the same High Courts where they were judges before. That would be in the interests of . . .

Mr. Deputy-Speaker : That is what is provided for in the Bill.

Shri Bogwat : I have nothing more to say. I would request that the few suggestions that I have made should be taken into consideration, and justice

[Shri Bogawat]

should be done to Bombay in the light of the popular demand which should be carefully considered.

Shri Raghavachari (Penukonda): I do not want to repeat any of the arguments that have already been advanced on the States Reorganisation Bill, for I feel that there is absolutely no use making any representations on that matter, particularly on subjects where they have made their own decisions. It becomes something like an "अरण्यरोदन" or weeping in wilderness, if we do so.

I would like to confine my observations to the powers of transfer, the restrictions that are proposed to be imposed upon the selection, of the High Court Judges, the restrictions in regard to their future practice, the composition and constitution of the High Courts and so on.

At the outset, I welcome the provision for the transfer of High Court Judges. I do so deliberately, and with a feeling of satisfaction, because I feel that that is a very healthy and salutary procedure. As the matter of the composition of the High Courts is now before this House, I am perfectly within my rights to make any observations that I would like to on matters relating to the working of the high courts.

Those of us who have had something to do with the Law Courts know that at present there is not a very healthy, desirable and satisfactory kind of atmosphere or climate in the High Courts. A particular judge presides over the Bench. He has his relations, he has his friends, and he has those with whom he sympathises. Human nature being what it is, he has his own likes and dislikes. So, what happens when a High Court judge is placed on the Bench is that a particular section of the Bar welcome him, while the other sections do not like him. At least in the case of the other judicial and administrative services, experience has shown that the man should be transferred from place to place every three or four years. But here, it is a permanent evil or a permanent good. The practising lawyer cannot express his feelings freely. He goes on saying, your Lordship, your Lordship, while the judge is sitting on the Bench, but behind his back, he goes on talking all kinds of things, which are really very unpleasant. I am therefore glad that power has been taken in this Bill to transfer High Court judges.

But there is one restriction that will

come in the way in this respect. For, you have provided in some other clause that as against the present provision which says that a judge of a High Court cannot practise at all, after retirement a permanent judge of the High Court only cannot practise in the same High Court where he was a permanent judge. But if you transfer them from place to place, the permanent judges can be transferred from one place to another. And according to the provision here, he cannot practise in more than one High Court. Therefore, it again acts as a sort of restriction on the sphere of selection.

In regard to the salaries of judges, you have provided for two different scales of salaries, one scale being Rs. 4,000 and Rs. 3,500 and the other being Rs. 3,000 and Rs. 2,500. That is to say, there will be two groups of judges, and each group can be transferred within a particular territory only.

Now, I come to the recruitment of judges. So far as the permanent judges are concerned, you want to consult the Chief Justice, Governor and so on. That is still provided for. But so far as the temporary vacancies are concerned, two things are being done now. At present, the number of permanent judges is fixed for each High Court. But you want to abolish it, and you are providing that the President can appoint those temporary judges. All that he has to do is to pass another order increasing the number. But instead of making it necessary for him to pass two orders, you are providing that the President shall have the power of appointing any number of temporary judges or permanent judges. At present, it is possible for the Chief Justice of a High Court to appoint an ex-judge to act as a temporary judge. But now what is sought to be done is that it is the President who will appoint the judge, and there is no provision whatsoever to the effect that he will consult the Chief Justice or the Governor or the State Government and so on.

Now, who are the persons whom the President is going to appoint? He can appoint anybody qualified to be a judge. All that is required is that the person should be qualified to be a judge. If they are advocates of a particular standing, then they are qualified. But I am afraid that under this provision, all the district judges and those other people whom Government want to favour will come in as judges. There is no consultation with the Chief Justice, or no connection with the local Bar. This is the sort of thing that is going to take place. I would sug-

gest that the Joint Committee may go into this matter carefully.

In regard to the age of retirement, it has now been provided that the judges will retire at the age of sixty years. But you are allowing them to practise even after that. In this country, if there is one profession where the man at no stage in his life thinks that he must retire from the profession, it is the lawyer's profession. That is the only profession where he can go on practising until the last breath leaves his nostrils.

Shri Tek Chand : That is because there is no pension.

Shri Raghavachari : It is not because that there is no pension ; it is because it is being permitted that it goes on. The man must provide for himself in life if he has an idea of the future. Therefore, I am very strongly in favour of the man retiring from his profession at some stage. In a democratic set-up, it is not a very satisfactory thing that Government should restrict the field of choice of people, when they want to give more opportunities of employment. I should expect that every gentleman who attains the age of sixty and retires from the post of High Court judge should have had sufficient public civic sense that he must devote himself to some other activity rather than go on working for the sake of a few rupees by way of salary and pay. I wish some such convention is created and persons are called upon to serve the country as judges or even for the matter of that, as Law Ministers. They should not go on working merely for the sake of money. Surely, you can find any number of people with integrity and honesty, who are prepared to serve in spite of all these restrictions. They can come and give all their experience, erudition and service in other walks of life. Our Government are going on constituting so many tribunals. In this tribunal, this ex-High Court judge is appointed; in that tribunal, that ex-High Court judge is appointed; in this way, there are so many judges who are being put on these tribunals, if they cannot practise in the very high courts in which they were working. You can realise the awkwardness of the whole thing. He has sat some days on the Bench, and now he will have some days at the Bar. Though there is really nothing wrong in it, the whole atmosphere is full of talk that other considerations come into play. This is very unpleasant and very unsatisfactory, and is not very helpful to the administration of justice. That is so far as transfer is concerned.

The other point I wish to urge is in respect of the Councils in the States. Now, they want to increase the strength of these Councils from one-fourth to one-third, subject, of course, to a minimum of 40. This institution of Second Chambers is an unwanted and costly thing for this country. Even in respect of this House and the other House we find simply duplication of everything. Except in regard to quarrels over the powers of this House and the other House, nothing useful is being contributed at all. For a State like ours, this is unwanted. This simply gives more places for people whom you want to favour. For those people who have been pronounced as unwanted in the elections, you want to find a berth. Therefore, you increase the number and then the expenditure. That is how it looks to me. It has no place at all.

Shri B. S. Murthy : Not always.

Shri Raghavachari : Not always ; mostly.

Mr. Deputy-Speaker : Just at this moment at least.

Shri Raghavachari : Then I only wish to say one word about the location of the High Courts. Government are now taking powers to locate High Courts in a Union territory. If this is done, the State Government has absolutely no power in the matter of appointment of Judges or even of the officers and employees, because it is the Union Government's territory, it comes within the President's authority and so on. Therefore, by quietly transferring the headquarters of a High Court to a Union territory, the control of the State concerned over that High Court is completely put an end to. You may not intend to do it, but nothing prevents a man, who wants to do it, from doing it, as it is now proposed. That is the danger of it.

Lastly, I wish to say one word about the proposal that is contained in a clause providing for Regional Committees in Telangana and Punjab. 'Regional Committees' is a technical term. So far as Telangana's merger with Andhra is concerned, in their anxiety to effect the merger, they have agreed to all kinds of things. Now, the State has absolutely no voice in the formation of these Committees. To my mind, it looks as if in the powers of the States, this is one wedge driven. Of course, it is said that out of all this, something useful will come. If it is one of unity, I can well understand it. But it is only in the speeches and statements that are given

[Shri Raghavachari]

here, but in practice this is departed from. Therefore, I am not very much in favour of such powers being vested in those Committees.

Shri Seshagiri Rao (Nandyal): Mr. Deputy-Speaker, Sir, I thank you very much for affording me this opportunity to participate in this debate.

The provisions of the Bill can be grouped into two parts, one relating to States reorganisation and the other to administrative reorganisation. Those relating to administrative reorganisation, are about the appointment of a common Governor, Public Service Commissions, Regional Committees, transfer of High Court Judges from one place to another and so on, I welcome some of the provisions. But I cannot understand why there should be a common Governor for two or more States. It is certainly a matter of economy, and any matter of economy is quite welcome to us in these days. But, will it be economy without efficiency or economy with efficiency; that is the point to be considered. The position of a Governor in each State is very high. A man of status and experience is ordinarily called upon to fill that post. But the functions are purely formal. At times of emergency, just like the Army, the Governor comes into the picture. He gives advice and takes charge of the Government. But, if there is a common Governor for two or three States and there is crisis simultaneously, what advice can the Governor offer to the States.

Further, nowadays, the Governors are taking part in social and cultural activities in many of the States. Their advice and guidance will not be so readily available if there is a common Governor for more than one State. I think it is better to have one Governor for one State.

The other point which I would like to touch upon is the Regional Councils.

An Hon. Member: Regional Committee is the correct term.

Shri Seshagiri Rao: About the Regional Committees, I am entirely in agreement with what Shri Raghavachari says. Certainly the work of these Regional Committees is to smoothen disturbances and to create a perfect understanding between certain groups in the same

State. But, should it be a permanent feature? Article 371 of the Constitution is now being remodelled. If you look at the margin of clause 21 of the Bill, you will see that it is stated, 'substitution of new article for article 371'. The new articles would be clearly permanent, both for Punjab and Andhra-Telangana. Till such time as the Telengana people understand the Andhras and the Andhra people understand the Telenganas, the Regional Committee may be their safeguard. But, should it be a permanent feature? By doing this and by having Zonal Councils for two or three States, we are unifying at one place and diversifying in another place. In the hands of unscrupulous politicians the very Regional Committees might be the instrument for disturbing the smooth working of the Constitution. So it should be only for a small period, say 5 or 10 years.

The third point which I would like to submit is this. My hon. friend Shri Ramaswamy was referring to article 263. In view of the functions of the Zonal Councils, he wanted the introduction of another new clause. If you refer to article 263, you will see that exactly the same wording is there as you find in clause 21 of the States Reorganisation Bill. They have copied verbatim the entire thing. What is the idea of having article 263? Instead of having a new clause, I would say that article 263 be deleted because there is absolutely no use at all for that. Under article 263, the President has got the power to appoint a Council for three reasons, inquiring into and advising upon disputes, investigating and discussing subjects in which two or more States have a common interest and for making recommendations. These are the grounds. Here, the same wording comes except that 'social work' has been added. Instead of 'disputes', 'things arising out of States Reorganisation' has been introduced. It is only a change in wording without any difference in content. Therefore, article 263 has to be deleted in view of the Zonal Councils.

My friend, Shri Raghavachari has said that it will be a wrong thing to speak about things connected with States reorganisation. This word "*aranyarodhanam*" was used by Vyasa some 5,000 or 6,000 years ago when India was full of forests. But the hon. Home Minister fully knows that on account of the civilisation that our Scheduled Tribes have got and on account of the disafforesta-

tion which we have carried out to a great extent, even the *aranyarodhanam* is audible and will be heard now. I want to submit one such thing. I was surprised to hear the hon. Home Minister saying this morning—this is of course subject to correction—that the Andhra people do not very much mind the retention of Bellary in Mysore State.

5 P.M.

Pandit G. B. Pant : I said all sensible people.

Shri Seshagiri Rao : I would point out that if the hon. Home Minister thinks that all the elected members of the Andhra Legislature are not sensible, there is a unanimous resolution in the Andhra Legislature on this point. I should think that any speakings on the floor of the House will be *aranyrodhanam*.

Pandit G. B. Pant : They are not really opposed to it.

Shri Seshagiri Rao : The resolution is there and I leave it for the interpretation of the hon. Home Minister.

Another point which I would like to submit is this. The States Reorganisation Commission recommended the transfer of Bellary to Andhra not merely on one ground, namely, Tungabhadra Project, but on several other grounds the most important one being that Bellary depends for trade and commerce on Andhra State, Bellary has geographical contiguity and cultural affinity with Andhra, and more than anything else, the interdependence of Bellary on Andhra State is most important. Therefore, I submit that the whole thing may be reconsidered.

Shrimati Jyashri (Bombay—Suburban) : I thank you for giving me this opportunity to speak a few words on this Bill. In this House many Members have spoken about Bombay. I represent Bombay in this House and I am sorry to say that till now I was never given a chance to speak about my city.

Mr. Deputy-Speaker : It was better that she knew what others had to say about her city.

Shrimati Jayashri : I am glad that in this Bill, Bombay City especially is going to be made a Union territory. Though the citizens of Bombay will be hurt, because they have been disfranchised we accept the proposal as the best solution in the present situation. We were glad when we read the S.R.C.

Report that Bombay was going to be a bilingual State. That was the decision arrived at by the three Commissions and that was the best solution for the country. We all feel very sad that that solution is not accepted by some of the Members, especially the Maharashtra Members. I do not understand their grievance. In the bilingual State, they would have been in a large majority. Besides that, they would have got another State, which is a Marathi-speaking State, namely, Vidarbha. In this bilingual State, they are a majority and would have worked for their welfare. They would have no cause for grievance. On the contrary, the other communities would have been in a minority and would have cause for grievance. Still, they are talking as if some injustice is done to them. They are claiming Bombay as if it is their property. Can they treat the 56 per cent citizens of that city as an alien nation and ask for separation as the Pakistan people wanted to separate from India? They are talking in the same way as if they want to separate from the bilingual Bombay State that was created by the S.R.C. Report. May I say that Bombay belongs neither to Maharashtra nor to Gujarat nor to any other single community? It belongs to all the communities of the nation. It has been built with the efforts of all the communities. It is the nerve centre, I should say. It was a small, neglected village. When the East India Company took up their *kothi* at Surat, I am proud to say—I belong to Surat some people from Surat went there and began to build up that city. The big Parsi community from Navasari, the Tatas, Jamshedji bhai—all these philanthropic people from Navasari, built up big institutions which are still doing welfare work in the city. Is it right, then, to say that Bombay is taken away from Maharashtra? Bombay State is supposed to be the best administered State. It has implemented the First Five-Year Plan very successfully. What do we find in this Plan? It is the Maharashtra area which is benefited most from all the welfare schemes. The Gujarat people never complained, never said that they were not treated justly. I do not know what the cause of their grievance is.

When they wanted a big university, they themselves thought of Poona as their cultural seat and their capital. They wanted to make Poona the capital. They asked for a separate university. Now, they say that their culture is in the city

[Shrimati Jayashri]

of Bombay. Bombay culture is the joint culture of all the communities. In Bombay, we have got five lakhs of people from Uttar Bharat. We have got the Parsi community; we have got Muslims; we have got Christians. They all claim the city as their own. In the statistics that was taken of the students in the colleges there, it was found that 77 per cent of the students were non-Marathi-speaking. To say that this city should go to a unilingual State is doing injustice to the other communities. I would have advised my Maharashtra friends here to have accepted the bilingual State which would have thrived, flourished and would have been the pride of our nation. We all know that the city of Bombay was in the fore-front of our freedom movement. The Maharashtrais were also in the fore-front. But, I should like to say that the other communities also gave their best. Women, I know many of us, had gone to jail. We were imprisoned while picketing liquor shops. When Mahatma Gandhi went on the Dundel salt march, so many of us from Gujerat also went. So, it is common knowledge that Bombay State was in the fore-front of this freedom movement. It cannot be claimed that only Maharashtrais were there. The whole nation came forward in this movement. We are glad that we have got our freedom. After this great fight where we were all united, it is a very sad thing that, when the time has come for us to take the benefits of our freedom, we want to separate.

With regard to other things I would like to point out that in Gujerat also we find big lawyers like our late Mavalankar Sahib, who had a very good practice in Ahmedabad. Gujeratis are a generous people. They have never shown any feeling of disregard for the Maharashtrais. They have always welcomed them. They have generously helped the Maharashtrais in their institutions and also in their big schemes. If you take the case of Poona, you will see that we have got such colleges and institutions there like the Wadia College to which the Gujeratis have donated very generously. This kind of brotherly feeling was there all these years. It is very strange that all of a sudden they should look at the other communities as if they were strangers and they do not belong to the big State.

I would again appeal to our Maharashtra friends here to still think over this problem. If they are not satisfied

with having such a big Maharashtra State, at least they should be satisfied with having Bombay City in the Union territory where, I am sure, the Maharashtrais also will get all the benefits, they will have a majority of them in the services and other institutions and they will also get the benefit from the Union finances as other communities are going to derive. Therefore, I appeal to them to accept the Bill as it is.

पंडित सी० एन० मालवीय (रायसेन) : उपाध्यक्ष महोदय, इस कॉन्स्टिट्यूशन । नवें अमेंडमेंट के २३वें क्लॉज में यूनियन लिस्ट, स्टेट लिस्ट और कॉन्क्रेट लिस्ट को ऐंक्विजिशन एंड रिक्विजिशन बिल प्रावर्टी की हद्दी तक संशोधित किया जा रहा है । इस सम्बंध में मुझे यह निवेदन करना है कि हम सभी भारत की एकता पर जोर देते रहे हैं और भाषावार प्रांतों के बटवारे के कारण जो कुछ डर पैदा हुआ है उस को मिटाने के लिये हमने इस में एक योजना जोनल काउंसिल की रखी है और साथ ही साथ इस बात की भावना पर जोर दिया है कि हम ज्यादातर अलग अलग टुकड़ों के रूप में न सोचें बल्कि एक भारत के रूप में ही सोचें । ऐसी सूरत में यह प्रस्ताव करता हूँ कि सेलेक्ट कमेटी को इस वक्त यह मौका है कि स्टेट लिस्ट, यूनियन लिस्ट और कॉन्क्रेट लिस्ट तीनों को अच्छी तरह से देखें और रिवाइज करें । सिर्फ इसी बात पर नहीं बल्कि हमारी द्वितीय पंच वार्षिक योजना को ज्यादा कामयाब बनाने के लिये, विभिन्न स्टेट्स को एक में बांधने के लिये, और दूसरे सुधार के कार्य जो हैं, जिन में दिक्कत आती है, उसी तरह की दिक्कत जैसी कि लेंडरिक्विजिशन और ऐंक्विजिशन में आती है, उन दिक्कतों को सामने रख कर, इस विधेयक पर विचार करें । इस वक्त समय नहीं है मैं कि विस्तारपूर्वक तमाम बातें हाउस के सामने रख सकूँ इस लिये मैं यही कहना चाहता हूँ कि सेलेक्ट कमेटी और हमारे होम मिनिस्टर साहब खास तौर से इस चीज के ऊपर गौर करें कि ऐसे और भी दूसरे विषय हैं जो यूनियन लिस्ट और स्टेट लिस्ट से अलग अलग हैं, उन को जहाँ तक हो सके कॉन्क्रेट लिस्ट में लाने का प्रयत्न किया जाये, और जिस भावना को ले कर हम चल रहे हैं उस में हमें उस से मदद मिलेगी ।

हालांकि मैं भाषावार प्रांतों का हामी हूँ और मुझे अभी तक कोई दलील ऐसी नहीं बताई गई है जिस के कारण मैं यह सोचूँ कि भाषावार प्रांत के बटवारे से भारतीय जनता अलग अलग होती है या भारत के टुकड़े टुकड़े होते हैं खुद हमारा

यह स्टेट्स रिआर्गनाइजेशन बिल अगर कांस्टिट्यूशन एक्टमें बिल ईस बात की दलील है कि भाषावार प्रान्तों की जीत हुई में इस सम्बन्ध में पंजाब के अकाली भाइयों को और वहां के दूसरे निवासियों को मुबारकबाद देना चाहता हूँ इस लिये कि जब एस०आर०सी० की रिपोर्ट सामने आई सबसे ज्यादा खतरा पंजाब में नजर आता था क्यों कि यह एक बार्डर स्टेट है और हर समय यही कहा जाता था कि आखिर वहां पर क्या होगा। लेकिन बम्बई के सम्बन्ध में यह ब्याल भी नहीं था कि वहां इस प्रकार की घटनायें घट जायेंगी, मगर वहां एसी घटनायें घटीं जिन से हर भारतीय के रोंगटे खड़े हो गये में कहना चाहता हूँ कि पंजाब के भाइयों ने हिन्दुस्तान के सामने एक रास्ता खोला। अच्छा होता कि उन्हीं लाइन्स के ऊपर बम्बई और गुजरात का भी कुछ फंसला हुआ होता बम्बई की प्रगति और उस के विकास को तस्वीर हमारे सामने दो ही रूपों में आती है। या तो वह ब्राईलिंग्वल स्टेट बने और बम्बई उस की राजधानी हो या फिर बम्बई पर चूकि महाराष्ट्र का हक है इस लिये उस को महाराष्ट्र के साथ ही जाना चाहिये और मुझे पूरा विश्वास है कि वह महाराष्ट्र के साथ जायगी। आज मेरी समझ में यह बात हगिज नहीं आती कि क्यों यह बात समझी नहीं जाती कि अगर सूरत के भाइयों ने और पारसियों ने वहां पर अपना पैसा लगा कर एक छोटे से गांव आज की बम्बई बनाया है तो महाराष्ट्र और वहां के आस पास के मजदूरों का खून और पसीना वहां की सड़कों और वहां की बड़ी बड़ी इमारतों में नजर आ रहा है। आज कोई वजह नहीं मालूम होती है कि यह दोनों वहां पर मिल कर क्यों नहीं रह सकते हैं। मुझे यह भी याद है कि महाराष्ट्र के भाइयों ने नान महाराष्ट्रियन्स की यह आफर दिया कि अगर तुमको महाराष्ट्रियों पर भरोसा नहीं है तो महाराष्ट्रवाले तुम को ब्लैक चैक देने में तैयार हैं। तुम क्या क्या सेफगार्ड्स चाहते हो उन सब को तुम ले लो हम यह मामला तय करने को तैयार हैं।

यहां पर यह बात भी आई थी कि विदभं को शामिल कर के गुजरात और महाराष्ट्र को मिला दिया जाय। इस के लिये मैं कहता हूँ कि इस को गुजराती और महाराष्ट्री भाइयों को मान लेना चाहिये। यह ठीक नहीं है कि इस में माइनारिटी और मेजायरीटी का सबाल पैदा किया जाय, जब दोनों भाई हमेशा से मिल कर रहे

हैं तो अब भी वह मिलकर क्यों नहीं रह सकते। इस लिये विदभं को मिला कर अगर बार्डरिंग्वल स्टेट बना दी जाती है तो कोई हर्ज नहीं है। लेकिन इस को भी नहीं माना गया। अगर हम इस चीज में विश्वास करते हैं कि जनता की आवाज भी कोई चीज है तो आपको आवाजे खल्क को नक्करे खुदा समझ कर बम्बई को महाराष्ट्र को देना ही होगा। किमी सूरत में भी आप बम्बई को गुजरात के साथ नहीं मिला सकते।

अब जो यहां पर यह मांग की गई है कि विन्ध्य प्रदेश को यू० पी० में शामिल किया जाए, इसके बारे में मैं थोड़ा सा कहना चाहता हूँ। जब एक बार फंसला हो चुका है कि विन्ध्य प्रदेश को मध्य प्रदेश में मिलाया जाएगा तो मेरी समझ में नहीं आता कि बार बार क्यों यह मांग दोहराई जाती है कि इसे उत्तर प्रदेश में मिला दिया जाए। इस मामले पर विस्तार से बहस हो चुकी है और अब जबकि एक फंसले पर पहुंचा जा चुका है तो फिर दुबारा क्यों उस मसले को खोला जा रहा है। मैं पूछता हूँ कि क्या आखिर हम किसी फंसले पर पहुंचेंगे भी? क्या यह चीज कहीं खत्म होगी भी?

पंडित के० सी० शर्मा : बघेलखण्ड के लोग खुद आना चाहते हैं।

पंडित सी० एन० मालवीय : जब आप यदि कहते हैं कि बघेलखण्ड के लोग खुद आना चाहते हैं तो मैं आपसे कहता हूँ कि आप हिस्टर को देखिये। अगर आप हिस्टरी को देखेंगे तो आपको पता चलेगा कि पूरे सेंट्रल इंडिया एजेंसी में.....

उपाध्यक्ष महोदय : वे खुद आना चाहते हैं या नहीं, इसका फंसला आपस में यहां पर न कर लीजिये।

पंडित सी० एन० मालवीय : अगर वे खुद आना चाहते हैं तो मुझे कोई एतरा नहीं है। अगर आप और आगे बढ़ना चाहते हैं तो मैं आपसे कहता हूँ कि आप मध्य प्रदेश को भी यू० पी० में मिला दीजिये और दोनों को मिलाकर एक स्टेट बना दीजिये, इसमें मुझे बड़ी खुशी होगी। मुझे डर सिर्फ इतना है कि कहीं आपका शरीर इतना न फँल जाए कि उसके फटने की किसी वक्त नौबत आ जाए। अपनी तरफ से मैं यह कहता हूँ कि हमें इस में कोई एतराज नहीं है।

[पंडित सी० एन० मालवीय]

यह दलील दी गई है कि साहब वहां पर खनिज पदार्थ बहुत हैं। अगर वहां पर खनिज पदार्थ बहुत बड़ी मात्रा में हैं तो मैं आपसे पूछता हूँ कि वहां के खनिज पदार्थ और आपके यहां के कृषि पदार्थ यह दोनों ईस्ट और वेस्ट पाकिस्तान की तरह से नहीं हैं कि इन का लाभ ही न उठाया जा सकता हो। इस वास्ते में चाहता हूँ कि इन छोटी छोटी बातों पर अब हम अपनी शक्ति जाया नहीं करनी चाहिए। अब इन मसलों को तय हुआ हमें समझना चाहिये।

क्योंकी समय बहुत थोड़ा है इस वास्ते अब मैं एक दसरी बात पर आता हूँ। अभी हाई कोर्ट जजेज के बारे में और उनकी तनखाह के बारे में बोगावत साहब ने एक तजवीज पेश की जिस में मैं सहमत नहीं हूँ। मैं आज देखता हूँ कि मन्केटरिएट में बड़े बड़े अफसरों को चार चार हजार माहवार तनखाह मिलती है। जब ऐसी बात है तो क्या बजह है कि जजों को कम तनखाह दी जाए। उनको भी जो हाइएस्ट तनखाह हो सकती है वह मिलनी चाहिए। मैं नहीं चाहता हूँ कि उनको ३,५०० और २,५०० रुपया माहवार तनखाह दी जाये जब की औरों को चार चार हजार रुपया माहवार तनखाह दी जाती है। हाँ अगर आप सब की नखाहें घटाते हैं तो फिर अगर आप जजों की तनखाहें भी घटा दे तो मुझे इसमें कोई इतराज नहीं होगा। मैं यह भी चाहता हूँ कि जितने भी हाई कोर्ट्स के जजिम हैं उन सब की तनखाहें एक जैसी होना चाहिये और इस बिल में स्टेट वार्डिज तनखाहों की जो बात रखी गई है वह नहीं होनी चाहिए।

एक और चीज जो मैं अर्ज करना चाहता हूँ वह यह है कि सिलेक्ट कमिटी इस कानून के अन्दर कोई ऐसी तजवीज रखे जिस में कि जो हाई कोर्ट जजिस हैं और जो रिटायर हो चुके हैं उनको फिर से नौकर न रखा जाए, और उनको एक्स्टेंशन न दी जाए। इससे न्याय देने के ऊपर अच्छा असर नहीं पड़ता है। उनको इस तरह की फिक्क रहती है कि किसी न किसी तरीके से उनको नौकरी मिल जाए जो कि अच्छी बात नहीं है। इस वास्ते में चाहता हूँ कि सिलेक्ट कमिटी इस पर भी विचार कर लें और तनखाहों के बारे में किसी तरह का डिस-क्रिमिनेशन नहीं होना चाहिए और उनको हाइएस्ट तनखाह मिलनी चाहिए।

अब मुझे माइनोरीटीज के सेफ गार्ड्स के बारे में थोड़ा मा कहना है। इस बिल में उनके

लिए प्राइमरी एजुकेशन तक ही सेफगार्ड की बात रखी गई है, इसको मैं काफी नहीं समझता हूँ। माइनोरीटीज को सेफगार्ड्स देने के बारे में हमें और आगे बढ़ना चाहिए। मैं चाहता हूँ कि यह जो एमेंडिंग बिल रखा गया है इसमें और ज्यादा गौर करके कुछ और चीजें माइनो-रिटीज के सेफगार्ड के लिए रखनी चाहिए। मैं यह इसलिए कहता हूँ कि छोटी छोटी बातें कभी कभी बड़ी बन जाती हैं और ऐसी मांगें बाद में जाकर पेश होने लग जाती हैं, जिन से कि रियासतों के टुकड़े होते हैं। इस वास्ते यह जो प्राइमरी एजुकेशन की बात रखी गई है इसका कुछ मतलब नहीं है। हमें माइनोरीटीज को तरक्की करने के पूरे पूरे मौके देने चाहिए ताकि आगे चल कर वे किसी भी कम्प्रीशन में बैठ कर कम्पिट कर सकें। किसी को थोड़ी सी सेफगार्ड्स दे देने में काम नहीं चलता है। हमें चाहिए कि हम उन्हें निव्विध आगे बढ़ने का मौका दे ताकि वे अपनी जिदमी अच्छी तरह से बसर कर सकें। उन की जितनी भी जायज शिकायतें हैं उनको हमें सुनना चाहियें और उन्हें दूर करने की कोशिश करनी चाहिए। मैं चाहता हूँ कि उनको सैंकेंडरी स्टेज तक उनकी मातृभाषा में ही शिक्षा दी जाए।

अब मैं उर्दू पर आता हूँ।

मैं यह चाहता हूँ कि आप इस भाषा की तरफ भी ध्यान दें। यह भाषा भी हिन्दुस्तान की भाषा है। यह ठीक है कि पाकिस्तान ने अपने यहां इस भाषा को रखा है आज यह कहा जाता है चूकि अंगरेजी एक इंटरनेशनल भाषा है इस वास्ते हमें इसे अपने यहां रख रहे हैं। मैं आपको बतलाना चाहता हूँ कि उर्दू भाषा के सम्बन्ध में भी यही बात लागू होती है। जिस मन्क्रीट में यह भाषा लिखी जाती है उसे कई देश समझते हैं और उनमें इरान, अफगानिस्तान, पाकिस्तान इत्यादि कई देश हैं जिनके साथ आप रावता कायम रख सकते हैं। इस बायते में आपसे प्रार्थना करता हूँ कि इस तरह भी खास तौर से ध्यान दिया जाय और जो लोग उर्दू पढ़ना चाहते हैं उनके लिए आपको इस भाषा को पढ़ाने का खास इंतजाम करना चाहिए। साथ ही साथ आपको हर सम्भव कदम उर्दू भाषा को तरक्की देने के लिये उठाना चाहिए ताकि हमें यह कहने में फर्र हो सके कि इस भाषा के विकास में हमने मदद दी है और इसके पनपने में हर प्रकार की मद्दलियतें हमने दी हैं।

उपाध्यक्ष महोदय, अब मैं सिर्फ एक बात और कहना चाहता हूँ और वह है.....

उपाध्यक्ष महोदय, : अब और कुछ कहनेकी इजाजत नहीं दी जा सकती।

Shri Tek Chand : Mr. Deputy-Speaker I propose to take my cue from your observations and thereby avoid overlapping matters which were already the subject-matter of debate in the preceding Bill. I propose to focus the attention of the Government with regard to those matters which are covered by Chapter V of the Constitution, those which relate to High Courts.

Very often, the importance of the High Courts is not realised to the fullest. If defence is necessary to safeguard our liberty from external aggression, these High Courts are no less important because they are the bastions of our civil rights and civil liberties. The moment there is any violation of our civil rights, the moment our civil liberties are in jeopardy either from any individual or group of individuals or from larger numbers, it is these judicial tribunals, particularly the High Courts where a citizen goes to get justice, where the yardstick is not policy, not prejudice, but the yardstick is rule of law. These are the fountains of justice which must remain unsullied, un-contaminated and must serve the public in the best interests of law, and in the best interests of justice. This Bill proposes certain laudable changes with respect to High Courts. One of the changes that is considered in the Bill is that there should be fewer High Courts, but bigger High Courts. Bigger High Courts attract to themselves automatically greater talents, not only at the Bar, but also on the Bench. When there are bigger High Courts, there is clash of intellect and in that clash of intellect, you get the best out of the brain. It is for this reason that where the Presidency

High Courts or larger High Courts lay down precedents and case law, they are avidly examined with respect and care and followed by other High Courts.

One matter that has been contemplated in the Bill, which is a very welcome measure, is regarding the transfer of Judges. Not only from the point of view of oneness of the country, not only because it will be conducive to the unity of the country in a greater measure, it will also be extremely desirable that talented Judges from the various High Courts should be interchanged for a few years so that they may be in a position to project their learning and also imbibe something of the local or provincial law.

Mr. Deputy-Speaker : The hon. Member may continue tomorrow. There is a message to be read by the Secretary.

MESSAGE FROM RAJYA SABHA

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

"In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the appropriation (No. 2) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 21st April, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

5-30 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Friday the 27th April, 1956.