

**NOTIFICATIONS ISSUED UNDER ESSENTIAL
COMMODITIES ACT**

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): I beg to lay on the Table, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, a copy of each of the following Notifications:—

- (i) G.S.R. No. 951 dated the 17th August, 1959 making certain further amendment to the West Bengal Rice (Movement Control) Order, 1958. [Placed in Library. See No. LT-1576/59].
- (ii) G.S.R. No. 971 dated the 22nd August, 1959 making certain further amendment to the Uttar Pradesh Foodgrains (Restrictions on Border Movement) Order, 1959. [Placed in Library. See No. LT-1577/59].

12.00 hrs.

**RE: MOTIONS FOR ADJOURNMENT
—Contd.**

श्री सरजू पांडे : अध्यक्ष महोदय, मैं एक व्यवस्था का प्रश्न उठाना चाहता हूँ। इस सत्रावधि में मेरा यह कहना है कि कई बार इस तरह के प्रस्ताव आते हैं। अब अगर इस सदन के किमी माननीय सदस्य के पास इस किस्म के सबूत मौजूद हों कि अमुक राज्य सरकार हिन्दुस्तान के विधान को बाफ़ेस करती है, अंग करती है और तोड़ती है तो वह सदस्य उस को इस सदन में उठा सकता है कि नहीं। अब मेरे पास ऐसे सबूत हैं कि उत्तर प्रदेश की सरकार ने विधान की मान्यताओं को तोड़ा है और इस तरह के कार्य कर रही है और मेरा उस के खिलाफ़ चार्ज है कि वह संविधान के मुताबिक़ ग़ासन नहीं कर रही है। ऐसी दशा में लोगों को यह प्रश्न उठाने की इजाज़त दी जायेगी या नहीं ?

Mr. Speaker: A point of order has been raised. If an hon. Member feels that a State Government has contravened any provisions of the

Constitution, is it open to him to raise it by way of an adjournment motion here? I think that is the point of order, if I have understood him correctly. If any Government breaks the Constitution, there are constitutional remedies. They can go to the Supreme Court. There are also other ways of doing it, as has been done in some other cases. It is not by way of an adjournment motion that it has to be brought up here. If sufficient opportunity must be given to the House, it is not to be raised here by way of an adjournment motion. We have no appellate jurisdiction here over any State.

श्री सरजू पांडे : अध्यक्ष महोदय, मैं यह जानना चाहता हूँ कि क्या कोई ऐसा विधान नहीं है कि जब कोई राज्य सरकार संविधान की मान्यताओं को तोड़ती हो तो यह सदन उस पर विचार कर सके ? अगर इस सदन के किसी माननीय सदस्य के पास इन बात के प्रमाण मौजूद हों कि किसी राज्य सरकार ने संविधान का उल्लंघन किया हो तो यह सदन क्या करे और वह इस सदन में उपस्थित कर सकता है या नहीं। मैं इस पर आप की कृपया चाहना हूँ।

Mr. Speaker: I have given my ruling. He is only repeating what he has stated already. I have given my ruling, that we have no appellate jurisdiction over any State Government.

श्री सरजू पांडे : मैं भी इस सदन का परित्याग करना हूँ।

(Shri Sarju Pandey then left the House)

12-12 hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government business

in this House for the next week will consist of:

- (1) Consideration of any item of business carried over from today's Order Paper;
- (2) Consideration and passing of the Andhra Pradesh and Madras (Alteration in Boundaries) Bill, 1959.
- (3) Discussion and voting of—
Demands for Excess Grants (Delhi) for 1956-57;
Demands for Excess Grants (Himachal Pradesh) for 1956-57;
- (4) Further consideration of the motion moved by Shri Ram Krishan Gupta on 27th August, 1959, regarding Fourteenth Report of Law Commission at 3 P.M. on Monday, August 31.
- (5) Discussion of the Report of the Committee of Parliament on Official Language on a motion to be moved by the Minister for Home Affairs on Wednesday, September 2, after disposal of questions, and
- (6) Discussion of Vivian Bose Board of Inquiry's Report of the Life Insurance Corporation Inquiry, the Advice of the Union Public Service Commission thereon and Government of India Resolution dated the 27th May, 1959, on a motion to be moved by Shri Harish Chandra Mathur and others on Friday, September 4, after disposal of questions

Shri Nagi Reddy (Anantapur): May I know what time has been allotted for discussion of the Vivian Bose Board of Inquiry's Report?

Shri Satya Narayan Sinha: It is a No-day-yet-named Motion, and 2½ hours are allotted for such motions.

Shri Vajpayee (Balrampur): Sir, it was suggested that the Government themselves may bring up a motion so that a whole day may be allotted for discussion.

Mr. Speaker: Is the Government of its own accord bringing up a motion?

Shri Satya Narayan Sinha: We made it clear the other day in the Business Advisory Committee that we had accepted a motion tabled by a private Member

Shri Nagi Reddy: In which case Sir, may I request that the time allotted may be more than 2½ hours, because otherwise we cannot fully discuss this important matter?

Mr. Speaker: We have not yet allotted any time. The Business Advisory Committee consists of representatives of all parties and groups. Whichever matter is not taken up by the Government itself, that matter will come up as a motion in the name of a non-official Member. We will allot time for that also. Any hon. Member can make a representation at that time regarding the quantum of time that is necessary.

Shri Feroze Gandhi (Rai Bareilly): I only wanted to suggest that 2½ hours would be very insufficient for this discussion. At least 5 hours may be allotted.

Mr. Speaker: When we allot time we will consider that question.

Shri Satya Narayan Sinha: For the motion regarding increase in food prices tabled by a private Member we allotted 5 hours. Therefore, the House can do as it likes.

Shri Ranga (Tenali): Sir, in regard to the proposed discussion of the question of boundary dispute between Andhra and Madras, I learn that some of our Members have already addressed a letter to you and also to the hon. Home Minister asking for additional information to be supplied to Members of this House before that discussion is taken up. May I request

[Shri Ranga]

you, Sir, to see that this discussion is postponed for at least a week, if not for a longer period, until the Members of the House are supplied with the information that is asked for, through, you, Sir, and also through the Home Minister, from the Andhra Government as well as other concerned authorities.

Mr Speaker: I will consider that they have asked for the supply of a copy of the latest survey plan which gives the boundaries on the ground that the original plan that was looked into by Shri Pataskar does not show any contours, configurations and so on. I will certainly ask the Home Minister to supply a copy of the latest survey plan which is the authentic plan. I will pass on this information to the hon Home Minister. He will try to get a copy of the survey plan, the proceedings which they wanted, the arguments for and against in relation to the plan that were submitted etc—whatever paper has not yet been placed before the House. I will look into it and inform the Home Minister.

The Minister of State in the Ministry of Home Affairs (Shri Datar): After I receive the letter from you, Sir, I will see whether there are any papers which have got to be produced or given to hon Members. In the meanwhile, what is your order, Sir, so far as this Bill is concerned? Will it be taken up on Monday?

Shri Ranga: May I be permitted to submit, Sir, that after all there is no special urgency regarding this that it should be decided here and now in this session alone. If necessary, would it not be proper and in the interests of all concerned, if Government are not able to supply all those papers that we have asked for, to take up this question in the next session?

Shri Palaniyandy (Perambalur): When the two Governments have agreed, where is the necessity to postpone it?

Shri Heda (Nizamabad): Sir, the latest survey map is very essential

because it is authoritative and prepared under a particular Act of the Government of India. It gives the correct boundaries. The map on which Shri Pataskar has based his report does not give the correct boundaries, and a petition has been filed here in which not less than 82 villages have been disputed. Therefore, it is necessary that this authoritative survey map is produced and we are able to compare the two maps.

Pandit Thakur Das Bhargava (Hissar): Sir, about two or three days back, I made an application to you and sent a copy of the same to the hon Home Minister, submitting that some document should be called here so that we may be able to have full information in regard to this Bill. It appears that, as a matter of fact, the whole report of Shri Pataskar is based on a map which legally is inadmissible. But, at the same time, the difficulty is that the person who prepared the map said in his note that he has not given any area, any borders or any boundaries, so that only the numbers are noted on the map and along with the numbers the whole thing is coloured green with the result. It appears that it belongs to a particular State. That map is absolutely wrong; it is wrong in 82 places. I have seen the original survey plan, and a comparison of the two shows that there are mistakes in as many as 82 places. That map was objected to before Shri Pataskar, but he pointed out that that was the only map on the records and therefore, he could not ignore that map. The other map was not produced by the Andhra Government. Unless the survey map is here, because that was prepared by an order of the Government under Section 35 of the Act, we cannot know the fixed boundaries, fixed contiguities. Shri Pataskar himself has said that contiguity is inviolable. The only thing from which we can know the contiguity is the survey map. Unless the survey map is here, I am afraid the House will not be able to do justice while dealing with this Bill. Regarding all other documents,

you may or may not call for them, but the survey map is absolutely indispensable. In the absence of that map, we have nothing to act upon. The one map that is here is a disputed map and it is a wrong map. A map cannot be constructed by a person from the chits of census papers.

Therefore, my humble submission is that the map which is absolutely right or which is presumed to be right, because it has been made by the Survey Department of the Government of India, may be called for so that we may fully understand the position. Three lakhs of people are involved in Madras as well as Andhra States. I would beg of you to kindly see that the map at least should come before the House before we are asked to consider this Bill. In the absence of that map, I am afraid justice would not be done, and many people will feel that they have not been rightly dealt with by Parliament in the absence of the authoritative map.

Shri Viswanatha Reddy (Rajampet): Apart from the map, Sir, a debate took place both in the Madras Legislature as well as the Andhra Legislature on the specific question of the Pataskar Report. In addition to that, a debate on the Bill took place only a few days back. I understand that the debate on Pataskar's Report took place in both the legislatures about three months back. Copies of those debates must also be made available to this House in order to understand the problem.

Shri Thann Pillai (Tirunelveli): Sir, the whole reorganisation of the country took place without a map being called here. I would like to understand why a survey map is required for settling a dispute on which two Governments have agreed by exchange of villages. If there is a postponement for any other reason, we can understand it; but demanding a map saying that we are going to scrutinise the borders, boundaries and contours is extraordinary. We would like to know what is the other motive behind it.

Pandit Thakur Das Bhargava: There is no other motive. We stand by these three lakhs of people and we must give them justice. Parliament is the sole authority in this matter. States have got nothing to do with it. The State Governments and the State Legislatures have no authority in this matter. Kindly see article 3 of the Constitution. It is only this Parliament which can alter the boundaries. It is the Parliament that must see that the boundaries are altered rightly. Why should any person be afraid of the map, if it is prepared under the auspices of the survey department of the Government of India? Let the map come and let the facts be known. Then, we will be able to discuss it.

Mr. Speaker: It is true that during the long debate that took place on the States Reorganisation Bill, maps were not brought here. But I think there is some difference between that and this. At that time, it was a question of whole States; the question was not exactly how many villages should go to one side or to the other side. It was also definitely stated by the hon. Home Minister that with regard to border villages, there will be some other commissions or some other persons, wherever there is a dispute, to find out whether one village belongs to one linguistic area or the other. In pursuance of that, Shri Pataskar was asked to report. If a whole taluk has been put on one side or the other, this matter would not arise. But in the report, it appears that village after village was taken and considered on two principles, viz., what is the linguistic majority and whether it is contiguous or not. So, to find out whether it is contiguous to Tamil territory or Telegu territory, the boundary is necessary. There is a complaint that 80 villages which are contiguous to the Telugu territory have been wrongly included in the Tamil territory for want of the boundary. In the Pataskar report, boundaries are not given; mere numbers are given. Under those circumstances, in view of the fact that villages are included and apportioned,

[Mr. Speaker.]

and not taluks or districts or whole States, the survey plan becomes absolutely necessary. If the survey plan which is prepared by the Government and not by any other person is available, I do not see why it should not be produced.

Shri Thanu Pillai: Do the survey maps prepared by the Government show the language of the population?

Mr. Speaker: So far as language is concerned, it is clear from the census. The important question is the boundary, whether it adjoins one area or the other. The survey map will show that. The hon. Minister will try to get the survey map.

Shri Thirumala Rao (Kakinada): There is administrative usage going on for a number of years and for decades together, one particular taluk is administered by one State or the other. So, that map will not help in coming at the correct position.

Mr. Speaker: The question is about villages, not taluks.

Shri Thirumala Rao: Villages are included in taluks.

Mr. Speaker: I am afraid Shri Thirumala Rao has not followed the question. Notwithstanding the fact that they are in a taluk which belongs to the Andhra area, villages from that taluk have been given away to the Tamil area. If it were a whole taluk which should continue in the Telugu area because it has been apportioned to Andhra under the States Reorganisation Act, this question of Shri Pataskar being sent there would not arise at all. Notwithstanding the fact that these villages are in Telugu area attached to a Telugu district, on the ground that the majority of population is Tamil and they are adjoining Tamil area, they have been assigned to the Tamil area. The two principles considered were whether the majority of population is Tamil and whether they adjoin Tamil area. Apart from the question of population, the question of boundary

is absolutely necessary. They complain that 80 villages are inside the Telugu area, but unfortunately they have been joined in the Tamil area. So, this survey map is absolutely important.

I am not going to have further discussion on this. The hon. Minister will try to get the map as early as possible. As soon as the map and the other papers are placed before the House, the discussion will take place.

Pandit Thakur Das Bhargava: Then it cannot be taken up on Monday, because the map has to come from Hyderabad and all that. It may be taken up next week.

12.27 hrs.

**BUSINESS ADVISORY COMMITTEE
FORTY-SECOND REPORT**

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):
I beg to move:

"That this House agrees with the Forty-second Report of the Business Advisory Committee presented to the House on the 28th August, 1959."

Mr. Speaker: Motion moved:

"That this House agrees with the Forty-second Report of the Business Advisory Committee presented to the House on the 28th August, 1959."

Shri Nagi Reddy (Anantapur): I had raised this question previously also, whether there is going to be a discussion on the papers that have been laid on the Table of the House on the so-called Mathai affair, because that is a very important matter, which has been in the public eye for a very long time and that report has not been discussed in the House at all. I request that before this session closes, time may be allotted for it and it may be discussed on the floor of the House. I would like to know what the Business Advisory Committee would do in this matter.