

of the Estimates Committee on the Action taken by Government on the recommendations contained in the Thirty-eighth Report of the Estimates Committee (First Lok Sabha) on the Ministry of Community Development —C.P.A.—Part I.

12.04 hrs.

ANDHRA PRADESH AND MADRAS
(ALTERATION OF BOUNDARIES)
BILL—contd

Mr. Speaker: The House will now take up further consideration of the following mot on moved by Shri B N Datar on the 19th November, 1959, namely —

“That the Bill to provide for the alteration of boundaries of the States of Andhra Pradesh and Madras and for matters connected therewith be taken into consideration ”

Shri M. E. Masani (Ranchi—East)
Mr Speaker, this is a subject in which many of us have no personal or local interest and yet, Mr Bhargava, for instance has taken very active interest in the discussion of this Bill. It may be asked why should we bother about something that concerns a border between two States such as Madras and Andhra. The answer to that is that it would be wrong to think that the only people who are interested in matters of this kind are the peoples, and much less the Governments of the two States concerned. The territory of an Indian State is not the private property of a Government and the life and destinies of the human beings who inhabit this territory are a matter of common concern for every Member of this House, wherever he may come from. I do not think, therefore, that anyone like me who represents a constituency from Bihar or comes from Bombay need apologise for interesting himself in a general way with certain principles which seem to apply in this case .. (Interruptions)

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An Hon. Member: You represent Adivasis

Shri M. E. Masani: But they are not the only people. I say they are the common concern of everyone of us

Another consideration is the way in which hasty legislation is undertaken these days which one has watched for the last two years with some dismay. Bill after Bill is introduced which, on examination, is found to be ill-prepared, if not ill-conceived and these measures are rushed through only to be reopened within a few months or a couple of years. Too much of this kind of hasty legislation has been pushed through, and from what I have been able to gather from the previous debate and the papers, this Bill appears to be another example of the kind

12.07 hrs.

[MR DEPUTY-SPEAKER in the Chair]

It will be admitted that a change in the status quo in regard to the territories of a State should be undertaken only when there is a clear case and a strong case. Similarly, such changes should be undertaken after proper investigation of things and the preparations behind it. There must be a change based on principles and not on expediency, not on negotiations between two State Governments belonging to the same political party who may do a kind of a horse trading or barter between the parties concerned. That is why the Constitution has given the authority to this Parliament and not to the State legislatures to which my friend had adverted. Certainly the wishes of the legislatures are ascertained and I do not think that this House can lightly set aside those wishes. But this House has a right to consider whether those wishes have been adequately expressed, whether the whole thing has been gone through properly and whether

[Shri M R Masani]

there is a principle on which a decision of this House can be based We cannot surrender our authority to any two or three legislatures in this country belonging to the States

There are two matters of principle which appear to be questionable in this Bill One is that certain criteria have been followed only in the context of a boundary dispute between Madras and Andhra Pradesh as opposed to similar situations in other parts of the country I would like to suggest that the criteria in this respect should be of universal, all-India validity You cannot have one measuring yard in one case and another measuring yard for another The States Reorganisation Commission has in its report laid down certain criteria of general validity for this country and we should not depart from them lightheartedly, as we are apt to do in accepting this Bill without further scrutiny There are two such departures One is that the village has been made a unit to ascertain the linguistic preferences and origin of the people of that particular unit This appears to be a very fateful decision

Shri Nath Pai (Rajapur) That is the soundest principle we had

Shri M R. Masani: It is a matter for argument We find that in the report of the SRC, rather weighty arguments have been given against making the village a unit Let me read paragraphs 156-157 of that report.

"It follows from the acceptance of the doctrine of the homeland that the homeland itself should be demarcated with care, and it has accordingly been proposed that in determining the boundaries between linguistic groups the village should be taken as the unit In border villages generally the population is largely mixed If on the basis of the majority belonging to one language group, a village is separated from the administrative

unit to which it is now attached, then it follows that special provisions will have to be made to see that the language composition of such a village does not change at any future time This is obviously impossible in which is likely to be a dynamic economy

The idea that all people who speak the same language and constitute a majority, whether in a village or a taluk, should be attached to their homeland will do immense harm to our national growth and must, therefore, be rejected unequivocally " etc

These principles seem to go against the village as a unit In this Bill, it appears to me that on a first reading, as a student of the subject, there is little sound principle This House must be a little better satisfied than it is that the district or a larger administrative unit as a unit should be discarded in this manner

An Hon. Member: Why a "little"?

Shri M. R. Masani: My hon friend Pandit Thakur Das Bhargava or Shri Mohammed Imam has moved an amendment which if accepted, will mean that the House has not gone into this matter thoroughly enough and has not elicited public opinion adequately

An Hon. Member: The Swatantra Party'

Shri M. R. Masani: I can assure my hon friend that I do not know anything about this border nor am I interested one way or the other in the location of the border I am talking on the questions of large principle which seems to be involved The quantum of the majority is the other issue when a unit, whatever it is, is transferred from its existing territorial group to another

The Bill says that wherever there is 50 per cent plus one, then that becomes a majority and it should decide I believe that that is not a

sound principle. As you, Sir, know, when there is an equality of votes, you as the presiding authority, follow certain principles on which you cast the casting vote and one of the principles is that the *status quo* should not be disturbed unless a clear majority is there. Are we going to give a lone inhabitant in a village to make 50 per cent plus one the chance to decide that a whole group of human beings can be bodily lifted and transferred from the roots that they have to something else? It is obvious, therefore, that the majority has to be something more than a bare majority.

There again, the States Reorganisation Commission has adverted to this subject. This is what it says:

"It may also be recalled that, on the basis of the evidence tendered before it, the Dar Commission had come to the conclusion that it would not be proper to describe any area as unilingual unless the majority of one language spoken in that area was at least 70 per cent. and that any area below that should be considered as bilingual as the case may be. We are generally in agreement with the view," and so on.

Now, this again raises the question of 50 per cent majority which the Bill accepts; it is not adequate. There is no sanctity in figures, but two-thirds or 70 per cent would be a very much more reasonable figure. That is another aspect in which the Bill is not sound in principle.

I next come to another point—about the lack of evidence or of adequate case being made out for transferring a territory. The plans on which the present proposals are based are not complete or adequate. There has been no referendum to elicit the wishes of the people involved. Even the census figures of 1951, on which some reliance is partly put, are admitted to be incomplete and defective. Many people have not in-

dicated their language group. Many figures are missing. The thing is not in the form in which one can really say that a proper analysis has been made. Therefore, an officer to whom this task was appointed, namely, of going into the plans, has taken the liberty of supplementing the returns of the census. He has gone by the name of a family, the name indicating whether the family is of Tamil or Telugu origin. These are dangerous assumptions to make when transferring human beings from one Government or one State to another.

Then, again, how do you decide the boundaries of a village? There must be a proper survey made of this before you decide what the majority in a village wishes to have. An officer was given the authority to decide arbitrarily where a village ended and another started. By a slight shifting of the boundaries, it is obvious that a majority can be turned into a minority and *vice versa*. Therefore, there must be a properly authorised official census by an independent quasi-judicial body. It is only when a survey map is there, deciding where each village begins and ends, that the question of ascertaining the majority arises. But the map that is placed before us shows that the boundaries have been entirely arbitrarily drawn by one officer without let or hindrance, without supervision. No judicial mind has been brought to bear on the subject. It seems to me that the opportunities for gerry-mandering, for creating majorities, are endless in such a situation. I am not suggesting it was done, because I do not have enough material to judge. But I do feel that to accept such a thing arbitrarily and take the boundary of a village and take the village as a unit lends itself open to gross abuse.

I understand that even the Madras Government has admitted in certain cases that the boundaries were badly drawn and that they have rectified the mistakes. They have their boundaries rectified in three or four cases. For all we know, there are several

(Alteration of
Boundaries) Bill

[Shri M. R. Masani]

other cases where also these boundaries may not be sound. So, it seems to me that before the House is asked to pass this Bill finally, certain things need to be done.

One is that a proper survey map should be produced. I remember, on a previous occasion, the Speaker and the House directed that a certain map drawn up somewhere roundabout 1957-58 should be produced before this House, and I do not know what happened. As yet, that survey map is still not available. Some document exists which might throw light on the subject but which is perhaps being withheld from this House. If this is so, then certainly that document must first be produced. If that document does not exist, if there is some doubt about the validity of the document, then let a survey map be prepared under the authority of this House before we are asked to give our judgment. After that is done, let there be a fresh census.

It is possible for us to wait till the 1961 census, which is just round the corner. The heavens are not going to fall if this little matter is not adjusted till after the 1961 census. If, however, there is a general desire not to wait till 1961, let an *ad hoc* census be carried out. That was done in the case of Kerala. I am told it is a matter of a few months.

Therefore, in view of these considerations, I am inclined to think that the House will be well-advised to accept the amendment either of Shri Mohammed Imam for the circulation of this Bill or of Pandit Thakur Das Bhargava for the Bill being referred to a Joint Committee. Either of these alternatives will give us enough time for proper steps to be taken and for this House to be in a position really to apply its mind to it. Until that is done, I do not feel that this Bill should be allowed to be passed in its present form.

Pandit Thakur Das Bhargava:
(Hissar): Sir, may I raise point of

order? Last time, when this Bill was being considered, something out of this award was brought to your notice and some discrepancy was found to exist between the printed version of the award and the stencilled record. I have got the copy from which I read out extracts. The stencilled copy says that the memoranda are part of the award or the mediator's report. I got it from the library. Probably it was not published here by the Government of India. It was probably sent to this House either by the Madras State Government or the Andhra State Government. I cannot say which of them sent it. When the hon. Home Minister pointed out to me that in the printed record, the words quoted by me do not appear, I got rather ashamed and I thought I had committed a mistake in referring to a thing which does not exist. But, when I found that what I quoted existed in the copy which I had from the library, I took care to see whether there was any other discrepancy between the printed record and the stencilled copy.

I wish to bring to your notice that between the printed record and, the stencilled copy which I have taken from the library, there is another discrepancy. I would like to invite your attention to page 19 of the cyclostyled copy. There, we find the following:

"A copy of the letter and the map sent along with it is appended to this report".

Just as the two memoranda of the Madras Government and the Andhra Government are attached to this report, similarly, copies of the letter and the map are also said to have been appended to the report. But, in the printed record, I do not find those words. I have now got both the printed record as well as the cyclostyled copy. The printed record has probably been got printed by one of the two Governments—Andhra or Madras. But to my mind, it is quite

clear that these words are missing, and these words relate to a document. The one relates to a map and letter and another to two memoranda. These words could have been put in there only by Shri Pataskar and by nobody else. Only he could, do that. Then he says,

"It is not possible for me to mark this area on the combined big map of the border"

So, it appears that there is a discrepancy between the two. I feel the cyclostyled copy is more authentic. This has come from the library and not from any private source. So, as a matter of fact, what was contained in the cyclostyled copy appears to be quite correct. The hon. Speaker ordered in this House that all these documents including the two memoranda and the other memoranda which were produced before Shri Pataskar by interested persons, should be produced, but none of them has been so far produced. You were also pleased to state, Sir, that as the debate proceeds, we will see. We are practically completing this discussion on the consideration motion. This is the proper time that we should get all the documents. According to the Speaker's order, the plan should come. Even if the hon. Minister takes objection to the production of the two memoranda, as he seems to do on the ground that they are confidential, even then, it is a matter to be decided by you.

We want to have these two plans and the letters and memoranda of the two Governments, how they were reconciled, etc. You will be pleased to excuse me if I bring to your notice one thing more. This eye-sketch plan has been produced by the hon. Minister without our asking for it. At the bottom of the plan, these words are written: "Certain locations which have been wrongly located in the census plan." As against the numbers of the three villages are given, viz. 100, 96, 80, etc. I want to have

those maps and letters, because there are so many villages like that I have indicated 82. We want to know what was correct and what was not correct, what one Government represented and how the other Government behaved, whether the corrections have been really made or not, etc. This House must have all this knowledge and this knowledge cannot be had unless all those documents which the hon. Speaker ordered to be produced are produced. Our own memoranda and our own representations have not been produced. They are not confidential.

My humble submission is, I want your ruling whether all those documents should be brought here, and which is the right award. I wanted to see the original award. I wanted the library to give me the original award, but the original award is not in the library. The plan is not in the library, which was demarcated. We are discussing the subject without the original papers being here. I want your ruling whether the Government can withhold all these papers and yet the debate can proceed.

The Minister of State in the Ministry of Home Affairs (Shri Datar): It is entirely wrong to contend that Government have been keeping back any maps. In fact, after the debate started here, we had the matter clarified by the State Government. We have received a telegram from the State Government, where they say:

"Tiruttani taluk outline map prepared with reference to existing printed map. Thereafter deputy surveyors perambulated each village and marked its boundaries on the above map, though its location with reference to villages immediately adjoining this map 1" — 1 mile was verified independently by superior officer. It is known as eye-sketch map. .. Both Governments have accepted."

[Shri Datar]

May I further clarify that Mr. Pataskar gave a copy of his own award or report and along with it the two letters that he received from the State Governments and a map which had been given to him by the Madras Government. So far as that big map is concerned, it is produced in the library. Regarding the report, it is also produced in the library. So far as the two letters received from Madras and Andhra Pradesh are concerned they are confidential and I claim privilege that we cannot produce them in this House because in public interest, all confidential communications have to be preserved as they are and they cannot be disclosed.

Under these circumstances, my hon. friend is needlessly reiterating his contention that there is something which the Government have been withholding. That is not correct at all. In fact, as I have pointed out and read from what we have received from the State Government, the eye-sketch map was the only map that was prepared sometime after this and that map was given to us. A copy of the eye-sketch map is also produced here. Under these circumstances, I fail to understand what my hon. friend means by saying that we are withholding any document. We have produced the original map relied upon by Mr. Pataskar, the survey of 1935 and the booklet prepared by the officers for the purpose of indicating the languages in various villages. That book is also there. This map is there and the eye-sketch map has also been produced. So, we have not withheld anything except those two letters, which have to be treated as confidential.

Mr. Deputy-Speaker: There are three points that have been raised in this point of order. One is that maps are not being produced. The second is that the reports of the State Governments of Andhra Pradesh and Madras that were attached to the report are not being produced. The

third is that there are some inconsistencies between the cyclostyled copy and the printed copy of the report that are there and that the original copy is not being produced.

Pandit Thakur Das Bhargava: The memoranda produced by interested people are not being produced here.

Mr. Deputy-Speaker: I wrongly named them as reports; they are memoranda.

Pandit Thakur Das Bhargava: Apart from the memoranda submitted by the two Governments, interested people produced many documents before Mr. Pataskar. They have not been produced here.

Mr. Deputy-Speaker: So far as I can make out, there are three things. So far as the maps are concerned, the Government says they have produced the 1935 map. In my opinion, no impression should be given to the Members that something is being suppressed. If there is a map, even though it may not be of much use and it might not be a complete map, ought to have been placed before the Members, so that the Members may look into it and argue according to that. Members have to take their own decisions.

So far as privilege in public interest is concerned, perhaps under rule 368, I will not be able to insist upon their production, if the Minister claims privilege for those documents in public interest.

Regarding the third thing, my view is if really there is a discrepancy between the cyclostyled copy and the printed copy, all doubts should be set at rest by producing the original report by Mr. Pataskar himself. Why should not that be produced, so that all these doubts might be removed? In my opinion, there cannot be any secrecy about the original report by Mr. Pataskar. That should be produced, so that we might know whether there is any difference between the original copy and the printed copy, as is now being alleged.

Shri Datar: So far as Pataskar's report is concerned I have also got a cyclostyled copy, as my hon friend, and one that was placed in the library. Therefore, let us accept the cyclo-styled copy as the correct one. So far as the cyclostyléd copy and the printed copy are concerned, only one sentence is missing.

Mr. Deputy-Speaker: Now he is pointing out the second one as well. Two other documents.

Shri Datar: We have not received those documents, that is my difficulty. We have not received anything at all, and I may assure you that we have no desire to withhold any document.

Pandit Thakur Das Bhargava: It is accepted that so far as the Minister is concerned, he has no desire to withhold anything.

Shri N. R. Muniswamy (Vellore): What I find is that he was given a copy at Madras by the Madras Government and by the Andhra Government later. With regard to the dispute I do not find any memorandum submitted to Pataskar.

Mr. Deputy-Speaker: Now we have decided that the cyclostyled copy shall be considered as the authoritative and authentic copy. Therefore, the hon Members shall refer to the contents of that copy. Now Pandit Thakur Das Bhargava points out that there are two differences—two documents. So far as the claim of the Government about the secrecy of those documents and privilege about them, are concerned, I am afraid I might not be able to interfere in that, under rule 368, the proviso of which reads

“Provide that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest.”

In that case, I might not be able to interfere in that. But what I wanted

to be clear about is this. Now that this report is before us, the hon Members shall argue on that and the map also. As far as the map is concerned, even though in the opinion of the Government, it may not be of much use to the Members, and they think that the decision has been arrived at on the basis of the 1935 map even then the impression should not be left that the Government was suppressing anything. That map might also be put up in the library.

Pandit Thakur Das Bhargava: May I respectfully point out that in the passage that I have read out there is a reference to the letter and map, and in the report they say they have appended it to the report. There is no privilege motion regarding those two documents—the map and the letter which I have just read out on page 19. He does not claim any privilege on those things.

Mr. Deputy-Speaker: Is privilege claimed on that?

Shri Datar: So far as that map is concerned, that map has already been produced.

Mr. Deputy-Speaker: Is that the map on which Shri Pataskar relied?

Shri Datar: That is the map on which Mr Pataskar relied.

Mr. Deputy-Speaker: What about the letter?

Shri Datar: So far as the copy of that letter is concerned, it is a letter from the Government of Madras. I do not think the hon Member has any use of that letter. I have no objection even to his seeing it. It has no bearing on the discussion at all. It says

“Andhra State—transfer of certain forest and poramboke land from Chittoor district to North Arcot District.”

It has no bearing on the present question.

Mr. Deputy-Speaker: My question would still be there. If the hon. Minister claims privilege, so far as that is concerned, I would not interfere. But, unless he does that, I will have to ask him to produce it.

Shri Datar: Inasmuch as I have claimed privilege with regard to two, I should like to claim privilege with regard to this. But I may point out to my hon. friend that it has nothing to do with this controversy.

Shri Nath Pai (Rajapur): I have very carefully listened to the marath speech made by Pandit Thakur Das Bhargava, ably assisted by Shri Masani and one does get the impression that after having accepted a cogent principle, the Government let loose an opportunity of rectifying some wrong, which was still left there by the report of the SRC. The Minister has gone out of his way, as far as I remember, at least on seven occasions during his long speech he mentioned that how the principles were agreed upon between the two parties. It was a very healthy thing that agreement was procured on the principles of solving these problems. But it is very unfortunate—and that is the impression that Pandit Thakur Das Bhargava produced on me—that these principles were not uniformly and consistently enforced, either by the arbitrator, or by the two Chief Ministers when they met, when they had an opportunity of applying in force these principles. A very good opportunity, therefore, I feel, has been lost, and I still feel myself that all material data, which this House is entitled to get in deciding an issue which the State Legislatures cannot decide and we alone can decide, have not been given.

But my real trouble with regard to this particular Bill is something beyond these two points, to which I have already made a reference, an opportunity lost of rectifying a wrong, not only in the case of Andhra,

where a consistent application of this principle would have removed the lacuna with regard to these 47 villages. There is no doubt about it, and I should be very glad to be persuaded by the Minister, that this is not the case. Pandit Thakur Das Bhargava has produced incontrovertible evidence that even a systematic, uniform and consistent application of this principle of village as a unit, would have resulted in the line being something different from what it has actually resolved into.

May I now come to something more important by way of principles? The SRC Report—and here I disagree with my friend, Shri Masani—had tried to uphold principles which had no kind of sanction in logic. Now, the district can never be a unit for deciding the borders between the two States. The district was not created by the then administration of India, the British administration, on the basis of any agency, either of convenience of people or of logic. How did a district come into existence? As the British went on extending their conquest, a district was formed. A district is not something which had any kind of criteria applied in its creation. Take the case of Belgaum district. There was no such thing as a district. They went on conquering the local territory from the different lords who had happened to be ruling there, and a district was created. The border was decided, not on any particular principle; they came face to face with Maratha princes there and that became the border. In spite of this history, the Trimurthi, who said that they would do what they like with the map of India, accepted the district as a basis for drawing the border. Shri Datar has been a great upholder of that, particularly because it suited his particular point of view in deciding this dispute. I, therefore, was very happy to see that he was laying stress on the new principle, that is, of the village. The Indian National Congress, which he represents here, and Mahatma Gandhi,

time without number, had laid down as the guiding principle if the linguistic map of India is to be re-drawn—that the village should be the basis, contiguity, majority and, of course, isolated pockets to be left out,—these four cogent principles which he is now pleading eloquently and to which, I hope, this House is going to give statutory sanction, will be applied

May I ask him why the House was not given a chance of having a consolidated Bill? Is this the only border question before the country or are there more? If that is so, and if we have got a solution on the basis of these principles here, what is it that is hindering the Government? Are we going to toy with re-drawing the map of India? Here was an opportunity given to us. Why did he lose this opportunity? Why did he not come to the House with a consolidated Bill in which the border questions between the other States also were there? He will now come with a reply—I know that in advance—that the two Chief Ministers have agreed, as if this is of very great consequence to this House. If we have a principle, let us be uniform in its application and let us try to resolve this problem

The SRC had stated in its report regarding other borders that it is a connected matter, and we cannot go in isolation, having one principle in dealing with the border between Tamilnad and Andhra, and other in dealing with the problem between Bombay and Mysore. We are to lay down some uniform principles and see that these principles are honestly applied, uniformly applied and universally applied in dealing with problems which are of a similar nature. Could he now honestly tell the House that the problem that Bombay and Mysore are now confronted with is in any way different from this problem? And when he is the sponsor of this Bill, in which these principles are applied, on what basis, what with justification is he denying the same

justice to the people of Bombay? I am not raising the plea on behalf of only Bombay

Mr. Deputy-Speaker: That is a hypothetical question at this moment. When these principles are departed from in those cases, then the hon Members might argue that already the House has decided upon certain principles and why they are being deviated from

Shri Nath Pai: I am coming to that. By the passage of this Bill by the House, these principles will have received statutory sanction

Mr. Deputy-Speaker: Does the hon Member say that the hon Home Minister should not pursue this principle?

Shri Nath Pai: He should. It is my cogent plea. It is my plea. It is my appeal to him. You have only put it in a very succinct form by asking me the question than I possibly could have succeeded in doing. I am asking him that now that we have departed from there—and we have departed, I think correctly, it is a great service to the country—all the blistering wounds that still remain can be healed and here is the occasion for bringing that healing touch

I will be failing in my duty if I do not say a word about Pandit Thakur Das Bhargava. I will be very brief. I have been very impressed by the marathon speech of Pandit Thakur Das Bhargava. The House owes a great debt to him. He has shown what a vigilant Member can do and how he can point out the lacunae and the injustice that is likely to be inflicted on the country as a whole and how the vigilance of a single Member can succeed in averting such kind of injustice being done to the people of the country at large

I will be asking the hon Minister about a committee that was supposed to be appointed to settle the dispute between the Mysore and Bombay administrations. You may ask me as to

[Shri Nath Pai]

why I come to that The reason is very simple We are today trying to do something that has been said by the SRC in its Report I am therefore fully on firm ground in raising the plea so that this House may not be asked innumerable times to have different principles on different occasions to suit the convenience of different State administrations The principles should be the same and should be rigidly applied everywhere wherever this House is called upon to deal with similar problems I therefore will be asking him as to what it is that is preventing him from taking a categorical stand when he, as the Home Minister, is concerned with it, that this shall be the principle between Orissa and Bihar, between Bombay and Mysore and between Maharashtra and Karnatak If he does that then only the House's time will have been adequately employed and we shall have been justified in giving our consent I do give my consent to the principle and I express my regret that they are not adequately enforced in the case of Andhra My even greater regret is that this Government is giving greater consideration to this administrative expediency than to upholding the right of a citizen Here is one more occasion when he can at least give a categorical assurance that whenever such an issue is before this House it is the rigid, sincere and honest adherence to these principles which will guide him in bringing the Bill and not convenience nor the so-called sanctity of the agreement between two Chief Ministers If this categorical assurance is given at least at this late stage, the House will be given an opportunity of rectifying the wrong which is causing much heartburn in many parts of the country

With these words I conclude hoping that he will be coming forth with an assurance of this kind

Some Hon Members rose—

Mr Deputy-Speaker: Normally, I should now call the hon Home Minister.

Shri Nagi Reddy (Anantapur): Nobody from out side has yet spoken.

Shri Khadilkar (Ahmednagar): I will not take long time

Mr Deputy-Speaker: Now, the House itself took the decision

Dr. Gangadhara Siva (Chittoor—Reserved—Sch Castes). I would like to inform you that not even a single Member from Andhra has been given a chance to explain

Mr. Deputy-Speaker: All right, I will call the hon Member also Hon Members will take five minutes each Shri Khadilkar

Shri Khadilkar: Mr Deputy-Speaker, Sir, unfortunately the last States' Re organisation Commission failed to apply its mind concerning the demarcation of boundaries between two States It applied one principle in one case, like that of Bombay and Mysore, and another principle in another case I have got to say with great regret that though the late Shri Fazl Ali had a judicious mind, more or less politics entered into the SRC's recommendations It is obvious from the Report itself At the outset I would like to congratulate Shri Pataskar He has laid down some principles because part of the States' re-organisation question is unsettled Why I say this is because when we were considering the formation of Samyukt Maharashtra

Shri Datar: May I correct the hon Member? Shri Pataskar did not lay down any principle

Shri Khadilkar: I am coming to that

Shri Nath Pai: But we are accepting that now

Mr. Deputy-Speaker: Whether he has laid down any principle or not, that opportunity is taken advantage of

Shri Datar: He has not laid down any.

Shri Nath Pai: Anyway the House is going to accept them and give statutory sanction to them. That is the important point.

Shri Khadilkar: When we were considering the question of the formation of Samyukt Maharashtra we gave serious thought to this problem because we never thought that this problem could be dealt with in a peaceful manner in free India. We have gone through the record of the League of Nations. I may point out to the hon. Home Minister that after the League of Nations was formed the small eastern states like Poland and Czechoslovakia and others were created and the question of boundaries and linguistic minorities were very prominent there. We have referred to the principles that they laid down and we have come to certain conclusions, which more or less corroborate what Shri Pataskar has said. I know from the Report itself—I have got the document and I have had a talk with Shri Pataskar—that these principles evolved, when the two Governments submitted their memoranda to him as a mediator, for future guidance and not only for settling one dispute. He was not so parochial. He thought—and thought correctly—that he must take a long-term view. There are other disputes also. So disputes should not be settled as far as possible on the basis of expediency, whether one *firqa* should go to Tamilnad or to Andhra. In this controversy it is a question of one *firqa* going this way or that. I think the mediator has given serious thought to it and after that, while applying the principle, he has tried to do justice to both the States concerned.

Therefore, while lending my full support to the Bill I want this House once and for all to remember that when this House decided about the bilingual State of Bombay the House failed in its duty because it never consulted the people of the States—

neither of Gujerat nor of Bombay. You took a decision unilaterally, undemocratically. Today you have come to grief and to your senses and you have got to reverse that decision. In this particular case, I support the Bill because it has a representative sanction behind it.

Mr. Deputy-Speaker: It is not fair to say that this House has come to its senses.

Shri Khadilkar: Excuse me.

Shri Nath Pai: He probably wanted to say the Government. He meant the Government.

Shri Khadilkar: It is not before the House as yet. I amend my statement. Thank you for the correction.

Therefore what I say is that this Bill that is coming before us is the beginning of a process. Andhra started the process of re-organisation of States. Now the process of border adjustment has again been started by Andhra and Madras where we first began that experiment in a hasty manner to some extent without proper and prior preparation. So many difficulties would have been avoided if our Government had given serious thought to this problem in all its aspects. But leaving that aside, once it has begun and once this House accepts this, whatever the measure about other boundaries that comes before the House, we, as the representatives of all India not looking to any particular interest or particular regions, will adhere to certain guiding principles that have been laid down. Fortunately, Madras and Andhra Governments agreed. Therefore Shri Pataskar could lay them down. Let us hope that wisdom will dawn on the hon. Home Minister, because he represents Mysore, when the question of Bombay and Mysore comes up and that he will not go back on these principles....

Shri Nath Pai: He cannot go back.

Shri Khadilkar: ...because the House has sanctioned them. On that

[Shri Khadilkar]

basis alone, I support the Bill I do realise that whatever is done .

Mr. Deputy-Speaker: On the one side the hon Member supports the Bill and wants that it is passed as early as possible and on the other side tells the House that if you do that you will be laying down principles that are yet to come

Shri Khadilkar: That will help the process I am helping the process of reorganisation which is remaining on the fringe, incomplete Let us do it and let us remove those spots of discontent in the country so that our energies will not be diverted to other causes

One more word and I will finish When I saw Pandit Thakur Das Bhargava speak at great length I really admired his energy at his age I also warned him particularly about his health He took such a deep interest in a problem with which he was not directly concerned But I admire one thing in him and that is that when any measure comes up before the House, he shows such vigilance that everything, every fact must come before the House, before the House takes a decision This is a good thing Therefore I congratulate him though I am unable to support his amendment because this matter must be once for all settled so that other pending matters would also be speedily settled

With these words I support the Bill

Mr. Deputy-Speaker: Congratulations for Pandit Thakur Dasji and vote for the other side Shri Nagi Reddy.

Shri Nagi Reddy: Mr Deputy-Speaker, Sir, I would like to remind the House of the Resolution that has been passed by the Andhra legislature on this particular Bill I would like to read the Resolution so that the House may be aware of the sentiments of that legislature before it takes a decision on this Bill.

"That the proposed Andhra Pradesh and Madras Bill, 1959, having been considered, this House approves this Bill with the following recommendations:

That as the border dispute ever the contiguous Telugu area of Hosur Taluk and portion of Vepanapalli Estate Firqa in Salem District has now been settled. . ."

"and as Shri H V. Pataaskar treating them as a trilingual area has clearly stated that the dispute regarding this area can be settled separately, this House reiterates its legitimate claims over this area, as well as Telugu villages in Gudiyattam Taluk in N A District in Madras State and Kolar District in Mysore State"

This resolution gives us the opinion of the Andhra legislature so far as this particular Bill is concerned because that House has unanimously accepted this Bill and having accepted the Bill they gave their opinion regarding the areas which are not the concern of this Bill at present

I am very thankful to the oldest Member of this House, Pandit Thakur Das Bhargava, for having put in such a clear and cogent way the expressions of some of the people of the Andhra border areas There is quite naturally heartburning on both sides It should be and it will be when a border is being demarcated, but unfortunately Andhra was not a separate entity in our history till 1953 I do remember that in 1936 when for the first time I came to the north I was asked as to who I was and I told them that I was an Andhra. I was immediately asked. Does it mean that you are a Madras? From the State from which we came we were called Madras, but then the Andhras have a separate entity. But then we lost our separate entity for centuries and quite naturally a lot of our areas also got mixed up with so many other States just as in Madras, or a few areas in Mysore, a few in Orissa, or

a few others in Madhya Pradesh and even in Maharashtra. That way we were dispersed in quite a number of other provinces. Now we are slowly trying to settle these problems once and for all so that we live as brethren for ever, so that these bickerings might not go on and continue for a long time.

The States Reorganisation Commission's Report has been accepted. It is in this spirit that we also accepted to abide by Shri Pataskar's award. It is in this spirit that the people of Andhra as a whole, all parties and all groups have accepted Shri Pataskar's award and the Bill that has been approved by us placed before the House. Therefore, I wish the House agrees to this Bill and passes it as early as possible.

Secondly, however well the principles may have been laid down, when we begin to apply the principles to a particular area, it is certainly possible that each will draw a different line. When there is a border, we must remember always that there will be Andhras in the Tamil area even after the borders have been drawn, and there will be Tamils in the Andhra area, however closely and clearly we draw the line. Therefore it becomes necessary for us to remember this and try to help the Tamilians in the Andhra area and the Andhras in the Tamilian area to, as far as possible, keep their linguistic traits even though they have become part and parcel of those areas. That should be the spirit in which we should try to solve these problems. Therefore, today's job is not a job of trying to put it back into the cauldron and see what happens.

I have seen with my own eyes the bitterness with which the people of the area have fought, not for one year, but from 1953 up till 1959, that is for six years. I wish the six years of bitterness end now. This should not be allowed to go on. Particularly, I would request the Members of the House to remember one thing. How-

ever well we may wish that all the areas should be developed, I may tell you that neither the Madras Government nor the Andhra Government are now interested in developing that area because nobody knows whether it will go to the other State, and so they think why they should spend money on roads or schools in that area. Therefore, who are the people who are losing the benefits of development? It is those people in the border areas who are losing them, and that is to the detriment of the nation as a whole, to the detriment of the States as well as to the people in general. I do not want this state of affairs to continue. Therefore it is I say that this should be accepted.

I would only request the Government in the end that this formula should be applied also to the other borders of Andhra Pradesh, and I am sure the people of Andhra and the Government of Andhra will be willing to settle these problems on the basis of this principle in a very peaceful and legitimate way and not quarrel over these things. The settlement of the Madras-Andhra border is, I should say, the right way of settling the problem, and I am sure these two Governments have shown the way to the other border problems to be settled. Just as the Andhras have shown the way to the formation of linguistic States, this is the proper way of settling the border problems, and I hope this will be taken advantage of by the Government and they will see to it that the other border problems of Andhra Pradesh will also be solved in the same way.

Mr. Deputy-Speaker: Shri Basappa. He may take five minutes.

Shri Basappa (Tiptur): Ten minutes at least.

Mr. Deputy-Speaker: Five. I will request him to be short because we are now already trespassing upon the allotted time.

Shri Basappa: The speeches of my friends Shri Khadilkar and Shri Nath

[Shri Basappa]

Pai have a much wider significance. Therefore, in the light of those observations, I would like to examine the principles underlying this award.

Shri T. B. Vittal Rao (Khammam): Why quarrel now on that?

Mr. Deputy-Speaker: We are not settling those disputes just today.

Shri Basappa: I understand that, but once we adopt certain principles in this House in respect of two States, naturally these principles will come up when we take up the boundary questions of others.

Mr. Deputy-Speaker: Then he can say that the principles applied to particular circumstances of an individual case.

Shri Basappa: Still I want to examine the principles on which this award is based. This House has expressed itself on the principles of the award, and therefore I would like to submit in the beginning itself that these principles are very controversial.

Shri T. B. Vittal Rao: No, no.

Shri Nagi Reddy: Not at all.

Shri T. B. Vittal Rao: His arguments are very weak.

Shri Basappa: I know this is a very controversial thing, and the very fact that our Speaker left the Chair shows that there are controversies in this Bill and therefore he thought that it was not wise to remain.

Again, even the hon. Minister who is moving this Bill knows its implications, and I would humbly request him to consider that this principle of the village unit is not going to rest here. It will take us very long, and it will take us into all kinds of disruptions in this country.

Shri T. B. Vittal Rao: Belgaum.

Shri Basappa: My hon. friend speaks of Belgaum. The Bill is going

to be accepted because the principles underlying this Bill were agreed to by the parties, but tomorrow the parties concerned might not agree, the two Governments concerned might not agree, and still ..

Shri Nagi Reddy: Parliament will agree.

Shri Basappa: The point will be made that the two Governments in the other case agreed, why not these two Governments agree here? These are certain handicaps in the way of this Bill being accepted in principle.

After all, even in respect of this award itself, what does the Andhra Government say? The report says:

"The Government of Andhra at a later stage (on 21st June 1956) also suggested to the Government of India to have the Madras-Andhra dispute considered along with the boundary disputes between Andhra and Orissa, Andhra and Mysore, and between other areas that may arise as a result of the general reorganisation of States carried out with reference to the recommendations of the States Reorganisation Commission. The Government of Andhra urged that the Madras-Andhra border dispute should not be treated as an isolated problem and that that dispute also should be settled on the basis of uniform principles which the Government of India should formulate for the settlement of all boundary issues existing or which may arise in future between the States in India."

This is what the Andhra Government has said.

Again, even Shri Pataskar has stated

"There is no agreement between Andhra and Madras about the basis of the settlement of any trilingual area. A triangular dispute regarding a trilingual area can be settled only at the instance of all the three parties."

So, in the light of these observations of Shri Pataskar, we cannot say that the Andhra Government or the Mysore Government or the Madras Government would be arriving at right conclusions. Hence, my submission is that the whole question should be decided for all the States together, and the *status quo* should be maintained at least till 1961 when a proper census could be made. After all, 1961 is not far off. And we know how the census figures have gone wrong in the past, and, therefore, with the object of having a correct view of the whole position, we could have a census conducted, and see that these things are settled all over India in a uniform way.

18 hrs.

Even the contiguity principle is given a sort of go-by here. The principle of 51 per cent *versus* 49 per cent is not also a healthy principle. The other day my hon friend Pandit Thakur Das Bhargava pointed out how even taking a village as the unit was wrong, he had pointed out how even the Tamilians were distributed wrongly. So, even the village unit principle is not a good principle which could be implemented. Considering all these aspects we see that it is very difficult to apply these principles in practice. Hence, the States Reorganisation Commission considered all these things and all these instances and said that village could not be the basis. Even the Dar Commission had come to the same conclusions.

As my hon friend Shri Nagi Reddy has said, there is no mutual agreement with regard to the trilingual area. In the trilingual area, the main thing is about Hosur. It is not contiguous with Andhra Pradesh, The Pa'askar Award itself says, so far as the linguistic composition is concerned, that next to the Andhras, the Kannada people are in a majority.

Shri Nagi Reddy: If we get the Telugu area of Mysore, it becomes contiguous to Hosur.

Mr. Deputy-Speaker: We are not deciding those issues now, and so they may not be referred to now.

Shri Basappa: Since Shri Pataskar himself says that the three parties concerned should arrive at an agreement in this matter, I would submit that all these questions along with the other border boundary questions in the whole of India should be considered together, and a consolidated Bill should be brought forward so that all these matters may be settled once and for all.

Dr. Gangadhara Siva: I rise to support and congratulate Pandit Thakur Das Bhargava, a senior-most learned and experienced Member of this House, who has put forth the claims of the Andhras in this boundary question, and pointed out the gross mistakes which have been committed by both officials and non-officials in this respect.

Ever since the infant Andhra State was formed, we have been harassed by the three neighbouring States, namely Mysore, Madras and Orissa. This has been just like a pincer movement applied in a strategic war. They have also supplied new maps. Perhaps, they might have copied this from our friend China, the ambitious China, which is putting the cart before the horse and drawing new maps with the territorial ambition of laying claim over the innocent borders of India.

Mr. Deputy-Speaker: The hon Member means to say that China has drawn inspiration from Andhra or Madras or that Andhra or Madras has drawn inspiration from China?

Dr. Gangadhara Siva: I would advise them not to copy this. This is not China. This is a domestic affair, and it is our hope that we can settle our affairs with the sane judgment of this learned Parliament in a proper perspective. I would like to ask my hon friend the Home Minister not to rush through this Bill in such a

[Dr Gangadhara Siva]

short time and see that this Bill is passed I do not mind, and we are even prepared, if we have to part with the whole of Andhra in favour of Madras but I want justice from this House

So far as the maps are concerned, I would like to show how they are wrong and I should like to fight out the statistical data Government have accepted taking the village as a unit, and 51 per cent population as the criterion, but the States Reorganisation Commission have stated that 70 per cent population should be taken as the basis and the taluk should be taken as the unit

In the 1931 census the Telugus and Tamils were equal in number In 1951 the Tamils were increased and the Telugus were considerably reduced This was nothing but manipulation The same 1951 census figures were considered in the year 1955 to decide the border problems between the two States But even here the special officer who was appointed for this purpose, reduced the Telugu population deliberately and increased the Tamil population according to the following figures In 1931, the total population was 1,98,455 The Telugus were 97,243, and the Tamils were 99,227 while the others were 1985 In 1951 the population was 2,32,941, and the Telugus were 1,02,585 and the Tamils were 1,21,989 while the others were 8,360 The 1951 census figures, when sorted in 1955 show the total population as 2,32,860, the Telugu population as 87,464, the Tamil population as 1,40,961 and the population of others as 4,455, thereby, the Telugu population has been decreased by 8½ per cent, while the Tamil population has been increased by about 8 per cent and that of the others has been decreased by 1½ per cent This shows that the Telugu population has been reduced by about 20,000 or so while the Tamil population has been increased by about 19,000 persons I do not know whether they were observing family planning or not

My third point is that Tiruttani taluk was under zamindari, and it was never surveyed, and therefore, there was no survey map for that area at all As the hon Minister has said, if the eye-sketch map of Tiruttani taluk brought by the Government of India is taken into consideration, as many as 120 villages would come to Andhra Pradesh But this has been deliberately omitted at page 27 of the Andhra Pradesh and Madras (Alteration of Boundaries) Bill They have deliberately omitted villages Nos 107 and 108, and also Nos 121 and 122 These ought to go to Andhra Pradesh

As per the Pataskar Award, accepted by both Governments 290 villages were given to Madras and 48 villages were retained in Andhra Pradesh But in this Bill before this House, we find that only 288 out of those 290 villages have been mentioned, and villages Nos 108 and 122 have been left out at page 27 of this Bill

Under these circumstances, I would request this House and the hon Minister to appoint an impartial committee consisting of representatives of other States, and one Andhra and one Tamilian, to investigate into this award and report to this House by February, 1960

Mr. Deputy-Speaker: Now, the hon Minister

Shri Nanjappa (Nilgiris) On a point of clarification

Mr. Deputy-Speaker: Now, I have called the hon Minister

Shri Nanjappa: I want only a few minutes I want to make certain clarifications on behalf of the Madras Government, and nothing more

Shri Datar: I think it is not necessary

Mr. Deputy-Speaker: Is the hon. Member affected by this boundary question?

Shri Nanjappa: I want to place certain facts on behalf of the Madras Government

Mr. Deputy-Speaker: Members from Madras have already spoken, and I had given chance to them I am sorry Now, it is too late So, I am calling the hon Minister

Shri Datar: Mr Deputy-Speaker, I have heard very carefully the arguments, the long arguments, advanced by my hon friend, Pandit Thakur Das Bhargava, as also certain general questions raised by other Members I should answer the latter first

There is considerable misapprehension in the minds of a number of people and therefore, I would make the position very clear so far as Government are concerned Now so far as the reorganisation of States was concerned, Government appointed a Commission and they have generally accepted their recommendations Their recommendations regarding reorganisation have been noted in paragraphs 291 and 298 of the States Reorganisation Commission's Report They stated that in all such cases, the linguistic principle was one along with certain other principles They laid down the doctrine that the district ought to be the unit and 70 per cent ought to be the minimum population for transferring it from one linguistic unit to another So so far as Government are concerned, this was the principle laid down in the States Reorganisation Commission's Report

We had a very long and exhaustive debate in both Houses of Parliament and ultimately Parliament also accepted this principle While the debate was going on, it was made clear that if at all there was to be any change, then the change could come only out of an agreement between the parties concerned Therefore, I would submit that this House has already taken a decision based on the recommendations of the States Reorganisation Commission.

Now, in this respect, so far as the Andhra State is concerned, may I in-

vite the attention of hon. Members to what the SRC have stated? Before that is appreciated, may I point out that the case of Andhra stood by itself? When the Andhra State was formed in 1953, the Prime Minister himself pointed out that the Andhra State was to consist of the undisputed portions of the Madras State and that the actual disputes in respect of the borders between the parties should be subsequently settled On that basis, the general principle laid down by the States Reorganisation Commission subsequently was not to apply That is the reason why in the SRC's Report also in paragraphs 395 and 396 they have dealt with the whole question and they have stated

"Some progress has now been made in this direction and the Madras-Andhra border disputes may be settled satisfactorily by negotiation between the two Governments We do not feel called upon, in these circumstances, to make any particular recommendation"

Thus the general decision has been clarified and the case of Andhra was treated as a case by itself Therefore, as I pointed out in my opening speech, immediately after the Andhra State was formed, with a view to find out the linguistic composition of the various villages, language slips were being collected and looked into, and the actual linguistic composition was found out by about the year 1955 This would be found in the brochure that has been published. Under these circumstances, inasmuch as the case of Andhra had to be dealt with on other basis than the one laid down by the SRC, the two State Governments came to an agreement I have made a reference to this agreement When two State Governments come to a particular agreement, that agreement is one which cannot be lightly brushed aside

A number of hon Members stated something about the State Govern-

[Shri Datar]

ments or the Chief Ministers That was entirely wrong and beside the point. The Chief Minister of a State is not an ordinary person. He is burdened with the responsibility of the administration of the whole State. He holds the office so long as he has the confidence of that particular State. That is the reason why the Chief Minister has to be considered as one representing or reflecting the wishes of the people concerned. That is the reason why the negotiations were going on, the language slips were being scrutinised by the two State Governments and they very wisely came to a conclusion that they should lay down a certain criterion or a set of criteria for approaching this question.

It was under these circumstances that these four principles were laid down as constituting the common criterion. It is thus that the principles of village as a unit 51 per cent as the population and all that mentioned have come into existence. Let my hon friends understand that this was a specific agreement between the two State Governments on which further action was taken by the two State Governments and by the mediator. If at all any other persons or States desire that they should have a different criterion, then when there is an agreed criterion, we are prepared to accept it. If there is no agreed criterion then naturally, the views of the SRC, as accepted by this House, are the final word. Let this position be understood very clearly. After all, we laid down this principle. As Shri Pataskar has himself rightly pointed out, the two are entirely different matters and one cannot be confused with the other. I would invite the attention of the House to page 10 of his Report where he has discussed the whole question, the approach of the States Reorganisation Commission, and the agreed criteria suggested by the Madras and Andhra Governments, and this is how he explains

"It will thus be seen that the criteria laid down by the States

Reorganisation Commission in their Report for the purpose of the reorganisation of States generally cannot have any bearing on the settlement of this particular dispute"

That was how these four principles, which were accepted by the two State Governments, came into operation. That was because we laid it down as a pattern that if the two State Governments agreed

Pandit Thakur Das Bhargava: With your permission, may I ask a question of the hon Minister? The principle of universal application is very important

Shri Datar: Let the hon Member not interrupt now. Let me complete my arguments here. He has had his full—more than his full

Mr Deputy-Speaker. If he is not yielding, what can I do?

Shri Datar. I am not yielding. I cannot be deflected from my arguments

Pandit Thakur Das Bhargava: It is with your permission

Mr. Deputy-Speaker. He might be allowed to continue now. When he has concluded I will allow the hon Member to ask questions

Shri Datar. What I was pointing out was that so far as Parliament was concerned, it was committed to a certain course of action based on the recommendations of the States Reorganisation Commission. Now, that did not apply in the case of Andhra, because the question had been left open and what was disputed had to be settled either by negotiation or by agreement or otherwise. Happily in this case, the two State Governments agreed upon a particular formula. That was the reason why Shri Pataskar was appointed as a mediator or, as Shri Sanjeeva Reddi has stated in the State Legislature, as an arbitrator informally. That was how

he put it, because the object was that when these four principles were given, they had to be duly worked upon and the boundaries settled. That was how Shri Pataskar came into the picture. I may point out here that that was the reason why these principles were accepted in this particular case

Some hon. Members have raised other questions. I will not go into them I may point out that so far as Parliament is concerned, it has settled the boundaries, after full consideration, of each of the States reorganised. If, however, the parties come to an agreement, then naturally that is a matter for consideration. In the absence of an agreement, it would be difficult to depart from what has been solemnly agreed upon by Parliament on the basis of the States Reorganisation Commission's Report. This was the reason why certain principles were laid down and Shri Pataskar worked them out.

In the course of his arguments he laid stress almost exclusively upon the principle of contiguity. If there was a Telugu village, he argued, all the villages surrounding that Telugu village in the Andhra State should be retained in that State and should not be given over to Madras. In this case, the two Chief Ministers have rightly pointed out that the criterion should be the totality of the considerations laid down and not one. One criterion is contiguity; the other is village as a unit and 50 per cent of its population. There is a last one which is the most important. If my hon. friend had taken that into account, at least three-fourths of his arguments would have been avoided. It has been stated that due consideration should be given to geographical features such as hills, forests and rivers as constituting the natural boundaries between the two States and the economic features such as irrigation sources and their ayacuts being in the same State.

So, when the matter was sent to Shri Pataskar, he had certain material before him. I shall show what that

material was, how that material was perfect and also how that material was made available to him. I shall then come to the needlessly vexed question of maps. In 1955 there was what was known as the general map, prepared by the Surveyor General of India. That map did not show the boundaries of the various villages. It was a map showing them at the district level but the villages had been located here and there. This particular taluk—Tiruttani taluk—was then in the combined or undivided Madras State. There were certain areas which were in the zamindari and they belonged to a famous Devasthanam in the Andhra State and they started a survey of one half of the portion in which the zamindari lands had been mainly situated. That map is now available and we have a clear demarcation of the villages in that map. So far as the other portion was concerned, it remained as it was. It showed the villages but did not show what may be called the boundaries in a properly demarcated form. Technically they say that there ought to have been what is known as the cadastral survey. So far as half the portion was concerned, there was this survey. On the basis of that map a bigger map was prepared and given to Shri Pataskar. Subsequently, we came to the census of 1951. When we had the census they had these maps, based on the earlier maps of the Surveyor General and others.

On the basis of these, language slips were also prepared. Actually in the case of the Census, we find that there was no village-wise calculation of the language material. When the Andhra State was formed and when certain disputed areas had to be settled either by retaining them in Andhra or by giving them over to Madras and *vice versa* this question was considered and language slips were fully looked into and different maps at the taluk level were prepared. This particular book which we have before us has the maps. It has the numbers and the names of the various villages with their population and shows

[Shri Datar]

whether they are Tamil or Telugu. This was the material which was available before 1935 and it took nearly two years for the census authorities to give the figures relating to the linguistic composition of the different villages. My hon. friend, Pandit Thakur Das Bhargava, argued almost like an advocate that the population was so small or so insignificant that was not the point to be taken into account. A village constituted a unit by itself because the two Chief Ministers agreed that it ought to be the particular basis on which the agreement was to be had. Then a bigger map was placed at the disposal of Shri Pataskar by the Madras Government. The Andhra Government did not put in any map for two reasons. One is that their own eye-sketch map had not yet been ready. Secondly, their enquiries or surveys were in progress. Lastly, the State Government must have come to the conclusion that the map that was given over to Shri Pataskar by the Madras Government was unexceptionable and so no objections could be taken thereto.

Dr. M. S. Aney (Nagpur): Have they said that?

Shri Datar: That is what is to be inferred. A State Government is a responsible Government. It is not like an ordinary litigant or party. If it had any material, it would have taken objection. I have however to submit that from their conduct, it should not be assumed that they were the defaulters. They did not produce any map because they found that the map that was given and of which they had full knowledge was one on which they could agree. Thereafter, we had Shri Pataskar's award. After this the State Government prepared what is known as the eye-sketch map. It is not a cadastral map. All the same they had collected material and there was already a survey map for half of the Tiruttani. All these material were taken into account by the Andhra Government and afterwards they pre-

pared their own map. The eye-sketch map was generally correct though, technically according to the survey measurements, etc. it may not be called a cadastrally prepared map. All the same this map was prepared by the Andhra Government. Then when this map was sent to the Madras Government, they found that there were certain discrepancies. These discrepancies occurred because it was not a finally completed map according to the technical survey.

13.29 hrs

[SHRI BARMAN *in the Chair*]

So, when these discrepancies came out, they informed the Andhra Government that it required a common scrutiny by an inspection on the spot. The Deputy Surveyors of the two States were deputed to go to the various villages and as I have said before they perambulated these villages. So, they visited each village and checked up all the discrepancies and came to the conclusion that there was a slight departure in the eye-sketch map from the other and nothing more. That had not affected the final question of the allotment of certain villages to Madras or Andhra Pradesh. This is only so far as the Tiruttani taluk is concerned. Therefore, they found that out of these six issues only four were material. The others were not material at all, because they did not affect the question of the grant of a particular village either to Madras or Andhra. That was because they were in the interior and not on the border. Therefore, so far as three of those villages were concerned, it was agreed that they ought to be retained in the Andhra Pradesh State. That was accepted.

Pandit Thakur Das Bhargava: What are the numbers of those villages?

Shri Datar: I shall give the numbers presently at the time of clause-by-clause consideration. So far as one particular village is concerned, it was on the border of Andhra Pradesh.

and Madras. Therefore that alone, out of four, was transferred to Madras. This is what has been done. Thereafter, as I have stated repeatedly, not only did the deputy surveyors of the two States agree by an on-the-spot inspection, but found that there was no other discrepancy worth the name at all so as to make it possible for Government to consider whether the award was right or wrong. In this case, therefore, we come across a position where two high officers of the State Governments looked into the matter by joint inspection and going round the villages, and came to the conclusion that in respect of four villages only there was a difficulty. The numbers of these four villages or hamlets are: 108, 177 and 122 and also 92. Nos. 108, 177 and 122 have been retained in the Andhra State. No. 92 was given to Madras because it is on the border line. Thus, I have tried to explain the position. If my hon. friend goes on repeating that certain maps have been purposely withheld, it is entirely wrong both to himself, both to us and in particular to the Andhra Government.

I have pointed out the latest telegram of the Andhra Government. It is to the effect that all these discrepancies were fully checked up and they have no other map at all. In the circumstances, a point does not gain in advantage by mere repetition especially when the House has been told very clearly—and I have repeated it—that we have not suppressed anything and we have no arguments any more on that matter. In the circumstances, I would submit that whatever has been done by the State Governments should be considered by us as at least of great importance.

13.34 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I agree with my hon. friend's observation that it is Parliament which is the last arbiter in this connection. I agree. That is the reason why we have brought forward this Bill.

But let us take also the realities of the situation into consideration. Here, the dispute was between Madras and Andhra Pradesh, and both the States took certain steps and laid down principles. They agreed and they had their materials fully considered by Shri Pataskar. After all this was fully considered, the Andhra Pradesh Government had certain claims which, according to them, had not been fully considered by Shri Pataskar. Therefore it is that advisedly this particular matter of dispute raised by the Andhra Government was remitted to the mediator for further consideration. He did consider it and we have got here two reports; one is the principal report and the other is what may be called a supplementary report. According to the supplementary report, he considered the question as to whether any villages in Krishnagiri or Hosur taluks should be given to Andhra Pradesh. Shri Pataskar considered the whole matter.

May I point out that so far as the question of Hosur is concerned, it was raised by a number of hon. Members from Andhra in particular. But it did not satisfy one of the criteria laid down by the two Governments together. They stated that villages with over 50 per cent Telugu-speaking people should be incorporated in the Andhra State to the extent practicable, and vice versa. In Hosur, the position is that it is a trilingual area. There, the proportion of Andhra people, that is, Telugu-speaking, or Tamil or Kannada cannot be 51. It is a trilingual area. That is the reason why Shri Pataskar felt that he could not go into a consideration of this question.

Secondly, Shri Pataskar also found that in respect of Hosur, there was a claim made by the Mysore State, but at the inception, Shri Pataskar agreed that in the light of the views of the Madras Government, this dispute should be settled only so far as the Andhra Government and the Madras Government were concerned, and that other matters should not be introduced.

(Alteration of
Boundaries) Bill

[Shri Datar]

That is what the Madras Government said and Shri Pataskar believed that the question was principally between Andhra and Madras.

Shri Basappa: When the Andhra State was formed out of the composite State of Madras, the question of Bellary was considered and Bellary was given to Mysore. It could have been retained in Madras. On the same principle this could have been given to Mysore now.

Shri Datar: I am dealing with the question as to why Shri Pataskar found it difficult to go into that matter of Hosur or the other villages in Krishnagiri. Especially in Hosur, no linguistic group constituted more than 50 per cent. That is why he gave it up. As I said, he did not consider the question of the claims of Mysore, because Mysore was not considered as one which was interested in the Andhra or the Madras border. It may or may not be correct, and it may be open to the parties to consider that question. But I am only pointing out the technical difficulties in the way of Shri Pataskar. This is a point that has to be clearly noted. Shri Pataskar gave his award including the supplementary award or report. After that, the award was accepted by the two Chief Ministers at a meeting of the Southern Zonal Council. After it was so accepted, further procedure had to be started. According to Article 3, the Government of India had to prepare a draft Bill and send it to the legislatures. It is unfortunate that the Chief Ministers' authority is being brought down and, incidentally, even the wishes or the desires or the resolutions passed by the two legislatures are not also being given full importance. It is entirely wrong. After all, it is true that Parliament is the last arbiter and that is why the Bill is here. But while Parliament comes to a conclusion, it has to take into account and give the fullest importance, —in all my humility I am saying it— to the views of the people concerned.

Some hon. Members suggested as to what those legislatures knew. That is entirely wrong. They are autonomous legislatures under the Constitution and they have considered the most vital issues of the question which concerned their own people and their own territory.

Lastly, my hon. friend said that my remarks were not correct so far as the proceedings in the Legislative Assembly and the Legislative Council of Andhra were concerned. I have gone through the originals and may I point out to my hon. friend that what I had stated was factually correct in the sense that the objections that were being raised here so vehemently were not raised there at all. A number of members there spoke in full support of this Bill. Shri Reddy made rather a wild remark which I regret. He stated that Shri Sanjeeva Reddy has on a number of occasions given out his views that he was not bound by this agreement. It is entirely wrong and highly erroneous. On a number of occasions, he has stated that he accepts the Bill as it is, i.e. he accepts Mr Pataskar's award. The discussion in both the Assembly and the Council has centred round what was not given to Andhra Pradesh in respect of Krishnagiri and Hosur taluks. I would not like to bother the House with the various points that have been made, but let it be understood very clearly that most of the Members spoke in favour of the provisions of this Bill. They only regretted that what was further due to them from Krishnagiri and Hosur was not given.

I would like to make special mention of what the hon. MLA from the Tiruttani constituency, Shri P. Gopala Reddy has said. My friend, Shri Nagi Reddy, was right when he pointed out that this matter has been hanging fire to the great detriment and damage of the areas concerned. The sooner this Bill is passed into law, the better. After the debate started here, Shri P. Gopala Reddy has written a letter addressed to the Home Minister and has

sent copies to the hon. Speaker and also to Members of Parliament representing Andhra. Some hon. Members have also stated that they have received copies of this letter. He is the most concerned man because he was elected to the Andhra Pradesh Legislative Assembly from the Tiruttani constituency itself. He is an Andhra, naturally. He has said in his letter:

"Much has been said and done regarding the dispute between the Madras and Andhra Governments about the settlement of the border. After six years of time, both Governments could come to an agreement regarding this long pending issue, agreeing unanimously as per Mr. Pataskar's report on this border settlement. It is seen that during the last session of Parliament some Members have demanded maps in this regard and the Bill was postponed for discussion then. The public are not aware of what kind of maps those Members demanded and the purpose that they will serve at this stage. In fact, I am the member representing the constituency in the State Assembly and I have been representing all that I could after and before Mr. Pataskar's report was published. In view of the principles agreed upon by both Governments in settling this border issue and on the total acceptance of census figures and maps specially prepared for this purpose, nothing more could have been done by the Andhra Government."

That clearly shows that Andhra Government was not wrong according to the opinion of the member most concerned. He continues:

"Mistakes have been brought to the notice of both Governments and rectification of the same was an impracticable thing.

It is, therefore that the Madras and Andhra Governments finally agreed to settle this issue on the

basis of material available. Mr. Pataskar's report has been given only on those accepted census figures and maps."

The latter portion of the letter is rather heart-rending:

"The pendency of this issue is working havoc in the areas to be transferred and the sufferings of the people are undesirable. These areas are totally neglected by both Governments for all developmental as well as normal requirements. Therefore, the people are feeling disgusted as the issue is pending without disposal in Parliament. I would request the hon. Minister for Home Affairs to take immediate steps to enact the Bill and to see to the transfer of territories as early as possible, preferably on 1st January 1960. I hope and pray that you will be able to convince the Houses of Parliament in the matter and do the needful."

Pandit Thakur Das Bhargava:
What is the date of this letter?

Shri Datar: 19th November 1959 is the date which he has put in his own hand.

Pandit Thakur Das Bhargava:
After this debate started!

Shri Datar: I am not going to refer to a number of telegrams...

Mr. Deputy-Speaker: This letter has already been placed in the library.

Shri Datar: In this particular case, as I said, let us take into account the totality of considerations, neither entirely the boundary nor the linguistic majority nor certain other circumstances. My friend quoted a number of numbers and said here were as many as 10 mistakes, if not more. He would not expect me to give the reply to everyone of them. I should like to reply in a general manner. Those ten principal mistakes which he pointed out are in the unsurveyed area and not in the surveyed area. Secondly, my friend has suggested that a particular village to which he made reference is not inside, but on the border

[Shri Datar]

and if it is on the border, naturally all the villages behind in the internal portion have to be considered for retention in the Andhra State. This is his line of argument. In respect of one point only, I should like to make a brief reference, viz., 134 and 135. First of all, 134 is not in Tiruttani taluk at all. It is in Puttur taluk. So far as Puttur is concerned, it is nobody's case that it has not been surveyed. It has been fully surveyed and 134 has been properly demarcated in the Puttur taluk map. Puttur taluk has been shown with a particular area. My hon. friend suggests that the area of this particular village 134—its name is Gopalakrishnapuram or some such name—is not so wide as it has been shown. In the first place, there can be no dispute about this map regarding the demarcation of 134, because it is in Puttur taluk. So, we will start with the fact that 134 has the proper demarcated area. If this is taken into account, 135 is above it in Puttur taluk and 134 cannot have any contiguity with any portion of Tiruttani taluk. My hon. friend suggests, like a clever lawyer—he will excuse me for this—that the area must not be so great and so a portion or a crevice or a lane must be left so as to connect 135 with the border villages in Tiruttani taluk. That is a far-fetched argument. In the first place, there is no dispute about the area of 134 which is Puttur taluk itself. Under the circumstances, my hon. friend is bound to take the demarcation and area of 134 as absolutely correct and unchangeable, but it does not suit him. So, he says there is a small crevice or perhaps a lane and that lane will connect 135 with the villages of Tiruttani taluk. I would not go further but would point out to my friend, with due deference, that this is absolutely wrong, if not absurd, because we have to take a certain basis, and if this basis is taken, then he can have no argument at all. Then, his contention that inasmuch as No. 135 is a

Telugu village and has contiguity to a number of villages in Tiruttani taluk, they must all be given to Andhra Pradesh and cannot be given to Madras is no argument at all. Similarly, there are other arguments, but I am not going to spend much of the time. In my short speech it is not possible to reply to all the arguments advanced. It is likely that some portions have been shown here, and there might be some slight discrepancies, so far as the actual location is concerned; I am not prepared to deny that position. But we have to take the whole into account, the totality of the criteria into account and merely because, according to him, a village is on the border, therefore, you cannot go on trifling with the border line in the way that you please. After all, it is not the division of a house and a partition. Even there the division has to be reasonable, it has to be convenient and all portions should be accessible to all the persons. Here, in this case, we are dealing with the division of areas between two States, and these administrative matters have to be considered. If, for example, the boundary is not drawn in an organic manner and the areas of each State get in and get out, great inconvenience would be caused and it would be difficult for the administrative officers of the Madras area and the Andhra Pradesh area to carry on their administration properly. That is the reason why it was clearly stated that natural boundaries should be taken into account and in the boundary line drawn by Shri Pataskar meticulous care was not taken, so far as the composition of the village was concerned. For instance, while drawing the boundary, if you find there a crevice, through that crevice you bring in another village and show all those villages should form part of one unit, that could not be done. Secondly, wherever there are Telugu areas surrounded by Tamil villages, if they form islands, then they could not be transferred at all, because it has been stated that islands should be avoided.

Lastly, I would like to point out that my friend had been arguing all along on the footing that great injustice has been done to Andhra State. That is not correct. Take, for example, Pattur taluk. In that taluk you will find greenish belts. They are Tamil-speaking areas but naturally they have to remain in Andhra, because there is no real reasonable contiguity. You cannot have meticulous contiguity in this respect. All my friend's arguments are based on what I call, with due deference, a theoretical and hence rather academic approach. You cannot have an academic approach in this matter.

Secondly, another point may also be noted. It is quite likely that a particular village....

Shri D. C. Sharma (Gurdaspur): May I know what an academic approach is? Some of us are academicians and I think that our approach is highly reasonable.

Shri Datar: I have the highest respect for the academicians.

Shri D. C. Sharma: But what is an academic approach?

Shri Datar: "Academic" is "unreal" I did not want to use that expression.

Shri D. C. Sharma: The hon. Minister is making things worse.

Shri Datar: He invited, or rather provoked, it. I purposely did not say "unreal".

Shri N. R. Muniswamy: He is a professor.

Shri Datar: My hon. friend feels that a larger area has been given from Andhra to Madras. But there are also bigger portions which have been retained in Andhra Pradesh, though they are Tamil majority areas. My friend has not made a reference to Puttur area, because it is not convenient for his line of argument. Therefore, if we look into Tiruttani

and other taluks, to which I have already made a reference, we will find that a correct and reasonable boundary has been fixed and islands have been avoided, wherever possible. There are Tamil islands in Telugu areas and Telugu islands in Tamil areas. They will have to remain where they are.

Therefore, if we take all these circumstances into account, it would be wrong to say that there has been any haste. My hon. friend, Shri Masani, said that there was haste and that the Bill was ill-digested. If the matter has been decided after six long years of agony, so far as the people in this area are concerned, can we say that it is a hasty step? It is not hasty. It is also not ill-digested, because it has passed through various processes and at every stage the matter was subject to full scrutiny.

Lastly, may I point out that my hon. friend, Pandit Thakur Das Bhargava, had been absolutely unfair to Shri Sanjeeva Reddi, the Chief Minister of Andhra Pradesh, who had been here only 4 or 5 days ago, round about the time of commencement of discussion on this Bill. I have the authority of the Prime Minister himself to convey to this House the wishes expressed by Shri Sanjeeva Reddi before our Prime Minister. He said "kindly pass this Bill as early as possible; people are anxious because those areas have been neglected."

That is the reason why we are not in a position to accept what my hon. friend says, though I would appreciate the great labour and the patience which I wish he had spent on matters of greater moment than this. All the same, I am obliged to him for having considered all these issues. I have tried to answer all his points in a general and synthetic way,—because his is not an analytical approach.

Mr. Deputy-Speaker: Does he want to put a question?

(Alteration of
Boundaries) Bill

Pandit Thakur Das Bhargava: I want the right of reply also, because the motion for reference to Select Committee is mine

Mr Deputy-Speaker: It is a motion by way of amendment to the original motion

Pandit Thakur Das Bhargava: According to our rules, when a person makes a motion for circulation, or for reference to the Select Committee, he has got a right of reply at the end

Mr. Deputy-Speaker: No

Pandit Thakur Das Bhargava: This is according to the rules. The Minister has availed himself of his right to reply

Mr Deputy-Speaker: We do not allow that, when they are by way of amendments. There is a motion here for consideration and these are by way of amendments to the original motion. Instead of the motion that the Bill be considered, they want the Bill to be circulated for eliciting public opinion, or referred to Select Committee. So, they are rather amendments, and the hon Member had his say. I cannot allow him another opportunity. If he wants to put a question, I would allow him

Pandit Thakur Das Bhargava: I will put a question also

An hon Member: No "also"

Pandit Thakur Das Bhargava: When a member moves an amendment like this, he has got a right of reply

Mr. Deputy-Speaker: If he can refer to the particular rule, I can look up if I am wrong

Pandit Thakur Das Bhargava: I remember to have availed myself of such opportunities before. Anyhow, just as you please

Mr. Deputy-Speaker: I am sorry

Pandit Thakur Das Bhargava: I know I will have an opportunity when the amendments are moved. Now, with your permission, I want

to put one question, and that is a question of legal importance. My hon. friend has stated that in this case the two Chief Ministers have first of all propounded the four principles and ultimately they have agreed. Therefore nothing has to be done, and it is entirely wrong for us to do anything. May I know whether according to article 162 and article 73 of the Constitution it is not a fact that so far as the States are concerned the executive power of that State, which means the executive power of the Government of that State, only extends to matters on which they can legislate according to article 73? So far as this Parliament is concerned, its powers are much greater. The powers of the Government of India are much greater. The Provincial Ministers cannot decide matters which are not within their province, set down principles or do the final thing. In this case the hon Minister wants that we should do nothing. On the contrary he condemned me even for having taken so much interest. He says that the two Chief Ministers agreed and they represented the States. This is a basic question. The parties concerned are the real parties to the dispute and they were not parties to the agreement. Shri Pataskar also heard them. May I ask why he heard them? So it means that the two Governments only who are alleged to be parties in this case have a say in the matter and the three lakhs of people have no say and that this Parliament has no say in the matter. On the contrary I maintain that the Chief Ministers or any Minister as such has got no more right in a matter like this than any person of the public who is concerned or not concerned. It is the Parliament alone who can do this. My hon friend says that the Ministers can lay down the principles. May I ask him what legal authority the Ministers have got, apart from those given by two articles 73 and 162. The Chief Ministers acted in this matter without the consent of the legislatures as Shri Gopala said that we were not consulted.

The Ministers personally are not in a position to set down principles or to agree to the principles?

14 hrs.

Mr. Deputy-Speaker: I do not think it is a question

Shri Palaniandy (Perambalur) I want one clarification Is it not a fact that all Panchayat Boards and District as well as Taluk Boards sent resolutions and telegrams

Mr Deputy-Speaker: That does not matter The Parliament has independently to consider all those things and decide for itself Nobody has taken that attitude Even the hon Minister does not say that because the legislatures have passed resolutions or because the Chief Ministers have agreed that this must go through automatically Nobody says that It is now the option of hon Members themselves I am putting it to them.

Dr M S Aney: May I ask one question?

Pandit Thakur Das Bhargava: Your view is perfectly correct But the hon Minister argued like that

Mr Deputy-Speaker: Even if he answers otherwise the House will not be bound by that Now, the question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1959."

The motion was negatived

Mr. Deputy-Speaker: The question

"That the Andhra Pradesh and Madras (Alteration of Boundaries) Bill, 1959, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely: Dr M S. Aney, Shri Harish Chandra Mathur, Shri Mahavir Tyagi, Shri Himendra Nath Mukerjee, Shri Radha Raman, Shri C. R.

Basappa, Shri Surendra Mahanty, Shri Raghunath Singh, Shri Indulal Kanayyalal Yajnik, Shri Upendranath Barman, Shri Ranbir Singh Chaudhuri, Shri Nath Pai, Ranı Manjula Devi, Shri Banarsi Prasad Jhunjhunjwala, Shri Jagdish Awasthi, Shri K P Kuttikrishnan Nair, Shri T. N. Viswanatha Reddy, Shri N R M Swamy, Shri B N Datar and the mover and 10 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 last day of the first week of the next session,

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 negatived

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the alteration of boundaries of the States of Andhra Pradesh and Madras and for matters connected therewith, be taken into consideration"

The motion was adopted.

Mr Deputy-Speaker: The House will now take up clause-by-clause consideration of the Bill

An hon. Member: How much time is there for that?

Mr. Deputy-Speaker: One hour. We have decided that. Clause 2. There is no amendment. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 —(Transfer of territories).

Pandit Thakur Das Bhargava: I have got an amendment. I beg to move:

page 2,—

after line 28 add—

"Provided that territories as have been wrongly included in the report of the mediator (Hon'ble Shri Pataskar Ji) on the basis of the Madras Plan to the Madras and Andhra Pradesh States shall not be included in the respective States as are found to be such as according to the four principles accepted by the two States cannot be included on the basis of the Survey Plan of 1957-58 and the new Census of 1960-61 or a Census specially taken for these areas."

Shri Datar: Has the hon. Member moved amendment No. 11?

Mr. Deputy-Speaker: No, it is No. 6 to clause 3.

Pandit Thakur Das Bhargava: I shall come to amendments Nos. 10 and 11 later on. So far as this amendment is concerned, there are two demands contained in it. Firstly, the Plan of 1957-58 be accepted and secondly, the new Census of 1960-61 be awaited or a new Census may be taken.

You have been pleased to order that the plans in whatever condition they are, even if they are in an unsaleable condition, should be brought. It would have solved your problems if they were brought. They are in Andhra. When will they be brought? After

this Bill is passed? When will these memoranda be called here about which Shri Pataskar has said in his award that he received numerous representations and received representatives from several individuals and organisations? The hon. Minister was asked to call for these memoranda by the hon. Speaker's order.

Mr. Deputy-Speaker: Has he got a copy of that? I can ask him to place them on the Table just now.

Pandit Thakur Das Bhargava: This is the original one. You have been pleased to order that the cyclostyled one should be taken as correct. On page 14 he says that the Andhra memorandum was placed before him. They are not in the Library. When will we peruse them? When will we come before you and argue for the case? After the motion is adopted or after the Bill is passed? Is this the law in this land that those documents which are ordered by the hon. Speaker or the hon. Deputy-Speaker to be placed on the Table will come after the Bill is passed? I am very sorry for this predicament in which parliament is placed. In this way we are asked to do our work! I do not know how we will be able to discharge our duty.

Then again the other plan, the other map and the other letter about which questions were raised have also not been placed. My hon. friend says that the plan has been placed. If that is the plan that is referred to, it is his construction. I do not know what is that plan. Then in regard to the memoranda, since my hon. friend has raised an objection and has raised the plea of privilege, you have been pleased to allow that. May I respectfully call your attention to Rule 368? Rule 368 only applies when an hon. Minister quotes something. The words of Rule 368 are:

"If a Minister quotes in the House a despatch or other State paper which has not been pre-

sented to the House, he shall lay the relevant paper on the Table.

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest."

So, the proviso applies only to the former portion of Rule 368. It does not lay down a general rule that all those documents about which the hon Minister says that they are confidential will be withheld from the House. It is only when the hon Minister is quoting from some paper or from some despatch etc that he can plead for privilege. Here, in this case he has not quoted from any paper.

Shri Datar: Sir, you have already given a ruling and my hon friend is saying the same thing again

Pandit Thakur Das Bhargava: Sir, I am submitting and I have a right to submit in respect of matters where there is no ruling. I submit to your ruling in respect of all despatches and papers that my hon friend quotes, but here in this case the two memoranda, one given by the Madras Government and the other by the Andhra Government, are part of the award itself. I have never seen in my life and my practice of more than 50 years that the written statement or the petition itself is withheld. They represented what one Government wanted and the other Government did not want. Even those have been withheld. I think it is not fair of him to tell me that I have not been able to make out a case when I do not know as to what were the pleas of the Andhra Government and what were the pleas of the Madras Government. Shri Pataskar never stated that they were confidential. On the contrary, they are appended to this Report. It is his writing and not mine. Therefore it cannot be said that in such cases rule 368 does apply. If the original written statement and

petition are withheld, what is there to argue? The evidence is also withheld, only Shri Pataskar's award is there. Even that is not available in full. When I read out something the other day, he told me that I had not got the correct copy. Therefore, before proceeding with this Bill, all these documents should be placed before the House and the House should be allowed to make up its mind as to what it should do.

I have made two submissions that the census may be taken, and that this map may be called for. I have no quarrel with the hon Minister. On the contrary, I respect him rather too much. But I am sorry I am not able to accept certain things which fell from him.

Firstly, my hon friend relies on the eyesketch plan, I also rely on the same plan, and I say not more than 10 minutes are necessary to come to a decision. Let the House devote only ten minutes for consideration of this matter and the ten points which I raised, to none of which he has said that I was wrong. I gave from these two maps the boundaries of those ten places, the boundaries given in the eyesketch plan as well as in the Madras plan, and those boundaries not tally. As a result, what happens? One hundred and twenty villages ought to go to Andhra on the basis of these four principles and the eyesketch plan.

Then my hon. friend propounds another argument. He says: let these four principles go, let us look to the totality of the effect of the four principles. I agree to that also. Will you kindly consider the question of villages nos. 134 and 80. How am I to be satisfied about the location of 134? Can he bring any map before you by virtue of which he can say that 134 is contiguous to the other 47 villages? In this House rightly there are two sets of views, one propounded by those who have got Maharashtra etc., in their view, and they want the whole boundary question to be settled in accordance with those views. The others are there who

[Pandit Thakur Das Bhargava]

want the principles given by the SRC to be followed.

In the first instance, may I know why the principles propounded by the SRC are given a go by? Since the two Chief Ministers have agreed and the Andhra legislature has not objected, to which I will come later, he says these new four principles have been accepted as a special case. And what is the speciality in this case? And how does it become a speciality under article 3?

When you call for the map you will find that village No 134 is not in Puttur Taluk completely contiguous and 47 villages at least will have to go back to Andhra if village No. 135 intervenes and is contiguous. My hon. friend says that this belongs to Puttur. Both 134 and 35 are in Puttur, and they will not be able to bag these 47 villages if they do not rely on 134 which is in Puttur also. I want to be able to satisfy you that actually 135 is also in Puttur, that both are in Puttur. If he can take advantage of the Puttur Taluk idea, why can I not? My hon. friend's statement does not hold water. I challenge him to show that these 47 villages can be pocketed. These 47 villages with a population of about 25,000 and 300 or 400 sq. miles have been pocketed at one stroke because of one small village consisting of twelve houses and 90 souls which does not take away the contiguity of village No 135. Is this justice? He has spoken about justice. I do not want to say anything against what he has said, but at the same time I am very sorry that I cannot agree when statements are made in this House in this way rather irresponsibly. It is rightly said that there is none so blind as one who will not see. There are two plans. I do not want a third plan. These two plans prove my case. These have been published by Government, they are not mine. This Government plan, the eye-sketch plan proves my case completely. Why does he not reply

to the ten points I gave? He has disagreed on only one point out of eleven where the boundaries are not given. When the boundaries are not given, even according to himself, can he rely upon this plan or contiguity? Can any boundary question be settled without a proper plan.

Therefore, unless and until the plan comes, which you have been pleased to order, or unless the hon. Minister, with a view to do justice to these lakhs of people, gets another plan made according to the survey plan, this question cannot be decided. After all, the boundaries are decided in these matters by the plan only and not otherwise. As I read out from the submission of Shri Arputhanathan, his plan is wrong. The author says he has not given the areas, the contours, the boundaries etc. Even then my hon. friend says that that plan is right. The Madras Government accepted it to be right, the Andhra Government said it was wrong, and as I said there are eleven examples given by me in which the areas are proved to be wrong obviously by mere inspection. My hon. friend has not replied to it. It is his choice to accept the four principles, but my claim is that according to the four principles also, if you give me your attention for ten minutes I will convince the whole House that at least 120 villages must remain with Andhra according to the eye-sketch plan.

Mr. Deputy-Speaker: I may state here that last time too when the hon. Member wanted to show the map and convinced me, I submitted that this is really a practice in courts where the lawyers certainly can take their documents to the presiding officer and convince him, but there is this difference that the presiding officer there has to arrive at a decision and give a judgment in the court, here I have not to give a judgment. I have only to pronounce the judgment of the House, whatever be the decision taken by

the Members. That was my difficulty and I expressed it at that time. It should not be taken that I refuse to accommodate him or to look into the maps, but my difficulty is that there is a difference between the presiding officer of a law court and the presiding officer in this House.

Pandit Thakur Das Bhargava: I appreciate your difficulty, but at the same time I am not convinced that my convincing you is useless. That is my difficulty also. If I can convince you or the Speaker, the tradition ought to be that the House should think twice before differing from the Speaker or the Deputy-Speaker once they are convinced.

Why did the Government not supply maps to all Members? Can I request my hon friend sitting there to look at the map? He has not got the map. You must provide the map when a boundary question is to be decided. They have given only five maps for 500 Members, and those maps are not issued by Parliament library. It is by special permission that I brought one map for showing to you. I brought it since I thought you might be pleased to consider my case rather favourably and look at it yourself. I have brought one map here for your consideration. This small map and this one ought to be looked at. I only pray that somebody in the House, I even pray to the hon Minister to be pleased to look at these two maps.

Shri Datar: The word "even" takes away all the grace.

Pandit Thakur Das Bhargava: I am very sorry if grace is taken away. I do not want to lose grace, I do not want to be disrespectful to anybody. At the same time, I want to do my duty. I respectfully told him to look into it, and now he says I have lost grace by asking him to look into it.

Shri Datar: My objection is to the word "even" "Even the Home Minister" you said.

Pandit Thakur Das Bhargava: The hon Home Minister there ought not to think like this. In my view, he holds the same position as Pantji and Shri Nehru. This is the real truth. I am not here to flatter anybody. I am not disrespectful, but at the same time I am very sorry that when I made that request he accepted it and yet he says this. Even now I do not want to argue any further if you are pleased to look at these two plans and come to your own judgment. You may be pleased to pronounce a judgment. But at least somebody in the House must see. After all what is this House for? What is the purpose of article 3 of the Constitution, if nobody in this House is going to look into the matter?

Mr. Deputy-Speaker: Just as Pandit Thakur Das Bhargava has taken so much pains to study this matter, the others also might have tried to get those plans or maps and tried to study. If they were interested in going into these matters, they might also have got copies of those plans and looked into them.

Pandit Thakur Das Bhargava: Am I to understand that this House is not interested in finding out the truth?

Mr. Deputy-Speaker: Not perhaps as much as the hon Member wants to.

Pandit Thakur Das Bhargava: There is no question of 'as much as' here. There are no compartments or divisions, as far as truth is concerned.

Anyhow, I would submit, that since you have been pleased to call for the maps, it is but fair that we ought to wait until the maps come, and until then we ought not to decide the fate of this Bill. This is one part of the case. At the same time, we should also be furnished with the memoranda, at least those memoranda which you are pleased to allow and which you do not hold to be confidential. I submit that those two memoranda placed

[Pundit Thakur Das Bhargava]

before Government are not confidential, and they should be furnished. Until that is done, we ought not to pass this Bill.

Now, I come to the other part of my case. As for the census figures, I have already submitted the case for your consideration. In a boundary dispute, these figures are very essential.

A very great plea has been made, and in fact, a very great appeal has been made to us by the hon. Minister and some hon. Members also feel the same way, that for several years these areas which are going to be transferred have been neglected. But neglected by whom? They have been neglected by Shri Sanjiva Reddi, on his own admission. Should Governments admit that they have been neglecting these areas? I am very sorry for them. But, at the same time, it is a fact that in this India of ours, there are governments and governments, especially those governments representing the linguistic majority groups which do not care for the minority linguistic groups to the same extent as they ought to. This is the admission that has been made. Let it be true. But let us go through that logically. My hon. friend wants to decide the whole thing today; and he does not want delay of even fifteen days; he does not want to wait for about a month and a half, that is, till the 1st of January next year; he wants to decide it today. Now, what will happen to those people for many decades or years to come, when their interests will not be looked after in the way in which they ought to be looked after if they are in a different State? Why are these people objecting to this? They are objecting to it because in the States in India, Government have created an atmosphere by their own actions where these States do not look at the different individuals living in the States with the same eye. That is the difficulty. I am afraid that by pursuing this policy, we are doing a

wrong thing, and we are just creating disunity in this country.

Regarding the census figures, I have already read out those figures. By just one stroke of the pen, Mr. Arpudanathan made a difference of 30,000 in the census figures of 1951. I showed you how a difference of 30,000 has been made in the population of these two linguistic groups; of course, it is all very easy to put some people here and some people there and thereby make this difference. But the difficulty is this. What is sacrosanct about the year 1951? The next census is coming in about a year's time. We find that in Kerala, in two month's time, a census of voters has been taken. So why not wait till we have a good census, so that the people may be happy and may think that Government are, as a matter of fact, doing justice to them? What is the point in sticking to the 1951 census figures? Again, what is the fun in getting a plan prepared on the basis of slips which are also incomplete? A map cannot be prepared on the basis of slips.

Therefore, my humble submission is that it is but fair that we should wait till 1960-61, or take a fresh census in these areas and then decide the question. As you have been pleased to hear, the principles themselves are really in a state of flux. The principles adumbrated by the States Reorganisation Commission may or may not apply to border disputes. I do not quite know. I do not want to make a commitment for my part also. I do not know what will be the right principles. But I do claim that whatever principles we decide upon in regard to border disputes must be applicable to the whole of India, and to every State.

Therefore my humble submission in this regard is that the hon. Minister may kindly accept this amendment and do justice, even according to the four principles on which they have agreed.

Then, it was asked, 'Why should we go into this? The two legislatures have agreed; the two Chief Ministers have agreed. Why should we go into this? When two parties agree and they say that they agree, what is the use of going into the question?'. I am extremely sorry for my hon. friend, when I differ from him. I pointed out earlier that out of ten members of Andhra Assembly who took part in the debate, eight of them spoke against this award in the Andhra Pradesh Legislative Assembly. The reports are here, and I am prepared to sit with my hon. friend and give him the full names.

Shri Datar: That is entirely wrong.

Pandit Thakur Das Bhargava: I have got their names here, but it will take some time for me to read them out.

Today, something has been read out, a new document; I would not say that my hon. friend has invented it from somewhere; Shri Gopala Reddy has sent it, and my hon. friend has produced it here. But I may point out that Shri Gopala Reddy was a Member of that Assembly; and I rely on his speech in the Assembly to prove my case. If you read his speech in the Assembly, you will find that he has said that without their consent, the Chief Minister had adopted those four principles, and he had no right to do so. He said that great injustice had been done; he said that the population figures were wrong. He had also pointed out that con'iguity was not there. All these points had been stated by him in the Assembly. Today, my hon. friend reads out a letter from him dated the 19th November, 1959, that is, a letter which has been written after the proceedings began here. I have got the statement of Shri Gopala Reddy in my hand here. Since you have been pleased to ask the Home Minister to put his letter in the library, I beg that this statement of Shri Gopala Reddy which was submitted by him to the Chief Minister might also be placed in the library, so that people might compare and see

what is being done. I shall rather stand by what Shri Gopala Reddy said in the Assembly and this statement. As a matter of fact, I have perused the whole thing very carefully; I studied the whole thing with a view to finding out whether whatever he says is right or wrong, and I find that whatever he has stated is right. Therefore, to say now that the legislature has agreed is not fair.

When my hon. friend is the Home Minister, and when Ministers like him are governing this country, can I disregard what he says? He is too powerful for any Member of any party, in fact. Of course, I myself will abide by what he says I confess it. Whatever the party says, I am also going to abide by. So, whether the hon. Minister says right or wrong, I am going to accept it. That is a good thing, because we honour our Ministers, we honour our leaders, and we have faith in them. But at the same time, this blind faith will kill the whole of India; and this blind faith in Shri Sanjiva Reddi will not in my humble opinion do justice to the thousands of people who live in this country.

In fact, this particular member, Shri Gopala Reddy, moved an amendment in the Assembly. What was his amendment in Assembly? He wanted that this Bill should be postponed. That was his amendment. And yet, my hon. friend comes forward and tells me and gives the lie to me and says that my reading of the reports is not correct. Out of the members, eight members just condemned the report and criticised it. Am I not correct in saying that when a person is shoe-beating, he is shoe-beating? What is the point in saying that there is no shoe-beating, and that there is no case under section 323 of the IPC, though shoe-beating is going on? Eight out of ten members have gone on criticising the report, and yet my hon. friend says that they have approved of the Bill. Sir, you can yourself see that the fact is just the reverse. ✓|

[Pandit Thakur Das Bhargava]

I may humbly submit that it is those persons whose fate is being affected, who should be consulted. What did they say? What did Shri Pataskar say? My hon. friend has said that Shri Sanjiva Reddi came to the hon. Prime Minister and said that he accepted this Bill. This was what he said. I also came to know of it. For, I understand that the matter was carried to the hon. Prime Minister. When I used the word 'duress', I corrected myself then and there, and said that the duress was not physical, but it was mental.

Then, my hon. friend says that Shri Sanjiva Reddi never said that he did not accept these principles. Look at this award. I cannot take away this award. In this award, it is stated several times by Shri Pataskar himself that the Andhra Pradesh Government said that they did not want to accept these four principles but that they wanted to be governed by the principles formulated by the States Reorganisation Commission. Shri Pataskar has stated this not once but several times. When I make a statement basing it on this award, do you believe the award or do you believe me? It is given there in this award that he took up this stand.

Shri Datar: I am afraid that that is inaccurate. In the award, there is no reference to Shri Sanjiva Reddi's alleged stand. My hon. friend may read the award again. I would not like to contradict him, but let him not make such a statement.

Pandit Thakur Das Bhargava: Since my hon. friend wants me to read the award, I shall do so, but I shall take some time to get at those portions.

Shri Datar: He can show those portions to me afterwards. I have no objection.

Mr. Deputy-Speaker: He can show those portions afterwards, when we come to the next clause. Meanwhile, he might look into the matter.

Pandit Thakur Das Bhargava: I shall leave it to you or to anybody else to see whether it is there stated in the award or not that the Andhra Pradesh Government did not want to accept these principles, but they wanted the reverse of those principles, that is, the principles formulated by the States Reorganisation Commission. If this statement is found there, I hope my hon. friend will certainly admit that what I am stating is correct.

My hon. friend was pleased to say that justice has been done to these people, and throughout these six long years, these people have not been agitating at all. Now, so far as the agitation is concerned, that will also be proved by the statement in the award itself, as to how many persons came to see Shri Pataskar, and placed before him representations etc. In fact, there was even an association which gave a very big representation, in which all the figures were also given, in fact, it is from that that I have read out to this House the various figures in order to show that between the 1931 and 1951-census, there was such a disparity in the population of these two groups, that it appeared rather that the Andhras had adopted birth control, and very strict birth control at that, and they ceased bearing children, whereas the Tamils were very prolific. That was what I said then. I need not dilate upon it now. It only shows that the census figures are not correct. There has been even a petition, petition No. 35 which was circulated by the Petitions Committee, in regard to those census figures. It would have been better if my hon. friend had referred to this in his reply and answered the point. Since he has not, I think there is no reply with him.

Since the census figures of 1951 are not correct, we should revert to the previous census or have a new census. My hon. friend said: 'All right. If the third principle was not followed, the fourth principle, which is very important, had been followed'. What is the

fourth principle? That is about natural boundaries and economic advantages. What is the position with regard to economic advantages? I submit'ed for your consideration last time that there was one project called Araniyar project with 33 villages irrigated by it. 13 of these have been allowed to remain with Andhra and 20 have been given over to Madras. Why? The fourth principle was that if there was any project, the villages connected with it were also part of it. But still 20 villages are with Madras and they have not been given to Andhra.

Then, may I ask, why have villages Nos. 45 and 60 not been given to Andhra? There is a big river and a by-road there. Those villages ought to have been given to Andhra.

So not one principle is followed. The census principle is not right because the census figures are not correct, leaving aside the question of 51 per cent.

Again, what about the hamlets? Whereas hamlets in one area were considered, hamlets in the others were not. Then what about uninhabited villages? There is no question of population figures there, nor of a majority of Telugu-speaking or Tamil-speaking persons. The uninhabited villages should have gone only to one State and one only, namely, Andhra. But they have been given to Madras—many of them. Even contiguity has been got estab'ished by the existence of these villages. When there is no population, how could there be contiguity?

So not one principle has been followed, neither the four separately nor the whole completely. I have certainly got sympathy with the hon. Minister because he says that the Chief Ministers have agreed and the Legislatures have approved. What more are we to do? May I submit to him: are we not here to do our duty? Are we here simply to say 'yes' and nothing else? If there was a single authority or a single principle which was followed, I would have readily

agreed. I do not want these areas to suffer. I do not want that the people there should suffer. They should be given full satisfaction. We are living in India. This Government and this Parliament owe a duty to these people, to do justice to them. If we simply set our seal of approval to this Bill, it will mean that we have abdicated our duty. It is true that the Chief Ministers and the State Legislatures should be consulted. But I do not agree with his contention that the utmost importance should be given to what they say. The utmost importance should be given to the wishes of the people concerned. This is the procedure in a democratic State.

Shri Narasimhan (Krishnagiri): Who else can be their spokesmen?

Shri N. R. Muniswamy: The people are represented by their own Chief Ministers.

Pandit Thakur Das Bhargava: My hon. friend from behind says that each State is represented by the Chief Minister. He is entirely wrong.

Mr. Deputy-Speaker: There is also a question from the front asking who should be the spokesman of the people.

Pandit Thakur Das Bhargava: If we believe in our Constitution, the Ministers have got a certain legal status and the Chief Ministers have not got a better status than that, even if they are supported by their respective Legislatures. I can understand it if the Legislature was consulted before these principles were agreed to. The Legislature was never consulted before they agreed to these principles. As a matter of fact, when I am elected by my constituency, I know that in certain matters alone I have the power to represent them, not in all matters. If I go and arrange the betrothal of the son of a person living in my constituency, I do not think I will be within my rights as a representative of that constituency. What does it matter if the Chief Ministers have agreed? This is a crucial matter. It can only be decided by Parliament. This matter is not within the province of any Minister. So the Minister or

[Pandit Thakur Das Bhargava]

Chief Minister or even the representative of the constituency here has got no more right to barter away the liberties and the rights of the people than any other person has got. As a matter of fact, if any person was to be heard, the letter sent by Shri Gopala Reddi on the 19th November and the speeches he made are there. After all, the Minister is not the representative of the constituency. Our Speaker is the representative of that constituency in Parliament. But he is keeping mum. The Chief Minister can only represent them in regard to matters in which the State has power under article 162, in which the State can make laws, to which the executive power of the State extends. I have already referred to articles 162 and 73 of the Constitution which show that the power of the Executive does not extend beyond those matters contained in the State List and the Concurrent List. These matters are not within the scope of those Lists. Therefore, the Chief Minister or any Minister or any person has no more right to decide than any other person. As I am submitting, as a matter of fact, the Chief Minister had no right to make this decision.

My observations, as you have been pleased to say, are two-fold. The first one is: do not accept the principles settled by Chief Ministers; go by the SBC principles, which have been universally accepted. If you do not accept it, revert to the status quo. At least, for God's sake, if you accept these four principles, abide by or work according to those four principles. If you bid good-bye to those principles, where am I to stand? Therefore, I am helpless. As a matter of fact, I take my stand on the plea: all right, accept the stand which my hon. friend has taken and accept those four principles and decide the matter. As I submitted, a Committee should have gone into it. I wanted that the most respectable person of this House ought to go into it or at least look into it, which also, I am

very sorry to say, has not been allowed. At the same time, as regards the representative character of the hon. the Chief Minister, I am submitting that only in regard to State matters he has the power to agree to or accept things.

Mr. Deputy-Speaker: If the hon. Member wants me particularly to go into those maps, I am prepared to go into the Central Hall after putting a Chairman here in the Chair. We can discuss them there. But sitting here, I should not entrust myself with those documents and other things. I differentiated my position from that of the presiding officer of a court and said that this would be no job of the presiding officer here who was only to listen, regulate the debate and then pronounce the decision of the House.

Shri N. E. Muniswamy: On a point of information.

Mr Deputy-Speaker: Is the hon. Member yielding?

Pandit Thakur Das Bhargava: My hon. friend, the Home Minister, has told me how to behave in this House by behaving in a particular manner towards me. I do not want to yield, as he did not yield.

Mr. Deputy-Speaker: But this might be carried further and in spite of the Chair's request, Members might not sit down.

Pandit Thakur Das Bhargava: I will certainly sit down even if my hon. friend wants me to yield.

Shri N. E. Muniswamy: I wish to say a few words.

Mr. Deputy-Speaker: After the hon. Member has finished.

Shri N. E. Muniswamy: He has concluded.

Pandit Thakur Das Bhargava: I have not finished. I thought the hon. Member was intervening and wanted to say something.

Mr. Deputy-Speaker: There is one thing that I must bring to the notice

of the hon. Member. We had allotted one hour for the second reading. It was a decision of the House which, I am sure, Pandit Thakur Das Bhargava would be more ready to abide by than anybody else. Therefore, that must be taken into consideration. If ultimately, the whole thing is to be put by me to the vote of the House at once, then too there would be objection. Therefore, a proportion should be kept so far as the clauses are concerned.

Pandit Thakur Das Bhargava: I am not going to take more time than you wish me to take. I have said enough. I do not want to say more. At the same time I want to say the arguments that my friend has advanced are not convincing and he has also not been pleased to meet my arguments. He tried to meet some but brushed aside the others with indifference or contempt. My only plea—as you were pleased to observe—is that you can come to the Central Hall and it will not take more than ten minutes. I will be more than content with it. I do not think that you are only here to regulate the debate. You are here for many other purposes . .

Mr. Deputy-Speaker: That was my view.

Pandit Thakur Das Bhargava: The country is of utmost importance. Supposing you give a sort of an opinion, it is entitled to the greatest weight from Members as well as the Parties. I do not want to force you to express an opinion. I shall be content if even the hon. Home Minister for whom I have the highest respect looks at this. Let him come and spend ten minutes. He will know that these four principles have not been accepted. I am not fighting for the principles at all. The principles were given by our Prime Minister on more than one occasion. I accept what the hon. Prime Minister says in letter and in spirit. These border questions should be decided according to the general wishes of the persons concerned. That was the principle even when Andhra Pradesh was established. Our hon. Prime

Minister said that Andhra should be established with the consent of Madras. In this SRC report, there are quotations from his speech. In this case the wishes of these people have not been consulted; on the contrary they have been ignored. People have gone to Shri Pataskar and made representations. People complained to him. But he would not hear them. They gave out all these arguments which I am giving. All these 82 dislocations were pointed out to him. He would not go for an on-the-spot study and find out things for himself. Now, when so many villages are going away, I will request that this question may be looked into here in this Parliament by some responsible person. I am very sorry that after my spending so much time, I have not been given that satisfaction. If the hon. Home Minister or you have seen it, at least this would have brought this out. It is a mediation report and we may not accept it if there is a mistake. If we feel that there is a mistake on principles of justice and also on facts, we may not accept it.

Shri N. E. Muniswamy: Sir, the terms in which the proviso is sought to be introduced by way of an amendment by Pandit Bhargava have no foundations at all. The four principles enunciated have been made applicable for all the areas but he wants to introduce a new idea now by his amendment, bringing in the new census of 1960-61 or a special census for this purpose. He has raised a new point for the first time and it will disturb the entire scheme adopted by Shri Pataskar. The two legislatures also have adopted certain formulae. These things have all been worked out carefully and meticulously. Pandit Thakur Das Bhargava wants that all these things should be reopened and it would mean that the entire set-up would crumble. It is not going to help the two States or even the people living in those areas.

Mr. Deputy-Speaker: All these arguments have been advanced already.

Shri N. E. Muniswamy: I am quite aware of that, Sir, but I have to reply to that point because it will go unanswered

Mr. Deputy-Speaker: He has also said that he said enough

Shri N E Muniswamy: He introduced a new thing and it should be rejected forthwith

Shri Datar: Sir, I shall be very brief. My friend complained that he was not heard or his arguments were not fully listened to by others. He wanted us to look at the maps in his presence and hear his arguments. I would not like to make a reference to what has happened outside. Before this Bill was taken up Pandit Thakur Das Bhargava, myself and the hon. Home Minister sat together for more than one hour and we heard him completely and we also told him what we had to say. Therefore, he should not nurse a grievance on the ground that he has not been heard by anybody at all.

Pandit Thakur Das Bhargava: I never thought that he would refer to things which were extraneous. If I am also allowed to make a reference, I would have said many things.

Mr. Deputy-Speaker: Then his grievance remains against me only!

Shri Datar: So, all of us sat for more than one hour. I was surprised at his argument that the census figures were wrong. This was a new argument and I wish that he had not used new arguments as he went on. My friend needlessly brought in an officer, Mr. Aruppanathan. He is an officer of the Government of India, Superintendent of Census Operations. He was not an officer of the Madras Government.

Shri N E. Muniswamy: His name is Arpuhanathan—not Aruppanathan.

Shri Datar: I think he is the officer referred to by Pandit Bhargava. He read from this book which is known as the Census of India—Chittoor District.

Mr. Deputy-Speaker: He told us of some officer whose name signified working wonders and therefore, he argued that he had worked wonders.

Shri Datar: Anyway, it was rather inappropriate for him to have made reference to an officer by name.

Then he said something about the irrigation projects. The Armyar project has been transferred to Andhra from Madras and Shri Patasakar himself says that in those 34 villages there are both Teugu and Tamil people and they will get the benefit of this irrigation scheme and so the villages which get the benefit out of it will now be in the same State of Andhra again, so far as the State assemblies are concerned, I may repeat that they wanted some more portion from Hosur and Krishnagiri and they did not object to the award as it was. They wanted something more.

Lastly, I do not know whether this particular amendment is in order. He could not point out which particular village was wrongly included and this provokes practically takes away the whole effect of the Bill because it proceeds on the assumption that we have proceeded wrongly. I do not want to raise this technical objection only but I do feel that this amendment is out of place.

Mr. Deputy-Speaker: Now, there is one thing that I must answer. Pandit Thakur Das Bhargava claimed that it was only in the case of Rule 368 that a Minister could claim privilege and say that it could not be produced where he had quoted from a document. He interpreted that rule to the effect that a Minister could claim privilege from making a document public in case he quoted from it and if a Member or the House asked him to produce it.

Pandit Thakur Das Bhargava: On the contrary, I submitted that these two documents should be produced here.

Mr. Deputy-Speaker: I am coming to that. Suppose he does not quote from that at all and a demand is made

that the document should be produced. Then, I think there is greater ground for the Minister if he claims privilege in this case and the Chairman or the Presiding Officer could not interfere and rule as he wants

Now, I quote a previous decision of the hon Speaker. It was on the occasion when the President's proclamation was being discussed here Shri V P Nayar asked for the report of the Governor to be produced here. The Speaker gave the ruling on that occasion. There was a motion that it was a case of breach of privilege on the part of the Government since they did not produce that document when Shri Nayar asked for its production. Then the Speaker remarked

"I have been anxious to see whether a *prima facie* case has been made out. Therefore, at the outset, I said that it must be shown to me first of all that there is an obligation cast upon the Home Minister to place the document on the Table of the House whether an individual Member asks for it or whether the whole House collectively asks for it. I will assume that not merely Shri Nayar but the whole House asks for the production of this document. If the hon Minister cannot withhold it and if he is bound to place it on the Table of the House then if he refuses to do so certainly, there would be a breach of privilege."

Then, the hon Speaker went on to say

"So far as that matter is concerned, Shri Nayar who tabled this motion mentioned Rule 368 of our Rules of Procedure which lays down that even in cases where a Member refers to a particular document and reads it out in the House, ultimately when the House insists upon its being placed on the Table of the House, it is open to the Minister to say that in public interest he is not placing it on the Table of the House. That is

the clear wording of Rule 368. It does not admit of any doubt so far as that matter is concerned."

I shall put amendment No 6 to the vote. The question is—

Page 2,—

after line 26, add—

"Provided that territories as have been wrongly included in the report of the mediator (Hon'ble Shri Pataskar Ji) on the basis of the Madras Plan to the Madras and Andhra Pradesh States shall not be included in the respective States as are found to be such as according to the four principles accepted by the two States cannot be included on the basis of the Survey Plan of 1957-58 and the new Census of 1960-61 or a Census specially taken for these areas"

The motion was negatived

Mr. Deputy-Speaker: The question is

"That clause 3 stand part of the Bill"

The motion was adopted

Clause 3 was added to the Bill

Clause 4 was added to the Bill

Clause 5—(Changes of territorial divisions in Madras)

Shri N. E. Muniswamy: I beg to move

Page 3, line 15, for "Chingleput", substitute "North Arcot"

I wish to say a few words

Mr Deputy-Speaker: He has already referred to this aspect in his speech

Shri N. E. Muniswamy: I have not referred to it, Sir. I shall make the position clear by first referring to the clause

Mr. Deputy-Speaker: In his speech for consideration of the Bill, he argued that matter. It need not be reopened at this stage.

*(Alteration of
Boundaries) Bill*

Shri N. E. Munsawamy: So far as this particular aspect is concerned, I have not referred to it in my speech. Sub-clause (2) of clause 5 says:

"The territories specified in Parts I and II of the Second Schedule shall be included in and form a separate taluk to be known as Tiruttani taluk of Chingleput district, " etc

I only want the words "North Arcot" to be substituted for the word "Chingleput". The reasons are these. Shri Pataskar himself has said in his award thus. Unfortunately, there is no paragraph number given in his report. What he says is this:

"The border, therefore, between Andhra and Madras will now run between the hill and village No 120 and will be the same as the present border of Tiruttani taluk up to the southern end of village No 85."

This is at page 21 of the report. Then, it goes on:

"The rest of Tiruttani taluk, being contiguous to Arkonam and Welajpet in Madras State, should be included in the State of Madras."

These areas concerned are in the North Arcot district. They are contiguous only to North Arcot. The report says:

"There is a group of Telugu villages in the middle of the Tiruttani taluk, but being a pocket, the area covered by these villages will naturally go to Madras."

What I want to emphasise is that the Tiruttani taluk is more contiguous to North Arcot district and not to Chingleput district. As it is, it looks as though they create something like a balloon and pierce Chingleput into Tiruttani with a mouth of three or four miles width. Four miles are taken up as a link and the areas are pierced into the Tiruttani taluk and make the area bulge out. So, instead of doing this, what I want to suggest

is, the rest of the area of Tiruttani should be added to North Arcot district instead of the Chingleput district. Shri Pataskar himself has said that this area is contiguous to North Arcot. I would appeal to the hon. Minister and this House to accept my amendment.

Shri Datar: This question was considered by the Madras Government and also the Madras Legislature. This is a particular area to which the hon. Member refers as being contiguous or nearer to North Arcot. But the point has already been considered by the Madras Legislature. It is near to Chingleput according to the discussions in the Madras Legislature. It is not possible to accept this amendment.

Mr. Deputy-Speaker: The question is

Page 3, line 15, for "Chingleput", substitute "North Arcot".

The motion was negatived.

Mr. Deputy Speaker: The question is

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 17 were added to the Bill.

Clause 18—(Extension of jurisdiction of, and transfer of proceedings to, Andhra Pradesh High Court)

Shri Datar: So far as clause 18 is concerned, my hon. friend has tabled an amendment the substance of which I accept. Inasmuch as it has not been properly worded, I shall move my amendment which will exactly meet with his desire. I beg to move:

Page 7,—

after line 16, add—

"(5) Subject to any rule made or direction given by the High Court of Andhra Pradesh, any such person who immediately

before the appointed day is an advocate entitled to practise in the High Court at Madras as may be specified in this behalf by the Chief Justice of the High Court of Andhra Pradesh having regard to the transfer of territories from the State of Madras to the State of Andhra Pradesh, shall be recognised as an advocate entitled to practise in the High Court of Andhra Pradesh "

Shri N. R. Muniswamy: There is no difference at all. It is the same thing as I have stated.

Shri Datar: It is slightly changed.

Mr. Deputy-Speaker: The hon. Member could claim credit that his amendment was being accepted. The question is

Page 7,—

after line 16, add—

"(5) Subject to any rule made or direction given by the High Court of Andhra Pradesh, any such person who immediately before the appointed day is an advocate entitled to practise in the High Court at Madras as may be specified in this behalf by the Chief Justice of the High Court of Andhra Pradesh having regard to the transfer of territories from the State of Madras to the State of Andhra Pradesh, shall be recognised as an advocate entitled to practise in the High Court of Andhra Pradesh "

The motion was adopted.

Mr. Deputy-Speaker: The question is

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19— *(Extension of jurisdiction of, and transfer of proceedings to, Madras High Court)*

Amendment made.

Page 8,—

after line 11, add—

"(5) Subject to any rule made or direction given by the High Court at Madras, any such person who immediately before the appointed day is an advocate entitled to practise in the High Court of Andhra Pradesh as may be specified in this behalf by the Chief Justice of the High Court at Madras having regard to the transfer of territories from the State of Andhra Pradesh to the State of Madras, shall be recognised as an advocate entitled to practise in the High Court at Madras "

—[*Shri Datar*]

Mr. Deputy-Speaker: The question is

"That clause 19, as amended, stand part of the Bill "

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clauses 20 to 54 were added to the Bill.

(The Schedules)

Pandit Thakur Das Bhargava rose—

Mr. Deputy-Speaker: It is 3 O'clock, I have exceeded my powers. Even after the decision of the House to extend the time by two hours, I have exercised my discretion and used that one hour also in addition. Anyhow, Pandit Thakur Das Bhargava may make a brief speech.

Pandit Thakur Das Bhargava: I only wanted your permission to move my amendments and make a short speech thereon. I beg to move

(1) Page 23,—

after line 28, add—

"Part III All the villages of the Madras State which are irrigated by the Arniar Project."

[Pandit Thakur Das Bhargava]

(ii) Pages 24 to 32,—

In Part I of the Second Schedule, omit the following Census Code Nos and the respective villages —

"10, 11, 13, 14, 15, 19, 21, 25, 26, 28, 29, 50, 53, 54, 55, 58, 59, 63, 64, 65, 66, 70, 79, 81, 83, 84, 85, 86, 87, 88, 89, 90, 97, 99, 100, 101, 102, 103, 104, 109, 110, 112, 120, 123, 124, 127, 128, 135, 136, 138, 139, 140, 141, 142, 143, 146, 147, 148, 162, 163, 164, 165, 169, 175, 176, 178, 180, 181, 182, 183, 184, 185, 186, 196, 198, 200, 201, 203, 204, 207, 211, 212, 214, 215, 216, 221, 222, 226, 229, 233, 234, 235, 248, 249, 250, 251, 252, 255, 256, 258, 259, 279, 282, 283, 284, 285, 289, 292, 300, 301, 316 "

(iii) Pages 33 and 34,—

In Part II of the Second Schedule, omit the following Census Code Nos and the respective villages —

"92, 130, 131, 132, 290, 306, 331 "

I only want to mention the numbers of the villages retained in Andhra. The villages 64, 55, 65, 66, 53, 54 are contiguous to village No 62 retained in Andhra. Villages Nos 196, 200, 175, 198, 226, 201, 176, 178, are contiguous to villages 195 and 134 retained in Andhra. Village No 292 which is contiguous to village No 274, retained in Andhra. Village Nos 101, 102, 81, 104, 103, 99, 97, 142, 136, 85, 86, 120, 84, 83, 58 and 59 are contiguous to each other, to village No 80 and 96 retained in Andhra. The villages Nos 11, 19 and 21 contiguous to village Nos 3 and 4 retained in Andhra. The villages Nos 130, 131 and 132 contiguous to village No 93 retained in Andhra. The villages Nos 70, 90, 87, 88, 89, 127, 147, 146, 148, 165, 185, 215, 216, 258, 256, 259, 285, 203, 285, 284, 283, 279, 183, 184, 180, 181, 182, 143, 233, 234, 252, 250, 251, 212, 235, 211, 214, 140, 164, 163, 162, 139, 138, 141 and 135 are contiguous to each other and to village No 135 of Puttur taluk retained in Andhra. The villages Nos 204 and 207 contiguous to villages Nos

96 and 98 retained in Andhra. The villages Nos 15, 14, 13, 25 and 26 of Tiruttani taluk are contiguous to villages No 133 and 80 of Puttur taluk retained in Andhra.

15 hrs.

The following villages are pockets to Andhra area which are to be omitted in the Parts I and II of the Second Schedule. Villages Nos 63 and 79—pockets to Telugu majority villages Nos 119, 80, 62, 64 and 66. Village No 139—pocket to Telugu villages Nos 141, 138, 214 and 140. Village No 148 is pocket to Telugu majority villages Nos 146, 147, 184 and 185. Village No 97 is pocket to Telugu majority villages Nos. 102, 81, 104, 120 and 96. Village No 101 is pocket to Telugu majority villages Nos 102, 81, 104 and 103.

Uninhabited villages have been transferred to Madras State for which no principle has been accepted. Hence the following villages have to be omitted from Parts I and II of the Second Schedule. Villages Nos 25, 26, 28, 29, 50, 53, 92, 109, 110, 112, 120, 123, 124, 128, 142, 143, 146, 162, 165, 169, 175, 176, 178, 185, 186, 203, 204, 221, 222, 226, 229, 233, 235, 248, 249, 255, 282, 289, 290, 300, 306, 316 and 331.

Apart from these four principles, there is a fifth principle also. It was submitted by Andhra Government and accepted by the Madras Government that in a village where three languages are spoken, the third language group is to be ignored and out of the two language groups, viz., Tamil and Telugu, whichever is in majority shall decide whether the village should go to Madras or Andhra. This principle has also been contravened in respect of villages Nos 10, 87 and 184. On the contrary, Mr Pa'askar, as a matter of fact, did not arbitrate in regard to areas which are trilingual, though the principle had been accepted by both Governments. He rejected all the four principles and it should be said to the credit of Mr Pa'askar that he rejected this fifth principle also.

I, therefore, submit that my amendments may be accepted and justice done

Mr Deputy-Speaker: I will put amendment No 10 to the House The question is

Page 23,—

after line 28, add—

“Part III. All the villages of the Madras State which are irrigated by the Armar Project ”

The motion was negatived

Mr. Deputy-Speaker: The question is

“That the First Schedule stand part of the Bill ”

The motion was adopted

The First Schedule was added to the Bill

Mr. Deputy-Speaker. I will now put amendments Nos 11 and 12 to the Second Schedule

The question is

Pages 24 to 32,—

In Part I of the Second Schedule, omit the following Census Code Nos and the respective villages —

“10, 11, 13, 14, 15 19 21, 25, 26
 28, 29, 50, 53, 54, 55, 58 59, 63, 64,
 65, 66, 70, 79, 81, 83, 84, 85, 86, 87,
 88, 89, 90, 97, 99, 100, 101, 102
 103, 104, 109, 110, 112, 120 123
 124, 127, 128, 135, 136, 138, 139,
 140, 141, 142, 143, 146, 147, 149,
 162, 163, 164, 165, 169, 175, 176,
 178, 180, 181, 182, 183, 184, 185,
 186, 196, 198, 200, 201, 203, 204,
 207, 211, 212, 214, 215, 216, 221,
 222, 226, 229, 233, 234, 235, 248,
 249, 250, 251, 252, 255, 256, 258
 259, 279, 282, 283, 284, 285, 289,
 292, 300, 301, 316.”

The motion was negatived.

Mr. Deputy-Speaker: The question is

Pages 33 and 34,—

In Part II of the Second Schedule, omit the following Census Code Nos. and the respective villages —

“92, 130, 131, 132, 290, 306, 331.”

The motion was negatived

Mr. Deputy-Speaker The question is

“That the Second Schedule stand part of the Bill ”

The motion was adopted

The Second Schedule was added to the Bill

The Third Schedule, the Fourth Schedule, the Fifth Schedule, the Sixth Schedule, Clause 1 the Enacting Formula and the Long Title were added to the Bill

Shri Datar: I beg to move.

“That the Bill, as amended, be passed ”

Mr Deputy-Speaker: The question is

“That the Bill, as amended, be passed ”

The motion was adopted

15 06 hrs

INDIAN PENAL CODE (AMENDMENT) BILL

The Deputy Minister of Home Affairs (Shrimati Alva): I beg to move

“That the Bill further to amend the Indian Penal Code be taken into consideration ”

This amending Bill has become necessary because the provisions in the Indian Penal Code were not found adequate enough to eradicate effectively the evil of kidnapping of children and exploiting them for the purpose of begging, inflicting cruelty of a severe nature etc So, the Indian Penal Code