MR. CHAIRMAN : Mr. Nair, you are going beyond your . . .

SHRI M. N. GOVINDAN NAIR : What are we to do?

MR. CHAIRMAN : I do not know, it is for people to find out.

SHRI M. N. GOVINDAN NAIR : We are helpless.

SHRI BHUPESH GUPTA : I can understand your telling that you do not know what to do but you can tell the Government what to do.

SHRI M. N. GOVINDAN NAIR: Think in terms of the ordinary people. The question is raised in the Parliament about the Gold Control Order. Nobody is in favour of the Order including the Congress Party. Those who are the sufferers have demonstrated for the last one or two years. They have now come and started fasting and during all these days the Government does not move. What is the next thing ? The Home Minister thinks it fit to arrest and put them in jail. Instead of doing that, why not you persuade the immovable Government to take the necessary steps to scrap this ? Let us know what are their difficulties, what are their objections to scrapping this Gold Control Order.

MR. CHAIRMAN ; Will you please take your seat ?

SHRI M. N. GOVINDAN NAIR : I will sit down.

MR. CHAIRMAN : You are not doing it. I did not allow Mr. Vajpayee to speak. He is the Leader of a party.

SHRI ATAL BIHARI VAJPAYEE : You dd not allow and so I did not speak but those who want to speak go on speaking.

MR. CHAIRMAN : That is what I see. I feel guilty in having asked Mr. Vajpayee not to speak on the plea that two Members had given notice and I had asked them very briefly to state their cases but the other Members have intervened. If Mr. Vajpayee wishes to speak., I will allow him to speak. I will, indeed allow everybody.

SHRI ATAL BIHARI VAJPAYEE : I want to make only a brief submission. If the Government is to scrap the Gold Control Order, it should be scrapped, gracefully and expeditiously. If something untoward happens to the leaders of the goldsmiths, the Congress party will not get the credit and if the situation deteriorates, the Government will be held responsible for that.

SHRI ARJUN ARORA : I want to know why the Government has been discriminating between the various sets of hunger strikers. It has arrested the hunger strikers demanding the abolition of the Gold Control Order which demand has some justification. It has not interefered with another set of hunger strikers demanding the banning of the cow slaughter, which demand is not justified. Why is there this discrimination ?

SHRI ATAL BIHARI VAJPAYEE : Question.

MR. CHAIRMAN : I will pass on to the next item. The Constitution (Eighteenth Amendment) Bill, 1966. Mr. Pathak.

SHRI BHUPESH GUPTA : Sir, I wanted a statement from the Prime Minister.

MR. CHAIRMAN : Not now, we have taken a lot of time already.

THE CONSTITUTION (EIGHTEENTH AMENDMENT) BILL, 1966

SHRI BANKA BEHARY DAS (Orissa) : I have a point of order on the Constitution (Amendment) Bill. I have four points to make and I will put them together in a short time so that the Law Minister could answer and satisfy us before he moves the motion.

MR. CHAIRMAN : What is the point of order? The motion has not been moved.

SHRI BANKA BEHARI DAS : Before he moves.

MR. CHAIRMAN : No, you cannot. There is no point of order at this stage. Yes, Mr. Pathak.

THE MINISTER OF LAW (SHRI G. S. PATHAK) : Sir, I move :

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

Sir, the Bill is clarificatory in nature. It seeks to add two Explanations. The need for clarification arose when certain aspects of article 3 were being examined in connection with the proposed reorganisation of Punjab. It was proposed that certain territories from the State of Punjab, as it exists at present, would be transferred to the Union territory of Himachal Pradesh, with the result that the reorganisation would involve increase in area and boundary of the Union territory of Himachal Pradesh, which will be a new Union territory.

Sir, for appreciating the necessity for amending Article 3.. it is necessary to look at the background of the constitutional changes so far as this part of the Constitution is concerned. Sir, the hon. Members of this House remember that in 1956 there was the reorganisation of States.

SHRI BHUPESH GUPTA (West Bengal) : After a lot of fight.

SHRI G. S. PATHAK : And at that time the Constitution (Seventh) Amendment Act was passed. Before that Amendment Act was passed, there were the Part A, Part B and Part C States; there were no Union territories, and wherever Part C States were intended to be excluded, there was a reference to that exclusion. Now hon. Members will remember that, if there was to be reorganisation, then under the Proviso to Article 3 reference had to be made to the Legislatures of Part A and Part B States alone. No reference to the Legislature of a Part C State was necessary although under Article 240 it was possible for a Part C State to have a Legislature. Now, Sir, Himachal Pradesh was a Part C State at that time,

and if the reorganisation had taken place before the Seventh (Amendment) Act, it would not have been necessary for the President to make a reference to the Legislature of Himachal Pradesh. Now,, Sir, when the Seventh (Amendment) Act was passed, Part A, Part B and Part C States were abolished as such. Instead, we had States and Union territories. Now, Sir, the question arose whether in Article 3 of the Constitution the word 'State* would include 'Union territory'. The Supreme Court, in the Berubari case, held that it did not. Later, recently, in 1966, in the Ram Kishore Sen's case the Supreme Court took the view that it did, that is to say,, that the word 'State' included the expression 'Union territory'. Now these were obiier dicta,, and the position today is that, while the intention of the Constitution-makers, as well as the intention of the Parliament, at the time when the Seventh (Amendment Act was passed, was that no reference need be made to a Part C State or, later, to a Union territory, according to the Supreme Court's decision reference will have to be made, because the Supreme Court has ruled that in the Proviso 'State' would also include 'Union Territory'. The intention has been that in the main part of Article 3 "State" will include "Union Territory", whereas in the Proviso "State" does not include "Union Territory". Therefore it is necessary to clarify the position and to say that in the main part of Article 3 "State" includes "Union Territory", and in the Proviso "State" does not include "Union Territory"., with the result that the President has not got to make a reference to the Legislature of a Union Territory-in the present case Himachal Pradesh-if the reorganisation takes place on those lines, while the reference could be to the States which are not Union Territories. Now for this reason Explanation 1 is sought to be introduced in Article 3. I will read that Explanation.

"*Explanation I.*—In this article in clauses (a) to (e) 'State' includes a Union territory, but in the proviso, 'State* does not include a Union Territory." Constitution (18r/i

"Explanation 11.—The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory."

Now in the proposed reorganisation a part of the State of Punjab will be united with the Union Territory of Himachal Pradesh. Article 3, clause (a) as it stands, does not expressly include such a situation. Therefore it has become necessary to make it explicit that Article 3 (a,) includes the case of the union of a Union territory with a part of the territory of a State. That is the reason why Explanation II is souhgt to be introduced.

Sir, at this stage it is not necessary for me to say anything further. These two Explanations are necessary and they make clear what might have been in doubt. Thank you, Sir.

The question was proposed,

MR. CHAIRMAN: There is an amendment by Shri Rajnarain for reference of the Bill to a Select Committee.

SHRI BANKA BEHARY DAS: On a point of order., Sir.

MR. CHAIRMAN : When I am on my legs there is no point of order.

There is an amendment by Shri Rajnarain for reference of the Bill to a Select Committee, which may be moved at this stage without a speech.

SHRI BANKA BEHARY DAS : Shall I raise the point of order after he speaks ? I think this is the proper stage and I may be allowed.

MR. CHAIRMAN : I will just come to you. Let him move his amendment.

श्री राजनारायण (उत्तर प्रदेश) ः श्रीमन् में संगोधन करता हं :

Amdt.) Bill, 1966

"कि यह विधेयक सेलेक्ट कमेटी में इस शतं के साथ भेज दिया जाए कि एक महीने के अंदर सेलेक्ट कमेटी अपनी रपट सदन के सम्मुख प्रस्तुत करेगी। कमेटी के सदस्यों के ये नाम होंगे।

श्री अटल विहारी वाजपेयी
श्री मुल्क गोविन्द रेड्डी
श्री भूपेश गुग्त
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श्री दत्तोपन्त ठेंगड़ी
श्री भाऊराव कृष्णराव गायकवाड
श्री ए० पी० चटर्जी
श्री राजनारायण (प्रस्तावक)

ALE ALE PERSONNEL CENTER CONTROL CONTROL

t["That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members, namely :—

- 1. Shri Atal Bihari Vajpayee
- 2. Shri Mulka Govinda Reddy
- 3. Shri Bhupesh Gupta
- 4. Shri A. D. Mani
- 5. Shri Lokath Misra
- 6. Shri Gaure Murahari
- 7. Shri Abdul Bhani
- 8. Shri Niren Ghosh
- 9. Shri D. Thengan
- 10. Shri B. K. Gaikwad
- 11. Shri A. P. Chatterjee
- 12. Shri Rajnarain (Mover);

with instructions to report within a month from the date of making the motion."]

t[] English translation.

[श्री राजनारायण]

मेंने कोशिश की है

श्री सम्मापतिः आपने मूव कर दिया इस वक्त तकरीर करने की जरूरत नहीं है। आप 'इन द कोर्स आफ द डिवेट' अपनी तकरीर कर सकेंगे।

श्री राजनारायण : श्रीमन्, हमारा एक पौइन्ट आफ आईर है।

श्री **सभापतिः** आपके अपने अमेन्डमेन्ट पर है?

श्री राजनारायण: पहले उनका पौइन्ट आफ आर्डर सुन लीजिए, फिर हमारा होगा।

SHRI BANKA BEHARY DAS: I raise the point of order now, Sir. I am sorry that the Constitution (Amendment) Bill has been prepared very lightly though the purpose is to facilitate the birth of two new States in India, with which I am one. Butt two Bills have been circulated. I have four points to make.

1 P.M.

When it was introduced in the Lok Sabha. in the original Bill as it was introduced in the Lok Sabha on the 25th July and as it has been circulated to us the title of the Bill is "The Constitution (Twentieth Amendment) Bill. 1966. And the number of the Bill was given as 39. After it has been passed by the Lok Sabha the title of the Bill was changed and when it is now introduced here it is called "The Constitution (Eighteenth Amendment) Bill. Though the purpose of the Bill remains the same, I would say that whatever may be the technical reasons that have actuated the Government to change the title, this matter has been treated very lightly. That is my first point.

Sir, I have to make four points and I come now to my second point. Sir., you know that according to the Rules of Procedure and Conduct of Business of our House, under Rule 71 it is stated :

"No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses or be circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge."

Moreover, Sir, in the same connection I would like to refer to Rule 69 also which says

"When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motion in regard to his Bill, namely :—"

And then you have the kinds of motions given as (i), (ii), (iii) and (iv). From this it is clear that only the member in charge of the Bill can take the appropriate steps for getting a Bill considered by the House. He has to move the motion requesting the consideration of the Bill by the House. So here also I mean to say there is again confusion in the matter because as you know, Sir, on the Bill itself the name of the Member in charge of the Bill is always mentioned. It is written on the back of the Bill. Here you will kindly note,, Sir, that on this "The Constitution (Twentieth Amendment) Bill, 1966" as it was called when it was introduced in the Lok Sabha, it is stated that it is in the name of Shri Gulzarilal Nanda. Minister of Home Affairs. Mr. Pathak here is the Law Minister. He is the Minister of Law. So, Sir, here also I am going to plead that Mr. G. S. Pathak is not competent to pilot this Bill as he is not the member in charge according to the entry on the Bill that was introduced in the Lok Sabha where it has been mentioned that the Minister of Home Affairs, Shri Gulzarilal Nanda is the Member in charge of the Bill.

Moreover nothing has been done even to correct that position and in the Bill that was introduced here after being passed by the Lok Sabha there is no mention of any Member who is in charge of the Bill. I could have understood the position if the Cabinet had changed its opinion or the Ministry had

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changed its idea. In that case if they wanted the Law Minister to pilot this Bill then before it was introduced here it should have been mentioned that Mr. G. S. Pathak is the Member in charge of this Bill and not Shri Gulzarilal Nanda. That is my second point, Sir.

My third point that I make is this. If Shri Gulzarilal Nanda becomes the Member in charge of this Bill and pilots this Bill that also would be improper because according to the Jist of different Departments which l>elong to the different Ministries—and that has been circulated to us—only legislations like 'those concerning the I.P.C. or something like that can be piloted by the Home Minister. He cannot be in charge of a Constitution (Amendment) Bill.

My fourth point relates to the Constitution itself. Sir, as you know, in diis Constitution (Amendment) Bill that has been moved now there is a provision for amending article 3 of our Constitution. It is appropriate that this article is amended before the Panjabi Suba and the Haryana Prant are brought into being. Here also I may mention that under article 1 there is a Schedule in the Constitution which gives the names of the States, the Union Territories and so on and it is a very long list. It mentions the States which have got Legislatures. If we now amend only article 3, then there will be this lacuna remaining namely that there will not be mention of these two States in this Schedule. That lacuna will have to be filled up by a very circuitous means by which you will bring in this Schedule these two States also, namely, Punjabi Suba and Harvana Prant. I would rather request the hon. Minister to withdraw this Constitution (Amendment) Bill now and bring in a fresh amending Bill where the Schedule mentioned in article 1 is also amended. I know the reply will be that there are other methods of doing it. But I do not want that the House should be preoccupied with this matter for a longer period and that there should be a Bill now for amending article 3 and then again another for amending that Schedule for bringing in

Punjabi Suba and Haryana Prant into that Schedule. I know that that lacuna can be met by other means. But I want to plead with the Minister diat instead to taking recourse to the circuitous means he can save the time of the House if he brings in a fresh Constitution (Amendment) Bill so that . .

MR. CHAIRMAN : Pleading with the Minister is not a point of order.

SHRI BANKA BEHARY DAS: But the other points are points of order which I have mentioned. I am also pleading that because this is a very serious matter, though this can be done in other ways also, in addition to the other reasons that I have mentioned, this also may be taken into consideration.

MR. CHAIRMAN : I did not object when you were speaking on the other points. I only object to this.

SHRI BHUPESH GUPTA : Sir. I also submit that this is not proper. Here we have been given this slip. It does not contain who is going to move it. Here is a cyclostyled thing. Normally when the other House passes a measure and when we are in a hurry, when they make some changes then those changes are indicated when the measure is introduced here. The other things remain as they are. I do realise that the Bill is brought to this House after having been passed in the other House and so we need not have in it the usual Statement of Objects and Reasons and so on. But at the same time the name of the mover, the Member in charge of the measure, should be given. Now, these little things should be conformed to. Not that they are very very important, but these small things should not be ignored. For example., I get this thing here and looking at it I do not know, except that it is a Constitution (Amendment) Bill, who is moving it, whether it is an official Bill or a non-official one or some such thing. Nobody knows, looking at it, whether some individual would be allowed to move it. Therefore, I would say that the Government should be a little more alert in

[Shri Bhupesh Gupta.]

these matters and they should conform to those rules which they have themselves set out in the course of the past fourteen years.

SHRI NIREN GHOSH (West Bengal) : Sir, I think this motion for the consideration of this Bill should be opposed. I am at one with the object of the Bill but . . .

MR. CHAIRMAN : There is no question of supporting or opposing now. I have not put it for discussion here. There is a point of order raised and we are on it.

SHRI NIREN GHOSH : I think it is unconstitutional.

MR. CHAIRMAN : I see.

SHRI NIREN GHOSH : It is unconstitutional because as the hon. Minister has stated they want to create two new States, namely the Punjabi Suba and the Haryana Prant. But we must remember that Governor's Rule has been introduced in Punjab and at the same time the Punjab Assembly has not been dissolved. It is said that the M.L.A.s there are getting their allowances and emoluments. So this is a contradictory position. Now the . .

MR. CHAIRMAN : That matter has not been mentioned at all.

SHRI NIREN GHOSH : It is for the benefit of the Congress Party.

MR. CHAIRMAN : You say everything is for the Party. How can that be a point of order? It is not fair. This matter has not been mentioned in the Bill.

SHRI NIREN GHOSH: The hon. Minister has already stated that it is for constituting the Haryana Prant and the Punjabi Suba.

MR. CHAIRMAN : But here is the Bill and it is a general Bill.

SHRI NIREN GHOSH : But how can they reorganise a State where there is the Governor's Rule and at the same time the Assembly is in suspended animation ? How can that be possible 7

MR. CHAIRMAN : Have you finished speaking on the point of order ?

SHRI NIREN GHOSH : It is not constitutional, really.

MR. CHAIRMAN : There is no point of order.

श्री राजनारायण : श्रीमन्, श्री वांक बिहारी दास जी ने जो वैधानिक आपत्ति प्रस्तुत की है, उसपर अवण्य विचार किया जाना चाहिये।

श्री सभापति: मगर आपकी सफाई की इस वक्त क्या जरूरत है जब वे कह चुके हैं?

श्री राजनारायण : में आपके जरिये ' '

श्री सभापतिः क्या आप कोई नई बात कहना चाहते हैं ?

श्री राजनारायणः जी हां, नई बात कह रहे हैं।

श्रीमन्, में आपके जरिये अपने सम्मानित सदस्य से निवेदन करूंगा कि वे नियमावली की 125 वीं कलम को पढ़ें। अगर राज्य सभा में यह बिल प्रस्तुत होता उस समय उनकी यह आपत्ति सही होती क्योंकि नियमा-वली की 125 वीं कलम जो है वह लोक सभा में आरम्भ होने वाले तथा राज्य सभा को पहुंचाये गये विधेयक से सम्बन्धित है। 125 वीं कलम बहुत ही साफ कहती है:

"125. कोई भी सदस्य [यदि विधेयक को पहले ही सभाओं की संयुक्त समिति को न सौंप दिया गया हो, किन्तु अन्यया नहीं] संजोधन के रूप में यह प्रस्ताव कर सकेगा कि विधेयक प्रवर समिति को सौंपा जाये और यदि ऐसा प्रस्ताव स्वीइंत हो जाये तो विधेयक प्रवर समिति को सौंप दिया जायेगा और तब राज्य सभा में आरम्भ होने वाले विधेयकों की प्रवर समितियों से सम्बन्धित नियम लाग होंगे।"

125 वीं कलम को मद्देनजर रखते हुए माननीय सदस्य ने जो प्वाइन्ट आफ आर्डर रेज किया है, मैं समझता हूं कि उसका कुछ महत्व नहीं है और वह ग़लत है । इसलिये आपने जो हमारे अमेंडमेंट को स्वीकार किया है वह बिलकुल वैलिड है, वैध है और नियम के मुताबिक है।

अब एक दूसरा हमारा प्वाइन्ट है सफ़ाई का। जरा कृपा कर के एक मिनट में सून लें। हमारा प्वाइन्ट यह है कि 125 वीं कलम यह कहीं नहीं कहती कि जो सिलेक्ट कमेटी में ले जाने का अमेंडमेंट पेश करेगा, वह पेश करते समय उसपर न बोले। में इस विधेयक को सिलेक्ट कमेटी में ले जाने के लिये अमेंडमेंट पेश कर रहा हूं और मेरे तकों को, मेरी लांजिक को इस सदन के सम्मानित सदस्य पहले से नहीं सुनेंगे तो वे उसपर जवाब देते समय क्या वोलेंगे। अब तक हमने जितनी पालियामेंदी प्रैक्टिस जानी है और जहां तक मुझे थोड़ा सा खिदमत करने का मौका मिला है उसके अनुसार तरीका यही है कि जब हम संशोधन पेश करें तो हम अपने संशोधन से सम्बन्धित अपना संक्षिप्त भाषण भी दें।

श्री सभापतिः यहां ऐसा तरीका नहीं है।

अगर यहां ऐसा श्री राजनारायण : तरीका नहीं है और आप की ऐसी रूलिंग है तो में बाऊ डाउन हुंगा। मगर हमारा निवेदन यह है कि अगर यह तरीका नहीं था तो यह तरीका हेल्दी नहीं है किसी भी डिस्कशन के लिये। आप इसपर गौर करें कि अगर मंत्री जी वोलते हैं और मंत्री जी के बाद हम को सुन लें तो दोनों को सुनने के बाद सदन के सदस्य अपनी राय जाहिर करें, वरना यह बहस बेमतलब हो जाती है। श्री समापति: यहां की ररम यही है और हम बरावर इतपर चल रहे हैं कि अमेंडमेंट जब मुव होते हैं तो उस वक्त तकरीर नहीं की जाती। जब वे बोलते हैं डिस्कजन में तो वे अपने अमेंडमेंट के मुताल्लिक भी कहते हैं। वह सब चार्ज भिनिस्टर साहव सुन लेते हैं और जवाब देने के वक्त वे अमेडमेट के मृताल्लिक भा कह देते है।

श्री राजनारध्यणः श्रीमन्, यह तो मिनिस्टर साहब थे बारे में हुआ। दूसरे सदस्य क्या बांसेंगे।

SHRI BANKA BEHARY DAS : Sir, my points of order have to be disposed of.

MR. CHAIRMAN : Yes, yes. We shall do that.

SHRI G. S. PATHAK : Sir, 1 rise to answer the points of order raised by our hon. friend there. So far as the question of the description of the amendment is concerned, that is, Eighteenth Amendment instead of Twentieth Amendment, the position is that at the time when the Bill was introduced in the Lok Sabha it was quite properly described as the Twentieth Amendment because there were other amendments pending but at the tim« I when it was going to be passed by the ! Lok Sabha its number among the Bills ' which were passed was Eighteen and the Lok Sabha accepted my amendment by which 'Eighteenth' was substituted for 'Twentieth'.

Now the Bill comes here under rule 121. Under rule 121 it is laid on the Table of the House and under rule 122 any Minister in the case of a Government Bill may give notice of his intention. And I gave notice.

MR. CHAIRMAN : Which rule are you referring to ?

SHRI G. S. PATHAK : Rule 122.

SHRI MULKA GOVINDA REDDY (Mysore) : That notice is not here.

SHRI G. S. PATHAK ; Rule 122, says:

"At any time after the Bill has been so laid on the Table, any Minister in the case of a Government Bill, or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration." [Shri G. S. Pathak.]

You may kindly note the definition of the Member in charge of the Bill. It means in the case of a Government Bill any Minister.

SHRI BHUPESH GUPTA : Anonymous.

SHRI G. S. PATHAK : The Minis, ter, it must be known, is not a part of the Bill. It is the Bill which has come for being passed.

One other point was rasied mat it should have been provided in this Bill as to what the reorganisation should be. Now it is forgotten, I say with all respect to the hon. Member, that there is article 4 of the Constitution. (Interruption). If the hon. Member thinks that without bringing a reorganisation law there can be reorganisation of the States then I think he is not correct.

SHRI BANKA BEHARY DAS : I am not disputing that.

SHRI G. S. PATHAK : The law is that the shape which the reorganisation will take and the consequences of that reorganisation which may effect changes in the Constitution will be the proper subject-matter of the reorganisation Bill and the automatic effect of the passing of the reorganisation Bill into an Act will be automatic amendment of the Constitution. It would not be necessary to amend article 1 or any other article because there is express provision in article 4. Now,, at the present moment I am asking this House to pass a law which is general in its terms, which is not specifically related to the reorganisation of Punjab. It may be useful and will be directly useful in that reorganisation but this is a general law irrespective of any reorganisation which may take place in future. Therefore all that is being said with reference to the subjectmatter of reorganisation, I submit, is absolutely irrelevant.

SHRI C. L. VARMA (Himachal Pradesh) : Sir, I have my amendment.

MR. CHAIRMAN : That is not at this stage.

Now, having heard both sides, I hold that it is right and proper that this discussion may go on.

The motion and the amendment are now open for discussion.

SHRI BHUPESH GUPTA: Mr. Chairman, Sir, we have got now a Constitution (Amendment) Bill. There was no need for any discussion on this and the hon. Law Minister need not have gone into legal acrobatics to explain this very simple thing. All that he proposes here is to add something to article 3 by way of an amendment. That would have been enough. The constitutionality or otherwise of such a thing is a matter not to be settled here. It is done afterwards, in a court of law. Here we know that it is an ordinary Bill concerned with an amendment to the Constitution. He can add whatever he likes. He can add so many other things. Therefore, in that way he is within his rights., but he wanted to make it look a little complicated. That is the trouble with our lawyers. When things are very simple, they make them look rather complicated and mysterious. Our case with regard to this matter is entirely different. Mr. Chairman, they have come here after a great deal of agitation and struggle on the part of the people to secure reorganisation, on a linguistic basis, of the bilingual Punjab State. That, again, signifies victory for our people. I remember, when we came in Parliament in 1952, I think it was in August, that the Communist Party moved a Resolution in the other House asking for the reorganisation of the States of India on the basis of language.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : That was the Congress Party's decision long ago.

SHRI BHUPESH GUPTA: Mr. Akbar Ali Khan, you are not at all well informed. We moved that. It was moved, if I remember aright, by the hon. Member, Mr. Tushar Kanti Chat-terjee, on behalf of our Party. He is not now in Parliament. The Prime Minister at that time got up to say that he was strongly opposed to it. The speeches that were made are still in the proceedings of Parliament, to which Mr. Akbar Ali Khan might well refer.

SHRI AKBAR ALI KHAN: On that occasion they were not fundamentally against the idea. They said that it was not the time when they should do it. I remeber that.

SHRI BHUPESH GUPTA : I might inform him that the then Prime Minister even said that so long as his Party was there or he was there, there would not be any linguistic reorganisation of States. Now, Mr. Akbar Ali Khan is so infatuated with the ruling Party that he forgets what is recorded even in the proceedings of Parliament. Anyway, he knows very well that at that time the Congress Party opposed our motion and it was defeated. It could not have been defeated but for the fact that the Congress Party defeated it. That was the position. Then, Mr. Chairman, the country did not take it lying down. It continued its struggle for the linguistic reorganisation of States and continued the struggle undoubtedly in the spirit of the position taken by the Congress Party before independence. Ultimately we had the martyrdom of Potti Sriramulu, whom I recall with great gratitude and pride, because but for this martyrdom perhaps the Andhra Pradesh State would not have come into existence. After that the reorganisation of this particular State was made. Now., I say this thing because we were here in this very House in the afternoon. We immediately brought the martyrdom to the notice of the Ministry and even so the Government did not move, but then we got an assurance that the matter would be considered. The Bill was moved not by argumentation, nor by petitioning them, but by the struggle and fight of the people who wanted the injustice to be removed. The reorganisation of States, on the basis of language and the national pledge given solemnly before independence, was carried out only then. Now, after that you had the liguistic reorganisation of the States, but then two things did not take place. Bombay was not linguistically reorganised. Bilingual 80RS/66—6

Bombay was retained, because the Congress Praty thought that it would be the best way of serving big money in Bombay and at the dictation of big money they denied what should have been given even at that time in 1956.

Another State which was denied justice in this matter was Punjab. Punjab was denied reorganisation by this Congress Government, again if I may say so., pandering to certain communal and other reactionary elements in the State. But then the people of Bombav and Gujarat came forward, fought and won by their struggle and the reorganisation of the bilingual Bombay State was made. The settled fact was unsettled and I need not go into that story. It is well known. Today unfortunately, as we are discussing this, the leader of the Maha Gujarat lanata Parishad, who played a great role in the bifurcation of bilingual Bombay, languishes behind prison bars under the PD Act and he is a Member of Parliament. I have in mind Mr. Indulal Yagnik. But then, even at that time they did not see the need for reorganising the bilingual Punjab State on a linguistic basis. Even when the country forced them, the people of Bombay and Gujarat forced them to do so, they did not do so. In the case of Punjab certain formulae were bandied about and put forward like the Sachar formula and so on, which did not work. At that time one would have thought that they would reorganise the State, but they did not do so. Now, again after a public agitation by the people of Punjab, democratic-minded and secular-minded people of Punjab, supported by all the progressive forces in the country, the Government have been forced to unsettle what appeared to be a settled fact. We congratulate, as I rise on this occasion to speak, the people of Punjab who fought for this bifurcation, and for bringing about this great victory, that is to say, victory in compelling the Government to reorganise the Punjab State on a linguistic basis, but then what have they done? The manner of their doing it has been most objectionable and it is somewhat unfortunately reflected in the present

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state of things, as we find. First of all, I should like to point out in this con-tion that there was no need whatsoever for imposing President's Rule there. The Punjab Legislature is there.

MR. CHAIRMAN : Mr. Gupta, would you please try to come closer to the provisions in this Bill ?

SHRI BHUPESH GUPTA : Yes, I am coming. Presently you will see how these things are connected. Then,, there is nothing here in the Bill.

(Interruption)

MR. CHAIRMAN: If there is nothing, then you are perhaps speaking on nothing.

SHRI BHUPESH GUPTA: The Bill fa nothing, only three words are there.

MR. CHAIRMAN : We are considering the Bill.

SHRI BHUPESH GUPTA: We will not oppose this Bill. But it is one thing to support a particular clause in the Bill and it is another thing to unfold the forces that worked behind the creation of this. What are the purposes ? Now, the purposes of the Bill are somewhat also endangered. That is what I am saving. This arises from the fact how the reorganisation came about We are having an empowering provision under the Constitution. I know it. We know that it has been brought in the context of the proposed reorganisation of the bilingual Punjab State. That is why I am saying these things. If the Government says that it is not so, then I need not speak on Punjab at all. Now, first of all, when the demand was made, it was rejected and it required Sant Fateh Singh to announce a fast and self-immolation and other things.

श्री शीलमद्र याजी (बिहार) : चेयरमेन साहब, जब पंजाब का बिल आएतो उस पर बोलें, हमारा समय बरबाद कर रहे हैं।

श्री राजनारायणः समय बरबाद हो रहा है तो चले जाइए। SHRI BHUPESH BUPTA : Now, do not disturb every time. You can speak if you like, but if you do not speak, keep quite. If you do not have anything to speak here, then keep quiet. Do not disturb.

MR. CHAIRMAN : No dialogue.

SHRI BHUPESH GUPTA : He is .

MR. CHAIRMAN : Mr. Gupta, he was addressing me. There should be no dialogue.

SHRI BHUPESH GUPTA: I know Mr. Yajee does not speak., but now he pops up. Why does he pop up ?

MR. CHAIRMAN : He thinks the story belongs to the subject.

SHRI BHUPESH GUPTA: Why do you pop up and interfere with others? You can speak. If you do not want, that is all right, then keep quiet. So, they have brought it out in this particular manner. In the present Bill you will find that certain provisions are very interestings :

"Explanation I.—In this article, in clauses (a) to (e), "State" includes a Union territory but in the proviso "State" does not include a Union territory.

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

I would have fully supported it without reservation if this clause had not behind it certain very evil motivations, namely, an unprincipled approach to the question of reorganisation of the *State*. They are tampering with the linguistic principle in a way which is not at all gool. Now they are trying to bring about joint territories in disregard of linguistic considerations. This is my objection and I will point out presently the mistake.

As I said in the beginning, I should like to congratulate the people of Punjab for the great victory they have won in this matter, but I have my great doubts as to how this is going to be implemented., this particular provision, amendment to the Constitution or what would follow that particular amendment. As far as the reorganisation of the present Punjab State is concerned, I say the Government is not adhering to principle. First of all I may point out to you the recommendations of the Boundary Commission were not at all democratic in principle. The terms of reference for the Boundary Commission that was appointed were not given very principled ones. Having appointed such a Boundary Commission with misleading terms of reference, we got the recommendations which really to some extent defeat the very purpose, not fully but to some extent, the very purpose for which the Bill is being passed.

SHRI MULKA GOVINDA REDDY : He can continue after lunch.

MR. CHAIRMAN : We will have to sit through the lunch hour. I have got a large number of members who wish to speak.

SHRI BHUPESH GUPTA: The 1961 census should not be taken as the basis because that census was criticised by many as having shown the Punjabi-speaking people as non-Punjabi-speaking, the Punjabi-speaking areas predominantly as non-Punjabi-speaking areas. I need not go into the statistics which I have got here. It is well known. It is not disputed by anybody. Therefore, that particular census, the 1961 census should not have been made the basis for the Boundary Commission or for set-thing the question of linguistic reorganisation of the State. This is number one.

My second objection is with regard to the manner in which the question of Chandigarh has been settled.

(THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA in the Chair]

Chandigarh falls within the predominantly Punjabi-speaking area. There is no doubt about it, it is not disputed. As

such it should go to the Punjabi-speaking State, not to Haryana Prant. If Mahavishal Haryana comes into existence, it should have its capital in Old Delhi and meanwhile there can be some temporary arrangement. What the Congress Government has done in regard to this matter is most objectionable. They have taken Chandigarh out of the Punjabi-speaking State and proposed to make it a Union territory. One of the purposes of the Bill is to make Chandigarh a Union territory and attach it to the Union Government under that arrangement. That is highly improper. If you accept the linguistic principle, you have to stand by the principle. It may be inconvenient for some. It may not immediately look very very expedient in the sense that it may create some conflict and tension., but once you accept the linguistic principle, you cannot abandon it in regard to so important a matter as the case of Chandigarh. The linguistic principle in regard to Chandigarh has been clearly abandoned and what is more the Central Government has stolen Chandigarh. The Central Government is guilty of stealing Chandigarh from the people of Punjab, from the Punjabispeaking people and attaching it to the appendage of the so-called Central administration and bringing it within the Why should it be so ? Union territories. We cannot understand it at all. Here there are many aspects of the matter which I need not go into but this is the most objectionable part of it. Now they say there will be two capitals : the Haryana capital will be in Chandigarh and the reorganised Punjab's capital will also be in Chandigarh, but none of these Governments will have jurisdiction that Chandigarh will be a Union territory. way. The two capitals will continue to function there under their sufferance, under the sufferance of this Government, and the Punjabi-speaking people who are entitled to have Chandigarh as their capital in tha reorganised Punjab are straightway denied what belongs to them legitimately on the basis of a clear-cut and settled principle. Why should it be done? There is no explanation here. This is very very harmful. Suppose, Mr. Vice-Chairman, in Punjab there is some dav

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a Government which is not a Congress Government and suppose here is a Government which is a Congress Government and a very reactionary one, more reactionary than the present one, there may develop conflict between the two. The State Government functioning in Punjab with Chandigarh as its capital may come into very sharp conflict with the Central Government if it started interfering, and it may interfere with the affairs of Chandigarh on the ground that Chandigarh is a Union territory. There is every danger of conflict of authority and conflict of jurisdiction developing in such a set-up, and things should be clearly delineated demarcated and defined. There is confusion. We are heading for confusion because of the political expediency of some people in the ruling party. Who are these people ? At first for this thing I blame the Government as a whole. But then Mr. Nanda, the Home Minister, had been playing this game for a long time. He had been provoking certain communal elements in the sense that there should be no reorganisation of Punjab,, and secondly should reorganisation come, Chandigarh should be taken away from the reorganised Punjab and made into a kind of Union territory, anyhow it should be taken away from the reach that way of the new Punjab State, reorganised linguistic Punjab State. It is significant that only after he had come into some kind of an agreement with certain communalist elements that the latter elements supported Mr. Nanda's move, even to reconcile to some extent with the reorganisation of Punjab State because they knew a blow had been struck as far as Chandigarh is concerned. Chandigarh has been taken out of the Punjabi State. This was the thing. That is how it has been done. I can refer to certain meetings between the Home you see how they have treated Punjab in the Minister and other Congress members of the Haryana area. Here the line of the Home Ministry and the Central Government has been a highly mischievous one. On the one hand they try to throttle to some extent the reorganised Punjab State which they have not been able to prevent from coming into existence, and on the other hand

they stand in the way of the Vishal Haryana demand, Haryana Prant demand gathering momentum, whose demand includes naturally Delhi. They are not encouraging that kind of thing. Therefore, if the Haryana Prant does not come into existence in the way it should-the Vishal Haryana which should include Delhiand if at the same time Punjab remains with Chandigarh under Central jurisdiction as a Union territory, as another capital functioning there for a long time,, we are heading for needless fric tions. That is what I say because % is unjust to the people of Punjab and these people are entitled to have Ihttr Vishal Haryana. Therefore, on two grounds, the Central Government is guilty. And there again, they have been guided in this matter by their own party considerations, factional politics and group politics. Were it not for that reason, the problem perhaps would have been solved earlier. Everybody knows that in Punjab the people were opposed, that various Ministers were divided, that some Minister took a particular line and some other Minister took another line. But all of them were anxious as to who would be controlling which part of Punjab. Now, this was the kind of thing that was going on. The Home Minister when he intervened in the situation played on group politics, group rivalries, not to enforce something just, but to do something which is patently unprincipled. The result is that we are having this kind of arrangement. Therefore, I strongly protest . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Gupta, you have taken twenty minutes.

SHRI BHUPESH GUPTA: I will finish.

My other point is this. In this connection, interim period. First of all, they introduced the President's rule. What was the need for it, for introducing it? There was no need. The Punjab Assembly was there and it is still there. It has not been dissolved. And if there was any difficulty in having a Government . . .

श्री शीलमद याजी : यह वेसुरी शहनाई का बाजा बजा रहे हैं, यह इरिलेवेन्ट है ।

SHRI BHUPESH GUPTA: . .

the matter could have been settled. Today we are discussing this Punjab issue. They are not in a position to discuss such a matter. Their opinion is not available to us. Well, I am not saying what their opinion would have been or would not have been. That is not our concern But it is there, the Assembly is still alive. But it is not free, you have imprisoned it. The Punjab Assembly is held in detention under the DIR. I say DIR figuratively because the Punjab Legislature is held in detention for the convenience of the ruling Congress Party. It is a preposterous thing. Mr. Vice-Chairman, see the double standard. They dissolved the Kerala Assembly straightway, they did not allow it even to meet after it had been elected. They could have kept it alive, with the result that we have some of the Kerala seats vacant in this House because that Assembly was dissolved If the Assembly had been retained in the way in which they have retained the Punjab Assembly there would have been at least no vacancy from Kerala in this very House. That was done there. Why ? It was because the non-Congress parties were in a majority in the Kerala Assembly. One set of standard there and a double standard in Punjab. You feel, in Punjab we have group politics and we have the Congress MLAs. They will be very angry; if we dissolve the Assembly.. all their allowances are lost. It is therefore very necessary Therefore their decision in Puniab was different. Do not dissolve the Assembly, keep it. But make it impossible for anybody to come to an agreement with the other and then impose the President's rule. And that has been done. Now, why is it so ? I am here speaking on the basis of a principle. This Government is the most ridiculous Government that one can think of, this Government which lives on double standards, this Government which has fallen from all decent standards in public life in Punjab because all their partymen-a majority of the Punjab Assembly members and

Councillors-are their partymen. Therefore these partymen say, whatever you do, reorganisation or no reorganisation, let us not lose our daily allowances and salaries and so on. Let the Punjab Assembly be kept alive. And it is kept alive as you see, but in detention, of course, I know. After that we bring the problem here. The Home Minister here became the centre of gravity. The destiny of Punjab was, to some extent., being determined in what they did at No. 6, Hastings Road or wherever he lives, with his paraphernalia, playing up one against the other, holding out hopes to somebody and then withdrawing this and holding out hopes to somebody slse. That is how it went on. I say, all these are wrong, all these are perverse. And today, they should have taken the village as the unit. For settling the linguistic boundary, they have taken away certain areas, some districts, from Punjab. They have taken away Kangra. I am not going into that. But certainly., clearly, the linguistic areas of Punjab have been taken out. But the most atrocious thing is in regard to Chandigarh.

The manner in which they function is most objectionable, I say. Mr. Vice-Chairman, therefore we have something to say on these things, because the Congress Government has handled this matter in the most unscruplous unprincipled manner, and they have been subjected to vast pressures; they have been guided by narrow party and group considerations, not even by a broad partisan consideration but, pure and simple, by petty considerations.

Therefore, I would again appeal to the Government, since they are passing this Bill, that the 1961 basis is wrong. And things should be done on a linguistic basis by taking the village as the unit. And the question of Chandigarh should be reopened so that Chandigarh not only becomes the Capital of the Punjabi-speaking Punjab but it becomes part of the Punjabi-speaking State and it is not degraded into a Union territory with serious consequences for the future.

[Shri Bhupesh Gupta.]

this Government which has been beaten by the effecting a legislation of this kind we have to people to accept this linguistic reorganisation think in terms of all India. The national interest should do it with good grace and should not try and national integration should be the prime i to play tricks on the people of Punjab. Even at concern. And if that is so, I would very this late hour it should behave decently, respectfully invite your kind attention to a very honourably and gracefully opce it has been famous saying by that great political forced by the people of Punjab and by the rest philosophar, Edmund Burke, who said : "When of India to accept the broad principle of the re- a member is elected to represent a particular organisation of the Punjab,, of the bilingual constituency, soon after his election he ceases Punjab, to which all these matters have been to be member from that constituency alone, most flagrantly denied.

SHRI R. T. PARTHASARTHY

(Madras) : Mr. Vice-Chairman, I rise to support the Constitution (Eighteenth Amendment) Bill, and I consider it a privilege to do so. At the outset, if we examine the provisions of this Bill, it will be clear that it is not making any substantial change in the powers of the Government and in the powers of Parliament. There need be no controversy on this score. The Government originally, that is before the Seventh Amendment was enacted, had the right to bring before Parliament legislation to redraw the boundaries of Part A, B and C States. The position is now being restored to include the Union territories also. We have redrawn the boundaries of the various Indian States on the basis of language. We are going to carve out two new States from out of the present Punjab, namely, Harvana and the Punjabi Suba. It is a wise and timely decision for which the Prime Minister and her Cabinet and the Congress President and the Working Committee deserve the full congratulation from all sections of this House. A time may come when the various States of India may have to be readjusted and we may have to reallocate the territories. Hence the Bill envisages a position in a general manner as has been rightly explained in the preamble and in the initial speech by the hon'ble Law Minister., Mr. Pathak. A time may come when the unitary interests of India will require a redistribution of the territories purely on an administrative basis, on the lines of the States are autonomous units only and not arrondissement of France or of the United States of America. In this Mr. context. Vice-Chairman, I

would very much like to invite the attention of This is what I have to say. I again say that the hon'ble Members of this House that in for, he becomes a full blown representatives of the nation." If that statement of Burke is to be valid today, I am sure every Member of Parliament will have to agree with the Bill that the hon'ble Law Minister has brought before this House. It is to nourish this objective that all the Members of Parliament should think in terms of the nation and national integration rather than merely the interests of their States or constituencies.

> In the past India was a unitary State politically. When federalism became the fashionable political demand, we accepted it and agreed to work it out, we accepted it not because we had sovereign independent constituent units, but because we accepted it in a limited way, this federation made out of autonomous units, and we arranged our States accordingly. We formed a federation and the Union of India came into existence.

> The States, as we find it today, are not financially sound or economically stable and I agree with the hon'ble Law Minister who said in his initial speech that this Bill goes the general way. I foresee a time when the territories of the States of India may have to be redrawn on account of the financial and economic condition that may prevail at that time throughout the length and breadth of this country. I cannot but add a very important point on this occasion. I am sure the hon'ble Law Minister will, agree with me that the sovereign. The nation should decide as to their future existence, set-up and

The Government of India, Sir, has been very often criticised for tinkering and tampering with the Constitution as it likes. Much baseless criticism has been levelled against the Government for bringing about frequent amendments to the Constitution, so far 18 in 16 years. The analogy of the U.S.A. has been very much drawn in comparison in this connection. Even in the U.S.A.. if we would turn the pages of history of that great arsenal of democracy, we would find that there have been 19 amendments of their Constitution and the first 14 amendments have been brought forward and approved during the first 40 years, 14 of them being effected in the early years of their development. I would very respectfully submit that when we find some defect here and there in the Constitution which might have escaped the notice of the Members of the Constituent Assembly, and considering our own future set-up it would not be wrong to bring forward such amendments to the Constitution as may vitally affect the growth of our nation.

Sir, the Constitution of India is made by ourselves to suit our conditions and our genius. The makers of the Constitution have conferred upon Parliament the powers to effect changes to our Constitution whenever the necessity arose and it is today an inherent right of Parliament. The Constitution of India is not sacred as the Gita, the Bible or the Koran as Dr. Alladi Krishnaswamy Aiyar thought it should j be so sacred. But I would respectfully say that Pt. Nehru, speaking on the' floor of the House on a previous Constitution (Amendment) Bill, very rightly averred that as and when the conditions changed and warranted a change in our Constitution to suit the then current needs, it would not be wrong to do so, if it serves the people at large in essence

The conditions today warrant ample powers for the Parliament to effect a redistribution of the boundaries of *the* States and Union Territories. Hence the Government is fully justified in bringing forward the Constitution (Eighteenth Amendment) Bill, 1966 which is certain to register the unity and solidarity of the nation and safeguard the unitary interests of India. I, therefore., consider it a privilege, Sir, to support this Bill as necessary, purposeful and constructive.

Thank you. [THE DEPUTY CHAIRMAN in the

Chair]

भी अटल बिहारी वाजपेयी (उत्तर प्रदेग) : महोदया, मैं इस विधेयक का विरोध करने के लिए खड़ा हुआ हूं । इसलिए नहीं कि मैं सिद्धान्ततः इस बात के खिलाफ हूं कि संविधान में इस बात की व्यवस्था होनी चाहिये कि किसी राज्य का कोई अंग संघीय क्षेत में मिलाया जा सके या संघीय क्षेत्र की स्थिति अपरिवर्तन करके उसका पुनगँठन किया जा सके । लेकिन जिस संदर्भ में यह विधेयक प्रस्तुत किया गया है, उस संदर्भ के कारण में इसका विरोध करने के लिए विवश हूं ।

निर्णय किया गया है पंजाब के पुनर्गठन का और कांग्रेस वर्किंग कमेटी ने भी यह फैसला किया था कि जो वर्तमान पंजाब है, उसमें से पंजाबी भाषी राज्य बनाया जायेगा। यह फैसला नहीं था कि उसमें से किसी हिस्से को अलग निकालकर हिमाचल प्रदेश में मिला दिया जायेगा। हिमाचल प्रदेश में मिला दिया जायेगा। हिमाचल प्रदेश में मिला हिस्से को मिलाने का सवाल ही कहां पैदा होता है क्योंकि उसी पंजाब में से एक हिन्दी भाषाभाषी क्षेत्र बनाया जा रहा है और हिन्दी भाषी क्षेत्र हरियाणा के साथ जोड़ा जा सकता है।

कुछ माननीय सदस्य : पहाड़ी भाषी क्षेत्र है।

भी वटल बिहारी वाजपेयी: पहाई। मापी क्षेत्र कोई नहीं है। हिमाचल प्रदेश की भाषा भी हिन्दी भाषा है। पहाड़ी बोली है, भाषा नहीं है और पहाड़ी भाषा हमारे संविधान की 14 भाषाओं में नहीं है। एक बोलों के नाते में उसका सम्मान करता हं और मेरी यह इच्छा है कि यह बोली खुब फले फुले। मगर वोलियों के आधार पर राज्य बनाने का फैसला नहीं हुआ है। नहीं तो, हमारे बिहार के अनेक लोग राज्यों की मांग करेंगे, जिनको रोकना कठिन हो जायेगा। में निवेदन यह कर रहा हूं कि वर्तमान पंजाब में से निकाल कर के कोई हिस्सा हिमाचल प्रदेश में जोड़ा जाय, इस स्थिति को टाला जा सकता था और पंजाबी सवा बनाने के निर्णय को कायम रखते हुए इस प्रकार के विधेयक को लाने की आवश्यकता को भी टाला जा सकता था। लेकिन यह विधेयक प्रस्तुत कर दिया गया है और कहा जा रहा है कि एक हिस्सा हिमाचल प्रदेश में मिलाया जायेगा।

चंडीगढ को संघीय क्षेत्र बनाया जा रहा है। इससे यह विवाद पैदा हुआ है। मैं यहां पंजाब के बंटवारे के व्यापक प्रक्त पर नहीं जाना चाहता। इसके बारे में अलग विधेयक आयेंगे, सदन को विचार करने का मौका मिलेगा। मैं पंजाब के बंटवारे के बिलाफ हूं क्योंकि मुझे लगता है कि केवल भाषा राज्यों के पूनगंठन का आधार नहीं हो सकती। भाषा एक महत्वपूर्ण तत्व है, भावा का विचार करना होगा, लेकिन सुरक्षा को खतरे में डाल करके, प्रशासनिक कठि-नाइयों को जन्म देकर, एक साम्प्रदायिक भावना का जहर घोलकर अगर हम केवल भावा के आधार पर पुनर्गठन करेंगे तो हम कठिनाई में फंस जायेंगे। में पूछना चाहता ह कि ब्या यह सरकार, यह सदन, भाषा के सिदांत को जम्मू और काश्मीर में भी लागू करने को तैयार है ? क्या हमें कल्पना है कि उस सिद्धांत को वहां लागू करने का क्या परिणाम हो सकता है? जम्म और कार्ध्मार

को भाषा एक नहीं है, जम्मू की भाषा हिमाचल प्रदेश से मिलती है, काश्मीर की घाटी से नहीं मगर ऐतिहासिक कारणों से जम्मू और कार्श्मार साथ हैं और हम चाहते हैं कि साथ रहें क्योंकि यह राष्ट्र के हित में है भले ही भाषा के हित में न हो। क्या राष्ट्र के हित में यह नहीं था कि पंजाब एक रहना चाहिये ? सीमावर्ती छोटे प्रदेश को और भी छोटा वनाने की आवश्यकता क्या है? जहां तक भाषा का सवाल था पंजाबी भाषा के फलने फूलने के मार्ग में बाधा नहीं थीं। पंजावी तो हरियाना में भी अनिवार्य रूप से पढ़ायी जाती थीं उस हरियाना में जिसकी भाषा पंजाबी नहीं है। जब भांपा के आधार पर क्षेत्र मनाने का, राज्य बनाने का, सिद्धांत स्वीकार किया जाना है तो क्या इस स्टिटांत का अर्थ यह है कि भाषा का क्षेत्र संकृचित हो जाय, या उस सिद्धांत का अर्थ यह है कि भाषा को और भी बड़ा क्षेत्र मिलना चाहिये, शासन के लिये, राजकाज के लिये और शिक्षा के लिये। मगर एक साम्प्रदायिक मांग के सामने घटने टेक कर सरकार ने मदारी का पिटारा खोल दिया है जिसका कहां अंत होगा कुछ कहा नहीं जा सकता । अब बम्बई, महाराष्ट्र, मंसुर का विवाद खड़ा हो गया है। अब पृथक विदर्भ बनाने की मांग जोर पकड़ रही है। और जम्मू में भी आवाज उठ रही है कि हिमाचल के साथ हमको मिला दिया जाय ।

श्री शीलपड याजी : आसाम में भी।

भी सटल बिहारी वालपेयी : आसाम में भी पृथक पहाड़ी राज्य की मांग बल पकड़ेगी। क्या देस को छोटे-छोटे टुकड़ों में बांटा जायेगा? क्या भारत का बालके-नाइजेशन किया जायेगा? इस पृष्ठभूमि में मैं पंजाब के विभाजन का विरोधी हूं लेकिन येरा निवेदन है कि यदि पंजाब में विभाजन भी किया जाना चाहिये था तो उसके किसी हिस्से को हिमाचल प्रदेश में मिलाने की आवभ्यकता नहीं थी। जिस हिरसे को 3839 Constitution (ISth

हिमाचल प्रदेश में मिलाया गया है उसकी भाषा क्या है यह एक बड़े विवाद का विषय है। बहुत से लोग इसलिये अपनी भाषा हिन्दी बता रहे हैं कि वे पंजाबी सुबे में रहना नहीं चाहते । क्यों नहीं रहना चाहते ? लोग पंजाबी सुवे से निकल कर हरियाना में जाना चाहते हैं, हिमाचल में जाना चाहते हैं । पठानकोट में मांग बल पकड़ रही है। जना तहसील के बारे में तो कमीशन ने भी लिखा है कि उसकी भाषा हिन्दी है मगर ऊना तहसील पंजाबी सूबे में जानी चाहिये क्योंकि आनन्द-पुर साहब का गुरुद्वारा ऊना में है। यह तरीका मेरे बिलकुल समझ में नहीं आता। अगर भाषा के आधार पर विभाजन, पुनगंठन करना है तो ऊना तहसील हिमाचल प्रदेश में जानी चाहिये, भले ही आनन्दपूर साहब का गुरूद्वारा भी हिमाचल प्रदेश में चला जाय। क्या हिमाचल कोई दूसरा देश है, अपना प्रदेश नहीं है ? क्या गुरूद्वारा के आधार पर किसी क्षेत्र का विभाजन होगा? मझे आश्चर्य है कि शाह कमीशन ने ऐसी बात कैसे कह दी। गुरु गोविन्दसिंह का जन्म तो पटना में हुआ था। गुरु गोविन्दसिंह हमारे भी गुरु हैं, केवल सिखों के गुरू नहीं है। हम सब उन्हें आदर और श्रदा की दुष्टि से देखते हैं। मगर चुंकि आनन्दपुर साहब का गुरु-द्वारा ऊना में है इसलिये ऊना पंजाबी सुबे में रहना चाहिये भले ही शाह कमीशन यह मानता हो कि ऊना की भाषा हिन्दी है।

महोदया, चंडीगढ़ के संबंध में जो निर्णय किया गया है उससे असंतोष बढा है।

भी अर्जुन झरोड़ा (उत्तर प्रदेश): चंडोगढ़ के लोगतो खुश हैं।

श्री ग्रटल बिहारी वाजपेयी : चंडीगढ़ के लोग खुश हैं क्योंकि पंजावी सूबे में जाने से बचेंगे लेकिन हरियाना वाले खुश नहीं है। आखिर, कमीशन में जब हरियाना को चंडीगढ़ दे दिया तो सरकार ने वह निर्णय क्यों नहीं माना ? विधि मंत्री कह सकते हैं कि चंडीगढ

के बारे में निर्णय एकमत नहीं था और श्री दत्त ने एक विमति टिप्पणी लगा दी थी, नोट आफ डिसेन्ट लगा दिया था। लेकिन निर्णय तो बहमत का ही माना जाता है। फिर भी हरियाना वाले चंडीगढ वेग्द्र प्रशासित रहे, दोनों प्रदेशों के नव निर्मित राज्यों की समान राजधानी रहे, इसको कडर्बा गोली की घुंट की तरह निगलने को तैयार है। लेकिन में पूछता हूं कि अगर कमी शन की सिफारिश चंडीगढ़ को पंजाबी सुवा में देने की होती तो क्या केन्द्रीय सरकार में इतनी हिम्मत है, कि फिर चंडीगढ को पंजाबी सवा के हाथ से निकाल कर दोनों प्रदेशों की समान राजधानी बना देती ? हरियाना वालों को यह शिकायत है कि पहले भी हरियाना के साथ अन्याय हुआ था और अब फिर हरियाना के साथ अन्याय किया गया। लेकिन अगर केन्द्रीय सरकार यह कहे कि पंजाबी सुवा के निर्माण के विरोध में जो आंदोलन चल रहा था उसके दौरान में हमने जनता को कुछ आश्वासन दिये थे और वह आश्वासन ये थे कि दोनों राज्यों के बीच में अधिक से अधिक सामान्य कड़ियां कायम रखी जायेंगी, उदाहरण के लिये, दोनों राज्यों का एक गवर्नर होगा, दोनों राज्यों की इलेक्टिसिटी का. बिजली का. सिंचाई का, पानी का इंतजाम एक बोर्ड के अंतर्गत चलेगा और उसी आश्वासन को पुरा करने के लिये हम चंडीगढ़ को कामन कैपिटल बना रहे हैं, समान राजधानी बना रहे हैं, तब तो उसको स्वीकार किया जा सवता है। लेकिन सरकार और सामान्य कडियों की बात नहीं करती। क्या केवल चंडीगढ़ कामन कैपिटल होगा, कामन गवर्नर नहीं होगा ? कुछ कड़ियों के बारे में स्थिति क्या है वह स्थिति स्पष्ट की जानी चाहिये। यह ठीक है कि अकाली दल धमकी दे रहा है कि हम इस प्रकार की सामान्य कडियां नहीं मानेंगे मगर क्या सरकार केवल एक ही दल की धमकियों के आगे झकेगी और दूसरे पक्ष की भावनाओं का. देश की आवश्यकताओं का और भविष्य का विचार नहीं करेगी ?

3841 Constitution (Wh [श्रो अटल बिहारी वाजपेयी]

एक बात और । मेरे मित्र श्री भूपेश गुप्त यहां उपस्थित नहीं है। उन्होंने 1961 की जनगणना का उल्लेख किया है। यह बात सच है कि 1961 की जनगणना में जो लोग पंजाबी बोलते हैं उन्होंने अपनी मातु-भाषा हिन्दी लिखाई। मगर ऐसे भी लोग हैं जो गैर सिख हैं और जिन्होंने अपनी मातु-भाषा पंजाबी लिखाई। मैं सदन का समय नहीं लेना चाहता, मेरे पास आंकड़े हैं। तो यह कहना गलत होगा कि पंजाब में हर एक गैर सिख ने अपना मातुभाषा हिन्दी लिखाई और किसी ने अपनी मातुभाषा पंजाबी नहीं लिखाई। लाखों ने अपनी मातृभाषा पंजाबी भी लिखाई है मगर यह भी उतना ही सच है कि लाखों लोगों ने अपनी मातभाषा हिन्दी लिखाई । उनका कहना यह है कि हम पंजाबी बोलते हैं, मगर हमने गुरुमुखी कभी नहीं लिखी, पंजाबी हमारी बोली है भाषा नहीं है। हम पंजाबी घर में बोलते हैं, पंजाबी में व्यवहार करते हैं मगर जब लिखने का समय आता है तो हम हिन्दी लिखते हैं। सचमुच में पंजाब में तो उर्दु चल रही है और उर्दू में लिखते रहे हैं। हम इस बात को नहीं भूल सकते कि पंजाब में जब हिन्दी का आंदोलन चला स्वामी दयानन्द के नेत्त्व में तो वह उर्दू के विरोध में था पंजाबी के विरोध में नहीं था। वह राष्ट्रीयता के उन्मेष के रूप में था, भारत को अन्य भाषा को अमान्य करने के लिये नहीं था। तब गुरुमुखी नहीं थी, गुरूमुखी का प्रचलन भी नहीं था तब झगड़ा हिन्दा वनाम पंजाबी का नहीं था तब झगड़ा हिन्दी बनाम उर्द का था। उस समय पंजाब में हिन्दी का प्रचार हुआ।

मैं चाहता हूं कि पंजाब के लोग ईमानदारी से अपना मातृभाषा लिखाएं। लेकिन मैं किसा व्यक्ति का यह अधिकार नहीं छीन सकता कि उस व्यक्ति के लिए कोई दूसरा व्यक्ति तय करे कि उसकी मातृभाषा क्या है। हमारे संविधान ने हरएक व्यक्ति को अधि-कार दिया है कि वह तय करे कि उसकी मातुभाषा क्या है। अगर कोई मातुभाषा अपनी हिन्दी बताता है तो हमें उसके निर्णय को स्वीकार करना होगा और उससे जो कठिनाइयां पैदा होंगी उनका भी हल निकालना होगा। इसीलिए गृह मंत्री ने जब पंजाब के पुनगंठन की घोषणा की तो यह स्पष्ट आश्वासन दिया कि जो अल्पसंख्यक है, भाषायी अल्पसंख्यक हैं, उन्हें पूरा संरक्षण प्रदान किया जायगा। अपनी भाषा में---बोली में नहीं---शिक्षा लेने का, राजकाज में भाग लेने का उन्हें पूरा अधिकार होगा। यह तो सभी जानते हैं कि जो नया पंजाब बनेगा उसकी प्रमुख भाषा पंजाबी होगी, मगर उस पंजाब में हिन्दी के प्रचलन, हिन्दी के व्यवहार पर रोक लगाना ठीक नहीं होगा । मैं निवेदन करना चाहता हूं कि सरकार जो इस समय विधेयक ला रही है पंजाब के पुन-गर्ठन के सम्बन्ध में उसमें इन सुझावों को घ्यान में रख एक निर्णय ले लेगी। पंजाब के बंट-वारे के निर्णय का मैं विरोध करता हूं, लेकिन में यह भी चाहता हूं कि राज्य के पुनर्गठन के सवाल को लेकर किसी तरह का साम्प्र-दायिक विद्वेष बढ़ना नहीं चाहिए। पंजाब एक रहे, इससे भी जरूरी यह है कि पंजाब में रहने वाली जनता एक रहे। धरती की एकता आवश्यक है, मगर उस घरती पर निवास करने वाली संतति की एकता उससे भी अधिक आवश्यक है। और इसीलिए पंजाब में पंजाबी सुवा के खिलाफ जो आन्दोलन चल रहा था उसे कुछ आश्वासनों के बाद रोक दिया गया क्योंकि हमें ऐसा दिखाई दिया कि यदि वह आन्दोलन ज्यादा चलेगा तो साम्प्रदायिक रूप पकड़ लेगा, मगर इसका अर्थ यह नहीं है कि हम पंजाब के विभाजन को बड़े उत्साह के साथ स्वीकार करते हैं। राष्ट्रीय परिप्रेक्ष्य में जब हम पंजाब के पून-गैठन के प्रश्न को देखते हैं तो हमारे मन में आगंकाएं पैदा होती हैं और हम सरकार से आशा करते हैं कि उन आशंकाओं का निवारण करने का वह अधिक से अधिक प्रयत्न करेगी । धन्यवाद ।

श्वी शीलमद्र याजी ः माननीय डिपुटी चेयरमेन महोदय, मैं भी इस विधेयक का सख्त विरोध करता हूं।

श्री अटल बिहारी वाजपेयी : बहुत अच्छे ।

श्वी शीलमद्र याजी: भाषा के आधार पर प्रान्तों का निर्माण हो मैंने इसको कभी भी स्वीकार नहीं किया और आइन्दा भी स्वीकार नहीं करूंगा। मैं तो इस विधेयक का जिस तरह से आया था उसका तो मैं समर्थन कर देता लेकिन इसमें एक इशारा है जैसा कि जो और वक्ता बोले हैं कामरेड मुपेश गुप्त जी और वाजपेयी जी ने कहा। उन्होंने कहा कि इसके पीछे एक रहस्य है जो पंजाब का विभाजन होने जा रहा है। इसलिये यदि सीधा-सादा विधेयक होता तो मैं उसका समर्थन करता ; इस हालत में तो इसका विरोध करता हं। कहा गया कि इसका कुछ इलाका इधर जायगा, उधर जायगा, तो पंजाब के रिआर्गे-नाइजेशन का विधेयक होता तो मैं इन सब बातों को उस वक्त सामने रखता। इसीलिए मैं कामरेड भूपेश गुप्त जी को रोक रहा था लेकिन वे अपनी बेसुरी शहनाई बजाते रहे और इसलिये मुझे भी अधिकार है कि मैं उनका जवाब दूं।

में इसलिये विरोध कर रहा हूं कि जिस तरह से पंजाब का विभाजन होगा उससे वह छोटा होगा। जो पहले पंजाब था उसको भी मैं जानता हूं और यह समझता हूं कि पंजाबी भाषा और हिल्दी में किसी तरह की दीवार नहीं है। हरियाना में भी लोग पंजाबी पढ़ते थे, लिखते थे, उधर भी लोग हिन्दी सीखते थे स्वेच्छापूर्वक। लेकिन जो साम्प्र-दायिक ताकतें थीं, चाहे वह मास्टर तारा सिंह की शक्ति हो या सन्त फतह सिंह की शक्ति हो, उन्हें चैन नहीं थी। भूपेश गुप्त जी ने ठीक कहा था कि जब पंजाब के बंटवारे का सवाल आया उस समय पंडित नेहरू जी मौजूद थे और कैरों जी मौजूद थे, उस समय बराबर इसकी चेप्टा की गई कि सरहद का यह प्रान्त है इसको एक ही रखना चाहिए। एक ही घर में मौना होता है, कोई कटवा देता है, न कोई धर्म का विभेद है, न भाषा का विभेद है, लेकिन साम्प्रदायिक तत्व अपनी लीडरी कायम रखने के लिए, वोट लेने के लिए और बातों के लिए पंजाब के टुकड़े-टुकड़े कराने की बात कर रहे हैं। मैं तो इसको कभी स्वीकार नहीं कर सकता और इसलिए मैं इसका सख्त विरोध करता हूं कि इस तरह से पंजाब का जो बंटवारा हो रहा है यह नहीं होना चाहिए था।

अब माननीय डिपुटी चेयरमेन महोदय, इसकी बीमारी हमारे सुबे में झाने वाली है। हमारे प्रान्त में करीब ढेढ़ करोड़ आदमी मैथिली भाषा बोलते हैं। वह मैथिली भाषा बोली नहीं है, पहाडी बोली नहीं है। उसकी एक स्क्रिप्ट है, उसकी एक लिपि है, साहित्य है, पुराना साहित्य है। दो-चार सौ आदमी मियला प्रान्त बनाने के अभिलाषी हैं जेल भी गए थे। जो बीमारी आपने हरियाना और पंजाब में लगाई है उसके बाद हमारा मिथिला प्रान्त बनाने की बात होगी। झारखंड की बात चल रही है, मगध प्रान्त बनेगा, भोजपुर प्रान्त बनेगा। हमारा बिहार ट्कड़े-ट्कड़े हो जायगा। इसके बाद आगे चलिए आसाम के कितने टुकड़े होने वाले हैं। मिजो कहेंगे हमारा प्रान्त बनेगा हमारी भाषा दूजी है। गोरा और खासी जयन्तिया वाले अलग स्टेट के लिए सत्याग्रह भी करने जा रहे हैं। मास्टर तारा सिंह जो पागलपन करता है वह भी अभी खुश नहीं। जिसको खुश करने के लिए पंजाब का बंटवारा किया गया वह आज कहता है कि पावर टु सिसीड होनी चाहिए। बंटवारे के बाद पंजाब किंधर चला जायगा, हिन्दुस्तान से बाहर भी चला जायगा ? जिसको खुश करने के लिए पंजाब के टुकड़े-दुकड़े किए गए आज वह मास्टर तारा सिंह खुग नहीं है। एक सन्त फतह सिंह और एक मास्टर तारा सिंह-इन दोनों को खुश

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गलत-सलत प्रचार किया जा रहा है। हमारी बात तो नक्कारखाने में तूती की आवाज है · · ·

एक माननीय सदस्य : वयॉ ?

श्री शीलभद्र याजी: हम जानते हैं कि कांग्रेस का, हमारी पार्टी का, इतना प्रवल बहुमत है कि यह पास तो जरूर होगा। हम जो बोल रहे हैं वह कभी भी होने वाला नहीं है, लेकिन मैं सरकार को चेतावनी देता हं।

श्री लोकनाथ मिश्र (उड़ीसा) : आप इसके खिलाफ वोट देंगे ?

श्री शीलमड़ याजी: हम स्वतंत पार्टी की तरह स्वतंत्र नहीं हैं, हम येलगाम के घोड़े नहीं हैं, हमारे ऊपर पार्टी है।

मैं कह रहा था कि मैं चेतावनी देना चाहता हूं कि जिस तरह से पंजाब के घर-घर में टुकड़े किए जा रहे हैं। यह बंटवारा होगा, जरूर होने जा रहा है तो कम से कम दोनों को एक कड़ी में रखने के लिये जो केन्द्रीय सरकार ने किया है वह ठीक है कि कम से कम चंडीगढ़ में बैठकर हरियाना और पंजाब वाले मिल कर काम करें, यह सही निर्णय है। दोनों का कैपिटल एक साथ रहना चाहिये। यहां भी दिल्ली में भारत सरकार की राजधानी है और चौधरी ब्रह्मप्रकाश की अपनी दिल्ली असेम्बली भी बनी हुई थी, दो राजधानियां थीं। तो बैसा वहां रहना चाहिये।

इसके साथ-साथ मेरा कहना है कि यदि कम आबादी वाले, कम जनसंख्या वाले राज्य बनाते हैं तो फिर हिमाचल प्रदेश का एक अलग राज्य क्यों न बने, वह क्यों यूनियन टेरिटरी रहे।

श्री अटल बिहारी वाजपेयी: बनना चाहिये।

करने के लिए हमारे कांग्रेस के नेता लोगों ने पंजाब के घर-घर में टुकड़े कराए। अब यह बीमारी हमारी स्टेट में जायगी, आसाम में जायगी और कहां नहीं जायगी। वाजपेयी जी ने कहा कि जम्मू-काश्मीर टुकड़ा-टुकड़ा नहीं होगा, लेकिन जो बीमारी आप ला रहे हैं उससे ट्वड़ा-ट्वडा करना पड़ेगा। जम्मू को कश्मीर वैली से अलग करना पड़ेगा यदि भाषा के आधार पर करेंगे। इसलिए जितनी जल्दी मर्ज का इलाज करने की हमारी सरकार चेष्टा करती है मर्ज उतना ही बढ़ता जा रहा है और हिन्दुस्तान की एकता टूट रही है। आज पंडित नेहरू रहते और कैरों मौजुद होते तो पंजाब का बंटवारा न होता और हम लोग भी स्वीकार न करते, लेकिन साम्प्रदायिक तत्वों के फेर में पड़ कर हमारी सरकार झुक गई है। और झुकने से क्या होता है? तीन लाख की आवादी वाली स्टेट बन गई नागालैंड। नागा कहते हैं कि हम हिन्दुस्तान से बाहर निकलेंगे। वह चाहते हैं तो और लोग भी बाहर जाने की बात कहेंगे। मास्टर तारा सिंह तो कहते ही हैं। सरकार की इतनी हिम्मत नहीं कि वह मास्टर तारा सिंह को जेल में भेज दे। इस तरह की परिस्थिति देश में हो रही है। हमारे नेता लोगों ने कमजोरी दिखला कर पंजाब के घर-घर में टुकड़े करवाए । पंजाब के चार जिले इधर भेज दो, कुछ उधर भेज दो। टुकड़ा-टुकड़ा करने की जो बीमारी फैलने वाली है उससे समाजवाद नहीं होगा। जो इस तरह की विध्वंसक शक्तियां हैं वही खुश हो सकती हैं। कामरेड भूपेश गुप्त बहुत खुश थे कि पंजाब का बंटवारा होगा। हमारी मांग थी, जनता की आवाज थी। उनको कुछ भी मालूम नहीं है, न ज्योग्राफी मालूम है, न जनसंख्या मालूम है। वे चंडीगढ़ के लिए घड़ियाल के ओसू बहा रहे थे कि चंडीगढ़ को वहां जाना चाहिए था। कुछ भी उनको इल्म नहीं है, लेकिन वोट लेने के लिए, पंजाब में कम्युनिस्ट पार्टी को कुछ ज्यादा वोट मिल जायं पंजाबी सूबे के लिए श्री शीलभद्र याखी: तो उसको भी राज्य बनाना पड़ेगा, तिपुरा का राज्य बनेगा, मनीपुर का राज्य बनेगा, बनाना पड़ेगा। साढ़े तीन लाख आबादी का नागालैंड का राज्य बनाते हैं तो उनको भी बनाना होगा। यदि इस बिल का ध्येय पुनर्गठन है तो फिर पांडिचेरी का एक अलग राज्य क्यों, उसको मद्रास में मिलाना चाहिये।

डा॰ गोपाल सिंह (नाम-निर्देणित) : मैं श्री याजी से एक सवाल करना चाहता हूं। अमेरिका की आबादी हमसे एक-तिहाई है लेकिन उसके 50 स्टेट्स हैं। अब हमारा इतना बड़ा मुल्क है, आवादी के लिहाज से अमेरिका से तीनगुना बड़ा है तो क्या जरूरत है कि इसमें तिर्फ 16 या 20 स्टेट्स ही हो सकती हैं, इसमें 30 स्टेट्स हों जायें तो क्या आफत आ जायगी।

दूसरे आपने मास्टर तारा सिंह और संत फतेह सिंह को किटिसाइज किया है, पंजाबी स्पीकिंग प्राविस बनाने के बारे में मेरा उनसे बिरोघ रहा है और अब भी विरोध है लेकिन मैं आपसे पूछना चाहता हूं कि आपको उन आर्यसमाजियों के मुताल्लिक क्या कहना है जिन्होंने पंजाबी की जगह हिन्दी अपनी खबान लिखवाई और जो कि अब भी कह रहे हैं कि हम चूंकि हिन्दू हैं इसलिये हमारी जबान हिन्दी होगी और इसके लिये हम लड़ेंगे। तो उसका क्या जवाब है।

भी शीलभद्र याखी: मैं जवाब देता हूं। हमारे माननीय सदस्य डाक्टर हैं लेकिन बह कहते हैं कि अमेरिका हिन्दुस्तान से तोनगुना बड़ा है। अमेरिका बड़ा है हिन्दु-स्तान नहीं।

डा० गोपाल सिंह : मैंने यह कहा कि अपने हिन्दुस्तान की आवादी के मुकाबिले में उसकी एक-तिहाई आबादी है और उसके 50 स्टेट्स हैं तो फिर हमारी इतनी बड़ी आवादी में 16 या 20 की जगह 30 स्टेट्स हो जायें तो क्या हर्ज होने वाला है, इस बात को मैं नहीं समझ सकता। श्री अटल बिहारी वाजपेसी: लेकिन अमेरिका में मजहब के हिसाब से या भाषा के हिसाब से नहीं है।

डा० गोपाल सिंहः अभी जनसंघ वाले पंजाब में जो कर रहे हैं उसका तो अंदाजा लगाना चाहिये।

भी शीलमढ़ याजी: अभी इन्होंने कहा कि आबादी के हिसाब से हम अमेरिका से तीनगुने बढ़े हैं और वहां 50 स्टेंट्स हैं, लेकिन अगर आबादी का ही ख़याल हो तो फिर यू० पी० का बटवारा होना चाहिये. महाराष्ट्र का बटवारा होना चाहिये

भी अर्जुन भरोड़ाः यू०पी० का कतई नहीं, हम युनाइटेड हैं।

श्री शीलमद्र याजी: लेकिन हमारी सरकार ने आवादी को इसके लिये कभी नहीं माना है, तो मैं समझता हूं कि डाक्टर साहब यह बेसुरी महनाई का बाजा बजा रहे हैं कि चूंकि अमेरिका हमसे तीनगुना बड़ा है और उसमें 50 स्टेट्स हैं

डा॰ गोपाल सिंह : एक-तिहाई आबादी है हमसे।

श्री शीलमद्र याजी: मैं कह रहा हूं कि रकबे का बटवारा होता है, रकबे पर विभाजन होता है आबादी पर नहीं होता। इसलिये डाक्टर साहब से मैं यह बात कह रहा हूं कि सरकार ने एक गल्ती की है और एक महान गल्ती की है कि पंजाब का बंटवारा हो रहा है। नागालैंड का साढे तीन लाख की आबादी का एक प्रान्त बना दिया। क्यों? फिर मिजो का बनायेंगे, क्यों नहीं गारो-खासी जयन्तिया का बनायेंगे, हमारे सूबे को चार भाग में विभक्त क्यों नहीं करेंगे, क्यों नहीं हिमाचल प्रदेश का एक स्टेट बनायेंगे, जम्म क्यों नहीं स्टेट बनेगा ! तो वह बीमारी आ रही है और उसका इलाज हो रहा है! हमारी सरकार अच्छी तरह से इलाज कर रही है। इसलिये में यह सब कहता हूं।

अब, हमारे डाक्टर साहब ने कहा कि जो साम्प्रदायिक तत्व पंजाबी बोलते थे उन्होंने कहा कि हम हिन्दी बोलते थे। मैं इसकी भी निन्दा करता हूं। हमारे वाजपेयी जी ने भी कहा। जिनकी मातृभाषा पंजाबी है उन्होंने हिन्दी क्यों लिखाई। नहीं लिखानी चाहिये क्योंकि वह कम्युनल हो गया, साम्प्र-दायिक हो गया और इसलिये उन्होंने लिखाया।

तो में यह कह रहा था कि जिस तरह से जितना बंटवारा हो गया है उसको आगे बढाने की जरूरत नहीं थी क्योंकि वह बीमारी बढती जा रही है, देश के इंटेगरेशन के लिये, देश की एकता के लिये यह बढा खतरनाक हो रहा है। यदि आप यह बटवारा कर रहे हैं तो इस बटवारे के मुताबिक आपको आगे के लिये भी तैयार होना चाहिये। सरदार फतेह सिंह और मास्टर तारा सिंह ऐसे हर एक प्रान्त में बड़े बड़े होंगे, ऐसे बड़े बडे लोग होने को तैयार होंगे और इस तरह की परिस्थिति लायेंगे कि हमारी सरकार झुकेगी । यह सरकार तो शक्तिशाली नहीं है, यह सरकार की वीक-नीड पालिसी है और जल्दी झुकती है, डंडा चले, चार दुकानें लूटी गईं तो सरकार झक जाती है। हमने देश का बटवारा कराया जो बटवारा कि कभी नहीं होना चाहिये था। तो हमारी यह प्रवृत्ति है कि डंडा चले और देश के टुकड़े-टुकड़े होते जायें, जनता के ट्कड़े-ट्कड़े होते जायें भाषा के आधार पर, तो यह बड़ी खतरनाक चीज हो रही है।

इस बहस के दमियान में कामरेड भूपेश गुप्त ने कहा कि जनता विजयी हुई, जनता की विजय हुई, पंजाब का वटवारा हुआ। मैं समझता हूं कि पीपुल्स की नहीं कम्युनिस्ट पार्टी की, साम्प्रदायिक तत्वों की विक्टरी हुई है, चाहे वह साम्प्रदायिक लिगुइज्म हो, भाषावाद हो, उसकी विक्टरी हुई है, जारतीयता की, एकता की, कामनसेंस की विक्टरी नहीं हुई है। वह भले ही इसको न समझते हों लेकिन मैं समझता हूं कि यह सोणिलिज्म के लिय, समाजवाद के लिये एक बड़ी खतरनाक निशानी है। इसलिये मैं फिर इस विधेयक का सख्त विरोध करता ह और यह कहना चाहता हूं कि जो फर्दर डिवीजन कर के प्रान्तों का निर्माण हो रहा है वह नहीं होना चाहिये। मैं समझता हूं कि हम पालियामेंट के जो 750 सदस्य हैं वह निर्भीक होकर देश में इस तरह की बातें रखेंगे तो इससे हमारी सरकार का मनोबल बढेगा और जो सरकार कभी-कभी कमजोरी दिखलाती है वह नहीं दिखलायेगी। इस-लिये मेरा कहना है कि जो पंजाब का घर-घर में बटवारा होने जा रहा है वह नहीं हो। अगर एक घर में कोई एक दाढ़ी रख ले तो वह सिख हो जाता था, और एक मौना बन जाता था, अब इनको अलग-अलग कर के भाषा के आधार पर इनका विलगाव किया जा रहा है, यह देश के लिये और समाज-वाद के लिये बड़ी खतरनाक चीज हो रही है। इसलिये मैं फिर से इसका कडे शब्दों में विरोध करता हं।

SHRI MULKA GOVINDA REDDY: Madam Deputy Chairman, when in 1956 the States were reorganised on the basis of language, the Punjabi Suba should have been formed then alone. But unfortunately the Government did not yield to the pleas of the protagonists of the Punjabi Suba at that time. So also they did not yield to the pleas for Maharashtra and Gujarat to be formed as two separate States. It is a disease with the present Government that they will not yield when a right plea is made to them. But they will yield only when pressure is applied through agitations, through fasts and so on. But I am glad that the Government have now come forward with this Bill enabling the reorganisation of the Punjabi Suba.

Madam, our Party has all along pleaded for the creation of the Punjabi Suba on the basis of the Punjabi language. It is true that some elements among the Sikh as well as among the Hindus tried to inject communal politics into the reorganisation of Punjab. I must congratulate Sant Fateh Singh for the stand that he has taken, a very secular and reasonable stand, that the Punjabi Suba is not going to be the homestead of the Sikhs alone, though they may be in a predominant position there, but it is going to be a State where all people irrespective of their community, who speak the Punjabi language will be living.

Madam Deputy Chairman, the commission that was appointed by the Government of India, I mean the boundary commission that was appointed to go into the question of the reorganisation of the Punjab State into the Punjabi Suba and the Hariana Pranth has made certain recommendations. I agree with some of my friends here that the terms of reference of that commission should have been more elastic. We have seen that in certain parts of India there are boundary disputes between States and States and agitations have been going on for settling these disputes. There was a recommendation in the Report of the State Reorganisation Commission that there are bound to be boundary disputes between States and that immediately after the formation of the States on a linguistic basis the Central Government should appoint a Boundary Commission or Commissions to settle these disputes once and for all. But instead of doing that the Government has allowed certain fissiparous tendencies to develop and that too under the patronage of the ruling party, the Congress Party.

In the case of the Punjab they have fixed the tehsil as the unit. This will not satisfy either the protagonists of the Hariana Pranth or those of the Punjabi Suba. Village as a unit should have been the guiding principle in demarcating the boundaries between these two States. And furthermore it should not have been restricted to the bifurcation of the Punjab. I know for certain that there are areas adjoining Punjabi Suba which are predominantly Punjabi-speaking and when once the State is organised on the basis of language, that is, Punjabi in this case, these areas should also have been included in the State

which is going to be created. It seems that the Government wants again that the people interested in that should come up with an agitation so that they will yield. I therefore urge on the Government that this question of reorganisation of States on the basis of language should be solved once and for all and all the boundary disputes that are now existing should be solved by an appropriate machinery to be created by the Government for solving such problems.

Madam Deputy Chairman, there is some dispute regarding Chandigarh. Chandigarh is the bone of contention between the two warring groups and rightly for the time being the Government have decided to constitute Chandigarh into a Union Territory and the two capitals will function for some time to come in Chandigarh. Chandigarh rightly belongs to Punjab and it should be the permanent capital of the Punjabi Suba but it should be the responsibility of the Government of India to construct another capital in some suitable place in Hariana Pranth at the cost of the Central Government so that the people of Hariana will also be satisfied.

Madam Deputy Chairman, we all know that the States were created in 1956 on the basis of language so that the administration will be smooth and so that the mass of the people will participate in the administration of the States concerned. But because some of these boundary disputes were not solved, wherever these boundary disputes exist the leaders in those States care more for solving these disputes and they hate the leaders and the people of the neighbouring State much more than they hate the Chinese or the Pakistanis. This is an unfortunate situation that has been created by the Government, and particularly by the ruling party. Madam, we still have very unwieldy monolithic States in India today and it is time that the Government devotes proper attention to see that these States are split up so that when these monolithic States are split up the smaller States will prosper much better and in a speedier way than has been the case now

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[Shri Mulka Govinda Reddy.] Madam Deputy Chairman, the Law Minister, while moving this Constitution (Amendment) Bill stated that there is a doubt whether in article 3(a) the word 'State' includes Union Territory and that there were conflicting decisions of the Supreme Court and therefore in order to be sure that there is no further complication he was trying to enlarge the definition of 'State' to include Union Territory. *(Time bell rings.)* Madam, I have something more to say and I want some more time.

THE DEPUTY CHAIRMAN: You

are a member of the Business Advisory Committee and you know 24 hours have been allotted to this and there are so many Members who want to speak.

SHRI M. N. GOVINDAN NAIR : Now, Madam, how is it you say that 24 hours have been allotted ? Yesterday at the Business Advisory Committee meeting it was decided more or less unanimously after discussion that 34 hours should be allotted. And when doubts were expressed as to whether even that time would be enough it was also mentioned that we may sit even after 5.00 p.m. That was the understanding.

THE DEPUTY CHAIRMAN ; I know various suggestions were made at the Business Advisory Committee yesterday. The suggestions were all heard and finally we came to a decision that it would be 24 hours. I do not think it is wrongly put. It is here before me and therefore I think the allotment of 24 hours stands.

SHRI M. N. GOVINDAN NAIR: It was mentioned that . . .

THE DEPUTY CHAIRMAN : You may be right but they were only suggestions. This is the decision taken by the Committee. Many suggestions might have been made.

SHRI M. N. GOVINDAN NAIR: The Business Advisory Committee decided on 34 hours. I do not know how you say it is 24 hours.

THE DEPUTY CHAIRMAN: I would like to have the papers I read out yesterday. Yes, you may continue.

SHRI MULKA GOVINDA REDDY: Madam, the Law Minister wants to add the following Explanations;

'Explanation I.—In this article, in clauses (a) to (e), 'State' includes a Union territory, but in the proviso, 'State' does not include a Union Territory."

I am not wholly in agreement with this Explanation. As far as 'State' includes a Union Territory I am fully in agreement. But why does the Minister want to restrict the meaning of 'State' to exclude the Union Territory in the proviso ? There should be one principle. Obviously as he stated while moving the reason is that in 1956 Part C States were not consulted and the Part C States have been converted into Union Territories and therefore there is no need to consult them now. That is not a valid argument. For whatever reason Part 'C States were not consulted in 1956, today there is every reason for us to do so, when we are effecting territorial changes, when we are adding a big chunk from die present Punjab to Himachal Pradesh. We should have the views of the Himachal Pradesh Legislature. Wherever there is a Legislature in any Union territory, it should be the bounden duty of Parliament to have the views of the Legislature of the Union Territory.

The time has also come, when Himachal Pradesh is being doubled, by adding these territories to Himachal Pradesh. for it to attain the status of a State like any other under the Constitution. Another point I would like to add is they are trying to byepass the Legislature of Punjab, which is in existence. According to the Constitution it is incumbent that we should obtain the views of the Punjab Legislature. It is true that President's Rule has been imposed on Punjab without consulting the Punjab Legislature and because of the internicine group politics the Central Government has imposed President's Rule without dissolving the Punjab Legislature. It is really unfortunate that the Government of India, instead of taking a rational attitude on these matters, is trying to take a partisan attitude.

In Kerala President's Rule was imposed and him most respectfully and place before the the Legislature was dissolved. In Orissa House the fact that it is not disowning the President's Rule was imposed and the Legislature was dissolved. But in Punjab when President's Rule was imposed, the Legislature is kept alive. This double standard is not a healthy practice to be followed by any decent democratic government. It is unfortunate that the present Government is acting in a partisan manner, which will do harm to the democratic traditions and democratic interests of the country. Thank vou.

Deputy Chairman, I have listened to the that they disown as my friend there says. I speeches of my hon. friends and I may be take it that they do not want to disown the pardoned if I say that they are more concerned Hindi script. It can express Punjabi language with the reorganisation of Punjab than with as well as any other language. the constitutional amendment which is before us. The objectives of this Bill are very limited and I would only make two references to what has been said about Punjab before I come to the Bill, with your permission. Firstly. Shri Bhupesh Gupta was at great pains to prove that Chandigarh was part and parcel of a Punjabi-speaking State and said that it was due to the machinations of the Home Minister that it has been turned into a Union territory. I believe that he has not properly read the Report of the Boundary Commission. Para 1, at page 115, specifically mentions that in the Kharar tehsil, of which Chandigarh forms the town, the Hindi-speaking population is 57.2 per cent and the Punjabi-speaking population is 42.8 per cent.

DR. GOPAL SINGH : What about the rural areas?

SHRI ANAND CHAND : I know the rural areas, but they have taken the whole tehsil in the same way as they have taken specifically There has been on provision up till now in the the city of Chandigarh, in which the population is overwhelmingly Hindi-speaking. Now, I am not here going to cross swords with my friend there on this issue. Because he drew the attention of my friend from Bihar, Mr. Sheel that area from being part of the State. That is Bhadra Yajee, to the disowning by the Hindus what this amendment now seeks to do. of the Punjabi language may I remind so far as the question of 80RS/66-7

Punjabi language as such? It is the question of script that hurts. If my friend here is able to assure us that the Punjabi language could be written in both the Gurmukhi and Hindi scripts, I think those people, whose language he claims to be Punjabi, would have no objection to own it, even if they have disowned it before. The question is not a question of language. The question is one of script. In Punjab they insist that Punjabi is not only to be spoken, but it has to be written in Gurmukhi script. It is then that the Hindi-SHRI ANAND CHAND (Bihar) : Madam speaking question arises and the people say

> DR. GOPAL SINGH : Has it happened in respect of any other language?

> SHRI ANAND CHAND: What I am submitting is the true position as to why the people there have not written Punjabi as their language but have said 'Hindi'.

Now, I will come to the Bill proper. I was very attentively listening to what the hon. Law Minister had said about Explanation I. Although I agree with most of what he said, I am afraid I do not find myself in a position to accept the Explanation in toto. Article 3, as the Constitution-makers gave us, made a specific provision, which has been retained even after the States Reorganisation Act, 1956 and the Constitution (Seventh Amendment) Act. The formation of a new State could be by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State. Constitution that any area which at present enjoys the status of a state, howsoever small, can be lagged on to a Union territory and lose the advantages which flow to the inhabitants of Now

[Shri Anand Chand.]

Himachal Pradesh is concerned-it is my home and I come from there, although at the moment I have the privilege to represent the State of Bihar on this side—we welcome the provision that certain areas from the State of Punjab would be tagged on to Himachal Pradesh, thereby enlarging it. But the point of principle that I want to present before the Home and before the hon. Law Minister is that this provision relegates the status of a citizen, who is living in a Part 'A' State, to the status of a person living in a Union territory, which is not a full-fledged State and to that extent my submission is that it is a retrograde step.

Now, the other point that I want to place before the House most respectfully is this that the hon. Law Minister was saving that the Union territories or Part 'C' States are not to be consulted in so far as reorganisation of their territories is concerned, because their Legislatures are the creations of Parliament. I agree with that contention. Article 240 as amended today gives power to Parliament to legislate for Union territories. Having given those Legislatures, they cannot be at par with the Legislatures of those States, which are established in the constituent States of the Union under the provisions of the Constitution. I agree to that. But may I remind what are the powers of the States and what are him most respectfully that in 1956 when the the powers of the Territories. Madam Deputy States Reorganisation Bill was on the anvil it Chairman, this phraseology of Union is within my personal knowledge that the Territories has been borrowed from the United Legislature of the then Part C State of Himachal Pradesh was consulted, that their views were obtained, and that they were was by a gradual process of evolution that they circulated to this House. I know it for certain found their way into Statehood. Even today because I was in the Select Committee which the United States Constitution says that if the went into the provisions of the Constitution Seventh Amendment Bill as well as the States Reorganisation Bill, and whatever the discussions were in the Himachal Pradesh State Assembly on that particular Bill they were laid not only before Parliament but also before the Select Committee. But my argument here is not that it is clone even now because looking at article 3 if you look at it in its totality, it is not what Federal Cons-

titutions like those of the U.S.A. enjoy. Here in article 3 we have only given to the State Legislatures the power recommendation. The real power of acting or not acting on those recommendations vests in Parliament. Therefore, it is really beside the point whether a Union territory is consulted or not or whether the views of the Legislature are taken or not because today under the scheme of the Constitution it is left to Parliament, which is sovereign, to decide whether a certain reorganisation is to proceed in a certain manner irrespective of the wishes or the desire of the Legislature as may be expressed in their Assembly.

THE DEPUTY CHAIRMAN : You must finish in two or three minutes.

SHRI ANAND CHAND : I may be given that time because I feel. Madam. that I am more pertinent in referring to the clauses of the Bill than the other speakers before me.

AN HON. MEMBER: Because he belongs to two States.

SHRI ANAND CHAND: In the scheme of things it has been said that in India we have the States and we have the Territories, and that a distinction therefore has to be made as to States where at one time practically half of the United States consisted of Territories, and it residents of a certain Territory which is a Territory of the Republic of the U.S.A. make a submission in writing to the House and if the House is satisfied that they should be promoted to Statehood, they can pass an enabling Act under the terms of which a Union Territory is elevated to Statehood. I very much wish that at the time when the Constitution was being amended in respect of the Union Territories a provision were inserted, because I see in the Constitution here

is none, whereby in a certain course of time a Territory may rise to full Statehood and may Union Territory may be enabled to come into its own, may be enabled to enjoy full Statehood. Now some Members opposite have been saying that Himachal Pradesh having been enlarged today is in a position whereby Statehood may be conferred on it. (Interruption.) I say some Members even by my side, I say some Members here, I stand corrected to that extent. The point is if there was such an enabling provision, then all these aspirations, all these hopes, all these wishes of the people of the Union Territories, whether they were resident in Manipur or Tripura or Himachal Pradesh or anywhere else-they would be elevated to Statehood through some process or other.

Lastly, 1 have been saying in this House on previous occasions when I represented Himachal Pradesh that under our Constitution the maxim of "once a Union Territory always a Union Territory" appears to be basically wrong. There is something quite wrong to say that once a territory has been made into a Union Territory it should not be elevated to full Statehood. Madam Deputy Chairman. under the scheme of the States Reorganisation Act of 1956 the provision was that henceforth there would be two kinds of units in the Indian Union : one would be the States and the other would be Union Territories; and the idea was that if there was to be a Legislature for these Union Territories, if there was to be representation for these Union Territories, then they would have to merge with the adjoining States to find representation. That was the scheme of things in the 1956 Act. But by the passage of the Government of Union Territories Act that scheme is gone; we have thrown it overboard and by inserting article 240 it has now been made possible to give Legislatures to those areas. My submission is that that scheme having been abandoned, that set-up which was visualised in the 1956 Report and the 1956 Act having been abandoned, it is high time that some provision was made in the Constitution whereby after fulfilling certain specific conditions a Union

become co-partner with the other States of the Union. That is all I have to say.

SHRI AWADHESHWAR PRASAD SINHA (Bihar) : Madam, can I put one question for clarification?

THE DEPUTY CHAIRMAN : You may.

AWADHESHWAR PRASAD SHRI SINHA: In the course of his very brilliant speech he said that some parti of Punjab will go to Himachal Pradesh and to that extent a citizen of a State will become a citizen of a Union Territory and to that extent it is a retrograde step. I feel that there is some misunderstanding because a citizen of Himachal Pradesh as well as a citizen of Punjab or any other State is a full citizen, an effective citizen of the Indian nation, and there is no retrograde step in that.

SHRI ANAND CHAND : I made my point very clear. I said it was retrograde to the extent that he would not be a citizen of a State but a Unien Territory.

SHRI M. RUTHNASWAMY (Madras) : Madam, I am not opposed to the amendment as a whole but I take strong objection to that part of the explanation which says :

"In this article, in clauses (a) to (e), 'State' includes a Union territory, but in the proviso 'State' does not include a Union territory".

because in the proviso a very important constitutional privilege is given to States. Now after the equalisation of Union territories to States-because article 3 says :

"Parliament may by law-

(a) form a new State by separation of territory from any State or by uniting two or more States or parU of States or by uniting any territory to a part of any State; *

[Shri M. Ruthnaswamy.]

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon wiihin such period as the President may allow and the period so specified or allowed has expired."

3 p.m.

I think a great privilege, a great right of the people of these Union territories is taken away from them. Aftci equalising Union territories to State:- why do you want to take away this privilege of people being consulted cither dirtclly or through their representatives in the Legislature in regard to their future ? It is after all, I suppose, the object of our political development that gradually these Union territories shall acquire the status of States, as has happened in the United States of America. The United States of America also, in the course of its history, started with a number of territories. But eventually all these territories have acquired the status of States. So I think this portion of the proviso in Explanation I take away the privilege of the people of the territories either directly or through their representatives, of being consulted with regard to their political or constitutional future. Already there is a great controversy as to the future of the Union territory of Goa. A heated controversy has been going on whether it should be merged with Maharashtra or with Mysore or whether it should continue as a Union territory. Now, I think in regard to all these matters, whether these territories should be merged with one of the neighbouring States or whether they should continue to be Union territories or whether they should be given the position of States, should be decided in consultation with the people of the territories concerned or with the representatives of the people of these

territories. Therefore, I think the Law

Minister will be well advised if he is not merely Law Minister but also is interested in the constitutional progress of the country, that he should allow this proviso to operate also in regard to the Union territories and their Legislatures. After all, this is a very large State, and federalism has been applied to it. A federal Constitution, or a quasi-federal Constitution, has been created for it. Now the essence of federalism is that the selfgovernment of the various States which compose the federal union is ensured. The essence of federalism is that local opinion should be consulted at every important stage and therefore I plead on behalf of these Union territories also that they should be given the privilege which is given in the proviso to article 3 that opinion should be taken either from the people of the territories or from the representatives of the people in the respective legislatures, that they should be consulted by the President before he comes to a decision as to the political and constitutional future of the territories. This is all that I have to say.

भी राजनारायण : मुझे, माननीया, बहुत ही अफसोस के साथ कहना पड़ता है कि इस सदन की प्रक्रिया नियमावली का ख्याल न करके जो यहां प्रया चलाई गई है उससे आज का विवाद जो होना चाहिए वह नहीं हो पाया है। हमने क्यों अमेंडमेंट मुव किया आज अब तक जितने वक्ता बोले हैं उसको किसी ने छआ भी नहीं, उस पर कोई चर्चा नहीं हई । ऐसा लगता है कि इस अमेंडमेंट को रखने का कोई मकसद नहीं । मैं चाहंगा कि यहां जो पालियामेंटरी पद्धति के जानकार लोग है अब तक जो प्रेक्टिस रही हो उसमें ऐसा कोई संशोधन करें जिससे कि मुवर आफ दि अमेंडमेंट जो हो उसका माइन्ड पहले एक्सपोच हो जाए यानी वह अमेंडमेंट क्यों मुब कर रहा है।

देखा जाए तो आज का जो बिल है, विधेयक है, वह बिल केवल कांस्टीट्यूशनल अमेंडमेंट है। इसमें न कहीं पंजाब है, न कहीं हिसार है, न कहीं चंडीगढ़ है, न कहीं गोआ 3863 Constitution (18r/i

है और न कहीं मैसूर और महाराष्ट्र का झगड़ा है, मगर सारा मसला वा गया इस पर । अब आप खुदबखुद हमारी दिक्कत को महेनजर रखें । हमारे आखिर में बोलने का मतलब क्या हुआ । हम अपने अमेंडमेंट पर बोलें या सदन में जितना विवाद हुआ, डिस्कशन हुआ उस सबको रेफर करें । इसलिए अपनी दिक्कत को सामने रखते हुए पहले ही अर्ब किए देता हूं कि समय का ख्याल रखा जाए ।

अमेंडमेंट चूंकि अंग्रेजी में मिला है, इसकी हिन्दी कापी नहीं मिली, अंग्रेजी में पढ़े दे रहा हूं, जानबूझकर यह पाप कर रहा हूं :---

"Be it enacted by Parliament in the Seventeenth year of the Republic of India as follows :----

1. This Act may be called the Consrilution (Eighteenth Amendment) Act, 1966.

2. In article 3 of the Constitution, the following *Explanations* shall be inserted at the end, namely :—

Explanation I.—In this article, in clauses (a) to (e), 'State' includes a Union territory, but in the proviso, 'State' does not include Union territory."

इसका मतलब केंबल यह है कि अगर यह विष्ठेयक कानून बन जायगा तो जहां-जहां 'स्टेट' शब्द आया है उसका मतलब यूनियन टेरीटरी भी हो सकता है यानी स्टेट की डेफीनीशन, परिभाषा में हम यूनियन टेरीटरी को बदल सकते हैं। इसके पहले सुप्रीम कोर्ट की कोई ऐसी र्झलिंग हुई है जिसके मुताबिक स्टेट का मतलब यूनियन टेरीटरी नहीं होता। उसी दिक्कत को दूर करने के लिए हमारे कानून मंती महोदय आज इस विष्ठेयक को इस सदन में लाए हैं। मगर इसका परपज इतना ही

नहीं है। इसके लिए एक्सप्लेनेशन नम्बर 2 अगर पढ़ा जाय तो बड़ा अनथंकारी हो जा रहा है:---

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

इसका मतलब यह होगा कि अगर यह बिल कानून की शक्ल ले लेता है तो कांग्रेस सरकार की इच्छा पर है, उनकी स्वीट विल पर है कि आज जिस स्टेट की हैसियत स्टेट की है उसको यूनियन टेरीटरी बना दे और जिस युनियन टेरीटरी की हैसियत युनियन टेरीटरी की है उसको स्टेट बना दे। मैं जानना चाहता हुं और इस सदन के सम्मानित सदस्यों से अपील करना चाहता हुं कि क्या सदन के सम्मानित सदस्यों की यह ख्वाहिश है कि इस सरकार को इतना 'अधिकार दे दिया जाए कि आज जैसे उत्तर प्रदेश है उसको युनियन टेरीटरी कहने लगें, बिहार को युनियन टेरी-टरी कहने लगें, मध्य प्रदेश, राजस्थान को यूनियन टेरीटरी कहने लगें। इतनी जबरदस्त पावर केवल इस नाम पर यह सरकार के रही है कि हम तो एक छाटा-सा दो लाइन का कांस्टीट्यूशनल अमेंडमेंट लाए हैं । यह कांस्टीट्यूणनल अमेंडमेंट नहीं है, बह्कि यह अमेंडमेंट अगर कारगर हो जाता है तो इससे इतना अनर्थ हो सकता है कि सारा का सारा देश न मालूम कितने टुकड़े, कितनी यूनियन टेरीटरी और कितने नए स्टेट में बदल सकता है ।

भी लोक नाथ मिभाः यह अनकांस्टीट्यू-शनल अमेंडमेंट है।

भी राजनारायण : देखा जाए । पहले के कांस्टीट्यूशन में साफ है कि स्टेट यूनियन टेरीटरी नहीं है, स्टेट बनाई जा सक्ती है, उस स्टेट की कुछ सीमा दूसरी स्टेट में बी जा सक्ती है, मगर उस स्टेट को यूनियन टेरीटरी नहीं बनाया जा सक्ता । इस बारे में 3865 Constitution (Wh

[श्री राजनारायण]

पहले का कांस्टीट्यूशन साफ है । पहले का कांस्टीटयशन यह नहीं कहता कि आज जो उत्तर प्रदेश स्टेट है सरकार चाहे तो उसको युनियन टेरीटरी बना दे। यह असम्भव है अगर पहले का कांस्टीट्यूशन रहता है। अगर यह अमेडमेंट पास हो जाता है, कानन की शक्ल ले लेता है तो यह सरकार उत्तर प्रदेश, बिहार, राजस्थान, मध्य प्रदेश, महाराष्ट्र किसी को भी यूनियन टेरीटरी में बदल सकती है । इसलिये मेरा जबरदस्त विरोध है और इसीलिए मैं चाहता था कि मुझको सबसे पहले मौका मिलना चाहिए कि में इसको सेलेक्ट कमेटी में ले जाने की बात क्यों कर रहा हूं। मैंने सुबह जो संवैधानिक अधिकार, पालियामेंटरी अधिकार, हमारे पर आता है उसको महेनजर रखते हुए ला मिनिस्टर साहब से जानने की कोशिश की थी मगर ला मिनिस्टर साहब भी जो हैं वह भी जिस हिसाब से और जिस हालत में आज कांग्रेस रूलिंग पार्टी में अराजकता फैली हुई है उसके शिकार हो रहे हैं और मैं तो यहां तक कहने को तैयार हं कि श्री पाठक जो हैं वह आज अपने मस्तिष्क को, अपने दिमाग को एक्सप्लायट करा रहे हैं, कांग्रेस पार्टी के लोगों के जरिये जो कि इस मुल्क को चौपट किये हुए हैं।

माननीया, आप देखें कि जो हमारा मारत है, जो भारत दैट इज इंडिया कहा जा रहा है, भारत-माता का नाम हमारे वाजपेयी जी ने बार-बार लिया मगर भारत-माता की जीभ इस कांग्रेस सरकार ने काट रखी है, अब भारत-माता का सिर यह कांग्रेस सरकार इस अमेंडमेंट के जरिए काटना चाहती है, जीभ पहले से कटी और अब इसका सिर भी और इसके घड़ की क्या स्थिति होगी, यह मैं झीरे-धीरे आपको बता रहा हूं।

मैं निहायत अदब के साथ श्री जैरामदास दौलतराम और जो पुराने कांग्रेस के मेम्बरान यहां सदन में बैठे हुए हैं उनसे आपके खरिये अर्ज करूंगा कि जरा इसको गहराई से देखा जाए । यह मसला महत्र छोटे-मोटे पंजाब का नहीं या पंजाब के दो भाग करने का या चंडीगढ़ इधर रहे या उधर रहे या हरियाना बने या न बने, ऐसा ही मसला नहीं है । यह मसला बड़ा अहम है। अगर इस मसले का ठीक से न देखा गया तो अब तक जो अनर्थ हुआ है उससे भयंकर अनर्थ होगा और हमारे देश की जनता पता नहीं किस गर्तमें चली जाएगी। क्या इसमें यहां किसी को विरोध है कांग्रेस में, गांधी जी की कांग्रेस में । आज की कांग्रेस को में कांग्रेस पार्टी कहता हूं, गांधी जी की कांग्रेस को कांग्रेस कहना हूं, क्योंकि उस समय कांग्रेस थी आज नहीं है, अब कांग्रेस पार्टी है। उस समय कांग्रेस में हम सब एक दूसरा विधान, एक दूसरा कांस्टीट्यूशन रखते हुए, अलग-अलग पार्टी रखते हुए शामिल हुए थे, वह कांग्रेस थी । अब कांग्रेस पार्टी है क्योंकि अब उसमें दूसरी पोलिटिकल पार्टी एक आगें-नाइज्ड सिस्टम को, एक प्रोप्राम को, रजिस्टर्ड मेम्बर को रखते हुए नहीं शामिल हो सकती है। यही फैसला तीन आदमियों की कमेटी के जरिए हुआ । उसमें आचार्य नरेन्द्र देव, आचार्य कृपलानी और श्री पुरुषोत्तम दास टंडन जी थे, कांग्रेस के संविधान में संगोधन करने के लिए, सुझाव देने के लिए, गांधी जी के मरने के बाद यह बनी थी और बाई मेजारिटी श्री पुरुषोत्तम दास टंडन और आचार्य कृपलानी इस राय के हुए कि कांग्रेस के अन्दर कोई पार्टी नहीं रह सकती । केवल आचार्य नरेन्द्र देव इस राय के ये कि जो कांग्रेस का विधान था उसी तरह से वह विधान चले लेकिन कांग्रेस ने बाई मेजारिटी यह तय कर दिया कि कांग्रेस के अन्दर कोई आर्गेनाइण्ड पार्टी नहीं रह सकती । उसी समय सोशनिस्ट पार्टी ने अपने को कांग्रेस से अलग कर लिया बौर आचार्यं नरेन्द्र देव ने उसी समय कह दिया कि हमारी जगह कांग्रेस में नहीं है क्योंकि यह एक अलग पोलिटिकल पार्टी बन गई है, इसका एक राष्ट्रीय मंच का स्वरूप समाप्त हो गया है। तो मुझे बीच में इतना कह देना

पड़ा । मेरा निवेदन है कि 1920 ई० से गांधी जी ने भाषावार प्रान्त का सिलसिला चलाया । यह सिलसिला गांधी जी ने चलाया और उसका कोई विरोधी नहीं हो सकता था। वह मसला तो आ गया और यहां पर अनावश्यक विभिन्न पार्टियों ने उसका श्रेय लेने के लिए कह दिया कि भाषावार प्रान्त हमारी वजह से बन गया, यह व्यर्थ है, मगर जब गांधी जी ने भाषावार प्रान्त बनाने की बात कही थी तो गांधी जी ने एक भारतीय भाषा को केन्द्रीय भाषा के रूप में भी मान्यता दी थी। कांग्रेस की सरकार ने इतना बंगलिंग किया, मामले को इतना खराब किया, इतना विगाड़ दिया कि जब तक कहीं गड़बड़ न हो, जब तक कोई मरे नहीं, जब तक कोई ऐसा ऐक्शन न ले जिससे कि तोड़-फोड़ हो जाए, तव तक यह सरकार 1920 ई० से चली आ रही राष्ट्रपिता बापू की भाषावार प्रान्त की योजना को कार्यान्वित करने को नहीं वढ़ी और उसके बड़े अनर्थकारी नतीजे हुए हैं। मैं उदाहरण के लिये बताऊं कि श्री रोमोल्लू ने 18-10-52 को अनगन गुरू किया, 58 दिन अनशन करने के बाद 15-12-52 को इनका आणांत हुआ है। इनका प्राणांत होने के बाद और इस अनशन के बीच में हमारे मुल्क में क्या बड़ी-बड़ी घटनाएं घट गईं उससे इस सदन के माननीय सदस्य जानकारी रखते होंगे। न मालूम कितने स्टेशन जला दिए गए। कितने स्टेशन तोड़ डाले गए, बिल्डिंगें नष्ट-भ्रष्ट कर दी गईं तव जाकर बाद में 1-10-53 को आंध्र प्रदेश का इनआगुरेशन, उद्घाटन हुआ । तब आंध्र बना । मैं अपने पुराने कांग्रेस के मित्रों से पूछना चाहता हुं कि जरा इस पर गौर करें कि अगर इस जद्दोजहद के बाद आंध्र का निर्माण न हुआ होता, अगर सारी बातों को मद्देनजर रखते हुए हैदरावाद एक स्टेट के रूप में रहा होता और हैदराबाद के निजाम को हम पहले ही खत्म कर चुके होते, तो क्या आज हैदराबाद इस बात के लिए नसीहत नहीं देता कि एक

बहभाषाभाषी प्रान्त भी रह सकता है, एक बहभाषाभाषी स्टेट भी रह सकती है। लेकिन जहां हैदराबाद के निजाम को खत्म करना था वहां हैदराबाद की पुरानी प्रथा को कि एक राज में हम अच्छी तरह से तीन भाषाओं को लेकर चल सकते थे, तामिल भी चल सकती थी, तेलगु भी चल सकती थी, कन्नड़ भी चल सकती थी, उसको हमने बिल्कुल एक दूसरी स्थिति दे दी । यह कांग्रेस की गलत पालिसी का, उसके गलत दिमाग का नतीजा हुआ । आगे यह देखा जाए कि यह जो प्रान्तों का भाषा के आधार पर गठन हुआ तो यह भी कहना हमारी समझ में बहुत ठीक नहीं लगता कि केवल एक भाषा की ही बुनियाद पर हम राज्यों का गठन कर रहे हैं, यह बिल्कूल गलत बात है, इसमें न मालूम कितनी बातें हैं जो छिपी हई हैं, वे सामने आनी चाहिएं, लेकिन अगर भाषा ही बुनियाद होती तो बिहार, उत्तर प्रदेश, राजस्थान और मध्य प्रदेश आसानी से एक राज्य बनाए जा सकते हैं, यहां की एक भाषा है, बड़े मजे में बन सकता है। मगर क्यों नहीं बना। हम नहीं कहते कि बने लेकिन हम एक नजीर दे रहे हैं कि जो कांग्रेस के दिमाग की उलझन है वह क्या है और जिस उलझन को लेकर सारे राष्ट्र के जन-जीवन को नष्ट किया जा रहा है। वास्तव में, माननीया, हमारे मुल्क में जुरूरत थी धन पैदा करने की, दौलत पैदा करने की, दौलत बढाने की, मगर दौलत तो बढ़ी नहीं और जब दौलत नहीं बढ़ी तो एक कहावत है कि लंगड़ा बिलार घर में ही जिकार, जब बिलार लंगड़ा हो जाता है, उसका पैर आगे नहीं बढ़ सकता, तो वह अपने घर में ही शिकार करता है, तो हम घर में ही लगे शिकार करने, अन्दर ही लोगों से ताकत लेने लगे, जो घर में दौलत है उसी दौलत को बांटने की ओर उससे आगे बढ़ने की ख्वाहिश आई और उसी ख्वाहिश ने यह अनर्थं, यह दुर्दिन, यह दुर्दशा हमारे सामने लाकर प्रस्तुत कर दी । मगर हम एक नजीर पेश कर रहे हैं आपके जरिये ' '

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उपसमापति : राजनारायण जी, 20 मिनट हो गए। आप इस बिल के ऊपर बोलिए।

भी राजनारायणः मैं बिल पर ही बोल रहा हूं। मैंने दिन भर बैठ करके सबका भाषण सुना है।

उपसमापति : सबने 10 मिनट में खत्म किया है।

भी राजनारायण : अगर सब लोग बिस पर ही बोले हों, तो ठीक है।

उपसमापति : मगर जो इसमें प्राविजन है, जो यह बिल है उसके मुताबिक बोलें ।

भी राजनारायण : जरा मुनिये ।

THE DEPUTY CHAIRMAN: If Mr. Rajnarain is able to speak on the provisions of the Bill, I will request him to speak on them. Let him not go into other things.

भी राजनारायण : असल में अंग्रेजी समझने में हम कुछ कमजोर हैं।

तो मैं आपसे एक नजीर के तौर पर कह रहा था, थोड़ा-सा दो-चार मिनट देख लोजिए, कि संयुक्त सोशलिस्ट पार्टी ने एक सुझाव दिया कि चौखम्बा राज्य बनाओ, जितना कार्य हो, जितनी आमदनी हो वह चार पायों पर बांट दो, गांव पंचायत राज, जिला पंचायत राज. सूबा पंचायत राज, केन्द्र पंचायत राज, केन्द्र के पास केवल अंतर्राष्ट्रीय मामले हों, मुद्रा हो. अन्तरप्रादेशीय यातायात का सारा मामला हो, सेना हो, आदि-आदि, राज्य के पास भी जो अन्तरजिले का मामला हो वह रहे, हथियार-बन्द पुलिस की व्यवस्था हो, जिले के पास अपने जिले से सम्बन्ध रखती हुई व्यवस्था हो और गांव के पास वहां की शिक्षा हो, वहां की सफाई हो, वहां की रोशनी हो, गांव के अन्तगंत जो विकास की योजनाएं हैं, वह हों अगर यह सारी बातें हो जाएं, चौखम्बा राज्य की बुनियाद को लेकर के तो फिर क्या जरूरत होती कि सारे मुल्क को अनेक राज्यों में और युनियन टेरीटरी में बांटने के लिये ये कदम उठाए जाएं । मैं एक सीधा-सा उदाहरण दे रहा हूं, और अपने आप सारे के सारे मसले हल हो गए होते, भाषा के मसले भी हल हो गए होते और सारी बातें हो गई होतीं । और आज भी में कहना चाहता हूं कि यह तो भाषा-भाषी का जो अर्थ-अनयं है, यह जो नेशनल इन्टीग्रेशन की बात की जाती है यह बिलकूल बेजगह की जाती है और में समझता हूं कि भाई दौलतराम जो बुजुर्ग है और दूसरे साथी लोग इस बात को समझेंगे। केरल का जो 'रावत' है वह बद्रीनाथ का सबसे बड़ा पुजारी है, यानी बद्रोनाथ के मंदिर को मुर्ति को कोई और पूजारी नहीं छ सकता है, अगर उसको छ सकता है तो केरल का नम्बूदरीपाद बाह्यण छू सकता है। रामेश्वरम् का पानी आज भी हमारे घर में चलता है। तो इन्टोग्रेशन की बात यह है, चूंकि हमारे मित सरदार साहब हंस रहे हैं, पंजाब की बात आ गई, मैं कहना चाहता हूं ये सिख और हिन्दू क्या है ? मैं जानना चाहता हूं अगर कोई अपने को हिन्दू कहता है या अपने को सिख कहता हो, ईमानदारी के साथ गुरु नानक को पढ़ो, युरु नानक ने जो हिन्दुओं के अन्दर खराबी थी, उनके अंदर दोष था, उस दोष को दूर करने के लिये उन पर होने वाले हमले को काटने के लिए उन्होंने एक व्यवस्था धायम को । मगर बदकिस्मती थी कि हिन्दू जिस ढंग से चल रहे थे वह साम्प्रदायिकता तो टुटी नहीं, एक और सम्प्रदाय बन गया और बन करके आज ऐसे। स्थिति पैदा की जा रही है गोया कि हिन्दू में और सिखों में कोई पैदाइशी या बुनियादा, फन्डामेन्टल, डिफरेन्स हो और उनमें कोई क्लैया हो । मैं चाहता हूं यह 'क्लैय' मिटे । हमारे सामने मानवता का दुष्टिकोण हो ।

उपसमापति : आपका जो अमेन्डमेन्ट है उसके नामों की लिस्ट नहीं पेश की गई है।

श्री राजनारायणः मैंने पढ़ दिया या । देना चाहिये या तो मझले ले लिया जाए । **उपसभापति**ः अच्छा, तो आप भाषण समाप्त करें।

भी राजनारायण : यह लिस्ट ले ली जाए। हमने पढ़ भी लिया था । (Interruption) । भाई, हमने पढ़ दिया था, अब उसको पढ़ने का कष्ट क्यों करें।

भी एम॰ एम॰ धारिया (महाराष्ट्र) : राजनारायण जी, आपके बारे में सब कुछ माफ है।

बी राजनारायण : तो मैं यह अर्ज कर रहा या, और आज भी में चेतावनी देना चाहता हं आपके चरिये लॉ मिनिस्टर साहब को और नों मिनिस्टर साहब के चरिये दूसरे लोगों को कि यह जो कांस्टोट्युशन अमेन्डमेन्ट है इस कांस्टीट्यू भन अमेन्डमेन्ट से क्या कोई ऐसी स्थिति पैदा नहीं होगी कि उत्तर प्रदेश के बंटवारे की भी चर्चा होने लगे, दूसरे राज्यों के भी बंटवारे की चर्चा होने लगे। हिमाचल प्रदेश को कुछ हिस्सा पंजाब का देना है, चूंकि वह युनियन टेरीटरी है और युनियन टेरीटरी में स्टेट का हिस्सा नहीं जा सकता इसलिए सरफार की ओर से यह विघेयक यहां पर प्रस्तूत किया गया है। इससे एक अस्थिरता रहेगी, अस्थिरता को रोकना चाहिए । आज इस देश को स्थिर तरीके से ले चलना चाहिये । अगर इस तरह से इस विधेयक को कानून की शक्ल देनी है तो इस मुल्क में अस्थिरता बढ़ेगी, अन्सर्टेन्टी बढ़ेगी और पता नहीं यह मुल्क को कहां ले जाएगा । इसलिए मैंने तजवाज पेश की है फि इसको खेलेक्ट शमेटी में ले जाएं। संलेक्ट कमेटो में जब लोग बैठते हैं तो सेलेक्ट कमेटी में बैठ कर शांत मस्तिष्क से उसके उणित पहलुओं पर गौर करते हैं, विचार करते हैं ।

उपसमापतिः वह तो सारे सदस्य जानते है, अब आप अपना भाषण खत्म करें। दूसरे भी बोलने वाले हैं।

श्री राजनारायण : मेरी क्या मसं/वत है । तो दो-चार मिनट सन लाजिए । समा लोग कह रहे हैं। तो मेरी बर्ज यह है कि मैं सलाह देना चाहता हुं कि जब हम सेलेक्ट कमेटी में बैठेंगे तो संलेक्ट कमेटा में बैठकर हम ऐसा भा कोई इसमें संगोधन कर सकते हैं जिससे कि आगे के लिये खतरा दूर हो जाए, इम इसको लिमिट कर सकते हैं इसको इस ढंग से रख सकते हैं कि जिससे लैंगएज फार्मुलेट हो, जैसे कि हिमाचल प्रदेश को बनाने के बाद पंजाब या दिल्ली का जिल्ला हिस्सा जरूरी हो वह हिस्सा उसमें चला जाए, लेकिन दूसरे सूबों को काटने और विगाडने का बात की आइन्दा इसमें गुंजायण नहीं रह जाए । तो मैं चाहता हं इस विधेयक को सेलेक्ट कमेटी में ले जाएं और सरकार इसको सेलेक्ट धमेटी में ले जाकर लोगों को मौका दे कि लोग इस तरह से अच्छी तरह सोच और समझ सकें ताकि जो अन्सर्टेन्टी इस विधेयक के बरिये आगे पैदा हो बह दूर हो और ठीक तरीके से आगे के लिये स्थिर वातावरण में हमारा मल्क तरक्की करे और आगे बढे।

SHRI A. P. CHATTERJEE (West

Bengal) : Madam Deputy Chairman, the Bill has been brought by the Law Minister. Of course the preamble as given in the Bill is different, the objects and reasons which were given in the Bill as introduced in the Lok Sabha were also different but the Minister of Law in this House said that this Bill was necessary because he thought that without this amendment the formation of the new States of Punjab and Harvana was not possible. Of course that is his explanation as far as this Bill is concerned. It is neither in the Objects and Reasons to the Bill which was circulated in the Lok Sabha, nor in the preamble nor in the objects and reasons given in the Bill as given to us as passed by the Lok Sabha. As far as the question of formation of the hill States of Punjab and Harvana are concerned, I do not think such a drastic amendment of the Constitution was necessary in order to give i effect to the intention to create the

[Shri A. P. Chatterjee.]

States of Haryana and Punjab because article 3, even if unamended, would have given the power to die Parliament to form by law a new State by separation of territory from any State. That is to say, that if the linguistic State of Punjab was to be formed and if the linguistic State of Haryana was to be formed, article 3 of the Constitution will be applied and die Parliament could have made a law in accordance with the terms of article 3 as now existing without having to amend the Constitution.

SHRI G. S. PATHAK : May I point out diat I also said that a part of the State of Punjab was to be transferred to the Union Territory of Himachal Pradesh. I said this in my speech. Therefore it became necessary to examine die language of article 3 (a) in order to see whether such a situation is clearly provided for.

SHRI A. P. CHATTERJEE: We are grateful for the present explanation given by the Law Minister. As far as die quesdon of taking away part of the Punjab State and adding it to die Union Territory of Himachal Pradesh is concerned, that could or could not have been done widi or without amendment of ardcle 3 of the Constitution. I am not on that point at present but what I am on at the present moment is this that as far as this amendment of article 3 of the Constitution is concerned, this amendment will have a terribly mischievous consequence. I am not saying, nor am I imputing any mischievous modves to the Ministry concerned. As far as we are concerned we are aware of die position that a person intends the consequence of that which naturally follows from his act. I say that the proposed amendment has a tremendous mischievous consequence in which case, we can presume that perhaps that was die motive also for the amendment but without going into the question of motives what I submit is if this amendment is accepted by this House and if this Constitution (Amendment) Bill is pushed through as far ; is this House is concerned, very dangerous consequences will follow and will result, in this way, if I may say so.

Explanation I which is sought to be added to article 3 of the Constitution reads :

Amdt.) Bill, 1966

"In wis article in clauses (a) to (e), 'State' includes a Union territory, but in the proviso, 'State' does not include a Union Territory."

Leaving aside the proviso, it appears tilat in all die clauses from (a) to (e) of article 3, State also will include a Union Territory. That is, the State will mean the Union Territory also. If that is so, look at clause (a) of article 3. Clause (a) says :

"form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State".

If 'State' also means territory, then it will be like this that if the Parliament so choose, tomorrow it might form a new territory by uniting two States, namely, the States of Bihar and West Bengal. By uniting the States of Bihar and West Bengal they might form a Union territory. Now that would not have been of very great consequence if it were not for the fact that as soon as you take the people of a State out of that State into a Union territory, then certain other important consequences follow, and the important consequences are these.

Look at Part VIII of the Constitution. If I am not mistaken, Part VIII of the Constitution says that the Union territories have to be administered or will be administered by the President. If Parliament so chose, not otherwise, a Union territory may not have a Legislature but may have only a body which is to function as a Legislature with only those functions which are given to such a body by Paliament. That is to say, if article 3 is amended in the way in which it is sought to be amended then, to take my analogy again, the State of Bihar and the State of West Bengal may be united to form a Union territory only, in which case the people of West Bengal, for example, may be deprived of the privilege and advantage of having a sovereign Legislature, which they are now enjoying. Therefore I am humbly

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submitting, Madam Deputy Chairman, that this is an amendment with terribly dangerous consequences. Of course the Law Ministry may say that 'we' are not going to unite the State of West Bengal and the State of Bihar to form a Union territory. That may or may not be. But why should we give drastic power to Paliament in order that this thing may happen ? After all, the Constitution is a delicate piece of mechanism, and this delicate piece of mechanism should not be damaged, and let there be no bull in the China shop of the Constitution to do all the damage and spoliation as they choose.

Madam Deputy Chairman, look at anomer thing also. Look at Explanation II, and look at the way in which these amendments have been brought. Explanation II says this :

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

I am not going into the question whether 'or' is disjunctive or conjunctive. It is perhaps for the court to decide if it at all goes to the court, but I am only submitting this that, as it is framed, if this Explanation is going to be enacted, it means this that Parliament will be given the power to form also a Union territory by uniting a part of any State to any other State. Suppose Parliament, tomorrow, chose to take away a part of the State of Bihar and to take away a part of the State of Uttar Pradesh and, by combining the two, said that the two would, from today onwards, form a Union territory, what is there to prevent it? Now this is dangerous for this reason that the people of that part of the State of Bihar and the people of that part of the State of Uttar Pradesh, who were enjoying the advantage and privilege of being governed by an elected Legislature, will not have that privilege any longer. They will merely have to be ruled under Part VIII of the Constitution by decrees of the President, and

Parliament may or may not, by that relevant article, I believe article 240, give them the 'body', not a Legislature, but a body like a Legislature.

Madam Deputy Chairman, there is another thing also. Look at Part VI11 once again and look at articles from 239 onwards. Article 23 9A says that Parliament may by law create a certain body for only certain specified territories, for example, for Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, etc. Now suppose, after this drastic power which is taken over by Parliament today, certain territories are formed by truncating or by taking away from a particular State certain territories of that State, suppose a new Union territory is formed that way, article 23 9A will not apply to it, because article 239A will apply only to certain specified Union territories. So this particular Union territory, which may be formed by Parliament by virtue of this amendment of the Constitution, will not have even the benefit of that shadow of a Legislature which is provided for in article 239A of the Constitution. Only the President, by regulations, will govern those territories. Madam Deputy Chairman, article 240(2) says that if there was any enactment applicable to that territory, that enactment will be abrogated if the President issued a new regulation.

That is to say, for example if a part of West Bengal is taken away and made into a Union territory, as soon as it is formed into a Union territory by Parliament, if the President issues a regulation, then that regulation will abrogate or annul that Act or enactment which was applicable to it formerly, which was long being applicable to that part of the State of West Bengal which is now taken away from the State to form a new Union territory.

Madam Deputy Chairman, I have not had much time on my hands, but what I am humbly submitting before you and the Law Minister—and I will plead with him—is that this is a very dangerous amendment which is being

[Shri A. P. Chatterjee.]

made. Very dangerous powers are taken by, or are being arrogated to Parliament. Very fundamental liberties of the people of States are being interfered with, are being taken away. This is not a matter which is to be rushed through in li hours of debate in Parliament. Therefore I am humbly submitting before this House and particularly before Congress Members of this House that in order that the Constitution may not be dissected, this matter should be more properly and more thoroughly deliberated on, and therefore I appeal to the Minister that it should be referred to a Select Committee, so that all aspects of die question may be gone into and so that, after going through all aspects of the question, well, this amendment may bo decided upon.

Another thing before I finish. After all, as Mr. Ruthnaswamy has very j righdy observed, we no doubt have not! introduced federalism into our Consti-j tution. It is true that our Constitution is not federalistic in the sense in which the Constitution in America is federalistic but then, though it is not a federalistic Constitution, it is true we have given the powers to States and we have given certain rights to the States which constitute our Union. But if die powers of the States are in this way axed, then where remains our Union ? The Union of India will become a dead letter because of this amendment, and in the history of India I think it will be perhaps written that India was formerly called a Union of States, but it is practically not so now, because all the States have now become Union territories because of the amendment that was moved and passed in Parliament in the year of Lord 1966. In order that that may not happen, in order that the small amount of federalism which we have given in our Constitution may be preserved and in order that the delicate mechanism of the Constitution may not be disrupted and may not be spoiled, I will humbly submit that this may be more thoroughly deliberated on and this may go to a Select Committee for the purpose. These are all my points, Madam.

श्री सी० एल० वर्मा (हिमाचल प्रदेश) : उपसमापति महोदया, जैसा कि माननीय लॉ मंत्री जो ने कहा है कि यह जो संशोधन बिल आया है उसकी खास वजह जो है बह पंजाब का रिआर्गेनाइजेशन है। जहां तक पंजाब के रिआर्गेनाइजेशन का सवाल है, यह कोई नई वात नहीं है । 1956 में जब एस॰ आर० सो० रिपोर्ट आई थी तो उस वक्त भो उस पर बहुत चर्चा हई था। उस बक्त गुजरात, बम्बई और कई जगहों पर तबदोलियां आई थीं, मगर पंजाब के बारे में यह ख्याल किया गया था कि उसको इकट्ठा ही रखा जाए ताकि यहां पर जो लोग हैं वे सब मिलकर इकटठे रहें। मगर उस बक्त भी जो पंजाब प्रदेश के रहने वाले लोग थे, पहाड़ी क्षेत के रहने वाले लोग थे, उन्होंने इस बात की बड़ी कोशिश की कि हम लोगों को हिमाचल प्रदेश के साथ मिला दिया जाए । मगर उस वक्त यह बात किसी वजह से नहीं हुई, लेकिन जब अब एक नई कमेटी सरदार हुक्म सिंह, स्रीकर लोक सभा की अध्यक्षता में बनी, तो उसने पंजाब के पहाडी स्थानों को हिमाचल प्रदेश में मिलाने की सिफारिश की । हम उनके बडे मशकर हैं कि उन्होंने इस तरह की सिफारिश की जिसको गवर्नमेंट ने भी मान लिया है।

अब इस वक्त यह सवाल पैदा होता है कि हिमाचल प्रदेश जो बनेगा वह इन तीनों स्टेटों में सबसे बड़ा स्टेट होगा। हिमाचल प्रदेश का क्षेत्रफल 22 हजार मुख्बा मील है जबकि हरियाणा का 17 हजार मुख्बा मील है और पंजाव का 18 और 19 हजार मुख्वा मील है। फिर भी में यह नहीं समझता कि हिमाचल प्रदेश को एक पूरा स्टेट क्यों नहीं माना जाता है? क्या उसको यह दर्जा इसलिए नहीं मिलता है कि उसकी आवादी वम है। इस सिलसिले में में यह वर्ज करूंगा कि नागालेड की आवादी महज 3 लाख 60 हजार के करीब है, जम्मू और काश्मीर की आवादी 35 खाझ के करीब है और हिमाचल प्रदेश की आवादी

हमारी स्टेट असेम्बली या हम लोग प्रपोज करें। ऐसी न हो कि सेंटर ऐसी स्कीमें हमारे ऊपर थोपे जिनकी हमको जरूरत नहीं और कहे कि तुम यह बनाओ, तुम वह बनाओ और उसी में वह सारा रुपदा खर्च हो जाए । बह स्कीमें ऐसी हों जिनसे हम रुपया पैदा कर सकें और अपनी स्टेट को सेल्फसफिशिएंट बना सकें। आज कांगड़ा के लोग, जिनका हम स्वागत करते हैं, भी हमारे साथ मिल रहे हें। उनको भी यनियन टेरीटरी में रखा जा रहा है यह उनके साथ बहुत बड़ी ज्यादती है। मैं यह समझता हं कि आज भी वक्त है कि हिमाचल प्रदेश को स्टेटहुड दिया जाए । अगर हिमाचल प्रदेश को पहले ही स्टेटहड दे दिया गया होता तो आज इस कॉस्टिट्युशन अमेंडमेंट बिल की जरूरत नहीं होती ।

अब जो हमने इसमें अमेंडमेंट दी है वह यह है कि जहां प्राविजों में यह कहा गया है : "State does not include Union territory." वहां हम चाहते हें कि यह और बढा दिया जाए : "except a Union territory for which there is a legislature" हम चाहते हैं कि उसको जरूर कंसल्ट किया जाए । यह मेरी समझ से बिलकुल बाहर है कि जब आपने हमारी असम्बली बनाई और सब कुछ किया तो फिर हमसे क्यों न पूछा जाए । क्या वे क्लास ट सिटीजन हैं ? क्या वे वैसे सिटीज नहीं हैं जैसे और स्टेट्स में रहने वासे हैं ? जब आपने हिमाचल प्रदेश को असेम्बली दे दी है तो कोई वजह नहीं है कि आप उनसे न पूछें। अभी जैसा कि श्री आनन्द चन्द जी ने कहा कि जिस वक्त स्टेट्स रिआगेंनाइजेेशन बिल 1956 में आया था तो उस वक्त वह बिल हिमाचल प्राण की असेम्बली में गया था, बहां की कर बली ने उस पर डिस्कशन किया या और उसकी सारी प्रेसीडिंग यहां भी सर्कु-लेट की गई 🗶 । उन्होंने जो नाराजगी जाहिर की थी नहीं समझता कि यहामिल थी। तो मैं यह नहीं समझता कि यहामिल थी। तो मैं यह नाए। अगर यह लगाया उँचो क्यों लगाया जीए । अगर यह लगाया उँचो क्यों लगाया जी मैं यह

तकरीबन 29 लाख के लगभग है। अगर माबादी का कोई स्पेशल कांसिडेशन होता है किसी इलाके को स्टेटहड का दर्जा देने के निये तो यह ठीक नहीं है। हिमाचल प्रदेश के बारे में यह चीज भी कही जाती है कि उसको सेंटर की तरफ से एड दी जाती है। इस सिलसिले में मैं सदन का घ्यान इस तरफ दिलाना चाहता हूं कि वह कौनसी स्टेट है जिसको सेंटर की तरफ से प्रांट इन एड नहीं मिलता। में आपका घ्यान 1965-66 के बजट में सेंद्रल एड ट् स्टेट्स की तरफ दिलाना चाहता हं । पंजाब में टोटल डेफिसिट थी 9,737 लाख २०, सेंटर से एड दी गई 8,591 लाख रु और इस तरह 88 परसेंट एड दी गई। वासाम में डेफिसिट थी 6,459 जाख र०, सेंटर से एड दी गई 6,521 लाख २० जो हो गई 100 परसेंट। उत्तर प्रदेश में डेफिसिट थी 19,756 लाख २०, सेंटर से एड दी गई 18,524 लाख रु० जो हो गई 94 परसेंट मध्य प्रदेश में डेफिसिट थी 10,812 लाख रू, सेंटर से एड दी गई 10,002 लाख रू जो हो गई 93 परसेंट। बिहार में डेफिसिट थी 10,705 लाख २०, सेंटर से एड दी गई 10,276 लाख रू जो हो मई 96 परसेंट। नागालैंड में डेफिसिट थी 1,330 लाख २० सेंटर से एड दी गई 1,330 लाख रु० जो हो गई 100 परसेंट। हिमाचल प्रदेश में डेफिसिट थी 1,350 लाख २०, सेंटर से एड दी गई 1,350 लाख रू॰ जो हो गई 100 परसेंट। जब और स्टेटों को भी एड मिलती है और सब लेते हैं, फिर भी उनको स्टेट होने का हक है, तो फिर में नहीं समझता कि हिमाचल प्रदेश को ऐसा हक क्यों न हो । दूसरी बात यह है कि अगर यही कारण है कि क्योंकि रुपया हमको मिलता, उसी वास्ते हमको पूरी स्टेट का दर्जा नहीं मिल सकता, तो हिमाचल प्रदेश की कांग्रेस कमेटी ने बहुत दिन हुए यह प्रस्ताव पास किया था कि ग्रांट इन एड जो हमारे हिस्से में पड़ता है, वह दीजिए और ग्रांट की बजाए डेवलपमेंट के लिये लोन दीजिए और स्कीमें ऐसी हों जिनको

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[श्री सी० एल वमी]

समझता हूं कि हिमाचल प्रदेश के लोगों के लिये या दूसरी यूनियन टेरीटरीज के लोगों के लिए यह इन्साफ नहीं है। इस वास्ते में माननीय लॉ मिनिस्टर साहब से यह अपील करूंगा कि यह जो हमारा संशोधन है, यह जरूर माना जाए और स्टेटहुड के सिलसिले में मैं यह समझता हूं कि हिमाचल प्रदेश को इसका बिलकुल हक है और उसको स्टेट-हड मिलना चाहिए।

SHRI G. S. PATHAK : Madam, I appreciate the difficulties which were experienced by some of the honourable friends here who have not raised any grounds which may be relevant to this Bill. The Bill is a simple one and it does not admit of any controversial arguments. Now I will deal with the points which were raised in the speeches of some of the hon. Members here.

the level of the Union Territory and why do you not equate the Union Terri tory with the State Territory, or the Union Territory with a State-to put it more correctly-in the matter of con sultation, in the matter of reference to the Legislatures for the purpose of ex pression of their opinion with regard to reorganisation ? Well, that is a point which has been urg ' .some of the speeches in the Hous, today, Madam, it should be remembered that the Union Territory can have a Legislature. But this Legislature is not created by the Constitution. This Legislature will be created by Parliament and it will be a subordinate Legislature. It will not be like the Legislature of a State which is supreme within its sphere and which possesses as high a power as Parliament itself. The Legislature of a State is created by the Constitution. The Legis lature of a Union Territories created by Parliament and it is opA'^o Parlia ment to repeal the law hy^.hich the Legislature of the Union itory is created. In other.jry'dii. 'Mature of the Union Aself and a'iy law plished by Parlianryture of the Union TeWde by the L'oe repealed by Parliament tory co

Therefore, when Parliament has to deal with a Bill connected with the reorganisation of States, then the expression of opinion by the Members of Parliament would include the expression of the opinion of the representatives of the Union Territory also. So far as the Union Territory is concerned, the power to make laws resides in Parliament itself primarily. Parliament may create a subordinate Legislature like the Legislature of a Union Territory. But if Parliament makes a law, then it is that law which shall prevail there because the Legislature of the Union Territory is a subordinate Legislature. It is not equal in power, in sovereignty with Parliament, while the State Legislature possesses the same powers within its sphere as Parliament itself. Therefore, when the Reorganisation Bill comes up before Parliament then Parliament passes that Bill. It is not necessary to take into account or to ask the subordinate Legislature to express its opinion on that matter.

SHRI M. RUTHNASWAMY : But in the It was asked : Why do you reduce Union Territory Legislature you have the e level of the Union Territory and representatives of the people.

> SHRI G. S. PATHAK: True, but Parliament represents the entire country including the Union Territory. Parliament has got the power to make laws for the Union Territory while Parliament has not got the power to make laws for the State Territory in respect of the subjects in List II. Parliament has got the power to make laws for the Union Territory in respect of the subjects in all the lists, even in respect of the subjects in List II. Therefore Parliament is the supreme legislature so far as the Union Territory is concerned and consequently it is not necessary to invite the expression of opinion by the legislature of the Union Territory because the reorganisation Bill will be passed by Parliament itself. That is the reason why it has never been the intention of the Constituent Assembly; it was not the intention of the Constituent Assembly; it was not the intention of Parliament when the Seventh Amendment was passed to make a provision for the expression of opinion by a legislature of the earlier Part C State and

later the Union Territory legislature. That is the reason. There is a vital distinction between a legislature created by the Constitution and a legislature created by Parliament which legislature can be abolished by Parliament whenever Parliament likes. basis that the law was made that Parliament will have the right to create legislatures for the Union Territories. The Constitution does not create legislatures for the Union Territories and that law could be repealed at any time Parliament liked and that legislature could be

श्री राजनारायण : आप हमारा ही समयंन कर रहे हो पाठक जी । अगर आप यूनियन टेरीटरी ज्यादा बनाएंगे तो यूनियन टेरीटरी सेकिन्ड टाइप की लेजिस्लेचर होंगी ।

SHRI M. RUTHNASWAMY : That is why I asked the Law Minister to speak not merely as a Law Minister but as a democrat.

SHRI G. S. PATHAK : Now, Prof. Ruthnaswamy referred to the principle of federalism. I may remind Prof. Ruthnaswamy of the language of article 1 of the Constitution. Prof. Ruthnaswamy is quite correct when he says that the concept of federalism, the language relevant to that concept, has been borrowed by us. Now kindly see this :

"India, that is Bharat, shall be a Union of States . . .

The federal components are the States. Then it says :

"The territory of India shall comprise—

(a) the territories of the States;

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

(c) such other territories as may be acquired."

Now therefore so far as the component parts of the federal Union are concerned, they are the States. The Union Territories are the territories of that Union. Therefore having regard to the concept which has been borrowed, having regard to the concept which has been accepted by our Constitution, the Union Territories stand on a different footing from the territories of the States. That is the position and it is on that

will have the right to create legislatures for the Union Territories. The Constitution does not create legislatures for the Union Territories and that law could be repealed at any time Parliament liked and that legislature could be abolished. Parliament still retains the power to make" laws for the Union Territories even though the Union Territories may have their own legislatures and in case of conflict it is the law of Parliament which will prevail over the law of the legislatures of the Union Territories. This distinction must be borne in mind when we consider the question why it is that the Constitution-makers did not contemplate that the expression of opinion of Part C States and later the expression of opinion of the legislatures of the Union Territories be invited. They stand on a different footing and it is not necessary that the opinion of the legislatures of the Union Territories be invited because it is the Parliament which is representing the entire country and it is the Parliament which is making the law of reorganisation.

SHRI M. N. GOVINDAN NAIR (Mysore) : Am I to understand that if today Goa is to be merged with another State it is not necessary to know the feelings or the opinion of the legislature there ? That is what it comes to according to your argument.

SHRI G. S. PATHAK : When the Bill is passed, the feelings of . . .

SHRI M. N. GOVINDAN NAIR : My point is, will you not consult the legislature in Goa before Parliament makes a decision on the merger of Goa either with Mysore or with Maharashtra, whatever it is?

SHRI G. S. PATHAK : I am not concerned with any individual cases at the present moment. I am concerned with a general law which I am asking this House to pass., namely, that in case there is a law in which a part of the territory of a Union Territory is involved then it is not necessary to send the Bill for the expression of opinion of the 3885 *Constitution* (18//.

[Shri G. S. Pathak.]

legislature of that Union Territory because Parliament itself is enacting the law. Every territory is represented in Parliament and the Parliament is supreme. So far as the wishes of the people or so far as the Bill concerning the territory of a Union Territory is concerned.

SHRI G. S. PATHAK : The language of श्री राजनारायण : पाठक जी जरा एक प्रथन का जवाब दें । अगर आपका यह विल कानून बन जाता है तो बाई सिम्पिल ला, बाई सिम्पिल मेजारिटी आज की जो मौजूदा स्टेट हैं उनको यूनियन टेरीटरी में चेंज करने का अधिकार रख लिया आपने । इसका जवाब दे दीजिए ।

this Explanation carries out the intention of the Seventh Amendment of the Constitution and a provision in the General Clauses Act is made saying that the State shall include the Union Territory unless there is anything . . .

SHRI A. P. CHATTERJEE : On a point of order, can the Law Minister say that a particular Constitution (Amendment) Bill has been brought in to carry out the intention of an earlier amendment Act? Can he say that?

SHRI G. S. PATHAK : I have been saying that the Constituent Assembly by enacting the proviso to article 3 in the terms that it enacted only intended that the legislature of the States should be consulted.

Now, the example that has been taken by my hon. friend, Mr. Chatterjee, is an extreme case. He says supposing in future somebody wants to unite West Bengal with Bihar and

श्री राजनारायण : पाठक जी, हमारे सवाल का साफ जवाब दीजिए ।

श्री गोपाल स्वरूप पाठकः अध्य सुनें तो जवाब दें ।

that is converted into a Union Territory. That was the example taken. That is an extreme case and I cannot think of any Parliament trying. SHRI K. K. SHAH (Maharashtra) : There also the majority of the two States have got to agree before it is done.

SHRI A. P. CHATTERJEE: After the amendment, no; certainly not.

श्री राजनारायण : मेरा पाइन्ट आफ आर्डर है । जरा सुना जाए, माननीया । पाइन्ट आफ आर्डर को पाइन्ट आफ आर्डर की तरह मीट किया जाना चाहिए । पाठक जी कानून के पंडित हैं । पहला आर्टिकल जो कांस्टीट्यूभन का है हिन्दी का पढ़ता हूं---हिन्दी में 'भारत' पहले है :

"भारत, अर्थात् इण्डिया, राज्यों का संघ होगा ।

उसके राज्य और राज्य-क्षेत्र प्रथम अनुसूची के भाग (क), (ख) और (ग) में उल्लिखित राज्य और उनके राज्य-क्षेत्र होंगे।

भारत के राज्य-क्षेत्र में :----

- (क) राज्यों के राज्य-क्षेत;
- (ख) प्रथम अनुसूची के भाग (घ) में उल्लिखित राज्य-क्षेत्र; तथा
- (ग) ऐसे अन्य राज्य-क्षेत्र जो अर्जित किये जाएं, समाविष्ट होंगे ।"

मेरा पाइन्ट आफ आर्डर यह है कि क्या सिम्पिल मेजारिटी से इस प्रथम आर्टिकल, अनुच्छेद को पार्लियामेंट चेंज कर सकती है । इसको चेंज करने के लिए टू-थर्ड चाहिए और जब यह कानून बन जाएगा तो उसको चेंज करने के लिए सिम्पिल मेजारिटी चाहिए । तो दोनों में महान फर्क हो जाएगा ।

श्री **शेरखां** (मैसूर) : 'सिम्पिल' की हिन्दी कहिए । मामूली । में माफी चाहता हूं कि मैंने अंग्रेजी का शब्द कहा । इसके लिए में खुद अपनी भर्त्सना करता हूं । हमें चाहिए कि जहां तक हो सके ज्यादा-से-ज्यादा हिन्दी का और भारतीय शब्दों का प्रयोग करें ।

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SHRI G. S. PATHAK : We shall take the supposed case of the union of West Bengal with Bihar. Now, it will be Parliament which will make the law later, may be by a simple majority. But it will be Parliament which will make the law. It will be the Legislatures of the two States which will have to be consulted. How can the Legislatures of the two States agree to something, which appears to be absurd, or which appears to be what has been described by Mr. Chatterjee ? If Mr. Chatterjee's argument is correct, then all the big States in the country will be united together and converted into a Union territory. Will any Parliament ever do diis and will that also come through Parliament? Parliament will have to make a law on that.

SHRI BHUPESH GUPTA ; Madam Deputy Chairman, we do not understand all this legal language. I think Mr. Chagla is there now and . . .

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, please take your seat.

SHRI BHUPESH GUPTA : Will he kindly explain it ?

THE DEPUTY CHAIRMAN : Please take your seat, Mr. Pathak.

SHRI G. S. PATHAK: Mr. Bhupesh Gupta has not said a single word, which is relevant to this Bill. He has got no right to intervene because although he was given the right he did not speak a single word which was relevant to the Bill.

{Interruptions)

THE DEPUTY CHAIRMAN: No more interruptions please. Continue your speech.

SHRI G. S. PATHAK : I do not find any valid reason in support of any motion that they are making or any ground which may justify opposition to this Bill. Thank you.

THE DEPUTY CHAIRMAN: I shall now put the amendment of Shri Rajnarain to vote. The question is :

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"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members, namely :—

- 1. Shri Atal Bihari Vajpayee
- 2. Shri Mulka Govinda Reddy
- 3. Shri Bhupesh Gupta
- 4. Shri A. D. Mani
- 5. Shri Lokanath Misra
- 6. Shri Gaure Murahari
- 7. Shri Abdul Ghani
- 8. Shri Niren Ghosh
- 9. Shri D. Thengari
- 10. Shri B. K. Gaikwad
- 11. Shri A. P. Chatterjee
- 12. Shri Rajnarain (Mover);

with instructions to report within a month from the date of making the motion."

The 'Noes' have it.

{Interruptions)

SHRI M. N. GOVINDAN NAIR: Madam, they said . . .

THE DEPUTY CHAIRMAN : Mr. Govindan Nair, please let me put the amendment. There is confusion on this side.

The question is :

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members, namely :—

- 1. Shri Atal Bihari Vajpayee
- 2. Shri Mulka Govinda Reddy
- 3. Shri Bhupesh Gupta
- 4. Shri A. D. Mani
- 5. Shri 'Lokanath Misra
- 6. Shri Gaure Murahari
- 7. Shri Abdul Ghani
- 8. Shri Niren Ghosh
- 9. Shri D. Thengari
- 10. Shri B. K. Gaikwad
- 11. Shri A. P. Chatterjee
- 12. Shri Rajnarain (Mover);

The motion was negatived.

with instructions to report within a month from the date of making the motion." Ansari, Shri Hayatullah Antani, Dr. B. N.

SHRI A. P. CHATTERJEE : When you, Madam, first put the amendment of Mr. Rajnarain to vote, then there were 'Ayes' from those Benches . . .

HON. MEMBERS : No, no.

SHRI A. P. CHATTERJEE: and, therefore, Madam, if I may say so, you could never put it to vote again. The 'Ayes' had it at that time.

THE DEPUTY CHAIRMAN : Order order. SHRI ATAL BIHARI VAJPAYEE :

They are in the habit of saying 'Ayes'.

THE DEPUTY CHAIRMAN: When I put the amendment to the House, two Members were on their feet on that side and there was confusion. Therefore, I had to put the amendment again and it has been lost.

THE DEPUTY CHAIRMAN : The question is :

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The House divided.

THE DEPUTY CHAIRMAN . Ayes - 155; Noes—1.

AYES-155

Abdul Ghani, Shri Abdul Shakoor, Moulana

Abraham, Shri P. Ahmad, Shri Syed Ahmed, Shri Fakhruddin Ali Ammanna Raja, Shrimati C. Anand Chand, Shri Anandan, Shri T. V. Anis Kidwai, Shrimati Annapurna Devi Thimmareddy, Shrimati Antani, Dr. B. N. Arora, Shri Arjun Asthana, Shri L. D. Atwal, Shri Surjit Singh Baghel, Shri K. C. Baharul Islam, Shri Bhadram Shri M. V. Bhargava, Shri M. P. Bhatt, Shri Nand Kishore Bhuwalka, Shri R. K. Bobdey, Shri S. B. Chagla. Shri M. C. Chaman Lall, Diwan Chandra Shekhar, Shri Chandrashekhar, Dr. S. Chatterji, Shri J. C. Chavda, Shri K. S. Chengalvaroyan, Shri T. Chetia, Shri P. Das, Shri Banka Behary Dasgupta, Shri T. M. Dass, Shri Mahabir Desai, Shri Khandubbai K. Devaki Gopidas, Shrimati Dharam Prakash, Dr. Dharia, Shri M. M. Dikshit, Shri Umashankar Doogar, Shri R. S. Dutt, Shri Krishan Ghose, Shri Surendra Mohan Gillbert, Shri A. C. Gupta, Shri Bhupesh Gurupada Swamy, Shri M. S. Hathi, Shri Jaisukhlal Indira Gandhi, Shrimati Iyer, Shri N. Ramakrishna Jahanara Jaipal Singh. Shrimati Jairamdas Daulatram, Shri Kakati, Shri R. N. Karmar.kar, Shri D. P.

Kathju, Shri P. N. Khan, Shri Akbar Ali Khan, Shri M. Ajmal Khaitan, Shri R. P. Kothari, Shri Shantilal Koya, Shri Palat Kunhi Kulkarni, Shri B. T. Kurre, Shri Dayaldas Lnlitha (Rajagopalan), Shrimati Mahammed Haneef, Shri Mahanti, Shri B. K. Mallik, Shri D. C. Mallikarjunudu, Shri K. P. Mangladevi Talwar, Dr. (Mrs.) Maniben Vallabhbhai Patel, Kumari Mariswamy, Shri S. S. Mary Naidu, Miss Mehta, Shri Asoka Mehta, Shri Om Mir, Shri G. M. Mishra, Shri L. N. Mishra, Shri S. N. Misra, Shri Lokanath Misra, Shri M. Mitra, Shri P. C. Mohammad, Chaudhary A. Mohinder Kaur, Shrimati Momin, Shri G. H. Valimohmed Muhammad Ishaque, Shri Nair, Shri M. N. Govindan Nandini Satpathy, Shrimati Pande, Shri C. D. Pande, Shri T. Panjhazari, Sardar Raghbir Singh Parthasarathy, Shri R. T. Pathak, Shri G. S. Patil, Shri G. R. Patra, Shri N. Pattanayak Shri B. C. Pawar, Shri D. Y. Phulrenu Guha, Dr. Shrimati

Pillai, Shri J. Sivashanmugam Pimnaiah, Shri Kota Purkayastha, Shri M. Pushpaben Janardanrai Mehta, Shrimati Qureshi Shri M. Shafi Ramachandran, Shri G. Ramaswamy, Shri K. S. Ramul, Shri Shiva Nand Ray, Shri Ramprasanna Ray, Shri S. P. Reddy, Shri K. V. Reddy, Shri K. V. Raghunatha Reddy, Shri Mulka Govinda Reddy, Shri N. Narotham Reddy, Shri N. Sri Rama Roy, Shri Biren Ruthnaswamy, Shri M. Sadiq Ali, Shri Sahai, Shri Ram Salig Ram, Dr. Sanjivayya Shri D. Savenkar, Shri B. S. Seeta Yudhvir, Shrimati Sethi, Shri P. C. Shah, Shri K. K. Shah, Shri M. C. Shanta Vasisht, Kumari Sherkhan, Shri Shukla, Shri Chakrapani Shukla, Shri M. P. Shyam Kumari Khan, Shrimati Siddhantalankar, Prof. Satyavarata Siddhu, Dr. M. M. S. Singht, Dr. Anup Singh, Shri Dalpat Singh, Dr. Gopal Singh, Shri J. K. P. N. Singh, Shri Jogendra Singh, Shri Santokh Singh, Shri T. N. Sinha, Shri Awadheshwar Prasad

Sinha, Shri B. K. P. Sinha, Shri Rajendra Pratap Sundaram, Shri K. Supakar, Shri S. Sur, Shri M. M. Swamy, Shri N. R. M. Tankha, Pandit S. S. N. Tapase, Shri G. D. Tara Ramachandra Sathe, Shrimati Thanglura, Shri A. Tiwary, Pt. Bhawaniprasad Tripathi, Shri H. V. Usha Barthakur, Shrimati Vaishampayen, Shri S. K. Varma, Shri B. B. Varma, Shri C. L. Vasan, Shri S. S. Venkateswara Rao, Shri N. Vidyawati Chaturvedi, Shrimati Vyas, Shri Ramesh Chandra Yajee, Shri Sheel Bhadra Zaidi, Col. B. H.

NOES-1

Somasundaram, Shri G. P.

The motion was carried by a majority of the total membership of the House and by a votes. If we do not participate in the discussion majority of not less than two-thirds of the Members present and voting.

THE DEPUTY CHAIRMAN : We shall now take up the clause by clause consideration of the Bill. In clause 2, there is one amendment in the name of Shri C. L. Varma. Are you moving it?

SHRI C. L. VARMA: I am not moving it.

THE DEPUTY CHAIRMAN : He is not moving the amendment.

SHRI LOKANATH MiSRA : Madam, the point is that he has tabled an amendment and there is a section of the House who feel that there should be voting on it.

.THE DEPUTY CHAIRMAN : At the consideration stage he is not moving the amendment. When the time for moving the amendment comes, he is not moving the amendment.

SHRI BHUPESH GUPTA: We can speak on it.

THE DEPUTY CHAIRMAN: I pass on. The question is :

"That clause 2 stand part of the Bill."

Under article 368 of the Constitution the motion will have have to be adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting. Division.

SHRI BHUPESH GUPTA : Madam, on a point of order. My point of order is this. I think we are not paying due heed to the constitutional provision in regard to the amendment of the Constitution. The very fact that every clause has to be voted upon and that two-thirds of the votes have to be secured presupposes that the matter has to be independently considered by the House, and it follows therefore that there should be discussion

SOME HON. MEMBERS : No, no.

SHRI BHUPESH GUPTA : I know that you can drown any sensible thing by your noise. The constitutional position is this. As you know, you have to, vote upon it and record the and boycott it and declare a 'bundh' on that, that is a different matter. Here if any Member wants to say something -because he is called upon not only to vote but have his vote regis?e^red under the Constitution-he is entitled to have his say. That is the freedom of speech I have got in this matter specifically given by the provisions of the Constitution. Therefore, if we want to speak- whether we speak or not is a different matter-we are entitled to have our voice heard. After that the voting will take place. Otherwise there is no point in making the provision that everything has to be voted upon. Therefore, the

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procedure, I submit in all humility, is contrary to the spirit and letter of the Constitution so far as the amendment to the Constitution is concerned. Let us not for the sake of expediency alter the rules and principles in such a manner that it becomes a fraud on the Constitution and that too in the con'ext of the amedment of the Constitution. That is what I say.

THE DEPUTY CHAIRMAN : This is a one clause Bill and this clause is being put to the House and I have ordered division.

SHRI BHUPESH GUPTA: What do you say, Madam ?

THE DEPUTY CHAIRMAN : I have ordered division.

SHRI BHUPESH GUPTA: We are not shut out now. Hon. Members can ask us not to say anything, but for the sake of the principles of constitutional amendment I think it is wrong.

THE DEPUTY CHAIRMAN : We have discussed only one clause during the consideration stage.

SHRI BHUPESH GUPTA : It does not matter. It is the technicality of it. There are certain things we do not do, but we have the right; if we do not claim it, the claim lapses. You at least put it. If nobody, speaks, you proceed. You may even ask us not to say anything, but do not treat it as a right.

THE DEPUTY CHAIRMAN : Your right is not denied at all.

SHRI BHUPESH GUPTA: 1 am very glad to hear that.

THE DEPUTY CHAIRMAN : We will continue with the division.

श्री राजनारायण : माननीया, इस प्रश्न पर जरा गंभीरता से विचार किया जाय । देखिये, आर्डर हो गया है तो आर्डर स्वतः में अवैधानिक है, यानी चेयर को भी किसी मर्यादा में बंध करके आर्डर देना पड़ेगा । यह संविधान में संशोधन का विधेयक है और संविधान में संशो- धन के विधेयक पर भाषण का प्रतिबंध नहीं हो सकता । हमने इसीलिये बार-बार निवेदन किया था कि इसमें कोई प्रतिबंध नहीं होना चाहिये, इसमें कोई टाइम लिमिट नहीं होनी चाहिये लेकिन हमारे ऊपर बिजनेस एड्वाइजरी कमेटी अनावक्ष्यक हमारे ऊपर गिलोटिन लगा रही है।

THE DEPUTY CHAIRMAN: Order, order. You are beside the point. I have explained the other point. Please let us go with the process of passage of the Bill.

THE DEPUTY CHAIRMAN : The question is :

"That clause 2 stand part of the Bill."

The House divided.

THE DEPUTY CHAIRMAN : Ayes —157; Noes—2.

AYES—157 Abdul Ghani, Shri Abdul Shakoor, Moulana Abraham, Shri P. Ahmad, Shri Syed Ahmed, Shri Fakhruddin Ali Ammanna Raja, Shrimati C. Anand Chand, Shri Anandan, Shri T. V. Anis Kidwai, Shrimati Annapurna Devi Thimmareddy, Shrimati Ansari, Shri Hayatullah Arora, Shri Arjun Asthana, Shri L. D. Atwal, Shri Surjit Singh Bachchan, Dr. H. R. Baghel, Shri K. C. Baharul Islam, Shri Bhadram, Shri M. V. Bhargava, Shri M. P. Bhatt, Shri Nand Kishore Bhuwalka, Shri R. K. Bobdey, Shri S. B. Chagla, Shri M. C. Chaman Lall, Diwan Chandra Shekhar, Shri Chandrasekhar, Dr. S. Chatterji, Shri J. C. Chavda, Shri K. S. Chengalvaroyan,, Shri T. Chetia, Shri P. Chinai, Shri Babubhai M. Das, Shri Banka Behary Dasgupta, Shri T. M. Dass, Shri Mahabir Desai, Shri Khandubhai K. Devaki Gopidas, Shrimati Dharam Prakash, Dr. Dharia, Shri M. M. Dikshit, Shri Umashankar Doogar, Shri R. S. Dutt, Shri Krishan Ghose, Shri Surendra Mohan Gilbert, Shri A. C. Gupta, Shri Bhupesh Gurupada Swamy, Shri M. S. Hathi, Shri Jaisukhlal Indira Gandhi, Shrimati Iyer, Shri N. Ramakrishna Jahanara Jaipal Singh, Shrimati Jairamdas Daultram, Shri Kakati, Shri R. N. Karmarkar, Shri D. P. Kathju, Shri P. N. Khan, Shri Akbar Ali Khan, Shri M. Ajmal Khaitan, Shri R. P. Kothari, Shri Shantilal Kova, Shri Palat Kunhi Kidkarni, Shri B. T. Kurre, Shri Dayaldas Lalitha (Rajagopalan), Shrimati Mahammed Haneef, Shri

Mahanti, Shri B. K. Mallik, Shri D. C. Mailikaijunudu, Shri K. P. Mangladevi Talwar, Dr. (Mrs.) Maniben Vallabhbhai Patel, Kuraari Mariswamy, Shri S. S. Mary Naidu, Miss Mehta, Shri Asoka Mehta, Shri Om Mir, Shri G. M. Mishra, Shri L. N. Mishra, Shri S. N. Misra, Shri Lokanath Misra, Shri M. Mitra, Shri P. C. Mohammad, Chaudhary A. Mohinder Kaur, Shrimati Momin, Shri G. H. Valimohmed Muhammad Ishaque, Shri Nair, Shri M. N. Govindan Nandini Satpathy, Shrimati Pahadia, Shri Jagannath Prasad Pande, Shri C. D. Pande, Shri T. Panjhazari, Sardar Raghbir Singh Partbasarathy, Shri R. T. Pathak, Shri G. S. Patil, Shri G. R. Patra, Shri N. Pattanayak, Shri B. C. Pawar, Shri D. Y. Phulrenu Guha, Dr. Shrimati Pillai, Shri J. Sivashanmugam Punnaiah, Shri Kota Purkayastha, Shri M. Pushpaben Janardanrai Mehta, Shrimati Qureshi, Shri M. Shafi Ramachandran, Shri G. Ramaswamy, Shri K. S. Ramaul, Shri Shiva Nand Ray, Shri Ramprasanna

Ray, Shri S. P. Reddy, Shri K. V. Reddy, Shri K. V. Raghunatha Reddy, Shri Mulka Govinda Reddy, Shri N. Narotham Reddy, Shri N. Sri Rama Roy, Shri Biren Ruthnaswamy, Shri M. Sadiq Ali, Shri Sahai,. Shri Ram Salig Ram, Dr. Sanjivayya, Shri D. Savnekar, Shri B. S. Seeta Yudhvir, Shrimati Sethi, Shri P. C. Shah, Shri K. K. Shah, Shri M. C. Shanta Vasisht, Kumari Sherkhan, Shri Shukla, Shri Chakrapani Shukla, Shri M. P. Shyam Kumari Khan* Shrimati Siddhantalankar, Prof. Satyavrata Siddhu, Dr. M. M. S. Singh, Dr. Anup Singh, Shri Dalpat Singh, Dr. Gopal Singh, Shri J. K. P. N. Singh, Shri Jogendra Singh, Shri Santokh Singh, Shri T. N. Sinha, Shri Awadheshwar Prasad Sinha, Shri B. K. P. Sinha, Shri Rajendra Pratap Sundaram, Shri K. Supakar, Shri S. Sur, Shri M. M. Swamy, Shri N. R. M. Tankha, Pandit S. S. N. Tapase, Shri G. D.

Tara Ramachandra Sathe, Shrimati

Thanglura, Shri A. Tiwary, Pt. Bhawaniprasad Tripathi, Shri H. V. Usha Barthakur,, Shrimati Vaishampayen, Shri S. K. Varma, Shri B. B. Varma, Shri C. L. Vasan, Shri S. S. Venkateswara Rao, Shri N. Vidyawati Chaturvedi, Shrimati Vyas, Shri Ramesh Chandra Yajee, Shri Sheel Bhadra Zaidi, Col. B. H.

NOES—2

Chatterjee, Shri A. P.

Somasundaram, Shri G. P.

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

Clause 2 was added to the Bill.

Clause 1, the enacting Formula and the Title.

THE DEPUTY CHAIRMAN : There are no amendments.

SHRI BHUPESH GUPTA : But there will be speeches.

THE DEPUTY CHAIRMAN : Do you want to speak on this clause?

SHRI BHUPESH GUPTA : Yes.

Madam, they want to stifle our voice before voting takes place on this Bill. But we want to say something not very palatable to this Government. The thing is that we are supporting this measure but with a heavy heart, with a heavy heart because the manner in which they have handled the problem is neither democratic nor principled. I again come back to the question of Chandigarh. The way in which they have treated Chandigarh and stolen Chandigarh from the Punjabispeaking people

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[Shri Bhupesh Gupta.)

is not a very right thing to do on the part of this Government. They will now extend the Union territory to certain areas and important places which normally should belong! 'to other States. This extension of the authority and power of the Central Government is not in consonance with the principle of the Federal Republic and certainly is not in line with the linguistic reorganisation of the States. Having gone through the linguistic reorganisation after a lot of agitation and public opinion in the country, in relation to the glorious people of Punjab they must at least with good grace extend the principle of self-determination, instead of making it a Union territory like this. Madam Deputy Chairman, we say this because in future days a serious crisis of a constitutional and political nature may arise because of this arrangement if, for example, there are two types of Government, one type at the Centre and another type as in Punjab. This should have been borne in mind.

Secondly, we are also opposed to the manner in which the Government wishes to make a permanent arrangement of having two capitals in one place and that too in a Union territory. Now, I can understand a temporary arrangement being made for the Haryana Prant, for its capital being at Chandigarh. But why should it not have been made making it known that it was a temporary thing.

Finally., I should like to say in this connection that it is unfortunate that, while we are amending the Constitution of our country in deference to the wishes of the people of Punjab to concede to them the right of having their own linguistic State, we are not following it seems, the linguistic principles in defining the area of the reorganised State. The village should have been taken, I again say, as the language unit.

In this connection, I regret to say again—and it is the last chance to speak on this subject—that the Punjab Legislature, as I said before, has been held in detention by this Government. It has not been killed but it is held in detention, and those members have not been given the opportunity to express their views. Now, this does not redound either to constitutional practices or principles or the norms of democracy. We know this-perhaps many there would not have spoken in the way I speak with regard to the question of reorganisation. But that does not mean that they should be denied their voice in this matter. Now., here again, the imposition of the President's rule was absolutely unjustified. And if the Congress Party and the Congress High Command could not manage the party leadership in Punjab, that was no reason why the Punjab State Legislative Assem-ly should have been treated as if it is a kind of pocket borough of this Government or a certain appendage of the High Command. They were there with their inherent right to be heard over a matter like this to function in the context of a situation like this, and I think the Congress had said good-bye to it. Here is our Prime Minister. With what felicity she disposed of the Kerala Assembly-not she, the previous one. Kerala Assembly was done away with, as you know that elected Assembly. But here it is not done away with, it is there, kept in the cold-storage. That again is not good. Therefore the way in which Shri Gulzarilal Nanda has dealt with the whole matter with the Prime Minister's blessing-I agree that is given to all and sundry here including the Planing Minister-is not right: the way in which the whole matter has been dealt I with leaves a bitter taste in the mouth and I do hope that they shall return to the principle. And 1 tell you, the Prime Minister is a Member of this House, so many of the Cabinet ministers for the first time we have got as Members in this House by the backdoor entrance. Since you have entered by the back-door, well, try to walk out of this by the front door at least. That is what I would ask them. I would ask the Prime Minister to be clear in her mind when she handles the affairs of the S ate and not be guided by the legal advice given which is very dry and sometimes without any imagination coming from the Law Ministry-and Shri Pathak is there-and certainly not be guided by

the Home Ministry which gives wrong advice, as in this matter, but to stand by principles in matters like this. And once the principle is accepted, one should go the whole hog according to the principle instead of faltering half way and making things ludicruous, as they have done in this particular matter.

भी अटल बिहारी वाजपेयी : महोदया, इस विधेयक के द्वारा संविधान में संशोधन किया जा रहा है और यह अधिकार प्राप्त किया जा रहा है कि किसी राज्य के क्षेत्र को संघीय क्षेत्र में मिलाया जा सके । प्रभन यह है कि यदि पंजाब का एक बहुत बड़ा भाग हिमाचल प्रदेश में मिलना है तो फिर हिमाचल प्रदेश को एक संघीय क्षेत्र में क्यों रखा जाय और क्यों न हिमाचल प्रदेश को एक पूरे राज्य का दर्जा दे दिया जाय ?

दूसरी बात यह है कि इस संविधान में संजो-धन के द्वारा संघीय क्षेत्र की विधान सभाओं को यह अधिकार नहीं मिलता है कि राष्ट्रपति महोदय उनके अस्तित्व के बारे में उनसे परामर्श करें। यह अधिकार अन्य राज्य की विधान सभाओं को है, किन्द्र संघीय क्षेत्र की विधान सभाओं को ऐसे अधिकार से वंचित कर दिया गया है। मैं समझता हूं कि यह संघीय क्षेत्र की विधान सभाओं के साथ, जनता के साथ न्याय करना नहीं है।

जहां तक चंडीगढ़ का प्रश्न है, मैं यह कहना चाहूंगा कि जब कमिशन के बहुमत ने यह सिफा-रिश की थी कि चंडीगढ़ को हरियाणा में जाना चाहिये, तो सरकार को सिफारिश बदलने की आवश्यकता नहीं थी। अगर कमि-यन का बहुमत यह सिफारिश करता कि चंडी-गढ़ पंजाबी सूबे में जाना चाहिये, तो क्या सरकार उस सिफारिश को बदलने का साहस करती ? हरियाणा के साथ अन्याय किया गया है, फिर भी मैं चंडीगढ़ को दोनों राज्यों की सामान्य राजधानी के हक में हूं क्योंकि बहुत-सी ऐसी चीजें हैं जिनको मिलकर रहना है। राजनीतिक पूनगेंठन करने के बाद भी पंजाब के भूगोल को बदला नहीं जा सकता है, नहरों को और नदियों को बदला नहीं जा सकता है। पंजाब के जीवन में जो पुलीमिली चीज है उसको बांटा नहीं जा सकता है। लेकिन जिस ढंग से पंजाब का विभाजन किया गया है, उससे अन्य छोटे-छोटे राज्यों की मांग को बल मिला है और अन्य राज्यों की मांग को टालना सरकार के लिए मुझ्किल होगा।

फिर भी मैं आज्ञा करता हूं कि सरकार ने जो आश्वासन दिये हैं अधिक-से-अधिक मेल-जोल बनाये रखने के बारे में उन आश्वासनों पर सरकार ईमानदारी से अमस करेगी।

شری عبدالغنی (پنجاب) : میڈم-باوجود اسکے کہ میں نے اس کے حق میں ووٹ دیا میں عرض کروں کا کہ کی میرے قتل کے بعد اس نر جفا سے توبہ هائر اس زود پشیمان کا پشیمان هونا پنجاب کے پہلے دو ٹکڑے ہوئے۔ لاكهون بهن بهائي قتل هوثر برباد ہوئر وہاں کے شہزادے یہاں آ کر فتير بنے اور اب اگر يه لانا هي تها، اگر سرکار کو ایسا اراده کرنا هی تها تو پهر بار بار هزارها بين اور بھائیوں کو جیلوں میں کیوں ڈالا گیا ۔ گولیوں سے کیوں مارا گیا ۔ سرکار کی یہ کیا پالیسی ہے کہ ایسے وقت میں جب سارے ملک میں پا کستان کی جنگ جیتنر کے بعد نیشنل انٹیگریشن کا جذبه نحالب تھا تو بجائر اسکر که سرکار سارے دیش کو ہو۔ بی۔ کے برابر اتنے بڑے پرانت کے برابر سات پرانتوں میں بانٹ دیتی۔ سات

آئینگی اور آپ بھی دیکھینگی اور 📔 [شری عبدالغنی] بھائی ارجن اروڑا جی بھی دیکھینگے۔ | اسٹیٹوں میں بانٹ دیتی۔ اس وقت لیکن میں کہنا چاہتا ہوں کہ ہر شک آج آپ نے پاکستان کی جنگ جیتنے | پنجاب کی اس مانگ کو کہ جس کے کے بعد پنجابی اور ہریانوی بھائیوں | لئے انہوں نے بڑی بڑی قربانیاں پہلے | کے دلوں کو جیتنے کی کوشش کی کی تھیں نہیں مانا تھا اس کو یکایک ہے اور آپ نے اس بات کو پسند کیا 🛛 مان لیا۔ اس موقعہ پر جب ہم آج که هریانه اور پنجاب دو حصوں میں | پاس کرنے جا هی رہے هیں اور اکثریت 🛛 بانٹ دیں اور اس کا کچھ حصہ 🛛 نے اس کے حق میں رائے دی ہے میں ا ہماچل پردیش میں ملا دیا جائے ۔ میں عرض کرنا چاہتا ہوں کہ اس چاہتا ہوں کہ وقت دیش کو بالکل بھولنا نہیں چاہئے کہ آج چائنا اور پاکستان کی | میری بربادیوں پر ہنسنے والے نیت کسی طرح سے بھی صاف نہیں | اب اسکے بعد تیرا امتحان ہے ہے اور اگر صاف نہیں ہے تو ملک میں ہر ایک کو ہر ایک اسٹیٹ کو کندہے سے کندہا جوڑ کر چاہے وه کوئی اسٹیٹ ہو چاہے وہ کسی دہرم سے کسی پارٹی سے تعلق رکھنا ہو کام کرنا چاہئر ۔ اس وقت تمام پارٹیوں نر دشمن کا سامنا کیا تھا اور اس وقت کسی پارٹی نے بھی ہے وفائی نہیں کی تھی ۔ اگر کوئی كبهه منكتا ہے كه ليفٹسٹ كميونسٹ بھائی نہیں مانے تو میں نہیں مانتا کہ ان میں بھی جذبہ حب الوطن نمیں تھا وہ بھی وطن کے ساتھ چلنے والے تھے لیکن وہ اپنے خیالات کی جیت چاہتے تھے ۔ اب جب هم يه پاس كونے | برباد كيا گيا ہے ۔ اس لئے هم كو جا رہے میں اور ابھی تھوڑی دیر | الک کرو ۔ مناری مانگ پوری کرو ۔

سرکار نے کیوں مناسب سمجھا کہ وہ شری راج نرائن جی سے یا پاٹھک ا جی سے یا اپنی بہن اندرا جی سے کہنا ہ

یہ ناممکن ہے کہ ہو۔ پی۔ کا اتنا بڑا صوبه قائم رہے ۔

श्री मर्जन गरोडा : इतना बड़ा सुब। कायम रहेगा ।

شری عبدالغنی : ارے بھائی آرجن اروڑا صاحب–اسی ھاؤس میں کئی بار ہم اسی باتیں سن چکے ہیں ۔ یہ ناسکن ہے کہ وہاں پېاړی لوگ يه نه کېي که هم پچھڑ گئے ہیںؓ اس لئے ہم الک ہونا چاہتے ہیں ۔ مشرقی یو۔ پی۔ جس کے بہن بہائی آج بہت بری طرح سے پس رہے ہیں ان کے لئے یہ ناممکن ہے کہ وہ یہ نہ کہیں کہ ہم کو میں یہ پاس هو جائے کا تو میں یہ ایسی بیسو باتیں اسی هاؤس میں

اس کو بھروسہ نہیں ہے کہ وہ ا عرض کرنا چاہتا ہوں کہ بھائی پورے طور پر مقابلہ کر سکے دشمن | راج نرائن جی نے جو یہ بات کہی کا اور ان عناصر کا جو ان کے اندر 🛛 ہے کہ ''ملک کے اور ٹکڑے کرنے ہیں ۔ میں ایسا نہیں مائتا ۔ آپ کی نہ کوشش کیجئے،، جو آپ کر یه نه کیجئے که جس طرح ایسٹ | چکے وہ آپ کو مبارک لیکن میں یہ انڈیا کمپنی جگہ جگہ اپنی تجارتی | جاننا چاہتا ہوں کہ کیا ہماری کوٹھیاں بناتی تھی تجارت کے لئے | سرکار اور سرکار کے تمام ساتھی جو آپ بھی اسی طرح اپنے سینٹر کے | یہاں موجود ہیں وہ کیا اتنے ہی چهوٹے چهوٹے ٹھکانے اور سیل بنائیں ۔ | سیریس تھے ۔ وہ اگر اتنے سیریس ہوتے جیسے کہ آپ چنڈی گڑھ کو بنا | تو یہ آج سے بہت پہلے امینڈمینٹ رہے ہیں ۔ آپ اپنے ٹھکانے اور سیل | پاس ہو گیا ہوتا لیکن پہلی بار کورم بنائے کی کوشش مت کیجئے ۔ ہم دو تہائی کیوں نہ ہو سکا اور کیوں تو اس بات سے خوش ہیں اگر آج بھی | دنیا کے سامنے ایک مذاق اڑایا لوک آپ پارلیمنٹ کی اکثریت کو اس پر سبھا نے اس کے معنی یہ لئے کہ راضی کر سکیں کہ ساری اسٹیٹیں | اس وقت بھی سرکار کا من جو تھا جو هیں وہ صرف ویل فیئر اسٹیٹ رہ | وہ ایک نہیں تھا دو حیتا تھا وہ دبدہا جائیں اور لا اینڈ آرڈر سے ان کا کوئی میں تھی کہ یہ پاس کریں یا نہ تعلق نه هو ـ اور پولیس جو ہے وہ کریں اور اتنا بھروسہ کسی پر کیا بھی سینٹر کا سبجکٹ بن جائے ۔ جائے یا نہ کیا جائے ۔ اس لئے اس کیونکه علاقه تو اس بات پر جهگڑے | وقت وہ پاس نہیں ہو سکا اور اس میں که هماری زبان کی اس میں ترقی میں کافی هماری پارلیمنٹ کی شان نہیں ہوتی یا آپ مدد نہیں کرتے ۔ | جو تھی اس کو بٹھ لگا ۔ اب آپ نے ہمارے صوبے زبان کے آدھار پر بننے | ارادہ کر لیا ہے اور اگر کر لیا ہے چاہئیں ۔ کوئی کہتا ہے کہ ہمارے | تو پھر میں یہ عرض کروں گا کہ علاقه کی بھلائی نہیں ہوتی اس لئے | بڑی خوب صورتی کے ساتھ ان تینوں ممارے علاقه کی بھلائی ہوتی چاہئے ۔ | اسٹیٹوں کو بنائیے اور ان کو دبدھا تو بھلائی میں یہ کہاں آتا ہے کہ میں نہ رکھٹر ۔ ہریانہ کو پنجاب ملک چهوٹے چهوٹے حصوں میں بٹ کو هماچل پردیش کو۔ جائے ۔ میں تو یہ چاہتا ہوں کہ تمام | ورند لوگ کہینگر کہ اگر سرکار اسٹیٹس بڑے بڑے کارپوریشن بن جائیں 🛛 ہماچل کو وہی درجہ نہیں دیتی تو اور به جو اسٹیٹیں ہیں وہ شوق پورا | اس کی نیت میں تھوڑا فرق ہے اور

[شری عبدالغنی] بھی نہیں کر سکے ۔ ؟ یعنی ڈیولیوایشن 🛛 کر لیں اور وہ جتنے منسٹر بنانا چاہیں ہوں اتنے بنا لیں ۔ . کی جگہ .ه بنانا چاهیں تو پچاس بنا لیں لیکن وزیروں کی حیثیت آج کیا ہے ۔ ؟ کسی زمانہ میں میڈم یہ حالت تھی کہ ایک نمبردار کی بڑی عزت ہوتی تھی اور میونسپلٹی کا ایک معمولی معبر بھی ہو تو لوگ اس کو سلام کرتر تھر اور پیار ہے اس کو ویلکم کھتے تھے ۔ آج یہ حالت ہے کہ پارلیمنٹ کا کوئی ممبر تو کیا منسٹر بھی چلا جائر تو منسٹر کو بھی ٹکا سیر ہی گنتر ہیں ۔ یعنی ٹکا سیر کھاجا ٹکہ سير بھاجي ۔ جو ممبر ہے اس کو جس درجہ تک یہ سرکار نے آئی ہے اس میں کیا گلا ہو سکتا ہے جب منسٹروں کی هی یه حالت ہے۔ میں یه عرض کرنا چاهتا هول که آپ ا**س وقت ایس**ی ایک اسپرٹ پیدا کیجئے ۔ اور آپ نے هريانه بنا ديا وه ميارک هو۔ آپ نر پنجاب بنا دبا وه بهی مبارک هو اور اب ہماچل کی ناک میں آپ نے تھوڑی سی جو نتھ آپ نے ڈالی ہے اس نتھ کو آپ اس کی ناک سے نکائئے اور اسکو بھی پورا ادھیکار دیجئے تاکہ اپنی بھلائی اپنر علاقه کی بھلائی وہ خود اپنے آپ کر سکے اور اپنی مرضی کے مطابق چل سکے ۔ جھ سے شری راج نرائن بھائی خفا بھی ہو گئے تھے لیکن میں نے اس لئے عرض کیا ایک من بنائر که سارے ملک میں | تھا که بعض باتیں ایسی کی ہیں

شریمتی اندرا جی نے جو پنڈت جی کیا اور پنجاب کی نئی اسٹیٹس بنائیں اس پر ملک میں ایک طوفان اٹھا ایک بڑا الجھاؤ پیدا ہوا ۔ بڑا مقابلہ کرنا پڑے گا ۔ لیکن حالات کے مطابق جو انہوں نے صحیح سمجھا اس کو راتوں رات طے کیا اور صبح دنیا کے سامنے ڈیولیوایشن آئی ۔ اسی طرح سے یہ بھی انہوں نے ایک من بنایا ـ انکو کافی مشکل تھی جب وہ آتی تھیں لیکن انہوں نے ایسا سوچا که پنجاب جو پہلے سے هی کافی زخمی ہے اس کے تین ٹکڑے کئے جائیں یا نہ کئے جائیں لیکن جب انہوں نر دیکھا کہ کرنا کے تو وه کر گذریں۔ اور به مبارک هو۔ اس کے ساتھ میں یہ بھی درخواست کرتا ہوں کہ یہاں ایک موڑ آنا چاہئے۔ ملک کے ذہن میں ایک موڑ آنا چاهٹر ۔ ایک طرف تو ساری دنیا اکٹھی ہو رہی ہے ہو۔ این ۔ او ۔ کی شکل میں اور آپ ایسا سوچتے ہیں کہ **عندوستان میں کسی کے تلوے میں** کانٹا چبھر تو اس کا روس والوں کو احساس هو _ امریکه والوں کو احساس ہو اور ایک طرف ہم ملک کے ٹکڑے پر ٹکڑے کرتے چلے جا رہے ہیں ۔ میری مودبانه درخواست ہے میڈم۔ آپکر ذریعہ اپنی سرکار سے کہ وہ

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چار چاند لگینگر ۔ یہ بھی میں نے اس خیال سے کہا ہے کہ اندرا جی جن کو لوگ کہتر ہیں کہ وہ نیک هیں دیانتدار هیں اس لئے انہیں بددیانتیوں کی سزا دینے چاہئے وہ ایک ایسا نقشه پیدا کریں که جو کرہٹی منسٹر ہیں ان کو وہ ختم کریں تاکہ ملک سے ہندوستان میں اور تمام دنیا میں ان کی عزت افزائی هو۔ اور ان کی شان دوبالا هو اور وہ رشوت کو ختم کرنے اور دیائنداری کو عملی صورت دینے سے هي هو سکتي ہے۔ لہٰذا وہ ایسر اقدام کریں جن سے رشوت ختم ہو۔

†[भी अब्दुल रानी (पंजाब) : मेडम, बावजूद इसके कि मैंने इसके हक में बोट दिया मैं अर्थ करूंगा कि :

> की मेरे कतल के बाद उसने जफ़ा से तौबा, हाए उस जुदे पशेमां का पशेमां होना ।।

पंजाब के पहले दो टुकड़े हुए। लाखों बहन-भाई कतल हुए, बरबाद हुए वहां के शहजादे यहां आकर फकीर बने और अब अगर यह लाना ही था, अगर सरकार को ऐसा इरादा करना ही था तो फिर बार-बार हजारों बहन और भाईयों को जेलों में क्यों डाला गया। गोलियों से क्यों मारा गया। सरकार की यह क्या पालिसी है कि ऐसे वक्त में जब सारे मुल्क में पाकिस्तान की जंग जीतने के बाद नेशनल इंटीग्रेशन का जजबा गालब था तो बजाए इसके कि सरकार सारे देश को यू० पी० के बराबर इतने बड़े प्रान्त के बराबर सात प्रान्तों में बांट देती, सात स्टेटों में बांट देती, उस वक्त सरकार ने क्यों मुनासिव समझा कि वह

واقعى نيشنل انثيكريشن يا أموشنل انیٹیگریشن کو عملی جامہ پنپنایا جا سکر اور یہی ایک جذبہ سارے ملک میں پيدا هو ـ کتني چهوڻي اسڻيٺ هو کتني بژی اسٹیٹ ہو وہ ایک ویلفیر اسٹیٹ بنر وہ پارٹی بندیوں کی اسٹیٹ نہ ہو ۔ یارٹی بازی کی اسٹیٹ ند ہو اور بھر ایسا هی نقشه سامنر نه آثر جیسا که ۲۲ کو لوک سبھا میں اور ۲۷ کو همارے یہاں ہونے جا رہا ہے کہ ملک کی بربادی کسی طرح سے اپنر ہاتھوں۔ سے ہوتی ہے ۔ اندرا جی کے لئے یہ کڑوے گھونٹ اور کڑوی گولی کی طرم ہے کہ کتنا ہی ان کی عزت کرتا هون اور ان کا ساتهی هون اور کمتا هون که اگر ان پر به الزام آتا ہے کہ ان کے منسٹروں نر ایبوز آف باور کیا ہے اور انہوں نر کروڑوں کے جہوٹر اور غلط لائسنس بے ایمان فرموں کو کس طرح نحلط طور پر دیئے **میں تو اس طرح کی غلطیوں کو اندرا** جی نر درست کرنا ہے اور ان کو یہ کڑوے گھونٹ پینر ہی چاہیش اور دو تین چار منسٹر اس میں جو بھی آتر ہوں جن کو بی۔ اے۔ سی۔ نے مانا ہے کہ انہوں نے غلط کاروائی کی ہے ان کے بارے میں وہ کڑوے گھونٹ ہے جائیں ۔ یہ کڑوے گھونٹ بالکل امرت ہونگے ملک کے لئے ۔ اس سے کانگریس جس نے ماضی میں یڈی قربانیاں کی میں اس کی شان میں

f]] Hindi transliteration

[श्री बब्दुल ग़नी]

पंजाब की इस मांग को कि जिसके लिए उन्होंने वड़ी-बड़ी कुर्बानियां पहले की थीं, नहीं माना था उसको यकायक मान लिया। इस मौर्भ पर जब हम आज पास करने जा ही रहे हैं और अकसीरियत ने इसके हक में राय दी है मैं श्री राजनारावण जी से या पाठक जी से या अपनी बहन इन्दिरा जी से कहना चाहता हूं कि :---

> मेरी बरवादियों पर हंसने वाले, अब इसके बाद तेरा इम्तेहान है।

यह नामुमकिन है कि यू० पी० का इतना वड़ा सूबा कायम रहे।

भी अर्जुन अरोड़ा : इतना बड़ा सूबा कायम रहेगा।

श्री अब्दुल ग्रनी : अरे भाई अर्जुन अरोड़ा साइब, इसी हाउस में कई बार हम ऐसी बातें मून चुके हैं। यह नामुमकिन है कि वहां पहाड़ी लोग यह न कहें कि हम पिछड़ गये हैं, इसलिए हम अलग होना चाहते हैं। मणरकी यू० पी० जिसके बहन-भाई आज बहुत बुरी तरह से पिस रहे हैं उनके लिए यह नामुमकिन है कि वे यह न कहें कि हमको वरबाद किया गया है, इसलिए हमको अलग करो । हमारी मांग पूरी करो । ऐसी बीसा बातें इसी हाउस में आएंगी और जाप भी देखेंगी और भाई अर्जुन अरोड़ा जी भी देखेंगे । लेकिन में कहना चाहता हूं कि वेशक आज आपने पाकिस्तान की जंग जीतने के बाद पंजाबी और हरयानवी भाइयों के दिलों को जीतने की कोशिश की है और आपने इस बात को पसन्द किया कि हरयाना और पंजाब दो हिस्सों में वांट दें और इसका कुछ हिस्सा हिमाचल में मिला दिया जाए । मैं अर्ज करना चाहता हं कि इस वक्त देश को बिल्कूल भूलना नहीं चाहिए कि आज चायना और पाकिस्तान की नीयत किसी तरह से भी साफ नहीं है और अगर साफ नहीं है तो मुल्क में हरएक को हर-एक स्टेट को कंधे-से-कंधा जोड़ कर, चाहे वह कोई स्टेट हो चाहे वह किसी धर्म से किसी पार्टी से ताल्लुक रखता हो, काम करना

चाहिए। उस वक्त तमाम पार्टियों ने दूश्मन का सामना किया था और उस वक्त किसी पार्टी ने भी बेवफाई नहीं की थी। अगर कोई कह सकता है कि लेपिटस्ट कम्युनिस्ट भाई नहीं माने तो मैं नहीं मानता कि उनमें भी जखबा हुब्बुल-वतनी नहीं था, वे भी वतन के साथ चलने वाले थे लेकिन वे अपने ख्यालात की जीत चाहते थे। अब जब हम यह पास करने जा रहे हैं और अभी थोड़ी देर में यह पास हो जाएगा तो मैं यह अर्ज करना चाहता हं कि भाई राजनारायण जी ने जो यह बात कही है कि "मुल्क के और टुकड़े करने की कोशिश न कीजिए" जो आप कर चुके वह आपको मुवारक, लेकिन मैं यह जानना चाहता हं कि क्या हमारी सरकार और सरकार के तमाम साथी जो यहां मौजुद हैं वह क्या इतने ही सीरियस थे। वे अगर इतने सीरियस होते तो यह आज से बहत पहले एमेंडमेंट पास हो गया होता लेकिन पहली बार कोरम दो-तिहाई क्यों न हो सका और क्यों दुनिया के सामने एक मजाक उड्वाया लोक सभा ने । इसके मायने यह लिए कि इस वक्त भी सरकार का मन जो था वह एक नहीं था दो चेता था वह दूविधा में थी कि आया यह पास करें या न करें और इतना भरोसा किसी पर किया जाए या न किया जाए। इसलिए इस वक्त वह पास नहीं हो सका और इसमें काफी हमारी पालिया-मेन्ट की शान जो थी उसको बट्टा लगा। अब आपने इरादा कर लिया है और अगर कर लिया है तो फिर में यह अर्ज करूंगा कि बड़ी खुबसूरती के साथ आप इन तीनों स्टेटों को बनाइये और उनको दुविधा में न रखिए हरियाना को, पंजाब को, हिमाचल प्रदेश को । वरना लोग कहेंगे कि अगर सरकार हिमाचल को बही दर्जा नहीं देती तो उसकी नीयत में थोडा फर्क है। और उसको भरोसा नहीं है कि वह पूरे तौर पर मुकाबला कर सके दुश्मन का और उन अनासर का जो उनके अंदर हैं। मैं ऐसा नहीं मानता, आप यह न कीजिए कि जिस तरह ईस्ट इंडिया कम्पनी ने जगह-जगह अपनी तिजारती कोठियां बनाई थी, तिजारत के लिए आप भी इसी तरह अपने सेंटर के छोटे-छोटे

ठिकाने और सैल बनाएं। जैसे कि आप चंडीगढ को बना रहे हैं। आप अपने ठिकाने और सैंल बनाने की कोशिश मत कीजिए। हम तो इस बात से खुण हैं अगर आज भी आप पार्लियामेंट की अकसीरियत को इस पर राजी कर सकें कि सारी स्टेटें जो हैं वे सिर्फ वेलफेयर स्टेट रह जाएं और ला एण्ड आईर से उनका कोई ताल्लूक न हो और पुलिस जो है वह भी सेंटर का सबजेक्ट वन जाए क्योंकि इलाके तो इस बात पर झगड़ते हैं कि हमारी जवान की इसमें तरक्की नहीं होती या आप मदद नहीं करते । हमारे सूबे जबान के आधार पर बनने चाहिए । कोई कहना है कि हमारे इलाके की भलाई नहीं होती इसलिए हमारे इलाके की भलाई होनी चाहिए। तो भलाई में यह कहां आता है कि मुल्क छोटे-छोटे हिस्सों में बंट जाए। मैं तो यह चाहता हं कि तमाम स्टेटें बडे-बडे कारपोरेशन वन जाएं और यह जो स्टेटें हैं वह शौक पूरा कर लें और वह जितने मिनिस्टर बनाना चाहती हों उतने बना लें। 10 की जगह 50 बनाना चाहें तो पचास बना लें लेकिन वजीरों की हैसि-यत आज क्या है ? किसी जमाने में मैडम यह हालत थी कि एक नम्बरदार की बड़ी इज्जत होती यो और म्युनिसिपैलिटी का एक मामुली मेम्बर भी हो तो लोग उसको सलाम करते थे और प्यार से उसको बेलकम कहते थे। आज यह हालत है कि पालियामेंट का कोई मेम्बर तो क्या मिनिस्टर भी चला जाए तो मिनिस्टर को भी टका सेर ही गिनते हैं। यानी टका सेर खाजा टका सेर भाजी। जो मेम्बर है उसको जिस दर्जे तक यह सरकार ले आई है उसमें क्या गिला हो सकता है जब मिनिस्टरों की ही यह हालत है। मैं यह अर्ज करना चाहता हूं कि आप इम वक्त ऐसी एक स्प्रिट पैदा कीजिए और आपने हरियाना बना दिया वह मुबारिक हो । आपने पंजाब बना दिया वह भी मुबारिक हो और अब हिमाचल की नाक में आपने थोड़ी-सी जो नय आपने डाली है इस नय को आप निकालिए और उसको भी पूरा अधिकार दीजिए

ताकि अपनी भलाई अपने इलाके की भलाई वह खुद अपने आप कर सके और अपनी मर्जी के मुताबिक चल सके । मुझसे राजनारायण भाई खफा भी हो गये थे लेकिन मैंने इसलिए अर्ज किया था कि बाज बातें ऐसी की है श्रीमती इन्दिरा जी ने जो पंडित जी भी नहीं कर सके। यानी डिवेल्युएशन की और पंजाब की नई स्टेटें बनाई इस पर मुल्क में एक तूफान उठा, एक बड़ा उलझाव पैदा हुआ, बड़ा मुकाबला करना पड़ेगा। लेकिन हालात के मुताबिक जो उन्होंने सही समझा उसको रातोंरात तह किया और सूबह दूनिया के सामने डिवेल्युएशन आ गई। इसी तरह से यह भी उन्होंने एक मन बनाया। उनको काफी मुक्किल थी जब वह आई थीं लेकिन उन्होंने ऐसा सोचा कि पंजाब जो पहले से ही काफी जख्मी है उसके तीन टुकड़े किए जाएँ या न किए जाएं लेकिन जब उन्होंने देखा कि करना है तो वह कर गूजरीं। और यह मुबारिक हो । इसके साथ मैं यह भी दरख्वास्त करता हं कि यहां एक मोड़ आना चाहिए। मुल्क के जहन में एक मोड़ आना चाहिए। एक तरफ तो सारी दुनिया इकट्ठी हो रही है यू० एन० जो० की शकल में और आप ऐसा सोचते हैं कि हिन्दूस्तान में किसी के तलवे में कांटा चुभे तो उसका रूस वालों को एहसास हो। अमेरिका वालों को एहसास हो और एक तरफ हम मुल्क के टुकड़े पर टुकड़े करते चले जा रहे हैं। मेरी मौदबाना दरख्वास्त है मैडम, आपके जरिए अपनी सरकार से कि वह एक मन बनाए कि सारे मुल्क में वाकई नेशनल इंटीग्रेशन या इमोशनल इंटीग्रेशन को अमली जामा पहनाया जा सके और यही एक जजवा सारे मुल्क में पैदा हो । कितनी छोटी स्टेट हो कितनी बड़ी स्टेट हो वह एक वेलफेयर स्टेट बने, वह पार्टी बंदियों की स्टेट न हो। पार्टी बाजी की स्टेट न हो और फिर ऐसा ही नक्या सामने न आए जैसा कि 22 को लोक सभा में और 27 को हमारे यहां होने जा रहा है कि मुल्क की बरबादी किसी तरह से अपने हाथों से होती है। इंदिरा जी के लिए यह कड़वे घूंट और कड़वी गोली की

[RAJYA SABHA]

[को कहान सती]

तरह है कि बितना ही चलकी इव्यह करता ह बीर स्वका सावी हे बीर बहता है कि जमर उन गर यह इनवाम आता है कि उनवें जिति-स्टरी में अल्पन जाक पालर किया है जार उन्होंने नरीही के बादे कीर जनत जायसम बेर्रमान फर्मी की किस तरह जनत लोर पर दिए हैं तो इस तरह की बमलियों की इंदिए की ने इस्स्त करता है जोर उनकी तह कहने जुट भीने ही माहिए कोर दो तीन-भार मिलिस्टर रसर्वे सो भी बाते ही जिनको पीठ ए० सीठ ने माना है जि उन्होंने संसत कार्रजाई की है उनके सारे में यह कहवे घट भी जाए यह अन्वे मूंट विस्कृत जपूर होंचे पुल्क के लिए । हतते नानेसं चितने साथी में बढी उन्होंनियाँ की हैं सेमकी चान में भार मांद लगते। यह भी मेंद रह जाल के बहा है कि प्राप्त जी. विवयो जीम पहुंचे हैं कि वे तेक हैं, बनानतवार हे इसलिए उन्हें बद-प्रयाती की सपा देवी माहिए बह एक देशा तस्ता पेदा करें कि जो करक मिलिस्टर है उनकी बह बाला करें साथि जुल्क में सिल्दुस्ताम में बीर तमाम दुलिया में उनकी राषत अफवार ही जीर उनकी साम बीबाखा ही बोर के रिस्तर की बल करने बीर बवागतवारी को जमनी सात देने दे हो बकती है जिहाबा यह ऐसे राजवाम करें Bres free are stal

भी सेते मुराहरि (उतार प्रदेश) : जो विमेयक हमारे सामने है वह इमारी घरकारी पार्टी का इस की को के कुस करता है जो कि उनकी की ज साम की नीति है वह यजत है जीद उसके कारज बाज हमारे सामने ऐसा विजेवक जावा गया है। इसके पीछे जो कुछ सी जान्दी-जाव पता है सर प्रदेश में जिसका बंदजारा करने की नीजना वा रही है उसके यह साजुम होगा कि सरकारी पता के ही लोग ऐसे जान्दी में इसेवा बजुवा रहते हैं। यूसे ऐसा जात्ता है कि यह ऐसा जाविती जियेनक नहीं है जाने - भी ऐसे विवेवक इसारे सामने जारने क्योंकि

कई ऐसे प्रदेश हैं सहां इस सरह का साम्होबल. भव रहा है। में सामता है कि बाज महाराष्ट्र सोर नेसर का भी एक मामना है और कई आह ऐसे बासते हें बांध में मालता हूं कि भाविस के ही कुछ मेता जोग इन वास्त्रीमनी की बहाबा हेते हैं । यह यह साम्द्रेलन मनते हैं तो उत्त साम्योननों में विरोधी दली की मी हिस्सा सेना पहता है स्थानि एक सरासा बना ही बाता है तो उनकी उस मध्ये का सलगा WEAT NEAL & HANNI WAT WAT WEAT हे? मही माहिता । बाजमार इत इन में भो मसबे होते हैं कांग्रेसी मेता मोम बन बड़े करते हें और बाद में भी आमरोसन पसते हें जनमें तीनों को सोनी से सारते हैं जीर कई लोनों की जान मेंने के बाद पर राष्ट्र का विकेशन सामने मारी हैं। में तो इस मंग्रिस परवार की जीर जो भरकारी पार्टी है उसको गए। बोबी बहराजमा यन सब बोबी की मौत के लिए जो जान्छ से सेवर पंजाब तक पहे हैं। जिल्ले मी सीमी की चानें गई है जो जासनाइ राज्य भारते में उस सब का कर इस राग्यार ने करतामा है। उस सबके चुन के बस पर दस तरह का जिल्लान हनारे सामने जाया हुआ। है। इस म इसके पदा में मोट के रहे हैं, म विसम में दे रहे हैं। हम मह मह देना पाछते हें कि यह सामिरी विवेयक नहीं है, वभी और वायेंगे। यह देव के और उकते होंगे, नहीं जोबा जायगा, कहीं फिर उसकी लोबा जासमा । यह सम होने दासा हे त्यांगि हरपूक कार जब जान जुनाज नारा है तो हम देवते हैं वि इस तरह का मसमा बना हो पाता है और जसका इस भी ही जाता है। किसी जाम कतान के पहले महाराष्ट्र और नवपात काला बन पाला है जिसी जाम जुनाज के पहले पंजाली सता सीर हरियाना बसल सम सासर है। ये मससे सब कायेस के ही सोम बडे करते हैं और फिर जसका इस ठीक चुनान के पांच पर करने केले केल की कामन रखने की सावित कराते हैं। इसके प्रत्य कर इस तरह के मलने हमारे सामने बाते हैं।

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में सरकार से पूछना चाहता हूं कि जब पंजाब के बारे में इस तरह का फैसला किया और एक विधेयक लाई तो क्या बात है कि केरल में बह दूसरी नीति अपनाती है, महा-राष्ट्र और गुजरात में दूसरी नीति अपनाती है ? . सरकारी दल का जो अन्दरूनी मामला है उसको देखते हुए नीति बनाई जाती है; देश को या प्रदेश को देख कर नीति नहीं बनती है। केरल में चुंकि गैर कांग्रेसी लोग थे इसलिए असेम्बली को भंग कर दिया गया। महाराष्ट्र और गुजरात जब अलग हुए तो वहां की असेम्बली के ही लोगों को टुकड़ों में बांट कर गजरात में जोड दिया जाता है और कुछ को महाराष्ट्र में जोड़ दिया जाता है। पंजाब लेजिस्लेटिव असेम्बली के मेम्बर, पुरानी असेम्बली के मेम्बर मौजूद हैं, वह असेम्बली कायम है। उसको कायम रखते हुए, यह विभाजन किया जाता है क्योंकि कांग्रेस की अंदरूनी परिस्थिति ऐसी नीति चाहती है। इससिए मेरा कहना है कि देश के हित या देश के लोगों के हित को न देख कर, कांग्रेस के अन्दर जो राजनीतिक दलबन्दी चलती है उसके कारण कांग्रेस सरकार ऐसी नीति अपनाती है जो देश के लोगों के लिए अहितकर है और देश को बरबादी की ओर ले जा रही है। यह नीति पिछले 20 साल से चली जा रही है और आगे भी चलती रहेगी। इसलिए में चेतावनी देना चाहता हं. . .

SHRIMATI C. AMMANNA RAJA (Andhra Pradesh) : On a point of order. Do these things relate to this Bill?

THE DEPUTY CHAIRMAN : I am listening. Please be brief.

श्रो गोडे मराहरिः में सबको जानता हं.

THE DEPUTY CHAIRMAN : Please wind up now.

श्वी गोडे मुराहरि : मेरा यह कहना है कि अबकी बार जो फैसला करेंगे खासकर पंजाब के बारे में उसके बाद हम चाहेंगे कि इस सदन में

कोई ऐसा विधेयक न लाया जाय जो हिमाचल प्रदेश, पंजाबी सूबे और हरियाना के बारे में फिर बातों को बढ़ाकर ऐसा मौका खड़ा करे।

SHRI A. P. CHATTERJEE: Madam . . .

THE DEPUTY CHAIRMAN : Please. You have spoken at the consideration stage.

SHRI A. P. CHATTERJEE: I will be very brief. Give me only 3 minutes.

THE DEPUTY CHAIRMAN : Just a few points. Be relevant because you have had your say on the Bill.

SHRI A. P. CHATTERJEE : I shall be very brief. What I am submitting is this. As far as the question of the formation of the linguistic State of Punjab is concerned, nobody is against it, certainly I am not against it but the real question is, the amendment of the Constitution. As I have already stated it is taking drastic powers for the executive. According to this, by exercising these drastic powers, two States might be united to form a Union territory. A suggestion fell from the lips of somebody that according to the proviso as still existing, the opinion of the State, if it is to be formed into a Union territory, is to be taken but I tell you that according to the same proviso the opinion is not at all binding. It may be referred to a particular Legislature for opinion but the opinion is not at all binding before any law is made for the purpose of uniting the two States in order to form a Union territory. I finish by saying that this is a very drastic provision and I can see in my mind's eye if tomorrow or in the next five years it is found that two or three border States have no Congress majority, then the Congress executive can take advantage of this amendment in order to suspend the legislature of that State and form a new territory. The Minister said that this will be unprecedented. We have seen unprecedented things before. In Kerala . . .

THE DEPUTY CHAIRMAN : That will do. You asked for three minutes and you have taken more than three minutes.

SHRI A. P. CHATTERIEE: In Kerala the Leftists formed a majority but the you want to reply? unprecedented action was taken to suspend the legislature, unprecedented in the constitutional history of any country and more so of India. Such unprecedented things may happen. Therefore this Constitution (Amendment) Bill should not be passed or this Constitution should not be amended in this fashion.

SHRI RAJNARAIN: Madam.

THE DEPUTY CHAIRMAN : Mr. Rajnarain, you have spoken on this. Your friend Mr. Murahari of your Parly has spoken.

श्री राजनारायण : अगर आप यह नियम बनावें कि जो पहले बोल चुके हैं . . .

THE DEPUTY CHAIRMAN : I will give you two minutes.

श्री राजनारायण : आपके द्वारा दो मिनट का जो समय मिला है उसीमें अपने भाषण को समाप्त करने का प्रयत्न करूंगा। मैं बिलकूल साफ कहना चाहता हं कि श्री नेहरू जी ने जो भारतमाता की जीभ काटी थी इस विधेयक के जरिए श्रीमती गांधी भारतमाता का सिर काट रही हैं पहला वाक्य । दूसरा वाक्य, जो यहां पर पूराने कांग्रेस के लोग हैं जिन्होंने स्वतंत्रता संग्राम में अपने जीवन को क्षपाया है उनसे निवेदन करना चाहता हं कि अंग्रेजों की गोली से नहीं डरते रहे हो, इस कांग्रेसी सरकार की बोली से क्यों डर रहे हो। और तीसरी बात कहना चाहता हं कि नेहरू जी और इन्दिरा जी दोनों ठीक नहीं हैं। में आपके द्वारा इनको जवाब दे रहा हं एक मिनट में। नेहरू जी ने पंजाब का विभाजन नहीं किया तो नेहरू भी ठीक और जब इन्दिरा जी न विभाजन कर दिया तो इन्दिरा जी भी ठीक इन दोनों ठीक के बीच में चलने वाली कांग्रेस सरकार जितनी जल्दी भस्म होगी उतनी जल्दी ठीक होगा ।

भी अवधेश्वर प्रसाद सिंह : मगर आपके कहने से कुछ नहीं होगा ।

THE DEPUTY CHAIRMAN : Do

SHRI G. S. PATHAK : No, Madam.

THE DEPUTY CHAIRMAN: The auestion is :

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The House divided.

THE DEPUTY CHAIRMAN : Ayes -157; Noes-Nil.

AYES-157 Abdul Ghani,

Shri Abdul Shakoor, Moulana Abraham, Shri P. Ahmad, Shri Syed Ahmad, Shri Fakhruddin Alt Ammanna Raja, Shrimati C. Anand Chand, Shri Anandan, Shri T. V. Anis Kidwai, Shrimati Annapurna Devi Tbimmareddy, Shrimati Ansari, Shri Hayatullah Antani, Dr. B. N. Arora, Shri Arjun Asthana, Shri L. D. Atwal, Shri Surjit Singh Bachchan, Dr. H. R. Baghel, Shri K. C. Baharul Islam., Shri Bhadram, Shri M. V. Bhargava, Shri M. P. Bhatt, Shri Nand Kishore Bhuwalka, Shri R. K. Bobdey, Shri S. B. Chagla, Shri M. C. Chaman Lall, Diwan Chandra Shekhar, Shri Chandrasekhar, Dr. S. Chatterji, Shri I. C. Chavda, Shri K. S.

Chengalvaroyan.. Shri T.

Chetia, Shri P. Chinai, Shri Babubhai M.

Das, Shri Banka Behary Dasgupta', Shri T. M. Dass, Shri Mahabir Desai, Shri Khandubhai K. Devaki Gopidas, Shrimati Dharam Prakash, Dr. Dharia, Shri M. M. Dikshit, Shri Umashankar Doogar, Shri R. S. Dutt, Shri Krishan Ghose, Shri Surendra Mohan GiUbert, Shri A. C. Gupta, Shri Bhupesh Gurupada Swamy, Shri M. S. Hathi, Shri Jaisukhlal Iyer, Shri N. Ramakrishna Jahanara Jaipal Singh, Shrimati Jairamdas Daultram, Shri Kakati, Shri R. N. Karmarkar, Shri D. P. Kathju, Shri P. N. Khan, Shri Akbar Ali Khan, Shri M. Ajmal Khaitan, Shri R. P. Kothari, Shri Shantilal Koya, Shri Palat Kunhi Kulkarni, Shri B. T. Kurre, Shri Dayaldas Lalitha (Rajagopalan), Shrimati Mahammed Haneef, Shri Mahanti, Shri B. K. Mallik, Shri D. C. MalHkarjunudu, Shri K. P. Mangladevi Talwar, Dr. (Mrs.) Maniben Vallabhbhai Patel, Kumari Mariswamy, Shri S. S. Mary Naidu, Miss

Mehta, Shri Asoka Mehta, Shri Om Mir, Shri G. M. Mishra, Shri L. N. Mishra, Shri S. N. Misra, Shri Lokanath Misra, Shri M. Mitra, Shri P. C. Mohammad, Chaudhary A. Mohinder Kaur, Shrimati Momin, Shri G. H. Vaiimohmed Muhammad Ishaque, Shri Nair, Shri M. N. Govindan Nandini Satpathy, Shrimati Pahadia, Shri Jagannath Prasad Pande, Shri C. D. Pande, Shri T. Panjhazari, Sardar Raghbir Singh Parthasarathy, Shri R. T. Pathak., Shri G. S. Patil, Shri G. R. Patra, Shri N. Pattanayak, Shri B. C. Pawar, Shri D. Y. Phulrenu Guha, Dr. Shrimati Piilai, Shri J. Sivashanmugam Punnaiah, Shri Kota Purkayastha, Shri M. Pushpaben Janardanrai Mehta, Shrimati Qureshi, Shri M. Shafi Ramachandran, Shri G. Ramaswamy, Shri K. S. Ramaul, Shri Shiva Nand Ray, Shri Ramprasanna Ray, Shri S. P. Reddy, Shri K. V. Reddy, Shri K. V. Raghunatha Reddy, Shri Mulka Govinda Reddy, Shri N. Narotham Reddy, Shri N. Sri Rama Roy, Shri Biren

Ruthaaswamy, Shri M. Sadiq Ali, Shri Sahas, Shri Ram Salig Ram, Dr. Sanjivayya, Shri D. Savnekar, Shri B. S. Seeta Yudhvir, Shrimati Sethi, Shri P. C. Shah, Shri M. C. Shanta Vasisht, Kumari Sherkhan, Siiri Shukla, Shri Chakrapani Shukla, Shri M. P. Shyam Kumari Khan,. Shrimati Siddhantalankar, Prof. Satyavrata Siddhu, Dr. M. M. S. Singh, Dr. Anup Singh, Shri Dalpat Singh, Dr. Gopal Singh, Shri J. K. P. N. Singh, Shri Jogendra Singh, Shri Santokh Singh, Shri T. N. Sinha, Shri Rajendra Pratap Sinha, Shri B. K. P. Sinha. Shri Rajendra Pratap Sundaram, Shri K. Supakar, Shri S. Sur, Shri M. M. Swamy, Shri N. R. M. Tankha, Pandit S. S. N. Tapase, Shri G. D. Tara Ramchandra Sathe, Shrimati Thanglura, Shri A. Tiwary, Pt. Bhawaniprasad Tripathi, Sliri H. V. Usha Barthakur,, Shrimati Vaishampayen, Shri S. K. Varma, Shri B. B. Varma, Shri C. L. Vasan,

Shri S. S.

Venkateswara Rao, Shri N. Vidyawati Chaturvedi, Shrimati Vyas, Shri Ramesh Chandra Yajee, Shri Sheel Bhadra Zaidi, Col. B. H.

NOES-Nil

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

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI G. S. PATHAK : I move.

"That the Bill be passed." The

question was proposed.

THE DEPUTY CHAIRMAN : We are now at the third reading stage. We must finish the business by 5 O'clock. So I think that one speaker from this side and one speaker from the other side should suffice.

SHRI A. D. MANI (Madhya Pradesh) : Madam, it is with great grief I say that this House has adopted this Constitution (Amendment) Bill. Some of us abstained on the Bill because we did not want to vote against these provisions. One of the reasons why we abstained on the Bill was that there has been some kind of agreement between the two contending parties in what is going to be in future the Punjabi Suba and the Hariana Prant, and we did not want to signify that we are opposed to it. Madam, we are now seeing a gradual disintegration of the unity of this country. What has happened now in the Punjab is going to happen in other States all over the country. I feel there has been also a demand that a State of Vidarbha should be created in Maharashtra, because Vidarbha area is five hundred miles away from Bombay. There is also a demand for the dismemberment of Mysore. Now these tendencies will be encouraged if we allow this Constitution (Amendment) Bill to

be passed. The Punjab has always been known as a composite unit. It has stood for a certain tradition and has had a certain history, and we are sorry to find that for the second time during the last nineteen years the Punjab is being dismembered. We had to abstain on the Bill to show our resentment of these provisions.

SHRI B. K. P. SINHA: Madam, this is a very short Bill, but its implications are neither simple nor pleasant in my opinion. It has been rightly pointed out by two hon. Members of the Opposition that if this Amendment Bill becomes law, becomes a part of the Constitution, thereafter Parliament shall be competent by a simple majority not only to reduce or add to the territories of States, but also to introduce a fundamental change in the constitutional character of those territories by a simple majority, because article 4 makes it very clear that any amendment, of the First Schedule and the Fourth Schedule in pursuance of some changes introduced by virtue of article 3 will not be treated as a Constitutional amendment. Therefore, the position that we attain, if this Bill becomes a part of the Constitution, is that it will be competent for Parliament, by a simple majority, without a two-thirds majority., to have as many Union territories as possible. I hope that this power shall be exercised by Parliament in future with great caution. May be, as the Law Minister pointed out, that, practically, from a political point of view, it would be madness to imagine that any parliament of future would so combine, as the hon. Member apprehended, Bengal and Bihar, and then reduce them to Union territories. That may be politically not possible, but then this Bill becoming an Act will make it constitutionally and legally possible for Parliament to combine these, and reduce them into Union territories, and that is a very very unhappy future to foresee. I therefore would urge the Law Minister to make a declaration that no such effort shall be made by Parliament in future.

(Interruptions)

THE DEPUTY CHAIRMAN : Order, order.

SHRI B. K. P. SINHA: I am not talking of the Law Minister; he cannot do, but whenever a Bill is passed, those who sponsor the Bill, well, they give certain indications for the future. That is all I want.

5 p.m.

Secondly, now it is competent for Parliament to have as many Union Territories as they like in this country and the Law Minister has said that constitutionally and legally the Union Territories or their Legislatures need not be consulted and he has given cogent and powerful arguments in favour of this stand. But then the question is not only constitutional or legal. The question is more political and when it is possible to have as many Union Territories in the country as you like to have in the future, then *it* is proper that the Legislatures of those Union Territories should, as a matter of practice if not under the compulsion of the Constitution, as a matter of propriety and as a matter of political prudence and understanding, if any such contingency arises in future., be consulted. With these two considerations I support this Bill.

(Several hon. Members stand up and speak)

THE DEPUTY CHAIRMAN: Order, order. Please take your seats. I cannot allow everyone in the House to comment at the third reading stage of the Bill.

AN HON. MEMBER: We may be allowed to say something.

THE DEPUTY CHAIRMAN : I will limit the time.

AN HON. MEMBER : You may extend the time.

THE DEPUTY CHAIRMAN : No.

SHRI NIREN GHOSH : We are not opposing this Bill, because we do support the formation of the Punjabi Suba and we want that the Punjabi Suba and 3929 Constitution (W!i

[Shri Niren Ghosh.] the Hariana Prant Ahmed, Shri Fakhruddin Ali should be constituted. But we are opposed to the manner in which this is being done, to the manner in which this Bill has been brought forward, the manner in which the boundaries have been demarcated, the manner in which Gurmukhi-speaking people been have incorporated in other areas in the interest of the ruling party, and to the manner in which it has been decided that the Union Territories would not be compulsorily consulted. To these we are opposed. It is true that linguistic States should be there. But these linguistic States should be formed comprising of all the people speaking the same language and they should be given the widest possible autonomy in India if in our country we are to have the integration of the country. You cannot get the integration of the country on the basis of compulsion or on the basis of force. By the way they are doing it now, they are setting one people against another, making census reports that are unreal, they are sowing the seeds of discord in the country to serve the purposes of the ruling Party. Therefore, we protest against that also and for that reason we remain neutral. But I caution the Government and say that by this process you are not strengthening the emotional integration of the country or the national integration of tine country. You are actually helping the disintegration of India. You are treading the path to that goal and beware of it and suit your action accordingly.

THE DEPUTY CHAIRMAN : The question is :

"That the Bill be passed." The

House divided.

THE DEPUTY CHAIRMAN : Ayes - 156; Noes—Nil.

AYES-156

Abdul Ghani, Shri Abdul Shakoor, Moulana Abraham, Shri P. Ahmad, Shri Syed

Ammanna Raja, Shrimati C. Anand Chand, Shri Anandan, Shri T. V. Anis Kidwai, Shrimati Annapurna Devi Thimmareddy, Shrimati Ansari, Shri Hayatullah Antani, Dr. B. N. Arora, Shri Arjun Asthana, Shri L. D. Atwal, Shri Surjit Singh Bachchan, Dr. H. R. Baghel, Shri K. C. Baharul Islam, Shri Bhadram, Shri M. V. Bhargava, Shri M. P. Bhatt, Shri Nand Kishore Bhuwalka, Shri R. K. Bobdey, Shri S. B. Chagla, Shri M. C. Chaman Lall, D'twan Chandra Shekhar, Shri Chandrasekhar, Dr. S. Chatterji, Shri J. C. Chavda, Shri K. S. Chengalvaroyan, Shri T. Chetia, Shri P. Chinai, Shri Babubhai M. Das, Shii Banka Behary Dasgupta, Shri T. M. Dass, Shri Mahabir Desai, Shri Khandubhai K. Devaki Gopidas, Shrimati Dharam Prakash, Dr. Dharia, Shri M. M. Dikshit, Shri Umashankar Doogar, Shri R. S. Dutt. Shri Krishan Ghose, Shri Surendra Mohan Gillbert, Shri A. C. Gujral, Shri I. K.

Gupta, Shri Bhupesh Gurupada Swamy, Shri M. S. Hathi, Shri Jaisukhla! Iyer, Shri N. Ramakrishna Jahanara Jaipal Singh, Shrimati Jairamdas Daulram, Shri Kakati, Shri R. N. Karmarkar, Shri D. P. Kathju, Shri P. N. Khan, Shri Akbar Ali Khan, Shri M. Ajmal Khaitan, Shri R. P. Kothari, Shri Shantilal Koya, Shri Palat Kunhi Kurre, Shri Dayaldas Lalitha (Rajagopalan), Shrimati Mahammed Haneef, Shri Mahanti, Shri B. K. Mallik, Shri D. C. Mallikarjunudu, Shri K. P. Mangladevi Talwar, Dr. (Mrs.) Maniben Vallabhbhai Patel, Kumari Mariswamy, Shri S. S. MaTy Naidu, Mis3 Mehta, Shri Asoka Mehta, Shri Om Mir, Shri G. M. Mishra, Shri L. N. Mishra, Shri S. N. Misra, Shri Lokanath Misra, Shri M. Mitra, Shri P. C. Mohammad, Chaudhary A. Mohinder Kaur, Shrimati Momin, Shri G. H. Valimohmed Muhammad Ishaque. Shri Nandini Satpathy, Shrimati Oberoi, Shri M. S. Pahadia, Shri Jagannath Prasad

Pande, Shri C. D. Pande, Shri T.

Panjhazari, Sardar Raghbir Singh Parthasarathy, Shri R. T. Pathak, Shri G. S. Patii, Shri G. R. Patra, Shri N. Pattanayak, Shri B. C. Pawasr, Shri D. Y. Phulrenu Guha, Dr. Shrimati Pillai, Shri J. Sivashanmugam Punnaiah, Shri Kota Purkayastha, Shri М. Pushpaben Janardanrai Mehta, Shrimati Qureshi, Shri M. Shafi Ramachandran, Shri G. Ramaswamy, Shri K. S. Ramaul, Shri Shiva Nand Ray, Shri Ramprasanna Ray, Shri S. P. Reddy, Shri K. V. Reddy, Shri K. V. Raghunatha Reddy, Shri Mulka Govinda Reddy, Shri N. Narotham i Reddy, Shri N. Sri Rama Roy, Shri Biren Ruthnaswamy, Shri M. Sadiq Ali, Shri Sahai, Shri Ram Salig Ram, Dr. Sanjivayya, Shri D. Savnekar, Shri B. S. Seeta Yudhvir, Shrimati Sethi, Shri P. C. Shah, Shri M. C. Shanta Vasisht, Kumari Sherkhan, Shri Shukla, Shri Chakrapani Shukla, Shri M. P. Shyam Kumari Khan, Shrimati

Siddhantalankar, Prof. Satyavrata Siddhu, Dr. M. M. S. Singh, Dr. Anup Singh, Shri Dalpat Singh, Dr. Gopal Singh, Shri J. K. P. N. Singh, Shri Jogendra Singh, Shri Santokh Singh, Shri T. N. Sinha, Shri Awadhcshwar Prasad Sinha, Shri B. K. P. Sinha, Shri Rajendra Pratap Sundaram. Shri K. Supakar, Shri S. Sur, Shri M. M. Swamy, Shri N. R. M. Tankha, Pandit S. S. N. Tapase, Shri G. D. Tara Ramchandra Sathe, Shrimati Thanglura, Shri A. Tiwary, Pt. Bhawaniprasad Tripathi, Shri H. V. Usha Barthakur., Shrimati Vaishampayen, Shri S. K. Varma, Shri B. B. Varma, Shri C. L. Vasan, Shri S. S. Venkateswara Rao, Shri N. Vidyawati Chaturvedi, Shrimati

Vyas, Shri Ramesh Chandra

Yajee, Shri Sheel Bhadra

Zaidi, Col. B. H.

NOES-Nil

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

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

to a matter of

THE BIRLA TECHNICAL ACCIDENT IN INSTITUTE OF TEXTILES AT BHIWANI

SHRI ARJUN ARORA (Uttar Pradesh) : Madam, I rise to call the attention of the Minister of Labour, Employment and Rehabilitation to the recent accident in the Birla Technical Institute of Textiles at Bhiwani resulting in the death of some persons.

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION (SHRI SHAH NAWAZ KHAN) : I regret to state that at about 3.30 P.M. on the 9th August, 1966 while 128 persons were working in a spinning shed of the Birla Technical Institute of Textiles at Bhiwani, a portion of the reinforced concrete roof gave way during rains as a result of which 12 persons were killed and 20 were injured. The Punjab Government officials, District Magistrate; namely, Joint Commissioner of Labour who is also an Inspector of Factories and the Factory Inspector, Faridabad went to Bhiwani and inspected the spot. An enquiry under section 174 of the Criminal Procedure Code was also started and it was decided by the District Magistrate, Hissar to associate Superintending Engineer of the Roads and Buildings Department with the Enquiry. The shed was constructed in 1964.

Workers in question were covered by the Employees State Insurance Act, 1948 which provides for sickness benefit, disablement benefit, dependents' benefit and medical benefit. As an interim relief, the management of the Institute have already paid a sum of Rs. 500 to the family of each deceased and Rs. 50 to each injured person. Compensation in accordance with the provisions of the Employees State Insurance Act will be paid to the families of the deceased as well as to the injured persons in due course.