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

Constitution (18th

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 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 d'd 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 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.

Amdt.) Bill, 1966

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, wanted a statement from the Prime Minister.

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

THE CONSTITUTION (EIGHTEEN-TH AMENDMENT) BILL, 1966

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 had asked them very briefly to state of order? The motion has not been moved.

> BEHARI DAS: SHRI BANKA 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): Sr, 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 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 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 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 obiter 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 "Union Article 3 "State" will include 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 "State" Proviso does not "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 Expla-

"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."

Now, Sir, Explanation II also become necessary. I will read Explanation II.

"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."

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 मैं संशोधन करना हुं :

"िक यह विधेयक सेलेक्ट कमेटी में इस शर्त 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।

- 1. श्री अटल बिहारी बाजपेयी
- 2. श्री मुल्क गोविन्द रेड्डी
- 3. श्री भूपेश गुप्त
- श्री ए० डी० मणि
- 5. श्री लोकनाथ मिश्र
- 6. श्री गोड़े मुराहरि
- 7. श्री अब्दुल ग़नी
- 8. श्री नीरेन घोष
- श्री दत्तोपन्त ठेंगड़ी
- 10. श्री भाऊराव कृष्णराव गायकवाड
- 11. श्री ए० पी० चटर्जी
- 12 श्री राजनारायण (प्रस्तावक)

†["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. Thengarı
- 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."]

†[] English translation.

[श्री राजनारायण]

मेंने कोशिश की है :

श्री सभापति: आपने मृव कर दिया इस वक्त तकरीर करने की जरूरत नहीं है। आप 'इन द कोर्स आफ द डिबेट' अपनी तकरीर कर सकेंगे।

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

श्री सभापति: 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, 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 stated:

"No motion that a Bill be taken into consideration or be passed shall 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 p lot 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 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 underbe made by any member other than stood the position if the Cabinet had the member in charge of the Bill and changed its opinion or the Ministry had

changed its idea. In that case if they Punjabi Suba and Haryana Prant into Bill then before it was introduced here can be met by other means. But I it should have been mentioned that Mr. 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 list of Departments different which | belong 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. cannot be in charge of a Constitution (Amendment) Bill.

My fourth point relates to the Constitution itself. Sir, as you know, in 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 If we now amend only Legislatures. 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 Haryana Prant. I would rather request the hon. Minister to withdraw (Amendment) Constitution 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 artiing that Schedule for bringing in ment should be a little more alert in

wanted the Law Minister to pilot this that Schedule. I know that that lacuna want to plead with the Minister that G. S. Pathak is the Member in charge 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 For example, I get this be ignored. 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 nonofficial one or some such thing. Nobody knows, looking at it, whether some individual would be allowed to move it. cle 3 and then again another for amend- Therefore, I would say that the Govern[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?

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 : मै आपके जरिये

श्री सभापति : क्या आप कोई नई बात कहना चाहते है ?

श्री राजनारायण : 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 बहत ही साफ कहती है:

"125. कोई भी सदस्य [यदि विधेयक को पहले ही सभाओं की संयुक्त समिति को न सौंप दिया गया हो, किन्तु अन्यथा नहीं] संशोधन के रूप में यह प्रस्ताव कर सकेगा कि विधेयक प्रवर समिति को सौंपा जाये और यदि ऐसा प्रस्ताव स्वीकृत 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 लाग् होंगे।"

125 वीं कलम की मद्देनजर रखते हुए माननीय सदस्य ने जो प्वाइन्ट आफ आर्डर रेज किया है, में समझता हूं कि उसक्त कुछ महत्व नहीं है और वह ग़लत है। इसलिये आपने जो हमारे अभेडमेंट 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 सुन लें। हमारा प्वाइन्ट यह है कि 125 वी कलम यह कहीं नहीं कहती कि जो सिलेक्ट कमेटी में ले जाने का अमेंडमेंट पेश करेगा. वह पेश करते समय उसपर न बोले। मै इस विधेयक को सिलेक्ट कमेटी में ले जाने के लिये अमेंडमेंट पेश कर रहा हूं और मेरे तकों को, मेरी लाँजिक को इस सदन के सम्मानित सदस्य पहले से नही सनेंगे तो वे उसपर जवाब देते समय क्या बोलेंगे। अब तक हमने जितनी पालियामेंट्री प्रैक्टिम जानी है और जहां तक मुझे थोड़ा सा खिदमत करने का भौका मिला है उसके अनुसार तरीका यही है कि जब हम संशोधन पेश करें तो हम अपने संशोधन से मम्बन्धित अपना संक्षिप्त आषण भी दें।

श्री सभापति: यहां ऐसा तरीका नही है।

श्री राजनारायण: अगर यहां ऐसा तरीका नहीं है और आप की ऐसी रूलिंग है तो में बाऊ डाउन हंगा। 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 जानी है।

श्री समापित: यहां की रस्म यही है और हम बरावर इनपर चल रहे हैं कि अमेंडमेंट जब मूव होते हैं तो उस वक्त नकरीर नहीं की जाती। जब वे बोलते हैं डिस्कणन में तो वे अपने अमेडमेंट के मुनाल्लिक भी कहते है। वह सब चाजे मिनिस्टर साहब सुन लेते है और जवाब देने के बक्त वे अमेडमेट के मुताल्लिक भी कह देते है।

श्री राजनारायण: श्रीमन्, यह तो मिनिस्टर साहब के बारे में हुआ। दूसरे सदस्य क्या बोलेगे।

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, I rise to answer the points of order raised by our hon, friend there. So far as the question of the description of amendment is concerned, that Eighteenth Amendment instead 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 time 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. means in the case of a Government Bill any Minister.

SHRI BHUPESH GUPTA: Anonymous.

SHRI G. S. PATHAK: The Minister, 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 that should have been provided in this Bill as to what the reorganisation should be. Now it is forgotten, I say with 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: 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 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 subject-matter 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.

[RAJYA SABHA]

The motion and the amendment are now open for discussion.

SHRI BHUPESH GUPTA: Mr. Chairman, Sir, we have got now 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. 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 Therefore, in that way other things. 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: Akbar Ali Khan, you are not at all well informed. We moved that. moved, if I remember aright. by hon. Member, Mr. Tushar Kanti Chatterjee, 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 Bombay was retained, because the Conspeeches that were made are still in the proceedings of Parliament, to which Mr. Akbar Ali Khan might well refer.

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

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 fought and won by their struggle and Now, Mr. Akbar Ali Khan is so infatuated with the ruling Party that he forgets what is recorded even in the fact was unsettled and I need not go proceedings of Parliament. Anyway, he into that story. It is well known. knows very well that at that time the day unfortunately, as we are discussing Congress Party opposed our motion and this, the leader of the Maha Gujarat it was defeated. It could not have Janata Parishad, who played a been defeated but for the fact that the role in the bifurcation of bilingual Congress Party defeated it. That was the position. Then, Mr. Chairman, the country did not take it lying down. It of Parliament. I have in mind Mr. continued its struggle for the linguistic Indulal Yagnik. But then, even at that reorganisation of States and continued time they did not see the need for rethe struggle undoubtedly in the spirit of organising the bilingual Punjab State on the position taken by the Congress Party before independence. Ultimately we had try forced them, the people of Bombay the martyrdom of Potti Sriramulu, whom and Gujarat forced them to do so, they 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 At that time one would have thought State was made. Now. I say this thing because we were here in this very House 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 all would be country, assurance that the matter considered. The Bill was moved not by forced to unsettle what 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 compelling the Government to reorgaindepenence, was carried out only then, nise the Punjab State on a linguistic Now, after that you had the liguistic reorganisation of the States, but then two The manner of their doing it has been things did not take place. Bombay was most objectionable and it is somewhat not linguistically reorganised. Bilingual unfortunately reflected in the present 80RS/66-6

gress 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 SHRI BHUPESH GUPTA: I might | may say so, pandering to certain communal and other reactionary elements in the State. But then the people of Bombay and Gujarat came forward, reorganisation of the Bombay State was made. The settled Bombay, languishes behind prison bars under the PD Act and he is a Member a linguistic basis. Even when the coundid not do so. In the case of Punjab certain formulae were bandied and put forward like the Sachar formula and so on, which did not work. 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 supported people of Punjab, progressive forces in the the the Government have been We congratulate, to be a settled fact. as I rise on this occasion to speak, the people of Punjab who fought for this bifuracation, and for bringing about this great victory, that is to say, victory in basis, but then what have they done?

[Shri Bhupesh Gupta.]

state of things, as we find. First of all, I should like to point out in this contion 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 is 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 This arises from the fact how saving. 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 Fatch Singh to announce a fast and self-immolation and other things.

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

श्री राजनारायण: 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.

like to congratulate the people of ing State, not to Haryana Prant. If Punjab for the great victory they have Mahavishal Haryana comes into exiswon 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 amend-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.

MULKA **GOVINDA** SHRI 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.

BHUPESH GUPTA: SHRI 1961 census should not be taken as the basis because that census was criticised by many as having shown the Punjabispeaking 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. 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 setthing 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]

As I said in the beginning, I should such it should go to the Punjabi-speaktence, 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 Punjabi-speaking people and attaching it to the appendage of the so-called Central administration and bringing it Union territories. within the should it be so? 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 way. Chandigarh will be a Union territory. The two capitals will continue to function there under their sufferance, under the sufferance of this Government, and the Punjabispeaking people who are entitled have Chandigarh as their capital in the reorganised Punjab are straightway denied what belongs to them legitimately on the basis of a clear-cut and settled Why should it be principle. Chandigarh falls within the predominantly Punjabi-speaking area. There is no explanation here. This is very very harmful. Suppose, Mr. Viceno doubt about it, it is not disputed. As Chairman, in Punjab there is some day

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a Government which is not a Congress Government and suppose here is Government which is a Congress Government and a very reactionary 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. secondly should reorganisation Chandigarh should be 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 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 That is how it has been done. I can refer to certain meetings between the Home Minister and other Congress members of the Haryana area. Here the line of the Home Ministry and the Cenchievous one. On the one hand they ing it? There was no need. into existence, and on the other hand ing a Government . . .

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 Harvana 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 their Vishal Haryana. Therefore, on grounds, the Central Government 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 that we are having this kind of arrangement. Therefore, I strongly protest . . .

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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 Coasnection, you see how they have treated Punjab in the interim period. First of all, they introduced the President's rule. tral Government has been a highly mis- What was the need for it, for introductry to throttle to some extent the re- Punjab Assembly was there and it is organised Punjab State which they have still there. It has not been dissolved. not been able to prevent from coming And if there was any difficulty in hav-

श्री शीलभद याजी : यह बेसुरी शहनाई का बाजा बजा रहे हैं, यह इरिलेवेन्ट है।

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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 least no vacancy from Kerala in this very House. That was done 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. 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 Punjab 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 part of the Punjabi-speaking State and standards in public life in Punjab because all their partymen—a majority of with serious consequences for the Punjab Assembly members and future.

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 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 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 linguietic 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 it is not degraded into a Union territory

[Shri Bhupesh Gupta.]

This is what I have to say. I again say that this Government which has been beaten by the people to accept this linguistic reorganisation should do it play tricks on the people of Punjab. Even at this late hour it should behave decently, honourably and gracefully once it has been forced by the people of Punjab and by the rest of India to accept the broad principle of the reorganisation of the Punjab, of the bilingual Punjab, to which all these matters have been most flagrantly denied.

T. R. **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 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, Haryana and the Punjabi Suba. It is a wise and timely decision for which the 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 inttial 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 Minister will agree with me that the the lines of the arrondissement of France States are autonomous units only and or of the United States of America. In not sovereign. The nation should decide

would very much like to invite the attention of the hon'ble Members of this House that in effecting a legislation of this kind we have to think in terms of all India. The national interest and with good grace and should not try to national integration should be the prime concern. And if that is so, I would very respectfully invite your kind attention to a very famous saying by that great political philosophar, Edmund Burke, who said: "When a member is elected to represent a particular constituency, soon after his election he ceases to be member from that constituency alone, 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 When federalism became politically. the fashionable political demand, 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 this context, Mr. Vice-Chairman, I as to their future existence, set-up and

boundaries. The States cannot arrogate to themselves the sovereign powers. Only the Parliament of India and the Parliament of India alone, which is supreme, has the right to deal with and control the constituent units of the Indian Union.

The Government of India, Sir, has been very often criticised for tinkering and tampering with the Constitution as 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 Constitution whenever the necessity arose and it is today an inherent right of Parliament. The Constitution India is not sacred as the Gita, the Bible or the Koran as Dr. Alladi Krishnaswamy Aiyar thought it should 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]

श्री अटल बिहारी वाजपेयी (उत्तर प्रदेश):
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 क्षेत्र में
मिलाया जा सके या संघीय क्षेत्र की स्थिति
अपरिवर्तन करके उसका पुनर्गठन 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 किसी हिस्से को मिलाने का सवाल ही कहां पैदा होता है क्योंकि उसी पंजाब में से एक हिन्दी भाषी क्षेत्र बनाया जा रहा है और हिन्दी भाषी क्षेत्र हिरियाणा के साथ जोड़ा जा सकता है।

कुछ माननीय सदस्य: पहाड़ी भाषी क्षेत्र है।

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श्री अटल बिहारी वाजपेयी: पहाड़ी भाषी क्षेत्र कोई नहीं है। हिमाचल प्रदेश की भाषा भी हिन्दो भाषा है। पहाड़ी बोली है, भाषा नहीं है और पहाड़ी भाषा हमारे संविधान की 14 भाषाओं में नहीं है। एक बोर्ला के नाते मैं उसका सम्मान करता हं और मेरी यह इच्छा है कि यह बोर्ली खूब फले फूले। मगर वोलियों के आधार पर राज्य बनाने का फैनला नहीं हुआ है। नहीं तो, हमारे बिहार के अनेक लोग राज्यों की माग करेगे. जिनको रोकना कठिन हो जायेगा। मै निवेदन यह कर रहा हूं कि वर्तमान पंजाब मे 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 प्रस्तृत कर दिया गया है और कहा जा रहा है कि एक हिस्सा हिमाचल प्रदेश में मिलाया जायेगा।

चंडीगढ़ को संघीय क्षेत्र बनाया जा रहा है। इससे यह विवाद पैदा हुआ है। मै यहां पंजाब के बंटवारे के व्यापक प्रश्न पर नहीं जाना चाहता। इसके बारे में अलग विधेयक आयेंगे, सदन को विचार करने का मौका मिलेगा। मै पंजाब के बंटवारे के खिलाफ हूं क्योंकि मुझे लगता है कि केवल भाषा राज्यों के पुनर्गठन का आधार नही हो सकतो। भाषा एक महत्वपूर्ण तत्व है, भाषा का विचार करना होगा, लेकिन सरक्षा को खतरे में डाल करके, प्रशासनिक कठि-नाइयों को जन्म देकर, एक साम्प्रदायिक भावना का जहर घोलकर अगर हम केवल भाषा के आधार पर पुनर्गठन करेंगे तो हम कि ठिनाई में फंस जायेगे। मै पूछना चाहता हं कि क्या यह सरकार, यह सदन, भाषा के सिद्धांत को जम्मू और काश्मीर में भी लाग करने को तैयार है ? क्या हमें कल्पना है कि उस सिद्धांत को वहा लागू करने का क्या परिणाम हो सकता है ? जम्मू और काश्मीर

की भाषा एक नहीं है, जम्मू की भाषा हिमाचल प्रदेश से मिलती है, काश्मीर की घाटी से नहीं मगर ऐतिहासिक कारणों से जम्मू और कार्कार साथ है और हम चाहते है कि साथ रहें क्योंकि यह राष्ट्र के हित मे है भले ही भाषा के हित में न हो। क्या राष्ट्र के हित में यह नही 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 फुलने के मार्ग में बाधा नही थी। पंजाबी तो हरियाना में भी अनिवार्य रूप से पढ़ायी जाती थी। उस हरियाना मे जिस्की भाषा पंजाबी नहीं है। जब भाषा के आधार पर क्षेत्र मनाने का, राज्य बनाने का, सिद्धांत स्वीकार किया जाना है तो क्या इस रिद्धात का अर्थ यह है कि भाषा का क्षेत्र संकृचित हो जाय, या उस सिद्धात का अर्थ यह है कि भाषा को और भो बड़ा क्षेत्र मिलना चाहिये, शासन के लिये, राजकाज के लिये और शिक्षा के लिये। मगर एक साम्प्रदायिक मांग के सामने घुटने टेक कर सरकार ने मदारी का पिटारा खोल दिया है जिसका कहां अंत होगा कुछ कहा नहीं जा सकता। अब बम्बई, महाराष्ट्र, मैसूर 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 शीलभद्र याजी: आसाम में भी।

श्री अटल बिहारी वाजपेयी : आसाम में भी पृथक पहाई। राज्य की मांग बल पकड़ेगी। क्या देश को छोटे-छोटे ट्कड़ों में बांटा जायेगा? क्या भारत का बालके-नाइजेशन किया जायेगा? इस पष्ठभमि में मै पंजाब के विभाजन का विरोधी हं लेकिन मेरा निवेदन है कि यदि पंजाब में विभाजन भी किया जाना चाहिये था तो उसके किसी हिस्से को हिमाचल प्रदेश में मिलाने की आवश्यकता नहीं थीं। जिस हिस्से

[24 AUG. 1966]

हिमाचल प्रदेश में मिलाया गया है उसकी भाषा क्या है यह एक बड़े विवाद का विषय है। बहुत से लोग इसलिये अपनी हिन्दी बता रहे हैं कि वे पंजाबी सूबे मे रहना नहीं चाहते। क्यो नहीं रहना चाहते? लोग पंजाबी सुबे से निकल कर हरियाना में जाना चाहते है, हिमाचल में जाना चाहते है। पठानकोट में मांग वल पकड़ रही है। ऊना तहसील के बारे में तो कमीशन ने भी लिखा है कि उसकी भाषा हिन्दी है मगर ऊना तहसील पंजाबी सबे में जानी चाहिये क्योकि आनन्द-पुर साहब का गुरुद्वारा ऊना में है। यह तरीका मेरे बिलकुल समझ में नही आता। अगर भाषा के आधार पर विभाजन, पुनर्गटन करना है तो ऊना तहसील हिमाचल प्रदेश में जानी चाहिये, भले ही आनन्दपुर 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 दो। गुरु गोविन्दसिंह का जन्म तो पटना में हुआ था। गुरु गोविन्दसिंह हमारे भी गुरु है, केवल सिखो के गुरू नही हैं। हम सब उन्हें आदर और श्रद्धा की दृष्टि से देखते है। मगर चूकि आनन्दपुर साहब का गरु-द्वारा ऊना में है इसलिये ऊना पंजाबी सबे 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 बढ़ा है।

श्री अर्जुन श्ररोड़ा (उत्तर प्रदेश): चंडीगढ़ के लोग तो खुश है।

श्री प्रदल बिहारी वाजपेयी: चंडीगढ़ के लोग खुश है क्यों कि पंजाबी सूबे में जाने से बचेगे 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 चंडीगढ़ के बारे में निर्णय एकमत नहीं था और श्री दत्त ने एक विमति टिप्पर्णः लगा र्दर्थः, नोट आफ डिसेन्ट लगा दिया था। लेकिन निर्णय तो बहुमत का ही माना जाता है। फिर भी हरियाना वाले चंडीगढ़ केन्द्र प्रशासित रहे, दोनो प्रदेशों के नव निर्मित राज्यों की समान राजधानी रहे, इसको कडर्व. गोली की घट की तरह निगलने को तैयार है। लेकिन मै पूछता हूं कि अगर कर्म शन की स्फिरिश चंडीगढ़ को पंजाबी सूबा में देने की होती तो क्या केन्द्रीय सरकार में इतनी हिम्मत है, कि फिर चंडीगढ़ को पंजाबी सूबा के हाथ से निकाल कर दोनो प्रदेशो की समान राजधानी बना देती ? हरियाना वालो को यह शिकायत है कि पहले भी हरियाना के साथ अन्याय हआ था और अब फिर हरियाना के साथ अन्याय किया गया। लेकिन अगर वेन्द्रीय सरकार यह कहे कि पंजाबी सुबा के निर्माण के विरोध में जो आदोलन चल रहा था उसके दौरान में हमने जनता को कुछ आख्वासन दिये थे और वह आश्वासन ये थे कि दोनों राज्यों के बीच में अधिक से अधिक सामान्य कडियां कायम रखी जायेगी, उदाहरण के लिये, दोनों राज्यों का एक गवर्नर होगा, दोनों राज्यों की इलेक्टिसिटी का, बिजर्ला का, सिचाई का, पानी का इंतजाम एक बोर्ड के अंतर्गत चलेगा और उसी आश्वासन को पूरा करने के लिये हम चंडीगढ़ को कामन कैपिटल बना रहे है, समान राजधानी बना रहे हैं, तब तो उसको स्वीकार किया जा सवता है। लेकिन सरकार और सामान्य कडियो की बात नहीं करती। क्या केवल चंडीगढ़ कामन कैंपिटल 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 कड़ियां नहीं मानेगे मगर क्या सरकार केवल एक ही दल की धमिकयों के आगे झकेगी और दूसरे पक्ष की भावनाओं का, देश की आवश्यकताओ का और भविष्य का विचार नहीं करेगी।?

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 मात्-भाषा हिन्दी लिखाई। मगर ऐसे भी लोग है जो गैर सिख है और जिन्होंने अपनी मात-भाषा पंजाबी लिखाई। मै सदन का समय नहीं लेना चाहता, मेरे पास आंकड़े है। तो यह कहना गलत होगा कि पंजाब में हर एक गैर सिख ने अपनी 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 अपना मातुभाषा 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 है, पंजाबी में व्यवहार करते हैं मगर जब लिखने का समय आता है तो हम हिन्दी लिखते है। सचमुच में पंजाब में तो उर्द चल रही है और उर्दू में लिखते रहे है। हम इस बात को नहीं भूल सकते कि पंजाब में जब हिन्दी का आंदोलन चला स्वामी दयानन्द के नेतत्व में तो वह उर्द के विरोध में था पंजाबी के विरोध में नहीं था। वह राष्ट्रीयता के उन्मेष के रूप में था, भारत की अन्य भाषा को अमान्य करने के लिये नहीं था। तब गुरुमुखी नहीं थी, गुरूमुखी का प्रचलन भी नहीं था तब झगड़ा हिन्दा बनाम पंजाबी का नहीं था तब झगड़ा हिन्दी बनाम उर्द का था। समय पंजाब में हिन्दी का प्रचार हुआ।

में चाहता हूं कि पंजाब के लोग ईमानदारी से अपना मातृभाषा लिखाएं। लेकिन में किसी व्यक्ति का यह अधिकार नहीं छीन सकता कि उस व्यक्ति के लिए कोई दूसरा व्यक्ति तय करें कि उसकी मातृभाषा क्या है। हमारे संविधान ने हरएक व्यक्ति को अधि-कार दिया है कि वह तय करे कि उसकी

मातृभाषा क्या है। अगर कोई मातृभाषा 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 पनगंठन की घोषणा की तो यह स्पष्ट आश्वासन दिया कि जो अल्पसंख्यक है, भाषायी अल्पसंख्यक है, उन्हे पूरा संरक्षण प्रदान किया जायगा। अपनी भाषा में-बोली में नहीं--शिक्षा लेने का, राजकाज में भाग लेने का उन्हे 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 । मै निवेदन करना चाहता हूं कि सरकार जो इस समय विधेयक ला रही है पंजाब के पून-गर्ठन के सम्बन्ध में उसमे इन सुझावों को ध्यान में रख एक निर्णय ले लेगी। पंजाब के बंट-वारे के निर्णय का मैं विरोध करता हूं, लेकिन मैं यह भी चाहता हूं कि राज्य के पुनर्गठन के सवाल को लेकर किसी तरह का साम्प्र-दायिक विद्वेष बढना नहीं चाहिए। पंजाव एक रहे, इससे भी जरूरी यह है कि पंजाव में रहने वाली जनता एक रहे। धरती की एकता आवश्यक है, मगर उस धरती पर निवास करने वाली संतति की एकता उससे भी अधिक आवश्यक है। और इसीलिए पंजाब में पंजाबी सुबा के खिलाफ जो आन्दोलन चल रहा था उसे कुछ आश्वासनों के बाद रोक दिया गया क्योंकि हमे ऐसा दिखाई दिया कि यदि वह आन्दोलन ज्यादा चलेगा तो साम्प्रदायिक रूप पकड लेगा, मगर इसका अर्थ यह नहीं है कि हम पंजाब के विभाजन को बड़े उत्साह के साथ स्वीकार करते हैं। राष्ट्रीय परिप्रेक्ष्य मे जब हम पंजाब के पून-र्गठन के प्रश्न को देखते हैं तो हमारे मन मे आशंकाएं पैदा होती है और हम सरकार से आशा करते हैं कि उन आशंकाओं का निवारण करने का वह अधिक से अधिक प्रयत्न करेगी। धन्यवाद ।

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

Constitution (18th

श्री अटल बिहारी वाजपेयी : बहुत अच्छे ।

श्री 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 इसमे एक इशारा है जैसा कि जो और वक्ता बोले हैं कामरेड भूपेश 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 हूं। 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 में कामरेड भूपेश गुप्त जी को रोक रहा था लेकिन वे अपनी बेसुरी शहनाई बजाते रहे और इसलिये मुझे भी अधिकार है कि मै उनका जवाब दं।

मैं 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 हिन्दी 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 ताकते थी, 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 चेष्टा 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, बोट लेने के लिए और बातो 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 सूबे मे श्राने वाली है। हमारे प्रान्त में करीब डेढ़ करोड़ आदमी मैथिली भाषा बोलते हैं। वह मैथिली भाषा बोली नही है, पहाड़ी बोली नही है। उसकी एक स्त्रिप्ट है, उसकी एक लिपि है, साहित्य है, पुराना साहित्य है। दो-चार सौ आदमी मिथला प्रान्त बनाने के अभिलाषी है जेल भी गए थे। जो बीमारी आपने हरियाना और पंजाब मे लगाई है उसके बाद हमारा मिथिला प्रान्त बनाने की बात होगी । झारखंड की बात वल रही है, मगध प्रान्त बनेगा, भोजपुर प्रान्त बनेगा। हमारा बिहार टुकड़े-टुकड़े हो जायगा। इसके बाद आगे चलिए आसाम के कितने टुकड़े होने वाले हैं। मिजो कहेगे हमारा प्रान्त बनेगा हमारी भाषा दजी है। गोरा और खासी जयन्तिया वाले अलग स्टेट के लिए सत्याग्रह भी करने जा रहे है। मास्टर तारा सिंह जो पागलपन करता है वह भी अभी खुश नही। जिसको खुश करने के लिए पंजाब का बंटवारा किया गया वह आज कहता है कि पावर टुसिसीड होनी चाहिए। बंटवारे के बाद पंजाब किधर चला जायगा, हिन्दुस्तान से बाहर भी चला जायगा? जिसको खुश करने के लिए पंजाब के ट्कड़े-टुकड़े किए गए आज वह मास्टर तारा सिंह खुश नही है। एक सन्त फतह सिंह और एक मास्टर तारा सिह—इन दोनों को खुश

[श्रीश्रोलभद्र याजी] करने के लिए हमारे कांग्रेस के नेता लोगों ने पंजाब के घर-घर में टुकड़े कराए। अब यह बीमारी हमारी स्टेट मे 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 ट्कड़ा-ट्कड़ा करना पड़ेगा। जम्मू को कश्मीर वैली से अलग करना पड़ेगा यदि भाषा के आधार पर करेगे। 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 मौजूद होते तो पंजाब का बंटवारा न होता और हम लोग भी स्वीकार न करते, लेकिन साम्प्रदायिक तत्वों के फेर मे पड़ कर हमारी सरकार झुक गई है। और झुकने से क्या होता है? तीन लाख की आबादी वाली स्टेट बन गई नागालैंड। नागा कहते है कि हम हिन्दुस्तान से बाहर निकलेगे। 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 है 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 आंसू बहा रहे थे कि चंडीगढ़ को वहां जाना नाहिए था। कुछ भी उनको इल्म नहीं है, लेकिन बोट लेने के लिए, पंजाब में कम्युनिस्ट पार्टी को कुछ

ज्यादा वोट मिल जायं पंजाबी सबे के लिए

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

एक माननीय सदस्य : वयों ?

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 हूं।

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

श्री शीलभद्र याजी: हम स्वतंत्र पार्टी की तरह स्वतंत्र नहीं हैं, हम बेलगाम 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 वैसा 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। श्री शीलभद्र याजी: तो उसको भी राज्य बनाना पड़ेगा, विपुरा 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-निर्देशित): 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, आबादी के लिहाज से अमेरिका से तीनगुना बड़ा है तो क्या जरूरत है कि इसमें सिर्फ 16 या 20 स्टेट्स ही हो सकती हैं, इसमें 30 स्टेट्स हो जाये 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 विरोध रहा है और अब भी विरोध है लेकिन में आपसे पूछना चाहता हूं कि आपको उन आर्यसमाजियों के मुताल्लिक क्या कहना है जिन्होंने पंजाबी की जगह हिन्दी अपनी जबान लिखवाई और जो कि अब भी कह रहे हैं कि हम चूंकि हिन्दू हैं इसलिये हमारी जबान हिन्दी होगी और इसके लिये हम लडेगे। तो उसका क्या जवाब है।

श्री शीलभद्र याजी: मैं जवाब देता हूं। हमारे माननीय सदस्य डाक्टर हैं लेकिन वह कहते हैं कि अमेरिका हिन्दुस्तान से तीनगुना बड़ा है। अमेरिका बड़ा है हिन्दुस्तान नही।

डा० गोपाल सिंह: मैंने यह कहा कि अपने हिन्दुस्तान की आबादी के मुकाबिले में उसकी एक-तिहाई आबादी है और उसके 50 स्टेट्स है तो फिर हमारी इतनी बड़ी आबादी 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 वाजपेयी: लेकिन अमेरिका में मजहव के हिसाब से या भाषा के हिसाब से नहीं है।

डा॰ गोपाल सिंह: अभी जनसंघ वाले पंजाब मे जो कर रहे है उसका तो अंदाजा लगाना चाहिये।

श्री शीलभद्र याजी: अभी इन्होने कहा कि आबादी के हिसाब से हम अमेरिका से तीनगुने बड़े है और वहां 50 स्टेट्स हैं, लेकिन अगर आबादी का ही ख़याल हो तो फिर यू० पी० का बटवारा होना चाहिये, महाराष्ट्र का बटवारा होना चाहिये

श्री अर्जुन ग्ररोड़ा: यू० पी० का कतई नहीं, हम युनाइटेड हैं।

श्री शीलभद्र याजी: लेकिन हमारी सरकार ने आबादी को इसके लिये कभी नहीं माना है, तो मैं समझता हूं कि डाक्टर साहब यह बेसुरी शहनाई का बाजा बजा रहें है कि चूकि अमेरिका हमसे तीनगुना बड़ा है और उसमें 50 स्टेट्स हैं ''

डा० गोपाल सिंहः एक-तिहाई आबादी है हमसे।

श्री शीलभद्र याजी: मै कह रहा हूं कि रकबे का बटवारा होता है, रकबे पर विभाजन होता है आबादी पर नही होता। इसलिये डाक्टर साहव से मै 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 बनायेगे, क्यों नही गारो-खासी जयन्तिया का बनायेगे, हमारे सुबे को चार भाग में विभक्त क्यों नही करेंगे, क्यों नहीं हिमाचल प्रदेश का एक स्टेट बनाथेंगे, जम्मू 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 मैं यह सब वहता हूं।

अब, हमारे डाक्टर साह्ब 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 मैं यह कह रहा था कि जिस तरह से जितना बंटवारा हो गया है उसको आगे बढाने की ज़रूरत नहीं थी क्योंकि वह बीमारी बढती जा रही है, देश के इंटेगरेशन के लिये, देश की एकता के लिये यह बड़ा 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 बड़े लोग होने को तैयार होंगे और इस तरह की परिस्थिति लायेंगे कि हमारी सरकार झुकेगी। यह सरकार तो शक्तिशाली नही है, यह सरकार की वीक-नीड पालिसी है और जल्दी झुकती है, डंडा चले, चार दुकानें लूटी गईं तो सरकार झुक 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 टुकड़े-टुकड़े होते जायें भाषा के आधार पर, तो यह बड़ी खतरनाक चीज हो रही है।

इस बहस के दिनियान में कामरेड भूपेश गुप्त ने कहा कि जनता विजयी हुई, जनता की विजय हुई, पंजाब का बटवारा 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, भारतीयता 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 हं 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 पालियामेट के जो 750 सदस्य है 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 बिलगाव किया जा रहा है, यह देश के लिये और समाज-वाद के लिये बड़ी खतरनाक चीज़ हो रही है। इसलिये मैं फिर से इसका कड़े शब्दों मे विरोध करता हूं।

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 which is going to be created. It seems secular and reasonable stand, that the that the Government wants again that Punjabi Suba is not going to be the the people interested in that should homestead of the Sikhs alone, though come up with an agitation so that they they may be in a predominant position will yield. I therefore urge on there, but it is going to be a State where Government that this question of reall 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 recommenda-I agree with some of my friends here that the terms of геference 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 Hariana will also be satisfied. States on a linguistic basis the Central Government should appoint a Boundary Commission or Commissions to settle know that the States were created in 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 they hate the Chinese or the Pakistanis. been the guiding principle in demarcating the boundaries between these two States. have been restricted to the bifurcation we still have very unwieldy monolithic of the Punjab. I know for certain that States in India today and it is time that there are areas adjoining Punjabi Suba the Government devotes proper attenwhich are predominantly Punjabi-speak- tion to see that these States are split up ing and when once the State is organis- so that when these monolithic States are ed on the basis of language, that is, split up the smaller States will prosper Punjabi in this case, these areas should much better and in a speedier way than also have been included in the State has been the case now.

organisation 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

Madam Deputy Chairman, 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 This is an unfortunate situation that has been created by the Government, and And furthermore it should not particularly by the ruling party. Madam,

[Shri Mulka Govinda Reddy.]

Madam Deputy Chairman, the Law Minister. tion (Amendment) Bill stated that there the following Explanations: 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 2½ 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 21 hours have been allotted? Yesterday the Business Advisory Committee meeting it was decided more or less unanimously after discussion that hours should be allotted. And 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: 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 2½ 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 3½ hours. I do not know how you say it is 2½ hours.

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

SHRI MULKA GOVINDA REDDY: while moving this Constitu- Madam, the Law Minister wants to add

> '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 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 the present Punjab to Himachal Pradesh. We should have the views of the Himachal Pradesh Legisla-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 Constitu-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 him most respectfully and place before and the Legislature was dissolved. In Orissa President's Rule was imposed and ing the Punjabi language as such? It is the Legislature was dissolved. But in the question of script that hurts. If Punjab when President's Rule was im- my friend here is able to assure us that posed, the Legislature is kept alive. This the Punjabi language could be written double standard is not a healthy prac- in both the Gurmukhi and Hindi scripts, tice to be followed by any decent demo- I think those people, whose language cratic government. It is unfortunate he claims to be Punjabi, would have no that the present Government is acting objection to own it, even if they have in a partisan manner, which will do harm to the democratic traditions and a question of language. The question is democratic interests of the country. Thank you.

SHRI ANAND CHAND (Bihar): Madam Deputy Chairman, I have listened to the speeches of my hon, friends they disown as my friend there says. I and I may be pardoned if I say that they are more concerned with the reorganisation of Punjab than with the constitutional amendment which is before us. The objectives of this Bill are very limited and I would only make pened in respect of any other language? two references to what has been said about Punjab before I come to the Bill, 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 mention^c that in the Kharar tehsil, of which Chandigarh forms the town, the Hindispeaking population is 57.2 per cent and the Punjabi-speaking population is 42.8 per cent.

DR. GOPAL SINGH: What the rural areas?

the rural areas, but they have taken the parts of States or by uniting any terriwhole tehsil in the same way as they tory to a part of any State. There has have taken specifically the city of been on provision up till now in the Chandigarh, in which the population is Constitution that any area which 80RS/66-7

the House the fact that it is not disowndisowned it before. The question is not 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-speaking question arises and the people say that take it that they do not want to disown the Hindi script. It can express Punjabi language as well as any other language.

DR. GOPAL SINGH: Has it hap-

SHRI ANAND CHAND: What 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 about (Seventh Amendment) Act. The formation of a new State could be separation of territory from any State SHRI ANAND CHAND: I know or by uniting two or more States or overwhelmingly Hindi-speaking. Now, present enjoys the status of a state, I am not here going to cross swords howsoever small, can be tagged on to with my friend there on this issue. Be- a Union territory and lose the advantages cause he drew the attention of my which flow to the inhabitan's of that friend from Bihar, Mr. Sheel Bhadra area from being part of the State. That Yajee, to the disowning by the Hindus is what this amendment now seeks to of the Punjabi language may I remind do. Now so far as the question of

[Shri Anand Chand.]

Constitution (18th

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 saying that the Union territories or Part 'C' States are not to be consulted in so far as reorganisation of territories is concerned, because Legislatures are the creations of Parliament. I agree with that contention. Article 240 as amended todav power to Parliament to legislate for may I remind him most respectfully that in 1956 when the States Reorganimy personal knowledge that the Legislature of the then Part C State of States consisted of Territories, and it Himachal Pradesh was consulted, that their views were obtained, and that they were circulated to this House. I know Reorganisation Bill, and whatever the if the House is satisfied that they should discussions were in the Himachal Pra- be promoted to Statehood, they can desh State Assembly on that particular pass an enabling Act under the terms Bill they were laid not only before of which a Union Territory is elevated Parliament but also before the Select to Statehood. I very much wish that at Committee. But my argument here is the time when the Constitution was benot that it is done even now because ing amended in respect of the Union tooking at article 3 if you look at it in Territories a provision were inserted, its totality, it is not what Federal Cons-because I see in the Constitution there

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 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 belongs to two States,

SHRI ANAND CHAND: Union territories. Having given those scheme of things it has been said that Legislatures, they cannot be at par with in India we have the States and we have the Legislatures of those States, which the Territories, and that a distinction are established in the constituent States therefore has to be made as to what are of the Union under the provisions of the powers of the States and what are the Constitution. I agree to that. But the powers of the Territories. Madam Deputy Chairman, this phraseology of Union Territories has been borrowed sation Bill was on the anvil it is within from the United States where at one time practically half of the was by a gradual process of evolution that they found their way into Statehood. Even today the United States it for certain because I was in the Constitution says that if the residents of Select Committee which went into the a certain Territory which is a Territory provisions of the Constitution Seventh of the Republic of the U.S.A. make a Amendment Bill as well as the States submission in writing to the House and is none, whereby in a certain course of Territory may rise to full Statehood and 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 anywhere else-they would be elevated to Statehood through some process other.

Lastly, I 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 to full Statehood. elevated 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 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

time a Union Territory may be enabled may 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.

> SHRI AWADHESHWAR PRASAD SINHA: In the course of brilliant speech he said that some parts of Punjab will go to Himachal Pradesh and to that extent a citizen of a State will become a citizen of а 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 Union 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 Now after the equalisation of States. territories to States-because Union 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 parts of States or by uniting any territory to a part of any State;

[Shri M. Ruthnaswamy.]

Constitution (13th

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 within 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. After equalising Union territories to States why do you want to take away this privilege of people being consulted either directly 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 Mysore or whether it should continue as a Union territory. Now, I think in regard to all these matters, these territories should be merged with one of the neighbouring whether or they should continue to be Union territories or whether they should be given the position of States, should be decided in of the consultation with the people territories concerned or with the representatives of the people of these

Therefore, I think the Law territories. 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. federal Constitution, or a quasi-federal Constitution, has been created for it. Now the essence of federalism is that of various the self-government the 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 taken either from the people of 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.

श्री राजनारायण: मुझे, माननीया, बहुत ही अफसोस के साथ कहना पड़ता है कि इस सदन की प्रिक्रिया नियमावली का ख्याल न करके जो यहां प्रथा चलाई गई है उससे आज का विवाद जो होना चाहिए वह नही हो पाया है। हमने क्यों अमेडमेट मूव किया आज अब तक जितने वक्ता बोले है उसको किसी ने छुआ भी नही, उस पर कोई चर्चा नही हुई। ऐसा लगता है कि इस अमेडमेंट को रखने का कोई मकसद नहीं। मैं चाहूंगा कि यहां जो पालियामेटरी पद्धति के जानकार लोग है अब तक जो प्रेक्टिस रही हो उसमे ऐसा कोई संशोधन करें जिससे कि मूवर आफ दि अमेंडमेट जो हो उसका माइन्ड पहले एवसपोज हो जाए यानी वह अमेडमेट क्यों मूव कर रहा है।

देखा जाए तो आज का जो बिल है, विधेयक है, वह बिल केवल कांस्टीट्यूशनल अमेंडमेट है। इसमें न कही पंजाब है, न कहीं हिसार है, न कही चंडीगढ़ है, न वहीं गोआ

Amdt.) Bill, 1966

जारहा है:---

है और न कही मैसूर और महाराष्ट्र का झगड़ा है, मगर सारा मसला आ गया इस पर । अब आप खुदबखुद हमारी दिक्कत को महेनजर रखे । हमारे आखिर मे बोलने का मतलब क्या हुआ । हम अपने अमेडमेट पर बोले या सदन मे जितना विवाद हुआ, डिस्फशन हुआ उस सबको रेफर करे । इसलिए अपनी दिक्कत को सामने रखते हुए पहले ही अर्ज किए देता हूं कि समय का ख्याल रखा जाए ।

अमेंडमेट चूंकि अंग्रेज़ी मे मिला है, इसकी हिन्दी कापी नही मिली, अंग्रेजी मे पढ़े दे रहा हुं, 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 Constitution (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 केवल यह है कि अगर यह विधेयक 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 मकते हैं। इसके पहले मुप्रीम कोर्ट की कोई ऐसी रूलिंग हुई है जिसके मुनाबिक स्टेट का मतलब यूनियन टेरीटरी नहीं होता। उसी दिक्कत को दूर करने के लिए हमारे कानून मंत्री महोदय आज इस विधेयक को इस सदन में लाए हैं। मगर इसका परपज इतना ही "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 मतलव यह होगा कि अगर यह बिल कानुन की शक्ल ले लेता है तो काग्रेस सरकार की इच्छा पर है, उनकी स्वीट विल पर है कि आज जिस स्टेट की हैसियत स्टेट की है उसको युनियन 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 हूं कि क्या सदन के सम्मानित सदस्यो की यह ख्वाहिश है कि इस सरकार को इतना 'अधिकार दे दिया जाए कि आज जैसे उत्तर प्रदेश है उसको युनियन टेरीटरी कहने लगे, बिहार को युनियन टेरी-टरी कहने लगे, मध्य प्रदेश, राजस्थान को युनियन टेरीटरी कहने लगे। इतनी जबरदस्त पावर केवल इस नाम पर यह सरकार ने रही है कि हम तो एक छाटा-सा दो लाइन का कांस्टीट्यूशनल अमेडमेट लाए हैं । यह कास्टीट्युशनल अमेडमेट नही है, बल्कि यह अमेडमेट अगर कारगर हो जाता है तो इससे इतना अनर्थ हो सकता है कि सारा का सारा देश न मालूम कितने टुकडे, कितनी यूनियन टेरीटरी और कितने नए स्टेट मे बदल मकता है।

श्री लोक नाथ मिश्र यह अनकांस्टीट्यू-शनल अमेडमेट है।

श्री राजनारायण : देखा जाए । पहले के कास्टीट्यूशन में साफ है कि स्टेट यूनियन टेरीटरी नहीं है, स्टेट बनाई जा सकती है, उस स्टेट की कुछ सीमा दूसरी स्टेट में दी जा सकती है, मगर उस स्टेट को यूनियन टेरीटरी नहीं बनाया जा सकता । इस बारे में

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श्री राजनारायण

पहले का कास्टीट्यूशन साफ है। पहले का कास्टीट्युशन यह नही वहता कि आज जो उत्तर प्रदेश स्टेट है सरकार तो उसको युनियन टेरीटरी बना दे। यह असम्भव है अगर पहले का कास्टीट्यूशन रहता है। अगर यह अमेडमेट पास हो जाता है, कानून की शक्ल ले लेता है तो यह सरकार उत्तर प्रदेश, बिहार, राजस्थान, मध्य प्रदेश, महाराष्ट्र किसी को भी युनियन टेरीटरी मे बदल सकती है। इसलिये मेरा जबरदस्त विरोध है और इसीलिए मैं चाहता था कि मझको सबसे पहले मौका मिलना चाहिए कि मैं इसको सेलेक्ट कमेटी में ले जाने की बात क्यों कर रहा हं। मैंने सुबह जो संवैधानिक अधिकार, पालियामेटरी अधिकार, हमारे पर आता है उसको मद्देनज़र रखते हुए ला मिनिस्टर साहब से जानने की कोशिश की थी मगर ला मिनिस्टर साहब भी जो है वह भी जिस हिसाब से और जिस हालत में आज काग्रेस रूलिंग पार्टी मे अराजकता फैली हुई है उमके शिकार हो रहे है और मैं तो यहा तक कहने को तैयार ह कि श्री पाठक जो है वह आज अपने मस्तिष्क को, अपने दिमाग को एक्सप्लायट करा रहे है, काग्रेस पार्टी के लोगो के जरिये जो कि इस मुल्क को चौपट किये हुए है।

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

मैं निहायत अदब के साथ श्री जैरामदास दौलतराम और जो पुराने कांग्रेस के मेम्बरान यहां सदन मे बैठे हुए है उनसे आपके जरिये अर्ज करूंगा कि जरा इसका गहराई से देखा

जाए । यह मसला महज छोटे-मोटे पंजाब ना नहीं या पजाब के दो भाग करने का या चडीगढ इधर रहे या उधर रहे या हरियाना बने या न बने, ऐसा ही मसला नहीं है। यह मसला बडा अहम है। अगर इस मसले को ठीक से न देखा गया तो अब तक जो अनर्थ हुआ है उससे भयंकर अनर्थ होगा और हमारे देश की जनता पता नही किस गर्तमे चली जाएगी। क्या इसमे किसी को विरोध है काग्रेस मे, गाधी जी की काग्रेस में । आज की काग्रेस को में कांग्रेस पार्टी कहता हूं, गाधी जी की काग्रेम को काग्रेस कहता हू, क्योंकि उस समय नाग्रेम थी आज नहीं है, अब नांग्रेस पार्टी है। उस समय काग्रेस में हम सब एक दूसरा विधान, एक दूसरा नास्टीट्यूशन रखते हुए, अलग-अलग पार्टी रखते हुए शामिल हुए थे, वह काग्रेस थी । अब कांग्रेस पार्टी है क्योकि अब उसमे दूसरी पोलिटिक्ल पार्टी एक आर्गे-नाइज्ड सिस्टम को, एक प्रोग्राम को, रजिस्टर्ड मेम्बर को रखते हुए नहीं शामिल हो सकती है। यही फैसला तीन आदिमियों की कमेटी के जरिए हुआ । उसमे आचार्य नरेन्द्र देव, आचार्य कृपलानी और श्री पुरुषोत्तम दाम टंडन जी थे, काग्रेस के संविधान में संशोधन 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 काग्रेस के अन्दर कोई पार्टी नहीं रह सकती । केवल आचार्य नरेन्द्र देव इस राय के थे 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 सोशलिस्ट पार्टी ने अपने को कांग्रेस से अलग कर लिया और आचार्य नरेन्द्र देव ने उसी समय कह दिया कि हमारी जगह काग्रेस में नहीं है क्योंकि यह एक अलग पोलिटिकल पार्टी बन गई है, इसका एक राष्ट्रीय मंच का स्वरूप समाप्त हो गया है। तो मझे 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 तोड-फोड़ हो जाए, तब तक यह सरकार 1920 ई० से चली आ रही राष्ट्रपिता बाप की भाषावार प्रान्त की योजना को कार्यान्वित करने को नहीं बढ़ी और उसके बड़े अनर्थकारी नतीजे हुए हैं। में उदाहरण के लिये बताऊं कि श्री रोमोल्ल ने 18-10-52 को अनशन शरू किया, 58 दिन अनशन करने के बाद 15-12-52 को इनका प्राणांत हुआ है। इनका प्राणांत होने के बाद और इस अनशन के बीच में हम।रे मुल्क में क्या बड़ी-बड़ी घटनाएं घट गईं उससे इस सदन के माननीय सदस्य जानकारी रखते होंगे। न मालुम कितने स्टेशन जला दिए गए। कितने स्टेशन तोड डाले गए, बिल्डिगें नष्ट-भ्रष्ट कर दी गईं तब जाकर बाद में 1-10-53 को आंध्र प्रदेश का इनआगरेशन, उद्घाटन हुआ । तब आंध्र बना । में अपने पुराने कांग्रेस के मित्रों से पूछना चाहता हूं कि जरा इस पर गौर करें कि अगर इस जहोजहद के बाद आंध्र का निर्माण न हुआ होता, अगर सारी बातों को मद्देनजर रखते हए हैदराबाद 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 पूरानी 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 कांग्रेम 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 बहत ठीक नहीं लगता कि केवल एक भाषा की ही बुनियाद पर हम राज्यों का गठन कर रहे हैं, यह बिल्कुल गलत बात है, इसमें न मालुम कितनी बातें है जो छिपी हुई हैं, वे सामने आनी चाहिएं, लेकिन अगर भाषा ही बनियाद होती तो बिहार, उत्तर प्रदेश, राजस्थान और मध्य प्रदेश आसानी से एक राज्य बनाए जा सकते हैं, यहां की एक भाषा है, बड़े मज़े 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 मारे राष्ट्र के जन-जीवन को नष्ट किया जा रहा है। वास्तव में, माननीया, हमारे मुल्क में जरूरत थी धन पैदा करने की, दौलत पैदा करने की, दौलत बढाने की, मगर दौलत तो बढी नहीं और जब दौलत नहीं बढ़ी तो एक कहावत है कि लंगडा बिलार घर में ही शिकार, जब बिलार लंगडा हो जाता है, उसका पैर आगे नहीं बढ 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 स्वाहिश ने यह अनर्थ, यह दुर्दिन, यह दुर्दशा हमारे मामने लाकर प्रस्तुत कर दी । मगर हम एक नजीर पेश कर रहे हैं आपके ज़रियें

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

श्री राजनारायण : में बिल पर ही बोल रहा हूं । मैंने दिन भर वैठ करके सबका भाषण सुना है ।

उपसभापति : सबने 10 मिनट में खत्म किया है।

श्री राजनारायण : अगर सब लोग बिल पर ही बोले हों, तो ठीक है।

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

श्री राजनारायण : जरा सुनिये ।

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.

श्री राजनारायण: अमल में अंग्रेजी समझने में हम कुछ कमज़ीर है।

तो मै आपसे एक नजीर के तौर पर कह रहा था, थोड़ा-सा दो-चार मिनट देख लीजिए, 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 अन्तर्राजले का मामला हो वह रहे, हथियार-बन्द पुलिस की व्यवस्था हो, जिले के पास अपने जिले भे सम्बन्ध रखती हुई व्यवस्था हो और गाव के पाम वहां की शिक्षा हो, वहां की सफाई हो, वहां की रोशनी हो, गांव के अन्तर्गत 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 यनियन टेरीटरी में बांटने के लिये ये कदम उठाए जाएं । मैं एक सीधा-सा उदाहरण दे रहा हं, और अपने आप सारे के सारे मसले हल हो गए होते, भाषा के ममले भी हल हो गए होते और मारी बातें हो गई होतीं। और आज भी मैं कहना चाहता हूं कि यह तो भाषा-भाषी का जो अर्थ-अनर्थ है, यह जो नेशनल इन्टीग्रेशन की बात की जाती है यह बिलकुल बेजगह की जाती है और मै समझता हूं कि भाई दौलतराम जी बुजुर्ग है और दूसरे साथी लोग इस बात को समझेंगे। केरल का जो 'रावत' है वह बद्रोनाथ का सबसे बड़ा पूजारी है, यानी बद्रीनाथ के मंदिर की मृति को कोई और पूजारी नहीं छ सकता है, अगर उसको छ सकता है तो केरल का नम्बदरीपाद बाह्मण छ सकता है। रामेश्वरम् का पानी आज भी हमारे घर में चलता है। इन्टोग्रेशन की बात यह है, चूंकि हमारे मित्र सरदार साहब हंस रहे हैं, पंजाब की बात आ गई, मैं कहना चाहता हूं 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, गुरु नानक ने जो हिन्दुओ के अन्दर खराबी थी, उनके अंदर दोष था, उस दोष को दूर करने के लिये उन पर होने वाले हमले को काटने के लिए उन्होने एक व्यवस्था कायम की । मगर बदिनःस्मती थी कि हिन्द जिस ढंग से चल रहे थे वह साम्प्रदायिकता तो टटी नही, एक और सम्प्रदाय बन गया और बन करके आज ऐसी स्थिति पैदा की जा रही है गोया कि हिन्दू में और सिखों में कोई पैदाइशी या बुनियादी, फन्डामेन्टल, डिफरेन्स हो और उनमें काई क्लैश हो । मैं चाहता हूं यह 'क्लैश' मिटे । हमारे सामने मानवता का दुष्टिकोण हो ।

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

श्री राजनारायण : मैंने पढ़ दिया था । देना चाहिये था तो मझसे ले लिया जाए ।

उपसमापति अच्छा. तो आप भाषण समाप्त करे।

श्री राजनारायण यह लिस्ट ले ली जाए। हमने पढ़ भी लिया था । (Interruption)। भाई, हमने पढ दिया था, अब उसको पढ़ने का कष्ट क्यो करे।

श्री एम० एम० धारिया (महाराष्ट्र) . राजनारायण जी, आपके बारे में सब कुछ माफ है।

थी राजनारायण तो मैं यह अर्ज कर रहा था, और आज भी मैं चेतावनी देना चाहता हं आपके जरिये लॉ मिनिस्टर माहब को और लों मिनिस्टर साहब के जिरये दूसरे लोगों को कि यह जो कास्टीट्यूशन अमेन्डमेन्ट है इस कास्टीट्युणन अमेन्डमेन्ट से क्या कोई ऐसी स्थिति पैदा नहीं होगी कि उत्तर प्रदेश के बंटवारे की भी चर्चा होने लगे, दूसरे राज्यो के भी बंटवारे की चर्चा होने लगे। हिमाचल प्रदेश को कुछ हिम्मा पजाब का देना है, चूकि वह युनियन टेरीटर, है और यूनियन टेरीटरी में स्टेट का हिम्सा नही जा सकता इसलिए सरकार को ओर से यह विधेयक यहा पर प्रस्तृत किया गया है। इसने एक अस्थिरता रहेरी, अस्थिरता को रोकना चाहिए। आज इस देण को स्थिर तरीके से ले चलना चाहिये। अगर इस तरह से इस विधेयन को वानुन की शक्ल देनीं है तो इस मुल्य में अस्थिरता बढेगी, अन्सर्टेन्टी बढेगी और पता नहीं यह मुल्क को कहा ले जाएगा। इसलिए मैने तजवाज पेश की है कि इसको सलेक्ट वामेटी में ले जाए। सेलेक्ट कमेटो में जब लोग बैठते हैं तो सेलेक्ट प्रमेटी में बैठ ५ र शान मस्तिष्क से उसके उचित पहलुओ पर गौर करते है, विचार करते हैं।

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

श्री राजनारायण मेरी क्या मुसंवित है। तो दो-चार मिनट सून लाजिए । सभी लोग कह रहे हैं। तो मेरी अर्ज यह है कि मैं सलाह देना चाहता ह कि जब हम सेलेक्ट कमेटी में बैठेगे तो सेलेक्ट कमेटा में बैठकर हम ऐसा भ। कोई इसमें संशोधन कर संयते हैं जिसमें कि आगे के लिये खतरा दूर हो जाए, हम इसको लिमिट कर सकते हैं इसको इस हंग से रख सकते हैं कि जिससे लैगएज फार्मलेट हो, जैसे कि हिमाचल प्रदेश को बनाने के बाद पजाब या दिल्ली वा जिनना हिस्सा जरूरी हो वह हिस्सा उसमे चला जाए, लेकिन दूसरे सूबी को काटने और बिगाडने के। बात की आइन्दा इसमे गुंजायश नही रह जाए । तो मैं चाहता ह इस विधेयक को सेलेक्ट कमेटी में ले जाए और सरकार इसको सेलेक्ट धमेटा में ले जाकर लोगों को मौका दे कि लोग इस तरह से अच्छी तरह साच और समझ सके ताकि जो अन्सर्टेन्टी इस विधेयक के जरिये आगे पैदा हो वह दूर हो और ठीक तरोक से आगे के लिये स्थिर वातावरण में हमारा मुल्कः 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 Haryana was not possible. Of course that is h s 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 Haryana are concerned, I do not think such a drastic amendment of the Constitution was necessary in order to give effect to the intention to create the

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States of Haryana and Punjab because article 3, even if unamended, would have given the power to the 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 the 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 that 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 the 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 the question of taking away part of the Punjab State and adding it to the Union Territory of Himachal Pradesh is concerned, that could or could not have been done with or without amendment of article 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 motives to the Ministry concerned. As consequence of that which naturally lature but may have only a body which follows from his act. I say that the is to function as a Legislature with only proposed amendment has a tremendous those functions which are given to such the motive also for the amendment but which it is sought to be amended then, motives what I submit is if this amend- Bihar and the State of West Bengal may ment is accepted by this House and if be united to form a Union territory this Constitution (Amendment) Bill is only, in which case the people of West pushed through as far as this House is Bengal, for example, may be deprived concerned, very dangerous consequen- of the privilege and advantage of having ces will follow and will result, in this a sovereign Legislature, which they are way, if I may say so.

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

"In this 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 that in all the 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 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. far as we are concerned we are aware If Parliament so chose, not otherwise, a of the position that a person intends the Union territory may not have a Legismischievous consequence in which case, a body by Paliament. That is to say, we can presume that perhaps that was if article 3 is amended in the way in without going into the question of to take my analogy again, the State of l now enjoying. Therefore I am humbly

submitting, Madam Deputy Chairman, Parliament may or may not, by that that this is an amendment with terribly relevant article, I believe article 240, dangerous consequences. Of course the give them the 'body', not a Legislature, Law Ministry may say that 'we' are not but a body like a Legislature. 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 mechanism piece of should not be damaged, and let there be no bull in the China shop of the Constitution to do all the damage spoliation as they choose.

another 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 power to form a new State or Union territory by uniting a part of any 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 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 dangerous amendment which is being

Madam Deputy Chairman, there is another thing also. Look at Part VIII once again and look at articles from 239 Article 239A says onwards. 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 Madam Deputy Chairman, look at from a particular State certain territories of that State, suppose a new territory is formed that way, article 239A will not apply to it, because article 239A will apply only to certain specified Union territories. So this particular Union territory, which may be the formed by Parliament by virtue of this amendment of the Constitution, will not have even the benefit of that shadow State or Union territory to any other 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 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

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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 11 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 the question may be gone into and so that, after going through all aspects of the question, well, this amendment may be decided upon.

Another thing before I finish. After all, as Mr. Ruthnaswamy has very rightly observed, we no doubt have not introduced federalism into our Consti-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 the powers of the States are in this way axed, then where remains our Union? 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): उपसभापति महोदया, जैसा कि माननीय लॉ मंत्री जी 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 बात नहीं है। 1956 में जब एस॰ आर० सो।० रिपोर्ट आई थी तो उस वक्त भो उस पर बहुत चर्चा हुई था। उस वन्त गुजरात, बम्बई और कई जगहों पर तबदोलियां आई थी, मगर पंजाब के बारे में यह ख्याल किया गया था कि उसको इकट्टा ही रखा जाए ताकि यहां पर जो लोग है वे सब मिलकर इक्ट्ठे रहें। मगर उस वक्त भी जा पंजाब प्रदेश के रहने वाले लोग थे, पहाड़ी क्षेत्र 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 हक्म सिंह, स्वीकर लोक सभा की अध्यक्षता में बनी, तो उसने पंजाब के पहाड़ी स्थानों को हिमाचल प्रदेश में मिलाने की सिफारिश की । हम उनके बड़े मशकर है कि उन्होंने इस तरह की सिफारिश की जिसकी 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 मुरब्बा मील है जबिक हिरयाणा का 17 हजार मुरब्बा मील है और पंजाब का 18 और 19 हजार मुरब्बा मील है और पंजाब का 18 और 19 हजार मुरब्बा 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 मिलना है कि उसकी अन्वादी कम है। इस सिलसिल में में यह अर्ज करूंगा कि नागालंड की अःवादी महज 3 लाख 60 हजार के करीब है, जम्मू और काश्मीर की आबादी 35 साख के करीब है और हिमाचल प्रदेश की आबादी

तकरीबन 29 लाख के लगभग है। अगर आबादी का कोई स्पेशल कांसिड्रेशन होता है किसी इलाके को स्टेटहड का दर्जा देने के लिये 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 सिलिसिले में मैं सदन का ध्यान इस तरफ दिलाना चाहता हूं कि वह कौनसी स्टेट है जिसको सेंटर की तरफ से ग्रांट इन एड नहीं मिलता। में आपका ध्यान 1965-66 के बजट में सेंद्रल एड ट्र स्टेट्स की तरफ दिलाना चाहता हुं। पंजःब में टोटल डेफिसिट थी 9,737 लाख रु०, सेंटर से एड दी गई 8,591 लाख रु० और इस तरह 88 परसेंट एड दी गई। आसाम में डेफिसिट थी 6,459 लाख रु०, सेंटर से एड दी गई 6,521 लाख रु० जो हो गई 100 परसेंट। उत्तर प्रदेश में डेफिसिट थी 19.756 लाख रु०, सेंटर से एड दी गई 18,524 लाख रु० जो हो गई 94 परसेंट मध्य प्रदेश में डेफिसिट थी 10,812 लाख रु०, सेंटर से एड दी गई 10,002 लाख रु० जो हो गई 93 परसेंट। बिहार में डेफिसिट थी 10,705 लाख रु०, सेंटर से एड दी गई 10,276 लाख रु० जो हो गई 96 परसेंट। नागालंड में डेफिसिट थी 1.330 लाख रु० सेंटर से एड दी गई 1,330 लाख रू जो हो गई 100 परसेंट। हिमाचल प्रदेश में डेफिसिट थी 1,350 लाख रु०, सेंटर से एड दी गई 1,350 लाख रु० 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 हए 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

हमारी स्टेट असेम्बली या हम लोग प्रपोज करें। ऐसी न हो कि सेंटर ऐसी स्कीमें हमारे ऊपर थोपे जिनकी हमको जरूरत नहीं और कहें कि तुम यह बनाओं, तुम वह बनाओं और उसी में वह सारा रुपदा खर्च हो जाए। वह स्कीमें ऐसी हों जिनसे हम रुपया पैदा कर सकें और अपनी स्टेट को सेल्फसफिशिएंट बना सकें। आज कांगडा के लोग, जिनका हम स्वागत करते हैं, भी हमारे साथ मिल रहे हैं। उनको भी युनियन टेरीटरी में रखा जा रहा है यह उनके साथ बहुत बड़ी ज्यादती है। मै यह समझता हूं कि आज भी वक्त है कि हिमाचल प्रदेश को स्टेटहुड दिया जाए। अगर हिमाचल प्रदेश को पहले ही स्टेटहुड दे दिया गया होता तो आज इस कांस्टिट्यशन अमेंडमेंट बिल की ज़रूरत 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 है कि यह और बढ़ा दिया जाए: "except a Union territory for which there is a legislature" हम चाहते हैं कि उसको ज़रूर 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 टू सिटीजन हैं ? क्या वे वैसे सिटीज नहीं हैं जैसे और स्टेट्स में रहने वाले 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 रिआर्गेनाइजेशन बिल 1956 में आया था तो उस वक्त वह बिल हिम।चल प्रा की असेम्बली में गया था, वहां की अर्फ् बली ने उस पर डिस्कशन किया था और उसरी सारी प्रेसीडिंग यहां भी सर्कु-लेट की गई 🌉। उन्होंने जो नाराजगी जाहिर यह नहा समझता कि यहामिल थी। तो में यह नाए। अगर यह लगाया उजी क्यों लगाया

[श्री सी० एल वर्मा]

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

SHRI G. S. PATHAK: Madam, 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 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.

It was asked: Why do you reduce the level of the Union Territory and why do you not equate the Union Territory with the State Territory, or the have the representatives of the people. Union Territory with a State—to put it more correctly-in the matter of consultation, in the matter of reference to the Legislatures for the purpose of expression of their opinion with regard to Well, that is a point reorganisation? which has been urg some of the speeches in the House today. Madam, it should be remembered that the Union Territory can have a Legislature But this Legislature is not created by the Constitution, 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 Legislature of a Union Territory is created passed by Parliament itself. That is the by Parliament and it is operated passed by Parliament itself. That is the reason why it has never been the intenment to repeal the loss by which the tion of the Constituent Assembly; it was by the Loe repealed by Parliamentri- for the expression of opinion by a legistory 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 opinion of the representatives of Union Territory also. So far as the Territory is concerned, Union 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 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 : in the Union Territory Legislature you

SHRI G. S. PATHAK: True, but Parliament represents the entire country including the Union Territory. ment 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 sub-This Legislature will be jects 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 Legislature of the Union critory is not the intention of the Constituent created In other ory can be gislature Assembly; it was not the intention of of the Union itself and any law plished Parliament when the Seventh Amendby Parliamenture of the Union Temade ment was passed to make a provision t. lature of the earlier Part C State and

distinction between a legislature created latures for the Union Territories. by the Constitution and a legislature created by Parliament which legislature can be abolished by Parliament when-

Constitution (18th

ever Parliament likes.

श्री राजनारायण : आप हमारा ही समर्थन कर रहे हो पाठक जी । अगर आप युनियन टेरीटरी ज्यादा बनाएंगे तो युनियन टेरीटरी सेक्तिन्ड 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. Ruthna-swamy 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 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 That is the position and it is on that Bill for the expression of opinion of the

later the Union Territory legislature. basis that the law was made that Parlia-That is the reason. There is a vital ment will have the right to create legis-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 cons der the question why it is that the Constitutionmakers 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 reorganisa-

> 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 involvfooting from the territories of the States. ed then it is not necessary to send the

[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...

श्री राजनारायण: पाठक जी जरा एक प्रथन का जवाब दें। अगर आपका यह बिल कानून बन जाता है तो बाई मिम्पिल 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।

SHRI G. S. PATHAK: The language of 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.

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

श्री गोपाल स्वरूप पाठक : आप सुनें तो जवाब दें।

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 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 तरह मीट किया जाना चाहिए । पाठक जी कानून के पंडित हैं । पहला आर्टिकल जो कांस्टीट्यूशन 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-क्षेत्र;
- (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 पालियामेंट 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 । मैं माफी चाहता हूं कि मैंने अंग्रेज़ी का शब्द कहा । इसके लिए मैं खुद अपनी भर्त्सना करता हूं । हमें चाहिए कि जहां तक हो सके ज्यादा-से-ज्यादा हिन्दी का और भारतीय शब्दों का प्रयोग करें।

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 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 this 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:

"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:—

Amdt.) Bill, 1966

- 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. Chatteriee
- 12. Shri Rajnarain (Mover);

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

The motion was negatived.

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 Karmarkar, Shri D. P.

Ansari, Shri Hayatullah 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 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. 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.

Constitution (18th

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, Shii 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, Shrı 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

Punnaiah, Shri Kota

Purkayastha, Shri M.

Pushpaben Janardanrai Mehta, Shrimati

Oureshi 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

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Sinha, Shri Rajendra Pratap

Sundaram, Shri K.

Sinha, Shri B. K. P.

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 and by a majority of not less than twothirds 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

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 be voting on it.

THE DEPUTY CHAIRMAN. 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 of the total membership of the House 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 votes. If we do not participate in the discussion 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 registered under the Constitution—he is entitled to have SHRI C. L. VARMA: I am not his say. That is the freedom of speech I have got in this matter spec'fically given by the provisions of the Constitution. Therefore, if we want to speakwhether 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 of the House who feel that there should 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 context of the amedment of the Constitution. That is what I sav.

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: 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: I am very glad to hear that.

THE DEPUTY CHAIRMAN: We will continue with the division.

थी राजनारायण: माननीया, इस प्रश्न पर जरा गंभीरता से विचार किया जाय । देखिये, आर्डर हो गया है तो आर्डर स्वतः मे अवैधानिक है, यानी चेयर को भी किसी मर्यादा में बंध करके आर्डर देना पड़ेगा । यह संविधान में मंशोधन 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 एडवाइजरी कमेटी अनावश्यक 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 anestion is:

"That clause 2 stand part of the Rill."

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

3

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

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.

Mallikarjunudu, Shri K. P.

Mangladevi Talwar, Dr. (Mrs.)

Maniben Vallabhbhai Patel, Kumari

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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

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

Punnaiah, Shri Kota

Purkayastha, Shri M.

Pushpaben Janardanrai Mehta, Shrimati

Oureshi, 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 twothirds 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.

GUPTA: SHRI BHUPESH 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 Punjabi-speaking people

[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. 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, 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 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 without any imagination coming from held in detention by this Government. the Law Ministry—and Shri Pathak is

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 Puniab, that was no reason why the Punjab State Legislative Asseminstead of 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 with leaves a bitter taste in the mouth and I do hope that they shall return to the principle. And I tell you, the Prime Minister is a Member of House, so many of the Cabinet ministers for the first time we have got as Members in this House by the back-door 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 State and not be guided by the legal advice given which is very dry and sometimes It has not been killed but it is held in 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.

Constitution (18th

श्री 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 मे मिलाया जा सके । प्रश्न यह है कि यदि पंजाब का एक बहुत बड़ा भाग हिमाचल प्रदेश मे मिलना है तो फिर हिमाचल प्रदेश को एक संघीय क्षेत्र मे क्यों रखा जाय और क्यो न हिमाचल प्रदेश को एक पुरे राज्य का दर्जा दे दिया जाय ?

दूसरी बात यह है कि इस संविधान में संशो-धन के द्वारा सघीय क्षेत्र की विधान सभाओ को यह अधिकार नहीं मिलता है कि राष्ट्रपति महोदय उनके अस्तित्व के बारे मे उनके परामर्श करे। यह अधिकार अन्य राज्य की विधान सभाओं को है, विन्तु संघीय क्षेत्र की विधान सभाओं को ऐसे अधिकार से विचत कर दिया गया है। मैं समझता हूं कि यह सघीय क्षेत्र की विधान सभाओं के साथ, जनता क साथ न्याय करना नही है।

जहा तक चडीगढ का प्रश्न है, मै यह कहना चाहंगा कि जब किमशन वे बहमत ने यह सिफा-रिश की थी कि चडीगढ को हरियाणा मे जाना चाहिये, तो सरकार को सिफारिश वदलने की आवश्यकता नहीं थी। अगर विम-त्रन का बहुमत यह सिफारिश करता कि चडी-गढ पंजाबी सूबे मे जाना चाहिये, तो क्या सरकार उस सिफारिश को बदलने का साहस करती ? हरियाणा के साथ अन्याय किया गया है, फिर भी मैं चंडीगढ को दोनों राज्यो की सामान्य राजधानी के हक मे हं क्योंकि बहुत-सी ऐसी चीजे हैं जिनको मिलकर रहना है। राजनीतिक पूनर्गठन करने के बाद भी

पंजाब के भगोल को बदला नही जा सकता है. नहरो को और निदयो को बदला नही जा सकता है। पंजाब के जीवन में जो घलीमिली चीज है उसको बाटा नही जा सकता है। लेकिन जिस ढंग से पंजाब का विभाजन किया गया है, उससे अन्य छोटे-छोटे राज्यो की माग को बल मिला है और अन्य राज्यो की मांग को टालना सरकार के लिए मुश्वल होगा।

फिर भी मैं आशा करता हूं कि सरकार ने जो आश्वासन दिये हैं अधिक-से-अधिक मेल-जील बनाये रखने के बारे में उन आश्वासनी पर सरकार ईमानदारी से अमल करेगी।

شرى عبدالغنى (پنجاب) ب ميدم ---باوجود اسکے کہ میں نے اس کے حق میں ووٹ دیا میں عرض کروں گا کہ

کی میرے قتل کے بعد اس نے جفا سے توبہ هائر اس زود پشیمان کا پشیمان هونا

پنجاب کے پہلر دو ٹکڑے ہوئر۔ لاكهون بهن بهائي قتل هوئر برباد ھوئر وھاں کے سہرادے یہاں آ کر فقير بنر اور اب اگر يه لانا هي بها، اگر سرکار کو ایسا اراده کرنا هی تها تو پهر بار بار هرارها بهن ا**و**ر بھائیوں کو جبلوں میں کیوں ڈالا گیا۔ گولیوں سے کیوں مارا گیا۔ سرکارکی یہ کیا پالیسی ہے کہ ایسر وقت میں جب سارے ملک میں پاکستان کی جنگ جیتنے کے بعد نیشنل انٹیگریشن كا جذبه غالب تها تو ىجائر اسكر که سرکار سارے دیس کو یو۔ ہی۔ کے برابر اینر بڑے پرانب کے برابر سات پرانتوں میں بانٹ دیتی۔ سات آئینگی اور آب بھی دیکھینگی اور

[شرى عبدالغني]

اسٹیٹوں میں بانٹ دیتی۔ اس وقت سرکار نر کیوں مناسب سمجھا که وہ پنجاب کی اس مانگ کو کہ جس کے لئر انہوں نر بڑی بڑی قربانیاں پہلر ا کی تھیں نہیں مانا تھا اس کو یکایک مان ليا۔ اس موقعه پر جب هم آج ا پاس کرنر جا ہی رہے ہیں اور اکثریت ، نے اس کے حق میں رائے دی ھے میں شری راج نرائن جی سے یا پاٹھک ا جی سے یا اپنی بہن اندرا جی سے کہنا ہ

> میری بربادیوں پر هنسنر والے اب اسکر بعد تیرا امتحان ہے

ڇاهتا هون که

یہ ناسمکن ہے کہ یو۔ پی۔ کا اتنا بڑا ، صوبه قائم رہے۔

श्री श्रर्ज्न श्ररोड़ा: इतनः बड़ा सुबा कायम रहेगा।

شری عبدالغنی : ارے بهائى ارجن اروزا صاحب اسى هاؤس میں کئی بار هم اسی باتیں سن چکے ھیں ۔ یہ ناسمکن ہے کہ وھاں پهاري لوگ يه نه کهين که هم پچھڑ گئے ہیں اس لئے ہم الگ ہونا چاهتے هيں ۔ مشرقي يو۔ پي ۔ جس کے بہن بھائی آج بہت بری طرح سے پس رہے هیں ان کے لئے یه ناممکن ھے کہ وہ یہ نه کہیں که هم کو برباد کیا گیا ہے۔ اس لئے هم کو الگ کرو ـ هماری مانگ پوری کرو ـ میں یه پاس هو جائے گا تو میں یه | ایسی بیسو باتیں اسی هاؤس میں.

بھائی ارجن اروڑا جی بھی دیکھینگر ۔ لیکن میں کہنا چاہتا ہوں کہ بر شک آج آپ نر پاکستان کی جنگ حیتنر کے بعد بنجابی اور ہریانوی بھائیوں کے دلوں کو جیتنر کی کوشش کی ہے اور آپ نر اس بات کو پسند کیا که هریانه اور پنجاب دو حصول میں بانٹ دیں اور اس کا کچھ حصد هماچل پردیش میں ملا دیا جائر _ میں عرض کرنا چاہتا ہوں کہ اس وقت دیش کو بالکل بھولنا نہیں چاھئے کہ آج چائنا اور پاکستان کی نیت کسی طرح سے بھی صاف نہیں ہے اور اگر صاف نہیں ہے تو ملک میں هر ایک کو هر ایک اسٹیٹ کو کندھے سے کندھا جوڑ کر جاھے وه کوئی اسٹیٹ ہو جاہے وہ کسی دھرم سے کسی پارٹی سے تعلق رکھتا هو كام كرنا چاهئر ـ اس وقت تمام پارٹیوں نے دشمن کا سامنا کیا تھا اور اس وقت کسی پارٹی نے بھی ہے وفائی نہیں کی تھی۔ اگر کوئی كهه سكتا هے كه ليفشك كميونسن بھائی نہیں مانے تو میں نہیں مانتا کہ ان میں بھی جذبه حب الوطن نہیں تھا وہ بھی وطن کے ساتھ چلنے والے تھر لیکن وہ اپنے خیالات کی جیت چاہتے تھے ۔ اب جب ھم یہ پاس کرنے جا رہے ہیں اور ابھی تھوڑی دیر

ا عرض كرنا چاهتا هول كه بهائي راج نرائن جی نے جو یہ بات کہی ھے کہ ''ملک کے اور ٹکڑے کرنر کی نه کوشش کیجئر،، جو آپ کر چکر وہ آب کو مبارک لیکن میں یہ جاننا چاهنا هوں که کیا هماری سرکار اور سرکار کے تمام سانھی جو يهال موجود هيل وه كيا اتنر هي سریس نهر _ وه اگر اتنے سیریس هویے نو یه آج سے بہت پہلے امینڈ مینٹ پاس هو گيا هوتا ليکن پېلي بار کورم دو نهائی کیوں نه هو سکا اور کیوں دنیا کے سامنر ایک مذاق اڑایا لوک سبھا نے اس کے معنی یه لئے که اس وقب بھی سرکار کا من جو مھا وه ایک نهیں مها دو چیتا تها وه دبدها مبن تهی که یه پاس کرین یا نه کریں اور اتنا بھروسہ کسی پر کیا جائے یا نه کیا جائے۔ اس لئے اس وقت وه پاس نهیی هو سکا اور اس میں کافی هماری پارلیمنٹ کی شان جو تھی اس کو بٹھ لگا۔ اب آب نے ارادہ کر لیا ہے اور اگر کر لیا ہے تو پهر ميں يه عرض کروں کا که بڑی خوب صورتی کے ساتھ ان تینوں اسٹیٹوں کو بنائیر اور ان کو دبدھا میں نه رکھئر ۔ هریانه کو پنجاب کو هماچل پردیش کو۔ ورنه لوگ کہینگے که اگر سرکار هماچل کو وهی درجه نهیں دیتی تو اور یہ جو اسٹیٹیں ہیں وہ سوف پورا | اس کی نیب میں تھوڑا فرق ہے اور

اس کو بھروسہ نہیں ہے کہ وہ پورے طور پر مقابلہ کر سکے دسمن کا اور ان عناصر کا جو ان کے اندر هيں ـ ميں ايسا نهس مانتا ـ آب مه نه كبجر كه جس طرح ايست الذيا كمبنى جگه جگه ابنى نجارتى کوٹھیاں بناسی بھی تجارت کے لئے آب بھی اسی طرح اپنے سینٹر کے چھوٹے چھوٹے ٹھکانے اور سیل بنائس ـ جیسے کہ آب چنڈی گڑھ کو بنا رہے ہیں ۔ آپ اپنر ٹھکانر اور سل ىنائر كى كوسس مب كيجئر ـ هم ں اس باب سے خوس ھیں اگر آج بھی ا آب پارلیمنٹ کی اکثریت کو اس پر راصی کر سکس که ساری اسٹیٹیں جو هیں وہ صرف ویل فبئر اسٹبٹ رہ جائیں اور لا اینڈ آرڈر سے ان کا کوئی ىعلق نه هو۔ اور پوليس جو ھے وہ بھی سینٹر کا سبجکٹ بن جائر ۔ کیونکہ علاقہ ہو اس باب ہر جھگڑے هس که هماری زبان کی اس مس نرمی نہیں ہونی یا آب مدد نہیں کرر ۔ ھمارے صوبر زبان کے آدھار پر بننر چاہئیں ۔ کوئی کہتا ہے کہ ہماریے علا**قه** کی بھلائی نہیں ہونی اس لئے ہمارے علاقہ کی بھلائی ہونی چاہئے ۔ دو بھلائی میں یہ کہاں آیا ہے کہ ملک چھوٹے چھوٹے حصوں میں بٹ جائے ۔ میں تو یہ چاہتا ہ*وں ک*ہ سمام اسٹیٹس بڑے بڑے کارپوریشن بن جائیں

[شرى عبدالغني] کر لیں اور وہ جتنے منسٹر بنانا چاہیں هول اتنے بنا لیں ۔ ۱۰ کی جگه . ه بنانا چاهیں تو پچاس بنا لیں لیکن وزیروں کی حیثیت آج کیا هے ۔ ؟ كسى زمانه ميں ميڈم يه حالت تھی که ایک نمبردارکی بڑی عزت هوتی تھی اور میونسپلٹی کا ایک معمولی معبر بھی ہو تو لوگ اس کو سلام کرتے تھر اور پیار سے اس کو ویلکم کہتر تھے۔ آج یہ حالت ہے کہ پارلیمنٹ کا کوئی ممبر تو کیا منسٹر بھی چلا جائے تو منسٹر کو بھی ٹکا سیر ھی گنتے ہیں ۔ یعنی ٹکا سیر کھاجا ٹکہ سير بهاجي - جو ممبر هے اس کو جس درجه تک یه سرکار نے آئی ہے اس میں کیا گلا هو سکتا ہے جب منسٹروں کی هی یه حالت هے ـ میں یه عرض كرنا جاهتا هوں كه آب اس وقت ايسى ایک اسپرٹ پیدا کیجئے ۔ اور آپ نے هریانه بنا دیا وه مبارک هو . آب نے پنجاب بنا دیا وہ بھی **مبارک** ہو اور اب هماچل کی ناک میں آپ نر تھوڑی سی جو نتھ آپ نے ڈالی ہے اس نتھ کو آپ اس کی ناک سے نکالئے اور اسکو بھی پورا ادھیکار دیجئے تاکه اپنی بھلائی اپنے 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

تھا کہ بعض باتیں ایسی کی هیں

شریمتی اندرا جی نے جو پنڈت جی بھی نہیں کر سکر ۔ ؟ یعنی ڈیولیوایشن کیا اور پنجاب کی نئی اسٹیٹس بنائیں اس پر ملک میں ایک طوفان اٹھا ایک بڑا الجهاؤ پیدا هوا ـ بڑا مقابله کونا پڑے گا۔ لیکن حالات کے مطابق جو انہوں نے صحیح سمجھا اس کو راتوں رات طے کیا اور صبح دنیا کے سامنے ڈیولیوایشن آئی ـ اسی طرح سے یه بھی انہوں نے ایک من بنایا ۔ انکو کافی مشکل تھی جب وه آتی تھیں لیکن انہوں نے ایسا سوچا کہ پنجاب جو پہلر سے ھی کافی زخمی ہے اس کے تین ٹکڑے کئر جائیں یا نه کئر جائیں لیکن جب انہوں نر دیکھا کہ کرنا ہے تو وہ کر گذریں۔ اور یہ مبارک ہو۔ اس کے ساتھ میں یہ بھی درخواست کرتا هوں که یہاں ایک موڑ آنا چاھئر۔ ملک کے ذھن میں ایک موڑ آنا چاهئے ۔ ایک طرف تو ساری دنیا آکٹھی ہو رہی ہے ہو۔ این ۔ او ۔ کی شكل ميں اور آپ ايسا سوچتر هيں كه هندوستان میں کسی کے تلوے میں کانٹا چبھے تو اس کا روس والوں کو احساس هو _ امریکه والوں کو احساس ھو اور ایک طرف ھم ملک کے ٹکڑے پر ٹکڑے کرتے چلے جا رہے ہیں۔ میری مودبانه درخواست هے میڈم۔ آپکر ذریعه اپی سرکار سے که وہ ایک من بنائر که سارے ملک میں [24 AUG. 1966]

واقعی نیشنل انٹیگریشن یا اموشنل انیٹیگریشن کو عملی جامه پہنایا جا سکے اور یمی ایک جذبه سارے ملک میں يبدا هو - كتني چهوڻي اسٹيٺ هو كتني بڑی اسٹیٹ ہو وہ ایک ویلفیر اسٹیٹ بنے وه پارٹی بندیوں کی اسٹیٹ نه هو ـ پارٹی بازی کی اسٹیٹ نه هو اور پھر ایسا هی نقشه سامنے نه آئے جیسا که ۲۲ کو لوک سبھا میں اور ۲۷کو همارے یہاں ہونے جا رہا ہے کہ ملک کی بربادی کسی طرح سے اپنے ہاتھوں سے ہوتی ہے۔ اندرا جی کے لئے یہ کڑوے گھونٹ اور کڑوی گولی کی طرح ہے کہ کتنا ھی ان کی عزت کرتا هوں اور ان کا ساتھی هوں اور کہتا ھوں که اگر ان پر یه الزام آتا ہے کہ ان کے منسٹروں نر ابیوز آف ہاور کیا ہے اور انہوں نے کروڑوں کے جھوٹے اور غلط لائسنس بے ایمان فرموں کو کس طرح غلط طور پر دیئے ھیں تو اس طرح کی غلطیوں کو اندرا جی نے درست کرنا ہے اور ان کو یہ کڑوے گھونٹ پینے ھی چاھیئں اور دو تین چار منسٹر اس میں جو بھی آتے ہوں جن کو پی۔ اے۔ سی۔ نے مانا ہے که انہوں نے غلط کاروائی کی ہے ان کے بارے میں وہ کڑوے گھونٹ ہی جائیں ۔ یہ کڑوے گھونٹ بالكل امرت هونگر ملك كے لئر۔ اس سے کانگریس جس نے ماضی میں بڑی قربانیاں کی هیں اس کی شان میں

چار چاند لگینگر ۔ یه بھی میں نر اس خیال سے کہا ہے کہ اندرا جی جن کو لوگ کہتر ھیں که وہ نیک هیں دیانتدار هیں اس لئے انہیں بددیانتیوں کی سزا دینی چاھٹر وہ ابک ایسا نقشه بیدا کریں که جو کرپٹ منسٹر ہیں ان کو وہ ختم كرين تاكه ملك مين هندوستان مين اور تمام دنیا میں ان کی عزت افزائی هو اور ان کی شان دوبالا هو اور وہ رشوت کو ختم کرنر اور دیانتداری کو عملی صورت دینر سے هي هو سكتي هـ لهذا وه ايسر اقدام کریں جن سے رشوت ختم ہو۔

† श्री अब्दुल ग्रनी (पंजाब) : मैडम, बावजूद इसके कि मैंने इसके हक में वोट दिया मैं अर्ज करूंगाकि:

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

पंजाब के पहले दो ट्कड़े 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 मे जब सारे मुहक 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 मे बांट देती, उस वक्त सरकार ने क्यों मुनासिब समझा कि वह

†[] Hindi transliteration.

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[श्री अब्दुल ग़नी]

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

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

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

श्री अर्जुन अरोड़ा : इतना बड़ा सूबा कायम रहेगा ।

श्री अब्दुल गनी : अरे भाई अर्जुन अरोड़ा साहब, इसी हाउस में कई बार हम ऐसी बातें मुन चुके हैं। यह नामुमिकन है कि वहा पहाड़ी लोग यह न कहें कि हम पिछड़ गये है, इसलिए हम अलग होना चाहते हैं। मणरकी यु० पी० जिसके बहन-भाई आज बहुत बुरी तरह से पिस रहे हैं उनके लिए यह नामुमिकन है कि वे यह न कहें कि हमको बरबाद किया गया है, इसलिए हमको अलग करो। हमारी मांग पूरी करो। ऐसी बीसा बाते इसी हाउस में आएंगी और आप भी देखेगी और भाई अर्जुन अरोड़ा जी भी देखेंगे । लेकिन मैं कहना चाहता हूं कि बेशक आज आपने पाकिस्तान की जंग जीतने के बाद पंजाबी और हरयानवी भाइयों के दिलो को जीतने की कोशिश की है और आपने इस बात को पसन्द किया कि हरयाना और पंजाब दो हिस्सों मे बांट दें और इसका कुछ हिस्सा हिमाचल में मिला दिया जाए। मैं अर्ज करना चाहता हं कि इस वक्त देश को बिल्कुल भूलना नहीं चाहिए कि आज चायना और पाविस्तान 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 लेफ्टिस्ट कम्युनिस्ट भाई नहीं माने तो मैं नहीं मानता कि उनमें भी जजबा हब्बल-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 हुं 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 मुबारक, लेकिन मैं यह जानना चाहता हं कि क्या हमारी सरकार और सरकार के तमाम साथी जो यहां मौजूद है वह क्या इतने ही मीरियस 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 उड़वाया लोक सभा ने । इसके मायने यह लिए कि इस वक्त भी सरकार का मन जो था वह एक नहीं था दो चेता था वह द्विधा में थी कि आया यह पास करे या न करें और इतना भरोसा किसी पर किया जाए गा 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 मैं यह अर्ज करूंगा कि बड़ी खुबसूरती के साथ आप इन तीनों स्टेटों को बनाइये और उनको द्विधा में न रखिए हरियाना को, पंजाब को, हिमाचल प्रदेश को। वरना लोग कहेंगे कि अगर सरकार हिमाचल को वही दर्जा नहीं देती तो उसकी नीयत मे थोडा फर्क है । और उसको भरोसा नही है कि वह पूरे तौर पर मुकाबला कर सके दुश्मन का और उन अनासर का जो उनके अंदर है। मै ऐसा नही 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

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ठिकाने और सैल बनाएं। जैसे कि आप चंडीगढ़ को बना रहे है। आप अपने ठिकाने और सैल बनाने की कोशिश मन कीजिए। हम तो इस बात से खुश है अगर आज भी आप पार्लियामेट की अकसीरियत को इस पर राजी कर सके कि सारी स्टेटे जो है वे सिर्फ वेलफेयर स्टेट रह जाए और ला एण्ड आर्डर से उनका कोई ताल्लुक न हो और पूलिस जो है वह भी सेटर का सबजेक्ट वन जाए क्योंकि इलाके तो इस बात पर झगड़ते हैं कि हमारी जबान की इसमे तरक्की नहीं होती या आप मदद नहीं करते। हमारे सूबे जवान के आधार पर बनने चाहिए । कोई वहता है कि हमारे इलाके की भलाई नही होती इमलिए हमारे इलाके की भलाई होनी चाहिए। तो भलाई में यह कहा आता है कि मुल्क छोटे-छोटे हिस्सो में बट जाए । मैं तो यह चाहता ह कि तमाम स्टेटे बडे-बडे कारपोरेशन बन जाएं ओर यह जो स्टेटे है वह शौक पूरा कर ले और वह जितने मिनिस्टर बनाना चाहती हों उतने बना ले। 10 की जगह 50 बनाना चाहे तो पचास बना ले लेकिन वजीरो की हैसि-यत आज क्या है ? किसी जमाने में मैंडम यह हालत थी कि एक नम्बरदार की बड़ी इज्जन होती थी और म्यूनिसिपैलिटी का एक मामूली मेम्बर भी हो तो लोग उसको सलाम करते थे और प्यार से उसको वेलकम कहते थे। आज यह हालत है कि पार्लियामेट 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 उसमे क्या गिला हो सकता है जब मिनिस्टरो की ही यह हालत है। मै यह अर्ज करना चाहता हूं कि आप इस 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 मे आपने थोड़ी-सी जो नथ आपने डाली है इस नथ को आप निकालिए और उसको भी पूरा अधिकार दीजिए

ताकि अपनी भलाई अपने इलाके की भलाई वह खुद अपने आप कर सके और अपनी मर्ज़ी के मुताबिक चल सके। मुझसे राजनारायण भाई खफा भी हो गये थे लेकिन मैने इसलिए अर्ज किया था कि बाज बाते ऐसी की है श्रीमती इन्दिरा जी ने जो पंडित जी भी नहीं कर सके। यानी डिवेल्यूएशन की और पंजाब की नई स्टेटे बनाई इस पर मुल्क मे एक तूफान उटा, एक बड़ा उलझाव पैदा हुआ, बड़ा मुकाबला करना पड़ेगा। लेकिन हालात के मुताबिक जो उन्होने सही समझा उसको रातोंरात तह किया और स्बह द्निया के सामने डिवेल्युएशन आ गई। इसी तरह से यह भी उन्होने एक मन बनाया। उनको काफी मुश्किल थी जब वह आई थी लेकिन उन्होने ऐसा सोचा कि पंजाब जो पहले से ही काफी जख्मी है उसके तीन टुकड़े किए जाऐ या न किए जाएं लेकिन जब उन्होने देखा कि करना है तो वह कर गुजरी। और यह मुबारिक हो । इसके साथ मै यह भी दरख्वास्त करता हूं कि यहा एक मोड़ आना चाहिए । मुल्क के जहन में एक मोड़ आना चाहिए। एक तरफ तो सारी दुनिया इकट्ठी हो रही है यु० एन० ओ० की शकल मे और आप ऐसा सोचते हैं कि हिन्दुस्तान में किसी के तलवे मे कांटा चुभे तो उसका रूस वालो को एहसास हो। अमेरिका वालो 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 मे वाकई नेशनल इंटीग्रेशन या इमोशनल इटीग्रेशन को अमली जामा पहनाया जा सके और यही एक जजबा सारे मुल्क मे पैदा हो । कितनी छोटी स्टेट हो कितनी बड़ी स्टेट हो वह एक वेलफेयर स्टेट बने, वह पार्टी बिदयो की स्टेट न हो । पार्टी बाजी की स्टेट न हो और फिर ऐसा ही नक्शा सामने न आए जैसा कि 22 को लोक सभा में और 27 को हमारे यहा होने जा रहा है कि मुल्क की बरबादी किसी तरह से अपने हाथों से होती है। इंदिरा जी के लिए यह कड़वे घूट और कड़वी गोली की

[श्रो अब्दुल गनी]

तरह है कि कितना ही उनकी इज्जत करता हूं और उनका साथी हूं और कहता हूं कि अगर उन पर यह इलजाम आता है कि उनके मिनि-स्टरों ने अब्यूज़ आफ पावर किया है और उन्होंने करोड़ों के झुठे और गलत लाइसेंस बेईमान फर्मों को किस तरह गलत तौर पर दिए हैं तो इस तरह की गलतियों को इंदिरा जी ने दूरूस्त करना है और उनको यह कड़वे घूंट पीने हो चाहिएं और दो-तीन-चार मिनिस्टर इसमें जो भी आते हों जिनको पी० ए० सी० ने माना है कि उन्होंने गलत कार्रवाई की है उनके बारे में वह कड़वे घूंट पी जाएं यह कड़वे घंट बिल्कुल अमृत होंगे मुल्क के लिए। इससे कांग्रेस जिसने माजी में बड़ी कुर्वानियां की हैं उसकी शान में चार चांद लगेंगे। यह भी मैंने इस ख्याल से कहा है कि इंदिरा जी, जिनको लोग कहते हैं कि वे नेक हैं, दयानतदार हैं इसलिए उन्हें बद-दयानतों को सजा देनी चाहिए वह एक ऐसा नक्शा पैदा करें कि जो करप्ट मिनिस्टर हैं उनको वह खत्म करें ताकि मुल्क में हिन्दुस्तान में और तमाम दुनिया में उनकी इञ्जत अफजाई हो और उनकी शान दोबाला हो और वह रिश्वत को खत्म करने और दयानतदारी को अमली सूरत देने से हो सकती है लिहाजा वह ऐसे इक़दाम करें जिनसे रिश्वत खत्म हो।

श्री गोडे मुराहरि (उत्तर प्रदेश) : जो विधेयक हमारे सामने हैं वह हमारी सरकारी पार्टी का इस चीज को कबूल करना है जो कि उनकी बीस साल की नीति है वह गलत है और उसके कारण आज हमारे सामने ऐसा विधेयक लाया गया है। इसके पीछे जो कुछ भी आन्दो-खन चला है उस प्रदेश में जिसका बंटवारा करने की योजना बन रही है उससे यह मालूम होगा कि सरकारी दल के ही लोग ऐसे मामले में हमेशा अगुआ रहते हैं। मुझे ऐसा लगता है कि यह ऐसा आखिरी विधेयक नहीं है, आगे भी ऐसे विधेयक हमारे सामने आएंगे क्योंकि कई तुँसे प्रदेश हैं जहां इस तरह का आन्दोलन चल रहा है। मैं मानता हूं कि आज महाराष्ट्र और मैसूर का भी एक मामला है और कई जगह ऐसे मामले हैं और में जानता हूं कि कांग्रेस के ही कुछ नेता लोग इन आन्दोलनों को बढावा देते हैं। जब यह आन्दोलन चलते हें तो इन आन्दोलनों में विरोधी दलों को भी हिस्सा लेना पड़ता है क्योंकि एक मसला खड़ा हो जाता है तो उनको उस मसले का सामना करना पड़ता है। मसला कौन खड़ा करता है ? यही कांग्रेस । खासकर इस ढंग के जो मसले होते हैं कांग्रेसी नेता लोग खुद खड़े करते हैं और बाद में जो आन्दोलन चलते हैं उनमें लोगों को गोली से मारते हैं और कई लोगों की जान लेने के बाद इस तरह का विधेयक सामने लाते हैं । मैं तो इस कांग्रेस सरकार को और जो सरकारी पार्टी है उसको पूरा दीषी ठहराऊंगा उन सब लोगों की मौत के लिए जो आन्ध्र से लेकर पंजाब तक मरे हैं। जितने भी लोगों की जानें गई हैं जो भाषावार राज्य चाहते थे उन सब का खून इस सरकार ने करवाया है। उन सबके खून के बल पर इस तरह का विधेयक हमारे सामने आया हुआ है। हम न इसके पक्ष में वोट दे रहे हैं, न विपक्ष में दे रहे हैं। हम यह कह देना चाहते हैं कि यह आखिरी विधेयक नहीं है, अभी और आयेंगे। अब देश के और टुकड़े होंगे, कहीं जोड़ा जायगा, कहीं फिर उसको तोड़ा जायगा । यह सब होने वाला है क्योंकि हरएक बार जब आम चुनाव आता है तो हम देखते हैं कि इस तरह का मसला खड़ा हो जाता है और उसका हल भी हो जाता है। किसी आम चनाव के पहले महाराष्ट्र और गुजरात अलग बन जाता है, किसी आम चुनाव के पहले पंजाबी सूबा और हरियाना अलग बन जाता है। ये मसले सब कांग्रेस के ही लोग खड़े करते हैं और फिर उसका हल ठीक चुनाव के मौके पर करके अपने बल को कायम रखने की साजिश चलाते हैं। इसके फलस्वरूप इस तरह के मसले हमारे सामने आते हैं।

में सरकार से पूछना चाहता हूं कि जब पंजाब के बारे में इस तरह का फैमला किया और एक विधेयक लाई तो क्या बात है कि केरल में वह 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 चूंकि गैर कांग्रेमी लोग थे इसलिए असेम्बली को भंग कर दिया गया। महाराष्ट्र और गुजरात जब अलग हुए तो वहां की असम्बली के ही लोगों को टुकड़ों में वांट कर गुजरात में जोड दिया जाता है और कुछ को महाराष्ट्र में जोड़ दिया जाता है। पंजाब लेजिस्लेटिव असेम्बली के मेम्बर, पूरानी असेम्बली के भेम्बर मौजूद है, वह असेम्बली कायम है। उसको कायम रखते हुए, यह विभाजन किया जाता है क्योंकि कांग्रेस की अंदरूनी परिस्थिति ऐसी नीति चाहती है। इसिलए मेरा कहना है कि देश के हित या देश के लोगों के हित को न देख कर, नांग्रेस के अन्दर जो राजनीतिक दलबन्दी चलती है उसके कारण कांग्रेस नरकार ऐसी नीति अवनाती 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 म्राहरि: में सबको जानता हूं...

THE DEPUTY CHAIRMAN: Please wind up now,

श्री 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. CHATTERJEE: In Kerala the Leftists formed a majority but the 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.

THE DEPUTY you want to reply?

SHRI G. S. PAT

THE DEPUTY

question is:

"That clause 1 mula and the Tit Bill."

SHRI RAJNARAIN: Madam, . . .

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

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

THE DEPUTY CHAIRMAN: will give you two minutes.

श्री राजनारायण: आपके द्वारा दो मिनट का जो समय मिला है उसीमें अपने भाषण को समाप्त करने का प्रयतन करूंगा। में बिलकुल 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 खपाया है उनसे निवेदन करना चाहता हूं 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 भी 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 नं 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।

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

THE DEPUTY CHAIRMAN: Do you want to reply?

SHRI G. S. PATHAK: No, Madam.

THE DEPUTY CHAIRMAN: The question 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 Ali

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, 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

Gillbert, 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.

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

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

Pillai, Shri J. Sivashanmugam

Punnaiah, Shri Kota

Purkayastha, Shri M.

Pushpaben Janardanrai Mehta, Shrimati

Oureshi, 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 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 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, 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.

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.

THE Dorder, order.

SHRI B. It talking of the do, but when who sponsor certain indication in the second time during the last talking of the do, but when who sponsor certain indication is all I want.

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 States, but also to introduce a mental 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 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 political point of view, it would 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.

Secondiy, now it is competent for Parliament to have as many Territories as they like in this country and the Law Minister has said that conand stitutionally 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

[Shri Niren Ghosh.]

the Hariana Prant 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 have been 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 Bhuwalka, Shri R. against another, making census reports Bobdey, Shri S. B. 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 the country. You are actually helping the disintegration of India. You 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

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

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.

Chagla, Shri M. C.

Chaman Lall, Diwan

Chandra Shekhar, Shri

Chandrasekhar, Dr. S.

Chatterii, 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 Jaisukhlal

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 Davaldas

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.

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

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.

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 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.

Calling Attention

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 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 twothirds of the Members present and voting.

CALLING ATTENTION TO A MAT-TER OF URGENT PUBLIC IMPOR-TANCE

to a matter of

ACCIDENT IN THE BIRLA TECHNICAL 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, EMPLOY-MENT 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, namely, District Magistrate; Joint Commissioner 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.