

श्री सभापति : तारिक साहब आप सन्नरीफ रखिये ।

श्री अ - - - - - طارق : मैं

اعتراف کرتا ہوں اور مجھے رائٹ ہے اس ہاؤس میں اپنی صفائی دینے کا - جہاں تک اس خلوص و عقیدت اور احترام کا تعلق ہے جو ایک ممبر کو چہرہ من کے ساتھ ہونا چاہئے اس کے پیش نظر مجھے اس بات کا اعتراف ہوا کہ مجھے یہ تہوی کسٹاخ ہوئی ہے اور ذاتی طور پر جو عقیدت مجھے کو ہے اس کی بنا پر اس بے ادبی کے لئے میں اپنی شرمندگی کا اظہار کرتا ہوں -

†[श्री ए० एम० तारिक : मैं ऐतराफ करता हूँ और मुझे राइट है इस हाउस में अपनी सफाई देने का । जहां तक इस खलूसो-अकीदत और ऐहतराम का ताल्लुक है, जो एक मेम्बर को चेयरमैन के साथ होना चाहिये उसके पेशेनजर मुझे इस बात का ऐतराफ हुआ कि मुझ से थोड़ी गुस्ताखी हुई है और जाती तौर पर जो अकीदत मुझ को है उसकी बिना पर इस बेअदबी के लिये मैं अपनी शर्मिन्दगी का इजहार करता हूँ ।]

श्री सभापति : आपका शुक्रगुजार हूँ । इसकी कोई जरूरत नहीं है, आपने कोई ऐसी बात नहीं की ।

THE CONSTITUTION (AMENDMENT) BILL, 1963 (TO AMEND ARTICLES 352 AND 359 AND INSERTION OF NEW ARTICLE 360A)

SHRI BHUPESH GUPTA (West Bengal): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI BHUPESH GUPTA: Sir, I introduce the Bill.

SHRI BHUPESH GUPTA (West Bengal): Before you proceed, Sir, may we know when the Statement regarding Mr. Pratap Singh Kairon will be made by the Home Minister?

MR. CHAIRMAN: At 12-30.

SHRI BHUPESH GUPTA: We all will be here. Thank you.

THE CONSTITUTION (AMENDMENT) BILL, 1961 (TO AMEND THE FIRST SCHEDULE)—continued.

MR. CHAIRMAN: Now we shall proceed to the next item—The Constitution (Amendment) Bill, 1961. When the House had adjourned on the 3rd May, 1963 Shri Lokanath Misra was speaking. He is to continue his speech. But he is not here. Shri K. V. Raghunatha Reddy.

SHRI K. V. RAGHUNATHA REDDY (Andhra Pradesh): Mr. Chairman, Sir, the Bill that has been introduced by Shri Bhupesh Gupta contemplates the change of name from Madras State to Tamilnad State. Though this Bill appears to be a very simple one, i.e., changing only the name, behind this idea of changing the name there are emotions, sentiments and various psychological aspects in relation to culture, in relation to social attitudes, etc. and the tradition of the

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Tamilnad people is involved in this. When we deal with the question of changing a name or names, we must realise that that question belongs to the theory of conceptions. One might ask: What is there in changing a name? What is it that you lose if you change one name into another? The problem does not seem to be so simple.

The change of a name has got some sentimental value in relation to the culture of a nation, in relation to psychology, in the sense that the very mention of some particular name excites certain sentiments and feelings in the minds of men. The mere fact that a particular name has come to stay in the culture of a nation has got its own significance in the social process and it has its impact on the psychological developments. In that context, Sir, the question of changing a name will have to be viewed. For instance, Sir, dress has got its *on psychology*, though dress is a very simple matter. There are attitudes of the people towards it, their psychological approach to it and their sentiments which are attached to the very idea of dress. All that has got its own place in the psychology of dress. Specially, Sir, in the context of Indian culture certain types of Western dress are not very much liked. The same is the case with regard to names. For example, a Hindu would not like to name his child as Brighton or Pilkington, because these names do not suit the Hindu culture or the Hindu tradition. Therefore, it is no use saying that there is nothing in changing a name. There is something in the name, something in the dress and something in the culture which has got its own sentimental and culture values.

So, in this context, if you view this idea of changing the name of Madras into Tamilnad, the problem looks so simple but really it is complex. There are very good arguments

advanced by Shri Bhupesh Gupta in favour of changing the name of Madras into Tamilnad. No doubt he has taken into consideration the entire culture and literature of Tamilnad and the feelings which have been expressed in certain quarters. But equally valid arguments have been advanced by my friend, Shri T. S. Pattabiraman, who has spoken on different occasions on this problem because the name of Madras has got some history. It has become a part of the history of South India. The Andhras, the Malayalees, the Tamils and some of the Kannadigas, all these four linguistic groups, were combined together in that State Called Madras, when it was a composite State. In those days it was very difficult to call or name the Madras province as Tamilnad province because obviously, an objection could have been taken about it. The Andhras could have objected, the Keralites could have objected, the Kananese people could have objected saying, "Why do you want to limit the concept of the State by calling it Tamilnad when so many linguistic groups are living in the State together?" Shri Bhupesh Gupta may ask: "Since all the States have been reformed on a linguistic basis, what is the objection that you can raise? Since all the people of Tamilnad have been constituted into a separate State, what is your objection in wanting the name of the State of Madras to be changed into the State of Tamilnad?" That is one relevant argument which might be used by Shri Bhupesh Gupta. As against this argument, what Shri Pattabiraman and others concerned could have raised is, when Madras has got its own history, when the name of Madras has become a part of the culture of Tamilnad, when it has taken strong roots in the minds of the Tamilnad people, and also in South India, why do you want to borrow another word, however valid it may be, and change the name into Tamilnad and try to take away the value that is attached to the name of Madras in the minds of the people of South India?

Speaking on my own behalf, as far as the name 'Madras' is concerned, it excites a kind of affinity among all of us who have been living in South India. Whenever we from South India visit either Delhi or Lucknow or any other North Indian city, people used to say that we are Madrasis and ask us, "Do you come from Madras?", and we used to say, "No doubt we come from South India but not exactly from Madras but we come either from Hyderabad or from some other district headquarters in Andhra Pradesh." But with all this, the word 'Madras' has come to stay, to identify oneself with South Indian culture, South Indian thinking as well as South Indian dress and South Indian food even. If you travel beyond Kazipet and if you mention 'idli' and 'sambhar', one will immediately associate you with Madras.

SHRI LALJI PENDSE (Maharashtra): They are popular in Delhi also.

SHRI K. V. RAGHUNATHA REDDY: In relation to the taste of food, it looks as if they have culturally invaded even North India. When you go to any hotel, you would ask; "Have you got Madras *dosa* or Madras *idli*?" Nobody would also say, "I have got Andhra *dosa* or Andhra *idli*." Nobody would ask, "Will you give me Tamilnad *idli*?" Thus, though it is very simple and though apparently there may not be anything in a name, but still history has built up a tradition and edifice in relation to the psychology of the people, in relation to the names, and names in history have got their own value. If I mention Mahatma Gandhi's name, the very mention of that name is enough to stir up the masses of people into any activity, any sacrifice. Similarly, name has got a place in history, in psychology, in sociological process, both in developing culture and also developing the mental make-up and denoting the cultural aspects of a State or a nation. Even in relation to the culture of cities it is so.

For instance, you must have read the book 'The Culture of Cities' by Lewis Montfort in which he says that each city has got its own distinct personality, that in the formation of cities in relation to planning, each city has got its own distinct personality, culture and traditional values. In that context, Madras has built up a particular tradition, culture and social values which belong to a highly middle class life. If I speak of Madras, I am always reminded how the entire middle class life in Madras is organised to suit any middle class man anywhere—the simplicity of man, the hard-working nature of an ordinary man. I am not speaking with jingoism or chauvinism. But the truth remains.

In this context, I will only refer to Dr. Mazumdar's book 'Races and Cultures of India'. Dr. Mazumdar is a famous anthropologist and occupied the Chair of Anthropology at the University of Lucknow. In that book, he devotes a page to the climatic conditions and the cultural aspects which go to make a Madras man more hard-working than any other person in any other State. All these values combined together—cultural, economic, the social attitude towards life, the social values that people have towards life and their behaviour, all these—go to make up the personality of the city of Madras. These are the conditions relating to the city of Madras. The only valid argument that could be advanced and which Shri Bhupesh Gupta did advance was that we are not dealing merely with the city of Madras but we are dealing with a geographical unit called the State of Madras, Madras State constituting itself into a geographical unit extending over a number of square miles, with people spread over a large area. How are you going to name them? Will the mention of Tamilnad have any significance to those people who live in the entire area of Madras State? No doubt the people of Tamilnad have got a very ancient culture,

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 a very ancient literature which is outstanding in the history of Indian literature. Probably, it has got the first place from the point of time. And they have got their own specific grammar, they have got their poetry and prose, which stand unique in the annals of literature of any country. All that is granted. We have no quarrel over that, we have no two opinions about it. Now, certain universities in the South are also specialising in this aspect of the old literature, particularly the Annamalai University. They have got a Tamil Research Centre in which they are doing a lot of research work in relation to Tamil culture, the impact of Tamil literature on society and on the various values of life. I find a lot of force in the argument of Shri Bhupesh Gupta for the purpose of changing the word 'Madras' into 'Tamilnad', as we have to take a gestalt view, a gestalt outlook should be taking into consideration, not merely the point of view of culture of Madras city, but of the entire area. We should take a totality of outlook, of totality of culture, into consideration. It is what we call in psychology a gestalt outlook of culture. Shri Bhupesh Gupta asks; what is it that you lose by changing the name from Madras to Tamilnad? His contention is that you stand to gain something because you are taking a gestalt outlook, instead of taking one point of diffusion of culture, the point of diffusion being the city of Madras. That is the view which Shri Bhupesh Gupta takes.

While I strongly appreciate this forceful logic in his argument, I do not know whether it will be proper for this House sitting here, however representative it may be, to consider this question and decide it at this point of time. While I support Shri Bhupesh Gupta's arguments and the intentions and ideas behind his sponsoring this Bill, it would perhaps be appropriate if this matter is kept either pending or is left to the Madras

State Assembly to be decided having regard to their own feelings, because ultimately, whatever we might do, the Members of the Madras State Assembly must have a say in this matter. They are nearer to the people than we are and they are the people who should take into consideration the entire view of the matter and decide one way or the other. If the Madras Assembly in its wisdom decides that the name of the Madras State should be changed into Tamilnad, certainly we do not have any objection; it is welcome. On the other hand, if for any reason they do not feel like changing it immediately, this should not be rushed in.

While I support Mr. Bhupesh Gupta's argument and contention, I feel there is a strong logic and sense in what Shri Pattabiraman has said, namely, this matter should be left to the Madras Assembly for finding out their opinion before we rush in with this legislation, however valuable it may be. Hence from that point of view I would only appeal to Shri Bhupesh Gupta either to keep this Bill pending and ascertain the views of the Madras State or leave the entire matter to the State Assembly of Madras as their opinion has a very valuable bearing on this question. Thank you.

MR. CHAIRMAN: I have no name here on the list. Would any other hon. Member like to speak?

SHRI B. RAMAKRISHNA RAO (Andhra Pradesh): Mr. Chairman, Sir, while I also appreciate the intention of my friend. Shri Bhupesh Gupta, in moving this Constitution (Amendment) Bill, I am fully convinced that this House is not the proper forum, at any rate, at this stage for consideration of this Bill.

There was an opportunity in 1956 when the States Reorganisation Act was passed by Parliament and when more or less, linguistically divided

States came into being. That was a proper opportunity to rename the States because there was a redivision of the country into various States more or less on a linguistic basis at that time. The States concerned, in this case the Madras State, did not consider it necessary to change its name. And even now, I believe, the Madras Assembly has not considered this matter as a necessary subject for discussion. Not only has no Bill been introduced by the representatives of the people in the Madras Assembly but even unofficially, as far as I am aware, this matter has not come for discussion there in the State itself. I do not therefore, see the compelling reason which has persuaded my friend, Shri Bhupesh Gupta, to introduce this Bill in Parliament.

There are also very many valid reasons in favour of retaining the old name. As a matter of fact, my friend, Mr. Raghunatha Reddy has alluded to many of them. I do not wish to repeat the same arguments. But there is one outstanding thing which I would like to place before my friend. The name "Madras", which superficially sounds somewhat exotic, because it was maintained during the days of the British, has its origin in ancient history. The area which is now Madras State used to be called 'Madra Desh' in the ancient days. That is the old name and I do not see any harm in continuing that name particularly as it has been adopted by the new Madras State after the recent reorganisation. After all, there may be nothing in a name . . .

SHRI M. RUTHNASWAMY (Madras): Where is this name 'Madra Desh' mentioned?

SHRI B. RAMAKRISHNA RAO: In all the ancient Puranas and the histories it is mentioned as 'Madra Desh'.

SHRI LALJI PENDSE: It is not Madras to which the name refers.

SHRI B. RAMAKRISHNA RAO: 'Madra Desh' is the same portion.

DR. NIHAR RANJAN RAY (West Bengal): Sir, I believe this is a misquotation from history. 'Madra Desh' means some area round about Rajasthan.

SHRI B. RAMAKRISHNA RAO: I do not think, Sir. Anyway, that is a controversial matter. I do not wish to press that argument. As far as I was able to recollect, it does not merely cover Tamilnad but I understand the entire area; that is my impression? I may be wrong. It is subject to correction. If that is not so, it does not matter—the entire area. But still if there is nothing in a name where is the necessity for a change? And if Tamilnad was to be adopted for Madras, as I said, at the time of the reorganisation of the States, as for example, Andhra Desh was changed into Andhra Pradesh when Andhra Pradesh was formed, that was a very good opportunity for the people of the State to agitate. But there was no such agitation or no demand in the State itself, and I do not know what the foundation of my friend's Bill is so far as this point is concerned.

There is also another reason which should persuade the people of Tamilnad themselves not to press for a change because I have seen, as my experience goes, whenever any big project or anything is considered for the South, Madras comes first into consideration because in a way it represents more or less South India as the people in North India do not yet make much distinction between the various States of South India. So, it is an advantage to the people of Madras State itself which they would not, I think, easily agree to be deprived of.

There are several reasons why the name should not now be changed and, at any rate, it is for the State Assembly to discuss this matter and come to a conclusion. I think it is premature for this House to consider any amendment to the Constitution relating to that change.

SHRI S. C. KARAYALAR (Madras): Sir, this Amendment Bill has been brought forward under article 3 of the Constitution. The proviso to the article says:

" . . . 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 . . . " etc. etc.

Sir, I find myself confronted with a difficulty upon this point as to whether the Bill has been referred at all to the Legislature of that State for expressing its opinion on this point.

MR. CHAIRMAN: This is an amendment to the Constitution and not an ordinary Bill. If an ordinary Bill were to be passed, then that would apply.

SHRI S. C. KARAYALAR: The alteration of the name of a State can be done only by law enacted under article 3 of the Constitution.

MR. CHAIRMAN: This is a proposal to change the Constitution.

SHRI S. C. KARAYALAR: My point is that this could be done only by law made by Parliament under article 3. This need not be and cannot be done by an amendment to the Constitution.

SHRI BHUPESH GUPTA (West Bengal): It means a point of order.

SHRI S. C. KARAYALAR: I am expressing my views. My point is that this amendment which he seeks to make cannot be done by a Constitutional amendment. This can be done only by a law made by Parliament under article 3 of the Constitution. That can be done only by complying with the provisions of the proviso to article 3 and that proviso has

not been complied with. So the point of Dr. Rao and others that this matter must be referred to the Legislature of the State concerned does not really touch the question because this is a condition precedent to enactment of any law on the subject. The President must have made the recommendation and the proposal also should have been made to the Legislature of the State concerned. Unless these conditions are satisfied nothing can be done. As a matter of fact an amendment of the Constitution is not necessary. It is only by enacting a law that this can be done under the proviso to article 3.

Coming to the merits of the matter contained in the Bill, the object of the Bill is to change the name of the State from Madras to Tamilnad. That raises many implications. If the name is to be changed to Tamilnad, then there will be claims put forward by other States to change their names based on linguistic considerations. That will raise enormous controversies. We are already confronted with several difficulties in that direction and this will add to the other difficulties and create further difficulties. On this ground also I would oppose this Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R. M. HAJARNAVIS): Mr. Chairman, I oppose this Bill. As has been pointed out by both Dr. Rao and the hon. Member who just preceded me, the normal method of changing the name of a State, which is provided by article 3 of the Constitution, is being bypassed by introducing this Bill as a Constitution (Amendment) Bill. I will not go into the question as to whether where the Constitution itself provides a certain method of achieving a certain result, some other method is not necessarily barred. I believe very considerable arguments

could be advanced that where the Constitution itself says that certain preliminary consultation vital to this issue is necessary, then certainly the Constitution expects that that particular procedure shall always be followed but whatever may be the legal aspects, I will begin by reading article 3 which says:

"Parliament may by law—

(e) alter the name of any State"

and then there is a very important proviso and I submit before this House that before Parliament takes any decision, it shall never try to go round or circumvent the proviso because the proviso is a guarantee of certain rights which are vested in the States, the right of consultation in respect of matters which are of vital interest to them. It says:

"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 may be specified in the reference or within such further period as the President may allow . . ."

Therefore, the consultation with the Legislature of the State which is sought to be affected by the Bill is a necessary step under the Constitution and, I think, it is but right and proper that the persons who are sought to be affected by the change speak with their authentic voice and the Constitution says that the authoritative agency, the authority which will speak on their behalf is the State Legislature. Here as has been pointed out by Dr. Rao, the opportunity to change the name was when the States Reorganisation Bill was being considered in Parliament. At that time the Home Minister said in his speech:

"A suggestion has also been made that for Madras, Tamilnad should be substituted. The question was considered by the Madras Legislature itself and it did not prefer the name of Tamilnad for Madras. So we have retained Madras, the existing name of that State."

I might make it clear—if it is not clear already but it should be obvious to everyone—that if at any time we receive the considered opinion or considered Resolution by the State Legislature, it will receive the consideration it deserves but till such a Resolution comes to our notice we allow the *status quo* to continue as we properly ought to. There in Madras this matter came by way of a Resolution. The Resolution was moved that its name should be changed to Tamilnad. There the State Government made a certain decision. That decision was dated the 4th April 1961 which is incorporated in their G.O. No. 628 regarding the change of name of the State in Tamil. Now, it says:

"It has been directed that the name Tam'l Nad should be used as the name of the Madras State in Tamil in all the official correspondence in future made in that language and includes translation of Government notices, etc. In so far as English is concerned, the name Madras continues."

That is how they would like themselves to be addressed. Now, it is their business.

The other day a very prominent Member of the distinguished party to which Mr. Gupta belongs, the Communist Party, was finding fault with us, was inveighing against us for trying to reduce the autonomy of the States. Here I think is a matter which will completely be within the autonomy of the State. Now, it is for the State to decide by what name it should be addressed and here is Mr. Gupta trying to, on a very small issue which does not matter to the

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rest of us, interfere with what is the sole concern of that State. It does not matter whether they call themselves as Chennai Rajyam which is their Tamil word or they call themselves as Tamilnad or Madras. Whatever they say is the appellation which we ought to give them, whatever is the name by which they want to be known in the State and elsewhere, we shall certainly follow it. The legislation under article 3 would certainly follow. He will agree that what name should be given to persons in the household, to the child, is surely the right of the father and I do not see how a Knight of Immaculate Bachelorhood like Mr. Gupta could insist . . .

DR. NIHAR RANJAN RAY: Also the mother.

SHRI M. RUTHNASWAMY: He wants to be father at least in this.

SHRI R. M. HAJARNAVIS: Yes, the father and the mother—the Government and the Legislature. Therefore, how is it that Mr. Gupta should arrogate to himself the right without of course . . .

SHRI BHUPESH GUPTA: Are you telling me . . .

(Interruption)

SHRI R. M. HAJARNAVIS: Certainly, I would like to name my own children even if Mr. Gupta does not like the names and I will certainly insist on the exercise of my right however incompetently I might exercise. Today he changes the name of Madras to Tamilnad because he does not like it and tomorrow he might insist on changing my name which I have inherited from my father. I will resist this kind of encroachment on civil liberties of which, I know he is such an ardent champion . . .

SHRI M. RUTHNASWAMY: Who? They are not champions of individual liberty.

SHRI BHUPESH GUPTA: If some will give you other name than Hajarnavis . . .

SHRI R. M. HAJARNAVIS: I respectfully submit that his own colleague, Shri Raghunatha Reddy, knew how weak the legal position was, how untenable it is as a political move. Therefore, he has suggested that the discussion should be adjourned so as to enable the Madras Legislature to express its views.

That is what he has suggested. I do not agree with that proposal. I oppose that proposal because the time must be chosen by the Government and the administration of Madras and the initiative must also come from there. I believe there are other matters to which my hon. friend can certainly attend, nearer his own State, and I believe, he should leave a question like naming some other State, to those people who are primarily concerned with it. With these words, Sir, I oppose the motion.

SHRI BHUPESH GUPTA: Mr. Chairman, I have to reply to this debate, but I can hardly find any convincing and important point being made by any of my opponents in this matter, much as I would like to have such points made. After all, in a public discussion of this kind, one should fight on merits. I am not such a fighter who would like my adversary or opponent to be disarmed before the fight is begun. I expected that at least Mr. Hajarnavis would not like his name to be changed by anybody. I entirely share his sentiments, but I expected that he would come forward with convincing arguments as to why I should not press for it. He said he would revolt if I were to change his name. Yes, I say he would be quite right to do so. But suppose under the British by some ordinance or by some other way, he was called instead of Mr. Hajarnavis, "Mr. Hodson", then I would have been justified in having his name restored and . . .

SHRI R. M. HAJARNAVIS: It would be for me to change it.

SHRI BHUPESH GUPTA: I would have been justified in having "Hodson" deleted and "Hajarnavis" restored. This is the position here. Before the British came, this was never known as "Madras".

SHRI T. S. PATTABIRAMAN (Madras): Not even "Tamilnad".

SHRI BHUPESH GUPTA: Mr. Pattabiraman, I think, suggests that though it was not known as "Madras", neither was it known as "Tamilnad". He gave certain other name or said there were certain other descriptions there. I want to go closer rather than stick to the nomenclature given by the British in this matter. Would I be illogical in this matter, I would like to know from the lawyer who has gone into the Home Ministry. My experience is this, that when Home goes to Law or Law comes to Home, there is terrible confusion, and this is what is happening in this particular case. He is about to lose his Home and he has practically lost Law. This is the position. Otherwise, I cannot see how an intelligent person as he is, would be putting forward such an absurd argument as he has done.

I am very glad to hear him speak about the autonomy of the States. There is some saying in Bengali which I may quote:

एकी क्या रुनि ग्राजि मंथरार मखे

AN. HON. MEMBER: Translate.

SHRI BHUPESH GUPTA: It means: "What is it I hear today from Manthara's lips"?

This is the position now. He is concerned about the autonomy of the States. I would not at all be in favour of encroaching upon the autonomy of the States. I am entirely in favour of maintaining, and not only maintaining, but even strengthening the

autonomy of the States. But who is violating it? Even today you have got needlessly certain emergency measures which you have taken under the emergency law, to have certain powers to yourself, powers which belong exclusively to the States. You have taken those subjects under your protective wings as well. That is to say, you have empowered yourself to pass such legislation under the emergency provisions of the Constitution which normally you cannot do. Therefore, it is interesting to hear about the autonomy of the States from that side. Fundamental rights and autonomy of the States are to be talked about when it suits the Government party, as far as the Government party is concerned. Here, Sir, I have given you a copy of the judgment of the Supreme Court on the detention cases. There, it is stated clearly how we have on the Statute Book a law which has been enacted — the Defence of India Act and the Rules—to detain people and to deprive them of . . .

SHRI SHEEL BHADRA YAJEE (Bihar): How is all this relevant here?

SHRI BHUPESH GUPTA: I am talking of the autonomy of the States. Just hold your soul in patience. Mr. Hajarnavis knows very well what I am talking. I am coming to the point. Do not interrupt me in the middle of the point.

All the judges are agreed that the law authorising preventive detention under the Defence of India Rules are not detentions in consonance with the Constitution. They have said that they have been enacted in disregard of the provisions of the Constitution. The judges were not concerned with this matter, although the majority of the judges have said that the detenus have no remedy. I agree for the sake of argument that the matter is decided, as far as the Supreme Court is concerned. But what about the Home Minister? If I may ask him

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through you, Sir, what about the fundamental rights of the citizens? I ask this because they are the foundations of the autonomy of the States. Even when the Supreme Court says, all of them, all seven of them together, the entire body of them, that this is not in consonance with the provisions of the Constitution . . .

SHRI JOSEPH MATHEN (Kerala):

On a point of order, Sir. It has been said by Mr. Bhupesh Gupta that the fundamental rights were not suspended in accordance with the provisions of the Constitution. But in the Constitution it is specifically mentioned that the President has the authority to suspend the fundamental rights whenever there is an emergency. So it is in accordance with the provisions of the Constitution. That is my point of order.

MR. CHAIRMAN: That is no point of order.

SHRI BHUPESH GUPTA: There is no point of order there. Sir, my one copy has been lost and I gave my non-friend there one copy which evidently he has not read. If he would kindly read it, instead of putting it into his pocket, if he would read, he would see stated there that the fundamental rights, as such, are not suspended. What is stated is that the right to move the court is suspended. These are two different things. There may be a circumstance or situation when the rights continue, but there may also on the other hand, be a situation, when as a citizen, I am deprived of my right to move the court for the enforcement of those rights. It is one thing to have a lamp extinguished and it is another thing to have a person denied the right to approach the lamp. Please read it again and if you want any more copies I can get them for you. So this is the position. I am not talking on my own. You have got copies. Everybody has got copies and it will be seen that the majority has agreed that the citizens have not the right

to move the court for the enforcement of those rights. The right do exist. They have not been wiped off the Constitution. But then we have on the Statute Book a law which, according to the pronouncement in the judgment of the Supreme Court, is not in consonance with the Constitution.

In fact, they say, it has been enacted in disregard of the Constitution. It is for the Parliament to handle such matters. Government does not at all show any interest in this matter up till now. It is the other people who are speaking. All the editorials come out pointing out this proposition and calling, upon the Government to do something about it. The 'Statesman' of today has demanded and asked you to do something. The 'Parrot' has demanded you to do something. The 'Times of India' has demanded you to do something about it. You cannot shut your eyes. Such a Government which shuts its eyes to the pronouncement of the Supreme Court and on the basis of an invalid law keeps people deprived of their fundamental rights—still there are some 500 people, over 400 belonging to the trade unions and the Communist Party—that Government or the representative of that Government should not speak about the autonomy of the States. That is what I say.

MR. CHAIRMAN: You have come to the point now but in a round-about way.

SHRI BHUPESH GUPTA: I had to make an excursion in order to come to the point because he invited it. If he had not talked about the autonomy of the States, I would not have spoken on this subject. One who is in a glass house should not throw too many stones at others.

(Interruption.)

SHRI A. B. VAJPAYEE (Uttar Pradesh): Some stones should be allowed.

SHRI BHUPESH GUPTA: Some are allowed. How can our Home Ministry live without throwing stones at somebody or the other? Perpetually it throws stones at others. I only say, do not throw too many stones.

SHRI M. RUTHNASWAMY: One stone is enough.

SHRI BHUPESH GUPTA: This being the position, Mr. Chairman, the question of autonomy should not be brought in. I have given notice of a motion for discussion of the Supreme Court judgment and when it comes, we will expose this Government as one which violates the Constitution and yet speaks in the name of the Constitution. I would expose this Government as one which swears by the Constitution and yet tramples it under the feet when it needs. Let there be a discussion in this House and in the other House on the situation arising out of the judgment of the Supreme Court and let the whole country judge, lawyers, advocates, judges, people, public-men the world over, wherever they are, as to who is right, this Government or we and who defends the Constitution, the Government or we of the Opposition and many Congressmen who are not on the Treasury Benches. If I had thought that my Bill would be contrary to the Constitution, the spirit or letter of the Constitution, even the spirit of the Constitution, I would never have ventured on this particular Bill.

Now, what is the position? One argument has been, and I think there is some substance in it, that it has not come from the Madras State Assembly. I can understand that argument. I always distinguish the Treasury Benches and those who sit with the Treasury Benches, but not on these benches. One good thing is that the number is depleted. I can tell them that they should not confuse the issue. The Constitution gives Parliament the power to go into this question and we know that public

opinion in Tamilnad is also favourable. A Resolution to this effect has not been passed in the Tamilnad Assembly where everything is spoken in Tamil, where the Chief Minister speaks in Tamil, transacts business in Tamil and the entire Government is run in Tamil which is good for the country. If this recommendation in the form of a Resolution has not come from the State of Tamilnad or the Assembly, shall we say, it is because the leaders of the Congress Party, especially the members of the High Command here came in the way. Otherwise, it is well known that the people of Tamilnad desire a change of name.

Now, Mr. Pattabiraman asked as to how I came to this conclusion. I come to this conclusion from history, from tradition and from an assessment of the sentiments and the expression of public opinion. Why, in 1920, when the Congress was reorganised, was it called the Tamilnad Congress Committee? Why was it not called the Madras Congress Committee? It was because the Congress did not accept the composite State to begin with. Therefore, it was called the Tamilnad Pradesh Congress Committee. You may say that this name had to be given because it was a composite State but after the States Reorganisation Commission's Report in 1956, when these two other States were split away, different States were formed, why was not the name changed at that time? The name of Madras was retained so far as the State was concerned but the Congress continued to be called the Tamilnad Pradesh Congress Committee and was not changed to Madras Provincial Congress Committee. Here is an anomaly and I think the Congress did the right thing, if I may say, in calling the Congress Committee as the Tamilnad Congress Committee earlier and continuing this description now. Why should that not be reflected in the State? Therefore, I am not illogical. It is the Congress Party which in the sphere of the State and the Government calls it by one name and in the party calls it by another name. If there is any

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lack of logic, it is on the side of the ruling party, not on our side. That is what I would like to tell the Minister in this connection.

Mr. Pattabiraman wants to be saved from his friends. Yes, I would like to save my friends. The trouble is that he would like to be saved from his friends but he would like to be embraced by his enemies. That is the trouble with some of our friends. Certainly, I am his friend. Had I not been the friend of the Congress Party in this matter, I would never have brought forward this Bill. Tamilnad is under the ruling party, the Congress is running the Government there, and if I have brought this Bill forward here, it is only to give expression to the sentiments not merely of the Opposition people but also those of lakhs and lakhs of Congressmen and Congress workers. He wants to be saved from what he calls "our friends". I think he need not fight shy of our approaching this matter because when the Government party, for some reason or another, does not come up before Parliament with certain proposals or propositions, it is the task of the Opposition to do so, and I do so, not in a partisan, narrow spirit but I do so in the larger interests of the country, in good faith and believing that many on the other side, on the Government side, will be supporting us. If it were a controversial issue, I would never even have brought it forward because I entirely agree with hon. Members who would not like to aid in creating dissensions. If I thought that the people of Tamilnad were seriously divided over this matter, I would certainly not have sponsored this Bill because after all, I would not like to play on the division. On the contrary, we should see that unity is cemented.

I feel, Mr. Chairman, from a study of the state of affairs in Tamilnad that, by and large, the people are united over this question. Some of them may not give expression or the Congress Party, for its own reasons, at

the leadership level may not take up this question for legislative enactment, but the fact remains that the supporters of the Congress Party and the followers of the Congress Party do fervently and sincerely desire that the name be changed. Therefore, I have brought forward this Bill not to provoke dissension but I have brought forward this Bill with a view to cementing the unity of the people of Tamilnad. Therefore, it would be unfair on the part of hon. Members to accuse me of doing something which aggravates the situation or causes dissensions in our public life.

Now, Mr. Pattabiraman, in advancing his arguments, could not control his usual, almost chronic anti-Communism and he said that the Communist Party was tottering in Tamilnad. Well, if he seeks consolation from his own utterances, he may do so but assuming that the Communist Party in Tamilnad is tottering, how does the truth become anything but truth? Assuming that we do not exist in Tamilnad, how does it alter the fact that it is the desire of the people of Tamilnad that the name should be changed? Does it alter the fact that the name that is there is not according to the liking of most of the people there? Why bring in party politics in this matter. I can assure him that we are not at all tottering there. I think the house of somebody else is not very much in order and, therefore, requires bold plans. The Chief Minister has to leave the Secretariat in order to revitalise the Congress and fight the DMK or some other people. I am surprised. I am surprised that the proposition came from a member of Tamilnad from where originated the so-called Kamaraj Plan in order to revitalize and strengthen the Congress. Therefore I say this is not a very valid argument.

12 Noon

Now, Mr. Santhanam is a very learned man and, Mr. Chairman, I

read his speech again. I am very sorry that Mr. Santhanam is not present in the House at the moment. Sometimes he makes good points even though I may not agree with him but generally he makes reactionary points although still I like him. But in this present case he is thoroughly disappointing. He has made no point whatsoever except saying how the Constitution should or should not be changed. Well, that matter is settled. If Mr. Santhanam could not settle this question in 1948 or 1949 he should not shed his tears just now. It is too late in the day because you have provided a particular way for changing the Constitution and I am following in the footsteps of Mr. Santhanam and he should not grudge it. The Constitution is there and he is supposed to be, what is called, one of the founding fathers of the Constitution. Incidentally, there are too many fathers alive. Now, it is a good thing.

SHRI GANGA SHARAN SINHA (Bihar): If there are too many fathers alive what is the good thing in it?

SHRI BHUPESH GUPTA: My friend, Mr. Ganga Sharan Sinha, wants to know something from me. Anyhow this is the position. I should have liked to know from Mr. Santhanam as to why it was provided in this manner. But Mr. Santhanam overlooked one point that the Constituent Assembly could not discuss it very much at that time because at that time the Madras State was a composite State. As everybody knows Malabar was included in it; Andhra was included in it and certain other places also were included in it. It was a composite State. The question of naming it Tamilnad could not have possibly arisen in such a context or in such a situation. That is the reason why the question of renaming that State at the time of the enactment of the Constitution did not arise. Now, we should set the record straight after the reorganisation of the State. That is what I would like to say and Mr. Santhanam should not grudge it.

My esteemed friend, Shri M. P. Bhargava, started his speech by saying, 'I strongly oppose the measure of Mr. Bhupesh Gupta' and I thought that there would be a terrific charge from his side, but when I read his speech, I find that he completely misfired. It was just brandish of the sword and after that there was no fight at all because he has advanced neither argument nor logic. Only he has given vent to his feeling somehow or other; having caught the contagion that he should oppose this Bill; he began by saying 'I strongly oppose it'. He promised to give reasons but gave none. That is our friend Mr. Bhargava's speech. Generally, when he is not carried away by the whip of the Congress Party he advances good reasons, especially, when he cultivates the Opposition; that is to say, when he tries to speak in the spirit of the Opposition from the rear benches of the Congress Party. Mr. M. P. Bhargava is a shining star but the moment he speaks under the spell of the Treasury Benches the whole thing is clouded and we get little light or inspiration from him.

Our esteemed friend, Shrimati Ammanna Raja, also spoke because she had to say something and it is a good thing that at least one good lady participated in this debate. It is a rare privilege to have opposition coming from the ladies sometimes and I thank her, if for nothing else, than for the fact that she had chosen to speak.

Then as far as Mr. Hajarnavis is concerned, I know his brief is very long. It looks as if is long but he gave no arguments. I am prepared to keep this pending—I tell you frankly I am prepared—if the Government will agree to keep it pending and refer the matter back to the Tamilnad Assembly but if you ask me that I should withdraw it, I would not like to withdraw it because why should I withdraw it? It is the demand of the people and if the State has not done it we should do it. And the State

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could not have done it; the State could only have passed a Resolution recommending to Parliament. Now, have we got any Resolution from the State opposing my Bill? No. The Bill was introduced, I think, more than a year ago. It has been before the public for a long time and I tell you, I did not receive a single letter from the Madras Government saying that it would not be advisable for me to proceed with the Bill. The Madras Government did not oppose it. You may say, 'why should the Madras Government write to you? Well, may I know whether the Madras Government has written to the Government saying that they should oppose this Bill? I should, in that case, like to have the letter laid on the Table of the House. Mr. Chairman, I make a solemn declaration that if the hon. Minister can produce a letter from the Chief Minister of Tamilnad saying—after I had introduced this Bill—that it is his desire that the Bill should be opposed by the Government of India and that . . .

SHRI SHEEL BHADRA YAJEE:
Why should they bother?

SHRI BHUPESH GUPTA: . . . he had the backing of the State Legislature, even at this stage, in deference to the wishes of the majority party in Madras, I shall withdraw it. Can he produce a letter written after the introduction of this Bill? I say this because it is a serious thing. When the measures are introduced they are known to the public and public opinion expresses itself. I do not have in my possession any press cutting or any letter or any telegram which says that some people are opposed to this measure. I certainly do not have any communication directly or indirectly sent to me by the Madras Government saying that they would like me, as a Member of Parliament, not to proceed with this measure. If you say that the Madras Government cannot be expected to communicate with a non-official member like me, Member of the Opposition, I am entitled to

ask, did they write any letter to the Central Government after the introduction of this Bill? If so, copy of that letter will satisfy me.

SHRI A. D. MANI (Madhya Pradesh): He might have said it orally.

SHRI BHUPESH GUPTA: I will not be satisfied if you say, 'we know they are opposed to it' because that would not be taken cognisance of by anybody. You have to prove it here. You are like a judge here as if in a court of law, High Court or Supreme Court. If somebody gets up and says that Madras is opposed to this, you would naturally ask him to prove it and if he does not prove it you will reject that statement. That would be no evidence. I do maintain, Sir . . .

SHRI SONUSING DHANSING PATIL (Maharashtra): On a point of information, Sir. May I know whether the Party of the hon. Member has requested him to pilot this Bill?

SHRI BHUPESH GUPTA: Why?

SHRI SONUSING DHANSING PATIL: I want to know whether the Communist Party in Tamilnad has requested you to pilot this Bill.

SHRI BHUPESH GUPTA: In the beginning I said about the position of the Communist Party in Tamilnad with regard to this. The trouble is you are busy with another matter and you do not read the speeches. You don't bother about that.

MR. CHAIRMAN: You proceed: You have taken a long time already.

SHRI BHUPESH GUPTA: I say, Sir, that I consider the silence of the Madras Government as the tacit approval of this measure. Why should I do so? It is because I get the provocation. If they got provoked, they did not react to the provocation. The presumption, therefore, is that I have done something which is to their liking, but about which they would not like to publicly express in favour. It was open

to them, natural to them. Nobody would have accused them if they had said, either by a statement or by writing a letter to the Home Ministry, that they were opposed to my measure. I can understand their embarrassment if they had said that they supported the Communist Party's Bill, but certainly they would not have embarrassed you, between the Central Government and themselves, if they wrote a letter of this kind objecting to this Bill. Therefore, on that point I win.

I submit to you if you were to infer on the basis of this fact, then what would you infer from what has happened since the Bill was introduced? Would you infer that there is opposition to it? If so, where is evidence of it? Or, would you infer that there is support for it because there is no opposition for it? This is the position. Therefore, I say on that score also I win. Mr. Hajarnavis will kindly tell us because I have made a challenge that if he can produce a letter—once again I repeat—from Mr. Kamaraj Nadar, the Chief Minister of Madras, that he did not like my Bill, I am prepared to take it back.

MR. CHAIRMAN: You have repeated it several times.

SHRI BHUPESH GUPTA: But he does not get provoked. You are getting, if I may say so, not provoked—the Chair cannot be provoked—but responses are very positive from you. What about him? He never says anything on the subject. If he says that he is opposed to it because the State Legislature for their own reasons did not pass it, one of the reasons for it, if I may say so, is the resistance of the Central Government. The State Government does not like to irritate or annoy the Central Government over this matter and that is why the State Government or the ruling party there did not sponsor it or back it up when it was brought forward before the State Assembly some time ago. It is not because that they dislike this

measure but because they would not like to displease the high ones in the highest places in New Delhi over this matter. Am I wrong or am I right—I would like to know from Mr. Hajarnavis.

As far as the language aspect is concerned, some said: Why not Andhra be called 'Telugu Desh'? Well, I think it is not a very serious argument. The hon. Member who advanced this argument was not very serious, if I may say so. 'Andhra Pradesh' is known not as any other name, but by the name that has been known for many years. Today it is the common desire of the people also and that is how it has been known. It is not necessary and it does not follow that the name should be exactly called after the language. For example, U. P. Nobody calls it Hindi Pradesh. Nobody will demand that the State of Uttar Pradesh be called Hindi Pradesh No. 1, the State of Bihar be called Hindi Pradesh No. 2, Rajasthan as Hindi Pradesh No. 3 and Madhya Pradesh as Hindi Pradesh No. 4. Nobody would like it. They do not have a name which was given by somebody else and which has no relation to tradition, history, culture and to the yearnings and sentiments of the people. This is how it should be understood. In some cases, the name may have some similarity with the name of the language or in some cases it may not have. Certainly we must not impose something or keep an imposition alive. That is the position. Therefore, that, again, is not a very valid argument in this matter.

Now, some hon. Members have said that the old ties should be given a little consideration, which is not very valid. After all, we have been in a composite State and Madras should retain its old name. I think this is not being fair to the people of Tamilnad. Certainly, our ties are maintained through constitutional and other processes and they are being developed. But why not the name be changed, when we had a reorganisation of States, breaking up States, breaking up to the extent of certain un-

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wanted ties? Why should we not give up an unwanted name? This is what I say in this connection. Besides Madras will remain. Nobody changes the name of the city of Madras. There will be a city in the State of Tamilnad which will be called Madras and that name remains. I am not suggesting in this or any other way that the name of Madras should be completely wiped out. There should not be any apprehension about Madras anywhere at all. Just as Calcutta is a name, Madras also remains a name, although the name of the State will have been changed. Therefore, that argument is not very right either.

Mr. Chairman, I do not find, therefore, anything really very much to answer by way of countering the arguments. I do maintain, again, that if it is the desire of the House to keep the Bill pending, if you ask me to keep it pending, I am prepared to move a motion. Let this Bill be kept pending. I am prepared for it. I hope I would not be asked to withdraw this measure, because I have brought it forward after a good deal of deliberations and in the hope that it will be discussed. I did not have any illusion that it was going to be passed. It is quite obvious. Otherwise, the Government would have enacted this measure itself. The Government will maintain its discipline in this matter. Although in respect of other matters they will not maintain their discipline at least in this matter they will, and I know that my Bill will be negated. But I want it to be put on record here, because twelve years have passed since the Constitution came into being and yet we have not changed the name and some of us are coming to the fog end of our life.

SOME HON. MEMBERS: Oh, no.

SHRI M. RUTHNASWAMY: Not Mr. Bhupesh Gupta at least.

SHRI BHUPESH GUPTA: The trouble is some hon. Members opposite, although they are so old, think that they have eternal youth. That is rather living in a world of their own. After all, we have been here for twelve years, some of us, and I would like to know when people get old.

SHRI M. RUTHNASWAMY: Where are you going?

SHRI BHUPESH GUPTA: Naturally, therefore, we say—the first generation or those who came with the inauguration of this Parliament—should settle this matter. That is why I have suggested that before we are out of the picture the name should be changed. The Constitutional and political anomaly should be set right. Tamilnad deserves it more than anyone else, because the civilisation of that part of India is much more ancient than any other part of India. With its rich cultural heritage, with the majesty of its own culture, it has radiated light all over the country. Why should it hang on to a name which is not its own—I should like to know. Tamil literature occupies a place of pride in the context of our literature. Why then today Tamilnad should bear the name that was not hers? Tamilnad has been the first State which proposed to change over from English to the regional language. It goes to the credit of the people of Tamilnad, their political leaders, all leaders irrespective of parties, that they started speaking in Tamil in their Assembly much before many of us had thought of it. Why should they not now adopt the name of Tamilnad for their State? I should like to know it. I say this because there is nothing which is more alien to the culture and traditions of Tamilnad and its literature than that this name should continue to disfigure the annals of its great, rich and inspiring history. That is what I have said. I should like the State to be named Tamilnad, because it will at once remind us of one of the languages, namely, Tamil, which is one of the

greatest in India, one of the richest in India. That is why I should have the name changed.

I should like to have the name changed also because large sections of the people have expressed vigorously and actively in favour of changing the name, while others have stood by them, may be in silence but in full sympathy. That is why, again, I would like the name to be changed. I would like the name to be changed because I do not stand for controversy over the matter. If there is any controversy, it is between those few who want somehow or other to stick to the name—not voluntarily but for other reasons—and the multitudes of others who would like the name to be changed. I want that controversy to be settled not by introducing an extraordinary, outside, alien formula but by going back to the Tamil literature, Tamil culture, and taking from them the name Tamil and then calling that State Tamilnad. Therefore, mine is an approach of unity. Mine is an approach of respect towards the culture of the people of Tamilnad. Mine is an approach which takes into account the growing sentiments of the people. Mine is an approach which wants to wipe out some of the rather unseemly legacies of the past howsoever we may be habituated to them.

Therefore, Mr. Chairman, from all these salutary considerations of politics, of culture and of various other things, I would beg of the House to support this measure still at this hour. It is only change of name. It costs nothing. Only when you print the text, you will have to print this thing. It does not involve money. Why should the High Command of the Congress not accept this?

MR. CHAIRMAN: You have just finished your fourth peroration, and you seem to be going into the fifth.

SHRI BHUPESH GUPTA: I would ask the Government to accept it. If they do not accept it, they can at least agree to keep it pending in order to have further consultation with the State authorities and others in the State.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Constitution of India be taken into consideration."

The motion was negatived.

MR. CHAIRMAN: We are not taking up item Nos. 2 and 3.

SHRI BHUPESH GUPTA: Why?

MR. CHAIRMAN: At the request of the Members concerned.

THE PREVENTION OF HYDROGENATION OF OILS BILL, 1962—

Continued

MR. CHAIRMAN: We will take up item No. 4, further consideration of Shri Vajpayee's motion regarding the Prevention of Hydrogenation of Oils Bill, 1962. Mr. Ghani.

شری عبدالغنی (پنجاب) :

باجپئی جی نے بداسپی کا جو بل رکھا
ہ اس پر سرکار کی توجہ جانی
چاہیے۔

†[श्री अब्दुल गनी (पंजाब) : वाजपेयी
जी ने बनास्पति का जो बिल रखा है उस पर
सरकार की तवज्जो जानी चाहिये।]

MR. CHAIRMAN: Mr. Ghani, I am afraid you have spoken last time. So please resume your seat. Does any other Member wish to speak? (After a pause) All right, Mr. Vajpayee.

श्री ए० बी० वाजपेयी : (उत्तर प्रदेश) :
सभापति जी, इस विधेयक पर जो विवाद

†[] Hindi Transliteration.