REPORTS AND SELECTED DOCUMENTS OF THE NEUTRAL NATIONS REPATRIATION COMMISSION, KOREA

THE MINISTER FOR PARLIAMENTARY AFFAIRS (SHRI SATYANARAIN SINHA) : Sir, I lay on the Table a copy of the Reports and Selected Documents of the Neutral Nations Repatriation Commission, Korea, in pursuance of an assurance given by the Prime Minister in paragraph 17 of the statement on Korea laid on the Table on the 16th March. 1954. [Placed in Library, see No. S-116/54.]

THE SHILLONG (RIFLE RANGE AND UMLONG) CANTONMENTS ASSIMILATION OF LAWS BILL, 1954.

THE MINISTER FOR HOME AFFAIRS AND STATES 'DR. K. N. KATJU) : Mr. Chairman, I beg to move:

"That the Bill to assimilate certain laws in force in the scheduled areas to the laws in force in the Khasi and Jaintia Hills District be taken into consideration."

Hon. Members. I take it, have done me the honour of reading the Statement of Objects and Reasons. It is purely a formal matter. The United Khasi-Jaintia Hills District was constituted under the provisions of the Sixth Schedule to the Constitution. This small area adjacent to the Municipality of Shillong, not administratively part of it, has remained as an isolated non-tribal area of the State of Assam. The Assam Government is desirous of making it formally a part of the United Khasi-Jaintia Hills District and for that purpose the Government of Assam have made a law repealing the laws in force in the said areas and extending thereto the laws in force in the District of Khasi and Jaintia Hills and pertaining to matters in the State List in the Seventh Schedule to the Constitution. This Bill now provides that the laws relating to matters mentioned in the Union and Concurrent Lists should also be extended to this area. I suppose, so far as I can see, for the time being it raises no controversy and I would not take any further time of the House. I beg to move that the Bill be taken into consideration.

MR. CHAIRMAN: The question is:

"That the Bill to assimilate certain laws in force in the scheduled areas to the laws in force in the Khasi and Jaintia Hills District be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Clause by clause consideration. There are no amend ments. !

Clauses 2, 3, 4 and the Schedule were added to the Bill.

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

DR..K. N. KATJU: I beg to move:

"That the Bill be passed."

I am very happy to have started in such an auspicious manner.

MR. CHAIRMAN: The question is:

"That the Bill be passed." The

motion was adopted.

THE HIMACHAL PRADESH AND BILASPUR (NEW STATE) BILL, 1954

THE MINISTER FOR HOME AFFAIRS AND STATES (DR. K. N. KATJU) : Sir, I beg to move that the Bill to provide for the formation of the new State of Himachal Pradesh by uniting the existing States of Himachal Pradesh and Bilaspur, and for matters connected therewith, be taken into consideration.

[Dr. K. N. Katju.]

Sir, again the object of the Bill has heeo fully explained in the Statement of Objects and Reasons. We have several small States, but I think that the Bilaspur State is about the smallest. The area is about 453 square miles and the population is 126,000 and it has an annual revenue of Rs. 7 lakhs. Now out of this 453 square miles a good portion of the land will soon be submerged under the reservoir which will come into existence on the construction of Bhakra-Nangal dam and a good bit of land would be necessary for the proper use of the dam. I think the total area left outside the dam will be about half of this tf$3 square miles and the continuance of this as a separate State is really almost an absurdity. It was considered desirable to have it as a separate State for the purpose of the better execution of the Bhakra-Nangal dam; otherwise I imagine that at the time of the passing of the Constitution, it would not have been classified as a separate State at all. The management of Bilaspur has disclosed very many inconveniences which hon. Members can easily imagine. At first we have a Chief Commissioner and as one" Member put it in the other House during the Budget debate, there are Secretaries, there are Inspectors-General, Heads of Departments and so on. The State itself is not even a district. It is a tehsil as we call it in the Punjab and in Uttar Pradesh—probably even less than a tehsil. But the paraphernalia is enormous and the cost is heavy, and there are very many defects in the Administration which lead to unhealthy results. This Bill would have been introduced much earlier but we thought that we had better postpone it for a while so that arrangements for the Bhakra-Nangal dam might be finalised and it might be known fully as to how much of land would go under water how much would be required for rehabilitation of displaced persons and so on and so forth. But the progress had rather been slow. While the canals are ready, it cannot be said for certain as to how much land would be required. Then from the point of view of administration, Sir, it was not considered desirable to postpone the matter further. And the hon. Members would have seen that while we had said that there should be no harm, no prejudice, caused whatsoever to the Bhakra-Nangal dam and its implementation in the most proper manner, we thought we had better see this through.

I draw attention to clause 31 of the Bill where it is said that "Nothing in this Act shall be deemed to derogate from the powers of the Central Government to make such arrangements or to take such action in relation to the Bhakra-Nangal project as may, having due regard to the purposes of the project, be necessary to ensure its proper administration and effective implementation." I draw attention to this so that hon. Members may rest fully assured that this big project on which the hopes of three States are tied up will not suffer in any way by these administrative measures.

Now as for the rest, we have made the necessary provision. For instance, Bilaspur had up till now no Legislative Assembly of any kind. It was being administered by the Chief Commissioner. It was an administrative State in that way. Now we have provided in this Bill that Bilaspur should have the necessary legislative representation. The strength of Himachal Pradesh Assembly at present is 36. It is now proposed to raise it by 5. And the hon. Members would have noticed that with the population of 126,000 we are giving one member for every 25,000. That is really just. So the strength of the newly constituted Himachal Pradesh Assembly would be raised from 36 to 41. Then this population of 126,000 includes members of the Scheduled Castes. I understand that their population according to the 1951 census is somewhere about 27,000. The proportion is 9:2. The result is that out of the five seats that we are allotting to the Bilaspur State one will be reserved for the Scheduled Castes and four will be general seats. Out of the 36 seats in the existing Himachal Pradesh 8 are reserved for the Sche-

duled Castes. Under the new arrangement there will be 41 with a reservation of 9. Similarly, Mr. Chairman, the number of seats in the House of the People was three. It has now been raise_d *to* four, and the number of seats in the Council of States will remain the same, namely 1. Now that is so far as the legislative representation is concerned. But so far as the administrative measure is concerned, it will become an integral part of Himachal Pradesh administrative machinery.

Now another thing to which I should like to draw your attention is what you may call the duplication of machinery. We have got a Judicial Commissioner for Himachal Pradesh. The population of Himachal Pradesh is about 9 lakhs. It has a very extensive area. And the Judicial Commissioner has toured considerably, and in a sense in Himachal Pradesh you may say that justice is brought to the door of the litigant. There are four districts and I understand that the Judicial Commissioner goes about and holds his court in every district and decides cases. But this being a separate State, we had a Judicial Commissioner here in Bilaspur, a separate Chief Commissioner, a separate Judicial Commissioner and a separate Secretariat. Now the separate Judicial Commissioner will go and the Judicial Commissioner of Himachal Pradesh will exercise these judicial powers.

Then, as for the rest, most of the Bill is purely of a formal nature, namely the orders which have been passed will stand, all the acts which have been done will not in any way be modified and the action already taken will be confirmed. I do not think it is necessary for me to draw attention to any particular part of the Bill. Therefore I move. Sir, that the Bill be taken into consideration.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the formation of the new State of Himachal Pradesh by uniting thp existing States of Himachal Pradesh and Bilaspur, and for matters connected therewith, be taken into consideration."

SHRI H. P. SAKSENA (Uttar Pra desh) : Mr. Chairman.....

MR. CHAIRMAN: Mr. Saksena, I will call you after Mr. Bhanj Deo. Mr. Bhanj Deo.

SHRI P. C. BHANJ DEO (Orissa):

श्री प्र० चं० भञ्ज देव (उड़ीसा) : माननीय सभापति महोदय, यह विधेयक जब इस सदन में पहले उपस्थित किया गया था, तो मैं उसका विरोध करने के लिये खड़ा हुआ था, आज उसी विरोध की रीति पर मैं फिर इस विधेयक के एक विरोधी के रूप में माननीय गृह मंत्री के सामने खड़ा हुआ हूं ।

जब मैंने अपने विरोध के कारणों पर पिछले दफे यहां पर प्रकाश डाला था, तो मुझे कुछ ऐसा अनुभव था कि हमारी सरकार के ऊपर युक्ति का कोई प्रभाव होता है ! पर अभी मैं देखता हूं कि मने सिर्फ बहरे पत्थर के सामने शहनाई बजाने की कोशिश की । सभापति महोदय, मैंने उस समय अर्ज किया था कि बिलासपुर स्टेट को हिमाचल प्रदेश में मिलाना अभी कालोचित नहीं है, क्योंकि जब से बिलासपुर स्टेट के साथ समझौता हुआ, तब से लेकर आज तक स्वयं सरकार ने जितने भी प्रकाश में और सूचनायें दी हैं, उनमें साफ साफ कहा गया है कि जब तक भाकरा–नांगल योजना पूरी नहीं हो जाती, जब तक उसके प्रशासन के लिए संसद् की तरफ से एक आयोग नियुक्त नहीं हो जाता, तब तक बिलासपुर स्टेट हिमाचल प्रदेश में कभी नहीं मिलाया

[Shri P. C. Bhanj Deo.]

जायेगा । तो इस तरह का वक्तव्य देकर एक निर्णय कर चुकने पर, फिर पीछे की ओर कदम उठाना मेरे ख्याल से सरकार की उचित रीति नहीं है । सरकार हमेशा कहती है कि हम भारत वर्ष में राम राज्य स्थापित करना चाहते हैं तो मैं सरकार से कहना चाहता हूं कि रामराज्य का जो पहला उसूल है, जो पहला सिद्धान्त है कि "प्राण जाय पर वचन न जाई" इस पर सरकार को नज़र डालनी चाहिए। एक बार एक राज्य के मामले में एक निर्णय कर लेना, अपने प्रतिवेदनों में उसको छपवा कर फिर पीछे की ओर कदम उठाना और यह कहना कि यह रामराज्य की निशानी है बिलकुल असत्य है, यह तो रावण-राज्य की निशानी है ।

दूसरी बात यह है कि जब सरकार ने अभी इन राज्यों की सीमाओं और राज्य के पुनर्गठन के लिए एक खास आयोग की नियुक्ति की है, तो उस आयोग के निर्णय पर इस प्रश्न को छोड़ देना चाहिए जब कि आयोग बैठा हुआ है, उसके ऊपर संसद् के ज़रिये से एक बिधेयक के द्वारा एक कानून जारी कर लेना, यह कोई इज्ज़त की बात नहीं मालूम पड़ती है । इससे न केवल सरकार की मानहानि होती है बल्कि मेरे ख्याल से संसद् की भी मानहानि होती है । चाहे सरकार की मन्शा इस तरह की न हो, फिर भी आम तौर से ऐसा ही मालूम पड़ता है कि इस तरीके से सरकार एक बात चालू करना चाहती है, जोकि शायद मुमकिन हो कि आयोग मंज़ूर न करे । इसको हिन्दी में कहते हैं "दाल में काला मालूम होता है" । मगर मैं तो कहता हूं "दिल में भी कुछ काला मालूम होता है" । तो इस अवस्था में सभापति महोदय, मैं आपके ज़रिये इस सदन से प्रार्थना करता हूं कि इन सब युक्तियों को, कारणों को, अच्छी तरह से विचार करके अपना निर्णय इस सदन को देना चाहिये । यहां तो हमेशा प्रभाव से काम लिया जाता है और जिसकी लाठी उसकी भैंस की कहावत चरितार्थ होती है । जहां पर जिसकी संख्या ज्यादा होती है, उसका मत हमेशा जीतता है। पर मैं आप लोगों से यह प्रार्थना कर रहा हूं कि आप लोग कम से कम इस नियम का अपवाद या उदाहरण दिखलाइये और अपनी बुद्धि से, अपनी युक्ति से, सलाह लेकर अपना निर्णय दीजिये । इस तरह की कार्यवाही से आप सारे देश की और अपनी इज्जत की भलाई कर रहे हैं या बुराई कर रहे हैं, इसका विचार कीजिये ।

इस बिल के बारे में मेरी जो धारणा है वह मैं पहले बयान कर चुका हूं और बिलासपुर की जनता भी इस तरह के बिल से सहमत नहीं है । हमारे राज्य-परिषद् के सूचना-कार्यालय द्वारा आप लोगों को मालूम हो गया होगा कि इस विधेयक के सम्बन्ध में बिलासपुर की जनता की ओर से कई तारें आई हैं । इन तारों को पढ़कर आप लोग साफ तौर से जान सकते हैं कि बिलासपुर की जनता इस विधेयक को यहां पर इस तरह से काननी रूप देना कभी भी पसन्द नहीं करती है । जब यहां पर यह कहा जाता है कि हम एक लोकप्रिय सरकार की स्थापना

करने जा रहे हैं और लोकतन्त्र का नगाड़ा चारों तरफ बजा रहे हैं, तो आप लोग अपनी आत्मा को साक्षी रख कर यह पूछिये कि इस तरह के कार्यों से लोकतन्त्र के आदर्श को भारतवर्ष में स्थापित किया जा सकता है क्या ? क्या यह बात वाजिब है या यह उचित है कि हम एक राज्य के जन्म और मरण के प्रश्न का हमेशा के लिए वगैर उसके लोकमत को जाने हुये ही तय कर दें ! आज हम अपनी उदार नीति का चारों तरफ प्रचार करके विदेशी बस्तियों के बारे में भी यही चाहते हैं कि वहां की जनता की इच्छा द्वारा यह प्रश्न निर्णय किया जाय । जब विदेशी बस्तियों के बारे में हमारी ऐसी नीति है, तो घर की बस्तियों के बारे में भी यही नीति जारी रहनी चाहिये ।

"या प्रीतिः सोदरे नास्ति का प्रीति–
रितरे जने"

जो प्रीति अपने भाइयों के लिये नही है, वह प्रीति दूसरों के लिये कैसी हो सकती है, उसी दृष्टि से आप लोग इस प्रश्न को विचारें । मेरा ख्याल है कि आपलोगों में "गड्डरिका प्रवाह" होता है । मेरा सुझाव तो यह है कि आप इस विधेयक को आयोग के पास भेज दें और वह अपना निर्णय इस सम्बन्ध में दे, हम लोग किसी तरह का हस्तक्षेप नहीं करना चाहते हैं और न करना ही उचित है, यह हमारी हमेशा की राय है । इतना कहकर मैं इस विधेयक का विरोध करता हूं ।

[For English translation, *see* Appendix VII, Annexure No. 193.J

SHRI H. P. SAKSENA: Mr. Chairman, I must confess that the most biting and sarcastic speech of my hon. friend, Mr. Bhanj Deo, leaves me completely unconvinced. My only anxiety was to know, even before my friend began to speak, whether the wishes of the people of Bilaspur had been ascertained, when the question of its merger with Himachal Pradesh was finally decided. I am sure, although I am not in possession of all facts, that their wishes must have been ascertained. It was simply astonishing to see Mr. Bhanj Deo oppose the merger of such a tiny State like Bilaspur, when such big States like Baroda, etc. —in fact 563 of tihem—were merged into the Union of India to form one integrated whole.

SHRI H. C. MATHUR (Rajasthan): Is it not part of the Union of India?

SHRI H. P. SAKSENA: Up till now, it has been a separate entity. It has been a separate unit, and it does not deserve to have all the paraphernalia of a separate State, with only a population of 129,000.

SHRI H. C. MATHUR: That is a different matter.

SHRI H. P. SAKSENA: Now, Sir, the time has come when all these small States like Coorg, Cutch, Bhopal, etc. should be merged into the bigger neighbouring States or provinces to which they belong, and this unnecessary heavy burden of expenditure should be curtailed. Instead of trying to find out economies here and there by curtailing the salaries of the low-paid clerks or abolishing the posts of a few peons, we should look to these items of expenditure which are top-heavy and can be very safely and easily curtailed. I wish that this step ought to have been taken long before and I remain unconvinced even by the argument that the hon. Home Minister has put forward that it was because of this or that that this Bilaspur State could not be merged into Himachal Pradesh. Himachal Pradesh itself is a small State but I don't know what considerations weighed with the framers of the Constitution to give it the status of a State. Anyway it. ir now a fact and an established fact.

[Shri H. P. Saksena.]

I again submit that all these remaining small units which are today enjoying the status of a State should be abolished very early. I support this Bill.

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Chairman, Sir, I rise to support this measure. I welcome it becaise it will undo a wrong which was done to placate certain vested interests of the old Princely State of Bilaspur. Bilaspur is an anomaly in the map of India, it being a tiny spot of 453 square miles with all the paraphernalia of a separate State. Sir, such small States are never conducive to good government or for good administration and they entail a lot of avoidable and extravagant expenditure. Their extinction will only mean economy and a betterment of the lot of the people who inhabit those areas. The sooner it is merged with the State of Himachal Pradesh, the better it is for all concerned because Bilaspur belongs, geographically, ethnically and culturally to Himachal Pradesh- My friend sitting to my right has said that we are going back upon the words that we gave to the Ruler of Bilaspur probably. I say that a fraud was committed upon the people of Bilaspur by allowing this State to continue as a separate entity. Very high sounding reasons were advanced for allowing a separate existence for this State and for permitting top-heavy administration for this small bit of land comprising of 453 square miles. It is said that the location of the Bhakra-Nangal Dam and the efficient execution of the Project made it necessary that Bilaspur should exist as a separate State. Let us now examine how facts are with regard to this Project. Mention of this fact has been made both in the Statement of Objects and Reasons of this Bill and also by the hon. Minister who has sponsored this measure. Bhakra-Nangal Project is one of the biggest projects in this country and it extends over a large area. Its operations are carried on in three States—Punjab, PEPSU and Rajasthan. Of these, PEPSU and Rajasthan comprise of very many old Princely States. Practically all the dams, the "power houses and canals and all the administrative units are situated in these three States —mostly in the State of Punjab. Only a small portion of the Bhakra Dam one side of it. is situated in the Bilaspur State. I should say hardly 1 per cent, of the Project is situated in the present State of Bilaspur. My hon. friend the Minister in charge of this Bill is not even aware today as to what areas of Bilaspur will be submerged by the storage waters of this Dam. Now with regard to the management of this Project, there is a Control Board, the Chairman of which is the Governor of Punjab and on this Board are represented the Governments of Punjab, PEPSU, Rajasthan and also the Central Government. I understand that as a rule the Qhief Secretary of Himachal Pradesh and one officer from Bilaspur attend the meetings of the Control Board as special invitees, and they take part in all the deliberations and are responsible for the decisions that are taken in the Board. Then Bilaspur has been under the over-all control of the Government of India since the very day the Princely Order came to an end in that State. Considering these facts, I cannot imagine—I don't understand—how the interests of the beneficiary States of PEPSU, Punjab and Rajasthan could have been adversely affected or even the efficient management and execution of the Project would have been prejudiced, had Bilaspur been merged at the very beginning with Himachal Pradesh. Sir, if the decision was taken at the very beginning to merge the State, we could have saved a lot of money that we are spending today upon over-head expenses, upon top-heavy administration, and could have spent the savings on improving the standard of living and for bettering the lots of the people of Bilaspur.

There is another point that I would like to place before you for consideration. We are now going to have the Kosi Project and in the Kosi Project an independent State like Nepal is

involved and probably we shall have an independent body—perhaps international—for the management of the Kosi Project. If such a thing could happen, I cannot understand why from the beginning Bilaspur was not merged with Himachal Pradesh and proper representation given to that area, or to the State on the authority that could have been set up for the management of the Bhakra-Nangal Dam, Therefore I say that it was a fraud committed upon the people of Bilaspur by allowing this State a separate existence, and I very much welcome this measure, although belated as my friend from U.P. has said, and I do hope the Government will go ahead full-steam in the matter of integration of the State of Bilaspur with Himachal Pradesh. They should not be deterred by the faked agitations that are being carried on by the supporters of the tx-ruler. I have, Sir, some information which gives me the impression that agitation is being sponsored by certain vested interests, representations have been made and will be made to Government, that telegrams have been sent and will be sent to you, Sir, and to the Speaker of the other House, against this measure. I would only warn the Government that they should not pay any heed to such representations or agitations which are not backed by the people, and I am sure, Sir, that this House will give its full-throated support to any measure that the Government will take for the speedy integration of this State with Himachal Pradesh.

Coming now to the provisions of this Bill, I would invite your attention to clauses 28, 29 and 30 of the Bill. Clause 28 says:

"EXISTING LAWS TO CONTINUE. Save as otherwise provided in this Act, all the law in force immediately before the commencement of this Act in any area forming part of the new State shall continue to be in force until repealed or amended by a competent legislature or authority."

Clause 29 deals with power to construe laws. It says:

"For the purpose of facilitating the application in relation to the new State of any law made before the commencement of this Act, any court, tribunal or authority may, subject to any express provision of this Act, construe the law with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court, tribunal or authority, as the case may be."

Then clause 30 says that existing taxes shall continue.

"All taxes, duties, cesses and fees which immediately before the commencement of this Act were being lawfully levied in either of the existing States or any part thereof, shall continue to be levied in the same manner and to the same extent and to be applied for the same purposes until other provision is made by a competent legislature or authority."

Sir, I have to make one point with regard to these clauses. You are well aware that in the Princely States, there was no uniformity of laws and taxes. The laws of a particular State differed from those of another although they may be neighbouring States, Similarly, the taxes, cesses, fees, etc. also differed to a very great extent. Therefore, I would like to know from my hon. friend Dr. Katju whether Government has made a proper study of this point. I would request him to take the House into his confidence and tell us whether there is uniformity of laws and taxes in these States of Bilaspur and Himachal Pradesh or whether there is wide divergence in laws and taxes. Sir, clause 32 which speaks of power to remove difficulties says:

"If any difficulty arises in giving effect to the provisions of this Act, the President may make such orders not inconsistent with the said provisions, as appears to him to be necessary or expedient for the purpose of removing the difficulty:"

[Shri Rajendra Pratap Sinha.] What is the information in the hands of the Government? We are anxious to know whether there are many different and divergent laws and taxes which the Government propose to regularise and set in order, so as to bring uniformity, under clause 32? I would submit, Sir, that if there are any widely divergent laws and taxes, they ought to be brought on a uniform basis along with this Bill and only minor difficulties or differences should be left to be adjusted under this clause, *i.e.* clause 32. As a matter of fact, this Bill merely gives de jure recognition to the de facto unification of the administration that has already taken place, if I remember correctly, on the 4th of November 1953, when the Lieutenant-Governor of Himachal Pradesh in his personal capacity was appointed Chief Commissioner of Bilaspur State. I think that the wisp administrator that Dr. Katju is, he must have taken steps already to bring the different laws in the two States on a uniform basis, as also the different taxes. I do hope that the hon. Minister will throw some light on this point.

[MR. DEPUTY CHAIRMAN in the Chair. 1

Then, Sir, with regard to clause 32, I have to make a submission. It would be indeed, ,/'^rj^ good_ if the hon. Minister agrees to my suggestion that all the orders passed by the President under this clause of this Bill should be placed on the Table of the two Houses of Parliament so that we may know what orders are being promulgated and how things are being adjusted.

With these words. Sir, I give my wholehearted support to this measure.

SHRI S. N. MAZUMDAR (West Bengal): Mr. Deputy Chairman. I also support this Bill and the only criticism which I can offer about this Bill is that it is too late. I fully agree with my friend who preceded me that this is a fraud which was committed on the people of Bilaspur. Sir. there has been another friend of mine who remarked that if there was a fraud. the Government of India was a party I to that and, Sir, I agree with that—I find Dr. Katju laughing.

DR. K. N. KATJU: What shall I say? Shall I be very sad about it?

SHRI S. N. MAZUMDAR: However, Sir, from a perusal of the Statement of Objects and Reasons it is quite clear that there was no justification for maintaining this tiny State of Bilaspur as a separate entity for all these years. These are small principalities, feudal States.

SHRI H. C. MATHUR: What about the others?

SHRI S. N. MAZUMDAR: Yes, there are others and those wrongs should be righted but that is no reason why when one wrong is being righted we should not support it. Sir, the reason that has been given for this delay is an absolutely unjustified one; I cannot imagine the fact that on the ground of the future administration of the Bhakra-Nangal Project the State had to be maintained as a separate entity at such heavy expense and at the cost of the people of Bilaspur. From the linguistic, cultural and from all points of view the people of Bilaspur are akin to the people of Himachal Pradesh. Before the formation of Himachal Pradesih, if I remember correctly, in 1947, there was an uprising of the people of one of the small States, it was perhaps Suket, which compelled most of these rulers to agree to accede to the Indian Union; and I would like to know why, at that time, the tiny State of Bilaspur was not merged with Himachal Pradesh; it is beyond my comprehension. Sir, my hon. friend Mr. Bhanj Deo, while opposing this Bill, tried to put forward the argument of Ram Rajya and *'vachan'* and all these things. Sir, if any word was given to the feudal Princes, word behind the back of the people, that is no reason why the people should not demand today that those agreements should be scrapped or at least they should be immediately revised. There are many other points as regards the agreements with the

rulers which the people today want at least to be revised immediately; it is not only the question of the main tenance of the small principalities, the question of their privy purses is there; the question .....

(Interruption.)

We do not subscribe to that argument. We say that the Government of India has come forward with this Bill not because it has given up its love for the feudal Princes but because the people demanded and tlbe people are forcing them. Actually, the question is why this was delayed so long. That the argument of the Bhakra-Nangal Project cannot hold water has been explained by my friend.

SHRI H. C. MATHUR: It can hold gallons of water.

SHRI S. N. MAZUMDAR: Figuratively speaking, the argument cannot hold water. My friend has explained sufficiently and so I do not like to dilate on that and I do not like to take much time of the House on this matter.

My friend has pointed out about clause 30 and I wish to make some observations. Actually in these feudal States there were not only various sorts of taxes but we know that there were various sorts of illegal extortions and I want to know whether the Government has made any effort to collect material about those and to assess the actual position about these taxes for the purposes of finding out whether they are taxes of multiformity or illegal extortions. This should have been done and opportunity sihould have been taken to right those wrongs at this point. As I do not have sufficient information on this point I cannot dilate on this now. However, Sir, I do not like to take much time of the House. I support the Bill and with these words I resume my seat.

SHRI S. MAHANTY (Orissa): Mr. Deputy Chairman, let me not be misunderstood as opposing this Bill. In fact, it does my heart good to find that the Government is contemplating to extend the territories of the State of Himachal Pradesh by including the territories of the Bilaspur State in it but, Sir, this Bill raises certain points to which specific and clear answers should be given by the Government. Unfortunately, the whole debate over this Bill has been clouded by unfair imputation of motives by prejudices and predilections. Here, no one is very much anxious to retain the existence of a tiny State like Bilaspur. In fact, I would be the happiest man if not only Bilaspur but all the Part C States are extinguished from the map of India. In our country, we should not have democracies of A type, of B type and of C type. This is an anomaly and the sooner it is removed the better it is for the development of the nascent democracy in our country. But, Sir, the fact remains to be said that the condition precedent to the merger of Bilaspur with Himachal Pradesh has not been fulfilled. Is it not right to ask wihy that condition precedent has not been fulfilled? In fact, the proposal for merger of Bilaspur with Himachal Pradesh is nothing new. A tripartite conference to which even the Government of Bilaspur was a party was held and it was agreed in that conference that Bilaspur should be merged with Himachal Pradesh but there was a rider, there was a condition and the condition ,*vcz* that a Control Board—the Bhakra-Nangal Control Board—should be formed and only thereafter Bilaspur was to be merged with Himachal Pradesh. If it was stipulated in a tripartite conference to which the Government of India was also a party then certainly it is within our rights to ask from the / hon. Home Minister as to why that condition precedent has not been fulfilled and why the Government is hustling through this measure particularly in view of the fact that the States Reorganisation Commission has already started working on the question of readjustment of State boundaries in India.

Secondly, Sir, Himachal Pradesh has very strategic importance from the defence point of view. I would go much further and I would advocate

LShri S. Mahanty.] the formation of a Cis-Himalayan State consisting not only of Bilaspur and Himachal Pradesh but also of Kumaon, Tqhri-Garhwal and the other adjoined areas. But then this also raises another difficulty, for you would have noticed in this morning's papers that there is a movement for the formation of a Maha Punjab in which claims are being made for Bilaspur. Now the question of merger of Bilaspur with Himachal Pradesh cannot be said to be a non-controversial one. Punjab is staking its claim, however valid or invalid it may be—that is a different question—but the fact remains to be said that over Bilaspur Punjab is also staking its claim and it has been also advocated in the past that in view of the fact that Himachal Pradesh occupies a very strategic position in ihe map of India, its territory should be extended and as an administrative unit it should be so strengthened as to make it efficient for the defence purposes of India. Therefore, my submission is that the whole question should have been referred to the States Reorganisation Commission. This Commission is going to submit its report in the year 1956 at the latest and, therefore, this delay of one or two years would not have meant much. At this stage, I will submit once again that unfair imputation of motives should not be indulged in, and as to the representations which have been made against this measure — whether they are fraudulent or genuine—it does not lie in any one's mouth here to say that they are fraudulent or that they are faked or anything of that sort. Let us try to face facts as they are. I will 4 P.M. ask the hon. the Home Minister one straight question. Here the Government is proceeding *suo motu* to finalise an arrangement even though the condition precedent has not been fulfilled, as I have pointed out just now. I ask what consistency they maintain in their actions inasmuch as two small States in Orissa were first integrated with Orissa and then because certain conditions were lacking they were transferred temporarily to the neighbouring State of Bihar. So naturally one expected that after those conditions had been fulfilled, the Government of India would also proceed *suo motu* to return those two States back to Orissa. When I raised this question on the floor of this House, the hon. the Home Minister was good enough to say, "You wait till the high-power Commission or the Linguistic States Commission or whatever it may be, comes to a decision." Now I venture to think that a discrimination has been made. In one case the people are being told, "You wait till the high-power Commission or the Linguistic States Commission gives its award", and in another case of a verv similar nature the Government are saying, "Well, this does not matter very much. The people of Bilaspur and Himachal Pradesh are one and therefore we are transferring the territory of Bilaspur to Himachal Pradesh." When the States Re-organisation Commission has not yet reported on this and when the condition precedent has not been fulfilled you are transferring Bilaspur to Himachal Pradesh. Therefore under these circumstances, though I do not oppose the Bill, still I indicate these aspects for such consideration as they may deserve by this hon. House. I have nothing more to add.

SHRI KISHEN CHAND (Hyderabad) : Mr. Deputy Chairman, I welcome this Bill, but in welcoming this Bill I beg to point out that the hon. Minister stated that the waters of the Bhakra Nangal Dam will be mostly stored in what is at present called the Bilaspur State. Sir, if this is the fact then naturally it would have been far better if Bilaspur State had been merged with Punjab because in that case there would have been one administration for the Bhakra-Nangal Dam and its waters and its dam would have been under the control of Punjab. Sir, when we are merging a State is it not better that the State is merged into a much larger State which surrounds that State entirely. You will be surprised to learn. Sir, that Bilaspur is surrounded by Punjab *on* at least

three sides of it and ethnically Bilaspur is more allied to certain parts of Punjab than it is allied to Himachal Pradesh. I submit, Sir, that when the Home Minister has brought in this Bill, he should have really brought in a Bill merging Himachal Pradesh and Bilaspur with Punjab and the tendency should be for bigger units of administration and not for small units of administration. I fail to see, Sir, any reason for bringing this Bill when he could have easily brought another Bill in its place providing therein for the merger of Bilaspur and Himachal Pradesh in East Punjab. It would have only required the assent of the Punjab which the latter would have gladly given for according to the Constitution, Parliament can pass any laws for Part C States but if it means the alteration of the boundaries of any Part A State it requires the consent of the Legislature of that State. I submit, Sir, that Punjab would have gladly welcomed the merger of Himachal Pradesh and Bilaspur with their territory. So I submit that objection cannot stand and when this Bill was being considered we should have seen that even including Bilaspur, Himachal Pradesh would remain a very small State, one of the smallest Part C States with a legislature. I do not see any reason why we should go on putting obstacles in the way of the unification of our country. Sir, whenever such a question is asked the hon. Minister refers us to the high-power Commission that has been appointed. I am very sorry to say, Sir, that that high-power Commission has raised enormous agitation all over the country. I wish that the high-power Commission were never appointed. All sorts of claims are being put up now as the Commission is raising a hornet's nest among our countrymen. I do submit, Sir, that it is far better if our Government in their own wisdom would bring forward legislation consolidating various parts on the linguistic basis. Their appointing this high-power Commission has led to all sorts of bogus representations and claims of all sorts are being made. It is not so easy that, just by passing a resolution of the Congress Working Committee, all agitation will be silenced. This agitation is going on and I think the sooner we do away with the high-power Commission and carry on with Bills like this by which the States are merged properly with each other or their boundaries readjusted so that they become linguistically more homogeneous, the better it will be. Therefore. I will conclude by simply saying that I do not oppose this Bill but I think it is an incomplete Bill. The real Bill should be one merging these two States with Punjab.

SHRI RAJAGOPAL N A I D U (Madras): Mr. Deputy Chairman, I welcome the principles underlying this Bill though I am opposed to the Bill proper.

Sir, the principle underlying this Bill is the merging of a smaller State with a bigger neighbouring State. I always welcome that these Part C States should once for all be wiped out of the map of India and there should be proper and bigger administrative units in our country, not so big as U.P. with its 84 Members represented in the House of the People. Sir, does it not look ridiculous to call a State a Part C State with only one representative of it represented in the House of the People. Sir, it is high time that all these Part C States are completely wiped out of the map of India. There should be one uniform set of States in the country—let them be called Part A, Part B or Part C States.

Sir, what is the urgency to bring this Bill especially when there is a high-power boundary Commission constituted and it is discharging its functions very efficiently. It has started touring the country. Why should we not wait for the recommendations of this high-power boundary Commission? It may be that this high-power boundary Commission may recommend the wiping out of Himachal Pradesh and the merging of Himachal Pradesh and Bilaspur with the neigh-

[Shri Rajagopal Nair'u.] bouring Punjab State. Probably they may recommend in that way.

Then it is stated, Sir, that geogra phically and culturally Himachal Pra desh and Bilaspur have got some common interests. It may be so, what I wish to point out is when this higfr-powered boundary Commission is tour ing the country and will be making cer tain recommendations, we should wait and see what that is going to say and then decide whether Himachal Pradesh and Bilaspur should be merged and formed into one separate unit or whe ther these two small units, namely, Himachal Pradesh and Bilaspur should be merged with Punjab or with any other State. Sir, I do not want to say anything more about this except to welcome the principles underlying flii* Bill, but at the same time epT»»« this particular Bill, namely, the Hinwrfcal Pradesh and Bilaspur (New-State) Bill. ^

SHRI KANHAIYALAL D. VAIDYA (Madhya Bharat):

श्री कन्हैयालाल डी० वैद्य (मध्य भारत) : उपाध्यक्ष महोदय, इस बिल का मैं हृदय से समर्थन करता हूं। विरोधी बेंचों की ओर से अभी कुछ ऐसी बातें कही गई हैं जिनमें इस बात पर यहां जोर दिया गया है कि वहां की जनता इस बारे में कुछ विरोध कर रही है । मैं नहीं समझता कि जनता का कोई विरोध है बल्कि मैं तो समझता हूं कि यह विरोध उनसे करवाया जाता है और करवायाजा रहा है। राजाओं की गतिविधि की जानकारी पिछले दिनों में होम मिनिस्ट्री को रहती थी और मैं समझता हूं कि वह जानकारी आज भी उनके पास होनी चाहिये । आज देश में जो शासन की स्थिति है, विशेषकर इन पार्ट "सी" स्टेट्स (Part C States) के शासन की, उस पर अधिक ध्यान देने की आवश्यकता है । जहां मैं इस बिल का स्वागत करता हूं और इस के सिद्धांतों का समर्थन करता हूं वहां मैं होम मिनिस्टर साहब का ध्यान पार्ट "सी" स्टेट्स की ओर दिलाता हूं और खासकर उनका ध्यान भोपाल की ओर दिलाता हूं । भोपाल की स्थिति भी कुछ-कुछ उसी प्रकार की है जिस प्रकार की कि बिलासपुर की है और मध्यभारत की राजनीति को भोपाल ने पिछले दिनों काफी घातक तरीके पर नुकसान पहुंचाया है और आज भी भोपाल की राजनीति जिस प्रकार चल रही है उसकी जानकारी माननीय होम मिनिस्टर साहब को होगी । जो हमारी सरकार ने पार्ट "सी" स्टेट्स को अलग रखा है उसका अनुचित लाभ राजाओं और नवाबों ने उठाया है और आज भी पर्दे के पीछे बैठ कर उसका अनुचित लाभ उठा रहे हैं । इसलिये मेरा निवेदन है कि पार्ट "सी" स्टेट्स के भविष्य का जो प्रश्न है उसको सिर्फ रिआर्गेनाइजेशन कमीशन (Reorganisation Com-mission) के ऊपर ही न छोड़ दें बल्कि जिस प्रकार से एक बिल ला कर बिलासपुर को हिमाचल प्रदेश में मिलाने की योजना बनाई है उसी प्रकार से उन पार्ट "सी" स्टेट्स को भी मिला दें जिनका कि गवर्नमेंट के साथ एग्रीमेंट का समय पूरा होने वाला है । मैं भोपाल के बारे में विशेष कर कहना चाहता हूं क्योंकि भोपाल मध्यभारत का हृदय है इसलिये यदि उसे मध्यभारत में मिला दिया जाय तो उससे भोपाल की भी उन्नति होगी और मध्यभारत की भी उन्नति होगी ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं और मैं आशा करता हूं

कि जो विरोधी पक्ष की ओर से तार आदि बतलाये जा रहे हैं और जो प्रोपोगैंडा (propaganda) किया जा रहा है उसका कोई असर सरकार पर नहीं पड़ेगा और इस बिल के उद्देश्य को वह अवश्य पूरा करेगी।

[For English translation, *see* Appendix VII, Annexure No. 194.]

SHRI T. BODRA (Bihar): Mr. Deputy Chairman, I am very much surprised to And that this Bill has been taken up now. In my opinion this is not the time when the hon. Home Minister should have brought forward this measure integrating Bilaspur with Himachal Pradesh. Sir, this is my first day and I do not hesitate to tell you that I am from that part of the country where I have had the bitter experiwce of remaining in a Part A State, and my frank opinion is that the people inhabiting Bilaspur will suffer very much financially, educationally and politically if they are tagged on to Himachal Pradesh. Now, because this State was first formed a Part C State they were gainers because our experience has shown that any area which is being Centrally administered is much better administered than other areas which are under State Ministries.

Now, when this States Reorganisation Commission has been vested with all the powers for rearrangement, addition and subtraction of the boundaries of the various States of the Indian Union, would it not be much better if this is also referred[1] to that Commission than to pass it here simply because this House has got the powers to come forward with such a legislation adding Bilaspur with Himachal Pradesh? Secondly, it is very easy to say that the inhabitants of Bilaspur are allied eth-nologically, geographically and in other aspects with the inhabitants of Himachal Pradesh; there may be a lot of evidence which will go to prove that these people are much nearer to the people of Himachal Pradesh but when all these problems have been referred to the Commission, this is not the proper time for discussing all these things. My learned friend was wrong in saying that it was the Commission which was responsible for all the agitation. I submit, Sir, that the Commission has not been doing anything except sending out questionnaires to the different States which are really involved in the matter. They have not been agitating as my learned friend has just said. So when this high-powered Commission has been vested with all the powers by the Government of India in my opinion it will be much better if this is also left entirely to the Commission than to accept this simply because it has been sponsored by the hon. Mr. Katju.

And lastly, why should we single out Bilaspur? Why should we discriminate? Under the Constitution we have to act in this matter, do or undo things, on a principle, and if we deviate from the principle, we are certainly apt to err in our conduct. If we choose Bilaspur, are there not people, are there not Indians in the Nicobar Islands, in Tripura and in Manipur? They may also ask for the same thing. Let us decide once and for all the principle and if we want to do it, let us do it with all the States which are known as Part C States. Let us not select only Bilaspur.

DIWAN CHAM AN LALL (Punjab): Sir, I merely want to ask my learned friend the Home Minister one or two questions in regard to this measure. The first question that I would like to ask him is, how did he come to a decision that this particular Part C State should be merged with Himachal Pradesh and not with the Punjab. I see in the Statement of Objects and Reasons he has given us the necessity for getting rid of the small portion of the State which would remain above the water after the dam has been constructed. One of the reasons stated there is that this area which will remain outside the inundation is contiguous to Himachal Pradesh and the other reason is that it is culturally allied to

[Diwan Chaman Lall.] Himaohal Pradesh. Now it is quite true, if you look at the geography of it, that this area, as my learned friend pointed out a little while ago, is contiguous also with Punjab. Therefore the reason that my learned friend has given for its merger with Hirnachal Pradesh is equally applicable to its merger with Punjab. The second reason that my learned friend gave was that it has cultural affinities with Hirnachal Pradesh. Perhaps my learned friend knows—I do not know if he has been to Bilaspur but I have been to Bilaspur; it is very near to Rupar from where you take a little mountain road—that it is part and parcel and it was part and parcel of Punjab. Now, culturally the language that is spoken there is a variation of Punjabi. Perhaps my learned friend does not know that but it is a fact. Most of the *rikshaw* coolies in Simla—not all of them, but most of them— are from Bilaspur and they are all Punjabi people who speak a varied form of Punjabi. My learned friend may know that each one of us who come from Punjab speak a different dialect according to the district one comes from. Now for instance I come from the Rawalpindi division. In my part of the world the Turks settled down in the olden days when the Moghuls invaded India. And all over India a spoon is being called a *chamach,* but in my part it is called *kashak.* It is a purely Turkish word. Culturally and geographically, therefore, this area must necessarily form part of the Punjab. It was part of the Punjab before the division. It was part and parcel of the States which were under the jurisdiction of the Punjab in the olden days, i.e., in the British days.

DR. K. N. KATJU: Under the juris diction of.....

DIWAN CHAMAN LALL: Under the jurisdiction of the States Political Agent. They were not the States belonging to any other geographical area; they were Simla Hill States. Simla was part and parcel of the Punjab. Simla hills were part and parcel of the Punjab; they still continue to be so; some portions of them seem to have been taken away from the Punjab and merged into what is known as Hirnachal. Now may I put one question to my learned friend? On what reasons did my learned friend come to the conclusion that the merger should be not merger with the Punjab but merger with Hirnachal?

Now look at the other aspect of it. My learned friend said the separation of Bilaspur continued for what reason? Because of the Bhakra Dam. Because of that Dam it was thought advisable that this particular State should not be merged as the other States had been merged. Now in which part of the geographical area does the Bhakra Dam come in? Does it come within the jurisdiction of the Punjab? I take it that it does. I am told that the Raja's residence itself where he used to live is going completely under the water. All that therefore will form part and parcel of a very important scheme which will be practically within the jurisdiction of the Punjab. It may have an autonomous Board running its business, but it is part of the Punjab. And today it is considered as part of Punjab. If that is considered as part of the Punjab, then why not the rest of the area which will be left over after the inundation? I do not see any justification or any logic for its exclusion. I therefore ask my hon. friend to reconsider this matter; it is worth reconsidering. Remember, Sir, what my hon. friend has said. He has said that this will be done without prejudice to the arrangements that may be devised by the Central Government for the future administration of the Bhakra-Nangal Project. Not one word has been said about the States Reorganisation Commission set up by the Government. It has not been said that it will be done without prejudice to anything that the States Reorganisation Commission may suggest in the report that they are **likely to submit next year. It is, I take** it, the Government's position that that will not prejudice the decision of the States Reorganisation Commission in

regard to any decision that that Com mission may arrive at about the future of this particular area. Sup pose the Commision were to decide that this area will belong to the Punjab and not to Himachal, and suppose they say that Himachal itself shall belong to the Punjab, then what will happen? I therefore want my hon. friend to state here that this is being done without prejudice to anything that the States Reorganisa tion Commission may decide. I take it that that is so. I take it that my learned friend agrees with me that this is without prejudice to the decision that may be arrived at by the States Reorganisation Commission. I do not get a reply from my hon. friend, but I take it that he will give me a reply .....

DR. K. N. KATJU: I have been warned by Mr. Chairman over and over again to talk to him, not to talk to my hon. friend.

DIWAN CHAM AN LALL: But my learned friend can address the Deputy Chairman and tell him something. I am also addressing the Deputy Chairman while I turn my face to the hon. friend. The fact of the matter is this that my learned friend, in the Statement of Objects and Reasons, has not said that the suggestion which he is making will be without prejudice to the decision of the States Reorganisation Commission. But we take it that that is so. No Government, having appointed a high-power Commission consisting of three of the ablest men, can afford to ignore the verdict of that Commission. I think this matter probably has not been considered in its proper context in which it should have been considered before it was brought to this House. I think that that is a matter important enough, after having appointed a high-power Commission, for being considered by Select Committee or possibly by a Joint Select Committee. After all it is not a small thing to start reorganising the various parts of India territorially just by a mere stroke of the pen as it happens to have been done here. It is probably the department that has done it for reasons which I do not know. But whatever the reasons, they are trying to do something that is worth doing but not in this particular manner. Therefore, I would like my hon. friend to enlighten this House as to what were the reasons that compelled him, apart from the reasons that have been stated here—which are equally applicable, as I stated, to the merger of this area with the Punjab—to make this particular suggestion in this particular manner.

I must say that I entirely agree that not only should the Part C States disappear but that the whole concept of the division of India into these various States is a wrong concept. It was all right for the purposes of administering the units under British rule. The Britishers were anxious enough to amalgamate various areas when it suited them. As my learned friend knows perfectly well, the area from Delhi right up to the borders of Afghanistan became one area after the British occupation of Northern India, that is to say, when the Punjab was annexed. And it continued as one area until settled conditions prevailed. With settled conditions the big areas were no longer consonant with the interest of the Britishers. And then came the fissiparous tendencies. First of all the North West Frontier Province was taken away; then the Delhi Province was taken away; and these areas were formed into separate units. Delhi was formed into an administrative unit, a separate district, run by a Judicial Commissioner and similarly the North West Frontier Province was turned into a Judicial Commissioner's province. The time has come when we must do our thinking over again. What is needed in this great country, which displays great diversity, is the essence of unity in this diversity. What is needed is strong Central control. What is needed is not fifty different opinions but one opinion, because the problems are very dangerous and very serious. And I am certain that the task that is confronting the high-power Commission is a very important task, very important indeed in the concept

[Diwan Chaman Lall.] of the future Government of India. How is India to be governed? Is it to be done by these separate little units or by strengthening the Centre or by the means that were adopted by Britain? Those are vast problems to which I have not the slightest doubt that the Government will turn their attention. This is a small matter, but it is a big matter in the context of the future reorganisation of the States, and therefore I draw my learned friend's attention to this particular aspect of the question, and I do hope that he will be able to throw some light and give us an assurance that whatever he does now will be without prejudice to what is likely to come out of the Commission's report.

SHRI C. L. VARMA (Bilaspur and Himachal Pradesh):

श्री सी० एल० वर्मा (बिलासपुर और हिमाचल प्रदेश) : उपाध्यक्ष महोदय, मैं यह कहना चाहता हूं कि यह जो बिल हमारे सामने है, इस बिल की रू से मौजूदा हिमाचल प्रदेश और बिलासपुर स्टेट की एक नई स्टेट, हिमाचल प्रदेश, बनने वाली है । माननीय भंज देव जी ने जिस वक्त यह बिल यहां इंट्रोड्यूस (introduce) हुआ था उस वक्त एक दो बातें इसके विरोध में कहीं जिसमें उन्होंने उस डिसीजन (decision) का रिफरेंस (reference) दिया जिसमें यह कहा गया था कि जब तक भाकरा नांगल प्रोजेक्ट (project) नहीं पूरा हो जाता उस वक्त तक बिलासपुर मर्ज (merge) नहीं होना चाहिये । जैसा कि सिन्हा जी ने अभी बताया, वहां मौजूदा हालत में भी एक बोर्ड काम कर रहा है और उसके बारे में स्टेट मिनिस्ट्री की तरफ से जो बुकलेट (booklet) सर्कुलेट (circulate) हुआ है उसके पेज ३० पर यह साफ तौर पर लिखा गया है कि कई खास वजूहात से बोर्ड अब तक नहीं बन सका । एक पौइंट (point) का उन्होंने यहां जिक्र किया कि बिलासपुर के आदमी मर्जर चाहते हैं । यह सब से अहम सवाल है । इस सिलसिले में बिलासपुर की जनता की तरफ से मुझे स्टेट मिनिस्ट्री से यह शिकायत है कि बिलासपुर की जनता सन् १९४८ से लगातार यह मांग करती रही है कि बिलासपुर को हिमाचल प्रदेश में मिला लिया जाय, बिलासपुर के लोगों का रहन-सहन, वहां के लोगों का बुद व बाश, वही है जो कि हिमाचल प्रदेश के लोगों का है, उनकी जबान वही है जो हिमाचल प्रदेश के लोगों की है । १९४८ में जिस वक्त स्टेट्स का इंटीग्रेशन (integration) हुआ, किसी न किसी वजह से, किसी न किसी रूप में, उस समय बिलासपुर का हिमाचल प्रदेश में विलीनीकरण (merging) रोक दिया गया । उसके बाद जब पंजाब में और दूसरे राज्यों में एसेम्बलियों (Assemblies) के चुनाव हुये, बिलासपुर के लोगों ने अपनी मांग को फिर दोहराया, रिजोल्यूशन (resolution) पास किये, रिप्रेजेंटेशन (representation) किये, मगर यहां पर कोई सुनवाई नहीं हुई । अभी माननीय दीवान चमन लाल जी ने पंजाब के सिलसिले में कहा, कि सन् १९५२ में एक कांफ्रेंस हुई जिसमें कि पंजाब के भी और हिमाचल प्रदेश के भी नुमायंदे शामिल थे और साथ ही राजस्थान और दूसरे राज्यों के नुमायंदे भी शामिल थे, जिसमें कि गवर्नमेंट ने यह फैसला किया कि बिलासपुर को आखिरकार हिमाचल प्रदेश में मिला लिया जाय । तब से बिलासपुर के लोगों को यह चिंता होने

लगी कि आखिर वह दिन कब आयेगा जब कि बिलासपुर को हिमाचल प्रदेश में मिलाये जाने का सवाल पेश होगा। लेकिन फिर जब यह बिल इस सदन के सामने पेश हुआ तो यहां कुछ विरोध प्रकट किया गया। श्री भंज देव ने कई कंस्टीट्यूशनल पौइंट (constitutional points) सदन के सामने रखे, कहीं ड्राफ्टिंग (drafting) का पौइंट रखा, कहीं यह कहा कि वहां की जनता इसे नहीं चाहती। यह भी कहा गया कि विरोध में वहां के लोगों के ५० हजार दस्तखत प्राप्त हुये हैं, जब कि वहां की आबादी एक लाख छब्बीस हजार है, जिस आबादी के अंदर बच्चे-बूढ़े-औरतें सभी शामिल हैं। तो क्या वे दस्तखत हाथ पांव के अंगूठे लगा कर पेश किये गये ? श्री भंज देव ने तारों के प्राप्त होने का उल्लेख किया कि कई किस्म के तार किये गये हैं। इस सिलसिले में मैं उनकी तवज्जो इस तरफ दिलाना चाहता हूं कि तारों के नीचे जो नाम हैं, जरा वे उनको देखें कि वे नाम महज एक आदमी के हैं या कई आदमियों के हैं। मैं यह नहीं कहना चाहता हूं कि दरअसल इसके पीछे कोई ताकत काम कर रही है मगर वेस्टेड इंटरस्ट्स (vested interests) जरूर काम कर रहे हैं। मेरे पास १७ मार्च को तार आए हैं जिन्हें मैं आपकी इजाजत से अभी टेबल (Table) पर रखने वाला हूं। जिन लोगों से ये तार प्राप्त हुये हैं वे हैं—प्रेसीडेंट, जमाएत उल उलेमाए हिंद, प्रेसीडेंट, डिस्ट्रिक्ट कांग्रेस कमेटी, बिलासपुर, सेक्रेटरी बिलासपुर माहिल समादान, सेक्रेटरी प्रजा-सोशलिस्ट पार्टी, बिलासपुर। मालूम होता है कि श्री किशन चन्द जी को अपनी पार्टी के बारे में कुछ पता नहीं है। अतः इस सिलसिले में जहां तक बिलासपुर के लोगों का सवाल है, उनकी जो मांग १९४८ में थी वही मांग आज भी उसी आवाज में बुलंद है। बल्कि, बिलासपुर के लोगों की तरफ से मैं माननीय मिनिस्टर साहब को धन्यवाद प्रदान करता हूं कि उनकी कृपा से आखिरकार वह दिन आ गया जब कि बिलासपुर को हिमाचल प्रदेश में मिलाने का फैसला हो गया।

जहां तक दीवान चमन लाल जी का कथन है कि बिलासपुर की जो सीमाएं हैं वे पंजाब से मिलती हैं, इसमें कोई शक नहीं कि हिमाचल प्रदेश की सीमाएं भी पंजाब से मिलती हैं, यह भी सच है कि उस की सीमाएं यू० पी० से भी मिलती हैं, दूसरी जगहों से भी मिलती हैं। सीमाओं का सवाल नहीं है। सवाल तो यह है कि हिमाचल के लोगों की और बिलासपुर के लोगों की एक जबान है, एक सा रहन-सहन है, यानी एक ही तरह के रसमो-रिवाज हैं। यह सही नहीं है कि मेरी और दीवान साहब की जुबान एक सी है, या रहन-सहन एक सा है, बहुत फर्क है। हिमाचल प्रदेश में जो रस्मो-रिवाज हैं, उदाहरण के लिये जिस तरह से वहां शादियां होती हैं और दूसरे रस्म किये जाते हैं, मेरा ख्याल है, पंजाब के लोग उनको एडोप्ट (adopt) नहीं करेंगे। जहां तक ज्यौग्रफी (geography) का सवाल है, उसका थोड़ा सा मैदानी इलाका पंजाब के साथ मिला हुआ है, बाकी सारा इलाका अधिकतर पहाड़ी इलाका है। मैं समझता हूं कि सारे इलाके को पंजाब में मिला दिये जाने की जो मांग की जाती है वह हिमाचल

[Shri C. L. Varma.]

प्रदेश के साथ एक बहुत बड़ी ज्यादती है ।

जैसा कि बिल से साफ जाहिर है, पहले भी बिलासपुर की स्टेट उन स्टेट्स की ग्रुप (group) में से एक थी जिस को कि शिमला हिल स्टेट (Simla Hill States) कहा जाता था । इसकी एक पोलीटिकल एजेंसी (political agency) थी । जिस वक्त स्टेटों का मर्जर (merger) हुआ बाकी रियासतें जिसमें सिरमूर, मंडी और सुकेत वगैराह भी शामल थीं वे सब मर्ज कर दी गई । मगर ऐसा मालूम होता है कि किसी न किसी बहाने से यह बिलासपुर की स्टेट अलग कर दी गई थी ।

अंत म में खास तौर से बिलासपुर की जनता की तरफ से, यह निवेदन करता हूं कि अब यह बिल जल्द पास हो जाना चाहिये और बिलासपुर और हिमाचल प्रदेश के एडमिनिस्ट्रेशन (Administration) को इकट्ठा कर देना चाहिये । इन अल्फाज के साथ मैं बिल को सपोर्ट (support) करता हूं ।

[For English translation, *see* Appendix VII, Annexure No. 195.]

DR. K. N. KATJU: Mr. Deputy Chairman, I am grateful for the general welcome that has been extended to this Bill, and I shall now endeavour to reply to some of the points which have been raised. One hon. friend, complained that the Government had gone back on a certain decision. I was rather surprised at this statement, because the decision was taken some time in 1952 that Bilaspur should be made an integral part of Himachal Pradesh. My hon. friend, Diwan Chaman Lall, wanted me to do the very rash act of interrupting him. I did not do so, because it would have been improper. Now, this matter whether Bilaspur should be merged at all and, if so, with what particular State, has been considered at enormous length, and my hon. friend will probably gather it from me and from his friends from Punjab that every point of view has been considered fully both in writing in communications and verbally in conferences. My hon. friend over there referred to a conference just now. That conference was held over eighteen months ago. It was a fully representative conference. It was attended by the Chief Minister of Punjab and two or three of his colleagues and high officers, and representatives of Rajas-than, PEPSU and Himachal Pradesh. Everybody was there, and the whole question of what should be done with Bilaspur was fully considered. Of course, the dominating point before everybody was this enormous national project of Bhakra-Nangal, which is one of the biggest projects in India. The prosperity of millions of people not only living in one State but in Rajas-than, PEPSU and Punjab, leaving aside Bilaspur, is bound up with Bhakra-Nangal, and we were all most anxious that nothing should be done in the slightest degree to imperil in any way the success of that project.

Everything was gone into. How much land would be taken, how much would be submerged, what should be done on either side of the river, etc. We must bear in mind the future possibilities of further development and so on and the decision then taken was that there should be some sort of authority or a Control Board on which every Government would be represented. You may say that was the Government of India's decision but the decision was put before the Conference and discussed. I think it forms part of the proceedings, *viz.,* that administratively it should form part of Himachal Pradesh, I cannot of course challenge what was stated by my hon. friend about the linguistic affinity because he knows it much better than I do. I may say, being a student of Punjab, I have not learnt so far that Bilaspur

was a part of Punjab. Bilaspur. I have been told, was part of the Simla Hill States. Of course my friend says that Simla is in Punjab and therefore it is part of Punjab. Similarly you may say that Punjab is part of India and therefore it is part of India. You can go further than this, but the Hill States, even including Kangra which is a part of Punjab today—everybody knows —are something quite distinct. The culture is distinct, the outlook on life of the people is distinct, for the simple reason that they differ, if I may put it so, climatically, *viz.* they live in the hills, and people who live in the plains behave in one manner and the people who live in hills behave in another manner in every way. Soulhat was said by my friend from Himachal Pradesh is perfectly right.

DIWAN CHAMAN LALL: If this argument is correct, then is my hon. friend advocating also that the hilly section of the Uttar Pradesh should be separated?

DR. K. N. KATJU: The question is how much would be left and where would it be left? The place would be gone either under water or would be gone in the works. Very little of the plain lands would be left. We had to make arrangements for rehabilitation and all that sort of thing. I only want to assure my hon. friend that the decision may be wrong, the view may be wrong, but it is not a hasty decision, not a decision about which you may say that it is a decision which has been taken without due consideration of any material aspect of the case. On that point I can assure him that nothing has been overlooked. Discussions have been there over and over again, and secondly, I must say this that human nature being what it is, whether in its application in the family circle or whether in its application in the case of what you may call provincial limits, there is greed predominant, but I have not known of anyone in Bilaspur saying that "we would like to go to Punjab". So far as I thought, they were saying, "We would rather like to go to Himachal Pradesh". It may be because the hill brings "them together but that is the aspect of it. If that had been a part of Punjab, I would have expected that there would have been some kind of cry for going to Punjab because there is the road and there is the railway line. Anyway the decision has been taken. Now my hon. friend says, "Where is Ram Raj or Ravan Raj? Why don't you stick to the decision?" The decision was taken in 1952 that it should be merged. Why has there been this delay' The reason is, I was waiting so that the picture might become clearer, so that in no sense, in not the slightest degree the implementation of the Bhakra-Nangal Dam should be jeopardised. Then the question is "Why do it now? Why not let it be completed?" There has been some delay for a variety of reasons and here the administrative difficulties were becoming almost very great. I don't want to go into this matter. It is a tiny little State and the top-heavy administration—Chief Commissioner, etc., is too much. We tried to improve it. We set aside the Chief Commissioner and we appointed the Lieutenant Governor of Himachal Pradesh as the President's representative there. Even there there was a separate Secretariat, separate Deputy Commissioner, etc. It was very difficult. The House may take it from me that the reasons why this action was taken were quite sufficient and adequate so that there might not be any delay and my hon. friend was quite right when he said that there was a growing and insistent demand from the people of Bilaspur that something must be done, otherwise, there were very harmful and undesirable activities being carried on there which were likely to disurb at least emotional tranquillity, if not public tranquillity.

Then comes the last question. What about the States Reorganisation Committee? It has been rightly called because it is dealing with a matter of great importance, of practically reshaping the map of India as a High-Power Reorganisation Committee but I remember very well, Mr. Deputy Chairman, that when the establishment of this Committee was announced, I

[Dr. K. N. Katju.] think in this House, someone asked me "Well, are you going to give an undertaking that the decisions of the Committee or Commission would be accepted by Government?" I said—and this came to me as a very startling question—"On all these mighty matters, matters of vital consequence to the whole of India for centuries to come, the decision must come not from a high-power Commission but the decision must come from the Parliament of India. The final decision must be given by Parliament." That answers the question which my hon. friend posed to me, *viz.,* "'Will it be without prejudice to any recommendation made by the Commission?" I say it will be open to the Commission to make any recommendations they like on this or on any other question. Their hands are not tied. Whether Parliament would like to accept their recommendations is a different matter altogether. We will consider that. Every recommendation will have to be considered on merits. I don't want to go into this matter because it is really outside the ambit of this Bill but we are all reading the newspapers. There seems to be, without any impertinence, a sort of babel of tongues. You open a newspaper and you find people who are advocating Maha Punjab including PEPSU, Himachal Pradesh, Bilaspur and everything. There are people who are advocating some other units. It is fit and proper that people should take interest and everybody is trying to put forward his view as to what the Commission should do and should not do. So my submission is this. There is no restriction on either the activities or the deliberations or the recommendations of the high-power Commission. It is open *to* them to say what they like. As to what the final decision is going to be, is for Parliament to consider.

DR. P. C. MITRA (Bihar): Then why name it high-power Commission?

DR. K. N. KATJU: I never use that expression. You have obliged me by assuming this.

DR. P. C. MITRA: What did you mean by that?

DR. K. N. KATJU: I never said it. Somebody has said it is a high-power Commission. The States Reorganisation Commission or every Commission appointed by the Union Government is entitled to the greatest respect and consideration and the more important the matters with which it deals, the more important it becomes and probably, therefore, some eloquent gentleman said it was a high-power Commission. We are going to treat it with the utmost respect because they are all men of great experience and knowledge and therefore whatever they say will be carefully considered by everybody, by the Members here and outside.

Then there is another point before I sit down. My hon. friends referred to certain clauses 28, 29 and 30. Mr. Deputy Chairman, really I had thought that those were merely formal clauses which are always introduced, *viz.,* safeguarding current acts, otherwise there will be a collapse. So they are there and it will be open to the Himachal Pradesh Government to do what they like. If they like, they may remit any tax and they may change the tax structure. One thing has not been noticed by my hon. friend who spoke of Ram Raj and Ravan Raj, that for the first time, the people of Bilaspur would have a right to send five representatives to the Legislature. They will have a voice in the administration of their own affairs and the Legislative-Assembly of Himachal Pradesh being a small one, *viz.,* of 36 members, number five counts and therefore not only will they be able to do something for Bilaspur but they might also be able to wield some influence over the neighbouring-district of Mandi and other districts of Himachal Pradesh. I ask, Mr. Deputy-Chairman, through you that the House should give this Bill its blessings and let it start on its course with the blessings of you all. Sir, I move.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the formation of the new State of I Himachal Pradesh by uniting the existing States of Himachal Pradesh and Bilaspur, and for matters connected therewith, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall take up clause by clause consideration of the Bill. There are no amendments.

Clauses 2 to 32, First Schedule and Second Schedule were added to the Bill.

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

DR. K. N. KATJU: Sir, I beg to move:

"That the Bill be passed."

MJR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI V P RHATJ.T TW.Pi •

श्री प्र० चं० भंजदेव : उपाध्यक्ष महोदय, इस विधेयक के बारे में इस तरफ से और उस तरफ से बहुत सी बहसें हो गई हैं, इन बहसों को सुन के, कम से कम हमारी तरफ से जो बहसें हो गई हैं, उन में से एक में तो प्रलयझंझा भरी हुई थी और दूसरी बहस में दुमकटी लोमड़ी की बात मुझे याद आई ।

दुमकटी लोमड़ी की कहावत में यह है "मेरी दुम कट गई है तो दूसरों की दुम क्यों न कटे" । तो वह लोमड़ी चारों तरफ सिफारिश करने लगी कि तुम भी अपनी अपनी दुमों को काट डालो क्योंकि इससे बहुत झंझट होता है । आखिर में, जब मैंने माननीय गृह मंत्री जी का भाषण सुना तो मुझे वाकई यकीन हो गया कि ये महोदय भी अपने पेशे के मुताबिक सत्य को मिथ्या बनाने और मिथ्या को सत्य प्रमाणित करने में अत्यन्त प्रवीण हैं ।

मेरे कहने का अर्थ यह है कि जब आपने यह मान लिया है कि राज्यों के संगठन के लिये एक आयोग बैठा हुआ है और वह अपनी सिफारिशों को संसद् के सामने पेश करेगा तो यह संसद् के ऊपर निर्भरित है कि वह उसकी सिफारिशों को माने या न माने, इस बात पर तो सभी सहमत हैं । पर मैं यह कहना चाहता हूं कि जब वह आयोग बैठा हुआ है तो उसके सिफारिश करने के पहले ही यह विधेयक क्यों लाया जा रहा है । यह विधेयक, यह प्रस्ताव पहले उसके पास भेजा जाना चाहिये, उसकी जो सिफारिशें संसद् के सामने आयेंगी, उन पर संसद् विचार करेगा और तब ही इस तरह का विधेयक बनाया जा सकता है । इसलिये मैंने कहा कि यह जो विधेयक इस सदन में लाया गया है यह समयोचित विधेयक नहीं है और जो बातें समयोचित नहीं होती हैं "कालः पिबति तद्रसम् "। काल उसके रस को पान कर लेता है, यह हमारे बुजुर्गों का मत है । जो कार्य समयोचित नहीं है, वह काल के अनुरूप नहीं होता, काल उसके रस को पान कर लेता है, वह कभी कामयाब भी नहीं होता । मुझे आशा है कि आप इस तरह की गलती को समझते होंगे । इस छोटे से राज्य को अलग रखने के लिये मैं किसी का पक्षपात नहीं कर रहा हूं, मैं तो केवल उस गलती की ओर आप लोगों का ध्यान आकर्षित कर रहा हूं । दीवान जी ने इस सम्बन्ध में जो यह कहा कि इन छोटे २ राज्यों को, हिमाचल प्रदेश को भी, मिला देना चाहिये, मैं इस बात से सहमत हूं । मैं

[Shri P. C. Bhanj Deo.]

मैं यहां तक सहमत हूं कि हमारे देश के अन्दर इस समय जो "पार्ट सी स्टेट्स" (Part C States) हैं, उनकी कोई जरूरत नहीं है । मेरा तो यहां तक कहना है कि सारे भारतवर्ष के लिये एक ही स्टेट होनी चाहिये । मेरे कहने का मतलब यह है कि जब सरकार ने एक नियम को मान लिया है, उसी के आधार पर उसने एक आयोग की नियुक्ति की है तो फिर वह नियम के अनुसार क्यों नहीं चलती, आयोग की सिफारिशों पर ही उसको चलना चाहिये ।

मैं इस आखिरी रीडिंग (reading) में माननीय गृह मंत्री महोदय से और इस भव्य सदन से प्रार्थना कर रहा हूं कि वह निष्पक्ष होकर इस बात पर विचार करें और अपनी राय इस हैसियत से दें कि गृह मंत्री महोदय इस विधेयक पर पुनः विचार करें और आयोग के सामने उपस्थित करें । आयोग जब इस पर अपनी सिफारिश संसद् के पास भेज देगा तो उस पर निष्पक्ष रूप से पुनः विचार किया जाना चाहिये और अन्तिम रूप से कानून बना दिया जाना चाहिये ।

इतना ही मेरा कहना है । इन शब्दों के साथ मैं अपना आसन ग्रहण करता हूं ।

[For English translation, *see* Appendix VII, Annexure No. 196.]

DR. K. N. KATJU: Mr. Deputy Chairman, I can only inform my hon. friend that every aspect which he has just now urged before the House has already been taken into consideration. It is up to the Commission to say whatever they **like.** But the administrative difficulties have really prompted us to take this measure at an early date and as I have said, the decision was taken long before the Commission was appointed or even thought of.

श्री प्र० चं० भंज्जदव : मेरा कहना यह है कि जब कानुनी तौर पर यह विधेयक पास हो जायेगा तो फिर आयोग की सिफारिश की क्या जरुरत है ?

t[SHRi P. C. BHANJ DEO: I say that when this Bill is passed where will be the necessity of the recommendations of the Commission.]

MR. DEPUTY CHAIRMAN: No further speech, please.

The question is:

"That the Bill be passed."

The motion was adopted.

5 P.M.

THE CHILDREN BILL, 1953

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR EDUCATION (DR. K. L. SHRIMALI): Sir, I beg to move:

"That the Bill to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected children and juvenile delinquents in Part C States, as reported by the Select Committee, be taken into consideration."

Sir, while moving this motion, I beg to place before the House some of the important considerations which the Select Committee had before it. One of the important principles which guided the Select Committee in making amendments to this Bill was that the juvenile courts should be distinguished from the criminal courts.

[THE VICE-CHAIRMAN (SHRI AKHTAR HUSAIN in the Chair.]

The child who commits an offence is not responsible for his conduct whereas an adult criminal who commits aa

t English translation.