

CONSTITUENT ASSEMBLY OF INDIA

Tuesday, the 2nd August 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Nine of the Clock. Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

TAKING THE PLEDGE AND SIGNING THE REGISTER

The following Member took the Pledge and signed the Register :—

Shri Shantilal H. Shah (Bombay : General).

DRAFT CONSTITUTION—(Contd.)

Article 213—(Contd.)

Mr. President : We shall now take up the discussion of the article that we were discussing yesterday. Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava (East Punjab: General): *[Mr. President, Sir, article 213 in the form it is at present before the House is quite different from what it was in the Draft Constitution. It can be said about the present form of this article which is before the House that it is even more retrograde and reactionary than in its previous form. It is no doubt true that some, authority was conferred on the President under the previous proposal as well, but if the President exercised his authority under article 213, he had the right to establish a local legislature or a Council of Advisors or both. But he had no option not to establish a local legislature while acting under article 213. He had no right to constitute a body which though termed a legislature was in fact not a legislature in the correct sense of the term. Now-a-days a legislature implies that it should consist of Ministers, should have enough rights and should consist mostly of elected members. But the amendment now moved says that this right will belong to the Parliament. So far as this amendment goes, it is quite proper and I think it is good that the authority is being given to the Parliament. But I do doubt the wording of the latter portion of this proposal which says that “A body, whether nominated, elected or partly nominated and partly elected, to function as a legislature for the State”. And the other thing that has been suggested is the Council of Advisors and Ministers. In this connection I would submit to the House that it should not accept this change that there should be such a body instead of a legislature. In these days we wish that all the blessings of Swaraj should be uniformly shared by every part of India. It should not be that a region is provided with such a body and where the inhabitants do not consequently acquire any right as regards their administration or get any opportunity to manage their affairs. We do not want such a body. The fact is that this article includes even regions which are underdeveloped. This makes such a provision for them by which I understand that the Constitution wants to decide that the right to settle the Constitution of Delhi, Coorg, Ajmer-Merwara should be given to the Parliament. In the circumstances obtaining at present, this is proper to a certain extent. I do not

*[] Translation of Hindustani speech.

[Pandit Thakur Das Bhargava]

know what else the Constituent Assembly can do in the circumstances. Today the fate of small regions like Ajmer-Merwara is still undecided. About Ajmer-Merwara it is suggested that it should be made a part of Rajasthan; about Coorg it is suggested that it should be merged in Mysore or in Madras; and similar suggestions are made in respect of Panth-Piploda. The position of territories like Cutch and Himachal Pradesh is still uncertain. In those circumstances it is difficult for the Constituent Assembly to take a decision in respect of every territory. It will not be proper to create such a solid or concrete scheme till the conditions permit. Therefore this proposal is, in a way, quite proper and in accordance with the spirit of the times; but I do not like that there should be any such territory which has no local legislature of its own and in which the people do not possess the right to manage their own affairs. The article provides for a body "whether nominated, elected or partly nominated, and partly elected". If the whole body is nominated, I fail to see for which territory it would be suitable, for I do not think that there is any territory so backward as to deserve such a body. Coorg has already got an Assembly. That Assembly sits for six days in a year. The Chief Commissioner is the President of that Assembly. The District Magistrate is the Home Member and the District Judge is Law Member. In these days when even the smallest Provinces can boast of legislatures such a provision ceases to have any meaning whatever. I submit that this matter should be decided according to the circumstances of each region. So far as the Himachal Pradesh is concerned it is a unit newly created. It consists of some new portions and some old portions of the East Punjab. It would have been better if the whole of it had been merged with the East Punjab. Time will show to what extent this policy of the Government of creating small provinces and constituting territories into Centrally administered areas is proper. Centrally administered area is defined as one where the local people do not manage it and the Central Government manages it. If you adopt article 213, you will be adding new powers to those already existing which, I think, will not be a proper thing to do. According to this article any area which is not well managed will be made a Centrally administered area.

As Shri Deshbandhu Gupta said, this can be made applicable to Delhi also and I support his suggestion. Perhaps at present the administration in Delhi is not as good as the provincial administrations are said to be. In 1911 Delhi was separated from East Punjab and formed into a separate province. During 1946-47 I asked certain questions in the Parliament regarding Delhi. Through them I pointed out that there was a less number of hospitals and schools in Delhi than in East Punjab and that there were so many difficulties there. When the Capital was shifted from Calcutta to Delhi, it was said that if a city was the Capital of two provinces there were bound to be difficulties in its administration. In regard to Delhi it was said that it was being made the Capital of India because it was not the Capital of any province and it would be free from every influence. I cannot say how far this is correct. There are many capitals in the world which are the capitals of the provinces as well as those of Central Governments. Besides this, the issue that is raised in regard to Delhi by today's amendment, has two aspects. One of them is that if Delhi is retained in its present form what rights it would enjoy, and the other is whether the same treatment should be meted out to it as is meted out to small territories.

With your permission, I want to speak on these two points and I seek the indulgence of the Honourable President and of the House. The people of Hariyana Province are very much interested in this matter. This is a small province consisting of 353 villages. This has for centuries been a part of Hariyana Province. The three battles of Panipat were fought for the occupation of this Hariyana Province.

During the Mutiny too, when the people rose in revolt, this territory was a part of Delhi. Because the people of this area had mutinied against the British in 1857, this territory of Delhi i.e., Hariyana Province, which includes the four or five districts of Hissar, Rohtak, Gurgaon and Karnal, was integrated with the Punjab as a measure of punishment. The result was that our territory became the Cindrella of the Punjab and we began to be treated as depressed classes. No rights were granted to the people of our area. Canals were constructed in the Western part only. We were deprived of all facilities. We were not granted irrigation or educational facilities and were subjected to a high-handedness which has its own history. I want to submit that the people of this area have been expecting for a long time that on the advent of self-government, all their difficulties would be removed.

In 1909 we started a movement in which we put forward the demand that our territory should be separated from Punjab. In 1919 and 1928, this movement gained great strength. His Excellency Mr. Asaf Ali and Lala Deshbandhu Gupta who has come over to Delhi from East Punjab, were the leaders of this movement. We, the workers, sided them in this movement and struggled hard for the cause of this territory. In 1928 both Mahatma Gandhi and Mr. Jinnah accepted that Ambala Division should form a part of Agra and Meerut Division. A scheme was also formulated to this effect by Mr. Corbett known as the Corbett Scheme. But, at that time our demand was not conceded and the Round Table Conference gave its decision against our demand. If this demand had been conceded at that time, the history of our country would have been altogether different.

After this, the Cabinet Mission arrived, and we raised our voice at that time too. The Cabinet Mission wanted to include this territory of ours in the area of Pakistan. We raised our voice against this proposal as strongly as we could. We did not want that this-territory of ours which had suffered for a very long time, should be integrated with an area from which it could never separate itself and from the iron clutches of which its people could never free themselves.. By the grace of God our national leaders arrived at a correct decision and partition was accepted in such a form that East Punjab could remain free from its clutches.

We have been striving for a long time to join together the province of Delhi, some districts of Last Punjab, which were previously the districts of Delhi itself, and some districts of United Provinces to form a small province. They could be formed into a province as the ways of life and the language of these territories are the same. This could not be done at that time, and now it-is no more practical politics to do so. I never want that our country should be split into small parts so as not to be able to shoulder the responsibility of our newly achieved freedom and that we should be always engaged in these trifling things. I want to submit that if anything is detrimental to the freedom of India, it is provincialism. I want that this demon of provincialism should be exercised completely out of our country. If it is not exercised, it will disrupt us and there will be a sort of civil war in India.

I suggest that the solution of the problem of Delhi and New Delhi is that New Delhi should be separated from Delhi and whatever administration is thought to be best for it, may be established. But so far as Delhi is, concerned, the correct solution of its problem is that old Delhi and 353 villages of Delhi, i.e. Hariyana should be integrated with East Punjab. Himachal Pradesh should also be included in East Punjab. We shall establish good relations with all those who are integrated with us and we shall together solve our difficulties. The people of Hariyana Province, of which Delhi is a part, want that Delhi should be integrated with East Punjab.

[Pandit Thakur Das Bhargava]

Besides, I want to submit that the United Provinces is a big province and it has a population of more than five crores. As Shri Gupta said yesterday, it would be better if a part of it is integrated with Delhi province. But with all respect to my friends from United Provinces, I want to say this. They tell us that we should not come near them. The Division of Meerut is an adjoining area of Hissar and there is no difference in the ways of life and the language of the people of these areas. It would be proper if one crore people of Agra and Meerut Divisions are integrated with East Punjab, which includes PEPSU, Himachal Pradesh and Delhi. Small provinces have no future and they can have no relations with or influence on the Centre or the Federation. Therefore we should all-integrate.

Shri Gupta said yesterday that the people of East Punjab wanted to sever their connection from the Delhi people. Whether he thinks this is right or wrong, I want to tell him that lie is mistaken. You might be knowing that only yesterday a Congress of the businessmen of East Punjab was convened in Delhi in which the demand was placed that in regard to food grains Delhi and East Punjab should be taken to be one area, and as a matter of fact for purposes of food, Delhi should be integrated with East Punjab. If we entertained that sort of idea we would not have placed such a demand in that Congress yesterday. I emphatically say that whatever Shri Gupta has remarked is altogether wrong. I told the Honourable Prime Minister in 1947 that Delhi should be made the capital of East Punjab and that New Delhi may be separated from it and reconstructed in whatever way they liked. It may be converted into another Washington. We would have no objection to it. A complaint has been made that the, High Court is situated at a great distance. I want to humbly ask whether the people of Meerut in United Provinces do not have to travel a distance of three hundred miles to reach Allahabad. Do not the people of Hissar and Rohtak have to go to Simla ? If a High Court is to be established it should be established in Delhi. The reason for it is that if Delhi would be the capital of East Punjab, the High Court too should be situated there.]

Shri Deshbandhu Gupta (Delhi) : *[Then according to your scheme everybody will have to learn Gurmukhi.]

Pandit Thakur Das Bhargava : *[My humble submission is that you will have certainly to learn the language of the State to which you belong. The question is whether important decisions should be taken on petty matters as these. If there is any solution of the problem of Delhi, it is that New Delhi should be separated from Delhi and it should be administered as best as it is thought proper. But the rest of Delhi should be integrated with East Punjab. I have already stated that it is not our wish that our country should be split into small territories and that they should be formed into separate Provinces. There would be great disorder in the country because of this, and we would not be able to retain our freedom. So far as the solution of this problem is concerned we have before us only one solution and it is that the 353 villages of Delhi should be integrated with East Punjab. If you do not want this, the Government is competent to take a different decision. But I am saying all this not on my behalf but on behalf of the people of the area whom I represent and who share this view. I have come in contact with those people and am placing before you their views I ask Shri Deshbandhu not to have in his view Connaught Place and Government House only but the real interest of the province of Delhi as a whole.

*[] Translation of Hindustani speech.

But if the Government holds that the people of Delhi should get greater representation than is laid down in Section 67, it may grant it. But if it is decided that Delhi should have a legislature with some rights, I submit it should have only those rights as are enjoyed by other Centrally administered areas. Delhi and other like provinces should however be granted greater representation. This would be the most proper scheme. I want humbly to submit that the present population of Delhi is about twenty lakhs. The refugees number five lakhs and the remaining population of ten to fifteen lakhs consists of those who belong to a part of Hariyana Province.

The people of Delhi are in no way different from the people of Hariyana. The population of Delhi is in fact an admixture of all sorts of people living in the Punjab. I have brotherly affection for Shri Deshbandhu for having welcomed the refugees. The backward people of Punjab came here and he gave them a place. I submit that whether the people of Delhi join the Punjab or do not join-it, they are entitled to have the same rights under the Central administration as are enjoyed by the people of other provinces. It is our duty to give them the same rights under the Central administration as are enjoyed by the people of other provinces, whether they belong to Panth-Piploda or to any other place. If freedom has been achieved for the whole of the country, they should be given full rights in the legislature by decentralising the 'Central administration so that they might fulfill their rightful aspirations.]

Shri Mahavir Tyagi (United Provinces : General) : Sir, I agree with most of what my honourable Friend Mr. Deshbandhu Gupta said yesterday. I think it will not be quite fair for this august House to leave these small islands of slavery as they have been in the past. Swaraj has come and every province has got some representation, but isn't it a pity that these small areas in the country shall remain governed by the service men mostly ? I refuse to believe that any Minister in the Centre could look into the details of the local administration. I have seen the Government of the Centre run for about two years now. It is not possible for any Minister to look into the smallest little detail of administration; even in respect of their own little business, I find them unable to cope up. They are too busy. I therefore submit that so long as these small areas are kept attached to the Centre under the administration of the Central Government these people will never get their political rights and Swaraj will remain denied to these small areas. I do not think there is any logic behind the argument advanced by Pandit Nehru that almost the whole of New Delhi being the property of the Government of India, no separate Government need be set up for Delhi. What is this? I cannot understand it. If Delhi is to be treated as London or New York you can do it. I can understand that. But even in London there are local authorities and people have their voice in the administration, whereas in Delhi people have none. Instead of keeping these small areas as Lieutenant Governor's province or Chief Commissioner's States, I would really prefer their being amalgamated with neighbouring States. Coorg could go into its neighbouring State. If we are not going to decide this because it is controversial, then what are we going to decide? This is a matter for the Constituent Assembly to decide. After all the decision of the Legislative Assembly or Parliament will not command the same respect as that of the Constituent Assembly, because decisions of Parliament are as a rule party decisions. They cannot have the same force as decisions of this august All-party House, for every Parliament goes by the vote of the majority party. There is a majority party, a leader of the majority party and there is a Whip of the majority party. Even today if I were to sit in Parliament I shall not be able to exercise my vote as freely as I can do here for I can flout the decisions of the party in the Constituent Assembly. The Congress Party in the Constituent Assembly is only a party of convenience—it is just to facilitate matters and to help us arriving at decisions. I do not take its Whip as a mandatory whip and I do not obey it,

[Shri Mahavir Tyagi]

unless I am myself convinced of it. In the Constituent Assembly no party can have a bigger voice than the voice of the individual for everybody represents the whole nation here speaks in the interests of the nation as a whole. But in the Parliament, Members have to go by their party whips, and therefore a decision of a Parliament is always necessarily a decision of the majority party. That decision cannot therefore have the same dignity or the sanctity attached to it as the decision of the Constituent Assembly.

Here the question is of giving political rights to the people residing in these small areas. They have been very unfortunate really in that they have had no representation in the past. Now Swaraj is there, but still they are denied that right of representation. How will one or two representatives in Parliament make their influence felt? There was an amendment to consider giving more representation, to these small areas. But even if you give them ten members they cannot influence the day-to-day administration as we do in our respective provinces. I know how people have a voice in the Provincial Governments. If and so long as the citizens living in Delhi, Coorg and Ajmer-Merwara were guaranteed the same voice in their day-to-day administration, I would not mind the name or nature of the constitution you provide for them. If we guarantee them their rights at least in the provincial field in the future set-up of things and grant them due representation in local administration, we will be satisfied. If you do not do that I submit we shall be unfair to these small areas. As regards Delhi, her case is analogous to Droupadi of Mahabharat. Let us not be unfair to it, only because the bigger brother has gambled her out. I want to appeal to honourable Members that they should decide the question of Delhi fairly and squarely. Delhi has made sacrifices. It has been the centre of so many political activities. Let Delhi not suffer. Let us consider the question of Delhi anew and let us attach the small centrally-governed areas to the neighbouring States. In the case of Delhi I will give up my claim to it the right of my province (United Provinces) to have Delhi. Let it be attached to Punjab. Delhi belongs to Punjab naturally. The civilization of Delhi is Punjabi its civilization is now that of the Punjab, East as well as West. People of West Punjab have come to Delhi and therefore Delhi is theirs. They will be happier with the Punjab Government and will again make friends with the Ministers there. Therefore let Delhi go to its own family. It belongs to those people who have occupied it afresh. Let us decide it. If we cannot decide about Delhi and Coorg, how can Parliament decide this question? Parliament has no voice in deciding such matters. It is we who have to decide this question. Why should we delegate our power to the Parliament? If my friends Shri Deshbandhu Gupta and others agree, instead of leaving this question to be decided by Parliament, we may decide to hand over Delhi to Punjab and Coorg and Ajmer-Merwara to their neighbouring States. This will result in some savings also. That is my proposal.

Shri Jainarain Vyas (Jodhpur State): Does he want also New Delhi to go to the Punjab ?

Shri Mahavir Tyagi: Let it go to heavens.

Shri Mohan Lal Gautam (United Provinces: General): *[Mr. President, the issue regarding Delhi deserves a serious consideration. I do not think that there is any one in this Constituent Assembly who would like to confer less rights on one part of the country and more on another. It is plain, therefore, that no one here would wish to retain Chief Commissionership in any place. Retention of Chief Commissioner's rule in any part of the country would in

*[] Translation of Hindustani Speech.

effect mean a diminution of the rights of the people of that territory. We are, therefore, in complete agreement that the office of Chief Commissioner should not be retained anywhere. I have no doubt that the several Chief Commissioner's provinces that are in existence at present will be merged one by one with some territory or the other. But Delhi and more particularly New Delhi do not fall in this category for the circumstances governing a decision in their case are somewhat different. I therefore, request the House that while considering the question relating to Delhi it should treat New Delhi and the countryside of Delhi as distinct entities by themselves. There can be no difference of opinion on the question that New Delhi, where three-fourth of the property belongs to the Government of India, where the Foreign Embassies are situated, Which is the seat of the Government of India, should not be included in a petty province of some Lieutenant-Governor. At any rate I would not approve of any such proposal. Therefore you should, while considering this question exclude New Delhi from your calculations. Once this is done the issue would be considerably simplified. I am therefore of the opinion that New Delhi should be separated and put under the direct administration of the Government of India, without any body having the right to interfere.

We can now take into consideration the question as to what is to be done with the rest ? If your object be to develop the remaining territory suitably, do you think that a Lieutenant-Governor's Province would be sufficiently big for doing so'? Would it be in a position to secure the same rights to its people as are enjoyed by the people of the Governors' provinces? When the administration is under a Lieutenant-Governor or the authority is divided between the Government of India and the Members of this House, the public will not have the same rights as are enjoyed by the adjoining provinces of the Punjab or the United Provinces.

The next question for consideration is whether 200 or 300 villages and a small city will be able to bear the financial burden of a Lieutenant-Governor. It can be said emphatically that it cannot do so. The administration of this region would not therefore run efficiently. It is clear that the administration of such a small unit would not be able to function efficiently. It is thus plain that such a small unit cannot support its existence. The next solution that naturally occurs to the mind is its merger with a neighbouring province. So far as the United Provinces is concerned, Shri Deshbandhu has referred to the imperialism of the United Provinces and stated that it goes on absorbing territory after territory. I would like to state it plainly that United Provinces has no desire to absorb any territory within itself. If three small States have been merged with it, it is because they could not be merged with any other province. They were three islands in the United Provinces. When the question of Dholpur and Bharatpur arose, the President of our Provincial Congress Committee clearly stated that they should join Rajasthan. So the United Provinces can only consider such a case when there is no other solution. When no other Doctor can provide a cure, the United Provinces has to come to the rescue. The United Provinces is not prepared to consider the case prior to that. So you must leave aside the question of the United Provinces. It will be better if Shri Deshbandhu keeps apart the issue of Imperialism. Our Province does not want to impose any imperialism. The question we have at present to consider relates only to the part left after the separation of New Delhi. The other Province with which it can be merged is the Punjab. Pandit Thakur Das Bhargava has advanced so many historical and sentimental arguments to prove that from the historical and psychological point of view Delhi should be merged in Hariyana of the East Punjab. But my arguments are somewhat different from his. I put this to you, have we or have we not to rehabilitate the East Punjab which has suffered most and which has not yet been rehabilitated so far in the last two years. It is your frontier province. We have to strengthen it.

[Shri Mohan Lal Gautam]

If that remains weak, our whole country will be weak. What is needed to rehabilitate her ? First of all you give her a capital, give her a place where her Government can be established, which can become the seat of her Government. Today the condition is such that Simla is the Capital of the Government of the Punjab, the ministers live in Jullundur, the University is at Ambala and the College is at Ludhiana. How long will such conditions continue in the Punjab.? If you want to rehabilitate the Punjab, her first need is a Capital; if you cannot provide her with a capital, you cannot rehabilitate her, and that will mean more delay and delay will mean that the whole Union will continue to have weak defences. Hence the first requirement is that the East Punjab should have a Capital, where her ministers can live, where it may have its own administration where it may have a university, where there may be a centre of all her institutions. Formerly that centre was in Lahore and that has been cut off from her. Now there is no developed city in the Punjab, where they could build another Capital. If such a thing had happened in the United Provinces, it would have been a different thing, for the political life of the U.P. is not centred in one city. There is Kanpur along with Lucknow, and Benaras along with Allahabad. If one city is cut off from her she can transfer her capital to the other. But this was not the case with the Punjab. There the whole of the political life was centred at Lahore. So Punjab has been a sufferer due to the cutting off of Lahore. So I propose that excluding New Delhi, the Delhi and the Civil Lines and all the villages should be merged with the East Punjab and the other proposal is that Punjab's Capital should shift to Delhi. I am suggesting this, for perhaps Shri Deshbandhu may like to merge the East Punjab in Delhi. You may merge the East Punjab in Delhi, and its capital should be located in the Civil Lines of Delhi, where the old Secretariat, the old Governor General's Lodge are situated, and you can provide a number of buildings there for the purpose. If Delhi becomes the capital, I think the rehabilitation of the East Punjab would have begun.]

Shri Deshbandhu Gupta: *[Why not combine the United Provinces, Delhi and the Punjab into one unit?]

Shri Mohan Lal Gautam : *[I have no objection to that course if Mr. Deshbandhu would agree to adopt it and others also approve of it. But I am afraid that even Mr. Deshbandhu himself may not like to entertain this proposal for in the firm that I am proposing he would be the senior-most partner; but if the United Provinces is combined with Delhi, he would have to remain satisfied with being a junior partner therein, a prospect which I am afraid he would not welcome. But if he really likes the proposal, I cannot have any objection to it. If the interest of the country demands that Delhi be combined with the United Provinces and you also desire to accept this proposal I would most gladly accept it ?

There is another cause for this. The main reason why I wish to suggest that Delhi should be capital of the Punjab, is that all the people who hid to flee from Lahore have come to Delhi only. If there is any leadership anywhere in East Punjab, whether you view that from the standpoint of education or industry, banking or any other field,, it is in Delhi at present. You would not find anywhere in East Punjab the like of what obtains in Delhi. All the big banks have moved to Delhi and they do not want to establish their branches in the East Punjab. All the big businessmen have shifted to Delhi and they do not want to leave this city. If Delhi is separated from the East Punjab, the latter would be deprived of its leadership.

*[] Translation of Hindustani speech.

I am therefore of the opinion that this issue should not be left to the Parliament, but should be settled here. The portion called New Delhi should be entirely separated and the rest should be amalgamated with the East Punjab and Delhi should become the Capital of the East Punjab.]

Chaudhri Ranbir Singh (East Punjab : General) : *[Mr. President, it is, in my opinion, no use leaving this for the Union Parliament to decide. If a decision is taken about the future Constitutional set-up for Delhi, and if it be decided that old Delhi and its rural areas as also the Himachal Pradesh be merged with the Punjab, and a decision is also taken by Constituent Assembly about similar other small regions, I think it would facilitate the Drafting of a Constitution for the Centrally administered areas, and it would not be necessary in my opinion to leave this question for the Union Parliament to decide. We too had in view the same objective, which Mr. Gupta is aiming to realise. Our leader will see that it is fulfilled some day. We do wish that Delhi should be constituted as an autonomous province, but the fact is that the conditions obtaining at present do not admit of this course being adopted. I would request Mr. Gupta to wait patiently for some time more, just as he has waited so far patiently, for the materialization of his dream and I am sure his dream would be fulfilled one day.

In this connection I may point out that the United Provinces is a very big province. I think the people there cannot run the administration of such a big province with efficiency. Some day they will have to divide the province into two units. If that happens the neighbouring regions are sure to be joined with us. The Punjab also, in future, may be divided into two parts and I hope that when this happens its Hindi speaking areas will be joined to the divided part of United Province to form a unit. Thus two units would come into existence, that is, one Punjabi-speaking unit and a Hindi-speaking unit. In this way the demand that Mr. Gupta put forth here yesterday may be satisfied and His dream may materialise. But if Mr. Gupta does not accept my advice and persists in his demand for the formation of an autonomous province of Delhi, he may rest assured that his dream will ever remain a dream only. If his demand is conceded, we the Hindi speaking people in Punjab will remain a perpetual minority there. I would, therefore, advise my Friend Mr. Gupta that for securing his objective he should demand that old Delhi and its rural areas should be merged with the Punjab. Once he takes the decision to follow this course he can urge his ideas through his daily journal, and I am confident that in that way he would be able to achieve complete success in his mission.

The second point that Mr. Gupta made here and which I do not want to repeat is that it is an undeniable fact that almost all the administrative Services of Delhi were manned by personnel loaned from the Punjab, and in particular this has ever been the case in regard to the Civil and Executive services of Delhi. Judicial appeals from Delhi Court go up even today to the Punjab High Court. The people of Delhi have to go to Simla for this purpose. But this is an inconvenience which we also have to put up with. But if the High Court were located at some other town, it is quite probable that the people of the distant districts, will be put to as great an inconvenience as we suffer from.

Mr. Gupta referred here to one other point yesterday, which I would like to challenge. If on this matter the opinion of the people of Delhi, of course excluding New Delhi, is taken, I claim that more than 60 to 70 per cent. of the people, I even hope that 80 to 90 per cent. of the people, will vote for Delhi being joined to East Punjab. About the rural areas of Delhi I can Most emphatically say that the people of these areas would like their areas to be joined to the Districts of Rohtak, Gurgaon and Karnal. There is no doubt that

*[] Translation of Hindustani speech.

[Chaudhri Ranbir Singh]

at least 99 per cent. of the people of the rural areas of Delhi would support such a proposal. So far as the question of Delhi proper is concerned, a conference of the people of Delhi was held yesterday under the presidentship of Shri Thakur Das Bhargava and a resolution specially demanding the merger of Delhi into Punjab, at least for the purpose of ration, was adopted. I also attended this Conference and there too I put forward the demand that the regions of Haryana and Delhi should be constituted into one unit. If for some reasons this cannot be done, then we demand that both the regions—Haryana and Delhi—should go to Punjab.

So far as the rural areas of Delhi are concerned I can most emphatically say that 99 per cent. of the people of these areas would favour the demand made by me.

Without taking any more time of the House I would conclude with the remark that the question of Delhi should be solved here. We need not leave this issue for the Parliament to decide, because it is certain that so far as Delhi proper is concerned it would be retained as a Centrally administered area. The question should, therefore, be decided here and should not be left over to the Parliament for decision. If the question of New Delhi is not brought in to complicate the matter it would be easy to take a decision, for then all cause for hesitation and indecision would have disappeared and decisions could be taken without any difficulty and according to the popular will. We need not therefore hold over this question for long. I think within these remaining eight or ten days of the current session of the Assembly we can take a decision on the matter. I agree with Mr. Gupta that it is better this question is decided by the Constituent Assembly.]

Mohd. Hifzur Rahman (United Provinces: Muslim); *[Mr. President, Dr. Ambedkar's amendment regarding Delhi is worthy of our deep consideration. After listening to the speeches so far made in the House, I realise its importance far more.

Delhi is the unfortunate province, which even after the achievement of freedom, has been denied democracy and the application of republican principle. Today, after the country has become independent, we are not going any more to put up with that misfortune. Therefore, I think that Delhi, owing to its historical and political position, deserves to be made a separate province on permanent footing. The difficulties that are said to lie in its way are not of much importance to me. Both Mr. Bhargava and Mr. Gautam, have repeatedly pleaded for the inclusion of Delhi into the Punjab on historical grounds. I fail to understand what are those historical grounds on which Delhi—is regarded as a part of the Punjab. Hariyana was regarded a part of the Delhi Province but in the History of the Punjab Province Delhi has never been regarded its part. I think that in its history Delhi has its own permanent place, even today it occupies a high position. This is not a question of carving out small provinces; Delhi is unlike Ajmer-Merwara or Coorg. Their position is quite different, so far as population and importance is concerned Delhi's position is quite different from that of the other Chief Commissioner provinces. It is intolerable for Delhi to continue any more as a Chief Commissioner's province. Our experience of the Chief Commissioner's Advisory Council has been that it is no better than a farce or a plaything. But it does not mean that whenever the question of giving an independent status to Delhi province is raised to it should be put off by saying in so many beautiful words that not Delhi, but East Punjab would be merged in Delhi, and that East Punjab would be regarded as a part of Delhi province. That would not change the real issue.

*[] Translation of Hindustani speech.

Sir, I would like to say that realising Delhi's importance East Punjab is trying to make Delhi its Capital, and to get Delhi merged with it. The United Provinces people say that they are not prepared for that. This refusal in itself is an admission that they are agreeable to that. This argument of theirs also shows that Delhi should be given the status of a province. Accordingly, I would tell you that Delhi had got the distinction and also capacity to give refuge to the emigrants of Lahore and the West Punjab, and it is also sheltering the trouble-stricken people of the United Provinces. Delhi's history shows that it has absorbed the influences of these two provinces of the Indian Union. But it does not mean that Delhi is a part of the Punjab or of the United Provinces. Delhi has got its permanent status like any other province. So far as I could understand, everyone is of opinion that Delhi should be made a separate province and it may not be made part of any other province.

The statement made by Honourable the Prime Minister the other day was reassuring to a great extent. But I do not think that Delhi need be separated from New Delhi. Delhi has got its own history, and we understand its difficulties as a Capital city, and I do not say that no safeguards may be provided to surmount those difficulties. I say that you may provide safeguards but New Delhi and Delhi, with its 200 or 300 villages, should be formed into a province—a separate province. Delhi must get the same rights and privileges, which are enjoyed by other provinces.

With regard to the question of leadership, that all the big leaders of the East Punjab are present at Delhi, I would say that not only of the Punjab but leaders from all over India are at Delhi now-a-days, and all of them gather together here. If the leaders of the Punjab reside here then it does not mean that Delhi should be made capital of the Punjab. Delhi has got its own history and nothing can be said against that. Take the example of Washington; although it is the capital of U.S.A. even then it has got all the privileges which are enjoyed by any other town. If it not be the case in Washington, there is the example of other European Capital cities, which enjoy the status of a separate province. Delhi also clamours for the same status; it does not want to be under an advisory Committee. It cannot accept the present system of election. Delhi should also get the same right of vote, which other provinces have got. It should also get the same freedom which is enjoyed by other provinces.

Delhi should get the same freedom and a High Court, as U.P. or Punjab have got. Delhi should get equal freedom and equal democratic privileges with other provinces. This can no more be tolerated that Delhi is a part of U.P. or Punjab. As I have said earlier, Delhi has got its own position, and it should get the same privileges which have been given to other provinces. It is not right to say that Delhi should be merged with the East Punjab, and therefore I would say that the position of Delhi should be cleared here and now.

Whatever Lala Deshbandhu Saheb has said, he has said in the capacity of a representative. He is the representative of Delhi. And whatever he said yesterday was on behalf of the whole public of Delhi. That is the voice of Delhi—the opinion of the entire citizens of Delhi. Therefore, I would like to submit that this question which is being raised is not a proper one. And I want to say that in view of the conditions prevailing in Delhi, in view of the history of Delhi and in view of the opinion of the people of Delhi, you ought to give Delhi the status of an independent province and let it enjoy all the privileges of democracy. Do not consider it a part of the East Punjab. And do not keep it under the Advisory Committee. Decide this matter here and now. The special committee which was formed has decided with unanimity that Delhi should be given the status of an independent province and it should be given the same Independence which is given to other provinces. I fail to understand why this

[Mohd. Hifzur Rahman]

thing has been overlooked, and why the Drafting Committee did not take notice of it. If you still want that the decision of this Special Committee should materialise, it is not too late; I should say, better late than never.

If this matter is to be put up before the Parliament, it should be done and some decision should be sought. This matter should be clarified. A plan should be chalked out, in which it should be mentioned what type of independence would be given to Delhi. In connection with this discussion about Delhi, it is to my mind a useless thing to say that somebody is anxious to get a ministership. In these days of democracy every province, be it small or big, wants its independence and is always trying to attain it. To say about any one who wants his independence that he is doing this for his ministership is not proper and it cannot be tolerated. And if any one takes interest in such matters it does not at all mean that he is desirous of ministership. If any one was tied down in this manner during the British regime and his independence transferred to the Central Government, it cannot be tolerated in Free India these days. You ought to prepare a plan for it, and if necessary it should be discussed in the Parliament. But I would submit that this problem should be solved here. And it should not be forgotten that Delhi is neither a part of the East Punjab nor of U.P. I shall once more say that Delhi has got its own history and it possesses an independent entity. It should get back its independence. Delhi should get back its right which has been in abeyance since the days of Rajas and Kings. By doing so you can keep your present democracy firm. In the same way as other Provinces, namely the Punjab, U.P. and Madras are today in possession of complete independence and are not like toys in the hands of Chief Commissioners, Delhi should also get its right.

In so far as civil service is concerned you know it has been divided in two parts. One half of the personnel is taken from the Punjab and the other half from the U.P. If it is a Capital, this should not be done. Personnel should be recruited from various civil services, so that they could carry on their administration. At present you recruit one half from the Punjab and the other half from the U.P. Does it mean that men from Delhi cannot carry on the administration? If you maintain this division for the reason that men only from these Provinces can perform the best services, then this means that with the exception of the Punjab and the U.P. men of other provinces, cannot do this job. I say Delhi cannot tolerate this. Therefore I would like to submit that like other Provinces Delhi also should be a separate Province and given such rights which are enjoyed by other provinces. Delhi consists of at least three hundred villages and both New and Old Delhi are included in it. So I would like to request you to make Delhi an entirely separate and independent Province.]

Mr. President : Babu Ram Narayan Singh.

Mr. Tajamul Husain (Bihar : Muslim) : Sir, I move that the question be now put. We have had enough discussion.

Mr. President : I have already called one honourable Member.

Shri Ram Narayan Singh (Bihar : General) : Mr. President, My Friend Mr. Tajamul Husain says that I have no concern with Delhi and that I should not speak about Delhi. The fact is that Delhi is the Capital of the country and representatives from all over India have come here. We may not be deriving any monetary benefit from Delhi, and it may be that we may not be living on the cereal produce of Delhi, but there cannot be any doubt that we at least drink the water and breath the air of Delhi. In view of this it is the duty of the Members here to see that if they cannot secure anything better for

Delhi they must at least see that justice is done to her. Besides, Delhi being the Capital of India people from all parts of the country continue coming into or going out of Delhi. Therefore, we should establish here an administrative set-up that may produce salutary effect on the whole of the country. In view of this it is our duty to set up, after giving careful consideration to the matter, such an administration in Delhi that may serve as a model for India and the world. The representatives from East Punjab claim that Delhi should go to them and those from the U.P. demand that it should be merged with their province. I am pained to hear such things here. The Central Government, however, holds that Delhi should be a 'centrally administered area'. I fail to understand whether all this is said with regard to the land and bricks of Delhi, or with regard to its people. When we talk of justice and democracy it would not be proper for us to merge Delhi into the Punjab or the U.P., because the people of these provinces demand this. But at the same time it should not also remain under the direct administration of the Central Government. How can the idea of keeping Delhi a subject region be entertained or supported at all? The question involved is one of self-government. Naturally, therefore, we should find out what the people of Delhi really desire, Mr. Deshbandhu Gupta is representing the people of Delhi here, and we can learn from him what the people of Delhi really demand. But if you are not prepared to accept that he correctly represents Delhi in this House, I can understand it. But then you must ascertain the wishes of the people of Delhi by holding a public meeting or a plebiscite, and you must proceed to make the constitutional arrangement for Delhi in accordance with the opinion of the people, an opinion, ascertained in the manner just now stated by me.

I would like to add one thing more in this connection. It is that nothing in this connection should be done on the basis of the opinion of some big or small personalities of some big organisation. Justice demands that democratic government should be established in Delhi in accordance with the desire of its people.

Mr. President : The question is:

"That the question be now put."

The motion was negatived.

Mr. President: Mr. B. Das.

Shri K. M. Munshi (Bombay: General): Sir, I am afraid the House did not understand what the question was. Many Members on this side say that they did not hear the question.

Mr. President : You may move again.

Shri B. Das (Orissa: General): Sir, I support the amendment moved by Dr. Ambedkar and I oppose the amendment sponsored by Shri Deshbandhu Gupta and Pandit Thakurdas Bhargava. I support Dr. Ambedkar's amendment on principle only but I do not accept at present what will be the provinces that should be administered by the Centre. Let this House decide it at a subsequent stage. I am surprised that astute lawyers like Pandit Bhargava and Deshbandhu Gupta sponsored such an amendment and they want safeguards, special privileges reserved for small petty areas like Delhi, Ajmer-Merwara, and Panth-Piploda in the Council of State or in the, Central Parliament. That is not democracy and that is not expected of Pandit Bhargava.

However, if I can give out my views as to which should be Centrally administered areas, I consider only the Andaman and Nicobar Islands should

[Shri B. Das]

have to be maintained as a Centrally administered area for purposes of security of India and because it is going to be a place where the East Bengal emigrants will settle down. Delhi, Ajmer-Merwara, Coorg etc., were anachronisms created by the foreign rules to maintain their rule and grandeur in India. I remember Delhi for the last thirty-two years and I am very familiar with Old Delhi.

Shri Deshbandhu Gupta : You have forgotten it.

Shri B. Das : You were not in Delhi then. Old Delhi was maintained to give honours and respects and parties to the foreign rulers that lived in New Delhi and also in Old Delhi. Does my friend want to perpetuate that sort of slavery to the official dom? Why should Delhi be created a province ? It is part of the United Provinces. In culture, in ideology etc., it is either Allahabad or Lucknow. It should not become part of a Haryana province. Why should Delhi be claimed by East Punjab? The Delhi culture is the culture of U.P.

Shri Deshbandhu Gupta : U.P. culture is the culture of Delhi.

Shri B. Das : Then go to U.P. I was pleased to read the following lines last evening in the "Evening News" in which Right Angle writes:—

"New Delhi may still be saved from the onrush of advancing slums. The Prime Minister has valiantly decided to rescue it by declaring that New Delhi should be purely under the Central Government."

Then it says further—

"Municipal councillors with Chandni Chowk standards will not be allowed to meddle with its affairs even if one of them is allowed to flaunt himself as a Lieut. Governor and some others as Advisers, if not diminutive Ministers."

It is the standard of municipal administration under subservience to authorities that I have seen for the last thirty-two years and I have been always ashamed that Delhi is so subservient. My view is that it must be separated from New Delhi and merged in U.P.

East Punjab must build up its own culture and its own tradition. They are afraid and they want something for nothing. They do not sit down and build their High Court and Capital town and their Ministers remain away in Simla. Why should they not come down and build their own standards of life and civilization at Chandigarh? They cannot expect that Delhi should be given to them so that they get something for nothing without any effort. Two years have passed and East Punjab people have made no efforts to build up their Capital for which I condemn the people of East Punjab and their Ministry.

As for Ajmer-Merwara it was maintained to over-awe the mighty monarchs of Rajasthan. The moment the union of Rajasthan was decided, Ajmer Merwara including Panth-Piploda ought to have been merged with Rajasthan and it should be the whole-time or part-time capital of Rajasthan. Instead, the anachronism is going on.

As for Coorg, its 40,000 people rule the administrations of India and Mysore and they occupy highest posts in the Madras Government too. Coorg provides most of our Army generals—the Cariappas, the Thimmaiya and most of army officers. Coorg was maintained for European planters. Is this House of democracy going to perpetuate it? Coorg must go to Mysore State as it is part of Mysore in culture and in ethnical relations. It is high time Coorg is merged with Mysore.

One thing I must say in defence of Coorg. Coorg does not receive any charity from Centre. Delhi Which had a population of 6 lakhs in 1936—though Lala Deshbandhu Gupta said yesterday it is now twenty lakhs being uprooted people from Frontier province, West Punjab and East Punjab—includes only 700 villages and receives a subsidy of $1\frac{1}{2}$ crores, annually from the Centre. We are not concerned with the transitory population. My Friend Lala Deshbandhu Gupta will admit that Rs. $1\frac{1}{2}$ crores grants-in-aid does not include the subsidies that are given to numerous refugee camps. Further, Delhi received $3\frac{1}{2}$ crores in capital grant. Why should the Centre finance Delhi with these abnormal grants when none else get it and how can even twenty lakhs of people demand a province ? Let them go with the United Provinces, if they want their culture. Their representative Lala Deshbandhu Gupta is a Punjabi by birth and perhaps he likes to have his Hariana province. I knew Hariana cows but I only heard of Hariana province in the days of Round Table Conference when some veterans of Punjab wanted to separate from West Punjab and have a Hariana province by taking one or two divisions from U.P. That question has now been settled by act of God—by Partition. Now there is no question of Hariana province. Culturally I maintain Delhi must go to U.P. Yesterday our Premier made a statement and reminded the House and my Friend Sjt. Gupta that changes have occurred. Then what is the special reason adduced by Sjt. Gupta to create a separate Lieut. Governor's province for Delhi ? You have done away with all reservations and special privileges.

Shri Deshbandhu Gupta : Because you are denying the ordinary privileges to the people of Delhi.

Shri B. Das: No, those privileges were denied to them by their former masters. The question today is that all of us should enjoy equal privileges, and the right thing for you is to merge in the United Provinces. Sir, this is not a mere question of supporting the amendment of Dr. Ambedkar. This House is getting committed to financial subventions and Centrally administered areas will have to be maintained at a decent level of administration. But as I have, said before, the only Centrally administered area will be the Andaman and Nicobar Islands, and their representative in both Houses of Parliament will be the Home Minister under whom that Centrally administered area will.....

Shri Brajeshwar Prasad (Bihar: General): On a point of order, Sir, we are discussing Part VII of the Constitution and not dealing with the islands of Andaman and Nicobar.

Mr. President : The honourable Member is not really discussing the Andaman and Nicobar Islands but Delhi, Ajmer-Merwara and other provinces.

Shri B. Das : My Friend Sjt. Brajeshwar Prasad will find that in one year's time there will be no other Centrally administered area than those two groups of islands that I have mentioned. We are discussing the constitutional position of Centrally administered areas, and I hope the House will have the wisdom to see that there remains no other Centrally administered area except the Andaman and Nicobar Islands.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Mr. President, Sir, this small question has raised practically a storm in the House. We must, however, consider the matter from the practical point of view. There are two opposite suggestions placed before the House. One is that Delhi should be taken away and amalgamated with East. Punjab. The contrary suggestion is that East Punjab should be amalgamated with Delhi. I submit that the question really is the same,

[Mr. Naziruddin Ahmad]

and so much controversy should not have arisen. It is just like posing the question as to whether the husband should marry the wife or the wife should marry the husband. I think, Sir, that the question should be left at that.

I submit that the question should be looked at from a practical point of view. Delhi, Old and New, have associations of thousands of years and it is the seat of the Government of India. Here are located a large number of Ambassadors and foreign representatives. Here the Dominion Legislature and the Houses of Parliament will sit and a large number of members will stay; and if these two cities, Old and New Delhi, are amalgamated with some neighbouring province, it may be that the seat of that Government will be removed and the difficulty would be that the Central Government and the high foreign and local officials and members of Parliament will find it highly embarrassing to look for everything to a Provincial Authority away from the Centre. My suggestion, therefore, would be this: Delhi Province should be divided into three parts. The villages to the east of Jumna should be made over to the U.P. That would be geographically a very sound thing. And then the Provincial boundary will be the river Jumna—a very natural boundary. So far as the other villages are concerned, near about Delhi, they should be amalgamated with East Punjab. But so far as the two cities are concerned, they should be combined into a Union City, run by a Corporation. There may be small units of municipal bodies here and there, but on the whole, there should be a Corporation. In fact, Old and New Delhi should be treated entirely separately and not as a part of a Provincial area.

Shri T. T. Krishnamachari (Madras: General) : Sir, the question may now be put.

Mr. President: The question is

“That the question be now put.”

The motion was adopted.

Mr. President : I will now put the amendments to vote. The first one is No. 46, moved by Professor Saksena.

The question is

“That in amendment No. 45 above, in clause (1) of the proposed article 213, the words ‘Notwithstanding anything contained in this Constitution’ be deleted.”

Shri Deshbandhu Gupta : Sir, before the amendments are put to vote, I would request you to allow Dr. Ambedkar to give his reply to the debate.

Mr. President : I am sorry I forgot to ask Dr. Ambedkar to reply to the debate. If Dr. Ambedkar wishes to say anything, he is welcome to do so. I will put the amendment to vote, once again.

Shri T. T. Krishnamachari : In fact the Prime Minister has practically replied to the debate, yesterday.

The Honourable Dr. B. R. Ambedkar (Bombay: General): Mr. President, Sir with regard to the amendment moved by my Friend Lala Deshbandhu Gupta, I am quite certain that this is not the place where the amendment properly come in. The amendment also raises a question of principle, namely, that it provides for a weightage in representation to certain areas. Now, the House will remember that at one stage, this question of weightage in representation was debated at considerable length and the House accepted the principle that weightage should not be allowed. However, I might say that by reason of article 67 where certain

principles of representation are laid down, it might be possible that if some territories of India are unable to obtain even a single representative by reason of the rule, we will have to make some special provision. We cannot allow by reason of a mathematical rule to deprive any territory of representation in the State. In that connection, this matter may have to be considered, and I can say at this stage that when such areas are brought into existence, and the Drafting Committee is called upon to make some provisions with regard to their representation, then the whole matter might be examined and a fresh article, something after article 67, say article 67-A, might be incorporated. Beyond that, I cannot at this stage, say anything more.

Mr. President : I will put the amendment to vote now. As I said, I will put Professor Shibban Lal Saksena's amendment to vote again.

The question is:

"That in amendment No. 45 above, in clause (1) of the proposed article 213, the words 'Notwithstanding anything contained in this Constitution' be deleted."

I think the Noes have it.

Shri Mahavir Tyagi : Sir, there seems to be some misunderstanding. The question may again be put.

Mr. President : Yes, there seems to be some misunderstanding. I shall put the question once more

The question is:

"That in amendment No. 45 above, in clause (1) of the proposed article 213, the words 'Notwithstanding anything contained in this Constitution' be deleted."

I think the Ayes have it.

The amendment was adopted.

Mr. President: Then I will put Mr. Deshbandhu Gupta's amendment to vote.

Shri Deshbandhu Gupta: In view of the statement made by the Honourable the Prime Minister yesterday and by Dr. Ambedkar today, I do not press my amendment at this stage. I hope necessary provision will be made at the proper time when article 67 is revised.

Mr. President : Has the honourable Member the leave of the House to withdraw his amendment ?

The amendment was, by leave of the Assembly, withdrawn.

Mr. President : Then I will put article 213 as amended by Mr. Shibban Lal Saksena's amendment, to vote.

The question is:

"That article 213, as amended, stand part of the Constitution."

The motion was adopted.

Article 213, as amended, was added to the Constitution.