Article 212 to 214

Mr. President: Shall we take up article 212?

The Honourable Dr. B. R. Ambedkar : Sir, I would like articles 212 to 214 to be held over. I think article 275 may be taken up.

Shri L. Krishnaswami Bharathi (Madras: General): Sir, articles 212 to 214 are sought to be held over. I think the House would like to have an explanation as to why they are being held over.

The Honourable Dr. B. R. Ambedkar: The explanation is this: that we are having the prospect of some of the Settlements coming over to India like Chandernagore and other places. We have to make some provision for them, and this might be the appropriate place where provision for them might be made. It has been just suggested that it is felt that it might be more properly incorporated and so on. Consequently, we want some time to consider that question. Perhaps, we might be in a position to take up these articles even today.

Mr. President : Then, we may take up article 188, and in that connection the other emergency provisions.

The Honourable Dr. B. R. Ambedkar: We might also take up article 275 which is also an emergency provision.

Mr. President: Let us take up article 275.

Mr. Naziruddin Ahmad: May I rise on a point or order, Sir?

It is very inconvenient for some members to follow the procedure which is being adopted in the House. We have in the agenda paper today some articles which are set down seriatim. It was understood on the last occasion that articles will be taken up in the order laid down in the Order Paper. I do not wish to raise any technical objection; but the difficulty is that Members have got to come prepared to intelligently take part in the debate. Instead of following a regular procedure even after the recess we had, the House is expected to jump from one article to another backwards and forwards. I submit this is causing some amount of inconvenience and I submit that the House should be asked to proceed in some regular order. Otherwise, there would be no intelligent debate.

Mr. President : I am inclined to agree with Mr. Naziruddin Ahmad that it is inconvenient to Members to jump from article 211 to 275.

The Honourable Dr. B. R. Ambedkar: I am prepared to take up article 212 and go on.

Mr. President : I think that is much better. If anything happens, we can provide for that later on regarding Chandernagore. Let us take up article 212.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

"That with reference to amendment No. 2713 of the List of Amendments, clause (2) of article 212 be omitted."

The reason why this amendment is being moved is because all provisions with regard to the States specified in Part III are being made separately in a separate Schedule. Consequently it is unnecessary to retain clause (2) here.

I also move:

'That in clause (1) and the proviso to clause (1) of article 212, for the words 'Governor or Ruler', wherever they occur, the expression 'Government' be substituted."

Mr. President : We have quite a number of amendments to this article of which notice has been given. I shall take them one by one.

(Amendments Nos. 2709 to 2711 were not moved.)

Shri T. T. Krishnamachari : May I request for your permission to move 2712 ?

Mr. President: Yes.

Shri T. T. Krishnamachari : I now move 2712 in Volume II of the Printed List of amendments which stands in the name of the Honourable Sardar Vallabhbhai Patel:

"That in clause (b) of the proviso to clause (1) of article 212, for the word 'wishes' the word 'views' be substituted and at the end the following new clause (3) be added:—

'(3) In this article reference to a State shall include reference to a part of a State.' "

I do not think there is any need for me to add anything as the words contained in the amendment are self-explanatory.

Mr. President: Dr. Ambedkar, 2713.

[Amendments Nos. 2713, 2715, 2716, 2717, 2718, 190 of the printed Supplementary List, 27, 28 to 33 of List I (Second Week) were not moved.]

Prof. Shibban Lal Saksena: Mr. President, Sir, in this article we are providing for the Government of States contained in Part II of the First Schedule and in that Schedule are mentioned Delhi, Ajmer-Merwara, including Panth-Piploda and Coorg. From what Dr. Ambedkar said, it will include probably Chandernagore and other places also so that provision is being made for those places to be governed as Centrally administered areas. I do not know whether the passing of this article will also mean that we also approve the Schedule, but I wish to point out that this problem of the government of these places has to be dealt with in a more careful manner. I personally feel that this should be held over. The present condition of the administration in these places is not what we desire. We have all realised that. States like Coorg, Ajmer-Merwara and Panth-Piploda must become parts of bigger areas, the adjoining provinces or Unions of States and I do not think it will be proper to frame a law unless we decided what we want to do with Ajmer-Merwara and Coorg. I have a feeling that the people in these places feel that they have no voice in the administration because Parliament hardly gets time to discuss these things and Government in their own States is entirely in the hands of District Magistrates or Commissioners. Delhi of course is a problem by itself but about Coorg, the other day I learnt from my Friend Mr. Poonacha that the Council there is a unique thing and the District Magistrate is the President of the Council and the Judge is the Minister of Justice etc. So we should not perpetuate this administration in Coorg. Besides in this article we are providing for Governments of Chief Commissioners' provinces without knowing for what provinces we want to legislate. I am told Coorg will be amalgamated with either Mysore or Madras. Similarly Ajmer-Merwara might join the Rajasthan Union so that only Delhi will be left. I think for Delhi this article will not suit and I feel that a separate clause for Delhi is necessary and I feel that for Chandernagore and other places like Pondicherry which have been brought up under the French we might have this article for the present. So I feel that the original proposal of Dr. Ambedkar to hold these articles over was much better because just now if we pass this article without knowing for what areas we are providing this article, it will be improper. So this thing needs careful consideration. As for the problem of Delhi, I will discuss it afterwards., I personally feel that it will be proper to hold back the article till we have a better picture of the new areas which we are going to have It will not be proper to pass the article without knowing what parts of India will have this Constitution.

Shri Brajeshwar Prasad: Mr. President, Sir, I am in whole-hearted accord with the provisions of Part VII of the Constitution. This Part deals with the future pattern of the Government of India. Sooner or later, all the States will have to be put in Part VII of the Constitution. I feel that as we have not yet decided which of the States should be put in Part VII of the Constitution, it is open to me to suggest that some of the bigger provinces should be put in Part VII of the Constitution. It is not in accord with the majesty and dignity of the State that the Government of India should be put in charge of small bits of territories like Delhi, Coorg, Ajmer-Merwara and Panth-Piploda. If the Government of India should administer directly some areas in this country, then some of the bigger provinces should be brought directly under the administration of the Government of India. There is yet another reason why I make this suggestion, I feel that border States, i.e., those provinces which are on the border of foreign States, on grounds of military strategy, should not be left in the hands of provincial Ministers. Provinces like East Punjab, Bengal, or Bihar which is bordering Eastern Pakistan, or Assam, should not be left to be governed by Provincial Ministers, because the situation in India has become critical.

Mr. President : The honourable Member is going much beyond the scope of the article under consideration.

Shri Brajeshwar Prasad : Sir, I said it is not decided till now which States should be put in Part VII of this Constitution. So is it or is it not open to me to suggest that such and such a State should be put in, and such and such a State should not be put in?

Mr. President: You can do so, when we consider the Schedule.

Shri Brajeshwar Prasad : Probably it will be too late then. But if I will be allowed to speak on it when we are considering the Schedule, then certainly I will have no objection.

Mr. President: At the time of the consideration of the Schedule you can say anything you like, but not at this stage, because this article relates to particular States which are mentioned.

Shri Brajeshwar Prasad: Sir, I will proceed on. I feel that the system of administration that exists in the Chief Commissioners' Provinces is a very sound one, and that there should be no change in the status quo. It is ridiculous to talk of provincial autonomy in Chief Commissioners' provinces like Panth Piploda or Delhi. It is hardly half the size, and contains hardly half the population of a district or sub-division of a Governor's province. The charge has been made that efficiency of administration has gone down in these areas. I would like those who make this charge to go on a tour in the Governor's provinces and see whether administrative efficiency has or has not deteriorated there also. Sir, it has been urged that people must have autonomy. Is it desirable, or fair that when there is autonomy throughout the length and breadth of this country, the people living in the Chief Commissioners' provinces should be deprived of this right? But I do not see any substance in this argument, because I feel that people are not keen about autonomy. People are not interested in politics. The present question that confronts us is the problem of food. That is the problem that we have to face and solve. People are interested in the food problem. They are interested in getting medical facilities. Peoples are interested in their sons and daughters getting free education. They want food. They want shelter. The average man is not interested in political questions. He is absorbed with the question of how to make both ends meet. Moreover provincial autonomy has failed everywhere. If it is so, why then commit the same mistakes again in the Chief Commissioners' Provinces? If provincial autonomy has failed, then no provincial autonomy should be conferred on any Chief Commis-

[Shri Brajeshwar Prasad]

sioners' Provinces. Therefore, Sir, whichever way I turn I feel there is no reason why any change should be made in the constitutional status of these provinces which are directly governed by the Centre. I feel that in India there is place only for one Government and therefore, to create more governments will be a retrograde step. I am not in favour of even the existing Provincial Governments, and to seek to create more provinces will be a suicidal step and inimical to the interests of the people of this country.

Dr. P. S. Deshmukh: Mr. President, Sir, last time when we objected to the passing of the provision in regard to the Second Chamber, you came to the rescue of the House and persuaded the members of the Drafting Committee to hold back the article and to come again with some positive scheme before the House. May I take this opportunity of appealing to you, Sir, again, that this is one of the Parts which should also be considered more carefully before we pass it? Here we are making a very curious provision. If the device of leaving legislation to Parliament was necessary in any place, I think this was the one place where it should have been resorted to. The governance of these three areas could easily have been left for an Act to be passed by Parliament at such time as it may please. There would have been no inconvenience to anybody. We would have had more time to consider the whole thing. There would have been the wishes of the people inhabiting the various areas before us, and it would have been possible for us to consider their demands, whatever they be. But what we are doing here is something totally out of conformity with the provisions which we are embodying in the rest of the Constitution. Everywhere we are giving adult franchise to the people. We are providing not only one, but sometimes two Houses as legislatures. But in this particular case, we are legislating for not even a definite advisory council, so far as we can see. if the article as it has been framed is passed, to my mind, it may be within the sweet will of the President to have something of that sort. But there is no concrete provision in the Constitution itself as to how and how far the people of these areas would be consulted. So we are making them into a sort of "excluded areas" similar to those inhabited by hill-tribes, in the Act of 1935, where they had no representation, no votes. So the residents of Delhi, the residents of Coorg and Ajmer-Merwara are likely to be treated as hill-tribes and aboriginals, even after the solemn Constitution of the whole of India has been fashioned, framed and put into operation. So on that score, Sir, I think it is not proper that the administration of any area whatsoever should be left to the sweet will of the President, and he also is not to act on his own but through a Governor of another neighbouring province, who has to act through the Lieut-Governor. This is a subject which, if we leave as it is, I do not think it would do much credit to us. I would therefore like that the whole question and the drafts of these articles should be reconsidered.

There is one more point which I would like to urge, viz., whether it is not possible to join these areas to some other areas, so that they may share the same responsibility and have similar democratic arrangements as other adjoining areas. We have the spectacle of huge areas being tagged to the rest: State after State merged together and formed into Unions, and such large States as Baroda having a population of thirty lakhs, equal to the population of a nation like Ireland being merged into a province within a twinkling of an eye. Here are a few lakhs of people who are not anxious to remain solitary because so far as Ajmer-Merwara is concerned, I am told there is a strong feeling for them to join Rajasthan. But in spite of the wishes expressed to the contrary, we are trying to have small islands of territories administered in a fashion which is absolutely unlike what is being done in other parts by the Constitution. I submit that this is not proper nor fair to the people of those areas, nor does

it conform with the scheme of things which we are trying to evolve. We are trying to eliminate small islands in our Constitution, and for that purpose we have removed the Rulers and we have destroyed boundaries so far as the formation of Unions and provinces are concerned. Why could we not have considered that scheme as applicable to the small territories of Coorg and Ajmer-Merwara? "These are very tiny territories and they should not be kept aloof. And if they are to be kept aloof, and must remain separate, then the people inhabiting those areas must at least be given the same democratic institutions which other parts enjoy. There is no scheme behind these provisions as they are proposed here and I hope you will, Sir, persuade the Members of the Drafting Committee to refrain from pushing this through in this House, at this stage and in this manner.

Shri Biswanath Das: (Orissa: General): It is within the knowledge of honourable Members that we appointed a Committee to go into the question of the Minor Administrations. The Committee was presided over by our esteemed and revered Friend, Dr. Shri. Pattabhi Sitaramayya, the Congress President. Unfortunately, the report of the Committee was not available to the honourable Members of this House, and as such could not be discussed in this House. In the result, the Drafting Committee assumed authority to embody what provisions have been made for Minor Administrations in the Constitution. You will please therefore allow the Members of this House a certain amount of latitude while discussing this question because the House had no opportunity to have its say on the report itself, therefore, I take it, Sir, that along with the consideration of the articles—I mean articles 212, 213 and 214, it is also necessary that we discuss the.....

Mr. President : May I point out that the report of that Sub-Committee was distributed to the Members but it was not considered by this House?

Shri Biswanath Das: That is exactly what I say. I have not said anything more.

Mr. President : I thought you complained that the report was not made available to the Members.

Shri Biswanath Das : I said—and I repeat—that the Assembly had not the opportunity to discuss this question. That is what I said and I stand by it.

Sir, the report, I am glad, is not unanimous and I am further glad that the honourable Shri Mukut Bihari Lal Bhargava, representing these areas—I mean Ajmer and Merwara province of these areas—has recorded his voice of dissent, and I will read the last sentence from his Minute of Dissent. He says:

"Accordingly, I may impress on the Constituent Assembly the urgency of incorporating a suitable provision in this chapter of the Constitution so as to make it possible for each of these areas to join as a contiguous union."

Having stated the views of the representative of this area, in this House, I cannot very much congratulate the Committee for the performance they have shown in the report. What is the performance? The performance is that the Committee recommends responsible Government in the Minor Administered States in the provinces under the lines of the old antiquated Act of 1935, in which instead of the Governor they propose to have a Lieut-Governor and a Council not on the basis of the Constitution that you have framed, but on a separate basis altogether as given at page 3 of the Report. The basis represented is 5,000 persons subject to a maximum of 33 persons for Coorg, and 15,000 subject to a maximum of 40 persons for Ajmer-Merwara. That is the basis on which you will have, according to their proposals, a Council or an Assembly which will have its Prime Minister, Ministers and all the paraphernalia attached to the Act of 1935.

[Shri Biswanath Das]

I am thankful further to the Members of the Committee for having used the very mischievious expressions from the Act of 1935. I have to record my strong note of dissent in this House against this report because it does least to the, people of these Minor Administered Areas in bringing them under a discredited Act. The reasons are these:

First, the administrative set-up that they propose in this report is absolutely different from the administrative, setup that we have adumbrated for the provinces in this Constitution. Need I say that it is very and hopelessly reactionary, looked upon from the point of view of Free India.

The second objection to this report is that they want and propose to perpetuate in this Constitution a system of administration which has been rejected by all shades of public opinion in this country.

Thirdly, they bring to bear upon the administration an unnecessary and costly machinery and the snare of having the possibility of perpetuating. Minor Administrations in the garb of provinces. If this is the view, why on earth should you do away with the smaller States who were out to confer responsible government? It really surpasses my comprehension.

Therefore, looked at from any point of view, the report of the, Committee's set-up is not, and in no sense can be, acceptable to the honourable Members of this House in this year of 1949.

In this connection let me also refer to the report of the Simon Commission which went thoroughly into the question. They recommended that the, time had come when these minor administrations should be made to merge in the neighbouring provinces and they justified it on two grounds. The first was economy and the second was efficiency in administration. They laid more stress on the efficiency of the administration because they said that the Government of India officials who were in charge of these minor administrations had no experience in provincial sphere and therefore necessarily the administration suffered in efficiency. Is it for these purposes that you are going to in, vest more money and perpetuate an administration which has been condemned outright not only by public opinion in India but, also by a most reactionary body like the Simon Commission? This is out-Heroding Herod. Under these circumstances I cannot congratulate the Committee on its performance.

Why do you have a province like Coorg? It is a province of 1,600 and odd square miles, which is adjacent to Madras and equally adjacent to Mysore. Madras is a province of our own and Mysore is a State which has also responsible government that is practically on a par, with Madras. Added to it, the Kanarese people on the basis of linguistic distribution of provinces lay claim to the same area. It may be very soon in the day that you may have linguistic provinces and a separate province of Kanara. If that becomes possible Coorg merges itself automatically into it. Is it, therefore, fair to perpetuate the existing Conditions and add to our financial difficulties and that at the expense of efficiency? I submit that it is doing least justice to the country and to the honourable Members of this House.

Again, with regard to Ajmer-Merwara the honourable Member representing the area has had his say and I have nothing more to say except to commend what the honourable Mr. Mukut Biharilal Bhargava has stated in this connection.

Then you have Panth-Piploda comprising of ten and a half villages, which you can as well put in any other place.

You have thereafter the province of Delhi. Why an earth have a province under Delhi administration? You can add it to the East Punjab or the United Provinces.

We have then only two other areas, namely, the City of Delhi and the Islands of Nicobars and Andamans. At regards the City of Delhi you can have it on the lines of the British Constitution and have a corporation for the Metropolis of Delhi on the lines of London or on American lines according as is desirable and necessary. Under the circumstances I fail to understand why You should add to Delhi a small area merely to call it a province having a machinery and a legislative assembly with a Premier and minister and all the other paraphernalia. Under the circumstances I do not agree with my honourable friends of the Committee.

The only other area which remains is the Andamans. It is a strategic area.......

Shri Brajeshwar Prasad: Andamans is not in Part VII of this Constitution.

Shri Biswanath Das: You may have it under the Home or Defence Ministry. Therefore why should you burden the Constitution with these provisions? I feel that part (1) of article 212, and articles 213 and 214 are unnecessary, useless and undesirable, and the set-up is expensive. Under the circumstances I strongly oppose the inclusion of these provisions and I see no utility in them excepting adding to the bulk of the Constitution for which we have earned a reputation and adding to our financial commitments. We are going through very hard times Our civil administration today has multiplied three to four times its pre-war level. Why then add more commitments and pile up to the expenses that we are already incurring? Therefore no option is left to me but to oppose these articles, especially 212.

You, Sir, took a very bold step on Saturday by requesting the House to reconsider certain articles. Need I appeal to you that the provisions under reference do need reconsideration and revision of the decision already taken?

Chaudhri Ranbir Singh (East Punjab: General): *[Mr. President, Sir, I have come forward to support this Article. But in supporting it I cannot but say that it is not in the interest of the country to retain these small territories in the form of separate provinces. I think that with the exception of New Delhi, Pondicherry and Chanderagore, it will be detrimental to the interest of the country to retain these small territories in the form of provinces. Take for instance the case of Delhi. There is no doubt that New Delhi presents a different problem. We will have to retain it as a separate province because it is the seat of the Central Government. But to retain Old Delhi and the villages of Delhi, which hardly number 300, as a separate province and to maintain a top-heavy administration, is not in the interest of the country.

A few days back a Bill for adjusting the financial relations of Ajmer and Delhi administrations was presented for the consideration of the Standing Committee of this House. The scales of pay of the Officers proposed in that Bill were the same as those in big provinces. The same is the case in regard to other departments although there are hardly three hundred villages in Delhi and it is not even as big as a Tehsil of a Province. If we make it a separate province, we would be compelled to maintain a top-heavy administration. Therefore, I support this proposal and hope that, except New Delhi, the rest of the city of Delhi and its villages should be integrated with the Punjab.

Shri Mahabir Tyagi (United Provinces: General): Why should it not be integrated with the United Provinces?

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Chaudhri Ranbir Singh: My Friend, Shri Tyagi, says that it should be integrated with the United Provinces. For integrating Delhi with the United Provinces, a natural boundary, *i.e.*, the Jamuna will have to be overlooked. If it is integrated with the Punjab, it would form the natural boundary.

Import of gram from Punjab into Delhi is not permitted these days even though no natural barrier like that of the Jamuna separates Delhi from Punjab. Besides, many villagers have fields in the Punjab as well as in Delhi. In this way we are confronted with a great problem. But if New Delhi is set aside and the rest of the area of Delhi is integrated with the Punjab, there would be great facility. The idea of integrating it with the United Provinces is wrong on other considerations too. The United Provinces is a big province. It is so extensive that it is not an easy task to manage it as a unit. The Punjab, which is a small province, would in this way add to itself a population of about ten lakhs. Besides, it would have a proper boundary too. In supporting this proposal I want to emphasise that the rural area of old Delhi and New Delhi should be integrated with the Punjab and the Constituent Assembly itself should come to a decision in this respect.]

Shri R. K. Sidhwa (C. P. & Berar: General): Mr. President, Sir, I have no quarrel with persons like my Friend Mr. Brajeshwar Prasad who hold the view that all the provinces in India should be governed by dictators and not by Ministers. But I really cannot understand the arguments now advanced by Friends who have all along been advocating that there should be people's government everywhere but who want to deny that right to the people of Delhi and Ajmer-Merwara. Here are these two provinces—you may call them such. I am purposely omitting Coorg because it is so small that it cannot be given a legislative body. At the same time I do not want Coorg also to be administered in the manner it is being administered today. It should be merged with some adjoining province. Therefore, there remain only two big provinces, Delhi and Ajmer-Merwara, both having a population of nearly twenty five lakhs of people. You cannot ignore the right of this large number of people to govern themselves. I fail to understand why, when we have given the right to the most backward classes of people to govern themselves under our Constitution, this intelligent class of people in these two provinces should be told that they cannot have a popular government. If it is felt that Ajmer-Merwara should be merged into some adjoining province I have no quarrel, but I would prefer that Delhi and Ajmer-Merwara should be combined and given a proper legislative body as in the case of other provinces.

It is argued that in a capital city we cannot have any provincial government. It may be a mere matter of sentiment and I do not see any really substantial arguments in that. Did we not have two governments in Calcutta having a Lieutenant-Governor and the seat of India at Calcutta? Did we not have two governments in Calcutta exactly on the lines I want to advocate? And what was wrong? If at all it is felt that from the point of view of status or sentiment the capital should not be in Delhi, let the capital be in Ajmer. I have no objection. But to deny this right to these people is a most unheard of attempt when we are preparing a Constitution for the entire population of this country. I therefore feel very strongly that the Constitution should not be passed without mentioning distinctly and clearly as to what is going to be the fate of Delhi and Ajmer-Merwara as far as their administration is concerned.

Imagine the position of Delhi today so far as the local self-governing organisation is concerned. There are four Municipalities in the City of Delhi. At a distance of every three miles there is a small Municipality. Not even the word 'Municipality' is there. It is a 'Municipal Committee', a third-rate name that is given for the local self-governing body at the Capital, and still from

the sentimental point of view you say that Delhi should remain under the chief Commissioner. Old Delhi has got the name Municipal Committee. New Delhi, at a distance of three miles has another Municipal Committee. In the Civil Lines there is a Notified Area Committee, again at a distance of miles. At Shahadara there is a similar Committee. I have never heard of any city having within a distance of about eight miles more than one Municipality. Go to Bombay. Bombay has a circumference of 18 miles and there are so many suburban towns, but it is not that there are small local bodies within a city. I desire that there should be a Municipal Corporation for Delhi. I was really very glad to learn when the In term Government came into power that a Committee was appointed to go into the question of having a Corporation for Delhi, combining the small municipalities into one. The Committee has given a very fine report, advocating that there should be a Municipal Corporation for the whole of Delhi and that the small municipalities should be merged into it. That report, I think, has been shelved. It is now two years since they presented their report. You are not prepared to give local self government to the people of Delhi—I do not know for what reasons. Why should there not be a Municipal Corporation for Delhi instead of four small municipalities at a distance of three miles each? You are not I prepared to give them the right from the civic point of view also. I therefore desire that in the fair name of this Capital you must immediately take steps lo see that these powers are vested in the people of these two provinces.

Shrimati G. Durgabai (Madras: General): Sir, the question may now be put.

Mr. President: Ile question is:

"That the question be now put."

The motion was adopted.

Mr. President: The question is:

"That in clause (1) and the proviso to clause (1) of article 212, for the words 'Governor or Ruler', wherever they occur, the expression 'Government' be substituted."

The amendment was adopted.

Mr. President: The question is:

"That in clause (b) of the proviso to clause (1) of article 212, for the word 'wishes' the word 'views' be substituted and at the end the following new clause (3) be added:

(3) In this article reference to a State shall include reference to a part of a State."

The amendment was adopted.

Mr. President: The question is:

"That with reference to amendment No. 2713 of the List of Amendments. clause (2) of article 212 be omitted."

The amendment was adopted.

Mr. President: The question is:

"That article 212, as amended, stand part of the Constitution."

The motion was adopted.

Article 212, as amended, was added to the Constitution.

Article 213

The Honourable Dr. B. R. Ambedkar: Sir, I move.

"That with reference to amendment No. 2722 of the List of Amendments, for article 213, the following article be substituted:—