

MR. SPEAKER: Now we come to the main Motion. I shall now put the main Motion to the vote of the House.

The question is:

"That an Address be presented to the President in the following terms:—

"That the Members of Lok Sabha assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on the 23rd January, 1980.' "

The motion was adopted.

14.24 hrs.

GOVERNMENT OF UNION TERRITORIES (AMENDMENT) BILL—
Contd.

MR. SPEAKER: Now, Mr. Faleiro.

SHRI EDUARDO FALEIRO (Morugao): Mr. Speaker, Sir, while we were discussing on the last occasion the Government of Union Territories (Amendment) Bill, 1980, it was quite rightly stated, by the hon. Minister of State piloting the Bill, that this Bill is only of a formal nature. Sir, whether it is of a formal nature or not, it does provide us,—the representatives of the Union Territories,—with an opportunity to point out the discriminatory type and the inferior type of democracy and the second-class citizenship which these Union Territory people are enjoying.

14.25 hrs.

[SHRI F. H. MOHSIN *in the Chair*]

This Government of Union Territories (Amendment) Bill is related to the provisions concerning the Imposition of President's rule in the Union Territory. In the case of States, the President's rule is governed by the Article 356 of the Constitution. When we come to the Union Territories, we find that the

President's rule is no more governed by the Constitutional provision. They are governed by different Articles, different provisions, the provisions contained in Section 51 of the Indian Union Territories Act. If you compare both the provisions—on the one hand Article 356 of the Constitution and on the other hand Section 51 of the Union Territories Act—you will find and the House will find, that the people of the Union Territories are placed in an inferior position. You will see that the President's rule can be imposed in a State only when there is a breakdown of the Constitutional machinery and that is what Article 356 of the Constitution provides. But when you come to the Union Territory, Section 51 comes into play. Section 51 says that even when there is no provision in the Constitution in the case of Union Territories, President's rule can be imposed if the Government of India, that is to say, formally the President, finds it necessary or expedient. That means in any case leaving it to the subjective satisfaction of the Government of India, President's rule can be imposed on the Union Territory. There need be no reason. That means the Legislative Assembly which operates in some Union Territories is merely at the sufferers or tolerance of the Government of India and whatever the democratic rights the people of the Union Territory enjoy, those rights can be taken away by the Government of India without ascribing any reason as the simple satisfaction at the whims and pleasures of the Government of India. Recently by the imposition of the President's rule in Goa, certain difficulties were created. I come from the Union Territory of Goa. Now, what happened in Goa when the President's rule was imposed? This shows again the extreme arbitrariness which the Government of India can show while dealing with the Union Territories. What happened in the case of Goa recently? The Maharashtra Gomantak Party Government collapsed on the floor of the House and then the Opposition came together and asked for an opportunity to form a Government. The Opposition Leaders came to Delhi and met the

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then Prime Minister, Mr. Morarji Desai and told him that they were in a position to form the Government. The then Prime Minister could not object to this. He could not say that they were not in a position to form the Government since there was a clear majority and it was also proved on the floor of the House. Then he told them "how do you come to me when your own representatives in Parliament are opposing me at every stage, every step? There are the Congress-I people in your party. How can I allow you to form the Government when there are Congress-I people in your party?" This shows how the Government of India can act arbitrarily. When the Government of India is not conscious of the principles which in a democracy, should prevail, it can abuse, it can usurp the democratic rights and it can act in an arbitrary manner and impose President's rule as was imposed recently. It was different altogether when there was election. The same representative whom Mr. Morarji Desai found to be opposing him all the time came back to this House with a margin four times larger than in the previous election. The same party whom he would not allow to form the government came back to power with overwhelming majority. But then the provisions remain. That also was what the people wanted and that is why their representative switched over to the Congress-I whilst having all the time, all these years, supported and stood by the policy of Congress-I for the last 4 or 5 years. For the last 2 or 3 years, the Congress-I came into existence there. It is the will of the people that has to prevail and the will of the people will not prevail if there are such draconian provisions, anti-democratic provisions that are contained in Section 51 of the Union Territories remain in the Statute Book.

I would like to point out here the amount of discrimination that is there between the Union Territories and the States. In the case of the States,

President's rule can be allowed. When President's rule is imposed in the States, it is now an accepted convention of this House that the report of the Governor who recommends the imposition of the President's rule should be laid on the Table of the House. But this is not the function and this is not the practice in the case of the Union Territories. The Constitution itself says that the notification imposing President's rule must be laid on the Table of the House; but when it came to the imposition of President's rule in the Union Territory of Goa, we who were sitting on this side, had to create a commotion to force the Government, because Government was not prepared to lay the notification on the Table of the House.

Let us now come to the Governor's report. In the case of the States, the Governor's report is required to be laid on the Table of the House, but it is not so in the case of the Union Territories. Upto this day, we have not seen the report of Lt. Governor regarding imposition of President's rule being placed on the Table of the House. It would make a material difference. When it came to the dissolution of the Goa Assembly, the Lt. Governor made a report, and that was the only one report, where he said that the Opposition was in a position to form a stable Government. He had said that the Opposition, which was a Congress Opposition, was in a position to form a stable Government, and must be given a chance to form it. The Government here went against that report, on the basis of its whims and fancies and taking into account motives which were unrelated to the formation of a new Government. By imposing President's rule, the then Central Government acted in the manner it did, against the report of the Lt. Governor.

So, you see in how many ways the Government of India, when it comes to the Union Territories, can thwart

the will of the People. Another difference is this. When President's rule is imposed in the States, Article 356 of the Constitution requires that this imposition of President's rule should be ratified by Parliament within 2 months; otherwise the imposition of President's rule cannot continue. But in the case of Union Territories, nothing need be discussed in Parliament. Parliament need not take into cognisance, is not required to take cognisance and cannot force itself to take cognisance of the imposition of President's rule in the Union Territories.

These are the different ways in which we see that after all, the Union Territories in substance—and it is very painful for us to say this—seem to be in the same position of a colonial set-up. Many colonies in the past had legislatures, but they were under the suzerainty of the colonial powers. The spirit of the matter to-day is different. The relationship, in spirit, between the Government of India and the Union Territories is undefinable; and it cannot be called colonial. But the structure is still colonial and it cannot be allowed to prevail.

Union Territories came into existence in very peculiar circumstances. In 1957 or thereabouts, the States Reorganization Commission was formed, to re-organize the States on a linguistic basis. It was found that there were some small pockets which, for some reason or the other, could neither be constituted into separate States, nor could they be joined or annexed to the existing States. And these were areas like Manipur, Tripura, NEFA and so on. It was understood that after these areas had attained a certain level of economic and educational development, they could be merged in neighbouring States. But it so happens that years went by, and all these areas affirmed unanimously that they did not want to be merged into any of the existing

States. They wanted to be constituted into separate States. That is how Manipur, Tripura, Nagaland and all the other States came into existence.

The case of Goa was quite different—so also that of Pondicherry. Subsequent to the report of the States Reorganization Commission, Pondicherry which was under French rule, and Goa, Daman and Diu which were under Portuguese rule, joined the Union of India. Here you have 2 territories which, though small in area, had a fairly good economic development and had a very high level, comparatively, of educational—literacy—and cultural development. You had here, people who had just come out from the colonial rule on the basis that they had been denied self-government. To put them again in a system which, to a large extent, resembled a colonial rule, was not at all fair.

On the floor of this House I appeal to-day to the conscience of the Members that this type of a situation, namely, taking these people from colonial rule and not giving them the full rights which their brethren enjoyed in the rest of the country, cannot be allowed to continue. It runs against all the tenets of our polity; and the consciousness of this House should be aroused to grant Statehood to at least some of the Union Territories.

Sir, I make here a fervent appeal to the Government through you in all humility with all the strength at my command. I hope my brothers from different States will support me. Otherwise, I cannot do anything—that this Union Territory of Goa must be granted Statehood at the earliest. It is a very happy coincidence that we have today as Prime Minister, a person who not now but had always been standing for small States. Mrs. Indira Gandhi for a long time, and throughout her life had been saying that small States should

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be encouraged. That is how Nagaland, Meghalaya and other states came into existence.

AN HON MEMBER: What about Uttar Pradesh?

SHRI EDUARDO FALEIRO: What difference? Uttar Pradesh will also be divided, if it has to be divided. There are 60-70 People who can look after their interests. As far as the Union Territory of Goa is concerned, there is another lady Member who is absent today. We are happy that Mrs. Indira Gandhi, at the helm of the affairs, today here as Prime Minister, had always been for small States and I am sure, throughout, she had been for the small States and had brought into existence many small States to abide by the will of the people of those areas. Therefore, we have great hopes in her.

The former Prime Minister, Shri Morarji Desai was known as one of the strong unremitting votaries of the large States. Shri Morarji Desai had always been saying that small States should not be encouraged, that States should be large. Therefore, we expect any hope that the former Prime Minister would pay any heed to this plea.

SHRI M. RAMANNA RAI (Kosar-god): There is no quorum.

SHRI EDUARDO FALEIRO: It is not good this time of the day to challenge the quorum.

MR. CHAIRMAN: The lunch interval time is between 1 and 2 P.M. Now it is 2.30. When he has challenged it, we have to take it into account. Let the quorum bell be rung.

Now there is quorum. The hon. Member can proceed further.

SHRI EDUARDO FALEIRO: With renewed strength I resume my seat. Since the other hon. Member from Goa is also present, I will take up briefly the economic aspect, because one of the grievances and the objections made is this. If the Statehood

is granted to the Union Territory of Goa, then the Central Government will have to pour in money, because the territory, if converted into a State, will not be self-sufficient economically. I have gone through the figures of grants-in-aid and per capita grants-in-aid to different States and Union Territories. Unfortunately, I have forgotten to bring them here. From my memory I can definitely assure this House that in the case of Orissa, Kashmir, Manipur, Tripura, Nagaland and others, their per capita grants-in-aid which they are drawing at present is much higher than the grants-in-aid that would be required in the case of Goa if it is granted Statehood. I am making this categorical and definite statement on the Floor of the House from the figures which are available with me. This Territory must be granted Statehood. We have full confidence in this Government that they will not only consider this demand of ours sympathetically but will also go forward and grant Statehood to this Territory. It is a question of justice; it is a question of granting democratic rights as operate elsewhere in the country to lakhs of our brothers who do not enjoy them at present.

I cannot conclude without making a reference to a very pressing problem in that area which concerns a large section of people there, the fishermen community. Mr. Chairman, you are our good neighbour and you know that a large percentage of our people are fishermen. They live on fishing industry but they are not like the multinationals which are now taking to fishing business. They are poor people, backward people. Big companies with big fishing trawlers and well-to-do fishermen, big businessmen dealing in fishing industry are trying to destroy the livelihood of a whole section of the population. Therefore, it was agreed by all sections of opinion that a particular area of the sea must be demarcated for the benefit of traditional fishermen so that mechanised

trawlers and boats did not operate within that fishing areas; that area should be left alone exclusively for fishing by traditional fishermen. By some manipulation of the trawler owners and the mechanised boat industry, they were able to overcome the unanimous opinion and they said that the demarcating line should be five fathoms in depth. This demarcation in depth is not physically possible. Therefore, my plea is that the hon. Minister should kindly come forward with a statement and give an assurance in this House that demarcation should be five kms from sea-shore for exclusive operation within this area by traditional fishermen, using traditional fishing bots. With these words, I support this piece of legislation.

DR. V. KULANDAIVELU (Chidambaram): We have a lot of problems confronting the people of Union Territories, especially in Pondicherry and I should like to let the House know some salient aspects of those problems. President's Rule was imposed in Pondicherry in view of defections in the All India Anna DMK Ministry. All opposition parties including the Janata Party made a joint representation to the President of India alleging rampant corruption in the AIADMK Ministry. Co-ordination among the ministers was totally nil. Public money was utilised for the activities of the AIADMK both in Pondicherry as well as in Tamil Nadu. No welfare measure was undertaken by the then Government. People's interest was neglected and totally ignored. Very little attention was given to law and order. Crime and dacoities were encouraged by the ruling party members. Instances of atrocities on Harijans were innumerable and inexpressible. For personal benefit frequent defections were taking place in AIADMK. People of Pondicherry felt insecure. The then AIADMK Government lost its majority in the House. All these factors necessitated the imposition of President's Rule in Pondicherry. I

am sorry to say that the former Prime Minister Mr. Morarji Desai did not care to respect or appreciate the feelings of the people of Pondicherry. It was made known to the people that Pondicherry was going to be merged with the neighbouring State. The present Chief Minister of Tamil Nadu, Mr. M. G. Ramachandran who is known for his cunningness, inefficiency and un-dependability colluded in this move...

MR. CHAIRMAN: Please avoid these words in respect of persons who are not in the House.

DR. V. KULANDAIVELU: Both of them were very firm to go against the will of Pondicherry people. The political parties particularly, Congress (I), DMK and Muslim League fought against this move. In the meanwhile assembly elections took place for Pondicherry Union Territory along with the Lok Sabha elections. Thanks to the people of Pondicherry, under the dynamic leadership of Mrs. Indira Gandhi and Dr. Kalaignar Karunanidhi, the progressive front was able to form a government in Pondicherry following recent elections. The Janata, AIADMK and CPI (M) alliance was completely rooted out. Particularly the former ruling party, All India Anna DMK, the party of the so-called matinee idol, despite pouring heavy money in the elections could not get even a single seat in the recent elections.

Before I conclude I want to make a submission that there is a demand from the people of Pondicherry that their identity should be maintained and the present status quo be continued.

Secondly, in the plan allocation, a deep consideration be given in the matter of heavy industries in the Pondicherry.

श्री कमला मिश्र मधुकर (मोतीबाग) :
सभापति जी, मैं इस बिल का समर्थन करने से पहले इस बात की पूरी ताईद कर जिसको

[श्री कमला मिश्र मधुकर]

कि हमारे पूर्व वक्ता ने जो कि उम्हर बैठे हैं कहा कि गोवा को पूरे राज्य का दर्जा मिलना चाहिए। हमारी पार्टी ने भी अपने घोषणा-पत्र में इस बात की मांग की है कि पाण्डिचेरी और गोवा जो संघ राज्य क्षेत्र हैं उन्हें पूरी स्टेट का दर्जा मिलना चाहिए।

यह जो संशोधन विधेयक है इससे तो स्थिति और भी भिन्न ही जाती है। आज देश में नये सिरे से केन्द्र और राज्यों के संबंधों पर विवाद चल रहा है। आज राज्य सरकारों द्वारा यह मांग की जा रही है कि उन्हें और अधिक अधिकार मिलने चाहिए। ऐसी स्थिति में जबकि राजनीतिक परिस्थितियां बदली हैं और हमारे पूर्व वक्ता ने आर्थिक, सामाजिक और राजनीतिक स्थिति पर भी चर्चा की है तो यह जरूरी हो जाता है कि हम फिर से इस बात पर विचार करें कि क्या हम संघ राज्य क्षेत्रों को पुरानी स्थिति में रखेंगे या उन्हें अधिक जनताधिकार देने? जनतंत्र को कैसे चलाया जाना चाहिए, इसका हमें काफी अनुभव हुआ है। ऐसी अवस्था में हमें इन राज्यों को अधिकार देने के बारे में नये सिरे से सोचना चाहिए।

मंत्री महोदय जो यह छोटा-सा बिल लाये हैं, और नयी पार्लियामेंट के प्रथम अधिवेशन में ही लाये हैं, अच्छा होता कि वे संघ राज्य क्षेत्रों के बारे में एक कम्प्रीहेंसिव बिल लाते जिससे कि उनको पूरे राज्य का दर्जा दिया जाता। हमारे देश में दूसरी स्टेट भी हैं, मनिपुर है, अरुणाचल प्रदेश है। ये छोटे-छोटे राज्य हैं। जब हम उन राज्यों को राज्य स्तर पर लाये हैं तो कोई बजह नहीं है कि पाण्डिचेरी और गोवा जैसे संघ राज्य क्षेत्रों को भी पूरे राज्य के स्तर पर न लाया जाए। इसलिए मैं इस मांग का समर्थन करता हूँ कि इन संघ राज्य क्षेत्रों को पूरा राज्य बनाया जाए। इन क्षेत्रों को पूरे राज्य के स्तर से नीचे रखकर हम अपने जनतंत्र को विकसित नहीं कर सकते हैं। वहां की जनता की भी यही भाषा और तमन्ना है। वे भी यह चाहते हैं कि हिन्दुस्तान के अन्य राज्यों की तरह उन्हें भी पूरे राज्य स्तर पर फलने-फूलने का अवसर मिले।

इसलिए मैं आग्रह करता हूँ कि मंत्री महोदय जो यह छोटा-सा बिल लाए हैं और जिसका दायरा बहुत सीमित है उसके स्थान पर एक बड़ा और सम्यक बिल लाएं जिसके जरिए गोवा और पाण्डिचेरी संघ राज्य क्षेत्रों को भी हिन्दुस्तान की जनताधिकार प्रणाली में अन्य राज्यों की तरह फलने-फूलने का अवसर मिले। अभी आप ऐसा बिल नहीं लाए हैं, फिर कभी लाएं। इस बात का मैं आपसे आग्रह करता हूँ और इस बिल का समर्थन करता हूँ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): In my introductory speech, while moving this Bill, I have said that this is a Bill of a formal nature. This is a Bill to authorise the expenditure from the consolidated fund of Indian territories, when the Assembly is dissolved and the Parliament is not in session. I have heard the speeches of all the three Members. The main point all of them made is regarding statehood to the Union Territory of Goa, Daman and Diu. Mr. Faleiro made one more point about the extension of the fishing limit by the traditional fishermen upto 5 Km from the sea-shore. I have no hesitation in saying that the Government will consider this point with sympathy. So far as the Statehood matter is concerned, the Government will certainly consider this at the appropriate time.

As I have said in the beginning, there is nothing more in this Bill except the formality to authorise expenditure from the consolidated fund of the Union Territories by the President. With these words, I request the House to pass this Bill.

श्री कमला मिश्र मधुकर : मंत्री महोदय ने फिशरमैन को सुविधायें देने के बारे में कहा है कि सहानुभूति से विचार करेंगे। लेकिन कुछ टैरिटरीज को स्टेटहुड देने के विषय में कहा है कि एप्रोप्रियेट टाइम पर विचार किया जाएगा। अगर वह कह दें कि सहानुभूतिपूर्ण विचार किया जाएगा, तो इसमें क्या हर्ज है?

श्री योगेश्वर मकवाना : जो कहा है सही कहा है कि एप्रोप्रियेट टाइम पर इस पर भी विचार किया जाएगा।

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Government of Union Territories Act, 1963 be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: We take up clause by clause consideration. There are no amendments to clauses 2 and 3.

MR. CHAIRMAN: The question is: "That the Bill, as amended, be passed."

The motion was adopted.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1, for "Thirtieth" substitute "Thirty-first" (1)
(Shri Yogendra Makwana)

MR. CHAIRMAN: The question is:

"That the Enacting Formula as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI YOGENDRA MAKWANA: I beg to move:

"That the Bill, as amended, be passed."

Supplementary Demands for Grants (General), 1979-80 submitted to the vote of Lok Sabha.

14.55 hrs.

SUPPLEMENTARY DEMANDS* FOR GRANTS (GENERAL), 1979-80

MR. CHAIRMAN: Now we shall take up discussion and voting on the Supplementary Demands for Grants in respect of the Budget (General), for 1979-80.

Motion moved:

"That the respective supplementary sums not exceeding the amounts on Revenue Account and Capital Account shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of India to defray the charges that will come in course of payment during the year ending the 31st day of March, 1980 in respect of the following demands entered in the second column thereof:—

Demand Nos. 2, 4, 6 to 8, 10 to 13, 15, 16, 18, 20 to 23, 26, 27, 29 to 32, 35, 39, 41 to 43, 47, 49, 50, 52, 54, 58, 59, 61 to 63, 67, 68, 79, 71, 75, 77, to 79, 82, 90, 92, 95, 97, 99 and 100."

| No. of Demand | Name of Demand | Amount of Demand for Grant submitted to the vote of the House. | |
|---------------|--------------------------------------------------|----------------------------------------------------------------|----------------|
| | | Revenue Rs. | Capital Rs. |
| 1 | | | |
| | | | |
| | | | |
| | | | |
| 2. | Agriculture | 5,52,01,000 | 2,52,24,00,000 |
| 4. | Animal Husbandry and Dairy Development | 26,59,36,000 | .. |
| 6. | Department of Food | 37,35,06,000 | 2,000 |
| 7. | Department of Rural Development | 1,80,00,00,000 | .. |

*Moved with the recommendation of the President.