

Shri A. C. Guha: I want to reply to some of the points raised.

Mr. Deputy-Speaker: They were not new points raised.

Shri A. C. Guha: Mr. Gandhi has mentioned certain points.

Mr. Deputy-Speaker: My difficulty is if I allow a speech by the hon. Minister I will have to call upon some other hon. Member. All right, five minutes can be taken into the other Bill.

Shri A. C. Guha: Sir, I shall not take more than two or three minutes.

Shri M. S. Gurupadaswamy: On a point of order. Can he reply after the clauses are passed? He wants to reply to the points raised under clause 2.

Mr. Deputy-Speaker: On the third reading.

Shri V. P. Nayar: May I know what he is replying to in the third reading before anything has been said?

Mr. Deputy-Speaker: In asking the House to accept his motion to pass the Bill finally he may say "these are the points which you ought not to forget over which no doubts ought to exist" and so on. There is no harm.

Shri V. P. Nayar: Then do we get a chance after that?

Mr. Deputy-Speaker: That was my difficulty. I think we have heard enough, and we have got now to take up the other Bill.

Shri A. C. Guha: All right; I am not so keen.

Mr. Deputy-Speaker: The hon. Minister may for the edification of all hon. Members lay a statement on the Table.

The question is:

"That the Bill be passed."

The motion was adopted.

CHANDERNAGORE (MERGER) BILL

The Deputy Minister of External Affairs (Shri Anil K. Chanda): I beg to move:

"That the Bill to provide for the merger of Chandernagore into the State of West Bengal and for matters connected therewith, be taken into consideration."

The Members of this honourable Parliament are fully aware of the developments in connection with Chandernagore and, therefore, I can afford to be very brief.

Roughly speaking, in June 1949, by a referendum the people of Chandernagore voted for merger with India. The *de facto* transfer of the administration took place on 2nd May, 1950. And the *de jure* transfer, after the Treaty of Cession signed in Paris, took place on 9th June, 1952.

Ever since the time of the transfer of the administration into our hands Chandernagore has been administered by an Administrator appointed by the Government of India, assisted by an Advisory Council nominated by the President; and for administrative purposes Chandernagore has been under the administrative control of the Ministry of External Affairs.

But the Government had given an assurance that the final administrative set-up of Chandernagore would be decided in consultation with the people of Chandernagore.

Towards the end of 1953 a one-man Commission consisting of Dr. Amarnath Jha was appointed to go into the question and advise the Government. Dr. Amarnath Jha went down to Chandernagore, met a large number of people—over seventy in number—and also had a very large number of memoranda and notes given him by individuals and political organisations in Chandernagore. On 18th December he submitted his report to the Government of India.

On May 8th the Government of India published its decisions with regard to the Jha Commission Report. After that, in consultation with the various Ministries of the Government of India involved in this matter, and in consultation with the Government of West Bengal, the present Bill has been drafted.

As required under article 3 of the Constitution this Bill had been presented before the Bengal Legislature, and the consent of that Legislature to the introduction of this Bill in this Parliament, as well as to the provisions of this Bill, has been obtained. Now we are here before this House with the Bill.

Before I pass over to the detailed clauses of the Bill, I would like to say that during the years that Chandernagore had been under the administrative control of the Government of India we have spent nearly Rs. 5 lakhs to meet the yearly deficits of Chandernagore. Now, Sir, we have also committed ourselves to a grant of about twelve to sixteen lakhs of rupees spread in over a number of years to the Government of West Bengal for a making up the net revenue deficit of Chandernagore. I may also say the Government are committed to a large share of the cost of various development schemes of Chandernagore. The cost is to be shared between the Government of India, the Government of West Bengal and the Municipality of Chandernagore. The principal recommendations of the Jha Commission are that Chandernagore should be integrated with West Bengal, that Chandernagore should be the headquarters of a sub-division, that Chandernagore should have a representative in the West Bengal Assembly and that early steps should be taken to confer Indian citizenship upon the people of Chandernagore. Sir, you will find that all these have been put into this Bill which is now presented before the House. There are sixteen different items of recommendations in that report. As I said, four of the most important which could go into this

Merger Bill have been incorporated in the Bill. Some of the recommendations are of a nature which cannot go into the Bill, which call only for executive action. I should like to say that recommendation No. 4, which is that a judicial officer should enquire into the applicability of the French laws, retention of the French laws in Chandernagore etc., action has already been taken. Another important recommendation is that the budget of Chandernagore should be carefully scrutinised in order to find out whether economies are possible. This has also been done. Then there is another question. It was recommended that we should enquire into the matter whether Chandernagore could be represented in the Central Legislature. Enquiry has been made and it is found that because of the small number of population of Chandernagore, it cannot be done.

Shri Mulchand Dube (Farukhabad Distt.—North): What is the population?

Shri Anil K. Chanda: 49,900 according to the latest figures available. Recommendation No. 16 said that we should enquire whether the Municipality of Chandernagore, which is to be called a Corporation, should have a certain share of the income from excise and other receipts in order to make up its funds. It has not been considered necessary because the Corporation of Chandernagore will raise its funds through taxes.

Then, Sir, there is the main question of the Corporation. The Jha Commission recommended that Chandernagore should have a Corporation with some more powers than are generally given to the Municipalities of West Bengal. Dr. Roy, the Chief Minister of West Bengal, has informed the Houses of the Bengal Legislature when this matter was pending before them that a Bill has already been prepared and possibly that Chandernagore Corporation Bill will be placed before the Bengal Legislature during its coming session. Then, Sir, there are various

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other items which relate to the continuance of French studies in Chandernagore, the establishment of a museum and a Hall of French culture and the free provisions of primary education, the teaching of Hindi and the maintenance cost of the College in Chandernagore. These obviously could not go into this Merger Bill but in order that there should be no doubts about the intentions of the West Bengal Government in these matters. I may quote here the speech which was delivered by Dr. Roy in the Bengal Legislative Assembly and in the Bengal Legislative Council, expressing in unambiguous terms the intention of his Government with regard to the implementation of the various other items of the Jha Commission recommendations. He said:

"The Government of India and the Government of West Bengal have promised sympathetic consideration of development plans, such as sewage scheme, building of quarters for officers and municipal workers of Chandernagore. The implementation of this decision had already been taken in hand, estimates are getting ready and the details of the scheme will be finalised by the West Bengal Government in consultation with the Government of India and both the Governments will share the cost of such works. It has also been decided to establish a municipal corporation in Chandernagore. According to suggestion contained in the Report the Bill will provide for a corporation slightly different from one under provision of the Bengal Municipal Act. In Bengal Municipal Act there is no provision for adult suffrage, but in this Bill, a provision has been made for that because in Chandernagore they had this system of election".

In his speech before the Bengal Legislative Council, Dr. Roy further added:

"The Local Self Government Department of West Bengal had

already drafted a Bill which will be placed before the House next session for introducing this type of corporation with executive officers as recommended by Dr. Jha".

Then, he added, in his speech in the Assembly that:

"the State Government have also undertaken to ensure the maintenance of a poor fund by the municipal corporation by making grants to the corporation from time to time".

In the Bengal Council, he added that:

"as the revenue of the corporation might not be sufficient to meet the maintenance of the poor fund, they will contribute to the poor fund an amount equal to that used to be paid previously by the French administration."

I am now quoting a few more lines from his speech in the Assembly:

"We have also provided for facilities for maintenance and development of French culture in Chandernagore after the merger. It has been decided that the primary education will be free and facilities will also be given for the teaching of French so long as there is a demand for the same. Secondary schools maintained by the French administration would be managed and maintained by the Government of West Bengal. The maintenance of the Chandernagore College is also the responsibility of the State Government. A part of the Administrator's residence in Chandernagore is also already being used for housing a museum containing French souvenirs and the historical relics of Chandernagore."

I may say, Sir, the Government of India have also sanctioned a sum of two lakhs of rupees for the maintenance of these. Dr. Roy further added:

"It is also intended that at a later stage the house will be used

not only as a museum but also to provide a centre for the cultivation and dissemination of French culture”.

I submit, Sir, that an objective scrutiny of the Bill along with the assurances given by the Chief Minister of West Bengal will clearly show that full effect is being given to the recommendations made by Dr. Jha and I respectfully suggest that the Bill be passed by this House without any amendments.

Mr. Deputy-Speaker: Motion moved:

“That the Bill to provide for the merger of Chandernagore into the State of West Bengal and for matters connected therewith be taken into consideration.”

There are some amendments to circulate the Bill for eliciting public opinion and for referring it to a Select Committee. Those may be moved and then the amendments and the Bill will be open for discussion.

Shri Tushar Chatterjea (Serampore): I beg to move:

“That the Bill be circulated for the purpose of eliciting opinion thereon of people of Chandernagore by the first week of November, 1954.”

Mr. Deputy-Speaker: Amendment moved:

“That the Bill be circulated for the purpose of eliciting opinion thereon of people of Chandernagore by the first week of November, 1954.”

Shri M. S. Gurupadaswamy (Mysore): My amendment is

“That the Bill be referred to a Select Committee consisting of 21 members.....”.

Mr. Deputy-Speaker: What about the names? I have not received them.

Shri M. S. Gurupadaswamy: The names of the persons are to be mentioned only at the time of making a motion and I have got the names.

Mr. Deputy-Speaker: Let him give me a copy of the names. Have all the members concerned been consulted?

Shri M. S. Gurupadaswamy: I have consulted them and they have all agreed.

Mr. Deputy-Speaker: Then let him read the names.

Shri M. S. Gurupadaswamy: Sir, I beg to move:

“That the Bill be referred to a Select Committee consisting of 21 members, namely, Shrimati Sucheta Kripalani, Shri N. C. Chatterjee, Shri Tushar Chatterjea, Pandit Thakurdas Bhargava, Shri Barman, Shri Nemi Chand Kasliwal, Shri Venkataraman, Shri Shivamurthi Swami, Kumari Annie Mascarene, Shri Avinashalingam Chettiar, Shri C. R. Basappa, Shri Madhao Reddy, Shri Sadhan Gupta, Dr. Ram Subhag Singh, Shri A. V. Thomas, Shri V. B. Gandhi, Shri Amjad Ali, Shri T. K. Chaudhuri, Pandit D. N. Tiwary, Shri Achuthan, and the Mover, with instructions to report on or before the 27th September, 1954.”

Mr. Deputy-Speaker: What about the mover of the Bill?

Shri Venkataraman (Tanjore): I have not been consulted. I do not want to be a member of the Select Committee. I am going to oppose this motion.

Mr. Deputy-Speaker: I am not going to accept this motion now. I was willing to allow the names to be read out here. If the precaution had been taken of consulting the Members and taking their consent to be members, there would have been no difficulty.

Shri M. S. Gurupadaswamy: May I submit that I sent round my whip to consult the Members and he has given this list after consultation?

Shri N. C. Chatterjee (Hooghly): They never consulted me. I am supposed to be the Member from Chandernagore.

Mr. Deputy-Speaker: I am not accepting this motion. The only amendment is that of Shri Tushar Chatterjea. The whole Bill and the amendment are before the House.

Shri Tushar Chatterjea: I have moved my amendment for the circulation of the Bill, not at all for the purpose of delaying the passage of the Bill. The point is this. Chandernagore people wanted merger with West Bengal unequivocally. But, the problem of the merger of Chandernagore with West Bengal is not a simple and formal problem. This Bill only suggests formal merger with West Bengal. This Bill does not take into consideration all the aspects of the merger of Chandernagore with West Bengal, aspects that have been known in different ways, through protests of Chandernagore people, through objections raised by the Chandernagore people, through memoranda sent by the Chandernagore people and also through the recommendations of the Jha Commission report. Although I want quick acceptance of a measure like the merger of Chandernagore with West Bengal, still I want that this Bill should be re-drafted entirely and for that purpose, the people of Chandernagore should be consulted, so that in the place of this Bill, a new Bill should be brought in. Why I demand this is? Because the Government have taken this Bill to be a very formal one. Only two hours have been allotted for the consideration of this Bill. We must consider that this Bill seeks to admit a new area into the Indian Union. It is not simply the question of Chandernagore people. It has its repercussions all over India. There is the pro-merger movement going on. If the Chandernagore people express adverse reactions, certainly, it will have its repercussions upon the Pondicherry people and other people too.

Secondly, we must consider that this question of merger of Chandernagore with West Bengal is not a new question. For one or two years, it has been

hanging fire. Had it been a simple formal affair, Government would have brought this Bill a year back. Why could not the Government bring it a year back? It was because there are so many other questions connected with this main question. Unless and until those other questions are considered dispassionately with proper sympathy for the Chandernagore people, somehow or other bringing a formal Bill will not solve the Chandernagore problem and it will not satisfy the Chandernagore people.

Just now, the Deputy Minister has said that the Chief Minister of West Bengal has promised in the West Bengal Assembly and Council about the Corporation and other things, that they are going to bring a Bill in the West Bengal Assembly. We have heard that and we have heard that also in the West Bengal Assembly. But the point is: such promises are not at all new things. We are hearing such promises for a long time. The Government had to face terrible opposition from the Chandernagore people, not only from the Leftist parties, but also from the United party in which even the Congress is represented. From these, it must be understood that there are some grievances in the minds of the Chandernagore people which transcend even political considerations, on which even the Congress unites with the Communists. These detailed questions must be very carefully gone into and definite proposals must be put forward.

It is true that Government made enquiries about Chandernagore public opinion. But, I am sorry to say that the Government's stand about Chandernagore is very confusing. We who directly come from Chandernagore do not understand what the Government of India really want to do with Chandernagore. The Jha Commission was appointed. The Jha Commission heard the grievances of the Chandernagore people, received memoranda,

went through them and made recommendations. On the 23rd March, as far as I remember, the Prime Minister, in this House, declared that the Government of India are going to implement the Jha Commission's recommendations *in toto*. The next day, the Deputy Minister reiterated the same statement. But, on 8th May, there came the Government decision. What do we find there? The Government decision is, to a large measure, a departure from the Jha Commission's recommendations. I have with me the recommendations of the Jha Commission and the Government decision also. The Deputy Minister will be able to quote passages in respect of certain very vital points. About the setting up of the Corporation, the Jha Commission recommended that such wide powers should be given to the Corporation by which not only primary schools, but even secondary schools and hospitals will be under the Corporation. This is the recommendation of the Jha Commission. It is a very vital thing, because not only primary schools, but secondary schools and hospitals come in. But in the Government decision, control over secondary schools and hospitals has been given over to the State Government and the Corporation has been denied that charge.

The Jha Commission categorically recommended that a permanent seat for Chandernagore should be provided for in the Assembly. But, the Government decision made a departure from that and Government said that till the next general election, Chandernagore will have a seat and thereafter new arrangements will be made. About the Poor Fund, the Deputy Minister has not referred to it. The Poor Fund is not a trifling thing. The Chandernagore administration, in which the people had the privilege of being represented some time back, managed this Fund and with the help of it, a large number of poor people were able to prosecute their studies, etc. The Jha Commission recommended that the Poor Fund should be maintained and that a part of the entertainments tax

should be given over to this Fund so that it can be managed. This is a vital thing for the Chandernagore people. The Government decision does not say anything about the giving over of the entertainments tax.

Shri Anil K. Chanda: I quoted from Dr. Roy's speech that this Fund will be maintained and given a grant equal to the amount that was given during the French Administration.

Shri Tushar Chatterjee: Then I stand corrected on that point. I have heard it only just now. Earlier we did not know anything about it. These are the things that the Chandernagore people have been complaining about.
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They want some definite declaration from the Government by which they can understand that Chandernagore is going to have not only a position under the West Bengal Government, but also a Corporation with wider powers than the other municipalities and such other things as the Jha Commission has recommended.

Now, the Deputy Minister says that the Chief Minister of West Bengal has promised so many things. The point is: really, we are sorry to say we cannot actually depend upon the words of the Chief Minister of West Bengal. The All-Parties Committee waited upon the Chief Minister of Bengal only the other day. Dr. B. C. Roy categorically told them that he is not going to make a corporation which is in any way better than a municipality. In the Assembly he said "I will do only such things as are recommended by the Government decision." Then, when he faced terrible opposition in the Legislative Council, he just shifted the ground and there in the Legislative Council he said: "Yes, I am going to implement the full recommendations of the Jha Commission." Really, we are in a difficulty. Dr. Roy said three things at three different times. To the Chandernagore deputation he said one thing. In the Assembly he said something else, and in the Legislative Council he said a third thing. Now,

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our difficulty is, the entire matter of Chandernagore was so long conducted, managed, enquired into by the Government of India. It must be admitted that till now Chandernagore is the property of the Government of India, and all the affairs of Chandernagore, whether it is the grievances of the Chandernagore people or just the matter of enquiry in any of the affairs of Chandernagore, everything was so long conducted by the Government of India. The Government of India had its own responsibility about dealing with Chandernagore, and for this reason only the Government of India appointed this Jha Commission, and on the recommendations of the Jha Commission the Government of India has to say things very categorically, and has to assure the Chandernagore people very categorically about things that are to be done.

Now, we demand that the Chandernagore (Merger) Bill should be so re-drafted as to incorporate all those vital matters that affect the Chandernagore people, and without which Chandernagore will feel aggrieved to come under Indian administration. Sir, we must remember that Chandernagore people's adverse reaction will affect the people of Pondicherry and harm the merger movement there. We do not want that. The people of India must recognise that the Chandernagore people are the harbingers of this pro-merger movement and the Government of India owes some responsibility towards the Chandernagore people. They must satisfy them, must acquiesce their demand.

And what exactly are their demands? They, through prolonged struggle with French imperialism, acquired certain special rights, certain special civic rights, civil privileges, certain rights to control all the affairs of the town. The Jha Commission has stated in its report that Chandernagore as a town has much advanced in all respects than any other town of the like size. All these things have been admitted by the

Jha Commission. Some special consideration should be given to Chandernagore, because Chandernagore people are coming from a position which is in a way of a higher democratic order than any other town. Therefore, our demand is that the entire Bill should be so re-cast, so re-drafted that in it the main question of the Corporation with wider powers, with powers that have been suggested by the Jha Commission recommendation, are given. In that way, the entire Bill should be re-drafted. Unless that is done, Chandernagore people cannot remain satisfied.

Really, they have developed a suspicion about the West Bengal Government, even about the Government of India.

I just refer to you one thing. Here is the Jha Commission report. Item 3 of the Contents of the Jha Commission report is Appendix I, II, III. You will not find Appendix III in this book. In the report Appendix III is completely missing, although reference is made about it in the contents. Why is it missing? Because Appendix III is the memorandum submitted by the All Parties Committee in which all parties of Chandernagore including the Congress and Communists are included; and those demands incorporated in the memorandum have been generally accepted by the Jha Commission. We suspect that it is because of the reason that this thing will be exposed, will be revealed before Members of Parliament, that the memorandum of the All Parties Committee is missing from the report, although in the contents it is just mentioned.

The Chandernagore people have really developed a sort of suspicion about the working and the doings of the Government of India, and about West Bengal, plainly speaking, they have got no faith about the attitude of the West Bengal Government. They are very keen about immediate merger with West Bengal, they are very keen about inspiring the entire country with their example that Chandernagore has

come back to its motherland, but what they want is to have such a Bill in which some directive principle is set forth about the formation of the Corporation, about constituency etc., and about the retention of the rights and privileges that they are enjoying. I do not understand why, simply by way of inserting two or three sentences, some sort of guiding principle about formation of this Corporation with such and such powers cannot be incorporated in this Bill. I do not understand why such a point, a very simple point which satisfies Chandernagore and which really recognises the prolonged national struggle that Chandernagore people conducted cannot be incorporated. I appeal through you to the Government of India that the Bill should be so re-drafted that this wish and desire of the Chandernagore people is met.

Shri N. C. Chatterjee: Mr. Deputy-Speaker, I am happy that the hon. the Prime Minister is here in this House. If we can pass this Bill today with certain clarifications and certain assurances or categorical declarations, it will be, Sir, a red letter day in the history of both Bengal and India. It will mean not merely the final liquidation of one of the foreign pockets in India, but it will mean the final integration of that pocket in our Indian Republic, and I hope that this will be the precursor of many more to come, and we will be opening today the chapter of liquidating all foreign pockets in India and their final merger in the Indian Republic. I hope the Prime Minister of India will next year sponsor the Goa (Merger) Bill in this House and we shall carry it unanimously in spite of the good wishes of Dr. Salazar and his friends.

In the history of the freedom movement of this country, Chandernagore occupies a very honoured place. In this sacred city were born some of the greatest revolutionaries of Bengal and some of the foremost patriots of India. In this French town was born the first martyr of our Bengal revolu-

tionary movement. You may remember that name, Kannailal Datt, who shot down a traitor in the Alipore jail and made history in Bengal. In this sacred city was born that great patriot Rashbehari Bose who made history in Chandni Chowk in Delhi when the British Viceroy was bombed, and later that great man helped Netaji in founding the Indian National Army. Although this place, this town, was under French tricolour, I ought to remind this House that it provided asylum to some of the greatest men, who were also the greatest fighters for India's freedom. One of the greatest, possibly the greatest, was Shri Aurobindo Ghosh, and from this sacred city of Chandernagore, he went to Pondicherry when he was being hunted by the British imperialists. He was then living with another great son of Bengal and India, Shri Motilal Roy, the founder of the Prabartak Sangh, and from this sacred city he went to Pondicherry and then started his Ashram there.

Although we, the people of Bengal, intensely disliked both British and French colonialism, it must be admitted that under the French tricolour the citizens of Chandernagore enjoyed a certain amount of local autonomy and democratic rights which no part of India had ever enjoyed under British rule. Under the French Republican laws, the right of adult franchise had been conferred upon the citizens of Chandernagore many years back. The constitution of the free city of Chandernagore resembled really that of a City Republic. The municipal assembly was something like a miniature Parliament which elected practically something like a *nagar panchayat*. It did not merely administer to the ordinary civic needs of the Chandernagore people. But it had a wider perspective, larger rights and higher duties and nobler functions to discharge. This municipal body of Chandernagore was not merely cleansing the streets and removing the dirt and filth, but it took upon itself the sacred task of providing for both primary and secondary education. Long long before

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my city the city of Calcutta, elected its first mayor, Deshabandu Chitta Rajan Das, this city of Chandernagore was electing its mayors for the last fifty years, and enjoyed autonomy of a very appreciable degree. The municipal assembly had full financial and full administrative autonomy.

Now, when the referendum took place on 18th June 1949, Chandernagore cast its unequivocal verdict for joining the Indian Union. Then, rightly, the Prime Minister of India, Shri Jawaharlal Nehru sent his congratulations to the people of Chandernagore, on the next day, i.e. 19th June 1954, in the following terms:

"I send my greetings to the people of Chandernagore, and my good wishes for their future progress and prosperity. The form in which Chandernagore will join the Indian Union will be decided after full consultation of all the issues involved, including more especially the wishes of the people."

I do not think it will be right to say that the Prime Minister has deliberately broken his word and wants to go back upon his declaration that the wishes of the people would be consulted.

As you may remember, Dr. Jha was appointed for this purpose. My hon. friend Shri Tushar Chatterjee is right when he said that it is almost a miracle, an amazing feat that in this town of Chandernagore, all parties met; Congressites, Communists, Hindu Mahasabhis, Socialists and everybody else met, and they formed a joint committee, and then they put forward certain united, joint, and agreed recommendations. They passed them *nem con*, and placed them before the Jha Commission. Dr. Jha has practically adopted all the recommendations put forward by the United committee on behalf of the people of Chandernagore.

I have in my hand a booklet issued under the caption 'An appeal to the

Members of Parliament on the future of Chandernagore'. I had also the privilege of discussing this matter with one of the distinguished citizens of Chandernagore, Shri Arun Dutt, who is associated with Babu Motilal Roy. He and his colleagues assured me that every statement here is correct. And what is the statement they make? On page 2 of this booklet, they say:

"The main recommendations of the Jha Commission affecting vitally the interests of the people of Chandernagore are as follows."

Then, the main recommendations are put forward, and they are saying that practically all the important points they urged before the Jha Commission had been accepted by Dr. Jha and been embodied in his report. After the Jha Commission made its report, the Prime Minister made another categorical declaration. The statement of the Prime Minister was made on 23rd March 1954, in the Lok Sabha. I am quoting his exact words.

"The Government had accepted the main recommendations of Dr. Amarnath Jha, and a corporation would be set up at Chandernagore with considerable powers such as a corporation might have."

Then, Shri Anil K. Chanda, the Deputy Minister of External Affairs, made the following statement in this House on 24th March 1954:

"The Prime Minister has already given enough indications to the House that the Government intend in general terms to accept *in toto*, the recommendations of the Jha Commission."

Now, I want a categorical statement from the hon. Prime Minister that the Jha Commission's recommendations will be implemented, and there is absolutely no question of the Government of India or any government in this Republic going back on the same.

What were the main recommendations? The main recommendation was

that Chandernagore should be made the headquarters of a sub-division or a district. That is being implemented. Chandernagore is going to be made the headquarters of a sub-division. Secondly, Chandernagore should be entitled to elect a member to the West Bengal Legislative Assembly. If you look at this Bill, you find there is some ambiguity, and that is what the people have asked me to point out to this House and also to the Prime Minister. I am satisfied that I had the privilege of discussing the matter with him and I am satisfied that there is no desire really to circumvent this recommendation. But if you look at clause 6 on page 3 of the Bill, you find:

"6. Representation of Chandernagore in the Legislative Assembly of West Bengal.—Until otherwise provided by law,—

(a) there shall be an additional constituency of the Legislative Assembly of West Bengal (to be known as the Chandernagore Assembly constituency) comprising the entire area of Chandernagore, whether with the addition of such areas of other constituencies as may be determined by the President or without such addition and the said constituency shall be represented in that Assembly by one member to be chosen by direct election;.."

They are apprehensive on account of the words 'whether with the addition of such areas of other constituencies as may be determined by the President'. They are thinking that although a definite recommendation was made that Chandernagore—Chandernagore means Chandernagore as it stands today—should be entitled to elect a member to the West Bengal Assembly, yet that can be diluted by the incorporation of other areas, and the voice of the people of Chandernagore may not get full and free expression through its own member. That requires clarification.

The most important point on which there is some uneasiness is item VII

of Dr. Jha's recommendations, which reads as follows:

"That there should be set up a Corporation whose duties will be to decide all questions relating to Municipal affairs, to pass the Municipal Budget, to maintain educational institutions (primary and secondary) and hospitals, to levy municipal taxes, and, subject to the overall control of the West Bengal Government, particularly as regards finance, frame planes for the development and progress of the City."

That was the recommendation of the All parties' committee, and that was the grand demand of the people of Chandernagore. That was the recommendation of Dr. Jha also. On this point, there was some pledge or assurance given by the hon. Prime Minister. But what are we seeking to do? If you look at sub-clause (2) of clause 3, on page 2 of the Bill, you will find:

"Without prejudice to the power of the State Government to alter hereafter the extent, limits and names of districts and sub-divisions, Chandernagore shall form part of the district of Hooghly in the State of West Bengal and the State Government shall, by order in the Official Gazette, provide for the administration of Chandernagore by constituting it into a new sub-division of the said district whether with the addition of such areas of that district as may be specified in the order or without such addition."

As you know, sub-division creation is really the function of the State Legislature. It may also be pointed out to me that the creation of a corporation, its constitution, and then defining its powers, functions, duties etc. is primarily the function of the State Legislature, and it will not be appropriate for this Parliament to encroach or trespass upon the exclusive legislative competence of the State Legislature. But I may point

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out that when you are mentioning that a sub-division is to be created, you are really sending some kind of a recommendation or directive to the West Bengal Government. I also want that there should be some kind of a direction or recommendation without any doubt or hesitation, that the clear and unequivocal recommendation of Dr. Jha, which has been accepted, will be implemented.

I want the hon. the Prime Minister to assure the people of Chandernagore that they shall have a Corporation not merely only in name, but they shall have a Corporation of the character envisaged in Dr. Jha's report, and specially, they will have control over these matters, that is, educational institutions—primary and secondary—and, if possible, also hospitals, and they will levy municipal taxes, of course, subject to the overall control of the West Bengal Government; and they shall also frame plans for the development and progress of the city. So long as the people are assured that there is no intention of going back on Dr. Jha's recommendation, it is all right. Whatever Dr. Roy might have said—he might have spoken in two voices or three voices—I do not know—still the voice of the Prime Minister of India will be dominant and if he gives us a clear assurance, that will to a large extent satisfy the people. Therefore, I am pressing that in four vital respects assurances have been given and they should be honoured. The assurances, in one word, mean the continuity of civic life with the fullest autonomy, unimpaired, with full facilities for self-expression through a properly constituted autonomous body based on adult suffrage and with full financial and administrative autonomy. If the Government and Parliament are prepared to redeem these pledges, then it will hearten not only the citizens of Chandernagore but also the people who are fighting for the liberation of other foreign enclaves, and it will also quicken the urge for freedom in those places.

If I may strike a personal note without impertinence, under this Bill responsibility is being cast upon me as a sitting Member for the parliamentary constituency of Hooghly. I shall have the privilege to represent from tomorrow the people of Chandernagore under clause 5(b), which provides that the sitting Member of the House of the People representing the Hooghly parliamentary constituency shall be deemed to have been elected by that constituency as modified by this Act.

Shri Venkataraman: We will cheer you. (*Interruption*).

Shri N. C. Chatterjee: Thank you. I am being declared to be an elected Member under this law, elected by the people of Chandernagore. That is a great privilege and a great responsibility. I had the privilege to preside over the Hooghly District Political Conference which was held in Chandernagore some months back. People were very sceptical about it and some asked whether it was proper,—'Chandernagore is not yet in the district of Hooghly; should we have there a political conference of the district?'. I made a prophesy that that would be the organic evolution of its political life, and really this citadel of nationalism should be integrated and merged in the district of Hooghly, which, as you know, is the birth-place of some of the greatest men of India, of Asia and of the world—Raja Ram Mohan Roy and Shri Ramakrishna Paramahansa. I am happy that this birth-place of nationalism is coalescing today with that Hooghly constituency.

I wish that the Government will redeem its pledges, but before I sit down, I want to draw the attention of the hon. the Prime Minister to this, that these gentlemen from Chandernagore—Mr. Arun Chandra Dutt and others—have wanted four assurances. I hope it will be possible for the hon. the Prime Minister to make a sympathetic response to these demands.

The first is that they want Chandernagore's right to elect one representative. The Bill should be put either in unambiguous language or an unambiguous declaration should be made. The second point that they urge is that Chandernagore should have a Corporation, as I have depicted, enjoying wider powers than those enjoyed by ordinary municipal corporations. This pledge should be fully implemented, and the city should continue to enjoy a status and a degree of civil rights and responsibilities far in advance of most other cities of comparable size. Thirdly, they are appealing to this House and to the Prime Minister that the fate of the people of Chandernagore should be decided in a manner so as not to cause any sense of frustration or uneasiness. I want a satisfied and contented Chandernagore. They also want that Chandernagore should have a subvention from the Centre. Therefore, I am asking for four categorical assurances from the Prime Minister. Firstly, an autonomous corporation with powers of taxation and of control over primary and secondary education. Secondly, I am pleading for a suitable subvention. They are demanding Rs. 50 lakhs. I do not know how much Dr. Roy's Government has asked for, but some subvention was promised. I hope it will be possible for the hon. the Prime Minister to make some declaration. If you cannot indicate the actual quantum, gave them some assurance that they will be placed on their feet and the where-withals will be provided. Thirdly, there should be a gradual adjustment over a period of three years without any violent break in the continuity of the laws. You know Chandernagore was governed by French laws. If you kindly turn to clause 19(3), it says:

"No Power under sub-section (1) or sub-section (2) shall be exercised by the Central Government, or as the case may be, the State Government after the expiry of one year from the appointed day".

We are suggesting that this 'one year' should be made 'three years'.

The people want that there should not be any violent break; there should be a slow and gradual adjustment. If I remember the language of the Prime Minister—that was also his assurance—he said: 'We will not bring about any violent break with the past and I shall see that there should be a gradual, slow and steady adjustment and the continuity of laws maintained as much as possible'. Fourthly, (Chandernagore should be given the definite assurance that it shall have at least one representative in the West Bengal Legislative Assembly.

Shri S. V. Ramaswamy (Salem): May I just seek a clarification?

Mr. Deputy-Speaker: After the Prime Minister has spoken.

Shri S. V. Ramaswamy: The Deputy Minister said that the population of Chandernagore was 50,000. I take it that the population of the voters is 25,000. Is it the opinion of the Jha Committee that there should be one representative in the Assembly representing 25,000 voters?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): This Bill is a relatively simple and a formal one, but I entirely agree with the hon. Member who has just spoken that, nevertheless, this is a historic occasion when we are considering this Bill. It ends, as soon as we pass this Bill, formally, legally and constitutionally, foreign rule in another small part of India. It ended practically sometime ago. After the major event of India attaining her independence, as is well known, some odd bits of territory still remained outside the fold of independent India. We have proceeded patiently to deal with these odd bits of territory. Some hon. Members have sometimes criticised us for too much patience. Nevertheless, we have proceeded along that path, because we wanted to settle these matters peacefully and set an example to others in the settlement of our disputes peacefully, and also not to leave a trial of bitterness with

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other countries. Therefore, this is a happy and a historic occasion.

Having said that, I would like to remind the House that this is a formal Bill of merger, because the Constitution requires such legislation. Therefore, in such a Bill, for one to think of putting in the details of the administration of Chandernagore or what is going to happen there would be, I submit, completely out of place. Now, once it is going to merge not only in India but in West Bengal, then there are certain functions which the State Government will exercise and certain functions which the Government of India will exercise. If we in this Bill undertake to lay down something in regard to the functions that the State of West Bengal is going to exercise, we will be not only going out of our way, but I am not quite sure whether it would be proper for us to do so.

Apart from this, as the Constitution lays down, in such cases such a Bill has to be sent to that State and the State Legislature has to consider it and approve of it. Then we get it back for formal consideration by this House. This was, in accordance with that provision, sent to the West Bengal Government and both Houses of the West Bengal Legislature considered it and approved of it. Now, if we change it here, I am not quite sure as to what the effect of it will be—exactly where we stand after the approval—and whether it necessitates another consultation or not. Therefore, I submit that this Bill should be taken as a simple Bill of merger and nothing more. Of course, there are some indications of other details, but it is essentially a Bill of merger and it is for this reason that some things about which we were agreed, some things about which there was no argument, have not been mentioned in this Bill.

Both the hon. Members who have spoken have laid great stress on the

Corporation for Pondicherry—I mean, for Chandernagore.

Mr. Deputy-Speaker: Coming events!

Shri Jawaharlal Nehru: I should not have made such slips.

Now, that point has been agreed upon, right from the beginning, ever since Dr. Amarnath Jha presented his report. If Mr. Chatterjee or any other hon. Member wants an assurance from me about that, I can certainly repeat it with all the force at my command, that it is our settled and fixed policy to give them a Corporation. Now, again, if you put in somewhere in the Bill 'a Corporation', it has no particular meaning unless you go into details as to what the Corporation is going to do. Many of the things that Dr. Amarnath Jha says are those which every municipality enjoys. There are one or two, perhaps, which every municipality has not enjoyed. As a matter of fact if we draw up a list of the powers of the Corporation it will go much beyond what Dr. Amarnath Jha has said. So, there is no point in mentioning a Corporation by itself unless one goes into its powers, and you cannot, in a Bill on Merger—I submit—do that. It is absolutely clear, on behalf of the Government of India and the West Bengal Government, that there is going to be a Corporation with wide powers. I cannot for the moment say exactly what those powers will be, but I can assure hon. Members that they will be wide, practically what Dr. Amarnath Jha said, and we are likely to go beyond that.

Now, one or two matters have been said about this Corporation. I think Mr. Chatterjee mentioned about primary and secondary education, hospitals and the like. It is rather difficult for me to go into these details, because ultimately the Bengal Assembly will consider them when it considers the Bill for the Corporation, which, as my colleague the Deputy

Minister said, is actually being prepared and is almost ready. I should imagine that so far as education is concerned—I mean secondary education, it will, in all probability, come under the scope of the Corporation. So far as hospitals are concerned, no doubt the hospitals will be run by them, but in what measure control will be exercised by the State Government and how much the Corporation might exercise, I am not quite sure; because in West Bengal, I understand that hospitals—really big ones—have been provincialised—whatever that may mean, I do not exactly know. But, anyhow, the point is that there will be a Corporation and a Corporation with wide powers and—I imagine—with control over primary and secondary education.

Now, we must know, the case of Chandernagore is somewhat different from the case of other foreign possessions in India which still continue to be foreign possessions. Chandernagore happens to be a very small area and it is obviously impossible to consider it as a unit by itself. It is too small, too near to Calcutta—almost in the suburbs of Calcutta, almost forming a part of it—that it cannot be considered as a separate unit. This does not apply to other areas, although the broad principles we had laid down previously can be applied *mutatis mutandis* to all areas, big or small. The broad principles we have laid down are: that we shall respect the laws, customs, language, religion etc., of those areas and not make any vital or big change in them without reference to the people.

We cannot obviously consider Chandernagore as an autonomous unit. The next best thing was an autonomous Corporation and that we are giving. In a larger area of the other foreign possessions which are still foreign, we have considered it in a somewhat different way—naturally—and maintaining, perhaps, their identity at least in the near future, till the people themselves considered this matter.

Now, having made this question of Corporation very clear and the fact that this is a Merger Bill, therefore, the amendments, I submit, do not come in.

I should like just to say one word about what Mr. Chatterjee said. He said that Chandernagore was far in advance, that is, Chandernagore under the French rule was far in advance of the rest of India. I have no desire to compare or to say that Chandernagore was better or worse, but, perhaps, the picture that Mr. Chatterjee drew was slightly exaggerated. I will read from Dr. Amarnath Jha's report:—

"It should be remembered that the French Government in their Decree of November 7, 1947.."
 "(observe the date, that is after Indian Independence, after the pressure of the effect of Indian Independence began to be felt; then a decree was passed there)"... gave 'financial and administrative autonomy' to the Free City and that this autonomy was enjoyed until May, 1950. This explains the almost universal desire that, within the orbit of the West Bengal Government, Chandernagore should have a larger measure of autonomy than is enjoyed by other cities. A summary of the Decree will reveal, however, that the so-called autonomy was severely restricted. It stipulated that the legislation in force for the Municipal Elections in the French Establishments in India shall be applicable to the elections of the Municipal Assembly of Chandernagore... etc. The President of the Conseil du Government in Council had the power to declare acts and deliberations null and void, and to dissolve or suspend the Assembly."

I just wished to make the position clear. There is no particular point in that; it is only a historical fact.

There are one or two more points. I submit, that in these circumstances, after the West Bengal Assembly has approved of this Bill, another attempt

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to amend it may lead to certain complications and difficulties. But, there is one amendment which I am prepared to accept if the House so desires, which, I think, will not create any such difficulty. That is the amendment in clause 19, about the period. Clause 19, sub-clause (3) says:

“(3) No power under sub-section (1) or sub-section (2) shall be exercised by the Central Government, or as the case may be, the State Government after the expiry of one year from the appointed day.”

That is, the power had been given to meet emergencies. I am prepared to accept Mr. Chatterjee's suggestion that this one year may be extended to three years. I do not think that would make any vital difference in the main body of the Bill.

I might mention again that, apart from this question of the West Bengal Assembly etc., having agreed, we are proceeding on the basis of a protocol, some kind of a treaty with the French Government, and we have to keep within the terms of that; we cannot go beyond that.

Now in regard to subvention, to which Mr. Chatterjee referred, there is no doubt that we shall help Chandernagore, but, obviously, it is not possible for me to mention any kind or give any idea of how or to what extent that help will be given.

I submit, Sir, that this Bill should be considered and passed today. The hon. Member who proposed that the consideration should be postponed and sent for eliciting public opinion or some such thing really meant—it practically means opposition—that the Bill should be rejected. It would be a strange anti climax to all that has happened. He started by saying that he was very keen on immediate merger, and the whole burden of his speech was not to do it, and postpone it indefinitely. It is very strange.

I trust that after the statement I have made and the assurances I have given, this House will accept the Bill as it is, subject to that one minor change of three years for one year in clause 19(3).

Shri Venkatraman rose—

Mr. Deputy-Speaker: Is it necessary? After the speeches of the two hon. Members, Shri Tushar Chatterjee coming from Chandernagore and Shri N. C. Chatterjee who expects to represent Chandernagore, and after the elaborate statement made by the Prime Minister, I do not think any more speeches are necessary. Has the Deputy Minister anything more to say?

Shri Anil K. Chanda: No, Sir.

Mr. Deputy-Speaker: Then I shall put the question. Need I put the amendment to the vote of the House?

Shri Tushar Chatterjee: My other amendments, to the clauses, may be put. I am prepared to withdraw this.

Mr. Deputy-Speaker: When the other amendments come, I shall place them before the House, if they are in order of course.

Has the hon. Member leave of the House to withdraw his amendment (for circulating the Bill)?

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

“That the Bill to provide for the merger of Chandernagore into the State of West Bengal and for matters connected therewith, be taken into consideration.”

The motion was adopted.

Mr. Deputy-Speaker: We shall now take the Bill clause by clause. So far as Clause 2 is concerned, is any amendment going to be moved?

Shri M. S. Gurupadaswamy: I do not move my amendment.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (Chandernagore to form part of West Bengal)

Shri Tushar Chatterjea: I beg to move:

In page 2, line 12, add at the end:

"and also by taking such measures as may be necessary for setting up, through election on the basis of adult franchise, a municipal corporation for Chandernagore with powers to manage both primary and secondary educational institutions and the hospitals in addition to normal municipal affairs and with right to get subvention from the State Government, if necessary."

I have already spoken about it.

Shri Anil K. Chanda: I do not accept the amendment.

Mr. Deputy-Speaker: The question is:

In page 2, line 12, add at the end:

"and also by taking such measures as may be necessary for setting up, through election on the basis of adult franchise, a municipal corporation for Chandernagore with powers to manage both primary and secondary educational institutions and the hospitals in addition to normal municipal affairs and with right to get subvention from the State Government, if necessary."

The motion was negatived.

Sardar A. S. Saigal (Bilaspur): Sir, I do not wish to move my amendment.

Shri M. D. Ramasami (Aruppukottai): I beg to move:

In page 2, after line 12, add:

"(3) A municipal corporation for Chandernagore shall be set up

with 25 elected citizens of the city to be so elected under adult franchise, and with wider powers and exercising control and administration over the departments of health and secondary education over and above its municipal functions. The finances of the corporation may be augmented by means of subvention from State Excise and other duties."

Shri Venkataraman: Sir, may I point out that this amendment would be barred, because we have rejected the amendment of Mr. Tushar Chatterjea on the same lines. The central idea is the corporation with elected members and adult franchise with powers for delegation, etc.

Shri K. K. Basu (Diamond Harbour): It is a modified idea.

Mr. Deputy-Speaker: I leave it to the House.

Shri M. D. Ramasami: The two hon. Members who spoke before me have discussed in detail about the amendments they require in the Bill.

Mr. Deputy-Speaker: The hon. Member does not hail from Chandernagore!

Shri M. D. Ramasami: I would like to speak on two questions only, regarding the legislative privileges, and the corporation on which of course the Prime Minister has given his opinion.

In recommendation No. V of the Jha Commission Report the Commission has recommended in the most clear terms that Chandernagore should be entitled to elect a member to the West Bengal Legislative Assembly. And in paragraph 6 of the Government's decision, placed before Parliament on 8th May 1954, the Government of India accepted this recommendation in the following terms:

"It should be possible to make Chandernagore an additional constituency...."

Shri Anil K. Chanda: Is he referring to some other clause?

Mr. Deputy-Speaker: He is referring to clause 3 to which he has given an amendment. Does it relate to clause 3, to Chandernagore forming part of West Bengal?

Shri M. D. Ramasami: I am making a speech.

Mr. Deputy-Speaker: It must be relevant to this amendment and to clause 3. It is not quite relevant.

Mr. M. D. Ramasami: I want to speak on clause 3 also.

"It should be possible to make Chandernagore an additional constituency for the State Legislative Assembly until the next general elections."

It may be noted here that at no stage of the pronouncements of the Government of India the question of the addition of any other territory to the town of Chandernagore has been contemplated or hinted. And at no time of the consultation with the people of this territory, the question of the need for any addition of territory to it for making it an Assembly constituency has been mentioned or discussed. It has clearly been recognised from the beginning and accepted and taken for granted that in view of the special and peculiar status which this town has been enjoying hitherto that it must be accorded special treatment so far as its legislative rights are concerned. There appeared to linger no dispute about this point.

In the first place I would ask Government why the same exception which has been allowed to Shillong, the same exceptional treatment which has been shown to Shillong in the Constitution, should not be allowed to Chandernagore also. If special considerations weighed with Government to treat Shillong in a special way, I think there are such considerations to treat Chandernagore also on the same basis. At least it is morally binding on the Government of India in view of the undertakings

which have been given in this behalf by them.

Mr. Deputy-Speaker: The hon. Member wants special treatment to be given to Chandernagore similar to the treatment given in the Constitution to Shillong as a tribal area.

Shri Jawaharlal Nehru: It is not a tribal area.

Mr. Deputy-Speaker: The analogy may not be appropriate, but he wants special treatment for Chandernagore.

Shri M. D. Ramasami: In Parliament, the Prime Minister said that during the long period of foreign control, administrative, cultural, educational and judicial systems have grown up in these areas, which are different from those prevailing in the rest of India. Are not people who have enjoyed such a high level of administration entitled to a special treatment as is given to Shillong? That is my question.

Article 170 (2) of the Constitution seeks to fix a ceiling only in respect of the number of Members to be elected from a legislative constituency and does not fix a minimum of population for a constituency. That being so, there appears no need for this proposed addition of territory mentioned in lines 9 and 10 of page 3 of the Bill. Even clause 6 (a) leaves the option to the President to add any territory or not to add it. The will of the Chandernagore people is that the option should be in favour of the latter, that is, not adding any territory to Chandernagore. The feeling of the people of Chandernagore in regard to the implications of the Bill in the present form is this. As the practice stands at present, a legislative constituency normally has a population ranging from 100,000 to 150,000. If this practice would be adopted with regard to Chandernagore, it may happen that Chandernagore will never get individual representation at all. It may invariably happen that no voice representing Chandernagore could succeed

in getting elected for the simple reason that the territory over and above Chandernagore being naturally larger than Chandernagore and being of a pattern entirely different from it, they are likely to combine against Chandernagore. Chandernagore may not get any representation at all. If, therefore, the addition of territory is not so limited as to give Chandernagore always a predominant voice so far as population is concerned, Government of India would certainly fail to keep their promise in regard to forming Chandernagore into a constituency. If the Government are earnest in keeping their promise, I would request the Government to give a solemn assurance that if at all any addition is thought necessary, such an addition should not make the population of Chandernagore exceed 75,000 which has been laid down as a basic minimum for a constituency.

I must lay emphasis on the Government of India giving serious thought to the keeping of their promise, because this legislation is likely to serve as a forerunner of several such legislations likely to come up in the near future, in this House and enclaves of foreign territory in this country are bound to be influenced by the conduct of the Government of India in this regard. In fact, their decision and conduct in this connection are likely to guide the future conduct of these enclaves which are struggling hard at present to free themselves from foreign yoke.

In para. 7 of the Government of India's decision, the formation of Chandernagore into a municipal corporation has been accepted. But the question of legislating for this purpose has been left to the West Bengal Legislative Council. As some of my hon. friends said here, the people of Chandernagore wish that a definite mention should be made in this Bill in regard to how this Chandernagore Corporation would be formed.

Shri Jawaharlal Nehru: I think we have disposed of that matter.

Mr. Deputy-Speaker: He has tabled an independent amendment.

Shri Jawaharlal Nehru: I know. He is arguing entirely on the basis of the matter which has been disposed of.

Mr. Deputy-Speaker: The amendment of Shri Tushar Chatterjea was disposed of. This is somewhat different from that amendment.

Shri M. D. Ramasami: In view of the assurance given by the Prime Minister, I do not want to proceed further.

Shri Jawaharlal Nehru: I must say, Sir, that I cannot accept what the hon. Member has said for the simple reason that I have not understood it.

Mr. Deputy-Speaker: Need I put this amendment to the vote of the House? The question is:

In page 2, after line 12, add:

"(3) A municipal corporation for Chandernagore shall be set up with 25 elected citizens of the city to be so elected under adult franchise, and with wider powers and exercising control and administration over the departments of health and secondary education over and above its municipal functions. The finances of the corporation may be augmented by means of subvention from State Excise and other duties."

The motion was negatived.

Mr. Deputy-Speaker: There are no amendments to clause 4. I will therefore put clauses 3 and 4 together. The question is:

"That clauses 3 and 4 stand part of the Bill."

The motion was adopted.

Clauses 3 and 4 were added to the Bill.

Shri M. S. Gurupadaswamy: I do not move the amendments.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6.—(Representation of Chandernagore in the Legislative Assembly of West Bengal)

Shri Tushar Chatterjee: I beg to move:

In page 3, lines 9 to 11, omit:

“whether with the addition of such areas of the Constituencies as may be determined by the President or without such addition”.

Mr. Deputy-Speaker: It has already been disposed of. It is barred. It is under clause 3. There are no amendments up to clause 16. I will put all the clauses from 6 to 15, both inclusive. The question is:

“That clauses 6 to 15 stand part of the Bill”.

The motion was adopted.

Clauses 6 to 15 were added to the Bill.

Clause 16.—(Existing authorities and officers to continue in Chandernagore)

Shri M. S. Gurupadaswamy: I beg to move:

In page 5, line 32, add at the end:

“and the service of employees who are in service under the administration of Chandernagore, immediately before the appointed day, shall be retained and the existing conditions of service shall be maintained or if they so choose, they can accept conditions of service as they exist under the Government of West Bengal.”

The purpose of this amendment is very simple and obvious. It does not require much explanation. There is a feeling of insecurity among the employees of the local administration, who mostly know French and do not know English or Hindi, that they may be sent away in the future by the

future administrators. Moreover, we have to remember that these people are accustomed to the French method of keeping accounts and making correspondence, which is distinctly different from our methods. I have received some representation from the local people in this regard. I think there will be no harm if we incorporate this proviso in clause 16. I request the hon. Prime Minister to accept my amendment, and I commend my amendment for the acceptance of the House.

Shri Jawaharlal Nehru: Shri M. S. Gurupadaswamy's amendment is totally unnecessary. Under the Protocol, our Agreement with the French Government, we have had to assure them about this. We are bound down. There is no choice for anybody. I shall read out that part of the Protocol in regard to services.

“Such civil servants and employees of the French Establishments in India who opt to retain their nationality and elect, within three months of the coming into force of the Treaty, to serve their original administration shall be permitted to do so, and

Such civil servants and employees of the Free Town of Chandernagore and those of the French Establishments in India whom the Government of the Republic of India does not desire to retain in its service shall be given three months notice of the termination of their services within one month from the date of the coming into force of the Treaty and shall be entitled to be paid fair compensation for the premature termination of their services.”

Both the three months and one month are over. The question does not arise now.

Mr. Deputy-Speaker: Does the hon. Member want me to put the amendment to the House?

Shri M. S. Gurupadaswamy: No. I want one more clarification. I want

to know from the Prime Minister whether we cannot incorporate what is contained in the Protocol.

Shri Jawaharlal Nehru: It is not done. The Protocol is binding on everybody: Government of India and the West Bengal Government. It is an International Treaty. We cannot go beyond that treaty.

4 P.M.

Mr. Deputy-Speaker: Need I put it to the House?

Shri M. S. Gurupadaswamy: No. I do not press it.

Mr. Deputy-Speaker: The question is:

“That clause 16 stand part of the Bill.”

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17.—*(Extension of laws to Chandernagore)*

Shri M. S. Gurupadaswamy: I beg to move:

In page 5, after line 36, add:

“Provided that notwithstanding anything herein before contained, all pending cases will be continued to be tried, until their final disposal, in accordance with the law and procedure to which they were subject at the time they were instituted.”

Again, I want a clarification from the Prime Minister—whether there is anything contained in the Protocol regarding this matter. The purpose is simple, that if the pending cases which were filed before the appointed date are tried under the laws of the West Bengal Government, it may give rise to legal anomalies and....

Shri Venkataraman: Mr. Deputy-Speaker, it is covered. Will you please see (d) of clause 18?

Shri Anil K. Chanda: More than fully covered.

Shri Venkataraman: It reads:

“any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

“and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.”

That is to say, the old laws will continue in respect of pending cases.

Shri T. N. Singh (Banaras Dist.—East): I think it is not necessary.

Shri M. S. Gurupadaswamy: I cannot say now whether it covers.

Pandit K. C. Sharma (Meerut Dist.—South): It covers. Read it again.

Shri M. S. Gurupadaswamy: Anyway, I have got a little doubt. If it covers, my amendment will be redundant. I do not want to press it. I want the opinion of the Prime Minister in this matter.

Mr. Deputy-Speaker: Actual provision is made.

Shri M. S. Gurupadaswamy: I am doubtful. I cannot say whether this provision (d) of clause 18 will cover my amendment.

Mr. Deputy-Speaker: Sub-clause (1) of clause 18 is:

“Repeal of corresponding laws and savings”. Sub-clause (2) reads:

“The repeal by sub-section (1) of any corresponding law shall not affect.....”

Therefore, the existing law will continue regarding legal proceedings etc. I do not think the amendment is necessary. I take it Mr. Gurupadaswamy does not press his amendment.

Shri M. S. Gurupadaswamy: I do not press it.

Mr. Deputy-Speaker: There are no amendments to clause 18.

The question is:

"That clauses 17 and 18 stand part of the Bill".

The motion was adopted.

Clauses 17 and 18 were added to the Bill

Clause 19. —(Power to remove difficulties).

Shri Tushar Chatterjea: I beg to move:

In page 6, after line 32, add:

"Provided that all provisions made under sub-sections (1) and (2) are preceded by an enquiry into the public opinion of Chandernagore.

Provided further that any order made under sub-section (1) and (2) do not debar the formation of the municipal corporation with powers to manage both primary and secondary educational institutions and hospitals in addition to normal municipal affairs."

About the first part, I want to make sure that for any change that the Government of Bengal want to make by exercising their power to remove difficulties, they must at least hold an enquiry into public opinion and then exercise that power; and the second part.....

Shri Jawaharlal Nehru: I am unable to accept this because the second part says something about not debar~~ing~~ the formation of the municipal corporation. It goes back to the same thing in an inverted way.

As to the first, it is not very happily worded. It only says "preceded by an enquiry into public opinion of Chandernagore". Why should there be an enquiry into public opinion? What he means is public opinion should be consulted.

Mr. Deputy-Speaker: That is what he wants.

Shri Jawaharlal Nehru: That is not what he says in this amendment. Anyhow, we cannot put down that vague phrase in a Bill of this kind, that for every little thing it should consult. Consult how? This is not the proper way of doing it. If there is a corporation, the corporation will speak for it. There are other ways of public opinion being known.

Mr. Deputy-Speaker: Very well, what about the other one amendment No. 6.

Shri N. C. Chatterjee: That has been accepted by the Prime Minister.

Mr. Deputy-Speaker: So far as amendment No. 5 is concerned, does he press it?

The question is:

In page 6, after line 32, add:

"Provided that all provisions made under sub-sections (1) and (2) are preceded by an enquiry into the public opinion of Chandernagore.

Provided further that any order made under sub-section (1) and (2) do not debar the formation of the municipal corporation with powers to manage both primary and secondary educational institutions and hospitals in addition to normal municipal affairs."

The motion was negatived.

Shri Tushar Chatterjea: I beg to move:

In page 6, line 35, for "one year" substitute "three years".

Mr. Deputy-Speaker: The question is:

In page 6, line 35, for "one year" substitute "three years".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Mr. Deputy-Speaker: Are there any amendments to clause 17 No.

The question is:

"That clause 1, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

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

Shri Anil K. Chanda: I beg to move:

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

Mr. Deputy-Speaker: Motion moved:

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

Shri M. S. Gurupadaswamy: Mr. Deputy-Speaker, Sir, I feel this is a momentous day in the history of our nation. After 1947, I think today is most memorable because, for the first time after seven or eight years, we are integrating a pocket formally and finally which belonged to France—French imperialism.

On this occasion, we are also reminded of the policy pursued by foreign Government in respect of other pockets. I am very sorry to say that though we have achieved national independence, although we have passed seven to eight years we have not taken any quick and expeditious steps to integrate other enclaves. I feel sorry to say that the policy of the Government is mostly responsible for this delay. In the case of Chandernagore it had taken nearly eight years. Though the referendum was taken in the year 1949, we have waited for nearly five years to integrate this pocket into our territory. So, I say there has been too much delay. When the matter was decided in 1949, Government failed to take other steps to bring that particular territory into Indian territory.

And also, Sir, I must observe that the policy of the Government should have been so shaped as to enable us to pass one measure for all the French pockets. It would have been possible. Instead of going to integrate one pocket after another by piecemeal methods, after long delays, it would have been better and more happy for us to pass one measure, one law, integrating all these foreign enclaves. But, unfortunately, that has not been done, and the Government's policy is responsible for this.

However, I feel happy at least in a limited way that a foreign pocket has been, after all integrated finally into our land, and this may form a milestone in the movement for integration of other foreign pockets.

I wish that hereafter at least, Government should not follow a policy of indecision and delay. They should not follow a policy of what I would call "lame duck" in this matter. This policy of 'lame duck' has been responsible for too much of postponement in the integration of these colonial pockets in India. I wish that Government should hereafter bring one or two more measures of this nature, and try to settle the problems of these colonial pockets in India soon.

I endorse this measure. It is a very happy measure. Though it is simple and formal, yet it is a very important measure, because it marks a milestone in the freedom movement of India. I commend this measure for the acceptance of this House.

[SHRI PATASKAR *in the Chair.*]

Shri Venkataraman: Before I congratulate either Government or my hon. friend the Deputy Minister of External Affairs, I really wanted to congratulate Shri N. C. Chatterjee. If most of us win elections by scoring delights and living laborious days, today, he has been elected to a constituency, without fighting an election, and he has added to the territory under his domain.

[Shri Venkataraman]

It is indeed a very happy occasion when India feels proud that a part of the brethren of ours, who have been separated from us, have become one with us in law, and will be sharing the joys and sorrows of the motherland along with us. I am very glad indeed that the debate has not raised any acrimonious points, thanks to the assurances which the Prime Minister has given. It is very important, because some of us are interested in our kith and kin in the French pockets in South India. Some of them have been liberated. Some of them are undergoing that process. Many young men have undergone a great deal of suffering.

Shri T. B. Vittal Rao (Khammam): Some have laid down their lives also. (Interruptions).

Shri Venkataraman: They have undergone lot of suffering for the sake of uniting with the motherland. And they are looking forward to the happy days when they will also have a Bill in this House, merging their territories with the State of Madras.

On this occasion, it is unnecessary for anyone to grow eloquent and say what will happen if they merge in this territory. One has only to go through the history of the events which led to the final passing of this Bill, to see how at every stage, the wishes of the people of those territories have been respected. It is true that my hon. friend Shri Tushar Chatterjea wanted some more assurances to be given, because he felt that it will go a long way in allaying suspicion, not so much of the people of Chandernagore, but of the people outside, in Pondicherry and other places. Let them not go under the impression that the Government of India will not stand by the assurances given to the people of those territories, who are engaged in this great struggle of liberation, and the great struggle for merger with the mother-country. The people of Pondicherry as well as the other French pockets as well as Goa are eagerly looking forward for the day when they

will come into the territories of their motherland. The culture, language, traditions and institutions of Chandernagore have all been preserved by this Bill. There are a few things to be done by executive action, and the speech of the Chief Minister of West Bengal in the Assembly as well as in the Council makes it abundantly clear that all those actions which have to be done through the executive will be carried out.

So far as the representation about which Shri Tushar Chatterjea laid great stress in his speech is concerned, I would like to invite his attention to the language of the clause in this Bill. After all, the clause reads 'with or without the addition of the territories'. The delimitation of the constituencies is not in the hands of the West Bengal Government. It is with the Election Commission. I think, even now, it is open to the Election Commission to have a constituency consisting exclusively of the free town of Chandernagore. If the Election Commission thinks that it is not possible, then it may add a few more villages, but in no event will the people of Chandernagore lose their dominant voice. I want to assure my hon. friend Shri M. D. Ramasami that under no circumstances could the dominant voice of the people of Chandernagore be submerged, because under article 170 of the Constitution, there shall be one member for not more than 75,000 of population. The population of Chandernagore is already 50,000, and even if the Election Commission adds anything more, it can at best add only 25,000 of population, and the people of Chandernagore will always have the dominant voice. I am not saying that they will add, but as I said earlier, it is open to the Election Commission either to add or not to add. But that is a matter in which Government have no consent or voice.

I warmly welcome this Bill, and I hope this will be the forerunner of the merging of other foreign pockets in this country with the motherland.

Mr. Chairman: The question is:

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

The motion was adopted.

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**INDIAN TARIFF (AMENDMENT)
BILL**

The Minister of Commerce (Shri Karmarkar): I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

The main object of the Bill, as has been stated in the Statement of Objects and Reasons, is to continue protection to three industries, namely, sago globules and tapioca pearls, coated abrasives, and sericulture.

As required under section 16 (2) of the Tariff Commission Act, 1951, copies of the Commission's reports in these cases, and Government's Resolutions thereon have already been laid on the Table of the House. Short notes giving the main recommendations of the Commission and decisions of Government thereon have also been circulated to the Members of the House. I feel, therefore, that I need not traverse the same ground now.

The sago globules and tapioca pearls industry is at present localised in the Salem town and surrounding villages in South India, and it provides a welcome source of additional income to the agriculturists of that area. The industry is enjoying tariff protection since 1951. During the period of protection, it has made considerable progress, and there has been an increase in the number of units from 40 in 1950, to 125, which are all run on small cottage industry scale. After making a detailed investigation into the industry, the Commission has come to the conclusion that the industry is one which requires encouragement and assistance both as a source of employment to the small man, and as supplier

of processed food for the invalid. Government have accepted the Commission's recommendation for continuation of protection in this case, for another two years, i.e. till 31st December 1956.

Coming to the coated abrasives industry, this industry has enjoyed tariff protection since 1947, and during this fairly long period of protection, it has made steady progress, and there has also been some improvement in the quality of indigenous abrasives. I wish to mention here that coated abrasives are essential consumable stores, and are extensively used in many industries, especially engineering works, automobile works, railway workshops etc. The industry came to be established during the last war. That was a period of scarcity of supply created by war conditions, and although in ordinary times, no one is conscious of the vital importance of a common place item of this kind, yet during the war, there were times when a shortage of abrasives gave cause for anxiety to many important industries including the Railways. So, we feel that we must avoid the recurrence of a similar contingency.

The Commission has recommended that a further spell of protection for another year, i.e. up to 31st December 1955, would enable the industry to consolidate its position. Government have accepted this recommendation to continue protection to the coated abrasive industry. The House will also recognise that what is proposed is only to continue the existing rates of protective duty for a further period of one year, and no additional burden is there on the consumer. The Commission, has, however, excluded emery fillets from the scope of this inquiry, as they are not manufactured at present in India, and it is accordingly proposed to exclude them from the scope of protection.

Now, I come to the third industry, namely, sericulture industry. As hon. Members are aware, it is an old established industry in the country, which is practised largely in the rural