

12.18 hrs.

CONSTITUTION (TENTH AMENDMENT) BILL

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

I have to propose a very small amendment to the Constitution, but small as it is, it is a particularly significant one, and I hope and believe that it is the forerunner of other amendments of this kind.

Some Hon. Members: Hear, hear.

Shri Jawaharlal Nehru: The amendment, as the House knows, deals with the integration into the Indian Union of the territories of Dadra and Nagar Haveli. May I point out with respect that the word is नगर and not नगर as is often said? It is the ordinary Hindi word नगर

The history of this little enclave is known to all Members; I am quite sure that hon. Members are aware of how a number of courageous persons of Nagar Haveli and Dadra many years ago drove out the Portuguese garrison or police or whatever it was, the officials there, and established a free territory. Of course, we were in complete sympathy with them, and they were in sympathy with us. But as a matter of fact, as was shown in the recent case in the Hague Court, this was an act of those people and not of the Government of India. Having established a free territory, we had no intention of allowing the Portuguese to come through Indian territory and to try to suppress the people of Dadra and Nagar Haveli. So they remained free.

Thereafter the Portuguese Government took this case to the International Court of Justice at the Hague claiming the right of passage to these

territories. This case was argued and it lasted for several years. In fact, because it was lasting all this time, we could not take some steps which we might otherwise have taken in regard to these territories or even in regard to Goa. Ultimately the case was decided and although the decision was not hundred per cent as we would have liked it to be—the majority decision, I mean—that decision made it quite clear that the basic attitude we had taken up was correct in regard to these. And it followed from that that we could go ahead and incorporate these territories into the Indian Union, which had been the repeated desire of the people of Dadra and Nagar Haveli. There was the Varishta Panchayat there which had passed a resolution to this effect.

So some time after the Hague Court decision, we gave further thought to this matter and came to the conclusion that we should give effect to that request of the panchayat there. That request was repeated recently unanimously and as a consequence of that, we have brought forward this Constitution (Tenth Amendment) Bill, and a connected Bill which has been placed before this House in regard to the representation of Dadra and Nagar Haveli in this House.

We have treated them as Union Territories deliberately because we do not want to split them up or put them in either the State of Gujarat or the State of Maharashtra. First of all, we are giving effect to the wishes of the people there in that matter. In effect, the whole procedure that we are adopting is to give effect to their wishes, and their wishes were that we should treat them as a unit. I do not know about the distant future, but for the time being, in the near future, they will continue to be treated as Union Territories. Therefore, for any hon. Member to ask us to split them up would be against their wishes, and I think it would not be right at all to do that.

Then there are suggestions made in some of the proposed amendments

that we should have added Goa, Deman and Diu etc. These amendments represent the laudable wishes and ambitions of some hon. Members, but they do not represent the facts. We are dealing with certain facts which happened in Dadra and Nagar Haveli. Obviously that situation is different from the situation of Goa, Daman and Diu, because these places are still under the occupation of the Portuguese Government, and for us to declare them now would not be in consonance with facts. As it is, we say that from the 11th August this territory will form part of the Indian Union. But that is not so in respect of the other territories on the 11th August, because they do not form part of the Indian Union. It is our wish and our desire, which I have no doubt, will be fulfilled that those other territories including especially Goa should come into the Indian Union. But as I just said, the coming in of Dadra and Nagar Haveli, is a happy augury and a presage of the future.

I do not think I need say much about this matter, but as we are dealing with this small relic of the old Portuguese Empire, it is well to remember the odd fact that the Portuguese Empire is the biggest empire, possibly the worst too—but the biggest also—that exists today in this age of the liquidation of imperialism and colonialism. It is an odd fact that when great and more powerful empires have given way very largely, the Portuguese Empire should continue. It is, of course, in a bad way today and in its major territories in Africa, in Angola, the situation has been peculiarly horrible and painful, and probably even the past records of imperialist domination will not give us an example of what is happening now in Angola. I have no doubt in my mind that in Angola, and certainly, I think, also in other Portuguese domains like Mozambique etc. the Portuguese Empire is doomed.

Unfortunately, we do not get many facts about the Angola situation because nobody is allowed to go there.

Some little time ago, probably some English Methodist missionaries who were working there came out and they gave a ghastly picture of what they had seen. This was the first time that facts from reliable authorities came out. Even so, very little is known yet, but what is known is enough to condemn the Portuguese authorities there and the Portuguese Government completely. I do not think it is going to be possible for the Portuguese Government to continue there for long, and all our sympathies—the sympathies of this House and of our people in this country—necessarily go out to the people of Angola.

I need not say much about Goa. It would be absurd for me to say that the freedom of Goa should depend on what happens in Africa. That would be wrong and not very creditable to us, that we should depend on other events in other continents for Goa to be free and to join the Indian Union. But the fact is that it is not a question of dependence, that in these matters one has to consider the entire picture because one thing affects another, and there is no doubt that the situation that has arisen in Africa has a certain connection with, and effect on, the situation in Goa. Whatever happens in Goa will ultimately be, of course, because of the people of Goa or the Government of India; these are the two authorities that function, that can function, and each will no doubt in its own way take action when the time is ripe for it or considered ready for it.

So this Bill I am presenting to this House for its consideration is a simple one which, I have no doubt, every Member of the House will accept as it is, because we cannot add other places to it; it has no meaning, it is not factual, it is not correct. We cannot be putting in things which are absolutely, on the face of them, incorrect, just to express our wishes. We may express them in some other form, if you like, but not in this Bill amending the Constitution. Our Constitution cannot be treated in

[Shri Jawaharlal Nehru]

this casual and light way as to put in our wishes for the future in it.

I submit, therefore, that on this occasion because it represents for the first time, the form—legal and constitutional—of the removal of a part of the Portuguese Empire in India, we should accept it, of course, as it is and as a sign of the shadow of the future to come.

I believe that the members of the Varishta Panchayat of Dadra and Nagar Haveli have themselves come here, have been here for the last few days, to be present on what to them and to us is a historic occasion.

I should like to point out how well, during the last few years when they have been functioning there as the governing authority of a free territory, they have, no doubt advised by our Administrator, conducted the affairs of this territory. The place has been improved very greatly, I am told, in education and in other ways. Over and above that they have collected a large surplus of, I think, Rs. 18 lakhs.

An Hon. Member: Rs. 30 lakhs.

Shri Jawaharlal Nehru: However, it is a large sum. It will go into the Consolidated Fund of India, but that and more is going to be spent for the improvement and advancement of the people of these territories.

Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Shri Tyagi (Dehra Dun): This is an occasion when the people of Dadra and Nagar Haveli are to be congratulated. I think they deserve better congratulations than India deserved when it became independent, because India, after all, was a vast country.

We had resources, and our numbers were large enough to put up a quarrel or struggle for independence. But these small enclaves managed to do it of their own, and they got rid of the yoke of slavery. So, they really deserve our heartiest congratulations.

I am glad that the Prime Minister has brought forward this Bill today. Tomorrow India is going to observe her Independence Day and it is good that on the eve of that day we are having our friends with us.

They have made a great sacrifice, no doubt, and by their model they have shown what patriotism means. They have been part and parcel of India for centuries together. They are not strangers to us, they are our own people, they are Indians. And so are those residing in Goa. I would have very much preferred the Prime Minister not emphasizing this fact in the Statement of Objects and Reasons that they are coming into the Union because of their own will, or because of their expressed desire to do so. Will or no will they are our own nationals, and therefore, no expression of their desire was needed. Whether they had expressed or not, for centuries together they had been Indians, a formal request from these people was not at all needed, and nobody on earth can question their citizenship of India, or that of the Goanese. I do not think it should go down as a precedent that people joining the Union must express their desire in so many words. They are members of the same vast family. They need not express a desire, it is their birth right to walk into the Union, and the formality of their expressing a desire through resolutions or things like that is not at all needed. I also insist that it may not be taken as a precedent for the future in the matter of Goa.

Practically the whole of India agrees to the idea of Goa being a part of the Union, although it is not virtually in our possession. Factually we are not in possession because there is still

foreign rule, and that foreign rule is as bad as ours was before 1947. We fought for independence not only against the British, but also against the Portuguese Empire. So, it is not a question of their not being a part of India. They are a part of the nation. Those who are in Diu, Daman and Goa are our own kith and kin, and they are a part of the nation.

Unfortunately we have not been able to free them so far. The policy of the Prime Minister has been one of absolute peace, and we have proved it all these years by not raising our finger. Many people would look at this policy with all types of doubts, but the proof of the success of this policy is that although it was a sustained type of non-violent struggle, we got Pondicherry, we got the French Empire out of its absolutely peacefully without any violent struggle. We got it without any bloodshed just as we got India. Of course, people suffered but there was no regular war with the British Empire, we got the whole of India free. Likewise we got the French possessions freed. In the same way, I hope very soon the time would come when Goa, Diu and Daman would also be free.

But because we have adopted this policy, it is not a commitment of the Government of India or the people of India. If we feel the necessity, we can also go to war. It is our liberty and right to go to war to free our territories from foreigners. It is an international right to get our people freed. Even the Government forces and the army might be deployed. If the army is deployed for this purpose, I do not think there can be any objection, because it is our right as an independent nation to get our territory released from slavery. After all, they are a part of our nation. Although factually they are not within the Union today, basically they belong to India.

In the case of Goa, Diu and Daman, I am glad this policy is paying dividends, and therefore it is not necessary for us to start a violent struggle for their freedom. If we persist in the

same policy which we have practised so far and which has given us dividends, I am quite sure Goa, Diu and Daman will also soon come to India without a regular violent war; but that does not mean that we give up our right to go to war if it comes to that, but we are absolutely sure that this process will continue and we shall soon see these territories become parts of India.

The Bill will be welcomed by everybody in India, and therefore unanimously approved. I only wanted to raise these points so that people may know that it is not a question of any formality. It is only because our Constitution has defined the territory of India and this territory is not there that this Bill has to come formally before Parliament to see that it is included legally in the Constitution. It is only for that purpose, otherwise no formality was needed.

I again voice my congratulations to the people of Nagar Haveli and Dadra for the bold fight they put up. It is a matter of pride for them and for the whole nation.

Mr. Speaker: The Business Advisory Committee has allotted 2½ hours for all the stages of the Bill. The consideration stage is the more important. Therefore, I shall conclude consideration stage at 2.30. Then there will be half an hour for the clauses and all the other stages of the Bill. So, all the hon. Members may be present here at 2.30 when the motion for consideration is put to the House. It is to be carried by an absolute majority of the House and two-thirds of the Members present. A number of hon. Members want to speak and so hon. Members may be brief. Shri Dange.

Shri Naldurgkar (Osmanabad): Sir, as far as this legislation is concerned, there is no necessity that it should be a special majority. It can be passed by a majority of Parliament in the normal course of legislation. I shall explain the point in a few minutes.

Bill

Mr. Speaker: But not now. There is no harm if we pass with a special majority. Does he say that if we pass this Bill with a special majority, there will be any difficulty?

Shri Naldurgkar: No, Sir.

Mr. Speaker: Then, why should I give a ruling unnecessarily? Others may take a different view. It is always good to be on the safer side. Now, Shri Dange.

Shri S. A. Dange (Bombay City—Central): Sir, the Prime Minister has said that it is a very small Bill but with a very big meaning—meaning which is not limited only to this country but which embraces the developments throughout the world. It is the symbolic liquidation of imperialism throughout the world. The area of Dadra and Nagar Haveli may be small but the fact that it is being taken away from Portuguese Imperialism which has the biggest empire today in the world is itself a significant fact. I fully agree with the Bill that has been moved and a part of the sentiment expressed by the Prime Minister. I am sorry I am not in a happy position to agree with all the things he has stated because they contain certain shortcomings and I would certainly join with him in being one of those who would like to see this Bill as a fore runner of more Bills like this to come. But when? The Dadra and Nagar Haveli people rose in revolt and we congratulated them. But let us not forget that we have taken seven years to congratulate them. Seven years ago, they made it a fact that they were free and today, after seven years, we agree to the fact of their freedom. This is the meaning of this Bill and that is the shortcoming of the Bill. We are prepared to see people freeing themselves but we shall wait and wait and wait until the International Court of Justice puts its seal on their freedom before allowing this sovereign Parliament to say: we accept you within the Indian Union.

That is a sad commentary on the freedom of a people who make themselves free, who want to be free and want to be in the Indian Union. That means that we shall similarly wait for the Goans to free themselves and allow the Portuguese to refer to the same Court and after some years, perhaps in the next century, bring a Bill in this Parliament accepting the fact that Goa is free and allowing it to say: Parliament is pleased to accept them in the Indian Union. That is the meaning of this Bill. Those people fought seven years ago. It is not a fact that the Government of India did not render help; they did not render help perhaps openly. People rose and I know very well that the Government of India, may be indirectly or unofficially, did help; that was a good thing they did. This Bill is coming here now. It is not that they freed themselves and hence this Bill has come. It is because between the Portuguese and the area comprising Dadra and Nagar Haveli, there is the Indian territory and the Portuguese army cannot march in. Just because the Portuguese army cannot march in, the freedom of Dadra and Nagar Haveli becomes a fact. Seven years after making it a fact, today there is an amendment to the Constitution. That is the meaning of the whole thing. In any case, whatever be the reasons, be it seven years or twenty years after, it is a good thing that we are doing it and certainly it is a matter of congratulation that we are doing it four days before the 15th of August as the Bill comes into effect from the 11th of August.

Seven years ago, on the 15th of August, there was a march of the Indian people towards Goa and on the borders of Bandra I was personally present; I had the fortune to be present there. I saw how our people ran in and how they were shot. One of the persons who was shot at during that time—a lady Member—is today present in the House. What would she be feeling? Seven years ago she fought for Goa and still Goa is not here in

the Bill. The Bill talks only of Dadra and Nagar Haveli. Certainly as a loyal member of the Congress she is prepared to fight again. But are people allowed to fight? Of course somebody may ask: who prevents them? People are not only prepared to march into Goa. A small batch of 5,000 volunteers with rifles can liberate Goa in three minutes. But is the Government of India going to stand by these people? I know there is diplomacy; there is international politics and all that. But what is the use of shedding tears about Angolans? The Angolans are dying. Are we prepared to open a second front against the Portuguese imperialism in order to help the Angolans? That is the question. If we open a second front against the Portuguese in Goa, then there may come some understanding from the International Court. There is India, a mighty power with 400 million people, prepared to take over Goa and fight against Portuguese imperialism. Who will oppose us? Do you think that the NATO powers from whom Portugal is getting some help are going to fight against us? Nothing of the kind; they are not going to do so. They may threaten. But we know that threats do not matter in these days of capitalist and imperialist retreat. Liberation movements of many countries, even most backward people, have won. We are a people of 400 million. Our Army is there and we have supersonic planes assembled in the Hindustan Aircraft Ltd. They were congratulated by the Prime Minister and the Defence Minister. We are not prepared to take over little Goa in our hands and yet we congratulate Angola. What is the use? The empty congratulation of such a mighty power is no use. It is not a small thing. We have got the prestige; the Prime Minister himself personally has a prestige. The moment he decides to add one more line here—Goa, Diu and Daman there is nobody on earth who will oppose him. But this sovereign Parliament will add a line only when somebody else has made it a fact for us. Wonderful heroism! Somebody takes it for us and then we add it here. It should not be so. Let us do it for ourselves.

My submission is that the Bill is a good one on the eve of the 15th August; it is a happy augury. A sentiment has been expressed that it is a fore runner of more Bills to come. But the question is there. With 50,000 people in Dadra and Nagar Haveli, it took seven years for the Government. With five lakhs of people in Goa, will they take 70 years? Is that the ratio? I should like to make a request to the Prime Minister that he should take further steps and proper steps to make the freedom of Goa, Diu and Daman also a fact.

Shri Tyagi: God willing, you will have it soon.

Shri S. A. Dange: People willing, you will have it soon not God willing. God was not willing for Dadra and Nagar Haveli. It was those people who rose in revolt and made it a fact. If God helps it, it is so much better: if He does not, let us help God. Therefore, I surely will expect a better expression of policy from the Prime Minister on this question. People are ready to march into Goa. The Samyukta Maharashtra Samiti has passed a resolution that "we are prepared to gather 5,000 volunteers", I should say, with rifles. Somebody may ask, "where will you get the rifles?" Well, Dadra and Nagar Haveli people also got rifles when they rose, and we know where they got them, because the people in India were willing to let them have them. If the people in India and the ruling forces are prepared to let them have them, they will get them. If they do not want them to have the technicality of sending 5,000 volunteers inside Goa, let them allow them a non-technical march of the 5,000 people into Goa. I do not want the Prime Minister to get up and say, "I will allow them" or "I do not allow them". I do not want now any expression of view like that, if possible. Goa is a critical problem today for us, and I hope that will be resolved as soon as possible.

The last point which I want to mention is this. It is a little commentary.

[Shri S. A. Dange]

It is a very good thing, namely, that these little people, the Worlis of Dadra and Nagar Haveli, when they were outside the Indian Union, had the pleasure of having a surplus budget. Now, they will be inside the Union and that amount will be consolidated into the funds of India. I hope hence forward they will not have a deficit budget, because the moment they become part of this wonderful scheme, and the amount becomes part of the Consolidated fund of India, the question of viability of that Territory and all that might arise! A small, little group of people, a backward area, could accumulate Rs. 30 lakhs; now, when they will have the pleasure of coming into the Indian union, I hope they will not be saddled with the burdens of deficit budgets with the wonderful administration that they will inherit. In this way, we have not been able to solve the tribal problem in India. The Dadra and Nagar Haveli areas are essentially tribal areas. It is an extension of the Worlis of the Thana district, and the moment we take hold of these tribals and the tribal people, we know what happens to them. Our civilisation, based on capitalism, and their civilisation which is yet backward, get into conflict. The system of sowcards, money-lenders, trustees and contractors will develop there too and ultimately the poor people, the tribals, will get bewildered and dissatisfied. Certain intellectual forces are rising amongst them, and certain capitalist forces also may start growing there, and they may get an ambition, "Why not we as tribals have our own civilisation and have our own administrative units etc." Ultimately, when they become big enough, then, the ambition of a State arises. Unfortunately, we have developed a method; that is, whenever anybody develops an ambition to have a particular State of his own, we fight against it, whatever be the reason; whether it be the Nagas, Manipuris, Tripuris or the Jaintia Hills or any other hills. We just are not able to understand what is happening there. They are getting into consciousness. We, a traditionally big nation,

dare not yet see a small nation, a sub-nation, our own part, trying to set up as an independent unit, independent block, with an independent culture and independent civilisation. We get into conflict and we try to suppress them. Here also that problem will come. These Worlis, these Bhils or the like and all the tribals in our country are getting into a new consciousness. We hope our older civilisation, now taking the form of Big Capital, will not suppress their regional living, thinking, tradition and culture. Merely appointing administrators will not help. The administrators are sent from here, projected from our civilisation, into their own civilisation. What happens is, we try to lift them. Lifting them up means, first, ruining their civilisation, and so they rise against us in spite of our good desire to assimilate them. That is what has happened in regard to Nagaland, and what is happening in many of the hill or tribal areas. Therefore, I would request the Prime Minister personally and the Prime Minister as such and the Congress Party to pay attention to this tribal problem in a new way. Give up the superiority of a big nation trying to take hold of these tribals and "lifting" them into a higher civilisation. They have their own civilisation which is quite good. So, a new one has to be reared in a proper way, not on the basis of ruination; ruining first what is already inside and then trying to impose something which we think is better. There, the conflict arises. I hope that Dadra and Nagar Haveli will not face that fate, wherein, by taking them into the Indian union, we try to impose our faults of the Capitalist administration on them.

There is a Varishta Panchayat, a panchayat run from below by the tribals themselves in their own way and not by rules made from above. If that sort of rule from above comes into existence, and if they want to have the ambition of being a sort of political unit, a small unit, why not allow them to have it? In Europe, there are States with 10 million people, nine mil-

lion people and even 1½ million people, as their population. They have their those tribal people are baffled—a very people and even 1½ million people, as their population. They have their own States with army, navy and everything. Why should we be afraid of a small unit with five million people becoming a State? Why is it necessary that we must insist that a State must have 70 million population or 50 million population? Why should we insist that there must be a viable unit? What is this viability? It means you must have a Supreme Court, a high court, the high court judges, Deputy Secretaries and all such paraphernalia like Governors, Ministers, Secretaries, etc. and make a budget with 50 per cent of it to be spent on this super-structure, and then you ask, "Will that be viable according to this?" The poor area is not viable according to this whole paraphernalia. It is not viable and it will not be viable. This viability is a bogus concept that is imported in the formation of States, in the concept of our organising the Indian union or federation. Therefore, those tribal people are baffled—a very good people, who want to have a small State. Why not allow a small tribal people, to have a State of their own? In that panchayat, if there is a Secretary of the panchayat, just call him a Minister. Satisfy them. Give them the right and self-respect due to the tribals.

But then you will say, "A Minister will only belong to a State which is a viable State. Everybody else will be either a Secretary or an administrator." If the ambition of the tribal is satisfied, in this federation we will have excellent tribals, and then, integrating them with the Indian union, you can develop a proper federation. But I am sorry to note that on the question of tribals we are completely on the wrong track. We suspect them. This is the suspicion of the snobbery of an advanced civilisation: the way the British suspected us. "Are we capable of self-Government?"—they used to ask us. We ask the same question of the tribals: "Are you fellows

capable of self-Government? You do not know how to wear even a cloth and you live in forests. Are you capable of governing yourselves?" This snobbery of the British which was inherited by us, is now being imposed on the sub-national people of the tribals now that we have become independent. We must overcome this snobbery. This is the snobbery of capitalist civilisation no doubt. Therefore, I would expect the Prime Minister and the Congress Party to pay particular attention to this aspect, from this point of view, namely, how to reconcile these conflicts and overcome them, and assimilate the people in our civilisation for further progress.

Shri Tridib Kumar Chaudhuri (Bhampore): Mr. Speaker, Sir, there is no section of the House which does not welcome the integration of Dadra and Nagar Haveli with the Indian Union. As the Prime Minister himself said, and the speakers who precede me have also referred to that fact, that exactly seven years ago the people of Dadra and Nagar Haveli rose and made themselves free. We are now only giving recognition to that fact by incorporating that area in the Union of India.

This day, we should not also forget the other facts, namely, that the freedom struggle of the people of Dadra and Nagar Haveli is very much part of the larger struggle for freedom of the people of the Portuguese colonial territories on the soil of India: I mean the freedom struggle of the people of Goa, Daman and Diu. As a matter of fact, here, in one of the official papers also,—the report of the Review Officer of Dadra and Nagar Haveli—advertises to the fact, namely, that the deliberation of Dadra and Nagar Haveli was carried out on the 1st July 1954 and 2nd August, 1954 respectively by volunteers of the Goan parties acting in co-operation with the local inhabitants of Dadra and Nagar Haveli. It seems that in our anxiety to be very correct, very precise and very constitutional, we want to keep this

[Shri Tridip Kumar Chaudhuri]

question of freedom and integration of Dadra and Nagar Haveli separate from the wider question of freedom of Goan people. As a matter of fact,, in 1954 the Goan people themselves had risen in revolt and the Goans living in India and other people had also marched to help them. A similar thing happened in Dadra and Nagar Haveli. The Goan patriots went to Dadra and Nagar Haveli and took a leading part in organising the people there, particularly the Tribals and the Tribals also rose. It is meet and proper that we remember with gratitude and respect one name, the name of Dr. T. B. Cunha, who was foremost in the struggle for freedom of the Goan people, who is no longer with us, and who took a leading part in the liberation of Dadra and Nagar Haveli.

13 hrs.

As the previous speaker, Shri Dange said, we cannot separate this question of the integration of Dadra and Nagar Haveli from the liberation of the entire Goan people and their integration with the Indian Union. That is why I have tabled two small amendments for just giving expression to that demand. The Prime Minister said that this amendment given by me and some other Members represents a laudable objective, but it is not a fact. I know that it is not a fact and that these territories—Goa, Daman and Diu—are still under Portuguese occupation. But what prevents us from making a constitutional declaration from this Parliament that these are our territories and we assert our legal claim over it? There is nothing which can bar us from doing so.

But one might ask, what is the use? After all, in accordance with our declared policy, we are not going to march our army to take possession of these territories. Here I want to refer to the peculiar fact represented by the peculiar spectacle of Pondicherry. Pondicherry and other former French possessions are now *de facto* our territories. We rule and administer

them, but they have not been transferred to us *de jure* and as a result, in spite of the fact that they are being administered by us, Pondicherry and other former French colonies do not legally and constitutionally form part of the territory of the Union of India. So, in this case, my intention has been to have a declaration from this Parliament that Goa, Daman and Diu are our territories. While we have to recognise the fact that these territories are under Portuguese occupation, at the same time, we do not concede that this gives them any legal right to be there, and there should be a declaration to that effect from this Parliament.

The Prime Minister also made a reference to the inter-connection of the things that are happening in Angola and other African colonies of Portugal and the future political developments of Goa. But there has been one immediate effect of Angolan developments. As soon as this Angolan movement started, immediately all the freedom fighters and political prisoners who had been released from jail one or two years back have been now imprisoned. Even the most prominent of them, Shri Purushottam Kakurkar, who was once imprisoned, deported to Lisbon, from where he was released and he came to India. With the permission of the Portuguese Government, he went to Goa and engaged himself in constructive activity. Without any ostensible reason, he has also been arrested. Not only he, but my information is that by this time about 400 to 500 former political prisoners and new political workers have been arrested.

One Indian, who was imprisoned in Goa—Shri Mohan Lakshman Ranade—has been deported to Lisbon. From our side, as is the usual rule with us, we have made only strong protests, stronger protests, and so on. I do not say that we look on these things with equanimity; perhaps we are very sorry and we feel strongly about these things. But somehow or other, we are

inhabited from taking that sort of action which would make our sorrow, grief and sympathy for these people a reality. That is why on this solemn occasion when we are bringing back within the fold of our free nation the 50,000 people of Dadra and Nagar Haveli, we should also bear in mind that our task is not complete and we must not only depend on international events to move spontaneously in such a manner as to give us Goa and other territories which are still in Portuguese possession as rewards or windfalls coming from the sky. We have to fight for them and according to me we have not up till now done our duty fully by the people of Goa and other Portuguese territories.

Coming to the more concrete aspect of the administrative set-up that is being proposed, the Dadra and Nagar Haveli Bill only gives sanction to the present set-up with some little changes and by virtue of the amendment of article 240 of the Constitution, the President will be empowered to make such regulations for the administration and good government of Dadra and Nagar Haveli that he deems fit, so that further reforms can be effected. But it is necessary at this stage also to take note of the fact that the Varishta Panchayat to which we are giving some kind of advisory jurisdiction has not been an elected body. The Review Officer of the Government of India who went there to study conditions for himself has said that the people of Dadra and Nagar Haveli very strongly feel that they should be more directly associated with the administration of the territory. He has suggested here—I am reading from the report of the Review Officer:—

“There was a general feeling that the Administration did not adequately associate the people of the area with their administration. The people desired to participate more directly in their own government. The suggested pattern of local administration keeps this desire of the people in view.”

The pattern which he suggested was that at least the gram panchayats should be elected; there might be indirect election to the varishta panchayats, but on the whole he has discountenanced an absolutely nominated varishta panchayat as it exists now. An elective Varishta Panchayat is all the more necessary because—Shri Dange also referred to that point—the majority of the people are tribals. Out of 9,877 households, 88 per cent are adivasis comprising of Varlis mainly depending upon agriculture. But the danger there from the social and economic point of view is that the distribution of land tenures is uneven. In this connection, Sir, the Review Officer has brought out the fact that 149 Khatedars, overwhelmingly non-Adivasis, are large landowners paying land revenue between Rs. 100 and Rs. 1,300. If that is so, the majority of the Khatedars are held by non-Adivasi sahuks and the like, and these are the people who, I am afraid, will manage to get into these nominated bodies if an elected system is not introduced as early as possible.

Sir, this report is by an officer sent by the Government of India.

13:14 hrs.

[SHRI JAGANATHA RAO *in the Chair*]

He has given us a very useful and factual report. I hope the Government would take the recommendations that he has made into consideration and give effect to them under the rule-making powers and law-making powers of the President under article 240.

Shri Naushir Bharucha (East Khandedesh): Mr. Chairman, Sir, this important Bill which wipes out of existence the vestige of Portugal rule in India for 175 years brings back to my mind the memory of an attempt made by valiant Indian youths when they attempted to liberate another Portuguese enclave—Goa. Sir, my mind goes back to a story of six years to

[Shri Naushir Bharucha]

a day when the Goa Vimochan Sahayak Samiti, of which I have the privilege of being the Chairman, gave a call to the youths of India to march into Goa unarmed, a call that was responded by no less than 2000 volunteers, and on the eve of Independence Day unarmed they marched there. But strangely enough, they were denied transport facilities by the Government of Bombay. Truck drivers were forbidden to carry them and the volunteers marched 65 miles on foot to enter the territory of Goa. Sir, I think this House must pay its tribute to these martyrs who entered the territory of Goa absolutely unarmed and fell victims to the bullets of Portuguese soldiers. I think we owe a deep debt of gratitude to these martyrs whom we remember very gratefully, and I think it is because of valiant acts of people such as these that today we are in a position to discuss this Constitution (Tenth Amendment) Bill.

Sir, this Bill, simple as it is, is fraught with very great significance. In the first place, it is a vindication of the stand taken by Marathas for centuries, namely, that they never regarded the Portuguese as rulers of these enclaves and never permitted them to rule these enclaves as sovereign bodies. Whatever the position may be that is revealed from the judgment given by the Hague Tribunal, the fact does remain that even if Portugal did manage to have sovereignty in this area today that sovereignty has been completely overthrown by the people residing in these very enclaves. Sovereignty is a thing which can be established, but it can as well be disestablished and the people of Dadra and Nagar Haveli have overthrown that sovereignty so that nothing remains of that sovereignty today even if it at all existed.

There is one thing which appears to me to be a reasonable and logical conclusion of this Bill. It may be that for reasons of administrative facility and for the time being we are merging

these enclaves as territories of the Indian Union. But I think, normally and logically, they belong to two States—some to Gujerat and some to Maharashtra, and there is a natural barrier between Dadra and Nagar Haveli, the river Daman Ganga, which separates them. I think the sooner we merge these enclaves into the respective States, the better it will be for us.

I have not been able to understand what the hon. Prime Minister said, that the residents of these enclaves want to preserve their integrity and it is desirable not to distribute them between two different States. I am unable to accept that suggestion. It is true that the people of Dadra and Nagar Haveli have expressed their desire to be integrated with the Indian Union. But that does not mean that they want to remain as Union Territories only. I think the administration of Dadra and Nagar Haveli will suffer by reason of the fact that they will be administered from a thousand miles away. It is very necessary that these people who naturally belong ethnologically, linguistically and otherwise to certain States must be merged into these States. I therefore hope that this Constitution (Tenth Amendment) Bill will have to be regarded as a transitional measure which will have the ultimate object, namely, of merger of these people into the States where they belong.

There is one more aspect to which I would like to draw the attention of the House. There is the question of a surplus of Rs. 30 lakhs. I am rather surprised that in a backward area where proper educational facilities still do not exist, where medical relief is practically unknown, there should have at all accumulated any surplus instead of it being spent on the day-to-day requirements of the people there. I am not at all satisfied by the mere paragraph mentioned in the Financial Memorandum, that later on for developmental purposes if necessary

the Centre will step in. I think there is great need for the Centre to step in and help, and I am sure the Centre will not be found niggardly in this respect.

Sir, we welcome this Bill as constituting one great advance, namely, wiping out Portuguese rule from Dadra and Nagar Haveli. We all hope and pray that soon we shall have the privilege of having similar Bills for wiping out Portuguese rule from Goa, Daman and Diu. My friend Shri Dange said that it was not difficult, if the Government gave support to the people of India, to get Goa in a matter of days. I think the people of India do not need even the support of the Government of India. If they are only permitted to liberate Goa, and that too unarmed, it can be done. But the tragedy of the situation is that any effort, organised effort, on the part of the people of India to assist the people of Goa to rise up and join hands with them, that is being curbed by the Government of India and the Government of Bombay. That is the tragedy of Goa today.

I hope, Sir, that with the passage of this Bill Government will reconsider its position and its policy with regard to Goa. Let it not be imagined that Goa requires force to be used for the purpose of liberation. It is not so. What is required is the massive moral support of the 40 crores of people.

Shri Tyagi: That is there.

Shri Naushir Bharucha: Government support is not there, and that is exactly my point. If the hon. Member were listening to me, I said that when 2,000 volunteers went there, the Government of Bombay obstructed their march and prevented them from going to Goa. I am surprised, my hon. friend says that there is sympathy. What type of sympathy is it?

Shri Tyagi: It cannot be divulged.

Shri Naushir Bharucha: As I was saying, with the passage of this Bill,

I want the Government to reconsider the position, reconsider the policy and re-orientate the policy. Goa can be liberated in a matter of days without any help from the Government of India, provided only Government do not obstruct the people of this country from achieving what they think they can achieve. I hope this Bill will be a signal to the Portuguese power to pack up and get out, while going is good; otherwise, it may have to face the consequences for which it will be sorry.

Shri Narasimhan (Krishnagiri): We all rejoice at this historic event, and we have to congratulate most heartily the people of Dadra and Nagar Haveli for their great achievement of having added a glorious chapter to our history. They have by their own effort ended what could be called an ugly historical anachronism. The beauty of the matter is that what they have done was purely spontaneous. The spontaneous character of this movement for independence and the voluntary nature of their merger with India require the praise of all. In fact, after seeing this event, our brethren who are still under Portuguese or other foreign occupation are hungry and are thirsting for merger with India. No other proof is needed for that. As the Prime Minister has stated, we can expect this spontaneous action to have a sort of pleasant chain reactions and, within a very short time, even territories like Pondicherry, which are, though under *de facto* possession by us, are still not under *de jure* possession by this country, will become constituent units of India.

The leader of the Communist group was saying that we were neglectful of foreign occupation of parts of India, we could have helped the people living there to liberate themselves, that we need not be afraid of other countries and so on and so forth. It is all very easily said and it may look quite plausible. But we have before us cases which are more or less similar or somewhat where the action suggested

[Shri Narasimhan]

by him has not been taken by other countries. Take the case of Honkong which is claimed by the Chinese to be Chinese territory. Still, it is under the occupation of Britain. They have not taken any military action to liberate Hongkong from Britain. Again, take the case of Taiwan which is claimed by Communist China. It is still occupied by the Kuomintang regime. Although China is a big country, they are putting up with it instead of creating an unpleasant situation by taking military action.

Therefore, in international dealings it is not so easy or simple to march or send your armies and achieve results. Even big countries like China are waiting rather than precipitating matters by taking military action. So, there is nothing wrong in our trying to get things done peacefully. In the big chapter of the history of the battle of the Asian countries, which were under colonial occupation of western countries for long centuries, for independence, five or ten years is not a long period. In fact, more harm can be done by hustling things. So, the policy of our Government has been well-vindicated and our patience has been well justified. I do hope that further rejoicings, which are natural and spontaneous, will follow soon on the liberation of other areas occupied by foreign powers.

Dr. M. S. Aney (Nagpur): Mr. Chairman, I thank you for giving me a short time to make one or two observations on this very important Bill. Let us first understand the nature of the Bill as it is. To my mind, it is an occasion for all of us to rejoice. But what is the real nature of the Bill? It is something like this. If you have a property anywhere in the country, you are sometimes called upon to prove that property is yours. As a proof of it, people will ask whether there is any entry in your name in the record of rights or not. So long as the property has not been mentioned in the

record of rights of that particular village, your claim is not recognised because the world finds itself in a difficulty to understand its reality and authenticity. What we are doing today is only removing that want of proof which the world really needs.

The people of Dadra and Nagar Haveli have become free seven years ago and they have been carrying on all these years in spite of all the troubles. We also knew that they were free. But the world does not regard them as part of India at all, because India has not taken that historical step to bring up the fact in the one record which the world recognises, which alone, in fact, is proof for the world of it being a part of India, namely, inclusion of its name in the Schedule to the Indian Constitution. There is a particular Schedule in our Constitution which mentions all our territories and our boundaries. Today we are making that change, making a formal entry, stating to the whole world that this property is there and anybody looking at it in any other way will be guilty of showing a feeling of hostility towards the Indian nation as such. They have become part and parcel of India today legally and constitutionally and from today India's sovereignty extends over that territory.

That being the case, the introduction by way of amendments in the Constitution of other things also is quite an indication of a laudable desire to my mind. But, as has been stated, the facts which exist in regard to them are somewhat different from the facts in regard to questions that are being discussed in the Bill. It is not a question of our asserting our rights. It is a question of establishing a proof and demonstrating it to the whole world.

Here I want to mention one thing, and that is with regard to the observation which my hon. friend, Shri Tyagi, has made. He has taken objection because this Territory has been treated as a Union Territory on knowing the wishes of the people of Dadra

and Nagar Haveli. I believe that objection is not correct. What should be the status of the people under the Government of India is a matter to be determined by the people themselves. It is not to be determined because of the area of that particular territory; it is not a matter which depends upon the number of people who are residing there; it is not considered because of the resources of that particular area; its viability etc. All those things are artificial things. When you imagine a form of government in your own way to be imposed upon the people in spite of their own desire to be a part of you in a particular way or not. You are wrong. The recognition of the question of self-determination is an important principle to determine the status of those particular people. That has been tacitly recognised in this document. I, therefore, think that this Bill is a hope to many other people in India who are also urging their claims which the Government of India has not been able to accept. They want to occupy a particular status in this land. I am glad to find that the people of Vidarbha and the people of the Punjab are among those who are urging their claims. Ultimately, the matter will have to be decided by finding out what the wishes of the people are and whether the solution is in accordance with the principle of self-determination or not. That is an important point. Perhaps this may be a real solution to many questions arising out of the re-distribution of provinces. It has become a tremendous question. This principle will admit of a reasonable and wholesome solution satisfactory to all the parties concerned. That is another matter which I consider of enough importance.

Perhaps the sarcastic observations made by Shri Tyagi on this principle are more due to his misapprehension of the context in which those observations have been made in the statement rather than on a thorough study of the questions involved here.

I want to take one more minute before concluding my speech. Many people think that this is a new laurel or a new feather in our cap for the principles of peace, order, *ahimsa* and everything which we have been standing for as main principles of policy. I am one of those who stand for these principles. There is no doubt about it. But the entry of Dadra and Nagar Haveli here is not because we have been doing anything for it. Actually, the people there fought and got their liberty. We are having it registered here today. But we have to give them help in spite of what the Portuguese Government was doing by refusing them a passage. They wanted to claim passage and invade those territories for establishing again their dominion over them by sending their army and navy. We did not allow them to do that. The position in regard to gaining our territories which have been wrongly occupied and which they refused to part with has to be properly understood. It is not by merely saying that we shall wait that we can help them. We cannot always depend upon the goodwill of the United Nations or of the International Court of Justice at the Hague also. They may not always give a decision in our favour. You have to show that behind that not only are the people there fighting but the entire sovereign Government of India is behind them by some Act, something like what has been done in the case of Dadra and Nagar Haveli where you did not allow the Portuguese to enter. We questioned their right to go there. Some such step has to be taken. But it is a matter for the Foreign Affairs Department to consider. Sitting idly, waiting for better days and lodging protests is not the way to get them back. That way this difficult question of reclaiming our territories occupied by the foreigners cannot be solved properly. This one observation I want to make by way of caution. Do not be complacent. That is what I want to say. Be always prepared to create some sort of a situation in which without com-

[Dr. M. S. Aney]

ing into direct conflict with law you can give a demonstration of the whole of India being behind the demand of the people of Goa and of showing the resistance of the people of India to the oppression of our people by the Portuguese Government. That has to be done in one way or the other. As to how you can do it, I leave it to those who are directly concerned with it. If you consider my way, I may make my suggestions also. But today is not the proper time to do it. Anyhow, I congratulate the people both of Dadra and Nagar Haveli on having been one with us. I congratulate ourselves also for having got the opportunity of embracing them as our own brothers.

श्री दादर और नगर जाघाव (मालेगांव) :
सभापति महोदय, जो बिल सामने आया है, उसका मैं सर्पे स्वागत करता हूँ।

इस बिल के द्वारा दादरा और नगर हवेली को हिन्दुस्तान के साथ शरीक किया जा रहा है। इसके साथ साथ अभी अभी कुछ माननीय सदस्यों ने गोआ, दमन और दीव के बारे में अभी अपनी भावनायें व्यक्त की हैं, मैं समझता हूँ कि कोई 'अमेन्ड-मेंट' लाया उचित नहीं होगा। इसके बारे में जो वान पंडित जी ने कही है, मैं उसको मानता हूँ। लेकिन एक बात मैं जरूर कहना चाहता हूँ कि हमारे प्रधान मंत्री कभी कभी लोगों के दिमागों में ऐसी एक हवा पदा कर देते हैं लेकिन उसको हमेशा भरे रहने नहीं देते हैं। अभी कुछ दिन पहिले पंजाब में उन्होंने कहा था कि गोआ को आजाद कराना तो चन्द्र प्रंटों का काम है। ऐसी ही हवा उन्होंने १९५४ और १९५५ में पैदा की थी।

गोआ विमोचन समिति बम्बई में स्थापित हुई। पूरे हिन्दुस्तान से और हिन्दुस्तान की हर स्टेट से गोआ को आजाद करने के

लिये काफी लोग वहाँ आये। मुझे याद है कि वह दिन जब १४ अगस्त १९५५ को रात के दस बजे मैं गोआ के अन्दर घुमा था दो सौ वालेंटियरों के साथ और पूरी एक रात में हम गोआ के अन्दर ३२ मील तक चले गये थे। हम मॉरिजम देहात तक पहुँच गये थे। यह बहुत बड़ा देहात है। रात को जाते वक़्त हम को जिन लोगों ने रास्ता बताया, मुझे याद है उनके नाम, एक नाथ और तुका राम। बहुत अच्छे खागे प्यारे नाम हैं ये। उनके दिलों में गोआ को आजाद कराने की जो उमंग थी, वह आज भी मेरे सामने है। लेकिन आज तक उम उमंग को लोगों की आजाद होने की उमंग को हमारी सरकार बिल्कुल भी पूरा नहीं कर सकी है।

13.38 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

कांग्रेस के एक माननीय सदस्य जो कुछ दिन तक मिनिस्टर भी रह चुके हैं, त्यागी जी, उन्होंने इन बात को छेड़ा है, पंडित जी भी इसको बार बार छेड़ते हैं। लेकिन यह कहना कि गोआ के लोगों ने खुद-ब-खुद आजाद होने की कोशिश करनी चाहिये, इस बात को मैं नामुमकिन समझता हूँ। दादरा, और नगर हवेली और गोआ दमन और दीव, की स्थिति में काफी फर्क है। आज मैंने टाइम्स आफ इंडिया में एडीटोरियल पढ़ा है उसमें भी इसका जिक्र किया गया है। उनकी एक खास पोजीशन है। गोआ दमन और दीव में सारे जहाँ के राष्ट्र काफी मदद ला सकते हैं और वहाँ के लोगों को दवा सकते हैं।

१५ अगस्त को सबेरे मॉरिजम देहात में ३२ मील अन्दर हमने झंडा वादन किया। हजारों लोग वहाँ चोरी छिपे आये हुये थे और खड़े थे। वे चाहते थे कि झंडावादन में शरीक हों। लेकिन वे डरते थे। उनको

मालूम था कि अगर वे इसमें गरीब होते हैं तो उनकी जिन्दगी, उनकी प्रापर्टी खतरे में थी। १५ अगस्त के रोज मैं जिन साथियों के साथ, करीब करीब ५० साथियों के साथ मॉरिंगम गया तो हमारे पास खाने के लिये कुछ नहीं था। मैं गांव में गा, देहातियों से जिनके लिये हम कोशिश कर रहे हैं कि वे आजाद हों, कोशिश की कुछ खाने को मिल जाये। हर घर में मैं गया, लोगों ने मुझे कहा कि हम आजाद होना चाहते हैं और हम आजाद नहीं हो सकते हैं, बिना हिन्दुस्तान की मदद के। हम चाहते हैं कि हम आपका स्वागत करें, आप को खाने को दें, पीने को दें, लेकिन अगले दिन हमारी क्या हालत होगी? आपके गिरफ्तार हो जाने के बाद हम कह नहीं सकते हैं। कितनी उमंग है उनके अन्दर आजाद होने की। इसको बयान नहीं किया जा सकता है। वे जानते हैं कि हिन्दुस्तान के, भारत के भाइयों की मदद के बगैर वे आजाद नहीं हो सकते हैं। उस दिन पोर्त-गैज सैनिकों के हमें गिरफ्तार करने के बाद दुनिया के कई पत्र पंडित (Press Representative) वहां आये और सबेरे मुझ से मिले क्यों कि मैं उस गिराह का लीडर था। उन्होंने मुझ से पूछा कि अगर गांधी जी जिन्दा होते गोआ के बारे में उनकी क्या राय होती। मैंने उन से कहा कि अगर भारत की आजादी के बाद गांधी जी जिन्दा होते तो यह स्पष्ट है कि वे पहला कदम रखते गोआ की आजादी के लिये, और उन्होंने इस बात को मान कर कहा कि वे गांधी जी को वायोप्राफी लिखने जा रहे हैं और वे इस बात का जिक्र उस वायोप्राफी में जरूर करेंगे। यह बात बाहर के लोग मानते हैं, हमारे यहां के लोग मानते हैं। लेकिन इसके लिये जो मदद हमको पहुंचानी चाहिये वह पहुंचायी नहीं जाती है। सन् १९५५ में जब चार या पांच हजार लोग गोआ विमोचन समिति की तरफ से गये तो वेलगांव से काफी लोगों को मोटर से जान दिया गया। लेकिन वाद में टेलिफोन कनेक्शनस और दूसरे जरिये

मे जो मोटर ट्रांसपोर्ट मिलता था उसे रोका गया। मुझे याद है १७०० लोग बम्बई से लड़के और लड़कियों को लेकर वेलगांव में गोआ के बांडर तक पैदल चले गये उन को तीन दिन तक लागातार चलना पड़ा। हमारी मिलिटरी की मदद भी हमें मिली। हमारे नाम उन्होंने लिख लिये और कहा कि हमारी पूरी हमदर्दी तुम्हारे साथ है। इतना होते हुए भी ऐन वक्त पर सरकार की पालीसी बदल गई। १५ अगस्त, १९५५ के दिन बोलते हुए पंडित जी ने इस बात का जिक्र किया कि गोआ को हमें आजाद करना है लेकिन यह केवल जिक्र करने से नहीं होता। चन्द घंटों में हम गोआ को आजाद कर सकते हैं। उन्होंने यह बात पंजाब के अदर कही, लेकिन अगर वे इस पर अमल करने को लिये तैयार न हों तो लोगों के दिलों में झूठी आशा पैदा करना पंडित जी जैसे हमारे माननीय प्रधान मंत्री को शोभा नहीं देता। वे बड़े आदमी हैं, हम उन को श्रद्धा प्रदान करते हैं, लेकिन उन का यह फर्ज नहीं है। जब अफ्रीका में हमारे हिन्दी और अफ्रीकी भाइयों के ऊपर जुल्म होता था तो क्या वे उन के खिलाफ लड़ने के लिये गंधी जी नहीं गये? क्या पंडितजी का यह फर्ज नहीं है कि गोआ में सालाजारशाही की तरफ से जो जुल्म हो रहे हैं उन के खिलाफ वे लड़ें? मैं चाहता हूँ कि पंडित जी को पहला सैनिक बन कर जाना चाहिये और गोआ को आजाद बनाना चाहिये।

इन सब बातों के साथ साथ दादरा और नगर हवेली के साथियों ने केवल अपने बल पर ही नहीं आजादी पाई। हिन्दुस्तान के दूसरे भाइयों की मदद भी उन को थी। उन के पीछे हमारी सदृच्छा थी। उन्होंने अपनी आजादी प्राप्त की है हमारी सदृच्छा के सहारे। हम जानते हैं कि पोर्चुगीज लोग बड़े कायर होते हैं। जब हम २०० लोग गये तो हमें गिरफ्तार करने के बाद तैरेखोल की खांडी के नजदीक एक पहाड़ी के पास बैठा दिया था वहां डर के मारे

[श्री. यादव नारायण जाधव]

मुड़ मुड़ कर देखते थे कि कहीं और लोग तो नहीं आयेंगे। वे इतने डरपोक हैं।

मैं कहना चाहता हूँ कि अगर हमें इजाजत दी जाये तो, मैं एक महाराष्ट्र की बात नहीं कह रहा हूँ, जैसा गौआ विमोचन समिति के चैयरमैन ने कहा, हर एक स्टेट से काफी लोग आ सकते हैं। यहां पर हमारी बहन है, उन का हमें शुक्रिया अदा करना चाहिये। कि दो गोलियों का निशाना बनने पर भी, एक पेट में और दूसरी बगल में, गोआ के दोस्त ने उन से पूछा है खत लिख कर कि वे उन से मिलना चाहते हैं और जानना चाहते हैं कि वे कौन से रास्ते से जा सकती हैं। ऐसी बहादुर औरतें हैं जिन्होंने हमारे लिये मिसालें पेश की हैं। अगर उन को इशारा किया जाय तो वे गोआ की आजादी के लिये जाने को तैयार हैं। जैसा पंडित जी ने पंजाब में कहा कि वह चन्द घंटों का काम है, अगर यही भावना और यही मनोवृत्ति प्रधान मंत्री की है तो इस के लिये प्रयत्न किया जाना चाहिये कि चन्द घंटों में गोआ को आजाद किया जाय।

इन भावनाओं के साथ जो बिल सदन के सामने आया है, मैं उस का स्वागत करता हूँ।

Shri Mahanty (Dhenkanal): The introduction and passage of this Bill, I am sure, is an occasion for universal rejoicing, though the delay that has taken place in the matter has been rightly noted. The fact has to be remembered that the International Court of Justice at The Hague had disposed of Portugal's case against India as early as on the 12th April, 1960. And it was held by that Court that India was within her international obligations and had acted in accordance with those international obligations in not allowing her territory for passage of foreign troops to these two enclaves, and that is how these two enclaves forms part of the Indian Union.

Perhaps the Government may feel like telling us why this delay of more than one and a half years has taken place in bringing before the House a simple measure like this which the Prime Minister has rightly characterised as non-controversial. That apart, an element of controversy has been brought into the consideration of the Bill, and the Leader of the Communist Party who, I find, is not here at the moment, said that it has taken almost seven years to remove the blots of Portuguese colonialism on the Free India. That sentiment has been echoed by most of the speakers we heard this morning. But I wonder how the hon. the Leader of the Communist Party has forgotten that a more aggressive and sensitive country than India namely, Communist China, after its emergence from colonial thralldom, even today, endures the Portuguese territory of Macao on its own mainland. I thought at least the Communist Party should give some credit to this Government and the Prime Minister that whereas the Government of India have been able to acquire at least these two enclaves, the mighty government of China with all its threats of nuclear explosions and with all its mighty pressure which is being mounted against India, has not dared to raise its finger against the Portuguese. And I would like to ask, what about the British possession, Kowloon, on the Chinese mainland; what about Hong Kong?

Therefore, these heroic words apart, though we appreciate the sentiments, it should not be suggested in seriousness that the Government of India or the Congress Party or maybe the Prime Minister is not serious about eliminating these foreign possessions from our land.

Shri Braj Raj Singh (Firozabad): Are we sure that Shri Mahanty is speaking from his own seat?

Shri Mahanty: Perhaps I shall better take care of myself without any guidance.

Mr. Deputy-Speaker: That is what I thought and therefore I did not interfere!

Shri Mahanty: Therefore, that apart, the fact has to be remembered that it is not as simple as a mere inscription about Goa, Demand and Diu in the Bills, as was suggested by Shri Dange, which is going to solve the problem. Friends have suggested that with a little gesture from the Government of Bombay or the Government of India, when the Indian citizens march into these territories, Portuguese colonialism will evaporate. I have great respect for my friends but I should like to tell them that they are innocents abroad. The fact has to be remembered that Portugal is a part of the NATO Alliance, and one of the articles of that Treaty is that whenever a part of Metropolitan Portugal is invaded, the entire Alliance will be invoked. The fact has to be remembered that it is not as easy as the job of going on a picnic spree to Goa. Therefore, while we all appreciate that no stone should be left unturned to redeem these possessions from Portuguese domination, we should have also a little perspective and we should not lose sight of the perspective by merely repeating certain heroics. There is another aspect of this matter to which I would like to draw the attention of the Government and that relates to another set of foreign possessions in this country, namely Pondicherry, Mahe and other French possessions. It is a matter of great regret that though *de facto* transfer of these territories had been completed long ago, I do not know what stands in the way completing the *de jure* transfer and why steps are not being taken in that direction. The Government of France has not yet ratified the transfer of these possessions. In the context of the present day politics that we find, it will be no wonder if this treaty, which has not been ratified, is at one time denied recognition by the Government of France.

831(Ai)LSD—9.

With all these remarks, while I commend this Bill, I once again, join my voice in the chorus of demand that has been made that more positive and effective steps should be taken for redeeming Goa from Portuguese domination through the means that are available to us.

Mr. Deputy-Speaker: Shri Braj Raj Singh. All would be, I suppose, accommodated only if each Member sticks to the time limit, 5 minutes.

Shri P. K. Deo (Kalahandi): Nobody has spoken from my side.

Mr. Deputy-Speaker: I know.

श्री ब्रजराज सिंह : उपाध्यक्ष महोदय, यह बहुत गम्भीर विषय है। इस सदन में आज देर से ही सही लेकिन एक दुरुस्त बात की जा रही है। अच्छा रहा होता कि जब दादरा और नगर हवेली के निवासियों ने हिन्दुस्तान के अन्य विवासियों की सहायता से अपनी स्वतंत्रता प्राप्त की। उसके तुरन्त बाद दादरा और नगर हवेली को भारतीय जनतन्त्र का एक हिस्सा बना लिया गया होता। किन्तु हिन्दुस्तान की सरकार जिस गति से चलती है उस गति के रहते हुए उससे कोई और अधिक अच्छी आशा नहीं की जा सकती थी और जब दादरा और नगर हवेली को हम अपने गणतन्त्र का एक हिस्सा बनाने जा रहे हैं तो हमें स्वाभाविक रूप से उन हिस्सों की याद आती है जो अब भी हमारे होते हुए विदेशियों के कब्जे में हैं। उनमें से केवल जबलनत उदाहरण गोआ का है जिसकी आजादी की लड़ाई में ही हमें दादरा और नगर हवेली की आजादी मिली है।

यह हमें समझ लेना चाहिये कि गोआ हमारा अभिन्न अंग है और गोआ को अब तक गुलाम रखने में अगर कोई जिम्मेदार है तो हिन्दुस्तान के वर्तमान प्रधान मंत्री और हिन्दुस्तान की वर्तमान सरकार हैं। हमें यह याद रखना चाहिये कि जिस वक्त हिन्दुस्तान के प्रधान मंत्री हिन्दुस्तान की कांग्रेस के

[श्री ब्रजरज सिंह]

सभापति भी थे, और जब हिन्दुस्तान के स्वयं सेवक गोम्पा की आजादी के लिये गोम्पा में प्रवेश कर रहे थे और जब कि कांग्रेस संस्था से भी कोई इस तरह की मनाही नहीं की गयी थी कि उसके सदस्य गोम्पा में प्रवेश न करें, और जब गोम्पा में प्रवेश होने को ही था तब हिन्दुस्तान के प्रधान मंत्री और उस वक्त के कांग्रेस सभापति, श्री जवाहरलाल नेहरू द्वारा यह निर्देश दिया गया कि कोई भी कांग्रेसमैन गोम्पा में प्रवेश न करे। बड़े दुःख का विषय है कि आज प्रधान मंत्री महोदय कहते हैं कि कभी न कभी तो गोम्पा आजाद होगा ही। इससे कौन इन्कार कर सकता है। दुनिया में जहां जहां उपनिवेश कायम हैं, वे सब—जिनमें अंगोला और मुजम्बिक भी शामिल हैं—कभी न कभी तो आजाद होंगे ही। इस लिये गोम्पानियों को छोड़ देना, हिन्दुस्तान के एक भाग को यह कह कर छोड़ देना कि कभी न कभी तो वह आजाद होगा ही, हिन्दुस्तान जैसे विशाल देश के प्रधान मंत्री के लिये कोई शोभा की चीज नहीं है, खास तौर से तब जब कि हिन्दुस्तान का एक एक नागरिक यह चाहता है कि चूंकि गोम्पा हमारे देश का अभिन्न अंग है इसलिये उसका समावेश हमारे देश में तुरन्त होना चाहिये।

एक सालनीय सवन्ध : जरूर होगा।

श्री ब्रजरज सिंह : लेकिन हमारी वह आशा किस तरह पूरी होगी। आज अंगोला के निवासी जहां कि पुर्तगाल का साम्राज्य है, आजादी की लड़ाई लड़ रहे हैं। मुजम्बिक में आजादी की लहरें दौड़ रही हैं। लेकिन गोम्पा में उस आजादी की लहर को दौड़ाने के लिए हिन्दुस्तान की सरकार खुद कुछ नहीं कर रही है और हिन्दुस्तान की जनता को भी कुछ नहीं करने देती है। ऐनी सूरत में इस समय जबकि हम दादरा और नगर हवेली को कानूनी रूप से अपने गणतन्त्र का एक हिस्सा बनाने जा रहे हैं, तो मैं कहना चाहूंगा कि भारतीय सरकार को अपनी गोम्पा सम्बन्धी नीति में

तुरन्त परिवर्तन करना चाहिए। खुद इस तरह के कदम उठाए जिससे गोम्पा सरकार रूप में हमारे देश का अभिन्न अंग बन सके, और अगर स्वयं कुछ विशेष मुसीबतों की वजह से ऐसा नहीं कर सकती—हालांकि मैं कोई ऐसी मुसीबत नहीं देखता जिसकी वजह से हिन्दुस्तान की सरकार ऐसा न कर सके—तो मैं चाहूंगा कि हिन्दुस्तान की जनता को कम से कम इस बारे में स्वतन्त्र छोड़ दे कि वह जो कुछ चाहे गोम्पा के सम्बन्ध में कर सकती है। और मुझे विश्वास है कि अगर हिन्दुस्तान की सरकार हिन्दुस्तान की जनता को इस तरह को छूट दे दे तो हिन्दुस्तान की जनता गोम्पा को कुछ ही घंटों में स्वतन्त्र करा सकती है। इसमें किसी को कोई संशय नहीं होना चाहिए।

इसके बाद मैं एक दूसरी बात दादरा और नगर हवेली के बारे में कहना चाहता हूँ। वे अपना प्रशासन चलाने के बावजूद ३० लाख रुपया बचा सके हैं और इसमें लिए वे बर्बादी के पात्र हैं। लेकिन हिन्दुस्तान की जो परम्परा रही है आजाद होने के बाद वह तो इसकी उलटी रही है। अब यह डर है कि दादरा और नगर हवेली जब हमारे अभिन्न अंग बन जायेंगे तो वहां भी ऐसी ही व्यवस्था की जाएगी जैसी कि बाकी देश में हो रही है। सम्भव है वहां कि उन्नति के नाम पर वहां के लिए भी इसी तरह की घाटे की अर्थ व्यवस्था बनायी जाए। उनके लिये भी एक चीफ कमिश्नर रखा जाएगा, उसका एक साहूवी ठाठ होगा, उसका एक बंगला होगा और एक भारी खर्चा प्रशासन में किया जाएगा। मैं चाहूंगा कि वहां इस तरह की प्रतिष्ठा के लिए सरकार पैसा खर्च न करे। दादरा और नगर हवेली में हम ऐसा खर्च न करें। वहां की परम्पराएं हैं उनको कायम रखते हुए कम से कम खर्च करें और वहां के प्रशासन को चलाएं। ऐसा ही करके हम दादरा और नगर हवेली की जनता को आगे बढ़ा सकते हैं।

बरना मेरा तो यह मानना है कि अगर जो हमारी व्यवस्था है उसी को हम वहां लागू करेंगे तो हम उनको भी अपनी ही तरह गरीबी में बांध लेंगे : इसलिए मैं चाहूंगा कि वहां के प्रशासन का ढांचा ऐसा न बनाया जाए कि वहां की जनता को भी नौकरशाही के पंजों में फंसना पड़े। अच्छा है कि वहां की जनता को भारत में मिलाने के बाद अधिक अधिकार दिये जायें और उस पर नौकरशाही का बोझा उस तरह न रखा जाए जैसा कि हिन्दुस्तान के अन्य भागों में है।

इन शब्दों के साथ मैं इस विधेयक का स्वागत करता हूँ और आशा करता हूँ कि हिन्दुस्तान की सरकार में जल्दी ही वह बुद्धि पैदा होगी कि वह गोआ को आजाद कराने में सक्रिय कदम उठाए और अगर वह स्वयं सक्रिय कदम न उठाना चाहे तो कम से कम भारत की जनता के मार्ग में बाधा न डाले और वे अपने भाइयों को आजाद करा सकें और हमारे देश के किमी भाग पर विदेशियों का कब्जा न रहे।

एक और बात पांडिचेरी के सम्बन्ध में कहना चाहता हूँ जो कि हमारे देश का हिस्सा बन चुका है लेकिन कानूनी दिककतें अभी दूर नहीं हुई हैं। मैं आशा करता हूँ कि जल्दी ही ये कानूनी दिककतें भी हमारे रास्ते से दूर हो जाएंगी।

Shri Achar (Mangalore): Mr. Deputy-Speaker, the uppermost feeling that one gets is a sense of happiness and rejoicing to welcome these people of Nagar Haveli and Dadra. No doubt, the other small colonies of Goa, Diu and Daman immediately come into our mind. All the same, we cannot but feel great happiness in welcoming these Nagar Haveli and Dadra people who have really fought a brave fight. It may look now as if it was an easy matter for them to rebel and attain independence. Really, it is not so. Knowing as we do the almost barbarous way the remnant of these empire is carrying on under Dr. Salazar, it is not easy to rebel

against such a power. We know what is happening in Angola now. We know how our brave satyagrahis who went to Goa had to suffer on that occasion. I was at that time the President of an All party Goa Committee at Mangalore and I remember how the feelings ran all over the country about these ruthless treatment by the Portuguese Government at Goa. When we remember all this and when we recollect what sort of Power Portugal is, we could understand the braveness of these people and the bold front that these Nagar Haveli and Dadra people have put up. In spite of their small number, they have achieved their independence by bravery, and let me congratulate them on this achievement of theirs, and welcome them into our Union.

14 hrs.

The question of delay and sovereignty also have been raised. The Leader of the Communist Party, Shri S. A. Dange, referred to Goa and said that we had done nothing. Probably, he would say the same thing with regard to Dadra and Nagar Haveli also, namely that we have done nothing. But should we not remember the general policy of this country? This has been so often repeated, and I do not know whether the Prime Minister will again go into that question, but one thing is certain that according to the policy that we are following, we are not prepared to march our Army into Goa.

Shri Tyagi: When all other measures fail, I am sure that this will be resorted to.

Shri Achar: I do not know what exactly will be done when such a contingency arises or when the international situation changes. But, as it is, when the policy of our country is definitely known to everybody, I am not able to understand this charge once again today, when we are rejoicing that at least one small colony has come into our country. Let us ponder over this aspect of the question.

Bill

[Shri Achar]

An hon. Member who spoke before me referred in the course of his speech to the small area of Maco in China. China is a great Power. Just as we have said that if India determines to do so, it is not difficult to occupy Goa, likewise, it is not difficult for China to occupy Macao if she decides to do so.

Shri Yadav Narayan Jadhav: China is not our guiding star.

Shri Achar: I do not say whether she is a star or she is not a star; nor are we following the policy of China. I have never said that we should follow the policy of China. But I am saying that in international affairs, though it is easy to be rash, we have to consider the questions in a very deliberate and deep manner. Can we forget this aspect of the question that even Mr. Dulles who was responsible for the formulation of the foreign policy of America made a declaration with Dr. Cunha, the Foreign Minister of Portugal, to the effect that Goa was a part and parcel of Portugal, a province of Portugal? It is not that we accept it or anything of that kind. We protest against it. It is absolutely wrong. But we have to remember the international situation. It is easy to throw a bomb.

Mr. Deputy-Speaker: The hon. Member should try to conclude now.

Shri P. K. Deo: There are so many other hon. Members who want to speak.

Shri Achar: I shall conclude in a minute or two.

It is easy to charge us with delay and say that we have done nothing in the matter. But one has to remember our policy.

The question of sovereignty has also been raised. If we consider that aspect of the question in the light of the various theories of State and so on, we have to remember the simple fact that sovereignty vests in the people. If

sovereignty vests in the people of Dadra and Nagar Haveli and they have achieved independence, then these territories become an independent State; and they are willing to join the Indian Union, and, therefore, we have taken them into the Indian Union with great happiness.

Since my time is up, I shall conclude here.

Shri P. K. Deo: I deem it a privilege to associate myself with the sentiments of jubilation expressed in this House in welcoming this Bill. I belong to the class of persons who most voluntarily integrated their former States with the Indian Union in order to build a more prosperous and a stronger India, and, therefore we feel proud of this. I feel that the various foreign possessions in this country will be soon wiped out. They are like ulcers in the body of this country.

This Bill envisages to give a constitutional and legal shape to a fact which has been accomplished nearly seven years ago. I cannot be satisfied with the various excuses and pleas which have been put forward by the Treasury Benches to justify the delay. Shri Mahanty said that this delay had been due to a reference to the International Court of Justice and the matter had been *sub judice*, and, therefore, we could not take any steps to integrate those territories into India. I feel that that should not be an impediment in the integration of those territories into India, when on account of the gallant efforts of the people of Dadra and Nagar Haveli it is already an accomplished fact.

I read in the papers the other day that Portugal was going to reopen this question after this Bill had been introduced in this House. Does it mean that we shall have to wait again till the judgment of the International Court of Justice at The Hague? I think that this delay cannot be justified. I personally feel that the guidance and lead that should have been

given by this Government to the gallant efforts of those of our brothers in the various foreign possessions trying to liberate themselves from the foreign yoke and trying to become a part of India are lacking.

As pointed out by some of the previous speakers from this side of the House, it is really regrettable that the efforts of some of our countrymen to march into Goa and to liberate it have been obstructed by the Bombay Government. I do not understand why the question of Macao is being compared with that of Goa. We cannot quote China for the sake of convenience and try to follow what they are doing. India has always taken the leadership and has given the lead to the whole world to liberate the colonies. We shall be failing in this historic task, if we shirk from that responsibility and say that we shall have to wait till China makes up its mind to liberate Macao or till the judgment of the International Court of Justice is published or till the French Parliament ratifies the *de facto* transfer of the French possessions, and so on. In this connection, I pay my tribute to those gallant brethren of ours in Dadra and Nagar Haveli who have undergone various sufferings.

Going into the question of integration of these territories into India, I cannot understand the reason why they should be treated as Centrally administered territories. Of course, the Prime Minister has said that this has been done according to the wishes of the people of Dadra and Nagar Haveli. But they could have been very well integrated in the neighbouring districts and there is absolutely no justification to create a small tract of about 50,000 people to be administered as a Union Territory and that too to be looked after by the Ministry of External Affairs. We had committed the same mistake—and I have been very critical about it—in the case of NEFA and Nagaland which are being looked after by the Ministry of External Affairs. The problems in these areas are domestic problems

and they should have been properly looked after by the Ministry of Home Affairs. Similarly, if at all it is decided in this House that these territories will be Union Territories to be Centrally administered, I hope they would be looked after by the Ministry of Home Affairs as these are domestic problems. At the same time, I welcome this Bill and hope that this will be the forerunner of various other Bills to integrate the other foreign possessions—French possessions and Portuguese possessions of Goa, Daman and Diu—into our motherland.

श्री कमलनयन ब्रजाज (वर्धा) : आदरणीय उपाध्यक्ष जी, हमें इस बात की बड़ी खुशी है कि दादरा और नगर हवेली को आज भारतवर्ष में मिलाया जा रहा है, लेकिन हमारी खुशी तब तक पूरी नहीं हो सकती, जब तक कि दूसरी पोर्चुगीज कालोनीज, अर्थात् गोआ, दमन और दीव, को पूरी तरह से भारतवर्ष में न मिला दिया जाये। हमका स्वतन्त्रता प्राप्त किये हुए चौदह साल हो गये हैं और इस अवधि में भारतवर्ष एकटक देख रहा है, उम्मीद से इस बात को देखता रहा है कि गोआ कब हमारा हिस्सा बन सकेगा। कानून की दृष्टि से और राजनैतिक दृष्टि से वह हमारा भाग नहीं है, अथवा मानसिक, ज्योग्राफिकल, सांस्कृतिक और ऐतिहासिक दृष्टि से गोआ हमेशा हमारा हिस्सा रहा है और वह जुदा नहीं हो सकता।

आज गोआ केवल भारत वर्ष की प्रोबलम ही नहीं रह गया है, बल्कि उस की प्रतिक्रिया संसार के अन्य भागों पर भी हो रही है। गोआ पर पोर्चुगीज का रूल होने की वजह से अंगोला या अफ्रीका की दूसरी पोर्चुगीज कालोनीज में जो अन्याय और अन्याचार हो रहा है, उस की जवाबदारी भी, चाहे थोड़े अंशों में ही क्यों न हो, भारतवर्ष पर ही आ जाती है।

हमारी सरकार और हमारे प्रधान मन्त्री जी की कठिनाइयों को भी मैं

[श्री कमलनन्दन बजाज]

महसूस करता हूँ। मैं समझता हूँ कि गोआ को आजाद करने के तीन तरीके हों सकते हैं या तो हम मिलिटरी ताकत से वहाँ जा पहुँचे और पार्टुगीज एम्पायर को वहाँ से हटा दें यह तो हमारे लिये बहुत आसान बात हो सकती है। दूसरा तरीका था डिप्लोमेटिक उपाय काम में लाना, अर्थात् हम इस सम्बन्ध में अमरीका, इंग्लैण्ड और दूसरे ऐसे राष्ट्रों, जो पोर्तुगाल के दोस्त हैं और जिनका उस पर असर पड़ सकता था, की या यू० एन० ओ० की सहायता लेते और उसके द्वारा देश के सामने उपस्थित इस महान् मसले को सुलझा लेते। लेकिन इतने वर्षों में हम यह नहीं कर पाये।

तीसरा तरीका रह जाता है सत्याग्रह का। आज पार्टुगीज लोग चाहे यह मानें कि गोआ हमारी कालोनी है, या कालोनी नहीं है, बल्कि पुर्तगा का हिस्सा है, परदेश में स्थित हमारे देश का टुकड़ा है, लेकिन हमारे लिये, या भारतवर्ष या हमारी सरकार के लिये यह मानना जरूरी नहीं है कि वहाँ कोई दूसरा देश राज्य करता है। अगर हम गोआ के लोगों पर यह छोड़ दें कि वे सत्याग्रह करके अपनी आजादी प्राप्त करें, तो मैं समझता हूँ कि हम उन से बहुत ज्यादा अपेक्षा करते हैं। आज के युग में और पुर्तगाल जैसे मदान्ध राष्ट्र की मनोवृत्ति को देखते हुए, जिस प्रकार के अत्याचार उसने किये हैं और कर रहा है, उन को देखते हुए अगर हम एक छोटी सी कौम से यह आशा करें कि वह अपनी आजादी हासिल करें और जब वह आजाद हो जायें, तो हम अपने हाथ बड़ा कर कहें कि आओ, हम तुम से मिलेंगे, तो मेरे विचार में हम उनसे बहुत ज्यादा उम्मीद करते हैं।

सरकार से मेरा अनुरोध है—मैं भी उसका एक छोटा सा हिस्सा हूँ—कि प्रधान मन्त्री जी इस पर सोचें कि क्या इस तरीके का रवैया हम अस्तित्व कर सकते हैं। चाहे आज और चाहे सोच-समझ कर किसी उचित

समय पर वह भारत वर्ष को कह दें कि हम वहाँ पर मिलिटरी भेजने के लिये तैयार नहीं हैं, लेकिन जो कोई अहिंसा और शान्ति के द्वारा वहाँ पर सत्याग्रह करना चाहता है, उस को हम मना नहीं करते हैं और गोआ और भारत वर्ष की लीगल बाउण्ड्री को हम कुबूल नहीं करना चाहते हैं। अगर हम यह तरीका अस्तित्व करें, तो शायद हो सकता है कि भारतवर्ष की जनता आत्मिक, मानसिक और शारीरिक बल—हिंसा के शारीरिक बल की बात मैं नहीं कहता—के द्वारा और गोआ के भाइयों को हर प्रकार की सहायता दे कर, अहिंसा, सत्याग्रह और शान्ति के मार्ग के द्वारा हम गोआ को मुक्त करा दें। उस समय यदि पार्टुगीज लोग लाखों भारतवासियों को गोली का शिकार बनाते हैं, तो मैं समझता हूँ कि भारतवर्ष और गोआ के लोग आजादी के लिये बलिदान करने के लिये तैयार होंगे। हमारी सरकार ने उन लोगों से जो लीगल डिफरेंस मान रखा है, उसका निगेशन कर देना हमारी आजादी और गोआ की आजादी के लिये अगला स्टेप है। मैं आशा करता हूँ कि प्रधान मन्त्री इस पर विचार करेंगे।

आज हमें खुशी है कि दादरा और नागर हवेली के जो लोग आज तक गुलाम थे, वे भारतवर्ष में शामिल हो रहे हैं और हम उनको बधाई देते हैं।

Shri A. C. Chuba (Barasat): This Bill has provided an occasion for this House which is almost unique. This is perhaps the first occasion after our independence when this House is passing a piece of legislation for adding to our own territories. Geographically Goa and all the other Portuguese possessions in India are integral parts of India and no diplomatic subterfuges should prevent India from having these territories integrated into India. But I realise there are some international obligations which India has to observe and that has prevented the integration of the Portuguese territories into India for these 14 years.

This is a peculiar situation which has facilitated the liberation of Dadra and Nagar Haveli. These are two pockets inside Indian territory and even in spite of Portugal's appeal to the International Court of Justice, she has not been able to have any access through Indian territory to these territories. That is why the liberation of these two territories has been possible, but this fortuitous circumstance will not come to our help for the liberation of Goa, Daman and Diu. I cannot accept, and I am sure the House cannot accept, the rash point of view advocated by the leader of the Communist Party. We have to observe certain etiquettes, and we have to take into consideration the consequences of our action. We cannot act in isolation.

My hon. friend Shri Mahanty has mentioned the case of Macao, which is a tiny island on the coast of China. China has been clamouring for Formosa, but we have not heard any word from China about the liberation of Macao. Indonesia has been agitating for the integration of West Irian, but we have not heard a single word from her for the integration of western Timor, a small island, the eastern part of which is under Indonesian control and the western part under Portuguese control. Why have these two Powers been silent about these Portuguese territories which geographically and racially belong to them? So, we should realise the difficulties of those nations, and also the difficulties of India, in taking any rash action about Portuguese territories. Yet, we should realise that Portugal is a country from which it is almost useless to expect any liberal outlook. Almost all the countries of Europe have, during their history, developed one or another phase of liberalism and of a broad outlook, but Portugal has never done so. Throughout its history, it has run a course of an unrelieved lack of a liberal outlook and of a civilised way of thinking and action. Its only contribution to history is the art of piracy. It is difficult to expect such a nation to leave its possessions out of good sense.

Something is happening in the African possessions of Portugal. Perhaps Portugal is the only imperial or colonial Power now left in the world, and that colonial empire in Africa is crumbling. Whether at this stage India should lend support or at least tacit support to the people of Goa to assert their of liberation is a point for the Government of India to consider.

For over 14 years we have held ourselves in patience. The world should realise that we have behaved in a very civilised manner. But how long can we ask the people of Goa, Diu and Daman to be held by this uncivilised imperialist power, and to suffer under its rule and tyranny? I would like the Prime Minister to consider in view of what is happening in Angola and its undoubted repercussions in Mozambique or Portuguese East Africa and in view of Portugal's tradition of an unrelieved lack of cultural and civilised outlook, whether we can take some new step or new line of action as regards Goa, Diu and Daman. It is time for the Government of India to decide that question, and not leave circumstances to take their course. Portuguese tyranny in Goa is being intensified now.

Before concluding, I must pay my, and surely of the whole House's, heartfelt commendation and congratulation to the people of Dadra and Nagar Haveli. They have fought and won their independence, and they have managed their affairs for seven years with great credit. It gives us hope that our experiment of panchayatiraj may also be successful if conducted and guided properly.

With these words, I commend the Bill for the acceptance of the House.

Shri U. L. Patil (Dhulia): On the eve of Independence Day, we must pay glorious tribute to the people of Dadra and Nagar Haveli for the tremendous work of liberating their territories. Seven years back these

[Shri U. L. Patil]

people, without looking to the Government of India, liberated these territories by driving away the Portuguese authorities from there.

So far as foreign possessions in our country and their liberation are concerned, the apathy of the Government of India is well-known. We may recall in this connection the glorious satyagraha offered by the people of India in 1955-56. The attitude of the Government of India towards the satyagraha in the beginning was of an appreciative nature, the Government was sympathetic towards it, but all of a sudden the Government of India took a reverse turn in the matter and we found that the satyagraha itself was banned and the border was sealed. From then the Government has done practically nothing to liberate the foreign possessions. Every time the question is raised before the House, answers are given that we must depend on the easing of international tension, then there would be some pressure on the Portuguese authorities, that some friendly nations would persuade the Portuguese authorities to quit these territories. But so far nothing has happened. On the contrary, near about every 15th August we read that the Portuguese authorities adopt suppressive measures against the patriots there. Round about 15th August, practically every year, they are suspicious of any move from the local people, and they adopt suppressive measures.

The liberation of these foreign territories is not a task to be left to the people themselves. After all, the Government of India is there, and it is the bounden duty of the Government of India to go to the rescue of these people. I therefore submit that the policy of depending upon the people residing in these areas for the liberation of these territories will not be of any help to us. The Government of India must drive out these foreign authorities by police or military action. It is in this background that we should appreciate the work

of the people of Dadra and Nagar Haveli in freeing themselves.

This measure was long awaited, and it is good that Government has brought it forward, but I am surprised to see them being given the status of a Union Territory. I have two reasons for not making them Union Territories.

Firstly, socially and culturally, these people are not at all different from those of Maharashtra and Gujarat, and they may be merged with these States. The creation of Dadra and Nagar Haveli as a Union Territory will send these people to Bombay for justice and Delhi for administration. There are other sound reasons for the merger of these territories with Maharashtra and Gujarat.

Two or three months back news appeared in the Marathi press regarding happenings in Goa. There had been wide propaganda there by some foreign elements that Goa should retain its identity even after liberation, and should remain independent of India. I do not know whether the Government of India is aware of this. The creation of such a small area as a Union Territory will only encourage the foreign elements to further strengthen their propaganda for the retention of Goa's separate identity. Therefore, I submit that the right step to take at this moment is to integrate the liberated areas with the adjacent States, in order to counteract the propaganda gaining ground for the retention of Goa as a separate entity. If the Government of India had taken steps to merge the areas of Dadra and Nagar Haveli, then this sort of propaganda would not have got encouragement. No doubt, they may have their own ideas on merging these territories in future. But what is the difficulty in doing so now?

The language problem has given us a lot of trouble; it has given us many rude shocks, as in the case of Assam. But so far as these territories are concerned, it can be easily solved by the application of the Pataskar formula—taking the village as the unit and

allotting the predominantly Marathi-speaking villages to merge with Maharashtra and predominantly Gujarathi-speaking villages to merge with Gujarat.

Sir, it is good that this Bill has come and I welcome it. At the same time I would request Government to accept the amendment moved by us and by my hon. friend Shri Tridib Kumar Chaudhuri suggesting the insertion of Goa, Diu and Daman in the Schedule.

Mr. Deputy-Speaker: The hon. the Prime Minister.

I do not think I need call any hon. Member. I feel that the House has lost interest as the same things are being repeated and hon. Members have begun to speak among themselves.

श्री जवाहरलाल नेहरू : उपाध्यक्ष महोदय अभी आप ने फरमाया कि इस मामले पर कुछ बहुत कहने की जरूरत नहीं है, जो कुछ थोड़ा सा कहने की जरूरत थी वह मैं ने शुरू में कहा, और असल में जितने सदस्यगण: इस पर बोले हैं उन्होंने इस बिल के ऊपर तो बहुत कम कहा, और बातों की चर्चा की। इस पर तो मैं एक ही बात कह सकता हूँ कि बरिष्ठ पंचायत के या दादरा और नगर हवेली के रहने वालों को हम मुबारकबाद दें और अपने को दें।

हां, एक शिकायत हुई कि सात वर्ष बाद यह बिल क्यों आया। यह माकूल शिकायत है, हालांकि इस का जवाब भी बहुत माकूल है, और मोटा जवाब यह है कि, जैसा सब लोग जानते हैं, कि वर्षों तक यह मामला अटका रहा हैग की इंटरनेशनल अदालत में।

14.33 hrs.

[MR. SPEAKER in the Chair]

मालूम नहीं हम लोग गलत करते है या सही, लेकिन बहुत कायदे कानून के पाबन्द हैं, और आज कल की दुनिया में, जहां कोशिश होती

है हर मसले को लाठी, तोप और बम के जरिये से फँसला करने की, हम ने दिखलाया पिछले वर्षों में कि जहां हमारे पास हथियार हैं भी फँसला करने के लिये वहां पर भी हम हथियार के जरिये ने नहीं बल्कि और जरियों से मामलों को तय करना चाहते हैं। तो मैं यह अर्ज करूंगा कि एक बात तो यही थी किट्टेग की अदालत में मामला पेश था और हम ने बिल्कुल मुनासिब नहीं समझा कि हम कोई कार्रवाई यहां करें, जब तक कि वहां से फँसला न हो जाय, और उस फँसले को हम देख न लें।

ये मामले दादरा और नगर हवेली के या गोआ तक के छोटे हैं, कोई बड़े नहीं हैं। लेकिन आज कल की दुनिया में छोटे मामले भी बड़ों से बंधे होते हैं। आप जानते हैं, आज का ही अखबार खोल कर देखिये, एक कदम उठाया गया योरप में, जिस का असर कितनी दूर तक हो सकता है इस का पता नहीं। हम जो इतने रोज से कहते आते हैं कि हमारी नीति है कि जहां तक मुमकिन हो हम लड़ाई झगड़े से कोई मसले हल न करे, बल्कि और जरियों से, शान्ति से करें, अगर इन मसलों को हल करने की कोशिश करते फौजी तरीके से, तो एक तो यह हमारी नीति के विरुद्ध होता और उस के नतीजे कुछ दूर तक जा सकते थे।

वैसा आप जानते हैं, सब जानते हैं, मसला खाल्सी गोआ का नहीं, मसला पुर्तगाल का है, और पुर्तगाल ने साझा लिया है और मुल्कों का, बड़े बड़े मुल्कों का, नाटो है, जो एक लड़ाई का सम्बन्ध है, कई मुल्कों का अलायेंस है, वह उन्होंने किया है। ऐसे मोके पर अगर हम कहीं जरा भी आग लगायें तो कहां तक वह फँल जायेगी, यह कोई कह नहीं सकता। हम सबों को, जैसे कि आज मेम्बरो को यहां बार बार एक परेशानी होती थी, तबियत जिच सी हो ज थी कि गोआ के मामले में क्यों नहीं कुछ किया जाता, क्यों

[श्री जवाहरलाल नेहरू]

न हम कुछ करें? लेकिन फिर हम सोचते थे कि भूने हो दो या चार वर्ष और लगे, लेकिन अगर पक्की तौर से और शान्ति से काम हो तो वह ज्यादा मंत्रबूत होगा और हम अपनी कुछ खिदमत करेंगे। बात यह है, जिस को आप माकूल जवाब समझें या न समझें। मैं नहीं जानता कि आइन्दा को त्वारीख या इतिहास इस का क्या कहेगा, आइन्दा के लोग इसे देखेंगे। इसी लिये हम ने इसे मुत्तवी किया। इन बातों का हम ने कोई लड़ाई या फौजी जरिये से हल करने की कोशिश नहीं की, और हम उम्मीद करते हैं कि हमें ऐसा करने की जरूरत भी नहीं होगी।

जाहिर है कि आज कल का दुनिया में कोई इस का इकरार नहीं कर सकता कि आइन्दा क्या होगा। हालत इतनी डांवांडोल है कि पता नहीं कि दुनिया में अमन कायम रहेगा भी या नहीं। पता नहीं इस का असर हमारे देश पर क्या होगा, लेकिन मैं समझता हूँ कि हम ने दुनिया के सामने एक मिसाल रखी, जो कि अच्छी थी, यानी सब की। सब डर से नहीं, सब सोच कर के कि क्या हमारी नीति होनी चाहिये, क्या दुनिया की नीति होनी चाहिये, और अपनी इस नीति को हम ने मजबूत किया। जो कुछ हमारा थोड़ा बहुत असर दुनिया पर था वह और बढ़ गया, घटा नहीं उस से। हाँ, यह सही बात है कि इस की वजह से गोआ में जो बात वर्षों में होनी चाहिये थी वह मुत्तवी हो गई। लेकिन मुझे उम्मीद है कि बहुत ज्यादा दिन नहीं लगेंगे जब कि मैं या कोई और साथी यहां पेश हों और आप के सामने इस तरह का एक बिल पेश करें गोआ की निस्वत भी।

श्री रघुनाथ सिंह (वाराणसी) : आप ही करेंगे, पंडित जी।

श्री अन्सार हरखानी (फतेहपुर) : आप ही करेंगे।

श्री जवाहरलाल नेहरू : वाक्या तो यह है कि इस वक्त इन अलग अलग मुल्कों के सवालों को छोड़ कर बड़े मुल्क आपस में बड़े सवालों को ले कर रंजिश और ठंडी लड़ाई जिसे कहा जाता है या गर्म लड़ाई की तैयारियों में हर बात को दुनिया में एक नये रंग में ले आते हैं, एक खूनी रंग उस को दे देते हैं। यहां पर नाटो का जिक्क मैं ने किया। उस के क्या फायदे या नुकसान हैं, मुझे इस से मतलब नहीं, लेकिन मैं नहीं समझता कि ऐसे फौजी समझौते जो होते हैं, चाहे वह इस तरह से हों या दूसरी तरह से, वे अच्छे होते हैं। मैं समझता हूँ कि उन से हम को हटना चाहिये। और सच बात तो यह है कि कोई बहुत ज्यादा उस के माने नहीं। जो भी कुछ उस से हो यह एक अलग बात है लेकिन एक बात नाटो की जरूर है और वह तकलीफदेह है कि उस ने इस तरह से कुछ गलत बातों को अपने साथे में ले कर उन को होने दिया। एक पुर्तगाल को ही ले लीजिये। कोई शक नहीं कि गोआ वगैरह के मामले में भी काफी मदद मिली, फौजी मदद नहीं मिली लेकिन और तरह से मदद मिली। उन बड़े बड़े मुल्कों की पुर्तगाल को मदद मिली और इस से पुर्तगाल ने कुछ ज्यादा ऐंठन दिखाई इस मामले में। जैसा मैं ने अजं किया पुर्तगाल की निस्वत कुछ अजं करना मुश्किल है क्योंकि आज कल की बीसवीं सदी में हम भी एक मुल्क हैं। हमारा मुल्क भी है जो कि अक्सर दो हजार वर्ष पुराने ख्यालों में रहता है, कभी एक हजार वर्ष पुराने ख्यालों में रहता है और कभी पांच सौ वर्ष पुराने ख्यालों में, लेकिन उसी के साथ हम आज कल के जमाने में भी रहते हैं और यह एक मिली जूली बात हो गई है। लेकिन पुर्तगाल तो अभी निकला ही नहीं पांच सौ वर्ष पुराने ख्यालों से। वह उसी में पड़ा है और कोई झलक उन को नहीं मिली है कि आज कल का जमाना क्या है, जाहिर है कि यह बात चल नहीं सकती है। आप ने देखा कि अंगोला में क्या हो रहा है। लेकिन जो बात गौरतलब है वह यह कि जो

मुल्क, बड़े मुल्क, दानिशमन्द मुल्क आज की दुनियां में आजादी का नाम लेते हैं, कैसे उन को मदद खुल्लमखुल्ला नहीं तो और तरह से पुर्तगाल को मिली। यकीनन इसी वजह से वे कायम हैं, चाहे अंगोला हो, चाहे मुजम्बिक हो, चाहे गोआ हो। यह बात उन बड़े मुल्कों के लिए गौरतलब है। कुछ न कुछ वे भी समझें हैं, और पिछली बार जब यह सवाल उठा था संयुक्त राष्ट्र में, तो उसमें वोटों से भी मालूम होता था कि लोग कुछ समझ गए हैं कि उनकी गलती करने की इन्तिहा हो गयी है कि वे किसी एक बात में नहीं बल्कि हर बात में पुर्तगाल का साथ देते हैं यह कह कर कि यह उनकी अन्दरूनी बातें हैं। अन्दरूनी बातें क्या हैं? अन्दरूनी बात यह है कि बैठे बैठे पुर्तगाल ने एक दिन कह दिया कि गोआ और अंगोला वगैरह पुर्तगाल के जुड़ हैं, बल्कि पुर्तगाल ही हैं। यह अजीब बात है कि इस तरह की बातें बड़े मुल्क मान लें और उनको बुनियाद बनाएं अपनी पालिसी की।

दुनिया में आजकल बहुत सारे सवाल हैं, बहुत सारे पेच हैं बहुत दिक्कतें हैं। लेकिन कोई सवाल हल नहीं होता आखें बन्द कर लेने से कि सवाल है ही नहीं, चहे वह गोआ का सवाल हो या अंगोला का सवाल हो। चुनांचे जो एक पर्दा पड़ा था इन बातों पर वह हट रहा है। और शायद ही कोई मुल्क आज दुनिया में ऐसा हो जो दो बातें न समझता हो, पहली तो यह जो पुर्तगाल ने गोआ की निस्बत कहा है वह बिल्कुल गलत बात है और उनकी पालिसी गलत है, और दूसरी बात यह है कि जो हिन्दुस्तान की नीति है वह हमारे सब्र और दानिशमन्दी को दिखाती है और हमारा हक है वहां जाने का।

वाज साहिबान ने इसमें तरमीमें पेश की है कि गोआ को भी इसमें शामिल करो। मैं आपसे बहुत अदब से कहूँ कि हमारी जो भी पालिसी गोआ के बारे में हो या न हो यह अलग बात है, लेकिन इसमें उसको जोड़

देना बेमानी है, और यह वजूहात के खिलाफ होगा। यह कहा गया कि आज से तीन दिन पहले ११ अगस्त को एक बात हो गयी। लेकिन यह गोआ में तो नहीं हुई। तो यह फिजूल बात है।

एक आघ बात माननीय सदस्य श्री डांगे जी ने कही थी। उन्होंने कह था कि हमको अंगोला को मदद करने के लिए गोआ में एक सैंकड फ्रंट खोलना चाहिए। किस तरह से हम गोआ में अंगोला की मदद कर सकते हैं यह गौरतलब बात है। इस पर गौर करना चाहिए। इस बदलती हुई दुनियां में कोई जमा हुआ नहीं रह सकता पुराने ढंग पर, और देखना पड़ता है कि इस वक्त क्या मौजू है। बहरसूरत जो कुछ भी हम करें वह सही बात होनी चाहिए। महज तैश में आकर सैंकड फ्रंट या कोई दूसरा फ्रंट खोलने के में कोई मानी नहीं समझता क्योंकि सैंकड फ्रंट की बात करने से पहले हमको सोचना चाहिए कि दुनिया में कोई ऐसा फ्रंट न खुल जाए जिसमें दुनिया तबाह हो जाए। इस सवाल को हर वक्त सामने रखना चाहिए। इसलिए इस वक्त ऐसी कोशिश करना गलत होगा।

एक बात और कही डांगे साहब ने कि यहां कुछ ट्राइबल्स लोग रहते हैं और हमें ऐसा नहीं करना चाहिए जैसा कि लोगों की अक्सर स्वाहिश होती है कि हम उनको ऊंचा उठाएं या उनको बदल दें। इस बात में मैं उनसे पूरे तौर पर सहमत हूँ, उनसे इत्तिफाक करता हूँ। ट्राइबल्स के मामले में जो कि अक्सर पहाड़ी इलाकों में और दूसरी जगहों पर रहते हैं मैंने बहुत दिलचस्पी ली है, और मेरा खयाल है कि उनको समझना कि पिछड़े हुए हैं, कभी सही हो सकता है, लेकिन कभी नहीं भी हो सकता है। और मेरा खयाल है कि कभी कभी बाज बातों में उनका सामाजिक संगठन हमारे सामाजिक संगठन से ऊंचा होता है। मरा तो खयाल है कि हम में से कोई भी ऐसा नहीं है जो ट्राइबलिज्म के बाहर हो। हम सब ट्राइबल्स

[श्री जवाहरलाल नेहरू]

हैं। जहां कास्ट का सिलसिला है वहां ट्राइबलिज्म है। यह मेरा पक्का खयाल है। हम अपनी खराबियां तो न निकालें और औरों को जाकर बताएं और सिखाएं यह मुनासिब नहीं है। दोनों जगहों से खराबियां निकालनी चाहिए। जो ट्राइबल्स हैं उनको हम उनके ढंग से मदद दें। यह नहीं कि हम उन पर अपना सामाजिक संगठन ठूसें।

एक और बात की चर्चा हुई कि इस इलाके के टुकड़े करके महाराष्ट्र और गुजरात में जोड़ दिये जाएं। मैं नहीं जानता कि आइन्दा क्या हो। यह वहां के लोगों पर मुनहसिर होगा कि वे क्या निश्चय करें। लेकिन इस वक्त तो उसके टुकड़े करना बिलकुल गलत होगा। वह एक यूनिट है, आज से नहीं पुरचुगीज जमाने से। अब उसको लेकर उसके इस तरह के टुकड़े कर देना मुनासिब नहीं होगा। और आपने देखा कि पिछले सात आठ बरस में यह एक यूनिट अच्छा चल रहा है। उसने अच्छा काम किया है अपने एडमिनिस्ट्रेटर की सलाह से, लेकिन आखिर वहां की वरिष्ठ पंचायत के लोगों की जिम्मेदारी थी। उन्होंने अच्छा काम किया। अब अगर उनको तोड़ दें और नए ढंग से जोड़ दें तो उनकी हैसियत खत्म हो जाती है। हिन्दुस्तान के समुन्दर में वे खो जाते हैं और उनकी व्यक्तिगत हैसियत निकल जाती है। यह ठीक नहीं है। आइन्दा हलके हलके अगर वह ऐसा करना चाहें तो उनको इसका अधिकार है, कोई रोक नहीं है। इस बात को हमने बहुत सफाई से कहा है और मैं इस वक्त उस बात को दुहराए देता हूँ कि गोआ जब भारत में शामिल होगा गोआ को किसी प्रदेश में नहीं मिलाया जाएगा। गोआ एक यूनिट रहेगा और जो कुछ वहां अन्दरूनी प्रबंध हो

वह रहेगा। बाद में वहां के लोग चाहें तो देखा जाएगा। गोआ भी चार सौ पांच सौ, न जाने कितने बरसों से, एक यूनिट रहा है पुरचुगीज के नीचे, तरह तरह की चीजें वहां चली हैं, अच्छी बुरी। इसलिए उसको तोड़ देना ठीक नहीं होगा। हमारा पक्का इरादा है कि गोआ एक यूनिट ही रहेगा और जो अधिकार हम दूसरे यूनिटों को देते हैं वे ही अधिकार उनको भी दिए जाएंगे।

यही चीजें थीं जो मैं अर्ज करता चाहता था। चुनावों में उम्मीद करता हूँ कि जो तरमीमें पेश की गई हैं वे वापस ले ली जाएंगी और सब लोग खुशी खुशी इस बिल को मंजूर करेंगे और एक नया जमाना उसके लिए इस तरह से शुरू करेंगे।

एक बात और मैं कह दूँ जो कि शुरू से हमने कही है। हिन्दुस्तान के आजाद होने के साथ उसके दो टुकड़े हुए, पारटीशन हुआ, हमारी रजामन्दी से हुआ और उसके हमने नुकसान भुगते, परेशानी भुगती—हमने और पाकिस्तान ने। बहुत कुछ हुआ। खैर। लेकिन उसके बाद हमारा कभी यह इरादा नहीं था और न है, और न किसी दानिशमन्द आदमी का हो सकता है कि हम अब इसमें दखल दें। हम अलग अलग हो गए। हम चाहते हैं कि वह खुशी से रहें और हम भी खुशी से रहें और जितना हम दो मुल्कों में सहयोग हो सके उतना अच्छा है। और हम कुछ नहीं चाहते। उसके बाद से हमारा कोई इरादा भारत के हृदय बढ़ाने का या किसी और मुल्क का कोई हिस्सा लेने का नहीं

रहा है, सिवा इसके कि जो मुल्क के हिस्से हैं, जैसे गोआ वगैरह हैं, उनको मिलाना चाहते हैं। और उसके बाद जहाँ तक भारत की शबल है वह पूरी हो जाती है। उसको हम नहीं बढ़ाना चाहते। आजकल का जमाना मुल्कों को बढ़ाने का नहीं है। हाँ कहीं कहीं ये पुराने जमींदारी खयालात मौजूद हैं। हम में भी कुछ लोग इस तरह के जमींदारी खयाल के हैं जो समझते हैं कि जमीन के लिए हायापाई करने से शान बढ़ जाती है। लेकिन यह आजकल की दुनिया का खयाल नहीं है। और कम से कम हिन्दुस्तान के हद्द बढ़ाने का कोई सवाल हमारे सामने नहीं है। हाँ कोई हमारी जमीन को ले ले तो उससे वापस लेना, यह दूसरा सवाल है। साली गोआ, दमन और ड्यू बाहर रह गए थे और जब तक ये भारत में शामिल नहीं होते तब तक हमारी राजनीतिक क्रांति पूरी नहीं होती। यह हो जाए उसके बाद यह सवाल खत्म हो जाता है। फिर और हमारे सामने और लम्बे चौड़े सवाल हैं, सामाजिक क्रांति के, आर्थिक व दूसरे जिन पर हम अब भी चल रहे हैं।

तो मैं आशा करता हूँ, अध्यक्ष महोदय, कि इस बिल को हम सब लोग बड़ी खुशी से और इत्तिफाक राय से स्वीकार करेंगे।

Mr. Speaker: I shall now put the motion to the vote of the House. All hon. Members are aware that all constitutional amendments are to be carried by an absolute majority of the House together with two-thirds of the Members present. Hence, I have to call a division.

Shri Naldurgkar (Osmanabad): Sir, I raise a point of order. I want to make this point because such enactments would be introduced in future and we will be following an unnecessary procedure again. I shall first refer to article 1 of the Constitution. Article 1 says:

"India, that is Bharat, shall be a Union of States."

Then, article 1 goes on to say as follows:

(2) The States and the territories thereof shall be as specified in the First Schedule.

(3) The territory of India shall comprise—

- (a) the territories of the States;
- (b) the Union territories specified in the First Schedule; and
- (c) such other territories as may be acquired.

Then comes article 2 which says:

"Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit."

Here, there is no question of establishment of any new States, but only admission of a new State. Parliament may by law admit into the Union of India, a new State or new States. What do you mean by new States? New States means territories which were not part and parcel of the Indian dominion before the commencement of the Constitution or part of the Indian union territory after the commencement of the Constitution till the introduction of this Bill.

This view has been fortified by the opinion of some eminent authors and commentators of the Constitution. I shall first refer to A. R. Malhotra on the Constitution of India, page 95. There, he has defined new States, with reference to article 2. Article 2 authorises the Parliament to admit new States on such terms and conditions as it thinks fit. Such new States may be acquired territories contemplated by sub-clause (c) of article 1 (3).

Then, at page 58 of his commentary on the Constitution, Shri Basu says

Mr. Speaker: Nobody has got a doubt as to what is intended.

Shri Naldurgkar: . . . that such acquired territories or other territories

Bill

[Shri Naldurgkar]

for the time being in force shall be part of the Indian union only when admitted by Parliament by law under article 2, but when such territory or State is admitted under article 2, then the procedure for the amendment has been incorporated in article 4. Article 4 says as follows:

"Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such a law) as Parliament may deem necessary."

Sub-clause (2) of article 4 says:

"No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368."

"Such law as aforesaid" means a law in relation to the admission of any State. This is quite clear as far as the amendment is concerned. No such law as aforesaid shall be deemed to be an amendment of the Constitution for the purposes of article 368. So, I do not know whether this procedure under article 368 is valid. It is quite unnecessary. It defeats the intention of the framers of the Constitution. It seems to be the intention of the framers of the Constitution that when only Schedules are to be amended, this cannot be deemed as an amendment of the Constitution, by admitting a new State. Admitting a new State means, we are only expanding. Nothing more than that. When we extend or expand our territory, then article 368 is not applicable in this case. This is my humble submission. I have referred to Shukla and other eminent commentators on the Constitution, and they agree in this respect

as far as this question of amendment to the Constitution is concerned. Therefore, this Bill can be passed by a simple majority of Members in the normal course and all this procedure, as far as this Bill is concerned, seems to be unnecessary.

The Minister of Law (Shri A. K. Sen): In my humble submission, this point was more or less decided by the Supreme Court's opinion on the reference made by the Government of India when we introduced legislation concerning the transfer of enclaves in relation to the Acquired Territories (Merger) Bill. In that, you will find that article 4 says that any law under article 2 or 3 would not be regarded as a Constitutional amendment. But a law for the purpose of altering a Schedule mentioned in sub-clause (2) would be a Constitutional amendment. What we are seeking to do is to alter the First Schedule by including within it the territories of Dadra and Nagar Haveli under Union territory. I do not see any reason to doubt that it will involve alteration of the Schedule I and therefore will necessitate the necessary constitutional amendment.

Mr. Speaker: That is the opinion of the Law Minister. Is that not provided under article 4?

Shri A. K. Sen: No, Sir. That was the difficulty we had to face earlier, and because a doubt was felt, we referred to the Supreme Court. As you will remember, we had to introduce a constitutional amendment, to give effect to the Indo-Pakistan treaty.

Now, article 1 says:

"India, that is Bharat, shall be a Union of States."

Then, sub-clause (2) of article 1 refers to the First Schedule under which the territories and States are enumerated. If you want to bring about acquisition by altering the First Schedule, then that will necessitate a Constitutional amendment, and since you want to alter the First Schedule in order to bring about this acquisition, we have

to introduce a Constitutional amendment. We do not have to go to anywhere else. We have decided that this will remain as a separate entity and form part of the Indian territory; and we shall acquire this territory by doing this under the First Schedule.

Mr. Speaker: Not the operative article, article 2. Schedule I contains a list of territories.

Shri A. K. Sen: That is what the Supreme Court said; they said 'No.' They said that if a thing comes within article 1, then article 2 cannot be taken up.

Mr. Speaker: How does it come under article 1 unless Parliament by law acquires the property or adopts it?

Shri A. K. Sen: Acquisition is an act of sovereignty as the Supreme Court says. The specific words for "acquisition" have not been provided in the Constitution.

Mr. Speaker: If it is so, what is the necessity for article 2.

Shri A. K. Sen: Because, once you adopt a particular procedure for giving effect to that acquisition, then you have to alter the Schedule. That is what we have done.

Mr. Speaker: I am sure there is sufficient majority, but all the same, here, Parliament may by law admit into the Union a territory. Admission itself requires a law of Parliament.

Shri A. K. Sen: It has been held in the Berubari legislation that the article concerned refers only to the States, reduction of existing States and creation of new States. It does not refer to acquisition of new territory as part of the Union territory. It is because of these doubts that . . .

Mr. Speaker: The States in this context cannot mean any new States because they are already part of the Union. Therefore, the "State" means some foreign State. "Parliament may by law admit into the Union, or

establish, new States on such terms and conditions as it thinks fit." This certainly does not refer to the States or territories which do not belong to the Union.

Shri A. K. Sen: Article 2 and 3 have been interpreted to mean only a State in the Union for any purposes of acquisition or secession of any part of the territory.

Mr. Speaker: I am not able to follow. Article 2 says:

"Parliament may by law admit into the Union, or establish new States on such terms and conditions as it thinks fit."

Union consists, under article 1, of the various States that are already component parts of the Indian Union. Admitting what is already a part of the Indian Union will have no meaning, unless it is a new State, which is foreign territory.

Shri A. K. Sen: I am afraid that is exactly not what has been interpreted to be the meaning of article 2.

Mr. Speaker: By which authority?

Shri A. K. Sen: By the Supreme Court. You will remember, Sir, that at the time we passed the law relating to Berubari and Cooch-Bihar enclaves . . .

Mr. Speaker: That related to transfer.

Shri A. K. Sen: Transfer and acquisition, both. We acquired and transferred. When a reference was made to the Supreme Court then, the Supreme Court said, if acquisition is sought to be given effect to by alteration of Schedule 1, then a constitutional amendment was necessary, the language used by them being "the law relating to either article 2 or article 3 would not be appropriate". I must say that the Constitution is not very clear on this point and that was exactly why the Government felt a doubt on this matter. The entire

[Shri A. K. Sen]

matter was referred to the Supreme Court.

When you want to add to or take away from Schedule 1, there is no method open excepting a constitutional amendment. That is quite clear from the Supreme Court reference. You cannot give effect to a legislation which seeks either to add to the First Schedule or take away from it by taking recourse to article 2 or article 3. In fact, amongst ourselves we had a good deal of arguments at one time before we referred the matter to the Supreme Court. They have said that once a matter comes under article 1, no other law relating to either article 2 or article 3 could be taken recourse to. You must take the straightaway course of amending the Constitution. It is the application of the principle *expressio unius est exclusio alterius*—the mention of one is the exclusion of another. When Article 1 mentions something unilaterally and it excludes the alternative equally. That is a well-known general principle which we must apply. It is not a question of legality; it is a question of appropriateness.

Shri Sinhasan Singh (Gorakhpur): When the transfer of Berubari to Pakistan came up here, there were two Bills at that time. For the transfer of Berubari, two-thirds majority was demanded. But for the acquisition of some territories that came from Pakistan to India, no two-thirds majority was demanded. If you look at the debates, it is clear.

Mr. Speaker: He says, there were two Bills; one was treated as a constitutional amendment and the other as ordinary law.

Shri A. K. Sen: Of course.

Mr. Speaker: If it is of course, then it goes against the hon. Minister.

Shri A. K. Sen: No, Sir. The Supreme Court have clearly stated that where cession or acquisition is sought to be given effect to by an amendment

of the First Schedule, a constitutional amendment is the only appropriate thing.

Mr. Speaker: I have heard both sides. A point of order has been raised that acquisition of this territory does not need an amendment of the Constitution and an ordinary law requiring a bare majority of the Members present is enough. Article 1 has been referred to. Article 1 says that:

“The States and the territories thereof shall be as specified in the First Schedule”.

I consider that it must be specified in the First Schedule by law. Article 2 says:

“Parliament may by law admit into the Union, or establish new States on such terms and conditions as it thinks fit.”

My view is, there is no meaning in stating that States which already form part of the Union are to be admitted into the Union. Therefore, new States which are referred to there which have to be admitted are States which do not form part of the Union and are absolutely foreign States.

Article 4 refers to law being passed under article 2. When such law is passed, the Schedule forms part of it. It is only incidental and the Schedule is not what has to be included independently of any law. Even for including it in the Schedule, it requires a law of the Parliament. Therefore, strictly construing article 4, it does not appear to be necessary that a constitutional amendment should be made even with respect to acquisition. But to be on the safer side, I do not want any legal consideration should come in and upset what we do in all solemnity, particularly acquisition of territory, of which all of us are proud. I am not going to embark upon a test on this matter. Therefore, I will treat it as

a constitutional amendment and I will put this question. Instead of asking hon. Members to tell me whether they are for or against, I will call a division, as I have to count the number of Members who vote for this.

The question is:

"That the Bill further to amend the Constitution of India, be taken into consideration."

The Lok Sabha divided.

Some hon. Members rose—

Mr. Speaker: I shall call each hon. Member.

The Deputy Minister of Defence (Shri Raghuramaiah): I wanted to vote for "Ayes", but I pressed the wrong button by mistake.

Mr. Speaker: I shall deduct one from "Noes" and add one to 'Ayes'.

Shri A. K. Sen: I pressed the button a bit late and it has not been recorded. I wanted to vote for "Ayes".

Shri R. D. Misra (Bulandshahr): My hands refused to work, I want to vote for "Ayes".

Shrimati Jayaben Shah (Girnar): My vote has not been recorded. I voted for "Ayes".

Giani G. S. Musafir (Amritsar): The machine here is not working. I wanted to vote for "Ayes".

Shrimati Laxmi Bai (Vikarabad): I voted for "Ayes", but it has not been recorded.

Shri M. C. Jain (Kaithal): I voted for "Ayes", but it has not been recorded.

Shri Abdul Latif (Bijnor): I also voted for "Ayes", but it has not been recorded.

Shaikh Mohammad Akbar (Jammu and Kashmir): I wrongly pressed the

button for "Abstention"; I want to vote for "Ayes".

Shri Karni Singhji (Bikaner): I voted for "Ayes", but it has not been recorded.

Shri Rajindra Pratap Singh (Rai Bareli): I also voted for "Ayes", but it has not been recorded.

Shri Tridib Kumar Chaudhuri: I am also for "Ayes", but my vote has not been recorded.

Shri Jagdish Awasthi (Bilhaar): I am for "Ayes". My vote also has not been recorded.

Shri Balraj Madhok (New Delhi): I voted for "Ayes", but it has not been recorded.

Shri B. Das Gupta (Purulia): I also voted for "Ayes", but it has not been recorded.

Shri Pramathanath Banerjee (Con-tai): My vote also has not been recorded. I am for "Ayes".

Shri Chintamani Panigrahi (Puri): I wanted to vote for "Ayes", but by mistake it has come as "Noes".

Mr. Speaker: I will deduct one from "Noes" and add one to "Ayes".

Shri Vasudevan Nair (Thiruvella): My vote was not recorded. I want to vote for "Ayes".

Dr. Pashupati Mandal (Bankura-Reserved-Sch-Castes): My vote also was not recorded. I want to vote for "Ayes".

Shri K. Periaswami Gounder (Karur): My vote was not recorded. I voted for "Ayes".

Mr. Speaker: Now, according to my calculation here, including all those who have incorrectly voted or who did not vote at all or who abstained from voting, the total present in the House is 337, excluding myself. They have all voted.

Division No. 1

15.12 hrs.

AYES

Abdul Latif, Shri	Dange, Shri S.A.	Kar, Shri Prabhat
Abdul Rashid, Bakhsi	Das, Dr. M.M.	Karmarkar, Shri
Abdur Rahman, Maulana	Das, Shri N.T.	Karni Singhji, Shri
Achal Singh, Seth	Das Gupta, Shri B.	Kasi Ram, Shri V.
Achar, Shri	Dasappa, Shri	Kasliwal, Shri
Achint Ram, Lala	Dasaratha Deb, Shri	Kayal, Shri P.N.
Agadi, Shri	Datar, Shri	Kedaria, Shri C.M.
Agarwal, Shri Manakbhai	Desai, Shri Morarji	Keshava, Shri
Ajit Singh, Shri	Deshmukh, Shri K.G.	Keskar, Dr.
Alva, Shri Joachim	Deshmukh, Dr. P.S.	Khan, Shri Osman Ali
Ambalam, Shri Subbiah	Dinesh Singh, Shri	Khan, Shri Sadath Ali
Amjad Ali, Shri	Dublish, Shri	Khan, Shri Shahnwaz
Aney, Dr. M.S.	Dwivedi, Shri M.L.	Khimji, Shri
Anjanappa, Shri	Dwivedy, Shri Surendranath	Khawaja, Shri Jamal
Arumugham, Shri S.R.	Eacharan, Shri V.	Kiledar, Shri R.S.
Asthana, Shri Lila Dhar	Ering, Shri D.	Kistaiya, Shri
Awasthi, Shri Jagdish	Ganapathy, Shri	Kodiyar, Shri
Ayyakannu, Shri	Gandhi, Shri M.M.	Korattkar, Shri
Bahadur Singh, Shri	Ganga Devi, Shrimati	Kotoki, Shri Liladhar
Bajaj, Shri Kamalnayan	Ganpat Sahai, Shri	Kottukapally, Shri
Balkrishnan, Shri	Ganpati Ram, Shri	Krishna, Shri M.R.
Balmiki, Shri	Gautam, Shri C.D.	Krishna Chandra, Shri
Banerjee, Shri Pramathanath	Ghoshal, Shri Aurobindo	Krishna Rao, Shri M.V.
Banerjee, Shri S.M.	Ghosh, Shri M.K.	Krishnappa, Shri M.V.
Banerji, Shri P.B.	Ghosh, Shri N.R.	Kumbhar, Shri
Banerji, Dr. R.	Godsora, Shri S.C.	Lachhi Ram, Shri
Bangshi Thakur, Shri	Gohokar, Dr.	Lachman Singh, Shri
Barman, Shri	Gounder, Shri K. Periaswami	Lahiri, Shri
Barrow, Shri	Govind Das, Dr.	Laxmi Bai, Shrimati
Barupal, Shri P.L.	Guha, Shri A.C.	Lonikar, Shri
Basappa, Shri	Gupta Shri C.L.	Madhok, Shri Balraj
Basumatari, Shri	Gupta, Shri ; Indrajit	Mafida Ahmed, Shrimati
Bhagat, Shri B.R.	Gupta, Shri Ram Krishan	Mahanty, Shri
Bhagavati, Shri	Hajarnavis, Shri	Maiti, Shri N.B.
Bhakt Darshan, Shri	Harvani, Shri Ansar	Majhi, Shri R.C.
Bhanja Deo, Shri	Hansda, Shri Subodh	Majithia, Sardar
Bhargava, Pandit M.B.	Hathi, Shri	Malaviya, Shri K.D.
Bharucha, Shri Naushir	Hazarika, Shri J.N.	Malhotra, Shri Inder J.
Bhatkar, Shri	Heda, Shri	Malliah, Shri U.S.
Bhattacharya, Shri C.K.	Hem Raj, Shri	Mallik, Shri D.C.
Bhavani Prasad, Shri	Hukam Singh, Sardar	Malviya, Shri Motilal
Bidari, Shri	Iqbal Singh, Sardar	Manaen, Shri
Birbal Singh, Shri	Jadhav, Shri Yadav Narayan	Mandal, Shri J.
Birendra Bahadur Singhji, Shri	Jagjivan Ram, Shri	Mandal, Dr. Pashupati
Bist, Shri J.B.S.	Jain, Shri A.P.	Maniyangadan, Shri
Biswas, Shri Bholanath	Jain, Shri M.C.	Mathur, Shri Harish Chandra
Brahm Prakash, Ch.	Jaipal Singh, Shri	Matin, Qazi
Braj Raj Singh, Shri	Jedhe, Shri G.K.	Mehdi, Shri S.A.
Brajeshwar Prasad, Shri	Jena, Shri K.C.	Mehta, Shri B.G.
Chakravarty, Shrimati Renu	Jhunjunwala, Shri	Mehta, Shri J.R.
Chanda, Shri Anil K.	Jinachandran, Shri	Mehta, Shrimati Krishna.
Chandra Shankar, Shri	Jogendra Sen, Shri	Melkote, Dr.
Chaturvedi, Shri	Jogendra Singh, Sardar	Menon, Shri Krishna
Chaudhuri, Shri Tridib Kumar	Joshi, Shri Liladhar	Minimata, Shrimati
Chavan, Shri D.R.	Joshi, Shrimati Subhadra	Mishra, Shri Bibhuti
Chettiar, Shri Ramanathan	Jyotishi, Pandit J.P.	Mishra, Shri L.N.
Choudhry, Shri C.L.	Kalika Singh, Shri	Mishra, Shri M.P.
Chuni Lal, Shri	Kamal Singh, Shri	Mishra, Shri R.R.
Daljit Singh, Shri	Kamble, Dr.	Mishra, Shri S.N.
Damani, Shri	Kanakasabai, Shri	Misra, Shri B.D.
		Misra, Shri R.D.
		Mohammad Akbar, Shaikh

AYES

Mohammed Imam, Shri	Rajendra Pratap Shri	Singh, Shri D. N.
Mohideen, Shri Gulam	Ram Gar b, Shri	Singh, Shri D. P.
Mohiuddin, Shri	Ram Saran, Shri	Singh, Shri H.P.
Morarka, Shri	Ram Shankar Lal, Shri	Singh, Shri L. Achaw
Mukerjee, Shri H.N.	Ram Subhag Singh, Dr.	Singh, Shri M.N.
Mullick, Shri B.C.	Ramakrishnan, Shri P.R.	Singh, Shri P.N.
Muniswamy, Shri N.R.	Ramananda Tirtha, Swami	Sinha, Shri Anirudh
Murmu, Shri Paika	Ramaswamy, Shri S.V.	Sinha, Shri Gajundra Prasad
Murthi, Shri B.S.	Ramaswamy, Shri K.S.	Sinha, Shri Jhulan
Musafir, Gian G.S.	Ramaswamy, Shri P.	Sinha, Shri K.P.
Nadar, Shri Thanulingam	Ramaul, Shri S.N.	Sinha, Shri Satya Narayan
Nair, Shri C.K.	Ramdhani Das, Shri	Sinha, Shrimati Tarkeshwari
Nair, Shri Kuttikrishnan	Ramesh Prasad Singh, Shri	Sinhasan Singh, Shri
Nair, Shri Vasudevan	Rampure, Shri M.	Snatak, Shri Nardeo
Naldurgar, Shri	Ranbir Singh, Ch.	Somani, Shri
Nallakoya, Shri	Rane, Shri	Soren, Shri Debi
Nanda, Shri	Rangarao, Shri	Subbarayan, Dr. P
Nanjappa, Shri	Rao, Shri Jaganatha	Subramanyam, Shri T.
Narasimhan, Shri	Rao, Shri Madhusudan	Sugandhi, Shri
Narayanasaamy, Shri R.	Rao, Shri Rajagopala	Sultan, Shrimati Maimoona
Naskar, Shri P.S.	Rao, Shri Thirumala	Supakar, Shri
Nathwani, Shri	Raut, Shri Bhola	Sumat Prasad, Shri
Nayak, Shri Mohan	Reddy, Shri K.C.	Sunder Lal, Shri
Negi, Shri Nek Ram	Roy, Shri Bishwanath	Surya Prasad, Shri
Nehru, Shri Jawaharlal	Rungsung Suisa, Shri	Swaran Singh Sardar
Nehru, Shrimati Uma	Rup Narain, Shri	Syed Mahmud, Dr.
Onkar Lal, Shri	Sadhu Ram, Shri	Tahir, Shri Mohammed
Oza, Shri	Sahu, Shri Bhagabat	Tangamani, Shri
Padam Dev, Shri	Sahu, Shri Rameshwar	Tantia, Shri Rameshwar
Pahadia, Shri	Saigal, Sardar A.S	Tariq, Shri A.M.
Palaniyandy, Shri	Samanta, Shri S.C.	Thakore, Shri M.B.
Pande, Shri C.D.	Samantsinhar, Dr.	Thomas, Shri A.M.
Pandey, Shri K.N.	Sarma, Shri A.T.	Tiwari, Pandit Babu Lal
Pangarkar, Shri	Satyabhama Devi, Shrimati	Tiwari, Shri R.S.
Panigrahi, Shri Chintamoni	Selku, Shri	Tiwari, Pandit D.N.
Panna Lal, Shri	Sen, Shri A.K.	Tula Ram, Shri
Parulekar, Shri	Sen, Shri P.G.	Tyagi, Shri
Parvathi Krishnan, Shrimati	Shah, Shrimati, Jayaben	Uike, Shri
Patel, Sushri Maniben	Shah, Shri Manabendra	Upadhyay, Pandit Munishwar Dutt
Patel, Shri N.N.	Shah, Shri Manubhai	Upadhyaya, Shri Shiva Datt
Patel, Shri P.R.	Shakuntala Devi, Shrimati	Valvi, Shri
Patel, Shri Rajeshwar	Shankar Deo, Shri	Varma, Shri Ramsingh Bhai
Patil, Shri R.D.	Shankaraiya, Shri	Venkatasubbaiah, Shri
Patil, Shri T.S.	Sharma, Shri D.C.	Verma, Shri Ramji
Patil, Shri U.L.	Sharma, Pandit K.C.	Vijaya Anand, Maharajkumar
Pattabi Raman, Shri C.R.	Sharma, Shri R.C.	Viswanath Prasad, Shri
Prabhakar, Shri Naval	Shastri, Shri Prakash Vir	Vyas, Shri R.C.
Punnoose, Shri	Shastri, Swami Ramanand	Vyas, Shri Radhelal
Radha Raman, Shri	Shivananjappa, Shri	Wasnik, Shri Balkrishna
Raghunath Singh, Shri	Sho'ha Ram, Shri	Wilson, Shri J.N.
Raghuramaiah, Shri	Shree Narayan Das, Shri	
Rahman, Shri M.H.	Siddanajappa, Shri	
Rai, Shrimati Sahodra Bai		

NOES

NIL

Mr. Speaker: The result of the division is:

Ayes—337; Noes—Nil

The Ayes have it.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members

[Mr. Speaker]

present and voting.

The motion was adopted.

Mr. Speaker: We shall now take the Bill clause by clause. Amendments Nos. 5, 7 and 8 are out of order. Does any hon. Member want to move his amendment.

Shri U. L. Patil: No.

Mr. Speaker: I shall put clauses 2 and 3 together.

Shri Tyagi: Sir, may I suggest to you—so that all this botheration may be avoided—that if you could kindly, when you put any question to the vote of the House and you want us to press the buttons, tell us in advance and then strike the bell we will have time enough to press the right button.

Mr. Speaker: I will intimate in advance.

If the House agrees, I will now put both clauses 2 and 3 together.

Several Hon. Members: Yes.

Mr. Speaker: The question is:

“That clauses 2 and 3 stand part of the Bill”

*The Lok Sabha divided**

Division No. 2

AYES

[15.23 hrs.

Abdul Latif, Shri
Abdul Rashid, Bakhshi
Abdur Rahman, Maulana
Achal Singh, Seth
Achar, Shri
Achint Ram, Lala
Agadi, Shri
Agarwal, Shri Manakbhai
Ajit Singh, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Amjad Ali, Shri
Aney, Dr. M.S.
Anjanappa, Shri
Arumugham, Shri S.R.
Asthana, Shri Lila Dhar
Awasthi, Shri Jagdish
Ayyakannu, Shri
Bahadur Singh, Shri
Bajaj, Shri Kamalnayan
Balakrishnan, Shri

Balmiki, Shri
Banerjee, Shri Pramathanath
Banerjee, Shri S.M.
Banerji, Shri P.B.
Banerji, Dr. R.
Bangshi Thakur, Shri
Barman, Shri
Barrow, Shri
Barupal, Shri P.L.
Basappa, Shri
Basumatari, Shri
Bhagat, Shri B. R.
Bhagavati, Shri
Bahakt Darshan, Shri
Bhanja Deo, Shri
Bhargava, Pandit M.B.
Bharucha, Shri Naushir
Bhatkar, Shri
Bhattacharya, Shri C. K.
Bhawani Prasad, Shri
Bidari, Shri

Birbal Singh, Shri
Birendra Bahadur Singhji, Shri
Bist, Shri J. B.S.
Biswas, Shri Bholanath
Brahm Prakash, Ch.
Braj Raj Singh, Shri
Brajeshwar Prasad, Shri
Chakravartty, Shrimati Renu
Chanda, Shri Anil K
Chandra Shankar, Shri
Chaturvedi, Shri
Chaudhuri, Shri Tridib Kumar
Chavan, Shri D. R.
Chettiar, Shri Ramanathan
Choudhry, Shri C. L.
Chuni Lal, Shri
Daljit Singh, Shri
Damani, Shri
Dange, Shri S.A.
Dass, Dr. M.M.
Das, Shri

Some hon. Members rose—

Mr. Speaker: I will call them one by one.

Shri Indrajit Gupta (Calcutta-South West): My vote has not been recorded. I am for ‘Ayes’.

Shri B. Das Gupta: I am for ‘Ayes’.

Shri Pramathanath Banerjee: My vote has not been recorded. I am for ‘Ayes’.

Shri P. R. Ramkrishnan (Pollachi): I am for ‘Ayes’.

Shri Ajit Singh (Bhatinda-Reserved-Sch. Castes): I am also for ‘Ayes’.

Shri D. C. Mallik (Dhanbad): My vote has also not been recorded. I wanted to vote for ‘Ayes’.

Maulana Abdur Rahman (Jammu and Kashmir): I am for ‘Ayes’.

Shaikh Mohammad Akbar (Jammu and Kashmir): I am for ‘Ayes’.

Shri Valvi (West Khandesh-Reserved-Sch. Tribes): I am also for ‘Ayes’

*The result of this division is applicable to each of the clauses separately.

AYES

Das Gupta, Shri B.	Kasiram, Shri V.	Mohiuddin, Shri
Dasappa, Shri	Kasliwal, Shri	Morarka, Shri
Dasaratha Deb, Shri	Kayal, Shri P. N.	Mukerjee, Shri H.N.
Datar, Shri	Kedaria, Shri C. M.	Mullick, Shri B.C.
Desai, Shri Morarji	Keshava, Shri	Muniswamy, Shri N.R.
Deshmukh, Shri K.G.	Khan, Shri Osman Ali	Murmu, Shri Paika
Deshmukh, Dr. P.S.	Khan, Shri Sadath Ali	Murthy Shri B.S.
Dinesh Singh, Shri	Khan, Shri Shahnwaz	Musafir, Giani G.S.
Dublish, Shri	Khimji, Shri	Nadar, Shri Thanulingam
Dwivedi, Shri M.L.	Khwaja, Shri Jamal	Nair, Shri C.K.
Dwivedy, Shri Surendranath	Kiledar, Shri R.S.	Nair, Shri Kuttikrishnan
Eacharan, Shri V.	Kistaiya, Shri	Nair, Shri Vasudevan
Ering, Shri D.	Kodiyar Shri	Naldurgkar, Shri
Ganapathy, Shri	Koratkar, Shri	Nallakuya, Shri
Gandhi, Shri M.M.	Kotoki, Shri Liladhar	Nanda, Shri
Ganga Devi, Shrimati	Kottukapally, Shri	Nanjappa, Shri
Ganpat Sahai, Shri	Krishna, Shri M. R.	Narasimhan, Shri
Ganpati Ram, Shri	Krishna Chandra, Shri	Narayanamsamy, Shri R.
Gautam, Shri C.D.	Krishna Rao, Shri M. V.	Naskar, Shri P.S.
Ghosal, Shri Aurobindo	Krishnappa, Shri M. V.	Nathwni, Shri
Ghosh, Shri M.K.	Kumbhar, Shri	Nayak, Shri Mohan
Ghosh, Shri N.R.	Lachhi Ram, Shri	Negi, Shri Nek Ram
Godsora, Shri S. C.	Lachman Singh, Shri	Nehru, Shri Jawahar Lal
Gohokar Dr.	Lahiri, Shri	Nehru, Shrimati Uma
Gounder, Shri K. Periaswami	Laxmi Bai, Shrimati	Onkar Lal, Shri
Govind Das, Dr.	Lonikar, Shri	Oza, Shri
Guha, Shri A. C.	Madhok, Shri Balraj	Padam Dev, Shri
Gupta, Shri C. L.	Mafida Ahmed, Shrimati	Pahadia, Shri
Gupta, Shri Indrajit	Mahanty, Shri	Palaniyandy, Shri
Gupta, Shri Ram Krishan	Maiti, Shri N.B.	Pande, Shri C.D.
Hajarnavis, Shri	Majhi, Shri R.C.	Pandey, Shri K.N.
Harvani, Shri Ansar	Majithia, Sardar	Pangarkar, Shri
Hansda, Shri Subodh	Malaviya, Shri K.D.	Panigrahi, Shri Chintamoni
Hathi, Shri	Malhotra, Shri Inder J.	Panna Lal, Shri
Hazarika, Shri J.N.	Malliah, Shri U.S.	Parmar, Shri Deen Bandhu
Heda, Shri	Mallik, Shri D.C.	Parulekar, Shri
Hem Raj, Shri	Malviya, Shri Motilal	Parvathi Krishnan, Shrimati
Hukam Singh, Sardar	Manaen, Shri	Patel, Sushri Maniben
Iqbal Singh, Sardar	Mandal, Shri J.	Patel, Shri N.N.
Jadhav, Shri Yadav Narayan	Mandal, Dr. Pashupati	Patel, Shri P. R.
Jaggiwan Ram, Shri	Maniyangadan, Shri	Patel Shri Rajeshwar
Jain, Shri A. P.	Masuriya Din, Shri	Patil, Shri R.D.
Jain, Shri M. C.	Mathur, Shri Harish Chandra	Patil, Shri S.K.
Jaipal Singh, Shri	Matin, Qazi	Patil, Shri T.S.
Jedhe, Shri G. K.	Mehdi, Shri S.A.	Patil, Shri U.L.
Jena, Shri K.C.	Mehta, Shri B. G.	Pattabi Raman, Shri C.R.
Jhunjunwala, Shri	Mehta, Shri J.R.	Prabhakar, Shri Naval
Jinachandran, Shri	Mehta, Shrimati Krishna	Radha Raman, Shri
Jogendra Sen, Shri	Melkote, Dr.	Raghunath Singh, Shri
Jogendra Singh, Sardar	Menon, Shri Krishna	Raghuramaiah, Shri
Joshi, Satri Liladhar	Minimata, Shrimati	Rahman, Shri M.H.
Joshi, Shrimati Subhadra	Mishra, Shri Bibhuti	Rai, Shrimati Sahodrabai
Jyotishi, Pandit J. P.	Mishra, Shri L.N.	Rajendra Pratap Singh
Kalika Singh, Shri	Mishra, Shri M.	Ram Garib, Shri
Kamal Singh, Shri	Mishra, Shri R.R.	Ram Saren, Shri
Kamble, Dr.	Mishra, Shri S.N.	Ram Shankar Lal, Shri
Kanakasabai, Shri	Misra, Shri B.D.	Ram Subhag Singh, Dr.
Kar, Shri Prabhat	Misra, Shri R.D.	Ramakrishnan, Shri P.R.
Karmarkar, Shri	Mohammad Akbar, Shaikh	Ramananda Tirtha, Swami
Karni Singhji, Shri	Mohammed Imam, Shri	Ramaswamy, Shri S.V.
	Mohideen, Shri Gulam	

AYES

Ramaswamy, Shri K.S.
 Ramaswamy, Shri P.
 Ramaul, Shri S. N.
 Ramdhani Das, Shri
 Ramesh Prasad, Shri
 Rampure, Shri M.
 Ranbir Singh, Ch.
 Rane, Shri
 Rangarao, Shri
 Rao, Shri Jaganatha
 Rao, Shri Madhusudan
 Rao, Shri Rajagopala
 Rao, Shri Thirumala
 Raut, Shri Bhola
 Reddy, Shri K.C.
 Roy, Shri Bishwanath
 Rungtung Suissa, Shri
 Rup Narain, Shri
 Sadhu Ram, Shri
 Sahu, Shri Bhagabat
 Sahu, Shri Rameshwar
 Saigal, Sardar A. S.
 Samanta, Shri S. C.
 Samantsinhar, Dr.
 Sarma, Shri A. T.
 Satish Chandra, Shri
 Satyabhama Devi, Shrimati
 Selku, Shri
 Sen, Shri A. K.
 Sen, Shri A. K.
 Sen, Shri P.G.
 Shah, Shrimati Jayaben
 Shah, Shri Manabendra

Shah, Shri Manubhai
 Shakuntala Devi, Shrimati
 Shankar Deo, Shri
 Shankaraiya, Shri
 Sharma, Shri D.C.
 Sharma, Pandit K.C.
 Sharma, Shri R.C.
 Shastri, Pandit H.
 Shastri, Shri Prakash Vir
 Shastri, Swami Ramanand
 Shivananjappa, Shri
 Shobha Ram, Shri
 Shree Narayan Das, Shri
 Siddananajappa, Shri
 Singh, Shri D.N.
 Singh, Shri D.P.
 Singh, Shri H.P.
 Singh, Shri L. Achaw
 Singh, Shri M. N.
 Singh, Shri P.N.
 Sinha, Shri Anirudh
 Sinha, Shri Gajendra Prasad
 Sinha, Shri Jhulan
 Sinha, Shri K. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwari
 Sinhasan Singh, Shri
 Snatak, Shri Nardeo
 Somani, Shri
 Soren, Shri Debi
 Subbarayan, Dr. P.

Subramanyam, Shri T.
 Sugandhi, Shri
 Sultan, Shrimati Maimoona
 Supakar, Shri
 Sumat Prasad, Shri
 Sunder Lal, Shri
 Surya Prasad, Shri
 Swaran Singh, Sardar
 Syed Mahmud, Dr.
 Tahir, Shri Mohammed
 Tangamasi, Shri
 Tantia, Shri Rameshwar
 Tariq, Shri A. M.
 Thakore, Shri M.B.
 Thomas, Shri A. M.
 Tiwari, Pandit Babu Lal
 Tiwari, Shri R. S.
 Tiwari, Pandit D. N.
 Tula Ram, Shri
 Tyagi, Shri
 Uike, Shri
 Upadhyay, Pandit Munishwar Dutt
 Upadhyay, Shri Shiva Datt
 Valvi, Shri
 Varma, Shri Ramsingh Bhai
 Venkatasubbaiah, Shri
 Verma, Shri Ramji
 Vijaya Anand, Maharajkumar
 Viswanath Prasad, Shri
 Vyas, Shri R.C.
 Vyas, Shri Radhelal
 Wasnik, Shri Balkrishna
 Wilson, Shri J. N.

NOES

Nil.

Mr. Speaker: The result of the division is: Ayes 339; Noes Nil. The 'Ayes' have it. The clauses are carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Caluses 2 and 3 were added to the Bill

Mr. Speaker: Clause I requires only an ordinary majority. Now the question is

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

The motion was adopted.

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

Shri Jawaharlal Nehru: I beg to move:

"That the Bill be passed"

Mr. Speaker: The question is:

"That the Bill be passed"

The Lok Sabha divided.

Shri D. C. Mallik: My vote has not been recorded. I vote for 'Ayes'.

Shri B. Das Gupta: My vote has also not been recorded. I vote for 'Ayes'.

Shri N. T. Das (Monghyr-Reserved—Sch. Castes): My vote too has not been recorded. I vote for 'Ayes'.

Shri Damani (Jalore): My vote has also not been recorded. I vote for 'Ayes'.

[Division No. 3

AYES

[15.31 hrs.

Abdul Latif, Shri
Abdul Rashid, Bakhshi
Abdur Rahman, Maulana
Achal Singh, Seth
Achar, Shri
Achint Ram, Lala
Agadi, Shri
Agarwal, Shri Manakbhai
Ajit Singh, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Amjad Ali, Shri
Aney, Dr. M. S.
Anjanappa, Shri
Arumugham, Shri S.R.
Asthana, Shri Lila Dhar
Awasthi, Shri Jagdish
Ayyakannu, Shri
Bahadur Singh, Shri
Bajaj, Shri Kamalnayan
Balakrishnan, Shri
Balmiki, Shri
Banerjee, Shri Pramathanath
Banerjee, Shri S. M.
Banerji, Shri P.B.
Banerji, Dr. R.
Bangshi Thakur, Shri
Barman, Shri
Barrow, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhagat, Shri B. R.
Bhagavati Shri
Bhakt Darshan, Shri
Bhanja Deo, Shri
Bhargava, Pandit M.B.
Bharucha, Shri Naushir
Bhatkar, Shri
Bhattacharya, Shri C.K.
Bhavani Prasad, Shri
Bidari, Shri
Birbal Singh, Shri
Birendra Bahadur Singhji, Shri
Bist, Shri J.B.S.
Biswas, Shri Bholanath
Brahm Prakash, Ch.
Braj Raj Singh, Shri
Brajeshwar Prasad, Shri
Chakravarty, Shrimati Renu
Chanda, Shri Anil K.
Chandra Shankar, Shri

Chaturvedi, Shri
Chavan, Shri D.R.
Chettiar, Shri Ramanathan
Choudhry, Shri C.L.
Chuni Lal, Shri
Daljit Singh, Shri
Damani, Shri
Dange, Shri S. A.
Das, Dr. M. M.
Das, Shri N. T.
Das Gupta, Shri B.
Dasappa, Shri
Dasaratha Deb, Shri
Datar, Shri
Desai, Shri Morarji
Deshmukh, Shri K. G.
Deshmukh, Dr. P.S.
Dinesh Singh, Shri
Dublish, Shri
Dwivedi, Shri M.L.
Dwivedy, Shri Surendranath
Eacharan, Shri V.
Elias, Shri Muhammed
Ering, Shri D.
Ganapathy, Shri
Gandhi, Shri M.M.
Ganga Devi, Shrimati
Ganpat Sahai, Shri
Ganpati Ram, Shri
Gautam, Shri C.D.
Ghosal Shri Aurobindo
Ghosh, Shri M. K.
Ghosh, Shri N. R.
Godsora, Shri S.C.
Gohokar, Dr.
Gounder, Shri K. Periaswami
Govind Das, Dr.
Guha, Shri A.C.
Gupta, Shri C.L.
Gupta, Shri Indrajit
Gupta, Shri Ram Krishan
Hajarnavis, Shri
Harvani, Shri Ansar
Hathi, Shri
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Iqbal Singh, Sardar
Jadhav, Shri Yadav Narayan
Jagjivan Ram, Shri

Jain, Shri A.P.
Jain, Shri M.C.
Jaipal Singh, Shri
Jedhe, Shri G.K.
Jena, Shri K.C.
Jhunjunwala, Shri
Jinachandran, Shri
Jogendra Sen, Shri
Jogendra Singh, Sardar
Joshi, Shri Liladhar
Joshi, Shrimati S
Jyotishi, Pandit J.P.
Kalika Singh, Shri
Kamal Singh, Shri
Kamble, Dr.
Kanakasabai, Shri
Kar, Shri Prabhat
Karmarkar, Shri
Karni Singhji, Shri
Kasi Ram Shri V.
Kasiwal, Shri
Kaya, Shri P.N.
Kedaria, Shri C.M.
Kesar, Dr.
Khan, Shri Osman Ali
Khan, Shri Sadath Ali
Khan, Shri Shahnewaz
Khimji, Shri
Khawaja, Shri Jamal
Kiledar, Shri R.S.
Kistaiya, Shri
Kodiyan, Shri
Koratar, Shri
Kotoki, Shri Liladhar
Kottukapally, Shri
Krishna, Shri M.R.
Krishna Chandra, Shri
Krishna Rao, Shri M.V.
Krishnappa Shri M.V.
Kumbhar, Shri
Lachhi Ram, Shri
Lachman Singh, Shri
Lahiri, Shri
Laxmi Bai, Shrimati
Lonikar, Shri
Madhok, Shri Balraj
Mafida Ahmed, Shrimati
Mahanty, Shri
Maiti, Shri N.B.
Majhi, Shri R. C.
Majithia, Sardar

[Division No. 3

Maleviya, Shri K.D.
 Malhotra, Shri Inder J.
 Malliah, Shri U.S.
 Mallik, Shri D. C.
 Malviya, Shri Motilal
 Manaen, Shri
 Mandal, Shri J.
 Mandal, Dr. Pashupati
 Maniyangadan, Shri
 Masuriya Din, Shri
 Mathur, Shri Harish Chandra
 Matin, Qazi
 Mehdi, Shri S.A.
 Mehta, Shri B.G.
 Mehta, Shri J.R.
 Mehta, Shrimati Krishna
 Melkote, Dr.
 Menon, Shri Krishna
 Minimata Shrimati
 Mishra, Shri Bibhuti
 Mishra, Shri L. N.
 Mishra, Shri M. P.
 Mishra, Shri R.R.
 Mishra, Shri S.N.
 Misra, Shri B. D.
 Misra, Shri R.D.
 Parvathi Krishnan, Shrimati
 Mohammad Akbar, Shaikh
 Mohammed Ima'r Shri
 Mohideen, Shri Gulam
 Mohiuddin, Shri
 Morarka, Shri
 Mukerjee, Shri H. N.
 Mullick, Shri B. C.
 Muniswamy, Shri N. R.
 Murmu, Shri Paika
 Murthy, Shri B. S.
 Musafir, Giyani G. S.
 Nadar, Shri Thanulingam
 Nair, Shri C. K.
 Nair, Shri Kuttikrishnan
 Nair, Shri Vasudevan
 Naldurgkar, Shri
 Nallakoya, Shri
 Nanda, Shri
 Nanjappa, Shri
 Narasimhan, Shri
 Narayanasamy, Shri R.
 Naskar, Shri P. S.
 Nathwani, Shri
 Nayak, Shri Mohan
 Negi, Shri Nek Ram
 Nehru, Shri Jawaharlal
 Nehru, Shrimati Uma
 Onkar Lal, Shri
 Oza, Shri
 Padam Dev, Shri
 Pahadia, Shri
 Palaniyandy, Shri
 Pande, Shri C. D.
 Pandey, Shri K. N.
 Pangarkar, Shri
 Panigrahi, Shri Chintamani

AYES

Panna Lal, Shri
 Parmar, Shri Deen Bandhu
 Parulekar, Shri
 Parvathi Krishnan, Shrimati
 Patel, Sushri Maniben
 Patel, Shri N. N.
 Patel, Shri P. R.
 Patel, Shri Rajeshwar
 Patil, Shri Balasaheb
 Patil, Shri R. D.
 Patil, Shri T. S.
 Patil, Shri U. L.
 Pattabhi Raman, Shri C. R.
 Pillai, Shri Anthony
 Prabhakar, Shri Naval
 Proddhan, Shri B. C.
 Radha Mohan Singh, Shri
 Radha Raman, Shri
 Raghunath Singh, Shri
 Raghuramaiah, Shri
 Rahman, Shri M. H.
 Rai, Shrimati Sahodrabai
 Rajendra Singh, Shri
 Rajendra Pratap Singh, Shri
 Ram Garib, Shri
 Ram Saran, Shri
 Ram Shankar Lal, Shri
 Ram Subhag Singh, Dr.
 Ramakrishnan, Shri P. R.
 Ramananda Tirtha, Swami
 Ramaswamy, Shri S. V.
 Ramaswamy, Shri K. S.
 Ramaswamy, Shri P.
 Ramaul, Shri S. N.
 Ramdhani Das, Shri
 Ramesh Prasad Singh, Shri
 Rampure, Shri M.
 Ranbir Singh, Ch.
 Rane, Shri
 Rangaroo, Shri
 Rao, Shri Jaganatha
 Rao, Shri Madhusudan
 Rao, Shri Rajagopala
 Rao, Shri Thirumala
 Raut, Shri Bhola
 Reddy, Shri K. C.
 Roy, Shri Bishwanath
 Rungsung Suisa, Shri
 Rup Narain, Shri
 Sadhu Ram, Shri
 Sahu, Shri Bhagabat
 Sahu, Shri Rameshwar
 Saigal, Sardar A. S.
 Samanta, Shri S. C.
 Samantsinhar, Dr.
 Sarma, Shri A. T.
 Satish Chandra, Shri
 Satyabhama Devi, Shrimati
 Selkar, Shri
 Sen, Shri A. K.
 Sen, Shri P. G.
 Shah, Shrimati Jayaben
 Shah, Shri Manabendra
 Shah, Shri Manubhai
 Shakuntala Devi, Shrimati
 Shankar Deo, Shri
 Shankaraiya, Shri
 Sharma, Shri D. C.
 Sharma, Pandit K. C.
 Sharma, Shri R. C.
 Shastri, Pandit H.
 Shastri, Shri Prakash Vir
 Shastri, Swami Ramanand
 Shivananjappa, Shri
 Shobha Ram, Shri
 Shree Narayan Das, Shri
 Siddananjappa, Shri
 Singh, Shri D. N.
 Singh, Shri D. P.
 Singh, Shri H. P.
 Singh, Shri L. Achaw
 Singh, Shri M. N.
 Singh, Shri P. N.
 Sinha, Shri Anirudh
 Sinha, Shri Gajendra Prasad
 Sinha, Shri Jhulan
 Sinha, Shri K. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwari
 Sinhasan Singh, Shri
 Sntak, Shri Nardeo
 Soman, Shri
 Soren, Shri Debi
 Subbarayan, Dr. P.
 Subramanyam, Shri T.
 Sugandhi, Shri
 Sultan, Shrimati Maimoona
 Supakar, Shri
 Sumat Prasad, Shri
 Sunder Lal, Shri
 Surya Prasad, Shri
 Swaran Singh, Sardar
 Syed Mahmud, Dr
 Tahir, Shri Mohammed
 Tangamani, Shri
 Tantia, Shri Rameshwar
 Tariq, Shri A. M.
 Thakore, Shri M. B.
 Thomas, Shri A. M.
 Tiwari, Pandit Babu Lal
 Tiwari, Shri R. S.
 Tiwari, Pandit D. N.
 Tula Ram, Shri
 Tyagi, Shri
 Uike, Shri
 Upadhyay, Pandit Munishwar Datt
 Upadhyaya, Shri Shiva Datt
 Valvi, Shri
 Varma, Shri Ramsingh Bhai
 Venkatasubbaiah, Shri
 Verma, Shri Ramji
 Vijaya Anand, Maharejkumar
 Viswanath Prasad, Shri
 Vyas, Shri R. C.
 Vyas, Shri Radhetal
 Wasnik, Shri Balkrishna
 Wilson, Shri J. N.

Mr. Speaker: Any other hon. Member whose vote has not been recorded? .. None. The result of the division is:

Ayes .. 343

Noes Nil

The Ayes have it.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Some Hon. Members: Let us declare it a holiday now.

15.25 hrs.

REPRESENTATION OF THE
PEOPLE (AMENDMENT)
BILL

The Deputy Minister of Law (Shri Hajarnavis): On behalf of Shri A. K. Sen I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, and to make certain minor amendments in the Two-Member Constituencies (Abolition) Act, 1961, be referred to a Select Committee consisting of Shri Amjad Ali, Choudhry Brahm Perkash, Shrimati Renu Chakravarty, Shri R. Ramathan Chettiar, Shri Shree Narayan Das, Shri M. L. Dwivedi, Shri Aurobindo Ghosal, Shri R. M. Hajarnavis, Shri Bal Raj Madhok, Shri Jaswantraj Mehta, Shri Jaganatha Rao, Shri Ajit Singh Sarhadi, Shri M. Shankaraiya, Shri M. S. Sugandhi, Shri Asoke K. Sen with instructions to report by the 19th August, 1961."

This Bill as I have already stated, aims at making certain amendments, firstly in the Representation of the People Act, 1950, which is concerned with the registration of electors. Secondly, it seeks to make certain amendments in the Representation of the People Act, 1951, which as hon. Members know concerns itself with the holding of elections. Thirdly, there is a very small technical amendment in the Two-Member Constituencies (Abolition) Act, 1961. Most of these amendments, the House will be glad to know, carry out the recommendations made by the Chief Election Commissioner in his various reports. Their chief purpose, firstly, is to secure to every elector his right to vote and, secondly, to make the elections, if possible, simpler and speedier. I will briefly indicate where the changes are suggested and what the effect of these suggestions is.

The first change is the abolition of sub-sections (4) and (5) of section 23 of the Representation of the People Act, 1950. The reason for this is that there is at present no appeal against the order of the Electoral Registration Officers under section 22 amending, transposing or deleting an entry in the electoral rolls. There was one limited kind of appeal which had been provided, namely, the appeal against rejection of an application. If a name was added by grant of an application or if any other order except that of rejection was made, there was no provision for appeal. An appeal has therefore been provided against every order made by the Electoral Registration Officer under the next clause, that is, Clause 3. There it has been said, namely,—

"An appeal shall lie within such time and in such manner as may be prescribed—

(a) to the Chief Electoral Officer, from any order of the Electoral Registration Officer under section 22 or section 23.