

MR. CHAIRMAN: It is not necessary, I cannot make any announcement at the moment

. SHRI M. S. GURUPADA SWAMY: I want you to consider.

MR. CHAIRMAN: The matter will have to be considered by the Government although I cannot say I am very happy that you have made a portion of the subject of discussion at a secret session public.

THE PONDICHERRY (ADMINISTRATION) BILL, 1962

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI LAKSHMI MENON): Sir, I move:

"That the Bill to provide for the administration of Pondicherry and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration".

Sir, in moving this Bill for consideration, I would like to point out that the House is already aware that the administration of the French Establishments of Pondicherry, Karikal, Mahe and Yanam was vested in the Government of India with effect from 1st November, 1954, following the agreement between the Government of India and France. The Treaty of Cession was signed in 1956. The Treaty ceded full sovereignty to the Government of India. It came into force after ratification on 16th August 1962 when these Establishments became a part of the Indian Union. In order to specify these Establishments and to amend Article 240 of the Constitution to confer powers on the President to make regulations for their peace, progress and good government, the Fourteenth Constitutional Amendment was passed in the last Session. The Constitution (Fourteenth

Amendment) Bill, 1962 can secure the consent of the President only if not less than half the number of States ratified, the amendment. So far, Kerala, Madras, Jammu and Kashmir, U.P. and Rajasthan have ratified the Amendment. We are waiting for the rest. Unless and until the Bill becomes law, no regulation can be promulgated in respect of Pondicherry under Article 240 of the Constitution. It was therefore found necessary to provide for the continuance of existing laws and officers and also to take power to extend appropriate Indian enactments to the Union Territory and to provide for the extension of the jurisdiction of the High Court of Madras to Pondicherry as the jurisdiction of the French courts had ceased with effect from 16th August 1962. An Ordinance therefore was promulgated, called the Pondicherry (Administration) Ordinance, 1962 (No. 8 of 1962) *on 6th November, 1962. As required by Article 123 (2) of the Constitution, now the Pondicherry (Administration) Bill, 1962 is moved for consideration and passing in order to replace that Ordinance,

The House will note that clause 3 of the Bill lays down that existing officers and instruments during the *de facto* period will continue to do the same function as before in the interests of smooth administration. Some of the Indian laws considered essential were already extended to these Territories under the Foreigners' Jurisdiction Act. Clauses 9 to 17 relate to the extension of the jurisdiction of the High Court of Madras. The House is aware that there are sections in Pondicherry which were opposed to the extension of the jurisdiction of the Madras High Court to Pondicherry. The Government have given adequate consideration to their point of view and have decided that the best thing that we can do is to extend the jurisdiction of the High Court of Madras to Pondicherry. This objection is really based on the fear that this would expedite the merger

of Pondicherry with Madras. I would like to inform the House that such a fear is unfounded because the Prime Minister in his various pronouncements in the House as well as outside, categorically stated that no change will take place without the express wish of the people of Pondicherry. If there are any difficulties in giving effect to the provisions of this Bill, the Central Government under clause 19 takes power for the removal of these difficulties. On the whole, it is a very simple Bill and an enabling Bill and the fact that Members did not think it worth-while to move amendments shows that they are in full agreement with the contents of the Bill. I hope the hon. House will pass the Bill without much debate.

The question was proposed

PROF. M. B. LAL (Uttar Pradesh): Sir, I rise to support this Bill on behalf of the Praja Socialist Party but I would like to invite the attention of the Government to clause 17 which runs as follows: —

"For the purpose of facilitating the application of any law in relation to Pondicherry, any court or other authority may construe any such law in such manner not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority."

In this clause, I wish to invite the attention of the House and the Government to the word "authority".

To the best of my knowledge, this word "authority", which is a technical word, is not interpreted in the General Clauses Act. This word "authority" is also not defined in this Bill now under our consideration. So the word "authority" will lack proper legal definition. It may be possible for some of us to say that "authority" here means only an authority similar to a law court. But

it is also possible to argue that the word "authority" may mean even executive authority. It may mean not only high officials of the State, but it may mean also an ordinary officer of the State, such as a Superintendent of Police or perhaps a Police Sub-Inspector. I do feel, Sir, that when a territory is added to the country and when laws are applied to that territory, they can be applied with suitable adaptations. Laws that are passed for the whole country may not suit that territory and may need certain adaptations. That is why, Sir, when the Government of India Act of 1935 was passed by the British Parliament, and a federal type of government was intended to be established and the Indian Constitution was finalised by the Constituent Assembly, the Central Government was empowered to make suitable adaptations in the laws that had so far been passed. That is also the reason why in the case of many Acts passed by the British Parliament for India and in many Acts passed by the Central Legislature, the Central Government was authorised and perhaps the Provincial Government was also authorised to apply certain laws to certain territories with the necessary adaptations and modifications. But that authority to adapt a law to suit requirements is always entrusted to some authority like the Central Government or the Provincial Government. This authority, I beg to submit, cannot be extended to any ordinary officer of the State who may be deemed as an authority under the Act in the absence of any clear definition of the word "authority", either in this Bill or in the General Clauses Act. I will, therefore, beg the Government to take this point into consideration and either satisfy this House or introduce certain modifications. I have raised this objection not with a view to hindering the enactment of this Bill, but with a view to seeing that in our enthusiasm for enacting a Bill of this character, we do not commit a mistake.

[Prof. M. B. Lai.]

I need not say, Sir, that today when India is faced with a massive attack by Communist China, when a large part of Indian territory has been occupied by an army which is wrongly described as a liberation army, it is a matter of great satisfaction for us all to see that France handed over to us its possessions in India so peacefully and in such a friendly manner. We are grateful to France for this act of friendship. We are also grateful to France for extending to us their sympathies in this hour of crisis and for promising assistance to us in our struggle. I feel, Sir, the House is fully prepared to endorse the commitment made by our distinguished Prime Minister to the French Government when this transfer was executed by the French Government and I am sure the country, the entire nation, would stand by that commitment.

Sir, I am reminded of the contribution of France to the civilization and culture of the world. I am reminded, Sir, on this occasion, of the great thinkers of France who contributed not only to the development of French culture and French thought but to the development of modern political thought and to the enrichment of our culture. Bodin is recognised by all thinkers of the world as the father of modern thought. It is Montesquieu, Sir, again a great French thinker, who is recognised as the father of the philosophy of history, though there are a number of sociologists who do recognise that much before Montesquieu, the great Asian, Ibn Khaldun, laid the foundations of the philosophy of history. Sir, I am also . . .

Aw. HON. MEMBER: Asian or African?

PROF. M. B. LAL: I may say Asia-African thinker. I don't mind.

SHRI ANANTH ARORA (Uttar Pradesh): That corresponds to the times.

PROF. M. B. LAL: I am also reminded of the contribution that French

thinkers and the French people have made to the development of democracy and the propagation and promotion of democratic values in the world. Though about the end of the seventeenth century the Bill of Rights was enacted by the British Parliament containing certain fundamental rights of the people, I think the French philosophers can claim credit for having laid stress on the natural rights of man and French statesmen can claim precedence over others for embodying those natural rights of man in one of their Constitutions. There has been a considerable change in the concept of natural rights since then but even today thinkers do recognise that man has certain rights which are to be preserved by all States, which ought to be respected by all.

श्री श्री भद्र याजी (बिहार) : उनको सम्प्रदाय के बारे में अलग-अलग बातों को ज्यादा ज्ञान है।

PROF. M. B. LAL: I do not think, Sir, I am irrelevant when I am talking. I hope Mr. Yajee will not make irrelevant interruptions.

I do feel that the nation owes, the world owes, to French philosophers like Rousseau a great debt of gratitude for the concept of democracy. I am also reminded, Sir, that sociology is a very important subject of human study and has made considerable contribution to the knowledge of humanity. Comte can claim to be the father of sociology. As a socialist I owe a debt of gratitude to St. Simonians and Louis Blanc who, along with Thomas More and Robert Owen, laid the foundation of the thought of democratic socialism. I believe even Marx accepted . . .

SHRI BHUPESH GUPTA (West Bengal): Start with Voltaire.

PROF. M. B. LAL: You may be a little lower of Voltaire, I am not

SHRI BHUPESH GUPTA: I said, "Start with Voltaire".

PROF. M. B. LAL: . . . and expressed indebtedness to French revolutionaries and French thinkers. Even today, even in the twentieth century, the French can claim to produce persons like Romain Rolland who belonged to no country, who belonged to no continent but who belonged to the whole world and who stand for the entire humanity.

SHRI BHUPESH GUPTA: Is the hon. Minister taking notes?

PROF. M. B. LAL: Taking all these factors into consideration, I do feel. Sir, that if Pondicherry continues to be the centre of French culture. Pondicherry would contribute to the enrichment of Indian culture, to the enrichment of world culture.

With these words, Sir, I support the motion moved by the hon. Minister.

SHRI ARJUN ARORA: It is a great pity, Sir, that the learned professor did not say that the continuance of French rule in Pondicherry was contrary to all the noble traditions of France.

PROF. M. B. LAL: That I left to you because you still harp on old imperialisms and are not prepared to see the new imperialism that is developing in Asia.

MR. CHAIRMAN: No further remarks, please.

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Chairman, this is a joyous occasion for us. After centuries of separation from the motherland Pondicherry has returned *de jure* to the motherland. It returned to the motherland *de facto* some years back as the hon. Minister said. It has now returned *de jure* to the motherland. Pondicherry is associated in our minds with one of the greatest leaders of the nationalist movement, one of the greatest leaders of thought that this country has produced, I mean

the revered Aurobindo Ghosh. He had his ashram there and that ashram is a place of pilgrimage for the people of this country. Credit, Mr. Chairman, is due to the government of General de Gaulle for having solved the question of Pondicherry in a manner befitting the great French people. France is a great country with traditions of liberty, freedom, equality and fraternity. The French; people in the past have made great sacrifices in the cause of human freedom and they are not to be equated with the Portuguese. It would indeed have been strange if the country of the Voltaire and Rousseau, if the country of Augustus Comte, Romain Rolland and Jean-Paul Sartre had behaved in a manner differently from what General de Gaulle has behaved.

Now, the Bill before us seeks to replace the Ordinance which was promulgated by the President for the administration of the Union Territory comprising Pondicherry, Karikal, Mahe and Yanam. I would like to say that the judicial and the legal system in France and in French administered areas is different in some of its basic concepts from that with which we are familiar. They have, as you, Mr. Chairman, are no doubt aware, the *Droit Administratif*. That system has come in for a great deal of comment from British writers and thinkers but it is a great system and the French have a jurisprudence of which they can be legitimately proud. Now, we are providing for jurisdiction over Pondicherry to be exercised by the Madras High Court. One of the regrettable features of our legal educational system is that most of us are not familiar with systems of jurisprudence other than the British system of jurisprudence and it is necessary that in order that there might be some continuity in the administration, of Pondicherry law* there should be some lawyers appointed to the Madras High Court as Judges who would know the system of administering the law as it is understood by France. Their system

[Shri P. N. Sapru.]

of criminal procedure and criminal administration is different in certain vital respects from that which obtains in Britain from which we have borrowed our system of jurisprudence. Officials, under the French administrative law, are considered as a class distinct and apart from the community. It does not mean that the individuals or the community have got no rights but the way those rights can be enforced is different and they have in France the Courts of Cassation, the Court of the Council of the State and an Arbitration Court. Reference has been made to the question of jurisprudence between the Courts of Cassation and the Council of State. In order that there might be some continuity in the administration of justice in those territories of Pondicherry, etc., it is necessary that some lawyers should be appointed who are familiar with French concepts of law. I have no doubt that you will be able to find in Pondicherry citizens and lawyers who can render a good account of themselves as Judges. I would, therefore, make this suggestion to the hon. Minister.

The second point I would like to emphasize is that Pondicherry should be made, a great centre for the study of French culture and French civilization.

SHRI SHEEL BHADRA YAJEE: What for?

SHRI P. N. SAPRU: My friend, I suppose, would like to have no culture other than the Vedic culture but now we are living in the twentieth century and not in some pre-historic period of which some of us are good examples. Therefore I would like a University which emphasizes French culture and French civilization to be established in Pondicherry. That is a permanent contribution which this country can make to the development of contacts with the French people. We need indeed to have some diplomats who have knowledge of modern

European languages. One of the reasons why we cannot get large numbers of our young men employed in the United Nations Secretariat is that they are unacquainted with modern European languages. The languages recognised by the United Nations are, as you know, English, French, Spanish, Russian and, unfortunately, Chinese.

An. HON. MEMBER: German.

San P. N. SAPRU: No; German is not recognised. For certain purposes Arabic is also recognised by the United Nations. These are languages which need to be emphasized by us in the interests of our own cultural development because science has made great advances. Not only in the literary field, not only in the realm of philosophy, not only in the realm of medicine but also in the realm of legal thought generally, advances have taken place.

Reference was made by my friend, Prof. M. B. Lai, to the fact that he had difficulty in the interpretation of the word "authority". He pointed out—and I think rightly—that the word "authority" is not defined in the General Clauses Act. That word "authority" finds a place in some of our statutes and I may just point out that it is referred to in article 226 of the Constitution. I will just invite your attention to article 226;

Notwithstanding ... the High Court shall have power ... to issue to any person or authority, including in appropriate cases any Government"

Therefore as contemplated by the Constitution "authority" is somewhat different from Government. It includes Government but the definition of authority, as it is there in this article, is not synonymous with Government.

PRO^{*}. M. B. LAL: I beg to submit that Mr. Sapru's interpretation of the

word "authority" has not solved my difficulty. It has only increased my difficulties.

SHRI P. N. SAPRU: I did not say it had; I was only supplementing those remarks. However, I do not think that it is necessary to define every word which finds its way in a statute. Something has to be left to the interpretation of judges and courts. The courts exist to interpret our laws and I think it is a good principle of draftsmanship not to attempt a too precise definition of every term which finds a place in a statute. From that point of view I cannot find anything wrong in the Bill as it has been worded.

PROF. M. B. LAL: Sir, Mr. Sapru..

MR. CHAIRMAN: I hope you don't mind his expressing his view.

PROF. M. B. LAL: He is a jurist and I am just raising my objection so that he can meet the objection and I may be fully satisfied. Not that I am objecting to his expressing his opinion. I only wish to point out my difficulty so that he can clarify it.

MR. CHAIRMAN: You have made the position absolutely clear and the Minister knows it.

SHRI P. N. SAPRU: I have made it clear that I appreciate the point of view of Prof. Mukat Behari Lai but my submission is that it is undesirable in a statute to define every word with precision. Something has to be left for interpretation by judges and courts. It is from that point of view right that the word "authority" should not have been defined in the Bill before us.

SHRI SHEEL BHADRA YAJEE: Leave it vaguely?

SHRI P. N. SAPRU: No codification can be complete. You enact any law as precisely as you can and yet lawyers will be able to pick holes into it. Law is a difficult matter and laws can be interpreted differently by diffe-

rent minds, and it is impossible for a draftsman to find a formula which would meet all criticisms.

SHRI SHEEL BHADRA YAJEE: We cannot leave it vague. We are lawmakers.

SHRI P. N. SAPRU: My friend imagines that he is a law-maker. I am rather nervous of describing myself as a law-maker because in making laws I might be committing many blunders. Therefore my approach to this question is of a more modest character and I think that Government draftsman cannot be criticised for not having defined the word "authority". I am certain that if and when a case comes up before courts of law, they will be able, after hearing counsel on both sides, to arrive at a satisfactory solution of the problem raised by Prof. Mukat Behari Lai.

Sir, as I said, there are under the French system common law courts presided by the Court of Cassation. Then there is the Council of State which decides questions between the State and the private citizen and there are arbitration courts which decide questions of conflict before them. The arbitration courts are presided over by the Minister of Justice. In France you have no law of evidence. Witnesses come and give their story to the court and it is for the court, after witness has been examined and after the cross-examination is complete, to decide what is or what is not relevant. Under the French system trials are held not by one judge but by three judges and their jury system is also different from the jury system as it exists in Britain. I do not want to go into the niceties of the French administration, although it is interesting to do so. But I would say that since these differences exist and since these differences must have been existing in Pondicherry, it is desirable to associate Pondicherry lawyers with the administration of justice. I hope steps will be taken to appoint some judges from the Pondicherry Bar to the High Court.

[Shri P. N. Sapru.]

Lastly, I would like to take this opportunity to make a plea for the representation of Pondicherry in the Council of States. Fortunately now Pondicherry is a State. Though it is a territory, it has all the rights of a State. It is going to be given a Legislative Assembly and all that. It is right that it should have representatives not only in the House of the People which represents the people of the country, but also in the Council of States which represents the States as contrasted with the people. There is no constitution of a federal or quasi-federal character which has, so far as I know, been able to do away with a second chamber such as we have under our Constitution. Even under the Soviet Constitution there is a Chamber of Nationalities and I am rather sometimes amused to find that attacks are made against this Council and that some people think that it is an unnecessary waste of expenditure to have the paraphernalia of a second chamber such as we have in this country.

Thank you very much for giving me this opportunity to speak on this Bill.

PROF. A. R. WADIA (Nominated): Mr. Chairman, I have not much to say on this Bill, but I cannot resist the temptation of congratulating the Government on the very fine statesmanship they have displayed in bringing forward this Bill. We are all aware that France was generous when she gave up her rights to her cities in India, but while doing so we made it a condition that the French culture and French administration would continue so as to cause very little damage or interference with the life of the people. I am glad that this promise has been fulfilled by the Government of India. After all, the people of these cities have been accustomed to a certain way of life for the last two centuries and any sudden change in that life would have caused a great deal of inconvenience and hardship to the people. That has been very finely

avoided. I especially appreciate the statesmanship of our Government when I remember that we all feel at the present time the need of more and more integration in the life of India, but there are, of course, palpable limits. I am particularly happy that no attempt has been made to impose prohibition on these cities, because it does not convert sinners into saints but only converts respectable citizens into criminals.

Now, much as I appreciate the present Bill, I cannot say that this should continue indefinitely for all time. The cities are scattered in different parts—one is in Kerala—and therefore you will not find this system of administration very convenient to continue for all time. I am perfectly certain that in the years to come as the people of these cities become more and more embroiled with the larger life—maybe of Madras, maybe of India—they themselves may feel the necessity of modifying the present system of administration and I am perfectly certain that time will do its work. The hon. Minister has assured us that there is not the slightest intention on the part of the Government to impose on these cities any merger with Madras or any other State, but I should have been happy if the door had been left open in this Bill and a provision had been made for the appointment of a commission, say, after ten years or even, after 25 years, to find out the will of the people of Pondicherry and the other cities, viz., whether they would like to continue under the present system or they would like to join in the larger life of India and Madras. I think such a provision would have been extremely well conceived and it should not have been regarded even by the French people as an imposition.

There is one other point to which I should like to refer. I was surprised to find some time ago a very highly educated lady from Pondicherry, who is a graduate of whatever university exists in Pondicherry, and it was her complaint that in spite of her quali-

flications she was not considered eligible to be appointed to any post by the Government of India. One possible objection to such graduates is that they will not be knowing English well, but this particular lady spoke English as well as any one of us and I am really very much surprised that she should be left with a sense of grievance that although she is now a citizen of India, she is not eligible to be appointed by the Government of India. There is something wrong somewhere and I should be very happy if the hon. Minister will look into this and see that graduates of France who are qualified to be appointed to any post like any other citizen of India are so appointed.

Well, Sir, with these few remarks I once again congratulate the Government on the great statesmanship they have displayed in this Bill

SHRI P. RAMAMURTI (Madras): Mr. Chairman, I am sorry to say that I have to strike a discordant note.

SHRI ARJUN ARORA: That is your profession.

SHRI P. RAMAMURTI: I was expecting that after the *de jure* transfer of Pondicherry, the time had come when the Government would try to apply the laws that are applicable in this country to Pondicherry also. There has been enough time. The *de jure* transfer took place very recently. But even before the *de jure* transfer took place, there has been nearly six years of *de facto* transfer and a sort of *Trisanku Swarga* as we call it, has been in existence there. The people of Pondicherry did not know whether in a particular matter it was the French law that was applicable or the Indian law that was applicable. That was the position before the *de jure* transfer took place. But now after the *de jure* transfer has taken place, all that we find is the Bill before the House, which provides for the continuation of all the laws that existed on the date of the *de jure* transfer, which means that the

courts of Napoleon will continue to be in existence and that all the other criminal and civil laws that have been there will continue to be in existence.

Dr. Sapru of course has told us very much about the French jurisprudence. I am not very conversant with that, but all I know is that the common people there in Pondicherry have been suffering under the Criminal Procedure Code that exists there. There is no such thing as cognisable offence or non-cognisable offence. For example, the moment a respectable person goes to a police office* and complains that somebody had just abused him, the police officer need not go and enquire into the whole matter, but immediately the man is arrested and put in jail. This is the particular system that is prevailing there.

AN HON. MEMBER: Who is put under arrest?

SHRI P. RAMAMURTI: The man complained against, obviously the man complained against. The police need not go and enquire into the veracity of that complaint. The moment somebody goes and complains even for just abusing, and if according to the police the person complaining is a respectable person, then the man complained against is immediately put in jail. Bail is not an easy thing there. This is the type of jurisprudence, this is the type of criminal law that has been there in Pondicherry all these years. It is of course a fact that the French Government was not exploiting this territory as it used to do, for example Viet Nam and other places, because this was supplying them officer corps for their various overseas establishments. It is not as if the French Government was taking a lot of money out of this establishment, but this establishment was supplying them the officer corps for their exploitation of other colonies. This was the historical role of Pondicherry, but nonetheless it is precisely because of this kind of criminal law that existed

[Shri P. Ramamurti.] there that the people of Pondicherry were in the forefront of the struggle for freedom. I should have thought that today the time has come when by a simple enactment our Government would come forward to say that whatever might have happened before—offences that might have been committed before the date of the *de jure* transfer might be tried under the French law—at least hereafter the Indian Criminal Procedure Code will apply to these areas, that the Indian Penal Code will apply to these areas. And certain other laws that are applicable in India must be made applicable to Pondicherry at least from now. I do not see any reason why this should not be done, I do not see what prevents us from doing this. For example, there is no question of gradual transfer and people getting accustomed to it and all that. In regard to our Criminal Procedure Code and the rights that are given under it, I do not think that those people will find it extremely difficult to get accustomed to it. That is why I say that I have to strike a discordant note.

Now, Sir, the Bill provides that the High Court will exercise all the powers—I shall read the relevant provision:

"10(2). All appeals and other proceedings*** shall, by virtue of this Act, stand transferred to the High Court and shall be disposed of by the High Court in the exercise of jurisdiction conferred on it by this Act, as if such appeals and other proceedings had been filed before the High Court.

.Explanation.—All appeals and other proceedings filed before the appointed day but not transmitted to the Cour de Cassation or the Cour Supérieure J* Arbitrage or the Conseil d'Etat shall be deemed to be appeals or proceedings, as the case may be, pending before that Court for the purposes of this sub-section."

That means before the High Court I would like to know what happens to the jurisdiction of the Supreme Court. For example, the Cour de Cassation which is there in France corresponds to our Supreme Court here. I would like to know whether the people of Pondicherry are going to be deprived of the right to go to the Supreme Court in appeal against a decision of the High Court as, for example, an Indian citizen is under the ordinary laws entitled here. I would like to know what exactly the position is. It is not very clear at all. All that it says is . . .

SHRI A. D. MANI (Madhya Pradesh): Any High Court's decision is capable of revision by the Supreme Court, and this applies to not only a High Court; but any Tribunal set up under the law. So they have a right of appeal.

SHRI P. RAMAMURTI: It is one thing to say that it is capable of revision by the Supreme Court, and it is another thing for an accused to go to the Supreme Court by way of right. For example, I can today ask for the leave of the High Court in a particular case involving a substantive question of law and on that basis ask for leave to go to the Supreme Court. That is not the case here. That is why I would like to know what exactly the position is. I feel that clear-cut provisions have not been made.

Then, Sir, much was made about French culture and all that. I am not competent to speak about that. All that I know is that after all these long years of French administration the number of people who are French graduates, who are graduates of the University there, is hardly about half a per cent. I for one do not know what is meant by French culture, I do not know what exactly this is. Let us not talk about French culture, French administration, and so on, as far as the people there are concerned. Their culture is the Tamil culture or Malayalam culture or the culture of the Andhras, in Madras, for instance,

their daily life, their way of life is all akin to the Andhra way of life. There is no French way of life so far as this area is concerned. Therefore, •Let us not make too much of this French way of life or French administration that was imposed there. I wish that people who speak like this had gone there and seen the way of life of the people in Pondicherry and Karikal, seen the way of life of the people of Mahe, seen the way of life of the people of Yanam. Then they would understand that the way of life of the people in these three different areas is nothing but the way of life of the people in the adjoining Andhra or Kerala or Tamilnad. That is the position. Therefore, I would like to know how long this is going to continue. It is provided here in clause 4(2): —

"For the purpose of facilitating the application of any such law in relation to the administration of Pondicherry and for the purpose of bringing the provisions of any such law into accord with the provisions of the Constitution, the Central Government may, within three years from the appointed day, by order, make such adaptations and modifications", etc.

That means that we are not even giving an assurance that some time in the future, maybe within the course of a year or so, the Indian laws will be made applicable to Pondicherry. No such assurance is given, and we do not know whether this thing is going to continue. Are we going to have in this country three types of citizens; one type of citizens to whom the Indian law is applicable, another type of citizens to whom the French law is applicable, and probably a third type of citizens to whom the Portuguese law is applicable? Are we going to perpetuate this state of affairs in this country? That is why I would urge upon the Government to think about this question. The time has come when at least in respect of the criminal law, a law that is applicable to the rest of the country, it must be made applicable here. I do

not know whether this Bill has been brought for the sake of the few lawyers that are there in Pondicherry. By the adoption of this Bill what is going to be the position? Dr. Sapru, for example, said that there must be a Judge in the Madras High Court from Pondicherry, one from the lawyers of Pondicherry. How does it arise? It arises precisely because the High Court Judge has to pronounce judgment on the basis of two sets of laws. This is something which is absolutely unnecessary. There are enough lawyers in Pondicherry and many of them can certainly go and practise there. If there is an appeal, those people will have to go. The lawyers who are practising in Paris are not going to come here for these appeals. Half a dozen lawyers from Pondicherry have to come to Madras for the purpose of these cases. So, this is an incongruity. The sooner this incongruity is put right the better. I do not want to go into other aspects of this question, but as far as this law is concerned, the sooner the laws of Pondicherry territory are brought in line with the laws that are there in the rest of the country, the better for us and the better for the people of Pondicherry. Thank you, Sir.

SHRI K. SANTHANAM (Madras): Mr. Chairman, in order to save the time of the House I associate myself wholeheartedly with the tributes to France paid by Prof. M. B. Lai, Dr. Sapru and Prof. Wadia. I shall say a few words regarding the Bill. But before I do so, I was rather surprised that such an intelligent Member as the previous speaker should have forgotten that it was only a short time ago that we passed an elaborate Constitutional amendment empowering Parliament to make for fuller administration of all the territories including Pondicherry.

1 P.M.

And the hon. Minister said that the Constitutional amendment had not become effective and that therefore this Bill had to be brought in only as an interim measure in order

[Shri K. Santhanam.]

to convert the Ordinance into law. Therefore as soon as the Constitutional amendment has become effective, I have no doubt that the Government will lose no time in bringing forward a proper Bill giving fuller administrative powers as suggested by Prof. Wadia and others. And so it is only as an interim measure that we have to judge it.

Here I want to point out that there seems to be a serious inconsistency between clause 4, clause 8 and clause 18. Clause 4 says: —

"All laws in force immediately before the appointed day in the former French Establishments or any part, thereof shall continue to be in force ..."

Then clause 8 says: —

"The Central Government may, by notification in the Official Gazette extend with such restrictions and modifications as it thinks fit, to Pondicherry any enactment which is in force in a State at the date of the notification."

I doubt if it is possible for the Central Government to extend any notification or law without coming into conflict with clause 4. And I suppose that in order to solve this, clause 18 has been put in, that is: —

"The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law in force in Pondicherry."

Nbw, if it is said in clause 4 "subject to clause 18", then everything would have been all right. Now, clause 4 has got independent validity and clause 18 says: —

"The provisions of this Act shall have effect notwithstanding anything inconsistent therewith ..."

Will clause 18 prevail over clause 4? I doubt whether it will. Then, what

will happen to the Acts and other things which are in force in Pondicherry? I think that there has been some mistake in drafting. I do not know, probably under clause 19 . . .

MR. CHAIRMAN:; Sorry to interrupt you, Mr. Santhanam. Would you take a longer time to finish?

SHRI K. SANTHANAM: No, no. I am finishing in a minute. Therefore I think that steps will have to be taken under clause 19 to solve any contradictions.

Regarding this question of authority, I do not think that there is any contradiction because here it does not refer to adaptations. It specifically says that it is only such things which are not affecting the substance. For instance, the Customs authority may have a different name in Pondicherry and so, in applying the Customs law, the names may have to be equated. It is only in such cases that they can come into force. Therefore subject to these remarks . . .

PROF. M. B. LAL: The power must be given to the Government.

SHRI K. SANTHANAM: It is given in clause 19. With these words, I support the Bill.

MR. CHAIRMAN: The House stand* adjourned till 2.30 in the afternoon.

The House then adjourned for lunch at two minutes past one of the clock.

The House reassembled after lunch at half-past two of the clock, the DEPUTY CHAIRMAN in the Chair.

श्री शीलभद्र याजी : माननीया डिप्टी
चेयरमैन महोदया, मैं इस पांडिचेरी प्रशासन
विधेयक का समर्थन करता हूँ। अभी इस
विधेयक पर बहस के दमियान बहुत सी बातें
आईं, संस्कृति भी आईं, सम्पत्ता भी आईं,

लेकिन जो साम्राज्यवाद है, वह साम्राज्यवाद ही है। यह बड़ी खुशी की बात है कि जो फ्रेंच साम्राज्यवाद है उसे ब्रिटिश साम्राज्यवाद का अनुसरण करने में कुछ देरी हुई, लेकिन देर आयद दुरुस्त आयद। सन् १९६२ में उनको पूरा होश आया कि जो हिन्दुस्तान में पांडिचेरी, कारीकल, माहे और यनम हमारी बस्तियां हैं उनको मुकम्मल आजाद किया जाये। इसलिये हमने संविधान की धारा १४ में जो तरमीम की थी उसमें हमने बताया था कि सिर्फ पांडिचेरी में नहीं बल्कि गोआ, मनीपुर, त्रिपुरा और हिमाचल प्रदेश में जल्दी से जल्दी एक जनता की असेम्बली होगी और मंत्रिमंडल होगा। लेकिन खेद की बात है कि संविधान के मुताबिक जो कई प्रांतीय असेम्बलियां हैं उनका अनुमोदन और उनका रैटिफिकेशन नहीं हुआ है। इसलिये यह जरूरत पड़ी कि यह मौजूदा विधेयक इस सदन के समक्ष उपस्थित किया जाये।

सम्पत्ता और साम्राज्यवाद की जो बातें कही गईं मैं उनके ऊपर जाना नहीं चाहता। जब साम्राज्यवाद ने हमारी इन बस्तियों को १९६२ में समझौते के मुताबिक मुक्त कर दिया है, तो यह जरूरी नहीं था कि इन छोटी छोटी बस्तियों को ले करके प्रांत बनाया जाये। लेकिन हमारे प्रधान मंत्री की और उनकी कुछ बातचीत हुई थी, इसलिये इसका करना बहुत जरूरी है कि पांडिचेरी को एक छोटा सा 'सी' राज्य का स्वरूप देना चाहिये। अभी तो हम इस विधेयक को मानते हैं और आइन्दा भी जो असेम्बली बनाने के संबंध में बिल आने वाला है उसको भी मानेंगे, लेकिन यह जरूरी नहीं है कि कारीकल, माहे, यनम और पांडिचेरी जैसी छोटी जगहों को मिला करके एक प्रांत रखा जाये। ऐसा करने में दो करोड़ रुपये हमारे बेकार खर्च होंगे। इसलिये अभी शुरूआत है और इस संबंध में ध्यान देने की आवश्यकता है। अभी हमारी माननीया मंत्री जी ने कहा कि इस बिल में यह व्यवस्था की गई है कि मद्रास हाई कोर्ट का जुरिस्टिक्शन वहां जायेगा, अधिकार वहां

जायेगा, तो भी इसका मतलब यह नहीं है कि तमिलनाडु या मद्रास में पांडिचेरी का मजूर होगा। लेकिन मंत्री जी कुछ भी कहें, ऐसा जमाना बहुत जल्दी आयेगा जब पांडिचेरी की जनता खुद इसको स्वीकार करेगी और इन बस्तियों में से कोई केरल में जायेगी, कोई कर्नाटक में जायेगी और कोई तमिलनाडु में जायेगी। यह तो होना ही है। अभी चूंकि बहुत से राज्यों का रैटिफिकेशन नहीं हुआ, इसलिये यह जो आर्डिनेंस हमारे राष्ट्रपति ने निकाला उसके मुताबिक यह जरूरी था कि यह विधेयक लाया जाये और इसमें इस तरह की व्यवस्था की जाये।

अभी हमारे माननीय सपू जी ने कहा कि फ्रांस के बहुत से कानून जो वहां लागू हैं और हमारे हिन्दुस्तान के जो कानून हैं, दोनों का एक सम्मिश्रण, एक खिचड़ी वहां होगी। लेकिन सब जगह, हिन्दुस्तान भर में, भारत भर में, एक कानून की व्यवस्था होनी चाहिये। इसलिये मैं मंत्री महोदया से यह दरखास्त करूंगा कि इन बस्तियों के लिये वे इस तरह के कानून की व्यवस्था करें।

श्री प्रकाश नारायण सपू : एक दिन में तो यह नहीं हो सकता।

श्री शीतभद्र राणी : ट्राइबल के लिये टर्नेसी बिल अलग होता है। इसलिये मैं आशा करता हूं कि भारत के अन्य नागरिकों के लिये जैसी व्यवस्था है, उसी तरह की व्यवस्था पांडिचेरी में की जायेगी। अभी चूंकि उनको आजादी मिली है और उनको अपने हाथ में शासन देना है, इसलिये हम इस बिल को कबूल करते हैं। यह बड़ी खुशी की बात है कि यह पांडिचेरी, जिसको मैं मद्रास का पार्ट एंड पार्सल समझता हूं, मद्रास हाई कोर्ट के जुरिस्टिक्शन में आया है। एक सदस्य ने कहा कि यह सुप्रीम कोर्ट में आ सकता है या नहीं। मैं यह समझता हूं कि सुप्रीम कोर्ट में किसी भी भारतीय नागरिक को जाने का अधिकार है। जब हाई कोर्ट का कोई केस होता है तो उसकी

[श्री शील भद्र याजी]

अपील तो सुप्रीम कोर्ट में ही होती है लेकिन इस तरह का अन्देशा हमारे एक माननीय सदस्य ने व्यक्त किया, जो निराधार है।

मैं इस बिल पर और अधिक न कहते हुये केवल एक बात और कहूंगा और वह यह है कि जिस तरह से पुराने साम्राज्यवाद को धीरे धीरे ज्ञान हुआ उसी तरह से जो नया साम्राज्यवाद है, वंगेज खां के वंशज चीनी, उनको भी ज्ञान होकर रहेगा। फ्रेंच साम्राज्यवाद को पांडिचेरी, कारीकल, माहे और यनम में ज्ञान हुआ। पुर्तगाल को गोआ में ज्ञान नहीं हुआ तो उसको वहां से ढकेला गया। आज साम्राज्यवाद और उपनिवेशवाद का जमाना खत्म हो गया है। फ्रांस जैसे देश को भी पांडिचेरी और दूसरी बस्तियों के लिये हमसे समझौता करना पड़ा। आज कोई ताकत किसी देश को अस्त्र के द्वारा गुलाम नहीं बना सकती और न उसकी आजादी खत्म कर सकती है। इसी प्रकार हिन्दुस्तान की भी जो भूमि है, चाहे वह नेफा में हो और चाहे लद्दाख में हो, आज वह हमारे अधिकार से निकल गई है और चीनियों के कब्जे में चली गई है, लेकिन वह उनके पास नहीं रह सकती है। जिस तरह से भारत से ब्रिटिश साम्राज्यवाद को जाना पड़ा, पांडिचेरी से फ्रेंच साम्राज्यवाद को जाना पड़ा और गोआ में भी हमने पुर्तगीज को हटाया और जिस तरह से हमने भारत को आजाद कराया, पांडिचेरी को आजाद कराया और गोआ को आजाद कराया, उसी तरह से जो एक नया साम्राज्यवाद लद्दाख और नेफा में हमारी भूमि लेने की कोशिश कर रहा है और जिसने हिन्दुस्तान पर आक्रमण किया है, उसको इस बिल से, और फ्रांस, ब्रिटिश और पोर्चुगीज साम्राज्यवाद से सबक लेना चाहिये और उसको यह अच्छी तरह से समझना चाहिये कि उनकी जो हकत है वह चल नहीं सकती।

इन शब्दों के साथ मैं इस विधेयक का स्वागत करता हूं और मंत्री महोदया से यह दरखास्त कहूंगा कि संविधान की धारा १४

का संशोधन करके जैसा हमने कहा था कि मनीपुर में, त्रिपुरा में, हिमाचल प्रदेश में, गोआ में और पांडिचेरी में जल्दी से जल्दी असेम्बली बनें, मंत्रिमंडल बनें और जनता के हाथ में सारा अधिकार दिया जाये, उसमें देरी करने की आवश्यकता नहीं है। इमजैसी में सब काम जल्दी जल्दी होता है। यदि हमारी सरकार ने इसी तरह कार्य किया होता तो इस आर्डिनेंस की जरूरत नहीं पड़ती। इसलिये अब कोशिश यह होनी चाहिये कि संविधान की धारा १४ में संशोधन करके 'सी' क्लास राज्यों में जो हमने शासन जनता के हाथ में देने के लिये और सेंट्रल ऐडमिनिस्ट्रेशन को हटा करके जो हमने मंत्रिमंडल और असेम्बली की व्यवस्था की है, उसको हमें जल्दी से जल्दी कार्यान्वित करना चाहिये।

इन शब्दों के साथ मैं फिर इस विधेयक का हार्दिक समर्थन करता हूं।

SHRI BHUPESH GUPTA: Madam Deputy Chairman, comrade Rama-murti has spoken on some of the points that we wanted to make in connection with this debate. Right at the beginning I must say that I do not quite understand this fashionable talk about the French way of life in Pondicherry, Mahe or Karikal. I say it is fashionable talk because those who talk about the French way of life in our country do not perhaps know what the French way of life is in France, nor do they know perhaps what the life is in those areas which are now covered by this Bill. I should have liked to hear Shri C. D. Pande, who, I understand, had spent quite a lot of time in Sorborne and other universities to enlighten us on the subject of the French way of life and then to tell us in what manner and to what extent that life flows to Pondicherry, Mahe and Karikal. Therefore, I think we should not confuse issues here. The issue under discussion is not whether we are going to protect something like the French way of life which, in fact, exists in those areas. Whatever is good in any

culture we naturally cherish. Whatever has been given to us from any culture, any civilisation^ we value and we try to uphold it. That is obvious. In fact, the Indian civilisation has enriched itself through a cultural confluence of many cultures and many ways of life, if you like it that way. But this philosophical discourse will lead us nowhere.

Madam, I tell you that I do not judge the French way of life by the standards which some people would like to set. I have known people in our country who would like to judge the French way of life by the quality of the wine they drink. However, I am not one of them.

SHRIMATI LAKSHMI MENON: How is it relevant to the Bill?

SHRI BHUPESH GUPTA: There were once people in Calcutta who would glibly talk about the English way of life and judge it by the kind of tail-coat they put on. Therefore, I am not concerned with this kind of thing. We have had enough of these ways of life. I think we had better concentrate on what we consider to be the Indian way of life, and that life is here in Delhi. That life is in Madras and that life should be promoted in every way, in Pondicherry, Mahe and Karikal. Indeed it exists there. Therefore, let us get away from these illusions of ours. But sometimes it sounds very nice to talk about the French way of life, etc.

Prof. Mukut Behari Lal learned as he is, brought in Montesquieu. I do not know how he came here. But he forgot that we live now in an entirely changed situation, and since Montesquieu wrote his things, many developments have taken place. I should have liked him to tell us to what extent Gandhiji's way of life is being promoted in Pondicherry, Mahe and Karikal because with that life we are more familiar, and that life is more intimate to us rather than talk about Montesquieu and so on.

Mr. Sapru, a very learned man, went to the Droit Administrative. I do

not know why he brought that subject here. Well, we have not accepted in our Constitution or our system of law the French system of jurisprudence, whatever it may be, or the French system of law and legal administration. Now, having not accepted it, when it was open to do so at the time of the framing of the Constitution, one need not go so far beyond the land and our law books to speak so eloquently about the French legal or jurisprudential system. We know that would not suit our genius. They would not conform to the needs of our country. They would not ensure what we call fair play and justice. This we know. That is why I thought we need not make a fetish of this law. The most important and most relevant point here is: Are we integrating these three areas that have come to us in a proper way and speedily? We have got the text-book for this integration. It is the Constitution of India, our concepts of legal jurisprudence our concepts of political systems and our sense of moral values and so on. Are we weaving Pondicherry, Mahe and Karikal into the fabric of the Indian society? Constitutionally-speaking this is the issue before us. I think we are not moving in this matter in a proper way.

Mention was made of the greatness-of the French. Who says the French are not great? But that is not here under discussion. We are not discussing here the French Revolution. Whether it is Rousseau, Voltaire, Simon or somebody else, it is not the issue under discussion. The issue is whether having got so much time after a period of *de facto* transfer, we are taking necessary legal, economic, political, administrative measures, to integrate these three areas with the rest of the country in a proper way. This is the crux of the problem. As I said, we have not behaved well in this matter. In 1954, under the so-called Nehru-Mendes Agreement Pondicherry came to India. De facto transfer took place and we were told that very prompt steps would be taken to bring

[Shri Bhupesh Gupta.] about *de jure* transfer of these areas. And now, as you know, nine years have passed to get this *de jure* transfer. Our Socialist friends, with all respect to them, mentioned so many other things, but they forgot to mention one rather significant fact that though after 1954 the French Government was under the control of Mr. Mollet, the French Socialist leader, during his period nothing took place to bring about the *de jure* transfer. I think the Socialists like us would do also some self-criticism as to why under a Socialist Prime Ministership the agreement was not implemented by way of a *de jure* transfer.

Madam, when I went to France in 1956 I made enquiries about it. At that time the Communist Party of France happened to be the biggest party in the French Chamber of Deputies in the French National Assembly. We found out that there was obstruction. These obstructions came from the imperialist and other colonialist quarters who did not like to transfer Pondicherry to India and, in fact, wanted to delay it as much as possible. A sub-committee was set up to go into this question and there again delay was caused. When I asked the leader of the French Communist Party in the French National Assembly as to the stand of the French Communists in the French National Assembly, I was told that they did not like this Committee business and that they were all the time pressing the French Government . . .

SHRI SHEEL BHADRA YAJEE: Madam Deputy Chairman, are we here discussing French culture, British culture, so many imperialist things, Chinese culture, Chinese way of life, French way of life and so on? I think Comrade Bhupesh Gupta should speak on the Bill.

SHRI BHUPESH GUPTA: I think the most interesting thing is Mr. Sheel Bhadra Yajee's way of life, his way of interruption, if you like that way, because when he interrupts, life flows out of it.

SHRI V. CHORDIA (Madhya Pradesh): It is his culture.

SRI BHUPESH GUPTA: But this certainly is the Indian way of life. It is not the French or the British way I can tell you and it is certainly not the Opposition way. It is peculiar to you, Mr. Sheel Bhadra Yajee, because even the Members of your side have not cultivated this peculiarly interesting way of interrupting where there is neither any humour nor any relevancy.

SHRI SHEEL BHADRA YAJEE: Why waste the precious time of the House in discussing the British, the French or the Chinese culture?

THE DEPUTY CHAIRMAN: It is going to be very short. It is just by way of information that he is giving this.

SHRI BHUPESH GUPTA: That is his way of interruption. I do not mind it because unless Mr. Sheel Bhadra Yajee, Madam Deputy Chairman, interrupts you always find that something is missing in this House because this is something peculiar to himself.

Now, therefore—he got my chain of argument broken. Anyhow, about the French laws. So, here it took time, Mr. Yajee may not understand but six or eight years were lost. And for this there should be adequate explanation. It is no use trying to make out that nothing went wrong. If you like, refer to the proceedings of Parliament. You will find that at times the Government of India itself felt irritated about the delay that was caused though they held their passions. It is good that they did it. But let us not try to forget everything which Mr. Yajee would otherwise like to interrupt . . .

SHRI SHEEL BHADRA YAJEE: You talk about French imperialism and not talk about French culture.

SHRI BHUPESH GUPTA: Well, Mr. Yajee, French culture is something which I know as much as you do. I have the greatest respect for this cul-

ture. That culture tells me not about the interruptions that you are making. I believe what was happening in Pondicherry and other places had nothing to do with what the common man, including yourself, Mr. Yajee, should understand as the French culture. I should have thought that I had made that point clear when I said that I do not test culture by the quality of a bottle of wine. Now, therefore, let us not go into that. Delay took place in *de facto* transfer. Everything remains the same even now after the *de jure* transfer. Incidentally, since I touched on the Communist Party's stand there, the French Communist Party assured me and said that they were all the time pressing that the *de jure* transfer should take place and in the Committee they were opposing those who were trying to create obstacles because they said that having given this assurance, it should be implemented. I thought the French Communist Party was carrying out the best traditions of the French culture. This point I wished to make clear.

We come to the present Bill. I am not going into the question of merger of Pondicherry with Madras and the other parts with the relevant States. This matter we discussed earlier and I need not go back into that discussion but I share the point of view expressed by Prof. Wadia that something should have been said, some indication should have been given, that this is not the final arrangement with regard to Pondicherry. Ultimately sooner or later as the case may be, Pondicherry has to go to Tamilnad and the other areas to their respective States to which they belong really. Anyhow that has not been done. But take this particular Bill. Here regarding the legal system, for example, Comrade Ramamurti gave an idea of how the legal system works. This is not in conformity with the rule of law and I think by and large we are all wedded to the rule of law. The French system is not based on that kind of rule of law as we understand it or as the English lawyers or jurists would understand it. This rule of law we do

921 RS—3L

not have and we did not have and we do not have even now in Pondicherry. This is a big gap in the system. That should be overcome. The result is we have seen earlier that the fundamental rights became completely inoperative, not from the technical point of view—it could not apply because it had not come into operation—but the French system as it obtained there at that time ruled out the concepts of the fundamental rights as we understand, resulting in legal excesses there. People could be arrested as much when the authorities liked and taken to custody and the process of law would start, or the processes of investigation would start after the arrests had been made. As you know, the French left Pondicherry all right but they left their own men there, certain people trained in their tradition, colonial tradition so to say and they were money-grabbers and all kinds of people, advantage seekers or certain people who flourished under the French colonials there and they still held control in key positions and these people could utilise the existing system of law in order to carry on their aggrandisement against the people, persecute people, strike the democratic institutions and suffocate them, etc. That is what happened. If, for example, we had our fundamental rights extended, our system of law extended, to those areas of Pondicherry and so on, then it would not have been possible for these people to behave in the manner they had been behaving since the *de facto* transfer took place. Nothing really has changed that way. The Administration remained in their grip and they carried on so many other things, violent things, things which would seem criminal in the eyes of our law and would not be at all sustainable under our law. On many an occasion I had brought to the notice of the House many such instances of corruption, of persecution, of indiscriminate arrests and so on, in total disregard of the legal system that we were promoting. I am not talking of the D.I.R. At that time such things happened. Here the position remains the same. This is what I object to. Why should it not be possible for us to ex-

[Shri Bhupesh Gupta.] tend fully and wholly the Indian legal system and see that whatever is there good is incorporated and assimilated into the system either by way of common law or through conventions and so on or if necessary by amending the legislation or amending the laws? Why should we not do it? Why must we leave it at that? That is no good. This is a very serious objection to which the entire approach of the Government is open. Therefore, I say, I am merely concerned with criminal law and some aspects of the civil law and procedural law. All branches of law really come in here. I think they are not satisfactory at all.

Then comes the question of administration. Now Pondicherry will be a Centrally-administered area.

SHRIMATI LAKSHMI MENON: It has always been.

SHRI BHUPESH GUPTA: Well, it has been so ever since the *de facto* transfer took place but this administration is really—well, whatever you call it—is essentially and in substance a bureaucratic administration, where the ugly things of the French bureaucratic system in Pondicherry are superimposed. That is how it is going on. Here we take the bureaucratic administration there and this is merely adjusted to whatever has been left by the French there including the bureaucratic personnel there. That is how that becomes a mix-up of the evil sides of both and it becomes all the worse. You will say that the Parliament is responsible. Yes, Parliament is responsible. We get sometimes hon. Ministers to answer a few questions and we are so grateful to them. Even if they do not answer all the supplementaries correctly, we are always grateful to them but that does not help the people in Pondicherry. They feel that something is void there, something is not quite satisfactory and always a constitutional and democratic vacuum is felt. This is what I

wish to stress before the House because although there are certain arrangements there, legislative and so on, these have not been equipped with necessary powers and administration in order that they can discharge their responsibilities exactly in the same way, under the same set of laws as is done in other States of the Indian Republic. That is not so. Things get frustrated because of the intervention of the French jurisprudence, French, what is called, 'way of life'—I do not know what it means—and the French procedural and other systems and conventions. That is why I say here that it should be systematised and synchronised—that is what I say—with the Indian system of law. For this, naturally, this legislation is no good. We need a bigger performance.

Dr. Sapru was very much interested in having a few Pondicherry lawyers transferred to the Madras High Court. Brother judges always feel for brother judges—prospective and otherwise—I can understand it but how does it help? It is good and I would like judges to be brought in from all parts of the country and put in the High Court. I have no quarrel with that, but that will not ensure anything except the satisfaction that when they come to the Madras High Court by way of appeal, there will be some judges drawn from Pondicherry. That is all but it is not that everyday everybody comes with an appeal to the High Court. The entire system of law and administration of justice operates there under the shadow of the old French system which does not serve either the requirements of our country or the needs of the people and which does not fall in with the system that we have adopted. How to improve that situation is really the basic task that the Government should be confronted with and which the Government should handle. Here again I find it unsatisfactory.

The question of authority came in. Dr. Sapru gave a definition of authority and in trying to give it he said

that it should not be denned and the ground he gave is that it should be left to the judges and lawyers, otherwise nothing would be left to them to earn money or to sit on the Bench.

If it is not there, I have no quarrel, but why can't you define it now. Why should learned judges of High Courts or the Supreme Court, or equally learned lawyers at the bar have to define what this authority would mean? Why on earth can't we have our retired Judges and equally retired advocates define it here for the advantage of the country? That I cannot understand.

3 P.M.

SHRI SHEEL BHADRA YAJEE: You are also a retired advocate.

SHRI BHUPESH GUPTA: I thought that the interruption would be made by Dr. Sapru; but even there Mr. Yajee would not yield. You see, Mr. Yajee is the life of the House, no doubt about it.

SHRIMATI LAKSHMI MENON: No. you are the life of the House.

SHRI BHUPESH GUPTA: The point I was making was this. Who will define this word "authority"? It is a pure and simple thing. Will not the Government tell us who this authority will be? It will not be the function of the Judges or of the lawyers to define it. I believe the Home Ministry has to do it. But in this case, I don't know why the External Affairs Ministry should but in all the time. After the *de jure* transfer the External Affairs Ministry should graciously walk out and let Shri Lai Bahadur Shastri take over the baby. Anyway, for various reasons it is not *so* now and the External Affairs Ministry is here and it is they who will have to define what this authority will be. They will designate the authority and the court will be appointed and it will be done by administrative order and so on. It should not be left to the

1 court to interpret. Therefore, the court does not come in the manner suggested by the hon. Member Dr. Sapru. Learned though he is, in this particular case, I think, out of his still lingering love for his profession, he has slightly misfired and overshot the mark.

THE DEPUTY CHAIRMAN: How much more time will you take. Mr. Gupta?

SHRI BHUPESH GUPTA: Now, I am absolutely at the end of it.

SHRIMATI LAKSHMI MENON: He has taken half an hour.

SHRI BHUPESH GUPTA: Therefore, here again it is not satisfactory and it should have been defined.

Then, as far as other things are concerned, it does not contain anything. The merit of this whole Bill is this, that it does not contain anything.

THE DEPUTY CHAIRMAN: Then you should wind up.

SHRI BHUPESH GUPTA: That is the trouble. When it does not contain anything, you will have to explain what it does not contain so that it sticks somewhere.

Anyway, as I said at the beginning, what we want is a comprehensive measure. It has been suggested by Mr. Santhanam that it will be forthcoming some day. But when? That is the question. Mr. Santhanam always brings solace to the House when it concerns a matter of law.

SHRI K. SANTHANAM: We passed that Bill in this House some time ago.

SHRIMATI LAKSHMI MENON: The Bill should have been read.

SHRI K. SANTHANAM: Yes, you speak, but don't read the Bill.

SHRI BHUPESH GUPTA: Mr. Santhanam also does not give a definite answer as to when it will come. Of course, the Bill was passed in this House. Where else do we pass things? Do we pass them in Con-naught Place? If we pass anything it should be passed in this House. It is quite clear.

SHRI AKBAR ALI KHAN (Andhra Pradesh): You have finished?

SHRI BHUPESH GUPTA: Pardon?

SHRI AKBAR ALI KHAN: You yielded to that interruption and so I thought you had finished your speech.

SHRI BHUPESH GUPTA: It is all right. I thought you would go to Mr. Santhanam's rescue, but you never do it. Anyway, it was passed here and it is quite clear. But what about the other things? If it is passed here, we do not always have to say that the law was passed here, It is so obvious that there is no doubt about it. But what about the other things? What will come out now? We do not even have an assurance or even an indication of when the rest will come. Mr. Santhanam said that this is an interim measure.

SHRIMATI LAKSHMI MENON: Of course, it is an interim measure.

SHRI K. SANTHANAM: The hon. Minister said that after the Constitution (Amendment) Act becomes effective . . .

SHRI BHUPESH GUPTA: The minister did not say it, you said it.

SHRIMATI LAKSHMI MENON: He said that I said it.

SHRI BHUPESH GUPTA: Do we then understand that we can at least have the assurance that after the Constitution (Amendment) Act has become effective, we shall have a measure in order to apply or extend the

entire system of our law and Constitution to Pondicherry? Do I have that assurance and can we have some idea of when we are going to have it?

SHRIMATI LAKSHMI MENON: I do not wish to interrupt the hon. Member.

THE DEPUTY CHAIRMAN: You finish, Mr. Gupta, and then the Minister will reply.

SHRI BHUPESH GUPTA: I thought she would give an answer just now. No, she does not and she wishes to boycott me. If she says it will be given later, at least that I can understand. At least we could have a picture that by this time Things will be complete. But so far we have nothing. Mere application of the Constitution (Amendment) Act does not assure me that the rest will follow. It does not ipso facto, automatically follow. If Mr. Santhanam's contention is that all these automatically follow I can understand. But it seems to me that certain other legislations will be required in order to bring it in line with the rest of the country. Anyhow, Madam, these are some of my observations on this particular Bill.

Finally one word more and I have finished. Much is said of the assurance that was given to France, to Mr. Mendes-France, at the time that Agreement was signed. We are told that an assurance was given that everything will be kept intact, what is good and things like that, that French culture—whatever it is—will be kept. Then it was also said by the Prime Minister that an assurance was given to the people also. As far as the people are concerned, by and large, the people would like to see different types of arrangements as far as the French system is concerned. Now, these are domestic affairs. After the *de jure* transfer, the administration of Pondicherry has become a domestic affair of the Government of India, or rather the State of India. If any assurance relates to international relations, to international right*,

then I can understand that such an assurance has to be adopted by every successor government and implemented. This is a plausible and feasible proposition. It is an understandable proposition. But if it relates intimately to what belongs to India internally, to the sphere of the internal or municipal life, as it is called in law, then such an assurance by law and convention becomes null and void. It loses its force and validity, after the *de jure* transfer. Are we to understand that whatever assurance we gave at the time of the *de facto* transfer with regard to internal matters in India will have to be preserved till eternity? We cannot accept that position. No Government can accept that position. It will, to some extent, be mortgaging the sovereign right of our country. We would be at least limiting it to that extent and no Government does it. If in international matters assurances are given, they are kept and observed so far as they involve international relations. But how are international relations affected if, for example, we apply the fundamental rights of our Constitution to Pondicherry? How are the international relations affected if, for instance, Pondicherry is integrated as part of the State of Tamilnad? These are matters absolutely within the province of the Indian Union, its domestic sphere and they have no bearing whatsoever with international relations. If it is the contention of the Government that there are some French citizens there, living, and carrying on business and so on, and certain assurances were given with regard to their interests and property, I can understand the Government formulating laws and measures in order to keep those assurances. But this general assurance has no force or validity today. It will not be dishonourable at all and the question of its being honourable or dishonourable does not arise. Therefore, I say this argument is not a sound argument. As far as the assurances to the people are concerned, that certainly is an internal affair. But then how are we to

find what the people want, whether they want to be merged with Madras or have some other political system or arrangement? Has it been found out through any mechanism, through a referendum, through elections and so on?

No, it has not been found out at all. I can understand Government saying that before they take a decision they will consult public opinion in those areas, in Pondicherry, Mahe and Karikal, in order to settle the matter. I can understand; it is a logical position. I can understand it although I may not think it necessary. Therefore, Madam Deputy Chairman, these assurances should not be brought in time and again in order to confuse issues. We are absolutely free after *de jure* transfer to determine the fate and administration of the people of this area and suggest measures according to the best interests of our country in keeping with the principles and tenets and laws of our constitution and the laws of the land.

Thank you.

SHRI AKBAR ALI KHAN: Madam Deputy Chairman, this is a very simple measure to meet the present situation which has been created by the promulgation of the ordinance. That has to be supplemented by this legislation till the amending measure is, according to the process of the Constitution, ratified and an exhaustive measure is brought before this House, for a final decision. I was not at all keen to speak but some of the observations made by hon Members really prompted me to speak and I am grateful to you for giving me this opportunity. Let me, at the outset, say that I fully associate myself with the remarks made by Prof M. B. Lai and Dr. Sapru regarding the high French traditions and the way they have dealt with this matter very nobly. Besides that, I would not like to go into the

(Shri Akbar Ali Khan.) French way of living of which Mr. Bhupesh Gupta seems to be very fond.

SHRI BHUPESH GUPTA: No, no.

SHRI AKBAR ALI KHAN: I would not like to go into that. When there is contact between the people of two different cultures, certainly certain common things grow. This is in the same way that certain useful things have grown in our society as a result of contact with British ideas. If there are such things, then they have got to be preserved and safeguarded. It is not that we do not appreciate the Indian culture and want that culture to be replaced by the French culture. There has been some misunderstanding of the situation. The point is that whatever things there are, according to the traditional, moral and intellectual standard of the present time, they certainly will be safeguarded. It was a bit of surprise to me when Shri Bhupesh Gupta, towards the end of his peroration, suggested that the commitment made by the Government of India at the time of the peaceful transfer of French possessions in India should be ignored. This transfer was effected peacefully in contrast to the action of the Portuguese in Goa. I am sure that the change could be effected only by the free will of the people of Pondicherry and other places. Apart from this, if an assurance has been given by the Government of India, so long as we are here, that will be honoured and must be honoured. It is not a totalitarian or communist understanding which can be changed at any time. When we commit ourselves, we honour it, whatever be the sufferings. This has to be borne in mind.

SHRI BHUPESH GUPTA: But what is the assurance?

SHRI AKBAR ALI KHAN: So far as possible, the traditions and the ways of living of the people and the

type of education, etc., will not be changed unless the people themselves demanded it. That is the assurance, so far as I know. If necessary, the hon. Minister will clarify it or amplify it.

It was said that this was an inadequate measure. I have already said that this is not at all a comprehensive measure. A comprehensive measure will be brought forward after the ratification but I would certainly like to request, through you, Madam, the Minister to ask the States to expedite ratification. The hon. Minister said that a few States had returned the document while others had not. Why should the States take so much time to ratify this document and send it to the Government of India. I hope necessary steps will be taken in this direction.

I now come to Prof. M. B. Lai. It was the first point that I wanted to answer. I am sorry he is not here. He referred to clause 17, Madam: —

"For the purpose of facilitating the application of any law in relation to Pondicherry, any court or other authority may construe any such law in such manner not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority."

He relied upon the word "authority" and went to the extent of saying that even some Sub-Inspector of Police may be declared as the authority to construe. I am sorry that he took such a line of thought. If certain basic principles of law are taken into consideration then he would realise that when we use the word "authority" the general interpretation is that that "authority" will be analogous to the court. Further, the clause itself says, "...for construing." There is difference between construing a thing and implementing and executing it. These subordinate authorities execute a thing but the

authority to construe is only the court or tribunal. So, here is the question of construction and construing a thing. So, when it is only a question of construing, the word "authority" has been very properly used. There is no question of defining it. There are many decisions of our courts, High Courts and Supreme Court where this matter has been dealt with. I think if this interpretation is given to this clause, then the difficulties that arose and disturbed the mind of the Professor would not arise.

The hon. Shri Santhanam's objection was with reference to clauses 4 and 8. With respect, I would point out that no difficulty arises on this score. Clause 4 only says, that only those laws will be implemented as stand now, that is to say, the French law or whatever law exists there. In the same enactment, it is very clearly mentioned in clause 8 that the Central Government may, by notification in the official gazette, extend with such restrictions and modifications as it thinks fit, to Pondicherry any enactment which is in force in a State at the date of the notification. So, we have only to read clauses 4 and 8 together. When it is in the same enactment, it is not necessary to say, "subject to that". That is how I read it.

Dr. Sapru referred to persons who will be able to administer this law. I think this is not at all difficult. Our Judges, with the education and the experience that they have got, will be able to meet the situation but I am sure that if necessity arises to have somebody who knows these laws—of course, these laws are different from our laws in so many ways as Dr. Sapru himself pointed out—then certainly some person who is acquainted with that law should be included in the High Court in order that we may be able to do justice according to the commitments that we have made, to administer the law that prevails now.

Now, one word regarding the Supreme Court. I do not know who raised that point but in this interim measure there is no necessity to lay down all this because of the fact that every decision of our High Court is subject to appeal to the Supreme Court. So automatically if a case arises I have no doubt that the matter will go to the Supreme Court.

With these observations I support the Bill.

श्री विमलकुमार मन्नालालजी चौरङ्गिया :

उपसभापति महोदया, जो बिल प्रस्तुत किया गया है उसमें कुछ डिफिकल्टी तो हैं ही, मगर जहाँ तक उसकी भावना का सवाल है वह स्वागत के योग्य है और जिस भावना से मंत्री महोदया ने बिल प्रस्तुत किया है, वह ठीक है। वैसे तो मैं इस मत का हूँ कि जब हम स्वतन्त्र हुए थे उसी के बाद ही भारत भूमि के दूसरे अंगों को जैसे गंधार को, पाण्डिचेरी, कारिकल, माही, यनम वगैरह को—जल्दी से जल्दी अपने प्रशासन के अन्तर्गत ले लेना चाहिए था किन्तु वह हुआ नहीं। उसके दो रास्ते थे या तो जोर से लेना था या प्रेम से लेना था और सम्भवतः जोर का मार्ग अपनाने से दोनों तरफ का बहुत नुकसान होता, आपस के सम्बन्ध बिगड़ते तो जो आपस में बैठ कर के प्रेम से देना लेना हुआ वह ठीक ही हुआ। मगर यह कहना पड़ेगा कि इसमें काफी टाइम लग गया जो कि ठीक नहीं था; जल्दी से यह होना चाहिए था। हमारे सारे देश के अंग में ये एक तरह से बीमारी के रूप में विद्यमान थे और उस बीमारी को हम धीरे धीरे समाप्त कर रहे हैं, यह प्रसन्नता की बात है।

यहाँ पर कुछ मित्रों ने फ्रांसीसी कल्चर की चर्चा की। किसी को वह प्रिय लगी और किसी को अप्रिय लगी। जहाँ तक मेरा सवाल है मुझे किसी कल्चर से नफरत नहीं है और किसी कल्चर से मोह नहीं है। अगर मोह है तो केवल एक भारतीय कल्चर से मोह है, भारतीय संस्कृति से ही प्रेम है।

[श्री विमलकुमार मन्नालालजी चौरङ्गिया]
इतना मतलब यह नहीं है कि मुझे दूसरी संस्कृतियों से नफरत है। अपनी अपनी संस्कृति के हिसाब से, अपने अपने रहने के ढंग से, अपने अपने आचार-विचार से, सब अपने ढंग से रहना पसन्द करते हैं और यह निर्विवाद है कि जो जिस सांचे में ढल जाता है उसी तरह वह रहना पसन्द करता है।

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

उसमें एकदम परिवर्तन कर दिया जाये तो ठीक नहीं होगा, जैसे कि झाबुआ के रहने वाले को जो कि लंगोटी पहिन कर रहता है, उसको ला कर बढ़िया कपड़े पहिना दिये जायें तो वह पहिन तो लेगा लेकिन जल्दी ही उससे मुक्ति पाने की कोशिश करेगा। चाहे हम समझते हों कि उसको अन-विलाइड से सिविलाइड बना रहे हैं, वह बात वहां के कल्चर से, उनकी दृष्टि से अच्छी है, चाहे हमारे कुछ लोगों की दृष्टि से खराब हो, मगर फिर भी उनका अपना रहने का ढंग है और अपना तरीका है और वे इसी हिसाब से रहते हैं। अगर वे किसी अलादीन के चिराग को घिस घिस कर एक रात में ही, ओवरनाइट, बदल दिये जायें तब तो दूसरी बात है नहीं तो धीरे धीरे बदलना ही ठीक होगा। मेरी समझ में ओवरनाइट बदल सकें, ऐसा सम्भव नहीं है। और वह धीरे धीरे ही हो सकेगा।

जो भी हो, यहां हमारी सरकार ने सुस्ती से अपना काम किया। सन् १९५६ ई० में डी फेक्टो ट्रांसफर हुआ था और इस्ट्रमेंट आफ रेटिफिकेशन है, वह अब १६ अगस्त को हुआ है। ठीक है, जो भी है, मगर चाल जरा सुस्त है, छः वर्ष उसमें लग गये। इसके लिये आपने प्रयत्न तो किया ही होगा मगर कुछ ऐसा लगता है कि चाल बड़ी ठंडी है और इसमें गति लाने की आवश्यकता थी, ऐसे कामों में गति लाने की आवश्यकता है। हमारे देश के अंग के जो भाई दूसरे

प्रशासन से प्रशासित हो रहे थे वे चाहते थे कि हमारे इसी शासन से प्रशासित हों और जो विदेशी साम्राज्यवाद था—जिसको कि हम इस हिसाब से कहते हैं—उससे वे मुक्ति पाना चाहते थे और उसमें हमारी सरकार ने सुस्ती बर्ती, यह आरोप तो हम अवश्य लगायेंगे।

श्री शीलभद्र याजी : फ्रेंच गवर्नमेंट की सुस्ती थी।

श्री विमलकुमार मन्नालालजी चौरङ्गिया :
ऐसा है कि बिना चमत्कार के नमस्कार नहीं होता है और हमारी सरकार चमत्कार दिखाने में सक्षम नहीं थी, उसने अपनी तरफ से इस तरह की कार्यवाही नहीं की जिसकी वजह से वह शीघ्र इस बात के लिये स्वीकारोक्ति दे देते कि वह जल्दी से हमारे यहां मिल सकें। कई बातें ऐसी होती हैं कि सामने वाला तैयार नहीं होता है लेकिन अगर प्रयत्न करने वाला तेज हो तो सब काम ठीक हो जाता है। मगर हमारे शील भद्र याजी साहब बैठे सोचते रहते हैं कि सामने वाला जब आ कर के आफर करेगा, कि गीजिये, तब हम लेना स्वीकार करेंगे। तो उस तरह का हिसाब मेरे याजी जी मानते हों लेकिन मैं नहीं मानता।

श्री शीलभद्र याजी : गोआ को ले लिया, जब जरूरत होती है तो जरूर लिया जाता है।

श्री विमलकुमार मन्नालालजी चौरङ्गिया :
खड़े हो कर कहेंगे तो मेरी भी इज्जत होगी और हाउस की भी इज्जत होगी और आपकी भी होगी।

श्री शीलभद्र याजी : गोआ को ले लिया, जब जरूरत होती है तो वैसा भी होता है।

श्री विमलकुमार मन्नालालजी चौरङ्गिया :
याजी जी जैसा कि उनका कल्चर है इंटरप्शन करने का, वह उसके अनुरूप करते ही हैं...

श्री शील भद्र याजी : आपका हिन्दू कल्चर है, संस्कृति है, जनसंघ का कल्चर है ।

श्री विमलकुमार मन्नालालजी चौरङ्गिया : मेरे को तो ऐसा नहीं लगा कि याजी जी हिन्दू न हों । अभी आपने कहा कि आपका हिन्दू कल्चर है, जनसंघ का कल्चर है । मैं अलग-अलग से दस कल्चर में विश्वास नहीं करता । मैं भारत के कल्चर में विश्वास करता हूँ, अब आपका कोई दूसरा हो, हिन्दू का, जैन का, सिख का, ईसाई का, मुसलमान का या और जो दस तरीके के हैं, वह हो तो यह आपको ही मुबारक हो । हम तो एक भारत के कल्चर में विश्वास करते हैं और आप अच्छी तरह से कान खोल कर सुन लीजिये, आप कोई ऐसा भ्रम अपने दिमाग में न आने दें कि हिन्दू कल्चर, जैन कल्चर अलग हैं, वैसे तो जाति का जैन हूँ, मगर भारत के कल्चर में विश्वास करता हूँ और हमेशा आपने सुना ही होगा कि हम भारतीय संस्कृति का नाम लेते हैं व उसके अनुरूप आचरण करते हैं । याजी जी के नाम की संस्कृति का नहीं, या केवल जैन संस्कृति का नहीं, या केवल सिख संस्कृति का नहीं, या केवल हिन्दू संस्कृति का नहीं, भारतीय संस्कृति का नाम लेते हैं और अगर आपको कोई नफरत हो गई है या आपके काम में कुछ अप्रिय लगता है तो आप कान बन्द कर के सुन लीजिये, ऐसा नाराज होने की आवश्यकता नहीं है ।

श्री शील भद्र याजी : उसमें भी परिवर्तन होने की आवश्यकता है ।

श्री विमलकुमार मन्नालालजी चौरङ्गिया : आप अपने स्वभाव से मजबूर हैं ।

THE VICE-CHAIRMAN (SHRI
AKBAR ALI KHAN): You please carry
on.

श्री विमलकुमार मन्नालालजी चौरङ्गिया :

तो उस दृष्टि से प्रश्न यही सामने आता है कि इस मुस्ती के बाद भी हम उनकी व्यवस्था कैसे आगे करें ? कुछ सदस्यों ने कहा कि इमीडियेटली वहाँ अपना ऐडमिनिस्ट्रेशन लगा करके यहाँ के जो विधि-विधान हैं उनके अन्तर्गत उनको लाभ देना चाहिये । यह एक बात हुई । अभी के वहाँ के विधानों में कुछ चीजें ऐसी होंगी जिनको हटाने से उनका नुकसान होगा और कुछ ऐसी होंगी जिनको हटाने से लाभ भी होगा, कुछ अच्छी भी होंगी, कुछ बुरी भी होंगी और यह बात हुई कि ऐसा किया जाये कि सब अच्छी बुरी चीजों को एकदम समाप्त कर के अपना कानून लगा दिया जाये । तो मुझे ऐसा लगता है कि एकदम से दूसरी व्यवस्था में परिवर्तन करने में बड़ी तकलीफ होती है । यदि हमको कपड़ा बदलना होता है तो हमें एक बार सब कपड़ा खोलना पड़ता है और फिर बदलना पड़ता है, ऐसा नहीं होता कि कपड़े के ऊपर कपड़ा पहन लिया जाता है । ऐसी स्थिति में इस ट्रांजिशन पीरियड के लिये यह अत्यन्त आवश्यक है कि हम धीरे धीरे उनको इस बात के लिये आकर्षित करें कि वे हमारे यहाँ के कानूनों को मान लें । जिस रट (rut) में वे फंसे हुए हैं उससे उनको धीरे धीरे निकाल कर अपने यहाँ के कानूनों की अच्छाइयाँ उन्हें समझा कर उनके हृदय में अपने यहाँ के कानूनों के प्रति अच्छी भावना पैदा करनी है और धीरे धीरे उन्हें स्वच्छा से इस बात को कहने के लिये मजबूर करना है कि हमारे यहाँ आप अपने कानून लाइये । यहाँ की इस व्यवस्था के लिये उनके दिल में भरोसा बैठे, हम ऐसा कुछ प्रयत्न करें । तो मेरा यह निवेदन है कि हमारी सरकार को भी चाहिये कि वह वहाँ इस बात का प्रचार करे कि हमारे यहाँ के ऐडमिनिस्ट्रेशन के जो कानून हैं, वे इतने अच्छे हैं कि उनमें किसानों को लाभ देने की व्यवस्था है, उसमें उद्योग खोलने के लिये सहायता देने की व्यवस्था है । जो सारी अच्छी चीजें हमारे यहाँ हैं, जो अच्छे कानून हैं—बुरे भी होंगे—मगर

[श्री विमलकुमार मन्नालालजी चौरङ्गिया]
जितने अच्छे कानून हैं उनका अभी से प्रचार प्रारम्भ कर दें, ताकि साधारण नागरिक भी यह समझ सकें कि हमारा जो यह तबादला हुआ है, हमको एक राज्य से दूसरे राज्य में शामिल किया गया है, हमको जो विदेशी साम्राज्य से मुक्ति मिली है और जो हम भारत में मिले हैं, वह हमारे लिये लाभदायक होगा।

गोआ को मुक्त हुए काफी अरसा हो गया मगर अभी भी वहाँ के लोग जब भारतवर्ष में आने के लिये कैलराक स्टेशन पर पास होते हैं तो उनको अपनी बिस्तर-पेटी खोलनी पड़ती है और उन्हें ऐसा लगता है मानो किसी दूसरे देश में प्रवेश कर रहे हैं। अभी तक भी, इतना समय होने के बाद भी, यह अव्यवस्था जो चल रही है वह दूर नहीं कर सके। अगर गोआ से कोई अपने बच्चे के लिये पुतली भी खरीद कर ले आए तो उसको इतनी परेशानियों का सामना करना पड़ता है कि बराबर ३ घंटे तक जो सबकी पेटी और बिस्तरे खोल कर परेड की जाती है उसमें खड़ा रहना पड़ता है। वह किन्हीं कारणों से आवश्यक होगा, मगर हमारा कर्तव्य है कि एकात्मता की भावना उत्पन्न करने के लिये हम इस तरीके को शीघ्रता-शीघ्र समाप्त करें और इस काम में सरकार बहुत सुस्ती कर रही है। सम्भवतः यह व्यवस्था पाण्डिचेरी के लोगों को भारतवर्ष आने जाने के लिये भी होगी परन्तु मेरा यह निवेदन है कि ऐसी व्यवस्था का रहना एकात्मता की भावना को विघटन की ओर ले जाता है, यह एकात्मता का भाव पैदा नहीं करता और एकात्मता का भाव पैदा करने के लिये यह अत्यन्त आवश्यक है कि कस्टम्स के बैरियर्स या जो अन्य बैरियर्स पहले से चले आ रहे हैं उन पर रोक होनी चाहिये। इसी तरह से जो वहाँ के रहने वाले साधारण आदमी हैं उनको तो आपके यहाँ पर कौन से कानून हैं, इससे कम मतलब है, मगर जिन बातों का उनके रोजमर्रा के काम आने वाली बातों से सम्बन्ध है उनमें तरह तरह की भावना पैदा न हो, इसका हमें

ध्यान रखना चाहिये और तरह तरह की भावना पैदा करने वाली प्रवृत्ति को समाप्त करना परम आवश्यक है। यही कमी मैंने गोआ में अब तक देखी है कि वहाँ से जो लोग आते हैं उनको बिस्तर और पेटी खोलनी पड़ती है और ऐसा लगता है कि वे एक राष्ट्र से दूसरे राष्ट्र में प्रवेश कर रहे हैं, जबकि हमने उसको अपने ही देश का एक अंग बना दिया है। तो ऐसी स्थिति में मैं सरकार से प्रार्थना करूँगा कि इस तरह के जो बैरियर्स हैं उनको शीघ्र हटाने की कृपा करें तो ज्यादा अच्छा होगा।

इसी तरह से इसमें कानूनों के बारे में कुछ बंधुओं ने सुझाव दिये हैं। मगर मुझको भी कुछ ऐसा लगता है कि धारा १० में जो प्राविजन दिया है

"Provided that while determining appeals from decisions of courts and tribunals in Pondicherry, the High Court shall, as far as may be, follow the same procedure and have the same power to pass any judgment, decree or order thereon, as it follows and has while determining appeals from decisions of courts in the State of Madras."

तो यह ऐसा लूज कंस्ट्रक्शन किस वजह से है? एज फार एज पासिबल, किस मामले में पासिबल हुआ, किस मामले में पासिबल नहीं हुआ? यह सारा उनके डिसक्रेशन में है और कानून में ऐसा डिसक्रेशन पर छोड़ना उचित प्रतीत नहीं होता। हमको बिलकुल स्टडी कर के यह तय कर लेना चाहिये कि ये कानून लगेंगे, इस इस कानून की ये धाराएं अभी वहाँ चलेंगी, ये धाराएं नहीं चलने वाली हैं—यह सारा हमें स्पेसिफिक करना चाहिये और निर्णय देने के लिये जो वहाँ के क्लर्क्स हैं, वे लागू रहेंगे या नहीं लागू रहने वाले हैं। यह सारा हमें स्पेसिफिक करना चाहिये। इसमें जो लूज कंस्ट्रक्शन है, एज फार एज पासिबल, यह बड़ी खिचड़ी की व्यवस्था रखी गई है, इसमें और यह ठीक लगता नहीं।

यदि हमारे कानून के जो निर्माता लोग हैं, उनकी दृष्टि से विचार किया जाये या किसी भी दृष्टि से—हम तो एक साधारण नागरिक की दृष्टि से विचार करते हैं—तो हमको इस कानून के अन्तर्गत अपने कुछ कैसे ज निर्णीत करवाने पड़ेंगे और जज के डिस्केशन पर बहुत कुछ ठहरना पड़ेगा कि जज किस तरह से केस के मामले में सोच-विचार करेगा।

इसी तरह से मैं बिल में जो डिफ़िक्ल्ट्स हैं उनके बारे में माननीय मुकुट बिहारी लालजी के विचारों से पूर्णतः सहमत हूँ। उन्होंने जो इतराज धारा १७ के बारे में उठाया था उससे वह धारा कुछ स्पष्ट नहीं लगती है और उसमें अव्यवस्था रहने की संभावना होगी। मैं अभी भी सरकार के स्पष्टीकरण से संतुष्ट नहीं हुआ हूँ और माननीय मुकुट बिहारी लाल से पूर्णतया सहमत हूँ।

अन्त में मैं यही निवेदन कर देना चाहता हूँ कि हमको चाहिये कि हम वहाँ के लोगों की भावनाओं को अपनी तरफ आकर्षित करने के लिये अधिक से अधिक प्रयत्न करें, सब से पहला कदम हमको यह उठाना होगा। दूसरा, जो बैरियर्स हैं कस्टम्स के उनको शीघ्रातिशीघ्र समाप्त करने का हम प्रयास करना चाहिये। मैं पहले कह चुका हूँ—मुझे पांडिचेरी के बारे में ज्ञात नहीं—मगर गोआ से आने वालों को यहाँ आने से पहले अपनी बिस्तर-पेटी खोलनी पड़ती है, वैसे ही सम्भवतः एक फ्रेंच कालोनी होने के वजह से, पहले फ्रेंच ऐडमिनिस्ट्रेशन में रहने की वजह से, वहाँ से लोगों के यहाँ आने-जाने में कुछ प्रतिबन्ध हो। अगर ऐसा नहीं है, तो बहुत खुशी की बात है। तीसरे, हमको शीघ्र ही वहाँ अपने यहाँ के कानूनों की व्यवस्था लागू करने का प्रयत्न करना चाहिये। और जो देरी हुई उसका या तो स्पष्टीकरण करें या दुःख जाहिर कर दें।

very happy to welcome this Bill and in so doing I congratulate the French Government on the noble action which they have taken in transferring their possessions to India peacefully. You know, Sir, that their attitude has been very different from the attitude which was adopted by the Portuguese Government in agreeing to transfer their possessions to the Indian Union. When India became independent, it naturally could not tolerate the existence of foreign possessions within its borders and at that time it made a request to the French Government as well as to the Portuguese Government that they agree to transfer these possessions without any difficulty or without the use of force. But the action of the Portuguese Government was far from what a State of that ancient culture and civilisation should have adopted. The French attitude, as expected of it, was quite in consonance with our wishes. It is true that the *de jure* transfer has taken several years, which some of the hon. Members have objected to and criticised. But we should not forget that during these eight years from 1954 when the *de facto* transfer of the French possessions was made to India and the *de jure* transfer of their possessions to India, France had many of its own internal and external difficulties. It was because of these reasons that France, although it held out hopes to us that it would transfer their possessions at an early date, was still unable to do so and also because of their other preoccupations. You will probably remember that in this House several times objections were raised by Members of the House as to why France was delaying the transfer and their motives were questioned. But the Prime Minister often said in this House that whenever he met the French authorities or had any other contact with them, they always gave the assurance that they would try to do so as soon as possible. Therefore, I do not think that any objection or this score is a

[Pandit S. S. N. Tankha.] legitimate one.
As you know, there is an Urdu saying: —

“देर आयद दुस्त आयद”

It means 'that which comes late comes well*'. Agreeing with that saying I welcome this transfer of the French possessions to us, even after this lapse of several years.

Now, Sir, Shri Mukut Bihari Lai raised an objection regarding clause 17 of the Bill and he maintained that the word "authority" should have been defined. This objection has been supported or partly supported by Mr. P. N. Saprú. As you, Sir, when you were speaking shortly before, tried to explain, a definition of the word was perhaps not necessary. However, I would like to make a submission, because I feel that the objection raised is not tenable. If you will be pleased to see clause 3 of the Bill, it clearly mentions what the authorities are. Although the word has not been denned anywhere, it says in clause S: —

"Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary for the administration of Pondicherry, all courts, tribunals, authorities and officers, whether in India or in the former French Establishments, who, immediately before the appointed day, were exercising lawful functions in connection with the administration of those Establishments or any part thereof, including the Council of Government and the Representative Assembly, shall unless otherwise directed at any time by the Central Government or the Administrator in relation to any such court, tribunal, authority Or officer, or until other provision is made by law, continue to exercise in connection with the administration of Pondicherry their respective powers and jurisdiction and perform their respective duties

and functions in the same manner and to the same extent as before the appointed day with such altered designation, if any, as that Government may determine."

Therefore, it is clear from this as-to which authorities are referred to in clause 17 of the Bill, and it clearly goes to show that the authorities referred to are n'o other than the authorities existing before the *de facto* transfer of the possessions to the Indian Union, that is during the French period, or such authorities which we have taken over from them and are functioning today. There are no new authorities which are to be appointed but it is those very aithorities which under this Act will be deemed to be the authorities referred to in clause 17. Therefore, there is no difficulty and there was absolutely no need to define what the word "authority" meant. If this mention of the authorities had not been made in clause 3 of the Bill, then of course the objection taken would have been proper. But when this clause embodies clearly as to which authorities are meant, that is to say, the authorities which were in existence at the time the French were ruling and the authorities which are now functioning under our Government, it is these authorities . . .

HRI JOSEPH MATHEN (Kerala): Will the Government have the right to constitute new authorities for the purpose?

PANDIT S. S. N. TANKHA: Parliament will have the right to make any new laws as it likes; but for the present the question is, what are the authorities referred to in this Bill. It will be for Parliament to name other authorities—nobody can stop it from doing it—but for the present it is abundantly clear as to what authorities are referred to in this Bill.

Then, Sir, it has also been objected to by some of the Members that there is no reason why the old laws which applied to Pondicherry during the French period should be allowed to prevail now. You Will remember, Sir, that before the French possessions were taken over by the Indian Union, even before its *de facto* transfer, the Indian Government had given a clear indication and clear promises to the people in Pondicherry that the laws under which they were governed would not be disturbed and that they would continue to be governed by those laws till such time as they themselves of their own free will decide to adopt the Indian laws and to be governed by them. That was a very good and wholesome assurance which was given to them. A similar assurance had been given to the Portuguese possessions of Goa, Daman and Diu when those possessions were taken over. It is possible that when the new administration of Pondicherry is set up and some Legislature is established and other changes are made, they may themselves desire for some of the laws of the Indian Union, or all the laws of the Indian Union to be made applicable to them, and then it will be time for us to apply those laws to them. After all those people who have been living there have been governed by those laws for a very long period, and now if we were to change the laws all of a sudden, it would have meant very great disruption in their day-to-day life and working, and therefore it was a very proper course for the Indian Government to state that they would continue to be governed by those laws until they themselves decided to have the Indian laws applied to them.

Then, Sir, I find that clause 14 of the Bill mentions various limitations of time for proceedings which will apply to these former French possessions. Perhaps the External Affairs Ministry is not aware of the fact that the Limitation Bill has been on the

anvil and that a Joint Select Committee had been appointed on the Bill, that it has also given its report, and that in that Bill certain very drastic changes have been effected. It would have been better for the External Affairs Ministry to have adopted those very periods of limitation under this Bill because, if this is not done . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I think this is the province of the Law Ministry.

PANDIT S. S. N. TANKHA: Whichever Ministry is concerned with it, I think they should have adopted the new periods of limitation as have been suggested by the Committee. I will take serial No. 2 in the statement given under clause 14(1). In this the period of limitation for criminal appeals against a sentence of death is seven days from the date of sentence. This has been the law up till now, but when the Limitation Bill was sent before the Joint Select Committee, the Government itself raised this period of limitation from seven days to one month, and that recommendation has been accepted by the Select Committee.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): It is not law still-

PANDIT S. S. N. TANKHA: It is certainly not the law now, but when the Government itself brought forward that suggestion and stated in the draft Limitation Bill that a month's time should be given for a murder appeal, it was only proper that when this Bill was introduced, that limitation should have been adopted. Of course, it was open to this House or to the Lok Sabha to reject it and fix some other period; but to pass the Bill at this stage with seven days' limitation period would mean that as soon as the other Bill is passed, Government will have to bring forward another amending Bill to this measure.

[Pandit S. S. N. Tankha.]

Then, similarly in serial No. 3, for criminal appeals to the High Court against any sentence or order other than a sentence of death, limitation provided in this Bill is thirty days. At present you know, Sir, that for all criminal appeals which go up to the High Court the limitation is sixty days. It is true that the Government had recommended thirty days in the Limitation Bill before the Select Committee, but the Select Committee decided that it would not be proper to disturb the old practice; and moreover the limitation of thirty days was too small for villagers and all other appellants to collect money for proper defence, and therefore the limitation was raised to sixty days. Therefore, all these changes should have been incorporated in the Bill before us now rather than having to change this clause again by an amending Bill.

A suggestion has been made by Shri Sapru that now that Pondicherry has come under the direct supervision of Parliament, their representatives should find a place in one of the Houses here. I entirely agree with his suggestion, and I am sure that the Government itself will agree to a proposal of this nature. It is true that they have not brought any recommendation of that kind in the present Bill, but I am sure that the Government have every intention of providing representation to them in one of the Houses of Parliament. Goa, as you know, Sir, has lately come into the Indian Union. They have been given representation in the Lok Sabha. Mr. Sapru has suggested that the representatives of Pondicherry should find a place in the Rajya Sabha. I entirely endorse that remark. But if they are not provided with a seat in the Rajya Sabha, then they should certainly be provided with a seat in the Lok Sabha.

With these few remarks, I wholeheartedly support the measure.

SHRI N. M. ANWAR (Madras): Mr. Vice-Chairman, I rise to join the chorus of welcome extended to this Bill, The Pondicherry (Administration) Bill, 1962. I was really prompted by some observation* which my Communist friends made in the course of the debate on this Bill. My good friend, Mr. Rama-murti, representing as he does the State of Madras even as I do, naturally welcomed this Bill but wanted the immediate merger, integration of Pondicherry with the State of Madras. And he was even questioning, turning a wheel of ridicule against the French culture. And as I expected, that wonderful member of the Communist Party, Mr. Bhupesh Gupta, followed him in running a tirade against this culture.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, I make it absolutely clear. I never ran a tirade against the French culture which I respect. But I am not one of those who would like to judge culture by the bottle of wine they have in possession. I do not believe in that category of connoisseur of culture. That is all I say.

SHRI N. M. ANWAR: Mr. Vice-Chairman, pardon me if I should say in reply, I cannot understand how it lies in the mouth of these Communist Members to define culture. I know that they do possess culture, the culture of a culture, by which they would like to indent upon the expropriation of properties and, if possible, even the territories of others. That is what we have been experiencing, as our Communist friends have been expressing their ideology. But, Sir, believe me, we in the State of Madras would not like to hasten any integration of this territory. We believe in the principles of democracy. We do not want to extend our authority by the rule of law, but by the rule of love. We would like to win over the affection of the people residing in that territory. It is for them, it is up to them, to choose when and how they should come into this pio

ture. We are very happy—and it is a mighty achievement indeed in our freedom struggle—that Pondicherry and such other settlements which belonged to France should, first *de facto* and now *de jure*, come into the territories that now belong to us. That, in fact, is a mighty achievement, particularly when we try to see the contradistinction between this and the manner and method by which Goa had to come into our territory.

Sir, the French have displayed their culture in a fashion which we have got naturally to reciprocate. A certain understanding has been reached, and the Prime Minister of India has given his word, and his word is more than a pledge. It is the honour of India that we have to keep now in mind. The Prime Minister of India, in order to bring about this merger, had extended certain assurances that the culture and traditions of these French settlements would be preserved in perpetuity until the people otherwise demanded. Well, it

becomes but our duty, our paramount responsibility, to respect the word, the pledge, that he has given on behalf of India. Sir, that I think is the height of our culture and I do not think it is proper and fair, now that these settlements have come under the sovereignty of this Parliament, under the flag of India, that we should have to exert our authority and go back on our word, which our Communist friends can do. Where do they have the moral sanction—they have never kept any word—that they should now feel about the sanctity of the word of honour?

THE VICE-CHAIRMAN (SHRI AKBAR AU KHAN): Let us not generalise.

SHRI N. M. ANWAR: I am not speaking of individual Members, but . . .

SHRI BHUPESH GUPTA: He believes in one culture and it is *good* culture. It is *sericulture*. Therefore, let him continue.

SHRI N. M. ANWAR: Yes. Therefore, I would plead with our friends, let us not try to add confusion among the people there. Having wilfully come forward, they have accepted this and now let us try to stand by our word. I am very happy—particularly belonging as I do to the State of Madras—that one of the provisions of this Bill extends the jurisdiction of the High Court of Madras over the French settlement of Pondicherry. Mr. Vice-Chairman, I would even wish . . .

SHRI BHUPESH GUPTA: Did you consult them?

SHRI N. M. ANWAR: . . . that we should have a Bench of this High Court to go over to Pondicherry and hear appeals because that will possibly be to the advantage of our country, because we would try not only to earn the gratitude of the people of Pondicherry but hasten the forces by which they would willingly come into the Union of India in every field. But there is one provision in this Bill to which reference has been made by almost every Member that participated in this debate and that is that all laws as now existing at the time of cession shall continue to be in force until otherwise modified. I know that this is only a Bill which tries to replace the Pondicherry (Administration) Ordinance, 1962. We have got an amendment to the Constitution which will come in due course, which will clarify the position more clearly than now. But until then here is a piece of legislation which provides an interim measure for the period of transition. But, Mr. Vice-Chairman, I would wish that the laws which have been there for many generations—and I believe for nearly 200 years—should not be radically changed. Let them not be so modified as to upset the understanding, upset the relations, that now exist in that part of our territory. I would even wish that at least we must provide for an

[Shri N. M. Anwar.] efflux of fifteen years before we can expect the people to readjust themselves to the new change so that they could themselves demand this, and that will be the time when it will be proper and fair that we should extend the provisions of our laws in every field of activity. But meanwhile, let this territory for which a demand has been made that it should be merged with Tamil Nad, never be demanded in that fashion. I want that the people of Pondicherry should be given absolute freedom. I would even make this slogan, 'Hands off Pondicherry'. They have come, and it is more than enough for our purpose that they have come under the Constitution of India, under the sovereignty of this Parliament, under the flag of India. That is the most wonderful achievement for us.

One point which occurs now to me in the course of this debate is that I want that Pondicherry should be preserved as a show piece, not only in its culture—it has French culture— but also in matters of trade, industry and commerce. Let this port continue

to be a free port. Let 4 P.M. not our law of customs be

applicable to Pondicherry to the same measure as this law applies to every other part in our country. I have very special reasons why I want this free port to continue as such. I know that since Pondicherry has come into our Indian Union there has come a slough of despondency, a feeling of anxiety amongst the people that they are not having that way of life and that prosperity which they had been enjoying when Pondicherry was a free port. You know, Mr. Vice-Chairman, that in international trade and in international law there are many ports in the world, particularly on the Continent and the United States of America . . .

SHRI A. D. MANI: Like Hong Kong.

SHRI N. M. ANWAR: . . . which have been specifically termed as free ports in order that the imports and exports in international trade can flow without let or hindrance, without tariffs, without customs, . . .

(interruptions)

SHRI BHUPESH GUPTA: You seem to be personally interested in keeping it a free port. *(Interruptions.)*

SHRI N. M. ANWAR: I would very much wish, Mr. Vice-Chairman, that this Pondicherry, which has got a beautiful hinterland and where we have got many industries Which, unfortunately, are not fully developed yet, and which naturally give an opportunity to my friends who now belong to the Opposition to exercise their spell over the people and who have been even agitating that they must cut away from this country, that those districts which constitute the hinterland of Pondicherry should come in for special development, and one of the best measures will be to see that Pondicherry is allowed to continue as a free port, because that will allow many of our items of merchandise to enter this hinterland free of import duty and that will augment and set a premium upon our industries which we want to build up in that hinterland. I myself belong to that hinterland which is constituted of my district of North Arcot and other districts such as South Arcot and Chingleput.

SHRI BHUPESH GUPTA: We want a provision whereby there is a heavy duty put on export of hides.

SHRI N. M. ANWAR: That militate* against our policy of export promotion. I know that when Mr. Bhupesh Gupta can at any time—I know for certain that it can never happen— from the Government, probably such of the flourishing industries which are intended to earn foreign exchange for our country will come in for destruction at his hands but not until then.

One more thing, Mr. Vice-Chairman. I feel that Pondicherry has developed certain traditions and has been, quite often, a paradise for many an enterprise. People have been going over to Pondicherry . . .

AN HON. MEMBER: What is the paradise there?

ANOTHER HON. MEMBER: The Aurobindo Ashram.

SHRI N. M. ANWAR: I know that it has got traditions of spiritual heritage and also the tradition of spirituous heritage. The latter is a free culture which is French culture. I am opposed to any kind of intoxicating liquors.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We are not discussing those policies.

SHRI N. M. ANWAR: I am only suggesting this. Let Pondicherry be given special treatment in all these matters because the people there have built up certain traditions, and let not a big difference be brought to their notice that they should feel very much agitated over the change that has come.

Mr. Vice-Chairman, before I conclude I only wish to join my friends, and particularly the leading lights who participated in this debate, in saying that I welcome this Bill, and I welcome the extension of the jurisdiction of the High Court of Madras to the former French Settlement of Pondicherry.

Thank you.

DR. M. M. S. SIDDHU (Uttar Pradesh): Mr. Vice-Chairman, I rise to support this Bill, and at a time when our country is passing through a crisis, our friends, who are wedded to certain fixed ideas and rigidity of thought, could not think of anything better but to criticise this Bill. They did not perhaps understand that this Bill was meant to repeal an Ordinance which was promulgated and that this Bill was taking its place. Of course our friends and some other friends, who used to say, "Let a hundred 921 RS.—3

flowers bloom", cannot understand that there is something called an evolution. To them, rigidity of thought and imposing on others what they think is correct without understanding others, is the correct way of life. In this Session, if we were to think of what changes are required, what are the laws which have a bearing on the tradition, culture or customs of the people who live in Pondicherry, and if that were to be done, it would require a good deal of time which, during this present Session, our Ministries, which are hard pressed to combat the enemy, can hardly find. If they were to be engaged in more legislation in this regard, in repealing all the existing laws and bringing them in conformity with our Constitution, then it would have been difficult, and it would have been difficult all the more when in our own country, I mean, in other parts of our country, we try to preserve the law of inheritance according to certain traditions and customs of certain sections of the society, and we have got in our House the rules and the laws pertaining to marriages where the parties belong to different faiths, where the law of inheritance is different and where there are certain customs. Even a few days back we repealed and tried to modify another Act whereby certain prohibited marriages, which were allowed by custom and tradition, did not find a place in those Acts. Therefore, when the law provides that gradually we will change and alter and bring in conformity with our Constitution all the laws which are prevalent today in that territory of ours, what is there to hurry about? What is the hurry? If our courts are finding it difficult and they find that certain laws are directly contradictory to the Fundamental Rights, which we cherish, or other laws of the land, then the courts will bring it to our notice and I am sure our Government will respond, and then they will alter those. Let there be no rigidity of thought. Let us be flexible. Let us try to understand others' customs. Let us not think only in terms of a few elites, who are different from the

[Dr. M. M. S. Siddhu.] common people. It is the class war idea, a rigid idea to which our Communist friends are wedded, and they will not be able to get rid of it.

The other points which had been made have already been replied to by other speakers. For instance, the question was raised as to why this transfer and this Bill took such a long time. Shri Tankhaji has already told us that the changes in the French Government were such that they did not find the occasion to ratify it.

As far as the other point is concerned, it has been said that the court of law should not have been given that latitude to decide, 'as far as possible', whether those laws can be literally interpreted, that that power should not have been left with the courts. I would say with all humility that our courts have interpreted the law always in the right direction. There is no fear that we shall have that otherwise from the courts of law as they are constituted, and I am sure that this fear is not correct. There should be no apprehension about it.

Sir, for the laws to have effect, a period of three • years has been provided. Sub-clause (2) of clause 4 says:—

"For the purpose of facilitating the application of any such law in relation to the administration of Pondi-cherry and for the purpose of bringing the provisions of any such law into accord with the provisions of the Constitution, the Central Government may, within three years from the appointed day, by order, make such adaptations ..."

The three years' time thpt is given here is the maximum time. If we are fre_e from other emergencies—which, I hope, should end early, but for which we are prepared even for a long-drawn-out battle—then there is no reason why the Government should not be able to come forward with another Bill trying to modify and bring

the other laws in conformity with our Constitution.

As far as the French way of life—I do not know anything about it—i3 concerned, all I know about it is that we have respect for the way of life the residents and citizens of Pondicherry have and it is that which we want to preserve. As far as the French genius is concerned, I must congratulate it and I know the House will join with me on the way we have settled our differences, the way Pondicherry was passed on to us and the way the French people and the French Government have come to the aid of our country at this hour of crisis. It all shows what culture is. It is not the culture of the bottle in hand about which Mr. Bhupesh Gupta was talking a few minutes ago. But this is the culture, when the freedom of our country is threatened they come to our rescue and repeat the cry of the French Revolution, equality, fraternity and liberty. That is the nation that comes and joins hands with us to fight the aggression on our country.

SHRI BHUPESH GUPTA: That part of the culture, please do not misunderstand it. Fraternity, equality and other things are inscribed in our Constitution in the very Preamble. Therefore, the application of the Constitution would be carried forward in implementing the finest traditions of the French culture, not by what they are professing today.

DR. M. M. S. SIDDHU: Mr. Bhupesh Gupta says that we have imbibed that part of the French culture in our Constitution. AH laurels to the French people., to¹ the great people. If we have taken it and assimilated it, and if there is something more which that great nation gave to the residents of Pondicherry, why shall we feel shy of preserving it?

SHRI BHUPESH GUPTA: It has. I am not against you at all.

DR. M. M. S. SIDDHU: So if those la.w.s, customg and traditions are to be

preserved, we do not want that to be changed through coercion. We want it to be done through evolution. . And I am sure the people of Pondicherry whenever they will desire a change in their own laws, in the laws which are operating today, for the laws for which this Bill has been brought forward, then Parliament and our Government would welcome any such change. Therefore, such criticisms are rather misplaced. And all I can say is that people have tried to judge this Bill from their fixed ideas, from the rut to which they have been accustomed. Therefore, it is no wonder that when we talk of a French way of life and a French culture, Mr. Bhupesh Gupta thinks on different lines. But in his own way he says, let us take whatever is best as if we want to take what is worst out of that culture.

With these words I wholeheartedly support the Bill and I congratulate the Government for bringing forward this Bill. Thank you.

SHRI M. P. BHARGAVA (Uttar Pradesh): Mr. Vice-Chairman, I join all the previous speakers in giving my whole-hearted support to this Bill. I personally thought that this Bill was a very simple and non-controversial Bill and I thought that it would go through in this House in less than half an hour. But remarks made by some of the previous speakers have left an impression on my mind that the sequence of events has not been fully appreciated, and for that purpose I intend to read the Statement of Objects and Reasons as given by Shri Jawaharlal Nehru while introducing the Bill in the other House on the 14th November, 1962. He says:—

"The present Bill seeks to replace the Pondicherry (Administration) Ordinance, 1962. That Ordinance was promulgated by the President for the administration of the new Union territory comprising the former French Establishments of Pondicherry, Karikal, Mahe and

Yanam. These French Establishments became an integral part of India from the 16th August, 1962 when the Instruments of Ratification in respect of the Treaty of Cession were exchanged between the Government of India and the Government of France."

To make it a little more clear, I will read out one more paragraph from the Financial Memorandum. It reads:

"The administration of the French Establishments of Pondicherry, Karikal, Mahe and Yanam vested in the Government of India with effect from 1st November 1954, following the agreement between the Governments of India and France. The two Governments had also entered into a treaty in 1956 ceding full sovereignty over these territories to India. This treaty was to come into force on its ratification. The instruments of ratification were exchanged on the 16th of August 1962. Accordingly, with effect from that date, these Establishments have become a part of the Indian Union."

Now, Sir, there are two questions. Why was there delay in ratification? The House is well aware and some of the speakers have pointed out that it was not because of any slackness on the part of the Government of India that this ratification could not come earlier. There were other reasons and, therefore, the ratification was delayed. The ratification having come on the 16th August, 1962, then it was for the Government of India to take further steps in the matter. As the House is aware, when Goa was integrated with the Union of India, two Bills were brought forward before this House. One was the Constitution (Amendment) Bill for the integration of Goa and the other was the Administration of Goa Bill. Similarly, when these territories came to India, two Bills should have come to this House, the Constitution (Amendment) Bill and the Administration of Pondicherry Bill. The first Bill, as the House is aware, was passed in this House on almost the last day of the

[Shri M. P. Bhargava.] last Session, namely, 7th September 1962. At that time probably this Bill was not ready and therefore it was not introduced in that Session. Thereafter, the Constitution (Fourteenth Amendment) Bill was passed and thereafter as is provided in article 368 of the Constitution, certain steps have to be taken before the assent of the President is received to the Bill. That procedure is that at least half of the States should pass by a majority approving the Constitution (Amendment) Bill. That was being done from 7th September till 6th November when the Ordinance was issued. As I understand it, almost half of the States have passed that Resolution. Probably it is short of one or two at the most and that is where we come to the present Session. As the House knows, on 6th November, for certain urgent reasons, the President had to issue the Ordinance only 2 days before the Parliament was due to meet and after that on 14th November the Prime Minister introduced the Bill under consideration in that House.

SHRI BHUPESH GUPTA: We all agree on this point.

SHRI M. P. BHARGAVA: That is the sequence of events and I do not see where there was any delay on the part of the Government of India. My friend Prof. Lai who was the opening speaker in this debate referred to clause 17 of this Bill and he objected to the words "other authority" being used in that clause. He made out a case as if something very extraneous has been brought and that these words do not appear anywhere else in the Bill and they are not defined and he was puzzled as to what this authority actually meant, whether it was the S.P. or it was the S.I. or even the Head Constable. So he was in doubt about that. Pandit Thankha has already replied to that by pointing out to clause 3 of the same Bill where the same words "or other authority" have been used and the context has been very clearly explained why those words were used

and what the other authority meant vis-a-vis the Administration of Pondicherry and if my hon. friend Prof. Lai would go through the clause, he would have no doubts left about the definition or meaning or the context in which these words have been used. This is as far as Prof. Lai's point is concerned.

Then if we look to the provisions of the Bill, as I explained earlier, the transfer took place on the 16th August, 1962 and that forms part of sub-clause (3) of Clause 1 where it says:—

"It shall be deemed to have come into force on the 16th day of August, 1962."

A lot has been said about the various clauses as to why the present laws of the country are not immediately made applicable to Pondicherry. In this connection I would invite the attention of the House to clauses 4 to 6 of the Bill and also to clause 8 which is the most important one in this connection reading as follows:—

"The Central Government may, by notification in the Official Gazette, extend with such restrictions and modifications as it thinks fit, to Pondicherry any enactment which is in force in a State at the date of the notification."

That means that the power has been vested through this Bill in the Central Government to extend any of the present laws to Pondicherry as and when it thinks necessary with such modification as may be considered necessary in the context of Pondicherry.

Then I would invite the attention of the House to another clause, namely, clause 19 which is also a very important clause under the heading "Power to remove difficulties". It reads:—

"If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by

order published in the Official Gazette, make any such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed day."

I personally feel that the two clauses is and 19 have given full powers to the Central Government and there should be no "misgivings in the minds of any hon. Member about our laws being progressively applied to Pondi-cherry and other places.

PANDIT S. S. N. TANKHA: Thai clause mentions about the administrative difficulties, not about the interpretation of the Act.

SHRI M. P. BHARGAVA: As I have said, it is covered by clause 8. Administrative difficulty is covered by clause 19. So both are covered. Before I sit down, I would add a word about the administration and the retention of the culture in Pondicherry and other places. We are bound by the Treaty which we have entered into with the French Government that we shall take all steps to see that the culture in existence in Pondicherry and other places will not be allowed to die out and that it would be allowed to nourish or at least to remain in the present state and therefore it is very necessary that when we administer these places, we see specially that nothing is done to violate the word which has been given.

About the conditions, the people of those places should not be allowed to feel that they are not as well-governed as they were under the old regime. We have to see that the administration given to them is as good or better than it was before.

In this connection, I would like to say a word about Goa. I have been receiving some complaints from Goa that the conditions there are not what they ought to have been.

SHRI RAJENDRA PRATAP SINHA (Bihar): Are we discussing Goa?

SHRI M. P. BHARGAVA: Just one word.

I take this opportunity of requesting the Government to see whether there is any justification for those complaints.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The Minister.

SHRI RAJENDRA PRATAP SINHA: Now that the Minister has come, I think we can finish the other Bill, Sir.

SHRI JOSPEH MATHEN: I just want a clarification, Sir.

THE VICE-CHAIRMAN . (SHRI AKBAR ALI KHAN) From whom?

SHRI JOSEPH MATHEN: Shri Bhupesh Gupta took credit for the decision of the French Communist Party in transferring . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I think that is not a point at issue. This has nothing to do with the Bill. Let the Minister answer if she wishes. If it is necessary, she will reply to it.

SHRIMATI LAKSHMI MENON: I can answer that question first before I really answer the other points. I think the claim made by Shri Bhupesh Gupta, as usual, is a baseless claim which has no truth in it at all.

SHRI BHUPESH GUPTA: You are in for the third reading.

SHRIMATI LAKSHMI MENON; As I pointed out in the beginning, this is a very simple Bill, an enabling measure to regularise the Ordinance. Unfortunately, some of the speakers did not seem to have read the Bill or even the object of the Bill and the result is that we have had to waste a good deal

[Shrimati Lakshmi Menon.] of time dealing with things which are absolutely irrelevant as far as the Bill is concerned. We have had lectures on French culture and we are told of Government having given assurances that it will preserve the French Culture in Pondicherry. That shows that the Treaty of Cession which has been before the country for the last six years has never been referred to by the Members of Parliament because you find not a single word mentioned about the preservation of French culture. All that We have said by way of assurance is that the status of the territory will be changed according to the wishes of the people and what surprised me most, Sir, was that the existing institutions in Pondicherry have not even been understood by the Members of Parliament. They have been asking for representative institutions. They should know that there is an elected body, elected on adult suffrage, which is more or less responsible—limited responsibility, of course—to the people. Our own House passed a measure during the last session in which provision has been made for representation to be given to the people of Pondicherry both in the Lok Sabha and in the Rajya Sabha. It is easy for elections to take place in Pondicherry as distinct from the Portuguese possessions because in the former we have got regular electoral machinery, an electoral roll, and, therefore, if is not so difficult, and but for this emergency, I am sure elections would have taken place there long ago.

I would now like to point out one or two things. One is the issue raised by the previous speaker, the last speaker. He talked about the delay involved in the Treaty of Ratification coming into effect and there being no necessity for an ordinance to be issued. Sir, there is this difference between the Portuguese possessions and the French establishments in India. The transfer of French establishments to India, is by- agreement. Naturally, after the French had ratified the

agreement we had to have joint consultations to find out whether we are keeping true to the Treaty or whether any changes have to be introduced and how far these changes are in conformity with the assurances given in the Treaty of Cession. Then also came the question of extending the jurisdiction of the High Court of Madras to Pondicherry. For this, the High Court of Madras had to be consulted and as Members have already pointed out, there is difference in the legal systems that exist in Pondicherry and in other parts of India, and in order to bring it in conformity with the thing existing in the other States certain steps have had to be taken. All these meant delay and difference between the appointed day and the date of the issue of the Ordinance.

Sir, much dust has been raised over the word "authority". I think the lawyers' profession is to be commended for the extreme—what shall I say—scrutiny that has been exercised in trying to interpret the word "authority". I just want to say that this word is used in the ordinary sense of the term.

PANDIT S. S. N. TANKHA: I think the hon. Minister herself is a lawyer.

SHRIMATI LAKSHMI MENON: This also is another irrelevant statement that is being made. This has nothing whatever to do with my knowing law or not. I am not competent to decide between a professor and a judge but I may point out that the word "authority" has been used in the ordinary sense of the term.

SHRI BHUPESH GUPTA: On a point of order, Sir.

SHRIMATI LAKSHMI MENON: I am not yielding. I would like to point out that the same expression has been used in other enactments, for instance, in the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959 and also in the Dadra and Nagar Haveli Act. In clause 2 of this it is said, "for the purpose of facilitating the application of sjiy law in Dadra and Nagar

Haveli, any court or other authority ____ ". We have had the same word in the enactment relating to Goa, Daman and Diu. We have, I think, spent a lot of time trying to find out what 'authority' means, whether it has been used here, there and everywhere. Hon. Members would have remembered, if they had wished, that we ourselves have passed two or three or a number of enactments in this very House wherein this word "authority has been used in the same ordinary sense and has gone unchallenged. Perhaps we have more time now and that is why we are doing this.

SHRI BHUPESH GUPTA: Never too late to be wise.

SHRIMATI LAKSHMI MENON: Hon. Members wanted a commission to be appointed for considering the merger of these establishments and wanted to know why no such provision has been made. Article 2 of the Treaty says that a change in the status can be made by the people themselves. Now, we have an elected legislature there. All that you have got to do is to pass a resolution saying that the French establishments will become part of India or can be merged in Madras, Kerala and Andhra Pradesh and the reason why our friends in the Opposition are insisting on it is that they have not a majority in the Council or the Assembly or anywhere in Pondi-cherry. Since they are losing whatever majority they had in the past they feel that this is the only way of bringing these things here.

SHRI BHUPESH GUPTA: You have a majority here.

SHRIMATI LAKSHMI MENON: We have a majority here. Sir, that is the reason why they are bringing it here. There is an elected assembly in Pondi-cherry but it has not passed any resolution saying that they want the territories to be merged. They have not only not expressed such a desire but they want to keep their separate entity.

There are many other things that were relevantly raised but before I come to that, I would like to answer the point raised by Mr. Santhanam. He talked about some contradictions and inconsistencies about clauses 4, 8 and 18. Clause 4 provides for the continuance of the existing laws until amended or repealed by a competent legislature or authority. Hence, the continuance of the existing laws is subject to amendment or repeal undertaken by Parliament or by any other regulation made by the President under article 240 of the Constitution whereas clause 8 will enable the Central Government to extend to the territory of Pondicherry any enactment in force in a State with modifications considered necessary to bring it into harmony with local conditions. These are two different things.

SHRI K. SANTHANAM: I want to clear only one point and it is this. Can the Central Government extend any State Act which is already covered by an existing law? That was the point that I raised.

SHRIMATI LAKSHMI MENON; Sir, if there is a law already existing there, then you cannot.

SHRI K. SANTHANAM: That is right.

SHRIMATI LAKSHMI MENON: If there is a vacuum and there is no law, then it can be extended. Having regard to the scope of clauses 4 and 8, there is no inconsistency between them and these clauses may stand as they are. There is no question of relying on clause 18 for reconciling these clauses.

SHRI BHUPESH GUPTA: You are a good lawyer.

SHBIMAP LAKSHMI MENON: Something was said about having a centre for French culture in Pondicherry. Sir, there is the French Institute and it is an excellent institute there which does a lot of research in Indology and so on. There is not such an institute

[Shrimati Lakshmi Menon.]

any where in India. I visited it recently. They are doing excellent work in Indology and they are studying Southeastern languages and Tamil, Sanskrit, French, etc. and they are trying to produce literature on archaeology, iconography and various other things. They do good work and it is all done at the expense of the French Government and they are training our men and also giving facilities for work for scholars who never had such facilities before. And so this is being taken care of.

Even about the French language, during the session, it was said that the French language will continue as the official language till such time as the people desire to change it. If tomorrow resolution is passed by them that they do not want the French language as their official language, it will cease to exist as their official language. It is left to the people to find out what they want and what they do not want.

Then there was the question raised by Prof. Wadia about equivalent degrees and so on. There is the College de France there which is really a sort of Higher Secondary School and college and as far as government employment is concerned, we have given equivalence to the Baccalaureate in the French College de France with B.A. and B.Sc. That is as far as appointment opportunities are concerned. But for the admission into colleges and universities, it is entirely left to the universities to decide whether this degree should be recognised as sufficiently good for postgraduate work, etc. Therefore, the allegation made that a person with a degree was completely ignored, I cannot understand.

THE VICE CHAIRMAN: (SHRI AKBAR ALI KHAN) : Prof. "Wadia was referring to the question of appointments.

PROP. A. R. WADIA: I referred to the question of appointments.

SHRIMATI LAKSHMI MENON: As far as the question of appointment is.

concerned, the equivalence has been accepted by the Government.

SHRI BHUPESH GUP AT: The person in question was a lady.

THE VICE-CHAIRMAN: (SHRI AKBAR ALI KHAN) : That we know, Mr Gupta.

SHRIMATI LAKSHMI MENON: Then as far as employing the French-know ing people in the External Affairs Ministry is concerned, that is being done.- We have got a list of people eligible for helping us in interpretation, translation, etc. and so this is being taken care of by the External Affairs Ministry. Therefore, I am sure this will satisfy Mr. Sapru.

The question was raised by Pandit Tankha about the Limitation Bill and whether the period of limitation given in the present Bill cannot be changed in order to bring it in line with the Limitation Bill. I may say that once the Limitation Bill is passed, it will be applicable to the whole of India and that will naturally supersede this clause in the Bill. As for the Supreme Court.

SHRI K. SANTHANAM: But this is also a Parliamentary law.

SHRIMATI LAKSHMI MENON: This is an interim measure.

SHRI K. SANTHANAM: That is all right. But your reply to the point regarding the Limitation Bill is not correct, because no Parliamentary law can modify another Parliamentary law unless it is done in express terms in the Bill itself.

SHRIMATI LAKSHMI MENON: That can be done if necessary. But even otherwise when this Bill lapses, the other will come in. These are some 'of the points raised by hon. Members in the course of the debate.

AN HON. MEMBER: "What about the Supreme Court?

SHRIMATI LAKSHMI MENON: *_s far as the Supreme Courts is concerned, the authority of the Supreme

Court over Pondicherry will remain as prescribed in the Constitution and the statement made that citizens in Pondicherry will be put to hardship and so on, has no basis. They in Pondicherry are as much citizens of India as anyone in India and they have the same rights and responsibilities as ourselves. Therefore, that point has not anything that need cause any heart-burning or hardship.

As for the rest, many points were raised which were rather irrelevant, about French culture, what we are doing about it and so on. The Bill as I said at the beginning and later on also, is a simple one and the scope of the Bill is very limited and in the other House it took only twenty minutes.

SHRI BHUPESH GUPTA: That shows wisdom.

AN HON. MEMBER: This is a revising chamber.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : That means you have dealt with all the relevant points and finished your speech?

SHRIMATI LAKSHMI MENON: Yes, Sir.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is:

"That the Bill to provide for the administration of Pondicherry and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 20 were added to the Bill.

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

SHRIMATI LAKSHMI MENON: Sir, I move:

"That the Bill be passed."

The question was proposed.

SHRI BHUPESH GUPTA: Sir, the . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Mr. Gupta, we have given much more time to this Bill in this House than the measure requires.

SHRI BHUPESH GUPTA: Yes, Sir. The hon. Minister complained that in the other House it was passed in twenty minutes, while we being elders have taken such a long time.

SHRIMATI LAKSHMI MENON: I never said it.

SHRI BHUPESH GUPTA: All I can say is that unlike young people we are not in such a great hurry. We reflect over matters and naturally we have given a little more time, as wise men always do. But then the loyalty of the hon. lady sponsoring this Bill has lately been divided between the two Houses. She belongs to this House and also to that House. By adoption she is there and by parentage here. Therefore, the problem arises. I should like to say another thing in connection with her reply. An hon. Member from here was asking her, when she was making a legal point, "What about your laws"? Now, how does it become irrelevant? When one elaborates a legal point one is entitled to ask about certain legal knowledge, etc. Not about one having that knowledge and so on, but it is a very relevant question and an answer can be given. That we know. What I am stating, therefore, is that it was a very relevant interruption because the trouble arises when the External Affairs Ministry . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We are not dealing with the interruption, Mr. Gupta. We are dealing with the Bill.

SHRI BHUPESH GUPTA: Yes. Sir. We are dealing with the hon. Minister in relation to the interruption.

Now, naturally there is bound to be trouble when legal points are raised because the Bill involves legal matters. It has nothing to do with external relations whatsoever. Naturally legal discussions will go on in the debate but in all fairness to her I must say that she tried to act as a good lawyer. And we know in literature sometimes we find ladies acting as lawyers. Portia, for example, acted as a lawyer in the Merchant of Venice. So here she was acting as a lawyer and she did a good thing.

Some hon. Members, especially my distinguished friend there, accused me of rigid ideas. He said that I was proceeding from a rigid point of view and yet what he said in essence was in agreement with it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Why do you want to answer it then?

SHRI BHUPESH GUPTA: For a little diversion, that is all. What I said has been said more or less by others also, as to why other laws are not being extended. Our complaint against this Bill is precisely this. I know it is an ordinance which is now being transformed into an Act of Parliament and under the provisions of the Constitution it has to be done. On all such occasions questions of law naturally arise and we place them before the Government. That is what we did and what many other hon. Members opposite in their wisdom also did and I felt that there was a fundamental agreement in what we were saying. I think the Government should take note of it.

Much has been said about culture and so on and I am very grateful to the hon. Minister that she avoided all cultures by not answering anything. That is a good thing. But it is a rele-

vant point in this context because it involves the Administration. Whatever is good in the French way of life or whatever you call it in Pondicherry should be preserved. The French have left their culture, their music, their fine arts and so on and they should be preserved. We are not opposed to it at all. In fact this should happen in every part of the country. Whatever, as I said clearly, is good should be preserved, but the point is, are we preserving that? And secondly does our Constitution contradict them so that the application of the Constitution there or the laws of our country would negate them? My submission was that far from doing so, the extension of our laws and our system to that place would enable us to preserve everything that is meritorious and positive in the way of life as it exists in Pondicherry. But the fundamental way of life there is naturally the Indian way of life because they are all inheritors of Indian culture. They are the Tamils, Telugus, Malaya-tees, having their own culture, their own civilisation. Naturally, having lived under the French rule they have got something from them. Some were good; others may not be so good. But whatever is good should be preserved and cherished. Naturally I like that the institution to which the hon. Minister has referred should be encouraged and maintained at all costs. Therefore please do not misunderstand me. You may not like the Communists but do not do injustice to your own wisdom and intelligence by deliberately misunderstanding me. I am not suggesting that their culture should be done away with. Whatever is good there, I want it to be preserved.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): On a point of order, may I know whether in the third reading of the Bill all irrelevant matters can be raised? In this connection I would like to quote from May's Parliamentary Practice. This is what is said here on page 578 about the debate on third reading:

"The procedure on the third reading of a bill is similar to that described in relation to the second reading, but the debate is more restricted at the later stage, being limited to the matters contained in the bill. If the question "That the bill be now read the third time" is negatived, such a vote is not necessarily fatal to the further progress of the bill. The more usual method of objection is therefore to move an amendment, putting off the third reading for three months, or a "reasoned" amendment against the bill being now read the third time."

So it is clearly stated here that in the debate on third reading no question that is not contained in the Bill can be raised. I do not know how the House can allow such statements and such speeches to be made during the third reading of the Bill. I want a clear ruling by the Chair whether such a practice is going to be allowed in this House that in the third reading stage any Member can get up and make all sorts of speeches which we raise in the first reading or in the second reading stage.

SHRI BHUPESH GUPTA: Sir, do I have to answer that point of order?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): It is not for you but I would like you to finish.

SHRI BHUPESH GUPTA: Because he raised that point of order . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): It is for me, to decide.

SHRI BHUPESH GUPTA: I am confining myself to the provisions of the Bill; I am telling the Government how to administer the Bill.

Now, Mr. Vice-Chairman, I say, the hon. Minister—I am sorry he is not yet one—the hon. Member is now taking up May's Parliamentary Practice which I read ten years ago.

SHRI CHANDRA SHEKHAR: Unfortunately you still require to read it.

SHRI BHUPESH GUPTA: Maybe because I have got a teacher like you.

SHRI BHUPESH GUPTA: Now, Sir,

one hon. Member from that side—he sits there—was trying to correct me. I should like to be corrected by him. Now, I am dealing with the provisions of the Bill and about its administration and I think institutions such as this should be encouraged and maintained.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): YOU address me, Mr Gupta.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That you have already said.

SHRI BHUPESH GUPTA: I was saying how the whole thing came up. Therefore please do not misunderstand me in this matter as if we are suggesting something which is wrong. I entirely agree that all that is good should be preserved but in that connection do not have a distorted view of culture. As I said in an interruption our Constitution in the very first page incorporates some of the finest teachings of the French Revolution and equality, fraternity, etc. are there. The Directive Principles of our Constitution are also based on some of the finest traditions of the French Renaissance, French Revolution and French culture in a positive way. Therefore when I say that these things should be extended, I do not at all suggest that whatever is good and positive should be negated. They should be preserved and as I said should be integrated with the scheme of life that we are having here in this country under our Constitution. Therefore our laws and other things should be extended there and applied with such adaptations as may be necessary with a view to preserving what is good and constructive there and which does not exist in other parts of the country. That is all that I said and I hope this will be borne in mind by the hon. Minister, and I

[Shri Bhupesh Gupta.] hope she would certainly like to give a reply to what I have said.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Have you finished?

SHRI BHUPESH GUPTA: Just finishing. Another point was made by the hon. Member from the far corner there.

SHRI JOSEPH MATHEN: I was asking you this. You took credit for the decision of the French Communist Party. Can you be held responsible for the decisions of the Communist parties of various countries?

SHRI BHUPESH GUPTA: I did not take credit. You put words into my mouth and then make an interruption. Delay was a relevant point. It was raised why there was delay and so on and in that context I said that the various parties took the decision there. I did not take credit or discredit for it. I gave only a bit of an information. And the hon. Minister, because she would like to reject everything that I said, said, 'No'. But I think it is beside the point.

So, I wish this discussion was not sought to be distorted by misinterpreting our contention as if we are opposed to the positive features of the French culture—or whatever you call it—of the French way of life and whatever the French had bequeathed in Pondicherry and other places for the enlightenment and well-being of

the people should be preserved and integrated with our own system.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I do not think there is anything new. Would the hon. Minister like to answer?

SHRIMATI LAKSHMI MENON: NO; he has not raised a single new point.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Quite right. The question is:

"That the Bill be passed."

The motion was adopted.

THE INDIAN TARIFF (AMENDMENT) BILL, 1962

THE MINISTER OF INTERNATIONAL TRADE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI MANUBHAI SHAH) : Sir, I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, as passed by the Lok Sabha, be taken into consideration."

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The House stands adjourned till 12:00 noon tomorrow.

The House then adjourned at five of the clock till twelve of the clock on Tuesday, the 27th November 1962.