

Sahai, Shri Ram.

Saksena, Shri H. P.

Saksena, Shri Mohan Lal.

Samuel, Shri M. H.

Santhanam, Shri K.

Sapru, Shri P. N.

Sarwate, Shri V. V.

Satyacharan, Shri.

Savnekar, Shri Baba Saheb.

Seeta Yudhvir, Shrimati.

Sethi, Shri P. C.

Shah, Shri K. K.

Shakoor, Moulana Abdul.

Shanta Vasisht, Kumari.

Shanti Devi, Shrimati.

Sharda Bhargava, Shrimati.

Sharma, Shri Madho Ram

Sherkhan, Shri.

Servani, Shri M. R.

Shetty, Shri B. P. Basappa.

Singh, Thakur Bhanu Pratap.

Singh, Sardar Budh.

Singh, Shri Kamta.

Singh, Shri Mohan.

Sinha, Shri Awadeshwar Prasad.

Sinha, Shri B. K. P.

Sinha, Shri Ganga Saran.

Sinha, Shri R. B.

Sinha, Shri Rajendra Pratap.

Sinha, Shri R. P. N.

Sinha Dinkar, Prof. R. D.

Srinivasan, Shri T.

Subba Rao, Dr. A.

Tajamul Husain, Shri.

Tankha, Pandit S. S. N.

Tara Chand, Dr.

Tayyebulla, Maulana M.

Tripathi, Shri H. V.

Venkataraman, Shri S.

Venkateswara Rao, Shri N.

Vijaivargiya, Shri Gopikrishna.

Vyas, Shri Jai Narain.

NOES—Nil

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

MR. CHAIRMAN: The House stands adjourned till 2.30 P.M.

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

The House reassembled after lunch at half-past two of the clock, THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.

THE GOA, DAMAN AND DIU (ADMINISTRATION) BILL, 1962

THE MINISTER OF LAW (SHRI A. K. SEN): Sir, on behalf of the Prime Minister, I beg to move:

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

This follows logically from the Constitution (Twelfth Amendment) Bill which has just been passed. It will be recalled that under this Bill, the Constitution (Twelfth Amendment) Bill, Goa, Daman and Diu have become part of the Union territory. Under article 240 of the Constitution Parliament is now competent to deal with the government and administration of that territory and the Bill

seeks to provide for a civil administration for these territories which now have become part of the Union Territories under Schedule I and also for giving them representation to Parliament on the same lines as we provided for the territories of Dadra and Nagar Haveli. Naturally we have to provide for a High Court and we have prescribed the High Court of Bombay to have jurisdiction over Goa, Daman and Diu. So far as the existing laws are concerned, we are providing for their continuance and what is necessary is the power for the Central Government to adapt these laws. These laws are so different, their application and their enforcement are so different, from the pattern we follow in India that very large-scale power would be necessary for adapting these laws for being made suitable for administration and enforcement under the Indian Constitution. We are providing for that in clause 5 and we have also taken power under clause 6 to extend existing laws to these territories with such amendments and modifications as would be warranted because of the special features of these territories. Now, so far as clause 9 is concerned, that also is necessary for purposes of giving indemnity to officers who have taken over these territories including our military personnel who have acted *bona fide*, on the same lines as the Public Authorities (Protection) Act, and we have also taken power under clause 10 to make such further provisions for the purpose of removing any difficulty which might be experienced in connection with the administration of Goa, Daman and Diu.

The amendments proposed have all been by Shri Bhupesh Gupta. That does not mean that those amendments are not worth consideration. They certainly are but they proceed from the assumption that the present measure sets the pattern for all time to come for the future administrative set-up of these territories. Far from it, because we shall have to devote a good deal of thought and consideration in the future for the purpose

of setting up that administrative structure for these territories which would ensure the maximum exercise of autonomy for these territories consistent with their special features. As the Prime Minister had already declared at the time the Goa action took place and also at the time the Constitution (Twelfth Amendment) Bill was introduced in the Lok Sabha and was passed.

I do not think hon. Members here would like the Government to be hustled into this work. This is not work which can be done in a hurry, and I think the experience we shall gather in carrying on the administration of this territory would be invaluable in assisting up to provide that type of a set-up which would conform not only to our own ideas but also to the aspirations of the people of these territories who, like the rest in India, are entitled to exercise the maximum right of self-government as our Constitution enjoins and provides for everyone, to all its citizens. It is, therefore, of the utmost importance that we do not provide anything or even attempt to do so in a hurry. We should wait for the accumulation of that experience not only in the actual acquisition of the territory but also in administering it, during the military action and also after, as civil authority replaces the present administrative set-up. It is, therefore, I think inappropriate and inopportune and, if I may say so, premature, for anyone to suggest any administrative set-up now or any commitment with regard to such a set-up especially when not only the government but the entire country is committed to the task of assisting these people in getting an administrative set-up which would give them the maximum self-government and autonomy consistent with the special situation in which these territories are situated. I am, therefore, very constrained to observe that these amendments are not acceptable to the Government, far less the amendment which says that what we are providing will cease to ex-

[Shri A. K. Sen.]

after the 1st July 1962. After all, this is not just a matter of fancy.

DIWAN CHAMAN LALL (Punjab): What happens after July 1962? Does it go back to Portugal?

SHRI A. K. SEN: July 1962 is nothing to me. I do not know whether the hon. Member has appreciated the question that we have tried to raise. If these provisions are not extended after July, these areas cease to be Union Territory which is far from anyone's contemplation, and I am sure it is far from the contemplation of the hon. Member who has proposed this amendment. It is, therefore, not advisable, especially in such important matters to try to fix a time limit. What is necessary is that they become a Union Territory. It is not only in consonance with the desire of the people of these territories themselves but also in consonance with the aspirations and desire of the whole nation. What then is to follow is a matter which has to be considered carefully, with mature deliberation and after taking into account all the experience which we may have the good fortune of accumulating. As the Prime Minister said, all that can be said now is that at the earliest possible opportunity, as we have done in the case of the country, a form of government try to set up, in consultation certainly with the wishes of the people here and after ascertaining all the viewpoints of these people and of the rest of Dadra and Nagar Haveli, we shall which would give all these territories the maximum possible autonomy, having regard, as I have said to the peculiar position that these territories will continue to occupy. There is no doubt that culturally and historically they have certain special features which should be taken into account.

These are my submissions, Sir, and I, therefore, commend this motion for the acceptance of the House.

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal): Mr. Vice-Chairman, Sir, I must at once answer some of the points raised by the hon. Law Minister in placing this Bill before the House. First of all he said that we were trying to hustle the Government into something which should not be done hurriedly. Seemingly it would appear that he is being reasonable. But really he is hustling Goa into the dispensation of the Government. Goa is to be made a Centrally-administered territory and certain arrangements are made under this Bill. I do not take it that the opinion of the people of Goa has been consulted in the matter and as far as we can gather, patriotic sections in Goa are opposed to this kind of arrangements being made and I will read out to you what they are stating in the memorandum that has been submitted and signed by many people.

"We demand a separate State of Goa within the Indian Union,....."

SHRI A. K. SEN: Who are those people?

THE DEPUTY MINISTER OF EXTERNAL AFFAIRS (SHRIMATI LAKSHMI MENON): Who are they?

SHRI BHUPESH GUPTA: "..... with an Executive responsible to a Legislative Assembly....."

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Bhupesh Gupta, who are the people who have signed this?

SHRI BHUPESH GUPTA: These are Goan patriotic organisations sponsoring the memorandum.

SHRIMATI LAKSHMI MENON: What are the names of the organisations?

SHRI BHUPESH GUPTA: I shall give you more information.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): No names are there on the representation?

SHRI BHUPESH GUPTA: Let me finish this:

".....as resolved by the All-Goa Political Conference, held at Margao, on the 28th January, 1962."

You have got the date; you have got the name of the organisation. It is a Resolution passed by them.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Who sponsored it?

SHRI BHUPESH GUPTA: You ask the Law Minister to find it out. You have got a Law Minister, ask him to tell you about this rather than leave it to the Opposition to enlighten you. Here I draw the attention of the Government to a memorandum. It seems you are interested in the sponsors. Since your Law Minister has chosen to keep you in the dark in regard to this matter, may I draw your attention to what this All-Goa Political Conference says in this memorandum? On page 2 it says:

"We are emphatically of the view that declaring Goa as Union territory (after its liberations) would certainly mean a clear decline in its political status which it enjoyed even as a Portuguese colony."

There were certain institutions existing there although they were perverted. And this is what they have said. Therefore the issue is not one of Goa coming into the Indian Union. Here the reference is to the particular Schedule of the Constitution which provides for certain Centrally-administered territories and the people of Goa as represented by the All-Goa Political Conference do not like that; they resent this kind of thing. This is what they have said in the memorandum. I know this memorandum is in the possession of the Government and since names are also wanted, I shall give the names also. The signatories on behalf of the All-Goa Political Conference are E.L. Dias

and A. T. Dias for the Permanent Committee of All-Goa Political Conference. And the date is 5th March, 1962. Therefore, do not get the impression as if I am trying to say something which nobody there says. Now, I ask the Government, do they recognise that the All-Goa Political Conference is a competent authority to speak on the subject?

SHRIMATI LAKSHMI MENON: No, no.

SHRI BHUPESH GUPTA: If they say 'No', then of course as far as they are concerned, well, the case is lost. If they say 'Yes', I do not think even this Government will tell an untruth on the floor of the House in this matter. They have to recognise that this is an important organisation or conference or front of all the patriotic elements in Goa. If they recognise it, then it follows that they are not heeding the advice given by it. You cannot run with the hare and hunt with the hound. It is quite clear. Therefore I am not hustling the Government. The Government on the other hand is hustling the Goan people into an arrangement which has been unilaterally created here in this Secretariat and which is as far away from Goa as Mr. Asoke Sen is from the Conference. That is the position. Therefore if anybody is hustling anybody, the charge is to be laid on the door of the Government. It is the Government that is hustling the Goan people taking advantage of a certain position they occupy in this matter into a constitutional or administrative set-up against which they have spoken so unmistakably, so clearly and in so eloquent a manner. Therefore, that argument of hustling somebody on our part does not stand at all. Have I exposed that argument? I think I have.

SHRIMATI LAKSHMI MENON: No.

SHRI BHUPESH GUPTA: I find Mrs. Menon saying 'No'. I think all her life she has been saying 'No'. I

[Shri Bhupesh Gupta.]

do not know why she says 'No'. I thought, being a reasonable lady, she would be convinced of the validity of the proposition that I have placed before the House.

The second point is: he said that my amendment would mean that Goa goes out of the Indian Union. Who says that? Indian Union is not Union Territory. Indian Union has certain other tangible entities called States. They are not in the Schedule. What we refer to here is the Union Territory. Union Territory means Centrally-administered territory. Centrally-administered territory means bureaucratic imposition from Delhi. You will say, 'What is the proof of it?'. The proof of it is the experience of Manipur, Himachal Pradesh and Tripura. What do we get there? Despite the demand of the people that they should get Legislative Assemblies nothing has been done to meet their demand. We have got the so-called Territorial Council. Up till date they have not been given responsible Government or Legislative Assembly or any such thing. Now, the majority of the people of Tripura, even in the third general election, have voted in support of the demand for a Legislative Assembly. And in proof we say, in all humility, that both the parliamentary seats—only two seats are there—we have got

SHRI M. GOVINDA REDDY (Mysore): By misrepresentation.

SHRI BHUPESH GUPTA: . . . getting 51 per cent of the total votes. With an absolute majority of votes we have got 100 per cent of the parliamentary seats. And their main demand—I went there—was that they should have a Legislative Assembly, that responsible government should be granted to them and a democratic set-up should be brought about there. Now, what is the experience of the people? They do not like such things. Even in Manipur they have got opposition 50 per cent. It is

fifty-fifty. I do not know about the votes. The final results have not come, but even there if the Opposition has fifty per cent or more of the votes, I will not be surprised because even many Congressmen there supported this demand for a Legislative Assembly and a democratic set-up. Now, therefore, experience tells us very clearly and tells the Goanese people in particular that a Centrally-administered territory means Central imposition, a kind of bureaucratic administration imposed from the top by the Central Government with a superimposed Commissioner. Now, of course, we have the Military Governor, but that institution will disappear and his place will be taken by what we call a Commissioner. A gentleman from Uttar Pradesh or from West Bengal or from somewhere will be sent there, who has neither seen a Goanese in his life, nor does he know the Goanese language, nor does he know where Marmagao exists or whether it at all exists. Such a person will be sent there to deal with the destinies of the Goanese people as the Commissioner of this benign Government. This is what happened. This is exactly the experience of the people of Manipur and the people of Tripura and I am sure the people of Himachal Pradesh as well. Therefore, experience rules that out. The Government has no case.

Then, the question arises 'Oh, the Prime Minister has said it.' You will be thinking. But he is taking so much time to think about the need for granting a democratic set-up to Tripura. Well, we thought—I say this Government, I am not talking of the Prime Minister—it took a lot of time for Rip Van Winkle to wake up. But I think that compared to our Government, Rip Van Winkle would seem to be suffering from insomnia. This is what I can say, because they are sleeping over this matter for many, many years and they have done nothing. Now, if the Goanese people have their doubts about it,

question your *bona fides* and do not take your promises as true even when they are vaguely given, are we to blame the Goanese people? That is why they are pressing this demand.

Now, let us examine it from other angles. Is it not possible to have a democratic set-up right now or in three months' time? What are the practical difficulties? Now, first of all, let us tell them where we stand with regard to the principle. Do you accept the principle of a Legislative Assembly and a responsible Government? Only after that can we discuss the question of practicability or otherwise of implementing this thing. Now, you do not make any commitment over this matter. After having not made the commitment, you take recourse to pleading practical difficulties. This is not a very honest way of arguing a serious political proposition. You should say where you stand. If you say that you stand for granting an Assembly, a democratic set-up and a responsible Government, we can understand it if you plead practical difficulties. But if you plead practical difficulties and then do not make any commitment with regard to whether the Goanese people are entitled to have a democratic set-up or an Assembly, we question, if I may say so, the *bona fides* in regard to this matter of the Central Government. Now, Sir, this is no good. We have had the experience of Pondicherry. You know that *de facto* transfer took place quite earlier and there was an agreement between Mr. Mendes-France, the Prime Minister of France at that time, and the Prime Minister of India. The *de jure* transfer has not taken place so far. It is yet to take place. I think they have taken seven years now and *de jure* transfer has not taken place so far, as far as Pondicherry is concerned. Here it does not arise. We have not gone, in the case of Goa, for the luxury of two types of transfers. We have done away with it in the case of Portuguese rule. But the

question arises: "What about our experience of Pondicherry?" There you will see that in the name of maintaining the individuality . . .

SHRI AKBAR ALI KHAN: Would you like to have Pondicherry also as a separate State?

SHRI BHUPESH GUPTA: That we will discuss later. Let us come back to your theory. In the name of maintaining the individuality of Pondicherry, they allowed French laws to continue which are repugnant to our Constitution, which are opposed to our Fundamental Rights. That is number one. Institutions that are not suited either to the people there or do not accord with the set-up that we have got under our Constitution, were allowed to function and continue. The agents of France, the French imperialists, the collaborators and oppressors there were allowed to continue. The only difference is that some of them posed themselves as the post-independence Congressmen and become the great protagonists of the Congress, suddenly overnight. The hooligans' rule came to exist under cover of Central administration and everybody knows that from murder too many other things happened there because those people who had been collaborating with the French and who were opposed to democratic institutions but were allowed to occupy important positions, administer repugnant laws and carry on almost in the same old way under the so-called status that was created there. Are we to understand that the same thing is going to happen here? I fear that it is going to happen. Why do I say so? Even in this Bill it is said that their individuality will be maintained. What individuality? Certainly we all respect their culture, language, literature and the right aspirations of the people. We should nurse them in the same manner as a gardener nurses the flowers in the garden. But that does not mean that we should allow these people, these collaborators with Portuguese imperialism or colonialists, to

[Shri Bhupesh Gupta.]
occupy important and key positions or we should tolerate the oppressive laws which cut across our Fundamental Rights, our Constitution and the democratic rights and liberties of the people. What is the guarantee? Nothing, no guarantee whatsoever. I shall speak on it when I come to my amendments.

DIWAN CHAMAN LALL: Clause 5, sub-clause (2).

SHRI BHUPESH GUPTA: Anyway, that you will see. I shall move an amendment here.

SHRI AKBAR ALI KHAN: If you read the clause in the Bill, you will not raise such arguments.

SHRI BHUPESH GUPTA: Now, I shall just point out how things went on there. Dr. Abel Calaco behaved in an extremely objectionable manner. Apart from giving shelter to them, he even wanted to go away to Lisbon. He would not take any job. The Government of India went there to ask him to remain here. They wanted to make somebody a High Court Judge, who did not even like to take the oath. He took the oath much later. At least he expressed his intention to do so much later. This is how they are assimilating these people, the collaborators who are guilty of oppressing the Goanese patriots. These people are being assimilated in the administration. Now, once you assimilate them in the administration and put the stamp of our Constitution and the Central Government on them, they will not change overnight. On the contrary, they use these new labels in order to carry out, under a new cover, the atrocities against the people. They ride rough-shod over the Fundamental Rights of the people. That is what we have experienced in Pondicherry and I am afraid if things are left to the Government, as they are today, a similar drama will be enacted

in Goa, Daman and Diu. This is what I say. Otherwise, why is not the Government drawing up a list of those officers who specially collaborated with the Portuguese authorities, who took part in committing atrocities against the patriots or otherwise backed up, in an aggressive manner, the Portuguese rule? I am not talking about all the officers of the old Government. It is easy to find them out. Very few people will be there, perhaps of that category. But why are you not naming them, debarring them from joining important posts in the administration under the Central Government? Even there is no assurance on that score in this Bill.

On the contrary we find that if 3 P.M. they go about dealing with this matter as they propose to do in this Bill, all these people will find their way into important and key positions of the new set-up, of the bureaucratic set-up that will be there and carry on. This is what we fear. Therefore, I have some amendments on that score.

Now about a Legislative Assembly, what comes in the way? We could send our Army there and take Goa in about a few hours' time. Why cannot we have a responsible Assembly there? Have the Goan people declared that if we sanction a Legislative Assembly or ask them to elect a Legislative Assembly, they will go on strike? They have not declared it. On the contrary they have demanded that such an institution should be there. Then what comes in the way? The Government is trying to make much capital out of the fact that things are unsettled. Nothing is unsettled as far as this thing is concerned. The Goan patriots and people will co-operate with the Government or with any authority to bring about enthusiastically a democratic set-up and an Assembly and a responsible Government. Therefore, it does not lie in the mouth of the Government to give such arguments and say that things are unsettled and that therefore they could not do anything. This is not a very straight answer as far as the Govern-

ment is concerned. The administration will not be transported from here by the Indian Railway Minister. Parliamentary elections will take place there, Assembly elections will take place there. Other institutions will come into being there. Now I ask, are the people not prepared to elect their representatives? Let them say that they are not. I can understand that. But on the contrary the people are prepared to elect their representatives. The people will elect their representatives to the Indian Parliament here. There is no civil war in Goa, there is no riot in Goa, there is no arson or any such thing happening in Goa, so that the whole thing should be made over to the military or bureaucratic administration. It is as calm as the Pacific. This is Goa today. What kind of calmness do you desire? It is absolutely quiet. Even so they would not do it. Then I say, is there any housing shortage there that we cannot have an Assembly Hall? But we have got it. Is there any dearth of people there who can qualify themselves to take over the reins of administration? No. If we can get 43 Ministers in Uttar Pradesh, 36 in West Bengal and 29 in Punjab even in the very first days of the swearing-in ceremony, we can certainly produce people of much better calibre in Goa from among the patriots of Goa who can fulfil the functions of Ministers and take over the administration there and run it as a democratic administration with the blessings and support of the Goan people themselves. Then what comes in the way except the cussedness of this Government, except the unilateral decision of the Government, except this kind of attitude that 'we' shall decide? "Give unto Caesar what is Caesar's". We are going back to the days of the Roman Empire: "Give unto Caesar what is Caesar's". They are to decide, not the people of Goa. Let them tell us, from whatever they have got, to the Members of this House, that the Goan people are opposed to it. Which Goan people are opposed to the democratic set-up and who have pleaded inability to bring about this institution with the greatest of experts,

I would like to know. Then we can understand the meaning of the argument the Government have been advancing. This is a very very wrong attitude on the part of the Government. Whenever you bring something, you impose on it Central administration. That is not right. It should be known to the world today as we handle the affairs of Goa after reunion has taken place that the people of Goa enjoy as much liberty, as much freedom and as much opportunity of self-government as the people of any part of India, whether it be Bengal, Maharashtra, Tamilnad, Andhra Pradesh or any other State. That would be the greatest announcement of our democratic *bona fides* and our democratic attitude to the entire world, and that will inspire the people of Goa, because we want to inspire and rouse the people of Goa and entrust them with the affairs of their place by giving them rights and liberties, by giving them opportunities of self-government. We do not want to pull them by the nose and tie them to the chariot wheel of the Central administration which we have here in Delhi. This is what I want to say. It is a serious question and I think this has got to be dealt with with due seriousness on the part of the Government.

About the Catholics there, what are you going to do with the Catholic Church? Of course there should be religious freedom. But what happened? You discovered arms dumps, British arms dumps in the premises of the Catholic Church. Now are we to allow them to continue in the old way? It is well-known where the colonialists used to operate from. Not only religion was invoked in support of the Portuguese imperialists and colonialists but the Church premises and the material resources of the Church were utilised for suppressing the Goan patriotic movement and these people there were inspired and instigated by the imperialists in Europe, in Western countries. This is also a well-known fact. Not a word about this thing. I would like to know where we stand with regard to this hierarchy and domina-

[Shri Bhupesh Gupta.]

tion of the Church, Church oligarchy, not in the religious sphere but in the political life of Goa. How are you going to act? Are you going to end it by this kind of bureaucratic administration, or is it necessary to have a truly democratic set-up, popular representative set-up in order to confront this interference on the part of the Church with a secular, democratic institution organised on the basis of the support of the people? This is also a question of principle to which the Government has not given any satisfactory answer. That is again an important point I wish to make.

Sir, a question may arise that Goa will not be a viable State. According to us Goa will be a prosperous State even if you make it a separate State, because it has got tremendous material resources and its people are cultured and industrious. It can easily be a self-contained, self-sufficient State and take its place alongside the other States in our country. It may be said that its population is only 5 lakhs. But then you have got a whole number of States in the world today whose population is perhaps even less than that of Goa. You have got Andorra, San Marino, Monaco, Iceland, Cyprus, and some of the Federal States of the U.S.A. like Alaska, Nevada, Vermont, Delaware, North Dakota, Hawaii and South Dakota. These have got 6 lakhs population or even less. Therefore, population can be no excuse. It cannot be an excuse for denying Goa, Daman and Diu a democratic set-up of the type people are demanding. As I said, the material resources are there, the people are industrious, and what is more, they are part of our great country today in the constitutional sense also. That is what I say. They were of course always a part of our country. Why then you are opposed to it? I cannot find any reason whatsoever except that somebody decided when he drafted the Constitution that there should be Centrally-administered areas. However much water may have passed under the bridge since 1950 when the Constitution was passed, the Govern-

ment must stick to its old ideas and old arrangements. It is no good. Therefore, on many grounds I think we can press forward the claim of the people of Goa as voiced by the All-Goa Political Conference. I think we should take it up seriously. It is they who fought, it is the Goan patriots, yes, theirs was the final struggle as far as the colonial forces were concerned. But remember, all these years—indeed, in the course of nearly five centuries—it is the Goanese people, the patriots there, who fought against tyranny and bloodshed, who fought in conditions of appalling terror, and it is they who played an important part in the great drama of liberation of Goa. Let there be no mistake about it. The patriots of today who have survived the Portuguese rule are the inheritors of that fine, excellent fighting tradition of the Goanese patriots whose glory shall resound through centuries as long as mankind lives. There can be no mistake about that. Therefore, what right has the Government got to brush aside the demand of the people in this manner, I ask. You have the majority, I know. You can pass anything. But remember, you require a two-thirds majority for passing a Constitutional Bill and that majority is gradually splitting up. A time will come in this Parliament—if it had not already come—when the Opposition will be so strong that you will have to consult the Opposition before a Constitutional amendment can be passed because you require a two-thirds majority. I say that without even waiting for such contingencies to develop they should listen to us. Now what are we—the Opposition—here for? Yes, we are small in number as far as the seats are concerned. But the Congress Party there is representing lesser half of the electorate and we in the Opposition together—we know our differences—represent from this side of the House, speaking constitutionally, the greater half of the electorate. Now, the greater half of the electorate says, "Give Goa the status due to it", whereas the others within Goa say, "Give us a democratic set-up." I can only say that the attitude the Government has

taken in this matter is purely an authoritarian, an arrogant attitude, towards the people.

Now, Sir, I would not have said all these things if the Government had not treated this matter in this light-hearted, cynical manner. Anyway, they have done it. I wanted the Prime Minister to be present because I wanted my harsh words heard by him. I know what will happen in Goa. I know that the Commissioners will be there; I know even the Military Governor will have a consultant, not the Goanese patriots—a retired police official will be his adviser. Imagine, a country has become free by sacrificing blood and by tears. Now that part will be ruled by a Military Governor with the advice of a retired police official. Can't we find better patriots even in the ranks of the Congress Party? Has the Congress Party run short of such patriots? Then make an application to us, we can find one to advise. (*Interruption.*) Yes, we can find.

This is what I have to say with great pain. I say 'with great pain' because here was an opportunity for the Government to learn from the past, here was an opportunity to combine liberation with democracy, here was an opportunity to bring Goa into the bosoms of our Indian Union and extend to it the love and affection of our people in terms of democracy. That is not done.

Sir, I will make one or two points more and I shall finish. Here I would draw the attention of the House that there are two ports—Vasco da Gama and Marmagao. There in the Naval Shipping Yard, the workers' wages are not being paid for the last three months. That is the kind of thing that will develop under bureaucracy. Bureaucracy does not understand what a wage for the workers means, bureaucracy never understands what it means to a worker or his family when three months' wages are not given. Bureaucracy does not understand how the workers feel when they

are denied even their wages in this manner. That is what is being done. The hon. Law Minister wanted information. In the other House that was given I understand. What has he done to meet the demands of these workers? I want to know from him.

Then again, why should not these mines, etc. be taken over? Sir, the mines which are there are very prosperous ones. Take over the iron ore mines and the other mines that are there. Why can't they be taken over in the State sector? You want a commission for survey. What survey? What is the survey that you need? You know that they are earning a lot of money, they are prosperous and the capitalists, the monopolists, there are fattening. Do you want to deliver the Goanese people to the caprices and the villainy of the monopolist class or do you want to liberate them from the clutches of these exploiters and help them stand on their feet? If that is so, in the interests of the Goanese people, for developing the State sector and also reducing to some extent our foreign exchange difficulties, why don't we take over these iron and other mines? I cannot understand it. Then you can certainly have a survey for development, for expansion work and so on. But what do you need there? Are you in doubt that they are prosperous concerns? Are you in doubt that out of that the capitalists there or the big business people are earning a lot of money? Well, if you are not, there cannot be any justification on that score to give up the idea of nationalisation or of developing the State sector there. Even that they will not do. All I say is that now this administration is coming—top-heavy, bureaucratic administration—steam-rollered from Delhi, and it will sit upon the people of Goa and now when the first phase of our rejoicing will be over, when the celebrations will be over, this administration will foist itself upon the life of the people of Goa with all its attendant evils, corruption and oppression. There is no doubt about it. Today you may utter those fine words. We heard such things when Manipur

[Shri Bhupesh Gupta.]

came to us, when Tripura came to us. Then the entire people, at least the majority of the people of Tripura, pointed out time and again what happened there when they were treated as Centrally-administered areas and so on. That is what is going to happen here.

Now, Sir, the main problem today is to build Goa as a prosperous part of our country, to unleash the creative energies of the people there, to bring about a democratic transformation in their life, in the political and economic life of that part of our country. They have been subjected to ruthless terror and gagging by a foreign power, they have been subjected to suffocation, politically and economically. Today it is our task and responsibility to lift them by our hand into the light of better times where they enjoy prosperity, democracy, human dignity and above all, the right to rule themselves in the same way as the people of other parts have been given under the Constitution to deal with their affairs. That should be the approach. That approach is totally missing. I know the Law Minister is a good lawyer but he will make in this matter not so good a speech perhaps because his case is weak. He knows that in what I am saying there is a lot of substance, and if perchance he had been sitting in the Opposition and we had been on that side and I behaved in the manner in which he had, he would have perhaps made a more eloquent, a far better and effective speech—forensically speaking and otherwise—than I have been doing here. But such is life. The Treasury Bench dulls ability. And this is what will happen. We shall see that exhibition even now—an eminent lawyer of the Calcutta Bar, an intelligent man, an erudite person, getting up and making a speech which any Police Minister without any knowledge of law or the Constitution can make in any . . .

SHRI AKBAR ALI KHAN: Question.

SHRI BHUPESH GUPTA: That is what I say. Sir, you have been good enough to give me time. All that I say is that we are therefore opposed to this kind of arrangement that is being made. Whatever the Bill is, this business of a Centrally-administered area to take Goa into the clutches of the bureaucrats of Delhi is something which is repugnant to my concepts of democracy, to the high ideals that we cherish, and what is more, is repugnant to the very thoughts and aspirations of the people of Goa, Daman and Diu. That is all that I have to say.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): There are a large number of speakers. So, I would suggest that hon. Members are brief in their remarks. Shri P. N. Sapru. Fifteen minutes.

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Vice-Chairman, Sir, nothing that has happened during the last fifteen years of our independence has given greater joy to the people of this country than the integration of Goa—or the reunion of Goa—with the mother land. Four hundred and fifty-one years back, by deceitful means, at a time when we were weak, Portugal took over possession of Goa, and her colonial record has been one of the worst in the world; it is probably the worst in the world.

When I read the proceedings of the United Nations, I wondered whether Western nations were really serious about their claim that they were anti-colonialists. Be it said to the credit of the representative of the Soviet Union that he took a correct legal view of the position regarding Goa, namely, that Goa was part of the mainland of India. Its people were attached to us by every bond that mattered. The liberation movement there was a movement which wanted its assimilation with India. Goanese independence was essential for the liberation of the people of Angola, and we had pledged ourselves to liberate not any part of India but the whole of India. The 'Quit India' movement

was intended to ensure that there shall be no foreign possessions in this continent of ours. Therefore I think, Mr. Vice-Chairman, we have nothing to apologise so far as our Goanese policy is concerned, and the correct legal view was taken by the representative of the Soviet Union when he said that Goa was a domestic issue. What we did in Goa was in the nature of police action.

Having said this let me go on to consider the main provisions of this Bill. Up to a point I confess that I agree with Mr. Bhupesh Gupta. I should like to see that the Goanese people feel the thrill of joy in their newly won independence, and I should like a message to go forth from this House that their liberation means democratic freedom for them. They had been the victims of Salazar dictatorship. They would like to breathe the fresh air of democracy.

Now I have examined the Bill before us from this point of view and I venture to assert with some confidence that the principle of democratic liberty, by which Mr. Bhupesh Gupta swears and which I regard as sacred, has not been violated by the provisions which are to be found in this Bill. What is proposed is in the nature of a transitory arrangement, and the question what the future status of Goa shall be will be finally decided by us sometime later. It will have to be decided sometime later when Prondicherry too becomes a *de jure* part of India. We will have to tackle this problem in a big way at that time. What this Bill does is to make Goa part of the Union Territory of India, and if you will examine article 239 of the Constitution, you will find that it says:

".....every Union territory shall be administered by the President acting, to such extent as he thinks fit,....."

Now I would like to emphasise these words, "acting, to such extent as he thinks fit,....."

"through an administrator to be appointed by him with such designation as he may specify."

Now it is open under this article for the Union Government to grant a large measure of autonomy to the people of Goa. This article does not necessarily mean the imposition of a bureaucratic system of administration of Goa. The terms of this article are of a very wide character, and it is a substitute which we discovered when we were amending the Constitution for the Part C States, which were at one time a feature of our Constitution. Therefore it is my hope, it is my prayer, it is my earnest desire that consistently with the provisions of this article the widest measure of liberty possible under existing conditions should be conceded to the people of Goa. It should be possible under this article to have a sort of representative assembly to advise the President. It should be possible to have a representative assembly to advise the Lieutenant-Governor or the Governor in regard to matters of administration and legislation. Four hundred and fifty-one years of separation have given to Goa a distinctive character and I think statesmanship requires that we should respect that distinctive character. It has given a distinctive character so far as their language is concerned. It would be obviously wrong for us to allow the people of Goa to be integrated with the people of the neighbouring State of Maharashtra or Mysore without ascertaining their wishes. It should be our endeavour to encourage their language. Then there is a sizeable Christian minority of Catholics in Goa. Goa is a place of pilgrimage for the Catholic section of our population. St. Xavier's tomb is to be found there, and our secular State believes in showing respect to all faiths; it believes in freedom of conscience for every citizen. Now I have no doubt that we shall respect the religious susceptibilities of the Christian section of the population in Goa. They need have no fear on that ground. It is a matter of joy

[Shri P. N. Sapru.]

for me to find that the first act that our Military Governor did was to go and visit the tomb of St. Xavier. Whether he belonged to our religion or not, he has undoubtedly a great man. Therefore I think the people of Goa need have no fear on that ground. Their language should be respected. Their culture should be respected. They should be given democratic rights and after the lapse of a certain period the question whether further rights should be conceded to them or whether they should be treated as forming a separate State, a State which is part of the Union of India, can be considered. This Bill does not prevent any of those things happening. It provides for a transitory form of Government. I will just, with your permission, run through some of its provisions.

Sir, I need not make any reference to clauses 2 and 3. They are self-explanatory. So far as clause 4 is concerned, it says that the officers who are functioning in Goa can continue to do so until other provision is made by law. And I think it is but right that we should absorb those Goanese officers who are loyal to this country and about whose patriotism we have no doubt. I do not think it is any part of our function to disturb unduly existing conditions.

So far as clause 5 is concerned, it lays down that the existing laws shall continue. I have not studied the Portuguese legal system myself. We have very few facilities for studying the Portuguese law in this country. I know something about the French Administrative law, but one knows precious little about Portuguese Law. Clause 5 contemplates that the existing laws shall continue. These existing laws, however, will need adaptation and modification in the light of our Constitutional provisions because in adapting and modifying them we shall have to be guided by the principles laid down in our Fundamental Rights of the Constitution.

Clause 7 extends the jurisdiction of the Bombay High Court to Goa. The people of Goa will, therefore, have a superior court to which they can look to for safeguarding their liberties. The Bombay High Court has always enjoyed a very great reputation for learning, ability and independence.

Clause 9 is in the nature of, what we lawyers call an indemnity clause and I think officers who have acted in a *bona fide* manner so far as these operations are concerned are entitled to the protection which is being provided by this clause.

Clause 10, of course gives to the Government the power to remove the difficulties in the way of the working of this Act. Therefore, Sir, I think that this statute is meant for the time being only for a limited period. The statute is conceived on right lines.

I would like once again, before I close, to express my sympathy with the people of Goa for a democratic set-up I would also like to say—and it is not ruled out by this Bill—that it is necessary that in appointing a Lieut. Governor or Governor or Commissioners or Chief Commissioner, we should choose a “Goan”, if possible. I do not think it is necessary for the Government to look to the Civil Service side regarding source. There are men of stature in the public life of this country who can be appointed to this position. I should like, Sir, the position to go to a member of the Goanese community. I would like them to feel the thrill of joy of having a Goanese Governor. I think, Sir, that we should have as many Goanese as possible in the administration of this territory, and we should try by every means that is in our power to bring about an emotional integration between this part, which was snatched away by the treacherous Portuguese people, and ourselves.

Thank you very much.

SHRI GOPIKRISHNA VIJAIVAR-
GIYA (Madhya Pradesh): Mr. Vice-
Chairman, Sir, I am very happy to

associate myself with this Bill which is regarding Goa, Daman and Diu. I whole-heartedly welcome the second Bill on Goa. Through the first Bill we have just incorporated this area in our Constitution and we have put a Constitutional seal on the work of emancipation done on the 20th of December. Except for a few nations which belong to the N.A.T.O. circle, the whole world acclaimed the action of India, and a majority of the nations have supported it. When the U.S.A. and Britain also have some kind of a security doctrine with them like the Munroe doctrine, etc., what right have they to deny the same security measure to India? Anyhow, in course of time these nations will appreciate that the action taken by India was right.

Now, Sir, this Bill through which we are giving some kind of an administrative structure to this area is. I think, very well drafted and it is very good, looking to the present conditions of Goa. The word "acquisition" mentioned in that is because of the phraseology in our Constitution. In fact, it is not an acquisition, but it was a part of India and it has now come back to the Union.

This Bill provides, as has been pointed out by the last and the preceding speaker very ably, for certain basic and fundamental things in administration. Clause 4 provides that officers and the administrative machinery which is there will continue but the Central Government will have all the powers to appoint authorities from time to time. Clause 5 provides that the existing laws will continue but in such form as they may be amended and adapted within the framework of our Constitution. Clause 6 provides that the laws in other States etc. can be extended to this area. All these are common features which usually should come in a Bill like this. Then the High Court of Bombay has been given jurisdiction over this area. That is also very proper. Our friend, Mr. Bhupesh Gupta, painted a very dismal picture and said that because of this Bill we are not giving any democratic

set up to the people there. All that picture is unfounded. We are giving them a High Court. All the fundamental laws, rules etc. will be enforceable there. The High Court of Bombay will look to the enforcement of those laws. The provision of putting the Bombay High Court in charge of the laws there is not to settle the question as to the State to which ultimately Goa should go or whether it would remain as a Centrally-administered area. Only for the sake of convenience it says that the cases will go to Bombay.

Clause 10 lays down that the Government will have powers to remove difficulties, etc. This is a well-drafted Bill and there is nothing to find fault with. At this stage of development when these territories of Goa, Diu and Daman are only recently incorporated into India, much thought has not been given to the local conditions and circumstances. We have to find out what kind of people there are and what kind of customs they have. Therefore the permanent set-up is not yet defined in this Bill. It cannot be laid down. So it is very fit and proper that sufficient thought must be given to all these things and in the meantime a structure of administration has been given to the area through this Bill. In fact there is a clause providing that two seats will be provided in Parliament. That is the beginning of democracy that we are making. We are not depriving that area of any democratic rights. Rather we have made this beginning. It may be nominated seats in the beginning but very soon they will have all the paraphernalia of a democratic set-up. In fact there is a Committee already sitting, appointed by the Government of India which is looking into the future set-up of our Territorial Councils, etc. That Committee can look into what kind of set-up should be there for Goa and make suitable recommendations. Therefore, I think the future set-up and giving it more of democracy will be suggested later on and in the meantime we are making a beginning of administration in Goa through this Bill. Therefore I fully support this and there is no cause

[Shri Gopikrishna Vijavargiya.]

or ground for any fears expressed by Shri Gupta that we are not giving democracy to it or not creating any good set-up for it. Therefore I fully support this measure.

SHRI M. S. GURUPADA SWAMY (Mysore): Mr. Vice-Chairman, Sir, in the morning when we considered the Constitution (Amendment) Bill, there was universal support to that measure but the same thing cannot be said in regard to the Bill under consideration now. Some of the previous speakers have pinpointed the fact that we could have done much better than what is contemplated in the present Bill. It is very necessary to remember that Goans did not enjoy even a grain of democracy for the last 450 years and this fact should be borne in mind whenever we enact any piece of legislation. Apart from the liberation, the main thing in the mind of the Goans was that they were denied the same rights and responsibilities as other Indians and they had been given no scope for self-rule or representative rule and therefore their main grievances were two-fold—one was liberation from the foreign rule and the other was establishment of their self-rule. In regard to the first, there is no quarrel that they are liberated now. We have applauded the fact. In regard to the second, we have to pause and think whether we could not have done much better than what is incorporated, what is contemplated, in the present measure. We have been treating perhaps in a very cavalier fashion uniformly all the people who come under us. Our bureaucratic thinking has grown so much that we have lost all sensitivity and all power of response in us to the innate aspirations of the people. Let us consider whether at the present moment, even on the very morrow of liberation, it would be possible for us to set up a better apparatus, a better administrative and political apparatus in Goa. If it is the opinion that it is not possible to have any other method or solution or that any other kind of administrative system is not possible, then we may

O.K. this Bill and give support to this Bill but if it is possible to change and have a different pattern, a more democratic set-up, a more satisfactory solution, then it should be tried here and now. What is the difficulty in the way of the Government to have a representative Assembly. We have got the Election Commission, we have got the necessary information. Perhaps we have the voters' list also. Everything is available and there is already an administrative apparatus working in Goa. It might take one or two months but what is the extraordinary difficulty in having an arrangement like that?

Again we wish to know what would be the difficulty in having a different political system giving maximum autonomy to the Goans. It is very necessary to think of this important problem because we have just liberated Goa. We should not run the risk of antagonising the people in Goa and they should not feel that at the very commencement they have had treatment. Therefore, it would be worth considering whether it would not be feasible now itself to have a more democratic arrangement, a more liberal administrative apparatus functioning there. Political education is a very important matter and it is not very easy to educate the masses. It may be easy to educate a few people, but it would be very difficult to educate the masses, politically. That requires a lot of application a lot of effort and the growth of goodwill on both sides. Therefore, I feel it would be desirable and necessary that earnest efforts and earnest attempts should be made to take the people of Goa into our confidence. Perhaps I am very near Goa, Sir, and I have gone there and the feelings of the Goans seem to be in favour of a more democratic set-up. They feel that it should be possible to have such a set-up even from the very commencement. We should, therefore, consider this proposition very seriously and earnestly and I think if we pass this measure as it is, we will be creating an amount of discontentment in large sections of

Goa which will not be a good augury for future developments. Therefore, I would earnestly request the Prime Minister to give his mind to this important question whether Goans cannot be given an opportunity to participate in the administration from the very beginning.

Sir, the question of two persons as Members of Parliament was raised in this House by the previous speaker. It is good that for the first time we are to have representatives from that part of the country in Lok Sabha. They are nominated Members to begin with and a different arrangement may be made hereafter. But they will not be representing all the aspirations of the people there. Goans naturally, like any other people, would like to have their representatives ruling there. They do not like it to be limited and they do not tolerate any kind of a rule imposed on them. We may say that it is Parliament that will rule them, that the Central Government which is an elected one, will rule them. But that does not satisfy the Goans, because any rule from a distance, even if it is a democratic rule, will not be considered a popular rule. So, from this point of view, it would be very necessary and desirable that a more liberal and democratic pattern should be evolved for functioning in Goa.

Sir, with regard to the future of that part of the territory, some opinions have been expressed outside the House, and perhaps in the other House, that Goa should form part and parcel of Maharashtra. I think it is premature to consider that issue. We do not know exactly the opinions and feelings of the Goans in this matter. There are opinions and opinions. Some are of the view that Goa should go with Karnataka and some certainly want Goa to merge with Maharashtra. I would submit that this is a controversial issue on which there cannot be any decision at the present moment. Therefore, time has to elapse and further consideration has to be given to this matter. The most important things is that the aspirations and the

feelings of Goans themselves, their opinions, should be respected and whatever they feel, whatever they say in this matter, should be approved of by the Central Government.

Before I close, Sir, I would like to refer to one small matter and that is about the permit system that is now there. Reference has been made by some Members of the other House to this issue and they have drawn the attention of the Government to the fact that though this permit system might have been necessary on the very morrow of the liberation of Goa, for security reasons and for other reasons, there is now no necessity to have this permit system. The people in Goa and also people of the surrounding areas, the neighbouring areas, do not like this arrangement. When a territory becomes part of India, when the people become part of us, it is not necessary to have such a system. I, therefore, would request the hon. Prime Minister to consider this matter and see that this permit system is withdrawn soon.

Regarding the other provisions in this Bill, I need not elaborate. I would only briefly state that the Bill requires careful re-drafting on the lines suggested by me and I feel that we should not allow the Goans to develop a grievance from the very start. Liberation should to them mean self-rule and representative rule and their own people should run the government. Unless this minimum is assured to them, I think you will be calling for trouble. I do not want that a situation should be created in Goa for future agitation. I do not like any grievance to be nourished so that it may develop into a big fire. Therefore, even now we should consider all these matters and take proper precautions. The best precaution would be, as I said, to have a democratic set-up immediately.

SHRI G. S. PATHAK (Uttar Pradesh): Mr. Vice-Chairman, I shall be brief. Permit me, first of all, to congratulate the Law Ministry on the very careful drafting of the provisions of

1962

[Shri G. S. Pathak.]

this Bill. This Bill is a wise and beneficent measure. It does not disturb the present political or to be more correct, the present administrative set-up. And it is elastic in its form and nothing better could be done. Sir, this Bill imposes a duty on the Government to see that the existing laws which are continued are in accord with the Constitution, and also to extend, where necessary, the laws of States to Goa.

SHRI BHUPESH GUPTA: Suppose there is conflict between the provisions of the Constitution and . . .

SHRI G. S. PATHAK: I will meet the hon. Member's point. Sir, when you find laws conforming to the Constitution in the same manner as laws conform to the Constitution in the rest of India, then can it be said that the Goans will enjoy a lesser measure of freedom, political, economic and social, than any other citizen of India?

Now, I was amazed—I do not mean any disrespect to Mr. Bhupesh Gupta—at the amendment which he is seeking to introduce. He says:

P.M.

"Provided that no law which is repugnant to the fundamental rights under the Constitution or to the directive principles thereof shall be in force."

Now, if Mr. Gupta's amendment is accepted, you will have to amend the Constitution. The Constitution says that the Directive Principles are not justiciable but Mr. Gupta wants the Directive Principles to be justiciable when he says that the laws which are repugnant to the Directive Principles shall not be in force.

SHRI BHUPESH GUPTA: May I clarify my point to the learned lawyer, because he is a jurist and I have never seen one. In Goa suppose certain laws are there. Under clause 5 of the Bill these laws may continue even though they are not in accord with

the Constitution. Justiciability or otherwise does not arise here. In this case I want to retain only such laws in Goa as are in consonance with the Directive Principles of the Constitution, because I am dealing with a new subject. It does not require an amendment of the Constitution.

SHRI G. S. PATHAK: Now, if this amendment is carried out, it will run contrary to the Constitution and this is a most unnecessary amendment.

So far as criticism of this Bill on other points is concerned, if Mr. Bhupesh Gupta's arguments are valid, you cannot have any Union Territory in India. His criticism is directed to prevent any Union Territory from existing in India. There are valid reasons why there should be Union Territories and the provisions relating to Union Territories confer such width of power on the President and his delegate that within the powers given to the President and his delegate there can be sufficient growth of freedoms, economic and political, in the Union Territory. This was the underlying object of the provisions relating to Union Territories. Now, Sir, Goa is a small territory. The population is small and you cannot straightway make it a State, because if you make it a State, there will be so many States. Pondicherry will be a State. And why make it one State? There will be three States, Goa, Daman and Diu. All other considerations in addition to the smallness of the territory and the smallness of the population must have been taken into consideration by the Government and have been taken into consideration by the Government as it appears from the speech this morning made by the Prime Minister. Therefore there is no valid reason to say that Goa should have been made a State.

Then it is said that a different political system should have been given to Goa. Now, there are only two political systems, if that is the expression applicable to the nature of the territory, either the Union Territory or the

State recognised by the Constitution. There is no third system. And when we find that the provisions of the Constitution are wide enough to promote the growth of political freedom and the growth of economic freedom, I submit that what the Government has done is absolutely correct. We had repression in Goa, absence of freedom of speech, absence of freedom of Assembly. Now under this law we shall have all these freedoms enjoyed by the people of Goa in the same way as we enjoy such freedoms here. There are also political rights which will be enjoyed by them. They will have two representatives in Parliament. They will share our future with us. They will participate in our Plans. All the apprehensions which have been mentioned by the Opposition, I submit, are absolutely unjustified.

Now, Sir, in this House it has been said that there was criticism from certain quarters of the Indian action. We have heard it said that the Indian action was opposed to international law and the Charter. Now, on that matter it appears to me to be an irony that those who raise such criticism forget many things. They do not read the whole of the Charter; they do not consider the 20th-century international law and although Dr. Salazar wants to have an escape from the 20th century, he is being supported by such people. It is the interests of the people which are paramount and this idea runs through the entire Charter. It is the interests of the people who are sovereign that are paramount and when critics make such statements, they completely ignore those parts of the Charter which deal with the interests of the people. They forget their own history. They forget that at the time when the Charter was framed, the juridical conception of colonialism was completely altered. The colonial power ceased to be a sovereign power. The sovereignty of the people was recognised. The territory of the sovereign people became a sacred trust for the colonial power which remained an administering authority and it had the

obligation under international law and the Charter not only to submit information to the United Nations but also to surrender the territory to the people at the appropriate time. But where a Power repudiates all the obligations, arrogates to itself the title of ownership of the territory and renounces its title as a trustee, then its keeping of possession with force is nothing but aggression and its continuance is continued aggression. All this is forgotten; the Resolutions of the United Nations are forgotten which say that the conflict arising between the colonial powers and the people is not conducive to world peace. On the other hand, it is a threat to world peace. What is also forgotten is the history of some countries in the world. There is one instance which I must recall to the hon. Members of this House. In the year 1912 there were negotiations with regard to a territory near Mexico and that territory was intended to be transferred to a Japanese Corporation. There was consternation in the United States Senate and on 2nd August 1912 this Resolution was passed:

"Resolved that when any harbour or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not view without grave concern the possession of such harbour or other place by any Corporation or Association which has such a relation to any other Government, not American, as to give that Government practical power of control for national purposes."

Now, Sir, Goa, Daman and Diu were potential bases for foreign countries. They were already bases for Portugal. This was a matter which related to the self-preservation and safety of India and the principle on which the Senate based Resolution was a principle allied to the Munroe Doctrine. That was fully observed and fully recognised by the international community.

[Shri G. S. Pathak.]

Therefore, if we closely look into the various provisions of the Charter, the twentieth century international law—international law is a dynamic law which always changes—and also look at the history of international affairs, I submit that there cannot be two opinions on this question. The majority of the world population has applauded and acclaimed our action. The minority opinion is absolutely wrong. Therefore, I heartily support this Bill and I hope to see that this Bill is passed unanimously here.

KAKASAHEB KALELKAR (Nominated): Mr. Vice-Chairman, Sir, the Portuguese ruled Goa for 451 years. Of course, they were there a little earlier also, but they were once driven out and then they reconquered it. Now, all these 450 years, neither the Pathans, nor the Moguls, nor the Mahrattas nor the Nizam, nor the neighbouring States ever thought of a struggle to liberate Goa. It was left to the Swaraj Government under Jawaharlal Nehruji to liberate Goa and that through Indian strength. We waited long for the process of negotiation to go on, but the Portuguese had made a clear-cut declaration that they were not prepared for any negotiations whatsoever, that they would go out of Goa only when driven out. And I think they have succeeded in their resolve. As a votary of non-violence and peace, I congratulate the Government of India and Jawaharlalji for waiting all these days and also for plucking up courage enough to take an active step and from the non-violent resistance viewpoint of Mahatma Gandhi I think the Government of India is perfectly justified.

Now, the chief question with us is not how to introduce democratic institutions there. The Goanese people are used to democratic institutions of a sort. They had their village communities since ancient times, but then we have to count with other facts of history. I have lived round about the borders of Goa for a good part of my

life. We have our relatives there. Our special temples are there. And you will be surprised to know that in my younger days many Christians used to visit our temples to offer their worship and secure the blessings of God. When they were marrying, they consulted their caste and *gotra* and Hindus and Christians invited each other at the time of marriage. But then during recent times things have changed and the integration of the two sections of the people of Goa is a serious problem there. The Members of this House perhaps do not know what a furious agitation is going on in Maharashtra. It happened that some of the Karnataka people said that Goa should be incorporated in Mysore. There is a furious agitation going on against this. They want that Goa should be merged in Maharashtra. What happens is that a good portion of the upper class Hindus of the last generation took their cue about politics and even the nationalist movement from Maharashtra. The literature of Maharashtra, the religious literature of Maharashtra saints is greatly read there. Unfortunately, the Hindus identify the Christian Indians with the ruling race and naturally although there was certainly not any definite antipathy but there is a little misunderstanding and segregation. Today the Hindus and Christians do not see eye to eye with each other, for no reason whatsoever. What we have got now to do is that the Hindus and the Christians must have full confidence in each other.

I am glad that when the people of Goa insisted, our Government, both the Congress and the Indian Government, gave them the assurance that the individuality, the personality of the people of Goa will be respected and they will have full autonomy. It is because of this and of the Konkani radios in Bombay and Delhi, it has brought the Hindus and Christians together. The Konkani language has proved to be the greatest cementing factor. The Christians are almost half, more than 40 per cent. They and the Hindus, all speak Konkani, not only

in Goa, but I have seen in America, in Africa and other parts when two Goans meet together it is impossible for them to speak in any language except Konkani. They may be Hindus, they may be Muslims, they may be Christians. They all speak in Konkani. And I have been trying to impress upon the people of Maharashtra that Konkani is a language nearest to Marathi. As Konkani travels north and mixes with Marathi, it becomes almost Marathi. Therefore, the Maharashtra people there, justifiably say that Konkani is a dialect of Marathi. In the north this may be partially true. It is true that the two languages are near to each other and if we foster Konkani, Marathi will always gain. Konkani is the thin end of the wedge for Marathi. Konkani is a very beautiful language, an elastic language, with a rich structure. It has good literature, but not much. Konkani in Goa is slightly allied to Marathi. It is easy for the Konkani people to learn Marathi, Gujarati and Hindi. Therefore they are now taking to Hindi almost like fish taking to water. Our efforts, therefore, for the spreading of Hindi are yielding us good results. Now for Konkani the Christians use the Roman script. The Hindus use the Devanagari script. But it is possible to persuade the Christians to accept the Devanagari script, because after all they have to learn the Devanagari script for the sake of Hindi. They are all living round about Maharashtra and the Goanese Christians are to be found in Bombay, Poona, Karachi, Delhi, Calcutta. Goans are in our Army and they are in our administration.

[THE VICE CHAIRMAN (SHRI K. K. SHAH) in the Chair.]

Goans have a place in the whole of India. They are having good jobs and they are having good careers everywhere. But the internal problem of Goa has got to be solved. Do not forget please that the Christians were regarded all these years as a favoured community both by the Portuguese Government and the Pope. Only when our democratic and secular State con-

vinced both the Pope and the Christian people that their religion is safe, the Pope have gradually turned round. You know that the Pope had surrendered some of his ecclesiastical rights to the King of Portugal. It was our Government, the Swaraj Government, that restore those ecclesiastical rights to the Pope.

Till the day of liberation the Portuguese Government of Goa was spending Rs. 42,000/- a month for the maintenance of the church. The people there are naturally under the thumb of the Catholic Church. The people are all Catholics. Now it is not easy to dispossess the minds of these people about their safety, etc. Therefore, our first and foremost thing is we, especially the Marathis, must be able to woo and win the Christian people of Goa, not threatening them with overwhelming numbers or simply ignoring them. If we foster Konkani, we will practically foster Marathi. Because as Konkani proceeds, it takes words from Sanskrit, Hindi, Marathi, etc., and they come nearer each other. It is only shortsighted, unthinking policy of some of the Maharashtrais that they are clamouring for the immediate merger of Goa into Maharashtra. The thing would have been easy if all this fuss was not there. The more they press for it the more Christians go away from it. Therefore if we allay their fears and if we tell the people of Goa that their autonomy is there, that their individuality is safe and that they can enjoy it as long as they like, then alone they will see their self-interest—their interests lie in Bombay side and Mangalore side also—and then they will solve the problem for themselves. What is necessary is to stop these agitators, impatient agitators wanting to pull the people here and there. What is necessary is that there should be a peaceful time for the settling down of conditions, and then the people will know what they want. You say that they are used to democracy. I also know that they are used to democracy, but recently I went and saw the workers who had been working for the past

[Kakasaheb Kalelkar.]

twenty years and more for the liberation of Goa. They said: "We do not know exactly what we should desire and what we should do. Well, the liberation has come all of a sudden and we do not know what our policy should be." So, let us allow them to settle.

Somebody just talked about the income and revenue of the mines. Do you know that all that revenue was being squandered for the maintenance of the Portuguese administration? All that which should have gone for development work was being used for giving higher salaries. Even a primary teacher there gets Rs. 450 as salary. So you can imagine. When all these things were brought to my notice by the Christians, I told them: "Can you imagine in India any Government that can pay Rs. 450 to the primary teacher? I would be very glad if you can show the way." Somehow these things have got to be changed gradually and the people must get settled. Once they are settled, all the other things can then be thought of.

One thing more. It is good that the Portuguese soldiers are there as prisoners now in Goa. It is a good demonstration. For 450 years people have seen that the Portuguese soldiers were known as 'paklas'. They were the ruling people. Now they are being ordered about as detenus by our people. The people of Goa are happy to see this change. But I do not like that the Portuguese soldiers should remain even as detenus in Goa for long. If the Portuguese Government is enamoured of our hospitality and is not anxious to send its young men to their hearths and homes, then I think we should distribute these 3500 odd people to our various cantonments and have no portuguese soldier even as a detenu on the soil of Goa. Let them all go to our various cantonments. That would be cheaper and the administration of Goa would also be perhaps easier and quieter.

Both the Bills have been carefully conceived, and we should give our whole-hearted support to them and allow the people of Goa to settle down. If we do that, we shall give them the best of chance.

The Goan people have been serving in our administration and in our army. They are all intelligent people, and they will not only administer Goa properly but they will also help us to administer the territory as they actually have been doing. We should foster Konkani as a cementing force. All Hindus, all Muslims and all the Christians speak Konkani. You will be surprised to know that some of the Konkani literature in Southern India is in Kannada script because Konkani is developed far better on the Mangalore side. We have got an institution in Goa where we are collecting the books of Konkani in all the three scripts, Roman script, Nagri script and Kannada script. We are having a survey and we are translating books in Konkani and helping the masses, who do not know, to understand the present secular viewpoint and international viewpoint, and that we in the rest of India are working for peace and progress. All these things have got to be conveyed to the masses through the Konkani language. The Marathi people have never reached the vast masses even amongst the Hindus. They have not reached the Christians. Therefore, although Marathi has got a future there in Goa, it is not today the integrating force as Konkani is. Integration of Goa with the rest of India is very easy, but the internal integration of the Hindus and Christians is a delicate job. It is an essential job, and it must be done with proper patience and foresight.

Thank you, Sir.

SHRI SATYACHARAN (Uttar Pradesh): Mr. Vice-Chairman, in the Indian Parliament since its inception hardly any legislation could have given us so much of satisfaction, joy and elation as the Bill presented to us before this House. Sir, this was

more or less a historic anachronism which we have effaced today. This is a day of national festivity to us that the parliamentary representatives from every nook and corner extending from Cape Comorin to Kashmir, from Kohima to Dwarka, are assembled here to give their assent to this historic Bill. Here we find a case where a great empire which was conceived in blood and fear stands liquidated today.

Sir, the future historians while assessing the achievements of the Government of India would express their appreciation for the marvellous patience that it has exhibited in tolerating a foreign foothold on the sacred soil of our country. We made repeated diplomatic approaches by all peaceful and persuasive means for about fourteen years, but that came to nought. Probably it was under the instigation and encouragement of certain Western powers that the Portuguese refused to leave our soil. So, Sir, it is not the Indians who are the enemies of the Portuguese but their own friends who counselled them wrongly to remain here in spite of the historical fact that great powers like Britain and France left their territories here in India.

Now, Sir, while going through some of the criticisms about our military operations, some most insulting and extremely unpleasant things have been said abroad especially in the Western camps. While speaking about them, I would gratefully remember the utterances, the statements made by the Communist bloc and also the Afro-Asian powers who appreciated the reality of the position correctly after the police action in Goa. Sir, I would in this connection be quoting some of the opinions expressed by the Portuguese themselves. Two members of the Portuguese community who are held in high esteem have commended our action in Goa. Mr. Jas Elmano Varella, Chairman of the Democratic Movement for the Liberation of Portugal, who was at

that moment in Caracas while giving his interview to "The Republica" openly expressed his tremendous joy. The next comment was that of an opposition member of the Portuguese Parliament, Mr. Vega Perez. He said—

"Goa is the beginning of the end of the cruel dictatorship of Salazar which has oppressed the people of Portugal as much as it has the peoples of Goa and other Portuguese colonies."

I am intentionally quoting these statements of two eminent Portuguese leaders to show that our cause was just, legal and in the context of international law.

Sir, earlier I said that I felt a little bit incensed after going through some of the speeches of the members of the Western bloc, especially Mr. Adlai Stevenson. Mr. Adlai Stevenson said about the Goan operation that it might mark the beginning of the death of the United Nations. I should say that this was most ill-founded. That a man of his liberal culture and eminence should have chosen to speak in such a strain is really very unfortunate. The only amends for all these utterances that had been made was the statements of Mr. Walter Lippman, that noted American columnist, and of Mrs. Eleanor Roosevelt. Both of them did appreciate the action of the Government of India.

Sir, since we are dealing here with the administration of Goa, I must say that the legal position which has been often challenged in certain parts has to be met with. It is said that Goa was a province of Portugal and if it were to be accepted according to international law, in that case I should humbly submit that not a single country in the whole of Asia and Africa could have attained independence as they have now, or could have been members of the United Nations. My contention is that sovereignty resides in people, and if any of the provisions of international law militates against it, that has to be reorientated.

[Shri Satyacharan.]

Now, Sir, as for the contention whether Goa should remain as a separate entity, that is a separate State, or it should be merged or it should remain in the State of Maharashtra, well, I think this is a very wise piece of legislation that has been put before us. It is stated—

“... the Central Government may, within two years from the appointed day, by order, make such adaptations and modifications, whether by way of repeal or amendment, as may be necessary or expedient.”

I think there is ample scope for the implementation of the democratic government. Earlier, an argument from the other side had suggested that the Government of India had erred, that they had not given them a democratic constitution, challenging that whatever we have done is more or less on the pattern of bureaucratic government. I very humbly again submit that this clause shows that there is ample scope for the implementation of the democratic pattern. Secondly, it is very wise of the part of the framers of this measure that they have allowed this pattern to grow and continue. It is stated—

“... continue to exercise in connection with such administration their respective functions in the same manner and to the same extent as before such commencement with such altered designation, if any, as that Government may determine.”

I believe, Sir, that this is an interim period. By trials and errors the Goans may evolve a constitution or pattern of things suited to the genius of the soil. Meanwhile, it is good that a period of two years has been given for all this experimentation. It does not state that the people of Goa are not going to be given the option of choosing their own constitution.

Sir, something has been said about the Konkani language. I was very

happy to learn that there is a lot of affinity between the Maharashtrian language and the Konkani, and on that basis, a revered Member of our House has suggested about the national or emotional integration. I associate with him. I believe that on the basis of linguistic affinity, there may be a day when the Goans will also accord their fullest support to their land becoming a part of the Maharashtra State. The hon. Prime Minister had earlier given all assurances that the languages of Konkani would be respected. He has also assured that as far as religion, culture and so many things allied with them are concerned, the Goans will exercise all rights, there would be absolutely no interference. That is perfectly consistent with our liberal traditions.

Sir, lastly, I would suggest one thing that this is a matter of great happiness and pleasure that Goa has become a part of India now. Till yesterday we had to suffer that anachronism but now to see this happy consummation of things, we must take some active step. We, as Members of Parliament, would like to see Goa. Therefore, I suggest that a delegation of the Members of Parliament visit Goa and say to those people, here, in the joy of your liberation, we are with you. There lies a great affinity between this part of India and the newly acquired ... (Interruption) We can all form a delegation, with the blessings of the Prime Minister.

With this suggestion, I give my fullest support to this Bill and I hope that this will be unanimously adopted. Thank you, Sir.

SHRI A. K. SEN: Mr. Vice-Chairman, Sir, I am deeply obliged to the House for the large measure of support which it has given the Government. And at a time when there should be the least controversy on a measure like this, I am very sorry that Shri Gupta in his usual eloquent manner has charged the Government with trying to impose a system of government which, as he says, would be another picture of bureaucracy ex-

ported by the Railway Minister from Delhi. Well, I am very grateful to him for the personal compliments he has given me. It is very refreshing, Sir, especially after the rather unfortunate experience I have had from some of his friends in the recent past. But . . .

SHRI BHUPESH GUPTA: We did not have any fortunate experience from my friend opposite.

SHRI A. K. SEN: I am very deeply obliged to Shri Gupta—as I have been always—for the personal compliments he has paid me. May I assure him Sir, as I said earlier while moving the motion, that it is the desire of the Government, as the Prime Minister said in no unmistakable terms, to accord to the people of Goa the largest measure of autonomy consistent with the special features of this area and consistent with the requirements of the people there as also of the rest of India? And the present measure is only a step forward to that ultimate goal. I do not see how from the present measure the hon. Member comes to the most extraordinary conclusion that it is the desire of the Government to export a form of government which will clamp down bureaucracy on these people for all time to come. I would like to be enlightened more on this point and if there is any misapprehension . . .

SHRI BHUPESH GUPTA: If the light can penetrate.

SHRI A. K. SEN: . . . about any particular clause of this Bill, I am here to make such clarification as I am capable of. But if there are people who come here with closed minds, it is difficult to convince them of the intention of the Government, and I have no doubt that the hon. Member keeps an open mind always and that therefore he would accept the assurance given by the Prime Minister, that these people, like the rest of India, will enjoy the same air of freedom as those elsewhere.

With regard to this rather unfortunate reference to some memorial which was made by the hon. Member, I have now ascertained the facts and I think it is rather necessary to inform the House a little about this so-called All-Goa Political Conference. Mr. Gupta had spoken about this so-called great representative party; he claimed that that was a most representative party and he challenged me to counter that claim, and he said: Can the hon. Minister challenge this statement that it is a representative party? Well, unfortunately this representative party came into existence some time in January—on the 14th of January—after the liberation of Goa, as many other parties have, some inspired by the Jana Sangh. I find, some by others, and apparently this particular party has possibly been inspired by the members of the party to which the hon. Member belongs. I do not blame him for thinking that it is the most representative party. He apparently subjects himself to the same infirmity from which others elsewhere suffer, namely to think that their party is the only representative party and that others have no right to voice the people's opinions.

SHRI BHUPESH GUPTA: But the present military arrangement should go out from there.

SHRI A. K. SEN: Well, most parties prefer to continue the present system. Except the one from this new Conference, which has come, we have not received any representation from any party—there are others and they are much older ones; many of them have been associated with the liberation movement and many of them have suffered incarceration during the struggle for freedom in Goa. We do not mind any party being formed to express any particular opinion.

SHRI BHUPESH GUPTA: It is a political party's conference.

SHRI A. K. SEN: Is it a party? Has it converted itself into a party?

SHRI BHUPESH GUPTA: I do not know; you may be knowing.

SHRI A. K. SEN: I found it was a conference. If a party, apparently this party is chary of calling itself the Communist Party of Goa. But its workers appear to be all drawn from the Communist Party in Bombay and elsewhere.

SHRI BHUPESH GUPTA: How do you know that?

SHRI A. K. SEN: Very well, Government has its own source of information. I may even give a few names, Sir, which are possibly well known to the hon. Member. But that is beside the point. It is quite apparent from the stout defence of this party made by the hon. Member that it is very closely associated with, if not wholly sponsored by, the Communist Party. There is no harm in it. The Communist Party holds the position of one of the leading groups of the opposition, and we welcome them everywhere, because this country believes in complete toleration of opinions and expressions of views. I am not against it, but what I am saying is that this party seems to be chary of calling itself by the parent name and it has chosen to call itself by this name of All-Goa Political Conference. There are others who believe that its chariness to adopt its parent name is because of the fact that it will not draw much inspiration, nor much support, from this rather conservative area which is not so progressive, according to the line of thinking of the hon. Member, and therefore it is difficult to accept the claim that this conference, or party if it has converted itself into one now, voices the feelings of the people there. On the contrary we have heard quite clear expressions of views on the subject, and many of them are even against the withdrawal of the military administration there, and they are apprehensive of the fact that the military forces are going to

be withdrawn, and they think that the civil authority would not be competent to deal with the position which has emerged after the withdrawal of the colonial rule which has lasted there for nearly 400 years. But as I said—this needs no repetition—there is no doubt that the Government will accord to these people—as they have done to the people of Dadra and Nagar Haveli—autonomy in the largest measure as soon as it is possible to do so. Let us not forget that we have liberated them only in December and it has not been possible to withdraw the military still. Three thousand and five hundred members of the Portuguese army are still there in detention. This brings me to the point raised by the hon. Member there about these military personnel being distributed. As the Prime Minister had stated earlier while moving the Constitution (Amendment) Bill, we are expecting the Portuguese to make arrangements any day for the repatriation of these people and we are only hoping that it happens as quickly as possible. And if they do not do it within a reasonable time, we shall certainly take all steps necessary to take them out of Goa. There is no point in distributing them all over the country, that is hardly feasible. But we shall withdraw them from Goa territory where they had represented the worst form of military rule for centuries.

The next point made by Mr. Gupta, if I have followed him properly—if I have not, he will excuse me—is that we have not taken steps to deal with the collaborators who had supported the fascist regime of Salazar before Goa's liberation, and that we are appointing them to carry on the administration, the very same people who had perpetrated all the atrocities in collaboration with the Salazar regime. Well, I have no doubt that those who are guilty of crime against humanity would be dealt with according to law, for in this country we do not believe in punishing collaborators or criminals

through executive officers. If they are to be punished, they are to be punished by courts administering the law of the country.

SHRI BHUPESH GUPTA: Is the question of appointing them avoided?

SHRI A. K. SEN: Well, there is no doubt that such people would not be appointed and therefore, even with respect to judges, if the hon. Member will find, the language, so far as their continuance is concerned, is:

“Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary.”

It is our discretion to appoint such officers as we want to. Without prejudice to that right the officers and others already in employment are being continued. Well, that has been our policy before too, and those who had collaborated with the Britishers during our struggle for independence have been tolerated and many officers who had served the British have served the Government in free India quite faithfully.

KAKASAHEB KALELKAR: But do you know that people who were deported from Bombay by the Bombay Government for mischievous activities were taken into service by the Portuguese Government and they are still in service there?

SHRI A. K. SEN: Well, I have no doubt that mischievous ones would be avoided. But that should be left to the administrators there and to our police. I have no doubt that those who have acted in a subversive manner or who are still acting in a subversive manner would not be continued in service—there is no doubt about that.

SHRI BHUPESH GUPTA: Every doubt.

SHRI A. K. SEN: Well, this country does not go about with fire and sword in hand and kill the so-called collaborators.

SHRI BHUPESH GUPTA: We never said it.

SHRI A. K. SEN: I mean it is not possible. It remains me of Albuquerque who had conquered Goa . . .

SHRI BHUPESH GUPTA: I have been grossly misinterpreted. All I said was: Do not appoint them.

SHRI A. K. SEN: I have said so, that they will not be appointed, those whose conduct has been subversive and is still suspected to be subversive, they certainly will not be appointed, and I only hope that the hon. Member will not take up cudgles for them and say that people have been dismissed, have not been continued because of subversive activities, and this word ‘subversive’ is vague.

SHRI BHUPESH GUPTA: That the British gave you; you have forgotten.

SHRI A. K. SEN: In any event, Sir, it reminds me of Albuquerque who conquered Goa. He put to sword and fire all the Muslims of Goa because they represented the ruling authorities then. And he made a boast of it while writing his report to his own government saying how delighted he was at the sight of thousands of Muslim bodies burning. It is on record, Sir. I hope the hon. Member does not expect the Government of India to deal with the collaborators in that fashion. We have not done it in the past and I do not think our prestige has suffered by reason of that fact nor have our interests suffered. On the contrary, the way in which the Government of India has functioned after freedom and the methods taught by our leader, Gandhiji, have not only borne fruit . . .

SHRI BHUPESH GUPTA: Oh!

SHRI A. K. SEN: There is nothing to be contemptuous about the lesson.

SHRI BHUPESH GUPTA: Why do you bring Gandhiji here?

SHRI A. K. SEN: It is the great lesson from him which helped us to function in that most liberal way even after freedom so that even today we have a European Chief Justice very near Delhi and an Englishman still serves as Chief Justice in free India. And I have no doubt, Sir, that these officers who had in the past served under the Portuguese Government, many of them, will turn out to be loyal officers of the Government of India. If they are found to be wanting in their loyalty, there is no reason to believe that the Government of India would be chary of dealing with them in a manner in which they should be dealt with.

Now, Sir, that really disposes of most of the objections which have come from Mr. Gupta and I need only refer to the permit system which was mentioned by one of the hon. Members. Well, I know that it is not a very desirable thing to continue, Goa being a part of India, but as a temporary measure, I am afraid, it has to continue because, let us not forget that we have just liberated it and there are many emergency measures which have still to be put through and plenty of checks to be carried out for the purpose of security for quite some time to come. But I know that these permits will be freely available and will satisfy those who want the continuance of the permit system. There had been representation to that effect so that undesirable foreigners and outsiders may not go and get into Goa. Apart from the question of security, for other purposes too it has to be there so that there is no travelling rush for adventure which a new, liberated and incorporated territory might induce others to indulge in. Therefore, I think, for some time to come this permit system will have to conti-

nue. But I have no doubt that the Government will discontinue it, the moment it is found to be not necessary at all.

With regard to Members of Parliament, if they wish to go, I do not think there is anything to prevent them, but I only hope that they go at a time which is opportune after consulting the Administrator and so on. I have no doubt that their free passes will carry them to Goa because Goa now is a part of India, legally and Constitutionally, not merely historically, and the passes to which they are entitled will no doubt carry them up to Goa.

SHRIMATI LAKSHMI MENON: Through train services.

SHRI A. K. SEN: And, therefore, I have no doubt that they will avail themselves of that facility.

That really brings me to the end of this discussion. Lest I might have to repeat these arguments, I need only add one more sentence with regard to some of the amendments that Mr. Gupta has mentioned because he has more or less spoken on them. He has mentioned about this time limit of 31st July. I have dealt with it. That is absolutely impracticable. Then, he raised the question of consultations with the representatives of the Goanese liberation movement. Let us not discuss and enter into, again, a controversy about who are the representatives of the Goan political movement. We have just heard Mr. Gupta claiming that this Goan Political Conference is the representative body. Others will claim other bodies as representative. But I have no doubt that the Government will consult all representative bodies . . .

SHRI BHUPESH GUPTA: It is all right.

SHRI A. K. SEN: . . . including the Conference about which the hon. Member has spoken:

SHRI BHUPESH GUPTA: One good thing you have said so far.

SHRI A. K. SEN: And about continuance of these officers, he says:—

“Provided further that no one shall be appointed as a judge, or magistrate, or any other officer or authority who, during the Portuguese occupation of this territory, took part directly or indirectly in the commission of any atrocities against the patriots fighting for the emancipation of this territory from the Portuguese rule, or whose loyalty to the Indian Republic is in any manner doubtful, or who has been in any manner rewarded by the Portuguese rulers for his part in maintaining the Portuguese rule, or in regard to whose patriotic *bona fides* the leader of the anti-Portuguese liberation movement may raise any serious objection.”

Well, I shall be the last person to entrust such a responsible adjudication in the hands of unnamed leaders of the anti-Portuguese liberation movement. If at all, it will be entrusted to the responsible officers appointed by the Government of India. They will decide. Instead of mentioning all these important things, which may not always be interpreted in the light in which it has been inserted, it is better to leave it in a way in which the Government has framed the measure, subject to the right of the Government that preserves all these rights and which presupposes that that right of the Government to pick and choose would be exercised by all these relevant considerations. Why mention them so that a point may be made by those who are not friendly to us that we are behaving in a vindictive manner? That is all, Sir. I, therefore, once more commend this motion to the acceptance of this House.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is:

“That the Bill to provide for the administration of the Union terri-

tory of Goa, Daman and Diu and matters connected therewith, as passed by the Lok Sabha, be taken into consideration.”

The motion was adopted.

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

Clause 2—Definitions

SHRI BHUPESH GUPTA: Sir, I move:

1. “That at page 1, after line 12, the following proviso be inserted, namely:—

‘Provided that the Administrator shall cease to function after the 31st day of July, 1962.’”

2. “That at page 1, at the end of line 14, after the word ‘Diu’ the words ‘which shall remain so far a period not extending beyond the 31st day of July, 1962, be inserted.’

The questions were proposed.

SHRI BHUPESH GUPTA: Sir, on these amendments I want to say something. Sir, I expected the hon. Law Minister to give a serious reply to the rather serious points, maybe disagreeable to them, I raised during the course of the debate. When he spoke about my remarks about the Goa Political Conference, I was reminded again of the North Bombay Parliamentary Constituency elections. When it does not suit the opponents of Mr. Menon and the Congress Party, they call Mr. Menon a crypto-Communist and try to get away with it. When the hon. Minister could not give another name of any organisation which supported his point of view, at the Conference, he said, according to the report—which report, we do not know, maybe, it may be whispered into his ears—this Goan Political Conference is a Communist organisation. May I ask him to tell us the difference between this line of logic and reasoning on his part and

[Shri Bhupesh Gupta.]

reasoning on the part of those who ran that campaign of the three musketeers in the North Bombay parliamentary constituency election? Whenever a conference or an organisation is mentioned, to call it Communist and then to try to get away with it, well, Sir, it is not a very sound practice and some day the country will have to pay for it, perhaps more dearly than the hon. Law Minister thinks. But I do not think that you should trot out anti-communism of this type and try to bank on that kind of thing in order to fight a situation like this. It is not right.

As far as this amendment is concerned here again, he said, "Shall I go with sword and fire?" and what not. I know you are non-violent. Perhaps what I said was not palatable to him and, therefore, he brought in this question of sword and fire. I never made that suggestion. Therefore, that argument, again, was not very relevant as far as he 5 P.M. was concerned. What I say

here is this. I said that this arrangement of Commissioner or Administrator should last for a definite period of time and after that some other arrangement should be made. I am not going into the other thing. This is what I want here. The Government can have 3 or 4 months to think over this and then decide what should be the substitute arrangement after this. It is going to be permanent. That I know, is almost permanent. We have not got any indication yet as to what are the Government's views tentatively at least as to how long this will continue. They cannot say anything. Not that they are not in a position to say, because this is uppermost in their minds. It will continue. That is why I say that it should continue only up to 31st July 1962. Now you have April, May and June—three months. You can think about it and then decide upon certain other more acceptable, agreeable, more democratic arrangements but they would not

accept this kind of suggestion. Therefore I say that it should be done like that. Here is our jurist friend. I was a little surprised but I believe when a jurist becomes a politician and then a parliamentarian, jurisprudence leaves and something else comes. I suggested that no law should be enforced if it is repugnant to the Directive Principles of the Constitution. Mr. Pathak at once jumped up with the suggestion that it meant amending the Constitution. Who asked you to amend the Constitution? Cannot I say that we shall not pass any law there or allow any law to remain which is repugnant to the Constitution? It does not involve any amendment of the Constitution. Let the Directive Principles remain what they are, not enforceable and so on but certainly we can make it obligatory on the part of the authorities to see that no violations are done like that. No point has been made. I was patiently listening to the Law Minister to tell us which organisation in Goa has supported. Name the organisation. Do not talk vaguely about patriots or such things, people who have sent you anonymous letters and so on. Tell us which organisations in Goa have asked that this arrangement is suitable for them. I do not care if it is Congress organisation but let him mention them but Goa did not have Congress organisation nor the Communist Party had a branch there. People there fought whether they believed in the ideology of the Congress Party or the Communist Party or some other Party but tell us which organisation supported you. Is there any single organisation, big, small or medium-sized which has supported your point of view? No, none. Tell us which accredited leaders of the Goanese people have supported you. Name them so that it is known, so that we know for our assurance that there are some people in Goa who did not share our views. You have not named them. He has got the reports. The only thing is the report. Tell us who have given you the reports that the All-Goa Political

Conference is another name for the Communist Party. It is not a very responsible utterance. Here comes vulgarisation of the democratic principles. Tell this House which organisation is that, who the members and sponsors of the organisation are. Name them that these are the sponsors of the All-Goa Political Conference and these are the Members of the Communist Party. Let them say so. It is not right here to take advantage of the Government position and then speak pretending as if they have got better information than others have. It is an open book. It is open to us. It is an open book for all to see who are assembled in the Political Conference. Many people are there, many shades of opinion are there who have contributed to the cause of Goan liberation. To dub it as the Communist Party or organisation is not right. I do not know whether any Communist was there or not. I am supposed to be a functionary of the Communist Party but I do not know who the Communists are there but my friend, the Law Minister basing on secret police reports tells me that he knows who the Communists are. This is not right. I move this amendment. (Time bell rings.) You have been ringing the bell. I press my amendment and I think the 3 months' period is enough for the Government to think over as to what should be the next set-up of administration after the Administrator goes.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is . . .

I am sorry. Any reply?

SHRI A. K. SEN: I have replied

SHRI BHUPESH GUPTA: How has he replied? He has spoken before. I would not accept it. The reply comes after the amendment . . .

THE VICE-CHAIRMAN (SHRI K. K. SHAH): He says that he has already replied

SHRI BHUPESH GUPTA: No. I would not accept it. This is very bad parliamentary practice. Before we

take up the amendment he replies. That shows utter disregard of the other arguments. He has to reply. He can say: "I do not want to reply." I can understand that. You do not treat that as a reply.

SHRI A. K. SEN: I shall formally reply that there is hardly anything to reply excepting his query that I had not mentioned the names of the workers of this All-Goa Political Conference.

SHRI BHUPESH GUPTA: Why did you call them Communists?

SHRI A. K. SEN: Because the workers themselves are all important members of the Communist Party.

SHRI BHUPESH GUPTA: How do you know it? I am supposed to know it better than you do.

SHRI A. K. SEN: The hon. Member is proving it himself?

SHRI BHUPESH GUPTA: How?

SHRI A. K. SEN: Because he is not known to defend other parties. I do not want to mention the names . . .

SHRI BHUPESH GUPTA: You cannot.

SHRI A. K. SEN: If the hon. Member wants me to mention the names of persons who are not here in this House, I shall do so but that is for the Vice-Chairman to direct.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): Those who are not here, their names should not be mentioned. It will not be in order.

SHRI BHUPESH GUPTA: Are you satisfied? You see his list and give me the names. I shall tell you how many are members of the Communist Party. I am supposed to know who are members of the Communist Party. Secret police report is not the guide. We are an open party and we have open membership. Therefore it is not right.

SHRI A. K. SEN: I did not want to name them but if you want. I will give a few names. Mr. Divadkar Kakodkar. He is the General Secretary.

SHRI BHUPESH GUPTA: What is he reading from? I have a right under the rules to ask what he is reading from.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): You invited the names of people who are not here. Let him give the names first of all.

SHRI BHUPESH GUPTA: What is he reading from?

SHRI A. K. SEN: I am reading from my own notes. I am certainly entitled to do so. Mr. Chandrakant Kakodkar. I think you know him. He is the Chief Reporter in Goa for Atre's Maratha which is a pro-Communist . . .

SHRI BHUPESH GUPTA: No. You come from Bombay, Sir. Atre's paper is an independent paper. You are in the Chair fortunately, a stalwart from Maharashtra . . .

(Interruption)

DIWAN CHAMAN LALL: I rise on a point of order. Is it not the rule in this House that when an hon. Member who is in possession of the House does not give way, it is not the right of any Member to interrupt him?

SHRI BHUPESH GUPTA: It is the rule of the House. I expect him to yield and not to listen to Diwan Chaman Lall's advice and he will yield.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): Order, order. When he does not yield, wait. Let him sit down.

SHRI A. K. SEN: I was not anxious to give the names of persons.

SHRI BHUPESH GUPTA: All I submit is this. I rise on a point of order. When we ask for information and the

Minister seeks to give information, then it should not be opinion but information and it is my right to point out that this is wrong and it is common knowledge and it is public knowledge that it is wrong.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): This is not a point of order.

SHRI BHUPESH GUPTA: Therefore I say, you ask him. I seek your orders. Is it not common, public knowledge?

THE VICE-CHAIRMAN (SHRI K. K. SHAH): Will you first allow me to decide whether this is a point of order? I have heard you. This is not a point of order. Do not be unfair to me at least as a lawyer if not as the Vice-Chairman.

SHRI BHUPESH GUPTA: You are so many things. I know how you manage so many things in Bombay. Do I not know it?

THE VICE-CHAIRMAN (SHRI K. K. SHAH): Will you allow me to decide this point of order?

SHRI BHUPESH GUPTA: You have not listened to me yet. You have not allowed me to finish what I had to say. Let me say how this is a point of order. The point of order is this. A Minister cannot give deliberately mis-information in regard to a matter which is common knowledge, or which is a notorious fact, as it is called, by lawyers. I say this Marathi paper is not a Communist paper. It is a paper belonging to an independent person. You, Sir, of all persons, know that.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): It is not a point of order. It is a question of opinion. The Minister will now go on.

SHRI A. K. SEN: I did not say it was a Communist paper. I said "a pro-Communist Marathi daily", as the record will show.

SHRI BHUPESH GUPTA: How pro-Communist?

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The Minister will please proceed.

SHRI A. K. SEN: Why does the hon. Member think that that is a disqualification? I only stated a fact. I don't see any odium attached to it because of that fact. I never suggested it and the hon. Member need not read more into it. He wanted information and here is another "Shri George Vas".

SHRI BHUPESH GUPTA: Communist again?

SHRI A. K. SEN: They have been actively canvassing membership for the All Goan Political Conference.

SHRI BHUPESH GUPTA: Therefore, he is Communist?

THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI): He is a Communist, of course.

SHRI A. K. SEN: I do not see why the hon. Member should be chary in acknowledging facts. He is a member of the Communist party and the hon. Member who is one of their leaders should have no objection. They were openly canvassing for the All Goan political Conference. That fact is established or at least mentioned and there is nothing to be sorry or indignant about it.

SHRI ABID ALI: He wants to deceive the world.

SHRI BHUPESH GUPTA: Nobody can do that.

SHRI A. K. SEN: All that I said was that none but the Goan Political Conference has sent the memorial. The hon. Member wants me to mention those who support us. It is for him to name those who oppose us. In support of this, he read this memorandum. I said this memorandum came from a party which had met on the 28th January, for the first time in its life, and it has active workers who

are members of the Communist Party or who are its sympathisers.

SHRI ABID ALI: It is a mushroom.

SHRI A. K. SEN: All that I said was that it only reflected one section of the opinion which was expressed by the hon. Member here and when I said that it represented the Communist point of view, I only repeated the claim that it was a representative body. That is all.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is:

1. "That at page 1, after line 12, the following proviso be inserted, namely:—

'Provided that the Administrator shall cease to function after the 31st day of July, 1962'."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is:

2. "That at page 1, at the end of line 14, after the word 'Diu' the words 'which shall remain so for a period not extending beyond the 31st day of July, 1962' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—Representation in the House of the People

SHRI BHUPESH GUPTA: Sir, I move:

3. "That at page 1, after line 16, the following proviso be inserted, namely:—

'Provided that in the event of nomination of such members, the Government shall hold prior con-

[Shri Bhupesh Gupta.]

sultation with the representatives of the Goanese liberation movement'."

Sir, I move this amendment because I feel that in this connection there should be consultations by the Government when they nominate the Members. Why do I say it? I say they should consult all, and especially the representatives of the Goanese liberation movement and all shades of opinion. I do not say that only some persons should be consulted. But my fear is that they will not have the right approach. When I said the Goanese Political Conference, he wanted to . . .

SHRI ABID ALI: Sir, on a point of order. The hon. Member wants to go on arguing again and again. I request you Sir, to order him to speak on his amendment itself and not on the discussions.

SHRI BHUPESH GUPTA: My hon. friend is mistaken. I am speaking on the amendment. He seldom speaks in this House, otherwise he would have realised.

SHRI ABID ALI: Speak on the amendment.

SHRI BHUPESH GUPTA: The words used are "prior consultation". Whom to consult, they will decide.

SHRI A. K. SEN: Sir, he cannot now say "Consult all", because the words here are:

"prior consultation with the representatives of the Goanese liberation movement."

I said in my answer that this is a highly unpracticable proposition.

SHRI BHUPESH GUPTA: Why unpracticable? Now, I hope Mr. Abid Ali will know why I have to argue. Why is it not practicable? I am not naming anybody. It is for the Government to decide whom they will consult. He cannot criticise me for I

am not saying whom they should consult. That will not be decided by us in the Opposition. It is for the Government to draw up a list of those who will be consulted. In this case, I hope the fantastic thing will not be invented, suggesting that certain people will be Communists or that an independent newspaper is Communist, though it is an independent one. It is practicable and there is no reason whatsoever why they should not consult people. They need not consult people whom they do not recognise.

SHRI ABID ALI: Those who deserve to be consulted, will be consulted.

SHRI BHUPESH GUPTA: This nomination to Parliament will take place and it will be a temporary arrangement, I realise, and ultimately the people will be elected. But since it is for you to decide whom you will reason why there should be this consultation with the various elements. It is for you to decide whom you will consult, so that this nomination may, as far as possible, approximate more or less, to the consensus of opinion in Goa. That is all I say. Is it not a reasonable amendment?

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is:

3. "That at page 1, after line 16, the following proviso be inserted, namely:—

'Provided that in the event of nomination of such members, the Government shall hold prior consultation with the representatives of the Goanese liberation movement'."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—Officers and functionaries in relation to Goa, Daman and Diu

SHRI BHUPESH GUPTA: Sir, I move:

4. "That at page 2, after line 22, the following provisos be inserted, namely:—

'Provided that all such power shall cease after the 31st day of July, 1962 or on the creation of a Legislative Assembly for Goa, Daman and Diu, whichever is earlier:

Provided further that no one shall be appointed as a judge or magistrate or any other officer or authority who, during the Portuguese occupation of this territory, took part directly or indirectly in the commission of any atrocities against the patriots fighting for the emancipation of this territory from the Portuguese rule, or whose loyalty to the Indian Republic is in any manner doubtful, or who has been in any manner rewarded by the Portuguese rulers for his part in maintaining the Portuguese rule, or in regard to whose patriotic *bona fides* the..'

And here there is a small correction to be made, Sir. The word should be "leaders" and not "leader" as it occurs here—

'...leaders of the anti-Portuguese liberation movement may raise any serious objection."

Sir, this is my last amendment. Here again, I have been totally misunderstood, not misunderstood, but deliberately misrepresented, as lawyers sometimes do. In my amendment I have said that anybody who was in authority during the Portuguese occupation and who took part directly or indirectly in the commission of atrocities shall not be appointed to certain positions. I am not stating this in general terms in respect of all officials. And then I say:

"whose loyalty to the Indian Republic is in any manner doubtful, or who has been in any manner rewarded by the Portuguese rulers for his part in maintaining the Portuguese rule, or in regard to whose patriotic *bona fides* the leaders of the anti-Portuguese liberation movement may raise any serious objection."

As I said, the word should be "leaders" and not "leader".

THE VICE-CHAIRMAN (SHRI K. K. SHAH): It has been discussed sufficiently.

SHRI BHUPESH GUPTA: Here again, I leave it to the Government to consult the leaders. I say this because there is a tendency to keep some persons in responsible positions. Or shall we put it another way? It is always possible for this category of persons to worm their way into key positions of the administration, despite the good intentions of the Government. Therefore, I say, in the matter of appointments this thing should be definitely borne in mind. How can you ascertain it if not by consulting those who are in the know of things better than others? Here I have suggested the leaders of the anti-Portuguese liberation movement. They can consult others also, I have no objection. The analogy of the British was brought in. We are not going into it now. But it has been our criticism of the Government that they were not right in retaining everyone of the officers who had served the British, I mean the Indian officers. There should be a bit of pick and choose in such matters. We have seen how some of these Indian officials drawn from these services, in some cases, were found to be unsatisfactory. I am not speaking in a sweeping manner of all of them. Some may have proved useful. But some were also found unsatisfactory and not always amenable to the new things that have come about.

I can name them, but again I won't name them. It is well known; we have

[Shri Bhupesh Gupta.]

seen how the Generals after retirement from the Army started abusing the Indian Republic and the democratic and parliamentary institutions. I do not know if the General has found his way to the Swatantra Party yet. But he knows that such things do happen. We know how certain officials behave. Even in the Administration some officials had to be censored by the Government. These are all known facts. Here in Goa after so many years they have become free and after 14 years of our independence they have been liberated and up to the last day of liberation they have been subjected to all kinds of tyranny and oppression by some officials and they are all accessories to or abettors of the Portuguese rule. I only ask that these people should not be placed in important positions. Here what does this clause 4 provide? It gives a general power. It is a big clause. It starts saying, without prejudice to the powers of the Central Government. Everybody knows that the Central Government has got powers. I am not questioning it. Let us retain them. My amendment comes only as a proviso. All that I say is, while exercising these powers such people should not be appointed. I have made it very specific and said who are the people who should not be appointed. They may be small in number but the appointment of any of these people would lead to demoralisation, would create misgivings in the minds of the Goan people. It is not a question of taking away any power. I am giving this power to the Government. I am not asking this power to be given to me. Why can't the Government make a commitment of this kind if they sincerely mean business and why can't they say here that such people shall not be appointed?

THE VICE-CHAIRMAN (SHRI K. K. SHAH): You are repeating.

SHRI BHUPESH GUPTA: I know you will feel that I am repeating be-

cause it is after 5 O'clock and the Holi festival is somewhere there.

DIWAN CHAMAN LALL: May I ask my hon. friend if he will be satisfied if the Government says that it will keep in mind whatever my friend has said in making the appointments?

SHRI BHUPESH GUPTA: Well, up to now he has not said that even.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): He said so.

SHRI A. K. SEN: Yes; I said so.

SHRI BHUPESH GUPTA: If he says this thing, well then, would he mind accepting my amendment also?

AN HON. MEMBER: Why?

SHRI BHUPESH GUPTA: Because if the substance of my amendment is to be kept in his mind, then what is the harm in accepting it? (*Interruptions*) What I want is a little accommodation. I want this amendment because if it is rejected, then we shall be in a position to come up and tell the House that such and such people with such and such records have been appointed to high positions. In order to keep ourselves in readiness to point out such things before the Government, the House and the country, I press this amendment, Sir, unless the Government accepts it.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): I shall now put the amendment to vote.

The question is:

4. "That at page 2, after line 22, the following provisos be inserted, namely:—

'Provided that all such power shall cease after the 31st day of July, 1962 or on the creation of a Legislative Assembly for Goa, Daman and Diu, whichever is earlier:

Provided further that no one shall be appointed as a judge, or magistrate, or any other officer

or authority who, during the Portuguese occupation of this territory, took part directly or indirectly in the commission of any atrocities against the patriots fighting for the emancipation of this territory from the Portuguese rule, or whose loyalty to the Indian Republic is in any manner doubtful, or who has been in any manner rewarded by the Portuguese rulers for his part in maintaining the Portuguese rule, or in regard to whose patriotic *bona fides* the leaders of the anti-Portuguese liberation movement may raise any serious objection."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—Continuance of existing laws and their adaptation

SHRI BHUPESH GUPTA: Sir, I move—

5. "That at page 2, after line 26, the following proviso be inserted, namely:—

'Provided that no law which is repugnant to the fundamental rights under the Constitution or to the directive principles thereof shall be in force.'

Sir, I have only a few words to say.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): You have spoken already.

SHRI BHUPESH GUPTA: I spoke in reply to our friend, the jurist. You are a lawyer and I would ask you to consider why he said so. This does not involve any amendment of the Constitution. That is what I explained to him then. Now I will tell you why I want this.

The fundamental rights are the sacred provisions of the Constitution and we want under the terms of this Bill an enactment to assure the Goan people that their fundamental rights will not be violated.

The question was proposed.

SHRI A. K. SEN: May I say, Sir, that it is unnecessary because it is written into every law that this Parliament passes that nothing which contravenes the Constitution will be valid?

SHRI BHUPESH GUPTA: Let this be properly understood. Do I understand that any Goanese law left there by the Portuguese or the Portuguese law which is contrary to that particular Chapter of the Constitution will be null and void?

THE VICE-CHAIRMAN (SHRI K. K. SHAH): Certainly.

SHRI BHUPESH GUPTA: You don't say, Sir. You are in the Chair. I will seek your advice elsewhere.

SHRI A. K. SEN: When Parliament continues an existing law it is always written into that law that it is subject to the provisions of the Constitution.

SHRI BHUPESH GUPTA: Subject to Fundamental Rights?

SHRI A. K. SEN: Yes.

SHRI BHUPESH GUPTA: Directive Principles also, I do not want any law which is contrary to our Directive Principles. Even if the Directive Principles are not enforceable here let the Goanese know that we shall try to work according to the Directive Principles in the new set-up there and we would not allow any law which is repugnant to the Directive Principles of the Constitution. If he says he will do that then I shall take back my amendment.

SHRI NAFISUL HASAN (Uttar Pradesh): You want an amendment of the Constitution as far as it applies to Goa?

SHRI BHUPESH GUPTA: I do not want to make any amendment to the Constitution. Sir, . . .

THE VICE-CHAIRMAN (SHRI K. K. SHAH): Let him reply.

SHRI A. K. SEN: Let the amendment be put to the vote, Sir.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is:

5. "That at page 2, after line 26, the following proviso be inserted, namely:—

'Provided that no law which is repugnant to the fundamental rights under the Constitution or to the directive principles thereof shall be in force.'

The motion was negatived.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the bill.

Clauses 6 to 11 were added to the Bill.

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

SHRI A. K. SEN: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

MESSAGES FROM LOK SABHA

I. THE UNION DUTIES OF EXCISE (DISTRIBUTION) BILL, 1962

II. THE APPROPRIATION BILL, 1962

III. THE ESTATE DUTY (DISTRIBUTION) BILL, 1962

SECRETARY: Sir, I have to report to the House the following messages

GMGIPND-RS-4 RS-8-5-62-550

received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

(I)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Union Duties of Excise (Distribution) Bill, 1962, as passed by Lok Sabha at its sitting held on the 19th March, 1962.

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(II)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Appropriation Bill, 1962, as passed by Lok Sabha at its sitting held on the 19th March, 1962.

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(III)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Estate Duty (Distribution) Bill, 1962, as passed by Lok Sabha at its sitting held on the 19th March, 1962."

Sir, I lay a copy of each of these three Bills on the Table.

THE VICE-CHAIRMAN (SHRI K. K. SHAH): The House stands adjourned till 11.00 A.M. on the 23rd.

The House then adjourned at twenty-nine minutes past five of the Clock till eleven of the Clock on Friday, the 23rd March 1962.