

MR. DEPUTY CHAIRMAN: The question is:

18. "(i) That the re-numbering and re-lettering of the clauses and sub-clauses consequential on the amendments made by the House be carried out together with corrections of cross-references;

(ii) that the various definitions in clause 2 be re-arranged according to alphabetical order; and

(iii) that the word 'and' occurring in clause 16 at page 6, line 26, be omitted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, line 1, for 'Our Republic' substitute 'the Republic of India'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: All the amendments made by the Lok Sabha in the Bill are agreed to.

THE CHANDERNAGORE (MERGER) BILL, 1954

MR. DEPUTY CHAIRMAN: I am told there is a Division in the other House and so Mr. Chanda is held up there. Shall we adjourn for five minutes?

THE LEADER OF THE HOUSE (SHRI C. C. BISWAS): I can just move the motion if the House so desires.

MR. DEPUTY CHAIRMAN: Yes; that can be done. We can start the discussion.

SHRI C. C. BISWAS: Sir, in the temporary absence of Mr. Chanda, I beg to move:

"That the Bill to provide for the merger of Chandernagore into the State of West Bengal and for matters

connected therewith, as passed by the Lok Sabha, be taken into consideration."

MR. DEPUTY CHAIRMAN: Motion moved:

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

SHRI S. MAHANTY (Orissa): The hon. the mover could have at least said something.

MR. DEPUTY CHAIRMAN: For that we will have to adjourn. As I have said, Mr. Chanda is held up in the other House. He will reply to the debate. Mr. Satyapriya Banerjee.

SHRI S. BANERJEE (West Bengal): Mr. Deputy Chairman, I rise to render unto this Bill, that which is due to it I find neither the Prime Minister nor the Deputy Minister. Sir, I rise to appeal to the Prime Minister to fulfil the assurances given by him and his Government to the people of Chandernagore from time to time. I rise to remind the Deputy Minister for External Affairs, Shri Anil K. Chanda, of his statement of March 24, 1954. Let me read out what he said. This statement was made in the House of the People, now called the Lok Sabha, on 24th March 1954. He said: "It is one matter in which I think the Government of India have fulfilled all their commitments from A to Z..... The Prime Minister has already given enough indications to the House that Government intend in general terms to accept *in toto* the recommendations of the Jha Commission." I beg to remind him of this and appeal to him to rise to the occasion and to see that all these statements are fulfilled *in toto*.

Sir, Chandernagore has a history, all its own. It has deserved and won an honoured place in the history of the freedom movement of India. One of the very first martyrs in the cause

of India's freedom, Shri Kanai Lall Dutt, who created history by shooting to death Narendranath Goswami, an approver in the Alipore Bomb case within the precincts of the Presidency Jail, came from Chandernagore. Chandernagore gave also another great revolutionary—Rash Behari Bose—who created history again by throwing a bomb on the Viceregal procession of Lord Hardinge in Delhi. I think, in the year 1912. Subsequently he escaped to Japan and during the second world war rose to become the Supreme Adviser of Netaji Subash Chandra Bose's Azad Hind Government. It was at Chandernagore that Shri Aurobindo Ghose, who, in those days, was proclaimed to be "the poet of patriotism, the prophet of nationalism and a lover of humanity," took his asylum before he left for Pondicherry and where he spent the rest of his life. It was here again that the revolutionaries of Bengal, during the first world war, who went underground, had a conference, if I remember aright, with Mr. Hugh Stevenson, the then Home Minister. They sat round a table and discussed what the revolutionaries wanted to get the support of the people of India for the successful prosecution of the war. That conference resulted in nothing, but it met on a gentleman's agreement that if they could not come to any agreement, the revolutionaries would be allowed sufficient time to hide themselves again, and be it said to the credit and honour of the then Governor of Bengal that he gave sufficient time to enable them to hide themselves again, and the Government, as before, was not able to find them out again. Sir, if Chandernagore had a glorious past, its present also is no less glorious. Was not Chandernagore the first foreign pocket, which, by a referendum, supported merger with India? Was it not here that all the political parties, including the Congress and the Hindu Mahasabha, presented a joint memorandum to the Jha Commission and the Jha Commission could not but accept the united demands contained in that joint memorandum? Was is not in

Chandernagore again that the people rose to a man and made the municipal election fixed to be held on the 24th December 1953 by the Government of India impossible—an election which was forced upon them by an arbitrary order of the President of India, dated 30th June 1952 dissolving the really elected assembly of Chandernagore which had so long successfully carried on the administration of Chandernagore?

Sir, let me now come to the Jha Commission's Report. The Commission was appointed, as you all know, in pursuance of the assurances given to the people of Chandernagore to enquire and ascertain the wishes of the people. After ascertaining them, the Commission made, among other things, the following recommendations. Let me quote from an appeal made to the Members of Parliament on the future of Chandernagore by the all-parties Committee of Chandernagore. The recommendations of the Jha Commission were first that Chandernagore should be made the headquarters of a Sub-Division. Chandernagore should be entitled to elect a Member to the West Bengal Legislative Assembly. Chandernagore should have a Corporation with powers much wider than those enjoyed by other municipal bodies. Besides municipal affairs, the Corporation should maintain educational institutions, primary and secondary, and hospitals. The finances of the Corporation should be augmented by means of subventions from excise and other receipts. It is in this background that the present Bill has got to be judged and I am sure all right thinking men will find it inadequate and wanting. Sir, Mr. Chanda is still not here.

THE DEPUTY MINISTER FOR EXTERNAL AFFAIRS (SHRI ANIL K. CHANDA): I am here. I was held up in the other House.

SHRI B. C. GHOSE (West Bengal). Can he make his speech now? It would be convenient if we could hear what he has got to say.

SHRI B. GUPTA (West Bengal): His answers are in his pocket.

MR. DEPUTY CHAIRMAN: He will reply to all the points.

SHRI S. BANERJEE: I will remind him of what he said. He was pleased to conclude his observations in the speech on the consideration stage of the Bill in the Lok Sabha the other day with the following remark, "Full effect is being given to the recommendations made by Dr. Jha." I do not quite understand what my friend, esteemed friend at that, Shri Anil Kumar Chanda, means by 'full effect'. I could have understood if he had used 'fuller' instead of full, because I see that Chandernagore is going to be expanded and certain portions are going to be added to it according to clause 6 of the Bill. Option is given in the Bill to do this. If 'full effect' had been given, then Chandernagore by itself, and not with any addition to it, as is being done, should have been the subject matter of discussion today. He had also referred to the Chief Minister of West Bengal Dr. Bidhan Chandra Roy's assurances. May I remind him of the assurances that Dr. Bidhan Chandra Roy gave to the teachers with regard to the dearness allowance when the teachers' strike movement some time back was at its height and may I remind him of the agitation that is now going on again in that matter because he has gone back upon those assurances? Therefore, assurances of Dr. Bidhan Chandra Roy, we take them with a grain of salt.

Much has also been made of paragraph 3 of page 2 of the Jha Commission's Report. Even the Prime Minister referred to it the other day in the Lok Sabha. In the paragraph it is said, "It should be remembered that the French Government in their decree of November 1947 gave financial and administrative autonomy to the free city and this autonomy was enjoyed until May 1950. This explains the almost unanimous desire that within the orbit of the West Bengal Government, Chandernagore should

have a larger measure of autonomy than is enjoyed by other cities. The summary of their claim will reveal, however, that the so called autonomy was severely restricted. It stipulated that the legislation in force for the municipal elections in the French establishments in India shall be applicable to the elections of the Municipal Assembly of Chandernagore. Articles 12 and 13 of the Decree of 7th November 1947 imposed restriction on the Assembly's powers." I venture to submit that both Dr. Jha and the Prime Minister of India who accepted the interpretation of Dr. Jha, went wrong. To establish my case, let me quote the relevant decrees. Article 12 says: "All acts, all deliberations of the Municipal Assembly relating to things which are not legally included within its powers shall be null and void." Who is there to dispute it? If I have no power to do a thing and if in excess of that power I do that thing, then that act is *ipso facto* and *ab initio* null and void. Now, article 13 says: "All deliberations whatever may be their object, shall be void if taken beyond the period of sessions". That is their law and we cannot help it. Article 15 will be a pointer: "The dissolution or suspension of the Municipal Assembly can only be pronounced by the President of the Conseil du Gouvernement in Council. In case of suspension or of dissolution of the Assembly a provisional administrative council will be entrusted with its functions. The duration of the functions of the Commission cannot exceed six months." This means that the period of suspension can on no account exceed six months. Here is article 19, which says: "The deliberations taken by the Municipal Assembly are operative under the following conditions:—

Within a period of one month of the reception of a deliberation, the President of the Conseil du Gouvernement in Council may ask the Municipal Assembly to have a second reading of the deliberation.

If after the expiry of the above period it does not exercise this

power the deliberations become fully operative.

All deliberations taken in the second reading shall also be operative subject to appeal by the President of the Conseil du Gouvernement to the Conseil de Contentieux for excess of power or violation of law."

Therefore, as Dr Jha in his report has stated 'a summary of their claim will, however, reveal that the autonomy was severely restricted' is not true, is far from true

I would now like to refer to the deputation which waited upon Dr Bidhan Chandra Roy, Chief Minister of West Bengal, on the 24th of August 1954. The deputation consisted of all the parties. In the course of the discussion, he said two things, one is that Chandernagore could not claim any powers of Corporation wider than those enjoyed by the other Bengal Municipalities. I do not any longer lay any emphasis on it, because the Prime Minister in the other House has given the definite assurance that Chandernagore will have a Corporation and the powers of that Corporation may be even more than that contemplated by us. In the course of the discussion, he referred to another thing. He drew the analogy of Cooch-Bihar. The Chief Minister of West Bengal ought to have understood that Cooch-Bihar and Chandernagore do not stand on all fours. Chandernagore's merger is an affair of international concern. In the case of Chandernagore, repeated official assurances and promises and statements were made since 1949 which were totally absent in the case of Cooch-Bihar. The very fact that Cooch-Bihar was under the administrative control of the Home and States Ministry of the Government of India and the very fact that Chandernagore was under the administration of the External Affairs Ministry is proof enough that Chandernagore cannot be in any way compared to the status of Cooch-Bihar.

Sir, it is said that the Constitution may stand in the way of granting Chandernagore by itself as a constituency for election to the Bengal Legislative Assembly. I join issue with my friends over there. If there is any constitutional difficulty—I hope there is not—but even if there is, could they not in their wisdom, in view of the repercussions which this Bill might have on the freedom movement in other foreign pockets, have made a special provision under the Constitution making special arrangements for the foreign pockets that have come to India and those that are still to come? And there is yet time to do it. I would appeal to my friend, Shri Chanda to see to it that these constitutional difficulties are brushed away and Chandernagore remains, by itself, a constituency for election to the West Bengal Legislative Assembly.

And that is one of the most important recommendations made by the Jha Commission. And the definition of "Chandernagore" in the Bill is this: "Chandernagore" means the whole of the territory which immediately before the 9th day of June 1952 was comprised in the Free Town of "Chandernagore"—the area on the day of the *de jure* transfer to India. I would request my hon. friend, Shri Chanda, to see to it that only Chandernagore, as it was on the 9th day of June 1952, be treated as the constituency, and not as under clause 6 where it is stated as follows —

" with the addition of such areas of other constituencies as may be determined by the President or without such addition and the said constituency shall be represented in that Assembly by one member to be chosen by direct election "

I would most humbly and most respectfully, with all the emphasis that I command, appeal to my friend, Shri Chanda, to give an assurance, if it is not possible for him to amend the Bill here and now during this session, to this House and to the people of Chandernagore at large that whatever

[Shri S. Banerjee.]

is mentioned in clause 6 would not be taken advantage of either by the West Bengal Government or by the Central Government. The Prime Minister is here, and I am glad that he is here. I would appeal to the Prime Minister to see that he takes sympathetically to the suggestion that I have just made, namely, that Chandernagore as such be treated as the constituency for the State of West Bengal and any additional territories may not be tagged on to it. The people of Chandernagore will be at a very great disadvantage if other additional territories are added to it, and that will, in fact, go against the very fundamental of Dr. Jha's recommendations. Chandernagore should have a representative in West Bengal, in the Legislative Assembly of West Bengal.

MR. DEPUTY CHAIRMAN: It is time you close. The time allotted to this Bill is only one hour. But I am prepared to extend it by half an hour. It began at 2-45; we have to close it at 4-15. And there are some three or four speakers. I will call on the Prime Minister to reply at 4 o'clock.

SHRI S. BANERJEE: I will try to finish soon, Sir. Chandernagore therefore deserves special consideration, among other things, on the following four grounds as they had been admitted by the Jha Commission: (1) that there are historical circumstances in which it has become part of the Union of India, (2) that assurances have been given to the people by the Government of India from time to time, (3) that the city of Chandernagore is advanced and has progressed more than other cities of comparable size, and (4) that in dealing with the future of Chandernagore it will be wise to consider what repercussions there will be on the people of other foreign possessions in India.

Therefore, Sir, I appeal once more to the Prime Minister that as he has given a definite assurance in the other House about the Corporation, we on this side of the House will be very

glad if he gives us an assurance that no additional territory will be added to Chandernagore for election to the West Bengal Legislative Assembly. And as regards the finances of the Corporation, if necessary, the Central Government or the Government of West Bengal should at least supply the Chandernagore Corporation with the necessary funds.

There has been another question regarding the hospitals. I gather that secondary schools also will come under the jurisdiction of the Chandernagore Municipal Corporation. Hospitals also should not be excluded from the jurisdiction of the Chandernagore Municipal Corporation. It has been said that the hospitals have been provincialised. I give you, Sir, some instances in West Bengal where hospitals have not been provincialised. I mean the Mayo Hospital, the Marwari Hospital and some other hospitals are not yet provincialised. And I hope that the Prime Minister will see his way to grant this concession to the Chandernagore Municipal Corporation. Mr. Deputy Chairman, I have done.

MR. DEPUTY CHAIRMAN: Diwan Chaman Lall.

DIWAN CHAMAN LALL (Punjab): Mr. Deputy Chairman.....

(The Prime Minister rises to speak.)

MR. DEPUTY CHAIRMAN: All right, after the Prime Minister has finished the hon. Member can speak.

THE PRIME MINISTER AND MINISTER FOR EXTERNAL AFFAIRS AND DEFENCE (SHRI JAWAHARLAL NEHRU): I am sorry, Sir, to intervene at the cost of my colleague, and with your permission, I would like to say a few words at this stage, as I might have to leave.

One fact which no doubt Members have before them, and which somehow does not fit in with some of the speeches delivered is this that this is a Merger Bill, and that it cannot, and

should not, go beyond that. This merely decides that this particular territory which used to be a foreign territory becomes a part of India, and a part of the State of West Bengal. Now, after that, anything to be done has to be decided, in so far as it is a Central subject, by this Parliament, and in so far as it may be a State subject, by the Assembly of West Bengal. That is point number one. Point number two is that this has emerged from the West Bengal Legislature in this form. Naturally, it will be sent to them after considerable discussion with their representatives and with others, based on the Report of Dr. Amarnath Jha. Dr. Amarnath Jha, of course, consulted all parties, groups and many important individuals in Chandernagore; so that, as a result of that consultation, Dr. Amarnath Jha produced his report. On the basis of that report we had plenty of consultation here in our Ministry and in West Bengal, and a draft Bill was prepared, and that has been passed by the Bengal Legislature. Now, it is not easy for me to understand how you put in all kinds of amendments in it, and which upset this whole procedure, and which are also inappropriate, because this is a Merger Bill, and those other matters should be considered separately, either by this Government or by the other Government.

Now, I have already stated previously elsewhere that it is our fixed policy to have a Corporation there. There is no doubt about that. Only we could not put this in here, because this was a Merger Bill—it does not fit in here. There is obviously a provision that the West Bengal Legislature will put that in, and in fact, I understand, they have got a Bill ready for it, almost ready, and they will put that in it, as soon as it is passed. And if there is a Corporation, as there is bound to be, that Corporation will have much wider powers than a normal municipality. Otherwise, the whole idea of a Corporation has no meaning. What exact powers it will have

I cannot specify. It is a matter of detail, and I cannot give any guarantee about the quantum of the powers it will have. It has to be carefully considered. Hospitals have been mentioned and education too. I take it that there will be no difficulty about education, primary or secondary. About hospitals, I cannot give any guarantee. Obviously the hospitals will be run, but the point is about the controlling authority. I have no doubt at all that it is to the interests of the people of Chandernagore that the State Government should bear the burden of the hospitals, financially and otherwise, as standards will have to be kept up.

The one point which the hon. Member who has just spoken made with some force was about the election of the representative of that area to the West Bengal Assembly. He is anxious that only the city of Chandernagore should elect and that no other area should be added to it. In this matter, I am in a difficulty. How can I give any guarantee or assurance about matters which are outside my purview and control? I have no objection to what happens; the Government has no objection, but here the Delimitation Commission, the Election Commission and possibly our own Constitution—all these things—have to be considered, and I have no doubt that they will be considered. So I find it very difficult to say something which we may later on find to be against our own Constitution or the Delimitation Commission or the Election Commission. I cannot speak for the future but it is possible that in the near future the most feasible way out would be for Chandernagore itself to elect, but whether that is also desirable or feasible can be known only after the Delimitation Commission has reported; I do not know. Therefore, all I can say about that is that the Government have an entirely open mind about it, and they have, as the House knows, tried to meet the wishes of the people of Chandernagore in the largest possible measure, but we cannot commit ourselves to things which may be difficult from a

[Shri Jawaharlal Nehru.]
constitutional point of view. No doubt, the proper authorities will consider them and report.

SHRI B. C. GHOSE: Sir, this is a small measure but it has a historic significance. As the Prime Minister has said it ends in a formal, legal and constitutional way foreign rule in a small part of India. There is a long history to this measure into which I do not wish to go. But it is essential that this process of merger should take place in such a manner that it would cause no misgivings or apprehensions in the minds of the people of Chandernagore. In the implementation of this, there may be two approaches. There is a legalistic and technical approach, and there is a human, sympathetic approach,—a difference which one finds exemplified in the speeches of the Chief Minister of West Bengal, on the one hand, and those of the Prime Minister on the other.

SHRI B. GUPTA: There are some differences between the two.

SHRI B. C. GHOSE: To illustrate my point, I should like to refer to certain factors which are causing some measure of apprehension in the minds of the people of Chandernagore, e.g. things like the question of employment, the municipal corporation, preservation of French culture etc. Take the question of employment. There was something in the protocol to the treaty to which the Prime Minister referred in the other House. It was mentioned that if an option was not exercised within one month by Government, all the employees would be considered as permanent, and if such an option was not exercised, there would be no question of dismissal, but the Chief Minister of West Bengal stated in the Bengal Legislature to the following effect:

"That is the Treaty of Cession between the French Government and the India Government. What I can see now is this: As far as I

have ascertained no notices were served on any individual member of the service in Chandernagore within one month from the date of coming into force of the Treaty. Therefore, as the constitutional position of these civil servants in Chandernagore is that they have been members of the service under the Government of India whom we shall have to take over. We, however, say, as has been stated in the notification issued by the Government of India that those whom the Government of West Bengal do not find suitable for their employment will either have to be provided for by the Government of India elsewhere or if they so want, they may be given compensation or gratuity, as the case may be."

It follows that the Government of West Bengal is not very happy over this particular provision, and the whole thing has been worsened by certain West Bengal Government officials who have gone over to Chandernagore to see to the things that they will have to do for the change-over. I have been told that these officials, who have gone there, have threatened that certain officers might be demoted or dismissed. I presume that what the West Bengal Government will do will be to ask the Central Government to take these officers over. That is not, I think, a very sympathetic attitude in dealing with the people of Chandernagore.

Then, take the question of the municipal corporation. I do not want to enter into the merits of the case as to whether secondary education should be entrusted to the Corporation that is to be constituted, but for the information of the Prime Minister, I may say that the Chief Minister of West Bengal stated in the Bengal Legislature in regard to this matter:

"That secondary schools maintained by the French Administration will be managed and maintained by the State Government—not by the municipal corporation."

Then with regard to finances:

"It will have its finance raised by taxes.....There is no need for the allocation of subvention from excise or other taxes."

Then take the question of French culture. In the statement of the Government laid before both the Houses on May 8, 1954, it had been stated that facilities would be provided for the maintenance and development of French culture in Chandernagore. Now, see what the Chief Minister of West Bengal states on this:

"The next question that has been raised is with regard to the Treaty of Cession. In the statement made by my friend Prof. Bhattacharyya, it was stated that the Government of the Republic will maintain the cultural heritage, etc. Not a bit of it. I have been reading the Treaty of Cession, Article 9. The Government of the Republic of India is to assist in the continuance of the French cultural heritage in the territory of the free town of Chandernagore in accordance with the wishes of the people of the said territory and shall permit continuance or establishment of cultural services with the Government of the French Republic. There is no question of the Government of India undertaking any particular task. Its only task is to assist the continuance of the heritage or permit the continuance of the cultural services of the Government of the French Republic."

Sir, that may be quite true technically but if that is the attitude that is going to be taken up by a person of the eminence of the Chief Minister of West Bengal, then there is little doubt that the repercussions on the minds of the people of Chandernagore could not be very happy. Then there was also the question about the French laws being gone into by an officer from the West Bengal Government. As to whether there has been anything done in the matter is not known but the Chief Minister of West Bengal stated in the Bengal Legis-

lature that an officer had already gone into the question and reported on the matter but the people of Chandernagore do not know anything about it and if anything has been done, it has been done without any consultation whatsoever. Now, that, I place before you, is a serious situation. I don't know what is going to happen after we have passed this Bill—whether the Central Government will have any power to see to it as to how the merger will be brought about. I wish that certain powers were retained by the Central Government or certain agencies were established which would see to it that the process of merger took place gradually and in a sympathetic manner and did not alienate the people of Chandernagore. For, naturally whatever happens in Chandernagore, will have a very vital effect on other foreign pockets in India. Sir, I shall not say anything more. Our party in Chandernagore has always supported the movement for merger even at a time when others had been opposed to that movement. Naturally, therefore, we extend to this measure our whole-hearted support and express the fervent hope and aspiration that it will be the happy fore-runner of many similar measures in quick succession which will in no time remove the painful pimples which today disfigure the fair face of free India.

DIWAN CHAMAN LALL: Sir, the two speeches that have been made by the Members of the Opposition, by my very valued and old friend Shri Satyapriya Banerjee and Shri Ghose are symptomatic of what is in the minds of most people viz., that they want to give the best treatment that is possible to the people of Chandernagore and I think both my hon. friends will admit that every pledge that was given by the Government of India has been religiously and scrupulously fulfilled. A plea was raised by my friend Mr. Banerjee about making the constituency of Chandernagore exclusive and some of his colleagues suggested that it might be extended and included in the subdivision of Serampore, and others said

[Diwan Chaman Lall.]
that it should be included, as it has been included in the sub-division of Hooghly but my friend wants for reasons which are quite obvious from his point of view to preserve.....

SHRI S. BANERJEE: That was the recommendation of Dr. Jha.

DIWAN CHAMAN LALL: Unfortunately, Dr. Jha did not look into the Constitution. Under the Constitution to create a constituency for the local Legislature, one has to look into article 170 and article 171 and according to that a territory with a population of 50,000 people is too small and therefore cannot be discriminated. No discrimination can take place as far as that is concerned. It must be a uniform procedure adopted in regard to the demarcation of these constituencies for the Legislature. I draw your attention, Mr. Deputy Chairman, to article 170 which says:

"The representation of each territorial constituency in the Legislative Assembly of a State shall be on the basis of the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published and shall, save in the case of the autonomous districts of Assam and the constituency comprising the cantonment and municipality of Shillong be on a scale of not more than one member for every 75,000 of the population."

Now article 171 then goes on to give you the number as far as the Upper House is concerned. Faced with this constitutional difficulty, either you amend the Constitution first before you bring in this measure or you have to accept the proposition that the Government has placed before you. I don't think my hon. friend Mr. Banerjee looked into the constitutional issue. Had he looked into it, he would have realized that the difficulty is a constitutional difficulty and not a lack of desire on the part of the Government to do the best that they can for Chandernagore.

SHRI S. BANERJEE: I have seen that and therefore I suggested the amendment of the Constitution so far as foreign possessions are concerned.

DIWAN CHAMAN LALL: That is a matter that my hon. friend can raise at the appropriate time. What I am pointing out to at this stage is that already the matter has been so much delayed. After all, remember what happened. It was in the month of June 1948—now we are in 1954—(on the 8th June 1948) that the agreement for a referendum was arrived at and on 19th June 1949 a vote in favour of the merger was taken. On 2nd May 1950 the *de facto* transfer took place—more than 4 years ago and on 2nd February 1951 the Treaty of Cession was signed in Paris. On the 9th June 1952 the *de jure* control was handed over to the Government of India. Look at the time that has elapsed. We are in 1954 today and if the Government now after going through all the procedures which they have correctly gone through, having ascertained the will of the people of Chandernagore by the appointment of the Jha Committee who consulted at least 60 witnesses and received large numbers of memoranda, if they have taken this step, they have done the right thing. If you are to wait for the amendment of the Constitution, you might have to wait, in the present state of business of Parliament, probably until the new Parliament meets. It would not have been fair to the people of Chandernagore. Therefore this matter can be considered at a later stage and my hon. friend can raise it if he likes at any later stage when the question of the amendment of the Constitution comes up. Now the decision regarding the merger took place—rather was announced in Parliament on 8th May 1954. That decision is the basis of this measure and you cannot constitutionally effect the merger without bringing in this measure. First of all this measure had to be considered by the West Bengal Government and all that procedure under article 3 of the Constitution has been gone through

and the result now is that this measure is being presented to you. Look at the proposal as it stands before us today. The Jha Committee has reported. The recommendations, if my hon. friend will look at this little blue pamphlet, are on pages 3, 4, 5 and 6 and they are 16 in number. Each one of those, if you look at them, will be found to have been implemented in what the Government is doing today in respect of this merger—every one of them. Take the question of the Municipal Corporation. It was an important question. It has been agreed to. Mr. Deputy Chairman, this is a very small matter but as my friend the last speaker said, it is symptomatic of something very big. Chandernagore is $3\frac{1}{2}$ square miles. I don't know if you have had the opportunity of visiting this place. I visited it during the days of what was known as French Imperialism. I did not see any signs of French imperialism. It is a delightful place to visit. We went up by the river from Calcutta and we were in a different atmosphere within the course of an hour or so. It is a delightful place and a very progressive place. Within an area of $3\frac{1}{2}$ square miles, there are, I am told, 54 primary schools and the attendance in these primary schools is 90 per cent. as compared with about 28 per cent. in West Bengal with which this area is being merged. As far as secondary schools are concerned, the attendance is 60 per cent. as compared with 18 per cent. in the adjoining area. Therefore, it is a very progressive little area and I have not the slightest doubt that the Government, having agreed to preserve the language and culture of the area will do everything in their power to preserve and keep the momentum of progress going in this area. It is their duty to do so and I have not the slightest doubt that they will do so. I am very glad that this step has been taken. It is a historic step. There is no doubt about it. I have no doubt in my own mind that my hon. friend the Deputy Minister will get up on the floor of this House within a few days, if this House is still sitting, and announce

another measure—another announcement which will be of a very heartening nature to everybody in this country. And I think we are on the eve of a settlement with the French Government with regard not only to this particular possession but to other possessions of theirs in India, and when that moment comes, it will be a moment to congratulate ourselves. Let us not, therefore, raise any criticism or objections which are purely hypothetical, but let us remember that the Government of India and all of us who back the Government of India in regard to this matter are most anxious that the culture of this area, their own distinctive culture should be preserved and everything done to see that they cultivate their own brand of culture. The French language, I am glad to see is going to be maintained. The teaching will be both in French and in Hindi. The primary schools are going to be handed over to the Municipal Corporation. The Municipal Corporation will control them. The secondary schools will be the concern of the State and in no case is there going to be any interference whatsoever in the culture of that particular area.

My hon. friend, the last speaker mentioned something, some little criticism about the services. The position about the services has been completely clarified. Those who desire to remain will remain. Those do not want to remain, ample provisions have been made for their pension, grant of gratuities and compensation.

SHRI B. C. GHOSE: I did not make any criticism about the services. I was only referring to the attitude of the Chief Minister.

DIWAN CHAMAN LALL: Well, we are not here to discuss the attitude of the Chief Minister. We are bound by certain agreements that we have entered into and I have not the slightest doubt that it will be the sacred duty of the Government to continue to act according to the agreements arrived at. If the question does arise at any time that an agreement is not

[Diwan Chaman Lall]

being implemented in the manner it should be, there will be ample time for us to raise that matter. I am very glad that attention has been drawn to the possibility of something happening, which has not happened fortunately, so far. Therefore there is no necessity for harbouring any sort of a feeling that justice is not being done to anybody in this area. I have not the slightest doubt in my mind that for our own sake and for the honour of our word that we have given, everything will be done to protect the services in the area and the culture of this area.

Now I must congratulate the French Government and the great French people through their Government on having taken this step. I have no doubt that India looks forward to a measure of great and intimate connection with the French people. We have a long history in common. We have certain national characteristics which are also in common. We are an emotional people as they are. We have certain interests in the world which do not clash one against the other. I want to see the day, as soon as possible, when the last vestige of foreign rule in these enclaves disappears and I want to see the day when we in India and the French in France can join our hands together in comradeship and friendship for the greater glory of the nations of the world and the peace and progress of Asia. I have not the slightest doubt that that time is near, it is very near and it will be a great day for us all when that happens.

One little pimple may remain, it may continue, but I hope it will not continue for a long time, not a French pimple, not even a French blush will continue, but perhaps another type of pimple will continue, but as I said, I hope it will not be for very long. Let this be an example for the people of Goa and the Portuguese possessions as to how amicably this matter can be settled, both by the governments and the people. It is an example for all those who have had claims upon

Indian territory based upon strength of arms and conquest, and let this be their last example on the soil of India.

I think everyone here will congratulate the hon Deputy Minister for External Affairs on having brought forward this measure and we wish him all success in the venture that he has undertaken.

MR DEPUTY CHAIRMAN: Mr. Mahanty. You can take five minutes.

SHRI S MAHANTY: Five minutes?

MR DEPUTY CHAIRMAN: Yes, for I want to call on the Minister to reply.

SHRI S. MAHANTY: Sir, if it is to be only five minutes, I am afraid, I will not be able to speak.

MR. DEPUTY CHAIRMAN: You may take two or three minutes more.

SHRI S. MAHANTY: Mr. Deputy Chairman, this is a Bill after the nation's desire and therefore, we welcome it and we adore it. There is no gainsaying that fact. But permit me, Sir, to point out that this Bill should have been presented with a kind of White Paper and my complaint against the Ministry for External Affairs is that they have all along kept us in complete darkness about what is happening in these foreign pockets. For example, Sir, as you may know, in the treaty that the Government of India entered into with the Government of France about the secession of Chandernagore, a protocol was attached to that treaty which had many important items. Now I do not know how far those stipulations contained in that protocol have been implemented. I might invite the attention of the hon. the Prime Minister to item (1) of the protocol in which it was stipulated that the French currency in Chandernagore should be refunded back to the Government of France and the Government of France would return back the amount in Indian currency. We do not know what has happened to that. The Jha Commission, if I remember correctly, had recommended that Rs. 8 lakhs

had to be refunded to the exchequer of Chandernagore by the Pondicherry Government towards reserve fund and another Rs. 5.30 lakhs towards pension fund. We do not know what has happened about that either.

I will cite another example. The hon. Member Diwan Chaman Lall was good enough to say that all the sixteen items of the recommendations of the Jha Commission have been implemented in this piece of legislation. I would like to invite his attention to recommendation No. 4 of the Jha Commission's Report where it is stated that the process of law and justice to which Chandernagore has been used were stopped and the citizens were already feeling bewildered by the complexities and delays of Indian law. And in this Bill, in clause 17 we are providing for the extension of laws to Chandernagore. Sir, the little point that I am trying to make is this. We are going to confer a distinct status on Chandernagore for obvious reasons. We want to offer it as a pattern that may induce people in other foreign pockets to join the fight for freedom. We have already gone a long way in conferring on them the privilege to retain their culture, namely the French culture, though if you ask them what French culture is—well, that is a different thing and I shall not go into it. What I say is, when we are going to confer a sort of a distinctive pattern on Chandernagore, for very obvious reasons, we should also have provided that the procedural Indian law should not have been applicable in the case of Chandernagore but only the fundamental laws should have been made applicable.

Then again, much has been said about this matter of corporation. The Prime Minister was pleased to say that this was only a merger Bill, that it only provides for the merger of Chandernagore with West Bengal. What he said, was one thing and secondly, it provided for the representation of Chandernagore in the House of the People and in the West

Bengal Legislative Assembly and the West Bengal Legislative Council. And there the matter ends. But I say, it is the responsibility of the Government of India to see that all the items of the sacred promises that have been given to the people of Chandernagore are implemented soundly and scrupulously. Like all great men, as was pointed out by the earlier speaker, the Prime Minister of India or rather the Government of India and the Chief Minister rather the Government of West Bengal are differing on many vital points. Sir, it has also been corroborated by the proceedings of the West Bengal Legislative Assembly. What I would say is, as has been pointed out by Mr. Ghose, this Bill has not only a technical aspect but also a human aspect, and before I resume my seat I would only make another earnest appeal that it is no good putting forth excuses that this is a Union subject, and we have arrived at this by an arrangement and we are not going to encroach on the grounds of the State Government. I am afraid, it will result in incalculable harm if the Union does not take up the obligation for fulfilment of its promises, fairly and fully.

Before I resume my seat, Sir, I would make another small point. Though the principle of this Bill is very limited, still one cannot help viewing the whole background of this Bill, namely the foreign pockets in India. Sir, we have specialised in doing right things at wrong moments. We already know what furore has been kicked up in this country about the foreign pockets.

DIWAN CHAMAN LALL: Is it not better than doing wrong things at the right moment?

MR. DEPUTY CHAIRMAN: Mr. Mahanty, you need not go into that wider question; it has been debated at length during the foreign affairs debate. Please confine yourself to the Bill. It is not necessary to go into the other question.

SHRI S. MAHANTY: I am simply pointing out the principle of the Bill. What is the principle of the Bill? It is the extermination of the foreign pockets. This is the general discussion stage of the principle and I think I am perfectly entitled to make a reference to these.

MR. DEPUTY CHAIRMAN: The Bill is to provide for the merger of Chandernagore.

SHRI S. MAHANTY: Merger of a foreign territory with India. Therefore, I am not wasting the time of the House. I will wind up in two minutes.

I was pointing out that we do right things at wrong moments. If in 1947 or 1948 when international opinion was in favour of abolition of colonialism, we had taken action, then these foreign pockets would not have been here, these pimples would not have been here to spoil the fair face of India, as has been very poetically pointed out by Mr. Ghose and with which the hon. Diwan Chaman Lall has sympathised. We did not do that; on the other hand, we put a kind of a stumbling block in the way of the freedom fight in these colonial pockets. However, that is beside the point.

MR. DEPUTY CHAIRMAN: We agree in the end.

SHRI S. MAHANTY: I would like to take this particular opportunity to ask the hon. Deputy Minister for External Affairs as to what is happening in the other French pockets which are said to be liberated. Why are they being kept in a state of political vacuum? With these words, Sir, I resume my seat.

MR. DEPUTY CHAIRMAN: Mr. Dasappa. Just five minutes. I am sorry it is my unpleasant task to ration time.

SHRI H. C. DASAPPA (Mysore): I suppose we must adjust ourselves to the time of the House.

Mr. Deputy Chairman, I join with all my hon. colleagues—I should think on both the Opposition and the Treasury Benches—in congratulating Mr. Chanda, our Deputy Minister, on the Bill that he has brought up before the House after having piloted it through the Lok Sabha.

Sir, my first thoughts go over to our brethren in Chandernagore who are having a re-union with the fellow Indians after centuries of foreign rule and therefore, we have got to send forth to them our hearty congratulations and our best wishes for a very happy and prosperous future.

Now, Sir, my hon. friends on the other side have raised certain points and I think my hon. friend Diwan Chaman Lall has very effectively answered most, if not practically all the points, but there is just one point with regard to which I would like to say a few words for a minute or two.

SHRI S. N. DWIVEDY (Orissa): Leave something to the Minister.

SHRI H. C. DASAPPA: Well, I suppose that if you on the other side had not said anything my task would have been simpler and I would not have got up now.

There is this provision in the Bill with regard to the enlargement of the territory of Chandernagore for the purpose of forming a constituency to return a member to the local Legislature. That clause is very advisedly put in the Bill; it does not categorically say that there should be enlargement. It makes it optional. I do not want to read the whole of sub-clause (2) of clause 3 but it says, "by constituting it into a new sub-division of the said district whether with the addition of such areas of that district as may be specified in the order or without such addition". Now, on a reading of article 170 of the Constitution, I feel that it is possible to make that constituency without any additional territory. The article reads: "The repre-

resentation of each territorial constituency in the Legislative Assembly of a State shall be on the basis of the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published and shall, save in the case of the autonomous districts of Assam and the constituency comprising the cantonment and municipality of Shillong, be on a scale of not more than one member for every seventy-five thousand of the population". What it enjoins is that the scale should not be more than at the rate of one member for every seventy-five thousand of the population. If the total membership of the Assembly in West Bengal does not exceed the total number calculated on the basis of this particular article then I do not think that the Constitution will come in the way of forming Chandernagore into a separate constituency. That is my interpretation and I would be glad if there is any other or different interpretation put to it.

Sir, I have listened to some of the arguments of my hon. friend, particularly that of Mr. Satyanriya Banerjee. Some of these references bear a kind of a familiar resemblance to the debates that took place in West Bengal when this Bill was referred to them for their information and the debates that took place in the Lok Sabha. What I find is that there is nothing very much of a new contribution to the discussions. It is under article 3 of the Constitution that a reference was made to West Bengal and they have approved of it *in toto*. The only amendment is with regard to clause 19 and here instead of one year, the Lok Sabha has fixed the period as three years. If there is any attempt here to meddle with the Bill, as it is, it may necessitate a further reference of the Bill to West Bengal. There was one matter to which my hon. friend Mr. Ghose referred, that is, with regard to sympathetic consideration and proper implementation of the recommendations of Dr. Amarnath Jha. He felt the Centre was definitely more sympathetic than the

West Bengal Government. In the first place, Sir, I very humbly submit that when the West Bengal Government is not here to defend itself, we should not be so harsh on them but really speaking—I have also followed the debates—I do not think the remarks are justified. But, even granting that the West Bengal Government was not inclined to implement it fully, there is clause 19 which certainly gives ample powers to the Union Government to remove any difficulties in the matter.

SHRI B. C. GHOSE: In so far as it affects the Centre, but what can you do about administrative things, about the employees, about business and about the professions?

SHRI H. C. DASAPPA: Sir, this is what it reads:

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

SHRI B. C. GHOSE: "Or as the case may be".

SHRI H. C. DASAPPA: So I feel that even should there be any disinclination on the part of the West Bengal Government to do the right thing, the Central Government has ample powers to give directions and see that the recommendations are fully implemented.

Sir, I must also greatly appreciate the attitude that the French Government have taken in this matter. After all, Sir, there is a background, a great culture and a great tradition for France, and nursed in the political philosophy of Voltaire and Rousseau it is but right that they should have adopted a policy like this, to make peaceful transfer of their small pockets in India to India. When the big John Bull of Great Britain transferred the whole of this territory to India I am sure the French people saw the wisdom of transferring these

[Shri H. C. Dasappa.]

small pockets to India. I am only wishing, along with the other hon. friends that the other one or two tiny pockets will also disappear and the inhabitants will be having their re-union with India. After all, Sir, as I said, there is the tradition of culture, progress, liberty and freedom on the side of France; it may be that the other country has less of it and have had traditions of, say, piracy or exploitation or sweated labour and so on. But it should be easy for them to decide what course is the better. When they weigh in the balance the advantages, for instance, of taking the goodwill of a whole people, of 350 millions of people on the one hand and on the other trying to hold on against odds and against the opposition of one's own people in the small pockets, it should be easy for them to understand where lies the proper and the wiser course of action. I hope, Sir, that the other State which is holding on to these pockets will soon realise the wisdom of peacefully transferring that area also to India and then justifying itself in the bar of history. Thank you.

SHRI ANIL K. CHANDA: Mr. Deputy Chairman, I was a little startled at the painful remark made by my hon. friend Shri Satyapriya Banerjee that our assurances given to the people of Chandernagore have not been fulfilled. I do not want to make a political speech, Sir. I shall be very factual. I shall go over each one of the recommendations made by the Jha Commission and show to the House that we have fully implemented the recommendations of the Jha Commission.

Sir, his first recommendation is that Chandernagore should be integrated with West Bengal. It is being done.

Then the next most important recommendation of his is this, that Chandernagore should be the headquarters of a sub-division, which is also being done.

And then the third most important recommendation, I should think, is that Chandernagore should have a Member in the Bengal Legislative Assembly. There is provision made for this also in this Bill.

And fourthly, he recommends that with immediate effect we should grant Indian citizenship to the people of Chandernagore. That is also being done by this Bill. Sir, we have to remember that this is a Merger Bill and we have to work within the limitations put on us by the Constitution. Many of the recommendations of the Jha Commission are of a nature which call only for executive action or executive decision. In this connection at our request the Chief Minister of West Bengal, with whose territories this town is to merge, gave certain categorical assurances with regard to the other portions of the recommendations of the Jha Commission. If Mr. Satyapriya Banerjee has no faith in the words of the Chief Minister of West Bengal.....

SHRI B. GUPTA: We have not the slightest faith in him.

SHRI ANIL K. CHANDA:I am very sorry but I cannot help it. Obviously the people of Chandernagore do not have their distrust about the Government of West Bengal or about the Chief Minister there. Otherwise, they would not have practically unanimously voted for merger with West Bengal. I will, Sir, now go over the recommendations.

The other recommendation was that development plans such as, sewerage schemes for the town, quarters for officers and municipal workers; protection of the river bank and embankment thereon should be executed with the aid of subsidies from the Central Government. Well, obviously, Sir, this is a subject which could not go into the Merger Bill, but I may say that every possible step is being taken to scrutinise all these various schemes and put them into effect. A major part of the development plans

are the sewerage and the river embankment schemes, which will come to a very big amount. The Government of India are committed to the payment of a substantial subsidy for the implementation of the schemes and are awaiting estimates and plans from the State Government. The Chief Minister announced in the State Legislature that the plans and estimates 'are' being got ready.

As I said, with regard to the creation of a sub-division in Chandernagore, it is being done.

The fourth recommendation is that a judicial officer should be asked to report on the extent to which existing French laws can be retained or modified. Now there is provision that the laws in force in West Bengal will be extended and corresponding French laws will be repealed. The Special Officer who was appointed to make enquiries into this matter and the Administrator of Chandernagore reported that extension of Indian laws will not cause any practical difficulty.

SHRI B. C. GHOSE: May I ask a question? Was anybody consulted in Chandernagore, when this officer had gone over there to examine this question?

SHRI ANIL K. CHANDA: Does my hon. friend suggest that we should have to have another referendum to this matter also? It was purely a technical matter and a highly qualified judicial officer was sent down from the West Bengal Government to make the enquiry and with the assistance of the administrative staff of Chandernagore he made his recommendation to the West Bengal Government.

With regard to the Member from Chandernagore to the West Bengal Legislative Assembly, the Prime Minister himself has spoken of the difficulties which make it impossible for us to make any categorical decision in the matter.

The sixth recommendation is that the possibility of allowing representation to Chandernagore in the Central Legislature may be examined. Well, the examination took place and obviously a city with a population of 49,000 will not be represented in the Lok Sabha. So it is not being done.

The seventh recommendation is a Corporation, with powers wider than those of municipal bodies in West Bengal generally, should be set up. This proposal has also been accepted and necessary legislation is being undertaken by the State Government. The Chief Minister in the State Legislative Council stated that a draft Bill 'is' before the Legislative Department and 'is' expected to be placed before the Bengal Legislature at the next session.

The eighth recommendation is that in pursuance of article IX of the Treaty of Cession, the Government of India shall assist in the continuance of the French cultural heritage; that there shall be established a cultural centre, an art gallery and a reading room. All this is being done. A museum in Chandernagore has already been established from collections donated by local donors. It is housed in the Administrator's building in Chandernagore. This is a historic building with which the name of Dupleix is associated. We have agreed already, Sir, to an expenditure of Rs. two lakhs for implementation of the whole scheme. I may also mention that the cultural question is the subject-matter of the protocol and therefore we are fully responsible for it. Even if the Bengal Government were to fail in this, we have our international obligations and responsibilities, which we shall faithfully and honourably discharge.

The next item, Sir, is about the conditions of service. Those who are put in the Bengal Government service should be given the option in writing to decide for themselves whether they will serve under the existing conditions or accept the conditions of service under the West Bengal Govern-

[Shri Anil K. Chanda.]
ment. That is also being done. With regard to this question, I can assure my friend Mr. Ghose that in this matter also we have international obligations under the protocol, article III, I believe, and therefore the people serving in the Chandernagore Administration need not have any fears about their future.

Recommendation No. 10 says that the maintenance of the Poor Fund should be a charge on the revenues of the Corporation. That is being done. The Chief Minister gave an assurance in the State Legislature that the Poor Fund would be maintained as before, and also, I believe, in his speech before the Legislative Council he said that the amount of subvention to the municipality for the Poor Fund will be the same amount as used to be given by the French Administration 4 P.M. before. Then the next recommendation was that the Budget of Chandernagore should be scrutinised and enquiries should be made whether there can be any economies effected. This study has already been made.

Then the next recommendation was that the law courts should continue to be situated in Chandernagore, the District Judge now holding his court twice a week and there should be a municipal court too for the speedy disposal of municipal cases. After the constitution of a sub-division of Chandernagore, it will have the necessary complement of magistrates and civil judicial officers and after the municipal corporation has been brought into being there will also be a municipal magistrate to deal with municipal cases. The Chief Minister of West Bengal has given an assurance about it.

Then there is the next recommendation which says that facilities for the study of French should be continued and the next recommendation says that primary education should be free and there should be facilities for the teaching of Hindi. The maintenance

of Chandernagore College should be the responsibility of the State Government. In spite of my friend not having much faith in Dr. Roy, I cannot help quoting what he has said on these recommendations: He said: "We have also provided for facilities for maintenance and development of French culture in Chandernagore after the merger. It has been decided that primary education will be free and facilities will also be given for the teaching of French so long as there is demand for the same. Secondary schools maintained by the French Administration will be managed and maintained by the Government of West Bengal. The maintenance of Chandernagore College will also be the responsibility of the State Government."

Sir, the next recommendation is that for the next five or six years the Central and the State Governments should, for the purpose of entry into services, relax the upper age limit for such candidates from Chandernagore as have been receiving their education in French. We have already taken some steps in the matter. For recruitment to posts under the Government of India upper age limits have been relaxed to the extent of three years for gazetted posts and five years for non-gazetted posts. For admission to competitive examinations held by the U.P.S.C. the concession will be in force for a period of five years from 21st July 1954. So far as service under the West Bengal Government is concerned, the Chief Minister announced that it is being considered.

The last recommendation was to what extent the finances of the Corporation may be augmented by means of subvention, excise and other receipts. An enquiry was made and the West Bengal Government feel that since the Corporation will have its own finances raised by taxes this will not be necessary. Expenditure on the usual State services, as for example general administration,

education, medical, public health, etc., will be the responsibility of the State Government.

Sir, I have gone over the whole range of recommendations of the Jha Commission and I submit that each one of the recommendations of Dr. Jha has been given effect to as far as possible under the limitations of the Constitution.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now, let us take clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: Clause 3. There is one amendment.

SHRI B. GUPTA: Sir, I move:

"That at page 2, at the end of line 12, the following be added, namely:—

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

MR. DEPUTY CHAIRMAN: The clause and the amendment are open for discussion. Be very brief, Mr. Gupta.

SHRI B. GUPTA: Sir, I will briefly explain why I have moved the amendment. We want to add this to see

that certain necessary measures are taken as to the manner in which the Municipal Corporation will be kept functioning. There should be some direction here with regard to the powers of the corporation. So we have added that the primary and secondary educational institutions as well as hospitals, in addition to the normal municipal affairs, should come within the range of activities of the Municipal Corporation which is going to be set up. Besides, there should also be a direction here with regard to subvention. We have been told by the hon. Minister that subvention will be given, but there should be some kind of a provision here. We need not lay down the amount of the subvention but it should be linked up with a provision so that the implementation of the provision under clause 3 simultaneously brings into effect the question of the grant of subvention. Because subvention is a matter which may be decided from time to time—not merely the quantity of the subvention but also the question as to whether such subvention should be given or not—we want to make it obligatory on the part of the Government to grant subvention. As far as the amount of subvention is concerned, it may be left to be decided later. Sir, it might be argued that there is an assurance and therefore why do you require such a provision in the clause. Sir, if enough powers are given to the corporation, it is also necessary that it should have this subvention.

Mention was also made that a Bill was being prepared by the West Bengal Legislative Department and that it would be placed before the Legislative Assembly during its next session. But I find in the press today that an ordinance is under preparation which will be issued and then as a matter of course it will also be placed before the Assembly later. Now, I cannot understand why the Government of West Bengal did not bring that measure during the current session of its legislature. Why does it wait till the end of the session and then comes out with an ordinance.

[Shri B. Gupta.]

Sir, that is very significant; because if the Bill had been placed before the House, the matter would have been subjected to a discussion in the State Legislature and would have also attracted the attention of this House. Therefore without presenting a Bill immediately to the legislature, the Government of West Bengal deferred it till the end of the session. There is pressure in the country as a result of which an ordinance has to be issued. Sir, the Prime Minister said that the people of Chandernagore would be consulted and we are also told that the Jha Commission went there and consulted the people of Chandernagore. It was very good that the people were consulted but may I know whether the people of Chandernagore have been consulted as far as this ordinance is concerned? As far as I know, they have not been consulted; that is to say, they have not been told as to the nature of the ordinance nor have their suggestions been invited. And the ordinance is being issued entirely at the instance of the officials without any consultation whatever with the people of Chandernagore. That goes against the very spirit of the declarations that had been made. *(Time bell rings)*. Sir,.....

MR. DEPUTY CHAIRMAN: You are making all these remarks on a newspaper report which is quite foreign to this Bill.

SHRI B. GUPTA: I know when there is lack of time, the procedure also takes its own queer way.

MR. DEPUTY CHAIRMAN: Order, order. We have to follow the procedure.

SHRI B. GUPTA: I can quite understand and I sympathise with you. I would only like to say here that the powers of the corporation should be somewhat indicated. We are very sorry if we do not have any faith in the great West Bengal Government. It is no use trying to tell us, "You must have faith." We know that the

pledges that are made by that Government are made only to be broken and they are broken every day. Sir, some very good sentiments have been expressed by Members on that side of the House—Diwan Chaman Lall and other people—and let us translate some of these sentiments into enactments so that those who do not bother much about the sentiments of the people or of Parliament would know how to behave.

SHRI H. P. SAKSENA (Uttar Pradesh): Promises may be broken, but heads are not being broken.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. GUPTA: Yes; heads that contain grey matter do not get easily broken but the trouble is there are certain heads.....

MR. DEPUTY CHAIRMAN: Mr. Gupta, we are not concerned with heads here; we are concerned with the amendment.

SHRI B. GUPTA: Therefore I say, Sir, our amendment should be accepted. We have put things very generally in consonance with the sentiments that have been expressed here. The hon. the Deputy Minister has run away.....

SHRI KANHAIYALAL D. VAIDYA (Madhya Bharat): He has gone for the voting there.

SHRI B. GUPTA:and I do not know whether the Defence Minister will come to his defence, but that is the position. Sir, I hope that this amendment will be accepted because that gives some idea of the powers that the corporation should be given.

SHRI H. P. SAKSENA: Sir, I am standing to catch your eye.

MR. DEPUTY CHAIRMAN: There is no time. We have only five minutes left for this Bill. I am putting the amendment to the House.

DIWAN CHAMAN LALL: I am merely raising a constitutional issue. This is completely out of order. It is not our concern to deal with State subjects like municipal corporations.

MR. DEPUTY CHAIRMAN: I am putting the amendment to the House. The question is:

"That at page 2, at the end of line 12, the following be added, namely:—

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

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, we come to clause 6. There is one amendment by Mr. Gupta.

SHRI B. GUPTA: Sir, I move:

"That at page 3, lines 9-11, the words 'whether with the addition of such areas of other constituencies as may be determined by the President or without such addition' be deleted."

MR. DEPUTY CHAIRMAN: The clause and the amendment are open for discussion.

SHRI B. GUPTA: I want to say only a word, Sir. The hon. Member, Mr. Dasappa, has spoken on the subject of constituency. I think he is quite right when he said that there is no constitutional bar to having a constituency of less than 75,000 voters, provided the required number is not exhausted in a certain State. Therefore, we have demanded the deletion of certain portions in this Bill, namely, "whether with the addition of such areas of other constituencies as may be determined by the President or without such addition." Let the clause remain as it is minus this portion which I have just read out. If there is any constitutional bar, naturally the question will not arise, because this Bill will not override the Constitution. If, for instance, there is no constitutional bar, then it should be possible to give one seat to the people of Chandernagore in the Bengal Legislative Assembly, without even making any constitutional amendments. Therefore, I think, the amendment proposed should be accepted, because the interpretation of the Constitution is not exactly what the hon. Member Diwan Chaman Lall wanted to make out. I would, therefore, press that this amendment be accepted.

MR. DEPUTY CHAIRMAN: Is the Government prepared to accept it?

SHRI C. C. BISWAS: No.

MR. DEPUTY CHAIRMAN: The question is:

"That at page 3, lines 9-11, the words 'whether with the addition of such areas of other constituencies as may be determined by the President or without such addition' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 18 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, we come to clause 19.

SHRI B. GUPTA: Sir, I move:

"That at page 6, after line 32, the following be added, namely:—

'Provided that all provisions made under sub-sections (1) and (2) are preceded by ascertaining the public opinion in Chandernagore:

Provided further that any order made under sub-sections (1) and (2) do not debar the formation of a Municipal Corporation with powers to manage both primary and secondary educational institutions as well as hospitals in addition to the normal municipal affairs.'

MR. DEPUTY CHAIRMAN: The clause and the amendment are open for discussion. Please be brief.

SHRI B. GUPTA: Sir, there was a similar amendment with a different wording moved at the Lok Sabha and that was not accepted by the Prime Minister, because there was some technical difficulty which he pointed out. He said:

"I am unable to accept this because the second part says something about not debarring the formation of the Municipal Corporation. It goes back to the same thing in an inverted way. As to the first, it is not very happily worded. It only says 'preceded by an enquiry into public opinion of Chandernagore'. Why should there be an enquiry into public opinion? What he means is public opinion should be consulted.

MR. DEPUTY-SPEAKER: That is what he wants.

SHRI JAWAHARLAL NEHRU: That is not what he says in this amend-

ment. Anyhow, we cannot put down that vague phrase in a Bill of this kind, that for every little thing it should consult."

Now, my amendment says "preceded by ascertaining the public opinion in Chandernagore." Here there is no such phrase as "enquiry into public opinion." I do not see any reason as to why it should not be possible or acceptable to the Government to consult the public opinion, ascertain the public opinion, in matters as have been dealt with under this clause, that is to say, clause 19. Therefore, if the Prime Minister was here, he would have been very happy to accept this amendment, because a literary rectification has been made now. I find the Deputy Minister is also not here, but there must be some followers of the hon. Prime Minister and I think that they should now accept this amendment and provide for this clause, so that public opinion is ascertained there. It is very important that the public opinion in Chandernagore—when the subject has some special meaning and significance—should be consulted. I would, therefore, request the House at least to force this amendment on the Ministers if they are not willing to accept it.

MR. DEPUTY CHAIRMAN: Is the Government prepared to accept the amendment?

SHRI C. C. BISWAS: It is not acceptable.

MR. DEPUTY CHAIRMAN: The question is:

"That at page 6, after line 32, the following be added, namely:—

'Provided that all provisions made under sub-sections (1) and (2) are preceded by ascertaining the public opinion in Chandernagore:

Provided further that any order made under sub-sections (1) and (2) do not debar the formation of a Municipal Corporation with

powers to manage both primary and secondary educational institutions as well as hospitals in addition to the normal municipal affairs.'"

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

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

SHRI C. C. BISWAS: Sir, I move that the Bill be passed.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI H. P. SAKSENA: Sir, I have not broken my silence for the past ten or fifteen days.....

MR. DEPUTY CHAIRMAN: There is no time. We have exceeded the time limit by fifteen minutes.

SHRI H. P. SAKSENA: Since you say there is no time, I obey your ruling.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE CENTRAL EXCISES AND SALT (AMENDMENT) BILL, 1954

MR. DEPUTY CHAIRMAN: Then we come to the next Bill, the Central Excises and Salt (Amendment) Bill, 1954. This is a Money Bill. I have to inform hon. Members that under rule 162(2) of the Rules of Procedure

and Conduct of Business in the Rajya Sabha, the Chairman has allotted two hours for the completion of all stages involved in the consideration and return of the Central Excises and Salt (Amendment) Bill, 1954, by the Rajya Sabha, including the consideration and passing of amendments, if any, to the Bill. Yes, Mr. Guha.

THE DEPUTY MINISTER FOR FINANCE (SHRI A. C. GUHA): Sir, I move:

"That the Bill further to amend the Central Excises and Salt Act, 1944 as passed by the Lok Sabha be taken into consideration."

Mr. Deputy Chairman, this is a Bill intended to protect the interests of the labourers employed in the biri industry. Sir, I think the hon. Members know that this industry is really a labour-incentive industry. It does not require much of capital or any implements or any machinery. Anybody can do the work and earn some wage or some remuneration. The hon. Members further know that in this industry a large number of women, children, and very often, some invalid persons, are also employed, and they get their livelihood by working in this industry. According to our estimate, Sir, there are about six lakhs of people engaged in this industry. Now, for some time past, these employees have had to face a menace, because a machine has been invented; and that machine can produce 1,500 biris in an hour, whereas a skilled worker can produce only 125 biris in an hour. This means, a machine can do the work of eight workers. If this machine is allowed to work, it would naturally mean the unemployment of a large number of people. We have calculated, Sir, that about 65 per cent. of the people engaged in this industry would go out of employment, if this machine is allowed to work.

Sir, I think, I should confess here that it is due to the particularly unhealthy condition of our economy that such a Bill has become necessary. A labour-saving device, and that also