

बिम्ब न्यायालय में पुर्तगाल का मुकदमा

*१६०७. { श्री हेम बरूआ :
श्री सरजू पाण्डेय :
श्री एस० ए० मेहवी :
श्री गोरे :

क्या प्रधान मंत्री १२ फरवरी, १९६० के अतारांकित प्रश्न संख्या २४ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि नगर हवेली और दादरा के बारे में अंतर्राष्ट्रीय न्यायालय के निर्णय की जो प्रतीक्षा हो रही थी उस संबंध में नवीनतम स्थिति क्या है ?

बैदेशिक कार्य उपमंत्री (श्रीमती लक्ष्मी मेनन) : अंतर्राष्ट्रीय न्यायालय दहंग, ने १२ अप्रैल, १९६० को "भारतीय प्रदेश पर मार्गो-धिकार पुर्तगाल बनाम भारत" से सम्बद्ध मुकदमे का निर्णय दे दिया है। इस निर्णय की एक नकल सदन की मेज पर रखी जा रही है। [पुस्तकालय में रखी गई। देखिये एल० टी० २११३।६०]।

The judgment in the case concerning "Right of Passage over Indian territory: Portugal vs. India" has been delivered by the International Court of Justice, The Hague on the 12th April, 1960. A copy of the judgment is being placed on the Table of the House. [Placed in Library. See....]

Shri Hem Barua: In view of the fact that the judgment of the International Court is that it denies the right of passage to Portugal of arms and ammunitions and that these two villages, Dadra and Nager Haveli, have already declared their independence, may I know what steps the Government propose to take to integrate these two villages with India?

Shrimati Lakshmi Menon: I do not know what steps the Government will take. The Government has been waiting for the judgment of the World Court to take necessary steps for integration. I cannot say whether any decision has been reached.

Shri Hem Barua: The judgment is already there. That is why I wanted to know this. The right of passage of arms and ammunitions has been denied and the villages are already independent. Would you allow them to continue as independent pockets in India or would you integrate them with the Indian Union?

Mr. Speaker: The hon. Minister has said that they are considering this matter. What exactly has to be done as a consequence of the judgment is a matter that has to be considered.

Shri Hem Barua: Since the International Court has given the right of passage to civilians, may I know what steps Government have taken to check the civilians, on the border of these two villages, entering these villages so that they might not secretly carry arms and ammunitions with them?

Mr. Speaker: Has any arrangement been made to avoid smuggling of arms and ammunition?

Shrimati Lakshmi Menon: Arrangements for preventing smuggling have always been there. For further steps I want notice because it is a policy matter.

Shri Goray: Is it not a fact that because of the judgment or the decision of the Hague Court, not only the right of Portuguese authorities to send the army across the border has been negatived, but their sovereign rights have also been questioned.

Mr. Speaker: What is the meaning of asking for interpretation by the Government?

Shri Goray: Because it is not only regarding Dadra and Nagar Haveli but also regarding Daman, Diu and Goa. They said that the rights of the Portuguese Government are only Seranjami rights to be terminated at any time. They are not sovereign rights. So, it means that it has far-reaching consequences.

Shrimati Lakshmi Menon: The judgment itself is based on the fact

that Nagar Haveli has declared that it has liberated itself from Portuguese control and therefore the Portuguese have no authority over Nagar Haveli.

Shri Hem Barua: The question of taking further steps ordinarily follows, Sir.

Shri Tridib Kumar Chaudhuri: May I know whether the attention of the Government has also been drawn to the fact that there have been rejoicings and celebrations all over Portugal when the judgement of the International Court was pronounced, and has the Government clearly studied the implications of the judgment and what conclusions have they arrived at?

Shrimati Lakshmi Menon: Government have seen the reports about rejoicings in Portugal and other areas about the judgment of the Hague Court. It is a big report and the Government is studying it; it is 136-page report. You cannot expect anybody to take immediate action.

Shri Tridib Kumar Chaudhuri: In view of the fact that the Government is still studying the report, may I know whether no steps will be taken by the Government to prevent the alteration of the *status quo* or the existing independence status of Dadra and Nagar Haveli?

Mr. Speaker: The *status quo* will continue.

Dr. Ram Subhag Singh: According to the treaty of 1779 with the Mahrattas, the Portuguese had got only the right of collecting Rs. 12,000 from those two villages or places. Now the International Court has recognised that fact and the people of Dadra and Nagar Haveli had declared themselves independent of Portugal. May I know whether the Government of India will accord recognition to the independence of Nagar Haveli and Dadra and other Portuguese enclaves in India?

Shrimati Lakshmi Menon: I have already stated what the Government is expected to do in this matter. I

said that the decision of the World Court is before us and the independence of Nagar Haveli has already been acknowledged by the very fact that the enclave has liberated itself. In consequence, the Portuguese Government have been denied the right of passage for armed forces. What steps Government should take is a matter of policy. I cannot give an answer on the floor of this House at this stage, about that.

Some Hon. Members rose—

Mr. Speaker: Many things may be relevant at the time of discussion of the Finance Bill, but in this case, if hon. Members have got any suggestion to make, after having read the report—it is a 136-page report, giving the judgment of the court—they can get an opportunity to do so. This matter cannot be disposed of during the Question Hour. Hon. Members should seek other remedies. They must give time for the Government to study the report and consider the whole matter. I cannot exhaust one whole hour, which is devoted for questions, in respect of one single question, though it may be important.

Shri Goray: Will you allow an hour's discussion on this subject?

Mr. Speaker: On the Finance Bill, he can speak on it.

Shri Goray: We would like the information to come from the Prime Minister because he is dealing with the question.

Mr. Speaker: Is that the manner in which the hon. Member should invoke the aid of this House? Notice should be given for any such discussion. Am I to give a definite, advance assurance?

Shri Tyagi: A discussion of this topic in the course of the Finance Bill will not be quite sufficient, though it may be technically relevant. Since the Prime Minister is away, he may not be in a position to give the answers to Members' queries. I would therefore, suggest that you may

kindly permit a two-hour discussion on this specific issue.

Mr. Speaker: Have I ever allowed such an oral request like this and then admitted it? Hon. Members must give, under the rules, notice, for a half-hour, or one hour or two-hour or 2½ hours' discussion. I will see to the convenience of the Minister and ascertain what he has to say, and then fix it up. I never refuse a reasonable demand, but this is not the method of making such a request. Next question.

Reconstitution of Education Panel

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*1608. { Shri Ram Krishan Gupta:
Shri Ajit Singh Sarhadi:
Shri D. C. Sharma:

Will the Minister of Planning be pleased to refer to the reply given to Unstarred Question No. 785 on the 2nd December, 1959 and state at what stage is the question of reconstitution of the existing Education Panel with a view to associate Members of Parliament with it?

The Parliamentary Secretary to the Minister of Labour, Employment and Planning (Shri L. N. Mishra): The existing Panel on Education has been reconstituted and seven Members of Parliament have been nominated as Members of this Panel.

Shri Ajit Singh Sarhadi: May I know the names of the members?

Shri L. N. Mishra: Shrimati Rukmini Devi Arundale Shri Avinashilingam, Shri Hiren Mukerjee, Sardar Panikkar, Shri D. C. Sharma and Dr. Tara Chand.

Shri D. C. Sharma: Is it not a fact that Shri D. C. Sharma has been appointed to the panel not as Member of Parliament but as the President of the All-India Federation of Educational Associations?

Shri L. N. Mishra: He has been nominated because he has the requisite qualifications.

Shri Braj Raj Singh: I want to seek your guidance in this matter. The Parliamentary Secretary says that these Members of Parliament have been nominated as members of the panel. It has been the practice in this House that whenever any Member of Parliament is nominated by the Government or by any Committee or body appointed by the Government, your consent is previously obtained. I wanted to know whether your consent was obtained in this case where the Members of Parliament have been nominated to the panel.

Shri L. N. Mishra: Their names were sent to the Planning Commission through the Minister of Parliamentary Affairs, I believe.

Shrimati Renu Chakravartty: Will this Education Panel take up the entire question of primary, secondary and university education and also girls' education, or, will they have a different panel for these very important subjects?

Shri L. N. Mishra: The very purpose of the panel is to assist the Planning Commission to formulate the education plan of the country for the future.

Shri Braj Raj Singh: Sir, I raised a point for your consideration.

Mr. Speaker: Regarding the point raised by Shri Braj Raj Singh, the Parliamentary Secretary has replied that the Minister of Parliamentary Affairs has been consulted and that he has given the names. These matters may not be referred to me and I am not in the habit of giving any names, so far as planning is concerned, as to who should be associated to any advisory body and so on. I was never asked so far, and I have never done so.

With respect to other committees, that is, the committees of the House, wherever the question of appointment of a chairman arises, I do appoint a chairman for the committees of the House. But the question here con-