

12.18 hrs.

# CONSTITUTION (TENTH AMENDMENT) BILL

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

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

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

**Some Hon. Members:** Hear, hear.

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

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

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

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

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

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

Then there are suggestions made in some of the proposed amendments

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

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

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

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

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

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

[Shri Jawaharlal Nehru]

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

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

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

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

**An Hon. Member:** Rs. 30 lakhs.

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

Sir, I move.

**Mr. Speaker:** Motion moved:

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

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

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

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

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

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