

Shri Prabhat Kar (Hooghly): May I say something on this adjournment motion?

Mr. Speaker: I am not going to allow a speech now.

Shri Prabhat Kar: It is only on a matter of clarification. The Minister has said that there will be a tripartite conference on this matter between the representatives of labour, industry, the West Bengal Government and the Central Government. He has also informed us that the Labour Department of West Bengal is looking into this matter. Will the Minister kindly ask the West Bengal Government to see that the cases of the 1135 odd workers may not be decided finally until this tripartite conference has finalised matters?

Shri Lal Bahadur Shastri: The West Bengal Government are fully seized of the matter. But if the hon. Member so desires, I have no objection to referring that particular point to the Labour Department of the West Bengal Government.

Mr. Speaker: In view of the statement of the hon. Minister, I do not think it is necessary to give consent to this adjournment motion.

ALLEGED BREAK-DOWN OF CONSTITUTIONAL MACHINERY IN PONDICHERRY

Mr. Speaker I have received notice of another adjournment motion from Shri V. P. Nayar, which reads as follows:

"The situation arising out of the failure of the Chief Commissioner of Pondicherry to accept the names submitted by the majority party in the Assembly for nomination as Councillors and the consequent break-down of the Constitutional machinery due to the manoeuvres of the Government of India and the Chief Commissioner."

I would urge all hon. Members not to use such language as 'manoeuvres' and the like.

Shri Tangamani (Madurai): There is also my adjournment motion, where the wording is different.

Mr. Speaker: All right. I am glad then. Nothing is gained by casting aspersions. If there is a serious default on the part of Government, certainly, I shall give consent, and they may have the adjournment motion discussed.

Shri V. P. Nayar (Quilon): May I explain? At that time, I could not get another word. It is open to you to correct the wording.

Mr. Speaker: Is it contended that hon. Members must take liberties to use their own words, and it is for me to go on correcting them from time to time? I am really surprised. Hon. Members must use such language as would be befitting and would show that we are conducting the proceedings in an orderly manner.

Has the Minister in charge to say something?

Shri Tangamani: May I make a submission?

Mr. Speaker: I shall read out his adjournment motion:

"Situation in Pondicherry following Chief Commissioner's refusal to accept majority group".

Accept majority group? Very well, whatever it might be, this is the adjournment motion.

Shri Tangamani: May I make a submission? The Pondicherry Council.....

Mr. Speaker: It is clear already. The notice of adjournment motion is there. I am only trying to ascertain facts from Government in order to enable me to decide whether it is urgent or is of recent occurrence. I am asking the Minister. If I have a doubt, I shall call the hon. Member.

Shri Tangamani: May I make a submission to show the urgency, because this Pondicherry Council was formed, and there was the majority party, and this breakdown has been continuing

for the last three months? On the 25th August, there was a meeting following the resignation of the chairman, and the meeting was specially convened for the election of the Chairman, and Mr. Dasamma was elected as the chairman, and afterwards, a group has been formed consisting of 22 out of 38, and Mr. Chandrasekhara Chettiar has submitted a panel of names for the Ministership there. Now, the situation has arisen actually following the Chief Commissioner, Shri Kripalani's refusing to accept this group on certain grounds. This group has already stated that it is for implementing the Second Five Year Plan, it is also for the extension of the Central laws to Pondicherry pending the *de jure* transfer, and also for urging the Government to expedite the *de jure* transfer.

There is a specific proposal which has been placed. The first indication was that this Council will be accepted. If this Council is not accepted, then what would happen is that because, unlike the Assemblies in other places, this Assembly meets only once or twice a month and that too, for a few hours, even the minimum control which this Council was having over the Administration of Pondicherry will come to a stop. That is the urgency.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am not aware of any constitutional machinery having broken down or there being any danger of its breaking down. The Council, to which reference has been made, acts in an advisory capacity to the Chief Commissioner in regard to subjects delegated to it by the Chief Commissioner. Naturally, we have preferred the Council to function for a variety of reasons. Sometimes it has not functioned in the past for sometime.

This Council came into existence by a French decree passed, I think, a few days before our independence. According to that, the Council is formed, of which three members at

least should be elected and three nominated. But as a matter of fact, our Chief Commissioner has normally asked them to suggest 6 names, that is, the full number, although he need not have done so. This is the broad background.

Certain rather odd things have happened recently, to which reference was made by the hon. Member. I think the Council consists of 39 members and it was divided up between two groups. Lately, a number of members of group one, which was in a big majority, left it and sort of hung in the air between the two groups—dissidents. So there were three groups, not one of the groups having a majority. I think the numbers were 16, 9 and 11—or something like that. (interruption). It was 16, 11, 11, but two of them have again shifted.

So the members of this Assembly in Pondicherry apparently for the sake of exercise go from one side to the other frequently, with the result that the poor Chief Commissioner does not quite know what the position is.

In fact, another odd thing happened here. A meeting was held for election of the President of the Assembly. I am not going into details, but the Chairman of that meeting, who is supposed to be the oldest member, for some reason which he thought adequate, adjourned the meeting for three or four days for further consideration. Having adjourned it, he and some others left the meeting. Thereafter, however, the meeting was continued by others and they elected a new President altogether, not a new Chairman. I cannot, for the moment, say whether they were right or wrong. Normally speaking, when a meeting is adjourned by the Chairman, it is adjourned. Whether he has done so rightly or wrongly—it may be challenged later—the remaining people cannot carry on. It is a matter of law in which we are consulting our legal officers about the situation that has

[Shri Jawaharlal Nehru]

arisen. I am not, for the moment, prepared to say what the correct position would be.

Then comes this question of Councillors. The old Councillors having resigned, a request was made by this dissident group plus another group that they should supply the names of the 6 Councillors. The Chief Commissioner enquired of them—naturally he wanted to know—whether this group was a cohesive group, whether it was a party or not, because he knew two parties and a third which had arisen, which had shifted about its allegiance this way and that. He wanted to be assured about its cohesiveness—was it a party with a majority or not? To that, all that they said was 'We have agreed to put forward these six names'. Further, as a matter of arrangement between them, the six names were really put forward by the 10 persons who were dissidents.

The Chief Commissioner thought it odd that 10 persons should choose six of themselves for the Council, presumably as a matter of bargain with the others. He said that he would like to think over this, about which is the majority and which is not. As a matter of fact, he referred the matter to us and we are taking legal advice in the matter as to what the proper procedure should be.

Apart from this, just at this period, in the last few days, there has been a change of the Chief Commissioner. The old Chief Commissioner has retired after his full term of service and the new man has just taken charge. Because of all this, matter was referred to us, and it is being considered.

There is no constitutional breakdown at all. When we have got legal advice, we shall take such steps as are within the Constitution and the law and are considered fit and proper.

Mr. Speaker: There is a provision here that the President can act only with the assistance of Ministers. Like-

wise, is there any provision there that the Chief Commissioner cannot carry on without the assistance of these Councillors?

Shri Jawaharlal Nehru: Their function is advisory. He has carried on in the past for months without them.

Mr. Speaker: Therefore, there is no breakdown. Law and order is being maintained.

Shri Jawaharlal Nehru: There is no question of breakdown.

Shri V. P. Nayar: The Prime Minister tells us that legal opinion is being taken. As far as I understand, the procedural matters are dealt with according to the French law. What is the purpose of the Government of India taking legal opinion? Is it going to be decided on the basis of Indian law or is it going to be decided on the applicability of French rules which are in force in respect procedural matters, as that will decide the issue.

I want also to know whether in such cases when the President had adjourned the meeting under the rules in force there, they could convene a meeting and have a valid election. All my efforts to the French rules in the Pondicherry administration in our Library have been in vain.

Shri Jawaharlal Nehru: Obviously, the legal opinion would be based on the laws which are being observed there, whatever they may be, French law plus others plus natural law, common law, practice and so on taken together.

Mr. Speaker: In view of the statement of the hon. Prime Minister, I do not think there is any urgency for this and I do not give my consent to this adjournment motion.