

anything. I shall consult the Minister concerned. He has sprung a surprise on me just now. I am not in a position to give any reply immediately.

About the Judges Inquiry Bill, I think we shall place it in the last week of this session.

Regarding Dr. Lohia's point, I think it has already been answered by the House.

डा० राम मनोहर लोहिया : प्राप खुद जबाब दोजिये ।

श्री सत्य नारायणसिंह : हम तो प्राप के ही हाथ में है ।

डा० राम मनोहर लोहिया : हमारे हाथ में होने तो काटे दुगति होती देश की ।

Shri D. C. Sharma: These words should be expunged. It is a slur on our country.

Mr. Speaker: Order, order.

Shri Satya Narayan Sinha: About the international situation, the opinion is divided. So far as the Government's intention till now is concerned, we do not want to discuss this in this session.

Shri S. M. Banerjee: A point of order. Is it open to the Hon. Minister or to the Treasury Benches to deny discussion on any particular matter? They do not want to discuss foreign affairs at all. After all what are we doing here? It is better to adjourn the House. Let us go there and work.

Mr. Speaker: He need not make any reflection on the Parliament. This is no point of order.

Shri S. M. Banerjee: During the Chinese Aggression we were having this debate daily.

Shri Karni Singhji: We are fighting now.

Shri S. M. Banerjee: We are fighting; we know it.

Mr. Speaker: Order, order. The Hon. Member continues to speak.

Shri S. M. Banerjee: You will understand the sentiments.

Mr. Speaker: I have several times told him that there is some limit to interruptions.

Shri Jaipal Singh (Ranchi West): May I know, Sir, whether the request made by my hon. friend from Guardspur that certain remarks made, particularly a sentence uttered by the Hon. Minister for Parliamentary Affairs, be expunged, has been accepted or not?

Mr. Speaker: I am not believing in anything.

Shri Frank Anthony: All that Dr. Lohia said should be expunged.

11.15 hrs.

UNION TERRITORIES (DIRECT ELECTION TO THE HOUSE OF THE PEOPLE) BILL—contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Hathi on the 9th September, 1965, namely:—

"That the Bill to provide for direct election in certain Union territories for filling the seats allotted to them in the House of the people and for matters connected therewith, be taken into consideration."

Shri Hathi was to reply to the debate.

The Minister of State in the Ministry of Home Affairs (Shri Hathi): I am grateful to all the Members of this House who have participated in the debate, for their full and sincere support to the Bill. There was not one voice which had anything to say

[Shri Hathi]

against the Bill. Certainly, some of the Members did make certain suggestions, and I am grateful to them for the suggestions that they have made.

Before I come to the various suggestions which the Members have made during the debate, I may say that the question of the development of the Andaman and Nicobar Islands has been constantly before Government. Shri P. K. Deo mentioned about his visit to the place. He would recollect that after his visit, I had called a meeting of the Members who had been there and we had discussed a number of points. After that, I also went to the islands to have first-hand information. After the visit of the Members and myself, we have taken several steps in regard to the development of communications, education, rubber plantations, agricultural development and various other things. The hon. Member has himself also referred to the importance of the islands. That is a fact and Government are fully aware of this fact.

So far as communications are concerned, I may mention that at present, the islands have two passenger-cum-cargo vessels between the islands and the mainland plying regularly. Then there are two ships and 15 motor launches which are used for inter-island communications. In addition to this, we have also procured one cargo ship for the islands. Two launches have been completed and are already delivered, and they will be plying now. One launch is also ready for delivery. Two motor-boats have been fabricated locally and they are also now in commission; and two cargo-boats are already being purchased and orders have been placed. In addition, we are also purchasing touring vessels. In fact, we have spent more than a crore of rupees in these areas for improving communications in the islands as well as for communication between the islands and the mainland.

So far as air communication is concerned, Members know the difficulty namely that we have to pass via Rangoon, because only the Dakota goes there. We are strengthening the air-strip so that the Skymasters can land there. This is so far as the sea and air communications are concerned.

So far as the roads are concerned, I may say that in 1962-63, 317.78 k.m. of roads were constructed, and in 1963-64 we have added 41.63 k.m. The total outlay in the Plan is Rs. 267 lakhs. So, we are also strengthening the roads so that internal transport may be facilitated.

I am perfectly in agreement with the members who suggested that the main aspect of development would be communications, that is, roads, and agriculture. Agriculture is the mainstay. Forests are the main resources. There are rubber plantations.

Shri Sham Lal Saraf (Jammu and Kashmir): Education.

Shri Hathi: I am coming to that.

In the direction of rubber plantations also, Government have taken steps. A meeting was convened between the Commerce, Agriculture, Defence and Home Ministries. The Commerce Ministry are preparing a plan for a pilot project for rubber plantation. This is because we have to utilise all the available natural resources. In addition, a team from the Rehabilitation Ministry had also gone there to find out the potential for settling more people in that area. These things are going ahead. I may assure hon. Members that so far as the development of the area is concerned, it is constantly under watch and we shall see that the area develops so that the people there have the benefit of all the natural resources plus means of transport and communication.

For this purpose, as Shri Saraf pointed, another important factor is

education. As regards that, at present there are 104 primary junior schools. There are 8 middle schools and high schools. Out of a total population of 64,000, the total number of boys and girls going to school is 8,117 and the expenditure per pupil is about Rs. 218 per year. Literacy is 33.6 per cent as compared to 24 per cent in the whole of India. Moreover, free education is given up to the higher secondary stage. But there are no colleges there. In order to facilitate higher education, Government are giving scholarships to local students for higher education, that is, post-matric courses.

So far as technical education, medical, engineering, agricultural and so on is concerned, there are reservations in different colleges and there has been no difficulty for those boys to get admission. In addition, scholarships are also being awarded to local students. Free books are also provided.

Another question raised was with regard to the teaching of Bengali. Out of the 104 schools, 40 primary schools have Bengali as the medium of instruction. The policy of Government so far as medium of instruction in the primary stage is concerned, is that it should be in the mother tongue of the child, and where it is different from regional or state language, there should be provision for them to be taught in their mother tongue. It is not possible for every school to do that, say, if there is only one pupil in that category. So the standard is that if 40 pupils in a school, not less than 10 in each class are there in this category, then arrangements are made for that purpose. So far as Andamans is concerned, the predominant areas where there is a Bengali population are Diglipur and Rangat. Here we have primary schools. We are raising them to the standard of middle schools.

I was struck by one thing. Whichever may be the state people residing in Andamans came from, each

and everyone spoke Hindi. Bengalis, people who came from Kerala or other parts of South India, all of them.

**Shri Hari Vishnu Kamath (Hoshangabad):** Tamilians also?

**Shri Hathi:** They also speak Hindi.

**Shri P. K. Deo:** The local borns constitute only one-fourth of the population.

**Shri Hathi:** There is that sense of oneness I found there. They all feel so because they have all come from different parts of the country and settled there. The original inhabitants are only 24 in number, as has been said, but there are the old settlers who have gone earlier, and their families are there, they have forgotten the mainland, but because they are from different parts, their one common language is Hindi, and that is a thing which, I think, should be encouraged. Therefore, while we take care to see that the mother tongue is taught, we would like to see that the commenting force of language which exists there in the islands should be continued. It does not mean that we should not give facilities for the mother tongue of the people, because there are new settlers also, as I said, in two areas. So, that is being done. There should be no difficulty about that.

**Shri Hari Vishnu Kamath:** He has mentioned the Defence Ministry. Is there going to be any naval base there?

**Shri Hathi:** There is one. For that purpose, defence also comes in. So far as the merger question is concerned, there are different views expressed. One view, expressed by Shri P. K. Deo, is that they should be merged with the neighbouring State of Bengal.

**Shri P. K. Deo (Kalahandi):** I said that if it was considered not to be a viable unit to have responsible government, then this aspect may be taken into consideration.

**Shri Hathl:** I know that it was a conditional suggestion. But in these small units, with a population of 64,000, I do not think it will be advisable to have such a big paraphernalia of Members of the legislature, Ministers and all these things, and expenditure on them. With the Central Government spending so much money, it is better to be under the direct eye and administration of the Centre. I think it is better for the development of the area and for its better administration, than having a State legislature and a State Government. What will they do? With a population of 64,000 and limited resources, can they spend a crore of rupees? Of course, you may say that the Centre can go on giving help as they have been doing, but there are other points also. As many Members have said it is strategically important. From that point of view also, it is better that the administration should be with the Centre.

So far as the participation of the people is concerned, we have got the first step. The gram panchayats are there, there are Nyaya panchayats also. Then we have the advisory committees. There are two kinds of committees. One is the advisory committee attached to the Home Ministry, advising the Home Minister, and the other is the advisory committee which advises the Chief Commissioner.

**Shri P. K. Deo:** They are all nominated.

**Shri Hathl:** There I found that there was nothing like nomination or election. They all work as a family.

**Shri P. K. Deo:** They will work, but they are nominated.

**Shri Hathl:** Somebody goes and tells them they should have this or that,

otherwise they are all one, they think in terms of oneness, unity, one language, one people belonging to one island. I have been there for more than a week, and this is what I found. Let them develop, let them get all the facilities, let them have education, communications, roads, hospitals, and let them come up.

So far as their participation is concerned, there is ample scope. There is the Planning Committee, labour advisory committee, the advisory committee for the Chief Commissioner, the advisory committee for the Home Minister, and then for education. There are a number of committees etc., where these people are represented. I think it may be running into hundred. I have seen the old settlers, I have seen those people who were alive when Netaji was there, heard firsthand stories, stories of the atrocities committed by the Japanese. Today they feel that they are progressing developing. Let that spirit of progress and development continue, and let this question of merger with Bengal or any other State not arise at this stage.

I would not like to take more time, but I shall reply to certain points raised by Shri Kamath. There was the question about Dadra and Nagar Haveli. There, the point was that this was a small territory but it had potential for industries and the Member from the area complained that they do not get sufficient attention about quotas for raw materials, industrial licences, etc. The sarpanch of that area saw me only a few days back and I have written on the 22nd July to the Commerce Ministry for some spindles for cotton mills and other raw materials. I hope we shall be able to give them necessary facilities.

Another question was raised by Mr. Kamath: change of names. I looked at the old records. This question was raised as back as the Constituent Assembly days with Sardar Patel, then Rajaji, and then Pantji. Various names were suggested, whether it should be

Netaji Dweep or whether it should Shahid Dweep.

**Shri Hari Vishnu Kamath:** It was not my suggestion. I suggested Shahid Dweep and Swaraj Dweep.

**Shri Hathi:** I am replying to that suggestion. If the name is to be changed, I do not think there should be any controversy; that can be considered; that is a different matter. It is not relevant to the whole question now when we are considering giving representation to people. We shall consider that suggestion. There is one point of Mr. Kamath about clause 6.

**Shri Hari Vishnu Kamath:** Dadra and Nagar Haveli merger.

**Shri Hathi:** Their merger with Gujarat, of Goa with Maharashtra. (Interruptions.) or Mysore, or its remaining a separate entity, whatever it may be. The point is that this question can be decided. But what do we lose in giving them representation here directly today? If Dadra and Nagar Haveli merge with Gujarat that can be included in the constituency of the neighbouring area but today why should we deprive them of being included in the present Bill and get direct representation? If it is merged with Gujarat later on a constituency can be changed and delimitation will take place and these people will be included in that area. That point is not very material.

The other point of Mr. Kamath was about clause 6 and that pertains actually to the Bill. I do not say that others do not; they are also relevant. Very good suggestions were made and I am grateful to the hon. Members for that. Shri Kamath said that clause 6 was redundant. Whenever I hear Shri Kamath I hear him with great respect....

**Shri Hari Vishnu Kamath:** It is mutual.

**Shri Hathi:** He is very shrewd and he is able to find things....

**Shri Alvarez (Panjim):** No mutual compliments.

**Shri Hari Vishnu Kamath:** No compliments; it is a statement of fact.

**Shri Hathi:** He finds out if there is something wrong. I think it is a good habit because that also gives me an opportunity to examine it. When I examined this, I find that there was no substance at all.

**Mr. Speaker:** Still you say it is a good habit.

**Shri Hathi:** Because it gives me an opportunity of thinking whether I am in the wrong. My habit is generally to speak in a way which does not offend others; it is a good habit.

**Mr. Speaker:** Even if you feel differently inside.

**Shri Hari Vishnu Kamath:** It is the spirit of democracy.

**Shri Hathi:** Because he is also very sweet and kind, I should reciprocate it. Clause 3 also provides that the Members will be elected at the next general election to the House of the People, and thereafter the seats allotted under section 3 of the Representation of the People Act, 1950 to the Union territories in the House of the People shall be seats to be filled by persons chosen by direct election. Shri Kamath's point was that these members will be elected only at the next election and therefore clause 6 which provides that the sitting members shall continue to sit till the next election is not necessary. But then the question is, what about the position if a vacancy occurs. His point was that clause 3 is applicable only when the next general election takes place, but the point to be considered is this: we are amending section 4 of the Representation of the People Act, 1950. In section 4, we are deleting the power of the President to nominate. This Act will come into force immediately when the President gives his assent. Therefore, the power

(Shri Hathi)

of the President to nominate a member goes away. Section 4 is amended. The President's power to nominate is taken away by this Bill. If then a vacancy occurs for some reason or other, how will this member be given representation? The power to nominate is taken away. Therefore, this is a saving clause enabling the member to be nominated and not be elected even though section 4 is amended and the members are not to be nominated if there is a vacancy.

Let us consider the effect of amending section 4 of the Representation of the People Act. Under that Act the members from these areas are to be nominated by the President. By amending this Act, we are taking away the power of nomination and we are providing for election. Now, if a vacancy occurs, what happens, since we have taken away the power? This is, therefore, to devise a way out of the situation. It is not only a clarification, but it is an important feature. That is my explanation, and I think that it is a correct explanation and Shri Kamath will be satisfied with the explanation.

Shri Hari Vishnu Kamath: I do not want to interrupt, but I want to say only one thing. He has taken pains to answer my point. But I would only like to impress upon him that even after the explanation given by him, the first part of clause 6 is redundant. I am not convinced that the first part is necessary, because it says that "the sitting member shall continue to represent that Union territory until the dissolution of the present House" which is obvious from clause 3. So, while the second part may perhaps be necessary, I still insist that my point had substance and therefore, the explanation given in wholly unconvincing.

Shri Hathi: I am thankful to Shri Kamath for having agreed to the second part.

Shri Hari Vishnu Kamath: So, both of us are partly right and partly wrong.

Shri Hathi: On the clauses as such there was no other suggestion nor was there any amendment. Therefore, I have not to say much on this. In conclusion I would again thank the hon. Members for supporting the Bill and I commend it to the House.

Mr. Speaker: The question is:

"That the Bill to provide for direct election in certain Union territories for filling the seats allotted to them in the House of the People and for matters connected therewith, be taken into consideration."

The motion was adopted.

Mr. Speaker: We know take up clause by clause consideration. There are no amendments.

Shri Hari Vishnu Kamath: Clauses 2 and 3 may be put together. I would like to say a word about clause 4.

Mr. Speaker: The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4.—(Amendment of Act 43 of 1950).

Shri Hari Vishnu Kamath: I would invite your attention, the attention of the House and of the Minister to sub-clause (b) of this clause. It pertains to sub-section (1) of section 12B of the parent Act, the Representation of the People Act, 1950. Clause 1 of that section reads as follows:

"The electoral roll for each parliamentary constituency in the Union Territory of Delhi." etc.,

Under clause 4(b), for the words "each parliamentary constituency in the Union Territory of Delhi" the

following words are substituted, namely,

"a parliamentary constituency in each of the Union Territories of Delhi, the Andaman and Nicobar Islands, the Laccadive and Minicoy and Amindivi Islands and Dadra and Nagar Haveli".

This is followed by the following words in section 13B:

"...each Assembly constituency and each Council constituency shall be prepared and revised by an electoral registration officer who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf."

I do not know whether this lacuna was pointed out when the original Bill was enacted. Here it says:

"...in consultation with the Government of the State in which the constituency is situated".

The constituencies to which this Bill refers, namely Delhi, Andaman and Nicobar Islands, etc., are not part of any State of the Union. So, I do not know what exactly is meant by the provision in this clause. There is no Government of any State in the picture. So, the Election Commission will nominate in consultation with whom? That is the clarification I want to have.

Shri Hathi: In other States, it refers to Assembly constituencies and also parliamentary constituencies. So far as Delhi is concerned, there is no local Assembly; so, only parliamentary seats are there. So far as "Government of the State" is concerned, it will be the Delhi Administration; that is the Government.

Mr. Speaker: Do we call that State Government?

Shri Hathi: We are not amending that portion today. That section is already existing and I am not bringing any amendment to that.

Mr. Speaker: So, he says, if it is a lacuna, it is there in the original Act which we are not amending at present.

Shri Hathi: Yes, Sir. I am only adding certain words to the section in the original Act. If there is any lacuna in the original Act, Mr. Kamath may bring forward an amendment to the original Act.

Shri Hari Vishnu Kamath: Sub-section (1) of section 13B is being amended now.

Mr. Speaker: He says that that part which mentions about the Government of the State is not being touched at all. If the Delhi Administration cannot be called a State Government, that is an amendment that is required in the parent Act and not this Bill.

Shri Hari Vishnu Kamath: Are they not amending this particular section by adding these words?

Shri Hathi: Under the General Clauses Act, "State" includes Union Territories also.

Mr. Speaker: The question is:

"That clauses 4 to 6 stand part of the Bill."

*The motion was adopted.*

*Clauses 4 to 6 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.*

Shri Hathi: I beg to move:

"That the Bill be passed."

Mr. Speaker: Motion moved:

"That the Bill be passed."

Dr. M. S. Aney (Nagpur): Sir, the Bill is in the last stage and I support

*(Direct Election to the  
House of the People) Bill*

[Dr. M. S. Aney]

it. After listening to the speech of Mr. Kamath, I feel the draftsmen have not been sufficiently vigilant in knowing the implications of the provisions of this Bill. He has actually shown that clause 4 is defective and the Minister also has admitted it.

**Shri Hathi:** I have not admitted anything.

**Mr. Speaker:** He further clarified that according to the General Clauses Act, State includes Union Territories also.

**Dr. M. S. Aney:** Anyhow, I believe Mr. Kamath's speech has given them an opportunity to consider this aspect. Whenever they come before the House, they have to examine the draft very carefully and not take it for granted that that is the final one.

A very good suggestion has been made by Mr. Kamath that Goa and these 3 islands—Daman, Diu, etc.—should form one group and they should be taken up at the same time by amendment of the same statute if possible. This piecemeal treatment of these three islands, separate from Goa, is a matter on which he laid great stress, because we know there are feelings of the people in this matter. In this matter, I personally think that the Government should be guided more by the views of the people than their own theoretical considerations. This Bill introduces the principle of direct election, for which I congratulate the people of the islands concerned.

**Shri Hathi:** Separate treatment was being given to Dadra and Nagar Haveli upto now because they were not elected, but only nominated. Now we have brought them on a par with the treatment we are giving to Goa.

**Mr. Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

11.47 hrs.

## GOLD (CONTROL) BILL

**The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao):** On behalf of Shri T. T. Krishnamachari, I beg to move....

**Shri S. M. Banerjee (Kanpur):** The Deputy Minister of Finance is present, Sir. Why should he not move this Bill?

**Shri Hari Vishnu Kamath (Hoshangabad):** On a point of order, Sir. Is it not obligatory that when a Minister of that particular Ministry is present in the House, he alone should move the Bill for consideration? Can he be passed over or superseded by another Minister belonging to another Ministry?

**Mr. Speaker:** Who is bossing over? There is no outside authority that is bossing over. It is the internal arrangement of the Ministers.

**Shri Bhagwat Jha Azad (Bhagalpur):** It is not a question of arrangement. The Deputy Minister of Finance is present in the House. A new precedent is being established in the House.

**Shri Hari Vishnu Kamath:** At least you may rule that this would not be a precedent. Otherwise, tomorrow a foreign affairs Bill may be moved by the Home Minister, and so on.

**Shri Jaganatha Rao:** On behalf of Shri T. T. Krishnamachari, I beg to move:

"that the following amendments made by Rajya Sabha in the Bill to provide, in the economic and financial interests of the community, for the control of the production, supply, distribution, use and possession of, and business in, gold and ornaments and other articles of gold and for matters connected therewith, be taken into consideration:—