

5 P.M.

चौथी बात में यह कहना चाहता हूँ कि हमारे देश के अन्दर जो वेस्ट लैंडज पड़ी हुई हैं, जो बंजर जमीनें हैं, अगर वह जमीनें इन हरिजनों को दे दी जाएं तो वे लोग अपनी रोज़ी चला सकते हैं। कहा तो यह जाता है कि यह गोचर जमीन है और इस पर पशु चरते हैं। पशु तो चरते ही रहेंगे लेकिन हरिजन व गिरिजन मनुष्य हैं। मैं चाहता हूँ कि ऐसी जमीन उनको दे दी जाए। उसको ठीक बना कर वे लोग अपना जीवन निर्वाह कर सकेंगे और देश में अनाज की पैदावार को भी बढ़ायेंगे। मैं गुजरात से आता हूँ। हमारी बम्बई सरकार ने बहुत सी वेस्ट लैंड हरिजनों को दे दी। जब ग्राम्य जनता और उनके अधिकारियों को पता लगा तो उन्होंने कलक्टर से रिपोर्ट करवा दी कि यहां पर तो गौचर भूमि की कमी है। पांच पांच और सात सात साल हो गए हैं उनको यह जमीनें दिए और उन्होंने इन जमीनों को ठीक ठाक भी बना लिया है और अब उनसे यह जमीनें वापस लेने की बातें हो रही हैं। मेरी प्रार्थना है कि यह जमीनें उनके पास रहने दी जाएं और दूसरी जगहों पर जहां पर बंजर जमीनें पड़ी हुई हैं वह भी हरिजनों में बांट दी जानी चाहियें।

गैर सरकारी हरिजन और बनवासी जो संस्थायें हैं उनको प्रान्तीय सरकारों से तो सहायता मिलती है। मैं चाहता हूँ कि केन्द्रीय सरकार द्वारा भी इनको सहायता दी जाए। जो मदद उनको आजकल प्रान्तीय सरकारों से मिल रही है वह बहुत कम है और उससे उनका गुजारा नहीं होता है और मैं चाहता हूँ कि हमारी सरकार यहां से उनको और ज्यादा सहायता दे।

मैं गुजरात से आता हूँ और गुजरात में एक बात कही जाती है और मैं उसका जिक्र यहां पर कर देना उचित समझता हूँ। हमारे होम मिनिस्टर सड़ब जो कि यू० पी० से आते हैं वहां पर उन्होंने बहुत ही अच्छे काम किए

हैं और हरिजनों की भलाई के कामों में उन्होंने खास दिलचस्पी ली है। अब वे केन्द्रीय सरकार में आ गए हैं। तो गुजरात में ऐसी कहावत है कि नैनीहाल में जमन होता हो परोसने वाली माता हो तो फिर बच्चे कैसे भूखे रह सकते हैं? पन्त जी जो यहां पर होम मिनिस्टर होकर आ गए हैं, वह हमारी माता बनकर आए हैं उनके द्वारा बांटे जाने में हम कैसे भूखे रह सकते हैं। यह बच्चे भूखे नहीं रहेंगे यही आशा है। हमारे दातार साहब जी भी कई सालों से यह काम कर रहे हैं। उनकी दातारी भी मुझे उम्मीद है हम गरीबों पर ठीक ठीक चलती रहेगी। यह धर्म का काम है देश की भलाई का काम है, गरीबों को उठाने का काम है, हम सब को मिल कर इसे करना चाहिये।

Mr. Chairman: The discussion will continue to-morrow.

PONDICHERRY ASSEMBLY

Mr. Chairman: Now, Shri H. N. Mukerjee is to raise a half-an-hour discussion on points arising out of answer given on the 1st September, 1955, to Starred Question No. 1326 regarding Pondicherry Assembly.

Shri H. N. Mukerjee (Calcutta North-East): I have sought to have this half-an-hour discussion on account of what appeared to us to be the unsatisfactory nature of the answer to starred question No. 1326 on the 1st of this month. On that occasion we learnt from the Deputy Minister of External Affairs that French rules governed the newly-elected Pondicherry Assembly and that the Assembly was essentially a consultative body of elected representatives which had no legislative powers but which could pass resolutions which, however, could be turned down by the "head of the State", a somewhat pompous designation for the Chief Commissioner of Pondicherry, with the approval of the Government of India. When it was asked if rules regarding electoral rolls had been drastically changed from

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what was the case under French rule and that, therefore, the people naturally expect their elected Assembly, elected on universal suffrage, to have powers analogous to those exercised by other State Assemblies, his answer was that since the *de jure* transfer had not taken place, no fundamental change could be instituted.

This is, on the face of it, somewhat irrational and certainly goes against the wishes of the people of Pondicherry. If universal suffrage—a big enough departure from the past—could be introduced, surely some other changes by way of powers for the elective Assembly could not be an impossible proposition. The Deputy Minister was, however, pressed to say how and why it was that the selection of Councillors was not done according to the French rules, which, he said, governed the Assembly, and he was also asked whether the Leader of the Opposition in the Assembly of Pondicherry had made representations to that effect. Then the Deputy Minister chose to be facetious and said, “if the Leader of the Opposition feels strong enough to work in the Council, he can do so by a process of voting in the House”. This was not only a vapid kind of statement, but also misleading, for, the fact of the matter is that he was asked why, when French rules required secret ballot for election of Councillors, election by show of hands was resorted to; that is to say, why a comparatively advanced democratic method sanctioned by the French rules which, the Government says categorically govern the Pondicherry Assembly, was discarded for show of hands. Then the Deputy Minister shifted his ground and said with a certain amount of nimbleness that “they (the Pondicherry people) have already got the benefit of the civilised administration of this Government.” Surely, even the Deputy Minister remembers the good old saying that good Government is no substitute for self-government, even assuming, which I do not admit for a moment, that the administration of the Deputy Minis-

ter's Government is particularly good. Surely the Deputy Minister cannot forget that it was not just the magnanimity of the French Colonists, but the struggle of the people of Pondicherry along with the support of the entire Indian people, which pushed French colonialism off the map of our country. Therefore, the people naturally want freedom in the full sense of the term. At least, they wish to have freedom on the lines in which freedom is understood in other parts of the country; to fob them off with “civilised administration” is extremely objectionable.

Then, the Deputy Minister said that he thought that fresh elections would have to take place after *de jure* transfer. Later, after this, he corrected himself and said cautiously on the 7th of this month, “no commitment can be made at present; I should think that after the *de jure* transfer takes place, the whole question will have to be considered in all its bearings.” Maybe the strength of non-Congress representation in the present Assembly makes Government think of fresh elections. But anyhow, for the time being, on that issue the Government is uncommunicative and we can deduce whatever we think appropriate in the circumstances.

In the meanwhile, the Pondicherry Assembly has passed unanimously 16 resolutions. That is my information and if I am wrong the Deputy Minister will correct me. These 16 resolutions refer to such things as the applicability of the benefit of Malabar Tenancy Act to Mahe and also of the Tanjore District Pannaiyal Act, an anti-eviction legislation, to the peasants of Karaikal. Then, the resolutions refer to the turnover tax levied from merchants to be cancelled. They refer also to the levy of water tax, house taxes, improvement of the medical college, introduction of Indian Trade Union legislation on social security and the payment of what is called *chomage*, a payment for enforced idleness, and similar other resolutions. All these 16 resolutions,

I understand, were passed unanimously. They can be thrown out by the Chief Commissioner with the consent of the Government of India. The Pondicherry Assembly naturally want that these things which they consider beneficial to the people of that area should be supported by the Government of India.

I have also to point out that Commissions have been appointed by the Assembly and in these appointments the Opposition has been completely excluded. The Opposition in the Pondicherry Assembly has a strength of 16 members out of 39. The Assembly being rather impotent, these Commissions like the Finance Commission are rather powerful. The members of the Opposition are being kept entirely out of the membership of the Commissions. I understand also that no procedures for the conduct of business in the Assembly have been laid down. There is no provision for raising even a question in the Assembly. You, Sir, have been a Member of Legislative Assemblies in the British days and you remember how the right of asking questions had been conceded by even Great Britain a long time ago. As far as the Pondicherry Assembly is concerned, as far as my information goes, there is no provision for raising questions. The Government of India can direct the State Commissioner and the State Assembly to make such a provision at an early date. But, this is a demand to which, so far as I know, the Government of India has not yet responded. It is necessary also that attention is directed by the Government of India to a matter like, for example, the request of the Opposition to discuss the draft Plan of Rs. 8 crores for the Pondicherry State in the Second Five Year Plan. But, this was rejected by the majority party on the plea that it was framed by experienced I.A.S. officers and discussion was limited to less than an hour! There are also other grievances relating to the economic life of the community in Pondicherry. There have been strikes and lock-outs in certain textile mills in particular and

there are also complaints regarding the working of the judiciary. If necessary, later, I can send up all facts to the Ministry. I have been told that in the case of one trial, where a person was sentenced to 5 years' imprisonment, the whole trial was conducted on the 23rd August, 1955 within 4 hours. Inside of that period, evidence was recorded, arguments were heard on both sides and judgment was delivered. There is a feeling in Pondicherry that at least a senior and experienced Indian judge should be placed at the head of the judiciary. The Deputy Minister has told us about the "civilised administration" of this Government. I hope the people of Pondicherry ask him for certain concrete demonstrations of that "civilised administration". But, the basic grouse is that here is the Pondicherry Assembly elected on the basis of universal suffrage and yet it is left tied hand and foot. It cannot share any of the rights of the other State legislatures. But, the Government says that the French rules govern the Assembly. I do not understand why the comparatively democratic provisions of the French rules are not applied in the case of the Pondicherry Assembly. The whole thing appears rather complicated and almost unsavoury. That is why I wanted to have this discussion so that Government can explain the position that it wishes to take up.

Mr. Chairman: Shrimati Renu Chakravartty and Shri V. Muniswamy: they are not here. The hon. Minister.

The Deputy Minister of External Affairs (Shri Anil K. Chanda): It is always a pleasure to hear the mellifluous voice of my hon. friend Shri H. N. Mukerjee. He has however waxed eloquent on the basis of incorrect information and data. His famous University is reputed to be the home of lost causes. I can assure my hon. friend that no Oxonian has ever fought for a more lost cause than the cause of the Communist Party in Pondicherry.

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He has referred to a lot of alleged grievances of the people in Pondicherry. But, I would read Article No. 2. of the Agreement between the French and us which says that the municipal regime in the communes of the establishments and the regime relating to the Representative Assembly shall be maintained in the present form. I submit we are bound down by this article. However much we would have wished to have brought in full democratic Government and administration in Pondicherry, we are precluded from doing so till *de jure* transfer has taken place. If this Government has ensured full democratic administration all over this great country, obviously there is no particular purpose in our denying full democratic rights to three lakhs of people who have recently been brought under our jurisdiction. But, Sir, our difficulty is this, that article 2 of the agreement which we hold sacrosanct as an international treaty precludes us from doing certain things which we would certainly have liked got done as early as possible. In this connection, so far as this Government is concerned, we have taken every possible step to hasten the *de jure* transfer, and the draft treaty is already before the French Government, and I do hope that before long we shall have the *de jure* transfer and it will be possible for us to bring the much-needed changes into the administration of Pondicherry.

My hon. friend Shri Mukerjee has referred to what I called the civilised administration of Pondicherry. I am not ashamed about what I had said because for one thing, I find that his own leader, Shri Gopalan, in a discussion with the Chief Commissioner, the Inspector-General of Police there and the Chief Secretary, had complimented the administration. He had said that there was a great difference between the present election atmosphere and that which used to prevail during the French days. He said that that was a great credit to the administration. If this is the testimony from Shri Gopalan, I think Shri Mukerjee will not mind if I refer to the administration of Pondicherry

even today as a civilised administration.

I think the trouble started when my friend Shri Mukerjee's party lost the last election. I concede Shri Subbiah is a very valiant fighter, but he is a bad loser.

Reference has been made to our neglecting the French rules. Shri Mukerjee had referred to the democratic French rules. He had referred to the French rules with regard to the election of the Councillors of the Government. The rule was this, that the Pondicherry administration consisted of the head of the State—that was the Governor in the days of the French, today it is the Chief Commissioner—and six Councillors of whom at least three must be elected by the people. It was quite within our competence to have only three elected members from the Assembly and three nominated by the Administration, but because we were most keen that we should have as much of democracy as is permitted within the framework of the present agreement, that we should have full play of the democratic parliamentary system, we decided, that is the Government of India instructed the Chief Commissioner, not to have any nominated members, but to have the whole Council consisting of elected members, that is all the six members to be elected by the Assembly. And following the constitutional precedent, the Chief Commissioner sent for the leader of the majority party and asked him to suggest six names, and he did so. When the Assembly met for the first time, the first item on the agenda was the election of the permanent President of the Assembly. I may add that according to the French convention the oldest Member of the Assembly presides over the first session of the Assembly till the election of the President takes place, and in this case the oldest Member happened to be a member of Shri Mukerjee's party, and he therefore presided over the meeting before the President was finally elected. Article 39 of the rules of procedure of the Pondicherry Assembly says that all

voting is open, that is by either sitting or standing, but voting involving persons—I do not know what exactly it means, possibly it means where an election of persons is concerned—it should be by a secret ballot. The first thing Shri Subbiah did was to move a resolution that the election of the President should be by an open vote and not by the secret vote. The leader of the majority party then said that the Assembly had not yet been fully constituted because the permanent President of the Assembly had not yet been elected, and therefore he suggested that there should not be any departure at this stage from the previous conventions with regard to the working of the Assembly, and therefore he said that the election of the President of the Assembly should be by secret ballot as had hitherto been the practice. And Shri Subbiah's proposition that the voting should be on open voting was not carried. The election took place and one of the members of the Congress Party was elected the President of the Assembly.

Then came the question of the election of the six Members of the Council of the administration. The President of the Assembly said that he had received a letter from the Chief Commissioner saying that the leader of the majority party had proposed six names for election as members of the Council and that the proposition was now before the House. At this stage, Mr. Subbiah changed his ground saying that according to rule 39 of the business procedure of the Assembly, all voting involving persons should be by secret ballot. Whereas for the election of the president, he wanted that it should be open ballot, he said that it should be in this case by a secret ballot as provided under rule 39.

My hon. friend Shri H. N. Mukerjee has not possibly looked into these rules. Rule 54 of the very rules says that if twelve members propose, and a majority of the members accept it, then any change can be brought into the procedural rules of the Assembly.

And it was under this rule 54 of the Assembly rules that the leader of the majority party proposed that the election of the Councillors should be by open voting. He said, "though there is a letter from the Chief Commissioner, I do not know what validity it has before this House, I there suggest these names for election as the Councillors of the Pondicherry Government". And both the President of the Assembly and the leader of the majority party invited Mr. Subbiah to suggest his own names. Unfortunately or fortunately he did not suggest any names, and the list submitted by the leader of the majority party was placed before the House and all the six names suggested by the leader were carried by a majority.

This is the whole story of the undemocratic methods we are supposed to have adopted in the elections to the Government and the various other committees of the Pondicherry Assembly.

With regard to the other matter mentioned by Shri H. N. Mukerjee, that in the formation of the committees, the opposition parties have not got a single seat, and that all the seats have been captured by the majority party, obviously it is not for the Government of India to dictate to the members of the Assembly as to how they should vote or whom they should vote for. It is quite likely—and this is my information—that it was the desire of the leader of the majority party to invite—he had actually invited it—the co-operation of the opposition parties in the formation of these committees.

But before the Assembly met, the leader of the opposition and the leader of the majority party met the Chief Commissioner informally; and the leader of the majority party proposed that in the first sitting of the Assembly, three resolutions should be placed before the Assembly, firstly, congratulating the Government of India and offering the thanks of the people of Pondicherry to the Government of India and to the Prime Minister of India, Pandit Jawaharlal Nehru,

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for all the great help they had received in their struggle for liberation. But Mr. Subbiah, whereas he was willing to have a resolution offering thanks to the Government of India, would not tolerate the name of the Prime Minister of India being brought into that resolution. The second resolution was that the Pondicherry Assembly expressed its sympathy with the people of Goa in their struggle for liberation, and promised them every help. Mr. Subbiah wanted that resolution to have a further addition that the Government of India should be requested to take police action against Goa. The third resolution was that the Government of India should be requested to take up with the French Government the matter of *de jure* transfer as early as possible. Here also Mr. Subbiah said that he was not willing to support the resolution unless adequate steps had been taken to safeguard the interests, pensions, rights, etc. of the workers in the administration.

I think it was the vehement opposition of Mr. Subbiah to the inclusion of the name of our Prime Minister in the first resolution, (*i.e.* offering thanks of the people of Pondicherry to the Government of India for the help they had received in their struggle of independence) that rather changed the whole picture. After that, I think the leader of the majority party realised that he could not hope for any co-operation or assistance from the members of the opposition parties; and after that, it is quite likely that their heart hardened. When the election to the various committees took place, not a single member of the Opposition parties found any seats therein. Obviously, whether it was good or bad, it is not for us from here to dictate to the members of the Pondicherry Assembly as to how they should vote in their Assembly. Shri H. N. Mukerjee has also referred to the reserved powers in the hands of the head of the administration; formerly, in the French days, it used to be the Governor, today it is

the Chief Commissioner. He referred to 16 resolutions which had been passed by the Assembly, resolutions which will all be beneficial to the people etc., "but what about the extraordinary powers in the hands of the Chief Commissioner"? he asked. So far as I know, not a single resolution has been turned down by the Chief Commissioner. Of course, it is not for me at this stage to give a sort of categorical assurance whether all resolutions passed would automatically be accepted by the Government of India through the Chief Commissioner or not. But obviously, if it is a very reasonable proposition, the Government of India would certainly only be too glad to accept such a proposition from the Pondicherry Assembly.

This is the whole story so far as the Pondicherry Administration is concerned. I do not understand how Shri H. N. Mukerjee has come to the conclusion that we have restricted even whatever little democratic rights the people of Pondicherry had. On the contrary, we have given strict instructions to the administration to see that as far as is possible, within the limitations, of course, of the agreement to which we have subscribed, within the limitations imposed by the agreement, every step should be taken to bring the Pondicherry Administration on the same level as the administration in other parts of India.

In connection with the election procedure, I would like to say that Shri H. N. Mukerjee is not quite correctly informed when he says that we have brought in adult franchise when there was no such franchise under the French, and that it is a flagrant interference on the part of the Government of India, ignoring article 2. There was adult franchise in Pondicherry; only there was an educational qualification there. We brought in a sort of universal adult franchise as obtains in other parts of India, and I am sure Shri H. N. Mukerjee will himself admit that it is certainly a very great step forward. I may mention also that before the electoral

rules were passed, we had the Election Commissioner visit Pondicherry; he had prolonged discussions with leaders of all the political parties, and it was the unanimous wish of all the parties, including the party of Shri Subbiah—that is, Shri Mukerjee's party—that there should be universal adult franchise. And I have before

me, as I have already told you, the testimony, the unsolicited testimony, of no less a person than Shri A. K. Gopalan that the elections were conducted in a very free and fair manner.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 16th September 1955.