

[Mr. Deputy Speaker]

certain Union territories and for certain other matters to a Joint Committee of the Houses be suspended."

Those in favour may kindly say 'Aye'.

Several Hon. Members: Aye.

Mr. Deputy Speaker: Those against may kindly say 'No.'

Some Hon. Members: No.

Some Hon. Members: The 'Ayes' have it; Now, it is not challenged. 'Ayes' have it the motion is carried.

The motion was adopted.

17.27 hrs.

GOVERNMENT OF UNION TERRITORIES BILL

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): Sir, I beg to move:

"That the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely Shri R. Achuthan, Shri Ramchandra Vithal Bade, Shri Laxmi Narayan Bhanja Deo, Shri Brij Basi Lal, Sardar Buta Singh, Dr. Antonio Colaco, Sardar Daljit Singh, Shri Dasaratha Deb, Dr. P. D. Goitonde, Shri R. M. Hajarnavis, Shri Gauri Shanker Kakkar, Shri R. Keishing, Shrimati T. Lakshmi Kanthamma, Shri Lalit Sen, Shri R. N. Yadav Lonikar, Dr. Mahadeva Prasad, Shri Dhuleshwar Meena, Shri Mohammad Yusuf, Shri H. N. Mukerjee, Shri Partap Singh, Shri Man Singh P. Patel, Shri Surendranath Dwivedy, Shri S. V.

Krishnamoorthy Rao, Shri R. V. Reddiar, Shri Sanji Rupji, Shri Era Sezhiyan, Shri S. T. Singh, Shri Hari Charan Soy, Shri N. M. Wadiwa, and Shri Lal Bahadur Shastri and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 15th day of April, 1963;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

In place of Shri Shivram Rango Rane who has informed me that he is not willing to serve on the Committee, I have suggested the name of Shri Surendranath Dwivedy.

Sir, it is rather late in the day that this motion comes up for discussion in this House, but we are committed to establish institutions for larger participation of the local representatives in the local administration and, therefore, the hon. Home Minister requested the House yesterday that we should squeeze in some time, though it is rather late in the midst of our busy legislative programme, to send this Bill to the Joint Committee. We are anxious that as far as possible this Bill should find its way to the Statute Book and be enacted into law which will emerge as a result of this legislative activity and should come into operation as early as possible.

The chief feature of the Bill is the creation of Legislative Assemblies and Council of Ministers for the five Union territories, namely Himachal Pradesh, Manipur, Tripura, Pondicherry, Goa, Daman and Diu. Out of these, a part 'C' State, Himachal Pradesh had had a legislature, and Manipur and Tripura had Councils of Advisors and the other parts have joined us later on. The first observation that I would like to make is, under the Constitution, the responsibility of the Government for the administration of the Union territories and the ultimate parliamentary responsibility of Parliament cannot be shifted on to any other authority. Therefore, whatever authorities we erect; that we dare establish as a result of this Bill, will have to function according to the Constitution, legislative authorities under Parliament and the executive authorities under the President. Therefore, it will be necessary that, first of all, all the laws that shall be made by these local legislatures shall not be repugnant to any law made by Parliament. We think the legislative list is practically as large as the State List, subject, of course to certain limitations to which I will refer later on. They will also be subject to the same limitations as the State legislatures are in respect of certain other matters. Before any Bill passed by these legislatures becomes law, it would be necessary to obtain the assent of the President. Secondly, any budget, any financial proposal which is submitted to the legislatures will also have to obtain the previous assent of the President. For, after all, it is admitted on all hands, for some time to come, at least, these territories will continue to be deficit and their development can only be carried on with the revenues of the Central Government. That being so, the Government cannot divest themselves of the responsibility of seeing that the financial policies and administration generally, are carried on sound lines.

The House knows the history of these territories and I need not go

into that. We had the Part C States in the territories which I have already mentioned, except of course, Pondicherry, Goa, Daman and Diu. These legislatures were abolished as a result of the recommendations of the States Re-organisation Commission. But, there was a widespread demand in these territories and the other territories that, as far as possible, they ought to enjoy autonomy. A committee was appointed under the Chairmanship of the Law Minister Shri A. K. Sen and as a result of the recommendations of that committee, these proposals are framed.

The other main features of this measure are:

Firstly, it makes provision for delimitation of constituencies; secondly, for election to fill the Lok Sabha seats; thirdly, constitution of separate Consolidated fund and Contingency fund; then, constitution of a Standing committee of the Legislative Assembly; constitution of provisional legislatures in Himachal Pradesh, Manipur, Tripura and Pondicherry; abolition of territorial councils; giving representation to Pondicherry in the Southern Zonal Council and to Dadra, Nagar Haveli, Goa, Daman and Diu in the Western Zonal Council to which they are physically contiguous; and then certain consequential amendments. The Assemblies will have members elected by direct election. Himachal Pradesh will have 40 Members whereas Manipur and Tripura, Pondicherry, Goa, Daman and Diu will have 30 each. Himachal Pradesh has, at present, 41 members. But, that number is reduced to 40 so that it will be a multiple of 4 which will be the number of seats in the Lok Sabha. In order that the constituencies may be of the same size, therefore, the number had to be a multiple of 4, and, therefore, only 40 seats are allotted to Himachal Pradesh.

Then, we considered the question of reservation of seats for Scheduled Castes and Scheduled Tribes. Provi-

[Shri Hajarnavis]

sion has been made in clause 3(4) for the reservation of seats for Scheduled Castes in Himachal Pradesh and Pondicherry, where their numbers are 27 per cent. and 15.4 per cent. respectively. That means that they form a substantial section of the electorate there. Therefore, there has been reservation of seats in those territories.

So far as the Scheduled Castes in Manipur, Tripura, Goa, Daman and Diu are concerned, there are no seats reserved for them because the number of persons belonging to the Scheduled Castes there is insignificant, and moreover, those castes are also widely diffused.

In regard to Manipur and Tripura, the Scheduled Tribes there are concentrated in certain areas and are able by their own strength to secure adequate representation. In Himachal Pradesh, Kinnaur is a tribal area and is in a position to return a tribal representative to the Assembly even when there is no reservation. But, elsewhere, as I said, the tribal population is dispersed. Therefore, no reservation existed for Scheduled Tribes, either in the Assembly of Himachal Pradesh or the electoral college of Manipur, and Tripura, and the same position has now been retained. If, as a result of the election, it is found that the Scheduled Castes or the Scheduled Tribes do not get enough representation, then we have power of nomination to redress any grievances which may emerge as a result of the process of election.

As I have already said, the legislative power of the Parliament with respect to Union territories is contained in article 246(4) of the Constitution. As a matter of fact, it is not necessary because that is there in the Constitution, but clause 18(2) makes it very clear that the legislative power of the assembly is subject to authority of Parliament.

Then, there are certain other matters in the State Lists which have no relevance in the case of the Union Territories. For instance, the services in the Union Territories will also be services in connection with the affairs of the Union because in spite of the fact that the local legislatures are there, these territories do not cease to be Union Territories, and all the executive power of the Union vests in the President. Therefore, the matters mentioned in Entry 41 in List II, such as 'State public services and State Public Service Commission' have no application to the Administrations that will come into being as a result of this measure. Then, they can also not have any public debt of their own.

But, then, as I mentioned earlier, these legislatures will be subject to the same limitations to which the State legislatures are subjected, namely that they will be limited by the provisions of articles 285 to 288 of the Constitution which relate to prohibition against taxation of Union property, the imposition of sales-tax on the goods of special importance in inter-State trade and tax on electricity consumed by the Union Government. These are all the incidence of a Federation, and, therefore, inter-State trade and commerce are guaranteed subject to certain limitations. So, in spite of the fact that the legislatures will operate in the Union Territories, they will have the same limitations and the same prohibitions against their powers as the State legislatures.

Then, we have courts of the Judicial Commissioners in Himachal Pradesh, Manipur and Tripura, and they will be having all the powers of the High Court for the purpose of the areas which are committed to their charge. But we have also made it clear that under clause 22 prior sanction of the Administrator will be necessary before any Bill or amendment is brought forward in respect of these powers.

As I said, in respect of the financial statement, the previous approval of the President is necessary because, as earlier I ventured to say, the considerable portion of cost of the financial responsibility for running the administration and for its development will fall upon the Central Government. I might venture to say, at this stage, that the Third Plan envisages an outlay of about Rs. 57 crores out of which Rs. 22 crores would have been spent by the end of the first two years upto 31st March, 1963. Then, consistent with our responsibility for the Union territories, a Bill, before it becomes a law, under clause 25, will require assent by the President.

The question of official language also comes up. Now, here the administration shall be carried on normally in the official languages of the Union, but this might give rise to difficulties where at the district level Hindi and English may not be sufficiently known. Therefore, under clause 34 (a), the power has been given to the legislature to adopt Hindi or local language as official language. In the case of Pondicherry, however, we have a commitment by the treaty of cession by which French will continue to be used for all official purposes until the Assembly decides otherwise. So, whatever be the official language which the Assembly may adopt, it is clear that for the maintenance of accounts of the territories and also for correspondence between the Central and State Governments, it will continue in the official language of the Union. So, the medium of intercourse between the States and the Centre will be the official language of the Union and, therefore, the President is empowered to direct the use of the official language in the Union territories.

Then as in the States, we have the parliamentary executive. There shall be a Council of Ministers and the administration in the Union territories will be carried on through the Administrators appointed by the President. The normal law is that the adminis-

tration of the Union territories will be carried on through the Administrators. Now, these Administrators are entrusted with a variety of functions and have been vested with wide powers for the discharge of these functions. These functions may relate to the Union List which will be beyond their competence, like the national highways, or to matters in the State or Concurrent List. Some of the functions may be judicial or quasi-judicial in character. The Bill provides that certain functions like the security of the border, in case of H.P., Manipur, Tripura, shall be discharged by the Administrators in their discretion which means they will be responsible to the Parliament and to the Central Government.

Now, clause 44(1) of the Bill provides that the Council of Ministers shall aid and advise the Administrator in the exercise of his functions in so far as they relate to matters falling in the legislative powers of the Assembly. So, the executive power is coterminous with the legislative power given to the Legislative Assembly.

In regard to other matters, Administrators can, at present, act without their consent, but certainly no Administrator shall deprive himself of the advice and consultation with the Council of Ministers though they do not properly fall within the matters committed to the State Executive which will come into being as a result of this Bill.

Then, there are provisions relating to delimitation of constituencies to which I have already referred. Now, about the number of seats in Lok Sabha which are allotted to different territories, they are: Delhi 5, Himachal Pradesh 4, Manipur 2, Tripura 2, and Goa, Daman and Diu 2. At present, one seat, each, is reserved for scheduled castes in Delhi and Himachal Pradesh and one seat, each, for scheduled tribes in Manipur and Tripura. The work of delimitation is supposed to be entrusted to the Delimitation Commission set

[Shri Hajarnavis]

up under the Delimitation Act, 1962. The associate members will advise and sit with the Delimitation Commission. Now, in respect of each of Himachal Pradesh, Manipur and Tripura, three members of the Legislative Assembly will be associated and in respect of Pondicherry, where there are no parliamentary constituencies, which they are required to delimit, only three members of the Assembly will be associated.

In the case of Goa, Daman and Diu, the Assembly would not have come into existence before the delimitation and so the provision for the association of Assembly Members is not there.

Then there are the usual provisions about the Consolidated Fund, the Contingency Fund and audit reports. Then there is clause 50 where the President has been given the power to issue directions and to take action in the event of failure of the proposed arrangement. I have mentioned more than once that we shall be financially responsible for these Territories in spite of their autonomy, because their resources are slender and we shall have to constantly keep in touch with the administrations. In case it is found that the arrangement does not work, the President will, firstly, have the power to give direction; secondly, he might even go to the limit of suspending it.

Then the procedure regarding standing committees is on the usual pattern. Then we have got a provision regarding provisional legislatures. Sometime last year, there were elections to Territorial Councils in Himachal Pradesh, Manipur and Tripura where they were chosen by direct elections. We are now passing through an emergency. We cannot have an election now so soon after the elections held last year. Therefore, the provision is that these Territorial Councils will automatically transform themselves into Legislative Assemblies.

Shri Hari Vishnu Kamath (Hosangabad): In other Territories?

Shri Hajarnavis: It will be held in Goa.

Shri Hari Vishnu Kamath: There the emergency does not apply?

Shri Hajarnavis: Where it is essential, we do it. If it can be dispensed with in this emergency, we dispense with it. We behave prudently as rational human beings.

Shri Hari Vishnu Kamath: Because the Congress party is not in a majority in the other areas, you want to have elections there.

An Hon. Member: Who can say that?

Shri Hajarnavis: Then there are provisions relating to the services which will have to be adjusted. Some of the employees had gone to the administration and some to the Territorial Councils. They will all now be put under the administrations.

I have already said that the local administration will sit in the Zonal Councils so that common problems can be discussed. Pondicherry, Karaikal, Mahe and Yanam would go to the Southern Zonal Council whereas the rest of the Union Territories on the west will go to the Western Zonal Council.

Then there are other consequential and ancillary provisions.

The Union Territories are exceedingly anxious to have their own local legislatures and local administrations. On behalf of the Home Minister, I express gratitude to the House in agreeing, at great inconvenience to itself, to sit beyond the usual hours to consider this Motion.

Shri Hari Vishnu Kamath: We are always ready for it.

Shri Hajarnavis: I hope we shall be able to commit this Bill to the Joint

Committee before we rise for the day.
I move

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters be referred to a Joint Committee of the House consisting of 45 members, 30 from this House, namely:—

Shri R. Achuthan
Shri Ramchandra Vithal Bade
Shri Laxmi Narayan Bhanja Deo
Shri Brij Basi Lal
Sardar Buta Singh
Dr. Antonio Colaco
Sardar Daljit Singh
Shri Dasaratha Deb
Dr. P. D. Gaitonde
Shri R. M. Hajarnavis
Shri Gauri Shanker Kakkar
Shri R. Keishing
Shrimati T. Lakshmi Kanthamma
Shri Lalit Sen
Shri R. N. Yadav Lonikar
Dr. Mahadeva Prasad
Shri Dhuleshwar Meena
Shri Mohammad Yusuf
Shri H. N. Mukerjee
Shri Partap Singh
Shri Man Singh P. Patel
Shri Surendernath Dwivedy
Shri S. V. Krishnamoorthy Rao
Shri R. V. Reddiar
Shri Sanji Rupji
Shri Era Sezhiyan
Shri S. T. Singh
Shri Hari Charan Soy
Shri N. M. Wadiwa; and
Shri Lal Bahadur Shastri.

and 15 from Rajya Saba;

that in order to constitute a sitting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 15th day of April, 1963;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

Shri Daji (Indore): I am standing to speak on this Bill more as a substitute speaker, and only because of the fact that the true and real representatives elected by the people of Tripura are clapped behind bars and are not here in the House. Otherwise, it would have been their legitimate function to participate in the discussions relating to their Territories.

Before I offer my comments to the Joint Committee on the Bill itself, I am constrained to observe that this is a serious restriction on the sovereignty of the people of that area whose future is being debated, discussed and decided, whose elected representatives are today unnecessarily, I make bold to say, without charge, without trial, without the slightest iota of reason, clapped behind bars. May I point out to the House that one of them has been proposed on the Joint Committee? He is still kept in jail, thus being deprived of his right as a Member of the House either to participate in the proceedings before the House or to participate in the deliberations of the Committee. It is under these unfortunate circumstances

[Shri Daji]

that the duty has fallen upon me to speak on the Bill.

I am saying this not merely out of because these two Members were here in the last session. In the interval of the last session they were in Delhi. They were not arrested during the worst days. They returned to their area only in December when the House adjourned, and before they could come back to Parliament for the January session, they were arrested.

This is not an isolated fact. In the Tripura Council 13 Members are Communists. Out of them, 12 have been arrested. Only one is left out. It is a virtual reign of terror that you have let loose there.

This Bill is really an irony because it is a vindication of the election programme on which these hon. Members who are behind the bars today, fought the election and of course defeated the Congress. This was the main plank of their election platform and this has fructified partially. It is really an irony of fate that they are behind bars.

In every other case the hon. Minister has an alibi, a standing alibi, namely that the Centre has nothing to do with the arrests, it is the Chief Ministers who are responsible. But in respect of these cases, may I appeal through you to the Home Minister? He is a very considerate man, a very gentle man—not gentleman, but gentle man. In this case he has no alibi because they are Union Territories, and therefore, if he really means to consider these cases, this is an occasion and opportunity, and in justice and fairness he should, before the Joint Committee meets and deliberates, he should and he must release those comrades, allow them to take their rightful place in the midst of the people and in the Joint Committee to really contribute their experience and their feelings and the represen-

tations of the people of that area in the Committee and before the House.

We of the Communist Party in Tripura and at the all-India level, have been, in fact, campaigning for wider powers to these Union Territories for the last ten years and more. We submitted the same scheme to the States Reorganisation Commission. It is really a matter of regret that all these years wisdom did not dawn upon the Government that the feelings and the rights of the people of this area also deserve some respect and consideration.

The Territorial Councils were created. What were they? Exalted municipalities at best.

Shri Hari Vishnu Kamath: Glorified.

Shri Daji: And the result was great, widespread dissatisfaction among the people and then struggles, mounting struggles. We are proud that in the beginning the struggle was initiated by us, but it is also a fact that large sections of the Congress joined the struggle, and that an elected Member of Parliament of the Congress resigned his seat. There were divisions and differences in the Congress itself. All the other parties joined together. The Central Government now finds that the people are not satisfied with these decadent councils and their dissatisfaction cannot be assuaged like this and something more needs to be done. Therefore, this Bill has come. It is belated wisdom. It does not matter. We are anxious to co-operate with them. Though we agree with our hon. friend from Hoshangabad that the rules should not be suspended and the Bill should not be hurried like this, we are ready to sit extra-time because the Government has made a commitment to the people of the area and we agree with the substance of that commitment and want to co-operate with them. But we cannot but point out that the Government does this

after full ten years, after the people have been clamouring and demanding it.

Its history is not simple as given by the Minister. There are some facts which he has omitted. Manipur and Pondicherry had elected legislative assemblies before their merger. In the case of Pondicherry, even under foreign rule, French rule, it had a sovereign elected assembly. It was so in Manipur also. We abolished them and substituted them with councils, truncated councils. What would be the feeling of the people there? Under foreign rule, they had wider powers and more substantial rights. Now after freedom and merger with India, the Indian Parliament is ordaining for them a truncated assembly. This aspect of its history cannot be forgotten. It will be utterly wrong to forget this.

All these years the argument was that small units were not viable financially and that the expenses cannot be met. Now, all that argument cannot hold good and they fall to the ground. Financial expenditure is anyway made by creating a body of 30 or 40 people. Then why not give more powers, full powers? That is the crux of the question. The question of financial stringency and all this talk is moonshine and meaningless. As a matter of fact, as matters stand at present, the Central Budget is being used to give subventions even to the biggest of States. I come from the biggest State in the Indian Union and perhaps my State has got to depend most on the Central assistance. Most States do so. So, these units also will depend upon the Centre. There is nothing wrong about that. Therefore, all these past pretexts had been come over by the force of the people's united struggle there; by their unity. It was not a sectional movement. It was a really national movement cutting across party lines embracing those territories. It is their strength and will that has made the Government to see wisdom. I am glad

that that struggle is being vindicated in the form of this Bill. At the same time the truncated nature of the powers that you are giving them through this Bill on the one hand and the justice that you deny them by the other hand necessitates their struggle. This will not satisfy their aspirations and these territories will move forward for further justified and constitutional struggles to wrest from the Government full and sovereign rights. It is really very ironical, as I consider it. We, the elected representatives of the people, we who are here on the basis of adult suffrage and democracy, are constituting ourselves into a superior body and giving or offering inferior status and powers to those States. It is really ironical. It can be understood if it were a foreign Government. When the Secretary of State for India sits in England, and drafts this, we can understand. But for the Law Minister of the Government of India to draft this and present it to us here is really exasperating.

18 hrs.

Shri Hari Vishnu Kamath: They are successors to the British Government.

Shri Daji: True they are successors to the British Government, but I do not think that they are successors in mentality also, of the British Government. This is really exasperating. I say there is no right to do it. How can we do it? We who are born of the people, who live among the people, and who draw our right from the people, when it comes to the question of giving power to Manipur, Tripura, Pondicherry and Himachal Pradesh, we are so sovereign and we think that we have a plethora of wisdom! Since the contract system is prevailing in India, we do it as if it is a matter of contract in regard to Manipur, Tripura, etc. We are miserly, and say, "take this much; we do not give full sovereignty". It is absurd. Why are you doing it? I cannot understand.

[Shri Daji]

Reading through every clause of this Bill, I was reminded of the Government of India Act of 1919 and 1935. This recalls to my mind the old British pattern of giving self-government by instalments: first, abolish the Legislative Assemblies there; and then give these territorial councils, and now you are giving these Legislative Assemblies in truncated form and in doses! What is this? Then, what is most surprising is that we have used the same pattern of phraseology as was used in the Government of India Act of 1935. There, the Governor-General or the Governor-General-in-Council had powers and responsibilities to be exercised in his discretion. You have borrowed that word 'discretion' also and have put it here. Here, the administrator will be exercising certain powers in his discretion. It is really surprising.

I would like to draw the attention of the House as well as of the Joint Committee particularly to certain clauses of the Bill. For example, let us take clause 3, sub-clause (3).

Shri D. C. Sharma (Gurdaspur): How long will the House sit today, Sir?

Shri Hari Vishnu Kamath: As long as it is necessary to pass the Bill.

Mr. Deputy-Speaker: Two hours is the time allotted for this Bill. We began at 5.30. The House will sit till 7.30 if necessary. There are several hon. Members wishing to speak. So, Shri Daji should conclude soon.

Shri Daji: This is a very important Bill. I have a few more points to make.

Mr. Deputy-Speaker: It will go to the Joint Committee.

Shri Daji: I am not on the Joint Committee, Sir.

Mr. Deputy-Speaker: You may make your suggestions.

Shri Daji: In sub-clause (3) of clause 3, there is provision for nomination also. The Government will nominate to an elected Assembly. The people will say, "Even the French Government did not nominate to our Assembly. But Parliament which has been elected by the people in India has a law which is retrograde even when compared to the French law". How can we accept this position?

Take the administrator. Who does this Bill say? The Administrator can speak in the Assembly. He is not only parallel to the Governor but much more. Even the President or the Governor cannot take part in the debates. But here the Administrator is part and parcel of the Legislative Assembly. What is this? Every meeting of the Council of Ministers will be presided over by the Administrator and not by the Chief Minister. Who is the Chief Minister then? Who is the Administrator?

Shri Hari Vishnu Kamath: Super-Chief Minister.

Shri Daji: The Bill says that the Council of Ministers shall be responsible to the Legislative Assembly. The Administrator is not responsible, but yet, the Administrator presides over the meetings of the Council of Ministers. I find a conflicting thing, or a conflict, between the functions of the Administrator and of the Council of Ministers. So actually speaking, instead of giving power to those who are responsible for the administration of the Union territories, you are giving all the power to the Administrator, and creating only advisers whose advice may be accepted or refused. He is not bound by their advice and even apart from the field of advice, he has a large field on which his personal discretion shall continue.

Take, for example, clause 23. Certain Bills cannot even be introduced without the prior consent of the Administrator. Take, for example the Bills that impose taxes. Taxes can

never be levied or even reduced by the Legislative Assemblies without the prior consent of the Administrator.

Dr. M. S. Aney (Nagpur): Do you not require the sanction of the President for introducing money Bills in this House?

Shri Daji: It is not only that. There are other provisions also in the Bill. Of course, for money Bills, the permission of the President is there. But in addition to that, there is the Administrator. There are wheels within wheels. It is something serious; Is the Administrator a super-President? Or, what is he meant to be?

Under clause 22, the sanction of the Administrator is required for certain legislative proposals. Similarly under clause 23 also certain important matters are left to the field of the Administration. Therefore, I cannot understand the logic of the Bill which seeks to give responsible Government and at the same time is miserly, niggardly and half-hearted in giving it. "You must give them full responsible Government.

The only logic behind this Bill is that you do not trust the people of that area. That was the logic of the foreign rule the British imperialism. They said, "We cannot trust the Indians fully; they will misbehave and ruin it." We are now putting ourselves in that position and telling the people of these areas—Manipur, Tripura, Himachal Pradesh and Pondicherry—that we cannot trust them with full Government and therefore, we give powers to the nominated Administrator over the elected Council of Ministers. This is not justice, fair-play and equity. I am sure the Joint Committee will reshape the Bill. Otherwise, as it stands, it will certainly go down in the history of constitutional law as a real cross-breed, hybrid product, which has no parallel even in the ingenuity of the Home Department of the British Government or the Secretary of State for India.

I do not understand how the question of Delhi has been omitted. The people of Delhi are agitating for self-government. The Minister should enlighten us as to whether there is any truth in the report in the Press that for Delhi what is being contemplated is only three or four advisers to the Chief Commissioner. Even the Congress Party of Delhi has reacted very strongly and rightly so against this. It will be an insult to the people of the capital. They are providing us, Members of Parliament, with all the amenities, but if the people of Delhi are to be denied the right of self-government it is like that famous phrase in Hindi: 'दिया तले अंबेरा' This is a great place of democracy and I do not think this is a good tradition to deny self-government to Delhi.

I am ending with the note with which I began. I would like the Minister of State to give us the assurance that the cases of our detenus in Tripura, Manipur and Himachal Pradesh shall be reviewed. They have been kept in distant jails. There are two M.P.s also. Can you not give some better treatment to even the Members of Parliament? Even the organ of the party in Tripura has been almost under harassment for no reason, just because it published a letter to the editor, and not even an editorial reproducing the speech of a Congress leader. That was the letter to the editor by a correspondent saying, this is the speech of the Congress President of the area; it is against Nehru's policy of national unity. For that letter to the editor, the paper has to deposit large sums of money. But we are having this scandal of the Lucknow exhibition and the Government is even now wobbling. I am ready to get the entire series of the paper examined by anybody. Even before the emergency it was consistently supporting the stand of the Government of India in regard to China.

Mr. Deputy-Speaker: The Home Ministry's demands are coming and he may say all this then.

Shri Daji: Yes, Sir; the same mentality of repression is reflected in this Bill also. We cannot treat the people of Tripura in this way. This Bill is giving all the powers to the Administrator, because you want to continue the tradition of repression. I hope the Joint Committee will reshape the Bill into a better and more respectable Bill for Parliament to pass. In the present shape, it is most unrespectable for democracy and Parliament.

श्री चौरभद्र सिंह (महामू) : उपाध्यक्ष महोदय, हमारे सामने माननीय गृह मंत्री जी का प्रस्ताव है कि संघीय प्रदेश बिल को सैलेक्ट कमेटी को भेजा जाये। ऐसा करने की वृत्त आवश्यकता पड़ी मैं न समझ सका श्रीमन् यह एक ऐसा बिल है जिस पर किसी को कोई आपत्ति नहीं हो सकती है। दूसरी बात यह है कि यह बिल एक, दो बातों को छोड़ कर गवर्नमेंट आफ पार्ट सी० स्टेट्स ऐक्ट जिसे इस सदन ने १९५२ में पास किया था पर आधारित है और इससे पहले कि वह बिल यहाँ पर पास हुआ, इस सदन ने उपा पर अच्छे तरीके से विचार किया। उसके हर एक पहलू पर विचार किया। श्रीमन्, यदि इस सदन की यह इच्छा है कि इस बिल को सैलेक्ट कमेटी को भेजा जाये तो मुझे कोई आपत्ति नहीं है, परन्तु मैं यह देखना चाहूँगा उप-अध्यक्ष महोदय, आप से और आप द्वारा सरकार से तथा इस माननीय सदन से कि इस बिल का संसद के इसी अधिवेशन में जरूर पास किया जाये। इस बिल के पास होने का यूनियन टैरीटोरीज में रहने वाली जनता बड़ी बेताबी के साथ इंतजार कर रही है।

श्रीमन्, संघीय प्रदेश बिल का मैं स्वागत करता हूँ। इस के लिये भारत सरकार व हमारे गृह मंत्री जी बधाई के पात्र हैं और यूनियन टैरीटोरीज में रहने वाले लोग इस के लिये उनके आभारी हैं। इस में कोई शक नहीं है कि इस

बिल में कई ऐसी बातें हैं जिनसे कि हमारे कई लोग संतुष्ट नहीं हैं। मगर जहाँ तक यूनियन टैरीटोरीज में रहने वालों का सवाल है वह इस बिल का अपनी तरफको का पहला कदम मानते हैं वह समझते हैं कि वह भी वक्त आयेगा जिस वक्त कि दूसरा कदम यह होगा कि वहाँ के लोगों को दूसरे राज्यों की भांति पूरे अधिकार मिलेंगे।

श्रीमन्, माननीय गृह मंत्री को इस बिल को लाने के लिये जिन जिन मुश्किलों का सामना करना पड़ा, जो अड़चनें उन के सामने आईं, वैधानिक व दूसरी वे हमें मालूम हैं। कुछ लोगों का यह विचार था कि केन्द्र प्रशासित क्षेत्रों में विधान सभा नहीं हो सकती, मंत्रिमंडल नहीं हो सकता। हमें इस बात की प्रशंसा है कि जो अड़चनें थीं वे दूर हुईं और अब यह बिल हमारे सामने आया है जिस से कि इन राज्यों में विधान सभा स्थापित होंगी, मंत्रिमंडल स्थापित होगा और वहाँ की सत्ता वहाँ के चुने हुए लोगों के हाथ में दी जायगी।

श्रीमन्, मुझे यह बतलाते हुए खुशी है कि जब से इस बिल के बारे में लोगों का मानस हुआ है, वह बहुत खुश हैं और इस फैसले से लोगों की महत्वकांक्षाएँ पूरी हुई हैं और लोगों का आम तौर पर तसल्ली हुई है।

जहाँ तक इस बिल के प्राविजस का सवाल है मुझे दो, तीन सुझाव देने हैं जिन पर मुझे आशा है कि सैलेक्ट कमेटी द्वारा महानुमतिपूर्वक विचार किया जायगा। मेरा पहला सुझाव यह है कि हर एक यूनियन टैरीटोरी में पहले भी है और इस बिल के मातहत भी एक ऐड-मिनिस्ट्रेंटर होगा। इस वक्त कुछ यूनियन टैरीटोरीज हैं, जैसे कि हिमाचल प्रदेश है, गोआ है, वह यह चाहते हैं कि जहाँ पर इस वक्त लेफ्टीनेंट गवर्नर है, और इस बिल के पास होने के बाद भी उपराज्यपाल रहे, लेफ्टीनेंट गवर्नर रहे। उसके पद में कोई कमी न हो। इस बिल में कहीं यह व्यवस्था नहीं की

गई है कि जो वहां ऐडमिनिस्ट्रेटर होगा, वह नाम उपराज्यपाल भी कहलाया जा सकेगा मुझे भानूम है कि संविधान के आर्टिकल २२६ (१) सेक्शन में यह प्रोवाइड है कि राष्ट्रपति जी हर एक यूनियन टैरिटोरी के लिये ऐडमिनिस्ट्रेटर नियुक्त करेंगे और उस ऐडमिनिस्ट्रेटर को वह चाहे कोई भी डेज़ीगनेशन दे सकते हैं। परन्तु मेरा सुझाव है कि अगर हम एक अमेंडमेंट कर दें तो इस; में कोई शक की गुंजाइश नहीं रहती है और वह अमेंडमेंट यह है ;—

In clause 2 after Sub-clause I (h) a new para may be added.

Any reference in this Act to the Administrator shall in relation to a Union Territory for the time being administered by the President through a Lieutenant Governor be construed as a reference to the Lieutenant Governor."

श्रीमन्, मेरा दूसरा सुझाव यह है कि इस बिल में यह व्यवस्था की गई है, मेरे स्थान में सेक्शन ४४ है, कि वहां जो मंत्रिमंडल होगा उस की बैठकों में ऐडमिनिस्ट्रेटर प्रीसाइड करेगा। जैसाकि पहले बताया गया है ऐसी व्यवस्था डेमोक्रेटिक प्रिंसिपल्स के खिलाफ है, यह लोकतंत्र की भावनाओं के विपरीत है और जबकि हम इन को यह मंत्रिमंडल देने जा रहे हैं तो कम से कम मंत्रिमंडल के विषय में, कैबिनेट मीटिंग्स के विषय में जो प्रोसीज्योर, जो तरीका दूसरी स्टेटों में अपनाया जाता है वही तरीका यूनियन टैरिटोरीज में भी अपनाया जाये। देश के किसी भी राज्य में कैबिनेट मीटिंग पर गवर्नर प्रीसाइड नहीं करता तो मैं नहीं समझता हूं कि यूनियन टैरिटोरीज में ही कमें ऐडमिनिस्ट्रेटर के वास्ते प्रीसाइड करने की व्यवस्था रखी गई है ?

श्रीमन्, इस में हमें एक और आपत्ति भी है। यह जरूर है कि हिमाचल प्रदेश में पहले पार्ट सी० स्टेट्स ऐक्ट के अर्धीन भी उपराज्यपाल होता था और वह कैबिनेट मीटिंग में भी प्रीसाइड करता था तो आम तौर पर क्या होता था कि लेफ्टिनेन्ट गवर्नर कैबिनेट के कुछ मिनिस्ट्रों के साथ मैनीपुलेट कर के चीफ मिनिस्टर को जोकि लोगों का चुना हुआ लीडर है, जोकि हाउस का लीडर है, उस को इनएफैक्टिव बना देते थे। अग्रभावी बना देते थे। इस प्रकार से जो चीफ मिनिस्टर के ऊपर जिम्मेवारी है, वह उसे अच्छी तरह से निभा नहीं सकता था और सरकार के चलाने में गड़बड़ होती थी। मेरी अपील यह है कि इस बात को भी ध्यान में रखा जाये। यदि इस के लिए भी एक संशोधन माना जाये तो यह भी किसी हद तक हल हो जायेगा वह यह है :—

For Clause 44 and Sub Clause 2 substitute the following:—

मैं इसलिए सब्स्टीच्यूट कर रहा हूं क्योंकि जो मैं संशोधन करना चाहता हूं अगर वह मान लिया जाता है तो इस क्लॉज का रूप ठां बिब्लिकल बदल जायेगा। इसलिए मैं ने कहा है कि उस की जगह पर यह नया क्लॉज लगा दिया जाये तो यह ठीक रहेगा। इसलिए मेरा सुझाव है कि इस बिल के मौजूदा क्लॉज ४४ के सब क्लॉज २ के बदले यह सब्स्टीच्यूट किया जाये :—

"The Chief Minister or if he is not present such other minister as may be determined by the rules made under Sub-Section (1) of clause 46, shall preside at meetings of the council of ministers."

श्री हरि विष्णु कामत : निहायत दुस्त है ।

श्री बोरभद्र सिंह : इस के अलावा मुझे आप को एक सुझाव और देना है और वह यह है कि जब हिमाचल प्रदेश में विधान सभा थी तो उस ने एक पंचायती राज्य ऐक्ट बनाया था और जिस वक्त वहां पर पार्ट सी० स्टेट्स सैट अप खत्म कर दिया गया और यूनिजन टैरीटोरीज बिल संसद् ने पास किया तो उस के मातहत जो पंचायत राज्य ऐक्ट था वह भी खत्म हो गया । उस वक्त उस पंचायत ऐक्ट के अनुसार वहां पर डिस्ट्रिक्ट पंचायत बनी थी । इस समय हम जो यह बिल पास करने जा रहे हैं उस से वह ऐक्ट अपने आप रिबाइव नहीं होता । इसलिए मेरा सुझाव है कि एक और अमेंडमेंट पर सेलेक्ट कमेटी गौर करें और वह यह है :-

"Under Section 58 after Sub-Section (1) clause (a) add the following Sub-Section.

(i) The amendments brought about by Section 64 of the Territorial Councils Act, 1956 in the Himachal Pradesh Panchayat Raj Act as contained in the Schedule thereto, stand automatically repealed and the H.P. Panchayat Raj Act, 1952 as it stood on that date will be deemed to be revived.'

इन शब्दों के साथ मैं इस प्रस्ताव का समर्थन करता हूँ और फिर से माननीय गृह मंत्री और भारत सरकार को धन्यवाद देता हूँ ।

18.19 hrs. .

[MR. SPEAKER in the Chair]

Shri Narendra Singh Mahida: Mr Speaker, Sir, formerly we had the Part C States in 1951. These were abolished in 1956. Now we are having a repetition of having small States. I do not know what the Government proposes to do off and on. Sometimes

we create States; sometimes we abolish them. Of course, it is the pleasure of the Government. But I am not of the opinion that we should create further liabilities of States and their Assemblies for Union territories. This will be unnecessary expenditure. When we are having panchayats, why can't we have bigger panchayats there instead of creating State Legislatures. I would rather suggest that we scrap up all the States and only have five States, the Northern, Southern, Eastern, and Central. That would be more proper than creating smaller and smaller States. Then we shall have problems of languages and various things.

There is only one happy features of the Bill and that is the new oath. That is a good thing that the Government of India has put in now. We are going to have new forms of oath or affirmation. That is a welcome thing. But, I am sure, this experiment we may have to change after some time. Probably these territories are backward and we want them to come to our standard. Whether this is the correct way, its wisdom, only time will prove.

Clause 10 is about the powers of the Administrator. Something very strange is there. The Administrator is supposed to be something like a Governor. He will be also the Chief Minister. He will not be entitled to vote and yet, his say will be final. It is something very strange. I do not know this working is going to improve matters. It will mean that the Administrator will be a dictator. He will be the *de facto* ruler practically in these matters. This is democratic set up as we say; I do not see democracy in this set up. I have been a student of law. I have never heard of this sort of arrangement. We may say that the Administrator is the Chief or something. In international law, I have never come across such a power. Though selected by the President, he is given such powers. He is able to be present in the Assembly

or Council. He can give advice; but he cannot vote. Yet his say is always final. That means that these Assembly Members or Councillors are there for the sake of giving advice. We give them the lure of these elections or election whatever we may say, and will give them allowances pensions as I call them. Yet, these elected people will not be asked to give their opinion in a final way.

Then, there is clause 52 which is a very curious provision. Clause 4 (f) is about the appointment or succession of chiefs. In one way, we have abolished Chiefs. Here, in these small territories, we are reviving them. It is very strange that succession matters will be decided by the council in the case of Manipur. I have no objection to this. Because Manipur is rather a backward area and in that way, it does not go with our present set up. If the Home Minister thinks that this is a temporary measure till these territories are in line without traditions of democratic set up, I am quite agreeable to that provision.

I fail to understand why Delhi has not been included. Probably the Home Minister thinks that Delhi is not backward and Delhi has no need for this. Probably, a person in the position of an Administrator or this set up in the Delhi Union territory will be quite powerful personality and to escape this, he has not given that to Delhi. He must clearly say why Delhi has not been included when the demand has been so much for some sort of a democratic set up in Delhi. Probably, because it is the capital and there are so many Central Government Ministers are here and Parliament is here and Delhi does not require this. Then, he must be clear that Delhi does not need these things and Delhi will never have these things.

Shri Hari Vishnu Kamath: There are about seven hundred Members in both the Houses of Parliament here.

Shri Narendra Singh Mahida: My objection is not to the Bill as a whole.

But I do not see any necessity why when a set-up can be established on the lines of larger panchayats, this kind of increase in expenses should be there. They do not naturally want any democratic set-up, such as the one we have; they have their own systems, and if desired, we can make some improvements on the same. I think that the British system of having a political officer was quite good. A political officer drawn from the military services and appointed and given these broader powers could have served the purpose. There is no necessity for giving these things to the backward tribes and giving them these allowances and things like that. I think that this will only create more trouble and quarrel about various things. But this is an experiment and let us try it.

Shri Virbhadra Singh: Do you think that the people in the Union Territories are not capable of governing themselves?

Shri Narendra Singh Mahida: But why should any special rights be given to them?

Shri Virbhadra Singh: Should they be again deprived of the rights that were denied to them so far?

Shri Narendra Singh Mahida: I do not want to enter into an argument with my hon. friend. But, as I said, this is an experiment, and let us try it. I am not opposing the Bill as a whole, but these are the suggestions which I have stated, and all the powers of the administrator must come from a democratic set-up.

Shri S. T. Singh (Inner Manipur): On behalf of the people of Manipur, I express my gratefulness to the Minister of State in the Ministry of Home Affairs for having brought forward this long-awaited Bill. The Bill will give a lot of chance to the local people to develop all round. All developmental works have been suffering for so long under the one-man-rule, and the people have no say in road construction, planning work

[Shri S. T. Singh]

and other developments. The local men are no where, and only the Chief Commissioner has got his own say. Consequently, all development works have been suffering like anything. But now with the introduction of this Bill, the local men will have a great say in all the development works.

So, I welcome this Bill, and the sooner it is passed, the better it will be for the local people who have been neglected for years.

Shri A. N. Vidyalankar (Hoshiarpur): I welcome the proposals, and I am glad that the Home Ministry is keen to get this Bill passed during the present session. I do not propose to deal with all the details, because I am sure the details will be looked into by the Joint Committee and they will properly scrutinise all the provisions.

I would only refer to two points especially which I consider to be the basic points. One is that the administration of these hilly areas should be looked into from the point of view of our Himalayan defences. I think that at present the administration of these hill areas is the weakest link in our border defences. I am glad that this Bill has been brought forward and I am sure that when the new set-up will come into existence it will help. But I feel that these hill areas that are contiguous should be unified, because the administration of the border areas should be powerful and should not consist of the small States. The administrative set-up should be such that the whole hill area should be consolidated into one unit, especially Himachal Pradesh and some parts of Kangra and other areas should be consolidated into one administrative unit so that the defences also could be consolidated—the civil defences and the military defence, both should be strengthened properly. Therefore, I think from the administrative point of view, it would be more reasonable and more suitable that on borders there should be bigger States, not a

smaller State. From the linguistic and other points of view also, I think, it would be better and more helpful if all those people who practically speak one language—and they have the same culture—are united into a single bigger State.

The other point that I wanted to make was that in these areas, so far, the progress development work has been very insufficient. It has not been rapid; it is very slow. I think, when certain powers will be given to the people there, that will help, but I hope the Central Government will continue to extend its financial help which, at present, it is extending to Himachal Pradesh and other areas. I hope they will not be deprived of the financial aid which is very necessary and that the Central Government will itself prepare a plan for the development work so that the employment potential of these areas is raised. This is very necessary because, at present, most of the people leave their hearth and home and come to the plains and those areas practically remain unpopulated. Therefore, what we should desire from the defence point of view is that the people should live there and the people can live there only if the employment potential of those areas is raised. At present, we are doing something. But, I do not think, we are doing enough. I think that the Government of India should make plans and help these areas so that their development is much more rapid. These are the points that I wanted to raise.

Shri Hari Vishnu Kamath: Mr. Speaker, Sir, I support the Bill in principle. But, like the proverbial curate's egg, it is good only in parts and I am confident that the Joint Committee will make suitable alterations or modifications in the Bill so as to bring it in line with the concept and the practice of democracy which we all cherish.

The Bill that is before the House bristles with inconsistencies, incon-

gruities and contradictions and the motion made by the Minister, and also by the Minister of State, is not immune, is not exempt from a similar defect. I have, therefore, tabled three amendments to the motion made by the Minister, and you, Sir, had them circulated a long time ago. The first one is a minor one. I would not move it.

Mr. Speaker: The first is not to be moved.

Shri Hari Vishnu Kamath: But I would like to move amendments Nos 2 and 3 for the sole purpose of focusing the attention of the House and your attention, more than that of the House—the House is very thinly represented—more to your attention—to Rule 74 which has been brought into operation in this case. You will kindly see the wording of Rule 74(iii)—that it be referred to a Joint Committee of the Houses with the concurrence of the Council.

There were two Bills before the House in the last session. One was the Constitution (Fifteenth Amendment) Bill and the other the Constitution (Sixteenth Amendment) Bill. The Motion regarding the fifteenth did not use that phraseology with the concurrence of the Council; the motion regarding the Sixteenth did. I will read out that part of the Motion regarding the sixteenth which was moved by the Law Minister at that time:

“That this House recommends to Rajya Sabha that Rajya Sabha do concur in the motion”.

Now, I wish to bring to your notice this salient feature with regard to this rule, that if you once provide for concurrence of the Council in the rule itself, this House will stultify itself. It will detract from the powers of the House; it will seek to diminish, if not abrogate, the power of the House with regard to consideration of a Bill of this nature. That means that if we provide in the rule that without the concurrence of the Council the

Joint Committee cannot work, that hamstrings the working of this House. If it is insisted upon that the Motion should conform to the rule, then the wording of the Motion should be changed. The Motion does not use the word ‘concurrence’.

My amendment is to the effect that either the Rajya Sabha concur in the Motion or alternatively—I give an alternative also—we embody the purport, the wording, of this rule in the Motion before the House. Either we do this or, at a convenient occasion at some future date—very near future—we amend the rule so that the inherent powers of this House are not subordinated to or made dependent upon the concurrence of the other House.

Mr. Speaker: The Motion only says that Rajya Sabha do join the said Joint Committee.

Shri Hari Vishnu Kamath: According to the rule, we must have the concurrence of the Rajya Sabha. This is why my amendment says ‘concur in the motion’.

Mr. Speaker: If the hon. Member's amendment is accepted, it means that if they do not concur, then the whole thing goes.

Shri Hari Vishnu Kamath: That is why I said in the beginning that I want to move this amendment only to focus the attention of the House and your attention on the incongruity of the wording of this rule which—as it is worded—will affect the powers of this House. I will not press it to vote. I will only move it just to invite attention to the rule—as it is which should be amended suitably so that the powers of this House are not affected in any manner.

Mr. Speaker: The second is not pressed.

Shri Hari Vishnu Kamath: Neither the second nor the third will be pressed. It will be moved only.

[Shri Hari Vishnu Kamath]

Now I come to the Bill. As I said earlier, it is a mass of contradictions and incongruities. First, the Bill seeks to provide a Legislative Assembly for each Union Territory. Now, as the statement of objects and reasons makes it clear, this Bill is an atavistic throw-back to the Part C States Act which obtained there in 1951. Subsequently, the Act was repealed, when the States Reorganisation Bill was passed by this House and the enactment came into force.

18.24 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

So it is a throw-back to the old Part C States Act, that too to some of it, as the statement of objects and reasons makes it clear.

Now the emergency came upon us like a lightning in October last year. The Minister takes cover, shields himself, behind this emergency so as to provide for elections in some of the Union Territories while he has not considered the emergency as a bar to holding of elections in some other Union Territories. It is strange logic. Only the Minister of State who hails from Bhandara can understand his own logic.

Shri Hajarnavis: What is wrong with Bhandara?

Shri Hari Vishnu Kamath: That is the way in the British Parliament, in the House of Commons, they refer to a Member as from such and such a constituency. He may refer to me as the hon. Member from Hoshangabad when he replies, I do not mind, out that is the practice in all Parliaments, not to refer to a member by name, but to refer to the constituency from which the hon. Member comes.

Shri Hajarnavis: I have no objection if he makes any disparaging remarks about me, but Bhandara should be out of it.

Shri Hari Vishnu Kamath: I am sorry. I hope he reads his Hansard

more than he does at present. He will see in every debate that Member is not referred to by name at all, but always as the hon. Member from such and such a constituency, just as my colleague a little earlier referred to me as from Hoshangabad. I did not mind it.

Shri Hajarnavis: I agree. But so far as this House is concerned, we have evolved a convention to refer to the Members by name.

Shri Hari Vishnu Kamath: No. There is no such convention at all. Any way, there is no binding convention. You may adopt it.

श्री भक्त दर्शन (गढ़वाल) : माननीय सदस्य श्री कामत इन बातों पर समय बरबाद न कर के असली बातों पर आ जायें तो प्रच्छा हो ।

श्री हरि विष्णु कामत : आप को असली बातें समझनी हैं तो जरा सब्र कीजिये ।

Mr. Deputy-Speaker: He can address him as representing the constituency.

Shri Hari Vishnu Kamath: That is what I did, and he took offence, he took umbrage. I do not know what is wrong with Bhandara.

According to the Financial Memorandum attached to this Bill, if you will kindly have a look, the burden upon the Central Exchequer will be about Rs. 20 lakhs per annum. On page 40 of the Bill, it is said:

"The following figures which are based on the estimates of revenue and expenditure for the year 1962-63 give some idea of the magnitude of such assistance."

It runs into crores. I thought, I was under the impression, that during the emergency we would see to it that as little additional burden was thrown

upon the Exchequer as possible. I would, therefore, have welcomed the elections to the Lok Sabha and the Rajya Sabha from these Union Territories to start with, and much would not have been lost if the creation of such legislatures as are sought to be provided in this Bill, these mock democratic legislatures, were postponed till after the emergency is over. If it was full-fledged, full-blooded democratic legislatures in the Union Territories, I would have welcomed that, but there is no point in providing for these anaemic, mock legislatures in the Union Territories and burden the Exchequer further. I therefore would suggest that these legislative assemblies sought to be created in the Union Territories should be full-fledged and full-blooded parliamentary democratic structures, and not this half-hearted apology for parliamentary institution.

Then, I would invite your attention to the point made by the Minister of State about fresh elections. The existing Councils will be automatically transformed by the magic wand of the Congress Government into the legislative assemblies of these Union Territories, (*interruption*) with your party's approval, the embattled cohorts you have got here. Even though we vote against it, you will carry it, I know, with your brute majority.

Therefore, is there any point in providing for elections in some territories, I suppose in Goa, Diu and Daman and Pondicherry, and no elections in Manipur, Tripura and Himachal Pradesh? It is a blinding glimpse of the obvious. It is all right for you in those councils where you have got a majority. You do not risk elections where the Congress Party may be reduced to a minority. That is the only ground, no other, for not ordering elections in those territories of Himachal Pradesh, Manipur and Tripura but only for Goa, Daman and Diu and Pondichery. If the Government is honest and courageous, virtues which I am not sure they have, they would have agreed to

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elections in all these Union Territories before this new set-up comes into operation. It is dishonest and cowardly not to have elections in these Territories and I hope that the Joint Committee will recommend that elections should be held in all the Union Territories.

One last word and I have done. I find from the Bill that there is no provision for representation of Goa, Daman and Diu and also of another Union Territory in the Council of States, the Rajya Sabha. Article 80, clause 5 of the Constitution provides that the representative of the Union Territories in the Council of States shall be chosen—mark the word 'shall', Sir, in such a manner as Parliament may by law provide. It does not mean that Parliament may not provide it at all. I do not quite know the legal construction. The representative 'shall be chosen'. The manner is to be prescribed by Parliament—the manner of representation of the Union Territories in the Rajya Sabha is left to us to decide. I am sure it does not mean that any Union Territory should be left without any representation in the Council of States. I do hope, therefore, that the Joint Committee will take adequate note of this constitutional provision and ensure that all these Union Territories will have some representation in the Rajya Sabha as well.

As I said at the outset these inherent contradictions of this Bill must be resolved before this enactment can be dovetailed into the democratic institutions which we have brought into being under the Constitution which the people of India gave unto themselves thirteen years ago.

Mr. Deputy-Speaker: Shri Rishang Keishing. You are a Member of the Select Committee. Still you want to speak? All right. Two minutes.

Shri Rishang Keishing (Outer Manipur): Sir, at last I am glad that this Bill has been brought forward

[Sri Rishang Keishing]

by the hon. Minister of State for Home Affairs. The House is well aware that the people of these territories have been longing and asking for self Government. In fact they have suffered for the political status that has been proposed in the Bill. The basic object of the Bill is stated to be that Legislative Assemblies will be provided in each of the Union territories with a Council of Ministers. It is further stated that the Council of Ministers shall be collectively responsible to the legislature. That is well and good. But so many provisions and provisos have been inserted in the Bill to curtail or rather to nullify this basic objective. As some hon. Members have pointed out, the Administrator is wholly responsible for the maintenance of law and order in some of the territories like Manipur, Himachal Pradesh and Tripura. Besides that, under clause 10, the Administrator has not only the right to address but to take part in the proceedings of the Assembly. Again, under clause 44(2), he has to preside over the meetings of the Council of Ministers. I do not know whether we should consider the Administrator as Chief Minister No 1 and the Chief Minister as Chief Minister No. 2.

Besides these, the Administrator has so many financial powers. The Assembly will have no powers without his recommendation, or sanction to introduce or move any Bill. For every little matter relating to finance, the Assembly will have to approach the Administrator and take his recommendation or sanction or advice. That is too much.

Then, the Administrator has got wide legislative powers. Everything is almost controlled by him. Under clause 23 (1) and clause 23(3), Assembly has to take his sanction for the introduction of any Bill, and also for any Bill which would involve expenditure from the Consolidated Fund of the territory. This, on the whole, I think that 75 per cent of

the power supposed to be transferred to the Legislative Assemblies are given to the Administrator. So, my own reading of this Bill is that it has given more power to the Administrator than ever before. I do not think that the Administrator or even the Lt. Governor in the old Part C States had so much power. Even in the present set-up, the Chief Commissioner has not got so much power, but now it has given so much power to the Administrator. The Bill as it is has given 75 per cent of the powers to the Administrator.

In the Bill it is mentioned that either one of the local languages or Hindi is to be used as the official language. I do not know of other areas, but I am concerned with Manipur, and there, most of the tribal people can neither speak Manipuri nor Hindi. So far as the tribal people are concerned, we have to use English. Even in the Territorial Councils we use English. So, this language problem has to be tackled in such a way that either English has to be retained as an associate official language or some such thing should be done. I think the Joint Committee will take that into account.

I am particularly concerned with the Standing Committee of the hill areas. Clause 52 of the Bill has given some provisions for especially safeguarding the tribal areas; that is, there are some provisions for special safeguard of the tribal areas. I am glad that this has been done, and these provisions have been inserted particularly for Manipur.

Mr. Deputy-Speaker: The hon. Member is a Member of the Joint Committee and he can move amendments there.

Shri Rishang Keishing: Yes; but please allow me to finish. There are 8000 square miles of hill areas in Manipur with over 30 per cent of the total population. In regard to the special provisions in this Bill, it has been copied the provisions for the

autonomous districts of Assam. That is clause 3 of Schedule VI of the Constitution has made certain special provisions for the autonomous districts of Assam. The House is well aware that in Assam this is going to be changed. Already, the hon. Prime Minister has offered some autonomy on the Scottish pattern for the tribal areas. In Nagaland, there is a wide safeguard given now, and I do not know how far the present provisions will be agreed to as adequate by the Manipur Tribals, and how far they will be suitable for them. In view of the said impending changes, I think the House has to keep in view the point that 8000 square miles of Manipur being a tribal area, these provisions may not be acceptable to them. So, this question may also be examined.

There is a demand for separate districts for the hill areas. At present, Manipur as a whole is one district whereas Nagaland which is smaller than Manipur has three districts. Every section of the tribal people there has been demanding that there should be three or more districts. Out of the total area of 8700 square miles, 8000 square miles which form the hill area may be divided into two districts of 4000 square miles each for the convenience of proper development of the tribal areas and for the convenience of administration. The valley comprising 700 square miles may form one district. So, they have been demanding three districts including the valley. But the Government of India has not accepted it up to this time. Either they suspect the tribal peoples' loyalty or somebody has instigated them that these people will disloyally act against the Government of India if it is concered. But I may submit that suspicion on them by the Government of India will be quite harmful to the country. It is only by having confidence in these people that you can safeguard the interests of the country.

I can assure the House that the tribal people of Manipur have been and will be solidly behind the Gov-

ernment of India; but their reasonable demand should be conceded also. Do not take advantage of our goodness. We have not been agitating like some of the people of Nagaland against the Government of India. The tribal people of Manipur have been very loyal and they have been standing by the Government of India, but you penalise them. The impression among the tribal people will be that, to be good with the Government of India is bad. We do not want and try to break away from the Union of India but we want to have some districts. To say that you will not concede this demand because we have been all along loyal is very bad. This will infuriate the tribal people. Just as in the case of Nagaland, here also the President should declare Manipur into some districts and there should be three districts, as I have already explained.

The provisions of the Bill have, therefore, to be amended on these lines. I am sure that this House will consider it and make it a model Act when it is passed and make it a workable measure for these areas. I believe these points will receive the sympathetic consideration of the House.

Dr. M. S. Aney: Sir, in the first place, I very much regret that this important Bill is being debated before a House which is so thin. If somebody counts the number of Members and it is recorded, later on somebody may even question the validity of the law passed by us here. I am not worried so much about the legal aspect. But this will be considered as a measure of the interest which the Government of India takes in the affairs of the Union Territories for which form of a Government is being provided now.

Shri Hari Vishnu Kamath: Very well put.

Dr. M. S. Aney: Not only that. You have to show to the people of these territories that this is done with a full feeling of affection for them and regard for their welfare. We must carry that impression when we make a law for any Union Territory, so that that

[Dr. M. S. Aney]

law may be welcomed by them from the bottom of their heart. But the attendance in the House is rather discouraging. I hope when the Bill comes back from the Joint Committee, we will make a better show and give proof of the deep interest of the people of India for the people of these Union Territories.

The second point was touched by my hon. friend, Shri Kamath, who always finds out the legal subtleties. The important point is this. This is a motion for reference to a Joint Committee. It is open to this House to bring a motion for referring the Bill to its own Select Committee if it likes. But if it is a motion for reference to a Joint Committee, it will have to make some arrangement for the sake of getting the consent of the other House. That House also has got an independent right of joining with you or not. They have got the right to give their co-operation or not give it. If there is some subtle difference between "concur" and "consent", I leave it to the Members of the Select Committee to decide. What is necessary is this. This House has to determine it. This House is doing this for the sake of saving time and not because of any regard for them. The Government is anxious to see that a particular amount of work is finished within a limited time. Instead of having a separate committee of this House for having the Bill considered by it and sent back to the House for consideration and passing after which it could be transmitted to the other House—they can also appoint their own committee for its consideration—which would take a long time, and in order to save time and also expenditure which sittings of parliamentary committees will entail, this procedure is resorted to. It is consistent with this aim that the Joint Committee is being set up. But we must say something to induce them to co-operate with us in this matter, and the word "consent" or "concur" whichever is proper may be used.

19 hrs.

The third thing is, some hon. friends said that formation of small States is a bad thing. I only want to say that there are small countries or small nations enjoying sovereign rights. Small nations or big nations is not the first concern. In my opinion, these are territories which have for one reason or the other lived individually and separate from us. They have had a continuous history of living in that way for centuries together. Therefore, they have formed some kind of a unity among themselves in that way. It would take a long time before they will feel themselves as one with us. In the meantime we have to introduce them also to the democratic institution with which all our affairs are being carried on. One of the ways of doing it is to follow the model which the Britishers have shown to us. This Bill reminds me of what was done by them. We are practically reproducing what was done by Morley and Minto when they first introduced their reforms. Our provinces then known as non-regulation provinces were given legislative councils for the first time under the Minto-Morley Act of 1911. It is an old story. From 1911 to 1947, it took us 36 years to get complete self-government. I believe, under the Congress regime or under the democratic regime that we have set up, it would not take such a long time for these territories to become full-fledged States. Let us bring them up in such a way as to create in their mind a desire to have a full-fledged autonomous government either by merging themselves with some other State in their neighbourhood or remaining as separate States by themselves. We must bring up their administration in such a manner as to make them full-fledged autonomous States enjoying the full rights of autonomous States either remaining in their own States separately or in co-operation with some other States. That is the line we should adopt.

Sir, there are other points and am sure the Joint Committee will go into them. I will try to send up a memorandum before the Joint Committee giving all my other points. But before I conclude I have one more point which I want to mention here. When some of the units were merged with other States and formed into bigger States, a statement was made by the Prime Minister that because of the desire of those persons to live as separate units their habits, customs and manners, whatever they are, should be preserved. It is in pursuance of that, I believe, this Bill has been modelled in this way. If that is so, it is the correct way of approach. In fact, the people of Vidarbha have been fighting for that. They have been merged with another State against their own will—I do not want to discuss that in detail here just now. But the main point is, you should give the people of a particular area that kind of administration and that kind of status which they in their majority think the proper thing for them. This is the principle of self-determination that has been followed and I, therefore, appreciate the Bill that is before the House.

Mr. Deputy-Speaker: The hon. Minister.

Shri Hajarnavis: Mr. Deputy-Speaker, Sir.....

श्री भक्त दर्शन : क्या हम लोगों को दो, दस मिनट का भी समय नहीं मिलेगा ?

Mr. Deputy-Speaker: The Bill will come back from the Joint Committee.

श्री भक्त दर्शन : उपाध्यक्ष महोदय, केवल एक, दस मिनट ही मैं चाहता हूँ ज्यादा नहीं ।

Mr. Deputy-Speaker: All right; Shri Bhakt Darshan.

श्री भक्त दर्शन : उपाध्यक्ष महोदय, मैं इस विधेयक का हृदय से समर्थन करते हुए एक बात यह कहना चाहता हूँ जैसा कि हिमाचल प्रदेश के मेरे मित्र श्री वीरभद्र सिंह जी ने कहा कि यद्यपि हम लोग माननीय शास्त्री जी के इस सम्बन्ध में बहुत अनुगृहीत हैं लेकिन इस में काफी देरी लग चुकी है और अब भी उस को संयुक्त प्रवर समिति को भेजा जा रहा है । इस में कुछ समय लग ही जायगा । मैं आशा करता हूँ कि जल्द से जल्द संयुक्त प्रवर समिति से इसे स्वीकृत करा के फिर सदन द्वारा इसी सत्र में स्वीकार करा लिया जायगा । मैं समझता हूँ कि माननीय मंत्री इस बात का अवश्य आश्वासन देंगे ।

श्रीमन्, मुझ से पहले श्री दाजी ने अपने भाषण में कुछ इस प्रकार का आक्षेप करने का प्रयत्न किया कि इस विधेयक द्वारा जो अधिकार इन संघीय क्षेत्रों को दिये जा रहे हैं वे बिलकुल अपर्याप्त हैं, वरन् एक वर्षांतरक शब्द का भी उन्होंने प्रयोग किया । मैं समझता हूँ कि जिस प्रकार की स्थिति इन क्षेत्रों की है उन में जो व्यवस्था इस समय की जा रहा है वह सर्वोत्तम व व्यवहारिक है । सो क्लस जो स्टेट्स बनो थीं और उस समय जो अड़वनें आईं, उन अनुमति से लाभ उठाने के बाद इन कानून को इफ्त किया गया है और जहां तक मेरो जानकारी है कम से कम हिमाचल प्रदेश के जो सार्वजनिक कार्यकर्ता हैं वह इस से पूरी तरह सहमत हैं और इस को पूरा तरह से परीक्षण देना चाहते हैं । बाद में यदि आवश्यक संशोधन किया जा सकेगा ।

हमारे दाजी साहब ने दिल्ली का जो प्रश्न उठाया उस सम्बन्ध में मैं यह निवेदन करना चाहता हूँ कि यद्यपि उन्होंने ने दिया तले अक्षेप, का उदाहरण दिया था, लेकिन दिल्ली में हम लोग स्वयं सारे देश के ५००

[श्री भक्त दर्शन]

मेम्बर यहां रहने हैं। हम स्वयं दिल्ली की सेवा के लिए तैयार रहने हैं फिर जिने भी संयोग संभवान है, फेडरल कांस्टिट्यूशन इस पंजाब में है, जहां कहीं भी केन्द्रीय सरकार होता है वहां पर राज्य सरकार का दुहरा शासन नहीं होता है। दो, दो इन मिनिसटर हों और दो, दो तरह का पुलिस हों—एक कहीं नहीं होगा है। इसलिए मैं समझता हूँ कि जो व्यवस्था को जा रही है वह सर्वोत्तम है।

एक और बात कह कर मैं समाप्त करता हूँ। जिस समय इस राज्य पुनर्गठन अधिनियम (स्टेट रिफॉर्मिंग एक्ट का शासन ने) अर्थात् रिपोर्ट दी या उस समय इस पर इस सदन में वाद विवाद हुआ था और उस समय यह विचार था कि यह जो संयोग क्षेत्र है खाल कर हिमाचल प्रदेश, डा का पांच या दस साल तक समय दिया जाय ताकि केन्द्रीय सरकार को सहायता से उन का पूरा विकास हो सके। उस समय पुनर्गठन स्वायत्त मानव संघ, जो ने इस वादविवाद के समय इस बात को स्पष्ट किया था जो यह संयोग क्षेत्र अब बनया जा रहा है यह जो विरोध लगाया गया है इस का अर्थ यह है कि जो संयोग क्षेत्र है कम से कम हिमाचल प्रदेश, उस का स्थायित्व दिया जा रहा है, परमन्ता दी जा रहा है तो मैं इस अवसर पर यह प्रश्न खड़ा चाहता हूँ कि जिस तरह का हिमाचल प्रदेश का इस समय संघा है वह बिजहुत सार्वभौमिक है, तर्जुन है, इन्फ्रान्जिकल है और अनस इंटिफिक है क्योंकि हिमाचल प्रदेश का एक हिस्सा चम्बा दूसरी तरफ जम्मू से मिला हुआ है। अगर आप कालका से शिमला पहुंचें तो कालका से आगे बढ़ने पर जहां सोनन हिमाचल प्रदेश में आता है, वहां कंडघाट पंजाब में चला जाता है। उस के बाद फिर तारादेवी नामक स्थान आता है जोकि फिर हिमाचल प्रदेश में है। लेकिन जय शिमला और पहुंचते हैं जोकि एक तरह से हिमाचल प्रदेश का वास्तविक केन्द्र है, वह फिर पंजाब के अंदर चला गया है।

इस तरह का यह परस्पर विरोधाभास है। इस बारे में अंततः का से विचार होगा चाहिए और इन को एक ही सरकार कायम होना चाहिए। मुझे बड़ा आश्चर्य है कि मुझ से पहले, पंजाब में जो मिनिसटर भी रह चुके हैं, श्री प्र० ना० विद्यानंदर, उन्होंने भी इस सुझाव का समर्थन किया है। मैं समझता हूँ कि इस का मानव यह है कि पंजाब के जो भी विचारक लोग हैं वे इस विचार पर पहुंच चुके हैं और इस का समर्थन करने को तैयार हैं कि पंजाब के पर्यटन क्षेत्रों का हिमाचल प्रदेश से मिठा देना चाहिए। हिमाचल प्रदेश को वैधानिक ढंग का एक इकाई बनना चाहिए। उस से मुरजा को इन्टि से जहाँ अन्ध व्यवस्था हो सके, वहाँ उस से उस विकास में भी सहायता मिलेगी। इसलिए मैं इस अवसर पर आप के द्वारा मानव संघ गृह मंत्रों जो और सरकार से निवेदन करना चाहता हूँ कि इस विरोध का जड़ से जड़ समाप्त किया जाय और साथ ही इस प्रश्न पर कि विचार करने को कृपा का जाय और प्रोत्साहन निर्णय करने को कृपा का जाय

डा० मा० श्री० अणु : दूसरा स्टेट रिफॉर्मिंग इन्टि विन ले अ. प्रान ?

श्री भात वंश : तकि आप को विदर्भ बनाने का मोका मिल सके, मैं समझता हूँ।

इस बिल को जो धारण हैं उन में से इस अवसर पर केवल दो का उल्लेख करना चाहूंगा। एक तो उस में जो मंत्रों त कराने को, न. मिशिन सदस्यों का रखना गया है, मैं समझता हूँ कि इस का सम. लां ने विरोध किया है और इस पर जड़ विचार होगा चाहिये।

दूसरी बात यह है कि जो प्रशासक है, ऐडमिनिस्ट्रेटर है वह कीसत आफ रिनिस्टर्स को, मंत्रों डल का बैठक का सन पालत्व करे, यह बड़ा अंतर्गत आर अपमानजनक मालूम होता है

श्री दाजी : यह मैं ने कहा था लेकिन आप ने विरोध किया और कहा कि दाजों सहब शलत बोले ।

श्री भगत दर्शन : वह तो जो आप ने और बातें कही थीं उन के लिए मैं ने विरोध किया था, लेकिन जहाँ तक इस बात का संघर्ष है मैं भी इस बात का समर्थन करता हूँ कि यह संघर्ष हटाने चाहिए । मैंने ऐडमिनिस्ट्रेटर को जो अधिकार दिया गया है, मानवोंप श्री रिजॉग रिजॉग ने भी कहा कि ऐडमिनिस्ट्रेटर को पहले से ज्यादा अधिकार दिया गया है । जहाँ कि वहाँ बर्डर के इलाकों को, संभवतः क्षेत्रों को स्थित है, उस को देखते हुए ऐडमिनिस्ट्रेटर को कुछ अधिकार अवश्य हों चाहिए । अब क्या अधिकार हों, कम हों या ज्यादा हों, इस में मतभेद हो सकता है, लेकिन विरोध अधिकार जरूर होना चाहिए । जब उन के पास विरोध अधिकार मानव हों तो उन को हर मॉडिंग में रहने का क्या जबरत है ? जिस विषय पर मतभेद हो उस का उन्हें रोकने का अधिकार है और वह राष्ट्रपति को यह सिफरिज कर सकने हैं कि इस पर नये सिरे से विचार किया जाय और प्रेसिडेंट का जो निर्णय होगा वह अंतिम माना जायगा । इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ ।

Shri D. C. Sharma: (Gurdaspur): Mr. Deputy-Speaker, I think this Bill is a tribute to the innate love of democracy that my country has and also which the Home Minister has. At this time, when we are face to face with a big menace, our Home Ministry has been able to bring forward this Bill which, I think, is a good Bill as far as it goes. I hope the situation will be reviewed after five years to see whether any further instalment of democracy can be given to these territories.

It has been said that Himachal Pradesh should outgrow its present size. I do not believe in that. I think all these territories have a personality

of their own. Himachal Pradesh has developed an entity of its own. So, has Manipur; so has Tripura; so have Goa, Daman and Diu, and Pondicherry. All these territories are not to be looked upon only as territories meant for administrative convenience or territories meant for any other experiment, but territories which have come to acquire some kind of an ethnic personality. I do not think it should be disturbed just now. If anybody tries to disturb, I think he will be doing it not only at the peril of the country, but also of those territories.

My hon. friend Shri Kamath was saying that it is a contradictory Bill and it is full of contradictions. Contradictions have got to be there, because we are dealing with so many kinds of territories. Himachal Pradesh comes in one category. Manipur belongs to another category. Tripura has its own problems. Goa, Daman and Diu have been integrated with our country very recently. Pondicherry is also a new thing which we have got from France. All these territories have different problems. Therefore, all these contradictions are bound to be there.

The second point that I want to make is this. I do not understand why the Rules of procedure obtaining in the U.P. Assembly should apply to all these States. I cannot understand that. I think, so far as Himachal Pradesh is concerned, it can take a lesson from Punjab. So far as Manipur and Tripura are concerned, they can take lessons from Assam. So far as Goa, Daman and Diu are concerned, they can go to Bombay.

An Hon. Member: Or Mysore.

Shri D. C. Sharma: So far as Pondicherry is concerned, I think it can go to Madras or some other State. I do not understand that wisdom there is in making the U.P. the repository of this kind of legislative wisdom.

An Hon. Member: The Home Minister is from the U.P.

Shri D. C. Sharma: I do not go so far. I will say, there is no reason why U.P. should be made the model for all these States. I think the Joint Committee will do something for this.

An Hon. Member: Biggest State.

Shri D. C. Sharma: My third point is this. The Administrator should be made responsible for the administration of these territories which are border territories. I think we have done that in the case of Assam also. I think we have given special powers to the Governor of Assam so far as the administration of some of these border territories are concerned. I do not see any reason why we should not give that power to the administrators. But, I cannot understand why you should make this Administrator a kind of super Chief Minister also, a super quasi judicial officer. I think the poor Administrator will break down under all these loads of different kinds which you are putting upon his back. I think this Administrator should remain only an Administrator and not be saddled with so many other responsibilities, which you have given. So far as the Standing committee is concerned,—I come to clause 52—I believe it has been given more responsibilities than they can cope with. Moreover, some of the responsibilities which it should have, have not been given to it. What kind of rights has it got? I think that the standing committee should be essentially a developmental committee. But I do not think that the rights of the developmental committee have been given to this standing committee. I think that it should be made obligatory on the standing committee to better the economic lot of the persons who are in these areas.

I would also ask the Joint Committee to explore one other problem. I know that we are having this legis-

lation on the model of the old part C States. I do not like this categorisation of Part A, Part B, Part C etc., but we may have this Part C States business to begin with, but I have said also that it should be reviewed after five years; as I have already said that in the beginning.

But there is one thing that I want to say and it is this that in the Part A States, in the Punjab and all other States of India, we have four items of democracy. There is the panchayat raj, then there is the Assembly, then there is the House of the People and then there is the Council of States. If you want to give these persons some foretaste of democracy, if you want to nurse them into accepting the responsibilities of a full-fledged democracy, if you want them to be pucca democratic States in the near future, that is, after five years, I believe, that that all these different tiers of democracy should be introduced into these territories also. I do not see any reason why you should not give each one of these territories representation in the Council of States. Of course, Himachal Pradesh has already got it. Why should Goa, Daman and Diu also not get representation in the Council of States? Again, I do not see any reason why you should not give representation to Manipur and Tripura also in the Council of States.

An Hon. Member: It is already there.

Shri D. C. Sharma: I am glad that it is already there. But I want to say this. If you are going to be generous to them so far as the money is concerned—economically these territories are not going to be viable—then I think that you should also be generous to them so far as their representation in every form of democratic apparatus in this country is concerned. With these words, I commend this Bill.

Shri Hajarnavis: I shall be guilty of ingratitude to the various Members who have extended their support, enlightened and sympathetic support to this measure, if I repeated all that they said, because they have said it so well and so eloquently. Therefore, there is only one thing which I shall permit myself to say at this stage, namely that we are going to the Joint Committee with an open mind. It would, therefore, not be proper for me to give my reaction without the discussion in the Joint Committee, or to indicate what Government's reaction would be to the various suggestions which have been made, but I would only say this that these suggestions will receive the utmost consideration to which they are entitled.

There is, however, one thing that I wanted to say. Shri Daji compared this Bill to the Government of India Act, 1935, and in doing so, I think that he was less than fair to himself, and to us, because under the Government of India Act, 1935, the Governor who was the representative of the King in Parliament was responsible to the House of Commons and to the British Parliament. In this case, the Administrator shall function under the Home Ministry who are the servants of this House. We are answerable to this House for everything that the Administrator does or does not do. As I said, we shall be coming to this House for large sums of money to be granted for the development of these areas. So, it will be inkeeping with our responsibility to this House to say that in these matters, the responsibility of Government to Parliament which is ultimate and primary under the Constitution will remain. So, I believe that Shri Daji was not quite right in keeping this aspect out of his submission before the House.

As regards the powers to be given, whatever faint doubt had peeped into my mind when I introduced the Bill, it has been completely removed after I have heard Shri Daji and Shri Narendra Singh Mahida, and I

am convinced that the policy that we have followed is the absolutely correct one.

With these words, I commend the Bill.

Shri Daji: What about the release of a Member of the Joint Committee who is in jail?

Shri Hajarnavis: That does not arise out of the motion which I have made here.

Shri Daji: Will you consider that at least?

Shri Hajarnavis: So far as the liberty of the citizen in this country is concerned, I can assure the hon. Member that it is constantly in our mind and the question of detention is reviewed every hour, if not every minute, of the detention.

Shri P. Venkatasubbaiah (Adomi): What Mr. Daji was referring to was about the arrests that have been made. Have they been made under the Defence of India rules, or is it for the purpose of elections that they have been arrested? I would like to know this from the hon. Minister.

Mr. Deputy-Speaker: I would now put the question to the vote of the House.

Shri Hari Vishnu Kamath: No question to be put to the vote of the House. There is no quorum in the House. There is a parliamentary way of doing it. We have to build up the highest parliamentary traditions here. There should be quorum at least in the House.

Shri Rane (Buldana): This point has been raised from time to time.

Shri Hari Vishnu Kamath: He is not interested in building up the parliamentary traditions here. I do not ask for a division on this. There should be quorum at least. I ask for quorum. Don't decide a Bill like this.

Shri Rane: There is a convention.

Shri Hari Vishnu Kamath: There is no such convention.

Shri Narendra Singh Mahida: I support Mr. Kamath. He is correct.

Shri Hari Vishnu Kamath: The Congress Party has got 400 Members and it cannot provide even 50 Members just for the quorum! They are not interested in any legislation at all. They just was to pass it—steamroller the whole thing.

Shri Narendra Singh Mahida: We may take it up on Monday.

Mr. Deputy-Speaker: Let us find out if the quorum is there. The quorum bell is being rung.

Shri Hari Vishnu Kamath: We should not set bad precedents and bad traditions here.

Mr. Deputy-Speaker: You are right.

Shri Hari Vishnu Kamath: I am glad you support it.

Shri Hajarnavis: May I remind Mr. Kamath, the hon. Member for Hoshangabad—it occurs to me now—that according to the parliamentary tradition, when a Member of Parliament happens to be or manages to be a member of the Government, he is referred to not by his constituency but by his office.

Shri Hari Vishnu Kamath: There is a difference there. There, he is referred to as right hon. Member for so and so. If he wants to be called right hon. Member, I am prepared to do so.

Shri Daji: If there is no quorum, the voting may be taken up on Monday.

Shri Hari Vishnu Kamath: It is a bad precedent.

Shri Rane: There is a convention.

Shri Hari Vishnu Kamath: No convention.

Mr. Deputy-Speaker: If we do not get the quorum, the voting will be taken on Monday.

Shri Hari Vishnu Kamath: There are rules here. Otherwise, you wind up Parliament and go home.

Mr. Deputy-Speaker: When the quorum is questioned, I have to ring the bell.

Shri Hari Vishnu Kamath: It is not a convention. It is mandatory. For taking a decision, there should be quorum. For debate, there may not be a quorum.

Mr. Deputy-Speaker: When a decision is to be taken, there should be a quorum.

Shri Hari Vishnu Kamath: I am glad that you agree with me, and the Treasury Benches should be guided by you.

Shri Narendra Singh Mahida: May I request you, Sir, that the matter may be postponed till Monday?

Mr. Deputy-Speaker: The question will be put to the House on Monday. The House now stands adjourned till 11.00 a.m. on Monday.

19.25 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 18, 1963/Phalguna 27, 1884 (Saka).