

The question is:

That the respective excess sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President to make good the amounts spent during the year ended 31st day of March, 1962, in respect of the following demands entered in the second column thereof:

Demands Nos: 1, 10, 12, 13, 16, 24, 32, 47, 50, 69, 86, 88 90 and 95.

*The motion was adopted.*

13.19 hrs.

**PUBLIC EMPLOYMENT (REQUIREMENT AS TO RESIDENCE) AMENDMENT BILL**

**The Minister of State in the Ministry of Home Affairs (Shri Hathl):** I beg to move:

"That the Bill to amend the Public Employment (Requirement as to Residence) Act 1957 be taken into consideration".

This is a very small measure and seeks to amend the existing Act, the Public Employment (Requirement as to Residence) Act, 1957.

The House will recall that the Act of 1957 was passed with a view to avoid certain constitutional difficulties with regard to employment from the Telengana area and in the Territories of Himachal Pradesh, Manipur and Tripura. Under article 16(1) of the Constitution, there should be discrimination in matters relating to employment or appointment on the ground of caste, creed, sex, religion or residence. Article 16(3) enable Parliament to make any law prescribing in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within a State or Union Territory, any requirement as to residence within that State or Union Territory prior to such employment or appointment. Under article 35(a) (i) only Parliament has,

and the Legislature of a State does not have power to make laws under article 16(3). Unless Parliament makes such a law, the ban on discrimination and giving preference to people in a particular area remains. It was therefore, that the Act of 1957 was passed and rules and notification to that fact were issued in 1959.

13.21 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I would not like to go into details, but I may say that before the passing of the Act there were several laws in different States which imposed condition of residence for being employed in that State service. The States Reorganisation Commission said that these restrictions should go, and that there should be no preference or discrimination on the ground of residence in a particular area. But, as the House know, when Andhra Pradesh was formed, some concession had to be given to the Telegana area because of its backwardness. Therefore, as an interim arrangement it was thought that five years might be given to the people of the Telegana area during which they should be given preference in employment. Accordingly, the Public Employment (Requirement as to Residence) Act, 1957 was enacted by Parliament in 1957 repealing all the laws in force in the States and Union Territories with regard to requirement as to residence for purposes of any employment or appointment under the State or under any local or other authority, but section 3 of the Act empowered the Central Government to make rules prescribing requirements as to residence within Telengana area or within the Union Territories of Himachal Pradesh, Maipur or Tripura for appointments in subordinate services or posts (non-gazetted posts including Tehsildars) under the control of the State Government, but not the higher Class I or IAS services, or to any service or post under a local authority in these areas. Section 5 of the Act fixed a duration of five years from the commencement of the Act

[Shri Hathi]

for the special provisions under section 3.

This Act actually came into being on 21st March, 1959. In the meantime, some private Members brought a Bill. They thought that five years was not enough, that the period should be extended. That is the feeling even now. But as the five year period had not expired then, we said that at the proper time we should assess the situation, enquire the wishes of the State and in the area, and if it was found that the people there still had not progressed economically, educationally and otherwise and that concessions had to be given, we would look into this question. Accordingly, we have enquired of the States concerned. Andhra Pradesh, Manipur, Tripura and Himachal Pradesh have said that this concession should be continued in order to reserve employment for local residents, and it is not likely that this feeling will disappear in the next five years. But the progress of education, improvement of communications and all-round economic growth may bring about a change after a few years. The Andhra Pradesh Government also desired the extension of the period of protection for Telengana residents, and this shows that there is need for this concession to be extended.

As I said earlier, we had told the House that we would consider this question in due course. It is in accordance with that promise that the present Bill is brought. Clause 3 is really the operative part of the Bill, which says that instead of five years the words ten years be substituted.

Then there is clause 4. As I said the Act expired on 21st March, 1964. It will take some time before this Bill is passed by both the Houses. Therefore, under this clause all appointments made on the basis of the previous Act from 21st March to the

date when this Act comes into force, are validated.

Clause 2 is a formal clause, which is a usual clause, that all the rules made under the Act will be laid before both Houses of Parliament.

This is the main object. I am sure that this House will give its support to this measure, which has been brought here having regard to the backwardness of the areas, and having regard to the wishes of the people in the area.

I move.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to amend the Public Employment (Requirement as to Residence) Act, 1957, be taken into consideration."

Shri Ranga (Chittoor): I am glad to associate myself with my hon. friend in supporting this Bill.

It is true that these areas continue to be backward, but the unfortunate thing is that, though it has been more than seven years since Andhra Pradesh was brought into existence, the backwardness continues to be just as heavy and unsatisfactory. True, efforts are being made by the Andhra Pradesh Government to spend more and more for the social and economic development of the people of Telengana, as per the recommendations made by the sub-committee which came to be constituted as one of the by-products of the States Reorganisation Act. But what is happening is that sometimes, for their own reasons, the State Ministries do not find it possible, unfortunately, to agree with the recommendations of that sub-committee, the Telengana Regional Committee, and implement its recommendations, and owing to various political upsets and divisions and differences within the ruling party itself, which has been predominantly

represented on this regional committee, differences arise between the regional committee and the Ministry of the day, with the result that the schemes that should be taken up, the funds that should be granted, and the manner in which these funds should be spent and results should be achieved are not as satisfactory as they should be.

My fear is that the same things may be happening in Himachal Pradesh also. About Tripura and Manipur I cannot say, but Himachal Pradesh has been suffering from similar political and partisan and personal differences and quarrels, so much so the developmental works of that area are also being delayed.

I am glad my hon. friend has referred to the earlier difficulty of domicility. Because it was there, that restriction on domicility, in many of the States—not only here but in various other States like Orissa and Bihar for instance, quite a lot of injustice was being perpetrated against the linguistic minorities. Some time ago a report of the Linguistic Commissioner, I think, was placed on the Table of the House. Through him the House was made aware of the troubles and disabilities of linguistic minorities. It is good that the condition of domicility has been dispensed with. Yet various kinds of discriminations are being devised and discovered and experimented not only by the State Governments but by various Ministers also; all these troubles are being created by the Ministers in such a way that the linguistic minorities are, even today, at a very great disadvantage. It does not matter to which particular State they belong or particular language they speak; their difficulty is still there and I would like the hon. Home Minister and the Home Ministry to pay special attention to this particular aspect of it so that the rights of the linguistic minorities are properly safeguarded.

Coming to the particular question of employment in regard to all these

people, special efforts should be made to reserve certain percentage of seats or places not only in those States but also in the All India Services so that the people of those States are given some additional opportunity of getting themselves recruited and making their contribution to their own State as well as All India cadres. Sometime ago, a formula was offered to the tribal people in Assam by the Prime Minister and we are glad to learn that they have at long last, through their organisation, accepted the Prime Minister's proposals. When they are implemented through administrative or legislative proposals, I request the Home Ministry to keep in mind the need for the same kind of protection, for instance, in the Assam political set-up, and also in the administrative set-up, such protection as has been offered to the people of Telangana, Tripura, Manipur and Himachal Pradesh. During the next four years, it should be possible for the Government to so implement these proposals and help these people that they should come back to this House and say that there is no longer any need for further extension of this legislation as those people have reached parity with other people.

**Shri Hathl:** Mr. Deputy-Speaker, Sir, I thank Prof. Ranga for his support and I appreciate also his feelings that after five years we should be able to develop these areas in such a way as to need no more extension of them. This is only an interim measure. We do not want to keep this area backward for all time to come and even now it is with some reluctance that I have come with this measure to give five years because in these five years we should have been able to do something. But five years or a short period for educational or industrial development; it takes some more time before young men reach the age of employment and it is, therefore, that I have brought forward this measure. I absolutely agree with my hon. friend that after five years we should be in a position to bring our friends in Telangana, Himachal Pra-

[Shri Ranga]

desh, Manipur and Tripura to a level that they may be able to compete with any other man from the other areas.

I find that in these areas it has not been possible to fill all the posts from local people. In Homachal Pradesh, out of 13218 posts, 6151 were filled by persons on residential qualifications and the number of posts filled by non-entitled persons in only 984. Some posts are vacant as we could not find local people. It shows that local, qualified people are not available. This concession will not have much meaning unless we give facilities for training in industries, for education, for development, etc. It should be our endeavour to see these backward areas so developed within the next five years that they may come up to the level with the rest of the country. If, as suggested by Prof. Ranga, we reserve posts in the All India cadre, there will be some difficulty in the sense that the enthusiasm will be missing because they will be assured of this quota fixed for them. That will be the minimum and the maximum. Once we give that concession, that enthusiasm will be slackened. I can assure my hon. friend that we shall take all possible measures to see, in the Home Ministry, that these areas are properly looked after. I am thankful to Prof. Ranga for his support and I move that the Bill be taken into consideration.

Mr. Deputy-Speaker: The question is:

"That the Bill to amend the Public Employment (Requirement as to Residence) Act, 1957, be taken into consideration."

*The motion was adopted.*

Mr. Deputy-Speaker: There are no amendments. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

Clauses 3, 4 1, Enacting Formula and Title were added to the Bill.

Shri Hathi: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

*The motion was adopted.*

13.40 hrs.

#### ADVOCATES (AMENDMENT) BILL

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra): Sir, on behalf of Shri A. K. Sen, I beg to move:

"That the Bill further to amend the Advocates Act, 1961, be taken into consideration."

It will be recalled that when the Advocates Act was passed by Parliament in the year 1961, its sole purpose, to put it briefly, was that there should be only one class of legal practitioners in this country, namely, advocates, and secondly, that instead of the right of practice for the advocates being restricted to the particular high court where they are enrolled, it should be extended to the whole of India. That means, there should be a common roll of advocates entitled to practice throughout the territory of India including the Supreme Court; and thirdly, to create autonomous Bars with full powers to have full control over the advocates. Experience has shown, and numerous representations were received from various bodies, and other associations, also from the State Bar Councils, about the practical difficulties that were involved, mainly in the functioning of the State Bar Councils and in the all-India Bar Council. Representations were received and they