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LOK SABHA

Thursday, 15th November, 1956

The Lok Sabha met at eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12 hrs.

PAPER LAID ON THE TABLE

JOINT STATEMENT BY PRIME MINISTERS
OF BURMA, CEYLON, INDONESIA AND
INDIA

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, I beg to lay on the Table of the House a copy of the Joint Statement made yesterday by the Prime Ministers of Burma, Ceylon, Indonesia and India. [See Appendix I, annexure No. 30].

BUSINESS ADVISORY COM-
MITTEE

FORTY-SECOND REPORT

Sardar Hukam Singh (Kapurthala-Bhatinda): Sir, I beg to present the Forty-second Report of the Business Advisory Committee.

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COMMITTEE ON PRIVATE MEM-
BERS' BILLS AND RESOLUTIONS

NOMINATION OF TWO MEMBERS

Mr. Speaker: I have to inform the House that I have nominated Sarvashri Jaipal Singh and B. Ramachandra Reddi to be members of the Committee on Private Members' Bills and Resolutions Vice Shri Bhawani Singh, died, and Dr. Natabar Pandey, resigned from Lok Sabha.

*CORRECTION OF ANSWER TO
STARRED QUESTION NO. 1329

PART C STATES (LAWS) AMEND-
MENT BILL—concl'd.

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

"That the Bill further to amend the Part C States (Laws) Act, 1950, for the purpose of extending certain Acts to the State of Manipur, be taken into consideration."

This is a very simple Bill. In 1950 an Act was passed known as the Part C States (Laws) Act. It made a number of Acts applicable to the Part C States of Himachal Pradesh and Vindhya Pradesh also to Tripura and some to the State of Manipur, except certain Acts which had to be examined. A question then arose as to whether certain Acts, ten Acts, should be extended to the State of Manipur and it was then considered that the position should be examined

[Shri Datar]

in the light of the peculiar conditions obtaining in Manipur, and therefore in that Act it was stated that these ten Acts would not be applicable to the State of Manipur.

Now all these Acts have been examined, and Government have found that six of these Acts ought to be made applicable, and for that purpose this short Bill has been brought forward. Most of these Acts are familiar. The Code of Criminal Procedure and the Code of Civil Procedure have been recently made applicable to the State of Manipur in the condition in which they were before certain amendments were passed to the Code of Criminal Procedure. Now it is considered that inasmuch as we have ordinary courts of law in addition to the special courts known as the village courts, it would be advantageous to have these two Acts also made applicable. They have been included also in the six Acts that are to be made applicable to the State of Manipur under the present Bill.

Now formal amendments have been put in order to change the name "State of Manipur" to "Union Territory". Subject to this, inasmuch as only certain Acts are to be made applicable, there is nothing of a special nature that calls for any comment from me at this stage.

I, therefore, commend the provisions of this Bill to this House.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Part C States (Laws) Act, 1950, for the purpose of extending certain Acts to the State of Manipur, be taken into consideration."

Shri L. Jageswar Singh (Inner Manipur): The name of the Bill is Part C States (Law) Amendment Bill, 1955. The main purpose of this Bill is to extend certain Acts to the

State of Manipur, now the Union Territory of Manipur. The Acts to be extended are the Code of Criminal Procedure, 1898, the Indian Oaths Act, 1873, the Transfer of Property Act, 1882, the Suits Valuation Act, 1887, the Code of Civil Procedure, 1908, and the Indian Succession Act, 1925. These are the Acts to be extended to the State.

The extension of these Acts was overdue. As you know, Manipur was one of the States of India where there was no real Act established during the time of the Maharaja. Also in that State there were two areas, one the British Reserve and the other the Native State area where different laws were operating in the respective refinements. The lawyers and the judges were acting according to their conscience, and the cases were decided on the opinion of the judges. Lot of confusion was there. The opinions of lawyers and judges were sometime full of anomalies. These Central Acts have been extended and are being adopted in the State of Manipur after the integration of the State with the Centre. The most important Act that was extended to the State of Manipur had been mentioned here and that was the Criminal Procedure Code. Once I was the victim under the improper application of the Criminal Procedure Code, and Shri Lohia was also a victim under it. This so happened even after independence. I think this Act was adopted in spirit by the merged Government even. It was due to the non-adoption or non-inclusion of this Act that many people were sent to jail. The authorities there were, according to their opinion, taking the decisions on legal Acts and the people were sent to prison, under the Criminal Procedure Code, by saying that they have violated the law, section 144 of the Criminal Procedure Code even though that was not actually extended. In this way even a meeting of five members was not allowed in that

part of the country. Although the Act was not actually introduced in that State, there was no civil liberty during the Maharaja's time. In the British Reserve it was adopted in spirit while it was not so in the State area. One was the British authority and another was the Maharaja's authority. The Criminal Procedure Code, section 144, was not introduced, and at the same time people were harassed by adopting the spirit of section 144. When the matter was referred to the courts, they decided the issue arbitrarily but when these decisions were referred to the Supreme Court, almost all these decisions were revised and the Supreme Court ruled that they were not based on lawfully passed Acts.

In the tribal areas of Manipur, the administration of justice will be difficult whereas I do not think it will be so difficult in the plains areas. The plains area is more advanced educationally and economically and can be compared to some extent with the other areas of the country. But, if these laws are extended to the tribal areas, it will be very difficult. They have their local customs and traditions and their day-to-day life is governed by these customs and traditions and if there was any dispute in the tribal areas, it is generally decided by the people themselves according to these customs. A law has just been passed yesterday so that the village authorities may be democratised and village courts are established in the tribal areas. These Acts have to be extended to the tribal areas only gradually. There may not be very big cases involving huge sums of money as the people in the tribal areas are generally poor.

The judges sometimes did not do justice to the cases brought before them because of the absence of these Acts and they were passing judgments as they pleased saying that that had been the custom or tradition. That is very dangerous and whenever

these cases had been referred to the Supreme Court, these judgments were categorically set aside because they were not based on any valid Act's. I feel that the extension of these Acts is very welcome and I hope that they will be extended cautiously and gradually in the tribal areas. I have nothing more to say and I welcome this Bill.

Shri Biren Dutt (Tripura West): I will be very brief. In the long title, the words 'Part C States' are now sought to be substituted by the words 'Union Territories'; an amendment has been introduced to that effect. From the 1st of November this year, Tripura, Manipur and other Part C States were known to be 'Union Territories'. In regard to Tripura all the gazettes so far published by the Government of Tripura are still continuing in the same old way and the laws etc. are enacted in the name of the Chief Commissioner in the same way as was done before the 1st of November. This has created a serious situation in Tripura because the administration of the Union Territory of Tripura is no longer under the Part C States Act.

Shri Datar has introduced an amendment suggesting that the words 'Union Territories' should be substituted in all places where the words 'Part C States' occur in the Bill. After the introduction of this amendment, I would like to know whether the Government would be known as the Government of Tripura or the Government of the Union Territory of Tripura. All along it was a Part C State and now it has been transformed into a Union Territory. The Part C State is no longer in existence. Before introducing this terminology, 'Union Territory', Government should have gone through the implications. We asked the Secretary and some other authorities in Tripura as to how they were publishing the gazettes and also whether it was the same Government, as was there before the 1st of November, that was

[Shri Biren Dutt]

continuing in Tripura. They did not know. The advisory council had not been dissolved or reconstituted. On the 1st of November, legally it does not exist as it was constituted under the Part C States Act. Article 239 of the Constitution which authorised the President to constitute advisory councils for Part C States has been amended and at present, the President has got no such power to introduce advisory council in the old manner. It has been found that the old advisory council of Manipur has been introduced and the Chief Commissioner has been made the President of that body; that is all the change. But, in the case of Tripura there has been nothing. If this Bill is to be passed, we do not know how these things will be adjusted with the present practice of the Government of Tripura. They are continuing as a Government of a Part C State and there has been no change to suit the present set-up after the 1st of November.

So, I want to know from the hon. Minister as to how he is directing the State authorities to make the necessary modifications. What is the actual position of the advisory council and the Chief Commissioner? Is he functioning as an Administrator or as Chief Commissioner in the State of Tripura? I want these clarifications and I commend this Bill.

Shri Datar: Sir, I may point out to the hon. Members that at Adaptation Order was issued and it came into force on 1-11-1956. According to that, in the Acts, wherever the words 'Part C State' occur, they have been substituted by the words 'Union Territory'. This is my answer to the question raised by both the hon. Members.

So far as the general question is concerned, we have got the same administration. It is now the 'Union Territory of Manipur'. As the hon. Member is aware, the Chief Commissioner has also been re-named as

Chief Commissioner. So, the same administration has been going on and I imagine there could be no difficulty so far as the continuity of the administration is concerned. Ordinarily, as the hon. Member is aware, unless the new change has been introduced in a proper manner the old system or the old administration has to continue. Therefore, so far as this question is concerned, there is no difficulty at all.

Then, another friend raised the question as to what is to happen when certain new Acts have been introduced. I would invite his attention to section 42 of the Manipur Courts Act. In fact, I myself introduced an amendment when the Manipur Courts Bill was under consideration. Thereby all customs and manners, so far as certain important matters are concerned, are saved. I would read to my friend section 42 of the Manipur Courts Act. It says:

"Where in any suit or proceeding, it is necessary for any court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, any custom (if such there be) having the force of law, or any personal law, governing the parties or the property of the parties to such suit or proceeding shall form the rule of decision except in so far as such custom or personal law has, by legislative enactment, been altered or abolished."

Therefore, the position is that a number of Acts have been made applicable by what was then known as the Part C States Act. I believe there are more than 100 Acts. All of them were made applicable to all the Part C States wherever there was any need. So far as Manipur was concerned, it was

thought that about ten out of these numerous Acts required a further examination and, therefore, in that Act it was stated that these ten Acts would not be made applicable to Manipur.

The question was then considered. The Law Ministry also was consulted. The Chief Commissioner ascertained the opinion of the people in that area. Ultimately we came to the conclusion that six out of these ten Acts ought to be made applicable to Manipur. Therefore, the present Bill has been brought forward for the purpose of extending six out of these ten Acts to the territory of Manipur. So far as the other Acts are concerned, it is considered that they are not necessary.

The hon. Member will therefore see that whatever he had in view has already been carried out so far as the provisions in the Manipur Courts Act are concerned. So far as the present Bill is concerned, six Acts have to be made applicable because they would be of general use and, whenever there is any custom etc. that custom, as I have already pointed out, will also have the force of law unless that particular custom has been modified or rescinded by any legislative enactment.

Mr. Speaker: The question is:

"That the Bill further to amend the Part C States (Laws) Act, 1950, for the purpose of extending certain Acts to the State of Manipur, be taken into consideration."

The motion was adopted.

Shri Datar: Sir, there are certain amendments in list No. 2, the Object of which is to introduce the expression "Union territory of Manipur" in place of "State of Manipur".

Amendment made:

Page 1—

in the Title—

for "State of Manipur" substitute: "Union territory of Manipur".

—[Shri Datar]

Mr. Speaker: We will now take up clause by clause. What are the amendments to clause 2?

Amendment made:

Page 2, line 1—

for "1955" substitute "1956"

—[Shri Datar]

Amendment made:

Page 2—

after line 3, add:

"(c) after sub-section (3), the following Explanation shall be inserted, namely:

'Explanation.—For the purpose of this section and section 4, any reference to the State of Manipur or Tripura in relation to any period after the 31st October, 1956, shall be construed as a reference to the Union territory of Manipur or Tripura as the case may be.'"

—[Shri Datar]

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. Speaker: Now we go to clause 3.

Amendment made: Page 2—

(i) line 5—

for "the Act" substitute "this Act"; and

(ii) line 11—

after "shall be substituted" add:

"and in the second proviso, for the words 'as now extended', the words 'as extended' shall be substituted."

—[Shri Datar]

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. Speaker: Next we take up clause 4.

Amendments made:

(i) Page 3—

for the amendments in column 4 relating to the Code of Criminal Procedure, 1898, substitute:

"(1) in section 1, in sub-section (2), the words 'and the Union territory of Manipur' shall be omitted, and

(2) in section 93A, in sub-section (1), the words 'or in the Union territory of Manipur' shall be omitted."

(ii) Page 2, line 26—

for "1955" substitute "1956".

—[Shri Datar]

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. Speaker: Then comes clause 1.

Amendment made:

Page 1, line 4—

for "1955" substitute "1956"

—[Shri Datar]

Mr. Speaker: The question is:

"That clause 1, as amended stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Mr. Speaker: There is one amendment to the Enacting Formula also.

Amendment made:

Page 1, line 1—

for "Sixth" substitute "Seventh"

[Shri Datar]

Mr. Speaker: The question is:

"The Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended was added to the Bill.

Mr. Speaker: Then we come to the Title. We have already adopted amendment No. 6. There is one more amendment:

Amendment made:

Page 1—

in the Title and wherever they occur in the Bill—

for "Part C States" substitute "Union Territories"

—[Shri Datar]

Mr. Speaker: The question is:

"That the Title, as amended, stand part of the Bill."

The motion was adopted.

The Title, as amended, was added to the Bill.

Shri Datar: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri Biren Dutt: Sir, as I have said the Bill is going to be passed and the question of changing the administrative set-up in every Part 'C' State has caused very serious apprehension. A few days ago about 50,000 people expressed their objection to the designation given to the Administrator. The Chief Commissioner's designation has been rejected by this House, but again it has been intro-

duced in the Administration of Delhi, Manipur and Tripura. This has been objected to and the retention of Advisory Councils in those States has also caused very serious apprehension in the minds of the public just before the general elections. It seems as if the ruling party is against the express will of this House and has attempted to retain the Advisory Council most illegally without any justification both in Tripura and Manipur. The hon. Home Minister assured this House that for the interim period the Members of Parliament will be consulted through an Advisory Council, formed at Delhi, to help in the administration of those territories. In the case of Bombay, we have heard that when an opinion had been expressed and the House had given its authority for the formation of one Bombay State, if anybody said anything against the express will of this House, it was condemned by the Prime Minister, the Home Minister and every one that people should not move or act against the will of this sovereign Parliament. This House has categorically rejected the designation of the Chief Commissioner. It has been removed in the original Bill, as introduced by the hon. Home Minister in the Select Committee, but now it has been introduced. According to the Constitution, there is no provision to introduce the Advisory Council by an amendment.

Shri Datar: Is it in order to consider the constitutional aspect of the administration of Manipur?

Mr. Speaker: No.

Shri Biren Dutt: This is a serious matter that has happened in Tripura. There is not even a gazette notification about the retention of the adviser. Where we have asked these people to quit, we still find that they are continuing. It is amazing to find that these illegal things are continued against the express will of Parliament.

Mr. Speaker: The hon. Member has said enough, though not quite relevant. He must now conclude. The general administration of Manipur is not the subject-matter of this Bill.

Shri Biren Dutt: There should be a regular process if it is to be a Union territory.

Mr. Speaker: Order, order. The hon. Minister has already stated that a gazette notification was issued by the hon. President under the Adaptation of Laws Act, adopting or substituting the words "Union territory" for "Part 'C' States". Therefore, this is as good a law under the Constitution. In these circumstances, there is nothing more for the hon. Member to state.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

INDIAN TARIFF (AMENDMENT) BILL

The Minister of Heavy Industries (Shri M. M. Shah): Sir, I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

Sir, this bill seeks to amend the Indian Tariff Act, 1934, in order to give effect to certain recommendations of the Tariff Commission, on those industries. The House will have observed from the Statement of Objects and Reasons that the Bill seeks in the first instance—

(i) to grant protection for the first time to the calcium carbide industry;

(ii) to discontinue protection in respect of electrical accessories made of plastics designed for use in circuits of less than ten amperes from the 1st January 1957; and