

[Shri A. C. Guha]

have been reorganised and also Jammu and Kashmir has become a partner in the funds to be allocated. Otherwise, there would not have been any necessity for this interim report or any fresh allocation of revenue.

Mr. Thomas has referred to income-tax and the grants-in-aid provision. I think he should look to the relevant articles in the Constitution. He will find that under article 272, the President's order would be enough for the allocation of income-tax and I do not think there is any necessity for him to be worried that this President's order will not be issued in time. We are anxious to pass this Bill, so that the budgeting of the Centre as also of the different States may be made easier. The necessary orders for the allocation of income-tax revenue also will be issued in time. For grants-in-aid also, there is sufficient provision in the Constitution, if anything has not been covered by this Bill.

Shri A. M. Thomas: Article 272 says, "Parliament may by law provide..." etc. Where is the Act corresponding to that?

Shri A. C. Guha: Under article 275(2), the President enjoys the authority of the Parliament till the Parliament passes any such Act.

Certain claims have been made on behalf of West Bengal, particularly for jute. I think the allocation for jute has increased from Rs. 50 lakhs to Rs. 52.69 lakhs. So there has been an increase of about Rs. 2.70 lakhs.

As for other things, I think it would be better if the hon. Members ask their respective States to place their claims before the Finance Commission. They should not think that the interim report will simply be the accepted thing in the final award of the Commission also. The Commission has been repeatedly saying—at least twice, I remember—that this

should not be taken as any indication of the final report.

I hope there is nothing more to reply to the points raised. I hope the Bill will be passed.

Mr. Speaker: The question is:

"That the Bill to amend the Union Duties of Excise (Distribution) Act, 1953, be taken into consideration."

The motion was adopted.

Clause z (Insertion of new section 3A)

Mr. Speaker: There are no amendments to the clauses.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, Enacting Formula and the Title were added to the Bill.

Shri A. C. Guha: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

TERRITORIAL COUNCILS BILL

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move:*

"That the Bill to provide for the establishment of Territorial Councils in certain Union territories, be taken into consideration."

I have great pleasure in making this motion

13 hrs.

This Bill seeks to give concrete form and shape to the broad decisions which have already been taken by this House. I had occasion to indicate the salient features in the course

*Moved with the recommendation

of the President.

of the discussion on the States Reorganisation Bill. It really forms an integral part of the scheme of reorganisation. On the 4th of September I had said that a Corporation would be set up in Delhi and Territorial Councils would be established in Himachal Pradesh, Manipur and Tripura. In the ordinary course, this Bill would have come before Parliament not so early, but some time later. Out of regard for the views of hon. Members of this House and for the convenience of the likely candidates for the Lok Sabha from these areas, I have made a special effort to expedite the process and I am glad that this Bill will form part of the statute-book before the Parliament closes its present session.

13-02 hrs

[SHRI BARMAN in the Chair]

Sir, this Bill provides for the composition, functions and powers of the Territorial Councils for the Central Territories. Besides dealing with matters of vital interest and intimately connected with the day-to-day life of the people living in those areas, these Councils will also serve as electoral colleges for electing Members for the Rajya Sabha from these areas. The Council of Himachal Pradesh will consist of 41 Members. The Bill provides for 40, but I intend to move an amendment to raise its number to 41, which is the present number of constituencies for the defunct Legislative Assembly of Himachal Pradesh. It is my intention that the present constituencies should be treated as electoral areas for these Territorial Councils. As Himachal Pradesh has got 41, and as it is desirable that these Councils should start working as early as may be possible, I think we should raise the figure by one. I want to avoid the long process of delimitation of the constituencies on a new basis. That will delay the work and will entail an amount of labour and expenditure which can be avoided. It will also meet the wishes of the Members from Himachal Pradesh. It is my wish and I think hon.

Members of the House will agree, that the elections for the Lok Sabha and the Territorial Councils should be held simultaneously. In fact, that is the main reasons why I have considered it advisable to place this Bill before this House at this stage.

There were other measures which were equally urgent, but out of regard for the convenience of the people and the leaders of these territories, I have succeeded in getting priority for this Bill. The Councils in Manipur and Tripura will consist of thirty Members. They will be elected on the basis of adult suffrage and they will, after a short interval, be competent to elect their own Chairman also. There is a provision in the Bill to the effect that four Members may be nominated. That is not a provision which is of a compulsory character. It only gives discretion to Government to nominate, if necessary. We would have resort or recourse to this provision only to secure the representation of Scheduled Castes or Scheduled Tribes or other weaker sections which may happen to be left out and whose presence might be considered desirable. We have no intention to unnecessarily nominate people if those who deserve to be represented in these Councils succeed in returning members from those communities.

The functions have been defined in the Bill. They have been given more powers and have been charged with the responsibility of dealing with matters some of which do not ordinarily come within the scope of district boards, municipalities or even corporations. I will not go into details, but it has been our effort to give maximum scope for work to these Councils and anyone who may have taken care to go through the list will, I hope, confirm what I have just ventured to mention. The powers that have been given are also in several respects more than the powers that are conferred on such local bodies. The Territorial Councils will have control over panchayats. They will also deal with secondary education and also certain

[Pandit G. B. Pant.]

other matters relating to animal husbandry, agriculture etc. I hope that the Councils will do their part of the business in an efficient way and they will receive every cooperation and assistance from the authorities. Apart from this, these Councils will also serve as electoral colleges, as I said, for returning Members to the Rajya Sabha. That is a very vital function which is being entrusted to these Councils. As hon. Members are aware, the strength of the representatives from these areas has been increased in Parliament, so that the views of the people living in these areas may be fully and adequately represented in this as well as in the other House.

I do not think it is necessary for me to take more time. I would appeal to hon. Members, who are no doubt keenly and vitally interested in this measure, to kindly see that the discussion does not take more than the minimum time necessary.

Mr. Chairman: Motion moved:

"That the Bill to provide for the establishment of Territorial Councils in certain Union territories, be taken into consideration."

Shri Dasaratha Deb (Tripura East): May I ask one question? May I know whether any nominated members of the Council also would be entitled to vote for election of one Member to the Council of States?

Pandit G. B. Pant: You have given notice of an amendment I will accept it.

Mr. Chairman: Three hours are allotted for this Bill.

Pandit G. B. Pant: It will not take three hours.

Mr. Chairman: Let me first ascertain how many Members are interested in speaking on this Bill. Six or Seven. Shall we divide the time half and half for general discussion and the clauses?

Some Hon. Members: Two hours for general discussion.

Mr. Chairman: There are not so many points. We shall have 1½ hours for general discussion. If some time is left over, if any other Member is interested, he can then speak, on the third reading.

Shri Anandchand (Bilaspur): May I submit that representatives from those territories may be given more time than other hon. Members.

Mr. Chairman: Fifteen minutes should be ordinarily the time for any hon. Member.

Shri Dasaratha Deb: After a great delay and much hesitation, the Central Government has sponsored this Bill, namely the Territorial Councils Bill. I welcome the spirit of this Bill because it proposes to delegate some power to the Territorial Councils to work in the local sphere, a very limited sphere. I hope that from now on, the people of these territories can participate in the development works though in a very limited sphere. Even then, we welcome this measure, because this is a step in advance at least for our people. Everybody in this House knows that the demand of the people of these territories was to have a Legislative Assembly. The proposed Council cannot fulfil the task of a legislature. That is why, I feel, the people of these territories will not be fully satisfied. Yet, I accept this measure as a temporary experiment, pending introduction of a Legislative Assembly and I hope my people also will accept this measure in a similar spirit.

At the same time, one should not forget that along with some welcome provisions in this Bill, there are some serious defects and undemocratic propositions. All these must be removed from this Bill. Otherwise, it will not be much helpful to work smoothly and effectively. I shall take up the defects one by one in this Bill. It is proposed that the Central Government may nominate the first

Chairman who shall hold office for a period not exceeding three years. I do not understand why the Central Government want to nominate the first Chairman from the birth of these Territorial Councils and why they want to curtail the right of the Councillors to elect their Chairman from the very beginning. I am afraid it may be interpreted in different ways. It may be said that whereas the ruling party did not secure a majority in the council, the Government wanted to keep the door open to men from their party or yes-men as Chairman. Again, there is no provision for the removal of the Chairman if a situation arises. We want that there must be some provision by which the Council, if the situation demands, could remove the Chairman, who is a whole-time functionary as envisaged in this Bill. The non-incorporation of a provision for the removal of the Chairman is not without its significance. It is apprehended that the Government want to see that the nominated Chairman shall not be removed from office before the end of the period of his time, no matter whatever serious crimes or damages he commits to the Councils or to the People of the territories. I suggest that the Council must be given that right at least to remove the Chairman if such a kind of situation arises. Otherwise, it will be difficult for the Councillors to proceed in a democratic way. Of course, I do not say that normally people would be anxious to remove the Chairman. It would not be desirable. In an extraordinary situation, there must be a certain power given to the Councillors to remove the Chairman. I plead that not only in the case of the nominated Chairman, but also in the case of the elected Chairman, this power should be there. Because, if the Council is not given the power to remove the Chairman, there is a danger that the Chairman may tend to neglect majority will of the Councillors or he may become a yes-man of the Administrator and the corrupt officers or he may tend to develop an arrogant spirit or attitude towards

the Council Members. He will have nothing to fear from the Members of the Councils either for the retention of his office or for his other action. If this power is not given, this Bill would be obnoxious and at the same time most ridiculous and undemocratic. That is why I have proposed an amendment on these lines:

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after line 32, insert:

"(1A) An elected Chairman or Vice-Chairman may at any time be removed from his office by a resolution of the councillors carried in this behalf by the votes of not less than two-third of the total number of councillors holding office for the time being, at a meeting specially convened for the purpose and according to the procedure laid down by the Council:

Provided if the number of councillors who have given their votes in favour of such resolution is less than two-third of the total number of the holding councillors office for the time being but more than half the number of such councillors, the administrator may by order remove the Chairman or Vice-Chairman as the case may be, from his office."

Mr. Chairman: What I propose is this. If the Members intend to pursue the amendments they have tabled at the second reading, they need not read them now. They should rather make general observations on those amendments but not read them, nor go into details. In that case there will be no time. There are already 53 amendments on the Order Paper. So, we have to economise time.

Shri Dasaratha Deb: Yes, Sir. I will make general observations. This amendment is very simple, and in a democratic spirit. I hope the Home Minister will look into it.

There is another defect regarding the appointment of executive officer, because this Bill does not want to

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give the power to appoint executive officer of the council to the council itself. The chief executive officer must be responsible to the Council for his action and at the same time should be appointed by the Chairman of the Council or a person acting on his behalf for the time being. I do not understand why Government proposes that the chief executive officer should or must necessarily be appointed by the Administrator. It is a queer idea. I do not know what motives are behind it.

There is another point regarding the nominated members of the council. In his introductory speech, the hon. Home Minister said that this provision for nomination will not necessarily be generally followed, but cases where members of the Scheduled Castes or Scheduled Tribes are not elected on the basis of adult suffrage this may be considered. Why should not the Home Minister categorically state that as a provision in the Bill itself? If that is his desire, what he stated in the House should be incorporated as a provision in the Bill. In that case there will be no apprehension. Otherwise, it might happen that in spite of members from the Scheduled Castes or Scheduled Tribes being elected to the council, some other member may be taken in the council. What he said may apply to Tripura and Manipur, but in the case of Himachal Pradesh why should this nomination provision be there because it is already stated in the Bill itself that 12 seats have been reserved for Scheduled Castes? Where is the fear that the people from that community will not be or may not be elected? I do not understand this, I think this right of nomination should not be there, because if such a thing is there, it will help the ruling party to manipulate in this also.

Then I want to point out another serious defect. Of course, the Bill wants to give certain powers to the council regarding local affairs, but at the same time the council must

be given certain powers at least to recommend to the Central Government in matters which affect the interests of the people of the State like legislation on land reforms etc. That sort of recommendatory power must be given to the council so that it can bring such matters to the attention of Government. I think this is also absolutely necessary and must be incorporated in the Bill itself.

Regarding the finances of the council, I should say very meagre resources have been left to the council to raise its independent fund. In this Bill it is suggested that only ten per cent. of the land revenue should be given to the council, and besides this there are one or two small sources such as entertainment tax etc. The Home Minister is not unaware that Tripura and Manipur are very backward States, and the income from these sources will be small. I wanted to move an amendment, but there are certain technical difficulties as getting the sanction of the President etc. The Bill has been introduced so hurriedly, and I could not get time. However, I request the Home Minister to give them more resources. Otherwise, Government will be giving practically no room to the council to raise its funds independently. The council will have to depend for its work only on the grants of the Centre, and without any grants from the Centre it cannot work smoothly or effectively. Naturally one question arises in my mind. Is it the intention of the Central Government that the council should be at the mercy of the Government for its resources, like a bird of a holy place called *Tirth-Kuk* in Bengali, having no other resources? I think the council should not be left in that state. It must be given more resources.

Coming to the subjects that are essentially required to be transferred to the Territorial Council I have already suggested some improvements in the shape of several amendments

that I have tabled. So, I do not want to take much time of the House. My amendments are before the House and the Home Minister. They are simple and at the same time very desirable, and I hope the Home Minister will give his attention to them.

I request the Government at least to allocate sufficient money to these councils so that they can carry on developmentwork in the little sphere that has been allotted to them very smoothly and speedily. I hope the Home Minister will pay careful attention to my amendments in the second reading stage.

Shri Anandchand: I am grateful to the Home Minister for having given the present Parliament the opportunity of putting this Bill on the statute-book. He is a busy man and he has become busier still consequent to the reorganisation of States, but I am happy that even at the fag end of this session he has had time to bring this measure before us, although ten days ago we did not have any inkling and I for one was losing hope and thinking that probably he had forgotten the promise made in this House in September last that he would try his utmost to put the Bill through this session. But he is a man of his word and he has truly reacted in that manner and I am happy the measure is now before us.

This Bill cannot fulfil the democratic aspirations of the people of the Territories to the same extent as the other Governments functioning in the States of India with their legislatures and so on fulfil. That limitation is inherent in the very scheme of things. We have accepted States' reorganisation. We have made States in India and certain portions we have delegated to the status of Union Territories, and the basic fundamental governing these Union Territories is that Parliament itself is to be their legislature and they cannot have legislatures or popular Ministries as we call them. But there was no reason why, short of that legislature, some provisions could

not be made for associating the people of these Union Territories with the day-to-day administration. So, this Bill is a welcome measure, and is a welcome step in that direction, and will, I hope, fulfil those aspirations, though, as I have stated at the very beginning, it will fall short of their aspiration, especially in my area of Himachal Pradesh wherein an Assembly has functioned, where a Part C State has functioned with a legislature and a Council of Ministers for the last four and a half years.

But, we accept the proposition. We know that it is a temporary phase. We are also aware that the Union Territories are there only for the time being, and that in the new concept of India that is emerging...

Shri L. Jogeshwar Singh (Inner Manipur): How do you say that?

Shri Anandchand: These areas will have to be tagged on to the States. I have no doubt about it, in spite of my hon. friend's remonstrations, that India is going to have a system of administration....

Shri L. Jogeshwar Singh: Himachal Pradesh will go to Punjab.

Shri Anandchand:...which is uniform throughout the country, which gives the people the opportunity to rise to their full stature in their individual areas, which gives them the right to become Chief Ministers and other Ministers, to legislate for the areas from which they come, and so on. Therefore, I look upon this measure as a stop-gap arrangement, and I shall now try to put before the House my own views about things as they are in this Bill.

One thing which I particularly welcome is the non-inclusion of anything like non-official advisers in the administration. It is an obnoxious thing, and it is wrong to have non-official advisers attached to the administrator. At the time when the Home Minister made his statement in September last, he was not quite clear in his mind whether the administrator appointed by the Centre

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could not be assisted in the day-to-day administration by some sort of non-official advisers. I am glad that in the scheme of this Bill, they are out. I also hope and trust that the anomalies that are now being continued in the Territories of Manipur and Tripura in the form of these non-official advisers will speedily come to an end. They have now been given the powers, or I should say, the privilege, of standing up as Members of Parliament. We passed the Bill only the other day removing any disqualifications that might be there. Although I did not think there was any disqualification attached to their office, yet, to make it certain, the Representation of the People (Miscellaneous Provisions) Bill has made it clear that they can stand. I trust they will go to the people, seek a vote of confidence, if they are worth the name, and come to this House as the representative of the people, but there would be no question now of association of non-official elements in sharing the administration of a Union Territory with the administrator, when we are already making a three-tier government as conceded or as conceived in the Bill.

The three tiers are the local-government, the local self-Government, as I may call it, the State Government and the Union Government. The functions of the Union Government for these Union Territories are now going to be discharged by Parliament here. So far as the functions of the State Government are concerned, they are going to be discharged by the administrator in consultation and close collaboration with the Members of Parliament who have already been constituted into advisory committees for these areas. As for the local functions up to the stage of the Territorial Councils, there will be the panchayats at the very bottom, and over them the Territorial Councils are going to be relegated to the sphere of the Union Territories. So, to my mind, the picture is complete, and I hope there

will be no effort on the part of interested people or vested interests to again try to open up this avenue of non-official advisers with all its shortcomings and with all the bickerings that it brings.

With your permission, I would like to say a few words about the scheme of the Bill, as I see it. I think it can roughly be divided into five parts, firstly, the constitution of the Territorial Councils, secondly, their powers and functions, thirdly, their procedure and staff, fourthly, their functions, and fifthly, their control. I would like to say a few words on each of these.

Regarding the constitution of the Territorial Council, the Bill makes a provision of 40 members for Himachal Pradesh and 30 for each of the Union Territories of Manipur and Tripura. The Home Minister was pleased to say just now that he proposes to raise the strength in the case of Himachal Pradesh to 41. I have no objection to the raising of the strength, but I want to bring to his notice one fact which, perhaps, has been overlooked, and that is, that in Himachal Pradesh, the seats reported to be reserved for the Scheduled Castes are 12, and those for the others will be 28. In other words, if we have 41 seats, one extra-constituency would have to be made. But I think there is a little mistake in that.

At the present moment, in Himachal Pradesh, we have 32 constituencies and 41 members. In 32 constituencies, we have 32 general seats, and there are only 9 Scheduled Castes seats. The basis is that, according to the President's Order of 1951, the Himachal Pradesh Scheduled Castes population was estimated at 2,37,000. Under the provisions of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, which Parliament passed only in the last session, this population was increased from 2,37,000 to 3,20,000. Therefore, this provision of 12 seats is all right, because it conforms now to the ratio of the Scheduled Castes population of 3,20,000 to the

total population of 11,09,000. But, to have 12 seats, we shall have to rearrange a number of constituencies, if the total number is 41. Therefore, it would not be quite correct to say that if we raise the number to 41, we may make them on the old pattern. I believe some kind of a delimitation of the constituencies will be necessary. Therefore, what I was going to urge was that rather than have an odd number of 41, the number might be increased to 42, and some constituencies would have to be rearranged for the very reason that I have put before the House. While the clauses are discussed, I hope the Minister would take this fact into consideration.

Mr. Chairman: The Minister said that at present, there are 41 members.

Shri Anandchand: But the number of Scheduled Castes members is only 9 at the present moment.

Mr. Chairman: That does not matter. It means that the number of reserved seats being more, more constituencies are tagged together. But delimitation may not be necessary for an individual constituency.

Shri Anandchand: That is for double-member constituencies. Single-member constituencies cannot be joined together for returning a double-member seat. So, some delimitation of these existing constituencies into double-member constituencies will be necessary. That is what I would like to submit.

I do not want to say anything about the principles, so far as the nominated members are concerned. My hon. friend from Tripura was very vehement that there is a scheme or there is a card up the sleeve of the Home Minister to introduce some kind of undesirable element or Government supporters into the Council and that probably, if it was justified in the case of Manipur and Tripura, there was no justification in Himachal Pradesh. I do not subscribe to that view.

In Himachal Pradesh, beside the Scheduled Castes population, we have a large tribal population of about 30,000. In the amendment which I would be moving later on, I have tried to suggest that some of these members, if they are to be nominated at all,—of course, I do not stand for the non-official elements, if they are not there, so much the better, but if they are to be there—may be from among the Scheduled Tribes. My suggestion is that at least a couple of seats in the case of Himachal Pradesh might be given to the Scheduled Tribes who are a very backward people and who would otherwise remain unrepresented. The Minister himself has gone and seen some of them in Champa. So, I shall not repeat it. But that is my suggestion about this matter.

About the functions and powers of the Territorial Councils, it is a comprehensive list. Of course, more items could easily be added; there are innumerable items, but I have been looking through the Bombay Municipal Corporation Act, and also the Punjab District Boards Act, and I find that the powers are no whit less than they have in these two areas; they are a little more in certain directions, as the Minister pointed out.

There is, however, one exception which I would like to put before the House, and that is about agriculture. In these functions, there are items like agricultural fairs, irrigation for purposes of agriculture and so on, but agriculture itself, the improvement of agriculture, the problems of agricultural farms and so on are not there; at least, I have not been able to find them in the functions and powers of the Council. I would request that these three items also may be added.

Pandit Thakur Das Bhargava (Gurgaon): Item XVIII reads:

“fairs and agricultural and industrial exhibitions and the establishment and maintenance of model farms;”

So, model farms are there.

Shri Anandchand: Model farms are there, but not the Agriculture Department, as we understand it. That was what I had in mind, not only farms, but the Agriculture Department as a whole.

The three areas for which these Councils are going to be constituted are agricultural. I have not much idea of Manipur and Tripura. But, so far as Himachal Pradesh is concerned, more than 90 per cent. of the area depends on agriculture. I think it would be a welcome addition, if certain more powers to these Councils were given in the field of agriculture.

Then I will come to the Chief Executive Officer or what I have termed first as "The Procedure and the Staff". Now, my hon. friend was rather critical of the Chief Executive Officer, and he was also of the view that the Chief Executive Officer must be a member of the Council itself. I do not subscribe to that view for two reasons. One is that the Chief Executive Officer is a person who has to carry out the directions as well as the decisions of the Council. He must necessarily be a functionary and an employee; he cannot be a member.

Then so far as the other point was concerned, about control, I agree that at the present moment, the Bill, as it is worded, gives a $\frac{2}{3}$ majority or asks for a $\frac{3}{4}$ majority of the total members of the Council before the Chief Executive Officer can be removed. I think that is too harsh a provision. Perhaps we have overstated the limit which is required, for two reasons. One is that under the Constitution—let us take article 61 of the Constitution—even our highest dignitary, the President of India, can be impeached by either House by a $\frac{2}{3}$ rd majority and removed from office. I do not think the Chief Executive Officer can be a functionary or dignitary higher than he. But that is a very minor question.

The other point that I wanted to make was that we should not give to

these Chief Executive Officers a certain amount of continuity of tenure, unlimited tenure, by which vested interests are created. Therefore, what I would suggest is that in this matter, if the hon. Home Minister agrees—I have also tabled an amendment to this clause—the Chief Executive Officer may be appointed, as he is appointed in the Bombay Municipal Corporation, for a renewable period of three years. That renewable period gives an opportunity to the people who are dealing with him to decide, without bringing in a formal resolution for his dismissal, which looks very awkward, I believe, to the Administrator or the Government of India, on the ground that the person has not been able to discharge his functions quite correctly, that the renewal may not be granted after three years. That, I would suggest, is one method to cope with the criticism that a man who is there for all time and who thinks he is irremovable, except by a $\frac{3}{4}$ th majority—which will be very difficult to obtain—cannot be removed; that, I think, would be a better method of seeing that he does not transgress the limits of propriety, and the Council is also given an opportunity every three years to voice its views about the Chief Executive Officer before he is reappointed to the post.

Regarding finance, I have only two points to make. One is that finance naturally is the backbone of any Corporation, Territorial Council or anything that we can construct. And as I see, according to the memorandum which the hon. Minister has appended to the Bill, the idea is....

Mr. Chairman: The hon. Member's time is up.

Shri Anandchand: I will finish in four or five minutes.

Mr. Chairman: There are other Members also who want to speak.

Shri Anandchand: Then I will finish in two minutes.

About this financial provision, what I was going to say was this, that at the present level of revenue, they say, Rs. 11 lakhs for Himachal Pradesh, Rs. 5 lakhs for Manipur and a few lakhs for Tripura. I am not going into the financial position of those States. But in Himachal Pradesh, I know that primary and secondary education cost Rs. 50 lakhs in the budget for 1955-56. This amount of Rs. 50 lakhs was being spent in that area or in my area for primary and secondary education. Then there are other expenses on agriculture, on farm and on various matters, public health and so on, which are going to be entrusted to the Council.

So my submission is that more financial powers so far as the taxation field is concerned may be given; if it is not taxation, then the giving away of the net proceeds of several items which I will suggest in due course may be considered to fill up the financial gap.

Lastly, I would say as regards control that the Territorial Councils are a new experiment. We have had a legislature in Himachal Pradesh. That was functioning in a different manner. So far as Himachal Pradesh also is concerned, it is a new experiment. Therefore, mistakes may be committed. So what I submit is that in this control, there is a provision for the supersession of these Councils. Of course, in every Act which Government makes, if the people who are elected do not behave properly, if they do not discharge their functions properly, supersession is there. But what I wanted to request this hon. House and to suggest to the hon. Minister was that so far as supersession was concerned, the clause might be rewarded so nicely or rewarded so properly that no supersession of these Councils was effected without giving them due and reasonable opportunity to explain their position or to explain their conduct on which this extreme

action was proposed to be taken on them.

These are all the observations I want to make on this Bill. I am sure it will come as a great fillip to local self-government in these areas, although it falls short of the aspirations, as I have already said.

Shri Rishang Keishing (Outer Manipur—Reserved—Sch. Tribes): I congratulate the hon. Minister on bringing forward this Bill in the current session of Parliament. But as far as the provisions of the Bill are concerned, I am rather disappointed. I think the people of Manipur and other Union Territories also will feel the same.

It is quite natural that the people of the Union Territories are disappointed with this Bill, because for the attainment of freedom they had sacrificed as much as the people of any other part of the country. Take the case of Manipur. We have had in defence of the freedom of this country such patriots as Bir Tikendrajit, Powna, Thangal and so many others who sacrificed their lives. About 30 years back, Rani Guidelo came forward with her brother and people and fought the Britishers. Again in 1939, thousands of women from Manipur came forward to fight the Britishers for the sake of the freedom of the country.

In spite of all these efforts of theirs for the liberation of the country, this is how the Government of India have treated them. After the attainment of independence, these parts of the country were constituted into Part C States. The people were denied all the democratic rights. So they began to feel that they have been treated as *shudras* among the citizens of the country. This wrong was committed on the people. Gross injustice was done to them. The hill people and plains people of Manipur, in 1954, in order to correct these wrongs, launched a peaceful and non-violent *satyagraha*. Hundreds of people faced

[Shri Rishang Keishing]

bullets and imprisonment. They have been patiently waiting with high hopes and expectations about this Bill. Now the Bill that is before us shows that its provisions can never fulfil the aspirations of the people for full-fledged assembly.

Coming to the Bill itself, I am not optimistic about the successful and smooth working of the Council. There is too much interference from the Centre, and from the Administrator. The powers given to the Council are so limited that they won't be able to do anything in order to satisfy and fulfil the aspirations of the people. The Bill envisages that the Central Government are to nominate four persons. So far in Manipur, the tribal people have had separate seats for Council as well as for Parliament. There is no need for any reservation, and I do not understand why the Central Government wish to nominate four other persons, besides the 30 members selected on adult suffrage. The Home Minister has given an explanation about it, but I am not satisfied with it. I know what nomination is and people know it too. Nomination always means putting their own men, their own yes-men. That will simply strengthen the grip of the ruling party; I do not mean the Congress Party only, but whoever rules.

So, the word nomination should be altogether dropped. Nominated members will not be sitting there without getting anything. They will claim the same rights as the other elected members are having or enjoying. So, they will have to be paid some remuneration or something of that sort. I feel that this is not only undemocratic but also a waste of public money. Therefore, that provision should be altogether dropped. We do not require any reservation for any section of the people as there is sufficient reservation already there.

The Central Government can nominate a Chairman of the Council, as

provided in this Bill. This is something which we cannot think of. There are, for example, in Manipur 30 elected members, each of whom represent 10,000 people. They have been elected by the people and are sitting in the Council, and now to preside over the meeting of the elected members you want to put somebody who does not represent anybody in the State. That is also quite undemocratic. There should not be any such provision in the Bill.

On the first day of the meeting of the Council, the Administrator can preside, and then a Chairman who will command the confidence of the majority of the elected members of the Council can be elected. That is a very simple thing. Therefore, I am opposed to the provision as given in this Bill that a Chairman may be nominated by the Central Government. That provision should be deleted.

There is also interference, as I said, from the Chief Administrator. Every time the Administrator attends any such meeting, he shall preside over the meeting—that is what is stated here. I have no objection to the Administrator attending the meeting of the Council, and addressing the Council occasionally, but to say that the Administrator often comes and whenever the Administrator comes, the Chairman elected by the representatives of the people should vacate and go somewhere else, allowing the Administrator to sit there, is something funny. The hon. Minister should also look into this and delete that portion of the Bill, because, as I said, the man who does not represent anybody, the man who is deputed from here going and dislodging the Chairman elected by the people is something which the people will resent. Not only the elected members but the people as a whole will resent such action, and, therefore, that portion must be removed from the Bill.

The Council also must be given power to remove the Chairman. I feel that there must be a provision by means of which the Council can remove the Chairman when he does not command the confidence of the Council.

Even for the removal of the Chief Executive Officer you have given the voting strength figure as three-fourths. That is too high, and it should be only two-thirds.

I also feel that the appointment of the Chief Executive Officer should not be made by the Administrator but by the Council. He is the most responsible officer and he should be appointed by the Council and his removal can be effected by the Council.

The principal officers are to be appointed by the Council, but the Chief Executive Officer by the Administrator. I do not know why this division is there. The whole of the appointments, that is, of the Chief Executive Officer and the principal officers, must be made by the Council and not by the Administrator, and the Council should have the full power to remove these officers.

Again, coming to the financial aspect of the Bill, 10 per cent. of the net revenue has been given to the Territorial Council, and the result is that Manipur will get about Rs. 5 lakhs. With this amount of Rs. 5 lakhs I do not know what they will do. Even for the construction of a bridge, it requires Rs. 5 lakhs or more in Manipur and in some of the hilly areas. You have kept only Rs. 5 lakhs at the disposal of the Council. They will not be able to do anything with that amount. Therefore, I request that more money should be allotted, more funds should be kept at the disposal of the Council because, the progress, development and smooth working of the Council largely depends upon the financial position. Therefore, I request that the hon. Minister

may give more resources and provide more funds to the Council.

Shri Tek Chand (Ambala-Simla): After having examined the various provisions of the Bill and after having endeavoured to probe into the spirit and the principle underlying this measure, I can only lend it a qualified support. It has no doubt certain good features. It has endeavoured to supply a void that had been created in consequence of the creation of the union territories and yet that void is not sufficient to satisfy all the democratic urges of the people. It is a sort of *via media* which leaves a person's appetite only half satisfied. Though this Bill deprives the members of the Territorial Council of all legislative powers, in effect it provides, in a new manner, legislation by resolution.

When we turn to the subject which are within the control and administration of the Territorial Council as provided by clause 28, they are so vast, so multifarious, so varied that I have my doubts as to the effectiveness of the Council to undertake full and satisfactory control and to administer it with any efficiency. I know that this measure is patterned and modelled upon Corporation Acts in various Presidency towns. It is very much analogous to them. But the framers of this Bill seem to have missed one point, and if I may say so, that point intimately relates to Himachal Pradesh. No doubt in the matter of population, 11½ lakhs may be just a little more than half the population of the town of Delhi. Nevertheless, one fact must not be lost sight of. Himachal Pradesh has got a vast territory extending to 10,000 square miles. Will it be within the beat, will it be within the reach and effective control of this Territorial Council, especially when the terrain is mountainous, difficult of negotiation? As the modes of communication are few and far between, I do not know whether this huge administration and control should be entrusted to a Council-like that.

[Shri Tek Chand]

If you turn to the subjects which fall within the jurisdiction of these Councils, you will find that there are subjects like the construction and maintenance of rope-ways, tramways and other means of transport with the previous sanction of the Central Government. I am glad in a way that the subject of rope-ways about which I must have been advocating for the last many years has at least found its place on paper. These aerial rope-ways and other similar means are very much needed in mountainous areas. But my fears are that it may not be within the intellectual or expert competence of these Councils; they may not be able to initiate this novel and new scientific mode of transportation. Then again, I notice that a vast subject like the reclamation of soil and the preservation of forest, improvement of livestock, etc. is entrusted to this Council. It requires the expert personnel of the Centre to undertake these vast and varied undertakings. It will not be within the effective purview of the Council.

As pointed out by Shri Anandchand, my distinguished neighbour, regarding agriculture, no power is being given to the Council. It might have been well within its competence. It is not sufficient that they may be able to control the fairs and agricultural and industrial exhibitions or the few scattered model farms in the territory. It will not serve the purpose. With respect to agriculture, they should be able to educate the common man extensively and that is a subject which ought to have been entrusted to this Council. Not only agriculture to which Shri Anandchand confined his remarks but also orchards should have been included.

In Himachal Pradesh, there are good fruit orchards. There is plentiful scope for multiplying such orchards. That is a subject which can well be left to this Coun-

cil and I have no doubt that it will discharge its functions effectively.

Regarding clause 53—power to supersede Territorial Council—I feel that the language is all embracing, if not unjust altogether. The existence, continuance or supersession of this Council is dependent upon the subjective satisfaction of the Central Government and the Central Government must necessarily function through its Administrator. It is for him to express his dissatisfaction or disapproval of some of the measures and the Council stands superseded. I feel that the principle of *audi alteram partem* ought to have been incorporated in some form or the other in this Council. An opportunity should be given to the defaulting members of this Council to show cause why the Council should not be superseded. A provision to that effect ought to be incorporated because it may very well be said that supersession may be the result or consequence of some tug-of-war or some power politics as between the Administrator on the one side and the Council on the other.

Regarding the seamy side of the Bill, the unsatisfied side of the legislative hunger of the people, I feel that it would have been a lot better so far as Himachal Pradesh is concerned if it had been joined with Punjab and made into a third region. In Punjab today, in which PEPSU has merged, the population does not exceed a crore and sixty lakhs. If the population of eleven lakhs is added from Himachal Pradesh, the total population will not exceed two crores. It would have been in the fitness of things if Himachal Pradesh had been added to Punjab and the wishes and the aspirations of the people of Himachal Pradesh had been guaranteed by giving them a third region. Call it the Hill Region, if you like. We have already got two regions—the Punjabi Region and the Hindi Region. We may as well have a Hill Region. That would have met

and satisfied their legislative aspirations and democratic desires They would have been at par with the other citizens in this country.

I may bring it to the notice of the hon. Minister and the hon. Members present that only recently there was a labour conference at Simla. They demanded a third region for Himachal Pradesh in Punjab. Again a large number of members of the legislative assembly—erstwhile legislative assembly, I should say—of Himachal Pradesh, very prominent public workers and members of the District Congress Committees are anxious and have expressed their desire to the Central Government that there should be a third region created so that the people of Himachal Pradesh may join their kith and kin in the bigger Punjab and share in the enjoyment of the democratic rights coupled with the preservation and protection of their special interests so that this backward area may have full scope for development and expansion without being spoon-fed, if I may say so, by the niggardly measures as adumbrated in this Bill. With these remarks, I lend my qualified support to this Bill.

पंडित ठाकुर दास भार्गव : यह बिल इस हाउस में सेशन के आखीर में ऐसे वक्त आया है जब हाउस की पूरी तबज्जह इस बिल की तरफ नहीं दी जा सकती है। जब हम यह देखते हैं कि हमने जो कांस्टिट्यूशन बनाया उसमें कई वर्ष लगे और उसके हर एक लफज पर बहस हुई उस वक्त यह भी देखते हैं कि यूनिनयन टेरिटरीज की कौंसिलों का बिल दो या तीन घंटों में खत्म हो जाएगा। जिस वक्त प्रायदस या पंद्रह मिनट बाद घंटी बजाते हैं तब इस बिल के अन्दर इतने सबजेक्ट्स होते हुए भी जिन पर बोलने के लिए काफी वक्त चाहिए, मेम्बर बैठ जाते हैं, मैं भी बैठ जाऊंगा, क्योंकि यह कायदा बन गया है, लेकिन मैं डी नहीं, हाउस महसूस करता है कि यह यूनिनयन टेरिटरीज के लोगों के साथ बड़ी सख्त ज्यादाती है कि न यह बिल सेलेक्ट कमेटी में गया है न

इसके ऊपर काफी वक्त दिया गया है। जैसे हम महीनों तक हर एक बिल को पढ़ते हैं, हर एक मेम्बर के हाथ में पहले से वह बिल रहते हैं, वह मौका इस बिल के अन्दर नहीं मिला। जो मेम्बरस ऐसे एरियाज से आते हैं उनको पूरा मौका नहीं मिला कि वह अफकी राय दे सकें, न दूसरों को ही मिल सका

श्री टेक चन्द : वह तो मौजूद ही नहीं है।

पंडित ठाकुर दास भार्गव : मुझे सरल अफकीस है कि यह बिल इस तरह से इस हाउस में रखा किया जा रहा है और लाखों भादमियों की किस्मत का फैसला इस के अन्दर किया जा रहा है, और वह भी इस तरीके से किया जा रहा है जो हाजिज किमी को पसन्द नहीं आ सकता।

इसके अलावा इस बिल के अन्दर हब बहुत अगड़ा देखते हैं। शुरू में जो हमारा खदशा था, जिसका हमने शुरू में ही कहा था जब कि स्टेट्स का रिफॉर्गनाइजेशन किया जा रहा था जब कि हम कांस्टिट्यूशन को तबदील कर रहे थे कि कांस्टिट्यूशन का इस तरीके पर दुस्त करना ठीक नहीं है, वह ठीक निकला।

मैं हिन्दुस्तान के लोगों में चाहे वे किसी हिस्से में रहें, यूनिनयन टेरिटरीज में रहें अथवा नहीं और रहें, मैं कोई फर्क नहीं देखता। मैं चाहता हूँ कि कांस्टिट्यूशन में जो फंडामेंटल राइट्स दिये हुए हैं वे भारतवर्ष के हर एक रहने वाले के लिए एक से हों लेकिन मैं देखता हूँ कि जो पावर्न यूनिनयन टेरिटरीज को दी गई हैं वे इतनी थोड़ी हैं कि मुझे सन् १९१९ का जमाना याद आ जाता है जब कि भारतवर्ष पर अंग्रेजी हुकूमत का राज्य था और उसने सारे देश में रिफॉर्म्स नाफिज किये थे और एक हिस्सा ट्रांसफर्ड रक्खा और एक रिजर्वर्ड रक्खा, उन्हीं लाइन्स पर मैं समझता हूँ कि यह बिल ट्रापट किया गया है, कारपोरेशन ऐक्ट के अन्दर कारपोरेशन के मुतास्तिक जो कानून हैं और जो पुराने हमारे रिफॉर्म्स

[पंडित ठाकुर दास भार्गव]

हैं उनको मिला जुला कर एक चीज हमारे सामने पेश की गई है। मुझे वह दिन याद है जब पाटें सी० स्टेट्स के मूतालिक एक बिल पार्लियामेंट के सामने आया था, पार्लियामेंट की एक कमेटी द्वारा उस पर और होकर हाउस के अन्दर आया था उस वक्त हमारे मरहूम मिनिस्टर श्री गोपाल स्वामी अग्र्यंगार के सामने यह अर्ज किया गया था कि उनके प्रपोज्ड सेजिस्लेशन में यूनियन टैरिटरियल को बहुत थोड़ी पावर्स दी गई है और उन्होंने उसमें थोड़ी तबदीली करके पाटें सी० स्टेट्स को कुछ ज्यादा पावर्स दीं। उसी तरीके से मैं चाहता था कि अगर हमारे होम मिनिस्टर साहब या डिप्टी होम मिनिस्टर साहब मेम्बरान के साथ बैठ करके इस बिल को देखते और उनकी स्वाहिशात का पूरा जायजा लेते तो मुमकिन था कि इसके अन्दर कोई तबदीली आती लेकिन अफसोस यह है कि इस वक्त इसका मौका नहीं है और हम बहुत जल्दी से इस तरह से चल रहे हैं जैसे बगैर ब्रेक के कोई इंजन चलता हो और मैं नहीं जानता कि इस हड़बड़ी में मैं इस बिल की किस किस चीज की तरफ तबज्जह दिलाऊँ।

बहरहाल, इतना कहने के बाद अब मैं धारणा इजाजत से चन्द एक बातों की तरफ तबज्जह दिलाना चाहता हूँ। हिमाचल प्रदेश के बारे में मुझे यह कहना है कि जहाँ साढ़े चार बर्ष तक पापुलर मिनिस्ट्री रही और उनके पास एक सेजिस्लेटिव काउंसिल रही वहाँ न तो अब उनके पास मिनिस्ट्री है और न सेजिस्लेटिव काउंसिल ही है और उनकी हालत ठीक वैसी ही आज हो रही है जैसे कोई आदमी पहले बड़ी अच्छी हालत में रहे और बाद में वह पीपर हो जाय। उनके हकूक छीने जा रहे हैं और उनकी हकतलफ़ी हो रही है।

श्री होम राज (कांगड़ा) : आप तो चाहते थे कि हिमाचल प्रदेश पंजाब के साथ मिलाया जाय ?

पंडित ठाकुर दास भार्गव : मेरे चाहने का सवाल नहीं है, मैं जो राय जाहिर कर

रहा हूँ वह मेरी खास जाती राय का सवाल नहीं है, मैं इस वक्त एक रिजिजेंटिव की हालत में बोल रहा हूँ। जैसा कि मेरे दोस्त श्री टेक चन्द ने कहा मैं भी वही चाहता हूँ और उसके मूतालिक मेरे दिल में कोई भी शुबहा नहीं है कि सही फ़ैसला वही था अगर हिमाचल प्रदेश को पंजाब के साथ मिला दिया जाता और उसका तीसरा रीजन बनाया जाता लेकिन मैं यह नहीं चाहता था कि यूनियन गवर्नमेंट हिमाचल प्रदेश को फ़ाइन इयर प्लान में जो रुपया देना चाहती थी, उससे वह महरूम हो जाय। मैं खुद इस बात का स्वाहा हूँ कि हिमाचल प्रदेश के इवलपमेंट के वास्ते जो गवर्नमेंट काफी रुपया देना चाहती थी वह उसको मिले और हिमाचल प्रदेश के इवलपमेंट के वास्ते खर्च करे और मनिपुर और त्रिपुरा जो कि बहुत बैकवर्ड हैं, वे ऐसी जगह लाया जाय जहाँ कि उनकी वही एकवॉल्टेड प्रोजीशन हो जो बाकी सारे देश की है। मैंने इसी गरज से प्रैक्टिकल प्राविजन रखना पसन्द किया कि पांच वर्ष के बाद ही हिमाचल प्रदेश पंजाब के साथ मिलाया जाय। आज वह भले ही पंजाब के साथ न हो और अलग हो लेकिन मैं अशक से अर्ज करना चाहता हूँ कि एल्टीमेट चीज यही है कि जितनी घाउटलाइंग स्टेट्स हैं, वे आहिस्ता आहिस्ता पास की स्टेस में शामिल होंगी और यही एक सही रास्ता है जो अपनाया जाना चाहिए ताकि उनके भी वही राइट्स हों जो कि दूसरे देशवासियों के हैं और मैं अर्ज करता हूँ कि होम मिनिस्टर साहब भी इसके ऊपर और फरमायेंगे।

अब मैं कुछ एक बिल के प्राविजंस की तरफ तबज्जह दिलाना चाहता हूँ। सबसे पहले मैं इस बिल के क्लॉज ६० "पावर टु कम्पाउंड ऑफेंसेज" की तरफ दिलाना चाहता हूँ जिसक कि अन्दर यह दर्ज है :

"subject to the rules made by the Council for the purpose, except from any person against whom a reasonable suspicion exists, that he has committed an offence under the Act."

मेरी भ्रदब से गुजारिष यह है कि जब कभी कम्पाउंडिंग होती है तो बह दो सूरतों में होती है। जब आप की यकीन हो कि एक शख्स ने जुर्म किया है तो उसके साथ तो हम कम्पाउंड कर सकते हैं लेकिन किसी की बाबत यह खयाल नहीं है कि उसने जुर्म किया है तो उसमें आप ऐसा क्यों रखते हैं

"Except from any person against whom a reasonable suspicion exists" that he has committed an offence under the Act".

मेरी भ्रदब से गुजारिष यह है कि जब तक आपको यकीन न हो कि एक शख्स ने जुर्म किया है और जब तक वह खुद न मानता हो कि मैंने जुर्म किया है, आप कम्पाउंड किस बात का करोगे और यह सिलसला कम्पाउंडिंग का ब्लैकमेल की नीबत तक पहुंच जायेगा और अपना छुटकारा हासिल करने के लिए बेगुनाह भी आपको पैसा देंगे। मेरे स्थाल में जहां तक क्रिमिनल प्रोसीज्योर कोड का सवाल है वहां रीजनेबुल ससपिशन पर कि किसी शख्स ने जुर्म किया है, उसके साथ कम्पाउंडिंग नहीं हो सकता और ऐसी हालत में इसके भ्रन्द इन्जस्टिस हो जाना मुमकिन है या ऐसा रुपया आ जाय जिस रुपये को कि गवर्नमेंट लेना नहीं चाहती, मेरी समझ में यह नहीं आया कि रीजनेबुल ससपिशन के ऊपर कैसे कम्पाउंड हो सकता है।

इसके अलावा जब मैं दफा २८ में फंक्शंस ऑफ़ टैरिटोरियल कौंसिल्स को देखता हूं और उस लिस्ट को देखता हूं जो उसमें दी हुई है तो मैं पाता हूं कि श्री आनन्द चंद ने जो शिकायत की है कि इसके मातहत पूरा एग््रीकल्चर नहीं आया है उनकी शिकायत बजा है और एग््रीकल्चर का मुहकमा इन टैरिटोरियल कौंसिल्स के मातहत आना चाहिए, मेरी खुद की भी यही राय है कि

एग््रीकल्चर सारा का सारा इन कौंसिलों को दिया जाना चाहिए और मीडेल फार्म्स और इंडस्ट्रियल एग्जबिशन का प्राविजन करना ही काफ़ी नहीं होना चाहिए। जहां तक इंडस्ट्रीज का सवाल है, इंडस्ट्रीज भी और प्लानिंग भी एग््रीकल्चर के साथ साथ कम्पलीटली इन कौंसिलों को दी जानी चाहिये थी। यह तीनों चीजें इन कौंसिलों को पूरे दौर पर दी जानी चाहिए थीं।

अभी श्री टेक चन्द ने एक क्रिटिसिज्म किया है कि यह कौंसिलें शायद इस क्राबिल नहीं हैं कि इंटेलिक्चुएली या एफ़ैक्टिवली बिना सेंटर की मदद पाये उन चीजों को पूरा कर सकें, मेरा कहना है कि कितनी ही हमारी ऐसी स्टेट्स हैं जो इन चीजों को पूरा नहीं कर सकती, सेंटर की इमदाद हर एक स्टेट को हासिल है और इन इलाकों को मदद देना खास स्टेट का फ़र्ज है।

इसके अलावा मुझे इसके चेअरमैन के बारे में यह कहना है कि यह उसी तरह रक्खा गया है जैसे सन् १९१९ में जब शुरू में असेम्बलियां बनी थीं तो उनका चेअरमैन तीन साल के वास्ते नामिनेट होता था और उसी बिना पर यहां पर भी चेअरमैन का तीन साल के वास्ते नामिनेशन किया गया है। मेरी भ्रदब से गुजारिष है कि मैं चेअरमैन को नामिनेटेड के बदले एलेक्टेड चाहता हूं और उसको शुरू से एलेक्टेड होना चाहिए था। जहां इस बात की शिकायत की गई है कि ला एंड ब्राडर वगैरह वगैरह चीजें उनके सुपुर्द नहीं की गई हैं, मैं उन लोगों के ऐसपिरेशंस का स्वागत करते हुए यह कहूंगा कि मुनासिब होता अगर शुरू से ही हम चेअरमैन भी उनको एलेक्टेड दे देते। साथ ही इसमें जो तीन चौथाई मेजारिटी का प्राविजन रक्खा गया है उसको हटा कर कांस्टीट्यूशन में जो दो तिहाई मेजारिटी का प्राविजन है उसको रखते तो नामुनासिब नहीं था। जब से इस देश में मांटैंग बेम्सफोर्ड

[पंडित ठाकुर दास भार्गव]

रिफार्म्स आये तो "प्रोप्रेसिव रिप्लाइजेशन" का असूल पुरानी सरकार ने सामने रक्खा था। मैं समझता हूँ कि इस बिल में भी यह ग्राहडिया इसके अन्दर है और ट्रान्सफरेंड और रिजर्वेड सबजेक्ट्स हैं। जो पहले की विदेशी गवर्नमेंट थी वह इसको और तरीक़े से देखती थी लेकिन हमारी अपनी गवर्नमेंट यकीनन इन इलाकों के लोगों पर ज्यादा भरोसा कर सकती है और उनसे ज्यादा पावर्स दे सकती थी। मैं समझता हूँ कि इसमें कुछ नहीं बिगड़ेगा अगर वह डिमांड मान ली जाय कि दो तिहाई मैजोरिटी के साथ वह चेअरमैन हटाया जा सकता है और चेअरमैन शुरू से एलेक्टेड हो।

जब मैं इसकी फ़ाइनेंशियल पायर्न को देखता हूँ तो पाता हूँ कि इसमें उसका काफ़ी पावर्स आफ टैक्सेशन दी हुई हैं। टैक्स बग़ाने की भी पावर है और उसको खर्च करने की भी पावर हासिल है। फ़ाइनेंशियल मेमोरेंडम में जो इन स्टेट्स की आमदनी का बोझा सा जिक़्र किया गया है जैसे ११ लाख हिमाचल प्रदेश को, ५ लाख मनिपुर को और ढाई लाख त्रिपुरा को, मेरी नाफ़िस राय में यह हमदाद काफ़ी नहीं है। अलबत्ता इसके आगे का जो फ़ाइनेंशियल मेमोरेंडम में फ़िक़रा दिया हुआ है वह इसमें जान डालता है।

"In addition, clause 37 provides that the Central Government may make such grants to the Councils as it may think fit."

मेरी गुज़ारिश यह है कि यह तलाज रिप्ली एक्टिव है क्योंकि जो माली हमदाद आपने प्रोवाइड की है वह बहुत थोड़ी है और उससे उनका कोई काम नहीं चल सकेगा।

इसके अलावा वह जो सुपरसेशन कंट्रोल के बारे में मेरे दोस्तों ने अपना अर्थोपदेशा जाहिर किया है कि सुपरसेशन का प्राविजन सेकशन ५३ में इस तरह पर लिखा हुआ है जिससे कि

यह आसानी से हो सकता है तो मेरी गुज़ारिश यह है कि अब भी हमारी गवर्नमेंट इस सुपरसेशन की चीज़ को बहुत कम सिर्फ़ एक्सेप्टानल सरकमस्टान्सेज़ में ही इस्तेमाल में लायेगी। कांस्टिट्यूशन की दफ़ा ३५५, ३५६ (एमरजेंसी प्राविजंस) में सेंट्रल गवर्नमेंट को यह अधिकार दिया गया है कि अगर कोई स्टेट गवर्नमेंट इन एक्सीटेंस विद दी प्राविजंस" (In accordance with the provisions न हो तो उस सूत्र में सेंट्रल गवर्नमेंट उसके अख़्तियारात अपने हाथ में ले सकती है लेकिन मैं यह बख़ूबी जानता हूँ कि हमारे आनरेबल होम मिनिस्टर आखिरी आदमी होंगे जो कि इस सुपरसेशन पावर्स का इस्तेमाल करेंगे, लोगों को बिल्ता वजह ही इस तरह का डर हो गया है और अगर होम मिनिस्टर साहब इसका ऐम्प्योरेंस दे दें, तो उनके दिल से यह खौफ़ जाता रहेगा। दरअसल मैं न तो उनका ऐसा खयाल है और न ऐसा खयाल मुमकिन है उस शक़्स के दिल में जो इन कौंसिलों का बनाता है और जिनसे इतने पावर्स और चीज़ों में उन कौंसिलों को दी हैं और जिस तरीक़े से यह बिल बना है उसके अन्दर यह स्वाहिश कभी नहीं हो सकती है कि जब चाहे उसको स्वीट बिल पर सुपरसीड कर दिया जाय। इस तमाम बिल को देखने के बाद इसमें यह एक स्वाहिश मालूम होती है, एक गॉल्डेन थ्रूड इसमें जाता है और हालांकि आज पावर्स कम दी जा रही हैं लेकिन आखिर में मुझे कोई शक़ नहीं है कि यह चन्द एक पावर्स होते होते इस तरीक़े से डेवलप होंगी कि जिसके अन्दर बाक़ी हिन्दुस्तान में और इन युनियन टैरिटेरीज़ में किसी किसम की कोई तमीज़ नहीं रह जायगी। मिवाय उस तमीज़ के जो कि कुल देश के हालात देखकर करना ज़रूरी हो। आप देखेंगे कि हिन्दुस्तान की हुकूमत इस तरह से की जा रही है कि सारे देश का भला हो गो कि मुल्क में मुस्लिफ़ हिस्सों में उन की ज़रूरतों के मुताबिक़ इन्तिजाम किया जाता है।

जो हमको इसके बारे में शिकायत है वह यह है कि इसमें काशन का बड़ा हिस्सा है। जो पहले पार्ट सी० एंड ई० थीं उनको इस बिल में कम पावर्स दी गयी हैं। ये पावर्स और एनलार्ज हो सकती हैं और हो सकता है कि आनरेबल होम मिनिस्टर साहब अगर आगे चल कर उनको बढ़ाना मुनासिब समझे तो बढ़ा भी सकते हैं। इन हिस्सों के लोग बार बार इस बात का जिक्र करते हैं कि उनके हुकूक और उनकी ताकत हिन्दुस्तान के बाकी हिस्सों के मुकाबले में कम कर दिये गये हैं। इसलिए जहाँ तक हो इन पावर्स को लिवरे-लाइज किया जाये और जब यह समझा जाये कि ये हिस्से काफी डेवेलप हो गये तो इनको पूरी पावर्स दे दी जाय। हालांकि मैं तो यह समझता हूँ कि इनमें बहुत से हिस्से तो अभी भी काफी डेवेलप हैं और उनको पूरी पावर्स न देने की कोई वजह ही नहीं है। आपने कई बरस तक हिमाचल प्रदेश में तजर्बा करके देखा और वह इसमें कामयाब रहा है। अगर आप पांच बरस बाद भी उनको काफी डेवेलप समझ कर पंजाब के साथ मिला देंगे तो वहाँ वालों को काफी तसल्ली होगी। मैं समझता हूँ कि कम डेवेलप होने के बेसिस पर हिमाचल प्रदेश को दूसरे हिस्सों के बराबर रखने की जरूरत नहीं थी। अच्छा होता अगर हिमाचल प्रदेश को इससे ज्यादा अक्षितयार दिये जाते। लेकिन जो अक्षितयारात दिये गये हैं वे इस खयाल से दिये गये हैं कि यह ज्यादा तरक्की करे।

मैं इस बिल को सपोर्ट करता हूँ और मैं चाहता हूँ कि थोड़े अरसे के बाद इसमें ऐसी तबदीलियाँ हों जो कि सरकार्र्सटसेज से ज-टी-फाइड हों और जो हमको उसी तरफ ले जा सकें जो कि सारे हिन्दुस्तान का गोल है और वही गोल इन टेरिटरीज का भी बन जाये।

Some Hon. Members rose.

Mr. Chairman: I will now call upon the hon. Minister to reply, because there are amendments and Members

can have an opportunity of speaking later.

Shri L. Jogeswar Singh: You gave an opportunity to the Member from the other party. From the Congress I wish to say a few words.

Mr. Chairman: I cannot recognise parties for this purpose..

Shri L. Jogeswar Singh: I will conclude in five or six minutes. Another gentleman from my State was given an opportunity, so let me be allowed a little time.

Shri U. M. Trivedi (Chittoor): It is not a question of anybody speaking from any particular State; it is a question of the principles involved in the Bill.

Mr. Chairman: So everybody will be allowed. But we are hard pressed for time. That is the trouble

Shri L. Jogeswar Singh: I will finish in five minutes.

Mr. Chairman: Very well. I hope he will finish in five minutes.

Shri L. Jogeswar Singh: I congratulate the hon. the Home Minister for bringing forward this Bill at the tag end of this First Parliament. Before going into the merits and demerits of the Bill I should like to make a general observation with regard to the desires of the people of these territories. I am very sorry I cannot approve of the provisions of the Bill, because the people of these territories have for the last several years been demanding a responsible form of government. But even some form of government like that of the Part C States has not been given in the Bill. So far as the desire of the people of Manipur is concerned, their reaction is against the provisions of the Bill. I have received telegrams from the Manipur Congress Committee in this respect, and Mr. Chairman, I may read out a telegram, because it contains the reactions of the people from that part of the country on this

[Shri L. Jageswar Singh.]

matter. These are the contents of the telegram:

"The Executive Committee have examined the Territorial Councils Bill, 1956 in some details (stop). As the said Bill falls far short of the political aspirations of the people who have been long putting up a fight for democratisation of administrative set-up in Manipur, the Bill will never satisfy the Manipur people (stop). The Committee therefore resolve that the Ministry of Home Affairs be requested that the provisions of the now repealed Part C States Act, 1951 granting democratic responsible government be substituted for the provisions of the aforesaid Bill with necessary consequential changes (stop). Congress".

These are the reactions of the people from my part of the country that I have received. So far as the contents of the Bill are concerned, I have therefore to say that my people are not satisfied with them.

Coming to the provisions of the Bill I should like to say that limited as we are under the scope of this Bill, we have nothing more to get at the present juncture. But I should like to request the hon. the Home Minister that this should not be the final Bill for the administration of these territories. It is only a prelude, a step towards the further democratisation of these territories. And I should like the Second Parliament to see that a new Bill is brought forward, so that these territories should be given at least a status analogous to that given in the Part C States Act of 1951. And I hope the hon. the Home Minister will bring forward this sort of amendment in the next Parliament; or he should see in the next Parliament that an improved Bill is brought forward for the administration of these territories.

Now, coming to the details of the Bill, I have to say that the provision

regarding nomination has got certain objections. We do not like the word nomination to be put in this Bill. Because, people will generally object to this type of nomination. Also in a House of thirty members, if we put four nominated members, then it will become thirty-four members; and the four or five nominated members will themselves form a quorum. It won't look nice. Of course, even though this provision about nomination is put in the Bill, it has lost its force in the light of the announcement made by the hon. the Home Minister; because, he has said that these nominated members will have no powers of casting their votes for election of any member to the Rajya Sabha. I welcome the announcement that these nominees will not have power to vote for a member to be elected to the Rajya Sabha. This is with regard to nomination.

Another point I wish to mention is about the election of the Chairman. I think this Chairman from the very beginning should be elected by the members of the Territorial Council. If the Chairman is nominated, there will be no satisfaction to the members who are already elected on the Territorial Council—because it goes against the spirit of democracy. When you have powers for supersession of the whole Territorial Council, why are you afraid of putting an elected Chairman from the very beginning? If the Council goes against the expected desires and aspirations or it is found undesirable and obstructive, at any moment the Central Government can supersede the Council. So I think this kind of nomination of the Chairman is not desirable. It is highly objectionable.

The time at my disposal is very short, but there is one matter to which I would like to draw attention. I have given in my amendment that there should be some sort of publication on behalf of the Council; that is, the proceedings of the Territorial

Council should be published. If they are not published, all sort of rumours will go about, and some people will say the Council has passed such and such a thing and some others will say that they have not passed such things. So, in order to set at rest such rumours and reports which are unfounded, it is better to insert a clause that the proceedings of the Council may be published summarily, signed by the Chairman of the Council.

Another point is this. The funds allotted to the Council for its use is inadequate. It is provided that 10 per cent. of the revenues collected should be given to the Council. It should be raised to 20 per cent. I had a mind to move an amendment to this effect, but since it was a money matter, I did not do so. But, I should like to draw the attention of the hon. Home Minister to see that the fund is increased.

Regarding the powers of control given to the Council over certain items, I should like to mention that some important items had been omitted, namely, the matters relating to agriculture like the reclamation of land, development of orchards, settlement of land to the landless people etc. These are very important matters in the day-to-day administration. There are lots of orchards in the hilly areas as well as in the plain areas belonging to the people who are poor. The preservation of these orchards is a very important matter. I should like to bring to the notice of the hon. Minister that the list of the powers given to the Council should be expanded so as to include the new items I have suggested.

Another point is regarding the Press. Nothing has been mentioned here in this Bill regarding Pressmen being allowed to follow the proceedings of the Council. I think it will be better to allow Pressmen to follow the proceedings of the Council. I have moved an amendment to this effect.

Mr. Chairman: The hon. Member can speak on the amendments during the second reading stage. He wanted only five minutes and now he is going on. I have to allocate time.

Shri L. Jogeswar Singh: I will conclude in three minutes.

This Bill is aiming at the democratisation of the administration at the lower levels, which is very welcome. But my fear is that there may be a lot of interference between the Chief Commissioner and the Council. In order to avert this interference, I would request the Home Minister to appoint an administrator from the public. In that case, there would be less interference and the administration would be carried on harmoniously. If there is a popular administrator appointed from the public, there will be harmony between the Council and the public. This is one of the points I want to raise.

In this Bill, nothing has been provided about the day-to-day administration of Manipur. The administration is left entirely to the Chief Commissioner. The Bill aims at having an autonomous body, which will have nothing to do with the day-to-day administration of the territory. The entire administration is to be carried on by the Chief Commissioner himself. Nothing has been mentioned here whether there will be any advisers to advise the Chief Commissioner or not. I think that is more or less an open issue; this Bill has nothing to do with it. I think that some mention must necessarily be made about it, so that there may be less objection and less criticism from the side of the public in case advisers are appointed. People will be satisfied at least to some extent if it is mentioned here that there will be advisers to the Chief Commissioner, who will be popular representatives of the people.

Pandit G. B. Pant: Sir, many matters of detail have been raised in the

[Pandit G. B. Pant]

course of the speeches delivered during the last hour and a half. I will not go into them at this stage as, with regard to everyone of them, there are amendments and it will be only waste of time if I repeat the same arguments twice, once now and again when the amendments are moved. So, I will leave those points for the time being for the later stage. I hope hon. Members will not misunderstand me; I only want to save time and to deal with every point as it is raised in a pointed manner.

I am afraid that there is some misapprehension about the scope or the purpose of this Bill. It must be remembered that we are not writing on a clean, blank slate today. This Bill carries out the wishes of this House as they had been expressed more than once. The provisions of this Bill have been framed keeping in view the proposals of the States Reorganisation Commission, the Joint Committee and the two Houses of Parliament itself.

It is too late in the day to raise the question of legislation. It had been decided by all concerned that legislation will vest in Parliament itself. So far as these areas are concerned, the Parliament will be seized of the powers of legislation and all laws will have to be passed by the Parliament itself. So, so long as that decision stands, there cannot be a legislative assembly. It was also decided that we should have a Corporation for Delhi and Territorial Councils to deal with matters primarily of a local character for these areas. As hon. Members may be remembering, according to the proposals of the States Reorganisation Commission, Himachal Pradesh was to be merged in the Punjab and Tripura in Assam. Out of regard, however, for the views of the people of Himachal Pradesh and Tripura, these territories had been kept apart. It is out of deference for their oft-repeated and express wishes that we have disregarded the recommendation of the Commission

and maintained their separate entity and existence. In the circumstances, I had thought that the step that we had taken would be appreciated by the representatives of these areas. I still believe that they are presumably satisfied with the Bill that I have brought. So far as the comments are concerned, I would be surprised if any suggestion had been made. They are very resourceful, intelligent and ingenious people and they can certainly make proposals with a view to get the Bill improved and it is my duty to take every suggestion that is made by any single Member into consideration and to attach as much of weight to it as it deserves. So, I shall see what can be done when these amendments are moved.

I would like to say that so far as I am concerned, I do not want to interfere with the affairs whether of a State, or of a Territorial Council, or of a Corporation. The more people learn to stand on their own legs, the better for the country and for the Central Government. We do not want people to lean on the Centre too much. They must also be robust people capable of standing on their own legs, going forward and marching ahead. We have only the desire to enable people to run fast and not to tie them down to any particular constitution or any particular measure.

Nothing can be said to be everlasting in this world. These Bills too will be improved and we will all be glad to do whatever may be necessary in order to satisfy the wishes of the people, but let us not under rate the importance and the magnitude of the step that is being taken. It is of far-reaching character. It gives the executive powers without any sort of interference from any other quarter. It is something which has not been tried. So far as these States are concerned we know that there are self-supporting and self-respecting people living in them and we want them to take the burden of administering their affairs themselves. But we have to

see that we carry out the wishes of Parliament. We move in a manner that is in their interest and also in the interest of the country. With these few remarks I would like hon. Members to really receive — I would not say welcome, if that word is considered to be somewhat flamboyant—this measure with goodwill, in a spirit of cordial co-operation and with determination to work it out in a manner as to enable us to join together in further improving, enlarging and making it better. ✍

Mr. Chairman: The question is:

“That the Bill to provide for the establishment of Territorial Councils in certain Union Territories be taken into consideration.”

The motion was adopted.

Clause 2— (Definitions)

Mr. Chairman: We shall now take up clause-by-clause consideration. There are no amendments to clause 2. I shall, therefore, put it to the vote of the House.

The question is:

“That clause 2 stand part of the Bill”.

The motion was adopted.

Clauses 2 was added to the Bill.

Clause 3— (Constitution of Territorial Councils and their composition.)

Pandit G. B. Pant: Sir, I beg to move:

Page 2, line 20—

for “forty” substitute “forty-one”.

As I have already stated, the strength of the Legislative Assembly of Himachal Pradesh stood at forty-one. I do not want to disturb the existing constituencies. If the figure were to be now forty, then some changes in the constituencies will have to be made. In order that elections may be held simultaneously for the

Lok Sabha and the Territorial Councils, I consider it advisable to have an equal number of constituencies for both. That is why I am changing forty to forty-one.

Shri Anandchand: May I bring to the notice of the hon. Home Minister something which I said in his absence?

Mr. Chairman: Is there any amendment of his?

Shri Anandchand: I only want to submit that the present number of constituencies in Hamachal Pradesh is thirty-two and the Scheduled Caste Members are nine, thus making forty-one. Now, under this Bill if it is passed into an Act, the number of Scheduled Caste members will be twelve. Therefore, the present constituencies will not fit in twelve; some change will have to be made in any case—that is what I am submitting. I have no quarrel with the number of forty-one. In my opinion by bringing in the number of 12 for the Scheduled Castes, some adjustment will have to be made in any case. That is what I want the hon. Home Minister to bear in mind.

Pandit G. B. Pant: I had that in mind. What I think might be feasible would be to have three double-member constituencies, to combine six constituencies into three, each of them returning one Scheduled Caste member. So, the number will remain the same and there would be no need of fresh delimitation of these constituencies. In that manner the process could be speeded up. /

Shri Anandchand: I beg to move:

Page 2—

for lines 26 and 27 substitute:

“(3) The Central Government may nominate not more than four persons to be members of any Territorial Council so however that they are all non-officials and at least two of them represent the Scheduled Tribes of the Union Territory of Himachal Pradesh.”

Shri Biren Dutt (Tripura West): I beg to move:

Page 2—

omit lines 26 and 27.

In the case of Tripura, Manipur and also Himachal Pradesh the Scheduled Caste and Scheduled Tribe people are getting elected in fair numbers, because the constituencies are so divided that they will have their representation in any case. Especially after the influx of refugees from Pakistan, there is every likelihood of their getting their representation. I therefore want that this sub-clause should be deleted. One constituency at Agartala especially meant for Scheduled Castes may be made an elected one. Agartala is a constituency where provision can be made for the Scheduled Caste people. There is no fear of these people being deprived of representation. I move my amendment. I hope the Government will accept this amendment.

Shri U. M. Trivedi: May I make a submission, although I do not come from either Himachal Pradesh or Tripura or Manipur. Nor am I a Naga. The difficulty is this. It has been agreed by several of us that the present pieces of legislation which are being rushed through are not only important, but have far-reaching effects. Notwithstanding this, we have very little time left even to look through them, read them or apply our mind to them. We have been asked that we must finish this work within a short time that has been allotted by the Business Advisory Committee. It may be conducive to rapid progress of work. In the beginning of the session, we worked so rapidly that we finished the work in some cases within the time allotted for discussion.

Mr. Chairman: You can speak in the third reading if there is time.

Shri U. M. Trivedi: I want to point out one patent fact.

Mr. Chairman: That is not relevant for consideration.

Shri U. M. Trivedi: I will come to the relevant point. I draw your pertinent attention to clause 3 sub-clause (3). The provision contained in this Bill is that the Central Government may nominate not more than 4 persons to be members in any Territorial Council. I know that this provision is against the Constitution of India. This provision ought not to be there. Our Constitution does not allow any discrimination. We have got only certain provisions in Part III of our Constitution whereby certain protection can be given to women, and children, and certain protection can be given to the Scheduled Castes and Scheduled Tribes. These protections are well described in articles 15, 16 and 29. Beyond articles 15, 16 and 29, we have got no provisions whereby any discrimination can be made between citizen and citizen. Now, the Government wants to reserve to itself the power to nominate not more than 4 persons to be members in Territorial Councils. What can be the basis of the nomination is the question which I pertinently put to the Government. I do not see any reason whatsoever to allow the Government to discriminate between citizen and citizen of Himachal Pradesh or Tripura. They cannot be discriminated. That means that capriciously some officers of the Government will act and act in a spirit of partisan. This is how it has been put in the case of *Yuk Wo vs. Hopkins*, 118 U.S. 356. If we give power to the Government to make such nomination or to pick and choose from amongst the whole community, they will pick and choose such persons whom they like, and they like for reasons which cannot be detected. They must be reasons of partisanship and partisanship alone. In these circumstances, nomination will be completely against the provisions of our Constitution. Therefore, my submission is that this sub-clause (3) of clause (3) is against the Constitution and we would do well to delete this

sub-clause. Sitting as legislators here, persons for whom the Constitution is sacrosanct, for whom the only oath has been to be upholders of the Constitution when we entered office here, I think it will be our duty and proper duty to see that this sub-clause is not included in the provisions of this Bill.

Shri Rishang Keishing: I have got an amendment, No. 29.

Mr. Chairman: The same; it has already been moved by Shri Biren Dutt. You can speak on it. Expression of opinion will be the same.

Shri Rishang Keishing: Mine may be different.

Mr. Chairman: It is not different. Once it has been moved, you cannot move the same amendment. You can speak.

Shri Rishang Keishing: I oppose the provision of sub-clause (3) of clause (3), which says:

"The Central Government may nominate not more than four persons to be members of any Territorial Council."

This relates to Manipur and Tripura. Ours is a small Council consisting of 30 members. If the Government nominates four persons, with the help of these nominated members, minority group can annul the decisions of the Council at any time. If there is a feeling that certain sections of people have not been represented in the Council, then create new seats or, certain seats may be reserved for them, or, certain constituencies may be declared as double-member constituencies and one seat reserved for the community concerned. The Scheduled Tribes have been fairly represented in the Councils. If this is meant for the Scheduled Castes, I feel that certain areas may be carved out as separate constituencies for them. Or as I said, certain constituencies may be declared as double-member constituencies and one seat reserved for them. This provision

for nomination is absolutely not necessary and it is against the spirit of democracy. I am opposed to this provision and I request the hon. Minister to delete this provision.

Pandit G. B. Pant: So far as the constitutional objection is concerned, I have not much to say. I do not think that there is any objection that can be raised on the ground of the provision being inconsistent with the Constitution. No such objection can be valid. We are every day passing Bills in which certain powers of nomination are reserved to the Central Government or other authorities. I do not think there is much force in that argument.

As to the rest, as I said at the outset, we have no desire to nominate people unless it is necessary to do so. I may again repeat that it is only when representation of the relatively weaker sections of the community is not adequate that we will have recourse to nomination. Otherwise, if they are properly represented, no occasion for nomination will arise.

15 hrs.

I am, however, prepared to accept the amendment that has been moved by Shri Anandchand and to further improve it. Instead of 4 persons 2 might be entered. The word "two" may be substituted for "four". Then it will read: "The Central Government may nominate not more than 2 members to be members of any Territorial Council so however that they are all non-officials etc." I think that will satisfy my hon. friend and about this "two" I may mention that I would have expanded the remaining part, but if that were accepted, then the nomination will become compulsory. We do not want to have recourse to this method of nomination, except when it is necessary to do so.

15.03 hrs.

[MR. SPEAKER in the Chair]

The number is reduced to two and the nomination is restricted to non-officials and the purport, as stated by

[Pandit G. B. Pant]

me, is not in any way to prejudice the interests of any class other than the ones who may be weak and who have to be helped. It is not to prejudice anyone but to assist some people; that is why we have this provision and it may only remain on paper, and we may not have any opportunity of nominating anyone whatsoever. I hope that there will be no objection to the change that I have made. It will be an innocuous provision, which, in case of need, can prove helpful; otherwise it can remain here without doing any injury to anyone.

I beg to move:

Page 2—

for lines 26 and 27 substitute:

"The Central Government may nominate not more than 2 persons to be members of any Territorial council so however that they are all non-officials."

I am only putting it in this from as an improvement.

Mr. Speaker: How does it fit in here?

Pandit G. B. Pant: That is an amendment to amendment No. 30 moved by Shri Anandchand.

Mr. Speaker: The question is:

"That the Central Government may nominate not more than 2 persons, not being persons in the service of the Government."

Pandit G. B. Pant: I shall move it as a separate amendment.

I beg to move:

Page 2—

for lines 26 and 27, substitute:

"(3) The Central Government may nominate not more than two persons, not being persons in the service of Government to be members of any Territorial Council."

Shri Mohanlal Saksena: Will a retired Government official be eligible for nomination?

Mr. Speaker: He is a non-official.

Pandit G. B. Pant: He is like others.

Mr. Speaker: This amendment will cover the amendment No. 30 of Shri Anandchand. The question is:

Page 2—

for lines 26 and 27, substitute:

"(3) The Central Government may nominate not more than two persons, not being persons in the service of Government, to be members of any Territorial Council".

The motion was adopted.

Mr. Speaker: The question is:

Page 2, line 20—

for "forty" substitute "forty-one".

The motion was adopted.

Mr. Speaker: I take it that Shri Biren Dutt does not press his amendment.

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: Clause 4.

Shri Anandchand: I am not moving my amendment on this clause.

Mr. Speaker: I think I can put some clauses together, say, 4 to 18. Is anyone moving any amendment? I find none.

The question is:

"That clause 4 to 18 stand part of the Bill."

The motion was adopted.

Clauses 4 to 18 were added to the Bill.

Clause 19—

(Finality of decisions)

Shri Anandchand: I beg to move:

Page 5, for lines 31 and 32 substitute:

"19 (1) An order of the court of District Judge on a election petition shall be appealable in the High Court of the Union Territory concerned."

In the clause as it stands at present the order of the District Judge is not subject of an appeal. Here under the provisions of the Bill we have only got a one-man election tribunal, that is the District Judge of the area concerned. A similar provision has been made in the Representation of the People Act—the Select Committee met and discussed this point and it was also raised in the House—about election petitions. The tribunal is to consist of the District Judge, but the orders are always appealable to the High Court of the State concerned. This is a vital matter, and even if there were a two-man tribunal or a three-man tribunal we could have some finality, but because it will be only a one-man tribunal, I have moved this amendment that its order may be appealable to the High Court of the Union Territory concerned. It will be the Judicial Commissioner in some cases, and the adjoining High Court in others. Whatever the court, the orders should be appealable. That is my amendment.

Mr. Speaker: Amendment moved:

Page 5, for lines 31 and 32 substitute:

"19 (1) An order of the court of District Judge on a election petition shall be appealable in the High Court of the Union Territory concerned."

*In clause 6, after the words "also a member of" the words "any of" were inserted, under the direction of the Speaker, as correction of a patent error.

Pandit G. B. Pant: The petition against election is to be considered and decided by a District Judge. Under the scheme of the Bill there is no appeal in such cases. Even in Bombay the petitions are filed before the Chief Judge of the Small Causes Court who holds the position similar to that of the District Judge here, I will not say inferior, and his orders are not appealable. That is the present practice even with regard to elections to the Bombay Corporation. No appeal lies even in U. P. from orders passed by the District Judge in the case of elections to the District Board, and similarly in the case of elections to Municipal Boards. I think the present provision is adequate. We should not encourage unnecessary litigation in cases of this type. I will request the hon. Member to withdraw his amendment. \surd

Shri Anandchand: I would not press my amendment very much, but there is one slight difference. I would like to bring it to the notice of the hon. Minister that these are not exactly District Boards. These Councils have not only the functions of the Bombay Municipal Corporation. The Territorial Council under this scheme is also to act as an electoral college for electing Members to the Rajya Sabha. Therefore, a certain status is conferred on the Councils by their election which I submit is not available to the members, either of a corporation or a District Board. That was the only point I was making. Even the court of the Judicial Commissioner in the Territory is not far off. It is not a very expensive court. So, the point was only to give the man an opportunity to appeal in case something had been left by the original man. That was all.

Pandit G. B. Pant: I think the purpose will be well served by the provision as it is. I do not want to encourage the spirit of litigation too much myself. \surd

Mr. Speaker: Need I put it to the vote of the House?

Shri Anandchand: No, Sir, I withdraw it.

Mr. Speaker: Has the hon. Member the leave of the House to withdraw his amendment?

Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is:

"That clause 19 stand part of the Bill".

The motion was adopted.

Clause 19 was added to the Bill.

Clauses 20 and 21 were added to the Bill.

Clause 22.—(Chairman and Vice-Chairman).

Shri Rishang Keishing: I beg to move.

Page 6—

for lines 28 to 35, substitute:

"22. (1) A Territorial Council shall, as soon as may be, under the chairmanship of the Administrator on the first day of the meeting of the Council, elect two members of the Council to be respectively Chairman and Vice-Chairman thereof, and in case of the office of Chairman or Vice-Chairman becoming vacant, the Council shall elect another member to be Chairman or Vice-Chairman, as the case may be."

Shri Biren Dutt: I beg to move:

(1) Page 6—

line 28, for "choose" substitute "elect"

(2) Page 6—

after line 32, insert:

"(1A) An elected Chairman or Vice-Chairman may at any time

be removed from his office by a resolution of the councillors carried in this behalf by the votes of not less than two-third of the total number of councillors holding office for the time being, at a meeting specially convened for the purpose and according to the procedure laid down by the Council:

Provided if the number of councillors who have given their votes in favour of such resolution is less than two-third of the total number of the councillors holding office for the time being, but more than half the number of such councillors, the administrator may by order remove the Chairman or Vice-Chairman as the case may be, from his office.

(1B) A written notice of the intention to move the resolution signed by not less than one-third of the total number of councillors holding office for the time being, together with a copy of resolution shall be delivered to the Administrator and the Administrator shall convene a meeting of the councillors for consideration of the resolution to be held in the Council office on a date not later than 30 days from the date on which the notice was delivered to him and shall give not less than 15 clear days notice of the meeting to the councillors."

(3) Page 6, omit lines 33 to 35.

Shri Anandchand: I beg to move:

Page 6, lines 34 and 35—

for "for a period not exceeding three years" substitute "for a period not exceeding one year".

Shri L. Jogeswar Singh: I beg to move:

Page 6—

after line 38, add:

"(3) The elected Chairman shall vacate his office if a resolution for his removal is passed by

a majority of not less than three-fourths of the members present and voting."

Shri Rishang Keshing: I beg to move:

Page 6—

after line 38, add:

"(3) If a resolution for the removal of the Chairman or Vice-Chairman is passed at a meeting of the Territorial Council by a majority of not less than two-thirds of the members present and voting, the Administrator will remove him forthwith."

Mr. Speaker: All the amendments together with the clause are before the House. Whoever speaks will have only one opportunity. He can refer to all of them.

Shri Biren Dutt: In amendment 5 we have tried to bring the question of the power of the council to remove the Chairman. In this Bill there is no provision to remove the Chairman once he is chosen or elected or nominated by the Central Government. In no democratically elected council, whether a municipality or a corporation, is there the practice that once the Chairman is elected he has to remain and he cannot be removed until and unless the council is dissolved. Such a situation can never be thought of. Such a provision as that we have suggested is inere in every municipal constitution at present functioning in India, even in corporations and other bodies. So, I hope the Home Minister will accept this amendment.

Shri L. Jogeswar Singh: My amendment is restricted only to the elected Chairman and does not include the nominated Chairman. I think at least the elected Chairman, if he is found to be undesirable by the members of the council, should be removed and provision should be made for it in this Bill. I think nothing has been provided in the Bill for the removal of the Chairman who has been elected by the members of the council. If

the members of the council are allowed to elect their Chairman, they should also be given the right to dismiss him, censure him and pass a vote of no confidence against him. Such a provision has not been made here. So far as the elected Chairman is concerned, I think that such a provision should be made here. So far as the nominated Chairman is concerned, I have nothing to say. I hope the hon. Minister will accept my amendment.

Shri Rishang Keishing: The proviso to sub-clause (1) of clause 22 reads:

"Provided that the Central Government may nominate the first Chairman who shall hold office for a period not exceeding three years."

My amendment seeks to remove this proviso from this sub-clause, and since this proviso is a part of sub-clause (1), I have sought to replace the whole of this sub-clause by a new provision. There is no reason why the Chairman of the Council should be nominated by the Central Government. Such right as the election of Chairman is almost inherent to all democratic institutions. When this right is enjoyed by even the inferior institutions like the village panchayats and municipalities, there is no reason why the Council which is supposed to be superior even to the corporation should be denied of it. So, I move that this sub-clause be substituted by the following new sub-clause:

"A Territorial Council shall, as soon as may be, under the chairmanship of the Administrator on the first day of the meeting of the Council, elect two members of the Council to be respectively Chairman and Vice-Chairman thereof, and in case of the office being vacant, the Council shall elect another member to be Chairman or Vice-Chairman, as the case may be."

On the first day of the meeting, if the Central Government fear that

[Shri Rishang Keishing]

nobody will be there to preside over the meeting, then the Administrator is there. He can preside over the meeting and elect the Chairman. So, there is no difficulty about the election of the Chairman on the first day. So, this proviso should be dropped, and the whole sub-clause substituted by the provision I have suggested.

I also propose that a new sub-clause may be added whereby a provision could be made for the removal of the Chairman. It is quite possible that the Chairman forfeits the confidence of the Councillors who consider him unfit to be the Chairman of the Council. So, the Council should be given the power to remove him from office. Therefore, I move that a new sub-clause may be inserted after line 38 on page 6, as follows:

"If a resolution for the removal of the Chairman or Vice-Chairman is passed at a meeting of the Territorial Council by a majority of not less than two-thirds of the members present and voting, the Administrator will remove him forthwith."

I hope the Home Minister will accept my amendments.

Shri Anandchand: My amendment is No. 37. The intention, so far as I can see, of sub-clause (1) of clause 22 is that in certain cases if a Chairman is not available of the proper calibre, Government may appoint one, and his period of office will be three years. My amendment limits the period to one year, because I am of the view that since these Councils are to be established for a period of five years at a time, there might be cases—I do not say there should be—when this power may have to be exercised, and when it is exercised, I hope it will be exercised with extreme caution. Even when it is exercised for launching these Councils or to put them into proper gear, if the necessary calibre of people are not forthcoming in the elected stuff which we have in these

Councils, it might not be necessary to have this guardianship, unless there is the insistence, for a period of three years; of course, it is not going to be repeated; it is only the very first Council that is going to have this nominated Chairman, if at all.

Therefore, my amendment is that the period might not exceed one year even in this case.

Pandit G. B. Pant: I am willing to accept the amendment of Shri Anandchand to substitute 'one year' for the words 'three years', so that the proviso will read thus:

"Provided that the Central Government may nominate the first Chairman who shall hold office for a period not exceeding one year."

I may just endorse the remarks that have been made by the Mover of the amendment. The power that is being taken under this clause will not necessarily be exercised. There is one particular aspect of this problem which I would like hon. Members to consider. These Territorial Councils will be starting from scratch. Many arrangements will have to be made, and a lot of spade work and preliminary work will have to be done at the very start. The Chairman, if he is elected from among the Members of the Council, may not be able to set things on the right keel at the very beginning. So, it is provided that in case it is felt that in order to cope with the difficulties with which these Councils will be faced at the outset, it will be desirable to have some person nominated, then he may be nominated, but the period, as I have suggested, will not exceed a year in any case; it may be even less than a year, and no one may be nominated at all. So, it is only by way of precaution that this provision is made. After all, the man who is nominated will not remain in office after a year. Government will not be particularly interested in nominating a man unnecessarily

for a year, but if for enabling the Council to perform its duties efficiently, well and smoothly, it is considered necessary that a man should be nominated at the outset for a maximum period not exceeding one year, then that step may be taken in order to provide the necessary foundation for the proper discharge of its duties by the Council later. I hope, in view of my explanation, it will be appreciated that this provision is desirable.

Shri L. Jogeswar Singh: What about the removal of the Chairman?

Pandit G. B. Pant: As for removal, the amendment refers to the Chairman as well as to the Vice-Chairman. Why does the hon. Member want provision for the removal of the Vice-Chairman? I do not know of any provision relating to the removal of the Vice-Chairman.

Shri L. Jogeswar Singh: My amendment does not say anything about the Vice-Chairman. It relates only to the elected Chairman.

Shri Dasaratha Deb: We are prepared to drop the word 'Vice-Chairman'. Will the Minister accept the amendment in that case?

Pandit G. B. Pant: Even if you drop the word 'Vice-Chairman', there are two other suggestions that I would like to make, namely that no such resolution should be moved till a year has passed from the election of the Chairman, because, if after his election, just the very next day, you bring in a motion for his removal, without giving him any chance of working, then that would not be in the interests of anyone. So, at any time after a year from the date of election, such a motion may be brought.

Mr. Speaker: And not less than one year thereafter.

Pandit G. B. Pant: I am going to say that too.

Once such a resolution has been brought and defeated in the Council or it is not pressed, then a similar

resolution should not be brought within a year from that date. Otherwise, a resolution may be brought and it may be out voted at the next meeting, and again, the same resolution may be brought. In other places, the provision is that when such a resolution has been moved once, it should not be moved for a year thereafter. Otherwise, the Council would not be able to function at all.

Shri Punnoose (Alleppey): There is no corresponding provision in the case of the municipalities or corporations.

Pandit G. B. Pant: If you will accept that, I have an amendment with me, which I shall move. I think that fully satisfies hon. Members.

Shri Dasaratha Deb: What is the actual wording of the amendment.

Pandit G. B. Pant: It would be something like this:

"An elected Chairman may, at any time after a year from the date of his election, be removed from his office by a resolution of the Councillors carried in this behalf by the votes of not less than two-thirds of the total number of Councillors holding office for the time being at a meeting specially convened for the purpose and according to the procedure laid down by the Council."

Only I have introduced after the words 'at any time', the words 'after a year from the date of his election'. Then the proviso, 'Provided if the number of councillors who have given their votes...' will remain as it is. Then there would be another proviso:

"Provided that if the resolution is passed in accordance with the provisions of this sub-section, no other resolution for the removal of the Chairman shall be allowed to be considered within one year from the date on which the first resolution was considered".

Mr. Speaker: The immediately preceding resolution.

Pandit G. B. Pant: Yes.

Shri Punnoose: I think there is no provision like this with regard to the removal of Municipal Chairman or Corporation Chairman. Even with regard to the Council of Ministers, once a resolution is defeated in one session, it can be brought up again at the next session. This one year business gives a long rope.

Pandit G. B. Pant: I think otherwise the Councils will not be able to function. Everyday he will have to run about from one member to another. Even the Municipal Acts provide for security for a year.

An Hon. Member: Six months.

Pandit G. B. Pant: Is it not desirable that there should be peace at least for a year?

Mr. Speaker: Let them give a good account of themselves during the year.

Dr. Rama Rao (Kakinada): Two-thirds must be of the members present or of the total membership?

Pandit G. B. Pant: Of the total number of Councillors, not the members present. They may be just six.

Mr. Speaker: The hon. Minister is willing to accept amendment No. 37 moved by Shri Anandchand. I will put it to vote.

The question is:

Page 6, lines 34 and 35—

for "for a period not exceeding three years" substitute "for a period not exceeding one year".

The motion was adopted.

Mr. Speaker: Then, as regards the amendment relating to the removal of the Chairman and Vice-Chairman, the provision relating to Vice-Chairman is

given up. I will get the draft and place it before the House later. But are hon. Members willing to accept the principle contained in it?

Some Hon. Members: Yes.

Pandit G. B. Pant: We can accept it provisionally.

Mr. Speaker: Within one year after the first election, and thereafter within one year of any preceding resolution relating to his removal, no resolution should be brought in. That is also accepted in principle.

Some Hon. Members: Yes.

Mr. Speaker: I will place the amendment formally before the House later. Clause 22 will stand over.

I think the other amendments are all withdrawn. Is leave granted to withdraw those amendments?

Hon. Members: Yes.

The amendments were, by leave, withdrawn.

Mr. Speaker: There are no amendments to clause 23. As regards clause 24, Shri Anandchand is not moving his amendment.

The question is:

"That clauses 23 and 24 stand part of the Bill".

The motion was adopted.

Clauses 23 and 24 were added to the Bill.

Clause 25 (Salaries and allowances of members)

Shri Biren Dutt: I beg to move:

Page 7, lines 23 and 24—

for "by the Central Government" substitute "by the Council".

My amendment is for the substitution of the words "Central Government" with "Council". We do not like that the Chief Executive Officer

should be appointed by the Central Government. He must be appointed by the Council itself. Consultation may be had about his appointment beforehand with the Administrator or the Central Government. As it is practically a bureaucratic machinery operating there, we have seen that officers appointed by the Central Government without reference to the Council will not behave well. So this amendment may be accepted by the Government.

Pandit G. B. Pant: What is the amendment?

Mr. Speaker: It is No. 9 to clause 25.

"Members of a Territorial Council shall be entitled to receive such salaries or allowances, if any, as may be determined by the Central Government".

He wants that instead of "Central Government", it should be "Council".

Pandit G. B. Pant: In fact, we have made a special and exceptional provision here. Otherwise, ordinarily, members of such bodies are not entitled to any allowance or any salary; nor is the Chairman given a salary. But we imagine that the members of these bodies will have to come from long distances, because Manipur, Tripura as well as Himachal Pradesh are mountainous parts of the country, and the tribal people live in remote areas. So we have made this exceptional provision. I would not like to lay the burden of determining their own salaries and allowances on them. It would be embarrassing. So I am taking this responsibility on myself. I hope they would like to be relieved of this embarrassment.

Mr. Speaker: The question is:

Page 7, lines 23 and 24—

for "by the Central Government" substitute "by the Council".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 25 stands part of the Bill".

The motion was adopted.

Clause 25 was added to the Bill.
 Clauses 26 and 27 were added to the Bill.

Clause 28—
 (Functions of Territorial Councils)

Shri Anandchand: I beg to move:
 Page 8, line 41—

for "training and practice" substitute "institutions and veterinary training and practice".

I am not moving amendment No. 40 because I find on a study of the Himachal Pradesh Panchayatraj Act that the subject of libraries, reading rooms etc. is already with the tehsil panchayats. But I would like clause 28 to include 'veterinary institutions—veterinary training and practice', veterinary hospitals or dispensaries. That is what I have in mind.

Shri Biren Dutt: I beg to move:

(1) Page 9—

after line 13, insert: "(xxiia) the rehabilitation of displaced persons, jhumias, landless peasants;

(xxiib) the supervision and control of municipalities or any other elected local bodies; and"

(2) Page 9—

after line 16, add:

"(2) The Council shall recommend through a resolution on any matter which affects the interest of the people of the territory to the Central Government and the administrator provided if such resolution is passed by a majority of the members of the Council present at the meeting".

The population of Tripura consists more than 50 per cent of displaced persons. The work done through the

[Shri Biren Dutt]

Rehabilitation department is so bureaucratic that even the expenditure sanctioned by the Central Government for that area is, under the system of operation of the department itself, going waste. There displaced persons, jhumias and landless peasants form about 95 per cent of the population. The Central Government have already started some work in the direction of rehabilitating jhumias and landless peasants, but if the work is left, as at present, under some director working under the Chief Commissioner, it will not help the rehabilitation of these persons. This work is so closely associated with the life of the State itself that the activities of this department must be under popular control. Otherwise the whole function of the Council will be of no real help to the people. So, I have suggested that the rehabilitation of displaced persons, jhumias, and landless peasants should be added to the list, and also the supervision and control of municipalities or any other elected local bodies.

About Agartala Municipality nothing has been mentioned. In our State we have got no panchayat but we have got municipality. Some control over the municipality must be kept by the Central Government even through the Council. For this purpose I have brought forward this amendment.

In amendment No. 11, I have tried to draw the attention of the Government that even though we have not been given any power to legislate regarding our land reforms, forest reform, etc., this Council should be empowered to pass some resolutions which will have some recommendatory effect on the Advisory Council held by the Centre, held by the Home Minister, so that the resolution may be sent to the Parliament and speedy enactment for reforms and the like be made. I think Government will agree to the additions suggested by me in this clause.

Shri Dasaratha Deb: The amendment suggests that the Council shall recommend through a resolution on any matter which affects the interest of the people of the territory to the Central Government and the Administrator provided if such resolution is passed by a majority of the members of the Council present at the meeting. This Council consists of people who are elected on the basis of adult franchise. Naturally they have got certain responsibilities to the people because the people have voted for them and rightly demand something from them. There are so many things like land reforms, policy matters and other problems, which affect the day to day life of the people. Jhumia rehabilitation, refugee rehabilitation and other problems are there. We want that the Council should have some say at least in regard to these matters. If the Council is not given any such powers, at least let it recommend to the Central Government and the Administrator through resolution. Otherwise the Council would be put in an awkward position in their election. Therefore, I request the hon. Home Minister to consider this case. This is no executive power; it is only a recommendatory power to give certain suggestions regarding the problems of their own territory. I hope the hon. Home Minister will sympathetically consider this amendment.

Shri L. Jogeswar Singh: I think the opinion of the House is that agriculture and horticulture ought to be included in the list of items. At present, these two subjects are not found in the list mentioned here. In my view, agriculture and horticulture are two very important subjects which more or less concern the day to day administration of the people—they are more or less concerned with the masses. I should like the hon. Home Minister to kindly include these two subjects in the list.

◀ **Pandit G. B. Pant:** I am not sure if Shri Biren Dutt has the correct idea of the responsibility that has been

imposed on these Councils if these matters relating to rehabilitation of displaced persons, jhumias and landless peasants are placed under them. These subjects, if they are to be properly handled, will require large sums of money. One will have to spend lakhs and lakhs of rupees in order to tackle these problems. The resources of the Councils are strictly limited. Even the State Governments have not been able to handle these matters themselves. As he knows, the Rehabilitation Ministry at the Centre is dealing with these questions directly in States like Bengal, Punjab and other places. To place such a burden on the back of these Councils at their very inception is to break them up completely. So it would not be desirable to transfer these responsibilities or to impose these burdens on them.

The second proposition that he has advanced relates to the Councils having the authority to make recommendation. Here again, I think the constitutional scheme has not been kept in view. We have the Advisory Parliamentary Committee here which is to deal with all matters of policy, with the Budget, etc., so that all those questions will come before that Committee which will consist of the Members of Parliament from these territories. It is thus conceivable that a recommendation received from the council may be entirely different from, or opposed to, a suggestion made by the Advisory Committee here associated with Parliament. Besides, it is likely to create confusion.

The scope of the Territorial Councils has been clearly defined. They should be left free to concentrate on these matters. They are very important and they will call for tremendous amount of effort, labour, application and devotion. So, if we mix up these two things, there will be unnecessary misunderstanding as to the scope, character and nature of the functions that have been entrusted to these bodies. All these questions can be raised here in the Advisory Commit-

tee in which these areas will be represented by their elected members. We have raised the number of members of the Lok Sabha as well as the Rajya Sabha from these areas, so that we may be able to discuss these matters with them here.

In the circumstances, I hope the hon. Mover will agree that no useful purpose will be served by pressing these amendments.

Mr. Speaker: What about veterinary training and practice?

Pandit G. B. Pant: We have got these provisions about training and practice from the list of State subjects given in the Constitution. There we have an item as "Training and Practice" and so we have put it here. But you will please notice that there is a clause here, residuary one, stating—

"any other matters which the Central Government may declare to be fit and proper matters to be taken under the control and administration of the Council".

and anything that is considered desirable can be transferred to these bodies later.

Mr. Speaker: What about Shri Anandchand's amendment?

Shri Anandchand: I do not like to press it.

Mr. Speaker: About agriculture also, perhaps the same answer?

That is the amendment of Shri Jogeswar Singh.

Pandit G. B. Pant: The same answer. ✓

Mr. Speaker: Very well. I will put Shri Biren Dutt's amendments if he does not want to withdraw them.

The question is:

Page 9—

after line 13, insert:—

"(xxiia) the rehabilitation of displaced persons, jhumias, landless peasants;

(xxiib) the supervision and control of municipalities or any other elected local bodies; and".

The motion was negatived.

Mr. Speaker: The question is:

Page 9—

after line 16, add:—

"(2) The Council shall recommend through a resolution on any matter which affects the interest of the people of the territory to the Central Government and the administrator provided if such resolution is passed by a majority of the members of the Council present at the meeting."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 28 stand part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

New Clause 28-A

Shri Biren Dutt: Sir I want to introduce a new clause. We have experience of how the police officers are always against the elected persons. Whenever there happens to be an elected municipal commissioner, there is no co-operation. Very often, some are beaten. The police have no respect for the elected persons. After the creation of this Council, it seems to me that, if there is no obligatory relationship of this nature, between the police and the Council, it will create difficulties in the proper functioning of the Council. In some municipal Acts these provisions are there. I hope the hon. Minister will accept this new amendment which I am moving. I beg to move:

Page 9—

after line 16, insert:—

"CHAPTER IIIA

28. Police officer to supply information to and co-operate with and assist Councillors and Council officers or servants.—

It shall be the duty of every police officer in the territories—

(a) to communicate without delay, to the Council officers or any information which he receives of a design to commit or of the commission of any offence against the Act or any rules or bye-laws made thereunder,

(b) to co-operate with and assist the Councillors or any Council officer or servant reasonably demanding his aid for the lawful exercise of any power vested in the Councillors or such Council officers or servants under this Act or any rule or bye-law made thereunder."

Pandit G. B. Pant: I think the arguments advanced by the hon. Mover would make it irksome to accept the proposal that has been made by him. He has no confidence in the police. He says that the police, instead of helping, hinder such bodies. Then, why unnecessary create chances of friction and conflict by leaning on the police in this manner? It is better to leave an enemy, whether he is in the guise of a friend or otherwise, alone and to rely on oneself for one's activities so that one may also be able to get credit for one's advance. Apart from that, I do not think that this clause would be of much help. This relates to administrative matters and if any arrangements have to be made, they will be made locally, in consultation with the Administrator. It would not admit of any such proposition being placed on the statute book. I am myself of the opinion that the Administrator should render every possible assistance to the Territorial Councils in the discharge of their duties. So far as the Government and the Administrator are concerned, they will tender solicitude to the Territorial Councils and they would like them to function not only effectively but also efficiently and fruitfully. The amend-

ment that has been proposed will not help the cause which we all want to promote and foster.

Mr. Speaker: The question is:

Page 9—

after line 16, insert:

"CHAPTER IIIA

23. Police officer to supply information to and co-operate with and assist Councillors and Council officers and servants.—It shall be the duty of every police officer in the territories—

(a) to communicate without delay, to the Council officers any information which he receives of a design to commit or of the commission of any offence against the Act or any rules or bye-laws made thereunder,

(b) to co-operate with and assist the Councillors or any Council officer or servant reasonably demanding his aid for the lawful exercise of any power vested in the Councillors or such Council officers or servants under this Act, or any rule or bye-law made thereunder."

The motion was negatived.

Clause 29—(Conduct of Business).

Shri L. Jogeswar Singh: Sir, I beg to move:

- (1) Page 10, line 7—
for "seven" substitute "ten".
- (2) Page 10, line 10—
for "three" substitute "seven".
- (3) Page 10—

after line 18, insert:—

"(vii) the summary of the proceedings of a meeting of the Council signed by the Chairman shall be published in a brochure which may be called the Council brochure, as soon as may be after its every meeting;

(viii) the proceedings of the meeting of the Council shall be open to the press;"

Shri Rishang Keishing: I beg to move:

- (1) Page 10, line 7—
for "seven clear days" substitute.

"thirty clear days".

- (2) Page 10, line 10—

for "three clear days" substitute.

"ten clear days".

Shri Biren Dutt: I beg to move:

Page 10, line 18—

add at the end:—

"and certified copies of Council record shall be supplied to the Councillors free of charge and to the public on a payment of a fee fixed by the Council from time to time."

Shri L. Jogeswar Singh: By my first amendment to this clause—No. 13—I want to substitute 'ten' for 'seven'. The reason is this. In the tribal areas, communications are very bad. It will take time to serve a notice. I think ten clear days should be given for people to attend a meeting. If you give them just seven days, I think they will be put to difficulty. There are certain areas, especially in my part of the country, which have no communication facilities at all with the headquarters of the administration at Imphal. For instance there is the Tamenglong sub-division and there is no communication with Imphal from this place. Whenever a notice is to be served, a messenger has to go to the interior hills. The members will not be able to attend the meeting unless ten days' time is given.

Regarding my amendment No. 14, I want seven days' notice instead of three days' notice for emergency meetings. I have already explained the reasons earlier and I think this will also be accepted by the hon. Minister.

I have said in my amendment No. 16 that a summary of the proceedings of a meeting of the Council signed by the Chairman shall be published in a

[L. Jogeswar Singh]

brochure which may be called the Council brochure, as soon as may be after its every meeting. Nothing is mentioned here about the publication of the proceedings of the Council. People will be interested and they will know the progress of the work of their councillors and they may criticise or appreciate their actions. They are more or less representatives of the people. Their work and activities should be published. This would best be served by a publishing a brochure containing the synopsis of the proceedings.

16 hrs.

Another thing is regarding the proceedings of the Council being open to the Press. I have suggested:

"(vii) the proceedings of the meeting of the Council shall be open to the press".

Somewhere in this Bill provision has been made that the proceedings shall be opened to the public. But it has not been specifically mentioned that the Press will be allowed to follow the proceedings. The proceedings should be open to the Press. But nothing has been mentioned about the Press. If the Press is not allowed and if these proceedings are not open to the Press, I think the interests of the rate-payers and the people will not be served. The activities of the members and the progress of the work in the Council could be published if the Press is allowed to follow the proceedings.

So I hope the amendments that I have suggested will be accepted by the hon. the Home Minister.

Mr. Speaker: Shri Rishang Keishing.

Shri Biren Dutt: I want to have a clarification.

Mr. Speaker: He will wait for his turn; I have called Shri Rishang Keishing.

Shri Rishang Keishing: I have suggested in my two amendments Nos. 42 and 43 that "seven clear days" should be substituted by "thirty clear days",

and "three clear days" by "ten clear days".

When I suggest these amendments, I have the practical difficulty of the tribal people in mind. In fact, even ten clear days as suggested by my friend would not help us. For example, Cheribam area is more than twenty miles from Imphal. The only communication is air service. In Manipur, for almost eight months of the year we have rains, and air service will be often disrupted. Member from that place will have to come all the way to Imphal to attend a Council meeting. So I feel that seven clear days will be too short. Within that time no tribal member will be able to come and attend the meeting.

I am not clear whether the seven clear days are counted from the day of the issue of the notice till the holding of the meeting. If that is so, it is impossible. (An Hon. Member: No.) Even if that is not the case, it should be that more than seven clear days be kept. I feel that if the day is to be counted from the issue of the notice, then it must be kept at thirty days. Because a messenger will be sent to serve the summons; but all the members may not be present as they would not be sitting all the time at home. Being hill people they have to go to places, to other villages, and often they will be absent. Many times many members would be absent when the messenger goes. Sufficient time must be given so that they may come and attend the Council meeting. For that purpose I have moved that "seven clear days" must be substituted by "thirty clear days", and "three clear days" be substituted by "ten clear days". Because, within three days you will not be able to go even to a village outside Imphal. All these difficulties must be kept in view, and I hope the hon. Minister will make the necessary amendment. If he does not like to accept thirty days, he can reduce it a bit; but seven days and three days are too short. That must be increased.

Shri Biren Dutt: I want to know whether this opening of the proceedings to the public will also include the Press or not.

Pandit G. B. Pant: Yes, Press forms part of the public—if it does not dominate over it.

Sir, I appreciate the difficulty, especially that communications in Manipur, Himachal Pradesh and even Tripura are not very easy. But if we prescribe a notice of thirty days, that would mean that meetings would not be held at intervals of less than two or three months. If a month's notice has to be given, then you must wait for a month at least in order to collect the material which may be brought up before the next meeting. Then you should give notice of another month: so that, you may not have more than four or five meetings in the course of a year. I do not think that will be desirable. So I suggest that for "seven" we may have "twelve", and for "three" (which relates to cases of urgency) we may have "six". With your permission, I formally beg to move:

(1) Page 10, line 7—
 for "seven" substitute "twelve".

(2) Page 10, line 10—
 for "three" substitute "six".

Mr. Speaker: The question is:

Page 10, line 7—
 for "seven" substitute "twelve".

The motion was adopted.

Mr. Speaker: The question is:

Page 10, line 10—
 for "three" substitute "six".

The motion was adopted.

Mr. Speaker: So, Shri Jogeswar Singh's amendment No. 13 seeking to increase the period of seven days to ten is further increased by two days.

Pandit G. B. Pant: I have made it twelve.

Mr. Speaker: So, Shri Rishang Keishing's amendments Nos. 42 and 43 are barred.

Regarding Shri Dasaratha Deb's amendment about certified copies of the Council, that has been explained. As regards Shri Jogeswar Singh's amendment about summary of the proceedings, I think he is not pressing it. So I suppose I need not put them to the House.

The amendments were, by leave, withdrawn.

Mr. Speaker: So they are withdrawn. I shall now put clause 29, as amended, to vote.

The question is:

"That clause 29, as amended, stand part of the Bill".

The motion was adopted.

Clause 29, as amended was added to the Bill.

Clause 30—(Right of Administrator to attend and address meetings of Territorial Council.)

Shri Rishang Keishing: I beg to move:

Page 11—
 omit lines 10 and 11.

Shri Anandchand: I beg to move:

Page 11, line 11—
 add at the end:
 "but not vote therein".

The purpose of my amendment is very simple. As a matter of fact, to my mind, one thing is very clear; that the Administrator shall have the right to address these meetings. But when it is a question of presiding, the question of his voting invariably arises. The better course would have been to keep him out of the presidentship—for he maintains his status and comes and addresses the Council and gives his views and withdraws. The Council has a Chairman of its own who then conducts the proceedings. But if we put him as Chairman, it is an unenviable position. Because, if you give

[Shri Anandchand]

him the right to vote, it would be improper; and if he does not vote, it derogates from his authority. So my amendment is just to bring this to the notice of the hon. Minister so that he may reconsider this clause in the light of the same.

Pandit G. B. Pant: In fact, we have made this provision in the interests of the Councils so that the Administrator may be in touch with the Councillors and he may have an opportunity of meeting the Councillors face to face and discussing problems with them and declaring such concessions or other measures that the Administration may have in view for facilitating the work of the Council. Of course, he will have no right to vote. He will be there only to address; but, during the time he addresses, he will also preside, because no one else can preside then. He will have no right to vote, but it would not be very graceful to put it here.

Mr. Speaker: When he presides, according to ordinary rules of procedure, in case of equality of votes, can he exercise his casting vote?

Pandit G. B. Pant: He will not vote in any case.

Shri Rishang Keishing: There is my amendment No. 44 which seeks to omit lines 10 and 11. I have no objection to the Administrator attending the meeting of the Council and addressing it, but I object to his presiding over it every time he comes, because he may be a man interested in a certain group of people and may from time to time interfere with the proceedings of the Council. If he is to preside, the Chairman of the Council will have to vacate and that is a sort of insult to the elected representative of the people. That is why I want that sub-clause (2) of clause 30 should be omitted.

Pandit G. B. Pant: I have already explained the position. It is only when he addresses the meeting that he will preside. He will not preside ordinarily. That would be the only way how he can go and address the Council.

After all, the relations between the Administrator and the Council should be cordial and there must be contact between the elected representatives of the people and the man who is in charge of the administration of that area. If it starts with suspicion, misgivings and distrust, then that will come in the way of the smooth and efficient working of the Council.

Shri Rishang Keishing: He may attend the meeting of the Council and sit somewhere without addressing it.

Pandit G. B. Pant: He must address; then alone he is to preside. Just like the President, during the time he addresses the Council he occupies the Chair and then he goes away.

Mr. Speaker: The earlier part of clause 30 leaves room for doubt whether he may simply attend the meeting and also preside, because the words "if he so desires" are there.

Pandit G. B. Pant: I can remove those words and say.

"The Administrator may attend and address any meeting of the Territorial Council."

Mr. Speaker: So, when the Administrator so attends and addresses any such meeting, he should preside over the same, as the hon. Minister has said. So, instead of the word "attends" in sub-clause (2), you may say, "addresses".

Pandit G. B. Pant: As you please, Sir. I have already explained the purpose.

Mr. Speaker: So, sub-clause (2) will read:

"When the Administrator addresses any such meeting, he shall preside over the same."

Shri Mohanlal Saksena (Lucknow Distt. cum Bara Banki Distt): What will happen when he attends and does not address?

Mr. Speaker: It is not intended that he should attend otherwise than

for addressing. If he comes merely and sits there, he cannot preside.

Pandit G. B. Pant: In that case, he will be just like a spectator.

Mr. Speaker: The hon. Minister may formally move the two amendments, namely, that the words "if he so desires" in sub-clause (1) shall be omitted and in sub-clause (2) for the word "attends", the word "addresses" may be put.

Pandit G. B. Pant: I beg to move:

(1) Page 11, line 8—

omit "if he so desires".

(2) Page 11, line 10—

for "attends" substitute "addresses".

Mr. Speaker: The question is:

Page 11, line 8—

omit "if he so desires".

The motion was adopted.

Mr. Speaker: The question is:

Page 11, line 10—

for "attends" substitute "addresses".

The motion was adopted.

Mr. Speaker: I take it that the other amendments are dropped.

The question is:

"That clause 30, as amended, stand part of the Bill".

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Clause 31 was added to the Bill.

Clause 32 (Officers and staff)

Mr. Speaker: This Bill ought to have been finished according to the scheduled time at 4 o'clock. Having regard, however, to the interest that is being taken by Members, I shall allow one hour more, till 5 o'clock.

What are the amendments hon. Members want to move?

Shri L. Jogeswar Singh: No. 18.

Shri Biren Dutt: No. 17.

Shri Dasaratha Deb: No. 21.

Shri Anandchand: No. 49.

Pandit G. B. Pant: I am moving amendment No. 54.

Mr. Speaker: All right; the following amendments to clause 32—all the amendments that have been tabled—will be moved: Nos. 46, 17, 47, 18, 54, 19, 48, 20, 49 and 21. Amendments Nos. 48 and 19 are the same.

Shri Rishang Keishang: I beg to move:

Page 11, line 16—

for "appointed by the Administrator" substitute "elected by the Council".

Shri Biren Dutt: I beg to move:

Page 11, line 16—

for "the administrator" substitute:

"the Chairman of the Council or a person acting on his behalf for the time being, with the approval of the Administrator"

Shri L. Jogeswar Singh: I beg to move:

Page 11—

after line 16, insert:

"(1A) The Administrator may appoint a chief executive officer from amongst the members of the Council".

Shri Anandchand: I beg to move:

Page 11, line 16—

add at the end:

"for a renewable period of three years".

Pandit G. B. Pant: I beg to move:

Page 11—

for lines 17 to 20, substitute:

• "(2) if a resolution for removal of the chief executive

[Pt. G. P. Pant]

officer is passed at a meeting of the Territorial Council by a majority of not less than three-fourths of the total membership of the Council, the Administrator shall remove him forthwith".

Shri Dasaratha Deb: I beg to move: Page 11, line 19—

for "three-fourths" substitute "two-third".

Shri Rishang Keishing: My amendment No. 48 is the same as No. 19 moved by Shri Dasaratha Deb just now.

Shri Anandchand: I beg to move: Page 11—

after line 20, insert:

"(2A) The Chief executive officer shall be liable to be removed by the Administrator at any time if it appears to the Administrator that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient."

"(2B) The chief executive officer shall receive such monthly salary not exceeding two thousand rupees and not less than one thousand rupees as the Administrator in consultation with the Central Government may determine."

Shri Dasaratha Deb: I beg to move:

(1) Page 11, line 19—

after "voting" insert:

"the Chairman or a person acting on his behalf for the time being, or".

(2) Page 11, line 22—

after "education" insert:

"rehabilitation of displaced persons, rehabilitation of tribal jhumias and rehabilitation of landless peasants".

Shri Biren Dutt: My amendment No. 17 seeks to get the chief executive officer appointed through the Chairman with the consent of the Administrator. According to the clause as it is, the chief executive officer should be absolutely dependent on the Administrator for his appointment. I want that this power should be given to the Chairman of the Council. I think that this amendment can be accepted by the Government.

Shri L. Jageswar Singh: My amendment 18 says:

"The Administrator may appoint a chief executive officer from among the members of the Council."

The purpose of my amendment is this. I want to have a popular executive officer. In order to fulfil the wishes of the people, a popular executive officer should be taken from among the members of the Council. That is all I have to say.

Shri Anandchand: I accept the principle that there should be a Chief Executive Officer appointed by the Administrator. But I want his appointment to be made for a renewable period of three years. The object behind my amendment is this. I accept that he should be an official; he cannot be a non-official, for the simple reason that he is functioning in a non-official body. If the Council passes certain resolutions, or certain orders, somebody has to carry them into effect. I submit with due respect to my hon. friend from Manipur that it would not be proper to entrust a member of the Council itself with the function of putting these decisions into effect. It must be left to a man of the service and he will further have to strengthen the administrative organs in the territory or whatever functions are to be performed by the Territorial Council under his jurisdiction.

There is one difficulty in this. He should not be allowed to become a permanent fixture, irremovable as is sought to be made by this Bill, except

by a three-fourths majority of the total number of members of the Territorial Council. If we look into the provisions of section 54 of the Bombay Municipal Corporation Act a similar provision exists there for the Commissioner and the words are "for a renewable period of three years". While the tenure of these bodies are five years' time, the tenure of the person appointed by the Administrator is for three years. At the end of every three years an opportunity is given unofficially, of course, to the Chairman or Vice-Chairman or Members of the Council to bring it to the notice of the Administrator whether the man is fit or unfit. My amendment suggests that if he is good his period may be renewed for another three years; but if he is bad there would be an opportunity to replace him without going through the odious procedure of bringing a vote of censure.

Shri Dasaratha Deb: My amendment suggests that the Chief Executive Officer shall be appointed by the Chairman or Vice-Chairman himself, with the approval of the Administrator. If the appointment of the Chief Executive Officer is not vested in the head of the Council I think it will create some clash and at the same time the Executive Officer may not respond to the decision of the Council; for the Council also it will be difficult to carry out the decision of the Executive Officer.

Another point is that in regard to the removal of the Chief Executive Officer, I suggest that instead of three-fourths majority it should be two-thirds. If a resolution for the removal of the Chief Executive Officer is passed at a meeting of the Territorial Council by a majority of not less than two-thirds of the members present and voting he shall be removed forthwith.

Pandit G. B. Pant: The provision that the Executive Officer will be appointed by the Administrator is in accord with a similar provision in the

Bombay Corporation Act. We cannot find a better model for our guidance. I am prepared to make a slight change in the provision relating to the removal of the Executive Officer. If a resolution for the removal of the Chief Executive Officer is passed at a meeting of the Territorial Council by a majority of not less than two-thirds of the total membership of the Council, the Administrator shall remove him forthwith.

So, while the appointment will rest with the Administrator, the Council will have the authority to remove the Executive Officer when it is not satisfied with his work. That should meet all ends and I think will be found satisfactory. To this effect, I am moving another amendment, No. 66 which amends my earlier amendment No. 54.

I beg to move:

In the amendment proposed by me printed as No. 54 in list No. 3 of amendments—

in the proposed sub-clause (2), for "three-fourths" substitute "two-thirds".

Mr. Speaker: I shall first put amendment No. 66 which is an amendment to an earlier amendment of the Government, No. 54.

The question is:

In the amendment proposed by the hon. Minister printed as No. 54 in list No. 3 of amendments—

in the proposed sub-clause (2) for "three-fourths" substitute "two-thirds".

The motion was adopted.

Mr. Speaker: I shall now put amendment No. 54 as amended by amendment No. 66.

Page 11—

for lines 17 to 20, substitute:

- "(2) if a resolution for removal of the chief executive officer is passed at a meeting of

[Mr. Speaker]

the Territorial Council by a majority of not less than two-thirds of the total membership of the Council, the Administrator shall remove him forthwith."

The motion was adopted.

Mr. Speaker: I shall put all the other amendments to the vote of the House.

The question is:

Page 11, line 16—

for "appointed by the Administrator" substitute "elected by the Council".

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 16—

for "the administrator" substitute:

"the Chairman of the Council or a person acting on his behalf for the time being, with the approval of the Administrator".

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

after line 16, insert:

"(1A) The Administrator may appoint a chief executive officer from amongst the members of the Council."

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 16—

add at the end:

"for a renewable period of three years".

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 19—

for "three-fourths" substitute "two-third".

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

after line 20, insert:

"(2A) The Chief executive officer shall be liable to be removed by the Administrator at any time if it appears to the Administrator that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders him removal expedient."

"(2B) The chief executive officer shall receive such monthly salary not exceeding two thousands rupees and not less than one thousand rupees as the Administrator in consultation with the Central Government may determine."

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 19—

after "voting" insert:

"the Chairman or a person acting on his behalf for the time being, or"

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 22—

after "education" insert:

"rehabilitation of displaced persons, rehabilitation of tribal jhumias and rehabilitation of landless peasants".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 32, as amended, stand part of the Bill."

The motion was adopted.

Clause 32, as amended, was added to the Bill.

Mr. Speaker: We have only half-an-hour left. I would ask hon. Members to decide in advance which amendments they would like to move. Every amendment is important, but instead of moving amendments which may not be accepted, I would ask them to pick out the important ones. At five o'clock I will apply the Guillotine.

Pandit G. B. Pant: There is hardly any other important amendment left now.

Mr. Speaker: There are no amendments to clauses 33, 34 and 35. So, I shall put them to vote.

The question is:

"That clauses 33, 34 and 35 stand part of the Bill."

The motion was adopted.

Clauses 33, 34 and 35 were added to the Bill.

Mr. Speaker: To clause 36 Shri Anandchand has given notice of an amendment No. 50. For increasing the expenditure the President's sanction is necessary. Therefore, I rule it out of order.

Pandit G. B. Pant: May I move an amendment that for "ten" "twenty" may be substituted?

Mr. Speaker: I am afraid the hon. Minister has also to take the sanction of the President for enhancing; anybody can reduce.

Pandit G. B. Pant: I shall adopt some other method.

Mr. Speaker: I shall put clauses 36 to 51 to the vote of the House.

The question is:

"That clauses 36 to 51 stand part of the Bill."

The motion was adopted.

Clauses 36 to 51 were added to the Bill.

Clause 52 (Control)

Shri Biren Dutt: I beg to move:

Page 17, line 14—

for "in due course" substitute "forthwith".

"In due course" may mean delay. This is a matter in which immediate action is necessary.

Here, the provision is,

"...he shall furnish forthwith a copy of it to the Central Government with a statement of the reasons for making it and forward in due course to that Government....."

It means that it will be delayed. So, I want that the word forthwith should be substituted.

Mr. Speaker: Amendment moved:

Page 17, line 14—

for "in due course" substitute "forthwith."

Pandit G. B. Pant: The second part relates to the explanation offered by the Council. Forthwith, from which moment of time? He will receive it from the Council. That would take some time. When it is received by the Administrator, he will have to make some comments of his own. He may have to make some enquiry. Then he will submit an explanation to the Central Government. He cannot send it forthwith. That would defeat the very purpose. The Council would not have an opportunity of offering an explanation and supplementing it with any other material that may be desirable in support of the case. That would not help the Council at all.

Mr. Speaker: The word 'forthwith' does not seem to be appropriate there. They may not wait for the explanation from the Council. I do not think the hon. Member wants to press it.

Shri Biren Dutt: No.

• *The amendment was, by leave, withdrawn.*

Mr. Speaker: The question is:

"That clause 52 stand part of the Bill."

The motion was adopted.

Clause 52 was added to the Bill.

Clause 53—(Power to supersede Territorial Council)

Shri Anandchand: I beg to move:
Page 17—

after line 22 add:

"Provided that a reasonable opportunity shall be given to the Territorial Council to explain its conduct before the order of supersession is made final by the Central Government."

My amendment is only aimed at giving an opportunity to the Council to explain its conduct before it is superseded by the Central Government in the final stage.

Mr. Speaker: It is provided there.

Shri Anandchand: No, Sir. It says:

"The Central Government may, on receipt of a report from the Administrator or otherwise, by order, supersede a Territorial Council on being satisfied that the Council is not competent to perform or persistently makes default....."

I want to add a proviso to that. The objective is very limited. The amendment is self-explanatory. Of course, it is inherent there. When a report is received by the Central Government, it will make due enquiries. I would suggest that we put it in the

law itself that an opportunity would be given. It may not be left just to the rules or left vague that a Council is to be superseded without an opportunity being given. We may put it here and say that an opportunity should be given whatever their faults. That is all.

Pandit G. B. Pant: That is already there in an implicit form. I have no objection to this amendment being accepted.

Mr. Speaker: The question is:

Page 17—

after line 22 add:

"Provided that a reasonable opportunity shall be given to the Territorial Council to explain its conduct before the order of supersession is made final by the Central Government."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 53, as amended, stand part of the Bill."

The motion was adopted.

Clause 53, as amended, was added to the Bill.*

Mr. Speaker: Clause 54.

Shri Dasaratha Deb: I am not moving my amendment.

Mr. Speaker: There are no amendments.

The question is:

"That clauses 54 to 64 stand part of the Bill."

The motion was adopted.

*Clauses 54 to 64** were added to the Bill.*

*In sub-clause (1) of clause 53, after the word "perform" and the words "performance of", a comma was inserted, under the direction of the Speaker as correction of a patent error.

**In clause 62, the word "made" was omitted under the direction of the Speaker as correction of a patent error.

In clause 63, after the word "effect" the word "to" was inserted, under the direction of the Speaker as correction of a patent error.

Clause 65—(Amendment of Act 43 of 1950)

Pandit G. B. Pant: I beg to move:
Pages 21 and 22—

for clause 65, substitute:

'65. Amendment of Act 43 of 1950.—In the Representation of the People Act, 1950—

(a) in section 2—

(i) the brackets and figure "(1)"; and

(ii) clause (cc)

shall be omitted;

(b) in section 13B, in sub-section (1), for the words "for each assembly constituency, electoral college constituency and council constituency" the words "for each parliamentary constituency in a Union territory, each assembly constituency and each council constituency" shall be substituted;

(c) for section 13D, the following section shall be substituted:—

"13D. Electoral roll for parliamentary constituencies.—

(1) The electoral roll for every parliamentary constituency other than a parliamentary constituency in a Union territory shall consist of the electoral rolls of so much of the assembly constituencies as are comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any such parliamentary constituency.

(2) The provisions of Part III shall apply in relation to every parliamentary constituency in a Union territory as they apply in relation to an assembly constituency."

(d) in the heading of Part III, the words "and Electoral College" shall be omitted;

(e) in section 14, in clause (a), the words "or an electoral college constituency" shall be omitted;

(f) in section 27A, for sub-sections (3), (4) and (5) the following sub-sections shall be substituted, namely:—

"(3) The electoral college for the Union territory of Delhi shall consist of the persons who immediately before the first day of November, 1956, were members of the Legislative Assembly of the State of Delhi.

(4) The electoral college for each of the Union territories of Himachal Pradesh, Manipur and Tripura shall consist of the members of the Territorial Council constituted for that territory under the Territorial Councils Act, 1956;"

(g) sections 27B, 27C and 27D shall be omitted; and

(h) in the Fifth Schedule, in the second column, for the figures "41", the figures "40" shall be substituted.'

Mr. Speaker: There is another amendment to the proposed amendment No. 55. Are both these amendments moved? Or they may be taken as moved.

Pandit G. B. Pant: Yes. I beg to move:

That in the amendment proposed by me printed as No. 55 in List No. 3 of amendments—

omit sub-clause (h).

Shri Dasaratha Deb: I beg to move:

Page 22—

after line 4 add:

"Provided that the member or members of the Territorial Council of each of the above mentioned Union Territories who is or are not chosen by direct election on the basis of adult suffrage shall not be the member or members of the electoral college for each of these Union Territories."

Shri Anandchand: I have an amendment No. 52. Now there are two members left. The hon. Minister has said that they would not be voting for the elections to the Rajya Sabha. So, it may be put in a proper form.

Mr. Speaker: I do not know what he wants. I cannot substitute my own discretion for his.

Shri Anandchand: I move the amendment.

Mr. Speaker: In what form? He must put it in proper form.

Shri Anandchand: Instead of 'four', two' may be substituted. I beg to move:

Page 22—

line 4, add at the end:

"but shall not include any of the two members nominated by the Central Government under sub-section (3) of section 3."

Pandit G. B. Pant: Say 'any of the members'. It may be only one; it may be none.

Shri Dasaratha Deb: My amendment also seeks to do the same thing. The spirit of it has been accepted by the hon. Minister. I do not find any necessity to explain it.

Pandit G. B. Pant: I have moved my amendments. They are of a technical character. They relate to the election of members of the Rajya Sabha, by these Councils. These provisions have been proposed with a view to bring them in conformity with the Representation of the People Act. They do not introduce any new feature at all. They are intended to give effect to the substantive provision contained in the earlier part of the Bill.

Mr. Speaker: I shall first put amendment No. 58, which is an amendment to an earlier amendment of the Government, No. 55.

The question is:

"In the amendment proposed by the hon. Minister and printed as

No. 55 in list No. 3 of amendments—

omit sub-clause (h).

The motion was adopted.

Mr. Speaker: Amendment No. 55 is amended by amendment No. 58. I shall now put amendment No. 55 as amended by amendment No. 58.

Pages 21 and 22—

for clause 65, substitute:

'65. Amendment of Act 43 of 1950.—
In the Representation of the People Act, 1950—

(a) in section 2—

(i) the brackets and figure "(1)";
and

(ii) clause (cc),
shall be omitted;

(b) in section 13B, in sub-section (1), for the words "for each assembly constituency, electoral college constituency and council constituency" the words "for each parliamentary constituency in a Union territory, each assembly constituency and each council constituency" shall be substituted;

(c) for section 13D, the following section shall be substituted:—

"13D. Electoral roll for parliamentary constituencies.—(1) The electoral roll for every parliamentary constituency other than a parliamentary constituency in a Union territory shall consist of the electoral rolls of so much of the assembly constituencies as are comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any such parliamentary constituency.

(2) The provisions of Part III shall apply in relation to every parliamentary constituency in a Union territory as they apply in relation to an assembly constituency";

(d) in the heading of Part II, the words "and Electoral College" shall be omitted;

(e) in section 14, in clause (a), the words "or an electoral college constituency" shall be omitted;

(f) in section 27A, for sub-sections (3), (4) and (5) the following sub-sections shall be substituted, namely:

"(3) The electoral college for the Union territory of Delhi shall consist of the persons who immediately before the first day of November, 1956, were members of the Legislative Assembly of the State of Delhi.

(4) The electoral college for each of the Union Territories of Himachal Pradesh, Manipur and Tripura shall consist of the members of the Territorial Council constituted for that territory under the Territorial Councils Act, 1956."

(g) sections 27B, 27C and 27D shall be omitted.'

The motion was adopted.

Mr. Speaker: Amendment No. 55 as further amended by amendment No. 58 is carried.

Now, Shri Anandchand's amendment No. 52. I will put it in a slightly modified form so that it fits in in the Government amendment just now adopted, substituting a new clause for clause 65 of the Bill.

The question is:

In the amendment proposed by the hon. Minister and printed as No. 55 in List No. 3 of amendments—

in the proposed clause 65, in sub-section (4) of section 27A add at the end:

"but shall not include any of the members nominated by the Central Government under sub-section 3 of section 3".

The motion was adopted.

Mr. Speaker: Shri Dasaratha Deb's amendment No. 53 is covered. The question is:

"That clause 65, as amended, stand part of the Bill".

The motion was adopted.

Clause 65, as amended, was added to the Bill.

Clause 66—(Amendment of Act 43 of 1951)

Mr. Speaker: We shall now take up clause 66.

Pandit G. B. Pant: I beg to move:

Page 22—

for clause 66, substitute:

'66. Amendment of Act 43 of 1951.— In the Representation of the People Act, 1951,—

(a) in section 2—

(i) in sub-section (1), in clause (b), the words "or the electoral college of a Union territory" shall be omitted;

(ii) in sub-section (2), the words "an electoral college constituency" shall be omitted; and

(iii) in sub-section (3), the words "or the electoral college of a Union territory" shall be omitted;

(b) in Part II, Chapter IV shall be omitted;

(c) section 13 shall be omitted;

(d) in section 19, the words "an electoral college constituency or" shall be omitted;

(e) in section 67A, the words "or to the electoral college of a Union territory" shall be omitted;

(f) section 72, shall be omitted;

(g) section 148 shall be omitted;

(h) in section 158, in the first proviso to sub-section (4), the words "or Council of States constituency" shall be omitted.'

Mr. Speaker: It is only formal and consequential.

The question is:

Page 22—

for clause 66, substitute:

'66. Amendment of Act 43 of 1951.—
In the Representation of the People
Act, 1951—

(a) in section 2—

(i) in sub-section (1), in clause (b), the words "or the electoral college of a Union territory" shall be omitted;

(ii) in sub-section (2), the words "an electoral college constituency" shall be omitted; and

(iii) in sub-section (3), the words "or the electoral college of a Union territory" shall be omitted;

(b) in Part II, Chapter IV shall be omitted;

(c) section 13 shall be omitted;

(d) in section 19, the words "an electoral college constituency or" shall be omitted;

(e) in section 67A, the words "or to the electoral college of a Union territory" shall be omitted;

(f) section 72 shall be omitted;

(g) section 148 shall be omitted;

(h) in section 158, in the first proviso to sub-section (4), the words "or Council of States constituency" shall be omitted.'

The motion was adopted.

Mr. Speaker: The question is:

"That clause 66, as amended, stand part of the Bill".

The motion was adopted.

Clause 66, as amended, was added to the Bill.

The Schedule was added to the Bill.

Mr. Speaker: Now we take up clause 22 which was held over. The principle has been adopted, and this is only a question of drafting. I will now put the amendments prepared by Government.

Amendments made:

(1) Page 6—

after line 35, insert:

"(2) If a resolution for the removal of an elected Chairman is passed by not less than two-thirds of the total membership of the Council at a meeting convened in accordance with the provisions of sub-section (3), such resolution shall have the effect of removing the Chairman from his office as from the date on which the resolution is so passed and if such resolution is passed by less than two-thirds but not less than one-half of the total membership of the Council, the Administrator may, by order in writing remove for reasons to be recorded the Chairman from his office as from such date as may be specified in the order:

Provided that no such resolution shall be brought within one year from the date of election of the Chairman:

Provided further that if the resolution is not passed by not less than two-thirds of the total membership of the Council, no other resolution, for the removal of the Chairman shall be allowed to be considered within one year from the date on which such resolution was considered.

(3) A notice in writing of the intention to move a resolution referred to in sub-section (2) signed by not less than one-third of the total membership of the Council together with a copy of the proposed resolution shall be delivered to the Administrator in accordance with the rules made by the Central Government in this behalf and the Administrator shall, after giving not less than fifteen days' notice thereof, convene for the consideration of the resolution a meeting of the Council to be held in the office of the Council on a date not later than

thirty days from the date on which the notice was delivered to him and he shall preside over the meeting."

(2) Page 6, line 36—

for '(2)' substitute '(4)'—

[Pandit G. B. Pant]

Mr. Speaker: The question is:

"That clause 22, as amended, stand part of the Bill".

The motion was adopted.

Clause 22, as amended*, was added to the Bill.

Clause 1.—(Short title, extent and commencement.)

Shri Anandchand: I beg to move:

Page 1, for lines 8 to 11 substitute:

"(3) It shall come into force on the 1st day of January, 1957."

I want to say a few words in this connection. The hon. Minister has himself been pleased to state the urgency of the measure. The number in Himachal Pradesh has been kept as it was to expedite the coming into existence of these councils in the existing constituencies. Therefore, I feel it would not perhaps be advisable for this House as well as the hon. Home Minister to leave the date of the coming into operation of this Act vague, because here it is not only a vagueness as to the date. There is also a provision in clause 1 that there might be different dates for different territories. The General Elections, as far as I can see, are already coming at a particular date, and if these Territorial Councils are to link up with them, I think the best thing would be to make it more explicit. Therefore, I have suggested 1st January for the consideration of the House and the hon. Minister.

Pandit G. B. Pant: I had thought that I would consult an astrologer and

fix some auspicious date for enforcing this measure, but as he suggests that it might come into operation on the 1st January, I shall submit to his wishes!

Mr. Speaker: The question is:

Page 1, for lines 8 to 11 substitute:

"(3) It shall come into force on the 1st day of January, 1957."

The motion was adopted.

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.

The Enacting Formula and the Title were added to the Bill.

Pandit G. B. Pant: I beg to move:

"That the Bill, as amended be passed."

I hope that after the changes that have been made, the Bill will be accepted unreservedly by every one of the hon. Members who are interested in it or who will be directly affected by its provisions. I do not want to say more. I wish these Councils every success and I count upon the co-operation of all Members so that these Councils which are being established in these areas for the first time may prove worthy of the confidence that is going to be reposed in them and in the people of these areas.

Mr. Speaker: Motion moved:

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

Shri Biren Dutt: After our coming to this House five years have already passed and we have not got even a reform in our outmoded land system.

*In sub-clause (2) of clause 22, for substituted, under the direction of the error.

the word "will" the word "shall" was Speaker as correction of a patent

[Shri Biren Dutt]

In this House we raised this question again and again. We were given so much assurance, but we have not got a single progressive Act introduced or a single Act repealed in regard to the administration of Tripura, and we have been struggling to have our old Legislative Council there. The House suggested and you have brought forward this Bill and we have accepted it. But I must appeal to the Home Minister to see that this advisory council should be a really functioning body.

There are many problems which affect the life of the people of Tripura very much. We have written about the delay. It is nearly ten years since the attainment of our independence and we could not have our agricultural system there reformed. Even the land records are not there. And there are problems like rehabilitation of refugees. Nobody knows whose lands are taken for the rehabilitation of the refugees. After the refugees have been rehabilitated, now some claimants are coming and ousting them with the help of the governmental machinery. Such things are very unhappy incidents in the life of the people of Tripura. We have no forum to express our grievances. That is why through our amendments we have tried to improve the Bill in this short period. And with the assurance given by the hon. Minister that this is not a final Bill, it can be changed and reformed in the future, we accept it, and we want to operate it. At the same time we wish that the Home Minister deals with those matters which are left untouched yet with more care and sympathy.

Shri Anandchand: I will not take more time of this House to add to what I said in the very beginning at the consideration stage.

I am quite clear in my mind, as the hon. Minister has himself stated, that once this House has accepted the scheme of reorganisation the

Joint Committee after long deliberations submitted its report and according to that scheme the States of India have been reorganised including the Union Territories— there is very little doubt left as to what is to be the constitutional position, especially the legislative position of these Union Territories. Time and again, we are up against this difficulty that these Territories are without legislatures. . . . In the scheme of things as accepted by this House, there is no place for legislatures or for Councils of Ministers to function in these Territories. Otherwise, they would not be called Territories, but they would be called States of the Union. They cannot be States of the Union because they have not the size or the resources to become States of the Union. That is quite clear. Therefore, I welcome this measure as the maximum that could be done according to the formula laid down by the States Reorganisation Commission as well as by Parliament.

Of course, I do say here and emphatically too that the list is not exhaustive. No lists can be exhaustive. These subjects which are being given to the Territorial Councils can be added to, as the Home Minister himself has said. In the light of experience, I hope they will be able to shoulder more and more responsibility, discharge their work efficiently and honestly, and thereby they can approach the Central Government again for more powers and more functions in those areas. Of course, those functions would have to be different from those of a legislature or a Council of Ministers. That is inherent in the very scheme of things.

I hope you will pardon me if I add a word about the Himachal Pradesh Territory particularly. At the time when the reorganisation scheme was being discussed, I was very clear in my mind that the people who represented Himachal Pradesh in the legislature of that time, although they

were asking for its entity, at the back of their mind had the idea that its survival may be perpetuated as a State. I said at that very time that it could not become a State, and the most that it could become was a Territory, and that also, because the people were united in their wishes for its continuance and also because the Centre was well aware of the difficulties in its way, the backwardness of the people, their economic backwardness and so on. So, it pained me now to find that some of my friends—as a matter of fact, I was very keen to discuss with them; my colleagues from Himachal Pradesh have not been present in this House in the numbers that they are—are not quite happy with the scheme of the Territorial Council, as I have just been able to see from a newspaper report from Simla. I know this is hardly the forum for me to speak anything on their objections to it. But I might say this very clearly that so far as we are concerned,—and I say 'we' not only for myself, but also for other people who have appreciated the change that has come into India—we are fully clear in our minds that Himachal Pradesh as a Union Territory has certain functions to perform under the aegis of the Central Government, not as a full-fledged State but as a Territory, closely united with the Home Ministry here; and through its good offices, we hope and trust that its development, its economic improvement and also its functioning in a certain field, whether it is local, or whether it is Territorial Council field or whether it is the panchayat field, would be well looked after.

Although, when I say so, many of my hon. friends here get excited, I do not know how far these Union Territories in the present set-up will continue in this country. Today is a day of large States and large areas. These Territories, therefore, to my mind, except in very remote cases, have very little functions to perform, and they are here, or they exist in India or they continue in this country

of ours only till such time as the people residing therein have not risen to their full stature.

Shri L. Jogeswar Singh: Himachal Pradesh can join Punjab.

Shri Anandchand: I hope so, that in course of time, with what I might call the guardianship and the intimate interest of the Centre here, the people of Himachal Pradesh will rise to their full stature, and they would no longer be wanting to be spoon-fed and they will take their full place with the other progressive people of India in a State. I do not know whether that might be the Punjab or any other State. After all, no re-organisation that we have done is final. Parliament has always the power to readjust States, create States, alter States alter their boundaries, their names, and so on.

But what I fervently hope is that this tutelage will be of short duration, and that by the good offices of this House and particularly of the Home Ministry the people of Himachal Pradesh will rise to their full stature and take their full place amongst the other States of India.

Shri L. Jogeswar Singh: I do not agree with my hon. friend from Himachal Pradesh that Himachal Pradesh or Manipur or Tripura will go to the neighbouring States.

Shri Anandchand: I did not say 'neighbouring States'.

Shri L. Jogeswar Singh. If we create that sort of impression that the position of the Territory will not be a lasting one, and that it will be only a temporary phase, then the people will not take much interest in any development programme in these areas. So, such an impression should not be created.

At the outset, I would like to express my thankfulness to the Speaker and the Home Minister for giving us more time for the discussion of this

[Shri L. Jogeswar Singh]

Bill than was originally proposed. Originally, only one hour had been allotted, but we discussed this matter at a meeting with the Home Minister, and now we have been given some four or five hours. So, I would like to express our thanks to you and also to the House for the indulgence shown to us by enabling us to have a detailed discussion of this Bill. I thank you also, Mr. Speaker, for having given us the indulgence of some more time for the discussion of this Bill.

I would like to say to the Home Minister that the political aspirations of the people will not be satisfied by the passing of this Bill. No doubt, it is a good beginning; it is a democratic piece of legislation, and it seeks to associate the people at the lower level of administration. But, I hope and trust that, as the Home Minister has already expressed, this will be improved upon in due course, and some form of responsible government will be possible through these Territorial Councils, as is the position in some of the States in America.

In America, there are certain areas where the population is only 3 lakhs, and yet those States have what are called Territorial Assemblies. If even a small State having a population of 3 lakhs could have a Territorial Assembly, why should States having populations of 5 lakhs, 10 lakhs or 20 lakhs also not have such Assemblies? They are also entitled to have some form of responsible government. I hope that in due course, this Bill will be improved upon, and these Territories will get the same privileges as are enjoyed by other sister States in India. The people of these areas should not be meted out a step-motherly treatment; they should also be treated more or less as of equal status with those in the rest of India.

Our resources are bountiful. We have enough of forest and mineral resources. As soon as these resources are developed, we would not have to depend on the Centre for finance, and

there is no reason why we should not be accorded a status higher than this. I would request the Home Minister to bear this in mind and give some improved status to these Territories in due course.

Pandit G. B. Pant: I think the hon. Members of this House in general and you, Sir, in particular. That is all that I have to say.

Mr. Speaker: I am satisfied that every clause of the Bill has been fully discussed, and, therefore, I have not been obliged to apply the guillotine. In fact, I am happy that we had been able to spare some time for the third reading also.

The question is:

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

The motion was adopted.

BANKING COMPANIES (AMENDMENT) BILL

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari): I beg to move:

"That the Bill further to amend the Banking Companies Act, 1949, be taken into consideration."

The Bill is designed to introduce certain important amendments, the necessity for which has become evident as a result of the experience gained by the Reserve Bank in the administration of the Banking Companies Act. While the general position of the banking system in India continues to be sound and there has been considerable progress in the matter of securing better standards of operation, it is felt necessary to amend the law in certain respects, in order that the Reserve Bank of India may be able more effectively to bring about an improvement in the management and control of some of the banking companies to eliminate the possibility of serious defects occurring in the matter of advances and investments.