

[Shri Mulchand Dube]

harassed by debtors by protracting their proceedings by false and frivolous pleas. I feel that the hon. Minister may think over this matter and, if possible, the law should be suitably amended.

I am in full agreement with Shri U. M. Trivedi in regard to panper appeals. The poor people who are unable to pay the court fees should have the same rights to prefer appeals as other people because after all there is a provision in the Act itself, that if they succeed the court fee will be charged on the fruits of the decree according to law.

In regard to the other matters, I find myself in agreement with the Bill, as it has been passed, and I support the Bill.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

MANIPUR (VILLAGE AUTHORITIES IN HILL AREAS) BILL

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

"That the Bill to consolidate and amend the law relating to the constitution and functions of Village Authorities in the hill areas of the State of Manipur, be taken into consideration."

This Bill goes a further step towards the democratisation and also the rationalisation of the administration of the Manipur State. Last year, this House passed a Bill known as the Manipur Courts Bill, whereby a whole hierarchy of civil and criminal courts was introduced in the Manipur State even in the hill areas of this State. But, it was considered that in respect of certain offences,

suits, etc., judicial powers should be conferred on what were known there as village authorities and what are known ordinarily in the rest of India as village panchayats. Therefore, after having the Manipur Courts Bill passed, the present Bill has been brought forward for the purpose of the establishment and also the composition of what are known as village authorities in the hill areas of Manipur State.

May I point out to this hon. House that a very large portion of the Manipur State is hilly. The total area of the whole State of Manipur is 8638 square miles and the population is 5,77,000. Out of this, as much as 7938 square miles—that is about seven-eighths of the whole area—form the hill area. But the population is not so great; it is only 1,94,000. In these hill areas there are small and a few big villages, though not very big as those in other parts of India. The total number of these villages is 1,300. So far as these villages are concerned, they have got a system—a sort of government, though not exactly self-government—of government according to which the chief of the village is hereditary and the post, therefore, passes on hereditarily. In respect of the village authorities the right of nomination is given to the head or to the chief of the village.

In 1947 there was a regulation passed by the then ruler or Maharaja according to which the formal sanction of the State authorities like the Sub-divisional Officer, District Officer, Chief Commissioner and other higher officers had to be taken. Still it was a more or less formal sanction and there was no question of any election so far as these village authorities were concerned. There were demands made that this village administration should be democratised at least to a certain extent, and especially where there was a demand in that respect made by the villagers in different parts. Therefore, this question was taken up.

So far as this point is concerned, I should like to place before the House the two objectives that this Bill has before it. One is that the village authorities should be formed on a democratic basis only where there was a demand for it. After all, here we are dealing with people who are likely to be suspicious about what the Government might do. Therefore, in such cases we have to proceed slowly though we have ultimately to proceed on rational and democratic lines. That is the reason why in this Bill it has been proposed that, whenever in respect of any village there is demand that there ought to be an elected village authority, that demand shall be accepted by Government and there would be elections held on the basis of adult franchise. That point may kindly be noted.

Now, in order to maintain the dignity of the chief of the village, a provision has been made that he shall be the *ex officio* Chairman of the village authority. Certain usual functions like those of the panchayats have been allotted to these authorities and they have to carry on those functions. The usual provision has been made about supervision by governmental authorities. But it would be found that a very large measure of self-government, so far as the villagers are concerned, is conferred upon the village authorities. The only point that we have done, in order to maintain the respect of the head of the village, is to make the head of the village the *ex officio* Chairman of the particular village authority. Thereafter usual powers have been given to them and usual duties are also naturally expected from them. Law and order has to be properly kept and therefore, as under the Code of Criminal Procedure, in view of the peculiar circumstances obtaining in the villages, so also here they have been called upon to do certain functions so far as maintenance of law and order or detection of crime is concerned. This is so far as the executive side of the village panchayats is concerned.

So far as the judicial side is concerned, this House will be happy to find that a very large measure of judicial functions has been conferred upon these courts. The number of members comprising the village authority might range between 5 and 12 according to the number of tax-paying houses in the village. These are small villages. Provision has been made for it in the Bill itself. If the number is very small, say below 60, then the number in the village authority would be only 5. There is a gradation according to which the number increases and the highest is 12. That is with regard to the composition of the village authority. Two or three persons from among them would be chosen for the purpose of forming a court which will be a civil as also a criminal court. They will have certain powers so far as adjudication in respect of civil matters is concerned and they will also be in a position to decide criminal matters up to a certain extent. Certain very high offences have been excluded, but apart from those offences it will be found that a large number of offences under the Indian Penal Code or under the special Acts can be tried, inquired into and decided by these village courts. Ultimately, in certain cases there are powers of revision and in a few conceivable cases there might be the right of appeal. Their decrees or orders will be duly executed by the other judicial machinery.

In this connection it may be found that so far as the formation and the composition of these village courts are concerned, their functions are concurrent with the ordinary courts and in the Manipur Courts Act provision has been made both for civil courts as also for criminal, magistrate's or sessions' courts. Naturally, the Judicial Commissioner is there. Thus you find that in addition to what has been done under the Manipur Courts Act, concurrently with the powers of ordinary courts, village courts are also sought to be established under this Bill and it is expected

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that when there are minor matters they can be decided by their own fellowmen, by their own village folk. So it will be found that this Bill takes a further step so far as democratisation of the judicial machinery especially in the hill area is concerned.

Other provisions are of a usual nature. It was considered that the procedure under the Civil Procedure Code and the Criminal Procedure Code need not necessarily be followed in this case. That is the reason why it was considered necessary to simplify the whole procedure. The important provisions in these two Codes have been brought in and incorporated in this Bill, because it was considered that if, for example, the broad lines of procedure were laid down they might suffice for the purpose of adjudication of all such matters, civil and criminal, by these courts. Therefore, it will be found that instead of having the elaborate procedure or the machinery under the Civil and Criminal Procedure Codes, the principal points have been incorporated herein and it is considered that they would be more than sufficient for adjudication so far as matters entrusted to these village courts are concerned.

These are some of the provisions and I hope that this Bill will commend itself to the approval of this House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to consolidate and amend the law relating to the constitution and functions of Village Authorities in the hill areas of the State of Manipur, be taken into consideration."

15-30 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Shri L. Jogeswar Singh (Inner Manipur): I welcome this Bill

especially because it is an advancement of the Bill which was introduced in the Rajya Sabha and passed by the Rajya Sabha. That Bill was, however, ignored and a new Bill was introduced in this House. I welcome this Bill because it is an advancement over the existing system of administration in the villages in the tribal areas of Manipur State.

But I have my own misgivings as to certain clauses which have been provided in the Bill. In this Bill, certain provisions have been made whereby, in the absence of any demand from the local hillman for the constitution of a Village Authority by election, the Authority will be nominated by the Chief Commissioner. This is highly objectionable. I do not know why the tribal people, at this juncture, should not have an elected Authority. Even as long ago as 1949, there were general elections in the Manipur State for the installation of a Legislative Assembly in the State, and the hill people also joined in the general elections. They were the voters for the formation of an Assembly in the Manipur State. In 1949, that Legislative Assembly was installed there. All the hillmen and all the valley people were voters for election to the Assembly. While there was such a set-up, while they were voters to the Assembly, and while there was a Legislative Assembly and a Council of Ministers responsible to that legislature for the whole of the State I do not see any reason why a retrograde provision has been incorporated in this Bill. This portion of the Bill is highly objectionable.

The Chief Commissioner has been given full powers and he can act according to his whims. If he wanted to have an elected Authority, he would do so. If he does not like to have an elected Village Authority, he may not have the elections. So, these loopholes should be done away with. I think that when you are talking of the democratisation of the Village Authorities in the tribal areas, you

are forgetting the important point that there must be elections. If this lacuna is retained in this Bill, I think the Chief Commissioner, who is not an elected authority but is a nominee of the Government of India, can, according to his sweet will, have an election or nomination. So, this provision will serve as a check against the proper democratisation of the Village Authority among the tribal peoples. Therefore, I strongly object to this provision of the Bill which debars the conduct of elections to the Village Authority.

Shri Raghavachari (Penukonda):
You just now welcomed it.

Shri L. Jogeswar Singh: I welcomed only certain parts of the Bill, and not this portion of the Bill at all. I welcome this Bill in general.

Another point is this. The hon. Minister himself explained before the House that the State of Manipur consists of more than 7,000 square miles of hills and that the valley consists of only 700 square miles. In the hilly areas, the hill people are scattered all over. There are a number of hill tribes—Tangkhuls, Kabuis, Khongjais, Kukis and Nagas. They are settled in the hilly areas and they have different, separate systems of administration from time immemorial. There are certain parts in the hill areas where the Village Authority vested in the chieftain or Khullakpa. In the Bill, it has been mentioned as Khallakpa. It is wrong. It should be Khullakpa, and not Khallakpa. This system is sometimes hereditary in some parts of the Manipur State, but there are certain areas where this system is not in vogue. Only those people who work hard and who do service to the tribal people have been given something like the Presidentship of the Village Committee. This system prevails in the northern part of the Manipur State, which is known as the Meo area which is adjacent to the Naga Hills. Elsewhere, this system does not prevail. This hereditary system also prevails in some parts of

the Tankhul area which is adjacent to Burma border and in some areas where the Kukis are settled. Those areas lie in the north-eastern, eastern, southern, western and north-western parts of Manipur.

In the Bill, some discrimination in the matter of appointing the chairman of the Village Authority is seen. In certain areas where there are chiefs or Khullakpas, it has been provided in this Bill that such hereditary Khullakpas will be the *ex-officio* chairman of the Village Authority, whereas in the case of those areas where such a system does not prevail and is not in vogue, the chairman of the Village Authority will be elected by the elected members. There should be a uniform policy. This system of appointing an *ex-officio* chairman and appointing the chief as the *ex-officio* chairman should be done away with, because the unso-phisticated tribal people who have been steeped in ignorance and illiteracy for many years, have also been suffering from the tyrannical rule of the village headman. If the Government want to do some service to the masses of the tribal people, they should see that this system of *ex-officio* chairman is done away with. Only the man who is elected by the village masses should be put as chairman of the Village Authority. This is one point which I wanted to make to the Minister and this is a point to which the hon. Minister should apply his mind.

What I want to drive at is this. There should be a uniform policy with regard to the nomination of the chairman. The chairman should be elected by the members of the Village Authority. The chairman should not be an *ex-officio* person who is chief of that village.

There is one advancement in this Bill over the previous Bill. In the previous Bill there was a disqualification clause and that was this: those tribal people who are suffering from leprosy should not be allowed to cast

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their votes. Leprosy was one of the disqualifications for the tribal voters. That provision was incorporated in the previous Bill which was passed by the Rajya Sabha, but in this Bill it has been dropped. That was a most objectionable clause and it has rightly been dropped now.

In the place of the old disqualification clause, there has been one new disqualification clause. That is to say, if a man is of unsound mind, he will not be qualified to become a voter for the Village Authority. I welcome this provision because this is an improvement on the previous Bill.

Another point I want to submit is with regard to the village courts. In Manipur State you will find that there are hill areas, apart from the plains areas where the general administration will be the same as you have in Delhi and other parts of the country. But in the hill areas, the people are all primitive and they are not advanced educationally or economically. Under the Hill Regulations Act, in the Manipur State hill areas, the chief of the village was given the right of nominating members to serve on the village authority. Now we have done away with this nomination business; the members are to be elected.

I welcome the provision incorporated here for the constitution of village courts, because they are very democratic, and the members of these village courts are to be taken from those who are elected as members of the Village Authorities. In this connection, what I want to point out is this. The police system was not prevalent in the Manipur State Hill areas. In the olden days, there were lamboos among the hill people. These lamboos were more or less like village chowkidars and they performed the duty of the police also. This lamboo system was prevalent in those days. That system has not been mentioned in this Bill, but still enough provision has been made here for the protection of the people and full powers have been

given to the members of the village court to arrest persons against whom warrants are issued. Though the lamboo system has not been mentioned here, the village courts have been entrusted with powers to perform the duties of the police.

Regarding trials of cases, the procedure has been simplified. This simplification is necessary, more especially in the hill areas where the people are very very ignorant and they do not know the legal quibblings. Whenever they approach the lawyers they will be the worst affected people. So this provision has been very wisely put in enabling the complainant to make the complaint in writing or orally. This simplification of the proceedings is welcome and it is a very right step.

Another point which I would like to mention is this. Now a law has been found for the administration of the hill areas as a whole. In the previous Bill, which was passed by the Rajya Sabha, only certain limited areas were covered where the autocratic Village Authority was in existence and where there was the hereditary system of Chiefs. But the present Bill covers all hill areas including those areas where there is no hereditary system of Chief or Khullakpa. I welcome this Bill on the whole, but I want to draw the hon. Minister's attention again to the provision made in the Bill that where there is a Chief or Khullakpa in a village, he shall be the *ex-officio* Chairman of the Village Authority. This is highly objectionable. The Chairman of the Village Authority should always be elected. If this provision is dropped, I think this will be a very welcome Bill. I request the hon. Minister to apply his mind to this point.

Shri Sinhasan Singh (Gorakhpur Dist.—South): Mr. Chairman, I welcome this Bill. In this Bill where everything is so welcome, I find there is opposition to the nomination system. The nomination system is still sought to be continued and I think we are

still going to have a kind of diarchy in the Village Authorities. In the Republic of India, diarchy should be over. When we are having a system of elective panchayats, why should the nomination system continue?

When there is a provision that if the people of the village claim an elected Village Authority, they will have it. So, unless there is a specific demand from the village people for an elected Village Authority, the members will be nominated and the result will be the continuance of the old nomination system. We are not making much improvement. In clause 3 of the Bill, it is said:

“(3) Where no declaration under sub-section (2) has been made in relation to any village, the members of the Village Authority of that village shall be nominated by the Chief Commissioner.”

So, the old system will continue when the people are not demanding an elected Village Authority. My submission is that nomination is a thing of the past and when we are trying to democratise all the institutions, we should give no room for any nomination.

As observed by my friend just now, the Chief or Khullakpa being nominated as the *ex-officio* Chairman also amounts to mixing of autocracy with democracy. When we are democratising the whole institution of Village Authority, you are attaching the hereditary Chief or Khullakpa with it by making him the *ex officio* Chairman. In my opinion, this is also not in consonance with the times through which we are passing.

Another provision which is not very desirable is this. You are giving very wide powers to the panchayats. They will be entitled to arrest many people suspected of various crimes. There is a disqualification. If a person is convicted of a non-bailable offence, he will not be entitled to become a member. So many offences in the Penal Code are non-bailable. By impulse, by sentiment,

out of some sudden provocation, a man may commit some offence which is non-bailable. He is punished. He is disqualified for all time from becoming a panchayat member. I think some provision should be made by which somebody must be empowered to withdraw that disqualification and make him eligible for the office of panchayat member. The provision that once convicted, the person is debarred for all time from becoming a panchayat member is not a fit one to remain in this Bill.

You are giving to the village courts both executive and judicial powers. As an hon. Member pertinently pointed out, the village court is being given both civil and criminal jurisdiction and they would try almost all sorts of cases both civil and criminal except those which are not given in the schedule. With all these powers, the village courts are to be nominated by the Chief Commissioner. Out of the panchayat elected, he will nominate two or three to form the village court. Why have this nomination? Nomination will lead to favouritism. While I welcome the village courts, I submit they should also be elected. In the U. P. we have the Panchayat Raj Act from a very long time. The village courts are elected. Now, they have introduced a new system, partly election and partly nomination. A panel is elected by the village panchayats and out of that panel, the Deputy Commissioner or the district magistrate nominates some to form the court. In these cases, instead of having absolute nomination by the Deputy Commissioner, we should have firstly in the general election, election for the village court also. Village courts will hold office for the period of office of the panchayats, namely three years. After this period of three years, the village again elects, and these people will be eligible for election. If they are eligible, my submission will be that they should be elected by the village panchayats. The village panchayats must be given some power to have control over the court. Now, the court is to be nomi-

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nated by the Deputy Commissioner. The village people will have no say in that matter. Another alternative will be, have a panel of people elected by the panchayat and out of that panel, the Deputy Commissioner could nominate two or three. The best thing would be for the village courts to be elected out of the panchayat by the panches themselves. In case we find there is some difficulty, there may be a panel of five to be elected by the panches and out of them two or three may be nominated by the Deputy Commissioner to form the court. That would, to some extent, minimise the difficulties arising out of this process. We are giving them very wide powers and introducing village panchayats. They must be made self sufficient so that they may well govern. It is stated that that is the best State wherein people feel that they are least governed by the centre and are left to govern themselves. This idea of decentralisation will be achieved only then. In this way we will be serving the great cause of decentralisation of administration and make the people govern themselves in their own right form of administration.

I support the Bill. I hope the hon. Minister will consider the suggestions that I have made. We should not have diarchy. Have complete democracy and try it as we are trying elsewhere.

Shri M. K. Moitra (Calcutta North-West): Mr. Chairman, Whenever a Bill is presented before the House for giving powers to village people to administer their own affairs, it should be welcomed. This Bill, from that principle, should have been welcomed. But, if you go through the provisions of this Bill, you will find that the promise that the Minister has held before this House is illusory. The Minister, in placing this Bill before the House, said that it is going to encourage democratisation. It is one of the principles of democratisation that the villagers must develop responsibility and the bodies through which they work must

also be autonomous bodies. But, here, autonomy has been scotched, killed and buried. One of the preceding speakers has pointed out that extraordinary power is being given to the Chief Commissioner to nominate the Village Authorities. Not only that; all the Village Authorities have been placed not only under the control of the Chief Commissioner, but also under the control of the sub-divisional officers. I would request you to refer to page 5, clause 15. It is said:

"Subject to the general superintendence and control of the Deputy Commissioner, the sub-divisional magistrate shall have control over all the Village Authorities within the local limits of his jurisdiction."

What the nature of this control should be has not been explained in this Bill. Does this mean that through these Village Authorities, the sub-divisional officers want to create certain stooges through whom they will work out their whims, etc.?

One of the preceding speakers has referred to the wide powers given to the Village Authorities for arrests. If you look at the clause, you will find that these powers can very well be exercised for suppressing any political movement, any progressive movement in that place. I would request you to refer to page 6, clause 16 sub-clause (iii) which says:

"any person for whose arrest a requisition has been received from a police officer; provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made or it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition,"

You will see that not only have the Village Authorities been given wide powers, but they have also been given powers to arrest without warrants lawfully issued. This power can very

well be utilised against persons or parties which will be in opposition to the party in power. This power may be misused.

You probably know that the right of appeal is an inherent right of the people. Courts may commit mistakes and for that mistake, the litigant public should not suffer. So, they have the right of appeal. But, here, this right of appeal has not been granted to the people who will come before the Village Authorities. I would request you to look at clause 25 which says:

"Notwithstanding anything contained in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried by a village court:

Provided that the Deputy Commissioner or the sub-divisional magistrate, if satisfied that a failure of justice has occurred, may, of his own motion or on the application of the parties concerned, cancel or modify any order of conviction or of compensation made by a village court or direct the retrial of any case by a court of competent jurisdiction subordinate to him."

16 hrs.

Can this sort of thing be allowed to prevail in the year of grace 1956? Here you have given liberties to people and have taken them away on the other hand. Now, if a man is convicted by a village court, he has no right of appeal, and if the subdivisional officer or Deputy Commissioner by chance happens to go through that judgment, he can take up the matter, and it simply lies with the mercy of the Deputy Commissioner or the subdivisional officer to see that the man convicted gets some redress. In the case of political parties opposed to the party in power, probably the eyes of the Deputy Commissioner will be shut.

[SHRI BARMAN in the Chair]

16-01 hrs.

So, with these lacunae, the Bill as presented before the House will fail

to serve the purpose for which it has been presented. It will fail to develop democracy, to develop autonomy; it will rather create some stooges and therefore I appeal to the Minister that he should go through this Bill once again and change it so that it may really be beneficial to the people for whom it is intended.

Then I will refer to another clause. You will see from that clause that the village courts have been given even wider powers to select parties. You are a lawyer and you know that when a case is instituted against certain persons, those persons are made parties. But, in the course of the trial if the village authorities think that certain other persons should be added as parties to the litigation, they might do so and they have been given that power. I am referring to clause 39:

"(1) Subject to the provisions of clause (c) or clause (d) of section 31 the village court may add as parties to a suit any persons whose presence as parties it considers necessary for the proper decision thereof, and shall enter the names of such parties in the register of suits, and the suit shall be tried as between the parties whose names are entered in the said register:

Provided that when any party is added, notice shall be given to him and he shall be given an opportunity of appearing before the trial of the suit is proceeded with."

This goes against the principles of jurisprudence. You want to develop the people democratically. So, institute such bodies which will help them in developing properly. Here the parties will unnecessarily be harassed.

You know in villages there are factions, there are parties, there are opponents to the parties and the people sitting in those village authorities will not be above human weakness. So, they may unnecessarily harass the people against whom they bear any grudge. Therefore, this Bill will frustrate the object for which it has

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been prepared. I therefore humbly request the Minister to go through this Bill carefully and if he really wants that people should develop democratically he should present such a Bill as will lead them to such development.

Shri Datar: I am glad to find that generally the provisions of this Bill have been welcomed by the hon. Members who took part in the debate, while certain points have been made out for consideration by the Government. I should like to answer all those points.

The first point that I shall deal with is as to whether there ought to be some power vested in the Chief Commissioner for nominating the members of the village authority. It is true that in certain cases the Chief Commissioner has been given the authority to nominate certain persons and this has been done for the purpose of making this experiment as successful as possible without any opposition from a class of people—this should be understood very clearly—who are generally ignorant and naturally, who are also to a large extent suspicious. We have to take into account these circumstances that in the hilly areas the conditions are not the same as on the plains. There the people are very simple-minded but they are ignorant and, as one can understand very easily, also superstitious to a certain extent, and when you have got these defects of ignorance and superstition, naturally their handmaid, namely suspicion, comes before the public. That is the reason why in the hilly areas we have to proceed with a certain amount of caution and circumspection. Otherwise, things would not be the same. Unnecessarily people would feel that certain powers have been taken away and given to others who according to them do not deserve them. Therefore, the experiment of democracy and such institutions has to be carried on as conscientiously as possible.

I should point out to this hon. House that ultimately this House is directly concerned with the administration of Manipur. It is a subject under the supervision of this House and therefore I cannot appreciate the manner in which a certain suspicion has been raised about the officers in general and the Chief Commissioner in particular. The Chief Commissioner works under the Government of India and we all are subject to the authority of this House. Therefore, in all such cases, let us not start with a feeling of misgiving or with a feeling of suspicion about what the officers will be doing. They will have to work as properly and as cautiously as it is necessary under the circumstances of the case.

I would invite my hon. friends who raised certain objections to clause 3 to read it. It has been stated in sub-clause (2) of clause 3:

“The Chief Commissioner may, having regard to the general interests of the people of any village as also to the demand, if any, from the people of that village for an elected Village Authority, declare.....”

That is, he can proceed to have general elections. And if for example, there is no such declaration as mentioned in sub-clause (2), he has to make a declaration after taking into account two things—firstly that there is a desire or a demand from the people, and secondly—naturally it will follow if there is such a reasonable demand—that it will subserve the interests of the people also. So, the Chief Commissioner is an important officer who cannot act arbitrarily. Therefore, I submit to this hon. House that it is not possible in theory to carry out this experiment of democracy to its fullest extent in an area like one with which we are dealing. Therefore, we have to proceed somewhat cautiously. I would assure the House that the Chief Commissioner will always act in a very fair manner and not in an arbitrary manner because as I have stated, we are anxious to see that

this experiment of democracy especially at the lowest level succeeds even in the territory of Manipur. Therefore, I would point out to this House that the object of this Bill is to liberalise the administration, to democratise the administration to the fullest extent possible consistently with the peculiar conditions with which we have to deal. Therefore, in a large number of cases people would come forward and people would carry on the administration, and will ask for an elective village authority.

Then, something was stated about the head of the village, namely the Khallakpa. So far as he is concerned, I would point out to this House that he would be the ex-officio chairman where there is such a hereditary post. If there is no such office at all, then, naturally, the Chairman would be elected. But where there is a hereditary post, we have to be extremely careful about the susceptibilities of these people. You are aware that even in the plains where we have village headmen in some of the States who are hereditary, there is a considerable dignity attaching to that office. Therefore, in dealing with such illiterate people who, as I have already said, are highly suspicious, we have to be careful to see that no misgiving arises so far as the new experiment is concerned. Ultimately, if he becomes the Chairman, then, he cannot veto the wishes or the desires of the whole body.

The village authority, as I have pointed out, consists of between 5 to 12 members and this village headman would be only one and he cannot override the wishes of the other members. Taking all these circumstances into account, we have purposely introduced 2 restrictions with a view to show to the people that there is no ulterior motive behind except that of advancing the interests of the people. That is the reason why these 2 restrictions have been used and I am quite confident that this experiment will succeed and that people would come forward and accept an elected village authority in

as large a number of villages as possible.

Something was said about leprosy as a disqualification. It is true that in a previous Bill, which was ultimately withdrawn, this was made a disqualification. Even what was stated therein was that it is not ordinary leprosy but infectious leprosy that would be a disqualification. It was considered that this disease is not there on such a large scale as in certain other parts and so this disqualification need not necessarily remain on the statute. Therefore, this particular disqualification has been removed. I would have expected the hon. Members to thank the Government for having removed this disqualification because, after all, as human beings they are entitled to vote. Even assuming that a man is suffering from an infectious form of leprosy, care should be taken to see that this infection does not spread. Beyond that there is no reason to disqualify a voter only on the ground that he is suffering from infectious leprosy. This is the reason why this disqualification which had been mentioned in an earlier Bill has been removed in this.

We are anxious that there should be, as far as possible, uniform administration. I was rather amused at the manner in which the criticism was levelled. It was said, on the one hand, that we ought to liberalise the administration and give as much powers to the village authorities as possible. On the other hand, we are told that if the village authorities are given certain powers they are likely to abuse them. An instance was quoted that the powers given to the village authorities to arrest certain persons would be used with a view to check certain political agitation. This will not be used against political agitators at all. Therefore, I would request my hon. friend not to nurse any such feeling, that the ulterior underhand object of these provisions is to take action against politicals.

Even now under the Code of Criminal Procedure there are some

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powers given to the village authorities. Under the Police Act of 1861 certain precautionary actions have to be taken by those who are in charge of the village administration and, therefore, for the purpose of maintaining law and order, when there is a request received from a Police Officer, then only can they arrest any person; otherwise not. You will find that the powers given and the functions assigned to the village authorities are entirely of a normal character; there is nothing to which an exception can be taken.

My hon. friend, Shri Sinhasan Singh stated that there is diarchy, a mixture of some democracy with feudalism to some extent. It is not exactly a question of feudalism at all. It is a question of establishing a village authority which would be elected as far as possible. Certain powers have naturally to be given to them.

In certain cases, even the power to add parties to a civil suit is called in question by him. I shall like to point out to him that under the Code of Civil Procedure and under the Code of Criminal Procedure also, in a proper case parties can be added as plaintiffs or defendants—in a civil suit—or as accused—in a criminal case—where a subsequent charge-sheet is put up. One has to understand very clearly that it is a judicial tribunal. Therefore, I would request my hon. friend to accept this position that so far as judicial panchayats are concerned, the power given is only the usual and normal power. It would not be proper to look into that with a view to see whether these powers are likely to be abused. I would also point out to my hon. friend that whenever there are such judicial powers to be exercised, if they are not properly exercised there is an appeal which has been provided for and it might be noted that in every case there is a general power of revision or for calling for papers so far as the higher judicial courts are concerned in the ordinary way.

Shri M. K. Moitra: There is no power to appeal.

Shri Datar: The hon. Member will kindly see that there is the power to call for papers.

Shri V. P. Nayar (Chirayinkil): Is that enough?

Shri Datar: I therefore submit that the power to add parties would be used in a judicial way and if there is any abuse, naturally, the higher courts would see to it that nothing wrong is done.

Shri M. K. Moitra: My objection is that there is no provision to draw the attention of the higher court.

Shri Datar: There is a general provision that the District Judge or the Judicial Commissioner can call for records in any case. That is already there. In such cases it is perfectly open to a person who has been added, subsequently to approach the higher authorities and get himself completely excluded. I would therefore submit that there is nothing of a serious nature in this objection.

It was suggested that there should be a panel of members and that the Judicial Commissioner might not select the proper persons for the composition of the village courts. As the House knows, very important powers, perhaps larger than the powers that are given to judicial panchayats in the plains, are being conferred upon these village courts. It ought to be considered proper that there ought to be some authority like the Judicial Commissioner who is the head of the whole hierarchy of the official machinery to select. Not all the persons who are elected should be considered as suitable for the performance of judicial functions. That is a point which has to be understood very clearly. Therefore the Judicial Commissioner should have the authority to nominate these persons but only out of those who are elected or those who are members of the village authority. I would submit that the Judicial Commissioner is the right person so far as this is concerned.

Objection was taken to clause 15. So far as clause 15 is concerned, naturally, the Judicial Commissioner has the overall supervisory authority. But so far as the immediate officer is concerned, he is the Sub-Divisional Magistrate. All these panchayats or village authorities have to work subject to the supervision of somebody. Therefore, the Sub-Divisional Officer or Magistrate is the person who has to supervise what is being done by these village authorities. I would point out to this hon. House that in respect of all self-governing institutions like village panchayats or municipalities or district boards the special authority or power has been vested in the Collector or the Deputy Commissioner or the District Magistrate in order to see that everything is done properly.

Shri M. K. Moltra: On a point of explanation. You have stated that the Chief Commissioner as well as the Deputy Commissioner and the Sub-Divisional Officers have been given the right to supervise. But a distinction has been made. The Chief Commissioner has been given the right to supervise but the Deputy Commissioner and the Sub-Divisional Officer have been given the power of superintendence and control.

Shri Datar: If the hon. Member reads clause 15, the words are "subject to the general superintendence". This is the general superintendence which can be carried out by the Chief Commissioner. The Deputy Commissioner and the Sub-Divisional Magistrate shall have full control over all village authorities. After all, these village authorities are likely to do wrong. Let us not forget this fact. All these democratic bodies will necessarily act properly. But there might be occasions—such occasions may be rare—when they may not act correctly and so the law has to make provision for the exercise of proper supervision and control over a democratic body which may act wrongly. Unfortunately we are aware that there are cases where even big municipalities have been superseded and, therefore, Government, as also their

officers, should have the right of controlling them and the extreme case of control would be the supersession of that body. Therefore, the immediate authority cannot be the Chief Commissioner. The immediate authority shall be an authority in charge of a division and that is the reason why the Sub-Divisional Officer or Magistrate has an immediate control and the power of general control and supervision vests in the Chief Commissioner. Therefore, I do not see any incongruity between the two and again I would submit to this House that we need not suppose that the officers would use their powers to the prejudice of the people and for the purpose of defeating the provisions of this Act. I would, therefore, point out to my hon. friend that the powers that have been given are normal powers, they are embodied in other Acts also, and, therefore, there is no reason to suspect that these powers would be exercised arbitrarily.

I think I have covered all the grounds and I would point out to this House that the object of this Bill is to democratise the administration to the fullest extent consistently with the desire of the Government to proceed cautiously so that there will be no suspicion even in an indirect manner.

Shri U. M. Trivedi (Chittor): What about the pecuniary jurisdiction?

Mr. Chairman: Is there any mention about the pecuniary jurisdiction?

Shri Datar: I think I have covered all the grounds.

Mr. Chairman: The question is:

"That the Bill to consolidate and amend the law relating to the constitution and functions of Village Authorities in the hill areas of the State of Manipur, be taken into consideration."

The motion was adopted.

Mr. Chairman: There are only three amendments and they are Government amendments.

Shri Datar: They are only to the long title.

Clause 2.— (Definitions)

Amendment made:

Page 2, line 13—

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

—[Shri Datar]

Mr. Chairman: The question is:

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

The motion was adopted.

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

Clauses 3 to 58 and the Schedule

Mr. Chairman: We will now take up clauses 3 to 58 and the Schedule.

Pandit Thakur Das Bhargava (Gurgaon): I wish to say something about this Bill. It is a very important Bill and I am afraid we have not given full attention to the Bill. It relates to Manipur, a part of the Union territory, and it seeks to introduce democracy, according to what has fallen from the hon. the Home Minister, in that area.

When the Bill was being considered, hon. Members criticised the Bill saying that there is no democracy in this Bill. Some Hon. Members criticised the Bill saying that the Government's claim is not justified in so far as the Government have themselves stated that only in cases where there will be a demand, they will have something akin to democracy; but in case there is no demand, they will only nominate. That was the criticism so far as sub-clause (2) of Section (3) was concerned. I do not know what is the interpretation of the hon. Home Minister so far as sub-clause (2) is concerned. I understand that the idea of the hon. Home Minister is that having regard to the general interests of the

people of any village, as also the demand if any, the Government will make the declaration by notification. Suppose there is no demand, that does not debar the Government from declaring that a certain area may have an elected village authority. Therefore to my mind this criticism that as a matter of fact Government do not mean to introduce democracy is not correct. Government are competent even in cases where there is no demand to declare by notification that there should be an elected village authority. If my contention is correct, I submit that the Government will kindly adopt its policy in all normal cases whether there is a demand or not. They must introduce this principle of democracy though in certain cases where there may be difficulty and the Government is satisfied that the democracy, on account of certain reasons, will not work well, they may not do so and they may consider whether there is a demand or not. But if the interpretation that was given by some hon. Members is correct, then I am afraid it is difficult to agree to the provisions of sub-clause (2). But considering that my interpretation is quite different, I have reasons to support sub-clause (2) also.

16-29 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

But, at the same time, when I go through the clauses of the Bill, I find that there is not enough democracy in the Bill as a matter of fact. But in all such cases unless there is provision for entrusting funds so far as these village authorities are concerned and unless you invest them with certain powers with regard to such matters as pertaining to local conditions or local self-government, I do not see how we can claim that we are conferring a great measure of democracy under this Bill. It is true that civil powers have been given and criminal powers have been given. It is good so far as it goes. I do not object to the grant of these powers, though

it is a new kind of experiment and we do not know how it shall work.

For instance, now there will be adult suffrage and members of the village authority will be elected in cases where a declaration is made and a notification is issued by Government under clause (3). Then, may I know if the women also will get the right of adult suffrage. I believe so. The point is, when I read clause 53 I thought that there was some sort of qualification or disqualification in respect of women. The clause says:

"No woman shall, against her will be compelled to appear in person before a village court as an accused or as a party or as a witness". But as a clause the women have been excluded. In the Village Authority also, if women are elected there is no reason why they should not sit. And if they are enabled to sit—and let us hope that half of them shall be women—in that case I do not see why such a provision as clause 53 should be enacted at all.

I thought in a Bill of this nature the first provision we shall find will be what are the functions and powers of such a village body. I find the village body has been given certain kinds of powers which are more in the nature of obligations or restrictions rather than liberties, I should say, I would have thought that so far as village sanitation, Housing village education or other beneficial departments are concerned, they shall get some power and some measure of fiscal autonomy and they will get some money also from the Government. For unless money is provided, it is useless to speak of democracy. Unless you arm the local authority with funds, how will they look after these things? And I find a total absence of such provision in this Bill.

So far as the powers of the civil courts are concerned, one thing I have not been able to find is this. Though the plaintiff can make an oral petition and some substance of it may

be recorded in the register, what would happen to the plea of the defendant? After all, there is a provision for the other things, for passing a decree or an order—for all that there is provision. But if this is all oral, if the defendant's pleas are oral, if what is given in the plaint is oral and only some portions of it are provided to be recorded, I fail to see how it will be possible to have a continuance of these proceedings, after hearing the witness, etc. After all, I do realise that it is meant not for people who are highly organised or educated or, at the same time, who have got a litigious habit. And therefore, so far as it goes I support it, because the present provisions of law which the bill seeks to substitute are too Draconic, the ordeals and all that. It is a good substitute. But I do not know how the experiment will work.

So far as criminal law is concerned, they have been given some police powers as also the responsibilities of working as if they were the police. In that case, when there is an obligation like this, I for one fail to see how in any given case—and the cases are given in clause 17, dereliction from duty has been provided against and a person can be punished—but when the whole village or an elected Village Authority is appointed and made responsible for all these things, how they will be able to prove in any particular case that so far as an individual is concerned, he is guilty. It will be difficult of enforcement. I am only looking at the difficulty. But at the same time, the idea seems to be that so far as police powers are concerned, they are given to the Village Authority. So far as the courts are concerned, the powers given are, in my humble opinion, not substantial. For instance, in the Schedule we find mention of very few offences and very few things. It may be that the Government are afraid of giving very large powers to these newly elected bodies without knowing how they will work. I can understand that. But I hope the hon. Minister would be pleased to enlarge these powers after

[Pandit Thakur Das Bhargava]

the experiment and when he is satisfied that these panchayats are doing well.

But my main difficulty is this. I want that to start with, so far as the panchayats are concerned, Government will see that, whether there is a demand or not, unless the circumstances of any particular village militate against making this declaration, they should ordinarily make it. The ordinary course should be that there should be a village panchayat. After all, there are only 1,300 villages; it is only just like a district in one State in the country, only just a five lakh population, and that also sparse population. I think it will work very well, because the rules are very simple. But I would again emphasise the necessity of making some provision; and if that provision is not there, I would request them by executive action to see that these panchayats are provided with sufficient funds, so that they may be able to look after matters which affect the common man and beneficial activities may be taken in hand. Otherwise, if you will merely give powers to them to fine people, if you give powers to them to see that they decide cases judicially also, without there being any beneficial activity, the result will be that these panchayats will appear to be oppression tyrannical and will be disliked by the people, and ultimately the good that you want to do will not be accomplished in the manner in which you want to have it done.

I support the Bill with these observations.

Shri U. M. Trivedi: I do not wish, generally speaking, to oppose this Bill. But there appears to be a very great lacuna in this Bill. I speak subject to correction. I have gone through the whole Bill—and I have tried to point out to the hon. Minister that he would not like to listen to a thing coming from the Opposition probably....

Mr. Deputy-Speaker: We are at the clause-by-clause consideration. The whole Bill is there except clause 2.

Shri U. M. Trivedi: Clauses 3 to 58 have been taken up. Therefore I am speaking on them.

Mr. Deputy-Speaker: Then he might say: clauses 3 to 58, and not the whole Bill.

Shri U. M. Trivedi: I agree to that. I would like the hon. Minister to look at the provisions contained in clauses 30, 31, 32 and so on right up to 45. I have been looking up and down to find out any provision about the jurisdiction—by some fluke, somewhere it has been suggested that the jurisdiction of these village courts will be limited to so many rupees—but as it appears, I find that unlimited jurisdiction has been given to these village courts. The only provision I find is in clause 30. And there, in regard to the jurisdiction of the courts in civil cases there is no limit for the suits for money due on contracts, or suits for the recovery of movable property, or suits for compensation for wrongfully taking or injuring movable property. It is only when there is a suit for damages by cattle trespass that it is said that the value of the suit shall not exceed five hundred rupees. In all other cases unlimited jurisdiction is given to the village courts. In other words we are trying to oust the jurisdiction of district courts, civil courts and all courts, and the only jurisdiction which will be there in such cases where there is a suit for money due on contracts and all the rest of it will be that of the village courts consisting, as the scheme says, of these democrats of the village (being elected members), and they will decide such suits. I think this will be trying to do great injustice to all the citizens who might care to go and live in those village areas.

Shri G. D. Somani (Nagaur-Pali): To democracy itself.

Shri V. P. Nayar: They are all hill-sons.

Mr. Deputy-Speaker: Let us discuss it on the plains!

An Hon. Member: And plainly.

Shri U. M. Trivedi: I am talking of the plains, and I am talking plain language also. With great respect to the hon. Minister, for whom I have great personal regard, I was just wondering how this thing has escaped his attention. Wherever there is any such provision, there is always a limited jurisdiction so far as pecuniary jurisdiction is concerned. And if this pecuniary jurisdiction is not put there, this will mean that they will have jurisdiction to try suits of unlimited pecuniary value. It is not necessarily the case that the hill tracts of Manipur are closed to the other citizens of India. All citizens of India will also go there and they will be under the jurisdiction of the village courts. A cause of action may arise there; there are many industries prevalent in this hilly area and people go and place orders and get things from there. If they have entered into such contracts, what will be their fate and how will the suit be decided? They will be deprived of the ordinary remedies which are provided by our Constitution. Therefore, I would say that it must be looked into and if this lacuna is there, it should be corrected even at this stage.

Shri Datar: Some further points were raised by hon. friends, and I should like to reply to all of them.

In the first place, my hon. friend, Pandit Thakur Das Bhargava, contended that no provisions were made for the purpose of making grants to these village authorities. For making grants no Act is necessary at all. It is a part of the executive machinery, and I imagine that the Manipur Government will have to make grants to these village authorities wherever they are carrying on certain functions of a very important nature. I would point out that in some of these cases the villages are very small, and in some cases, as I have pointed out, where there are only 22 tax-paying villages, even the tax that might be paid would not be of a very great nature like the tax on big houses in Bombay and Calcutta. These are very small, and,

therefore, I imagine that the Government will have to make grants, and wherever necessary, Government would make grants, and for that purpose no provision in this Bill is necessary.

My hon. friend was needlessly suspicious. I did not expect this suspicion especially from my hon. friend, so far as women are concerned. What has been stated here is this:

"Notwithstanding....."

Shri V. P. Nayar: Notwithstanding what you say.

Shri Datar: So far as women are concerned, they would not be compelled to appear before a village court, not that they cannot appear. For example, women are called when they are witnesses or when they are parties, naturally they would not be compelled to attend.

Pandit Thakur Das Bhargava: Even when they are the accused.....

Shri Datar: When they are the accused, the position is this. My hon. friend may kindly read the rule....

Mr. Deputy-Speaker: 'Accused' is also included in that category.

Shri Datar: It says:

"No woman shall, against her will, be compelled to appear in person before a village court as an accused or as a party or as a witness."

So far as this is concerned, it has been more in favour of women and the hon. Member should appreciate it. Now a similar provision has been made in the Code of Criminal Procedure. When for the purpose of interrogation or investigation it is necessary to record the evidence of a woman, then naturally it is stated that the police officer should go to the house of the woman and not that the woman should be compelled to go to the police station. This is a provision of a very progressive nature. It does not mean that in all the cases we are taking away the rights of women.

Shri Tek Chand (Ambala-Simla): Will she be punished in *absentia*?

Shri Datar: She does appear or some agent does come there, or the court itself might be held at her place and there is no objection to holding a court anywhere else, as you have already allowed a similar provision in the Code of Criminal Procedure. Now a reference here to women need not raise any suspicion so far as clause 53 is concerned, much less about her right to have a vote. So far as the vote is concerned, in the whole of India, under the adult franchise, men and women are entitled to vote. That power is not taken away at all. There is no necessity to suppose that there is something sinister with a view just to keep women away from the exercise of their proper rights. Here the word that has been used is "compelled". It would be perfectly open to a woman to go and appear before a civil court or a criminal court. What has been stated here is that against her desire she cannot be compelled by the sanction of the law to appear in a particular court. The word "compelled" may kindly be noticed. In the Evidence Act also they have used these expressions very wisely and the same have been taken here. Here the word "compelled" has been used, and it is perfectly open to her to appear in a case where she likes to do so.

Then, a reference has been made by my hon. friend to unlimited pecuniary jurisdiction, of these civil courts. So far as that is concerned, technically or theoretically my friend may be correct that they have unlimited jurisdiction. But may I point out that they have no unlimited pecuniary resources at all? They are extremely poor people, and, therefore, it is not necessary.....

Mr. Deputy-Speaker: The objection of the hon. Member was that if Shri Trivedi goes and gets a contract for supply of certain things from the hill areas, then he will be subject to the jurisdiction of those courts.

Shri Datar: Even there, these powers are concurrent powers. These are not exclusive powers. That is what I pointed out.

Mr. Deputy-Speaker: He has authority to ask that he be tried in a regular court. Is that so?

Shri Datar: In case he happens to be a defendant.....

Shri V. P. Nayar: He wants to go only as an advocate.

Shri Datar: If there is any such villager who files a suit for Rs. 10,000 against my hon. friend, God forbid, if there is a decree and if there is a failure of justice, then the District Judge can go into the whole matter and can order a re-trial, because it is stated in clause 43 in the proviso that whenever he finds that there is a failure of justice, the matter can naturally be provided against such cases.

Shri U. M. Trivedi: What is meant by failure of justice? Even Munsiffs are provided with pecuniary limits of jurisdiction. It would be a very wise thing if the Government could be considerate enough to see that there will not be litigation of a very high type. Why not put a limit upon it just as you have provided that damages on account of trespass by cattle shall not exceed Rs. 100 or so. If a villager files a suit to the tune of Rs. 10,000.....

Shri Datar: Theoretically my hon. friend is right, but as a matter of fact, such cases would be extremely rare and the only case where money has been mentioned is because such offences are likely to take place there, and, therefore, some damages have to be given. Otherwise, even for breach of contract and other things, the cases would not be many. These are very small villages. Though they appear to be 1300 in number, the whole population is a lakh and a few thousands only.

Shri V. P. Nayar: I do not think there is any chance for litigation at all there.

Shri Datar: Therefore, I would submit that it is not necessary to make any changes. These powers are to be given to deal with certain actual cases where the money value of all these suits or proceedings would be an extremely small amount. Perhaps in most cases it would be less than Rs. 100, and, therefore, there is no substance in this particular objection.

Pandit Thakur Das Bhargava: What about clause 3(2)?

Shri Datar: So far as clause 3(2) is concerned, my hon. friend was not present when I explained the whole purpose of the clause. If you allow me, Sir, I would repeat what I said.

Pandit Thakur Das Bhargava: I was present, but another gentleman raised the objection.

Shri Datar: I have no objection to repeat it and if the hon. Member desires, I am prepared to point out the purpose, but I would very briefly say in two sentences that this experiment of democratic institutions has to be carried on with great caution. The people in the villages are simple folk; they are ordinarily honest people and we have to understand that they are highly ignorant and they are very superstitious. As a result of this they are always suspicious of every new thing introduced there. That is the reason why it has been stated that we should try this experiment of democratic village institutions with some caution. So, I would point out to my hon. friend that these words will always be interpreted in a sympathetic manner. The Chief Commissioner will not deny to any village the right to have an elected village authority wherever there is a desire expressed by the people. Therefore, these words 'in the general interest of the people and their demand' need not be viewed with any suspicion because we are anxious to introduce this plant

of democracy in this atmosphere which has certain peculiar circumstances.

Mr. Deputy-Speaker: Since this motion was made about these clauses 3 to 58, I have received an amendment from the Government in respect of clause 8. I will seek the indulgence of the House to permit me to modify the motion which has been placed and I shall put clauses 3 to 7, clause 8, and then clauses 9 to 58 and the Schedule separately.

Shri Datar: That amendment was moved out of regard to the difficulties that were pointed out by the hon. Member. He has said that this disqualification is likely to remain for life and therefore, we have introduced this amendment according to which disqualifications may be removable.

Mr. Deputy-Speaker: First, I shall put clauses 3 to 7 to the vote of the House.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 7 were added to the Bill.

Mr. Deputy-Speaker: There is an amendment to clause 8.

Pandit Thakur Das Bhargava: We have not been able to understand the purport of the amendment. I want to fully understand the implications of the new amendment which the hon. Minister wants to move to clause 8.

Shri Datar: In clause 8, it has been stated that any person can be removed from his office if he is convicted of any nonbailable offence, or is declared by notification to be disqualified for employment in the public service. There are two other disqualifications. In the absence of the amendment which I am proposing, these disqualifications would remain permanent so far as a man is concerned. If there is no legal provision

[Shri Datar]

for the removal of these disqualifications, such a man who comes within one of the four categories in clause (8) will always be disqualified from holding office in a village panchayat. That is the reason why we want to put in this amendment. If it is accepted, no person who has been removed from his office under clause (a) or clause (c) of sub-section (1) shall be eligible for re-nomination or re-election except with the previous permission of the Chief Commissioner obtained by such person in the prescribed manner. These will be prescribed by the rules. The person would have to apply and in a proper case, I imagine, his application will be accepted and this disqualification will be removed so that it will not be a permanent feature so far as that man is concerned.

Amendment made:

Page 4, line 14—

after “re-election” add:

“except with the previous permission of the Chief Commissioner obtained by such person in the prescribed manner.”

—[Shri Datar]

Mr. Deputy-Speaker: Now, I will put the clause 8, as amended, and also the remaining clauses to the vote of the House.

The question is:

“That clause 8, as amended, stand part of the Bill.”

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Shri Datar: About clause 30, I want to point out that there is a slight printing mistake and I think it can be corrected. The words “when the value of the suit does not exceed five hundred rupees” appearing as the last portion of sub-clause (d) are common to all the sub-clauses (a) to (d).

Shri U. M. Trivedi: That is what I had suggested.

Shri Datar: That would satisfy my hon. friend also. (*Interruptions.*)

Shri L. Jogeswar Singh: There is one mistake.

Mr. Deputy-Speaker: We will look into it afterwards. Let us be clear about this first.* What the hon. Minister says is that the words ‘when the value of the suit does not exceed five hundred rupees’ are common to all these suits. There should be a comma after the word ‘trespass’ and these words should have been printed in the next line so that it may be common to all the foregoing sub-clauses.

Pandit Thakur Das Bhargava: There ought to be a semi-colon after the word ‘trespass’ instead of a comma. If it is made clear, then it may not give room for another interpretation.

Mr. Deputy-Speaker: Now clause 30 remains as it is. Only these words occurring at the end of sub-clause (d), ‘when the value of the suit does not exceed five hundred rupees’ will be put in a separate line so that that clause would cover all the sub-clauses (a) to (d). That will be done. Now, what is the hon. Member saying?

Shri L. Jogeswar Singh: In clause 3, sub-clause (4), it reads: “Where there is a Chief or Khallakpa.....” The word ‘Khallakpa’ is not understood; it is not Manipur language. It should be ‘Khulakpa’, which means the chief of the village.

Mr. Deputy-Speaker: That would be corrected by the office itself; it has been brought to our notice. Now, I shall put the clauses 9 to 58 and the Schedule to the vote of the House.

The question is:

“That clause 9 stand part of the Bill.”

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 58 and the Schedule were added to the Bill.

Mr. Deputy-Speaker: There is an amendment to clause 1 and there is also an amendment to the Title.

Amendments made:

(i) Page 1, lines 7 and 8—

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

(ii) Page 1, in the Title—

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

—[*Shri Datar*]

Mr. Deputy-Speaker: I shall now put clause 1, as amended to the vote of the House and also the Title, as amended.

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 was added to the Bill.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

Shri U. M. Trivedi: May I make one submission? There is still one mistake left. In sub-clause (d) of clause the words "State of Manipur" have to be substituted.

Mr. Deputy-Speaker: These mistakes can be corrected even in the third reading stage. We will correct it if it is a mistake.

17 hrs.

Shri U. M. Trivedi: In clause 2(d) you have still got the words "State of Manipur".

Mr. Deputy-Speaker: That has already been accepted by the House. That clause was put separately and accepted by the House.

Shri U. M. Trivedi: But not with this correction.

Mr. Deputy-Speaker: This amendment was put and accepted by the House.

Shri Datar: There are three amendments.

Mr. Deputy-Speaker: **Shri Barman** was in the Chair then. He put it to the vote of the House and it has been accepted by the House.

Shri U. M. Trivedi: I am sorry, I was not in the House then.

Shri Datar: I beg to move:

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

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

17-02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 15th November, 1956.